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KWAZULU-NATAL PROVINSIE
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PART 1 OF 2

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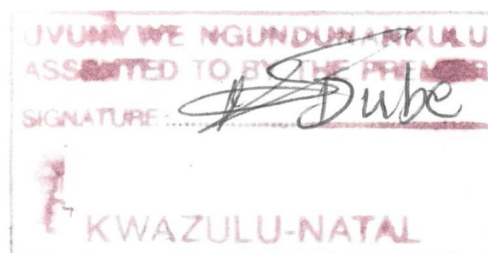
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ACTS • WETTE

NOTICE 16 OF 2023

[English text signed by the Premier]

**KWAZULU-NATAL
ECONOMIC REGULATORY AUTHORITY ACT, 2024
(Act No. 01 of 2024)**



Assented to on 09-04-2024

.....

ACT

To provide for the establishment of the KwaZulu-Natal Economic Regulatory Authority in order to effect the governance and regulation of the gaming, horse racing, betting and liquor industries in the Province under the auspices of the Authority; to provide for the dissolution of the KwaZulu-Natal Gaming and Betting Board and the KwaZulu-Natal Liquor Authority and the transfer of the powers, functions and duties of the former Authority and Board to the KwaZulu-Natal Economic Regulatory Authority; to amend the KwaZulu-Natal Gaming and Betting Act, 2010, and the KwaZulu-Natal Liquor Licensing Act, 2010, so as to repeal the provisions relating to the former Authority and Board and to substitute the references to the former Authority and Board for the KwaZulu-Natal Economic Regulatory Authority; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of the Province of KwaZulu-Natal, as follows

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CHAPTER 1
INTERPRETATION, OBJECTIVES, APPLICATION AND PRINCIPLES

Definitions

1.(1) Words derived from the word or terms defined have corresponding meanings, unless the context indicates otherwise.

(2) Any term or provision of this Act must be reasonably interpreted in a manner that is consistent with the purpose and objectives of this Act.

(3) In this Act, unless the context otherwise indicates –

“**annual performance plan**” has the meaning ascribed to it by the national Department of Planning, Monitoring and Evaluation;

“**audit committee**” means an audit committee as contemplated in section 77 of the Public Finance Management Act;

“**Authority**” means the KwaZulu-Natal Economic Regulatory Authority established in terms of section 8;

“**Board**” means the Board of the Authority established in terms of section 11;

“**business day**” means any day other than a Saturday, Sunday, or official public holiday in the Republic of South Africa;

“**Chairperson**” means the Chairperson of the Board, and includes a person who is acting as Chairperson;

“**Chief Executive Officer**” means the Chief Executive Officer of the Authority appointed in terms of section 37;

“**committee**” means a committee of the Board established in terms of section 26;

“**company**” means a company as defined in the Companies Act, 2008 (Act No. 71 of 2008);

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**Department**” means the department or departments responsible for gaming, horse racing and betting, and liquor in the Province;

“**direct interest**” means –

- (a) the ownership of shares in a company or entity;
- (b) an interest in a close corporation;
- (c) an interest in a partnership;
- (d) a real or personal right in property used by a company, corporation, trust, business or other legal entity;
- (e) an interest in a trust;
- (f) in respect of a business, undertaking or other entity, with or without legal personality, any interest which enables the holder thereof to share in the profits and revenue of such business, undertaking or other entity;
- (g) remuneration, directorship, consultancy and retainership;
- (h) a loan account;
- (i) a remuneration, income, revenue, entitlement to revenue, shares, interest, donation, gift or any other benefit accruing to a person prior to or pursuant to the granting of a licence for the establishment, licensing or operation of a liquor, gaming, horse racing or betting establishment;
- (j) the conclusion or existence of any contract or agreement with an applicant for a licence, an existing licence holder or a registrant in terms of this Act; and
- (k) a personal interest,

and “**indirect interest**”, in respect of a relative, business partner, associate or employer, other than the State, has a corresponding meaning;

“**Executive Council**” means the Executive Council of the Province contemplated in section 132 of the Constitution;

“**Gazette**” means the official *Provincial Gazette* of the Province;

“**Head of Department**” means the head of the department or heads of the departments responsible for gaming, horse racing and betting, and liquor in the Province;

“**interim Board**” means the interim Board contemplated in section 51(1)(a)(i);

“**interim Chief Executive Officer**” means the interim Chief Executive Officer as contemplated in section 51(1)(b);

“**internal audit**” means a system of internal audit as contemplated in sections 51(1)(a)(ii) and 76(4)(e) of the Public Finance Management Act;

“**KwaZulu-Natal Gaming and Betting Act**” means the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 8 of 2010), and includes any regulations, notices, practice notes or circulars, made, issued or published in terms thereof;

“**KwaZulu-Natal Liquor Licensing Act**” means the KwaZulu-Natal Liquor Licensing Act, 2010 (Act No. 6 of 2010), and includes any regulations, notices, practice notes or circulars, made, issued or published in terms thereof;

“**MEC**” means the Member or Members of the Executive Council responsible for gaming, horse racing and betting, and liquor in the Province;

“**member**” means a member of the Board as contemplated in section 14;

“**member of a committee**” means a member of a committee established by the Board in terms of section 26;

“**municipality**” means a municipality as contemplated in section 155 of the Constitution of the Republic of South Africa, 1996, and established by and under sections 11 and 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), read with sections 3, 4 and 5 of the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000), and “**district municipality**” and “**metropolitan municipality**” have a corresponding meaning;

“**municipal organ of state**” means an organ of state in the local sphere of government;

“**National Gambling Act**” means the National Gambling Act, 2004 (Act No. 7 of 2004), and includes any regulations, notices, practice notes or circulars, made, issued or published in terms thereof;

“**organ of state**” has the meaning assigned to it in section 239 of the Constitution of the Republic of South Africa, 1996;

“**person**” includes a natural or a juristic person, a group of such persons or a corporate body;

“**policy**” means a policy approved by –

- (a) national Cabinet and published in the *Government Gazette*;
- (b) the Executive Council or a municipal council and published in the *Provincial Gazette*; or
- (c) the Board, as the case may be;

“**political office bearer**” means a –

- (a) member of the National Assembly, the National Council of Provinces or the national Cabinet;
- (b) member of a provincial legislature or a provincial Executive Council;
- (c) municipal councillor;
- (d) diplomatic representative of the Republic who is not a member of the public service;
- (e) member of a house of traditional and Khoi-San leaders;
- (f) traditional leader or Khoi-San leader recognised in terms of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019); or
- (g) national, provincial or local office bearer of a political party, organisation, body, alliance or movement registered in terms of section 15 or 15A of the Electoral Commission Act, 1996 (Act No. 51 of 1996);

“**Portfolio Committee**” means the Portfolio Committee or Portfolio Committees of the Provincial Legislature responsible for gaming, horse racing and betting, and liquor in the Province;

“**Promotion of Access to Information Act**” means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), and includes any regulations, notices, practice notes or circulars, made, issued or published in terms thereof;

“**Protection of Personal Information Act**” means the Protection of Personal Information Act, 2013 (Act No. 4 of 2013), and includes any regulations, notices, practice notes or circulars, made, issued or published in terms thereof;

“**Province**” means the Province of KwaZulu-Natal contemplated in section 103 of the Constitution and “**provincial**” has a corresponding meaning;

“**Provincial Legislature**” means the Legislature of the Province as contemplated in section 105 of the Constitution, and having the legislative authority of the Province as

contemplated in section 104 of the Constitution;

“Provincial Treasury” means the Treasury established for the Province in terms of section 17 of the Public Finance Management Act;

“Public Finance Management Act” means the Public Finance Management Act, 1999 (Act No. 1 of 1999), and includes any regulations, notices, practice notes or circulars, made, issued or published in terms thereof;

“regulations” means a regulation, or regulations made in terms of this Act;

“relative” means a –

- (a) person who is party to a civil union, a marriage, including a customary marriage, or a party to a permanent relationship which calls for cohabitation and mutual financial and emotional support; or
- (b) person's child, parent, brother or sister, whether such relationship results from birth, marriage or adoption;

“staff member” means a member of staff of the Authority transferred to, or appointed by, the Authority in terms of section 40 or 41, as the case may be;

“sworn declaration” includes a confirmed statement made before a commissioner of oaths; and

“this Act” means the KwaZulu-Natal Economic Regulatory Authority Act, 2024, and includes any regulations, notices, practice notes or circulars, made, issued or published in terms thereof.

Objectives of Act

2. The objectives of this Act are to establish the KwaZulu-Natal Economic Regulatory Authority as a provincial public entity in accordance with the provisions of the Public Finance Management Act and to provide for the governance structures, management and administration of the Authority to govern the –

- (a) gaming, horse racing and betting industries with reference to applicable national legislation, the KwaZulu-Natal Gaming and Betting Act, and other relevant provincial legislation; and
- (b) liquor industry with reference to applicable national legislation, the KwaZulu-Natal

Liquor Licensing Act, and other relevant provincial legislation.

Application of Act

3. This Act –

- (a) applies to the Province as a whole; and
- (b) binds all provincial and municipal organs of state.

Principles

4.(1) In the application of this Act, the Authority must –

- (a) act in –
 - (i) an efficient;
 - (ii) an effective;
 - (iii) a transparent;
 - (iv) a legitimate; and
 - (v) a credible, manner;
- (b) act with integrity;
- (c) observe high ethical standards;
- (d) commit to service excellence;
- (e) commit to deliver on its mandate;
- (f) ensure –
 - (i) just administrative action, reasonableness, procedural and substantive fairness and impartiality with regard to all matters within its functional domain; and
 - (ii) effective, transparent, accountable and coherent consultation and cooperation with all provincial and municipal organs of state and other stakeholders; and
- (g) adhere to the principles of sound corporate governance.

(2) The Authority must exercise its powers, perform its functions and carry out its duties in accordance with –

- (a) applicable constitutional provisions, including the provisions governing cooperative governance;
- (b) the provisions of this Act and other applicable legislative and policy provisions; and
- (c) the principles set out in subsection (1).

CHAPTER 2

DISESTABLISHMENT OF KWAZULU-NATAL GAMING AND BETTING BOARD AND KWAZULU-NATAL LIQUOR AUTHORITY

Disestablishment of KwaZulu-Natal Gaming and Betting Board and KwaZulu-Natal Liquor Authority

5. The KwaZulu-Natal Gaming and Betting Board, established in terms of section 5(1) of the KwaZulu-Natal Gaming and Betting Act, and the KwaZulu-Natal Liquor Authority, established in terms of section 5(1) of the KwaZulu-Natal Liquor Licensing Act, are hereby disestablished.

Consequences of disestablishment

6.(1) The Authority is the successor-in-law to the KwaZulu-Natal Gaming and Betting Board and the KwaZulu-Natal Liquor Authority.

(2) The Authority is responsible for –

(a) the management of operations and all risks associated with the –

(i) disestablishment of the KwaZulu-Natal Gaming and Betting Board and the KwaZulu-Natal Liquor Authority; and

(ii) establishment of the Authority; and

(b) any power exercised, function performed, and duty carried out by the KwaZulu-Natal Gaming and Betting Board and the KwaZulu-Natal Liquor Authority prior to their disestablishment.

(3)(a) All assets, liabilities, rights and obligations vested in, and all administrative, financial and other records kept by, the KwaZulu-Natal Gaming and Betting Board and the KwaZulu-Natal Liquor Authority, vest in the Authority.

(b) The Registrar of Deeds must make the necessary entries or endorsements for the transfer of any property in terms of paragraph (a), and no transfer fee, office fee or other charge is payable in respect of that entry or endorsement.

(4) With effect from the date of commencement of this Act –

(a) all staff members of the KwaZulu-Natal Gaming and Betting Board and the KwaZulu-Natal Liquor Authority are deemed to be staff members of the Authority as contemplated in section 40; and

(b) the members of the boards of the KwaZulu-Natal Gaming and Betting Board and the KwaZulu-Natal Liquor Authority are deemed to have resigned from their positions as members of the respective boards.

Continued application of existing laws

7. Subject to the provisions of Schedule 1, read with sections 50 and 51, the –

(a) KwaZulu-Natal Gaming and Betting Act; and

(b) KwaZulu-Natal Liquor Licensing Act,
remain in force until such time as amended or replaced by applicable legislation.

CHAPTER 3

ESTABLISHMENT OF KWAZULU-NATAL ECONOMIC REGULATORY AUTHORITY

Establishment of Kwazulu-Natal Economic Regulatory Authority

8.(1) A juristic person to be known as the KwaZulu-Natal Economic Regulatory Authority is hereby established as a provincial public entity in accordance with the provisions of the Public Finance Management Act.

(2) The Authority may only be dissolved in terms of an Act of the Provincial Legislature.

Objectives of Authority

9. The objectives of the Authority are to regulate the –

- (a) gaming, horse racing and betting industry in accordance with applicable national legislation, the KwaZulu-Natal Gaming and Betting Act, and other relevant provincial legislation; and
- (b) liquor industry in accordance with applicable national legislation, the KwaZulu-Natal Liquor Licensing Act, and other relevant provincial legislation.

Powers, functions and duties of Authority

10. The Authority –

- (a) must exercise the powers, perform the functions and carry out the duties as set out in –
 - (i) this Act;
 - (ii) section 7 of the KwaZulu-Natal Gaming and Betting Act;
 - (iii) section 7 of the KwaZulu-Natal Liquor Licensing Act; and
 - (iv) any other law; and
- (b) may exercise such powers, perform such functions and carry out such duties as may be reasonably necessary or expedient for the achievement of the objectives of this Act, the Acts referred to in paragraphs (a)(ii) and (a)(iii) or any other law, to the extent that such other law is applicable to the Authority.

CHAPTER 4 GOVERNANCE ARRANGEMENTS

Establishment of Board

11.(1) The Authority is governed by a Board which –

- (a) is responsible for governance, oversight and monitoring; and
- (b) directs the Authority in the exercise of its powers, the performance of its functions, and the carrying out of its duties in accordance with this Act, the Public Finance Management Act and the principles of good governance.

(2) The Board –

- (a) must establish an organisational structure to manage –
 - (i) the gaming, horse racing and betting sector; and
 - (ii) the liquor sector; and
- (b) may establish a transversal shared services component for the Authority.

(3) The Board, after consultation with the MEC and the Chief Executive Officer, may restructure the Authority if, in its opinion, it is necessary for the effective exercise of powers, performance of functions and carrying out of duties by the Authority.

(4) The Board is the accounting authority as contemplated in section 49(2)(a) of the Public Finance Management Act.

(5) The Board must, within a period not exceeding three months after its appointment, conclude a mutually binding agreement with the MEC to regulate the relationship between the MEC and the Board.

(6) The Board must, within a period not exceeding three months after its appointment, approve a Board Charter to –

- (a) regulate the proceedings of the Board and any committee established in accordance with section 26;
- (b) determine the powers, functions and duties of committees established in accordance with section 26;
- (c) determine the relationship between the Board and –
 - (i) the Chief Executive Officer;
 - (ii) the Board secretary; and
 - (iii) internal audit; and

(d) provide for any other matter that may be required for the effective and optimal operation of the Board:

Provided that the Board must annually, within a period not exceeding three months after the beginning of every financial year, review the Board charter.

Role of MEC

12.(1) The MEC –

(a) is the executive authority as contemplated in section 1 of the Public Finance Management Act;

(b) must, within a period not exceeding three months after the commencement of this Act, appoint the Board as contemplated in section 14; and

(c) must monitor the Authority and the Board in the exercise of their powers, the performance of their functions and the carrying out of their duties.

(2) The members referred to in section 14(c) must –

(a) facilitate liaison between the MEC and the Board; and

(b) report to the MEC from time to time regarding matters which are considered relevant.

(3) The MEC may –

(a) by notice in the *Gazette*, determine –

(i) norms and standards for the exercise of the Authority's powers, the performance of its functions and the carrying out of its duties; and

(ii) limits on fees charged by the Authority in the exercise of its powers, the performance of its functions and the carrying out of its duties; and

(b) issue directives to the Authority on –

(i) policy, planning, strategy and procedural issues to ensure its effective and efficient functioning; and

(ii) measures to achieve the norms and standards contemplated in paragraph (a)(i).

Role of Head of Department

13. The Head of Department is the designated accounting officer of the Department as contemplated in the Public Finance Management Act.

Composition of Board

14. The Board consists of –

(a) at least five and no more than seven members appointed by the MEC in terms of

section 16;

(b) the Chief Executive Officer as an *ex officio* member, who does not have the right to vote at meetings of the Board or any of its committees; and

(c) one or more employees of the Department, whom the MEC may, in his or her discretion, appoint as his or her representatives on the Board, which representatives may attend meetings of the Board and any of its committees and participate in discussions, but do not have the right to vote at such meetings: Provided that the MEC may vary or remove such representatives as he or she deems necessary.

General requirements for Board members

15.(1) Members must –

- (a) be fit and proper persons;
- (b) hold office in the best interest of the Authority and the Province;
- (c) have appropriate qualifications and experience; and
- (d) be independent, impartial and fair.

(2) A person is disqualified from becoming or remaining a member if that person –

- (a) is not or is no longer a citizen of the Republic;
- (b) is a political office bearer;
- (c) with the exception of a member contemplated in section 14(b) and (c), is in the full-time employ of an organ of state;
- (d) is an advisor or a special advisor to an organ of state or to a political office bearer;
- (e) is an official or employee of a municipality established in terms of section 155(1) of the Constitution;
- (f) has or acquires a direct or indirect interest in any liquor, gaming, horse racing and betting activity;
- (g) has or acquires a direct or indirect interest in any business or enterprise that may conflict or interfere with the proper performance of his or her functions as a member;
- (h) fails to disclose a direct or indirect interest in accordance with section 18(4) or attended or participated in the proceedings of the Board while having an interest referred to in that section;
- (i) has a direct or indirect interest in any contract with the Authority and fails to declare his or her interest and the nature thereof in the manner required by this Act;
- (j) is or becomes an unrehabilitated insolvent;
- (k) is or has been declared by a competent court to be of unsound mind;
- (l) is or becomes a person under curatorship;
- (m) is or has been removed from office in terms of section 20(1) or (2);

(n) is or has been declared a delinquent director as contemplated in section 162 of the Companies Act, 2008 (Act No. 71 of 2008);

(o) is or has, at any time, been removed from any office of trust on account of misconduct or dishonesty; or

(p) is or has been convicted, in the Republic or elsewhere, of an offence –

(i) involving dishonesty, theft, fraud, forgery or uttering a forged document, or perjury;

(ii) under the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004);

(iii) under Chapter 2 or 3 of the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998);

(iv) under the Financial Intelligence Centre Act, 2001 (Act No. 38 of 2001);

(v) under the Companies Act, 2008 (Act No. 71 of 2008);

(vi) under this Act; or

(vii) under any other similar law:

Provided that a disqualification in terms of this paragraph ends five years after the sentence has been completed.

(3)(a) If any member during his or her term of office is disqualified in terms of subsection (2), or acquires an interest which is likely to be a direct or indirect interest, he or she must within a period not exceeding ten business days after he or she has been disqualified or after the acquisition of such interest, or after he or she has become aware of such information, in writing declare such interest to the –

(i) Chairperson, or if the declaration concerns the Chairperson, the Deputy Chairperson; and

(ii) MEC.

(b) Upon receipt of information from a member as contemplated in paragraph (a), the MEC must, subject to section 20(2), terminate with immediate effect the term of office of such member.

Appointment procedure

16.(1) Whenever it is necessary to appoint a member or members as contemplated in section 14(a), the MEC must, within 20 business days –

(a) invite nominations through advertisements in the *Gazette* and at least two provincial newspapers, one in English and one in *isiZulu*, which advertisements must prescribe –

(i) the nomination procedure and the closing date by which nominations must be received; and

- (ii) the information, qualifications and experience required for nomination; and
- (b) compile a list of the names of persons nominated, setting out the full particulars of each individual nominee.

(2) Any nomination made pursuant to an advertisement in terms of subsection (1)(a) must be supported by –

- (a) the personal and contact details of the nominee;
- (b) particulars of the nominee's qualifications and experience; and
- (c) any other information that may be prescribed as contemplated in subsection (1)(a).

(3) A person who has been nominated to serve on the Board in terms of subsection (2) must, within ten business days of being nominated, submit to the MEC his or her –

- (a) signed acceptance of the nomination;
- (b) sworn statement declaring that he or she is not disqualified from appointment in terms of section 15(1) and (2); and
- (c) sworn declaration of all his or her direct and indirect interests.

(4) Any failure by the nominee to disclose any disqualification criterion or any direct or indirect interest in terms of subsection (3)(b) and (c) disqualifies the nominee from being considered for the position of a member.

(5) The MEC must appoint a panel to review and evaluate all the nominations and thereafter to shortlist and make recommendations to him or her regarding the nominees: Provided that the shortlist and recommendations must be submitted to the MEC within 20 business days after the appointment of the panel.

(6) The MEC must, within ten business days of receiving the shortlist and recommendations contemplated in subsection (5) –

- (a) consider the recommendations; and
- (b) make the required number of appointments from the list of nominees referred to in subsection (1)(b): Provided that if the shortlisted nominees do not comply with the requirements for qualification and the criteria provided for in this Act, the MEC must advertise for nominations again for the outstanding number of appointments in accordance with the provisions of this section.

(7) In appointing a member or members contemplated in section 14(a), the MEC must ensure that the Board is broadly representative and collectively composed of persons with corporate

governance experience and a broad range of other applicable skills, expertise and experience, and who are preferably resident in KwaZulu-Natal, with specific representation by at least one person who –

- (a) has proven business acumen in, and knowledge of, the liquor industry;
- (b) has proven business acumen in, and knowledge of, the gaming industry;
- (c) has proven business acumen in, and knowledge of, the horse racing and betting industry;
- (d) is qualified to be admitted to practice as a legal practitioner in the Republic and has, for a cumulative period of at least ten years after having so qualified, practiced as a legal practitioner or performed services related to the application or administration of commercial law;
- (e) is qualified and registered as a chartered accountant in the Republic and has, for a cumulative period of at least ten years after having so qualified, practiced as a chartered accountant;
- (f) is nominated by the South African National Council on Alcoholism and Drug Dependence; and
- (g) is nominated by the Board of the South African Responsible Gambling Foundation.

(8) The MEC must notify, in writing, the persons appointed to the Board of their appointment, and the date upon which the appointment to the Board takes effect.

(9) The MEC must, within ten business days of making an appointment as contemplated in subsection (6)(b) –

- (a) inform the –
 - (i) Executive Council;
 - (ii) Portfolio Committee;
 - (iii) portfolio committee responsible for finance in the Province; and
 - (iv) portfolio committee responsible for community safety, security and liaison in the Province,of the names of all persons appointed to the Board; and
- (b) publish the names by notice in the *Gazette* and in at least two provincial newspapers, one in English and one in *isiZulu*.

(10) Where it is shown that any one or more members were not properly appointed, such circumstance does not invalidate or affect any resolution, decision, authority or action taken by the Board, unless a Court considering the validity of a particular resolution, decision, authority or action decides that such resolution, decision, authority or action must be set aside.

Chairperson and Deputy Chairperson

17.(1) The MEC must appoint a Chairperson and a Deputy Chairperson from the members: Provided that the Chairperson and Deputy Chairperson must be a member as contemplated in section 14(a).

(2) The MEC may, for good reason, withdraw or vary such appointments.

(3) The Chairperson and Deputy Chairperson are appointed for such a period as the MEC may determine: Provided that such appointments may not extend beyond their term of office as members as contemplated in section 19.

(4) The Deputy Chairperson must exercise the powers, perform the functions and carry out the duties of the Chairperson if the Chairperson is absent, incapacitated, refuses or fails to act as Chairperson, or if the MEC withdraws the Chairperson's appointment.

(5) If both the Chairperson and Deputy Chairperson are absent, incapacitated, refuse or fail to exercise their powers, perform their functions or carry out their duties, or if the MEC withdraws their appointments, the MEC must appoint another member as acting Chairperson.

Standard of conduct and declaration of interests

18.(1) In this section "**member**" includes any –

- (a) member contemplated in section 14; and
- (b) member of a committee appointed in accordance with section 26.

(2) A member contemplated in subsection (1) –

- (a) must perform the functions of office in good faith and without favour or prejudice;
- (b) may not use the position, privileges or knowledge of a member for private gain or to improperly benefit another person;
- (c) may not directly or indirectly receive anything of value from any person or business that may conflict or interfere with the proper performance of his or her functions or benefit in any manner from the office that he or she holds; and
- (d) may not act in any other way that compromises the credibility, impartiality, independence, or integrity of the Authority.

(3)(a) A member contemplated in section 14(a) and (c) must submit a sworn declaration to the MEC of his or her direct or indirect interests as contemplated in this Act upon assuming office and thereafter at the beginning of every financial year: Provided that in the event that such a

member acquires a direct or indirect interest at any time after the beginning of any specific financial year, he or she must, in writing, declare such interest to the MEC within ten business days of the date of acquisition of such interest.

(b) A declaration contemplated in paragraph (a) must be in the format provided in Schedule 2.

(4) A member contemplated in subsection (1) must –

(a) at the commencement of any meeting, submit to the Chairperson of the Board or committee a written declaration of his or her direct or indirect interests in any matter before the Board or committee, in the format provided for in Schedule 2;

(b) recuse himself or herself from a matter being discussed, considered or voted upon by the Board or committee if he or she has a direct or indirect interest, or if there is a possibility that a direct or indirect interest might arise, unless the Board or committee has determined and decided that the interest disclosed is trivial or not material; and

(c) if at any stage during the course of any proceedings before the Board or a committee, it appears that he or she has or may have a direct or indirect interest, disclose the nature of such interest, recuse himself or herself and leave the meeting, unless the Board or committee has determined and decided that the interest disclosed is trivial or not material.

(5) Any disclosure made in terms of subsection (4) must be recorded in the minutes of the meeting in question.

(6) If it is subsequently established that the Board or committee took a decision on a matter in respect of which a member failed to disclose a direct or indirect interest referred to in subsections (3) or (4), such decision by the Board or committee must be reconsidered without the participation of the affected member as soon as reasonably possible after the Board or committee becomes aware of the non-disclosure: Provided that if such decision adversely affects the rights of any person and has a direct external legal effect, the Board must apply to a competent court to set such decision aside.

(7) A member contemplated in subsection (1) who contravenes or fails to comply with subsections (2), (3) and (4), as the case may be, –

(a) is guilty of misconduct; and

(b) may, subject to compliance with due process, be removed by the MEC, if, in his or her view, such contravention or failure constitutes good reason for removal.

(8) Any person may make an application, orally or in writing, for a member to recuse himself

or herself where that person has reason to believe that a member has or could reasonably be expected to have a direct or indirect interest in the outcome of a decision of the Board or committee: Provided that the person making such application must give clear reasons for his or her request.

(9) An application referred to in subsection (8) must be addressed to the –

- (a) Chairperson of the Board or committee, as the case may be; or
- (b) Deputy Chairperson of the Board or committee, as the case may be, if the application concerns the Chairperson,

who must decide on the matter and report the decision to the Board or committee, which decision must be recorded in the minutes of the meeting in question.

(10) The MEC must keep an updated register of members' interests disclosed in terms of this section, which register is a public document to which members of the public may, subject to the provisions of the Promotion of Access to Information Act and the Protection of Personal Information Act, request access during office hours.

Term of office

19.(1) Members contemplated in section 14(a) are –

- (a) appointed for a term of five years or such lesser term as the MEC may determine, or, if subsection (2) applies, for a term determined in terms of that subsection;
- (b) eligible for reappointment for one additional term not exceeding five years after completion of a term contemplated in paragraph (a), subject to the provisions of sections 15 and 16; and
- (c) after a break of at least three years after an additional term contemplated in paragraph (b) has ended, again eligible for appointment in terms of paragraph (a), subject to the provisions of sections 15 and 16, and if so appointed, again eligible for reappointment in terms of paragraph (b).

(2) Any appointment in terms of subsection (1) may, on good cause shown, be extended by the MEC for a specified period not exceeding one year.

Termination of membership, suspension from and vacating of office

20.(1) The appointment of a member contemplated in section 14(a) is terminated when he or she –

- (a) is no longer eligible to be a member in terms of section 15(2);
- (b) exceeds the member's term of office where his or her term is not extended by the

MEC as provided for in section 19(2);

(c) resigns;

(d) is unable to serve due to death or incapacity; or

(e) is removed from office in terms of subsection (2).

(2) The appointment of a member contemplated in section 14(a) may be terminated by the MEC if –

(a) he or she is absent from three or more consecutive meetings of the Board; or

(b) the MEC has made a finding that there is sufficient evidence of misconduct, dishonesty, incapacity or incompetence in respect of such member, subject to compliance with due process: Provided that the MEC may suspend a member under investigation without remuneration, subject to compliance with due process.

(3) A member contemplated in section 14(a) may resign by giving at least 20 business days written notice to the Chairperson and the MEC: Provided that the MEC may, in his or her discretion, waive the notice period.

(4) When a member ceases to be a member, he or she may no longer represent the Board in any committee or any other body of the Board.

Filling of vacancies

21. Whenever a vacancy occurs on the Board, the MEC must, within a period not exceeding six months, appoint a person to fill such vacancy for the unexpired portion of the term of office of the member in whose place such person is appointed, in accordance with the provisions of section 16.

Conditions of appointment and remuneration

22.(1) In this section "**member**" includes any –

(a) member contemplated in section 14; and

(b) member of a committee who is not a member of the Board, as contemplated in section 26.

(2) The MEC must determine the conditions of appointment of members.

(3)(a) Subject to subsections (3)(b) and (4)(a), a member may be paid from the funds of the Authority such remuneration and allowances as may be determined by the MEC in consultation with the Member of the Executive Council responsible for finance in the Province.

(b) A member who receives remuneration, allowances or other benefits by virtue of his or her office, position, post or employment in –

- (i) the National Government;
- (ii) a provincial government;
- (iii) a municipality;
- (iv) a corporation, body or institution in which the national or a provincial government has a controlling interest; or
- (v) a public entity, a national government business enterprise or a provincial government business enterprise as defined in section 1 of the Public Finance Management Act,

and who continues to receive such remuneration, allowances or other benefits while serving as a member as contemplated in subsection (1), may only receive remuneration and allowances referred to in paragraph (a) to the extent required to place such member in the financial position he or she would have been in were it not for such office, position, post or employment.

(c) Different remuneration and allowances may be determined for the following categories of members –

- (i) the Chairperson;
- (ii) the Deputy Chairperson;
- (iii) other members of the Board;
- (iv) the Chairperson of a committee;
- (v) members of committees; and
- (vi) members of committees who are not members of the Board:

Provided that a member contemplated in section 14(c) may only be reimbursed for expenses as contemplated in subsection (4)(a).

(4)(a) A member may, in respect of his or her functions as such a member, receive reimbursement from the funds of the Authority for reasonable actual subsistence and travelling expenses necessitated by the actual attendance of a meeting of the Board or a committee or an official function or event attended in his or her capacity as a member: Provided that a member contemplated in section 14(c) must receive such reimbursement from the funds of the Department.

(b) The Member of the Executive Council responsible for finance in the Province must determine procedures, including control measures, for the management, handling and processing of claims for subsistence and travelling expenses contemplated in paragraph (a).

(5) Members are appointed part-time and in a non-executive capacity.

Absence of functional Board

23.(1) If, in the opinion of the MEC, the Board does not exercise its powers, perform its functions or carry out its duties as set out in this Act, the Public Finance Management Act, any other relevant law, or in accordance with the principles of good corporate governance, the MEC may, after giving the Board the opportunity to submit written representations, declare the Board as dysfunctional by notice in the *Gazette*.

(2) If the Board has been declared as dysfunctional in terms of subsection (1), or in the event that the Board is no longer properly constituted in accordance with the provisions of section 14, the –

- (a) powers, functions and duties of the accounting authority temporarily vest in the Chief Executive Officer in accordance with the provisions of section 49(2)(b) of the Public Finance Management Act; and
- (b) MEC must, as soon as reasonably possible, but in any event within a period not exceeding three months, take all necessary steps to ensure that the Authority is governed by a functional Board.

Meetings of Board

24.(1) The Chairperson decides where and when the Board meets: Provided that the –

- (a) first meeting of the Board must be held at a place and date determined by the MEC;
- (b) Board must meet at least quarterly;
- (c) MEC may, in writing, direct the Board to meet, and may direct the place and date of the meeting; and
- (d) majority of the members contemplated in section 14(a) may request the Chairperson in writing to convene a meeting at a place and date as set out in the request, in which event the Chairperson must call such a meeting of the Board.

(2) The Chairperson, or in his or her absence, the Deputy Chairperson, presides at meetings of the Board: Provided that if both the Chairperson and Deputy Chairperson are absent from a part of a meeting, the members present must elect another member to preside at that part of the meeting.

(3) The Board may invite any staff member or any other person to attend any of its meetings where it is deemed necessary or appropriate: Provided that any such staff member or other person –

- (a) must comply with section 18; and
- (b) may not participate in any decision or vote at such a meeting.

(4)(a) The Board may, in its discretion, allow members of the public to attend any meeting of the Board.

(b) Any meeting of the Board convened for the purpose of considering representations or objections in relation to any application for a liquor, gaming, horse racing or betting licence, must be accessible to the public.

(c) The Chairperson may, in his or her discretion, direct that any person whose presence is not desirable at a meeting contemplated in paragraph (a) or (b) may not attend the meeting or must leave the meeting.

(d) Deliberations with a view to making decisions and to voting thereon in respect of any matter at a meeting, must take place behind closed doors.

(5) The Board may determine its own procedures subject to the other provisions of this Act.

Quorum and decisions

25.(1) A majority of the members contemplated in section 14(a) constitutes a quorum for a meeting of the Board.

(2) A matter before the Board is decided by the votes of a majority of the members present at the meeting: Provided that only a member contemplated in section 14(a) has the right to vote at a meeting.

(3) If, on any matter before the Board, there is an equality of votes, the member presiding at the meeting must exercise a casting vote in addition to his or her vote as a member.

(4) No decision of the Board is invalid merely by reason of a vacancy in the Board, subject to the provisions of subsections (1) and (2).

Committees

26.(1) The Board –

(a) must establish an audit committee;

(b) may establish one or more other committees to assist it in the exercise of its powers, the performance of its functions, and the carrying out of its duties;

(c) must, for each committee, appoint a Chairperson and other members;

(d) may remove a member of a committee from office at any time on good cause shown;
and

(e) may dissolve a committee at any time.

- (2) When appointing members to the audit committee, the Board must –
- (a) appoint as Chairperson of the audit committee –
 - (i) a person who is a member as contemplated in section 14(a); or
 - (ii) a person who is not a member of the Board;
 - (b) include persons who are not members of the Board; and
 - (c) ensure compliance with sections 51(1)(a)(ii) and 76(4)(d) of the Public Finance Management Act.
- (3) When appointing members to a committee contemplated in subsection (1)(b), the Board may include members who are not members of the Board.
- (4) A member of a committee who is not a member of the Board –
- (a) must comply with section 18; and
 - (b) may, except in the case of a member of the audit committee, not participate in any decision of, or vote in, such a committee.
- (5) A committee may make recommendations to the Board for discussion, amendment, rejection or adoption by the Board.
- (6) The provisions of section 22 apply, with the necessary changes, to the conditions of appointment of members of committees.
- (7) A staff member of the Authority appointed to a committee, or invited by a committee to attend a meeting –
- (a) must comply with section 18(2) and (4): Provided that, in respect of a staff member invited to attend a meeting, section 18(7)(b) does not apply;
 - (b) may not participate in any decision of, or vote in, such a committee; and
 - (c) serves on the committee, or attends a meeting of the committee, subject to the terms and conditions of his or her employment.

Minutes of meetings

27.(1) The Board must ensure that minutes of every meeting of the Board and its committees are compiled and circulated to all members of the Board or such committee, as the case may be, within a period not exceeding ten business days after such meeting.

- (2) All minutes of meetings referred to in subsection (1) must be –
- (a) tabled at the next meeting of the Board or committee, as the case may be, for

adoption and are, once adopted and signed by the Chairperson of the Board or a committee, deemed to be a correct record of the meeting and constitute *prima facie* evidence of the decisions taken by the Board or committee at such meeting; and
(b) listed in a register and kept in hard copy and electronic format once adopted and signed.

(3) The minutes of all meetings of the Board and its committees are public documents to which members of the public may, subject to the provisions of the Promotion of Access to Information Act and the Protection of Personal Information Act, request access during office hours.

Consultation and assistance to Board

28.(1) The Board may, whenever necessary, appoint or call to its assistance any person, organisation or institution for purposes of assisting or advising the Board on any matter pertaining to the exercise of its powers, the performance of its functions and the carrying out of its duties in terms of section 11 of this Act.

(2) The Board must, on appointing a person or entity as contemplated in subsection (1) –

(a) comply with the supply chain management system as contemplated in sections 51(1)(a)(iii) and 76 of the Public Finance Management Act; and

(b) conclude a written agreement with such person or entity concerned, which must include a description of the service to be rendered by the person or entity and the date by which he or she must furnish the Board with a report and recommendations in regard thereto.

(3) The terms, conditions, remuneration and allowances pertaining to the appointment of a person or entity in terms of this section must be paid out of funds of the Authority as may be determined by it and must be included in the written agreement contemplated in subsection (2).

(4) A person or entity so appointed or called upon may not participate in any decision of, or vote at, a meeting of the Board or a committee.

Delegation by Board

29.(1) When necessary for the proper performance of its functions, the Board may delegate any of its powers, functions or duties, excluding those mentioned in subsection (2), to –

(a) a member contemplated in section 14(a);

(b) a committee established in terms of section 26; or

(c) the Chief Executive Officer:

Provided that every delegation must comply with the provisions of section 42(2) and (3).

(2) The Board may not delegate the following powers, functions and duties:

(a) the appointment or reappointment of the Chief Executive Officer and any determination of Chief Executive Officer's terms and conditions of employment as contemplated in section 37;

(b) the determination of the employment policy, financial limits and general terms and conditions of employment for staff members as contemplated in section 41(1) and (3)(a);

(c) the financial management responsibilities assigned to the Board in terms of sections 30, 31, 32, 33 and 35; and

(d) the approval of the budget as contemplated in section 32(1)(b)(ii).

CHAPTER 5

FUNDING, FINANCIAL MANAGEMENT AND REPORTING

Funds of Authority

30.(1) The funds of the Authority consist of –

(a) money appropriated to it by the Provincial Legislature;

(b) any amounts payable to the Authority in terms of the KwaZulu-Natal Gaming and Betting Act and the KwaZulu-Natal Liquor Licensing Act; and

(c) money lawfully derived from any other source.

(2) The Authority must utilise its funds –

(a) for the payment of remuneration, allowances and subsistence and travelling expenses of –

(i) members;

(ii) members of committees;

(iii) the Chief Executive Officer;

(iv) staff members; and

(v) persons and entities as contemplated in section 28; and

(b) to cover the costs of –

(i) the day-to-day operation and administration of the Authority, the Board and committees;

(ii) the management of the Authority; and

(iii) the exercise of the powers, performance of the functions and carrying out of

the duties, of the Authority in terms of this Act, the KwaZulu-Natal Gaming and Betting Act, and the KwaZulu-Natal Liquor Licensing Act.

(3) The Chief Executive Officer must, subject to the provisions of the Public Finance Management Act and with the concurrence of the Board –

- (a) open an account in the name of the Authority with an institution registered as a bank in terms of the Banks Act, 1990 (Act No. 94 of 1990); and
- (b) deposit therein all funds received in terms of subsection (1).

(4) With effect from the date when this Act comes into operation, any bank accounts or funds operated, or investments held, by the predecessors-in-title to the Authority referred to in section 5 are deemed to be the bank accounts, funds or investments of the Authority.

(5) The Authority may, subject to the provisions of the Public Finance Management Act and any investment or other policy prescribed in terms thereof, invest monies deposited into its account which are not required for immediate use: Provided that the Board must take reasonable steps to ensure that the investment is not of a speculative nature.

Financial accountability and corporate governance

31. The Board must ensure that the Authority, as a provincial public entity, complies with the provisions of the Public Finance Management Act and sound corporate governance principles and practice.

Financial management

32.(1) The Board must ensure that the Authority –

- (a) keeps full, proper and up-to-date books of account and all the necessary records in relation thereto; and
- (b) prepares and submits the following to the Board for its approval and subsequent submission to the relevant authorities as contemplated in the Public Finance Management Act and other legislative and policy prescripts:
 - (i) strategic plans;
 - (ii) annual budgets;
 - (iii) audited financial statements;
 - (iv) annual performance plans;
 - (v) corporate plans;
 - (vi) annual and other reports;
 - (vii) returns;

(viii) notices; and

(ix) any other documentation or information that may be required.

(2) The Chief Executive Officer must submit to the Board for approval –

(a) an annual performance plan for the Authority for the next financial year, containing measurable objectives and other information reasonably required by the Board; and

(b) a statement of the estimated income and expenditure of the Authority in respect of the following three financial years,

at least six months before the beginning of each financial year.

(3) The Chief Executive Officer must, on a quarterly basis, submit to the Board up-to-date income and expenditure statements with projected expenditure per programme for that financial year.

(4) In any financial year, the Chief Executive Officer must submit to the Board for approval every adjusted or supplementary statement of the estimated income and expenditure of the Authority for that financial year.

(5) The Authority may not enter into any financial commitment beyond its approved budget and its accumulated reserves.

(6) The Chief Executive Officer may, with the prior approval of the Board, establish reserve funds and deposit into them such amounts as the Board approves: Provided that such deposits must be disclosed to the Provincial Treasury and the Auditor-General within one month of the date of a deposit being made.

Audit, reporting and annual report

33.(1) The Auditor-General must audit the financial statements of the Authority.

(2)(a) The Board must, within a period of five months after the end of the financial year, submit an annual report on the activities of the Authority to –

(i) Provincial Treasury; and

(ii) through the Head of Department, to the MEC.

(b) The MEC must, within one month of receiving the annual report from the Head of Department as contemplated in subsection 2(a)(ii), table the annual report in the Provincial Legislature.

(2) The annual report must –

- (a) include financial statements as defined in section 1 of the Public Finance Management Act;
- (b) state the extent to which the Authority has achieved or advanced its objectives referred to in section 9 and the measurable objectives as set out in its annual performance plan during the financial year concerned; and
- (c) contain relevant information on –
 - (i) the efficient, effective and economical application and use of the Authority's funds and resources; and
 - (ii) planned indicators and actual performance indicators as set out in its annual performance plan.

(3) Within five months after the annual report has been tabled, a delegation consisting of the Chairperson, the Chief Executive Officer and at least two other members must brief the Portfolio Committee on the annual report.

Financial year

34. The financial year of the Authority commences on 1 April of a particular year and ends on 31 March of the following year.

Immovable property

35. The Authority may, in terms of a policy and procedure determined by the Board and with the written approval of the MEC, acquire, hold or dispose of any immovable property in the course of its business.

Legal proceedings

36. The Authority is an organ of state as contemplated in paragraph (c) of the definition thereof in section 1 of the Institution of Legal Proceedings against Certain Organs of State Act, 2002 (Act No. 40 of 2002), and any legal proceedings against the Authority must be instituted in accordance with that Act.

CHAPTER 6

CHIEF EXECUTIVE OFFICER AND OTHER STAFF

Appointment of Chief Executive Officer

37.(1) The Board, in consultation with the MEC, must appoint a fit and proper, suitably qualified, skilled and experienced person as the Chief Executive Officer of the Authority.

(2) A person contemplated in subsection (1) must, prior to his or her appointment, submit to the Board a sworn declaration specifying all disciplinary enquiries and proceedings instituted against him or her, whether completed or not, during all previous employment.

(3) The Chief Executive Officer –

(a) is appointed for a term not exceeding seven years; and

(b) may be reappointed by the Board in consultation with the MEC for such further periods, each of which may not exceed five years, as may be deemed appropriate.

(4) The Chief Executive Officer is employed on such terms and conditions of employment as the Board may determine in consultation with the MEC, after he or she has consulted the Member of the Executive Council responsible for finance in the Province.

(5)(a) The appointment of the Chief Executive Officer is subject to the conclusion of a written annual performance agreement entered into between the Board and the Chief Executive Officer.

(b) The Board and the Chief Executive Officer may, in writing and by agreement, amend the performance agreement.

(6) For purposes of the submission of a sworn declaration of direct and indirect interests, the provisions of section 41(3)(c) apply, with the necessary changes, to the Chief Executive Officer: Provided that the Chief Executive Officer must declare his or her interests to the Board.

(7) The Chairperson of the Board must –

(a) if the Chief Executive Officer is absent or unable to perform his or her functions for any reason, appoint another suitable staff member as acting Chief Executive Officer: Provided that any such appointment may not exceed a period of three months; and

(b) if the position of Chief Executive Officer is vacant, appoint another staff member as acting Chief Executive Officer in consultation with the Board and the MEC: Provided that any such acting appointment may not exceed a period of six months.

(8) An acting Chief Executive Officer –

(a) has all the powers, functions and duties of the Chief Executive Officer; and

(b) is employed subject to such terms and conditions of employment as determined in accordance with subsection (4).

Resignation, disqualification and removal of Chief Executive Officer

38.(1) The Chief Executive Officer vacates office –

- (a) in the case of resignation, when the resignation takes effect;
- (b) when he or she has become disqualified to be director of a company in terms of the Companies Act, 2008 (Act No. 71 of 2008); or
- (c) upon having been removed from office in terms of subsection (2).

(2) The Board may, in consultation with the MEC, terminate the employment of the Chief Executive Officer subject to applicable law and due process.

Powers, functions and duties of Chief Executive Officer

39.(1) The Chief Executive Officer –

- (a) is accountable to the Board for the exercise of his or her powers, the performance of his or her functions and the carrying out of his or her duties in terms of this Act, and must report to the Board on the management and activities of the Authority at such frequency and in such manner as the Board may determine; and
- (b) must exercise the powers, perform the functions and carry out the duties as the Board may delegate to him or her.

(2) The Chief Executive Officer is responsible for –

- (a) the overall management of the Authority in order to achieve the objectives of this Act;
- (b) the appointment of staff in accordance with the provisions of section 41;
- (c) the management of staff, including the maintenance of discipline over staff;
- (d) the determination, in consultation with the Board, of a code of conduct, applicable to the Chief Executive Officer and all other staff, that is justiciable for purposes of disciplinary proceedings, to ensure –
 - (i) compliance with this Act and any other applicable law;
 - (ii) the efficient, effective and economical application and use of the Authority's funds and resources;
 - (iii) the promotion and maintenance of a high standard of professional ethics;
 - (iv) the prevention of conflicts of interest;
 - (v) the protection of confidential information held by the Board and the Authority;and
- (vi) transparent, professional, honest, impartial, fair, ethical and equitable service delivery;
- (e) the keeping and maintenance of the register of interests declared by staff members as contemplated in section 41(3)(c);

- (f) ensuring that the Authority complies with the provisions of this Act, the Public Finance Management Act, and any other applicable legislative and policy prescripts;
- (g) performing the gaming, horse racing and betting-related functions as contemplated in the KwaZulu-Natal Gaming and Betting Act;
- (h) performing the liquor-related functions as contemplated in the KwaZulu-Natal Liquor Licensing Act; and
- (i) exercising other powers, performing other functions and carrying out other duties as contemplated in this Act.

(3) When necessary for the proper performance of his or her functions, the Chief Executive Officer may delegate any of his or her powers, functions or duties to a staff member: Provided that –

- (a) the Board may determine that a specific power, function or duty may not be delegated by the Chief Executive Officer; and
- (b) every delegation must comply with the provisions of section 42(2) and (3).

Transfer of existing staff to Authority

40.(1) All persons employed by the KwaZulu-Natal Gaming and Betting Board and the KwaZulu-Natal Liquor Authority are, from the commencement date of this Act and with due regard to section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995), deemed to be employed by the Authority –

- (a) at the same remuneration and salary scale;
- (b) with the same benefits and privileges; and
- (c) on the same terms and conditions of employment,

as those which governed such person's previous employment with either the KwaZulu-Natal Gaming and Betting Board or the KwaZulu-Natal Liquor Authority, as the case may be: Provided that –

- (i) no person contemplated in this subsection may be dismissed on grounds of operational requirements flowing from the disestablishment of the KwaZulu-Natal Gaming and Betting Board and the KwaZulu-Natal Liquor Authority; and
- (ii) the Board may effect reasonable changes to work practices for the purpose of operational and administrative efficiency and uniformity.

(2) When a person is transferred in terms of subsection (1) –

- (a) no change of employer is deemed to have taken place for the purpose of the Income Tax Act, 1962 (Act No. 58 of 1962);
- (b) he or she retains all vacation leave which accrued to his or her credit up to the date

immediately before the date of transfer; and

(c) any inquiry instituted or intended to be instituted in respect of alleged incapacity of, or misconduct committed by, such person before the date of transfer must be disposed of or instituted by the Authority, and the Authority must take appropriate steps against the person concerned in accordance with the laws, policy and conditions of employment or service applicable to him or her immediately prior to the date of transfer.

Appointment of staff

41.(1) The Chief Executive Officer must, subject to the provisions of sections 40 and 41(3)(a)

–

- (a) submit to the Board for its approval the staff establishment necessary to enable the Authority to perform its functions, exercise its powers and carry out its duties; and
- (b) determine specific terms and conditions of employment for individual staff members of the Authority.

(2) The Chief Executive Officer may only appoint persons to funded posts on the staff establishment and in accordance with applicable legislative and policy provisions.

(3) Staff members of the Authority –

- (a) are employed subject to the –
 - (i) general terms and conditions of employment as determined by the Board;
 - (ii) specific terms and conditions of employment for individual staff members as determined by the CEO;
 - (iii) applicable policies determined by the Board;
 - (iv) code of conduct provided for in section 39(2)(d); and
 - (v) financial limits set by the Board;
- (b) must submit a sworn declaration, as part of their application, specifying all disciplinary enquiries and proceedings instituted against them, whether completed or not, during all previous employment;
- (c) must submit a sworn declaration of their direct and indirect interests to the Chief Executive Officer, who must keep an updated register of such interests: Provided that the provisions of section 18(3) apply, with the necessary changes, to the declaration of direct and indirect interests;
- (d) must carry out their duties under the supervision of the Chief Executive Officer; and
- (e) may, with the written consent of such staff member and by written agreement between the Chief Executive Officer and such organ of state and in accordance with the applicable legislative and policy prescripts, be seconded or transferred to another organ of state.

(4)(a) A person in the service of another organ of state may, with the written consent of such person and by written agreement between the Chief Executive Officer and such organ of state and in accordance with the applicable legislative and policy prescripts, be seconded or transferred to the Authority.

(b) Persons seconded or transferred to the Authority carry out their duties under the supervision of the Chief Executive Officer.

CHAPTER 7 GENERAL PROVISIONS

Delegations

42.(1) The MEC may delegate to the Head of Department –

(a) any power or function conferred on the MEC by this Act, except the power or function to –

- (i) publish the Schedule contemplated in section 51(3);
- (ii) make regulations and publish notices in terms of section 49; and
- (iii) amend, substitute or repeal a Schedule; and

(b) any duty imposed on the MEC by this Act, except a duty regarding the appointment and removal of members as contemplated in section 14(a) and (c) and section 20 respectively.

(2) All delegations in terms of this Act –

- (a) must be in writing;
- (b) are subject to such limitations, conditions and directions as the delegating person may impose;
- (c) do not divest a delegating person of the responsibility and accountability concerning the exercise of the delegated power, the performance of the delegated function or the carrying out of the delegated duty;
- (d) do not prevent the exercise of the delegated power, the performance of the delegated function or the carrying out of the delegated duty by the delegating person; and
- (e) must be recorded in the register contemplated in section 43.

(3) The Board or the Chief Executive Officer, as the case may be, may confirm, vary or revoke any decision taken in consequence of a delegation in terms of this Act, subject to any rights that may have accrued to a person or an entity as a result of such decision.

Register of delegations

43.(1) The Chief Executive Officer must compile and maintain an updated register of all delegations made in accordance with this Act.

(2) The register of delegations must –

- (a) be organised by reference to the functional domain concerned; and
- (b) correspond with the Register of Delegations form in Schedule 2.

(3) The register of delegations must be updated upon each –

- (a) new delegation;
- (b) review or amendment to an existing delegation; and
- (c) withdrawal of a delegation.

(4) The register contemplated in subsection (1) is a public document to which members of the public may, subject to the provisions of the Promotion of Access to Information Act and the Protection of Personal Information Act, request access during office hours.

Transparency and access to information

44. The Authority must comply with the constitutional and national legislative framework that promotes transparency and access to information, including the Promotion of Access to Information Act and the Protection of Personal Information Act.

Just administrative action

45. Any decision taken in terms of this Act must comply with the constitutional, national legislative and common law framework relating to just administrative action, including the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

Monitoring, evaluation, assessment and reporting

46.(1) The MEC must, within six months after the commencement date of this Act –

- (a) taking into account national norms and standards, in consultation with the Board, develop a framework –
 - (i) providing for the minimum norms and standards in respect of the procedures for, and the frequency of, monitoring, evaluation and assessment of the Authority; and
 - (ii) establishing the necessary mechanisms, processes, procedures and indicators, to monitor, evaluate, assess, determine and report on the performance and effectiveness of the Authority; and

(b) publish the framework contemplated in paragraph (a) by notice in the *Gazette*.

(2) The Authority must comply with the framework contemplated in subsection (1).

(3) The Board must ensure that the performance evaluations of the Board, its Chairperson, its members, its committees, the Chief Executive Officer and staff members result in continued improved performance and effectiveness.

Use of name of Authority

47.(1) No person or entity may, without the prior written permission of the Authority, in any way represent or make use of the name, acronym, logos, designs or material used or owned by the Authority.

(2) No person or entity may falsely claim to be acting on behalf of the Authority.

(3) Any person or entity who contravenes subsections (1) or (2) is guilty of an offence.

Offences, penalties and civil liability

48.(1) A member, a member of a committee, a staff member, a person or entity appointed in terms of section 28, or any other person employed or acting on behalf of the Authority is guilty of an offence if he or she directly or indirectly accepts any bribe or receives any unauthorised fee or reward from any person in connection with anything done or offered by the Authority.

(2) Any person who –

(a) in respect of or in connection with anything done or offered by the Authority, bribes or attempts to bribe or corruptly influences or attempts to corruptly influence a member, a member of a committee, a staff member, a person or entity appointed in terms of section 28, or any other person employed or acting on behalf of the Authority;

(b) falsely claims that he or she is authorised to charge or collect fees, donations or contributions on behalf of or under direction of the Authority; or

(c) contravenes any provision of this Act which constitutes an offence, is guilty of an offence.

(3) Where any offence committed in terms of this Act also constitutes an offence in terms of any other legislation, a person committing such offence may be prosecuted in terms of either this Act or the other legislation.

(4) Any court convicting a person in respect of an offence committed in terms of subsection

(1) or (2) may impose on such person –

- (a) a fine or imprisonment for a period not exceeding five years;
- (b) a fine and imprisonment for a period not exceeding five years; or
- (c) any sentence provided for in other legislation if the person concerned was prosecuted in terms of such other legislation as contemplated in subsection (3).

(5) If specific legislation or the common law imposes civil liability on the Authority, the Board, a member, a member of a committee, a staff member, a person or entity appointed in terms of section 28, or any other person employed or acting on behalf of the Authority, the provisions of such legislation or the common law, as the case may be, apply.

Schedules, regulations and notices

49. The MEC may, after consultation with the Board and by notice in the *Gazette* –

- (a) publish a Schedule to this Act as contemplated in section 51(3);
- (b) make regulations regarding any administrative or procedural matter necessary to give effect to the provisions of this Act;
- (c) issue notices as required by this Act; and
- (d) amend, substitute or repeal Schedule 2, the Schedule contemplated in section 51(3), and any notice issued in terms of this Act.

Savings

50.(1) Anything done before the commencement date of this Act under or in terms of a provision repealed or amended by this Act must, unless clearly inappropriate, be regarded to have been done under or in terms of the corresponding provision of this Act.

(2) Any application, request, proceeding or similar matter pending before the former KwaZulu-Natal Gaming and Betting Board or the KwaZulu-Natal Liquor Authority at the date contemplated in section 51(2) must be dealt with by the Authority in terms of the KwaZulu-Natal Gaming and Betting Act or the KwaZulu-Natal Liquor Licensing Act, as the case may be, as they were at the time of such application, request, proceeding or similar matter.

(3) The Authority is substituted as –

- (a) litigating party for the KwaZulu-Natal Gaming and Betting Board and the KwaZulu-Natal Liquor Authority in all litigation, labour disputes and mediation, as if the Authority had been the litigant at the time the cause of action or the dispute, as the case may be, arose; and
- (b) contracting party for the KwaZulu-Natal Gaming and Betting Board and the KwaZulu-Natal Liquor Authority in all contracts, agreements, memoranda of understanding and

similar documentation, as if the Authority had been the contracting party at the time of contracting.

(4) Any registration, licence, permit, authorisation, approval, ruling or direction, which was valid immediately before the commencement of this Act, remains valid and effective on the same terms and conditions under which it was issued: Provided that the terms and conditions applicable to the registration, licence, permit, authorisation, approval, ruling or direction are not inconsistent with the provisions of this Act.

(5) The repeal of any law in Schedule 1 does not affect any right, privilege, obligation or liability acquired or accrued or incurred in terms of the law so repealed, unless the contrary is provided for in terms of this Act.

(6) Any reference to the KwaZulu-Natal Gaming and Betting Board or the KwaZulu-Natal Liquor Authority in any law, unless clearly inappropriate, must be regarded to be a reference to the Authority.

Transitional measures

51.(1)(a) With effect from the commencement date of this Act, the MEC must, within a period not exceeding ten business days –

(i) select at least seven and no more than 11 members from the boards of the former KwaZulu-Natal Gaming and Betting Board and the KwaZulu-Natal Liquor Authority to act as members of an interim Board, until such time as the Board is appointed in accordance with section 14; and

(ii) appoint an interim Chairperson and interim Deputy Chairperson from amongst the members selected to the interim Board contemplated in subparagraph (i).

(b) The interim Board contemplated in subsection (1)(a)(i) must, within a period of five business days after its appointment, in consultation with the MEC, appoint an interim Chief Executive Officer, whose term of office terminates on the date of appointment of the Chief Executive Officer in accordance with section 37.

(2) With the exception of subsection (1), the operation of this Act is suspended until such date as the interim Board is appointed as contemplated in subsection 1(a)(i).

(3) The MEC may, subject to the provisions of this section and sections 6, 40 and 50, by notice in the *Gazette* publish as a Schedule to this Act such transitional arrangements as are deemed necessary.

Repeal and amendment of laws

52. The laws specified in the first and second columns of Schedule 1 hereto are repealed or amended to the extent indicated in the third column.

Short title and commencement

53. This Act is called the KwaZulu-Natal Economic Regulatory Authority Act, 2024, and commences on the date of publication in the *Gazette*.

SCHEDULE 1: REPEAL AND AMENDMENT OF LAWS*(Section 52)*

No. and year of Act	Short Title	Extent of repeal or amendment
Act No. 6 of 2010	KwaZulu-Natal Liquor Licensing Act, 2010	1. The repeal of sections 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23(1), 23(4), 24, 25, 26, 27, 28 and 29.
		<p>2. The amendment of section 1 as follows:</p> <p>(a) by the substitution for the definition of “Chief Executive Officer” of the following definition: <u>“Chief Executive Officer” means the Chief Executive Officer of the Authority appointed in terms of section 37 of the KwaZulu-Natal Economic Regulatory Authority Act, 2024;</u></p> <p>(b) by the substitution for the definition of “Liquor Authority” of the following definition: <u>“Authority” means the KwaZulu-Natal Economic Regulatory Authority established in terms of section 8 of the KwaZulu-Natal Economic Regulatory Authority Act, 2024;</u> and</p> <p>(c) by the substitution for the definition of “responsible Member of the Executive Council” of the following definition: <u>“responsible Member of the Executive Council” means the Member or Members of the Executive Council responsible for gaming, horse racing and betting, and liquor in the Province;</u></p>
		3. The amendment by the substitution for the words “Liquor Authority”, wherever they occur, of the word <u>“Authority”</u> .

Act No. 8 of 2010	KwaZulu-Natal Gaming and Betting Act, 2010	1. The repeal of sections 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 29, and 138.
		<p>2. The amendment of section 1 as follows:</p> <p>(a) by the substitution for the definition of “Board” of the following definition:</p> <p>“Board’ means the Board of the Authority established in terms of section 11 of the <u>KwaZulu-Natal Economic Regulatory Authority Act, 2024</u>.”;</p> <p>(b) by the substitution for the definition of “chairperson” of the following definition:</p> <p>“Chairperson’ means the Chairperson of the Board, and includes a person who is acting as Chairperson.”;</p> <p>(c) by the substitution for the definition of “Chief Executive Officer” of the following definition:</p> <p>“Chief Executive Officer’ means the Chief Executive Officer of the Authority appointed in terms of section 37 of the <u>KwaZulu-Natal Economic Regulatory Authority Act, 2024</u>.”;</p> <p>(d) by the substitution for the definition of “committee” of the following definition:</p> <p>“committee’ means a committee of the Board established in terms of section 26 of the <u>KwaZulu-Natal Economic Regulatory Authority Act, 2024</u>.”; and</p> <p>(e) by the substitution for the definition of “responsible Member of the Executive Council” of the following definition:</p> <p>“responsible Member of the Executive Council’ means the Member or Members of the Executive Council responsible for <u>gaming, horse racing and betting, and liquor in the Province</u>.”.</p>

		<p>3. The amendment of section 140 by the substitution for section 140 for the following section:</p> <p><u>“Appeals</u></p> <p><u>140.(1) Any person who is aggrieved by a decision of the Authority made in accordance with this Act, may appeal to the Board in the manner prescribed.</u></p> <p><u>(2) Any person, other than an applicant for the granting of a licence or registration contemplated in this Act or an applicant for the renewal of such licence or registration, who is aggrieved by a decision of –</u></p> <p><u>(a) a committee, may appeal to the Board in the manner prescribed; or</u></p> <p><u>(b) the Board, may appeal to the responsible Member of the Executive Council in the manner prescribed.</u></p> <p><u>(3) The provisions of subsections (1) and (2) do not limit the right of any person aggrieved by a decision of the Authority, the Board or a committee of the Board from applying to the High Court for a review of such decision.</u></p> <p><u>(4) The responsible Member of the Executive Council may appoint an ad hoc committee to hear an appeal contemplated by subsection (2)(b).”.</u></p>
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SCHEDULE 2: FORMS

(Sections 18(3), 37(6), 41(3)(c), 18(4)(a) and 43)

FORM 1:

ANNUAL AND AD HOC DECLARATION OF DIRECT OR INDIRECT INTERESTS OF MEMBERS OF THE BOARD AND ITS COMMITTEES

(Section 18(3))

ANNUAL AND AD HOC DECLARATION OF DIRECT OR INDIRECT INTERESTS OF MEMBERS OF THE BOARD AND ITS COMMITTEES

in terms of section 18(3) of the KwaZulu-Natal Economic Regulatory Authority Act, 2024

TYPE OF DECLARATION	
ANNUAL DECLARATION <i>Tick if appropriate</i>	AD HOC DECLARATION <i>Tick if appropriate</i>

DECLARATION PERTAINS TO FINANCIAL YEAR: *Insert financial year*

DATE OF DECLARATION: *Insert date of declaration*

I, the undersigned with the following particulars:

SURNAME: *Insert surname* **FULL NAMES:** *Insert full names* **ID NUMBER:** *Insert ID number*

RESIDENTIAL ADDRESS: *Insert residential address* **TELEPHONE NUMBER:** *Insert telephone number* **CELL NUMBER:** *Insert cell number*

EMAIL ADDRESS: *Insert email address*

DESIGNATION / POSITION: *Insert either member of the Board or member of a committee (if not a member of the Board)*

hereby declare and certify that the following information is, with regard to myself and to any relative, business partner, associate or employer, other than the State, complete and correct to the best of my knowledge:

(a) Ownership of shares in companies or entities:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF COMPANY OR ENTITY	COMPANY REGISTRATION NUMBER	NATURE	NUMBER OF SHARES	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of shareholder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of company or entity in which shares are held</i>	<i>Insert company registration number (if private company)</i>	<i>Insert description of nature of business</i>	<i>Insert number of shares held</i>	<i>Insert total nominal value of shares</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2								

(b) Interests in close corporations:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF CLOSE CORPORATION	CC REGISTRATION NUMBER	NATURE	INTEREST	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of company or entity in which shares are held</i>	<i>Insert close corporation registration number</i>	<i>Insert description of nature of business</i>	<i>Insert percentage interest held</i>	<i>Insert total nominal value of interest in South African Rand</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2								

(c) Interests in partnerships:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF PARTNERSHIP	INTEREST	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of partnership in which interest is held</i>	<i>Insert percentage interest held</i>	<i>Insert description of nature of business</i>	<i>Insert total nominal value of interest in South African Rand</i>	<i>Insert detail of all remuneration / income payable</i>
2							

(d) Real or personal rights in property used by any company, corporation, trust, business or other legal entity:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF ENTITY	REGISTRATION NUMBER	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of rights holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of entity using property</i>	<i>Insert registration number of entity using property</i>	<i>Insert description of nature of right and property</i>	<i>Insert total nominal value of right in property used by entity</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2							

(e) Interests in trusts:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF TRUST	REGISTRATION NUMBER	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of trust</i>	<i>Insert registration number of trust</i>	<i>Insert description of nature of involvement in trust</i>	<i>Insert total nominal value of interest in trust</i>	<i>Insert detail of all remuneration / income / interest payable</i>
2							

(f) In respect of any business, undertaking or other entity, with or without legal personality, any interest which enables the holder thereof to share in the profits and revenue of such business, undertaking or other entity (if not already declared in (a), (b), (c), (d) and (e) above):

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF ENTITY	INTEREST	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of entity in which interest is held</i>	<i>Insert percentage interest held</i>	<i>Insert description of nature of interest and business</i>	<i>Insert total nominal value of interest</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2							

(g) Remuneration, directorships, consultancies and retainerships:

NO	NAME OF PARTY	RELATIONSHIP	NAME OF ENTITY	NATURE	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of party to the contract or agreement</i>	<i>Insert relationship with party, if not self</i>	<i>Insert name of entity</i>	<i>Insert description of nature of work performed</i>	<i>Insert detail of all remuneration, income, dividend payable</i>
2					

(h) Loan accounts (excluding bond, vehicle finance and retail accounts):

NO	NAME OF PARTY	RELATIONSHIP	NAME OF LENDER	NATURE	ORIGINAL LOAN AMOUNT (ZAR)	OUTSTANDING BALANCE (ZAR)
1	<i>Insert name of party to the loan account</i>	<i>Insert relationship with party, if not self</i>	<i>Insert name of lender</i>	<i>Insert description of nature of loan</i>	<i>Insert original loan amount</i>	<i>Insert outstanding loan amount including outstanding interest</i>
2						

(i) Remuneration, income, revenue, entitlements to revenue, shares, interests, donations, gifts or any other benefits accruing prior to or pursuant to the granting of a licence for the establishment, licensing or operationalisation of a liquor, gaming, horse racing or betting establishment:

NO	NAME OF BENEFICIARY	RELATIONSHIP	NAME OF ENTITY	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of beneficiary</i>	<i>Insert relationship with beneficiary, if not self</i>	<i>Insert name of applicant, licensee or registrant</i>	<i>Insert description of nature of benefit and reasons therefor</i>	<i>Insert total nominal value of revenue, entitlements to revenue or any other benefits</i>	<i>Insert detail of all remuneration, income, revenue, entitlements to revenue, shares, interests, donations, gifts or any other benefits payable</i>
2						

(j) Conclusion or existence of any contracts or agreements with applicants for a licence, existing licence holders or registrants:

NO	NAME OF PARTY	RELATIONSHIP	NAME OF ENTITY	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of party to the contract or agreement</i>	<i>Insert relationship with party, if not self</i>	<i>Insert name of applicant, licensee or registrant</i>	<i>Insert description of nature of contract or agreement</i>	<i>Insert total nominal value of contract or agreement</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2						

(k) Any personal interests:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF ENTITY	NATURE	VALUE
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of entity or person with whom the personal interest exists</i>	<i>Insert description of nature of personal interest</i>	<i>Insert description of value of personal interest, whether monetary or other</i>
2					

SIGNATURE OF DECLARANT: *Insert signature of declarant*

SIGNATURE OF COMMISSIONER OF OATHS: *Insert signature of Commissioner of Oaths* **FULL**

NAME AND SURNAME: *Insert full names and surname of Commissioner of Oaths* **DESIGNATION:**
Insert designation of Commissioner of Oaths

STREET ADDRESS: *Insert street address of Commissioner of Oaths*

DATE: *Insert date*

PLACE: *Insert place*

DATE RECEIVED BY CHIEF EXECUTIVE OFFICER: *Insert date*

SIGNATURE OF CHIEF EXECUTIVE OFFICER: *Insert signature of Chief Executive Officer*

FORM 2:

ANNUAL AND AD HOC DECLARATION OF DIRECT OR INDIRECT INTERESTS OF
CHIEF EXECUTIVE OFFICER

(Section 37(6) read with section 41(3)(c))

**ANNUAL AND AD HOC DECLARATION OF DIRECT OR INDIRECT INTERESTS OF
CHIEF EXECUTIVE OFFICER**

in terms of section 37(6) read with section 41(3)(c) of the KwaZulu-Natal Economic Regulatory
Authority Act, 2024

TYPE OF DECLARATION	
ANNUAL DECLARATION <i>Tick if appropriate</i>	AD HOC DECLARATION <i>Tick if appropriate</i>

DECLARATION PERTAINS TO FINANCIAL YEAR: *Insert financial year*

DATE OF DECLARATION: *Insert date of declaration*

I, the undersigned with the following particulars:

SURNAME: *Insert surname* **FULL NAMES:** *Insert full names* **ID NUMBER:** *Insert ID number*

RESIDENTIAL ADDRESS: *Insert residential address* **TELEPHONE NUMBER:** *Insert telephone number* **CELL NUMBER:** *Insert cell number*

EMAIL ADDRESS: *Insert email address*

DESIGNATION / POSITION: Chief Executive Officer

hereby declare and certify that the following information is, with regard to myself and to any relative, business partner, associate or employer, other than the State, complete and correct to the best of my knowledge:

(a) Ownership of shares in companies or entities:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF COMPANY OR ENTITY	COMPANY REGISTRATION NUMBER	NATURE	NUMBER OF SHARES	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of shareholder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of company or entity in which shares are held</i>	<i>Insert company registration number (if private company)</i>	<i>Insert description of nature of business</i>	<i>Insert number of shares held</i>	<i>Insert total nominal value of shares</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2								

(b) Interests in close corporations:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF CLOSE CORPORATION	CC REGISTRATION NUMBER	NATURE	INTEREST	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of company or entity in which shares are held</i>	<i>Insert close corporation registration number</i>	<i>Insert description of nature of business</i>	<i>Insert percentage interest held</i>	<i>Insert total nominal value of interest in South African Rand</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2								

(c) Interests in partnerships:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF PARTNERSHIP	INTEREST	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of partnership in which interest is held</i>	<i>Insert percentage interest held</i>	<i>Insert description of nature of business</i>	<i>Insert total nominal value of interest in South African Rand</i>	<i>Insert detail of all remuneration / income payable</i>
2							

(d) Real or personal rights in property used by any company, corporation, trust, business or other legal entity:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF ENTITY	REGISTRATION NUMBER	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of rights holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of entity using property</i>	<i>Insert registration number of entity using property</i>	<i>Insert description of nature of right and property</i>	<i>Insert total nominal value of right in property used by entity</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2							

(e) Interests in trusts:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF TRUST	REGISTRATION NUMBER	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of trust</i>	<i>Insert registration number of trust</i>	<i>Insert description of nature of involvement in trust</i>	<i>Insert total nominal value of interest in trust</i>	<i>Insert detail of all remuneration / income / interest payable</i>
2							

(f) In respect of any business, undertaking or other entity, with or without legal personality, any interest which enables the holder thereof to share in the profits and revenue of such business, undertaking or other entity (if not already declared in (a), (b), (c), (d) and (e) above):

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF ENTITY	INTEREST	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of entity in which interest is held</i>	<i>Insert percentage interest held</i>	<i>Insert description of nature of interest and business</i>	<i>Insert total nominal value of interest</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2							

(g) Remuneration, directorships, consultancies and retainerships:

NO	NAME OF PARTY	RELATIONSHIP	NAME OF ENTITY	NATURE	REMUNERATION / INCOME (ZAR)
----	---------------	--------------	----------------	--------	-----------------------------

1	<i>Insert name of party to the contract or agreement</i>	<i>Insert relationship with party, if not self</i>	<i>Insert name of entity</i>	<i>Insert description of nature of work performed</i>	<i>Insert detail of all remuneration, income, dividend payable</i>
2					

(h) Loan accounts (excluding bond, vehicle finance and retail accounts):

NO	NAME OF PARTY	RELATIONSHIP	NAME OF LENDER	NATURE	ORIGINAL LOAN AMOUNT (ZAR)	OUTSTANDING BALANCE (ZAR)
1	<i>Insert name of party to the loan account</i>	<i>Insert relationship with party, if not self</i>	<i>Insert name of lender</i>	<i>Insert description of nature of loan</i>	<i>Insert original loan amount</i>	<i>Insert outstanding loan amount including outstanding interest</i>
2						

(i) Remuneration, income, revenue, entitlements to revenue, shares, interests, donations, gifts or any other benefits accruing prior to or pursuant to the granting of a licence for the establishment, licensing or operationalisation of a liquor, gaming, horse racing or betting establishment:

NO	NAME OF BENEFICIARY	RELATIONSHIP	NAME OF ENTITY	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of beneficiary</i>	<i>Insert relationship with beneficiary, if not self</i>	<i>Insert name of applicant, licensee or registrant</i>	<i>Insert description of nature of benefit and reasons therefor</i>	<i>Insert total nominal value of revenue, entitlements to revenue or any other benefits</i>	<i>Insert detail of all remuneration, income, revenue, entitlements to revenue, shares, interests, donations, gifts or any other benefits payable</i>
2						

(j) Conclusion or existence of any contracts or agreements with applicants for a licence, existing licence holders or registrants:

NO	NAME OF PARTY	RELATIONSHIP	NAME OF ENTITY	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of party to the contract or agreement</i>	<i>Insert relationship with party, if not self</i>	<i>Insert name of applicant, licensee or registrant</i>	<i>Insert description of nature of contract or agreement</i>	<i>Insert total nominal value of contract or agreement</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2						

(k) Any personal interests:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF ENTITY	NATURE	VALUE
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of entity or person with whom the personal interest exists</i>	<i>Insert description of nature of personal interest</i>	<i>Insert description of value of personal interest, whether monetary or other</i>
2					

SIGNATURE OF DECLARANT: *Insert signature of declarant*

SIGNATURE OF COMMISSIONER OF OATHS: *Insert signature of Commissioner of Oaths* **FULL**

NAME AND SURNAME: *Insert full names and surname of Commissioner of Oaths* **DESIGNATION:**

Insert designation of Commissioner of Oaths

STREET ADDRESS: *Insert street address of Commissioner of Oaths*

DATE: *Insert date*

PLACE: *Insert place*

DATE RECEIVED BY CHAIRPERSON OF THE BOARD: *Insert date*

SIGNATURE OF CHAIRPERSON OF THE BOARD: *Insert signature of Chairperson of the Board*

FORM 3:

**ANNUAL AND AD HOC DECLARATION OF DIRECT OR INDIRECT INTERESTS OF
STAFF MEMBERS
(Section 41(3)(c))**

**ANNUAL AND AD HOC DECLARATION OF DIRECT OR INDIRECT INTERESTS OF
STAFF MEMBERS**

in terms of section 41(3)(c) of the KwaZulu-Natal Economic Regulatory Authority Act, 2024

TYPE OF DECLARATION	
ANNUAL DECLARATION <i>Tick if appropriate</i>	AD HOC DECLARATION <i>Tick if appropriate</i>

DECLARATION PERTAINS TO FINANCIAL YEAR: *Insert financial year*

DATE OF DECLARATION: *Insert date of declaration*

I, the undersigned with the following particulars:

SURNAME: *Insert surname*

FULL NAMES: *Insert full names*

ID NUMBER: *Insert ID number*

RESIDENTIAL ADDRESS: *Insert residential address* **TELEPHONE NUMBER:** *Insert telephone number* **CELL NUMBER:** *Insert cell number*

EMAIL ADDRESS: *Insert email address*

DESIGNATION / POSITION: *Insert designation/position in Authority*

hereby declare and certify that the following information is, with regard to myself and to any relative, business partner, associate or employer, other than the State, complete and correct to the best of my knowledge:

(a) Ownership of shares in companies or entities:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF COMPANY OR ENTITY	COMPANY REGISTRATION NUMBER	NATURE	NUMBER OF SHARES	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of shareholder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of company or entity in which shares are held</i>	<i>Insert company registration number (if private company)</i>	<i>Insert description of nature of business</i>	<i>Insert number of shares held</i>	<i>Insert total nominal value of shares</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2								

(b) Interests in close corporations:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF CLOSE CORPORATION	CC REGISTRATION NUMBER	NATURE	INTEREST	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of company or entity in which shares are held</i>	<i>Insert close corporation registration number</i>	<i>Insert description of nature of business</i>	<i>Insert percentage interest held</i>	<i>Insert total nominal value of interest in South African Rand</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2								

(c) Interests in partnerships:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF PARTNERSHIP	INTEREST	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of partnership in which interest is held</i>	<i>Insert percentage interest held</i>	<i>Insert description of nature of business</i>	<i>Insert total nominal value of interest in South African Rand</i>	<i>Insert detail of all remuneration / income payable</i>
2							

(d) Real or personal rights in property used by any company, corporation, trust, business or other legal entity:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF ENTITY	REGISTRATION NUMBER	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of rights holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of entity using property</i>	<i>Insert registration number of entity using property</i>	<i>Insert description of nature of right and property</i>	<i>Insert total nominal value of right in property used by entity</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2							

(e) Interests in trusts:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF TRUST	REGISTRATION NUMBER	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of trust</i>	<i>Insert registration number of trust</i>	<i>Insert description of nature of involvement in trust</i>	<i>Insert total nominal value of interest in trust</i>	<i>Insert detail of all remuneration / income / interest payable</i>
2							

(f) In respect of any business, undertaking or other entity, with or without legal personality, any interest which enables the holder thereof to share in the profits and revenue of such business, undertaking or other entity (if not already declared in (a), (b), (c), (d) and (e) above):

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF ENTITY	INTEREST	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of entity in which interest is held</i>	<i>Insert percentage interest held</i>	<i>Insert description of nature of interest and business</i>	<i>Insert total nominal value of interest</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2							

(g) Remuneration, directorships, consultancies and retainerships:

NO	NAME OF PARTY	RELATIONSHIP	NAME OF ENTITY	NATURE	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of party to the contract or agreement</i>	<i>Insert relationship with party, if not self</i>	<i>Insert name of entity</i>	<i>Insert description of nature of work performed</i>	<i>Insert detail of all remuneration, income, dividend payable</i>
2					

(h) Loan accounts (excluding bond, vehicle finance and retail accounts):

NO	NAME OF PARTY	RELATIONSHIP	NAME OF LENDER	NATURE	ORIGINAL LOAN AMOUNT (ZAR)	OUTSTANDING BALANCE (ZAR)
1	<i>Insert name of party to the loan account</i>	<i>Insert relationship with party, if not self</i>	<i>Insert name of lender</i>	<i>Insert description of nature of loan</i>	<i>Insert original loan amount</i>	<i>Insert outstanding loan amount including outstanding interest</i>
2						

(i) Remuneration, income, revenue, entitlements to revenue, shares, interests, donations, gifts or any other benefits accruing prior to or pursuant to the granting of a licence for the establishment, licensing or operationalisation of a liquor, gaming, horse racing or betting establishment:

NO	NAME OF BENEFICIARY	RELATIONSHIP	NAME OF ENTITY	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of beneficiary</i>	<i>Insert relationship with beneficiary, if not self</i>	<i>Insert name of applicant, licensee or registrant</i>	<i>Insert description of nature of benefit and reasons therefor</i>	<i>Insert total nominal value of revenue, entitlements to revenue or any other benefits</i>	<i>Insert detail of all remuneration, income, revenue, entitlements to revenue, shares, interests, donations, gifts or any other benefits payable</i>
2						

(j) Conclusion or existence of any contracts or agreements with applicants for a licence, existing licence holders or registrants:

NO	NAME OF PARTY	RELATIONSHIP	NAME OF ENTITY	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of party to the contract or agreement</i>	<i>Insert relationship with party, if not self</i>	<i>Insert name of applicant, licensee or registrant</i>	<i>Insert description of nature of contract or agreement</i>	<i>Insert total nominal value of contract or agreement</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2						

(k) Any personal interests:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF ENTITY	NATURE	VALUE
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of entity or person with whom the personal interest exists</i>	<i>Insert description of nature of personal interest</i>	<i>Insert description of value of personal interest, whether monetary or other</i>
2					

SIGNATURE OF DECLARANT: *Insert signature of declarant*

SIGNATURE OF COMMISSIONER OF OATHS: *Insert signature of Commissioner of Oaths* **FULL**

NAME AND SURNAME: *Insert full names and surname of Commissioner of Oaths* **DESIGNATION:**

Insert designation of Commissioner of Oaths

STREET ADDRESS: *Insert street address of Commissioner of Oaths*

DATE: *Insert date*

PLACE: *Insert place*

DATE RECEIVED BY CHIEF EXECUTIVE OFFICER: *Insert date*

SIGNATURE OF CHIEF EXECUTIVE OFFICER: *Insert signature of Chief Executive Officer*

FORM 4:

MEETING DECLARATION OF DIRECT AND INDIRECT INTERESTS

(Section 18(4)(a))

MEETING DECLARATION OF DIRECT AND INDIRECT INTERESTS

in terms of section 18(4)(a) of the KwaZulu-Natal Economic Regulatory Authority Act, 2024

MEETING DATE: *Insert date of meeting*

MEETING DETAILS: *Insert description of nature of meeting, e.g., board meeting, committee meeting*

I, the undersigned with the following particulars:

SURNAME: *Insert surname* **FULL NAMES:** *Insert full names* **ID NUMBER:** *Insert ID number*

DESIGNATION / POSITION: *Insert designation/position/capacity in meeting*

hereby declare and certify that the following declaration is, with regard to myself and to any relative, business partner, associate or employer, other than the State, complete and correct to the best of my knowledge:

NO	AGENDA ITEM	INTEREST TO DECLARE (Y/N)	NAME OF HOLDER	RELATIONSHIP	NAME OF COMPANY OR ENTITY	NATURE	VALUE
1	<i>Insert agenda item number and subject</i>	<i>Insert yes or no</i>	<i>Insert name of interest holder</i>	<i>Insert relationship with interest holder, if not self</i>	<i>Insert name of person, company or entity to which the interest pertains</i>	<i>Insert description of nature of interest in agenda item</i>	<i>Insert description of value or extent of interest, whether monetary, personal or other</i>
2							

SIGNATURE OF DECLARANT: *Insert signature of declarant*

DATE OF SIGNATURE: *Insert date*

SIGNATURE OF MEETING CHAIRPERSON: *Insert signature of meeting Chairperson*

DATE OF SIGNATURE: *Insert date*

FORM 5: REGISTER OF DELEGATIONS
(Section 43)

REGISTER OF DELEGATIONS

in terms of section 43 of the KwaZulu-Natal Economic Regulatory Authority Act, 2024

REGISTER VERSION: *Insert register version number*

REGISTER VERSION DATE: *Insert date of register*

APPROVED BY: *Insert designation/position in Authority and name of person authorised to approve this document*

SIGNATURE: *Insert signature of person authorised to approve this document*

NO	POWER, FUNCTION OR DUTY BEING DELEGATED	SECTION	PRINCIPAL FUNCTIONARY	DELEGATED TO	FROM DATE	TO DATE	DELEGATION CONDITIONS	PREVIOUS DELEGATION INFORMATION
1	<i>Insert function, power or duty being delegated</i>	<i>Insert section number in Act where power, function or duty is provided for</i>	<i>Insert both designation/position in Authority and name of the principal person or body responsible and accountable for exercising the power, performing the function or carrying out the duty</i>	<i>Insert both designation/position and name of the person or body to which the power, function or duty is delegated</i>	<i>Insert date on which delegation takes effect</i>	<i>Insert date on which delegation expires (if any)</i>	<i>Insert any conditions attached to the delegation</i>	<i>Insert particulars of any previous delegation of this function, power or duty (if any)</i>
2								

KENNISGEWING 16 VAN 2023

[Engelse teks deur die Premier geteken]

KWAZULU-NATAL
WET OP DIE EKONOMIESE
REGULERINGSOWERHEID, 2024
(Wet No. 01 van 2024)

Goedgekeur op 09 April 2024

WET

Om voorsiening te maak vir die instelling van die KwaZulu-Natal Ekonomiese Reguleringsowerheid ten einde die bestuur en regulering van die dobbel-, perdewedren-, weddery- en drankbedryf in die Provinsie onder die beskerming van die Owerheid te bewerkstellig; om voorsiening te maak vir die ontbinding van die KwaZulu-Natal Dobbelen Wedderyraad en die KwaZulu-Natal Drankowerheid en die oordrag van die bevoegdhede, funksies en pligte van die voormalige Owerheid en Raad aan die KwaZulu-Natal Ekonomiese Reguleringsowerheid; om die KwaZulu-Natal Wet op Dobbelay en Weddery, 2010, en die KwaZulu-Natal Wet op Dranklisensiëring, 2010, te wysig om die bepalings met betrekking tot die voormalige Owerheid en Raad te herroep en om die verwysings na die voormalige Owerheid en Raad te vervang met die KwaZulu-Natal Ekonomiese Reguleringsowerheid; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

DAAR WORD BEPAAL deur die Provinsiale Wetgewer van die Provinsie KwaZulu-Natal, soos volg –

HOOFSTUK 1

UITLEG, OOGMERKE, TOEPASSING EN BEGINSELS

1. Woordomskrywings
2. Oogmerke van Wet
3. Toepassing van Wet
4. Beginsels

HOOFSTUK 2

ONTBINDING VAN KWAZULU-NATAL DOBBEL EN WEDDERYRAAD EN KWAZULU-NATAL DRANKOWERHEID

5. Ontbinding van KwaZulu-Natal Dobbel en Wedderyraad en KwaZulu-Natal Drankowerheid
6. Gevolge van ontbinding
7. Voortgesette toepassing van bestaande wette

HOOFSTUK 3

INSTELLING VAN KWAZULU-NATAL EKONOMIESE REGULERINGSOWERHEID

8. Instelling van KwaZulu-Natal Ekonomiese Reguleringsowerheid
9. Oogmerke van Owerheid
10. Bevoegdhe, funksies en pligte van Owerheid

HOOFSTUK 4

BESTUURSREËLINGS

11. Instelling van Raad
12. Rol van LUR
13. Rol van Departementshoof
14. Samestelling van Raad
15. Algemene vereistes vir lede
16. Aanstellingsprosedure
17. Voorsitter en Ondervoorsitter
18. Gedragstandaard en verklaring van belange
19. Ampstermyn
20. Beëindiging van lidmaatskap, skorsing uit en ontruiming van amp
21. Vul van vakatures
22. Aanstellingsvoorwaardes en vergoeding
23. Afwesigheid van funksionele Raad
24. Raadsvergaderings

25. Kworum en besluite
26. Komitees
27. Notules van vergaderings
28. Oorlegpleging en bystand aan Raad
29. Delegering deur Raad

HOOFSUK 5

BEFONDSING, FINANSIËLE BESTUUR EN VERSLAGDOENING

30. Fondse van Owerheid
31. Finansiële aanspreeklikheid en korporatiewe bestuur
32. Finansiële bestuur
33. Oudit, verslagdoening en jaarverslag
34. Finansiële jaar
35. Onroerende eiendom
36. Regsgedinge

HOOFSUK 6

HOOF UITVOERENDE BEAMPTE EN ANDER PERSONEEL

37. Aanstelling van Hoof Uitvoerende Beampte
38. Bedanking, diskwalifikasie en verwydering van Hoof Uitvoerende Beampte
39. Bevoegdheids, funksies en pligte van Hoof Uitvoerende Beampte
40. Oordrag van bestaande personeel na Owerheid
41. Aanstelling van personeel

HOOFSUK 7

ALGEMENE BEPALINGS

42. Delegasies
43. Register van delegasies
44. Deursigtigheid en toegang tot inligting
45. Regverdige administratiewe optrede
46. Monitering, evaluering, assessering en verslagdoening
47. Gebruik van naam van Owerheid
48. Misdrywe, strawwe en siviele aanspreeklikheid
49. Bylaes, regulasies en kennisgewings
50. Besparings
51. Oorgangsmaatreëls
52. Herroeping en wysiging van wette

53. Kort titel en inwerkingtreding

BYLAES

Bylae 1: Herroeping en wysiging van wette

Bylae 2: Vorms

HOOFSUK 1 UITLEG, DOELWITTE, TOEPASSING EN BEGINSELS

Woordomsrywings

1.(1) Woorde afgelei van die woord of terme wat omskryf is, het ooreenstemmende betekenis, tensy uit die samehang anders blyk.

(2) Enige uitdrukking of bepaling van hierdie Wet moet redelikerwys uitgelê word op 'n wyse wat in ooreenstemming is met die doel en oogmerke van hierdie Wet.

(3) In hierdie Wet, tensy uit die samehang anders blyk, beteken –
"beëdigde verklaring" sluit 'n bevestigde verklaring in wat voor 'n kommissaris van ede gemaak is;

"beleid" 'n beleid goedgekeur deur –

(a) nasionale Kabinet en gepubliseer in die *Staatskoerant*;

(b) die Uitvoerende Raad of 'n munisipale raad en gepubliseer in die *Koerant*; of

(c) die Raad,

na gelang van die geval;

"Departement" die departement of departemente verantwoordelik vir dobbelary, perdewedrenne en weddery, en drank in die Provinsie;

"Departementshoof" die departementshoof of departementshoofde verantwoordelik vir dobbelary, perdewedrenne en weddery, en drank in die Provinsie;

"direkte belang" –

(a) die eienaarskap van aandele in 'n maatskappy of entiteit;

(b) 'n belang in 'n beslote korporasie;

(c) 'n belang in 'n vennootskap;

(d) 'n saaklike of persoonlike reg in eiendom wat deur 'n maatskappy, korporasie, trust, besigheid of ander regsentiteit gebruik word;

(e) 'n belang in 'n trust;

(f) ten opsigte van 'n besigheid, onderneming of ander entiteit, met of sonder regs persoonlikheid, enige belang wat die houer daarvan in staat stel om in die wins en inkomste van sodanige besigheid, onderneming of ander entiteit te deel;

(g) vergoeding, direkteurskap, konsultante en retensieskap;

(h) 'n leningsrekening;

(i) 'n vergoeding, inkomste, opbrengs, geregtigheid op besoldiging, aandele, belang, skenking, geskenk of enige ander voordeel wat 'n persoon toeval voor of ingevolge die toekenning van 'n lisensie vir die instelling, lisensiëring of bedryf van 'n drank-, dobbel-, perdewedren- of weddery-instelling;

(j) die sluiting of bestaan van enige kontrak of ooreenkoms met 'n aansoeker vir 'n lisensie, 'n bestaande lisensiehouer of 'n geregistreerde ingevolge hierdie Wet; en

(k) 'n persoonlike belang,

en "**indirekte belang**", ten opsigte van 'n familielid, sakevennoot, medewerker of werkgewer, anders as die Staat, het 'n ooreenstemmende betekenis;

"familielid" 'n –

(a) persoon wat 'n party is tot 'n burgerlike verhouding, 'n huwelik, insluitend 'n gebruikelike huwelik, of 'n party in 'n permanente verhouding wat saamwoon en wedersydse finansiële en emosionele ondersteuning vereis; of

(b) persoon se kind, ouer, broer of suster, hetsy sodanige verhouding voortspruit uit geboorte, huwelik of aanneming;

"Grondwet" die Grondwet van die Republiek van Suid-Afrika, 1996;

"hierdie Wet" die KwaZulu-Natal Wet op die Ekonomiese Reguleringsowerheid, 2024, en sluit in enige regulasies, kennisgewings, praktyknotas of omsendbriewe ingevolge daarvan gemaak, uitgereik of gepubliseer;

"Hoof Uitvoerende Beampte" die Hoof Uitvoerende Beampte van die Owerheid wat ingevolge artikel 37 aangestel is;

"interne oudit" 'n stelsel van interne oudit soos beoog in artikels 51(1)(a)(ii) en 76(4)(e) van die Wet op Openbare Finansiële Bestuur;

"jaarlikse prestasieplan" het die betekenis wat deur die nasionale Departement van Beplanning, Monitering en Evaluering daaraan toegeskryf word;

"Koerant" die amptelike *Provinsiale Koerant* van die Provinsie;

"komitee" 'n komitee van die Raad ingestel ingevolge artikel 26;

“KwaZulu-Natal Wet op Dobbelary en Weddery” die KwaZulu-Natal Wet op Dobbelary en Weddery, 2010 (Wet No. 8 van 2010), en sluit in enige regulasies, kennisgewings, praktyknotas of omsendbriewe ingevolge daarvan gemaak, uitgereik of gepubliseer;

“KwaZulu-Natal Wet op Dranklisensiëring” die KwaZulu-Natal Wet op Dranklisensiëring, 2010 (Wet No. 6 van 2010), en sluit in enige regulasies, kennisgewings, praktyknotas of omsendbriewe ingevolge daarvan gemaak, uitgereik of gepubliseer;

"lid" 'n lid van die Raad soos beoog in artikel 14;

"lid van 'n komitee" 'n lid van 'n komitee ingestel deur die Raad ingevolge artikel 26;

“LUR” die lid of lede van die Uitvoerende Raad verantwoordelik vir dobbelary, perdewedrenne en weddery, en drank in die Provinsie;

"maatskappy" 'n maatskappy soos omskryf in die Maatskappywet, 2008 (Wet No. 71 van 2008);

“munisipaliteit” 'n munisipaliteit soos beoog in artikel 155 van die Grondwet van die Republiek van Suid-Afrika, 1996, en ingestel by en kragtens artikels 11 en 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), saamgelees met artikels 3, 4 en 5 van die KwaZulu-Natal Wet op die Bepaling van Soorte Munisipaliteite, 2000 (Wet No. 7 van 2000), en **"distriksmunisipaliteit"** en **"metropolitaanse munisipaliteit"** het 'n ooreenstemmende betekenis;

"munisipale staatsorgaan" 'n staatsorgaan in die plaaslike regeringsfeer;

"Nasionale Dobbelwet" die Nasionale Dobbelwet, 2004 (Wet No. 7 van 2004), en sluit in enige regulasies, kennisgewings, praktyknotas of omsendbriewe wat ingevolge daarvan , gemaak, uitgereik of gepubliseer is;

"ouditkomitee" 'n ouditkomitee soos beoog in artikel 77 van die Wet op Openbare Finansiële Bestuur;

“Owerheid” die KwaZulu-Natal Ekonomiese Reguleringsowerheid wat ingevolge artikel 8 ingestel is;

"persoon" sluit 'n natuurlike of 'n regspersoon, 'n groep van sodanige persone of 'n korporatiewe liggaam in;

"personeellid" 'n personeellid van die Owerheid wat oorgeplaas is na, of aangestel is deur, die Owerheid ingevolge artikel 40 of 41, na gelang van die geval;

"politieke ampsdraer" 'n –

(a) lid van die Nasionale Vergadering, die Nasionale Raad van Provinsies of die nasionale Kabinet;

(b) lid van 'n provinsiale wetgewer of 'n provinsiale Uitvoerende Raad;

(c) munisipale raadslid;

(d) diplomatieke verteenwoordiger van die Republiek wat nie 'n lid van die staatsdiens is nie;

(e) lid van 'n huis van tradisionele en Khoi-San-leiers;

(f) tradisionele leier of Khoi-San-leier wat erken word ingevolge die Wet op Tradisionele en Khoi-San Leierskap, 2019 (Wet No. 3 van 2019); of

(g) nasionale, provinsiale of plaaslike ampsdraer van 'n politieke party, organisasie, liggaam, alliansie of beweging wat ingevolge artikel 15 of 15A van die Wet op die Verkiesingskommissie, 1996 (Wet No. 51 van 1996) geregistreer is;

"Portefeuljekomitee" die Portefeuljekomitee of Portefeuljekomitees van die Provinsiale Wetgewer verantwoordelik vir dobbelary, perdewedrenne en weddery, en drank in die Provinsie;

"Provinsiale Tesourie" die Tesourie wat vir die Provinsie ingestel is ingevolge artikel 17 van die Wet op Openbare Finansiële Bestuur;

"Provinsiale Wetgewer" die Wetgewer van die Provinsie soos beoog in artikel 105 van die Grondwet, wat oor die wetgewende gesag in die Provinsie beskik soos beoog in artikel 104 van die Grondwet;

"Provinsie" die Provinsie KwaZulu-Natal beoog in artikel 103 van die Grondwet en **"provinsiaal"** het 'n ooreenstemmende betekenis;

"Raad" die Raad van die Owerheid wat ingevolge artikel 11 ingestel is;

"regulasies" 'n regulasie of regulasies gemaak ingevolge hierdie Wet;

"staatsorgaan" het die betekenis wat in artikel 239 van die Grondwet van die Republiek van Suid-Afrika, 1996 daaraan toegeskryf is;

"tussentydse Hoof Uitvoerende Beampte" die tussentydse Hoof Uitvoerende Beampte soos beoog in artikel 51(1)(b);

"tussentydse Raad" die tussentydse Raad beoog in artikel 51(1)(a)(i);

"Uitvoerende Raad" die Uitvoerende Raad van die Provinsie beoog in artikel 132 van die Grondwet;

"Voorsitter" die Voorsitter van die Raad, en sluit 'n persoon in wat as Voorsitter waarneem;

"werksdag" enige dag anders as 'n Saterdag, Sondag of amptelike openbare vakansiedag in die Republiek van Suid-Afrika;

"Wet op die Beskerming van Persoonlike Inligting" die Wet op die Beskerming van Persoonlike Inligting, 2013 (Wet No. 4 van 2013), en sluit in enige regulasies, kennisgewings, praktyknotas of omsendbriewe ingevolge daarvan gemaak, uitgereik of gepubliseer;

"Wet op die Bevordering van Toegang tot Inligting" die Wet op die Bevordering van Toegang tot Inligting, 2000 (Wet No. 2 van 2000), en sluit in enige regulasies, kennisgewings, praktyknotas of omsendbriewe ingevolge daarvan gemaak, uitgereik of gepubliseer; en

"Wet op Openbare Finansiële Bestuur" die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), en sluit in enige regulasies, kennisgewings, praktyknotas of omsendbriewe ingevolge daarvan gemaak, uitgereik of gepubliseer.

Oogmerke van Wet

2. Die oogmerke van hierdie Wet is om die KwaZulu-Natal Ekonomiese Reguleringsowerheid as 'n provinsiale openbare entiteit in te stel in ooreenstemming met die bepalings van die Wet

op Openbare Finansiële Bestuur en om voorsiening te maak vir die bestuurstrukture, bestuur en administrasie van die Owerheid om die –

- (a) dobbel-, perdewedren- en wedderybedryf met verwysing na toepaslike nasionale wetgewing, die KwaZulu-Natal Wet op Dobbelary en Weddery, en ander relevante provinsiale wetgewing; en
- (b) drankbedryf met verwysing na toepaslike nasionale wetgewing, die KwaZulu-Natal Wet op Dranklisensiering, en ander relevante provinsiale wetgewing te bestuur.

Toepassing van Wet

3. Hierdie Wet –

- (a) is van toepassing op die provinsie as geheel; en
- (b) bind alle provinsiale en munisipale staatsorgane.

Beginsels

4.(1) By die toepassing van hierdie Wet moet die Owerheid –

(a) op 'n –

- (i) doeltreffende;
- (ii) doelmatige;
- (iii) deursigtige;
- (iv) wettige; en
- (v) geloofwaardige,

wyse optree;

(b) met integriteit optree;

(c) hoë etiese standaarde nakom;

(d) hom tot uitnemende diens verbind;

(e) hom daartoe verbind om sy mandaat na te kom;

(f) die volgende verseker –

- (i) regverdige administratiewe optrede, redelikheid, prosedurele en substantiewe billikheid en onpartydigheid met betrekking tot alle aangeleenthede binne sy funksionele domein; en
- (ii) doeltreffende, deursigtige, verantwoordbare en samehangende oorlegpleging en samewerking met alle provinsiale en munisipale staatsorgane en ander belanghebbendes; en

(g) voldoen aan die beginsels van gesonde korporatiewe bestuur.

(2) Die Owerheid moet sy bevoegdhede uitoefen, sy funksies verrig en sy pligte nakom ooreenkomstig –

- (a) toepaslike grondwetlike bepalings, insluitend die bepalings wat samewerkende regering beheer;
- (b) die bepalings van hierdie Wet en ander toepaslike wetgewende en beleidsbepalings; en
- (c) die beginsels uiteengesit in subartikel (1).

HOOFSTUK 2

ONTBINDING VAN KWAZULU-NATAL DOBBEL EN WEDDERYRAAD EN KWAZULU-NATAL DRANKOWERHEID

Ontbinding van KwaZulu-Natal Dobbel en Wedderyraad en KwaZulu-Natal Drankowerheid

5. Die KwaZulu-Natal Dobbel en Wedderyraad, ingestel ingevolge artikel 5(1) van die KwaZulu-Natal Wet op Dobbely en Weddery, en die KwaZulu-Natal Drankowerheid, ingestel ingevolge artikel 5(1) van die KwaZulu-Natal Wet op Dranklisensiering, word hiermee afgeskaf.

Gevolge van ontbinding

6.(1) Die Owerheid is die regsopvolger van die KwaZulu-Natal Dobbel en Wedderyraad en die KwaZulu-Natal Drankowerheid.

(2) Die Owerheid is verantwoordelik vir –

- (a) die bestuur van bedrywighede en alle risiko's wat verband hou met die –
 - (i) ontbinding van die KwaZulu-Natal Dobbel en Wedderyraad en die KwaZulu-Natal Drankowerheid; en
 - (ii) instelling van die Owerheid; en
- (b) enige bevoegdheid uitgeoefen, funksie verrig en plig uitgevoer deur die KwaZulu-Natal Dobbel en Wedderyraad en die KwaZulu-Natal Drankowerheid voor hul ontbinding.

(3)(a) Alle bates, laste, regte en verpligtinge berus by, en alle administratiewe, finansiële en ander rekords gehou deur, die KwaZulu-Natal Dobbel en Wedderyraad en die KwaZulu-Natal Drankowerheid, berus by die Owerheid.

(b) Die Registrateur van Aktes moet die nodige inskrywings of endossemente maak vir die oordrag van enige eiendom ingevolge paragraaf (a), en geen oordragfooi, kantoorfooi of ander heffing is betaalbaar ten opsigte van daardie inskrywing of endossement nie.

(4) Met ingang van die datum van inwerkingtreding van hierdie Wet word –

(a) alle personeellede van die KwaZulu-Natal Dobbel en Wedderyraad en die KwaZulu-Natal Drankowerheid geag personeellede van die Owerheid te wees soos beoog in artikel 40; en

(b) die lede van die Raad van die KwaZulu-Natal Dobbel en Wedderyraad en die KwaZulu-Natal Drankowerheid geag uit hul posisies as lede van die onderskeie rade te bedank het.

Voortgesette toepassing van bestaande wette

7. Behoudens die bepalings van Bylae 1, saamgelees met artikels 50 en 51, bly die –

(a) Kwazulu-Natal Wet op Dobbelary en Weddery; en

(b) KwaZulu-Natal Wet op Dranklisensiëring,

van krag tot tyd en wyl dit deur toepaslike wetgewing gewysig of vervang word.

HOOFSTUK 3

INSTELLING VAN KWAZULU-NATAL EKONOMIESE REGULERINGSOWERHEID

Instelling van Kwazulu-Natal Ekonomiese Reguleringsowerheid

8.(1) 'n Regspersoon wat as die KwaZulu-Natal Ekonomiese Reguleringsowerheid bekend sal staan, word hiermee ingestel as 'n provinsiale openbare entiteit in ooreenstemming met die bepalings van die Wet op Openbare Finansiële Bestuur.

(2) Die Owerheid kan slegs ingevolge 'n Wet van die Provinsiale Wetgewer ontbind word.

Oogmerke van Owerheid

9. Die oogmerke van die Owerheid is om die –

(a) dobbel-, perdewedren- en wedderybedryf in ooreenstemming met toepaslike nasionale wetgewing, die KwaZulu-Natal Wet op Dobbelary en Weddery, en ander relevante provinsiale wetgewing; en

(b) drankbedryf in ooreenstemming met toepaslike nasionale wetgewing, die KwaZulu-Natal Wet op Dranklisensiëring, en ander relevante provinsiale wetgewing,

te reguleer.

Bevoegdhede, funksies en pligte van Owerheid

10. Die Owerheid –

(a) moet die bevoegdhede uitoefen, die funksies verrig en die pligte uitvoer soos uiteengesit in –

- (i) hierdie Wet;
 - (ii) artikel 7 van die KwaZulu-Natal Wet op Dobbelary en Weddery;
 - (iii) artikel 7 van die KwaZulu-Natal Wet op Dranklisensiëring; en
 - (iv) enige ander wet; en
- (b) kan sodanige bevoegdhede uitoefen, sodanige funksies verrig en sodanige pligte uitvoer wat redelikerwys nodig of dienstig mag wees vir die bereiking van die oogmerke van hierdie Wet, die Wette bedoel in paragrawe (a)(ii) en (a)(iii) of enige ander wet, in die mate waarin sodanige ander wet op die Owerheid van toepassing is.

HOOFSUK 4 BESTUURSREËLINGS

Instelling van Raad

11.(1) Die Owerheid word beheer deur 'n Raad wat –

- (a) verantwoordelik is vir bestuur, toesig en monitering; en
- (b) die Owerheid rig in die uitoefening van sy bevoegdhede, die verrigting van sy funksies en die uitvoering van sy pligte in ooreenstemming met hierdie Wet, die Wet op Openbare Finansiële Bestuur en die beginsels van goeie bestuur.

(2) Die Raad –

- (a) moet 'n organisasiestruktuur instel om –
 - (i) die dobbel-, perdewedren- en wedderybedryf; en
 - (ii) die drankbedryf te bestuur; en
- (b) kan 'n transversale gedeelde dienste-komponent vir die Owerheid instel.

(3) Die Raad kan, in oorleg met die LUR en die Hoof Uitvoerende Beampste, die Owerheid herstruktureer indien dit na sy mening nodig is vir die doeltreffende uitoefening van bevoegdhede, verrigting van funksies en die uitvoering van pligte deur die Owerheid.

(4) Die Raad is die rekenpligtige gesag soos beoog in artikel 49(2)(a) van die Wet op Openbare Finansiële Bestuur.

(5) Die Raad moet binne 'n tydperk van hoogstens drie maande na sy aanstelling 'n wedersyds bindende ooreenkoms met die LUR sluit om die verhouding tussen die LUR en die Raad te reguleer.

(6) Die Raad moet binne 'n tydperk van hoogstens drie maande na sy aanstelling 'n Raadshandves goedkeur om –

- (a) die verrigtinge van die Raad en enige komitee wat ooreenkomstig artikel 26 ingestel is, te reguleer;
- (b) die bevoegdhede, funksies en pligte van komitees wat ooreenkomstig artikel 26 ingestel is, te bepaal;
- (c) die verhouding tussen die Raad en –
 - (i) die Hoof Uitvoerende Beampte;
 - (ii) die Raadsekretaris; en
 - (iii) interne oudit te bepaal; en
- (d) voorsiening te maak vir enige ander aangeleentheid wat nodig mag wees vir die doeltreffende en optimale werking van die Raad:
Met dien verstande dat die Raad jaarliks, binne 'n tydperk van hoogstens drie maande na die begin van elke finansiële jaar, die Raadshandves moet hersien.

Rol van LUR

12.(1) Die LUR –

- (a) is die uitvoerende gesag soos beoog in artikel 1 van die Wet op Openbare Finansiële Bestuur;
- (b) moet binne 'n tydperk van hoogstens drie maande na die inwerkingtreding van hierdie Wet, die Raad aanstel soos in artikel 14 beoog; en
- (c) moet die Owerheid en die Raad monitor in die uitoefening van hul bevoegdhede, die verrigting van hul funksies en die uitvoering van hul pligte.

(2) Die lede bedoel in artikel 14(c) moet –

- (a) skakeling tussen die LUR en die Raad fasiliteer; en
- (b) van tyd tot tyd aan die LUR verslag doen oor aangeleenthede wat as relevant geag word.

(3) Die LUR kan –

- (a) deur kennisgewing in die *Koerant* –
 - (i) norme en standaarde vir die uitoefening van die Owerheid se bevoegdhede, die verrigting van sy funksies en die uitvoering van sy pligte; en
 - (ii) beperkings op gelde wat deur die Owerheid gehef word in die uitoefening van sy bevoegdhede, die verrigting van sy funksies en die uitvoering van sy pligte bepaal; en
- (b) riglyne aan die Owerheid uitreik oor –

- (i) beleid, beplanning, strategie en prosedurele kwessies om die effektiewe en doeltreffende funksionering daarvan te verseker; en
- (ii) maatreëls om die norme en standarde beoog in paragraaf (a)(i) te bereik.

Rol van Departementshoof

13. Die Departementshoof is die aangewese rekenpligtige beamppte van die Departement soos beoog in die Wet op Openbare Finansiële Bestuur.

Samestelling van Raad

14. Die Raad bestaan uit –

- (a) minstens vyf en hoogstens sewe lede wat ingevolge artikel 16 deur die LUR aangestel is;
- (b) die Hoof Uitvoerende Beamppte as 'n *ex officio*-lid, wat nie die reg het om by vergaderings van die Raad of enige van sy komitees te stem nie; en
- (c) een of meer werknemers van die Departement, wat die LUR, na sy of haar goeddunke, as sy of haar verteenwoordigers op die Raad kan aanstel, welke verteenwoordigers vergaderings van die Raad en enige van sy komitees kan bywoon en aan besprekings kan deelneem, maar nie stemreg by sulke vergaderings het nie: Met dien verstande dat die LUR sodanige verteenwoordigers kan afwissel of verwyder soos wat hy of sy nodig ag.

Algemene vereistes vir Raadslede

15.(1) Lede moet –

- (a) geskikte en gepaste persone wees;
- (b) die amp beklee in die beste belang van die Owerheid en die Provinsie;
- (c) oor toepaslike kwalifikasies en ondervinding beskik; en
- (d) onafhanklik, onpartydig en regverdig wees.

(2) 'n Persoon is gediskwalifiseer om 'n lid te word of te bly indien daardie persoon –

- (a) nie 'n burger van die Republiek is of nie meer is nie;
- (b) 'n politieke ampsdraer is;
- (c) met die uitsondering van 'n lid beoog in artikel 14(b) en (c), in die voltydse diens van 'n staatsorgaan is;
- (d) 'n adviseur of 'n spesiale adviseur van 'n staatsorgaan of 'n politieke ampsdraer is;
- (e) 'n amptenaar of werknemer is van 'n munisipaliteit wat ingevolge artikel 155(1) van die Grondwet ingestel is;

- (f) 'n direkte of indirekte belang in enige drank-, dobbel-, perdewedren- en wedderyaktiwiteit het of verkry;
- (g) 'n direkte of indirekte belang in enige besigheid of onderneming het of verkry wat kan bots of inmeng met die behoorlike uitvoering van sy of haar funksies as 'n lid;
- (h) versuim om 'n direkte of indirekte belang in ooreenstemming met artikel 18(4) te openbaar of die verrigtinge van die Raad bygewoon of daaraan deelgeneem het terwyl hy of sy 'n belang het waarna in daardie artikel verwys word;
- (i) 'n direkte of indirekte belang in enige kontrak met die Owerheid het en versuim om sy of haar belang en die aard daarvan te verklaar op die wyse wat deur hierdie Wet vereis word;
- (j) 'n ongerehabiliteerde insolvent is of word;
- (k) deur 'n bevoegde hof as ontoerekeningsvatbaar verklaar is of word;
- (l) 'n persoon onder kuratorskap is of word;
- (m) ingevolge artikel 20(1) of (2) uit sy amp onthef is of word;
- (n) 'n misdadige direkteur is of as een verklaar word soos beoog in artikel 162 van die Maatskappywet, 2008 (Wet No. 71 van 2008);
- (o) te eniger tyd uit enige vertrouensamp verwyder is of word weens wangedrag of oneerlikheid; of
- (p) in die Republiek of elders skuldig bevind is of word aan 'n misdryf –
 - (i) wat oneerlikheid, diefstal, bedrog, vervalsing of die uitspreek van 'n vervalste dokument of meeneed behels;
 - (ii) kragtens die Wet op die Voorkoming en Bestryding van Korrupte Aktiwiteite, 2004 (Wet No. 12 van 2004);
 - (iii) kragtens Hoofstuk 2 of 3 van die Wet op die Voorkoming van Georganiseerde Misdad, 1998 (Wet No. 121 van 1998);
 - (iv) kragtens die Wet op die Finansiële Intelligensiesentrum, 2001 (Wet No. 38 van 2001);
 - (v) kragtens die Maatskappywet, 2008 (Wet No. 71 van 2008);
 - (vi) kragtens hierdie Wet; of
 - (vii) kragtens enige ander soortgelyke wet:

Met dien verstande dat 'n diskwalifikasie ingevolge hierdie paragraaf eindig vyf jaar nadat die vonnis uitgedien is.

(3)(a) Indien enige lid gedurende sy of haar ampstermyn ingevolge subartikel (2) gediskwalifiseer word, of 'n belang verkry wat waarskynlik 'n direkte of indirekte belang sal wees, moet hy of sy binne 'n tydperk van hoogstens tien werksdae nadat hy of sy

gediskwalifiseer is of na die verkryging van sodanige belang, of nadat hy of sy van sodanige inligting bewus geword het, sodanige belang skriftelik verklaar aan die –

- (i) Voorsitter, of indien die verklaring die Voorsitter aangaan, die Ondervoorsitter; en
- (ii) LUR.

(b) By ontvangs van inligting van 'n lid soos beoog in paragraaf (a), moet die LUR, behoudens artikel 20(2), die ampstermyn van sodanige lid met onmiddellike effek beëindig.

Aanstellingsprosedure

16.(1) Wanneer dit ook al nodig is om 'n lid of lede aan te stel soos beoog in artikel 14(a), moet die LUR binne 20 werksdae –

(a) benoemings aanvra deur advertensies in die *Koerant* en ten minste twee provinsiale koerante, een in Engels en een in *isiZulu*, welke advertensies –

- (i) die benoemingsprosedure en die sluitingsdatum waarteen benoemings ontvang moet word; en
- (ii) die inligting, kwalifikasies en ondervinding wat vir benoeming vereis word, moet voorskryf; en

(b) 'n lys opstel van die name van persone wat benoem is, met die volledige besonderhede van elke individuele benoemde.

(2) Enige benoeming gemaak ingevolge 'n advertensie ingevolge subartikel (1)(a) moet ondersteun word deur –

- (a) die persoonlike en kontakbesonderhede van die benoemde;
- (b) besonderhede van die benoemde se kwalifikasies en ondervinding; en
- (c) enige ander inligting wat voorgeskryf mag word soos beoog in subartikel (1)(a).

(3) 'n Persoon wat ingevolge subartikel (2) benoem is om op die Raad te dien, moet binne tien werksdae na benoeming, sy of haar –

- (a) ondertekende aanvaarding van die benoeming;
- (b) beëdigde verklaring wat verklaar dat hy of sy nie ingevolge artikel 15(1) en (2) vir aanstelling gediskwalifiseer is nie; en
- (c) beëdigde verklaring van al sy of haar direkte en indirekte belange, aan die LUR voorlê.

(4) Enige versuim deur die benoemde om enige diskwalifikasiekriterium of enige direkte of indirekte belang ingevolge subartikel (3)(b) en (c) te openbaar, diskwalifiseer die benoemde om vir die posisie van 'n lid oorweeg te word.

(5) Die LUR moet 'n paneel aanstel om al die benoemings te hersien en te evalueer en daarna te kortlys en aanbevelings aan hom of haar te maak rakende die benoemdes: Met dien verstande dat die kortlys en aanbevelings binne 20 werksdae na die aanstelling van die paneel by die LUR ingedien moet word.

(6) Die LUR moet binne tien werksdae na ontvangs van die kortlys en aanbevelings beoog in subartikel (5) –

(a) die aanbevelings oorweeg; en

(b) die vereiste aantal aanstellings maak uit die lys van benoemdes in subartikel (1)(b): Met dien verstande dat indien die gekortlyste benoemdes nie voldoen aan die vereistes vir kwalifikasie en die kriteria waarvoor in hierdie Wet voorsiening gemaak word nie, die LUR weer vir benoemings moet adverteer vir die uitstaande aantal aanstellings ooreenkomstig die bepalings van hierdie artikel.

(7) By die aanstelling van 'n lid of lede beoog in artikel 14(a), moet die LUR verseker dat die Raad breed verteenwoordigend is en gesamentlik saamgestel is uit persone met korporatiewe bestuurservaring en 'n wye reeks ander toepaslike vaardighede, kundigheid en ervaring, en wat verkieslik in KwaZulu-Natal woonagtig is, met spesifieke verteenwoordiging deur ten minste een persoon wat –

(a) bewese sakevernuf in, en kennis van, die drankbedryf het;

(b) bewese sakevernuf in, en kennis van, die dobbelbedryf het;

(c) bewese sakevernuf in, en kennis van, die perdewedren- en wedderybedryf het;

(d) gekwalifiseer is om toegelaat te word om as 'n regspraktisyn in die Republiek te praktiseer en vir 'n kumulatiewe tydperk van minstens tien jaar nadat hy aldus gekwalifiseer het, as 'n regspraktisyn gepraktiseer of dienste verrig het wat verband hou met die toepassing of administrasie van handelsreg;

(e) as 'n geoktrooieerde rekenmeester in die Republiek gekwalifiseer en geregistreer is en vir 'n kumulatiewe tydperk van minstens tien jaar nadat hy aldus gekwalifiseer het, as 'n geoktrooieerde rekenmeester gepraktiseer het;

(f) deur die Suid-Afrikaanse Nasionale Raad vir Alkoholisme en Dwelmafhanlikheid benoem word; en

(g) deur die Raad van die Suid-Afrikaanse Stigting vir Verantwoordelike Dobbelry benoem word.

(8) Die LUR moet die persone wat in die Raad aangestel is, skriftelik in kennis stel van hul aanstelling, en die datum waarop die aanstelling in die Raad in werking tree.

(9) Die LUR moet binne tien werksdae vanaf die maak van 'n aanstelling soos beoog in subartikel (6)(b) –

(a) die –

- (i) Uitvoerende Raad;
- (ii) Portefeuljekomitee;
- (iii) portefeuljekomitee verantwoordelik vir finansies in die Provinsie; en
- (iv) portefeuljekomitee verantwoordelik vir gemeenskapsveiligheid, sekuriteit en skakeling in die Provinsie,

in kennis stel van die name van alle persone wat in die Raad aangestel is; en

(b) die name deur kennisgewing in die *Koerant* en in minstens twee provinsiale koerante publiseer, een in Engels en een in *isiZulu*.

(10) Waar aangetoon word dat enige een of meer lede nie behoorlik aangestel is nie, maak sodanige omstandigheid nie enige resoluksie, besluit, magtiging of aksie wat deur die Raad geneem is ongeldig of daardeur beïnvloed nie, tensy 'n Hof wat die geldigheid van 'n bepaalde resoluksie, besluit, magtiging of aksie oorweeg, besluit dat sodanige resoluksie, besluit, magtiging of handeling ter syde gestel moet word.

Voorsitter en Ondervoorsitter

17.(1) Die LUR moet 'n Voorsitter en 'n Ondervoorsitter uit die lede aanstel: Met dien verstande dat die Voorsitter en Ondervoorsitter 'n lid moet wees soos beoog in artikel 14(a).

(2) Die LUR kan met goeie rede sodanige aanstellings terugtrek of wysig.

(3) Die Voorsitter en Ondervoorsitter word aangestel vir sodanige tydperk as wat die LUR mag bepaal: Met dien verstande dat sodanige aanstellings nie hul ampstermyn as lede soos beoog in artikel 19 verleng nie.

(4) Die Ondervoorsitter moet die bevoegdhede uitoefen, die funksies verrig en die pligte van die Voorsitter uitvoer indien die Voorsitter afwesig, onbekwaam verklaar is, weier of versuim om as Voorsitter op te tree, of as die LUR die Voorsitter se aanstelling terugtrek.

(5) Indien beide die Voorsitter en Ondervoorsitter afwesig, onbekwaam verklaar is, weier of versuim om hul bevoegdhede uit te oefen, hul funksies te verrig of hul pligte uit te voer, of as die LUR hul aanstellings terugtrek, moet die LUR 'n ander lid as waarnemende Voorsitter aanstel.

Gedragstandaard en verklaring van belange

18.(1) In hierdie artikel sluit "lid" in enige –

- (a) lid beoog in artikel 14; en
- (b) lid van 'n komitee wat ooreenkomstig artikel 26 aangestel is.

(2) 'n Lid beoog in subartikel (1) –

- (a) moet die funksies van die amp te goeder trou en sonder guns of vooroordeel verrig;
- (b) mag nie die posisie, voorregte of kennis van 'n lid gebruik vir private gewin of om 'n ander persoon onbehoorlik te bevoordeel nie;
- (c) mag nie direk of indirek enigiets van waarde van enige persoon of besigheid ontvang wat met die behoorlike verrigting van sy of haar funksies kan bots of inmeng of op enige wyse voordeel trek uit die amp wat hy of sy bekleë nie; en
- (d) mag nie op enige ander manier optree wat die geloofwaardigheid, onpartydigheid, onafhanklikheid of integriteit van die Owerheid onder verdenking bring nie.

(3)(a) 'n Lid beoog in artikel 14(a) en (c) moet 'n beëdigde verklaring by die LUR indien van sy of haar direkte of indirekte belange soos beoog in hierdie Wet by die aanvaarding van die amp en daarna aan die begin van elke finansiële jaar: Met dien verstande dat in die geval waar sodanige lid 'n direkte of indirekte belang te eniger tyd na die begin van 'n spesifieke finansiële jaar verkry, hy of sy sodanige belang skriftelik aan die LUR moet verklaar binne tien werksdae vanaf die datum van verkryging van sodanige belang.

(b) 'n Verklaring beoog in paragraaf (a) moet in die formaat wees wat in Bylae 2 voorsien word.

(4) 'n Lid beoog in subartikel (1) moet –

- (a) by die aanvang van enige vergadering 'n skriftelike verklaring van sy of haar direkte of indirekte belange in enige aangeleentheid voor die Raad of komitee aan die Voorsitter van die Raad of komitee voorlê, in die formaat waarvoor in Bylae 2 voorsiening gemaak word;
- (b) hom- of haarself onttrek van 'n aangeleentheid wat deur die Raad of komitee bespreek, oorweeg of daarvoor gestem word indien hy of sy 'n direkte of indirekte belang het, of indien daar 'n moontlikheid is dat 'n direkte of indirekte belang kan ontstaan, tensy die Raad of komitee bepaal en besluit dat die belang wat openbaar gemaak word, onbenullig of nie wesenslik is nie; en
- (c) indien dit in enige stadium tydens die verloop van enige verrigtinge voor die Raad of 'n komitee blyk dat hy of sy 'n direkte of indirekte belang het of kan hê, die aard van sodanige belang openbaar, hom- of haarself onttrek en die vergadering verlaat, tensy

die Raad of komitee bepaal en besluit het dat die belang wat geopenbaar is, onbenullig of nie wesenlik is nie.

(5) Enige openbaarmaking wat ingevolge subartikel (4) gemaak word, moet in die notule van die betrokke vergadering aangeteken word.

(6) Indien dit later vasgestel word dat die Raad of komitee 'n besluit geneem het oor 'n aangeleentheid ten opsigte waarvan 'n lid versuim het om 'n direkte of indirekte belang soos bedoel in subartikels (3) of (4) bekend te maak, moet sodanige besluit deur die Raad of komitee heroorweeg word sonder die deelname van die betrokke lid so gou as wat redelikerwys moontlik is nadat die Raad of komitee bewus geword het van die nie-openbaarmaking: Met dien verstande dat indien sodanige besluit die regte van enige persoon nadelig raak en 'n direkte eksterne regsuitwerking het, moet die Raad by 'n bevoegde hof aansoek doen om sodanige besluit tersyde te stel.

(7) 'n Lid beoog in subartikel (1) wat subartikels (2), (3) en (4) oortree of versuim om daaraan te voldoen, na gelang van die geval, –

(a) is aan wangedrag skuldig; en

(b) kan, onderhewig aan nakoming van behoorlike prosedure, deur die LUR verwyder word, indien, na sy of haar mening, sodanige oortreding of versuim goeie rede vir verwydering uitmaak.

(8) Enige persoon kan 'n aansoek, mondeling of skriftelik, vir 'n lid doen om hom- of haarself te onttrek waar daardie persoon rede het om te glo dat 'n lid 'n direkte of indirekte belang het of redelikerwys verwag kan word om 'n direkte of indirekte belang by die uitslag van 'n besluit van die Raad of komitee te hê: Met dien verstande dat die persoon wat so aansoek doen duidelike redes vir sy of haar versoek moet verskaf.

(9) 'n Aansoek bedoel in subartikel (8) moet gerig word aan die –

(a) Voorsitter van die Raad of komitee, na gelang van die geval; of

(b) Ondervoorsitter van die Raad of komitee, na gelang van die geval, indien die aansoek die Voorsitter raak,

wat oor die aangeleentheid moet besluit en die besluit aan die Raad of komitee moet rapporteer, welke besluit in die notule van die betrokke vergadering aangeteken moet word.

(10) Die LUR moet 'n bygewerkte register hou van lede se belange wat ingevolge hierdie artikel bekend gemaak word, welke register 'n openbare dokument is waartoe lede van die publiek,

onderworpe aan die bepalings van die Wet op die Bevordering van Toegang tot Inligting en die Wet op Beskerming van Persoonlike Inligting, toegang kan versoek gedurende kantoorure.

Ampstermyn

19.(1) Lede beoog in artikel 14(a) –

(a) word aangestel vir 'n termyn van vyf jaar of sodanige korter termyn as wat die LUR kan bepaal, of, indien subartikel (2) van toepassing is, vir 'n termyn ingevolge daardie subartikel bepaal;

(b) kom in aanmerking vir heraanstelling vir een bykomende termyn van hoogstens vyf jaar na voltooiing van 'n termyn beoog in paragraaf (a), behoudens die bepalings van artikels 15 en 16; en

(c) kan na 'n onderbreking van minstens drie jaar nadat 'n bykomende termyn beoog in paragraaf (b) geëindig het, weer in aanmerking kom vir aanstelling ingevolge paragraaf (a), behoudens die bepalings van artikels 15 en 16, en indien aldus aangestel, weer in aanmerking kom vir heraanstelling ingevolge paragraaf (b).

(2) Enige aanstelling ingevolge subartikel (1) kan, met gegronde redes, deur die LUR verleng word vir 'n bepaalde tydperk van hoogstens een jaar.

Beëindiging van lidmaatskap, skorsing uit en ontruiming van amp

20.(1) Die aanstelling van 'n lid beoog in artikel 14(a) word beëindig wanneer hy of sy –

(a) nie meer verkiesbaar is om 'n lid te wees nie ingevolge artikel 15(2);

(b) die lid se ampstermyn oorskry waar sy of haar termyn nie deur die LUR verleng word soos in artikel 19(2) voorsiening gemaak word nie;

(c) bedank;

(d) weens dood of onbekwaamheid nie kan dien nie; of

(e) ingevolge subartikel (2) uit die amp onthef word.

(2) Die aanstelling van 'n lid beoog in artikel 14(a) kan deur die LUR beëindig word indien –

(a) hy of sy afwesig is van drie of meer opeenvolgende vergaderings van die Raad; of

(b) die LUR 'n bevinding gemaak het dat daar voldoende bewyse is van wangedrag, oneerlikheid, onbekwaamheid of onbevoegdheid ten opsigte van sodanige lid, onderworpe aan die nakoming van behoorlike proses: Met dien verstande dat die LUR 'n lid wat ondersoek word sonder vergoeding kan skors, onderworpe aan nakoming van behoorlike proses.

(3) 'n Lid beoog in artikel 14(a) kan bedank deur ten minste 20 werksdae skriftelike kennis aan die Voorsitter en die LUR te gee: Met dien verstande dat die LUR, na sy of haar goeë dunde, van die kennistydperk kan afsien.

(4) Wanneer 'n lid ophou om 'n lid te wees, mag hy of sy nie meer die Raad in enige komitee of enige ander liggaam van die Raad verteenwoordig nie.

Vul van vakatures

21. Wanneer 'n vakature in die Raad ontstaan, moet die LUR binne 'n tydperk van hoogstens ses maande 'n persoon aanstel om sodanige vakature te vul vir die onverstreke gedeelte van die ampstermyn van die lid in wie se plek so persoon aangestel is, in ooreenstemming met die bepalings van artikel 16.

Voorwaardes van aanstelling en vergoeding

22.(1) In hierdie artikel sluit "lid" enige -

(a) lid beoog in artikel 14; en

(b) lid van 'n komitee wat nie 'n lid van die Raad is nie, soos beoog in artikel 26, in.

(2) Die LUR moet die aanstellingsvoorwaardes van lede bepaal.

(3)(a) Behoudens subartikels (3)(b) en (4)(a), kan 'n lid uit die fondse van die Owerheid sodanige vergoeding en toelaes betaal word wat deur die LUR in oorleg met die Lid van die Uitvoerende Raad verantwoordelik vir finansies in die Provinsie bepaal is.

(b) 'n Lid wat vergoeding, toelaes of ander voordele ontvang uit hoofde van sy of haar amp, posisie, pos of diens in –

(i) die Nasionale Regering;

(ii) 'n provinsiale regering;

(iii) 'n munisipaliteit;

(iv) 'n korporasie, liggaam of instelling waarin die nasionale of 'n provinsiale regering 'n beherende belang het; of

(v) 'n openbare entiteit, 'n nasionale regeringsonderneming of 'n provinsiale regeringsonderneming soos omskryf in artikel 1 van die Wet op Openbare Finansiële Bestuur,

en wat voortgaan om sodanige vergoeding, toelaes of ander voordele te ontvang terwyl hy as lid dien soos beoog in subartikel (1), mag slegs vergoeding en toelaes in paragraaf (a) bedoel ontvang in die mate wat nodig is om sodanige lid in die finansiële posisie te plaas waarin hy of

sy sou gewees het as dit nie vir sodanige amp, posisie, pos of diens was nie.

(c) Verskillende vergoeding en toelaes kan vir die volgende kategorieë lede bepaal word –

- (i) die Voorsitter;
- (ii) die Ondervoorsitter;
- (iii) ander lede van die Raad;
- (iv) die Voorsitter van 'n komitee;
- (v) lede van komitees; en
- (vi) lede van komitees wat nie lede van die Raad is nie:

Met dien verstande dat 'n lid beoog in artikel 14(c) slegs vergoed kan word vir uitgawes soos beoog in subartikel (4)(a).

(4)(a) 'n Lid kan, ten opsigte van sy of haar funksies as sodanige lid, vergoeding uit die fondse van die Owerheid ontvang vir redelike werklike verblyf- en reiskoste wat genoodsaak is deur die werklike bywoning van 'n vergadering van die Raad of 'n komitee of 'n amptelike funksie of geleentheid bygewoon in sy of haar hoedanigheid as lid: Met dien verstande dat 'n lid beoog in artikel 14(c) sodanige terugbetaling uit die fondse van die Departement moet ontvang.

(b) Die lid van die Uitvoerende Raad verantwoordelik vir finansies in die Provinsie moet prosedures, insluitend beheermaatreëls, vir die bestuur, hantering en verwerking van eise vir verblyf- en reiskoste in paragraaf (a) beoog, bepaal.

(5) Lede word deelyds en in 'n nie-uitvoerende hoedanigheid aangestel.

Afwesigheid van funksionele Raad

23.(1) Indien, na die mening van die LUR, die Raad nie sy bevoegdhede uitoefen, sy funksies verrig of sy pligte uitvoer soos uiteengesit in hierdie Wet, die Wet op Openbare Finansiële Bestuur, enige ander relevante wet, of in ooreenstemming met die beginsels van goeie korporatiewe bestuur, kan die LUR, nadat die Raad die geleentheid gegee is om skriftelike versoë in te dien, die Raad deur kennisgewing in die *Koerant* as disfunksioneel verklaar.

(2) Indien die Raad ingevolge subartikel (1) as disfunksioneel verklaar is, of in die geval dat die Raad nie meer behoorlik saamgestel is ooreenkomstig die bepalings van artikel 14 nie –

- (a) berus die bevoegdhede, funksies en pligte van die rekenpligtige gesag tydelik by die Hoof Uitvoerende Beampte ooreenkomstig die bepalings van artikel 49(2)(b) van die Wet op Openbare Finansiële Bestuur; en
- (b) moet die LUR so gou as wat redelikerwys moontlik is, maar in elk geval binne 'n tydperk van hoogstens drie maande, alle nodige stappe doen om te verseker dat die Owerheid deur 'n funksionele Raad beheer word.

Raadsvergaderings

24.(1) Die Voorsitter besluit waar en wanneer die Raad vergader: Met dien verstande dat die

–

- (a) eerste vergadering van die Raad gehou moet word op 'n plek en datum deur die LUR bepaal;
- (b) Raad minstens kwartaalliks vergader;
- (c) LUR die Raad skriftelik opdrag kan gee om te vergader, en die plek en datum van die vergadering kan gelas; en
- (d) meerderheid van die lede beoog in artikel 14(a) die Voorsitter skriftelik kan versoek om 'n vergadering te belê op 'n plek en datum soos uiteengesit in die versoek, in welke geval die Voorsitter sodanige vergadering van die Raad moet belê.

(2) Die Voorsitter, of in sy of haar afwesigheid, die Ondervoorsitter, sit by vergaderings van die Raad voor: Met dien verstande dat indien beide die Voorsitter en Ondervoorsitter afwesig is van 'n deel van 'n vergadering, die teenwoordige lede 'n ander lid moet kies om by daardie deel van die vergadering voor te sit

(3) Die Raad kan enige personeellid of enige ander persoon nooi om enige van sy vergaderings by te woon waar dit nodig of toepaslik geag word: Met dien verstande dat enige sodanige personeellid of ander persoon –

- (a) aan artikel 18 moet voldoen; en
- (b) nie aan enige besluit mag deelneem of by so 'n vergadering mag stem nie.

(4)(a) Die Raad kan, na goeddunke, lede van die publiek toelaat om enige vergadering van die Raad by te woon.

(b) Enige vergadering van die Raad wat belê word met die doel om verhoër of besware met betrekking tot enige aansoek om 'n drank-, dobbel-, perdewedren- of wedderylisensie te oorweeg, moet vir die publiek toeganklik wees.

(c) Die Voorsitter kan, na sy of haar goeddunke, gelas dat enige persoon wie se teenwoordigheid nie wenslik is by 'n vergadering beoog in paragraaf (a) of (b) nie, nie die vergadering mag bywoon nie of die vergadering moet verlaat.

(d) Beraadslagings met die oog op die neem van besluite en om daarvoor te stem ten opsigte van enige aangeleentheid op 'n vergadering, moet agter geslote deure plaasvind.

(5) Die Raad kan sy eie prosedures bepaal onderworpe aan die ander bepalings van hierdie Wet.

Kworum en besluite

25.(1) 'n Meerderheid van die lede beoog in artikel 14(a) vorm 'n kworum vir 'n vergadering van die Raad.

(2) 'n Saak voor die Raad word beslis deur die stemme van 'n meerderheid van die lede teenwoordig by die vergadering: Met dien verstande dat slegs 'n lid beoog in artikel 14(a) die reg het om by 'n vergadering te stem.

(3) Indien daar, oor enige aangeleentheid voor die Raad, 'n staking van stemme is, moet die lid wat by die vergadering voorsit, 'n beslissende stem uitoefen bo en behalwe sy of haar stem as 'n lid.

(4) Geen besluit van die Raad is ongeldig bloot weens 'n vakature in die Raad nie, behoudens die bepalings van subartikels (1) en (2).

Komitees

26.(1) Die Raad –

- (a) moet 'n ouditkomitee instel;
- (b) kan een of meer ander komitees instel om hom by te staan in die uitoefening van sy bevoegdhede, die verrigting van sy funksies en die uitvoering van sy pligte;
- (c) moet vir elke komitee 'n Voorsitter en ander lede aanwys;
- (d) kan 'n lid van 'n komitee te eniger tyd uit sy amp onthef met gegronde redes; en
- (e) kan 'n komitee te eniger tyd ontbind.

(2) Wanneer lede op die ouditkomitee aangestel word, moet die Raad –

- (a) as Voorsitter van die ouditkomitee –
 - (i) 'n persoon wat 'n lid is soos beoog in artikel 14(a); of
 - (ii) 'n persoon wat nie 'n lid van die Raad is nie, aanstel;
- (b) persone insluit wat nie lede van die Raad is nie; en
- (c) voldoening aan artikels 51(1)(a)(ii) en 76(4)(d) van die Wet op Openbare Finansiële Bestuur verseker.

(3) Wanneer lede op 'n komitee beoog in subartikel (1)(b) aangestel word, kan die Raad lede insluit wat nie lede van die Raad is nie.

(4) 'n Lid van 'n komitee wat nie 'n lid van die Raad is nie –

- (a) moet aan artikel 18 voldoen; en
- (b) kan, behalwe in die geval van 'n lid van die ouditkomitee, nie deelneem aan enige besluit van, of stem by, sodanige komitee nie.

(5) 'n Komitee kan aanbevelings aan die Raad doen vir bespreking, wysiging, verwerping of aanneming deur die Raad.

(6) Die bepaling van artikel 22 is, met die nodige wysigings, van toepassing op die voorwaardes vir die aanstelling van lede van komitees.

(7) 'n Personeellid van die Owerheid wat in 'n komitee aangestel is, of deur 'n komitee genooi is om 'n vergadering by te woon –

- (a) moet aan artikel 18(2) en (4) voldoen: Met dien verstande dat, ten opsigte van 'n personeellid wat genooi is om 'n vergadering by te woon, artikel 18(7)(b) nie van toepassing is nie;
- (b) mag nie aan enige besluit van, of stem by, sodanige komitee nie; en
- (c) dien in die komitee, of woon 'n vergadering van die komitee by, onderworpe aan die bepalinge en voorwaardes van sy of haar diens.

Notules van vergaderings

27.(1) Die Raad moet verseker dat notules van elke vergadering van die Raad en sy komitees saamstel en aan alle lede van die Raad of sodanige komitee, na gelang van die geval, gesirkuleer word binne 'n tydperk van hoogstens tien werksdae na sodanige vergadering.

(2) Alle notules van vergaderings bedoel in subartikel (1) moet –

- (a) ter tafel gelê word by die daaropvolgende vergadering van die Raad of komitee, na gelang van die geval, vir aanneming en word, sodra dit aangeneem en onderteken is deur die Voorsitter van die Raad of 'n komitee, geag 'n korrekte rekord van die vergadering te wees en vorm *prima facie* bewys van die besluite wat deur die Raad of komitee by sodanige vergadering geneem is; en
- (b) in 'n register gelys en in hardekopie en elektroniese formaat gehou word sodra dit aangeneem en onderteken is.

(3) Die notules van alle vergaderings van die Raad en sy komitees is openbare dokumente waartoe lede van die publiek, behoudens die bepalinge van die Wet op die Bevordering van Toegang tot Inligting en die Wet op die Beskerming van Persoonlike Inligting, toegang kan versoek gedurende kantoorure.

Oorlegpleging en bystand aan Raad

28.(1) Die Raad kan, wanneer dit ook al nodig is, enige persoon, organisasie of instelling aanstel met die doel om die Raad by te staan of te adviseer oor enige aangeleentheid wat verband hou met die uitoefening van sy bevoegdhede, die verrigting van sy funksies en die uitvoering van sy pligte ingevolge artikel 11 van hierdie Wet.

(2) Die Raad moet, by die aanstelling van 'n persoon of entiteit soos beoog in subartikel (1) –

- (a) voldoen aan die voorsieningskettingsbestuurstelsel soos beoog in artikels 51(1)(a)(iii) en 76 van die Wet op Openbare Finansiële Bestuur; en
- (b) 'n skriftelike ooreenkoms met die betrokke persoon of entiteit sluit, wat 'n beskrywing moet insluit van die diens wat deur die persoon of entiteit gelewer moet word en die datum waarop hy of sy die Raad van 'n verslag en aanbevelings ten opsigte daarvan moet voorsien.

(3) Die bepalings, voorwaardes, vergoeding en toelaes met betrekking tot die aanstelling van 'n persoon of entiteit ingevolge hierdie artikel moet uit fondse van die Owerheid betaal word soos deur die Owerheid bepaal en moet ingesluit word in die skriftelike ooreenkoms beoog in subartikel (2).

(4) 'n Persoon of entiteit wat aldus aangestel of op wie 'n beroep gedoen is, mag nie deelneem aan enige besluit van, of stem by, 'n vergadering van die Raad of 'n komitee nie.

Delegering deur Raad

29.(1) Wanneer dit nodig is vir die behoorlike verrigting van sy funksies, kan die Raad enige van sy bevoegdhede, funksies of pligte, uitgesonderd dié in subartikel (2) genoem, delegeer aan –

- (a) 'n lid beoog in artikel 14(a);
- (b) 'n komitee ingestel ingevolge artikel 26; of
- (c) die Hoof Uitvoerende Beampte:

Met dien verstande dat elke delegasie aan die bepalings van artikel 42(2) en (3) moet voldoen.

(2) Die Raad mag nie die volgende bevoegdhede, funksies en pligte delegeer nie:

- (a) die aanstelling of heraanstelling van die Hoof Uitvoerende Beampte en enige bepaling van Hoof Uitvoerende Beampte se diensbepalings en -voorwaardes soos beoog in artikel 37;

- (b) die bepaling van die indiensnemingsbeleid, finansiële perke en algemene diensvoorwaardes vir personeellede soos beoog in artikel 41(1) en (3)(a);
- (c) die finansiële bestuursverantwoordelikhede wat ingevolge artikels 30, 31, 32, 33 en 35 aan die Raad opgedra is; en
- (d) die goedkeuring van die begroting soos beoog in artikel 32(1)(b)(ii).

HOOFSUK 5

BEFONDSING, FINANSIËLE BESTUUR EN VERSLAGDOENING

Fondse van Owerheid

30.(1) Die fondse van die Owerheid bestaan uit –

- (a) geld wat deur die Provinsiale Wetgewer aan hom bewillig is;
- (b) enige bedrae betaalbaar aan die Owerheid ingevolge die KwaZulu-Natal Wet op Dobbelaar en Weddery en die KwaZulu-Natal Wet op Dranklisensiëring; en
- (c) geld wat wettiglik uit enige ander bron verkry is.

(2) Die Owerheid moet sy fondse aanwend –

- (a) vir die betaling van vergoeding, toelaes en verblyf- en reiskoste van –
 - (i) lede;
 - (ii) lede van komitees;
 - (iii) die Hoof Uitvoerende Beampte;
 - (iv) personeellede; en
 - (v) persone en entiteite soos beoog in artikel 28; en

(b) om die koste van –

- (i) die daaglikse bedryf en administrasie van die Owerheid, die Raad en komitees;
- (ii) die bestuur van die Owerheid; en
- (iii) die uitoefening van die bevoegdhede, verrigting van die funksies en die uitvoering van die pligte van die Owerheid ingevolge hierdie Wet, die KwaZulu-Natal Wet op Dobbelaar en Weddery, en die KwaZulu-Natal Wet op Dranklisensiëring, te dek.

(3) Die Hoof Uitvoerende Beampte moet, behoudens die bepalings van die Wet op Openbare Finansiële Bestuur en met die instemming van die Raad –

- (a) 'n rekening in die naam van die Owerheid open by 'n instelling wat ingevolge die Bankwet, 1990 (Wet No. 94 van 1990) as 'n bank geregistreer is; en

(b) alle fondse wat ingevolge subartikel (1) ontvang is, daarin deponeer.

(4) Met ingang van die datum wanneer hierdie Wet in werking tree, word enige bankrekeninge of fondse wat bedryf word, of beleggings gehou, deur die voorgangers-in-titel van die Owerheid bedoel in artikel 5 geag die bankrekeninge, fondse of beleggings van die Owerheid te wees.

(5) Die Owerheid kan, behoudens die bepalings van die Wet op Openbare Finansiële Bestuur en enige beleggings- of ander beleid wat ingevolge daarvan voorgeskryf word, gelde wat in sy rekening gedeponeer word, belê wat nie vir onmiddellike gebruik benodig word nie: Met dien verstande dat die Raad redelike stappe moet neem om te verseker dat die belegging nie van 'n spekulatiewe aard is nie.

Finansiële aanspreeklikheid en korporatiewe bestuur

31. Die Raad moet verseker dat die Owerheid, as 'n provinsiale openbare entiteit, voldoen aan die bepalings van die Wet op Openbare Finansiële Bestuur en gesonde korporatiewe bestuursbeginsels en -praktyke.

Finansiële bestuur

32.(1) Die Raad moet verseker dat die Owerheid –

(a) volledige, behoorlike en bygewerkte rekeningboeke en al die nodige rekords in verband daarmee hou; en

(b) die volgende voorberei en aan die Raad voorlê vir sy goedkeuring en daaropvolgende voorlegging aan die betrokke owerhede soos beoog in die Wet op Openbare Finansiële Bestuur en ander wetgewende en beleidsvoorskrifte:

- (i) strategiese planne;
- (ii) jaarlikse begrotings;
- (iii) geouditeerde finansiële state;
- (iv) jaarlikse prestasieplanne;
- (v) korporatiewe planne;
- (vi) jaar- en ander verslae;
- (vii) opbrengste;
- (viii) kennisgewings; en
- (ix) enige ander dokumentasie of inligting wat vereis mag word.

(2) Die Hoof Uitvoerende Beamppte moet aan die Raad –

- (a) 'n jaarlikse prestasieplan vir die Owerheid vir die volgende finansiële jaar, wat meetbare doelwitte en ander inligting bevat wat redelikerwys deur die Raad vereis word; en
- (b) 'n staat van die beraamde inkomste en uitgawes van die Owerheid ten opsigte van die volgende drie finansiële jare, vir goedkeuring voorlê ten minste ses maande voor die begin van elke finansiële jaar.

(3) Die Hoof Uitvoerende Beamppte moet op 'n kwartaallikse basis by die Raad bygewerkte inkomste- en uitgawestate met geprojekteerde uitgawes per program vir daardie finansiële jaar voorlê.

(4) In enige finansiële jaar moet die Hoof Uitvoerende Beamppte elke aangepaste of aanvullende staat van die geskatte inkomste en uitgawes van die Owerheid vir daardie finansiële jaar aan die Raad voorlê vir goedkeuring.

(5) Die Owerheid mag geen finansiële verpligting buite sy goedgekeurde begroting en sy opgehoopte reserwes aangaan nie.

(6) Die Hoof Uitvoerende Beamppte kan, met die goedkeuring van die Raad, reserwefondse instel en die bedrae daarin deponeer as wat die Raad goedkeur: Met dien verstande dat sodanige deposito's aan die Provinsiale Tesourie en die Ouditeur-generaal bekend gemaak word binne een maand na die datum waarop 'n deposito gemaak word.

Oudit, verslagdoening en jaarverslag

33.(1) Die Ouditeur-generaal moet die finansiële state van die Owerheid oudit.

(2)(a) Die Raad moet binne 'n tydperk van vyf maande na die einde van die finansiële jaar 'n jaarverslag oor die werksaamhede van die Owerheid indien by –

- (i) Provinsiale Tesourie; en
- (ii) deur die Departementshoof, aan die LUR.

(b) Die LUR moet binne een maand na ontvangs van die jaarverslag van die Departementshoof soos beoog in subartikel 2(a)(ii), die jaarverslag in die Provinsiale Wetgewer ter tafel lê.

(3) Die jaarverslag moet –

- (a) finansiële state insluit soos omskryf in artikel 1 van die Wet op Openbare Finansiële Bestuur;

(b) vermeld in watter mate die Owerheid sy doelwitte waarna in artikel 9 verwys word, bereik of bevorder het en die meetbare doelwitte soos uiteengesit in sy jaarlikse prestasieplan gedurende die betrokke finansiële jaar; en

(c) relevante inligting bevat oor –

(i) die doeltreffende, effektiewe en ekonomiese toepassing en gebruik van die Owerheid se fondse en hulpbronne; en

(ii) beplande aanwysers en werklike prestasie-aanwysers soos uiteengesit in sy jaarlikse prestasieplan.

(4) Binne vyf maande nadat die jaarverslag ter tafel gelê is, moet 'n afvaardiging bestaande uit die Voorsitter, die Hoof Uitvoerende Beamppte en ten minste twee ander lede die Portefeuljekomitee oor die jaarverslag inlig.

Finansiële jaar

34. Die finansiële jaar van die Owerheid begin op 1 April van 'n bepaalde jaar en eindig op 31 Maart van die volgende jaar.

Onroerende eiendom

35. Die Owerheid kan, ingevolge 'n beleid en prosedure bepaal deur die Raad en met die skriftelike goedkeuring van die LUR, enige onroerende eiendom in die verloop van sy sake verkry, hou of vervreem.

Regsgedinge

36. Die Owerheid is 'n staatsorgaan soos beoog in paragraaf (c) van die omskrywing daarvan in artikel 1 van die Wet op die Instel van Regsgedinge teen Sekere Staatsorgane, 2002 (Wet No. 40 van 2002), en enige regsgedinge teen die Owerheid moet ooreenkomstig daardie Wet ingestel word.

HOOFSUK 6

HOOF UITVOERENDE BEAMPTE EN ANDER PERSONEEL

Aanstelling van Hoof Uitvoerende Beamppte

37.(1) Die Raad, in oorleg met die LUR, moet 'n geskikte en gepaste, toepaslik gekwalifiseerde, vaardige en ervare persoon as die Hoof Uitvoerende Beamppte van die Owerheid aanstel.

(2) 'n Persoon beoog in subartikel (1) moet, voor sy of haar aanstelling, 'n beëdigde verklaring by die Raad indien wat alle dissiplinêre ondersoeke en verrigtinge spesifiseer wat teen hom of haar ingestel is, hetsy voltooi of nie, tydens alle vorige diens.

(3) Die Hoof Uitvoerende Beampte –

(a) word vir 'n termyn van hoogstens sewe jaar aangestel; en

(b) kan deur die Raad in oorleg met die LUR heraan gestel word vir sodanige verdere tydperke, wat elk nie vyf jaar mag oorskry nie, as wat toepaslik geag mag word.

(4) Die Hoof Uitvoerende Beampte is in diens op sodanige diensvoorwaardes as wat die Raad in oorleg met die LUR kan bepaal, nadat hy of sy die lid van die Uitvoerende Raad verantwoordelik vir finansies in die Provinsie geraadpleeg het.

(5)(a) Die aanstelling van die Hoof Uitvoerende Beampte is onderhewig aan die sluiting van 'n skriftelike jaarlikse prestasie-ooreenkoms wat tussen die Raad en die Hoof Uitvoerende Beampte aangegaan is.

(b) Die Raad en die Hoof Uitvoerende Beampte kan, skriftelik en deur ooreenkoms, die prestasie-ooreenkoms wysig.

(6) Vir doeleindes van die indiening van 'n beëdigde verklaring van direkte en indirekte belange, is die bepaling van artikel 41(3)(c) van toepassing, met die nodige veranderinge, op die Hoof Uitvoerende Beampte: Met dien verstande dat die Hoof Uitvoerende Beampte sy of haar belange aan die Raad moet verklaar.

(7) Die Voorsitter van die Raad moet –

(a) indien die Hoof Uitvoerende Beampte afwesig is of om enige rede nie in staat is om sy of haar funksies te verrig nie, 'n ander geskikte personeellid as waarnemende Hoof Uitvoerende Beampte aanstel: Met dien verstande dat enige sodanige aanstelling nie 'n tydperk van drie maande mag oorskry nie; en

(b) indien die pos van Hoof Uitvoerende Beampte vakant is, 'n ander personeellid as waarnemende Hoof Uitvoerende Beampte aanstel in oorleg met die Raad en die LUR: Met dien verstande dat enige sodanige waarnemende aanstelling nie 'n tydperk van ses maande mag oorskry nie.

(8) 'n Waarnemende Hoof Uitvoerende Beampte -

(a) het al die bevoegdhede, funksies en pligte van die Hoof Uitvoerende Beampte; en

(b) word in diens geneem onderworpe aan sodanige diensbepalings en -voorwaardes soos bepaal ooreenkomstig subartikel (4).

Bedanking, diskwalifikasie en verwydering van Hoof Uitvoerende Beampte

38.(1) Die Hoof Uitvoerende Beampte ontruim sy of haar pos –

- (a) in die geval van bedanking, wanneer die bedanking in werking tree;
- (b) wanneer hy of sy gediskwalifiseer word om direkteur van 'n maatskappy te wees ingevolge die Maatskappywet, 2008 (Wet No. 71 van 2008); of
- (c) nadat hy of sy uit sy of haar pos onthef is ingevolge subartikel (2).

(2) Die Raad kan, in oorleg met die LUR, die diens van die Hoof Uitvoerende Beampte beëindig onderhewig aan toepaslike wetgewing en behoorlike proses.

Bevoegdhe, funksies en pligte van Hoof Uitvoerende Beampte

39.(1) Die Hoof Uitvoerende Beampte –

- (a) is teenoor die Raad aanspreeklik vir die uitoefening van sy of haar bevoegdhe, die verrigting van sy of haar funksies en die uitoefening van sy of haar pligte ingevolge hierdie Wet, en moet aan die Raad verslag doen oor die bestuur en werksaamhede van die Owerheid teen sodanige frekwensie en op sodanige wyse as wat die Raad mag bepaal; en
- (b) moet die bevoegdhe uitoefen, die funksies verrig en die pligte uitvoer wat die Raad aan hom of haar mag delegeer.

(2) Die Hoof Uitvoerende Beampte is verantwoordelik vir –

- (a) die algehele bestuur van die Owerheid ten einde die oogmerke van hierdie Wet te bereik;
- (b) die aanstelling van personeel ooreenkomstig die bepalinge van artikel 41;
- (c) die bestuur van personeel, insluitend die handhawing van dissipline oor personeel;
- (d) die vasstelling, in oorleg met die Raad, van 'n gedragskode, van toepassing op die Hoof Uitvoerende Beampte en alle ander personeel, wat beregbaar is vir doeleindes van dissiplinêre verrigtinge, om die volgende te verseker -
 - (i) voldoening aan hierdie Wet en enige ander toepaslike wetgewing;
 - (ii) die doeltreffende, effektiewe en ekonomiese toepassing en gebruik van die Owerheid se fondse en hulpbronne;
 - (iii) die bevordering en handhawing van 'n hoë standaard van professionele etiek;
 - (iv) die voorkoming van botsing van belange;

- (v) die beskerming van vertroulike inligting wat deur die Raad en die Owerheid gehou word; en
 - (vi) deursigtige, professionele, eerlike, onpartydige, regverdige, etiese en billike dienslewering;
- (e) die byhou en instandhouding van die register van belange wat deur personeellede verklaar is soos beoog in artikel 41(3)(c);
- (f) die versekering dat die Owerheid voldoen aan die bepalings van hierdie Wet, die Wet op Openbare Finansiële Bestuur, en enige ander toepaslike wetgewende en beleidsvoorskrifte;
- (g) die verrigting van die dobbel-, perdewedren- en wedderyverwante funksies soos beoog in die KwaZulu-Natal Wet op Dobbelay en Weddery;
- (h) die uitvoering van die drankverwante funksies soos beoog in die KwaZulu-Natal Wet op Dranklisensiëring; en
- (i) die uitoefening van ander bevoegdhede, die verrigting van ander funksies en die uitvoering van ander pligte soos beoog in hierdie Wet.

(3) Wanneer dit nodig is vir die behoorlike verrigting van sy of haar funksies, kan die Hoof Uitvoerende Beampte enige van sy of haar bevoegdhede, funksies of pligte aan 'n personeellid delegeer: Met dien verstande dat –

- (a) die Raad kan bepaal dat 'n spesifieke bevoegdheid, funksie of plig nie deur die Hoof Uitvoerende Beampte gedelegeer mag word nie; en
- (b) elke delegasie aan die bepalings van artikel 42(2) en (3) moet voldoen.

Oordrag van bestaande personeel na Owerheid

40.(1) Alle persone in diens van die KwaZulu-Natal Dobbelay en Wedderyraad en die KwaZulu-Natal Drankowerheid is vanaf die inwerkingtreddingsdatum van hierdie Wet en met behoorlike inagneming van artikel 197 van die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995) geag in diens van die Owerheid te wees –

- (a) teen dieselfde vergoeding- en salarisskaal;
- (b) met dieselfde voordele en voorregte; en
- (c) op dieselfde diensvoorwaardes,

as diegene wat sodanige persoon se vorige diens by óf die KwaZulu-Natal Dobbelay en Wedderyraad óf die KwaZulu-Natal Drankowerheid, na gelang van die geval, beheer het: Met dien verstande dat –

- (i) geen persoon beoog in hierdie subartikel ontslaan mag word op grond van bedryfsvereistes wat voortspruit uit die ontbinding van die KwaZulu-Natal Dobbelay en Wedderyraad en die KwaZulu-Natal Drankowerheid nie; en

(ii) die Raad redelike veranderinge aan werkpraktyke kan aanbring vir die doel van operasionele en administratiewe doeltreffendheid en eenvormigheid.

(2) Wanneer 'n persoon ingevolge subartikel (1) oorgeplaas word –

(a) word geen verandering van werkgever vir die doel van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962) geag plaas te gevind het nie;

(b) behou hy of sy alle vakansieverlof wat tot sy of haar krediet toegeval het tot op die datum onmiddellik voor die datum van oordrag; en

(c) moet enige ondersoek wat ingestel is of bedoel is om ingestel te word ten opsigte van beweerde onbekwaamheid van, of wangedrag gepleeg, deur sodanige persoon voor die datum van oordrag, deur die Owerheid afgehandel word of ingestel word, en die Owerheid moet toepaslike stappe teen die betrokke persoon neem in ooreenstemming met die wette, beleid en diensvoorwaardes van toepassing op hom of haar onmiddellik voor die datum van oordrag

Aanstelling van personeel

41.(1) Die Hoof Uitvoerende Beampte moet, behoudens die bepalings van artikels 40 en 41(3)(a) –

(a) die personeeldiensstaat wat nodig is om die Owerheid in staat te stel om sy funksies te verrig, sy bevoegdhede uit te oefen en sy pligte uit te voer, aan die Raad vir sy goedkeuring voorlê; en

(b) spesifieke diensbepalings en -voorwaardes vir individuele personeellede van die Owerheid bepaal.

(2) Die Hoof Uitvoerende Beampte mag slegs persone in befondsde poste op die personeeldiensstaat aanstel en in ooreenstemming met toepaslike wetgewende en beleidsbepalings.

(3) Personeellede van die Owerheid –

(a) word in diens geneem onderworpe aan die –

(i) algemene diensbepalings en -voorwaardes soos deur die Raad bepaal;

(ii) spesifieke diensbepalings en -voorwaardes vir individuele personeellede soos deur die Hoof Uitvoerende Beampte bepaal;

(iii) toepaslike beleide deur die Raad bepaal;

(iv) gedragskode waarvoor in artikel 39(2)(d) voorsiening gemaak word; en

(v) finansiële perke wat deur die Raad gestel is;

(b) moet 'n beëdigde verklaring indien, as deel van hul aansoek, wat alle dissiplinêre navrae en verrigtinge wat teen hulle ingestel is, hetsy voltooi of nie, tydens alle vorige diens, spesifiseer;

(c) moet 'n beëdigde verklaring van hul direkte en indirekte belange by die Hoof Uitvoerende Beampte indien, wat 'n bygewerkte register van sodanige belange moet hou: Met dien verstande dat die bepalinge van artikel 18(3) van toepassing is, met die nodige veranderinge, op die verklaring van direkte en indirekte belange;

(d) moet hul pligte onder die toesig van die Hoof Uitvoerende Beampte uitvoer; en

(e) kan, met die skriftelike toestemming van sodanige personeellid en deur skriftelike ooreenkoms tussen die Hoof Uitvoerende Beampte en sodanige staatsorgaan en ooreenkomstig die toepaslike wetgewende en beleidsvoorskrifte, na 'n ander staatsorgaan gesekondeer of oorgeplaas word.

(4)(a) 'n Persoon in diens van 'n ander staatsorgaan kan, met die skriftelike toestemming van sodanige persoon en deur skriftelike ooreenkoms tussen die Hoof Uitvoerende Beampte en sodanige staatsorgaan en ooreenkomstig die toepaslike wetgewende en beleidsvoorskrifte, gesekondeer of na die Owerheid oorgeplaas word.

(b) Persone wat na die Owerheid gesekondeer of oorgeplaas is, voer hul pligte uit onder die toesig van die Hoof Uitvoerende Beampte.

HOOFSTUK 7 ALGEMENE BEPALINGS

Delegasies

42.(1) Die LUR kan die volgende aan die Departementshoof delegeer –

(a) enige bevoegdheid of funksies wat deur hierdie Wet aan die LUR verleen word, behalwe die bevoegdheid of funksies om –

(i) die Bylae beoog in artikel 51(3) te publiseer;

(ii) regulasies te maak en kennisgewings ingevolge artikel 49 te publiseer; en

(iii) 'n Bylae te wysig, te vervang of te herroep; en

(b) enige plig wat deur hierdie Wet op die LUR gelê word, behalwe 'n plig met betrekking tot die aanstelling en verwydering van lede soos beoog in artikel 14(a) en (c) en artikel 20 onderskeidelik.

(2) Alle delegasies ingevolge hierdie Wet –

(a) moet skriftelik wees;

- (b) is onderworpe aan sodanige beperkings, voorwaardes en voorskrifte as wat die delegerende persoon mag oplê;
- (c) ontnem nie 'n delegerende persoon van die verantwoordelikheid en aanspreeklikheid rakende die uitoefening van die gedelegeerde bevoegdheid, die verrigting van die gedelegeerde funksie of die uitvoering van die gedelegeerde plig nie;
- (d) verhoed nie die uitoefening van die gedelegeerde bevoegdheid, die verrigting van die gedelegeerde funksie of die uitvoering van die gedelegeerde plig deur die delegerende persoon nie; en
- (e) moet aangeteken word in die register beoog in artikel 43.

(3) Die Raad of die Hoof Uitvoerende Beampte, na gelang van die geval, kan enige besluit wat geneem is as gevolg van 'n delegasie ingevolge hierdie Wet bevestig, verander of herroep, behoudens enige regte wat 'n persoon of 'n entiteit toegeval het as gevolg van sodanige besluit

Register van delegasies

43.(1) Die Hoof Uitvoerende Beampte moet 'n bygewerkte register van alle delegasies saamstel en in stand hou wat ooreenkomstig hierdie Wet gemaak is.

(2) Die register van delegasies moet –

- (a) georganiseer word deur verwysing na die betrokke funksionele domein; en
- (b) ooreenstem met die Register van Delegasies-vorm in Bylae 2.

(3) Die register van delegasies moet bygewerk word na elke –

- (a) nuwe delegasie;
- (b) hersiening of wysiging van 'n bestaande delegasie; en
- (c) onttrekking van 'n delegasie.

(4) Die register beoog in subartikel (1) is 'n openbare dokument waartoe lede van die publiek, behoudens die bepalings van die Wet op die Bevordering van Toegang tot Inligting en die Wet op die Beskerming van Persoonlike Inligting, toegang kan versoek gedurende kantoorure.

Deursigtigheid en toegang tot inligting

44. Die Owerheid moet voldoen aan die grondwetlike en nasionale wetgewende raamwerk wat deursigtigheid en toegang tot inligting bevorder, insluitend die Wet op die Bevordering van Toegang tot Inligting en die Wet op die Beskerming van Persoonlike Inligting.

Regverdig administratiewe optrede

45. Enige besluit wat ingevolge hierdie Wet geneem word, moet voldoen aan die grondwetlike, nasionale wetgewende en gemeenregtelike raamwerk met betrekking tot regverdige administratiewe optrede, insluitend die Wet op die Bevordering van Administratiewe Geregtigheid, 2000 (Wet No. 3 van 2000).

Monitering, evaluering, assessering en verslagdoening

46.(1) Die LUR moet binne ses maande na die inwerkingtreding van hierdie Wet –

(a) met inagneming van nasionale norme en standaarde, in oorleg met die Raad, 'n raamwerk ontwikkel –

(i) om voorsiening te maak vir die minimum norme en standaarde ten opsigte van die prosedures vir, en die frekwensie van, monitering, evaluering en assessering van die Owerheid; en

(ii) vir die instelling van die nodige meganismes, prosesse, prosedures en aanwysers om die prestasie en doeltreffendheid van die Owerheid te monitor, te evalueer, te assesser, te bepaal en daarvoor verslag te doen; en

(b) die raamwerk beoog in paragraaf (a) deur kennisgewing in die *Koerant* publiseer.

(2) Die Owerheid moet voldoen aan die raamwerk beoog in subartikel (1).

(3) Die Raad moet verseker dat die prestasie-evaluasies van die Raad, sy Voorsitter, sy lede, sy komitees, die Hoof Uitvoerende Beampte en personeellede voortgesette verbeterde prestasie en doeltreffendheid tot gevolg het.

Gebruik van naam van Owerheid

47.(1) Geen persoon of entiteit mag, sonder die vooraf skriftelike toestemming van die Owerheid, op enige wyse die naam, akroniem, logo's, ontwerpe of materiaal wat deur die Owerheid gebruik of besit word, aanbied of daarvan gebruik maak nie.

(2) Geen persoon of entiteit mag valslik beweer dat hulle namens die Owerheid optree nie.

(3) Enige persoon of entiteit wat subartikels (1) of (2) oortree, is skuldig aan 'n misdryf.

Misdrywe, strawwe en siviele aanspreeklikheid

48.(1) 'n Lid, 'n lid van 'n komitee, 'n personeellid, 'n persoon of entiteit wat ingevolge artikel 28 aangestel is of enige ander persoon in diens van of wat namens die Owerheid optree, is skuldig aan 'n misdryf indien hy of sy direk of indirek enige omkoopgeld aanvaar of enige

ongemagtigde gelde of beloning van enige persoon ontvang in verband met enigiets wat deur die Owerheid gedoen of aangebied word.

(2) Enige persoon wat –

(a) ten opsigte van of in verband met enigiets gedoen of aangebied deur die Owerheid, 'n lid, 'n lid van 'n komitee, 'n personeellid, 'n persoon of entiteit aangestel ingevolge artikel 28, of enige ander persoon in diens van of wat namens die Owerheid optree, omkoop of probeer omkoop of op 'n korrupte wyse beïnvloed of probeer om op 'n korrupte wyse te beïnvloed;

(b) valslik beweer dat hy of sy gemagtig is om gelde, skenkings of bydraes namens of onder leiding van die Owerheid te hef of in te vorder; of

(c) enige bepaling van hierdie Wet wat 'n misdryf uitmaak, oortree, is skuldig aan 'n misdryf.

(3) Waar enige misdryf gepleeg ingevolge hierdie Wet ook 'n misdryf ingevolge enige ander wetgewing uitmaak, kan 'n persoon wat sodanige misdryf pleeg ingevolge óf hierdie Wet óf die ander wetgewing vervolg word

(4) Enige hof wat 'n persoon skuldig bevind ten opsigte van 'n misdryf wat ingevolge subartikel

(1) of (2) gepleeg is, kan –

(a) 'n boete of gevangenisstraf vir 'n tydperk van hoogstens vyf jaar;

(b) 'n boete en gevangenisstraf vir 'n tydperk van hoogstens vyf jaar; of

(c) enige vonnis waarvoor ander wetgewing voorsiening maak indien die betrokke persoon ingevolge sodanige ander wetgewing soos beoog in subartikel (3) vervolg is, aan sodanige persoon oplê

(5) Indien spesifieke wetgewing of die gemenerereg siviele aanspreeklikheid aan die Owerheid, die Raad, 'n lid, 'n lid van 'n komitee, 'n personeellid, 'n persoon of entiteit wat ingevolge artikel 28 aangestel is, of enige ander persoon in diens of wat namens die Owerheid optree, oplê, is die bepalings van sodanige wetgewing of die gemenerereg, na gelang van die geval, van toepassing.

Bylaes, regulasies en kennisgewings

49. Die LUR kan, na oorleg met die Raad en deur kennisgewing in die *Koerant* –

(a) 'n Bylae by hierdie Wet publiseer soos beoog in artikel 51(3);

(b) regulasies maak aangaande enige administratiewe of prosedurele aangeleentheid wat nodig is om uitvoering te gee aan die bepalings van hierdie Wet;

- (c) kennisgewings uitreik soos vereis deur hierdie Wet; en
- (d) Bylae 2, die Bylae beoog in artikel 51(3), en enige kennisgewing uitgereik ingevolge hierdie Wet wysig, vervang of herroep.

Besparings

50.(1) Enigiets gedoen voor die inwerkingtreddingsdatum van hierdie Wet kragtens of ingevolge 'n bepaling wat deur hierdie Wet herroep of gewysig is, moet, tensy dit duidelik onvanpas is, geag word gedoen te wees kragtens of ingevolge die ooreenstemmende bepaling van hierdie Wet.

(2) Enige aansoek, versoek, prosedure of soortgelyke aangeleentheid hangende voor die voormalige KwaZulu-Natal Dobbels en Wedderyraad of die KwaZulu-Natal Drankowerheid op die datum beoog in artikel 51(2) moet deur die Owerheid hanteer word ingevolge die KwaZulu-Natal Wet op Dobbels en Weddery of die KwaZulu-Natal Wet op Dranklisensiering, na gelang van die geval, soos hulle was ten tyde van sodanige aansoek, versoek, prosedure of soortgelyke aangeleentheid.

(3) Die Owerheid vervang –

(a) die KwaZulu-Natal Dobbels en Wedderyraad en die KwaZulu-Natal Drankowerheid as litigerende party in alle litigasie, arbeidsgeskille en bemiddeling, asof die Owerheid die litigant was op die tydstip toe die skuldoorsaak of die dispuut, na gelang van die geval, ontstaan het; en

(b) die KwaZulu-Natal Dobbels en Wedderyraad en die KwaZulu-Natal Drankowerheid as kontrakterende party in alle kontrakte, ooreenkomste, memorandum van verstandhouding en soortgelyke dokumentasie, asof die Owerheid die kontrakterende party was ten tyde van die kontrak.

(4) Enige registrasie, lisensie, permit, magtiging, goedkeuring, beslissing of bevel, wat geldig was onmiddellik voor die inwerkingtreding van hierdie Wet, bly geldig en van krag op grond van die dieselfde bepalings en voorwaardes waaronder dit uitgereik is: Met dien verstande dat die bepalings en voorwaardes van toepassing op die registrasie, lisensie, permit, magtiging, goedkeuring, beslissing of opdrag nie strydig is met die bepalings van hierdie Wet nie.

(5) Die herroeping van enige wet in Bylae 1 raak nie enige reg, voorreg, verpligting of aanspreeklikheid verkry of opgedoen of aangegaan ingevolge die wet wat aldus herroep is nie, tensy daar vir die teendeel ingevolge hierdie Wet voorsiening gemaak word.

(6) Enige verwysing na die KwaZulu-Natal Dobbelaar en Wedderyraad of die KwaZulu-Natal Drankowerheid in enige wet, tensy dit duidelik onvanpas is, moet as 'n verwysing na die Owerheid beskou word.

Oorgangsmaatreëls

51.(1)(a) Met ingang van die inwerkingtreddingsdatum van hierdie Wet moet die LUR binne 'n tydperk van hoogstens tien werksdae –

(i) ten minste sewe en nie meer as 11 lede uit die rade van die voormalige KwaZulu-Natal Dobbelaar en Wedderyraad en die KwaZulu-Natal Drankowerheid kies om as lede van 'n tussentydse Raad op te tree, tot tyd en wyl die Raad aangestel ooreenkomstig artikel 14 aangestel word; en

(ii) 'n tussentydse Voorsitter en tussentydse Ondervoorsitter aanstel uit die lede wat gekies is om in die tussentydse Raad beoog in subparagraaf (i) te dien.

(b) Die tussentydse Raad beoog in subartikel (1)(a)(i) moet binne 'n tydperk van vyf werksdae na sy aanstelling, in oorleg met die LUR, 'n tussentydse Hoof Uitvoerende Beampte aanstel wie se ampstermyn eindig op die datum van aanstelling van die Hoof Uitvoerende Beampte ooreenkomstig artikel 37.

(2) Met die uitsondering van subartikel (1), word die werking van hierdie Wet opgeskort tot die datum waarop die tussentydse Raad aangestel word soos beoog in subartikel 1(a)(i).

(3) Die LUR kan, behoudens die bepalings van hierdie artikel en artikels 6, 40 en 50, deur kennisgewing in die *Koerant* sodanige oorgangsreëlings as 'n Bylae by hierdie Wet publiseer soos wat nodig geag word.

Herroeping en wysiging van wette

52. Die wette gespesifiseer in die eerste en tweede kolom van Bylae 1 hierby word herroep of gewysig in die mate wat in die derde kolom aangedui word.

Kort titel en inwerkingtreding

53. Hierdie Wet heet die KwaZulu-Natal Wet op die Ekonomiese Reguleringsowerheid, 2024, en tree in werking op die datum van publikasie in die *Koerant*.

BYLAE 1: HERROEPING EN WYSIGING VAN WETTE

(Artikel 52)

No. en jaar van Wet	Kort Titel	Omvang van herroeping of wysiging
Wet No. 6 van 2010	KwaZulu-Natal Wet op Dranklisensiering, 2010	1. Die herroeping van artikels 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22 23(1), 23(4), 24, 25, 26, 27, 28 en 29.
		<p>2. Die wysiging van artikel 1 soos volg:</p> <p>(a) deur die woordomskeywing van "Hoof Uitvoerende Beampte" deur die volgende woordomskeywing te vervang: <u>"Hoof Uitvoerende Beampte' die Hoof Uitvoerende Beampte van die Owerheid aangestel ingevolge artikel 37 van die KwaZulu-Natal Wet op Ekonomiese Reguleringsowerheid, 2024;"</u>;</p> <p>(b) deur die woordomskeywing van "Drankowerheid" deur die volgende woordomskeywing te vervang: <u>"Owerheid' die KwaZulu-Natal Ekonomiese Reguleringsowerheid ingestel ingevolge artikel 8 van die Wet op die KwaZulu-Natal Ekonomiese Reguleringsowerheid, 2024;"</u>; en</p> <p>(c) deur die woordomskeywing van "verantwoordelike lid van die Uitvoerende Raad" deur die volgende woordomskeywing te vervang: <u>"verantwoordelike lid van die Uitvoerende Raad' die Lid of Lede van die Uitvoerende Raad verantwoordelik vir dobbelary, perdewedrenne en weddery, en drank in die Provinsie;"</u>.</p>
		3. Die wysiging deur die woord "Drankowerheid", waar dit ook al voorkom, deur die woord " <u>Owerheid</u> " te vervang.

<p>Wet No. 8 van 2010</p>	<p>KwaZulu-Natal Wet op Dobbelary en Weddery, 2010</p>	<p>Die herroeping van artikels 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22 , 23, 24, 25, 26, 27, 29 en 138.</p>
		<p>2. Die wysiging van artikel 1 soos volg:</p> <p>(a) deur die woordskrywing van “Raad” deur die volgende woordskrywing te vervang: <u>“Raad’ die Raad van die Owerheid ingestel ingevolge artikel 11 van die KwaZulu-Natal Wet op die Ekonomiese Reguleringsowerheid, 2024;”</u>;</p> <p>(b) deur die woordskrywing van "voorsitter" deur die volgende woordskrywing te vervang: <u>“Voorsitter’ die Voorsitter van die Raad, en sluit 'n persoon in wat as Voorsitter waarneem;”</u>;</p> <p>(c) deur die woordskrywing van "Hoof Uitvoerende Beampte" deur die volgende woordskrywing te vervang: <u>“Hoof Uitvoerende Beampte’ die Hoof Uitvoerende Beampte van die Owerheid aangestel ingevolge artikel 37 van die KwaZulu-Natal Wet op die Ekonomiese Reguleringsowerheid, 2024;”</u>;</p> <p>(d) deur die woordskrywing van “komitee” deur die volgende woordskrywing te vervang: <u>“komitee’ 'n komitee van die Raad ingestel ingevolge artikel 26 van die KwaZulu-Natal Wet op die Ekonomiese Reguleringsowerheid, 2024;”</u>; en</p> <p>(e) deur die woordskrywing van "verantwoordelike lid van die Uitvoerende Raad" deur die volgende woordskrywing te vervang:</p>

		<p><u>"verantwoordelike lid van die Uitvoerende Raad"</u> die Lid of Lede van die <u>Uitvoerende Raad</u> wat <u>verantwoordelik is vir dobbelary, perdewedrenne en weddery, en drank in die Provinsie;</u>".</p>
		<p>3. Die wysiging van artikel 140 deur die volgende artikel deur artikel 140 te vervang:</p> <p>“Appèlle</p> <p><u>140.(1)</u> <u>Enige persoon wat gegrief is deur 'n besluit van die Owerheid wat ooreenkomstig hierdie Wet geneem is, kan op die voorgeskrewe wyse na die Raad appelleer.</u></p> <p><u>(2)</u> <u>Enige persoon, behalwe 'n aansoeker om die toestaan van 'n lisensie of registrasie beoog in hierdie Wet of 'n aansoeker om die hernuwing van sodanige lisensie of registrasie, wat gegrief is deur 'n besluit van –</u></p> <p><u>(a)</u> <u>'n komitee, kan op die voorgeskrewe wyse na die Raad appelleer; of</u></p> <p><u>(b)</u> <u>die Raad, kan op die voorgeskrewe wyse na die verantwoordelike lid van die Uitvoerende Raad appelleer.</u></p> <p><u>(3)</u> <u>Die bepalings van subartikels (1) en (2) beperk nie die reg van enige persoon wat deur 'n besluit van die Owerheid, die Raad of 'n komitee van die Raad gegrief is om by die Hooggeregshof aansoek te doen vir 'n hersiening van sodanige besluit.</u></p> <p><u>(4)</u> <u>Die verantwoordelike lid van die Uitvoerende Raad kan 'n ad hoc-komitee aanstel om 'n appèl aan te hoor wat deur subartikel (2)(b) beoog word”.</u></p>

BYLAE 2: VORMS

(Artikel 18(3), 37(6), 41(3)(c), 18(4)(a) en 43)

VORM 1:

JAARLIKSE EN AD HOC VERKLARING VAN DIREKTE OF INDIREKTE BELANGE VAN LEDE VAN DIE RAAD EN SY KOMITEES

(Artikel 18(3))

JAARLIKSE EN AD HOC VERKLARING VAN DIREKTE OF INDIREKTE BELANGE VAN LEDE VAN DIE RAAD EN SY KOMITEES

ingevolge artikel 18(3) van die KwaZulu-Natal Wet op die Ekonomiese Reguleringsowerheid, 2024

TIPE VERKLARING	
JAARLIKSE VERKLARING	AD HOC VERKLARING
<i>Merk indien toepaslik</i>	<i>Merk indien toepaslik</i>

VERKLARING HET BETREKKING OP FINANSIËLE JAAR: *Voeg finansiële jaar in*

DATUM VAN VERKLARING: *Voeg datum van verklaring in*

Ek, die ondergetekende met die volgende besonderhede:

VAN: *Voeg van in*

VOLLE NAME: *Voeg volle name in*

ID-NOMMER: *Voeg ID-nommer in*

WOONADRES: *Voeg woonadres in*

TELEFOONNOMMER: *Voeg telefoonnommer in*

SELNOMMER: *Voeg selnommer in*

E-POSADRES: *Voeg e-posadres in*

BENAMING / POSISIE: *Voeg óf lid van die Raad óf lid van 'n komitee in (indien nie 'n lid van die Raad nie)*

verklaar en sertifiseer hiermee dat die volgende inligting, met betrekking tot myself en enige familielid, sakevennoot, medewerker of werkgewer, behalwe die Staat, volledig en korrek is na die beste van my wete:

(a) Eienaarskap van aandele in maatskappye of entiteite:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN MAATSKAPPY OF ENTITEIT	MAATSKAPPY-REGISTRASIE-NOMMER	AARD	AANTAL AANDELE	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	<i>Voeg naam van aandeelhouer in</i>	<i>Voeg verhouding met houer in, indien nie self nie</i>	<i>Voeg naam van maatskappy of entiteit waarin aandele gehou word in</i>	<i>Voeg maatskappy-registrasienommer in (indien privaat maatskappy)</i>	<i>Voeg beskrywing van aard van</i>	<i>Voeg aantal aandele gehou in</i>	<i>Voeg totale nominale waarde van aandele in</i>	<i>Voeg totale nominale waarde van aandele in</i>

					<i>besigheid in</i>			
2								

(b) Belange in beslote korporasies:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN BESLOTE KORPORASIE	BK REGISTRASIE-NOMMER	AARD	BELANG	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	<i>Voeg naam van belanghouer in</i>	<i>Voeg verhouding met houer in</i>	<i>Voeg naam van maatskappy of entiteit waarin aandele gehou word in</i>	<i>Voeg naam van maatskappy of entiteit waarin aandele gehou word in</i>	<i>Voeg beskrywing van aard van besigheid in</i>	<i>Voeg persentasie belang gehou in</i>	<i>Voeg totale nominale waarde van belang in Suid-Afrikaanse Rand in</i>	<i>Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar</i>
2								

(c) Belange in vennootskappe:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN VENNOOTSKAP	BELANG	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	<i>Voeg naam van belanghouer in</i>	<i>Voeg verhouding met houer in, indien nie self nie</i>	<i>Voeg naam van vennootskap waarin belang gehou word in</i>	<i>Voeg persentasie belang gehou in</i>	<i>Voeg beskrywing van aard van besigheid in</i>	<i>Voeg totale nominale waarde van belang in Suid-Afrikaanse Rand in</i>	<i>Voeg besonderhede van alle vergoeding / inkomste betaalbaar in</i>
2							

(d) Werklike of persoonlike regte in eiendom wat deur enige maatskappy, korporasie, trust, besigheid of ander regsentiteit gebruik word:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN ENTITEIT	REGISTRASIE-NOMMER	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	<i>Voeg naam van houer van regte in</i>	<i>Voeg verhouding met houer in, indien nie self nie</i>	<i>Voeg naam van entiteit in wat eiendom gebruik</i>	<i>Voeg registrasie-nommer van entiteit wat eiendom gebruik in</i>	<i>Voeg beskrywing van aard van reg en eiendom in</i>	<i>Voeg totale nominale waarde van reg in eiendom wat deur entiteit gebruik word in</i>	<i>Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar</i>
2							

(e) Belange in trusts:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN TRUST	REGISTRASIE-NOMMER	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	<i>Voeg naam van belanghouer in</i>	<i>Voeg verhouding met houer in, indien nie self nie</i>	<i>Voeg naam van trust in</i>	<i>Voeg registrasie-nommer van trust in</i>	<i>Voeg beskrywing van aard van betrokkenheid by trust in</i>	<i>Voeg totale nominale waarde van belang in trust in</i>	<i>Voeg besonderhede van alle vergoeding / inkomste / rente betaalbaar in</i>
2							

(f) Ten opsigte van enige besigheid, onderneming of ander entiteit, met of sonder regs persoonlikheid, enige belang wat die houer daarvan in staat stel om te deel in die winste en inkomste van sodanige besigheid, onderneming of ander entiteit (indien nie reeds in (a), (b), (c), (d) en (e) hierbo verklaar nie):

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN ENTITEIT	BELANG	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	Voeg naam van belangehouer in	Voeg verhouding met houer in, indien nie self nie	Voeg naam in van entiteit waarin belang gehou word	Voeg persentasie belang gehou in	Voeg beskrywing van aard van belang en besigheid in	Voeg totale nominale waarde van belang in	Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar
2							

(g) Vergoeding, direkteurskappe, konsultante en retensieskappe:

NO.	NAAM VAN PARTY	VERHOUDING	NAAM VAN ENTITEIT	AARD	VERGOEDING / INKOMSTE (ZAR)
1	Voeg naam van party by die kontrak of ooreenkoms in	Voeg verhouding met party in, indien nie self nie	Voeg naam van entiteit in	Voeg beskrywing van aard van werk wat verrig is in	Voeg besonderhede in van alle vergoeding, inkomste, dividend betaalbaar
2					

(h) Leningsrekening (uitgesluit verband-, voertuigfinansierings- en kleinhandelrekening):

NO.	NAAM VAN PARTY	VERHOUDING	NAAM VAN LENER	AARD	OORSPRONKLIKE LENINGSBEDRAG (ZAR)	UITSTAANDE SALDO (ZAR)
1	Voeg naam van party by die leningsrekening in	Voeg verhouding met party in, indien nie self nie	Voeg naam van lener in	Voeg beskrywing van aard van lening in	Voeg oorspronklike leningsbedrag in	Voeg uitstaande leningsbedrag in, insluitend uitstaande rente
2						

(i) Vergoeding, inkomste, besoldiging, regte op inkomste, aandele, belange, skenkings, geskenke of enige ander voordele wat toeval voor of ingevolge die toekenning van 'n lisensie vir die instelling, lisensiering of operasionalisering van 'n drank-, dobbel-, perdewedren- of weddery-instelling:

NO.	NAAM VAN BEGUNSTIGDE	VERHOUDING	NAAM VAN ENTITEIT	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	Voeg naam van begunstigde in	Voeg verhouding met begunstigde in, indien nie self nie	Voeg naam van aansoeker, lisensiehouer of geregistreerde in	Voeg beskrywing van aard van voordeel en redes daarvoor in	Voeg totale nominale waarde van inkomste, aansprake op inkomste of enige ander voordeel in	Voeg besonderhede in van alle vergoeding, inkomste, aansprake op inkomste, aandele, rente, skenkings, geskenke of enige ander voordele betaalbaar
2						

(j) Sluiting of bestaan van enige kontrakte of ooreenkoms met aansoekers vir 'n lisensie, bestaande lisensiehouers of geregistreerdes:

NO.	NAAM VAN PARTY	VERHOUDING	NAAM VAN ENTITEIT	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	Voeg naam van party by die kontrak of ooreenkoms in	Voeg verhouding met party in, indien nie self nie	Voeg naam van aansoeker, lisensiehouer of geregistreerde in	Voeg beskrywing van aard van kontrak of ooreenkoms in	Voeg totale nominale waarde van kontrak of ooreenkoms in	Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar
2						

(k) Enige persoonlike belange:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN ENTITEIT	AARD	WAARDE
1	Voeg naam van belanghouer in	Voeg verhouding met houer in, indien nie self	Voeg naam van entiteit of persoon in by wie die persoonlike belang bestaan	Voeg beskrywing van aard van persoonlike belang in	Voeg beskrywing van waarde van persoonlike belang in, hetsy geldelik of ander
2					

HANDTEKENING VAN VERKLAARDER: Voeg handtekening van verklaarder in

HANDTEKENING VAN KOMMISSARIS VAN EDE: Voeg handtekening van Kommissaris van Ede in

VOLLE NAAM EN VAN: Voeg volle name en van van Kommissaris van Ede in

BENAMING: Voeg benaming van Kommissaris van Ede in

STRAATADRES: Voeg straatadres van Kommissaris van Ede in

DATUM: Voeg datum in

PLEK: Voeg plek in

DATUM ONTVANG DEUR HOOF UITVOERENDE BEAMPTE: Voeg datum in

HANDTEKENING VAN HOOF UITVOERENDE BEAMPTE: Voeg handtekening van Hoof

Uitvoerende Beampte in

VORM 2:

**JAARLIKSE EN AD HOC VERKLARING VAN DIREKTE OF INDIREKTE BELANGE VAN
HOOF UITVOERENDE BEAMPTE
(Artikel 37(6) saamgelees met artikel 41(3)(c))**

**JAARLIKSE EN AD HOC VERKLARING VAN DIREKTE OF INDIREKTE BELANGE
VAN
HOOF UITVOERENDE BEAMPTE**

ingevolge artikel 37(6) saamgelees met artikel 41(3)(c) van die KwaZulu-Natal Wet op die
Ekonomiese Reguleringsoowerheid, 2024

TIPE VERKLARING	
JAARLIKSE VERKLARING	AD HOC VERKLARING
<i>Merk indien toepaslik</i>	<i>Merk indien toepaslik</i>

VERKLARING MET BETREKKING TOT MET FINANSIËLE JAAR: Voeg finansiële jaar in

DATUM VAN VERKLARING: Voeg datum van verklaring in

Ek, die ondergetekende met die volgende besonderhede:

VAN: Voeg van in

VOLLE NAME: Voeg volle name in

ID-NOMMER: Voeg ID-nommer in

WOONADRES: Voeg woonadres in

TELEFOONNOMMER: Voeg telefoonnommer in

SELNOMMER: Voeg selnommer in

E-POSADRES: Voeg e-posadres in

BENAMING / POSISIE: Hoof Uitvoerende Beampte

verklaar en sertifiseer hiermee dat die volgende inligting, met betrekking tot myself en enige familielid, sakevennoot, medewerker of werkgewer, behalwe die Staat, volledig en korrek is na die beste van my wete:

(a) Eienaarskap van aandele in maatskappye of entiteite:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN MAATSKAPPY OF ENTITEIT	MAATSKAPPY-REGISTRASIE-NOMMER	AARD	AANTAL AANDELE	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	Voeg naam van aandeelhouer in	Voeg verhouding met houer in, indien nie self	Voeg naam van maatskappy of entiteit waarin aandele gehou word in	Voeg maatskappy-registrasie-nommer in (indien privaat maatskappy)	Voeg beskrywing van aard van besigheid in	Voeg aantal aandele gehou in	Insert total nominal value of shares	Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar
2								

(b) Belange in beslote korporasies:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN BESLOTE KORPORASIE	BK REGISTRASIE-NOMMER	AARD	BELANG	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	Voeg naam van belanghouer in	Voeg verhouding met houer in, indien nie self nie	Voeg naam van maatskappy of entiteit waarin aandele gehou word in	Voeg naam van maatskappy of entiteit waarin aandele gehou word in	Voeg beskrywing van aard van besigheid in	Voeg persentasie belang gehou in	Voeg totale nominale waarde van belang in Suid-Afrikaanse Rand in	Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar
2								

(c) Belange in vennootskappe:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN VENNOOTSAP	BELANG	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	Voeg naam van belanghouer by	Voeg verhouding met houer in, indien nie self nie	Voeg naam van vennootskap waarin belang gehou word in	Voeg persentasie belang gehou in	Voeg beskrywing van aard van besigheid in	Voeg totale nominale waarde van belang in Suid-Afrikaanse Rand in	Voeg besonderhede van alle vergoeding / inkomste betaalbaar in
2							

(d) Werklike of persoonlike regte in eiendom wat deur enige maatskappy, korporasie, trust, besigheid of ander regsenteit gebruik word:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN ENTITEIT	REGISTRASIE-NOMMER	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	Voeg naam van houer regte in	Voeg verhouding met houer in, indien nie self nie	Voeg naam van entiteit in wat eiendom gebruik	Voeg registrasie-nommer van entiteit wat eiendom gebruik in	Voeg beskrywing van aard van reg en eiendom in	Voeg totale nominale waarde van reg in eiendom wat deur	Voeg besonderhede in van alle vergoeding,

						<i>entiteit gebruik word in</i>	<i>inkomste, dividende betaalbaar</i>
2							

(e) Belange in trusts:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN TRUST	REGISTRASIE-NOMMER	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	<i>Voeg naam van belangehouer in</i>	<i>Voeg verhouding met houer in, indien nie self nie</i>	<i>Voeg naam van trust in</i>	<i>Voeg registrasie-nommer van trust in</i>	<i>Voeg beskrywing van aard van betrokkenheid by trust in</i>	<i>Voeg totale nominale waarde van belang in trust in</i>	<i>Voeg besonderhede van alle vergoeding / inkomste / rente betaalbaar in</i>
2							

(f) Ten opsigte van enige besigheid, onderneming of ander entiteit, met of sonder regspersoonlikheid, enige belang wat die houer daarvan in staat stel om te deel in die winste en inkomste van sodanige besigheid, onderneming of ander entiteit (indien nie reeds in (a), (b), (c), (d) en (e) hierbo verklaar nie):

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN ENTITEIT	BELANG	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	<i>Voeg naam van belangehouer in</i>	<i>Voeg verhouding met houer in, indien nie self nie</i>	<i>Voeg naam in van entiteit waarin belang gehou word</i>	<i>Voeg persentasie belang gehou in</i>	<i>Voeg beskrywing van aard van belang en besigheid in</i>	<i>Voeg totale nominale waarde van belang in</i>	<i>Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar</i>
2							

(g) Vergoeding, direkteurskappe, konsultante en retensieskappe:

NO.	NAAM VAN PARTY	VERHOUDING	NAAM VAN ENTITEIT	AARD	VERGOEDING / INKOMSTE (ZAR)
1	<i>Voeg naam van party by die kontrak of ooreenkoms in</i>	<i>Voeg verhouding met party in, indien nie self nie</i>	<i>Voeg naam van entiteit in</i>	<i>Voeg beskrywing van aard van werk wat verrig is in</i>	<i>Voeg besonderhede in van alle vergoeding, inkomste, dividend betaalbaar</i>
2					

(h) Leningsrekening (uitgesluit verband-, voertuigfinansierings- en kleinhandelrekening):

NO.	NAAM VAN PARTY	VERHOUDING	NAAM VAN LENER	AARD	OORSPRONKLIEKE LENINGSBEDRAG (ZAR)	UITSTAANDE SALDO (ZAR)
1	<i>Voeg naam van party by die leningsrekening in</i>	<i>Voeg verhouding met party in, indien nie self nie</i>	<i>Voeg naam van lener in</i>	<i>Voeg beskrywing van aard van lening in</i>	<i>Voeg oorspronklike leningsbedrag in</i>	<i>Voeg uitstaande leningsbedrag in, insluitend uitstaande rente</i>
2						

(i) Vergoeding, inkomste, besoldiging, regte op inkomste, aandele, belange, skenkings, geskenke of enige ander voordele wat toeval voor of ingevolge die toekening van 'n lisensie vir die instelling, lisensiering of operasionalisering van 'n drank-, dobbel-, perdewedren- of weddery-instelling:

NO.	NAAM VAN BEGUNSTIGDE	VERHOUDING	NAAM VAN ENTITEIT	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	<i>Voeg naam van begunstigde in</i>	<i>Voeg verhouding met begunstigde in, indien nie self nie</i>	<i>Voeg naam van aansoeker, lisensiehouer of geregistreerde in</i>	<i>Voeg beskrywing van aard van voordeel en redes daarvoor in</i>	<i>Voeg totale nominale waarde van inkomste, aansprake op</i>	<i>Voeg besonderhede in van alle vergoeding, inkomste, aansprake</i>

					<i>inkomste of enige ander voordeel in</i>	<i>op inkomste, aandele, rente, skenkings, geskenke of enige ander voordele betaalbaar</i>
2						

(j) Sluiting of bestaan van enige kontrakte of ooreenkomste met aansoekers om 'n lisensie, bestaande lisenstehouers of geregistreeerdes:

NO.	NAAM VAN PARTY	VERHOUDING	NAAM VAN ENTITEIT	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	<i>Voeg naam van party by die kontrak of ooreenkoms in</i>	<i>Voeg verhouding met party in, indien nie self nie</i>	<i>Voeg naam van aansoeker, lisenstehouer of geregistreeerde in</i>	<i>Voeg beskrywing van aard van kontrak of ooreenkoms in</i>	<i>Voeg totale nominale waarde van kontrak of ooreenkoms in</i>	<i>Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar</i>
2						

(k) Enige persoonlike belange:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN ENTITEIT	AARD	WAARDE
1	<i>Voeg naam van belanghouer in</i>	<i>Voeg verhouding met houer in, indien nie self nie</i>	<i>Voeg naam van entiteit of persoon in by wie die persoonlike belang bestaan</i>	<i>Voeg beskrywing van aard van persoonlike belang in</i>	<i>Voeg beskrywing van waarde van persoonlike belang in, hetsy geldelik of ander</i>
2					

HANDTEKENING VAN VERKLAARDER: *Voeg handtekening van verklaarder in*

HANDTEKENING VAN KOMMISSARIS VAN EDE: *Voeg handtekening van Kommissaris van Ede in*

VOLLE NAAM EN VAN: *Voeg volle name en van van Kommissaris van Ede in*

BENAMING: *Voeg benaming van Kommissaris van Ede in*

STRAATADRES: *Voeg straatadres van Kommissaris van Ede in*

DATUM: *Voeg datum in*

PLEK: *Voeg plek in*

DATUM ONTVANG DEUR VOORSITTER VAN DIE RAAD: *Voeg datum in*

HANDTEKENING VAN VOORSITTER VAN DIE RAAD: *Voeg handtekening van Voorsitter van die Raad in*

VORM 3:

JAARLIKSE EN AD HOC VERKLARING VAN DIREKTE OF INDIREKTE BELANGE VAN
 PERSONEELLEDE
 (Artikel 41(3)(c))

JAARLIKSE EN AD HOC VERKLARING VAN DIREKTE OF INDIREKTE BELANGE
 VAN
 PERSONEEL

ingevolge artikel 41(3)(c) van die KwaZulu-Natal Wet op die Ekonomiese
Reguleringsowerheid, 2024

TIPE VERKLARING	
JAARLIKSE VERKLARING	AD HOC VERKLARING
<i>Merk indien toepaslik</i>	<i>Merk indien toepaslik</i>

VERKLARING HOU VERBAND MET FINANSIËLE JAAR: *Voeg finansiële jaar in*

DATUM VAN VERKLARING: *Voeg datum van verklaring in*

Ek, die ondergetekende met die volgende besonderhede:

VAN: *Voeg van in*

VOLLE NAME: *Voeg volle name in*

ID-NOMMER: *Voeg ID-nummer in*

WOONADRES ADRES: *Voeg woonadres in*

TELEFOONNOMMER: *Voeg telefoonnommer in*

SELNOMMER: *Voeg selnommer in*

E-POSADRES: *Voeg e-posadres in*

BENAMING / POSISIE: *Voeg benaming/posisie in Owerheid in*

verklaar en sertifiseer hiermee dat die volgende inligting, met betrekking tot myself en enige familielid, sakevennoot, geassosieerde of werkgewer, behalwe die Staat, volledig en korrek is na die beste van my wete:

(a) Eienaarskap van aandele in maatskappye of entiteite:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN MAATSKAPPY OF ENTITEIT	MAATSKAPPY-REGISTRASIE-NOMMER	AARD	AANTAL AANDELE	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	<i>Voeg naam van aandeelhouer in</i>	<i>Voeg verhouding met houer in, indien nie self nie</i>	<i>Voeg naam van maatskappy of entiteit waarin aandele gehou word in</i>	<i>Voeg maatskappy-registrasie-nummer in (indien privaat maatskappy)</i>	<i>Voeg beskrywing van aard van besigheid in</i>	<i>Voeg aantal aandele gehou in</i>	<i>Insert total nominal value of shares</i>	<i>Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar</i>
2								

(b) Belange in beslote korporasies:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN BESLOTE KORPORASIE	BK REGISTRASIE-NOMMER	AARD	BELANG	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	<i>Voeg naam van belanghouer in</i>	<i>Voeg verhouding met houer in, indien nie self nie</i>	<i>Voeg naam van maatskappy of entiteit waarin aandele gehou word in</i>	<i>Voeg naam van maatskappy of entiteit waarin aandele gehou word in</i>	<i>Voeg beskrywing van aard van besigheid in</i>	<i>Voeg persentasie belang gehou in</i>	<i>Voeg totale nominale waarde van belang in Suid-Afrikaanse Rand in</i>	<i>Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar</i>
2								

(c) Belange in vennootskappe:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN VENNOOTSKAP	BELANG	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	<i>Voeg naam van belangehouer in</i>	<i>Voeg verhouding met houer in, indien nie self nie</i>	<i>Voeg naam van vennootskap waarin belang gehou word in</i>	<i>Voeg persentasie belang gehou in</i>	<i>Voeg beskrywing van aard van besigheid in</i>	<i>Voeg totale nominale waarde van belang in Suid-Afrikaanse Rand in</i>	<i>Voeg besonderhede van alle vergoeding / inkomste betaalbaar in</i>
2							

(d) Werklike of persoonlike regte in eiendom wat deur enige maatskappy, korporasie, trust, besigheid of ander regsenteit gebruik word:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN ENTITEIT	REGISTRASIE-NOMMER	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	<i>Voeg naam van houer van regte in</i>	<i>Voeg verhouding met houer in, indien nie self nie</i>	<i>Voeg naam van entiteit in wat eiendom gebruik</i>	<i>Voeg registrasienommer van entiteit wat eiendom gebruik in</i>	<i>Voeg beskrywing van aard van reg en eiendom in</i>	<i>Voeg totale nominale waarde van reg in eiendom wat deur entiteit gebruik word in</i>	<i>Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar</i>
2							

(e) Belange in trusts:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN TRUST	REGISTRASIE-NOMMER	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	<i>Voeg naam van belangehouer in</i>	<i>Voeg verhouding met houer in, indien nie self nie</i>	<i>Voeg naam van trust in</i>	<i>Voeg registrasienommer van trust in</i>	<i>Voeg beskrywing van aard van betrokkenheid by trust in</i>	<i>Voeg totale nominale waarde van belang in trust in</i>	<i>Voeg besonderhede van alle vergoeding / inkomste / rente betaalbaar in</i>
2							

(f) Ten opsigte van enige besigheid, onderneming of ander entiteit, met of sonder regspersoonlikheid, enige belang wat die houer daarvan in staat stel om te deel in die winste en inkomste van sodanige besigheid, onderneming of ander entiteit (indien nie reeds in (a), (b), (c), (d) en (e) hierbo verklaar nie):

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN ENTITEIT	BELANG	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	<i>Voeg naam van belangehouer in</i>	<i>Voeg verhouding met houer in, indien nie self nie</i>	<i>Voeg naam in van entiteit waarin belang gehou word</i>	<i>Voeg persentasie belang gehou in</i>	<i>Voeg beskrywing van aard van belang en besigheid in</i>	<i>Voeg totale nominale waarde van belang in</i>	<i>Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar</i>
2							

g) Vergoeding, direkteurskappe, konsultante en retensieskappe:

NO.	NAAM VAN PARTY	VERHOUDING	NAAM VAN ENTITEIT	AARD	VERGOEDING / INKOMSTE (ZAR)
1	<i>Voeg naam van party by die kontrak of ooreenkoms in</i>	<i>Voeg verhouding met party in, indien nie self nie</i>	<i>Voeg naam van entiteit in</i>	<i>Voeg beskrywing van aard van werk wat verrig is in</i>	<i>Voeg besonderhede in van alle vergoeding, inkomste, dividend betaalbaar</i>
2					

(h) Leningsrekeninge (uitgesluit verband-, voertuigfinansierings- en kleinhandelrekeninge):

NO.	NAAM VAN PARTY	VERHOUDING	NAAM VAN LENER	AARD	OORSPRONKLIKE LENINGSBEDRAG (ZAR)	UITSTAANDE SALDO (ZAR)
1	Voeg naam van party by die leningsrekening in	Voeg verhouding met party in, indien nie self nie	Voeg naam van lener in	Voeg beskrywing van aard van lening in	Voeg oorspronklike leningsbedrag in	Voeg uitstaande leningsbedrag in, insluitend uitstaande rente
2						

(i) Vergoeding, inkomste, besoldiging, regte op inkomste, aandele, belange, skenkings, geskenke of enige ander voordele wat toeval voor of ingevolge die toekenning van 'n lisensie vir die instelling, lisensiering of operasionalisering van 'n drank-, dobbelary-, perdewedren- of weddery-instelling:

NO.	NAAM VAN BEGUNSTIGDE	VERHOUDING	NAAM VAN ENTITEIT	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	Voeg naam van begunstigde in	Voeg verhouding met begunstigde in, indien nie self nie	Voeg naam van aansoeker, lisensiehouer of geregistreerde in	Voeg beskrywing van aard van voordeel en redes daarvoor in	Voeg totale nominale waarde van inkomste, aansprake op inkomste of enige ander voordeel in	Voeg besonderhede in van alle vergoeding, inkomste, aansprake op inkomste, aandele, rente, skenkings, geskenke of enige ander voordele betaalbaar
2						

(j) Sluiting of bestaan van enige kontrakte of ooreenkomste met aansoekers om 'n lisensie, bestaande lisensiehouers of geregistreerdes:

NO.	NAAM VAN PARTY	VERHOUDING	NAAM VAN ENTITEIT	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	Voeg naam van party by die kontrak of ooreenkoms in	Voeg verhouding met party in, indien nie self nie	Voeg naam van aansoeker, lisensiehouer of geregistreerde in	Voeg beskrywing van aard van kontrak of ooreenkoms in	Voeg totale nominale waarde van kontrak of ooreenkoms in	Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar
2						

(k) Enige persoonlike belange

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN ENTITEIT	AARD	WAARDE
1	Voeg naam van belangehouer in	Voeg verhouding met houer in, indien nie self nie	Voeg naam van entiteit of persoon in by wie die persoonlike belang bestaan	Voeg beskrywing van aard van persoonlike belang in	Voeg beskrywing van waarde van persoonlike belang in, hetsy geldelik of ander
2					

HANDTEKENING VAN VERKLAARDER: Voeg handtekening van verklaarder in

HANDTEKENING VAN KOMMISSARIS VAN EDE: Voeg handtekening van Kommissaris van Ede in

VOLLE NAAM EN VAN: Voeg volle name en van van Kommissaris van Ede in

BENAMING: Voeg benaming van Kommissaris van Ede in

STRAATADRES: Voeg straatadres van Kommissaris van Ede in

DATUM: Voeg datum in

PLEK: Voeg plek in

DATUM ONTVANG DEUR HOOF UITVOERENDE BEAMPTE: *Voeg datum in*

HANDTEKENING VAN HOOF UITVOERENDE BEAMPTE: *Voeg handtekening van Hoof Uitvoerende Beamppte in*

VORM 4:

VERGADERING-VERKLARING VAN DIREKTE EN INDIREKTE BELANGE
(Artikel 18(4)(a))

VERGADERING-VERKLARING VAN DIREKTE EN INDIREKTE BELANGE
ingevolge artikel 18(4)(a) van die KwaZulu-Natal Wet op die Ekonomiese
Reguleringsowerheid, 2024

VERGADERDATUM: *Voeg datum van vergadering in*

VERGADERINGBESONDERHEDE: *Voeg beskrywing van aard van vergadering in, bv. raadsvergadering, komiteevergadering*

Ek, die ondergetekende met die volgende besonderhede:

VAN: *Voeg van in*

VOLLE NAME: *Voeg volle name in*

ID-NOMMER: *Voeg ID-nommer in*

BENAMING / POSISIE: *Voeg benaming/posisie/hoedanigheid by vergadering in*

verklaar en sertifiseer hiermee dat die volgende verklaring, met betrekking tot myself en enige familielid, sakevennoot, medewerker of werkgewer, behalwe die Staat, volledig en korrek is na die beste van my wete:

NO.	AGENDA-ITEM	BELANG OM TE VERKLAAR (J/N)	NAAM VAN HOUER	VERHOUDING	NAAM VAN MAATSKAPPY OF ENTITEIT	AARD	WAARDE
1	<i>Voeg agenda-itemnommer en onderwerp in</i>	<i>Voeg ja of nee in</i>	<i>Voeg naam van belanghouer in</i>	<i>Voeg verhouding met belanghouer in, indien nie self nie</i>	<i>Voeg naam in van persoon, maatskappy of entiteit waarop die belang betrekking het</i>	<i>Voeg beskrywing van aard van belang by agendapunt in</i>	<i>Voeg beskrywing van waarde of omvang van belang in, hetsy geldelik, persoonlik of ander</i>
2							

HANDTEKENING VAN VERKLAARDER: *Voeg handtekening van verklaarder in*

DATUM VAN HANDTEKENING: *Voeg datum in*

HANDTEKENING VAN VOORSITTER VAN VERGADERING: *Voeg handtekening van Voorsitter van vergadering in*

DATUM VAN HANDTEKENING: *Voeg datum in*

"**direkte belang**" beteken -

- (a) die eienaarskap van aandele in 'n maatskappy of entiteit;
 - (b) 'n belang in 'n beslote korporasie;
 - (c) 'n belang in 'n vennootskap;
 - (d) 'n saaklike of persoonlike reg in eiendom wat deur 'n maatskappy, korporasie, trust, besigheid of ander regsentiteit gebruik word;
 - (e) 'n belang in 'n trust;
 - (f) ten opsigte van 'n besigheid, onderneming of ander entiteit, met of sonder regspersoonlikheid, enige belang wat die houer daarvan in staat stel om in die wins en inkomste van sodanige besigheid, onderneming of ander entiteit te deel;
 - (g) vergoeding, direkteurskap, konsultante en retensieskap;
 - (h) 'n leningsrekening;
 - (i) 'n vergoeding, inkomste, besoldiging, reg op inkomste, aandele, rente, skenking, geskenk of enige ander voordeel wat aan 'n persoon toeval voor of ingevolge die toekenning van 'n lisensie vir dieinstelling, lisensiëring of operasionalisering van 'n drank-, dobbel-, perdewedren-of weddery-instelling;
 - (j) die sluiting of bestaan van enige kontrak of ooreenkoms met 'n aansoeker om 'n lisensie, 'n bestaande lisensiehouer of 'n geregistreerde; en
 - (k) 'n persoonlike belang,
- en "**indirekte belang**", ten opsigte van 'n familielid, sakevennoot, medewerker of werkgewer, anders as die Staat, het 'n ooreenstemmende betekenis;

VORM 5:

REGISTER VAN DELEGASIES

(Artikel 43)

REGISTER VAN DELEGASIES

ingevolge artikel 43 van die KwaZulu-Natal Wet op die Ekonomiese Reguleringsoverheid,
2024

REGISTERWEERGAWE: *Voeg registerweergawenommer in*

DATUM VAN REGISTERWEERGAWE: *Voeg datum van registerweergawe in*

GOEDGEKEUR DEUR: *Voeg benaming/posisie in Owerheid in en naam van persoon wat gemagtig is om hierdie dokument goed te keur*

HANDTEKENING: *Voeg handtekening in van persoon wat gemagtig is om hierdie dokument goed te keur*

NO.	BEVOEGDHEID, FUNKSIES OF PLIG WAT GEDELEGEER WORD	ARTIKEL	HOOF-AMPSDRAER	GEDELEGEER AAN	VAN (DATUM)	TOT (DATUM)	DELEGASIE-VOORWAARDES	VORIGE DELEGASIE-INLIGTING
1	<i>Voeg funksies, bevoegdheid of plig wat gedelegeer word in</i>	<i>Voeg artikelnommer in Wet in waar voorsiening gemaak word vir bevoegdheid, funksies of plig</i>	<i>Voeg beide benaming / posisie in Owerheid en naam van die hoofpersoon of liggaam wat verantwoordelik en aanspreeklik is vir die uitoefening van die bevoegdheid, die verrigting van die funksies of die uitvoering van die plig in</i>	<i>Voeg beide benaming / posisie en naam in van die persoon of liggaam aan wie die bevoegdheid, funksies of plig gedelegeer is</i>	<i>Voeg datum in waarop delegering in werking tree</i>	<i>Voeg datum in waarop delegering verval (indien enige)</i>	<i>Voeg enige voorwaardes verbonde aan die delegasie in</i>	<i>Voeg besonderhede van enige vorige delegering van hierdie funksie, bevoegdheid of plig (indien enige) in</i>
2								

[Umbhalo wesiNgisi unyathelwe nguNdunankulu]

UMTHETHO WESIGUNGU ESILAWULA EZOMNOTHO WAKWAZULU-NATALI, 2024 (Umthetho Na. 01 ka 2024)

Uvunywe mhlaka 09-04-2024 |

UMTHETHO

Wokuhlinzekela ukusungulwa kwesiGungu esiLawula ezoMnotho saKwaZulu-Natali ukuze kuqaliswe ukuphathwa nokulawulwa kwemboni yemidlalo yemali, yemijaho yamahashi, yokubheja kanye neyotshwala esiFundazweni ngaphansi kolawulo lwesiGungu; ukuhlinzekela ukuhlakazwa kweBhodi lemiDlalo yeMali nokuBheja laKwaZulu-Natali kanye nesiGungu esiLawula ezoTshwala saKwaZulu-Natali nokudluliselwa kwamandla kanye nemisebenzi yesiGungu kanye neBhodi obekukhona phambilini edluliselwa kwisiGungu esiLawula ezoMnotho saKwaZulu-Natali; ukuchibiyela uMthetho wemiDlalo yeMali nokuBheja waKwaZulu-Natali, 2010, kanye noMthetho wamaLayisensi oTshwala waKwaZulu-Natali, 2010, ukuze kuchithwe izinhlinzeko eziphathelele nesiGungu kanye neBhodi obekukhona phambilini nokuthi kubhekiswe kwisiGungu esiLawula ezoMnotho saKwaZulu-Natali esikhundleni sesiGungu neBhodi obekukhona phambilini; kanye nokuhlinzekela okunye okuphathelele nalokho.

MAWUMISWE yisiShayamthetho sesiFundazwe saKwaZulu-Natali, kanje:

ISAHLUKO 1

114

UKUHUNYUSHWA, IZINHLOSO, UKUSEBENZA KANYE NEZINQUBOMGOMO

1. Izincazelo
2. Izinhloso zoMthetho
3. Ukusebenza koMthetho
4. Izinqubomgomo

ISAHLUKO 2

UKUHLAKAZWA KWEBHODI LEMIDLALO YEMALI NOKUBHEJA LAKWAZULU-NATALI
KANYE NESIGUNGU ESILAWULA EZOTSHWALA SAKWAZULU-NATALI

5. UkuHlakazwa kweBhodi lemiDlalo yeMali nokuBheja laKwaZulu-Natali kanye nesiGungu esiLawula ezoTshwala saKwaZulu-Natali
6. Imiphumela yokuhlakazwa
7. Ukuqhubeka kokusebenza kwemithetho ekhona

ISAHLUKO 3

UKUSUNGULWA KWESIGUNGU ESILAWULA EZOMNOTHO SAKWAZULU-NATALI

8. Ukusungulwa kwesiGungu esiLawula ezoMnotho saKwaZulu-Natali
9. Izinhloso zesiGungu
10. Amandla kanye nemisebenzi yesiGungu

ISAHLUKO 4

IZINHLELO ZOKUPHATHA

11. Ukusungulwa kweBhodi
12. Iqhaza likaNgqongqoshe
13. Iqhaza lenhloko yoMnyango
14. Ukubunjwa kweBhodi
15. Okujwayelekile okudingeka kumalungu
16. Inqubo yokuqokwa kwamalungu
17. USihlalo kanye noSekela Sihlalo
18. Inqubo yokuziphatha nokudalulwa kokuhlomula
19. Isikhathi sokuba sesikhundleni
20. Ukuhoxiswa kobulungu, ukumiswa kanye nokususwa esikhundleni
21. Ukugcwaliswa kwezikhala
22. Imibandela yokuqokwa namaholo
23. Ukungabikhona kweBhodi elisebenzayo
24. Imihlangano yeBhodi
25. Ikhoramunokuthathwa kwezinqumo

26. Amakomidi
27. Amaminithi emihlangano
28. Ukubonisana neBhodi nokuhlinzekwa ngosizo kweBhodi
29. Ukudluliselwa kwamandla nemisebenzi yiBhodi

ISAHLUKO 5

UKUXHASWA NGEZIMALI, UKUPHATHWA KWEZIMALI NOMBIKO WEZIMALI

30. Izimali zesiGungu
31. Isibopho sokubika ngezimali kanye nokuphathwa kwebhizinisi
32. Ukuphathwa kwezimali
33. Ucwaningomabhuku, ukwethulwa kombiko kanye nombiko wonyaka
34. Unyaka wezimali
35. Impahla engenakususwa
36. Izinyathelo zomthetho

ISAHLUKO 6

ISIKHULU ESIPHEZULU KANYE NABANYE ABASEBENZI

37. Ukuqokwa kwesiKhulu esiPhezulu
38. Ukwesula, ukungafaneleki nokususwa esikhundleni kwesiKhulu esiPhezulu
39. Amandla kanye nemisebenzi yesiKhulu esiPhezulu
40. Ukudluliselwa kwabasebenzi abakhona kwisiGungu
41. Ukuqokwa kwabasebenzi

ISAHLUKO 7

IZINHLINZEKO EZIJWAYELEKILE

42. Ukudluliselwa kwamandla nemisebenzi
43. Irejista yokudluliselwa kwamandla nemisebenzi
44. Ukungafihli lutho nokutholakala kolwazi
45. Ukuphatha ngendlela enobulungiswa
46. Ukuqapha, ukuhlola kanye nokubika
47. Ukusetshenziswa kwegama lesiGungu
48. Amacala kanye nezinhlawulo
49. Izinhlelo, imithethonqubo kanye nezaziso
50. Okusazosebenza
51. Izinhlelo zesikhashana
52. Ukuchithwa nokuchitshiyelwa kwemithetho
53. Isihloko esifingqiwe nosuku lokuqala kokusebenza koMthetho

IZINHLELO

UHlelo 1: Ukuchithwa kanye nokuchitshiyelwa kwemithetho

UHlelo 2: Amafomu

ISAHLUKO 1
UKUHUNYUSHWA, IZINHLOSO, UKUSEBENZA KANYE NEMIGOMO

Izincazelo

1.(1) Amagama asuselwa egameni noma emagameni achaziwe anencazelo efanayo, ngaphandle uma ingqikithi isho okwehlukile.

(2) Nanoma yiliphi igama noma inhlinzeko yalo Mthetho kumele iihunyushwe ngendlela ehambisana nezinjongo kanye nezinhloso zalo Mthetho.

(3) Kulo Mthetho, ngaphandle uma ingqikithi isho okwehlukile –

“**uhlelo lokusebenza lonyaka**” lunencazelo oluyinikezwe uMnyango wezokuHlela, wezokuQapha nokuHlola kazwelonke;

“**ikomidi elicwaninga amabhuku**” kushiwo ikomidi elicwaninga amabhuku njengoba kushiwo esigabeni 77 soMthetho wokuPhathwa kweziMali zikaHulumeni;

“**isiGungu**” kushiwo isiGungu esiLawula ezoMnotho waKwaZulu-Natali esisungulwe ngokwesigaba 8;

“**iBhodi**” kushiwo iBhodi lesiGungu esiLawula ezoMnotho elisungulwe ngokwesigaba 11;

“**usuku lokusebenza**” kushiwo noma yiluphi usuku ngaphandle kosuku lwangoMgqibelo, lwangeSonto noma lweholidi elisemthethweni kwiRiphabhulikhi yaseNingizimu Afrika;

“**uSihlalo**” kushiwo uSihlalo weBhodi, futhi kubandakanya nomuntu oyiBamba likaSihlalo;

“**isiKhulu esiPhezulu**” kushiwo isiKhulu esiPhezulu sesiGungu esiqokwe ngokwesigaba 37;

“**ikomidi**” kushiwo ikomidi leBhodi elisungulwe ngokwesigaba 26;

“**inkampani**” kushiwo inkampani njengoba ichazwe eMthethweni weziNkampani, 2008 (uMthetho No. 71 ka 2008);

“uMthethosisekelo” kushiwo uMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996;

“uMnyango” kushiwo umnyango obhekele noma iminyango ebhekele imidlalo yemali, imijaho yamahashi nokubheja, kanye nezotshwala esiFundazweni;

“ukuhlomula ngqo” kubandakanya –

- (a) ukuba umnikazi wamasheya enkampanini noma ebhizinisini;
- (b) ukuhlomula enkampanini ewumfelandawonye;
- (c) ukuhlomula kumfelandawonye;
- (d) ilungelo lendawo noma lomuntu endaweni esetshenziswa yinoma iyiphi inkampani, inhlango, ithrasti, nanoma yiliphi elinye ibhizinisi elisemthethweni;
- (e) ukuhlomula kwithrasti;
- (f) maqondana nanoma yiliphi ibhizinisi eliqhutshwayo eliwumuntu ngokomthetho noma elingeyena umuntu ngokomthetho, nanoma yikuphi ukuhlomula okwenza umhlomuli ukuthi athole inzuzo nengeniso kulelo bhizinisi eliqhutshwayo;
- (g) amaholo, izikhundla zobuqondisi, izinkampani zabeluleki abasebenza isikhashana nabasebenza isikhathi eside;
- (h) ama-akhawunti emalimboleko;
- (i) amaholo, ingeniso, ingenisonzuzo, amagunya kwingenisonzuzo, amasheya, inzalo, iminikelo, izipho nanoma yimiphi eminye imihlomulo eqongelelwe ngaphambi noma ngemva kokuhlinzekwa kwelayisensi yebhizinisi, ukukhishwa kwelayisensi noma kokusetshenziswa kwebhizinisi lotshwala, lemidlalo yemali, lemijaho yamahashi nokubheja;
- (j) ukwamukelwa noma ubukhona banoma yiziphi izivumelwano nabafakizicelo nabanikazi bamalayisensi noma nabantu ababhalisiwe; kanye
- (k) nokunye ukuhlomula komuntu,

kanti **“ukuhlomula ngandlela thile”**, maqondana nohlobene naye, obambisene naye ebhizinisini, ohlanganyele naye noma umqashi, ngaphandle koMbuso, kunencazelo efanayo;

“uMkhandlu oPhethe” kushiwo uMkhandlu oPhethe esiFundazweni oshiwo esigabeni 132 soMthethosisekelo;

“iGazethi” kushiwo iGazethi esemthethweni yesiFundazwe saKwaZulu-Natali;

“iNhloko yoMnyango” kushiwo inhloko yomnyango noma izinhloko zeminyango ezibhekele imidlalo yemali, yemijaho yamahhashi nokugembula, nezotshwala esiFundazweni;

“iBhodi lesikhashana” kushiwo iBhodi lesikhashana elishiwo esigabeni 51(1)(a)(i);

“isiKhulu esiPhezulu esibambe okwesiKhashana” kushiwo isiKhulu esiPhezulu njengoba kushiwo esigabeni 51(1)(b);

“ucwaningomabhuku lwangaphakathi” kushiwo uhlelo lwangaphakathi elicwaninga amabhuku njengoba kushiwo ezigabeni 51(1)(a)(ii) no 76(4)(e) zoMthetho wokuPhathwa kweziMali zikaHulumeni;

“uMthetho wemiDlalo yeMali nokuBheja waKwaZulu-Natali” kushiwo uMthetho wemiDlalo yeMali nokuBheja waKwaZulu-Natali, 2010 (uMthetho No. 8 ka 2010), futhi ubandakanya nanoma yimiphi imithethonqubo, izaziso, inqubo ebhaliwe ezolandelwa noma amasekhula, enziwe noma akhishwe noma ashicilelwe ngokwalo Mthetho;

“uMthetho wamaLayisensi oTshwala waKwaZulu-Natali” kushiwo uMthetho wamaLayisensi oTshwala waKwaZulu-Natali, 2010 (uMthetho No. 6 ka 2010), futhi ubandakanya nanoma yimiphi imithethonqubo, izaziso, inqubo ebhaliwe ezolandelwa noma amasekhula, enziwe noma akhishwe noma ashicilelwe ngokwalo Mthetho;

“uNgqongqoshe” kushiwo uNgqongqoshe obhekele noma oNgqongqoshe ababhekele imidlalo yemali, imijaho yamahhashi nokubheja, nezotshwala esiFundazweni;

“ilungu” kushiwo ilungu leBhodi njengoba kushiwo esigabeni 14;

“ilungu lekomidi” kushiwo ilungu lekomidi elisungulwe yiBhodi ngokwesigaba 26:

“umasipala” kushiwo umasipala njengoba kushiwo esigabeni 155 soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996, nosungulwe ngokwezigaba 11 no 12 soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998), sifundwa nezigaba 3, 4 no 5 zoMthetho wokuNqunywa kweziNhlolo zoMasipala, 2000 (uMthetho No. 7 ka 2000), kanti **“umasipala wesifunda”** kanye **“nomasipala wedolobha elikhulu”** kunenzazelo efanayo;

“uMthetho wezokuGembula kaZwelonke” kushiwo uMthetho wezokuGembula kaZwelonke, 2004 (uMthetho No. 7 ka 2004), futhi kubandakanya nanoma yimiphi imithethonqubo, izaziso, inqubo ebhaliwe ezolandelwa noma amasekhula, enziwe noma akhishwe noma ashicilelwe ngokwalo Mthetho;

“uhlaka lombuso” lunencazelo oluyinikezwe esigabeni 239 soMthethosisekelo weRiphabhulikhi yaseNingizumu Afrika, 1996;

“umuntu” kubandakanya umuntu qobo noma umuntu ngokomthetho, iqembu labantu noma umgwamanda;

“inqubomgomo” kushiwo inqubomgomo egunyazwe –

- (a) iKhabhinethi kaZwelonke futhi eshicilelwe kwiGazethi kaHulumeni;
- (b) uMkhandlu oPhethe noma umkhandlu kamasipala futhi oshicilelwe kwiGazethi yesFundazwe;
- (c) iBhodi,

njengoba kungaba njalo;

“omele iqembu lezepolitiki” kushiwo –

- (a) ilungu leNdlu kaZwelonke, loMkhandlu kaZwelonke weziFundazwe noma leKhabhinethi kaZwelonke;
- (b) ilungu lesishayamthetho sesifundazwe noma lomMkhandlu oPhethe esifundazweni;
- (c) amakhansela omasipala;
- (d) isithunywa esimele iRiphabhulikhi esingasebenzeli uhulumeni;
- (e) ilungu lendlu yabaholi boMdabu kanye nabaholi bama-*Khoi-San*;
- (f) abaholi boMdabu kanye nabaholi bama-*Khoi-San* abaqokwe ngokoMthetho wobuHoli boMdabu bama-*Khoi-San*, 2019 (uMthetho No. 3 ka 2019); kanye
- (g) nomele iqembu lezepolitiki kuzwelonke, esifundazweni, inhlango, umgwamanda noma umbimbi okurejistwe ngokwesigaba 15 noma 15A soMthetho weKhomishana yezoKhetho, 1996 (uMthetho No. 51 ka 1996);

“iKomidi lemiSebenzi” kushiwo iKomidi lemiSebenzi noma amaKomidi emiSebenzi esiShayamthetho sesiFundazwe abhekele imidlalo yemali, imijaho yamahashi nokubheja, nezotshwala esiFundazweni;

“uMthetho wokuGqugquzela ukuTholakala koLwazi” kushiwo uMthetho wokuGqugquzela ukuTholakala koLwazi, 2000 (uMthetho No. 2 ka 2000), futhi ubandakanya nanoma yimiphi imithethonqubo, izaziso, inqubo ebhaliwe ezolandelwa noma amasekhula, enziwe noma akhishwe noma ashicilelwe ngokwalo Mthetho;

“uMthetho wokuVikelwa kweMininingwane yoMuntu Qobo” kushiwo uMthetho wokuVikelwa kweMininingwane yoMuntu Qobo, 2013 (uMthetho No. 4 ka 2013), nobandakanya nanoma yimiphi imithethonqubo, izaziso, inqubo ebhaliwe ezolandelwa noma amasekhula, enziwe noma akhishwe noma ashicilelwe ngokwalo Mthetho;

“isiFundazwe” kushiwo isiFundazwe saKwaZulu-Natali esishiwo esigabeni 103 soMthethosisekelo kanti **“okwesifundazwe”** kunencazelo efanayo;

“isiShayamthetho sesiFundazwe” kushiwo isiShayamthetho sesiFundazwe njengoba kushiwo esigabeni 105 soMthethosisekelo, nesinegunya lokushaya imithetho esiFundazweni njengoba kushiwo esigabeni 104 soMthethosisekelo;

“uMnyango woMgcinimafa wesiFundazwe” kushiwo uMnyango woMgcinimafa osungulelwe isiFundazwe ngokwesigaba 17 soMthetho wokuPhathwa kweziMali zikaHulumeni;

“uMthetho wokuPhathwa kweziMali zikaHulumeni” kushiwo uMthetho wokuPhathwa kweziMali zikaHulumeni, 1999 (uMthetho No. 1 ka 1999); futhi ubandakanya nanoma yimiphi imithethonqubo, izaziso, inqubo ebhaliwe ezolandelwa noma amasekhula, enziwe noma akhishwe noma ashicilelwe ngokwalo Mthetho;

“imithethonqubo” kushiwo imithethonqubo eyenziwe ngokwalo Mthetho;

“isihlobo” kushiwo –

(a) umuntu oshade ngokomthetho, umshado, kubandakanya nomshado wesintu, osebudlelwaneni obufana nobabantu abaganene abahlala ndawonye njengabashadile, abalekelelana nabasekana ngokwezimali nangokomphefumulo; noma

(b) oyingane, owumzali, umfowabo noma udadewabo, noma ngabe lobo budlelwane buvele ngokuzalana, ngokushadana noma ngokukhulisa ingane ongayizali njengeyakho;

“**umsebenzi**” kushiwo umsebenzi wesiGungu odluliselwe, noma oqokelwe kwisiGungu ngokwesigaba 40 no 41, njengoba kungaba njalo;

“**isitatimende esifungelwe sokudalula**” sibandakanya isitatimende esisayinwe phambi kwakhomishana ofungisayo; kanti

“**lo Mthetho**” kushiwo uMthetho wesiGungu esiLawula ezoMnotho waKwaZulu-Natali, 2024, futhi ubandakanya nanoma yimiphi imithethonqubo, izaziso, inqubo ebhaliwe ezolandelwa noma amasekhula, enziwe noma akhishwe noma ashicilelwe ngokwalo Mthetho.

Izinhloso zoMthetho

2. Izinhloso zalo Mthetho ukusungula isiGungu esiLawula ezoMnotho saKwaZulu-Natali njengebhizinisi likahulumeni wesifundazwe ngokuhambisana nezinhlinzeko zoMthetho wokuPhathwa kweziMali zikaHulumeni kanye nokuhlinzekela izinhloso zokubusa, zokuphatha nezokuphathwa kwesiGungu ukulawula –

- (a) imboni yemidlalo yemali neyemijaho yamahhashi nokubheja ngokomthetho kazwelonke osebenzayo, uMthetho wemiDlalo yeMali nokuBheja waKwaZulu-Natali, kanye neminye imithetho yesifundazwe ehambisana nalokho; kanye
- (b) nemboni yotshwala mayelana nomthetho kazwelonke osebenzayo, uMthetho wamaLayisensi oTshwala waKwaZulu-Natali, neminye imithetho yesifundazwe ehambisana nalokho.

Ukusebenza koMthetho

3. Lo Mthetho –

- (a) usebenza esiFundazweni sonkana; futhi
- (b) ubophezela sonke isifundazwe kanye nezinhloso zombuso zomasipala.

Imigomo

4.(1) Uma kusetshenziswa lo Mthetho, isiGungu kumele –

- (a) sisebenze ngendlela –
 - (i) esheshayo;
 - (ii) enemiphumela ebonakalayo;
 - (iii) engeyona imfihlo;
 - (iv) esemthethweni;
 - (v) enokuthembeka;

- (b) siqinisekise ubuqotho;
- (c) senze umsebenzi oseqophelweni eliphezulu;
- (d) sizibophezele ekwenzeni umsebenzi ngobuchule;
- (e) sizibophezele ekwenzeni esijutshelwe ukuthi sikwenze;
- (f) siqinisekise –
 - (i) ukuhola ngendlela enobulungiswa, ekahle, nangenqubo eqinisekisa ubulungiswa nendlela enokulingana maqondana nezindaba eziphathelene nemisebenzi esiyilawulayo; kanye
 - (ii) nokubonisana nokubambisana ngendlela efanele, engenabumfihlo, enesibopho sokubika kuzo zonke izinhlaka zombuso esifundazweni nakomasipala nakulabo ababambe iqhaza; futhi
- (g) silandele imigomo ephusile yokulawula zinkampani.

(2) IsiGungu kumele sisebenzise amandla aso futhi senze imisebenzi yaso ngokuhambisana –

- (a) nezinhlizeko ezisebenzayo ngokomthethosisekelo, kubandakanya nezinhlizeko ezilawula ukubusa ngokubambisana;
- (b) izinhlizeko zalo Mthetho kanye neminye imithetho esebenzayo nezinhlizeko zenqubomgomo; kanye
- (c) nemigomo ebekwe esigatshaneni (1).

ISAHLUKO 2

UKUHLAKAZWA KWEBHODI LEMIDLALO YEMALI NOKUBHEJA LAKWAZULU-NATALI KANYE NESIGUNGU ESILAWULA EZOTSHWALA SAKWAZULU-NATALI

Ukuhlakazwa kweBhodi lemiDlalo yeMali nokuBheja laKwaZulu-Natali kanye nesiGungu esiLawula ezoTshwala saKwaZulu-Natali

5. Ngalokhu kuhlakazwa iBhodi lemiDlalo yeMali nokuBheja laKwaZulu-Natali kanye nesiGungu esiLawula ezoTshwala saKwaZulu-Natali.

Imiphumela yokuhlakazwa

6.(1) IsiGungu ngokomthetho yisona esilandela iBhodi lemiDlalo yeMali nokuBheja laKwaZulu-Natali kanye nesiGungu esiLawula ezoTshwala saKwaZulu-Natali ngokwesikhundla.

(2) IsiGungu sibhekele –

- (a) ukuphathwa kwemisebenzi kanye nazo zonke izinto ezibucayi eziphathelene –

- (i) nokuhlakazwa kweBhodi lemiDlalo yeMali nokuBheja laKwaZulu-Natali kanye nesiGungu esiLawula ezoTshwala saKwaZulu-Natali;
 - (ii) nokusungulwa kwesiGungu; kanye
- (b) nanoma yimaphi amandla asetshenzisiwe nemisebenzi eyenziwe yiBhodi lemiDlalo yeMali nokuBheja laKwaZulu-Natali nesiGungu esiLawula ezoTshwala saKwaZulu-Natali ngaphambi kokuthi kuhlakazwe.

(3)(a) Zonke izimpahla, izikweletu, amalungelo kanye nezibopho, kanye nakho konke okuphathelene nezokuphatha, amarekhodi ezezimali kanye namanye amarekhodi ayegcinwe yiBhodi lemiDlalo yeMali nokuBheja kanye nesiGungu esiLawula ezoTshwala saKwaZulu-Natali, kunikezwa isiGungu.

(b) UMbhalisi wamaTayitela kumele enze konke okufanele ukubhalisa noma ukugunyaza ukudluliselwa kwanoma iyiphi impahla ngokwendima (a), futhi akukho mali yokudluliselwa, yasehovisi noma yezinye izindleko eyokhokhwa maqondana nalokho kubhaliswa noma kugunyazwa.

(4) Kusukela ngosuku lo Mthetho oyokuqala ngalo ukusebenza –

- (a) bonke abasebenzi beBhodi lemiDlalo yeMali nokuBheja laKwaZulu-Natali kanye nabesiGungu esiLawula ezoTshwala saKwaZulu-Natali bayothathwa njengabasebenzi besiGungu njengoba kushiwo esigabeni 40; futhi
- (b) amalungu eBhodi lemiDlalo yeMali nokuBheja laKwaZulu-Natali nawesiGungu esiLawula ezoTshwala saKwaZulu-Natali ayothathwa njengaseshiyile ezikhundleni zawo ekubeni amalungu alawo mabhodi ngokwehlukana kwayo.

Ukuqhubeka kokusebenza kwemithetho ekhona

7. Ngaphansi kwezinhlinzeko zoHlelo 1, zifundwa nezigaba 50 no 51 –

- (a) uMthetho wemiDlalo yeMali nokuBheja waKwaZulu-Natali; kanye
- (b) noMthetho wamaLayisensi oTshwala waKwaZulu-Natali,

iyiqhubeka isebenze kuze kube iyachitshiyelwa noma kufakwa endaweni yayo eminye imithetho ezosebenza.

ISAHLUKO 3

UKUSUNGULWA KWESIGUNGU ESILAWULA EZOMNOTHO SAKWAZULU-NATALI

Ukusungulwa kwesiGungu esiLawula ezoMnotho saKwaZulu-Natali

8.(1) Umuntu ngokomthetho ozokwaziwa ngokuthi isiGungu esiLawula ezoMnotho

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saKwaZulu-Natali ngalokhu siyasungulwa njengebhizinisi likahulumeni wesifundazwe ngokuhambisana nezinhlinzeko zoMthetho wokuPhathwa kweziMali zikaHulumeni.

(2) IsiGungu singahlakazwa kuphela ngokoMthetho wesiShayamthetho sesiFundazwe.

Izinhloso zesiGungu

9. Izinhloso zesiGungu ukulawula –

- (a) imboni yemidlalo yemali, yemijaho yamahhashi neyokubheja ngokuhambisana nomthetho kazwelonke osebenzayo, uMthetho wemiDlalo yeMali nokuBheja waKwaZulu-Natali, kanye neminye imithetho ekhona esifundazweni ephathelene nalokho; kanye
- (b) nemboni yotshwala ngokuhambisana nomthetho kazwelonke osebenzayo, uMthetho wemiDlalo yeMali nokuBheja waKwaZulu-Natali, neminye imithetho ekhona esifundazweni ephathelene nalokho.

Amandla kanye nemisebenzi yesiGungu

10. IsiGungu –

- (a) kumele sisebenzise amandla aso, senze imisebenzi yaso njengoba kushiwo –
 - (i) kulo Mthetho;
 - (ii) esigabeni 7 soMthetho wemiDlalo yeMali nokuBheja waKwaZulu-Natali;
 - (iii) esigabeni 7 soMthetho wamaLayisensi oTshwala waKwaZulu-Natali;
 - (iv) nakunoma yimuphi omunye umthetho; futhi
- (b) singasebenzisa lawo mandla, senze leyo misebenzi yaso njengoba kungadingeka noma kufanelekile ukuze kufezwe izinhloso zalo Mthetho, iMithetho eshiwo kwizindima (a)(ii) no (a)(iii) noma yimiphi eminye imithetho, ngendlela yokuthi lowo mthetho osebenza ngayo kwisiGungu.

ISAHLUKO 4

IZINHLELO ZOKUPHATHA

Ukusungulwa kweBhodi

11.(1) IsiGungu silawulwa yiBhodi –

- (a) elibhekele ukuphatha, ukuba yiso kanye nokuqapha; futhi
- (b) elilawula isiGungu uma sisebenzisa amandla aso nanoma senza imisebenzi yaso ngokuhambisana nalo Mthetho, noMthetho wokuPhathwa kweziMali zikaHulumeni nemigomo yokubusa okuhle.

(2) IBhodi –

(a) kumele lisungule umumohlaka ukulawula –

(i) umkhakha wemidlalo yemali, wemijaho yamahhashi nowokubheja; kanye

(ii) nomkhakha wezotshwala; futhi

(b) lingasungula uphiko oluzosebenzisana nayo yonke imikhakha yesiGungu.

(3) IBhodi, ngemva kokubonisana noNgqongqoshe kanye nesiKhulu esiPhezulu, lingahlela kabusha isiGungu, uma ngokubona kwalo, kunesidingo ukuze isiGungu sisebenzise amandla futhi senze imisebenzi yaso kangcono.

(4) IBhodi linesibopho sokubika njengoba kushiwo esigabeni 49(2)(a) soMthetho wokuPhathwa kweziMali zikaHulumeni.

(5) IBhodi kumele, ngaphambi kwezinyanga ezintathu ngemva kokuqokwa kwalo, lisayine isivumelwano noNgqongqoshe sokuzibophezela ukulawula ubudlelwane phakathi kukaNgqongqoshe kanye neBhodi.

(6) IBhodi kumele, zingakapheli izinyanga ezintathu liqokiwe, ligunyaze usomqulu weBhodi –

(a) wokulawula izinqubo ezilandelwayo zeBhodi nezanoma yiliphi ikomidi elisungulwe ngokuhambisana nesigaba 26;

(b) wokunquma amandla kanye nemisebenzi amakomidi asungulwe ngokuhambisana nesigaba 26;

(c) wokunquma ubudlelwane phakathi kweBhodi –

(i) nesiKhulu esiPhezulu;

(ii) nonobhala weBhodi;

(iii) nocwaningomabhuku lwangaphakathi; kanye

(d) nokuhlinzekela noma yiluphi udaba olufanele ukuze iBhodi likwazi ukusebenza ngendlela efanele:

Kuncike ekutheni iBhodi kumele njalo ngonyaka, zingakapheli izinyanga ezintathu kuqala unyaka wezimali, libuyekeze usomqulu walo.

Iqhaza likaNgqongqoshe

12.(1) UNgqongqoshe –

(a) uyisikhulu esiphezulu njengoba kushiwo esigabeni 1 soMthetho wokuPhathwa kweziMali zikaHulumeni;

(b) zingakapheli izinyanga ezintathu kumele, ngemva kokuqala kokusebenza kwalo Mthetho, aqoke iBhodi njengoba kushiwo esigabeni 14; futhi

(c) kumele aqaphe ngeso lokhozi isiGungu kanye neBhodi uma besebenzisa amandla abo nanoma benza imisebenzi yabo.

(2) Amalungu ashiwo esigabeni 14(c) kumele –

(a) aqinisekise ukuxhumana phakathi kukaNgqongqoshe neBhodi; futhi

(b) ngezikhathi ezithile abikele uNgqongqoshe ngezindaba okumele azi ngazo.

(3) UNgqongqoshe –

(a) ngesaziso kwiGazethi, anganquma –

(i) izinkambiso namaqophelo kwesiGungu uma sisebenzisa amandla aso, senza imisebenzi yaso;

(ii) isilinganiso sezimali ezizobizwa yisiGungu uma sisebenzisa amandla aso, senza imisebenzi yaso;

(b) anganika isiGungu umyalelo mayelana –

(i) nomgomo, nokuhlelwa, nesu kanye nenqubo ezolandelwa ukuqinisekisa ukuthi sisebenza ngendlela esheshayo nefanele;

(ii) nezindlela zokufeza izinkambiso namaqophelo okushiwo kwindima (a)(i).

Iqhaza leNhloko yoMnyango

13. INhloko yoMnyango iwumsebenzi esinesibopho sokubika njengoba kushiwo eMthethweni wokuPhathwa kweziMali zikaHulumeni.

Ukubunjwa kweBhodi

14. IBhodi liqukethe –

(a) okungenani amalungu amahlanu kodwa angeqile kwayisikhombisa aqokwe uNgqongqoshe ngokwesigaba 16;

(b) isiKhulu esiPhezulu ngokwesikhundla saso, asinalo ilungelo lokuvota emihlanganweni yeBhodi nakowanoma yiliphi ikomidi lalo; kanye

(c) nomsebenzi oyedwa noma ngaphezulu boMnyango, abangaqokwa uNgqongqoshe ngokunquma kwakhe, njengabangammela kwiBhodi, labo abammele bangathamela imihlangano yeBhodi neyanoma yiliphi ikomidi futhi bangaba yingxenye yezingxoxo, kodwa abanalo ilungelo lokuvota kuleyo mihlangano; Kuncike ekutheni uNgqongqoshe angabashintsha noma abasuse labo abammele njengoba kungadingeka.

Okujwayelekile okudingeka kumalungu

15.(1) Amalungu kumele –

(a) abe ngabantu abafanelekile nabakulungele ukuba amalungu;

- (b) abe ngabazoba nentshisekelo yokusebenzela isiGungu kanye nesiFundazwe;
- (c) abe neziqo nesipiliyoni okudingekayo; futhi
- (d) abe abazimele, abangachemile nabasebenza ngendlela enobulungiswa.

(2) Umuntu akafaneleki ukuba noma ukuqhubeka nokuba yilungu uma lowo muntu –

- (a) engesona noma engasesona isakhamuzi seRiphabhulikhi;
- (b) enesikhundla eqenjini lezopolitiki;
- (c) ngaphandle kwelungu elishiwo esigabeni 14(b) no (c), engosebenza ngokugcwele futhi eqashwe uhlaka lombuso;
- (d) ewumeluleki noma ewumeluleki okhethekile wohlaka lombuso noma wonesikhundla eqenjini lezopolitiki;
- (e) ewumsebenzi noma eqashwe umasipala osungulwe ngokwesigaba 155(1) soMthethosisekelo;
- (f) ehlomla ngqo noma engahlomula ngandlela thile kunoma yini ephathelene notshwala, nemidlalo yemali, nemijaho yamahhashi nokubheja;
- (g) ehlomla ngqo noma engahlomula ngandlela thile kunoma yiliphi ibhizinisi okungenza kube nokungaboni ngaso linye noma okungamphazamisa ekwenzeni imisebenzi yakhe njengelungu;
- (h) ehluleka ukudalula ukuhlomula ngqo noma ngandlela thile ngokuhambisana nesigaba 18(4) noma eke wathamela noma ebe yingxenywe yezingxoxo zemihlangano yeBhodi ebe ehlomla njengoba kushiwo kulesi sigaba;
- (i) ehlomla ngqo noma engahlomula ngandlela thile kunoma yisiphi isivumelwano somsebenzi nesiGungu esiLawula ezoMnotho ebe ehlulekile ukudalula lokho kuhlomla kwakhe nokuthi uhlomla kanjani ngandlela efunwa yilo Mthetho;
- (j) ecwile noma ecwila ezikweletini ngokungenakuhlelenga;
- (k) emenyezelwe noma emenyezelwa yinkantolo njengongaphilile kahle ngengqondo;
- (l) ewumuntu noma eba umuntu ongaphansi kwesandla somunye umuntu;
- (m) esusiwe noma eke wasuswa esikhundleni ngokwesigaba 20(1) noma (2);
- (n) emenyezelwe noma eke wamenyezelwa njengolahlwe yicala njengoba kushiwo esigabeni 162 soMthetho weziNkampani, 2008 (uMthetho No. 71 ka 2008);
- (o) noma yingasiphi isikhathi esusiwe noma eke wasuswa esikhundleni ngenxa yokungaziphathi kahle noma yokungathembeki; okanye
- (p) egwethshwe noma eke wagwethshwa, kwiRiphabhulikhi noma kwelinye izwe, ngecala

- (i) elibandakanya ukungethembeki, ukweba, ukukhwabanisa, umgunyathi, ukudlulisa umbhalo owumgunyathi noma ukuqamba amanga emva kokwenza isifungo;

- (ii) ngaphansi koMthetho wokuNqandwa nokuLwa noBugebengu, 2004 (uMthetho No. 12 ka 2004);
- (iii) ngaphansi kweSahluko 2 no 3 soMthetho wokuNqandwa koBugebengu obuHleliwe 1998, (uMthetho No. 121 ka 1998);
- (iv) ngaphansi koMthetho wobuNhloli kwezeziMali, 2001 (uMthetho No. 38 ka 2001);
- (v) ngaphansi koMthetho weziNkampani, 2008 (uMthetho No. 71 ka 2008);
- (vi) ngaphansi kwalo Mthetho; noma
- (vii) ngaphansi kwanoma yimuphi umthetho ohambisana nale mithetho:

Kuncike ekutheni ukungafaneleki ngokwale ndima kuphela eminyakeni emihlanu ngemva kokuphela kwesigwebo.

(3)(a) Uma noma yiliphi ilungu ngesikhathi lisesesikhundleni kutholakala ukuthi alisafanelekile ngokwesigatshana (2), noma kunokwenzeka ukuthi lihlomule ngqo noma ngandlela thile, kumele ezinsukwini ezingeqile kweziyishumi ngemva kokutholakala lingasafanelekile noma ngemva kokuqala ukuhlomula, noma ngemva kokuba lazile ngalokho, lidalule lokho kuhlomula ngokubhalela –

- (i) uSihlalo, noma uma isicelo sithinta uSihlalo, libhalele uSekela Sihlalo; okanye
- (ii) uNgqongqoshe.

(b) Uma seyitholakele leyo mininingwane evela kwilungu njengoba kushiwo kwindima (a), uNgqongqoshe, kuncike esigabeni 20(2), kumele ngokushesha asuse lelo lungu esikhundleni.

Inqubo yokuqokwa

16.(1) Uma kunesidingo sokuqokwa kwelungu noma kwamalungu njengoba kushiwo esigabeni 14(a), uNgqongqoshe kumele, ezinsukwini zokusebenza ezingama-20 –

(a) ameme iziphakamiso ngokukhipha isikhangiso kwiGazethi nasemaphephandabeni okungenani amabili esifundazwe, okungenani elilodwa kube elesiNgisi elinye kube elesiZulu, leso sikhangiso kumele sinqume –

- (i) inqubo elandelwayo nosuku lokuvalwa kweziphakamiso nokumele zilethwe ngalo;
- (ii) iminingwane, iziqu nesipiliyoni okudingekayo uma kwenziwa isiphakamiso;

(b) ebese enza uhlu lwamagama abantu abaphakanyisiwe, oluneminingwane egcwele yomuntu ngamunye.

(2) Noma yisiphi isiphakamiso esenziwe maqondana nesikhangiso esiphume ngokwesigatshana (1)(a) kumele sisekwe –

- (a) imininingwane yonke eqondene nophakanyisiwe;
- (b) imininingwane yeziqo zemfundo kanye nesipiliyoni kophakanyisiwe; kanye
- (c) neminye imininingwane engadingeka njengoba kushiwo esigatshaneni (1)(a).

(3) Umuntu oqokelwe ukusebenza kwiBhodi ngokwesigatshana (2) kumele, ezinsukwini zokusebenza eziyishumi eqokiwe, athumele kuNgqongqoshe –

- (a) incwadi esayiniwe yokwamukela ukuqokwa kwakhe;
- (b) isitatimende esifungelwe esidalula ukuthi ufanelekile ukuthi abe ngoqokwayo ngokwesigaba 15(1) no (2); kanye
- (c) nesitatimende esidalula konke ukuhlomula kwakhe ngqo noma ngandlela thile.

(4) Noma yikuphi ukwehluleka ukudalula noma ukungafaneleki noma ukuhlomula anakho noma ngandlela thile ngokwesigatshana (3)(b) no (c) kuyoholela ekutheni ophakanyisiwe angafaneleki ukuqokelwa esikhundleni sokuba yilungu.

(5) UNgqongqoshe kumele aqoke ithimba elizocubungula zonke iziphakamiso ebese ngemva kwalokho lenza uhlu okuzokhethwa kulo amagama abaphakanyisiwe ebese lenza izincomo lizithumele kuNgqongqoshe maqondana nabaphakanyisiwe: Kuncike ekutheni uhlu nezincomo kumele kulethwe kuNgqongqoshe ezinsukwini zokusebenza ezingama-20 ngemva kokuqokwa kwethimba.

(6) UNgqongqoshe kumele, ezinsukwini zokusebenza eziyishumi ethole uhlu nezincomo okushiwo esigatshaneni (5) –

- (a) acubungule izincomo; ebese
- (b) eqoka isibalo esizodingeka sabaphakanyisiwe ohlwini olushiwo esigatshaneni (1)(b): Kuncike ekutheni uma abaphakanyisiwe abasohlwini bengenazo iziqu ezidingekayo nendlela enqunyiwe ehlinzekelwe kulo Mthetho, uNgqongqoshe kumele aphinde akhiphe esinye isikhangiso sesimemo sabazophakanyiselwa ukuqokwa abayisibalo esisele ngokuhambisana nezinhlinzeko zalesi sigaba.

(7) Uma kuqokwa ilungu noma amalungu ashiwo esigabeni 14(a), uNgqongqoshe kumele aqinisekise ukuthi iBhodi linabazolimela nxazonke futhi liqukethe abantu abanesipiliyoni sokubusa ngokubambisana namakhono ehluhahlukene, nobungoti nesipiliyoni, futhi okungakuhle kube abantu abahlala KwaZulu-Natali, noyedwa –

- (a) owungoti kwezamabhizinisi, nonolwazi ngemboni yotshwala;
- (b) owungoti kwezamabhizinisi, nonolwazi ngemboni yemidlalo yemali;
- (c) owungoti kwezamabhizinisi, nonolwazi ngemboni yemijaho yamahashi nokubheja;

(d) oqeqeshelwe ukusebenza njengommeli kwiRiphabhulikhi futhi osesebenze iminyaka eyishumi ngemva kokuthola lezo ziqu njengommeli noma oseke wenza imisebenzi ephathelene nokusetshenziswa noma nokuphathwa komthetho wokuhweba;

(e) oqeqeshwe futhi orejistwe njengongoti wokuhlolwa nokugcinwa kwamabhuku ezimali kwiRiphabhulikhi, osesebenze iminyaka eyishumi ngemva kokuthola lezo ziqu zokusebenza njengongoti wokuhlolwa nokugcinwa kwamabhuku ezimali;

(f) oqokwe uMkhandlu waseNingizimu Afrika wezoTshwala kanye nokuLawulwa iziDakamizwa;

(g) noqokwe iBhodi leNhlango eBhekele ukuGembula ngeNdlela eFanele.

(8) UNgqongqoshe kumele azise, abantu abaqokelwe kwiBhodi ngokuqokwa kwabo, nangosuku abazoqala ngalo ukusebenza kwiBhodi, ngokubabhalela.

(9) UNgqongqoshe kumele, ezinsukwini eziyishumi zokuqokwa okushiwo esigatshaneni

(6)(b) –

(a) azise –

(i) uMkhandlu oPhethe;

(ii) iKomidi leMisebenzi;

(iii) ikomidi lemisebenzi elibhekele ezezimali esiFundazweni; kanye

(iv) nekomidi lemisebenzi elibhekele ezokuphepha, ezokuvikela nezokuxhumana komphakathi esiFundazweni,

amagama abo bonke abaqokelwe kwiBhodi; futhi

(b) ashicilele amagama abo ngokukhipha isaziso kwiGazethi nasemaphephandabeni amabili okungenani elilodwa kube elesiNgisi nelilodwa lesiZulu.

(10) Uma kutholakala ukuthi noma yiliphi ilungu elilodwa noma ngaphezulu aqokwe ngendlela engafanele, lokho akwenzi ukuthi noma yisiphi isixazululo, isinqumo, igunya noma isinyathelo esithathwe iBhodi singabi semthethweni, ngaphandle uma iNkantolo ecubungula ukuba semthethweni kwesixazululo, kwesinqumo, kwegunya noma kwesinyathelo esithile inquma ukuthi kuqalwe phansi.

USihlalo noSekela Sihlalo

17.(1) UNgqongqoshe kumele aqoke uSihlalo noSekela Sihlalo phakathi kwamalungu: Kuncike ekutheni uSihlalo noSekela Sihlalo kumele babe amalungu njengoba kushiwo esigabeni 14(a).

(2) UNgqongqoshe ngezizathu ezizwakalayo, angahoxisa noma angaguqula lokho kuqokwa.

(3) USihlalo noSekela Sihlalo baqokelwa leso sikhathi esinganqunywa uNgqongqoshe: Kuncike ekutheni lokho kuqokwa angeke kweqe esikhathini sokuba sesikhundleni kwabo njengamalungu njengoba kushiwo esigabeni 19.

(4) USekela Sihlalo kumele asebenzise amandla akhe futhi enze imisebenzi yakhe yokuba uSihlalo uma engekho uSihlalo, engaphilile, enqaba noma ehluleka ukusebenza njengoSihlalo, noma uma uNgqongqoshe ehoxisa ukuqokwa kukaSihlalo.

(5) Uma kwenzeka uSihlalo noSekela Sihlalo bengekhokho, bengaphilile, benqaba noma behluleka ukusebenzisa amandla abo noma ukwenza imisebenzi yabo, noma uma uNgqongqoshe ehoxisa ukuqokwa kwabo, uNgqongqoshe kumele aqoke elinye ilungu elizobamba njengoSihlalo.

Inqubo yokuziphatha nokudalulwa kokuhlomula

18.(1) Kulesi sigaba “**ilungu**” libandakanya nanoma yiliphi –

- (a) ilungu elishiwo esigabeni 14; kanye
- (b) nelungu lekomidi eliqokwe ngokuhambisana nesigaba 26.

(2) Ilungu elishiwo esigatshaneni (1) –

- (a) kumele lenze imisebenzi eliqokelwe yona ngokwethembeka, ngokungenzeleli noma ngokungakhethi;
- (b) angeke lasebenzisa isikhundla salo, amathuba elinikwe wona noma ulwazi elinalo ukuze kuzuze lona noma kuzuze omunye umuntu ngendlela engafanele;
- (c) angeke lona uqobo noma ngandlela thile lamukela noma yini yenani elibizayo kunoma yimuphi umuntu noma kwibhizinisi engadala ukungaboni ngaso linye noma engaphazamisa ukuthi lenze imisebenzi yalo ngendlela efanele noma okungenza ukuthi lihlomule noma yingayiphi indlela ngokwesikhundla salo; futhi
- (d) angeke liziphathe nganoma iyiphi indlela engajivaza ukwethembeka, ukungachemi, ukuzimela noma ukusebenza ngobuqotho kwesiGungu.

(3)(a) Ilungu elishiwo esigabeni 14(a) noma (c) kumele lithumele isitatimende esifungelwe ngokuhlomula kwalo ngqo noma ngandlela thile kuNgqongqoshe njengoba kushiwo kulo Mthetho ngesikhathi liqala ukuba sesikhundleni ngemva kwalokho njalo uma kuqala unyaka wezimali: Kuncike ekutheni uma kwenzeka lelo lungu lihlomula ngqo noma ngandlela thile noma yingasiphi isikhathi ngemva kwalowo nyaka wezimali, kumele libhalele uNgqongqoshe lidalule lokho kuhlomula ngaphambi kwezinsuku zokusebenza eziyishumi liqale ukuhlomula.

(b) Ukudalula okushiwo endimeni (a) kumele kwenziwe ngendlela ehlinzekwe oHlelweni 2.

(4) Ilungu elishiwo esigatshaneni (1) kumele –

(a) uma kuqala noma yimuphi umhlangano, lihambise kuSihlalo weBhodi noma wekomidi isitatimende esibhalwe phansi ngokuhlomula kwalo ngqo noma ngandlela thile kunoma yiluphi udaba olusezithebeni zeBhodi noma zekomidi, ngendlela ehlinzekelwe oHlelweni 2;

(b) lizihoxise odabeni oludingidwa, olucutshungulwa noma oluvotelwa yiBhodi noma yikomidi uma lihlomula ngqo noma ngandlela thile, noma uma kungenzeka ukuthi lihlomule ngqo noma ngandlela thile, ngaphandle uma iBhodi noma ikomidi linqume futhi libone ukuthi ukuhlomula kwalo akunamkhuba noma kuyize; futhi

(c) uma noma yinini ngesikhathi kudingidwa izindaba zeBhodi noma zekomidi, kuvela ukuthi lingahlomula ngqo noma ngandlela thile, lidalule indlela elizohlomula ngayo, ebese liyazihoxisa kulowo mhlangano liwushiye, ngaphandle uma iBhodi noma ikomidi linqume ukuthi ukuhlomula okudaluliwe akunamkhuba noma kuyize.

(5) Noma yikuphi ukudalula okwenziwe ngokwesigatshana (4) kumele kuqoshwe kumaminithi omhlangano obubanjwe.

(6) Uma kwenzeka kutholakala ukuthi iBhodi noma ikomidi lithathe isinqumo ngodaba ilungu elehluleke ukudalula ukuhlomula kwalo ngqo noma ngandlela thile okushiwo ezigatshaneni (3) noma (4), lesi sinqumo esithathwe yiBhodi noma yikomidi kumele siphinde sicutshungulwe lelo lungu elihlomulayo lingekho ngemva kokuthi iBhodi noma ikomidi litholile ngalokho kungadaluli kwalo: Kuncike ekutheni uma lesi sinqumo sithinta amalungelo anoma yimuphi umuntu futhi ngokomthetho sinomthelela wangaphandle, iBhodi kumele lifake isicelo enkantolo enamandla sokuthi kuqalwe phansi.

(7) Ilungu elishiwo esigatshaneni (1) elephula noma elehluleka ukuhambisana nezigatshana (2), (3) no (4), njengoba kungaba njalo –

(a) linecala lokungaziphathi ngendlela efanele; futhi

(b) uNgqongqoshe angalisusa esikhundleni, uma ngokubona kwakhe, lokho kwephula umthetho noma kwehluleka kuyizizathu ezizwakalayo zokuthi lisuswe esikhundleni.

(8) Noma yimuphi umuntu angafaka isicelo, ngomlomo noma ngokubhala phansi, sokuthi ilungu lizihoxise uma lowo muntu enezizathu zokukholwa ukuthi ilungu lingahlomula ngqo noma ngandlela thile uma sekukhishwa isinqumo seBhodi noma sekomidi: Kuncike ekutheni umuntu ofake lesi sicelo kumele abeke izizathu ezizwakalayo mayelana nesicelo asifakile.

(9) Isicelo esishiwo esigatshaneni (8) kumele siqondiswe –

(a) kuSihlalo weBhodi noma wekomidi, njengoba kungaba njalo; noma

(b) kuSekela Sihlalo weBhodi noma wekomidi njengoba kungaba njalo, uma isicelo sithinta uSihlalo,

okumele athathe isinqumo ngodaba futhi abikele iBhodi noma ikomidi ngesinqumo, leso sinqumo okumele siqoshwe kumaminithi alowo mhlango.

(10) UNgqongqoshe kumele agcine irejista efanele yamalungu adalule ukuhlomula kwawo ngokwalesi sigaba, leyo rejista iwumqulu kahulumeni, amalungu omphakathi, kuncike ezinhlinzekweni zoMthetho wokuGqugquzelwa kokuTholakaka koLwazi naseMthethweni wokuVikelwa kweMininingwane yoMuntu Qobo, angafaka isicelo sokuwuthola ngezikhathi zokusebenza.

Isikhathi sokuba sesikhundleni

19.(1) Amalungu ashiwo esigabeni 14(a) –

(a) aqokelwe isikhathi esiyiminyaka emihlanu noma ngaphansi kwaleyo minyaka njengoba kunganquma uNgqongqoshe, noma uma kusebenzisa isigatshana (2), isikhathi esinqunywe ngokwaleso sigatshana;

(b) afanelekile ukuqokelwa elinye ihlandla elilodwa elengeziwe elingeke leqe eminyakeni emihlanu ngemva kokuphela kwehlandla elishiwo kwindima (a), ngaphansi kwezinhlinzeko zezigaba 15 no 16; futhi

(c) ngemva kokuthi sekuphele okungenani iminyaka emithathu ngemva kokuphela kwehlandla elengeziwe elishiwo kwindima (b), ayofaneleka ukuphinda aqokwe ngokwendima (a), kuncike kwizinhlinzeko zezigaba 15 no 16, futhi uma eqokwe kanjalo, ayophinde futhi afaneleke ukuqokwa kabusha ngokwendima (b).

(2) Noma yikuphi ukuqokwa ngokwesigatshana (1), uma kunesidingo, uNgqongqoshe angakwelula ngesikhathi esingeqile onyakeni owodwa.

Ukuhoxiswa kobulungu, ukumiswa kanye nokususwa esikhundleni

20.(1) Ukuqokwa kwelungu okushiwo esigabeni 14(a) kuyohoxiswa uma –

(a) lingasafanelekile ukuba yilungu ngokwesigaba 15(2);

(b) selidlulelwe yisikhathi sokuba sesikhundleni uma uNgqongqoshe engasilulanga isikhathi salo sokuba sesikhundleni njengoba kuhlinzekelwe esigabeni 19(2);

(c) lisula;

(d) lingasakwazi ukusebenza ngenxa yokufa noma yokugula; noma

(e) lisuswa esikhundleni ngokwesigatshana (2).

(2) Ukuqokwa kwelungu elishiwo esigabeni 14(a) kungahoxiswa uNgqongqoshe uma –

(a) liphuthe emihlanganweni emithathu elandelanayo noma ngaphezulu yeBhodi; noma

(b) uNgqongqoshe ethole ukuthi kunobufakazi obuqanda ikhanda bokungaziphathi kahle, bokungethembeki, bokungabi nekhono lokusebenza noma lokwehluleka ukwenza umsebenzi mayelana nalelo lungu, kuncike ekulandelweni kwenqubo esebenzayo: Kuncike nasekutheni uNgqongqoshe angamisa lelo lungu elisaphenywa ngaphandle kokuthi lithole iholo, kuncike ekulandelweni kwenqubo esebenzayo.

(3) Ilungu elishiwo esigabeni 14(a) lingasula ngokubhalela uSihlalo noNgqongqoshe okungenani libanike inothisi yezinsuku zokusebenza ezingamashumi amabili: Kuncike ekutheni uNgqongqoshe, ngokunquma kwakhe angalikhulula ngaphambi kwesikhathi esibekwe kwinothisi.

(4) Uma ilungu selishiye isikhundla, angeke liphinde limele iBhodi kunoma yiliphi ikomidi nanoma yimuphi omunye umgwamanda weBhodi.

Ukugcwaliswa kwezikhala

21. Uma kwenzeka kuvela isikhala kwiBhodi, uNgqongqoshe kumele, zingakapheli izinyanga ezintathu, aqoke umuntu ozogcwalisa leso sikhala leyo ngxenye yesikhathi ebisisele lowo umuntu azoqokelwa kuso, ngokuhambisana nezinhlinzeko zesigaba 16.

Imibandela yokuqokwa namaholo

22.(1) Kulesi sigaba “**ilungu**” libandakanya noma yiliphi –

(a) ilungu elishiwo esigabeni 14; kanye

(b) nelungu lekomidi elingelona ilungu leBhodi, njengoba kushiwo esigabeni 26.

(2) UNgqongqoshe kumele anqume imibandela yokuqokwa kwamalungu.

(3)(a) Kuncike ezigatshaneni (3)(b) no (4)(a), ilungu lingakhokhelwa ezimalini zesiGungu lelo holo nalezo zibonelelo njengoba kunganquma uNgqongqoshe ngemva kokubonisana noNgqongqoshe wezezimali esiFundazweni.

(b) Ilungu elithola iholo, izibonelelo noma eminye imihlomulo ngokwesikhundla salo noma eliqashwe –

(i) uHulumeni kaZwelonke;

(ii) uhulumeni wesifundazwe;

(iii) umasipala;

(iv) inkampani, umgwamanda noma isikhungo, okulawulwa uhulumeni kazwelonke noma wesifundazwe;

(v) inhlungano kahulumeni, ibhizinisi likahulumeni kazwelonke noma wesifundazwe njengoba ichazwe esigabeni 1 soMthetho wokuPhathwa kweziMali zikaHulumeni,

eliqhubekayo nokuthola lelo holo, lezo zibonelelo noma eminye imihlomulo ngesikhathi lisebenza njengelungu njengoba kushiwo esigatshaneni (1), lingathola kuphela iholo nezibonelelo okushiwo endimeni (a) ngendlela efanele ukubeka lelo lungu esimweni ebelingaba kuso ngokwezezimali ukube belingekho kuleso sikhundla.

(c) Amaholo kanye nezibonelelo ezehlukene kunganqunywa kulezi zigaba ezilandelayo zamalungu eBhodi:

(i) uSihlalo;

(ii) uSekela Sihlalo;

(iii) amanye amalungu eBhodi;

(iv) uSihlalo wekomidi;

(v) amalungu amakomidi; kanye

(vi) namalungu amakomidi angewona amalungu eBhodi:

Kuncike ekutheni ilungu elishiwo esigabeni 14(c) lingakhokhelwa kuphela izindleko njengoba kushiwo esigatshaneni (4)(a).

(4)(a) Ilungu mayelana nemisebenzi yalo njengelungu lingakhokhelwa izindleko zokuhamba ngokomsebenzi ezidalwe ukuthamela umhlangano weBhodi noma wekomidi noma umcimbi ngokwesikhundla salo njengelungu: Kuncike ekutheni ilungu elishiwo esigabeni 14(c) kumele likhokhelwe izindleko ezimalini zoMnyango.

(b) UNgqongqoshe wezezimali esiFundazweni kumele anqume izinqubo, kubandakanya nezindlela ezizosetshenziswa, zokuphathwa kanye nezokukhokhwa kwezimali zokuhamba ngokomsebenzi ezishiwo kwindima (a).

(5) Amalungu aqokelwe ukusebenza ngokungagcwele futhi awenzi imisebenzi yansuku zonke.

Ukungabikhona kweBhodi elisebenzayo

23.(1) Uma ngokubona kukaNgqongqoshe, iBhodi lingawasebenzisi amandla alo, lingayenzi imisebenzi yalo njengoba kubekwe kulo Mthetho, eMthethweni wokuPhathwa kweziMali zikaHulumeni, nakweminye imithetho ephathelene nalokho, noma ngokuhambisana nemigomo yokubusa okuhle, uNgqongqoshe, ngemva kokunika iBhodi ithuba lokuthumela ngokubhalwe phansi izethulo zalo, angamemezela iBhodi njengelingasasebenzi ngokukhipha

isaziso kwiGazethi.

(2) Uma iBhodi selimenyenzelwe njengelingasasebenzi ngokwesigatshana (1), noma uma kwenzeka kutholakala ukuthi iBhodi alisabunjiwe ngendlela ehambisana nezinhlizweko zesigaba 14 –

(a) amandla kanye nemisebenzi esikhulu esinesibopho sokubika athweswa isikhulu esiPhezulu ngokuhambisana nezinhlizweko zesigaba 49(2)(b) soMthetho wokuPhathwa kweziMali zikaHulumeni; futhi

(b) uNgqongqoshe kumele ngokushesha, noma kunjani esikhathini esingeqile ezinyangeni ezintathu, enze konke okusemandleni ukuqinisekisa ukuthi isiGungu silawulwa iBhodi elisebenzayo.

Imihlangano yeBhodi

24.(1) USihlalo unquma ukuthi iBhodi lihlanga kuphi kanye nezikhathi elizohlangana ngazo: Kuncike ekutheni –

(a) umhlangano weBhodi wokuqala kumele ubanjwe endaweni enqunywe nangosuku olunqunywe uNgqongqoshe;

(b) iBhodi kumele lihlanga okungenani njalo ngekwata;

(c) uNgqongqoshe ngokubhalwe phansi, angalayela iBhodi ukuthi lihlanga, futhi angalilayela indawo nosuku lomhlangano; futhi

(d) iningi lamalungu ashiwo esigabeni 14(a) lingacela uSihlalo ngokumbhalela ukuthi abambe umhlangano endaweni nangosuku olubhalwe esicelweni sawo, nokuyilapho uSihlalo okumele abize khona umhlangano weBhodi.

(2) USihlalo, uma kwenzeka engekho emhlanganweni, uSekela Sihlalo, kumele engamele emihlanganweni yeBhodi: Kuncike ekutheni uma kwenzeka bengekho bobabili uSihlalo noSekela Sihlalo emhlanganweni, amalungu akhona angakhetha oyedwa phakathi kwawo ozokwengamela kuleyo ngxenye yomhlangano.

(3) IBhodi lingamema noma yimuphi umsebenzi noma omunye umuntu ukuthi athamele noma yimiphi imihlangano walo uma libona kunesidingo noma kufanele: Kuncike ekutheni lowo msebenzi noma omunye umuntu kumele –

(a) ahambisane nesigaba 18; futhi

(b) angeke abambe iqhaza kunoma yikuphi ukuthathwa kwanoma yiziphi izinqumo noma avote kulowo mhlango.

(4) IBhodi, ngokubona kwalo, lingavumela amalungu omphakathi ukuthi abathamele noma

yimuphi umhlangano weBhodi.

(b) Noma yimuphi umhlangano weBhodi obanjwe ngenhloso yokucutshungulwa kweziphakamiso noma kweziphikiso eziphathelene nanoma yisiphi isicelo selayisensi yotshwala, yemidlalo yemali, yemijaho yamahashi neyokubheja, kumele uvuleleke ekutheni uthanyelwe umphakathi.

(c) USihlalo, ngokubona kwakhe, angayalela ukuthi nanoma yimuphi umuntu ongadingeki emhlanganweni oshiwo endimeni (a) noma (b) angeke akwazi ukwethamela umhlangano noma kumele aphume kulowo mhlangano.

(d) Izingxoxo zokubonisana ngenhloso yokuthatha izinqumo kanye nokuvotela noma yiluphi udaba oludingidwa emhlanganweni, kumele zibanjwe ngaphandle kokwazisa umphakathi.

(5) IBhodi linganquma izinqubo zalo kuncike kwezinye izinhlinzeko zalo Mthetho.

Ikhoramunokuthathwa kwezinqumo

25.(1) Iningi lamalungu akhona ashiwo esigabeni 14(a) lenza ikharamu yomhlangano weBhodi.

(2) Udaba olusezithebeni zeBhodi lunqunywa ngevoti leningi lamalungu akhona emhlanganweni: Kuncike ekutheni ilungu elishiwo esigabeni 14(a) linelungelo lokuvota emhlanganweni.

(3) Uma, mayelana nanoma yiluphi udaba olusezithebeni zeBhodi, kunolingana kwamavoti, ilungu elengamele umhlangano kumele lisebenzise ivoti lalo eliyinqaqaqafindo ngaphezu kwevoti lalo njengelungu.

(4) Asikho isinqumo seBhodi esingeke samukelwe ngesizathu sokuba khona kwesikhala kwiBhodi, kuncike kwizinhlinzeko zezigatshana (1) no (2).

Amakomidi

26.(1) IBhodi –

- (a) kumele lisungule ikomidi elicwaninga amabhuku;
- (b) lingasungula ikomidi elilodwa noma ngaphezulu ukulisiza ekusebenziseni amandla alo nasekwenzeni imisebenzi yalo;
- (c) kumele, liqoke uSihlalo noSekela Sihlalo namanye amalungu ekomidi ngalinye;
- (d) lingasusa ilungu lekomidi esikhundleni ngezizathu ezizwakalayo; futhi
- (e) lingahlakaza ikomidi noma yinini.

- (2) Uma liqoka amalungu ekomidi elicwaninga amabhuku, iBhodi kumele –
- (a) liqoke uSihlalo wekomidi elicwaninga amabhuku;
 - (i) okuwumuntu oshiwo esigabeni 14(a); noma
 - (ii) okuwumuntu ongelona ilungu leBhodi;
 - (b) libandakanye abantu abangewona amalungu eBhodi; futhi
 - (c) liqinisekise ukulandelwa kwezigaba 51(1)(a)(ii) no 76(4)(d) zoMthetho wokuPhathwa kweziMali zikaHulumeni.
- (3) Uma kuqokwa amalungu anoma yiliphi ikomidi elishiwo esigatshaneni (1)(b) iBhodi lingabandakanya amalungu angewona amalungu eBhodi.
- (4) Ilungu lekomidi elingelona ilungu leBhodi –
- (a) kumele lihambisane nesigaba 18;
 - (b) ngaphandle kwelungu lekomidi elicwaninga amabhuku, angeke libambe iqhaza kunoma yisiphi isinqumo, noma livote kulelo komidi.
- (5) Ikomidi lingenza izincomo kwiBhodi ukuze zidingidwe, zichitshiyelwe, zichithwe noma zamukelwe yiBhodi.
- (6) Izinhlinzeko zesigaba 22 zisebenza, nezinguquko ezidingekayo, kwimibandela yokuqokwa kwamalungu amakomidi.
- (7) Umsebenzi wesiGungu oqokelwe kwikomidi, omenywe yikomidi ukuthi athamele umhlangano –
- (a) kumele ahambisane nesigaba 18(2) no (4): Kuncike ekutheni, maqondana nomsebenzi omenyelwe ukuzokwethamela umhlangano, isigaba 18(7)(b) asisebenzi;
 - (b) angeke athathe noma yisiphi isinqumo, noma avote, kulelo komidi; futhi
 - (c) usebenza kwikomidi, noma wethamela umhlangano wekomidi, ngaphansi kwemibandela nemigomo yokuqashwa kwakhe.

Amaminithi emihlangano

27.(1) IBhodi kumele liqinisekise ukuthi wonke amaminithi emihlangano yeBhodi neyamakomidi alo ayahlanganiswa futhi athunyelwe kuwo wonke amalungu eBhodi noma alelo komidi, njengoba kungaba njalo, ezinsukwini zokusebenza ezingeqile kweziyishumi ngemva kwalowo mhlango.

(2) Wonke amaminithi omhlangano ashiwo esigatshaneni (1) kumele –

(a) ahlinzekwe emhlanganweni olandelayo weBhodi noma wekomidi, njengoba kungaba njalo, ukuze amukelwe ebese kuthi, uma esamukelwe futhi asayinwa uSihlalo weBhodi noma wekomidi, athathwe njengerekhodi lomhlangano okuyilonalona futhi eliqukethe ubufakazi obuyibo bezinqumo ezithathwe iBhodi noma ikomidi kulowo mhlangano; futhi

(b) afakwe ohlwini lwerejista aphinde abhalwe ephepheni eligayiwe aphinde agcinwe nakwikhompyutha uma esamukelwe futhi asayinwa.

(3) Amaminithi emihlangano yeBhodi neyamakomidi ayimiqulu kahulumeni amalungu omphakathi, kuncike kwezinhlinzeko zoMthetho wokuGqugquzelwa kokuTholakaka koLwazi noMthetho wokuVikelwa kweMininingwane yoMuntu Qobo, angafaka isicelo sokuthi ayithole ngamahora omsebenzi.

Ukubonisana nosizo kwiBhodi

28.(1) IBhodi, noma yinini uma kunesidingo, lingaqoka noma lingafuna nanoma yimuphi umuntu, inhlango noma isikhungo ngezinhloso zokulisiza noma zokweluleka iBhodi nganoma yiluphi udaba oluphathelele nokusebenzisa amandla alo nokwenza imisebenzi yalo ngokwesigaba 11 salo Mthetho.

(2) IBhodi kumele, uma liqoka umuntu noma umgwamanda njengoba kushiwo esigatshaneni (1) –

(a) lihambisana nohlelo lokuphathwa kokuhlinzekwa kwemisebenzi ewuchungechunge njengoba kushiwo ezigabeni 51(1)(a)(iii) no 76 zoMthetho wokuPhathwa kweziMali zikaHulumeni; futhi

(b) lingangena esivumelwaneni esibhalwe phansi nalowo muntu noma naleyo nhlangano ethintekayo, nokumele sibandakanye incazelo yomsebenzi ozokwenziwa yilowo muntu noma yileyo nhlangano kanye nosuku lowo muntu noma leyo nhlangano nosuku okumele ahlinzeke iBhodi ngalo ngombiko kanye nezincomo ezimayelana nalokho.

(3) Imibandela, imigomo, iholo kanye nezibonelelo okuphathelele nokuqokwa komuntu noma kwenhlangano ngokwalesi sigaba kumele kukhishwe ezimalini zesiGungu njengoba kunganqunywa, futhi kumele kubandakanywe esivumelwaneni esibhalwe phansi esishiwo esigatshaneni (2).

(4) Umuntu noma inhlango eqokwe kanjalo noma ecelwe ukuthi izosiza angeke babambe iqhaza ekuthathweni kwezinqumo noma ekuvoteni emhlanganweni weBhodi noma wekomidi.

Ukudluliselwa kwamandla noma kwemisebenzi yeBhodi

29.(1) Uma kunesidingo ukuze lenze ngendlela efanele imisebenzi yalo, iBhodi lingadlulisela noma yimaphi amandla alo noma imisebenzi yalo, ngaphandle kwaleyo ebalulwe esigatshaneni (2) –

- (a) kumalungu ashiwo esigabeni 14(a);
- (b) kwikomidi eliqokwe ngokwesigaba 26; noma
- (c) kwisiKhulu esiPhezulu:

Kuncike ekutheni konke ukudluliselwa kumele kuhambisane nezinhlizwe zesigaba 42(2) no (3).

(2) IBhodi angeke lidlulisele amandla alo kanye nemisebenzi yalo elandelayo:

- (a) ukuqokwa noma ukuqokwa kabusha kwesiKhulu esiPhezulu nanoma yisiphi isinqumo semigomo nemibandela yokuqasha yesiKhulu esiPhezulu njengoba kushiwo esigabeni 37;
- (b) ukunqunywa kwenqubomgomo yokuqasha, kwezilinganiso zezimali kanye nemibandela nemigomo ejwayelekile yokuqasha kwabasebenzi njengoba kushiwo esigabeni 41(1) no (3)(a);
- (c) imisebenzi yokuphathwa kwezimali iBhodi elijutshelwe yona ngokwezigaba 30, 31, 32, 33 no 35; kanye
- (d) nokugunyazwa kwesabelomali njengoba kushiwo esigabeni 32(1)(b)(ii).

ISAHLUKO 5**UKUXHASWA NGEZIMALI, UKUPHATHWA KWEZIMALI NOKWETHULWA
KOMBIKO****Izimali zesiGungu**

30.(1) Izimali zesiGungu ziqukethe –

- (a) izimali esizabelwe yisiShayamthetho sesiFundazwe;
- (b) noma yiziphi izamba zemali ezikhokhelwe isiGungu ngokoMthetho wemiDlalo yeMali nokuBheja waKwaZulu-Natali noMthetho wamaLayisensi oTshwala waKwaZulu-Natali; kanye
- (c) nemali etholakele ngokusemthethweni kunoma yimuphi omunye umthombo.

(2) IsiGungu kumele sisebenzise izimali esizabelwe –

- (a) ukukhokhela amaholo, izibonelelo kanye nezindleko zokuhamba ngokomsebenzi –

- (i) kwamalungu;
 - (ii) kwamalungu amakomidi;
 - (iii) kwesiKhulu esiPhezulu;
 - (iv) kwabasebenzi; kanye
 - (v) nokwabantu nokwamabhizinisi njengoba kushiwo esigabeni 28; kanye
- (b) nokukhokhela izindleko ezimaqondana –
- (i) nomsebenzi wansuku zonke kanye nokuphathwa kwesiGungu, kweBhodi kanye namakomidi;
 - (ii) nokuphathwa kwesiGungu;
 - (iii) nokusetshenziswa kwamandla nokwenziwa kwemisebenzi yesiGungu ngokwalo Mthetho, noMthetho wemiDlalo yeMali nokuBheja waKwaZulu-Natali noMthetho wamaLayisensi oTshwala waKwaZulu-Natali.

(3) IsiKhulu esiPhezulu, kuncike kwizinhlinzeko zoMthetho wokuPhathwa kweziMali zikaHulumeni nangokuvumelana neBhodi kumele –

- (a) sivule i-akhawunti egameni lesiGungu esikhungweni esirejistwe njengebhange ngokoMthetho wamaBhange, 1990 (uMthetho No. 94 ka 1990); futhi
- (b) sifake kuyona yonke imali etholakale ngokwesigatshana (1).

(4) Kusukela ngosuku lo Mthetho oqale ngalo ukusebenza, noma iyiphi i-akhawunti yasebhange noma izimali ezasetshenzisiwa noma izimali ezatshaliwa, abebengabaphathi besiGungu abashiwo esigabeni 5 kuthathwa njengama-akhawunti asebhange, njengezimali noma njengezimali ezitshaliwe kwesiGungu.

(5) IsiGungu, kuncike kwizinhlinzeko zoMthetho wokuPhathwa kweziMali zikaHulumeni kanye nanoma yiziphi izimali ezitshaliwe noma ezinye izinqubomgomo ezinqunyiwe mayelana nalokho, singatshala izimali ezifakwe kuma-akhawunti aso nezingeke zidingeke ngokushesha: Kuncike ekutheni iBhodi kumele lithathe izinyathelo ezifanele ukuqinisekisa ukuthi ukutshalwa kwazo akunabungozi.

Isibopho sokubika ngezimali kanye nokuphathwa kwebhizinisi

31. IBhodi kumele liqinisekise ukuthi isiGungu njengebhizinisi likahulumeni wesifundazwe, sihambisana nezinhlinzeko zoMthetho wokuPhathwa kweziMali zikaHulumeni kanye nemigomo yokuphathwa kwebhizinisi neyokusebenza ngendlela okuyiyo.

Ukuphathwa kwezimali

32.(1) IBhodi kumele liqinisekise ukuthi isiGungu –

(a) sigcina amabhuku ama-akhawunti avuselelwe kanye namarekhodi apathelene nawo; futhi

(b) silungisa futhi sihambisa lokhu okulandelayo kwiBhodi ukuze likugunyaze ebese likuthumela kwabasemagunyeni abafanelekile njengoba kushiwo eMthethweni wokuPhathwa kweziMali zikaHulumeni neminye imithetho nezinqubomgomo ezisebenzayo:

(i) izinhlelo zamasu okusebenza;

(ii) izabelomali zonyaka;

(iii) izitatimende ezicutshunguliwe zezimali;

(iv) izinhlelo zokwenziwa komsebenzi zonyaka;

(v) izinhlelo zebhizinisi;

(vi) imibiko yonyaka neminye imibiko;

(vii) izinzuzo;

(viii) izaziso; kanye

(ix) nanoma yimiphi eminye imiqulu noma imininingwane engadingeka.

(2) IsiKhulu esiPhezulu kumele sithumele kwiBhodi ukuze ligunyaze –

(a) uhlelo lwesu lokusebenza lonyaka lwesiGungu lonyaka olandelayo wezimali, oluqukethe izinhloso ezikalekayo neminye imininingwane engadingwa yiBhodi; kanye

(b) nezitatimende zengeniso kanye nezezimali ezizosetshenziswa yisiGungu maqondana neminyaka emithathu yezimali elandelayo,

okungenani ezinyangeni eziyisithupha ngaphambi kokuqala kwanoma yimuphi unyaka wezimali.

(3) IsiKhulu esiPhezulu njalo ezinyangeni ezintathu zekhalenda, kumele sithumele kwiBhodi izitatimende ezivuselelwe zengeniso kanye nezimali ezizosetshenziselwa izinhlelo ngalowo nyaka.

(4) Kunoma yimuphi unyaka wezimali, isiKhulu esiPhezulu kumele sihambise kwiBhodi zonke izitatimende ezibuyekeziwe noma ezesekayo zezilinganiso zengeniso kanye nezezimali ezizosetshenziswa yisiGungu maqondana nalowo nyaka wezimali ukuze izigunyaze.

(5) Isigungu angeke sazibophezela ngokwezezimali ngokungaphezulu kwesabelomali esigunyaziwe kanye nemalimkhusu esiyiqongelele.

(6) IsiKhulu esiPhezulu ngokugunyazwa yiBhodi, singasungula izikhwama zemalimkhusu ebese sifaka kuzona lezo zimali ezigunyazwe yiBhodi: Kuncike ekutheni lezo zimali ezifakiwe

kumele zidalulwe eMnyangweni woMgcinimafa wesiFundazwe nakuMcwaningimabhuku Jikelele ngaphambi kokuphela kwenyanga yokuqala kufakwe leyo mali.

Ucwaningomabhuku, ukwethulwa kombiko kanye nombiko wonyaka

33.(1) UMcwaningimabhuku Jikelele kumele acwaninge izitatimende zezimali zesiGungu.

(2)(a) IBhodi kumele, ezinyangeni ezinhlanu ngemva kokuphela konyaka wezimali, lihambise umbiko wonyaka ngemisebenzi yesiGungu –

(i) eMnyangweni woMgcinimafa wesiFundazwe;

(ii) kwiNhloko yoMnyango ukuthi iwudlulisele kuNgqongqoshe.

(b) UNgqongqoshe kumele, esikhathini esingangenyanga ethole umbiko wonyaka kwiNhloko yoMnyango njengoba kushiwo esigatshaneni 2(a)(ii), awethule kwisiShayamthetho sesiFundazwe.

(3) Umbiko wonyaka kumele –

(a) ubandakanye izitatimende zezimali njengoba kuchazwe esigabeni 1 soMthetho wokuPhathwa kweziMali zikaHulumeni;

(b) ucacise ngendlela isiGungu esifeze ngayo izinhloso ezishiwo esigabeni 9 kanye nezinhloso ezikalekayo njengoba zibekwe ohlelweni lomsebenzi ozokwenziwa ngonyaka othintekayo; futhi

(c) uqukathe imininingwane –

(i) efanele, ekahle yokwenziwa komsebenzi nokusetshenziswa kwezimali nezinsiza zesiGungu; futhi

(ii) eqhathanisa izinkomba zobekuhleliwe nezokwenziwe njengoba kubekwe ohlelweni lomsebenzi ozokwenziwa.

(4) Ezinyangeni ezinhlanu ngemva kokwethulwa kombiko wonyaka, ithimba eliqukethe uSihlalo, isiKhulu esiPhezulu kanye nokungenani namanye amalungu amabili kumele achazele iKomidi leMisebenzi ngombiko wonyaka.

Unyaka weziMali

34. Unyaka wezimali wesiGungu uqala mhla lu-1 kuMbasa ngonyaka othile ebese uphela mhla zingama-31 kuNdasa ngonyaka olandelayo.

Impahla engenakususwa

35. IsiGungu, ngokwenqubomgomo nangokwenqubo enqunywe yiBhodi nangemvume ebhaliwe kaNgqongqoshe, singathenga, singaba noma sichithe impahla engenakususwa ngesikhathi sisasebenza.

Izinyathelo zomthetho

36. IsiGungu siwuhlaka lombuso njengoba kushiwo kwindima (c) njengoba sichazwe esigabeni 1 soMthetho wokuThathela iziNhlaka eziThile zikaHulumeni iziNyathelo zoMthetho, 2002 (uMthetho No. 40 ka 2002), futhi noma yiziphi izinyathelo zomthetho ezithathelwa isiGungu kumele zithathwe ngokuhambisana nalo Mthetho.

ISAHLUKO 6

ISIKHULU ESIPHEZULU NABANYE ABASEBENZI

Ukuqokwa kwesiKhulu esiPhezulu

37.(1) IBhodi, ngemva kokubonisana noNgqongqoshe, kumele liqoke umuntu oqeqeshwe ngokwanele, onekhono nonesipiliyoni njengesikhulu esiPhezulu sesiGungu.

(2) Umuntu oshiwo esigatshaneni (1) kumele ngaphambi kokuthi aqokwe, ahambise kwiBhodi incwadi efungelwe nedalula zonke izinyathelo zokuqondiswa izigwegwe athathelwa zona, noma ngabe seziphothuliwe noma azikaphothulwa, kuzo zonke zonke izindawo ayeqashwe kuzona phambilini.

(3) Isikhulu esiPhezulu –

(a) siqokwa isikhathi esingeqile eminyakeni eyisikhombisa; futhi

(b) singaphinde siqokelwe elinye ihlandla yiBhodi ngemva kokubonisana noNgqongqoshe mayelana nalezo zikhathi ezeluliwe, kodwa ezingeke zibe ngaphezu kweminyaka emihlanu ihlandla ngalinye, njengoba kungaba njalo.

(4) Isikhulu esiPhezulu siqokwe ngaphansi kwaleyo mibandela nemigomo yokusebenza njengoba kunganquma iBhodi ngokubonisana noNgqongqoshe, nangemva kokuthi ebonisane noNgqongqoshe wezezimali esiFundazweni.

(5)(a) Ukuqokwa kwesiKhulu esiPhezulu kuncike ekusayinweni kwesivumelwano sokusebenza sonyaka phakathi kweBhodi nesiKhulu esiPhezulu.

(b) IBhodi kanye nesiKhulu esiPhezulu, ngokubhalwe phansi nangokuvumelana, bangachibiyela isivumelwano sokusebenza.

(6) Ngokwezinhloso zokuletha isitatimende esifungelwe sokudalula ukuhlomula ngqo noma ngandlela thile, izinhlinzeko zesigaba 41(3)(c) ziyasebenza, nezinguquko ezidingekayo, kwisiKhulu esiPhezulu: Kuncike ekutheni isiKhulu esiPhezulu kumele sidalule ukuhlomula kwaso kwiBhodi.

(7) USihlalo weBhodi kumele –

(a) uma isiKhulu esiPhezulu singekho noma sehluleka ukwenza imisebenzi yaso nganoma yiziphi izizathu, kumele aqoke omunye umsebenzi ofanelekile njengebamba lesiKhulu esiPhezulu: Kuncike ekutheni ukuqokwa kwalelo lungu angeke kweqe ezinyangeni ezintathu; futhi

(b) uma kunesikhala sesikhundla sesiKhulu esiPhezulu, aqoke omunye umsebenzi njengebamba lesiKhulu esiPhezulu ngemva kokubonisana neBhodi noNgqongqoshe: Kuncike ekutheni nanoma yikuphi lokho kuqokwa kwebamba angeke kweqe ezinyangeni eziyisithupha.

(8) IBamba lesiKhulu esiPhezulu –

(a) linawo wonke amandla futhi lenza yonke imisebenzi yesiKhulu esiPhezulu; futhi

(b) liqashwe ngaphansi kwaleyo mibandela kanye naleyo migomo yokuqashwa enganqunywa yiBhodi ngokuhambisana nesigatshana (4).

Ukwesula, ukungafaneleki nokususwa esikhundleni kwesiKhulu esiPhezulu

38.(1) IsiKhulu esiPhezulu siyashiya esikhundleni –

(a) uma lesula, ngosuku esilubeke encwadini yokwesula;

(b) uma kutholakale ukuthi asisafanelekile ukuba umqondisi wenkampani ngokoMthetho weziNkampani, 2008 (uMthetho No. 71 ka 2008); noma

(c) uma sisuswe esikhundleni ngokwesigatshana (2).

(2) IBhodi, ngemva kokubonisana noNgqongqoshe, lingamisa ukuqashwa kwesiKhulu esiPhezulu, kuncike emthethweni osebenzayo nasekulandelweni kwezinqubo ezifanele.

Amandla kanye nemisebenzi yesiKhulu esiPhezulu

39.(1) IsiKhulu esiPhezulu –

(a) sinesibopho sokubika kwiBhodi ngokusebenzisa amandla aso nangokwenza imisebenzi yaso ngokwalo Mthetho, futhi kumele sibike kwiBhodi ngokuphathwa kanye nangemisebenzi yesiGungu ngalezo zikhathi nangaleyo ndlela enganqunywa yiBhodi; futhi

(b) kumele sisebenzise amandla aso futhi senze imisebenzi yaso njengoba iBhodi lingawadlulisela kuso.

(2) IsiKhulu esiPhezulu sibhekele –

- (a) ukuphathwa jikelele kwesiGungu ukuze kufezwe izinhloso zalo Mthetho;
- (b) ukuqokwa kwabasebenzi ngokuhambisana nezinhlinzeko zesigaba 41;
- (c) ukuphathwa kwabasebenzi, kubandakanya nokugcinwa komthetho nokuqinisekisa ukuziphatha ngendlela efanele kwabasebenzi;
- (d) ukunquma umgomo wokuziphatha ngemva kokubonisana neBhodi, ozosebenza kwisiKhulu esiPhezulu nakubo bonke abasebenzi, onobulungiswa ngezinhloso zokuqondisa izigwegwe, ukuqinisekisa –
 - (i) ukuhambisana nalo Mthetho neminye imithetho esebenzayo;
 - (ii) ukusetshenziswa kwezimali nezinsiza zesiGungu ngendlela enemiphumela ebonakalayo, esheshayo neyongayo;
 - (iii) ukugqugquzela nokugcinwa kwezinga eliseqophelweni eliphezulu lokusebenza;
 - (iv) ukunqanda ukungaboni ngaso linye;
 - (v) ukuvikelwa kwemininingwane eyimfihlo egodlwe yiBhodi nesiGungu; kanye
 - (vi) nokwethulwa kwezidingo ngendlela engafihli lutho, eseqophelweni elifanele, enokwethembeka, enokungakhethi nenokulingana;
- (e) ukugcinwa kwerejista yokuhlomula okudalulwe abasebenzi njengoba kushiwo esigabeni 41(3)(c);
- (f) ukuqinisekisa ukuthi isiGungu siyahlangabezana nezinhlinzeko zalo Mthetho, zoMthetho wokuPhathwa kweziMali zikaHulumeni, nezanoma yimiphi eminye imithetho nezezinqubomgomo;
- (g) ukwenziwa kwemisebenzi ephathelene nemidlalo yemali, nemijaho yamahashi kanye nokubheja njengoba kushiwo eMthethweni wemiDlalo yeMali nokuBheja waKwaZulu-Natali;
- (h) ukwenziwa kwemisebenzi ephathelene notshwala eMthethweni wamaLayisensi oTshwala waKwaZulu-Natali;
- (i) nokusebenzisa amandla, nokwenza eminye imisebenzi nokufezwa kwamajoka njengoba kushiwo kulo Mthetho.

(3) Uma kunesidingo ukuze senze umsebenzi waso ngendlela efanele, isiKhulu esiPhezulu singadlulisela noma yimaphi amandla aso nanoma yimiphi imisebenzi yaso: Kuncike ekutheni

–

(a) iBhodi linganquma ukuthi amandla athile nemisebenzi ethile angeke kwadluliselwa

yisiKhulu esiPhezulu; futhi

(b) konke ukudluliselwa kwamandla nokwemisebenzi kumele kuhambisane nezinhlinzeko zesigaba 42(2) no (3).

Ukudluliselwa kwabasebenzi abakhona kwisiGungu

40.(1) Bonke abantu abaqashwe yiBhodi lemiDlalo yeMali nokuBheja laKwaZulu-Natali kanye nesiGungu samaLayisensi oTshwala saKwaZulu-Natali, kusukela ngosuku lokuqala kokusebenza kwalo Mthetho nangokuhambisana nesigaba 197 soMthetho weziNdaba zabaSebenzi, 1995 (uMthetho No. 66 ka 1995), bathathwa njengabaqashwe yisiGungu –

(a) ngamaholo nangemivuzo elinganayo;

(b) ngemihlomulo namalungelo afanayo;

(c) nangemibandela nemigomo yokuqashwa efanayo,

njengaleyo eyayilawula labo bantu besaqashwe yiBhodi lemiDlalo yeMali nokuBheja laKwaZulu-Natali noma yisiGungu samaLayisensi oTshwala saKwaZulu-Natali, njengoba kungaba njalo: Kuncike ekutheni –

(i) akekho umuntu oshiwo kulesi sigatshana ongaxoshwa ngenxa yoguquko kokudingekayo ngokomsebenzi okudalwe ukuhlakazwa kweBhodi lemiDlalo yeMali nokuBheja laKwaZulu-Natali noma kwesiGungu samaLayisensi oTshwala saKwaZulu-Natali; futhi

(ii) iBhodi lingenza izinguquko ezingatheni endleleni yokusebenza ukuqinisekisa ukusebenza nokuphatha ngendlela efanele nefanayo.

(2) Uma umuntu edluliselwe ngokwesigatshana (1) –

(a) akukho kushintshwa komqashi okuthathwa ngokuthi kwenzekile ngokwezinhloso zoMthetho weNtela, 1962 (uMthetho No. 58 ka 1962);

(b) ugcina zonke izinsuku zakhe zelivu anazo kuze kufike osukwini olungaphambi kosuku adluliselwe ngalo; futhi

(c) noma yiluphi uphenyo olwenziwayo noma okuhloswe ukuthi lwenziwe maqondana nokwehluleka noma nokungaziphathi ngendlela efanele kwalowo muntu ngaphambi kosuku lokudluliselwa kwakhe kumele kuchithwe noma kwenziwe yisiGungu, futhi isiGungu kumele sithathele lowo muntu othintekayo izinyathelo ezifanele ngokuhambisana nemithetho, nemigomo, nemibandela yokuqashwa noma yokusebenza eyayisebenza kuye ngaphambi kosuku lokudluliselwa kwakhe.

Ukuqokwa kwabasebenzi

41.(1) Isikhulu esiPhezulu kumele, kuncike kwizinhlinzeko zezigaba 40 kanye no 41(3)(a) –

(a) sithumele kwiBhodi ukuze ligunyaze umumohlaka wabasebenzi bonke

abazodingeka ukuze isiGungu sikwazi ukwenza imisebenzi yayo, ukusebenzisa amandla aso nokufeza amajoka aso; futhi

(b) sinqume imibandela nemigomo ethile yokuqashwa komsebenzi ngamunye wesiGungu.

(2) Isikhulu esiPhezulu singaqoka abantu kuphela abazoqashelwa ezikhundleni ezabelwe imali ngokuhambisana nomumohlaka wabasebenzi kanye nezinhlizwe zemithetho nenqubomgomo esebenzayo.

(3) Abasebenzi besiGungu –

(a) baqashwe ngaphansi –

(i) kwemibandela kanye nemigomo esebenzayo yokuqashwa enqunye yiBhodi;

(ii) kwemibandela kanye nemigomo esebenzayo yokuqashwa komsebenzi ngamunye enqunye yisikhulu esiPhezulu;

(iii) kwezinqubomgomo ezisebenzayo ezinqunye yiBhodi;

(iv) komgomo wokuziphatha ohlinzekelwe esigabeni 39(2)(d);

(v) nangaphansi kwemikhawulo yezezimali ebekwe yiBhodi;

(b) kumele, bahambise izitatimende ezifungelwe ezidalula zonke izinyathelo zokuqondiswa izigwegwe abathathelwa zona, noma ngabe seziphothuliwe noma azikaphothulwa, kuzo zonke zonke izindawo ababeqashwe kuzona phambilini;

(c) kumele bahambise izitatimende ezifungelwe ezidalula ukuhlomula kwabo ngqo noma ngandlela thile kwisikhulu esiPhezulu, okumele sigcine irejista elivuselelwe lalokho kuhlomula: Kuncike ekutheni izinhlizwe zesigaba 18(3) ziyasebenza ngezinguquko ezidingekayo, uma kudalulwa ukuhlomula ngqo noma ngandlela thile;

(d) kumele benze imisebenzi yabo ngaphansi kweso lesikhulu esiPhezulu; futhi

(e) ngemvume ebhaliwe yalowo msebenzi, nangesivumelwano esiphakathi kwesikhulu esiPhezulu nalolo hlaka lombuso nangokuhambisana nomthetho osebenzayo nenqubomgomo esebenzayo, bangasiselwa noma bangadluliselwa kolunye uhlaka lombuso.

(4)(a) Umuntu osebenza kolunye uhlaka lombuso, ngokwesivumelwano esiphakathi kwalowo muntu nangesivumelwano esiphakathi kwesikhulu esiPhezulu nalolo hlaka lombuso nangokuhambisana nomthetho osebenzayo kanye nenqubomgomo esebenzayo, angasiselwa noma angadluliselwa kwisiGungu.

(b) Abantu abasiselwe noma abadluliselwe kwisiGungu benza imisebenzi yabo ngaphansi kweso lesikhulu esiPhezulu.

ISAPHLUKO 7
IZINHLENGEKO EZIJWAYELEKILE

Ukudluliselwa kwamandla nemisebenzi

42.(1) UNgqongqoshe angadlulisela kwiNhlolo yoMnyango –

(a) noma yimaphi amandla noma umsebenzi okunikezwe uNgqongqoshe ngokwalo Mthetho, ngaphandle kwamandla noma komsebenzi –

(i) wokushicilela uHlelo olushiwo esigabeni 51(3);

(ii) wokwenza imithethonqubo kanye nokushicilela izaziso ngokwesigaba 49; kanye

(iii) nokuchibiyela, nokufaka esikhundleni noma nokuchitha uHlelo; kanye

(b) nanoma yimuphi umsebenzi onikezwe uNgqongqoshe yilo Mthetho, ngaphandle komsebenzi ophathelene nokuqokwa kanye nokususwa ezikhundleni kwamalungu njengoba kushiwo esigabeni 14(a) no (c) kanye nasesigabeni 20, ngokwehlukana kwazo.

(2) Konke ukudluliselwa kwamandla nemisebenzi ngokwalo Mthetho –

(a) kumele kubhalwe phansi;

(b) kuncike kuleyo mikhawulo, kuleyo migomo kanye nakuleyo miyalelo engabekwa yilowo muntu odlulisele amandla nemisebenzi;

(c) akuphucisi umuntu odlulisele amandla nemisebenzi isibopho esimayelana nokusetshenziswa kwamandla nokwenziwa kwemisebenzi okudluliselwe umuntu odlulisele amandla nemisebenzi;

(d) akuvimbeli ukusetshenziswa kwamandla nokwenziwa komsebenzi umuntu odlulisele amandla nemisebenzi;

(e) kumele arekhode kwirejista elishiwo esigabeni 43.

(3) IBhodi noma isikhulu esiPhezulu, njengoba kungaba njalo, bangaqinisekisa, bangaguqula noma bangachitha noma yisiphi isinqumo esithathwe ngokudluliselwa kwamandla nemisebenzi ngokwalo Mthetho, kuncike kunoma yimaphi amalungelo umuntu awathole noma ibhizinisi eliwathole ngenxa yaleso sinqumo.

Irejista lokudluliselwa kwamandla nemisebenzi

43.(1) Isikhulu esiPhezulu kumele sihlanganise futhi sigcine irejista elivuselelwe lakho konke ukudluliselwa kwamandla nemisebenzi okwenziwe ngokuhambisana nalo Mthetho.

- (2) Irejista lokudluliselwa kwamandla nemisebenzi elishiwo kulesi sigaba somthetho –
- (a) lihlelwe ngokwenkomba yomsebenzi othintekayo;
 - (b) nangokuhambisana nefomu leRejista lokuDluliselwa kwamandla nemisebenzi elisoHlelweni 2.
- (3) Irejista lokudluliselwa kwamandla nemisebenzi kumele libe yirejista elivuselelwe uma –
- (a) kudluliselwa amandla nemisebenzi kabusha;
 - (b) kucutshungulwa noma kuchithwa ukudluliselwa kwamandla nemisebenzi okukhona; futhi
 - (c) kuhoxiswa ukudluliselwa kwamandla nemisebenzi.
- (4) Irejista elishiwo esigatshaneni (1) liwumqulu kahulumeni amalungu omphakathi, ngaphansi kwezinhlinzeko zoMthetho wokuGqugquzela ukuTholakala koLwazi noMthetho wokuVikelwa kweMininingwane yoMuntu Qobo, angafaka isicelo sokuwuthola ngezikhathi zokusebenza.

Ukungafihli lutho nokutholakala kolwazi

44. IsiGungu kumele sihambisane nohlaka olungokomthethosisekelo nolungokomthetho kazwelonke olugqugquzela ukungafihli lutho nokutholakala kolwazi, kubandakanya uMthetho wokuGqugquzela ukuTholakala koLwazi noMthetho wokuVikelwa kweMininingwane yoMuntu Qobo.

Ukuphathwa ngendlela enobulungiswa

45. Noma yisiphi isinqumo esithathwe ngokwalo Mthetho kumele sihambisane nohlaka olungokomthethosisekelo nolungokomthetho kazwelonke nolungokomthetho ojwayelekile ophathelene nokuphathwa ngendlela enobulungiswa, kubandakanya noMthetho wokuGqugquzela ukuPhathwa ngeNdelela enobuLungiswa, 2000 (uMthetho No. 3 ka 2000).

Ukuqapha, ukuhlola kanye nokubika

46.(1) UNgqongqoshe kumele, ezinyangeni eziyisithupha ngemva kosuku lokuqala kokusebenza kwalo Mthetho –

- (a) abheke inkambiso namaqophelo kazwelonke, ngokubonisana neBhodi, asungule uhlaka –
 - (i) oluhlinzekela izinkambiso nangamaqophelo adingekayo, maqondana nezinqubo, nezikhathi, zokuqashwa, nezokuhlolwa kwesiGungu; kanye

- (ii) nолusungula izinhlelo ezidingekayo, zezinqubo kanye nezinkomba, ukuqapha, ukuhlola nokubika ngokwenziwa komsebenzi nangokusebenza ngendlela efanele kwesiGungu; futhi
- (b) ashicilele uhlaka olushiwo kwindima (a) ngesaziso kwiGazethi.

(2) IsiGungu kumele sihambisane nohlaka olushiwo esigatshaneni (1).

(3) IBhodi kumele liqinisekise ukuthi ukuhlolwa komsebenzi weBhodi, kaSihlalo walo, wamalungu alo, wamakomidi alo, wesiKhulu esiPhezulu kanye nowabasebenzi kuholela ekuqhubekeleni phambili kokuphuculwa komsebenzi ngendlela efanele.

Ukusetshenziswa kwegama lesiGungu

47.(1) Akukho muntu noma nhlango ngaphandle kokugunyazwa yisiGungu ngokubhalwe phansi, noma ingayiphi indlela ongasebenzisa noma engasebenzisa igama, isifinyezo, ilogo, uphawu noma impahla esetshenziswa yisiGungu noma okungeyisiGungu.

(2) Akukho muntu noma nhlango abangaqamba amanga bathi benza okuthile egameni lesiGungu.

(3) Noma yimuphi umuntu ophula izigatshana (1) noma (2) uyothweswa icala.

Amacala kanye nezinhlawulo

48. (1) Ilungu, ilungu lekomidi, umsebenzi, umuntu noma inhlango eqokwe ngokwesigaba 28 noma yimuphi omunye umuntu oqashwe noma owenza okuthile egameni lesiGungu uyothweswa icala uma ngandlela thile efumbathiswa noma amukela noma iyiphi imali yokugwazelwa noma umvuzo ongagunyaziwe kunoma yimuphi umuntu maqondana nanoma yini eyenziwa noma ehlinzekwa yisiGungu.

(2) Noma yimuphi umuntu –

(a) maqondana nanoma yini eyenziwa noma ehlinzekwa yisiGungu, egwazela noma ezama ukugwazela, noma eyenga noma ezama ukuyenga, noma yiliphi ilungu, ilungu lekomidi, umsebenzi, umuntu noma ibhizinisi eliqokwe ngokwesigaba 28 nanoma yimuphi omunye umuntu oqashwe noma owenza okuthile egameni lesiGungu;

(b) oqamba amanga athi ugunyaziwe ukukhokhisa noma ukuqoqa izimali noma iminikelo egameni lesiGungu;

(c) nowephula noma iyiphi inhlinzeko yalo Mthetho okuyicala, uyothwesa icala.

(3) Noma yiliphi icala elenziwe ngokwalo Mthetho neliyicala nangokwanoma yimuphi omunye umthetho, umuntu owenze lelo cala angagwethswa ngokwalo Mthetho noma ngokweminye imithetho.

(4) Noma iyiphi inkantolo egweba umuntu maqondana necala elenziwe ngokwesigatshana (1) noma (2) inganquma ukuthi lowo muntu –

(a) uyokhokhiswa inhlawulo noma agqunywe ejele isikhathi esingeqile eminyakeni emihlanu;

(b) uyokhokhiswa inhlawulo aphinde agqunywe ejele isikhathi esingeqile eminyakeni emihlanu;

(c) nanoma yisiphi isigwebo esihlinzekelwe kweminye imithetho uma umuntu othintekayo eshushiswe ngokwalowo mthetho njengoba kushiwo esigatshaneni (3).

(5) Uma umthetho othile noma umthetho ojwayelekile unquma ukuthi isiGungu kumele sihlawule, iBhodi, ilungu, ilungu lekomidi, umsebenzi, umuntu noma inhlangothi eqokwe ngokwesigaba 28 nanoma yimuphi omunye umuntu oqashwe noma owenza okuthile egameni lesiGungu, izinhlinzeko zalowo mthetho noma zomthetho ojwayelekile ziyasebenza.

Izinhlelo, imithethonqubo nezaziso

49. UNgqongqoshe, ngemva kokubonisana neBhodi nangemva kokukhipha isaziso kwiGazethi –

(a) angashicilela iziNhlelo zalo Mthetho njengoba kushiwo esigabeni 51(3);

(b) angenza imithethonqubo ephathelene nanoma yikuphi ukuphathwa noma mayelana nodaba oluphathelene nenqubo elandelwayo okudingekayo ukuze kuqaliswe ukusebenza kwezinhlinzeko zalo Mthetho;

(c) angakhipha izaziso njengoba kudingeka ngokwalo Mthetho;

(d) angachibiyela, angashintsha noma angachitha uHlelo 2, uHlelo olushiwo esigabeni 51(3), nanoma yisiphi isaziso esikhishwe ngokwalo Mthetho.

Okusazosebenza

50.(1) Noma yini eyenziwe ngaphambi kosuku lokuqala kokusebenza kwalo Mthetho ngaphansi noma ngokwezinhlinzeko ezichithwe noma ezichitshiyelwe yilo Mthetho kumele, ngaphandle uma kusobala ukuthi akufanele, ithathwe njengeyenziwe ngaphansi noma ngokwezinhlinzeko zalo Mthetho.

(2) Noma yisiphi isicelo, inqubo noma udaba olufana nalolo okungakathathwa isinqumo ngalo olusezithebeni zeBhodi lemiDlalo yeMali nokuBheja laKwaZulu-Natali kanye nezesiGungu samaLayisensi oTshwala saKwaZulu-Natali ngosuku olushiwo esigabeni 51(2) kumele kucutshungulwe yiBhodi lemiDlalo yeMali nokuBheja laKwaZulu-Natali noma yisiGungu samaLayisensi oTshwala saKwaZulu-Natali, njengoba kungaba njalo, njengoba kwakunjalo ngesikhathi kufakwa leso sicelo, kulandelwa leyo nqubo noma kudingidwa lolo daba olufana nalolo.

(3) IsiGungu siguqulelwa ekubeni –

(a) uhlangothi olufaka enkantolo iBhodi lemiDlalo yeMali nokuBheja laKwaZulu-Natali kanye nesiGungu samaLayisensi oTshwala saKwaZulu-Natali kuwo wonke amacala, kukho konke kungaboni ngaso linye okuphathelene nabasebenzi nokuxazululwa kokungaboni ngaso linye, sengathi isiGungu yisona efake icala ngesikhathi kuthathwa izinyathelo noma kunokungaboni ngaso linye, njengoba kungaba njalo; futhi

(b) uhlangothi olungena esivumelwaneni neBhodi lemiDlalo yeMali nokuBheja laKwaZulu-Natali kanye nesiGungu samaLayisensi oTshwala saKwaZulu-Natali kuzo zonke izinkontileka, izivumelwano, izivumelwano zokusebenzisana kanye neminye imiqulu ethi ayifane nalokho, sengathi isiGungu besiwuhlangothi olungene esivumelwaneni ngesikhathi kusayinwa isivumelwano.

(4) Noma yikuphi ukubhaliswa, ukukhishwa kwelayisensi, kwemvume, kwegunya, kwesinqumo, noma komyalelo, okwakusebenza ngaphambi nje kokuqala kokusebenza kwalo Mthetho, kuyaqhubeka kusebenze ngaphansi kwemibandela nemigomo efanayo naleyo okwakukhishiwe ngaphansi kwayo: Kuncike ekutheni imibandela nemigomo esebenza uma kubhaliswa, kukhishwa ilayisensi, imvume, igunya, isinqumo noma umyalelo, akuphikisani nezinhlinzeko zalo Mthetho.

(5) Ukuchithwa kwanoma yimuphi umthetho osoHlelweni 1 akunamthelela kunoma yiliphi ilungelo, ithuba, isibopho noma isikweletu elitholakale noma esidaleke noma okungenwe kuso ngokomthetho ochithiwe ngaleyo ndlela, ngaphandle uma kuhlinzekelwe ngenye indlela ngokwalo Mthetho.

(6) Uma kukhulunywa ngeBhodi lemiDlalo yeMali nokuBheja laKwaZulu-Natali kanye nesiGungu samaLayisensi oTshwala saKwaZulu-Natali kunoma yimuphi umthetho, ngaphandle uma kusobala ukuthi akufanele, kumele kuthathwe ngokuthi kushiwo isiGungu.

Izinhlelo zesikhashana

51.(1)(a) Kusukela ngosuku lo Mthetho oyoqala ngalo ukusebenza, uNgqongqoshe kumele, esikhathini esingeqile ezinsukwini eziyishumi zokusebenza –

(i) aqoke okungenani amalungu ayisikhombisa kodwa angeqile kwayi-11 kumabhodi eBhodi lemiDlalo yeMali nokuBheja laKwaZulu-Natali kanye nesiGungu samaLayisensi oTshwala saKwaZulu-Natali kwakudala ukuba asebenze njengamalungu eBhodi lesikhashana, kuze kube kuqokwa iBhodi ngokuhambisana nesigaba 14; futhi

(ii) aqoke uSihlalo kanye noSekela Sihlalo besikhashana phakathi kwamalungu aqokelwe kwiBhodi lesikhashana elishiwo kwindinyana (i).

(b) IBhodi lesikhashana elishiwo esigatshaneni (1)(a)(i) kumele, ezinsukwini ezinhlanu zokusebenza ngemva kokuqokwa kwalo, ngokubonisana noNgqongqoshe, liqoke isiKhulu esiPhezulu sesikhashana, isikhathi saso sokuba sesikhundleni esiphela ngosuku lokuqokwa kwesiKhulu esiPhezulu ngokuhambisana nesigaba 37.

(2) Ngaphandle kwesigatshana (1), ukusebenza kwalo Mthetho kuyahoxiswa kuze kube usuku okuyoqokwa ngalo iBhodi lesikhashana njengoba kushiwo esigatshaneni 1(a)(i).

(3) UNgqongqoshe, kuncike kwizinhlinzeko zalesi sigaba kanye nezigaba 6, 40 no 50, angashicilela isaziso kwiGazethi njengoHlelo lwalo Mthetho lezo zinhlelo zesikhashana njengoba kungadingeka.

Ukuchithwa nokuchitshiyelwa kwemithetho

52. Imithetho ebalulwe ohlwini lokuqala nolwesibili loHlelo 1 lwalo Mthetho iyachithwa noma iyachitshiyelwa kuze kufinyelele kokubalulwe ohlwini lwesithathu.

Isihloko esifingqiwe nosuku lokuqala kokusebenza koMthetho

53. Lo Mthetho ubizwa ngoMthetho wesiGungu esiLawula ezoMnotho waKwaZulu-Natali, 2024, futhi uyoqala ukusebenza ngosuku oyoshicilelwa ngalo kwiGazethi.

UHLELO 1: UKUCHITHWA NOKUCHITSHIYELWA KWEMITHETHO

(Isigaba 52)

Inombolo nonyaka womthetho	Isihloko esifingqiwe	Okuzochithwa nokuzochitshiyelwa
uMthetho No. 6 ka 2010	uMthetho wamaLayisensi oTshwala waKwaZulu-Natali, 2010	1. Ukuchithwa kwezigaba 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23(1), 23(4), 24, 25, 26, 27, 28 no 29.
		<p>2. Ukuchitshiyelwa kwesigaba 1 kanje:</p> <p>(a) ngokuguqulelwa kwencazelo “isiKhulu esiPhezulu” kule ncazelo elandelayo: <u>“isiKhulu esiPhezulu’ kushiwo isiKhulu esiPhezulu sesiGungu esiqokwe ngokwesigaba 37 soMthetho wesiGungu esiLawula ezoMnotho waKwaZulu-Natali, 2024;”;</u></p> <p>(b) ngokuguqulelwa kwencazelo “isiGungu esilawula uTshwala” kule ncazelo elandelayo: <u>“isiGungu’ kushiwo isiGungu esiLawula ezoMnotho saKwaZulu-Natali esisungulwe ngokwesigaba 8 soMthetho wesiGungu esiLawula ezoMnotho waKwaZulu-Natali, 2024;”;</u></p> <p>(c) nangokuguqulelwa kwencazelo “kaNgqongqoshe” kule ncazelo elandelayo: <u>“uNgqongqoshe’ kushiwo uNgqongqoshe obhekele noma oNgqongqoshe ababhekele imidlalo yemali, imijaho yamahashi nokubheja, nezotshwala esiFundazweni;”.</u></p>
		3. Ukuchitshiyelwa ngokuguqulelwa kwamagama “isiGungu esiLawula uTshwala”, lapho livela khona, egameni elithi “ <u>isiGungu</u> ”.

uMthetho No. 8 ka 2010	uMthetho wemiDlalo yeMali nokuBheja waKwaZulu-Natali, 2010	1. Ukuchithwa kwezigaba 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 29, no 138.
		<p>2. Ukuchitshiyelwa kwesigaba 1 kanje:</p> <p>(a) ngokuguqulelwa kwencazelo “iBhodi” kule ncazelo elandelayo: <u>“iBhodi’ kushiwo iBhodi lesiGungu elisungulwe ngokwesigaba 11 soMthetho wesiGungu esiLawula ezoMnotho waKwaZulu-Natali, 2024;”</u>;</p> <p>(b) ngokuguqulelwa kwencazelo “uSihlalo” kule ncazelo: <u>“uSihlalo’ kushiwo uSihlalo weBhodi, kubandakanya nomuntu oyiBamba likaSihlalo;”</u>;</p> <p>(c) ngokuguqulelwa kwencazelo isikhulu esiPhezulu” kule ncazelo elandelayo: <u>“isiKhulu esiPhezulu’ kushiwo isikhulu esiPhezulu sesiGungu esiqokwe ngokwesigaba 37 soMthetho wesiGungu esiLawula ezoMnotho waKwaZulu-Natali, 2024;”</u>;</p> <p>(d) ngokuguqulelwa kwencazelo “ikomidi” kule ncazelo elandelayo: <u>“ikomidi’ kushiwo ikomidi leBhodi elisungulwe ngokwesigaba 26 soMthetho wesiGungu esiLawula ezoMnotho waKwaZulu-Natali, 2024;”</u>;</p> <p>kanye</p> <p>(e) ngokuguqulelwa kwencazelo “uNgqongqoshe” kule ncazelo elandelayo: <u>“uNgqongqoshe’ kushiwo uNgqongqoshe obhekele noma oNgqongqoshe ababhekele imidlalo yemali, imijaho yamahashi nokubheja, nezotshwala esiFundazweni.”</u></p>
		3. Ukuchitshiyelwa kwesigaba 140 ngokuguqulela isigaba 140 kulesi sigaba esilandelayo:

		<p><u>“Izikhalo</u></p> <p><u>140.(1) Noma yimuphi umuntu ofake isikhalo ngesinqumo esithathwe yisiGungu esiLawula ezoMnotho esenziwe ngokuhambisana nalo Mthetho, angafaka isikhalo kwiBhodi ngendlela enqunyiwe.</u></p> <p><u>(2) Noma yimuphi umuntu, ngaphandle kofake isicelo selayisensi noma sokubhaliswa oshiwo kulo Mthetho noma ofake isicelo sokuvuselela leyo layisensi noma lokho kubhaliswa, ongagculisekile ngesinqumo –</u></p> <p><u>(a) sekomidi, angafaka isikhalo kwiBhodi ngendlela enqunyiwe; noma</u></p> <p><u>(b) seBhodi, angafaka isikhalo kuNgqongqoshe ngendlela enqunyiwe.</u></p> <p><u>(3) Izinhlinzeko zezigatshana (1) no (2) azinawo umkhawulo kwilungelo kunoma yimuphi umuntu ongagculisekile ngesinqumo sesiGungu, seBhodi noma sekomidi leBhodi sokufaka isicelo eNkantolo ePhakeme ukuthi ibuyekeze lesi sinqumo.</u></p> <p><u>(4) UNgqongqoshe obhekele imidlalo yemali, imijaho yamahashi nokubheja, nezotshwala esiFundazweni angaqoka ikomidi eliqondene nalokho elizolalela isikhalo esishiwo esigatshaneni (2)(b).”</u></p>
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UHLELO 2: AMAFOMU*(Izigaba 18(3), 37(6), 41(3)(c), 18(4)(a) no 43)***IFOMU 1:**

UKUDALULA UKUHLOMULA NGQO NOMA NGANDLELA THILE KWAMALUNGU EBHODI
 NAWAMAKOMIDI OKWENZIWA NJALO NGONYAKA NANOMA YININI UMA KUBA
 NESIDINGO
(Isigaba 18(3))

**UKUDALULA UKUHLOMULA NGQO NOMA NGANDLELA THILE KWAMALUNGU
 EBHODI NAWAMAKOMIDI OKWENZIWA NJALO NGONYAKA
 NANOMA YININI UMA KUBA NESIDINGO**

ngokwesigaba 18(3) soMthetho wesiGungu esiLawula ezoMnotho waKwaZulu-Natali, 2024

UHLOBO LOKUDALULA	
UKUDALULA OKWENZIWA NJALO NGONYAKA	UKUDALULA OKWENZIWA NOMA YININI UMA KUBA NESIDINGO
<i>Thikha uma kufanele</i>	<i>Thikha uma kufanele</i>

UKUDALULA OKUQONDENE NONYAKA WEZIMALI: *Bhala unyaka wezimali*

USUKU LOKUDALULA: *Bhala usuku odalula ngalo*

Mina, osayine la ngezansi ngale mininingwane elandelayo:

ISIBONGO: *Bhala isibongo*

AMAGAMA APHELELE: *Bhala amagama aphelele*

INOMBOLO KAMAZISI: *Bhala inombolo kamazisi*

IKHELI LALAPHO UHLALA KHONA: *Bhala ikheli lalapho uhlala khona*

INOMBOLO YOCINGO: *Bhala inombolo yocingo*

INOMBOLO YESELULA: *Bhala inombolo yeselula*

IKHELI LE-IMEYLI: *Bhala ikheli le-imeyli*

ISIKHUNDLA: *Bhala ukuthi uyilungu leBhodi noma uyilungu lekomidi (uma ungelona ilungu leBhodi)*

ngalokhu ngidalula futhi ngiqinisekisa ukuthi le mininingwane elandelayo, maqondana nami nomndeni wami, nengibambisene naye ebhizinisini noma nomqashi, ngaphandle koMbuso, iphelele futhi iyiqiniso ngokwazi kwami:

(a) Ubunikazi bamasheya ezinkampanini noma emabhizinisini:

NO	IGAMA LONAMA-SHEYA	UBUDLE-LWANE	IGAMA LENKAMPANI NOMA LEBHIZINISI	INOMBOLO YOKUBHALISWA YENKAMPANI	UHLOBO	ISIBALO SAMASHEYA	INANI ELIPHANSI LAMA-SHEYA (NGAMARANDI)	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lonamasheya</i>	<i>Bhala ubudlelwane nonamasheya, uma kungewena</i>	<i>Bhala igama lenkampani noma lebhizinisi onamasheya kuyona noma kulona</i>	<i>Bhala inombolo yokubhaliswa yenkampani (uma kuyinkampani ezimele)</i>	<i>Bhala incazelo yohlobo lwebhizinisi</i>	<i>Bhala isibalo samasheya onawo</i>	<i>Bhala isamba senani eliphansi lamasheya</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
2								

(b) Ukuhlomula ezinkampanini eziyimifelandawonye

NO	IGAMA LOHLO-MULAYO	UBUDLE-LWANE	IGAMA LENKAMPANI EWUMFELANDAWONYE	INOMBOLO YOKUBHALISWA YENKAMPANI EWUMFELANDAWONYE	UHLOBO	OKUHLO-MULAYO	INANI ELIPHANSI LOKUHLO-MULAYO (NGAMARANDI)	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lohlomulayo</i>	<i>Bhala ubudlelwane nohlomulayo, uma kungewena</i>	<i>Bhala igama lenkampani noma lebhizinisi ohlomula kulona noma kuyona</i>	<i>Bhala inombolo yokubhaliswa yenkampani ewumfelandawonye</i>	<i>Bhala incazelo yohlobo lwebhizinisi</i>	<i>Bhala iphesenti olihlomulayo</i>	<i>Bhala isamba senani eliphansi lokuhlomulayo ngamarandi aseNingizimu Afrika</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso neyemivuzo ekhokhwayo</i>
2								

(c) Ukuhlomula kumfelandawonye:

NO	IGAMA LOHLO-MULAYO	UBUDLE-LWANE	IGAMA LOMFELANDAWONYE	OKUHLO-MULAYO	UHLOBO	INANI ELIPHANSI LOKUHLO-MULAYO (NGAMARANDI)	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lohlomulayo</i>	<i>Bhala ubudlelwane nohlomulayo, uma kungewena</i>	<i>Bhala igama lomfelandawonye ohlomula kuwona</i>	<i>Bhala iphesenti olihlomulayo</i>	<i>Bhala incazelo yohlobo lwebhizinisi</i>	<i>Bhala isamba senani eliphansi lokuhlomulayo</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso ekhokhwayo</i>

						<i>ngama-randi aseNingizimu Afrika</i>	
2							

(d) Ilungelo lendawo noma lomuntu endaweni esetshenziswa yinoma iyiphi inkampani, inhlango, ithrasti, nanoma yiliphi elinye ibhizinisi elisemthethweni:

NO	IGAMA LOMNIKAZI	UBUDLE-LWANE	IGAMA LEBHIZINISI	INOMBOLO YOKUBHALISWA YEBHIZINISI	UHLOBO	INANI ELIPHANSI (NGAMARANDI)	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lomnikazi</i>	<i>Bhala ubudlelwane nomnikazi, uma kungewena</i>	<i>Bhala igama lebhizinisi elisebenzisa indawo</i>	<i>Bhala inombolo yokubhaliswa yebhizinisi elisebenzisa indawo</i>	<i>Bhala incazelo yohlobo lwelungelo nolwendawo</i>	<i>Bhala isamba senani eliphansi lelungelo lendawo esetshenziswa yibhizinisi</i>	<i>Bhala iminini-ngwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
2							

(e) Ukuhlomula kumathrasti:

NO	IGAMA LOHLO-MULAYO	UBUDLE-LWANE	IGAMA LETHRASTI	INOMBOLO YOKUBHALISWA	UHLOBO	INANI ELIPHANSI (NGAMARANDI)	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lohlo-mulayo</i>	<i>Bhala ubudlelwane nohlo-mulayo uma kungewena</i>	<i>Bhala igama lethrasti esebenzisa indawo</i>	<i>Bhala inombolo yokubhaliswa yethrasti</i>	<i>Bhala incazelo yohlobo lokuzibandakanya nethrasti</i>	<i>Bhala isamba senani eliphansi lokuhlo-mulayo kwithrasti</i>	<i>Bhala iminini-ngwane yawo wonke amaholo, yengeniso, nenzalo ekhokhwayo</i>
2							

(f) Maqondana nanoma yiliphi ibhizinisi eliwumuntu ngokomthetho noma elingeyena umuntu ngokomthetho, nanoma yikuphi ukuhlomula okwenza ohlo-mulayo ukuthi athole inzuzo nengenisonzuzo kwalelo bhizinisi (uma lokho kungadaluliwe ku (a), (b), (c), (d) no (e) ngenhla):

NO	IGAMA LOHLO-MULAYO	UBUDLE-LWANE	IGAMA LEBHIZINISI	OKUHLO-MULAYO	UHLOBO	INANI ELIPHANSI LOKUHLO-MULAYO	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lohlo-mulayo</i>	<i>Bhala ubudlelwane nonebhizinisi</i>	<i>Bhala igama lebhizinisi okuhlonyulwa kulona</i>	<i>Bhala iphesenti elihlo-mulayo</i>	<i>Bhala incazelo yohlobo lwebhizinisi nokuhlonyulwayo</i>	<i>Bhala isamba senani eliphansi</i>	<i>Bhala iminini-ngwane yawo wonke amaholo, yengeniso,</i>

		<i>uma kungewena</i>				<i>lokuhlomu-layo</i>	<i>neyemivuzo ekhokhwayo</i>
2							

(g) Amaholo, izikhundla zobuqondisi, izinkampani zabeluleki abasebenza isikhashana kanye nabasebenza isikhathi eside:

NO	IGAMA LOHLANGOTHI	UBUDLELWANE	IGAMA LEBHIZINISI	UHLOBO	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lohlangothi oluyingxenye yenkontileka noma yesivumelwano</i>	<i>Bhala ubudlelwane nalolo hlangothi uma kungewena</i>	<i>Bhala igama lebhizinisi</i>	<i>Bhala incazelo yomsebenzi owenziwe kanye nezizathu zalokho</i>	<i>Bhala iminini-ngwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
2					

(h) Ama-akhawunti emalimboleko (ngaphandle kwebhondi, kwesikweletu semoto kanye nama-akhawunti asezitolo):

NO	IGAMA LOHLANGOTHI	UBUDLELWANE	IGAMA LOMBOLEKISI	UHLOBO	ISAMBA SESIKWELETU ESEZIWE (NGAMARANDI)	ISIKWELETU ESISASELE (NGAMARANDI)
1	<i>Bhala igama lohlangothi olune-akhawunti yemalimboleko</i>	<i>Bhala ubudlelwane nalolo hlangothi uma kungewena</i>	<i>Bhala igama lombolekisi</i>	<i>Bhala incazelo yohlobo lwemalimboleko</i>	<i>Bhala isamba sesikweletu esenziwe</i>	<i>Bhala inani lemaliimboleko elisasele kubandakanya nenzalo okusamele ikhokhwe</i>
2						

(i) Amaholo, ingeniso, ingenisonzuzo, amagunya kwingenisonzuzo, amasheya, inzalo, iminikelo, izipho nanoma yimiphi eminye imihlomulo eqongelelwe ngaphambi noma ngemva kokuhlinzekwa kwelayisensi yebhizinisi, ukuhlinzekwa kwelayisensi noma ukusebenza kwebhizinisi lotshwala, lemidlalo yemali, lemijaho yamahashi nokubheja:

NO	IGAMA LOHLANGOTHI	UBUDLELWANE	IGAMA LEBHIZINISI	UHLOBO	INANI ELIPHANSI (NGAMARANDI)	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lomhlomuli</i>	<i>Bhala ubudlelwane nomhlomuli uma kungewena</i>	<i>Bhala igama lomfakisicelo, lomnikazi welayisensi</i>	<i>Bhala incazelo yohlobo lokuhlonyulwayo kanye nezizathu zalokho</i>	<i>Bhala isamba senani eliphansi sengenisonzuzo, amagunya kwingenisonzuzo</i>	<i>Bhala iminini-ngwane yawo wonke amaholo, yengeniso, yengenisonzuzo,</i>

			<i>noma lomuntu obhalisile</i>		<i>nanoma yimiphi eminye imihlomulo</i>	<i>yamasheya, yenzalo, yeminikelo, yezipho nanoma yimiphi eminye imihlomulo ekhokhwayo</i>
2						

(j) Ukusayinwa noma ubukhona banoma yiziphi izivumelwano nabafakizicelo, nabanikazi bamalayisensi noma nabantu ababhalisiwe:

NO	IGAMA LOHLANGOTHI	UBUDLE-LWANE	IGAMA LEBHIZINISI	UHLOBO	INANI ELIPHANSI (NGAMA-RANDI)	IHOLO/ INGENISO (NGAMARANDI)
1	<i>Bhala igama lohlangothi olunenkontileka noma olunesivumelwano</i>	<i>Bhala ubudlelwane nalolo hlangothi, uma kungewena</i>	<i>Bhala igama lomfakisicelo, lomnikazi welayisensi noma lomuntu obhalisile</i>	<i>Bhala incazelo yohlobo lwenkontileka noma lwesivumelwano</i>	<i>Bhala isamba senani eliphansi senkontileka noma sesivumelwano</i>	<i>Bhala iminini-ngwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
2						

(k) Nanoma yikuphi okunye ukuhlomula:

NO	IGAMA LOHLO-MULAYO	UBUDLELWANE	IGAMA LEBHIZINISI	UHLOBO	INANI
1	<i>Bhala igama lohlo-mulayo</i>	<i>Bhala ubudlelwane nohlomulayo uma kungewena</i>	<i>Bhala igama lebhizinisi noma lomuntu ohlomula kulona noma kuyena</i>	<i>Bhala incazelo yohlobo lokuhlomula</i>	<i>Bhala incazelo yenani lokuhlonyulwayo, noma ngabe yimali noma okunye</i>
2					

ISIGNESHA YODALULAYO: *Isignesha yodalulayo*

ISIGNESHA KAKHOMISHANA OFUNGISAYO: *Isignesha kaKhomishana oFungisayo*

AMAGAMA APHELELE NESIBONGO: *Bhala amagama aphelele nesibongo kukaKhomishana oFungisayo*

ISIKHUNDLA: *Bhala isikhundla sikaKhomishana oFungisayo*

IKHELI LOMGWAQO: *Bhala ikheli lomgwaqo likaKhomishana oFungisayo*

USUKU: *Bhala usuku*

INDAWO: *Bhala indawo*

USUKU ELITHOLWE NGALO YISIKHULU ESIPHEZULU: *Bhala usuku*

ISIGNESHA YESIKHULU ESIPHEZULU: *Isignesha yesiKhulu esiPhezulu*

IFOMU 2:

UKUDALULA UKUHLOMULA NGQO NOMA NGANDLELA THILE KWESIKHULU
ESIPHEZULU NABASEBENZI OKWENZIWA NJALO NGONYAKA NANOMA YININI UMA
KUBA NESIDINGO

(Isigaba 37(6) sifundwa nesigaba 41(3)(c))

**UKUDALULA UKUHLOMULA NGQO NOMA NGANDLELA THILE KWESIKHULU
ESIPHEZULU OKWENZIWA NJALO NGONYAKA
NANOMA YININI UMA KUBA NESIDINGO**

ngokwesigaba 37(6) sifundwa nesigaba 41(3)(c) soMthetho wesiGungu esiLawula
ezoMnotho waKwaZulu-Natali, 2024

UHLOBO LOKUDALULA	
UKUDALULA OKWENZIWA NJALO NGONYAKA	UKUDALULA OKWENZIWA NOMA YININI UMA KUBA NESIDINGO
<i>Thikha uma kufanele</i>	<i>Thikha uma kufanele</i>

UKUDALULA OKUQONDENE NONYAKA WEZIMALI: *Bhala unyaka wezimali*

USUKU LOKUDALULA: *Bhala usuku odalula ngalo*

Mina, osayine la ngezansi ngale mininingwane elandelayo:

ISIBONGO: *Bhala isibongo*

AMAGAMA APHELELE: *Bhala amagama aphelele*

INOMBOLO KAMAZISI: *Bhala inombolo kamazisi*

IKHELI LALAPHO UHLALA KHONA: *Bhala ikheli lalapho uhlala khona*

INOMBOLO YOCINGO: *Bhala inombolo yocingo*

INOMBOLO YESELULA: *Bhala inombolo yeselula*

IKHELI LE-IMEYLI: *Bhala ikheli le-imeyli*

ISIKHUNDLA: *IsiKhulu esiPhezulu*

ngalokhu ngidalula futhi ngiqinisekisa ukuthi le mininingwane elandelayo, maqondana nami nomndeni wami, nengibambisene naye ebhizinisini noma nomqashi, ngaphandle koMbuso, iphelele futhi iyiqiniso ngokwazi kwami:

(a) Ubunikazi bamasheya ezinkampanini noma emabhizinisini:

NO	IGAMA LONAMA-SHEYA	UBUDLE-LWANE	IGAMA LENKAMPANI NOMA LEBHIZINISI	INOMBOLO YOKUBHALISWA YENKAMPANI	UHLOBO	ISIBALO SAMASHEYA	INANI ELIPHANSI LAMA-SHEYA (NGAMARANDI)	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lonamasheya</i>	<i>Bhala ubudlelwane nonamasheya, uma kungewena</i>	<i>Bhala igama lenkampani noma lebhizinisi onamasheya kuyona noma kulona</i>	<i>Bhala inombolo yokubhaliswa yenkampani (uma kuyinkampani ezimele)</i>	<i>Bhala incazelo yohlobo lwebhizinisi</i>	<i>Bhala isibalo samasheya onawo</i>	<i>Bhala isamba senani eliphansi lamasheya</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
2								

(b) Ukuhlomula ezinkampanini eziyimifelandawonye

NO	IGAMA LOHLO-MULAYO	UBUDLE-LWANE	IGAMA LENKAMPANI EWUMFELANDAWONYE	INOMBOLO YOKUBHALISWA YENKAMPANI EWUMFELANDAWONYE	UHLOBO	OKUHLO-MULAYO	INANI ELIPHANSI LOKUHLO-MULAYO (NGAMARANDI)	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lohlomulayo</i>	<i>Bhala ubudlelwane nohlomulayo, uma kungewena</i>	<i>Bhala igama lenkampani noma lebhizinisi ohlomula kulona noma kuyona</i>	<i>Bhala inombolo yokubhaliswa yenkampani ewumfelandawonye</i>	<i>Bhala incazelo yohlobo lwebhizinisi</i>	<i>Bhala iphesenti olihlomulayo</i>	<i>Bhala isamba senani eliphansi lokuhlomulayo ngamarandi aseNingizimu Afrika</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso neyemivuzo ekhokhwayo</i>
2								

(c) Ukuhlomula kumfelandawonye:

NO	IGAMA LOHLO-MULAYO	UBUDLE-LWANE	IGAMA LOMFELANDAWONYE	OKUHLO-MULAYO	UHLOBO	INANI ELIPHANSI LOKUHLO-MULAYO (NGAMARANDI)	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lohlomulayo</i>	<i>Bhala ubudlelwane nohlomulayo, uma kungewena</i>	<i>Bhala igama lomfelandawonye ohlomula kuwona</i>	<i>Bhala iphesenti olihlomulayo</i>	<i>Bhala incazelo yohlobo lwebhizinisi</i>	<i>Bhala isamba senani eliphansi lokuhlomulayo</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso ekhokhwayo</i>

						<i>ngama-randi aseNingizimu Afrika</i>	
2							

(d) Ilungelo lendawo noma lomuntu endaweni esetshenziswa yinoma iyiphi inkampani, inhlango, ithrasti, nanoma yiliphi elinye ibhizinisi elisemthethweni:

NO	IGAMA LOMNIKAZI	UBUDLE-LWANE	IGAMA LEBHIZINISI	INOMBOLO YOKUBHALISWA YEBHIZINISI	UHLOBO	INANI ELIPHANSI (NGAMARANDI)	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lomnikazi</i>	<i>Bhala ubudlelwane nomnikazi, uma kungewena</i>	<i>Bhala igama lebhizinisi elisebenzisa indawo</i>	<i>Bhala inombolo yokubhaliswa yebhizinisi elisebenzisa indawo</i>	<i>Bhala incazelo yohlobo lwelungelo nolwendawo</i>	<i>Bhala isamba senani eliphansi lelungelo lendawo esetshenziswa yibhizinisi</i>	<i>Bhala iminini-ngwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
2							

(e) Ukuhlomula kumathrasti:

NO	IGAMA LOHLO-MULAYO	UBUDLE-LWANE	IGAMA LETHRASTI	INOMBOLO YOKUBHALISWA	UHLOBO	INANI ELIPHANSI (NGAMARANDI)	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lohlo-mulayo</i>	<i>Bhala ubudlelwane nohlo-mulayo uma kungewena</i>	<i>Bhala igama lethrasti esebenzisa indawo</i>	<i>Bhala inombolo yokubhaliswa yethrasti</i>	<i>Bhala incazelo yohlobo lokuzibandakanya nethrasti</i>	<i>Bhala isamba senani eliphansi lokuhlo-mulayo kwithrasti</i>	<i>Bhala iminini-ngwane yawo wonke amaholo, yengeniso, nenzalo ekhokhwayo</i>
2							

(f) Maqondana nanoma yiliphi ibhizinisi eliwumuntu ngokomthetho noma elingeyena umuntu ngokomthetho, nanoma yikuphi ukuhlomula okwenza ohlo-mulayo ukuthi athole inzuzo nengenisonzuzo kwalelo bhizinisi (uma lokho kungadaluliwe ku (a), (b), (c), (d) no (e) ngenhla):

NO	IGAMA LOHLO-MULAYO	UBUDLE-LWANE	IGAMA LEBHIZINISI	OKUHLO-MULAYO	UHLOBO	INANI ELIPHANSI LOKUHLO-MULAYO	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lohlo-mulayo</i>	<i>Bhala ubudlelwane nonebhizinisi</i>	<i>Bhala igama lebhizinisi okuhlonyulwa kulona</i>	<i>Bhala iphesenti elihlo-mulayo</i>	<i>Bhala incazelo yohlobo lwebhizinisi nokuhlonyulwayo</i>	<i>Bhala isamba senani eliphansi</i>	<i>Bhala iminini-ngwane yawo wonke amaholo, yengeniso,</i>

		<i>uma kungewena</i>				<i>lokuhlomu-layo</i>	<i>neyemivuzo ekhokhwayo</i>
2							

(g) Amaholo, izikhundla zobuqondisi, izinkampani zabeluleki abasebenza isikhashana kanye nabasebenza isikhathi eside:

NO	IGAMA LOHLANGOTHI	UBUDLELWANE	IGAMA LEBHIZINISI	UHLOBO	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lohlangothi oluyingxenye yenkontileka noma yesivumelwano</i>	<i>Bhala ubudlelwane nalolo hlangothi uma kungewena</i>	<i>Bhala igama lebhizinisi</i>	<i>Bhala incazelo yomsebenzi owenziwe kanye nezizathu zalokho</i>	<i>Bhala iminini-ngwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
2					

(h) Ama-akhawunti emalimboleko (ngaphandle kwebhondi, kwesikweletu semoto kanye nama-akhawunti asezitolo):

NO	IGAMA LOHLANGOTHI	UBUDLELWANE	IGAMA LOMBOLEKISI	UHLOBO	ISAMBA SESIKWELETU ESEZIWE (NGAMARANDI)	ISIKWELETU ESISASELE (NGAMARANDI)
1	<i>Bhala igama lohlangothi olune-akhawunti yemalimboleko</i>	<i>Bhala ubudlelwane nalolo hlangothi uma kungewena</i>	<i>Bhala igama lombolekisi</i>	<i>Bhala incazelo yohlobo lwemalimboleko</i>	<i>Bhala isamba sesikweletu esenziwe</i>	<i>Bhala inani lemaliimboleko elisasele kubandakanya nenzalo okusamele ikhokhwe</i>
2						

(i) Amaholo, ingeniso, ingenisonzuzo, amagunya kwingenisonzuzo, amasheya, inzalo, iminikelo, izipho nanoma yimiphi eminye imihlomulo eqongelelwe ngaphambi noma ngemva kokuhlinzekwa kwelayisensi yebhizinisi, ukuhlinzekwa kwelayisensi noma ukusebenza kwebhizinisi lotshwala, lemidlalo yemali, lemijaho yamahashi nokubheja:

NO	IGAMA LOHLANGOTHI	UBUDLELWANE	IGAMA LEBHIZINISI	UHLOBO	INANI ELIPHANSI (NGAMARANDI)	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lomhlomuli</i>	<i>Bhala ubudlelwane nomhlomuli uma kungewena</i>	<i>Bhala igama lomfakisicelo, lomnikazi welayisensi</i>	<i>Bhala incazelo yohlobo lokuhlonyulwayo kanye nezizathu zalokho</i>	<i>Bhala isamba senani eliphansi sengenisonzuzo, amagunya kwingenisonzuzo</i>	<i>Bhala iminini-ngwane yawo wonke amaholo, yengeniso, yengenisonzuzo,</i>

			<i>noma lomuntu obhalisile</i>		<i>nanoma yimiphi eminye imihlomulo</i>	<i>yamasheya, yenzalo, yeminikelo, yezipho nanoma yimiphi eminye imihlomulo ekhokhwayo</i>
2						

(j) Ukusayinwa noma ubukhona banoma yiziphi izivumelwano nabafakizicelo, nabanikazi bamalayisensi noma nabantu ababhalisiwe:

NO	IGAMA LOHLANGOTHI	UBUDLE-LWANE	IGAMA LEBHIZINISI	UHLOBO	INANI ELIPHANSI (NGAMA-RANDI)	IHOLO/ INGENISO (NGAMARANDI)
1	<i>Bhala igama lohlangothi olunenkontileka noma olunesivumelwano</i>	<i>Bhala ubudlelwane nalolo hlangothi, uma kungewena</i>	<i>Bhala igama lomfakisicelo, lomnikazi welayisensi noma lomuntu obhalisile</i>	<i>Bhala incazelo yohlobo lwenkontileka noma lwesivumelwano</i>	<i>Bhala isamba senani eliphansi senkontileka noma sesivumelwano</i>	<i>Bhala iminini-ngwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
2						

(k) Nanoma yikuphi okunye ukuhlomula:

NO	IGAMA LOHLO-MULAYO	UBUDLELWANE	IGAMA LEBHIZINISI	UHLOBO	INANI
1	<i>Bhala igama lohlo-mulayo</i>	<i>Bhala ubudlelwane nohlomulayo uma kungewena</i>	<i>Bhala igama lebhizinisi noma lomuntu ohlomula kulona noma kuyena</i>	<i>Bhala incazelo yohlobo lokuhlomula</i>	<i>Bhala incazelo yenani lokuhlonyulwayo, noma ngabe yimali noma okunye</i>
2					

ISIGNESHA YODALULAYO: *Isignesha yodalulayo*

ISIGNESHA KAKHOMISHANA OFUNGISAYO: *Isignesha kaKhomishana oFungisayo*

AMAGAMA APHELELE NESIBONGO: *Bhala amagama aphelele nesibongo kwaKhomishana oFungisayo*

ISIKHUNDLA: *Bhala isikhundla sikaKhomishana oFungisayo*

IKHELI LOMGWAQO: *Bhala ikheli lomgwaqo likaKhomishana oFungisayo*

USUKU: *Bhala usuku*

INDAWO: *Bhala indawo*

USUKU ELITHOLWE NGALO USIHLALO WEBHODI: *Bhala usuku*

ISIGNESHA KASIHLALO WEBHODI: *Isignesha kaSihlalo weBhodi*

IFOMU 3:

UKUDALULA UKUHLOMULA NGQO NOMA NGANDLELA THILE KWABASEBENZI
OKWENZIWA NJALO NGONYAKA NANOMA YININI UMA KUNESIDINGO
(*Isigaba 41(3)(c)*)

**UKUDALULA UKUHLOMULA NGQO NOMA NGANDLELA THILE KWABASEBENZI
OKWENZIWA NJALO NGONYAKA
NANOMA YININI UMA KUBA NESIDINGO**

ngokwesigaba 41(3)(c) soMthetho wesiGungu esiLawula ezoMnotho waKwaZulu-Natali, 2024

UHLOBO LOKUDALULA	
UKUDALULA OKWENZIWA NJALO NGONYAKA	UKUDALULA OKWENZIWA NOMA YININI UMA KUBA NESIDINGO
<i>Thikha uma kufanele</i>	<i>Thikha uma kufanele</i>

UKUDALULA OKUQONDENE NONYAKA WEZIMALI: *Bhala unyaka wezimali*

USUKU LOKUDALULA: *Bhala usuku odalula ngalo*

Mina, osayine la ngezansi ngale mininingwane elandelayo:

ISIBONGO: *Bhala isibongo*

AMAGAMA APHELELE: *Bhala amagama aphelele*

INOMBOLO KAMAZISI: *Bhala inombolo kamazisi*

IKHELI LALAPHO UHLALA KHONA: *Bhala ikheli lalapho uhlala khona*

INOMBOLO YOCINGO: *Bhala inombolo yocingo*

INOMBOLO YESELULA: *Bhala inombolo yeselula*

IKHELI LE-IMEYLI: *Bhala ikheli le-imeyli*

ISIKHUNDLA: *Bhala isikhundla okuso kwisiGungu esiLawula ezoMnotho*

ngalokhu ngidalula futhi ngiqinisekisa ukuthi le mininingwane elandelayo, maqondana nami nomndeni wami, nengibambisene naye ebhizinisini noma nomqashi, ngaphandle koMbuso, iphelele futhi iyiqiniso ngokwazi kwami:

(a) Ubunikazi bamasheya ezinkampanini noma emabhizinisini:

NO	IGAMA LONAMA-SHEYA	UBUDLE-LWANE	IGAMA LENKAMPANI NOMA LEBHIZINISI	INOMBOLO YOKUBHALISWA YENKAMPANI	UHLOBO	ISIBALO SAMA-SHEYA	INANI ELIPHANSI LAMA-SHEYA (NGAMARANDI)	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lonamasheya</i>	<i>Bhala ubudlelwane nonamasheya, uma kungewena</i>	<i>Bhala igama lenkampani noma lebhizinisi onamasheya kuyona noma kulona</i>	<i>Bhala inombolo yokubhaliswa yenkampani (uma kuyinkampani ezimele)</i>	<i>Bhala incazelo yohlobo lwebhizinisi</i>	<i>Bhala isibalo samasheya onawo</i>	<i>Bhala isamba senani eliphansi lamasheya</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
2								

(b) Ukuhlomula ezinkampanini eziyimifelandawonye

NO	IGAMA LOHLO-MULAYO	UBUDLE-LWANE	IGAMA LENKAMPANI EWUMFELANDAWONYE	INOMBOLO YOKUBHALISWA YENKAMPANI EWUMFELANDAWONYE	UHLOBO	OKUHLO-MULAYO	INANI ELIPHANSI LOKUHLO-MULAYO (NGAMARANDI)	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lohlomulayo</i>	<i>Bhala ubudlelwane nohlomulayo, uma kungewena</i>	<i>Bhala igama lenkampani noma lebhizinisi ohlomula kulona noma kuyona</i>	<i>Bhala inombolo yokubhaliswa yenkampani ewumfelandawonye</i>	<i>Bhala incazelo yohlobo lwebhizinisi</i>	<i>Bhala iphesenti olihlomulayo</i>	<i>Bhala isamba senani eliphansi lokuhlomulayo ngamarandi aseNingizimu Afrika</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso neyemivuzo ekhokhwayo</i>
2								

(c) Ukuhlomula kumfelandawonye:

NO	IGAMA LOHLO-MULAYO	UBUDLE-LWANE	IGAMA LOMFELANDAWONYE	OKUHLO-MULAYO	UHLOBO	INANI ELIPHANSI LOKUHLO-MULAYO (NGAMARANDI)	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lohlomulayo</i>	<i>Bhala ubudlelwane nohlomulayo, uma kungewena</i>	<i>Bhala igama lomfelandawonye ohlomula kuwona</i>	<i>Bhala iphesenti olihlomulayo</i>	<i>Bhala incazelo yohlobo lwebhizinisi</i>	<i>Bhala isamba senani eliphansi lokuhlomulayo ngama-</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso ekhokhwayo</i>

						<i>randi aseNingizi- mu Afrika</i>	
2							

(d) Ilungelo lendawo noma lomuntu endaweni esetshenziswa yinoma iyiphi inkampani, inhlango, ithrasti, nanoma yiliphi elinye ibhizinisi elisemthethweni:

NO	IGAMA LOMNIKAZI	UBUDLE-LWANE	IGAMA LEBHIZINISI	INOMBOLO YOKUBHALISWA YEBHIZINISI	UHLOBO	INANI ELIPHANSI (NGAMARANDI)	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lomnikazi</i>	<i>Bhala ubudlelwane nomnikazi, uma kungewena</i>	<i>Bhala igama lebhizinisi elisebenzisa indawo</i>	<i>Bhala inombolo yokubhaliswa yebhizinisi elisebenzisa indawo</i>	<i>Bhala incazelo yohlobo lwelungelo nolwendawo</i>	<i>Bhala isamba senani eliphansi lelungelo lendawo esetshenziswa yibhizinisi</i>	<i>Bhala iminini- ngwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
2							

(e) Ukuhlomula kumathrasti:

NO	IGAMA LOHLO-MULAYO	UBUDLE-LWANE	IGAMA LETHRASTI	INOMBOLO YOKUBHALISWA YETHRASTI	UHLOBO	INANI ELIPHANSI (NGAMARANDI)	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lohlo-mulayo</i>	<i>Bhala ubudlelwane nohlo-mulayo uma kungewena</i>	<i>Bhala igama lethrasti esebenzisa indawo</i>	<i>Bhala inombolo yokubhaliswa yethrasti</i>	<i>Bhala incazelo yohlobo lokuzibandakanya nethrasti</i>	<i>Bhala isamba senani eliphansi lokuhlo-mulayo kwithrasti</i>	<i>Bhala iminini- ngwane yawo wonke amaholo, yengeniso, nenzalo ekhokhwayo</i>
2							

(f) Maqondana nanoma yiliphi ibhizinisi eliwumuntu ngokomthetho noma elingeyena umuntu ngokomthetho, nanoma yikuphi ukuhlomula okwenza ohlo-mulayo ukuthi athole inzuzo nengenisonzuzo kwalelo bhizinisi (uma lokho kungadaluliwe ku (a), (b), (c), (d) no (e) ngenhla):

NO	IGAMA LOHLO-MULAYO	UBUDLE-LWANE	IGAMA LEBHIZINISI	OKUHLO-MULAYO	UHLOBO	INANI ELIPHANSI LOKUHLO-MULAYO	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lohlo-mulayo</i>	<i>Bhala ubudlelwane nonebhizinisi uma kungewena</i>	<i>Bhala igama lebhizinisi okuhlonyulwa kulona</i>	<i>Bhala iphesenti elihlo-mulayo</i>	<i>Bhala incazelo yohlobo lwebhizinisi nokuhlonyulwayo</i>	<i>Bhala isamba senani eliphansi lokuhlo-mulayo</i>	<i>Bhala iminini- ngwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>

2						
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(g) Amaholo, izikhundla zobuqondisi, izinkampani zabeluleki abasebenza isikhashana kanye nabasebenza isikhathi eside:

NO	IGAMA LOHLANGOTHI	UBUDLELWANE	IGAMA LEBHIZINISI	UHLOBO	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lohlangothi oluyingxenyeye yenkontileka noma yesivumelwano</i>	<i>Bhala ubudlelwane nalolo hlangothi uma kungewena</i>	<i>Bhala igama lebhizinisi</i>	<i>Bhala incazelo yomsebenzi owenziwe kanye nezizathu zalokho</i>	<i>Bhala iminini-ngwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
2					

(h) Ama-akhawunti emalimboleko (ngaphandle kwebhondi, kwesikweletu semoto kanye nama-akhawunti asezitolo):

NO	IGAMA LOHLANGOTHI	UBUDLELWANE	IGAMA LOMBOLEKISI	UHLOBO	ISAMBA SESIKWELETU ESEZIWE (NGAMARANDI)	ISIKWELETU ESISASELE (NGAMARANDI)
1	<i>Bhala igama lohlangothi olune-akhawunti yemalimboleko</i>	<i>Bhala ubudlelwane nalolo hlangothi uma kungewena</i>	<i>Bhala igama lombolekisi</i>	<i>Bhala incazelo yohlobo lwemalimboleko</i>	<i>Bhala isamba sesikweletu esenziwe</i>	<i>Bhala inani lemaliimboleko elisasele kubandakanya nenzalo okusamele ikhokhwe</i>
2						

(i) Amaholo, ingeniso, ingenisonzuzo, amagunya kwingenisonzuzo, amasheya, inzalo, iminikelo, izipho nanoma yimiphi eminye imihlomulo eqongelelwe ngaphambi noma ngemva kokuhlinzekwa kwelayisensi yebhizinisi, ukuhlinzekwa kwelayisensi noma ukusebenza kwebhizinisi lotshwala, lemidlalo yemali, lemiyaho yamahashi nokubheja:

NO	IGAMA LOHLANGOTHI	UBUDLELWANE	IGAMA LEBHIZINISI	UHLOBO	INANI ELIPHANSI (NGAMARANDI)	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lomhlomuli</i>	<i>Bhala ubudlelwane nomhlomuli uma kungewena</i>	<i>Bhala igama lomfakisicelo, lomnikazi welayisensi noma lomuntu obhalisile</i>	<i>Bhala incazelo yohlobo lokuhlonyulwayo kanye nezizathu zalokho</i>	<i>Bhala isamba senani eliphansi sengenisonzuzo, amagunya kwingenisonzuzo nanoma yimiphi</i>	<i>Bhala iminini-ngwane yawo wonke amaholo, yengeniso, yengenisonzuzo, yamasheya, yenzalo,</i>

					<i>eminye imihlomulo</i>	<i>yeminikelo, yezipho nanoma yimiphi eminye imihlomulo ekhokhwayo</i>
2						

(j) Ukusayinwa noma ubukhona banoma yiziphi izivumelwano nabafakizicelo, nabanikazi bamalayisensi noma nabantu ababhalisiwe:

NO	IGAMA LOHLANGOTHI	UBUDLE-LWANE	IGAMA LEBHIZINISI	UHLOBO	INANI ELIPHANSI (NGAMA-RANDI)	IHOLO/ INGENISO (NGAMARANDI)
1	<i>Bhala igama lohlangothi olunenkontileka noma olunesivumelwano</i>	<i>Bhala ubudlelwane nalolo hlangothi, uma kungewena</i>	<i>Bhala igama lomfakizicelo, lomnikazi welayisensi noma lomuntu obhalisile</i>	<i>Bhala incazelo yohlobo lwenkontileka noma lwesivumelwano</i>	<i>Bhala isamba senani eliphansi senkontileka noma sesivumelwano</i>	<i>Bhala iminini-ngwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
2						

(k) Nanoma yikuphi okunye ukuhlomula:

NO	IGAMA LOHLO-MULAYO	UBUDLELWANE	IGAMA LEBHIZINISI	UHLOBO	INANI
1	<i>Bhala igama lohlo mulayo</i>	<i>Bhala ubudlelwane nohlomulayo uma kungewena</i>	<i>Bhala igama lebhizinisi noma lomuntu ohlomula kulona noma kuyena</i>	<i>Bhala incazelo yohlobo lokuhlomula</i>	<i>Bhala incazelo yenani lokuhlonyulwayo, noma ngabe yimali noma okunye</i>
2					

ISIGNESHA YODALULAYO: *Isignesha yodalulayo*

ISIGNESHA KAKHOMISHANA OFUNGISAYO: *Isignesha kaKhomishana oFungisayo*

AMAGAMA APHELELE NESIBONGO: *Bhala amagama aphelele nesibongo kwaKhomishana oFungisayo*

ISIKHUNDLA: *Bhala isikhundla sikaKhomishana oFungisayo*

IKHELI LOMGWAQO: *Bhala ikheli lomgwaqo likaKhomishana oFungisayo*

USUKU: *Bhala usuku*

INDAWO: *Bhala indawo*

USUKU ELITHOLWE NGALO INHLOKO YEGATSHA: *Bhala usuku*

ISIGNESHA YENHLOKO YEGATSHA: *Isignesha yenhloko yegatsha*

IFOMU 4

UKUDALULA UKUHLOMULA NGQO NOMA NGANDLELA THILE KWAMALUNGU
ASEMHLANGANWENI OKWENZIWA NJALO NGONYAKA NANOMA YININI UMA KUBA
NESIDINGO
(Isigaba 18(4)(a))

**UKUDALULA UKUHLOMULA NGQO NOMA NGANDLELA THILE KWAMALUNGU
ASEMHLANGANWENI OKWENZIWA NJALO NGONYAKA
NANOMA YININI UMA KUBA NESIDINGO**

ngokwesigaba 18(4)(a) soMthetho wesiGungu esiLawula ezoMnotho waKwaZulu-Natali,
2024

USUKU LOMHLANGANO: *Bhala usuku lomhlangano*

IMININGWANE YOMHLANGANO: *Bhala incazelo yohlobo lomhlangano, isibonelo, umhlangano weBhodi, umhlangano wekomidi*

Mina, osayine la ngezansi ngale mininingwane elandelayo:

ISIBONGO: *Bhala isibongo*

AMAGAMA APHELELE: *Bhala amagama aphelele*

INOMBOLO KAMAZISI: *Bhala inombolo kamazisi*

ISIKHUNDLA: *Bhala isikhundla okuso emhlanganweni*

ngalokhu ngidalula futhi ngiqinisekisa ukuthi le mininingwane elandelayo, maqondana nami nomndeneni wami, nengibambisene naye ebhizinisini noma nomqashi, ngaphandle koMbuso, iphelele futhi iyiqiniso ngokwazi kwami:

NO	UHLELO LOKUZODI-NGIDWA EMHLANGANWENI	INGABE UYAFUNA UKUDALULA YEBO NOMA (CHA)	IGAMA LOHLOMULAYO	UBUDLELWANE	IGAMA LENKAMPANI NOMA LEBHIZINISI	UHLOBO	INANI
1	<i>Bhala inombolo nesihloko sokuzodingidwa</i>	<i>Bhala uthi yebo noma cha</i>	<i>Bhala igama lohlomulayo</i>	<i>Bhala ubudlelwane nomnikazi, uma kungewena</i>	<i>Bhala igama lomuntu, lenkampani noma lebhizinisi ukudalula</i>	<i>Bhala incazelo yokhlonyulwayo okuzodalulwa</i>	<i>Bhala incazelo yenani lokuhlo-nyulwayo, noma</i>

	<i>emhlanga-nweni</i>				<i>okuphathe-lene nayo</i>	<i>ohlelweni lokuzodingi-dwa emhlanga-nweni</i>	<i>ngabe yimali noma okunye</i>
2							

ISIGNESHA YODALULAYO: *Isignesha yodalulayo*

USUKU: *Bhala usuku*

ISIGNESHA KASIHLAGO WOMHLANGANO: *Bhala isignesha kaSihlalo woMhlangano*

USUKU OKUSAYINWE NGALO: *Bhala usuku*

“ukhlohlomula ngqo” kusho –

- (a) ukuba umnikazi wamasheya enkampanini noma ebhizinisini;
- (b) ukhlohlomula enkampanini ewumfelandawonye;
- (c) ukhlohlomula kumfelandawoinye
- (d) ilungelo lendawo noma lomuntu endaweni esetshenziswa yinoma iyiphi inkampani, inhlangano, ithrasti, nanoma yiliphi elinye ibhizinisi elisemthethweni;
- (e) ukhlohlomula kwithrasti;
- (f) maqondana nanoma yiliphi ibhizinisi eliwumuntu noma elingeyena umuntu ngokomthetho, nanoma yikuphi ukhlohlomula okwenza ohlomulayo ukuthi athole inzuzo nengenisonzuzo kulelo bhizinisi;
- (g) amaholo, izikhundla zobuqondisi, izinkampani zabeluleki abasebenza isikhashana nabasebenza isikhathi eside
- (h) ama-akhawunti emalimboleko;
- (i) amaholo, ingeniso, ingenisonzuzo, amagunya kwingenisonzuzo, amasheya, inzalo, iminikelo, izipho nanoma yimiphi eminye imihlomulo eqongelelwe ngaphambi noma ngemva kokuhlinzekwa kwelayisensi noma kokusebenza kwebhizinisi lotshwala, lemidlalo yemali, lemijaho yamahashi nokubheja;
- (j) ukusayinwa noma ubukhona banoma yiziphi izivumelwano nabafakizicelo, nabanikazi bamalayisensi noma nabantu ababhalisiwe; kanye
- (k) nanoma yikuphi okunye ukhlohlomula ngqo,

kanti **“ukhlohlomula ngandlela thile”**, maqondana nohlobene naye, obambisene naye ebhizinisini, ohlanganyele naye noma umqashi, ngaphandle koMbuso, kunencazelo efanayo.

IFOMU 5
IREJISTA LOKUDLULISELWA KWAMANDLA
(Isigaba 43)

IREJISTA LOKUDLULISELWA KWAMANDLA NEMISEBENZI

ngokwesigaba 43 soMthetho wesiGungu esiLawula ezoMnotho waKwaZulu-Natali, 2024

IREJISTA: *Bhala inombolo yerejista ngayo*

USUKU IREJISTA ELIVULWE NGALO: *Bhala usuku lokuvulwa kwerejista*

LIGUNYAZWE: *Bhala isikhundla okuso kwisiGungu negama lomuntu onikwe amandla okugunyaza lomqulu*

ISIGNESHA: *Bhala isignesha yomuntu ozogunyaza lomqulu*

NO	AMANDLA NOMA IMISEBENZI EDLULISIWE	ISIGABA	IGAMA LESIKHULU	OKUDLULISELWE KUYE	KUSUKELA MHLA	KUZE KUBE UMHLA	IMIGOMO YOKUDLULISELWA KWAMANDLA NOMA KOMSEBENZI	IMININI-NGWANE YOKUDLULISELWA KWAMANDLA NOMA KOMSEBENZIKWAPHAMBILINI
	<i>Bhala umsebenzi, noma amandla adluliselwayo</i>	<i>Bhala kokubili isikhundla kwisiGungu kanye negama lomuntu oyinhloko noma lomgwamanda onesibopho sokusebenzisa amandla noma sokwenza umsebenzi</i>	<i>Bhala kokubili isikhundla kwisiGungu kanye negama lomuntu okudluliselwa kuyena amandla noma umsebenzi</i>	<i>Bhala kokubili isikhundla kanye negama lomuntu noma lomgwamanda okudlulise-lwa kuye noma kuwo amandla noma umsebenzi</i>	<i>Bhala usuku lokho kudluliselwa kwamandla noma komsebenzi okuqala ngalo</i>	<i>Bhala usuku lokho kudluliselwa kwamandla noma komsebenzi okuphelewa ngalo yisikhathi (uma lukhona)</i>	<i>Bhala imibandela ehambisa nokudluliselwa kwamandla noma komsebenzi</i>	<i>Bhala iminingwane yokudluliswa kwalo msebenzi, kwala mandla (uma kukhona)</i>
2								

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