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PROVINCE OF WESTERN CAPE

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**WESTERN CAPE  
WITNESSES ACT, 2006**

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PROVINSIE WES-KAAP

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**WES-KAAPSE  
WET OP GETUIES, 2006**

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IPHONDO LENTSHONA KOLONI

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**UMTHETHO WAMANGQINA  
WENTSHONA KOLONI, 2006**

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**No 2, 2006**

# ACT

To regulate the summoning and examination of witnesses by the Provincial Parliament; and to provide for incidental matters.

**B**E IT ENACTED by the Provincial Parliament of the Province of the Western Cape, as follows:—

## Definitions

1. In this Act, unless the context indicates otherwise—
  - “**committee**” means a committee of the Provincial Parliament consisting of 5 members;
  - “**member**” means—
    - (a) a member of the Provincial Parliament; or
    - (b) a permanent delegate of the Province of the Western Cape to the National Council of Provinces; 10
  - “**Powers, Privileges and Immunities Act**” means the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, 2004 (Act No. 4 of 2004), of the National Parliament;
  - “**Provincial Parliament**” means the Provincial Parliament of the Province of the Western Cape; 15
  - “**Secretary**” means the Secretary to the Provincial Parliament;
  - “**sheriff**” means a person appointed as sheriff in terms of section 2 of the Sheriffs Act 1986 (Act No. 90 of 1986), and includes an acting sheriff and a deputy sheriff;
  - “**Speaker**” means the Speaker of the Provincial Parliament;
  - “**Standing Rules**” means the rules made by the Provincial Parliament in terms of section 23(3)(b) of the Constitution of the Western Cape. 20

## Summoning of witnesses

2. (1) A summons in terms of section 25(a) of the Constitution of the Western Cape to appear before the Provincial Parliament or a committee to give evidence or to produce documents must be issued by the Secretary on the instructions of— 25
  - (a) the Speaker; or
  - (b) the chairperson of the committee concerned, acting in accordance with a resolution of the committee and with the concurrence of the Speaker.
- (2) The summons must state—
  - (a) the name of the person summonsed; 30
  - (b) the name or designation of the person who must serve the summons;
  - (c) the time, place and venue at which the person summonsed is required to appear;
  - (d) the subject of the enquiry;
  - (e) the purpose for which the evidence of that person is required; and 35
  - (f) a description of the document, if any, which that person is required to produce.
- (3) The summons must be served by the sheriff, or by a person designated by the Secretary, by delivering a copy of the summons—
  - (a) to the person mentioned in the summons; or
  - (b) at that person’s usual or last known place of residence or of employment or 40 business, to a person apparently over the age of 18 years and apparently residing or employed there.

(4) A return by the person who served the summons that service thereof has been effected in accordance with subsection (3) is *prima facie* proof of the service.

(5) A person summonsed in terms of this section or requested by the Provincial Parliament or a committee to attend a meeting of the Parliament or committee, is entitled to be paid an amount for his or her expenses as approved by the Speaker in accordance with the Standing Rules. 5

### Examination of witnesses

3. When the Provincial Parliament or a committee requires that anything be verified or otherwise ascertained by the oral examination of a witness, the person presiding at the enquiry may— 10

- (a) call upon and administer an oath to, or accept an affirmation from, any person present at the enquiry who was or could have been summonsed in terms of section 2; and
- (b) examine that person or request the person to produce any document in the person's possession or custody or under his or her control which may have a bearing on the subject of the enquiry, subject to any limitation provided for by or in terms of the Standing Rules with regard to the type of subject matter about which a witness may be questioned or the type of document that a witness may be requested to produce. 15

### Privilege of witnesses 20

4. (1) Subject to subsection (2), the law regarding privilege as applicable to a witness summonsed to give evidence or to produce a document before the High Court of South Africa applies to the examination of a person in terms of section 3.

(2) A person who is being examined under oath or affirmation in terms of section 3 may be required to answer any question put to him or her in connection with the subject of the enquiry, and to produce any document that he or she is requested to produce, despite the fact that the answer or the document would incriminate him or her or would tend to expose him or her to criminal or civil proceedings, or damages. 25

(3) Evidence given under oath or affirmation by a person before the Provincial Parliament or a committee may not be used against that person in any court or place outside the Parliament, except in criminal proceedings where the person concerned stands trial on a charge of perjury or a charge contemplated in section 5(1)(c) or 5(2)(d) or (e). 30

### Offences

5. (1) A person who— 35

- (a) has been duly summonsed in terms of section 2 and who fails, without sufficient cause—
  - (i) to attend at the time and place specified in the summons; or
  - (ii) to remain in attendance until excused from further attendance by the person presiding at the enquiry; 40
- (b) when called upon under section 3(a), refuses to be sworn in or to make an affirmation as a witness; or
- (c) fails, without sufficient cause—
  - (i) to answer fully and satisfactorily all questions lawfully put to him or her under section 3(b); or 45
  - (ii) to produce any document in his or her possession or custody or under his or her control which he or she has been required to produce under section 3(b),

commits an offence and is liable to a fine or to imprisonment for a period not exceeding 12 months or to both the fine and the imprisonment. 50

(2) A person who—

- (a) threatens or obstructs another person in respect of evidence to be given before the Provincial Parliament or a committee;
- (b) induces another person-
  - (i) to refrain from giving evidence to or producing a document before the Provincial Parliament or a committee; 55
  - (ii) to give false evidence before the Provincial Parliament or a committee;

- (c) assaults or penalises or threatens another person, or deprives that person of any benefit, on account of the giving or proposed giving of evidence before the Provincial Parliament or a committee;
  - (d) with intent to deceive the Provincial Parliament or a committee, produces to the Parliament or committee any false, untrue, fabricated or falsified document; or 5
  - (e) whether or not during examination under section 3, wilfully furnishes the Provincial Parliament or a committee with information, or makes a statement before it, which is false or misleading,
- commits an offence and is liable to a fine or to imprisonment for a period not exceeding 10 two years or both the fine and imprisonment.
- (3) Subject to subsection (4), subsections (1) and (2) do not apply to members.
  - (4) A member who commits an act mentioned in subsection (1) or (2) is guilty of contempt of the Provincial Parliament as contemplated in section 13 of the Powers, Privileges and Immunities Act. 15

### **Repeal of legislation**

6. Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 of the Western Cape Law on the Powers and Privileges of the Provincial Legislature, 1995 (Law No. 3 of 1995), are repealed.

### **Short title**

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- 7. This Act is called the Western Cape Witnesses Act, 2006.

# WET

**Om die dagvaarding en ondervraging van getuies deur die Provinsiale Parlement te reël; en om vir bykomstige aangeleenthede voorsiening te maak.**

**D**AAR WORD BEPAAL deur die Provinsiale Parlement van die Wes-Kaap, soos volg:—

## Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
- “**balju**” iemand wat ingevolge artikel 2 van die Wet op Balju’s, 1986 (Wet No. 90 van 1986), as balju aangestel is, met inbegrip van ’n waarnemende balju en ’n adjunk-balju; 5
  - “**komitee**” ’n komitee van die Provinsiale Parlement wat uit lede bestaan;
  - “**lid**”
    - (a) ’n lid van die Provinsiale Parlement; of 10
    - (b) ’n vaste afgevaardigde van die Provinsie na die Nasionale Raad van Provinsies;
  - “**Provinsiale Parlement**” die Provinsiale Parlement van die Wes-Kaap Provinsie;
  - “**Sekretaris**” die Sekretaris van die Provinsiale Parlement;
  - “**Speaker**” die Speaker van die Provinsiale Parlement; 15
  - “**Staande Reëls**” die reëls gemaak deur die Provinsiale Parlement ingevolge artikel 23(3)(b) van die Grondwet van die Wes-Kaap;
  - “**Wet op Bevoegdhede, Voorregte en Immunitete**” die Wet op die Bevoegdhede, Voorregte en Immunitete van die Parlement en Provinsiale Wetgewers, 2004 (Wet No. 4 van 2004), van die Nasionale Parlement. 20

## Dagvaarding van getuies

2. (1) ’n Dagvaarding ingevolge artikel 25(a) die Grondwet van die Wes-Kaap om voor die Provinsiale Parlement of ’n komitee te verskyn om getuienis af te lê of om dokumente voor te lê, moet deur die Sekretaris uitgereik word in opdrag van—
- (a) die Speaker; of 25
  - (b) die voorsitter van die betrokke komitee, wat moet optree ooreenkomstig ’n besluit van die komitee en met die instemming van die Speaker.
- (2) Die volgende moet in die dagvaarding verstrek word, naamlik—
- (a) die naam van die persoon wat gedagvaar word;
  - (b) die naam of ampsbenaming van die persoon wat die dagvaarding moet 30 beteken;
  - (c) die tyd, plek en lokaal waar die gedagvaarde persoon moet verskyn;
  - (d) die onderwerp van die ondersoek;
  - (e) die doel waarvoor die getuienis van daardie persoon vereis word; en
  - (f) ’n beskrywing van die dokument, as daar is, wat die persoon moet voorlê. 35
- (3) Die dagvaarding moet beteken word deur die balju, of deur ’n persoon wat deur die Sekretaris aangewys is, deur ’n afskrif van die dagvaarding te oorhandig—
- (a) aan die persoon in die dagvaarding vermeld; of
  - (b) by daardie persoon se gewone of laaste bekende woonplek of werkplek of besigheidsplek, aan iemand wat klaarblyklik ouer as 18 jaar is en klaarblyklik 40 daar woon of werk.

(4) 'n Relas deur die persoon wat die dagvaarding beteken het dat die betekening daarvan ooreenkomstig subartikel (3) gedoen is, is *prima facie* bewys dat dit aldus beteken is.

(5) Iemand wat ingevolge hierdie artikel gedagvaar word of wat deur die Provinsiale Parlement of 'n komitee versoek word om 'n vergadering van die Parlement of komitee by te woon, is geregtig op betaling van 'n bedrag vir sy of haar koste, soos deur die Speaker ooreenkomstig die Staande Reëls goedgekeur. 5

### Ondervraging van getuies

3. Wanneer die Provinsiale Parlement of 'n komitee vereis dat enigiets deur die mondelinge ondervraging van 'n getuie bevestig of andersins vasgestel word, kan die voorsittende beampte by die ondersoek— 10

- (a) die eed oplê aan, of 'n plegtige verklaring aanvaar van, enigiemand wat by die ondersoek aanwesig is en wat ingevolge artikel 2 gedagvaar is of kon word; en
- (b) daardie persoon ondervra, of versoek dat die persoon enige dokument voorlê wat in die persoon se besit of onder sy of haar sorg of beheer is en wat moontlik verband kan hou met die onderwerp van die ondersoek, behoudens enige beperking bepaal deur of ingevolge die Staande Reëls aangaande die soort aangeleentheid waarvoor 'n getuie ondervra kan word of die soort dokument wat 'n getuie versoek kan word om voor te lê. 15

### Privilegie van getuies 20

4. (1) Behoudens subartikel (2) is die reg met betrekking tot privilegie soos toepaslik op 'n getuie wat gedagvaar is om getuienis af te lê voor of om 'n dokument voor te lê aan die Hoë Hof van Suid-Afrika van toepassing op die ondervraging van 'n getuie ingevolge artikel 3.

(2) Daar kan van 'n persoon wat ingevolge artikel 3 onder eed of bevestiging ondervra word, vereis word om enige vraag wat in verband met die onderwerp van die ondersoek aan hom of haar gestel word te beantwoord, en om enige dokument voor te lê wat hy of sy versoek word om voor te lê, ondanks die feit dat die antwoord of die dokument hom of haar sou inkrimineer of hom of haar moontlik sou blootstel aan strafregtelike of siviele verrigtinge of skadevergoeding. 25 30

(3) Getuienis wat 'n persoon onder eed of bevestiging voor die Provinsiale Parlement of 'n komitee afgelê het, mag nie teen daardie persoon gebruik word in enige hof of plek buite die Parlement nie, behalwe in strafregtelike verrigtinge waar die betrokke persoon teregstaan op 'n aanklag van meened of 'n aanklag beoog in artikel 5(1)(c) of 5(2)(d) of (e). 35

### Misdrywe

5. (1) Iemand wat—

- (a) behoorlik gedagvaar is ingevolge artikel 2 en wat, sonder voldoende rede, versuim—
  - (i) om te verskyn op die tyd en plek in die dagvaarding bepaal; of 40
  - (ii) om aanwesig te bly totdat hy of sy deur die persoon wat by die ondersoek voorsit van verdere bywoning onthef word;
- (b) wanneer kragtens artikel 3(a) daartoe gelas, weier om as getuie beëdig te word of 'n plegtige verklaring as getuie af te lê; of
- (c) sonder voldoende rede versuim— 45
  - (i) om volledig en bevredigend te antwoord op alle vrae wat regmatig aan hom of haar gestel word ingevolge artikel 3(b); of
  - (ii) om 'n dokument in sy of haar besit of onder sy of haar sorg of beheer voor te lê wanneer kragtens artikel 3(b), van hom of haar vereis word om dit te doen, 50

pleeg 'n misdryf en is strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande, of met beide die boete en die gevangenisstraf.

(2) Iemand wat—

- (a) iemand anders dreig of belemmer ten opsigte van getuienis wat voor die Provinsiale Parlement of 'n komitee gelewer staan te word; 55
- (b) iemand anders oorreed om—

- (i) nie getuienis af te lê voor of 'n dokument voor te lê aan die Provinsiale Parlement of 'n komitee nie; of
- (ii) vals getuienis voor die Provinsiale Parlement of 'n komitee af te lê;
- (c) iemand anders aanrand, bestraf of dreig of enige voordeel ontsê weens die lewering of voorgenome lewering van getuienis voor die Provinsiale Parlement of 'n komitee; 5
- (d) met die doel om die Provinsiale Parlement of 'n komitee te bedrieg, enige vals, onwaar, versinde of vervalste dokument aan die Parlement of komitee voorlê; of
- (e) hetsy tydens ondervraging kragtens artikel 3 al dan nie, opsetlik inligting aan die Provinsiale Parlement of aan 'n komitee verstrek, of 'n verklaring daarvoor doen, wat vals of misleidend is, 10  
pleeg 'n misdryf en is strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, of met beide die boete en die gevangenisstraf.
- (3) Behoudens subartikel (4) is subartikels (1) en (2) nie op lede van toepassing nie. 15
- (4) 'n Lid wat 'n handeling verrig wat in subartikel (1) of (2) vermeld word, pleeg minagting van die Provinsiale Parlement soos bedoel in artikel 13 van die Wet op Bevoegdheede, Voorregte en Immunitete.

### **Herroeping van wetgewing**

6. Artikels 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, en 28 van die Wes-Kaapse Wet op die Bevoegdheede, en Voorregte van die Provinsiale Wetgewer, 1995 (Wet No. 3 van 1995), word herroep. 20

### **Kort titel**

7. Hierdie Wet staan bekend as die Wes-Kaapse Wet op Getuies, 2006.

# UMTHETHO

**Ukulawula ukuthunyelwa kwesamani nokuthawuziswa kwamangqina yiPalamente yePhondo; kwanokubonelela ngemiba ehamba kunye nawo.**

**UZA KWENZIWA UKUBA USEBENZE yiPalamente yePhondo leNtshona Koloni, ngolu hlobo—**

## **Iinkcaza**

1. Kulo Mthetho, ngaphandle kokuba umxholo ubonisa enye into—
  - “**ikomiti**” ithetha ikomiti yePalamente yePhondo eyenziwa ngamalungu; 5
  - “**ilungu**” lithetha—
    - (a) ilungu lePalamente yePhondo; okanye
    - (b) umthunywa osisigxina wephondo leNtshona Koloni kwiBhunga leSizwe laMaphondo;
  - “**UMthetho waMagunya naMalungelo aWodwa**” uthetha uMthetho waMalungelo wodwa ePalamente neziNdlu zoWiso-mthetho zaMaphondo, 2004 (uMthetho No 4 ka-2004) wePalamente kaZwelonke;
  - “**IPalamente yePhondo**” ithetha iPalamente yePhondo ekwiphondo leNtshona Koloni;
  - “**UNobhala**” uthetha uNobhala wePalamente yePhondo; 15
  - “**unothimba**” uthetha umntu otyunjwe njengonothimba ngokwecandelo 2 loMthetho wooNothimba wango-1986 (UMthetho Nomb. 90 ka-1986), yaye ubandakanya unothimba obambeleyo okanye olisekela;
  - “**USomlomo**” uthetha uSomlomo wePalamente yePhondo.
  - “**IMithetho eSisigxina**” ithetha imithetho eyenziwe yiPalamente yePhondo ngokwemigaqo yecandelo 23(3)(b) yoMgaqo-siseko weNtshona Koloni; 20

## **Ukuthunyelwa iisamani kwamangqina**

2. (1) Isamani, ngokwecandelo 25(c) loMgaqo-siseko weNtshona Koloni, yokuba umntu makavele phambi kwePalamente yePhondo okanye kwekomiti ukuza kunika ubungqina okanye azise amaxwebhu, ikhutshwa nguNobhala phantsi kwemiyalelo— 25
  - (a) kaSomlomo; okanye
  - (b) usihlalo wekomiti echaphazelekayo, esebenza ngokwemigaqo yesigqibo sekomiti kwakunye nemvume kaSomlomo.
- (2) Isamani mayichaze—
  - (a) igama lomntu othunyelwe isamani; 30
  - (b) igama okanye isikhundla somntu omakahambise isamani;
  - (c) ixesha, indawo apho lowo uthunyelwe isamani ekufuneka avele kuyo;
  - (d) umba wophando;
  - (e) injongo ubungqina balo mntu ebufunelwa yona; kunye
  - (f) nekcazelo yoxwebhu, ukuba lukho, ekufuneka loo mntu aluvelise. 35
- (3) Isamani mayihanjiswe ngunothimba okanye ngumntu oyalelwe nguNobhala, ngokusa ikopi yesamani—
  - (a) kumntu okhankanywe kwisamani; okanye
  - (b) kwindawo yokuhlala yesiqhelo okanye yokugqibela eyaziwayo okanye eyengqesho okanye eyeshishini yaloo mntu, kumntu ekucacayo ukuba ungaphezu kweminyaka eli-18 nekucacayo ukuba uhlala okanye uqeshwe apho. 40



(4) Into echazayo eza naloo mntu ebehambise isamani okanye umsila wengwe exela ukuba lo msebenzi uqhutywe ngokuhambelana necandelwana (3) ebubungqina obubambekayo balo msebenzi.

(5) Umntu othunyelwe umsila wengwe ngokwemigaqo yeli candelo okanye ocelwe yiPalamente yePhondo okanye ikomiti ukuba azimase intlanganiso yeNdlu yoWiso-  
mthetho okanye yekomiti, unelungelo lokuba ahlawulwe isixamali seendleko zakhe  
njengoko oku kuvunyiwe nguSomlomo ngokuhambelana neMithetho eSisigxina. 5

### Ukuthawuziswa (ukubuzwa) kwamangqina

3. Xa iNdlu yoWiso-mthetho yePhondo okanye ikomiti ifuna ukuba into ethile  
ingqinisiswe okanye mhlawumbi iqinisekise ngokuthawuziswa kwengqina, umntu  
owongamele olo phando— 10

- (a) angabiza okanye afungise, okanye amkele isingqinisiso kuye nakubani na  
okhoyo kumanyelo lophando othe wathunyelwa isamani ngokwecandelo 2;  
okanye
- (b) angavavanywa loo mntu okanye acele umntu lowo ukuba avelise naluphi na  
uxwebhu olukuye okanye oluselugcinweni okanye oluphantsi kolawulo  
lwakhe olunganento yokwenza nombamba wophando, kuxhomekeka  
kumlinganiselo obonelelwa yiMithetho eSisigxina malunga nodidi lombamba  
wesihloko ingqina elinokubuzwa ngawo okanye udidi loxwebhu ingqina  
elinokucelwa ukuba liluvelise. 15 20

### Ilungelo elilodwa lamangqina

4. (1) Ngokuxhomekeke kwicandelwana (2), umthetho omalunga nelungelo elilodwa  
wengqina elithunyelwe umsila wengwe ukuba lize kunika ubungqina okanye livelise  
uxwebhu phambi kweNkundla ePhakamileyo yoMzantsi Afrika uyasetyenziswa xa  
kubuzwa ingqina elo kulandelwa ngokwemigaqo yecandelo 3. 25

(2) Umntu othawuziswayo phantsi kwesifungo okanye isingqinisiso ngokwemigaqo  
yecandelo 3 angacelwa ukuba aphenyule nawuphi na umbuzo obhekiswe kuye mayela  
nombamba wesihloko, kwaye avelise naluphi na uxwebhu athe wacelwa ukuba aluvelise  
phantsi kwaloo mthetho, nangona impendulo okanye uxwebhu lusenkumfaka etyaleni  
okanye lumenze amangalelwe ngokusemthethweni okanye asiwe kwinkundla  
yemidliwo, okanye ahlawuliswe ngenxa yomonakalo. 30

(3) Ubungqina obunikezelwe ngumntu phantsi kwesifungo okanye isingqinisiso  
phambi kweNdlu yoWiso-mthetho yePhondo okanye ikomiti abunakho ukusetyenziswa  
ngakuloo mntu kuyo nakuiyphi na inkundla yomthetho okanye indawo engaphandle  
kweNdlu yoWiso- mthetho, ngaphandle kwenkqubo yilwaphulomthetho apho loo mntu  
uchaphazelekayo exoxa ityala lokuxoka phantsi kwesifungo okanye ityala elicingeleka  
kwicandelo 5(1)(c) okanye 5(2)(d) okanye (e). 35

### Amatyala

5. (1) Umntu—

- (a) othe wathunyelwa umsila wengwe ngokwemigaqo yecandelo 2 kwaye  
ongaphumeleliyo ngaphandle kwesizathu esanelisayo— 40
  - (i) ukuzimasa ngexesha nendawo echaziweyo kumsila wengwe; okanye
  - (ii) ukuhlala ezimasa de abe ukhululwe ukuba angaphindi azimase ngumntu  
owongamelelo kolo phando;
- (b) xa ebizwe phantsi kwecandelo 3(a), esala ukufungiswa okanye ukwenza  
isingqinisiso njengengqina; okanye 45
- (c) engaphumeleli, ngaphandle kwesizathu esanelisayo—
  - (i) ukuphendula ngokuzelelo nangokwanelisayo yonke imibuzo ebhekiswa  
kuye ngokusemthethweni phantsi kwecandelo 3(b);
  - (ii) ukuba avelise naluphi na uxwebhu olukuye okanye oluselugcinweni  
okanye oluphantsi kolawulo lwakhe athe wacelwa ukuba aluvelise phantsi  
kwecandelo 3(b), waphula umthetho kwaye angadliwa okanye avalelwe  
ixesha elingagqithanga kwi-12 leenyanga okanye zombini, umdliwo  
nokuvalelwa. 50

(2) Umntu— 55

- (a) ogrogrisa okanye othintela omnye umntu kubungqina obuza kunikezelwa  
phambi kweNdlu yoWiso-mthetho okanye ikomiti;

- (b) ukhuthaza omnye umntu—
- (i) ukuba azikhwebule ekunikezeleni ubungqina okanye ekuvezeni uxwebhu phambi kweNdlu yoWiso-mthetho okanye ikomiti; okanye
  - (ii) ukuba anike ubungqina obubuxoki phambi kweNdlu yoWiso-mthetho okanye ikomiti; 5
- (c) obetha okanye owohlwaya okanye ogrogrisa omnye umntu, okanye owalela lo mntu nayo nayiphi na inzuzo, ngenxa yokuba enike okanye ephakamisa ukunika ubungqina phambi kweNdlu yoWiso-mthetho okanye ikomiti;
- (d) othi ngenjongo yokulahlekisa iNdlu yoWiso-mthetho, okanye ikomiti, avezele iNdlu yoWiso-mthetho okanye ikomiti naluphina uxwebhu, lobuxoki, olungeyonyaniso, olubunjwe ngeenjongo zokulahlekisa okanye olukhohlisayo; okanye 10
- (e) othi mhlawumbi okanye hayi ngexesha lothawuziso phantsi kwecandelo 3, ngokuzithandela abonelele iNdlu yoWiso-mthetho okanye ikomiti ngolwazi, okanye enze ingxelo phambi kwayo, eubuxoki okanye elahlekisayo, 15
- waphula umthetho kwaye angadliwa okanye avalelwe ixesha elingagqithanga kwiminyaka emibini okanye zombini, umdliwo nokuvalelwa.
- (3) Umba wecandelwana (4), amacandelwana (1) nele (2) akawachaphazeli amalungu.
- (4) Ilungu elenza isenzo esikhankanywe kwicandelwana (1) okanye ele (2) lidelela 20 iNdlu yoWiso-mthetho yePhondo njengoko kuchaziwe kwicandelo 13 loMthetho waMalungelo aWodwa eziNdlu zoWiso-mthetho.

### **Ubhangiso loMthetho**

6. Amacandelo 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 nelama-28 oMthetho weNtshona Koloni waMagunya naMalungelo aWodwa eNdlu yoWiso-mthetho, 1985 (uMthetho Nomb. 3 ka-1995), ayabhangiswa. 25

### **Isihloko esifutshane**

7. Lo Mthetho ubizwa ngokuba nguMthetho waMangqina WeNtshona Koloni, ka-2006.





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PROVINCE OF WESTERN CAPE

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**WESTERN CAPE  
FIFTEENTH GAMBLING AND  
RACING AMENDMENT ACT, 2006**

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PROVINSIE WES-KAAP

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**WES-KAAPSE VYFTIENDE  
WYSIGINGSWET OP  
DOBBELARY EN WEDRENNE,  
2006**

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IPHONDO LENTSHONA KOLONI

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**UMTHETHO WOLUNGISO  
WESHUMI ELINESIHLANU  
WONGCAKAZO NOMDYARHO  
WENTSHONA KOLONI, 2006**

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**No 4, 2006**

**GENERAL EXPLANATORY NOTE:**

[                    ]     Words in bold type in square brackets indicate omissions from existing enactments.

                         Words underlined with a solid line indicate insertions in existing enactments.

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## AMENDMENT ACT

To amend the Western Cape Gambling and Racing Law, 1996; to replace “Law” with “Act”; to remove provisions conflicting with the National Gambling Act, 2004; to amend certain definitions; to provide for the issue of national licences; to amend qualification criteria in respect of licensing; to amend certain licence categories; to delete certain transitional provisions which have expired; to insert certain transitional provisions, and to provide for matters connected therewith.

**B**E IT ENACTED by the Provincial Parliament of the Province of the Western Cape, as follows:—

### **Amendment of the Western Cape Gambling and Racing Law, 1996 (Law 4 of 1996)**

1. The Western Cape Gambling and Racing Law, 1996 (“the principal Law”) is amended by the substitution for the word “Law” of the word “Act” wherever it occurs. 5

### **Amendment of arrangement of sections of Law 4 of 1996**

2. The arrangement of sections in the Western Cape Gambling and Racing Law, 1996 (the principal Law) is amended—

- (a) by the insertion after item 27 “Kinds of licences”, of the following item: 10  
    “27A. National licences”;
- (b) by the substitution for item 29 of the following item:  
    “29. Disqualification in respect of employment licences”;
- (c) by the substitution for item 30 of the following item:  
    “30. **[Persons having certain direct or indirect interests disqualified]**  
    Disqualifications and restrictions in respect of other licences”;
- (d) by the substitution for item 41 of the following item: 15  
    “41. **[Non-transferability]** Restrictions on transferability of licences”;
- (e) by the substitution for item 41A of the following item:  
    “41A. Death or disability of person having an interest in a licence holder”;
- (f) by the substitution for item 46 of the following item: 20  
    “46. **[Limited gambling machine]** Route operator licence”;
- (g) by the substitution for item 47 of the following item:  
    “47. **[Limited gambling machine premises]** Site licence”;
- (h) by the substitution for item 72 of the following item: 25  
    “72. **[Prohibition of activities]** Liability in relation to gambling [games and betting] activities”;

- (i) by the deletion of items 84, 84A, 84B and 84C; and
- (j) by the insertion after item 83, of the following sections:  
“84D Prohibition of certain gambling activities  
84E Transitional provisions”.

**Amendment of section 1 of Law 4 of 1996, as amended by Act 4 of 1997, Act 10 of 1997, Act 4 of 1999 and Act 11 of 2000** 5

**3. Section 1 of the principal Law is amended-**

- (a) by the insertion of the expression “(1)” immediately after the section number;
- (b) by the deletion of the numbering in brackets before and after each definition;
- (c) by the substitution for the full stop at the end of each definition, other than the definition of “winning bet” of a semi-colon; 10
- (d) by the insertion before the definition of “Applicant” of the following definitions:
  - “ ‘Amusement game’ means any game, other than bingo or a game similar to or derived from a game normally played in a casino or on a slot machine, played with or by means of an amusement machine which, upon payment of money, a token or a similar object, is available to be played and which enables the player to win a prize; provided that such prize shall not be in the form of cash, tokens, credit or any negotiable instrument, but shall be limited to non-cash prizes with a retail value not exceeding the amount prescribed by regulation in terms of the National Act;”;
  - “ ‘Amusement machine’ means any machine or device, other than a gambling device, on or by means of which an amusement game may be played;” 15 20 25
- (e) by the insertion before the definition of “Authorised officer” of the following definition:
  - “ ‘Associate’ means
    - (a) an employer;
    - (b) a partner in terms of a partnership agreement;
    - (c) a co-shareholder of a private company contemplated in section 20 of the Companies Act, 1973 (Act No. 61 of 1973);
    - (d) a co-member of a Close Corporation contemplated in section 2 of the Close Corporations Act, 1984 (Act No. 69 of 1984); and
    - (e) a person to whom another person has granted or from whom another person has received a general power of attorney;”;
- (f) by the substitution for the definition of “Bet or betting” of the following definition:
  - “ ‘Bet’ or ‘betting’ means an activity as described in section 1 (3) below;”;
- (g) by the substitution for the definition of “Bingo” of the following definition:
  - “ ‘Bingo’ means a game, including a game played in whole or in part by electronic means—
    - (a) that is played for consideration, using cards or other devices—
      - (i) that are divided into spaces each of which bears a different number, picture or symbol; and
      - (ii) with numbers, pictures or symbols arranged randomly such that each card or similar device contains a unique set of numbers, pictures or symbols;
    - (b) in which an operator or announcer calls or displays a series of numbers, pictures or symbols in random order and the players match each such number, picture or symbol on the card or device as it is called or displayed; and
    - (c) in which the player who is first to match all the spaces on the card or device, or who matches a specified set of numbers, pictures or symbols on the card or device, wins a prize, or any other substantially similar game declared to be bingo in terms of section 6(4) of the National Act;”;
- (h) by the substitution for the definition of “Bookmaker” of the following definition: 60

- “ ‘Bookmaker’ means a person who directly or indirectly lays fixed-odds bets or open bets with members of the public or other bookmakers, or takes such bets with other bookmakers;”;
- (i) by the substitution for the definition of “Casino” of the following definition: 5  
 “ ‘Casino’ means premises where gambling games are played, or are available to be played, but does not include premises in which—  
 (a) only bingo and no other gambling game is played or available to be played;  
 (b) only limited payout machines are available to be played;  
 (c) limited payout machines and bingo, but no other gambling game, are played or available to be played; or  
 (d) only social gambling is conducted in terms of this Act;”;
- (j) by the insertion after the definition of “Casino operator licence” of the following definition: 10  
 “ ‘Central securities depository’ means a central securities depository as defined in the Custody and Administration of Securities Act, 1992 (Act No. 85 of 1992);”;
- (k) by the substitution for the definition of “Chairperson” of the following definition: 15  
 “ ‘Chairperson’ means [a] the person appointed chairperson of the Board in terms of section 3(3);”;
- (l) by the substitution for the definition of “Consideration” of the following definition: 20  
 “ ‘Consideration’ means:  
 (a) money, merchandise, property, a cheque, a token, a ticket, electronic credit, credit, debit or an electronic chip, or similar object; or  
 (b) any other thing, undertaking, promise, agreement or assurance, regardless of its apparent or intrinsic value, or whether it is transferred directly or indirectly;”;
- (m) by the insertion after the definition of “Consideration” of the following definitions: 25  
 “ ‘Contingency’ means an event or occurrence of which the outcome is uncertain or unknown to a person until it happens;”;
- “ ‘Depository institution’ means a depository institution as defined in the Custody and Administration of Securities Act, 1992 (Act No. 85 of 1992);”;
- (n) by the insertion after the definition of “Distributor licence” of the following definition: 30  
 “ ‘Employment licence’ means a licence referred to in section 27 (l) and (m);”;
- (o) by the deletion of the definition of “Event or contingency”;
- (p) by the insertion after the definition of “Executive Council” of the following definition: 35  
 “ ‘Family member’ means a person’s—  
 (a) spouse; or  
 (b) child, parent, brother or sister, whether such a relationship results from birth, marriage or adoption;”;
- (q) by the substitution for the definition of “financial interest” of the following definition: 40  
 “ ‘Financial interest’ means—  
 (a) a right or entitlement to share in profits or revenue;  
 (b) a real right in respect of property of a company, corporation or business;  
 (c) a real or personal right in property used by a company, corporation or business; or  
 (d) a direct or indirect interest in the voting shares, or voting rights attached to shares of a company or an interest in a close corporation;”;
- (r) by the substitution for the definition of “Fixed odds bet” of the following definition: 50  
 “ ‘Fixed odds bet’ means a bet on one or more contingencies in respect of which the odds are agreed at the time the bet is placed;”;



- (s) by the substitution for the definition of “Gambling” of the following definition:  
“ ‘Gambling’ or ‘gambling activity’ means any activity described in section 1 (2) below, but excludes social gambling;”;
- (t) by the substitution for the definition of “Gambling device” of the following definition: 5  
“ ‘Gambling device’ means equipment or any other thing, excluding currency, that is used directly in the conduct of a gambling activity, or which, at the time of its manufacture, was designed to be used, in determining the result of a gambling activity, and without derogating from the generality of the foregoing, shall include —  
 (a) a slot machine, and  
 (b) such computerised or similar software used by a licence holder in the conduct of any gambling activity as the Board may determine to be a gambling device;”;
- (u) by the substitution for the definition of “Gambling game” of the following definition:  
“ ‘Gambling game’ means any activity described in section 1 (5) below;”;
- (v) by the insertion after the definition of “Gambling game” of the following definitions: 20  
“ ‘Gambling machine’ means any mechanical, electrical, video, electronic, electro-mechanical or other device, contrivance, machine or software, other than an amusement machine, that  
 (a) is available to be played or operated upon payment of a consideration; and  
 (b) may, as a result of playing or operating it, entitle the player or operator to a pay-out, or deliver a pay-out to the player or operator;”;
- “ ‘Institutional investor’ means a publicly traded investor in shares on a recognised stock exchange which are held for investment purposes only;”; and  
“ ‘Internet’ has the meaning set out in section 1 of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002);”;
- (w) by the deletion of the definition of “Licensed race course”; 35
- (x) by the substitution for the definition of “Limited gambling machine” of the following definition:  
“ ‘Limited payout machine’ means a gambling machine outside of a casino in respect of the playing of which the stakes and prizes are limited as prescribed by regulations made in terms of the National Act;”;
- (y) by the deletion of the definition of “Limited gambling machine operator licence”;
- (z) by the deletion of the definition of “Limited gambling machine premises licence”;
- (aa) by the insertion after the definition of “Manufacturer licence” of the following definition: 45  
“ ‘National Act’ means the National Gambling Act, 2004 (Act No. 7 of 2004);”;
- (bb) by the substitution for the definition of “Open bet” of the following definition:  
“ ‘Open bet’ means—  
 (a) a bet, other than a totalisator bet, taken by a bookmaker on one or more contingencies, in which no fixed-odds are agreed at the time the bet is placed; or  
 (b) a bet in respect of which the payout is determined after the outcome of the contingency on which such a bet is struck became known, with reference to dividends generated by a totalisator;”;
- (cc) by the insertion after the definition of “Operator licence” of the following definitions: 55  
“ ‘Organ of state’ has the meaning set out in section 239 of the Constitution of the Republic of South Africa, 1996;”;  
“ ‘Partner’ means any party to a partnership agreement, entered into with the intention of making a profit;”; and 60

- “ ‘Person’ includes a partnership, association, trust, or a juristic person established by or in terms of any law;”;
- (dd) by the substitution for the definition of “Player” of the following definition:  
 “ ‘Player’ or ‘patron’ means any participant, other than a holder of a licence issued in terms of this Act, in a gambling [game and includes a punter in any betting transaction.] activity;”;
- (ee) by the substitution for the definition of “Political office bearer” of the following definition:  
 “ ‘Political office bearer’ means—  
 (a) a member of the National Assembly, the National Council of Provinces or the National Cabinet;  
 (b) a member of a provincial legislature;  
 (c) a member of a municipal council or local authority;  
 (d) a diplomatic representative of the Republic who is not a member of the public service;  
 (e) a member of a house, or council of traditional leaders, or  
 (f) a national or provincial office bearer of a political party;”;
- (ff) by the substitution for the definition of “Premises” of the following definition:  
 “ ‘Premises’ means any site, place or location, **[regardless of whether it is or forms part of any temporary or permanent structure, building, vessel, vehicle or aircraft.]** and includes land and any building, structure, vehicle, ship, boat, vessel, aircraft or container;”;
- (gg) by the insertion after the definition of “Province” of the following definitions:  
 “ ‘Public servant’ means a person employed within an organ of state or within a court, or a judicial officer;”;
- “ ‘Publicly traded investor’ means an investor which is listed on a recognised stock exchange and which is an investor in shares listed on a recognised stock exchange;”;
- (hh) by the substitution for the definition of “Race” for the following definition:  
 “ ‘Race’ means any horse race over a defined or agreed course, held for the entertainment of the public and members of any association or club, but does not include—  
 (a) any race in the nature of a public trial gallop at which no betting takes place, held under the management and control of the holder of [a] an [race course] operator licence, and  
 (b) any race or contest of a private nature at which no betting takes place;”;
- (ii) by deletion of the definition of “Race course licence”;
- (jj) by the insertion after the definition of “Responsible member” of the following definitions:  
 “ ‘Route operator’ means a person to whom a route operator licence has been issued, in terms of section 46;”;
- “ ‘Route operator licence’ means any licence issued in terms of section 46;”;
- (kk) by insertion after the definition of “Rules” of the following definitions:  
 “ ‘Site’ means any premises licensed for the placement of one or more limited pay-out gambling machines contemplated in section 47;”;
- “ ‘Site licence’ means any licence issued in terms of section 47;”;
- (ll) by the substitution for paragraph (c) of the definition of “social gambling” of the following paragraph:  
 “(c) the playing of an amusement game “[, which, for the purposes of this Law, means a game as prescribed.]”;
- (mm) by the substitution for the definition of “Spouse” of the following definition:  
 “ ‘Spouse’ means a person’s—  
 (a) partner in a marriage;  
 (b) partner in a customary union according to indigenous law; or  
 (c) partner in a relationship in which the parties live together in a manner resembling a marital partnership or customary union;”;
- (nn) by deletion of the definition of “Totalisator”;
- (oo) by the insertion of the word “and” after the semi-colon at the end of the definition of “Unredeemable free game” ;

(pp) by the substitution for the definition of “Winning bet” of the following definition:

“ ‘Winning bet’ means any bet where the person who placed or took the bet correctly predicted the result of the [event or] contingency or [combination thereof] contingencies in respect of which the bet was placed.”, and

(qq) by the insertion after the definition of “Winning bet” of the following subsections:

“(2) An activity is a gambling activity if it involves—

(a) placing or accepting a bet or wager in terms of subsection (3); 10  
 (b) placing or accepting a totalisator bet, in terms of subsection (4); or  
 (c) making available for play, or playing bingo or another gambling game as contemplated in subsection (5).

(3) A person places or accepts a bet or wager when that person—

(a) being a player, stakes money or anything of value on a fixed-odds bet, or an open bet, with a bookmaker on any contingency; or 15

(b) being a bookmaker—  
 (i) accepts a stake of money or anything of value on a fixed-odds bet, or an open bet, from a player on any contingency; or 20

(ii) stakes money or anything of value on a fixed-odds bet, or an open bet, with another bookmaker on any contingency;

(c) stakes or accepts a stake of money or anything of value with one or more other persons on any contingency; or

(d) expressly or implicitly undertakes, promises or agrees to do anything contemplated in paragraph (a), (b) or (c). 25

(4) A person places or accepts a totalisator bet when that person stakes money or anything of value on the outcome of an event or combination of events by means of—

(a) a system in which the total amount staked, after deductions provided for by law or by agreement, is divided among the persons who made winning bets in proportion to the amount staked by each of them in respect of a winning bet; or 30

(b) any scheme, form or system of betting, whether mechanically operated or not, that is operated on similar principles. 35

(5) An activity is a gambling game if—

(a) it meets the following criteria:  
 (i) it is played upon payment of any consideration, with the chance that the person playing the game might become entitled to, or receive a pay-out; and 40

(ii) the result might be determined by the skill of the player, the element of chance, or both; or

(b) it is a bet or wager in terms of subsection (3), that is placed in a casino in relation to an activity that meets the criteria in paragraph (a). 45

(6) Despite subsection (5), for all purposes of this Act, none of the following activities is a gambling game:

(a) a bet or wager in terms of subsection (3), other than a bet or wager contemplated in subsection (5)(b);

(b) a totalisator bet in terms of subsection (4); or 50

(c) an amusement game.

(7) Subject to paragraph (b), a pay-out is:

(a) any money, merchandise, property, a cheque, credit, electronic credit, a debit, a token, a ticket or anything else of value won by a player— 55

(i) whether as a result of the skill of the player or operator, the application of the element of chance, or both; and

(ii) regardless of how the pay-out is made.

(b) Neither of the following is a pay-out:

(i) An opportunity to play a further game; or 60

(ii) a prize given to a participant or team of participants in a sporting event in respect of the participant’s or team’s performance in that event.

- (c) The result of a gambling game—
- (i) is an opportunity to play a further game if the player is afforded the opportunity to continue without interruption playing the type of game—
    - (aa) in respect of which the opportunity was won; and
    - (bb) on the machine on which the opportunity was won; but
  - (ii) is not an opportunity to play a further game if the opportunity can in any manner, whether directly or indirectly, be—
    - (aa) distributed or transferred to the person who has won such an opportunity or to any other person, or
    - (bb) converted into money, property, a cheque, credit or any other thing of value; or
    - (cc) converted in terms of any scheme, arrangement, system, plan or device prescribed in terms of the National Act.”.

**Amendment of section 3 of Law 4 of 1996, as amended by section 2 of Act 11 of 1997 and section 6 of Act 4 of 1997**

4. Section 3 of the principal Law is amended—
- (a) by the substitution for subsection (1) of the following subsection:
 

“(1) The Board shall consist of seven members, appointed on a part-time basis, by the Executive Council in accordance with the prescribed procedure, which shall provide for public participation in the nomination of candidates for appointment; provided that the standing committee of the Provincial Legislature responsible for this Law shall evaluate all candidates as to their suitability for appointment.”, and
  - (b) by the deletion of the subsection (2A).

**Amendment of section 5 of Law 4 of 1996, as amended by section 7 of Act 4 of 1997 and section 2 of Act 10 of 1997**

5. Section 5 of the Law is amended—
- (a) by the insertion, after the section number, of the expression “(1)”;
  - (b) by the substitution for paragraph (f), in subsection (1), of the following paragraph:
 

“(f) anyone who, whether personally or through his or her spouse, **[an immediate] family member [within the first degree of affinity or the second degree of consanguinity, a], partner or [an] associate[, or any person connected to such person by marriage]—**

    - (i) has or acquires a direct or an indirect financial interest in any gambling business or establishment, or
    - (ii) has any interest in any business or enterprise that may conflict or interfere with the proper performance of his or her duties as a member or an employee of the Board or in any licence issued under this Law.”, and
  - (c) by the insertion after subsection (1) of the following subsection:
 

“(2) For the purposes of this section, an indirect financial interest does not include an indirect interest held through any fund or investment if the person holding such interest has no control over the investment decisions made in respect of that fund or investment.”

**Amendment of section 12 of Law 4 of 1996, as amended by section 4 of Act 10 of 1997, section 10 of Act 4 of 1997 and section 1 of Act 1 of 2003**

6. Section 12 of the principal Law is amended—
- (a) by the substitution for subsection (3) of the following subsection:
 

“(3) to grant, renew, amend, refuse, transfer, suspend or revoke licences under this Law;”;
  - (b) by the insertion after subsection (4), of the following subsection:

“(4A) to grant, renew, refuse, suspend or revoke national licences in terms of the National Act;”;

(c) by the deletion of subsection (5), and

(d) by the substitution for subsection (14) of the following subsection:

“(14) to make rules governing the licensing, conduct and operation of any gambling **[or racing or activities incidental thereto]** activity;”.

**Amendment of section 15 of Law 4 of 1996, as amended by section 13 of Act 4 of 1997, section 5 of Act 11 of 1997 and section 5 of Act 10 of 1997**

7. Section 15 of the principal Law is amended—

(a) by the substitution for subsection (1) of the following subsection: 10

“(1) A member or an employee of the Board, a member of the Executive Council or a member of the standing committee of the Provincial Legislature responsible for this Law **[,his or her] or their [spouse or an immediate]** family member **[as defined in section 5(f)]** shall not directly or indirectly receive from any person anything of value that may conflict or interfere with the proper performance of such member’s or such employee’s duties.”; and 15

(b) by the substitution for subsection (2) of the following subsection:

“(2) A member of the Board, the Executive Council or the standing committee of the Provincial Legislature responsible for this Law and their spouse shall not solicit or accept employment from— 20

(a) any person who has applied for or been issued with a licence in terms of this Law, or

(b) any person or entity offering or paying remuneration which is, wholly or in part, financed or subsidised by or derived from any person contemplated in (a) within four years after the termination of their term of office; 25

provided that in the case of any member of the Board who resigns, the unexpired portion of his or her term of office shall be added to the number of years referred to in the foregoing provision.” 30

**Amendment of section 15A of Law 4 of 1996, as amended by section 6 of Act 10 of 1997**

8. Section 15A of the principal Law is amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) A member or an employee of the Board shall immediately make a disclosure to the Board if— 35

(a) he or she, or his or her **[spouse or an immediate]** family member as defined in section **[5(f)]** ~~30(2)(d)~~, holds or acquires any direct or indirect financial interest in any gambling business or establishment; 40

(b) he or she, or his or her **[spouse or an immediate]** family member **[as defined in section 5(f)]** has or acquires any interest in any business or enterprise that may conflict or interfere with the proper performance of his or her duties as a member or an employee of the Board, or in any licence issued under this Law; 45

(c) he or she, or his or her **[spouse or an immediate]** family member **[as defined in section 5(f)]** receives anything contemplated in section 15(1);

(d) he or she, or his or her **[spouse or an immediate]** family member **[as defined in section 5(f)]** solicits or accepts employment from a licence holder or an applicant for a licence in terms of this Law, and 50

(e) he or she has participated in gambling, or it has come to his or her attention that his or her spouse has participated in gambling, in this Province or at any gambling business contemplated in section 15(3).”, and 55

(b) by the insertion after subsection (2) of the following subsection:

“(3) For the purposes of this section, an indirect financial interest does not include an indirect interest held through any fund or investment if the

person holding such interest has no control over the investment decisions made in respect of that fund or investment.”.

**Amendment of section 20 of Law 4 of 1996, as amended by section 19 of Act 4 of 1997 and section 2 of Act 1 of 2003**

9. Section 20 of the principal Law is amended by the substitution for subsection (3) of the following subsection: 5

“(3) The Board may in any financial year make requests for additional funds to the responsible Member for inclusion in the adjustments estimates [as contemplated in the definition thereof in section 1 of the Western Cape Exchequer Law, 1994 (Law 4 of 1994)] in accordance with the applicable legislation.”. 10

**Amendment of section 23 of Law 4 of 1996, as amended by section 20 of Act 4 of 1997, section 8 of Act 10 of 1997, section 2 of Act 4 of 1999 and section 4 of Act 1 of 2003**

10. Section 23 of the principal Law is amended by the substitution for sub-paragraph (iii) to paragraph (1)(a) of the following sub-paragraph: 15

“(iii) any contravention or alleged contravention of, or any failure or alleged failure to comply with, any provision of this Law on any licensed premises or by the holder of any licence issued in terms of this Law.”.

**Amendment of section 27 of Law 4 of 1996, as amended by section 3 of Act 4 of 1999 and section 2 of Act 11 of 2000** 20

11. Section 27 of the principal Law is amended by the insertion after paragraph (g) of the following paragraph:

“(hB) national licences, as contemplated in the National Act;”.

**Insertion of section 27A in Law 4 of 1996**

12. The following section is inserted after section 27 of the principal Law: 25

**“National licences**

**27A.** (1) The Board may issue national licences as contemplated in the National Act.

(2) Except as otherwise provided in the National Act, the provisions of this Act shall apply in respect of any national licence issued in terms of the National Act. 30

(3) Notwithstanding the provisions of this Act, the holder of a national licence shall be entitled to conduct the activities authorised thereby in the Province, as if such licence had been issued in terms of this Act.”.

**Amendment of section 28 of Law 4 of 1996, as amended by section 23 of Act 4 of 1997 and section 2 of Act 8 of 1998** 35

13. The following section is substituted for section 28 of the principal Law:

**“28.** In order to qualify for a licence—

(a) a person, other than a company or other body corporate, shall— 40

(i) be a fit and proper person whose character, integrity, honesty, prior conduct, regard for the law, reputation, habits and associations do not pose a threat to the health, safety, morals, good order and general welfare of the inhabitants of the Province and to the provisions and policy of this Law, and

(ii) not be disqualified under this Law, and 45

(b) a company or body corporate shall—

(i) be registered under the relevant laws of the Republic;

(ii) be of good financial standing and have adequate means to undertake and sustain the activity for which the licence is required, and 50

(iii) with the necessary changes, comply with paragraph (a).”.

**Amendment of section 29 of Law 4 of 1996, as amended by section 24 of Act 4 of 1997, section 9 of Act 10 of 1997 and section 4 of Act 4 of 1999**

14. The following section is substituted for section 29 of the principal Law:

**“[Disqualification in respect of licences]**

**Disqualifications in respect of employment licences**

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**29.** A person may not hold an employment licence issued in terms of this Act, if that person—

- (a) does not comply with the requirements of section 28(a)(i);
- (b) is an unrehabilitated insolvent or is subject to any legal disability;
- (c) is a member of the Board, a member of the Executive Council or a member of the standing committee of the Provincial Legislature responsible for this Act, or is a family member of such person;
- (d) is an employee of the Board, or a family member of such person; provided that the Board may condone such disqualification, where it exists in respect of a family member, if it is satisfied that no material conflict of interest will arise by reason of such employment;
- (e) is under the age of 18 years;
- (f) is a public servant or political office bearer;
- (g) is revealed, as a result of investigations or enquiries conducted pursuant to section 30(2), to be disqualified from holding an interest in a licence holder, licensed premises, or the business to which a licence relates;
- (h) is listed on the register of excluded persons contemplated in the National Act;
- (i) is subject to an order of a competent court holding that person to be mentally unfit or deranged;
- (j) has ever been removed from an office of trust on account of misconduct relating to fraud or the misappropriation of money, or
- (k) has been convicted during the previous ten years, in the Republic or elsewhere, of corruption, theft, fraud, forgery or uttering a forged document, perjury, or an offence in terms of this Act or the National Act, and has been sentenced to imprisonment without the option of a fine, or to a fine exceeding the amount prescribed in terms of the National Act, unless the person has received a grant of amnesty or free pardon for the offence.”

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**Amendment of section 30 of Law 4 of 1996, as amended by section 25 of Act 4 of 1997**

15. The following section is substituted for section 30 of the principal Law:

**“[Persons having certain direct or indirect interests disqualified]**

**Disqualifications and restrictions in respect of other licences**

**30.** (1) This section does not apply to an employment licence.

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(2) A person may not hold a licence referred to in this section, or a financial interest in the holder of such a licence, if that person—

- (a) is a person contemplated in section 29(a), (e), (f), (i), (j) or (k);
- (b) is a legal entity in respect of which the State or any organ of the State or any organisation with which the State is concerned has any financial interest, except as far as taxes are concerned, in any gambling activity; provided that the provisions of this paragraph shall not include an interest held by the State or any organ of the State or any organisation with which the State is concerned, arising out of an arms-length commercial transaction in respect of—
  - (i) a lease, in respect of which the rental payable is not determined by reference to the turnover of, or profit from, any gambling activity;
  - (ii) a sale of property, or
  - (iii) the granting of an option to purchase;
- (c) is an unrehabilitated insolvent, or

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(d) is a family member, other than a brother or sister, of a person who is a member or employee, of a regulatory authority exercising oversight over that licensee;

provided that, in dealing with applications for the grant or renewal of licences or evaluating the suitability of licence holders or persons having a financial interest therein, the Board may, but shall not be obliged to, conduct investigations or enquiries in respect of persons holding a financial interest of less than five percent in the applicant.

(3) The Board must refuse to issue a licence to an applicant if, after conducting the investigations or enquiries contemplated in subsection (2), it has reason to believe that—

(a) the applicant, any person who holds a financial interest in the applicant, or any manager of the business concerned is a family member, other than a brother or sister, of a person who is a member or employee of that licensing authority; or

(b) the applicant or any person who holds a financial interest of five percent or more in the applicant is disqualified from holding an interest in a licence holder or the business to which a licence relates, in terms of subsection (2).

(4) For the purposes of this section, a financial interest does not include an indirect interest held in any fund or investment if the person holding that interest has no control over the investment decisions made in respect of that fund or investment.”.

**Amendment of section 35 of Law 4 of 1996, as amended by section 29 of Act 4 of 1997, section 11 of Act 10 of 1997 and section 5 of Act 4 of 1999**

16. Section 35 of the principal Law is amended by the substitution for subparagraph (vi) of subsection (3) of the following subparagraph:

“(vi)the applicant qualifies in terms of section [28]29 and is not disqualified in terms of section [29]30, and”.

**Amendment of section 37 of Law 4 of 1996, as amended by section 31 of Act 4 of 1997**

17. Section 37 of the principal Law is amended:

(a) by the substitution for paragraph (f) of subsection (1) of the following paragraph:

“(f) relating to the premises in or on which gambling[, **racing or**] activities [incidental thereto is to] take place, including the development and utilisation thereof;”;

(b) by the substitution for paragraph (g) of subsection (1) of the following paragraph:

“(g) requiring submission to the Board of reports and returns relating to gambling [**or racing or activities incidental thereto**] activities;”;

(c) by the substitution for paragraph (i) of subsection (1) of the following paragraph:

“(i) relating to the days on which and hours during which gambling activities or racing may be carried on;”, and

(d) by the substitution for paragraph (k) of subsection (1) of the following paragraph:

“(k) relating to any equipment or device used or to be used in connection with any gambling activity or racing;”.

**Amendment of section 39 of Law 4 of 1996, as amended by section 33 of Act 4 of 1997**

18. Section 39 of the principal Law is amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) The Board may from time to time order that the amount or value of the security referred to in subsection (1) be increased or decreased, whereupon the licence holder concerned shall, within seven days of the



- receipt by it of a notification that the Board has so ordered, ensure that the security is increased or decreased in accordance with such order.”;
- (b) by the substitution for subsection (3) of the following subsection:  
 “(3) If any security given in terms of subsection (1) lapses, becomes invalid or is not increased within the period contemplated in subsection (2), the licence concerned shall, notwithstanding the provisions of section 42(3)(a), be deemed to have been suspended in terms of section 42(1) and the licence holder shall not continue to carry on the business authorised under that licence until such security has been reinstated or validated or has been replaced or increased.”;
- (c) by the substitution for subsection (5) of the following subsection:  
 (5) If any licence holder fails to pay any taxes, fees or gambling obligations due and payable by [him or her] it under this Law, the Chief Executive Officer shall realise the security referred to in subsection (1) and apply any money derived from the realisation thereof for the payment of such taxes, fees or gambling obligations as may be due and payable, whereupon—  
 (a) the provisions of subsection (2) shall apply, if the amount of the security so realised is less than half of the security determined by the Board in respect of that licence holder, or  
 (b) the provisions of subsection (3) shall apply, if the amount of the security so realised is half or more than half of the total security determined by the Board in respect of that licence holder.”, and
- (d) by the substitution for subsection (6) of the following subsection:  
 (6) Whenever a licence issued in terms of this Law expires or is revoked as provided for in this Law, the Chief Executive Officer shall, after a period of not less than ninety days after the date of such expiration or revocation and after compliance with the provisions of subsection (5), if such provisions are applicable, release the security or the balance of the security.”.

**Amendment of section 41 of Law 4 of 1996, as amended by section 35 of Act 4 of 1997 and section 7 of Act 4 of 1999**

19. Section 41 of the principal Law is amended—
- (a) by the substitution for the section heading of the following section heading:  
 “[**Non-transferability**] **Restrictions on transferability of licences**”;
- (b) by the substitution for subsection (1) of the following subsection:  
 “(1) [No]Subject to the provisions of subsection (1A), no licence granted under this Law shall be transferable by the holder thereof to another person, and no premises licence issued in terms of this Law shall be transferable from any premises to which it may relate, to any other premises.”, and
- (c) by the insertion after subsection (1) of the following subsection:  
 “(1A) A licence shall be transferred from an existing licence holder to another person only if —  
 (a) the transfer of that licence from the existing licence holder to another person is necessary to ensure compliance with the provisions of the National Act;  
 (b) the existing licence holder has made written application to the Board for the transfer of its licence, on the grounds set forth in paragraph (a), and  
 (c) the Board has approved the application contemplated in paragraph (b).”.

**Amendment of section 41A of Law 4 of 1996, as amended by section 36 of Act 4 of 1997**

20. Section 41A of the principal Law is amended—
- (a) by the substitution for the section heading of the following section heading:  
 “**Death or disability of person having an interest in a licence holder**”;
- (b) by the deletion of subsection (1);

- (c) by the substitution for subsection (2) of the following subsection:  
 “(2) Where **[the]** an interest held in a licensed gambling business by a **[deceased or]** person who dies or becomes disabled **[person]** passes by operation of law or otherwise to his or her estate or to any person other than the executor, curator or another person having an interest in the same [co-licence] licence holder, the executor of the estate or such other person [or the executor of the estate] shall, within 30 days after the date of death or disability, apply to the Board for the appropriate licence.”;

**Amendment of section 46 of Law 4 of 1996, as amended by section 40 of Act 4 of 1997**

21. Section 46 of the principal Law is amended—
- (a) by the substitution for the section heading of the following section heading:  
 “**[Limited gambling machine] Route operator licence**”;
- (b) by the substitution for subsection (1) of the following subsection:  
 “(1) A **[limited gambling machine]** route operator licence shall only be issued to a company registered in terms of the Companies Act, 1973.”;
- (c) by the substitution for subsection (2) of the following subsection:  
 “(2) A **[limited gambling machine]** route operator licence is required by every company which permits or engages in the business of operating limited **[gambling]** payout machines in or on one or more premises licensed in terms of section 47.”;
- (d) by the substitution for subsection (2A) of the following subsection:  
 “(2A) A **[limited gambling machine]** route operator licence shall attach to the **[premises]** operator specified in the licence.”; and
- (e) by the substitution for subsection (3) of the following subsection:  
 “(3) A **[limited gambling machine]** route operator licence shall authorise, subject to any conditions which the Board may impose, the operation of approved limited **[gambling]** payout machines in or on premises or such parts of such premises as are licensed in terms of section 47.”.

**Amendment of section 47 of Law 4 of 1996, as amended by section 41 of Act 4 of 1997**

22. Section 47 of the principal Law is amended—
- (a) by the substitution for the section heading of the following section heading:  
 “**[Limited gambling machine premises] Site licence**”, and
- (b) by the substitution for subsection (1) of the following subsection:  
 “(1) A **[limited gambling machine premises]** site licence is required for any premises in the Province in or on which limited **[gambling]** payout machines are placed by the holder of a **[limited gambling machine]** route operator licence.”;
- (c) by the substitution for subsection (2) of the following subsection:  
 “(2) A **[limited gambling machine premises]** site licence shall authorise, subject to any conditions which the Board may impose, the keeping and exposing for play in or on the licensed premises or such part of such premises as is specified in the licence of any limited **[gambling]** payout machines operated in terms of section 46.”;
- (d) by the insertion, after subsection (2), of the following subsections:  
 “(3) A site licence shall attach to the premises specified in the licence.  
 (4) The Board shall not grant an application for a site licence unless it is satisfied that—  
 (a) the person who or which will be responsible for the operation of the gambling business on the site, and  
 (b) subject to the proviso to section 30(2), all persons holding a financial interest of five percent or more in the person contemplated in paragraph (a),  
 comply with the provisions of sections 28 or 29, as the case may be, and 30.”.

**Amendment of section 48 of Law 4 of 1996, as amended by section 8 of Act 4 of 1999**

23. Section 48 of the principal Law is amended, by the substitution for subsection (2) of the following subsection:

“(2) A bingo licence is required by every person who, in the Province, permits or conducts the playing of bingo, other than for the purpose of social gambling authorised in terms of section 67(1)(c), in or on one or more premises, specified in such licence, which premises shall be licensed in terms of section 48A.” 5

**Amendment of section 53 of Law 4 of 1996, as amended by section 44 of Act 4 of 1997 and section 13 of Act 4 of 1999**

24. Section 53 of the principal Law is amended by the substitution for subsection (3) of the following subsection:

“(3) A totalisator operator licence shall authorise, subject to any conditions which the Board may impose, the operation of a totalisator in respect of **[any event or] such [contingency] contingencies** as are consistent with the provisions of the Lotteries Act 1997 (Act 57 of 1997), and the acceptance of stakes in respect of such totalisator in or on premises licensed in terms of section 54.” 15

**Amendment of section 54 of Law 4 of 1996, as amended by section 45 of Act 4 of 1997 and section 14 of Act 4 of 1999**

25. Section 54 of the principal Law is amended by the substitution for subsection (2) of the following subsection: 20

“(2) A totalisator premises licence shall authorise, subject to any conditions which the Board may impose, the acceptance of stakes in respect of a totalisator in or on the premises specified in such licence by the holder of a licence contemplated [licensed] in [terms of] section 53.”

**Amendment of section 55 of Law 4 of 1996, as amended by section 46 of Act 4 of 1997 and section 15 of Act 4 of 1999** 25

26. Section 55 of the principal Law is amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) A bookmaker licence is required by every person who, in the Province, engages in the business of directly or indirectly laying or taking bets[, other than totalisator-type bets,] as defined in section 1, with members of the public or other bookmakers in one or more premises, specified in such licence, which premises shall be licensed in terms of section 55A.”, and 30

(b) by the substitution for subsection (3) of the following subsection: 35

“(3) A bookmaker licence shall authorise, subject to any conditions which the Board may impose, the **[conducting] conduct** of the business of a bookmaker in or on the premises by laying and placing fixed odds and open bets, but not **[totalisator-type] totalisator** bets.”

**Amendment of section 55A of Law 4 of 1996, as amended by section 16 of Act 4 of 1999** 40

27. Section 55A of the principal Law is amended by the deletion of subsection (3).

**Amendment of section 58 of Law 4 of 1996, as amended by section 2 of Act 5 of 1999**

28. The following section is substituted for section 58 of the principal Law:

“**58.** (1) Any person, other than an institutional investor, a publicly traded investor, a depository institution or a central securities depository, who or which, directly or indirectly, procures a financial interest of five percent or more in the business to which a licence relates shall, within the period and in the manner prescribed or determined by the Board, apply to the Board for approval to hold such interest. 45

(2) Any publicly traded investor, other than an institutional investor, who, directly or indirectly, procures a financial interest of ten percent or 50

more in the business to which a licence relates shall, within the period and in a manner prescribed or determined by the Board, apply to the Board for approval to hold such interest.

(3) Any institutional investor who, directly or indirectly, procures a financial interest of fifteen percent or more in the business to which a licence relates shall, within the period and in a manner prescribed or determined by the Board, apply to the Board for approval to hold such interest.

(4) The provisions of sections 28, 30 and 32 shall, with necessary changes, apply in relation to any application contemplated in subsections (1), (2) and (3).

(5) The Board shall not grant approval under sub-sections (1), (2) or (3) where the person or publicly traded investor or institutional investor making the application is disqualified to hold a licence in terms of this Act.

(6) Where approval is not granted in terms of this section, the person, publicly traded investor or institutional investor shall, within the prescribed period and in the manner prescribed by the Board, dispose of the interest in question.

(7) No person, publicly traded investor or institutional investor shall procure an interest contemplated in sub-sections (1), (2) or (3) as nominee or agent of or otherwise on behalf of any principal or beneficiary if that person has not in writing informed the holder of the licence concerned and the Board of the identity of such principal or beneficiary.

(8) The provisions of this section—

(a) shall not apply to a depository institution or central securities depository in respect of a financial interest held by it on behalf of persons other than itself in securities listed on a stock exchange in South Africa registered as such in terms of the Stock Exchange Control Act, 1985 (Act No. 1 of 1985), but

(b) shall apply to the beneficial holders of the securities contemplated in paragraph (a).

(9) Any person who contravenes sub-sections (1), (2), (3), (6) or (7) shall be guilty of an offence.”.

#### **Amendment of section 66 of Law 4 of 1996**

**29.** Section 66 of the principal Law is amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) No person shall—

(a) hold, organise, arrange, attend or in any manner take part in or assist at a race meeting, or

(b) print, publish, possess, sell or offer for sale or in any manner circulate or distribute a race card in respect of a race meeting,

unless the relevant race meeting takes place **[at a licensed race course]** on premises licensed in terms of this Act.”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) Any person who contravenes subsection (1) **[or any of the conditions of a race course licence]** shall be guilty of an offence.”, and

(c) by the deletion of subsection (3).

#### **Amendment of section 67 of Law 4 of 1996, as amended by section 56 of Act 4 of 1997, section 14 of Act 10 of 1997, section 20 of Act 4 of 1999 and section 10 of Act 11 of 2000**

**30.** Section 67 of the principal Law is amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) conduct or permit **[the playing of]** any gambling **[game or conduct or permit any gambling]** activity in or on any premises under his or her control or in his or her charge[,] or”.

**Amendment of section 72 of Law 4 of 1996**

31. The following section is substituted for section 72 of the principal Law:

“**[Prohibition of activities] Liability in relation to gambling [games and betting] activities**

72. No person shall be exempt from liability under any provision of this Law in respect of any act or thing done by him or her or authorised or permitted by him or her to be done in the Province in connection with any gambling **[game or betting] activity** merely by reason of the fact that any aspect of the management or **[conducting]**conduct thereof is in whole or in part carried on at some place outside the Province.”

**Amendment of section 74 of Law 4 of 1996, as amended by section 60 of Act 4 of 1997**

32. Section 74 of the principal Law is amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) No **[person]** holder of a licence issued in terms of this Act shall **[display] cause or permit** any advertisement **[with regard to] in respect of any gambling activity to be published [save as is] otherwise than in the manner prescribed in terms of this Act and the National Act.**”

(b) by the insertion, after subsection (1), of the following subsection:

“(1A) No person shall cause or permit any advertisement relating to any gambling activity to be published in this Province, unless a licence in respect of such activity has been issued—

(a) in terms of this Act;

(b) in terms of the law of another province of the Republic, or

(c) in terms of the law of a jurisdiction outside the Republic; provided that—

(i) the advertisement is published or transmitted from outside the Republic and persons resident in the Republic are not the sole or primary audience at which the advertisement is directed, or

(ii) the advertisement complies with all requirements prescribed in terms of this Act or the National Act and persons responding to the advertisement will have to travel outside of the Province to participate in the gambling contemplated in the advertisement.”

**Amendment of section 75 of Law 4 of 1996, as amended by section 61 of Act 4 of 1997, section 15 of Act 11 of 1997, section 2 of Act 10 of 2000 and section 6 of Act 1 of 2003**

33. Section 75 of the principal Law is amended by the insertion after paragraph (c) of subsection (1), of the following paragraphs:

“(cA) otherwise than in accordance with this Act, uses a computer or permits a computer to be used—

(i) to enable participation in a gambling activity, or

(ii) by making such computer, whether wholly or partially, available to any member of the public for the purpose of participating in any gambling activity, whether such gambling activity takes place on the premises where it is offered or by way of internet or other electronic transmission;

(cB) in the Province, distributes or makes available computer software which is designed, or the primary function of which is to enable persons in the Province to link to gambling businesses outside the Province which offer gambling activities by means of the internet;”

**Amendment of section 75A of Law 4 of 1996, as amended by section 7 of Act 1 of 2003**

34. Section 75A of the principal Law is amended by the substitution for subsection (1) of the following subsection:

“(1) If the Board is satisfied, on a balance of probabilities, from evidence adduced at [a] any hearing conducted in terms of this Act or produced as a result of [an] any investigation or enquiry conducted pursuant to [section 23(1)(a)(iii)] this Act, that a provision of this Law has been contravened or has not been complied with by—

- (a) the holder of an operator licence;
- (b) the holder of a licence contemplated in section 27(f) or (g);
- (c) the holder of a licence contemplated in section 27(l) or (m), or
- (d) any person acting or purporting to act in the course and scope of his or her employment by the holder of an operator licence or a licence contemplated in section 27(f) or (g)

the Board may hold [either or both] any or all of such licence holders liable for such contravention, as the case may be, and impose a penalty contemplated in subsection (2).”.

**Deletion of section 84 of Law 4 of 1996**

35. Section 84 of the principal Law is deleted. 20

**Deletion of 84A of Law 4 of 1996**

36. Section 84A of the principal Law is deleted.

**Deletion of 84B of Law 4 of 1996**

37. Section 84B of the principal Law is deleted.

**Deletion of 84C of Law 4 of 1996** 25

38. Section 84C of the principal Law is deleted.

**Insertion of section 84D into Law 4 of 1996**

39. The following section is inserted into the principal Law after section 83:

**“Prohibition of certain gambling activities**

**84D.** (1) Subject to subsection (3), no person physically present in the Province shall participate in a gambling activity by way of telephone, telefax, interactive television, electronic mail, internet transmission or any related communications medium, except as provided for by the National Act. 30

(2) Subject to subsection (3), no person shall invite, assist or permit another person— 35

(a) who, to the knowledge of the first-mentioned person, is physically present in the Province, or

(b) whom the first-mentioned person should reasonably suspect to be physically present in the Province, 40

to participate in a gambling activity which is conducted wholly or partially by way of telephone, telefax, interactive television, electronic mail, internet transmission or any related communications medium, except as provided for by the National Act.

(3) The provisions of this section shall not apply— 45

(a) to a bet taken by or with a bookmaker or totalisator licensed in any province in the Republic which is authorised by such licence to accept such a bet, or

- (b) where a player participates in a gambling activity contemplated in this section on the licensed premises of a person licensed in terms of this Act to offer such gambling activity.
- (4) Any person who contravenes a provision of this section shall be guilty of an offence.”

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#### Insertion of section 84E of Law 4 of 1996

40. The following section is inserted into the principal Law after section 84D:

##### “**Transitional Provisions**

**84E.** (1) Any valid licence certificate issued by the Board in terms of section 46, prior to the date of coming into operation of the Western Cape Fifteenth Gambling and Racing Amendment Act, 2005 (in this section “the Amendment Act”), shall, notwithstanding the wording thereof and until the date of expiry thereof, be regarded as a route operator licence.

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(2) Any valid licence certificate issued by the Board in terms of section 47, prior to the date of coming into operation of the Amendment Act, shall, notwithstanding the wording thereof and until the date of expiry thereof, be deemed to be a site licence.

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(3) Any person who, at the time of coming into operation of the Amendment Act, holds a licence, a financial interest in a licence or a certificate of suitability issued in terms of this Act who, as a result of the provisions of the Amendment Act or the National Act, is no longer qualified to hold such licence, financial interest or certificate of suitability, must, within 30 days of the coming into operation of the Amendment Act, report such fact—

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(a) to his or her employer, where such person is the holder of an employee licence and in the employ of the holder of an operator licence;

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(b) to the licence holder in which he or she holds a financial interest; or

(c) to the licence holder in respect of which such person has been issued with a certificate of suitability, whereafter such employer or licence holder must, within 30 days of such report, notify the Board of the disqualification.

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(4) The provisions of section 31 of this Act shall not apply to anyone who was disqualified for licensing in terms of this Act prior to the coming into operation of the Amendment Act and, who after the coming into operation of the Amendment Act, is not so disqualified.”

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#### Short title

41. This Act shall be called the Western Cape Fifteenth Gambling and Racing Amendment Act, 2006.

**ALGEMENE VERDUIDELIKENDE NOTA:**

- [                    ]    Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
- \_\_\_\_\_            Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

# WYSIGINGSWET

**Tot wysiging van die Wes-Kaapse Wet op Dobbeldary en Wedrenne, 1996; om in die Engelse teks die woord “Law” deur die woord “Act” te vervang; om bepalings wat strydig is met die Nasionale Dobbelwet, 2004, te verwyder; om sekere omskrywings te wysig; om voorsiening te maak vir die uitreiking van nasionale lisensies; om kwalifikasiemaatstawwe ten opsigte van lisensiëring te wysig; om sekere kategorieë van lisensies te wysig; om sekere oorgangsbepalings wat verstryk het, te skrap; om sekere oorgangsbepalings in te voeg, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.**

**D**AAR WORD BEPAAL deur die Provinsiale Parlement van die Provinsie Wes-Kaap, soos volg:—

## **Wysiging van die Wes-Kaapse Wet op Dobbeldary en Weddery, 1996 (Wet 4 van 1996)**

1. Die Wes-Kaapse Wet op Dobbeldary en Wedrenne, 1996 (“die Hoofwet”) word in die Engelse teks gewysig deur die woord “Law”, oral waar dit voorkom, deur die woord “Act” te vervang. 5

### **Wysiging van rangskikking van artikels van Wet 4 van 1996**

2. Die rangskikking van artikels in die Wes-Kaapse Wet op Dobbeldary en Wedrenne, 1996 (die Hoofwet) word gewysig— 10
- (a) deur die volgende item na item 27 “Soorte lisensies” in te voeg: “27A. Nasionale lisensies”;
- (b) deur item 29 deur die volgende item te vervang: “29. Diskwalifikasie ten opsigte van [lisensies] werklisensies”;
- (c) deur item 30 deur die volgende item te vervang: 15  
“30. [Persone met sekere regstreekse of onregstreekse belange gediskwalifiseer] Diskwalifikasies en beperkings ten opsigte van ander lisensies”;
- (d) deur item 41 deur die volgende item te vervang: 20  
[Nie-oordraagbaarheid] Beperkings op oordraagbaarheid van lisensies”;
- (e) deur item 41A deur die volgende item te vervang: “41A. Dood of ongeskiktheid van persoon met ’n belang in ’n lisensiehouer”;
- (f) deur item 46 deur die volgende item te vervang: 25  
“46. [Beperktedobbeldarymasjien-operateurlisensie] Roete-operateurlisensie”;



- (g) deur item 47 deur die volgende item te vervang:  
 “47. [**Beperktedobbelmasjien-perseellisensie**] Terreinlisensie”;
- (h) deur item 72 deur die volgende item te vervang:  
 “72. [**Verbod op aktiwiteite**] Aanspreeklikheid met betrekking tot  
 [dobbelspelle en weddery] dobbelaktiwiteite”; 5
- (i) deur items 84, 84A, 84B en 84C te skrap, en
- (j) deur die volgende artikels na item 83 in te voeg:  
 “**84D Verbod op sekere dobbelaktiwiteite**  
**84E Oorgangsbepalings**”.

**Wysiging van artikel 1 van Wet 4 van 1996, soos gewysig by Wet 4 van 1997, Wet 10  
 10 van 1997. Wet 4 van 1999 en Wet 11 van 2000**

**3. Artikel 1 van die Hoofwet word gewysig—**

- (a) deur die uitdrukking “(1)” direk na die artikelnommer in te voeg;
- (b) deur die nommers tussen hakies voor en na elke omskrywing te skrap;
- (c) deur die punt aan die einde van elke omskrywing, uitgesonderd die 15  
 omskrywing van “Werklisensie”, deur ’n kommapunt te vervang;
- (d) deur die omskrywing van “Beperkte dobbelmasjien” deur die volgende  
 omskrywing te vervang:  
 “‘Beperkte uitbetaalmasjien’ beteken ’n dobbelmasjien buite ’n casino  
 ten opsigte waarvan die inleggelde en pryse vir die spel daarvan beperk  
 is soos voorgeskryf by regulasies ingevolge die Nasionale Wet  
 gemaak;”; 20
- (e) deur die omskrywing van “Beperktedobbelmasjien-operateurlisensie” te  
 skrap;
- (f) deur die omskrywing van “Beperktedobbelmasjien-perseellisensie” te skrap; 25
- (g) deur die volgende omskrywing na die omskrywing van “Beperkte  
 uitbetaalmasjien” in te voeg:  
 “Bewaringsinstelling’ beteken ’n bewaringsinstelling soos omskryf in  
 die Wet op Veilige Bewaring en Administrasie van Effekte, 1992 (Wet  
 No. 85 van 1992);”; 30
- (h) deur die omskrywing van “Bingo” deur die volgende omskrywing te vervang:  
 “‘Bingo’ beteken ’n dobbelspel, insluitende ’n dobbelspel, in die  
 geheel of gedeeltelik elektronies gespeel—  
 (a) wat teen betaling gespeel word deur gebruik te maak van kaarte of  
 ander toestelle— 35  
 (i) wat verdeel is in spasies, elkeen met ’n ander nommer, prent of  
 simbool daarop, en  
 (ii) met nommers, prente of simbole wat lukraak gerangskik is  
 sodat elke kaart of dergelyke toestel ’n unieke stel getalle,  
 prente of simbole vertoon; 40  
 (b) waar ’n operateur of aankondiger ’n reeks getalle, prente of simbole  
 in lukraak volgorde uitroep of vertoon en die spelers elke nommer,  
 prent of simbool moet laat pas by die nommer, prent of simbool op  
 die kaart of toestel wanneer dit uitgeroep of vertoon word, en  
 (c) waar die speler wat die eerste is om al die spasies op die kaart of 45  
 toestel kan laat pas, of wat ’n bepaalde stel nommers, prente of  
 simbole op die kaart of toestel kan laat pas, ’n prys wen,  
 of enige ander wesenlik soortgelyke spel wat ingevolge artikel 6(4) van die  
 Nasionale Wet tot bingo verklaar word;”;
- (i) deur die omskrywing van “Boekmaker” deur die volgende omskrywing te 50  
 vervang:  
 “‘Boekmaker’ beteken ’n persoon wat regstreeks of onregstreeks  
 vasgestelde of ope weddenskappe met lede van die publiek of ander  
 boekmakers plaas, of sulke weddenskappe met ander boekmakers  
 aangaan;”; 55
- (j) deur die omskrywing van “Casino” deur die volgende omskrywing te  
 vervang:  
 “‘Casino’ beteken ’n perseel waar dobbelspelle gespeel word of  
 beskikbaar is om gespeel te word, maar omvat nie ’n perseel nie waar—  
 (a) slegs bingo en geen ander dobbelspel gespeel word of beskikbaar is 60  
 om gespeel te word;

- (b) slegs beperkte uitbetaalmasjiene beskikbaar is om gespeel te word;
- (c) beperkte uitbetaalmasjiene en bingo, maar geen ander dobbelspel nie, gespeel word of beskikbaar is om gespeel te word, of
- (d) slegs sosiale dobbelary ingevolge hierdie Wet beoefen; word;”;
- (k) deur die volgende omskrywing na die omskrywing van “casino” in te voeg: 5  
 “ ‘Deelgenoot’ beteken—
- (a) ’n werknemer;
- (b) ’n vennoot ingevolge ’n vennootskapsooreenkoms;
- (c) ’n medeaandeelhouer van ’n privaat maatskappy beoog in artikel 20 van die Maatskappywet, 1973 (Wet No. 61 van 1973); 10
- (d) ’n medelid van ’n beslote korporasie beoog in artikel 2 van die Wet op Beslote Korporasies, 1984 (Wet No. 69 van 1984), en
- (e) ’n persoon aan wie ’n ander persoon volmag gegee het of van wie ’n ander persoon volmag gekry het;”;
- (l) deur die omskrywing van “Dobbelary” deur die volgende omskrywing te 15  
 vervang:  
 “ ‘Dobbelary’ of ‘dobbelaktiwiteit’ beteken enige aktiwiteit in artikel 1(2) hieronder beskryf maar sluit sosiale dobbel uit;”;
- (m) deur die volgende omskrywing van “Dobbelmasjien” na die omskrywing van 20  
 “Dobbelary” in te voeg:  
 “ ‘Dobbelmasjien’ beteken enige meganiese, elektriese, video-, elektroniese, elektromeganiese of ander toestel, middel, masjien of sagteware, uitgesonderd ’n vermaakmasjien wat—
- (a) beskikbaar is om gespeel of bedien te word teen betaling van ’n teenprestasie; en 25
- (b) as gevolg van die speel of bediening daarvan, die speler of bediener geregtig kan maak op ’n uitbetaling, of ’n uitbetaling of aan die speler of bediener kan besorg;”
- (n) deur die omskrywing van “Dobbelspel” deur die volgende omskrywing te 30  
 vervang:  
 “ ‘Dobbelspel’ beteken enige aktiwiteit in artikel 1(5) hieronder beskryf;”;
- (o) deur die omskrywing van “Dobbeltoestel” deur die volgende omskrywing te 35  
 vervang:  
 “ ‘Dobbeltoestel’ beteken toerusting of enige ander ding, uitgesonderd ’n geldeenheid, wat regstreeks by die uitvoering van ’n dobbelaktiwiteit gebruik word, of wat, ten tyde van die vervaardiging daarvan, bedoel was vir gebruik om die uitslag van ’n dobbelaktiwiteit te bepaal, en sonder inkorting van die algemeenheid van die voorafgaande omvat dit—
- (a) ’n muntoutomaat, en 40
- (b) dié gerekenariseerde of dergelike sagteware deur ’n lisensiehouer gebruik by die uitvoering van enige dobbelaktiwiteit ten opsigte waarvan die Raad bepaal dat dit ’n dobbeltoestel is;”;
- (p) deur die volgende omskrywing na die omskrywing van “Eiendom” in te voeg: 45  
 “ ‘Familielid’ beteken ’n persoon se—
- (a) gade, of
- (b) kind, ouer, broer of suster, ongeag of so ’n verwantskap toe te skryf is aan afkoms, ’n huwelik of aanneming;”;
- (q) deur die omskrywing van “Gade” deur die volgende omskrywing te vervang: 50  
 “ ‘Gade’ beteken ’n persoon se—
- (a) huweliksmaat;
- (b) maat in ’n gewoonteverbintenis in ooenstemming met inheemse reg, of
- (c) maat in ’n verhouding waar die partye saamwoon op ’n wyse wat die voorkoms het van ’n huweliksverhouding of gewoonteverbintenis;”;
- (r) deur die volgende omskrywing na die omskrywing van “Gade” in te voeg: 60  
 “ ‘Gebeurlikheid’ beteken ’n gebeurtenis of geleentheid ten opsigte waarvan ’n persoon onseker is oor die uitkoms, of waarvan die uitkoms onbekend is aan ’n persoon, voordat dit gebeur;”;
- (s) deur die omskrywing van “Gebeurtenis” of “gebeurlikheid” te skrap;
- (t) deur die omskrywing van “Geldelike belang” deur die volgende omskrywing te vervang:

- “Geldelike belang’ beteken—
- (a) ’n reg of aanspraak om in wins of inkomste te deel;
- (b) ’n saaklike reg ten opsigte van eiendom van ’n maatskappy, korporasie of sakeonderneming;
- (c) ’n saaklike of persoonlike reg op eiendom wat deur ’n maatskappy, korporasie of sakeonderneming gebruik word, of
- (d) ’n regstreekse of onregstreekse belang in die stemdraende aandeel of stemreg verbonde aan aandeel, van ’n maatskappy, of ’n belang in ’n beslote korporasie;”;
- (u) deur die omskrywing van “Geliseniseerde renbaan” te skrap; 10
- (v) deur die volgende omskrywings na die omskrywing van “Hoof Uitvoerende Beampte” in te voeg:  
 “Institusionele belegger’ beteken ’n openbaar verhandelde belegger in aandeel op ’n erkende effektebeurs wat slegs vir beleggingsdoeleindes gehou word;”, en  
 “Internet’ het die betekenis uiteengesit in artikel 1 van die Wet op Elektroniese Kommunikasie en Transaksies, 2002 (Wet 25 van 2002);”;
- (w) deur die volgende omskrywings na die omskrywing van “Muntoutomaat” in te voeg:  
 “Nasionale Wet’ beteken die Nasionale Dobbeltwet, 2004 (Wet 7 van 2004);”, en  
 “Openbaar verhandelde belegger’ beteken ’n belegger wat op ’n erkende effektebeurs genoteer is en wat ’n belegger is in aandeel wat op ’n erkende effektebeurs genoteer is;”;
- (x) deur die omskrywing van “Ope weddenskap” deur die volgende omskrywing te vervang:  
 “Ope weddenskap’ beteken—  
 (a) ’n weddenskap, uitgesonderd ’n totalisatorweddenskap, wat deur ’n boekmaker aanvaar word ten opsigte van een of meer gebeurlikhede, waar daar oor geen vasgestelde wenprys ooreengekom word wanneer die weddenskap geplaas word nie, of  
 (b) ’n weddenskap ten opsigte waarvan die uitbetaling bepaal word ná bekendwording van die uitslag van die gebeurlikheid waarop daardie weddenskap aangegaan word, met verwysing na dividende deur ’n totalisator gegeneer;”;
- (y) deur die omskrywing van “Perseel” deur die volgende omskrywing te vervang:  
 “Perseel’ beteken enige terrein, plek of standplaas, [ongegag of dit ’n tydelike of permanente struktuur, gebou, vaartuig, voertuig of vliegtuig is of deel daarvan uitmaak] en sluit grond en enige gebou, struktuur, voertuig, skip, boot, vaartuig, vliegtuig of houer in;”;
- (z) deur die volgende omskrywing na die omskrywing van “Perseel” in te voeg:  
 “Persoon’ omvat ’n vennootskap, assosiasie, trust, of ’n regs persoon by of ingevolge enige wet ingestel;”;
- (aa) deur die omskrywing van “Politieke ampsdraer” deur die volgende omskrywing te vervang:  
 “Politieke ampsdraer’ beteken—  
 (a) ’n lid van die Nasionale Vergadering, die Nasionale Raad van Provinsies of die Nasionale Kabinet;  
 (b) ’n lid van ’n provinsiale wetgewer;  
 (c) ’n lid van ’n munisipale raad of plaaslike owerheid;  
 (d) ’n diplomatieke verteenwoordiger van die Republiek wat nie ’n lid van die staatsdiens is nie;  
 (e) ’n lid van ’n huis, of raad, van tradisionele leiers, of  
 (f) ’n nasionale of provinsiale ampsdraer van ’n politieke party;”;
- (bb) deur die omskrywing van “Renbaanlisensie” te skrap;
- (cc) deur die volgende omskrywings na die omskrywing van “Renbaanlisensie” in te voeg:  
 “Roete-operateur’ beteken ’n persoon aan wie ’n roete-operateurlisensie ingevolge artikel 46 uitgereik is;”,  
 “Roete-operateurlisensie’ beteken enige lisensie ingevolge artikel 46 uitgereik;”, en

- “‘Sentrale effektebewaarplek’ beteken ’n sentrale effektebewaarplek soos omskryf in die Wet op Veilige Bewaring en Administrasie van Effekte, 1992 (Wet No. 85 van 1992);”;
- (dd) deur paragraaf (c) van die omskrywing van “Sosiale dobbelary” soos volg te wysig: 5  
 “(c) die speel van ’n vermaakspel [, **wat vir die toepassing van hierdie Wet ’n spel, soos voorgeskryf, beteken.**];”;
- (ee) deur die omskrywing van “Speler” deur die volgende omskrywing te vervang: 10  
 “‘Speler’ of ‘kliënt’, beteken enige deelnemer, uitgesonderd ’n houër van ’n lisensie uitgereik ingevolge hierdie Wet, aan ’n [dobbelspel en omvat ’n wedder in enige wedderytransaksie.] dobbelaktiwiteit;”;
- (ff) deur die volgende omskrywings na die omskrywing van “Speler” in te voeg: 15  
 “‘Staatsamptenaar’ beteken ’n persoon wat by ’n staatsorgaan of in ’n hof in diens is, of ’n regsprekende beampte;”, en  
 “‘Staatsorgaan’ het die betekenis uiteengesit in artikel 239 van die Grondwet van die Republiek van Suid-Afrika, 1996;”;
- (gg) deur die omskrywing van “Teenprestasie” deur die volgende omskrywing te vervang: 20  
 “‘Teenprestasie’ beteken—  
 (a) geld, handelsware, eiendom, ’n tjek, ’n tekenmunt, ’n kaartjie, elektroniese krediet, krediet, debiet of ’n elektroniese skyfie, of ’n dergelike voorwerp, of  
 (b) enige ander ding, onderneming, belofte, ooreenkoms of versekering, ongeag die skynwaarde of intrinsieke waarde daarvan, en of dit regstreeks of onregstreeks oorgedra word;”;
- (hh) deur die volgende omskrywings word na die omskrywing van “teenprestasie” in te voeg: 25  
 “‘Terrein’ beteken enige perseel gelisensieer vir die plasing van een of meer beperkte uitbetaalmasjien in artikel 47 beoog;”, en  
 “‘Terreinlisensie’ beteken enige lisensie uitgereik ingevolge artikel 47;”;
- (ii) deur die omskrywing van “Totalisator” te skrap;
- (jj) deur die omskrywing van “Vasgestelde weddenskappe” deur die volgende omskrywing te vervang: 35  
 “‘Vasgestelde weddenskap’ beteken ’n weddenskap op een of meer gebeurlikhede ten opsigte waarvan op ’n vasgestelde wedprys besluit word ten tyde van die plasing van die weddenskap;”;
- (ll) deur die volgende omskrywings na die omskrywing van “Vasgestelde weddenskap” in te voeg: 40  
 “‘Vennoot’ beteken ’n party by ’n vennootskapsooreenkoms wat aangegaan word met die doel om wins te maak;”;  
 “‘Vermaakmasjien’ beteken enige masjien of toestel, uitgesonderd ’n dobbeltoestel, waarop of waarmee ’n vermaakspel gespeel kan word;”, en  
 “‘Vermaakspel’ beteken enige spel, uitgesonderd bingo of ’n spel wat soortgelyk is aan of ontwikkel het uit ’n spel wat normaalweg in ’n casino of op ’n muntoutomaat gespeel word met of deur middel van ’n vermaakmasjien wat teen betaling van geld, ’n tekenmunt of ’n dergelike voorwerp beskikbaar is vir speeldoeleindes, en wat die speler in staat stel om ’n prys te wen; met dien verstande dat so ’n prys nie in die vorm van kontant, tekenmunte, krediet of enige onderhandelbare instrument mag wees nie, maar beperk moet wees tot nie-kontantpryse met ’n kleinhandelwaarde van hoogstens die bedrag wat by regulasie ingevolge die Nasionale Wet voorgeskryf word;”;
- (mm) deur die omskrywing van “Voorsitter” deur die volgende omskrywing te vervang: 55  
 “‘Voorsitter’ beteken [**n**] die persoon ingevolge artikel 3(3) as voorsitter van die Raad aangestel;”;
- (nn) deur die omskrywing van “Wed” of “weddery” deur die volgende omskrywing te vervang: 60  
 “‘Wed’ of ‘weddery’ beteken ’n aktiwiteit soos in artikel 1(3) hieronder beskryf;”;

- (oo) deur die omskrywing van “Wedren” deur die volgende omskrywing te vervang:
- “‘Wedren’ beteken enige perdewedren oor ’n omskrewede of ooreengekome baan, wat gehou word vir die vermaak van die publiek en lede van enige assosiasie of klub, maar omvat nie — 5
- (a) enige wedren in die aard van ’n openbare proefgalop nie, waar geen weddery plaasvind nie en wat gehou word onder die bestuur en beheer van die houer van ’n **[renbaanlisensie]** operateurlisensie, en
- (b) enige wedren of kompetisie van ’n privaat aard waar geen weddery plaasvind nie;”;
- (pp) deur die omskrywing van “Wenweddenskap” deur die volgende omskrywing te vervang:
- “‘Wenweddenskap’ beteken enige weddenskap waar die persoon wat die weddenskap geplaas of aangegaan het, die uitslag van die **[gebeurtenis of]** gebeurlikheid of **[kombinasie daarvan]** gebeurlikhede ten opsigte waarvan die weddenskap aangegaan is, korrek **[voordobbelspel]** voorspel het, en”;
- (qq) deur die volgende omskrywing na die omskrywing van “Wenweddenskap” in te voeg:
- “‘Werklisensie’ beteken ’n lisensie in artikel 27(l) en (m) bedoel.”, en 20
- (rr) deur die volgende subartikels na die omskrywing van “Werklisensie” in te voeg:
- “(2) ’n Aktiwiteit is ’n dobbelaktiwiteit indien dit die volgende insluit:
- (a) plasing of aanvaarding van ’n weddenskap ingevolge subartikel (3);
- (b) plasing of aanvaarding van ’n totalisatorweddenskap ingevolge subartikel (4), of
- (c) beskikbaarstelling van bingo of ’n ander dobbelspel vir speeldoeleindes, of die speel daarvan, soos in subartikel (5) beoog.
- (3) ’n Persoon plaas of aanvaar ’n weddenskap wanneer daardie persoon— 30
- (a) as speler, geld of enigiets wat waarde het, op ’n vasgestelde weddenskap of ’n ope weddenskap by ’n boekmaker inlê ten opsigte van enige gebeurlikheid, of
- (b) as boekmaker— 35
- (i) inleggeld of enigiets wat waarde het op ’n vasgestelde weddenskap of ’n ope weddenskap ten opsigte van enige gebeurlikheid van ’n speler aanvaar, of
- (ii) geld of enigiets wat waarde het, op ’n vasgestelde weddenskap of ’n ope weddenskap ten opsigte van enige gebeurlikheid by ’n ander boekmaker inlê; 40
- (c) geld of enigiets wat waarde het inlê by, of inleggeld of enigiets van waarde aanvaar van, een of meer ander persone ten opsigte van enige gebeurlikheid, of
- (d) uitdruklik of implisiet onderneem, belof of ooreenkom om enigiets in paragraaf (a), (b) of (c) beoog, te doen. 45
- (4) ’n Persoon plaas of aanvaar ’n totalisatorweddenskap wanneer daardie persoon geld of enigiets wat waarde het, inlê ten opsigte van die uitslag van ’n gebeurtenis of kombinasie van gebeurtenisse volgens—
- (a) ’n stelsel wat die totale bedrag ingelê, na aftrekkings waarvoor by wet of by ooreenkoms voorsiening gemaak word, verdeel onder die persone wat wenweddenskappe aangegaan het in verhouding tot die bedrag wat elkeen ten opsigte van ’n wenweddenskap ingelê het, of
- (b) enige wedskema, vorm van wed of wedstelsel, ongeag of dit meganies werk of nie, wat volgens dergelike beginsels funksioneer.
- (5) ’n Aktiwiteit is ’n dobbelspel indien— 55
- (a) dit aan die volgende maatstawwe voldoen:
- (i) dit word gespeel teen betaling van enige teenprestasie, met die moontlikheid dat die persoon wat die spel speel, aanspraak sal kan maak op ’n uitbetaling of ’n uitbetaling sal kan ontvang, en
- (ii) die uitslag bepaal kan word deur die vaardigheid van die speler, die gelukfaktor, of albei, of 60

- (b) dit 'n weddenskap ingevolge subartikel (3) is wat in 'n casino geplaas word ten opsigte van 'n aktiwiteit wat aan die maatstawwe in paragraaf (a) voldoen.
- (6) Ondanks subartikel (5), vir die toepassing van hierdie Wet, is die volgende aktiwiteite geeneen 'n dobbelspel nie: 5
- (a) 'n weddenskap ingevolge subartikel (3), uitgesonderd 'n weddenskap in subartikel (5)(b) beoog;
- (b) 'n totalisatorweddenskap ingevolge subartikel (4), of
- (c) 'n vermaakspel.
- (7) Behoudens paragraaf (b) is 'n uitbetaling— 10
- (a) enige geld, handelsware, eiendom, 'n tjek, krediet, elektroniese krediet, 'n debiet, 'n tekenmunt, 'n kaartjie of enigiets anders wat waarde het, deur 'n speler gewen—
- (i) ongeag of dit omrede van die speler of bediener se vaardigheid, die werking van die gelukfaktor, of albei is, en 15
- (ii) ongeag hoe die uitbetaling gedoen word.
- (b) Die volgende is geeneen 'n uitbetaling nie:
- (i) 'n geleentheid om 'n verdere spel te speel, of:
- (ii) 'n prys wat gaan aan 'n deelnemer of span deelnemers aan 'n sportgebeurtenis vir die deelnemer of span se prestasie in daardie gebeurtenis. 20
- (c) Die uitslag van 'n dobbelspel—
- (i) is 'n geleentheid om 'n verdere spel te speel indien die speler die geleentheid gebied word om sonder onderbreking voort te gaan om die tipe spel te speel— 25
- (aa) ten opsigte waarvan die geleentheid gewen is, en
- (bb) op die masjien waarop die geleentheid gewen is, maar
- (ii) is nie 'n geleentheid om 'n verdere spel te speel nie indien die geleentheid op enige wyse, hetsy regstreeks of onregstreeks—
- (aa) uitgedeel of oorgedra kan word aan die persoon wat so 'n geleentheid gewen het, of aan enige ander persoon, of 30
- (bb) in geld, eiendom, 'n tjek, krediet of enigiets anders wat waarde het, omskep kan word, of
- (cc) omskep kan word ooreenkomstig enige skema, reëling, stelsel, plan of toestel ingevolge die Nasionale Wet voorgeskryf.”. 35

**Wysiging van artikel 3 van Wet 4 van 1996, soos gewysig by artikel 2 van Wet 11 van 1997 en artikel 6 van Wet 4 van 1997**

4. Artikel 3 van die Hoofwet word gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te vervang: 40
- “(1) Die Raad bestaan uit sewe lede wat op 'n deelydse grondslag deur die Uitvoerende Raad aangestel word in ooreenstemming met die voorgeskrewe prosedure, wat voorsiening maak vir openbare deelname [in] aan die benoeming van kandidate vir aanstelling; met dien verstande dat die staande komitee van die Provinsiale Wetgewer wat vir hierdie Wet verantwoordelik is, al die kandidate se geskiktheid vir aanstelling [op] in die Raad moet evalueer.”, en 45
- (b) deur subartikel (2A) te skrap.

**Wysiging van artikel 5 van Wet 4 van 1996, soos gewysig by artikel 7 van Wet 4 van 1997 en artikel 2 van Wet 10 van 1997** 50

5. Artikel 5 van die Wet word gewysig—
- (a) deur die uitdrukking “(1)” na die artikelnommer in te voeg;
- (b) in subartikel (1), deur paragraaf (f) deur die volgende paragraaf te vervang: 55
- “(f) enigeen wat, hetsy persoonlik of deur sy of haar gade, [’n onmiddellike] familielid, [binne die eerste graad van aanverwantskap of die tweede graad van bloedverwantskap, ’n] vennoot of deelgenoot[, of enige persoon wat aangetroude familie van sodanige persoon is]—
- (i) 'n regstreekse of onregstreekse geldelike belang in enige dobbelarybesigheid of -instelling het of verkry, of

- (ii) enige belang het **[by]** in enige besigheid of onderneming wat strydig is met of inbreuk maak op die behoorlike verrigting van sy of haar pligte as 'n lid of werknemer van die Raad, of **[by]** in enige lisensie kragtens hierdie Wet uitgereik.”, en
- (c) deur die volgende subartikel na subartikel (1) in te voeg: 5  
“(2) Vir die toepassing van hierdie artikel omvat 'n onregstreekse geldelike belang nie 'n onregstreekse belang wat deur enige fonds of belegging gehou word nie indien die persoon wat dié belang hou geen beheer het oor die beleggingsbesluite wat ten opsigte van daardie fonds of belegging gemaak word nie.” 10

**Wysiging van artikel 12 van Wet 4 van 1996, soos gewysig by artikel 4 van Wet 10 van 1997, artikel 10 van Wet 4 van 1997 en artikel 1 van Wet 1 van 2003**

6. Artikel 12 van die Hoofwet word gewysig—
- (a) deur subartikel (3) deur die volgende subartikel te vervang: 15  
 (3) om lisensies kragtens hierdie Wet toe te staan, te hernieu, te wysig, te weier, oor te dra, op te skort of in te trek;”;
- (b) deur die volgende subartikel na subartikel (4) in te voeg:  
“(4A) om nasionale lisensies ingevolge die Nasionale Wet toe te staan, te hernieu, te weier, of op te skort of in te trek;”;
- (c) deur subartikel (5) te skrap, en 20
- (d) deur subartikel (14) deur die volgende subartikel te vervang:  
“(14) om reëls te maak wat die lisensiëring, beoefening en bedryf van enige **[dobbelry of wedrenne of verwante aktiwiteite]** dobbelry-aktiwiteit beheer;”.

**Wysiging van artikel 15 van Wet 4 van 1996, soos gewysig by artikel 13 van Wet 4 van 1997, artikel 5 van Wet 11 van 1997 en artikel 5 van Wet 10 van 1997** 25

7. Artikel 15 van die Hoofwet word gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te vervang: 30  
“(1) 'n Lid of werknemer van die Raad, 'n lid van die Uitvoerende Raad of 'n lid van die staande komitee van die Provinsiale Wetgewer verantwoordelik vir hierdie Wet **[sy of haar]** of hul **[gade of 'n onmiddellike]** familielid **[soos omskryf in artikel 5(f)]** mag nie regstreeks of onregstreeks enigiets **[van waarde]** wat waarde het, wat strydig is met of inbreuk maak op die behoorlike verrigting van sodanige lid of sodanige werknemer se pligte, van enige persoon ontvang nie.”, en 35
- (b) deur subartikel (2) deur die volgende subartikel te vervang:  
“(2) 'n Lid van die Raad, die Uitvoerende Raad of die staande komitee van die Provinsiale Wetgewer verantwoordelik vir hierdie Wet en hul gade mag nie binne vier jaar na afloop van hul ampstermyn werk bekom of aanvaar nie van— 40
- (a) enige persoon wat aansoek gedoen het om, of aan wie 'n uitreiking gedoen is van, 'n lisensie ingevolge hierdie Wet, of
- (b) enige persoon of instelling wat vergoeding aanbied of betaal wat geheel en al of gedeeltelik gefinansier of gesubsidieer word deur of afkomstig is van enige persoon in paragraaf (a) beoog; 45
- met dien verstande dat in die geval van 'n lid van die Raad wat bedank, die onverstreke gedeelte van sy of haar ampstermyn by die aantal jare in die voorafgaande bepaling genoem, bygevoeg word.”,

**Wysiging van artikel 15A van Wet 4 van 1996, soos gewysig by artikel 6 van Wet 10 van 1997** 50

8. Artikel 15A van die Hoofwet word gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te vervang:  
“(1) 'n Lid of werknemer van die Raad moet onmiddellik aan die Raad 'n openbaarmaking doen indien— 55
- (a) hy of sy, of sy of haar **[gade of 'n onmiddellike]** familielid soos omskryf in artikel **[5(f)]** 30(2)(d), enige regstreekse of onregstreekse geldelike belang in enige dobbelrybesigheid het of verkry;

- (b) hy of sy, of sy of haar [**gade of 'n onmiddellike**] familielid [**soos omskryf in artikel 5(f)**] enige regstreekse of onregstreekse geldelike by enige besigheid of onderneming het of verkry wat strydig is met of inbreuk maak op die behoorlike verrigting van sy of haar pligte as 'n lid of werknemer van die Raad, of in enige lisensie kragtens hierdie Wet uitgereik; 5
- (c) hy of sy, of sy of haar [**gade of 'n onmiddellike**] familielid [**soos omskryf in artikel 5(f)**] enigiets beoog in artikel 15(1) ontvang;
- (d) hy of sy, of sy of haar [**gade of 'n onmiddellike**] familielid [**soos omskryf in artikel 5(f)**] om 'n betrekking aansoek doen by of werk aanvaar van 'n lisensiehouer of 'n aansoeker om 'n lisensie ingevolge hierdie Wet, en 10
- (e) hy of sy aan dobbelary deelgeneem het, of indien dit onder sy of haar aandag kom dat sy of haar gade aan dobbelary deelgeneem het, in hierdie Provinsie of by enige dobbelarybesigheid in artikel 15(3) beoog.”, en 15
- (b) deur die volgende subartikel na subartikel (2) in te voeg:
- “(3) Vir die toepassing van hierdie artikel omvat 'n onregstreekse geldelike belang nie 'n onregstreekse belang wat deur enige fonds of belegging gehou word nie indien die persoon wat dié belang hou geen beheer het oor die beleggingsbesluite wat ten opsigte van daardie fonds of belegging gemaak word nie.” 20

**Wysiging van artikel 20 van Wet 4 van 1996, soos gewysig by artikel 19 van Wet 4 van 1997 en artikel 2 van Wet 1 van 2003**

9. Artikel 20 van die Hoofwet word gewysig deur subartikel (3) deur die volgende subartikel te vervang: 25

“(3) Die Raad kan in enige boekjaar versoeke om bykomende fondse tot die verantwoordelike Lid rig vir insluiting by die aansuiweringsbegroting [**soos beoog in die omskrywing daarvan in artikel 1 van die Wes-Kaapse Skatkweswet, 1994 (Wet 4 van 1994)**] in ooreenstemming met die toepaslike wetgewing.” 30

**Wysiging van artikel 23 van Wet 4 van 1996, soos gewysig by artikel 20 van Wet 4 van 1997, artikel 8 van Wet 10 van 1997, artikel 2 van Wet 4 van 1999 en artikel 4 van Wet 1 van 2003**

10. Artikel 23 van die Hoofwet word gewysig deur subparagraaf (iii) van paragraaf (1)(a) deur die volgende subparagraaf te vervang: 35

(iii) enige oortreding of beweerde oortreding, of nienakoming of beweerde nienakoming, van 'n bepaling van hierdie Wet op enige gelisensieerde perseel of deur die houer van 'n lisensie kragtens hierdie Wet uitgereik.”

**Wysiging van artikel 27 van Wet 4 van 1996, soos gewysig by artikel 3 van Wet 4 van 1999 en artikel 2 van Wet 11 van 2000** 40

11. Artikel 27 van die Hoofwet word gewysig deur die volgende paragraaf na paragraaf (g) in te voeg:

“(hB) nasionale lisensies, soos beoog in die Nasionale Wet;”.

**Invoeging van artikel 27A in Wet 4 van 1996** 45

12. Die volgende artikel word na artikel 27 van die Hoofwet ingevoeg:

**“Nasionale lisensies**

**27A.** (1) Die Raad kan nasionale lisensies uitreik, soos beoog in die Nasionale Wet.

(2) Uitgesonderd soos anders in die Nasionale Wet bepaal, is die bepalings van hierdie Wet van toepassing ten opsigte van enige nasionale lisensie ingevolge die Nasionale Wet uitgereik. 50



(3) Ondanks die bepalings van hierdie Wet, is die houër van 'n nasionale lisensie geregtig om die aktiwiteite daarby gemagtig in die Provinsie uit te voer asof dié lisensie ingevolge hierdie Wet uitgereik is.”

**Wysiging van artikel 28 van Wet 4 van 1996, soos gewysig by artikel 23 van Wet 4 van 1997 en artikel 2 van Wet 8 van 1998**

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13. Artikel 28 van die Hoofwet word deur die volgende artikel vervang:

“28. Ten einde te kwalifiseer vir 'n lisensie—

- |  |    |
|--|----|
| (a) moet 'n persoon, uitgesonderd 'n maatskappy of ander regs persoon—   |    |
| (i) 'n geskikte en gepaste persoon wees wie se karakter, integriteit, eerlikheid, vorige gedrag, ontsag vir die reg, reputasie, gewoontes en verbintenisse nie gevaar inhou vir die gesondheid, veiligheid, sedes, goeie orde en algemene welsyn van die inwoners van die Provinsie en vir die bepalings en beleid van hierdie Wet nie, en | 10 |
| (ii) nie gediskwalifiseer wees kragtens hierdie Wet nie, en  | 15 |
| (b) moet 'n maatskappy of regs persoon—  |    |
| (i) kragtens die wette van die Republiek geregistreer wees, en   |    |
| (ii) goeie kredietwaardigheid en voldoende middele hê om die aktiwiteit waarvoor die lisensie vereis word, te onderneem en te onderhou, en   | 20 |
| (iii) met die nodige veranderings voldoen aan paragraaf (a).”  |    |

**Wysiging van artikel 29 van Wet 4 van 1996, soos gewysig by artikel 24 van Wet 4 van 1997, artikel 9 van Wet 10 van 1997 en artikel 4 van Wet 4 van 1999**

14. Artikel 29 van die Hoofwet word deur die volgende artikel vervang:

“**[Diskwalifisering ten opsigte van lisensie]** 25

**Diskwalifikasies ten opsigte van werklisensies**

- “29. 'n Persoon mag nie 'n werklisensie ingevolge hierdie Wet uitgereik, hou nie, indien daardie persoon—
- |  |          |
|--|----------|
| (a) nie voldoen aan die vereistes van artikel 28(a)(i) nie;  |          |
| (b) 'n insolvente persoon is wat nie gerehabiliteer is nie of onderworpe is aan enige handelingsonbevoegdheid;   | 30       |
| (c) 'n lid van die Raad, 'n lid van die Uitvoerende Raad of 'n lid van die staande komitee van die Provinsiale Wetgewer verantwoordelik vir hierdie Wet, of 'n familielid van daardie persoon is;  |          |
| (d) 'n werknemer van die Raad of 'n familielid van daardie persoon is; met dien verstande dat die Raad so 'n diskwalifikasie kan kondoneer waar dit ten opsigte van 'n familielid bestaan, as hy tevrede is dat geen wesenlike belangebotsing omrede van dié werk sal ontstaan nie;  | 35       |
| (e) onder die ouderdom van 18 jaar is;   |          |
| (f) 'n staatsampenaar of politieke ampsdraer is;   | 40       |
| (g) as gevolg van ondersoek of navrae ingevolge artikel 30(2) uitgevoer, blyk gediskwalifiseer te wees om 'n belang in 'n lisensiehouer, 'n gelisensieerde perseel, of die besigheid waarop 'n lisensie betrekking het, te hou;  |          |
| (h) gelys is in die register van uitgesluite persone in die Nasionale Wet beoog;   | 45       |
| (i) onderworpe is aan 'n bevel van 'n bevoegde hof wat beslis het dat die persoon geestelik ongeskik of versteur is;   |          |
| (j) voorheen al uit 'n vertrouensamp verwyder is op grond van wangedrag ten opsigte van bedrog of die wederregtelike toeëiening van geld, of   |          |
| (k) gedurende die voorafgaande tien jaar, in die Republiek of elders, skuldig bevind is aan korrupsie, diefstal, bedrog, vervalsing of die in omloop bring van vervalste stukke, myneed, of 'n misdryf ingevolge hierdie Wet of die Nasionale Wet, en gevonnissen is tot gevangenisstraf sonder die keuse van 'n boete, of tot 'n boete wat die bedrag ingevolge die Nasionale Wet voorgeskryf, oorskry, tensy amnestie of algehele kwytskelding vir die misdryf aan die persoon toegestaan is.” | 50<br>55 |

**Wysiging van artikel 30 van Wet 4 van 1996, soos gewysig by artikel 25 van Wet 4 van 1997**

15. Artikel 30 van die Hoofwet word deur die volgende artikel vervang:

“[Persone met sekere regstreekse of onregstreekse belange gediskwalifiseer]

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**Diskwalifikasies en beperkings ten opsigte van ander lisensies**

**30.** (1) Hierdie artikel is nie van toepassing op ’n werklisensie nie.

(2) ’n Persoon mag nie ’n lisensie in hierdie artikel bedoel of ’n geldelike belang in die houer van daardie lisensie, hou nie, indien daardie persoon—

(a) ’n persoon beoog in artikel 29(a), (e), (f), (i), (j) of (k) is;

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(b) ’n regspersoon is ten opsigte waarvan die Staat of enige staatsorgaan of enige organisasie waarby die Staat betrokke is, enige geldelike belang, uitgesonderd vir sover dit belastings betref, in enige dobbelaktiwiteit het; met dien verstande dat die bepaling van hierdie paragraaf nie ’n belang insluit nie wat gehou word deur die Staat of enige staatsorgaan of enige organisasie waarby die Staat betrokke is, voortspruitend uit ’n armlengte-handelstransaksie ten opsigte van—

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(i) ’n huurooreenkoms ten opsigte waarvan die huurgeld betaalbaar nie bepaal word met betrekking tot die omset van of wins uit enige dobbelaktiwiteit nie;

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(ii) die verkoop van eiendom, of

(iii) die toestaan van ’n keuse om te koop;

(c) ’n insolvente persoon is wat nie gerehabiliteer is nie, of

(d) ’n familielid is, uitgesonderd ’n broer of suster, van ’n persoon wat ’n lid of werknemer is van ’n beherende gesag wat toesig oor daardie lisensiehouer hou;

25

met dien verstande dat, by die oorweging van aansoeke om die toestaan of hernuwing van lisensies of die evaluering van die geskiktheid van lisensiehouers of persone wat ’n geldelike belang daarin het, die Raad die reg het, maar nie verplig is nie, om ondersoeke of navrae uit te voer ten opsigte van persone wat ’n geldelike belang van minder as vyf persent in die aansoeker hou.

30

(3) Die Raad moet weier om ’n lisensie aan ’n aansoeker uit te reik indien hy, na afloop van die ondersoeke of navrae in subartikel (2) beoog, rede het om te glo dat—

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(a) die aansoeker, enige persoon wat ’n geldelike belang in die aansoeker hou, of enige bestuurder van die betrokke besigheid, ’n familielid, uitgesonderd ’n broer of suster, is, of ’n persoon is wat ’n lid of werknemer van daardie lisensiëringsowerheid is; of

(b) die aansoeker of enige persoon wat ’n geldelike belang van vyf persent of meer in die aansoeker hou, ingevolge subartikel (2) gediskwalifiseer is om ’n belang in ’n lisensiehouer of die besigheid waarop ’n lisensie betrekking het, te hou.

40

(4) Vir die toepassing van hierdie artikel omvat ’n geldelike belang nie ’n onregstreekse belang wat gehou word in enige fonds of belegging nie indien die persoon wat daardie belang hou, geen beheer het oor die beleggingsbesluite wat ten opsigte van daardie fonds of belegging gemaak word nie.”.

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**Wysiging van artikel 35 van Wet 4 van 1996, soos gewysig by artikel 29 van Wet 4 van 1997, artikel 11 van Wet 10 van 1997 en artikel 5 van Wet 4 van 1999**

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16. Artikel 35 van die Hoofwet word gewysig deur subparagraaf (vi) van subartikel (3) deur die volgende subparagraaf te vervang:

“(vi) die aansoeker kwalifiseer ingevolge artikel [28]29 en is nie ingevolge artikel [29]30 gediskwalifiseer nie, en”.

**Wysiging van artikel 37 van Wet 4 van 1996, soos gewysig by artikel 31 van Wet 4 van 1997**

17. Artikel 37 van die Hoofwet word gewysig —
- (a) deur paragraaf (f) van subartikel (1) deur die volgende paragraaf te vervang: 5  
“(f) met betrekking tot die persele waarin of waarop [**dobbelary, wedrenne of aktiwiteite wat daarmee in verband staan**] dobbelaktiwiteite [gaan] plaasvind, insluitend die ontwikkeling en gebruik daarvan;”;
  - (b) deur paragraaf (g) van subartikel (1) deur die volgende paragraaf te vervang: 10  
“(g) wat die voorlegging van verslae en opgawes met betrekking tot [**dobbelary of wedrenne of daarmee gepaardgaande aktiwiteite**] dobbelaktiwiteite aan die Raad vereis;”;
  - (c) deur paragraaf (i) van subartikel (1) deur die volgende paragraaf te vervang: 15  
“(i) met betrekking tot die dae waarop en ure waartydens [**dobbelary**] dobbelaktiwiteite beoefen kan word of wedrenne kan plaasvind;”, en
  - (d) deur paragraaf (k) van subartikel (1) deur die volgende paragraaf te vervang: 15  
“(k) met betrekking tot enige toerusting of toestel wat in verband met enige [**dobbelary**] dobbelaktiwiteite of wedrenne gebruik word of gebruik moet word;”.

**Wysiging van artikel 39 van Wet 4 van 1996, soos gewysig deur artikel 33 van Wet 4 van 1997** 20

18. Artikel 39 van die Hoofwet word gewysig—
- (a) deur subartikel (2) deur die volgende subartikel te vervang: 25  
“(2) Die Raad kan van tyd tot tyd gelas dat die bedrag of waarde van die sekuriteit bedoel in subartikel (1) vermeerder of verminder word en daarna moet die betrokke lisensiehouer binne sewe dae vandat hy ’n kennisgewing ontvang het dat die Raad aldus gelas het, toesien dat die sekuriteit in ooreenstemming met sodanige lasgewing vermeerder of verminder word.”;
  - (b) deur subartikel (3) deur die volgende subartikel te vervang: 30  
“(3) Indien enige sekuriteit verskaf ingevolge subartikel (1) verstryk, ongeldig word of nie vermeerder word binne die tydperk in subartikel (2) beoog nie, word die betrokke lisensie, ondanks die bepalings van artikel 42(3)(a), geag ingevolge artikel 42(1) opgeskort te gewees het, en mag die lisensiehouer nie voortgaan om die besigheid gemagtig kragtens dié lisensie te dryf nie totdat sodanige sekuriteit herstel is of geldig gemaak is of vervang of vermeerder is.”;
  - (c) deur subartikel (5) deur die volgende subartikel te vervang: 35  
“(5) As ’n lisensiehouer versuim om enige belasting, gelde of dobbelaryverpligtinge te betaal wat kragtens hierdie Wet deur hom [**of haar**] verskuldig en betaalbaar is, moet die Hoof Uitvoerende Beampte die sekuriteit in subartikel (1) realiseer en enige geld verkry uit die realisasie daarvan, 40  
aanwend ter betaling van die belasting, gelde of dobbelaryverpligtinge wat verskuldig en betaalbaar is, en daarna—  
    - (a) is die bepalings van subartikel (2) van toepassing indien die bedrag van die sekuriteit aldus gerealiseer minder as die helfte van die sekuriteit is wat deur die Raad ten opsigte van daardie lisensiehouer bepaal is, of 45
    - (b) is die bepalings van subartikel (3) van toepassing indien die bedrag van die sekuriteit aldus gerealiseer die helfte of meer van die totale sekuriteit is wat deur die Raad ten opsigte van daardie lisensiehouer bepaal is.” en 50
  - (d) deur subartikel (6) deur die volgende subartikel te vervang: 55  
“(6) Wanneer ook al ’n lisensie, uitgereik ingevolge hierdie Wet, verstryk of [**opgeskort**] ingetrek word soos in hierdie Wet bepaal, moet die Hoof Uitvoerende Beampte na ’n tydperk van nie minder nie as negentig dae na die datum van sodanige verstryking of intrekking en nadat daar aan die bepalings van subartikel (5) voldoen is, indien sodanige bepalings van toepassing is, die sekuriteit of die saldo van die sekuriteit vrystel.”.

**Wysiging van artikel 41 van Wet 4 van 1996, soos gewysig by artikel 35 van Wet 4 van 1997 en artikel 7 van Wet 4 van 1999**

19. Artikel 41 van die Hoofwet word gewysig—

- (a) deur die artikelopskrif deur die volgende artikelopskrif te vervang: 5  
 “[**Nie-oordraagbaarheid**] **Beperkings op oordraagbaarheid van lisensies**”;
- (b) deur subartikel (1) deur die volgende subartikel te vervang: 10  
 “(1) [**Geen**] Behoudens die bepalings van subartikel (1A), mag geen lisensie wat kragtens hierdie Wet toegestaan is, [mag] deur die houër daarvan aan ’n ander persoon oorgedra word nie, en mag geen perseellisensie kragtens hierdie Wet uitgereik [mag] oorgedra word van ’n perseel waarop dit betrekking het, na enige ander perseel nie.”, en
- (c) deur die volgende subartikel na subartikel (1) in te voeg: 15  
 “(1A) ’n Lisensie mag slegs van ’n bestaande lisensiehouer na ’n ander persoon oorgedra word indien—
- (a) die oordrag van daardie lisensie van die bestaande lisensiehouer na ’n ander persoon nodig is om nakoming van die bepalings van die Nasionale Wet te verseker;
- (b) die bestaande lisensiehouer skriftelike aansoek by die Raad gedoen het om die oordrag van sy lisensie op die gronde in paragraaf (a) uiteengesit, en 20
- (c) die Raad die aansoek beoog in paragraaf (b) goedgekeur het.”. 15

**Wysiging van artikel 41A van Wet 4 van 1996, soos gewysig by artikel 36 van Wet 4 van 1997**

20. Artikel 41A van die Hoofwet word gewysig— 25

- (a) deur die artikelopskrif deur die volgende artikelopskrif te vervang: 25  
 “**Dood of ongeskiktheid van persoon wat belang in ’n lisensiehouer hou**”;
- (b) deur subartikel (1) te skrap;
- (c) deur subartikel (2) deur die volgende subartikel te vervang: 30  
 “(2) Wanneer [**die**] ’n belang in ’n gelisensieerde dobbelarybesigheid wat gehou is deur ’n [ontslape of ongeskikte] persoon wat sterf of ongeskik word [gehou is], deur regswerking of andersins oorgaan in sy of haar boedel of op enige ander persoon as die eksekuteur of kurator of ’n [mede-lisensiehouer oorgaan, moet sodanige] ander persoon wat ’n belang in dieselfde [mede-lisensiehouer] lisensiehouer hou, moet die eksekuteur van die boedel of sodanige ander persoon [of die eksekuteur van die boedel] binne 30 dae na die datum van afsterwe of ongeskiktheid by die Raad aansoek doen om die toepaslike lisensie [aansoek doen].”.

**Wysiging van artikel 46 van Wet 4 van 1996, soos gewysig by artikel 40 van Wet 4 van 1997**

21. Artikel 46 van die Hoofwet word gewysig—

- (a) deur die artikelopskrif deur die volgende artikelopskrif te vervang: 45  
 “[**Beperktedobbelmasjien-operateurlisensie**] **Roete-operateurlisensie**”;
- (b) deur subartikel (1) deur die volgende subartikel te vervang: 45  
 “(1) ’n [**Beperktedobbelmasjien-operateurlisensie**] Roete-operateurlisensie word slegs uitgereik aan ’n maatskappy wat ingevolge die [Wet op Maatskappye] Maatskappywet, 1973, geregistreer is.”;
- (c) deur subartikel (2) deur die volgende subartikel te vervang: 50  
 “(2) ’n [**Beperktedobbelmasjien-operateurlisensie**] Roete-operateurlisensie is ’n vereiste vir elke maatskappy wat die besigheid van die bedryf van beperkte [dobbelmasjiene] uitbetaalmasjiene in of op een of meer persele, gelisensieer ingevolge artikel 47, toelaat of daarby betrokke is.”;

- (d) deur subartikel (2A) deur die volgende subartikel te vervang:  
 “(2A) ’n [**Beperktedobbelmasjien-operateurlisensie**] Roete-operateurlisensie is gekoppel aan die [**perseel**] operateur in die lisensie gespesifiseer.”, en
- (e) deur subartikel (3) deur die volgende subartikel te vervang: 5  
 (3) ’n [**Beperktedobbelmasjien-operateurlisensie**] Roete-operateurlisensie magtig, onderworpe aan enige voorwaardes wat die Raad oplê, die gebruik van goedgekeurde beperkte [**dobbelmasjiene**] uitbetaalmasjiene in of op persele of die dele van sodanige persele wat ingevolge artikel 47 gelisensieer is.”. 10

**Wysiging van artikel 47 van Wet 4 van 1996, soos gewysig by artikel 41 van Wet 4 van 1997**

22. Artikel 47 van die Hoofwet word gewysig—
- (a) deur die artikelopskrif deur die volgende artikelopskrif te vervang: 15  
 “[**Beperktedobbelmasjien-perseellisensie**] Terreinlisensie”, en
- (b) deur subartikel (1) deur die volgende subartikel te vervang:  
 (1) ’n [**Beperktedobbelmasjien-perseellisensie**] Terreinlisensie is ’n vereiste vir enige perseel in die Provinsie waarin of waarop beperkte [**dobbelmasjiene**] uitbetaalmasjiene aangebring word deur die houer van ’n [**beperktedobbelmasjien-operateurlisensie**] roete-operateurlisensie.”; 20
- (c) deur subartikel (2) deur die volgende subartikel te vervang:  
 “(2) ’n [**Beperktedobbelmasjien-perseellisensie**] Terreinlisensie magtig, onderworpe aan enige voorwaardes wat die Raad oplê, die aanhou en vertoon , vir [**speel**] speeldoeleindes, van enige beperkte [**dobbelmasjiene**] uitbetaalmasjiene [**in die lisensie gespesifiseer**], in of op die gelisensieerde perseel of die deel van sodanige perseel in die lisensie gespesifiseer, wat ingevolge artikel 46 [**gebruik**] bedryf word.”; 25
- (d) deur die volgende subartikels na subartikel (2) in te voeg:  
 “(3) ’n Terreinlisensie is gekoppel aan die perseel in die lisensie gespesifiseer. 30  
 (4) Die Raad staan nie ’n aansoek om ’n terreinlisensie toe nie, tensy hy tevrede is dat—  
 (a) die persoon wat verantwoordelik sal wees vir die bedryf van die dobbelarybesigheid op die terrein, en 35  
 (b) behoudens die voorbehoudsbepaling by artikel 30(2), alle persone wat ’n geldelike belang van vyf persent of meer hou in die persoon in paragraaf (a) beoog, 40  
 voldoen aan die bepalings van artikels 28 of 29, na gelang van die geval, en 30.”.

**Wysiging van artikel 48 van Wet 4 van 1996, soos gewysig by artikel 8 van Wet 4 van 1999**

23. Artikel 48 van die Hoofwet word gewysig deur subartikel (2) deur die volgende subartikel te vervang:  
 “(2) ’n Bingolisensie is ’n vereiste vir elke persoon wat in die Provinsie die speel van bingo [**toelaat of beoefen**], uitgesonderd vir die doel van sosiale dobbelary ingevolge artikel 67(1)(c) gemagtig, in of op ’n perseel of persele in sodanige lisensie gespesifiseer, toelaat of beoefen, welke perseel of persele ingevolge artikel 48A gelisensieer word.”. 45

**Wysiging van artikel 53 van Wet 4 van 1996, soos gewysig by artikel 44 van Wet 4 van 1997 en artikel 13 van Wet 4 van 1999** 50

24. Artikel 53 van die Hoofwet word gewysig deur subartikel (3) deur die volgende subartikel te vervang:  
 “(3) ’n Totalisator-operateurlisensie magtig, onderworpe aan enige voorwaardes wat die Raad oplê, die gebruik van ’n totalisator ten opsigte van [**enige gebeurtenis of**] dié [gebeurlikheid] gebeurlikhede wat bestaanbaar is met die bepalings van die Wet op Loterye, 1997 (Wet 57 van 1997), en die aanvaarding van inleggeld ten 55

opsigte van sodanige totalisator in of op 'n perseel ingevolge artikel 54 gelisenseer.”.

**Wysiging van artikel 54 van Wet 4 van 1996, soos gewysig by artikel 45 van Wet 4 van 1997 en artikel 14 van Wet 4 van 1999**

25. Artikel 54 van die Hoofwet word gewysig deur subartikel (2) deur die volgende subartikel te vervang: 5

“(2) 'n Totalisator-perseellisensie magtig, onderworpe aan enige voorwaardes wat die Raad oplê, die aanvaarding van inleggeld ten opsigte van 'n totalisator in of op die perseel in sodanige lisensie gespesifiseer, deur die houer van 'n lisensie in [gelisenseer ingevolge] artikel 53 beoog.”.

 10

**Wysiging van artikel 55 van Wet 4 van 1996, soos gewysig by artikel 46 van Wet 4 van 1997 en artikel 15 van Wet 4 van 1999**

26. Artikel 55 van die Hoofwet word gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) 'n Boekmakerlisensie is 'n vereiste vir elke persoon wat in die Provinsie betrokke is by die besigheid van regstreekse of onregstreekse plasing of [aanvaarding] aangaan van weddenskappe[, uitgesonderd totalisator-tipe weddenskappe,] soos in artikel 1 omskryf, met lede van die publiek of ander boekmakers op 'n perseel of persele in daardie lisensie gespesifiseer, wat kragtens artikel 55A gelisenseer is.”.

 15 20

(b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) 'n Boekmakerlisensie magtig, onderworpe aan enige voorwaardes wat die Raad oplê, die bedryf van die besigheid van 'n boekmaker in of op die perseel deur vasgestelde en ope weddenskappe, maar nie [totalisator-tipe weddenskappe] totalisatorweddenskappe nie, te plaas en aan te gaan[aanvaar].”.

 25

**Wysiging van artikel 55A van Wet 4 van 1996, soos gewysig by artikel 16 van Wet 4 van 1999**

27. Artikel 55A van die Hoofwet word gewysig deur subartikel (3) te skrap.

**Wysiging van artikel 58 van Wet 4 van 1996, soos gewysig by artikel 2 van Wet 5 van 1999** 30

28. Artikel 58 van die Hoofwet word deur die volgende artikel vervang:

“58.(1) Enige persoon, uitgesonderd 'n institusionele belegger, 'n openbaar verhandelde belegger, 'n bewaringsinstelling of 'n sentrale effektebewaarplek, wat regstreeks of onregstreeks 'n geldelike belang van vyf persent of meer verkry in die dobbelarybesigheid waarop 'n lisensie betrekking het, moet binne die tydperk en op die wyse deur die Raad voorgeskryf of bepaal, by die Raad aansoek doen om goedkeuring om dié belang te hou.

 35

(2) Enige openbaar verhandelde belegger, uitgesonderd 'n institusionele belegger wat regstreeks of onregstreeks 'n geldelike belang van tien persent of meer verkry in die dobbelarybesigheid waarop 'n lisensie betrekking het, moet binne die tydperk en op 'n wyse deur die Raad voorgeskryf of bepaal, by die Raad aansoek doen om goedkeuring om dié belang te hou.

 40 45

(3) Enige institusionele belegger wat regstreeks of onregstreeks 'n geldelike belang van vyftien persent of meer verkry in die dobbelarybesigheid waarop 'n lisensie betrekking het, moet binne die tydperk en op 'n wyse deur die Raad voorgeskryf of bepaal, by die Raad aansoek doen om dié belang te hou.

 50

(4) Die bepalinge van artikels 28, 30 en 32 is met die nodige veranderings toepaslik ten opsigte van enige toepassing beoog in subartikels (1), (2) en (3).

(5) Die Raad staan nie goedkeuring kragtens subartikels (1), (2) of (3) toe nie waar die persoon of openbaar verhandelde belegger of 55

institusionele belegger wat aansoek doen, gediskwalifiseer is om 'n lisensie ingevolge hierdie Wet te hou.

(6) Waar goedkeuring nie ingevolge hierdie artikel toegestaan word nie, moet die persoon, openbaar verhandelde belegger of institusionele belegger binne die voorgeskrewe tydperk en op die wyse deur die Raad voorgeskryf, die betrokke belang van die hand sit. 5

(7) Geen persoon, openbaar verhandelde belegger of institusionele belegger mag as benoemde of agent of andersins namens enige prinsipaal of bevoordeelde 'n belang beoog in subartikel (1), (2) of (3), verkry nie indien dié persoon nie die houër van die betrokke lisensie en die Raad skriftelik ingelig het omtrent die identiteit van daardie prinsipaal of bevoordeelde nie. 10

(8) Die bepalings van hierdie artikel—

(a) is nie op 'n bewaringsinstelling of sentrale effektebewaarpark van toepassing nie vir sover dit 'n geldelike belang betref wat die instelling of bewaarpark namens persone, uitgesonderd homself, hou in effekte genoteer op 'n effektebeurs in Suid-Afrika wat as sodanig ingevolge die Wet op Beheer van Effektebeurse, 1985 (Wet No. 1 van 1985) geregistreer is, maar 15

(b) is van toepassing op die bevoordeelde houers van die effekte beoog in paragraaf (a). 20

(9) Enige persoon wat subartikels (1), (2), (3), (6) of (7) oortree is skuldig aan 'n misdryf.''. 25

#### Wysiging van artikel 66 van Wet 4 van 1996

29. Artikel 66 van die Hoofwet word gewysig— 25

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Geen persoon mag—

(a) 'n wedrenbyeenkoms hou, organiseer, reël of bywoon of op enige wyse daaraan deelneem of daarmee behulpsaam wees nie, of

(b) 'n wedrenkaart ten opsigte van 'n wedrenbyeenkoms druk, publiseer, besit, verkoop of te koop aanbied of op enige wyse 'n wedrenkaart in omloop bring of versprei nie, 30

tensy die betrokke wedrenooreenkoms **[by 'n gelisensieerde renbaan] op 'n perseel ingevolge hierdie Wet gelisensieer** plaasvind.'’;

(b) deur subartikel (2) deur die volgende subartikel te vervang: 35

“(2) Enige persoon wat subartikel (1) **[of enige van die voorwaardes van 'n renbaanlisensie]** oortree is skuldig aan 'n misdryf.'’, en

(c) deur subartikel (3) te skrap.

#### Wysiging van artikel 67 van Wet 4 van 1996, soos gewysig by artikel 56 van Wet 4 van 1997, artikel 14 van Wet 10 van 1997, artikel 20 van Wet 4 van 1999 en artikel 10 van Wet 11 van 2000 40

30. Artikel 67 van die Hoofwet word gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) **[die speel van]** enige **[dobbelspel]** dobbelaktiwiteit beoefen of toelaat **[of enige dobbelary beoefen of toelaat]** in of op enige perseel onder sy of haar beheer of in sy of haar sorg nie[,]; of’’. 45

#### Wysiging van artikel 72 van Wet 4 van 1996

31. Artikel 72 van die Hoofwet word deur die volgende artikel vervang:

**“[Verbod op aktiwiteite] Aanspreeklikheid met betrekking tot [dobbelspelle en weddery] dobbelaktiwiteite** 50

72. Geen persoon is onthef van aanspreeklikheid kragtens enige bepaling van hierdie Wet ten opsigte van enige handeling of ding in verband met enige **[dobbelspel of weddery] dobbelaktiwiteit** in die Provinsie deur hom of haar verrig of gedoen of deur hom of haar gemagtig of toegelaat om verrig of gedoen te word nie bloot omrede enige aspek van die bestuur of 55

beoefening daarvan geheel en al of gedeeltelik op 'n plek buite die Provinsie uitgevoer word.”.

**Wysiging van artikel 74 van Wet 4 van 1996, soos gewysig by artikel 60 van Wet 4 van 1997**

32. Artikel 74 van die Hoofwet word gewysig— 5

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) [**Behalwe soos voorgeskryf, mag geen persoon**] Geen houer van 'n lisensie ingevolge hierdie Wet uitgereik mag enige advertensie [met betrekking tot dobbelary vertoon] ten opsigte van enige dobbelaktiwiteit laat publiseer of toelaat dat dit gedoen word op 'n ander wyse as ingevolge hierdie Wet en die Nasionale Wet voorgeskryf nie.”, en 10

(b) deur die volgende subartikel na subartikel (1) in te voeg:

“(1A) Geen persoon mag enige advertensie ten opsigte van enige dobbelaktiwiteit in hiedie Provinsie laat adverteer of toelaat dat dit gedoen word nie, tensy 'n lisensie ten opsigte van dié aktiwiteit uitgereik is— 15

(a) ingevolge hierdie Wet;

(b) ingevolge die wet van 'n ander provinsie van die Republiek, of 20

(c) ingevolge die wet van 'n jurisdiksie buite die Republiek; met dien verstande dat—

(i) die advertensie buite die Republiek gepubliseer of van buite die Republiek versend word en persone wat in die Republiek woon, nie die enigste of belangrikste teiken is waarop die advertensie gerig is nie, of 25

(ii) die advertensie voldoen aan alle vereistes ingevolge hierdie Wet of die Nasionale Wet voorgeskryf en persone wat op die advertensie reageer, buite die Provinsie sal moet reis om deel te neem aan die dobbelary in die advertensie geadverteer.”. 30

**Wysiging van artikel 75 van Wet 4 van 1996, soos gewysig by artikel 61 van Wet 4 van 1997, artikel 15 van Wet 11 van 1997, artikel 2 van Wet 10 van 2000 en artikel 6 van Wet 1 van 2003**

33. Artikel 75 van die Hoofwet word gewysig deur die volgende paragrawe na paragraaf (c) van subartikel (1) in te voeg:

“(cA) 'n rekenaar, uitgesonderd in ooreenstemming met hierdie Wet, gebruik of toelaat dat dit gebruik word— 35

(i) om deelname aan 'n dobbelaktiwiteit moontlik te maak, of

(ii) deur die rekenaar, hetsy in sy geheel of gedeeltelik, aan enige lid van die publiek beskikbaar te stel vir die doel om aan enige dobbelaktiwiteit deel te neem, ongeag of die dobbelaktiwiteit plaasvind op die perseel waar dit aangebied word of by wyse van die internet of 'n ander elektroniese versending; 40

(cB) in die Provinsie rekenaarsagteware versprei of beskikbaar stel wat bedoel is, of waarvan die hoof funksie is, om persone in die Provinsie in staat te stel om te skakel met dobbelarybesighede buite die Provinsie wat dobbelaktiwiteite deur middel van die internet aanbied;”. 45

**Wysiging van artikel 75A van Wet 4 van 1996, soos gewysig by artikel 7 van Wet 1 van 2003**

34. Artikel 75A van die Hoofwet word gewysig deur subartikel (1) deur die volgende subartikel te vervang: 50

“(1) Indien die Raad, volgens oorwig van waarskynlikheid op grond van bewyse wat aangevoer is by [**'n**] enige ondersoekverhoor ingevolge hierdie Wet uitgevoer, of aan die lig gebring is as deur [**'n**] enige ondersoek of navraag [**uitgevoer**] ingevolge [**artikel 23(1)(a)(iii)**] hierdie Wet uitgevoer, tevrede is dat 'n bepaling van hierdie Wet oortree is of nie nagekom is nie, deur— 55

(a) die houer van 'n operateurlisensie;

(b) die houer van 'n lisensie beoog in artikel 27(f) of (g);



- (c) die houer van 'n lisensie beoog in artikel 27(l) of (m), of  
 (d) enige persoon wat optree of voorgee dat hy of sy optree in die loop en bestek van sy of haar diens by die houer van 'n operateurlisensie of 'n lisensie beoog in artikel 27(f) of (g),  
 kan die Raad [**een van of albei**] enige van of al daardie lisensiehouers aanspreeklik hou vir daardie oortreding, na gelang van die geval, en 'n straf in subartikel (2) beoog opleë.”.

#### **Skraping van artikel 84 van Wet 4 van 1996**

35. Artikel 84 van die Hoofwet word geskrap.

#### **Skraping van artikel 84A van Wet 4 van 1996** 10

36. Artikel 84A van die Hoofwet word geskrap.

#### **Skraping van artikel 84B van Wet 4 van 1996**

37. Artikel 84B van die Hoofwet word geskrap.

#### **Skraping van artikel 84C van Wet 4 van 1996**

38. Artikel 84C van die Hoofwet word geskrap. 15

#### **Invoeging van artikel 84D in Wet 4 van 1996**

39. Die volgende artikel word in die Hoofwet na artikel 83 ingevoeg:

##### **“Verbod op sekere dobbelaktiwiteite**

- 84D.** (1) Behoudens subartikel (3), mag niemand wat fisiek teenwoordig is in die Provinsie deelneem aan 'n dobbelaktiwiteit by wyse van telefoon, telefaks, interaktiewe televisie, elektroniese pos, internetuitsending of enige verwante kommunikasiemedium nie, uitgesonderd soos voorsiening daarvoor gemaak word deur die Nasionale Wet.”; 20
- (2) Behoudens subartikel (3) mag geen persoon 'n ander persoon— 25
- (a) wat na die wete van eersgenoemde persoon fisiek teenwoordig is in die Provinsie, of
- (b) van wie eersgenoemde persoon redelikerwys behoort te vermoed dat hy of sy fisiek teenwoordig is in die Provinsie, 30
- nooi, help of toelaat om deel te neem aan 'n dobbelaktiwiteit wat in die geheel of gedeeltelik by wyse van telefoon, telefaks, interaktiewe televisie, elektroniese pos, internetuitsending of enige verwante kommunikasiemedium uitgevoer word nie, uitgesonderd soos voorsiening daarvoor gemaak word deur die Nasionale Wet.
- (3) Die bepalinge van hierdie artikel is nie van toepassing nie— 35
- (a) op 'n weddenskap wat aanvaar word deur of by 'n boekmaker of totalisator in enige provinsie in die Republiek gelisensieer, wat gemagtig word deur daardie lisensie om dié weddenskap te aanvaar, of
- (b) waar 'n speler deelneem aan 'n dobbelaktiwiteit in hierdie artikel beoog op die gelisensieerde perseel van 'n persoon gelisensieer ingevolge hierdie Wet om dié dobbelaktiwiteit aan te bied. 40
- (4) Enige persoon wat 'n bepaling van hierdie artikel oortree is skuldig aan 'n misdryf.”.

#### **Invoeging van artikel 84E van Wet 4 van 1996**

40. Die volgende artikel word na artikel 84D in die Hoofwet ingevoeg:

##### **“Oorgangsbepalinge** 45

- 84E.** (1) Enige geldige lisensiesertifikaat wat die Raad vóór die datum van inwerkingtreding van die Wes-Kaapse Vyftiende Wysigingswet op

Dobbelary en Wedrenne, 2005 (in hierdie artikel “die Wysigingswet” genoem) ingevolge artikel 46 van die Wet uitgereik het, word, ondanks die bewoording daarvan en tot die datum waarop dit verstryk, geag ’n roete-operateurlisensie te wees.

(2) Enige geldige lisensiesertifikaat wat die Raad vóór die datum van inwerkingtreding van die Wysigingswet ingevolge artikel 47 van die Wet uitgereik het, word, ondanks die bewoording daarvan en tot die datum waarop dit verstryk, geag ’n terreinlisensie te wees. 5

(3) Enige persoon wat ten tyde van die inwerkingtreding van die Wysigingswet ’n lisensie, ’n geldelike belang in ’n lisensie of ’n geskikheidsertifikaat ingevolge die Wet uitgereik, hou, wat as gevolg van die bepalings van die Wysigingswet of die Nasionale Wet nie meer kwalifiseer om daardie lisensie, geldelike belang of geskikheidsertifikaat te hou nie, moet binne 30 dae vanaf die inwerkingtreding van die Wysigingswet daardie feit aanmeld— 10 15

(a) by sy of haar werkgewer, as daardie persoon die houer van ’n werknemerlisensie is en in die diens van die houer van ’n operateurlisensie is;

(b) by die lisensiehouer waarin hy of sy ’n geldelike belang hou, of

(c) by die lisensiehouer ten opsigte waarvan ’n geskikheidsertifikaat aan daardie persoon uitgereik is, waarna daardie werkgewer of lisensiehouer die Raad binne 30 dae van aanmelding van die diskwalifikasie in kennis moet stel. 20

(4) Die bepalings van artikel 31 van die Wet is nie van toepassing op enigeen wat ingevolge die Wet vóór die inwerkingtreding van die Wysigingswet gediskwalifiseer is vir lisensiëring, en wat na die inwerkingtreding van die Wysigingswet nie aldus gediskwalifiseer is nie.” 25

#### **Kort titel**

**41.** Hierdie Wet word die Wes-Kaapse Vyftiende Wysigingswet op Dobbelary en Wedrenne, 2006. 30

**INQAKWANA LENGCACISO NGOKUBANZI:**

- [ ] Amagama abhalwe ngqindilili nakoonobiyela abasikwele achaza oko kushiyeuyo kwimithetho ekhoyo.
- \_\_\_\_\_ Amagama akrwelwe ngomgca ongqindilili ngezantsi achaza amagama afakelwe kwimithetho ekhoyo.

## UMTHETHO WOLUNGISO

Yenzelwe ukhlomla umThetho woNgcakazo neMidyarho weNtshona Koloni, 1996 ngokusebenzisa igama lesiNgesi elithi “Act” endaweni yegama elithi “Law”, kususwe imimiselo engqzulana nemimiselo ekumThetho weSizwe woNgcakazo, 2004; kuhlonyelwe iinkcazo ezithile; kulungiselelwe inkqubo yokukhutshwa kweelayisenisi zesizwe; kuhlonyelwe imimiselo ethile yofaneleko ngokubhekiselele kwiilayisenisi; kuhlonyelwe iintlobo ezithile zeelayisenisi; ukucima imimiselo ethile yethutyana esele iphelelwe lixesha; ukufaka imimiselo ethile yethutyana; nokujongana nemiba enxulumene noko.

**K**UNGOKO KE KUSIWISWA umthetho yiPalamente yePhondo leNtshona Koloni ngale ndlela ilandelayo:—

**UkuHlonyelwa komThetho weBhodi yoNgcakazo nemiDyarho yeNtshona Koloni, 1996 (umThetho 4 ka 1996)**

1. umThetho woNgcakazo neMidyarho weNtshona Koloni, 1996 (“umThetho oyintloko”) uhlonyelwa ngokususa igama lesiNgesi elithi “Law” kufakwe endaweni yalo igama lesiNgesi elithi “Act” naphi na apho lithe lasetyenziswa khona. 5

**Ukuhlonyelwa kwendlela ekulungelelaniswe ngayo amacandelo omThetho 4 ka-1996**

2. Indlela ekulungelelaniswe ngayo amacandelo omThetho woNgcakazo neMidyarho weNtshona Koloni, 1996 (umThetho oyintloko) ihlonyelwa ngolu hlobo:— 10

(a) ngokufakela emva komba 27 othi “Iintlobo zeelayisenisi”, lo mba ulandelayo:

“27A. IiLayisenisi zeSizwe”,

(b) ngokufaka lo mba ulandelayo endaweni yomba 29: 15

“29. Ukungafaneleki ngokubhekiselele kwiilayisenisi zengqesho”;

(c) ngokufaka lo mba ulandelayo endaweni yomba 30:

“30. [Abantu abaminqweno ingamkelekanga ngokuthe ngqo okanye ngokungathangangqo] Ukungafaneleki nokuchaphazeleka ngokubhekiselele kwezinye iilayisenisi”;

(d) ngokufaka lo mba ulandelayo endaweni yomba 41: 20

“41. [Ukungadluliseki] Izithintelo ezimalunga nokudluliseka kweelayisenisi”;

(e) ngokufakwa kwalo mba ulandelayo endaweni yomba 41A:

“41A. Ukufa okanye ukukhubazeka komntu onomqweno othile ngokubhekiselele kumnini-layisenisi”;

25

- (f) ngokufakwa kwalo mba ulandelayo endaweni yomba 46:  
 “46. [Umatshini wongcakazo olungephi] Ilayisenisi yokusebenzisa umatshini wohlobo lwe-Route”;
- (g) ngokufakwa kwalo mba ulandelayo endaweni yomba 47:  
 “47. [Indawo yomatshini wongcakazo olungephi] Ilayisenisi yeSiza”;
- (h) ngokufakwa kwalo mba ulandelayo endaweni yomba 72:  
 “72. [Ukuthintelwa kwezenzo] Ubutyala ngokubhekiselele kwizenzo zongcakazo [imidlalo nokubheja]”;
- (i) ngokucinywa kwale miba: 84, 84A, 84B nomba 84C: 10
- (j) nangokufakwa kwala macandelo alandelayo emva komba 83:  
 “84D Ukuthintelwa kwezenzo ezithile zongcakazo  
 84E Imimiselo yethutyana

**Ukuhlonyelwa kwecandelo 1 lomThetho 4 ka-1996, ngokokuhlonyelwa kwawo nguMthetho 4 ka-1997, umThetho 10 ka-1997, umThetho 4 ka-1999 nomThetho 11 ka-2000** 15

**3. Icandelo 1 lomThetho oyintloko lihlonyelwa**

- (a) ngokufakelwa ngqo kuka-“(1)” kanye emva kwenombolo yecandelo;
- (b) kucinywe iinombolo ezikoonobiyela ngaphambili nangemva kwenkcazelo nganye; 20
- (c) kufakelwe isemikholoni ekupheleni kwenkcazelo nganye endaweni yesiphumlisi esisekupheleni kwenkcazelo ngaphandle kwakwinkcazelo yamagama athi “*usihlalo*”;
- (d) kufakelwe le nkcazelo elandelayo ngaphambi kwenkcazelo yegama elithi “*Umdlalo woNzcakazo*” 25  
 “Umdlalo wokuzonwabisa” ngamagama athetha nawuphi na umdlalo, ngaphandle komdlalo webhingo okanye umdlalo ofanayo nalowo okanye ofanekiswe nomdlalo odlalwa kwikhasino okanye kumatshini wokudlala imali, mdlalo lowo udlalwa ngomatshini wokuzonwabisa, kwakuhlululwa imali ethile, ithokeni okanye nantoni na efana naloo nto, nto leyo yenza ukuba umdlali wawo awine ibhaso, kodwa ke elo bhaso lingabi yimali eziinkozo, iithokeni, ityala okanye nantoni na enye ebumali, koko elo bhaso liyakuba yiyo nantoni na engeyiyo imali phofu enexabiso lokuthengiswa elingadlulanga kwixabiso elimiselwe ngumgaqo womThetho weSizwe;” 30  
 Kufakelwe le nkcazelo ilandelayo npaphambi kwenkcazelo yepama elithi “Umdlali.”  
 “‘*Umatshini wokuzonwabisa*’ ngamagama athetha umatshini okanye isixhobo esingesimo isixhobo sokungcakaza, matshini okanye sixhobo eso ekunokudlalwa kuso okanye ngaso umdlalo wokuzonwabisa;” 35
- (e) kufakelwe le nkcazelo ilandelayo ngaphambi kwenkcazelo yamagama athi “Ubhelo” 40  
 “‘Ozimanyanisayo’ ligama elithetha  
 (a) umqeshi; 45  
 (b) ihlakani loshishino apho kukho isivumelwano sobuhlakani;  
 (c) omnye umnini-zabelo wenkampani yabucala njengoko kukhankanywe kwicandelo 20 lomThetho weeNkampani, 1973 (UmThetho onguNombolo 61 ka-1973);  
 (d) elinye ilungu lenkampani yohlobo lweClose Corporation njengoko kukhankanywe kwicandelo 2 lomThetho weeNkampani zoHlobo lwe-Close Corporation, 1984 (UmThetho onguNombolo 69 ka-1984). 50  
 (e) umntu onike omnye okanye umntu ekufunyenwe kuye incwadi jikelele yokugunyazisa ukumelwa;”
- (f) kufakwe le nkcazelo ilandelayo endaweni yenkcazelo echaza amagama athi “Ubhejo okanye ukubheja”: 55  
 “‘Ubhejo’ okanye ‘ukubheja’ ligama elithetha isenzo esichazwe kwicandelo 1(3) ngezantsi apha;”;
- (g) kufakwe le nkcazelo ilandelayo endaweni yenkcazelo yegama elithi “IBhingo”: 60

- “‘IBhingo’ ligama elithetha umdlalo, kubandakanywa nomdlalo odlalwa ngokupheleleyo okanye ngokungaphelelanga ngendlela ye-elektronika—
- (a) udlalwe ukufumana inzuzo, kusetyenziswa iikhadi okanye ezinye izixhobo—
- (i) ezahlulahlulwe zaba zizithuba, zithuba ezo zinokuba nenombolo, umfanekiso okanye uphawu olwahlukileyo; kunye
- (ii) neenombolo, imifanekiso okanye iimpawu ezingahlelwanga ngokulandelelana kangokuba ikhadi nganye okanye isixhobo eso sinjalo sibe neseti yeenombolo, imifanekiso okanye iimpawu ezizodwa;
- (b) apho umsebenzisi okanye umazisi abiza okanye aveza uludwe lweenombolo, lwemifanekiso okanye lweempawu ezikwikhadi okanye kwisixhobo eso ngokubizwa okanye ngokokuvezwa kwazo; kanaanjalo
- (c) nalapho umdlali othe wabangowokuqala ukuvala ngendlela efanelekileyo izithuba ezikwikhadi okanye kwisixhobo, okanye okwaze ukufanekisa iseti ethile yeenombolo, yemifanekiso okanye yeempawu kwikhadi okanye kwisixhobo, awina khona ibhaso. okanye nawuphi na omnye umdlalo ophantse wafana kakhulu nalowo waza wachazwa njengebhingo ngokwecandelo 6(4) lomThetho weSizwe;”
- (h) kufakwe le nkcazelo ilandelayo endaweni yenkcazelo yegama elithi “IBhukumeyikha”:
- “‘iBhukumeyikha’ ligama elithetha umntu obhejisa ngokuthe ngqo okanye ngokungathangangqo uluntu jikelele okanye ezinye iibhukumeyikha, okanye obheja ngaloo ndlela kwezinye iibhukumeyikha;”
- (i) kufakwe le nkcazelo ilandelayo endaweni yenkcazelo yegama elithi “Khasino”:
- “‘IKhasino’ ligama elithetha indawo apho kudlalwa khona imidlalo yongcakazo; okanye kulapho kukho imidlalo elolo hlobo, koko alizibandakanyi iindawo:
- (a) apho kudlalwa khona ibhingo kuphela, ingadlalwa eminye imidlalo okanye apho kungekho khona eminye imidlalo enokudlalwa;
- (b) apho kunokudlalwa khona oomatshini abahlawula imali eqingqiweyo;
- (c) apho kukho khona oomatshini abahlawula imali eqingqiweyo nebhingo, ingekho kwaphela eminye imidlalo yokungcakaza; ingenakudlalwa okanye ingabikho nokubakho; okanye
- (d) apho kunokudlalwa ungcakazo lwezentlalo ngokwemiqathango yalo mThetho;”
- (j) kufakwe le nkcazelo ilandelayo emva kwenkcazelo yegama elithi “IBhukumeyikha”:
- “‘ICentral Security Depository’ ligama elithetha uvimba njengoko kuchazwe kumthetho owaziwa njenge-Custody and Administration of Securities Act, 1992 (umThetho 85 ka-992);”
- (k) kufakwe le nkcazelo ilandelayo endaweni yenkcazelo yegama elithi “Sihlalo”:
- “‘uSihlalo’ ligama elithetha [a] umntu lowo utyunjelwe ukuba ngusihlalo weBhodi ngokwecandelo 3(3);”
- (l) kufakwe le nkcazelo ilandelayo endaweni yenkcazelo yegama elithi “Nzuzo”:
- ‘iNzuzo’ ligama elithetha:
- (a) imali, impahla, ipropati, itsheki, ithokeni, itikiti, ikhadi lemboleko-mali, ityala, idebhithi okanye itshipu ye-elektronika, okanye nantoni na efana nezo zinto, okanye
- (b) nayo nayiphi na enye into, ummiselo, isithembiso, isivumelwano okanye isiqinisekiso, linganzwanga ixabiso elicingelwayo okanye elingacingelwayo, okanye nokuba loo nto idluliselwa ngokuthe ngqo okanye ngokungathanga ngqo kusini na;”

- (m) kufakwe le nkcazelo ilandelayo emva kwenkcazelo yegama elithi “Nzuzo”:  
“Okungalindelekanga’ ligama elithetha isehlo okanye isiganeko esinesiphumo ekungaqinisekwanga ngaso okanye esingaziwayo ngumntu side senzeke;”;
- (n) kufakelwe le nkcazelo ilandelayo emva kwenkcazelo yepama elithi 5  
 “Ixabiso.”  
“Iziko elinguVimba wokugcina izinto ezixabisekileyo’ ligama elithetha iziko elinguvimba wokugcina izinto ezixabisekileyo njengoko kuchazwe kumthetho owaziwa njenge-Custody and Administration of Securities Act, 1992 (Act No. 85 of 1992);”; 10
- (o) kufakwe le nkcazelo ilandelayo emva kwenkcazelo yebinzana lamagama athi  
 “Ilayisenisi yoMabi”:  
“iLayisenisi yengqesho’ Ingamagama athetha ilayisenisi ekubhekiswe kuyo kwicandelo 27(l) necandelo 27(m);”;
- (p) ngokucima inkcazelo yamagama athi “Isehlo okanye okungalindelekanga”; 15
- (q) kufakwe le nkcazelo ilandelayo emva kwenkcazelo yamagama athi “Ilungu elinoxandwa”:  
“Ilungu losapho’ libhekisa kwaba:—  
(a) lowo ungumlingane waloo mntu; okanye  
(b) umntwana wakhe, umzali wakhe, umnakwabo, udadewabo, nokuba obo buhlobo bungenxa yokuzalana, umtshato okanye ukuphiwa;”; 20
- (r) kufakwe le nkcazelo ilandelayo endaweni yenkcazelo yamagama athi  
 “Ubandakanyeko ngokwezimali”:  
“Ubandakanyeko ngokwezimali’ ngamagama athetha—  
(a) ilungelo okanye imfaneleko yokuxhamla kwiprofiti okanye ingeniso;  
(b) ilungelo lobunini-mhlaba ngokubhekiselele kwipropati yenkampani, ekakopolotyeni okanye eyeshishini;  
(c) ilungelo lobunini-mhlaba okanye lobunini kwipropati esetyenziswa yinkampani; ngokopolotyeni okanye lishishini; 30  
(d) ubandakanyeko ngqo okanye ngokungathanga ngqo kwizabelo zokuvota, okanye amalungelo okuvota ayanyaniswa nezabelo zenkampani okanye ubandakanyeko kwinkampani yohlobo lwe-close corporation;”;
- (s) kufakwe le nkcazelo ilandelayo endaweni yenkcazelo yamagama athi 35  
 “Imimiselo yobhejo esisigxina”:  
“Ukubheja okunenzuzo engummiselo’ ngamagama athetha ubhejo kwisenzo esinye okanye ezininzi ezisiphumo singalindelekanga ekuthe kwavunyelwana ngalo ngexesha ebekubhejwa ngalo;”;
- (t) kufakwe le nkcazelo ilandelayo endaweni yenkcazelo yegama elithi 40  
 “uNgcakazo”:  
“UNgcakazo’ okanye isenzo songcakazo’ ngamagama athetha nasiphi na isenzo esichazwe kwicandelo 1(2) ngezantsi apha, kodwa alubandakanywa ungcakazo lokuzonwabisa nje;”;
- (u) kufakwe le nkcazelo ilandelayo endaweni yenkcazelo yegama elithi 45  
 “isixhobo soNgcakazo”:  
“isixhobo soNgcakazo’ ngamagama athetha isixhobo okanye nayiphi na enye into ngaphandle kwemali, esetyenziswa ngqo ekuqhubeni isenzo songcakazo, okanye esithe ngexesha lokuveliswa kwaso sayilelwa ukusetyenziswa ekumiseleni isiphumo sesenzo songcakazo, kwaye nangona oku kungentla apha kuyinkcazo ngokubanzi, la magama aya kubandakanya—  
(a) umatshini wokungcakaza; kunye  
(b) neenkqubo zekhompuyutha okanye izinto ezifana nazo ezisetyenziswa ngumnini-layisenisi xa eqhuba nasiphi na isenzo songcakazo esinokumiselwa yiBhodi njengesixhobo songcakazo;”; 50
- (v) kufakwe le nkcazelo ilandelayo endaweni yenkcazelo yamagama athi  
 “umdlalo woNgcakazo”:  
“Umdlalo wongcakazo’ ngamagama athetha isenzo esichazwe kwicandelo 1 (5) ngezantsi apha;”; 60

- (w) kufakwe le nkcazelo ilandelayo emva kwenkcazelo yegama elithi “umdlalo woNgcakazo”:
- “‘Umatshini woNgcakazo’ ngamagama athetha isixhobo esisebenza ngeentsimbi, ngombane, ngevidiyo, ngeze-elektronika, ngeze-elektronika neentsimbi ngaxeshanye, okanye isixhobo simbi, esenziweyo, umatshini okanye inkqubo yekhompuyutha engeyiyo umatshini wokuzonwabisa—
- (a) esikhonele ukudlalwa okanye ukuqhutywa emva kokuhlawula imali ethile; nesinokuthi
- (b) ngenxa yokudlalwa okanye ukuqhutywa kwaso kwenzeke ukuba lowo usidlalayo okanye usiqhubayo afumane intlawulo ethile, okanye simnke intlawulo umdlali okanye umqhubi lowo;”;
- (x) kufakelwe lenkcazelo ilandelayo emva kwenkcazelo yepama elithi “Umntu.”
- “‘Umtyali-mali kumaziko’ ngamagama athetha umtyali-mali orhweba eluntwini kwiziko lonaniselwano-ngezabelo elaziwayo nelizabelo zigcinelwe utyalo-mali kuphela;”;
- (y) kufakelwe lenkcazelo ilandelayo emva kwenkcazelo yepama elithi “Iindawo ezinelayisenisi.”
- “‘I-intanethi’ ligama elithetha oko kuchazwe kwicandelo 1 lomthetho i-Electronic Communications and Transactions Act 2002 (UmThetho 25 ka-2002);”;
- (z) ngokucima inkcazelo yamagama athi “ibala lemidyarho elinelayisenisi”;
- (aa) kufakwe le nkcazelo ilandelayo endaweni yenkcazelo yegama elithi “uMatshini woNgcakazo olungephi”:
- “‘Umatshini ontlawulo ingephi’ ngamagama athetha umatshini wongcakazo ongaphandle kwekhasino omdlalo untlawulo ingephi nomabhaso angephi ngokokumiselwa yimigaqo emiselwe ngumThetho wesizwe (National Act);”;
- (bb) ngokucima inkcazo yebinzana lamagama athi “ilayisenisi yomqhubi womatshini wongcakazo olungephi”;
- (cc) ngokucima inkcazo yamagama athi “ilayisenisi yendawo yoomatshini bongcakazo olungephi”;
- (dd) kufakwe le nkcazelo ilandelayo emva kwenkcazelo yamagama athi “Ilayisenisi yoMvelisi”:
- “‘umThetho weSizwe’ ngamagama athetha i-National Gambling Act, 2004 (UmThetho 7 ka-2004);”;
- (ee) kufakwe le nkcazelo ilandelayo endaweni yenkcazelo yegama elithi “ubhejo oluvulelekileyo”:
- “‘Ubhejo oluvulelekileyo’ ngamagama athetha—
- (a) ubhejo olungelulo olwenziwe kwithathaseli, olwenziwe yibhukumeyikha kwizinto okanye kwizinto ezingalinelekanga, apho kungekho ntlawulo zimiselweyo ekuvunyelenwe ngazo ngexesha lokubheja; okanye
- (b) ubhejo oluntlawulo imiselwa emva kokwaziwa kwesiphumo saloo nto ingalindelekanga ebekubhejelwe yona, ngokubhekiselele kwiintlawulo eziphuma kwithathaseli;”;
- (ff) kufakwe le nkcazelo ilandelayo emva kwenkcazelo yamagama athi “Ilayisenisi yoMqhubi”:
- “‘Ilungu lombuso’ ngamagama athetha oko kuchazwe kwicandelo 239 lomGaqo-siseko weRiphabhlikhi yoMzantsi Afrika, 1996;”;
- (gg) kufakelwe le nkcazelo ilandelayo emva kwenkcazelo yepama elithi “Ukwenziwa kwesicelo.”
- “‘Umahlulelani’ ngamagama athetha nabani na ekwenziwe naye isivumelwano sokuba liqumrhu elidityanelweyo, sivumelwano eso senziwe ngenjongo yokwenza iprofiti;”;
- (hh) kufakelwe le nkcazelo ilandelayo emva kwenkcazelo yepama elithi “Umlingani.”
- “‘Umntu’ ubandakanya ulwahlulelwano, ithrasti okanye iqumrhu elimiselwe njengomntu ngokwasemthethweni nelimiselwe ngokwawo nawuphi na; umthetho;”;
- (ii) kufakwe le nkcazelo ilandelayo endaweni yenkcazelo yegama elithi “umDlali”:

- “‘Umdlali’ okanye ‘umxhasi’ ligama elithetha nabani na othabatha inxaxheba, ngaphandle komnini-layisenisi ekhutshwe ngokwalo mThetho, kwisenzo songcakazo [kwaye oko kubandakanya umbeji obheja kuyo nayiphi na into ebhejelwayo]”;
- (jj) kufakwe le nkcazelo ilandelayo endaweni yenkcazelo yegama elithi “iGosa lezoPolitiko”: 5
- “‘IGosa lezoPolitiko’ ligama elithetha—
- (a) ilungu leNdlu yoWiso-mthetho yeSizwe, leBhunga lamaPhondo eSizwe okanye leKhabhinethi yeSizwe; 10
- (b) ilungu lendlu yowiso-mthetho yephondo;
- (c) ilungu lebhunga loomasipala okanye logunyaziwe wendawo;
- (d) ummeli ongunozakuzaku weRiphabliki ongasebenzi kwiinkonzo zaseburhulumenteni;
- (e) ilungu lendlu okanye lebhunga leenkokeli zomthonyama; okanye 15
- (f) igosa leqela lezopolitiko kuburhulumente besizwe okanye kobamaphondo;”;
- (kk) kufakwe le nkcazelo ilandelayo endaweni yenkcazelo yegama elithi “Indawo”:
- “‘Indawo’ ligama elithetha nasiphi na isiza okanye indawo, [nokuba loo nto iyinxalenye yaso nasiphi na isakhiwo sethutyana okanye esisigxina, isithuthi okanye inqwelo-moya] kwaye loo nto ibandakanya umhlaba naso nasiphi na isakhiwo, into emisiweyo, isithuthi, isikhophe, isikhitshana, inqwelo-moya okanye ikhonteyina;”;
- (ll) kufakwe le nkcazelo ilandelayo emva kwenkcazelo yegama elithi “Isihlo”: 25
- “‘Isisebenzi sikarhulumente’ ligama elithetha umntu oqeshwe liqumrhu laseburhulumenteni okanye yinkundla yamatyala, okanye umntu oligosa lezomthetho;”;
- (mm) kufakelwe le nkcazelo ilandelayo emva kwenkcazelo yepama elithi “Umtyali-mali kumaziko.”
- “‘Umtyali-mali orhweba ngeemali zoluntu’ lithetha umtyali-mali obhaliswe kwiziko lorhwebelwano ngezabelo elamkelekileyo notyala imali kwizabelo ezibhaliswe kwiziko lorhwebelwano ngezabelo elamkelekileyo;”;
- (nn) kufakwe le nkcazelo ilandelayo endaweni yenkcazelo yegama elithi “umDyarho”: 35
- “‘UmDyarho’ ligama elithetha nawuphi na umdyarho wamashe oqhutyelwa kumabala achaziweyo okanye ekuvunyelenweyo ngawo nowenzelwe ukonwabisa uluntu namalungu ayo nayiphi na imanyano okanye iklabhu, kodwa loo nto ayiwubandakanyi—
- (a) nawuphi na umdyarho wokuphalisa amahashe eluntwini ngaphandle kokubheja, kuphalisa oko kuphantsi kolawulo lomnini-layisenisi [a] [yokuba nebala] lemidyarho; ndawonye 40
- (b) nawo nawuphi na umdyarho wabucala ekungabhejwayo kuwo;”;
- (oo) ngokucima inkcazelo yebinzana lamagama athi “ilayisenisi yokuba nebala lemidyarho”; 45
- (pp) kufakwe le nkcazelo ilandelayo emva kwenkcazelo yegama elithi “umntu”:
- “‘Umsebenzisi we-route’ ligama elithetha umntu okhutshelwe ilayisenisi yokuba ngumnini-ndlela ngokwecandelo 46;”;
- (qq) kufakelwe le nkcazelo ilandelayo emva kwenkcazelo yepama elithi “Ilayisenisi yomqeshwa wezongcakazo.” 50
- “‘Ilayisenisi yomsebenzisi we-route’ ligama elithetha nayiphi na ilayisenisi ekhutshwe ngokwecandelo 46;”;
- (rr) kufakwe le nkcazelo ilandelayo emva kwenkcazelo yegama elithi “Isixhobo songcakazo”:
- “‘Isiza’ ligama elithetha nayiphi na indawo elayiseniselwe ukubeka umatshini okanye oomatshini bongcakazo abantlawulo ingephi nabachazwe kwicandelo 47;”;
- (ss) kufakelwe le nkcazelo ilandelayo emva kwenkcazelo yepama elithi “Ilayisenisi yendawo.” 60
- “‘Ilayisenisi yesiza’ ngamagama achaza nayiphi na ilayisenisi ekhutshwe ngokwecandelo 47;”;
- (tt) ngokufakwa kwalo mhlathi ulandelayo wenkcazelo yegama elithi “ungcakazo i-social gambling” endaweni yomhlathi (c):



- (c) ukudlalwa komdlalo wokuzonwabisa “[, **mdlalo lowo, ngokwalo mThetho, uthetha umdlalo ngokokumiselwa kwawo.**];”;
- (uu) kufakwe le nkcazelo ilandelayo endaweni yenkcazelo yegama elithi “Umlingan”:  
 “ ‘Umlingani’ ligama elithetha— 5  
 (a) lowo kutshatwe naye;  
 (b) lowo kutshatwe naye ngokwemithetho yomthonyama; okanye  
 (c) lowo kuhlalisana naye ngokungakutshatiwe okanye kutshatwe ngokokuzimanyanisa kwesintu.”
- (vv) ngokucima inkcazelo yegama elithi “Umntshini obala imali yemibekelo eyobelwa abo baphumeleleyo”;
- (ww) ngokufakelwa kwegama elithi “kunye” emva kwesemikhloni emva kwenkcazelo ethi “ungcakazo i-social gambling”;
- (xx) kufakwe le nkcazelo ilandelayo endaweni yenkcazelo yegama elithi “ubhejo ngempumelelo”:  
 “ ‘Ubhejo oluyimpumelelo’ ligama elithetha naluphi na ubhejo apho umntu lowo ubhejileyo okanye uthabathe ubhejo akwazileyo ukusicingela ngokuchanekileyo isiphumo [sesenzo okanye] sokungalindelekanga okanye [sezo zinto zombini] sokungalindelekanga ebekubhejelwe kona.”; kananjalo 15
- (yy) kufakwe le nkcazelo ilandelayo emva kwenkcazelo yebinzana lamagama athi “Sihlalo”:  
 “(2) Isenzo sibasisenzo songcakazo xa sibandakanya—  
 (a) ukubheja okanye ukwamkela ubhejo okanye iwega ngokwecandelwana (3); 25  
 (b) ukubheja okanye ukwamkela ubhejo lwethathaseli ngokwecandelwana (4); Okanye:  
 (c) ukulungiselela ukuba kudlalwe, okanye kudlalwe ibhingo okanye omnye umdlalo wongcakazo njengoko kukhankanywe kwicandelwana (5). 30  
 (3) Umntu uyabheja okanye wenza iwega xa loo mntu—  
 (a) ongumdlali efake imali okanye nantoni na eyeyexabiso kubhejo lwee-odi ezisisigxina, okanye kubhejo oluvulelekileyo, nebhukumeyikha okanye nantoni na engalindelekanga; okanye 35  
 (b) oyibhukumeyikha—  
 (i) athe wafaka imali okanye nantoni na eyeyexabiso kubhejo lwee-odi ezisisigxina, okanye kubhejo oluvulelekileyo, kumdlali okanye nantoni na engalindelekanga; okanye  
 (ii) xa athe wafaka imali okanye nantoni na eyeyexabiso kubhejo lwee-odi ezisisigxina, okanye kubhejo oluvulelekileyo, kwenye ibhukumeyikha okanye nantoni na engalindelekanga; 40  
 (c) xa athe wafaka imali okanye nantoni na eyeyexabiso kumntu okanye abantu nakwintoni na engalindelekanga; okanye  
 (d) xa athe ngokuphandle nangokucacileyo wathembisa okanye wavuma ukwenza nantoni na ekhankanywe kumhlathi (a), (b) okanye (c). 45  
 (4) Umntu ubheja okanye wamkela ukubheja kwithathaseli xa loo mntu efake imali okanye nantoni na exabisekileyo kwisiphumo sesenzo okanye sesenzo—  
 (a) ngenkqubo apho imali iyonke efakiweyo, emva kokuxhuzulwa kweemali ezimiselwe ngokomthetho okanye ngokwesivumelwano, yabelwa abantu ababheje ngempumelelo, oko kusenziwa ngokulingana nemali efakwe ngumntu ngamnye kubo ngokunxulumene nolo bhejo luyimpumelelo; okanye 50  
 (b) nasiphi na isikimu, indlela okanye inkqubo yokubheja, nokuba yenzeka ngomatshini oqhutywa ngokwemimiselo efanayo naleyo. 55  
 (5) Isenzo singumdlalo wongcakazo xa—  
 (a) sihambelana nezi zinto zilandelayo:  
 (i) loo mdlalo udlalwa xa kuhlalulwe nantoni na, ngethemba lokuba lowo udlale loo mdlalo unokufumana intlawulo ethile; 60  
 kananjalo

- (ii) sibe isiphumo saloo nto singenxa yobuchule bomdlali lowo okanye singenxa yethamsanqa lakhe okanye singenxa yezo zinto zombini;
- (b) silubhejo okanye uwego ngokwecandelwana (3), olwenziwe kwikhasino ngokunxulumene nasiphi na isenzo esihambelana neendlela ezichazwe kumhlathi (a). 5
- (6) Ngaphandle koko kuchazwe kwicandelwana (5), kuko konke okunxulumene nalo mThetho, akukho nasinye isenzo kwezi zilandelayo esisisenzo songcakazo:
- (a) ubhejo okanye iweqa ngokwecandelwana (3), ngaphandle kobhejo okanye iweqa ekhankanywe kwicandelwana (5)(b); 10
- (b) ubhejo lwethathaseli ngokwecandelwana (4); okanye
- (c) umdlalo wokuzonwabisa.
- (7) Ngokuxhomekeke kumhlathi (b), intlawulo:
- (a) yiyo nayiphi na imali, impahla, ipropati, itsheki, ikredithi, ikredithi ye-elektronika, idebhithi, ithokeni, itikiti okanye nantoni na eyenye enexabiso ewinwe ngumdlali— 15
- (i) nokuba kungenxa yobuchule bomdlali okanye bomqhubi, ukusetyenziswa kwethamsanqa, okanye zombini ezo zinto; kwaye 20
- (ii) nokuba intlawulo leyo yenziwe njani.
- (b) Akukho nanye kwezi zinto zilandelayo eyintlawulo:
- (i) Ithuba lokudlala omnye umdlalo; okanye
- (ii) ibhaso elinikwe othabatha inxaxheba okanye iqela labathabatha inxaxheba kumdlalo ngokubhekiselele kwindlela lowo uthabatha inxaxheba okanye iqela elo eliqhube ngayo. 25
- (c) Isiphumo somdlalo wongcakazo—
- (i) lithuba lokudlala omnye umdlalo ukuba umdlali lowo ulinikiwe ithuba lokuba aqhubeke ngaphandle kokuphazanyiswa xa edlala olo hlobo lomdlalo— 30
- (aa) okwenze ukuba kubekho ithuba lokuwina; kananjalo
- (bb) kumatshini ekuwinwe kulo ithuba elo; kodwa
- (ii) asililo ithuba lokudlala omnye umdlalo xa ithuba linakho nangayiphi na indlela, nokuba yethe ngqo okanye yengathanga ngqo— 35
- (aa) ukuthunyelwa okanye ukudluliselwa kumntu owine elo thuba okanye kuye nawuphi na omnye umntu, okanye
- (bb) xa linokuguqulwa libe yimali, ipropati, itsheki, ikredithi okanye nantoni na enexabiso; okanye
- (cc) xa linokuguqulwa ngokwaso nasiphi na isikimu, okanye nawaphi na amalungiselelo, nayiphi na inkqubo, isicwangciso okanye isixhobo esimiselwe ngokomThetho weSizwe.”. 40

**Ukuhlonyelwa kwecandelo 3 lomThetho 4, ngokokuhlonyelwa kwawo licandelo 2 lomThetho 11 ka-1997 kunye necandelo 6 lomThetho 4 ka-1997** 45

**4. Icandelo 3 lomThetho oyintloko lihlonyelwa—**

- (a) ngokufaka eli candelwana lilandelayo endaweni yecandelwana (1):
- “(1) Ibhodi iya kuba namalungu asixhenxe, atyunjelwe ithutyana, etyunjwa liBhunga loLawulo ngokwenkqubo emiselweyo, eyakuvumela ukuba uluntu lube nokuthabatha inxaxheba kutyunjwa kwabo bafanele ukutyunjwa, phofu ukuba ikomiti esisigxina yeNdlu yoWiso-mthetho nejongene nalo mThetho iya kuvavanya bonke abafanele ukutyunjwa, bevavanyelwa ukufaneleka kwabo ekutyunjweni”, kananjalo 50
- (b) ngokucima icandelwana (2A).

**Ukuhlonyelwa kwecandelo 5 lomThetho 4 ka-1996, ngokokuhlonyelwa kwawo licandelo 7 lomThetho 10 ka-1997** 55

**5. Icandelo 5 lomThetho lihlonyelwa—**

- (a) ngokufakela u-“(1)” emva kwenombolo yecandelo;

- (b) ngokufaka lo mhlathi ulandelayo endaweni yomhlathi (f) kwicandelwana (1) lalo mhlathi ulandelayo:
- (f) nabani na othe, nokuba oko ukwenze ngokwakhe okanye kwenziwe ngowakwakhe, kwenziwe lilungu losapho [**elona likufutshane ngokokuzalana okanye ngokuzalana ngokwegazi**], ihlakani okanye osebenzisana naye [, **okanye nawuphi na umntu onxulumene naloo mntu ngokomtshato**]—
- (i) ofumene inxaxheba yezimali ngokuthe ngqo okanye ngokungathanga ngqo kulo naliphi na ishishini longcakazo okanye indawo yongcakazo, okanye
- (ii) othe waba nenxaxheba kulo naliphi na ishishini okanye iqumrhu elinokungquzulana okanye liphazamise ukuwenza ngendlela eyiyo umsebenzi wakhe njengelungu okanye umqeshwa weBhodi kuyo nayiphi na ilayisenisi ekhutshwe phantsi kwalo mThetho.”,
- kananjalo
- (c) kufakwe eli candelwana lilandelayo emva kwecandelwana (1):
- “(2) Ngokunxulumene neli candela inxaxheba yezimali engathanga ngqo ayibandakanyi nxaxheba ingathanga ngqo echongwe ngenxa yayo nayiphi na ingxowa-mali okanye utyalo-mali xa umntu onaloo nxaxheba engenalungelo lokulawula izigqibo ezingotyalo-mali ezenziwa ngokunxulumene naloo ngxowa-mali okanye nolo tyalo-mali.”

**Ukuhlonyelwa kwecandelo 12 lomThetho 4 ka-1996, ngokokuhlonyelwa kwawo licandelo 4 lomThetho 10 ka-1997, icandelo 10 lomThetho 4 ka-1997 kunye necandelo 1 lomThetho 1 ka-2003**

6. Icandelo 12 lomThetho oyintloko lihlonyelwa—
- (a) ngokufaka eli candelwana lilandelayo endaweni yecandelwana (3):
- “(3) ukunika, ukuhlaziya, ukuhlomela, ukwala, ukudlulisela, ukunqu-mamisa okanye ukuchitha ilayisenisi phantsi kwalo mThetho;”;
- (b) kufakwe eli candelwana lilandelayo emva kwecandelwana (4):
- “4A. ukunika, ukuhlaziya, ukwala, ukunqu-mamisa okanye ukuchitha ilayisenisi zesizwe ngokomThetho weSizwe;”;
- (c) ngokucima icandelwana (5), kananjalo
- (d) ngokufaka eli candelwana lilandelayo endaweni yecandelwana (14):
- “(14) ukwenza imigaqo yokulawula ulayiseniso, ukuphathwa nokuqhutywa kwaso nasiphina isenzo sonzcakazo [**okanye imidyarho okanye izenzo ezayamene noko**];”.

**Ukuhlonyelwa kwecandelo 15 lomThetho 4 ka-1996, ngokokuhlonyelwa kwawo licandelo 13 lomThetho 4 ka-1997, icandelo 5 lomThetho 11 ka-1997 kunye necandelo 5 lomThetho 10 ka-1997**

7. Icandelo 15 lomThetho oyintloko lihlonyelwa—
- (a) ngokufakela eli candelwana lilandelayo endaweni yecandelwana (1):
- “(1) Ilungu okanye umqeshwa weBhodi, ilungu leBhunga loLawulo okanye ilungu lekomiti esisigxina yeNdlu yoWiso-mthetho yePhondo ejongene nalo mThetho okanye [**owakwakhe okanye**] ilungu losapho lwakhe [**njengoko kuchazwe kwicandelo 5(f)**] aliyikwamkela ngokuthe ngqo okanye ngokungathanga ngqo nantoni na enexabiso kuye nawuphi na umntu, nto leyo inokuba ngunobangela wongquzulwano okanye wokuphazanyiswa kwendlela eyiyo kwemisebenzi yaloo mqeshwa.”;
- kananjalo
- (b) ngokufaka eli candelwana lilandelayo endaweni yecandelwana (2):
- “(2) Ilungu leBhodi, leBhunga loLawulo okanye lekomiti esisigxina yeNdlu yoWiso-mthetho yePhondo elijongene nalo mThetho kwaye abalingani babo abayikufuna okanye kwamkela umsebenzi—
- (a) kuye nawuphi na umntu ofake isicelo selayisenisi okanye okhutshelwe ilayisenisi ngokwalo mThetho, okanye
- (b) nawuphi na umntu okanye iqumrhu elibonelela okanye elihlawula umvuzo ofumana imali okanye oncediswa ngemali ngumntu okhankanywe ku-(a) kwiminyaka emine emva kokuqokunjelwa kobude bethuba lokuba kweso sikhundla;

xa phofu naliphi na ilungu leBhodi liyekile emsebenzini, inxalenye |  
eseleyo yethuba lokuba sesikhundleni iya kongezwa kwinani leminyaka |  
ekubhekiswa kuyo kummiselo ochazwe ngaphambili apha.”.

**Ukuhlonyelwa kwecandelo 15A lomThetho 4 ka-1996, ngokuhlonyelwa kwawo  
licandelo 6 lomThetho 10 ka-1997**

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**8. Icandelo 15A lomThetho oyintloko lihlonyelwa—**

(a) ngokufakela eli candelwana lilandelayo endaweni yecandelwana (1):

“(1) Ilungu okanye umqeshwa weBhodi ngokukhawuleza uya kufaka  
isibhengezo kwiBhodi-ukuba

(a) yena okanye ilungu losapho lwakhe [**owakwakhe nokufutshane**  
**naye**] njengoko kuchazwe kwicandelo [**5(f)**] 30(2)(d), bathe baba  
nenxaxheba yezimali ngokuthe ngqo okanye ngokungathanga ngqo  
kulo naliphi na ishishini okanye indawo yongcakazo;

(b) yena okanye ilungu losapho lwakhe [**owakwakhe okanye**  
**owosapho okufutshane njengoko kuchazwe kwicandelo 5(f)**] 15  
unenxaxheba okanye ufumana inxaxheba kulo naliphi na ishishini  
okanye iqumrhu enokungqzulana okanye iphazamisane  
nokuwuqhuba kwakhe kakuhle umsebenzi wakhe njengelungu  
okanye umqeshwa weBhodi, okanye nakwiyiphi na ilayisenisi  
ekhutshwe phantsi kwalo mThetho;

(c) yena okanye ilungu losapho lwakhe [**owakwakhe okanye**  
**owosapho okufutshane njengoko kuchazwe kwicandelo 5(f)**] 20  
ufumene nantoni na echazwe kwicandelo 15(1);

(d) yena okanye ilungu losapho lwakhe [**owakwakhe okanye**  
**owosapho okufutshane njengoko kuchazwe kwicandelo 5(f)**] 25  
ufuna okanye wamkela umsebenzi kumnini-layisenisi okanye  
umenzi-sicelo sokuba nelayisenisi ngokwalo mThetho, kananjalo

(e) yena uthabathe inxaxheba kungcakazo, okanye ufumanise ukuba  
owakwakhe ukhe wathabatha inxaxheba kungcakazo, kweli phondo  
okanye kulo naliphi na ishishini longcakazo elichazwe kwicandelo 30  
15(3);”, kananjalo

(b) kufakwe eli candelwana lilandelayo emva kwecandelwana (2):

“(3) Ngokunxulumene neli candela inxaxheba yezimali engathanga  
ngqo ayibandakanyi inxaxheba engathanga ngqo echongwe ngenxa yayo  
nayiphi na ingxowa-mali okanye utyalo-mali xa umntu onaloo nxaxheba 35  
engenalungelo lokulawula izigqibo ezingotyalo-mali ezenziwa ngoku-  
nxulumene naloo ngxowa-mali okanye nolo tyalo-mali.”

**Ukuhlonyelwa kwecandelo 20 lomThetho 4 ka-1996, ngokokuhlonyelwa kwawo  
licandelo 19 lomThetho 1 ka-2003**

**9. Icandelo 20 lomThetho oyintloko lihlonyelwa ngokufaka eli candelwana** 40  
lilandelayo endaweni yecandelwana (3):

“(3) IBhodi inakho nakowuphi na unyaka-mali ukwenza izicelo zokongezelwa  
imali, ezo zicelo izibhekisa kwiLungu elisingatha loo mcimbi ukuze loo mali  
ifakwe kuqikelelo-mali [**njengoko kuchazwe kwinkcazelo yoko kwicandelo 1**  
**lomThetho iWestern Cape Exchequer Law 1994 (UmThetho 4 ka-1994)]** 45  
ngokuhambelana nomthetho onxulumene noko.”.

**Ukuhlonyelwa kwecandelo 23 lomThetho 4 ka-1996, ngokokuhlonyelwa kwawo  
licandelo 20 lomThetho 4 ka-1997, icandelo 8 lomThetho 10 ka-1997, icandelo 2  
lomThetho 4 ka-1999 kunye necandelo 4 lomThetho 1 ka-2003**

**10. Icandelo 23 lomThetho oyintloko lihlonyelwa ngokufaka lo mhlathana** 50  
ulandelayo endaweni yomhlathana (iii) ukuya kumhlathi (1)(a):

“(iii) nakuphi na ukwaphula okanye ukutyholwa ngokwaphula okanye nakuphi na  
ukusilela okanye ukutyholwa ngokusilela ukuthobela nawuphi na ummiselo  
walo mThetho kuyo nayiphi na indawo enelayisenisi okanye ngumnini-  
layisenisi ekhutshwe ngokwalo mThetho.”.

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**Ukuhlonyelwa kwecandelo 27 lomThetho 4 ka-1996, ngokokuhlonyelwa kwawo licandelo 3 lomThetho 4 ka-1999 necandelo 2 lomThetho 11 ka-2000**

11. Icandelo 27 lomThetho oyintloko lihlonyelwa ngokufaka lo mhlathi ulandelayo emva komhlathi (g):

“(hB) iilayisenisi zesizwe njengoko zichazwe kumThetho weSizwe;” . 5

**Ukufakwa kwecandelo 27A kumThetho 4 ka-1996**

12. Eli candela lilandelayo lifakwa emva kwecandelo 27 lomThetho oyintloko:

**“iLayisenisi zeSizwe**

27A. (1) IBhodi inakho ukukhupha iilayisenisi zesizwe njengoko kuchazwe kumThetho weSizwe. 10

(2) Ngaphandle kwalapho umThetho wesizwe umisele mmiselo wumbi, imimiselo yalo mThetho iya kusebenza ngokubhekiselele kuyo nayiphi na ilayisenisi ekhutshwe ngokomThetho weSizwe.

(3) Ingatyeshelwanga imimiselo yalo mThetho, umnini-layisenisi yesizwe uyakuba nelungelo lokuqhuba imisebenzi egunyaziswe liphondo, ngokungathi loo layisenisi ikhutshwe ngokwalo mThetho.” 15

**Ukuhlonyelwa kwecandelo 28 lomThetho 4 ka-1996, ngokokuhlonyelwa kwawo licandelo 23 lomThetho 4 ka-1997 necandelo 2 lomThetho 8 ka-1998**

13. Eli candelo lilandelayo lifakwa endaweni yecandelo 28 lomThetho oyintloko:

“28. Ukuze umntu abe nelungelo lokufumana ilayisenisi— 20

(a) umntu lowo, ngaphandle kwenkampani okanye elinye iqumrhu, kufuneka—

(i) abe ngumntu ofanelekileyo nokulungeleyo oko, abe ngumntu othembekileyo, onyanisekileyo, okuziphatha kwangenxa engaphambili, owukhathaleleyo umthetho, ogama, ozeno nokuzibandakanya kungenakufaka engozini impilo, ukhuseleko, izimilo, ucwangco nentlalo-ntle ngokubanzi yabemi bePhondo nemimiselo nemigaqo-nkqubo yalo mThetho, kanaanjalo 25

(ii) ingabi ngomntu ungafanelekanga ngokwalo mThetho, kanaanjalo

(b) inkampani okanye iqumrhu kufuneka— 30

(i) libhaliswe phantsi kwemithetho echaphazelekayo yeRiphabhlikhi;

(ii) libe limi kakuhle ngokwezimali kanaanjalo libenakho ukuyiqhuba nokuyinyamezela ngokwaneleyo imisebenzi ekufunyanelwe yona ilayisenisi, kanaanjalo 35

(iii) ngeenguqulelo eziyimfuneko, libenakho ukuthobela umhlathi (a).”

**Ukuhlonyelwa kwecandelo 29 lomThetho 4 ka-1996, ngokokuhlonyelwa kwawo licandelo 24 lomThetho 4 ka-1997, icandelo 9 lomThetho 10 ka-1997 kunye necandelo 4 lomThetho 4 ka-1999** 40

14. Eli candelo lilandelayo lifakwa endaweni yecandelo 29 lomThetho oyintloko:

**“[Ukungafaneleki ngokubhekiselele kwiilayisenisi]**

**Ukungafaneleki ngokubhekiselele kwiilayisenisi zengqesho**

29. Umntu akanakho ukuba nelayisenisi yengqesho ekhutshwe ngokwalo mThetho, ukuba loo mntu— 45

(a) akayithobeli imiqathango yecandelo 28(a)(i);

(b) ngumntu owatshonayo waza akabinakho ukubuyela kwimo efanelekileyo okanye ophantsi kokuthintelwa ngumthetho;

(c) ulilungu leBhodi, ilungu leBhunga loLawulo okanye ilungu lekomiti esisigxina yeNdlu yoWiso-mthetho yePhondo elijongene nalo mThetho, okanye ungumntu ozalana nalo mntu; 50

- (d) ungumqeshwa weBhodi, okanye uzalana naloo mntu, ngaphandle kokuba iBhodi inakho ukuyixolela loo nto xa ikhona ngokubhekiselele kumntu ekuzalanwayo naye ukuba yanelisekile ukuba akukho lungquzulwano lungako kuloo nto olunokubela ngenxa yaloo ngqesho; 5
- (e) uneminyaka yobudala engaphantsi kweli-18;
- (f) ungumsebenzi waseburhulumenteni okanye uligosa lezopolitiko;
- (g) kufumaniseke ngenxa yophando oluqhutywe ngokwecandelo 30(2), ukuba akanamfanelo yokuba nenxaxheba kumnini-layisenisi, kwindawo elayisenisiweyo okanye kwishishini elinxulumene nelayisenisi; 10
- (h) ubhaliswe kwirejistara yabantu abathintelweyo njengoko kuchazwe kumThetho weSizwe;
- (i) uphantsi komyalelo wenkundla efanelekileyo ethe loo mntu akaphilanga kakuhle ngokwengqondo okanye uphambene; 15
- (j) wakha wasuswa esikhundleni sentembeko ngenxa yokungaziphathi kakuhle okunxulumene nobuqhophololo okanye ukusebenzisa imali ngokungendlela; okanye
- (k) wakha wafunyanwa enetyala kwiminyaka edlulileyo elishumi, kwiRiphabhlikhi okanye kwenye indawo ngenxa yorhwaphezulu, ubusela, ubuqhophololo, ukukhohlisa okanye ukuveza uxwebhu olukhohlisayo, ukufunga ubuxoki, okanye ulwaphulo-mthetho phantsi kwalo Mthetho okanye umThetho weSizwe, waza wagwetywa ukuvalwa entolongweni ngaphandle kwefayini, okanye wagwetywa ifayini engaphezulu kwemali emiselwe kumThetho weSizwe, ngaphandle kokuba umntu lowo wafunyaniswa uxolelo okanye waxolelwa ngesenzo eso.” 20 25

**Ukuhlonyelwa kwecandelo 30 lomThetho 4 ka-1996, ngokuhlonyelwa kwawo licandelo 25 lomThetho 4 ka-1997**

15. Eli candelo lilandelayo lifakwa endaweni yecandelo 30 loMThetho oyintloko: 30

**“[Abantu abanexaxheba ethile ethe ngqo okanye engathanga ngqo abafanelekanga]**

**Ukungafaneleki nokuthintelwa ngokubhekiselelekwezinye iilayisenisi**

- 30. (1) Eli candela alisebenzi kwilayisenisi yengqesho.**
- (2) Umntu akanakho ukuba nelayisenisi ekubhekiswe kuyo kweli candelo, okanye abanexaxheba kumnini-layisenisi leyo ukuba loo mntu— 35
- (a) ungumntu ochazwe kwicandelo 29(a), (e), (f), (i), (j) okanye (k);
- (b) uliqumrhu elimiselwe ngokomthetho apho uMbuso okanye naliphi na iqumrhu likarhulumente okanye nawuphi na umbutho onxulumene noMbuso, mbutho lowo unenxaxheba yezimali, ngaphandle kwenxaxheba emalunga nerhafu, kuso nasiphi na isenzo songcakazo, nangona imimiselo yalo mhlathi ingayi kuyibandakanya inxaxheba yoMbuso okanye yequmrhu loMbuso okanye nawuphi na umbutho onxulumene noMbuso, ngenxa yentsebenziswano engabhekele phi ngokwezekhamesi ngokubhekiselele koku— 40 45
- (i) isivumelwano sokuqesha apho intlawulo yerenti efanelele ukhululwa ingabalwanga ngokubhekiswa kwimali engenileyo, okanye iprofiti evela kuso nasiphi na isenzo songcakazo;
- (ii) ukuthengiswa kwepropati, okanye 50
- (iii) ukunikwa ilungelo lokukhetha ukuthenga;
- (c) ungumntu owatshonayo nomoyakhe ingekahlaziywa;
- (d) ungumntu ozalana, ngaphandle komnakwabo okanye udadewabo womntu olilungu okanye umqeshwa weziko elinegunya lokumisela imigaqo nokumbeka iliso loo mnini-layisenisi; 55
- nangona xa kusetyenzwa umcimbi wezicelo zokunikwa okanye zokuhlaziya iilayisenisi okanye xa kuqhutywa inkqubo yokufumanisa ukufaneleka kwabanini-layisenisi okanye kwabantu abanexaxheba yezimali kuloo nto, ibhodi inakho, kodwa ayisayi kunyanzeliswa, ukuba

iqhube uphando okanye ifake imibuzo ngokubhekiselele kubantu abanexaxheba yezimali engaphantsi kweepesenti ezintlanu kumenzi-sicelo.

(3) IBhodi kufuneka yale ukumkhuphela ilayisenisi umenzi-sicelo, emva kokuqhuba uphando okanye emva kokufaka imibuzo njengoko kuchazwe kwicandelo (2), ukuba inaso isizathu sokukholelwa ukuba—

(a) umenzi-sicelo okanye nawuphi na umntu onexaxheba yezimali kuye okanye ukuba nawuphi na umphathi weshishini elo uyazalana, ngaphandle komnakwabo okanye udadewabo, nomntu lowo ulilungu okanye ungumqeshwa weziko elinegunya lokukhupha ilayisenisi.

(b) umenzi-sicelo okanye nawuphi na umntu onexaxheba yezimali eziipesenti ezintlanu okanye ngaphezulu kumenzi-sicelo akavumelekanga ukuba abanexaxheba kumnini-layisenisi okanye kwishishini elinxulumene nelayisenisi leyo, ngokwecandelwana (2).

(4) Ngokunxulumene neli candelo inxaxheba yezimali engathanga ngqo ayibandakanyi inxaxheba engathanga ngqo ekho ngenxa yayo nayiphi na ingxowa-mali okanye utyalo-mali xa umntu onaloo nxaxheba engenalungelo lokulawula izigqibo ezingotyalo-mali ezenziwa ngokunxulumene naloo ngxowa-mali okanye nolo tyalo-mali.”

**Ukuhlonyelwa kwecandelo 35 lomThetho 4 ka-1996, ngokokuhlonyelwa kwawo licandelo 29 lomThetho 4 ka-1997, icandelo 11 lomThetho 10 ka-1997 kunye necandelo 5 lomThetho 4 ka-1999**

**16.** Icandelo 35 lomThetho oyintloko lihlonyelwa ngokufaka lo mhlathi ulandelayo endaweni yomhlathi (vi) wecandelo (3):

“(vi) umenzi-sicelo ufanelekile ngokwecandelo [28]29 kwaye akathintelwanga ngokwecandelo [29]30, kananjalo”.

**Ukuhlonyelwa kwecandelo 37 lomThetho 4 ka-1996, ngokuhlonyelwa kwawo licandelo 31 lomThetho 4 ka-1997**

**17.** Icandelo 37 lomThetho oyintloko lihlonyelwa i—

(a) ngokufaka lo mhlathi ulandelayo endaweni yomhlathi (f) wecandelwana (1):  
“(f) ngokunxulumene neendawo apho izenzo zongcakazo [, **imidyarho okanye izenzo ezayamene noko**] zithi iqhubeke khona, kubandakanywa ukuphuhliswa nokusetyenziswa kwazo;”;

(b) kufakwe lo mhlathi ulandelayo endaweni yomhlathi (g) wecandelwana (1):  
“(g) kufuneka ukuba kuthunyelwe iingxelo neeritheni kwiBhodi nezinxulumene nongcakazo [**okanye nemidyarho okanye nezenzo ezinxulumene noko**]”;;

(c) kufakwe lo mhlathi ulandelayo endaweni yomhlathi (i) wecandelwana (1):  
“(i) ngokunxulumene neentsuku neeyure ekunokuqhutywa ngazo izenzo zongcakazo okanye ezemidyarho;”; kananjalo

(d) kufakwe lo mhlathi ulandelayo endaweni yomhlathi (k) wecandelwana (1):  
“(k) ngokunxulumene nazo naziphi na izixhobo ezisetyenziswayo okanye eziya kusetyenziswa ngokunxulumene naso nasiphi na isenzo songcakazo okanye sokudiyarha;”.

**Ukuhlonyelwa kwecandelo 39 lomThetho 4 ka-1996, ngokuhlonyelwa kwawo licandelo 33 lomThetho 4 ka-1997**

**18.** candelo 39 lomThetho oyintloko lihlonyelwa—

(a) ngokufaka eli candelwana lilandelayo endaweni yecandelwana (2):

“(2) IBhodi inakho ngamaxesha ngamaxesha ukuyalela ukuba inani okanye ixabiso lemali ekumiswa ngayo ekubhekiswe kuyo kwicandelwana (1) inyuswe okanye ihliswe, ukuze ke ngoko umnini-layisenisi abenakho ukuthi kwiintsuku ezisixhenxe emva kokufumana kwakhe isaziso sokuba iBhodi iyalele ngaloo ndlela, aqinisekise ukuba loo mali kubanjiswe ngayo inyusiwe okanye ihlisiwe ngokomyalelo lowo.

- (b) ngokufaka eli candelwana lilandelayo endaweni yecandelwana (3):  
 “(3) Ukuba nayiphi na imali ekubanjiswe ngayo ithe ngokwecandelwana (1) yaphelelwa lixesha, ayabi sasebenza okanye ayanyuswa kwithuba elichazwe kwicandelwana (2), loo layisenisi, ingatyeshelwanga imiqathango yecandelo 42(3), iya kuthatyathwa njengenqunyanyisiweyo ngokwecandelo 42(1) kwaye umnini-layisenisi akayi kuqhubeka ngokuqhuba ishishini eligunyaziswe phantsi kwaloo layisenisi kude kuvuselelwe loo mali kumiswe ngayo okanye yenziwe esebenzayo okanye kufakwe enye endaweni yayo okanye de ibe inyusiwe.”
- (c) ngokufaka eli candelwana lilandelayo endaweni yecandelwana (5):  
 (5) Ukuba nawuphi na umnini-layisenisi uthe wasilela ekuhlawuleni iirhafu, imirhumo okanye izinyanzeliso zongcakazo ezifanele ukuhlawulwa [nguye] phantsi kwalo mThetho iGosa eliyiNtloko yoLawulo liya kuhlawula loo mali yokubambisa ekubhekiswe kuyo kwicandelwana (1) kananjalo lisebenzise nayiphi na imali evele kuloo nto ekuhlawuleni ezo rhafu, loo mirhumo okanye ezo zinyanzeliso zongcakazo ezinokufuneka ukuze emva koko—  
 (a) kusebenze imimiselo yecandelwana (2), ukuba loo mali yokubambisa ingaphantsi kwesiqingatha semali yokubambisa emiselwe yiBhodi ngokunxulumene naloo mnini-layisenisi, okanye  
 (b) kusebenze imimiselo yecandelwana (3), ukuba loo mali yokubambisa isisiqingatha okanye ingaphezulu kwemali yokubambisa iyonke emiselwe yiBhodi ngokunxulumene naloo mnini-layisenisi;” kananjalo
- (d) ngokufaka eli candelwana lilandelayo endaweni yecandelwana (6):  
 (6) Nanini na xa ilayisenisi ekhutshwe ngokwalo mThetho iphelelwe okanye irhoxisiwe njengoko kumiselwe kulo mThetho, iGosa eliyiNtloko yoLawulo liya kuthi emva kwithuba elingekho ngaphantsi kweentsuku ezingamashumi alithoba emva koko kuphelelwa okanye oko kurhoxiswa kananjalo nasemva kokuthobela imimiselo yecandelwana (5), ukuba imimiselo elolo hlobo iyasebenza, liyikhuphe loo mali yokubambisa okanye intsalela yayo.

**Ukuhlonyelwa kwecandelo 41 lomThetho 4 ka-1996, ngokokuhlonyelwa kwawo licandelo 35 lomThetho 4 ka-1997 necandelo 7 lomThetho 4 ka-1999**

**19. Icandelo 41 lomThetho oyintloko lihlonyelwa—**

- (a) ngokufaka esi sihloko secandelo silandelayo endaweni yesihloko seli candelo: **[Ukungadluliseki] Izithintelo ezimalunga nokudluliseka kweelayisenisi”;**
- (b) ngokufaka eli candelwana lilandelayo endaweni yecandelwana (1):  
 “(1) [Akukho] Ngokwemimiselo yecandelwana (1A), akukho layisenisi inikezelwe phantsi kwalo mThetho inokudluliselwa ngumniniyo komnye umntu, kananjalo akukho layisenisi yendawo ekhutshwe ngokwalo mThetho iya kudluliselwa ukusuka kuyo nayiphi na enye indawo enxulumene nayo, iyise kuyo nayiphi na enye indawo.”; kananjalo
- (c) kufakwe eli candelwana lilandelayo emva kwecandelwana (1):  
 “1A. Ilayisenisi iya kudluliselwa ukusuka kumnini-layisenisi iye komnye umntu kuphela xa—  
 (a) ukudluliselwa kwaloo layisenisi ukusuka kumniniyo ukuya komnye umntu kuyimfuneko ukuze kuqinisekise ukuthotyelwa kwemimiselo yomThetho weSizwe;  
 (b) umnini-layisenisi efake isicelo esibhaliweyo kwintlalontle sokuba kudluliselwe ilayisenisi yakhe ngokwezizathu ezichazwe kumhlathi (a), naxa  
 (c) nentlalontle ivume isicelo esichazwe kumhlathi (b).”.



**Ukuhlonyelwa kwecandelo 41A lomThetho 4 ka-1996, ngokuhlonyelwa kwawo licandelo 36 lomThetho 4 ka-1997**

20. Icandelo 41A lomThetho oyintloko lihlonyelwa—

- (a) Ngokufaka esi sihloko secandelo silandelayo endaweni yesihloko seli candelo: 5  
**Ukufa okanye ukukhubazeka komntu [onelayisenisi] onenxaxheba ethile ngokubhekiselele kumnini-layisenisi”:**
- (b) ngokucima icandelwana (1);
- (c) ngokufaka eli candelwana lilandelayo endaweni yecandelwana (2): 10  
 “(2) Apho kukho [I] inxaxheba ethile kushishino longcakazo olunelayisenisi [longasekhoyo okanye] lomntu obhubhayo okanye okhubazekayo [mntu lowo] uyidlulisela ngokokusebenza komthetho okanye ngenye indlela kwilifa lakhe okanye komnye umntu ongenguye umabi, umgcini okanye omnye umntu onenxaxheba ethile kwakuloo [kwilayisenisi edityanelweyo] layisenisi, kumabi welifa okanye komnye umntu ofanayo naye [okanye kumabi welifa] uyakuthi kwi-intsuku ezingama shumi amathathu (30) emva komhla wokubhubha okanye wokukhubazeka, afake isicelo kwiBhodi selayisenisi efanelekileyo.”; 15

**Ukuhlonyelwa kwecandelo 46 lomThetho 4 ka-1996, ngokuhlonyelwa kwawo licandelo 40 lomThetho 4 ka-1997** 20

21. Icandelo 46 lomThetho oyintloko lihlonyelwa—

- (a) Ngokufaka esi sihloko secandelo silandelayo endaweni yesihloko seli candelo: 25  
**“[Umatshini wongcakazo olungephi] Ilayisenisi yokusebenzisa umatshini wohlobo lwe-Route”;**
- (b) ngokufaka eli candelwana lilandelayo endaweni yecandelwana (1):  
 “(1) [Umatshini wongcakazo olungephi] Ilayisenisi yokusebenzisa umatshini wohlobo lwe-route”; iya kukhutshelwa kuphela inkampani ebhaliswe ngokomThetho weeNkampani, 1973.”; 30
- (c) ngokufaka eli candelwana lilandelayo endaweni yecandelwana (2):  
 “(2) Ilayisenisi [Umatshini wongcakazo olungephi] yohlobo lwe-route operator iyafuneka kuzo zonke iinkampani ezivumela okanye eziqhuba ishishini loomatshini abakhupha iintlawulo zongcakazo olungephi kwindawo enye okanye kwezininzi ezilayiseniswe ngokwecandelo 47.”; 35
- (d) ngokufaka eli candelwana lilandelayo endaweni yecandelwana (2A):  
 “2A. Ilayisenisi [yoomatshini bongcakazo olungephi] yohlobo lwe-route operator iyakuba [yeyendawo] yeyomsebenzisi okhankanywe kwilayisenisi leyo.”; kanaanjal 40
- (e) ngokufaka eli candelwana lilandelayo endaweni yecandelwana (3):  
 “(3) Ilayisenisi [yoomatshini bongcakazo olungephi] yohlobo lwe-route operator iya kunika nentlalontle igunya, ngokuxhomekeke kuyo nayiphi na imiqathango enokuyimisela, lokusebenzisa oomatshini [bongcakazo] olungephi abakhupha iintlawulo kwindawo okanye kwinxalenye yeendawo ezilayiseniswe ngokwecandelo 47.”; 45

**Ukuhlonyelwa kwecandelo 47 lomThetho 4 ka-1996, ngokuhlonyelwa kwawo licandelo 41 lomThetho 4 ka-1997**

22. Icandelo 47 lomThetho oyintloko lihlonyelwa—

- (a) Ngokufaka esi sihloko secandelo silandelayo endaweni yesihloko seli candelo: 50  
**“[Iindawo zoomatshini bongcakazo olungephi] Ilayisenisi yeSiza”;**  
 kanaanjal
- (b) ngokufaka eli candelwana lilandelayo endaweni yecandelwana (1):  
 “(1) Ilayisenisi [yendawo yoomatshini bongcakazo olungephi] yesiza iyafuneka ngokubhekiselele kuyo nayiphi na indawo kweli Phondo apho kubekwe khona oomatshini [bongcakazo] abakhupha

- iintlawulo ngumnini layiseni [**yoomatshini bongcakazo olungephi**] yohlobo lwe-route operator.”;
- (c) ngokuthi kufakwe eli candelwana lilandelayo endaweni yecandelwana (2):  
 “(2) Ilayiseni [**yendawo yoomatshini bongcakazo olungephi**] yesiza iya kugunyazisa, ngokuxhomekeke kuyo nayiphi na imiqathango yentlalontle enokumiselwa, ukugcinwa nokulungiselelwa ukwenziwa komboniso kwindawo elayisenisiweyo okanye kwinxalenye yaloo ndawo njengoko kuchazwe kwilayisenisi yawo nawuphi na umatshini [**wongcakazo**] olungephi okhupha intlawulo nosetyenziswa ngokwecandelo 46.”;
- (d) kufakwe la macandelwana alandelayo emva kwecandelwana (2):  
 “(3) Ilayiseni yesiza iya kunxulumana nendawo leyo ichazwe kwilayisenisi.  
 (4) Nentlalontle ayisayi kusivuma isicelo selayisenisi yesiza ngaphandle kokuba yanelisekile kukuba—  
 (a) umntu lowo uya kujongana nokuqhutywa kolo shishino longcakazo kweso siza, kanaanjalo  
 (b) ngokuxhomekeke kwimimiselo ebhekise kwicandelo 30(2), bonke abantu abanenxaxheba yezimali elinganiselwa kwiipesenti ezintlanu nangaphezulu kuloo mntu uchazwe kumhlathi (a) uyayithobela imimiselo yecandelo 28 neyecandelo 29, nokuba liliphi kuloo macandelo kunye necandelo 30.”.

**Ukuhlonyelwa kwecandelo 48 lomThetho 4 ka-1996, ngokuhlonyelwa kwawo licandelo 8 lomThetho 4 ka-1999**

23. Icandelo 48 lomThetho oyintloko lihlonyelwa ngokufakwa kweli candelwana lilandelayo endaweni yecandelwana (2):  
 “(2) Ilayiseni yebhingo iyafuneka kubo bonke abantu kweli Phondo abavumela okanye abaqhuba umdlalo webhingo, bengawuqhubeli ungcakazo lwentlalo olugunyaziswe ngokwecandelo 67(1)(c), kwindawo enye okanye kwezininzi, ezichazwe kuloo layisenisi, ndawo ezo kuya kufuneka ukuba zibe zilayiseniswe ngokwecandelo 48A.”.

**Ukuhlonyelwa kwecandelo 53 lomThetho 4 ka-1996, ngokokuhlonyelwa kwawo licandelo 44 lomThetho 4 ka-1997 necandelo 13 lomThetho 4 ka-1999**

24. Icandelo 53 lomThetho oyintloko lihlonyelwa ngokufaka eli candelwana lilandelayo endaweni yecandelwana (3):  
 “(3) Ilayiseni yomsebenzisi-thathaseli iya kugunyazisa, ngokuxhomekeke kuyo nayiphi na imiqathango enokumiselwa yiBhodi, ukuqhutywa kwethathaseli ngokubhekiselele [**kuso naso nasiphi na isehlo Okungalindelekanga**] zinto ezo zingalindelekanga ezihambelana nemimiselo yomthetho owaziwa njenge-Lotteries Act, 1997 (Act 57 of 1997), kunye nokwamkelwa kwezabelo ezinxulumene naloo thathaseli kwindawo elayiseniswe ngokwecandelo 54.”.

**Ukuhlonyelwa kwecandelo 54 lomThetho 4 ka-1996, ngokokuhlonyelwa kwawo licandelo 45 lomThetho 4 ka-1997 necandelo 14 lomThetho 4 ka-1999**

25. Icandelo 54 lomThetho oyintloko lihlonyelwa ngokufaka eli candelwana lilandelayo endaweni yecandelwana (2):  
 “(2) Ilayiseni yendawo yethathaseli iya kugunyazisa, ngokuxhomekeke kuyo nayiphi na imiqathango enokumiselwa yiBhodi, ukwamkelwa kwezabelo ezinxulumene naloo thathaseli kwindawo echazwe kuloo layisenisi ngumnini-layisenisi nechazwe [**elayisenisiweyo ngokwe-**] kwicandelo 53.”.

**Ukuhlonyelwa kwecandelo 55 lomThetho 4 ka-1996, ngokokuhlonyelwa kwawo licandelo 46 lomThetho 4 ka-1997 necandelo 15 lomThetho 4 ka-1999**

26. Icandelo 55 lomThetho oyintloko lihlonyelwa—  
 (a) ngokufaka eli candelwana lilandelayo endaweni yecandelwana (1).  
 (1) Ilayiseni yebhukumeyikha iyafuneka kuye wonke ubani kweli phondo, oqhuba ishishini lokuthabatha ubhejo ngokuthe ngqo okanye

ngokungathanga ngqo [, ngaphandle kobhejo lohlobo lwethathaseli] njengoko kuchazwe kwicandelo 1, noluntu jikelele okanye nezinye iibhukumeyikha kwindawo enye okanye ezininzi, ndawo ezo zichazwe kuloo layisenisi, ndawo ezo ekufuneka zibe zilayiseniswe ngokwecandelo 55A.”, kananjalo

(b) ngokufaka eli candelwana lilandelayo endaweni yecandelwana (3):

“(3) Ilayisenisi yebhukumeyikha iya kugunyazisa, ngokuxhomekeke kwimiqathango enokumiselwa yiBhodi ukuqhutywa kweshishini lebhukumeyikha kwindawo leyo ngokubekwa kwee-odi ezisisigxina nobhejo oluvulekileyo, kodwa kungelulo [olungelulo olo hlobo lwethathaseli] ubhejo lwethathaseli.”

**Ukuhlonyelwa kwecandelo 55A lomThetho 4 ka-1996, ngokuhlonyelwa kwawo licandelo 16 lomThetho 4 ka-1999**

27. Icandelo 55A lomThetho oyintloko lihlonyelwa ngokucinywa kwecandelo (3).

**Ukuhlonyelwa kwecandelo 58 lomThetho 4 ka-1996, ngokuhlonyelwa kwawo licandelo 2 lomThetho 5 ka-1999**

28. Eli candelo lilandelayo lifakwa endaweni yecandelo 58 lomThetho oyintloko:

“58. (1) Nawuphi na umntu ngaphandle komtyali-mali oliziko, umtyali-mali orhwebelana noluntu, iziko elinguvimba, lona linokuthenga iipesenti ezintlanu zenxaxheba ngokuthe ngqo okanye ngokungathanga ngqo kwishishini elinxulumene nelayisenisi leyo uyakuthi kwithuba nangendlela emiselweyo yentlalontle, afake isicelo kwintlalontle sokuvunyelwa ukuba naloo nxaxheba.

(2) Nawuphi na umtyali-mali orhwebelana noluntu ngaphandle komtyali-mali oliziko, lona unokuthenga iipesenti ezintlanu zenxaxheba ngokuthe ngqo okanye ngokungathanga ngqo kwishishini elinxulumene nelayisenisi leyo, uyakuthi kwithuba nangendlela emiselweyo yentlalontle, afake isicelo kwintlalontle sokuvunyelwa ukuba naloo nxaxheba.

(3) Nawuphi na umtyali-mali oliziko, unokuthenga iipesenti ezintlanu nangaphezulu zenxaxheba ngokuthe ngqo okanye ngokungathanga ngqo kwishishini elinxulumene nelayisenisi leyo, uyakuthi kwithuba nangendlela emiselweyo yentlalontle, afake isicelo kwintlalontle sokuvunyelwa ukuba naloo nxaxheba.

(4) Imimiselo yamacandelo 28, 30 neyecandelo 32 iya kusebenza ngokunxulumene naso nasiphi na isicelo esichazwe kumacandelwana (1), (2) necandelwana (3).

(5) Nentlalontle ayisayi kukhupha mvume phantsi kwamacandelwana (1), (2) necandelwana (3) apho umntu lowo okanye umtyali-mali orhwebelana noluntu okanye umtyali-mali oliziko ofaka isicelo engakufanelanga ukuba nelayisenisi ngokwalo mThetho.

(6) Apho imvume ingakhutshwanga ngokweli candelo, loo mntu, loo mtyali-mali urhwebelana noluntu okanye loo mtyali-mali uliziko; kuya kufuneka ukuba kwithuba elimiselweyo nangendlela emiselwe yiBhodi ayichithe loo nxaxheba.

(7) Akukho mntu, mtyali-mali orhwebelana noluntu okanye mtyali-mali oliziko uya kuthenga inxaxheba echazwe kumacandelwana (1), (2) necandelwana (3) njengomtyunjwa okanye i-arhente okanye ngenye indlela egameni layo nayiphi na intloko okanye umxhamli xa loo mntu engamazisanga umnini-layisenisi lowo neBhodi ngenchwadi ngeenkukacha zaloo ntloko okanye loo mxhamli.

(8) Imimiselo yeli candelo—

(a) ayisayi kusebenza kwiziko elinguvimba okanye kwiziko lokugcina izabelo ngokunxulumene nenxaxheba yezimali elinayo egameni labantu abangabanye ngaphandle kwalo kwizabelo ezibhaliswe kwiziko lorchwebelwano ngezabelo eMzantsi-Afrika nelibhaliswe ngaloo ndlela ngokwe-Stock Exchange Control Act, 1985 (Act No 1 of 1985), kodwa

- (b) uya kusebenza ngokubhekiselele kubanini abangabaxhamli kwizabelo njengoko kuchazwe kumhlathi (a).  
 (9) Nabani na owaphula imimiselo yamacandelwana (1), (2), (3), (6) okanye necandelwana (7) “uyakuba netyala.”.

**Ukuhlonyelwa kwecandelo 66 lomThetho 4 ka-1996** 5

29. Icandelo 66 lomThetho oyintloko lihlonyelwa—

- (a) ngokufaka eli candelwana lilandelayo endaweni yecandelwana (1):  
 “(1) Akukho mntu uya—  
 (a) kubamba, kuququzelela, kuzimasa okanye nangayiphi na indlela kuthabatha inxaxheba okanye kuncedisa kwindibano yemidyarho, okanye  
 (b) kushicilela, kubanekhadi lomdyarho, okanye kulithengisa okanye nangayiphi indlela oya kusabalalisa ikhadi lomdyarho ngokunxulumene nendibano yomdyarho, ngaphandle kokuba loo ndibano yemidyarho yenzeka **[kwibala lomdyarho elibhalisiweyo]** kwindawo elayiseniswe ngokwalo mThetho.”  
 (b) ngokufaka eli candelwana lilandelayo endaweni yecandelwana (2):  
 “(2) Nawuphi na umntu owaphula imimiselo yecandelwana (1) **[okanye nawuphi na ummiselo welayisenisi yamabala omdyarho]** uya kubanetyala.”; kananjalo  
 (c) ngokucima icandelwana (3).

**Ukuhlonyelwa kwecandelo 67 lomThetho 4 ka-1996, ngokokuhlonyelwa kwawo licandelo 56 lomThetho 4 ka-1997, icandelo 14 lomThetho 10 ka-1997, icandelo 20 lomThetho 4 ka-1999 kunye necandelo 10 lomThetho 11 ka-2000** 25

30. Icandelo 67 lomThetho oyintloko lihlonyelwa ngokufaka lo mhlathi ulandelayo endaweni yomhlathi (a) wecandelwana (1):

- “(a) ukuqhuba okanye ukuvumela [ukudlalwa kwe-] nasiphi na isenzo songcakazo [umdlalo okanye ukuqhuba okanye ukuvumela naluphi na ungcakazo] kuyo nayiphi na indawo ephantsi kolawulo lwakhe[,]; okanye”.

**Ukuhlonyelwa kwecandelo 72 lomThetho 4 ka-1996**

31. Eli candelo lilandelayo lifakwa endaweni yecandelo 72 lomThetho oyintloko:

**“[Ukuthintelwa kwezenzo] Ubutyala ngokubhekiselele kwizenzo zongcakazo [imidlalo nokubheja];**

72. Akukho mntu uya kungabi nabutyala phantsi kwayo nayiphi na imimiselo yalo mThetho ngokunxulumene naso nasiphi na isenzo okanye into eyenziwe nguye okanye egunyaziswe okanye evunyelwe nguye ukuze yenziwe kweli Phondo ngokubhekiselele kuso nasiphi na isenzo songcakazo [umdlalo okanye ubhejo] njengesizathu sokuba nayiphi na into enxulumene nolawulo okanye [ukuqhuba] ukuqhutywa kwaso ngokupheleleyo okanye ngokungaphelelanga kuqhutywa kwindawo ethile engaphandle kweli Phondo.”.

**Ukuhlonyelwa kwecandelo 74 lomThetho 4 ka-1996, ngokuhlonyelwa kwawo licandelo 60 lomThetho 4 ka-1997**

32. Icandelo 74 lomThetho oyintloko lihlonyelwa—

- (a) ngokufaka eli candelwana lilandelayo endaweni yecandelwana (1):  
 “(1) Akukho **[mntu]** mnini-layisenisi olayisenisi ikhutshwe ngokwalo mThetho uya **[kwenza umboniso]** kwenza okanye kuvumela nasiphi na isaziso-ntengiso **[ngokubhekiselele]** ngokunxulumene nasiphi na isenzo songcakazo esiya kupapashwa [njengoko kunjalo] ngenye indlela engaphandle kwendlela emiselwe ngokwalo mThetho nomThetho weSizwe.”; kananjalo  
 (b) kufakwe la macandelwana alandelayo emva kwecandelwana (2):

“1A. Akukho mntu kweli Phondo uya kwenza okanye uya kuvumela ukupapashwa kwesaziso-ntengiso esinxulumene nasiphi na isenzo songcakazo, ngaphandle kokuba kukhutshwe ilayisenisi enxulumene neso senzo—

(a) ngokwalo mThetho;

(b) ngokomthetho welinye iphondo leRiphabhlikhi, okanye

(c) ngokomthetho wejurusidikishini ngaphandle kweRiphabhlikhi; phofu xa—

(i) eso saziso-ntengiso sipapashwe okanye sivela ngaphandle kweRiphabhlikhi babe abantu abahlala kwiRiphabhlikhi ingengabo kuphela isaziso-ntengiso esijolise kubo, okanye

(ii) xa isaziso-ntengiso eso sihambelana nayo yonke imimiselo emiselwe ngokwalo mThetho okanye ngokomThetho weSizwe kwaye abantu abaphendula eso isaziso-ntengiso kuya kufuneka baphumele ngaphandle kwephondo ukuze bathabathe inxaxheba kungcakazo oluchazwe kweso saziso-ntengiso.”.

**Ukuhlonyelwa kwecandelo 75 lomThetho 4 ka-1996, ngokokuhlonyelwa kwawo licandelo 61 lomThetho 4 ka-1997, icandelo 15 lomThetho 11 ka-1997, icandelo 2 lomThetho ka-2000 kunye necandelo 6 lomThetho 1 ka-2003**

33. Icandelo 75 lomThetho oyintloko lihlonyelwa ngokufaka lo mhlathi ulandelayo endaweni yomhlathi (c) wecandelwana (1):

“(cA) okanye ngenye indlela ngokuhambelana nalo mThetho, usebenzisa ikhompyutha okanye uvumela ukusetyenziswa kwekhompyutha—

(i) ukuze kube nokuthatyathwa inxaxheba kwisenzo songcakazo, okanye

(ii) ngokwenza ukuba loo khompyutha ibe nokusetyenziswa ngokupheleleyo okanye ngokungaphelelanga, nguye nabani na eluntwini ngenjongo yokuthabatha inxaxheba kuso nasiphi na isenzo songcakazo,

nokuba eso senzo songcakazo senzeka kwindawo ekungcakazwa kuyo okanye nge-intanethi okanye ngenye indlela yokuthumela izinto ngendlela ye-elektronika;

(cB) kwiPhondo, esabalalisa okanye esenza ukuba kubekhona iinkqubo zekhompyutha eziyilwe okanye ezimsebenzi uphambili ingowokwenza abantu kweli Phondo babenakho ukuqhagamshelana namashishini ongcakazo angaphandle kweli Phondo, mashishini lawo angcakazisa nge-intanethi.”.

**Ukuhlonyelwa kwecandelo 75A lomThetho 4 ka-1996, ngokuhlonyelwa kwawo licandelo 7 lomThetho 1 ka-2003**

34. Icandelo 75A lomThetho oyintloko lihlonyelwa ngokufaka eli candelwana lilandelayo endaweni yecandelwana (1):

“(1) Ukuba nentlalontle yanelisekile, ngokokuthalekiswa koko kunokwenzeka, ngokobungqina obandlaliweyo kwingxoxo [ethile] nokuba yiyiphi na, ngxoxo leyo iqhutywe ngokwemimiselo yalo mThetho okanye ubungqina obuvezwe ngenxa yalo naluphi na uphando okanye nayiphi na ingxoxo eqhutywe [ngokwecandelo 23(1)(a)(iii)] ngokwalo mThetho, ummiselo othile walo mThetho waphulwe okanye awuthotyelwanga—

(a) umnini-layisenisi yokuqhuba ungcakazo;

(b) umnini-layisenisi echazwe kwicandelo 27(f) okanye (g)

(c) umnini-layisenisi echazwe kwicandelo 27(l) okanye (m), okanye

(d) nawuphi na umntu owenza oko okanye othi wenza oko ngenxa yemimiselo yokuqeshwa kwakhe ngumnini-layisenisi yokuqhuba ungcakazo okanye ilayisenisi echazwe kwicandelo 27(f) okanye (g),

neBhodi inakho ukubeka ityala [komnye okanye kubo bobabini] nawuphi na okanye bonke abanini-layisenisi ngenxa yolo lwaphulo-mthetho, njengoko kunokwenzeka, kananjalo iwise isohlwayo esichazwe kwicandelwana (2).”.

**Ukucinywa kwecandelo 84 lomThetho 4 ka-1996**

35. Icandelo 84 lomThetho oyintloko liyacinywa.

**Ukucinywa kwecandelo 84A lomThetho 4 ka-1996**

36. Icandelo 84A lomThetho oyintloko liyacinywa.

**Ukucinywa kwecandelo 84B lomThetho 4 ka-1996**

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37. Icandelo 84B lomThetho oyintloko liyacinywa.

**Ukucinywa kwecandelo 84C lomThetho 4 ka-1996**

38. Icandelo 84C lomThetho oyintloko liyacinywa.

**Ukufakwa kwecandelo 84D kumThetho 4 ka-1996**

39. Eli candelo lilandelayo lifakwa emva kwecandelo 83 lomThetho oyintloko: 10

**“Ukuthintelwa kwezenzo ezithile zongcakazo**

**84D.** (1) Ngokuxhomekeke kwicandelwana (3), akukho mntu ukhoyo kwiPhondo uya kuthabatha inxaxheba kwisenzo songcakazo ngefowuni, ngefeksi, ngomabonakude ekuthethwayo naye, iposi ye-elektronika, i-intanethi okanye nayiphi na indlela yoqhagamshelwano enxulumene noko, ngaphandle kwaloo nto imiselwe ngumThetho weSizwe.

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(2) Ngokuxhomekeke kwicandelwana (3) akukho mntu—

- (a) uyakuthi, ngokokwazi komntu okhankanywe kuqala, ameme, ancedise okanye avumele omnye umntu okhoyo apha kwiPhondo, okanye
- (b) oya kukrokrelwa ngumntu okhankanywe kuqala ukuba ukhona kweli Phondo,

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ukuthabatha inxaxheba kwisenzo songcakazo esiqhutywa ngokupheleleyo okanye ngokungaphelelanga ngefowuni, ngefeksi, ngomabonakude ekuthethwayo naye, ngeposi ye-elektronika, nge-intanethi, okanye nayiphi na enye indlela yoqhagamshelwano, ngaphandle kokumiselwa ngumThetho weSizwe.

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(3) Imimiselo yeli candelo ayisayi kusebenza—

- (a) kubhejo oluthatyathwe yibhukumeyikha okanye yithathaseli elayiseniswe kulo naliphi na iphondo leRiphabhlikhi negunyaziswe yiloo layisenisi ukuba ibhejise, okanye
- (b) apho umdlali athabatha inxaxheba kwisenzo songcakazo esichazwe kweli candelo kwindawo elayisenisiweyo yomntu olayiseniswe ngokwalo mThetho ukuze aqhube eso senzo songcakazo.

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(4) Nawuphi na umntu otyeshela ummiselo weli candelo uya kubanetyala.”.

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**Ukucinywa kwecandelo 84E lomThetho 4 ka-1996**

40. Eli candelo lilandelayo lifakwa emva kwecandelo 84D lomThetho oyintloko:

**“ImiMiselo yeThutyana**

**84E.** (1) Nayiphi na ilayisenisi engekaphelwa lixesha nekhutshwe licandelo lentlalontle ngokwecandelo 46, ngaphambi komhla wokusungulwa komThetho i-Western Cape Fifteenth Gambling and Racing Amendment Act, 2005 (kweli candelo kuthiwa “ngomThetho-sihlomelo”), iyakuthi nangaphandle kwendlela ebhalwe ngayo kananjalo kude kufike umhla wokuphelelwa kwayo ithatyathwe njenge-*route operator licence*.

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(2) Nayiphi na ilayisenisi engekaphelwa ekhutshwe licandelo lentlalontle ngokwecandelo 47, ngaphambi komhla wokusungulwa komThetho-sihlomelo, iyakuthi nangaphandle kwendlela ebhalwe ngayo

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kananjalo kude kufike umhla wokuphelelwa kwayo ithatyathwe njengelayisenisi yesiza.

(3) Nawuphi na umntu othe ngexesha lokusungulwa komThetho-sihlomelo, waba nelayisenisi, waba nenxaxheba eyimali kwilayisenisi okanye isatifiketi sokufaneleka esikhutshwe ngokomThetho, nothe ngenxa yemimiselo yalo mThetho okanye yomThetho weSizwe, akabi sakufanela ukuba nelayisenisi elolo hlobo, nenxaxheba eyimali okanye isatifiketi sokufaneleka, kufuneka kwiintsuku ezingama-30 zokusungulwa komThetho-sihlomelo, loo nto ayichaze

(a) kumqeshi wakhe, apho loo mntu angumnini-layisenisi yomqeshwa kananjalo eqeshwe ngumnini-layisenisi yokuqhuba ungcakazo;

(b) kumnini-layisenisi anenxaxheba yemali kuye okanye

(c) kumnini-layisenisi lowo loo mntu athe wakhutshelwa isatifiketi sokufaneleka ngenxa yayo'

ukuze emva koko loo mqeshwa okanye mnini-layisenisi kufuneka ukuba kwiintsuku ezingama-30 yenziwe ingxelo, azise icandelo lentlalontle ngokupheliswa kokufaneleka kwakhe.

(4) Imimiselo yecandelo 31 lalo mThetho ayisayi kusebenza nakubani na owaphelelwa kukufaneleka kwakhe kukuba nelayisenisi ngokwalo mThetho ngaphambi kokusungulwa komThetho-sihlomelo kananjalo nothe emva kokusungulwa komThetho-sihlomelo akaphelelwa kukufaneleka."

#### **Isihloko esifutshaniweyo**

**41.** Lo mThetho kuya kuthiwa ngumThetho-sihlomelo woNgcakazo nemiDyarho weShumi elineSihlanu weNtshona Koloni, 2006.

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