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ISIFUNDAZWE SAKWAZULU-NATALI**

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Izinhlobo zabaqhubi bezindawo

104.(1) IBhodi, kuncike eMthethweni nangenhloso yemisebenzi ehlongozwe kumthethonqubo 103, inganikeza ilayisensi –

(a) umqhubi wendawo wohlobo "A" obhizinisi lakhe kungaba indawo yokuthiba ukoma, indawo yokuphuza yomphakathi, ijoyinti elisemthethweni, igumbi lebhingo, noma indawo yokubheja enelayisensi: Kuncike ekutheni ukudlalwa kwemishini ekhokha isamba esithile kulezi zinhlobo zezindawo akuyona inhloso enkulu yaleyo ndawo; kanye

(b) nomqhubi wendawo wohlobo "B" onhloso enkulu yebhizinisi lakhe ezokungcebeleka, kubandakanya igumbi lebhingo: Kuncike ekutheni ukudlalwa kwemishini ekhokha isamba esithile kulezi zinhlobo zezindawo akuyona inhloso enkulu yaleyo ndawo.

(2) IBhodi kumele uma inikeza ilayisensi kubaqhubi bezindawo njengoba kuhlongozwe kwisigatshana somthethonqubo (1), ihambisane neMithethonqubo elawula iMishini eKhokha iSamba esiThile eshicilelwe kwiSaziso sikaHulumeni No. R, 1425 samhla zingama-21 kuZibandlela ka 2000 neMithethonqubo yezokuGembula kaZwelonke eyashicilelwa ngaphansi kweSaziso sikaHulumeni No. 1342 samhla ziyi-12 kuLwezi ka 2004.

*Ingxenye 2**AbaQhubi beziNdawo: Ilayisensi yoMqhubi weNdawo ewuhlobo "A"***Isicelo selayisensi yomqhubi wendawo ewuhlobo "A"**

105.(1) Umuntu –

(a) ofisa ukuthola ilayisensi yomqhubi wendawo ewuhlobo "A" noma umqhubi wendawo ozimele;

(b) nonhloso yakhe enkulu yileyo ehlongozwe kumthethonqubo 104(1)(a), kumele, uma sekushicilelwe isaziso okukhulunywe ngaso kumthethonqubo 13, afake isicelo kwiBhodi, sokuthola ilayisensi yomqhubi wendawo, noma ilayisensi yomqhubi wendawo ozimele, ngendlela enqunywe eMithethweni yeBhodi.

(2) Ngaphezu kwanoma iluphi olunye ulwazi okudingeka ukuthi umfakisicelo selayisensi ohlongozwe kwisigatshana somthethonqubo (1) aluveze ngokwezinhlinzeko zeNgxenye 2 yalesi Sahluko, umfakisicelo kumele ahlinzeke iBhodi –

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- (a) ngekheli lendawo lezakhiwo lapho umfakisicelo ehlongoza ukuqhuba khona ibhizinisi lakhe njengomqhubi wendawo noma umqhubi wendawo ozimele;
- (b) ikheli lendawo lapho umfakisicelo eqhuba khona ibhizinisi njengomqhubi wendawo onelayisensi noma njengomqhubi wendawo ozimele onelayisensi;
- (c) incazelo ephelele yemisebenzi yebhizinisi elikhona noma elihlongozwayo ezokwenziwa noma eyenziwa kulezo zakhiwo akhuluma ngazo umfakisicelo, kanjalo nekhophi yalelo bhizinisi noma enye ilayisensi ephathelene nemisebenzi eyenziwa kulelo bhizinisi;
- (d) igama lomqhubi womzila onelayisensi uma likhona noma uma kudingeka, ozohlinzeka ngemishini ekhokha isamba esithile kuleyo misebenzi ehlongozwe umfakisicelo nekhophi yesivumelwano esibhalwe phansi phakathi komfakisicelo nalowo mqhubi womzila, njengoba kuhlangezwe kumthethonqubo 121;
- (e) ipulani yephansi lesakhiwo okuzosetshenzwa kuso, ekhombisa indawo lapho kuhlangezwa ukuba kubekwe khona imishini ekhokha isamba esithile;
- (f) ukugunyaza kukamaziphathe wendawo mayelana nokusungulwa kwebhizinisi lokuqala kanye nemisebenzi yezokugembula yomqhubi wendawo; kanye
- (g) nanoma iluphi olunye ulwazi iBhodi engaludinga.

Izizathu sokuchithwa kwesicelo selayisensi yomqhubi wendawo ewuhlobo "A"

106. IBhodi ingasichitha isicelo selayisensi yomqhubi wendawo ewuhlobo "A" noma selayisensi yomqhubi wendawo ozimele –

- (a) uma umfakisicelo engahlangabezani nezidingo ezinqunywe kwiMithethonqubo yeMishini eKhokha iSamba esiThile eshicilelwe ngaphansi kweSaziso sikaHulumeni No. R. 1425 samhla zingama-21 kuZibandlela ka 200 kanye neMithethonqubo yezokuGembula kaZwelonke eyashicilelwa ngaphansi kweSaziso sikaHulumeni No. R. 1342 samhla ziyi-12 kuLwezi ka 2004;
- (b) uma esebenzisa futhi egcine imishini ekhokha isamba esithile engaphezu kwesibalo esinqunywe kumthethonqubo 107;
- (c) uma ibhizinisi lokuqala lomfakisicelo kungeyona indawo yokuthiba ukoma, indawo yokuphuza yomphakathi, ijoyinti elinelayisensi noma isakhiwo sokubheja;
- (d) ngaphandle uma inelisekile ukuthi ukudlalwa kwemishini ekhokha isamba esithile kuleyo ndawo kuzokuba ngumsebenzi wesibili waleyo ndawo; noma
- (e) uma izakhiwo zingahlangabezani namazinga okungenani okumele zibe kuwona anqunywe kumthethonqubo 108 wale mithethonqubo noma esigabeni 18 soMthetho wezokuGembula kaZwelonke.

Isibalo semishini ekhokha isamba esithile okungamele kweqiwe kusona

107.(1) Kuncike ezinhlinzekweni zalo mthethonqubo, isibalo semishini ekhokha isamba esithile okungamele kweqiwe kusona engasetshenziselwa ukudlala ezakhiweni zomnikazi welayisensi yokuqhuba indawo ewuhlobo "A" noma yomqhubi wendawo ozimele, imishini eyisihlanu.

(2) Uma umfakisisicelo engumnikazi wezindawo ezihlukahlukene ezingaphansi kwesakhiwo esisodwa futhi lowo mfakisisicelo ufaka isicelo selayisensi yomqhubi wendawo ewuhlobo "A" noma yomqhubi wendawo ozimele, mayelana nendawo engaphezu kweyodwa kuleyo ndawo, iBhodi ingagunyaza isicelo mayelana nendawo eyodwa noma nezinye izindawo futhi kungahlinzekwa ngemishini ekhokha isamba esithile engeqile kwemihlanu endaweni ngayinye kuleso sakhiwo.

(3) Noma inini uma umfakisisicelo efaka isicelo selayisensi yomqhubi wendawo ewuhlobo "A" noma yomqhubi welayisensi ozimele, mayelana nendawo eyodwa angumnikazi wayo futhi esezakhiweni osekuvele kukhishwe amalayisensi abaqhubi bezindawo noma amalayisensi abaqhubi bezindawo abazimele kwabanye abaqhubi bezindawo nabaqhubi bezindawo abazimele abangahlangene nalowo mfakisisicelo, iBhodi ingagunyaza isicelo somfakisisicelo mayelana nalezo zakhiwo: Kuncike ekutheni isibalo semishini ekhokha isamba esithile egumbini ngalinye eliyindawo yokucima ukoma, indawo yokuphuza yomphakathi, ijoyinti elisemthethweni noma indawo yokugembula esemthethweni aseqi emishinini eyisihlanu njengoba kuhlangozwe kwisigatshana somthethonqubo (1).

(4) Uma umfakisisicelo ibhizinisi lakhe lenza imisebenzi engaphezu kowodwa ngesikhathi, efana nokuthi, phakathi kokunye, indawo yokucima ukoma nendawo yokuphuza yomphakathi, lawo mabhizinisi athathwa njengebhizinisi elilodwa ngokwenhloso yokufaka isicelo selayisensi yomqhubi wendawo ewuhlobo "A" futhi uma kwenzeka ilayisensi igunyazwa, isibalo semishini ekhokha isamba esithile esibhalwe kwilayisensi angeke seqe ngaphezu kwemishini eyisihlanu njengoba kunqunywe kwisigatshana somthethonqubo (1).

Amazinga izakhiwo okungenani okumele zibe kuwona

108. Izakhiwo zomqhubi wendawo ewuhlobo "A" noma zomqhubi wendawo ozimele kumele zihambisane nala mazinga alandelayo –

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- (a) zihambisane nanoma imiphi imithethonqubo yezempilo nokuphepha kazwelonke nanoma imiphi imithetho yomasipala yezempilo nokuphepha; futhi
- (b) yonke imishini ekhokha isamba esithile ezosetshenziswa ezakhiweni ezinelayisensi kumele ibekwe ngendlela yokuthi abantu abaneminyaka engaphansi kweyi-18 abafinyeleli kuyona.

Imikhawulo yokukhangisa

109. Umqhubi wendawo ewuhlobo "A" noma umqhubi wendawo ozimele angeke akhangise ngokuba khona kwemishini yemidlalo yemali noma afake izimpawu kwenye indawo engaphandle kwasendaweni yakhe.

Ingxenye 3

AbaQhubi beziNdawo: ILayisensi ewuHlobo "B" yoMqhubi weNdawo

Ukufakwa kwesicelo selayisensi ewuhlobo "B" yomqhubi wendawo

110.(1) Umuntu –

(a) ofisa ukuthola ilayisensi yomqhubi wendawo ewuhlobo "B" noma yomqhubi wendawo ozimele, futhi onhloso enkulu yebhizinisi lakhe ileyo equkethwe kumthethonqubo 104(1)(b), kumele, ngemuva kokushicilelwa kwesaziso okukhulunywe ngaso kumthethonqubo 13, afake isicelo kwiBhodi selayisensi yomqhubi wendawo, ngendlela enqunywe iBhodi eMithethweni yayo.

(2) Izinhlinzeko zeziNgxenye 1, 2 no 3 zeSahluko 2 semithethonqubo zisebenza nezinguquko ezidingekayo kumuntu ofaka isicelo selayisensi yomqhubi wendawo ewuhlobo "B" noma yomqhubi wendawo ozimele.

(3) Ngaphezu kwanoma iluphi olunye ulwazi umfaki wesicelo selayisensi yomqhubi wendawo ewuhlobo "B" okudingeka ukuba ukuba alulethe ngokwezinhlinzeko zeNgxenye 1 yeSahluko 2 seMithethonqubo, umfakisicelo kumele ahlinzeke iBhodi –

- (a) ngekheli lendawo lezakhiwo lapho umfakisicelo ehlose ukuqhuba khona ibhizinisi njengomqhubi wendawo;
- (b) incazelo ephelele yebhizinisi umfakisicelo analo noma alihlongozayo echaza

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- imisebenzi enqala eyenziwa yibhizinisi ephathelene nokuzijabulisa nezokungebeleka;
- (c) ubufakazi obuzovezelwa iBhodi ukuthi ukuba khona kwemishini ekhokha isamba esithile ezakhiweni zomfakisisicelo kuzofezekisa, kunokuba kudale isidingo sezokubheja emphakathini;
- (d) igama lomqhubi womzila, uma ekhona, ozohlinzeka ngemishini ekhokha isamba esithile endaweni yokusebenza ehlongozwa umfakisisicelo neminingwane yesivumelwano esihlongozwayo noma esenziwe esihlongozwe kumthethonqubo 121, phakathi komfakisisicelo nalowo mqhubi womzila;
- (e) ipulani yephansi lesakhiwo esithintekayo, ekhombisa indawo okuhloswe ukuthi kubekwe kuyona imishini ekhokha isamba esithile;
- (f) imvume kamaziphathe wendawo yebhizinisi lokuqala ukuba liqhutshwe kulezo zakhiwo kanye nebhizinisi lemidlalo yemali elihlongozwayo; kanye
- (g) nanoma iluphi olunye ulwazi olungadingwa yiBhodi.

(4) IBhodi kumele ilandele izinhlinzeko zomthethonqubo 3(2) weMithethonqubo yeMishini eKhokha iSamba esiThile eyashicilelwa ngeSaziso sikaHulumeni No. R 1425 samhla zingama-21 kuZibandlela 2000 uma icubungula isicelo selayisensi yomqhubi wendawo ewuhlobo "B" noma yomqhubi wendawo ozimele.

Izizathu zokuchithwa kwesicelo somqhubi wendawo ewuhlobo "B"

111. IBhodi ingachitha isicelo selayisensi yomqhubi wendawo ewuhlobo "B" noma yomqhubi wendawo ozimele –

- (a) uma umfakisisicelo engahlangabezani nezidingo ezinqunywe kwiMithethonqubo yeMishini eKhokha iSamba esiThile eyashicilelwa ngeSaziso sikaHulumeni No. R. 1425 samhla zingama-21 kuZibandlela ka 2000 kanye neMithethonqubo yezokuGembula kaZwelonke eyashicilelwa ngeSaziso sikaHulumeni No. R. 1342 samhla ziyi-12 kuLwezi ka 2004;
- (b) uma ibona ukuthi ukuba khona kwemishini ekhokha isamba esithile endaweni ethintekayo akuzona izifiso zomphakathi futhi kuzoba nomthelela omubi emnothweni womphakathi ezindaweni ezakhele leyo ndawo;
- (c) uma ibona ukuthi ukugunyazwa kwelayisensi angeke kufezekise izinhloso zeBhodi njengoba zihlongozwe esigabeni 6(1) soMthetho;
- (d) ngaphandle uma inelisekile ukuthi ukudlalwa kwemshini ekhokha isamba esithile kuleyo ndawo kuzoba umsebenzi wesibili emisebenzini eyenziwa kuleyo ndawo; noma

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(e) uma izakhiwo zingahlangabezani namazinga futhi ngisho iBhodi ingagunyaza ukuba zishintshwe zingeke zihlangabezane namazinga adingekayo anqunywe ngokomthethonqubo 113, noma anqunywe yisigaba 18 soMthetho wesokuGembula kaZwelonke.

Isibalo semishini ekhokha isamba esithile okungamele kweqiwe kuso

112. Isibalo semishini ekhokha isamba esithile engaba khona ukuze idlalwe ezakhiweni ezinelayisensi yomqhubi wendawo ewuhlobo "B", akumele seqe kwengama-40.

Amazinga izakhiwo okumele okungenani zibe kuwona

113. Izakhiwo zomqhubi wendawo ewuhlobo "B" kumele zihambisane nala mazinga okudingeka okungenani zibe nawo –

- (a) imvume kamaziphathe wendawo mayelana nemisebenzi enqala eyenziwayo, noma ezokwenziwa kulezo zakhiwo;
- (b) ukuhambisana nanoma imiphi imithetho yezempilo nokuphepha kazwelonke noma imithetho kamasipala yezempilo nokuphepha;
- (c) yonke imishini ekhokha isamba esithile ezosetshenziwa ezakhiweni ezinelayisensi kumele ibekwe ngendlela yokuthi abantu abaneminyaka engaphansi kweyi-18 bangafinyeleli kuyona;
- (d) kunendawo eyanele yokupaka ngokuhambisana nemithetho kamaziphathe wendawo; futhi
- (e) izinhlelo zezokuqapha zikhona ukuze kugqugquzelwe ukuphepha kwabazodlala nempahla yabo, okumele iBhodi igunyaze ukufaneleka kwazo.

Imikhawulo yokukhangisa

114.(1) Umqhubi wendawo ewuhlobo "B" kumele athole kuqala imvume kwiBhodi yokukhangisa ukuba khona kwemishini ekhokha isamba esithile nanoma iluphi olunye uphawu lokukhangisa ngaphandle kwesakhiwo.

(2) Noma ikuphi ukugunyazwa okutholakale kwiBhodi ngokwesigatshana somthethonqubo (1) kuncike kwimvume yokukhangisa etholwa umqhubi wendawo ewuhlobo "B" kuqala kumaziphathe wendawo.

Ukugunyazwa kwelayisensi uma izakhiwo ziguqulwe

115. Uma iBhodi inelisekile ukuthi kunesidingo sokuthi kunikezwe umnikazi welayisensi isikhathi sokuba ashintshe izakhiwo ingagunyaza ilayisensi: Kuncike ekutheni kumele kube umbandela welayisensi ukuthi –

- (a) ukushintshwa kwezakhiwo kuyaphothulwa ngaphambi kokuba kuvumeleke ukuba kudlalwe imishini ekhokha isamba esithile;
- (b) umaziphathe wendawo ukugunyazile ukushintshwa kwezakhiwo; futhi
- (c) yonke imishini ekhokha isamba esithile esezakhiweni kumele ibekwe ngendlela yokuthi angeke idlalwe abantu abaneminyaka engaphansi kweyi-18.

*Ingxenye 4**AbaQhubi beziNdawo: Ezingxubevange***Imishini ekhokha isamba esithile nempahla yemidlalo yemali angeke ishintshwe noma ilungiswe umnikazi welayisensi**

116. Umqhubi wendawo –

- (a) angeke ashintshe ukusebenza kwemishini ekhokha isamba esithile noma impahla yemidlalo yemali ebhalisiwe; futhi
- (b) angeke alungise noma akhande noma imuphi umshini okhokha isamba esithile, umdlalo kanye nemidlalo yemali nempahla ehambisana nayo:

Kuncike ekutheni umsebenzi oqeqeshiwe noma onesipiliyoni womqhubi wendawo onelayisensi angalungisa, angakhanda noma angashintsha noma imuphi umshini okhokha isamba esithile, kuncike ekutheni ukuhleleka komshini okhokha isamba esithile akushintshwa.

ISAHLUKO 7**ABAQHUBI BEMIZILA NABAQHUBI BEZINDAWO ABAZIMELE***Ingxenye 1*

AbaQhubi beMizila nabaQhubi beziNdawo abazimele: Imisebenzi eNqunyiwe neMikhawulo yokusebenza

Imisebenzi enqunyelwe umqhubi womzila

117.(1) Kuncike kunoma imiphi imibandela iBhodi engayibeka, umqhubi womzila –

(a) angenza ukuthi leso sibalo semishini ekhokha isamba esithile, njengoba kubhalwe kwilayisensi yomqhubi wendawo, itholakale ukuze idlalwe ezakhiweni zanoma imuphi umqhubi wendawo onelayisensi: Kuncike ekutheni –

(i) isibalo semishini ekhokha isamba esithile esibekiwe aseqi isamba esinqunywe kumthethonqubo 107 noma kumthethonqubo 112; futhi

(ii) imishini ekhokha isamba esithile nemidlalo edlalwayo, kuyahambisana ngandlela zonke nezinhlinzeko zeNgxenywe 1 yeSahluko 5;

(b) kuncike kwizinhlinzeko zomthethonqubo 101 uyazibophezela ukulungisa noma ukukhanda noma ukushintsha noma ukuthuthukisa umshini okhokha isamba esithile obhalwe kwilayisensi yomqhubi wendawo; futhi

(c) uqoqa zonke izintela ezinqunyiwe kubaqhubi bezindawo azikhokhe esiKhwameni seNgeniso sesiFundazwe.

(2) Umqhubi womzila unejoka lokubala nokubika ngezintela ezitholakale emisebenzini yabaqhubi bezindawo anenkontileka nabo zokubahlizeka ngemishini ekhokha isamba esithile.

Imisebenzi enqunyelwe umqhubi wendawo ozimele

118.(1) Kuncike kunoma iyiphi imibandella engabekwa yiBhodi ngokubona kwayo, umqhubi wendawo ozimele –

(a) angenza imizamo yokuthi kutholakale isibalo esithile semishini ekhokha isamba esithile, njengoba kubhalwe kwilayisensi yakhe, ukuze idlalwe ezakhiweni ezigunyaziwe: Kuncike ekutheni –

(i) isibalo sayo yonke imishini ekhokha isamba esithile ekhona aseqi esibalweni semishini okumele ibe khona enqunywe kwimithethonqubo 107 noma 112; futhi

(ii) imishini ekhokha isamba esithile nemidlalo edlalwayo, iyahambisana ngandlela zonke nezinhlinzeko zeNgxenywe 1 yeSahluko 5; futhi

(b) kuncike ezinhlinzekweni somthethonqubo 101, uyazibophezela ukulungisa noma ukukhanda, ukushintsha noma ukuthuthukisa imishini ekhokha isamba esithile echazwe kwilayisensi.

(2) Umqhubi wendawo ozimele unejoka lokubala nokubika ngezintela azikhokhayo ngomsebenzi awenzayo nokukhokha lezo zintela esiKhwameni seNgeniso sesiFundazwe.

Isibalo semishini ekhokha isamba esithile selayisensi ngayinye yomqhubi wendawo

119. Isibalo semishini ekhokha isamba esithile esingagunyazwa yiBhodi kumqhubi womzila imishini eyi-1000.

Isicelo selayisensi yomqhubi womzila noma somqhubi wendawo ozimele

120. Ngaphezu kwanoma iluphi ulwazi umfaki wesicelo selayisensi yomqhubi womzila noma yomqhubi wendawo ozimele okumele aluveze ngokwezinhlinzeko zeNgxenywe 1 yeSahluko 2, umfakisisicelo kumele, uma kungenzeka, ngesikhathi efaka isicelo sakhe, ahlinzeke iBhodi -

- (a) ngencazelo ephelele yemishini ekhokha isamba esithile, kanjalo nezinombolo zayo, umfakisisicelo ahlose ukuyisebenzisa;
- (b) isitifiketi se-SABS sohlobo ngalunye lomshini okhokha isamba esithile, njengoba kuhlangezwe kumthethonqubo 94;
- (c) imininingwane yobunikazi bemishini ekhokha isamba esithile noma esinye isivumelwano nezinye izinhlangano eziphathelele nokuqashiswa, ukubolekiswa nokuqashiswa kwemishini ekhokha isamba esithile;
- (d) uma kungumfaki wesicelo somqhubi womzila, ikheli lendawo noma lezindawo lapho umfakisisicelo ehlose ukufaka khona imishini ekhokha isamba esithile nencazelo ephelele mayelana nesibalo semishini ekhokha isamba esithile ahlose ukuyifaka endaweni ngayinye nazo zonke ezinye izivumelwano nezinkontileka, kubandakanya nezezimali, okungenwe kuzo noma okuhloswe ukuba kungenwe kuzo nabaqhubi bezindawo abathile;
- (e) uma kungumfaki wesicelo somqhubi wendawo ozimele, ikheli lendawo lezakhiwo lapho umfakisisicelo ehlose ukufaka khona imishini ekhokha isamba esithile nencazelo ephelele mayelana nezibalo semishini ekhokha isamba esithile okuhloswe ukuthi ifakwe kuleyo ndawo; kanye
- (f) nanoma iluphi olunye ulwazi oludingekayo ngokwefomu lokufaka isicelo ngalinye.

Isivumelwano esibhalwe phansi phakathi komqhubi womzila nomqhubi wendawo

121. Umqhubi womzila obhalisile kumele angene esivumelwaneni esibhalwe phansi nomqhubi wendawo onelayisensi ukuze afake imishini ekhokha isamba esithile ezakhiweni zomqhubi

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wendawo, kanti lesi sivumelwano kumele sikhombise indlela imali ezotholakala ngemidlalo yemali ezohlukaniswa ngayo phakathi komqhubi womzila nomqhubi wendawo obhalisile ngemuva kokudonswa kwentela yemidlalo yemali enqunywe eMthethweni weziNtela zeMidlalo yeMali nokuBheja waKwaZulu-Natali, 2010.

Ingxenywe 2

AbaQhubi beMizila nabaQhubi beziNdawo abazimele: IziNhlelo zokuQapha nokuLawula

Uhlelo lokuqapha lwemishini kagesi

122. IBhodi kumele iyalele ukuba yonke imishini ekhokha isamba esithile ixhunywe ohlelweni lukazwelonke lokuqapha olusungulwe futhi olunakekelwa yiBhodi yezokuGembula kaZwelonke ngokwesigaba 27 soMthetho wezokuGembula kaZwelonke.

Ingxenywe 3

AbaQhubi beMizila nabaQhubi beziNdawo abazimele: IziNqubo zokuLawula zangaPhakathi

Amazinga okusebenza nokulawula kwangaphakathi omqhubi womzila nomqhubi wendawo ozimele

123.(1) IBhodi kumele yakhe futhi inikeze bonke abafaki bezicelo zamalaysensi abaqhubi bemizila nabaqhubi bezindawo abazimele kanjalo nabo bonke abanikazi bamalaysensi, izinqubo zamazinga okusebenza namazinga okulawula kwangaphakathi.

(2) IBhodi, izikhathi ngezikhathi, ingachibiyela, ingashintsha noma ichithe noma imaphi amazinga ahlangozwe kwisigatshana somthethonqubo (1), okuyothi ngalokho bese yazisa bonke abafake izicelo zamalaysensi abaqhubi bemizila nawabaqhubi bezindawo abazimele nabo bonke abanikazi bamalaysensi ngesichibiyelo, ngoshintsho noma ngokuchithwa.

(3) Bonke abaqhubi bemizila nabaqhubi bezindawo abazimele abanamalaysensi kudingeka balandele noma imaphi amazinga anqunywe yiBhodi.

Izindlela zokulawula zangaphakathi

124.(1) Bonke abaqhubi bemizila nabaqhubi bezindawo abazimele kumele bakhe futhi bagcine

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kahle izinqubo zokuphatha nezezimali ngenhloso yokunquma isikweletu sentela nezimali ezikhokhwayo abhekene naso lowo mqhubi womzila noma lowo mqhubi wendawo ozimele ngokoMthetho nangenhloso yokuthi akwazi ukulawula kahle izindaba zakhe zezezimali.

(2) Izinqubo zokuphatha nezezimali ezihlongozwe kwisigatshana somthethonqubo (1), kumele zakhiwe ngendlela yokuthi ziqinisekise ukuthi –

- (a) impahla igadwe ngendlela;
- (b) amarekhodi ezimali aqondile futhi ayiqiniso;
- (c) ukusebenza kwezimali kwenziwa abasebenzi ngokuhambisana nemvume ejwayelekile noma ethile yabaphathi;
- (d) ukusebenza kwezimali kuqoshwa ngendlela ukuze kubikwe ngendlela efanele mayelana nezimali ezingenayo nezikhokhwayo kanye nezintela; futhi
- (e) imisebenzi namajoka kumele kuhlukaniswe futhi kwenziwe kahle, ngendlela ehambisanayo nezindlela zokusebenza ezifanele zabasebenzi abafanele nabaqeqeshiwe.

Uhlelo lokulawula lwangaphakathi olugunyazwe iBhodi

125.(1)(a) Umqhubi womzila noma umqhubi wendawo ngamunye; noma

(b) umfaki wesicelo somqhubi womzila noma somqhubi wendawo ozimele, kumele abhale phansi –

- (i) izinqubo zezokuphatha nezezimali; kanye
- (ii) nezinhlelo zangaphakathi zokulawula;

ezihambisanayo nezinqubo namazinga asebenzayo anqunywe yiBhodi futhi kumele athumele ikhophi yalokho kwiBhodi ukuze iyigunyaze ngaphambi kokuba kuqale ukusebenza izinqubo noma uhlelo.

(2) Uhlelo ngalunye lokulawula lwangaphakathi olulethwe noma olugunyazwe ngokwesigatshana (1), kumele lubandakanye –

- (a) uhlaka lokwakheka kwebhizinisi olukhombisa ukuhlukana kwamajoka nemisebenzi;
- (b) incazelo yamajoka nemisebenzi yesikhundla ngasinye esivela ohlakeni lwabasebenzi;
- (c) incazelo noma uhlaka lokuma kohlelo oluchazwe kahle lwezokuphatha nezezimali olwakehlwe ukufezekisa izidingo zemithethonqubo 124 no 127;
- (d) incwadi evela kubacwaningizimali abazimele eshoyo ukuthi uhlelo lokuqapha lwangaphakathi lubuyekwezwe umcwaningizimali futhi luyahambisana nezidingo zale Ngxenywe; kanye
- (e) nolunye ulwazi olungacelwa yiBhodi.

(3) Uma iBhodi inquma ukuthi uhlelo lokulawula lwangaphakathi lomfakisicelo noma lomnikazi welayisensi aluhlangabezani nezidingo zale ngxenye, kumele yazise lowo mfakisicelo noma lowo mnikazi welayisensi ngencwadi.

(4) Umfakisicelo noma umnikazi welayisensi kumele zingakedluli izinsuku ezingama-30 ethole isaziso esihlongozwe esigatshaneni somthethonqubo (3), achibiyele uhlelo lwakhe lokulawula lwangaphakathi, futhi kumele athumele ikhophi yohlelo oluchitshiyelwe kwiBhodi ukuze ilugunyaze.

Ukuchitshiyelwa kohlelo olukhona lokulawula kwangaphakathi

126.(1) Umnikazi welayisensi ofisa ukuchibiyela uhlelo lwakhe lokulawula lwangaphakathi kumele, ngaphambi kokuchibiyela uhlelo, athumele kwiBhodi ukuze igunyaze, ikhophi yohlelo yesichibiyelo esihlongozwayo sohlelo lwangaphakathi.

(2) Izinhlinzeko zomthethonqubo 125(2) kuya ku (4) zisebenza nezinguquko ezidingekayo, esicelweni sokugunyazwa esihlongozwe kwisigatshana somthethonqubo (1).

Ingxenye 4

AbaQhubi bemizila nabaQhubi bezindawo abaziMele: Amarekhodi eziMali neziNtela

Amarekhodi ezimali

127.(1) Bonke abaqhubi bemizila noma abaqhubi bezindawo abazimele kumele, ngendlela engagunyazwa noma engadingwa yiBhodi, bagcine amarekhodi abhalwe kahle, angenamaphutha, afundekayo futhi esikhathi eside akho konke ukusebenza kwezimali ebhizinisini lalowo mqhubi womzila noma lowo mqhubi wendawo ozimele.

(2) Bonke abaqhubi bemizila noma abaqhubi bezindawo kumele bagcine –

(a) amarekhodi ezimali emukelekile ohlelo olubhalwa kabili lokubalwa kwezimali futhi kumele bagcine amarekhodi acacile, esekayo akhombisa imali engenile, izindleko, impahla, izikweletu kanye nenzuzo;

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(b) imibiko yokuhlaziywa kwemishini ekhokha isamba esithile ekhombisa imali engenile nemali ekhokhiwe umshini futhi eqhathanisa ngamaphesenti imali engenile nemali ephumile nsuku zonke, nyanga zonke, ngamakota onyaka kanye nangemuva kwezinyanga eziyi-12 zokudlala, mayelana nomshini ngamunye wemidlalo yemali okhokha isamba esithile;

(c) amarekhodi adingwa uhlelo olugunyaziwe lomnikazi welayisensi lokulawula lwangaphakathi; kanye

(d) nanoma imaphi amanye amarekhodi iBhodi engadinga ukuthi agcinwe.

Izitatimende zezimali ezicwaningiwe

128.(1) Umqhubi womzila noma umqhubi wendawo ozimele kumele, ekupheleni konyaka wezimali ngamunye, alungise noma ayalele ukuba kulungiswe izitatimende zezimali zonyaka ngamunye ngendlela egunyazwe yiBhodi futhi zilungiswe ngendlela ehambisana nezitatimende zemiSebenzi yezeziMali eyaMukelekile, njengoba inqunywa iBhodi yeMisebenzi yezeziMali, izikhathi ngezikhathi.

(2) Bonke abaqhubi bemizila noma abaqhubi bezindawo abazimele kumele banxuse umcwaningimabhuku ozimele obhalise ngokoMthetho wabaCwaningizimali nabaCwaningimabhuku bakaHulumeni, 1991 (uMthetho No. 80 ka 1991), ukuba azocwaninga izitatimende zezimali ngokuhambisana namazinga emukelekile ezokucwaningwa kwamabhuku.

(3) Umqhubi womzila noma umqhubi wendawo ozimele kumele zingakedluli izinyanga ezintathu kuphele unyaka wezimali ngamunye, athumele amakhophi amabili esitatimende sezimali sonyaka kwiBhodi, esicwaningwe ngendlela efanele ngokuhambisana nezinhlinzeko zesigatshana somthethonqubo (2), kanjalo nanoma imuphi omunye umbiko okhuluma ngemiphumela yokucwaningwa kwamabhuku, kubandakanya izincwadi ezivela kubaphathi.

(4) IBhodi ingelula isikhathi esihlongozwe kwisigatshana somthethonqubo (3) ngesikhathi esingeqile ezinyangeni eziyisithupha uma umnikazi welayisensi enikeza izizathu ezizwakalayo.

(5) IBhodi ingacela olunye ulwazi olwengeziwe noma imibhalo –

(a) kumqhubi womzila noma kumqhubi wendawo ozimele; noma

(b) kuncike kwimvume yomqhubi womzila noma yomqhubi wendawo ozimele, kumcwaningimabhuku osebenzisana nalowo mqhubi, mayelana nezitatimende zezimali noma nemisebenzi eyenziwe yilowo mcwaningimabhuku.

Amanye amarekhodi

129.(1) Umqhubi womzila noma umqhubi wendawo ozimele okuyinkampani kumele agcine ezakhiweni zebhizinisi lakhe, noma ahlinzeke iBhodi uma icela, la marekhodi noma okufana nawo –

- (a) ikhophi yememorandamu nencwadi yokuqala ibhizinisi kubandakanya noma iziphi ezinye izichibiyelo;
- (b) ikhophi yesitifiketi senkampani zokuqala ibhizinisi;
- (c) irejista yabo bonke abasebenzi nabaqondisi abakhona nasebashiya;
- (d) amaminithi ayo yonke imihlangano yabanamasheya;
- (e) amaminithi ayo yonke imihlangano yabaqondisi namakomidi ebhodi yabaqondisi;
- (f) irejista yabanamasheya ebhalwe igama, ikheli, isibalo samasheya anawo umnikazi wamasheya ngamunye kanye nosuku amasheya atholakala ngalo; kanye
- (g) nanoma imaphi amanye amarekhodi iBhodi engacela noma inini ukuba agcinwe.

(2) Umqhubi womzila noma umqhubi wendawo ozimele ungumuntu phaqa futhi kumele agcine lawo marekhodi njengoba iBhodi inganquma.

*Ingxenye 5**AbaQhubi beMizila nabaQhubi beziNdawo abaZimele: Okungxube***Ukufakwa kwezibambiso**

130.(1) Bonke abaqhubi bemizila noma abaqhubi bezindawo abazimele kumele, ngokushesha ngemuva kokuthola ilayisensi futhi ngaphambi kokuqala ukusebenza, bafake izibambiso kwisiKhulu esiPhezulu, ngendlela ehlongozwe kwisigatshana somthethonqubo (2) futhi kube yisamba esinganqunywa yiBhodi izikhathi ngezikhathi, sokukhokhelwa –

- (a) noma iziphi izimali, izintela nezigwebo; kanye
- (b) nanoma iyiphi imali ewiniwe ekweletwa umdlali.

(2) Isibambiso esihlongozwe kwisigatshana somthethonqubo (1), kumele sibe –

- (a) imali engukheshi;
- (b) imali eqinisekiswe yibhange; noma
- (c) enye inhlobo yesibambiso engemukelwa yiBhodi.

(3) IBhodi inganxusa umqhubi womzila noma umqhubi wendawo ozimele ukuba afake isibambiso esisodwa noma ngaphezulu noma afake esinye isibambiso esengeziwe uma iBhodi ibona ukuthi isibambiso esifakiwe angeke senele noma asifanele.

(4) Umqhubi womzila noma umqhubi wendawo ozimele kumele ngesikhathi efaka isibambiso anikeze iBhodi imvume ebhalwe phansi egunyaza iBhodi ukuba idayise, ibolekise, ithathe noma idlulisele isamba esithile sesibambiso esifakiwe njengoba iBhodi ingabona kufanele ukuze kukhokhwe noma isiphi isikweletu esiKhwameni seNgeniso sesiFundazwe noma kumdlali ohlangothini lomqhubi womzila noma lomqhubi wendawo ozimele.

(5) Isikhulu esiPhezulu kumele, uma ilayisensi yomqhubi womzila noma yomqhubi wendawo ozimele ngemuva kokuphelelwa yisikhathi, ingavuselelwa noma isulwa, sibuyise zonke izibambiso ezikhokhwe umqhubi womzila noma wendawo ozimele nanoma iyiphi ingxenye yalezo zibambiso esele uma sekukhokhwe isikweletu njengoba kuhlangozwe kwisigatshana somthethonqubo (4).

ISAHLUKO 8

IBHINGO

Ingxenye 1

IBhingo: Imisebenzi egunyazwe yiLayisensi nokufakwa kweziCelo

Imisebenzi egunyazwe yilayisensi yebhingo

131. Kuncike kunoma imiphi imibandela enganqunywa yiBhodi, umnikazi welayisensi angagunyazwa ukwenza owodwa noma yonke le misebenzi elandelayo –

- (a) ukugcina izakhiwo lapho kudlalwa khona ibhingo, okumele idlalwe ngokuhambisana nezinhlinzeko zoMthetho, nale mithethonqubo kanye nangemithetho yeBhodi;
- (b) ukuxhuma ngogesi, noma ngenye indlela efanayo, kwamanye amagumbi okudlalelwa kuwo ibhingo ngokwenhloso yokudlala imidlalo ehambisana neyebhingo, okumele ixhunywe futhi idlalwe ngokuhambisana nezinhlinzeko zoMthetho, zale mithethonqubo nezemithetho yeBhodi; kanye
- (c) nokunakekela nokukhanda, nokushintsha noma nokuthuthukisa noma imuphi umshini webhingo.

Izicelo zelayisensi yeBhingo

132. Umfaki wesicelo selayisensi yebhingo kumele ngaphezu kwanoma iluphi ulwazi okudingeka ukuba aluhlinzeke ngokwale mithethonqubo, ngesikhathi efaka isicelo sakhe, ahlinzeke iBhodi –

- (a) ngemininingwane ephelele yocwaningo alwenzile noma ayalele ukuba lwenziwe, kanjalo nepulani lebhizinisi elikhombisa ingeniso kanye nezindleko ezilindelekile, ngenhloso yokukhombisa iBhodi ukuthi umfakisisicelo uhlose ukuqala ibhizinisi ngemuva kokubheka isidingo sendawo yokudlala ibhingo kuleyo ndawo ethintekayo;
- (b) ikheli lendawo yezakhiwo lapho umfakisisicelo ehlose ukuqhuba khona ibhizinisi;
- (c) isicelo sokugunyazwa kwezakhiwo lapho umfakisisicelo ehlose ukuqhuba khona ibhizinisi, kubandakanya ipulani yephansi legumbi lebhingo elithintekayo, ekhombisa indawo lapho imidlalo yebhingo izodlalelwa khona;
- (d) isiqinisekiso esibhalwe phansi kumasipala othintekayo sokuthi igumbi lebhingo liyahambisana namazinga kamasipala nokuthi izakhiwo zingasetshenziselwa imidlalo yemali ehlongozwayo;
- (e) uma sikhona, isitifiketi se-SABS sayo yonke imishini yebhingo;
- (f) imininingwane mayelana nobunikazi bemishini yebhingo noma isivumelano esikhona noma inkontileka nomunye umuntu mayelana nokubolekana nokuqashiselana leyo mishini yebhingo;
- (g) imininingwane yohlelo lokuqapha lwekhompyutha umfakisisicelo ahlose ukulusebenzisa ngenhloso yokuthi iBhodi ikwazi ukuqapha ukusebenza komfakisisicelo; kanye
- (h) nanoma iluphi olunye ulwazi iBhodi engaludinga.

Amazinga adingekayo egumbini lokudlalela ibhingo

133.(1) Izakhiwo ezisetshenziswa njengendawo yokudlalela kumele –

- (a) zihambisane nanoma imaphi amazinga ezempilo nezokuphepha kamasipala;
- (b) zakhiwe ngendlela ehlose ukuvimbela ukungena kwabantu abaneminyaka engaphansi kweyi-18 lapho kugenjulwa khona;
- (c) zibandakanye izindawo zokupaka ezanele ngokuhambisana nanoma imiphi imithetho kamasipala; futhi
- (d) zibandakanye izinhlelo zezokuphepha ukuze kuqinisekise ukuphepha kwabazodlala nabasebenzi kanye nempahla yabo, ngendlela enelisa iBhodi.

(2) Izakhiwo ezinegumbi lokudlala ibhingo kumele zihambisane nanoma imaphi amanye amazinga anganqunywa yiBhodi emithethweni yayo.

Izizathu zokuchithwa kwesicelo selayisensi yebhingo

134. IBhodi angeke igunyaze isicelo selayisensi yebhingo uma izakhiwo ezihlongozwayo zingahlangabezani namazinga adingekayo njengoba kuhlangezwe kumthethonqubo 133 noma, uma ngokubona kweBhodi, zingakufanele ukuba negumbi lebhingo.

Ingxenye 2

Ibhingo: Iziteki, imiklomelo, nesibalo okungeke kweqiwe kuso samatheminali kagesi eBhingo

Iziteki nezimali zokungenela mayelana nebhingo

135.(1) Imali okungeke kweqiwe kuyo engafakwa njengesiteki umdlali webhingo emdlalweni ngamunye webhingo, ama-R200,00.

(2) Ngokwezinhloso zalo mthethonqubo, iziteki emdlalweni ngamunye webhingo isamba semali esichithwe umdlali womdlalo owodwa webhingo, ekhadini lebhingo noma kokunye okuthi akube njalo.

Imiklomelo mayelana nebhingo

136. Izimali ezikhokhelwa umdlali uma zibalwa ngamaphesenti emdlalweni webhingo akumele zibe ngaphansi kwamaphesenti angama-70.

Isibalo okungeke kweqiwe kuso samatheminali kagesi ebhingo

137.(1) Isibalo okungeke kweqiwe kuso samatheminali kagesi ebhingo angakwazi ukuba khona ukuze adlalwe egumbini lebhingo, kungaba yi-150, noma lesi sibalo esinganqunywa ngokoMthetho wezokuGembula kaZwelonke, noma ikuphi okubonakala kunesibalo esincane phakathi kwalokhu.

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(2) Uma isibalo okungeke kweqiwe kuso samatheminali kagesi ebhingo okungadlalwa kuwo egumbini lebhingo, njengoba kunqunywe eMthethweni wezokuGembula kaZwelonke, singaphansi kwama-150, igumbi lebhingo eligunyazwe ngelayisensi esifundazweni ukuba libe namatheminali kagesi ebhingo amaningi kunalawo anqunyiwe, kumele ezinyangeni eziyi-18 kuqale ukusebenza lezo zibalo zikazwelonke, ehlise isibalo samatheminali kagesi ebhingo avumeleke ukuba kudlalwe kuwo kulelo gumbi lebhingo, silingane nesibalo esivumelekile sikazwelonke, noma sibe ngaphansi kwaso.

Ingxenye 3

IBhingo: Ukubhaliswa, ukwesulwa nokugcinwa kwemishini yebhingo, yemidlalo yemali noma kwempahla ehambisana nayo

IBhingo nempahla ehambisana nayo kumele ihambisane namazinga e-SABS noma eBhodi

138.(1) Umnikazi welayisensi yebhingo kumele, ngaphambi kokuba afake isicelo sokubhaliswa kwemishini yebhingo, aqinisekise ukuthi –

- (a) yonke imishini yebhingo ebhalwe kwilayisensi yakhe, kuncike ezinhlinzekweni zesigatshana somthethonqubo (2), iqinisekisiwe yi-SABS njengehambisanayo namaZinga e-SABS 1718; futhi
- (b) iBhodi inikeziwe izitifiketi ezifanele ezivela kwi-SABS.

(2) IBhodi inganquma amazinga emishini yebhingo angangeni ngaphansi kwamazinga e-SABS okukhulunywe ngawo kwisigatshana somthethonqubo (1)(a).

Izicelo zokubhaliswa, zokwesulwa nezokuvuselelwa kwemishini yebhingo nenye impahla ehambisana nayo

139.(1) Uma ethola isitifiketi se-SABS noma seBhodi ngendlela ehlongozwe kumthethonqubo 138, umnikazi welayisensi yeBhodi kumele afake isicelo kwiBhodi, ngefomu enqunywe yiBhodi eMthethweni yayo, sokubhaliswa kwanoma iyiphi impahla yebhingo nempahla ehambisana nayo, ewuhlobo olugunyazwe yi-SABS noma iBhodi.

(2) IBhodi, kuncike kumthethonqubo 142, ingagunyaza futhi ibhalise umshini webhingo ogunyazwe njengoba kuhlongozwe kumthethonqubo 138(1)(a), noma okutholakala ukuthi uyahambisana namazinga emishini yebhingo ahlongozwe kumthethonqubo 138(2).

(3) Yonke imishini yebhingo nempahla ehambisana nayo egunyazwe futhi yabhaliswa yiBhodi kumele –

- (a) icaciswe kuleyo layisensi yebhingo;
- (b) ibandakanywe kumarekhodi eBhodi; futhi
- (c) ibe nenombolo yokubhaliswa yiBhodi endaweni esobala kuyona.

(4) Umnikazi welayisensi yeBhingo, noma inini ngaphandle kokukhokhiswa izimali ezithile, ngefomu elinqunywe yiBhodi, angafaka isicelo kwiBhodi sokwesula umshini webhingo noma impahla ehambisana nawo ebhaliswe ngokwesigatshana somthethonqubo (1).

Ukusetshenziswa nokunakekelwa kwemishini yebhingo nempahla ehambisana nayo

140. Umnikazi welayisensi yebhingo –

- (a) akumele ashintshe ukusebenza kwanoma imuphi umshini webhingo noma impahla ehambisana nawo okubhaliswe ngokulandela izinhlinzeko zomthethonqubo 138, ngaphandle kwemvume ebhalwe phansi yeBhodi kuqala; futhi
- (b) kumele aqinisekise ukuthi yonke imishini yebhingo inakekelwa ngendlela efanele, yena ngokwakhe noma asebenzise ukusizo lwabanakekeli bempahla ababhalisiwe.

Amarekhodi agcinwa umnikazi welayisensi yebhingo

141. Umnikazi welayisensi yebhingo kumele agcine ikhodi layo yonke imishini yebhingo nempahla ehambisana nayo ebhaliswe ngokuhambisana nezinhlinzeko zomthethonqubo 138, kubandakanya, umkhiqizi, usuku lokuthengwa, inombolo yomshini, inombolo yohlobo, inombolo yokubhaliswa yiBhodi kanye nosuku lokubhaliswa kabusha yiBhodi.

Imishini iyoxhumana nohlelo lokuqapha olugunyaziwe

142. Uma iBhodi isigunyaze uhlelo lokuqapha lwemishini yebhingo, yonke imishini yebhingo evuleleke ukuba ingadlalwa, kumele ikwazi ukuxhumana nalolo hlelo lokuqapha olugunyaziwe.

*Ingxenye 4**IBhingo: Izindlela zokulawula zangaphakathi***Amazinga aphantsi okusebenza nokulawula kwangaphakathi**

143.(1) IBhodi kumele isungule imithetho ehlinzekela –

- (a) amazinga okusebenza emagumbini ebhingo; kanye
- (b) nezinqumo zokulawula kwangaphakathi emagumbini okudlalalwa kuwo ibhingo.

(2) Imithetho ehlongozwe kwisigatshana somthethonqubo (1) kumele mayelana namagumbi anelayisensi emidlalo yebhingo yakhiwe ngendlela ezoqinisekisa ukuthi –

- (a) impahla igadwe kahle;
- (b) amarekhodi ezimali aqondile futhi ayiqiniso;
- (c) ukusebenza kwezimali kwenzeka ngendlela egunyazwe abaphathi;
- (d) ukusebenza kwezimali kuyaqoshwa ngendlela ukuze kubikwe kahle ngengeniso yemidlalo yemali kanye nezimali ezikhokhwayo nezintela; futhi
- (e) imisebenzi namajoka kuhlukaniswa kahle futhi kwenziwa ngendlela efanele abasebenzi abafanele nabaqeqeshiwe.

Amazinga aphantsi okulawula kwangaphakathi

144. Umnikazi welayisensi yebhingo kumele, ngokulandela imithetho esungulwe yiBhodi, asungule futhi agcine izinqubo zezokuphatha nezezimali ukuze kunqunywe izikweletu zakhe zentela nezimali ezikhokhwayo ngokoMthetho futhi ngenhloso yokuthi kulawulwe kahle izinto ezithinta ezezimali.

Izinhlalo zokulawula zangaphakathi ezigunyazwa yiBhodi

145.(1) Umnikazi noma umfaki wesicelo selayisensi yebhingo kumele –

- (a) abhale phansi izinqubo zezokuphatha nezezimali ezicacile; futhi
- (b) athumele ikhophi yazo kwiBhodi ukuze iyigunyaze ngaphambi kokuba kuqale ukusebenza kohlelo.

(2) Uhlelo ngalunye lokulawula kwangaphakathi oluthunyelwe ukuze lugunyazwe njengoba kuhlongozwe kwisigatshana somthethonqubo (1) kumele lubandakanye –

- (a) uhlaka lwabasebenzi olukhombisa ukuhlukaniswa kwamajoka nemisebenzi;
- (b) incazelo yamajoka nemisebenzi yesikhundla ngasinye esikhonjiswe ohlakeni lwabasebenzi;

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(c) incazelo ebanzi futhi ecacisayo yezinqubo zezokuphatha nezezimali ezakhelwe ukufezekisa izidingo zomthethonqubo 144 no 147;

(d) incwadi evela kumcwaningizimali ozimele eshoyo ukuthi uhlelo lokulawula lwangaphakathi selubuyekeziwe umcwaningizimali futhi luyahambisana nezidingo zale Ngxenywe; kanye

(e) nolunye ulwazi olungadingwa yiBhodi.

(3) Uma iBhodi inquma ukuthi uhlelo lomfakisiselo noma lomnikazi welayisensi aluhambisani nezidingo ezikule Ngxenywe, kumele yazise umfakisiselo noma umnikazi welayisensi, ngencwadi.

(4) Zingekedluli izinsuku ezingama-30 ethole isaziso esihlongozwe kwisigatshana somthethonqubo (3), umfakisiselo noma umnikazi welayisensi kumele achibiyela uhlelo lwakhe lokulawula kwangaphakathi ngendlela, futhi kumele athumele ikhophi yokuchitshiyelwa kohlelo kwiBhodi ukuze ilugunyaze.

Ukuchitshiyelwa kohlelo olukhona kanye nezindlela zokulawula zangaphakathi

146.(1) Uma umnikazi welayisensi yebhingo efisa ukuchibiyela uhlelo lokulawula lwangaphakathi, lowo mnikazi welayisensi kumele, ngaphambi kokwenza lesi sikhobiyelo, athumele kuqala kwiBhodi ikhophi yohlelo lokulawula lwangaphakathi ebhalwe phansi, ukuze iyigunyaze.

(2) Izinhlinzeko zomthethonqubo 145(2) kuya ku (4) zisebenza nezinguquko ezidingekayo esicelweni sokugunyazwa esihlongozwe kwisigatshana somthethonqubo (1).

Ingxenye 5

IBhingo: Amarekhodi eziMali neNtela

Amarekhodi ezimali

147.(1) Umnikazi welayisensi yebhingo kumele, ngendlela enganqunywa noma engagunyazwa iBhodi, agcine amarekhodi abhalwe kahle, aphelele, acacile futhi esikhathi eside akho konke ukusebenza kwezimali.

(2) Umnikazi welayisensi yebhingo kumele –

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(a) agcine amarekhodi abhalwe ngendlela eyamukelekile ohlelweni oluhlukaniswe kabili lokubalwa kwezimali; futhi

(b) agcine amarekhodi abalwe kahle, esekayo akhombisa imali engenile, izindleko, impahla, izikweletu kanye nenzuzo nanoma imaphi amanye amarekhodi iBhodi enganquma ukuba agcinwe.

Izitatimende zezimali ezicwangingiwe

148.(1) Ukuze kuhanjiswa nesigatshana somthethonqubo (3) wonke umnikazi welayisensi yebhingo kumele ekupheleni konyaka wezimali walowo mnikazi welayisensi, alungise noma aqinisekise ukuthi kulungiswa isitatimende sezimali sonyaka ngendlela egunyazwe nedingwa yiBhodi okumele ihambisane nezitatimende zeNqubo eJwayelekile yokuBalwa kweziMali.

(2) Wonke umnikazi welayisensi yebhingo kumele acele umcwaningimabhuku ozimele obhalisilwe njengongakwazi ukusebenza nomphakathi ngokoMthetho wabaCwanningizimali nabaCwanningimabhuku bakaHulumeni, 1991 (uMthetho No. 80 ka 1991), ukuba acwaninge amabhuku emibiko yezimali zalowo mnikazi welayisensi yebhingo noma wemishini ekhokha isamba esithile ngokuhambisana namazinga emukelekile okucwanningwa kwamabhuku.

(3) Umnikazi welayisensi yebhingo kumele, zingakedluli izinyanga ezintathu kuphele unyaka wezimali, athumelele iBhodi amakhophi amabili esitatimende sezimali sonyaka esicwangingiwe ngendlela ebekwe kwisigatshana somthethonqubo (2), nanoma imiphi eminye imibiko eyeseka imiphumela yokucwanningwa kwamabhuku, kubandakanya nezincwadi zabaphathi.

(4) IBhodi ingacela olunye ulwazi noma imibhalo kumnikazi welayisensi yebhingo noma kumcwaningimabhuku osebenzisa nalowo mnikazi welayisensi, mayelana nezitatimende zezimali noma imisebenzi eyenziwe yilowo mcwanningi mabhuku.

Amanye amarekhodi

149. Bonke abanikazi bamalayisensi ebhingo abayinkampani kumele bagcine egumbini lemidlalo yebhingo noma emahhovisi abhalisile, futhi kumele bahlinzeke iBhodi uma icela, la marekhodi alandelayo noma imibhalo noma okunye okufuze khona –

(a) ikhophi yememorandamu nokubhaliswa kwenkampani, kubandakanya nezichibiyelo;

(b) ikhophi yesitifiketi senkampani sokusebenza;

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- (c) irejista yabo bonke abasebenzi nabaqondisi abakhona nasebashiya;
- (d) amaminithi ayo yonke imihlangano yabanamasheya;
- (e) amaminithi ayo yonke imihlangano yabaqondisi namakomidi ebhodi yabaqondisi;
- (f) irejista yabanamasheya ebhalwe igama, ikheli, isibalo samasheya anawo umnikazi wamasheya ngamunye kanye nosuku amasheya atholakala ngalo; kanye
- (g) nanoma imaphi amanye amarekhodi iBhodi engacela ukuba agcinwe.

(2) Umnikazi welayisensi yebhingo ongumuntu phaqa kumele agcine lawo marekhodi nemibhalo enganqunywa yiBhodi.

Imininingwane yezimali ezingenayo

150. Bonke abanikazi bamalayisensi ebhingo kumele, ngendlela enqunywe yiBhodi, bathumele ulwazi ngezikhathi ezinganqunywa yiBhodi.

Ingxenye 6

IBhingo: Ezingxubevange

Ukufakwa kwezibambiso

151.(1) Bonke abanikazi bamalayisensi ebhingo kumele, ngokushesha ngemuva kokuba bethole amalayisensi futhi nangaphambi kokuqala ukusebenza, bahambise esiKhulwini esiPhezulu izibambiso ngendlela ehlongozwe kwisigatshana somthethonqubo (2) ngesamba esinganqunywa yiBhodi izikhathi ngezikhathi, ukuze kukhokhelwe –

- (a) noma iziphi izimali ezikhokhwayo, izintela noma izigwebo; kanye
- (b) nanoma iyiphi imali ewiniwe ekweletwa umdlali.

(2) Isibambiso esihlongozwe kwisigatshana somthethonqubo (1), kumele sibe –

- (a) imali engukheshi;
- (b) isheke eligunyazwe yibhange; noma
- (c) enye inhlobo yesibambiso enganqunywa yiBhodi.

(3) IBhodi ingacela umnikazi welayisensi yebhingo –

- (a) ukuba ashintshe uhlobo lwesibambiso esikhona ngesinye isibambiso; noma
- (b) anezezele isibambiso.

(4) Umnikazi welayisensi yebhingo kumele ngesikhathi efaka isibambiso anikeze iBhodi imvume ebhalwe phansi enikeza iBhodi amandla okudayisa, okukhulula, okulanda noma okuvumela ukuba kuthathwe ingxenye yesibambiso esifakiwe ngendlela iBhodi engabona ifanele ukuze kukhokhelwe izikweletu iBhodi ebona kufanele zikhokhelwe esiKhwameni seNgeniso sesiFundazwe noma kumdlali egameni lomnikazi welayisensi yebhingo.

(5) IsiKhulu esiPhezulu kumele, uma ilayisensi yomnikazi welayisensi yebhingo ngemuva kokuphelelwa yisikhathi, ingavuselelwa noma isulwa, sibuyisele umnikazi welayisensi yebhingo yonke imali eyisibambiso ayikhokhile noma ingxenye yayo esale ngesikhathi kukhokhwa izikweletu njengoba kuhlangozwe kwisigatshana somthethonqubo (4).

ISAPHLUKO 9 IMISHINI YOKUDLALA

Ingxenye 1

Imishini yokudlala: Ukulawulwa kwemishini yokudlala

Imithethonqubo ayisebenzi kubantu abathile

152. Izinhlinzeko zale Ngxenye yemithethonqubo azisebenzi kubantu –

- (a) abangabakhiqizi, abahlanganisa, abalungisa noma abasevisa imishini yokudlala; kanye
- (b) nabagcina leyo mishini ngendlela yokuthi iyadayiswa kuphela noma ngezinhloso zokuthi iyalungiswa noma iyaseviswa futhi ayivumelekile ukuba ingadlalwa.

Ukuthengwa lwemishini yokudlala

153. Noma imuphi umuntu othenga umshini wokudlala kumele, ngaphambi kokuba lowo mshini udlalwe, afake isicelo kwiBhodi, ngendlela enqunywe kule Ngxenye yemithethonqubo, sokuthi lowo mshini ubhaliswe nokuthola imvume yokuthi lowo mshini udlalwe.

Imibandela yokugcina nokuhlinzeka imishini yokudlala

154.(1) Umuntu angeke agcine noma ahlinzeke umshini wokudlala ngaphandle uma egunyazwe

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iBhodi ukuba enze njalo ngendlela enqunywe eMithethweni yayo futhi ngaphandle uma leyo mishini yokudlala ibhalisiwe kwiBhodi ngendlela enqunywe kumthethonqubo 155.

(2) Umshini wokudlala ungabekwa ezakhiweni ezizodwa nempahla yemidlalo yemali kuphela uma –

(a) umuntu ogunyazwe ukugcina imishini yokudlala enelayisensi yekhasino, enelayisensi yebhingo, enelayisensi yomqhubi wendawo ozimele, noma enelayisensi yomqhubi womzila; futhi

(b) noma iyiphi impahla yemidlalo yemali ekhona ezakhiweni ingenakudlalwa abantu abaneminyaka engaphansi kweyi-18.

(3) Uma umuntu odlala imishini yokudlala kudingeka ukuthi athole umklomelo noma awine ngenxa yokudlala kahle noma yokuqhuba kahle noma yokudlala nokuqhuba kahle umshini wokudlala, lowo mklomelo angeke ushintshwe ube yimali, yinoma imuphi umuntu.

Isicelo sokubhaliswa komshini wokudlala

155.(1) Noma imuphi umuntu –

(a) ongunnikazi womshini wokudlala; noma

(b) onomshini wokudlala ovumeleke ukuba udlalwe,

kumele afake isicelo kwiBhodi, ngendlela enqunywe yiBhodi eMithethweni yayo, ukuze leyo mishini ibhaliswe.

(2) IBhodi kumele, uma isigunyaza isicelo esihlongozwe kwisigatshana somthethonqubo (1), inikeze umfakisicelo isitifiketi sokubhaliswa, okumele leso sitifiketi siqukathe, phakathi kokunye, lolu lwazi olulandelayo:

(a) incazelo ephelele yomshini wokudlala ngamunye obhalwe esitifiketini sokubhaliswa kanjalo nenombolo efakwe yiBhodi emshini ngamunye wokudlala;

(b) ikheli lendawo lapho imishini yokudlala igcinwe khona ukuze idlalwe, noma lapho ezogcinwa khona ukuze idlalwe;

(c) imininingwane ephelele yenkampani, noma igama, inombolo kamazisi nekheli lomnikazi womshini wokudlala ngamunye; kanye

(d) nemininingwane ephelele, noma igama, inombolo kamazisi kanye nekheli lomuntu ozodlalisa ngemishini yokudlala.

Imishini yokudlala iyoba nenombolo yokubhaliswa

156.(1) Umnikazi womshini wokudlala kumele aqinisekise ukuthi umshini wokudlala ngamunye obhalwe esitifiketini sokubhaliswa uba nenombolo yokubhaliswa yiBhodi endaweni esobala kuwona.

(2) Noma imuphi umuntu ofaka inombolo yokubhaliswa enikezelwe yiBhodi ngokuhambisa nalo mthethonqubo, emshinini, noma entweni engazange ibhaliswe yiBhodi ngokwale Ngxenye yemithethonqubo uyothweswa icala.

Umshini wokudlala uyogcinwa futhi utholakale endaweni ebhalwe esitifiketini sokubhaliswa

157.(1) Umshini wokudlala ungagcinwa futhi utholakale kuphela endaweni ebhalwe esitifiketini sokubhaliswa: Kuncike ekutheni umshini wokudlala ungasuswa uyiswe kwenye indawo uma iBhodi seyazisiwe ngencwadi mayelana nalokho umuntu ogunyazwe ukugcina nokusebenzisa lowo mishini nangemuva kokuba iBhodi isikuvumele lokho, ngencwadi ngaphambi kokususwa kwalowo mishini.

(2) IBhodi kumele ichibiyele isitifiketi sokubhaliswa uma umshini ususwa endaweni yawo ngokuhambisana nenhlinzeko yesigatshana somthethonqubo (1) ngaphandle kwenhlawulo.

Ukuchitshiyelwa kokubhaliswa noma kwegunya lokugcina nokuhlinzeka umshini wokudlala

158. Noma imuphi umuntu onesitifiketi sokubhaliswa komshini wokudlala, nanoma imuphi umuntu ogunyazwe ukugcina noma ukuqhuba imishini yokudlala, ngokuhambisana nale Ngxenye yemithethonqubo, noma inini uma esekhokhe izimali ezinqunywe oHlelweni 2 loMthetho, angafaka isicelo kwiBhodi –

(a) sesitifiketi sokubhaliswa ukuba sichitshiyelwe; noma

(b) sokugunyazwa ukugcina ukuqhuba imishini yokudlala ukuba sichitshiyelwe.

Amandla eBhodi okugunyaza nokuchitha isicelo**159.(1)** IBhodi –

- (a) ingagunyaza isicelo sokubhaliswa kwemishini yokudlala; noma
- (b) igunyaze isicelo semvume yokugcina nokuqhuba imishini yokudlala, kuncike kwimibandela engayibeka.

(2) IBhodi ingasichitha isicelo sokubhaliswa kwemishini yokudlala noma isicelo semvume yokugcina nokuqhuba imishini yokudlala, uma –

- (a) ulwazi oluqukethwe esicelweni lungaphelele, noma
- (b) iBhodi ibona ukuthi umshini okukhulunywa ngawo ungumshini wokugembula esikhundleni sokuba ngumshini wokudlala.

Isitifiketi sokubhaliswa nemvume kumele sibekwe obala**160.** Isitifiketi sokubhaliswa kanye nemvume ebhalwe phansi yiBhodi yokugcina umshini wokudlala, kumele sibekwe obala ezakhiweni lapho kubekwe khona leyo mishini yokudlala ukuze idlalwe.

ISAHLUKO 10

UKUBHEJA

*Ingxenye 1**Ukubheja: Isicelo selayisensi kaBhuki***Ukudayiswa kwamalungelo obubhuki yiBhodi****161.(1)** Noma inini uma kudingeka ukuba kukhishwe ilungelo lobubhuki ngokwezigaba 7(2)(d), 45(7), 99(8)(b) noma 99(11)(b) soMthetho, iBhodi kumele ikhiphe lelo lungelo ngokuthi ikhiphe ithenda yomphakathi.

(2) Noma isiphi isimemo sokuba kufakwe amathenda nanoma ikuphi ukugunyazwa kwelungelo lobubhuki ngenxa yaleyo thenda kumele iBhodi ikushicilele kwiGazethi.

(3) Isimemo, ukushicilelwa, ukukhishwa kwesinqumo kanye nokunikezelwa kwethenda ehlongozwe kwisigatshana somthethonqubo (1), kumele kuncike –

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(a) ohwlini nasekuhlukanisweni kwabafake amathenda ngokuhambisana nemithetho kazwelonke mayelana nohlelo olubanzi lokuthuthukiswa kwabamnyama kwezomnotho; futhi

(b) ukunikezwa kobhide kangcono ithenda kobhide kangcono kulowo mkhakha wabafake amathenda okunguyena onamaphuzu amaningi mayelana nohlelo olubanzi lokusimamiswa kwabanyama kwezomnotho.

Isicelo, ukudluliselwa kobunikazi kanye nokuvuselelwa kwelayisensi kabhuki

162.(1) Noma imuphi umuntu ofisa ukuthola ilayisensi kabhuki kumele afake isicelo kwiBhodi selayisensi kabhuki, ngendlela enqunywe yiBhodi eMithethweni yayo.

(2) Izinhlinzeko zeziNgxenye 1, 2, 3 no 4 zeSahluko 2 semithethonqubo zisebenza nezinhlinzeko ezidingekayo uma kufakwa isicelo selayisensi kabhuki.

(3) Ngaphezu kwanoma iluphi ulwazi umfaki wesicelo selayisensi kabhuki okudingeka aluhlinzeke ngokwezinhlinzeko zale mithethonqubo, umfakisicelo kumele ahlinzeke iBhodi –

(a) ngekheli lezakhiwo lapho umfakisicelo ezoqhuba khona noma ehlongoza ukuqhuba khona ibhizinisi lobubhuki;

(b) ipulani yephansi yezakhiwo ezithintekayo, eveza ngokucacile indawo lapho kuzobe kubhejwa khona;

(c) imvume kamaziphathe wasendaweni mayelana nezakhiwo ezithintekayo; kanye

(d) nanoma iluphi olunye ulwazi olungadingwa yiBhodi.

(4) Izinhlinzeko zomthethonqubo 24 ziyasebenza ekudluliselweni kobunikazi bebhizinisi likabhuki busuka kumuntu phaqa kuya emgwamandeni oyibhizinisi, noma ngabe umgwamanda oyibhizinisi uphethwe ilowo muntu wonke noma ingxenye yawo.

(5) Ngale kokulandela umthethonqubo 28(6), noma iliphi ibhizinisi lobubhuki elidluliselwayo kumele lifake isicelo kwiBhodi sokuba kuvuselelwe ilayisensi yobubhuki, engakedluli umhla zingama-31 kuMfumfu wonyaka okuqala ngawo ukusebenza koMthetho.

*Ingxenye 2**Ukubheja: Izingxubevange mayelana noBhuki***Isakhiwo esinegumbi lokubheja**

163.(1) Ibhizinisi lobubhuki kumele lithole futhi ligcine isakhiwo esinegumbi lokubheja ngelungelo ngalinye lobubhuki, endaweni enqunywe yiBhodi kulawo malungelo obubhuki.

(2) Akukho bhizinisi lobubhuki eliyiqhutshwa kunoma iziphi izakhiwo ngaphandle kwezakhiwo ezigunyazwe yiBhodi.

(3) Amajoka abekwe yile Mithethonqubo asebenza ngokuhambisana nangokuphindaphindeka uma kusebenza ubhuki ongaphezu koyedwa ezakhiweni ezizodwa ezinegumbi lokubheja.

(4) Ibhizinisi lobubhuki elingakwazi ukusebenza ezakhiweni ezinegumbi lokubheja ezisemthethweni, kumele –

(a) lifake isicelo esibhalwe phansi kwiBhodi zokuba lisebenzele kwezinye izakhiwo okwesikhashana; futhi

(b) likhokhe imali yesicelo enqunywe oHlelweni 2 loMthetho.

(5) Isicelo esenziwe njengoba kuhlangozwe kwisigatshana somthethonqubo (4), kumele sibandakanye izincomo nanoma iluphi olunye ulwazi noma umbhalo odingwa yiBhodi.

(6) Ibhizinisi lobubhuki elidinga imvume yokusebenza ezakhiweni zesikhashana liqhubeka nokusebenza ezakhiweni ezinegumbi lokubheja ezisemthethweni kumele lihlinzeke iBhodi –

(a) ngezincomo ezibhalwe phansi mayelana nezizathu zokufuna ukusebenza ezakhiweni zesikhashana ngesikhathi liqhubeka nokusebenza ezakhiweni ezisemthethweni;

(b) ngolwazi mayelana nezakhiwo okuzoqhutshelwa kuzona ibhizinisi lobubhuki, kubandakanya uhlelo lwekhompyutha lokugcina imininingwane lukabhuki nempahla ehambisana nalo;

(c) izincwadi ezihlinzeka ngokuthi ubhuki uthole imvume, kubahleli banoma imuphi umcimbi omkhulu nanoma imuphi omunye umcimbi noma umdlalo, ukusebenzela endaweni ethile ebude buduze nendawo okubanjelwe kuyo leyo midlalo noma lowo mcimbi wezemidlalo omkhulu;

(d) isiqiniseko esibhalwe phansi esivela kubahleli sokuthi abasebenzi beBhodi bazokwazi ukungena mahhala kulezo zakhiwo ezizobe zisebenzela ubhuki okwesikhashana;

(e) isiqinisekiso sokuthi isimo nokulungiswa kohlelo lokugcina amarekhodi ngekhompyutha lwebhizinisi likabhuki kanye nenye impahla ehambisana nakho kuyahambisana nale Mithethonqubo; kanye

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(f) nanoma iziphi izincomo, ulwazi kanye nezincwadi ezesekayo njengoba kungadingwa iBhodi.

(7) IBhodi ingenqaba nemvume yokusebenzela ezakhiweni zesikhashana, ngesikhathi ibhizinisi lisamile ukusebenza ezakhiweni ezisemthethweni, isikhathi esingaphezu kwezinsuku ezingama-90: Kuncike ekutheni ezimweni ezithile, futhi uma kube nesicelo esibhalwe phansi, iBhodi ingaphinde ilule isikhathi.

(8) IBhodi ingenqaba nemvume yokusebenza ezakhiweni zesikhashana, ngesikhathi ibhizinisi liqhubeka nokusebenza ezakhiweni ezisemthethweni, isikhathi esiyizinsuku ezingaphezu kwama-40.

(9) Uma ibhizinisi likabhuki lifisa ukungena esivumelwaneni sokubheja ezakhiweni zesikhashana zokubheja, lelo bhizinisi likabhuki kumele liqale lenze isicelo, ngencwadi kwiBhodi sokuthi –

- (a) kugunyazwe ubhuki noma imenenja kabhuki ekhethwe yibhizinisi likabhuki, njengoba kungaba njalo, ezobhejisa ezakhiweni zokuhlala, lapho yona ihlala khona;
- (b) kugunyazwe izakhiwo zokubheja zesikhashana;
- (c) kugunyazwe uhlobo lwempahla ezosetshenziswa ngenhloso yokubheja ohlelweni lokugcina amarekhodi lwekhompyutha ebhizinisini likabhuki ezakhiweni zokubheja zesikhashana; futhi
- (c) kuxhunywe kahle imishini egumbini lokubheja lesikhashana.

(10) Noma iyiphi impahla egunyazwe yiKomidi ngokwesigatshana somthethonqubo (9)(c) kumele –

- (a) isebenze ngendlela efanayo namatheminali ekhomyutha asetshenziswa ubhuki ukubhejisa ezakhiweni ezisemthethweni ezinegumbi lokubheja zikabhuki; futhi
- (b) ivumele ibhizinisi likabhuki ukuba likwazi ukubheja ngqo ohlelweni lokugcinwa kwamarekhodi lwekhompyutha, ezakhiweni ezinegumbi lokubheja zesikhashana zebhizinisi likabhuki, kusetshenziswa i-inthanethi.

(11) Ukugunyaza kweBhodi ukuxhunywa nokusetshenziswa kohlelo lokugcinwa kwamarekhodi lwekhompyutha ezakhiweni ezinegumbi lokubheja lesikhashana kumele kuqale kwaziswe ibhizinisi lobubhuki, ngaphambi kokuthi ubhuki noma imenenja kabhuki eqokwe ibhizinisi likabhuki iqale ukubhejisa kunoma iziphi izakhiwo ezinjalo.

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(12) Ibhizinisi lobubhuki lingangena ezivumelwaneni zokubhejela ezakhiweni ezinegumbi lokubheja lesikhashana, uma izakhiwo ezinegumbi lokubheja elisemthethweni sezivaliwe.

(13) Amahora okusebenza ebhizinisi lobubhuki elisezakhiweni ezinegumbi lokubheja elisemthethweni elingavulwa ngawo, kuncike emithethweni kamasipala, anganqunywa ilelo bhizinisi lobubhuki elithintekayo.

Ukususwa kwebhizinisi lobubhuki liyiswa kwezinye izakhiwo kanye nokushintshwa kwesakhiwo esinegumbi lokubheja

164.(1) Akukho bhizinisi lobubhuki –

(a) eliyosuka ezakhiweni ezisemthethweni ezinegumbi okubheja liye kwezinye izakhiwo; noma

(b) eliyokwenza izinguquko esakhiweni noma lengeze okuthile esakhiweni esisemthethweni esinegumbi lokubheja,

ngaphandle kokuthola imvume kwiBhodi.

(2) Isicelo sokugunyazwa esihlongozwe kwisigatshana somthethonqubo (1)(a) kumele sibhalwe phansi futhi sihambisane nomdwebo webalazwe okhombisa indawo lapho izakhiwo zikhona nepulani yephansi lesakhiwo lapho kuhloswe ukuba ibhizinisi liyiswe khona, ekhombisa izinguquko noshintsho ouhlongozwayo.

(3) Isicelo sokugunyazwa esihlongozwe kwisigatshana somthethonqubo (1)(b) kumele sibhalwe phansi futhi kumele sihambisane nepulani yephansi yezakhiwo ezisemthethweni ezinegumbi lokubheja, ekhombisa izinguquko noshintsho oluhlongozwayo.

Isibambiso sobhuki mayelana nezikweletu zokubheja

165.(1) Umnikazi welayisensi yobubhuki angeke aqhube ibhizinisi lobubhuki ngaphandle uma ibhizinisi lobubhuki likhokhe isibambiso sezibopho zalo mayelana nemisebenzi yokubheja eliyenzayo, kwiBhodi.

(2) Isibambiso okukhulunywe ngaso kwisigatshana somthethonqubo (1) angeke sihoxiswe noma sincishiswe ngaphandle kwemvume yeBhodi.

(3) Isibambiso okukhulunywe ngaso kwisigatshana somthethonqubo (1) kumele sibe –

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- (a) imali engukheshi;
- (b) isheke eligunyazwe yibhange; noma
- (c) enye indlela yesibambiso engagunyazwa yiBhodi.

Ukungaboni ngasolinye okumayelana nokubheja

166.(1) IBhodi ingaxazulula noma ikuphi ukungaboni ngasolinye phakathi kwebhizinisi lobubhuki nomuntu obhejayo, noma phakathi kwebhizinisi lobubhuki nelinye ibhizinisi lobubhuki.

(2) Noma imuphi umuntu obhejayo noma ibhizinisi lobubhuki elifisa ukubika ngokungaboni ngasolinye kwiBhodi kumele –

- (a) lenze njalo ngokubhalela isiKhulu esiPhezulu ezinsukwini ezingama-60 kusukela osukwini okuvele ngalo lokho kungaboni ngasolinye; futhi
- (b) ngaso lesi sikhathi lihlinzeke ngeminingwane ephelile yalokho kungaboni ngasolinye.

(3) IsiKhulu esiPhezulu singacela ukuba umuntu obhejayo oveza ukungaboni ngasolinye ngokwesigatshana somthethonqubo (2) ukuba akhokhe idiphozi yama-R500,00 kwiBhodi.

(4) IsiKhulu esiPhezulu singacela ukuba ubhuki oveza ukungaboni ngasolinye ngokwesigatshana somthethonqubo (2) akhokhe idiphozi yezi-R2 000,00 kwiBhodi.

(5) IsiKhulu esiPhezulu kumele ngokushesha uma sithola isaziso mayelana nokungaboni ngasolinye sifake leyo mininingwane kwirejista ezogcinelwa lokho.

(6) Abasebenzi beBhodi kumele baphenye ukungaboni ngasolinye bese belungisa umbiko mayelana nabakutholile ukuze uthunyelwe kwiBhodi.

(7) IBhodi, ngemuva kokuthola umbiko kubasebenzi bawo njengoba kuhlangozwe kwisigatshana (6), kumele –

- (a) ibize isigcawu sokulalela ukungaboni ngasolinye; futhi
- (b) uma sekuphuthulwe isigcawu, yahlulele mayelana nokungaboni ngasolinye, njengoba kuhlangozwe kwisigatshana (9).

(8) Uma uhlangothi oluthile ekungabonini ngasolinye lwehluleka ukuvela phambi kweBhodi ngemuva kokuba seluthole isaziso sezinsuku ezingekho ngaphansi kweziyi-14 sokwenze njalo,

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iBhodi ingaqhubeka nokucubungula nokwahlulela kulokho kungaboni ngasolinye noma lungekho lolo hlangothi.

(9) IBhodi –

(a) ingayalela ukuthi noma iyiphi idiphozi ibuyiswe, ngemuva kokuba selulaleliwe udaba, noma uma ukungaboni ngasolinye kuhoxisiwe ngaphambi kokuba iBhodi ikulalele ngesikhathi ithola isaziso sokuhoxiswa kwesikhalo sokungaboni ngasolinye;

(b) iyalele ukuba kudliwe noma iyiphi idiphozi ekhokhiwe uma ibona ukuthi isikhalo sokungaboni ngasolinye besiyimfeketho; futhi

(c) ingayalela indlela yokunquma ukuthi kuzoxazululwa kanjani ukungaboni ngasolinye, kubandakanya phakathi kokunye umyalelo wokuhoxisa ukubheja noma ukukhetha, noma umyalelo onquma ukuthi uhlangothi oluthile lukhokhele olunye isamba esithile.

(10) Ukufakwa kwesikhalo ngesinqumo noma ngomyalelo weBhodi owenziwe ngokwesigatshana somthethonqubo (7) noma (9) akumisi ukusebenza kwaleso sinqumo noma kwalowo myalelo: Kuncike ekutheni uma ibhizinisi lobubhuki eliyalelwe ngesinqumo esenziwe yiBhodi ngesikhathi kunokungaboni ngasolinye, ukuba likhokhe noma iyiphi imali ewiniwe noma enye imali kumuntu obhejayo, likhalaza ngaleso sinqumo, ibhizinisi lobubhuki kumele likhokhe leyo mali kwiBhodi eyobe isiyigcina esikhwameni, kuze kuphothulwe isikhalo ngesinqumo, lapho iBhodi eyobe isikhokha leyo mali ebhizinisini lobubhuki noma kumuntu obhejayo, njengoba kungayalela iLungu loMkhandlu oPhethe.

Ukubheja okungakhokhelwe

167.(1) Noma imuphi umuntu onesikhalo esifanele ebhizinisini lobubhuki –

(a) mayelana nokubheja ibhizinisi lobubhuki elingazange likukhokhele ngemuva kwesicelo sokuba lenze njalo; noma

(b) elehlulekile ukukhokha ngemuva kokuba iBhodi iliyalele ukuba lenze njalo ngokomthethonqubo 166(9)(c),

kumele abike lolo daba ngencwadi kwisiKhulu esiPhezulu.

(2) Uma isiKhulu esiPhezulu sithola umbiko ohlongozwe kwisigatshana somthethonqubo (1) –

(a) kumele siwuqophe ngokushesha kwirejista egcinelwe lokho;

(b) kumele senze uphenyo mayelana nalolo daba;

(c) kumele sithumele umbiko ohlongozwe kwisigatshana somthethonqubo (1); futhi

(d) kumele sithumele imiphumela yophenyo, kwiBhodi, ngaphandle kokuchitha isikhathi.

(3) IsiKhulu esiPhezulu uma sesenza uphenyo oluhlongozwe kwisigatshana somthethonqubo 2(b) kumele sinikeze ibhizinisi lobubhuki ithuba lokubeka uhlangothi lwalo.

(4) Uma, ngemuva kokuba sekulalelwe udaba ngenhloso yokwenza umbiko ohlongozwe kwisigatshana somthethonqubo (1) kanye nemiphumela yophenyo njengoba kuhlongozwe kwisigatshana somthethonqubo (2)(d), iBhodi inelisekile ukuthi isikhalo kumele sikhokhelwe ibhizinisi lobubhuki, iBhodi ingayalela ibhizinisi lobubhuki ukuthi likhokhe leyo mali engakhokhiwe engakapheli amahora angama-24.

(5) IBhodi ingathola ibhizinisi lobubhuki lingelingakhokhi kahle uma ibhizinisi lobubhuki lihluleka ukulandela umyalelo ohlongozwe kwisigatshana somthethonqubo (4).

(6) Uma ibhizinisi lobubhuki litholakala liyibhizinisi elingakhokhi kahle ngokwesigatshana somthethonqubo (5) futhi uma ibhizinisi lobubhuki lingekho enkingeni yezezimali noma yokudliwa, iBhodi –

(a) ingasebenzisa sonke, noma ingxenye yesibambiso, esinikezwe iBhodi yibhizinisi lobubhuki ngokwesigaba 126(1)(c) soMthetho, njengoba kungadingeka, ukuze kukhokhelwe isikhalo esiholele ekutheni ubhuki atholakale njengomuntu ongakhokhi kahle; futhi

(b) ingamisa ilayisensi kabhuki ngaleso sikhathi ibhizinisi likabhuki lingakasikhokhi isibambiso esisetshenzisiwe.

Ukulawulwa kobudlelwane bokusebenzisana ebhizinisini lobubhuki

168.(1) Ngesikhathi ibhizinisi lobubhuki liqhubeka nokusebenza njengebhizinisi eliqhutshwa ngokubambisana phakathi kobhuki oyedwa noma ngaphezulu abanamalaysensi -

(a) ababambisene babophezeleke ngokufanayo kuzona zonke izibopho ezithinta ukusebenza kwabo ngokubambisana; futhi

(b) ilungu ngalinye kumele lilandele izidingo eziphathelene nezokuvikeleka kanye namalaysensi samuntu oziqhubela ibhizinisi yedwa.

(2) Uma obhuki abasebenza ngokubambisana beqhuba ibhizinisi kanye kanye esakhiweni esisodwa esisemthethweni esinegumbi lokubheja nakwenye indawo yesikhashana egunyaziwe, kumele labo bhuki bagcine -

(a) ishadi lenkundla elilodwa -

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- (i) emjahweni ngamunye wamahashi enkundleni ngayinye;
 - (ii) emcimbini womdlalo ngamunye enkundleni ngayinye;
 - (iii) komunye umcimbi noma umdlalo enkundleni ngayinye; kanye
- (b) nencwadi eyodwa esetshenziswayo.

(3) Uma ubhuki oyedwa noma ngaphezulu beqhuba ibhizinisi ngokubambisana, kumele, uma iBhodi icela, ngokushesha baveze ikhophi egxiviziwe yesivumelwano salokho kubambisana.

(4)(a) Uma obhuki abasebenza ngokubambisana beqhuba ibhizinisi esakhiweni esisodwa esinegumbi lokubheja labo bhuki kumele basebenzise uhlelo olulodwa lwekhompyutha lokugcina amarekhodi, oluveza uhlelo olulodwa lwamarekhodi anqunyiwe obubhuki kanye nezimali zentela.

(b) Wonke amabhuku, amarekhodi, izitatimende, izintela, amabhodi okubheja kanye nezikhangiso kwalelo bhizinisi lobambiswano kumele kukhombise igama lebhizinisi lobambiswano kanye namagama amalungu alo.

(c) Angeke amalungu ebhizinisi lobambiswano abheje wodwa.

(5) IBhodi, noma inini uma kuba nesizathu esizwakalayo, ingabeka imibandela edingekayo, kumalaysensi obhuki abasebenza ebhizinisini lobubhuki ngokubambisana.

(6) Uma kufika isikhathi sokuhlukana phakathi kobhuki abanamalaysensi abasebenza ngokubambisana, amalungu kumele ngokushesha azise iBhodi ngencwadi mayelana nenhloso yawo.

(7) Kuncike ezinhlinzekweni zoMthetho, uma kwenzeka kushona ubhuki onelayisensi obeyingxenywe yebhizinisi elisebenza ngokubambisana, noma imuphi ubhuki osele noma abasele bangaqhubeka nokuqhuba ibhizinisi lobubhuki.

Obhejayo ongakhokhi kahle

169.(1) IBhodi ingathola umuntu obhejayo engumuntu ongakhokhi kahle uma inelisekile ngemuva kophenyo ukuthi lowo muntu obhejayo uyehluleka ukukhokhela ubhuki noma isiphi isamba semali okumele ayikhokhe ngenxa yokubheja akwenze nalowo bhuki.

(2) Noma inini uma iBhodi imemezela umuntu obhejayo njengongakhokhi kahle, kumele ithumele isaziso kuwona wonke amabhizinisi obubhuki nezinkudla zemijaho ezifundazweni.

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(3) Ibhizinisi lobubhuki elithole isaziso esihlongozwe kwisigatshana somthethonqubo (2) kumele lisibeke endaweni esobala ezakhiweni zokubheja ezisemthethweni, kuze kube lelo bhizinisi lobubhuki liyalelwa yiBhodi ngokwesigatshana somthetho (50(b) ukuba lisisuse, lapho ibhizinisi lobubhuki kuyomele lilandele lowo myalelo ngaphandle kokuchitha isikhathi.

(4) Uma lithola isaziso esihlongozwe kwisigatshana somthethonqubo (2) noma iliphi ibhizinisi lobubhuki lapho umuntu obhejayo enesikweletu khona mayelana nokubheja akwenze nalelo bhizinisi lobubhuki, kumele ngokushesha lazise Bhodi mayelana neminingwane yaleso sikweletu.

(5)(a) Noma imuphi umuntu obhejayo otholwe yiBhodi njengongakhokhi kahle angeke angene noma abe sezakhiweni –

(i) ezinelayisensi yokuba yinkundla yomjaho ngokoMthetho; noma

(ii) nanoma iziphi ezinye izakhiwo lapho ubhuki onelayisensi eqhuba khona ibhizinisi, kuze kube zonke izikweletu zakhe nobhuki sezihoxisiwe futhi iBhodi isinelisekile ukuthi usengumuntu okufanele ukuphinde abheje.

(b) Uma iBhodi inelisekile njengoba kuhlangozwe endimeni (a), kumele ngemuva kwalokho iyalele wonke amabhizinisi obubhuki anelayisensi ukuba asuse isaziso esihlongozwe kwisigatshana (2).

Isibambiso sentela

170.(1) Isibambiso esifakwa ibhizinisi lobubhuki esikhokhelwa intela njengoba kunqunywe eMthethweni kweNtela yeMidlalo yeMali nokuBheja waKwaZulu-Natali, 2010, kumele sibe yisamba esinganqunywa yiBhodi futhi kumele sibe –

(a) imali engukheshi;

(b) isheke eligunyazwe yibhange; noma

(c) olunye uhlobo lwesibambiso olungagunyazwa yiBhodi.

(2) IBhodi ingadayisa noma ikhokhe ngaleso samba semali esifakwe njengesibambiso uma kunesidingo sokuthi kukhokhwe isikweletu esenziwe esiKhwameni seNgeniso sesiFundazwe.

Inqubo yokugunyaza: Eminye imicimbi nemidlalo

171.(1) Noma imuphi umuntu ofisa ukuthi iLungu loMkhandlu oPhethe lenze isinqumo mayelana nomcimbi noma nomdlalo kumele afake isicelo kwiLungu loMkhandlu oPhethe ngokubhalwe phansi.

(2) Incwadi yesicelo ehlongozwe kwisigatshana somthethonqubo (1) kumele ibandakanye okungenani lokhu okulandelayo –

- (a) umsebenzi, igama, ikheli leposi neminye imininingwane yokuxhumana yomfakisicelo;
- (b) incazelo ecacile, echaza kahle uhlobo lomcimbi noma lomdlalo okudingeka ngalo isinqumo;
- (c) ulwazi mayelana nanoma iyiphi inhlango okuyiyona elawula lowo mcimbi noma umdlalo odingelwa isinqumo;
- (d) isincomo sokuthi ukubheja kulowo mcimbi noma kulowo mdlalo okucelwa kuwo isinqumo, angeke kunenge umphakathi;
- (e) isincomo sokuthi ukubheja emcimbini noma embuthanweni okucelwa ngawo isinqumo, angeke kubeke umcimbi engcupheni noma kuphoxe umcimbi noma umdlalo ngesimo sokuthi kuphekwe imiphumela yawo, noma kube nezinye izenzo zokukhwabanisa noma zenkohlakalo; kanye
- (f) nesincomo sokuthi lowo mcimbi noma lowo mdlalo okucelwa ngawo isinqumo, ukhombisa ukuba nokwethembeka kanye nokuba sobala futhi angeke ukhohlise noma uluthe abantu ababhejayo.

(3) Noma isiphi isinqumo esenziwa yiLungu loMkhandlu oPhethe kumele senziwe ngesaziso esiyoshicilelwa kwiGazethi yesiFundazwe.

(4) Usuku lokuqala kokusebenza kwesinqumo seLungu loMkhandlu oPhethe njengoba kuhrongozwe kulo mthethonqubo wusuku lokushicilelwa kwesaziso kwiGazethi yesiFundazwe.

Abantu abangavunyelwe ukubheja: Imijaho yamahashi, imicimbi yezemidlalo nakweminye imicimbi noma imidlalo

172.(1) Akukho muntu oyobamba iqhaza kunoma imuphi umdlalo –

- (a) njengomdlali, umgibeli, umshayeli, ilungu leqembu noma okunye okunjalo;
- (b) njengonompempe, usomugqa, iseleka likanompempe, u-emphaya noma omunye owenza lokho;
- (c) njengomqeqeshi weqembu, imenenja yeqembu noma yomdlali, umlolongi noma omunye owenza lokho; noma

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(d) njengomnikazi weqembu, umnikazi wenja, noma omunye owenza lokho, oyobheja kunoma imuphi umcimbi wezemidlalo, lapho –

- (i) yena ebambe khona iqhaza;
- (ii) kuyiqembu aliphethe, angumnikazi walo noma aliqeqeshayo elidlalayo;
- (iii) engumdlali, umgibeli, umshayeli, ilungu leqembu noma okunye okunjalo lowo muntu ayimenenja, umqeqeshi noma umlolongi wakho; noma
- (iv) kuyisilwane okungesakhe, asiqeqeshayo noma asilolongayo esibambe iqhaza.

(2) Akekho umuntu obamba iqhaza kunoma imuphi omunye umcimbi noma umdlalo –

- (a) njengomdlali, ilungu leqembu, obambe iqhaza noma okunye okunjalo;
- (b) uphrojusa, umhleli womcimbi, unompempe, ijaji noma kunye okunjalo; noma
- (c) umqeqeshi weqembu, umnikazi weqembu, umdlali noma imenenja yelungu leqembu, imenenja yobambe iqhaza noma i-ejenti noma okunye okunjalo,

ongabheja kuleyo micimbi noma kuleyo migubho.

(3) Noma ikuphi ukubheja okushayisanayo nalo mthethonqubo kumele kugwenywe ubhuki, umnikazi wethotho noma yiBhodi.

Uhlu lobhuki luyothunyelwa umqhubi womjaho

173. Uhlu lobhuki abasebenza enkundleni yomjaho kumele luthunyelwe kwiBhodi, yilowo mqhubi wenkundla yomjaho othintekayo, ekupheleni kosuku lomjaho ngalunye.

Ingxenye 3

Ukubheja: Izinhlinzeko ezingxubevange eziphathelele namathotho

Uhlelo lolubheja lwethotho

174.(1) Umnikazi welayisensi yethotho kumele asebenzise uhlelo lokubheja lwethotho olugunyazwe yiBhodi ngenhloso yokuqopha konke ukubheja okwenziwe ethotho.

(2) Ngaphambi kokuba umnikazi welayisensi yethotho asebenzise umshini wokudlala oxhunywe ohlelweni lokubheja lwethotho ukuze kubheje abantu ababhejayo, kumele aqale athole imvume yeBhodi yokuwusebenzisa.

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(3) Uma kunamazinga e-SABS okumele izinhlelo zokubheja zethotho noma imishini yokubheja ihlangabezane nawo, umnikazi welayisensi yethotho kumele athole isitifiketi sokuhlangabezana nalawo mazinga futhi kumele asithumele, kanye nesicelo sakhe sokugunyazwa kohlelo lokubheja lwethotho, noma somshini wokubheja wethotho, kwiBhodi.

(4) Uma kungekho mazinga e-SABS okumele izinhlelo zokubheja zethotho noma imishini yokubheja ihlangabezane nawo, iBhodi iyonquma amazinga ezinhlelo zokubheja zethotho kanye nemishini yokubheja yethotho, njengoba kungaba njalo, kanye nokuhlinzekwa kwezincwadi okumele zisetshenziswe umnikazi welayisensi yethotho uma efaka isicelo sokugunyazwa kohlelo lokubheja lwethotho, noma komshini wokubheja wethotho.

(5) Zonke izindleko zokuhlolwa, zokugunyazwa kanye nezemvume yezinhlelo zokubheja zethotho, noma zemishini yokubheja yethotho, kumele zibe semahlombe omuntu noma enhlangano ehambisa uhlelo lokubheja lwethotho noma umshini wokubheja wethotho kwa-SABS ukuze ugunyazwe nakwiBhodi ukuze uthole imvume.

(6) Uhlelo lokubheja lwethotho kumele, ngezikhathi ezijwayelekile zokusebenza, lukwazi –

(a) ukuzakhela amafayela eminingwane egciniwe azokwazi ukusebenza njengerekhodi lokucwaningwa kwamabhuku kukhona konke ukubheja okwenziwe ohlelweni nakho konke ukubheja okuhoxisiwe;

(b) ukuzakhela irekhodi lakho konke ukubheja okwenziwe ohlelweni, okuyirekhodi okumele liqukathe okungenani lolu lwazi olulandelayo –

(i) inombolo yesiliphu sokubheja ekubhejeni ngakunye okwenziwe;

(ii) inkomba yokuthi ukubheja okomjaho wamahhashi, okomcimbi wezemidlalo, noma okwanoma imuphi omunye umcimbi noma umdlalo;

(iii) usuku lomjaho wamahhashi, lomcimbi wezemidlalo, noma lomunye umcimbi noma umdlalo;

(iv) igama noma inombolo yomjaho wamahhashi, yomcimbi wezemidlalo, noma yomunye umcimbi noma umdlalo;

(v) inkundla yomjaho wamahhashi, yomcimbi wezemidlalo, noma yomunye umcimbi noma umdlalo;

(vi) izinombolo ezikhethiwe noma ukuthi kubhejwe kanjani; kanye

(vii) nesiteki somuntu obhejayo;

(c) uma kuvela imiphumela yemidlalo yamahhashi, yemicimbi yezemidlalo yeminye imicimbi noma imidlalo, lubale imali ewinwe ababhejayo kanye nezintela ezizokhokhwa; futhi

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(d) lukwazi ukunikeza umuntu obhejayo njalo uma ebheja, irekhodi eligayiwe lemininingwane yokubheja okwenziwe uyena.

(7) IBhodi kumele yakhe izinhlelo kanye nezinqubo zokuhlola izinhlelo zokubheja zethotho iziqhathanisa namazinga alezo zinhlelo: Kuncike ekutheni inhloso enkulu yalokho kuhlola kuyoba ukunquma –

- (a) ukubalwa kahle kwezimali ezikhokhelwa abantu ababhejayo abawinile;
- (b) ukubalwa kahle kwesamba sentela okumele ikhokhwe; kanye
- (c) nokukwazi kohlelo ukuphikisana namasu okungase kube ngawokukokotelwa kolwazi namarekhodi asazocwaningwa.

Imininingwane egcinwe kwikhompyutha yolwazi namarekhodi

175. (1) Lonke ulwazi olugciniwe oluhlongozwe kumthethonqubo 174(6)(a) kanye namarekhodi ahlongozwe kumthethonqubo 174(6)(b), kumele kukopishwe emshinini ofanele futhi ophathekayo wokuqopha ngekhompyutha ekupheleni kosuku ngalunye.

(2) Umshini wokuqopha ngekhompyutha ohlongozwe kwisigatshana somthethonqubo (1) kanye nolwazi olugcinwe kuwona kumele kugcinwe kahle ngendlela elandelayo ukuze kuhlolwe, kwezinye izakhiwo okungezona izakhiwo ezinethotho.

(3) Ngaphezu kolwazi olugciniwe oluhlongozwe kwisigatshana (1), kumele kukopishwe kuphinde kugcinwe lolu lwazi namarekhodi njengoba kuhlongozwe kwisigatshana somthethonqubo (1) –

- (a) izintela ezikhokhwayo;
- (b) izimali ezisalayo; kanye
- (c) nezimali eziwiniwe ezingalandiwe.

(4) IBhodi kumele inqume ukuthi umshini wokuqopha ulwazi namarekhodi njengoba kuhlongozwe kwisigatshana somthethonqubo (1) ukufanele yini ukwenza lokho njengoba kuhlongozwe kwisigatshana somthethonqubo (1) futhi kumele inqume ukufaneleka kwendawo nendlela lowo mshini wokuqopha ulwazi namarekhodi ozogcinwa ngayo.

(5) Umnikazi welayisensi yethotho kumele agcine lonke ulwazi namarekhodi okuhlongozwe kwisigatshana somthethonqubo (1) isikhathi esiyiminyaka emihlanu.

Imithetho yasethotho nokungaboni ngasolinye mayelana nokubheja

176.(1) Umqhubi wethotho, imenenja yethotho noma i-ejenti yethotho, kumele aqhube ithotho ngokuhambisana nemithetho ebekwe umnikazi welayisensi yethotho, okuyimithetho okumele ithunyelwe kwiBhodi ukuze iyigunyaze, ngendlela enqunywe yiBhodi eMithethweni yayo.

(2) Umqhubi wethotho, imenenja yethotho noma i-ejenti yethotho, njengoba kungaba njalo, kumele ngokushesha abike nganoma ikuphi ukungaboni ngasolinye nomuntu obhejayo mayelana nemiphumela yokubheja, noma nokukhokhwa kwemali ewiniwe kuncike emiphumeleni yokubheja, okungabe kuxazululiwe noma cha, kwiBhodi.

(3) IBhodi ingaxazulula noma ikuphi ukungaboni ngasolinye okubangelwe ukubheja phakathi komuntu obhejayo nomqhubi wethotho, nenenja yethotho noma ne-ejenti yethotho.

(4) Noma imuphi umuntu obhejayo noma umqhubi wethotho, imenenja yethotho noma i-ejenti yethotho ofisa ukwethula ukungaboni ngasolinye okukhona kwiBhodi kumele –

(a) enze njalo ngencwadi ebhekiswe kwisiKhulu esiPhezulu zingakedluli izinsuku ezingama-60 kusukela osukwini okwenze ngalo isigameko; futhi

(b) ngesikhathi esifanayo adalule iminingwane ephelile yalokho kungaboni ngasolinye.

(5) IsiKhulu esiPhezulu singacela ukuthi umuntu obhejayo owethula ukungaboni ngasolinye mayelana nokubheja ngokwesigatshana somthethonqubo (4) akhokhe idiphozi yama-R500,00 kwiBhodi.

(6) IsiKhulu esiPhezulu singacela ukuthi umqhubi wethotho, imenenja yethotho noma i-ejenti yethotho eyethula ukungaboni ngasolinye ngokwesigatshana somthethonqubo (4) ikhokhe idiphozi yezi-R2 000,00 kwiBhodi.

(7) IsiKhulu esiPhezulu kumele, ngokushesha ngemuva kokuthola isaziso sokungaboni ngasolinye sifake leyo mininingwane kwirejista egcinelwe lokho.

(8) Abasebenzi beBhodi kumele baphenye ukungaboni ngasolinye futhi balungise umbiko mayelana nabakutholile ukuze bawuthumele kwiBhodi.

(9) IBhodi, ngemuva kokuthola umbiko obhalwe abasebenzi bayo njengoba kuhlangozwe kwisigatshana (8) kumele –

(a) ibize isigcawu mayelana nalokho kungaboni ngasolinye; futhi

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(b) uma sekuphuthulwe leso sigcawu, ithathe isinqumo mayelana nokungaboni ngasolinye njengoba kuhlongozwe kwisigatshana (11).

(10) Uma kukhona uhlangothi mayelana nokungaboni ngasolinye okuphathelene nokubheja, olwehlukelayo ukucela phambi kweBhodi ngemuva kokuba luthole isaziso sezinsuku ezingekho ngaphansi kweziyi-14 sokuba lwenze njalo, iBhodi ingaqhubeka nokucubungula kanye nokuthatha isinqumo mayelana nokungaboni ngasolinye lungekho lolo hlangothi.

(11) IBhodi –

(a) ingayalela ukuthi idiphozi ekhokhiwe ibuyiselwe, uma iBhodi isilulalelile udaba lokungaboni ngasolinye, noma uma ukungaboni ngasolinye kuhoxisiwe ngaphambi kokuba kuhlale ezithebeni zeBhodi, ngesikhathi isaziso sokuhoxisa kokungaboni ngasolinye esitholakele ngaso;

(b) ingayalela ukuba kudliwe noma iyiphi idiphozi ekhokhiwe uma ibona ukuthi isikhalo sokungaboni ngasolinye besiyimfeketho; noma

(c) ingakhipha umyalelo wokuthi ukungaboni ngasolinye kuzoxazululwa kanjani, kubandakanya, phakathi kokunye, umyalelo ohoxisa ukubheja, noma ohoxisa izinombolo ebezikhethiwe, noma umyalelo onquma ukuba olunye uhlangothi lukhokhele olunye uhlangothi noma isiphi isamba.

(12) Isaziso sokukhalaza ngesinqumo seBhodi esenziwe ngokwesigatshana somthethonqubo (11), ngasenhla asikumisi ukusebenza kwesinqumo noma komyalelo: Kuncike ekutheni uma umqhubi wethotho, imenenja yethotho noma i-ejenti yethotho, ngesinqumo esithathwe iBhodi ngesikhathi kuxazululwa ukungaboni ngasolinye, oyalelwe ukuba akhokhele umuntu obhejayo isamba semali esiwine, ekhalaza ngaleso sinqumo, imali ewiniwe edinga ukukhokhwa kumele lowo mqhubi wethotho, leyo menenja yethotho noma leyo ejenti yethotho iyikhokhe kwiBhodi ukuze igcinwe esikhwameni, kuze kutholakele imiphumela yesikhalo, okuyothi ngemuva kwalokho iBhodi ikhokhe leyo mali ewiniwe noma enye imali, ngomyalelo weLungu loMkhandlu oPhethe.

Ubudlelwano phakathi komnikazi welayisensi yethotho nomqhubi wethotho, nemenenja yethotho kanye ne-ejenti yethotho

177.(1) Umnikazi welayisensi yethotho, ngale kokulandela noma iziphi izinhlelo ezikwinkontileka ezingaba nokushayisana, uyena onesibopho sokubika kwiBhodi ngezenzo noma ngamaphutha omqhubi wethotho, emenenja yethotho noma e-ejenti yethotho, mayelana nokulandelwa

kwezinhlinzeko zoMthetho.

(2) Umnikazi welayisensi yethotho kumele ahlinzeke iBhodi ngekhophi efungelwe yanoma isiphi isivumelwano esibhalwe phansi phakathi kwakhe ne-ejenti yethotho, noma phakathi kwakhe nemenenja yethotho.

ISAHLUKO 11 Ezingxubevange

Ingxenye 1

Ezingxubevange: Ukukhishwa kweZaziso

Indlela yokukhipha zasaziso

178.(1) Noma isiphi isaziso esinikezwe umuntu ngokoMthetho yiBhodi noma yikomidi leBhodi, kumele sibhalwe phansi futhi anikezwe noma athunyelelwe sona –

- (a) ngesandla;
- (b) ngeposi elirejistiwe;
- (c) nge-imeyili; noma
- (d) ngefeksi.

(2) Noma isiphi isaziso esikhishwe ngokwesigatshana somthethonqubo (1) siyothathwa njengesitholakele –

- (a) uma sihanjiswe ngesandla, uma sifikile ekhelini lendawo lapho umuntu ehlala khona;
- (b) uma kuyiposi, ngemuva kwezinsuku eziyi-14 sithunyelwe; noma
- (c) uma kuyi-imeyili noma ifeksi, ngehora le-10h00 losuku lokusebenza olulandela usuku esithunyelwe ngalo.

Ingxenye 2

Ezingxubevange: Izenzo zokukhwabanisa nenkohlakalo

Ukusetshenziswa kwemishini ethile kwenqatshelwe

179.(1) Akekho umuntu ongasebenzisa, noma ongaphatha ngenhloso yokusebenzisa kunoma iziphi izakhiwo ezinelayisensi, umshini noma okuthile kokumsiza ekutheni –

- (a) akwazi ukulinganisa umphumela womdlalo;
- (b) ukubala amakhadi adlalwayo emdlalweni osebenzisa amakhadi;

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(c) ukuhlaziya ukwenzeka kwezinto uma kudlalwa imidlalo; noma
 (d) ukuhlaziya amasu okudlala noma okubheja azosetshenziswa emdlalweni,
 ngaphandle uma kugunyaza iBhodi ngencwadi, uma kunesicelo esivela kumnikazi welayisensi.

(2) Izinhlinzeko zesigatshana somthethonqubo (1) akumele kuthathwe ngokuthi zivimbela –

(a) ukwenziwa nokumakwa kwezinkomba kumarekhodi abhalwe ngesandla namakhadi adlalwa kwi-*punto banco* noma i-*baccarat*;

(b) ukwenziwa nokumakwa kwezinkomba kumarekhodi abhalwe ngesandla emiphumela ye-*roulette*; noma

(c) ukusetshenziswa kwezinto ezisiza ukucabanga zalowo muntu, ukuze zimsize –

(i) akwazi ukuthola imiphumela yomdlalo; noma

(ii) ukulandela amakhadi adlaliwe emidlalweni ebandakanya amakhadi.

Izenzo zenkohlakalo

180. Akekho umuntu –

(a) ongashintsha noma aphambanise imiphumela yemidlalo yekhasino, yomcimbi wezemidlalo, yomjaho wamahhashi noma yomunye umcimbi noma umdlalo, lapho kubhejwe khona, ngemuva kokuba imiphumela isinqunyiwe kodwa ingakakhonjiswa abadlali;

(b) ongafaka, ongakhulisa nongehlisa isamba sokubheja noma anqume indlela yokudlala emdlalweni –

(i) ngemuva kokuba esethole ulwazi, abangenalo bonke abadlali, mayelana nomphumela walowo mdlalo noma umcimbi othinta umphumela womdlalo, noma umphumela wawo okuyiwona obhejelwayo; noma

(ii) asize omunye umuntu athole ulwazi, abangenalo abanye abadlali, lomphumela walowo mdlalo noma walowo mcimbi oluthinta umphumela womdlalo, noma umphumela wokubheja, ngenhloso yokufaka, yokukhulisa noma yokwehlisa ukubheja noma ngenhloso yokunquma indlela yokudlala, ngokuhambisana nomphumela;

(c) ongabiza, ongaqoqa noma athathe, noma azame ukubiza, ukuqoqa noma ukuthatha, imali nanoma yini enye into yenani emdlalweni wokugembula, ngenhloso yokukhwabanisa, engazange abheje lapho, noma ofuna ukubiza, ukuqoqa noma ukuthatha isamba esikhulu kunaleso asiwinile;

(d) ongafaka noma akhulise isamba sokubheja ngemuva kokuthola ulwazi mayelana nomphumela womdlalo wekhasino, umcimbi wezemidlalo, umjaho wamahhashi noma

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omunye umcimbi noma umdlalo obhejelwayo;

(e) ongehlisa isamba esifakiwe noma ongahoxa ekubhejeni ngemuva kokuthola ulwazi mayelana nomphumela womdlalo wekhasino, umcimbi wezemidlalo, umjaho wamahhashi noma omunye umcimbi noma umdlalo obhejelwayo; noma

(f) ongabulala noma axakazise noma iyiphi impahla yemidlalo yemali ngendlela eshayisanayo nendlela leyo mpahla eyakhiwe futhi esetshenziswa ngayo, okungenzeka kubangele ukuthi ilimale noma ukuyixakazisa kwakhe okungaphazamisa imiphumela yomdlalo.

Ukusetshenziswa ngokungemthetho kwama-coins, kwama-counterfeit chips, kwama-plaque kanye nama-token

181.(1) Uma ama-*coin* okudlala kutholakala ukuthi asetshenziswe ngokungemthetho ezakhiweni ezinelayisensi futhi ngaphandle uma iBhodi noma inkantolo efanele ikhipha omunye umyalelo, umnikazi welayisensi angasebenzisa lawo ma-*coin* okungawakwiRiphabhulikhi yaseNingizimu Afrika, noma okungawakwelinye izwe, ngokuthi –

- (a) afake, uma kuyimali yakuleli, lawo ma-*coin* endaweni yokugcina ama-*coin* yomnikazi welayisensi;
- (b) ashintshe, uma kungama-*coin* akwelinye izwe, lawo ma-*coin* abuyele emalini yakuleli bese ewagcina endaweni yokugcina ama-*coin* yomnikazi welayisensi; noma
- (c) awagcine nganoma iyiphi enye indlela esemthethweni.

(2) Umnikazi welayisensi ngayinye kumele aqophe –

- (a) isibalo nesamba, okuyisona nokushintshelwe kuso noma imaphi ama-*chip*, ama-*plaque* kanye nama-*token* abulewe noma ashintshiwe ngokwalo mthethonqubo;
- (b) usuku okutholakale ngazo ama-*chip*, ama-*plaque* kanye nama-*token*;
- (c) usuku, indawo nendlela okubulawe ngayo noma ezinye izindlela okusetshenziswe ngazo kubandakanya ukuthi, uma kungama-*coin* akwamanye amazwe, amanani ashintshwe ngawo kanye nebhange elisetshenzisiwe, inkampani eshintsha izimali noma elinye ibhizinisi noma umuntu okushintshiselwene naye;
- (d) amagama abantu abawabulalile noma abawasebenzise ngenye indlela egameni lomnikazi welayisensi; kanye
- (e) nalolo lwazi olungadingwa yiBhodi.

Ukuvalelwa nokuphekwa ngemibuzo komuntu osolwa ngokuphula umthetho

182. Noma imuphi umhloli noma umnikazi welayisensi noma umsebenzi wakhe, noma i-ejenti yakhe onesizathu esizwakalayo sokukholwa ukuthi kuphulwe le Ngxenywe noma isigaba 142 soMthetho yinoma imuphi umuntu, angavalela lowo muntu, azise uMbutho wamaphoyisa aseNingizimu Afrika futhi avalele lowo muntu ezakhiweni ezinelayisensi ngendlela efanele kuze kufike amaphoyisa.

Ukuthathwa kwempahla nemishini

183.(1) Noma iyiphi impahla noma umshini esetshenziswa noma engakwazi ukusetshenziswa ukukhwabanisa umdlalo wokugembula ingathathwa umhloli noma yiphoyisa.

(2) Noma iyiphi impahla noma umshini okukhulunywe ngawo kwisigatshana somthethonqubo (1)

—

(a) akumele ubuyiselwe kumnikazi wawo noma komunye umuntu; futhi

(b) kumele ugcinwe noma uhlakazwe ngendlela enqunywe yiBhodi eMithethweni yayo.

*Ingxenywe 3**Ezingxubevange: Izikhalo***Isikhalo ngesinqumo sekomidi, sonikezwe amandla noma sesiKhulu esiPhezulu**

184.(1)(a) Isikhalo ngesinqumo sekomidi leBhodi, noma ngesinqumo sesiKhulu esiPhezulu, noma ngesinqumo sonikezwe amandla yiBhodi, ngokwesigaba 140 soMthetho, kumele senziwe ngokuthi kuthunyelwe kwisiKhulu esiPhezulu isaziso esibhalwe phansi sokukhalaza kwiBhodi, esibeka izizathu okususelwe kuzona isikhalo.

(b) Leso saziso sesikhalo kwiBhodi kumele sithunyelwe kwisiKhulu esiPhezulu ezinsukwini ezingama-30 kusukela osukwini okuphume ngalo isinqumo sekomidi leBhodi, sonikezwe amandla, noma sesiKhulu esiPhezulu, okuyisona esibangele isikhalo, noma ezinsukwini ezingama-21 kusukela osukwini okukhishwe ngalo incwadi yesinqumo nezizathu zesinqumo, zafinyelela ngalo kubantu abathintwa yileso sinqumo, noma ikuphi okufika kamuva.

(2) Kuncike kwimithethonqubo 166 no 176, okhalazayo kumele, uma efaka isikhalo ngokwesigatshana somthethonqubo (1), akhokhe kwisiKhulu esiPhezulu idiphozi yezi-R 2000,00.

(3)(a) Usihlalo kumele zingakedluli izinsuku ezingama-60 kufakwe isikhalo, abize umhlangano weBhodi lapho kumele isikhalo sicutshungulwe khona yiBhodi.

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(b) Amalungu eBhodi angacubungula isikhalo angabandakanya lawo malungu abeyingxenye yekomidi elikhiphe lesi sinqumo okukhalazwa ngaso.

(4) IBhodi –

(i) ingasichitha isikhalo, ingaqinisekisa isinqumo sekomidi, somuntu onikezwe amandla, noma sesiKhulu esiPhezulu, njengoba kungaba njalo futhi –

(aa) iyalele ukuthi idiphosi ibuyiswe, ngemuva kokuchitha isikhalo, noma uma isikhalo sihoxisiwe ngaphambi kokuthi iBhodi isicubungule, ngesikhathi isaziso sokuhoxisa isikhalo sitholakala; noma

(bb) iyalele ukuba kudliwe noma iyiphi idiphosi ekhokhiwe, uma iBhodi ibona ukuthi isikhalo besiyimfeketho;

(ii) ingaqinisekisa isikhalo, noma ingxenye yaso futhi iyalele ukuthi idiphosi ekhokhiwe ibuyiselwe bese –

(aa) ishintsha isinqumo salelo komidi salowo onikezwe amandla noma sesiKhulu esiPhezulu; noma

(bb) iguqule isinqumo se komidi sonikezwe amandla noma sesiKhulu esiPhezulu.

(5) IsiKhulu esiPhezulu kumele sazise okhalazayo mayelana nesinqumo seBhodi, ezinsukwini eziyi-14.

(6) Okhalazayo kumele anikezwe izingathu ezibhalwe phansi uma ezicela.

Isikhalo ngesinqumo seBhodi

185.(1)(a) Isikhalo esibhekiswe kwiLungu loMkhandlu oPhethe ngesinqumo seBhodi ngokwesigaba 140 soMthetho kumele senziwe ngokuthi kuthunyelwe isaziso esibhalwe phansi kwisiKhulu esiPhezulu esibeka izingathu okususelwa kuzo lesi sikhalo.

(b) Leso saziso sesikhalo kumele sithunyelwe kwisiKhulu esiPhezulu ezinsukwini ezingama-30 kusukela osukwini lwesinqumo okukhalazwa ngaso, noma ezinsukwini ezingama-21 kusukela osukwini isaziso esihlongozwe kumthethonqubo 184(5) sanikezelwa kokhalazayo, noma ikuphi okuza kamuva.

(2) Kuncike ezinhlinzekweni zemithethonqubo 166 no 176, okhalazayo kumele, uma efaka isikhalo ngokwesigatshana somthethonqubo (1), akhokhe kwisiKhulu esiPhezulu idiphosi yezi-R2 000,00.

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(3) IBhodi kumele, ezinsukwini eziyisikhombisa kufakwe isaziso sesikhalo, idlulisele ikhophi yesaziso sesikhalo, kanjalo nekhophi yezizathu zesinqumo seBhodi nazo zonke ezinye izincwadi ezidingekayo, kwiLungu loMkhandlu oPhethe ukuze likucubungule.

(4) ILungu loMkhandlu oPhethe kumele licubungule isikhalo zingakedluli izinsuku ezingama-30 lithole izincwadi ezihlongozwe kwisigatshana somthethonqubo (3).

(5) ILungu loMkhandlu oPhethe lingaqoka ithimba lesikhalo ukuba licubungule futhi lileluleke mayelana nesikhalo.

(6) ILungu loMkhandlu oPhethe –

(a) lingachitha isikhalo, liqinisekise isinqumo seBhodi –

(i) liyalele ukuthi idiphozi ibuyiswe, ngemuva kokuchitha isikhalo, noma uma isikhalo sihoxisiwe ngaphambi kokuthi liscubungule, ngesikhathi isaziso sokuhoxisa isikhalo sitholakala; noma

(ii) liyalele ukuba kudliwe noma iyiphi idiphozi ekhokhiwe, uma libona ukuthi isikhalo besiyimfeketho;

(b) lingaqinisekisa isikhalo noma ingxenye yaso, liyalele ukuthi idiphozi ekhokhiwe ibuyiselwe futhi –

(i) lifake isinqumo salo esikhundleni sesinqumo seBhodi; noma

(ii) lishintshe isinqumo seBhodi; noma

(c) libuyisele isicelo emuva kwiBhodi ukuba isicubungule kabusha futhi ithathe isinqumo, ngemiyalelo elingayibona ifanele.

(7) ILungu loMkhandlu oPhethe kumele, ezinsukwini eziyi-14 likhiphe isinqumo, lazise iBhodi kanye nobefake isikhalo, ngencwadi mayelana nesinqumo salo.

(8) Okhalazayo kumele anikezwe izizathu mayelana nesinqumo uma ecela ngencwadi.

(9) Amandla anikezwe iLungu loMkhandlu oPhethe ngokwalesi sigaba ngeke adluliselwe komunye umuntu.

(10) ILungu loMkhandlu oPhethe ngokubona kwalo, lingakwazi ukudlulisela isikhalo kunoma iliphi elinye iLungu loMkhandlu oPhethe esiFundazweni ukuze lithathe isinqumo uma –

(a) iLungu loMkhandlu oPhethe libona ukuthi isinqumo kuzoba ngcono uma sithathwa

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elinye iLungu loMkhandlu oPhethe esiFundazweni; noma

(b) okhalazayo ngokwesigatshana somthethonqubo (1) ecele ukuba isinqumo senziwe omunye umuntu ngale kweLungu loMkhandlu oPhethe futhi okhalazayo enizeke izizathu ezizwakalayo.

Ingxenye 4

Ezingxubevange: Izinsuku zokukhokhwa kweNtela neziTatimende zeNtela

Izinsuku zokukhokhwa kwentela kanye nokuthunyelwa kwezitatimende zentela

186.(1) Bonke abanikazi bamalayisensi, ngale kwabantu abanamalayisensi obubhuki noma ethotho, kumele bakhokhe, esiKhwameni seNgeniso sesiFundazwe, zingakedluli izinsuku eziyi-10 kuphele inyanga ngayinye, izintela okudingeka zikhokhwe yilowo mnikazi welayisensi kuleso sikhathi esinqunyelwe ukukhokha intela esiphelayo, ngokuhambisana nezinhlinzeko zoMthetho weNtela yeMidlalo yeMali nokuBheja waKwaZulu-Natali.

(2) Ngokwenhloso yalo mthethonqubo, **“isikhathi esinqunyelwe intela”** kushiwo inyanga ephelele yekhalenda.

(3) IBhodi kumele inqume indlela yokwenza izitatimende zentela yohlobo ngalunye lwebhizinisi, okumele ihambisane nokudalulwa kwezintela ezishodayo kumnikazi welayisensi ngamunye mayelana nesikhathi esinqunyelwe intela.

(4) Umnikazi welayisensi ngamunye kumele, ezinsukwini eziyi-10 ngemuva kokuphela kwenyanga ngayinye, athumele isitatimende sentela esiphelele kwisiKhulu esiPhezulu.

(5) Ifomu lesitatimende sentela elingagcwalisiwe kahle kumele lithathwe njengelingazange lithunyelwe kwisiKhulu esiPhezulu.

(7) Uma umnikazi welayisensi ehluleka ukukhokha intela noma ukuthumela ifomu lesitatimende sentela ngesikhathi, lowo mnikazi welayisensi uthathwa njengomisiwe uma engakasihambisi isitatimende futhi engagayikhokhi intela ayikweletayo nezinhlawulo.

(8) Uma umnikazi welayisensi ehluleka ukukhokha intela ayikweletayo noma ukuthumela ifomu lesitatimende sentela ngesikhathi, isiKhulu esiPhezulu kumele ngokushesha sazise lowo mnikazi

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welayisensi ukuthi usethathwa njengomisiwe futhi, ngaphandle uma engaveza izizathu ezizwakalayo kwisiKhulu esiPhethe sokuthi kungani kungamele amiswe, isiKhulu esiPhezulu kumele sithathe isinyathelo sokumisa lowo mnikazi welayisensi.

(9) Noma imuphi umnikazi welayisensi oqhubeka nokusebenza ngesikhathi emisiwe ngokwalo mthethonqubo, uyothweswa icala.

Ingxenye 5

Ezingxubevange: Ukwelulelwa isiKweletu

Ukwelulelwa isikweletu

187. Akukho mnikazi welayisensi ongavumela noma iliphi ikhasimende ukuthi ligembule ngesikweletu ezakhiweni zakhe, ngendlela okungenzeka ukuthi iyashayisana nemithetho kazwelonke ephathelene nokugunyazwa kwezikweletu, noma eshayisanayo nemithetho esebenzayo esungulwe iBhodi.

ISAHLUKO 12

UKUCHITHWA KWEMITHETHONQUBO NESIHLOKO ESIFINGQIWE

Ingxenye 1

Ukuchithwa kweMithethonqubo

Ukuchithwa kwemithethonqubo

188. Imithethonqubo okukhulunywe ngayo esigabeni 150(a) soMthetho ngalokhu iyachithwa.

Ingxenye 2

Isihloko esifingqiwe

Isihloko esifingqiwe

189. Le mithethonqubo ibizwa ngeMithethonqubo yeMidlalo yeMali nokuBheja yaKwaZulu-Natali, 2012.