

# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA

Vol. 546 Cape Town, 3 December 2010 No. 33835  
Kaapstad, 3 Desember 2010

## THE PRESIDENCY

No. 1153 3 December  
2010

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

**No. 9 of 2010: South African Postbank Limited Act, 2010**

## DIE PRESIDENSIE

Nr. 1153 3 Desember  
2010

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

**Nr. 9 van 2010: Wet op die Suid-Afrikaanse Posbank Beperk, 2010**

## MOPRESIDENTE

No. 1153 3 December  
2010

Go itsisiwi fano gore MoPresidente o saen-nwe Molao o o latelang o o phasalediwang kitso ya botlhe fano:—

**No. 9 wa 2010: Molao wa Pusetso ya Kwadiso ya Badueledi ba Semolao ba ba Rileng ba ba Tlhokafetseng, 2010**

## IHHOVISI LIKAMONGAMELI

Ino 1153 3 December  
2010

Ngalokhu kwaziswa ukuthi uMongameli usewuvumile loMthetho nosewuzoshicilelwa umphakathi:—

**Ino 9 ka 2010: Umthetho weNkampani eyiBhanki yase-Posini, ka-2010**

(English text signed by the President.)  
(Assented to 1 December 2010.)

# ACT

**To provide for the incorporation of the Postbank Division of the South African Post Office; to provide for the transfer of the enterprise of that Division to the postbank company; to provide for the governance and functions of the postbank company; and to provide for matters connected therewith.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

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## SCHEDULE 1

### CHAPTER I

#### INTERPRETATION AND OBJECT OF ACT

##### Definitions

1. In this Act, unless the context indicates otherwise, any word or expression to which a meaning has been ascribed in section 1 of the Public Finance Management Act, bears the meaning so ascribed, and— 30

“**Banks Act**” means the Banks Act, 1990 (Act No. 94 of 1990);

“**Board**” means the board of directors of the Company;

“**Companies Act**” means the Companies Act, 1973 (Act No. 61 of 1973);

“**Company**” means South African Postbank Limited contemplated in section 3;

“**family member**” in relation to any person, means his or her parent, sibling, child, including an adopted child or a step-child, or spouse (whether by statutory, customary or religious law), and including a life partner who is a person living with that person as if they were married to each other; 35

“**former Postbank**” means the Postbank referred to in section 51 of the Postal Services Act, 1998 (Act No. 124 of 1998), as it existed as a division of the Post Office immediately prior to the repeal of that section; 40

“**member**” means a member of the Board;

“**Minister**” means the Minister of Communications;

“**Post Office**” means South African Post Office Limited established in terms of the Post Office Act; 45

“**Post Office Act**” means the Post Office Act, 1958 (Act No. 44 of 1958);

“**Postal Services Act**” means the Postal Services Act, 1998 (Act No.124 of 1998);

“**Public Finance Management Act**” means the Public Finance Management Act, 1999 (Act No. 1 of 1999);

“**Registrar of Banks**” means the Registrar of Banks designated as such under section 4 of the Banks Act; 50

“**Republic**” means the Republic of South Africa;

“**the business of a bank**” has the meaning ascribed to it in the Banks Act;

**“the business of the former Postbank”** means the rights, obligations, assets and liabilities of the former Postbank contemplated in section 5(1);

**“this Act”** includes any regulation made under section 26;

**“transfer date”** means the date determined by the Minister in terms of section 6.

## **Object of Act** 5

2. The object of this Act is to provide for the incorporation of the Postbank Division of the Post Office as a legal person with the aim of—

- (a) conducting the business of a bank that will encourage and attract savings amongst the people of the Republic;
- (b) rendering transactional services and lending facilities through, amongst others, existing infrastructure of the Post Office; 10
- (c) expanding the range of banking services and developing into a bank of first choice, in particular to the rural and lower income markets as well as communities that have little or no access to commercial banking services or facilities; 15
- (d) promoting universal and affordable access to banking services;
- (e) ensuring that the rates and charges of the Company take into consideration the needs of the people in the lower income market; and
- (f) ensuring lending to rural and lower income markets.

## **CHAPTER II** 20

### **INCORPORATION AND TRANSFER OF ENTERPRISE**

#### **Incorporation**

3. (1) The Minister must take the necessary action for the formation and incorporation of a public company with a share capital and for a certificate to commence business to be issued to the Company in terms of the Companies Act. 25

(2) Notwithstanding section 32 of the Companies Act and section 37 of the Banks Act, the Post Office shall, upon incorporation of the Company, be the sole member and shareholder of the Company.

(3) The name of the Company is the “South African Postbank Limited” and no person may carry on any business or be registered with that name or with a name that is similar to “Postbank”. 30

(4) The Minister must, on behalf of the Post Office, sign the memorandum and articles of association and all other documents necessary for the formation and incorporation of the Company.

(5) The Registrar of Companies must— 35

- (a) register the memorandum and articles of association as signed in terms of subsection (4);
- (b) incorporate the Company as a public company under the name “South African Postbank Limited”; and
- (c) with the concurrence of the Minister, issue to the Company a certificate to commence business. 40

(6) No fee is payable in respect of the incorporation of the Company.

#### **Registration as Bank**

4. (1) Notwithstanding section 15 of the Banks Act, the Company must be regarded as having been authorised to form a company in terms of the Companies Act. 45

(2) The Company must be registered as a bank after it has satisfied the requirements of the Banks Act.

(3) Notwithstanding section 43 of the Banks Act, the Post Office is not required to register as a controlling company of the Company, and the appointment of the Board of the Post Office is not subject to the approval of the Registrar of Banks. 50

(4) The Company shall not expand the scope of its banking and investment activities which exist when this Act takes effect until it is registered as a bank in terms of the Banks Act, and any such additional business activity is approved by the Registrar of Banks.

(5) In approving any additional business activity as contemplated in subsection (4), the Registrar of Banks shall take into account the objects of this Act and any policy made by the Minister in terms of section 26(2).

#### **Determination of extent of business to be transferred**

5. (1) The rights and obligations, assets and liabilities of the former Postbank, including all deposits and investments held by the former Postbank or held with other financial institutions and all rights flowing from financial instruments held by the former Postbank, must be transferred to the Company. 5

(2) (a) The extent of the business of the former Postbank must be determined by the Post Office and audited by an auditor registered as such in terms of the Auditing Professions Act, 2005 (Act No. 26 of 2005), and appointed by the Minister. 10

(b) The auditor may not be associated with either the Post Office or the Company.

(3) The auditor must, upon the audit contemplated in subsection (2)(a)—

(a) attach a monetary value to the business of the former Postbank; and

(b) report the value thus determined to the Minister. 15

#### **Determination of transfer date of enterprise**

6. As soon as possible after a certificate to commence business has been issued to the Company, as contemplated in section 3, the Minister must by notice in the *Gazette* determine the transfer date of the enterprise of the former Postbank to the Company.

#### **Transfer of enterprise of former Postbank to Company, vesting and consequence thereof** 20

7. On the transfer date—

(a) the management, control and operation of the former Postbank are transferred to the Company;

(b) the business of the former Postbank vests in the Company; 25

(c) subject to compliance with the Labour Relations Act, 1995 (Act No. 66 of 1995), personnel of the former Postbank is transferred to the Company;

(d) anything done by or on behalf of the former Postbank must be regarded as having been done by the Company.

#### **Exemption from tax liability** 30

8. The transfer of the business of the former Postbank, referred to in section 7, attracts no tax liability of whatever nature.

### **CHAPTER III**

#### **POWERS AND DUTIES OF COMPANY**

#### **Powers and duties of Company** 35

9. (1) Subject to sections 4(4) and 26(2) and (3), and subsection (3), the Company has the powers to enable it to realise the object referred to in section 2, which include the power to—

(a) purchase or acquire any movable and immovable property;

(b) manage, insure, sell, lease, mortgage, dispose of, give in exchange, work, develop, build on, improve, turn to account or in any way deal with all of its assets; 40

(c) operate its business, products or services as set out in the articles;

(d) raise funds;

(e) conclude joint ventures and other commercial agreements with third parties in order to promote and advance its business; 45

(f) render any or all of its services through the physical assets, systems, employees and general infrastructure of the Post Office;

(g) invest money in accordance with an investment policy made by the Minister, with the concurrence of the Minister of Finance; 50

- (h) borrow money, other than for temporary interbank borrowing, in accordance with a borrowing policy made by the Minister with the concurrence of the Minister of Finance; and
- (i) lend money in accordance with a lending policy made by the Minister, with the concurrence of the Minister of Finance. 5
- (2) (a) The Company and the Post Office must, with the concurrence of the Minister and the Minister of Finance, conclude an agreement which governs cooperation between the Company and the Post Office.
- (b) Such agreement must include, amongst others, terms and conditions relating to the utilisation by the Company of infrastructure of the Post Office, envisaged in section 2. 10
- (3) (a) The Company must comply with policy made by the Minister in terms of section 26(2).
- (b) Any decision taken by the Board which is in conflict with a policy contemplated in paragraph (a) is of no force and effect.

## CHAPTER IV 15

### CONTROL AND MANAGEMENT OF COMPANY

#### Control of Company by Board

10. (1) The Company is controlled by a board of directors.
- (2) The members of the Board are appointed or reappointed by the Minister, with the concurrence of the Minister of Finance and the Post Office. 20

#### Functions of Board

11. The Board—
- (a) must give effect to the corporate plan of the Company as contemplated in section 52 of the Public Finance Management Act in order to achieve the objectives of the Company; 25
- (b) is the accounting authority of the Company;
- (c) provides guidance to the managing director and personnel of the Company concerning the exercise of the functions of the Company;
- (d) must notify the Minister immediately of any matter that may prevent or materially affect the achievement of the objects or financial targets of the Company; and 30
- (e) generally, must refer to the Minister any matter that may adversely affect the functioning of the Company.

#### Composition of Board

12. (1) The Board is made up of— 35
- (a) seven non-executive members appointed from among the persons nominated in terms of section 14(1)(a);
- (b) two other non-executive members appointed from among the persons nominated by the Post Office in terms of section 14(1)(b); and
- (c) the managing director, who is an executive member of the Board. 40
- (2) The members of the Board must be persons who—
- (a) are committed to fairness, openness and accountability; and
- (b) when viewed collectively—
- (i) are representative of a broad cross-section of the population of the Republic; and 45
- (ii) possess suitable qualifications, expertise and experience in the field of banking, finance and economics, or any other relevant qualifications, expertise and experience.
- (3) (a) The non-executive members of the Board must be appointed for a period not exceeding five years. 50
- (b) The non-executive members of the Board may be re-appointed for one further term not exceeding five years.
- (c) The Minister must appoint at least five non-executive members of the first Board of the Company for a period not exceeding three years.

- (4) The Minister must appoint a Chairperson from amongst the members of the Board.  
 (5) The Board may designate any other non-executive member to act as Chairperson if the Chairperson is absent or unable to perform any function.

### Disclosure and disqualification from membership of Board

13. (1) No person may be appointed as a Board member or remain a member of the Board if he or she— 5
- (a) is a member of Parliament, any provincial legislature or any municipal council;
  - (b) is an unrehabilitated insolvent;
  - (c) has been declared by a court to be mentally ill or disordered; 10
  - (d) has at any time been convicted, whether in the Republic or elsewhere, of—
    - (i) theft, fraud, forgery or uttering a forged document, perjury, an offence in terms of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), or any other offence involving dishonesty; or
    - (ii) an offence under this Act; 15
  - (e) has been sentenced, after the commencement of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), to a period of imprisonment of not less than one year without the option of a fine;
  - (f) has at any time been removed from an office of trust on account of misconduct; or 20
  - (g) has any direct or indirect interest in conflict with the business of the Company.
- (2) A person who is subject to a disqualification contemplated in subsection (1)(a), (1)(b) or (1)(g) may be nominated for appointment as a Board member, but may only be appointed if at the time of such appointment he or she is no longer subject to that disqualification. 25
- (3) (a) A person nominated for appointment as a member of the Board must, before appointment and upon a request from the Minister, submit to the Minister a written statement containing—
- (i) a full disclosure of all his or her financial interests; and
  - (ii) a declaration that he or she has no direct or indirect interests that are in conflict with the business of the Company as contemplated in subsection (1)(g). 30
- (b) If, after appointment, a member of the Board acquires any—
- (i) further financial interest contemplated in paragraph (a)(i), the member must immediately in writing declare that fact to the Minister and the Board; or
  - (ii) direct or indirect interest contemplated in subsection (1)(g), the member must immediately declare that fact to the Minister and the Board. 35

### Appointment of members of Board

14. (1) For the purpose of appointing the non-executive members of the Board, the Minister must—
- (a) by notice in at least two national newspapers and in the *Gazette*, invite interested persons, within the period and in the manner determined in the notice, to submit the names of persons envisaged in section 12(1)(a) that are fit and proper persons to hold the office of a member of the Board of a banking institution, as contemplated in the Banks Act; and 40
  - (b) in writing invite the Post Office, acting with the concurrence of the Registrar of Banks, to submit the names of persons envisaged in section 12(1)(b) that are fit and proper persons to hold the office of a member of the Board of a banking institution, as contemplated in the Banks Act. 45
- (2) The Minister must appoint a nomination committee to make recommendations to the Minister for the appointment of the non-executive members of the Board contemplated in subsection (1)(a). 50
- (3) In establishing a nomination committee, the Minister must ensure that the committee broadly reflects the race and gender composition of the Republic.
- (4) The nomination committee, in making a recommendation to the Minister, must consider— 55
- (a) the proven skills, knowledge and experience of a candidate in areas of—
    - (i) financial management;
    - (ii) project management;
    - (iii) governance compliance;

- (iv) risk management;
  - (v) transformation and diversity equity;
  - (b) the need for representation of historically disadvantaged persons;
  - (c) generally, whether the persons nominated represent a sufficient spread of qualifications, expertise and experience to ensure the efficient and effective functioning of the Company; 5
  - (d) with the concurrence of the Registrar of Banks, whether a candidate is a fit and proper person to hold the office of a member of the Board of a banking institution, as contemplated in the Banks Act; and
  - (e) whether a candidate has any direct or indirect interest in conflict with the business of the Company as contemplated in section 13(1)(g). 10
- (5)(a) Nominations of suitable persons as contemplated in subsections (1)(b) or (4) must include at least one and a half times the number of Board members to be appointed.
- (b) If a suitable person or the required number of suitable persons are not nominated as contemplated in subsections (1)(b) or (4), the Minister may, with the concurrence of the Minister of Finance and the Post Office, identify and appoint the required number of further members. 15
- (6) (a) The Minister must, within 30 days after consensus has been reached with the Minister of Finance and the Post Office regarding the appointment of members as contemplated in section 10(2)— 20
- (i) designate the non-executive members of the Board from suitable persons nominated by the Post Office as contemplated in subsection (1)(b); and
  - (ii) appoint the other non-executive members of the Board from suitable persons nominated as contemplated in subsection (4).
- (b) The Minister must cause the names of the members appointed and the date of commencement of their terms of office to be published by notice in the *Gazette*. 25
- (7) A non-executive member of the Board—
- (a) is appointed according to the terms and conditions determined by the Minister;
  - (b) must be paid from the revenue of the Company such remuneration and allowances as the Minister determines, taking into consideration any prescriptions or guidelines issued by the Minister for the Public Service and Administration and the National Treasury; and 30
  - (c) is appointed on a part-time basis.
- (8) (a) Any vacancy occurring in the Board must be filled in the same way as the departing member was appointed to the Board. 35
- (b) Any member appointed under this subsection holds office for the rest of the period of the predecessor's term of office, unless the Minister directs that such member holds office for a longer period which may not exceed one subsequent term of up to five years.

#### **Resignation, removal from office and vacating of office** 40

15. (1) A member of the Board may resign by giving to the Minister—
- (a) one month's written notice; or
  - (b) less than one month's written notice, with the approval of the Minister.
- (2) The Minister may, after having afforded the member of the Board concerned a reasonable opportunity to be heard, remove the member from office if that member— 45
- (a) acted in conflict with this Act;
  - (b) refuses or fails to make a declaration contemplated in section 13(3)(b) or refuses or fails to make disclosure as contemplated in section 16(2);
  - (c) after having been appointed, acquires any direct or indirect interest contemplated in section 13(3)(b)(ii), read with section 13(1)(g); 50
  - (d) neglected to properly perform the functions of his or her office;
  - (e) in accordance with the Banks Act and after the Registrar of Banks has informed the Minister, is no longer a fit and proper person to hold that appointment; or
  - (f) is absent from three consecutive Board meetings without prior leave of the Chairperson. 55
- (3) A member of the Board must vacate the office if he or she becomes disqualified from membership of the Board in terms of section 13.



**Disclosure and fiduciary duties of Board members**

16. (1) In addition to any other applicable legislation, the following shall apply to members of the Board:

- (a) A member of the Board may not be present, or take part in, the discussion of or the taking of a decision on any matter before the Board in which that member or his or her family member, business partner or associate has a direct or indirect interest. 5
- (b) A member of the Board or his or her family member, business partner or associate, or an organisation or enterprise in which a member of the Board or his or her family member, business partner or associate has a direct or indirect interest, may not—
  - (i) offer goods or services to the Company or conclude any business with the Company; or
  - (ii) make improper use, in any manner whatsoever, of the position of a Board member or of any information acquired by a Board member by virtue of his or her position as a Board member. 15
- (c) a member of the Board must perform his or her functions at all times with the utmost good faith, honesty and integrity, care and diligence and, in furtherance of his or her functions, without limiting their scope, must—
  - (i) take reasonable steps to inform himself or herself about the Company, its business and activities and the circumstances in which it operates; 20
  - (ii) take reasonable steps, through the processes of the Board, to obtain sufficient information and advice about all matters to be decided by the Board to enable him or her to make conscientious and informed decisions; 25
  - (iii) regularly attend Board meetings;
  - (iv) exercise an active and independent discretion with respect to all matters to be decided by the Board;
  - (v) exercise due diligence in the performance of his or her functions as a member; 30
  - (vi) comply with any internal code of conduct that the Company may establish for Board members;
  - (vii) not engage in any activity that may undermine the integrity of the Company;
  - (viii) not make improper use of his or her position as a member or of information acquired by virtue of his or her position as a member; 35
  - (ix) treat any confidential matters relating to the Company, obtained in his or her capacity as a Board member, as strictly confidential and not divulge them to anyone without the authority of the Company or as required as part of that person's official functions as a member of the Board. 40

(2) A member of the Board must make full and immediate disclosure to the Board of any direct or indirect interest contemplated in subsection (1).

**Procedures at meetings, and committees of Board**

17. (1) (a) The Board determines its procedures at meetings.

(b) Seventy percent of serving members constitutes a quorum at any meeting of the Board. 45

(c) A decision taken by the Board or an act performed under that decision is not invalid merely by reason of—

- (i) any irregularity in the appointment of a member;
- (ii) a vacancy in the Board; or 50
- (iii) the fact that any person not entitled to sit as a member sat as such at the time when the decision was taken,

provided such decision was taken by a majority of the members present at the time and entitled so to sit, and those members at the time constituted a quorum.

(2) The Board may establish one or more committees to assist it in the performance of its functions. 55

(3) The Board must—

- (a) assign members of the Board to serve on a committee, based on their knowledge and skills; and
- (b) determine the— 60
  - (i) terms of reference of a committee;
  - (ii) composition of a committee;
  - (iii) tenure of members on a committee;
  - (iv) reporting mechanisms of a committee; and
  - (v) method and reasons for removal of a member from a committee. 65

(4) The Board may appoint any person with particular knowledge, expertise or qualifications to assist a committee in the performance of its functions.

(5) Unless specially delegated by the Board, a committee has no decision-making powers and can only make recommendations to the Board.

(6) A committee must meet as often as is necessary in order to carry out its functions and may determine its own procedures. 5

(7) Each committee must be chaired by a non-executive member of the Board.

#### **Appointment of managing director**

18. (1) The Board must, with the approval of the Minister, appoint a managing director who must perform any work incidental to the functions of the Company and ensure that the Company meets its objects. 10

(2) The Board must invite applications for the posts of managing director by publishing advertisements in the media.

(3) A person appointed as managing director—

(a) must have the qualifications or experience relevant to the functions of the Company; 15

(b) must not be disqualified as contemplated in section 13; and

(c) is a member of the Board by virtue of the office.

#### **Conditions of appointment of managing director**

19. (1) (a) The appointment of the managing director is subject to the conclusion of a performance contract entered into between the Board and the managing director. 20

(b) The performance contract must be reviewed annually.

(2) The managing director holds office on the terms and conditions determined by the Board, with the concurrence of the Minister.

(3) The managing director is entitled to a remuneration package determined by the Board with the concurrence of the Minister and the Minister of Finance. 25

(4) The managing director is accountable to the Board.

#### **Personnel of Company**

20. (1) The work relating to the functions of the Company is performed by—

(a) persons transferred to the Company as provided for in section 7(c); and 30

(b) such persons as the managing director may, with the concurrence of the Board, appoint.

(2) The Board must determine the structure or organogram of the Company and the conditions of service, remuneration and service benefits of the personnel of the Company after consultation with the managing director and with the concurrence of the Minister and the Minister of Finance. 35

### **CHAPTER V**

#### **FUNDS AND FINANCIAL ACCOUNTS OF COMPANY**

##### **Annual report**

21. (1) The Company must annually, not later than five months after the end of its financial year, submit to the Minister a report on all its activities during the previous year. 40

(2) The annual report must be tabled in Parliament within 30 days after it was received by the Minister, if Parliament is then in session, or, if Parliament is not then in session, within 30 days after the commencement of its next ensuing session. 45

##### **Funds of Company**

22. The funds of the Company consist of—

(a) capital vested in the Company by virtue of section 7;

(b) funds derived from its operating activities;

(c) money appropriated by Parliament; and 50

(d) moneys lawfully received from any other source.

**Inspection of financial accounts and documents of Company**

23. The Minister or any officer in the public service authorised by the Minister in writing has full access to all the financial accounts and documents of the Company, and the Board must at all times furnish to the Minister or to such officer, as the case may be, all such information as may reasonably be required.

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**Application of Public Finance Management Act**

24. The Company is subject to the Public Finance Management Act.

**CHAPTER VI****GENERAL AND MISCELLANEOUS****Intervention by Minister**

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25. (1) The Minister may, with the concurrence of the Minister of Finance, direct the Company to take any action specified by the Minister if the Company—

- (a) is being mismanaged;
- (b) fails to perform its functions effectively or efficiently;
- (c) has acted unfairly or in a discriminatory or inequitable way towards a person to whom it owes a duty under this Act; or
- (d) has failed to comply with any law or any policy envisaged in this Act.

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(2) A directive contemplated in subsection (1) must state—

- (a) the nature of the deficiency;
- (b) the steps which must be taken to remedy the situation; and
- (c) a reasonable period within which the steps contemplated in paragraph (b) must be taken.

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(3) If the Company fails to remedy the situation within the stated period, the Minister may, with the concurrence of the Minister of Finance—

- (a) after having afforded the Company a reasonable opportunity to be heard; and
  - (b) after having afforded the Company a hearing on any submissions received,
- replace the members of the Board in the same manner as the departing members have been appointed or, where circumstances so require, appoint a person as an administrator to take over the relevant function of the Company.

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(4) If the Minister appoints an administrator in terms of subsection (3)—

- (a) the administrator may do anything which the Board might otherwise be empowered or required to do by or under this Act, to the exclusion of the Board;
- (b) the Board may not, while the administrator is responsible for the relevant function, exercise any of its powers or perform any of its duties relating to that function;
- (c) an employee or a contractor of the Company must comply with a directive given by the administrator.

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(5) The Minister must—

- (a) review the performance of the Company regularly whilst it is under administration; and
- (b) within six months of appointing the administrator, table a report on his or her findings in the National Assembly.

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(6) Once the Minister is satisfied that the Company is able to perform its functions effectively, the Minister must terminate the appointment of the administrator.

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(7) (a) Notwithstanding this section, the Minister may dissolve the Board if the Minister, on good cause shown, loses confidence in the ability of the Board to perform its functions effectively and efficiently.

(b) The Minister may exercise the power only—

- (i) after having afforded the Board a reasonable opportunity to be heard; and
- (ii) after having afforded the Board a hearing on any submissions received.

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(c) If the Minister dissolves the Board, the Minister—

- (i) may appoint an administrator to take over the functions of the Board and to do anything which the Board might otherwise be empowered or required to do by or under this Act, subject to such conditions as the Minister may determine; and

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- (ii) must, as soon as it is feasible but not later than six months after the dissolution of the Board, replace the members of the Board in the same way as they were appointed.

(8) (a) The costs associated with the appointment of an administrator shall be for the account of the Company. 5

(b) The appointment of the administrator terminates when the Board members have been replaced in terms of subsection (7)(c)(ii).

(9) Notwithstanding this section, the Minister retains the right at any time to approach a competent court for relief in any matter he or she considers appropriate in furtherance of this Act. 10

### Regulations and policy

26. (1) The Minister may, after consultation with the Minister of Finance, make regulations regarding—

- (a) any matter relating to the functioning of the Board that it is necessary to ensure the efficiency and effectiveness in the performance of its functions; and 15  
 (b) any ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation or administration of this Act.

(2) The Minister must make policies on matters referred to in section 9(1)(g), (h) and (i) within six months after the commencement of this Act, and may make any additional policies on matters of national policy applicable to the Company, consistent with the objects of this Act, and may at any time thereafter amend any such policies made. 20

(3) When making or amending a policy under subsection (2) the Minister must—

- (a) obtain the concurrence of the Minister of Finance; 25  
 (b) obtain Cabinet approval;  
 (c) table the policy in the National Assembly at least 30 days before publishing the final version of the policy in terms of paragraph (d); and  
 (d) publish the final version of the policy in the *Gazette*.

### Non-application of provision of Companies Act

27. A provision of the Companies Act does not apply to the Company if— 30

- (a) because of any special or contrary arrangement made by this Act, such a provision is clearly inappropriate or inapplicable; or  
 (b) the Minister of Trade and Industry has issued a declaration under section 28.

### Certain provisions of Companies Act may be declared inapplicable to Company

28. (1) (a) The Minister may request the Minister of Trade and Industry to declare any provision of the Companies Act to be inapplicable to the Company. 35

(b) The request must be fully motivated by the Company.

(2) (a) The Registrar of Companies must publish particulars about the request and the motivation contemplated in subsection (1) by notice in the *Gazette*.

(b) In such notice, the Registrar must invite interested persons to submit representations to a person named in the notice within a period stipulated in that notice. 40

(3) (a) After having considered the representations contemplated in subsection (2), if any, the Minister of Trade and Industry may, by notice in the *Gazette*, declare the whole or any part of the provision concerned to be inapplicable to the Company with effect from the date stipulated in that notice. 45

(b) The Minister of Trade and Industry may only issue the declaration if satisfied on reasonable grounds that the inapplicability of that provision to the Company—

- (i) will contribute to the Company's efficiency;  
 (ii) will not reduce or limit the Company's accountability as a public entity or reduce the transparency of its functioning and operations; and 50  
 (iii) will not be prejudicial to the rights, interests or claims of the Company's creditors or employees or to the rights or interests of any other person.

(4) This section applies with the changes required by the context to the former Postbank functioning as contemplated in section 30.

### Offences

**29.** (1) Any member who fails to comply with section 13(3)(b)(i) or (ii) or 16(2), or who contravenes section 16(1)(c)(vii) or (viii), or any former member who failed to comply with or contravened any of those sections while being a member, commits an offence and is liable on conviction to a fine or to imprisonment not exceeding five years or to both a fine and such imprisonment. 5

(2) Any person referred to in section 16(1)(b) who contravenes that section, or any former member who contravened that section while being a member, or any person, other than a member of the Board, referred to in section 16(1)(b) who contravened that section during the tenure of a former member, commits an offence and is liable on conviction to a fine or to imprisonment not exceeding five years or to both a fine and such imprisonment. 10

### Transitional provisions

**30.** Notwithstanding the repeal of sections 51(1), (3) and (4), 52, 53, 55 and 58 of the Postal Services Act by section 31, until the Company is registered as a bank as contemplated in section 4(2), the former Postbank continues to function without any interruption, as if those sections have not been repealed. 15

### Repeal of laws

**31.** The laws mentioned in Schedule 1 are hereby repealed to the extent set out in the third column of that Schedule. 20

### Short title and commencement

**32.** This Act is called the South African Postbank Limited Act, 2010, and takes effect on a date determined by the President by notice in the *Gazette*.

**SCHEDULE 1***(Section 31)***REPEAL OF LAWS**

<b>No. and year of Law</b>	<b>Short title</b>	<b>Extent of repeal</b>
Act No. 124 of 1998	Postal Services Act, 1998	Sections 51(1), (3) and (4), 52, 53, 55 and 58

5

(Engelse teks deur die President geteken.)  
(Goedgekeur op 1 Desember 2010.)

# WET

**Om voorsiening te maak vir die inlywing van die Posbank-afdeling van die Suid-Afrikaanse Poskantoor; om vir die oordrag van die onderneming van daardie Afdeling na die posbankmaatskappy voorsiening te maak; om vir die bestuur en werksaamhede van die posbankmaatskappy voorsiening te maak; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.**

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

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2. Oogmerk van Wet

#### HOOFSTUK II

##### INLYWING EN OORDRAG VAN ONDERNEMING 10

3. Inlywing
4. Registrasie as Bank
5. Bepaling van omvang van bedryf wat oorgedra sal word
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7. Oordrag van onderneming van vorige Posbank na Maatskappy, vestiging en gevolg daarvan 15
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10. Beheer van Maatskappy deur Raad
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## BYLAE 1

### HOOFSTUK I

#### UITLEG EN OOGMERKE VAN WET

#### Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, dra enige woord of uitdrukking 30  
waaraan 'n betekenis in artikel 1 van die Wet op Openbare Finansiële Bestuur geheg is  
die betekenis aldus daaraan geheg, en beteken—
- “**Bankwet**” die Bankwet, 1990 (Wet No. 94 van 1990);
- “**die bedryf van 'n bank**” dieselfde as die betekenis daaraan geheg in die 35  
Bankwet;
- “**die bedryf van die voormalige Posbank**” die regte, verpligtinge, bates en laste  
van die voormalige Posbank in artikel 5(1) beoog;
- “**famielielid**”, met betrekking tot enige persoon, sy of haar ouer, broer of suster,  
kind, met inbegrip van 'n aangenome kind of 'n stiefkind, of gade (hetsy volgens  
statutêre, gewoonte- of godsdienstereg), en met inbegrip van 'n lewensmaat wat 'n 40  
persoon is wat saam met daardie persoon woon asof hulle met mekaar getroud is;
- “**hierdie Wet**” ook enige regulasie kragtens artikel 26 uitgevaardig;
- “**lid**” 'n lid van die Raad;
- “**Maatskappy**” die Suid-Afrikaanse Posbank Beperk in artikel 3 beoog;
- “**Maatskappywet**” die Maatskappywet, 1973 (Wet No. 61 van 1973); 45
- “**Minister**” die Minister van Kommunikasie;
- “**oordragdatum**” die datum ingevolge artikel 6 deur die Minister bepaal;
- “**Posdienstewet**” die Posdienstewet, 1998 (Wet No. 124 van 1998);
- “**Poskantoor**” die Suid-Afrikaanse Poskantoor Beperk soos ingestel ingevolge die  
Poswet; 50
- “**Poswet**” die Poswet, 1958 (Wet No. 44 van 1958);



**“Raad”** die Raad van die Maatskappy;  
**“Registrateur van Banke”** die Registrateur van Banke kragtens artikel 4 van die Bankwet as sodanig aangewys;  
**“Republiek”** die Republiek van Suid-Afrika;  
**“voormalige Posbank”** die Posbank bedoel in artikel 51 van die Posdienswet, 1998 (Wet No. 124 van 1998), soos dit bestaan het as deel van die Poskantoor onmiddellik voor die herroeping van daardie artikel;  
**“Wet op Openbare Finansiële Bestuur”** die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999).

## Oogmerk van Wet 10

2. Die oogmerk van hierdie Wet is om voorsiening te maak vir die inlywing van die Posbank-afdeling van die Poskantoor as 'n regs persoon met die doel om—
- 'n bank te bedryf, wat besparing deur die mense van die Republiek sal aanmoedig en lok;
  - transaksiedienste en leningsgeriewe te bied deur, onder andere, bestaande infrastruktuur van die Poskantoor; 15
  - die omvang van bankdienste uit te brei en te ontwikkel tot 'n bank van eerste keuse, in besonder vir plattelandse en laerinkomstemarkte, asook gemeenskappe wat min of geen toegang tot kommersiële bankdienste of geriewe het;
  - eenvormige en bekostigbare toegang tot bankdienste te bevorder; 20
  - te verseker dat die tariewe en gelde van die Maatskappy die behoeftes van mense in die laerinkomstemark in ag neem; en
  - te verseker dat lenings toegestaan word vir plattelandse en laerinkomstemarkte.

## HOOFSTUK II 25

### INLYWING EN OORDRAG VAN ONDERNEMING

#### Inlywing

3. (1) Die Minister moet die nodige stappe doen vir die oprigting en inlywing van 'n publieke maatskappy met 'n aandeelkapitaal en vir 'n sertifikaat om met besigheid te begin om ingevolge die Maatskappywet aan die Maatskappy uitgereik te word. 30
- (2) Ondanks artikel 32 van die Maatskappywet en artikel 37 van die Bankwet, is die Poskantoor, by inlywing van die Maatskappy, die alleenlid van en alleenaandeelhouer in die Maatskappy.
- (3) Die naam van die Maatskappy is die “Suid-Afrikaanse Posbank Beperk” en geen persoon mag besigheid bedryf onder of geregistreer wees onder daardie naam of 'n naam wat soortgelyk aan “Posbank” is nie. 35
- (4) Die Minister moet die akte van oprigting en statute en alle ander dokumentasie wat nodig is vir die oprigting en inlywing van die Maatskappy, namens die Poskantoor onderteken.
- (5) Die Registrateur van Maatskappye moet— 40
- die akte van oprigting en statute registreer, soos ingevolge subartikel (4) onderteken;
  - die Maatskappy as 'n openbare maatskappy inlyf onder die naam “Suid-Afrikaanse Posbank Beperk”; en
  - met die instemming van die Minister, 'n sertifikaat aan die Maatskappy uitreik om met besigheid te begin. 45
- (6) Geen gelde is ten opsigte van die inlywing van die Maatskappy betaalbaar nie.

#### Registrasie as Bank

4. (1) Ondanks artikel 15 van die Bankwet, word die Maatskappy geag gemagtig te wees om 'n maatskappy ingevolge die Maatskappywet te vorm. 50
- (2) Die Maatskappy moet as 'n Bank geregistreer word nadat dit aan die vereistes van die Bankwet voldoen het.
- (3) Ondanks artikel 43 van die Bankwet, word daar nie van die Poskantoor vereis om as 'n beherende maatskappy van die Maatskappy te registreer nie, en die aanstelling van

die Raad van die Poskantoor is nie onderhewig aan die goedkeuring van die Registrateur van Banke nie.

(4) Die Maatskappy mag nie die omvang van sy bank- en beleggingsaktiwiteite, wat bestaan wanneer hierdie Wet in werking tree, uitbrei nie totdat dit ingevolge die Bankwet as 'n bank geregistreer is, en enige sodanige bykomende sakebedrywigheid deur die Registrateur van Banke goedgekeur is. 5

(5) Wanneer enige bykomende sakebedrywigheid soos beoog in subartikel (4) oorweeg word, moet die Registrateur van Banke die oogmerke van hierdie Wet en enige beleid wat die Minister ingevolge artikel 26(2) gemaak het, in aanmerking neem.

#### **Bepaling van omvang van bedryf wat oorgedra sal word** 10

5. (1) Die regte en verpligtinge, bates en laste van die voormalige Posbank, met inbegrip van alle deposito's en beleggings wat deur die voormalige Posbank of by ander finansiële instellings gehou word en alle regte wat voortvloei uit finansiële instrumente wat deur die voormalige Posbank gehou word, moet na die Maatskappy oorgedra word.

(2) (a) Die omvang van die bedryf van die voormalige Posbank moet deur die Poskantoor bepaal word en deur 'n ouditeur wat ingevolge die "Auditing Professions Act, 2005" (Wet No. 26 van 2005), as sodanig geregistreer en deur die Minister aangestel is, geoudit word. 15

(b) Die ouditeur mag nie met die Poskantoor of die Maatskappy geassosieer wees nie.

(3) Die ouditeur moet, tydens die oudit in subartikel (2)(a) beoog— 20

(a) 'n geldwaarde aan die bedryf van die voormalige Posbank heg; en

(b) die waarde wat aldus bepaal is aan die Minister rapporteer.

#### **Bepaling van oordragdatum van onderneming**

6. So gou dienlik nadat 'n sertifikaat om met besigheid te begin soos in artikel 3 beoog aan die Maatskappy uitgereik is, moet die Minister by kennisgewing in die *Staatskoerant* die oordragdatum van die onderneming van die voormalige Posbank na die Maatskappy bepaal. 25

#### **Oordrag van onderneming van voormalige Posbank na Maatskappy, vestiging en gevolg daarvan**

7. Op die oordragdatum— 30

(a) word die bestuur, beheer en bedryf van die voormalige Posbank aan die Maatskappy oorgedra;

(b) vestig die bedryf van die voormalige Posbank in die Maatskappy;

(c) behoudens nakoming van die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995), word personeel van die voormalige Posbank na die Maatskappy oorgeplaas; 35

(d) moet enigiets wat deur of namens die voormalige Posbank gedoen is, geag word deur die Maatskappy gedoen te gewees het.

#### **Belastingvrystelling**

8. Die oordrag van die bedryf van die voormalige Posbank, in artikel 7 bedoel, is geensins belasbaar nie. 40

### **HOOFSTUK III**

#### **BEVOEGDHEDE EN PLIGTE VAN MAATSKAPPY**

##### **Bevoegdheede en pligte van Maatskappy**

9. (1) Behoudens artikels 4(4) en 26(2) en (3), en subartikel (3), het die Maatskappy die bevoegdheede om dit in staat te stel om die oogmerk in artikel 2 bedoel te bereik, wat die bevoegdheid insluit om— 45

(a) enige roerende en onroerende eiendom te koop of te verkry;

(b) al sy bates te bestuur, te verseker, te verkoop, te verhuur, met verband te beswaar, te vervreem, in ruil te gee, te bewerk, te ontwikkel, te bebou, te verbeter, voordelig te benut of op enige wyse daarmee te handel; 50

- (c) die Maatskappy se besigheid, produkte of dienste te bedryf soos in die statute uiteengesit;
  - (d) fondse in te samel;
  - (e) gesamentlike ondernemings en ander handelsooreenkomste aan te gaan met derde partye ten einde die Maatskappy se bedryf te bevorder; 5
  - (f) enige of al die Maatskappy se dienste te lewer deur middel van die tasbare bates, stelsels, werknemers en algemene infrastruktuur van die Poskantoor;
  - (g) geld te belê ooreenkomstig 'n beleggingsbeleid wat deur die Minister gemaak is, met die instemming van die Minister van Finansies;
  - (h) geld te leen, buiten tydelike interbanklenings, ooreenkomstig 'n leenbeleid deur die Minister gemaak, met die instemming van die Minister van Finansies; en 10
  - (i) geld uit te leen ooreenkomstig 'n uitleenbeleid deur die Minister gemaak, met die instemming van die Minister van Finansies.
- (2) (a) Die Maatskappy en die Poskantoor moet, met die instemming van die Minister en Minister van Finansies, 'n ooreenkoms aangaan wat samewerking tussen die Maatskappy en die Poskantoor beheer. 15
- (b) Sodanige ooreenkoms moet, onder andere, bedinge en voorwaardes insluit betreffende die Maatskappy se gebruik van die Poskantoor se infrastruktuur, soos in artikel 2 beoog. 20
- (3) (a) Die Maatskappy moet voldoen aan beleid wat die Minister ingevolge artikel 26(2) maak.
- (b) Enige besluit wat die Raad neem wat in stryd is met beleid in paragraaf (a) beoog, is van nul en gener waarde.

## HOOFSTUK IV

25

### BEHEER EN BESTUUR VAN MAATSKAPPY

#### Beheer van Maatskappy deur Raad

10. (1) Die Maatskappy word deur 'n Raad beheer.
- (2) Die lede van die Raad word deur die Minister aangestel of heraangestel, met die instemming van die Minister van Finansies en die Poskantoor. 30

#### Werkzaamhede van Raad

11. Die Raad—
- (a) moet uitvoering gee aan die korporatiewe plan van die Maatskappy soos in artikel 52 van die Wet op Openbare Finansiële Bestuur beoog ten einde die oogmerke van die Maatskappy te bereik; 35
  - (b) is die rekenpligtige gesag van die Maatskappy;
  - (c) gee leiding aan die besturende direkteur en personeel van die Maatskappy rakende die verrigting van die werkzaamhede van die Maatskappy;
  - (d) moet die Minister onmiddellik in kennis stel van enige aangeleentheid wat die bereiking van die oogmerke of finansiële teikens van die Maatskappy kan verhoed of wesentlik mag raak; en 40
  - (e) oor die algemeen, enige aangeleentheid na die Minister verwys wat die werking van die Maatskappy nadelig mag raak.

#### Samestelling van Raad

12. (1) Die Raad bestaan uit— 45
- (a) sewe nie-uitvoerende lede aangestel vanuit die geledere van die persone ingevolge artikel 14(1)(a) benoem;
  - (b) twee ander nie-uitvoerende lede aangestel vanuit die geledere van die persone ingevolge artikel 14(10)(b) deur die Poskantoor benoem; en
  - (c) die besturende direkteur, wat 'n uitvoerende lid van die Raad is. 50
- (2) Die lede van die Raad moet persone wees wat—
- (a) verbind is tot billikheid, openheid en verantwoordbaarheid; en
  - (b) wanneer gesamentlik gesien—
    - (i) 'n breë deursnit van die bevolking van die Republiek verteenwoordig; en

- (ii) oor gepaste kwalifikasies, kundigheid en ervaring op die terrein van die bankwese, finansies en ekonomie beskik of oor enige ander toepaslike kwalifikasies, kundigheid en ervaring beskik.
- (3) (a) Die nie-uitvoerende lede van die Raad moet vir 'n tydperk van hoogstens vyf jaar aangestel word. 5
- (b) Die nie-uitvoerende lede van die Raad kan vir een verdere termyn van hoogstens vyf jaar heraan gestel word.
- (c) Die Minister moet ten minste vyf nie-uitvoerende lede van die eerste Raad van die Maatskappy aanstel vir 'n tydperk van hoogstens vyf jaar.
- (4) Die Minister moet 'n Voorsitter vanuit die geledere van die lede van die Raad 10 aanstel.
- (5) Die Raad kan enige ander nie-uitvoerende lid aanwys om as Voorsitter waar te neem wanneer die Voorsitter afwesig is of enige werksaamheid nie kan verrig nie.

### Openbaarmaking en diskwalifikasie van lidmaatskap van Raad

13. (1) Geen persoon mag as 'n lid van die Raad aangestel word of 'n lid van die Raad 15 bly nie indien hy of sy—
- (a) 'n lid van die Parlement, 'n provinsiale wetgewer of 'n munisipale raad is;
- (b) 'n ongerehabiliteerde insolvent is;
- (c) deur 'n hof geestesongesteld of geestesversteurd verklaar is;
- (d) te eniger tyd, hetsy in die Republiek of elders, skuldig bevind is aan— 20
- (i) diefstal, bedrog, vervalsing of die uitgifte van 'n vervalste dokument, meened, 'n misdryf kragtens die Wet op die Voorkoming van Korrupsie, 2004 (Wet No. 12 van 2004), of enige ander misdryf waarby oneerlikheid betrokke is; of
- (ii) 'n misdryf kragtens hierdie Wet; 25
- (e) na die inwerkingtreding van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), tot 'n tydperk van gevangenisstraf van minstens een jaar sonder die opsie van 'n boete gevonnissen is;
- (f) te eniger tyd weens wangedrag uit 'n vertrouensamp ontslaan is; of
- (g) enige direkte of indirekte belang het wat in stryd met die bedryf van die 30 Maatskappy is.
- (2) 'n Persoon wat onderhewig is aan 'n diskwalifikasie beoog in subartikel (1)(a), (1)(b) of (1)(g) kan vir aanstelling as 'n lid van die Raad benoem word, maar kan slegs aangestel word indien hy of sy ten tyde van die aanstelling nie meer aan daardie diskwalifikasie onderhewig is nie. 35
- (3) (a) 'n Persoon wat vir aanstelling as 'n lid van die Raad benoem is moet, voor aanstelling en op versoek van die Minister, 'n skriftelike verklaring aan die Minister voorlê wat—
- (i) 'n volledige openbaarmaking van al sy of haar finansiële belange bevat; en
- (ii) 'n verklaring bevat dat hy of sy nie enige direkte of indirekte belange het nie 40 wat in stryd met die bedryf van die Maatskappy is soos beoog in subartikel (1)(g).
- (b) Indien 'n lid van die Raad na aanstelling enige—
- (i) verdere finansiële belang beoog in paragraaf (a)(i) verkry, moet die lid dit onmiddellik skriftelik aan die Minister en die Raad verklaar; of 45
- (ii) 'n direkte of indirekte belang beoog in subartikel (1)(g) verkry, moet die lid dit onmiddellik aan die Minister en die Raad verklaar.

### Aanstelling van lede van Raad

14. (1) Ten einde die nie-uitvoerende lede van die Raad aan te stel, moet die 50 Minister—
- (a) by kennisgewing in ten minste twee nasionale koerante en in die *Staatskoerant* belanghebbendes vra om, binne die tydperk en op die wyse in die kennisgewing bepaal, die name voor te lê van persone in artikel 12(1)(a) beoog wat geskikte en gepaste persone is om die amp van 'n lid van die Raad van 'n bankinstelling te beklee, soos in die Bankwet beoog; en 55
- (b) die Poskantoor skriftelik vra om, met die instemming van die Registrateur van Banke, die name van persone in artikel 12(1)(b) beoog voor te lê wat geskikte en gepaste persone is om die amp van 'n lid van die Raad van 'n bankinstelling te beklee, soos in die Bankwet beoog.

- (2) Die Minister moet 'n benoemingskomitee aanstel om aanbevelings aan die Minister te doen vir die aanstelling van die nie-uitvoerende lede van die Raad in subartikel (1)(a) beoog.
- (3) By die instelling van 'n benoemingskomitee moet die Minister toesien dat die komitee die ras- en geslagsamestelling van die Republiek in die breë verteenwoordig. 5
- (4) Die benoemingskomitee moet, by die doen van 'n aanbeveling aan die Minister—
- (a) die bewese vaardighede, kennis en ervaring van 'n kandidaat op die terrein van—
- (i) finansiële bestuur; 10
- (ii) projekbestuur;
- (iii) bestuursnakoming;
- (iv) risikobestuur;
- (v) transformasie en diversiteitsgelykheid, in aamerking neem;
- (b) die behoefte aan verteenwoordiging van histories benadeelde persone in aanmerking neem; 15
- (c) in aanmerking neem of die persone wat benoem is oor die algemeen 'n voldoende verspreiding van kwalifikasies, kundigheid en ervaring verteenwoordig om die doeltreffende en effektiewe funksionering van die Maatskappy te verseker; 20
- (d) met die instemming van die Registrateur van Banke, in aanmerking neem of die kandidaat 'n geskikte en gepaste persoon is om die amp van 'n lid van die Raad van 'n bankinstelling te beklee, soos in die Bankwet beoog; en
- (e) in aanmerking neem of 'n kandidaat enige direkte of indirekte belang het wat in stryd is met die bedryf van die Maatskappy soos in artikel 13(1)(g) beoog. 25
- (5)(a) Benoemings van geskikte persone soos in subartikels (1)(b) of (4) beoog, moet ten minste een en 'n half keer die getal lede van die Raad insluit wat aangestel moet word.
- (b) Indien 'n geskikte persoon of die vereiste getal geskikte persone nie benoem is soos in subartikels (1)(b) of (4) beoog nie, kan die Minister, met die instemming van die Minister van Finansies en die Poskantoor, die vereiste getal verdere lede identifiseer en aanstel. 30
- (6)(a) Die Minister moet, binne 30 dae nadat ooreenstemming met die Minister van Finansies en die Poskantoor bereik is betreffende die aanstelling van lede soos in artikel 10(2) beoog— 35
- (i) die nie-uitvoerende lede van die Raad aanwys uit die geledere van geskikte persone deur die Poskantoor benoem soos in subartikel (1)(b) beoog; en
- (ii) die ander nie-uitvoerende lede van die Raad aanstel uit die geledere van persone benoem soos in subartikel (4) beoog.
- (b) Die Minister moet die name van die lede wat aangestel is en die begindatum van hul ampstermyne by kennisgewing in die *Staatskoerant* laat publiseer. 40
- (7) 'n Nie-uitvoerende lid van die Raad—
- (a) word aangestel ooreenkomstig die bedinge en voorwaardes deur die Minister bepaal;
- (b) moet uit die inkomste van die Maatskappy sodanige besoldiging en toelaes betaal word wat deur die Minister bepaal word, met inagneming van enige voorskrifte of riglyne deur die Minister vir die Staatsdiens en Administrasie en die Nasionale Tesourie uitgereik; en 45
- (c) word deelyds aangestel.
- (8)(a) Enige vakature wat in die Raad ontstaan, moet op dieselfde wyse gevul word waarop die lid wat sy of haar amp ontruim tot die Raad aangestel is. 50
- (b) Enige lid wat kragtens hierdie subartikel aangestel is, beklee die amp vir die res van die voorganger se ampstermyne, tensy die Minister gelas dat sodanige lid die amp vir 'n langer tydperk beklee, wat nie meer as een daaropvolgende termyn van hoogstens vyf jaar mag wees nie. 55

#### **Bedanking, ontheffing uit amp en ontruiming van amp**

15. (1) 'n Lid van die Raad kan bedank deur aan die Minister—
- (a) een maand skriftelike kennis te gee; of
- (b) minder as een maand skriftelike kennis te gee, met die goedkeuring van die Minister. 60

- (2) Die Minister kan, nadat die betrokke lid van die Raad 'n redelike geleentheid gegun is om aangehoor te word, die lid van die amp onthef indien daardie lid—
- (a) in stryd met hierdie Wet opgetree het;
  - (b) weier of versuim om 'n verklaring in artikel 13(3)(b) beoog, te maak of weier of versuim om openbaarmaking soos in artikel 16(2) beoog te doen; 5
  - (c) na aanstelling enige direkte of indirekte belang beoog in artikel 13(3)(b)(ii), gelees met artikel 13(1)(g), verkry;
  - (d) nagelaat het om die werksaamhede van sy of haar amp behoorlik te verrig;
  - (e) ooreenkomstig die Bankwet en nadat die Registrateur van Banke die Minister ingelig het, nie meer 'n geskikte en gepaste persoon is om daardie aanstelling te behou nie; of 10
  - (f) afwesig is van drie opeenvolgende Raadsvergaderings sonder die voorafverkreë verlof van die voorsitter.
- (3) 'n Lid van die Raad moet die amp ontruim indien hy of sy ingevolge artikel 13 gediskwalifiseer word van lidmaatskap van die Raad. 15

### Openbaarmakings- en vertrouenspligte van lede van Raad

16. (1) Bykomstig tot enige ander toepaslike wetgewing, is die volgende van toepassing op lede van die Raad:

- (a) 'n Lid van die Raad mag nie teenwoordig wees by, of deelneem aan, die bespreking van of die neem van 'n besluit oor enige aangeleentheid voor die Raad waarin daardie lid of sy of haar familielid, sakevennoot of genoot 'n direkte of indirekte belang het nie. 20
  - (b) 'n Lid van die Raad of sy of haar naverwant, sakevennoot of genoot, of 'n organisasie of onderneming waarin 'n lid van die Raad of sy of haar familielid, sakevennoot of genoot 'n direkte of indirekte belang het, mag nie— 25
    - (i) goedere of dienste aan die Maatskappy aanbied of enige sake met die Maatskappy doen nie; of
    - (ii) op enige wyse hoegenaamd onbehoorlik gebruik maak van die posisie van 'n lid van die Raad of van enige inligting deur 'n lid van die Raad verkry uit hoofde van sy of haar posisie as 'n lid van die Raad nie. 30
  - (c) 'n Lid van die Raad moet sy of haar werksaamhede te alle tye met die uiterste goeie trou, eerlikheid en integriteit, sorg en toewyding verrig en moet ter bevordering van sy of haar werksaamhede, sonder om die omvang daarvan te beperk—
    - (i) redelike stappe doen om homself of haarself op hoogte te stel oor die Maatskappy, die Maatskappy se bedryf en aktiwiteite en die omstandighede waaronder hy opereer; 35
    - (ii) redelike stappe doen, deur die prosesse van die Raad, om voldoende inligting en raad te bekom oor alle aangeleenthede waarvoor die Raad sal besin, sodat hy of sy pligsgetroue en ingeligte besluite kan neem; 40
    - (iii) gereeld Raadsvergaderings bywoon;
    - (iv) 'n aktiewe en onafhanklike diskresie uitoefen ten opsigte van alle aangeleenthede waarvoor die Raad moet besluit;
    - (v) behoorlike sorg uitoefen in die verrigting van sy of haar werksaamhede as 'n lid van die Raad; 45
    - (vi) by enige interne gedragskode hou wat die Maatskappy vir lede van die Raad instel;
    - (vii) nie by enige aktiwiteit betrokke raak wat die integriteit van die Maatskappy kan skaad nie;
    - (viii) nie onbehoorlike gebruik maak van sy of haar posisie as 'n lid van die Raad of van inligting wat uit hoofde van sy of haar posisie as 'n lid bekom is nie; 50
    - (ix) enige vertroulike aangeleenthede betreffende die Maatskappy, wat in sy of haar hoedanigheid as 'n lid van die Raad bekom is, as streng vertroulik hanteer en dit nie aan enigiemand openbaar maak sonder die magtiging van die Maatskappy of soos vereis as deel van daardie persoon se ampelike werksaamhede as lid van die Raad nie. 55
- (2) 'n Lid van die Raad moet enige direkte of indirekte belang in subartikel (1) beoog ten volle aan die Raad openbaar.

**Prosedure by vergaderings, en komitees van Raad**

17. (1) (a) Die Raad bepaal die prosedure by die Raad se vergaderings.  
 (b) Sewentig persent van dienende lede van die Raad maak 'n kworum uit by enige vergadering van die Raad.  
 (c) 'n Besluit wat deur die Raad geneem is of 'n handeling wat kragtens daardie besluit uitgevoer is, is nie ongeldig nie bloot vanweë—
- (i) enige ongerymdheid in die aanstelling van 'n lid van die Raad;
  - (ii) 'n vakature op die Raad; of
  - (iii) die feit dat enige persoon wat nie geregtig is om as 'n lid van die Raad te sit nie, as sodanig gesit het ten tyde van die neem van die besluit, met dien verstande dat die besluit deur 'n meerderheid van die lede van die Raad teenwoordig en geregtig om aldus te sit, geneem is en dat daardie lede van die Raad toe 'n kworum gevorm het.
- (2) Die Raad kan een of meer komitees instel om hom in die verrigting van sy werksaamhede by te staan.
- (3) Die Raad moet—
- (a) lede van die Raad aanwys om op 'n komitee te dien, gegrond op hul kennis en vaardighede; en
  - (b) die—
    - (i) opdrag van 'n komitee;
    - (ii) samestelling van 'n komitee;
    - (iii) termyn van lede op 'n komitee;
    - (iv) verslagdoeningsmeganismes van 'n komitee; en
    - (v) metode van en redes vir verwydering van 'n lid van 'n komitee, bepaal.
- (4) Die Raad kan enige persoon met bepaalde kennis, kundigheid of kwalifikasies aanstel om 'n komitee by te staan in die verrigting van die komitee se werksaamhede.
- (5) Tensy dit spesiaal deur die Raad gedeleger is, het 'n komitee geen besluitnemingsmagte nie en kan dit slegs aanbevelings aan die Raad doen.
- (6) 'n Komitee moet so gereeld vergader as wat nodig is om sy werksaamhede te verrig en kan sy eie prosedures bepaal.
- (7) Elke komitee moet 'n nie-uitvoerende lid van die Raad as voorsitter hê.

**Aanstelling van besturende direkteur**

18. (1) Die Raad moet, met die goedkeuring van die Minister, 'n besturende direkteur aanstel wat enige werk wat verband hou met die werksaamhede van die Maatskappy moet verrig en moet toesien dat die Maatskappy sy oogmerke bereik.
- (2) Die Raad moet 'n uitnodiging rig vir aansoeke om die pos van besturende direkteur deur advertensies in die media te publiseer.
- (3) 'n Persoon wat as besturende direkteur aangestel word—
- (a) moet kwalifikasies of ervaring hê wat van toepassing is op die werksaamhede van die Maatskappy;
  - (b) moet nie gediskwalifiseer wees soos in artikel 13 beoog nie; en
  - (c) is 'n lid van die Raad uit hoofde van die amp.

**Voorwaardes van aanstelling van besturende direkteur**

19. (1) (a) Die aanstelling van die besturende direkteur is onderworpe aan die sluit van 'n prestasiekontrak tussen die Raad en die besturende direkteur.
- (b) Die prestasiekontrak moet jaarliks hersien word.
- (2) Die besturende direkteur beklee die amp op die bedinge en voorwaardes wat die Raad, met die instemming van die Minister, bepaal.
- (3) Die besturende direkteur is geregtig op 'n besoldigingspakket deur die Raad bepaal met die instemming van die Minister en die Minister van Finansies.
- (4) Die besturende direkteur is aan die Raad verantwoordbaar.

**Personeel van Maatskappy**

20. (1) Die werk verbonde aan die werksaamhede van die Maatskappy word verrig deur—
- (a) persone wat na die Maatskappy oorgeplaas is soos in artikel 7(c) bepaal; en

(b) enige persone wat die besturende direkteur, met die instemming van die Raad, kan aanstel.

(2) Die Raad moet die struktuur of organogram van die Maatskappy en die diensvoorwaardes, besoldiging en diensvoordele van die personeel van die Maatskappy bepaal na oorleg met die besturende direkteur en met die instemming van die Minister en die Minister van Finansies. 5

## HOOFSTUK V

### FONDSE EN FINANSIËLE REKENINGE VAN MAATSKAPPY

#### Jaarverslag

21. (1) Die Maatskappy moet jaarliks, nie later nie as vyf maande na die einde van die Maatskappy se finansiële jaar, 'n verslag oor al sy werksaamhede gedurende die voorafgaande jaar aan die Minister voorlê. 10

(2) Die jaarverslag moet binne 30 dae nadat die Minister dit ontvang het, in die Parlement ter tafel gelê word, indien die Parlement dan in sitting is, of, indien die Parlement nie dan in sitting is nie, binne 30 dae na die aanvang van die eersvolgende sessie. 15

#### Fondse van Maatskappy

22. Die fondse van die Maatskappy bestaan uit—

- (a) kapitaal wat uit hoofde van artikel 7 in die Maatskappy vestig;
- (b) fondse verkry uit die Maatskappy se operasionele bedrywighede; 20
- (c) fondse deur die Parlement bewillig; en
- (d) gelde wat regmatig van enige ander bron ontvang is.

#### Inspeksie van finansiële rekeninge en dokumente van Maatskappy

23. Die Minister of enige beampte in die staatsdiens met skriftelike magtiging van die Minister het volle toegang tot al die finansiële rekeninge en dokumente van die Maatskappy, en die Raad moet te alle tye aan die Minister of sodanige beampte, na gelang van die geval, alle inligting wat redelikerwys vereis kan word, voorsien. 25

#### Toepassing van Wet op Openbare Finansiële Bestuur

24. Die Maatskappy is onderhewig aan die Wet op Openbare Finansiële Bestuur.

## HOOFSTUK VI

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### ALGEMEEN EN DIVERSE

#### Ingryping deur Minister

25. (1) Die Minister kan, met die instemming van die Minister van Finansies, die Maatskappy gelas om enige aksie deur die Minister bepaal, uit te voer indien die Maatskappy— 35

- (a) wanbestuur word;
- (b) versuim om sy werksaamhede doeltreffend of effektief te verrig;
- (c) onbillik of op 'n diskriminerende of onregverdigde wyse opgetree het teenoor 'n persoon teenoor wie die Maatskappy kragtens hierdie Wet 'n verpligting het; of 40
- (d) versuim het om te voldoen aan enige wet of enige beleid in hierdie Wet beoog.

(2) 'n Instruksie in subartikel (1) beoog moet stipuleer—

- (a) wat die aard van die tekortkoming is;
- (b) watter stappe gedoen moet word om die situasie reg te stel; en
- (c) 'n redelike tydperk waarin die stappe beoog in paragraaf (b) gedoen moet word. 45

(3) Indien die Maatskappy versuim om die situasie binne die gestelde tydperk reg te stel, kan die Minister, met die instemming van die Minister van Finansies—

- (a) nadat die Maatskappy 'n redelike geleentheid gegun is om sy saak te stel; en



- (b) nadat die Maatskappy 'n verhoor toegestaan is oor enige voorleggings wat ontvang is,  
die lede van die Raad vervang op dieselfde wyse as wat daardie vertrekkende lede van die Raad aangestel is of, waar omstandighede dit vereis, 'n persoon aanstel as administrateur om die betrokke werksaamheid van die Maatskappy oor te neem. 5
- (4) Indien die Minister 'n administrateur ingevolge subartikel (3) aanstel—
- (a) kan die administrateur enigiets doen wat die Raad andersins kragtens hierdie Wet gemagtig is of vereis word om te doen, tot uitsluiting van die Raad;
- (b) mag die Raad nie, terwyl die administrateur verantwoordelik is vir die toepaslike werksaamheid, enige van die Raad se bevoegdhede of pligte ten opsigte van daardie werksaamheid uitoefen of verrig nie; 10
- (c) moet 'n werknemer of 'n kontrakteur van die Maatskappy voldoen aan 'n lasgewing wat deur die administrateur gegee word.
- (5) Die Minister moet—
- (a) die prestasie van die Maatskappy gereeld hersien terwyl dit onder administrasie is; en 15
- (b) binne ses maande na aanstelling van die administrateur 'n verslag oor sy of haar bevindings in die Nasionale Vergadering ter tafel lê.
- (6) Sodra die Minister tevrede is dat die Maatskappy sy werksaamhede effektief kan verrig, moet die Minister die aanstelling van die administrateur beëindig. 20
- (7) (a) Ondanks hierdie artikel, kan die Minister die Raad ontbind indien die Minister, by aanvoering van gegronde redes, vertroue verloor in die vermoë van die Raad om sy werksaamhede effektief en doeltreffend te verrig.
- (b) Die Minister kan hierdie bevoegdheid slegs uitoefen—
- (i) nadat die Raad 'n redelike geleentheid gegun is om sy saak te stel; en 25
- (ii) nadat die Raad 'n verhoor toegestaan is oor enige voorleggings wat ontvang is.
- (c) Indien die Minister die Raad ontbind—
- (i) kan die Minister 'n administrateur aanstel om die werksaamhede van die Raad oor te neem en enigiets te doen wat die Raad andersins deur of kragtens hierdie Wet gemagtig is of vereis word om te doen, behoudens voorwaardes wat die Minister bepaal; en 30
- (ii) moet die Minister, so gou doenlik maar nie later nie as ses maande na die ontbinding van die Raad, die lede van die Raad vervang op dieselfde wyse as wat hulle aangestel is. 35
- (8) (a) Die kostes wat met die aanstelling van 'n administrateur gepaard gaan, is vir die rekening van die Maatskappy.
- (b) Die aanstelling van die administrateur eindig wanneer die lede van die Raad ingevolge subartikel (7)(c)(ii) vervang is.
- (9) Ondanks hierdie artikel, behou die Minister die reg om 'n bevoegde hof enige tyd te nader vir tussenkoms ter bevordering van hierdie Wet in enige aangeleentheid wat hy of sy gepas ag. 40

### Regulasies en beleid

26. (1) Die Minister kan, na oorleg met die Minister van Finansies, regulasies uitvaardig betreffende— 45
- (a) enige aangeleentheid in verband met die funksionering van die Raad wat nodig is om die effektiwiteit en doeltreffendheid van die uitvoering van die Raad se werksaamhede te verseker; en
- (b) enige aanvullende of bykomstige administratiewe of prosedure-aangeleentheid wat voorgeskryf moet of kan word vir die behoorlike inwerkingstelling of administrasie van hierdie Wet. 50
- (2) Die Minister moet binne ses maande na die inwerkingtreding van hierdie Wet beleid maak oor aangeleenthede in artikel 9(1)(g), (h) en (i) bedoel, en kan enige bykomende beleid maak oor aangeleenthede van nasionale beleid van toepassing op die Maatskappy, in ooreenstemming met die oogmerke van hierdie Wet, en kan sodanige beleid te eniger tyd daarna wysig. 55
- (3) Wanneer die Minister beleid maak of wysig kragtens artikel (2), moet hy of sy—
- (a) die instemming van die Minister van Finansies kry;
- (b) goedkeuring van die Kabinet kry;

- (c) die beleid in die Nasionale Vergadering ter tafel lê ten minste 30 dae voordat die finale weergawe van die beleid ingevolge paragraaf (d) gepubliseer word; en
- (d) die finale weergawe van die beleid in die *Staatskoerant* publiseer.

#### Nie-toepassing van bepaling van Maatskappywet

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27. 'n Bepaling van die Maatskappywet is nie van toepassing op die Maatskappy nie indien—

- (a) sodanige bepaling klaarblyklik onvanpas of ontoepaslik is as gevolg van enige spesiale of strydige reëling deur hierdie Wet gemaak; of
- (b) die Minister van Handel en Nywerheid 'n verklaring kragtens artikel 28 uitgereik het.

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#### Sekere bepalinge van Maatskappywet kan as nie van toepassing op die Maatskappy verklaar word

28. (1) (a) Die Minister kan versoek dat die Minister van Handel en Nywerheid verklaar dat enige bepaling van die Maatskappywet nie van toepassing op die Maatskappy is nie.

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(b) Die Maatskappy moet die versoek ten volle motiveer.

(2) (a) Die Registrateur van Maatskappye moet besonderhede oor die versoek en motivering in subartikel (1) beoog by kennisgewing in die *Staatskoerant* publiseer.

(b) In die kennisgewing moet die Registrateur belanghebbendes vra om binne 'n tydperk in die kennisgewing bepaal verhoë voor te lê aan 'n persoon in die kennisgewing bepaal.

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(3) (a) Nadat die verhoë in subartikel (2) beoog, indien enige, oorweeg is, kan die Minister van Handel en Nywerheid, by kennisgewing in die *Staatskoerant*, verklaar dat die geheel of enige deel van die betrokke bepaling nie op die Maatskappy van toepassing is nie, met ingang vanaf die datum in daardie kennisgewing bepaal.

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(b) Die Minister van Handel en Nywerheid kan slegs die verklaring uitreik indien op redelike gronde oortuig dat die ontoepaslikheid van daardie bepaling op die Maatskappy—

- (i) tot die Maatskappy se doeltreffendheid sal bydra;
- (ii) nie die Maatskappy se rekenpligtigheid as 'n openbare entiteit sal verminder of beperk of aan die deursigtigheid van die Maatskappy se funksionering en werksaamhede afbreuk sal doen nie;
- (iii) nie tot nadeel van die regte, belange of eise van die Maatskappy se skuldeisers of werknemers of die regte van enige ander persoon sal wees nie.

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(4) Hierdie artikel is met die veranderings deur die samehang vereis van toepassing op die voormalige Posbank wat funksioneer soos in artikel 30 beoog.

#### Misdrywe

29. (1) Enige lid wat versuim om aan artikel 13(3)(b)(i) of (ii) of 16(2) te voldoen, of wat artikel 16(1)(c)(vii) of (viii) oortree, of enige voormalige lid wat as 'n lid versuim het om aan daardie artikels te voldoen of dit oortree het, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete of tot gevangenisstraf van hoogstens vyf jaar.

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(2) Enige persoon in artikel 16(1)(b) bedoel wat daardie artikel oortree, of enige voormalige lid wat as lid daardie artikel oortree het, of enige persoon, buiten 'n lid van die Raad, in artikel 16(1)(b) bedoel wat daardie artikel tydens die ampstermyn van 'n voormalige lid van die Raad oortree het, is skuldig aan 'n misdryf en strafbaar by skuldigbevinding met 'n boete of tot gevangenisstraf van hoogstens vyf jaar of tot beide 'n boete en sodanige gevangenisstraf.

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#### Oorgangsbepalinge

30. Ondanks die herroeping van artikels 51(1), (3) en (4), 52, 53, 55 en 58 van die Posdienstewet deur artikel 31, gaan die voormalige Posbank voort om sonder enige onderbreking te funksioneer asof daardie artikels nie herroep is nie, totdat die Maatskappy as 'n bank geregistreer is soos in artikel 4(2) beoog.

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**Herroeping van wette**

31. Die wette in Bylae 1 genoem, word hierby herroep tot die mate uiteengesit in die derde kolom van daardie Bylae.

**Kort titel en inwerkingtreding**

32. Hierdie Wet heet die Wet op die Suid-Afrikaanse Posbank Beperk, 2010, en tree 5 in werking op 'n datum deur die President by kennisgewing in die *Staatskoerant* bepaal.

**BYLAE 1***(Artikel 31)***HERROEPING VAN WETTE**

<b>No. en jaar van Wet</b>	<b>Kort titel</b>	<b>Omvang van herroeping</b>
Wet No. 124 van 1998	Posdienswet, 1998	Artikels 51(1), (3) en (4), 52, 53, 55 en 58

5

(English text signed by the President.)  
(Assented to 1 December 2010.)

# MOLAO

Go tlamela kopanyo ya Lekala la Posopolokelo ya Poso Kantoro ya Aforika Borwa; go abela khampani ya bankapolokelo ya poso Lekala la kgwebo; go rulaganya tsamaiso le ditiro tsa khampani ya bankapolokelo ya poso; le go tlamela ka tsamaiso le ditiro tsa khampani ya bankapolokelo; le go tlamela ka mabaka a a maleba.

**E** ATLENEGISIWE ke Palamente ya Rephaboliki ya Aforika Borwa ka mokgwa o o latelang:—

## THULAGANYO YA DIKAROLO

### *Dikgaolo*

#### KGAOLO I

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#### TLHALOSO LE MAIKAELELO A MOLAO

1. Ditlhaloso
2. Maikaelelol a Molao

#### KGAOLO II

#### KOMAGANO LE KAABO-BOSWA YA KGWEBO

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3. Komagano
4. Kwadišo jaaka Banka
5. Tlhomamiso ya kgaolo ya kgwebo e e tshwanetsweng go abiwa
6. Tlhomamiso ya letlha la kaabo ya kgwebo
7. Kaabo ya Bankapolokelo ya maloba, ditshwanelo le ditlamorago
8. Kiletso ya go duela lekgetho

15

#### KGAOLO III

#### MATLA LE DITIRO TSA KHAMPANI

9. Matla le ditiro tsa Khampani

#### KGAOLO IV

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#### TAOLO LE TSAMAISO YA KHAMPANI

10. Go laolwa ga Khampani ke Lekgotla
11. Ditiro tsa Lekgotla
12. Maloko a Lekgotla
13. Kamogelo le kiletso ya boloko jwa Lekgotla
14. Go tlhopiwa ga maloko a Lekgotla

25

Act No. 9 of 2010

MOLAO WA PUSETISO YA KWADISO YA BADUELEDI BA  
SEMOLAO BA BA RILENG BA BA TLHOKAFETSENG, 2010

15. Go rola marapo, go tloswa mo tirong le go tlogela tiro
16. Kamogelo le ditiro tsa maloko a Lekgotla
17. Dikomiti tsa Lekgotla
18. Go tlhophiwa ga molaodi-mokaedi
19. Mabaka a go tlhophiwa ga molaodi-mokaedi 5
20. Badiri ba Khampani

#### KGAOLO V

##### MATLOLE LE DIAKHAONTE TSA KHAMPANI

21. Repoto ya ngwaga
22. Matlole a Khampani 10
23. Tekolo ya diakhaonte le ditokomane tsa Khampani ke Tona
24. Tiragatso ya *Public Finance Management Act*

#### KGAOLO VI

##### KAKARETISO LE TSE DINNGWE

25. Namolo ke Tona 15
26. Ditaelo le polisi
27. Ditaelo tsa *Companies Act* tse di sa ameng khampani
28. Ditaelo dinngwe tsa *Companies Act* tse di sa dirisiweng kgatlhanong le Khampani
29. Ditatofatso 20
30. Ditaelo tsa nakwana
31. Go fedisiwa ga melao
32. Setlhogo se se Khutswafaditsweng le tshimologo

#### SEKHEJULE 1

##### KGAOLO I

25

##### TLHALOSO LE MAIKAELELO A MOLAO

#### Ditlhaloso

1. Mo Molaong ô, ntle le fa bokao botlhalosa ka mokgwa monngwe, lefoko lenngwe le lenngwe kgotsa sekapuo se se filweng tlhaloso mo kgaolo 1 ya *Public Finance Management Act*, se tlhalosa ka mokgwa oo, e bile— 30
  - “**Banks Act**” e bolela *Banks Act*, 1990 (Molao No. 94 wa 1990);
  - “**Lekgotla**” le bolela Lekgotla la bakaedi ba Khampani;
  - “**Companies Act**” e bolela *Companies Act*, 1973 (Molao No. 61 wa 1973);
  - “**Khampani**” e bolela Bankapolokelo ya Aforika Borwa e e tlhalositsweng mo karolo 3; 35
  - “**Ieloko la losika**” go bolela batsadi ba mongwe le mongwe, mogaeno, ngwana, go akarediwa le ngwana yo mo filweng semmuso kgotsa yo o bonweng kwantle ga lenyalo monna kgotsa mosadi (le fa e le wa lenyalo la molao, setso kgotsa la tumelo), go akarediwa le batho ba ba dulang mmogo ekare ba nyalane;
  - “**Bankapolokelo ya maloba**” e bolela Bankapolokelo e e umakilweng mo karolo 51 ya *Postal Services Act*, 1998 (Molao No. 124 wa 1998), jaaka e ne e le lekala la Poso Kantoro ya maloba, pele karolo eo e fedisiwa; 40
  - “**Ieloko**” le bolela Ieloko la Lekgotla;
  - “**Tona**” e bolela Tona ya Tlhaeletsano;
  - “**Poso Kantoro**” e bolela Poso Kantoro ya khampani ya Aforika Borwa e e tlhamilweng go tsamaelana le molao wa *Post Office Act*; 45
  - “**Post Office Act**” e bolela *Post Office Act*, 1958 (Molao No. 44 wa 1958);
  - “**Postal Services Act**” e bolela *Postal Services Act*, 1998 (Molao No. 124 wa 1998);
  - “**Public Finance Management Act**” e bolela *Public Finance Management Act*, 1999 (Molao No. 1 wa 1999); 50
  - “**Mokwadisi wa Dibanka**” bolela Mokwadisi wa Dibanka jaaka go tlhalositswe mo karolo 4 ya *Banks Act*;

MOLAO WA PUSETISO YA KWADISO YA BADUELEDI BA  
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“**Rephaboliki**” e bolela Rephaboliki ya Aforika Borwa;  
 “**tiro ya banka**” e bolela tlhaloso e e umakilweng mo *Banks Act*;  
 “**tiro ya Bankapolokelo ya maloba**” e bolela ditshwanelo, ditaelo, dithoto le  
 dikoloto tsa Bankapolokelo ya maloba tse di umakilweng mo karolo 5(1);  
 “**Molao ô**” o akaretsa taelo nngwe le nngwe e e dirilweng go tsamaelana le karolo 5  
 26;  
 “**letlha la kaabo**” e bolela letlha le le tlhomamisitsweng ke Tona go tsamaelana le  
 karolo 6.

### Maikaelelo a Molao

2. Maikaelelo a Molao ô, ke go kopanya le go tlamela Lekala la Bankapolokelo ya  
 Poso Kantoro dithata tsa semolao ka maikaelelo a go—
- (a) tsamaisa kgwebo ya banka e e tla matlafatsang le go ngoka babeletsi gareng ga  
 setšhaba sa Rephaboliki;
  - (b) rebola ditirelo tse di farologaneng, go adimisa ka tšhelete gareng 10 ga tse  
 dingwe, go dirisa le mafaratlhatlha a Poso Kantoro; 15
  - (c) atoloso ditirelo tsa go boloka tšhelete le go tlhabolola banka go nna polokelo  
 ya boikgethelo jwa ntlha; segolo jaang mo bathong ba metse magae,  
 dikgwebo potlana le merafe e e na leng phithhelelo e nnye kgotsa e e se nang  
 ditirelo tsa go boloka tšhelete kgotsa ditirelo;
  - (d) matlafatsa ditirelo tse di fitlhelwang ke naga ka bophara; 20
  - (e) netefatsa gore merokotso le dituelo tsa khampani di akaretsa ditlhokego tsa  
 batho ba meputso e e potlana; le
  - (f) gore tšhelete e adimiwa batho ba metse magae le ba ba amogelang meputso e  
 e kwa tlase.

### KGAOLO II 25

#### KOPANYO LE KAABO YA KGWEBO

3. (1) Tona e tshwanetse go tsaya dikgato go netefatsa gore fa khampani ya setšhaba  
 e tlhamiwa, e abelwa matlole a a lekaneng kgotsa e kopanywa le e nngwe, le go abelwa  
 setifikeiti pele e simolola tiro go tsamaelana le ditaelo tsa *Companies Act*.
- (2) Go sa nyatswe karolo 32 ya *Companies Act* le karolo 37 ya *Banks Act*, Poso 30  
 Kantoro e tshwanetse gore fa Khampani e kopanngwa le e nngwe e nne yona fela leloko  
 la Khampani le monngwa dishare.
- (3) Leina la Khampani ke “khamphani ya Posopolokelo ya Aforika Borwa” e bile ga  
 go motho ope yo o tshwanetseng go laola kgwebo kgotsa go kwadisa 30 kgwebo ya  
 gagwe ka leina le letshwanang le la “Bankapolokelo” 35
- (4) Tona e tshwanetse go atlenegisa tumelano ya tirisanommogo, motheo tsamaiso wa  
 mokgatlo, ditokomane tse di tsamaelanang le go tlhamiwa le go kopanngwa ga  
 Khampani boemong jwa Poso Kantoro.
- (5) Mokwaledi wa Khampani o tshwanetse—
- (a) go kwadisa memorantamo le motheo tsamaiso wa kgwebo go tsamaelana le 40  
 karolotlaetso (4);
  - (b) kopanya Khampani e nne khampani ya setšhaba ka fa tlase ga leina “*South  
 African Postbank Limited*”; e bile
  - (c) Tona e tshwanetse go abela Khampani setifikeiti sa go simolola tiro.
- (6) Ga go duelwe sepe fa Khampani e kopanngwa le e nngwe. 45

#### Kwadišo jaaka Banka

4. (1) Go sa nyatswe karolo 15 ya *Banks Act*, khampani e tshwanetse go tselwa gore  
 e nale taelo ya go tlhama khampani go tsamaelana le molao wa *Companies Act*.
- (2) Khampani e ka kwadisiwa jaaka banka, morago ga go diragatsa ditlhokego tsa  
*Banks Act*. 50
- (3) Go sa nyatswe karolo 43 ya molao wa *Banks Act*, Poso Kantoro ga ya tshwanela  
 go ikwadisa jaaka khampani e e laolang Khampani, e bile go tlhopiwa ga Lekgotla la  
 Poso Kantoro ga go a ikaega mo godimo ga katlenegiso ya Mokwadisi wa Dibanka.
- (4) Khampani ga ya tshwanela go oketsa ditirelo tsa yona mabapi le poloko le  
 dipeeletsa go tsamaelana le Molao ô, go fitlhela Khampani e kwadisiwa jaaka banka go  
 tsamaelana le *Banks Act*, le ditirelo tsa yona di atlenegisiwa ke Mokwadisi wa Dibanka. 55

(5) Mokwadisi wa Dibanka o tshwanetse go ela tlhoko maikaelelo a Molao ô; le polisi e e dirilweng ke Tona go tsamaelana le karolo 26(2), fa a atlenegisa tiro nngwe le nngwe e e tsamaelanang le tiro ya khampani jaaka go umakilwe mo karolotlaleletso (4).

#### **Tlhomamiso ya ditirelo tsa kgwebo tse ditshwanetseng go abiwa**

5. (1) Ditshwanelo, dithoto le dikoloto tsa Bankapolokelo ya maloba, go akarediwa di 5  
dipositi le dipeeletso tsotlhe tse di mo tlhokomelong ya Bankapolokelo ya maloba  
kgotsa tse di mo tlokomelong ya ditheo tse dinngwe tsa tšhelete le ditshwanelo tsotlhe  
tse tshwereng ke Bankapolokelo ya maloba, ditshwanetse go abelwa khampani.

(2) (a) Poso Kantoro e tshwanetse go tlhomamisa tiro ya Bankapolokelo ya maloba; 10  
dibuka tsa Poso Kantoro ditshwanetse go sekasekwa ke Moruni yo o tlhopilweng ke  
Tona, e bile a kwadisitsweng go tsamaelana le *Auditing Professions Act, 2005* (Molao  
No. 26 wa 2005).

(b) Moruni ga a tshwanela go nna le dikamano le Poso Kantoro kgotsa Khampani.

(3) Fa moruni a sekaseka dibuka go tsamaelana le karolotlaleletso (2)(a), o 15  
tshwanetse go—

- (a) tlhalosa tlhwathwa ya Bankapolokelo ya maloba; le
- (b) bolelela Tona tlhwathwa e e tsepamisitsweng.

#### **Tlhomamimiso ya letlha la go abiwa ga kgwebo**

6. Tautona e tshwanetse go rebolela Khampani setifikeiti sa go simolola kgwebo go 20  
tsamaelana le karolo 3; e bile ka bonako jo bo kgonagalang morago ga moo, a  
phatlalatse kitsiso mo *Gazetteng* a tlhomamisa letlha la go abelwa ga Khampani kgwebo  
ya Bankapolokelo ya maloba.

#### **Go abelwa ga Khampani kgwebo ya Bankapolokelo ya maloba, ditshwanelo le ditlamorago**

7. Ka letlha la kaabo ya Khampani— 25

- (a) tsamaiso, taolo le ditiro tsa Bankapolokelo ya maloba di abelwa Khampani;
- (b) tiro ya Bankapolokelo ya maloba e mo diatleng tsa Khampani;
- (c) Badiri ba Bankaposo ya maloba ba sutisedwa go Khampani go tsamaelana le  
*Labour Relations Act, 1995* (Molao No. 66 wa 1995),
- (d) Senngwe le senngwe se se diriwang ke kgotsa boemong jwa Bankapolokelo 30  
ya maloba se tshwanetse go tseelwa gore se dirilwe ke Khampani.

#### **Kiletso ya go duela lekgetho**

8. Fa kgwebo ya Bankapolokelo ya maloba e abiwa jaaka go umakilweng mo karolo 7, sekoloto senngwe le senngwe sa lekgetho se a nyelela.

### **KGAOLO III 35**

#### **MATLA LE DITIRO TSA KHAMPANI**

##### **Matla le ditiro tsa Khampani**

9. (1) Go tsamaelana le karolo 4(4) le 26(2) le (3), le karolotlaleletso (3), Khampani 40  
e na le matla a go fitlhelela maikaelelo a a umakilweng mo karolo 2, go akarediwa le  
matla a go—

- (a) reka kgotsa fumana thoto nngwe le nngwe e e sutang kgotsa e e tsepameng;
- (b) laola, netefatsa, rekisa, hirisa, thekokhiro, nyeletso ya, thefosanyo, tiro,  
tlhabolola, godisa, fetola, kgotsa tsamaiso ya dithoto tsa yona;
- (c) tiragatso ya tiro ya kgwebo, dikuno kgotsa ditirelo jaaka go umakilwe mo 45  
tsamaisong ya Khampani;
- (d) kgodišo ya matlole;
- (e) dira ditumelano kgotsa kgo lagano ya kgwebisano le motho monngwe le  
monngwe kgotsa setheo senngwe le senngwe go godisa le go matlafatsa  
kgwebo ya khampani;
- (f) rebola tirelo nngwe le nngwe kgotsa ditirelo tsotlhe tsa yona ka tiriso ya thoto, 50  
manaane, badiri le mafaratlhatlha a a tlwaelegileng a Poso Kantoro;



- (g) Tona mmogo le Tona ya matlole di tla dira dipolisi tsa go beeletsa tšhelete;
- (h) kadimo ya tšhelete e e sa lebaganang le kadimo ya nakwana gareng ga ditheo go tsamaelana le polisi ya kadimo e e tlhomamisitsweng ke Tona ka tumelano le Tona ya Matlole;
- (i) kadimo ya tšhelete e tshwanetse go tsamaelana le polisi e e dirilweng ke Tona ka tumelano le Tona ya Matlole; 5
- (2) (a) ka tumelano le Tona le Tona ya Matlole, Khampani le Poso Kantoro di tshwanetse go dira tumelano ya tirisanommogo.
- (b) Tumelano eo e tshwanetse go akaretse seemo le mabaka a tiriso ya mafaratlhatlha ke Khampani ya ya Poso Kantoro; go tsamaelana le karolo 2. 10
- (3) (a) Khampani e tshwanetse go obamela polisi e e dirilweng ke Tona go tsamaelana le karolo 26(2).
- (b) Tshwetso nngwe le nngwe e kgatlhanong le polisi e e diriwang ke Lekgotla go tsamaelana le temana (a) ga e gapeletse e bile ga e na bokao.

#### KGAOLO IV

15

#### TAOLO LE TSAMAISO YA KHAMPANI

##### Taolo ya Khampani ke Lekgotla

10. (1) Khampani e laolwa ke lekgotla la bakaedi.
- (2) Tona ka tumelano le Tona ya Matlole le Poso Kantoro ba kgona go tlhopa kgotsa kgetha maloko a Lekgotla lekgetlho la bobedi. 20

##### Ditiro tsa Lekgotla

11. Lekgotla—
- (a) le tshwanetse go diragatsa lenaane kgwebo la Khampani go fitlhelela maikaelelo a Khampani jaaka go umakilwe mo karolo 52 ya *Public Finance Management Act*, 25
- (b) ke khuduthamaga e e laolang Khampani;
- (c) le thusa mokaedi kakaretso le badiri go dira ditiro tsa Khampani;
- (d) le tshwanetse go itsise Tona ka bonako jo bo kgonagalang ka ga ntlha nngwe le nngwe e e tla kgoreletsang kgotsa thibelang Khampani go fitlhelela maikaelelo kgotsa poneleopele ya lotseno; e bile 30
- (e) le tshwanetse go bolelela Tona ka ga ntlha nngwe le nngwe e e tla kgoreletsang Khampani go dira tiro ya yona ka botswerere.

##### Maloko a Lekgotla

12. (1) Lekgotla le na le—
- (a) maloko a supa a eseng a khuduthamaga, a tlhopilweng gareng ga batho ba ba kgethilweng go tsamaelana le karolo 14(1)(a); 35
- (b) maloko a manngwe a mabedi a eseng a khuduthamaga a kgethilweng mo gareng ga batho ba ba tlhopilweng ke Poso Kantoro go tsamaelana le karolo 14(1)(b); le
- (c) molaodi kakaretso ke leloko la Lekgotla. 40
- (2) Maloko a Lekgotla a tshwanetse go nna batho ba ba—
- (a) itepatepanyang le tolamo, nnete le maikarabelo; e bile
- (b) botlhe ba tshwanetse go—
- (i) emela merafe ya setšhaba sa Rephaboliki ka kakaretso; le
- (ii) go nna le dirutwa tse di maleba, bokgoni le maitemogelo mo mererong ya banka, tšhelete, moruo le dirutwa tse dinngwe le maitemogelo a a maleba. 45
- (3) (a) maloko a eseng a khuduthamaga ya Lekgotla a tshwanetse go dira nako e e sa feteng dingwaga di le tlhano.
- (b) maloko a eseng a khuduthamaga ya Lekgotla a ka tlhopiwa go dira gape paka e e latelang fela eseng go feta dingwaga di le tlhano. 50
- (c) Tona e tshwanetse bonnye go tlhopa maloko a matlhano a eseng maloko a Lekgotla la pele la Khampani go dira nako e e sa feteng dingwaga di le tharo.
- (4) Tona e tshwanetse go tlhopa Modulasetilo gareng ga maloko a Lekgotla.

(5) Lekgotla le kgona go laela leloko lenngwe le lenngwe le eseng la khuduthamaga go tshwara marapo jaaka Modusetilo.

### Kamogelo le kiletso ya boloko jwa Lekgotla

13. (1) Ga gona motho yo o tshwanetseng go tlhophiwa kgotsa go dula e le leloko la Lekgotla fa motho yoo— 5
- (a) e le leloko la Palamante, kgotlatheamolao ya profense nngwe le nngwe kgotsa kgotla ya mmasepala monngwe le monngwe;
  - (b) e le mokoloti yo o sa tlhologeng;
  - (c) a lwala ka tlhologanyo go ya ka taelo ya kgotlatshekelo kgotsa a tlhakathakane; 10
  - (d) a bonwe molato mo Rephaboliking kgotsa felo gonngwe, ka—
    - (i) bogodu, bonwenwe, bofora kgotsa ka go fetola tokomane, go bua maaka a ikanne, kgotsa tatofatso ya maitshwara a a sa siamang a a kwadilweng mo *Prevention and Combating of Corrupt Activities Act, 2004* (Molao No. 12 wa 2004), kgotsa tatofatso nngwe le nngwe ya go sa tshepagale; 15 kgotsa
    - (ii) tatofatso ka fa tlase ga Molao ô;
  - (e) a atholetswe mo kgolegolong nako e e seng tlase ga ngwaga ntle le boikgethelo jwa tuelo ya tšhelete, morago ga tshimologo ya Molaotheo wa Rephaboliki ya Aforika, 1993 (Molao No. 200 wa 1993); 20
  - (f) a tshitswe mo tirong ya go tshepagala ka ntsha ya maitshwara a sa itumediseng; kgotsa
  - (g) a na le dikgatlhegelo tsa kgwebo tse di mo amang ka tlhamalalo kgotsa di sa mo ame ka tlhamalalo tse di kgatlhanong le kgwebo ya Khampani.
- (2) Motho yo o amiwang ke kiletso e e umakilweng mo karolotlaletso (1)(a), (1)(b) 25 kgotsa (1)(g) o kgona go tlhophiwa jaaka leloko la Lekgotla; fa fela mabaka a kiletso a sa tlhola a le botlhokwa ka nako ya ditlhopo.
- (3) (a) Motho yo o tlhopilweng go dira jaaka leloko la Lekgotla o tshwanetse gore pele a simolola tiro a fe Tona setatemente se se kwadilweng se se tlhalosang— 30
- (i) dikgatlhegelo tsa gagwe tsotlhe tsa tšhelete; le
  - (ii) katlanegiso e e tlhalosang gore ga ana dikgatlhegelo tsa kgwebo tse di mo amag ka tlhamalalo kgotsa tse di sa mo ameng ka tlhamalalo tse dikgatlhonong le kgwebo ya Khampani jaaka go umakilwe mo karolotlaletso (1)(g).
- (b) Fa leloko la Lekgotla le fumana nngwe le nngwe ya tsê, morago ga go tlhophiwa— 35
- (i) dikgatlhegelo dinngwe tsa tšhelete go tsamaelana le temana (a)(i), leloko le tshwanetse go bolelela Tona le Lekgotla ka bonako jo bo kgonagalang ka ga ntsha eo; kgotsa
  - (ii) Leloko le tshwanetse go bolelela Tona le Lekgotla ka ga kgatlhegelo 35 ya kgwebo e e amang leloko ka tlhamalalo, kgotsa e e sa ameng leloko ka 40 tlhamalalo go tsamaelana le karolotlaletso (1)(g).

### Go thapiwa ga maloko a Lekgotla

14. (1) Fa go thapiwa maloko a eseng a khuduthamaga ya Lekgotla, Tona etshwanetse—
- (a) go phatlalatsa kitsiso bonnye mo makwalo dikgang a mabedi le mo 45 *Gazetteng*, go laletsa batho ba ba naleng kgatlhego e bile ba siametse go tlhophiwa jaaka maloko, ka nako le mkgwa o o umakilweng mo karolo 12(1)(a) go dira jaaka maloko a Lekgotla la setsheo sa ditšhelete go tsamaelana le *Banks Act*; le
  - (b) go dumelana le Mokwadisi wa Dibanka go laletse Poso Kantoro ka lokwalo, 50 go senola maina a batho ba ba na leng kgatlhego go tsamaelana le karolotlaletso 12(1)(b), ba ba siametseng go dira jaaka maloko a Lekgotla mo setheong sa ditšhelete go tsamaelana le *Banks Act*.
- (2) Tona e tshwanetse go tlhopa komiti ya ditlhopo e e tla dirang ditshitsinyo tebang le go tlhophiwa ga maloko a eseng a Khuduthamaga ya Lekgotla go tsamaelana le 55 karolotlaletso (1)(a).
- (3) Fa go tlhophiwa komiti ya ditlhopo, Tona e tshwanetse go netefatsa gore komiti ya ditlhopo e emetse merafe yotlhe le bong jwa Rephaboliki ka kakaretso.
- (4) Fa komiti ya ditlhopo e dira ditshitsinyo go Tona, e tshwanetse go ela tlhoko—

- (a) bopaki jwa bokgoni, kitso le maitemogelo a ntlhopeng mo dintlheng tse di latelang—
- (i) tsamaiso ya matlole;
  - (ii) tsamaiso ya diprojeke;
  - (iii) kobamelo ya melao ya puso;
  - (iv) taolo ya dikoduwa;
  - (v) tekatekano ya bong le merafe;
- (b) botlhokwa jwa kemedi ya merafe e e neng e tlhaolwa ke puso ya maloba;
- (c) go netefatsa gore motho yo o tlhopilweng o nale dirutwa, bokgoni le maitemogelo a go tsewetsapele manontlhotlho le botswerere jwa Khampani;
- (d) Tona le Mokwadisi wa Dibanka ba tshwanetse go netefatsa gore ntlhopeng o mo seemong se se siameng sa go dira jaaka leloko la setheo sa matlole go tsamaelana le *Banks Act*; le
- (e) fa leloko le nale dikgatlhegelo tse di mo amang ka tlhamalalo tsa kgwebo kgotsa tse di sa mo ameng ka tlhamalalo tse di kgalhanong le kgwebo ya Khampani jaaka go umakilwe mo karolo 13(1)(g).
- (5) (a) ditlhopo tsa batho ba ba mo maemong a go tlhopiwa go tsamaelana le karolotlaleletso (1)(b) kgotsa (4) bonnye ba tshwanetse go akaretisa nngwe le halofo ya maloko a Lekgotla a tshwanetseng go tlhopiwa.
- (b) Fa motho kgotsa palo ya batho ba ba mo maemong a a siameng ba sa tlhopiwa go tsamaelana le karolotlaleletso (1)(b) kgotsa (4), Tona mmogo le Tona ya Matlole le Poso Kantoro ba tshwanetse 15 go tlhopa palo e e batlegang ya maloko.
- (6) (a) Tona e tshwanetse gore mo nakong ya matsatsi a le 30 morago ga tumelano le Tona ya Matlole le Poso Kantoro, tebang le ntsha ya go tlhopiwa ga maloko go tsamaelana le karolo 10(2)—
- (i) go tlhopa maloko a eseng a khuduthamaga ya Lekgotla go tswa mo palong ya bathoba ba tlhopilweng ke Poso Kantoro go tsamaelana le karolotlaleletso (1)(b); le
  - (ii) go tlhopa maloko a eseng a khuduthamaga ya Lekgotla go tswa mo palong ya batho ba ba mo seemong se se siameng go tsamaelana le (4).
- (b) Tona e tshwanetse go phatlalatsa kitsiso mo *Gazetteng*; go tlhalosa mabaka a go tlhopiwa ga maloko, letlha la go simolola tiro le mabaka a a tsamaelanang le tiro.
- (7) Leloko le eseng la Khuduthamaga ya Lekgotla—
- (a) le tlhopiwa go tsamaelana le mabaka le seemo se se tlhomamisitsweng ke Tona;
  - (b) le tshwanetse go duelwa moputso le diallawanse ke Khampnai go tsamaelana le tlhomamiso ya Tona, botlhokwa jwa melao kgotsa manaane taolo a a rebotsweng ke Tona ya Ditirelo tsa Setšhaba le Tsamaiso le Tona ya Matlole a Setšhaba; le
  - (c) thapilwe go dira nakwana.
- (8) (a) Phatlalatiro nngwe le nngwe e tshwanetse go tladiwa ka mokgwa o o tshwanang le wa pele fa go ne go tlhopiwa leloko le le tlogelang tiro.
- (b) Monngwe monngwe yo o tlhopiwang go tsamaelana le karolotlaleletso ê, o tshwanetse go tshwara marapo paka yotlhe go fitlhela go tlhopiwa motlhatlhami ka paka e e latelang ntle le fa Tona e laela gore leloko le tshware marapo paka e e fetang dingwag di le tlhano le mororo eseng go feta dingwaga di le tlhano tsa paka ya bobedi.

#### Go rola marapo, ntshiwa mo tirong le go tlogela tiro

15. (1) Leloko la Lekgotla le kgona go rola marapo ka go fa Tona—
- (a) kitsiso e e kwadilweng ya kgwedi e le nosi; kgotsa
  - (b) kitsiso e e ka fa tlase ga kgwedi, ka katlenegiso ya Tona.
- (2) Tona e kgona go ntsha leloko la Lekgotla mo tirong, morago ga go fa leloko tšhono ya go tshwaela, fa—
- (a) maitshwaro a leloko a le kgalhanong le Molao ô;
  - (b) leloko le gana kgotsa le palelwa ke go dira boikuelo go tsamaelana le tlhaloso ya karolo 13(3)(b) kgotsa le gana kgotsa le palelwa ke go senola jaaka go umakilwe mo karolo 16(2);
  - (c) morago ga go thapiwa, bona kgalthegelelo nngwe le nngwe e e amang leloko ka tlhamalalo kgotsa eseng ka tlhamalalo go tsamaelana le karolo 13(3)(b)(ii), le karolo 13(1)(g), morago ga go tlhopiwa;
  - (d) leloko le palelwa ke go dira tiro ya lona ka manontlhotlho;

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- (e) Fa seemo sa leloko le sa siama go tsamaelana le tlhaloso ya *Banks Act* kgotsa fa Mokwadisi wa Dibanka a boleetse Tona gore leloko ga le mo maemong a go dira; le
- (f) fa leloko le sa tsenela dikopano di le tharo tsa Lekgotla ka tatelano ntle le tetla ya Modulasetilo 5
- (3) Leloko la Lekgotla le tshwanetse go tswa mo kantorong kgotsa go rola marapo fa a ilelwa go nna leloko la Lekgotla go tsamaelana le karolo 13.

### Kamogelo le taolo ya ditiro tsa maloko a Lekgotla

16. (1) Go tlaletsa molao monngwe le monngwe yo o maleba, mabaka a a latelang a tla diragatswa ke maloko: 10

- (a) Leloko la Lekgotla ga le a tshwanela go tsenela dipuisano kgotsa go tsaya karolo mo dipuisanong tseo leloko kgotsa leloko la losika lwa gagwe, mogwebi kaena kgotsa mmphato le na leng kgatlhego e mo amang ka tlhamalalo kgotsa e e sa mo ameng ka tlhamalalo.
- (b) Leloko la Lekgotla kgotsa losika lwa gagwe, mmphato kgotsa setheo, kgotsa kgwebo ga le a tshwanela go nna le dikgatlhegelo tse di mo amang ka tlhamalalo 10 kgotsa eseng ka tlhamalalo— 15
- (i) go abela Khampani thoto kgotsa ditirelo kgotsa botsalanyo jwa kgwebo le fa e le ka mokgwa ofe; kgotsa
- (ii) go dirisa maemo a gagwe a Lekgotla botlhatswa kgotsa tshedimosetso nngwe le nngwe a e boneng ka ntlha ya tiro ya gagwe jaaka leloko la Lekgotla. 20
- (c) lelokola Lekgotla le tshwanetse go dira tiro ya lona ka dinako tsotlhe ka manontlhotlho, botswapelo, botshepegi le seriti, tlhokomelo le botswerere, e bile le tshwanetse— 25
- (i) go tsaya dikgato tse di maleba go ithuta ka kgwebo ya Khampani le ditiro le seemo sa tiro ya Khampani;
- (ii) go tsaya dikgato ka go dirisa tsamaiso ya Lekgotla, go bona tshedimosetso le keletso e e lekaneng ka merero yotlhe e e tshwanetseng go diriwa ke Lekgotla, ka maikaelo a go matlafatsa leloko go tsaya ditshwetso tse di edileng; 30
- (iii) go tsenela dikopano tsa Lekgotla ganngwe le gape;
- (iv) go dira ditshwetso tse edileng tebang le merero yotlhe ya Lekgotla;
- (v) go dira ka manontlhotlho le botswerere;
- (vi) go itepatepanya le kaedi ya maitshwaro e e kwaletsweng maloko ke Khampani; 35
- (vii) go se dire sepe se se tla nyatsang seriti sa Khampani;
- (viii) go se dirise maemo a boloko botlhatswa kgotsa 35 tshedimosetso nngwe le nngwe a e fumaneng kantlha ya boloko jwa gagwe;
- (ix) tshedimosetso nngwe le nngwe e e kgethegileng ka ga Khampani a e fumaneng kantlha ya go nna leloko e tshwanetse go nna khuparama, ga ya tshwanela go bolelela ope ntle le taelo ya Khampani kgotsa ntle le fa e le botlhangwe jwa tiro ya gagwe jaaka leloko la Lekgotla.
- (2) leloko le tshwanetse gore ka bonako jo kgonagalang le senolele Lekgotla ka ga dikgatlhegelo tse di amang leloko ka tlhamalalo kgotsa tse sa ameng leloko ka tlhamalalo go tsamaelana le tlhaloso ya karolotlaleletso (1). 45

### Tsamaiso ya dikopano le dikomiti tsa Lekgotla

17. (1) (a) Lekgotla le rulaganya tsamaiso ya dikopano tsa lona.
- (b) Diperesentge di le masome a supa tsa maloko a Lekgotla di tlhama khoramo mo kopanong nngwe le nngwe ya Lekgotla. 50
- (c) Tshwetso e edirilweng ke Lekgotla kgotsa tiro e e dirilweng kantlha ya tshwetso eo; ga e kgaphelwethoko fela ka ntlha ya—
- (i) phošo nngwe le nngwe ka nako ya go tlhopiwa ga leloko;
- (ii) phatlalero mo Lekgotleng; kgotsa
- (iii) fa motho monngwe yo o sa tshwanelang go tsenela kopano a ne a le teng fa go ne go diriwa tshwetso nngwe, le mororo tshwetso eo e dirilwe ke bontsi jwa maloko a kopano, e bile a na le tetla ya go tsenela kopano gape ba tlhama khoramo. 55

- (2) Lekgotla le kgona go tlhama komiti e le nosi kgotsa go feta go thusa lekgotla ka ditiro tsa yona.
- (3) Lekgotla le tshwanetse—
- (a) go laela maloko a Lekgotla go dira mo komiting go tsamaelana le kitso le bokgoni jwa bona; lego 5
- (b) tlhomamisa—
- (i) ditiro tse ditshwanetseng go diriwa ke komiti;
- (ii) maloko a komiti;
- (iii) paka ya maloko a komiti;
- (iv) tsela ya go bega ya komiti; le 10
- (v) mekgwa le mabaka a go tloswa ga leloko mo komiting.
- (4) Lekgotla le kgona go tlhopa monngwe le monngwe yo o na leng maitemogelo a a rileng, bokgoni kgotsa dirutwa go thusa komiti go dira tiro ya yona.
- (5) Komiti ga e na matla a go dira tshwetso, ntle le fa e laetswe ke Lekgotla, e kgona fela go dira ditshitsinyo boemong jwa Lekgotla. 15
- (6) Komiti e tshwanetse go kopana ganngwe le gape fa go le botlhokwa go dira tiro ya yona e bile e ka tlhomamisa tsela e e siameng.
- (7) Komiti nngwe le nngwe e tshwanetse go etelelwa pele ke motho yo eseng leloko la khuduthamaga ya Lekgotla.

#### **Go tlhopiwa ga Molaodi Kakaretso** 20

- 18.** (1) Ka katlenegiso ya Tona Lekgotla le tshwanetse go tlhopa molaodi-kakaretso go dira tiro ya Khampani le go netefatsa gore Khampani e fitlhelela maikhelelo a yona.
- (2) Lekgotla le tshwanetse go phatlalatsa phatlalatio ya molaodi-kakaretso mo kgašong.
- (3) Molaodi kakaretso— 25
- (a) o tshwanetse go nna le dirutwa kgotsa maitemogelo a a tsamaelanag le tiro ya Khampani;
- (b) ga go a tshwanela go nna le kiletso kgatlhanong le molaodi kakaretso go tsamaelana le tihaloso ya karolo 13; e bile
- (c) ke leloko la Lekgotla kantlha ya tiro ya gagwe. 30

#### **Mabaka a go thapiwa ga Molaodi kakaretso**

- 19.** (1) (a) Go tshwanetse go atlenegisa tumelano ya go dira fa molaodi kakaretso a thapiwa.
- (b) Tumelano ya go dira e tshwanetse go sekasekwa ngwaga le ngwaga.
- (2) Molaodi kakaretso o dira tiro ya gagwe go tsamaelana le mabaka a a 35 tlhomamisitsweng ke Lekgotla le Tona.
- (3) Moputso wa molaodi kakaretso o rulaganywa ke Lekgotla ka tumelano le Tona mmogo le Tona ya Matlole.
- (4) Molaodi kakaretso o laolwa ke Lekgotla.

#### **Badiri ba Khampani** 40

- 20.** (1) Tiro ya Khampani e diriwa ke—
- (a) batho ba ba fetiseditsweng Khampani go tsamaelana le karolo 7(c); le
- (b) batho ba ba mo maemong a molaodikakaretso ba kgona go thapa ka tumelano ya Lekgotla.
- (2) Lekgotla le tshwanetse go tlhomamisa thulaganyo kgotsa tatelano ya badiri 45 morago ga go buisane le molaodi kakaretso ka tumelano ya Tona le Tona ya Matlole.

### **KGAOLO V**

#### **MATLOLE LE DIAKHAONTE TSA KHAMPANI**

##### **Repoto ya ngwaga**

- 21.** (1) Khampani e tshwanetse go rebolela Tona repoto ya ngwaga tebang le ditiro tsa 50 yona tsa ngwaga o fetileng, pele go fela dikgwedi di le tlhano morago ga ngwaga wa ditšhelete.

(2) Tona e tshwanetse go senolelela Palamente repoto mo nakong ya matsatsi a le 30 morago ga go fumana repoto fa Palamente e sa tswala, kgotsa mo nakong ya matsatsi a le 30 morago ga tshimologo ya paka e latelang ya Palamente fa e tswetse.

### Matlole a Khampani

22. Matlole a Khampani ke— 5
- (a) sekgwama sa tšhelete se se mo taolong ya Khampani go tsamaelana le karolo 7;
  - (b) tšhelete e e bonweng kantlha ya tiro tsa Khampani;
  - (c) matlole a tekanyetsokaabo a a abetsweng Khampani ke Palamente; le
  - (d) matlole a a bonweng semmuso go tswa go motsweding monngwe le 10 monngwe.

### Tlhatlhobo ya diakhaonte le ditokomane tsa Khampani

23. Tona kgotsa motlhankedi monngwe le monngwe wa ditirelo tsa puso yo o laetsweng ke Tona ka lokwalo o kgona go tlhola diakhaonte le ditokomane tsa Khampani, e bile Lekgotla le tshwanetse ka dinako tsotlhe go fa Tona kgotsa 15 motlhankedi yo o laetsweng tshedimodetso e e kopilweng yotlhe.

### Tiragatso ya *Public Finance Management Act*

24. Khampani e laolwa ke *Public Finance Management Act*.

## KGAOLO VI

### DITAELO KAKARETISO LE TSE DINNGWE 20

#### Go namola ga Tona

25. (1) Tona ka tumelano le Tona ya Matlole e ka laela Khampani go tsaya kgato nngwe le nngwe e e tlhalositsweng ke Tona fa Khampani—
- (a) e laolwa botlhatswa;
  - (b) e palelwa ke go dira tiro ka manotlhotlho le botswerere; 25
  - (c) e tseilwe kgato e e sa siamang kgotsa e kgetholola kgotsa e sa dirisa tolamo kgatlanong le motho yo e tshwanetseng go fa tirelo go tsamaelana le Molao ô; kgotsa
  - (d) e paletswe ke go itepatepanya le molao kgotsa polisi nngwe le nngwe e e umakilweng mo Molaong ô. 30
- (2) taelo e e tlhalositsweng mo karolotlaleletso (1) e tshwanetse go tlhalosa—
- (a) mofuta wa tatofatso;
  - (b) dikgato tse di tshwanetseng go tsewa go siamisa maemo; le
  - (c) nako e e lekaneng go diragatsa dikgato tse di tlhalositsweng mo temana (b).
- (3) Fa Khampani e palelewa ke go baakanya seemo ka nako e e umakilweng, Tona ka tumelano le Tona ya Matlole ba ka—
- (a) morago ga go fa Khampani tšhono e e lekaneng ya go tshwaela; le
  - (b) morago ga go reetsa ditshwaelo tse di dirilweng ke Khampani ka ga ntlha nngwe le nngwe; go tlhopa leloko boemong jwa le lenngwe ka mokgwa o o tshwanang le wa ditlhopo tsa pele, kgotsa fa maemo a letla go tlhopa 40 motsamaisi go rulaganya merero ya Khampani.
- (4) Fa Tona e thapa motsamaisi go tsamaelana le karolotlaleletso (3)—
- (a) motsamaisi a ka dira senngwe le senngwe se Lekgotla le na leng matla a go se dira kgotsa go tsamaelana le Molao ô, ntle le go akaretsa Lekgotla;
  - (b) Lekgotla ga le a tshwanela dira tiro nngwe le nngwe e e diriwang ke 45 motsamaisi, diragatsa matla a lona kgotsa tiro nngwe le nngwe e e tsamaelanang le tiro eo;
  - (c) Modiri monngwe le monngwe kgotsa mokontrakara wa Khampani o tshwanetse go itepatepanya le taelo ya motsamaisi.
- (5) Tona e tshwanetse go— 50
- (a) sekaseka tsamaiso ya Khampani ganngwe le gape fa e le ka fa tlase ga tsamaiso ya motsamaisi; le

- (b) mo nakong ya dikgwedi di le thataro tsa go thapiwa, motsamaisi o tshwanetse go phatlalatsa repoto ya ditshwaelo tsa gagwe mo Ntlokokoano Bosetšhaba.
- (6) Tona e tshwanetse go fedisa tiro ya motsamaisi fa e kgotsofetse gore Khampani e kgona go dira ka botswerere.
- (7) (a) Go sa nyatswe karolo ê, Tona e ka nyeletsa tiro ya Lekgotla fa Tona e feletswe ke tshepo gore Lekgotla le kgona go dira tiro ya lona ka manonthlotlo le botswerere. 5
- (b) Tona e ka dirisa matla fela—
- (i) morago ga go fa Lekgotla tšhono e e lekaneng ya go tshwaela; le
- (ii) morago ga tshoko ya Lekgotla ka ga din tsha tse di amogetsweng. 10
- (c) Fa Tona e nyeletsa Lekgotla, Tona e ka—
- (i) thapa motsamaisi go laola ditiro tsa Lekgotla le go dira senngwe le senngwe se Lekgotla le na leng matla kgotsa le tshwanetseng go se dira ka fa tlase ga Molao ô, go tsamaelana le tlhotlhomiso ya Tona; e bile
- (ii) e tshwanetse go tlhopa maloko a manngwe ka bonako jo bo kgonagalang mo nakong ya digwedi di le thataro morago ga go nyelediwa ga Lekgotla ka mokgwa o o tshwaneng le wa go tlhopiwa ga maloko a pele. 15
- (8) (a) Khampani e tla duela ditshenyegelo tsotlhe tsa go thapiwa ga motsamaisi.
- (b) Tiro ya motsamaisi e ya bokhutlong fa maloko a maswa a simolola tiro boemong jwa a kgale go tsamaelana le karotlaleletso (7)(c)(ii).
- (9) Go sa nyatswe karolo ê, Tona e na le tshwanelo ya go kopa thuso ya kgotlatshekelo e e na leng bokgoni go sekaseka ntlha nngwe le nngwe go tswelletsapele Molao ô. 20

#### Ditaelo le polisi

26. (1) Tona e ka dira ditaelo morago go buisana le Tona ya Matlole ka ga—
- (a) ntlha nngwe le nngwe e e amang tiro kgotsa tiragatso ya manonthlotlo le botswerere jwa Lekgotla; le 25
- (b) ntlha nngwe le nngwe e e botlhokwa kgotsa ya tlaleletso kgotsa ntlha ya tsamaiso go netefatsa tsamaiso e e siameng ya Molao ô.
- (2) Tona e tshwanetse go dira dipolisi tebang le merero e e umakilweng mo karolo 9(1)(g), (h); (i) mo nakong ya dikgwedi di le thataro morago ga tshimologo ya Molao ô, le dipolisi tsa tlaleletso tse di amang merero ya polisi ya naga boemong jwa Khampani go tsamaelana le maikaelelo a Molao ô, le go fetola diphetogo tse di dirilweng morago ga moo, nako nngwe le nngwe. 30
- (3) Fa kgotsa go diriwa diphetogo tsa polisi go tsamaelana le karotlaleletso (2) Tona e tshwanetse—
- (a) go dumelana le Tona ya Matlole; 35
- (b) go fumana katlenegiso ya Kabinete;
- (c) go senola polisi mo Ntlokokoano Bosetšhaba bonnye mo nakong ya matsatsi a 30 pele go phatlalatswa tlhaloso ya bofelo ya polisi go tsamaelana le temana (d); le
- (d) go phatlalatsa tlhaloso ya bofelo ya polisi mo *Gazetteng*. 40

#### Ditaelo tsa *Companies Act* tse di sa ameng Khampani

27. Ditaelo tsa *Companies Act* ga di ame Khampani fa—
- (a) thulaganyo e kgethegileng kgotsa thulaganyo e le kgatlhanong le Mola ô, taelo e jaalo ga ya siama kgotsa ga e dirisiwe; kgotsa
- (b) Tona le Tona ya Kgwebo le Induseteri ba ntshitse boikuelo go tsamaelana le karolo 28. 45

#### Ditaelo tsa *Companies Act* tse di sa dirisiweng kgatlhanong le Khampani

28. (1) (a) Tona e ka kopa Tona ya Kgwebo le Induseteri go dira boikuelo gore ditaelo tse di rileng tsa *Companies Act* di se ame Khampani.
- (b) Khampani e tshwanetse go tlhalosa mabaka ka botlalo. 50
- (2) (a) Mokwadisi wa Dikhampani o tshwanetse go phatlalatsa kitsiso mo *Gazetteng* ka ga dintlha tsa kopo le mabaka jaaka go kwadilwe mo karotlaleletso (1).
- (b) Mo kitsisong eo; Mokwadisi o tshwanetse go laletsa batho ba ba na leng kgatlhego go romela ditshwaelo go motho yo o umakilweng le go itepatepanya le nako e e kwadilweng mo kitsisong. 55

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(3) (a) Fa Tona ya Kgwebo le Induseri e fetsa go sekaseka mabaka a a umakilweng mo karolotlaleletso (2), Tona ya Kgwebo le Induseri e ka umaka taelo yotlhe kgotsa bontlhannngwe jwa yona jo bo sa ameng Khampani go simolola ka letlha le le kwadilweng mo kitsišong ya *Gazette*.

(b) Tona ya Kgwebo le Induseri e ka dira boikuelo fela fa e kgotsofaditswe ke mabaka gore kiletso ya ditaelo tse di rileng kगतलहणong le Khampani— 5

(i) a tla matlafatsa bokgoni jwa Khampani;

(ii) ga e kitla e fokotsa kgotsa ngotla maikarabelo a Khampani jaaka setheo sa setšhaba kgotsa fokotsa bokao jwa ditiro; le

(iii) ga nkitla e nyatsa ditshwanelo, dikगतलहेगelo kgotsa ditopo tsa badirisi ba Khampani kgotsa badiri, ditshwanelo kgotsa dikगतलहेगelo tsa motho monngwe le monngwe. 10

(4) Karolo ê, e dirisiwa le diphetogo tse di tlhalosiwang mo ditirong tsa Posopolokelo ya maloba go tsamelana le tlhaloso ya karolo 30.

### Ditatofatso

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29. (1) Leloko lenngwe le lenngwe le le palelwang ke go itepatepanya le karolo 13(3)(b)(i) kgotsa (ii) kgotsa 16(2), kgotsa le le tloang taelo ya karolo 16(1)(c)(vii) kgotsa (viii), kgotsa leloko la maloba le le paletsweng ke go itepatepanya le kgotsa leloko le le tloang taelo ya dikarolo, le molato ka go tloa molao, katlholo ke tuelo ya tšhelete kgotsa kotlhao ya kgolegelo e e sa feteng dingwaga di le tlhano kgotsa tsopedi tuelo ya tšhelete le kotlhao ya kgolegelo. 20

(2) Motho monngwe yo o umakilweng mo karolo 16(1)(b) yo o tloang taelo ya karolo kgotsa leloko lenngwe le lenngwe la maloba le le tloang taolo e ntse e le leloko kgotsa motho monngwe le monngwe ntle leloko la Lekgotla le le umakilweng mo karolo 16(1)(b) yo o tlodileng taelo ya karolo eo ka nako fa e ne e le leloko, o tlodile molao katlholo ke tuelo ya tšhelete kgotsa kotlhao ya kgolegelo e e sa feteng dingwaga di le tlhano kgotsa dikatlholo tsopedi, tuelo 10 ya tšhelete le kotlhao ya kgolegelo. 25

### Ditaelo tsa nakoana

30. Go sa nyatswe go fedisiwa ga dikarolo 51(1), (3) le (4), 52, 53, 55 le 58 ya *Postal Services Act* ka karolo, go fitlhela Khampani e kwadisiwa jaaka banka go tsamaelana le 15 karolo 4(2), Posopolokelo e tla tsewelela pele go dira ntle le dikgoreletsi, jaaka ekare dikarolo tseo ga di a fedisiwa. 30

### Go fedisiwa ga melao

31. Melao e e umakilweng mo Sekhejule 1 e fedisitswe go tsamaelana le mokgwa o o kwadilweng mo kolomong ya boraro ya Sekhejule. 35

### Setlhogo se se khutswafaditsweng le tshimologo

32. Molao ô, o bidiwa Molao wa Khampani ya Posopolokelo ya Aforika Borwa, 2010, e bile o tla simolola ka letlha le le tlhomamisitsweng ke Mopresidente ka go phatlalatsa kitsiso mo *Gazetteng*.



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Wet Nr. 9 van 2010

## SEKHEJULE 1

(Kgaolo 31)

### GO FEDISIWA GA MELAO

No. le ngwaga wa molao	Setlhogo se se khutswafaditsweng	Mokgwa wa go fedisa
Molao No. 124 wa 1998	<i>Postal Services Act, 1998</i>	Dikarolo 51(1), (3) le (4), 52, 53, le 58

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(English text signed by the President.)  
(Assented to 1 December 2010.)

# UMTHEHO

Injongo kukulenza libe ngumbutho iCandelo leBhanki yasePosini yePos-Ofisi yoMzantsi-Afrika; kukuba ishishini lelo Candelo lifuduselwe kwiNkampani yeBhanki yasePosini; kukwenzela ukulawulwa kweNkampani yeBhanki yasePosini nokuchaza imisebenzi yayo; nokulungiselela imicimbi ehlobene nale.

**K**WENZIWA UMTHEHO yiPalamente yeRiphabliki yoMzantsi-Afrika ngale ndlela ilandelayo:—

## ULANDELELWANO LWEZIQENDU

### *Iziqendu*

#### ISAHLUKO I 5

##### UKUCHAZWA KWALO MTHEHO NEENJONGO ZAWO

1. Ukuchazwa kwamagama
2. Injongo yalo Mthetho

#### ISAHLUKO II

##### UKWENZIWA KWESHISHINI LIBE NGUMBUTHO NOKUFUDUSWA KWALO 10

3. Ukwenziwa umbutho
4. Ukubhaliswa kweNkampani njengeBhanki
5. Ukwenziwa kwesigqibo ngobungakanani beshishini emalifuduswe
6. Ukwenziwa kwesigqibo ngomhla wokufuduswa kweshishini 15
7. Ukufuduswa kweshishini lento ebifudula iyiBhanki yasePosini lifuduselwa kwiNkampani, ubunini neziphumo zoko
8. Ukukhululeka ekurhafisweni

#### ISAHLUKO III

##### AMAGUNYA NEMISEBENZI YENKAMPANI 20

9. Amagunya nemisebezi yeNkampani

#### ISAHLUKO IV

##### UKULAWULWA NOKUPHATHWA KWENKAMPANI

10. Ukulawulwa kweNkampani yiBhodi
11. Imisebenzi yeBhodi 25
12. Indlela eyakhiwe ngayo iBhodi

13. Ukudandalaziswa kwemicimbi yemali nokungafaneleki kwabantu ukuba babe ngamalungu eBhodi
14. Ukumiselwa kwamalungu eBhodi
15. Ukuziyekela, ukushenxiswa nokuphuma esikhundleni
16. Ukudandalazisa kwamalungu eBhodi noko afanele akwenze 5
17. Iinkqubo zokulandelwa kwiintlanganiso, neekomiti zeBhodi
18. Ukumiselwa komlawuli ophetheyo
19. Imiqathango yokumiselwa komlawuli ophetheyo
20. Abasebenzi beNkampani

#### ISAHLUKO V 10

#### IZIMALI ZENKAMPANI

21. Ingxelo yonyaka
22. Iimali zeNkampani
23. Ukuhlolwa kokuma kwezimali namaxwebhu eNkampani
24. Ukusetyenziswa kwe*Public Finance Management Act* 15

#### ISAHLUKO VI

#### EZAHLUKAHLUKENEYO

25. Ukungenelela koMphathiswa
26. Imimiselo nenkqubo
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28. Iinxalenye ezithile ze*Companies Act* zisengavakaliswa zingezingasebenziyo kwiNkampani
29. Izenzo ezikukona nezohlwayo
30. Okuza kwenzeka logama
31. Ukutshitshiswa kwemithetho 25
32. Igama lawo elifutshane nokuqalisa kwawo ukusebenza

#### ISIHLOMELO I

#### UKUCHAZWA KWALO MTHETHO NENJONGO YAWO

##### Ukuchazwa kwamagama

1. Kulo Mthetho, ngaphandle kokuba okanye okubhaliweyo kuwo kubonisa ngenye indlela, naliphi na igama okanye amagama anikwe intsingiselo kwisiqendu 1 se*Public Finance Management Act*, analoo ntsingiselo anikwe yona apho nakulo uMthetho—
  - “iBanks Act” yi*Banks Act* 94 ka-1990;
  - “iBhodi” yibhodi yabalawuli beNkampani;
  - “iCompanies Act” yi*Companies Act* 61 ka-1973; 35
  - “iNkampani” yiSouth African Postbank Limited exelwe kwisiqendu 3;
  - “ilungu losapho” lakhe nawuphi na umntu, ngumzali wakhe, ngumntakwabo, ngumntwana wakhe, kuquka nosinga-mntwana okanye umntwana osisiza-nanina okanye osisiza-nayise, okanye iqabane lomtshato (enoba kutshatwe ngokwe-silungu, ngokwesintu okanye ngokwenkolo), kwaye liquka nesinqanda-mathe sobomi bonke esihlala naloo mntu ngokungathi batshatile; 40
  - “into eyayifudula iyiBhanki yasePosini” yiBhanki yasePosini ekuthethwe ngayo kwisiqendu 51 se*Postal Services Act* 124 ka-1998, njengoko yayikho njenge-candelo lePos-Ofisi ngaphambi nje kokuba sitshitshiswe eso siqendu;
  - “ilungu” lilungu leBhodi; 45
  - “uMphathiswa” nguMphathiswa woNxibelelwano;
  - “iPos-Ofisi” yiSouth African Post Office Limited esekwe ngokwe*Post Office Act*;
  - “iPost Office Act” yi*Post Office Act* 44 ka-1958;
  - “iPostal Services Act” yi*Postal Services Act* 124 ka-1998;
  - “iPublic Finance Management Act” yi*Public Finance Management Act* 1 ka-1991; 50
  - “uMgcini-zifayile weeBhanki” (Registrar of Banks) nguMgcini-zifayile weeBhanki omiselwe ngokwesiqendu 4 se*Banks Act*;

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**“iRiphabliki”** yiRiphabliki yoMzantsi-Afrika;  
**elithi “ishishini lebhanki”** linentsingiselo elinikwe yona kwi*Banks Act*;  
**“ishishini lento eyayifudula iyiBhanki yasePosini”** ngamalungelo, iimbo-  
 pheleleko, iimpahla namatyala ento eyayifudula iyiBhanki yasePosini okuxelwe  
 kwisiqendu 5(1);  
**elithi “lo Mthetho”** liquka nawuphi na ummiselo owenziwe ngokwesiqendu 26;  
**“umhla wokufuduswa”** ngumhla ogqitywe nguMphathiswa ngokwesiqendu 6.

### Injongo yalo Mthetho

2. Injongo yalo Mthetho kukuba lenziwe libe ngumbutho iCandelo leBhanki yasePosini lePos-Ofisi njengomntu ngokwasemthethweni ngenjongo—
- (a) yokuqhuba ushishino lwebhanki oluya kukhuthaza ukulondolozwa kwemali kwaye libe nomtsalane ekulondolozweni kwemali ngabantu beRiphabliki;
  - (b) yokunikela iinkonzo zonaniselwano nokubolekisa ngemali ngokusebenzisa, phakathi kwezinye izinto, iimfuneko-ngqangi ezikhoyo zePos-Ofisi;
  - (c) yokwandisa iindidi zenkonzo yebhanki nokuyiphuhlisa ibe yibhanki eku-  
khethwa yona kuqala ngabantu, ngakumbi kubantu basemaphandleni  
nabamkela umvuzo ophantsi, nakubantu ezmbalwa okanye ezingekhoyo kubo  
iibhanki zorhwebo;
  - (d) yokuba iinkonzo zebhanki zifunyanwe ngabo bonke abantu kwaye  
zifikeleleke;
  - (e) yokuqinisekisa ukuba iimalana ezihlawuliswa abantu yiNkampani le ziya-  
kucingela ukuswela kwabantu abamvuzo uphantsi; nangenjongo
  - (f) yokuqinisekisa ukuba bayakufumana ukubolekwa imali abantu base-  
maphandleni nabamvuzo uphantsi.

### ISAHLUKO II

#### UKWENZIWA KWESHISHINI LIBE NGUMBUTHO NOKUFUDUSWA KWALO

##### Ukwenziwa umbutho

3. (1) UMphathiswa makathabathe inyathelo eliyimfuneko lokubunjwa nokubhaliswa kwenkampani kawonkewonke enesabelo nelesiqinisekiso sokuqalisa ukushishina emasikhutshelwe iNkampani ngokwe*Companies Act*.
- (2) Kungakhathaliseki ukuba sithini na isiqendu 32 se*Companies Act* nesiqendu 37 se*Banks Act*, yakuba yenziwe umbutho iNkampani, iPos-Ofisi iza kuba kuphela kwelungu nomnini-sabelo weNkampani.
- (3) Igama lenkampani yi-“South African Postbank Limited” kwaye akukho mntu uvumelekileyo ukuba ashishine okanye abhaliswe ngelo gama okanye ngegama eliyelele kwelithi “Postbank”.
- (4) UMphathiswa makatyikitye egameni lePos-Ofisi uxwebhu oluqulethe umgaqo-siseko nemimiselo yeNkampani nawo onke amanye amaxwebhu ayimfuneko xa kubunjwa naxa kusenziwa iNkampani ibe ngumbutho.
- (5) UMGcini-maxwebhu weenkampani—
- (a) makawabhalise amaxwebhu aqulethe umgaqo-siseko nemimiselo yeNkampani njengoko etyikityiwe ngokwesiqendwana (4);
  - (b) makayenze umbutho iNkampani njengenkampani kawonkewonke ngegama elithi “South African Postbank Limited”; aze
  - (c) ngokuvumelana noMphathiswa, ayikhuphele iNkampani isiqinisekiso sokuqalisa ukushishina.
- (6) Akukho mrhumo uhlawulwayo ngokwenziwa kweNkampani ibe ngumbutho.

##### Ukubhaliswa kweNkampani njengeBhanki

4. (1) Kungakhathaliseki ukuba sithini isiqendu 15 se*Banks Act*, iNkampani iza kuthathwa njengegunyaziweyo ukuba ibumbe enye inkampani ngokwe*Companies Act*.
- (2) INkampani mayibhaliswe njengebhanki emva kokuba inako konke okufunwa yi*Banks Act*.

(3) Kungakhathaliseki ukuba sithini na isqendu 43 se*Banks Act*, akukho mfuneko yokuba iPos-Ofisi ibhaliswe njengenkampani engumlawuli weNkampani, kwaye nokumiselwa kweBhodi yePos-Ofisi akuxhomekekanga ekuvunyweni nguMgcini-zifayile weeBhanki.

(4) INkampani le ayiyi kuyandisa imisebenzi yayo yokuba yibhanki nemisebenzi yayo yolondolozo, misebenzi leyo ekhoyo kakade xa lo Mthetho uqalisa ukusebenza, de ibe ibhaliswe njengebhanki ngokwe*Banks Act*, nomsebenzi lowo wandisiweyo de ube uvunyiwe nguMgcini-zifayile weeBhanki. 5

(5) Ekuvumeni nawuphi na umsebenzi owandisiweyo njengoko kuxelwe kwi-siqendwana (4), uMgcini-zifayile weeBhanki makacinge ngeenjongo zalo Mthetho nangayo nayiphi na inkqubo eyenziwe nguMphathiswa ngokwesiqendu 26(2). 10

#### Ukwenziwa kwesigqibo ngobungakanani beshishini emalifuduswe

5. (1) Amalungelo neembopheleleko, impahla namatyala ento ebifudula iyiBhanki yasePosini, kuquka zonke iimali ezifakiweyo notyalo-mali obelugcinwe yinto ebifudula iyiBhanki yasePosini okanye obelugcinwe ngamanye amaziko emali, nawo onke amalungelo azalwa bubuncwane bezimali obelugcinwe yinto ebifudula iyiBhanki yasePosini, makufuduselwe kwiNkampani. 15

(2) (a) Ubungakanani beshishini lento ebifudula iyiBhanki yasePosini mabugqitywe yiPos-Ofisi buze buphicothwe ngumphicothi-zimali obhaliswe njengomphicothi-zimali ngokwe*Auditing Professions Act 26 ka-2005*, omiselwe nguMphathiswa. 20

(b) Umphicothi-zimali akavumelekanga ukuba abe nento yokwenza nePos-Ofisi okanye iNkampani.

(3) Lusakuba lwenziwe uphicotho oluxelwe kwisiqendwana (2)(a), umphicothi-zimali—

(a) makaxele ixabiso elingokwemali leshishini lento ebifudula iyiBhanki yase-Posini; aze 25

(b) alibike ixabiso elo kuMphathiswa.

#### Ukwenziwa kwesigqibo ngomhla wokufuduswa kweshishini

6. Ngokukhawuleza kangangoko kunokwenzeka yakuba iNkampani ikhutshelwe isiqinisekiso sokuqalisa ukushishina, njengoko kuxelwe kwisiqendu 3, ngokwenza isaziso ku*Shicilelo-Mithetho* uMphathiswa makenze isigqibo ngomhla wokufuduswa kweshishini lento ebifudula iyiBhanki yasePosini lifuduselwa kwiNkampani. 30

#### Ukufuduswa kweshishini lento ebifudula iyiBhanki yasePosini lifuduselwa kwiNkampani, ubunini neziphumo zoko

7. Ngomhla wokufuduswa— 35

(a) ukuphathwa, ukulawulwa nokusebenza kwento ebifudula iyiBhanki yase-Posini kufuduselwa kwiNkampani;

(b) ishishini lento ebifudula iyiBhanki yasePosini liba leleNkampani;

(c) kuxhomekeke ekubeni kuyenziwa okufunwa yi*Labour Relations Act 66 ka-1995*, abasebenzi bento ebifudula iyiBhanki yasePosini bafuduselwa kwiNkampani; 40

(d) nayiphi na into eyenziwa yinto ebifudula iyiBhanki yasePosini okanye eyenziwa egameni layo mayithathwe njengeyenziwe yiNkampani.

#### Ukukhululeka ekurhafisweni

8. Ukufuduswa kweshishini laloo nto ebifudula iyiBhanki yasePosini, ekuthethwe ngako kwisiqendu 7, akubangeli ukuba irhafiswe nangaluphi na uhlobo. 45

**ISAHLUKO III****AMAGUNYA NEMISEBENZI YENKAMPANI****Amagunya nemisebenzi yeNkampani**

- 9.** (1) Ngokulawulwa sisiqendu 4(4) nasisiqendu 26(2) nesesi- (3), iNkampani inamagunya okwenza ukuba iyifeze injongo ekuthethwe ngayo kwisiqendu 2, magunya lawo aquka igunya— 5
- (a) lokuthenga okanye lokuzuza impahla enokufuduswa nempahla emiliseleke ndawonye;
  - (b) lokuyiphatha impahla yayo, liyifunele i-inshorensi, liyithengise, liqeshise ngayo, liyithengise ngemboleko-mali, linikezele ngayo, linaniselane ngayo nomnye umntu, liyisebenze, liyiphuhlise, lakhe phezu kwayo, liyiphucule, okanye lenze nantoni na ngayo; 10
  - (c) lokuqhuba ishishini layo, livelise iimveliso okanye lenze iinkonzo njengoko kuchazwe kuxwebhu lomgaqo-siseko nemimiselo;
  - (d) lokunyusa ingxowa-mali; 15
  - (e) lokungena kumaphulo nakwezinye izivumelwano zorhwebo nabanye abantu ukuze lichume ishishini layo;
  - (f) lokuzenza zonke iinkonzo zayo ngokusebenzisa impahla yayo ephathekayo, ubuxhakaxhaka bayo, abaqeshwa bayo nazo zonke iimfuneko-ngqangi zePos-Ofisi; 20
  - (g) lokutyala imali ngokwenkqubo yotyalo-mali eyenziwe nguMphathiswa, ngokuvumelana noMphathiswa weziMali ;
  - (h) lokuboleka imali, ukuboleka okungekuko ukubolekana kweebhanki okuko-kwexeshana, ngokwenkqubo yokuboleka eyenziwe nguMphathiswa, ngokuvumelana noMphathiswa weziMali; 25
  - (i) lokubolekisa ngemali ngokwenkqubo yokubolekisa eyenziwe nguMphathiswa, ngokuvumelana noMphathiswa weziMali.
- (2) (a) Ngokuvumelana koMphathiswa noMphathiswa weZimali, iNkampani nePos-Ofisi mazibophe isivumelwano esilawula intsebenziswano phakathi kweNkampani nePos-Ofisi. 30
- (b) Eso sivumelwano masiquke, phakathi kwezinye izinto, imigqaliselo nemiqa-thango engokusetyenziswa kweemfuneko-ngqangi zePos-Ofisi zisetyenziswa yinkampani, njengoko kucetywa oko kwisiqendu 2.
- (3) (a) INkampani mayenze ngokwenkqubo eyenziwe nguMphathiswa ngokwisiqendu 26(2). 35
- (b) Nasiphi na isigqibo esithathwe yiBhodi esingqubanayo nenkqubo exelwe kwisiqendu (a) siphuthile.

**ISAHLUKO IV****UKULAWULWA NOKUPHATHWA KWENKAMPANI****Ukulawulwa kweNkampani yiBhodi 40**

- 10.** (1) Inkampani ilawulwa yibhodi yabalawuli.
- (2) Amalungu eBhodi amiselwa okanye aphinda amiselwe ngokutsha nguMphathiswa ngokuvumelana noMphathiswa weZimali nePos-Ofisi.

**Imisebenzi yeBhodi**

- 11.** IBhodi— 45
- (a) mayiphumelelise icebo leNkampani njengoko kuxelwe kwisiqendu 52 se*Public Finance Management Act* ukuze ifeze injongo zeNkampani;
  - (b) ifigunya lobalo-mali leNkampani;
  - (c) yalathis' indlela umlawuli ophetheyo nabasebenzi beNkampani ngokwenziwa kwemisebenzi yeNkampani; 50
  - (d) mayazise uMphathiswa ngoko nangoko ngayo nayiphi na into enokuthi ithintele okanye ichaphazele kanobom ukufezwa kweenjongo okanye injongo ezingokwasemalini zenkampani; kananjalo

- (e) mayidlulisele kuMphathiswa nayiphi na into enokuthi ikuchaphazele kakubi ukusebenza kweNkampani.

### Indlela eyakhiwe ngayo iBhodi

12. (1) IBhodi—
- (a) ngamalungu asixhenxe angenasikhundla siphezulu amiselwe enyulwa kubantu abanyulwe ngokwesiqendu 14(1)(a); 5
- (b) namanye amalungu amabini angenasikhundla siphezulu amiselwe enyulwa kubantu abanyulwe yiPos-Ofisi ngokwesiqendu 14(1)(b); kunye
- (c) nomlawuli ophetheyo, yena olilungu elinesikhundla esiphezulu leBhodi. 10
- (2) Amalungu eBhodi makube ngabantu—
- (a) abazimisele ukwenza ubulungisa, ukusebenzela elubala, nokuphendula; kwaye
- (b) xa bejongwa bebonke—
- (i) babe bamela uninzi loluntu lweRiphabliki; kwaye
- (ii) banemfundo efanelekileyo, ubuchule namava kumba weebhanki, wezimali, nowoqoqosho, okanye ke babe nayo nayiphi na enye imfundo ehlobene nomsebenzi wabo, ubuchule namava. 15
- (3) (a) Amalungu eBhodi angenasikhundla siphezulu makamiselwe ixesha elingagqithiyo kwiminyaka emihlanu.
- (b) Amalungu eBhodi angenasikhundla siphezulu anokumiselwa kwakhona elinye ixesha elingagqithiyo kwiminyaka emihlanu. 20
- (c) UMphathiswa makamisele ubuncinane amalungu amahlanu angenasikhundla siphezulu eBhodi yokuqala yeNkampani ixesha elingagqithiyo kwiminyaka emithathu.
- (4) UMphathiswa makamisele uSihlalo emnyula kumalungu eBhodi.
- (5) IBhodi inokuchonga naliphi na elinye ilungu elingenasikhundla siphezulu ukuba libambe njengoSihlalo ukuba uSihlalo akekho okanye akakwazi ukwenza umsebenzi othile. 25

### Ukudandalaziswa kwemicimbi yemali nokungafaneleki kwabantu ukuba babe ngamalungu eBhodi

13. (1) Akukho mntu uvumelekileyo ukuba amiselwe njengelungu leBhodi okanye ahlale elilo ukuba— 30
- (a) ulilungu lePalamente, ulilungu lepalamente yephondo okanye ulilungu lebhunga likamasipala;
- (b) wafunyaniswa yinkundla engongakwaziyo ukuhlawula amatyala akhe kwaye akakaphumi kuloo meko; 35
- (c) uvakaliswe yinkundla engumntu ogula ngengqondo;
- (d) wakha wafunyaniswa enetyala, enoba kukwiRiphabliki okanye kwenye indawo, kulityala—
- (i) lobusela, lobuqhetseba, lomgunyathi okanye lokukhupha uxwebhu olungumgunyathi, lokuxoka efungele ukuthetha inyaniso, lokwenza isenzo esilulwaphulo-mthetho ngokwe*Prevention and Combating of Corrupt Activities Act* 12 ka-2004, okanye nasiphi na esinye isenzo solwaphulo-mthetho esibandakanya ukungathe- mbeki; okanye 40
- (ii) isenzo solwaphulo-mthetho esingokwalo Mthetho; 45
- (e) ugwetyiwe, emva kokuba uqalise ukusebenza uMgaqo-siseko weRiphabliki yoMzantsi-Afrika 200 ka-1993, wagwetywa ukuvalelwa entolongweni ixesha elingekho ngaphantsi konyaka, akakhethiswa ukuba ahlawule ifayini; okanye
- (f) wakha washenxiswa esikhundleni sokuthenjwa nanini na kwixesha elingaphambili ngenxa yokuziphatha okubi; 50
- (g) unomcimbi wemali ongqubana ngqo okanye ngokungathanga ngqo neshishini leNkampani.
- (2) Umntu ongafanelekiyo ngendlela exelwe kwisiqendwana (1)(a), (1)(b), okanye (1)(g) unokunyulwa ukuba amiselwe njengelungu leBhodi, kodwa unokumiselwa kuphela ukuba ngexesha lokumiselwa kwakhe sele eyekile ukungafaneleki ngale ndlela. 55
- (3) (a) Umntu onyulelwe ukuba amiselwe njengelungu leBhodi makathi, ngaphambi kokuba amiselwe kwaye esakucelwa nguMphathiswa, anike uMphathiswa inkcazelo ebhaliweyo—

- (i) edandalazisa ngokupheleleyo yonke imicimbi yakhe yemali; kananjalo (ii) avakalise ukuba akanamicimbi engqubana ngqo okanye ngokungathanda ngqo neshishini leNkampani njengoko kuxelwe kwisiqendwana (1)(g).
- (b) Ukuba, emva kokuba limiselwe ilungu leBhodi, lithi libe—
  - (i) nomnye umcimbi wemali oxelwe kwisiqendu (a)(i), elo lungu malithi ngoko nangoko likudandalazise oko ngencwadi kuMphathiswa nakwiBhodi; okanye ukuba lithi libe
  - (ii) nomcimbi othe ngqo okanye ongathanga ngqo oxelwe kwisiqendwana (1)(g), ilungu maliyidandalazise ngoko nangoko loo nto kuMphathiswa nakwiBhodi.

#### Ukumiselwa kwamalungu eBhodi

10

14. (1) Ngenjongo yokumisela amalungu eBhodi angenasikhundla siphezulu, uMphathiswa makathi—

- (a) ngokwenza isaziso ubuncinane kumaphephandaba amabini athengiswa elizweni lonke naku*Shicilelo-Mithetho*, ameme abantu abanomdla, lingaphelanga ixesha eliqingqwe ku*Shicilelo-Mithetho* nangendlela exelwe kulo, ukuba bangenise amagama abantu abaxelwe kwisiqendu 12(1)(a) abakufanelekelayo ukuba ngamalungu eBhodi eziko eliyibhanki, njengoko kuxelwe kwi*Banks Act*;
  - (b) acele iPos-Ofisi ngencwadi, ekwenza oko ngokuvumelana noMgcini-zifayile weeBhanki, ukuba bangenise amagama abantu abaxelwe kwisiqendu 12(1)(b) abangabantu abafanelekileyo ukuba babe ngamalungu eBhodi eziko eliyibhanki, njengoko kuxelwe kwi*Banks Act*.
- (2) UMphathiswa makamisele ikomiti etyumbayo ukuba yenze uncomelo kuMphathiswa ngokumiselwa kwamalungu eBhodi angenasikhundla siphezulu ngokwisiqendwana (1)(a).
- (3) Ekusekeni ikomiti etyumbayo, uMphathiswa makaqiniseke ukuba ikomiti leyo inabantu beentlanga ezahlukahlukeneyo kwanabantu angamadoda namabhinqa beRiphabliki.
- (4) Ekwenzeni uncomelo lwayo kuMphathiswa, ikomiti etyumbayo mayiqwalasele—
- (a) ubugcisa obungqiniweyo, ulwazi namava omntu kwimiba—
    - (i) yokuphathwa kwemali;
    - (ii) yokuphathwa kwephulo;
    - (iii) yokuqinisekisa ukuhambisana nolawulo;
    - (iv) yokulawulwa kwemeko engumngcipheko;
    - (v) yokwenziwa kweenguqu nokuphathwa ngokufanayo kwabantu abangafaniyo;
  - (b) imfuneko yokumelwa kwabantu abebhelelekile ngaphambili;
  - (c) nokuba abantu abatyunjweyo ngabantu bemfundo eyahlukahlukeneyo, nobuchule namava ahlukahlukeneyo ukuqinisekisa ukusebenza kweNkampani ngokutyibilikayo nangempumelelo;
  - (d) ukuba ngokuvumelana noMgcini-zifayile weBhanki, ikomiti mayiqwalasele ukuba umntu ungumntu ofanelekileyo kusini na ukuba abe lilungu leBhodi leziko eliyibhankio, njengoko kuxelwe kwi*Banks Act*; iqwalase kananjalo ukuba
  - (e) umntu unawo kusini na umcimbi ongqubana ngqo okanye ngokungathanga ngqo neshishini leNkampani njengoko kuxelwe kwisiqendu 13(1)(g).
- (5) (a) Abantu abafanelekileyo abanyulwayo njengoko kuxelwe kwisiqendwana (1)(b) okanye (4) mabaliphine ubuncinane kanye nesiqingatha inani lamalungu eBhodi aza kumiselwa.
- (b) Ukuba akatyunjwanga umntu ofanelekileyo okanye inani elifunekayo labantu abafanelekileyo njengoko kuxelwe kwisiqendwana (1)(b) okanye (4), uMphathiswa, ngokuvumelana noMphathiswa weZimali nePos-Ofisi, unokufuna inani elifunekayo lamanye amalungu aze awamisele.
- (6) (a) UMphathiswa makathi zingaphelanga iintsuku ezingama-30 evumelene noMphathiswa weZimali nePos-Ofisi ngokumiselwa kwamalungu njengoko kwisiqendu 10(2)—
- (i) achonge amalungu angenasikhundla siphezulu eBhodi ewachonga kubantu abafanelekileyo abanyulwe yiPos-Ofisi njengoko kwisiqendwana (1)(b); aze
  - (ii) amisele amalungu angenasikhundla siphezulu eBhodi ewanyula kubantu abafanelekileyo abanyulwe njengoko kuxelwe kwisiqendwana (4).



(b) UMphathiswa makenze ukuba amagama amalungu amiselweyo nomhla wokuqalisa kwexesha lokuba sesikhundleni kwawo kupapashwe ngokwenza isaziso ku*Shicilelo-Mithetho*.

(7) Ilungu elingekho phezulu leBhodi—

- (a) limiselwa ngokwemigqaliselo nemiqathango egqitywe nguMphathiswa; 5
- (b) malihlawulwe kuthatyathwa kwingeniso yeNkampani umvuzo neemalana ezisecaleni ezigqitywe nguMphathiswa kucingelwa nayiphi na imimiselo okanye izikhokelo ezikhutshwe nguMphathiswa weNkonzo yaseBurhumenteni noLawulo nayiNxili yeSizwe; kwaye 10
- (c) limiselwa ixesha elingesosigxina. 10

(8) (a) Nasiphi na isithuba esivulekayo kwiBhodi masivalwe kwangalaa ndlela ilungu elihambileyo elalimiselwe ngayo kwiBhodi.

(b) Naliphi na ilungu elimiselwe ngokwesi siqendwana liba sesikhundleni lonke ixesha ebelisele lelo lungu ekuthathwa indawo yalo, ngaphandle kokuba uMphathiswa uyalela ukuba elo lungu libe sesikhundleni ixesha elide kunoko elingenakuba ngaphaya kwexesha elinye elilandelayo elifikelela kwiminyaka emihlanu. 15

### Ukuziyekela, ukushenxiswa nokuphuma esikhundleni

15. (1) Ilungu leBhodi linokuziyekela ngokunika uMphathiswa—

- (a) inotisi ebhaliweyo yenyanga; okanye
- (b) inotisi ebhaliweyo yexesha elingaphantsi kwenyanga, ngemvume yoMphathiswa. 20

(2) Emva kokuba uMphathiswa enike ilungu ithuba elaneleyo lokutsho elinqwenela ukutsho, uMphathiswa unokulishenxisa elo lungu leBhodi esikhundleni ukuba—

- (a) lenze okuchasene nalo Mthetho;
- (b) liyala okanye alikuvakalisi emalikuvakalise okuxelwe kwisiqendu 13(3)(b) okanye liyala okanye alikudandalazisi emalikudandalazise okuxelwe kwisiqendu 16(2); 25
- (c) emva kokuba limiselwe, lithi libe nemicimbi ethe ngqo okanye engathanga ngqo exelwe kwisiqendu 13(3)(b)(ii), nakwisiqendu 13(1)(g);
- (d) likutyeshela ukuyenza kakuhle imisebenzi yesikhundla salo; 30
- (e) ngokuvumelana ne*Banks Act* nasemva kokuba uMgcini-zifayile weeBhanki emazisile uMphathiswa, alisenguye umntu ofanelekileyo wokuba kweso sikhundla; okanye
- (f) alibangakho kwiintlanganiso zeBhodi zade zantathu zilandelana, lingaqalanga lacela mvume kuSihlalo. 35

(3) Ilungu leBhodi malisishiye isikhundla ukuba lithi lingafaneleki ukuba lilungu leBhodi ngokwesiqendu 13.

### Ukudandalazisa kwamalungu eBhodi noko afanele akwenze

16. (1) Ukongezelela kuwo nawuphi na omnye umthetho wepalamente osebenzayo kulo mcimbi, noku kulandelayo kuza kusebenza kumalungu eBhodi: 40

- (a) ilungu leBhodi alinakubakho okanye lithabathe inxaxheba kwingxoxo okanye ekwenziweni kwesigqibo ngawo nawuphi na umcimbi ophambi kweBhodi ukuba elo lungu leBhodi okanye umntu oselusatsheni lwalo okanye iqabane lalo kwishishini linto elinomdla kuyo ngokwasemalini ngokuthe ngqo okanye ngokungathanga ngqo; 45
- (b) ilungu leBhodi okanye ilungu losapho lalo okanye iqabane lalo kwishishini, okanye umbutho okanye ishishini elinomdla kuwo ilungu leBhodi okanye ilungu losapho lalo okanye iqabane lalo kwishishini, ngokuthe ngqo okanye ngokungathanga ngqo, alivumelekanga—
  - (i) lithengisele iNkampani impahla yalo okanye iinkonzo zalo; okanye 50
  - (ii) asisebenzise kakubi nangayiphi na indlela isikhundla sokuba lilungu leBhodi, okanye asebenzise kakubi ingcombolo ayizuze ngokuba lilungu leBhodi;
- (c) ilungu leBhodi maliyenze imisebenzi yalo yesikhundla ngamaxesha onke ngentsusa entle kangangoko kunokwenzeka, ngokunyaniseka nangokuthembeka, ngenkathalo nangokukhuthala kwaye, liqhubela phambili imisebenzi yalo— 55
  - (i) malithabathe amanyathelo anokuthabatheka okuziqhelanisa neNkampani, neshishini layo nemisebenzi yayo neemeko esebenza kuzo;

- (ii) malithabathe amanyathelo anokuthabatheka, ngokusebenzisa iinkqubo zeBhodi, ukufumana ingcombolo eyaneleyo nokuce-  
tyiswa ngayo yonke imicimbi emayigqitywe yiBhodi ukuze lenze  
izigqibo ngesazela esihle kwaye likwazi elikwenzayo; 5
- (iii) malibekho rhoqo kuzo zonke iintlanganiso zeBhodi; 5
- (iv) malisebenzise okwalo ukuqonda ngayo yonke imicimbi ema-  
yigqitywe yiBhodi;
- (v) malikhuthale ekwenzeni imisebenzi yalo njengelungu;
- (vi) malenze ngokuvisisana nayo nayiphi na imigqaliselo yokuziphatha  
yangaphakathi iNkampani esenokuyimisela amalungu eBhodi; 10
- (vii) malingenzi nayiphi na into enokuthi isingele phantsi iNkampani;
- (viii) malingasebenzisi kakubi isikhundla salo sokuba lilungu okanye  
lisebenzise kakubi ingcombolo eliyizuze ngesikhundla salo sokuba  
lilungu; 10
- (ix) imicimbi eyimfihlo yeNkampani eliyifumene ngesikhundla salo  
sokuba lilungu leBhodi maliyiphathe njengeyimfihlo ngoku-  
ngqongqo kwaye lingayithi pahaha nakubani na ngaphandle  
kokugunyazwa yiNkampani okanye ngaphandle kokuba kufunwa  
yimisebenzi yaloo mntu njengelungu leBhodi; (2) Ilungu leBhodi  
maliwudandalazise ngoko nangoko nangokupheleleyo kwiBhodi  
umdlala elinawo ngokuthe ngqo okanye ngokungathanga ngqo  
oxelwe kwisiqendu (1). 20

#### **Iinkqubo zokulandelwa kwiintlanganiso, neekomiti zeBhodi**

17. (1) (a) IBhodi yenza isigqibo ngeenkqubo zokulandelwa kwiintlanganiso zayo. 25
- (b) Kufuneka kubekho amashumi asixhenxe ekhulwini amalungu ukuze ibe  
ingaqhubeka intlanganiso yeBhodi.
- (c) Isigqibo esithathwe yiBhodi okanye isenzo esenziwe ngokweso sigqibo asibi  
sesiphuthileyo ngenxa nje yokuba—
- (i) kubekho ubugwenxa ekumiselweni kwelungu;
  - (ii) ibingaphelelanga iBhodi; okanye 30
  - (iii) umntu ongenalungelo lokuhlala njengelungu ebeli ngexesha lokuthathwa  
kwesigqibo, kodwa ke okufunekayo kukuba isigqibo eso sibe sithathwe  
luninzi lwamalungu akhoyo kwaye enelungelo lokuhlala njengamalungu,  
kwaye loo malungu ngelo xesha ebelinani elifunekayo ukuze ibe ingaqhubeka  
intlanganiso. 35
- (2) IBhodi inokuseka enye ikomiti okanye ezingaphezu koko ukuba zincedise  
ekwenziweni kwemisebenzi yayo.
- (3) IBhodi—
- (a) mayabele amalungu eBhodi ukuba akhonze kwikomiti, ngokusekelwe  
kulwazi lwawo namava awo; ize 40
  - (b) igqibe—
    - (i) ngemida yezinto ezinokwenziwa yikomiti;
    - (ii) ngendlela emayakhiwe ngayo ikomiti;
    - (iii) ngobude bexesha lokuba sekomitini kwamalungu;
    - (iv) ngeendlela zokunik' ingxelo zekomiti; 45
    - (v) nangendlela elinokushenxiswa ngayo ilungu ekomitini nezizathu  
elinokushenxiselwa zona.
- (4) IBhodi inokumisela nawuphi na umntu onolwazi oluthile, ubuchule okanye  
imfundo ukubaancedise ikomiti ekwenzeni imisebenzi yayo.
- (5) Ngaphandle kokuba elo gunya iliphathiswe ngokukhethekileyo yiBhodi, ikomiti 50  
ayinalo igunya lokwenza izigqibo, okwayo kukwenza uncomelo eBhodini kuphela.
- (6) Ikomiti mayidibane futhi-futhi kangangoko kufuneka ukuze iphumeze imisebenzi  
yayo kwaye isenokwenza isigqibo ngeenkqubo eza kuzilandela.
- (7) Ikomiti nganye mayibe nosihlalo ongelilo ilungu eliphezulu leBhodi.

#### **Ukumiselwa komlawuli ophetheyo**

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18. (1) Ngemvume yoMphathiswa, iBhodi mayimisele umlawuli ophetheyo oma-  
kenze nawuphi na umsebenzi onxibelelene nemisebenzi yeNkampani kwaye aqinisekise  
ukuba iNkampani iyazifeza iinjongo zayo.

(2) IBhodi mayimeme abantu ukuba benze izicelo zesithuba sokuba ngumlawuli ophetheyo ngokupapasha izibhengezo kumajelo eendaba.

(3) Umntu omiselwe njengomlawuli ophetheyo—

(a) makabe nemfundo okanye amava afanele imisebenzi yeNkampani;

(b) makangabi ngongafanelekiyo ngendlela exelwe kwisiqendu 13; kwaye

(c) ulilungu leBhodi ngenxa yesikhundla sakhe.

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### Imiqathango yokumiselwa komlawuli ophetheyo

19. (1) (a) Ukumiselwa komlawuli ophetheyo kuxhomekeke ekuqulunqweni kwesivumelwano sokusebenza ekungenwe kuso yiBhodi nangumlawuli ophetheyo.

(b) Isivumelwano sokusebenza masiqwalaselwe ngokutsha unyaka ngamnye.

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(2) Umlawuli ophetheyo uba sesikhundleni ngokwemigqaliselo nemiqathango egqitywe yiBhodi, ngokubonisana noMphathiswa.

(3) Umlawuli ophetheyo unelungelo lokufumana umvuzo ogqitywe yiBhodi ngokuvumelana noMphathiswa weZimali.

(4) Umlawuli ophetheyo uphethwe yiBhodi.

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### Abasebenzi beNkampani

20. (1) Umsebenzi ophathelele kwimisebenzi yeNkampani wenziwa—

(a) ngabantu abafuduselwe kwiNkampani njengoko kulungiselelwe oko kwisiqendu 7(c);

(b) nangabantu abasenokuqeshwa ngumlawuli ophetheyo, ngokuvumelana neBhodi.

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(2) IBhodi mayenze isigqibo ngobume beNkampani nangeemeko zokusebenza, ngemivuzo nangamaqithiqithi okufunyanwa ngabasebenzi beNkampani, emva kokuba ibonisene nomlawuli ophetheyo, nangokuvumelana noMphathiswa noMphathiswa weziMali.

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## ISIAHLUKO V

### IIMALI ZEENKAMPANI

#### Ingxelo yonyaka

21. (1) Zingaphelanga iinyanga ezintandathu uphelile unyaka-mali wayo, iNkampani mayingenise kuMphathiswa ingxelo ngako konke ekwenzileyo kunyaka ongaphambili.

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(2) Ingxelo leyo yonyaka mayithiwe thaca ePalamente zingaphelanga iintsuku ezingama-30 ifunyenwe nguMphathiswa ukuba iPalamente ihleli okanye ke, ukuba iPalamente ayihlalanga, zingaphelanga iintsuku ezingama-30 kuqalile ukuhlala kwayo okulandelayo.

#### Iimali zeNkampani

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22. Iimali zeNkampani zivela—

(a) kwimali etyalwe kwiNkampani ngokwesiqendu 7;

(b) kwiimali ezifumaneka ngokusebenza kwayo;

(c) kwimali eyabelwe yiPalamente;

(d) nakwiimali ezifunyenwe ngokusemthethweni zivela nakuwuphi na 40 umthombo.

#### Ukuhlolwa kokuma kwezimali namaxwebhu eNkampani

23. UMphathiswa okanye naliphi na igosa elisebenzela urhulumente eligunyazwe nguMphathiswa ngokubhala lingakuhlola konke ukuma kwezimali namaxwebhu eNkampani, kwaye iBhodi mayimnike uMphathiswa okanye elo gosa aligunyazileyo yonke ingcombolo asenokuyifuna.

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**Ukusetyenziswa kwePublic Finance Management Act****24. Inkampani ilawulwa yiPublic Finance Management Act.****ISAHLUKO VI****EZAHLUKAHLUKENEYO**

- Ukungenelela koMphathiswa** 5
- 25. (1)** Ngokuvumelana noMphathiswa weziMali, uMphathiswa usenokuyalela iNkampani ukuba ithabathe naliphi na inyathelo elixelwe nguMphathiswa ukuba iNkampani—
- (a) iphathwa ngendlela engeyiyo;
  - (b) ayiyenzi imisebenzi yayo ngempumelelo nangokutyibilikayo; 10
  - (c) yenze ngokungenabulungisa okanye ngendlela ecalulayo kumntu ebophelelekileyo ukuba imenzele okuthile ngokwalo Mthetho; okanye
  - (d) ayikwenzanga okufunwa ngumthetho okanye okufunwa yinkqubo etshiwo ngulo Mthetho.
- (2) Umyalelo oxelwe kwisiqendwana (1) mawuchaze— 15
- (a) uhlobo lwesikhwasilima;
  - (b) amanyathelo amakathathwe ukulungisa imeko; kunye
  - (c) nexesha elinokubonelela ekufuneka abe sele ethathiwe ngalo amanyathelo axelwe kwisiqendu (b).
- (3) Ukuba iNkampani ayiyilungisi imeko lingaphelanga ixesha elixeliweyo, uMphathiswa unokuthi, ngokuvumelana noMphathiswa weziMali— 20
- (a) emva kokuba eyinikile iNkampani ithuba elaneleyo lokuba ibeke elayo icala;
  - (b) nasemva kokuba enike iNkampani ithuba lokuba ivakalise elayo izwi ngeziphakamiso ezenziweyo, uMphathiswa unokuthi afake amanye amalungu eBhodi kwangalaa ndlela awathi amiselwa ngayo amalungu amkileyo okanye, ukuba iimeko zifunisa oko, amisele umntu ukuba abe ngumlawuli oza kuthabathela kuye umsebenzi weNkampani. 25
- (4) Ukuba uMphathiswa umisela umlawuli ngokwesiqendwana (3)—
- (a) umlawuli unokwenza nayiphi na into enokuba negunya lokuyenza iBhodi okanye ekusenokufuneka yenziwe yiBhodi ngokwalo Mthetho, ingavunyelwa yona iBhodi ukuba iyenze; 30
  - (b) iBhodi ayivumelekanga ukuba isebenzise amagunya ayo athile okanye yenze imisebenzi yayo ethile, lo gama kungumlawuli ophathiswe ukwenza loo misebenzi ethile;
  - (c) umqeshwa weNkampani okanye umntu ongene kwisivumelwano neNkampani makakwenze okuyalelwe ngumlawuli. 35
- (5) UMphathiswa—
- (a) makaman' ukuqwalasela ngokutsha rhoqo ukusebenza kweNkampani ngoxa iphantsi kolawulo lomnye umntu; kwaye
  - (b) zingaphelanga iinyanga ezintandathu emisele umlawuli, athi thaca ingxelo kwiNdlu yoWiso-mthetho ngoko akufumanisileyo. 40
- (6) Akuba uMphathiswa anelisekile kukuba iNkampani iyakwazi ukwenza imisebenzi yayo ngempumelelo, makakuyekise ukusebenza komlawuli.
- (7) (a) Kungakhathaliseki ukuba sithini na esi siqendu, uMphathiswa unokuyichitha iBhodi ukuba, ngesizathu esivakalayo, uMphathiswa uphelelwa kukuyithemba iBhodi ukuba ingayenza ngempumelelo nangokutyibilikayo imisebenzi yayo. 45
- (b) UMphathiswa unokulisebenzisa eli gunya kuphela—
- (i) emva kokuba eyinike iBhodi ithuba elaneleyo lokuba ibeke elayo icala;
  - (ii) nasemva kokuba eyinike iBhodi ithuba lokuba ivakalise elayo izwi ngeziphakamiso ezenziweyo. 50
- (c) Ukuba uMphathiswa uyayichitha iBhodi,—
- (i) unokumisela umlawuli ukuba athabathele kuye imisebenzi yeBhodi nokuba enze nayiphi na into ebiya kuba negunya lokuyenza iBhodi okanye kufuneka iyenze ngokwalo Mthetho, kodwa ke ngokulawulwa yimiqathango enokuthi igqitywe nguMphathiswa; kwaye 55
  - (ii) makathi, ngokukhawuleza kangangoko kunokwenzeka, kodwa kungadanga kuphela iinyanga ezintandathu ichithiwe iBhodi, afake amanye amalungu eBhodi kwangalaaa ndlela awathi amiselwa ngayo awangaphambili.

(8) (a) Iindleko zokumiselwa komlawuli ziza kuba zezeNkampani.

(b) Ukumiselwa komlawuli kufikelela esiphelweni xa amalungu eBhodi ethathelwe indawo ngamanye ngokwesiqendwana (7)(c)(ii).

(9) Kungakhathaliseki ukuba sithini esi siqendu, uMphathiswa unelungelo nanini na lokuya kwinkundla enegunya kulo mcimbi ukuya kufuna uncedo nakuwuphi na umcimbi awubona ungofanelekileyo ukuphumeza lo Mthetho. 5

### Imimiselo nenkqubo

26. (1) Emva kokubonisana noMphathiswa weziMali, uMphathiswa unokwenza imimiselo—

(a) ngawo nawuphi na umcimbi ongokusebenza kweBhodi oyimfuneko ukuginisekisa ukwenziwa kwemisebenzi yayo ngokutyibilikayo nangempumelelo; 10

(b) nangawo nawuphi na umcimbi olisolotya wolawulo okanye wenkqubo ekuyimfuneklo ukwenz' ummiselo ngawo ukuze wenziwe usebenze kakuhle lo Mthetho. 15

(2) UMphathiswa makenze iinkqubo ngemicimbi ekuthethwe ngayo kwisiqendu 9(1)(g), (h) no-(i), zingaphelanga iinyanga ezintandathu uqalile ukusebenza lo Mthetho, kwaye unokwenza naziphi na ezinye iinkqubo ngemicimbi yeenkqubo zezwelonke ezisebenza kwiNkampani, ezivisisana neenjongo zalo Mthetho, kwaye unokuthi nangaliphi na ixesha emva koko enze utshintsho kwezo nkqubo zenziweyo. 20

(3) Xa esenza utshintsho kwinkqubo ngokwesiqendwana (2), uMphathiswa—

(a) makavumelane noMphathiswa weziMali;

(b) makavunyelwe yiKhabhinethi;

(c) makayise inkqubo kwiNdlu yoWiso-mthetho ubuncinane kusasele iintsuku ezingama-30 ngaphambi kokuba apapashe umbhalo wokugqibela wenkqubo ngokwesiqendu (d); aze 25

(d) apapashe umbhalo wokugqibela wenkqubo ku*Shicilelo-Mithetho*.

### Ukungasebenzi kokutshiwo yiCompanies Act

27. Okutshiwo yiCompanies Act akusebenzi kwiNkampani ukuba—

(a) kukho indawo ekhethekileyo echasa ukusebenza kwako kulo Mthetho; okanye 30

(b) uMphathiswa woRhwebo noShishino ukhuphe isibhengezo ngokwesiqendu 28.

### Iinxalenye ezithile zeCompanies Act zisengavakaliswa zingezingasebenziyo kwiNkampani 35

28. (1) (a) UMphathiswa usenokucela uMphathiswa woRhwebo noShishino ukuba avakalise nayiphi na inxalenye yeCompanies Act iyengasebenziyo kwiNkampani.

(b) Inkampani mayinike izezathu ngokupheleleyo zeso sicelo.

(2) (a) UMgcini-maxwebhu weNkampani makapapashe iinkcukacha ezingeso sicelo nezizathu ezinikiweyo ezixelwe kwisiqendwana (1) ngokwenza isaziso ku*Shicilelo-Mithetho*. 40

(b) Kweso saziso uMgcini-maxwebhu makameme abantu abanomdla ukuba batsho abafuna ukukutsho kumntu oxeliweyo apho kwisaziso lingaphelanga ixesha elixelwe kweso saziso.

(3) (a) Akuba ekuqwalasele okutshiwo ngabantu okuxelwe kwisiqendwana (2), ukuba kukho, uMphathiswa woRhwebo noShishino unokuthi, ngokwenza isaziso ku*Shicilelo-Mithetho*, avakalise konke okutshiwo yiCompanies Act okanye nayiphi na inxalenye yako, akuvakalise njengokungasebenziyo kwiNkampani ukususela kumhla oxeliweyo kweso saziso. 45

(b) UMphathiswa woRhwebo noShishino unokusikhupha eso sibhengezo kuphela ukuba wanelisekile kukuba ngezizathu ezivakalayo ukungasebenzi kwaloo nxalenye kwiNkampani— 50

(a) kuya kuba negalelo ekusebenzeni kwayo ngokutyibilikayo;

(b) akuyi kukuphungula okanye kukunciphise ukuziphendulela kweNkampani njengenkampani kawonkewonke okanye kunciphise ukuba selubala koku-sebenza kwayo; kwaye 55

(c) akuyi kuba nasiphumo sibi kumalungelo, kwizinto abanomdla kuzo okanye kumabango abantu abatyalwa yiNkampani okanye abaqeshwa bayo okanye nawuphi na omnye umntu.

(4) Esi siqendu sisebenza kunye neenguqu ezifunwa kukusebenza kwaloo nto ibifudula iyiBhanki yasePosini njengoko kuxelwe kwisiqendu 30. 5

#### Izenzo ezikukona nezohlwayo

29. (1) Naliphi na ilungu elingakwezinyo okufunwa sisiqendu 13(3)(b)(i) okanye (ii) okanye 16(2), okanye elaphula isiqendu 16(1)(c)(vii) okanye (viii), okanye nabani na owayelilungu ongazange akwenze okufunwa zezi ziqendu okanye owathi wazaphula ngexesha awayelilungu ngalo, waphul' umthetho, kwaye esakufunyaniswa enetyala uya kugwetywa ifayini okanye ukuvalelwa entolongweni ixesha elingagqithiyo kwiminyaka emihlanu, okanye agwetywe kokubini ifayini nokuvalelwa entolongweni. 10

(2) Nawuphi na umntu ekuthethwe ngaye kwisiqendu 16(1)(b) owaphula eso siqendu, okanye nawuphi na umntu owayelilungu owathi waphula eso siqendu ngexesha awayelilungu ngalo, okanye nawuphi na omnye umntu ongelilo ilungu leBhodi, ekuthethwe ngaye kwisiqendu 16(1)(b) owathi waphula esi siqendu ngexesha ilungu elalililungu ngalo, waphul' umthetho, kwaye esakufunyaniswa enetyala uya kugwetywa ifayini okanye ukuvalelwa entolongweni ixesha elingagqithiyo kwiminyaka emihlanu, okanye kokubini ifayini nokuvalelwa entolongweni. 15

#### Okuza kwenzeka logama 20

30. Nangona isiqendu 31 sisitshitshisa isiqendu 51(1), (3), nesesi-(4), nesama-52, 53, 55 nesama-58 se*Postal Services Act*, de sibe sikhutshiwe isiqinisekiso sokuqalisa ukushishina esixelwe kwisiqendu 4(2), loo nto ibifudula iyiBhanki yasePosini iyaqhubeka isebenza ngaphandle kwesiphazamiso, ngokungathi ezo ziqendu azitshitshiswanga. 25

#### Ukutshitshiswa kwemithetho

31. Imithetho ekhankanywe kwiSihlomelo 1 iyatshitshiswa; ubungakanani bendawo etshitshiswayo buchazwe kumhlathi wesithathu weso Sihlomelo.

#### Igama lawo elifutshane nokuqalisa kwawo ukusebenza

32. Lo Mthetho ubizwa ngokuba nguMthetho weNkampani eyiBhanki yasePosini yoMzantsi-Afrika ka-2010 kwaye uqalisa ukusebenza ngomhla oqitywe nguMongameli ngokwenza isaziso ku*Shicilelo-Mithetho*. 30

**ISIHLOMELO 1***(Isiqendu 31)***UKUTSHITSHISWA KWEMITHETHO**

<b>Inombolo nonyaka womthetho</b>	<b>Igama lawo elifutshane</b>	<b>Indawo etshitshwayo</b>
UMthetho 124 ka-1998	<i>iPostal Services Act</i> ka-1998	Iziqendu 51(1), (3) nese-(4), 52, 53, 55 nesama-50

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