



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

**Provincial Gazette
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(*Copies are obtainable at Room M12, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)

Provincial Notice

The following draft Bill and draft regulations are published for comment:

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113 Western Cape Liquor Act, 2008 (Act 4 of 2008): Western Cape Liquor Regulations, 2011: Draft Second Amendment, 2023 123

Any person or organisation wishing to comment on the draft Bill or the draft regulations is requested to lodge the comments in writing before or on 31 January 2024—

- (a) by posting the comments to:
Mr Kagiso Kraai
Department of Police Oversight and Community Safety
PO Box 5346
Cape Town 8000;
- (b) by e-mailing the comments to:
kagiso.kraai@westerncape.gov.za
(Mark the subject box clearly as:
WCLA AMENDMENT BILL
AND REGULATIONS);
- (c) by faxing the comments to:
Fax no 021 483 6412; or
- (d) by delivering the comments to:
Mr Kagiso Kraai
Department of Police Oversight and Community Safety
Reception at Ground Floor
35 Wale Street
Cape Town.

The name, telephone, e-mail and/or fax number, and address of the person submitting the comment should be clearly indicated.

For queries contact Mr Kagiso Kraai at 021 483 6376.

INHOUD

(*Afskrifte is verkrygbaar by Kamer M12, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

Provinsiale Kennisgewing

Die volgende Konsepwetsontwerp en Konsepregulasies word vir kommentaar gepubliseer:

- 112 Wes-Kaapse Konsepwysigingswetsontwerp op die Wes-Kaapse Drankwet, 2023 40
113 Wes-Kaapse Drankwet, 2008 (Wet 4 van 2008): Wes-Kaapse Drankregulasies, 2011: Tweede Konsepwysiging, 2023 322

Enige person of organisasie wat op die Konsepwetsontwerp of die Konsepregulasies kommentaar wil lewer, word versoek om die kommentaar skriftelik in te dien voor of op 31 Januarie 2024—

- (a) deur die kommentaar te pos aan:
Mnr Kagiso Kraai
Departement van Polisietoeseig en Gemeenskapsveiligheid
Posbus 5346
Kaapstad 8000;
- (b) deur die kommentaar te e-pos aan:
kagiso.kraai@westerncape.gov.za
(Voltooi die onderwerp duidelik as:
WKD WYSIGINGSWETSONTWERP
EN REGULASIES);
- (c) deur die kommentaar te faksimileer aan:
Faksnr 021 483 6412; of
- (d) deur die kommentaar te lewer aan:
Mnr Kagiso Kraai
Departement van Polisietoeseig en Gemeenskapsveiligheid
Ontvangs op Grondvloer
Waalstraat 35
Kaapstad.

Die naam, telefoonnommer, e-pos en/of faksnommer, en adres van die persoon wat die kommentaar indien, moet duidelik aangedui word.

Vir navrae kontak Mnr Kagiso Kraai by 021 483 6376.

IZIQLATHO

(*Ushicilelo oLutsha lufumaneka kwigumbi M12, kwiSakhiwo sePhondo seNdlu yoWiso Mthetho, 7 Wale Street, eKapa 8001.)

ISaziso sePhondo

Lo Mthetho oSayilwayo ulandelayo kwakunye nemimiselelo esaqulunqwayo ipapashelwa injongo yokugaya izimvo:

- 112 UMthetho oSayilwayo iWestern Cape Liquor Amendment Bill, ka2023 80
113 UMthetho woTywala weNtshona Koloni, 2008 (uMthetho 4 ka-2008): IMigaqo yoTywala yeNtshona Koloni, yoWama2011: IZilungiso zeSibini zoQulunqo ka-2023 521

Nabani na okanye nawuphi na umbutho onomnqweno wokuvakalisa uluvo ngalo Mthetho oSayilwayo uyace-lwa ukuba angenise izimvo ngembalelwano ngaphambi okanye ngomhla 31 kweyoMqungu ka-2024, ngokuthi—

- (a) posela izimvo ku-:
Mnu Kagiso Kraai
Department of Police Oversight and Community Safety
PO Box 5346
Cape Town 8000;
- (b) imeyilela izimvo ku-:
kagiso.kraai@westerncape.gov.za
(Aphawule ibhokisi yomxholo ngokucacileyo njengoku:
UMTHETHO OSAYILWAYO
NEMIMISELO);
- (c) feksela izimvo kwi-:
Kwanombolo yefeksi 021 483 6412; okanye

- (d) siza ngesandla izimvo ku-:
Mnu Kagiso Kraai
kwiSebe eliJongene nezobuPolisa noKhusileko loLuntu
indawo yokwamkelwa kwabatyeleli ikuMganga-
tho oPhantsi
Kwanombolo 35 kwiSitalato iWale
EKapa.

Igama, inombolo yomnxeba, i-imeyile, kunye/okanye inombolo yefeksi, nedilesi, yomntu ongenisa uluvo kufuneka ziphawulwe ngokucacileyo.

Ngemibuzo tsalela noMnu Kagiso Kraai kule nombolo 021 483 6376.

PROVINCIAL NOTICE

The following Provincial Notice is published for comment.

DR HC MALILA,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir kommentaar gepubliseer.

DR HC MALILA,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Esi saziso silandelayo sipapashelwe ukunika izimvo.

uQIR HC MALILA,
MLAWULI-JIKELELE

ISakhiwo sePhondo,
Wale Street,
eKapa.

PROVINCIAL NOTICE

P.N. 112/2023

15 November 2023

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.

DRAFT WESTERN CAPE LIQUOR AMENDMENT BILL, 2023

To amend the Western Cape Liquor Act, 2008 (Act 4 of 2008), so as to substitute and insert certain definitions; to make provision for the Authority to refuse the lodgement of applications for certain licences under certain circumstances; to make different provision for the appointment of substitute members; to provide for the education and training of managers; to make further provision for the establishment of committees of the Liquor Licensing Tribunal; to make further provision for matters that may be delegated to committees of the Liquor Licensing Tribunal; to make provision for the appointment of two persons to act as Appeal Tribunals; to make different provision for the publication of notices of applications for licences; to make further provision for the consideration of applications by the Liquor Licensing Tribunal; to empower the Minister to make regulations on information to be considered by the Liquor Licensing Tribunal when considering an application for a licence; to make different provision for the condonation powers of the Liquor Licensing Tribunal; to make provision for the imposition of a fee for education and training at the direction of the Liquor Licensing Tribunal in respect of the conditional granting of a licence; to make further provision for deliveries of liquor; to clarify that letting of licences, carrying on business in terms of a licence and use of licensed premises are only permitted between licensees and to make further provision in respect thereof; to make different provision for the management of a licensed business; to make different provision for applications to carry out extensions to licensed premises or materially to change the nature of a licensed business; to make further provision in respect of children; to make further provision for the keeping by licensees of records of liquor sold; to make different provision for the automatic renewal of licences; to make further and different provision for applications for the renewal of licences; to make provision for the imposition of a fee for education and training at the direction of the Liquor Licensing Tribunal when granting an application for the transfer of a licence; to make further and different provision for the removal of licences; to make further provision for the adjudication of appeals and applications for the review of decisions; to provide for savings and transitional provisions; to effect certain textual improvements; and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Parliament of the Western Cape, as follows:—

Amendment of section 1 of Act 4 of 2008, as amended by section 2 of Act 10 of 2010, section 1 of Act 3 of 2015 and section 1 of Act 5 of 2016

1. Section 1 of the Western Cape Liquor Act, 2008 (Act 4 of 2008) (the principal Act), is amended—

(a) by the substitution for the definition of “liquor” of the following definition:

“ **‘liquor’** means any liquid or substance which contains or is intended to contain more than **[1] 0,5%** of alcohol by volume or mass, but **[excluding] excludes**—

(a) methylated spirits;

(b) medicine **[which] that** is subject to registration in terms of the Medicines and Related Substances Act, 1965 (Act 101 of 1965); and

(c) products **[which] that** are not intended for human consumption;”;

(b) by the insertion after the definition of “Liquor Licensing Tribunal” of the following definition:

“ **‘lodge’** includes, in relation to the submission of documents to the Authority, submission by electronic communication as contemplated in the Electronic Communications and Transactions Act, 2002 (Act 25 of 2002);”;

(c) by the substitution for the definition of “manager” of the following definition:

“ **‘manager’** means a person or persons [whose appointment] appointed as manager [is approved] or managers of a licensed business or deemed to be a manager of a licensed business in terms of section 52**[(1)]**;”;

(d) by the substitution for the definition of “Minister” of the following definition:

“ **‘Minister’** means the member of the Provincial Cabinet **[to whom the administration of this Act or any power or function in this Act has been assigned or transferred by the Premier] responsible for liquor licences in the Province;**”;

(e) by the insertion after the definition of “peace officer” of the following definition:

“ **‘person’** includes—

(a) any organ of state;

(b) any company or close corporation incorporated or registered as such under any law;

(c) any body of persons corporate or unincorporate; and

(d) any trust;”;

(f) by the substitution for the definition of “renewal fee” of the following definition:

“ **‘renewal fee’** means a fee payable annually or biennially, as the case may be, in respect of a licence, excluding a temporary or event liquor licence, in order to ensure the continued validity of the licence;”.

Amendment of section 9 of Act 4 of 2008, as amended by section 10 of Act 10 of 2010**2. Section 9 of the principal Act is amended—**

(a) by the insertion after paragraph (b) of the following paragraph:

“(bA) to refuse the lodgement of applications for licences of the category referred to in section 33(1) that do not comply in all respects with the prescribed requirements for an application;”;

(b) by the substitution in paragraph (f) for the word “Tribunal” of the word “Tribunals”.

Substitution of heading to Chapter 3 of Act 4 of 2008, as substituted by section 15 of Act 10 of 2010**3. The following heading is substituted for the heading to Chapter 3 of the principal Act:**

“LIQUOR LICENSING TRIBUNAL AND
APPEAL [TRIBUNAL] TRIBUNALS”.

Amendment of section 16 of Act 4 of 2008, as amended by section 2 of Act 3 of 2015**4. Section 16 of the principal Act is amended—**

(a) by the deletion in paragraph (d) of subsection (1) of the words “responsible for community safety in the Province”;

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

“(b) The provisions of section 10(2), (3) and (6) apply, with the necessary changes required by the context, to a delegation in terms of paragraph (a).”

(c) by the substitution for paragraph (a) of subsection (3A) of the following paragraph:

“(a) Notwithstanding [subsections] subsection (1) [and (2)], the Board may[, **in consultation with the Minister,**] at any time appoint not more than four suitable persons as substitute members, to act as members of the Liquor Licensing Tribunal [or a committee thereof] on the request of the Presiding Officer in the circumstances contemplated in section 21(4) [or 24(2A)], or to be part of a committee of the Liquor Licensing Tribunal for the purposes of section 24(1).”;

(d) by the substitution for subsection (4) of the following subsection:

“(4) Before being appointed a member or substitute member of the Liquor Licensing Tribunal the candidate must submit an affidavit to the Board in which such candidate declares that he or she is not disqualified in terms of section 17.”; and

(e) by the substitution for subsection (5) of the following subsection:

“(5) The Board, in consultation with the Minister, may at any time call for proof to its satisfaction of the continued eligibility of any member or prospective member of the Liquor Licensing Tribunal or substitute member, or undertake or cause to be undertaken any investigation or enquiry in that regard.”.

Amendment of section 18 of Act 4 of 2008, as amended by section 18 of Act 10 of 2010 and section 4 of Act 3 of 2015

5. Section 18 of the principal Act is amended by the deletion in subsection (3) of the words “responsible for community safety in the Province”.

Amendment of section 20 of Act 4 of 2008, as amended by section 20 of Act 10 of 2010 and section 6 of Act 3 of 2015

6. Section 20 of the principal Act is amended—

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

“(f) representations by a licensee or other interested person regarding the rescission of the suspension of a licence, other than the rescission of the suspension of a licence contemplated in section 63(8) or the removal or amendment of any condition imposed upon a licence;”;

(b) by the substitution in paragraph (fA) of subsection (1) for the word “the” before the words “Appeal Tribunal” of the word “an”; and

(c) by the addition of the following subsection:

“(8) The Liquor Licensing Tribunal must determine the education and training contemplated in section 52(4)(c).”.

Amendment of section 21 of Act 4 of 2008, as amended by section 7 of Act 3 of 2015

7. Section 21 of the principal Act is amended by the substitution for paragraph (a) of subsection (4) of the following paragraph:

“(4)(a) If a member of the Liquor Licensing Tribunal, other than the Presiding Officer, is absent from a meeting of the Liquor Licensing Tribunal or unavailable to attend the meeting and such absence or unavailability results in that meeting having no quorum, the Presiding Officer [**may**] must request a substitute member to act as a member in the place of the member who is absent or unavailable.”.

Substitution of section 24 of Act 4 of 2008, as amended by section 9 of Act 3 of 2015

8. The following section is substituted for section 24 of the principal Act:

“Committees of Liquor Licensing Tribunal

24. (1) The Presiding Officer may appoint one or more committees consisting of **[him or herself]**—

(a) the Presiding Officer or a Deputy Presiding Officer; and

(b) one or more of the following persons:

(i) [**any**] a member [or] of the Liquor Licensing Tribunal;

(ii) **[any]** a person co-opted in terms of section 20(5); and

(iii) a substitute member.

(1A) Notwithstanding subsection (7) and section 20(6), a person co-opted in terms of section 20(5) who is **[appointed as a member]** part of a committee **[in terms of subsection (1) has the right to]** may vote at any meeting of the committee when the committee is performing any function of the Liquor Licensing Tribunal **[contemplated in section 89(7) and that is]** delegated to the committee in terms of subsection (3)(b).

(2) A committee must consist of at least three persons.

(2A) **[(a) If a member of a committee is absent from a meeting of the committee or unavailable to attend the meeting, the Presiding Officer may request a substitute member to act as a member of the committee in the place of the member who is absent.**

(b)] A substitute member who **[so acts as a member]** is part of a committee has the powers and duties of a member of the **[committee]** Liquor Licensing Tribunal.

(3) The Liquor Licensing Tribunal may delegate to a committee the functions of the Liquor Licensing Tribunal—

(a) set out in sections 20(1)(d), (e), (f), (fA) and (g), 20(3)(b), (c) and (d), [52] 53, 64, 65, 66 and 71; [or]

(b) contemplated in section 89(7).

(4) The Liquor Licensing Tribunal may issue guidelines to a committee regarding the exercise of a power or the performance of a function it has delegated to the committee.

(5) A committee must in the exercise of a delegated power or the performance of a delegated function, comply with the guidelines referred to in subsection (4).

(6) **[In]** When appointing **[members of]** a committee, the Presiding Officer must have due regard to the knowledge, expertise and experience required for the matter to be considered.

(7) A committee of the Liquor Licensing Tribunal is governed by the same rules of procedure as those pertaining to the Liquor Licensing Tribunal.”

Substitution of section 25 of Act 4 of 2008, as amended by section 21 of Act 10 of 2010 and section 10 of Act 3 of 2015

9. The following section is substituted for section 25 of the principal Act:

“Appeal [Tribunal] Tribunals

25. (1) The Minister must, for such term as **[he or she]** the Minister may determine, appoint, on a part-time basis, **[a person]** two persons with legal qualifications equivalent to those required for admission as an attorney, or an advocate of the High Court of South Africa, and with experience in the

administration of justice, to each act as an Appeal Tribunal to adjudicate **[upon]** appeals against or applications for the review of decisions of—

- (a) the Liquor Licensing Tribunal;
- (b) the Presiding Officer; or
- (c) a Deputy Presiding Officer performing functions delegated to **[him or her]** that Deputy Presiding Officer by the Presiding Officer.

(1A) When adjudicating an appeal or application for review, an Appeal Tribunal appointed in terms of subsection (1) must act in accordance with section 68 and any decision thus taken constitutes a decision by the Appeal Tribunal concerned and is final.

(2) The Minister must prescribe the procedure to be followed by **[the]** an Appeal Tribunal.”.

Amendment of section 26 of Act 4 of 2008, as amended by section 22 of Act 10 of 2010

10. Section 26 of the principal Act is amended by the substitution for the words “Appeal Tribunal”, wherever it occurs, including in the heading, of the words “Appeal Tribunals”.

Amendment of section 27 of Act 4 of 2008, as amended by section 23 of Act 10 of 2010 and section 11 of Act 3 of 2015

11. Section 27 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) The members of the Board and Liquor Licensing Tribunal, the **[person]** persons appointed to act as the Appeal **[Tribunal]** Tribunals, substitute members and persons co-opted in terms of section 11 or 20(5) are entitled to receive reasonable remuneration and allowances as determined by the Minister, in consultation with the Minister responsible for finance in the Province.”.

Amendment of section 30 of Act 4 of 2008, as amended by section 26 of Act 10 of 2010 and section 12 of Act 3 of 2015

12. Section 30 of the principal Act is amended—

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

“(1) The fees referred to in section **[63(2) and (2B)]** 63(4)(a) and (b) must be paid into the Provincial Revenue Fund.”;

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

“(b) penalties referred to in **[section]** sections 46(6), 48(10), **[62(3), 63(4), 64(4)]** 63(8)(a) and (b), 64(7)(b), 65(19) [and 66(8)] and 66(11); and”;

- (c) by the substitution for paragraph (c) of subsection (2) of the following paragraph:

“(c) fees referred to in sections 26(8), **[36(1)(e)] 36(1C)(b)**, 38, ~~45~~, 46(2), 48(1), 48(4), ~~52(4)(c)~~, 53(1), ~~53(1A)~~, 59(7), 64(1), ~~64(4), 64(7)(a)~~, 65(4), ~~65(14)~~, 65(16), 66(2) and **[66(6)] 66(9)**.”;

(d) by the substitution for subsection (3) of the following subsection:

“(3) The fees referred to in section 37(4)(a)**[(i) and (b)(i)]** accrue to the municipality concerned.”; and

(e) by the substitution for subsection (4) of the following subsection:

“(4) **[No]** Subject to section 63(12), no amount contemplated by this section is refundable.”.

Amendment of section 36 of Act 4 of 2008, as amended by section 31 of Act 10 of 2010

13. Section 36 of the principal Act is amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“An application for a licence of a category referred to in section 33(1) must be made to the Authority by lodging on or before the prescribed date with the Authority **[and the designated liquor officer in whose area of jurisdiction the proposed licensed premises are located]**—”;

(b) by the insertion in subsection (1) of the word “and” at the end of paragraph (b);

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

“(d) other information that may be required by the Liquor Licensing Tribunal to enable it to determine whether the applicant meets the criteria for the granting of a licence.”;

(d) by the deletion of paragraph (e) of subsection (1);

(e) by the insertion after subsection (1) of the following subsections:

“(1A) The Authority may, in respect of an application contemplated in subsection (1)—

(a) accept the lodgement of the application if it complies in all respects; or

(b) refuse the lodgement of the application if it fails to comply, in any respect, with the prescribed requirements for applications.

(1B) If the lodgement is refused, the Authority must return the application and all the documents lodged in connection therewith to the person concerned within the prescribed period and notify the person in writing of the reasons for the refusal.

(1C) If the Authority accepts the lodgement of the application—

(a) the Authority must notify the applicant and the designated liquor officer in whose area of jurisdiction the proposed licensed premises are located in the prescribed manner and within the prescribed period of the acceptance of the lodgement;

(b) the applicant must, in the prescribed manner and within the prescribed period, pay the prescribed fee to the Authority;

- (c) subject to the payment of the prescribed fee to the Authority, the applicant must lodge with the designated liquor officer in whose area of jurisdiction the proposed licensed premises are located, a copy of the application lodged with the Authority;
 - (d) the applicant must submit to the Authority, in the prescribed manner and within the prescribed period, proof of lodgement with the designated liquor officer contemplated in paragraph (b) together with proof of payment of the prescribed fee; and
 - (e) if the applicant fails to take any of the steps contemplated in paragraph (d), the lodgement is deemed to be refused in terms of subsection (1A)(b) and the Authority must notify the applicant in writing of the failure and return the application and all the documents lodged in connection therewith within the prescribed period to the applicant.”;
- (f) by the substitution for subsection (2) of the following subsection:
 “(2) No notice of lodgement of an application for a licence that was accepted by the Authority may be **[advertised]** published during the period of 1 December **[and]** to 15 January of the following year.”; and
- (g) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:
 “[**By lodging**] Once the lodgement of an application for a licence is accepted, the applicant consents that any member of the Board or authorised employee of the Authority may—”.

Substitution of section 37 of Act 4 of 2008, as amended by section 32 of Act 10 of 2010

14. The following section is substituted for section 37 of the principal Act:

“Notice of lodgement of [application] applications

37. (1) The Authority must, in the prescribed form, within the prescribed period and in the three official languages of the Province, publish notices on the website of the Authority of the lodgements of those applications that were accepted by the Authority and where the requirements of section 36(1C) have been met, **in the three official languages of the Province in the *Provincial Gazette* and in a community newspaper circulating in the area in which the proposed licensed premises are located, and where there is no community newspaper, in at least one other newspaper circulating in the area where the premises concerned are located].**

(2) **[The]** An applicant whose lodgement of application was accepted must display a notice, as prescribed, in the three official languages of the Province in a prominent place at the proposed licensed premises so that it is visible to passers-by: Provided that the Liquor Licensing Tribunal may condone the non-compliance with this provision on good cause shown.

(3) A notice in terms of subsection (2) must remain in place for the prescribed period from the date of **[lodgement of the application]** dispatch of the notification contemplated in section 36(1C)(a).

(4) The designated liquor officer in whose area of jurisdiction the proposed licensed premises are located must, within the prescribed period from the date of **[lodgement of an application]** dispatch of the notification contemplated in section 36(1C)(a), serve a copy of the application in the prescribed manner on the municipality concerned in order for it to—

(a) **[where section 36(1)(c) applies—**

(i)] allow the public to have access to, inspect or, upon payment of the prescribed fee, obtain a copy of the application;

[(ii)] (b) obtain the comment of the ward councillor;

[(iii)] (c) comment on the application; and

[(iv)] (d) where applicable, allow for the consideration of the planning application in relation to the application for a liquor licence **]; or**

(b) where section 36(1)(c) does not apply—

(i) allow the public to have access to, inspect or, upon payment of the prescribed fee, obtain a copy of the application;

(ii) obtain comment of the ward councillor; and

(iii) comment on the application].

(5) The designated liquor officer in whose area of jurisdiction the proposed licensed premises are located must **[or]** and the municipality may, within the prescribed **[time]** period, give notice of the application to—

(a) neighbouring residents or such persons or institutions who in **[his, her or its judgement]** the opinion of the designated liquor officer or the municipality may be affected by, or have an interest in, the granting or refusal of the application; **[and]**

(b) the community policing forum, if any, of the area in which the proposed licensed premises are located;

(c) the ratepayers' association, if any, of the area in which the proposed licensed premises are located; and

(d) the persons and institutions referred to in section 34(1)(e), if any, in the area in which the proposed licensed premises are located.

[(6) Notwithstanding subsection (1), where an applicant has to comply with section 36(1)(c), the notification done in terms of the applicable planning legislation is deemed to be in compliance with the notification requirements in terms of this section: Provided that the Liquor Licensing Tribunal may require such additional notification as it may deem appropriate.]⁷.

Substitution of section 38 of Act 4 of 2008, as substituted by section 33 of Act 10 of 2010

15. The following section is substituted for section 38 of the principal Act:

“Applications lying for inspection at Authority

38. (1) The Authority must, within the prescribed period after it has accepted the lodgement of an application [referred to] in terms of section 36 [has been lodged with it], enable the public to have access to, inspect or, upon payment of the prescribed fee, obtain a copy of the application and any documents lodged in connection therewith, at the offices of the Authority.”.

Amendment of section 39 of Act 4 of 2008, as amended by section 34 of Act 10 of 2010

16. Section 39 of the principal Act is amended by the substitution for subsection (3) of the following subsection:

“(3) A copy of the representations, excluding the details referred to in subsection (5)(b), must be served by the person making the representations, on the applicant or his or her representative.”.

Amendment of section 40 of Act 4 of 2008, as amended by section 35 of Act 10 of 2010

17. Section 40 of the principal Act is amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) its decision in respect of the planning application referred to in section 36(1)[(c)](b) where applicable;”.

Amendment of section 41 of Act 4 of 2008, as amended by section 14 of Act 3 of 2015

18. The following section is substituted for section 41 of the principal Act:

“Consideration of applications

41. (1) The Liquor Licensing Tribunal or Presiding Officer **[may]**—
(a) must, when considering an application, take cognisance of the following[—]:
(a)(i) the application and any report lodged in response thereto;
[(b)](ii) representations in support of or against the application, any response to representations against applications and any other document or article lodged in relation to the application; **[and**
(c)](iii) [subject to section 23(9)]—

- (i)]the proximity of the proposed licensed premises to an undertaking conducting the business of a service station selling petrol, diesel or other petroleum products to the public; **[and**
- (ii)] (iv) any information as may be prescribed by the Minister; and
- (b) may, when considering an application, take cognisance of any other matter which, in the opinion of the Liquor Licensing Tribunal or Presiding Officer, should be taken into consideration.
- (2) If—
- (a) an application, the lodgement of which was accepted by the Authority in accordance with section 36(1A), or a document accompanying it, notwithstanding the fact that the application complies in all respects with the prescribed requirements for applications, is nonetheless defective in another respect, [representations or a report is defective in any respect or if any person fails to lodge any document or adhere to a reasonable time period or time limit], the Liquor Licensing Tribunal may [condone the defect or failure if there has been substantial compliance with this Act and] if [such] condonation thereof is not likely to prejudice any person; or
- (b) representations are or a report is defective in any respect, or if any person fails to lodge any document other than a document contemplated in paragraph (a), or fails to adhere to a reasonable period except the periods referred to in section 36(1C), the Liquor Licensing Tribunal may, if there has been substantial compliance with this Act and if condonation thereof is not likely to prejudice any person,
condone the defect or failure.”.

Substitution of section 45 of Act 4 of 2008

19. The following section is substituted for section 45 of the principal Act:

“Education and training

45. The Liquor Licensing Tribunal must, when conditionally granting a licence, direct that the licence may not be issued until the applicant or an employee or employees of the applicant have, upon payment of the prescribed fee, undergone such training and education as the Liquor Licensing Tribunal requires.”.

Amendment of section 48 of Act 4 of 2008, as amended by section 38 of Act 10 of 2010 and substituted by section 16 of Act 3 of 2015

20. Section 48 of the principal Act is amended by the substitution for subsection (12) of the following subsection:

“(12) The Presiding Officer may not grant a temporary or event liquor licence unless a manager has been appointed for the licensed business concerned **[and the appointment has been approved]** in terms of section 52.”.

Amendment of section 50 of Act 4 of 2008

21. Section 50 of the principal Act is amended—

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

“(d) where the quantity of liquor being purchased is above the prescribed threshold, the purchaser must—

(i) produce—

(aa) his or her valid identity document or card, valid driver’s licence, valid passport or any other valid form of photographic identification containing his or her identity number or date of birth;
[and]

(bb) proof of address¹; and

(cc) the consent contemplated in section 60(2); and

(ii) provide contact details as prescribed.”; and

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

“(2) Failure by **[the] a licensee, including the holder of a temporary or event liquor licence,** to comply with a condition contemplated in subsection (1) is an offence.”.

Amendment of section 51 of Act 4 of 2008, as amended by section 40 of Act 10 of 2010 and section 17 of Act 3 of 2015

22. Section 51 of the principal Act is amended—

(a) by the deletion in the heading of the words “and letting of licensed premises”;

(b) by the deletion of subsections (7), (7A), (8) and (8A); and

(c) by the substitution for subsection (9) of the following subsection:

“(9) A contravention of or failure to comply with subsection (1) **[or (7)]** is an offence.”.

Insertion of section 51A in Act 4 of 2008

23. The following section is inserted in the principal Act after section 51:

“Letting of licence, carrying on business in terms of licence and use of licensed premises

51A. (1) A licensee may not—

(a) let the licence to another person;

(b) allow another person to carry on business in terms of the licence;

(c) allow another person to use the licensed premises,

unless the licensee has, upon application, obtained the prior written consent of the Presiding Officer.

(2) The Presiding Officer may grant an application in terms of subsection (1), subject to such conditions as the Presiding Officer may impose, only if the other person—

- (a) to whom the licensee intends to let the licence;
- (b) who intends to carry on business in terms of the licence;
- (c) who intends to use the licensed premises,

is also a licensee with the same category of licence as the licensee.

(3) The designated liquor officer must, within the prescribed period, lodge a report with the Authority regarding an application referred to in subsection (1) and may include therein any matter which the designated liquor officer may deem relevant to the application.

(4) A contravention of or failure to comply with subsection (1) is an offence.”.

Substitution of section 52 of Act 4 of 2010, as amended by section 18 of Act 3 of 2015

24. The following section is substituted for section 52 of the principal Act:

Management

52. (1) A licensee, or an applicant for a licence when applying for a licence, must, unless the licensee or applicant is a natural person, appoint, in the prescribed manner, at least one person who is a natural person as manager of the licensed business.

(2) A licensee or an applicant for a licence who is a natural person is deemed to be a manager of the licensed business concerned.

(3) A licensee or an applicant contemplated in subsection (2) may, notwithstanding subsection (2), at any time and in the prescribed manner, appoint at least one person who is a natural person as manager of the licensed business.

(4) A licensee or an applicant for a licence may not appoint a person as a manager or may not be deemed to be a manager in terms of subsection (2) unless that person, licensee or applicant, as the case may be—

- (a) is resident in the Province;
- (b) is not disqualified from holding a liquor licence in terms of section 35;
- (c) subject to subsection (5) has, upon payment of the prescribed fee, successfully completed such education and training as determined by the Liquor Licensing Tribunal; and
- (d) is of good character.

(5) A—

- (a) holder of a temporary or an event liquor licence contemplated in section 48;
- (b) proposed licensee who has been granted consent in terms of section 65(5);

(c) person who applies for a temporary or an event liquor licence contemplated in section 48; or

(d) proposed licensee referred to in section 65(3),

is not required to comply with subsection (4)(c).

(6) The Authority must, within the prescribed period after the successful completion of the education and training referred to subsection (4)(c), and upon payment of the prescribed fee, issue a certificate to the person who completed the education and training, indicating that that person successfully completed the education and training.

(7) The certificate must be in the prescribed form and contain the following information:

(a) the name of the manager or managers, as the case may be, of the licensed business; and

(b) the date on which the manager or managers, as the case may be, of the licensed business successfully completed the training contemplated in subsection (4)(c).

(8) A licensee must display the certificate in the three official languages of the Province in a prominent place of the licensed premises so that it is visible to the public.

(9) A manager who is appointed in terms of this section is responsible for the management of the business and is subject to the same duties, obligations and liabilities as the licensee.

(10) The appointment of a manager in terms of this section does not release the licensee from any duty, obligation or liability imposed upon it or him, her or it by this Act or in terms of the conditions of the licence.

(11) If a person who is appointed as a manager ceases to manage the licensed business or becomes disqualified from doing so and the licensed business is consequently left without a manager, the licensee must, if the licensee is not a natural person, appoint a manager in the person's place within thirty (30) days and in accordance with this section.

(12) If a licensee fails to comply with subsection (11), the licence may be revoked under section 20(3)(b)(ii), suspended under section 20(3)(b)(iii), or suspended or revoked under section 48(13)(c), as the case may be, or a consent contemplated in section 65(5) may be revoked in terms of section 65(6).

(13) A contravention of subsection (1), (4) or (8) is an offence.

(14) In this section—

(a) “licensee” includes a proposed licensee who has been granted consent contemplated in section 65(5) and a holder of a temporary or an event liquor licence contemplated in section 48, excluding a holder of a temporary liquor licence in the circumstances contemplated in section 52(12);

(b) “applicant” means a person who applies for a licence referred to in section 33 and a proposed licensee referred to in section 65(3); and

- (c) “licence” includes a consent granted in terms of section 65(5) but excludes, in section 52(12), a temporary liquor licence.”.

Substitution of section 53 of Act 4 of 2008, as amended by section 41 of Act 10 of 2010

25. The following section is substituted for section 53 of the principal Act:

“Alteration of licensed premises or nature of business

53. (1) Except with the prior written consent of the Presiding Officer granted upon application to the Authority and the designated liquor officer in whose area of jurisdiction the licensed premises are located, in the prescribed form and upon payment of the prescribed fee, a licensee may not—

- (a) carry out any structural alteration, addition [,] or reconstruction [**or extension**] of or to the licensed premises;
- [(b) materially change the nature of the business in respect of which a licence was granted from that described in the application considered by the Liquor Licensing Tribunal when granting the licence;] or**
- (c) conduct his, her or its business under the licence on premises on which any other business, including a business to which any other licence relates, or any trade or occupation is carried on or pursued, unless the Presiding Officer, at any time when the matter may in his or her opinion rightly be raised, determines otherwise in a particular case.

(1A) Except with the prior written consent of the Liquor Licensing Tribunal granted upon application to the Authority and the designated liquor officer in whose area of jurisdiction the licensed premises are located, in the prescribed form and upon payment of the prescribed fee, a licensee may not—

- (a) carry out any extension of or to the licensed premises; or
- (b) materially change the nature of the business in respect of which a licence was granted from that described in the application considered by the Liquor Licensing Tribunal when it granted the licence.

(2A) The designated liquor officer must~~[,]—~~

- (a) in respect of an application contemplated in subsection (1)(a) or (c), within the prescribed period, lodge a report with the Authority regarding [an application referred to in subsection (1)] the application concerned, and may include therein any other matter which the designated liquor officer may deem relevant to the application;
- (b) in respect of an application contemplated in subsection (1A)(a) or (b), within the prescribed period—
 - (i) give notice of the application to—
 - (aa) neighbouring residents or such persons or institutions who in his or her judgement may be affected by, or have an interest in, the granting or refusal of the application;

- (bb)* the community policing forum, if any, of the area in which the licensed premises are located;
 - (cc)* the ratepayers' association, if any, of the area in which the licensed premises are located; and
 - (dd)* the persons and institutions referred to in section 34(1)(e), if any, in the area in which the licensed premises are located; and
- (ii) serve a copy of the application concerned in the prescribed manner on the municipality concerned in order for it to—
- (aa)* obtain the comment of the ward councillor; and
 - (bb)* comment on the application.

(2B) A person or an institution contemplated in subsection (2A)(b)(i) who has an interest in the granting or refusal of an application for consent contemplated in subsection (1A)(a) or (b) may, within the prescribed period, make written representations to the Liquor Licensing Tribunal for or against the granting or refusal of the application.

(2C) The provisions of section 39(2) to (6) apply, with the necessary changes required by the context, to the lodgement of representations in terms of subsection (2B).

(2D) The Liquor Licensing Tribunal must, when considering an application made in terms of subsection (1A)(a) or (b), take cognisance of the following:

- (a)* the application and any report lodged in response thereto;
- (b)* representations in support of or against the application and any response to the representations against the application;
- (c)* any other document lodged in relation to the application.

(2E) The Liquor Licensing Tribunal or the Presiding Officer may, when considering an application made in terms of this section, take cognisance of any matter which in the opinion of the Liquor Licensing Tribunal or the Presiding Officer, as the case may be, should be taken into account.

(3) The consent of the Presiding Officer in terms of subsection (1)(a) or the consent of the Liquor Licensing Tribunal in terms of subsection (1A)(a), as the case may be, must not be issued until the applicant, within the prescribed period, lodges proof to the satisfaction of the Presiding Officer or the Liquor Licensing Tribunal, as the case may be, that he or she has the right to alter or extend, as the case may be, the premises concerned for the purpose as contemplated in the application concerned.

(4) A contravention of or failure to comply with subsection (1) or (1A) is an offence.”

Substitution of section 54 of Act 4 of 2008, as amended by section 42 of Act 10 of 2010

26. The following section is substituted for section 54 of the principal Act:

“Children

54. (1) No person may sell liquor to a person under the age of eighteen (18) years, if he or she knows or ought reasonably to have known that the person to whom liquor is sold is under the age of eighteen (18) years.

(2) No person may give or supply liquor to a person under the age of eighteen (18) years or allow such a person in his or her care or under his or her supervision to consume liquor, if he or she knows or ought reasonably to have known that the person to whom liquor is given or supplied or who consumes the liquor is under the age of eighteen (18) years, except where it is given for the purpose of worship associated with the celebration of a religious observance.

(3) A licensee or a manager, as the case may be, may not allow a person under the age of eighteen (18) years to consume liquor on the licensed premises, if the licensee or manager knows or ought reasonably to have known that such person is under the age of eighteen (18) years.

(4) A licensee or a manager, as the case may be, may not allow a person under the age of eighteen (18) years to be in a part of licensed premises in which such a person may not be in terms of this Act or in terms of a condition of the licence, if the licensee or manager knows or ought reasonably to have known that such person is under the age of eighteen (18) years.

(5) A person under the age of eighteen (18) years may not obtain or consume liquor in contravention of this Act or mislead any person regarding his or her age in order to obtain or consume liquor or gain access to parts of licensed premises **[which]** where such a person may not enter in terms of this Act or in terms of a condition of a licence.

(5A) A licensee or a manager, as the case may be, must, if he or she reasonably believes that a person, in the circumstances contemplated in subsections (3) and (4), is under eighteen (18) years or if a person appears to be under the age of eighteen (18) years, request that person to produce either—

- (a) his or her valid identity document or card;
- (b) his or her valid driver's licence;
- (c) his or her valid passport; or
- (d) any other valid form of photographic identification containing his or her identity number or date of birth,

to verify the age of the person.

(5B) For the purposes of this section, a person ought reasonably to have known a fact if the conclusions that he or she reasonably ought to have reached are those that a reasonably diligent and vigilant person would have reached, having both—

- (a) the general knowledge, skills, training and experience that may reasonably be expected of a person in his or her position; and
 - (b) the general knowledge, skills, training and experience that he or she in fact has.
- (6) Any contravention of or failure to comply with subsections (1), (2), (3), (4) **[or]**, (5) or (5A) is an offence.”.

Substitution of section 60 of Act 4 of 2008, as amended by section 21 of Act 3 of 2015

27. The following section is substituted for section 60 of the principal Act:

“Quantity of liquor sold and keeping of records

60. (1) A licensee—

- (a) including a holder of a temporary liquor licence, must keep and submit to the Authority, in the prescribed manner, a record of all liquor sold **[for consumption off the licensed premises]**;
- (b) including a holder of a temporary liquor licence, must keep and submit to the Authority the prescribed information relating to the retail sale of liquor;
- (c) who is authorised to micro-manufacture liquor in terms of a licence referred to in section 33(1)(a), must also keep and submit to the Authority, in the prescribed manner, a record of all liquor manufactured.

(1A) The Minister must prescribe the form and nature of the information contemplated in subsection (1)(a), (b) and (c), the period for which the information must be retained, and the frequency with which the information must be submitted, and may prescribe differently for different categories of licences.

(2) No person, other than a licensee, including a holder of a temporary or event liquor licence, may purchase, **[and a licensee may not]** or sell to one person[,], in a single day for consumption off the licensed premises, more liquor than a quantity, which the Minister may prescribe, without the prior written consent of the Presiding Officer.

(4) A contravention of or failure to comply with subsection (1) or (2) is an offence.”.

Amendment of section 62 of Act 4 of 2008, as amended by section 44 of Act 10 of 2010 and section 22 of Act 3 of 2015

28. Section 62 of the principal Act is amended—

- (a) by the substitution for paragraph (b) of subsection (2) of the following paragraph:
 - “(b) on 1 January of the applicable year **[in respect of which the applicable fees prescribed are not paid on or before 31 December of the preceding year]** contemplated in section 63(2);”;
- (b) by the deletion in subsection (2) of the word “or” at the end of paragraph (d);
- (c) by the substitution for paragraph (e) of subsection (2) of the following paragraph:

- “(e) on the date on which it is converted into another licence in terms of section 89; or”;
- (d) by the addition in subsection (2) after paragraph (e) of the following paragraph:
 “(f) on the dates contemplated in section 64(3), (5) and (8).”;
- (e) by the deletion of paragraph (a) of subsection (3);
- (f) by the substitution for subsection (5) of the following subsection:
 “(5) The suspension of a licence in terms of subsection (4) [**lapses**] is rescinded upon [**the**] receipt by the Presiding Officer of proof that the licensed premises have not been abandoned by the licensee or are again in use by the same licensee.”; and
- (g) by the substitution for the word “the” before the words “Appeal Tribunal”, wherever it occurs, of the word “an”.

Substitution of section 63 of Act 4 of 2008, as amended by section 45 of Act 10 of 2010 and substituted by section 23 of Act 3 of 2015

29. The following section is substituted for section 63 of the principal Act:

Automatic renewal of licences

- 63.** (1) A licensee may, in the prescribed manner, subscribe to either an annual renewal cycle or a biennial renewal cycle of the licence.
- (2) If a licensee subscribes to—
- (a) an annual renewal cycle, the licensee must pay to the Authority the prescribed annual renewal fee by 31 December of the year preceding the year in respect of which the licence should be renewed; or
- (b) a biennial renewal cycle, the licensee must pay to the Authority the prescribed biennial renewal fee by 31 December of the year preceding the first year of the two-year period in respect of which the licence should be renewed.
- (3) The Authority may issue an annual or biennial renewal notice, as the case may be, in the prescribed form, not later than 31 October of the year preceding the year in which the licence should be renewed.
- (4) Upon payment of the full amount of the prescribed annual or biennial renewal fee, as the case may be, the licence is automatically renewed—
- (a) in respect of an annual renewal cycle, until 31 December of the year in respect of which the annual renewal fee has been paid; or
- (b) in respect of a biennial renewal cycle, until 31 December of the second year of the two-year period in respect of which the biennial renewal fee has been paid.
- (5) If a licensee fails to pay the full amount of the prescribed renewal fee or the full amount of any applicable penalty referred to in subsection (8) but pays part of the fee or penalty, the partial payment of the fee or penalty is regarded as non-payment of the fee or penalty.

(6) The licensee is not absolved from his, her or its obligation to pay the prescribed renewal fee timeously if the notice referred to in subsection (3) was not sent to or received by the licensee.

(7) The licence of a licensee who fails to pay the full amount of the prescribed annual or biennial renewal fee, as the case may be, by the dates contemplated in subsection (2)(a) or (b) is automatically suspended, subject to subsection (8), for a period of six months from 1 January of the year for which the prescribed renewal fee should have been paid.

(8) A licensee whose licence is suspended in terms of subsection (7) may rescind the suspension by paying to the Authority the following:

(a) if the licensee subscribes to an annual renewal cycle—

(i) the full amount of the prescribed annual renewal fee and a penalty of 50% of the full amount of the prescribed annual renewal fee on or before 1 March; or

(ii) the full amount of the prescribed annual renewal fee and a penalty of 100% of the full amount of the prescribed annual renewal fee on or before 1 June,

of the year in respect of which the prescribed annual renewal fee should have been paid; or

(b) if the licensee subscribes to a biennial renewal cycle—

(i) the full amount of the prescribed biennial renewal fee and a penalty of 50% of half of the full amount of the prescribed biennial renewal fee on or before 1 March; or

(ii) the full amount of the prescribed biennial renewal fee and a penalty of 100% of half of the full amount of the prescribed biennial renewal fee on or before 1 June,

of the first year of the two-year period in respect of which the prescribed biennial renewal fee should have been paid.

(9) A licensee whose licence is suspended in terms of subsection (7) may not sell liquor in terms of the licence for the duration of the period of suspension.

(10) The suspension of a licence is automatically rescinded on the date of payment by the licensee concerned of the full amount of the applicable prescribed renewal fee and the full amount of the applicable penalty referred to in subsection (8), and the licensee may thereafter sell liquor in terms of the licence.

(11) If a licensee fails to pay the full amount of the applicable prescribed renewal fee and the full amount of the applicable penalty imposed in terms of subsection (8) by the date referred to in subsection (8)(a)(ii) and 8(b)(ii), the licence is deemed to have lapsed on 1 January of the year in respect of which the applicable prescribed renewal fee should have been paid.

(12) If a licensee fails to pay the full amount of the applicable prescribed renewal fee or the full amount of any applicable penalty by the date referred to in subsection (8)(a)(ii) and 8(b)(ii), any partial payment of the fee or penalty must be

refunded by the Authority to the licensee after the licence has lapsed in terms of subsection (11).

(13) A contravention of subsection (9) is an offence.”.

Substitution of section 64 of Act 4 of 2008, as amended by section 46 of Act 10 of 2010 and section 24 of Act 3 of 2015

30. The following section is substituted for section 64 of the principal Act:

“Applications for renewal of licences

64. (1) If [a licensee], since the date of issue of the licence or, if the licence has been renewed, [since the last renewal of the licence] during the period for which the licence was last renewed, the licensee has—

- (a) become disqualified in terms of section 35 to hold a licence;
- (b) been declared unfit by the Liquor Licensing Tribunal to hold a liquor licence;
- (c) failed to comply with a compliance notice issued in terms of this Act; or
- (d) been the subject of a report in terms of section 73(7)(c) or (d); **or** that has been referred to the Liquor Licensing Tribunal in terms of section 26(7),

[(e) been the subject of a complaint received by a municipality],

the licence is not capable of automatic renewal in terms of section 63, but may be renewed by the Authority upon application by the licensee in the prescribed manner and upon payment of the prescribed fee.

(2) The Authority must, before 31 July of the year in which a renewal notice **[should]** may be issued, serve a notice upon a licensee referred to in subsection (1)—

- (a) informing the licensee that the licence will not be automatically renewed; and
- (b) calling upon the licensee to make application upon payment of the prescribed fee and in the prescribed form for the renewal of the licence by not later than 30 September of that year.

(3) If the licensee fails to comply with the notice contemplated in subsection (2), the licence will lapse on 31 December of that year, subject to subsection (4).

(4) If the licensee makes an application as contemplated in subsection (2)(b) after 30 September but before 31 December of the year in which the renewal notice **[should]** may be issued, the licensee may simultaneously with the application contemplated in subsection (2)(b) apply in writing, upon payment of the prescribed fee and in the prescribed form, to the Liquor Licensing Tribunal for condonation of such failure, and the Liquor Licensing Tribunal may condone the failure **[and allow the late payment of the prescribed renewal fee by a date to be determined by the Liquor Licensing Tribunal, subject to the payment of a penalty of 150% of that fee].**

(5) If the licensee complies with the notice as contemplated in subsection (2)(b), or if the licensee applies for the condonation contemplated in subsection (4), the licence remains valid until the Liquor Licensing Tribunal has completed its consideration of the application for renewal or condonation, as the case may be.

(6) When considering an application for renewal, the Liquor Licensing Tribunal has the same duties and powers **[which]** that it has when considering an application for a new licence, including the right to refuse or grant the application, subject to such conditions as it may deem appropriate.

(7)(a) Subject to paragraph (b), [If] if the Liquor Licensing Tribunal grants an application for the renewal of the licence, the licence is, upon payment of the full amount of the applicable prescribed renewal fee by a date determined by the Liquor Licensing Tribunal, deemed to **[have been]** be renewed in terms of section **[63(2) or (2B)]** 63(4)(a) or (b), as the case may be.

(b) Where the Liquor Licensing Tribunal grants an application for condonation and the renewal of a licence, the licence is, upon payment of the full amount of the applicable prescribed renewal fee and a penalty of 150% of the full amount of the applicable prescribed renewal fee by a date determined by the Liquor Licensing Tribunal, deemed to be renewed in terms of section 63(4)(a) or (b), as the case may be.

(8)(a) If the Liquor Licensing Tribunal refuses an application for the renewal of a licence, the licence lapses immediately or upon such date as the Liquor Licensing Tribunal determines.

(b) If the Liquor Licensing Tribunal refuses an application for condonation contemplated in subsection (4), the licence lapses on the date on which the application is refused or upon such date as the Liquor Licensing Tribunal determines, and the Liquor Licensing Tribunal need not consider the application for renewal.”.

Amendment of section 65 of Act 4 of 2008, as amended by section 49 of Act 10 of 2010 and section 25 of Act 3 of 2015

31. Section 65 of the principal Act is amended by the substitution for subsection (14) of the following subsection:

“(14) The Liquor Licensing Tribunal may, when granting an application for transfer, direct that the proposed licensee, or one or more employees of such a person, must, upon payment of the prescribed fee, undergo such education and training as the Liquor Licensing Tribunal may direct.”.

Substitution of section 66 of Act 4 of 2008, as amended by section 50 of Act 10 of 2010 and section 26 of Act 3 of 2015

32. The following section is substituted for section 66 of the principal Act:

“Removal of licences

66. (1) A temporary liquor licence or event liquor licence is not removable from the licensed premises concerned to other premises.

(2) A licensee may at any time apply for the removal, whether permanent or for a determined period, of the licence from the licensed premises concerned to any other premises situated in the Province by lodging with the Authority and the designated liquor officer in whose area of jurisdiction the licensed premises are currently located, and where the granting of the application will have the effect of removing the licence to the area of jurisdiction of another designated liquor officer, also with that designated liquor officer, an application in the prescribed form and manner, and upon payment of the prescribed fee.

(3)(a) Subject to paragraph (b), the provisions of sections 36(2), 37, 38, 39 and 40 apply, with the necessary changes required by the context, to applications contemplated in subsection (2).

(b) For the purposes of paragraph (a)—

(i) the Authority, in terms of sections 36(2), 37(1) and 37(2), must publish notices of applications for removals lodged with the Authority in terms of subsection (2);

(ii) the notice contemplated in section 37(3) must remain in place from the date of lodgement of the application, if applicable;

(iii) where the granting of the application will have the effect of removing the licence to the area of jurisdiction of another designated liquor officer or municipality, the relevant designated liquor officer and municipality contemplated in sections 37(4), 39(2) and 40(3) are the designated liquor officer and municipality of that area;

(iv) where the granting of the application will have the effect of removing the licence to the area of jurisdiction of another designated liquor officer, the community policing forum, ratepayers’ association, if any, and the persons and institutions referred to in sections 34(1)(e) and 37(5)(b), (c), and (d), if any, are those of that area;

(v) applications must lie for inspection within the prescribed period after the lodgement of an application in terms of section 38.

(4) The designated liquor officer in whose area of jurisdiction the licensed premises are currently located must, within the prescribed period, lodge a report as prescribed with the Authority and, where the granting of the application will have the effect of removing the licence to the area of jurisdiction of another designated

liquor officer, that designated liquor officer must also lodge a report as prescribed with the Authority.

(5) The Liquor Licensing Tribunal must consider each application for the removal of a licence and may—

- (a) refuse the application;
- (b) grant the application; or
- (c) conditionally grant the application subject to such conditions as the Liquor Licensing Tribunal may determine.

(6)(a) Subject to paragraph (b), the provisions of sections 34(1)(a), (c), (d) and (e) and 41(1) and (2) apply, with the necessary changes required by the context, when the Liquor Licensing Tribunal decides on an application as contemplated in subsection (5).

(b) For the purposes of paragraph (a)—

- (i) the premises referred to in section 34(1)(c) and (d) must be construed as the premises, once removed;
- (ii) where the granting of the application will have the effect of removing the licence to the area of jurisdiction of another designated liquor officer, the persons and institutions referred to in section 34(1)(e), if any, are those of that area;
- (iii) an application lodged in terms of subsection (2) must be construed as an application referred in section 41(1)(a) and (b), and the documents accompanying that application, and representations and reports or documents lodged in support of or accompanying that application.

(7)(a) Subject to paragraph (b), the provisions of sections 42, 43, and 44 also apply, with the necessary changes required by the context, to when the Liquor Licensing Tribunal conditionally grants an application in terms of subsection (5)(c).

(b) For the purposes of paragraph (a)—

- (i) a reference to a licence in sections 42, 43 and 44 must be construed as a reference to a certificate of removal;
- (ii) a reference to premises referred to sections in 42 and 43 must be construed as the premises, once removed;
- (iii) the reference to section 46 in section 42(7) must be read as a reference to section 46(1) and subsections (8), (9), (10), (11) and (12) of this section;
- (iv) section 42(5), the Presiding Officer may act at any time after the issue of a notice in terms of subsection (8)(b).

(8)(a) The Authority must, within the prescribed period after the Liquor Licensing Tribunal has granted or conditionally granted an application for the removal of a licence, but subject to subsection (13), notify the applicant in writing that the application has been granted.

(b) Where the Liquor Licensing Tribunal has conditionally granted an application for the removal of a licence in respect of premises not yet erected, or premises requiring any structural alteration, addition or reconstruction to be effected so as to make it suitable for the purposes for which they will be used under the licence, the

Authority must, in the notice contemplated in subsection (8)(a), order the licensee to comply with such conditions referred to in the notice, in respect of those premises as the Liquor Licensing Tribunal may determine.

(9) The Authority must, subject to the payment of a prescribed fee within sixty (60) days of the issuing of the notice contemplated in subsection (8)(a) or (b), as the case may be, issue a certificate of removal to the licensee in the prescribed form.

(10) If the licensee fails to pay the fee referred to in subsection (9), the granting of the application lapses, subject to subsection (11).

(11) The licensee may, within a period of sixty (60) days after the expiry of the period referred to in subsection (9), apply in writing to the Chief Executive Officer for condonation of the failure to pay the prescribed fee referred to in subsection (9) and the Chief Executive Officer may condone the failure and allow the late payment of the said fee by a date to be determined by the Chief Executive Officer, subject to the payment of a penalty of 100% of that fee.

(12) A certificate of removal is subject to such conditions set out in the certificate as the Liquor Licensing Tribunal may in its discretion impose.

(13) The Presiding Officer may at any time after the issue of a certificate of removal, by a notice delivered or tendered to the licensee concerned, revoke or amend any condition imposed by the Liquor Licensing Tribunal under subsection (12).

(14) The effect of the issuing of a certificate of removal will be that the licensee may either permanently or for the period determined by the Liquor Licensing Tribunal and mentioned in the certificate, conduct the business to which the licence relates on the premises, the plan of which has been approved by the Liquor Licensing Tribunal or the amendment of the plan has been approved by the Presiding Officer, as the case may be, but which premises may not for the purposes of the licence in respect of which the application concerned was made, include such place or places thereon as he or she or it has in his or her or its discretion specifically excluded therefrom.

(15) Where a certificate of removal permits the removal of a licence for a determined period, the Presiding Officer may at any time before the expiration of that period, on application by the licensee concerned—

- (a) extend the period; or
- (b) revoke the certificate of removal.

(16) If the certificate of removal is not issued before the expiration of the period contemplated in subsection (8)(a) or (b) or extended under section 42(5)(a), as the case may be, the notice concerned lapses and the application for the removal of the licence is deemed not to have been granted.”

Amendment of section 67 of Act 4 of 2008, as amended by section 27 of Act 3 of 2015

33. Section 67 of the principal Act is amended—

- (a) by the substitution for the heading of the following heading:

- “**[Abandonment of premises and death] Death or incapacity of licensee**”; and
- (b) by the substitution for subsection (1) of the following subsection:
- “(1) The Liquor Licensing Tribunal may, if satisfied that—
- (a) **a licensed business has been abandoned by the licensee; or**
- (b) the licensee is a person described in subsection (3), and an executor, administrator, trustee, curator or liquidator has not been appointed, appoint a person to hold the licence and conduct the licensed business until the appointment of an executor, administrator, trustee, curator or liquidator, **or in the case of an abandoned business, a manager**.”.

Amendment of section 68 of Act 4 of 2008, as amended by section 51 of Act 10 of 2010 and substituted by section 28 of Act 3 of 2015

34. Section 68 of the principal Act is amended—

- (a) by the substitution for the heading of the following heading:
- “**Appeals and applications for reviews to Appeal [Tribunal] Tribunals**”;
- (b) by the substitution in subsections (1) and (2) for the word “The” before the words “Appeal Tribunal” of the word “An”;
- (c) by the substitution in subsections (5) and (9)(a) for the word “the” before the words “Appeal Tribunal” of the word “an”;
- (d) by the substitution for subsection (10) of the following subsection:
- “(10) If a person, having been duly notified to be present at a meeting of **[the] an** Appeal Tribunal, fails to attend such meeting or absents himself or herself therefrom without the consent of the Appeal Tribunal concerned, the meeting may be continued in the absence of such person, or the Appeal Tribunal concerned may take such other action as **[it] he or she** deems fair and just in the circumstances.”; and
- (e) by the addition of the following subsections:
- “(12) An appeal or application for review contemplated in subsection (1) that is considered by an Appeal Tribunal, must be adjudicated by the Appeal Tribunal concerned.
- (13) If an appeal or application for review cannot be considered due to the vacancy or unavailability of an Appeal Tribunal, the appeal or application for review must be adjudicated by the remaining Appeal Tribunal.”.

Amendment of section 73 of Act 4 of 2008, as amended by section 54 of Act 10 of 2010 and section 30 of Act 3 of 2015

35. Section 73 of the principal Act is amended by the substitution for paragraph (b) of subsection (8) of the following paragraph:

- “(b) Section 15 of the South African Police Service Act applies, with the necessary changes required by the context, to a delegation under paragraph (a).”.

Amendment of section 75 of Act 4 of 2008, as amended by section 32 of Act 3 of 2015

36. Section 75 of the principal Act is amended by the substitution for subsection (7) of the following subsection:

“(7) Sections 30 to 34 of the Criminal Procedure Act apply, with the necessary changes required by the context, to anything seized in terms of this section.”.

Amendment of section 78 of Act 4 of 2008

37. Section 78 of the principal Act is amended—

(a) by the substitution for the heading of the following heading:

“**Offences regarding meetings of Liquor Licensing Tribunal and Appeal [Tribunal] Tribunals**”; and

(b) by the substitution for subsection (4) of the following subsection:

“(4) The provisions of subsections (1) and (2) apply, with the necessary changes required by the context, to meetings of **[the] an** Appeal Tribunal.”.

Amendment of section 83 of Act 4 of 2008

38. Section 83 of the principal Act is amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“If **[the] a** manager, agent or employee of a licensee does or omits to do anything, which, if it were done or omitted by the licensee, would be an offence in terms of this Act, the licensee is deemed to have done or omitted to do that act, except where—”.

Amendment of section 85 of Act 4 of 2008, as substituted by section 36 of Act 3 of 2015

39. Section 85 of the principal Act is amended by the substitution for paragraph (e) of subsection (2) of the following subsection:

“(e) evidence is produced that a licensee who is accused of a contravention of section 54 failed to obtain from a person under the age of eighteen (18) years either—

(i) his or her valid identity document or card;

(ii) his or her valid driver’s licence; **[or]**

(iii) his or her valid passport; or

(iv) any other form of valid photographic identification containing his or her identity number or date of birth.”.

Amendment of section 87 of Act 4 of 2008, as amended by section 58 of Act 10 of 2010 and section 37 of Act 3 of 2015

40. Section 87 of the principal Act is amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) sections 50(3), 57(3), 60(4), 63(13), 69(11), 76(b) or 82(1) is liable on conviction to a fine not exceeding R100 000,00 or to imprisonment for a period not exceeding six months or to both such fine and such period of imprisonment; or”.

Savings and transitional provisions

41. (1) Any application or matter delegated to a committee of the Liquor Licensing Tribunal in terms of section 24 of the principal Act that has not been considered, finally determined and dispensed with before the commencement of this Act must be considered, administered and finally determined and dispensed with as if this Act has not commenced.

(2) Any matter lodged, remitted or referred to the Liquor Licensing Tribunal in terms of section 20(1)(d), (e), (f), (fA) or (g) of the principal Act that has not been considered, finally determined and dispensed with before the commencement of this Act must be considered, administered and finally determined and dispensed with as if this Act has not commenced.

(3)(a) Where the consideration of an appeal or application for review has commenced in terms of section 68 of the principal Act and has not been finally adjudicated before the commencement of this Act, it must be finally adjudicated by the Appeal Tribunal appointed in terms of section 25(1) of the principal Act as it read before the commencement of this Act in accordance with the principal Act and the regulations made thereunder as it read before the commencement of this Act.

(b) If an appeal or application for review contemplated in paragraph (a) cannot be finally adjudicated in accordance with paragraph (a) due to the vacancy or unavailability of the Appeal Tribunal, an Appeal Tribunal appointed in terms of this Act must consider, and finally adjudicate the appeal or application for review in accordance with the principal Act and the regulations made thereunder as it read before the commencement of this Act.

(4) Any application lodged in terms of section 36 of the principal Act that has not been considered, finally determined and dispensed with before the commencement of this Act must be considered, administered and finally determined and dispensed with in terms of sections 36 to 41 of the principal Act and the regulations made thereunder as it read before the commencement of this Act.

(5) Where the Liquor Licensing Tribunal has before the commencement of this Act and in accordance with section 45 of the principal Act as it read before the commencement of this Act directed that the applicant or an employee or employees of the applicant contemplated in that section must undergo training and education, and such training and education has not been conducted by the date of commencement of this Act, the provisions of section 45 must be applied as if this Act has not commenced.

(6)(a) A person who was appointed as a manager in terms of section 52 of the principal Act as it read before the commencement of this Act is regarded as having been appointed in terms of section 52 as substituted by this Act and must, to remain a manager—

- (i) within one month after the date of commencement of this Act, display the training certificate in respect of managers that was issued by the Authority to him or her before the commencement of this Act;
- (ii) within one year after the date of commencement of this Act, if he or she received the relevant education and training for managers from the Authority before the commencement of this Act, but not the certificate referred to in subparagraph (i), obtain the certificate and thereafter, within one month, display the certificate in accordance with section 52 as substituted by this Act;
- (iii) within one year after the date of commencement of this Act, if he or she did not receive the relevant education and training from the Authority and the certificate referred to in subparagraph (i) before the commencement of this Act, obtain the education and training and certificate referred to in section 52 as substituted by this Act and thereafter, within one month display the certificate in accordance with section 52 as substituted by this Act.

(b) The Authority must take all reasonable measures to assist and support a person contemplated in subparagraph (a)(ii) or (iii) to ensure that such a person obtains the certificate or education and training and certificate timeously.

(c) The Liquor Licensing Tribunal must have determined the education and training contemplated in section 52 as substituted by this Act by the date on which this Act commences.

(d) Any application lodged in terms of section 52 of the principal Act that has not been considered, finally determined and dispensed with before the commencement of this Act must be considered, administered and finally determined and dispensed with in terms of section 52 of the principal Act and the regulations made thereunder as it read before the commencement of this Act.

(7) Any application made in terms of section 53(1)(a) or (b) of the principal Act as it read before the commencement of this Act that has not been considered, finally determined or dispensed with before the commencement of this Act must be considered, finally determined and dispensed with in terms of section 53 and the regulations made thereunder as it read before the commencement of this Act.

(8)(a) Subject to paragraph (b), if this Act commences on a date after 31 July of a year, the provisions of sections 62 to 64 of the principal Act and the regulations made thereunder as it read before the commencement of this Act apply to licensees contemplated in those sections until 30 June of the year following the year in which this Act commences.

(b) If a licensee contemplated in paragraph (a) was issued with a notice referred to in section 64(2) of the principal Act as it read before the commencement of this Act in the year that this Act commences, the provisions of section 64 of the principal Act and the regulations made thereunder as it read before the commencement of this Act will only be applied for the period 1 July to 31 December of that year.

(c) If this Act commences on a date before 31 July of a year, the provisions of sections 62 to 64 of the principal Act and the regulations made thereunder as it read before the commencement of this Act apply to licensees contemplated in those sections until 30 June of the year following the year in which this Act commences.

(9) Where the Liquor Licensing Tribunal has before the commencement of this Act and in accordance with section 65(14) of the principal Act as it read before the commencement of this Act directed that the proposed licensee or one or more employees of the proposed licensee contemplated in that section must undergo education and training and such education and training has not been conducted by the date of commencement of this Act, the provisions of section 65(14) must be applied as if this Act has not commenced.

(10) Any application lodged in terms of section 66 of the principal Act that has not been considered, finally determined and dispensed with before the commencement of this Act must be considered, administered and finally determined and dispensed with as if this Act has not commenced.

(11) Any criminal proceedings or meeting of the Liquor Licensing Tribunal contemplated in section 85(2) read with section 85(2)(e) of the principal Act that arose before the commencement of this Act and has not been finally determined and dispensed with before the commencement of this Act, must be finally determined and dispensed with as if this Act has not commenced.

Amendment of index to Act 4 of 2008, as amended by section 1 of Act 10 of 2010 and section 39 of Act 3 of 2015

42. The index before section 1 is amended—

(a) by the substitution for the reference to the heading to section 37 of the following item:

“37. Notice of lodgement of [application] applications”;

(b) by the substitution for the reference to the heading to section 51 of the following item:

“51. Financial interests [**and letting of licensed premises**]”;

(c) by the insertion after the reference to the heading to section 51 of the following item:

“51A. Letting of licence, carrying on business in terms of licence and use of licensed premises”;

(d) by the substitution for the reference to the heading to section 67 of the following item:

“67. [**Abandonment of premises and death**] Death or incapacity of licensee”;
and

(e) by the substitution for the words “Appeal Tribunal”, wherever it occurs, of the words “Appeal Tribunals”.

Short title and commencement

43. This Act is called the Western Cape Liquor Amendment Act, 2023, and comes into operation on the following dates:

(a) in respect of section 1(a), the date on which the Liquor Products Amendment Act, 2021 (Act 8 of 2021), comes into operation;

(b) in respect of the remainder of this Act, the date determined by the Premier by proclamation in the *Provincial Gazette*.

MEMORANDUM ON THE OBJECTS OF THE DRAFT WESTERN CAPE LIQUOR AMENDMENT BILL, 2023

1. BACKGROUND

- 1.1 The Western Cape Government resolved that an alcohol-related harms reduction policy should be developed to guide the Western Cape Government's approach to the regulation of liquor. The Western Cape Government adopted the Alcohol-Related Harms Reduction Policy (the Policy) in 2017. The Policy's purpose is primarily to provide interventions to contribute to the reduction of alcohol-related harms in the Western Cape. A further purpose is to provide for ancillary matters to increase the efficiency and effectiveness of supplementary supporting structures that are relevant to alcohol-related harms reduction.
- 1.2 The Policy interventions are numerous and some of these interventions require further research before they can be transposed into legislative change. In the interest of efficiency, the Western Cape Government adopted a proactive two-phased approach to separate those Policy interventions that could be transposed into legislative change immediately from those that required further research.
- 1.3 For the reasons given below, the salient interventions currently proposed by the Policy are the following:
- 1.3.1 Take steps to bring responsible unlicensed liquor traders into the regulated space.
- 1.3.2 Enforce liquor legislation through regulatory compliance and criminal enforcement. This entails, among others, measures to—
- (a) clamp down on the supply of liquor to unlicensed outlets;
 - (b) increase enforcement of laws governing underage drinking, which entails an inspection of the identification of patrons at all establishments or points of sale;
 - (c) amend the requirements for obtaining a liquor licence to ensure that licensees and managers must have undergone training and passed a test on the Western Cape Liquor Act, 2008, and on the rights and obligations of a licensee.
- 1.3.3 Aim to build on the existing strengths and resources of communities and facilitate partnership throughout the liquor licensing process. Community-based initiatives are to recognise the specific and unique needs of communities. Community policing forums should also play a more active role in the licensing application process.
- 1.3.4 Take a nuanced approach that considers the type of area and weigh up contextual factors to determine if new liquor licences should be approved for a particular area. Role players in the regulation of liquor must keep up to date with developments in technology, marketing and development and adopt new and innovative strategies based thereon. Institutional arrangements play a critical role in supporting and implementing the Policy.
- 1.4 The Draft Bill is the first phase to give effect to the Policy interventions, by providing for the—
- 1.4.1 streamlining of the licence application process;
 - 1.4.2 consideration of alcohol-related harms reduction factors in the consideration of applications for licences; and

- 1.4.3 improvement of institutional efficiency to deal with matters related to liquor licence enforcement and for data collection from licensees.

2. OBJECTS OF THE BILL

- 2.1 The Draft Bill seeks to amend the Western Cape Liquor Act, 2008 (Act 4 of 2008) (the principal Act), to—
 - 2.1.1 streamline the liquor licence application process, thereby improving the efficiency of the Authority and the Liquor Licensing Tribunal;
 - 2.1.2 improve institutional efficiency to deal with matters related to liquor licence enforcement;
 - 2.1.3 provide for the consideration of alcohol-related harms reduction factors in the consideration of applications for licences;
 - 2.1.4 provide for greater public participation in more aspects of liquor regulation in new ways that align with technological developments;
 - 2.1.5 reinforce the prohibition of selling, giving, or supplying liquor to a person under the age of 18 years; and
 - 2.1.6 reinforce the collection of data from licensees to support the enforcement of the principal Act better.

3. CONTENTS OF THE BILL

The aims and objectives of the various clauses are set out below.

- 3.1 **Clause 1** amends section 1 of the principal Act by substituting, deleting and inserting certain definitions to align with changes to the Liquor Products Amendment Act, 2021 (Act 8 of 2021), the new scheme for the appointment of managers and for purposes of textual improvement.
- 3.2 **Clause 2** amends section 9 of the principal Act to empower the Authority to refuse the lodgement of applications for licences of the category referred to in section 33(1) of the principal Act that do not comply fully with the requirements for an application contained in the regulations to the principal Act.
- 3.3 **Clause 3** amends the heading to Chapter 3 of the principal Act and is a consequential amendment to the amendment regarding the appointment of two persons to act as Appeal Tribunals.
- 3.4 **Clause 4** amends section 16 of the principal Act to improve the wording of the section textually and to delete the requirement that the Board must consult the Minister before appointing a substitute member of the Liquor Licensing Tribunal.
- 3.5 **Clause 5** amends section 18 of the principal Act and is a consequential amendment to the change in the definition of “Minister”.
- 3.6 **Clause 6** amends section 20 of the principal Act to exclude the rescission of the suspension of a licence because of the operation of the new section 63(8). The envisaged suspension is not capable of rescission in terms of section 20 of the principal Act and will only be capable of

rescission in terms of the mechanisms provided for in the new section 63. The clause further contains a consequential amendment relating to the appointment of two persons to act as Appeal Tribunals and provides for the Liquor Licensing Tribunal to determine the education and training of persons who are appointed as managers.

- 3.7 **Clause 7** amends section 21 of the principal Act to improve the section textually.
- 3.8 **Clause 8** substitutes section 24 of the principal Act to improve the section textually, to set out the composition of a committee of the Liquor Licensing Tribunal and to provide that a committee may be delegated additional powers set out in section 20(1)(d), (e), (f), (g) and (3)(b), (c) and (d) of the principal Act. The substitution is envisaged to improve the efficiency of the Liquor Licensing Tribunal in dealing with liquor licence enforcement-related matters.
- 3.9 **Clause 9** substitutes section 25 of the principal Act to provide that the Minister may appoint two persons to act as Appeal Tribunals and to improve the section textually.
- 3.10 **Clause 10** amends section 26 of the principal Act and is a consequential amendment to the amendment to section 25 of the principal Act relating to the appointment of two persons to act as Appeal Tribunals.
- 3.11 **Clause 11** amends section 27 of the principal Act and is a consequential amendment to the amendment to section 25 of the principal Act relating to the appointment of two persons to act as Appeal Tribunals.
- 3.12 **Clause 12** amends section 30 of the principal Act to reflect new referencing where applicable and to allocate the collection of new fees to the appropriate functionary.
- 3.13 **Clause 13** amends section 36 of the principal Act to streamline the licence application process by providing for the Authority to accept or refuse the lodgement of applications based on whether the lodgement of those applications fully meet the prescribed requirements for applications. The clause sets out the obligations of the Authority and the applicant where a lodgement of an application has either been refused or accepted.
- 3.14 **Clause 14** substitutes section 37 of the principal Act and provides that a notice of lodgement of an application must be published by the Authority in the three official languages of the Province on the website of the Authority. The clause further extends the public's participation in the licensing process by obliging the designated liquor officer concerned also to give notice of the application, in the case where lodgement was accepted, to the ratepayers' association, if any, of the area in which the proposed licensed premises are located and to the persons and institutions referred to in section 34(1)(e) of the principal Act, if any, in the area in which the proposed licensed premises are located.
- 3.15 **Clause 15** substitutes section 38 of the principal Act and is a consequential amendment to the amendment to sections 9 and 36 of the principal Act relating to the Authority's power to accept or refuse the lodgement of applications for liquor licences.
- 3.16 **Clause 16** amends section 39 of the principal Act to comply with the Protection of Personal Information Act, 2013 (Act 4 of 2013).

- 3.17 **Clause 17** amends section 40 of the principal Act to rectify incorrect referencing.
- 3.18 **Clause 18** substitutes section 41 of the principal Act to provide that the Minister may prescribe information which the Liquor Licensing Tribunal must take into account when considering an application for a liquor licence. The clause also delineates the extent of the Liquor Licensing Tribunal's power to condone defects in applications, the lodgement of which was accepted, and their accompanying documents.
- 3.19 **Clause 19** substitutes section 45 of the principal Act to include a prescribed fee to be paid for the education and training that an applicant or employee or employees of the applicant must undergo as directed by the Liquor Licensing Tribunal when it conditionally grants an application for a liquor licence.
- 3.20 **Clause 20** amends section 48 of the principal Act and is a consequential amendment to the amendment to section 52 of the principal Act relating to the appointment of managers.
- 3.21 **Clause 21** amends section 50 of the principal Act by extending the offence in section 50(2) regarding the delivery of liquor to the holders of temporary liquor licences and the holders of event liquor licences.
- 3.22 **Clause 22** amends section 51 of the principal Act by deleting all the provisions relating to the letting of licensed premises from the section to improve it textually.
- 3.23 **Clause 23** inserts section 51A in the principal Act. The clause deals with the letting of licensed premises. The clause clarifies that letting of licences, carrying on business in terms of a licence and the use of licensed premises as envisaged in the clause is only permitted between licensees of the same category.
- 3.24 **Clause 24** substitutes section 52 of the principal Act. It provides that, when applying for a licence, a licensee or an applicant for a liquor licence, must, unless the licensee or applicant is a natural person, appoint at least one person who is a natural person as manager of the licensed business. The obligations in the clause extend to licensees of all categories and to a proposed licensee who has been granted consent in terms of section 65(5). The clause requires a person appointed as a manager of a licensed business to have undergone the education and training determined by the Liquor Licensing Tribunal.
- 3.25 **Clause 25** substitutes section 53 of the principal Act. The amendments to the section relate to applications for consent where a licensee wishes to carry out any extension of or to the licensed premises or materially change the nature of the business in respect of which a licence was granted. The clause obliges the designated liquor officer concerned, in respect of these applications, to give notice of the application concerned to the persons and entities listed in the clause and to serve a copy of the application on the municipality concerned. This is in furtherance of facilitating public participation.
- 3.26 **Clause 26** substitutes section 54 of the principal Act. The amendment to the section prohibits a person from selling, giving or supplying liquor to a person under the age of eighteen years, or allowing the consumption of liquor by a person in his or her care who is under the age of

eighteen years – if the person knows or ought reasonably to have known that the person to whom liquor is sold, given, supplied or who is allowed to consume liquor is under the age of eighteen years. The clause further prohibits a licensee or a manager from allowing a person under the age of eighteen years to be in a part of the licensed premises in which such a person may not be in terms of the Act or in accordance with a condition of the licence – if the licensee or manager knows or ought reasonably to have known that such a person is under the age of eighteen years.

The clause obliges a licensee or manager, if he or she reasonably believes that a person is under the age of eighteen years or appears to be under that age, to request that person to produce his or her valid identification document or card, valid driver's licence, valid passport or any other valid form of photographic identification containing his or her identity number or date of birth to verify the person's age.

- 3.27 **Clause 27** substitutes section 60 of the principal Act. The amendment extends the current obligation on licensees who sell liquor for consumption off the licensed premises to all licensees, including the holder of a temporary liquor licence, to keep a record of all liquor sold and to submit those records in the prescribed manner to the Authority. The amendment requires these persons to keep and submit information prescribed by the Minister relating to the retail sale of liquor to the Authority. In addition, licensees authorised to micro-manufacture liquor in terms of section 33(1)(a) of the principal Act must keep and submit to the Authority, in the prescribed manner, a record of all liquor manufactured. The Minister is enabled by the clause to make regulations on the form and nature of the information that must be kept and submitted, and the period for which it must be retained and the frequency with which the information must be submitted.

The clause further provides that no person, other than a licensee, including the holder of a temporary or event liquor licence may sell to one person, in a single day, for consumption off the licensed premises more liquor than prescribed by the Minister without the prior written consent of the Presiding Officer.

- 3.28 **Clause 28** amends section 62 of the principal Act and effects consequential amendments to the amendments to sections 63 and 64 of the principal Act as well as to the amendments to section 25 of the principal Act.

- 3.29 **Clause 29** substitutes section 63 of the principal Act. The clause amends the automatic renewal system for licences by providing that the licence of a licensee who fails to pay the full amount of the applicable renewal fee timeously by the dates set out in the clause, is automatically suspended for a period of six months from 1 January of the year for which the applicable fee should have been paid. While the licence is suspended, the licensee is not permitted to trade. Such a suspension may be rescinded by paying to the Authority the full amount of the applicable prescribed renewal fee and the full amount of the applicable penalty on or before the dates set out in the clause. The rescission is effective immediately on the date of payment of the applicable renewal fee and penalty. Failure by a licensee to pay the full amount of the applicable renewal fee and penalty, following the automatic suspension of the licence, results in the licence being deemed to have lapsed on 1 January of the year or the first year of the two-year period, if the licensee subscribes to an annual or biennial renewal cycle, as the case may be, in respect of which the applicable renewal fee should have been paid.

- 3.30 **Clause 30** substitutes section 64 of the principal Act. The amendment provides that if a licensee has, since the date of issue of the licence or, if the licence has been renewed, during the period for which the licence was last renewed, become disqualified in terms of section 35 of the principal Act to hold a licence, been declared unfit by the Liquor Licensing Tribunal to hold a liquor licence, failed to comply with a compliance notice in terms of the Act or has been the subject of a report in terms of section 73(7)(c) or (d) that has been referred to the Liquor Licensing Tribunal in terms of section 26(7) of the principal Act, the licence is not capable of automatic renewal but may be renewed upon application. The application process requires the Authority to notify the licensee that the licence is not capable of automatic renewal and to invite the licensee to apply for the renewal of the licence. The clause sets the date by which the application should be made. If a licensee applies after the effective date, a licensee is free to apply for condonation to apply late. Condonation may only be applied for before the date indicated in the clause. The application for condonation is required to be in the prescribed form and includes the payment of the prescribed fee. The application for condonation is required to be made simultaneously with an application for the renewal of a licence.
- The relevant licence remains valid pending the consideration by the Liquor Licensing Tribunal of either an application for renewal or both an application for renewal and an application for condonation.
- The clause furthermore sets out the payment obligations of the licensee in the case where the Liquor Licensing Tribunal grants an application for renewal or grants both the application for condonation and the application for renewal.
- 3.31 **Clause 31** amends section 65 of the principal Act to include a prescribed fee for the education and training that the Liquor Licensing Tribunal may direct a proposed licensee, or one or more employees of such a proposed licensee, to undergo when the Liquor Licensing Tribunal grants approval for an application for the transfer of a licence.
- 3.32 **Clause 32** amends section 66 of the principal Act. The clause includes public participation in the application process for the removal of a licence by incorporating certain provisions from sections 36, 37, 38, 39 and 40 of the principal Act in the process. The clause provides for the criteria by which the Liquor Licensing Tribunal must be guided in the consideration of an application for removal of a licence by incorporating certain provisions of sections 34 and 41 of the principal Act. The clause further incorporates the provisions of sections 42, 43 and 44 of the principal Act for the conditional granting by the Liquor Licensing Tribunal of an application for the removal of a licence. The remainder of the clause textually improves the section.
- 3.33 **Clause 33** amends section 67 of the principal Act by deleting the power of the Liquor Licensing Tribunal to appoint a manager where it is satisfied that a licensed business has been abandoned by the licensee.
- 3.34 **Clause 34** amends section 68 of the principal Act. The amendments are consequential to the amendment to section 25 of the principal Act relating to the appointment of two persons to act as Appeal Tribunals.
- 3.35 **Clause 35** amends section 73 of the principal Act and is a textual improvement of the section.

- 3.36 **Clause 36** amends section 75 of the principal Act and is a textual improvement of the section.
- 3.37 **Clause 37** amends section 78 of the principal Act and is a consequential amendment to the amendment to section 25 of the principal Act relating to the appointment of two persons to act as Appeal Tribunals. The clause also textually improves the section.
- 3.38 **Clause 38** amends section 83 of the principal Act and is a consequential amendment to the amendment to section 52 of the principal Act that relates to the appointment of managers.
- 3.39 **Clause 39** amends section 85 of the principal Act and is a consequential amendment to the amendment of section 54 of the principal Act.
- 3.40 **Clause 40** amends section 87 of the principal Act. The clause provides that an offence in terms of section 63(13) also attracts a fine, on conviction, not exceeding R100 000 or imprisonment for a period not exceeding six months or both such fine and such period of imprisonment.
- 3.41 **Clause 41** amends the index to the principal Act.
- 3.42 **Clause 42** provides for savings and transitional arrangements.
- 3.43 **Clause 43** provides for the short title and commencement of the Draft Bill once enacted.

4. CONSULTATION

Department of Community Safety
Department of the Premier: Legal Services
Department of the Premier: Strategic Programmes
Western Cape Liquor Authority

5. PERSONNEL IMPLICATIONS

There are no direct personnel implications.

6. FINANCIAL IMPLICATIONS

The Authority currently spends R4 513 960 a year to advertise liquor licence applications in terms of section 36, of which only R1 912 143 is included on the MTEC budget baseline. The remaining R2 601 817 has historically been funded from the roll-over of funds not spent in the previous financial years. The funds were not included in the MTEC budget baseline as they were regarded as a legislative inefficiency. The amendment in clause 14 will resolve the legislative inefficiency and result in a saving of about R1 500 000 from the MTEC budget baseline.

Furthermore, the Authority currently generates R1 129 577 from penalties on late payments of licence renewals. The amendments in clauses 28 and 29 will significantly reduce these penalties on the late payments of licence renewals resulting in own revenue losses estimated around R1 000 000. The revenue loss will be funded from the efficiency savings highlighted above. The legislative amendments will thus result in an estimated saving of R500 000 that will be available for other service delivery priorities of the Authority.

7. LEGISLATIVE COMPETENCE

The Provincial Minister responsible for liquor licences is satisfied that the provisions of the Draft Bill fall within the legislative competence of the Province.

PROVINSIALE KENNISGEWING

P.K. 112/2023

15 November 2023

ALGEMENE VERDUIDELIKENDE OPMERKING:

[] Woorde in vetdruk in vierkantige hake dui skappings uit bestaande wetgewing aan.

_____ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

WES-KAAPSE KONSEPDRANKWYSIGINGSWETSONTWERP, 2023

Tot wysiging van die Wes-Kaapse Drankwet, 2008 (Wet 4 van 2008), ten einde sekere woordskrywings te vervang en in te voeg; om voorsiening te maak vir die Owerheid om in sekere omstandighede die indiening van aansoeke om sekere lisensies te weier; om anders voorsiening te maak vir die aanstelling van plaasvervangende lede; om voorsiening te maak vir die onderrig en opleiding van bestuurders; om verder voorsiening te maak vir die instelling van komitees van die Dranklisensiëringstribunaal; om verder voorsiening te maak vir aangeleenthede wat aan komitees van die Dranklisensiëringstribunaal gedelegeer kan word; om voorsiening te maak vir die aanstelling van twee persone om as Appèltribunale op te tree; om anders voorsiening te maak vir die publikasie van kennisgewings van aansoeke om lisensies; om verder voorsiening te maak vir die oorweging van aansoeke deur die Dranklisensiëringstribunaal; om aan die Minister die bevoegdheid te verleen om regulasies te maak oor inligting wat deur die Dranklisensiëringstribunaal oorweeg moet word wanneer hy 'n aansoek om 'n lisensie oorweeg; om anders voorsiening te maak vir die kondoneringsbevoegdhede van die Dranklisensiëringstribunaal; om voorsiening te maak vir die oplegging van 'n fooi vir onderrig en opleiding volgens die direktief van die Dranklisensiëringstribunaal ten opsigte van die voorwaardelike toestaan van 'n lisensie; om verder voorsiening te maak vir aflewering van drank; om uit te klaar dat die verhuring van lisensies, die bedryf van besigheid ingevolge 'n lisensie en die gebruik van 'n gelisensieerde perseel slegs tussen lisensiehouers toegelaat word en om ten opsigte daarvan verder voorsiening te maak; om anders voorsiening te maak vir die bestuur van 'n gelisensieerde besigheid; om verder voorsiening te maak vir aansoeke om uitbreidings aan gelisensieerde persele uit te voer of om die aard van die gelisensieerde besigheid te verander; om verder voorsiening te maak ten opsigte van kinders; om verder voorsiening te maak vir die byhou deur lisensiehouers van rekords van drank wat verkoop is; om anders voorsiening te maak vir die outomatiese hernuwing van lisensies; om verder en anders voorsiening te maak vir aansoeke om die hernuwing van lisensies; om voorsiening te maak vir die oplegging van 'n fooi vir onderrig en opleiding volgens die direktief van die Dranklisensiëringstribunaal wanneer hy 'n aansoek om die oordrag van 'n lisensie toestaan; om verder en anders voorsiening te maak vir die verwydering van lisensies; om verder voorsiening te maak vir die beslissing oor appèlle en aansoeke om die hersiening van besluite; om voorsiening te maak vir voorbehouds- en oorgangsbepalings; om sekere teksverbeteringe aan te bring; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Parlement van die Wes-Kaap, soos volg:—

Wysiging van artikel 1 van Wet 4 van 2008, soos gewysig by artikel 2 van Wet 10 van 2010, artikel 1 van Wet 10 van 2010, artikel 1 van Wet 3 van 2015 en artikel 1 van Wet 5 van 2016

1. Artikel 1 van die Wes-Kaapse Drankwet, 2008 (Wet 4 van 2008) (die Hoofwet), word gewysig—

- (a) deur die omskrywing van “bestuurder” deur die volgende omskrywing te vervang:
 “**‘bestuurder’** ’n persoon of persone [wie se aanstelling] wat aangestel is as bestuurder [goedgekeur word] of bestuurders van ’n gelisensieerde besigheid of geag word ’n bestuurder van ’n gelisensieerde besigheid te wees ingevolge artikel 52[(1)];”;
- (b) deur die omskrywing van “drank” deur die volgende omskrywing te vervang:
 “**‘drank’** enige vloeistof of stof wat meer as [1] 0,5% alkohol per volume of massa bevat of bestem is om dit te bevat, maar **[sluit die volgende uit] nie ook die volgende nie:**
 (a) brandspiritus;
 (b) medisyne wat onderworpe is aan registrasie ingevolge die Wet op Medisyne en Verwante Stowwe, 1965 (Wet 101 van 1965); en
 (c) produkte wat nie vir menslike gebruik bedoel is nie;”;
- (c) deur die omskrywing van “hernuwingsfooi” deur die volgende omskrywing te vervang:
 “**‘hernuwingsfooi’** ’n fooi wat jaarliks of tweejaarliks betaalbaar is ten opsigte van ’n lisensie, uitgesonderd ’n tydelike dranklisensie of dranklisensie vir ’n geleentheid, ten einde die voortgesette geldigheid van die lisensie te verseker;”;
- (d) deur ná die omskrywing van “Hoof-Uitvoerende Beampte” die volgende omskrywing in te voeg:
 “**‘indien’** ook, met betrekking tot die indiening van dokumente aan die Owerheid, indiening per elektroniese kommunikasie soos beoog in die Wet op Elektroniese Kommunikasie en Transaksies, 2002 (Wet 25 van 2002);”;
- (e) deur die omskrywing van “Minister” deur die volgende omskrywing te vervang:
 “**‘Minister’** die lid van die Provinsiale Kabinet **[aan wie die administrasie van hierdie Wet opgedra is deur die Premier]** verantwoordelik vir dranklisensies in die Provinsie;” en
- (f) deur ná die omskrywing van “perseel” die volgende omskrywing in te voeg:
 “**‘persoon’** ook—
 (a) enige staatsorgaan;
 (b) enige maatskappy of beslote korporasie of as sodanig geregistreer kragtens enige wet;
 (c) enige liggaam van persone ingelyf of oningelyf; en
 (d) enige trust;”.

Wysiging van artikel 9 van Wet 4 van 2008, soos gewysig by artikel 10 van Wet 10 van 2010

2. Artikel 9 van die Hoofwet word gewysig—

(a) deur die volgende paragraaf ná paragraaf (b) in te voeg:

“(bA) om die indiening te weier van aansoeke om lisensies van die kategorie bedoel in artikel 33(1) wat nie in alle opsigte aan die voorgeskrewe vereistes vir ’n aansoek voldoen nie;” en

(b) deur in paragraaf (f) die woord “Appèltribunaal” deur die woord “Appèltribunale” te vervang.

Vervanging van opskrif van Hoofstuk 3 van Wet 4 van 2008, soos vervang by artikel 15 van Wet 10 van

3. Die opskrif van Hoofstuk 3 van die Hoofwet word deur die volgende opskrif vervang:

“DRANKLISENSIËRINGSTRIBINAAL EN
[APPÈLTRIBUNAAL] APPÈLTRIBUNALE”.

Wysiging van artikel 16 van Wet 4 van 2008, soos gewysig by artikel 2 van Wet 3 van 2015

4. Artikel 16 van die Hoofwet word gewysig—

(a) deur in paragraaf (d) van subartikel (1) die woorde “verantwoordelik vir gemeenskapsveiligheid in die Provinsie” te skrap;

(b) deur paragraaf (b) van subartikel (2A) deur die volgende paragraaf te vervang:

“(b) Die bepalinge van artikel 10(2), (3) en (6) is van toepassing, met die nodige veranderinge wat die samehang vereis, op ’n delegering ingevolge paragraaf (a).”;

(c) deur die vervanging van paragraaf (a) by subartikel (3A) van die volgende paragraaf:

“(a) Ondanks [subartikels] subartikel (1) [en (2)] mag die Raad [in oorleg met die Minister] te eniger tyd hoogstens vier geskikte persone as plaasvervangende lede aanstel om as lede van die Dranklisensiëringstribunaal [of ’n komitee daarvan] waar te neem op versoek van die Voorsittende Beampte in die omstandighede beoog in artikel 21(4) [of 24(2A)], of om deel te wees van ’n komitee van die Dranklisensiëringstribunaal vir die doeleindes van artikel 24(1).”;

(d) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Voordat ’n kandidaat as lid of plaasvervangende lid van die Dranklisensiëringstribunaal aangestel word, moet hy of sy ’n beëdigde verklaring aan die Raad voorlê waarin sodanige kandidaat verklaar dat hy of sy nie ingevolge artikel 17 gediskwalifiseer word nie.”; en

(e) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Die Raad mag, in oorleg met die Minister, te eniger tyd vra vir bewyse tot sy bevrediging van die voortgesette geskiktheid van enige lid of voorgestelde lid van die Dranklisensieringstribunaal of ’n plaasvervangende lid, of enige ondersoek of navraag in daardie verband doen of laat doen.”.

Wysiging van artikel 18 van Wet 4 van 2008, soos gewysig by artikel 18 van Wet 10 van 2010 en artikel 4 van Wet 3 van 2015

5. Artikel 18 van die Hoofwet word gewysig deur in subartikel (3) die woorde “verantwoordelik vir gemeenskapsveiligheid in die Provinsie” te skrap.

Wysiging van artikel 20 van Wet 4 van 2008, soos gewysig by artikel 20 van Wet 10 van 2010 en artikel 6 van Wet 3 van 2015

6. Artikel 20 van die Hoofwet word gewysig—

(a) deur paragraaf (f) van subartikel (1) word deur die volgende paragraaf vervang:

“(f) vertoë deur ’n lisensiehouer of ander belanghebbende oor die herroeping van die intrekking van ’n lisensie, behalwe die herroeping van die intrekking van ’n lisensie beoog in artikel 63(8), of die verwydering of wysiging van enige voorwaarde wat vir ’n lisensie opgelê is; [of]”;

(b) deur in paragraaf (fA) van subartikel (1) die woord “die” voor die woord Appèltribunaal deur die woord “’n” te vervang; en

(c) deur die volgende subartikel by te voeg:

“(8) Die Dranklisensieringstribunaal moet die onderrig en opleiding beoog in artikel 52(4)(c) bepaal.”.

Wysiging van artikel 21 van Wet 4 van 2008, soos gewysig by artikel 7 van Wet 3 van 2015

7. Artikel 21 van die Hoofwet word gewysig deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:

“(4)(a) Indien ’n lid van die Dranklisensieringstribunaal, behalwe die Voorsittende Beampte, afwesig is van ’n vergadering van die Dranklisensieringstribunaal of onbeskikbaar is om die vergadering by te woon en sodanige afwesigheid of onbeskikbaarheid tot gevolg het dat daardie vergadering nie ’n kworum het nie, [mag] moet die Voorsittende Beampte ’n plaasvervangende lid versoek om as ’n lid waar te neem in die plek van die lid wat afwesig of onbeskikbaar is.”.

Vervanging van artikel 24 van Wet 4 van 2008, soos gewysig by artikel 9 van Wet 3 van 2015

8. Artikel 24 van die Hoofwet word deur die volgende artikel vervang:

“Komitees van Dranklisen­siëringstribunaal

24. (1) Die Voorsittende Beampte mag een of meer komitees aanstel wat bestaan uit—

(a) die Voorsittende Beampte[**self**] of ’n Adjunk-Voorsittende Beampte; en

(b) een of meer van die volgende persone:

(i) [**enige**] ’n lid van die Dranklisen­siëringstribunaal [**of**];

(ii) [**enige**] ’n persoon wat ingevolge artikel 20(5) gekoöpteer is; en

(iii) ’n plaasvervangende lid.

(1A) Ondanks subartikel (7) en artikel 20(6), [**het**] mag ’n persoon gekoöpteer ingevolge artikel 20(5) wat [**as ’n lid**] deel is van ’n komitee [**ingevolge subartikel (1) aangestel is die reg om te**] stem by enige vergadering van die komitee wanneer die komitee enige funksie van die Dranklisen­siëringstribunaal [**beoog in artikel 89(7) en wat**] ingevolge subartikel (3)[(c)](b) na die komitee gedele­geer [**word**], verrig.

(2) ’n Komitee bestaan uit minstens drie persone.

(2A) [(a) Indien ’n lid van ’n komitee afwesig is van ’n vergadering van die komitee of onbeskikbaar is om die vergadering by te woon, mag die Voorsittende Beampte ’n plaasvervangende lid versoek om as ’n lid van die komitee in die plek van die lid wat afwesig is, waar te neem.

(b)] ’n Plaasvervangende lid wat [**aldus as ’n lid**] deel is van ’n komitee [**waarneem**], het die bevoegd­hede en pligte van ’n lid van die [**komitee**] Dranklisen­siëringstribunaal.

(3) Die Dranklisen­siëringstribunaal mag die funksies van die Dranklisen­siëringstribunaal—

(a) wat in artikels 20(1)(d), (e), (f), (fA) en (g), 20(3)(b), (c) en (d), [**52**] 53, 64, 65, 66 en 71 uiteengesit word; [**of**]

(b) wat in artikel 89(7) beoog word, aan ’n komitee dele­geer.

(4) Die Dranklisen­siëringstribunaal mag riglyne aan ’n komitee uitreik oor die uitoefening van ’n bevoegd­heid of die verrigting van ’n funksie deur hom aan die komitee gedele­geer.

(5) ’n Komitee moet in die uitoefening van ’n gedele­geerde bevoegd­heid of die verrigting van ’n gedele­geerde funksie voldoen aan die riglyne bedoel in subartikel (4).

(6) By die aanstelling van **[lede van]** ’n komitee moet die Voorsittende Beampte behoorlik ag slaan op die kennis, kundigheid en ervaring wat vereis word vir die aangeleentheid wat oorweeg moet word.

(7) ’n Komitee van die Dranklisensiëringstribunaal word beheer deur dieselfde prosedurereëls as dié wat op die Dranklisensiëringstribunaal van toepassing is.”

Vervanging van artikel 25 van Wet 4 van 2008, soos gewysig by artikel 21 van Wet 10 van 2010 en artikel 10 van Wet 3 van 2015

9. Artikel 25 van die Hoofwet word deur die volgende artikel vervang:

“[Appèltribunaal] Appèltribunale

25. (1) Die Minister moet, vir ’n termyn deur **[hom of haar]** die Minister bepaal, **[’n persoon]** twee persone, op ’n deelydse basis, aanstel met regs kwalifikasies gelykwaardig aan dié wat vir toelating as prokureur, of advokaat van die Hoë Hof van Suid-Afrika vereis word, en met ervaring in regspleging, om elk op te tree as ’n Appèltribunaal om te beslis oor appèlle teen of aansoeke om die hersiening van die besluite van—

- (a) die Dranklisensiëringstribunaal;
- (b) die Voorsittende Beampte; of
- (c) ’n Adjunk-Voorsittende Beampte wat funksies verrig wat deur die Voorsittende Beampte aan **[hom of haar]** daardie Adjunk-Voorsittende Beampte gedelegeer is.

(1A) By die beslissing van ’n appèl of aansoek om hersiening moet ’n Appèltribunaal wat ingevolge subartikel (1) aangestel is, ooreenkomstig artikel 68 optree, en enige besluit wat aldus geneem is, maak ’n besluit van die Appèltribunaal uit en is finaal.

(2) Die Minister moet die prosedure voorskryf wat deur **[die]** ’n Appèltribunaal gevolg moet word.”

Wysiging van artikel 26 van Wet 4 van 2008, soos gewysig by artikel 22 van Wet 10 van 2010

10. Artikel 26 van die Hoofwet word gewysig deur die woord “Appèltribunaal”, waar dit ook al voorkom, insluitend in die opskrif, deur die woord “Appèltribunale” te vervang.

Wysiging van artikel 27 van Wet 4 van 2008, soos gewysig by artikel 23 van Wet 10 van 2010 en artikel 11 van Wet 3 van 2015

11. Artikel 27 van die Hoofwet word gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die lede van die Raad en die Dranklisensieringstribunaal, die **[persoon]** persone wat aangestel word om as **[Appèltribunaal]** Appèltribunale op te tree, plaasvervangende lede en persone wat ingevolge artikel 11(1) of 20(5) gekoöpteer is, is geregtig om redelike besoldiging en toelaes te ontvang soos deur die Minister, in oorleg met die Minister verantwoordelik vir finansies in die Provinsie, bepaal.”.

Wysiging van artikel 30 van Wet 4 van 2008, soos gewysig by artikel 26 van Wet 10 van 2010 en artikel 12 van Wet 3 van 2015

12. Artikel 30 van die Hoofwet word gewysig—

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

“(1) Die fooie bedoel in artikel **[63(2) en (2B)]** 63(4)(a) en (b) moet in die Provinsiale Inkomstefonds gestort word.”;

(b) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

“(b) **[die]** boetes bedoel in artikels 46(6), 48(10), **[62(3), 63(4), 64(4)]** 63(8)(a) en (b), 64(7)(b), 65(19) [en 66(8)] en 66(11); en”;

(c) deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:

“(c) fooie bedoel in artikels 26(8), **[36(1)(e)]** 36(1C)(b), 38, 45, 46(2), 48(1), 48(4), 52(4)(c), 53(1), 53(1A), 59(7), 64(1), 64(4), 64(7)(a), 65(4), 65(14), 65(16), 66(2) en **[66(6)]** 66(9).”;

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

“(3) Die fooie bedoel in artikel 37(4)(a)**[(i) en (b)(i)]** moet aan die betrokke munisipaliteit betaal word.”; en

(e) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) **[Geen]** Behoudens artikel 63(12), is geen bedrag in hierdie artikel beoog **[is]** terugbetaalbaar nie.”.

Wysiging van artikel 36 van Wet 4 van 2008, soos gewysig by artikel 31 van Wet 10 van 2010

13. Artikel 36 van die Hoofwet word gewysig—

(a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

“’n Aansoek om ’n lisensie van ’n kategorie in artikel 33(1) bedoel, moet by die Owerheid gedoen word deur voor of op die voorgeskrewe datum die volgende by die Owerheid en by die aangewese drankbeampte in wie se regsgebied die gelisensieerde perseel geleë is in te dien[—];

(b) deur in subartikel (1) aan die einde van paragraaf (b) die woord “en” in te voeg;

- (c) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:
 “(d) ander inligting wat die Dranklisensiëringstribunaal nodig mag hê om te kan bepaal of die aansoeker aan die maatstawwe vir die toestaan van ’n lisensie voldoen of nie.”;
- (d) deur paragraaf (e) van subartikel (1) te skrap;
- (e) deur ná subartikel (1) die volgende subartikel in te voeg:
“(1A) Die Owerheid mag, ten opsigte van ’n aansoek beoog in subartikel (1)—
 (a) die indiening van die aansoek aanvaar indien dit in alle opsigte voldoen; of
 (b) die indiening van die aansoek weier indien dit, in enige opsig, versuim om te voldoen,
 aan die voorgeskrewe vereistes vir aansoeke.
 (1B) Indien die indiening geweier word, moet die Owerheid binne die voorgeskrewe tydperk die aansoek en al die dokumente wat in verband daarmee ingedien is, terugbesorg aan die betrokke persoon en die persoon skriftelik in kennis stel van die redes vir die weiering.
 (1C) Indien die Owerheid die indiening van die aansoek aanvaar—
 (a) moet die Owerheid die aansoeker en die aangewese drankbeampte in wie se regsgebied die voorgestelde gelisensieerde perseel geleë is, op die voorgeskrewe wyse en binne die voorgeskrewe tydperk van die aanvaarding van die indiening in kennis stel;
 (b) moet die aansoeker op die voorgeskrewe wyse en binne die voorgeskrewe tydperk die voorgeskrewe fooi aan die Owerheid betaal;
 (c) onderhewig aan die betaling van die voorgeskrewe fooi aan die Owerheid, moet die aansoeker ’n afskrif van die aansoek ingedien by die Owerheid by die aangewese drankbeampte in wie se regsgebied die voorgestelde gelisensieerde perseel geleë is, indien;
 (d) moet die aansoeker bewys van indiening by die aangewese drankbeampte beoog in paragraaf (b) tesame met bewys van betaling van die voorgeskrewe fooi op die voorgeskrewe wyse en binne die voorgeskrewe tydperk by die Owerheid indien; en
 (e) indien die aansoeker versuim om die stappe beoog in paragraaf (d) te doen, word die indiening geag ingevolge subartikel (1A)(b) geweier te wees en moet die Owerheid die aansoeker skriftelik in kennis stel van die versuim en die aansoek en alle dokumente wat in verband daarmee ingedien is, binne die voorgeskrewe tydperk aan die aansoeker terugbesorg.”;
- (f) deur subartikel (2) deur die volgende subartikel te vervang:
 “(2) Geen kennisgewing van indiening van ’n aansoek [om] vir ’n lisensie wat deur die Owerheid aanvaar is, mag gedurende die tydperk 1 Desember [en] tot 15 Januarie van die volgende jaar [geadvrteer] gepubliseer word nie.”; en

- (g) deur in subartikel (3) die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

“**[Deur]** Sodra die indiening van ’n aansoek [in te dien] aanvaar word, stem die aansoeker in dat enige lid van die Raad of gemagtigde werknemer van die Owerheid—”.

Vervanging van artikel 37 van Wet 4 van 2008, soos gewysig by artikel 32 van Wet 10 van 2010

14. Artikel 37 van die Hoofwet word deur die volgende artikel vervang:

“Kennisgewing van indiening van [aansoek] aansoeke

37. (1) Die Owerheid moet, in die voorgeskrewe vorm, binne die voorgeskrewe tydperk en in die drie amptelike tale van die Provinsie, kennisgewings op die webblad van die Owerheid publiseer van die indienings van die aansoeke wat deur die Owerheid aanvaar is en waar daar aan die vereistes van artikel 36(1C) voldoen is, **in die drie amptelike tale van die Provinsie publiseer in die *Provinsiale Koerant* en in ’n gemeenskapskoerant wat sirkuleer in die gebied waarin die voorgestelde gelisensieerde perseel geleë is, en waar daar geen sodanige gemeenskapskoerant is nie, in ten minste een ander koerant wat sirkuleer in die gebied waarin die betrokke perseel geleë is**.

(2) **[Die aansoeker]** ’n Aansoeker wie se indiening van aansoek aanvaar is, moet ’n kennisgewing, soos voorgeskryf, in die drie amptelike tale van die Provinsie op ’n opvallende plek op die voorgestelde gelisensieerde perseel vertoon sodat dit sigbaar is vir verbygangers: Met dien verstande dat die Dranklisensieëringstribunaal die nie-voldoening aan hierdie bepaling mag kondoneer by aanvoering van goeie redes.

(3) ’n Kennisgewing ingevolge subartikel (2) moet vir die voorgeskrewe tydperk vanaf die datum van **[indiening van die aansoek] versending van die kennisgewing beoog in artikel 36(1C)(a)** vertoon word.

(4) Die aangewese drankbeampte in wie se regsgebied die voorgestelde gelisensieerde perseel geleë is, moet binne die voorgeskrewe tydperk vanaf die datum van **[indiening van ’n aansoek] versending van die kennisgewing beoog in artikel 36(1C)(a)** ’n **[kennisgewing] afskrif** van die aansoek op die voorgeskrewe wyse aan die betrokke munisipaliteit beteken om die munisipaliteit in staat te stel om—

(a) **[waar artikel 36(1)(c) van toepassing is—**

(i) die publiek in staat te stel om toegang te hê tot die aansoek, insae daarin te verkry of, by betaling van die voorgeskrewe fooi, ’n afskrif daarvan te bekom;

[(ii)] (b) die kommentaar van die wyksraadslid te verkry;

[(iii)] (c) kommentaar te lewer oor die aansoek; en

[(iv)] (d) waar van toepassing, toe te laat om die oorweging van die beplanningsaansoek met betrekking tot die aansoek om 'n dranklisensie];
of

(b) waar artikel 36(1)(c) nie van toepassing is nie—

(i) die publiek in staat stel om toegang te hê tot die aansoek, insae daarin te verkry of, by betaling van die voorgeskrewe fooi, 'n afskrif daarvan te bekom;

(ii) die kommentaar van die wyksraadslid te verkry; en

(iii) kommentaar te lewer oor die aansoek.].

(5) Die aangewese drankbeampte in wie se regsgebied die voorgestelde gelisensieerde perseel geleë is, moet[**of**] **en** die munisipaliteit mag, binne die voorgeskrewe tydperk, kennis van die aansoek gee aan die—

(a) naburige inwoners of die persone of instellings wat na [sy of haar oordeel] die mening van die aangewese drankbeampte of die munisipaliteit geraak mag word deur of 'n belang mag hê by die toestaan of weiering van die aansoek; [en]

(b) die gemeenskapspolisiëringsforum, [as daar een is] indien enige, van die gebied waarin die voorgestelde gelisensieerde perseel geleë is; en

(c) die belastingbetalersvereniging, indien enige, van die gebied waarin die voorgestelde gelisensieerde perseel geleë is; en

(d) die persone en instellings bedoel in artikel 34(1)(e), indien enige, in die gebied waarin die voorgestelde gelisensieerde perseel geleë is.

[(6) Nieteenstaande subartikel (1), waar 'n aansoeker aan artikel 36(1)(c) moet voldoen, word die kennisgewing wat ingevolge die toepaslike beplanningswetgewing gedoen is, geag te voldoen aan die kennisgewingvereistes ingevolge hierdie artikel: Met dien verstande dat die Dranklisensieërings-tribunaal sodanige bykomende kennisgewing kan vereis sover dit toepaslik is.]”.

Vervanging van artikel 38 van Wet 4 van 2008, soos vervang by artikel 33 van Wet 10 van 2010

15. Artikel 38 van die Hoofwet word deur die volgende artikel vervang:

“Aansoeke ter insae by Owerheid

38. (1) Die Owerheid moet, binne die voorgeskrewe tydperk [ná] nadat hy die indiening van 'n aansoek[bedoel in] ingevolge artikel 36 [by hom ingedien is] aanvaar het, die publiek in staat stel om by die kantore van die Owerheid toegang te kry tot, insae te hê in of, teen betaling van die voorgeskrewe fooi, 'n afskrif te verkry van die aansoek en enige dokumente wat in verband daarmee ingedien is.”.

Wysiging van artikel 39 van Wet 4 van 2008, soos gewysig by artikel 34 van Wet 10 van 2010

16. Artikel 39 van die Hoofwet word gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) ’n Afskrif van die vertoë, uitgesonderd die besonderhede bedoel in subartikel (5)(b), moet deur die persoon wat die vertoë rig, beteken word aan die aansoeker of sy of haar verteenwoordiger.”.

Wysiging van artikel 40 van Wet 4 van 2008, soos gewysig by artikel 35 van Wet 19 van 2010

17. Artikel 40 van die Hoofwet word gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) sy besluit ten opsigte van die beplanningsaansoek bedoel in artikel 36(1)[(c)](b), waar van toepassing;”.

Wysiging van artikel 41 van Wet 4 van 2008, soos gewysig by artikel 14 van Wet 3 van 2015

18. Artikel 41 van die Hoofwet word deur die volgende artikel vervang:

“Oorweging van aansoeke

41. (1) Die Dranklisensieringstribunaal of die Voorsittende Beampte [mag]—

(a) moet, by die oorweging van ’n aansoek, kennis neem van die volgende—:

[(a)](i) die aansoek en enige verslag wat in antwoord daarop ingedien is;

[(b)](ii) vertoë ten gunste van of teen die aansoek, enige antwoord op vertoë teen aansoeke en enige ander dokument of artikel wat met betrekking tot die aansoek ingedien is; [en

(c)](iii) [behoudens artikel 23(9)—

(i)] die nabyheid van die voorgestelde gelisensieerde perseel aan ’n onderneming wat die besigheid van ’n diensstasie bedryf wat petrol, diesel of ander petroleumprodukte aan die publiek verkoop; [en

(ii)] (iv) enige inligting soos wat deur die Minister voorgeskryf mag word; en

(b) mag, by die oorweging van ’n aansoek, kennis neem van enige ander aangeleentheid wat na die Dranklisensieringstribunaal of Voorsittende Beampte se mening in aanmerking geneem [moet] behoort te word.

(2) Indien—

(a) ’n aansoek[,] waarvan die Owerheid ooreenkomstig artikel 36(1A) die indiening aanvaar het, of ’n gepaardgaande dokument, ondanks die feit dat die aansoek in alle opsigte aan die voorgeskrewe vereistes vir aansoeke

voldoen, gebrekkig is in 'n ander opsig [vertoë of 'n verslag in enige opsig gebrekkig is of indien enige persoon versuim om enige dokument in te dien of om by 'n redelike tydperk of tydsbeperking te hou], mag die Dranklisensiëringstribunaal [die gebrek of versuim kondoneer indien daar wesentliche voldoening aan hierdie Wet was en] indien dit onwaarskynlik is dat [sodanige] kondonering daarvan enige persoon sal benadeel; of

(b) vertoë of 'n verslag in enige opsig gebrekkig is, of indien enige persoon versuim om enige dokument buiten 'n dokument beoog in paragraaf (a) in te dien, of versuim om by 'n redelike tydperk behalwe die tydperke bedoel in subartikel 36(1C) te hou, mag die Dranklisensiëringstribunaal, indien daar wesentliche voldoening aan hierdie Wet is en indien kondonering daarvan waarskynlik geen persoon sal benadeel nie,'

die gebrek of versuim kondoneer.".

Vervanging van artikel 45 van Wet 4 van 2008

19. Artikel 45 van die Hoofwet word deur die volgende artikel vervang:

“Onderrig en opleiding

45. Die dranklisensiëringstribunaal moet, wanneer 'n lisensie voorwaardelik toegestaan word, gelas dat die lisensie nie uitgereik mag word nie totdat die aansoeker of 'n werknemer of werknemers van die aansoeker, by betaling van die voorgeskrewe fooi, die opleiding en onderrig ondergaan het wat deur die Dranklisensiëringstribunaal vereis word.".

Wysiging van artikel 48 van Wet 4 van 2008, soos vervang by artikel 16 van Wet 3 van 2015

20. Artikel 48 van die Hoofwet word gewysig deur subartikel (12) deur die volgende subartikel te vervang:

“(12) Die Voorsittende Beampte mag nie 'n tydelike dranklisensie of dranklisensie vir 'n geleentheid toestaan nie tensy 'n bestuurder vir die betrokke gelisensieerde besigheid aangestel is [**en die aanstelling**] ingevolge artikel 52 [**goedgekeur is**].”.

Wysiging van artikel 50 van Wet 4 van 2008

21. Artikel 50 van die Hoofwet word gewysig—

(a) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

“(d) waar die hoeveelheid drank wat aangekoop word, bó die voorgeskrewe drempel is, moet die koper—

(i) (aa) sy of haar geldige identiteitsdokument of -kaart, geldige rybewys, geldige paspoort of enige ander geldige vorm van

fotografiese identifikasie wat sy of haar identiteitsnommer of geboortedatum bevat; [en]

(bb) bewys van adres; en

(cc) die toestemming beoog in artikel 60(2),

toon[,]; en

(ii) kontakbesonderhede verskaf, soos voorgeskryf.”; en

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

“(2) Versuim deur **[die]** ’n lisensiehouer, insluitend die houer van ’n tydelike dranklisensie of ’n dranklisensie vir ’n geleentheid, om te voldoen aan ’n voorwaarde in subartikel (1) beoog, is ’n misdryf.”.

Wysiging van artikel 51 van Wet 4 van 2008, soos gewysig by artikel 40 van Wet 10 van 2010 en artikel 17 van Wet 3 van 2015

22. Artikel 51 van die Hoofwet word gewysig—

(a) deur in die opskrif die woorde “en verhuring van gelisensieerde perseel” te skrap;

(b) deur subartikels (7), (7A), (8) en (8A) te skrap; en

(c) deur subartikel (9) deur die volgende subartikel te vervang:

“(9) ’n Oortreding van, of versuim om te voldoen aan, subartikel (1) **[of (7)]** is ’n misdryf.”.

Invoeging van artikel 51A in Wet 4 van 2008

23. Die volgende artikel word ná artikel 51 ingevoeg:

“Verhuring van lisensie, besigheid bedryf ooreenkomstig lisensie en gebruik van gelisensieerde perseel

51A. (1) ’n Lisensiehouer mag nie—

(a) die lisensie aan ’n ander persoon verhuur nie;

(b) ’n ander persoon toelaat om besigheid ooreenkomstig die lisensie te bedryf nie;

(c) ’n ander persoon toelaat om die gelisensieerde perseel te gebruik nie, tensy die lisensiehouer, op aansoek, vooraf die skriftelike toestemming van die Voorsittende Beampte bekom het.

(2) Die Voorsittende Beampte kan ’n aansoek ingevolge subartikel (1) toestaan, onderhewig aan die voorwaardes wat die Voorsittende Beampte mag oplê, slegs indien die ander persoon—

(a) aan wie die lisensiehouer van voorneme is om die lisensie te verhuur;

(b) wat van voorneme is om besigheid ooreenkomstig die lisensie te bedryf;

(c) wat van voorneme is om die gelisensieerde perseel te gebruik, ook ’n lisensiehouer is met dieselfde kategorie lisensie as die lisensiehouer.

(3) Die aangewese drankbeampte moet, binne die voorgeskrewe tydperk, ’n verslag by die Owerheid indien rakende ’n aansoek bedoel in subartikel (1) en kan

daarin enige aangeleentheid insluit wat die aangewese drankbeampte as tersaaklik tot die aansoek ag.

(4) 'n Oortreding van of versuim om te voldoen aan subartikel (1) is 'n misdryf.''

Vervanging van artikel 52 van Wet 4 van 2008, soos gewysig by artikel 18 van Wet 3 van 2015

24. Die volgende artikel vervang artikel 52 van die Hoofwet:

Bestuur

52. (1) 'n Lisensiehouer, of 'n aansoeker om 'n lisensie, moet, tensy die lisensiehouer of aansoeker 'n natuurlike persoon is, minstens een persoon wat 'n natuurlike persoon is, op die voorgeskrewe wyse as bestuurder van die gelisensieerde besigheid aanstel.

(2) 'n Lisensiehouer of aansoeker wat 'n natuurlike persoon is, word geag 'n bestuurder van die betrokke gelisensieerde besigheid te wees.

(3) 'n Lisensiehouer of aansoeker beoog in subartikel (2) mag, ondanks subartikel (2), te eniger tyd en op die voorgeskrewe wyse, minstens een persoon wat 'n natuurlike persoon is as bestuurder van die gelisensieerde besigheid aanstel.

(4) 'n Lisensiehouer of aansoeker om 'n lisensie mag nie 'n persoon as bestuurder aanstel of mag nie ingevolge subartikel (2) geag word 'n bestuurder te wees nie tensy daardie persoon, lisensiehouer of aansoeker, na gelang van die geval—

- (a) in die Provinsie woonagtig is;
- (b) nie daarvan gediskwalifiseer is om 'n dranklisensie ingevolge artikel 35 te hou nie;
- (c) behoudens subartikel (5), by betaling van die voorgeskrewe fooi, die onderrig en opleiding wat die Dranklisensieëringstribunaal bepaal, suksesvol voltooi het; en
- (d) van goeie karakter is.

(5) 'n—

- (a) Houer beoog in artikel 48 van 'n tydelike dranklisensie of 'n dranklisensie vir 'n geleentheid;
- (b) Voorgestelde lisensiehouer aan wie toestemming ingevolge artikel 65(5) verleen is;
- (c) Persoon wat vir 'n tydelike dranklisensie, of dranklisensie vir 'n geleentheid beoog in artikel 48 aansoek doen; of
- (d) Voorgestelde lisensiehouer bedoel in artikel 65(3),

word nie vereis om aan subartikel (4)(c) te voldoen nie.

(6) Die Owerheid moet, binne die voorgekrewe tydperk ná die suksesvolle voltooiing van die onderrig en opleiding bedoel in subartikel (4)(c), en by betaling van die voorgeskrewe fooi, 'n sertifikaat uitreik aan die persoon wat die onderrig en

opleiding suksesvol voltooi het wat aandui dat daardie persoon die onderrig en opleiding suksesvol voltooi het.

(7) Die sertifikaat moet in die voorgeskrewe vorm wees en die volgende inligting bevat:

- (a) die naam van die bestuurder of bestuurders, na gelang van die geval, van die gelisensieerde besigheid; en
- (b) die datum waarop die bestuurder of bestuurders, na gelang van die geval, van die gelisensieerde besigheid die opleiding beoog in subartikel (4)(c) voltooi het.

(8) 'n Lisensiehouer moet die sertifikaat in die drie amptelike tale van die Provinsie op 'n prominente plek by die gelisensieerde perseel vertoon sodat dit vir die publiek sigbaar is.

(9) 'n Bestuurder wat ingevolge hierdie artikel aangestel is, is verantwoordelik vir die bestuur van die besigheid en is aan dieselfde pligte, verpligtinge en aanspreeklikhede as die lisensiehouer onderhewig.

(10) Die aanstelling van 'n bestuurder ingevolge hierdie artikel stel nie die lisensiehouer vry van enige plig, verpligting of aanspreeklikheid wat by hierdie Wet of ingevolge die voorwaardes van die lisensie aan hom of haar opgelê is nie.

(11) Indien 'n persoon wat as 'n bestuurder aangestel is, ophou om die gelisensieerde besigheid te bestuur of gediskwalifiseer word om dit te doen en die gelisensieerde besigheid gevolglik sonder 'n bestuurder gelaat word, moet die lisensiehouer, indien die lisensiehouer nie 'n natuurlike persoon is nie, binne dertig (30) dae en ooreenkomstig hierdie artikel 'n bestuurder in die persoon se plek aanstel.

(12) Indien 'n lisensiehouer versuim om aan subartikel (11) te voldoen, kan die lisensie kragtens artikel 20(3)(b)(ii) ingetrek word, ingevolge artikel 20(3)(b)(iii) opgeskort word, of ingevolge artikel 48(13)(c) opgeskort of ingetrek word, na gelang van die geval, of kan 'n toestemming beoog in artikel 65(5) ingevolge artikel 65(6) ingetrek word.

(13) 'n Oortreding van subartikel (1), (4) of (8) is 'n misdryf.

(14) In hierdie artikel beteken—

- (a) “lisensiehouer” ook 'n voorgestelde lisensiehouer aan wie toestemming beoog in artikel 65(5) verleen is, en 'n houër van 'n tydelike dranklisensie of 'n dranklisensie vir 'n geleentheid beoog in artikel 48, uitgesonderd 'n houër van 'n tydelike dranklisensie in die omstandighede beoog in artikel 52(12);
- (b) “aansoeker” 'n persoon wat aansoek doen om 'n lisensie bedoel in artikel 33 en 'n voorgestelde lisensiehouer bedoel in artikel 65(3); en
- (c) “lisensie” 'n toestemming insluit wat ingevolge artikel 65(5) verleen is, maar nie ook 'n tydelike dranklisensie beoog in artikel 52(12) nie.”

Vervanging van artikel 53 van Wet 4 van 2008, soos gewysig by artikel 41 van Wet 10 van 2010

25. Artikel 53 van die Hoofwet word deur die volgende artikel vervang:

“Verandering aan gelisensieerde perseel of aard van besigheid

53. (1) Behalwe met die voorafverkreë skriftelike toestemming van die Voorsittende Beampte, wat verleen is op aansoek in die voorgeskrewe vorm en by betaling van die voorgeskrewe fooi, by die Owerheid en die aangewese drankbeampte in wie se regsgebied die gelisensieerde perseel geleë is, mag ’n lisensiehouer nie—

(a) enige strukturele verandering, aanbouing[,] of verbouing [of uitbreiding] van of aan die gelisensieerde perseel uitvoer nie;

[(b) die aard van die besigheid ten opsigte waarvan die lisensie toegestaan is, wesenlik verander van dié soos beskryf in die aansoek wat deur die Dranklisensieringstribunaal oorweeg is toe die lisensie toegestaan is nie;] of

(c) sy of haar besigheid kragtens die lisensie nie bedryf op ’n perseel waarop enige ander besigheid, met inbegrip van ’n besigheid waarop enige ander lisensie betrekking het, bedryf word, of enige handel gedryf of beroep beoefen word nie, tensy die Voorsittende Beampte, te eniger tyd wanneer die aangeleentheid na sy of haar oordeel met reg geopper kan word, in ’n bepaalde geval anders bepaal.

(1A) Behalwe met die voorafverkreë skriftelike toestemming verleen deur die Dranklisensieringstribunaal op aansoek by die Owerheid en die aangewese drankbeampte in wie se regsgebied die gelisensieerde perseel geleë is, in die voorgeskrewe vorm en by betaling van die voorgeskrewe fooi, mag ’n lisensiehouer nie—

(a) enige uitbreiding van of aan die gelisensieerde perseel uitvoer nie; of

(b) die aard van die besigheid ten opsigte waarvan die lisensie toegestaan is, wesenlik verander van wat beskryf is in die aansoek wat die Dranklisensieringstribunaal oorweeg het toe hy die lisensie toegestaan het nie.

(2A) Die aangewese drankbeampte moet—

(a) ten opsigte van ’n aansoek beoog in subartikel (1)(a) of (c), binne die voorgeskrewe tydperk, ’n verslag betreffende [’n aansoek in subartikel (1) bedoel] die betrokke aansoek by die Owerheid indien en mag enige ander aangeleentheid wat die aangewese drankbeampte as tersaaklik vir die aansoek beskou, daarby insluit;

(b) ten opsigte van ’n aansoek beoog in subartikel (1A)(a) of (b), binne die voorgeskrewe tydperk—

(i) kennis van die aansoek gee aan—

- (aa) naburige inwoners of die persone of instellings wat na sy of haar oordeel geraak kan word deur of 'n belang kan hê by, die toestaan of weiering van die aansoek;
 - (bb) die gemeenskapspolisiëringsforum, indien enige, van die gebied waarin die gelisensieerde besigheid geleë is;
 - (cc) die belastingbetalersvereniging, indien enige, van die gebied waarin die gelisensieerde perseel geleë is; en
 - (dd) die persone en instellings bedoel in artikel 34(1)(e), indien enige, in die gebied waarin die gelisensieerde perseel geleë is; en
- (ii) 'n afskrif van die betrokke aansoek op die voorgeskrewe wyse aan die betrokke munisipaliteit beteken sodat die munisipaliteit—
- (aa) die kommentaar van die wyksraadslid kan bekom; en
 - (bb) op die aansoek kommentaar kan lewer.

(2B) 'n Persoon of instelling beoog in subartikel (2A)(b)(i) wat 'n belang het in die toestaan of weiering van 'n aansoek om toestemming beoog in subartikel (1A)(a) of (b), mag, binne die voorgeskrewe tydperk, skriftelike vertoë aan die Dranklisensieringstribunaal rig ten gunste van of teen die toestaan van die aansoek.

(2C) Die bepalinge van artikel 39(2) tot (6) is van toepassing, met die nodige veranderinge vereis deur die samehang, op die indiening van vertoë ingevolge subartikel (2B).

(2D) Die Dranklisensieringstribunaal moet, wanneer hy 'n aansoek oorweeg wat ingevolge subartikel (1A)(a) of (b) gedoen is, kennis neem van die volgende:

- (a) die aansoek en enige verslag wat in antwoord daarop in gediën is;
- (b) vertoë ten gunste van of teen die aansoek en enige antwoord op die vertoë teen die aansoek;
- (c) enige ander dokument wat met betrekking tot die aansoek ingediën is.

(2E) Die Dranklisensieringstribunaal of die Voorsittende Beampte mag, by oorweging van 'n aansoek wat ingevolge hierdie artikel gedoen is, kennis neem van enige aangeleentheid wat na die mening van die Dranklisensieringstribunaal of die Voorsittende Beampte, na gelang van die geval, in aanmerking geneem behoort te word.

(3) [**n Goedkeuring**] Die toestemming van die Voorsittende Beampte ingevolge subartikel (1)(a) of die toestemming van die Dranklisensieringstribunaal ingevolge subartikel (1A)(a), na gelang van die geval, mag nie uitgereik word nie voordat die aansoeker binne die voorgeskrewe tydperk bewys ten genoë van die Voorsittende Beampte of Dranklisensieringstribunaal, na gelang van die geval, ingediën het dat hy of sy die reg het om die betrokke perseel vir die doel soos in die betrokke aansoek beoog, te verander of uit te brei, na gelang van die geval.

(4) 'n Oortreding van, of versuim om te voldoen aan, subartikel (1) of (1A) is 'n misdryf.''

Vervanging van artikel 54 van Wet 4 van 2008, soos gewysig by artikel 42 van Wet 10 van 2010

26. Artikel 54 van die Hoofwet word deur die volgende artikel vervang:

“Kinders

54. (1) Geen persoon mag drank aan ’n persoon onder die ouderdom van agtien (18) jaar verkoop indien hy of sy weet of redelikerwys behoort te geweet het dat die persoon aan wie die drank verkoop word onder die ouderdom van agtien (18) jaar is.

(2) Geen persoon mag drank aan ’n persoon onder die ouderdom van agtien (18) gee of verskaf of so ’n persoon in sy of haar sorg of onder sy of haar bewaring toelaat om drank te verbruik nie indien hy of sy weet of redelikerwys behoort te geweet het dat die persoon aan wie drank gegee of verskaf is of wat drank verbruik, onder die ouderdom van agtien (18) jaar is, behalwe waar dit gegee word met die oog op aanbidding as deel van die deelname aan of viering van ’n godsdienstige geleentheid.

(3) ’n Lisensiehouer of ’n bestuurder, na gelang van die geval, mag nie ’n persoon onder die ouderdom van agtien (18) jaar toelaat om drank op die gelisensieerde perseel te verbruik nie indien die lisensiehouer of bestuurder weet of redelikerwys behoort te geweet het dat sodanige persoon onder die ouderdom van agtien (18) jaar is.

(4) ’n Lisensiehouer of ’n bestuurder, na gelang van die geval, mag nie ’n persoon onder die ouderdom van agtien (18) jaar toelaat om in ’n deel van ’n gelisensieerde perseel te wees waarin daardie persoon ingevolge hierdie Wet of ingevolge ’n voorwaarde van ’n lisensie nie mag wees nie indien die lisensiehouer of bestuurder weet of redelikerwys behoort te geweet het dat sodanige persoon onder die ouderdom van agtien (18) jaar is.

(5) ’n Persoon onder die ouderdom van atien (18) jaar mag nie drank strydig met hierdie Wet verkry of verbruik nie, of enige persoon mislei met betrekking tot sy of haar ouderdom ten einde drank te verkry of te verbruik of om toegang te verkry tot dele van ’n gelisensieerde perseel wat daardie persoon ingevolge hierdie Wet of ’n voorwaarde van ’n lisensie nie mag binnegaan nie.

(5A) 'n Lisensiehouer of 'n bestuurder, na gelang van die geval, moet, indien hy of sy redelikerwys glo dat 'n persoon, in die omstandighede beoog in subartikel (3) en (4) onder die ouderdom van agtien (18) jaar is of indien 'n persoon blyk onder die ouderdom van agtien (18) jaar te wees, versoek dat daar die persoon een van die volgende verskaf:

- (a) sy of haar geldige identiteitsdokument of -kaart;
- (b) sy of haar geldige rybewys;
- (c) sy of haar geldige paspoort; of
- (d) enige ander geldige vorm van fotografiese identifikasie wat sy of haar identiteitsnommer of geboortedatum bevat,

om die persoon se ouderdom te verifieer.

(5B) Vir die doeleindes van hierdie artikel, behoort 'n persoon redelikerwys 'n feit te weet indien die gevolgtrekkings wat hy of sy redelikerwys behoort te bereik dié was wat 'n redelikerwys toegewyde en oplettende persoon sou bereik het, wat beskik oor beide—

- (a) die algemene kennis, vaardighede, opleiding en ondervinding wat redelikerwys van 'n persoon in sy of haar posisie verwag kan word; en
- (b) die algemene kennis, vaardighede, opleiding en ondervinding waaroor hy of sy werklik beskik.

(6) Enige oortreding van, of versuim om te voldoen aan, subartikel (1), (2), (3), (4) [of], (5) of (5A) is 'n misdryf'.

Vervanging van artikel 60 van Wet 4 van 2008, soos gewysig by artikel 21 van Wet 3 van 2015

27. Artikel 60 van die Hoofwet word deur die volgende artikel vervang:

“Hoeveelheid drank verkoop en hou van rekords

60. (1) 'n Lisensiehouer—

- (a) insluitende 'n houer van 'n tydelike dranklisensie, moet op die voorgeskrewe wyse 'n rekord hou en by die Owerheid indien van alle drank wat verkoop is **[vir verbruik buite die gelisensieerde perseel]**;
- (b) insluitende 'n houer van 'n tydelike dranklisensie, moet die voorgeskrewe inligting met betrekking tot die kleinhandelverkoop van drank hou en by die Owerheid indien;
- (c) wat gemagtig is om drank te mikrovervaardig ingevolge 'n lisensie bedoel in artikel 33(1)(a), moet ook op die voorgeskrewe wyse 'n rekord hou en by die Owerheid indien van alle drank wat vervaardig is.

(1A) Die Minister moet die vorm en aard van die inligting beoog in subartikel (1)(a), (b) en (c) voorskryf, die tydperk waarvoor die inligting behou moet word en hoe gereeld die inligting ingedien moet word, en mag anders voorskryf vir verskillende kategorieë lisensies.

(2) Geen persoon, behalwe die lisensiehouer, insluitende die houer van ’n tydelike dranklisensie of dranklisensie vir ’n geleentheid, mag meer drank as ’n hoeveelheid wat die Minister voorskryf, koop, **[en ’n lisensiehouer mag]** of aan **[geen] een** persoon op een enkele dag vir verbruik weg van die gelisensieerde perseel, meer drank as ’n hoeveelheid, wat die Minister kan voorskryf, verkoop[,] sonder die voorafverkreë skriftelike toestemming van die Voorsittende Beampte nie.

(4) ’n Oortreding van, of versuim om te voldoen aan subartikel (1) of (2) is ’n misdryf.”.

Wysiging van artikel 62 van Wet 4 van 2008, soos gewysig by artikel 44 van Wet 10 van 2010 en artikel 22 van Wet 3 van 2015

28. Artikel 62 van die Hoofwet word gewysig—

- (a) deur die vervanging van paragraaf (b) van subartikel (2) deur die volgende paragraaf:
 “(b) op 1 Januarie van die toepaslike jaar **[ten opsigte waarvan die voorgeskrewe toepaslike fooie nie voor of op 31 Desember van die voorafgaande jaar betaal is nie]** beoog in artikel 63(2).”;
- (b) deur in subartikel (2) aan die einde van paragraaf (d) die woord “of” te skrap;
- (c) deur paragraaf (e) van subartikel (2) deur die volgende paragraaf te vervang:
 “(e) op die datum waarop dit ingevolge artikel 89 in ’n ander lisensie omgeskakel word; of”;
- (d) deur in subartikel (2) ná paragraaf (e) die volgende paragraaf in te voeg:
 “(f) op die datums beoog in artikel 64(3), (5) en (8).”;
- (e) deur paragraaf (a) van subartikel (3) te skrap;
- (f) deur subartikel (5) deur die volgende subartikel te vervang:
 “(5) Die intrekking van ’n lisensie ingevolge subartikel (4) **[verval]** word herroep by ontvangs deur die Voorsittende Beampte van bewys dat die gelisensieerde perseel nie deur die lisensiehouer geabandonneer is nie of weer deur dieselfde lisensiehouer gebruik word.”; en
- (g) deur die woord “die” voor die woord “Appèltribunaal”, waar dit ook al voorkom, deur die woord “’n” te vervang.

Wysiging van artikel 63 van Wet 4 van 2008, soos vervang by artikel 23 van Wet 3 van 2015

29. Die volgende artikel word vervang deur artikel 63 van die Hoofwet:

“Outomatiese hernuwing van lisensies

63. (1) ’n Lisensiehouer mag, op die voorgeskrewe wyse, inteken op of ’n jaarlikse hernuwingsiklus of ’n tweejaarlikse hernuwingsiklus van die lisensie.

(2) Indien ’n lisensiehouer inteken op—

- (a) ’n jaarlikse hernuwingsiklus moet die lisensiehouer die Owerheid die voorgeskrewe jaarlikse hernuwingsfooie betaal teen 31 Desember van die jaar wat die jaar voorafgaan waarin die lisensie hernu moet word; of

(b) 'n tweejaarlikse hernuwingsiklus, moet die lisensiehouer die Owerheid die voorgeskrewe tweejaarlikse hernuwingsfooi betaal teen 31 Desember van die jaar wat die eerste jaar van die tweejaartydperk waarbinne die lisensie hernu moet word voorafgaan.

(3) Die Owerheid kan 'n jaarlikse of tweejaarlikse hernuwingskennisgewing uitreik, na gelang van die geval, in die voorgeskrewe vorm, teen nie later nie as 31 Oktober van die jaar wat die jaar voorafgaan waarin die lisensie hernu moet word.

(4) By betaling van die volle bedrag van die voorgeskrewe jaarlikse of tweejaarlikse hernuwingsfooi, na gelang van die geval, word die lisensie outomaties hernu—

(a) ten opsigte van 'n jaarlikse hernuwingsiklus, tot en met 31 Desember van die jaar waarvoor die jaarlikse hernuwingsfooi betaal is; of

(b) in die geval van 'n tweejaarlikse hernuwingsiklus, tot en met 31 Desember van die tweede jaar van die tweejaartydperk ten opsigte waarvan die tweejaarlikse hernuwingsfooi betaal is.

(5) Indien 'n lisensiehouer versuim om die volle bedrag van die voorgeskrewe hernuwingsfooi te betaal of die volle bedrag van enige toepaslike boete bedoel in subartikel (8) maar 'n gedeelte van die fooi of boete betaal, word die gedeeltelike betaling van die fooi of boete beskou as nie-betaling van die fooi of boete.

(6) Die lisensiehouer word nie vrygestel van sy of haar verpligting om die voorgeskrewe hernuwingsfooi stiptelik te betaal indien die kennisgewing bedoel in subartikel (3) nie gestuur is aan of ontvang is deur die lisensiehouer nie.

(7) Die lisensie van 'n lisensiehouer wat versuim om die volle bedrag van die voorgeskrewe jaarlikse of tweejaarlikse hernuwingsfooi te betaal, na gelang van die geval, teen die datums beoog in subartikel (2)(a) of (b), word outomaties ingetrek, behoudens subartikel (8), vir 'n tydperk van ses maande vanaf 1 Januarie van die jaar waarvoor die voorgeskrewe fooi betaal moes wees.

(8) 'n Lisensiehouer wie se lisensie ingetrek word ingevolge subartikel (7) kan die intrekking ongedaan maak deur aan die Owerheid die volgende te betaal:

(a) indien die lisensiehouer op 'n jaarlikse hernuwingsiklus ingeteken het—

(i) die volle bedrag van die voorgeskrewe jaarlikse hernuwingsfooi en 'n boete van 50% van die volle bedrag van die voorgeskrewe jaarlikse hernuwingsfooi voor of op 1 Maart; of

(ii) die volle bedrag van die voorgeskrewe jaarlikse hernuwingsfooi en 'n boete van 100% van die volle bedrag van die voorgeskrewe jaarlikse hernuwingsfooi voor of op 1 Junie,

van die jaar ten opsigte waarvan die voorgeskrewe jaarlikse hernuwingsfooi betaal moes wees; of

(b) indien die lisensiehouer op die tweejaarlikse hernuwingsiklus ingeteken het—

(i) die volle bedrag van die voorgeskrewe tweejaarlikse hernuwingsfooi en 'n boete van 50% van helfte van die volle bedrag van die voorgeskrewe tweejaarlikse hernuwingsfooi voor of op 1 Maart; of

(ii) die volle bedrag van die voorgeskrewe tweejaarlikse hernuwingsfooi en 'n boete van 100% van helfte van die volle bedrag van die voorgeskrewe tweejaarlikse fooi voor of op 1 Junie, van die eerste jaar van die tweejaartydperk ten opsigte waarvan die voorgeskrewe tweejaarlikse hernuwingsfooi betaal moes wees.

(9) 'n Lisensiehouer wie se lisensie opgeskort is ingevolge subartikel (7) mag ooreenkomstig die lisensie nie tydens die tydperk van intrekking drank verkoop nie.

(10) Die intrekking van 'n lisensie word outomaties teruggetrek op die datum van betaling deur die betrokke lisensiehouer van die volle bedrag van die toepaslike voorgeskrewe hernuwingsfooi en die volle bedrag van die toepaslike boete bedoel in subartikel (8), en die lisensiehouer mag daarna ingevolge die lisensie drank verkoop.

(11) Indien 'n lisensiehouer versuim om die volle bedrag van die toepaslike voorgeskrewe hernuwingsfooi en die volle bedrag van die toepaslike boete te betaal subartikel (8) teen die datum bedoel in subartikel (8)(a)(ii) en 8(b)(ii) word die lisensie geag te verval op 1 Januarie van die jaar ten opsigte waarvan die toepaslike voorgeskrewe hernuwingsfooi betaal moes wees.

(12) Indien 'n lisensiehouer versuim om die volle bedrag van die toepaslike voorgeskrewe hernuwingsfooi of die volle bedrag van die toepaslike boete te betaal teen die datum waarna in subartikel (8)(a)(ii) en 8(b)(ii) verwys word, moet enige gedeeltelike betaling van die fooi of boete deur die Owerheid aan die lisensiehouer terugbetaal word nadat die lisensie ingevolge subartikel (11) verval het.

(13) 'n Oortreding van subartikel (9) is 'n misdryf.'

Vervanging van artikel 64 van Wet 4 van 2008, soos gewysig by artikel 46 van Wet 10 van 2010 en artikel 24 van Wet 3 van 2015

30. Artikel 64 van die Hoofwet word vervang deur die volgende artikel:

“Aansoeke om hernuwing van lisensies

64. (1) Indien [**'n lisensiehouer**], sedert die datum van uitreiking van die lisensie of, indien die lisensie hernu is [**sedert die laaste hernuwing van die lisensie**] gedurende die tydperk van die laaste hernuwing van die lisensie, die lisensiehouer—

- (a) ingevolge artikel 35 gediskwalifiseer is om 'n lisensie te hou;
- (b) onbevoeg verklaar is deur die Dranklisensieëringstribunaal om 'n dranklisensie te hou;
- (c) versuim het om aan die voldoeningskennisgewing uitgereik ingevolge hierdie Wet te voldoen; of

(d) die onderwerp was van 'n verslag ingevolge artikel 73(7)(c) of (d); **of] wat ingevolge artikel 26(7) na die Dranklisensiëringstribunaal verwys is;**

[(e) die onderwerp was van 'n klagte ontvang deur 'n munisipaliteit],

mag die lisensie nie ingevolge artikel 63 nie outomaties hersien word nie, maar hernu word deur die Owerheid op aansoek deur die lisensiehouer in die voorgeskrewe vorm en by betaling van die voorgeskrewe fooi.

(2) Die Owerheid moet voor 31 Julie van die jaar waarin 'n hernuwingskennisgewing uitgereik **[moet] kan** word, 'n kennisgewing bedoel in subartikel (1) op die lisensiehouer beteken wat—

(a) die lisensiehouer meedeel dat die lisensie nie outomaties hernu sal word nie; en

(b) die lisensiehouer versoek om nie later nie as 30 September van daardie jaar aansoek te doen, by betaling van die voorgeskrewe fooi en in die voorgeskrewe vorm, om die hernuwing van die lisensie.

(3) Indien die lisensiehouer versuim om te voldoen aan die kennisgewing bedoel in subartikel (2) sal die lisensie, behoudens subartikel (4), op 31 Desember van daardie jaar verval.

(4) Indien die lisensiehouer aansoek doen soos beoog in subartikel (2)(b) na 30 September maar voor 31 Desember van die jaar waarin die hernuwingskennisgewing uitgereik kan [moet] word, kan die lisensiehouer terselfdertyd as wat die aansoek soos beoog in subartikel (2)(b) gedoen word, skriftelik aansoek doen, by betaling van die voorgeskrewe fooi en in die voorgeskrewe vorm, by die Dranklisensiëringstribunaal om daardie versuim te kondoneer, en die Dranklisensiëringstribunaal kan die versuim kondoneer **[en die laat betaling van die voorgeskrewe hernuwingsfooi toelaat teen 'n datum wat die Dranklisensiëringstribunaal bepaal, behoudens die betaling van 'n boete van 150% van daardie hernuwingsfooi].**

(5) Indien die lisensiehouer aan die kennisgewing beoog in subartikel (2)(b) voldoen, of indien die lisensiehouer aansoek doen om kondonering soos beoog in subartikel (4), bly die lisensie geldig totdat die Dranklisensiëringstribunaal sy oorweging van die aansoek om hernuwing of kondonering, na gelang van die geval, afgehandel het.

(6) Wanneer die Dranklisensiëringstribunaal 'n aansoek om hernuwing oorweeg, is sy bevoegdheede en pligte **[wat] wat** hy het dieselfde as wanneer hy 'n aansoek om 'n nuwe lisensie oorweeg, met inbegrip van die reg om die aansoek te weier of toe te staan, behoudens die voorwaardes wat hy as geskik ag.

(7)(a) Behoudens paragraaf (b), **[Indien] indien** die Dranklisensiëringstribunaal 'n aansoek om die hernuwing van die lisensie toestaan, word die lisensie, by betaling van die volle bedrag van die toepaslike voorgeskrewe hernuwingsfooi teen 'n datum bepaal deur die Dranklisensiëringstribunaal, geag hernu te **[gewees het] wees** ingevolge artikel **[63(2) of (2B)] 63(4)(a) of (b)**, na gelang van die geval.

(b) Waar die Dranklisensiëringstribunaal 'n aansoek om kondonering en die hernuwing van 'n lisensie toestaan, word die lisensie, by betaling van die volle

bedrag van die toepaslike voorgeskrewe hernuwingsfooi en 'n boete van 150% van die volle bedrag van die toepaslike voorgeskrewe hernuwingsfooi teen 'n datum bepaal deur die Dranklisensiëringstribunaal, geag hernu te wees ingevolge artikel 63(4)(a) of (b), na gelang van die geval.

(8)(a) Indien die Dranklisensiëringstribunaal die aansoek om hernuwing van 'n lisensie weier, vervel die lisensie onmiddellik of op die datum deur die Dranklisensiëringstribunaal bepaal.

(b) Indien die Dranklisensiëringstribunaal die aansoek om kondonering beoog in subartikel (4) weier, vervel die lisensie op die datum waarop die aansoek geweier word of op die datum bepaal deur die Dranklisensiëringstribunaal, en die Dranklisensiëringstribunaal hoef nie die aansoek om hernuwing te oorweeg nie.”.

Wysiging van artikel 65 van Wet 4 van 2008, soos gewysig by artikel 49 van Wet 10 van 2010 en artikel 25 van Wet 3 van 2015

31. Artikel 65 van die Hoofwet word gewysig deur subartikel (14) deur die volgende subartikel te vervang:

“(14) Die Dranklisensiëringstribunaal kan wanneer hy 'n aansoek om oordrag toestaan, gelas dat die voorgestelde lisensiehouer, of een of meer werknemers van daardie persoon, by betaling van die voorgeskrewe fooi, die onderrig en opleiding moet ontvang as wat die Dranklisensiëringstribunaal kan bepaal.”.

Vervanging van artikel 66 van Wet 4 van 2008, soos gewysig by artikel 50 van Wet 10 van 2010 en artikel 26 van Wet 3 van 2015

32. Artikel 66 van die Hoofwet word deur die volgende artikel vervang:

“Verwydering van lisensies

66. (1) 'n Tydelike dranklisensie of geleentheidsdranklisensie kan nie van die gelisensieerde perseel na 'n ander perseel verwyder word nie.

(2) 'n Lisensiehouer kan te eniger tyd aansoek doen om die verwydering, hetsy permanent of vir 'n bepaalde tydperk, van die lisensie van die betrokke gelisensieerde perseel na enige ander perseel geleë in die Provinsie deur 'n aansoek in te dien by die Owerheid en die aangewese drankbeampte in wie se regsgebied die gelisensieerde perseel tans geleë is en, waar die toestaan van die aansoek die verwydering van die lisensie na die regsgebied van 'n ander aangewese drankbeampte tot gevolg sal hê, ook by daardie drankbeampte, op die voorgeskrewe wyse en vorm en by betaling van die voorgeskrewe fooi.

(3)(a) Behoudens paragraaf (b), is die bepalings van artikels 36(2), 37, 38, 39 en 40 van toepassing, met die nodige veranderinge vereis deur die samehang, op aansoeke beoog in subartikel (2).

(b) Vir die doeleindes van paragraaf (a)—

(i) moet die Owerheid, ingevolge artikels 36(2), 37(1) en 37(2), kennisgewings publiseer van aansoeke om verwydering wat ingevolge subartikel (2) by die Owerheid ingedien is;

- (ii) die kennisgewing beoog in artikel 37(3) moet van krag bly vanaf die datum van indiening van die aansoek, indien van toepassing;
- (iii) waar die toestaan van die aansoek die uitwerking sal hê om die lisensie na die regsgebied van 'n ander aangewese drankbeampte of munisipaliteit te verwyder, is die tersaaklike aangewese drankbeampte en munisipaliteit beoog in artikels 37(4), 39(2) en 40(3) die aangewese drankbeampte en munisipaliteit van daardie gebied;
- (iv) waar die toestaan van die aansoek die verwydering van die lisensie na die regsgebied van 'n ander aangewese drankbeampte tot gevolg het, is die gemeenskapspolisieringsforum, belastingbetalersvereniging, indien enige, en die persone en instellings bedoel in artikels 34(1)(e) en 37(5)(b), (c) en (d), indien enige, dié van daardie gebied;
- (v) aansoeke moet ter insae lê binne die voorgeskrewe tydperk ná die indiening van die aansoek ingevolge artikel 38.

(4) Die aangewese drankbeampte in wie se regsgebied die gelisensieerde perseel tans geleë is, moet binne die voorgeskrewe tydperk, soos voorgeskryf, 'n verslag by die Owerheid indien en, waar die toestaan van die aansoek die verwydering van die lisensie na die regsgebied van 'n ander aangewese drankbeampte tot gevolg het, moet daardie aangewese drankbeampte ook 'n verslag, soos voorgeskryf, by die Owerheid indien.

(5) Die Dranklisensieringstribunaal moet elke aansoek om die verwydering van 'n lisensie oorweeg en mag—

- (a) die aansoek weier;
- (b) die aansoek toestaan; of
- (c) die aansoek voorwaardelik toestaan behoudens sodanige voorwaardes as wat die Dranklisensieringstribunaal mag bepaal.

(6)(a) Behoudens paragraaf (b), is die bepalings van artikels 34(1)(a), (c), (d) en (e) en artikel 41(1) en (2) van toepassing, met die nodige veranderinge vereis deur die samehang, wanneer die Dranklisensieringstribunaal besluit oor 'n aansoek bedoel in subartikel (5).

(b) Vir die doeleindes van paragraaf (a)—

- (i) moet die perseel bedoel in artikel 34(1)(c) en (d) verwys, vertolk word as die perseel ná verwydering;
- (ii) waar die toestaan van die aansoek die verwydering van die lisensie na die regsgebied van 'n ander aangewese drankbeampte tot gevolg het, is die persone en instellings bedoel in artikel 34(1)(e), indien enige, dié van daardie gebied;
- (iii) 'n aansoek ingedien ingevolge subartikel (2) moet vertolk word as 'n aansoek bedoel in artikel 41(1)(a) en (b), en die dokumente wat daardie aansoek vergesel, en vertoë en verslae of dokumente ingedien ter ondersteuning van of wat die aansoek vergesel.

(7)(a) Behoudens paragraaf (b) is die bepalings van artikels 42, 43, en 44 ook van toepassing, met die nodige veranderinge vereis deur die samehang, wanneer die

Dranklisensiëringstribunaal ingevolge subartikel (5)(c) 'n aansoek voorwaardelik toestaan.

(b) Vir die doeleindes van paragraaf (a)—

- (i) moet 'n verwysing na 'n lisensie in artikels 42, 43 en 44 vertolk word as 'n verwysing na 'n sertifikaat van verwydering;
- (ii) moet 'n verwysing na 'n perseel in artikels 42 en 43 vertolk word as die perseel, ná verwydering;
- (iii) moet die verwysing na artikel 46 in artikel 42(7) gelees word as 'n verwysing na artikel 46(1) en subartikels (8), (9), (10), (11) en (12) van hierdie artikel;
- (iv) met verwysing na artikel 42(5) kan die Voorsittende Beampte te eniger tyd ná die uitreiking van 'n kennisgewing ingevolge subartikel (8)(b) optree.

(8)(a) Die Owerheid moet binne die voorgeskrewe tydperk ná die Dranklisensiëringstribunaal 'n aansoek om die verwydering van 'n lisensie toegestaan of voorwaardelik toegestaan het, maar behoudens subartikel (13) die aansoeker skriftelik in kennis stel dat die aansoek toegestaan is.

(b) Waar die Dranklisensiëringstribunaal 'n aansoek om verwydering van 'n lisensie toegestaan het ten opsigte van 'n perseel wat nog nie opgerig is nie of 'n perseel wat enige strukturele verandering, aanbouing of verbouing vereis om dit geskik te maak vir die doel waarvoor dit gebruik gaan word ooreenkomstig die lisensie, moet die Owerheid, in die kennisgewing bedoel in subartikel(8)(a), die lisensiehouer gelas om te voldoen aan die voorwaardes soos deur die Dranklisensiëringstribunaal bepaal ten opsigte van daardie perseel waarna in die kennisgewing verwys word.

(9) Die Owerheid moet, onderworpe aan die betaling van die voorgeskrewe fooi, binne sestig (60) dae ná uitreiking van die kennisgewing beoog in subartikel (8)(a) of (b), na gelang van die geval, 'n sertifikaat van verwydering in die voorgeskrewe vorm aan die lisensiehouer uitreik.

(10) Indien die lisensiehouer versuim om die fooi waarna in subartikel (9) verwys word te betaal, sal die toestaan van die aansoek verval, behoudens subartikel (11).

(11) Die lisensiehouer kan, binne 'n tydperk van sestig (60) dae nadat die tydperk bedoel subartikel (9) verval het skriftelik aansoek doen by die Hoof- Uitvoerende Beampte om kondonering van die versuim om die voorgeskrewe fooi te betaal bedoel in subartikel (9), en die Hoof- Uitvoerende Beampte kan daardie versuim kondoneer en laat betaling van die fooi toelaat teen 'n datum wat die Hoof- Uitvoerende Beampte sal bepaal, onderworpe aan die betaling van 'n boete van 100% van daardie fooi.

(12) 'n Sertifikaat van verwydering is onderworpe aan sodanige voorwaardes uiteengesit in die sertifikaat wat die Dranklisensiëringstribunaal volgens goedgekeurde mag bepaal.

(13) Die Voorsittende Beampte kan, te eniger tyd ná die uitreiking van 'n sertifikaat van verwydering, deur 'n kennisgewing wat aan die betrokke

lisensiehouer gelewer of aangebied word enige voorwaarde deur die Dranklisensiëringstribunaal opgelê ingevolge subartikel (12) intrek of wysig.

(14) Die gevolg van die uitreiking van 'n sertifikaat van verwydering sal wees dat die lisensiehouer òf permanent òf vir die tydperk bepaal deur die Dranklisensiëringstribunaal en vermeld in die sertifikaat, die besigheid waarop die lisensie betrekking het bedryf op die perseel waarvan die plan deur die Dranklisensiëringstribunaal goedgekeur is of die wysiging van die plan wat deur die Voorsittende Beampte goedgekeur is, na gelang van die geval, maar welke perseel nie, vir die doeleindes van die lisensie ten opsigte waarvan die betrokke aansoek gedoen is, sodanige plek of plekke mag insluit wat hy of sy of dit na sy of haar of hulle goeddunke spesifiek daarvan uitgesonder het nie.

(15) Waar 'n sertifikaat van verwydering die verwydering van 'n lisensie vir 'n bepaalde tydperk magtig, kan die Voorsittende Beampte, te eniger tyd voor die verstryking van daardie tydperk, op aansoek deur die betrokke lisensiehouer—

(a) die tydperk verleng; of

(b) die sertifikaat van verwydering intrek.

(16) Indien die sertifikaat van verwydering nie uitgereik word voor die verstryking van die tydperk beoog in subartikel (8)(a) of (b) of verleng word ingevolge artikel 42(5)(a) nie, na gelang van die geval, sal die betrokke kennisgewing verval en die aansoek om verwydering van die lisensie geag word nie toegestaan te wees nie”.

Wysiging van artikel 67 van Wet 4 van 2008, soos gewysig by artikel 27 van Wet 3 van 2015

33. Artikel 67 van die Hoofwet word gewysig—

(a) deur die vervanging van die opskrif deur die volgende opskrif:

“**[Abandonnering van perseel en dood] Dood of onvermoë van lisensiehouer**”; en

(b) deur die vervanging van subartikel (1) deur die volgende subartikel:

“(1) Die Dranklisensiëringstribunaal kan, indien hy oortuig is dat[—

(a) 'n **gelisensieerde besigheid deur die lisensiehouer abandonneer is; of**

(b)] die lisensiehouer 'n persoon is soos beskryf in subartikel (3), en 'n eksekuteur, administrateur, trustee, kurator of likwidateur nie aangestel is nie,

'n persoon aanstel om as lisensiehouer op te tree en die gelisensieerde besigheid te bedryf totdat 'n eksekuteur, administrateur, trustee, kurator of likwidateur aangestel is [, of in die geval van 'n besigheid wat abandonneer is, 'n bestuurder].”.

Wysiging van artikel 68 van Wet 4 van 2008, soos gewysig by artikel 51 van Wet 10 van 2010 en vervang deur artikel 28 van Wet 3 van 2015

34. Artikel 68 van die Hoofwet word gewysig—

(a) deur die vervanging van die opskrif deur die volgende opskrif:

“**Appelle en aansoeke om hersiening aan [Appèltribunaal] Appèltribunale**”;

- (b) deur die vervanging in subartikels (1) en (2) van die woord “Die” voor die woorde “Appèltribunaal” deur die woord “’n”;
- (c) deur die vervanging in subartikels (5) en (9)(a) van die woord “die” voor die woorde “Appèltribunaal” deur die woord “’n”;
- (d) deur die vervanging van subartikel (10) deur die volgende subartikel:

“(10) Indien ’n persoon wat behoorlik kennisgewing gegee is dat hy of sy by ’n vergadering van **[die] ’n** Appèltribunaal teenwoordig moet wees, versuim om sodanige vergadering by te woon of die vergadering verlaat sonder die toestemming van die betrokke Appèltribunaal, kan die vergadering voortgaan in die afwesigheid van daardie persoon of mag die betrokke Appèltribunaal sodanige ander stappe doen as wat hy of sy [dit] in die omstandighede billik en regverdig ag;” en

- (e) deur die byvoeging van die volgende subartikels:

“(12) ’n Appèl of aansoek om hersiening beoog in subartikel (1) wat oorweeg word deur ’n Appèltribunaal, moet deur die betrokke Appèltribunaal bereg word.

(13) Indien ’n appèl of aansoek om hersiening nie oorweeg kan word nie te wyte aan ’n vakature of onbeskikbaarheid van ’n Appèltribunaal, moet die appèl of aansoek om hersiening deur die oorblywende Appèltribunaal bereg word.

Wysiging van artikel 73 van Wet 4 van 2008, soos gewysig by artikel 54 van Wet 10 van 2010 en artikel 30 van Wet 3 van 2015

35. Artikel 73 van die Hoofwet word gewysig deur paragraaf (b) van subartikel (8) deur die volgende paragraaf te vervang:

“(b) Artikel 15 van die Wet op die Suid-Afrikaanse Polisie is van toepassing, met die nodige veranderinge vereis deur die samehang, op ’n afvaardiging kragtens paragraaf (a).”.

Wysiging van artikel 75 van Wet 4 van 2008, soos gewysig by artikel 32 van Wet 3 van 2015

36. Artikel 75 van die Hoofwet word gewysig deur subartikel (7) deur die volgende subartikel te vervang:

“(7) Artikels 30 tot 34 van die Strafproseswet is van toepassing, met die nodige veranderinge vereis deur die samehang, op enigiets waarop ingevolge hierdie artikel beslag gelê word.”.

Wysiging van artikel 78 van Wet 4 van 2008

37. Artikel 78 van die Hoofwet word gewysig—

- (a) deur die vervanging van die opskrif met die volgende opskrif:

“**Misdrywe betreffende vergaderings van Dranklisensieringstribunaal en [Appèltribunaal] Appèltribunale**”; en

(b) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Die bepalings van subartikels (1) en (2) is met die nodige veranderings vereis deur die samehang, van toepassing op vergaderings van **[die] ’n Appèltribunaal**.”.

Wysiging van artikel 83 van Wet 4 van 2008

38. Artikel 83 van die Hoofwet word gewysig deur die vervanging in subartikel (1) van die woorde wat paragraaf (a) met die volgende woorde voorafgaan:

“Indien **[die] ’n** bestuurder, agent of werknemer van ’n lisensiehouer iets doen of versuim om enigiets te doen wat, indien die lisensiehouer dit gedoen of versuim het om dit te doen, ’n misdryf sou wees ingevolge hierdie Wet, word die lisensiehouer geag daardie handeling te gedoen of versuim het om dit te doen behalwe waar—”.

Wysiging van artikel 85 van Wet 4 van 2008, soos vervang by artikel 36 van Wet 3 van 2015

39. Artikel 85 van die Hoofwet word gewysig deur paragraaf (e) van subartikel (2) deur die volgende subartikel te vervang:

“(e) bewys gelewer word dat ’n lisensiehouer wat wat beskuldig word van ’n oortreding van artikel 54, versuim het om van ’n persoon onder die ouderdom van agtien (18) jaar—

(i) sy of haar geldige identiteitsdokument of -kaart;

(ii) sy of haar geldige bestuurslisensie; **[of]**

(iii) sy of haar geldige paspoort; of

(iv) enige ander vorm van geldige fotografiese identifikasie wat, sy of haar identiteitsnommer of geboortedatum bevat, te bekom.”.

Wysiging van artikel 87 van Wet 4 van 2008, soos gewysig by artikel 58 van Wet 10 van 2010 en artikel 37 van Wet 3 van 2015

40. Artikel 87 van die Hoofwet word gewysig deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

“(c) artikels 50(3), 57(3), 60(4), 63(13), 69(11), 76(b) of 82(1) is by skuldigbevinding strafbaar met ’n boete van hoogstens R100 000,00 of met gevangenisstraf vir ’n tydperk van hoogstens ses maande, of met sowel sodanige boete as sodanige gevangenisstraf; of”.

Voorbehouds- en oorgangsbepalings

41. (1) Enige aansoek of aangeleentheid gedelegeer aan ’n komitee van die Dranklisensieringstribunaal ingevolge artikel 24 van die Hoofwet wat nie oorweeg, finaal beslis of afgehandel is voor die inwerkingtreding van hierdie Wet nie, moet oorweeg, geadministreer en finaal beslis en afgehandel word asof hierdie Wet nie in werking getree het nie.

(2) Enige aangeleentheid wat ingedien, terugverwys of verwys is na die Dranklisensieringstribunaal ingevolge artikel 20(1)(d), (e), (f), (fA) of (g) van die Hoofwet wat nie oorweeg, finaal beslis en afgehandel is voor die inwerkingtreding van hierdie Wet nie, moet oorweeg, geadministreer en finaal beslis en afgehandel word asof hierdie Wet nie in werking getree het nie.

(3)(a) Waar die oorweging van 'n appèl of aansoek om hersiening 'n aanvang geneem het ingevolge artikel 68 van die Hoofwet en nog nie finaal beslis is voor die inwerkingtreding van hierdie Wet nie, moet dit finaal beslis word deur die Appèltribunaal aangestel ingevolge artikel 25(1) van die Hoofwet soos dit gelees het voor die inwerkingtreding van hierdie Wet ingevolge die Hoofwet en die regulasies uitgevaardig ingevolge daarvan soos dit gelees het voor die inwerkingtreding van hierdie Wet.

(b) Indien 'n appèl of aansoek om hersiening beoog in paragraaf (a) nie finaal beslis kan word in ooreenstemming met paragraaf (a) nie te wyte aan die vakature of nie-beskikbaarheid van die Appèltribunaal, moet 'n Appèltribunaal aangestel ingevolge hierdie Wet die appèl of aansoek om hersiening oorweeg en finaal beslis in ooreenstemming met die Hoofwet en die regulasies uitgevaardig ingevolge daarvan soos dit gelees het voor die inwerkingtreding van hierdie Wet.

(4) Enige aansoek ingedien ingevolge artikel 36 van die Hoofwet wat nog nie oorweeg, finaal beslis en afgehandel is voor die inwerkingtreding van hierdie Wet nie, moet oorweeg, geadministreer en finaal afgehandel word ingevolge artikels 36 tot 41 van die Hoofwet en die regulasies uitgevaardig ingevolge daarvan soos dit gelees het voor die inwerkingtreding van hierdie Wet.

(5) Waar die Dranklisensieringstribunaal voor die inwerkingtreding van hierdie Wet en in ooreenstemming met artikel 45 van die Hoofwet soos dit gelees het voor die inwerkingtreding van hierdie Wet, gelas het dat die aansoeker of 'n werknemer of werknemers van die aansoeker beoog in daardie artikel, opleiding moet ondergaan, en sodanige opleiding nog nie plaasgevind het teen die datum van inwerkingtreding van hierdie Wet nie, moet die bepalings van artikel 45 toegepas word asof hierdie Wet nie in werking getree het nie.

(6)(a) 'n Persoon wat aangestel is as 'n bestuurder ingevolge artikel 52 van die Hoofwet soos dit gelees het voor die inwerkingtreding van hierdie Wet, word beskou as aangestel ingevolge artikel 52 soos vervang deur hierdie Wet en moet, om 'n bestuurder te bly—

- (i) binne een maand ná die datum van inwerkingtreding van hierdie Wet, die opleidingsertifikaat ten opsigte van bestuurders vertoon wat aan hom of haar uitgereik is deur die Owerheid voor die inwerkingtreding van hierdie Wet;
- (ii) binne een jaar ná die datum van die inwerkingtreding van hierdie Wet, indien hy of sy die tersaaklike onderrig en opleiding vir bestuurders van die Owerheid ontvang het voor die inwerkingtreding van hierdie Wet, maar nie die sertifikaat waarna in subparagraaf (i) verwys word nie, die sertifikaat bekom en, binne een maand daarna, die sertifikaat vertoon ingevolge artikel 52 soos vervang deur hierdie Wet;
- (iii) binne een jaar ná die datum van die inwerkingtreding van hierdie Wet, indien hy of sy nie die tersaaklike onderrig en opleiding van die Owerheid en die sertifikaat bedoel in subparagraaf (i) ontvang het voor die inwerkingtreding van hierdie Wet nie, die onderrig en opleiding en die sertifikaat bedoel in artikel 52 soos vervang deur hierdie Wet, bekom en daardie sertifikaat binne een maand vertoon ingevolge artikel 52 soos vervang deur hierdie Wet.

(b) Die Owerheid moet alle redelike stappe doen om 'n persoon soos beoog in subparagraaf (a)(ii) of (iii) by te staan om te verseker dat sodanige persoon die sertifikaat van die onderrig en opleiding betyds ontvang.

(c) Die Dranklisensiëringstribunaal moet die onderrig en opleiding beoog in artikel 52 soos vervang deur hierdie Wet bepaal teen die datum van die inwerkingtreding van hierdie Wet.

(d) Enige aansoek ingedien ingevolge artikel 52 van die Hoofwet wat nog nie oorweeg, finaal beslis en afgehandel is voor die inwerkingtreding van hierdie Wet nie, moet oorweeg, geadministreer en finaal beslis en afgehandel word ingevolge artikel 52 van die Hoofwet en die regulasies uitgevaardig ingevolge daarvan soos dit voor die inwerkingtreding van hierdie Wet gelees het.

(7) Enige aansoek gedoen ingevolge artikel 53(1)(a) of (b) van die Hoofwet soos dit gelees het voor die inwerkingtreding van hierdie Wet wat nog nie oorweeg, finaal beslis en afgehandel is voor die inwerkingtreding van hierdie Wet nie, moet oorweeg, finaal beslis en afgehandel word ingevolge artikel 53 en die regulasies uitgevaardig ingevolge daarvan soos dit gelees het voor die inwerkingtreding van hierdie Wet.

(8)(a) Behoudens die bepalings van paragraaf (b), indien hierdie Wet in werking tree op 'n datum ná 31 Julie van 'n jaar, is die bepalings van artikel 62 tot 64 van die Hoofwet en die regulasies uitgevaardig ingevolge daarvan soos dit gelees het voor die inwerkingtreding van hierdie Wet, van toepassing op lisensiehouers beoog in daardie artikels tot 30 Junie van die jaar wat volg op die jaar waarin hierdie Wet in werking tree.

(b) Indien 'n lisensiehouer beoog in paragraaf (a) uitgereik word met 'n kennisgewing soos bedoel in artikel 64(2) van die Hoofwet soos dit gelees het voor die inwerkingtreding van hierdie Wet in die jaar waarin hierdie Wet in werking tree, sal die bepalings van artikel 64 van die Hoofwet en die regulasies ingevolge daarvan uitgevaardig soos dit gelees het voor die inwerkingtreding van hierdie Wet slegs op die tydperk van 1 Julie tot 31 Desember van daardie jaar toegepas word.

(c) Indien hierdie Wet op 'n datum voor 31 Julie van 'n jaar in werking tree, is die bepalings van artikels 62 tot 64 van die Hoofwet en die regulasies uitgevaardig ingevolge daarvan soos dit gelees het voor die inwerkingtreding van hierdie Wet en van toepassing op lisensiehouers beoog in daardie artikels tot 30 Junie van die jaar wat volg op die jaar waarin hierdie Wet in werking tree.

(9) Waar die Dranklisensiëringstribunaal voor die inwerkingtreding van hierdie Wet en in ooreenstemming met artikel 65(14) van die Hoofwet soos dit gelees het voor die inwerkingtreding van hierdie Wet, gelas het dat die voorgestelde lisensiehouer of een of meer werknemers van die voorgestelde lisensiehouer beoog in daardie artikel onderrig en opleiding moet ondergaan en sodanige onderrig en opleiding nog nie afgehandel is teen die datum van inwerkingtreding van hierdie Wet nie, moet die bepalings van artikel 65(14) toegepas word asof hierdie Wet nie in werking getree het nie.

(10) Enige aansoek ingedien ingevolge artikel 66 van die Hoofwet wat nog nie oorweeg, finaal beslis en afgehandel is voor die inwerkingtreding van hierdie Wet nie, moet oorweeg, geadministreer, finaal beslis en afgehandel word asof hierdie Wet nie in werking getree het nie.

(11) Enige strafregtelike verrigtinge of vergadering van die Dranklisensiëringstribunaal soos beoog in artikel 85(2), saamgelees met artikel 85(2)(e) van die Hoofwet, wat ontstaan het voor die inwerkingtreding van hierdie Wet en wat nie finaal beslis en afgehandel is voor die

inwerkingtreding van hierdie Wet nie, moet finaal beslis en afgehandel word asof hierdie Wet nie in werking getree het nie.

Wysiging van inhoudsopgawe tot Wet 4 van 2008, soos gewysig by artikel 1 van Wet 10 van 2010 en artikel 39 van Wet 3 van 2015

42. Die inhoudsopgawe wat artikel 1 voorafgaan word gewysig—

- (a) deur die vervanging van die verwysing na die opskrif van artikel 37 deur die volgende item:
“37. Kennisgewing van indiening van [aansoek] aansoeke”;
- (b) deur die vervanging van die verwysing na die opskrif van artikel 51 deur die volgende item:
“51. Finansiële belange **[en verhuring van gelisensieerde perseel]**”;
- (c) deur die invoeging ná die verwysing in die opskrif van artikel 51 deur die volgende item:
“51A. Verhuring van lisensie, bedryf van besigheid ooreenkomstig lisensie en gebruik van gelisensieerde perseel”;
- (d) deur die vervanging van die verwysing na die opskrif van artikel 67 deur die volgende item:
“67. **[Abandonnering van perseel en dood]** Dood of onvermoë van lisensiehouer”; en
- (e) deur die vervanging van die woord “Appèltribunaal”, waar ookal dit voorkom, deur die woord “Appèltribunale”.

Kort titel en inwerkingtreding

43. Hierdie Wet word die Wes-Kaapse Drankwysigingswet, 2023, genoem en tree op die volgende datums in werking:

- (a) ten opsigte van artikel 1(a), die datum waarop die Wysigingswet op Drankprodukte, 2021 (Wet 8 van 2021), in werking tree;
- (b) ten opsigte van die res van hierdie Wet, die datum deur die Premier bepaal by proklamasie in die *Provinsiale Koerant*.

**MEMORANDUM OOR DIE OOGMERKE VAN DIE WES-KAAPSE
KONSEPDRANKWYSIGINGSWET, 2023**

1. AGTERGROND

- 1.1 Die Wes-Kaapse Regering het besluit dat 'n beleid oor alkoholverwante skadevermindering ontwikkel moet word om as riglyn te dien vir die Wes-Kaapse Regering se benadering tot die regulering van drank. Die Wes-Kaapse Regering het die Beleid op Alkoholverwante Skadevermindering (die Beleid) in 2017 aangeneem. Die Beleid se oogmerk is hoofsaaklik om deur ingrypings tot die vermindering van alkoholverwante skade in die Wes-Kaap by te dra. 'n Verdere oogmerk is om voorsiening te maak vir verwante aangeleenthede om die doeltreffendheid en doelmatigheid te verhoog van bykomende steunstrukture wat met alkoholverwante skadevermindering in verband staan.
- 1.2 Die Beleid bevat 'n groot aantal ingrypings, waarvan sommige verdere navorsing vereis voordat hulle beslag in wetgewende verandering kan kry. In belang van doeltreffendheid het die Wes-Kaapse Regering 'n proaktiewe tweefasebenadering aangewend om daardie beleidsingrypings wat onmiddellik wetgewende verandering kan meebring, te skei van dié wat verdere navorsing vereis.
- 1.3 Die redes wat hieronder aangegee word, is die belangrikste ingrypings wat die Beleid tans voorstel, naamlik:
- 1.3.1 Doen stappe om verantwoordelike ongelisensieerde drankhandelaars na die gereguleerde mark te bring.
- 1.3.2 Dwing drankwetgewing af deur regulatoriese nakoming en strafregtelike wetstoepassing. Dit behels, onder meer, maatreëls ten opsigte van—
- (a) strengere optrede ter voorkoming van die verskaffing van drank aan ongelisensieerde afsetpunte;
- (b) toename in wetstoepassing ten opsigte van minderjarige drankmisbruik, wat 'n inspeksie behels van die identifikasie van klante by alle ondernemings of verkooppunte;
- (c) wysiging van die vereistes vir die verkryging van 'n dranklisensie om te verseker dat lisensiehouers en bestuurders opleiding ondergaan en 'n toets oor die Wes-Kaapse Drankwet, 2008, asook oor die regte en verpligtinge van 'n lisensiehouer slaag.
- 1.3.3 Beoog om voort te bou op die bestaande sterkpunte en hulpbronne van gemeenskappe en vennootskappe deur die dranklisensieringsproses te fasiliteer. Gemeenskapsgebaseerde inisiatiewe erken die spesifieke en unieke behoeftes van gemeenskappe. Gemeenskapspolisiëringsforums behoort ook 'n meer aktiewe rol in die aansoekproses om lisensiering te speel.
- 1.3.4 Volg 'n genuanseerde benadering wat die soort gebied oorweeg en die faktore wat met die samehang in verband staan opweeg om te bepaal of nuwe dranklisensies vir 'n bepaalde gebied goedgekeur behoort te word. Rolspelers in die regulering van drank moet op die hoogte bly van ontwikkelings in tegnologie, bemaking en ontwikkeling, en moet nuwe en innoverende strategieë daarop grond. Institusionele reëlins speel 'n kritieke rol in die ondersteuning en implementering van die Beleid.

- 1.4 Die Konsepwetsontwerp is die eerste fase wat uitvoering gee aan die beleidsingrypings deur voorsiening te maak vir—
- 1.4.1 die vaartbelyning van die lisensie-aansoekproses;
 - 1.4.2 die oorweging van alkoholverwante skadeverminderingsfaktore in die beoordeling van lisensie-aansoeke; en
 - 1.4.3 die verbetering van institusionele doeltreffendheid vir die hantering van aangeleenthede wat in verband staan met wetstoepassing ten opsigte van dranklisensies en die insameling van data van lisensiehouers.

2. OOGMERKE VAN DIE WETSONTWERP

- 2.1 Die Konsepwetsontwerp se oogmerk is om die Wes-Kaapse Drankwet, 2008 (Wet 4 van 2008) (die Hoofwet), te wysig deur—
- 2.1.1 die aansoekprosedure om dranklisensies meer vaartbelyn te maak en sodoende die doeltreffendheid van die Owerheid en die Dranklisensieëringstribunaal te verbeter;
 - 2.1.2 institusionele doeltreffendheid te verbeter om sodoende aangeleenthede wat met wetstoepassing rakende dranklisensies in verband staan, te hanteer;
 - 2.1.3 voorsiening te maak vir die oorweging van alkoholverwante skadeverminderingsfaktore in die beoordeling van aansoeke om lisensies;
 - 2.1.4 voorsiening te maak vir groter openbare deelname in meer aspekte van drankregulering op nuwe maniere wat met tegnologiese ontwikkelinge tred hou;
 - 2.1.5 die verbod op die verkoop, voorsiening of verskaffing van drank aan persone onder die ouderdom van 18 jaar te verskerp; en
 - 2.1.6 die insameling van data van lisensiehouers te verstewig om die toepassing van die Hoofwet beter te ondersteun.

3. INHOUD VAN DIE WETSONTWERP

Die doelwitte en oogmerke van die onderskeie klousules word hieronder uiteengesit.

- 3.1 **Klousule 1** wysig artikel 1 van die Hoofwet deur die vervanging, skraping en invoeging van sekere definisies in ooreenstemming met die veranderinge aan die Wysigingswet op Drankprodukte, 2021 (Wet 8 van 2021), die nuwe skema vir die aanstelling van bestuurders en vir doeleindes van tekstuele verbetering.
- 3.2 **Klousule 2** wysig artikel 9 van die Hoofwet om die Drankowerheid te magtig om die indien van lisensie-aansoeke wat in die kategorie bedoel in artikel 33 (1) van die Hoofwet, te weier indien dit nie aan al die vereistes vir 'n aansoek vervat in die regulasies van die Hoofwet voldoen nie.
- 3.3 **Klousule 3** wysig die opskrif van Hoofstuk 3 van die Hoofwet en is 'n gevolglike wysiging van die wysiging ten opsigte van die aanstelling van twee persone om as Appèltribunale op te tree.

- 3.4 **Klousule 4** wysig artikel 16 van die Hoofwet om die bewoording van die artikel te verbeter en om die vereiste te skrap dat die Raad die Minister voor die aanstelling van 'n plaasvervangende lid van die Dranklisensiëringstribunaal moet raadpleeg.
- 3.5 **Klousule 5** wysig artikel 18 van die Hoofwet en is 'n gevolglike wysiging van die verandering van die woordoms krywing van "Minister".
- 3.6 **Klousule 6** wysig artikel 20 van die Hoofwet om die opheffing van die intrekking van 'n lisensie as gevolg van die inwerkingtreeding van die nuwe artikel 63(8) te voorkom. Die beoogde opskorting is nie vatbaar vir intrekking kragtens artikel 20 van die Hoofwet nie en sal slegs ingetrek kan word uit hoofde van die meganismes waarvoor in die nuwe artikel 63 voorsiening gemaak word. Die klousule bevat verder ook 'n gevolglike wysiging wat in verband staan met die aanstelling van twee persone om as Appèltribunale op te tree en maak voorsiening vir die Dranklisensiëringstribunaal om die opleiding van persone wat as bestuurders aangestel word te bepaal.
- 3.7 **Klousule 7** wysig artikel 21 van die Hoofwet vir die tekstuele verbetering daarvan.
- 3.8 **Klousule 8** vervang artikel 24 van die Hoofwet om voorsiening te maak vir die tekstuele verbetering van die artikel, om die samestelling van 'n komitee van die Dranklisensiëringstribunaal te bepaal, en om voorsiening te maak dat bevoegdhede aan 'n komitee gedelegeer kan word soos in artikel 20(1)(d), (e), (f), (g) en (3)(b), (c) en (d) van die Hoofwet uiteengesit. Hierdie vervanging is daarop gemik om die doeltreffendheid van die Dranklisensiëringstribunaal met betrekking tot die hantering van dranklisensie-toepassings-aangeleenthede te verbeter.
- 3.9 **Klousule 9** vervang artikel 25 van die Hoofwet om voorsiening te maak daarvoor dat die Minister twee persone mag aanstel om as Appèltribunale op te tree en ook vir die tekstuele verbetering van die artikel.
- 3.10 **Klousule 10** wysig artikel 26 van die Hoofwet en is 'n gevolglike wysiging van die wysiging van artikel 25 van die Hoofwet wat verband hou met die aanstelling van twee persone om as Appèltribunale op te tree.
- 3.11 **Klousule 11** wysig artikel 27 van die Hoofwet en is 'n gevolglike wysiging van die wysiging van artikel 25 van die Hoofwet wat verband hou met die aanstelling van twee persone om as Appèltribunale op te tree.
- 3.12 **Klousule 12** wysig artikel 30 van die Hoofwet om nuwe verwysings te weerspieël waar nodig en om die invordering van nuwe fooie aan die tersaaklike beampte toe te wys.
- 3.13 **Klousule 13** wysig artikel 36 van die Hoofwet om die lisensie-aansoekprosedure meer vaartbelyn te maak deur voorsiening te maak vir die Drankowerheid om die indiening van aansoeke te aanvaar of te weier na gelang daarvan of die aansoeke ten volle aan die voorgeskrewe vereistes vir aansoeke voldoen. Die klousule bepaal wat die verpligtinge van die Drankowerheid is waar die indiening van 'n aansoek geweier of aanvaar is.

- 3.14 **Klousule 14** vervang artikel 37 van die Hoofwet en bepaal dat 'n kennisgewing van indiening van 'n aansoek deur die Owerheid gepubliseer moet word in die drie amptelike tale van die Provinsie op die Owerheid se webtuiste. Die klousule brei ook die publiek se deelname in die lisensiëringsproses verder uit deur die betrokke aangewese drankbeampte te verplig om kennis te gee van sodanige aansoek waar die indiening suksesvol was aan die belastingbetalersvereniging, indien enige, van die gebied waarin die voorgestelde gelisensieerde perseel geleë is en aan die persone en instellings waarna artikel 34(1)(e) van die Hoofwet verwys, indien enige, in die gebied waarbinne die voorgestelde gelisensieerde perseel geleë is.
- 3.15 **Klousule 15** vervang artikel 38 van die Hoofwet en is 'n gevolglike wysiging van die wysiging van artikels 9 en 36 van die Hoofwet ten opsigte van die Owerheid se magtiging om die indiening van aansoeke om dranklisensies te aanvaar of te weier.
- 3.16 **Klousule 16** wysig artikel 39 van die Hoofwet om te voldoen aan die Wet op die Beskerming van Persoonlike Inligting, 2013 (Wet 4 van 2013).
- 3.17 **Klousule 17** wysig artikel 40 van die Hoofwet om verkeerde verwysings reg te stel.
- 3.18 **Klousule 18** vervang artikel 41 van die Hoofwet om voorsiening te maak daarvoor dat die Minister inligting kan voorskryf wat die Dranklisensiëringstribunaal in ag moet neem wanneer 'n aansoek om 'n dranklisensie oorweeg word. Die klousule omskryf ook die omvang van die Dranklisensiëringstribunaal se bevoegdheid om gebreke in aansoeke waarvan die indiening aanvaar is en die meegaande dokumente, te kondoneer.
- 3.19 **Klousule 19** vervang artikel 45 van die Hoofwet om 'n voorgeskrewe fooi in te sluit wat betaal moet word vir die opleiding wat 'n aansoeker of werknemer of werknemers van die aansoeker moet ontvang soos vereis deur die Dranklisensiëringstribunaal wanneer dit 'n dranklisensie voorwaardelik toestaan.
- 3.20 **Klousule 20** wysig artikel 48 van die Hoofwet en is 'n gevolglike wysiging van die wysiging van artikel 52 van die Hoofwet met betrekking tot die aanstelling van bestuurders.
- 3.21 **Klousule 21** wysig artikel 50 van die Hoofwet deur die misdryf in artikel 50(2) uit te brei na die lewering van drank aan houers van tydelike dranklisensies en die houers van geleentheidsdranklisensies.
- 3.22 **Klousule 22** wysig artikel 51 van die Hoofwet deur al die bepalings wat betrekking het op die verhuring van gelisensieerde persele uit die artikel te verwyder om dit tekstueel te verbeter.
- 3.23 **Klousule 23** voeg artikel 51A in die Hoofwet in. Die klousule handel oor die verhuring van gelisensieerde persele en bepaal duidelik dat die verhuring van lisensies, handel dryf kragtens 'n lisensie en die gebruik van gelisensieerde persele soos beoog in die klousule slegs toegelaat word tussen lisensiehouers wat tot dieselfde kategorie behoort.
- 3.24 **Klousule 24** vervang artikel 52 van die Hoofwet. Dit bepaal dat wanneer aansoek gedoen word om 'n dranklisensie, 'n lisensiehouer of aansoeker om 'n lisensie, tensy daardie lisensiehouer of aansoeker 'n natuurlike persoon is, ten minste een natuurlike persoon as

bestuurder van die gelisensieerde besigheid moet aanstel. Die bepalings van die klousule is van toepassing op lisensiehouers van alle kategorieë en op 'n voorgenome lisensiehouer aan wie toestemming kragtens artikel 65(5) toegestaan is. Verder vereis die klousule dat 'n persoon wat aangestel is as die bestuurder van 'n gelisensieerde besigheid onderrig en opleiding soos bepaal deur die Dranklisensieëringstribunaal ontvang.

- 3.25 **Klousule 25** vervang artikel 53 van die Hoofwet. Die wysigings aan die artikel handel met aansoeke om toestemming waar 'n lisensiehouer enige uitbreiding van of aan die gelisensieerde perseel wil aanbring of die aard van die besigheid ten opsigte waarvan die lisensie toegestaan is wesenlik wil verander. Die klousule verplig die aangewese drankbeampte, ten opsigte van hierdie aansoeke, om kennis te gee van die betrokke aansoek aan die persone en entiteite gelys in die klousule en om 'n afskrif van die aansoek op die betrokke munisipaliteit te beteken. Die oogmerk hiermee is om die fasilitering van openbare deelname te bevorder.
- 3.26 **Klousule 26** vervang artikel 54 van die Hoofwet. Die wysiging aan die artikel verbied 'n persoon om drank te verkoop, te gee of te verskaf aan 'n persoon onder die ouderdom van agtien jaar, of om toe te laat dat drank gebruik word deur 'n persoon onder die ouderdom van agtien jaar wat in sy of haar sorg is – indien die persoon weet of redelikerwys behoort te weet dat die persoon aan wie drank verkoop, gegee of verskaf word of toegelaat word om drank te gebruik, onder die ouderdom van agtien jaar is. Die klousule verbied ook 'n lisensiehouer of bestuurder om 'n persoon onder die ouderdom van agtien jaar toe te laat om teenwoordig te wees in 'n deel van die gelisensieerde perseel waar sodanige persoon nie mag wees kragtens die Wet of die lisensievoorwaardes nie – indien die lisensiehouer of bestuurder weet of redelikerwys behoort te weet dat sodanige persoon onder die ouderdom van agtien jaar is. Die klousule verplig die lisensiehouer of bestuurder, indien hy of sy redelikerwys glo dat 'n persoon onder die ouderdom van agtien jaar is of dit voorkom dat die persoon onder daardie ouderdom is, om die persoon te versoek om sy of haar geldige identifikasiedokument of -kaart, geldige bestuurslisensie, geldige paspoort of enige ander geldige vorm van fotografiese identifikasie wat sy of haar identiteitsnommer of geboortedatum bevat te toon om die persoon se ouderdom te verifieer.
- 3.27 **Klousule 27** vervang artikel 60 van die Hoofwet. Die wysiging brei die huidige verpligtinge op lisensiehouers wat drank verkoop vir buiteverbruik na alle lisensiehouers uit, insluitende die houër van 'n tydelike dranklisensie, om 'n rekord te hou van alle drank wat verkoop word en om daardie rekords op die voorgeskrewe wyse by die Owerheid in te dien. Die wysiging vereis van hierdie persone om inligting by te hou en by die Owerheid in te dien soos deur die Minister voorgeskryf met betrekking tot die kleinhandelverkope van drank. Hierbenewens moet lisensiehouers wat goedkeuring het vir die mikrovervaardiging van drank kragtens artikel 33(1)(a) van die Hoofwet, op die voorgeskrewe wyse 'n rekord hou van alle drank wat vervaardig word en indien by die Owerheid. Die Minister word deur die klousule gemagtig om regulasies uit te vaardig ten opsigte van die vorm en aard van die inligting wat bygehou en ingedien moet word, die tydperk waarvoor dit bewaar moet word en hoe gereeld die inligting ingedien moet word. Die klousule bepaal verder dat geen persoon, behalwe 'n lisensiehouer, wat insluit 'n houër van 'n tydelike of 'n geleentheidsdranklisensie, meer drank op 'n enkele dag vir verbruik weg van die perseel aan een persoon mag verkoop nie as die hoeveelheid bepaal deur die Minister sonder die voorafgaande skriftelike toestemming van die voorsittende Beampte.

- 3.28 **Klousule 28** wysig artikel 62 van die Hoofwet en bring gevolglike wysigings aan ten opsigte van die wysiging van artikels 63 en 64 van die Hoofwet asook die wysigings aan artikel 25 van die Hoofwet.
- 3.29 **Klousule 29** vervang artikel 63 van die Hoofwet. Die klousule wysig die outomatiese hernuwingstelsel vir lisensies deur te bepaal dat 'n lisensiehouer wat versuim om die volle bedrag van die toepaslike hernuwingsfooi te betaal teen die datum soos bepaal in die klousule, se lisensie outomaties opgeskort word vir 'n tydperk van ses maande vanaf 1 Januarie van die jaar waarvoor die toepaslike fooi verskuldig was. Terwyl die lisensie opgeskort is, is die lisensiehouer nie gemagtig om handel te dryf nie. Sodanige opskorting mag opgehef word deur die volle toepaslike hernuwingsfooi en die volle bedrag van die boete aan die Drankowerheid te betaal voor of op die datums in die klousule bepaal. Die opheffing tree onmiddellik in werking op die datum wat die toepaslike hernuwingsfooi en boete betaal word. Versuim deur 'n lisensiehouer om die volle bedrag van die toepaslike hernuwingsfooi en boete te betaal nadat die lisensie outomaties ingetrek is, het tot gevolg dat die die lisensie as verval geag word op 1 Januarie van die jaar, of die eerste jaar van die tweejaartydperk, na gelang daarvan of die lisensiehouer verbind is tot 'n jaarlikse of tweejaarlikse hernuwingsiklus ten opsigte waarvan die toepaslike hernuwingsfooi betaal moes wees.
- 3.30 **Klousule 30** vervang artikel 64 van die Hoofwet. Die wysiging bepaal dat indien 'n lisensiehouer sedert die datum van uitreiking van die lisensie of, indien die lisensie hernu is, gedurende die tydperk waarvoor die laaste hernuwing van die lisensie geldig was, gediskwalifiseer is ingevolge artikel 35 van die Hoofwet om 'n lisensiehouer te wees of deur die Dranklisensieringstribunaal onbevoeg verklaar is om die houer van 'n dranklisensie te wees, versuim het om 'n nakomingskennisgewing kragtens die Wet na te kom of die onderwerp was van 'n verslag ingevolge artikel 73(7)(c) of (d) wat na die Dranklisensieringstribunaal verwys is kragtens artikel 26(7) van die Hoofwet, die lisensie nie vatbaar is vir outomatiese hernuwing nie maar kan op aansoek hernu word. Die aansoekprosedure vereis van die Drankowerheid om die lisensiehouer in kennis te stel dat die lisensie nie vatbaar is vir outomatiese hernuwing nie en nooi die lisensiehouer uit om aansoek te doen om die hernuwing van die lisensie. Die klousule bepaal die datum waarteen die aansoek gedoen moet word. Indien 'n lisensiehouer aansoek doen ná die voorgeskrewe datum, staan dit hom of haar vry om aansoek te doen om kondonering van die laat aansoek. Daar mag slegs aansoek gedoen word om kondonering voor die datum wat in die klousule bepaal is. Die aansoek om kondonering moet in die voorgeskrewe vorm wees en sluit die betaling van die voorgeskrewe fooi in. Die aansoek om kondonering moet gelyktydig met die aansoek om hernuwing van 'n lisensie gedoen word. Die betrokke lisensie bly geldig hangende die oorweging deur die Dranklisensieringstribunaal van óf die aansoek om hernuwing óf beide die aansoek om hernuwing en die aansoek om kondonering. Die klousule bepaal hierbenewens ook die betalingsverpligtinge van die lisensiehouer in die geval waar die Dranklisensieringstribunaal die aansoek om hernuwing toestaan of beide die aansoek om kondonering en die aansoek om hernuwing toestaan.
- 3.31 **Klousule 31** wysig artikel 65 van die Hoofwet om 'n voorgeskrewe fooi te bepaal vir die onderrig en opleiding wat die Dranklisensieringstribunaal 'n voorgestelde lisensiehouer of

- een of meer werkgewers van sodanige lisensiehouer kan gelas om te ondergaan, wanneer hy 'n aansoek om die oordrag van 'n lisensie toestaan.
- 3.32 **Klousule 32** wysig artikel 66 van die Hoofwet. Die klousule sluit openbare deelname in by die aansoekprosedure vir die verwydering van 'n lisensie deur die inlywing van sekere bepalings in artikels 36, 37, 38, 39 en 40 van die Hoofwet by die proses. Die klousule maak voorsiening vir die kriteria waarvolgens die Dranklisensieringstribunaal gelei moet word in die oorweging van 'n aansoek om verwydering van 'n lisensie, deur sekere bepalings van artikels 34 en 41 van die Hoofwet daarby in te lyf. Die klousule lyf ook die bepalings in van artikels 42, 43 en 44 van die Hoofwet vir die voorwaardelike toestaan deur die Dranklisensieringstribunaal van 'n aansoek om die verwydering van 'n lisensie. Die oorblywende gedeelte van die klousule behels die tekstuele verbetering van die artikel.
- 3.33 **Klousule 33** wysig artikel 67 van die Hoofwet deur die skraping van die bevoegdheid van die Dranklisensieringstribunaal om 'n bestuurder aan te stel waar die Tribunaal van mening is dat 'n gelisensieerde besigheid deur die lisensiehouer abandonneer is.
- 3.34 **Klousule 34** wysig artikel 68 van die Hoofwet. Hierdie wysigings behels gevolglike wysigings van artikel 25 van die Hoofwet, wat in verband staan met die aanstelling van twee persone om as Dranklisensieringstribunale op te tree.
- 3.35 **Klousule 35** wysig artikel 73 van die Hoofwet en behels 'n tekstuele verbetering van die artikel.
- 3.36 **Klousule 36** wysig artikel 75 van die Hoofwet en behels 'n tekstuele verbetering van die artikel.
- 3.37 **Klousule 37** wysig artikel 78 van die Hoofwet en is 'n gevolglike wysiging van die wysiging van artikel 25 van die Hoofwet wat verband hou met die aanstelling van twee persone om as Appèltribunale op te tree. Die klousule behels ook 'n tekstuele verbetering van die artikel.
- 3.38 **Klousule 38** wysig artikel 83 van die Hoofwet en is 'n gevolglike wysiging van die wysiging van artikel 52 van die Hoofwet wat met die aanstelling van bestuurders in verband staan.
- 3.39 **Klousule 39** wysig artikel 85 van die Hoofwet en is 'n gevolglike wysiging van die wysiging van artikel 54 van die Hoofwet.
- 3.40 **Klousule 40** wysig artikel 87 van die Hoofwet. Die klousule bepaal dat 'n oortreding kragtens artikel 63(13) ook strafbaar is met 'n boete, by skuldigbevinding, van hoogstens R100 000, of gevangenisstraf vir 'n tydperk van hoogstens ses maande, of beide sodanige boete en sodanige tydperk van gevangenisstraf.
- 3.41 **Klousule 41** wysig die inhoudsopgawe van die Hoofwet.
- 3.42 **Klousule 42** maak voorsiening vir voorbehoudsbepalings en oorgangsreëlings.
- 3.43 **Klousule 43** maak voorsiening vir die kort titel en inwerkingtreding van die Konsepwetsontwerp ná proklamasie.

4. OORLEGPLEGING

Departement van Gemeenskapsveiligheid
Departement van die Premier: Regsdienste
Departement van die Premier: Strategiese Program
Wes-Kaapse Drankowerheid

5. PERSONEELIMPLIKASIES

Daar is geen direkte personeelimplikasies nie.

6. FINANSIËLE IMPLIKASIES

Die Owerheid bestee tans R4 513 960 per jaar aan die adverteer van dranklisensie-aansoeke ingevolge artikel 36, waarvan slegs R1 912 143 by die MTEK-begrotingsbasislyn ingesluit is. Die oorblywende R2 601 817 is histories befonds deur die verlenging van fondse wat nie in die vorige boekjare bestee is nie. Die fondse is nie ingesluit by die MTEK-begrotingsbasislyn nie aangesien dit as 'n wetgewende ondoeltreffendheid beskou word. Die wysiging in klousule 14 sal hierdie wetgewende ondoeltreffendheid regstel en sal 'n besparing van ongeveer R1 500 000 van die MTEK-begrotingsbasislyn meebring.

Hierbenewens genereer die Owerheid tans R1 129 577 deur boetes en laat betalings van lisensiehernuwings. Die wysiging van klousules 28 en 29 sal hierdie boetes op die laat betalings van lisensiehernuwings beduidend verlaag, wat 'n geraamde verlies aan eie inkomste van sowat R1 000 000 tot gevolg sal hê. Die verlies aan inkomste sal befonds word uit die doeltreffendheidsbesparings wat hierbo genoem word.

Die wetswysigings sal dus 'n geraamde besparing van R500 000 tot gevolg hê wat vir ander diensleweringsprioriteite van die Owerheid beskikbaar sal wees.

7. WETGEWENDE BEVOEGDHEID

Die Provinsiale Minister verantwoordelik vir dranklisensies is oortuig dat die bepalinge van die Konsepwetsontwerp binne die wetgewende bevoegdheid van die Provinsie val.

ISAZISO SEPHONDO

I.S. 112/2023

15 kweyeNkanga 2023

INQAKU LENKCAZELO NGOKUBANZI:

[] Amagama abhalwe ngqindilili akwibrakethe esikwere abonisa ushiyo olubekho kwimithetho ekhoyo.

_____ Amagama anomgca ngaphantsi kunye nomgca owenziwe mnyama kakhulu abonisa okufakelweyo kwimithetho ekhoyo.

**UMTHETHO OYILWAYO OLUNGISIWEYO WOTYWALA WENTSHONA KOLONI,
2023**

Ukulungiswa koMthetho woTywala weNtshona Koloni, 2008 (uMthetho 4 ka-2008), ukulungiselela ukubeka endaweni yazo okanye ukufakela iinkcazelo ezithile; ukwenza isibonelelo esilungiselelwe uGunyaziwe abe nokukwala ukungeniswa kwezicelo zamaphephamvume athile phantsi kweemeko ezithile; ukwenza isibonelelo esahlukileyo esilungiselelwe ukutyunjwa kwamalungu abambeleyo; ukunikezela ngemfundo noqeqesho lwabaphathi; ukwenza isibonelelo esingaphezulu sokusekwa kweekomiti zeNkundla yamatyala yamaPhephamvume oTywala; ukwenza isibonelelo esingaphezulu esilungiselelwe imiba enokuthi igunyaziselwe kwiikomiti zeNkundla yamatyala yamaPhephamvume oTywala; ukwenza isibonelelo sokutyunjwa kwabantu ababini basebenze njengeeNkundla zokuBhena; ukwenza isibonelelo esahlukileyo sokupapashwa kwezaziso zezicelo zamaphephamvume; ukwenza isibonelelo esingaphezulu sokuqwalaselwa kwezicelo yiNkundla yamatyala yamaPhephamvume oTywala; ukuxhobisa uMphathiswa ekwenzeni imithetho ngengcaciso emayiqwalaselwe yiNkundla yamaPhephamvume xa iqwalasela isicelo sephephamvume; ukwenza isibonelelo esahlukileyo esilungiselelwe amagunya oxolelo eNkundla yamatyala yamaPhephamvume oTywala; ukwenza isibonelelo sokunyanzeliswa komrhumo olungiselelwe imfundo noqeqesho ngesikhokhelo seNkundla yamatyala yamaPhephamvume oTywala ngokuphathelele kunikezelo olunemiqathango lwephephamvume; ukwenza isibonelelo esingaphezulu sokuthuthwa kotywala; ukucacisa okokuba ukuqeshiswa kwephephamvume, ukuqhutywa koshishini ngokuhambelana nephephamvume nokusetyenziswa kwezakhiwo ezivunyelweyo kuvunyelwa kuphela phakathi kwabanamaphephamvume nokwenza isibonelelo esingaphezulu ngokuphathelelene noko; ukwenza isibonelelo esahlukileyo esilungiselelwe ulawulo lweshishini elinephephamvume; ukwenza isibonelelo esahlukileyo kwizicelo zokuqhubeka ngokwandisa kwizakhiwo ezinephephamvume okanye [kukuguqulwa kohlobo leshishini elinephephamvume; ukwenza isibonelelo esingaphezulu ngokuphathelelene nabantwana; ukwenza isibonelelo esingaphezulu sokugcinwa kweerekhodi ngabanamaphephamvume zotywala obuthengisiweyo; ukwenziwa kwesibonelelo esahlukileyo sokuhlaziywa okuzenzekelayo kwamaphephamvume; ukwenziwa kwesibonelelo esingaphezulu nesahlukileyo esilungiselelwe izelelo zokuhlaziywa kwamaphephamvume; ukwenziwa kwesibonelelo sokunyanzeliswa komrhumo wemfundo noqeqesho ngesikhokhelo seNkundla yamatyala yamaPhephamvume oTywala xa kuvunyelwa isicelo sokukhutshelwa

kwephephamvume komnye umntu; ukwenziwa ngaphezulu nesahlukileyo sokuhluthwa kwephephamvume; ukwenziwa kwesibonelelo esingaphezulu sokugwetywa kwezibheni kunye nezicelo zokuhlaziya kwakhona kwezigqibo; ukunikezelwa kwezibonelelo zolondolozo nezethutyana; ukusebenzisa uphuculo oluthile kumbhalo; nokubonelela kwimiba engalindelekanga apho ngoko.

UMISELWA yiPalamente yePhondo leNtshona Koloni, ngolu hlobo lulandelayo:—

Isilungiso secandelo 1 loMthetho 4 ka-2008, njengoko ulungisiwe licandelo 2 loMthetho 10 ka-2010, icandelo 1 loMthetho 3 ka-2015 kunye necandelo 1 loMthetho 5 ka-2016

1. Icandelo 1 loMthetho woTywala weNtshona Koloni, 2008 (uMthetho 4 ka-2008) (uMthetho oyintloko), uyalungiswa—

(a) Ngokusetyenziswa endaweni yenkcazelo “yotywala” kulungiselelwa inkcazelo elandelayo:

“‘**utywala**’ buthetha naluphi na ulwelo okanye into equlathe okanye exhibe ukuqulatha ngaphezulu kwe-[1] 0,5% yealkhoholi ngokomthamo okanye ngobunzima, kodwa akubandakanywa—

(a) isipirithi;

(b) amayeza [**nawaphina**] athi abe axhomekeke kukubhaliswa ngokuhambelana noMthetho wamaYeza kunye neZinto eziNxulumene nawo, ka-1965 (uMthetho 101 ka-1965); kunye

(c) neemveliso [**neziphi**] ezi zingamiselwanga okokuba zityiwe ngabantu;”;

(b) ngokufakela emva kwenkcazelo “yeNkundla yamatyala yamaPhephamvume oTywala” yenkcazelo elandelayo:

“‘**ungeniso**’ lubandakanya, ngokuhambelana nokungeniswa kwamaxwebhu kuGunyaziwe, ungeniso ngoxibelelwano lwe-elektroniki njengoko kucamngciwe kuMthetho woNxibelelwano lwe-Elektroniki neeNtengiselwano, 2002 (uMthetho 25 ka-2002);”;

(c) ngokusetyenziswa endaweni yenkcazelo “yomphathi” kwinkcazelo elandelayo:

“‘**umphathi**’ uthetha umntu okanye abantu [**abangqesho yabo**] oqeshwe njengomphathi [**wamkelwe**] okanye abaphathi beshishini elinikwe iphephamvume okanye othatyathwa njengomphathi weshishini elinephephamvume ngokuhambelana necandelo 52[(1)];”;

(d) ngokusetyenziswa endaweni kulungiselelwa inkcazelo “yoMphathiswa” kule nkcazelo ilandelayo:

“‘**UMphathiswa**’ uthetha ilungu leKhabhinethi yePhondo [**onikezelwe ulawulo lwalo Mthetho okanye nawaphi na amagunya okanye umsebenzi okulo Mthetho onikezelweyo okanye okhutshelwe kuye yiNkulumbuso**] onoxanduva lwamaphephamvume otywala kwiPhondo;”;

(e) ngokufakela emva kwenkcazelo “yegosa loxolo” yale nkcazelo ilandelayo:

“ ‘**umntu**’ ubandakanya—

(a) naliphi na isebe likarhulumente;

(b) nayiphi na inkampani okanye iqumrhu elivaliweyo okanye elibhaliswe ngolo hlobo phantsi komthetho;

(c) naliphi na iqumrhu lembumba yabantu okanye abangeyiyo imbumba; kunye

(d) nayiphi na ithrasti”; kunye

(f) nangokusetyenziswa endaweni yenkcazelo “yokuhlaziywa komrhumo” yenkcazelo elandelayo:

“ ‘**ukuhlaziywa komrhumo**’ kuthetha umrhumo ohlawulwa rhoqo ngonyaka okanye kunyaka mbini, njengoko kusenokuba njalo, ngokuphathelele kwiphephamvume, kungabandakanywa elethutyana okanye iphephamvume lomsitho, ukulungiselela ukuqinisekisa ngokubasemthethweni okuqhubekayo kwephephamvume;”.

Ukulungiswa kwecandelo 9 loMthetho 4 ka-2008, njengoko ulungisiwe licandelo 10 loMthetho 10 ka-2010

2. Icandelo 9 loMthetho oyintloko liyalungiswa—

(a) ngokufakela emva komhlathi (b) womhlathi olandelayo:

“(bA) ukwaliwa kokungeniswa kwezicelo zamaphephamvume ecandelo ekubhekiselelwe kulo kwicandelo 33(1) ezingahambelaniyo ngazo zonke iindlela neemfuno ezichaziweyo ezilungiselelwe izicelo”; kunye

(b) ngokusetyenziswa endaweni ekumhlathi (f) kwigama “iNkundla yamatyala” yegama “iiNkundla zamatyala”.

Ukusetyenziswa endaweni yesihloko kwiSahluko 3 soMthetho 4 ka-2008, njengoko kusetyenziswe endaweni yaso licandelo 15 loMthetho 10 ka-2010

3. Isihloko esilandelayo ekusetyenziswe endaweni yaso isihloko kwiSahluko 3 soMthetho oyintloko:

“**INKUNDLA YAMATYALA YAMAPHEPHAMVUME OTYWALA KUNYE
NEENKUNDLA ZAMATYALA [INKUNDLA YAMATYALA] ZOKUBHENA**”.

Isilungiso secandelo 16 loMthetho 4 ka-2008, njengoko ulungisiwe licandelo 2 loMthetho 3 ka-2015

4. Icandelo 16 loMthetho oyintloko ulungisiwe—

(a) ngokucinywa kumhlathi (d) wecandelwana (1) lamagama “ukuba noxanduva lokhuselo loluntu kwiPhondo”;

- (b) ngokusetyenziswa endaweni yomhlathi (b) wecandelwana (2A) lomhlathi olandelayo:
 “(b) Izibonelelo zecandelo 10(2), (3) kunye ne-(6) ziyasebenza, kunye neenguqu eziyimfuneko ezidingwa bubume, kumelo ngokuhambelana nomhlathi (a).”
- (c) ngokusetyenziswa endaweni yomhlathi (a) wecandelwana (3A) yomhlathi olandelayo
 “(a) Nangona [**amacandelwana**] icandelwana (1) [**kunye nele-(2)**], iBhodi inakho[, **ngothethwano noMphathiswa,**] nangaliphi na ixesha ityumbe abantu abafanelekileyo abangekho ngaphezulu kwesine njengamalungu abambeleyo, okokuba asebenze njengamalungu eNkundla yamatyala yamaPhephamvume oTywala [**okanye ekomiti ngoko**] ngesicelo seGosa eLongameleyo kwiimeko ezicamngcwe kwicandelo 21(4) [**okanye 24(2A)**], okanye ukuba yinxalenye yekomiti yeNkundla yamatyala yamaPhephamvume oTywala kulungiselelwa iinjongo zecandelo 24(1).”;
- (d) ngokusetyenziswa endaweni yecandelwana (4) lecandelwana elilandelayo:
 “(4) Phambi kokuba liqeshwe ilungu okanye ilungu elibambileyo leNkundla yamatyala yamaPhephamvume oTywala, umgqatswa kufuneka angenise ingxelo efungelweyo kwiBhodi apho umgqatswa onjalo ebhengeza okokuba yena akananto imthintelayo ngokuhambelana necandelo 17.”; kunye
- (e) nangokusetyenziswa endaweni yecandelwana (5) le candelwana elilandelayo:
 “(5) IBhodi, ngothethwano noMphathiswa, inakho nangaliphi na ixesha afune ubungqina ukuzanelisa ngokufaneleka okuqhubekayo kwalo naliphi na ilungu okanye ilungu elilindelweyo leNkundla yamatyala amaPhephamvume oTywala okanye ilungu elibambeleyo, okanye yamkele okanye yenze okokuba yamkele naluphi na uphando okanye uncino kuloo meko”.

Ukulungiswa kwecandelo 18 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 18 loMthetho 10 ka-2010 kunye necandelo 4 loMthetho 3 ka-2015

5. Icandelo 18 loMthetho oyintloko ulungiswe ngokucinywa kwicandelwana (3) lamagama “unoxanduva lokhuselo loluntu kwiPhondo”.

Ukulungiswa kwecandelo 20 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 20 loMthetho 10 ka-2010 kunye necandelo 6 loMthetho 3 ka-2015

6. Icandelo 20 loMthetho oyintloko ulungisiwe—

- (a) ngokusetyenziswa endaweni yomhlathi (f) wecandelwana (1) lomhlathi olandelayo:
 “(f) umelo olwenziwa ngabanikwe amaphephamvume okanye abanye abantu abanomdla ngokubhekiselele kukurhoxiswa kokuxhonywa kwephephamvume, ngaphandle kokurhoxiswa kokuxhonywa kwephephamvume okucamngcwe kwicandelo 63(8) okanye ukususwa okanye ukulungiswa kwawo nawuphi na umqathango obekwe kwiphephamvume;”;
- (b) ngokusetyenziswa endaweni yomhlathi (fA) wecandelwana (1) kwigama “the” phambi kwamagama “iNkundla yamatyala yeziBheno” yegama “an”; kunye

(c) ngokwangezelelwa kwecandelwana elilandelayo:

“(8) INkundla yamatyala yamaPhephamvume oTywala kufuneka imisele imfundo noqeqesho ecamngcwe kwicandelo 52(4)(c).”.

Ukulungiswa kwecandelo 21 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 7 loMthetho 3 ka-2015

7. Icandelo 21 loMthetho oyintloko lilungisiwe ngokusetyenziswa endaweni yomhlathi (a) wecandelwana (4) lomhlathi olandelayo:

“(4)(a) Ukuba ngaba ilungu leNkundla yamatyala yamaPhephamvume oTywala, ngaphandle kweGosa eLongameleyo, alikho kwintlanganiso yeNkundla yamatyala yamaPhephamvume oTywala okanye alifumaneki okokuba lizimase intlanganiso yaye ukungabikho okunjalo okanye ukungafumaneki kubangela okokuba intlanganiso ingabinayo ikhoram iGosa eLongameleyo **[linakho]** kufuneka licele ilungu elibambeleyo okokuba lisebenze njengelungu endaweni yelungu elingekhoyo okanye elingafumanekiyo.”.

Ukusetyenziswa endaweni yecandelo 24 loMthetho 4 ka-2008, njengoko ulungisiwe licandelo 9 loMthetho 3 ka-2015

8. Icandelo elilandelayo kusetyenziswa endaweni yalo icandelo 24 loMthetho oyintloko:

“Ikomiti zeNkundla yamatyala yamaPhephamvume oTywala

24. (1) IGosa eLongameleyo linakho ukutyumba ikomiti enye okanye ezingaphezulu eziqulathe **[yena]**—

(a) iGosa eLongameleyo okanye uSekela weGosa eLongameleyo; kunye

(b) omnye okanye ngaphezulu abantu abalandelayo:

(i) **[naliphi na]** ilungu **[okanye]** leNkundla yamatyala yamaPhephamvume oTywala;

(ii) **[nawuphi na]** umntu owamkelwe njengelungu ngokuhambelana necandelo 20(5); kunye

(iii) Ilungu elibambeleyo.

(1A) Nangona kwicandelwana (7) kunye necandelo 20(6), umntu owamkelwe njengelungu ngokuhambelana necandelo 20(5) othe **[watyunjwa njengelungu]** wayinxalenye yekomiti [ngokuhambelana necandelwana (1) unelungelo] unakho ukuvota nakuyiphi na intlanganiso yekomiti xa ikomiti isenza nawuphi na umsebenzi weNkundla yamatyala yamaPhephamvume oTywala [ecamngcwe kwicandelo 89(7) yaye ngoko] onikezelwe kwikomiti ngokuhambelana necandelwana (3)(b).

(2) Ikomiti kufuneka iqulunqwe ubuncinane ngabantu abathathu.

(2A) [(a) Ukuba ilungu lekomiti alikho kwintlanganiso yekomiti okanye alifumaneki okokuba lizimase intlanganiso, iGosa eLongameleyo linakho ukucela ilungu elibambeleyo okokuba lisebenze njengelungu endaweni yelungu elingekhoyo.

(b) Ilungu elibambeleyo [elisebenza ngoko njengebambela] eliyinxalenye yekomiti linamagunya kunye noxanduva lobulungu [bekomiti] beNkundla yamatyala yamaPhephamvume oTywala.

(3) INkundla yamatyala yamaPhephamvume oTywala inakho ukunikezela kwikomiti imisebenzi yeNkundla yamatyala yamaPhephamvume oTywala—

(a) yandlalwe kumacandelo 20(1)(d), (e), (f), (fA) kunye no-(g), 20(3)(b), (c) kunye no-(d), [52] 53, 64, 65, 66 kunye nama-71; [okanye]

(b) yacamngcwa kwicandelo 89(7).

(4) INkundla yamatyala yamaPhephamvume oTywala inakho ukukhuphela ikomiti izikhokhelo eziphathelelene nokusetyenziswa kwamagunya okanye ukwenziwa komsebenzi ethe yawunikezela kwikomiti.

(5) Ikomiti kufuneka ekusebenziseni kwayo amagunya anikezelweyo omsebenzi, ihambelane nezikhokhelo ekubhekiselelwe kuzo kwicandelwana (4).

(6) [Xa] Xa kutyunjwa [amalungu] ikomiti, iGosa eLongameleyo kufuneka linike ingqwalasela efanelekileyo kulwazi, ubuchule kunye namava adingekayo ukuze umba uqwalaselwe.

(7) Ikomiti yeNkundla yamatyala yamaPhephamvume oTywala ilawulwa yimithetho eminye yenkqubo njengaleyo iphathelelene neNkundla yamatyala yamaPhephamvume oTywala.”.

Ukusetyenziswa endaweni yecandelo 25 loMthetho 4 ka-2008, njengoko ulungisiwe lucandelo 21 loMthetho 10 ka-2010 kunye necandelo 10 loMthetho 3 ka-2015

9. Icandelo elilandelayo kusetyenziswe endaweni yalo icandelo 25 loMthetho oyintloko:

“iNkundla zamatyala zokuBhena [iNkundla yamatyala]

25. (1) UMphathiswa kufuneka, ngegama elifana [yena] uMphathiswa enakho ukumisela, ukutyumba, okwethutyana, [umntu] abantu ababini abanezifundo zomthetho ezilingana nezo zidingekayo okokuba umntu amkelwe njengegqwetha, okanye ummeli/igqwetha leNkundla ePhakamileyo yoMzantsi Afrika, kunye namava kulawulo lobulungisa, umntu ngamnye asebenze njengeNkundla yamatyala yeziBheno okokuba agwebe [phezu] izibheno ezichasayo okanye izimangalo zovavanyo ngokutsha kwezigqibo—

(a) zeNkundla yamatyala yamaPhephamvume oTywala;

(b) iGosa eLongameleyo; okanye

(c) uSekela Gosa eLongameleyo owenza imisebenzi enikezelwe [kuye] kwelo Sekela Gosa eLongameleyo liGosa eLongameleyo.

(1A) Xa kuchotshelwe ukugwetywa kwesibheno okanye isicelo sovavanyo kwakhona, iNkundla yamatyala yokuBhena etyunjwe ngokuhambelana necandelwana (1) kufuneka isebenze ngokubhekiselele kwicandelo 68 naso nasiphi na isigqibo esithatyathiweyo ngoko siqulathe isigqibo yiNkundla yamatyala yokuBhena efanelekileyo yaye asingakuguqulwa.

(2) UMphathiswa kufuneka amisele inkqubo ekufuneka ilandelwe [i] yiNkundla zokuBhena.”.

Ukulungiswa kwecandelo 26 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 22 loMthetho 10 ka-2010

10. Icandelo 26 loMthetho oyintloko ulungiswe ngokufakelwa kwamagama “iNkundla yesiBheno”, apho kwenzeka khona, kubandakanywa isihloko, samagama “iiNkundla zokuBhena”.

Ukulungiswa kwecandelo 27 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 23 loMthetho 10 ka-2010 nangecandelo 11 loMthetho 3 ka-2015

11. Icandelo 27 loMthetho oyintloko ulungisiwe ngokufakelwa endaweni yawo kwecandelo (1) lwecandelwana elilandelayo:

“(1) Amalungu eBhodi eNkundla yamatyala yamaPhephamvume yoTywala, [umntu] abantu abatyunjelwe ukusebenza njengamalungu abambeleyo eeNkundla zokuBhena [iNkundla], ngamalungu abambeleyo kunye nabantu abamkelwe njengamalungu ngokwecandelo 11 okanye 20(5) banelungelo lokufumana umvuzo ofanelekileyo kunye nemali evunyelweyo ngokumiselwe nguMphathiswa, ngothethwano noMphathiswa onoxanduva lwezemali kwiPhondo.”.

Ukulungiswa kwecandelo 30 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 26 loMthetho 10 ka-2010 nangecandelo 12 loMthetho 3 ka-2015

12. Icandelo 30 loMthetho oyintloko ulungisiwe —

(a) ngokufakelwa endaweni yawo kwecandelwana (1) lwecandelwana elilandelayo:

“(1) Imirhumo ekubhekiselelwe kuyo kwicandelo [63(2) kunye (2B)] 63(4)(a) kunye no-(b) kufuneka ihlawulwe kwiNgxowamali yeNgeniso yePhondo.”;

(b) ngokufakelwa endaweni yomhlathi (b) wecandelwana (2) lomhlathi olandelayo:

“(b) izohlwayo ekubhekiselelwe kuzo [icandelo] kumacandelo 46(6), 48(10), [62(3), 63(4), 64(4)] 63(8)(a) kunye no-(b), 64(7)(b), 65(19) [kunye nelama-66(8)] kunye nelama-66(11); kunye”;

(c) ngokufakelwa endaweni yomhlathi (c) wecandelwana (2) lomhlathi olandelayo:

“(c) Imirhumo ekubhekiselelwe kuyo kumacandelo 26(8), [36(1)(e)] 36(1C)(b), 38, 45, 46(2), 48(1), 48(4), 52(4)(c), 53(1), 53(1A), 59(7), 64(1), 64(4), 64(7)(a), 65(4), 65(14), 65(16), 66(2) kunye [66(6)] 66(9).”;

(d) ngokufakelwa endaweni yawo kwecandelwana (3) lwecandelwana elilandelayo:

“(3) Imirhumo ekubhekiselelwe kuyo kwicandelo 37(4)(a) [(i) kunye no-(b)(i)] efunyenwe ngumasipala ochaphazelekayo.”; kunye

- (e) ngokufakelwa endaweni yawo kwecandelwana (4) lwecandelwana elilandelayo:
 “(4) [Hayi] Kuxhonyekwe kwicandelo 63(12), akukho sixamali esicangcwe leli candela esinokubuyiselwa.”.

Ukulungiswa kwecandelo 36 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 31 loMthetho 10 ka-2010

13. Icandelo 36 loMthetho oyintloko olungisiweyo—

- (a) ngokufakelwa endaweni yawo kwecandelwana (1) kumagama akhokhela umhlathi (a) wala magama alandelayo:

“Isicelo sephephamvume secandelo ekubhekiselelwe kulo kwicandelo 33(1) kufuneka senziwe kuGunyaziwe ngokufakwa ngomhla okanye ngaphambi komhla ochaziweyo nguGunyaziwe **[kanye negosa elinyuliweyo lotywala ekulapho kukho isakhiwo esinephephamvume elicetywayo esikummandla ophantsi kolawulo lwalo]**—”;

- (b) ngokufakelwa kwicandelwana (1) kwegama “kanye” ekupheleni komhlathi (b);

- (c) ngokufakelwa endaweni yomhlathi (d) wecandelwana (1) lomhlathi olandelayo:

“(d) enye ingcaciso eya kuthi ifunwe yiNkundla yamatyala yamaPhephamvume oTywala ukuyinceda okokuba imisele ukuba ingaba umenzi wesicelo uyazifezekisa na iinqobo yokukhethwa kulungiselelwa ukunikezelwa kwephephamvume.”;

- (d) ngokucinywa komhlathi (e) wecandelwana (1);

- (e) ngokufakela emva kwecandelwana (1) lwamacandelwana alandelayo:

“(1A) UGunyaziwe unakho, ngokuphathelele kwisicelo esicamngcwe kwicandelwana (1)—

(a) ukwamkela ukungeniswa kwesicelo ukuba ngaba siyahambelana ngazo zonke iindlela; okanye

(b) ukwala ukungeniswa kwesicelo ukuba ngaba siyasilela ukuhambelana nangayiphi na indlela, kunye neemfuno ezichaziweyo ezilungiselelwe izicelo.

(1B) Ukuba ngaba ungeniso lwesicelo lwaliwe, uGunyaziwe kufuneka abuyiyise isicelo kunye nawo onke amaxwebhu angenisiweyo anxulumene noku kumntu lowo uchaphazelekayo kwisithuba esichaziweyo ze azise umntu ngembalelwano ngezizathu zokwaliwa kwesicelo.

(1C) Ukuba uGunyaziwe uyalwamkela ungeniso lwesicelo—

(a) UGunyaziwe kufuneka azise umenzi wesicelo kunye negosa lotywala elityunjiweyo apho isakhiwo esinephephamvume elicetywayo sikummandla ophantsi kolawulo lwalo ngendlela echaziweyo yaye kwisithuba esichaziweyo solwamkelo lokungeniswa kwesicelo;

(b) Umenzi wesicelo kufuneka, ngendlela echaziweyo kwisithuba esichaziweyo, ahlawule umrhumo ochaziweyo kuGunyaziwe;

(c) Kuxhonyekwe kwintlawulo yomrhumo ochaziweyo kuGunyaziwe, umenzi wesicelo kufuneka angenise kwigosa lotywala elityunjiweyo apho

- sikhoyo isakhiwo esinephephamvume elicetywayo esikummandla ophantsi kolawulo lwalo, ikopi yesicelo esingenisiweyo kuGunyaziwe;
- (d) umenzi wesicelo kufuneka angenise kuGunyaziwe ngendlela echaziweyo kwisithuba esichaziweyo, ubungqina bokungenisa buye kwigosa lotywala elityunjiweyo elicamngcwe kumhlathi (b) kunye nobungqina bentlawulo ngokuhambelana yomrhumo ochaziweyo; yaye
- (e) ukuba umenzi wesicelo usilele ukuthabatha nawaphi na amanyathelo acamngcwe kumhlathi (d), ukungeniswa kwesicelo kuthatyathwa njengokwaliweyo ngokuhambelana necandelwana (1A)(b) yaye uGunyaziwe kufuneka azise umenzi wesicelo ngokubhaliweyo ngokungaphumeleli kwesicelo aze asibuyisele isicelo nawo onke amaxwebhu angenisiweyo apho kwisithuba esichaziweyo kumenzi wesicelo.”;
- (f) ngokufakelwa endaweni yawo kwecandelwana (2) lwecandelwana elilandelayo:
 “(2) Akukho saziso sokungeniswa kwesicelo sephephamvume esithe samkelwa nguGunyaziwe esiya kuthi **[sibhengezwe]** sipapashwe ngesithuba somhla woku-1 kweyeNkanga **[kunye]** ukuya kumhla we-15 kweyoMqungu yonyaka olandelayo.”; yaye
- (g) ngokufakelwa endaweni yawo kwecandelwana (3) kumagama aphambi komhlathi (a) akula magama alandelayo:
 “[**Ngokungeniswa**] Lwakuba ungeniso lwesicelo sephephamvume samkelwe, umenzi wesicelo uyavuma okokuba naliphi na ilungu leBhodi okanye umsebenzi ogunyazisiweyo woGunyaziwe unakho—”.

Ukufakelwa endaweni yecandelo 37 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 32 loMthetho 10 ka-2010

14. Icandelo elilandelayo kufakelwa endaweni yalo icandelo 37 loMthetho oyintloko:

“Isaziso sokungeniswa [isicelo] kwezicelo

37. (1) UGunyaziwe kufuneka, kwifomu echaziweyo, kwisithuba esichaziweyo yaye ngeelwimi ezintathu ezisesikweni zePhondo apapashe isaziso kwiwebhusayiti kaGunyaziwe sokungeniswa kwezo zicelo ezithe zamkelwa nguGunyaziwe nalapho kufezekiswe iimfuno zecandelo 36(1C)], ngeelwimi ezintathu ezisesikweni zePhondo kwiGazethi yePhondo nakumaphephandaba oluntu ajikeleziswa kummandla apho izakhiwo zephephamvume elicetywayo zikhoyo, nalapho kungekho phephandaba loluntu likhoyo, kwiphephandaba elilelinye ubuncinane libe linye elijikeleza kummandla apho izakhiwo ezichaphazelekayo zikhoyo].

(2) [U] Umenzi wesicelo osicelo sakhe asingenisileyo sithe samkelwa kufuneka asibeke isaziso emboniselweni, njengoko kuchaziwe, ngeelwimi ezintathu ezisesikweni zePhondo kwindawo ebonakalayo kwizakhiwo ezinephephamvume elicetywayo ukwenzela okokuba sibonakale kubantu abadlulayo: Ngaphandle kokuba iNkundla yamatyala yamaPhephamvume oTywala inokukuvumela ukwaphulwa kwesi sibonelelo ngesizathi esilungileyo esibonakalayo.

(3) Isaziso ngokuhambelana necandelwana (2) kufuneka sihlale sikho isithuba sonke esichaziweyo ukususela ngomhla [**wokungeniswa kwesicelo**] wokuthunyelwa kwesaziso esicamngcwe kwicandelo 36(1C)(a).

(4) Igosa lotywala elityunjiweyo lommandla ophantsi kolawulo lwalo esikuwo isakhiwo esinephephamvume elicetywayo kufuneka, kwisithuba esichaziweyo ukususela ngomhla [**wokungeniswa kwesicelo**] wokuthunyelwa kwesaziso esicamngcwe kwicandelo 36(1C)(a), sinikezele ngekopi yesicelo ngendlela echaziweyo kumasipala ochaphazelekayo ukulungiselela ukuba—

(a) [**apho icandelo 36(1)(c) lisebenzayo**—

(i) anike ithuba kuluntu lokuba lufikelele, luhlole okanye, emva kwentlawulo yomrhumo ochaziweyo, lufumane ikopi yesicelo;

[(ii)] (b) lufumane amagqabantshintshi kaceba wewodi;

[(iii)] (c) lunike izimvo ngesicelo; yaye

[(iv)] (d) apho kufanelekileyo, avumele ukulungiselela ingcamango yesicelo socwangciso ngokunxulumene nephephamvume lotywala [**okanye**

(b) **apho icandelo 36(1)(c) lingasebenzi khona**—

(i) **avumele uluntu lokuba lufikelele, luhlole okanye, emva kwentlawulo yomrhumo ochaziweyo, lufumane ikopi yesicelo;**

(ii) **lufumane amagqabantshintshi kaceba wewodi; yaye**

(iii) **lunike izimvo ngesicelo**].

(5) Igosa lotywala elityunjiweyo lommandla ophantsi kolawulo lwalo esikuwo isakhiwo esinephephamvume elicetywayo kufuneka [**okanye**] yaye umasipala unakho, ngesithuba [ixesha] esichaziweyo, ukunika isaziso sesicelo—

(a) kubahlali abasebumelwaneni okanye abantu abanjalo okanye amaziko anokuthi [ngothelekelelo lwakhe okanye lwawo] ngembono yegosa lotywala elityunjiweyo okanye umasipala bachaphazeleke, okanye abanomdla, ekunikezelweni okanye ekwaliweni kwesicelo; [**kunye**]

(b) iforam yokupolisa yoluntu, ukuba ikho, yommandla apho izakhiwo ezinephephamvume elicetywayo zikhoyo;

(c) umbutho wabahlawuli berhafu, ukuba ukhona, bommandla apho izakhiwo ezinephephamvume elicetywayo zikuwo; kunye

(d) nabantu kunye namaziko ekubhekiselelwe kuwo kwicandelo 34(1)(e), ukuba akho, kummandla ezikuwo izakhiwo ezinephephamvume elicetywayo.

[(6) **Nangona icandelwana (1), apho unemzi wesicelo ekufuneka ehambelene necandelo 36(1)(c), isaziso esenziwe ngokuhambelana nomthetho wocwangciso osebenzayo sithathwa njengesihambelana neemfuno zesaziso ngokwemiqathango yeli candelo: Ngaphandle kokuba iNkundla yamatyala amaPhephamvume oTywala inokudinga isaziso esinjalo njengoko inokubona kufanelekile.**].”

Ukufakelwa endaweni yecandelo 38 loMthetho 4 ka-2008, njengoko kubekwe endaweni yalo icandelo 33 loMthetho 10 ka-2010

15. Icandelo elilandelayo kubekwe endaweni yalo icandelo 38 loMthetho oyiNtloko:

“Izicelo ezilinde ukuhlolwa kuGunyaziwe

38. (1) UGunyaziwe kufuneka, kwisithuba esichaziweyo emva kolwamkelo longeniso lwesicelo [ekubhekiselelwe kuso] ngokuhambelana necandelo 36 [elingeniswe kunye naso], ancede uluntu okokuba lube nokufikelelo, uhlolo okanye, emva kwentlawulo yomrhumo ochaziweyo, lufumane ikopi yesicelo kunye nawaphi na amaxwebhu angenisiweyo ngokuhambelana noku, kwii-ofisi zoGunyaziwe.”

Ukulungiswa kwecandelo 39 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 34 loMthetho 10 ka-2010

16. Icandelo 39 loMthetho oyintloko ulungiswe ngokufakelwa endaweni yawo icandelwana (3) lecandelwana elilandelayo:

“(3) Ikopi yenkcazelo, kungabandakanywa iinkcukacha ekubhekiselelwe kuzo kwicandelwana (5)(b), kufuneka inikezelwe ngumntu onika umelo, kumenzi wesicelo okanye kummeli wakhe.”

Ukulungiswa kwecandelo 40 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 35 loMthetho 10 ka-2010

17. Icandelo 40 loMthetho oyintloko lilungisiwe ngokufakelwa kumhlathi (a) wecandelwana (1) lomhlathi olandelayo:

“(a) isigqibo salo ngokubhekiselele kwisicelo socwangciso ekubhekiselelwe kuso kwicandelo 36(1)[(c)](b) apho kufanelekileyo;”

Ukulungiswa kwecandelo 41 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 14 loMthetho 3 ka-2015

18. Icandelo elilandelayo kufakelwe endaweni yalo icandelo 41 loMthetho oyintloko:

“Ukuqwalaselwa kwezicelo

41. (1) INkundla yamatyala yamaPhephamvume oTywala okanye iGosa eLongameleyo [inakho]—

(a) kufuneka, xa icamngca isicelo, ithathele ingqalelo okulandelayo[—]:

(a)(i) isicelo nayo nayiphi na ingxelo engenisiweyo ukusabela apho;

(b)(ii) umelo lokuxhasa okanye lokuchasa izicelo kunye namanye amaxwebhu okanye amanqaku angenisiweyo ngokunxulumene nesicelo; [kunye

(c)(iii) [kuxhonyekekwe kwicandelo 23(9)—

(i) ukuba kufutshane sezakhiwo ezinamaphephamvume acetywayo ukulungiselela ukuqaliswa kokuqhutywa koshishino lwesikhululo

senkonzo ethengisa ipetroli, idizili kunye nezinye iimveliso zepetroliyam kuluntu; **[kunye**

(ii)] (iv) nayiphi na ingcaciso enokuthi ibe nokuchazwa nguMphathiswa; yaye

(b) unakho, xa eqwalasela isicelo, athathele ingqalelo nawuphi na omnye umba onokufuneka, ngokwembono yeNkundla yamatyala yamaPhephamvume oTywala okanye iGosa eLongameleyo, uthatyathelwe ingqalelo.

(2) Ukuba—

(a) isicelo, ekwamkelwe ungeniso lwaso nguGunyaziwe ngokuhambelana necandelo 36(1A), okanye uxwebhu oluhamba naso, nangona into yokuba isicelo sihambelana ngazo zonke iindlela neemfuno ezichaziweyo ezilungiselelwe ukwenziwa kwezicelo, sinesiphene ngokwaso kweminye imiba, [inkcazelo okanye ingxelo inesiphene nangayiphi na indlela okanye ukuba ngaba nawuphi na umntu usilele ukungenisa naluphi na uxwebhu okanye ukuhambelana nesithuba sexesha elifanelekileyo okanye ixesha elimiselweyo], iNkundla yamatyala yamaPhephamvume oTywala inakho [ukusixolela isiphene okanye ukusilela ukuba ngaba kubekho uhambelwano olukhulu nalo Mthetho yaye ukuba [olunjalo] uxolelo olukhoyo alusayi kubanakho ukubeka esichengeni nawuphi na umntu; okanye

(b) iinkcazelo okanye ingxelo inesiphene nangayiphi na indlela, okanye ukuba nawuphi na umntu usilele ukungenisa naluphi na uxwebhu ngaphandle koxwebhu olucamngcwe kumhlathi (a), okanye usilele ukuhambelana nesithuba sexesha elifanelekileyo ngaphandle kwamathuba exesha ekubhekiselelwe kuwo kwicandelo 36(1C), iNkundla yamatyala yamaPhephamvume oTywala inakho, ukuba ngaba kukho uhambelwano olukhulu kunye nalo Mthetho yaye ukuba ngaba uxolelo olukhoyo alunakubangela ukuba sesichengeni kwako nawuphi na umntu,

Ukuxolelwa kwesiphene okanye ukusilela.”

Ukufakelwa endaweni yecandelo 45 loMthetho ka-2008

19. Kwicandelo elilandelayo kufakelwe endaweni yalo icandelo 45 loMthetho oyintloko:

“Imfundo noqeqesho

45. INkundla yamatyala yamaPhephamvume oTywala, kufuneka xa iphephamvume linikezelwe ngoxhomekeko, iyalele okokuba iphephamvume alinakho ukukhutshwa de umenzi wesicelo, abe uthe wahlawula umrhumo ochaziweyo, ungenele uqeqesho olunjalo kunye nemfundo njengoko kufunwa yiNkundla yamatyala yamaPhephamvume oTywala.”

Ukulungiswa kwecandelo 48 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 38 loMthetho 10 ka-2010 ze kwabekwa endaweni yalo icandelo 16 loMthetho 3 ka-2015

20. Icandelo 48 loMthetho oyiNtloko ulungiswe nokufakelwa kwecandelwana (12) lecandelwana elilandelayo:

“(12) IGosa eLongameleyo alinakho ukunikezela ngephephamvume lotywala lethutyana okanye lomsitho ngaphandle kokuba umphathi uthe waqeshwa kulungiselelwa ishishini elo lichaphazelekayo linephephamvume [yaye **ingqesho ivunyiwe**] ngokuhambelana necandelo 52.”.

Ukulungiswa kwecandelo 50 loMthetho 4 ka-2008

21. Icandelo 50 loMthetho oyintloko ulungisiwe—

(a) ngokufakelwa endaweni yomhlathi (d) wecandelwana (1) lomhlathi olandelayo:

“(d) apho umthamo wotywala othengiweyo ungaphezulu komyinge ochaziweyo, umthengi kufuneka—

(i) avelise—

(aa) incwadi yakhe yesazisi esemthethweni okanye ikhadi, iphephamvume lokuqhuba, incwadi yokundwendwela esemthethweni okanye naluphi na olunye uhlobo lwesazisi olunefoto oluqulathe inombolo yakhe yesazisi okanye umhla wokuzalwa; [kunye]

(bb) ubungqina bedilesi [,]; kunye

(cc) imvume ecamngcwe kwicandelo 60(2); kunye

(ii) anikezele ngeenkukacha zonxibelelwano njengoko kuchaziwe.”; yaye

(b) ngokufakelwa endaweni yecandelwana (2) lecandelwana elilandelayo:

“(2) Ukusilela komntu onikwe [i] iphephamvume, kubandakanywa ofumene iphephamvume lotywala lethutyana okanye lomsitho, ukuhambelana nomqathango ocamngcwe kwicandelwana (1) lityala.”.

Ukulungiswa kwecandelo 51 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 40 loMthetho 10 ka-2010 necandelo 17 loMthetho 3 ka-2015

22. Icandelo 51 loMthetho oyintloko ulungisiwe—

(a) ngokucinywa kwisihloko amagama “kunye nokuqeshiswa kwezakhiwo ezinamaphephamvume”;

(b) ngokucinywa kwamacandelwana (7), (7A), (8) kunye (8A); kunye

(c) ngokufakelwa endaweni yecandelwana (9) yecandelwana elilandelayo:

“(9) Ukwaphulwa komthetho okanye ukusilela ukuhambelana kunye necandelwana (1) [**okanye (7)**] kulityala.”.

Ukufakelwa kwecandelo 51A kuMthetho 4 ka-2008

23. Icandelo elilandelayo lifakelwe kuMthetho oyintloko emva kwecandelo 51:

“Ukuqeshiswa kwephephamvume, ukuqhutywa kweshishini ngokweniqathango yephephamvume nokusetyenziswa kwezakhiwo ezinephephamvume

51A. (1) Umntu onikwe iphephamvume akanakho—

- (a) uqeshisa ngephephamvume komnye umntu;
- (b) ukuvumela omnye umntu eqhuba ishishini ngokwemiqathango yephephamvume;

(c) ukuvumela omnye umntu ukuba asebenzise isakhiwo esinephephamvume, ngaphandle umntu onikwe iphephamvume, akuba enze isicelo, wafumana imvume ebhaliweyo kwangaphambili yeGosa eLongameleyo.

(2) IGosa eLongameleyo linakho ukunikezela kwisicelo ngokuhambelana necandelwano (1), kuxhomekeke kwimiqathango enjalo enokuthi ibekwe liGosa eLongameleyo, kuphela ukuba ngaba omnye umntu—

- (a) axhibe umntu onikwe iphephamvume ukumqeshisela iphephamvume;
- (b) oxhibe ukuqhuba ishishini ngokuhambelana nephephamvume;
- (c) oxhibe ukusebenzisa isakhiwo esinephephamvume,

ikwangumntu onikwe iphephamvume elikwinqanaba elinye lephephamvume njengomntu onikwe iphephamvume.

(3) IGosa lotywala elityunjiweyo kufuneka, kwisithuba esichaziweyo, lingenise ingxelo kuGunyaziwe ephathelelene nesicelo ekubhekiselelwe kuso kwicandelwana (1) yaye linokubandakanya kuyo nawuphi na umba eliwubona igosa lotywala elityunjiweyo ufanelekile kwisicelo.

(4) Ukwaphulwa okanye ukusilela ukuhambelana necandelwana (1) kulityala.”

Ukufakelwa endaweni yecandelo 52 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 18 loMthetho 3 ka-2015

24. Icandelo elilandelayo kubfakwe endaweni yalo icandelo 52 loMthetho oyintloko:

“Ulawulo

52. (1) Umntu onikwe iphephamvume, okanye umenzi wesicelo sephephamvume xa esenza isicelo sephephamvume, kufuneka, ngaphandle kokuba umntu onike iphephamvume okanye umenzi wesicelo ngumntu welizwe, oqeshiweyo, ngendlela echaziweyo, ubuncinane iya kuba ngumntu omnye ongunmtu welizwe njengomphathi weshishini elinikwe iphephamvume.

(2) Umntu onikwe iphephamvume okanye umenzi wesicelo sephephamvume ongunmtu welizwe othatyathwa njengomphathi weshishini elinephephamvume elichaphazelekayo.

(3) Umntu onikwe iphephamvume okanye umenzi wesicelo ocamngcwe kwicandelwana (2) unakho, nangona icandelwana (2), nangaliphi na ixesha

nangendlela echaziweyo, aqeshe ubuncinane umntu omnye ongumntu welizwe njengomphathi weshishini elinephephamvume.

(4) Umntu onikwe iphephamvume okanye umenzi wesicelo sephephamvume akanakho ukuqesha umntu njengomphathi okanye akasayi kuthatyathwa njengomphathi ngokuhambelana necandelwana (2) ngaphandle kokuba umntu, onikwe iphephamvume okanye umenzi wesicelo, njengoko kusenokuba njalo—

- (a) ungumhlali kwiPhondo;
- (b) akalelwanga ekubeni afumane iphephamvume lotywala ngokuhambelana necandelo 35;
- (c) kuxhonyekekwe kwicandelwana (5) uthe, akuba ehlawule umrhumo ochaziweyo, wagqiba ngempumelelo imfundo enjalo noqeqesho njengoko kumiselwe yiNkundla yamaPhephamvume yoTywala; yaye
- (d) uziphethe ngendlela efanelekileyo.

(5) O—

- (a) nephephamvume lotywala lethutyana okanye lomsitho elicamngcwe kwicandelo 48;
- (b) umntu onephephamvume ocetywayo othe wanikezelwa imvume ngokuhambelana necandelo 65(5);
- (c) umntu owenza isicelo sephephamvume lotywala lethutyana okanye lomsitho elicamngcwe kwicandelo 48; okanye
- (d) umntu ocetywayo onikwe iphephamvume ekubhekiselelwe kuye kwicandelo 65(3),

akudingeki okokuba ahambelane necandelwana (4)(c).

(6) UGunyaziwe kufuneka, kwisithuba esichaziweyo emva kokugqitywa ngempumelelo kwemfundo noqeqesho ekubhekiselelwe kuyo kwicandelwana (4)(c), naxa kuhlululwe umrhumo ochaziweyo, akhuphe isatifikethi kumntu ogqibe imfundo noqeqesho, abonakalise into yokuba loo mntu ugqibe ngempumelelo imfundo noqeqesho.

(7) Isatifikethi kufuneka sibe kwifomu echaziweyo yaye siqulathe ingcaciso elandelayo:

- (a) ingama lomphathi okanye labaphathi, njengoko imeko isenokuba njalo, beshishini elinephephamvume; kunye
- (b) nomhla athe umphathi okanye abaphathi, njengoko imeko isenokuba njalo, beshishini elinephephamvume wagqiba ngempumelelo uqeqesho olucamngcwe kwicandelwana (4)(c).

(8) Umntu onikwe iphephamvume kufuneka asibeke emboniselweni isatifikethi esingeelwimi ezintathu ezisesikweni zePhondo kwindawo ebonakalayo yesakhiwo esinephephamvume ukwenzela okokuba sibonakale kuluntu.

(9) Umphathi othe waqeshwa ngokuhambela neli candela unoxanduva lolawulo lweshishini yaye uxhomekeke kwimigaqo eminye, kuxanduva kunye neemfanelo njengomntu onikwe iphephamvume.

(10) Ukuqeshwa komphathi ngokuhambelana neli candelo akumkhululi umntu onikwe iphephamvume nakuwuphi na umgaqo, uxanduva kunye nemfanelo ebekwe

emagxeni akhe, okanye ngulo Mthetho okanye ngokuhambelana nemiqathango yephephamvume.

(11) Ukuba umntu oqeshwe njengomphathi uyayeka ukuphatha ishishini elinephephamvume okanye uyayekiswa ekwenzeni njalo ze ishishini elinephephamvume lishiyeke kamva lingenamphathi, umntu onikwe iphephamvume kufuneka, ukuba ngaba umntu onikwe iphephamvume akanguye umntu weli lizwe, aqeshe umphathi kwindawo yalo uyekileyo kwisithuba seentsuku ezingamashumi amathathu (30) yaye ngokuhambelana neli candelo.

(12) Ukuba ngaba umntu onikwe iphephamvume uyahambelana necandelwana (11), iphephamvume linokurhoxiswa phantsi kwecandelo 20(3)(b)(ii), lixhonywe phantsi kwecandelo 20(3)(b)(iii), okanye lixhonywe okanye lirhoxiswe phantsi kwecandelo 48(13)(c), njengoko imeko isenokuba njalo, okanye imvume ecamngcwe kwicandelo 65(5) isenakho ukurhoxiswa ngokuhambelana necandelo 65(6).

(13) Ukwaphulwa kwecandelwana (1), (4) okanye (8) kulityala.

(14) Kweli candelo—

- (a) “iphephamvume” libandakanya umntu onikwe iphephamvume ocetywayo othe wanikwa imvume ecamngcwe kwicandelo 65(5) yaye umntu onephephamvume lotywala lethutyana okanye elomsitho elicamngcwe kwicandelo 48, kungabandakanywa umntu onephephamvume lotywala lethutyana kwiimeko ezicamngcwe kwicandelo 52(12);
- (b) “umenzi wesicelo” uthetha umntu owenze isicelo sephephamvume ekubhekiselelwe kuye kwicandelo 33 yaye umntu onikwe iphephamvume elicetywayo ekubhekiselelwe kulo kwicandelo 65(3); yaye
- (c) “iphephamvume” kubandakanywa imvume enikezelwe ngokuhambelana necandelo 65(5) kodwa lingabandakanyi iphephamvume lotywala lethutyana, elikwicandelo 52(12).”

Ukufakelwa endaweni yecandelo 53 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 41 loMthetho 10 ka-2010

25. Icandelo elilandelayo kufakelwe endaweni yalo icandelo 53 loMthetho oyintloko:

“Inguqulelo kwisakhiwo esinephephamvume okanye kuhlobo loshishino

53. (1) Ngaphandle kubekho imvume ebhaliweyo kwangaphambili yeGosa eLongameleyo enikezelwe emva kwesicelo kuGunyaziwe yaye igosa lotywala lommandla ophantsi kolawulo lwalo esikuwo isakhiwo esinephephamvume elicetywayo, kwifomu echaziweyo nasemva kwentlawulo yomrhumo ochaziweyo, umntu onikwe iphephamvume akanakho—

- (a) ukuqhuba nayiphi na inguqulelo kwisakhiwo, isongezelelo [,] okanye akhe kwakhona [**okanye andise isakhiwo**] kwisakhiwo esinephephamvume;

[(b) aguqule uhlobo loshishino ngokuphathelele kwiphephamvume elinikezelweyo koko kuchazwe kwisicelo esiqwalaselwe yiNkundla yamaPhephamvume yoTywala ngexesha ebekunikezela iphephamvume;] okanye

(c) ukuqhuba ushishino lwakhe phantsi kwephephamvume lesakhiwo lwalo naluphi na ushishino, kubandakanywa isakhiwo esinxulumente naliphi na elinye iphephamvume, okanye naluphi na urhwebo okanye umsebenzi uyaqhutywa okanye uyalandelwa, ngaphandle kokuba iGosa eLongameleyo, nangaliphi na ixesha xa umba unakho ngokwembono yakhe ukuphakanyiswa ngokufanelekileyo, kumiselwe ngolunye uhlobo kwimeko ethile.

(1A) Ngaphandle kwemvume ebhaliweyo kwangaphambili yeNkundla yamaPhephamvume oTywala enikezela kwisicelo kuGunyaziwe kunye negosa lotywala elinyuliweyo lommandla ophantsi kolawulo lwalo esikuwo isakhiwo esinephephamvume, kwifomu echaziweyo nasemva kwentlawulo yomrhumo ochaziweyo, umntu onikwe iphephamvume akanakho—

(a) ukuqhubeka nangaluphi na ulwandiso okanye kwisakhiwo esinephephamvume; okanye

(b) aguqule uhlobo loshishino ngokuphathelele kwiphephamvume elinikezelweyo koko kuchazwe kwisicelo esiqwalaselwe yiNkundla yamaPhephamvume yoTywala ngexesha ebekunikezela iphephamvume.

(2A) Igosa lotywala elityunjiweyo kufuneka [,]—

(a) ngokuphathelele kwisicelo esicamngcwe kwicandelwana (1)(a) okanye (c), kwisithuba esichaziweyo, lingenise ingxelo kuGunyaziwe ngokuphathelele [kwisicelo ekubhekiselelwe kuso kwicandelwana (1)] kwisicelo ekubhekiswe kuso, yaye linokubandakanya apho nawuphi na omnye umba onokubonwa ufanelekile kwisicelo ligosa lotywala elinyuliweyo;

(b) ngokuphathelele kwisicelo esicamngcwe kwicandelwana (1A)(a) okanye (b), kwisithuba esichaziweyo—

(i) linike isaziso sesicelo—

(aa) kubahlali abasebumelwaneni okanye kubantu abanjalo okanye amaziko anokuthi ngokubona kwalo babe banokuchaphazeleka, okanye banomdla, ekunikezelweni okanye ekwaliweni kwesicelo;

(bb) iforam yokupolisa yoluntu, ukuba ikho, bommandla esikuwo isakhiwo esinephephamvume;

(cc) umbutho wabahlawuli berhafu, ukuba bakho, bommandla esikuwo isakhiwo esinephephamvume; kunye

(dd) nabantu kunye namaziko ekubhekiselelwe kuwo kwicandelo 34(1)(e), ukuba akho, kummandla esikuwo isakhiwo esinephephamvume; yaye

(ii) linikezele ikopi yesicelo eso sichaphazelekayo sikwimo echaziweyo kumasipala ochaphazelekayo ukulungiselela okokuba—

(aa) lifumane izimvo zikaceba wewodi; kunye

(bb) nezimvo ngesicelo.

(2B) Umntu okanye iziko elicamngcwe kwicandelwana (2A)(b)(i) elinomdla ekunikezelweni okanye ekwaliweni kwesicelo kulungiselelwa imvume ecamngcwe kwicandelwana (1A)(a) okanye (b) linakho, kwisithuba esichaziweyo, linikezele ngenkcazelo ebhaliweyo kwiNkundla yamaPhephamvume oTywala lixhasa okanye lichasa ukunikezelwa okanye ukwaliwa kwesicelo.

(2C) Iziboneleo zecandelo 39(2) ukuya (6) ziyasebenza, kunye neenguqu eziyimfuneko ezidingwa sisimo, kukungeniswa kweenkcazelo ngokuhambelana necandelwana (2B).

(2D) INkundla yamaPhephamvume oTywala kufuneka, xa iqwalasela isicelo esenziwe ngokuhambelana necandelwana (1A)(a) okanye (b), ithabathele ingqalelo yoku kulandelayo:

- (a) isicelo kunye nayiphi na ingxelo engenisiweyo kusatyelwa koku;
- (b) iinkcazelo ngenkxaso okanye ngenkcaso zesicelo kunye nayiphi nayiphi na impendulo kwiinkcazelo ezinxulumene nesicelo;
- (c) naluphi na uxwebhu olungenisiweyo ngokunxulumene nesicelo.

(2E) INkundla yamaPhephamvume oTywala okanye iGosa eLongameleyo linakho, xa liqwalasela isicelo esenziwe ngokuhambelana neli candelo, lithabathele ingqalelo nawuphi na umcimbi ngokwembono yeNkundla yamaPhephamvume oTywala okanye iGosa eLongameleyo, njengoko imeko inokuba njalo, kufuneka lithatyathelwe ingqalelo.

(3) Imvume yeGosa eLongameleyo ngokuhambelana necandelwana (1)(a) okanye imvume yeNkundla yamatyala yamaPhephamvume oTywala ngokuhambelana necandelwana (1A)(a), njengoko imeko isenokuba njalo, yokokuba yena unelungelo lokuguqula okanye lokwandisa, njengoko kusenokuba njalo, isakhiwo esichaphazelekayo esilungiselelwe injongo njengoko icamngciwe kwisicelo esichaphazelekayo.

(4) Ukwaphulwa okanye ukusilela ukuhambelana necandelwana (1) okaye (1A) lityala.”.

Kufakelwe endaweni yecandelo 54 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 42 loMthetho 10 ka-2010

26. Icandelo elilandelayo kufakwe endaweni yalo icandelo 54 loMthetho oyintloko:

“Abantwana

54. (1) Akukho mntu unakho ukuthengisela utywala umntu ongaphantsi kweminyaka elishumi elinesibhozo ubudala (18), ukuba ngaba uyazi okanye ufanele ukuba uyazi okokuba loo mntu othengiselwa utywala ungaphantsi kobudala obuyiminyaka elishumi elinesibhozo (18).

(2) Akukho mntu unokunika okanye anikezele ngotywala kumntu ongaphantsi kweminyaka elishumi elinesibhozo ubudala (18) okanye avumele umntu onjalo

okulolongo lwakhe okanye ophantsi kwempatho yakhe okokuba asele utywala, ukuba ngaba uyazi, okanye ufanele ukuba uyazi okokuba loo mntu onikwa okanye onikezelwa utywala okanye osela utywala ungaphantsi kobudala obuyiminyaka elishumi elinesibhozo (18), ngaphandle kokuba unikezelwa ngenjongo zonqulo ezinxulumene nokukhunjulwa kwesiganeko senkolo.

(3) Umntu onikwe iphephamvume okanye umphathi, njengoko kusenokuba njalo, akanakho ukuvumela umntu ongaphantsi kobudala obuyiminyaka elishumi elinesibhozo (18) okokuba asele utywala kwisakhiwo esinephephamvume, ukuba ngaba uyazi, okanye ufanele ukuba uyazi okokuba loo mntu onikwa okanye onikezelwa utywala okanye osela utywala ungaphantsi kobudala obuyiminyaka elishumi elinesibhozo (18).

(4) Umntu onikwe iphephamvume okanye umphathi, njengoko kusenokuba njalo, akanakho ukuvumela umntu ongaphantsi kobudala obuyiminyaka elishumi elinesibhozo (18) okokuba abe kwinxenye yedawo yesakhiwo esinikwe iphephamvume ukuba ngaba loo mntu ngokuhambelana nalo Mthetho okanye nokuhambelana nemiqathango yephephamvume, ukuba umntu onikwe iphephamvume okanye umphathi, njengoko kusenokuba njalo, ufanele ukuba uyazi okokuba umntu onjalo ungaphantsi kobudala obuyiminyaka elishumi elinesibhozo (18).

(5) Umntu ongaphantsi kobudala obuyiminyaka elishumi elinesibhozo (18) akanakho ukufumana okanye ukusela utywala kusaphulwa lo Mthetho okanye akhohlise nawuphi na umntu ngokuphathelele kubudala bakhe esenzela ukufumana okanye ukusela utywala okanye afumane ilungelo lokungena kwinxenye yeendawo zesakhiwo esinephephamvume **[wuphi]** apho umntu onjalo angabinakho ukungena ngokuhambelana nalo Mthetho okanye ngokuhambelana nemiqathango yephephamvume.

(5A) Umntu onikwe iphephamvume okanye umphathi, njengoko kusenokuba njalo, kufuneka, ukuba ngaba ukholelwa ngokufanelekileyo okokuba umntu, okwiimeko ezicamngcwe kwicandelwana (3) kunye nele-(4), ungaphantsi kweminyaka elishumi elinesibhozo (18) okanye ukuba umntu ubonakala ebudala bungaphantsi kweshumi elinesibhozo (18) beminyaka, acele umntu lowo avelise mhlawumbi—

- (a) incwadi yakhe yesazisi esemthethweni okanye ikhadi;
- (b) iphephamvume lakhe lokuqhuba elisemthethweni;
- (c) incwadi yakhe yokundwendwela esemthethweni; okanye
- (d) naluphi na uhlobo olulolunye lokuchongwa olunefoto oluqulathe inombolo yakhe yesazisi okanye umhla wokuzalwa, ukuqinisekisa ukudala bomntu.

(5B) Ukulungiselela iinjongo zeli candelo, umntu ufanele ukuba azi into yokokuba izigqibo athe wafikelela kuzo ngokufanelekileyo zezo zomntu onyamekileyo nohlaniphiyele obe nakho ukuzifikelela—

- (a) onolwazi ngokubanzi, izakhono, uqeqesho kunye namava anokuthi alindeleke kumntu okwesi sikhundla sakhe; yaye
- (b) onolwazi ngokubanzi, izakhono, uqeqesho kunye namava athi abe nawo.

(6) Naluphi na ulwaphulo okanye ukusilela ukuhambelana namacandelwana (1), (2), (3), (4) [okanye], (5) okanye (5A) lityala.”.

Ukufakelwa endaweni yecandelo 60 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 21 loMthetho 3 ka-2015

27. Icandelo elilandelayo kufakelwe endaweni yalo icandelo 60 loMthetho oyintloko:

“**Ubungakanani botywala obuthengisiweyo nokugcinwa kweerekhodi**

60. (1) Umntu onikwe iphephamvume—

(a) ubandakanya onephephamvume lotywala lethutyana, kufuneka agcine yaye angenise kuGunyaziwe, ngendlela echaziweyo, irekhodi yotywala bonke obuthengisiweyo [obulungiselelwe ukuselelwa ngaphandle kwesakhiwo esinephephamvume];

(b) kubandakanywa umntu onephephamvume lotywala lethutyana, kufuneka agcine yaye angenise kuGunyaziwe ingcaciso echaziweyo enxulumene nentengiso yoshishino lotywala;

(c) ovunyelweyo okokuba enze utywala ngokuhambelana nephephamvume ekubhekiselelwe kulo kwicandelo 33(1)(a), kufuneka ngokunjalo agcine yaye angenise kuGunyaziwe, ngendlela echaziweyo, irekhodi yabo bonke utywala obenziweyo.

(1A) UMphathiswa kufuneka achaze ifomu kunye nohlobo lwengcaciso ecamngcwe kwicandelwana (1)(a), (b) kunye no-(c), isithuba ekufuneka kugcinwe ngaso loo ngcaciso, ubuninzi bamathuba ekufuneka kungeniswe ngawo loo ngcaciso, yaye inokuchazwa ngokwahlukeneyo kulungiselelwa amacandelo awahlukeneyo amaphephamvume.

(2) Akukho mntu, ngaphandle komntu onikwe iphephamvume, kubandakanywa nomntu onephephamvume lethutyana okanye elomsitho, unakho ukuthenga, [yaye umntu onikwe iphephamvume akanakho] okanye athengisele kumntu omnye [,] ngosuku oluntu kulungiselelwa ukuselwa ngosuku olunye ngaphandle kwesakhiwo esinephephamvume utywala obungaphezulu kumthamo, onokuthi uchazwe nguMphathiswa, ngaphandle kwemvume efunyenwe kwangaphambili yeGosa eLongameleyo.

(4) Ukwaphulwa okanye ukusilela ukuhambelana necandelwana (1) okanye (2) lityala.”.

Ukulungiswa kwecandelo 62 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 44 loMthetho 10 ka-2010 kune necandelo 22 loMthetho 3 ka-2015

28. Icandelo 62 loMthetho oyintloko lilungisiwe—

(a) ngokufakelwa endaweni yomhlathi (b) wecandelwana (2) lomhlathi olandelayo:

- “(b) ngomhla woku-1 kweyoMqungu wonyaka ofanelekileyo [ngokuphathelele kwimirhumo efanelekileyo echaziweyo engahlawulwanga ngomhla okanye ngaphambi komhla ka-31 kweyeNkanga yonyaka ongaphambili] ocamngcwe kwicandelo 63(2).”;
- (b) ngokucinywa kwicandelwana (2) kwegama “okanye” ekupheleni komhlathi (d);
- (c) ngokufakelwa endaweni yomhlathi (e) wecandelwana (2) lomhlathi olandelayo:
“(e) ngosuku elithe laguqulwa kwelinye iphephamvume ngokuhambelana necandelo (89); okanye”;
- (d) ngokongezelelwa kwicandelwana (2) emva komhlathi (e) womhlathi olandelayo:
“(f) ngemihla ecamngcwe kwicandelo 64(3), (5) kunye ne-(8).”;
- (e) ngokucinywa komhlathi (a) wecandelwana (3);
- (f) ngokufakelwa endaweni yecandelwana (5) lecandelwana elilandelayo:
“(5) Ukuxhonywa kwephephamvume ngokuhambelana necandelwana (4) [ukudlulelwa lixesha] kuyarhoxiswa xa kuthe kwafunyanwa ubungqina liGosa eLongameleyo bokokuba isakhiwo esinephephamvume asishiywanga nguntu onikwe iphephamvume okanye siphinde sasetyenziswa kwakhona ngumntu omnye onikwe iphephamvume.”; kunye
- (g) ngokufakelwa endaweni yegama “i” phambi kwamagama “iNkundla yamatyala yokuBhena”, apho kusetyenziswe, igama “i”.

Ukufakelwa endaweni yecandelo 63 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 45 loMthetho 10 ka-2010 yaye kufakelwe endaweni yalo icandelo 23 loMthetho 3 ka-2015

29. Icandelo elilandelayo kufakelwe endaweni yalo icandelo 63 loMthetho oyintloko:

“Uhlaziyo oluzenzekelayo lwamaphephamvume

63. (1) Umntu onikwe iphephamvume unakho, ngendlela echaziweyo, ukuvuma kumjikelo wohlaziyo wonyaka okanye kumjikelo wonyaka mbini lwephephamvume.
- (2) Ukuba umntu onikwe iphephamvume uyawuvuma—
- (a) umjikelo wohlaziyo lonyaka, umntu onikwe iphephamvume kufuneka ahlawule kuGunyaziwe umrhumo wohlaziyo wonyaka ochaziweyo ngomhla wama-31 kweyoMnga wonyaka ongaphambili kunyaka ngokuphathelele ukuba liliphi iphephamvume ekufuneka lihlaziyiwe; okanye
- (b) umjikelo wohlaziyo wonyaka mbini, umntu onikwe iphephamvume kufuneka ahlawule kuGunyaziwe umrhumo ochaziweyo wonyaka mbini ngomhla wama-31 kweyoMnga wonyaka ongaphambili kunyaka wokuqala wesithuba seminyaka emibini ngokuphathelele ukuba liliphi iphephamvume ekufuneka lihlaziyiwe.
- (3) UGunyaziwe unakho ukukhupha isaziso sohlaziyo lonyaka okanye lonyaka mbini, njengoko kusenokuba njalo, kwifomu echaziweyo, kungadlulanga umhla

wama-31 kweyeDwarha wonyaka ongaphambili konyaka ekufuneka iphephamvume lihlaziyiwe.

(4) Kwakuhlawulwa isixamali esipheleleyo somrhumo ochaziweyo wonyaka okanye wonyaka mbini, njengoko kunokuba njalo, iphephamvume liba lehlaziyiweyo—

(a) ngokuphathelele kumjikelo wohlaziyo lonyaka, de kube ngumhla wama-31 kweyoMnga wonyaka obhekiselele kukuhlawulwa komrhumo wonyaka wohlaziyo ohlawulweyo; okanye

(b) ngokuphathelele kumjikelo wohlaziyo lonyaka mbini, de kube ngumhla wama-31 kweyoMnga wonyaka wesibini wesithuba seminyaka emibini obhekiselele kukuhlawulwa komrhumo wonyaka wohlaziyo ohlawulweyo

(5) Ukuba umntu onikwe iphephamvume uyasilela ukuhlawula isixamali esipheleleyo somrhumo wohlaziyo ochaziweyo okanye isixamali esipheleleyo saso nasiphi na isohlwayo esifanelekileyo ekubhekiselelwe kuso kwicandelwana (8) kodwa wahlawula inxalenye yomrhumo okanye yesohlwayo, intlawulo engaphelelanga yomrhumo okanye yesohlwayo ithatyathwa njengomrhumo okanye isohlwayo esingahlawulwanga.

(6) Umntu onikwe iphephamvume akakhululwanga ekuthwaleni uxanduva lwakhe lokuhlawula umrhumo wohlaziyo ochaziweyo kwangethuba ukuba ngaba isaziso ekubhekiselelwe kuso kwicandelwana (3) sasithunyelwe saze samkelwa ngumntu onikwe iphephamvume.

(7) Iphephamvume lomntu onikwe iphephamvume osileleyo ukuhlawula isixamali esipheleleyo somrhumo wehlaziyo wonyaka okanye wonyaka mbini, njengoko kusenokuba njalo, ngemihla ecamngcwe kwicandelwana (2)(a) okanye (b) liyaxhonywa ngoko nangoko, kuxhonyekeke kwicandelwana (8), isithuba seenyanga ezintandathu ukususela kumhla woku-1 kweyoMqungu yonyaka ebekufanele okokuba umrhumo wohlaziyo oluchaziweyo ebekufanele ukuba uhlawulwe.

(8) Umntu onikwe iphephamvume onephephavume elixhonyiweyo ngokuhambelana necandelwana (7) unakho ukurhoxisa ukuxhonywa ngokuhlawula kuGunyaziwe okulandelayo:

(a) ukuba umntu onikwe iphephamvume uyawuvuma umjikelo wohlaziyo lonyaka—

(i) isixamali esipheleleyo somrhumo wohlaziyo wonyaka kunye nesohlwayo sama-50% sesixamali esipheleleyo somrhumo wohlaziyo wonyaka ochaziweyo ngomhla okanye ngaphambili kumhla woku-1 kweyoKwindla; okanye

(ii) isixamali esipheleleyo somrhumo wohlaziyo wonyaka ochaziweyo kunye nesohlwayo se-100% sesixamali esipheleleyo somrhumo wohlaziyo wonyaka ngomhla okanye ngaphambi komhla woku-1 kuJuni,

wonyaka ophathelelene nokuba umrhumo wohlaziyo wonyaka ochaziweyo obufanele okokuba ube uhlawulwe, okanye

- (b) ukuba umntu onikwe iphephamvume uyawuvuma umjikelo wohlaziyo lonyaka mbini—
- (i) isixamali esipheleleyo somrhumo wohlaziyo wonyaka mbini kunye nesohlwayo sama-50% sesiqingatha sesixamali esipheleleyo somrhumo wohlaziyo wonyakambini ochaziweyo masihlawulwe ngomhla okanye ngaphambi komhla woku-1 kweyoKwindla; okanye
 - (ii) isixamali esipheleleyo somrhumo wohlaziyo wonyaka mbini ochaziweyo kunye nesohlwayo se-100% sesiqingatha sesixamali esipheleleyo somrhumo wohlaziyo wonyaka mbini ngomhla okanye ngaphambi komhla woku-1 kuJuni,

sonyaka wokuqala kwisithuba seminyaka emibini ngophathelelene nomrhumo wohlaziyo wonyakambini ochaziweyo kufuneka ube sele uhlawulwe.

(9) Umntu onikwe iphephamvume elithe iphephamvume lakhe laxhonywa ngokuhambelana necandelwana (7) akasayi kuba nakho ukuthengisa utywala ngokuhambelana nephephamvume isithuba sexesha elixhonywe ngalo.

(10) Ukuxhonywa kwephephamvume kuyarhoxiswa ngoko nangoko ngmhla wokuhlawula komntu onikwe iphephamvume ochaphazelekayo isixamali esipheleleyo sesohlwayo esifanelekileyo ekubhekiselelwe kwicandelwana (8), yaye umntu onikwe iphephamvume unakho emva kwangoko ukuthengisa utywala ngokuhambelana nephephamvume.

(11) Ukuba umntu onikwe iphephamvume uthe wasilela ukuhlawula isixamali esipheleleyo somrhumo wohlaziyo ochaziweyo yaye isixamali esipheleleyo somrhumo ofanelekileyo obekwe emagxeni akhe ngokuhambelana necandelwana (8) ngomhla ekubhekiselelwe kuwo kwicandelwana (8)(a)(ii) kunye ne-8(b)(ii), iphephamvume ithatyathwa njengeliphelelweyo ngomhla woku-1 kweyoMqungu wonyaka ngokuphathelene nento yokuba umrhumo wohlaziyo ochaziweyo ubufanele ukuba sele uhlawulwe.

(12) Ukuba ngaba umntu onikwe iphephamvume usilele ukuhlawula isixamali esipheleleyo somrhumo ofanelekileyo wohlaziyo ochaziweyo okanye isixamali esipheleleyo saso nasiphi na isohlwayo esifanelekileyo ngomhla ekubhekiselelwe kuwo kwicandelwana (8)(a)(ii) kunye ne-8(b)(ii), nayiphi na intlawulo engaphelanga yomrhumo okanye yesohlwayo kufuneka sibuyiselwe nguGunyaziwe kumntu onikwe iphephamvume emva kokuba iphephamvume liphelelwe lixesha ngokuhambelana necandelwana (11).

(13) Ukwaphulwa kwecandelwana (9) kulityala.”

Ukufakelwa endaweni yecandelo 64 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 46 loMthetho 10 ka-2010 kunye necandelo 24 loMthetho 3 ka-2015

30. Icandelo elilandelayo kufakelwe endaweni yalo icandelo 64 loMthetho oyintloko:

“Izicelo zokuhlaziywa kwamaphephamvume

64. (1) Ukuba [iphephamvume], ukususela kumhla wokukhutshwa kwephephamvume okanye, ukuba iphephamvume sele lihlaziyiwe, [ukususela kuhlaziyo lokugqibela lwephephamvume] ngesithuba kwixesha lokugqibela ebekufanele ukuba iphephamvume lihlaziyiwe, iphephamvume—

- (a) liyathintelwa ngokuhambelana necandelo 35 lokufumana iphephamvume;
- (b) libhengezwa njengelingakulungelanga yiNkundla yamatyala yamaPhephamvume oTywala okokuba libe nephephamvume lotywala;
- (c) lisiselele ukuhambelana nesaziso esikhutshwe ngokuhambelana nalo Mthetho; okanye
- (d) lixhomekeke kwingxelo ngokuhambelana necandelo 73(7)(c) okanye (d) [; okanye] ekubhekiselelwe kuyo kwiNkundla yamatyala yamaPhephamvume oTywala ngokuhambelana necandelo 26(7).

[(e) ibe sisihloko sesikhalazo esenziwa ngumasipala],

iphephamvume alinakho ukuhlaziywa ngokuzenzekela ngokuhambelana necandelo 63, kodwalinakho ukuhlaziywa nguGunyaziwe xa kwenziwe isicelo ngumntu onikwe iphephamvume ngendlela echaziweyo naxa kuhlawulwe umrhumo ochaziweyo.

(2) Ugunyaziwe kufuneka, phambi komhla wama-31 kweyeKhala wonyaka ebekufanele okokuba isaziso sohlaziyo [sifanele] sibe sikhutshiwe, sinikezelwe isaziso komntu onikwe iphephamvume ekubhekiselelwe kuye kwicandelwana (1)—

- (a) ukwaziswa komntu onikwe iphephamvume okokuba iphephamvume alisayi kuvela nje lihlaziyiwe; kunye
- (b) nokucelwa komntu onikwe iphephamvume okokuba enze isicelo xa kuhlawulwe umrhumo ochaziweyo yaye kwifomu echaziweyo kulungiselelwa ukuhlaziywa kwephephamvume kungadlulanga umhla wama-30 kweyoMsintsi walo nyaka.

(3) Ukuba umntu onikwe iphephandaba uyasilela ukuhambelana nesaziso esicamngcwe kwicandelwana (2), iphephamvume liya kuphelelwa lixesha ngomhla wama-31 kweyoMnga walo nyaka, kuxhonyekeke kwicandelwana (4).

(4) Ukuba umntu onikwe iphephamvume wenza isicelo njengo kucamngcwe kwicandelwana (2)(b) emva komhla wama-30 kweyoMsintsi kodwa phambi komhla wama-31 kweyoMnga wonyaka apho isaziso sohlaziyo [sifanele] singanakho ukukhutshwa, umntu onikwe iphephamvume unakho kwangaxesha linye ngesicelo esicamngcwe kwicandelwana (2)(b) enze isicelo ngokubhaliweyo kwiNkundla yamatyala yamaPhephamvume oTywala akuba ehlawule umrhumo echaziweyo kwifomu echaziweyo kulungiselelwa ukuxolelwa kokusilela okunjalo, yaye iNkundla yamatyala yamaPhephamvume yoTywala inakho ukukuxolela ukusilela [ze ivumela intlwulo eyenziwe emva kwexesha yomrhumo wohlaziyo ochaziweyo ngomhla oya kumiselwa yiNkundla yamatyala yamaPhephamvume oTywala, kuxhonyekeke kwintlawulo yesohlwayo se-150% saloo mrhumo].

(5) Ukuba umntu onikwe iphephamvume uyahambelana nesaziso njengoko sicamngcwe kwicandelwana (2)(b), okanye ukuba ngaba umntu onikwe iphephamvume wenza isicelo soxolelo esicamngcwe kwicandelwana (4), iphephamvume lihlala lisemthethweni de iNkundla yamatyala yamaPhephamvume oTywala iyigqibile ingqwalasela yayo yesicelo sohlaziyo okanye soxolelo, njengoko kunokuba njalo.

(6) Xa kuqwalaselwa isicelo sohlaziyo, iNkundla yamatyala yamaPhephamvume oTywala inemisebenzi namagunya [athi] ethe yanawo xa iqwalasela isicelo sephephamvume elitsha, kubandakanywa ilungelo lokwala okanye lokunikezela isicelo, kuxhonyekeke kwimiqathango njengeko inokubonwa ifanelekile.

(7)(a) Kuxonyekeke kumhlathi (b), [Ukuba] ukuba iNkundla yamatyala yamaPhephamvume yoTywala inikezela isicelo sokuhlaziywa kwephephamvume, iphephamvume, xa kuhlawulwe isixamali esipheleleyo esifanelekileyo somrhumo wohlaziyo ochaziweyo ngomhla omiselweyo yiNkundla yamatyala yamaPhephamvume oTywala, ekubonwa [okokuba] kufanelekile okokuba lihlaziye ngokuhambelana necandelo [63(2) okanye (2B)] 63(4)(a) okanye (b), njengoko kunokuba njalo.

(b) Apho iNkundla yamatyala yamaPhephamvume oTywala, inikezela isicelo soxolelo kunye nokuhlaziywa kwephephamvume, iphephamvume, xa kuhlawulwe isixamali esipheleleyo somrhumo wohlaziyo ofanelekileyo ochaziweyo kunye nesohlwayo se-150% yesixamali esipheleleyo somrhumo wohlaziyo ofanelekileyo ochaziweyo ngomhla omiselwe yiNkundla yamatyala yamaPhephamvume oTywala, lithatyathwa njengelihlaziyiweyo ngokuhambelana necandelo 63(4)(a) okanye (b), njengoko kunokuba njalo.

(8)(a) Ukuba iNkundla yamatyala yamaPhephamvume oTywala iyasala isicelo sokuhlaziywa kwephephamvume, iphephamvume liphelelwa lixesha ngoko nangoko okanye xa kufike umhla omiselwe yiNkundla yamatyala yamaPhephamvume oTywala.

(b) Ukuba iNkundla yamatyala yamaPhephamvume oTywala, iyasala isicelo soxolelo esicamngcwe kwicandelwana (4), iphephamvume liphelelwa lixesha ngomhla esithe isicelo saliya okanye ngomhla omiselwe yiNkundla yamatyala yamaPhephamvume oTywala, yaye iNkundla yamatyala yamaPhephamvume oTywala akudingeki okokuba icamngcwe isicelo kulugiselelwa uhlaziyo.”

Ukulungiswa kwecandelo 65 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 49 loMthetho 10 ka-2010 kunye necandelo 25 loMthetho 3 ka-2015

31. Icandelo 65 loMthetho oyintloko ulungiswe ngokufakelwa endaweni yawo icandelwana (14) lecandelwana elilandelayo:

“(14) INkundla yamatyala yamaPhephamvume oTywala inakho, xa inikwe isicelo sokhutshelo, iyalele into yokokuba umntu onikwe iphephamvume elicetywayo, okanye umqeshwa omnye okanye abangaphezulu nalo mtu unjalo, kufuneka xa

kuhlawulwe umrhumo ochaziweyo, bangenele imfundo enjalo kunye noqeqesho njengoko iyalela iNkundla yamatyala yamaPhephamvume oTywala.”

Ukufakelwa endaweni yecandelo 66 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 50 loMthetho 10 ka-2010 kunye necandelo 26 loMthetho 3 ka-2015

32. Icandelo elilandelayo kufakelwe endaweni yecandelo 66 loMthetho oyintloko:

“Ukususwa kwamaphephamvume

66. (1) Iphephamvume lotywala lethutyana okanye iphephamvume lotywala lomsitho alinakususwa kwisakhiwo esinephephamvume esichaphazelekayo sisiwe kwesinye isakhiwo.

(2) Umntu onikwe iphephamvume unakho nangaliphi na ixesha ukwenza isicelo sokususwa, nokokuba kukususwa okusigxina okanye isithuba esithile esimiselweyo, kwephephamvume kwisakhiwo esinephephamvume lisiwe nakusiphi na esinye isakhiwo esikwiPhondo ngokungenisa kuGunyaziwe kunye negosa lotywala elinyuliweyo esikummandla onesakhiwo esinephephamvume ngokwakaloku nje ophantsi kolawulo lwalo, yaye apho ukunikezelwa kwesicela kuya kuba nempembelelo kukususwa kwephephamvume lisiwe kummandla ophantsi kolawulo lelinye igosa lotywala, isicelo masingeniswe ngefomu nendlela echaziweyo, yaye emva kokuhlawulwa komrhumo ochaziweyo.

(3)(a) Kuxhonyekekwe kumhlathi (b), izibonelelo zamacandelo 36(2), 37, 38, 39 kunye nama-40 ziyasebenza, kunye neenguqu eziyimfuneko ezidingwa sisimo, kwizicelo ezicamngcwe kwicandelwana (2).

(b) Ngeenjongo zomhlathi (a)—

- (i) uGunyaziwe, ngokuhambelana namacandelo 36(2), 37(1) kunye 37(2), kufuneka apapashe izaziso zezicelo zokususwa ezingeniswe kuGunyaziwe ngokuhambelana necandelwana (2);
- (ii) isaziso esicamngcwe kwicandelo 37(3) kufuneka sihlale sihleli ukususela kumhla lokungeniswa kwesicelo, ukuba kufanelekile;
- (iii) apho kunikezelwe isicelo kuya kuba nempembelelo yokususwa kwephephamvume kummandla wolawulo lwelinye igosa lotywala elinyuliweyo elifanelekileyo okanye umasipala, igosa lotywala elifanelekileyo elinyuliweyo kunye nomasipala ocamngcwe kumacandelo 37(4), 39(2) kunye nelama-40(3) ligosa lotywala elinyuliweyo nomasipala waloo mmandla;
- (iv) apho ukunikezelwa kwesicelo kunganempembelelo yokususwa kwephephamvume lisiwe kummandla ophantsi kolawulo lwelinye igosa lotywala elinyuliweyo, iforam yokupolisa yoluntu, umbutho wabahlawuli berhafu, ukuba ukhona, kunye nabantu namaziko ekubhekiselelwe kuwo kumacandelo 34(1)(e) kunye nelama-37(5)(b), (c), kunye no-(d), ukuba akho, ngalawo akuloo mmandla;

(v) izicelo kufuneka zihlalele ukuhlolwa isithuba esichaziweyo emva kokungeniswa kwesicelo ngokuhambelana necandelo 38.

(4) Igosa lotywala elinyuliweyo lommandla wolawulo lwalo apho isakhiwo esinephephamvume sikhona ngokwakaloku nje kufuneka, kwisithuba esichaziweyo, lingenise ingxelo njengoko kuchaziwe nguGunyaziwe yaye, apho ukunikezelwa kwesicelo kuya kuba nempembelelo yokususwa kwephephamvume lisiwe kummandla ophantsi kolawulo lwelinye igosa lotywala elinyuliweyo, elo gosa lotywala linyuliweyo kufuneka lingenise ngokunjalo ingxelo njengoko ichaziwe nguGunyaziwe.

(5) INkundla yamatyala yamaPhephamvume oTywala kufuneka iqwalasele isicelo ngasinye esilungiselelwe ukthatyathwa kwephephamvume yaye inakho—

- (a) ukusala isicelo;
- (b) ukusinikezela isicelo; okanye
- (c) ukusinikezela sinemiqathango isicelo kuxhonyekekwe kwimiqathango enjalo njengoko inokumiselwa yiNkundla yamatyala yamaPhephamvume oTywala.

(6)(a) Kuxhonyekekwe kumhlathi (b), izibonelelo zecandelo 34(1)(a), (c), (d) kunye no-(e) kunye nama-41(1) kunye ne-(2) ziyasebenza, kunye neenguqu eziyimfuneko ezidingwa sisimo, xa iNkundla yamatyala yamaPhephamvume oTywala igqibile ngesicelo njengoko kucamngciwe kwicandelwana (5).

(b) Ngenjongo zomhlathi (a)—

- (i) izakhiwo ekubhekiselelwe kuzo kwicandelo 34(1)(c) no-(d) kufuneka zichazwe njengezakhiwo, kwakube lithathiwe;
- (ii) apho ukunikezelwa kwesicelo kuya kuba nempembelelo yokuthatyathwa kwephephamvume kummandla wolawulo welinye igosa lotywala elinyuliweyo, abantu okanye amaziko ekubhekiselelwe kuwo kwicandelo 34(1)(e), ukuba akho, ngalawo aloo mmandla;
- (iii) isicelo esingeniswe ngokuhambelana necandelwana (2) masichazwe njengesicelo ekubhekiselelwe kuso kwicandelo 41(1)(a) kunye no-(b), yaye amaxwebhu ahamba nesi sicelo, kunye neenkcazelo neengxelo okanye amaxwebhu angeniswe ngegxaso okanye akhapho eso sicelo.

(7)(a) Kuxhonyekekwe kumhlathi (b), izibonelelo zecandelo 42, 43, kunye nama-44 ziyasebenza ngokunjalo, kunye neenguqu eziyimfuneko ezidingwa sisimo, kwixesha elinemiqathango elinikezelwe kwisicelo yiNkundla yamatyala yamaPhephamvume oTywala ngokuhambelana necandelwana (5)(c).

(b) Ngeenjongo zomhlathi (a)—

- (i) isalathisi kwiphephamvume kumacandelo 42, 43 kunye nelama-44 kufuneka sichazwe njengesalathisi kwisatifikethi sokuthatyathwa;
- (ii) isalathisi kwisakhiwo ekubhekiselelwe kuso kumacandelo 42, nelama-43, kufuneka sichazwe njengendawo, xa lithe latyatyathwa;
- (iii) isalathisi kwicandelo 46 kwicandelo 42(7) kufuneka lifundwe njengesalathisi kwicandelo 46(1) kunye namacandelwana (8), (9), (10), (11) kunye nele-(12) selicandelo;

(iv) icandelo 42(5), iGosa eLongameleyo linakho ukusebenza nangaliphi na ixesha emva kokukhutshwa kwesaziso ngokuhambelana necandelwana (8)(b).

(8)(a) UGunyaziwe kufuneka, kwisithuba esichaziweyo emva kokuba iNkundla yamatyala yamaPhephamvume oTywala inikezele okanye inike unikezelo olunemiqathango isicelo sokuthatyathwa kwephephamvume, kodwa kuxhonyekwe kwicandelwana (13), azise umenzi wesicelo ngokubhaliweyo okokuba isicelo sinikezelwe.

(b) Apho iNkundla yamatyala yamaPhephamvume oTywala inike unikezelo olunemiqathango lwesicelo sokuthatyathwa kwephephamvume ngokuphathelelene nesakhiwo esingekakhiwa, okanye isakhiwo esisadinga ukulungiswa isimo saso, ukwandiswa okanye ukwakhiwo ngokutsha okuseza kuqhutywa ukusenza sizifanele iinjongo esiya kuthi sisetyenziselwe zona phantsi kwephephamvume, uGunyaziwe kufuneka, kwisaziso esicamngcwe kwicandelwana (8)(a), ayalele umntu onikwe iphephamvume okokuba ahambelane nemiqathango enjalo ekubhekiselelwe kuyo kwisaziso, ngokuphelelene nezo zakhiwo njengoko kunokumiselwa yiNkundla yamatyala yamaPhephamvume oTywala.

(9) UGunyaziwe kufuneka, kuxhonyekwe kwintlawulo yomrhumo ochaziweyo kwisithuba seentsuku ezingamashumi amathandathu (60) zokukhutshwa kwesaziso esicamngcwe kwicandelwana (8)(a) okanye u-(b), njengoko kusenokuba njalo, akhuphele isatifikethi sokuthatyathwa umntu onikwe iphephamvume kwifomu echaziweyo.

(10) Ukuba umntu onikwe iphephamvume uyasilela ukuhlawula umrhumo ekubhekiselelwe kuwo kwicandelwana (9), ukunikezelwa kwesicelo kuphelelwe lixesha, kuxhonyekwe kwicandelwana (11).

(11) Umntu onikwe iphephamvume unakho, kwisithuba seentsuku ezimashumi amathandathu (60) emva kokuphela kwesithuba ekubhekiselelwe kuso kwicandelwana (9), enze isicelo ngokubhaliweyo kwiGosa eliyiNtloko leSigqeba soxolelo lokusilela ukuhlawula umrhumo ochaziweyo ekubhekiselelwe kuwo kwicandelwana (9), yaye iGosa eliyiNtloko leSigqeba linakho ukuxolela ukusilela ze livumele intlawulo eyenziwa emva kwexesha komrhumo oxeliweyo ngomhla omiselweyo liGosa eliyiNtloko leSigqeba, kuxhonyekwe kwintlawulo yesohlwayo ye-100% yaloo mrhumo.

(12) Isatifikethi sokuthatyathwa sixhomekeke kwimiqathango enjalo eyandlalwe kwisatifikethi njengoko iNkundla yamatyala yamaPhephamvume oTywala linakho ukubeka emagxeni akho ngokubona kwalo.

(13) IGosa eLongameleyo linakho nangaliphi na ixesha emva kokukhutshwa kwesatifikethi sokuthatyathwa, ngesaziso esithunyelwe okanye esinikezelwe kumntu onikwe iphephamvume ochaphazelekayo, ukurhoxisa okanye ukulungisa nawuphi na umqathango obekwe emagxeni akhe yiNkundla yamatyala yamaPhephamvume oTywala phantsi kwecandelwana (12).

(14) Impembelelo yokukhutshwa kwesatifikethi sokuthatyathwa iya kukuba umntu onikwe iphephamvume usenokuba sisigxina okanye athi kwisithuba esimiselwe yiNkundla yamatyala yamaPhephamvume oTywala yaye ichaziwe

kwisatifikethi, aqhube ushishino olunxulumene nephephamvume kwisakhiwo, isicwangciso saso esele sivunyiwe yiNkundla yamatyala yamaPhephamvume oTywala okanye isilungiso sesicwangciso esele sivunyiwe liGosa eLongameleyo, njengoko kusenokuba njalo, kodwa kwisakhiwo esingesiazo eso sesicelo esichaphazelekayo esenziweyo, kubandakanywa iindawo ezinjalo okanye iindawo ezikuzo njengoko yena okanye okanye ingqiqo yakhe ethe ayabandakanywa apho.

(15) Apho isatifikethi sokususwa sivumela ukususwa kwephephamvume isithuba sexesha elimiselweyo, iGosa eLongameleyo linakho nangaliphi na ixesha phambi kokuphela kwelo thuba, iGosa eLongameleyo lingathi nangaliphi na ixesha phambi kokuphela kweso sithuba, ngesicelo ngumntu onikwe iphephamvume ochaphazelekayo—

- (a) landise ixesha; okanye
- (b) lirhoxise isatifikethi sokususa.

(16) Ukuba ngaba isatifikethi sokususa asikhutshwanga phambi kokuphela kwexesha elicamngcwe kwicandelwana (8)(a) okanye u-(b) okanye landiswe phantsi kwecandelo 42(5)(a), njengoko kusenokuba njalo, isaziso esichaphazelekayo siyaphelelwa lixesha ze isicelo sokususwa kwephephamvume sithatyathwe njengesinganikezelwanga.”.

Ukulungiswa kwecandelo 67 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 27 loMthetho 3 ka-2015

33. Icandelo 67 loMthetho oyintloko lilungisiwe—

(a) ngokufakelwa endaweni yesihloko isihloko esilandelayo:

“[Ukuyekwa kwesakhiwo nokubhubha] Ukubhubha okanye ukungabinamandla komntu onikwe iphephamvume”; kunye

(b) ngokufakelwa kwecandelwana (1) lecandelwana elilandelayo:

“(1) INkundla yamatyala yamaPhephamvume oTywala inakho, ukuba yanelisekile okokuba[—

(a) **ishishini elinephephamvume siye kiwe ngumntu onikwe iphephamvume; okanye**

(b)] umntu onikwe iphephamvume ngumntu ochazwe kwicandelwana (3), umabi welifa, umlawuli, umphathiswa, umgcini okanye umthengisi wempahla yeshishini akakanyulwa,

inyula umntu okokuba abambe iphephamvume ze aqhube ishishini elinephephamvume de kuqeshwe umabi welifa, umlawuli, umphathiswa, umgcini okanye umthengisi wempahla yeshishini [, **okanye kwimeko yeshishini elishiyiweyo, umphathi**].”.

Ukulungiswa kwecandelo 68 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 51 loMthetho 10 ka-2010 yaye kwafakelwa endaweni yalo 28 loMthetho 3 ka-2015

34. Icandelo 68 loMthetho oyintloko ulungisiwe—

(a) ngokufakelwa endaweni yesihloko isihloko esilandelayo:

“Izibheno nezicelo zovavanyo ngokutsha kulungiselelwa ukuBhena [kwiNkundla yamatyala] kwiiNkundla zamatyala”;

(b) ngokufakelwa endaweni yecandelwana (1) kunye no-(2) igama “I” phambi kwamagama “iNkundla yokuBhena” yegama “I”;

(c) ngokufakelwa endaweni yecandelwana (5) kunye nele-(9)(a) igama “i” phambi kwe“Nkundla yamatyal yokuBhena” igama “i”;

(d) Ngokufakelwa endaweni yecandelwana (10) yecandelwana elilandelayo:

“(10) Ukuba umntu, akuba azisiwe ngokufanelekileyo okokuba abekho entlanganisweni [i] yeNkundla yamatyala yokuBhena, asilele ukuzimasa intlanganiso enjalo okanye angabikho apho ngaphandle kwemvume yeNkundla yamatyalo yokuBhena echaphazelekayo, intlanganiso inokuqhutywa ngoku engekho umntu lowo, okanye iNkundla yamatyala yokuBhena echaphazelekayo, inakho ukuthabatha izezo ezinjalo njengoko ibona kulungile yaye kunobulungisa kwezi meko.”; yaye

(e) Ngokwangezelelwa kwamacandelwana alandelayo:

“(12) Isibheno okanye isicelo sohlaziyo esicamngcwe kwicandelwana (1) esiqwalaselwa yiNkundla yamatyala yeSibheno, kufuneka sigwetywe yiNkundla yamatyala yesiBheno echaphazelekayo.

(13) Ukuba isibheno okanye isicelo sohlaziyo asinakuqwalaselwa ngenxa yesithuba esingazaliswanga okanye ngokungafumaneki kweNkundla yamatyala yesiBheno, isibheno okanye isicelo sohlaziyo kufuneka sichotshelwe yiNkundla yesiBheno eseleyo.”.

Ukulungiswa kwecandelo 73 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 54 loMthetho 10 ka-2010 kunye necandelo 30 loMthetho 3 ka-2015

35. Icandelo 73 loMthetho oyintloko ulungisiwe ngokufakelwa endaweni yomhlathi (b) wecandelwana (8) womhlathi olandelayo:

“(b) Icandelo 15 loMthetho weNkonzo yamaPolisa oMzantsi liyasebenza, lineenguqu eziyimfuneko ezidingwa yimeko, kwisigunyaziso esiphantsi komhlathi (a).”.

Ukulungiswa kwecandelo 75 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 32 loMthetho 3 ka-2015

36. Icandelo 75 loMthetho oyintloko ulungisiwe ngokufakelwa endaweni yecandelwana (7) lecandelwana elilandelayo:

“(7) Amacandelo 30 ukuya kwelama-34 loMthetho weNkqubo yoLwaphulomthetho ayasebenza, eneenguqu eziyimfuneko ezidingwa yimeko, kuyoa nayiphi na into ethe yathinjwa ngokuhambelana neli candelo.”.

Ukulungiswa kwecandelo 78 loMthetho 4 ka-2008

37. Icandelo 78 loMthetho oyintloko ulungisiwe—

(a) ngokufakelwa endaweni yesihloko sesihloko esilandelayo:

“**Amatyala aphahelelene neentlanganiso zeNkundla yamatyala yamaPhephamvume yoTywala kunye neyesiBheno [iNkundla] iiNkundla**”; yaye

(b) ngokufakelwa endaweni yecandelwana (4) lecandelwana elilandelayo:

“(4) Izibonelelo zamacandelwana (1) kunye no-(2) ayasebenza, eneenguqu eziyimfuneko ezidingwa yimeko, kwiintlanganiso [i] zeNkundla yesiBheno.”.

Ukulungiswa kwecandelo 83 loMthetho 4 ka-2008

38. Icandelo 83 loMthetho oyintloko ulungisiwe ngokufakelwa endaweni yawo icandelwana (1) kulungiselelwa amagama angaphambi komhlathi (a) kumagama alandelayo:

“Ukuba [i] umphathi, iarhente okanye umsebenzi womntu onikwe iphephamvume wenza okanye asilelise ukwenza nayiphi na into, enokuthi, ukuba ngaba ibe yenziwe okanye ishiyelelwe ngumntu onikwe iphephamvume, iya kuba lityala ngokuhambelana nalo Mthetho, umntu onikwe iphephamvume uthatyathwa njengowenze okanye osileleyo ukwenza, ngaphandle apho—”.

Ukulungiswa kwecandelo 85 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 36 loMthetho 3 ka-2015

39. Icandelo 85 loMthetho oyintloko ulungisiwe ngokufakelwa komhlathi (e) wecandelwana (2) wecandelwana elilandelayo:

“(e) ubungqina buvelisewe bokokuba umntu onikwe iphephamvume otyholwa ngokwaphula icandelo 54 lokusilela ukufumana kumntu obudala bungaphantsi kwiminyaka elishumi elinesibhozo (18) mhlawumbi—

(i) incwadi yakhe yesazisi esemthethweni okanye ikhadi;

(ii) iphephamvume lokuqhuba elisemthethweni; **[okanye]**

(iii) incwadi yakhe yokundwendwela esemthethweni; okanye

(iv) naluphi na olunye uhlobo lokuzazisa olunefoto olusemthethweni oluqulathe inombolo yakhe yesazisi okanye umhla wakhe wokuzalwa.”.

Ukulungiswa kwecandelo 87 loMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 58 loMthetho 10 ka-2010 kunye necandelo 37 loMthetho 3 ka-2015

40. Icandelo 87 loMthetho oyintloko ulungisiwe ngokufakelwa endaweni yomhlathi (c) wecandelwana (1) lomhlathi olandelayo:

“(c) amacandelwana 50(3), 57(3), 60(4), 63(13), 69(11), 76(b) okanye 82(1) ukufanele ukugwetyelwa isohlwayo esingadlulanga kwi-R100 000,00 okanye avalelwe etolongweni isithuba esingadlulanga iinyanga ezintandathu okanye zozibini izigwebo kunye nesithuba esinjalo sokuvallelwa etolongweni; okanye”.

Ulondolozo kunye nezibonelelo zenguqulelo

41. (1) Nasiphi na isicelo okanye umcimbi onikezelwe kwikomiti yeNkundla yamatyala yamaPhephamvume oTywala ngokuhambelana necandelo 24 loMthetho oyintloko esingakhange siqwalaselwe, simiselwa ekugqibeleni yaye sabiwe phambi kokuqalisa kwalo Mthetho kufuneka siqwalaselwe, silawulwe ze ekugqibeleni simiselwe zesabiwe ngokungathi lo Mthetho awukaqalisi.

(2) Nawuphi na umcimbi ongenisiweyo, waxolelwa okanye wathunyelwa kwiNkundla yamatyala yamaPhephamvume yoTywala ngokuhambelana necandelo 20(1)(d), (e), (f), (fA) okanye (g) loMthetho oyintloko ongekawalaselwa, ungekamiselwa ekugqibeleni yaye wabiwe phambi kokuqalisa kwalo Mthetho kufuneka uqwalaselwe, ulawulwe ze umiselwe ekugqibeleni yaye wabiwe ngokungathi lo Mthetho awukaqaliswa.

(3)(a) Apho ingqwalasela yokubhena okanye yesicelo sohlaziyo iqalisiwe ngokuhambelana necandelo 68 loMthetho oyintloko yaye awukagwetywa okokugqibela phambi kokuqalisa kwalo Mthetho, kuya kufuneka ugwetywe ekugqibeleni yiNkundla yamatyala yesiBheno etyunjwe ngokuhambelana necandelo 25(1) loMthetho oyintloko kunye nemimiselo eyenziwe apho phantsi kwawo njengoko ufundwa phambi kokuqaliswa kwalo Mthetho ngokuhambelana noMthetho oyintloko kunye nemimiselo eyenziwe apho ngaphantsi kwawo njengoko ufundwa phambi kokokqalisa kwalo Mthetho.

(b) Ukuba ngaba isibheno okanye isicelo sohlaziyo esicamngcwe kumhlathi (a) asinakuqwalaselwa ekugqibeleni ngokuhambelana nomhlathi (a) ngenxa yesithuba esingazaliswanga okanye ngenxa yokungafumaneki kweNkundla yamatyala yokuBhena, iNkundla yamatyala yokuBhena etyunjwe ngokuhambelana noMthetho kufuneka icamngce, ze ekugqibeleni igwebe isibheno okanye isicelo sohlaziyo ngokuhambelana noMthetho oyintloko kunye nemimiselo phantsi kwayo njengoko ifundwa phambi kokuqalisa kwalo Mthetho.

(4) Nasiphi na isicelo esingenisiweyo ngokuhambelana necandelo 36 loMthetho oyintloko esingakhange sicamngcwe, ekugqibeleni simiselwe yaye wabiwe phambi kokuqalisa kwalo Mthetho ongakhange uqwalaselwe, ulawulwe ze ekugqibeleni umiselwe yaye wabiwe ngokuhambelana namacandelo 36 ukuya kuma-41 loMthetho oyintloko kunye nemimiselo eyenziwe phantsi kwayo njengoko ufundwa phambi kokuqalisa kwalo Mthetho.

(5) Apho iNkundla yamatyala yamaPhephamvume oTywala ithe phambi kokuqalisa kwalo Mthetho ichaze into yokuba umenzi wesicelo okanye umsebenzi okanye abasebenzi bomenzi wesicelo abacamngcwe kwicandelo ekufuneka bengenele uqeqesho kunye nemfundo, yaye uqeqesho olunjalo nemfundo aluzange luqhutywe ngomhla wokuqalisa kwalo Mthetho, izibonelelo zecandelo 45 kufuneka zisetyenziswe ngokungathi lo Mthetho awukaqaliswa.

(6)(a) Umntu owaqeshwa njengomphathi ngokuhambelana necandelo 52 loMthetho oyintloko njengoko ufundwe phambi kokuqalisa kwalo Mthetho uthatyathwa njengoqeshwe ngokuhambelana necandelo 52 njengoko kufakelwe endaweni yalo lo Mthetho yaye kufuneka, ahlale engumphathi—

- (i) kwisithuba senyanga enye emva kokuqalisa kwalo Mthetho, abeke emboniselweni isatifikethi esithe sakhutshelwa nguGunyaziwe kuye phambi kokuqalisa kwalo Mthetho;
- (ii) kwisithuba sonyaka omnye emva kokuqalisa kwalo Mthetho, kodwa ingesiso isatifikethi ekubhekiselelwe kuso kumhlathana (i), afumane isatifikethi yaye emva kwangoko, kwisithuba senyanga enye, abeke emboniselweni isatifikethi ngokuhambelana necandelo 52 njengoko kubewe endaweni yalo lo Mthetho;
- (iii) kwisithuba sonyaka omnye emva komhla wokuqalisa kwalo Mthetho, ukuba ngaba akafumananga imfundo efanelekileyo kunye noqeqesho oluvela kuGunyaziwe kunye nesatifikethi ekubhekiselelwe kuso kumhlathana (i) phambi kokuqalisa kwalo Mthetho, afumane imfundo noqeqesho kunye nesatifikethi ekubhekiselelwe kuso kwicandelo 52 njengoko kufakelwe endaweni yalo Mthetho ze emva kwangoko, kwisithuba senyanga enye abonise isatifikethi ngokuhambelana necandelo 52 njengoko kufakelwe endaweni yalo lo Mthetho.

(b) UGunyaziwe kufuneka athathe yonke imiqathango efanelekileyo ukunceda nokuxhasa umntu ocamngcwe kumhlathana (a)(ii) okanye (iii) ukuqinisekisa okokuba umntu onjalo afumane isatifikethi okanye imfundo noqeqesho kunye nesatifikethi kwangethuba.

(c) INkundla yamatyala yamaPhephamvume oTywala kufuneka ibe sele imisele imfundo noqeqesho olucamngcwe kwicandelo 52 njengoko kufakelwe endaweni lo Mthetho ngomhla oqale ngawo lo Mthetho.

(d) Nasiphi na isicelo esingenisiweyo ngokuhambelana necandelo 52 loMthetho oyintloko esingekaqwalaselwa, umiselwe ekugqibeleni waze wabiwa phambi kokuqalisa kwalo Mthetho kufuneka uqwalaselwe, ulawulwe ze ekugqibeleni umiselwe yaye wabiwe ngokuhambelana necandelo 52 loMthetho oyintloko kunye nemimiselo eyenziwe ngapha kwawo njengokufundwa phambi kokuqalisa kwalo Mthetho.

(7) Nasiphi na isicelo esenziweyo ngokuhambelana necandelo 53(1)(a) okanye (b) loMthetho oyintloko njengoko lifundwa phambi kokuqalisa kwalo Mthetho ongakhange ube uqwalaselwe, umiselwe ekugqibeleni waze wabiwa ngokuhambelana necandelo 53 kunye nemimiselo eyenziwe ngaphantsi kwawo njengoko ufundwa phambi kokuqalisa kwalo Mthetho.

(8)(a) Kuxhonyekeke kumhlathi (b), ukuba ngaba lo Mthetho uqalisa ngomhla ongasemva komhla wama-31 kweyeKhala wonyaka, izibonelelo zecandelo 62 nelama-64 loMthetho oyintloko kunye nemimiselo eyenziwe ngaphantsi kwawo njengoko ufundwa phambi kokuqalisa kwaloMthetho usebenza kubantu abanikwe amaphephamvume acamngcwe kuloo macandelo de kwaba ngumhla wama-30 kweyeSilimela onyaka olandelayo apho kuqalisa lo Mthetho.

(b) Ukuba ngaba umntu onikwe iphephamvume ocamngcwe kumhlathi (a) wanikezelwa isaziso ekubhekiselelwe kuso kwicandelo 64(2) loMthetho oyintloko njengoko ufundwa phambi kokuqalisa kwalo mthetho kunyaka othi uqalise lo Mthetho, izibonelelo zecandelo 64 zoMthetho oyintloko kunye nemimiselo eyenziwe phantsi kwawo njengoko ufundwa phambi kokuqalisa kwalo Mthetho uya kusebenza kuphela isithuba somhla woku-1 kweyeNkanga ukuya kumhla wama-31 kweyeNkanga waloo nyaka.

(c) Ukuba lo Mthetho uqalise ngomhla ongaphambi komhla wama-31 kweyeNkanga wonyaka, izibonelelo zamacandelo 62 ukuya kwelama-64 loMthetho oyintloko kunye nemimiselo eyenziwe phantsi kwawo njengoko ufundwa phambi kokuqalisa kwalo Mthetho uya kusebenza kubantu abanikwe amaphephamvume abacamngcwe kuloo macandelo de kube ngumhla wama-30 kweyeSilimela wonyaka olandela unyaka oqalisa ngawo loMthetho.

(9) Apho iNkundla yamatyala yamaPhephamvume oTywala ithe phambi kokuqalisa kwalo Mthetho yaye nangokuhambelana necandelo 65(14) loMthetho oyintloko njengoko ufundwa phambi kokuqalisa kwalo Mthetho ichaza into yokuba abantu abanikwe amaphephamvume abacetywayo okanye umsebenzi omnye okanye abangaphezulu babantu abanikwe amaphephandaba abacetywayo abacamngcwe kweliya candelo kufuneka bangenele imfundo noqeqesho yaye imfundo enjalo noqeqesho olungaqhutywanga ngomhla wokuqalisa kwalo Mthetho, izibonelelo zecandelo 65(14) mazisetyenziswe ngokungathi lo Mthetho awukaqalisi.

(10) Nasiphi na isicelo esingeniswe ngokuhambelana necandelo 66 loMthetho oyintloko ongekaqwalaselwa, omiselwe ekugqibeleni waze wabiwa phambi kokuqalisa kwalo Mthetho kufuneka siqwalaselwe, silawulwe yaye ekugqibeleni simiselwe yaye sabiwe ukuba ngaba lo Mthetho ungekaqalisi.

(11) Naziphi na izimangalo zolwaphulomthetho okanye intlanganiso zeNkundla yamatyala yamaPhephamvume oTywala ezicamngcwe kwicandelo 85(2) elifundwa necandelo 85(2)(e) loMthetho oyintloko ezivele phambi kokuqalisa kwalo Mthetho yaye ongekamiselwa ekugqibeleni yaye wabiwe phambi kokuqalisakwalo Mthetho, kufuneka umiselwe ekugqibeleni yaye wabiwe ngokungathi loMthetho awukaqalisi.

Ukulungiswa kwesalathisi kuMthetho 4 soMthetho 4 ka-2008, njengoko ulungisiwe ngecandelo 1 loMthetho 10 ka-2010 kunye necandelo 39 loMthetho 3 ka-2015

42. Isalathisi phambi kwecandelo 1 silungisiwe—

- (a) ngokufakelwa kwesikhokhelo kwisihloko kwicandelo 37 lo mba olandelayo:
“37. Isaziso sokungeniswa [kwesicelo] kwezicelo”;
- (b) ngokufakelwa endaweni yesikhokhelo kwisihloko kwicandelo 51 lombha olandelayo:
“51. Umdla wemali [**nokuqeshiswa kwesakhiwo esinephephamvume**]”;
- (c) ngokufakelwa emva kwesikhokhelo sesihloko kwicandelo 51 lombha olandelayo:
“51A. Ukuqeshiswa kwephephamvume, ukuqhuba ishishini ngokuhambelana nephephamvume nokusetyenziswa kwesakhiwo esinephephamvume”;
- (d) ngokufakelwa kwesikhokhelo kwisihloko kwicandelo 67 lombha olandelayo:
“67. [**Ukuyekwa kwesakhiwo nokubhubha**] Ukubhubha okanye ukungabinakho ukusebenza komntu onikwe iphephamvume”; kunye
- (e) nokufakelwa endaweni yamagama “iNkundla yamatyala yokuBheno”, apho ithi yenzeke, yamagama “iNkundla zamatyala zokuBheno”.

Isihloko esifutshane nokuqalisa

43. Lo Mthetho ubizwa ngokuba nguMthetho oLungisiweyo woTywala weNtshona Koloni, 2003 yaye uqala ukusebenza ngale mihla ilandelayo:

- (a) ngokuphathelele kwicandelo 1(a), umhla apho uMthetho oLungisiweyo weeMveliso zoTywala, 2921 (uMthetho 8 wama-2021) uyaqala ukusebenza;
- (b) ngokuphathelele kwintsalela yalo Mthetho, umhla emiselweyo yiNkulumbuso ngokubhengeza *kwiGazethi yePhondo*.

**IMEMORANDAM ENGENJONGO YOMTHETHO OYILWAYO OLUNGISIWEYO
WOTYWALA WENTSHONA KOLONI, 2023**

1. IMVELAPHI

- 1.1 URhulumente weNtshona Koloni wagqiba okokuba umgaqonkqubo wokuncitshiswa kweengozi zotywala kufuneka uphuhliswe ukukhokhela indlela kaRhulumente weNtshona Koloni kulawulo lotywala. URhulumente weNtshona Koloni wamkele uMgaqonkqubo wokuNcitsiswa kweeNgozi zoTywala (uMgaqonkqubo) ngowama-2017. Injongo yomgaqonkqubo kukunikezela ikakhulu ngamangenelo ukubonelela kukuncitshiswa kweengozi ezinxulumene notywala eNtshona Koloni. Injongo engaphezulu kukunikezela kwimiba encedisayo ukwandisa ukufaneleka nokusebenza kwamacandelo ongezelelweyo axhasayo anxulumene nokuncitshiswa kweengozi zotywala.
- 1.2 Amangenelo omgaqonkqubo maninzi yaye amanye ala mangenelo adinga uphando olungaphezulu phambi kokuba aguqulelwe kutshintsho lowisomthetho. Kugcino kokufaneleka, uRhulumente weNtshona Koloni wamkele kwangaphambili indlela emanqanaba mabini ukwahlula loo mangenelo oMgaqonkqubo anokuthi ngoko nangoko aguqulelwe kutshintsho lowisomthetho kulawo athi adinge uphando olungaphezulu.
- 1.3 Ngenxa yezizathu ezinikezelwe ngasezantsi, amangenelo abalaseleyo ngowakaloku nje acetywa nguMgaqonkquba ngala alandelayo:
- 1.3.1 Ukuthatyathwa kwamanyathelo ukuzisa abathengisi botywala abanganawo amaphephamvume kulawulo.
- 1.3.2 Ukunyanzeliswa komthetho wotywala ngokusetyenziswa kohambelwano olulawulwayo nokunyanzeliswa kolwaphulomthetho. Oku kuqulathe, phakathi kwezinye izinto, imiqathango—
- (a) ukuthintelwa kokunikezelwa kotywala kwiindawo ezinganawo amaphephamvume;
- (b) ukwandiswa kokunyanzeliswa kwemithetho yokusela kwabangaphantsi kubudala obuvunyelweyo okuqulathe ukuhlolwa kwezazisi zabaxhasi kuwo onke amaziko okanye iindawo zentengiso;
- (c) ukulungiswa kweemfuno zokufumana iphephamvume lotywala ukuqinisekisa ngento yokuba abantu abanikwe amaphephamvume kunye nabaphathi kufuneka babe bangenele uqeqesho baze baphumelela uvavanyo olungoMthetho woTywala weNtshona Koloni, 2008, nangamalungelo nezigunyaziso zomntu onikwe iphephamvume.
- 1.3.3 Ukuxunela ukwakha kumandla akhoyo nezibonelelo zoluntu nokuququzelela uthelwano kuyo yonke inkqubo yokunikezelwa kwephephamvume lotywala. Amalinge asekw kuluntu anike ingqwalasela kwiimfuno ezithe ngqo nezizodwa zoluntu. Iiforam zokupolisa zoluntu kufuneka ngokunjalo zidlale indima enkulu esebenzayo kwinkqubo yokunikezela kwephephamvume lotywala.
- 1.3.4 Ukuthatyathwa kwendlela enomahluko omncinane ethi inike ingqwalasela uhlobo lommandla ze iqwalasele imiba yemeko ukumisela okokuba iphephamvume elitsha lotywala lingavunywa na kulungiselelwa ummandla othile. Abathathinxaxheba kulawulo lotywala kufuneka bahlale benolwazi ngophuhliso lwethetknoloji, ngokuthengsa nophuhliso nokwamkelwa amaqhinga amatsha aguqulweyo asekw

apho. Amalungiselelo eziko adlala indima ebalulekileyo ekuxhaseni nasekumiliseni uMgaqonkqubo.

- 1.4 UMthetho oYilwayo linqanaba lokuqala ukunika uncedo kumangenelo oMgaqonkqubo, ngokunikezela—
 - 1.4.1 ngokufezekiswa kwenkqubo yezicelo zephephamvume;
 - 1.4.2 ngokunika ingqwalasela kwimiba yokuncitshiswa kweengozi zotywala xa kuqwalaselwa izicelo zamaphephamvume; kunye
 - 1.4.3 nangokuphuculwa kokufaneleka kweziko ukujongana nemiba enxulumene nokunyanzeliswa kwephephamvume lotywala nkulungiselela ukuqokelelwa kweenkcukacha zamanani avela kubantu abanikwe amaphephamvume.

2. IINJONGO ZOMTHETHO OYILWAYO

- 2.1 UMthetho oYilwayo uzama ukulungisa uMthetho woTywala weNtshona Koloni, 2008 (uMthetho 4 wama-2008) (uMthetho oyintloko),—
 - 2.1.1 ukufezekiswa kwenkqubo yezicelo zephephamvume, ukulungiselela ukuphuculwa kokufaneleka koGunyaziwe kunye neNkundla yamatyala yamaPhephamvume yoTywala;
 - 2.1.2 ukuphuculwa kokusebenza ngokufanelekileyo kweziko ukujongana nemiba enxulumene nemicimbi yokunyanzeliswa kwephephamvume lotywala;
 - 2.1.3 ukunikezela kulungiselelwa ukuqwalaselwa kwemiba yokuncitshiswa kweengozi zotywala xa kuqwalaselwa izicelo zamaphephamvume;
 - 2.1.4 ukubonelela ngokuthatyathwa kwenxaxheba okukhulu luluntu kwimiba emininzi yokulawulwa kotywala ngeendlela ezintsha ezithe zalungelelaniswa kunye nophuhliso lwetheknoloji;
 - 2.1.5 ukomelezwa kokuthintelwa kokuthengiswa, kokunikezelwa, okanye ukubonelelwa ngotywala kubantu ababudala bungaphantsi kweminyaka eli-18; kunye
 - 2.1.6 nokomelezwa kokuqokelelwa lweenkcukacha zamanani ezivela kubantu abanikwe amaphephamvume ukulungiselela ukuxhasa ngcono ukunyanzeliswa koMthetho oyintloko.

3. OKUQULATHWE NGUMTHETHO OYILWAYO

Iinjongo zamagatya awahlukeneyo andlalwe ngasezantsi.

- 3.1 **Igatya 1** kukulungiswa kwecandelo 1 loMthetho oyintloko ngokufakelwa, ngokucinywa nangokungeniswa kweenkcazelo ezithile ukulilungelelanisa neenguqu ezikuMthetho oLungisiweyo weeMveliso zoTywala, 2021 (uMthetho 8 wama-2021), uhlobo olutsha olulungiselelwe ukuqeshwa kwabaphathi kunye neenjongo zokuphuculwa kombhalo.
- 3.2 **Igatya 2** kukulungiswa kwecandelo 9 loMthetho oyintloko ukuxhobisa uGunyaziwe okokuba akwale ukufakwa kwezicelo zamaphephamvume ecandelo ekubhekiselelwe kulo icandelo 33(1) loMthetho oyintloko ezingahambelaniyo ngokupheleleyo neemfuno zesicelo eziqulathwe kwimithetho ekuMthetho oyintloko.

- 3.3 **Igaty 3** kukulungiswa kwesihloko kwiSahluko 3 soMthetho oyintloko yaye lulungiso olulandelayo kulungiso olubekiselele kukuqeshwa kwabantu ababini okokuba basebenze njengabeeNkundla zamatyala zeziBheni.
- 3.4 **Igaty 4** kukulungiswa kwecandelo 16 loMthetho oyintloko ukulungiselela ukuphuculwa kombhalo lwamagama ecandelo nokucinywa kwemfuneko yokuba iBhodi kufuneka ithethane noMphathiswa phambi kokuqesha ilungu elibambeleyo leNkundla yamatyala yamaPhephamvume oTywala.
- 3.5 **Igaty 5** kukulungiswa kwecandelo 18 loMthetho oyintloko yaye lulungiso olulandelayo kwinguqu nakwinkcazelo “yoMphathiswa”.
- 3.6 **Igaty 6** kukulungiswa kwecandelo 20 loMthetho oyintloko ukulungiselela ukungabandakanyi ukurhoxiswa kokuxhonywa kwephephamvume ngenxa yokusebenza kwecandelo elitsha 63(8). Ukuxhonywa okuqikelelwayo akunalo ikhono lokurhoxisa ngokuhambelana necandelo 20 loMthetho oyintloko yaye liya kuba nakho kuphela lokurhoxisa ngokuhambelana neendlela ezinikezelwe kwecandelo elitsha lama-63. Igaty liqulathe ngaphezulu lulungiso olulandelayo olunxulumene nokuqeshwa kwabantu ababini okokuba basebenze njengabeeNkundla zamatyala zeziBheni nokubonelela ngeNkundla yamatyala yamaPhephamvume oTywala ukumisela imfundo noqeqesho lwabantu abathe baqeshwa njengabaphathi.
- 3.7 **Igaty 7** kukulungiswa kwecandelo 21 loMthetho oyintloko ukuphucula ngobhalo lwecandelo.
- 3.8 **Igaty 8** kukufakelwa endaweni yecandelo 24 loMthetho oyintloko ukuphucula ubhalo lwecandelo, ukulungiselela ukwandlalwa koqulunqo lwekomiti yeNkundla yamatyala yamaPhephamvume oTywala nokunikezela ngento yokuba ikomiti inakho ukunikezela amagunya awongezelelweyo andlalwe kwecandelo 20(1)(d), (e), (f), (g) kunye ne-(3)(b), (c) kunye no-(d) loMthetho oyintloko. Ukufakelwa endaweni kucingelwa okokuba kuphucula ukufaneleka kweNkundla yamatyala yamaPhephamvume oTywala okokuba ijongane nemicimbi enxulumene nokunyanzeliswa kwephephamvume lotywala.
- 3.9 **Igaty 9** kukufakelwa endaweni yecandelo 25 loMthetho oyintloko ukunikezela ngento yokuba uMphathiswa unakho ukutyumba abantu ababini basebenze njengabeeNkundla zamatyala zeziBheni nokuphucula ngobhalo icandelo.
- 3.10 **Igaty 10** kukulungiswa kwecandelo 26 loMthetho oyintloko yaye ulungiswe ngokulandelayo kulungiso kwecandelo 25 loMthetho oyintloko onxulumene nokutyunjwa kwabantu ababini basebenze njengabeeNkundla zamatyala zeziBheni.
- 3.11 **Igaty 11** kukulungiswa kwecandelo 27 loMthetho oyintloko yaye ulungiswe ngokulandelayo kulungiso kwecandelo 25 loMthetho oyintloko onxulumene nokutyunjwa kwabantu ababini basebenze njengabeeNkundla zamatyala zeziBheni.
- 3.12 **Igaty 12** kukulungiswa kwecandelo 30 loMthetho oyintloko ukulungiselela ukubonisa isalathisi esitsha apho kufanelekileyo nokwabiwa koqokelelo lwemirhumo emitsha kubasebenzisi abafanelekileyo.

- 3.13 **Igaty 13** kukulungiswa kwecandelo 36 loMthetho oyintloko ukulungiselela ukufezekisa inkqubo yesicelo sephephamvume ngokunikezela ukulungiselela uGunyaziwe okokuba akwamkele okanye akwale ukungeniswa kwezicelo ngokusekwe kwinto yokuba ingaba ungeniso lwezo zicelo kuyazifezekisa ngokupheleleyo na iimfuno zezicelo. Igatya landlala izigunyaziso zoGunyaziwe kunye nomenzi wesicelo apho ukungeniswa kwesicelo kwaliwe okanye kwamkelwe na.
- 3.14 **Igaty 14** kukufakelwa endaweni yecandelo 37 loMthetho oyintloko nokunikezelwa kwento yokuba isaziso sokungeniswa kwesicelo kufuneka kupapashwe nguGunyaziwe ngeelwimi ezintathu ezisesikweni zePhondo kwiwebhusayiti kaGunyaziwe. Igatya landisa ngaphezulu ukuthatyathwa kwenxaxheba luluntu kwinkqubo yokunikezelwa kwephephamvume ngokugunyazisa igosa lotywala elityunjweyo elichaphazelekayo okokuba linike isaziso sesicelo, kwimeko apho ukungeniswa kwesicelo kwinkqubo, kumbutho wabahlawuli berhafu, ukuba ukho, lommandla apho kukho isakhiwo esicetywayo esinephephamvume nakubantu kunye namaziko ekubhekiselelwe kuwo kwicandelo 34(1)(e) loMthetho oyintloko, ukuba akho, kummandla apho isakhiwo esinikwe iphephamvume sikhona.
- 3.15 **Igaty 15** kukufakelwa endaweni yecandelo 38 loMthetho oyintloko kunye nokulungiswa okulandelayo kulungiso lwamacandelo 9 kunye nelama-36 loMthetho oyintloko onxulumene negunya likaGunyaziwe okokuba amkele okanye ale ukungeniswa kwezicelo zamaphephamvume otywala.
- 3.16 **Igaty 16** kukulungiswa kwecandelo 39 loMthetho oyintloko ukulungiselela ukuhambelana noMthetho wokuKhuselwa kweNgcaciso yoMntu, (uMthetho 4 wama-2013).
- 3.17 **Igaty 17** kukulungiswa kwecandelo 40 loMthetho oyintloko ukulungiswa kwesalathisi esingalunganga.
- 3.18 **Igaty 18** kukufakelwa endaweni yecandelo 41 loMthetho oyintloko ukunikezela ngento yokuba uMphathiswa unakho ukunika inkcazelo yengcaciso ekufuneka iNkundla yamatyala yamaPhephamvume oTywala iyithabathele ingqalelo xa iqwalasela isicelo sephephamvume lotywala. Igatya licacisa ngokunjalo ubungakanani bamagunya eNkundla yamatyala yamaPhephamvume oTywala okuvumela iziphene kwizicelo, kukungeniswa okuthe kwamkelwa, kunye namaxwebhu abo akhaphayo.
- 3.19 **Igaty 19** kukufakelwa endaweni yecandelo 45 loMthetho oyintloko ukubandakanya umrhumo ochaziweyo ekufuneka uhlawulelwe imfundo noqeqesho ekufuneka umenzi wesicelo okanye umsebenzi okanye abasebenzi bomenzi wesicelo belungenele njengoko kukhonjisiwe tiNkundla yamatyala yamaPhephamvume oTywala xa ibivumela ngemiqathango ukunikezelwa kwephephamvume lotywala.
- 3.20 **Igaty 20** kukulungiswa kwecandelo 48 loMthetho oyintloko kunye nokulungiswa okulandelayo kulungiso kwicandelo 52 loMthetho oyintloko okunxulumene kukuqeshwa kwabaphathi
- 3.21 **Igaty 21** kukulungiswa kwecandelo 50 loMthetho oyintloko ngokwandiswa kwetyala kwicandelo 50(2) eliphathelelene nokuziswa kotywala kubantu abanamaphephamvume otywala ethutyana kunye namaphephamvume otywala emisitho.

- 3.22 **Igaty 22** kukulungiswa kwecandelo 51 loMthetho oyintloko ngokucinywa kwazo zonke izibonelelo ezinxulumene nokuqeshiswa kwesakhiwo esinephephamvume kwicandelo ukulungiselela ukuphuculwa kombhalo.
- 3.23 **Igaty 23** kukufakelwa kwecandelo 51 kuMthetho oyintloko. Igaty lijongene nokuqeshiswa kwesakhiwo esinephephamvume. Igaty licacisa into yokuba ukuqeshiswa kwephephamvume, ukuqhubekeka noshishino ngokuhambelana nephephandaba yaye ukusetyenziswa kwesakhiwo esinephephamvume njengoko kumiselwe kwigaty kuvunyelwa kuphela phakathi kwabantu abanikwe amaphephamvume abakwicandelo elifanayo.
- 3.24 **Igaty 24** kukufakelwa endaweni yecandelo 52 loMthetho oyintloko. Libonelela ngento yokuba, xa kusenziwa isicelo sephephamvume, umntu onikwe iphephamvume okanye umenzi wasicelo sephephamvume lotywala, kufuneka, ngaphandle kokuba umntu onikwe iphephamvume okanye umenzi wesicelo yinzalelwane yeli lizwe, aqeshe ubuncinane umntu omnye njengomphathi oyinzalelwane njengomphathi weshishini elinephephamvume. Izigunyaziso kwigaty ezandiselwe kubantu abanikwe amaphephamvume zawo onke amacandelo kunye nomntu onikwe iphephamvume elicetywayo othe wanikezelwa imvume ngokuhambelana necandelo 65(5). Igaty lidinga umntu oqeshwe njengomphathi weshishini elinephephamvume okokuba abe ungenele imfundo noqeqesho njengoko kumiselwe yiNkundla yamatyala yamaPhephamvume oTywala.
- 3.25 **Igaty 25** kukufakelwa endaweni yecandelo 53 loMthetho oyintloko. Izilungiso kwicandelo elinxulumene nezicelo zemvume apho umntu onikwe iphephamvume ethanda ukwenza naluphi na ulwandiso kwisakhiwo esinephephamvume okanye utshintsho kuhlobo loshishino ngokuphathelele kumsebenzi ebelinekelelwe wona iphephamvume. Igaty linyanzelisa igosa lotywala elinyuliweyo elichaphazelekayo, ngokubhekiselele kwezi zicelo, linike isaziso sesicelo esichaphazelekayo kubantu okanye amaqumrhu adweliswe kwigaty ze linikezele ngekopi yesicelo kumasipala ochaphazelekayo. Oku kukuqhubela phambili ukuququzelelwa kokuthatyathwa kwenxaxheba luluntu.
- 3.26 **Igaty 26** kukufakelwa endaweni yecandelo 54 loMthetho oyintloko. Isilungiso kwicandelo sithintela umntu ekuthengiseni, ekunikeni okanye ukubonelela ngotywala kumntu obudala bungaphantsi kweshumi elinesibhozo leminyaka, okanye ukuvumela ukuselwa kotywala ngumntu ophantsi kololongo lwakhe obudala bungaphantsi kweshumi elinesibhozo leminyaka – ukuba ngaba umntu ebesazi okanye ebefanele ukuba uyazi okokuba umntu othengiselwa utywala, okanye onikwayo, obonelelwayo okanye ovunyelwayo asele utywala ubudala bakhe bungaphantsi kweshumi elinesibhozo leminyaka. Igaty limthintela ngakumbi umntu onikwe iphephamvume okanye umphathi ekuvumeleni umntu obudala bungaphantsi kweminyaka elishumi elinesibhozo leminyaka ukuba abe yinxalenye yabantu abakwisakhiwo sinephephamvume apho umntu onjalo ebengenakho ngokuhambelana noMthetho okanye ngokuhambelana nemiqathango yephephamvume – ukuba ngaba umntu onikwe iphephamvume okanye umphathi uyazi okanye ufanele ukuba uyazi okokuba umntu onjalo ubudala bakhe bungaphantsi kweminyaka elishumi elinesibhozo. Igaty linyanzelisa umntu onikwe iphephamvume okanye umphathi, ukuba ngaba ukholelwa ekubeni umntu ubudala bakhe bungaphantsi kweminyaka elishumi elinesibhozo okanye ubonakalaudala bakhe bungaphantsi, kufuneka acele umntu lowo avelise incwadi yakhe yesazisi esemthethweni okanye ikhadi, iphephamvume elisemthethweni lokuqhuba, incwadi esemthethweni yokundwendwela okanye nuluphi na uhlobo lwesazisi olusemthethweni

- olunefoto oluqulathe inombolo yakhe yesazisi okanye umhla wokuzalwa ukuqinisekisa ubudala bomntu.
- 3.27 **Igaty 27** kukufakelwa endaweni yecandelo 60 loMthetho oyintloko. Ukulungiswa kwandisa uxanduva olukhoyo kubantu abanikwe amaphephamvume, abathengisa utywala ukuba buselelwe ngaphandle kwesakhiwo esinephephamvume, kubo bonke abanikwe amaphephamvume, kubandakanywa nabanephephamvume lotywala lethutyana, okokuba bagcine irekhodi yabo bonke utywala abuthengisileyo ze azingenise ezo rekhodi ngendlela echaziweyo kuGunyaziwe. Ukulungiswa kudinga aba bantu okokuba bangenise ingcaciso echaziweyo nguMphathiswa enxulumene nentengiso yotywala kuGunyaziwe. Ngaphezulu, abantu abanikwe amaphephandaba abavunyelweyo okokuba benze kumashishini amancinane utywala ngokuhambelana necandelo 33(1)(a) loMthetho oyintloko kufuneka bagcine yaye bangenise kuGunyaziwe, ngendlela echaziweyo, irekhodi yabo bonke utywala obenziweyo. UMphathiswa uncediswa ligatya ukwenza imithetho kwifomu nohlobo lwengcaciso ekufuneka igcinwe yaye ingeniswe, kunye nesithuba ekufuneka igcinwe ngaso nenani lamathuba ekufuneka ingcaciso ingeniswe ngawo.
- Igaty linikezela ngaphezulu ngento yokuba akukho mntu, ngaphandle komntu onikwe iphephamvume, kubandakanywa nonephephamvume lotywala lethutyana nelomsitho, onokuthengisela umntu omnye, ngosuku olunye okokuba aselele ngaphandle kwesakhiwo esinephephamvume, utywala obuninzi ngaphezulu komthamo, njengoko uchazwe nguMphathiswa, ngaphandle kwemvume ebhaliweyo yeGosa eLongameleyo.
- 3.28 **Igaty 28** kukulungiswa kwecandelo 62 loMthetho oyintloko kunye neempembelelo zokulungiswa okulandelayo kulungiso kumacandelo 63 kunye nelama-64 oMthetho oyintloko ngokunjalo kizilungiso kwicandelo 25 loMthetho oyintloko.
- 3.29 **Igaty 29** kukufakelwa endaweni yecandelo 63 loMthetho oyintloko. Igaty lilungisa inkqubo ezenzekelayo yohlaziyo lwamaphephamvume ngokunikezela ngento yokuba iphephamvume lomntu onikwe iphephamvume othe wasilela ukuhlawula isixamali esipheleleyo somrhumo ofanelekileyo wohlaziyo kwangethuba ngemihla eyandlalwe kwigaty, liyaxhonywa isithuba seenyanga ezintandathu ukususela kumhla woku-1 kweyoMqungu wonyaka ebekufanele ukuba umrhumo uhlawulwe ngawo. Ngeli thuba iphephamvume lixhonyiweyo, umntu onikwe iphephamvume akavumelekanga ukuba ashishine. Ukuxhonwa okunjalo kunakho ukurhoxiswa ngokuhlawula kuGunyaziwe isixamali esipheleleyo somrhumo wohlaziyo ochaziweyo ofanelekileyo kunye nesixamali esipheleleyo sesohlwayo esifanelekileyo ngomhla okanye ngaphambi kwemihla eyandlalwe kwigaty. Ukurhoxiswa kusebenza ngoko nangoko ngomhla wentlawulo womrhumo wohlaziyo ofanelekileyo kunye nesohlwayo. Ukusilela ngumntu onikwe iphephamvume ukuhlawula isixamali esipheleleyo somrhumo wohlaziyo ofanelekileyo kunye nesohlwayo, kulandelwa ukuxhonywa okuzenzekelayo kwephephamvume, kunesiphumo sephephamvume elithathwa njengeliphelelweyo ngomhla woku-1 kweyoMqungu wonyaka okanye unyaka wokuqala kwisithuba seminyaka emibini, ukuba umntu onikwe iphephamvume urhuma kumjikelelo wohlaziyo wonyaka okanye wonyaka mbini, njengoko kunokuba njalo, ngokuphathelele kumrhumo wohlaziyo ofanelekileyo ekufanele ukuba ube uhlawulwe.
- 3.30 **Igaty 30** kukufakelwa endaweni yecandelo 64 loMthetho oyintloko. Ukulungiswa kunikezela ngento yokuba ukuba umntu onikwe iphephamvume, othe ukususela kumhla wokukhutshwa kwephephamvume okanye, ukuba ngaba iphephamvume sele lihlahaziye,

ngesithuba apho iphephamvume beligqibele ngalo ukuhlaziywa, uyalelwa ngokuhambelana necandelo 35 loMthetho oyintloko ukufumana iphephamvume, abhengezwe ngongafanelekanga yiNkundla yamatyala yamaPhephamvume oTywala okokuba anganephephamvume lotywala, usilele ukuhambelana nesaziso sohambelwano ngokwemiqathango yoMthetho okanye selexhomekeke kwingxelo ngokwemiqathango yecandelo 73(7)(c) okanye no-(d) ekubhekiselelwe kulo kwiNkundla yamatyala yamaPhephamvume oTywala ngokwemiqathango yecandelo 26(7) loMthetho oyintloko, iphephamvume iphephamvume alinakho ukucela nje lihlaziywe nokumema umntu onikwe iphephamvume okokuba enze isicelo sokuhlaziywa kwephephamvume. Igatya linika umhla ekufanele ukuba isicelo sibe senziwe ngawo. Ukuba umntu onikwe iphephamvume wenza isicelo emva komhla wokuphunyezwa, kuvulelekile kumntu onikwe iphephamvume okokuba enze isicelo soxolelo lokwenza isicelo emva kwexesha elimiselweyo. Uxolelo lunokucelwa kuphela phambi komhla owandlalwe kwigatya. Isicelo soxolelo sidingeka okokuba sibe kwifomu echaziweyo yaye ebandakanya intlawulo yomrhumo ochaziweyo. Isicelo soxolelo kudingeka okokuba senziwe ngaxeshanye nesicelo sohlaziyo lwephephamvume. Iphephamvume elichaphazelekayo lihlala lisemthethweni de kube liqwalaselwe yiNkundla yamatyala yamaPhephamvume oTywala nokuba mhlawumbi sisicelo sohlaziyo okanye zozibini isicelo sohlaziyo kunye nesicelo soxolelo. Igatya ngaphezulu landlala uxanduva lwentlawulo yomntu onike iphephamvume kwimeko apho iNkundla yamatyala yamaPhephamvume oTywala inikezela isicelo sohlaziyo okanye inikezele ngesicelo soxolelo kunye nesicelo sohlaziyo.

- 3.31 **Igatya 31** kukulungiswa kwecandelo 65 loMthetho oyintloko ukubandakanya umrhumo ochaziweyo olungiselelwe imfundo noqeqesho ethi iNkundla yamatyala yamaPhephamvume oTywala ikhokhele umntu onikwe iphephamvume ocetywayo, okokuba alungenele xa iNkundla yamatyala yamaPhephamvume oTywala inikezele ngemvume kwisicelo sokukhutshelwa kwephephamvume.
- 3.32 **Igatya 32** kukulungiswa kwecandelo 66 loMthetho oyintloko. Igatya libandakanya ukuthatyathwa kwenxaxheba luluntu kwinkqubo yokwenziwa kwesicelo sokususwa kwephephamvume ngokuhlanganisa izibonelelo ezithile eziphuma kumacandelo 36, 37, 38, 39 nelama-40 loMthetho oyintloko kwinkqubo. Igatya linikezela ngeenqobo zokukheta ethi iNkundla yamatyala yamaPhephamvume oTywala ekufuneka ikhokhelwe zizo ekuqwalaseleni isicelo sokususwa kwephephamvume, ngokuhlanganiswa kwezibonelelo ezithile zamacandelo 34 kunye nelama-41 zoMthetho oyintloko. Igatya lihlanganisa ngaphezulu izibonelelo zamacandelo 42, 43 kunye nelama-44 loMthetho oyintloko kulungiselelwa ukunikezelwa okunemiqathango yiNkundla yamatyala yamaPhephamvume oTywala kwesicelo sokususwa kwephephamvume. Intsalela yegatya iphucula ubhalo lwecandelo.
- 3.33 **Igatya 33** kukulungiswa kwecandelo 67 loMthetho oyintloko ngokucinywa kwegunya leNkundla yamatyala yamaPhephamvume oTywala lokuqesha umphathi apho yanelisekile yinto yokuba ishishini elinephephamvume liyeke ngumntu onikwe iphephamvume.
- 3.34 **Igatya 34** kukulungiswa kwecandelo 68 loMthetho oyintloko. Izilungiso ezilandela ulungiso kwicandelo 25 loMthetho oyintloko kunxulumene nokuqeshwa kwabantu ababini okokuba basebenze njengabeNkundla yokuBhena.

- 3.35 **Igaty 35** kukulungiswa kwecandelo 73 loMthetho oyintloko nokuphuculwa kobhalo lwecandelo.
- 3.36 **Igaty 36** kukulungiswa kwecandelo 75 loMthetho oyintloko nokuphuculwa kobhalo lwecandelo.
- 3.37 **Igaty 37** kukulungiswa kwecandelo 78 loMthetho oyintloko kunye nokulungiswa okulandelayo kulungiso kwicandelo 25 loMthetho oyintloko kunxulumene nokuqeshwa kwabantu ababini okokuba basebenze njengabeNkundla yokuBhena. Igaty liphucula ngokunjalo ubhalo lwecandelo.
- 3.38 **Igaty 38** kukulungiswa kwecandelo 83 loMthetho oyintloko 78 loMthetho oyintloko kunye nokulungiswa okulandelayo kulungiso kwicandelo 52 loMthetho oyintloko kunxulumene nokuqeshwa kwabaphathi.
- 3.39 **Igaty 39** kukulungiswa kwecandelo 85 loMthetho oyintloko kunye nokulungiswa okulandelayo kulungiso kwicandelo 54 loMthetho oyintloko.
- 3.40 **Igaty 40** kukulungiswa kwecandelo 87 loMthetho oyintloko. Igaty libonelela ngento yokuba ityala ngokwemiqathango yecandelo 63(13) lizisa ngokujalo isohlwayo, isigwebo, esingadlulanga kwi-R100 000,00 okanye ukuvalelwa etolongweni isithuba esingedlulanga kwiinyanga ezintandathu okanye zozibini ezifana nesohlwayo kunye nesithuba eso sokuvalelwa etolongweni.
- 3.41 **Igaty 41** kukulungiswa kwesalathisi kuMthetho oyintloko.
- 3.42 **Igaty 42** kukubonelelwa ngamalungiselelo olondolozo nawenguqulelo.
- 3.43 **Igaty 43** kukunikezela ngesihloko esifutshane nokuqaliswa koMthetho oYilwayo wakube wenziwe umthetho.

4. UKUCETYISWA

ISEBE loKhuselo loLuntu

ISEBE leNkulumbuso: iiNkonzo zoMthetho

ISEBE leNkulumbuso: iiNkqubo zeQhinga

UGunyaziwe woTywala weNtshona Koloni

5. OKUQUKA ABASEBENZI

Akukho okuquka ngqo abasebenzi.

6. OKUQUKA IMALI

UGunyaziwe ngokwaloku nje uchithe izigidi ezi-R4 513 960 ngonyaka ukupapasha izicelo zamaphephamvume otywala ngokwemiqathango yecandelo 36 kuyo ibe sisigidi esi-R1 912 143 esibandakanywe kwisiseko sohlahlo lwabiwomali lwe-MTEC. Intsalela yezigidi ezi-R2 601 817 ihlawulwe ngokwembali kwiingxowamali eziqengqelweyo ezingakhange zichithwe kwiminyakamali engaphambili. Iingxowamali azibandakanywanga kwisiseko sohlahlo lwabiwomali lwe-MTEC njengoko zithatyathwa kukungafaneleki kowisomthetho. Ukulungiswa kwigaty 14 kuya kusombulula ukungafaneleki kowisomthetho yaye kube

nomphumela wolondolozo olumalunga nesigidi esi-R1 500 000 kwisiseko sohlahlo lwabiwomali lwe-MTEC.

Ngaphezulu, uGunyaziwe ngokwakaloku nje uvelise isigidi esi-R1 129 577 esivela kwizohlwayo zeentlawulo ezenziwe emva kwethuba zokuhlaziywa kwephephamvume. Ukulungiswa kumagatya 28 nelama-29 kuya kunciphisa kakhulu ezi zohlwayo kwiintlawulo zokuhlaziywa kwamaphephamvume ezenziwe emva kwexesha okuya kuba nomphumela walahleki kwingeniso yalo eqikelelwa malunga nesigidi esi-R1 000 000. Ilahleko kwingeniso iya kuxhaswa ngemali kulondolozo lokufaneleka eqaqanjiswe ngasentla.

Izilungiso zowisomthetho ziya kuba nompumela ngoko lolondolozo oluqikelelwa kuma-R500 000 oluya kufumaneka kulungiselelwa okunye okuphambili kunikezelo lwenkonzo kaGunyaziwe.

7. IGUNYA LOWISOMTHETHO

UMphathiswa wePhondo onoxanduva lwamaphephamvume lotywala wanelisekile yinto yokokuba izibonelelo zoMthetho oYilwayo zikwigunya lowisomthetho lwePhondo.

PROVINCIAL NOTICE

P.N. 113/2023

15 November 2023

**WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)
WESTERN CAPE LIQUOR REGULATIONS, 2011:
DRAFT SECOND AMENDMENT, 2023**

The Provincial Minister of Community Safety, in terms of section 88(1) of the Western Cape Liquor Act, 2008 (Act 4 of 2008), intends to make the regulations set out in the Schedule.

SCHEDULE**Definition**

1. In these regulations “the Regulations” means the Western Cape Liquor Regulations, 2011, published under Provincial Notice 366/2011 dated 21 December 2011, amended by Provincial Notices: 84/2012 dated 30 March 2012, 371/2012 dated 10 December 2012, 275/2015 dated 14 August 2015, 117/2017 dated 31 May 2017, 122/2018 dated 27 September 2018, 109/2019 dated 29 October 2019, 112/2020 dated 29 October 2020, 128/2021 dated 15 October 2021 and 90/2022 dated 20 July 2022.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the regulations is amended by the insertion after the definition of “section” of the following definition:
“ ‘signature’ includes, in relation to electronic communications, the signature digitally generated by the information system designated by the Authority;”.

Amendment of regulation 6 of the Regulations

3. Regulation 6 of the Regulations is amended—
 - (a) by the substitution for subparagraph (ii) of paragraph (a) of subregulation (8) of the following subparagraph:
“(ii) the Head of Department or an official in the employ of the Department to whom the Head of Department assigns this duty; and”;
 - (b) by the insertion after subregulation (8) of the following subregulation:
“(8A) An assignment by the Head of Department in terms of subregulation (8)(a)(ii)—
 - (i) must be made in writing and may be made subject to such terms, conditions and restrictions as the Head of Department determines;
 - (ii) does not divest the Head of Department of the duty assigned; and
 - (iii) may be amended or withdrawn by the Head of Department.”;
 - (c) by the substitution for subregulation (10) of the following subregulation:
“(10) The Board must appoint the members of the Liquor Licensing Tribunal or the substitute members, as the case may be, after considering the recommendations of the interviewing panel concerned.”;
 - (d) by the deletion of subregulation (11); and
 - (e) by the substitution for subregulation (12) of the following subregulation:
“(12) The appointment of the members of the Liquor Licensing Tribunal or the substitute members, as the case may be, must be made with race and gender sensitivity.”.

Amendment of regulation 9 of the Regulations

4. Regulation 9 of the Regulations is amended—

- (a) by the substitution for subregulation (2) of the following subregulation:
 “(2) Subject to section 36(2) an application for a licence referred to in section 33(1) must be lodged with the Authority by 14h00 on the Friday preceding the first Friday of any month or, if that preceding Friday is a public holiday, on the last working day before that public holiday.”;
- (b) by the substitution in subparagraph (iv) of paragraph (b) of subregulation (4) for the words “section 41(1)(c)(i)” of the words “section 41(1)(a)(iii)”;
- (c) by the insertion after paragraph (e) of subregulation (4) of the following paragraph:
 “(eA) written representations on why the granting of the application is in the public interest;”;
- (d) by the deletion of paragraph (g) of subregulation (4);
- (e) by the substitution for paragraph (i) of subregulation (4) of the following paragraph:
 “(i) such other documents as may be specified on the application form and in the Act;”;
- (f) by the deletion of paragraph (k) of subregulation (4); and
- (g) by the substitution for paragraph (n) of subregulation (4) of the following paragraph:
 “(n) in respect of an applicant who—
- (i) is a natural person, a certified copy of Form 15A issued in the name of the applicant;
 - (ii) is a natural person and who appoints a person other than himself or herself as the manager of the proposed licensed business, Form 15 duly completed in respect of each person appointed as a manager and a certified copy of Form 15A issued in the name of each person appointed as a manager of the proposed licensed business; or
 - (iii) is not a natural person, Form 15 duly completed in respect of each person appointed as a manager and a certified copy of Form 15A issued in the name of each person appointed as a manager of the proposed licensed business.”.

Insertion of regulation 9A

5. The following regulation is inserted in the Regulations after regulation 9:

“Notification of refusal or acceptance of lodgement

9A.(1) The Authority must within seven days after the lodgement of an application for a licence referred to in section 33(1), either refuse or accept the lodgement in accordance with section 36(1A).

(2) If the Authority refuses the lodgement of an application for a licence, the Authority must notify the applicant in the form of Form 3C within seven days after receipt of the lodgement that the lodgement is refused.

(3) If the Authority accepts the lodgement of an application for a licence, the Authority must within seven days after receipt of the lodgement notify the applicant and the designated liquor officer in whose area of jurisdiction the proposed licensed premises are located in the form of Form 3D that the lodgement is accepted.

(4) The applicant must, within 14 days from the date of the notice referred to in subregulation (3)—

- (a) pay to the Authority the applicable application fee set out in Item 1 of Annexure 1;
 - (b) lodge a copy of the application for a licence with the designated liquor officer in whose area of jurisdiction the proposed licensed premises are located;
 - (c) submit to the Authority proof of payment of the applicable application fee; and
 - (d) submit to the Authority proof that a copy of the application was lodged with the designated liquor officer concerned.
- (5) The Authority must within five days from the expiry of the period referred to in subregulation (4) notify the applicant and the designated liquor officer concerned—
- (a) in the form of Form 3E that proof of the payment and lodgement with the designated liquor officer was received within the period; or
 - (b) in the form of Form 3F that proof of the payment or the lodgement with the designated liquor officer was not received within the period and that the lodgement is deemed to be refused in terms of section 36(1A)(b).”.

Amendment of regulation 10 of the Regulations

6. Regulation 10 of the Regulations is amended—

- (a) by the deletion of subregulation (1A);
- (b) by the substitution for subregulation (3) of the following subregulation:
“(3) The designated liquor officer concerned must serve a copy of the application on the municipal manager of the relevant municipality within seven days from date of lodgement of the application with the designated liquor officer.”; and
- (c) by the substitution for subregulation (4) of the following subregulation:
“(4) The designated liquor officer must serve the notice referred to in section 37(5) within seven days from date of lodgement of the application with the designated liquor officer, and where the municipality concerned elects to give notice, it must do so within seven days from the date of being served with a copy of the application by the designated liquor officer.”.

Amendment of regulation 15 of the Regulations

7. Regulation 15 of the Regulations is amended—

- (a) by the substitution for item (dd) of subparagraph (ii) of paragraph (a) of subregulation (3) of the following item:
“(dd) an undertaking referred to in section 41(1)(a)(iii);”;
- (b) by the deletion in subregulation (3) of the word “and” at the end of subparagraph (ix) of paragraph (a);
- (c) by the substitution for paragraph (b) of subregulation (3) of the following paragraph:
“(b) include any information prescribed by the Minister in terms of section 41(1)(a)(iv); and”;
- (d) by the addition of the following paragraph after paragraph (b) of subregulation (3):
“(c) include a recommendation for the granting or refusal of the application.”;
- (e) by the substitution for subregulation (4) of the following subregulation:
“(4) If the designated liquor officer fails to lodge his or her report in terms of section 73(7)(a), the Chief Executive Officer may forward a copy of the application to an inspector with a written instruction to lodge a report containing the information referred

to in subregulation (3)(a)(i), (ii), (iii), (v), (vii), (viii) and (ix) and subregulation (3)(b), a recommendation contemplated in subregulation (3)(c) and, where available, the information referred to in subregulation (3)(a)(iv) and (vi), in respect of the application concerned.”.

Amendment of regulation 17 of the Regulations

8. Regulation 17 of the Regulations is amended—

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

“(1) The Authority must, within seven days after the Liquor Licensing Tribunal has under section 42(1) conditionally granted an application lodged in terms of, and accepted in accordance with section 36, notify the persons referred to in section 46(1) in writing of that decision.”; and

(b) by the substitution for paragraph (d) of subregulation (11) of the following paragraph:

“(d) a recommendation for the granting or refusal of the application.”.

Amendment of regulation 18 of the Regulations

9. Regulation 18 of the Regulations is amended by the substitution for subregulation (1) of the following subregulation:

“(1) The Authority must, within seven days after the Liquor Licensing Tribunal has decided on an application lodged in terms of, and accepted in accordance with section 36, notify the persons referred to in section 46(1) in writing of the decision.”.

Amendment of regulation 19 of the Regulations

10. Regulation 19 of the Regulations is amended—

(a) by the substitution in subparagraph (iv) of paragraph (b) of subregulation (3) for the words “section 41(1)(c)(i)” of the words “section 41(1)(a)(iii)”;

(b) by the substitution for paragraph (n) of subregulation (3) of the following paragraph:

“(n) in respect of an applicant who—

(i) is a natural person and who appoints a person other than himself or herself as the manager of the licensed business, Form 15 duly completed in respect of each person appointed as a manager;

(ii) is not a natural person, Form 15 duly completed in respect of each person appointed as a manager.”;

(c) by the substitution in subparagraph (iv) of subparagraph (b) of subregulation (4) for the words “section 41(1)(c)(i)” of the words “section 41(1)(a)(iii)”;

(d) by the substitution for paragraph (m) of subregulation (4) of the following subparagraph:

“(m) in respect of an applicant who—

(i) is a natural person and who appoints a person other than himself or herself as the manager of the licensed business, Form 15 duly completed in respect of each person appointed as a manager;

(ii) is not a natural person, Form 15 duly completed in respect of each person appointed as a manager.”;

(e) by the substitution in subregulation (5) for the words “regulation 15(3)(b)” of the words “regulation 15(3)(c)”; and

- (f) by the substitution in subregulation (7) for the words “regulation 15(3)(b)” of the words “regulation 15(3)(c)”.

Amendment of regulation 21 of the Regulations

11. Regulation 21 of the Regulations is amended—

- (a) by the deletion in the heading of the words “or to let licensed premises”;
- (b) by the deletion of subregulation (2);
- (c) by the deletion of subregulation (4);
- (d) by the substitution for subregulation (5) of the following subregulation:
 “(5) The designated liquor officer in whose area of jurisdiction the licensed premises are located must, within 14 days after an application has been lodged, serve a copy of his or her report contemplated in section 51(5) on the joint applicants and lodge the report with the Authority together with proof that the report has been served on the joint applicants.”;
- (e) by the substitution for subregulation (7) of the following subregulation:
 “(7) If the designated liquor officer fails to lodge his or her report in terms of subregulation (6), the Chief Executive Officer may forward a copy of the application to an inspector with a written instruction to lodge a report containing the information contemplated in section 51(5)”;
- (f) by the substitution for subregulation (10) of the following subregulation:
 “(10) The Presiding Officer must within 30 days after receipt of all the documents referred to in this regulation, either grant or refuse the application.”; and
- (g) by the substitution for regulation (11) of the following subregulation:
 “(11) The Authority must, within seven days after the Presiding Officer has decided on an application made in terms of subregulation (1), notify the joint applicants and each person who lodged a written objection or representations in respect of the application with the Authority in writing of the decision.”.

Insertion of regulation 21A

12. The following regulation is inserted in the Regulations after regulation 21:

“Letting of licence, carrying on of business in terms of the licence and use of licensed premises

21A.(1) A licensee who wishes to let the licence to another person, allow another person to carry on business in terms of the licence or allow another person to use the licensed premises as contemplated in section 51A(1) and that other person (in this regulation referred to as the joint applicants) must jointly lodge an application with the Authority and a copy thereof with the designated liquor officer in whose area of jurisdiction the licensed premises are located, in the form of Form 14 in Annexure 3, and both of them must furnish in the application the information required in that form.

- (2) An application made in terms of subregulation (1) must be accompanied by—
- (a) proof of payment to the Authority of the applicable application fee set out in Item 18 of Annexure 1;
- (b) documented proof of the proposed letting of the licence, carrying on of the business in terms of the licence or use of the licensed premises;

- (c) a copy of the licence concerned;
 - (d) a certified copy of the following in respect of the person who proposes to let the licence from the licensee, carry on business in terms of the licence or use the licensed premises:
 - (i) his or her identity card or document;
 - (ii) his or her passport and visa or, where applicable, permanent residence permit, if that person is a foreigner;
 - (iii) the relevant registration documents, indicating the identity and, where applicable, the financial interest of all the members, directors, partners, beneficiaries or trustees, if that person is not a natural person;
 - (e) a copy of the licence of the person contemplated in paragraph (d);
 - (f) a legible, comprehensive floor plan of the licensed premises on standard white paper not exceeding A3 in size and clearly showing in contrasting colours—
 - (i) the applicable portion of the licensed premises that will be affected by the proposed letting of the licence, carrying on of business under the license or use of the licensed premises in relation to the entire premises;
 - (ii) the dimensions of the applicable portion;
 - (iii) the dimensions of each room on the applicable portion of the licensed premises;
 - (iv) the uses of all the rooms on the applicable portion of the licensed premises;
 - (v) all doors, windows and counters, where applicable, and means of internal and external access;
 - (vi) where the liquor will be stored on the applicable portion of the licensed premises in relation to the entire premises;
 - (vii) the areas on the applicable portion of the licensed premises where liquor will be sold in relation to the entire premises;
 - (viii) the areas on the applicable portion of the licensed premises where liquor will be consumed in relation to the entire premises; and
 - (g) indexed colour photographs showing—
 - (i) the applicable portion of the licensed premises;
 - (ii) the entire licensed premises.
- (3) The designated liquor officer in whose area of jurisdiction the licensed premises are located must, within 14 days after an application has been lodged, serve a copy of his or her report contemplated in section 51A(3) on the joint applicants and lodge the report with the Authority together with proof that the report has been served on the joint applicants.
- (4) If the designated liquor officer fails to lodge his or her report in terms of subregulation (3) with the Authority, the Chief Executive Officer must, within 21 days from the date of lodgement of the application, request the designated liquor officer concerned in writing to lodge the report with the Authority within three days.
- (5) If the designated liquor officer fails to lodge his or her report in terms of subregulation (4), the Chief Executive Officer may forward a copy of the application to an inspector with a written instruction to lodge a report containing the information contemplated in section 51A(3).
- (6) An inspector must lodge his or her report with the Authority and forward a copy thereof to the joint applicants within the period stipulated by the Chief Executive Officer in terms of the instruction referred to in subregulation (5).
- (7) The joint applicants must lodge with the Authority their response to the report by the designated liquor officer referred to in subregulation (3) or (4) or the report by an inspector referred to in subregulation (6) within seven days after having been served with a copy of either report.

(8) The Presiding Officer must within 30 days after receipt of all the documents referred to in this regulation either grant or refuse the application.

(9) The Authority must, within seven days after the Presiding Officer has decided on an application made in terms of subregulation (1), notify the joint applicants and each person who lodged a written objection or representations in respect of the application with the Authority in writing of the decision.

(10) If an application is granted, the Authority must issue a written consent within 14 days after the consent was granted.”.

Substitution of regulation 22 of the Regulations

13. The following regulation is substituted for regulation 22 of the Regulations:

“Appointment of manager

14.(1) An applicant or a licensee contemplated in section 52(1) and (3) must notify the Authority in the form of Form 15 that the person referred to in the form is appointed as a manager of the licensed business concerned.

(2) The Authority must, within 14 days after the successful completion of the education and training referred to in section 52(4)(c), issue to the person who successfully completed the education and training a certificate in the form of Form 15A in Annexure 3.”.

Insertion of regulation 22A

14. The following regulation is inserted in the Regulations after regulation 22:

“Education and training fee

22A. The—

- (a) applicant referred to in section 45;
 - (b) applicant and licensee contemplated in section 52(6); and
 - (c) proposed licensee referred to in section 65(14),
- must pay to the Authority the fee set out in Item 13 of Annexure 1.”.

Substitution of regulation 23 of the Regulations

15. The following regulation is substituted for regulation 23 of the Regulations:

“Application for consent to alter licensed premises or nature of licensed premises

23.(1) A licensee who requires consent to perform any action referred to in section 53(1)(a) must lodge with the Authority and the designated liquor officer in whose area of jurisdiction the licensed premises are located an application in the form of Form 16 in Annexure 3, accompanied by—

- (a) a legible, comprehensive floor plan of the applicable portion of the licensed premises intended to be altered, added to or reconstructed on standard white paper not exceeding A3 in size and clearly showing in contrasting colours—
 - (i) the applicable portion of the licensed premises in relation to the entire premises;

- (ii) the dimensions of the applicable portion;
 - (iii) the dimensions of each room on the applicable portion;
 - (iv) the uses of each room on the applicable portion;
 - (v) all doors, windows and counters, where applicable, and means of internal and external access;
 - (vi) the streets and places to which such means of external access lead;
 - (vii) how the applicable portion links up with the licensed premises;
 - (viii) where liquor will be stored on the applicable portion;
 - (ix) the areas on the applicable portion where liquor will be sold in relation to the entire premises;
 - (x) the areas on the applicable portion where liquor will be consumed in relation to the entire premises;
- (b) a description of the proposed alterations;
- (c) in a separate document, a description of the applicable portion of the licensed premises, with reference to the construction, lay-out, furnishing, fittings and floor covering;
- (d) proof that the applicant has the right to alter the licensed premises for the purpose contemplated in the application;
- (e) proof of payment to the Authority of the application fee set out in Item 6 of Annexure 1;
- (f) written representations in support of the application; and
- (g) indexed colour photographs showing the completed internal and external features of the licensed premises;
- (1A) The provisions of subregulation (1) apply to a licensee who requires consent to perform any action referred to in section 53(1A)(a).
- (1B) An application in terms of subregulation (1A) must also be accompanied by—
- (a) proof that the applicant has the right to occupy the applicable portion; and
 - (b) proof of ownership of the licensed premises, or, if the applicant is not the owner of the premises, written consent from the owner that the applicant may use the applicable portion for the purposes of the licence.
- (2) A licensee who requires consent to perform any action referred to in section 53(1A)(b) must lodge with the Authority and the designated liquor officer in whose area of jurisdiction the licensed premises are located an application in the form of Form 17 in Annexure 3, accompanied by—
- (a) a description of the proposed change to the nature of the business;
 - (b) proof of payment to the Authority of the application fee set out in Item 6 of Annexure 1;
 - (c) written representations in support of the application;
 - (d) proof that the applicant has the right to materially change the nature of the business in respect of which the licence was granted;
 - (e) the documents specified on the application form or as may be requested by the Authority.
- (3) A licensee who requires consent to perform any action referred to in section 53(1)(c) must lodge with the Authority and the designated liquor officer in whose area of jurisdiction the licensed premises are located, an application in the form of Form 18 in Annexure 3, accompanied by—

- (a) a description of any other business, trade or occupation that is carried on or pursued on the proposed premises on which it is intended the business under the licence will be conducted;
- (b) proof of payment to the Authority of the application fee set out in Item 6 of Annexure 1;
- (c) written representations in support of the application;
- (d) a legible, comprehensive floor plan of the applicable portion of the proposed premises on which it is intended that the business under the licence will be conducted, on standard white paper not exceeding A3 in size and clearly showing in contrasting colours—
 - (i) the applicable portion of the proposed premises in relation to the entire premises;
 - (ii) the dimensions of the applicable portion;
 - (c) the dimensions of each room on the applicable portion of the proposed premises;
 - (iv) the uses of each room on the applicable portion of the proposed premises;
 - (v) all doors, windows and counters, where applicable, and means of internal and external access;
 - (vi) the streets and places to which such means of external access lead;
 - (vii) where liquor will be stored on the applicable portion of the proposed premises;
 - (viii) the areas on the applicable portion of the proposed premises where liquor will be sold in relation to the entire premises;
 - (ix) the areas on the applicable portion of the proposed premises where liquor will be consumed in relation to the entire premises;
- (e) in a separate document, a description of the applicable portion of the proposed premises, with reference to the construction, lay-out, furnishing, fixtures, fittings and floor covering;
- (f) proof that the applicant has the right to occupy the applicable portion of the proposed premises;
- (g) proof of ownership of the proposed premises or, if the applicant is not the owner of the premises, written consent from the owner that the applicant may use the applicable portion of the proposed premises for the purposes of the licence; and
- (h) indexed colour photographs showing the internal and external features of the proposed premises.

(3A) The designated liquor officer must, in respect of an application made in terms of subregulation (1A) or (2), serve a copy of the notice referred to in section 53(2A)(b) within seven days from the date of lodgement of the application concerned.

(3B) Written representations referred to in section 53(2B) must be lodged within 14 days from the date of service of the notice in terms of subregulation (3A).

(3C) The provisions of regulation 13(2) and (3) apply to representations lodged in terms of subregulation (3B).

(3D) If an applicant intends to respond to representations in terms of section 53(2C), the response must be lodged with the designated liquor officer not later than 14 days after receipt of the representations.

(4) The designated liquor officer must—

- (a) within 14 days after an application in terms of subregulation (1) or (3) has been lodged; or
- (b) within 35 days after an application in terms of subregulation (1A) or (2) has been lodged,

serve a copy of his or her report referred to in section 53(2A)(a) or (b), as the case may be, on the applicant and lodge the report with the Authority together with proof that the report has been served on the applicant.

(5) If the designated liquor officer fails to lodge his or her report in terms of subregulation (4) with the Authority, the Chief Executive Officer must, within 21 days from date of lodgement of the application, notify the designated liquor officer concerned in writing, to lodge the report within three days from the date of such notification.

(6) If the designated liquor officer fails to lodge his or her report in terms of subregulation (5), the Chief Executive Officer may forward a copy of the application to an inspector with a written instruction to lodge a report containing the information referred to in subregulation (4) in respect of the application concerned.

(7) An inspector must lodge his or her report with the Authority and forward a copy to the applicant within the period stipulated by the Chief Executive Officer in terms of the instruction referred to in subregulation (6).

(8) The applicant must lodge his, her or its response to a report by the designated liquor officer referred to in subregulation (4) or a report by an inspector referred to in subregulation (7) within seven days of having been served with a copy of either report.

(9)(a) The Presiding Officer must, in respect of an application made in terms of subregulation (1) or (3), within 30 days after receipt of all relevant documents referred to in subregulations (1) or (3), as the case may be, and subregulations (4)(a) to (8), either grant or refuse the application.

(b) The Liquor Licensing Tribunal must, in respect of an application made in terms of subregulation (1A) or (2), within 30 days after receipt of all relevant documents referred to in subregulations (1A) or (2), as the case may be, and subregulations (3A) to (3D), (4)(b) and (5) to (8), either grant or refuse the application.

(10) The Authority must, within seven days after the Presiding Officer or the Liquor Licensing Tribunal, as the case may be, has decided on an application made in terms of subregulation (1), (1A), (2) or (3), notify the applicant and each person who lodged a written objection or representations in respect of the application concerned with the Authority in writing of the decision.

(11) If an application is granted, the Authority must issue a written consent within 14 days after the consent was granted.

(12) When an application is granted in terms of this regulation, the applicant must pay the fees set out in Item 7, 8 or 9 in Part A of Annexure 2, as the case may be, to the Authority.”

Amendment of regulation 25 of the Regulations

16. Regulation 25 of the Regulations is amended by the substitution in subregulations (3) and (5) for the words “regulation 15(3)(b)” of the words “regulation 15(3)(c)”.

Amendment of regulation 26 of the Regulations

17. Regulation 26 of the Regulations is amended by the substitution in subregulation (8) for the words “regulation 15(3)(b)” of the words “regulation 15(3)(c)”.

Substitution of regulation 27 of the Regulations

18. The following regulation is substituted for regulation 27 of the Regulations:

“Quantity of liquor sold and the keeping of records

27.(1) The records and information referred to in section 60(1) must—

- (a) be in written or electronic form;
- (b) for the purposes of section 60(1)(a), contain the following:
 - (i) name and address of the licensed business;
 - (ii) licence number of the licensed business;
 - (iii) invoice numbers and dates of issue;
 - (iv) kind and quantity of liquor sold;
 - (v) cost of the liquor sold;
 - (vi) selling price of the liquor sold; and
 - (vii) name and address of the person or persons from whom the licensee purchased the liquor sold;
- (c) for the purposes of section 60(1)(b), contain the following for the period 1 January of a year to 31 December of that year:
 - (i) in respect of the sale of liquor of more than 100 litres to one person in a single day, the name, address, identity number and telephone number of each such purchaser of that liquor;
 - (ii) the quantity of liquor held in stock by the licensee as at 1 January of the period;
 - (iii) the quantity of liquor held in stock by the licensee as at 31 December of the period; and
- (d) for the purposes of section 60(1)(c), contain the following:
 - (i) the information set out in paragraph (b)(i) to (v) and (c); and
 - (ii) the kind and quantity of liquor manufactured for the period 1 January of a year to 31 December of that year.

(1A) The records and information must be submitted to the Authority annually by 31 March of a year in the form of Form 19A in Annexure 3.

(1B) The licensee contemplated in section 60(1) must retain a copy of the records and information submitted to the Authority at the licensed premises for a period of three years from the date of submission to the Authority, notwithstanding any law to the contrary.

(2) The maximum quantity of liquor envisaged in section 60(2) is 150 litres.

(3) Where a consent in terms of section 60(2) has been granted, the record referred to in section 60(1)(a) must also contain the name, address, identity number and telephone number of the purchaser.”

Substitution of regulation 30 of the Regulations

19. The following regulation is substituted for regulation 30 of the Regulations:

“Automatic renewal of licences

30.(1) The annual and biennial renewal notice referred to in section 63(3) must be in the form of Form 21A in Annexure 3.

(2) The licensee must pay the applicable fee set out in Part C of Annexure 2 to the Authority.

(3) A licensee who intends to subscribe to a biennial renewal cycle contemplated in section 63(1) must lodge with the Authority a notice in the form of Form 21B in Annexure 3 by no later than 30 November of the year in which the Authority may have issued the annual renewal notice referred to in section 63(3).”

Substitution of regulation 31 of the Regulations

20. The following regulation is substituted for regulation 31 of the Regulations:

“Application for renewal of licence

31.(1) An application referred to in section 64(1) for the renewal of a licence must be in the form of Form 22 in Annexure 3.

(2A) An application for condonation in terms of section 64(4) must be in the form of Form 23 in Annexure 3.

(2) The application for the renewal of a licence must be lodged with the Authority and a copy thereof with the designated liquor officer in whose area of jurisdiction the licensed premises are located and where a licensee applies for condonation, the licensee must also lodge with the Authority an application for condonation and a copy thereof with the designated liquor officer concerned.

(3) The application for renewal of the licence must include—

- (a) written representations in support of the application;
- (b) the full name, address and other contact details of the licensee;
- (c) the documents specified on the application form or requested by the Authority;
- (d) proof of payment to the Authority of the fee set out in Item 9(a) of Annexure 1; and
- (e) where the licensee applies for condonation, also proof of payment to the Authority of the fee set out in Item 9(b) of Annexure 1.

(5) The Authority must notify the inspectorate in writing of an application for the renewal of a licence made in terms of subregulation (1), and where applicable, an application for condonation made in terms of subregulation (2A), within seven days from the date of lodgement of the application or applications, as the case may be.

(6) The inspectorate and the designated liquor officer must each—

- (a) within 14 days from the date of lodgement of the application or applications, as the case may be, lodge with the Authority a report that investigates the factors referred to in section 64(1)(a) to (d); and
- (b) serve on the licensee a copy of the report.

(7) The licensee must lodge his or her response, if any, to the report by the designated liquor officer or the report by the inspector within seven days after having been served with a copy of either report.

(8) The Liquor Licensing Tribunal must within 30 days after receipt of all the relevant documents in this regulation consider and decide on—

- (a) the application for the renewal of the licence; or
- (b) the application for condonation.

(8A) If the Liquor Licensing Tribunal grants an application for condonation in terms of subregulation (8)(b), the Liquor Licensing Tribunal must within the period contemplated in that subregulation simultaneously consider and decide on the accompanying application for the renewal of the licence.

(9) The Authority must, within seven days after the Liquor Licensing Tribunal has decided on—

- (a) an application for the renewal of the licence; or
- (b) an application for condonation, and where appropriate, the accompanying application for the renewal of the licence,

notify the licensee, the designated liquor officer, the municipal manager concerned and each person who lodged a written objection or representations in respect of the application or applications, as the case may be, with the Authority in writing of the decision.”.

Amendment of regulation 32 of the Regulations

21. Regulation 32 of the regulations is amended—

(a) by the substitution for subregulation (22) of the following subregulation:

“(22) The application must be accompanied by—

- (a) proof of payment to the Authority of the application fee set out in Item 10(b) of Annexure 1;
- (b) written representations in support of the application; and
- (c) in respect of an applicant who—
 - (i) is a natural person and who appoints a person other than himself or herself as the manager of the licensed business, Form 15 duly completed in respect of each person appointed as a manager; or
 - (ii) is not a natural person, Form 15 duly completed in respect of each person appointed as a manager.”; and

(b) by the substitution for paragraph (d) of subregulation (38) of the following paragraph:

“(d) a recommendation for the granting or refusal of the application.”.

Substitution of regulation 33 of the Regulations

22. The following regulation is substituted for regulation 33 of the Regulations:

“Application for removal of licence

33.(1) A licensee who intends to remove a licence in terms of section 66(2) must lodge an application for the removal with the Authority and a copy thereof with the designated liquor officer in whose area of jurisdiction the licensed premises are currently located and, where

the granting of the application will have the effect of removing the licence to the area of jurisdiction of another designated liquor officer, also with the designated liquor officer of that area.

(2) Subject to the following, the provisions of regulations 10, 11, 13, 14 and 15 apply with the necessary changes required by the context to an application made in terms of subregulation (1):

(a) The Authority must publish notices of applications made in terms of subregulation (1) in the form of Form 27A.

(b) The applicant must display the notice contemplated in regulation 10(2) in the form of Form 27B.

(7) An application referred to in subregulation (1) must—

(a) be made in the form of Form 27 in Annexure 3;

(b) be on A4-size standard white paper; and

(c) contain the information required in that form.

(8) The application must be accompanied by—

(a) a legible comprehensive floor plan of the proposed licensed premises on standard white paper not exceeding A3 in size clearly showing in contrasting colours—

(i) the proposed licensed premises in relation to the entire premises;

(ii) the dimensions of the proposed licensed premises;

(iii) the dimensions of each room on the proposed licensed premises;

(iv) the uses of all the rooms on the proposed licensed premises;

(v) all doors, windows and counters, where applicable, and means of internal and external access;

(vi) the streets and places to which such means of external access lead;

(vii) where liquor will be stored on the proposed licensed premises;

(viii) the areas on the proposed licensed premises where liquor will be sold in relation to the entire premises;

(ix) the areas on the proposed licensed premises where liquor will be consumed in relation to the entire premises;

(b) a legible site plan of the proposed licensed premises on standard white paper not exceeding A3 in size and clearly showing—

(i) in relation to the proposed licensed premises, an outline of every building on the erf to which the application relates and the uses of those buildings;

(ii) the relation of the proposed licensed premises to a residential area;

(iii) the relation of the proposed licensed premises to any institutions referred to in section 34(1)(e)(ii) to (v), with distances indicated in metres;

(iv) other licensed premises on the erf;

(v) the relation of the proposed licensed premises to an undertaking referred to in section 41(1)(a)(iii) with distances indicated in metres;

(vi) other licensed premises;

(vii) the relation of the proposed licensed premises to areas where delivery vehicles will stop to load and offload goods;

(c) an aerial view map showing the relation of the proposed licensed premises to a residential area;

(d) in a separate document, a description of the premises, with reference to the construction, layout, furnishing, fixtures, fittings and floor covering;

- (e) indexed colour photographs showing the completed internal and external features of the proposed licensed premises or, where the application relates to incomplete premises, the stage of completion of the premises;
 - (f) written representations in support of the application and any determination, consent, approval or authority simultaneously applied for;
 - (g) proof of payment to the Authority of the applicable application fee set out in Item 11 of Annexure 1;
 - (h) a certified copy of the—
 - (i) identity card or document of the applicant;
 - (ii) passport and visa or, where applicable, the permanent residence permit of the applicant, if the applicant is a foreigner; or
 - (iii) relevant registration documents, indicating the identity and, where applicable, the financial interest of all the members, directors, partners, beneficiaries or trustees of the applicant, if the applicant is a person other than a natural person;
 - (i) such documents as may be specified in Form 27 in Annexure 3 and in the Act, or as may be requested by the Liquor Licensing Tribunal;
 - (j) an affidavit by the applicant that he, she or it is not disqualified in terms of section 35 from holding a liquor licence;
 - (k) proof that the applicant has lodged a copy of the application with the designated liquor officer in whose area of jurisdiction the licensed premises are currently located and, where the granting of the application will have the effect of removing the licence to the area of jurisdiction of another designated liquor officer, proof that the applicant has lodged a copy of the application with the designated liquor officer of that area;
 - (l) proof that the applicant has the right to occupy the proposed licensed premises;
 - (m) proof of ownership of the proposed licensed premises or, if the applicant is not the owner of the premises, written consent from the owner that the applicant may use the proposed licensed premises for the purposes of the licence in respect of which the application for removal was lodged in terms of subregulation (1).
- (9) All plans attached to the application must show the date of preparation of and the name and address of the person who prepared the plan.
- (14) The designated liquor officer in whose area of jurisdiction the premises are currently located and, where the granting of the application will have the effect of removing the licence to the area of jurisdiction of another designated liquor officer, also the designated liquor officer of that area, must, within 35 days from the date of publication of lodgement of the application, serve a copy of his or her report in respect of the application on the applicant and lodge the report with the Authority together with proof that the report has been served on the applicant.
- (15) The report by the designated liquor officer in whose area of jurisdiction the premises are currently located must include the following:
- (a) the address of the licensed premises;
 - (b) a summary of the manner in which the licensee conducted his or her business on the licensed premises; and
 - (c) a recommendation for the granting or refusal of the application.
- (16) The report by the designated liquor officer to whose area of jurisdiction the licence is to be removed must include the following:
- (a) the address of the proposed licensed premises;
 - (b) the location of the proposed licensed premises in relation to—

- (i) the institutions referred to in section 34(1)(e)(ii) to (v);
- (ii) a residential area;
- (iii) other licensed premises; and
- (iv) an undertaking referred to in section 41(1)(a)(iii);
- (c) the suitability of the proposed licensed premises;
- (d) the public interest;
- (e) crime statistics, if any, which he or she deems relevant in relation to the proposed licensed premises;
- (f) a recommendation for the granting or refusal of the application;
- (g) a statement on whether the applicant complied with the requirements of regulation 10(2);
- (h) a statement on whether a copy of the application was served on the municipality concerned in accordance with regulation 10(3);
- (i) a statement on whether notice of the application was given in accordance with regulation 10(4);
- (j) any information prescribed by the Minister in terms of section 41(1)(a)(iv).

(17) If either of the designated liquor officers referred to in subregulation (1) fails to lodge his or her report in terms of subregulation (14), the Chief Executive Officer may forward a copy of the application to an inspector with a written instruction to lodge a report containing the information referred to in—

- (a) subregulation (15)(a) and (b) and a recommendation in subregulation (15)(c); or
- (b) subregulation (16)(a), (b), (c), (d), (g), (h), (i), a recommendation contemplated in subregulation (16)(f) and, where available, the information referred to in subregulation (16)(e),

as the case may be, in respect of the application concerned.

(18) An inspector must lodge his or her report with the Authority and forward a copy thereof to the applicant within 21 days of receipt of the instruction referred to in subregulation (17).

(19) If the report by the designated liquor officer referred to in subregulation (14) or a report by an inspector referred to in subregulation (18) relating to the application contains any information or recommendation that adversely affects the application, the applicant must lodge with the Authority his, her or its response to such report within seven days after having been served with a copy thereof.

(20) The Liquor Licensing Tribunal must consider an application made in terms of subregulation (1) within 30 days after receipt of all the relevant documents referred to in subregulations (1), (7), (8), (14), (18) and (19) and in regulations 15(1) and 13.

(21) The Authority must, within seven days after the Liquor Licensing Tribunal has decided on an application made in terms of subregulation (1), notify the applicant and each person who lodged a written objection or representations in respect of the application with the Authority in writing of the decision in the form of Form 27C in Annexure 3.

(22) When the Liquor Licensing Tribunal conditionally grants an application made in terms of subregulation (1) or grants an application as contemplated in section 66(8)(b), as the case may be, the Authority must within seven days thereof notify the applicant and each person who lodged a written objection or representations in respect of the application with the Authority in writing of the decision in the form of Form 27D in Annexure 3.

(23) When an application made in terms of subregulation (1) is granted, the Authority must, subject to subregulation (24), within 14 days after payment by the applicant of the applicable fee set out in Part B of Annexure 2 to the Authority, issue a certificate of removal in terms of section 66(9) in the form of Form 28 in Annexure 3.

- (24) When an application made in terms of subregulation (1) is conditionally granted or an application is granted as contemplated in section 66(8)(b), the Authority must, within seven days after the Presiding Officer has satisfied himself or herself that the applicant has complied with the conditions imposed by the Liquor Licensing Tribunal or such conditions as amended by the Presiding Officer, notify the applicant in writing thereof.
- (25) The notice to the applicant must be in the form of Form 27E in Annexure 3.
- (26) The applicant must pay the applicable fee set out in Part B of Annexure 2 to the Authority and lodge proof of payment with the Authority.
- (27) The Authority must, within 14 days of receipt of proof of the payment referred to in subregulation (26), issue a certificate of removal to the applicant in the form of Form 28 in Annexure 3.
- (28) An application for condonation in terms of section 66(11) must be lodged with the Authority in the form of Form 27F in Annexure 3.
- (29) The Chief Executive Officer must, within 30 days after receipt of an application referred to in subregulation (28), consider the application.
- (30) The Authority must, within seven days after the Chief Executive Officer has decided on an application made in terms of subregulation (28), notify the applicant in writing of the decision.
- (31) If the Chief Executive Officer grants the application referred to in subregulation (28), the applicant must pay to the Authority the applicable fee together with the penalty referred to in section 66(11).
- (32) An application to—
- (a) amend or withdraw the conditions imposed by the Liquor Licensing Tribunal when it conditionally granted an application made in terms of subregulation (1);
 - (b) revoke or amend any condition or requirement determined under section 66(8)(b);
 - (c) approve an amended plan referred to in section 66(14),
- must be made by lodging with the Authority an application in the form of Form 27G in Annexure 3 and a copy thereof with the designated liquor officer to whose area of jurisdiction the licence is to be removed.
- (33) The application must—
- (a) be accompanied by proof of payment to the Authority of the application fee set out in Item 17(a), (b) or (d) of Annexure 1, as the case may be;
 - (b) be accompanied by written representations in support of the application; and
 - (c) in respect of an application made in terms of subregulation (32)(c), also be accompanied by a copy of the amended plan of the premises.
- (34) The designated liquor officer to whose area of jurisdiction the licence is to be removed must, within 14 days after an application made in terms of subregulation (32)(a), (b), or (c), as the case may be, has been lodged, serve a copy of his or her report in respect of the application on the applicant and lodge the report with the Authority together with proof that the report has been served on the applicant.
- (35) The report by the designated liquor officer must contain the following:
- (a) a statement on the effect that the proposed amendment or withdrawal of the conditions or revocation or amendment of the conditions or requirements may have on the public;
 - (b) a statement on the effect that the proposed amendment or withdrawal of the conditions or revocation or amendment of the conditions or requirements may have on institutions referred to in section 34(1)(e)(ii) to (v);

- (c) any other information, if any, that should, in the opinion of the designated liquor officer, be taken into account when considering the application; and
 - (d) a recommendation for the granting or refusal of the application.
- (36) If the designated liquor officer fails to lodge his or her report in terms of subregulation (34), the Chief Executive Officer may forward a copy of the application to an inspector with a written instruction to lodge a report containing the information referred to in subregulation (35), in respect of the application concerned.
- (37) An inspector must lodge his or her report with the Authority and forward a copy thereof to the applicant within the period stipulated by the Chief Executive Officer in terms of the instruction referred to in subregulation (36).
- (38) The applicant must lodge with the Authority his, her or its response to a report by the designated liquor officer referred to in subregulation (34) or a report by an inspector referred to in subregulation (37) within seven days after having been served with a copy of either report.
- (39) The Liquor Licensing Tribunal or the Presiding Officer, as the case may be, must consider an application made in terms of subregulation (32)(a),(b), or (c) within 30 days after receipt of all the relevant documents referred to in subregulations (32) to (38).
- (40) The Authority must, within seven days after the Liquor Licensing Tribunal or the Presiding Officer, as the case may be, decided on an application made in terms of subsection (32)(a),(b), or (c), notify the applicant and each person who lodged a written objection or representations in respect of the application with the Authority in writing of the decision in the form of Form 27H in Annexure 3.
- (41) An application to extend the period stipulated by the Liquor Licensing Tribunal in terms of—
 - (a) section 42(3);
 - (b) section 66(8)(b);
 - (c) section 66(5), in respect of an application for removal for a determined period, must be made by lodging with the Authority an application in the form of Form 27G in Annexure 3.
- (42) The application must be accompanied by—
 - (a) proof of payment to the Authority of the application fee set out in Item 17(c) of Annexure 1; and
 - (b) written representations in support of the application setting out—
 - (i) the reasons why the conditions contemplated in section 66(5)(c) or the conditions and requirements contemplated in section 66(8)(b) cannot or have not been complied with within the time stipulated by the Liquor Licensing Tribunal;
 - (ii) the extent to which the applicant has complied with the conditions or requirements;
 - (iii) the steps that the applicant proposes to take in order to comply with the conditions or requirements; and
 - (iv) the time the applicant estimates will be required to complete the proposed steps.
- (43) The Presiding Officer must consider an application made in terms of subregulation (41)(a) or (b) within 30 days after receipt of all the relevant documents referred to in subregulations (41) and (42).
- (44) The Authority must, within seven days after the Presiding Officer has decided on an application made in terms of subregulation (41)(a) or (b), notify the applicant and each person

who lodged a written objection or representations in respect of the application with the Authority in writing of the decision in the form of Form 27H in Annexure 3.

(45) When an application is granted in terms of this regulation the applicant must, except in respect of an application made in terms of subregulation (28), pay the applicable fee set out in Part B of Annexure 2 to the Authority.

Amendment of regulation 34 of the Regulations

23. Regulation 34 of the Regulations is amended by the addition of the following subregulations:

“(36) Except for an appeal or application for review lodged in respect of an application made in terms of regulation 19(1)(a) or (b), if—

(a) there is a vacancy of an Appeal Tribunal; or

(b) after receipt of the documents referred to in subregulation (9), the Appeal Tribunal concerned becomes unavailable for a period which will in the opinion of the Chief Executive Officer unreasonably delay the consideration of the appeal or application for review,

the Chief Executive Officer must notify the Liquor Licensing Tribunal, Presiding Officer or Deputy Presiding Officer, as the case may be, the appellant, every interested party contemplated in subregulation (5)(b)(i) and the remaining Appeal Tribunal that the appeal or application for review is not capable of adjudication by the Appeal Tribunal concerned for the reasons listed in the notice.

(37) The remaining Appeal Tribunal must within two days after receipt of the notice referred to in subregulation (36), notify the Chief Executive Officer of the time he or she will require to apprise himself or herself of the documents listed in subregulation (9) and to be placed in a position to resume the consideration of the appeal or application for review.

(38) The Chief Executive Officer may suspend the procedures and applicable periods referred to in subregulations (10) to (35) only for the duration of the period contained in the notice referred to in subregulation (37).

(39) The Chief Executive Officer must within two days after receipt of the notice referred to in subregulation (37) notify the Liquor Licensing Tribunal, Presiding Officer or Deputy Presiding Officer, as the case may be, the appellant, every interested party contemplated in subregulation (5)(b)(i) and the remaining Appeal Tribunal that the procedures and applicable periods referred to in subregulations (10) to (35) are suspended and the period for which it is suspended.

(40) The procedures and applicable periods resume on the expiration of the period contained in the notice referred to in subregulation (39) and the remaining Appeal Tribunal must consider and decide the appeal or application for review in accordance with those procedures and applicable periods.

(41) Where the appeal or application for review was lodged in respect of an application made in terms of regulation 19(1)(a) or (b), and if—

(a) there is a vacancy of an Appeal Tribunal; or

(b) after the receipt of the documents referred to in subregulation (9), the Appeal Tribunal concerned becomes unavailable,

the Chief Executive Officer must immediately notify the remaining Appeal Tribunal of the reasons why the appeal or application for review is not capable of adjudication

by the Appeal Tribunal concerned and together with the notice, submit all the documents listed in subregulation (9) to the remaining Appeal Tribunal to consider and decide the appeal or application for review in accordance with the procedures and applicable periods referred to in subregulations (9) to (35).”.

Amendment of regulation 37 of the Regulations

24. Regulation 37 of the Regulations is amended by the substitution for subregulation (2) of the following subregulation:

- “(2) A licensee must at a prominent place on the licensed premises display—
- (a) the licence or, if applicable, the certificate of removal, certificate of transfer or abridged licence in the form of Form 7A;
 - (b) the proof of payment to the Authority of the renewal fee for the relevant year or two-year period;
 - (c) if applicable, a copy of the completed Form 21B in Annexure 3 by means of which the licensee has applied to subscribe to a biennial renewal cycle in terms of section 63(1);
 - (d) if applicable, a certified copy of each relevant Form 15; and
 - (e) if applicable, a certified copy of each relevant Form 15A.”.

Amendment of Annexure 1

25. Annexure 1 to the Regulations is amended by—

- (a) the addition of the following new item after item 9, the existing item becoming 9(a):

“

	(b) Application for condonation in terms of section 64(4)	2 339
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”; and

- (b) the insertion after item 12 of the following item:

“

13.	Education and training in terms of sections 45, 52(6) and 65(14)	550
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Substitution of Annexure 3 to the Regulations

26. The following annexure is substituted for Annexure 3 to the Regulations:

“ANNEXURE 3

Index to forms

REGULATION	FORM NO.	DESCRIPTION
APPOINTMENT OF MEMBERS OF THE BOARD AND LIQUOR LICENSING TRIBUNAL		
2(3)	1	Nomination form for appointment as member of the Board
6(6)	2	Nomination form for appointment as member or substitute member of Liquor Licensing Tribunal
APPLICATION PROCEDURE FOR NEW LICENCE		
9(3)	3	Application for a licence in terms of section 36
9A(2)	3C	Refusal of lodgement of application in terms of section 36(1A)(b)
9A(3)	3D	Acceptance of lodgement of application in terms of section 36(1C)(a)
9A(5)(a)	3E	Notice in terms of regulation 9A(6)(a)
9A(5)(b)	3F	Notice in terms of section 36(1C)(e)
10(1)	3A	Notice of applications for liquor licences in terms of section 37(1) of the Western Cape Liquor Act, 2008
10(2)	3B	Notice of lodgement of application for liquor licence

REGULATION	FORM NO.	DESCRIPTION
NOTICES AND SUMMONSES		
16(1)	4A	Notice to be present at a meeting of the Liquor Licensing Tribunal in terms of section 23(2)
16(1)	4B	Summons in terms of section 23(5)
CONDITIONAL GRANTING OF LICENCES		
17(2)	5A	Notice of conditional granting of licence in terms of regulation 17(2)
17(8) & (18)	5B	Application— A – In terms of section 42(4) for the amendment or withdrawal of the conditions imposed in terms of section 42(1) B – In terms of section 42(5)(b) for the amendment of the plan of the premises; or C – In terms of section 42(5)(a) for the extension of the period
17(17) & (22)	5C	Notice of decision in terms of regulation 17(17) or (22)
17(28)	5D	Notice of revocation in terms of section 42(4A) of licence conditionally granted
17(25)	5E	Notice in terms of regulation 17(25)
ISSUING OF LICENCE		
18(2)	6A	Notice of granting of licence
17(4)	6B	Notice in terms of regulation 17(4) that conditions of conditional granting of licence have been complied with

REGULATION	FORM NO.	DESCRIPTION
18(3A)	6C	Application for condonation of the failure to pay prescribed fee in terms of section 46(6)
17(6) & 18(4)	7	Liquor licence
	7A	Abridged liquor licence
APPLICATION FOR TEMPORARY LIQUOR LICENCE OR EVENT LIQUOR LICENCE		
19(2)(a)(ii)	8	Application for a temporary liquor licence in terms of section 48(1)
19(2)(b)(ii)	9	Application for an event liquor licence in terms of section 48(4)
19(18)(b)	10	Temporary liquor licence
19(18)(b)	11	Event liquor licence
19(14)	12A	Application for condonation of the late filing of an application for a temporary or an event liquor licence in terms of section 48(10)
19(19)	12B	Notice in terms of regulation 19(19)
APPLICATION FOR TRANSFER OF FINANCIAL INTEREST IN LICENSED BUSINESS OR TO LET LICENSED BUSINESS		
21(1)	13	Application to transfer a financial interest in the licensed business in terms of section 51(1)
21A(1)	14	Application to let premises to another person, allow another person to carry on business in terms of the licence or allow another person to use the licensed premises in terms of section 51A(1)

REGULATION	FORM NO.	DESCRIPTION
NOMINATION OF MANAGER		
22(1)	15	Notification of the appointment of a manager in terms of section 52
22(2)	15A	Certificate in Liquor License Training
ALTERATION OF LICENSED BUSINESS OR NATURE OF BUSINESS		
23(1)	16	A – Application for consent to carry out structural alterations, additions, or reconstructions of or to the licensed premises in terms of section 53(1)(a) B – Application for consent to carry out extension of or to the licensed premises in terms of section 53(1A)(a)
23(2)	17	Application for consent to materially change the nature of the licenced business in terms of section 53(1A)(b)
23(3)	18	Application for consent to conduct a business under a licence on premises on which any other business, including a business to which any other licence relates, or any other trade or occupation is carried on in terms of section 53(1)(c)
TRADING HOURS		
26(1)	19	Application for the extension of trading hours in terms of section 59(4)
27	19A	Quantity of liquor sold and keeping of records in terms of section 60(1)
ABANDONMENT OF LICENCE		
29	20	Notice of abandonment of licence

REGULATION	FORM NO.	DESCRIPTION
AUTOMATIC RENEWAL OF LICENCE AND CONDONATION OF THE FAILURE TO PAY RENEWAL FEE BY DUE DATE		
30(1)	21A	Annual or biennial renewal notice
30(3)	21B	Biennial renewal notice: Notice to subscribe to biennial renewal cycle
APPLICATION FOR THE RENEWAL OF LICENCE		
31(1)	22	Application for renewal of licence in terms of section 64(1)
31(4)	23	Application for condonation of the failure to apply for the renewal of licence in terms of section 64(4)
TRANSFER OF LICENCE		
32(2)(a)	24	Application for transfer of licence in terms of section 65(1)
32(10)	24A	Notice of granting or refusal of transfer of licence
32(11)	24B	Notice of conditional granting of transfer of licence in terms of regulation 32(11)
32(14)	24C	Notice that the conditions of conditional granting of transfer of licence have been complied with in terms of regulation 32(14)
32(17)	24D	Application for condonation of failure to pay prescribed fee in terms of section 65(19)
32(35) & (46)	24E	Application— A – In terms of section 65(12B) for the amendment or withdrawal of conditions imposed in terms of section 65(12); or B – In terms of section 65(12C) for the extension of the period stipulated in terms of section 65(12A)

REGULATION	FORM NO.	DESCRIPTION
32(45) & (49)	24F	Notice of decision in terms of regulation 32(45) or (49)
32(12) & (16)	25	Certificate of transfer of a liquor licence in terms of section 65(17)
32(21)	26	Application for consent to conduct licensed business pending the transfer of the licence in terms of section 65(3)
32(31)	26A	Application in terms of section 65(6) to extend the period of consent granted in terms of section 65(5)
32(34)	26B	Consent for the extension of the period granted in terms of section 65(5)
APPLICATION FOR REMOVAL OF LICENCE		
33(7)	27	Application for the removal of a licence in terms of section 66(2)
33(2)(a)	27A	Notice of lodgement of application for removal of liquor licence in terms of section 66(2)
33(2)(b)	27B	Notice of lodgement of application for removal of liquor licence
33(21)	27C	Notice of granting or refusal of removal of licence
33(22)	27D	Notice of conditional granting of removal of licence in terms of regulation 33(22)
33(25)	27E	Notice that the conditions of conditional granting have been complied with in terms of regulation 33(25)
33(28)	27F	Application for condonation of the failure to pay prescribed fee in terms of section 66(11)

REGULATION	FORM NO.	DESCRIPTION
33(32) & (41)	27G	Application— A – In terms of section 66(5)(c) read with section 42 for the amendment or withdrawal of conditions; B – In terms of section 66(8)(b) read with section 44 to revoke or amend any condition or requirement; C – In terms of section 66(5)(c) read with section 42(5) to approve an amended plan; or D – To extend the period stipulated by the Liquor Licensing Tribunal in terms of sections 42(3), 66(5) and 66(8)(b), in respect of a removal for a determined period
33(40) & (44)	27H	Notice of decision in terms of regulation 33(39) or (44)
33(23) & (27)	28	Certificate of removal of licence in terms of section 66
APPEALS AND REVIEWS		
34(6)	29	Notice of appeal or application for review in terms of section 68(3)
COMPLIANCE		
35(1)	30	Compliance notice in terms of section 69(1)
35(3)	31	Certificate of compliance in terms of section 69(6)
ADMINISTRATIVE NOTICE		
37A(1)	32	Notice in terms of regulation 37A(1)
EXEMPTIONS		
36(1)	33	Application for exemption in terms of section 84(2)

WESTERN CAPE LIQUOR ACT, 2008 (4 OF 2008)

FORM 1

NOMINATION FORM FOR APPOINTMENT AS MEMBER OF THE BOARD

[Reg. 2(3)]

PART A: FOR COMPLETION BY THE PERSON MAKING THE NOMINATION

1. PERSONAL DETAILS

1.1 Full name: _____

1.2 Identity number: _____

1.3 Date of birth: _____ / _____ / _____

1.4 Residential address: _____

Postal code: _____

1.5 Postal address: _____

Postal code: _____

1.6 Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

1.7 Fax number: _____

E-mail address: _____

2. RELATIONSHIP TO NOMINEE

Nominator to indicate the nature of the relationship (spouse, family member, partner or business associate) between him or herself and the nominee:

3. REASONS FOR NOMINATING THE NOMINEE

Nominator to indicate the reasons why the Nominee should be appointed as a member of the Board:

SIGNED AT _____ on this _____ day of _____

20 _____

Signature of person making the nomination

PART B: FOR COMPLETION BY THE NOMINEE

1. PERSONAL DETAILS

1.1 Full name: _____

1.2 Identity number: _____

1.3 Date of birth: _____ / _____ / _____

1.4 Residential address: _____

Postal code: _____

1.5 Postal address: _____

Postal code: _____

1.6 Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

1.7 Fax number: _____

1.8 E-mail address: _____

2. QUALIFICATION OF NOMINEE

2.1(a)	Are you a citizen of the Republic of South Africa and permanently resident in the Province?	Yes	No
(b)	Are you younger than twenty-five (25) years of age?	Yes	No
(c)	Have you in the preceding ten (10) years been convicted of an offence in terms of this Act or any similar law?	Yes	No
(d)	Have you, in the preceding ten (10) years, whether in the Republic or elsewhere, been convicted of theft, fraud, forgery, the uttering of a forged document, perjury or any offence under the Corruption Act, 1992 (Act 94 of 1992), or the Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004), or any offence of which dishonesty is an element?	Yes	No
(e)	Are you an unrehabilitated insolvent or subject to any legal disability?	Yes	No
(f)	Have you in the preceding ten (10) years been removed from any office of trust on account of misconduct or dishonesty?	Yes	No
(g)	Are you a political office-bearer?	Yes	No
(h)	Do you, whether personally or through your spouse, family member, partner or business associate—	Yes	No
	(i) have a direct or indirect financial interest in any liquor business or establishment?; or		
	(ii) have any interest in any business or enterprise that may conflict or interfere with the proper performance of your duties as a member of the Board or in any licence issued under this Act?	Yes	No
<p>Please note: For the purposes of subparagraph (h), 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.</p>			

2.2 If any of the questions in paragraph 2.1(b) to (h) have “yes” as the answer, kindly provide full details:

(Use an annexure if necessary.)

2.3 If you have been nominated for appointment in terms of section 3(1)(a) of the Act:

Do you have appropriate knowledge of or experience in systems and processes for ensuring proper accountability, probity and openness in the conduct of the business of the Authority as an organisation? **YES / NO**

If yes, kindly indicate your knowledge or experience:

2.4 If you have been nominated for appointment in terms of section 3(1)(b) of the Act:

Do you have appropriate knowledge of or experience in dealing with the combating of the negative social consequences of the abuse of liquor? **YES / NO**

If yes, kindly indicate your knowledge or experience:

3. ACADEMIC QUALIFICATIONS

Please provide full details of all your academic qualifications, including short courses, if any:

4. COMMUNITY INVOLVEMENT

Please provide details of your community involvement.

5. MOTIVATION IN SUPPORT OF THE APPOINTMENT

Please submit a comprehensive motivation why you believe you should be appointed as a member of the Board:

SIGNED AT _____ on this _____ day of _____

20____

Signature of Nominee

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 2**NOMINATION FORM FOR APPOINTMENT AS MEMBER OR SUBSTITUTE
MEMBER OF LIQUOR LICENSING TRIBUNAL**

[Reg. 6(6)]

PART A: FOR COMPLETION BY PERSON MAKING THE NOMINATION**1. PERSONAL DETAILS**

1.1 Full name: _____

1.2 Identity number: _____

1.3 Date of birth: _____ / _____ / _____

1.4 Residential address: _____

Postal code: _____

1.5 Postal address: _____

Postal code: _____

1.6 Telephone numbers: _____

Office: _____

Cell phone: _____

Home or other: _____

1.7 Fax number: _____

1.8 E-mail address: _____

2. RELATIONSHIP TO NOMINEE

Nominator to indicate the nature of the relationship (spouse, family member, partner or business associate) between him or her and the nominee:

3. REASONS FOR NOMINATING THE NOMINEE

Nominator to indicate the reasons why the Nominee should be appointed as a member or substitute member of the Liquor Licensing Tribunal:

SIGNED AT _____ this _____ day of _____

20 _____

Signature of person making the nomination

PART B: FOR COMPLETION BY THE NOMINEE

1. PERSONAL DETAILS

1.1 Full name: _____

1.2 Identity number: _____

1.3 Date of birth: _____ / _____ / _____

- 1.4 Residential address: _____

 Postal code: _____
- 1.5 Postal address: _____

 Postal code: _____
- 1.6 Telephone numbers:
 Office: _____
 Cell phone: _____
 Home or other: _____
- 1.7 Fax number: _____
- 1.8 E-mail address: _____

2. QUALIFICATION OF NOMINEE

2.1(a)	Have you in the preceding ten (10) years been convicted of an offence and sentenced to imprisonment without the option of a fine?	Yes	No
(b)	Have you in the preceding ten (10) years been convicted of an offence in terms of this Act, the Liquor Act, 2003 (Act 59 of 2003), the Liquor Act, 1989 (Act 27 of 1989), or any similar law?	Yes	No
(c)	Are you an unrehabilitated insolvent or subject to any legal disability?	Yes	No
(d)	Are you younger than twenty-five (25) years of age?	Yes	No
(e)	Do you have any direct interest in the liquor trade?	Yes	No
(f)	Are you a family member, partner or business associate of a person with a direct interest in the liquor trade?	Yes	No
(g)	Are you disqualified in terms of section 35 of the Act from holding a liquor licence?	Yes	No
(h)	Are you currently resident in the Province?	Yes	No

2.2 If any of the questions in paragraph 2.1(a) to (g) has “yes” as the answer, provide full details.

(Attach a separate annexure if necessary.)

3. ACADEMIC QUALIFICATIONS

Please provide full details of all your academic qualifications, including short courses, if any:

4. MOTIVATION IN SUPPORT OF APPOINTMENT

Please submit a comprehensive motivation why you believe you should be appointed as a member or substitute member of the Liquor Licensing Tribunal.

SIGNED AT _____ on this _____ day of _____

20 _____

Signature of Nominee

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 3**APPLICATION FOR A LICENCE IN TERMS OF SECTION 36**

[Reg. 9(3)]

ORIGINAL MUST BE LODGED WITH AUTHORITY

Date stamp of Authority on receipt of application

INDEX

Description of documents to be attached	Annexure
Comprehensive floor plan of the proposed licensed premises	A
Site plan	B
Aerial view map	C
Description of the premises	D
Indexed colour photographs	E
Written representations in support of the application	F
Affidavit by the applicant that he or she is not disqualified in terms of section 35 from holding a liquor licence	G
Proof of right to occupy the proposed licensed premises	H
Proof of ownership of the proposed licensed premises or, if the applicant is not the owner, written consent from the owner of the proposed licensed premises that the applicant may use the proposed licensed premises for the purposes of the licence applied for	I
A certified copy of the identity card or document, or the passport and visa or permanent residence permit of the applicant if the applicant is a foreigner, or, in the case of an applicant other than a natural person, copies of the relevant registration documents indicating the identity and, where applicable, the financial interests of all	J

Description of documents to be attached	Annexure
members, directors, partners, beneficiaries or trustees	
Proof of payment of the applicable application fee	K
A zoning certificate or a copy of a planning application submitted to the municipality concerned in terms of applicable planning legislation	L
Other documents required in the Act or required by the Authority	M
Notification of appointment of a manager or managers in accordance with regulation 22, if applicable	N
Representations on why the granting of the application is in the public interest	O
Certificate of Liquor License Training	P

Name, signature and contact details of person who prepared this application:

Name: _____

Signature: _____

Postal address: _____

Postal code: _____

Physical address: _____

Postal code: _____

Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

Fax number: _____

E-mail address : _____

1. DETAILS OF APPLICANT

1.1 Full name: _____

1.2 Identity number : _____
(If applicant is a natural person)

Registration number: _____
(If applicant is not a natural person)

1.3 Date of birth: _____ / _____ / _____
(If applicant is a natural person)

1.4 Residential address: _____

Postal code: _____

1.5 Postal address: _____

Postal code: _____

1.6 Address for service of all notices and documents: _____

Postal code: _____

1.7 Address for service of all notices and documents after application has been determined:

Postal code: _____

1.8 Contact details of applicant or, if the applicant is not a natural person, of contact person:

Telephone numbers:
Office: _____
Cell phone: _____
Home or other: _____

1.9 Fax number: _____

1.10 E-mail address: _____

2. QUALIFICATION OF APPLICANT

2.1	Is the applicant someone who—	Mark “yes” or “no”	
(a)	has, within the five (5) years prior to the lodgement of this application, been sentenced to imprisonment without the option of paying a fine?	Yes	No
(b)	has, within the five (5) years prior to the lodgement of this application, been declared unfit to hold a registration by the National Liquor Authority or a licence by any provincial liquor authority?	Yes	No
(c)	is an unrehabilitated insolvent?	Yes	No
(d)	is a minor?	Yes	No
(e)	was the holder of a licence that was cancelled in terms of the Act or an Act regulating liquor licences in any other province within a period of twelve (12) months prior to the lodgement of this application?	Yes	No
(f)	is a spouse or life partner of a person described in (a), (b) or (e) above?	Yes	No
(g)	anyone who is mentally ill as defined in the Mental Health Care Act, 2002 (Act 17 of 2002)?	Yes	No
2.2	In the case of an applicant who is not a natural person: Is any member, director, partner, beneficiary or trustee of the applicant a person described in paragraph 2.1(a), (b), (c), (d) or (e)?	Yes	No

2.3 If any of the questions in paragraph 2.1 or 2.2 has “yes” as the answer, provide full details:

(Use an annexure if necessary.)

3. FINANCIAL INTEREST

3.1 State the name, identity number and address of each person, including the applicant, who has any financial interest in the business and in each case state the nature and extent of such interest:

[If the applicant is a public company, statutory institution or co-operative as contemplated in the Co-operatives Act, 2005 (Act 14 of 1981), it is sufficient if only the name and postal address of such company, statutory institution or co-operative, as the case may be, the name of each director (if any) thereof and the nature and extent of the financial interest of such company, statutory institution or co-operative are furnished and not also the interests of individual members of such company, statutory institution or co-operative.]

(Use an annexure if necessary.)

3.2	If the applicant is a company, close corporation, partnership or trust, state whether a person contemplated in paragraph 3.1 above—	Mark “yes” or “no”	
(a)	has a controlling interest in the company, close corporation or trust?	Yes	No
(b)	is a partner in the partnership?	Yes	No
(c)	is the main beneficiary under the trust?	Yes	No

3.3 If any of the questions in paragraph 3.2(a), (b) or (c) has “yes” as the answer, provide full details:

(Use an annexure if necessary.)

4. APPLICATION DETAILS

4.1 State the category of licence applied for: _____

4.2 State the kind(s) of liquor the applicant intends to sell or manufacture under the licence:

4.3 Under what name is the business to be conducted? _____

4.4 Address of the premises to be licensed, with reference to the number of the erf, street(s), apartment(s), shop(s) or farm, as the case may be, where the business will be conducted:

4.5 Does the applicant own the proposed licensed premises? **YES / NO**
If not, give details of the owner and the applicant’s right of occupation:

Owner’s name: _____
Owner’s address: _____

Applicant’s right of occupation: _____

Duration of right of occupation: _____

4.6	Is the application made in respect of premises that—	Mark “yes” or “no”	
(a)	have not yet been erected?	Yes	No
(b)	are already erected but require additions or alterations to make them suitable for the purposes of the proposed business?	Yes	No
(c)	are already erected and, in the applicant’s opinion, do not require additions or alterations in order to make them suitable for the purposes of the proposed business?	Yes	No

4.7 If any of the questions in paragraph 4.6(a) or (b) has “yes” as the answer, please state—

(a) the date when such erection, addition or alteration will commence:

_____ / _____ /20____; and

(b) the period that will be required for the erection, additions or alterations:

4.8 Trading hours sought during which it is proposed liquor may be sold or consumed on the licensed premises:

4.9 Should the application be granted, indicate whether the licence will automatically be renewed on an **annual** or **biennial** basis. (*Mark which is applicable.*)

4.10 Jobs to be created:

(a) How many persons will be employed by the business?

(b) How many persons will be employed as managers?

(c) How many persons will be employed specifically for the sale of liquor?

5. DETAILS OF APPLICANT IF APPLICANT IS NOT A NATURAL PERSON

(To be filled in if applicant is a company, close corporation, trust or partnership.)

5.1 Registered name: _____

5.2 Registration number: _____

5.3 Date of registration: _____

(Attach proof of registration as an annexure.)

5.4 Details of members, directors, partners or trustees:

(Use an annexure if necessary.)

(First person)

Full name: _____

Physical address: _____

Postal code: _____

Postal address: _____

Postal code: _____

Identity number: _____

(Second person)

Full name: _____

Physical address: _____

Postal code: _____

Postal address: _____

Postal code: _____

Identity number: _____

6. OTHER LICENCES

6.1 Give full details of any existing liquor licence on the property where the proposed premises are located:

Licensee: _____

Type of licence: _____

Authority reference number: _____

(The location of such other licensed premises in relation to the proposed premises must be indicated on a site plan.)

6.2 Give full details of all liquor licences held by the applicant in the Western Cape Province, as well as full details of any registration held with the National Liquor Authority in terms of the Liquor Act, 2003 (Act 59 of 2003):

(Use an annexure if necessary.)

Date

**Signature of applicant or person
authorised by applicant**

Print name

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 3A

**NOTICE OF APPLICATIONS FOR LIQUOR LICENCES IN TERMS OF SECTION 37(1)
OF THE WESTERN CAPE LIQUOR ACT, 2008**

[Reg. 10(1)]

Notice is hereby given that the following applications for liquor licences have been lodged with the Authority and with the designated liquor officers at the indicated South African Police Service offices.

The applications concerned may, up to and including the twenty-eighth (28th) day from the date of publication of the application, upon request and free of charge, be inspected by any person, at the offices of the Authority or the designated liquor officer listed hereunder. Copies of an application can be obtained from the Authority after payment of the prescribed fee.

Objections and representations must be lodged in writing with the Authority and the designated liquor officer in accordance with section 39 of the Act.

WES-KAAPSE DRANKWET 4 VAN 2008 (WET 4 VAN 2008)

VORM 3A

**KENNISGEWING VAN AANSOEKE OM DRANKLISENSIES INGEVOLGE
ARTIKEL 37(1) VAN DIE WES-KAAPSE DRANKWET, 2008**

[Reg. 10(1)]

Hiermee word kennis gegee dat die volgende aansoeke om dranklisensies ingedien is by die Owerheid en by die aangewese drankbeamptes by die aangeduide Suid-Afrikaanse Polisie kantore.

Die betrokke aansoeke kan, tot en met die ag-en-twintigste (28ste) dag vanaf die datum van publikasie van die aansoek, op versoek en gratis deur enige persoon besigtig word by die kantore van die Owerheid of die aangewese drankbeampte hieronder gelys. Afskrifte van 'n aansoek kan by die Owerheid verkry word na betaling van die voorgeskrewe fooi.

Besware en versoë moet ooreenkomstig artikel 39 van die Wet skriftelik by die Owerheid en die aangewese drankbeampte ingedien word.

UMTHETHO WOTYWALA WENTSHONA KOLONI, 2008 (UMTHETHO 4 KA-2008)

IFOMU 3A

ISAZISO SOKUFAKWA KWESICELO SEPHEPHA MVUME NGOKWECANDELO 37(1)
LOMTHETHO WOTYWALA WENTSHONA KOLONI KA-2008

[Reg. 10(1)]

Isaziso siyanikezelwa ukuba ezi zicelo zilandelayo zamaphepha mvume otywala zifakiwe kwabasemaGunyeni ezoTywala eNtshona Koloni (abasemaGunyeni) nakumagosa ajongene nemiba engotywala kwii-ofisi ezixeliweyo zeeNkonzo zamaPolisa aseMzantsi Afrika.

Izicelo ekubhekiselelwa kuzo zingakwazi kwiintsuku ezingamashumi amabini anesibhozo (28) ukususela ngomhla wokupapashwa kwesi sicelo, xa eceliwe kwaye simahla, ziye kuhlolwa nguye nawuphi umntu okwi-Ofisi esemaGunyeni okanye yegosa elijongene nemiba engotywala elixelwe apha ngezantsi. Iikopi zesicelo zingafumaneka kwabasemaGunyeni emva kwentlawulo emiselweyo.

Uchaso neengxelo ezixhasayo ezibhaliweyo zingafakwa kwabasemaGunyeni nakwigosa elijongene nemiba engotywala ngokwecandelo 39 loMthetho.

No.	Full name of applicant Volle naam van aansoeker Igama elipheleleyo lomfaki-sicelo	Name under which business will be conducted Naam waaronder besigheid bedryf sal word Igama ishishini eza kushishina phantsi kwalo	Address of the proposed premises Adres van die voorgestelde perseel Idilesi yesakhiwo	Kind of licence applied for Soort lisensie waarvoor aansoek gedoen word Uhlobo lwephepha mvume olucelayo	South African Police Services designated liquor officer office where the application has been lodged Suid-Afrikaanse Polisie diens-kantoor van die aangewese drankbeampte waar die aansoek ingedien is i-Ofisi yeGosa elijongene nemiba engotywala yeeNkonzo zamaPolisa eMzantsi Afrika apho isicelo sifakwe khona

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 3B

NOTICE OF LODGEMENT OF APPLICATION FOR LIQUOR LICENCE

[Reg. 10(2)]

Notice is hereby given that an application for a liquor licence, particulars of which appear hereunder, has been lodged with and accepted by the Authority.

The application concerned may, up to and including the twenty-eighth (28th) day from the date of publication of the application, upon request and free of charge, be inspected by any person at the offices of the Authority and the designated liquor officer. Copies of the application can be obtained from the Authority after payment of the prescribed fee.

In terms of section 39 you may lodge objections or representations for or against the said application. Should you wish to do so, the objections or representations must be lodged, in writing, with the Authority and the office of the designated liquor officer.

Date of notice: _____

(This date must correspond with the date of lodgement of the application.)

Full name of applicant: _____

Identity number or registration number of applicant: _____

Street address of applicant: _____

Postal address of applicant: _____

Postal code: _____

Kind of licence applied for: _____

Kind(s) of liquor to be micro-manufactured and/or sold: _____

Name under which business will be conducted: _____

Address of the premises to be licensed, with reference to the number of the erf, street(s), apartment(s), shop(s) or farm where the business will be conducted, as the case may be:

Name and signature of person who prepared this application:

Name: _____

Signature: _____

Postal address: _____

Physical address: _____

Telephone numbers:

Office : _____

Cell phone : _____

Fax number : _____

E-mail : _____

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 3C

REFUSAL OF LODGEMENT OF APPLICATION IN TERMS OF SECTION 36(1A)(b)

[Reg. 9A(2)]

REFERENCE NUMBER:

NAME:

ADDRESS:

You are hereby notified in terms of section 36(1A)(b) of the Act that the lodgement of your application for a liquor licence is refused for the following reasons:

-
-
-
-

Find enclosed the applications and the documents lodged in connection therewith by you with the Authority. You are entitled to lodge your application again in accordance with regulation 9(2) after you have attended to all the outstanding matters listed above.

Issued at _____ on the _____ day of _____ 20__

Secretary

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 3D

ACCEPTANCE OF LODGEMENT OF APPLICATION IN TERMS OF SECTION 36(1A)(a)

[Reg. 9A(2)]

<p>REFERENCE NUMBER:</p> <p>NAME:</p> <p>ADDRESS:</p>	<p>DESIGNATED LIQUOR OFFICER</p>
----------------------------------------------------------------------------	-----------------------------------------

You are hereby notified in terms of section 36(1C)(a) of the Act that the lodgement of your application for a liquor licence is accepted. You are required to lodge the application with the designated liquor officer as indicated above within 14 days from the date of this notice.

You are required in terms of regulation 9A(4) to, within 14 days from the date of this notice:

- (a) pay to the Authority the prescribed application fee in the amount of R...;
- (b) submit proof of the payment of the prescribed fee and lodgement with the designated liquor officer to the Authority.

Failure to comply with regulation 9A(4) may result in the lodgement of your application being deemed refused in terms of section 36(1A)(b).

Issued at _____ on the _____ day of _____ 20__

Secretary

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 3E

NOTICE IN TERMS OF REGULATION 9A(5)(a)

[Reg. 9A(5)(a)]

<p>REFERENCE NUMBER:</p> <p>NAME:</p> <p>ADDRESS:</p>	<p>DESIGNATED LIQUOR OFFICER</p>
----------------------------------------------------------------------------	-----------------------------------------

You are hereby notified in terms of regulation 9A(5)(a) that:

- (a) proof of the payment of the applicable application fee; and
- (b) proof of the lodgement of your application for a liquor licence with the designated liquor officer indicated above,

was received by the Authority.

You are required in terms of regulation 10(2) to display the notice referred to in section 37(2) of the Act.

You are required to submit proof the notice referred to in section 37(2) to the Authority within 7 days of the date of this notice.

Issued at _____ on the _____ day of _____ 20__

Secretary

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 3F**NOTICE IN TERMS OF SECTION 36(1C)(e)**

[Reg. 9A(5)(b)]

REFERENCE NUMBER: NAME: ADDRESS:	DESIGNATED LIQUOR OFFICER
-------------------------------------------------------------	----------------------------------

You are hereby notified in terms of section 36(1C)(e) of the Act that as a result of your failure to submit the following to the Authority in accordance with regulation 9A(4)(a) the lodgement of your application is deemed to be refused:

- proof of the payment of the applicable application fee; and
- proof that a copy of the application for a liquor licence was lodged with the designated liquor officer indicated above.

Find enclosed the application and documents lodged in connection therewith by you with the Authority. You are entitled to lodge your application again in accordance with regulation 9(2).

Issued at _____ on the _____ day of _____ 20__

Secretary

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 4A

NOTICE TO BE PRESENT AT A MEETING OF THE LIQUOR LICENSING TRIBUNAL IN TERMS OF SECTION 23(2)

[Reg. 16(1)]

TO: Name: _____
Address: _____

By virtue of the powers vested in the Presiding Officer by section 23(2) of the Act and due to the fact that you may be adversely affected in the consideration of a matter by the Liquor Licensing Tribunal, you are hereby notified to be present at a meeting of the Liquor Licensing Tribunal which relates to the application or licence with the following particulars:

Name and address of premises: _____

Name of applicant/licensee: _____
Authority reference number: _____

The meeting will be held on the date, time and at the place as indicated below:

Date: _____ / _____ /20 _____
Time: _____
Place: _____

Please note the following:

- (i) It is important for you to appear in person. You may appoint an advocate, attorney or any other person to appear on your behalf.
(ii) The Presiding Officer may require from you to give evidence or to produce any document or any other thing that is in your possession or custody or under your control.

Issued at _____ on the _____ day of _____ 20__

Secretary

FOR OFFICIAL USE ONLY

I certify that I have served this notice upon the person mentioned in the notice by—

(a) delivering a true copy to _____ PERSONALLY

OR

(b) delivering a true copy to _____, apparently over the age of 16 years and apparently residing or employed at the place of RESIDENCE/ EMPLOYMENT/BUSINESS of the said _____ because he/she could not be found at _____

The nature and exigency of this notice were explained to the recipient.

Time of service:

Time: _____ Day: _____ Month: _____ 20_____

Signature of police officer or inspector

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 4B

SUMMONS IN TERMS OF SECTION 23(5)

[Reg. 16(1)]

TO:

Name: _____

Address: _____

By virtue of the powers vested in the Presiding Officer by section 23(5) of the Act, you are hereby summonsed to be present and give evidence or produce documents or anything indicated in Annexure _____ hereto at a meeting of the Liquor Licensing Tribunal which relates to the application or licence with the following particulars:

Name of premises: _____

Address of premises: _____

Name of applicant/licensee: _____

Authority reference: _____

The meeting will be held on the date and time and at the place indicated below:

Date: _____

Time: _____

Place: _____

- (i) **Please note that it is an offence in terms of section 23(13) of the Act not to attend a meeting of the Liquor Licensing Tribunal after having been summonsed.**
- (ii) The Presiding Officer may require from you to give evidence or to produce any document or anything which is in your possession or custody or under your control.

(iii) Witnesses are entitled to bring a representative to the meeting to appear on their behalf.

Issued at _____ on the _____ day of _____ 20____

Signature of Secretary

FOR OFFICIAL USE ONLY

I certify that I have served this summons on the person mentioned in the summons by—

- (a) delivering a true copy to _____ PERSONALLY
- OR
- (b) delivering a true copy to _____, apparently over the age of 16 years and apparently residing or employed at the place of RESIDENCE/ EMPLOYMENT/BUSINESS of the said _____, as he/she could not be found at _____.

The nature and exigency of this notice was explained to the recipient thereof.

Time: _____ Day: _____ Month: _____ 20____

Signature of police officer or inspector

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 5A

NOTICE OF CONDITIONAL GRANTING OF LICENCE IN TERMS OF REGULATION 17(2)

[Reg. 17(2)]

NAME OF APPLICANT: _____

NAME OF PROPOSED LICENSED BUSINESS: _____

ADDRESS OF PROPOSED LICENSED BUSINESS: _____

AUTHORITY REFERENCE NUMBER: _____

The application for a/an _____ licence refers.

Kindly note that a/an _____ licence has been conditionally granted and the licence will be issued upon compliance with the following conditions:

Kindly note the following:

- (a) The above conditions must be complied with within _____ from the date of this notice or on or before the ___ day of _____ 20_____.
- (b) Application may be made to the Liquor Licensing Tribunal in terms of section 42(4) in the form of Form 5B to amend or withdraw the conditions upon which the licence was conditionally granted.
- (c) Application may be made to the Presiding Officer of the Liquor Licensing Tribunal in the form of Form 5B to extend the period of the conditional granting in terms of section 42(5)(a) or to approve an amendment of the plan of the premises in terms of section 42(5)(b).
- (d) If the applicant fails to comply with the aforesaid conditions within the period as determined at the time of the conditional granting or within the extended period in terms of section 42(5)(a), the granting of the licence will lapse and the licence will be deemed not to have been granted.

*Chief Executive Officer of the Western Cape Liquor Authority
or person acting under power delegated by the Chief Executive Officer*

Date: _____

**KINDLY NOTE THAT THIS CONDITIONAL GRANTING OF A LICENCE IS NOT
PERMISSION TO TRADE WITHOUT A VALID LIQUOR LICENCE ISSUED IN TERMS
OF THE WESTERN CAPE LIQUOR ACT, 2008.**

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 5B

APPLICATION—

- A – IN TERMS OF SECTION 42(4) FOR THE AMENDMENT OR WITHDRAWAL OF THE CONDITIONS IMPOSED IN TERMS OF SECTION 42(1);
- B – IN TERMS OF SECTION 42(5)(b) FOR THE AMENDMENT OF THE PLAN OF THE PREMISES; OR
- C – IN TERMS OF SECTION 42(5)(a) FOR THE EXTENSION OF THE PERIOD

[Reg. 17(8) and (18)]

ORIGINAL TO BE LODGED WITH AUTHORITY AND ONE COPY WITH THE RELEVANT DESIGNATED LIQUOR OFFICER

AUTHORITY REFERENCE: _____

APPLICANT: _____

PREMISES: _____

APPLICATION:

A	B	C
---	---	---

(Indicate which application.)

INDEX

Description of documents to be attached	Annexure
Amended plan of the premises (if applicable)	A
Written representations in support of the application	B
Proof of payment	C

Name, signature and contact details of person who prepared this application:

Name: _____

Signature: _____

Postal address: _____

Postal code: _____

Physical address: _____

Postal code: _____

Telephone numbers: _____

Office: _____

Cell phone: _____

Home or other: _____

Fax number: _____

E-mail address: _____

Date

**Signature of applicant or person
authorised by applicant**

Print name

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 5C

NOTICE OF DECISION IN TERMS OF REGULATION 17(17) OR (22)

[Reg. 17(17) or 17(22)]

NAME OF APPLICANT: _____

NAME OF PROPOSED LICENSED BUSINESS: _____

ADDRESS OF PREMISES: _____

AUTHORITY REFERENCE NUMBER: _____

Kindly note that the application in terms of—

- A section 42(4) to amend or withdraw the conditions;
- B section 42(5)(b) to amend the plan of the premises; or
- C section 42(5)(a) to extend the period,
 - (a) has been granted subject to the attached conditions; or
 - (b) has been refused.

*Chief Executive Officer of the Western Cape Liquor Authority
or person acting under power delegated by the Chief Executive Officer*

Date: _____

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 5D

NOTICE OF REVOCATION IN TERMS OF SECTION 42(4A) OF LICENCE
CONDITIONALLY GRANTED

[Reg. 17(28)]

NAME OF APPLICANT: _____

NAME OF PROPOSED LICENSED BUSINESS: _____

ADDRESS OF PREMISES: _____

AUTHORITY REFERENCE NUMBER: _____

Kindly note that the Liquor Licensing Tribunal has:

- (a) in terms of section 42(4A) decided to revoke the conditional granting of the licence that was granted in terms of section 42(1); or
- (b) decided not to revoke the conditional granting of the licence that was granted in terms of section 42(1).

You have the right in terms of section 68 of the Act to appeal or to apply for the review of any decision of the Liquor Licensing Tribunal.

*Chief Executive Officer of the Western Cape Liquor Authority
or person acting under power delegated by the Chief Executive Officer*

Date: _____

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 5E

NOTICE IN TERMS OF REGULATION 17(25)

[Reg. 17(25)]

NAME OF APPLICANT: _____

NAME OF PROPOSED LICENSED BUSINESS: _____

ADDRESS OF PREMISES: _____

AUTHORITY REFERENCE NUMBER: _____

The application that was conditionally granted on _____ refers.

Material facts of which the Liquor Licensing Tribunal was unaware at the time when the licence was conditionally granted have been lodged with the Authority on _____. The Chief Executive Officer has referred these material facts to the Liquor Licensing Tribunal in terms of regulation 17(24).

The Liquor Licensing Tribunal will consider the material facts and if it is satisfied that, had it been aware of those facts at the time when the application was granted it would not have conditionally granted the licence, it may revoke the conditional granting of the licence in terms of section 42(4A) of the Act.

You have the right to make representations by no later than _____.

The material facts referred to above are attached hereto.

If the Liquor Licensing Tribunal after the consideration of the attached material facts decides to revoke the conditional granting in terms of section 42(4A), you have the right in terms of section 68 to appeal or to apply for the review of that decision.

*Chief Executive Officer of the Western Cape Liquor Authority
or person acting under power delegated by the Chief Executive Officer*

Date: _____

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 6A

NOTICE OF GRANTING OF LICENCE

[Reg. 18(2)]

NAME OF APPLICANT: _____

NAME OF PROPOSED LICENSED BUSINESS: _____

ADDRESS OF PROPOSED LICENSED BUSINESS: _____

AUTHORITY REFERENCE NUMBER: _____

The application for a/an _____ licence refers.

Kindly note that a _____ licence will be issued upon payment of the fee referred to in section 46(2) within sixty (60) days of the issuing of this notice, failing which, subject to section 46(6), the granting of the application will lapse.

If the fee is not paid within the period referred to above, you may apply in terms of section 46(6) in writing to the Chief Executive Officer for condonation of the failure to pay the fee.

If the Chief Executive Officer condones the failure to pay the fee, the fee must be paid by a date determined by the Chief Executive Officer together with a penalty of 100% of that fee.

*Chief Executive Officer of the Western Cape Liquor Authority
or person acting under power delegated by the Chief Executive Officer*

Date: _____

 WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 6B
**NOTICE IN TERMS OF REGULATION 17(4) THAT CONDITIONS OF CONDITIONAL
GRANTING OF LICENCE HAVE BEEN COMPLIED WITH**

[Reg. 17(4)]

NAME OF APPLICANT: _____
NAME OF PROPOSED LICENSED BUSINESS: _____**ADDRESS OF PROPOSED LICENSED BUSINESS:** _____

AUTHORITY REFERENCE NUMBER: _____

The application for a/an _____ licence refers.

Kindly note that the Presiding Officer is satisfied that the applicant has complied with the conditions imposed by the Liquor Licensing Tribunal on _____ and that the applicable licence will be issued upon payment of the fee referred in section 46(2) within sixty (60) days of the issuing of this notice, failing which, the granting of the application will lapse.

If the fee is not paid within the period referred to above, you may apply in writing to the Chief Executive Officer for condonation of the failure to pay the fee in terms of section 46(6).

If the Chief Executive Officer condones the failure, the fee must be paid by a date determined by the Chief Executive Officer together with a penalty of 100% of that fee.

*Chief Executive Officer of the Western Cape Liquor Authority
or person acting under power delegated by the Chief Executive Officer*

Date: _____

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 6C

**APPLICATION FOR CONDONATION OF THE FAILURE TO PAY PRESCRIBED FEE IN
TERMS OF SECTION 46(6)**

[Reg. 18(3A)]

ORIGINAL MUST BE LODGED WITH AUTHORITY

AUTHORITY REFERENCE NUMBER _____

Name, signature and contact details of person who prepared this application:

Name: _____

Signature: _____

Postal address: _____

Postal code: _____

Physical address: _____

Postal code: _____

Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

Fax number: _____

E-mail address: _____

DETAILS OF APPLICANT

1. Full name of applicant: _____

2. Written representations in support of this application: _____

(Use an annexure if necessary.)

Date

**Signature of applicant or person
authorised by applicant**

Print name

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 7

LIQUOR LICENCE

[Reg. 17(6) or 18(4)]

AUTHORITY REFERENCE NUMBER _____

(the Licensee)

is hereby licensed to micro-manufacture and/or sell _____

(List kind(s) of liquor.)

and to conduct the licensed business under the name of:

(Insert trading name.)

upon the licensed premises (the plan of which has been submitted with the application or any other plan thereof which has been subsequently approved by the Liquor Licensing Tribunal, and a copy of which is attached hereto as Annexure "A") situated at

(Insert physical address of licensed premises.)

in the municipality of _____ such business as is in accordance with the provisions of the Act and the conditions, determinations, consents, approvals or authorities issued with this licence and attached hereto.

*Chief Executive Officer of the Western Cape Liquor Authority
or person acting under power delegated by the Chief Executive Officer*

Date: _____

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 7A

ABRIDGED LIQUOR LICENCE

AUTHORITY REFERENCE NUMBER: _____

LICENSEE: _____

CATEGORY OF LICENCE: _____

ADDRESS OF LICENSED PREMISES: _____

NAME OF LICENSED BUSINESS: _____

(Insert trading name.)

SITUATED IN THE MUNICIPALITY OF: _____

*Chief Executive Officer of the Western Cape Liquor Authority
or person acting under power delegated by the Chief Executive Officer*

Date: _____

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 8**APPLICATION FOR A TEMPORARY LIQUOR LICENCE
IN TERMS OF SECTION 48(1)**

[Reg. 19(2)(a)(ii)]

ORIGINAL MUST BE LODGED WITH AUTHORITY, ONE COPY WITH RELEVANT
DESIGNATED LIQUOR OFFICER AND ONE COPY WITH MUNICIPALITY IN WHOSE
AREA OF JURISDICTION THE PREMISES ARE LOCATED

AUTHORITY REFERENCE NUMBER: _____

Date stamp of Authority on receipt of application	Date stamp of designated liquor officer on receipt of application
Date stamp of relevant municipality on receipt of application	

INDEX

Description of documents to be attached	Annexure
Comprehensive floor plan of the proposed licensed premises	A
Site plan	B
Aerial view map	C
Indexed colour photographs	D
Description of the premises	E
Written representations in support of the application	F
Proof of payment of the applicable application fee	G

Description of documents to be attached	Annexure
A certified copy of the identity card or document, or the passport and visa or permanent residence permit of the applicant if the applicant is a foreigner or, in the case of an applicant other than a natural person, copies of the relevant registration documents indicating the identity and, where applicable, the financial interest of all members, directors, partners, beneficiaries or trustees	H
Other documents required in the Act or required by the Authority	I
Affidavit by the applicant that he or she is not disqualified in terms of section 35 from holding a liquor licence	J
Proof of right of occupation for the period applied for	K
Proof of ownership of the proposed licensed premises or, if the applicant is not the owner, written consent from the owner of the proposed licensed premises that the applicant may use the proposed licensed premises for the purposes of the licence applied for	L
Notification of appointment of a manager or managers accordance with regulation 22, if applicable	M

Name, signature and contact details of person who prepared this application:

Name: _____

Signature: _____

Postal address: _____

Postal code: _____

Physical address: _____

Postal code: _____

Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

Fax number: _____

E-mail address: _____

1. DETAILS OF APPLICANT

1.1 Full name: _____

1.2 Residential address: _____

Postal code: _____

1.3 Postal address: _____

Postal code: _____

1.4 Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

1.5 Fax number: _____

1.6 E-mail address: _____

1.7 Address for service of all notices and documents:

Postal code: _____

1.8 Address for service of all notices and documents after application has been determined:

Postal code: _____

1.9 Contact details of licensee or, if the applicant is not a natural person, full details of contact person: _____

1.10 Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

2. DETAILS OF LICENSED BUSINESS

2.1 Category of licence: *(Mark the relevant licence with a cross.)*

Licence in terms of section 33(1)(a)	
Licence in terms of section 33(1)(b)	
Licence in terms of section 33(1)(c)	
Licence in terms of section 33(1)(d)	

2.2 Kind(s) of liquor that may be sold under licence: _____

2.3 Name under which licensed business is conducted: _____

2.4 The erf number and address of licensed premises: _____

2.5 Municipal area of the licensed premises: _____

2.6 Licence number: _____

3. DETAILS OF APPLICATION

3.1 State the reasons for the application and the nature of the occasion (if applicable) in respect of which a temporary liquor licence is required: _____

3.2 Particulars of the premises where the business is to be conducted:

Erf number: _____

Address: _____

3.3 Municipal area in which the business is to be conducted: _____

3.4 Name under which the business is to be conducted: _____

3.5 Describe the place or places on the premises where the sale of liquor is to take place:

3.6 Trading hours and dates sought during which liquor may be sold or consumed on the licensed premises: _____

3.7 Will the applicant have the right to occupy the proposed premises?

(Mark "yes" or "no".)

YES / NO

If "yes", give details of the owner and the applicant's right of occupation:

(a) Owner's name: _____

(b) Owner's address: _____

(c) Description of applicant's right of occupation: _____

(d) Duration of right of occupation: _____

(e) Does the applicant have the right to sell liquor on the specific premises?

3.8 Has a temporary liquor licence previously been granted to the applicant for the current calendar year? (Mark "yes" or "no".) YES / NO

If yes, state—

(a) the number of temporary licences granted for the current calendar year:

(b) the total number of days for which temporary licences have been granted for the current calendar year: _____

4. OTHER LICENCES

Give full details of any existing liquor licences on the proposed premises:

Licensee: _____

Type of licence: _____

Authority reference number: _____

(Location of such other licences in relation to proposed premises must be indicated on site plan.)

5. FINANCIAL INTEREST

State the name, identity number and address of each person, including the applicant, who has any financial interest in the business to be conducted in terms of this application, and in each case state the nature and extent of such interest.

(Use an annexure if necessary.)

Date

**Signature of applicant or person
authorised by applicant**

Print name

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 9**APPLICATION FOR AN EVENT LIQUOR LICENCE IN TERMS OF SECTION 48(4)**

[Reg. 19(2)(b)(ii)]

ORIGINAL TO BE LODGED WITH AUTHORITY, ONE COPY WITH RELEVANT DESIGNATED LIQUOR OFFICER AND ONE COPY WITH MUNICIPALITY IN WHOSE AREA OF JURISDICTION THE PREMISES ARE SITUATED

Date stamp of Authority on receipt of application	Date stamp of designated liquor officer on receipt of application
Date stamp of relevant municipality on receipt of application	

AUTHORITY REFERENCE NUMBER: _____

INDEX

Description of documents to be attached	Annexure
Comprehensive floor plan of the premises	A
Site plan	B
Aerial view map	C
Indexed colour photographs	D
Description of the premises	E

Description of documents to be attached	Annexure
Written representations in support of the application	F
Proof of payment of the applicable application fee	G
A certified copy of the identity card or document, or the passport and visa or permanent residence permit of the applicant if the applicant is a foreigner, or, in the case of an applicant other than a natural person, copies of the relevant registration documents, indicating the identity and, where applicable, the financial interest of all members, directors, partners, beneficiaries or trustees	H
Other documents required in the Act or required by the Authority	I
Affidavit by the applicant that he or she is not disqualified in terms of section 35 from holding a liquor licence	J
Proof of ownership of the proposed licensed premises or, if the applicant is not the owner, written consent from the owner of the proposed licensed premises that the applicant may use the proposed licensed premises for the purposes of the licence applied for	K
Notification of appointment of a manager or managers accordance with regulation 22, if applicable	L

Name, signature and contact details of person who prepared this application:

Name: _____

Signature: _____

Residential address: _____

Postal code: _____

Postal address: _____

Postal code: _____

Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

Fax number: _____

E-mail address: _____

1. DETAILS OF APPLICANT

1.1 Full name: _____

1.2 Residential address: _____

Postal code: _____

1.3 Postal address: _____

Postal code: _____

1.4 Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

1.5 Fax number: _____

1.6 E-mail address: _____

1.7 Address for service of all notices and documents: _____

Postal code: _____

1.8 Address for service of all notices and documents after application has been determined:

Postal code: _____

1.9 Contact details of licensee or, if applicant is not a natural person, full details of contact person:

1.10 Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

1.11 Registration number: _____

(If the applicant is not a natural person)

1.12	Is the applicant a person who—	Mark “yes” or “no”	
		Yes	No
(a)	has, within the five (5) years prior to the lodgement of the application, been sentenced to imprisonment without the option of paying a fine?	Yes	No
(b)	has, within the five (5) years prior to the lodgement of the application, been declared unfit to hold a registration by the National Liquor Authority or a licence by any provincial liquor authority?	Yes	No
(c)	is an unrehabilitated insolvent?	Yes	No
(d)	is a minor?	Yes	No
(e)	was the holder of a licence that was cancelled in terms of this Act or an Act regulating liquor licences in any other province within a period of twelve (12) months prior to the lodgement of the application?	Yes	No
(f)	is a spouse or life partner of a person described in (a), (b) or (e) above?	Yes	No
(g)	is mentally ill as defined in the Mental Health Care Act, 2002 (Act 17 of 2002)?	Yes	No

1.13 If any of the questions in 1.12 above has “yes” as the answer, provide full details:

(Use an annexure if necessary.)

2. DETAILS OF EVENT AND PROPOSED PREMISES

2.1 State the nature of the event in respect of which an event liquor licence is required:

2.2 Erf number and address of the premises where the business is to be conducted:

Erf number: _____

Address: _____

2.3 Municipal area where the business is to be conducted: _____

2.4 Under what name the business is to be conducted: _____

2.5 Describe the place or places on the premises where the sale of liquor is to take place:

2.6 Will liquor be sold for consumption on or off or both on and off the licensed premises?

2.7 State the dates upon and the hours during which such sale will take place:

2.8 Will the applicant have the right to sell liquor on the proposed premises? **YES / NO**

2.9 If yes, give details of the owner and the applicant’s right to sell liquor on the proposed premises:

(a) Owner’s name: _____

(b) Owner’s address: _____

(c) Description of applicant’s right of occupation: _____

(d) Description of applicant’s right to sell liquor: _____

(e) Duration of right to sell liquor: _____

2.10 Has an event liquor licence previously been granted to the applicant in the current calendar year? *(Mark “yes” or “no”.)* **YES / NO**

3. OTHER LICENCES

Give full details of any existing liquor licences on the proposed premises:

Licensee: _____

Type of licence: _____

Authority reference number: _____

(Location of such other licences in relation to the proposed premises must be indicated on site plan.)

4. FINANCIAL INTEREST

4.1 Who will have a financial interest in the business that will be conducted on the proposed premises? _____

4.2 Describe the nature and extent of such interest: _____

(Use an annexure if necessary.)

Date

**Signature of applicant or person
authorised by applicant**

Print name

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 10

TEMPORARY LIQUOR LICENCE

[Reg. 19(18)(b)]

AUTHORITY REFERENCE NUMBER: _____

_____, who is
the holder of a valid liquor licence (the licensee) in terms of section 33(.....) is hereby licensed
to sell _____

_____ (list kind(s) of liquor) and to conduct his or her business under the name of

upon the licensed premises situated at _____

_____ (physical address of licensed premises)

on the following days and hours: _____

The licensee is licensed to conduct his or her business in accordance with the Act and the conditions and plans as set out in the attached annexure.

Chief Executive Officer of the Western Cape Liquor Authority
or person acting under power delegated by the Chief Executive Officer

Date: _____

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 11

EVENT LIQUOR LICENCE

[Reg. 19(18)(b)]

_____ (the Licensee)

is hereby licensed to sell _____

_____ (list kind(s) of liquor)

and to conduct business under the name of _____

upon the licensed premises, situated at _____

(physical address of licensed premises)

on the following days and hours: _____

for on- or off- or both on- and off- consumption purposes.

The Licensee is licensed to conduct his or her business in accordance with the provisions of the Act and the conditions and plans as set out in the attached annexure.

Chief Executive Officer of the Western Cape Liquor Authority
or person acting under power delegated by the Chief Executive Officer

Date: _____

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 12A

APPLICATION FOR CONDONATION OF THE LATE FILING OF AN APPLICATION FOR A TEMPORARY OR AN EVENT LIQUOR LICENCE IN TERMS OF SECTION 48(10)

[Reg. 19(14)]

ORIGINAL MUST BE LODGED WITH AUTHORITY

LIQUOR AUTHORITY REFERENCE NUMBER: _____.

Date stamp of Authority on receipt of application

INDEX

Description of documents to be attached	Annexure
Proof of payment of the penalty	A
Application in terms of regulation 19(1)(a) or (b)	B
Proof of payment of the application fee in respect of the application made in terms of regulation 19(1)(a) or (b)	C

Name, signature and contact details of person who prepared this application:

Name: _____

Signature: _____

Postal address: _____

Postal code: _____

Physical address: _____

Postal code: _____

Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

Fax number: _____

E-mail _____

DETAILS OF APPLICANT

1. Full name of applicant: _____

2. Written representations in support of this application for condonation:

(Use an annexure if necessary.)

Date

**Signature of applicant or person
authorised by applicant**

Print name

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document

or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 12B

NOTICE IN TERMS OF REGULATION 19(19)

[Reg. 19(19)]

NAME OF THE HOLDER OF A TEMPORARY LIQUOR LICENCE OR AN EVENT

LIQUOR LICENCE: _____

NAME OF LICENSED BUSINESS: _____

ADDRESS OF PREMISES: _____

AUTHORITY REFERENCE NUMBER: _____

The temporary or event liquor licence that was issued on _____

_____ refers.

Copies of any report, complaint, referral or representations contemplated in section 48(14) are hereby served on you.

After considering the said report, complaint, referral, or representations, the Presiding Officer of the Liquor Licensing Tribunal may in terms of section 48(13)—

- (a) declare the licence to be subject to such conditions or restrictions or such further conditions or restrictions set out in the notice as he or she may in his or her discretion impose;
- (b) suspend, revoke or amend any condition or restriction imposed in respect of the licence; or
- (c) suspend or revoke the licence.

You have the right to make representations by no later than _____.

If the Presiding Officer decides to take action in terms of section 48(13), you have the right in terms of section 68 to appeal or apply for the review of that decision.

*Chief Executive Officer of the Western Cape Liquor Authority
or person acting under power delegated by the Chief Executive Officer*

Date: _____

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 13**APPLICATION TO TRANSFER A FINANCIAL INTEREST IN THE LICENSED BUSINESS IN TERMS OF SECTION 51(1)**

[Reg. 21(1)]

ORIGINAL MUST BE LODGED WITH AUTHORITY AND COPY WITH DESIGNATED LIQUOR OFFICER IN WHOSE AREA OF JURISDICTION THE LICENCED PREMISES ARE SITUATED

Date stamp of Authority on receipt of application	Date stamp of designated liquor officer on receipt of application
---------------------------------------------------	-------------------------------------------------------------------

AUTHORITY REFERENCE NUMBER: _____.

INDEX

Description of documents to be attached	Annexure
Proof of payment	A
Documented proof of the change in financial interest in the case of an application in terms of regulation 21(1)	B
Written representations in support of the application	C
A certified copy of the identity card or document, or the passport and visa or permanent residence permit of the person to whom the financial interest is intended to be transferred if that person is a foreigner, or, in the case of a person other than a natural person, copies of the relevant registration documents, indicating the identity and, where applicable, the financial interest of all members, directors, partners, beneficiaries or trustees	D
An affidavit by the person to whom the financial interest is to be transferred that he or she is not disqualified in terms of section 35 from holding a liquor licence	E

Name, signature and contact details of the person who prepared this application:

Name: _____

Signature: _____

Residential address: _____

Postal code: _____

Postal address: _____

Postal code: _____

Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

Fax number: _____

E-mail address: _____

PART A: DETAILS OF LICENSEE

1. Liquor licence number: _____

2. Full name of licensee: _____

3. State the name, identity number and address and extent of financial interest of each member, director, partner, beneficiary or trustee who intends to transfer the financial interest:

(Use an annexure if necessary.)

4. (a) Name and address of the licensed premises: _____

(b) Describe the situation of the premises where the licensed business is conducted, with reference to the number of the erf, street(s), apartment(s), shop(s) or farm, as the case may be:

(c) In which municipal area are the premises referred to in subparagraph (a) situated?

5. Daytime contact name and telephone number: _____

PART B: DETAILS OF THE PERSON(S) TO WHOM THE FINANCIAL INTEREST WILL BE TRANSFERRED

1. Full name: _____

2. Identity number or, in the case of a company or close corporation, its registration number:

(Attach a copy of the identity card or document or proof of registration.)

3. Residential address or address of registered office: _____

4. Business address: _____

5. Postal address: _____

6. Telephone number: _____

7.1	Is the person to whom the financial interest is to be transferred a person who—	Mark “yes” or “no”	
(a)	has, within the five (5) years prior to the lodgement of the application, been sentenced to imprisonment without the option of paying a fine?	Yes	No
(b)	has, within the five (5) years prior to the lodgement of the application, been declared unfit to hold a registration by the National Liquor Authority or a licence by any provincial liquor authority?	Yes	No
(c)	is an unrehabilitated insolvent?	Yes	No
(d)	is a minor?	Yes	No
(e)	was the holder of a licence that was cancelled in terms of this Act or an Act regulating liquor licences in any other province within a period of twelve (12) months prior to the lodgement of the application?	Yes	No
(f)	is a spouse or life partner of a person described in (a), (b) or (e) above?	Yes	No
(g)	is mentally ill as defined in the Mental Health Care Act, 2002 (Act 17 of 2002)?	Yes	No
7.2	If the person to whom the financial interest is to be transferred is not a natural person, is any member, director, partner, beneficiary or trustee of the applicant a person described in paragraph 7.1(a), (b) or (e)?	Yes	No

7.3 If any of the questions in paragraphs 7.1 or 7.2 has “yes” as the answer, provide full details:

(Use an annexure if necessary.)

7.4	If the person to whom the financial interest is to be transferred is a company, close corporation, partnership or trust, state whether a person contemplated in paragraph 7.1 above—	Mark “yes” or “no”	
(a)	has a controlling interest in the company, close corporation or trust?	Yes	No
(b)	is a partner in the partnership?	Yes	No
(c)	is the main beneficiary under the trust?	Yes	No

7.5 If any of the questions in paragraph 7.4(a) to (c) has “yes” as the answer, provide full details:

(Use an annexure if necessary.)

7.6 State the name, identity number and address of each person—

- (a) who, including the holder of the licence, has any financial interest in the business to which the licence relates; and
- (b) who, including the person to whom the financial interest is to be transferred, will have such interest if the application is granted, and in each case, the nature and extent of such financial interest.

(Use an annexure if necessary.)

Date: _____

**Signature of the applicant or person
authorised by the applicant**

Name in print

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 14

**APPLICATION TO LET PREMISES TO ANOTHER PERSON, ALLOW ANOTHER
PERSON TO CARRY ON BUSINESS IN TERMS OF THE LICENCE OR ALLOW
ANOTHER PERSON TO USE THE LICENSED PREMISES IN TERMS OF
SECTION 51A(1)**

[Reg. 21A(1)]

ORIGINAL MUST BE LODGED WITH AUTHORITY AND COPY WITH DESIGNATED
LIQUOR OFFICER IN WHOSE AREA OF JURISDICTION THE LICENCED PREMISES ARE
LOCATED

Date stamp of Authority on receipt of application	Date stamp of designated liquor officer on receipt of application
---------------------------------------------------	-------------------------------------------------------------------

AUTHORITY REFERENCE NUMBER: _____

INDEX

Description of documents to be attached	Annexure
Proof of payment of the applicable application fee	A
Documented proof of the letting of the licenced premises, conducting of the business in terms of the licence or use of the licensed premises, as the case may be	B
Written representations in support of the application	C
A certified copy of the identity card or document of the person who proposes to let the licence from the licensee, carry on business in terms of the licence or use the licensed premises or, if that person is a foreigner, the passport and visa or permanent residence permit, and, in the case of a person other than a natural person, copies of the relevant registration documents, indicating the identity and, where applicable, the financial interest of all members, directors, partners, beneficiaries or trustees	D
An affidavit by the person intended to be allowed to let the licence, carry on business or use the licensed premises that he or she is not disqualified in terms of	E

Description of documents to be attached	Annexure
section 35 from holding a liquor licence	
Copy of the liquor licence of the person who proposes to let the licence, carry on business or use the licensed premises	F
Copy of the liquor licence of the person who intends to let premises to another person, allow another person to carry on business in terms of the licence or allow another person to use the licensed premises	G
A comprehensive floor plan in accordance with regulation 21A(2)(f)	H
Indexed colour photographs in terms of regulation 21A(2)(g)	I

Name, signature and contact details of person who prepared this application:

Name: _____

Signature: _____

Residential address: _____

Postal code: _____

Postal address: _____

Postal code: _____

Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

Fax number: _____

E-mail address: _____

PART A: DETAILS OF LICENSEE OF LICENCED PREMISES (LESSOR)

1.1 Licence number: _____

1.2 Full name of licensee: _____

1.3 If the licensee is not a natural person, state the name, identity number, address and extent of financial interest of each member, director, partner, beneficiary or trustee:

(Use an annexure if necessary.)

1.4 (a) Name and address of the licensed premises: _____

(b) Describe the situation of the premises where the licensed business is conducted, with reference to the number of the erf, street(s), apartment(s), shop(s) or farm, as the case may be:

(c) In which municipal area are the premises referred to in subparagraph (a) situated?

1.5 Daytime contact name and telephone number: _____

PART B: DETAILS OF THE LICENSEE(S) TO WHOM PART OF THE LICENSED PREMISES WILL BE LET (LESSEE)

2.1 Full name: _____

2.2 Identity number, or in the case of a company or close corporation, its registration number:

(Attach a copy of identity card or document or proof of registration.)

2.3 Residential address or address of registered office: _____

2.4 Business address: _____

2.5 Postal address: _____

2.6 Telephone number: _____

2.7	Is the licensee a person who—	Mark “yes” or “no”	
(a)	has, within the sixty (60) months prior to the lodgement of the application, been sentenced to imprisonment without the option of paying a fine?	Yes	No
(b)	has, within the sixty (60) months prior to the lodgement of the application, been declared unfit to hold a registration by the National Liquor Authority or a licence by any provincial liquor authority?	Yes	No
(c)	is an unrehabilitated insolvent?	Yes	No
(d)	is a minor?	Yes	No
(e)	was the holder of a licence that was cancelled in terms of this Act or an Act regulating liquor licences in any other province within a period of twelve (12) months prior to the lodgement of the application?	Yes	No
(f)	is a spouse or life partner of a person described in (a), (b) or (e) above?	Yes	No
(g)	is mentally ill as defined in the Mental Health Care Act, 2002 (Act 17 of 2002)?	Yes	No

(h)	has resided in South Africa for five (5) years prior to the lodgement of the application?	Yes	No
(i)	is disqualified in terms of the Immigration Act, 2007 (Act 13 of 2007)?	Yes	No
2.8	In the case of a Lessee who is not a natural person, is any member, director, partner, beneficiary or trustee of the applicant a person described in subparagraph (a), (b) or (e) above?	Yes	No

2.9 If any of the questions in paragraphs 2.7 or 2.8 have “yes” as the answer, provide full details:

(Use an annexure if necessary.)

2.10	If the Lessee is a company, close corporation, partnership or trust, state whether a person contemplated in paragraph 7.1 above—	Mark “yes” or “no”	
(a)	has a controlling interest in the company, close corporation or trust.	Yes	No
(b)	is a partner in the partnership.	Yes	No
(c)	is the main beneficiary under the trust.	Yes	No

2.11 If any of the questions in paragraph 2.10(a) to (c) above has “yes” as the answer, provide full details:

(Use an annexure if necessary.)

3. State the name, identity number and address of each person—

- (a) who, including the holder of the licence, has any financial interest in the business to which the licence relates; and
- (b) who, including the Lessee, will have such interest if the application is granted.

In each case, state the nature and extent of such financial interest:

(Use an annexure if necessary.)

Date

**Signature of the applicant or the person
authorised by the applicant to sign**

Name in print

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 15

NOTIFICATION OF THE APPOINTMENT OF A MANAGER IN TERMS OF SECTION 52

[Reg. 22(1)]

ORIGINAL MUST BE LODGED WITH AUTHORITY AND COPY WITH DESIGNATED LIQUOR OFFICER
 A SEPARATE FORM MUST BE COMPLETED AND LODGED FOR EACH PERSON APPOINTED AS A MANAGER

Date stamp of Authority on receipt of application	Date stamp of designated liquor officer on receipt of application
---------------------------------------------------	-------------------------------------------------------------------

AUTHORITY REFERENCE NUMBER: _____

INDEX

Description of documents to be attached	Annexure
A certified copy of the identity card or document of the appointed person, or the passport and visa or permanent residence permit of the appointed person if he or she is a foreigner	A
Proof of the appointed person’s address in the Western Cape	B
An affidavit by the appointed person that he or she is not disqualified in terms of section 35 from holding a liquor licence	C
Certificate in Liquor Licence Training, if applicable	D

Name, signature and contact details of person who prepared this notice:

Name: _____

Signature: _____

Residential address: _____

Postal code: _____

Postal address: _____

Postal code: _____

Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

Fax number: _____

E-mail address: _____

PART A: APPOINTMENT OF MANAGER

1. Name of licensed business: _____

2. If applicable, state full details of person whose appointment has been terminated:

(a) Full name: _____

(b) Identity number: _____

(c) Date of termination: _____

3.1 State full details of person being appointed:

(a) Full name: _____

(b) Identity number: _____
(Attach copy of identity card or document.)

(c) Physical address of appointed person:

(d) Postal address of appointed person:

(e) Telephone number of appointed person: _____

(f) Relationship between appointed person and the person who is the holder of the liquor licence: _____

3.2	Is the appointed person a person who—	Mark “yes” or “no”	
(a)	has, within the sixty (60) months prior to the lodgement of this notice, been sentenced to imprisonment without the option of paying a fine?	Yes	No
(b)	has, within the sixty (60) months prior to the lodgement of this notice, been declared unfit to hold a registration by the National Liquor Authority or a licence by any provincial liquor authority?	Yes	No
(c)	is an unrehabilitated insolvent?	Yes	No
(d)	is a minor?	Yes	No
(e)	was the holder of a licence that was cancelled in terms of this Act or an Act regulating liquor licences in any other province within a period of twelve (12) months prior to the lodgement of this notification of appointment?	Yes	No
(f)	is a spouse or life partner of a person described in (a), (b) or (e) above?	Yes	No
(g)	is mentally ill as defined in the Mental Health Care Act, 2002 (Act 17 of 2002)?	Yes	No
(h)	has resided in South Africa for five (5) years prior to the lodgement of the notice?	Yes	No
(i)	is disqualified in terms of the Immigration Act, 2007 (Act 13 of 2007)?	Yes	No

3.3 If any of the questions in paragraph 3.2 has “yes” as the answer, provide full details:

(Use an annexure if necessary.)

3.4 Date of intended appointment: _____

- 4. If the appointed person has any financial interest in the licensed business, provide full details:

Date

Signature of the applicant or person authorised by applicant

Name in print

PART B: ACCEPTANCE BY APPOINTED MANAGER

I, _____, the undersigned, hereby accept the above appointment and accept responsibility for the management of the business and understand that I am subject to the same duties, obligations and liabilities as the licensee.

Signature of appointed manager

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 15A

CERTIFICATE IN TERMS OF SECTION 52(7)

[Reg. 22(2)]

THIS CERTIFIES THAT

FULL NAME.....

SUCCESSFULLY COMPLETED

LIQUOR LICENCE TRAINING

PLACE

DATE

FOR OFFICIAL USE ONLY

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 16

A – APPLICATION FOR CONSENT TO CARRY OUT STRUCTURAL ALTERATIONS, ADDITIONS, OR RECONSTRUCTION OF OR TO THE LICENSED PREMISES IN TERMS OF SECTION 53(1)(a)

B – APPLICATION FOR CONSENT TO CARRY OUT EXTENSION OF OR TO THE LICENSED PREMISES IN TERMS OF SECTION 53(1A)(a)

[Reg. 23(1) and 23(1A)]

ORIGINAL MUST BE LODGED WITH AUTHORITY AND ONE COPY WITH DESIGNATED LIQUOR OFFICER

Date stamp of Authority on receipt of application	Date stamp of designated liquor officer on receipt of application
---------------------------------------------------	-------------------------------------------------------------------

AUTHORITY REFERENCE NUMBER: _____

INDEX

Description of documents to be attached	Annexure
Comprehensive floor plan of the premises in accordance with regulation 23(1)(a)	A
Description of the proposed alterations	B
A description of the applicable portion of the licensed premises in terms of regulation 23(1)(c)	C
Proof of ownership of the licensed premises or, if the applicant is not the owner, written consent from the owner that the applicant may use the premises for the purposes of the licence, in respect of an application for extension	D
Proof of payment of the applicable application fee	E
Written representations in support of the application	F
Indexed colour photographs of the existing licensed premises showing the completed internal and external features of the licensed premises	G

Description of documents to be attached	Annexure
Proof that the applicant has the right to occupy the premises, in respect of an application for extension	H
Proof that the applicant has the right to alter the licensed premises, if applicable	I
Consent from the owner of the premises that the applicant may use the proposed extended portion for purposes of the licence, if applicable	J

Name, signature and contact details of the person who prepared this application:

Name: _____

Signature: _____

Residential address: _____

Postal code: _____

Postal address: _____

Postal code: _____

Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

Fax number: _____

E-mail address: _____

1. DETAILS OF APPLICANT

1.1 Full name: _____

1.2 Address: _____

 Postal code: _____

1.3 Address for service of documents: _____

 Postal code: _____

1.4 Contact details of licensee or, if applicant is not a natural person, full details of contact person: _____

1.5 Telephone numbers:
Office: _____
Cell phone: _____
Home or other: _____

2. DETAILS OF LICENSED BUSINESS

2.1 Category of licence: *(Mark the relevant licence with a cross.)*

Licence in terms of section 33(1)(a)	
Licence in terms of section 33(1)(b)	
Licence in terms of section 33(1)(c)	
Licence in terms of section 33(1)(d)	

2.2 Kind(s) of liquor that may be sold under the licence: _____

2.3 Name under which the licensed business is conducted: _____

2.4 Erf number and address of licensed premises: _____

2.5 Municipal area of the licensed premises: _____

Date

**Signature of applicant or person
authorised by applicant**

Name in print

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 17

APPLICATION FOR CONSENT TO MATERIALLY CHANGE THE NATURE OF THE LICENSED BUSINESS IN TERMS OF SECTION 53(1A)(b)

[Reg. 23(2)]

ORIGINAL MUST BE LODGED WITH AUTHORITY AND ONE COPY WITH DESIGNATED LIQUOR OFFICER

Date stamp of Authority on receipt of application	Date stamp of designated liquor officer on receipt of application
---------------------------------------------------	-------------------------------------------------------------------

AUTHORITY REFERENCE NUMBER: _____.

INDEX

Description of documents to be attached	Annexure
A description of the proposed change in the nature of the business Include, if necessary: 1. Colour photographs of the premises 2. Floor plan of the premises	A
Written representations in support of the application	B
Proof of payment of the applicable application fee	C
Proof that the applicant has the right to change the nature of the premises in terms of regulation 23(2)(d), if applicable	D

Name, signature and contact details of person who prepared this application:

Name: _____

Signature: _____

Residential address: _____

Postal code: _____

Postal address: _____

Postal code: _____

Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

Fax number: _____

E-mail address: _____

1. DETAILS OF APPLICANT

1.1 Full name: _____

1.2 Address: _____

Postal code: _____

1.3 Address for service of documents: _____

Postal code: _____

1.4 Contact details of licensee or, if applicant is not a natural person, full details of contact person: _____

1.5 Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

2. DETAILS OF LICENSED BUSINESS

2.1 Category of licence: *(Mark the relevant licence with a cross.)*

Licence in terms of section 33(1)(a)	
Licence in terms of section 33(1)(b)	
Licence in terms of section 33(1)(c)	
Licence in terms of section 33(1)(d)	

2.2 Kind(s) of liquor that may be sold under licence: _____

2.3 Name under which the licensed business is conducted: _____

2.4 Erf number and address of licensed premises: _____

2.5 Municipal area of the licensed premises: _____

Date

**Signature of applicant or
person authorised by applicant**

Name in print

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 18

APPLICATION FOR CONSENT TO CONDUCT A BUSINESS UNDER A LICENCE ON PREMISES ON WHICH ANY OTHER BUSINESS, INCLUDING A BUSINESS TO WHICH ANY OTHER LICENCE RELATES, OR ANY OTHER TRADE OR OCCUPATION IS CARRIED ON IN TERMS OF SECTION 53(1)(c)

[Reg. 23(3)]

ORIGINAL MUST BE LODGED WITH AUTHORITY AND ONE COPY WITH DESIGNATED LIQUOR OFFICER

Date stamp of designated liquor officer on receipt of application	Date stamp of Authority on receipt of application
-------------------------------------------------------------------	---------------------------------------------------

Description of documents to be attached	Annexure
Description of any other business, trade or occupation that is carried on or pursued on the premises	A
Proof of payment of the applicable application fee	B
Written representations in support of the application	C
A legible, comprehensive floor plan of the proposed premises on which it is intended that the business under the licence will be conducted	D
A description of the applicable portion of the premises, with reference to the construction, layout, furnishing, fixtures, fittings and floor covering	E
Proof that the applicant has the right to occupy the proposed premises	F
Proof of ownership of the proposed licensed premises or, if the applicant is not the owner, written consent from the owner of the premises that the applicant may use the proposed licensed premises for the purposes of the licence	G
Indexed colour photographs showing the internal and external features of the proposed premises	H

Name, signature and contact details of person who prepared this application:

Name: _____

Signature: _____

Postal address: _____

Postal code: _____

Physical address: _____

Postal code: _____

Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

Fax number: _____

E-mail address: _____

1. DETAILS OF APPLICANT

1.1 Full name: _____

1.2 Address: _____

Postal code: _____

1.3 Address for service of documents: _____

Postal code: _____

1.4 Contact details of licensee or, if applicant is a natural person, full details of contact person:

1.5 Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

1.6 Date of birth: *(if applicant is a natural person)* _____/_____/_____

2. DETAILS OF LICENSED BUSINESS

2.1 Type of liquor licence: *(Mark the relevant licence with a cross.)*

Liquor licence in terms of section 33(1)(a)	
Liquor licence in terms of section 33(1)(c)	

2.2 Kind(s) of liquor that may be sold under liquor licence: _____

2.3 Name under which the licensed business is conducted: _____

2.4 Erf number and address of licensed premises: _____

2.5 Municipal area of the licensed premises: _____

Date

**Signature of applicant or a person
authorised by applicant**

Name in print

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 19

**APPLICATION FOR THE EXTENSION OF TRADING HOURS
IN TERMS OF SECTION 59(4)**

[Reg. 26(1)]

ORIGINAL MUST BE LODGED WITH AUTHORITY AND TWO COPIES WITH DESIGNATED LIQUOR OFFICER

Date stamp of designated liquor officer on receipt of application	Date stamp of Authority on receipt of application
-------------------------------------------------------------------	---------------------------------------------------

AUTHORITY REFERENCE NUMBER: _____

INDEX

Description of documents to be attached	Annexure
Written representations in support of the application	A
Proof of payment of the applicable application fee	B

Name, signature and contact details of person who prepared this application:

Name: _____

Signature: _____

Postal address: _____

Postal code: _____

Physical address: _____

Postal code: _____

Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

Fax number: _____

E-mail address: _____

DETAILS OF LICENSEE

1. Full name of licensee: _____

2. If the licensee is not a natural person, state the name, identity number, address and the extent of financial interest of each member, director, partner, beneficiary or trustee:

(Use an annexure if necessary.)

3. (a) Name and address of the licensed premises: _____

(b) Describe the situation of the premises where the licensed business is conducted, with reference to the number of the erf, street(s), apartment(s), shop(s) or farm(s), as the case may be:

(Use an annexure if necessary.)

(c) In which municipal area are the premises referred to in subparagraph (a) situated?

4. Daytime contact name and telephone number: _____

5. State reasons why licensee applies for extension of trading hours: _____

(Use an annexure if necessary.)

Date

**Signature of applicant or the person
authorised by applicant**

Name in print

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

 WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 19A

**QUANTITY OF LIQUOR SOLD AND KEEPING OF RECORDS
IN TERMS OF SECTION 60(1)
ANNUAL RETURNS
[Reg. 27]**

LICENSEE (INCLUDING TEMPORARY LIQUOR LICENCE HOLDER) INFORMATION

Liquor licence number:	
Category of licence:	
Name of licence holder:	
Name of premises:	
Nature of the business	
Address of licensed premises:	
Date of issue of licence:	

Section 60 requires a licensee, including a holder of a temporary liquor licence, to keep and submit to the Authority a record of all liquor sold as set out in Parts A, B, C and D of this form, where applicable.

The Annual Return must be submitted to the Authority annually by 31 March each year for the period 1 January of a year to 31 December of the year preceding the date of submission.

The electronic form of records and information referred to in section 60(1) and regulation 27(1)(a) must be filed electronically via the designated application on the Authority's eLicence Portal available online: www.wcla.gov.za

PART A: RECORD OF ALL LIQUOR SOLD

PART A: RECORD OF ALL LIQUOR SOLD (On-consumption licence, Off-consumption licence, On- and off consumption licence and temporary liquor licence holders are required to complete this section.)															
1	2	3	4				5	6		7					
			Quantity (litres) of liquor sold					Details of the supplier		Selling price (R)					
No	Invoice Numbers [Reg 27(1)(b)(iii)]	Dates of Issue [Reg 27(1)(b)(iii)]	Beer	Cider	Wine	Spirits	Other	Cost price	Name	Address	Beer	Cider	Wine	Spirits	Other
1															
2															
3															
4															
5															
6															
7															
8															
9															
10															
11															
12															
13															
14															
15															

(Attach a separate annexure if necessary.)

PART B: RECORD OF SALE OF LIQUOR OF MORE THAN 100 LITRES TO ONE PERSON IN A SINGLE DAY

SECTION B: RECORD OF SALE OF LIQUOR OF MORE THAN 100 LITRES TO ONE PERSON IN A SINGLE DAY (On-consumption licence, Off-consumption licence, On- and off consumption licence, Micro-manufacturing licence and temporary liquor licence holders are required to complete this section)																			
8	9	10	11				12				13								
No	Invoice Numbers [Reg 27(1)(b)(iii)]	Dates of Issue [Reg 27(1)(b)(iii)]	Quantity (litres) of liquor sold [Reg 27(1)(b)(iv)]				Details of the purchaser [Reg 27(1)(c)(i)]				Selling price (R) [Reg 27(1)(b)(iv)]								
			Beer	Cider	Wine	Spirits	Other	Name	Address	Identity number	Telephone number	Beer	Cider	Wine	Spirits	Other			
1																			
2																			
3																			
4																			
5																			
6																			
7																			
8																			
9																			
10																			
11																			
12																			
13																			
14																			
15																			

(Attach a separate annexure if necessary.)

PART C: RECORD OF QUANTITY OF LIQUOR HELD IN STOCK BY THE LICENSEE

PART C: RECORD OF QUANTITY OF LIQUOR HELD IN STOCK BY THE LICENSEE (On-consumption licence, Off-consumption licence, On- and off consumption licence, Micro-manufacturing licence and temporary liquor licence holders are required to complete this section.)													
14	15	16	17				18						
No	Description of the kind of liquor held [Reg 27(1)(b)(i)]	Location where liquor is held [Reg 27(1)(b)(i)]	Quantity (litres) of liquor held in stock as at 1 January of the period [Reg 27(1)(c)(ii)]				Quantity (litres) of liquor held in stock as at 31 December of the period [Reg 27(1)(c)(iii)]						
			Beer	Cider	Wine	Spirits	Other	Beer	Cider	Wine	Spirits	Other	
1													
2													
3													
4													
5													
6													
7													
8													
9													
10													
11													
12													
13													
14													
15													

(Use a separate annexure if necessary.)

PART D: RECORD OF ALL LIQUOR MANUFACTURED'

SECTION D: RECORD OF ALL LIQUOR MANUFACTURED (Micro-manufacturing licensees are required to complete this section)																		
19	20	21	22				23				24							
No	Invoice Numbers [Reg 27(1)(b)(iii) and 27(1)(d)(i)]	Dates of Issue [Reg 27(1)(b)(iii) and 27(1)(d)(i)]	Kind and quantity (litres) of liquor manufactured [Reg 27(1)(d)(ii)]				Kind and quantity (litres) of liquor sold [Reg 27(1)(b)(iv) and Reg 27(1)(d)(i)]				Selling price (R) [Reg 27(1)(b)(vi)]							
			Beer	Cider	Wine	Spirits	Other	Beer	Cider	Wine	Spirits	Other	Beer	Cider	Wine	Spirits	Other	
1																		
2																		
3																		
4																		
5																		
6																		
7																		
8																		
9																		
10																		
11																		
12																		
13																		
14																		
15																		

(Use a separate annexure if necessary.)

<p>_____</p> <p>Date</p>	<p>_____</p> <p>Signature of licensee, temporary liquor licence holder or person authorised by licensee or licence holder</p> <p>_____</p> <p>Print name and designation</p> <p>_____</p> <p>A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.</p> <p>A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.</p>
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WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 20

NOTICE OF ABANDONMENT OF LICENCE

[Reg. 29]

ORIGINAL TO BE LODGED WITH AUTHORITY AND A COPY WITH DESIGNATED LIQUOR OFFICER

Date stamp of designated liquor officer on receipt of application	Date stamp of Authority on receipt of application
-------------------------------------------------------------------	---------------------------------------------------

AUTHORITY REFERENCE NUMBER: _____

INDEX

Description of document to be attached	Annexure
Affidavit relating to abandonment	A

Name, signature and contact details of person who prepared this application:

Name: _____

Signature: _____

Postal address: _____

Postal code: _____

Physical address: _____

Postal code: _____

Telephone numbers: _____

Office: _____

Cell phone: _____

Home or other : _____
 Fax number : _____
 E-mail address : _____

1. DETAILS OF LICENSEE

Full name of licensee: _____

2. REASONS FOR ABANDONMENT

- 2.1 The licenced business has been abandoned by the licensee: **YES / NO**
- 2.2 The licensee is a person described in section 67(3) and a person referred to in section (67)(1) has been appointed as the licensee. **YES / NO**
- 2.3 Attach an affidavit explaining the circumstances.

Date

Signature of applicant or person authorised by applicant

Print name

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 21A

ANNUAL OR BIENNIAL LICENCE RENEWAL NOTICE:
FEES PAYABLE IN RESPECT OF A LIQUOR LICENCE FOR:
THE YEAR 20____; OR
THE TWO YEARS 20____ AND 20____

[Reg. 30(1)]

LIQUOR AUTHORITY REFERENCE NUMBER: _____

Name of licensee: _____

Address of the licensed premises: _____

(If the residential or postal address has changed, please also supply the new address to the following e-mail address: liquor.enquiries@wcla.gov.za.)

Category of licence: _____

You are hereby notified that the total renewal fees payable to the Authority are:

Annual: R _____, payable on or before: _____

Biennial: R _____, payable on or before: _____

Please Note:

1. Payment must be made by direct deposit into the following bank account of the Authority:
 Bank: Nedbank
 Account holder: Western Cape Liquor Authority
 Account number: 145 206 9883
 Branch code: 198 765
 Please use your licence number as the reference on the deposit slip (the WCP/DTI number indicated just below the heading of this form).
2. A licence is suspended for a period of six months from 1 January of the year for which the prescribed renewal fee should have been paid. See section 63(7). A licensee whose licence is suspended may not sell liquor for the duration of the suspension.
3. The suspension of a licence suspended in this way is rescinded only if the applicable renewal fee is paid together with the applicable penalties. See section 63(8).

4. The licence lapses as from 1 January of the year in which the applicable renewal fee should have been paid if the licensee fails to pay the applicable renewal fee and penalty in accordance with section 63(8).

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 21B

BIENNIAL RENEWAL NOTICE:
NOTICE TO SUBSCRIBE TO BIENNIAL RENEWAL CYCLE
FOR THE YEARS 20____ AND 20____

[Reg. 30(3)]

AUTHORITY REFERENCE NUMBER: _____

Name of licensee: _____

Address of the licensed premises: _____

CATEGORY OF LICENCE TO BE RENEWED

(Mark the relevant licence with a cross.)

1.	Licence in terms of section 33(1)(a)	
2.	Licence in terms of section 33(1)(b)	
3.	Licence in terms of section 33(1)(c)	
4.	Licence in terms of section 33(1)(d)	

Licence number: _____

A. I, _____ (the licensee),
confirm that I hereby subscribe to a biennial renewal cycle; or

B. I, _____ (a person authorised by
the licensee), confirm that the said licensee hereby subscribes to a biennial renewal cycle.

Date

Signature of licensee or person
authorised by the licensee

Print name

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 22

APPLICATION FOR RENEWAL OF LICENCE IN TERMS OF SECTION 64(1)

[Reg. 31(1)]

ORIGINAL MUST BE LODGED WITH AUTHORITY AND ONE COPY WITH DESIGNATED LIQUOR OFFICER

Date stamp of designated liquor officer on receipt of application	Date stamp of Authority on receipt of application
-------------------------------------------------------------------	---------------------------------------------------

AUTHORITY REFERENCE NUMBER: _____

INDEX

Description of documents to be attached	Annexure
Written representations in support of the application	A
Proof of payment of the applicable application fee	B
Application for condonation, if applicable	C
Proof of payment of the application fee for condonation, if applicable	D

Name, signature and contact details of person who prepared this application:

Name: _____

Signature: _____

Postal address: _____

Postal code: _____

Physical address: _____

Postal code: _____

Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

Fax number: _____

E-mail address: _____

DETAILS OF LICENSEE

1. Licence number: _____

2. Full name of licensee: _____

3. In which municipal district are the premises situated?

4. State reason(s) why the licensee should be allowed to renew the licence despite the existence of (a) situation(s) as contemplated in section 64(1)(a) to (e):

(Use an annexure if necessary.)

Date

Signature of applicant or person authorised by applicant

Print name

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 23

APPLICATION FOR CONDONATION OF THE FAILURE TO APPLY FOR THE RENEWAL OF LICENCE IN TERMS OF SECTION 64(4)

[Reg. 31(2A)]

ORIGINAL TO BE LODGED WITH AUTHORITY AND ONE COPY WITH DESIGNATED LIQUOR OFFICER

Date stamp of designated liquor officer on receipt of application	Date stamp of Authority on receipt of application
-------------------------------------------------------------------	---------------------------------------------------

AUTHORITY REFERENCE NUMBER: _____

Name, signature, and contact details of person who prepared this application:

Name: _____

Signature: _____

Postal address: _____

Postal code: _____

Physical address: _____

Postal code : _____

Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

Fax number: _____

E-mail address: _____

DETAILS OF LICENSEE

1. Licence number: _____

2. Full name of licensee: _____

3. State reason(s) for not applying for the renewal of the licence on or before 30 September of the relevant year in the prescribed form:

(Use an annexure if necessary.)

Date

**Signature of applicant or person
authorised by applicant**

Print name

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 24**APPLICATION FOR TRANSFER OF LICENCE IN TERMS OF SECTION 65(1)**

[Reg. 32(2)(a)]

ORIGINAL MUST BE LODGED WITH AUTHORITY AND ONE COPY WITH DESIGNATED LIQUOR OFFICER

Date stamp of designated liquor officer on receipt of application	Date stamp of Authority on receipt of application
-------------------------------------------------------------------	---------------------------------------------------

AUTHORITY REFERENCE NUMBER: _____

INDEX

Description of documents to be attached	Annexure
Written representations in support of the application	A
A certified copy of the identity card or document, or the passport and visa or permanent residence permit of the proposed licensee if the proposed licensee is a foreigner, or, in the case of a person other than a natural person, copies of the relevant registration documents, indicating the identity and, where applicable, the financial interest of all members, directors, partners, beneficiaries or trustees of the proposed licensee	B
Proof of payment of the applicable application fee set out in Item 10(a) of Annexure 1	C
Affidavit by the proposed licensee that he, she or it is not disqualified in terms of section 35 from holding a liquor licence	D
Proof that the applicant has lodged a copy of this application with the designated liquor officer	E
Proof that the proposed licensee has the right to occupy the licensed premises	F

Description of documents to be attached	Annexure
Proof of ownership of the licensed premises or, if the proposed licensee is not the owner of the premises, written consent from the owner that the proposed licensee may use the licensed premises for the purposes of the licence in respect of which the application for transfer is lodged	G
Documented proof of the reason for the transfer	H

Name, signature and contact details of the person who prepared this application:

Name: _____

Signature: _____

Postal address: _____

Postal code: _____

Physical address: _____

Postal code: _____

Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

Fax number: _____

E-mail address: _____

PART A: DETAILS OF LICENSEE

1. Full name of licensee: _____

2. Name and address of the licensed premises: _____

PART B: DETAILS OF PROPOSED LICENSEE

1. Full name: _____

2. Identity number of the proposed licensee or, if the proposed licensee is not a natural person, its registration number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--

(Attach copy of identity card or document or proof of registration.)

3. Residential address or address of registered office: _____

Postal code: _____

4. Business address: _____

Postal code: _____

5. Postal address: _____

Postal code: _____

6. Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

Fax number: _____

7.	Is the proposed licensee a person who—	Mark “yes” or “no”	
(a)	has, within sixty (60) months prior to the lodgement of the application, been sentenced to imprisonment without the option of paying a fine?	Yes	No
(b)	has, within sixty (60) months prior to the lodgement of the application, been declared unfit to hold a registration by the National Liquor Authority or a licence by any provincial liquor authority?	Yes	No
(c)	is an unrehabilitated insolvent?	Yes	No
(d)	is a minor?	Yes	No
(e)	was the holder of a licence that was cancelled in terms of this Act or an Act regulating liquor licences in any other province within a period of twelve (12) months prior to the lodgement of the application?	Yes	No
(f)	is a spouse of a person described in (a), (b) or (e) above?	Yes	No
(g)	is mentally ill as defined in the Mental Health Care Act, 2002 (Act 17 of 2002)?	Yes	No
(h)	in the case where the proposed licensee is not a natural person, is one of its members, directors, partners, beneficiaries or trustees a person described in (a), (b), (d), (e) or (g) above?	Yes	No

8.	In the case of a proposed licensee who is not a natural person, is any member, director, partner, beneficiary or trustee a person described in paragraph 7(a), (b), (e) or (h)?	Yes	No
----	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----	----

9. If any of the questions in paragraphs 7(a) to (h) and 8 have “yes” as the answer, provide full details:

(Use an annexure if necessary.)

10.	If the proposed licensee is a company, close corporation, partnership or trust, state whether a person contemplated in paragraph 7 above, except as referred to in paragraph 7(f)—	Mark “yes” or “no”	
(a)	has an interest in such company, close corporation or trust?	Yes	No
(b)	is a partner in such partnership?	Yes	No
(c)	is a beneficiary under such trust?	Yes	No

11. If any of the questions in subparagraphs 10(a) to (c) above has “yes” as the answer, provide full details:

(Use an annexure if necessary.)

12. State the name, identity number and address of each person—

- (a) who, including the holder of the licence, has any financial interest in the business to which the licence relates; and
- (b) who, including the proposed licensee, will have such interest if the application is granted,

and in each case, state the nature and extent of such financial interest.

(Use an annexure if necessary.)

- (c) Does the proposed licensee own the premises? **YES / NO**
- (d) If the answer to (c) above is “no”, give details of the owner and the proposed licensee’s right of occupation:

Owner’s name: _____

Owner’s address: _____

Proposed licensee's right of occupation: _____

Duration of right of occupation: _____

Date

**Signature of licensee or person
authorised by the licensee**

Print name

Date

**Signature of proposed licensee or person
authorised by the proposed licensee**

Print name

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 24A

NOTICE OF GRANTING OR REFUSAL OF TRANSFER OF LICENCE

[Reg. 32(10)]

NAME OF APPLICANT: _____

NAME OF PREMISES: _____

ADDRESS OF PREMISES: _____

AUTHORITY REFERENCE NUMBER: _____

The application for the transfer of a licence refers.

Kindly note that—

1. The application for the transfer of the licence was **refused** on _____.
2. The application for the transfer of the licence was **granted** on _____.

A certificate of transfer will be issued upon compliance with the following conditions:

- (a) The fee in the amount of R _____ must be paid within sixty (60) days of the issuing of this notice, failing which the granting of the application lapses.
- (b) If the fee is not paid within the period referred to above, you may apply in writing to the Chief Executive Officer for condonation of the failure to pay the fee. (See section 65(19).)
- (c) If the Chief Executive Officer condones the failure, the fee must be paid by a date determined by the Chief Executive Officer together with a penalty of 100% of that fee.

 Chief Executive Officer of the Western Cape Liquor Authority
 or person acting under power delegated by the Chief Executive Officer

Date: _____

Kindly note the following:

- (a) The conditions must be complied with within _____ from the date of this notice or on or before the _____ day of _____ 20____.
- (b) Application may be made to the Liquor Licensing Tribunal in terms of section 65(12B) in the form of Form 24E to amend or withdraw the conditions upon which the transfer of the licence was conditionally granted.
- (c) Application may be made to the Presiding Officer in terms of section 65(12C) in the form of Form 24E to extend the period of the conditional granting.
- (d) If the applicant fails to comply with the aforesaid conditions within the period as determined at the time of the conditional granting or extended period in terms of section 65(12C), the conditional granting of the transfer of the licence lapses and the transfer will be deemed to have been refused.

*Chief Executive Officer of the Western Cape Liquor Authority
Or person acting under power delegated by the Chief Executive Officer*

Date: _____

KINDLY NOTE THAT THIS CONDITIONAL GRANTING OF A TRANSFER OF A LICENCE IS NOT PERMISSION TO TRADE WITHOUT A VALID LIQUOR LICENCE ISSUED IN TERMS OF THE WESTERN CAPE LIQUOR ACT, 2008.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 24C

**NOTICE IN TERMS OF REGULATION 32(14) THAT THE CONDITIONS OF
CONDITIONAL GRANTING OF TRANSFER OF LICENCE HAVE BEEN COMPLIED
WITH**

[Reg. 32(14)]

NAME OF APPLICANT: _____

NAME AND ADDRESS OF PREMISES: _____

AUTHORITY REFERENCE NUMBER: _____

1. The application for the transfer of a licence refers.
2. Kindly note that the Presiding Officer is satisfied that the applicant has complied with the conditions imposed by the Liquor Licensing Tribunal on _____ and that the certificate of transfer will be issued upon payment of the fee referred in section 65(16) within sixty (60) days of the issuing of this notice, failing which the granting of the application will lapse.
3. If the fee is not paid within the period referred to above, you may apply in terms of section 65(19) in writing to the Chief Executive Officer for condonation of the failure to pay the fee.
4. If the Chief Executive Officer condones the failure to pay, the fee together with a penalty of 100% of that fee must be paid by a date determined by the Chief Executive Officer.

*Chief Executive Officer of the Western Cape Liquor Authority
or person acting under power delegated by Chief Executive Officer*

Date: _____

**KINDLY NOTE THAT THIS CONDITIONAL GRANTING OF A LICENCE IS NOT
PERMISSION TO TRADE WITHOUT A VALID LIQUOR LICENCE ISSUED IN TERMS
OF THE WESTERN CAPE LIQUOR ACT, 2008.**

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 24D

**APPLICATION FOR CONDONATION OF FAILURE TO PAY PRESCRIBED FEE IN
TERMS OF SECTION 65(19)**

[Reg. 32(17)]

ORIGINAL MUST BE LODGED WITH AUTHORITY

AUTHORITY REFERENCE NUMBER: _____

INDEX

Description of document to be attached	Annexure
Written representations in support of the application	A

Name, signature and contact details of person who prepared this application:

Name: _____

Signature: _____

Postal address: _____

Postal code: _____

Physical address: _____

Postal code: _____

Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

Fax number: _____

E-mail address: _____

DETAILS OF LICENSEE

Full name of licensee: _____

Date

**Signature of applicant or person
authorised by applicant**

Print name

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 24E

APPLICATION—

A – IN TERMS OF SECTION 65(12B) FOR THE AMENDMENT OR WITHDRAWAL OF CONDITIONS IMPOSED IN TERMS OF SECTION 65(12); OR

B – IN TERMS OF SECTION 65(12C) FOR THE EXTENSION OF THE PERIOD STIPULATED IN TERMS OF SECTION 65(12A)

[Reg. 32(35) and (46)]

ORIGINAL MUST BE LODGED WITH AUTHORITY AND, IN THE CASE OF APPLICATION A, ALSO ONE COPY WITH THE RELEVANT DESIGNATED LIQUOR OFFICER(S)

Date stamp of designated liquor officer on receipt of application	Date stamp of Authority on receipt of application
-------------------------------------------------------------------	---------------------------------------------------

AUTHORITY REFERENCE NUMBER: _____

NAME OF APPLICANT: _____

NAME OF PREMISES: _____

APPLICATION:

A	B
---	---

(Indicate which application.)

INDEX

Description of documents to be attached	Annexure
Proof of payment	A
Written representations in support of the application	B

Name, signature and contact details of person who prepared this application:

Name: _____
Signature: _____
Postal address: _____

Postal code: _____
Physical address: _____

Postal code: _____
Telephone numbers:
Office: _____
Cell phone: _____
Home or other: _____
Fax number: _____
E-mail address: _____

Date

**Signature of applicant or person
authorised by applicant**

Print name

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 24F

NOTICE OF DECISION IN TERMS OF REGULATION 32(45) OR (49)

[Reg. 32(45) or (49)]

NAME OF APPLICANT: _____

NAME OF PREMISES: _____

ADDRESS OF PREMISES: _____

AUTHORITY REFERENCE NUMBER: _____

Kindly note that the application in terms of—

- A section 65(12B) to amend or withdraw the conditions; or
- B section 65(12C) to extend the time period,
 - (a) has been **granted**, subject to the attached conditions.
 - (b) has been **refused**.

*Chief Executive Officer of the Western Cape Liquor Authority
or person acting under power delegated by the Chief Executive Officer*

Date: _____

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 25

CERTIFICATE OF TRANSFER OF A LIQUOR LICENCE IN TERMS OF SECTION 65(17)

[Reg. 32(12) and (16)]

AUTHORITY REFERENCE NUMBER: _____

The licence held by _____ in respect of the premises situated at _____ in the municipality of _____, under which the licensed business is conducted under the name:

_____ is hereby transferred to _____, subject to the conditions and the plans attached hereto.

The licensed business will in future be conducted under the name of: _____.

This certificate must be attached to the licence concerned at all times.

*Chief Executive Officer of the Western Cape Liquor Authority
or person acting under power delegated by the Chief Executive Officer*

Date: _____

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 26

APPLICATION FOR CONSENT TO CONDUCT LICENSED BUSINESS PENDING THE TRANSFER OF THE LICENCE IN TERMS OF SECTION 65(3)

[Reg. 32(21)]

ORIGINAL TO BE LODGED WITH AUTHORITY AND A COPY WITH DESIGNATED LIQUOR OFFICER

Date stamp of designated liquor officer on receipt of application	Date stamp of Authority on receipt of application
-------------------------------------------------------------------	---------------------------------------------------

AUTHORITY REFERENCE NUMBER: _____

INDEX

Description of documents to be attached	Annexure
Written representations in support of the application	A
Proof of payment of the applicable fee	B

Name, signature and contact details of the person who prepared this application:

Name: _____

Signature: _____

Postal address: _____

Postal code: _____

Physical address: _____

Postal code: _____

Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

Fax number: _____

E-mail address: _____

PART A: DETAILS OF LICENSEE

1. Full name of licensee: _____

2. Name and address of the licensed business: _____

3. Name under which the proposed licensee will conduct the licensed business:

4. By signing this application, the licensee acknowledges that he/she/it is aware of the conditions contained in section 65(8) of the Act.

Date

**Signature of licensee or person
authorised by licensee**

Print name

Date

**Signature of proposed licensee or person
authorised by proposed licensee**

Print name

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 26A

APPLICATION IN TERMS OF SECTION 65(6) TO EXTEND THE PERIOD OF CONSENT GRANTED IN TERMS OF SECTION 65(5)

[Reg. 32(31)]

ORIGINAL MUST BE LODGED WITH AUTHORITY AND ONE COPY WITH DESIGNATED LIQUOR OFFICER

Date stamp of designated liquor officer on receipt of application	Date stamp of Authority on receipt of application
-------------------------------------------------------------------	---------------------------------------------------

LIQUOR AUTHORITY REFERENCE NUMBER: _____

INDEX

Description of documents to be attached	Annexure
Written representations in support of the application	A
Proof of payment of the application fee	B

Name, signature and contact details of person who prepared this application:

Name: _____

Signature: _____

Postal address: _____

Postal code: _____

Physical address: _____

Postal code: _____
Telephone numbers:
Office: _____
Cell phone: _____
Home or other: _____
Fax number: _____
E-mail address: _____

DETAILS OF PROPOSED LICENSEE

1. Liquor licence number: _____

2. Full name of licensee: _____

3. If the licensee is not a natural person, state the name, identity number and address and extent of financial interest of each member, director, partner, beneficiary or trustee:

(Use an annexure if necessary.)

4. (a) Name and address of the licensed premises: _____

(b) Describe the situation of the premises where the licensed business is conducted, with reference to the number of the erf, street(s), apartment(s), shop(s) or farm, as the case may be:

(Use an annexure if necessary.)

(c) In which municipal area are the premises referred to in subparagraph (a) situated?

5. Daytime contact name and telephone number: _____

6. State reason(s) for the application for the extension of the consent granted in terms of section 65(5):

(Use an annexure if necessary.)

Date

Signature of proposed licensee or person authorised by proposed licensee

Print name

I hereby consent to the extension of the permission in terms of section 65(6) of the Act until the _____ day of _____ 20_____.

Date

Signature of licensee or person authorised by licensee

Print name

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 26B

CONSENT FOR THE EXTENSION OF THE PERIOD GRANTED IN TERMS OF SECTION 65(5)

[Reg. 32(34)]

AUTHORITY REFERENCE NUMBER: _____

Consent granted to _____
to conduct the licenced business, pending the transfer of the licence, in respect of the premises
situated at _____
in the municipality of _____, under which business
is conducted under the name of _____,
has been extended for the following period _____.

This certificate must be attached to the licence concerned at all times during the currency thereof.

*Chief Executive Officer of the Western Cape Liquor Authority
or person acting under power delegated by the Chief Executive Officer*

Date: _____

NB: One copy each to the licensee, the proposed licensee and the designated liquor officer

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 27**APPLICATION FOR THE REMOVAL OF A LICENCE IN TERMS OF SECTION 66(2)**

[Reg. 33(7)]

ORIGINAL MUST BE LODGED WITH AUTHORITY AND A COPY WITH THE
RELEVANT DESIGNATED LIQUOR OFFICER(S)

AUTHORITY REFERENCE NUMBER: _____

Date stamp of Authority on receipt of application	Date stamp of designated liquor officer on receipt of application
---------------------------------------------------	-------------------------------------------------------------------

INDEX

Description of documents to be attached	Annexure
A legible, comprehensive floor plan of the proposed licensed premises as contemplated in regulation 33(8)(a)	A
A legible site plan of the premises as contemplated in regulation 33(8)(b)	B
An aerial view map showing the relation of the proposed licensed premises to a residential area as contemplated in regulation 33(8)(c)	C
Description of the premises as contemplated in regulation 33(8)(d)	D
Indexed colour photographs showing the completed internal and external features of the proposed licensed premises or, where the application relates to incomplete premises, the stage of completion of the premises as contemplated in regulation 33(8)(e)	E

Description of documents to be attached	Annexure
A certified copy of the— (i) identity card or document of the applicant; (ii) passport and visa or, where applicable, the permanent residence permit of the applicant if the applicant is a foreigner; or (iii) relevant registration documents, indicating the identity and, where applicable, the financial interest of all members, directors, partners, beneficiaries or trustees of the applicant, if the applicant is a person other than a natural person	F
Affidavit by the applicant that he/she/it is not disqualified in terms of section 35 from holding a liquor licence	G
Proof that the applicant has the right to occupy the proposed licensed premises	H
Proof of ownership of the proposed licensed premises or, if the applicant is not the owner of the premises, consent from the owner that the applicant may use the proposed licensed premises for the purposes of the licence in respect of which an application for removal was lodged	I
Written representations in support of the application	J
Proof of payment of the applicable application fee	K
Proof of notices in terms of regulation 10(2)	L
Zoning certificate	M
Proof that a copy of the application has been lodged with the designated liquor officer in whose area of jurisdiction the licensed premises are currently located and, where the granting of the application will have the effect of removing the licence to the area of jurisdiction of another designated liquor officer, proof that the applicant has lodged a copy of the application with the designated liquor officer of that area	N

Name, signature and contact details of person who prepared this application:

Name: _____

Signature: _____

Residential address: _____

Postal code: _____

Postal address: _____

Postal code: _____

Telephone numbers:

Office: _____
Cell phone: _____
Home or other: _____
Fax number: _____
E-mail address: _____

1. DETAILS OF APPLICANT

1.1 Full name: _____

1.2 Residential address: _____

Postal code: _____

1.3 Postal address: _____

Postal code: _____

1.4 Telephone numbers:
Office: _____
Cell phone: _____
Home or other: _____

1.5 Fax number: _____

1.6 E-mail address: _____

1.7 Address for service of all notices and documents: _____

Postal code: _____

1.8 Contact details of licensee or, if applicant is not a natural person, full details of contact person:

1.9 Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

1.10 Date of birth: *(if applicant is an individual)* _____ / _____ / _____

2. DETAILS OF REMOVAL

2.1 Under what name is the licensed business conducted? _____

2.2 Will the name change upon approval of the application for removal? **YES / NO**

2.3 If so, state the new name: _____

2.4 Describe the situation of the premises where the business is to be conducted, with reference to the number of the erf, street(s), apartment(s), shop(s) or farm:

2.5 Are the premises referred to in paragraph 2.4 in the same police district as the current licensed premises? **YES / NO**

2.6 Are the premises referred to in paragraph 2.4 in the same municipal area as the current licensed premises? **YES / NO**

2.7 Does the applicant own the premises to which the licence is to be removed? **YES / NO**

2.8 If not, provide details of the owner and the applicant’s right of occupation:

Owner’s name: _____

Owner’s address: _____

Applicant’s right of occupation: _____

Duration of right of occupation: _____

2.9 In the case of an application for a licence that permits consumption of liquor on the premises, state in which portion of the premises liquor will be served and consumed:

2.10 Is the application made in respect of premises that—

(a) have not yet been erected? **YES / NO**

(b) have already been erected but require additions or alterations to make the premises suitable for the purpose of the business? **YES / NO**

(c) have already been erected and do not require additions or alterations in order to make the premises suitable for the purpose of the business? **YES / NO**

2.11 If the answer to question 2.10(a) or (b) is “yes”, please state—

(a) the date such erection, additions or alterations will commence:

_____ ; and

(b) the period that will be required for the erection, additions or alterations:

_____.

2.12 In the case of an application for the removal of the licence for a determined period, state the period for which such removal is required:

_____ **Date**

_____ **Signature of applicant or person authorised by applicant**

_____ **Print name**

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 27A

**NOTICE OF LODGEMENT OF APPLICATION FOR REMOVAL OF LIQUOR LICENCE
IN TERMS OF SECTION 66(2) OF THE WESTERN CAPE LIQUOR ACT, 2008**

[Reg. 10(1)]

Notice is hereby given that an application for the removal of a liquor licence has been lodged with the Authority and with the designated liquor officer in whose area of jurisdiction the licensed premises are currently located and, where the granting of the application will have the effect of removing the licence to the area of jurisdiction of another designated liquor officer, also with the designated liquor officer of that area.

The application concerned may, up to and including the twenty-eighth (28th) day from the date of publication of the application, upon request and free of charge, be inspected by any person at the offices of the Authority or the relevant designated liquor officer(s). Copies of the application can be obtained from the Authority after payment of the prescribed fee.

Objections and representations may be lodged in writing with the Authority and the relevant designated liquor officer(s) in accordance with regulation 13 of the Regulations.

WES-KAAPSE DRANKWET 4 VAN 2008

VORM 27A

**KENNISGEWING VAN INDIENING VAN AANSOEK OM VERWYDERING VAN
DRANKLISENSIE INGEVOLGE ARTIKEL 66(2) VAN DIE WES-KAAPSE DRANKWET,
2008**

[Reg. 10(1)]

Hiermee word kennis gegee dat 'n aansoek om die verwydering van 'n dranklisensie ingedien is by die Owerheid en by die aangewese drankbeampte in wie se regsgebied die gelisensieerde perseel tans geleë is en, waar die toestaan van die aansoek die verwydering van die lisensie na die regsgebied van 'n ander aangewese drankbeampte tot gevolg sal hê, ook by die aangewese drankbeampte van daardie gebied.

Die betrokke aansoek kan tot en met die ag-en-twintigste (28ste) dag vanaf die datum van publikasie van die aansoek op versoek en gratis deur enige persoon by die kantore van die Owerheid of die tersaaklike aangewese drankbeampte besigtig word. Afskrifte van die aansoek kan by die Owerheid na betaling van die voorgeskrewe fooi verkry word.

Besware en verhoë mag ooreenkomstig regulasie 13 van die Regulasies skriftelik by die Owerheid en die tersaaklike aangewese drankbeampte(s) ingedien word.

UMTHETHO WOTYWALA WENTSHONA KOLONI, 2008 (UMTHETHO 4 KA-2008)

IFOMU 27A**ISAZISO SOKUFAKWA KWESICELO SOKUSUSWA KWEPHEPHA-MVUME
LOTYWALA NGOKWECANDELO 66(2) LOMTHETHO WEZOTYWALA WENTSHONA
KOLONI, 2008**

[Reg. 10(1)]

Isaziso siyanikezelwa ukuba isicelo sokususwa kwephepha-mvume lotywala sifakiwe kwabasemaGunyeni ezoTywala eNtshona Koloni (abasemaGunyeni) nakwigosa elijongene nemiba engotywala elijongene nolawulo lweendawo ezinempapha-mvume kwaye, apho ukunikezelwa kwesicelo kuza kuchaphazela ukususwa kwephepha-mvume phantsi kolawulo lwelinye igosa elijongene nemiba engotywala kuloo ngingqi.

Isicelo ekubhekiswa kuso singakwazi, ukuya kwiintsuku eziquka usuku lwama-28 ukusukela ngomhla wokupapashwa kwesi sicelo, xa siceliwe kwaye simahla, sihlolwe nguye nawuphi na umntu okwiofisi yabasemaGunyeni okanye i(ama)gosa eli(a)jongene nemiba engotywala. Iikopi zesicelo singafumaneka kwabasemaGunyeni emva kwentlawulo emisiweyo.

Uchaso neengxelo ezixhasayo ezibhaliweyo zingafakwa kwabasemaGunyeni nakwigosa lotywala eligunyazisiweyo ngokwecandelo 13 leMigaqo.

No.	Full name of applicant Volle naam van aansoeker Igama elipheleleyo lomfaki-sicelo	Name under which business will be conducted Naam waaronder die besigheid bedryf sal word Igama eliza kuqhutywa ngalo ishishini	Address of the proposed premises Adres van voorgestelde perseel Idilesi yesakhiwo	Category of licence Kategorie lisensie waarom aansoek gedoen word Uhlobo lwelayisenisi ecetywayo	South African Police Services designated liquor officer's offices where the application has been lodged Suid-Afrikaanse Polisie kantoor van die aangewese drankbeampte waar die aansoek ingedien is i-Ofisi yeGosa elijongene nemiba engotywala yeeNkonzo zamaPolisa eMzantsi Afrika apho isicelo sifakwe khona
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WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 27B

NOTICE OF LODGEMENT OF APPLICATION FOR REMOVAL OF LIQUOR LICENCE

[Reg. 10(2)]

Notice is hereby given that an application for the removal of a liquor licence to these premises, particulars of which are provided here, has been lodged with the Authority and the offices of the relevant designated liquor officer(s) at the South African Police Service.

The application concerned may, up to and including the twenty-eighth (28th) day from the date of publication of the application, upon request and free of charge, be inspected by any person at the offices of the Authority and the designated liquor officer(s). Copies of the application can be obtained from the Authority after payment of the prescribed fee.

In terms of regulation 33(13) of the Regulations, you may lodge representations for or against the said application. Should you wish to do so, the representations must be lodged, in writing, with the Authority and the office of the relevant designated liquor officer(s).

Date of notice: _____
(This date must correspond with the date of lodgement of the application.)

Full name of applicant: _____

Identity number or registration number of applicant: _____

Street address of applicant: _____

Postal code: _____

Postal address of applicant: _____

Postal code: _____

Kind of licence applied for: _____

Kind(s) of liquor to be micro-manufactured and/or sold: _____

Name under which business will be conducted: _____

Address of the premises proposed to be licensed, with reference to the number of the erf, street(s), apartment(s), shop(s) or farm where the business will be conducted, as the case may be:

Name, signature and contact details of person who prepared this application:

Name: _____

Signature: _____

Postal address: _____

Physical address: _____

Telephone numbers:

 Office: _____

 Cell phone: _____

Fax number: _____

E-mail address: _____

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 27C

NOTICE OF GRANTING OR REFUSAL OF REMOVAL OF LICENCE

[Reg. 33(21)]

NAME OF PREMISES: _____

ADDRESS OF PREMISES: _____

AUTHORITY REFERENCE NUMBER: _____

The application for the removal of a licence refers.

Kindly note that—

- 1. The application for the removal of the licence has been **refused** on _____.
- 2. The application for the removal of the licence has been **granted** on _____.

A certificate of removal will be issued upon compliance with the following conditions:

- (a) The fee in the amount of R _____ must be paid within sixty (60) days of the issuing of this notice, failing which the granting of the application will lapse.
- (b) If the fee is not paid within the period referred to above, you may apply in writing to the Chief Executive Officer for condonation of the failure to pay the fee (See section 66(8)).
- (c) If the Chief Executive Officer condones the failure, the fee must be paid by a date determined by the Chief Executive Officer together with a penalty of 100% of that fee.

*Chief Executive Officer of the Western Cape Liquor Authority
or person acting under power delegated by the Chief Executive Officer*

Date: _____

Kindly note the following:

1. The stated conditions or requirements must be complied with—
 - (a) within _____ from the issuing of this notice; or
 - (b) on or before the _____ day of _____ 20_____.

2. Application may be made to—
 - (a) the Liquor Licensing Tribunal to amend or withdraw the conditions in terms of section 66(5)(c) read with section 42(4); or
 - (b) the Liquor Licensing Tribunal to revoke or amend any condition or requirement determined under section 66(8)(b) read with sections 44 and 42(4); or
 - (c) the Presiding Officer to approve an amended plan contemplated in section 66(5)(c) read with section 42(5)(b); or
 - (d) the Presiding Officer in terms of section 66(7)(a) read with section 42(5)(a) to extend the period stipulated by the Liquor Licensing Tribunal in terms of sections 42(3), 66(8)(b) and 66(5) in respect of a removal of a licence for a determined period.

3. If the applicant fails to comply with the stated conditions or requirements within the period as determined by the Liquor Licensing Tribunal, or any extended period, the conditional granting of the removal of the licence will lapse and the application for removal of the licence will be deemed not to have been granted.

*Chief Executive Officer of the Western Cape Liquor Authority
or person acting under power delegated by the Chief Executive Officer*

Date: _____

**KINDLY NOTE THAT THIS CONDITIONAL GRANTING OF A LICENCE IS NOT
PERMISSION TO TRADE WITHOUT A VALID LIQUOR LICENCE ISSUED IN TERMS
OF THE WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008).**

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 27E**NOTICE THAT THE CONDITIONS OF CONDITIONAL GRANTING HAVE BEEN
COMPLIED WITH IN TERMS OF REGULATION 33(25)**

[Reg. 33(25)]

NAME OF APPLICANT: _____

NAME OF PREMISES: _____

ADDRESS OF PREMISES: _____

AUTHORITY REFERENCE NUMBER: _____

The application for the removal of a licence refers.

Kindly note that the Presiding Officer is satisfied that the applicant has complied with the conditions imposed by the Liquor Licensing Tribunal on _____ and that the applicable licence will be issued upon compliance with the following:

- (a) The fee referred to in section 66(9) must be paid within sixty (60) days of the issuing of this notice, failing which the granting of the application will lapse.
- (b) If the fee is not paid within the period referred to in paragraph (a), you may within sixty (60) days after the expiry of the period referred to in paragraph (a) apply in terms of section 66(11) to the Chief Executive Officer in writing for condonation of the failure to pay the fee.
- (c) If the Chief Executive Officer condones the failure, the fee, together with a penalty of 100% of that fee, must be paid by a date determined by the Chief Executive Officer.

*Chief Executive Officer of the Western Cape Liquor Authority
 or person acting under power delegated by the Chief Executive Officer*

Date: _____

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 27F

APPLICATION FOR CONDONATION OF THE FAILURE TO PAY PRESCRIBED FEE IN TERMS OF SECTION 66(11)

[Reg. 33(28)]

ORIGINAL TO BE LODGED WITH AUTHORITY

AUTHORITY REFERENCE NUMBER _____

INDEX

Description of document to be attached	Annexure
Written representations in support of the application	A

Name, signature and contact details of person who prepared this application:

Name: _____

Signature: _____

Postal address: _____

Postal code: _____

Physical address: _____

Postal code: _____

Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

Fax number: _____

E-mail address: _____

DETAILS OF LICENSEE

Full name of licensee: _____

Date

**Signature of applicant or person
authorised by applicant**

Print name

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 27G

APPLICATION—

- A – IN TERMS OF SECTION 66(5)(c) READ WITH SECTION 42(4) FOR THE AMENDMENT OR WITHDRAWAL OF CONDITIONS;
- B – IN TERMS OF SECTION 66(8)(b) READ WITH SECTION 44 TO REVOKE OR AMEND ANY CONDITION OR REQUIREMENT;
- C – IN TERMS OF SECTION 66(5)(c) READ WITH SECTION 42(5) TO APPROVE AN AMENDED PLAN; OR
- D – TO EXTEND THE PERIOD STIPULATED BY THE LIQUOR LICENSING TRIBUNAL IN TERMS OF SECTIONS 42(3), 66(8)(b) and 66(5) IN RESPECT OF A REMOVAL FOR A DETERMINED PERIOD

[Reg. 33(32) and (41)]

ORIGINAL MUST BE LODGED WITH AUTHORITY AND ONE COPY WITH THE RELEVANT DESIGNATED LIQUOR OFFICER

Date stamp of designated liquor officer on receipt of application	Date stamp of Authority on receipt of application
-------------------------------------------------------------------	---------------------------------------------------

AUTHORITY REFERENCE NUMBER: _____

NAME OF APPLICANT: _____

NAME OF PREMISES: _____

APPLICATION:

A	B	C	D
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(Indicate which application is being made.)

INDEX

Description of documents to be attached	Annexure
Proof of payment of the prescribed fee	A
Written representations in support of the application	B

Name, signature and contact details of person who prepared this application:

Name: _____

Signature: _____

Postal address: _____

Postal code: _____

Physical address: _____

Postal code: _____

Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

Fax number: _____

E-mail address: _____

Date

**Signature of applicant or person
authorised by applicant**

Print name

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 27H**NOTICE OF DECISION IN TERMS OF REGULATION 33(39) OR (44)**

[Reg. 33(40) or (44)]

NAME OF APPLICANT: _____

NAME OF PREMISES: _____

ADDRESS OF PREMISES: _____

AUTHORITY REFERENCE NUMBER: _____

Kindly note that the application—

A – for the amendment or withdrawal of conditions in terms of section 66(5)(c) read with section 42(4); or

B – to revoke or amend any condition or requirement in terms of section 66(8)(b) read with section 44; or

C – to approve an amended plan in terms of section 66(5)(c) read with section 42(5); or

D – to extend the period—

(a) stipulated by the Liquor Licensing Tribunal in terms of sections 42(3), 66(8)(b) and 66(5) in respect of a removal for a determined period,

(i) **has been granted**, subject to the attached conditions.

(ii) **has been refused**.

*Chief Executive Officer of the Western Cape Liquor Authority
 or person acting under power delegated by the Chief Executive Officer*

Date: _____

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 28

CERTIFICATE OF REMOVAL OF LICENCE IN TERMS OF SECTION 66

[Reg. 33(23) and (27)]

AUTHORITY REFERENCE NUMBER: _____

The licence granted in respect of premises situated at _____

and upon which the licensed business is conducted under the name of _____

is hereby permanently/temporarily removed to the premises situated at _____

in the municipality of _____, under which the licensed business will be conducted subject to the conditions and plans attached hereto.

The licensed business will in future be conducted under the name of _____

This certificate must be attached to the licence concerned at all times during the currency thereof.

*Chief Executive Officer of the Western Cape Liquor Authority
or person acting under power delegated by the Chief Executive Officer*

Date: _____

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 29

NOTICE OF APPEAL OR APPLICATION FOR REVIEW IN TERMS OF SECTION 68(3)

[Reg. 34(6)]

ORIGINAL MUST BE LODGED WITH AUTHORITY

AUTHORITY REFERENCE NUMBER: _____

INDEX

Description of documents to be attached	Annexure
A statement setting out the grounds of appeal or application for review	A
A concise statement of the main factual or legal points that the appellant intends to argue on appeal or review	B
A list of authorities, if any, to be tendered in support of each of the main points	C
The relief sought by the appellant	D

NAME OF THE APPELLANT: _____

Name, signature and contact details of person who prepared this notice:

Name: _____

Signature: _____

Postal address: _____

Postal code: _____

Physical address: _____

Postal code: _____

Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____
Fax number: _____
E-mail address: _____

DETAILS OF THE APPEAL OR APPLICATION FOR REVIEW

1. Which decision of the Authority is this appeal or application for review brought against?

2. Date of decision: _____
3. Date on which the appellant was informed of the decision: _____

Date

**Signature of applicant or person
authorised by applicant**

Print name

Signature of person served (if obtainable): _____

FOR OFFICIAL USE ONLY

I hereby confirm that I have served this notice by delivering the original at:

as contemplated in regulation 35(2). The nature and urgency of the notice was explained to the recipient. Place of service: _____

Date and time of service: _____

Signature of inspector or designated liquor officer: _____

Name of inspector or designated liquor officer: _____

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 31

CERTIFICATE OF COMPLIANCE IN TERMS OF SECTION 69(6)

[Reg. 35(3)]

AUTHORITY REFERENCE NUMBER: _____

TO: Name: _____

Address: _____

Identity number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

By virtue of the powers vested in inspectors of the Western Cape Liquor Authority and designated liquor officers by section 69 of the Western Cape Liquor Act, 2008, you are hereby notified that you have complied with a notice issued to you on:

Signature of person served (if obtainable)

FOR OFFICIAL USE ONLY

I hereby confirm that I have served this certificate of compliance by delivering the original at:

as contemplated in regulation 35(4).

Place: _____ Date and time: _____

Signature of inspector or designated liquor officer: _____

Name of inspector or designated liquor officer: _____

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 32

NOTICE IN TERMS OF REGULATION 37A(1)

[Reg. 37A(1)]

AUTHORITY REFERENCE NUMBER: _____

TO: Name of the owner or person in charge of the premises:

Address of the premises: _____

Identity number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

By virtue of the powers vested in inspectors of the Authority in terms of regulation 37A of the Regulations, you are hereby notified that I have reasonable grounds to suspect that liquor is being sold or micro-manufactured by you or on your instructions or with your knowledge on the abovementioned premises contrary to the provisions of the Act.

It is a contravention of the Act to sell or micro-manufacture liquor without a licence issued in terms of the Act, and you may be prosecuted in a criminal court. If convicted, you may be sentenced to pay a fine of up to R1 000 000 or alternatively to a term of imprisonment of up to five (5) years or to both the fine and the period of imprisonment.

You are hereby advised to take immediate steps to apply for a licence authorising you to sell or micro-manufacture liquor on these premises.

Applications for licences must be submitted to the Western Cape Liquor Authority:

Physical address: Third Floor, Sunbel Building, 3 Old Paarl Road, Bellville

Telephone number: 021 204 9700

Office hours: 7:30 to 16:00

Website address: www.wcla.gov.za

You will receive the necessary assistance you require with your application.

Signature of person served (if obtainable): _____

FOR OFFICIAL USE ONLY

I hereby confirm that I served this notice by delivering the original at: _____

as contemplated in regulation 37A(1). The nature and urgency of the matter was explained to the recipient.

Place of service: _____

Date and time of service: _____

Signature of inspector: _____

Name of inspector: _____

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 33**APPLICATION FOR AN EXEMPTION IN TERMS OF SECTION 84(2)**

[Reg. 36(1)]

ORIGINAL TO BE LODGED WITH AUTHORITY AND TWO COPIES WITH DESIGNATED LIQUOR OFFICER

Date stamp of Authority receiving the application.	Date stamp of designated liquor officer receiving the application.
----------------------------------------------------	--------------------------------------------------------------------

AUTHORITY REFERENCE NUMBER: _____

INDEX

Exemption	Description of exemption	Mark applicable item
Section 84(2)(a)	Premises occupied, controlled or maintained by a department of State	
Section 84(2)(b)	Premises occupied, controlled or maintained by the Armaments Corporation of South Africa Limited, or the Atomic Energy Corporation of South Africa Limited, to employees of the institution concerned and their <i>bona fide</i> guests, for consumption on those premises	
Section 84(2)(c)	Application on behalf of a statutory institution on premises in or at a public resort, national park or game or nature reserve	
Section 84(2)(d)	Application on behalf of the principal of an educational institution in a restaurant used for the training of persons in catering services on premises occupied, controlled or maintained by the institution concerned, for consumption in that restaurant	
Section 84(2)(e)	Application by a <i>bona fide</i> collector of wine or spirits and that liquor consists of his or her collection of wine or spirits or any part thereof	
Section 84(2)(f)	Application by an auctioneer acting on behalf of a <i>bona fide</i>	

Exemption	Description of exemption	Mark applicable item
	cultural or welfare organisation, an educational institution or an insurer	

Name and signature of person who prepared this application:

Name: _____

Signature: _____

Residential address: _____

Postal code: _____

Postal address: _____

Postal code: _____

Telephone numbers:

Office: _____

Cell phone: _____

Home or other: _____

Fax number: _____

E-mail address: _____

1. APPLICANT'S DETAILS *(if applicant is a natural person)*

1.1 Full name: _____

1.2 Identity number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

1.3 Date of birth:

D	D	M	M	Yr	Yr
---	---	---	---	----	----

1.4 Address: _____

Postal code: _____

3. REPRESENTATIONS IN SUPPORT OF APPLICATION:

(Use an annexure if necessary.)

Date

**Signature of applicant or person
authorised by applicant**

Name in print

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.

A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

Transitional provisions

- 27.(1) A licensee contemplated in section 60(1) must, if these regulations other than the regulations referred to in regulation 30(1)(a) and (b) of these regulations, commence on a date—
- (a) before 31 March of a year, submit the information referred to in regulation 27(1)(c)(iii) of these regulations for that year by 31 March of the following year; or
 - (b) after 31 March of a year, submit the information referred to in regulation 27(1)(c)(iii) of these regulations for that year and the information referred to in regulation 27(1)(c)(ii) of these regulations for the following year by 31 March of the following year.

Amendment of Arrangement of the Regulations

28. The Arrangement of Regulations before regulation 1 of the Regulations is amended—
- (a) by the insertion after the reference to the heading to regulation 9 of the following item:
“9A Notification of refusal or acceptance of lodgement”;
 - (b) by the substitution for the reference to the heading to regulation 21 of the following item:
“21 Application to transfer financial interest in licensed business”;
 - (c) by the insertion after the reference to the heading to regulation 21 of the following item:
“21A Letting of licence, carrying on of business in terms of the licence and use of licensed premises”; and
 - (d) by the insertion after the reference to the heading to regulation 22 of the following item:
“22A Education and training fee”.

Short title and commencement

29. These regulations are called the Western Cape Liquor Regulations, 2011: Second Amendment, 2023, and come into operation on a date determined by the Minister by notice in the *Provincial Gazette*.

EXPLANATORY MEMORANDUM ON THE DRAFT WESTERN CAPE LIQUOR REGULATIONS, 2011: SECOND AMENDMENT, 2023

1. BACKGROUND

- 1.1 The Western Cape Government resolved that an alcohol-related harms reduction policy should be developed to guide the Western Cape Government's approach to the regulation of liquor. The Western Cape Government adopted the Alcohol-Related Harms Reduction Policy (Policy) in 2017. The Policy's purpose is primarily to provide interventions to contribute to the reduction of alcohol-related harms in the Western Cape. A further purpose is to provide for ancillary matters to increase the efficiency and effectiveness of supplementary supporting structures that are related to alcohol-harms reduction.
- 1.2 In giving effect to its resolution, the Western Cape Government developed the draft Western Cape Liquor Amendment Bill, 2023 (the draft amendment Bill), published for comment together with the draft Western Cape Liquor Regulations, 2011: Second Amendment, 2023 (the draft amendment regulations). The draft amendment regulations seek to provide for the administrative changes needed to give effect to the changes introduced by the draft amendment Bill.
- 1.3 The salient changes to the administrative regulatory framework are as follows:
- 1.3.1 The streamlining of the licence application process, in particular the process of acceptance and refusal of lodgement of an application for a licence;
 - 1.3.2 A new process for the appointment of a manager of a licensed business. The proposed process is one of notification rather than application which includes mandatory liquor licence training for managers.
 - 1.3.3 The inclusion of a public participation process for applications for consent to carry out any extension of or to the licensed premises in terms of the new proposed section 53(1A)(a) in the draft amendment Bill. The public participation process is also included for applications to materially change the nature of the licensed business in terms of the new proposed section 53(1A)(b) in the draft amendment Bill.
 - 1.3.4 The review of the records that must be kept and submitted by licensees in respect of the quantity of liquor sold.
 - 1.3.5 A review of the forms and fees and provision is made in particular for an abridged licence in the proposed new Form 7A.
 - 1.3.6 The introduction of two new fees payable in terms of the regulations.

2. OBJECTS OF THE DRAFT AMENDMENT REGULATIONS

- 2.1 The draft amendment regulations seek to provide for the administrative regulatory changes required to give effect to the amendments proposed in the draft amendment Bill.
- 2.2 In doing so, the draft amendment regulations in the main seek to provide administratively for, augment or review the processes required for—
- 2.2.1 The acceptance and refusal of lodgements of applications for licences;
 - 2.2.2 The notification of the appointment of managers;

- 2.2.3 Public participation in respect of applications to extend licensed premises or to materially change the nature of a licenced business;
- 2.2.4 The records that must be kept and submitted by licensees.

3. CONTENTS OF THE DRAFT AMENDMENT REGULATIONS

The aims and objectives of the various draft regulations are set out below.

- 3.1 **Draft regulation 1** lists all the previous amendments to the Western Cape Liquor Regulations, 2011 (the principal Regulations).
- 3.2 **Draft regulation 2** amends regulation 1 of the principal Regulations and inserts a definition for the expression “signature”.
- 3.3 **Draft regulation 3** amends regulation 6 of the principal Regulations by empowering the Head of Department, who forms part of the interviewing panel that interviews prospective members of the Liquor Licensing Tribunal, to assign the duty to form part of the panel to an official in the employ of the Department.
- 3.4 **Draft regulation 4** amends regulation 9 of the principal Regulations to insert the requirement that an application for a licence must be accompanied by written representations on why the application is in the public interest. The draft regulation effects certain textual improvements and changes to align with the proposed amendments to section 36 in the draft amendment Bill. The draft regulation furthermore requires the attachment of new forms that will notify the Authority of the person appointed as the manager of the licensed business. This is to align the application process with the proposed amendments to section 52 in the draft amendment Bill and the proposed amendments to regulation 22.
- 3.5 **Draft regulation 5** inserts regulation 9A in the principal Regulations. The proposed regulation 9A sets out the process for the acceptance and refusal of the lodgement of an application for a licence and the time frames within which this must be done. The purpose of the process aligns with the proposed amendments to section 36 in the draft amendment Bill.
- 3.6 **Draft regulation 6** amends regulation 10 of the principal Regulations by deleting regulation 10(1A) which relates to the publication of lodgements in the *Provincial Gazette*. The deletion is required to align the process of publication with the proposed amendment to section 37 in the draft amendment Bill that requires publication of lodgements on the Authority’s website. The draft regulation furthermore effects textual amendments to align the notification process with the proposed amendments to section 36 in the draft amendment Bill.
- 3.7 **Draft regulation 7** amends regulation 15 of the principal Regulations to make certain amendments to references and to require that the report by the designated liquor officer includes any information prescribed by the Minister in terms of the new proposed section 41(1)(a)(ii) in the draft amendment Bill.

- 3.8 **Draft regulation 8** amends regulation 17 of the principal Regulations to make certain textual improvements to align with the amendments proposed to section 36 in the draft amendment Bill.
- 3.9 **Draft regulation 9** amends regulation 18 of the principal Regulations to make certain textual improvements to align with the amendments proposed to section 36 in the draft amendment Bill.
- 3.10 **Draft regulation 10** amends regulation 19 of the principal Regulations to make certain reference changes and to require that an application for a temporary or event liquor licence must be accompanied by the new forms that will notify the Authority of the person appointed as a manager of the licensed business. This is to align the application process with the proposed amendments to section 52 in the draft amendment Bill and the proposed amendments to regulation 22.
- 3.11 **Draft regulation 11** amends regulation 21 of the principal Regulations by deleting from the regulation the provisions that relate to the letting of a licence, carrying on of business in terms of the licence and the use of licensed premises. This follows the amendments proposed to section 51 in the draft amendment Bill.
- 3.12 **Draft regulation 12** inserts regulation 21A in the principal Regulations. The draft regulation sets out the process for obtaining consent to let a licence, carry on business in terms of a licence and use licensed premises.
- 3.13 **Draft regulation 13** amends regulation 22 of the principal Regulations by substituting regulation 22 with a new process for the appointment of a manager for a licensed business. In accordance with the proposed amendments to section 52 in the draft amendment Bill, the new process involves the lodgement by an applicant or licensee of a notification to the Authority of the person being appointed as manager. Such a person, in certain cases as identified in the proposed new section 52(4) and (5) in the draft amendment Bill, must have completed education and training designated and determined by the Liquor Licensing Tribunal.
- 3.14 **Draft regulation 14** inserts the new regulation 22A in the principal Regulations. The draft regulation lists the fee that is payable to the Authority in respect of the education and training required by the Western Cape Liquor Act, 2008, and the draft amendment Bill by reference to the new item 3 in Annexure 1 to the regulations.
- 3.15 **Draft regulation 15** substitutes regulation 23 of the principal Regulations by inserting a public participation process in respect of applications for consent to carry out any extension of or to the licensed premises in terms of the new proposed section 53(1A)(a) in the draft amendment Bill. The public participation process is also inserted in respect of applications for consent to materially change the nature of the licensed business in terms of the new proposed section 53(1A)(b) in the draft amendment Bill.
- 3.16 **Draft regulation 16** amends regulation 25 of the principal Regulations and is a consequential amendment to the amendment of regulation 15 of the principal Regulations by draft regulation 7(c).

- 3.17 **Draft regulation 17** amends regulation 26 of the principal Regulations and is a consequential amendment to the amendment of regulation 15 of the principal Regulations by draft regulation 7(c).
- 3.18 **Draft regulation 18** substitutes regulation 27 of the principal Regulations. It sets out the type of information that must be kept by licensees, the period for which it must be kept, the format in which it must be kept and when it must be submitted to the Authority. The substitution is required to provide for a procedure for the requirements introduced by the amendments proposed to section 60 in the draft amendment Bill.
- 3.19 **Draft regulation 19** substitutes regulation 30 of the principal Regulations. The proposed new regulation 30 sets out the form of the annual and biennial renewal notice, what the applicable renewal fee is for each type of renewal cycle with reference to Part C of Annexure 2 to the regulations and how and by when a licensee must inform the Authority of the licensee's choice to subscribe to either an annual or biennial renewal cycle. The proposed substitution aligns regulation 30 with the extensive amendments to the automatic renewal process in the new proposed section 63 in the draft amendment Bill.
- 3.20 **Draft regulation 20** substitutes regulation 31 of the principal Regulations. The proposed new regulation 31 sets out the procedure to be followed when an application in terms of the new proposed section 64(1) in the draft amendment Bill is required to be made. The changes proposed in the new proposed regulation 31 in the main reconfigures the process for the condonation application that may be made and introduces the fee that is payable to the Authority when an application for condonation is made. This aligns regulation 31 with the proposed amendments to section 64 in the draft amendment Bill.
- 3.21 **Draft regulation 21** amends regulation 32 of the principal Regulations and is a consequential amendment to the proposed amendments to regulation 22 of the principal Regulations regarding the notification of the appointment of a manager for a licensed business.
- 3.22 **Draft regulation 22** substitutes regulation 33 of the principal Regulations. The substitution reconfigures the process to be followed for applications for the removal of a licence and aligns with the amendments proposed to section 66 in the draft amendment Bill.
- 3.23 **Draft regulation 23** amends regulation 34 by making provision for a procedure whereby one Appeal Tribunal may adjudicate an appeal or application for review that was allocated to the other. This proposed amendment seeks to align regulation 23 to the amendments proposed to sections 25 and 68 in the draft amendment Bill.
- 3.24 **Draft regulation 24** amends regulation 37 of the principal Regulations by requiring that licensees, where applicable, display the amended Form 15 and the new proposed Form 15A. The amendment further makes provision for the display of an abridged licence.
- 3.25 **Draft regulation 25** amends Annexure 1 to the principal Regulations by introducing a new fee relating to condonation applications referred to in terms of section 64(4) of the draft amendment Bill, and a new fee regarding education and training in terms of sections 45, 52(6) and 65(14) of the draft amendment Bill.

- 3.26 **Draft regulation 26** substitutes Annexure 3 to the principal Regulations, both the Index to the forms and the forms. In addition, the substitution introduces certain new forms required by the amendments proposed in the draft amendment regulations.
- 3.27 **Draft regulation 27** provides for transitional arrangements.
- 3.28 **Draft regulation 28** amends the Arrangement of the Regulations.
- 3.29 **Draft regulation 29** provides for the short title and commencement of the draft amendment regulations.

4. CONSULTATION

Department of Community Safety
Department of the Premier: Legal Services
Western Cape Liquor Authority

5. PERSONNEL IMPLICATIONS

There are no direct personnel implications.

6. FINANCIAL IMPLICATIONS

The Authority currently spends R4 513 960 a year to advertise liquor licence applications in terms of section 36 of which only R1 912 143 is included on the MTEC budget baseline. The remaining R2 601 817 has historically been funded from the roll-over of funds not spent in the previous financial years. The funds were not included in the MTEC budget baseline as they are regarded as a legislative inefficiency. The amendment in clause 14 of the draft amendment Bill will resolve the legislative inefficiency and result in a saving of about R1 500 000 from the MTEC budget baseline.

Furthermore, the Authority currently generates R1 129 577 from penalties on late payments of licence renewals. The amendment in clauses 28 and 29 in the draft amendment Bill will significantly reduce these penalties on the late payments of licence renewals resulting in own revenue losses estimated around R1 000 000. The revenue loss will be funded from the efficiency savings highlighted above.

The legislative amendments will thus result in an estimated saving of R500 000 that will be available for other service delivery priorities of the Authority.

PROVINSIALE KENNISGEWING

P.K. 322/2023

15 November 2023

**WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)
WES-KAAPSE DRANKREGULASIES, 2011: TWEEDE KONSEPWYSIGING, 2023**

Die Provinsiale Minister van Gemeenskapsveiligheid, ingevolge artikel 88(1) van die Wes-Kaapse Drankwet, 2008 (Wet 4 van 2008), is van voorneme om die regulasies soos uiteengesit in die Bylae te maak.

BYLAE**Woordomskrywing**

1. In hierdie regulasies beteken “die Regulasies” die Wes-Kaapse Drankregulasies, 2011, gepubliseer onder Provinsiale Kennisgewing 366/2011 gedateer 21 Desember 2011, gewysig deur Provinsiale Kennisgewings: 84/2012 gedateer 30 Maart 2012, 371/2012 gedateer 10 Desember 2012, 275/2015 gedateer 14 Augustus 2015, 117/2017 gedateer 31 Mei 2017, 122/2018 gedateer 27 September 2018, 109/2019 gedateer 29 Oktober 2019, 112/2020 gedateer 29 Oktober 2020, 128/2021 gedateer 15 Oktober 2021 en 90/2022 gedateer 20 Julie 2022.

Wysiging van regulasie 1 van die Regulasies

2. Regulasie 1 van die regulasies word gewysig deur die volgende omskrywing ná die omskrywing van “afdeling” in te voeg:
“**‘handtekening’** sluit in, met betrekking tot elektroniese kommunikasie, die handtekening wat digitaal gegenereer word deur die inligtingstelsel wat deur die Owerheid aangewys is;”.

Wysiging van regulasie 6 van die Regulasies

3. Regulasie 6 van die Regulasies word gewysig—
 - (a) deur subparagraaf (ii) van paragraaf (a) van subregulasie (8) deur die volgende subparagraaf te vervang :
“(ii) die Departementshoof of ’n amptenaar in diens van die Departement aan wie die Departementshoof hierdie plig opdra; en”;
 - (b) deur die volgende subregulasie ná subregulasie (8) in te voeg:
“(8A) ’n Opdrag deur die Departementshoof ingevolge subregulasie (8)(a)(ii)—
 - (i) moet skriftelik gemaak word en mag onderhewig gemaak word aan sodanige bepalinge, voorwaardes en beperkings as wat die Departementshoof bepaal;
 - (ii) moet nie die Departementshoof ontnem van die pligte wat opgedra is nie; en
 - (iii) kan deur die Departementshoof gewysig of teruggetrek word.”;
 - (c) deur subregulasie (10) deur die volgende subregulasie te vervang:
“(10) Die Raad moet die lede van die Dranklisensieëringstribunaal of die plaasvervangende lede, na gelang van die geval, aanstel ná oorweging van die aanbevelings van die betrokke onderhoudspaneel.”;
 - (d) deur subregulasie (11) te skrap; en

(e) deur subregulasie (12) deur die volgende subregulasie te vervang:

“(12) Die aanstelling van die lede van die Dranklisensieringstribunaal of die plaasvervangende lede, na gelang van die geval, moet met sensitiwiteit vir ras en geslag gedoen word.”.

Wysiging van regulasie 9 van die Regulasies

4. Regulasie 9 van die Regulasies word gewysig—

(a) deur subregulasie (2) deur die volgende subregulasie te vervang:

“(2) Behoudens artikel 36(2) moet ’n aansoek om ’n lisensie soos na verwys in artikel 33(1) ingedien word by die Owerheid teen 14h00 op die Vrydag wat die eerste Vrydag van enige maand voorafgaan, of, indien daardie voorafgaande Vrydag ’n openbare vakansiedag is, op die laaste werksdag voor daardie openbare vakansiedag.”;

(b) deur die vervanging in subparagraaf (iv) van paragraaf (b) van subregulasie (4) vir die woorde “Artikel 41(1)(c)(i)” van die woorde “Artikel 41(1)(a)(iii)”;

(c) deur die invoeging ná paragraaf (e) van subregulasie (4) van die volgende paragraaf:

“(eA) skriftelike vertoë oor waarom die toestaan van die aansoek in die openbare belang is;”;

(d) deur paragraaf (g) van subregulasie (4) te skrap;

(e) deur die vervanging van paragraaf (i) van subregulasie (4) van die volgende paragraaf:

“(i) sodanige ander dokumente as wat op die aansoekvorm en in die Wet gespesifiseer kan word;”;

(f) deur paragraaf (k) van subregulasie (4) te skrap; en

(g) deur paragraaf (n) van subregulasie (4) deur die volgende paragraaf te vervang:

“(n) ten opsigte van ’n aansoeker wat—

(i) ’n natuurlike persoon is, ’n gesertifiseerde afskrif van Vorm 15A uitgereik in die naam van die aansoeker;

(ii) ’n natuurlike persoon is en wat ’n ander persoon as hom- of haarself aanstel as die bestuurder van die voorgestelde gelisensieerde besigheid, Vorm 15 behoorlik ingevul ten opsigte van elke persoon wat as bestuurder aangestel is en ’n gesertifiseerde afskrif van Vorm 15A uitgereik in die naam van elke persoon wat as ’n bestuurder van die voorgestelde gelisensieerde besigheid aangestel is; of

(iii) nie ’n natuurlike persoon is nie, Vorm 15 behoorlik ingevul ten opsigte van elke persoon wat as ’n bestuurder aangestel is en ’n gesertifiseerde afskrif van Vorm 15A uitgereik in die naam van elke persoon wat as bestuurder van die voorgestelde gelisensieerde besigheid aangestel is.”.

Invoeging van regulasie 9A

5. Die volgende regulasie word ná regulasie 9 in die Regulasies ingevoeg:

“ Kennisgewing van weiering of aanvaarding van indiening

9A.(1) Die Owerheid moet binne sewe dae ná die indiening van ’n aansoek om ’n lisensie bedoel in artikel 33(1) die indiening óf weier óf aanvaar ingevolge artikel 36(1A).

(2) Indien die Owerheid die indiening van ’n aansoek om ’n lisensie weier, moet die Owerheid die aansoeker in kennis stel in die vorm van Vorm 3C binne sewe dae ná ontvangs van die indiening dat die indiening geweier is;

(3) Indien die Owerheid die indiening van 'n aansoek om 'n lisensie aanvaar, moet die Owerheid binne sewe dae ná ontvangs van die indiening die aansoeker en die aangewese drankbeampte in wie se regsgebied die voorgestelde gelisensieerde perseel geleë is in kennis stel in die vorm van Vorm 3D dat die indiening aanvaar is.

(4) Die aansoeker moet binne 14 dae vanaf die datum van die kennisgewing bedoel in subregulasie (3)—

- (a) die toepaslike aansoekfooi soos uiteengesit in Item 1 van Aanhangsel 1 aan die Owerheid betaal;
- (b) 'n afskrif van die aansoek om 'n lisensie indien by die aangewese drankbeampte in wie se regsgebied die voorgestelde gelisensieerde perseel geleë is;
- (c) bewys van betaling van die toepaslike aansoekfooi by die Owerheid indien; en
- (d) bewys aan die Owerheid voorlê dat 'n afskrif van die aansoek by die betrokke aangewese drankbeampte ingedien is.

(5) Die Owerheid moet binne vyf dae vanaf die verstryking van die tydperk bedoel in subregulasie (4) die aansoeker en die betrokke aangewese drankbeampte in kennis stel—

- (a) in die vorm van Vorm 3E dat bewys van die betaling en indiening by die aangewese drankbeampte binne die tydperk ontvang is; of
- (b) in die vorm van Vorm 3F dat bewys van die betaling of die indiening by die aangewese drankbeampte nie binne die tydperk ontvang is nie en dat die indiening geag word geweier te wees ingevolge artikel 36(1A)(b).”.

Wysiging van regulasie 10 van die Regulasies

6. Regulasie 10 van die Regulasies word gewysig—

- (a) deur subregulasie (1A) te skrap;
- (b) deur subregulasie (3) deur die volgende subregulasie te vervang:

“(3) Die betrokke aangewese drankbeampte moet 'n afskrif van die aansoek op die munisipale bestuurder van die tersaaklike munisipaliteit beteken binne sewe dae vanaf datum van indiening van die aansoek by die aangewese drankbeampte.”; en
- (c) deur subregulasie (4) deur die volgende subregulasie te vervang:

“(4) Die aangewese drankbeampte moet die kennisgewing bedoel in artikel 37(5) binne sewe dae vanaf die datum van indiening van die aansoek op die aangewese drankbeampte beteken, en waar die tersaaklike munisipaliteit kies om daardie kennisgewing te gee, moet hy dit doen binne sewe dae vanaf die datum waarop 'n afskrif van die aansoek deur die aangewese drankbeampte ingedien is.”.

Wysiging van regulasie 15 van die Regulasies

7. Regulasie 15 van die Regulasies word gewysig—

- (a) deur item (dd) van subparagraaf (ii) van paragraaf (a) van subregulasie (3) deur die volgende item te vervang:

“(dd) 'n onderneming bedoel in artikel 41(1)(a)(iii);”;
- (b) deur die woord "en" aan die einde van subparagraaf (ix) van paragraaf (a) in subregulasie (3) te skrap;
- (c) deur paragraaf (b) van subregulasie (3) deur die volgende paragraaf te vervang:

“(b) enige inligting insluit wat ingevolge artikel 41(1)(a)(iv) deur die Minister voorgeskryf is; en ”;
- (d) deur die volgende paragraaf ná paragraaf (b) van subregulasie (3) by te voeg:

- “(c) ’n aanbeveling vir die toestaan of weiering van die aansoek insluit.”;
- (e) deur subregulasie (4) deur die volgende subregulasie te vervang:
- “(4) Indien die aangewese drankbeampte versuim om sy of haar verslag ingevolge artikel 73(7)(a) in te dien, kan die Hoof- Uitvoerende Beampte ’n afskrif van die aansoek aan ’n inspekteur stuur met ’n skriftelike opdrag om ’n verslag in te dien wat die inligting bevat soos in na verwys in subregulasie (3)(a)(i), (ii), (iii), (v), (vii), (viii) en (ix) en subregulasie (3)(b), ’n aanbeveling oorweeg in subregulasie (3)(c) en, waar beskikbaar, die inligting bedoel in subregulasie (3)(a)(iv) en (vi), ten opsigte van die betrokke aansoek.”.

Wysiging van regulasie 17 van die Regulasies

8. Regulasie 17 van die Regulasies word gewysig—

- (a) deur subregulasie (1) deur die volgende subregulasie te vervang:
- “(1) Die Owerheid moet binne sewe dae nadat die Dranklisensiëringstribunaal ’n aansoek ingedien kragtens artikel 36 voorwaardelik toegestaan het ingevolge artikel 42(1), die persone soos na verwys in artikel 46(1) skriftelik van daardie besluit in kennis stel.”; en
- (b) deur paragraaf (d) van subregulasie (11) deur die volgende paragraaf te vervang:
- “(d) ’n aanbeveling vir die toestaan of weiering van die aansoek.”.

Wysiging van regulasie 18 van die Regulasies

9. Regulasie 18 van die Regulasies word gewysig deur subregulasie (1) van die volgende subregulasie:

- “(1) Die Owerheid moet binne sewe dae nadat die Dranklisensiëringstribunaal besluit het oor ’n aansoek wat ingevolge artikel 36 ingedien en aanvaar is, voorwaardelik toegestaan het ingevolge artikel 42(1) die persone soos na verwys in artikel 46(1) skriftelik van die besluit in kennis stel.”.

Wysiging van regulasie 19 van die Regulasies

10. Regulasie 19 van die Regulasies word gewysig—

- (a) deur die vervanging in subparagraaf (iv) van paragraaf (b) van subregulasie (3) vir die woorde "artikel 41(1)(c)(i)" van die woorde "artikel 41(1)(a)(iii)";
- (b) deur paragraaf (n) van subregulasie (3) deur die volgende paragraaf te vervang:
- “(n) ten opsigte van ’n aansoeker wat—
- (i) ’n natuurlike persoon is en wat ’n ander persoon as hom- of haarself as die bestuurder van die gelisensieerde besigheid aanstel, Vorm 15 behoorlik ingevul ten opsigte van elke persoon wat as bestuurder aangestel is;
- (ii) nie ’n natuurlike persoon is nie, Vorm 15 behoorlik ingevul ten opsigte van elke persoon wat as bestuurder aangestel is.”;
- (c) deur die woorde "artikel 41(1)(c)(i)" in subparagraaf (iv) van subparagraaf (b) van subregulasie (4) te vervang deur die woorde "artikel 41(1)(a)(iii)";
- (d) deur paragraaf (m) van subregulasie (4) deur die volgende subparagraaf te vervang:
- “(m) ten opsigte van ’n aansoeker wat—
- (i) ’n natuurlike persoon is en wat ’n ander persoon as hom- of haarself as die bestuurder van die gelisensieerde besigheid aanstel, Vorm 15 behoorlik ingevul ten opsigte van elke persoon wat as ’n bestuurder aangestel is;

- (ii) nie 'n natuurlike persoon is nie, Vorm 15 behoorlik ingevul ten opsigte van elke persoon wat as bestuurder aangestel is.”;
- (e) deur die woorde “regulasie 15(3)(b)” in subregulasie (5) deur die woorde “regulasie 15(3)(c)” te vervang; en
- (f) deur die woorde “regulasie 15(3)(b)” in subregulasie (7) deur die woorde “regulasie 15(3)(c)” te vervang.

Wysiging van regulasie 21 van die Regulasies

11. Regulasie 21 van die Regulasies word gewysig-

- (a) deur die woorde “of gelisensieerde perseel te verhuur” in die opskrif te skrap;
- (b) deur subregulasie (2) te skrap;
- (c) deur subregulasie (4) te skrap;
- (d) deur subregulasie (5) deur die volgende subregulasie te vervang:

“(5) Die aangewese drankbeampte in wie se regsgebied die gelisensieerde perseel geleë is, moet binne 14 dae nadat 'n aansoek ingedien is 'n afskrif van sy of haar verslag beoog in artikel 51(5) op die gesamentlike aansoekers beteken en die verslag by die Owerheid indien tesame met bewys dat die verslag op die gesamentlike aansoekers beteken is.”;
- (e) deur subregulasie (7) deur die volgende subregulasie te vervang:

“(7) Indien die aangewese drankbeampte versuim om sy of haar verslag ingevolge subregulasie (6) in te dien, mag die Hoof- Uitvoerende Beampte 'n afskrif van die aansoek aan 'n inspekteur stuur met 'n skriftelike opdrag om 'n verslag in te dien wat die inligting beoog in artikel 51(5) bevat”;
- (f) deur subregulasie (10) deur die volgende subregulasie te vervang:

“(10) Die Voorsittende Beampte moet binne 30 dae ná ontvangs van al die dokumente waarna in hierdie regulasie verwys word, die aansoek óf toestaan óf weier.”; en
- (g) deur regulasie (11) deur die volgende subregulasie te vervang:

“(11) Die Owerheid moet binne sewe dae nadat die Voorsittende Beampte besluit het oor 'n aansoek ingedien ingevolge subregulasie (1) die gesamentlike aansoekers en elke persoon wat 'n skriftelike beswaar of verdoë ten opsigte van die aansoek by die Owerheid ingedien het, skriftelik van die besluit in kennis stel.”.

Invoeging van regulasie 21A

12. Die volgende regulasie word in die Regulasies ná regulasie 21 ingevoeg:

“Verhuring van lisensie, bedryf van besigheid kragtens die lisensie en gebruik van gelisensieerde perseel

21A.(1) 'n Lisensiehouer wat die lisensie aan 'n ander persoon wil verhuur, 'n ander persoon toelaat om besigheid ingevolge die lisensie te bedryf of 'n ander persoon toelaat om die gelisensieerde perseel te gebruik soos beoog in artikel 51A(1) en daardie ander persoon (waarna daar in hierdie regulasie verwys word as die gesamentlike aansoekers) moet gesamentlik 'n aansoek in die vorm van Vorm 14 in Aanhangsel 3 by die Owerheid en 'n afskrif daarvan by die aangewese drankbeampte in wie se regsgebied die gelisensieerde perseel geleë is indien en hulle moet albei in die aansoek die inligting verskaf wat in daardie vorm vereis word.

- (2) 'n Aansoek wat ingevolge subregulasie (1) ingedien word, moet vergesel wees van—
- (a) bewys van betaling van die toepaslike aansoekfooi aan die Owerheid uiteengesit in Item 18 van Aanhangsel 1;
 - (b) gedokumenteerde bewys van die voorgestelde verhuring van die lisensie, die bedryf van die besigheid kragtens die lisensie of die gebruik van die gelisensieerde perseel;
 - (c) 'n afskrif van die betrokke lisensie;
 - (d) 'n gesertifiseerde afskrif van die volgende ten opsigte van die persoon wat beoog om die lisensie van die lisensiehouer te verhuur, besigheid ingevolge die lisensie te bedryf of die gelisensieerde perseel te gebruik:
 - (i) sy of haar identiteitskaart of -dokument;
 - (ii) sy of haar paspoort en visum of, waar van toepassing, permanente verblyfpermit, indien daardie persoon 'n buitelander is;
 - (iii) die tersaaklike registrasiedokumente wat die identiteit en, waar van toepassing, die finansiële belang van al die lede, direkteure, vennote, begunstigdes of trustees aandui, indien daardie persoon nie 'n natuurlike persoon is nie;
 - (e) 'n afskrif van die lisensie van die persoon bedoel in paragraaf (d);
 - (f) 'n leesbare, omvattende vloerplan van die gelisensieerde perseel op standaard wit papier van hoogstens A3-grootte wat duidelik in kontrasterende kleure aandui —
 - (i) die tersaaklike gedeelte van die gelisensieerde perseel wat geraak sal word deur die voorgestelde verhuring van die lisensie, die bedryf van besigheid kragtens die lisensie of die gebruik van die gelisensieerde perseel in verhouding tot die hele perseel;
 - (ii) die afmetings van die tersaaklike gedeelte;
 - (iii) die afmetings van elke vertrek op die tersaaklike gedeelte van die gelisensieerde perseel;
 - (iv) die gebruike van al die vertreke op die tersaaklike gedeelte van die gelisensieerde perseel;
 - (v) alle deure, vensters en toonbanke, waar van toepassing, en middele van interne en eksterne toegang;
 - (vi) waar op die tersaaklike gedeelte van die gelisensieerde perseel drank geberg sal word in verhouding tot die hele perseel;
 - (vii) die gebiede op die tersaaklike gedeelte van die gelisensieerde perseel waar drank verkoop sal word in verhouding tot die hele perseel;
 - (viii) die gebiede op die tersaaklike gedeelte van die gelisensieerde perseel waar drank verbruik sal word in verhouding tot die hele perseel; en
 - (g) geïndekseerde kleurfoto's wat die volgende aandui—
 - (i) die tersaaklike gedeelte van die gelisensieerde perseel;
 - (ii) die hele gelisensieerde perseel.
- (3) Die aangewese drankbeampte in wie se regsgebied die gelisensieerde perseel geleë is, moet binne 14 dae nadat 'n aansoek ingedien is 'n afskrif van sy of haar verslag beoog in artikel 51A(3) op die gesamentlike aansoekers beteken en die verslag by die Owerheid indien tesame met bewys dat die verslag op die gesamentlike aansoekers beteken is.
- (4) Indien die aangewese drankbeampte versuim om sy of haar verslag ingevolge subregulasie (3) by die Owerheid in te dien, moet die Hoof- Uitvoerende Beampte binne 21 dae vanaf die datum van indiening van die aansoek die betrokke aangewese drankbeampte skriftelik versoek om die verslag binne drie dae by die Owerheid in te dien.
- (5) Indien die aangewese drankbeampte versuim om sy of haar verslag ingevolge subregulasie (4) in te dien, kan die Hoof- Uitvoerende Beampte 'n afskrif van die aansoek aan 'n

inspekteur stuur met 'n skriftelike opdrag om 'n verslag in te dien wat die inligting bedoel in artikel 51A(3) bevat.

(6) 'n Inspekteur moet binne die tydperk bepaal deur die Hoof- Uitvoerende Beampte ooreenkomstig die opdrag bedoel in subregulasie (5) sy of haar verslag by die Owerheid indien en 'n afskrif daarvan aan die gesamentlike aansoekers stuur.

(7) Die gesamentlike aansoekers moet binne sewe dae nadat 'n afskrif van enige van die verslae op hulle beteken is hul reaksie op die verslag deur die aangewese drankbeampte bedoel in subregulasie (3) of (4) of die verslag deur 'n inspekteur bedoel in subregulasie (6) by die Owerheid indien.

(8) Die Voorsittende Beampte moet binne 30 dae ná ontvangs van al die dokumente waarna in hierdie regulasie verwys word die aansoek óf toestaan óf weier.

(9) Die Owerheid moet binne sewe dae nadat die Voorsittende Beampte besluit het oor 'n aansoek wat ingevolge subregulasie (1) gedoen is, die gesamentlike aansoekers en elke persoon wat 'n skriftelike beswaar of verdoë ten opsigte van die aansoek by die Owerheid ingedien het, skriftelik van die besluit in kennis stel.

(10) Indien 'n aansoek toegestaan word, moet die Owerheid binne 14 dae nadat die toestemming verleen is 'n skriftelike toestemming uitreik.”.

Vervanging van regulasie 22 van die Regulasies

13. Die volgende regulasie vervang regulasie 22 van die Regulasies:

“Aanstelling van bestuurder

14.(1) 'n Aansoeker of 'n lisensiehouer beoog in artikel 52(1) en (3) moet die Owerheid in die vorm van Vorm 15 in kennis stel dat die persoon waarna in die vorm verwys word as 'n bestuurder van die betrokke gelisensieerde besigheid aangestel is.

(2) Die Owerheid moet, binne 14 dae ná die suksesvolle voltooiing van die onderrig en opleiding bedoel in artikel 52(4)(c) aan die persoon wat die onderrig en opleiding suksesvol voltooi het 'n sertifikaat uitreik in die vorm van Vorm 15A in Aanhangsel 3.”.

Invoeging van regulasie 22A

14. Die volgende regulasie word ná regulasie 22 in die Regulasies ingevoeg:

“ Onderrig- en opleidingsfooi

22A. Die—

(a) aansoeker bedoel in artikel 45;

(b) aansoeker en lisensiehouer beoog in artikel 52(6); en

(c) voorgestelde lisensiehouer bedoel in artikel 65(14),

moet die fooi soos uiteengesit in Item 13 van Aanhangsel 1 aan die Owerheid betaal.”.

Vervanging van regulasie 23 van die Regulasies

15. Die volgende regulasie vervang regulasie 23 van die Regulasies:

“Aansoek om toestemming om gelisensieerde perseel of aard van gelisensieerde perseel te verander

23.(1) ’n Lisensiehouer wat toestemming nodig om enige aksie bedoel in artikel 53(1)(a) uit te voer, moet by die Owerheid en die aangewese drankbeampte in wie se regsgebied die gelisensieerde perseel geleë is, ’n aansoek indien in die vorm van Vorm 16 in Aanhangsel 3, vergesel van —

- (a) ’n leesbare, omvattende vloerplan van die tersaaklike gedeelte van die gelisensieerde perseel wat bestem is om verander, aangebou of verbou te word op standaard wit papier van hoogstens A3-grootte wat duidelik in kontrasterende kleure die volgende aandui—
 - (i) die tersaaklike gedeelte van die gelisensieerde perseel in verhouding tot die hele perseel;
 - (ii) die afmetings van die tersaaklike gedeelte;
 - (iii) die afmetings van elke vertrek op die tersaaklike gedeelte;
 - (iv) die gebruike van elke vertrek op die tersaaklike gedeelte;
 - (v) alle deure, vensters en toonbanke, waar van toepassing, en middele van interne en eksterne toegang;
 - (vi) die strate en plekke waarheen sodanige middele van eksterne toegang lei;
 - (vii) hoe die tersaaklike gedeelte by die gelisensieerde perseel aansluit;
 - (viii) waar drank op die tersaaklike gedeelte geberg sal word;
 - (ix) die gebiede op die tersaaklike gedeelte waar drank in verhouding tot die hele perseel verkoop sal word;
 - (x) die gebiede op die tersaaklike gedeelte waar drank in verhouding tot die hele perseel verbruik sal word;
- (b) ’n beskrywing van die voorgestelde wysigings;
- (c) in ’n afsonderlike dokument, ’n beskrywing van die tersaaklike gedeelte van die gelisensieerde perseel, met verwysing na die konstruksie, uitleg, meubilering, los en vaste toebehore en vloerbedekking;
- (d) bewys dat die aansoeker die reg het om die gelisensieerde perseel te verander vir die doel in die aansoek beoog;
- (e) bewys van betaling aan die Owerheid van die aansoekfooi in Item 6 van Aanhangsel 1 uiteengesit;
- (f) skriftelike vertoë ter ondersteuning van die aansoek; en
- (g) geïndekseerde kleurfoto's wat die voltooide interne en eksterne kenmerke van die gelisensieerde perseel toon;

(1A) Die bepalinge van subregulasie (1) is van toepassing op ’n lisensiehouer wat toestemming nodig om enige bedrywigheid bedoel in artikel 53(1A)(a) uit te voer.

(1B) ’n Aansoek ingevolge subregulasie (1A) moet ook vergesel wees van—

- (a) bewys dat die aansoeker die reg het om die tersaaklike gedeelte te okkupeer; en
- (b) bewys van eienaarskap van die gelisensieerde perseel, of, indien die aansoeker nie die eienaar van die perseel is nie, skriftelike toestemming van die eienaar dat die aansoeker die tersaaklike gedeelte vir die doeleindes van die lisensie mag gebruik.

(2) 'n Lisensiehouer wat toestemming nodig om enige bedrywigheid bedoel in artikel 53(1A)(b) uit te voer, moet by die Owerheid en die aangewese drankbeampte in wie se regsgebied die gelisensieerde perseel geleë is, 'n aansoek indien in die vorm van Vorm 17 in Aanhangsel 3, vergesel deur—

- (a) 'n beskrywing van die voorgestelde verandering aan die aard van die besigheid;
- (b) bewys van betaling aan die Owerheid van die aansoekfooi uiteengesit in Item 6 van Aanhangsel 1;
- (c) skriftelike vertoë ter ondersteuning van die aansoek;
- (d) bewys dat die aansoeker die reg het om die aard van die besigheid ten opsigte waarvan die lisensie toegestaan is, wesenlik te verander;
- (e) die dokumente gespesifiseer op die aansoekvorm of soos wat die Owerheid mag versoek.

(3) 'n Lisensiehouer wat toestemming nodig om enige handeling bedoel in artikel 53(1)(c) uit te voer, moet by die Owerheid en die aangewese drankbeampte in wie se regsgebied die gelisensieerde perseel geleë is 'n aansoek in die vorm van Vorm 18 in Aanhangsel 3 indien, vergesel van—

- (a) 'n beskrywing van enige ander besigheid, handel wat gedryf of beroep wat beoefen word op die voorgestelde perseel waarop beoog word om die besigheid kragtens die lisensie te bedryf;
- (b) bewys van betaling aan die Owerheid van die aansoekfooi uiteengesit in Item 6 van Aanhangsel 1;
- (c) skriftelike vertoë ter ondersteuning van die aansoek;
- (d) 'n leesbare, omvattende vloerplan van die toepaslike gedeelte van die voorgestelde perseel waarop daar beoog word om besigheid kragtens die lisensie te bedryf, op standaard wit papier van hoogstens A3-grootte en wat duidelik in kontrasterende kleure die volgende aandui—
 - (i) die tersaaklike gedeelte van die voorgestelde perseel met betrekking tot die hele perseel;
 - (ii) die afmetings van die tersaaklike gedeelte;
 - (iv) die afmetings van elke vertrek op die tersaaklike gedeelte van die voorgestelde perseel;
 - (iv) die gebruike van elke vertrek op die tersaaklike gedeelte van die voorgestelde perseel;
 - (v) alle deure, vensters en toonbanke, waar van toepassing, en middele van interne en eksterne toegang;
 - (vi) die strate en plekke waarheen sodanige middele van eksterne toegang lei;
 - (vii) waar drank op die tersaaklike gedeelte van die voorgestelde perseel geberg sal word;
 - (viii) die gebiede op die tersaaklike gedeelte van die voorgestelde perseel waar drank verkoop sal word in verhouding tot die hele perseel;
 - (ix) die gebiede op die tersaaklike gedeelte van die voorgestelde perseel waar drank in verhouding tot die hele perseel verbruik sal word;
- (e) in 'n afsonderlike dokument, 'n beskrywing van die tersaaklike gedeelte van die voorgestelde perseel, met verwysing na die konstruksie, uitleg, meubilering, los en vaste toebehore en vloerbedekking;
- (f) bewys dat die aansoeker die reg het om die tersaaklike gedeelte van die voorgestelde perseel te okkupeer;
- (g) bewys van eienaarskap van die voorgestelde perseel of, indien die aansoeker nie die eienaar van die perseel is nie, skriftelike toestemming van die eienaar dat die

aansoeker die tersaaklike gedeelte van die voorgestelde perseel vir die doeleindes van die lisensie mag gebruik; en

(h) geïndekseerde kleurfoto's wat die interne en eksterne kenmerke van die voorgestelde perseel toon.

(3A) Die aangewese drankbeampte moet, ten opsigte van 'n aansoek ingevolge subregulasie (1A) of (2), 'n afskrif van die kennisgewing na verwys in artikel 53(2A)(b) binne sewe dae vanaf die datum van indiening van die betrokke aansoek beteken.

(3B) Skriftelike vertoë bedoel in artikel 53(2B) moet binne 14 dae vanaf die datum van betekening van die kennisgewing ingevolge subregulasie (3A) ingedien word.

(3C) Die bepalinge van regulasie 13(2) en (3) is van toepassing op vertoë wat ingevolge subregulasie (3B) ingedien is.

(3D) Indien 'n aansoeker van voorneme is om op vertoë ingevolge artikel 53(2C) te reageer, moet die reaksie binne 14 dae ná ontvangs van die vertoë by die aangewese drankbeampte ingedien word.

(4) Die aangewese drankbeampte moet—

(a) binne 14 dae nadat 'n aansoek ingevolge subregulasie (1) of (3) ingedien is; of

(b) binne 35 dae nadat 'n aansoek ingevolge subregulasie (1A) of (2) ingedien is,

'n afskrif van sy of haar verslag bedoel in artikel 53(2A)(a) of (b), na gelang van die geval, op die aansoeker beteken en die verslag by die Owerheid indien, tesame met bewys dat die verslag op die aansoeker beteken is.

(5) Indien die aangewese drankbeampte versuim om sy of haar verslag ingevolge subregulasie (4) by die Owerheid in te dien, moet die Hoof- Uitvoerende Beampte binne 21 dae vanaf datum van indiening van die aansoek die betrokke aangewese drankbeampte skriftelik in kennis stel om die verslag binne drie dae vanaf die datum van sodanige kennisgewing in te dien.

(6) Indien die aangewese drankbeampte versuim om sy of haar verslag ingevolge subregulasie (5) in te dien, kan die Hoof- Uitvoerende Beampte 'n afskrif van die aansoek na 'n inspekteur stuur met 'n skriftelike opdrag om 'n verslag met die inligting bedoel in subregulasie (4) ten opsigte van die betrokke aansoek in te dien.

(7) 'n Inspekteur moet sy of haar verslag by die Owerheid indien en 'n afskrif daarvan na die aansoeker stuur binne die tydperk bepaal deur die Hoof- Uitvoerende Beampte ooreenkomstig die opdrag bedoel in subregulasie (6).

(8) Die aansoeker moet sy of haar reaksie op 'n verslag deur die aangewese drankbeampte bedoel in subregulasie (4), of 'n verslag deur 'n inspekteur bedoel in subregulasie (7), binne sewe dae nadat 'n afskrif van enige verslag op hom of haar beteken is, indien.

(9)(a) Die Voorsittende Beampte moet, ten opsigte van 'n aansoek gedoen ingevolge subregulasie (1) of (3), binne 30 dae ná ontvangs van alle tersaaklike dokumente bedoel in subregulasie (1) of (3), na gelang van die geval, en subregulasies (4)(a) tot (8), die aansoek óf toestaan óf weier.

(b) Die Dranklisensieringstribunaal moet, ten opsigte van 'n aansoek gedoen ingevolge subregulasie (1A) of (2), binne 30 dae ná ontvangs van alle tersaaklike dokumente bedoel in subregulasies (1A) of (2), wat die geval ook al mag wees, en subregulasies (3A) tot (3D), (4)(b) en (5) tot (8), óf die aansoek toestaan óf weier.

(10) Die Owerheid moet binne sewe dae nadat die Voorsittende Beampte of die Dranklisensieringstribunaal, na gelang van die geval, 'n besluit geneem het oor 'n aansoek gedoen ingevolge subregulasie (1), (1A), (2) of (3), die aansoeker en elke persoon wat 'n skriftelike beswaar of vertoë ten opsigte van die betrokke aansoek by die Owerheid ingedien het, skriftelik van die besluit in kennis stel.

(11) Indien 'n aansoek toegestaan word, moet die Owerheid binne 14 dae nadat die toestemming verleen is, 'n skriftelike toestemming uitreik.

(12) Wanneer 'n aansoek ingevolge hierdie regulasie toegestaan word, moet die aansoeker die fooie soos uiteengesit in Item 7, 8 of 9, na gelang van die geval, in Deel A van Aanghangsel 2 aan die Owerheid betaal.”

Wysiging van regulasie 25 van die Regulasies

16. Regulasie 25 van die Regulasies word gewysig deur die woorde “regulasie 15(3)(b)” in subregulasies (3) en (5) deur die woorde “regulasie 15(3)(c)” te vervang.

Wysiging van regulasie 26 van die Regulasies

17. Regulasie 26 van die Regulasies word gewysig deur die woorde “regulasie 15(3)(b)” in subregulasie (8) deur die woorde “regulasie 15(3)(c)” te vervang.

Vervanging van regulasie 27 van die Regulasies

18 . Die volgende regulasie vervang regulasie 27 van die Regulasies:

“ Hoeveelheid drank verkoop en die hou van rekords

27.(1) Die rekords en inligting bedoel in artikel 60(1) moet—

(a) in skriftelike of elektroniese vorm wees;

(b) vir die doeleindes van artikel 60(1)(a), die volgende insluit:

(i) naam en adres van die gelisensieerde besigheid;

(ii) lisensienommer van die gelisensieerde besigheid;

(iv) faktuurnommers en datums van uitreiking;

(iv) soort en hoeveelheid drank verkoop;

(v) koste van die drank wat verkoop is;

(vi) verkoopprijs van die drank wat verkoop is; en

(vi) naam en adres van die persoon of persone van wie die lisensiehouer die drank wat verkoop is, gekoop het;

(c) vir die doeleindes van artikel 60(1)(b), die volgende bevat vir die tydperk 1 Januarie van 'n jaar tot 31 Desember van daardie jaar:

(i) ten opsigte van die verkoop van drank van meer as 100 liter aan een persoon op 'n enkele dag, die naam, adres, identiteitsnommer en telefoonnommer van elke sodanige koper van daardie drank;

(ii) die hoeveelheid drank wat die lisensiehouer op 1 Januarie van die tydperk in voorraad het;

(iii) die hoeveelheid drank wat die lisensiehouer op 31 Desember van die tydperk in voorraad het; en

(d) vir die doeleindes van artikel 60(1)(c) die volgende bevat:

(i) die inligting uiteengesit in paragraaf (b)(i) tot (v) en (c); en

(ii) die soort en hoeveelheid drank wat vir die tydperk 1 Januarie van 'n jaar tot 31 Desember van daardie jaar vervaardig is.

(1A) Die rekords en inligting moet jaarliks teen 31 Maart van 'n jaar by die Owerheid ingedien word in die vorm van Vorm 19A in Aanghangsel 3.

(1B) Die lisensiehouer beoog in artikel 60(1) moet 'n afskrif van die rekords en inligting wat by die Owerheid ingedien is by die gelisensieerde perseel bewaar vir 'n tydperk van drie jaar vanaf die datum van indiening by die Owerheid, niesteenstaande enige wet tot die teendeel.

(2) Die maksimum hoeveelheid drank wat in artikel 60(2) beoog word, is 150 liter.

(3) Waar 'n toestemming ingevolge artikel 60(2) verleen is, moet die rekord bedoel in artikel 60(1)(a) ook die naam, adres, identiteitsnommer en telefoonnommer van die koper bevat.”.

Vervanging van regulasie 30 van die Regulasies

19. Die volgende regulasie vervang regulasie 30 van die Regulasies:

“Outomatiese hernuwing van lisensies

30.(1) Die jaarlikse en tweejaarlikse hernuwingskennisgewing bedoel in artikel 63(3) moet in die vorm van Vorm 21A in Aanhangsel 3 wees.

(2) Die lisensiehouer moet die toepaslike fooi uiteengesit in Deel C van Aanhangsel 2 aan die Owerheid betaal.

(3) 'n Lisensiehouer wat van voorneme is om op 'n tweejaarlikse hernuwingsiklus soos na verwys in artikel 63(1) in te teken, moet 'n kennisgewing in die vorm van Vorm 21B in Aanhangsel 3 teen nie later nie as 30 November van die jaar waarin die Owerheid die jaarlikse hernuwingskennisgewing bedoel in artikel 63(3) uitgereik het by die Owerheid indien”.

Vervanging van regulasie 31 van die Regulasies

20. Die volgende regulasie vervang regulasie 31 van die Regulasies:

“Aansoek om hernuwing van lisensie

31.(1) 'n Aansoek bedoel in artikel 64(1) om die hernuwing van 'n lisensie moet in die vorm van Vorm 22 in Aanhangsel 3 wees.

(2A) 'n Aansoek om kondonering ingevolge artikel 64(4) moet in die vorm van Vorm 23 in Aanhangsel 3 wees.

(2) Die aansoek om die hernuwing van 'n lisensie moet by die Owerheid ingedien word en 'n afskrif daarvan by die aangewese drankbeampte in wie se regsgebied die gelisensieerde perseel geleë is en waar 'n lisensiehouer om kondonering aansoek doen, moet die lisensiehouer ook by die Owerheid 'n aansoek om kondonering en 'n afskrif daarvan by die betrokke aangewese drankbeampte indien.

(3) Die aansoek om hernuwing van die lisensie moet insluit—

(a) skriftelike vertoë ter ondersteuning van die aansoek;

(b) die volle naam, adres en ander kontakbesonderhede van die lisensiehouer;

(c) die dokumente wat op die aansoekvorm gespesifiseer of deur die Owerheid versoek word;

(d) bewys van betaling van die fooi aan die Owerheid soos uiteengesit in Item 9(a) van Aanhangsel 1; en

(e) waar die lisensiehouer aansoek doen om kondonering, ook bewys van betaling aan die Owerheid van die fooi uiteengesit in Item 9(b) van Aanhangsel 1.

(5) Die Owerheid moet die inspektoraat skriftelik in kennis stel van 'n aansoek ingevolge subregulasie (1) gedoen en, waar van toepassing, 'n aansoek om kondonering gemaak

ingevolge subregulasie (2A), binne sewe dae vanaf die datum van indiening van die aansoek of aansoeke, na gelang van die geval.

(6) Die inspektoraat en die aangewese drankbeampte moet elk—

- (a) binne 14 dae vanaf die datum van indiening van die aansoek of aansoeke, na gelang van die geval, ’n verslag by die Owerheid indien wat die faktore waarna in artikel 64(1)(a) tot (d) verwys word, ondersoek; en
- (b) ’n afskrif van die verslag op die lisensiehouer beteken.

(7) Die lisensiehouer moet sy of haar reaksie, indien enige, op die verslag deur die aangewese drankbeampte of die verslag van die inspekteur indien binne sewe dae nadat ’n afskrif van enige van die verslae op hom of haar beteken is.

(8) Die Dranklisensiëringstribunaal moet binne 30 dae ná ontvangs van al die tersaaklike dokumente in hierdie regulasie die volgende oorweeg en daaroor besluit—

- (a) die aansoek om die hernuwing van die lisensie; of
- (b) die aansoek om kondonering.

(8A) Indien die Dranklisensiëringstribunaal ’n aansoek om kondonering toestaan ingevolge subregulasie (8)(b), moet die Dranklisensiëringstribunaal binne die tydperk beoog in daardie subregulasie gelyktydig die gepaardgaande aansoek om die hernuwing van die lisensie oorweeg en daaroor besluit.

(9) Die Owerheid moet, binne sewe dae nadat die Dranklisensiëringstribunaal besluit het oor—

- (a) ’n aansoek om die hernuwing van die lisensie; of
- (b) ’n aansoek om kondonering, en waar toepaslik, die gepaardgaande aansoek om die hernuwing van die lisensie,

die lisensiehouer, die aangewese drankbeampte, die betrokke munisipale bestuurder en elke persoon wat ’n skriftelike beswaar of verdoë ten opsigte van die aansoek of aansoeke, na gelang van die geval, by die Owerheid ingedien het, skriftelik van die besluit in kennis stel.”.

Wysiging van regulasie 32 van die Regulasies

21. Regulasie 32 van die regulasies word gewysig—

(a) deur subregulasie (22) deur die volgende subregulasie te vervang:

“(22) Die aansoek moet vergesel wees van—

- (a) bewys van betaling aan die Owerheid van die aansoekfooi uiteengesit in Item 10(b) van Aanhangsel 1;
- (b) skriftelike verdoë ter ondersteuning van die aansoek; en
- (c) ten opsigte van ’n aansoeker wat—
 - (i) ’n natuurlike persoon is en wat ’n ander persoon as hom- of haarself as die bestuurder van die gelisensieerde besigheid aanstel, Vorm 15 behoorlik ingevul ten opsigte van elke persoon wat as ’n bestuurder aangestel is; of
 - (ii) nie ’n natuurlike persoon is nie, Vorm 15 behoorlik ingevul ten opsigte van elke persoon wat as ’n bestuurder aangestel is.”; en

(b) deur paragraaf (d) van subregulasie (38) deur die volgende paragraaf te vervang:

“(d) ’n aanbeveling vir die toestaan of weiering van die aansoek.”.

Vervanging van regulasie 33 van die Regulasies

22. Die volgende regulasie vervang regulasie 33 van die Regulasies:

“ Aansoek om verwydering van lisensie

33.(1) ’n Lisensiehouer wat van voorneme is om ’n lisensie te verwyder ingevolge artikel 66(2), moet ’n aansoek om die verwydering by die Owerheid en ’n afskrif daarvan by die aangewese drankbeampte in wie se regsgebied die gelisensieerde perseel tans geleë is, indien en, waar die toestaan van die aansoek die verwydering van die lisensie na die regsgebied van ’n ander aangewese drankbeampte tot gevolg sal hê, ook by die aangewese drankbeampte van daardie gebied.

(2) Behoudens die volgende, is die bepalings van regulasies 10, 11, 13, 14 en 15 van toepassing, met die nodige veranderinge wat deur die samehang vereis word, op ’n aansoek wat ingevolge subregulasie (1) gedoen word:

- (a) Die Owerheid moet kennisgewings van aansoeke gedoen ingevolge subregulasie (1) in die vorm van Vorm 27A publiseer.
- (b) Die aansoeker moet die kennisgewing beoog in regulasie 10(2) in die vorm van Vorm 27B vertoon.

(7) ’n Aansoek bedoel in subregulasie (1) moet—

- (a) in die vorm van Vorm 27 in Aanhangsel 3 wees;
- (b) op A4-grootte standaard wit papier wees; en
- (c) die inligting bevat wat in daardie vorm vereis word.

(8) Die aansoek moet vergesel wees van—

- (a) ’n leesbare, omvattende vloerplan van die voorgestelde gelisensieerde perseel op standaard wit papier van hoogstens A3-grootte en wat duidelik in kontrasterende kleure die volgende aandui—
 - (i) die voorgestelde gelisensieerde perseel in verhouding tot die hele perseel;
 - (ii) die afmetings van die voorgestelde gelisensieerde perseel;
 - (iii) die afmetings van elke vertrek op die voorgestelde gelisensieerde perseel;
 - (iv) die gebruike van al die vertreke op die voorgestelde gelisensieerde perseel;
 - (v) alle deure, vensters en toonbanke, waar van toepassing, en middele van interne en eksterne toegang;
 - (vi) die strate en plekke waarheen sodanige middele van eksterne toegang lei;
 - (vii) waar op die voorgestelde gelisensieerde perseel drank geberg sal word ;
 - (viii) die gebiede op die voorgestelde gelisensieerde perseel waar drank verkoop sal word in verhouding tot die hele perseel;
 - (ix) die gebiede op die voorgestelde gelisensieerde perseel waar drank verbruik sal word in verhouding tot die hele perseel;
- (b) ’n leesbare terreinplan van die voorgestelde gelisensieerde perseel op standaard wit papier van hoogstens A3-grootte wat duidelik aandui—
 - (i) in verhouding tot die voorgestelde gelisensieerde perseel, ’n buitelyn van elke gebou op die erf waarop die aansoek betrekking het en waarvoor daardie geboue gebruik word;
 - (ii) die verhouding van die voorgestelde gelisensieerde perseel tot ’n woongebied;
 - (iii) die verhouding van die voorgestelde gelisensieerde perseel tot enige instellings bedoel in artikel 34(1)(e)(ii) tot (v), met afstande in meter aangedui;
 - (iv) ander gelisensieerde persele op die erf;

- (v) die verhouding van die voorgestelde gelisensieerde perseel tot 'n onderneming bedoel in artikel 41(1)(a)(iii) met afstande in meter aangedui;
 - (vi) ander gelisensieerde persele;
 - (vii) die verhouding van die voorgestelde gelisensieerde perseel met gebiede waar afleweringsovertuie sal stop om goedere op en af te laai;
 - (c) 'n lugbeeldkaart wat die verhouding van die voorgestelde gelisensieerde perseel tot 'n woongebied toon;
 - (d) in 'n afsonderlike dokument, 'n beskrywing van die perseel, met verwysing na die konstruksie, uitleg, meubilering, los en vaste toebehore en vloerbedekking ;
 - (e) geïndekseerde kleurfoto's wat die voltooide interne en eksterne kenmerke van die gelisensieerde perseel aandui of, waar die aansoek betrekking het op 'n onvoltooide perseel, die stadium van voltooiing van die perseel;
 - (f) skriftelike versoë ter ondersteuning van die aansoek en van enige bepaling, toestemming, goedkeuring of magtiging waarvoor terselfdertyd aansoek gedoen word;
 - (g) bewys van betaling aan die Owerheid van die toepaslike aansoekfooï uiteengesit in Item 11 van Aanhangsel 1;
 - (h) 'n gesertifiseerde afskrif van die-
 - (i) identiteitskaart of -dokument van die aansoeker;
 - (ii) paspoort en visum of, waar van toepassing, die permanente verblyfpermit van die aansoeker, indien die aansoeker 'n buitelande is; of
 - (iii) tersaaklike registrasiedokumente wat die identiteit en, waar van toepassing, die finansiële belang van al die lede, direkteure, vennote, begunstigdes of trustees van die aansoeker aandui, indien die aansoeker nie 'n natuurlike persoon is nie;
 - (i) sodanige dokumente as wat in Vorm 27 in Aanhangsel 3 en in die Wet gespesifiseer mag word, of wat die Dranklisensieëringstribunaal mag versoek;
 - (j) 'n beëdigde verklaring deur die aansoeker dat hy, sy of dit nie ingevolge artikel 35 gediskwalifiseer is om 'n dranklisensie te hou nie;
 - (k) bewys dat die aansoeker 'n afskrif van die aansoek ingedien het by die aangewese drankbeampte in wie se regsgebied die gelisensieerde perseel tans geleë is en, waar die toestaan van die aansoek die verwydering van die lisensie na die regsgebied van die lisensie na die regsgebied van 'n ander aangewese drankbeampte tot gevolg sal hê, bewys dat die aansoeker 'n afskrif van die aansoek by die aangewese drankbeampte van daardie gebied ingedien het;
 - (l) bewys dat die aansoeker die reg het om die voorgestelde gelisensieerde perseel te okkupeer;
 - (m) bewys van eienaarskap van die voorgestelde gelisensieerde perseel of, indien die aansoeker nie die eienaar van die perseel is nie, skriftelike toestemming van die eienaar dat die aansoeker die voorgestelde gelisensieerde perseel mag gebruik vir die doeleindes van die lisensie ten opsigte waarvan die aansoek om die verwydering ingevolge subregulasie (1) ingedien is.
- (9) Alle planne wat by die aansoek aangeheg word, moet die datum van voorbereiding van en die naam en adres van die persoon wat die plan voorberei het, aandui.
- (14) Die aangewese drankbeampte in wie se regsgebied die perseel tans geleë is en, waar die toestaan van die aansoek die verwydering van die lisensie na die regsgebied van 'n ander aangewese drankbeampte tot gevolg sal hê, moet die aangewese drankbeampte van daardie gebied ook binne 35 dae vanaf die datum van publikasie van die kennisgewing van indiening van die aansoek, 'n afskrif van sy of haar verslag ten opsigte van die aansoek op

die aansoeker beteken en die verslag by die Owerheid indien tesame met bewys dat die verslag op die aansoeker beteken is.

(15) Die verslag van die aangewese drankbeampte in wie se regsgebied die perseel tans geleë is, moet die volgende bevat:

- (a) die adres van die gelisensieerde perseel;
- (b) 'n opsomming van die wyse waarop die lisensiehouer sy of haar besigheid op die gelisensieerde perseel bedryf het; en
- (c) 'n aanbeveling oor die toestaan of weiering van die aansoek.

(16) Die verslag van die aangewese drankbeampte na wie se regsgebied die lisensie verwyder staan te word, moet die volgende bevat:

- (a) die adres van die voorgestelde gelisensieerde perseel;
- (b) die ligging van die voorgestelde gelisensieerde perseel in verhouding tot—
 - (i) die instellings bedoel in artikel 34(1)(e)(ii) tot (v);
 - (ii) 'n woongebied;
 - (iii) ander gelisensieerde persele; en
 - (iv) 'n onderneming bedoel in artikel 41(1)(a)(iii);
- (c) die geskiktheid van die voorgestelde gelisensieerde perseel;
- (d) die openbare belang;
- (e) misdaadsyfers, indien enige, wat hy of sy tersaaklik tot tot die voorgestelde gelisensieerde perseel ag;
- (f) 'n aanbeveling dat die aansoek toegestaan of geweier word;
- (g) 'n verklaring of die aansoeker aan die vereistes van regulasie 10(2) voldoen het;
- (h) 'n verklaring of 'n afskrif van die aansoek ooreenkomstig regulasie 10(3) op die tersaaklike munisipaliteit beteken is;
- (i) 'n verklaring of kennis van die aansoek kragtens regulasie 10(4) gegee is;
- (j) enige inligting deur die Minister voorgeskryf ingevolge artikel 41(1)(a)(iv).

(17) Indien enige van die aangewese drankbeamptes bedoel in subregulasie (1) versuim om sy of haar verslag ingevolge subregulasie (14) in te dien, mag die Hoof- Uitvoerende Beampte 'n afskrif van die aansoek na 'n inspekteur stuur met 'n skriftelike opdrag om 'n verslag in te dien wat die inligting bevat waarna verwys word in:

- (a) subregulasie (15)(a) en (b) en 'n aanbeveling in subregulasie (15)(c); of
- (b) subregulasie (16)(a), (b), (c), (d), (g), (h), (i), 'n aanbeveling beoog in subregulasie (16)(f) en, waar beskikbaar, die inligting bedoel in subregulasie (16)(e), na gelang van die geval, ten opsigte van die betrokke aansoek.

(18) 'n Inspekteur moet sy of haar verslag by die Owerheid indien en 'n afskrif daarvan aan die aansoeker stuur binne 21 dae ná ontvangs van die opdrag soos na verwys in subregulasie (17).

(19) Indien die verslag deur die aangewese drankbeampte bedoel in subregulasie (14) of 'n verslag deur 'n inspekteur bedoel in subregulasie (18) ten opsigte van die aansoek enige inligting of aanbeveling bevat wat die aansoek benadeel, moet die aansoeker sy of haar reaksie op sodanige verslag by die Owerheid indien binne sewe dae nadat 'n afskrif daarvan beteken is.

(20) Die Dranklisensieëringstribunaal moet 'n aansoek indien ingevolge subregulasie (1) binne 30 dae ná ontvangs van al die tersaaklike dokumente bedoel in subregulasies (1), (7), (8), (14), (18) en (19) en in regulasies 15(1) en 13 oorweeg.

(21) Die Owerheid moet binne sewe dae nadat die Dranklisensieëringstribunaal besluit het oor 'n aansoek ingedien ingevolge subregulasie (1) die aansoeker en elke persoon wat 'n skriftelike beswaar of verdoë ten opsigte van die aansoek by die Owerheid ingedien het, skriftelik in die vorm van Vorm 27C in Aanhangsel 3 van die besluit in kennis stel.

- (22) Wanneer die Dranklisensieringstribunaal 'n aansoek ingedien ingevolge subregulasie (1) voorwaardelik toestaan of 'n aansoek soos beoog in artikel 66(8)(b) toestaan, na gelang van die geval, moet die Owerheid binne sewe dae die aansoeker en elke persoon wat 'n skriftelike beswaar of verhoë ten opsigte van die aansoek by die Owerheid ingedien het, skriftelik in die vorm van Vorm 27D in Aanhangsel 3, van die besluit in kennis stel.
- (23) Wanneer 'n aansoek ingedien ingevolge subregulasie (1) toegestaan word, moet die Owerheid, behoudens subregulasie (24), binne 14 dae ná betaling deur die aansoeker van die toepaslike fooi uiteengesit in Deel B van Aanhangsel 2, 'n sertifikaat van verwydering ingevolge artikel 66(9) in die vorm van Vorm 28 in Aanhangsel 3 uitreik.
- (24) Wanneer 'n aansoek ingedien ingevolge subregulasie (1) voorwaardelik toegestaan word of 'n aansoek toegestaan word soos beoog in artikel 66(8)(b) moet die Owerheid binne sewe dae nadat die Voorsittende Beampte hom- of haarself oortuig het dat die aansoeker voldoen het aan die voorwaardes opgelê deur die Dranklisensieringstribunaal of die voorwaardes soos gewysig deur die Voorsittende Beampte, die aansoeker skriftelik daarvan in kennis stel.
- (25) Die kennisgewing aan die aansoeker moet in die vorm van Vorm 27E in Aanhangsel 3 wees.
- (26) Die aansoeker moet die toepaslike fooi soos uiteengesit in Deel B van Aanhangsel 2 aan die Owerheid betaal en bewys van betaling by die Owerheid indien.
- (27) Die Owerheid moet binne 14 dae ná ontvangs van bewys van die betaling bedoel in subregulasie (26) 'n verwyderingsertifikaat in die vorm van Vorm 28 in Aanhangsel 3 aan die aansoeker uitreik.
- (28) 'n Aansoek om kondonering ingevolge artikel 66(11) moet in die vorm van Vorm 27F in Aanhangsel 3 by die Owerheid ingedien word.
- (29) Die Hoof- Uitvoerende Beampte moet binne 30 dae ná ontvangs van 'n aansoek bedoel in subregulasie (28) die aansoek oorweeg.
- (30) Die Owerheid moet binne sewe dae nadat die Hoof- Uitvoerende Beampte besluit het oor 'n aansoek ingedien ingevolge subregulasie (28) die aansoeker skriftelik van die besluit in kennis stel.
- (31) Indien die Hoof- Uitvoerende Beampte die aansoek bedoel in subregulasie (28) toestaan, moet die aansoeker die toepaslike fooi tesame met die boete bedoel in artikel 66(11) aan die Owerheid betaal.
- (32) 'n Aansoek om—
- (a) die voorwaardes te wysig of in te trek wat die Dranklisensieringstribunaal opgelê het toe hy in 'n aansoek ingedien ingevolge subregulasie (1) voorwaardelik toegestaan het;
 - (b) enige voorwaarde of vereiste wat kragtens artikel 66(8)(b) bepaal is, in te trek of te wysig;
 - (c) die goedkeuring van 'n gewysigde plan soos na verwys in artikel 66(14), moet gedoen word deur 'n aansoek in die vorm van Vorm 27G in Aanhangsel 3 by die Owerheid en 'n afskrif daarvan by die aangewese drankbeampte na wie se regsgebied die lisensie verwyder staan te word, in te dien.
- (33) Die aansoek moet—
- (a) vergesel wees van bewys van betaling aan die Owerheid van die aansoekfooie uiteengesit in Item 17(a), (b) of (d) van Aanhangsel 1, na gelang van die geval;
 - (b) vergesel wees van skriftelike verhoë ter ondersteuning van die aansoek; en
 - (c) ten opsigte van 'n aansoek ingedien ingevolge subregulasie (32)(c), ook vergesel wees van 'n afskrif van die gewysigde plan van die perseel.
- (34) Die aangewese drankbeampte na wie se regsgebied die lisensie verwyder staan te word, moet binne 14 dae nadat 'n aansoek ingevolge subregulasie (32)(a), (b) of (c), na gelang van

die geval, ingedien is 'n afskrif van sy of haar verslag ten opsigte van die aansoek op die aansoeker beteken en die verslag tesame met bewys dat die verslag op die aansoeker beteken is by die Owerheid indien.

(35) Die verslag deur die aangewese drankbeampte moet die volgende bevat:

- (a) 'n verklaring oor die uitwerking wat die voorgestelde wysiging of intrekking van die voorwaardes of intrekking of wysiging van die voorwaardes of vereistes moontlik op die publiek kan hê;
- (b) 'n verklaring oor die uitwerking wat die voorgestelde wysiging of intrekking van die voorwaardes of intrekking of wysiging van die voorwaardes of vereistes moontlik kan hê op instellings bedoel in artikel 34(1)(e)(ii) tot (v);
- (c) enige ander inligting, indien enige, wat na die mening van die aangewese drankbeampte in aanmerking geneem moet word by die oorweging van die aansoek; en
- (d) 'n aanbeveling dat die aansoek toegestaan of geweier word.

(36) Indien die aangewese drankbeampte versuim om sy of haar verslag ingevolge subregulasie (34) in te dien, kan die Hoof- Uitvoerende Beampte 'n afskrif van die aansoek aan 'n inspekteur stuur met 'n skriftelike opdrag om 'n verslag ten opsigte van die tersaaklike aansoek in te dien wat die inligting soos na verwys in subregulasie (35) bevat.

(37) 'n Inspekteur moet sy of haar verslag by die Owerheid indien en 'n afskrif daarvan na die aansoeker stuur binne die tydperk bepaal deur die Hoof- Uitvoerende Beampte ingevolge die opdrag soos na verwys in subregulasie (36).

(38) Die aansoeker moet sy, haar of die reaksie op 'n verslag deur die aangewese drankbeampte soos na verwys in subregulasie (34) of op 'n verslag deur 'n inspekteur soos na verwys in subregulasie (37) binne sewe dae nadat hy, sy of dit met 'n afskrif van enige van die verslae beteken is by die Owerheid indien.

(39) Die Dranklisensiëringstribunaal of die Voorsittende Beampte, na gelang van die geval, moet 'n aansoek ingedien ingevolge subregulasie (32)(a), (b) of (c) binne 30 dae ná ontvangs van al die tersaaklike dokumente soos na verwys in subregulasies (32) tot (38) oorweeg.

(40) Die Owerheid moet binne sewe dae nadat die Dranklisensiëringstribunaal of die Voorsittende Beampte, na gelang van die geval, besluit het oor 'n aansoek ingedien ingevolge (32)(a), (b) of (c) die aansoeker en elke persoon wat 'n skriftelike beswaar of verdoë ten opsigte van die aansoek by die Owerheid ingedien het, skriftelik in die vorm van Vorm 27H in Aanhangsel 3 van die besluit in kennis stel.

(41) 'n Aansoek om die tydperk wat deur die Dranklisensiëringstribunaal bepaal is, te verleng ingevolge—

- (a) artikel 42(3);
- (b) artikel 66(8)(b);
- (c) artikel 66(5),

ten opsigte van 'n aansoek om verwydering vir 'n vasgestelde tydperk, moet in die vorm van Vorm 27G in Aanhangsel 3 by die Owerheid ingedien word.

(42) Die aansoek moet vergesel wees van—

- (a) bewys van betaling aan die Owerheid van die aansoekfooi uiteengesit in Item 17(c) van Aanhangsel 1; en
- (b) skriftelike verdoë ter ondersteuning van die aansoek wat die volgende uiteensit—
 - (i) die redes waarom daar nie binne die tydperk bepaal deur die Dranklisensiëringstribunaal aan die voorwaardes beoog in artikel 66(5)(c) of die voorwaardes en vereistes beoog in artikel 66(8)(b) voldoen is of voldoen kon word nie;
 - (ii) die mate waarin die aansoeker aan die voorwaardes of vereistes voldoen het;

- (iii) die stappe wat die aansoeker beoog om te doen om aan die voorwaardes of vereistes te voldoen; en
- (iv) die tyd wat die aansoeker reken nodig sal wees om die voorgestelde stappe af te handel.

(43) Die Voorsittende Beampte moet binne 30 dae ná ontvangs van al die tersaaklike dokumente soos na verwys in subregulasies (41) en (42) 'n aansoek ingedien ingevolge subregulasie (41)(a) of (b) oorweeg.

(44) Die Owerheid moet binne sewe dae nadat die Voorsittende Beampte besluit het oor 'n aansoek ingedien ingevolge subregulasie (41)(a) of (b), die aansoeker en elke persoon wat 'n skriftelike beswaar of verhoër ten opsigte van die aansoek by die Owerheid ingedien het, skriftelik in die vorm van Vorm 27H in Aanhangsel 3 van die besluit in kennis stel.

(45) Wanneer 'n aansoek ingevolge hierdie regulasie toegestaan word, moet die aansoeker, behalwe ten opsigte van 'n aansoek ingedien ingevolge subregulasie (28), die toepaslike fooi uiteengesit in Deel B van Aanhangsel 2 aan die Owerheid betaal.

Wysiging van regulasie 34 van die Regulasies

23. Regulasie 34 van die Regulasies word gewysig deur die volgende subregulasies by te voeg:

“(36) Bo en behalwe vir 'n appèl of aansoek om hersiening ingedien ten opsigte van 'n aansoek ingevolge regulasie 19(1)(a) of (b), indien—

(a) daar 'n vakature van 'n Appèltribunaal is; of

(b) ná ontvangs van die dokumente bedoel in subregulasie (9), die betrokke Appèltribunaal onbeskikbaar word om vir 'n tydperk wat na die mening van die Hoof- Uitvoerende Beampte die oorweging van die appèl of aansoek om hersiening onredelik sal vertraag,

moet die Hoof- Uitvoerende Beampte die Dranklisensiëringstribunaal, Voorsittende Beampte of Adjunk-Voorsittende Beampte, na gelang van die geval, die appellant, elke belanghebbende party bedoel in subregulasie (5)(b)(i) en die oorblywende Appèltribunaal in kennis stel dat die appèl of aansoek om hersiening nie vatbaar is vir beregting nie om die redes wat in die kennisgewing gelys word.

(37) Die oorblywende Appèltribunaal moet binne twee dae ná ontvangs van die kennisgewing bedoel in subregulasie (36), die Hoof- Uitvoerende Beampte in kennis stel van die tyd wat hy of sy sal benodig om hom- of haarself te vergewis van die dokumente wat in subregulasie (9) gelys word en om in 'n posisie te wees om die oorweging van die appèl of aansoek om hersiening te hervat.

(38) Die Hoof- Uitvoerende Beampte kan die prosedures en toepaslike tydperke waarna in subregulasies (10) tot (35) verwys word slegs vir die duur van die tydperk vervat in die kennisgewing soos na verwys in subregulasie (37) opskort.

(39) Die Hoof- Uitvoerende Beampte moet binne twee dae ná ontvangs van die kennisgewing bedoel in subregulasie (37) die Dranklisensiëringstribunaal, Voorsittende Beampte of Adjunk-Voorsittende Beampte, na gelang van die geval, die appellant en elke belanghebbende party beoog in subregulasie (5)(b)(i) en die oorblywende Appèltribunaal in kennis stel dat die prosedures en toepaslike tydperke waarna in subregulasies (10) tot (35) verwys word, opgeskort word en die tydperk waarvoor dit opgeskort word.

(40) Die prosedures en toepaslike tydperke hervat by die verstryking van die tydperk aangedui in die kennisgewing bedoel in subregulasie (39) en die oorblywende

Appèltribunaal moet die appèl of aansoek om hersiening oorweeg daarvoor besluit en in ooreenstemming met daardie prosedures en toepaslike tydperke.

(41) Waar die appèl of aansoek om hersiening ingedien is ten opsigte van ’n aansoek wat ingevolge regulasie 19(1)(a) of (b) gemaak is, en indien—

(a) daar ’n vakature van ’n Appèltribunaal is; of

(b) ná die ontvangs van die dokumente soos na verwys in subregulasie (9), die betrokke Appèltribunaal onbeskikbaar word,

moet die Hoof- Uitvoerende Beampte die oorblywende Appèltribunaal onmiddellik in kennis stel van die redes waarom die appèl of aansoek om hersiening nie vatbaar is vir beregting deur die tersaaklike Appèltribunaal nie en, tesame met die kennisgewing, al die dokumente wat in subregulasie (9) gelys is by die oorblywende Appèltribunaal indien om die appèl of aansoek om hersiening te oorweeg en daarvoor te besluit in ooreenstemming met die prosedures en toepaslike tydperke waarna in subregulasies (9) tot (35) verwys word.”.

Wysiging van regulasie 37 van die Regulasies

24. Regulasie 37 van die Regulasies word gewysig deur subregulasie (2) deur die volgende subregulasie te vervang:

“(2) ’n Lisensiehouer moet op ’n prominente plek op die gelisensieerde perseel die volgende vertoon—

- (a) die lisensie of, indien van toepassing, die verwyderingsertifikaat, oordragsertifikaat of verkorte lisensie in die vorm van Vorm 7A;
- (b) die bewys van betaling aan die Owerheid van die hernuwingsfooi vir die tersaaklike jaar of tweejaartydperk;
- (c) indien van toepassing, ’n afskrif van die voltooide Vorm 21B in Aanhangsel 3 waardeur die lisensiehouer aansoek gedoen het om op ’n tweejaarlikse hernuwingsiklus ingevolge artikel 63(1) in te teken;
- (d) indien van toepassing, ’n gewaarmerkte afskrif van elke tersaaklike Vorm 15; en
- (e) indien van toepassing, ’n gewaarmerkte afskrif van elke tersaaklike betrokke Vorm 15A.”.

Wysiging van Aanhangsel 1

25. Aanhangsel 1 tot die Regulasies word gewysig deur—

- (a) die byvoeging van die volgende nuwe item na item 9, en die bestaande item word item 9(a):

“

	(b) Aansoek om kondonering ingevolge artikel 64(4)	2 339
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”; en

- (b) die invoeging na item 12 van die volgend item:

“

13.	Onderrig en opleiding ingevolge artikels 45, 52(6) en 65(14)	550
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”

Vervanging van Aanhangsel 3 by die Regulasies

26. Die volgende aanhangsel word deur Aanhangsel 3 by die Regulasies vervang:

“AANHANGSEL 3

Inhoudsopgawe van vorms

REGULASIE	VORM NR.	BESKRYWING
AANSTELLING VAN LEDE VAN DIE RAAD EN DRANKLISENSIËRINGS-TRIBUNAAL		
2(3)	1	Benoemingsvorm vir aanstelling as lid van die Raad
6(6)	2	Benoemingsvorm vir aanstelling as lid of plaasvervangende lid van Dranklisensiëringstribunaal
AANSOEKPROSEDURE VIR NUWE LISENSIE		
9(3)	3	Aansoek om ’n lisensie ingevolge artikel 36
9 A(2)	3C	Weiering van indiening van aansoek ingevolge artikel 36(1A)(b)
9 A(3)	3D	Aanvaarding van indiening van aansoek ingevolge artikel 36(1C)(a)
9A(5) (a)	3E	Kennisgewing ingevolge regulasie 9A(6)(a)
9A(5)(b)	3F	Kennisgewing ingevolge regulasie 36(1C)(e)
10(2)	3B	Kennisgewing van indiening van aansoek om dranklisensie

REGULASIE	VORM NR.	BESKRYWING
KENNISGEWINGS EN DAGVAARDINGS		
16(1)	4A	Kennisgewing om teenwoordig te wees by 'n vergadering van die Dranklisensiëringstribunaal ingevolge artikel 23(2)
16(1)	4B	Dagvaarding ingevolge artikel 23(5)
VOORWAARDELIKE TOESTAAN VAN LISENSIES		
17(2)	5A	Kennisgewing van voorwaardelike toestaan van lisensie ingevolge regulasie 17(2)
17(8) en (18)	5B	Aansoek— A – Ingevolge artikel 42(4) vir die wysiging of intrekking van die voorwaardes opgelê ingevolge artikel 42(1) B – Ingevolge artikel 42(5)(b) vir die wysiging van die plan van die perseel; of C – Ingevolge artikel 42(5)(a) vir die verlenging van die tydperk
17(17) en (22)	5C	Kennisgewing van besluit ingevolge regulasie 17(17) of (22)
17(28)	5D	Kennisgewing van intrekking ingevolge artikel 42(4A) van lisensie wat voorwaardelik toegestaan is
17(25)	5E	Kennisgewing ingevolge regulasie 17(25)
UITREIKING VAN LISENSIE		
18(2)	6A	Kennisgewing van toestaan van lisensie
17(4)	6B	Kennisgewing ingevolge regulasie 17(4) dat daar voldoen is aan die voorwaardes vir die voorwaardelike toestaan van die lisensie
18(3A)	6C	Aansoek om kondonering van die versuim om voorgeskrewe fooi te betaal ingevolge artikel 46(6)

REGULASIE	VORM NR.	BESKRYWING
17(6) en 18(4)	7	Dranklisensie
	7A	Verkorte dranklisensie
AANSOEK OM TYDELIKE DRANKLISENSIE OF GELEENTHEIDSDRANKLISENSIE		
19(2) (a) (ii)	8	Aansoek om 'n tydelike dranklisensie ingevolge artikel 48(1)
19(2) (b) (ii)	9	Aansoek om 'n geleentheidsdranklisensie ingevolge artikel 48(4)
19(18) (b)	10	Tydelike dranklisensie
19(18) (b)	11	Geleentheidsdranklisensie
19(14)	12A	Aansoek om kondonering van die laat indiening van 'n aansoek om 'n tydelike dranklisensie of 'n geleentheidsdranklisensie ingevolge artikel 48(10)
19(19)	12B	Kennisgewing ingevolge regulasie 19(19)
AANSOEK OM OORDRAG VAN FINANSIËLE BELANG IN GELISENSIEERDE BESIGHEID OF VERHURING VAN GELISENSIEERDE BESIGHEID		
21(1)	13	Aansoek om 'n finansiële belang in die gelisensieerde besigheid oor te dra ingevolge artikel 51(1)
21 A(1)	14	Aansoek om 'n perseel aan 'n ander persoon te verhuur, 'n ander persoon toe te laat om besigheid ingevolge die lisensie te bedryf of 'n ander persoon toe te laat om die gelisensieerde perseel te gebruik ingevolge artikel 51A(1)
BENOEMING VAN BESTUURDER		
22(1)	15	Kennisgewing van die aanstelling van 'n bestuurder ingevolge artikel 52

REGULASIE	VORM NR.	BESKRYWING
22(2)	15A	Sertifikaat in Dranklisensieopleiding
VERANDERING VAN GELISENSIEERDE BESIGHEID OF AARD VAN BESIGHEID		
23(1)	16	A – Aansoek om toestemming om strukturele veranderings, aanbouings of verbouings van of aan die gelisensieerde perseel ingevolge artikel 53(1)(a) uit te voer B – Aansoek om toestemming om uitbreiding van of na die gelisensieerde perseel uit te voer ingevolge artikel 53(1A)(a)
23(2)	17	Aansoek om toestemming om die aard van die gelisensieerde besigheid wesenlik te verander ingevolge artikel 53(1A)(b)
23(3)	18	Aansoek om toestemming om 'n besigheid onder 'n lisensie te bedryf op 'n perseel waarop enige ander besigheid bedryf word, insluitend 'n besigheid waarop enige ander lisensie betrekking het, of enige ander handel gedryf of beroep beoefen word ingevolge artikel 53(1)(c)
HANDELSURE		
26(1)	19	Aansoek om die verlenging van handelsure ingevolge artikel 59(4)
27	19A	Hoeveelheid drank verkoop en hou van rekords ingevolge artikel 60(1)

REGULASIE	VORM NR.	BESKRYWING
ABANDONNERING VAN LISENSIE		
29	20	Kennisgewing van abandonnering van lisensie
OUTOMATIESE HERNUWING VAN LISENSIE EN KONDONERING VAN DIE VERSUIM OM HERNUWINGSFOOI TEEN BETAALDATUM TE BETAAL		
30(1)	21A	Jaarlikse of tweejaarlikse hernuwingskennisgewing
30(3)	21B	Tweejaarlikse hernuwingskennisgewing: Kennisgewing van intekening op tweejaarlikse hernuwingsiklus
AANSOEK OM HERNUWING VAN LISENSIE		
31(1)	22	Aansoek om hernuwing van lisensie ingevolge artikel 64(1)
31(4)	23	Aansoek om kondonering van die versuim om vir die hernuwing van 'n lisensie aansoek te doen ingevolge artikel 64(4)
OORDRAG VAN LISENSIE		
32(2) (a)	24	Aansoek om oordrag van lisensie ingevolge artikel 65(1)
32(10)	24A	Kennisgewing van toestaan of weiering van oordrag van lisensie
32(11)	24B	Kennisgewing van voorwaardelike toestaan van oordrag van lisensie ingevolge regulasie 32(11)
32(14)	24C	Kennisgewing dat daar voldoen is aan die voorwaardes van die voorwaardelike toestaan van oordrag van die lisensie ingevolge regulasie 32(14)
32(17)	24D	Aansoek om kondonering van versuim om voorgeskrewe fooi te betaal ingevolge artikel 65(19)

REGULASIE	VORM NR.	BESKRYWING
32(35) en (46)	24E	Aansoek— A – Ingevolge artikel 65(12B) om voorwaardes opgelê ingevolge artikel 64(12) te wysig of in te trek; of B – Ingevolge artikel 65(12C) om die tydperk bepaal ingevolge artikel 65(12A) te verleng
32(45) en (49)	24F	Kennisgewing van besluit ingevolge regulasie 32(45) of (49)
32(12) en (16)	25	Sertifikaat van oordrag van dranklisensie ingevolge artikel 65(17)
32(21)	26	Aansoek om toestemming om gelisensieerde besigheid te bedryf hangende die oordrag van die lisensie ingevolge artikel 65(3)
32(31)	26A	Aansoek ingevolge artikel 65(6) om die tydperk van toestemming verleen ingevolge artikel 65(5) te verleng
32(34)	26B	Toestemming vir die verlenging van die tydperk verleen ingevolge artikel 65(5)
AANSOEK OM VERWYDERING VAN LISENSIE		
33(7)	27	Aansoek om die verwydering van 'n lisensie ingevolge artikel 66(2)
33(2) (a)	27A	Kennisgewing van indiening van aansoek om verwydering van dranklisensie ingevolge artikel 66(2)
33(2) (b)	27B	Kennisgewing van indiening van aansoek om verwydering van dranklisensie
33(21)	27C	Kennisgewing van toestaan of weiering van verwydering van lisensie

REGULASIE	VORM NR.	BESKRYWING
33(22)	27D	Kennisgewing van voorwaardelike toestaan van verwydering van lisensie ingevolge regulasie 33(22)
33(25)	27E	Kennisgewing dat daar volgoen is aan die voorwaardes van voorwaardelike toestaan ingevolge regulasie 33(25).
33(28)	27F	Aansoek om kondonering van die versuim om voorgeskrewe fooi te betaal ingevolge artikel 66(11)
33(32) en (41)	27G	Aansoek— A – Ingevolge artikel 66(5)(c) saamgelees met artikel 42 vir die wysiging of intrekking van voorwaardes; B – Ingevolge artikel 66(8)(b) saamgelees met artikel 44 om enige voorwaarde of vereiste in te trek of te wysig; C – Ingevolge artikel 66(5)(c) saamgelees met artikel 42(5) om die goedkeuring van 'n gewysigde plan; of D – Om die tydperk te verleng wat die Dranklisensiërings-tribunaal ingevolge artikels 42(3), 66(5) en 66(8)(b) bepaal het ten opsigte van 'n verwydering vir 'n vasgestelde tydperk
33(40) en (44)	27H	Kennisgewing van besluit ingevolge regulasie 33(39) of (44)
33(23) en (27)	28	Sertifikaat van verwydering van lisensie ingevolge artikel 66
APPËLLE EN HERSIENINGS		
34(6)	29	Kennisgewing van appèl of aansoek om hersiening ingevolge artikel 68(3)
VOLDOENING		
35(1)	30	Kennisgewing van voldoening ingevolge artikel 69(1)
35(3)	31	Sertifikaat van voldoening ingevolge artikel 69(6)

REGULASIE	VORM NR.	BESKRYWING
ADMINISTRATIEWE KENNISGEWING		
37 A(1)	32	Kennisgewing ingevolge regulasie 37A(1)
VRYSTELLINGS		
36(1)	33	Aansoek om vrystelling ingevolge artikel 84(2)

WES-KAAPSE DRANKWET, 2008 (4 VAN 2008)

VORM 1**BENOEMINGSVORM VIR AANSTELLING AS LID VAN DIE RAAD**

[Reg. 2(3)]

DEEL A: VIR VOLTOOIING DEUR DIE PERSOON WAT DIE BENOEMING DOEN**1. PERSOONLIKE BESONDERHEDE**

1.1 Volle naam: _____

1.2 Identiteitsnommer: _____

1.3 Geboortedatum: _____ / _____ / _____

1.4 Woonadres: _____

Poskode: _____

1.5 Posadres: _____

Poskode: _____

1.6 Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

1.7 Faksnommer: _____

E-posadres: _____

2. VERHOUDING MET BENOEMDE

Benoemer moet die aard van die verhouding (eggenoot, familielid, vennoot of sakevennoot) tussen hom- of haarself en die benoemde aandui:

3. REDES VIR DIE BENOEMING VAN DIE BENOEMDE

Benoemer moet die redes aandui waarom die benoemde as lid van die Raad aangestel moet word:

GETEKEN TE _____ op hierdie _____ dag van _____

20 _____

Handtekening van persoon wat die benoeming doen

DEEL B: VIR VOLTOOIING DEUR DIE BENOEMDE

1. PERSOONLIKE BESONDERHEDE

1.1 Volle naam: _____

1.2 Identiteitsnommer: _____

1.3 Geboortedatum: _____ / _____ / _____

1.4 Woonadres: _____

 Poskode: _____

1.5 Posadres: _____

 Poskode: _____

1.6 Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

1.7 Faksnommer: _____

1.8 E-posadres: _____

2. KWALIFISERING VAN BENOEMDE

2.1(a)	Is u 'n burger van die Republiek van Suid-Afrika en permanent woonagtig in die Provinsie?	Ja	Nee
(b)	Is u jonger as vyf-en-twintig (25) jaar oud?	Ja	Nee
(c)	Is u in die voorafgaande tien (10) jaar skuldig bevind aan 'n misdryf ingevolge hierdie Wet of enige soortgelyke wet?	Ja	Nee
(d)	Is u in die voorafgaande tien (10) jaar, hetsy in die Republiek of elders, skuldig bevind aan diefstal, bedrog, vervalsing, die produsering van 'n vervalste dokument, meened of enige misdryf kragtens die Korrupsiewet, 1992 (Wet 94 van 1992), of die Wet op die Voorkoming en Bekamping van Korrupte Aktiwiteite, 2004 (Wet 12 van 2004), of enige oortreding waarvan oneerlikheid 'n element is?	Ja	Nee
(e)	Is u 'n ongerehabiliteerde insolvent of onderhewig aan enige handelingsonbevoegdheid?	Ja	Nee
(f)	Is u in die voorafgaande tien (10) jaar uit enige amp van vertroue verwyder weens wangedrag of oneerlikheid?	Ja	Nee
(g)	Is u 'n politieke ampsdraer?	Ja	Nee
(h)	Het u, hetsy persoonlik of deur u gade, familielid, vennoot of besigheidsdeelgenoot—	Ja	Nee
	(i) regstreekse of onregstreekse finansiële belang in enige drankbesigheid of -onderneming?; of		
	(ii) enige belang in enige besigheid of onderneming wat in stryd kan wees of kan inmeng met die behoorlike uitvoering van u pligte as 'n lid van die Raad ten opsigte van enige lisensie kragtens hierdie Wet uitgereik?	Ja	Nee
<p><i>Neem asseblief kennis: Vir die doeleindes van subparagraaf (h), sluit 'n onregstreekse finansiële belang nie 'n onregstreekse belang in wat deur enige fonds of belegging gehou word nie indien die persoon wat sodanige belang hou geen beheer het oor die beleggingsbesluite wat ten opsigte van daardie fonds of belegging geneem word nie.</i></p>			

2.2 Indien enige van die vrae in paragraaf 2.1(b) tot (h) "ja" is, verskaf asseblief volledige besonderhede:

(Gebruik 'n aanhangsel indien nodig.)

2.3 Indien u vir aanstelling ingevolge artikel 3(1)(a) van die Wet benoem:

Beskik u oor toepaslike kennis of ondervinding van stelsels en prosesse om behoorlike integriteit en openheid in die bedryf van die besigheid van die Owerheid as 'n organisasie te verseker? **JA / NEE**

Indien ja, dui asseblief u kennis of ervaring aan:

2.4 Indien u vir aanstelling ingevolge artikel 3(1)(b) van die Wet benoem is:

Beskik u oor toepaslike kennis of ondervinding van die bestryding van die negatiewe maatskaplike gevolge van die misbruik van drank? **JA / NEE**

Indien ja, dui asseblief u kennis of ervaring aan:

3. AKADEEMIESE KWALIFIKASIES

Verskaf asseblief volledige besonderhede van al u akademiese kwalifikasies, met inbegrip van kortkursusse, indien enige:

4. GEMEENSKAPSBETROKKENHEID

Verskaf asseblief besonderhede van u gemeenskapsbetrokkenheid.

5. MOTIVERING TER ONDERSTEUNING VAN DIE AANSTELLING

Verskaf asseblief 'n omvattende motivering waarom u glo dat u as lid van die Raad aangestel moet word:

ONDERTEKEN TE _____ op hierdie _____ dag van _____

20 _____

Handtekening van benoemde

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of verhoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 2

BENOEMINGSVORM VIR AANSTELLING AS LID OF PLAASVERVANGENDE LID
VAN DRANKLISENSIËRINGSTRIBUNAAL

[Reg. 6(6)]

DEEL A: VIR VOLTOOIING DEUR PERSOON WAT DIE BENOEMING DOEN

1. PERSOONLIKE BESONDERHEDE

1.1 Volle naam: _____

1.2 Identiteitsnommer: _____

1.3 Geboortedatum: _____ / _____ / _____

1.4 Woonadres: _____

Poskode: _____

1.5 Posadres: _____

Poskode: _____

1.6 Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

1.7 Faksnommer: _____

1.8 E-posadres: _____

2. VERWANTSKAP AAN BENOEMDE

Benoemer moet die aard van die verwantskap (eggenoot, familielid, vennoot of besigheidsdeelnoot) tussen hom of haar en die benoemde aandui:

3. REDES VIR DIE BENOEMING VAN DIE BENOEMDE

Benoemer moet redes aandui waarom die benoemde as lid of plaasvervangende lid van die Dranklisensiëringstribunaal aangestel moet word:

ONDERTEKEN TE _____ op hierdie _____ dag van _____

20 _____

Handtekening van persoon wat die benoeming doen

DEEL B: VIR VOLTOOIING DEUR DIE BENOEMDE

1. PERSOONLIKE BESONDERHEDE

1.1 Volle naam: _____

1.2 Identiteitsnommer: _____

1.3 Geboortedatum: _____ / _____ / _____

1.4 Woonadres: _____

Poskode: _____

1.5 Posadres: _____

Poskode: _____

1.6 Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

1.7 Faksnommer: _____

1.8 E-posadres: _____

2. KWALIFISERING VAN BENOEMDE

2.1(a)	Is u in die voorafgaande tien (10) jaar aan 'n misdryf skuldig bevind aan 'n misdryf en gevonnisd tot gevangenisstraf sonder die keuse van 'n boete?	Ja	Nee
(b)	Is u in die voorafgaande tien (10) jaar skuldig bevind aan 'n misdryf ingevolge hierdie Wet, die Drankwet, 2003 (Wet 59 van 2003), die Drankwet, 1989 (Wet 27 van 1989), of enige soortgelyke wet?	Ja	Nee
(c)	Is u 'n ongerehabiliteerde insolvent of iemand wat onderworpe is aan enige handelingsonbevoegdheid?	Ja	Nee
(d)	Is u jonger as vyf-en-twintig (25) jaar oud?	Ja	Nee
(e)	Het u enige regstreekse belang in die drankhandel?	Ja	Nee
(f)	Is u 'n familielid, vennoot of besigheidsdeelnoot van 'n persoon met 'n regstreekse belang in die drankhandel?	Ja	Nee
(g)	Is u ingevolge artikel 35 van die Wet gediskwalifiseer om 'n dranklisensie te hou?	Ja	Nee
(h)	Woon u tans in die provinsie?	Ja	Nee

- 2.2 Indien die antwoord enige van die vrae in paragraaf 2.1 (a) tot (g) "ja" is, verskaf volledige besonderhede.

(Heg 'n afsonderlike aanhangsel aan indien nodig.)

3. AKADEMIESE KWALIFIKASIES

Verskaf asseblief volledige besonderhede van al u akademiese kwalifikasies, met inbegrip van kortkursusse, indien enige:

4. MOTIVERING TER ONDERSTEUNING VAN AANSTELLING

Verskaf asseblief 'n omvattende motivering oor waarom u glo dat u as 'n lid of plaasvervangende lid van die Dranklisensieringstribunaal aangestel moet word.

ONDERTEKEN TE _____ op hierdie _____ dag van _____

20 _____

Handtekening van benoemde

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of vertoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 3**AANSOEK OM 'N LISENSIE INGEVOLGE ARTIKEL 36**

[Reg. 9(3)]

OORSPRONKLIKE WEERGAWE MOET BY OWERHEID INGEDIEN WORD

Datumstempel van Owerheid by ontvangs van aansoek

INHOUD

Beskrywing van dokumente wat aangeheg moet word	Aanhangsel
Omvattende vloerplan van die voorgestelde gelisensieerde perseel	A
Terreinplan	B
Lugbeeldkaart	C
Beskrywing van die perseel	D
Geïndekseerde kleurfoto's	E
Skriftelike verstoë ter ondersteuning van die aansoek	F
Beëdigde verklaring deur die aansoeker dat hy of sy nie ingevolge artikel 35 gediskwalifiseer is om 'n dranklisensie te hou nie	G
Bewys van reg om die voorgestelde gelisensieerde perseel te okkupeer	H
Bewys van eienaarskap van die voorgestelde gelisensieerde perseel of, indien die aansoeker nie die eenaar is nie, skriftelike toestemming van die eenaar van die voorgestelde gelisensieerde perseel dat die aansoeker die voorgestelde gelisensieerde perseel mag gebruik vir die doeleindes van die lisensie waarvoor aansoek gedoen word	I

Beskrywing van dokumente wat aangeheg moet word	Aanhangsel
'n Gewaarmerkte afskrif van die identiteitskaart of -dokument, of die paspoort en visum of permanente verblyfpermit van die aansoeker indien die aansoeker 'n buitelander is, of, in die geval van 'n aansoeker wat nie 'n natuurlike persoon is nie, afskrifte van die tersaaklike registrasiedokumente wat die identiteit aandui en, waar van toepassing, die finansiële belange van alle lede, direkteure, vennote, begunstigdes of trustees	J
Bewys van betaling van die toepaslike aansoekfooi	K
'n Soneringsertifikaat of 'n afskrif van 'n beplanningsaansoek wat ingevolge toepaslike beplanningswetgewing by die betrokke munisipaliteit ingedien word	L
Ander dokumente wat in die Wet vereis word of deur die Owerheid vereis word	M
Kennisgewing van aanstelling van 'n bestuurder of bestuurders ooreenkomstig regulasie 22, indien van toepassing	N
Vertoë oor waarom die toestaan van die aansoek in die openbare belang is	O
Sertifikaat van Dranklisensieopleiding	P

Naam, handtekening en kontakbesonderhede van persoon wat hierdie aansoek voorberei het:

Naam: _____

Handtekening : _____

Posadres: _____

Poskode: _____

Fisiese adres: _____

Poskode: _____

Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

Faksnommer: _____

E-posadres: _____

1. BESONDERHEDE VAN AANSOEKER

1.1 Volle naam: _____

1.2 Identiteitsnommer: _____

(Indien aansoeker 'n natuurlike persoon is)

Registrasienommer : _____

(Indien aansoeker nie 'n natuurlike persoon is nie)

1.3 Geboortedatum : _____ / _____ / _____

(Indien aansoeker 'n natuurlike persoon is)

1.4 Woonadres: _____

Poskode: _____

1.5 Posadres: _____

Poskode _____

1.6 Adres vir betekening van alle kennisgewings en dokumente: _____

Poskode: _____

1.7 Adres vir betekening van alle kennisgewings en dokumente nadat aansoek bepaal is:

Poskode: _____

1.8 Kontakbesonderhede van aansoeker of, indien die aansoeker nie 'n natuurlike persoon is nie, van kontakpersoon:

Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

1.9 Faksnommer : _____

1.10 E-posadres: _____

2. KWALIFISERING VAN AANSOEKER

2.1	Is die aansoeker iemand wat—	Merk "ja" of "nee"	
(a)	binne die vyf (5) jaar voor die indiening van hierdie aansoek gevonnissen is tot gevangenisstraf sonder die keuse van die betaling van 'n boete?	Ja	Nee
(b)	binne die vyf (5) jaar voor die indiening van die aansoek onbevoeg verklaar is om 'n registrasie deur die Nasionale Drankowerheid of 'n lisensie deur enige provinsiale drankowerheid te hou?	Ja	Nee
(c)	'n ongerehabiliteerde insolvent is?	Ja	Nee
(d)	minderjarig is?	Ja	Nee
(e)	die houër was van 'n lisensie wat binne 'n tydperk van twaalf (12) maande voor die indiening van hierdie aansoek ingetrek is ingevolge die bepalings van hierdie Wet of gekanselleer is ingevolge 'n wet wat dranklisensies in enige ander provinsie reguleer?	Ja	Nee
(f)	'n gade of lewensmaat van 'n persoon in (a), (b) of (e) hierbo beskryf is?	Ja	Nee
(g)	enigiemand wat geestesongesteld is soos omskryf in die Mental Health Care Act, 2002 ("Wet op Geestesgesondheidsorg") (Wet 17 van 2002)?	Ja	Nee
2.2	In die geval van 'n aansoeker wat nie 'n natuurlike persoon is nie: Is enige lid, direkteur, vennoot, begunstigde of trustee van die aansoeker 'n persoon wat in paragraaf 2.1(a), (b), (c), (d) of (e) beskryf word?	Ja	Nee

2.3 Indien die antwoord enige van die vrae in paragraaf 2.1 of 2.2 "ja" is, verskaf volledige besonderhede: _____

(Gebruik 'n aanhangsel indien nodig.)

3. FINANSIËLE BELANG

3.1 Verskaf die naam, identiteitsnommer en adres van elke persoon, met inbegrip van die aansoeker, wat enige finansiële belang in die besigheid het en vermeld in elke geval die aard en omvang van sodanige belang:

[Indien die aansoeker 'n openbare maatskappy, statutêre instelling of koöperasie is soos beoog in die Wet op Koöperasies, 2005 (Wet 14 van 1981), is dit voldoende as slegs die naam en posadres van sodanige maatskappy, statutêre instelling of koöperasie, na gelang van die geval, die naam van elke direkteur (indien enige) daarvan en die aard en omvang van die finansiële belang van sodanige maatskappy, statutêre instelling of koöperasie verstrek word en nie ook die belange van individuele lede van sodanige maatskappy, statutêre instelling of koöperasie nie.]

(Gebruik 'n aanhangsel indien nodig.)

3.2	Indien die aansoeker 'n maatskappy, beslote korporasie, vennootskap of trust is, meld of 'n persoon beoog in paragraaf 3.1 hierbo —	Merk "ja" of "nee"	
(a)	'n beherende belang in die maatskappy, beslote korporasie of trust het?	Ja	Nee
(b)	'n vennoot in die vennootskap is?	Ja	Nee
(c)	die hoofbegunstigde onder die trust is?	Ja	Nee

3.3 Indien die antwoord op enige van die vrae in paragraaf 3.2(a), (b) of (c) "ja" is, verskaf volledige besonderhede:

(Gebruik 'n aanhangsel indien nodig.)

4. BESONDERHEDE VAN AANSOEK

4.1 Verskaf die kategorie lisensie waarvoor aansoek gedoen word: _____

4.2 Verskaf die soort(e) drank wat die aansoeker beoog om onder die lisensie te verkoop of te vervaardig:

4.3 Onder watter naam sal die besigheid bedryf word? _____

4.4 Adres van die perseel wat gelisensieer moet word, met verwysing na die nommer van die erf, straat/strate, woonstel(le), winkel(s) of plaas, na gelang van die geval, waar die besigheid bedryf sal word:

4.5 Besit die aansoeker die voorgestelde gelisensieerde perseel? **JA / NEE**

Indien nee, gee besonderhede van die eienaar en die aansoeker se reg op okkupasie:

Eienaar se naam: _____

Eienaar se adres: _____

Aansoeker se reg van okkupasie: _____

Tydsduur van reg op okkupasie: _____

4.6	Word die aansoek gedoen ten opsigte van persele wat—	Merk "ja" of "nee"	
(a)	nog nie opgerig is nie?	Ja	Nee
(b)	reeds opgerig is, maar aanbouings of veranderings nodig het om dit geskik te maak vir die doeleindes van die voorgestelde besigheid?	Ja	Nee
(c)	reeds opgerig is en, volgens die aansoeker se mening nie aanbouings of veranderings nodig het om dit geskik te maak vir die doeleindes van die voorgestelde besigheid nie?	Ja	Nee

4.7 Indien die antwoord op enige van die vrae in paragraaf 4.6 (a) of (b) "ja" is, verskaf asseblief—

(a) die datum wanneer sodanige oprigting, aanbouing of veranderings sal begin:

_____ / _____ / 20____; en

(b) die tydperk wat nodig sal wees vir die oprigting, aanbouings of veranderings:

4.8 Handelsure verlang waartydens daar voorgeneem word om drank op die gelisensieerde perseel te verkoop of verbruik:

4.9 Indien die aansoek toegestaan word, dui aan of die lisensie outomaties op 'n **jaarlikse** of **tweejaarlikse** basis hernu sal word. (*Merk wat van toepassing is.*)

4.10 Werkseleenthede wat geskep sal word:

(a) Hoeveel persone sal in diens van die besigheid wees?

(b) Hoeveel persone sal as bestuurders in diens geneem word?

(c) Hoeveel persone sal spesifiek vir die verkoop van drank in diens geneem word?

5. BESONDERHEDE VAN AANSOEKER INDIEN AANSOEKER NIE 'N NATUURLIKE PERSOON IS NIE

(Moet ingevul word indien aansoeker 'n maatskappy, beslote korporasie, trust of vennootskap is.)

5.1 Geregistreeerde naam: _____

5.2 Registrasienommer: _____

5.3 Datum van registrasie: _____

(Heg bewys van registrasie in 'n aanhangsel aan.)

5.4 Besonderhede van lede, direkteure, vennote of trustees:

(Gebruik 'n aanhangsel indien nodig .)

(Eerste persoon)

Volle naam: _____

Fisiese adres: _____

Poskode: _____

Posadres: _____

Poskode: _____

Identiteitsnommer: _____

(Tweede persoon)

Volle naam: _____

Fisiese adres: _____

Poskode: _____

Posadres: _____

Poskode: _____

Identiteitsnommer: _____

6. ANDER LISENSIES

- 6.1 Gee volledige besonderhede van enige bestaande dranklisensie op die eiendom waar die voorgestelde perseel geleë is:

Lisensiehouer : _____

Soort lisensie: _____

Owerheidsverwysingsnommer: _____

(Die ligging van sodanige ander gelisensieerde perseel in verhouding tot die voorgestelde perseel moet op 'n terreinplan aangedui word.)

- 6.2 Verskaf volledige besonderhede van alle dranklisensies wat deur die aansoeker in die Provinsie Wes-Kaap gehou word, asook volledige besonderhede van enige registrasie wat by die Nasionale Drankowerheid gehou word kragtens die Drankwet, 2003 (Wet 59 van 2003):

(Gebruik 'n aanhangsel indien nodig.)

Datum

**Handtekening van aansoeker of persoon
 deur aansoeker gemagtig**

Naam in drukskrif

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of verhoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET 4 VAN 2008 (WET 4 VAN 2008)

VORM 3A**KENNISGEWING VAN AANSOEKE OM DRANKLISENSIES INGEVOLGE ARTIKEL
37(1) VAN DIE WES-KAAPSE DRANKWET, 2008**[Reg. 10(1)]

Hiermee word kennis gegee dat die volgende aansoeke om dranklisensies deur die Owerheid ingedien word en deur die aangewese drankbeamptes by die aangewese kantore van die Suid-Afrikaanse Polisie ingedien is.

Die betrokke aansoek kan tot en met die ag-en-twintigste (28ste) dag vanaf die datum van die publikasie van die aansoek op versoek en gratis deur enige persoon by die kantore van die Owerheid of die aangewese drankbeampte hieronder gelys besigtig word. 'n Afskrif van 'n aansoek kan ná betaling van die voorgeskrewe fooi by die Owerheid verkry word.

Besware en verdoë moet ingevolge artikel 39 van die Wet skriftelik deur die Owerheid en die aangewese drankbeampte ingedien word.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 3A**NOTICE OF APPLICATIONS FOR LIQUOR LICENCES IN TERMS OF SECTION 37(1)
OF THE WESTERN CAPE LIQUOR ACT, 2008**[Reg. 10(1)]

Notice is hereby given that the following applications for liquor licences have been lodged with the Authority and with the designated liquor officers at the indicated South African Police Service offices.

The applications concerned may, up to and including the 28th day from the date of publication of the application, upon request and free of charge, be inspected by any person, at the offices of the Authority or the designated liquor officer listed hereunder. Copies of an application can be obtained from the Authority after payment of the prescribed fee.

Objections and representations must be lodged in writing with the Authority and the designated liquor officer in accordance with section 39 of the Act.

UMTHETHO WOTYWALA WENTSHONA KOLONI, 2008 (UMTHETHO 4 KA-2008)

IFOMU 3A

ISAZISO SOKUFAKWA KWESICELO SEPHEPHA MVUME NGOKWECANDELO 37(1)
LOMTHETHO WOTYWALA WENTSHONA KOLONI KA-2008

[Reg. 10(1)]

Isaziso siyanikezelwa ukuba ezi zicelo zilandelayo zamaphepha mvume otywala zifakiwe kwabasemaGunyeni ezoTywala eNtshona Koloni (abasemaGunyeni) nakumagosa ajongene nemiba engotywala kwii-ofisi-ofisi-ofisi-zemazneizo eZeisali-Afrika

Izicelo ekubhekiselelwa kuzo zingakwazi kwiintsuku ezingamashumi amabini anesibhozo (28) ukususela ngomhla wokupapashwa kwesi sicelo, xa eceliwe kwaye simahla, ziye kuhlolwa nguye nawuphi umntu okema-guny umntu okwielijeego likopi zesicelo zingafumaneka kwabasemaGunyeni emva kwentlawulo emiselweyo.

Uchaso neengxelo ezixhasayo ezibhaliweyo zingafakwa kwabasemaGunyeni nakwigosa elijongene nemiba engotywala ngokwecandelo 39 loMthetho.

Geen.	Full name of applicant Volle naam van aansoeker Igama elipheleleyo lomfaki-sicelo	Name under which business will be conducted Naam waaronder besigheid bedryf sal word Igama ishishini eza kushishina phantsi kwalo	Address of the proposed premises Adres van die voorgestelde perseel Idilesi yesakhiwo	Kind of licence applied for Soort lisensie waarvoor aansoek gedoen word Uhlobo lwephepha mvume olucelayo	South African Police Services designated liquor officer office where the application has been lodged Suid-Afrikaanse Polisiediens-kantoor van die aangewese drankbeampte waar die aansoek ingedien is i-Ofisi yeGosa elijongene nemiba engotywala yeeNkonzo zamaPolisa eMzantsi Afrika apho isicelo sifakwe khona

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 3B**KENNISGEWING VAN INDIENING VAN AANSOEK OM DRANKLISENSIE**

[Reg. 10(2)]

Kennis word hiermee gegee dat 'n aansoek vir 'n dranklisensie, waarvan besonderhede hieronder verskyn, by die Owerheid ingedien en deur die Owerheid aanvaar is.

Die betrokke aansoek kan tot en met die ag-en-twintigste (28ste) dag vanaf die datum van publikasie van die aansoek op versoek en gratis deur enige persoon by die kantore van die Owerheid en die aangewese drankbeampte geïnspekteer word. Afskrifte van die aansoek kan by die Owerheid verkry word ná betaling van die voorgeskrewe fooi.

Ingevolge artikel 39 kan u besware of verhoë vir of teen die bogenoemde aansoek indien. Indien u dit wil doen, moet die besware of verhoë skriftelik by die Owerheid en die kantoor van die aangewese drankbeampte ingedien word.

Datum van kennisgewing: _____

(Hierdie datum moet ooreenstem met die datum van indiening van die aansoek.)

Volle naam van aansoeker: _____

Identiteitsnommer of registrasienommer van aansoeker: _____

Straatadres van aansoeker: _____

Posadres van aansoeker: _____

Poskode: _____

Soort lisensie waarvoor aansoek gedoen word: _____

Soort(e) drank wat mikrovervaardig en/of verkoop sal word:

Naam waaronder besigheid bedryf sal word: _____

Adres van die perseel wat gelisensieer moet word, met verwysing na die nommer van die erf, straat/strate, woonstel(le), winkel(s) of plaas waar die besigheid bedryf sal word, na gelang van die geval:

Naam en handtekening van persoon wat hierdie aansoek voorberei het:

Naam: _____

Handtekening: _____

Posadres: _____

Fisiese adres: _____

Telefoonnommers:

Kantoor: _____

Selfoon: _____

Faksnommer: _____

E-posadres: _____

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of verhoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 3C**WEIERING VAN INDIENING VAN AANSOEK INGEVOLGE ARTIKEL 36(1A)(b)**

[Reg. 9A(2)]

VERWYSINGSNOMMER:**NAAM:****ADRES :**

U word hiermee ingevolge artikel 36(1A)(b) van die Wet in kennis gestel dat die indiening van u aansoek om 'n dranklisensie om die volgende redes geweier word;

Vind ingeslote die aansoeke en die dokumente wat in verband daarmee deur u by die Owerheid ingedien is. U is geregtig daarop om u aansoek weer in te dien kragtens regulasie 9(2) nadat u aandag gegee het aan al die uitstaande aangeleenthede hierbo gelys.

Uitgereik te _____ op hierdie _____ dag van _____ 20__

Sekretaris

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 3D**AANVAARDING VAN INDIENING VAN AANSOEK INGEVOLGE ARTIKEL 36(1A)(a)**

[Reg. 9A(2)]

VERWYSINGSNOMMER:**AANGEWESSE DRANKBEAMPTE****NAAM:****ADRES :**

U word hiermee ingevolge artikel 36(1C)(a) van die Wet in kennis gestel dat die indiening van u aansoek om 'n dranklisensie aanvaar word. Daar word van u vereis om die aansoek binne 14 dae vanaf die datum van hierdie kennisgewing by die aangewese drankbeampte, soos hierbo aangedui, in te dien.

Ingevolge regulasie 9A(4) word van u vereis om binne 14 dae vanaf die datum van hierdie kennisgewing:

- (a) die voorgeskrewe aansoekfooi ten bedrae van R ... aan die Owerheid te betaal;
- (b) bewys van die betaling van die voorgeskrewe fooi en indiening by die aangewese drank-beampte by die Owerheid in te dien.

Versuim om aan regulasie 9A(4) te voldoen kan daartoe lei dat die indiening van u aansoek as geweier geag word ingevolge artikel 36(1A)(b).

Uitgereik te _____ op hierdie _____ dag van _____ 20__

Sekretaris

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 3E

KENNISGEWING INGEVOLGE REGULASIE 9A(5)(a)

[Reg. 9A(5)(a)]

VERWYSINGSNOMMER: NAAM: ADRES :	AANGEWESE DRANKBEAMPTE
------------------------------------------------------------	-------------------------------

U word hiermee ingevolge regulasie 9A(5)(a) in kennis gestel dat:

- (a) bewys van die betaling van die toepaslike aansoekfooi; en
- (b) bewys van die indiening van u aansoek om 'n dranklisensie by die aangewese drankbeamppte hierbo aangedui,

deur die Owerheid ontvang is.

Ingevolge regulasie 10(2) word van u vereis om die kennisgewing waarna in artikel 37(2) van die Wet verwys word, te vertoon.

Daar word van u vereis om binne 7 dae vanaf die datum van hierdie kennisgewing by die Owerheid bewys te lewer van die kennisgewing bedoel in artikel 37(2).

Uitgereik te _____ op hierdie _____ dag van _____ 20__

 Sekretaris

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 3F

KENNISGEWING INGEVOLGE ARTIKEL 36(1C)(e)

[Reg. 9A(5)(b)]

VERWYSINGSNOMMER:

AANGEWESSE DRANKBEAMPTE

NAAM:

ADRES :

U word hiermee ingevolge artikel 36(1C)(e) van die Wet in kennis gestel dat u aansoek as gevolg van u versuim om die volgende ooreenkomstig regulasie 9A(4)(a) by die Owerheid in te dien, word indiening van u aansoek geag geweier te wees:

- bewys van die betaling van die toepaslike aansoekfooi; en
- bewys dat 'n afskrif van die aansoek vir 'n dranklisensie by die aangewese drankbeampste hierbo aangedui, ingedien is.

Vind ingesluit die aansoek en dokumente wat in verband daarmee deur u by die Owerheid ingedien is. U is geregtig om u aansoek weer in te dien in kragtens regulasie 9(2).

Uitgereik te _____ op hierdie _____ dag van _____ 20__

Sekretaris

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 4A

KENNISGEWING INGEVOLGE ARTIKEL 23(2) OM BY 'N VERGADERING VAN DIE DRANKLISENSIËRINGSTRIBUNAAL TEENWOORDIG TE WEES

[Reg. 16(1)]

AAN : Naam: _____

Adres: _____

Uit hoofde van die bevoegdheid wat berus by die Voorsittende Beampte deur artikel 23(2) van die wet, en as gevolg van die feit dat u nadelig geraak kan word by die oorweging van 'n aangeleentheid deur die Dranklisensiëringstribunaal, word u hiermee in kennis gestel om teenwoordig te wees by 'n vergadering van die Dranklisensiëringstribunaal wat in verband staan met die aansoek of lisensie met die volgende besonderhede:

Naam en adres van perseel: _____

Naam van aansoeker/lisensiehouer:

Owerheidsverwysingsnommer: _____

Die vergadering sal gehou word op die datum, tyd en plek soos hieronder aangedui:

Datum: _____ / _____ /20_____

Tyd: _____

Plek: _____

Let asseblief op die volgende:

- (i) Dit is belangrik dat u persoonlik verskyn. U kan 'n advokaat, prokureur of enige ander persoon aanstel om namens u te verskyn.
- (ii) Die Voorsittende Beampte kan van u vereis om getuienis te lewer of om enige dokument of enigiets wat in u besit of bewaring of onder u beheer is, voor te lê.

Uitgereik te _____ op hierdie _____ dag van _____ 20__

Sekretaris

SLEGS VIR AMPTELIKE GEBRUIK

Ek sertifiseer dat ek hierdie kennisgewing beteken het op die persoon genoem in die kennisgewing deur—

(a) die lewering van 'n ware afskrif aan _____

PERSOONLIK

OF

(b) die lewering van 'n ware afskrif aan _____,

klaarblyklik ouer as 16 jaar en klaarblyklik woonagtig of werksaam by die WOONPLEK/
WERK/BESIGHEID van die bogenoemde _____ aangesien hy/sy te
vinde was by _____

_____.

Die aard en dringendheid van hierdie kennisgewing is aan die ontvanger hiervan verduidelik.

Tyd van betekening:

Tyd: _____ Dag: _____ Maand: _____ 20_____

Handtekening van polisiebeampte of inspekteur

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 4B

DAGVAARDING INGEVOLGE ARTIKEL 23(5)

[Reg. 16(1)]

AAN :

Naam: _____

Adres: _____

Uit hoofde van die bevoegdheid wat by artikel 23(5) van die Wet by die Voorsittende Beampte berus, word u hiermee gedagvaar om teenwoordig te wees en te getuig of dokumente of enigiets aangedui in Aanhangsel _____ hierby aangeheg te verskaf of in te dien by 'n vergadering van die Dranklisensieringstribunaal wat in verband staan met die aansoek of lisensie met die volgende besonderhede:

Naam van perseel: _____

Adres van perseel: _____

Naam van aansoeker/lisensiehouer: _____

Owerheidsverwysing: _____

Die vergadering sal gehou word op die datum en tyd en op die plek hieronder aangedui:

Datum: _____

Tyd: _____

Plek: _____

- (i) **Neem asseblief kennis dat dit 'n misdryf ingevolge artikel 23(13) van die Wet is om nie 'n vergadering van die Dranklisensieringstribunaal by te woon nadat u gedagvaar is nie.**
- (ii) Die Voorsittende Beampte mag u vereis om te getuig of om enige dokument of enigiets in u besit of bewaring of onder u beheer is te verskaf.

- (iii) Getuies is daarop geregtig om 'n verteenwoordiger na die vergadering te bring om namens hulle te verskyn.

Uitgereik te _____ op hierdie _____ dag van _____ 20_____

Handtekening van Sekretaris

SLEGS VIR AMPTELIKE GEBRUIK

Ek sertifiseer dat ek hierdie dagvaarding beteken het op die persoon genoem in die dagvaarding deur—

- (a) die lewering van 'n ware afskrif aan _____
 PERSOONLIK
 OF
- (b) die lewering van 'n ware afskrif aan _____, wat
 klaarblyklik ouer as 16 jaar is en klaarblyklik woonagtig of werksaam by die WOONPLEK/
 WERK/BESIGHEID van die genoemde _____, aangesien hy/sy nie
 gevind kon word by

 _____.

Die aard en dringendheid van hierdie kennisgewing is aan die ontvanger daarvan verduidelik.

Tyd: _____ Dag: _____ Maand: _____ 20_____

Handtekening van polisiebeampte of inspekteur

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 5A

KENNISGEWING VAN VOORWAARDELIKE TOESTAAN VAN LISENSIE INGEVOLGE REGULASIE 17(2)

[Reg. 17(2)]

NAAM VAN AANSOEKER: _____

NAAM VAN VOORGESTELDE GELISENSIEERDE BESIGHEID: _____

ADRES VAN VOORGESTELDE GELISENSIEERDE BESIGHEID: _____

OWERHEIDSVERWYSINGSNOMMER: _____

Die aansoek om 'n _____ lisensie het betrekking.

Neem asseblief kennis dat 'n _____ lisensie voorwaardelik toegestaan is en dat die lisensie uitgereik sal word by voldoening aan die volgende voorwaardes:

Neem asseblief kennis van die volgende:

- (a) Daar moet aan die bogenoemde voorwaardes voldoen word binne _____ vanaf die datum van hierdie kennisgewing of voor of op die ____ dag van _____ 20____.
- (b) Aansoek kan ingevolge artikel 42(4) by die Dranklisensiëringstribunaal gedoen word in die vorm van Vorm 5B om die voorwaardes waarop die lisensie voorwaardelik toegestaan is, te wysig of in te trek.
- (c) Aansoek kan by die Voorsittende Beampte van die Dranklisensiëringstribunaal gedoen word in die vorm van Vorm 5B om die tydperk van die voorwaardelike toestaan te verleng ingevolge artikel 42(5)(a) of om 'n wysiging van die plan van die perseel kragtens artikel 42(5)(b) goed te keur.
- (d) Indien die aansoeker versuim om aan die bogenoemde voorwaardes te voldoen binne die tydperk soos bepaal by die voorwaardelike toestaan of binne die verlengde tydperk ingevolge artikel 42(5)(a), verval die toestaan van die lisensie en word die lisensie geag nie toegestaan te wees nie.

*Hoof- Uitvoerende Beampte van die Wes-Kaapse Drankowerheid
of persoon wat optree kragtens bevoegdheid gedelegeer deur die Hoof- Uitvoerende Beampte*

Datum: _____

**NEEM ASSEBLIEF KENNIS DAT HIERDIE VOORWAARDELIKE TOESTAAN VAN 'N
LISENSIE NIE TOESTEMMING IS OM HANDEL TE DRYF SONDER 'N GELDIGE
DRANKLISENSIE WAT UITGEREIK IS INGEVOLGE DIE WES-KAAPSE DRANKWET,
2008, NIE.**

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 5B

AANSOEK—

A – INGEVOLGE ARTIKEL 42(4) VIR DIE WYSIGING OF INTREKKING VAN DIE VOORWAARDES OPGELÊ INGEVOLGE ARTIKEL 42(1);

B – INGEVOLGE ARTIKEL 42(5)(b) VIR DIE WYSIGING VAN DIE PLAN VAN DIE PERSEEL; OF

C – INGEVOLGE ARTIKEL 42(5)(a) VIR DIE VERLENGING VAN DIE TYDPERK

[Reg. 17(8) en (18)]

OORSPRONKLIKE MOET BY DIE OWERHEID EN EEN AFSCRIF BY DIE BETROKKE AANGEWESSE DRANKBEAMPTE INGEDIEN WORD

OWERHEIDSVERWYSING: _____

AANSOEKER: _____

PERSEEL: _____

AANSOEK:

A	B	C
---	---	---

(Dui aan watter aansoek.)

INHOUD

Beskrywing van dokumente wat aangeheg moet word	Aanhangsel
Gewysigde plan van die perseel (indien van toepassing)	A
Skriftelike vertoë ter ondersteuning van die aansoek	B
Bewys van betaling	C

Naam, handtekening en kontakbesonderhede van persoon wat hierdie aansoek voorberei het:

Naam: _____

Handtekening _____

Posadres: _____

Poskode: _____
Fisiese adres: _____

Poskode: _____
Telefoonnommers:
Kantoor: _____
Selfoon: _____
Huis of ander: _____
Faksnommer: _____
E-posadres: _____

Datum

**Handtekening van aansoeker of persoon
deur aansoeker gemagtig**

Naam in drukskrif

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of verhoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 5C

KENNISGEWING VAN BESLUIT INGEVOLGE REGULASIE 17(17) OF (22)

[Reg. 17(17) of 17(22)]

NAAM VAN AANSOEKER: _____

NAAM VAN VOORGESTELDE GELISENSIEERDE BESIGHEID: _____

ADRES VAN PERSEEL: _____

OWERHEIDSVERWYSINGSNOMMER: _____

Neem asseblief kennis dat die aansoek ingevolge—

- A Artikel 42(4) om die voorwaardes te wysig of in te trek;
- B artikel 42(5)(b) om die plan van die perseel te wysig; of
- C artikel 42(5)(a) om die tydperk te verleng,
 - (a) **toegestaan is** behoudens aan die aangehegte voorwaardes; of
 - (b) **geweier is.**

*Hoof- Uitvoerende Beampte van die Wes-Kaapse Drankowerheid
of persoon wat optree kragtens bevoegdheid gedelegeer deur die Hoof- Uitvoerende Beampte*

Datum: _____

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 5D**KENNISGEWING VAN INTREKKING INGEVOLGE ARTIKEL 42(4A) VAN LISENSIE
VOORWAARDELIK TOEGESTAAN**

[Reg. 17(28)]

NAAM VAN AANSOEKER: _____

NAAM VAN VOORGESTELDE GELISENSIEERDE BESIGHEID: _____

ADRES VAN PERSEEL: _____

OWERHEIDSVERWYSINGSNOMMER: _____

Neem asseblief kennis dat die Dranklisensieringstribunaal:

- (a) ingevolge artikel 42(4A) besluit het om die voorwaardelike toestaan van die lisensie wat ingevolge artikel 42(1) toegestaan is, in te trek; of
- (b) besluit het om nie die voorwaardelike toestaan van die lisensie wat ingevolge artikel 42(1) toegestaan is, in te trek nie.

U het ingevolge artikel 68 van die Wet die reg om te appelleer of om aansoek te doen vir die hersiening van enige besluit van die Dranklisensieringstribunaal.

*Hoof- Uitvoerende Beampte van die Wes-Kaapse Drankowerheid
of persoon wat handel kragtens bevoegdheid gedelegeer deur die Hoof- Uitvoerende Beampte*

Datum: _____

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 5E

KENNISGEWING INGEVOLGE REGULASIE 17(25)

[Reg. 17(25)]

NAAM VAN AANSOEKER: _____

NAAM VAN VOORGESTELDE GELISENSIEERDE BESIGHEID: _____

ADRES VAN PERSEEL: _____

OWERHEIDSVERWYSINGSNOMMER: _____

Die aansoek wat voorwaardelik toegestaan is op _____ het betrekking.

Weselike feite waarvan die Dranklisensiëringstribunaal onbewus toe die lisensie voorwaardelik toegestaan is, is by die Owerheid ingedien op _____. Die Hoof- Uitvoerende Beampte het hierdie weselike feite na die Dranklisensiëringstribunaal verwys ingevolge regulasie 17(24).

Die Dranklisensiëringstribunaal sal hierdie weselike feite oorweeg en, indien hy oortuig is dat hy, indien hy van daardie feite bewus was toe die aansoek toegestaan is, nie die lisensie voorwaardelik sou toegestaan het nie, kan hy die voorwaardelike toestaan van die lisensie intrek ingevolge artikel 42(4A) van die Wet.

U het die reg om verhoë te rig teen nie later nie as _____

Die weselike feite waarna hierbo verwys word, is hierby aangeheg.

Indien die Dranklisensiëringstribunaal ná oorweging van die aangehegte weselike feite besluit om die voorwaardelike toestaan ingevolge artikel 42(4A) in te trek, het u die reg ingevolge artikel 68 om te appelleer of om aansoek te doen om die hersiening van daardie besluit.

Hoof- Uitvoerende Beampte van die Wes-Kaapse Drankowerheid
of persoon wat optree kragtens bevoegdheid gedelegeer deur die Hoof- Uitvoerende Beampte
Datum: _____

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 6A**KENNISGEWING VAN TOESTAAN VAN LISENSIE**

[Reg. 18(2)]

NAAM VAN AANSOEKER: _____**NAAM VAN VOORGESTELDE GELISENSIEERDE BESIGHEID:** _____**ADRES VAN VOORGESTELDE GELISENSIEERDE BESIGHEID:** _____**OWERHEIDSVERWYSINGSNOMMER:** _____

Die aansoek om 'n _____ lisensie het betrekking.

Neem asseblief kennis dat 'n _____
lisensie uitgereik sal word by betaling van die fooi soos na verwys in artikel 46(2) binne sestig (60)
dae vanaf die uitreiking van hierdie kennisgewing, by gebreke waarvan, behoudens artikel 46(6), die
toestaan van die aansoek sal verval.

Indien die fooi nie binne die tydperk waarna hierbo verwys word betaal word nie, kan u ingevolge
artikel 46(6) skriftelik by die Hoof- Uitvoerende Beampte aansoek doen om kondonering van die
versuim om die fooi te betaal.

Indien die Hoof- Uitvoerende Beampte die versuim om die fooi te betaal kondoneer, moet die fooi
betaal word teen 'n datum bepaal deur die Hoof- Uitvoerende Beampte tesame met 'n boete van
100% van daardie fooi.

*Hoof- Uitvoerende Beampte van die Wes-Kaapse Drankowerheid
of persoon wat optree kragtens bevoegdheid gedelegeer deur die Hoof- Uitvoerende Beampte*

Datum: _____

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 6B

KENNISGEWING INGEVOLGE REGULASIE 17(4) DAT DAAR VOLDOEN IS AAN DIE VOORWAARDES VIR DIE VOORWAARDELIKE TOESTAAN VAN DIE LISENSIE

[Reg. 17(4)]

NAAM VAN AANSOEKER: _____

NAAM VAN VOORGESTELDE GELISENSIEERDE BESIGHEID: _____

ADRES VAN VOORGESTELDE GELISENSIEERDE BESIGHEID: _____

OWERHEIDSVERWYSINGSNOMMER: _____

Die aansoek om 'n _____ lisensie het betrekking.

Neem asseblief kennis dat die Voorsittende Beampte oortuig is dat die aansoeker voldoen het aan die voorwaardes opgelê deur die Dranklisensiëringstribunaal op _____ en dat die tersaaklike lisensie uitgereik sal word by betaling van die fooi soos na verwys in artikel 46(2) binne sestig (60) dae vanaf die uitreiking van hierdie kennisgewing, by gebreke waarvan die toestaan van die aansoek sal verval.

Indien die fooi nie binne die tydperk hierbo betaal word nie, kan u skriftelik by die Hoof-Uitvoerende Beampte aansoek doen om kondonering van die versuim om die fooi te betaal ingevolge artikel 46(6).

Indien die Hoof- Uitvoerende Beampte die versuim kondoneer, moet die fooi betaal word teen 'n datum bepaal deur die Hoof- Uitvoerende Beampte tesame met 'n boete van 100% van daardie fooi.

*Hoof- Uitvoerende Beampte van die Wes-Kaapse Drankowerheid
 of persoon wat optree kragtens bevoegdheid gedelegeer deur die Hoof- Uitvoerende Beampte*

Datum: _____

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 6C

AANSOEK OM KONDONERING VAN DIE VERSUIM OM VOORGESKREWE FOOI TE
BETAAL INGEVOLGE ARTIKEL 46(6)

[Reg. 18(3A)]

OORSPRONKLIKE MOET BY OWERHEID INGEDIEN WORD

OWERHEIDSVERWYSINGSNOMMER _____

Naam, handtekening en kontakbesonderhede van persoon wat hierdie aansoek voorberei het:

Naam: _____

Handtekening: _____

Posadres: _____

Poskode: _____

Fisiese adres: _____

Poskode: _____

Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

Faksnommer: _____

E-posadres: _____

BESONDERHEDE VAN AANSOEKER

1. Volle naam van aansoeker: _____
2. Skriftelike vertoë ter ondersteuning van hierdie aansoek: _____

(Gebruik 'n aanhangsel indien nodig.)

Datum

Handtekening van aansoeker of persoon
deur aansoeker gemagtig

Naam in drukskrif

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of vertoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 7

DRANKLISENSIE

[Reg. 17(6) of 18(4)]

OWERHEIDSVERWYSINGSNOMMER _____

_____ (die lisensiehouer is hiermee gelisensieer om die volgende soort(e) drank te mikrovervaardig en/of te verkoop)

_____ (Lys soort(e) drank.)

en om die gelisensieerde besigheid te bedryf onder die naam:

_____ (Voeg handelsnaam in.)

op die gelisensieerde perseel (waarvan die plan wat ingedien is saam met die aansoek of enige ander plan daarvan wat daarná deur die Dranklisensieringstribunaal goedgekeur is, aangeheg is as Aanhangsel "A") geleë te _____

(Voeg in fisiese adres van gelisensieerde perseel.)

in die munisipaliteit van _____, sodanige besigheid as wat in ooreenstemming is met die bepalings van die Wet en die voorwaardes, bepalings, toestemmings, goedkeurings of magtigings wat saam met hierdie lisensie uitgereik is en hierby aangeheg is.

*Hoof- Uitvoerende Beampte van die Wes-Kaapse Drankowerheid
 of persoon wat optree kragtens bevoegdheid gedelegeer deur die Hoof- Uitvoerende Beampte*

Datum: _____

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 7A

VERKORTE DRANKLISENSIE

OWERHEIDSVERWYSINGSNOMMER: _____

LISENSIEHOUER: _____

KATEGORIE VAN LISENSIE: _____

ADRES VAN GELISENSIEERDE PERSEEL: _____

NAAM VAN GELISENSIEERDE BESIGHEID: _____

(Verskaf handelsnaam.)

GELEË IN DIE MUNISIPALITEIT VAN: _____

*Hoof- Uitvoerende Beampte van die Wes-Kaapse Drankowerheid
of persoon wat optree kragtens bevoegdheid gedelegeer deur die Hoof- Uitvoerende Beampte*

Datum: _____

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 8**AANSOEK OM 'N TYDELIKE DRANKLISENSIE
INGEVOLGE ARTIKEL 48(1)**

[Reg. 19(2)(a)(ii)]

OORSPRONKLIKE MOET BY OWERHEID INGEDIEN WORD, EEN AFSKRIF BY
TERSAAKLIKE AANGEWESSE DRANKBEAMPTTE EN EEN AFSKRIF BY MUNISIPALITEIT
IN WIE SE REGSGEBIED DIE PERSEEL GELEË IS

OWERHEIDSVERWYSINGSNOMMER: _____

Datumstempel van Owerheid by ontvangs van aansoek	Datumstempel van aangewese drankbeampte by ontvangs van aansoek
Datumstempel van tersaaklike munisipaliteit by ontvangs van aansoek	

INHOUD

Beskrywing van dokumente wat aangeheg moet word	Aanhangsel
Omvattende vloerplan van die voorgestelde gelisensieerde perseel	A
Terreinplan	B
Lugbeeldkaart	C
Geïndekseerde kleurfoto's	D
Beskrywing van die perseel	E
Skriftelike verstoë ter ondersteuning van die aansoek	F
Bewys van betaling van die toepaslike aansoekfooi	G

Beskrywing van dokumente wat aangeheg moet word	Aanhangsel
'n Gewaarmerkte afskrif van die identiteitskaart of -dokument, of die paspoort en visum of permanente verblyfpermit van die aansoeker indien die aansoeker 'n buitelanders is of, in die geval van 'n aansoeker wat nie 'n natuurlike persoon is nie, afskrifte van die tersaaklike registrasiedokumente wat die identiteit en, waar van toepassing, die finansiële belang, van alle lede, direkteure, vennote, begunstigdes of trustees aandui	H
Ander dokumente wat die Wet of die Owerheid vereis	I
Beëdigde verklaring deur die aansoeker dat hy of sy nie ingevolge artikel 35 gediskwalifiseer is om 'n dranklisensie te hou nie	J
Bewys van okkupasierereg vir die tydperk waarvoor aansoek gedoen word	K
Bewys van eienaarskap van die voorgestelde gelisensieerde perseel of, indien die aansoeker nie die eienaar is nie, skriftelike toestemming van die eienaar van die voorgestelde gelisensieerde perseel dat die aansoeker die voorgestelde gelisensieerde perseel vir die doeleindes van die lisensie waarvoor aansoek gedoen word mag gebruik.	L
Kennisgewing van aanstelling van 'n bestuurder of bestuurders ooreenkomstig regulasie 22, indien van toepassing	M

Naam, handtekening en kontakbesonderhede van persoon wat hierdie aansoek voorberei het:

Naam: _____

Handtekening: _____

Posadres: _____

Poskode: _____

Fisiese adres: _____

Poskode: _____

Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

Faksnommer: _____

E-posadres: _____

1. BESONDERHEDE VAN AANSOEKER

1.1 Volle naam: _____

1.2 Woonadres: _____

Poskode: _____

1.3 Posadres: _____

Poskode: _____

1.4 Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

1.5 Faksnommer: _____

1.6 E-posadres: _____

1.7 Adres vir betekening van alle kennisgewings en dokumente:

Poskode: _____

1.8 Adres vir betekening van alle kennisgewings en dokumente nadat aansoek bepaal is:

Poskode: _____

1.9 Kontakbesonderhede van lisensiehouer of, indien die aansoeker nie 'n natuurlike persoon is nie, volledige besonderhede van kontakpersoon:

1.10 Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

2. BESONDERHEDE VAN GELISENSIEERDE BESIGHEID

2.1 Kategorie van lisensie: *(Merk die betrokke lisensie met 'n kruisie.)*

Lisensie ingevolge artikel 33(1)(a)	
Lisensie ingevolge artikel 33(1)(b)	
Lisensie ingevolge artikel 33(1)(c)	
Lisensie ingevolge artikel 33(1)(d)	

2.2 Soort(e) drank wat onder lisensie verkoop mag word: _____

2.3 Naam waaronder gelisensieerde besigheid bedryf word: _____

2.4 Die erfnummer en adres van gelisensieerde perseel: _____

2.5 Munisipale gebied van die gelisensieerde perseel: _____

2.6 Lisensienommer: _____

3. BESONDERHEDE VAN AANSOEK

3.1 Verskaf die redes vir die aansoek en die aard van die geleentheid (indien van toepassing) ten opsigte waarvan 'n tydelike dranklisensie benodig word:

3.2 Besonderhede van die perseel waar die besigheid bedryf gaan word:

Erfnommer: _____

Adres: _____

3.3 Munisipale gebied waarin die besigheid bedryf sal word: _____

3.4 Naam waaronder die besigheid bedryf sal word: _____

3.5 Beskryf die plek of plekke op die perseel waar die verkoop van drank sal plaasvind:

3.6 Handelsure en datums waarvoor aansoek gedoen word waartydens drank verkoop of verbruik mag word op die gelisensieerde perseel:

3.7 Sal die aansoeker die reg van okkupasie hê op die voorgestelde perseel?

(Merk “ja” of “nee”.)

JA / NEE

Indien die antwoord “ja” is, verskaf besonderhede van die eienaar en die aansoeker se reg van okkupasie:

(a) Naam van eienaar: _____

(b) Eienaar se adres: _____

(c) Beskrywing van aansoeker se reg van okkupasie:

(d) Duur van reg van okkupasie: _____

(e) Het die aansoeker die reg om drank te verkoop op die spesifieke perseel?

3.8 Is ’n tydelike dranklisensie reeds toegestaan aan die aansoeker vir die huidige kalenderjaar?

(Merk “ja” of “nee”.)

JA / NEE

Indien ja, verskaf —

(a) die getal tydelike lisensies wat reeds vir die huidige kalenderjaar toegestaan is:

(b) die totale getal dae waarvoor tydelike lisensies vir die huidige kalenderjaar toegestaan is: _____

4. **ANDER LISENSIES**

Gee volledige besonderhede van enige bestaande dranklisensies op die voorgestelde perseel:

Lisensiehouer:

Soort lisensie:

Owerheidsverwysingsnommer: _____

(Ligging van sodanige ander lisensies met betrekking tot voorgestelde perseel moet op terreinplan aangedui word.)

5. FINANSIËLE BELANG

Verskaf die naam, identiteitsnommer en adres van elke persoon, insluitend die aansoeker, wat enige finansiële belang het in die besigheid wat ingevolge hierdie aansoek bedryf sal word, en verskaf in elke geval die aard en omvang van sodanige belang.

(Gebruik 'n aanhangsel indien nodig.)

Datum

**Handtekening van aansoeker of persoon
deur aansoeker gemagtig**

Naam in drukskrif

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of verhoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 9**AANSOEK OM 'N GELEENTHEIDSDRANKLISENSIE INGEVOLGE ARTIKEL 48(4)**

[Reg. 19(2)(b)(ii)]

OORSPRONKLIKE MOET BY OWERHEID INGEDIEN WORD, EEN AFSCRIF BY TERSAAKLIKE AANGEWESSE DRANKBEAMPTE EN EEN AFSCRIF BY MUNISIPALITEIT IN WIE SE REGSGEBIED DIE PERSEEL GELEË IS

Datumstempel van Owerheid by ontvangs van aansoek	Datumstempel van aangewese drankbeampte by ontvangs van aansoek
Datumstempel van tersaaklike munisipaliteit by ontvangs van aansoek	

OWERHEIDSVERWYSINGSNOMMER: _____

INHOUD

Beskrywing van dokumente wat aangeheg moet word	Aanhangsel
Omvattende vloerplan van die perseel	A
Terreinplan	B
Lugbeeldkaart	C
Geïndekseerde kleurfoto's	D
Beskrywing van die perseel	E

Beskrywing van dokumente wat aangeheg moet word	Aanhangsel
Skryflike vertoë ter ondersteuning van die aansoek	F
Bewys van betaling van die toepaslike aansoekfooi	G
'n Gewaarmerkte afskrif van die identiteitskaart of -dokument, of die paspoort en visum of permanente verblyfpermit van die aansoeker indien die aansoeker 'n buitelanders is, of, in die geval van 'n aansoeker wat nie 'n natuurlike persoon is nie, afskrifte van die tersaaklike registrasiedokumente wat die identiteit en, waar van toepassing, die finansiële belang, van alle lede, direkteure, vennote, begunstigdes of trustees aandui	H
Ander dokumente wat die Wet of die Owerheid vereis	I
Beëdigde verklaring deur die aansoeker dat hy of sy nie ingevolge artikel 35 gediskwalifiseer is om 'n dranklisensie te hou nie	J
Bewys van eienaarskap van die voorgestelde gelisensieerde perseel of, indien die aansoeker nie die eienaar is nie, skryflike toestemming van die eienaar van die voorgestelde gelisensieerde perseel dat die aansoeker die voorgestelde gelisensieerde perseel vir die doeleindes van die lisensie waarvoor aansoek gedoen word mag gebruik.	K
Kennisgewing van aanstelling van 'n bestuurder of bestuurders ooreenkomstig regulasie 22, indien van toepassing	L

Naam, handtekening en kontakbesonderhede van persoon wat hierdie aansoek voorberei het:

Naam: _____

Handtekening: _____

Woonadres: _____

Poskode: _____

Posadres: _____

Poskode: _____

Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

Faksnommer: _____

E-posadres: _____

1. BESONDERHEDE VAN AANSOEKER

1.1 Volle naam: _____

1.2 Woonadres: _____

Poskode: _____

1.3 Posadres:

Poskode: _____

1.4 Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

1.5 Faksnummer: _____

1.6 E-posadres: _____

1.7 Adres vir betekening van alle kennisgewings en dokumente: _____

Poskode: _____

1.8 Adres vir betekening van alle kennisgewings en dokumente nadat aansoek bepaal is:

Poskode: _____

1.9 Kontakbesonderhede van lisensiehouer of, indien aansoeker nie 'n natuurlike persoon is nie, volle besonderhede van kontakpersoon: _____

1.10 Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

1.11 Registrasienommer: _____

(Indien die aansoeker nie 'n natuurlike persoon is nie)

1.12	Is die aansoeker 'n persoon wat—	Merk "Ja of nee"	
		Ja	Nee
(a)	binne die vyf (5) jaar voor die indiening van die aansoek gevonnissen tot gevangenisstraf sonder die keuse om 'n boete te betaal?	Ja	Nee
(b)	binne die vyf (5) jaar voor die indiening van die aansoek onbevoeg verklaar is om 'n registrasie by die Nasionale Drankowerheid of 'n lisensie by enige provinsiale drankowerheid te hou?	Ja	Nee
(c)	'n ongerehabiliteerde insolvent is?	Ja	Nee
(d)	minderjarig is?	Ja	Nee
(e)	Binne 'n tydperk van twaalf (12) maande voor die indiening van hierdie aansoek 'n houder was van 'n lisensie in enige ander provinsie wat gekanselleer is?	Ja	Nee
(f)	'n gade of lewensmaat is van 'n persoon is beskryf in (a), (b) of (e) hierbo?	Ja	Nee
(g)	geestesongesteld is soos omskryf in die "Mental Health Care Act, 2002" (Wet 17 van 2002)?	Ja	Nee

1.13 Indien die antwoord op enige van die vrae in 1.12 hierbo "ja" is, verskaf volledige besonderhede:

(Gebruik 'n aanhangsel indien nodig.)

2. BESONDERHEDE VAN GELEENTHEID EN VOORGESTELDE PERSEEL

2.1 Verskaf die aard van die geleentheid ten opsigte waarvan 'n geleentheidsdranklisensie benodig word:

2.2 Erfnommer en adres van die perseel waar die besigheid bedryf sal word:

Erfnommer: _____

Adres: _____

2.3 Munisipale gebied waar die besigheid bedryf sal word: _____

2.4 Onder watter naam die besigheid bedryf sal word: _____

2.5 Beskryf die plek of plekke op die perseel waar die verkoop van drank sal plaasvind:

2.6 Sal drank verkoop word vir verbruik op of weg van of beide op en weg van die gelisensieerde perseel? _____

2.7 Verskaf die datums waarop en die ure waartydens sodanige verkope sal plaasvind:

2.8 Sal die aansoeker die reg hê om drank op die voorgestelde perseel te verkoop? **JA / NEE**

2.9 Indien ja, verskaf die besonderhede van die eienaar en die aansoeker se reg om drank op die voorgestelde perseel te verkoop:

(a) Naam van eienaar:

(b) Adres van eienaar:

(c) Beskrywing van aansoeker se reg om drank te verkoop: _____

(d) Duur van reg om drank te verkoop: _____

2.10 Is 'n geleentheidsdranklisensie vantevore in die huidige kalenderjaar aan die aansoeker toegestaan? (*Merk "ja" of "nee".*) **JA / NEE**

3. **ANDER LISENSIES**

Verskaf volledige besonderhede van enige bestaande dranklisensies op die voorgestelde perseel:

Lisensiehouer: _____

Soort lisensie: _____

Owerheidsverwysingsnommer:

(Ligging van sodanige ander lisensies met betrekking tot die voorgestelde perseel moet op die terreinplan aangedui word.)

4. FINANSIËLE BELANG

4.1 Wie sal 'n finansiële belang hê in die besigheid wat op die voorgestelde perseel bedryf sal word? _____

4.2 Beskryf die aard en omvang van sodanige belangstelling: _____

(Gebruik 'n aanhangsel indien nodig.)

Datum

**Handtekening van aansoeker of persoon
deur aansoeker gemagtig**

Naam in drukskrif

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of verhoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 10

TYDELIKE DRANKLISENSIE

[Reg. 19(18) (b)]

OWERHEIDSVERWYSINGSNOMMER: _____

_____, wat die houer

van 'n geldige dranklisensie (die Lisensiehouer) is, is hiermee ingevolge artikel 33 (.....)

gelisensieer om te verkoop _____

_____ (*lys soort(e) drank*) en om sy of haar besigheid te bedryf onder die naam van

op die gelisensieerde perseel geleë te _____

(fisiese adres van gelisensieerde perseel)

op die volgende dae en vir die volgende ure: _____

Die lisensiehouer is gelisensieer om sy of haar besigheid te bedryf in ooreenstemming met die Wet en die voorwaardes en planne soos uiteengesit in die aangehegte aanhangsel.

*Hoof- Uitvoerende Beampte van die Wes-Kaapse Drankowerheid
of persoon wat optree kragtens bevoegdheid gedelegeer deur die Hoof- Uitvoerende Beampte*

Datum: _____

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 11

GELEENTHEIDSDRANKLISENSIE

[Reg. 19(18)(b)]

_____ (die Lisensiehouer)

is hiermee gelisensieer om _____

_____ te verkoop (*lys soort(e)*
drank)

en om besigheid te bedryf onder die naam van _____

op die gelisensieerde perseel, geleë te _____

(*fisiese adres van gelisensieerde perseel*)

op die volgende dae en vir die volgende ure: _____

vir doeleindes van verbruik op of weg van of beide op of weg van die perseel.

Die Lisensiehouer is gelisensieer om sy of haar besigheid te bedryf in ooreenstemming met die bepalings van die Wet en die voorwaardes en planne soos uiteengesit in die aangehegte aanhangsel.

Hoof- Uitvoerende Beampte van die Wes-Kaapse Drankowerheid
of persoon wat optree kragtens bevoegdheid gedelegeer deur die Hoof- Uitvoerende Beampte

Datum : _____

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 12A

**AANSOEK OM KONDONERING VAN DIE LAAT INDIENING VAN 'N AANSOEK OM 'N
TYDELIKE DRANKLISENSIE OF 'N GELEENTHEIDSDRANKLISENSIE INGEVOLGE
ARTIKEL 48(10)**

[Reg. 19(14)]

OORSPRONKLIKE MOET BY OWERHEID INGEDIEN WORD

DRANKOWERHEIDSVERWYSINGSNOMMER: _____.

Datumstempel van Owerheid by ontvangs
van aansoek

INHOUD

Beskrywing van dokumente wat aangeheg moet word	Aanhangsel
Bewys van betaling van die boete	A
Aansoek ingevolge regulasie 19(1)(a) of (b)	B
Bewys van betaling van die aansoekfooi ten opsigte van die aansoek gedoen ingevolge regulasie 19(1)(a) of (b)	C

Naam, handtekening en kontakbesonderhede van persoon wat hierdie aansoek voorberei het:

Naam: _____

Handtekening: _____

Posadres: _____

Poskode: _____

Fisiese adres: _____

Poskode: _____

Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

Faksnommer: _____

E-pos: _____

BESONDERHEDE VAN AANSOEKER

1. Volle naam van aansoeker: _____

2. Skriftelike vertoë ter ondersteuning van hierdie aansoek om kondonering:

(Gebruik 'n aanhangsel indien nodig.)

Datum

**Handtekening van aansoeker of persoon
deur aansoeker gemagtig**

Naam in drukskrif

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of vertoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 12B**KENNISGEWING INGEVOLGE REGULASIE 19(19)**

[Reg. 19(19)]

**NAAM VAN HOUER VAN 'N TYDELIKE DRANKLISENSIE OF 'N GELEENTHEIDS-
DRANKLISENSIE:** _____

NAAM VAN GELISENSIEERDE BESIGHEID: _____

ADRES VAN PERSEEL: _____

OWERHEIDSVERWYSINGSNOMMER: _____

Die tydelike dranklisensie of geleentheidsdranklisensie wat uitgereik is op _____
_____ het betrekking.

Afskrifte van enige verslag, klagte, verwysing of verhoë beoog in artikel 48(14) word hiermee op u beteken.

Ná oorweging van die genoemde verslag, klagte, verwysing of verhoë, kan die Voorsittende Beampte van die Dranklisensieringstribunaal ingevolge artikel 48(13)—

- (a) die lisensie onderworpe verklaar aan sodanige voorwaardes of beperkings of sodanige verdere voorwaardes of beperkings uiteengesit in die kennisgewing as wat hy of sy na sy of haar goëddunke mag oplê;
- (b) enige voorwaarde of beperking wat ten opsigte van die lisensie opgelê is, opskort, intrek of wysig; of

(c) die lisensie opskort of intrek.

U het die reg om versoë te rig teen nie later nie as _____.

Indien die Voorsittende Beampte besluit om ingevolge artikel 48(13) stappe te doen, het u die reg ingevolge artikel 68 om te appelleer of aansoek te doen om die hersiening van daardie besluit.

*Hoof- Uitvoerende Beampte van die Wes-Kaapse Drankowerheid
of persoon wat optree kragtens bevoegdheid gedelegeer deur die Hoof- Uitvoerende Beampte*

Datum: _____

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 13**AANSOEK OM 'N FINANSIËLE BELANG IN DIE GELISENSIEERDE BESIGHEID
OOR TE DRA INGEVOLGE ARTIKEL 51(1)**

[Reg. 21(1)]

OORSPRONKLIKE MOET BY OWERHEID INGEDIEN WORD EN 'N AFSKRIF BY
AANGEWSE DRANKBEAMPTTE IN WIE SE REGSGEBIED DIE GELISENSIEERDE PERSEEL
GELEË IS

Datumstempel van Owerheid by ontvangs van aansoek	Datumstempel van aangewese drankbeampte by ontvangs van aansoek
------------------------------------------------------	--------------------------------------------------------------------

OWERHEIDSVERWYSINGSNOMMER: _____.

INHOUD

Beskrywing van dokumente wat aangeheg moet word	Aanhangsel
Bewys van betaling	A
Gedokumenteerde bewys van die verandering in finansiële belang in die geval van 'n aansoek ingevolge regulasie 21(1)	B
Skriftelike vertoë ter ondersteuning van die aansoek	C
'n Gewaarmerkte afskrif van die identiteitskaart of -dokument, of die paspoort en visum of permanente verblyfpermit van die persoon aan wie die finansiële belang bestem is om oorgedra te word indien daardie persoon 'n buitelanders is, of, in die geval van 'n persoon wat nie 'n natuurlike persoon is nie, afskrifte van die tersaaklike registrasiedokumente wat die identiteit en, waar van toepassing, die finansiële belang van alle lede, direkteure, vennote, begunstigdes of trustees aandui	D
'n Beëdigde verklaring deur die persoon aan wie die finansiële belang oorgedra staan te word dat hy of sy nie ingevolge artikel 35 gediskwalifiseer is om 'n dranklisensie te hou nie	E

Naam, handtekening en kontakbesonderhede van die persoon wat hierdie aansoek voorberei het:

Naam: _____

Handtekening: _____

Woonadres: _____

Poskode: _____

Posadres: _____

Poskode: _____

Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

Faksnommer: _____

E-posadres: _____

DEEL A: BESONDERHEDE VAN LISENSIEHOUER

1. Dranklisensienommer: _____

2. Volle naam van lisensiehouer: _____

3. Verskaf die naam, identiteitsnommer en adres en omvang van finansiële belang van elke lid, direkteur, vennoot, begunstigde of trustee wat beoog om die finansiële belang oor te dra:

(Gebruik 'n aanhangsel indien nodig.)

4. (a) Naam en adres van die gelisensieerde perseel: _____

(b) Beskryf die ligging van die perseel waar die gelisensieerde besigheid bedryf word, met verwysing na die nommer van die erf, straat/strate, woonstel(le), winkel(s) of plaas, na gelang van die geval: _____

(c) In watter munisipale gebied is die perseel waarna in subparagraaf (a) verwys word, geleë?

5. Kontaknaam en telefoonnommer bedags: _____

DEEL B: BESONDERHEDE VAN DIE PERSOON/PERSONE AAN WIE DIE FINANSIËLE BELANG OORGEDRA SAL WORD

1. Volle naam: _____

2. Identiteitsnommer of, in die geval van 'n maatskappy of beslote korporasie, sy registrasienommer: _____
(*Heg 'n afskrif van die identiteitskaart of -dokument of bewys van registrasie aan.*)

3. Woonadres of adres van geregistreerde kantoor: _____

4. Besigheidsadres: _____

5. Posadres: _____

6. Telefoonnommer: _____

7.1	Is die persoon aan wie die finansiële belang oorgedra sal word 'n persoon wat—	Merk "ja" of "nee"	
(a)	in die vyf (5) jaar voor die indiening van die aansoek tot gevangenisstraf gevonnissen is sonder die keuse om 'n boete te betaal?	Ja	Nee
(b)	in die vyf (5) jaar voor die indiening van die aansoek onbevoeg verklaar is om 'n registrasie deur die Nasionale Drankowerheid of 'n lisensie deur enige provinsiale drankowerheid te hou?	Ja	Nee
(c)	'n ongerehabiliteerde insolvent is?	Ja	Nee
(d)	minderjarig is?	Ja	Nee
(e)	in die tydperk van twaalf (12) maande voor die indiening van hierdie aansoek 'n houër was van 'n lisensie wat gekanselleer is ingevolge hierdie Wet of 'n wet wat dranklisensies in enige ander provinsie reguleer?	Ja	Nee
(f)	'n gade of lewensmaat is van 'n persoon beskryf in (a), (b) of (e) hierbo?	Ja	Nee
(g)	geestesongesteld is soos omskryf in die "Mental Health Care Act, 2002" (Wet 17 van 2002)?	Ja	Nee
7.2	Indien die persoon aan wie die finansiële belang oorgedra sal word nie 'n natuurlike persoon is nie, is enige lid, direkteur, vennoot, begunstigde of trustee van die aansoeker 'n persoon beskryf in paragraaf 7.1(a), (b) of (e)?	Ja	Nee

7.3 Indien enige van die vrae in paragrawe 7.1 of 7.2 "ja" as die antwoord het, verskaf die volledige besonderhede:

(Gebruik 'n aanhangsel indien nodig.)

7.4	Indien die persoon aan wie die finansiële belang oorgedra sal word 'n maatskappy, beslote korporasie, vennootskap of trust is, meld of 'n persoon beoog in paragraaf 7.1 hierbo—	Merk "ja" of "nee"	
(a)	'n beheerende belang in die maatskappy, beslote korporasie of trust het.	Ja	Nee
(b)	'n vennoot in die vennootskap is.	Ja	Nee
(c)	die hoofbegunstigde onder die trust is.	Ja	Nee

- 7.5 Indien enige van die vrae in paragraaf 7.4(a) tot (c) "ja" as antwoord het, verskaf die volledige besonderhede:

(Gebruik 'n aanhangsel indien nodig.)

- 7.6 Verskaf die naam, identiteitsnommer en adres van elke persoon—

- (a) wat, insluitend die houer van die lisensie, enige finansiële belang in die besigheid het waarop die lisensie betrekking het; en
- (b) wat, insluitend die persoon aan wie die finansiële belang oorgedra sal word, sodanige belang sal hê indien die aansoek toegestaan word, en in elke geval, die aard en omvang van sodanige finansiële belang.

(Gebruik 'n aanhangsel indien nodig.)

Datum: _____

**Handtekening van die aansoeker of
 persoon wat deur die aansoeker gemagtig
 is**

Naam in drukskrif

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of verhoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of tot beide sodanige boete en sodanige tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 14

AANSOEK OM PERSEEL AAN 'N ANDER PERSOON TE VERHUUR, 'N ANDER PERSOON TOE TE LAAT OM BESIGHEID OOREENKOMSTIG DIE LISENSIE TE BEDRYF OF 'N ANDER PERSOON TOE TE LAAT OM DIE GELISENSIEERDE PERSEEL TE GEBRUIK INGEVOLGE ARTIKEL 51A(1)

[Reg. 21A(1)]

OORSPRONKLIKE MOET BY OWERHEID INGEDIEN WORD EN 'N AFSKRIF BY AANGEWSE DRANKBEAMPTTE IN WIE SE REGSGEBIED DIE GELISENSIEERDE PERSEEL GELEË IS

Datumstempel van Owerheid by ontvangs van aansoek	Datumstempel van aangewese drankbeampte by ontvangs van aansoek
---------------------------------------------------	-----------------------------------------------------------------

OWERHEIDSVERWYSINGSNOMMER: _____

INHOUD

Beskrywing van dokumente wat aangeheg moet word	Aanhangsel
Bewys van betaling van die toepaslike aansoekfooi	A
Gedokumenteerde bewys van die verhuring van die gelisensieerde perseel, die bedryf van die besigheid ooreenkomstig die lisensie of die gebruik van die gelisensieerde perseel, na gelang van die geval	B
Skriftelike vertoë ter ondersteuning van die aansoek	C
'n Gewaarmerkte afskrif van die identiteitskaart of -dokument van die persoon wat beoog om die lisensie van die lisensiehouer te huur, besigheid ingevolge die lisensie te bedryf of die gelisensieerde perseel te gebruik, of, indien daardie persoon 'n buitelandse is, die paspoort en visum of permanente verblyfpermit, of, in die geval van 'n persoon wat nie 'n natuurlike persoon is nie, afskrifte van die tersaaklike registrasiedokumente, wat die identiteit en, waar van toepassing, die finansiële belang van alle lede, direkteure, vennote, begunstigdes of trustees aandui.	D

Beskrywing van dokumente wat aangeheg moet word	Aanhangsel
'n Beëdigde verklaring deur die persoon wat bestem is om toegelaat te word om die lisensie te huur, om besigheid te bedryf of die besigheid of die gelisensieerde perseel te gebruik, dat hy of sy nie ingevolge artikel 35 gediskwalifiseer is om 'n dranklisensie te hou nie	E
Afskrif van die dranklisensie van die persoon wat beoog om die lisensie te huur, besigheid te bedryf of die gelisensieerde perseel te gebruik	F
Afskrif van die dranklisensie van die persoon wat van voorneme is om 'n perseel aan 'n ander persoon te verhuur, 'n ander persoon toe te laat om besigheid ooreenkomstig die lisensie te bedryf of 'n ander persoon toe te laat om die gelisensieerde perseel te gebruik	G
'n Omvattende vloerplan ingevolge regulasie 21A(2)(f)	H
Geïndekseerde kleurfoto's ingevolge regulasie 21A(2)(g)	I

Naam, handtekening en kontakbesonderhede van persoon wat hierdie aansoek voorberei het:

Naam: _____

Handtekening: _____

Woonadres: _____

Poskode: _____

Posadres: _____

Poskode: _____

Telefoonnommers:

Kantoor: _____

Selfoon : _____

Huis of ander: _____

Faksnommer: _____

E-posadres: _____

**DEEL A: BESONDERHEDE VAN LISENSIEHOUER VAN GELISENSIEERDE PERSEEL
(VERHUURDER)**

1.1 Lisensienommer: _____

1.2 Volle naam van lisensiehouer: _____

1.3 Indien die lisensiehouer nie 'n natuurlike persoon is nie, verskaf die naam, identiteitsnommer, adres en omvang van finansiële belang van elke lid, direkteur, vennoot, begunstigde of trustee:

(Gebruik 'n aanhangsel indien nodig.)

1.4 (a) Naam en adres van die gelisensieerde perseel: _____

(b) Beskryf die ligging van die perseel waar die gelisensieerde besigheid bedryf word, met verwysing na die nommer van die erf, straat/strate, woonstel(le), winkel(s) of plaas, na gelang van die geval:

(c) In watter munisipale gebied is die perseel bedoel in subparagraaf (a) geleë?

1.5 Kontaknaam en telefoonnommer bedags: _____

DEEL B: BESONDERHEDE VAN DIE LISENSIEHOUER(S) AAN WIE DEEL VAN DIE GELISENSIEERDE PERSEEL VERHUUR SAL WORD (HURDER)

2.1 Volle naam: _____

2.2 Identiteitsnommer, of in die geval van 'n maatskappy of beslote korporasie, die registrasienommer: _____

(Heg 'n afskrif van identiteitskaart of -dokument of bewys van registrasie aan.)

2.3 Residensiële adres of adres van geregistreerde kantoor: _____

2.4 Besigheidsadres: _____

2.5 Posadres: _____

2.6 Telefoonnommer: _____

2.7	Is die lisensiehouer 'n persoon wat—	Merk "ja" of "nee"	
		Ja	Nee
(a)	in die sestig (60) maande voor die indiening van die aansoek gevonnissen is tot gevangenisstraf sonder die keuse om 'n boete te betaal?	Ja	Nee
(b)	in die sestig (60) maande voor die indiening van die aansoek onbevoeg verklaar is om 'n registrasie deur die Nasionale Drankowerheid of 'n lisensie by enige provinsiale drankowerheid te hou?	Ja	Nee
(c)	'n ongerehabiliteerde insolvent is?	Ja	Nee
(d)	minderjarig is?	Ja	Nee

(e)	in die tydperk van twaalf (12) maande voor die indiening van die aansoek 'n houder was van 'n lisensie wat gekanselleer is ingevolge hierdie Wet of 'n wet wat dranklisensies reguleer in enige ander provinsie?	Ja	Nee
(f)	'n gade of lewensmaat van 'n persoon is beskryf in (a), (b) of (e) hierbo?	Ja	Nee
(g)	geestesongesteld is soos omskryf in die "Mental Health Act, 2002" (Wet 17 van 2002)?	Ja	Nee
(h)	vir vyf (5) jaar in Suid-Afrika woonagtig was voor die indiening van die aansoek?	Ja	Nee
(i)	gediskwalifiseer is ingevolge die "Immigration Act, 2007" (Wet 13 van 2007)?	Ja	Nee
2.8	In die geval van 'n huurder wat nie 'n natuurlike persoon is nie, enige lid, direkteur, vennoot, begunstigde of trustee van die aansoeker 'n persoon beskryf in subparagraaf (a), (b) of (e) hierbo is?	Ja	Nee

2.9 Indien enige van die vrae in paragrawe 2.7 of 2.8 "ja" as die antwoord het, verskaf volledige besonderhede:

(Gebruik 'n aanhangsel indien nodig.)

2.10	Indien die huurder 'n maatskappy, beslote korporasie, vennootskap of trust is, meld of 'n persoon beoog in paragraaf 7.1 hierbo—	Merk "ja" of "nee"	
(a)	'n beherende belang in die maatskappy, beslote korporasie of trust het.	Ja	Nee
(b)	'n vennoot in die vennootskap is.	Ja	Nee
(c)	die hoofbegunstigde onder die trust is.	Ja	Nee

- 2.11 Indien enige van die vrae in paragraaf 2.10(a) tot (c) hierbo "ja" as die antwoord het, verskaf volledige besonderhede:

(Gebruik 'n aanhangsel indien nodig.)

3. Verskaf die naam, identiteitsnommer en adres van elke persoon—
- (a) wat, insluitend die houer van die lisensie, enige finansiële belang in die besigheid waarop die lisensie betrekking het; en
- (b) wat, insluitend die huurder, sodanige belang sal hê indien die aansoek toegestaan word.

Verskaf in elke geval die aard en omvang van sodanige finansiële belang:

(Gebruik 'n aanhangsel indien nodig.)

Datum

Handtekening van die aansoeker of die persoon
deur die aansoeker gemagtig om te teken

Naam in drukskrif

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of verhoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 15**KENNISGEWING VAN DIE AANSTELLING VAN 'N BESTUURDER INGEVOLGE
ARTIKEL 52**

[Reg. 22(1)]

OORSPRONKLIKE MOET BY OWERHEID INGEDIEN WORD EN AFSKRIF BY AANGEWSE
DRANKBEAMPTE
'N AFSONDERLIKE VORM MOET VIR ELKE PERSOON WAT AS 'N BESTUURDER
AANGESTEL IS VOLTOOI EN INGEDIEN WORD.

Datumstempel van Owerheid by ontvangs van aansoek	Datumstempel van aangewese drankbeampste by ontvangs van aansoek
------------------------------------------------------	---------------------------------------------------------------------

OWERHEIDSVERWYSINGSNOMMER: _____

INHOUD

Beskrywing van dokumente wat aangeheg moet word	Aanhangsel
'n Gewaarmerkte afskrif van die identiteitskaart of -dokument van die aangestelde persoon, of die paspoort en visum of permanente verblyfpermit van die aangestelde persoon indien hy of sy 'n buitelanders is	A
Bewys van die aangestelde persoon se adres in die Wes-Kaap	B
'n Beëdigde verklaring deur die aangestelde persoon dat hy of sy nie ingevolge artikel 35 gediskwalifiseer is om 'n dranklisensie te hou nie	C
Sertifikaat in dranklisensieopleiding, indien van toepassing	D

Naam, handtekening en kontakbesonderhede van persoon wat hierdie kennisgewing voorberei het:

Naam: _____

Handtekening: _____

Woonadres: _____

Poskode: _____

Posadres: _____

Poskode: _____

Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

Faksnommer: _____

E-posadres: _____

DEEL A: AANSTELLING VAN BESTUURDER

1. Naam van gelisensieerde besigheid: _____

2. Indien van toepassing, verskaf volledige besonderhede van persoon wie se aanstelling beëindig is:

(a) Volle naam: _____

(b) Identiteitsnommer: _____

(c) Datum van beëindiging: _____

3.1 Verskaf volledige besonderhede van persoon wat aangestel word :

(a) Volle naam: _____

(b) Identiteitsnommer: _____

(Heg afskrif van identiteitskaart of -dokument aan.)

(c) Fisiese adres van aangestelde persoon:

(d) Posadres van aangestelde persoon:

(e) Telefoonnommer van aangestelde persoon: _____

(f) Verwantskap tussen aangestelde persoon en die persoon wat die houer van die dranklisensie is: _____

3.2	Is die aangestelde persoon 'n persoon wat—	Merk "ja" of "nee"	
		Ja	Nee
(a)	in die sestig (60) maande voor die indiening van hierdie kennisgewing tot gevangenisstraf gevonnissen is sonder die keuse om 'n boete te betaal?	Ja	Nee
(b)	in die sestig (60) maande voor die indiening van hierdie kennisgewing onbevoeg verklaar is om 'n registrasie by die Nasionale Drankowerheid of 'n lisensie by enige provinsiale drankowerheid te hou?	Ja	Nee
(c)	'n ongerehabiliteerde insolvent is?	Ja	Nee
(d)	minderjarig is?	Ja	Nee
(e)	in die tydperk van twaalf (12) maande voor die indiening van hierdie kennisgewing van aanstelling 'n houer was van 'n lisensie wat gekanselleer is ingevolge hierdie Wet of 'n wet wat dranklisensies in enige ander provinsie reguleer?	Ja	Nee
(f)	'n gade of lewensmaat is van 'n persoon beskryf in (a), (b) of (e) hierbo?	Ja	Nee
(g)	geestesongesteld is soos omskryf in die "Mental Health Care Act, 2002" (Wet 17 van 2002)?	Ja	Nee
(h)	vyf (5) jaar in Suid-Afrika woonagtig was voor die indiening van die kennisgewing?	Ja	Nee
(i)	gediskwalifiseer is ingevolge die "Immigration Act, 2007" (Wet 13 van 2007)?	Ja	Nee

3.3 Indien enige van die vrae in paragraaf 3.2 "ja" as die antwoord het, verskaf volledige besonderhede:

(Gebruik 'n aanhangsel indien nodig.)

3.4 Datum van beoogde aanstelling: _____

4. Indien die aangestelde persoon enige finansiële belang in die gelisensieerde besigheid het, verskaf volle besonderhede:

Datum

Handtekening van die aansoeker of persoon wat deur die aansoeker gemagtig is om te teken

Naam in drukskrif

DEEL B: AANVAARDING DEUR AANGESTELDE BESTUURDER

Ek, _____, die ondergetekende, aanvaar hiermee die bogenoemde aanstelling en aanvaar verantwoordelikheid vir die bestuur van die besigheid en verstaan dat ek onderworpe is aan dieselfde pligte, verpligtinge en aanspreeklikhede as die lisensiehouer.

Handtekening van aangestelde bestuurder

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of verhoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 15A

SERTIFIKAAT INGEVOLGE ARTIKEL 52(7)

[Reg. 22(2)]

HIERDIE SERTIFISEER DAT

VOLLE NAAM.....

DRANKLISENSIEOPLEIDING

SUKSESVOL VOLTOOI HET

PLEK

DATUM

SLEGS VIR AMPTELIKE GEBRUIK

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 16

- A – AANSOEK OM TOESTEMMING OM STRUKTURELE VERANDERINGS, AANBOUINGS OF VERBOUING VAN OF AAN DIE GELISENSIEERDE PERSEEL UIT TE VOER INGEVOLGE VAN ARTIKEL 53(1)(a)**
- B – AANSOEK OM TOESTEMMING OM UITBREIDING VAN OF NA DIE GELISENSIEERDE PERSEEL INGEVOLGE ARTIKEL 53(1A)(a) UIT TE VOER**

[Reg. 23(1) en 23(1A)]

OORSPRONKLIKE MOET BY DIE OWERHEID EN EEN AFSKRIF BY AANGEWESSE DRANKBEAMPTE INGEDIEN WORD

Datumstempel van Owerheid by ontvangs van aansoek	Datumstempel van aangewese drankbeampste by ontvangs van aansoek
------------------------------------------------------	---------------------------------------------------------------------

OWERHEIDSVERWYSINGSNOMMER: _____

INHOUD

Beskrywing van dokumente wat aangeheg moet word	Aanhangsel
Omvattende vloerplan van die perseel ooreenkomstig regulasie 23(1)(a)	A
Beskrywing van die voorgestelde veranderings	B
'n Beskrywing van die tersaaklike gedeelte van die gelisensieerde perseel ingevolge regulasie 23(1)(c)	C
Bewys van eienaarskap van die gelisensieerde perseel of, indien die aansoeker nie die eienaar is nie, skriftelike toestemming van die eienaar dat die aansoeker die perseel mag gebruik vir die doeleindes van die lisensie, ten opsigte van 'n aansoek om uitbreiding	D
Bewys van betaling van die toepaslike aansoekfooi	E
Skriftelike vertoë ter ondersteuning van die aansoek	F
Geïndekseerde kleurfoto's van die bestaande gelisensieerde perseel wat die	G

Beskrywing van dokumente wat aangeheg moet word	Aanhangsel
voltooië interne en eksterne kenmerke van die gelisensieerde perseel aandui	
Bewys dat die aansoeker die reg het om die perseel te okkupeer, ten opsigte van 'n aansoek om uitbreiding	H
Bewys dat die aansoeker die reg het om die gelisensieerde perseel te verander, indien van toepassing	I
Toestemming van die eienaar van die perseel dat die aansoeker die beoogde uitgebreide gedeelte vir doeleindes van die lisensie mag gebruik, indien van toepassing	J

Naam, handtekening en kontakbesonderhede van die persoon wat hierdie aansoek voorberei het:

Naam: _____

Handtekening: _____

Woonadres: _____

Poskode: _____

Posadres: _____

Poskode: _____

Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

Faksnommer: _____

E-posadres: _____

1. BESONDERHEDE VAN AANSOEKER

1.1 Volle naam: _____

1.2 Adres: _____

Poskode: _____

1.3 Adres vir betekening van dokumente: _____

Poskode: _____

1.4 Kontakbesonderhede van lisensiehouer of, indien aansoeker nie 'n natuurlike persoon is nie, volle besonderhede van kontakpersoon:

1.5 Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

2. **BESONDERHEDE VAN GELISENSIEERDE BESIGHEID**

2.1 Kategorie van lisensie: *(Merk die betrokke lisensie met 'n kruisie.)*

Lisensie ingevolge artikel 33(1)(a)	
Lisensie ingevolge artikel 33(1)(b)	
Lisensie ingevolge artikel 33(1)(c)	
Lisensie ingevolge artikel 33(1)(d)	

2.2 Soort(e) drank wat onder die lisensie verkoop mag word: _____

2.3 Naam waaronder die gelisensieerde besigheid bedryf word:

2.4 Erfnommer en adres van gelisensieerde perseel:

2.5 Munisipale gebied van die gelisensieerde perseel:

Datum

**Handtekening van aansoeker of persoon
deur aansoeker gemagtig**

Naam in drukskrif

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of verhoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 17

AANSOEK OM TOESTEMMING OM DIE AARD VAN DIE GELISENIEERDE BESIGHEID
WESENLIK TE VERANDER INGEVOLGE ARTIKEL 53(1A)(b)

[Reg. 23(2)]

OORSPRONKLIKE MOET BY OWERHEID EN EEN AFSCRIF BY AANGEWESSE
DRANKBEAMPTE INGEDIEN WORD

Datumstempel van Owerheid by ontvangs van aansoek	Datumstempel van aangewese drankbeampste by ontvangs van aansoek
------------------------------------------------------	---------------------------------------------------------------------

OWERHEIDSVERWYSINGSNOMMER: _____.

INHOUD

Beskrywing van dokumente wat aangeheg moet word	Aanhangsel
'n Beskrywing van die voorgestelde verandering in die aard van die besigheid. Indien nodig, sluit in: <ol style="list-style-type: none"> 1. Kleurfoto's van die perseel 2. Vloerplan van die perseel 	A
Skriftelike vertoë ter ondersteuning van die aansoek	B
Bewys van betaling van die toepaslike aansoekfooi	C
Bewys dat die aansoeker die reg het om die aard van die perseel ingevolge regulasie 23(2)(d), indien van toepassing, te verander	D

Naam, handtekening en kontakbesonderhede van persoon wat hierdie aansoek voorberei het:

Naam: _____

Handtekening: _____

Woonadres: _____

Poskode: _____

Posadres: _____

Poskode: _____

Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

Faksnommer: _____

E-posadres: _____

1. BESONDERHEDE VAN AANSOEKER

1.1 Volle naam: _____

1.2 Adres: _____

Poskode: _____

1.3 Adres vir betekening van dokumente: _____

Poskode: _____

1.4 Kontakbesonderhede van lisensiehouer of, indien aansoeker nie 'n natuurlike persoon is nie, volle besonderhede van kontakpersoon: _____

1.5 Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

2. BESONDERHEDE VAN GELISENSIEERDE BESIGHEID

2.1 Kategorie van lisensie: *(Merk die betrokke lisensie met 'n kruisie.)*

Lisensie ingevolge artikel 33(1)(a)	
Lisensie ingevolge artikel 33(1)(b)	
Lisensie ingevolge artikel 33(1)(c)	
Lisensie ingevolge artikel 33(1)(d)	

2.2 Soorte drank wat onder lisensie verkoop mag word: _____

2.3 Naam waaronder die gelisensieerde besigheid bedryf word: _____

2.4 Erfnommer en adres van gelisensieerde perseel: _____

2.5 Munisipale gebied van die gelisensieerde perseel: _____

Datum

**Handtekening van aansoeker of
persoon wat deur aansoeker gemagtig is**

Naam in drukskrif

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of vertoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 18

**AANSOEK OM TOESTEMMING OM 'N BESIGHEID KRAGTENS 'N LISENSIE TE
BEDRYF OP 'N PERSEEL WAAROP ENIGE ANDER BESIGHEID BEDRYF WORD,
INSLUITEND 'N BESIGHEID WAAROP ENIGE ANDER LISENSIE BETREKKING HET,
OF ENIGE ANDER HANDEL GEDRYF OF BEROEP BEOEFEN WORD INGEVOLGE
ARTIKEL 53(1)(c)**

[Reg. 23(3)]

OORSPRONKLIKE MOET BY DIE OWERHEID EN EEN AFSKRIF BY DIE AANGEWESSE
DRANKBEAMPTE INGEDIEN WORD

Datumstempel van aangewese drankbeampste by ontvangs van aansoek	Datumstempel van Owerheid by ontvangs van aansoek
------------------------------------------------------------------	---------------------------------------------------

Beskrywing van dokumente wat aangeheg moet word	Aanhangsel
Beskrywing van enige ander besigheid wat bedryf, handel wat gedryf of beroep wat beoefen word op die perseel	A
Bewys van betaling van die toepaslike aansoekfooi	B
Skriftelike vertoë ter ondersteuning van die aansoek	C
'n Leesbare, omvattende vloerplan van die voorgestelde perseel waarop dit beoog word om die besigheid kragtens die lisensie te bedryf	D
'n Beskrywing van die tersaaklike gedeelte van die perseel, met verwysing na die konstruksie, uitleg, meubilering, los en vaste toebehore en vloerbedekking	E
Bewys dat die aansoeker die reg het om die voorgestelde perseel te okkupeer	F
Bewys van eienaarskap van die voorgestelde gelisensieerde perseel of, indien die aansoeker nie die eienaar is nie, skriftelike toestemming van die eienaar van die perseel dat die aansoeker die voorgestelde gelisensieerde perseel mag gebruik vir die doeleindes van die lisensie	G
Geïndekseerde kleurfoto's wat die interne en eksterne kenmerke van die voorgestelde perseel aandui	H

Naam, handtekening en kontakbesonderhede van persoon wat hierdie aansoek voorberei het:

Naam: _____
Handtekening: _____
Posadres: _____

Poskode: _____
Fisiese adres: _____

Poskode: _____
Telefoonnommers:
Kantoor: _____
Selfoon: _____
Huis of ander: _____
Faksnommer: _____
E-posadres: _____

1. BESONDERHEDE VAN AANSOEKER

1.1 Volle naam: _____

1.2 Adres: _____

Poskode: _____

1.3 Adres vir betekening van dokumente: _____

Poskode: _____

1.4 Kontakbesonderhede van lisensiehouer of, indien aansoeker 'n natuurlike persoon is, volledige besonderhede van kontakpersoon:

1.5 Telefoonnommers:

Kantoor : _____

Selfoon : _____

Huis of ander : _____

1.6 Geboortedatum: *(indien aansoeker 'n natuurlike persoon is)*

_____/_____/_____

2. BESONDERHEDE VAN GELISENSIEERDE BESIGHEID

2.1 Soort dranklisensie: *(Merk die betrokke lisensie met 'n kruisie.)*

Dranklisensie ingevolge artikel 33(1)(a)	
Dranklisensie ingevolge artikel 33(1)(c)	

2.2 Soort(e) drank wat onder dranklisensie verkoop mag word: _____

2.3 Naam waaronder die gelisensieerde besigheid bedryf word: _____

2.4 Erfnommer en adres van gelisensieerde perseel: _____

2.5 Munisipale gebied van die gelisensieerde perseel: _____

Datum

Handtekening van aansoeker of 'n persoon
deur aansoeker gemagtig

Naam in drukskrif

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of verhoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 19

AANSOEK OM DIE VERLENGING VAN HANDELSURE
INGEVOLGE ARTIKEL 59(4)

[Reg. 26(1)]

OORSPRONKLIKE MOET BY DIE OWERHEID INGEDIEN WORD EN TWEE AFSKRIFTE BY
DIE AANGEWESSE DRANKBEAMPTE

Datumstempel van aangewese drankbeampste by ontvangs van aansoek	Datumstempel van Owerheid by ontvangs van aansoek
------------------------------------------------------------------	---------------------------------------------------

OWERHEIDSVERWYSINGSNOMMER: _____

INHOUD

Beskrywing van dokumente wat aangeheg moet word	Aanhangsel
Skriftelike vertoë ter ondersteuning van die aansoek	A
Bewys van betaling van die toepaslike aansoekfooi	B

Naam, handtekening en kontakbesonderhede van persoon wat hierdie aansoek voorberei het:

Naam: _____

Handtekening: _____

Posadres: _____

Poskode: _____

Fisiese adres: _____

Poskode: _____

Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

Faksnommer: _____

E-posadres: _____

BESONDERHEDE VAN LISENSIEHOUER

1. Volle naam van lisensiehouer: _____

2. Indien die lisensiehouer nie 'n natuurlike persoon is nie, verskaf die naam, identiteitsnommer, adres en die omvang van finansiële belang van elke lid, direkteur, vennoot, begunstigde of trustee:

(Gebruik 'n aanhangsel indien nodig.)

3. (a) Naam en adres van die gelisensieerde perseel: _____

(b) Beskryf die ligging van die perseel waar die gelisensieerde besigheid bedryf word, met verwysing na die nommer van die erf, straat/strate, woonstel(le), winkel(s) of plaas/plase, na gelang van die geval:

(Gebruik 'n aanhangsel indien nodig.)

(c) In watter munisipale gebied is die perseel bedoel in subparagraaf (a) geleë?

4. Kontaknaam en -telefoonnommer bedags: _____

5. Noem redes waarom lisensiehouer aansoek doen om verlenging van handelsure:

(Gebruik 'n aanhangsel indien nodig.)

Datum

**Handtekening van aansoeker of die persoon
deur aansoeker gemagtig**

Naam in drukskrif

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of verhoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 19A

**HOEVEELHEID DRANK VERKOOP EN HOU VAN REKORDS
INGEVOLGE ARTIKEL 60(1)
JAARLIKSE OPGAWES**

[Reg. 27]

LISENSIEHOUER (INSLUITEND TYDELIKE DRANKLISENSIEHOUER)

Dranklisensienommer:	
Kategorie van lisensie:	
Naam van lisensiehouer:	
Naam van perseel:	
Aard van die besigheid	
Adres van gelisensieerde perseel:	
Datum van uitreiking van lisensie:	

Artikel 60 vereis dat 'n lisensiehouer, met inbegrip van 'n houer van 'n tydelike dranklisensie, 'n rekord hou en aan die Owerheid voorlê van alle drank wat verkoop word soos uiteengesit in Deel A, B, C en D van hierdie vorm, waar van toepassing.

Die Jaarlikse Opgawe moet jaarliks teen 31 Maart by die Owerheid ingedien word vir die tydperk 1 Januarie tot 31 Desember van die jaar wat die datum van indiening voorafgaan.

Die elektroniese vorm van rekords en inligting bedoel in artikel 60(1) en regulasie 27(1)(a) , moet elektronies geliasseer word deur die aangewese aansoek op die Owerheid se eLicence-portaal wat aanlyn beskikbaar is: www.wcla.gov.za

DEEL A: REKORD VAN ALLE DRANK VERKOOP

DEEL A: REKORD VAN ALLE DRANK VERKOOP																						
(Binneverbruikslisensie, Buiteverbruikslisensie, Binne- en Buiteverbruikslisensie en tydelike dranklisensthouers word vereis om hierdie afdeling te voltooi.)																						
1	2	3	4				5	6		7												
Nr.	Faktuurnommers [Reg 27(1)(b)(iii)]	Datums van Uitreiking [Reg 27(1)(b)(iii)]	Hoeveelheid (liter) drank verkoop				Kosprijs	Besonderhede van die verskaffer		Verkoopprys (R)												
			Bier	Sider	Wyn	Sterk Drank		Ander	Naam	Adres	Bier	Sider	Wyn	Sterk Drank	Ander							
1																						
2																						
3																						
4																						
5																						
6																						
7																						
8																						
9																						
10																						
11																						
12																						
13																						
14																						
15																						

(Indien nodig, heg 'n afsonderlike aanhangsel aan.)

DEEL B: REKORD VAN VERKOOP VAN DRANK VAN MEER AS 100 LITER AAN EEN PERSOON IN 'N ENKELE DAG

AFDELING B: REKORD VAN VERKOOP VAN DRANK VAN MEER AS 100 LITER AAN EEN PERSOON OP 'N ENKELE DAG (Binneverbruikslisensie, Buiteverbruikslisensie, Binne- en Buiteverbruikslisensie, Mikrovervaardigingslisensie en tydelike dranklisensiehouders word vereis om hierdie afdeling te voltooi.)																		
8	9	10	11				12			13								
Nr.	Fakturnommers [Reg 27(1)(b)(iii)]	Datums van Uitreiking [Reg 27(1)(b)(ii) i)]	Hoeveelheid (liter) drank verkoop [Reg 27(1)(b)(iv)]				Besonderhede van die koper [Reg 27(1)(c)(i)]			Verkoopprys (R) [Reg 27(1)(b)(iv)]								
			Bier	Sider	Wyn	Sterk Drank	Ander	Naam	Adres	Identiteitsnommer	Telefoon nommer	Bier	Sider	Wyn	Sterk Drank	Ander		
1																		
2																		
3																		
4																		
5																		
6																		
7																		
8																		
9																		
10																		
11																		
12																		
13																		
14																		
15																		

(Heg 'n afsonderlike aanhangsel aan indien nodig.)

DEEL C: REKORD VAN HOEVEELHEID DRANK DEUR DIE LISENSIEHOUER IN VOORRAAD GEHOU

DEEL C: REKORD VAN HOEVEELHEID DRANK DEUR DIE LISENSIEHOUER IN VOORRAAD GEHOU													
(Binneverbruiklisensie, Buiteverbruiklisensie, Binne- en Buiteverbruiklisensie, Mikrovervaardigingslisensie en tydelike dranklisensiehouers word vereis om hierdie afdeling te voltooi.)													
14	15	16	17				18						
Nr.	Beskrywing van die soort drank wat gehou word [Reg 27(1)(b)(i)]	Plek waar drank gehou word [Reg 27(1)(b)(i)]	Hoeveelheid (liter) drank in voorraad gehou soos op 1 Januarie van die tydperk [Reg 27(1)(c)(ii)]				Hoeveelheid (liter) drank in voorraad gehou soos op 31 Desember van die tydperk [Reg 27(1)(c)(iii)]						
			Bier	Sider	Wyn	Sterk Drank	Ander	Bier	Sider	Wyn	Sterk Drank	Ander	
1													
2													
3													
4													
5													
6													
7													
8													
9													
10													
11													
12													
13													
14													
15													

(Gebruik 'n afsonderlike aanhangsel indien nodig.)

DEEL D: REKORD VAN ALLE DRANK VERVAARDIG

AFDELING D: REKORD VAN ALLE DRANK VERVAARDIG (Mikrovervaardigingslisensiehouers word verci om hierdie afdeling te voltooi.)																			
19	20	21	22				23				24								
Nr.	Faktuur-nommers [Reg 27(1)(b)(iii) en Reg 27(1)(d)(i)]	Datums van Uitreiking [Reg 27(1)(b)(iii) en Reg 27(1)(d)(i)]	Soort en hoeveelheid (liters) drank vervaardig [Reg 27(1)(d)(ii)]				Soort en hoeveelheid (liter) drank verkoop [Reg 27(1)(b)(iv) en Reg 27(1)(d)(i)]				Verkoopprys (R) [Reg 27(1)(b)(vi)]								
			Bier	Sider	Wyn	Sterk Drank	Ander	Bier	Sider	Wyn	Sterk Drank	Bier	Sider	Wyn					
1																			
2																			
3																			
4																			
5																			
6																			
7																			
8																			
9																			
10																			
11																			
12																			
13																			
14																			
15																			

(Gebruik 'n afsonderlike aanhangsel indien nodig.)

Datum

**Handtekening van lisensiehouer,
tydelike dranklisensiehouer of persoon
gemagtig deur lisensiehouer**

Naam en benaming in drukskrif

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of vertoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgedee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 20**KENNISGEWING VAN ABANDONNERING VAN LISENSIE**

[Reg. 29]

OORSPRONKLIKE MOET BY OWERHEID EN 'N AFSKRIF BY AANGEWESSE
DRANKBEAMPTTE INGEDIEN WORD.

Datumstempel van aangewese drankbeampte by ontvangs van aansoek	Datumstempel van Owerheid by ontvangs van aansoek
--------------------------------------------------------------------	------------------------------------------------------

OWERHEIDSVERWYSINGSNOMMER : _____

INHOUD

Beskrywing van dokument wat aangeheg moet word	Aanhangsel
Beëdigde verklaring met betrekking tot abandonnering	A

Naam, handtekening en kontakbesonderhede van persoon wat hierdie aansoek voorberei het:

Naam: _____

Handtekening: _____

Posadres: _____

Poskode: _____

Fisiese adres: _____

Poskode: _____

Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

Faksnommer: _____

E-posadres: _____

1. BESONDERHEDE VAN LISENSIEHOUER

Volle naam van lisensiehouer: _____

2. REDES VIR ABANDONNERING

- 2.1 Die gelisensieerde besigheid is deur die lisensiehouer abandonneer: **JA / NEE**
- 2.2 Die lisensiehouer is 'n persoon beskryf in artikel 67(3) en 'n persoon soos na verwys in artikel (67)(1), is as die lisensiehouer aangestel. **JA / NEE**
- 2.3 Heg 'n beëdigde verklaring aan wat die omstandighede verduidelik.

Datum

Handtekening van aansoeker of persoon
deur aansoeker gemagtig

Naam in drukskrif

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of vertoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind is, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 21A

**JAARLIKSE OF TWEEJAARLIKSE KENNISGEWING VAN LISENSIEHERNUWING:
FOOIE BETAALBAAR TEN OPSIGTE VAN 'N DRANKLISENSIE VIR:
DIE JAAR 20____; OF
DIE TWEE JARE 20____ EN 20____**

[Reg. 30(1)]

DRANKOWERHEIDSVERWYSINGSNOMMER: _____

Naam van lisensiehouer: _____

Adres van die gelisensieerde perseel: _____

(Indien die woon- of posadres verander het, stuur asseblief ook die nuwe adres na die volgende e-posadres: liquor.enquiries@wcla.gov.za)

Kategorie van lisensie: _____

U word hiermee in kennis gestel dat die hernuwingsfooie in totaal aan die Owerheid betaalbaar is:

Jaarliks: R _____, betaalbaar voor of op: _____

Tweejaarliks: R _____, betaalbaar voor of op: _____

Neem asseblief kennis:

1. Betaling moet gemaak word deur direkte deposito in die volgende bankrekening van die Owerheid:
Bank: Nedbank
Rekeninghouer: Wes-Kaapse Drankowerheid
Rekeningnommer: 145 206 9883
Takkode: 198 765
Gebruik asseblief u lisensienommer as verwysing op die depositostrokke (die WCP/DTI-nommer wat net onder die opskrif van hierdie vorm aangedui word).
2. 'n Lisensie word opgeskort vir 'n tydperk van ses maande vanaf 1 Januarie van die jaar waarvoor die voorgeskrewe hernuwingsfooie betaal moes wees. Sien artikel 63(7). 'n Lisensiehouer wie se lisensie opgeskort is, mag vir die duur van die intrekking nie drank verkoop nie.

3. 'n Lisensie wat op hierdie manier verval het, word weer geldig slegs indien die hernuwingsfooi tesame met die toepaslike boetes betaal word. Sien artikel 63(8).
4. Die lisensie verval vanaf 1 Januarie van die jaar waarin die toepaslike hernuwingsfooi betaal moes wees indien die lisensiehouer versuim om die toepaslike hernuwingsfooi en boete ingevolge artikel 63(8) te betaal.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 21B

**TWEEJAARLIKSE HERNUWINGSKENNISGEWING:
KENNISGEWING OM IN TE TEKEN OP TWEEJAARLIKSE HERNUWINGSIKLUS
VIR DIE JARE 20_____ EN 20_____**

[Reg. 30(3)]

OWERHEIDSVERWYSINGSNOMMER: _____

Naam van lisensiehouer: _____

Adres van die gelisensieerde perseel: _____

KATEGORIE VAN LISENSIE WAT HERNU MOET WORD

(Merk die betrokke lisensie met 'n kruisie.)

1.	Lisensie ingevolge artikel 33(1)(a)	
2.	Lisensie ingevolge artikel 33(1)(b)	
3.	Lisensie ingevolge artikel 33(1)(c)	
4.	Lisensie ingevolge artikel 33(1)(d)	

Lisensienommer: _____

A. Ek, _____ (die lisensiehouer),
bevestig dat ek hiermee op 'n tweejaarlikse hernuwingsiklus inteken; of

B. Ek, _____ ('n persoon wat deur die
lisensiehouer gemagtig is), bevestig dat die bogenoemde lisensiehouer hiermee op 'n
tweejaarlikse hernuwingsiklus inteken.

Datum

**Handtekening van lisensiehouer of persoon
deur die lisensiehouer gemagtig**

Naam in drukskrif

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of verhoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 22

AANSOEK OM HERNUWING VAN LISENSIE INGEVOLGE ARTIKEL 64(1)

[Reg. 31(1)]

OORSPRONKLIKE MOET BY OWERHEID EN EEN AFSCRIF BY AANGEWESSE
DRANKBEAMPTE INGEDIEN WORD

Datumstempel van aangewese drankbeampste by ontvangs van aansoek	Datumstempel van Owerheid by ontvangs van aansoek
------------------------------------------------------------------	---------------------------------------------------

OWERHEIDSVERWYSINGSNOMMER: _____

INHOUD

Beskrywing van dokumente wat aangeheg moet word	Aanhangsel
Skriftelike verstoë ter ondersteuning van die aansoek	A
Bewys van betaling van die toepaslike aansoekfooi	B
Aansoek om kondonering, indien van toepassing	C
Bewys van betaling van die aansoekfooi vir kondonering, indien van toepassing	D

Naam, handtekening en kontakbesonderhede van persoon wat hierdie aansoek voorberei het:

Naam: _____

Handtekening: _____

Posadres: _____

Poskode: _____

Fisiese adres: _____

Poskode: _____

Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

Faksnommer: _____

E-posadres: _____

BESONDERHEDE VAN LISENSIEHOUER

1. Lisensienommer: _____

2. Volle naam van lisensiehouer: _____

3. In watter munisipale distrik is die perseel geleë?

4. Verskaf rede(s) waarom die lisensiehouer toegelaat behoort te word om die lisensie te hernu ondanks die bestaan van (’n) situasie(s) soos beoog in artikel 64(1)(a) tot (e):

(Gebruik ’n aanhangsel indien nodig.)

Datum

**Handtekening van aansoeker of persoon
deur aansoeker gemagtig**

Naam in drukskrif

’n Persoon wat, met betrekking tot ’n aansoek, beswaar of verhoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of ’n vervalste dokument indien of een wat voorgee om ’n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan ’n misdryf ingevolge artikel 77(a) van die Wet.

’n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met ’n boete van hoogstens R50 000,00 of met gevangenisstraf vir ’n tydperk van hoogstens drie maande of met beide sodanige boete en so ’n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 23

AANSOEK OM KONDONERING VAN DIE VERSUIM OM AANSOEK TE DOEN OM
DIE HERNUWING VAN LISENSIE INGEVOLGE ARTIKEL 64(4)

[Reg. 31(2A)]

OORSPRONKLIKE MOET BY OWERHEID EN EEN AFSCRIF BY AANGEWESSE
DRANKBEAMPTE INGEDIEN WORD

Datumstempel van aangewese drankbeampste by ontvangs van aansoek	Datumstempel van Owerheid by ontvangs van aansoek
---------------------------------------------------------------------	------------------------------------------------------

OWERHEIDSVERWYSINGSNOMMER: _____

Naam, handtekening en kontakbesonderhede van persoon wat hierdie aansoek voorberei het:

Naam: _____

Handtekening: _____

Posadres: _____

Poskode: _____

Fisiese adres: _____

Poskode: _____

Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

Faksnommer: _____

E-posadres: _____

BESONDERHEDE VAN LISENSIEHOUER

1. Lisensienommer: _____

2. Volle naam van lisensiehouer: _____

3. Verskaf rede(s) waarom aansoek om die hernuwing van die lisensie nie voor of op 30 September van die tersaaklike jaar in die voorgeskrewe vorm gedoen is nie:

(Gebruik 'n aanhangsel indien nodig.)

Datum

**Handtekening van aansoeker of persoon
deur aansoeker gemagtig**

Naam in drukskrif

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of verhoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 24**AANSOEK OM OORDRAG VAN LISENSIE INGEVOLGE ARTIKEL 65(1)**

[Reg. 32(2)(a)]

OORSPRONKLIKE MOET BY OWERHEID EN EEN AFSCRIF BY AANGEWESSE
DRANKBEAMPTE INGEDIEN WORD

Datumstempel van aangewese drankbeampste by ontvangs van aansoek	Datumstempel van Owerheid by ontvangs van aansoek
------------------------------------------------------------------	---------------------------------------------------

OWERHEIDSVERWYSINGSNOMMER: _____

INHOUD

Beskrywing van dokumente wat aangeheg moet word	Aanhangsel
Skriftelike vertoë ter ondersteuning van die aansoek	A
'n Gewaarmerkte afskrif van die identiteitskaart of -dokument, of die paspoort en visum of permanente verblyfpermit van die voorgestelde lisensiehouer indien die voorgestelde lisensiehouer 'n buitelandse is, of, in die geval van 'n persoon wat nie 'n natuurlike persoon is nie, afskrifte van die tersaaklike registrasiedokumente wat die identiteit en, waar van toepassing, die finansiële belang van alle lede, direkteure, vennote, begunstigdes of trustees van die voorgestelde lisensiehouer aandui	B
Bewys van betaling van die toepaslike aansoekfooi uiteengesit in Item 10(a) van Aanhangsel 1	C
Beëdigde verklaring deur die voorgestelde lisensiehouer dat hy, sy, of dit nie ingevolge artikel 35 gediskwalifiseer is om 'n dranklisensie te hou nie	D
Bewys dat die aansoeker 'n afskrif van hierdie aansoek by die aangewese drankbeampste ingedien het	E
Bewys dat die voorgestelde lisensiehouer die reg het om die gelisensieerde perseel te okkupeer	F

Beskrywing van dokumente wat aangeheg moet word	Aanhangsel
Bewys van eienaarskap van die gelisensieerde perseel of, indien die voorgestelde lisensiehouer nie die eienaar van die perseel is nie, skriftelike toestemming van die eienaar dat die voorgestelde lisensiehouer die gelisensieerde perseel mag gebruik vir die doeleindes van die lisensie ten opsigte waarvan die aansoek om oordrag ingedien is	G
Gedokumenteerde bewys van die rede vir die oordrag	H

Naam, handtekening en kontakbesonderhede van die persoon wat hierdie aansoek voorberei het:

Naam: _____

Handtekening: _____

Posadres: _____

Poskode: _____

Fisiese adres: _____

Poskode: _____

Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

Faksnommer: _____

E-posadres: _____

DEEL A: BESONDERHEDE VAN LISENSIEHOUER

1. Volle naam van lisensiehouer: _____

2. Naam en adres van die gelisensieerde perseel: _____

6. Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

Faksnommer: _____

7.	Is die voorgestelde lisensiehouer 'n persoon wat—	Merk "ja" of "nee"	
		Ja	Nee
(a)	In die sestig (60) maande voor die indiening van die aansoek gevonniss is tot gevangenisstraf sonder die keuse om 'n boete te betaal?	Ja	Nee
(b)	In die sestig (60) maande voor die indiening van die aansoek onbevoeg verklaar is om 'n registrasie deur die Nasionale Drankowerheid of 'n lisensie deur enige provinsiale drankowerheid te hou?	Ja	Nee
(c)	'n ongerehabiliteerde insolvent is?	Ja	Nee
(d)	minderjarig is?	Ja	Nee
(e)	binne die tydperk van twaalf (12) maande voor die indiening van hierdie aansoek 'n houer was van 'n lisensie wat gekanselleer is ingevolge hierdie Wet of 'n Wet wat dranklisensies reguleer in enige ander provinsie?	Ja	Nee
(f)	'n gade van 'n persoon beskryf in (a), (b) of (e) hierbo is?	Ja	Nee
(g)	geestesongesteld is, soos omskryf in die "Mental Health Care Act, 2002" (Wet 17 van 2002)?	Ja	Nee
(h)	in die geval waar die voorgestelde lisensiehouer nie 'n natuurlike persoon is nie, is een van sy lede, direkteure, vennote, begunstigdes of trustees 'n persoon beskryf in (a), (b), (d), (e) of (g) hierbo?	Ja	Nee
8.	in die geval van 'n voorgestelde lisensiehouer wat nie 'n natuurlike persoon is nie, is enige lid, direkteur, vennoot, begunstigde of trustee 'n persoon beskryf in paragraaf 7(a), (b), (e) of (h)?	Ja	Nee

9. Indien enige van die vrae in paragrawe 7(a) tot (h) en 8 "ja" as antwoord het, verskaf volledige besonderhede:

(Gebruik 'n aanhangsel indien nodig.)

10.	Indien die voorgestelde lisensiehouer 'n maatskappy, beslote korporasie, vennootskap of trust is, meld of 'n persoon beoog in paragraaf 7 hierbo, behalwe soos bedoel in paragraaf 7(f) —	Merk “ja” of “nee”	
(a)	'n belang het in so 'n maatskappy, beslote korporasie of trust?	Ja	Nee
(b)	'n vennoot is in so 'n vennootskap?	Ja	Nee
(c)	'n begunstigde is onder sodanige trust?	Ja	Nee

11. Indien enige van die vrae in subparagrafe 10(a) tot (c) hierbo “ja” as antwoord het, verskaf volledige besonderhede:

(Gebruik 'n aanhangsel indien nodig.)

12. Verskaf die naam, identiteitsnommer en adres van elke persoon —

- (a) wat, insluitend die houer van die lisensie, enige finansiële belang het in die besigheid waarop die lisensie betrekking het; en
- (b) wat, insluitend die voorgestelde lisensiehouer, sodanige belang sal hê indien die aansoek toegestaan word,

en, in elke geval, verskaf die aard en omvang van sodanige finansiële belang.

(Gebruik 'n aanhangsel indien nodig.)

- (c) Besit die voorgestelde lisensiehouer die perseel? **JA / NEE**
- (d) Indien die antwoord op (c) hierbo “nee” is, gee besonderhede van die eienaar en die voorgestelde lisensiehouer se reg van okkupasie:

Naam van eienaar: _____

Adres van eienaar: _____

Voorgestelde lisensiehouer se reg van okkupasie: _____

Duur van reg van okkupasie: _____

Datum

**Handtekening van lisensiehouer of persoon
deur die lisensiehouer gemagtig**

Naam in drukskrif

Datum

**Handtekening van voorgestelde lisensiehouer of
persoon deur die voorgestelde lisensiehouer
gemagtig**

Naam in drukskrif

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of verhoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 24A

KENNISGEWING VAN TOESTAAN OF WEIER VAN OORDRAG VAN LISENSIE

[Reg. 32(10)]

NAAM VAN AANSOEKER: _____

NAAM VAN PERSEEL: _____

ADRES VAN PERSEEL: _____

OWERHEIDSVERWYSINGSNOMMER: _____

Die aansoek om die oordrag van 'n lisensie het betrekking.

Neem asseblief kennis dat —

1. Die aansoek om die oordrag van die lisensie op _____ **geweier** is.
2. Die aansoek om die oordrag van die lisensie op _____ **toegestaan** is.

'n Sertifikaat van oordrag sal uitgereik word by voldoening aan die volgende voorwaardes:

- (a) Die fooi ten bedrae van R_____ moet binne sestig (60) dae vanaf die uitreiking van hierdie kennisgewing betaal word, by gebreke waarvan die toestaan van die aansoek verval.
- (b) Indien die fooi nie betaal word binne die tydperk waarna hierbo verwys word nie, kan u skriftelik by die Hoof- Uitvoerende Beampte aansoek doen om kondonering van die versuim om die fooi te betaal. (Sien artikel 65(19).)
- (c) Indien die Hoof- Uitvoerende Beampte die versuim kondoneer, moet die fooi betaal word teen 'n datum bepaal deur die Hoof- Uitvoerende Beampte tesame met 'n boete van 100% van daardie fooi.

*Hoof- Uitvoerende Beampte van die Wes-Kaapse Drankowerheid
 of persoon wat optree kragtens bevoegdheid gedelegeer deur die Hoof- Uitvoerende Beampte*

Datum: _____

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 24B

KENNISGEWING VAN VOORWAARDELIKE TOESTAAN VAN OORDRAG VAN
LISENSIE INGEVOLGE REGULASIE 32(11)

[Reg. 32(11)]

NAAM VAN AANSOEKER: _____

NAAM EN ADRES VAN PERSEEL: _____

OWERHEIDSVERWYSINGSNOMMER: _____

Die aansoek om 'n oordrag van 'n lisensie het betrekking.

Neem asseblief kennis dat 'n oordrag van 'n lisensie voorwaardelik toegestaan is en die lisensie uitgereik sal word by voldoening aan die volgende voorwaardes:

Neem asseblief kennis van die volgende:

- (a) Daar moet aan die voorwaardes voldoen word binne _____ vanaf die datum van hierdie kennisgewing of voor of op die _____ dag van _____ 20____.
- (b) Aansoek kan by die Dranklisensieringstribunaal gedoen word ingevolge artikel 65(12B) in die vorm van Vorm 24E om die voorwaardes waarop die oordrag van die lisensie voorwaardelik toegestaan is, te wysig of in te trek.
- (c) Aansoek kan by die Voorsittende Beampte gedoen word ingevolge artikel 65(12C) in die vorm van Vorm 24E om die tydperk van die voorwaardelike toestaan te verleng.
- (d) Indien die aansoeker versuim om aan die bogenoemde voorwaardes te voldoen binne die tydperk bepaal by die voorwaardelike toestaan of die verlengde tydperk ingevolge artikel 65(12C), verval die voorwaardelike toestaan van die oordrag van die lisensie en word die oordrag geag geweier te wees.

*Hoof- Uitvoerende Beampte van die Wes-Kaapse Drankowerheid
of persoon wat optree kragtens bevoegdheid gedelegeer deur die Hoof- Uitvoerende Beampte*

Datum: _____

**NEEM ASSEBLIEF KENNIS DAT HIERDIE VOORWAARDELIKE TOESTAAN VAN 'N
OORDRAG VAN 'N LISENSIE NIE TOESTEMMING IS OM HANDEL TE DRYF SONDER
'N GELDIGE DRANKLISENSIE WAT UITGEREIK IS INGEVOLGE DIE WES-KAAPSE
DRANKWET, 2008, NIE.**

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 24C

**KENNISGEWING DAT DAAR VOLDOEN IS AAN DIE VOORWAARDES VAN DIE
VOORWAARDELIKE TOESTAAN VAN OORDRAG VAN LISENSIE INGEVOLGE
REGULASIE 32(14)**

[Reg. 32(14)]

NAAM VAN AANSOEKER: _____**NAAM EN ADRES VAN PERSEEL:** _____**OWERHEIDSVERWYSINGSNOMMER:** _____

1. Die aansoek om die oordrag van 'n lisensie het betrekking.
2. Neem asseblief kennis dat die Voorsittende Beampte tevrede is dat die aansoeker voldoen het aan die voorwaardes wat die Dranklisensieringstribunaal op _____ opgelê het en dat die oordragsertifikaat uitgereik sal word by betaling van die fooi waarna in artikel 65(16) verwys word binne sestig (60) dae van die uitreiking van hierdie kennisgewing, by gebreke waarvan die toestaan van die aansoek verval.
3. Indien die fooi nie betaal word binne die tydperk waarna hierbo verwys word nie, kan u ingevolge artikel 65(19) skriftelik by die Hoof- Uitvoerende Beampte aansoek doen om kondonering van die versuim om die fooi te betaal.
4. Indien die Hoof- Uitvoerende Beampte die versuim om te betaal kondoneer, moet die fooi tesame met 'n boete van 100% van daardie fooi betaal word teen 'n datum deur die Hoof- Uitvoerende Beampte bepaal.

*Hoof- Uitvoerende Beampte van die Wes-Kaapse Drankowerheid
of persoon wat optree kragtens bevoegdheid gedelegeer deur die Hoof- Uitvoerende Beampte*

Datum: _____

**NEM ASSEBLIEF KENNIS DAT HIERDIE VOORWAARDELIKE TOESTAAN VAN 'N
LISENSIE NIE TOESTEMMING IS OM HANDEL TE DRYF SONDER 'N GELDIGE
DRANKLISENSIE WAT UITGEREIK IS INGEVOLGE DIE WES-KAAPSE DRANKWET,
2008, NIE.**

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 24D

AANSOEK OM KONDONERING VAN VERSUIM OM VOORGESKREWE FOOI TE
BETAAL INGEVOLGE ARTIKEL 65(19)

[Reg. 32(17)]

OORSPRONKLIKE MOET BY OWERHEID INGEDIEN WORD

OWERHEIDSVERWYSINGSNOMMER: _____

INHOUD

Beskrywing van dokument wat aangeheg moet word	Aanhangsel
Skriftelike verhoë ter ondersteuning van die aansoek	A

Naam, handtekening en kontakbesonderhede van persoon wat hierdie aansoek voorberei het:

Naam: _____

Handtekening: _____

Posadres: _____

Poskode: _____

Fisiese adres: _____

Poskode: _____

Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

Faksnommer: _____

E-posadres: _____

BESONDERHEDE VAN LISENSIEHOUER

Volle naam van lisensiehouer: _____

Datum_____
**Handtekening van aansoeker of
persoon deur aansoeker gemagtig**_____
Naam in drukskrif

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of verhoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 24E

AANSOEK—

A – INGEVOLGE ARTIKEL 65(12B) OM DIE WYSIGING OF INTREKKING VAN VOORWAARDES GESTEL INGEVOLGE ARTIKEL 65(12); OF

B – INGEVOLGE ARTIKEL 65(12C) OM DIE VERLENGING VAN DIE TYDPERK WAT INGEVOLGE ARTIKEL 65(12A) BEPAAL IS.

[Reg. 32(35) en (46)]

OORSPRONKLIKE MOET BY OWERHEID INGEDIEN WORD EN, IN DIE GEVAL VAN AANSOEK A, OOK EEN AFSCRIF BY DIE TERSAAKLIKE AANGEWESSE DRANKBEAMPTE(S)

Datumstempel van aangewese drankbeampste by ontvangs van aansoek	Datumstempel van Owerheid by ontvangs van aansoek
------------------------------------------------------------------	---------------------------------------------------

OWERHEIDSVERWYSINGSNOMMER: _____

NAAM VAN AANSOEKER: _____

NAAM VAN PERSEEL: _____

AANSOEK:

A	B
---	---

(Dui aan watter aansoek)

INHOUD

Beskrywing van dokumente wat aangeheg is	Aanhangsel
Bewys van betaling	A
Skriftelike vertoë ter ondersteuning van die aansoek	B

Naam, handtekening en kontakbesonderhede van persoon wat hierdie aansoek voorberei het:

Naam: _____

Handtekening: _____

Posadres: _____

Poskode: _____

Fisiese adres: _____

Poskode: _____

Telefoonnommers:
 Kantoor: _____
 Selfoon: _____
 Huis of ander: _____

Faksnommer: _____

E-posadres: _____

Datum

**Handtekening van aansoeker of
 persoon deur aansoeker gemagtig**

Naam in drukskrif

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of verhoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 24F

KENNISGEWING VAN BESLUIT INGEVOLGE REGULASIE 32(45) OF (49)

[Reg. 32(45) of (49)]

NAAM VAN AANSOEKER: _____

NAAM VAN PERSEEL: _____

ADRES VAN PERSEEL: _____

OWERHEIDSVERWYSINGSNOMMER: _____

Neem asseblief kennis dat die aansoek ingevolge —

- A artikel 65(12B) om die voorwaardes te wysig of terug te trek; of
- B artikel 65(12C) om die tydperk te verleng,
 - (a) **toegestaan** is, onderhewig aan die aangehegte voorwaardes.
 - (b) **geweier** is.

*Hoof- Uitvoerende Beampte van die Wes-Kaapse Drankowerheid
of persoon wat optree kragtens bevoegdheid gedelegeer deur die Hoof- Uitvoerende Beampte*

Datum: _____

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 25

CERTIFIKAAT VAN OORDRAG VAN 'N DRANKLISENSIE INGEVOLGE
ARTIKEL 65(17)

[Reg. 32(12) en (16)]

OWERHEIDSVERWYSINGSNOMMER: _____

Die lisensie gehou deur _____ ten opsigte van die
perseel geleë te _____ in die
munisipaliteit van _____, waaronder die gelisensieerde
besigheid bedryf word onder die naam:

word hiermee oorgedra na _____

onderhewig aan die voorwaardes en die planne hierby aangeheg.
Die gelisensieerde besigheid sal in die toekoms bedryf word onder die naam van:

Hierdie sertifikaat moet te alle tye by die betrokke lisensie aangeheg word.

*Hoof- Uitvoerende Beampte van die Wes-Kaapse Drankowerheid
of persoon wat optree kragtens bevoegdheid gedelegeer deur die Hoof- Uitvoerende Beampte is*

Datum: _____

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 26

AANSOEK OM TOESTEMMING OM GELISENSIEERDE BESIGHEID TE BEDRYF HANGENDE DIE OORDRAG VAN DIE LISENSIE INGEVOLGE ARTIKEL 65(3)

[Reg. 32(21)]

OORSPRONKLIKE MOET BY OWERHEID EN 'N AFSCRIF BY AANGEWESSE DRANKBEAMPTTE INGEDIEN WORD.

Datumstempel van aangewese drankbeampte by ontvangs van aansoek	Datumstempel van Owerheid by ontvangs van aansoek
-----------------------------------------------------------------	---------------------------------------------------

OWERHEIDSVERWYSINGSNOMMER: _____

INHOUD

Beskrywing van dokumente wat aangeheg moet word	Aanhangsel
Skriftelike verhoë ter ondersteuning van die aansoek	A
Bewys van betaling van die toepaslike fooi	B

Naam, handtekening en kontakbesonderhede van die persoon wat hierdie aansoek voorberei het:

Naam: _____

Handtekening: _____

Posadres: _____

Poskode: _____

Fisiese adres: _____

Poskode: _____

Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

Faksnommer: _____

E-posadres: _____

DEEL A: BESONDERHEDE VAN LISENSIEHOUER

1. Volle naam van lisensiehouer: _____

2. Naam en adres van die gelisensieerde besigheid: _____

3. Naam waaronder die voorgestelde lisensiehouer die gelisensieerde besigheid sal bedryf:

4. Deur hierdie aansoek te onderteken, erken die lisensiehouer dat hy/sy/dit bewus is van die voorwaardes vervat in artikel 65(8) van die Wet.

Datum

**Handtekening van lisensiehouer of
persoon deur lisensiehouer gemagtig**

Naam in drukskrif

DEEL B: BESONDERHEDE VAN VOORGESTELDE LISENSIEHOUER

5. Volle naam: _____

6. Identiteitsnommer of, in die geval van 'n maatskappy of beslote korporasie, sy registrasienommer:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

(Heg identiteitskaart of -dokument of bewys van registrasie aan.)

7. Woonadres of adres van geregistreerde kantoor: _____

Poskode: _____

8. Besigheidsadres: _____

Poskode: _____

9. Posadres: _____

Poskode: _____

10. Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

11. Faks: _____

12. E-posadres: _____

Datum

**Handtekening van voorgestelde lisensiehouer of
persoon wat deur voorgestelde lisensiehouer
gemagtig is**

Naam in drukskrif

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of verhoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 26A

AANSOEK INGEVOLGE ARTIKEL 65(6) OM DIE TYDPERK VAN TOESTEMMING
VERLEEN INGEVOLGE ARTIKEL 65(5) TE VERLENG

[Reg. 32(31)]

OORSPRONKLIKE MOET BY OWERHEID EN EEN AFSKRIF BY AANGEWESSE
DRANKBEAMPTE INGEDIEN WORD

Datumstempel van aangewese drankbeampste by ontvangs van aansoek	Datumstempel van Owerheid by ontvangs van aansoek
------------------------------------------------------------------	---------------------------------------------------

DRANKOWERHEIDSVERWYSINGSNOMMER: _____

INHOUD

Beskrywing van dokumente wat aangeheg moet word	Aanhangsel Bylae
Skriftelike vertoë ter ondersteuning van die aansoek	A
Bewys van betaling van die aansoekfooi	B

Naam, handtekening en kontakbesonderhede van persoon wat hierdie aansoek voorberei het:

Naam: _____

Handtekening: _____

Posadres: _____

Poskode: _____

Fisiese adres: _____

 Poskode: _____
 Telefoonnommers:
 Kantoor: _____
 Selfoon: _____
 Huis of ander: _____
 Faksnommer: _____
 E-posadres: _____

BESONDERHEDE VAN VOORGESTELDE LISENSIEHOUER

1. Dranklisensienommer: _____
2. Volle naam van lisensiehouer: _____
3. Indien die lisensiehouer nie ’n natuurlike persoon is nie, verskaf die naam, identiteitsnommer en adres en omvang van finansiële belang van elke lid, direkteur, vennoot, begunstigde of trustee:

(Gebruik ’n aanhangsel indien nodig.)

4. (a) Naam en adres van die gelisensieerde perseel: _____

- (b) Beskryf die ligging van die perseel waar die gelisensieerde besigheid bedryf word, met verwysing na die nommer van die erf, straat/strate, woonstel(le), winkel(s) of plaas, na gelang van die geval:

(Gebruik ’n aanhangsel indien nodig.)

- (c) In watter munisipale gebied is die perseel waarna verwys word in subparagraaf (a) geleë?

5. Kontaknaam en telefoonnommer bedags: _____

6. Verskaf rede(s) vir die aansoek om die verlenging van die toestemming verleen ingevolge artikel 65(5):

(Gebruik 'n aanhangsel indien nodig.)

Datum

**Handtekening van voorgestelde lisensiehouer of
persoon gemagtig deur lisensiehouer**

Naam in drukstrif

Ek stem hiermee in tot die verlenging van die toestemming ingevolge artikel 65(6) van die Wet tot die _____ dag van _____ 20_____.

Datum

**Handtekening van lisensiehouer of
persoon gemagtig deur lisensiehouer**

Naam in drukskrif

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of verhoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 26B

**TOESTEMMING VIR DIE VERLENGING VAN DIE TYDPERK WAT INGEVOLGE
ARTIKEL 65(5) TOEGESTAAN IS**

[Reg. 32(34)]

OWERHEIDSVERWYSINGSNOMMER : _____

Toestemming verleen aan _____
om die gelisensieerde besigheid te bedryf, hangende die oordrag van die lisensie, ten opsigte van die perseel geleë te _____
in die munisipaliteit van _____, waaronder besigheid onder die naam van _____ bedryf word, is verleng vir die volgende tydperk _____.

**Hierdie kennisgewing moet te alle tye gedurende die geldigheid daarvan aan die betrokke lisensie
geheg wees.**

*Hoof- Uitvoerende Beampte van die Wes-Kaapse Drankowerheid
of persoon wat optree kragtens bevoegdheid gedelegeer deur die Hoof- Uitvoerende Beampte*

Datum: _____

NB: Een afskrif elk aan die lisensiehouer, die voorgestelde lisensiehouer, en die aangewese drankbeampte

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 27**AANSOEK OM DIE VERWYDERING VAN 'N LISENSIE INGEVOLGE ARTIKEL 66(2)**

[Reg. 33(7)]

OORSPRONKLIKE MOET BY OWERHEID EN 'N AFSCRIF BY DIE TERSAAKLIKE
AANGEWESSE DRANKBEAMPTE INGEDIEN WORD.

OWERHEIDSVERWYSINGSNOMMER: _____

Datumstempel van Owerheid by ontvangs van aansoek	Datumstempel van aangewese drankbeampste by ontvangs van aansoek
------------------------------------------------------	---------------------------------------------------------------------

INHOUD

Beskrywing van dokumente wat aangeheg moet word	Aanhangsel
'n Leesbare, omvattende vloerplan van die voorgestelde gelisensieerde perseel soos beoog in regulasie 33(8)(a)	A
'n Leesbare terreinplan van die perseel soos beoog in regulasie 33(8)(b)	B
'n Lugbeeldkaart wat die verhouding van die voorgestelde gelisensieerde perseel met 'n woonegebied bedoel in regulasie 33(8)(c) aandui.	C
Beskrywing van die perseel bedoel in regulasie 33(8)(d)	D
Geïndekseerde kleurfoto's wat die voltooide interne en eksterne kenmerke van die voorgestelde gelisensieerde perseel aandui of, waar die aansoek betrekking het op 'n onvoltooide perseel, die stadium van voltooiing van die perseel bedoel in regulasie 33(8)(e)	E

Beskrywing van dokumente wat aangeheg moet word	Aanhangsel
'n Gewaarmerkte afskrif van die — (i) identiteitskaart of -dokument van die aansoeker; (ii) paspoort en visum of, waar van toepassing, die permanente verblyfpermit van die aansoeker indien die aansoeker 'n buitelanders is; of (iii) toepaslike registrasiedokumente, wat die identiteit en, waar van toepassing, die finansiële belang van alle lede, direkteure, vennote, begunstigdes of trustees van die aansoeker aandui, indien die aansoeker nie 'n natuurlike persoon is nie	F
Beëdigde verklaring deur die aansoeker dat hy, sy of dit nie ingevolge artikel 35 gediskwalifiseer is om 'n dranklisensie te hou nie	G
Bewys dat die aansoeker die reg het om die voorgestelde gelisensieerde perseel te okkupeer	H
Bewys van eienaarskap van die voorgestelde gelisensieerde perseel of, indien die aansoeker nie die eienaar van die perseel is nie, toestemming van die eienaar dat die aansoeker die voorgestelde gelisensieerde perseel mag gebruik vir die doeleindes van die lisensie ten opsigte waarvan 'n aansoek om verwydering ingedien is.	I
Skriftelike verhoë ter ondersteuning van die aansoek	J
Bewys van betaling van die toepaslike aansoekfooi	K
Bewys van kennisgewings ingevolge regulasie 10(2)	L
Soneringsertifikaat	M
Bewys dat 'n afskrif van die aansoek ingedien is by die aangewese drankbeampte in wie se regsgebied die gelisensieerde perseel tans geleë is en, waar die toestaan van die aansoek die verwydering van die lisensie na die regsgebied van 'n ander aangewese drankbeampte tot gevolg sal hê, ook bewys dat die aansoeker 'n afskrif van die aansoek by die aangewese drankbeampte van daardie gebied ingedien het	N

Naam, handtekening en kontakbesonderhede van persoon wat hierdie aansoek voorberei het:

Naam: _____

Handtekening: _____

Woonadres: _____

Poskode: _____

Posadres: _____

Poskode: _____

Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

Faksnommer: _____

E-posadres: _____

1. BESONDERHEDE VAN AANSOEKER

1.1 Volle naam: _____

1.2 Woonadres: _____

Poskode: _____

1.3 Posadres: _____

Poskode: _____

1.4 Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

1.5 Faksnommer: _____

1.6 E-posadres: _____

1.7 Adres vir betekening van alle kennisgewings en dokumente:

Poskode: _____

1.8 Kontakbesonderhede van lisensiehouer of, indien aansoeker nie 'n natuurlike persoon is nie, volle besonderhede van kontakpersoon:

1.9 Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

1.10 Geboortedatum: *(indien aansoeker 'n individu is)* _____ / _____ / _____

2. **BESONDERHEDE VAN VERWYDERING**

2.1 Onder watter naam word die gelisensieerde besigheid bedryf? _____

2.2 Sal die naam verander by goedkeuring van die aansoek om verwydering? **JA / NEE**

2.3 Indien wel, verskaf die nuwe naam: _____

2.4 Beskryf die ligging van die perseel waar die besigheid bedryf sal word, met betrekking tot die nommer van die erf, straat/strate, woonstel(le), winkel(s) of plaas:

2.5 Is die perseel waarna in paragraaf 2.4 verwys word in dieselfde polisie-distrik as die huidige gelisensieerde perseel? **JA / NEE**

2.6 Is die perseel waarna in paragraaf 2.4 verwys word in dieselfde munisipale gebied as die huidige gelisensieerde perseel? **JA / NEE**

2.7 Besit die aansoeker die perseel waarheen die lisensie verwyder gaan word? **JA / NEE**

2.8 Indien nie, verskaf besonderhede van die eienaar en die aansoeker se reg van okkupasie:

Naam van eienaar: _____

Adres van eienaar: _____

Aansoeker se reg van okkupasie: _____

Duur van reg van okkupasie:

2.9 In die geval van 'n aansoek om 'n lisensie wat verbruik van drank op die perseel toelaat, meld op watter gedeelte van die perseel drank bedien en verbruik sal word:

2.10 Word die aansoek gedoen ten opsigte van 'n perseel wat—

- | | |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------|
| (a) nog nie opgerig is nie? | JA / NEE |
| (b) reeds opgerig is, maar aanbouings of veranderings benodig om die perseel geskik te maak vir die doel van die besigheid? | JA / NEE |
| (c) reeds opgerig is en nie aanbouings of veranderings benodig om die perseel geskik te maak vir die doel van die besigheid nie? | JA / NEE |

2.11 Indien die antwoord op vraag 2.10(a) of (b) “ja” is, verskaf asseblief —

- (a) die datum waarop sodanige oprigting, aanbouings of veranderings sal begin:

_____ ; en

- (b) die tydperk wat benodig sal word vir die oprigting, aanbouings of veranderings:

_____.

2.12 In die geval van 'n aansoek om die verwydering van die lisensie vir 'n vasgestelde tydperk, verskaf die tydperk waarvoor sodanige verwydering vereis word:

_____ **Datum**

_____ **Handtekening van aansoeker of persoon
deur aansoeker gemagtig**

_____ **Naam in drukskrif**

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of verdoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 27A**KENNISGEWING VAN INDIENING VAN AANSOEK OM VERWYDERING VAN
DRANKLISENSIE INGEVOLGE ARTIKEL 66(2) VAN DIE WES-KAAPSE DRANKWET,
2008**[Reg. 10(1)]

Kennis word hiermee gegee dat 'n aansoek om die verwydering van 'n dranklisensie ingedien is by die Owerheid en by die aangewese drankbeampte in wie se regsgebied die gelisensieerde perseel tans geleë is en, waar die toestaan van die aansoek die verwydering van die lisensie na die regsgebied van 'n ander aangewese drankbeampte tot gevolg sal hê, ook by die aangewese drankbeampte van daardie gebied.

Die betrokke aansoek kan, tot en met die ag-en-twintigste (28ste) dag vanaf die datum van publikasie van die aansoek, op versoek en gratis deur enige persoon by die kantore van die Owerheid of die tersaaklike aangewese drankbeampte(s) besigtig word. Afskrifte van die aansoek kan by die Owerheid verkry word ná betaling van die voorgeskrewe fooi.

Ingevolge regulasie 33(13) van die Regulasies kan u versoë vir of teen die betrokke aansoek rig. Indien u sou verkies om dit te doen, moet die versoë skriftelik by die Owerheid en die kantoor van die tersaaklike aangewese drankbeampte(s) ingedien word.

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 27A**NOTICE OF LODGEMENT OF APPLICATION FOR REMOVAL OF LIQUOR LICENCE
IN TERMS OF SECTION 66(2) OF THE WESTERN CAPE LIQUOR ACT, 2008**[Reg. 10(1)]

Notice is hereby given that an application for the removal of a liquor licence has been lodged with the Authority and with the designated liquor officer in whose area of jurisdiction the licensed premises are currently located and, where the granting of the application will have the effect of removing the licence to the area of jurisdiction of another designated liquor officer, also with the designated liquor officer of that area.

The application concerned may, up to and including the twenty-eighth (28th) day from the date of publication of the application, upon request and free of charge, be inspected by any person at the offices of the Authority or the relevant designated liquor officer(s). Copies of the application can be obtained from the Authority after payment of the prescribed fee.

Objections and representations may be lodged in writing with the Authority and the relevant designated liquor officer(s) in accordance with regulation 13 of the Regulations.

UMTHETHO WOTYWALA WENTSHONA KOLONI, 2008 (UMTHETHO 4 KA-2008)

IFOMU 27A

**ISAZISO SOKUFakwa KWESICeLO SOKUSUSWA KWEPHEPHA-MVUME
LOTYWALA NGOKWECANDELO 66(2) LOMTHETHO WEZOTYWALA WENTSHONA
KOLONI, 2008**

[Reg. 10(1)]

Isaziso siyanikezelwa ukuba isicelo sokususwa kwephepha-mvume lotywala sifakiwe kwabasemaGunyeni ezoTywala eNtshona Koloni (abasemaGunyeni) nakwigosa elijongene nemiba engotywala elijongene nolawulo lweendawo ezinempapha-mvume kwaye, apho ukunikezelwa kwesicelo kuza kuchaphazela ukususwa kwephepha-mvume phantsi kolawulo lwelinye igosa elijongene nemiba engotywala kuloo ngingqi.

Isicelo ekubhekiswa kuso singakwazi, ukuya kwiintsuku eziquka usuku lwama-28 ukusukela ngomhla wokupapashwa kwesi sicelo, xa siceliwe kwaye simahla, sihlolwe nguye nawuphi na umntu okwiofisi(a) okyeeea yaan igobasaa(a) Iikopi zesicelo singafumaneka kwabasemaGunyeni emva kwentlawulo emisiweyo.

Uchaso neengxelo ezixhasayo ezibhaliweyo zingafakwa kwabasemaGunyeni nakwigosa lotywala eligunyazisiweyo ngokwecandelo 13 leMigaqo.

Nr.	Full name of applicant Volle naam van aansoeker Igama elipheleleyo lomfaki-sicelo	Name under which business will be conducted Naam waaronder die besigheid bedryf sal word Igama eliza kuqhutywa ngalo ishishini	Address of the proposed premises Adres van voorgestelde perseel Idilesi yesakhiwo	Category of licence Kategorie lisensie waarvoor aansoek gedoen word Uhlobo lwe layisenisi ecetywayo	South African Police Services designated liquor officer's offices where the application has been lodged Suid-Afrikaanse Polisediens-kantoor van die aangewese drankbeampte waar die aansoek ingedien is i-Ofisi yeGosa elijongene nemiba engotywala yeeNkonzo zamaPolisa eMzantsi Afrika apho isicelo sifakwe khona

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 27B**KENNISGEWING VAN INDIENING VAN AANSOEK OM VERWYDERING VAN
DRANKLISENSIE**

[Reg. 10(2)]

Kennis word hiermee dat gegee 'n aansoek om die verwydering van 'n dranklisensie na hierdie perseel, waarvan die besonderhede hier verskaf word, by die Owerheid en die kantore van die betrokke aangewese drankbeampte(s) by die Suid-Afrikaanse Polisie diens ingedien is.

Die betrokke aansoek kan, tot en met die agt-en-twintigste (28ste) dag vanaf die datum van publikasie van die aansoek, op versoek en gratis, deur enige persoon by die kantore van die Owerheid en die aangewese drankbeampte(s) besigtig word. Afskrifte van die aansoek kan by die Owerheid verkry word ná betaling van die voorgeskrewe fooi.

Ingevolge regulasie 33(13) van die Regulasies kan u vertoë vir of teen die genoemde aansoek indien. Indien u dit wil doen, moet die vertoë skriftelik by die Owerheid en die kantoor van die betrokke aangewese drankbeampte(s) ingedien word.

Datum van kennisgewing: _____
(Hierdie datum moet ooreenstem met die datum van indiening van die aansoek.)

Volle naam van aansoeker: _____

Identiteitsnommer of registrasienommer van aansoeker: _____

Straatadres van aansoeker: _____

Poskode: _____

Posadres van aansoeker: _____

Poskode: _____

Soort lisensie waarvoor aansoek gedoen word: _____

Soort(e) drank wat mikrovervaardig en/of verkoop gaan word: _____

Naam waaronder besigheid bedryf sal word: _____

Adres van die voorgestelde gelisensieerde perseel, met verwysing na die nommer van die erf, straat/strate, woonstel(le), winkel(s) of plaas waar die besigheid bedryf sal word, na gelang van die geval:

Naam, handtekening en kontakbesonderhede van persoon wat hierdie aansoek voorberei het:

Naam: _____

Handtekening: _____

Posadres: _____

Fisiese adres: _____

Telefoonnommers:

Kantoor: _____

Selfoon: _____

Faksnommer: _____

E-posadres: _____

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of verhoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 27C

KENNISGEWING VAN TOESTAAN OF WEIER VAN VERWYDERING VAN LISENSIE

[Reg. 33(21)]

NAAM VAN PERSEEL:

ADRES VAN PERSEEL:

OWERHEIDSVERWYSINGSNOMMER:

Die aansoek om die verwydering van 'n lisensie het betrekking.

Neem asseblief kennis dat —

1. Die aansoek om die verwydering van die lisensie **geweier** is op _____.
2. Die aansoek om die verwydering van die lisensie **toegestaan** is op _____.

'n Sertifikaat van verwydering sal uitgereik word by voldoening aan die volgende voorwaardes:

- (a) Die fooi ten bedrae van R _____ moet binne sestig (60) dae ná die uitreiking van hierdie kennisgewing betaal word, by gebreke waarvan die toestaan van die aansoek sal verval.
- (b) Indien die fooi nie betaal word binne die tydperk waarna hierbo verwys word nie, kan u skriftelik by die Hoof- Uitvoerende Beampte aansoek doen vir kondonering van die versuim om die fooi te betaal (Sien artikel 66(8)).
- (c) Indien die Hoof- Uitvoerende Beampte die versuim kondoneer, moet die fooi betaal word teen 'n datum bepaal deur die Hoof- Uitvoerende Beampte tesame met 'n boete van 100% van daardie fooi.

*Hoof- Uitvoerende Beampte van die Wes-Kaapse Drankowerheid
of persoon wat optree kragtens bevoegdheid gedelegeer deur die Hoof- Uitvoerende Beampte*

Datum: _____

Neem asseblief kennis van die volgende:

1. Daar moet aan die bogenoemde voorwaardes of vereistes voldoen word —
 - (a) binne _____ vanaf die uitreiking van hierdie kennisgewing; of
 - (b) voor of op die _____ dag van _____ 20_____.

2. Aansoek kan gedoen word by —
 - (a) die Dranklisensiëringstribunaal om die wysiging of intrekking van die voorwaardes ingevolge artikel 66(5)(c), saamgelees met artikel 42(4); of
 - (b) die Dranklisensiëringstribunaal om enige voorwaarde of vereiste bepaal kragtens artikel 66(8)(b), saamgelees met artikels 44 en 42(4) in te trek of te wysig; of
 - (c) die Voorsittende Beampte om 'n gewysigde plan beoog in artikel 66(5)(c), saamgelees met artikel 42(5)(b), goed te keur; of
 - (d) die Voorsittende Beampte ingevolge artikel 66(7)(a), saamgelees met artikel 42(5)(a), om die tydperk wat deur die Dranklisensiëringstribunaal ingevolge artikels 42(3), 66(8)(b) en 66(5) bepaal is, te verleng ten opsigte van 'n verwydering van 'n lisensie vir 'n bepaalde tydperk.

3. Indien die aansoeker versuim om aan die bogenoemde voorwaardes of vereistes te voldoen binne die tydperk soos bepaal deur die Dranklisensiëringstribunaal, of binne enige verlengde tydperk, verval die voorwaardelike toestaan van die verwydering van die lisensie en word die aansoek om die verwydering van die lisensie geag nie toegestaan te wees nie.

*Hoof- Uitvoerende Beampte van die Wes-Kaapse Drankowerheid
of persoon wat optree kragtens bevoegdheid gedelegeer deur die Hoof- Uitvoerende Beampte*

Datum: _____

**NEEM ASSEBLIEF KENNIS DAT HIERDIE VOORWAARDELIKE TOESTAAN VAN 'N
LISENSIE NIE TOESTEMMING IS OM HANDEL TE DRYF SONDER 'N GELDIGE
DRANKLISENSIE WAT UITGEREIK IS INGEVOLGE DIE WES-KAAPSE DRANKWET,
2008, NIE.**

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 27E

**KENNISGEWING DAT AAN DIE VOORWAARDES VAN DIE VOORWAARDELIKE
TOESTAAN VOLDOEN IS INGEVOLGE REGULASIE 33(25)**

[Reg. 33(25)]

NAAM VAN AANSOEKER: _____

NAAM VAN PERSEEL: _____

ADRES VAN PERSEEL:

_____OWERHEIDSVERWYSINGSNOMMER:

Die aansoek om die verwydering van 'n lisensie het betrekking.

Neem asseblief kennis dat die Voorsittende Beampte oortuig is dat die aansoeker voldoen het aan die voorwaardes wat op _____ deur die Dranklisensieringstribunaal gestel is en dat die toepaslike lisensie uitgereik sal word by voldoening aan die volgende:

- (a) Die fooi waarna in artikel 66(9) verwys word, moet binne sestig (60) dae ná die uitreiking van hierdie kennisgewing betaal word, by gebreke waarvan die toestaan van die aansoek verval.
- (b) Indien die fooi nie betaal word binne die tydperk bedoel in paragraaf (a) nie, kan u binne sestig (60) dae ná die verstryking van die tydperk bedoel in paragraaf (a) ingevolge artikel 66(11) skriftelik by die Hoof- Uitvoerende Beampte aansoek doen om kondonering van die versuim om die fooi te betaal.
- (c) Indien die Hoof- Uitvoerende Beampte die versuim kondoneer, moet die fooi, tesame met 'n boete van 100% van daardie fooi, betaal word teen 'n datum wat deur die Hoof- Uitvoerende Beampte bepaal word.

*Hoof- Uitvoerende Beampte van die Wes-Kaapse Drankowerheid
of persoon wat optree kragtens bevoegdheid gedelegeer deur die Hoof- Uitvoerende Beampte*

Datum: _____

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 27F

AANSOEK OM KONDONERING VAN DIE VERSUIM OM VOORGESKREWE FOOI TE
BETAAL INGEVOLGE ARTIKEL 66(11)

[Reg. 33(28)]

OORSPRONKLIKE MOET BY OWERHEID INGEDIEN WORD

OWERHEIDSVERWYSINGSNOMMER _____

INHOUD

Beskrywing van dokument wat aangeheg moet word	Aanhangsel
Skryflike verhoë ter ondersteuning van die aansoek	A

Naam, handtekening en kontakbesonderhede van persoon wat hierdie aansoek voorberei het:

Naam: _____

Handtekening: _____

Posadres: _____

Poskode: _____

Fisiese adres: _____

Poskode: _____

Telefoonnommers: _____

Kantoor: _____

Selfoon: _____

Huis of ander: _____

Faksnommer: _____

E-posadres: _____

BESONDERHEDE VAN LISENSIEHOUER

Volle naam van lisensiehouer: _____

Datum

**Handtekening van aansoeker of persoon
deur aansoeker gemagtig**

Naam in drukskrif

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of vertoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 27G

AANSOEK—

- A – INGEVOLGE ARTIKEL 66(5)(c), GELEES SAAM MET ARTIKEL 42(4) VIR DIE WYSIGING OF INTREKKING VAN VOORWAARDES;**
- B – INGEVOLGE ARTIKEL 66(8)(b), GELEES SAAM MET ARTIKEL 44 OM ENIGE VOORWAARDE OF VEREISTE IN TE TREK OF WYSIG;**
- C – INGEVOLGE ARTIKEL 66(5)(c), GELEES SAAM MET ARTIKEL 42(5) OM 'N GEWYSIGDE PLAN GOED TE KEUR; OF**
- D – OM DIE TYDPERK WAT DEUR DIE DRANKLISENSIËRINGSTRIBUNAAL BEPAAL IS TE VERLENG INGEVOLGE ARTIKELS 42(3), 66(8)(b), EN 66(5) TEN OPSIGTE VAN 'N VERWYDERING VIR 'N BEPAALDE TYDPERK**

[Reg. 33(32) en (41)]

OORSPRONKLIKE MOET BY OWERHEID EN EEN AFSKRIF BY DIE TERSAAKLIKE AANGEWESSE DRANKBEAMPTTE INGEDIEN WORD

Datumstempel van aangewese drankbeampte by ontvangs van aansoek	Datumstempel van Owerheid by ontvangs van aansoek
-----------------------------------------------------------------	---------------------------------------------------

OWERHEIDSVERWYSINGSNOMMER: _____

NAAM VAN AANSOEKER: _____

NAAM VAN PERSEEL: _____

AANSOEK:

A	B	C	D
----------	----------	----------	----------

(Dui aan watter aansoek.)

INHOUD

Beskrywing van dokumente wat aangeheg moet word	Aanhangsel
Bewys van betaling van die voorgeskrewe fooi	A
Skriftelike vertoë ter ondersteuning van die aansoek	B

Naam, handtekening en kontakbesonderhede van persoon wat hierdie aansoek voorberei het:

Naam: _____
 Handtekening: _____
 Posadres: _____

 Poskode: _____
 Fisiese adres: _____

 Poskode: _____
 Telefoonnommers:
 Kantoor: _____
 Selfoon: _____
 Huis of ander: _____
 Faksnommer: _____
 E-posadres: _____

Datum

**Handtekening van aansoeker of persoon
 deur aansoeker gemagtig**

Naam in drukskrif

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of verhoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 27H

KENNISGEWING VAN BESLUIT KRAGTENS REGULASIE 33(39) OF (44)

[Reg. 33(40) of (44)]

NAAM VAN AANSOEKER: _____

NAAM VAN PERSEEL: _____

ADRES VAN PERSEEL: _____

OWERHEIDSVERWYSINGSNOMMER: _____

Neem asseblief kennis dat die aansoek—

A – om die wysiging of intrekking van voorwaardes ingevolge artikel 66(5)(c), gelees saam met artikel 42(4); of

B – om enige voorwaarde of vereiste ingevolge artikel 66(8)(b) in te trek of te wysig, gelees saam met artikel 44; of

C – om 'n gewysigde plan, gelees saam met artikel 42(5) ingevolge artikel 66(5)(c) goed te keur; of

D – om die tydperk te verleng –

(a) wat deur die Dranklisensieringstribunaal bepaal is ingevolge artikel 42(3), 66(8)(b) en, 66(5) ten opsigte van 'n verwydering vir 'n bepaalde tydperk,

(i) **toegestaan is**, onderhewig aan die aangehegte voorwaardes.

(ii) **geweier is**.

*Hoof- Uitvoerende Beampte van die Wes-Kaapse Drankowerheid
of persoon wat optree kragtens bevoegdheid gedelegeer deur die Hoof- Uitvoerende Beampte*

Datum: _____

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 28

SERTIFIKAAT VAN VERWYDERING VAN LISENSIE INGEVOLGE ARTIKEL 66

[Reg. 33(23) en (27)]

OWERHEIDSVERWYSINGSNOMMER: _____

Die lisensie toegestaan ten opsigte van 'n perseel geleë te _____

en waarop die gelisensieerde besigheid onder die naam van _____
_____ bedryf word,

word hiermee permanent/tydelik verwyder na die perseel geleë te _____

in die munisipaliteit van _____, waaronder die gelisensieerde
besigheid bedryf sal word onderhewig aan die voorwaardes en planne hierby aangeheg.Die gelisensieerde besigheid sal in die toekoms onder die naam van _____
bedryf word.

**Hierdie sertifikaat moet te alle tye tydens die geldigheid daarvan aan die betrokke lisensie
geheg word.**

*Hoof- Uitvoerende Beampte van die Wes-Kaapse Drankowerheid
of persoon wat optree kragtens bevoegdheid gedelegeer deur die Hoof- Uitvoerende Beampte**Datum:* _____

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 29

KENNISGEWING VAN APPÈL OF AANSOEK OM HERSIENING INGEVOLGE
ARTIKEL 68(3)

[Reg. 34(6)]

OORSPRONKLIKE MOET BY OWERHEID INGEDIEN WORD

OWERHEIDSVERWYSINGSNOMMER: _____

INHOUD

Beskrywing van dokumente wat aangeheg moet word	Aanhangsel
'n Verklaring wat die gronde van appèl of aansoek om hersiening uiteensit	A
'n Beknopte verklaring van die belangrikste feitelike of regsprentte wat die appellante beoog om op appèl of hersiening te argumenteer	B
'n Lys van gesag, indien enige, wat ter ondersteuning van elk van die hoofprentte aangebied moet word	C
Die bystand wat die appellante verlang	D

NAAM VAN DIE APPELLANT: _____

Naam, handtekening en kontakbesonderhede van persoon wat hierdie kennisgewing voorberei het:

Naam: _____

Handtekening: _____

Posadres: _____

Poskode: _____

Fisiese adres: _____

Poskode: _____

Telefoonnommers:

Kantoor: _____

Selfoon: _____

Huis of ander: _____

Faksnommer: _____

E-posadres: _____

BESONDERHEDE VAN DIE APPÈL OF AANSOEK OM HERSIENING

1. Teen watter besluit van die Owerheid word hierdie appèl of aansoek om hersiening gebring?

2. Datum van besluit: _____

3. Datum waarop die appellant oor die besluit ingelig is: _____

Datum

**Handtekening van aansoeker of persoon
deur aansoeker gemagtig**

Naam in drukskrif

SLEGS VIR AMPTELIKE GEBRUIK

Ek bevestig hiermee dat ek hierdie kennisgewing beteken het deur die oorspronklike te lewer by:

soos beoog in regulasie 35(2). Die aard en dringendheid van die kennisgewing is aan die ontvanger verduidelik. Plek van betekening:

Datum en tyd van betekening: _____

Handtekening van inspekteur of aangewese drankbeampte: _____

Naam van inspekteur of aangewese drankbeampte: _____

U sal die nodige bystand ontvang wat u met u aansoek benodig.

Handtekening van persoon beteken (indien verkrygbaar): _____

SLEGS VIR AMPTELIKE GEBRUIK

Ek bevestig hiermee dat ek hierdie kennisgewing beteken het deur die oorspronklike af te lewer by:

soos beoog in regulasie 37A(1). Die aard en dringendheid van die saak is aan die ontvanger verduidelik.

Plek van betekening: _____

Datum en tyd van betekening: _____

Handtekening van inspekteur: _____

Naam van inspekteur: _____

WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)

VORM 33

AANSOEK OM 'N VRYSTELLING INGEVOLGE ARTIKEL 84(2)

[Reg. 36(1)]

OORSPRONKLIKE MOET BY OWERHEID EN TWEE AFSKRIFTE BY AANGEWESSE
DRANKBEAMPTE INGEDIEN WORD

Datumstempel van Owerheid wat die aansoek ontvang.	Datumstempel van aangewese drankbeampste wat die aansoek ontvang.
----------------------------------------------------	-------------------------------------------------------------------

OWERHEIDSVERWYSINGSNOMMER: _____

INHOUD

Vrystelling	Beskrywing van vrystelling	Merk toepaslike item
Artikel 84(2)(a)	Perseel wat deur 'n staatsdepartement beset, beheer of onderhou word	
Artikel 84(2)(b)	Perseel wat deur die Krygskorporasie van Suid-Afrika Beperk, of die Atoomenergiekorporasie van Suid-Afrika Beperk, beset, beheer of onderhou word, aan werknemers van die betrokke instansie en hul <i>bona fide</i> gaste, vir verbruik op daardie perseel	
Artikel 84(2)(c)	Aansoek namens 'n statutêre instelling op 'n perseel in of by 'n openbare oord, nasionale park of wild- of natuurreservaat	
Artikel 84(2)(d)	Aansoek namens die hoof van 'n opvoedkundige instelling in 'n restaurant wat gebruik word vir die opleiding van persone in spysenieringsdienste op 'n perseel wat deur die betrokke instansie beset, beheer of onderhou word, vir verbruik in daardie restaurant	
Artikel 84(2)(e)	Aansoek deur 'n <i>bona fide</i> versamelaar van wyn of spiritualieë en daardie drank bestaan uit sy of haar versameling wyn of spiritualieë of enige deel daarvan	

Selfoon : _____
Huis of ander : _____
Faks : _____
E-posadres : _____

3. VERTOË TER ONDERSTEUNING VAN AANSOEK:

(Gebruik 'n aanhangsel indien nodig.)

Datum

**Handtekening van aansoeker of persoon
deur aansoeker gemagtig**

Naam in drukskrif

'n Persoon wat, met betrekking tot 'n aansoek, beswaar of verdoë ingevolge die Wes-Kaapse Drankwet, 2008, inligting indien of verskaf wat hy of sy weet vals of misleidend is, of wat hy of sy nie weet waar is nie, of 'n vervalste dokument indien of een wat voorgee om 'n ware afskrif van die oorspronklike te wees, maar nie is nie, is skuldig aan 'n misdryf ingevolge artikel 77(a) van die Wet.

'n Persoon wat aldus skuldig bevind word, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en so 'n tydperk van gevangenisstraf.

Oorgangsbepalings

27.(1) 'n Lisensiehouer beoog in artikel 60(1) moet, indien hierdie regulasies anders as die regulasies bedoel in regulasie 30(1)(a) en (b) van hierdie regulasies, 'n aanvang neem op 'n datum—

- (a) voor 31 Maart van 'n jaar, die inligting waarna in regulasie 27(1)(c)(iii) van hierdie regulasies verwys word vir daardie jaar teen 31 Maart van die volgende jaar indien; of
- (b) ná 31 Maart van 'n jaar, die inligting waarna in regulasie 27(1)(c)(iii) van hierdie regulasies verwys word vir daardie jaar en die inligting waarna in regulasie 27(1)(c)(ii) van hierdie regulasies verwys word vir die volgende jaar teen 31 Maart van die volgende jaar indien.

Wysiging van Indeling van die Regulasies

28. Die Indeling van Regulasies voor regulasie 1 van die Regulasies word gewysig—

- (a) deur ná die verwysing na die opskrif van regulasie 9 deur die volgende item in te voeg:
“9A Kennisgewing van weiering of aanvaarding van indiening”;
- (b) deur die verwysing na die opskrif van regulasie 21 deur die volgende item te vervang:
“21 Aansoek om finansiële belang in gelisensieerde besigheid oor te dra”;
- (c) deur die volgende item na die verwysing na die opskrif van regulasie 21 in te voeg:
“21A Verhuring van lisensie, bedryf van besigheid kragtens die lisensie en gebruik van gelisensieerde perseel”; en
- (d) deur ná die verwysing na die opskrif van regulasie 22 die volgende item in te voeg:
“22A Onderrig- en opleidingsfooi”.

Kort titel en aanvang

29. Hierdie regulasies word die Wes-Kaapse Drankregulasies, 2011: Tweede Wysiging, 2023 genoem, en tree in werking op 'n datum wat deur die Minister bepaal word deur kennisgewing in die *Provinsiale Koerant*.

VERDUIDELIKENDE MEMORANDUM OOR DIE WES-KAAPSE KONSEPDRANKREGULASIES 2011: TWEDE WYSIGING, 2023

1. AGTERGROND

- 1.1 Die Wes-Kaapse Regering het besluit dat 'n beleid vir die vermindering van alkoholskade ontwikkel moet word om rigting te gee aan die Wes-Kaapse Regering se benadering tot die regulering van drank. Die Wes-Kaapse Regering het die Beleid vir die Vermindering van Alkoholverwante skade (Beleid) in 2017 aanvaar. Die Beleid se doel is hoofsaaklik om ingrypings beskikbaar te stel om by te dra tot die vermindering van alkoholverwante skade in die Wes-Kaap. 'n Verdere doel is om voorsiening te maak vir bykomende aangeleenthede om die doeltreffendheid van aanvullende ondersteuningstrukture te verhoog wat met die vermindering van alkoholskade in verband staan.
- 1.2 Ter uitvoering van sy beslissing het die Wes-Kaapse Regering die Wes-Kaapse Konsepdrankwysigingswetsontwerp, 2023 (die Konsepwysigingswetsontwerp), saam met die Wes-Kaapse Konsepdrankregulasies, 2011: Tweede Wysiging, 2023 (die konsepwysigingsregulasies) vir kommentaar gepubliseer. Die konsepwysigingsregulasies beoog om voorsiening te maak vir die administratiewe veranderinge wat vereis word om uitvoering te gee aan die veranderinge wat deur die Konsepwysigingswetsontwerp meegebring word.
- 1.3 Die belangrikste veranderinge aan die administratiewe regulatoriese raamwerk is soos volg:
- 1.3.1 Die vaartbelyning van die lisensie-aansoekproses, in die besonder die proses van die aanvaarding en weiering van die indiening van 'n aansoek om 'n lisensie.
 - 1.3.2 'n Nuwe proses vir die aanstelling van 'n bestuurder van 'n gelisensieerde besigheid. Die voorgestelde proses is een van kennisgewing eerder as aansoek, wat verpligte dranklisensie-opleiding vir bestuurders insluit.
 - 1.3.3 Die insluiting van 'n openbaredeelnameproses vir aansoeke om toestemming om enige uitbreiding van of aan die gelisensieerde perseel ingevolge die nuwe voorgestelde artikel 53(1A)(a) in die Konsepwysigingswetsontwerp uit te voer. Die openbaredeelnameproses is ook ingesluit vir aansoeke om die aard van die gelisensieerde besigheid wesenlik te verander ingevolge die nuwe voorgestelde artikel 53(1A)(b) in die Konsepwysigingswetsontwerp.
 - 1.3.4 Die hersiening van die rekords wat deur lisensiehouers gehou en ingedien moet word ten opsigte van die hoeveelheid drank wat verkoop word.
 - 1.3.5 'n Hersiening van die vorms en foie en voorsiening word in die besonder gemaak vir 'n verkorte lisensie in die voorgestelde nuwe Vorm 7A.
 - 1.3.6 Die instelling van twee nuwe foie betaalbaar ingevolge die regulasies.

2. OOGMERK VAN DIE KONSEPWYSIGINGSREGULASIES

- 2.1 Die konsepwysigingsregulasies beoog om voorsiening te maak vir die administratiewe regulatoriese veranderinge wat vereis word om uitvoering te gee aan die wysigings wat in die Konsepwysigingswetsontwerp voorgestel word.

- 2.2 Daardeur beoog die konsepwysigingsregulasies hoofsaaklik om administratief voorsiening te maak vir die aanvulling of hersiening van die prosesse wat vereis word vir—
- 2.2.1 Die aanvaarding en weiering van indiening van aansoeke om lisensies;
 - 2.2.2 Die kennisgewing van die aanstelling van bestuurders;
 - 2.2.3 Openbare deelname ten opsigte van aansoeke om gelisensieerde persele uit te brei of om die aard van ’n gelisensieerde besigheid wesenlik te verander; en
 - 2.2.4 Die rekords wat deur lisensiehouers gehou en ingedien moet word.

3. INHOUD VAN DIE KONSEPWYSIGINGSREGULASIES

Die doelwitte en oogmerke van die verskillende konsepregulasies word hieronder uiteengesit.

- 3.1 **Konsepregulasie 1** bevat ’n lys van al die vorige wysigings aan die Wes-Kaapse Drankregulasies, 2011 (die Hoofregulasies).
- 3.2 **Konsepregulasie 2** wysig regulasie 1 van die Hoofregulasies en voeg ’n woordomskrywing vir die uitdrukking “handtekening” in.
- 3.3 **Konsepregulasie 3** wysig regulasie 6 van die Hoofregulasies deur die Departementshoof, wat deel vorm van die onderhoudspaneel wat met voornemende lede van die Dranklisensieringstribunaal onderhoude voer, te bemagtig om die plig om deel van die paneel te vorm aan ’n amptenaar in diens van die Departement toe te wys.
- 3.4 **Konsepregulasie 4** wysig regulasie 9 van die Hoofregulasies om die vereiste in te voeg dat ’n aansoek om ’n lisensie vergesel moet word van skriftelike verdoë oor hoekom die aansoek in die openbare belang is. Die konsepregulasie bewerkstellig sekere tekstuele verbeterings en veranderinge om in lyn te kom met die voorgestelde wysigings aan artikel 36 in die Konsepwysigingswetsontwerp. Die konsepregulasie vereis verder dat nuwe vorms aangeheg word wat die Owerheid in kennis sal stel van die persoon wat as die bestuurder van die gelisensieerde besigheid aangestel is. Dit is om die aansoekproses in lyn te bring met die voorgestelde wysigings aan artikel 52 in die Konsepwysigingswetsontwerp en die voorgestelde wysigings aan regulasie 22.
- 3.5 **Konsepregulasie 5** voeg regulasie 9A by die Hoofregulasies in. Die voorgestelde regulasie 9A sit die proses uiteen vir die aanvaarding en weiering van die indiening van ’n aansoek om ’n lisensie en die tydsraamwerke waarbinne dit gedoen moet word. Die doel van die proses stem ooreen met die voorgestelde wysigings aan artikel 36 in die Konsepwysigingswetsontwerp.
- 3.6 **Konsepregulasie 6** wysig regulasie 10 van die Hoofregulasies deur regulasie 10(1A) wat in verband staan met die publikasie van indienings in die *Provinsiale Koerant* te skrap. Die skraping word vereis om die publikasieproses in lyn te bring met die voorgestelde wysiging aan artikel 37 in die Konsepwysigingswetsontwerp wat die publikasie van indienings op die Owerheid se webwerf vereis. Die konsepregulasie bring verder tekstuele wysigings aan om die kennisgewingsproses in ooreenstemming te bring met die voorgestelde wysigings aan artikel 36 in die Konsepwysigingswetsontwerp.

- 3.7 **Konsepregulasie 7** wysig regulasie 15 van die Hoofregulasies om sekere wysigings aan verwysings aan te bring en om te vereis dat die verslag deur die aangewese drankbeampte enige inligting insluit wat ingevolge die nuwe voorgestelde artikel 41(1)(a)(ii) in die Konsepwysigingswetsontwerp deur die Minister voorgeskryf word.
- 3.8 **Konsepregulasie 8** wysig regulasie 17 van die Hoofregulasies om sekere tekstuele verbeterings aan te bring om in ooreenstemming te kom met die wysigings wat aan artikel 36 in die Konsepwysigingswetsontwerp voorgestel word.
- 3.9 **Konsepregulasie 9** wysig regulasie 18 van die Hoofregulasies om sekere tekstuele verbeterings aan te bring om in ooreenstemming te kom met die wysigings wat aan artikel 36 in die Konsepwysigingswetsontwerp voorgestel word.
- 3.10 **Konsepregulasie 10** wysig regulasie 19 van die Hoofregulasies om sekere verwysingsveranderinge aan te bring en om te vereis dat 'n aansoek om 'n tydelike of geleentheidsdranklisensie vergesel moet wees van die nuwe vorms wat die Owerheid in kennis sal stel van die persoon wat as 'n bestuurder van die gelisensieerde besigheid aangestel is. Dit is om die aansoekproses in ooreenstemming te bring met die voorgestelde wysigings aan artikel 52 in die Konsepwysigingswetsontwerp en die voorgestelde wysigings aan regulasie 22.
- 3.11 **Konsepregulasie 11** wysig regulasie 21 van die Hoofregulasies deur die bepalings wat verband hou met die verhuring van 'n lisensie, die bedryf van besigheid ingevolge die lisensie en die gebruik van 'n gelisensieerde perseel in die regulasie te skrap. Dit volg op die wysigings wat aan artikel 51 in die Konsepwysigingswetsontwerp voorgestel is.
- 3.12 **Konsepregulasie 12** voeg regulasie 21A by die Hoofregulasies in. Die konsepregulasie sit die proses uiteen vir die verkryging van toestemming om 'n lisensie te verhuur, besigheid ingevolge 'n lisensie te bedryf en 'n gelisensieerde perseel te gebruik.
- 3.13 **Konsepregulasie 13** wysig regulasie 22 van die Hoofregulasies deur regulasie 22 te vervang met 'n nuwe proses vir die aanstelling van 'n bestuurder vir 'n gelisensieerde besigheid. In ooreenstemming met die voorgestelde wysigings aan artikel 52 in die Konsepwysigingswetsontwerp behels die nuwe proses van indiening deur 'n aansoeker of lisensiehouer van 'n kennisgewing aan die Owerheid van die persoon wat as bestuurder aangestel word. In sekere gevalle, soos geïdentifiseer in die voorgestelde nuwe artikel 52(4) en (5) in die Konsepwysigingswetsontwerp, moet so 'n persoon onderrig en opleiding voltooi het wat deur die Dranklisensieëringstribunaal aangewys en bepaal is.
- 3.14 **Konsepregulasie 14** voeg die nuwe regulasie 22A by die Hoofregulasies in. Die konsepregulasie lys die fooi wat aan die Owerheid betaalbaar is ten opsigte van die onderrig en opleiding vereis deur die Wes-Kaapse Drankwet, 2008, en die Konsepwysigingswetsontwerp deur verwysing na die nuwe Item 3 in Aanhangsel 1 by die regulasies.
- 3.15 **Konsepregulasie 15** vervang regulasie 23 van die Hoofregulasies deur 'n proses van openbare deelname in te voeg ten opsigte van aansoeke om toestemming om enige uitbreiding van of na die gelisensieerde perseel uit te voer ingevolge die nuwe voorgestelde artikel 53(1A)(a) in die Konsepwysigingswetsontwerp. Die openbaredeelnameproses word

- ook ingevoeg ten opsigte van aansoeke om toestemming om die aard van die gelisensieerde besigheid wesenlik te verander ingevolge die nuwe voorgestelde artikel 53(1A)(b) in die Konsepwysigingswetsontwerp.
- 3.16 **Konsepregulasie 16** wysig regulasie 25 van die Hoofregulasies en is 'n gevolglike wysiging van die wysiging van regulasie 15 van die Hoofregulasies deur konsepregulasie 7(c).
- 3.17 **Konsepregulasie 17** wysig regulasie 26 van die Hoofregulasie en is 'n gevolglike wysiging van die wysiging van regulasie 15 van die Hoofregulasies deur konsepregulasie 7(c).
- 3.18 **Konsepregulasie 18** vervang regulasie 27 van die Hoofregulasies. Dit sit die soort inligting uiteen wat deur lisensiehouers gehou moet word, die tydperk waarvoor dit gehou moet word, die formaat waarin dit gehou moet word en wanneer dit by die Owerheid ingedien moet word. Die vervanging word vereis om voorsiening te maak vir 'n prosedure vir die vereistes wat ingestel word deur die wysigings wat aan artikel 60 in die Konsepwysigingswetsontwerp voorgestel word.
- 3.19 **Konsepregulasie 19** vervang regulasie 30 van die Hoofregulasies. Die voorgestelde nuwe regulasie 30 sit die vorm van die jaarlikse en tweejaarlikse hernuwingskennisgewing uiteen, en dui die toepaslike hernuwingsfooi vir elke soort hernuwingsiklus aan met verwysing na Deel C van Aanhangsel 2 tot die regulasies, en hoe en teen wanneer 'n lisensiehouer die Owerheid moet kennis gee van die lisensiehouer se keuse om in te teken op óf 'n jaarlikse óf tweejaarlikse hernuwingsiklus. Die voorgestelde vervanging bring regulasie 30 in ooreenstemming met die uitgebreide wysigings aan die outomatiese hernuwingsproses in die nuwe voorgestelde artikel 63 in die Konsepwysigingswetsontwerp.
- 3.20 **Konsepregulasie 20** vervang regulasie 31 van die Hoofregulasies. Die voorgestelde nuwe regulasie 31 sit die prosedure uiteen wat gevolg moet word wanneer 'n aansoek ingevolge die nuwe voorgestelde artikel 64(1) in die Konsepwysigingswetsontwerp vereis word. Die veranderinge wat in die nuwe voorgestelde regulasie 31 voorgestel word, behels hoofsaaklik die hersamestelling van die aansoekproses om kondonering wat gedoen kan word en bepaal die fooi wat aan die Owerheid betaalbaar is wanneer 'n aansoek om kondonering gedoen word. Dit bring regulasie 31 in ooreenstemming met die voorgestelde wysigings aan artikel 64 in die Konsepwysigingswetsontwerp.
- 3.21 **Konsepregulasie 21** wysig regulasie 32 van die Hoofregulasies en is 'n gevolglike wysiging van die voorgestelde wysigings aan regulasie 22 van die Hoofregulasies met betrekking tot die kennisgewing van die aanstelling van 'n bestuurder vir 'n gelisensieerde besigheid.
- 3.22 **Konsepregulasie 22** vervang regulasie 33 van die Hoofregulasies. Die vervanging behels die hersamestelling van die aansoekproses wat gevolg moet word om die verwydering van 'n lisensie en kom ooreen met die wysigings wat aan artikel 66 in die Konsepwysigingswetsontwerp voorgestel word.
- 3.23 **Konsepregulasie 23** wysig regulasie 34 deur voorsiening te maak vir 'n prosedure waardeur een Appèltribunaal 'n appèl of aansoek om hersiening wat aan die ander toegeken is, kan bereg. Hierdie voorgestelde wysiging beoog om regulasie 23 in ooreenstemming te bring met die wysigings wat aan artikels 25 en 68 in die Konsepwysigingswetsontwerp voorgestel word.

- 3.24 **Konsepregulasie 24** wysig regulasie 37 van die Hoofregulasies deur te vereis dat lisensiehouers, waar van toepassing, die gewysigde Vorm 15 en die nuwe voorgestelde Vorm 15A vertoon. Die wysiging maak verder voorsiening vir die vertoon van 'n verkorte lisensie.
- 3.25 **Konsepregulasie 25** wysig Aanhangsel 1 tot die Hoofregulasies deur 'n nuwe fooi ten opsigte van aansoeke om kondonering ingevolge artikel 64(4) van die Konsepwysigingswetsontwerp, en 'n nuwe fooi ten opsigte van onderrig en opleiding ingevolge artikels 45, 52(6) and 65(14) van die Konsepwysigingswetsontwerp in te stel.
- 3.26 **Konsepregulasie 26** vervang Aanhangsel 3 by die Hoofregulasies, beide die Inhoudsopgawe by die vorms en die vorms. Daarbenewens stel die vervanging sekere nuwe vorms in wat vereis word deur die wysigings wat in die Konsepwysigingsregulasies voorgestel word.
- 3.27 **Konsepregulasie 27** maak voorsiening vir oorgangsreëlings.
- 3.28 **Konsepregulasie 28** wysig die Indeling van die Regulasies.
- 3.29 **Konsepregulasie 29** maak voorsiening vir die kort titel en inwerkingtreding van die Konsepwysigingsregulasies.

4. RAADPLEGING

Departement van Gemeenskapsveiligheid
Departement van die Premier: Regsdienste
Wes-Kaapse Drankowerheid

5. PERSONEELIMPLIKASIES

Daar is geen direkte personeelimplikasies nie.

6. FINANSIËLE IMPLIKASIES

Die Owerheid bestee tans R4 513 960 per jaar om dranklisensie-aansoeke ingevolge artikel 36 te adverteer, waarvan slegs R1 912 143 by die MTEK-begrotingsbasislyn ingesluit is. Die oorblywende R2 601 817 is histories gefinansier uit die verlenging van fondse wat nie in die vorige finansiële jare bestee is nie. Die fondse is nie by die MTEK-begrotingsbasislyn ingesluit nie, aangesien dit as 'n wetgewende ondoeltreffendheid beskou word. Die wysiging in klousule 14 van die Konsepwysigingswetsontwerp sal die wetgewende ondoeltreffendheid verlig en lei tot 'n besparing van sowat R1 500 000 vanaf die MTEK-begrotingsbasislyn.

Verder genereer die Owerheid tans R1 129 577 uit boetes op laat betalings van lisensiehernuwings. Die wysiging in klousules 28 en 29 in die Konsepwysigingswetsontwerp sal hierdie boetes op die laat betalings van lisensiehernuwings aansienlik verminder, wat lei tot eie inkomsteverlies van na raming sowat R1 000 000. Die inkomsteverlies sal gefinansier word uit die doeltreffendheidsbesparings wat hierbo uitgelig is.

Die wetswysigings sal dus 'n geraamde besparing van R500 000 tot gevolg hê wat vir ander dienslewingsprioriteite van die Owerheid beskikbaar sal wees.

ISAZISO SEPHONDO

I.S. 113/2023

15 kweyeNkanga 2023

**UMTHETHO WOTYWALA WENTSHONA KOLONI, 2008 (UMTHETHO 4 KA-2008)
IMIGAQO YOTYWALA YENTSHONA KOLONI, YOWAMA2011: IZILUNGISO
ZESIBINI ZOQULUNQO KA-2023**

UMphathiswa wePhondo woKhuseleko loLuntu, ngokwecandelo 88(1) loMthetho woTywala weNtshona Koloni, 2008 (uMthetho 4 ka-2008), uzimisele ukwenza imigaqo ecaciswe kwiShedyuli.

ISHEDYULI**Inkcazelo**

1. Kule migaqo “iMigaqo” ithetha iMigaqo yoTywala yeNtshona Koloni, 2011, epapashwe phantsi kweSaziso sePhondo 366/2011 somhla wama-21 kweyoMnga 2011, esalungiswa ngeSaziso sePhondo: 84/2012 somhla wama-30 kweyoKwindla 2012, 371/2012, somhla we-10 kweyoMnga 2012, 275/2015 somhla we-14 kweyeThupha 2015, 117/2017 somhla wama-31 kwekaCanzibe 2017, 122/2018 somhla wama-27 kweyoMsintsi 2018, 109/2019 somhla wama-29 kweyeDwarha 2019, 112/2020 somhla wama-29 kweyeDwarha 2020, 128/2021 somhla we-15 kweyeDwarha 2021 kunye nesama-90/2022 somhla wama-20 kweyeKhala 2022.

Ukwenziwa kwezilungiso zomgaqo woku1 weMigaqo

2. UMgaqo woku1 wemigaqo ulungiswa ngokufakela emva kwenkcazelo “yecandelo” lale nkcazelo ilandelayo:

“‘**utyikityo**’ lubandakanya, ngokunxulumene nonxibelelwano lombane, utyikityo oluveliswe ngokobuxhakaxhaka balemihla beintanethi yinkqubo yeenkcukacha emiselwe liGunya.”.

Ukwenziwa kwezilungiso zomgaqo wesi6 weMigaqo

3. Umgaqo wesi6 weMigaqo ulungisiwe—
 - (a) ngokufakela endaweni yomhlathana (ii) womhlathi (a) womgaqwana (8) lo mhlathi ulandelayo:
 - “(ii) iNtloko yeSebe okanye igosa eliqeshwe liSebe elithi iNtloko yeSebe inike lo msebenzi; kwaye”;
 - (b) ngokuthi kufakelwe emva komgaqwana (8) walo mgaqwana:

“(8A) Unikezelo lweNtloko yeSebe ngokomgaqwana we-(8)(a)(ii)—

 - (i) mayenziwe ngencwadi ebhaliweyo kwaye isenokwenziwa ngokuthobela loo migaqo, imiqathango nezithintelo njengoko iNtloko yeSebe imisela;
 - (ii) akayihluthi iNtloko yeSebe kumsebenzi awunikiweyo; kwaye
 - (iii) inokulungiswa okanye irhoxiswe yiNtloko yeSebe.”;
 - (c) ngokufakela endaweni yomgaqwana we-(10) walo mgaqwana ulandelayo:

“(10) IBhodi kufuneka yonyule amalungu eNkundla yamaTyala yeMvume yoTywala okanye lo malungu abambeleyo, njengoko kunokwenzeka, emva kokuqwalasela iingcebiso zodliwanondlebe Isigqeba esichaphazelekayo.”;
 - (d) ngokucinywa komgaqwana we(11); kunye
 - (e) nokufaka endaweni umgaqwana we(12) yalo mgaqwana ulandelayo:

“(12) Ukonyulwa kwamalungu esiGqeba sePhephandaba soTywala okanye amalungu abambeleyo, njengoko kunokuba njalo, makwenziwe ngobuntununtunu bobuhlanga nesini.”.

Ukwenziwa kwezilungiso zomgaqo we9 woMgaqo

4. UMgaqo we9 weMigaqo ulungisiwe—

(a) ngokufakela umgaqwana endaweni yesi-(2) yalo mgaqwana ulandelayo:

“(2) Ngokuxhomekeke kwicandelo 36(2), isicelo sephephamvume ekubhekiswa kulo kwicandelo 33(1) kufuneka sifakwe kwabasemaGunyeni ngentsimbi ye14h00 ngoLwesihlanu owandulela uLwesihlanu wokuqala kuyo nayiphi na inyanga okanye, ukuba ngaba uLwesihlanu owandulelayo iholide kawonkewonke, ngosuku lokugqibela lokusebenza phambi kwaloo holide kawonkewonke”;

(b) ngokufakela umhlathana (iv) endaweni yomhlathi ((b)womgaqwana (4) wamagama “icandelo 41(1)(c)(i)” lamagama “icandelo 41(1)(a)(iii)”;

(c) ngokufakela emva komhlathi (e) womhlathana (4) walo mhlathi ulandelayo:

“(eA) izimvo ezibhaliweyo zokuba kungani ukunikwa kwemvume yesicelo kukumdlawoluntu;”;

(d) ngokucinywa komhlathi (g) womgaqwana (4);

(e) ngokufakwa endaweni yomhlathi (i) womhlathana (4) walo mhlathi ulandelayo:

“(i) namanye amaxwebhu anokuthi achazwe kwifomu yesicelo nakuMthetho;”;

(f) ngokucinywa komhlathi (k) womgaqo (4); kunye

(g) nokufaka endaweni umhlathi (n) womgaqwana (4) walomhlathi ulandelayo:

“(n) ngokuphathelele kumfakisicelo—

- (i) ongumntu olilungelo, ikopi eqinisikesiweyo yeFomu 15A ekhutshwe ngegama lomfaki-sicelo;
- (ii) ongumntu olilungelo kwaye onyula omnye umntu ongenguye yena njengomphathi weshishini elicetywayo elinelayisenisi, iFomu ye15 ezaliswe ngokufanelekileyo ngokubhekiselele kumntu ngamnye oqeshwe njengomphathi kunye nekopi eqinisekisiweyo yeFomu 15A ekhutshwe egameni lomntu ngamnye oqeshwe njengomphathi weshishini elicetywayo elinephephamvume; okanye
- (iii) akangomntu ulilungelo, iFomu ye15 ezaliswe ngokufanelekileyo ngokubhekiselele kumntu ngamnye oqeshwe njengomphathi kunye nekopi eqinisekisiweyo yeFomu 15A ekhutshwe egameni lomntu ngamnye oqeshwe njengomphathi weshishini elicetywayo lephephamvume”.

Ukufakwa komgaqo 9A

5. Lo mgaqo ulandelayo ufakwe kwiMigaqo emva komgaqo we9:

“Isaziso sokwaliwa okanye ukuvunywa kokufakwa kwebango

9A.(1) IGunya malithi zingaphelanga iintsuku ezisixhenxe emva kokufaka isicelo sephephamvume ekubhekiswa kuso kwicandelo lama33(1), likhabe okanye lamkele ukufakwa kwesicelo ngokungqinelana necandelo lama36(1A).

- (2) Ukuba ngaba iGunya liyala ukufakwa kwesicelo sephephamvume, iGunya kufuneka lazise umfaki-sicelo ngeFomu 3C zingaphelanga iintsuku ezisixhenxe emva kokufumana ukufakwa kwesicelo ukuba isicelo eso saliwe.
- (3) Ukuba iGunya liyakwamkela ukufakwa kwesicelo sephephamvume, uGunyaziwe kufuneka zingadlulanga iintsuku ezisixhenxe emva kokufumana ukufakwa kwesicelo, azise umfakisicelo kunye negosa elijongene nemiba engotywala kwindawo ephantsi kolawulo lwalo indawo ecetywayo yephephamvume ibekwe kwifomu yeFomu 3D ukufakwa kwebango kwamkelwe.
- (4) Umfakisicelo kufuneka, kwiintsuku ezili14 ukususela kumhla wesaziso ekubhekiswa kuso kumgaqwana wesi(3)—
- (a) hlawula kwabasemaGunyeni umrhumo ofanelekileyo wesicelo njengoko uchazwe kwiNqaku loku1 lesiHlomelo soku1;
 - (b) afake ikopi yesicelo sephephamvume kwigosa elijongene nemiba yotywala elimiselweyo ekummandla wolawulo lwendawo leyo ecetywayo inephephamvume ikhoyo;
 - (c) angenise kwabasemaGunyeni ubungqina bentlawulo yomrhumo ofanelekileyo wesicelo; kwaye
 - (d) ngenisa kwabasemaGunyeni ubungqina bokuba ikopi yesicelo ifakiwe kwigosa lotywala elimiselweyo elichaphazelekayo.
- (5) IGunya malithi zingaphelanga iintsuku ezintlanu ukususela ekupheleni kwexesha ekubhekiselwe kulo kumgaqwana wesi(4) lazise umfaki-sicelo kunye negosa elijongene nemiba engotywala elichaphazelekayo—
- (a) ngokweFomu 3E ukuba ubungqina bentlawulo kunye nokungeniswa kwigosa elijongene nemiba engotywala bufunyenwe phakathi kwelo xesha; okanye
 - (b) ngokweFomu 3F ukuba ubungqina bentlawulo okanye ukufakwa kwigosa elijongene nemiba engotywala abufunyanwanga phakathi kwelo xesha kwaye ukufakwa kuthathwa njengokwaliwe ngokwecandelo lama36 (1A)(b).”.

Ukwenziwa kwezilungiso zomgaqo we10 weMigaqo

6. Umgaqo we10 woMgaqo ulungisiwe—

- (a) ngokucinywa komgaqwana (1A);
- (b) ngokufakela endaweni yomgaqwana (3) lalo mgaqwana ulandelayo:

“wesi(3) Igosa elijongene nemiba engotywala elichaphazelekayo kufuneka linikezele ngekopi yesicelo kumphathi kamasipala ochaphazelekayo zingaphelanga iintsuku ezisixhenxe ukusukela kumhla wokufakwa kwesicelo kwigosa elijongene nemiba yotywala.”; kwaye
- (c) ngokufakela endaweni yomgaqwana wesi(4) yalo mgaqwana ulandelayo:

“(4) Igosa elijongene nemiba yotywala kufuneka linikezele ngesaziso ekubhekiswa kuso kwicandelo lama37(5) zingadlulanga iintsuku ezisixhenxe ukusukela kumhla wokufakwa kwesicelo kwigosa elijongene nemiba engotywala, kwaye apho umasipala ethe wakhetha ukunikezela ngesaziso, kufuneka enjenjalo ngaphakathi iintsuku ezisixhenxe ukusuka kumhla wokunikezelwa kwekopi yesicelo ligosa elijongene nemiba engotywala.”.

Ukwenziwa kwezilungiso zomgaqo we15 weMigaqo

7. Umgaqo we15 weMigaqo ulungisiwe—

- (a) ngokufakela endaweni yombandela (*dd*) womhlathana (ii) womhlathi (*a*) womgaqwana kule ngongoma yesi (3) ilandelayo:
 “(*dd*) isithembiso ekubhekiswe kuso kwicandelo lama41(1)(a)(iii);”;
- (b) ngokucima kumgaqwana wesi(3) igama elithi “kunye” ekupheleni komhlathana (ix) womhlathi (*a*);
- (c) ngokufakela endaweni yomhlathi (*b*) womgaqwana wesi(3) lo mhlathi ulandelayo:
 “(*b*) siquka naluphi na ulwazi olumiselwe nguMphathiswa ngokwemiqathango yecandelo lama41(1)(a)(iv); kunye”;
- (d) ngokuthi kongezwe lo mhlathi ulandelayo emva komhlathi (*b*) womgaqwana (3):
 “(*c*) siquka iingcebiso zokuvunywa okanye ukwaliwa kwesicelo.”;
- (e) ngokufakela lo mgaqwana ulandelayo endaweni yomgaqwana wesi(4):
 “(4) Ukuba igosa elijongene nezotywala elikhethiweyo liyasilela ukufaka ingxelo yalo ngokwemiqathango yecandelo lama73(7)(a), iGosa eliyiNtloko lesiGqeba esiLawulayo linokuthumela ikopi yesicelo kumhloli nomyalelo obhaliweyo ukuba afake ingxelo. iqulethe ulwazi ekubhekiselwe kulo kumgaqwana wesi(3)(a)(i), (ii), (iii), (v), (vii), (viii) no (ix) kunye nomgaqwana wesi(3)(b), ingcebiso ecamngcwe kumgaqwana wesi(3)(c) kunye, apho ikhoyo, ingcaciso ekubhekiselwe kuyo kumgaqwana wesi(3)(a)(iv) no(vi), ngokumalunga nesicelo eso.”.

Ukwenza izilungiso kumgaqo we17 weMigaqo

8. Umgaqo we17 weMigaqo ulungisiwe—

- (a) ngokufakela lo mgaqwana ulandelayo endaweni yomgaqwana woku(1):
 “(1) AbasemaGunyeni kufuneka, kwiintsuku ezisixhenxe emva kokuba iNkundla yamaTyala yeMvume yoTywala ithe phantsi kwecandelo lama42(1) isivumile isicelo esifakwe phantsi kwemiqathango, yaza yamkelwa ngokungqinelana necandelo lama36, yazisa abantu ekubhekiswa kubo kwicandelo lama46(1) ngembalelwano eso sigqibo.”;
- (b) ngokufakela endaweni yomhlathi (*d*) womgaqwana we(11) lo mhlathi ulandelayo:
 “(*d*) isindululo sokuvunywa okanye ukwaliwa kwesicelo.”.

Ukwenza izilungiso zomgaqo we18 weMigaqo

9. Umgaqo we18 weMigaqo ulungisiwe ngokufakela umqathango:

“(1) endaweni yawo umgaqwana olandelayo: (1) AbasemaGunyeni kufuneka, kwiintsuku ezisixhenxe emva kokuba iNkundla yamaTyala yeMvume yoTywala yenze isigqibo ngesicelo esifakwe ngokwemiqathango, nesamkelwe ngokungqinelana necandelo lama36, lazise abantu ekubhekiswe kubo kwicandelo lama46(1) ngembalelwano ngesigqibo eso.”.

Ukwenziwa kwezilungiso lomgaqo we19 weMigaqo

10. Umgaqo we19 weMigaqo ulungisiwe –

- (a) ngokufakela endaweni yomhlathana (iv) womhlathi (*b*) womgaqwana wesi(3) endaweni yamagama “icandelo 41(1)(c)(i)” lamagama “icandelo lama41(1)(a)(iii);”;
- (b) ngokufakela lo mhlathi ulandelayo endaweni yomhlathi (n) womgaqwana wesi(3):

- “(n) malunga nomfakisiselo–
- (i) ngumntu olilungelo, kwaye onyula omnye umntu ongenguye yena njengomphathi weshishini elinelayisenisi, iFomu ye15 ezaliswe ngokufanelekileyo ngokubhekiselele kumntu ngamnye oqeshwe njengomphathi;
 - (ii) ngumntu ongaqhelekanga, iFomu ye15 izaliswe ngokufanelekileyo ngokumalunga nomntu ngamnye oqeshwe njengomphathi”;
- (c) ngokufaka endaweni kumhlathana (iv) womhlathana (b) womgaqwana wesi(4) wamagama “ecandelo lama41(1)(c)(i)” amagama “ecandelo lama41(1)(a)(iii)”;
- (d) ngokufaka endaweni yomhlathi (m) womgaqwana wesi(4) walo mhlathana ulandelayo:
“(m) ngokubhekisele kumfaki-sicelo –
- (i) ngumntu olilungelo kwaye wonyula umntu ngaphandle kwakhe njengomphathi weshishini elinephephamvume, iFomu ye15 ezaliswe ngokubhekisele kumntu ngamnye owonyulwe njengomphathi;
 - (ii) ngumntu ongaqhelekanga, oFomu ye15 ezalisiweyo ngokubhekisele kumntu ngamnye onyulwe njengomphathi.”;
- (e) ngokufaka endaweni yomgaqwana wesi(5) wamagama “omgaqo we15(3)(b)” wamagama “omgaqo we15(3)(c)”;
- (f) ngokufaka endaweni kumgaqwana wesi(7) wamagama “omgaqo we15(3)(b)” wamagama “omgaqo we15(3)(c)”.

Ukwenziwa kwezilungiso zomgaqo wama21 weMigaqo

11. UMgaqo wama21 weMigaqo ulungisiwe –

- (a) ngokucinywa kwisihloko samagama “okanye ukuvumela izakhiwo ezinamaphephamvume”;
- (b) ngokucinywa komgaqwana wesi(2);
- (c) ngokucinywa komgaqwana wesi(4);
- (d) ngokufaka endaweni kumgaqwana wesi(5) walo mgaqwana ulandelayo:
“(5) Igosa elijongene nemiba engotywala eliphantsi kolawulo lwalo indawo ekhutshelwe ilayisenisi kufuneka, zingaphelanga iintsuku ezili14 emva kokuba isicelo sifakiwe, lihambise ikopi yengxelo yalo ecamngcwe kwicandelo lama51(5) kubafakizicelo abadibeneyo kwaye lifake ingxelo kubo. iGunya kunye nobungqina bokuba ingxelo inikezelwe kubafakizicelo abadibeneyo.”;
- (e) ngokufakela lo mgaqwana ulandelayo endaweni yomgaqwana wesi(7):
“(7) Ukuba igosa elijongene nemiba engotywala liyasilela ukufaka ingxelo yalo ngokomgaqwana wesi(6), iGosa eliyiNtloko lesiGqeba esiLawulayo linokuthumela ikopi yesicelo kumhloli nomyalelo obhaliweyo ukuba afake ingxelo equlathe ulwazi olucetywayo kwicandelo lama51(5)”;
- (f) ngokufakela lo mgaqwana ulandelayo endaweni yomgaqwana we(10):
“(10) IGosa eloNgameleyo kufuneka lisivume okanye lisikhabe isicelo ngeentsuku ezingama30 emva kokuba liwafumene onke amaxwebhu ekubhekiswa kuwo kulo mgaqo.”; kwaye
- (g) ngokufakela lo mgaqo ulandelayo endaweni yomgaqo we(11):
“(11) IGunya kufuneka, kwiintsuku ezisixhenxe emva kokuba iGosa eloNgameleyo ligqibe ngesicelo esenziwe ngokomgaqwana woku(1), lazise abafakizicelo abadibeneyo kunye nomntu ngamnye ofake isichaso esibhaliweyo okanye isichaso malunga nesicelo eso neGunya elibhaliweyo sesigqibo”.

Ukufakelwa komgaqo 21A

12. Lo mgaqo ulandelayo ufakwe kwiMigaqo emva komgaqo wama21:

“Ukukhutshwa kwephephamvume, ukuqhuba ishishini ngokwemiqathango yephephamvume kunye nokusetyenziswa kwezakhiwo ezinephephamvume

21A.(1) Umntu onikwe iphephamvume onqwenela ukunika omnye umntu iphephamvume, avumele omnye umntu ukuba aqhube ishishini ngokwemiqathango yephephamvume okanye avumele omnye umntu ukuba asebenzise indawo enephephamvume njengoko kukhankanyiwe kwicandelo 51A(1) kunye naloo mntu (kulo mgaqo kubhekiswa kuwo) njengabafaki-zicelo abadibeneyo) kufuneka bafake isicelo ngokubambisana kwabasemaGunyeni kunye nekopi yaso kwigosa elijongene nemiba engotywala elimiselweyo elikummandla wolawulo lweendawo ezinephephamvume ezikuwo, ngokohlobo lweFomu ye14 kwisiHlomelo sesi3, kwaye bobabini kufuneka banikezele kwisicelo ulwazi olufunekayo kuloo fomu.

(2) Isicelo esenziwe ngokomgaqwana (1) masikhatshwe ngu-

(a) ubungqina bentlawulo kwabasemaGunyeni bentlawulo yesicelo esebenzayo njengoko kuchazwe kwiNqaku le18 lesiHlomelo soku1;

(b) Isicelo esenziwe ngokomgaqwana woku(1) masikhatshwe bu bungqina obubhaliweyo bephephamvume elicetywayo, ukuqhutywa kweshishini ngokwemiqathango yephephandaba okanye ukusetyenziswa kwezakhiwo ezinephephamvume;

(c) ikopi yephephandaba elichaphazelekayo;

(d) ikopi eqinisekisiweyo yoku kulandelayo ngokumalunga nomntu oceba ukunikwa iphephamvume kumntu onikwe iphephamvume, aqhube ishishini ngokwemiqathango yephephamvume okanye asebenzise indawo enephephamvume:

(i) ikhadi lakhe okanye incwadi yakhe yesazisi;

(ii) incwadana yakhe yokundwendwela kunye nevisa okanye, apho kufanelekileyo, iphephamvume lokuhlala ngokusisigxina, ukuba loo mntu ngowasemzini

(iii) amaxwebhu obhaliso afanelekileyo, abonisa isazisi kunye, apho kufanelekileyo, umdla wemali wawo onke amalungu, abalawuli, amahlakani, abaxhamli okanye abaphathiswa, ukuba loo mntu akangomntu wendalo;

(e) ikopi yephephandaba lomntu ochazwe kumhlathana (d);

(f) isicwangciso somgangatho esicacileyo, esiqondakalayo sesakhiwo esinephephamvume kwiphepha elimhlophe eliqhelekileyo elingagqithiyo kuA3 ngobukhulu kwaye libonisa ngokucacileyo ngemibala eyahlukileyo—

(i) indawo esebenzayo yendawo enephephamvume eya kuchatshazelwa kukucetywa kwephephamvume, ukuqhutywa kweshishini phantsi kwelayisenisi okanye ukusetyenziswa kwezakhiwo ezinephephamvume ngokunxulumene nesakhiwo siphela;

(ii) imilinganiselo yesahlulo esisebenzayo;

(iii) imilinganiselo yegumbi ngalinye kwindawo esebenzayo yendawo enephephamvume;

(iv) ukusetyenziswa kwawo onke amagumbi kwindawo esebenzayo yesakhiwo esinephephamvume;

(v) zonke iingcango, iifestile neekhawuntari, apho kufanelekileyo, kunye neendlela zokufikelela ngaphakathi nangaphandle;

- (vi) apho utywala buza kugcinwa kwindawo efanelekileyo yendawo enephephamvume ngokunxulumene nendawo yonke;
 - (vii) iindawo ezikwindawo echaphazelekayo yesakhiwo esinephephamvume apho utywala buza kuthengiswa ngokunxulumene nendawo yonke;
 - (viii) iindawo ezikwindawo echaphazelekayo yesakhiwo esinephephamvume apho utywala buza kuselwa ngokunxulumene nezakhiwo nomhlaba wonke; kwaye
- (g) iifoto ezinemibala ebonisayo—
- (i) isahlulo esisebenzayo sezakhiwo ezinamaphephamvume;
 - (ii) izakhiwo zonke ezinamaphephamvume.
- (3) Igosa elijongene nemiba engotywala eliphantsi kolawulo lwalo indawo ekhutshelwe ilayisenisi kufuneka, zingaphelanga iintsuku ezili14 emva kokuba isicelo sifakiwe, lihambise ikopi yengxelo yalo ecamngcwe kwicandelo 51A(3) kubafakizicelo abadibeneyo kwaye lifake ingxelo kwabasemaGunyeni kunye nobungqina bokuba ingxelo inikezelwe kubafakizicelo ngokudibeneyo.
- (4) Ukuba igosa elijongene nemiba engotywala liyasilela ukufaka ingxelo yalo ngokomgaqwana wesi(3) kwabasemaGunyeni, iGosa eliLawulayo eliyiNtloko kufuneka, zingadlulanga iintsuku ezingama21 ukususela kumhla wokufakwa kwesicelo, licele igosa elijongene nemiba engotywala elichaphazelekayo ngokungenisa ingxelo ebhalwe kwabasemaGunyeni kwiintsuku ezintathu.
- (5) Ukuba igosa elijongene nemiba engotywala liyasilela ukufaka ingxelo yalo ngokwemiqathango yomgaqo wesi(4), iGosa eliyiNtloko lesiGqeba linokuthumela ikopi yesicelo kumhloli ngomyalelo obhaliweyo ukuba afake ingxelo equlathe ulwazi olukhankanywe kwicandelo 51A(3).
- (6) Umhloli kufuneka afake ingxelo yakhe kwabasemaGunyeni aze agqithisele ikopi yayo kubafakizicelo abadibeneyo phakathi kwexesha elimiselwe liGosa eliyiNtloko lesiGqeba ngokwemiqathango yomyalelo ekubhekiswa kuwo kumgaqwana wesi(5).
- (7) Abafakizicelo abadibeneyo kufuneka bafake kwabasemaGunyeni impendulo yabo kwingxelo yegosa elijongene nemiba engotywala ekubhekiselwe kulo kumgaqwana wesi(3) okanye wesi(4) okanye ingxelo yomhloli ekubhekiswa kuye kumgaqwana wesi(6) zingaphelanga iintsuku ezisixhenxe emva kokuba enikezelwe. ikopi yayo nayiphi na ingxelo.
- (8) IGosa eloNgameleyo kufuneka lingaphelanga iintsuku ezingama30 emva kokuba liwafumene onke amaxwebhu ekubhekiswa kuwo kulo mgaqo nokuba livume okanye lisikhabe isicelo.
- (9) Gunya kufuneka, zingaphelanga iintsuku ezisixhenxe emva kokuba iGosa eloNgameleyo lithathe isigqibo ngesicelo esenziwe ngokomgaqwana woku(1), lazise abafakizicelo abadibeneyo nomntu ngamnye ofake isichaso esibhaliweyo okanye isichaso esibhaliweyo malunga nesicelo kwabasemaGunyeni ngokubhaliweyo kwisigqibo.
- (10) Ukuba isicelo sivunyiwe, iGunya kufuneka likhuphe imvume ebhaliweyo kwiintsuku ezili14 emva kokuba imvume inikiwe.”.

Ufakelo endaweni yomgaqo wama22 weMigaqo

13. Lo mgaqo ufakwa endaweni yomgaqo wama22 weMigaqo:

“Ukuqeshwa komphathi

14.(1) Umfakisiselo okanye umntu onikwe iphephamvume ochazwe kwicandelo lama52(1) kunye nelesi (3) kufuneka axelele iGunya ngeFomu ye15 ukuba umntu ekubhekiswa kuye kwifomu yonyulwe njengomphathi weshishini elinelayisenisi elichaphazelekayo.

(2) IGunya kufuneka, kwiintsuku ezili14 emva kokugqiba ngempumelelo imfundo noqeqesho ekubhekiswe kulo kwicandelo lama52(4)(c), likhuphele umntu othe wayigqiba ngempumelelo imfundo noqeqesho, isiqinisekiso esikwifomu ye15A kwisiHlomelo sesi3.”.

Ukufakelwa komgaqo 22A

14. Lo mgaqo ulandelayo ufakwe kwiMigaqo emva komgaqo wama22:

“Umrhumo wemfundo noqeqesho

22A. U–

(a) mfaki-sicelo ubhekisa kwicandelo lama45;

(b) mfaki-sicelo nomnikazi wephephamvume ochazwe kwicandelo lama52(6); kwaye

(c) nikazi wephephamvume ekubhekiswe kulo kwicandelo lama65(14),

kufuneka ahlawule kwabasemaGunyeni umrhumo omiselwe kwiNqaku le13 lesiHlomelo soku1.”.

Ukutshintshwa komgaqo wama23 weMigaqo

15. Lo mgaqo ulandelayo ufakwa endaweni yomgaqo wama23 weMigaqo:

“Isicelo semvume yokutshintsha iindawo ezinephephamvume okanye ubume bezakhiwo ezinephephamvume

23.(1) Umntu onikwe iphephamvume ofuna imvume yokwenza naliphi na inyathelo ekubhekiswa kulo kwicandelo lama53(1)(a) kufuneka afake kwabasemaGunyeni nakwigosa elijongene nemiba engotywala elikwindawo ephantsi kolawulo lwalo indawo ekhutshelwe iphephamvume ibekwe kuyo isicelo kwifomu ye16 kwisiHlomelo sesi3, ikhatshwa ngu–

(a) isicwangciso somgangatho esicacileyo, esiqondakalayo senxalenye esebenzayo yesakhiwo esinephephamvume esicetyelwe ukutshintshwa, songezwe okanye yakhiwe ngokutsha kwiphepha elimhlophe eliqhelekileyo elingagqithiyo kuA3 ngobukhulu kwaye libonisa ngokucacileyo ngemibala eyahlukileyo–

(i) isahlulo esifanelekileyo sesakhiwo esinephephamvume ngokunxulumene nesakhiwo sonke;

(ii) imilinganiselo yesahlulo esifanelekileyo;

(iii) imilinganiselo yegumbi ngalinye kwisahlulo esifanelekileyo;

(iv) ukusebenza kwegumbi ngalinye kwisahlulo esifanelekileyo;

(v) zonke iingcango, iifestile neekhawuntari, apho kufanelekileyo, kunye neendlela zokufikelela ngaphakathi nangaphandle;

- (vi) izitalato kunye neendawo ezikhokelela kuzo ezo ndlela zokufikelela ngaphandle;
 - (vii) indlela icandelo elifanelekileyo elinxibelelana ngayo nesakhiwo esinephephamvume
 - (viii) apho utywala buya kuginwa kwisahlulo esifanelekileyo;
 - (ix) iindawo ezikwisakhiwo esifanelekileyo apho utywala buya kuthengiswa ngokunxulumene nesakhiwo siphela;
 - (x) iindawo ezikwisahlulo esifanelekileyo apho utywala buza kuselwa ngokunxulumene nezakhiwo zonke;
- (b) inkcazelo yotshintsho olucetywayo;
- (c) kuxwebhu olwahlukileyo, inkcazo yecandelo elisebenzayo lesakhiwo esinephephamvume, ngokubhekisele kulwakhiwo, ulwandlelalo, ifenitshala, izifakelo kunye nesigqubuthelo somgangatho;
- (d) ubungqina bokuba umenzisicelo unelungelo lokutshintsha indawo enephephamvume ngeenjongo ezixelwe kwisicelo;
- (e) ubungqina bentlawulo kuGunyaziwe womrhumo wesicelo esimiselwe kwiNqaku lesi6 sesiHlomelo soku1;
- (f) iinkcazelo ezibhaliweyo ezixhasa isicelo; kwaye
- (g) iifoto ezalatha umbala obonisa iimpawu ezigqityiweyo zangaphakathi nangaphandle zezakhiwo ezinamapephamvume;
- (1A) Izibonelelo zomgaqwana woku(1) zisebenza kumnini welayisenisi ofuna imvume yokwenza naliphi na inyathelo ekubhekiswa kulo kwicandelo lama53(1A) (a).
- (1B) Isicelo ngokomgaqwana (1A) kufuneka sikhathshwe–
- (a) bubungqina bokuba umfakisicelo unalo ilungelo lokuba kwisahlulo esifanelekileyo; kwaye
 - (b) bubungqina bobunini bezakhiwo ezinephephandaba, okanye, ukuba umfakisicelo akangomnini wesakhiwo eso, imvume ebhaliweyo evela kumnini yokuba umfakisicelo angasebenzisa isahlulo esifanelekileyo ngeenjongo zephephamvume.
- (2) Umntu onikwe iphephamvume ofuna imvume yokwenza nayiphi na intshukumo ekubhekiswa kuyo kwicandelo lama53(1A)(b) kufuneka afake kwabasemaGunyeni nakwigosa elijongene nemiba engotywala elikwindawo ephantsi kolawulo lwezakhiwon ezikhutshelwe iphephamvume, isicelo esikwifomu yeFomu ye17 IsiHlomelo sesi3, sikhathshwa yi–
- (a) nkcazelo yotshintsho olucetyiweyo kuhlobo loshishino;
 - (b) bubungqina bentlawulo kwabasemaGunyeni omrhumo wesicelo esimiselwe kwiNqaku lesi6 sesiHlomelo soku1;
 - (c) yinkcazelo ebhaliweyo exhasa isicelo;
 - (d) bubungqina bokuba umenzisicelo unelungelo lokutshintsha ngokubonakalayo uhlobo lweshishini ngokubhekiselele kulo iphephamvume;
 - (e) amaxwebhu achazwe kwifomu yesicelo okanye anokuthi acelwe liGunya.
- (3) Umntu onikwe iphephamvume ofuna imvume yokwenza naliphi na inyathelo ekubhekiswa kulo kwicandelo lama53(1)(c) kufuneka afake kwabasemaGunyeni nakwigosa elijongene nemiba engotywala elikwindawo ephantsi kolawulo lwendawo ekhutshelwe iphephamvume, isicelo esikwifomu yeFomu ye18 IsiHlomelo sesi3, sikhathshwa–
- (a) yinkcazelo yalo naliphi na elinye ishishini, urhwebo okanye umsebenzi oqhutywayo okanye olandelwayo kwindawo ecetywayo ekujoliswe kuyo ukuba ishishini eliphantsi kwephephamvume liza kuqhutywa;
 - (b) bubungqina bentlawulo kwabasemaGunyeni bomrhumo wesicelo esimiselwe kwiNqaku lesi6 sesiHlomelo soku1;

- (c) yinkcazelo ebhaliweyo exhasa isicelo;
- (d) sisicwangciso somgangatho esicacileyo, esiqondakalayo sesahlulo esifanelekileyo sendawo ecetywayo apho kucetywa ukuba ishishini phantsi kwephephamvume liqhutywe, kwiphepha elimhlophe eliqhelekileyo elingagqithiyo kwi-A3 ngobukhulu kwaye libonisa ngokucacileyo ngemibala eyahlukileyo—
- (i) isahlulo esifanelekileyo sendawo ecetywayo ngokunxulumene nezakhiwo nomhlaba wonke;
 - (ii) imilinganiselo yesahlulo esifanelekileyo;
 - (iii) imilinganiselo yegumbi ngalinye kwisahlulo esifanelekileyo sezakhiwo ezicetyiweyo;
 - (iv) isahlulo esifanelekileyo sendawo ecetywayo ngokunxulumene nezakhiwo nomhlaba wonke usetyenziso lwegumbi ngalinye kwindawo efanelekileyo yendawo ecetywayo;
 - (v) zonke iingcango, iifestile neekhawuntari, apho kufanelekileyo, kunye neendlela zokufikelela ngaphakathi nangaphandle;
 - (vi) izitalato kunye neendawo ezikhokelela kuzo ezo ndlela zokufikelela ngaphandle;
 - (vii) apho utywala buya kugcinwa kwindawo efanelekileyo yendawo ecetywayo;
 - (viii) iindawo ezikwindawo echaphazelekayo yesakhiwo esicetywayo apho utywala buza kuthengiswa ngokunxulumene nendawo yonke;
 - (ix) iindawo ezikwindawo echaphazelekayo yesakhiwo esicetywayo apho utywala buza kuselwa ngokunxulumene nezakhiwo nomhlaba wonke;
- (e) kuxwebhu olwahlukileyo, inkcazo yecandelo elisebenzayo lesakhiwo esicetywayo, ngokubhekisele kulwakhiwo, ulwakhiwo, ifenitshala, izixhobo, izifakelo kunye nesigqubuthelo somgangatho;
- (f) ubungqina bokuba umfaki-sicelo unelungelo lokuhlala kwindawo efanelekileyo yesakhiwo esicetywayo;
- (g) ubungqina bobunini bezakhiwo ezicetywayo okanye, ukuba umfakisicelo akangomnini wendawo leyo, imvume ebhaliweyo evela kumnini yokuba umfakisicelo angasebenzisa inxalenye efanelekileyo yendawo ecetywayo ngeenjongo zelayisenisi; kwaye
- (h) iifoto ezinesalathiso zemibala ebonisa iimpawu zangaphakathi nezangaphandle zesakhiwo esicetywayo.
- (3A) Igosa elijongene nemiba engotywala kufuneka, malunga nesicelo esenziwe ngokomgaqwana (1A) okanye wesi(2), lihambise ikopi yesaziso ekubhekiswa kuso kwicandelo lama53(2A)(b) ngeentsuku ezisixhenxe ukususela kumhla wokufakwa kwesaziso. isicelo esichaphazelekayo.
- (3B) Izimvo ezibhaliweyo ekubhekiswa kuzo kwicandelo lama53(2B) mazifakwe zingaphelanga iintsuku ezili14 ukusukela kumhla wokunikezelwa kwesaziso ngokomgaqwana (3A).
- (3C) Amalungiselelo omgaqo we13(2) nowesi(3) asebenza kwiinkcazelo ezifakwe ngokomgaqwana (3B).
- (3D) Ukuba umfakisicelo ujonge ukuphendula kwinkcazelo yecandelo lama53(2C), impendulo kufuneka ifakwe kwigosa elijongene nemiba engotywala elimiselweyo zingadlulanga iintsuku ezili14 emva kokuba ezifumene ezo ngxelo.
- (4) Igosa elijongene nemiba engotywala kufuneka—
- (a) zingaphelanga iintsuku ezili14 emva kokuba isicelo ngokwemiqathango yomgaqwana woku(1) okanye wesi(3) sifakiwe; okanye
 - (b) zingaphelanga iintsuku ezingama35 emva kokuba isicelo ngokwemiqathango yomgaqwana (1A) okanye (2) sifakiwe,

hambisa ikopi yengxelo yakhe ekubhekiswe kuyo kwicandelo lama53(2A)(a) okanye (b), njengoko kunokuba njalo, kumfaki-sicelo aze angenise ingxelo kwabasemaGunyeni kunye nobungqina bokuba ingxelo inikezelwe umfaki-sicelo.

(5) Ukuba igosa eliphethe imiba yotywala liyasilela ukungenisa ingxelo yalo ngokungqinelana nomgaqo wesi(4) kwabasemaGunyeni, iGosa eliLawulayo eliyiNtloko kufuneka, zingaphelanga iintsuku ezingama21 ukususela kumhla wesicelo, lazise igosa eliphethe imiba yotywala ukubhala, ukufaka ingxelo ngeentsuku ezintathu ukususela kumhla weso saziso.

(6) Ukuba igosa elijongene nemiba engotywala liyasilela ukufaka ingxelo yalo ngokwemiqathango yomgaqwana wesi(5), iGosa eliLawulayo eliyiNtloko linokuthumela ikopi yesicelo kumhloli ngomyalelo obhaliweyo ukuba afake ingxelo equlathe ulwazi ekubhekiswa kulo kumgaqwana wesi(4) ngokumalunga nesicelo esichaphazelekayo.

(7) Umhloli kufuneka afake ingxelo yakhe kwabasemaGunyeni aze adlulisele ikopi kumfakisicelo phakathi kwexesha elimiselwe liGosa eliyiNtloko lesiGqeba ngokwemigaqo yomyalelo ekubhekiswa kuwo kumgaqwana wesi(6).

(8) Umfaki-sicelo kufuneka afake impendulo yakhe kwingxelo yegosa elijongene nemiba engotywala ekubhekiselwe kulo kumgaqwana wesi(4) okanye ingxelo yomhloli ekubhekiswa kuye kumgaqwana wesi(7) zingaphelanga iintsuku ezisixhenxe enikezelwe ikopi nokuba ingxelo.

(9)(a) IGosa eloNgameleyo kufuneka, malunga nesicelo esenziwe ngokwemiqathango yomgaqwana woku(1) okanye wesi(3), kwiintsuku ezingama30 emva kokuba liwafumene onke amaxwebhu afanelekileyo ekubhekiswa kuwo kumgaqwana woku(1) okanye wesi(3), njengoko kunokuba njalo, kunye nemigaqo wesi(4)(a) ukuya kowesi(8), iyasivuma okanye isikhabe isicelo.

(b) INkundla yaMatyala yeMvume yoTywala kufuneka, malunga nesicelo esenziwe ngokomgaqwana (1A) okanye wesi(2), kwiintsuku ezingama-30 emva kokuba iwafumene onke amaxwebhu afanelekileyo ekubhekiswa kuwo kumgaqwana (1A) okanye wesi(2), njengoko kunokuba njalo, kunye nemigaqo (3A) ukuya ku(3D), wesi(4)(b) nowesi(5) ukuya kowesi(8), iyasivuma okanye isale isicelo.

(10) IGunya kufuneka, zingaphelanga iintsuku ezisixhenxe emva kokuba iGosa eLongameleyo okanye iNkundla yaMatyala yeMvume yoTywala, njengoko kunokwenzeka, lenze isigqibo malunga nesicelo esenziwe ngokomgaqwana woku(1), (1A), wesi(2) okanye wesi(3), lazise. Umfaki-sicelo kunye nomntu ngamnye ofake isichaso esibhaliweyo okanye isichaso esibhaliweyo malunga nesicelo esichaphazelekayo kwabasemaGunyeni, ngembalelwano ngesigqibo eso.

(11) Ukuba isicelo sivunyiwe, iGunya kufuneka likhuphe imvume ebhaliweyo kwiintsuku ezili14 emva kokuba imvume inikiwe.

(12) Xa isicelo sivunyiwe ngokwalo mgaqo, umfaki-sicelo kufuneka ahlawule imirhumo echazwe kwiNqaku lesi7, lesi8 okanye lesi9 kwiCandelo A sesiHlomelo sesi2, njengoko kunokuba njalo, kwabasemaGunyeni”.

Ukwenziwa kwezilungiso zomgaqo wama25 weMigaqo

16. UMgaqo wama25 weMigaqo ulungiswa ngokufakelwa kwamagama “umgaqwana wesi15(3)(b)” wesi(3) kunye nowesi (5) wamagama “umgaqwana we15(3)(c)”.

Ukwenziwa kwezilungiso zomgaqo wama26 weMigaqo

17. UMgaqo wama26 weMigaqo ulungiswa ngokufakelwa kwamagama “umgaqwana wesi15 (3)(b)” wesi(8) wamagama “umgaqwana we15(3)(c)”.

Ukutshintshwa komgaqo wama27 weMigaqo

18. Lo mgaqo ulandelayo utshintshelwe kumgaqo wama27 weMigaqo:

“Ubungakanani botywala obuthengisiweyo kunye nokugcinwa kweerekhodi

27.(1) Imiqulu eselugcinweni kunye neenkukacha ekubhekiswe kuzo kwicandelo lama60(1) kufuneka–

- (a) ibhaliwe okanye ikwimo ye-eletroniki;
- (b) ngokweenjongo zecandelo lama60(1)(a), kuqulathe oku kulandelayo:
 - (i) igama nedilesi yeshishini elinephephamvume;
 - (ii) inombolo yephephamvume leshishini elinephephamvume;
 - (iii) iinombolo zeinvoyisi nomhla wokukhutshwa kwayo;
 - (iv) uhlobo nobungakanani botywala obuthengisiweyo;
 - (v) indleko zotywala obuthengisiweyo;
 - (vi) ixabiso obuthengwe ngayo utywala; kunye
 - (vii) negama nedilesi yomntu okanye abantu o(aba)nephephamvume ebuthengiswe kuye/kubo utywala;
- (c) ngokweenjongo zecandelo lama60(1)(b), siqulathe oku kulandelayo kwisithuba somhla woku1 kweyoMqungu wonyaka ukuya kuma31 kweyomNga waloo nyaka:
 - (i) malunga nokuthengiswa kotywala obungaphezu kweelitha ezili100 kumntu omnye ngosuku olunye, igama, idilesi, inombolo yesazisi kunye nenombolo yomnxeba yomthengi ngamnye wobo tywala;
 - (ii) umyinge wotywala obusesitokhweni ngumnini wephephamvumela ukususela ngomhla woku1 kweyoMqungu welo xesha;
 - (iii) umyinge wotywala obusesitokhweni ngumnini welayisenisi ukususela ngowama31 kweyomNga welo xesha; kunye
- (d) ngokweenjongo zecandelo lama60(1)(c), kuqulathe oku kulandelayo:
 - (i) iinkukacha ezibekwe kumhlathi (b)(i) ukuya ku(v) naku (c); kunye
 - (ii) nohlobo nobungakanani botywala obuvelisiweyo ngesithuba somhla woku1 kweyoMqungu wonyaka ukuya kumhla wama31 kweyomNga waloo nyaka.

(1A) Irekhodi kunye neenkukacha kufuneka zingeniswe kwabasemaGunyeni rhoqo ngonyaka ngowama31 kweyoKwindla wonyaka ngokohlobo lweFomu 19A kwiSihlomelo sesi3.

(1B) Umntu onikwe iphephamvume ochazwe kwicandelo lama60(1) kufuneka agcine ikopi yeerekhodi kunye neenkukacha ezingeniswe kwabasemaGunyeni kwindawo ekhutshelwe ilayisenisi isithuba seminyaka emithathu ukusukela kumhla wokungeniswa kwawo kwabasemaGunyeni, nangona kukho nawuphi na umthetho ochaseneyo noko.

(2) Obona buninzi botywala bulindelweyo kwicandelo lama60(2) ziilitha ezili150.

(3) Apho kunikwe imvume ngokwecandelo lama60(2), ingxelo ekubhekiselwa kuyo kwicandelo lama60(1)(a) kufuneka iqulathe igama, idilesi, inombolo yesazisi kunye nenombolo yomnxeba yomthengi”.

Utshintsho lomgaqo wama30 weMigaqo

19. Lo mqaqo ulandelayo ufakwa endaweni yomgaqo wama30 weMigaqo:

“Uhlaziyo oluzenzekelayo lwamaphephamvume

30.(1) Isaziso sohlaziyo sonyaka naminyaka emibini ekubhekiselwe kuso kwicandelo lama63(3) kufuneka sibe kwifomu yeFomu 21A kwiSihlomelo sesi3.

(2) Umntu onikwe iphephamvume kufuneka ahlawule umrhumo ofanelekileyo ochazwe kwiSigaba C seSihlomelo sesi2 kwabasemaGunyeni.

(3) Umntu onikwe iphephamvume onenjongo yokurhuma kumjikelo wohlaziyo waminyaka emibini oxelwe kwicandelo lama63(1) kufuneka angenise kwabasemaGunyeni isaziso ngendlela yeFomu 21B kwiSihlomelo sesi3 ungalulanga umhla wama30 kweyeNkanga wonyaka apho iGunya linokuthi likhuphe ngalo isaziso sohlaziyo sonyaka ekubhekiswe kuso kwicandelo lama63(3).”.

Utshintsho lomgaqo wama31 weMigaqo

20. Lo mqaqo ulandelayo uthatyathelw' indawo ngumgaqo wama31 weMigaqo:

“Isicelo sohlaziyo lwephephamvume

31.(1) Isicelo ekubhekiselwe kuso kwicandelo lama64(1) sokuhlaziywa kwelayisenisi kufuneka sibe kwifomu yeFomu yama22 kwiSihlomelo sesi3..

(2A) Isicelo soxolelo ngokwecandelo lama64(4) masibe kwifomu yeFomu 23 kwisiHlomelo 3.

(2) Isicelo sohlaziyo lwephephamvume kufuneka sifakwe kwabasemaGunyeni kunye nekopi yaso kwigosa elijongene nemiba engotywala elichongiweyo elikummandla wolawulo lweendawo ezinephephamvume kwaye apho umntu onikwe iphephamvume efaka isicelo soxolelo khona, lowo unikwe iphephamvume kufuneka kananjalo afake kwabasemaGunyeni isicelo sohlaziyo lwephephamvume lesicelo soxolelo kunye nekopi yoko negosa elijongene nemiba engotywala elimiselweyo.

(3) isicelo sohlaziyo lwephephamvume kufuneka sibandakanye—

(a) inkcazelo ebhaliweyo exhasa isicelo;

(b) igama elipheleleyo, idilesi nezinye iinkcukacha zomntu onikwe iphephamvume;

(c) uxwebhu luchazwe kwifomu yesicelo okanye ecelwe liGunya;

(d) ubungqina bentlawulo kwiGunya lomrhumo ochazwe kwiNqaku le9(a) leSihlomelo soku1; kwaye

(e) apho umntu onikwe iphephamvume enze isicelo soxolelo, kwanobungqina bentlawulo kwiGunya lomrhumo ochazwe kwiNqaku le9(b) leSihlomelo soku1.

(5) IGunya kufuneka lazise umhloli ngokubhala ngesicelo sohlaziyo lwephephamvume esenziwe ngokomgaqwana woku (1), kwaye apho kufanelekileyo, isicelo soxolelo olwenziwe ngokomgaqwana (2A), zingaphelanga iintsuku ezisixhenxe ukususela kumhla wokufakwa kwesicelo okanye izicelo, njengoko kunokuba njalo.

(6) Umhloli kunye negosa elimiselweyo lotywala kufuneka umntu ngamnye—

(a) kwiintsuku ezili14 ukususela kumhla wokufakwa kwesicelo okanye kumhla wokufakwa kwezicelo, njengoko kunokuba njalo, faka kwabasemaGunyeni

ingxelo ephanda imiba ekubhekiswa kuyo kwicandelo lama64(1)(a) ukuya ku(d); kwaye

(b) nika umntu onikwe iphephamvume ikopi yengxelo.

(7) Umntu onikwe iphephamvume kufuneka afake impendulo yakhe, ukuba ikhona, kwingxelo yegosa elijongene nezotywala elimiselweyo okanye ingxelo yomhloli kwiintsuku ezisixhenxe emva kokuba enikezelwe nekopi yayo nayiphi na ingxelo.

(8) INkundla yamaTyala yeMvume yoTywala kufuneka zingadlulanga iintsuku ezingama30 emva kokuba iwafumene onke amaxwebhu afanelekileyo kulo mgaqo, iqwalasele kwaye ithathe isigqibo malunga noku—

(a) isicelo sohlaziyo lwepephamvume; okanye

(b) isicelo soxolelo.

(8A) Ukuba isiGqeba samaPhephamvume oTywala siyasivuma isicelo sokuxolelwa ngokomgaqwana wesi(8)(b), iNkundla yamaTyala yeMvume yoTywala kufuneka lingadlulanga elo xesha lixelwe kulo mqathango ngaxeshanye liqwalasele kwaye lithathe isigqibo malunga nesicelo esikhaphayo sohlaziyo lwepephamvume.

(9) UGunyaziwe kufuneka, zingadlulanga iintsuku ezisixhenxe emva kokuba iNkundla yamaTyala yeMvume yoTywala ithathe isigqibo—

(a) kwisicelo sohlaziyo lwepephamvume; okanye

(b) isicelo soxolelo, kwaye apho kufanelekileyo, isicelo esikhahayo sohlaziyo lwepephamvume; ukwazisa umntu onikwe iphephamvume, igosa elijongene nemiba engotywala, umphathi kamasipala ochaphazelekayo kunye nomntu ngamnye ofake inkcaso ebhaliweyo okanye isichaso esibhaliweyo malunga nesicelo okanye izicelo, njengoko kunokubakho, kuGunyaziwe ngembalelwano ngesigqibo”.

Ukwenziwa kwezilungiso zomgaqo wama32 weMigaqo

21. Umgaqo wama32 wemigaqo ulungisiwe—

(a) ngokufakela lomgaqwana wama(22) endaweni yalo mgaqwana ulandelayo:

“(22) isicelo kufuneka sikhathshwe—

(a) bubungqina bentlawulo kwiGunya lomrhumo wesicelo p ubungqina bentlawulo kwiGunya lomrhumo wesicelo njengoko uchazwe kwiNqaku le10(b) leSihlomelo soku1;

(b) inkcazelo ebhaliweyo exhasa isicelo; kunye

(c) malunga mfaki-sicelo—

(i) ngumntu olilungelo kwaye onyula omnye umntu ongenguye yena njengomphathi weshishini elinelayisenisi, iFomu ye15 ezaliswe ngokufanelekileyo ngokubhekiselele kumntu ngamnye oqeshwe njengomphathi; okanye

(ii) ayinomntu olilungelo, iFomu ye15 ezaliswe ngokufanelekileyo ngokubhekiselele kumntu ngamnye oqeshwe njengomphathi”; kunye

(b) ngokufakela endaweni yomhlathi (d) womgaqwana (38) lo mhlathi ulandelayo:

“(d) isindululo sokuvunywa okanye ukwaliwa kwesicelo.”.

Utshintsho lomgaqo wama33 weMigaqo

22. Lo mgaqo ulandelayo ufakwa endaweni yomgaqo wama33 weMigaqo:

“Isicelo sokususwa kwephephamvume

33.(1) Umntu onikwe iphephamvume onenjongo yokulisusa ilayisenisi ngokwemiqathango yecandelo lama66(2) kufuneka afake isicelo sokuyisusa kwabasemaGunyeni kunye nekopi yaso kwigosa elijongene nemiba engotywala elimiselweyo ekummandla wolawulo lwendawo leyo indawo enephephamvume ikhoyo ngoku, nalapho ukwamkelwa kwesicelo kuya kuba nefuthe lokususa ilayisenisi kwindawo ephantsi kolawulo lwelinye igosa elijongene nezotywala elimiselweyo, ngokunjalo negosa elijongene nezotywala elimiselweyo laloo ndawo.

(2) Ngokuxhomekeke koku kulandelayo, amatyama omgaqo we10, we11, we13, we14 nowe15 ayasebenza kunye notshintsho oluyimfuneko olufunwa ngumxholo kwisicelo esenziwe ngokomgaqwana (1):

(a) IGunya kufuneka lipapashe izaziso zezicelo ezenziwe ngokomgaqwana woku(1) ngendlela yeFomu 27A.

(b) Umfaki-sicelo kufuneka abonise isaziso esikhankanywe kumgaqo we10(2) kwifomu yeFomu 27B.

(7) Isicelo ekubhekiswa kuso kumgaqwana woku(1) kufuneka—

(a) kwenziwe ngendlela yeFomu 27 kwisiHlomelo sesi3;

(b) sibe kwiphepha elimhlophe elikumlinganiselo weA4; kwaye

(c) sibe neenkukacha ezifunekayo kula fomu.

(8) Isicelo kufuneka sikhathswa—

(a) isicwangciso somgangatho esiqondakalayo sesakhiwo esicetywayo sephephamvume kwiphepha elimhlophe elisemgangathweni elingagqithiyo kwi-A3 ngobukhulu ebonisa ngokucacileyo ngemibala eyahlukileyo—

(i) izakhiwo ezinamaphephamvume ezicetywayo ngokunxulumene nazo zonke ezo zakhiwo;

(ii) imilinganiselo yezakhiwo ezinamaphephamvume acetywayo;

(iii) imilinganiselo yegumbi ngalinye kwizakhiwo ezinamaphephamvume acetywayo;

(iv) ukusetyenziswa kwawo onke amagumbi kwizakhiwo ezinamaphephamvume acetywayo;

(v) zonke iingcango, iifestile neekhawuntari, apho kufanelekileyo, kunye neendlela zokufikelela ngaphakathi nangaphandle;

(vi) izitalato kunye neendawo ezikhokelela kuzo ezo ndlela zokufikelela ngaphandle;

(vii) apho utywala buya kugcinwa kwizakhiwo ezinephephamvume okucetywayo;

(viii) iindawo ezikwizakhiwo ezinephephamvume elicetywayo apho buza kuthengiswa utywala ngokunxulumeneyo nazo zonke izakhiwo;

(ix) iindawo ezikwizakhiwo ezinamaphephamvume acetywayo apho utywala buza kuselwa ngokunxulumene nendawo yonke;

(b) isicwangciso sesiza esifundekayo sesakhiwo esicetywayo sephephamvume kwiphepha elimhlophe elisemgangathweni hayi idlula i-A3 ngobukhulu kwaye ibonisa ngokucacileyo—

(i) ngokunxulumene nesakhiwo esicetywayo sephephamvume, isishwankathelo saso sonke isakhiwo esikwisiza apho isicelo sinxulumene nokusetyenziswa kwezo zakhiwo;

- (ii) unxulumano lwezakhiwo ezicetywayo zeendawo ezinamaphephamvume kwiindawo yokuhlala;
- (iii) Unxulumano lweendawo ezinelayisenisi ecetywayo kuwo nawaphi na amaziko ekubhekiswa kuwo kwicandelo 34(1)(e)(ii) ukuya ku(v), nemigama eboniswe ngeemitha;
- (iv) ezinye izakhiwo ezinamaphephamvume kwisiza;
- (v) unxulumano lwezakhiwo ezinamaphephamvume acetywayo kwisithembiso ekubhekiselelwe kuso kwicandelo lama41(1)(a)(iii) ngemigama eboniswe kwiiimitha;
- (vi) ezinye izakhiwo ezinamaphephamvume;
- (vii) unxulumano lwezakhiwo ezinelayisenisi ezicetywayo kwiindawo apho izithuthi ezihambisa impahla ziya kuma ukuze zilayishe kwaye zikhuphe impahla;
- (c) imephu yokujonga emoyeni ebonisa unxulumano lwezakhiwo ezinephephamvume elicetywayo kwindawo yokuhlala;
- (d) kuxwebhu olwahlukileyo, inkcazelo yezakhiwo, ngokubhekisele kulwakhiwo, uyilo, ifenitshala, izixhobo, izifakelo kunye nesigqubuthelo somgangatho;
- (e) Imifanekiso yemibala enesalathiso ebonisa iimpawu zangaphakathi nezangaphandle ezigqityiweyo zesakhiwo esicetywayo selayisenisi okanye, apho isicelo sinxulumene nezakhiwo ezingaphelanga, inqanaba lokugqitywa kwendawo leyo;
- (f) iinkcazelo ezibhaliweyo ezixhasa isicelo kunye naluphi na umiselo, imvume, ulwamkelo okanye igunya elifakwe isicelo ngaxeshanye;
- (g) ubungqina bentlawulo kwiGunya lomrhumo wesicelo esifanelekileyo esibekwe kwiNqaku le11 lesiHlomelo soku1;
- (h) ikopi eqinisekisiweyo –
 - (i) ikhadi lesazisi okanye incwadi yesazisi somfaki-sicelo;
 - (ii) incwadi yokundwendwela neviza okanye, apho kufanelekileyo, imvume yokuhlala isigxina, ukuba umfaki-sicelo ungowelinye ilizwe; okanye
 - (iii) amaxwebhu obhaliso afanelekileyo, abonisa isazisi kunye, apho kufanelekileyo, umdla wemali wawo onke amalungu, abalawuli, amaqabane, abaxhamli okanye abaphathiswa bomfaki-sicelo, ukuba umfaki-sicelo ngumntu ongenguye umntu ongaqhelekanga;
- (i) amaxwebhu anjalo anokuthi achazwe kwiFomu 27 kwiSihlomelo sesi3 kunye nakuMthetho, okanye njengoko kunokucelwa siSigqeba samaPhephamvume oTywala;
- (j) ingxelo efungelweyo eyenziwe ngumfaki-sicelo yokuba akathintelwanga ngokwemiqathango yecandelo lama35 ekubeni nephephamvume lokuthengisa utywala.;
- (k) ubungqina bokuba umfakisicelo ufake ikopi yesicelo kwigosa elijongene nemiba engotywala elimiselweyo ekummandla wolawulo lweendawo ezinelayisenisi ezikuyo ngoku kwaye, apho ukwamkelwa kwesicelo kuya kuba nefuthe lokususa iphephamvume kwindawo yolawulo lomnye wegosa elijongene nemiba engotywala, ubungqina bokuba umfaki-sicelo ufake ikopi yesicelo kwigosa elijongene nezotywala elikhethiweyo laloo ndawo;
- (l) ubungqina bokuba umfaki-sicelo unelungelo lokuhlala kwindawo enephephamvume elicetywayo;
- (m) ubungqina bobunini bezakhiwo ezicetywayo ezinephephamvume okanye, ukuba umfaki-sicelo akangomnini ukuba indawo leyo, unemvume ebhaliweyo evela kumnini yokuba umfaki-sicelo angasebenzisa indawo ecetywayo enephephamvume

ngeenjongo zephephamvume apho isicelo sokususwa besisenziwa ifakwe ngokomgaqwana woku(1).

- (9) Zonke izicwangciso eziqhotyoshelwe kwisicelo kufuneka zibonise umhla wokulungiselela kunye negama kunye nedilesi yomntu owenze isicwangciso.
- (14) Igosa elijongene nemiba engotywala kwindawo ephantsi kolawulo lwalo indawo ngoku kwaye, apho ukwamkelwa kwesicelo kuya kuba nefuthe lokususa ilayisenisi kwindawo yolawulo lwelinye igosa elijongene nemiba engotywala, ngokunjalo negosa elijongene nemiba engotywala laloo ndawo. Kufuneka, zingaphelanga iintsuku ezingama35 ukususela kumhla wopapasho lokufakwa kwesicelo, ahambise ikopi yengxelo yakhe malunga nesicelo kumfakisicelo aze afake ingxelo kwabasemaGunyeni kunye nobungqina bokuba ingxelo inikezelwe kwiSicelo somfaki-sicelo.
- (15) Ingxelo yegosa elijongene nemiba engotywala eliphantsi kolawulo lwalo indawo ngoku kufuneka ibandakanye oku kulandelayo:
- (a) idilesi yezakhiwo ezinamaphephamvume;
 - (b) isishwankathelo sendlela lowo unikwe iphephamvume aqhube ngayo ishishini lakhe kwindawo enephephamvume; kwaye
 - (c) a isindululo sokusivumela okanye ukusala isicelo.
- (16) Ingxelo yegosa elijongene nemiba engotywala kwindawo yolawulo kufuneka isuswe iphephamvume kufuneka ibandakanye oku kulandelayo:
- (a) idilesi yezakhiwo ezinamaphephamvume acetywayo;
 - (b) indawo yezakhiwo ezinamaphephamvume acetywayo ngokunxulumene –
 - (i) namaziko ekubhekiselwa kuwo kwicandelo lama34(1)(e)(ii) to (v);
 - (ii) nendawo ekuhlalwa kuyo;
 - (iii) onezinye izakhiwo ezinamaphephamvume; kunye
 - (iv) isithembiso ekubhekiselwe kwicandelo lama41(1)(a)(iii);
 - (c) ukufaneleka kwezakhiwo ezinamaphephamvume ezicetywayo;
 - (d) umdla woluntu;
 - (e) Iinkcukachamanani zolwaphulomthetho, ukuba zikhona, azibona zifanelekile ngokunxulumene nesindululo kwiindawo ezinamaphephamvume;
 - (f) isindululo sokuvunywa okanye ukwaliwa kwesicelo;
 - (g) Ingxelo malunga nokuba umfaki-sicelo uzithobele na iimfuno zomgaqo we10(2);
 - (h) Ingxelo malunga nokuba ikopi yesicelo inikezelwe kumasipala ochaphazelekayo ngokomgaqo we10(3);
 - (i) Ingxelo malunga nokuba isaziso sesicelo sinikezelwe ngokungqinelana nomgaqo we10(4);
 - (j) naziphi na iinkcukacha ezimiselwe nguMphathiswa ngokwemigaqo yecandelo lama41(1)(a)(iv).
- (17) Ukuba elinye kumagosa otywala amiselweyo ekubhekiswa kuwo kumgaqwana woku(1) liyasilela ukufaka ingxelo yalo ngokwemiqathango yomgaqwana we(14), iGosa eliyiNtloko lesiGqeba esiLawulayo linokuthumela ikopi yesicelo kumhloli nomyalelo obhaliweyo wokuba afake isicelo. Ingxelo equlathe ulwazi ekubhekiswa–
- (a) kumgaqwana we(15)(a) no (b) nesindululo kumgaqwana we(15)(c);okanye
 - (b) kumgaqwana we(16)(a), (b), (c), (d), (g), (h), (i), isindululo esichazwe kumgaqwana we(16)(f) nalapho kufumanekayo, iinkcukacha ekubhekiswa kuzo kumgaqwanana we(16)(e),
- njengoko kunokuba njalo, ngokubhekiselele kwisicelo esichaphazelekayo.

- (18) Umhloli kufuneka afake ingxelo yakhe kwabasemaGunyeni aze agqithisele ikopi yayo kumfakisicelo kwiintsuku ezingama21 efumene umyalelo ekubhekiswa kuwo kumgaqwana we(17).
- (19) Ukuba ingxelo yegosa elijongene nezotywala elichongiweyo ekubhekiselwe kulo kumgaqwana we(14) okanye ingxelo yomhloli ekubhekiselwe kuyo kumgaqwana we(18) enxulumene nesicelo iqulethe naluphi na ulwazi okanye isindululo esichaphazela kakubi isicelo, umfaki-sicelo kufuneka ayifake kwabasemaGunyeni aso, okanye impendulo yaso kwingxelo enjalo kwisithuba seentsuku ezisixhenxe emva kokuba enikwe ikopi yaso.
- (20) IsiGqeba samaPhephamvume oTywala kufuneka sisithathele ingqalelo isicelo esenziwe ngokwemiqathango yomgaqwana (1) zingadlulanga iintsuku ezingama30 emva kokuwafumana onke amaxwebhu afanelekileyo ekubhekiswa kuwo kumgaqwana woku(1), wesi(7), wesi(8), we(14), we(18) kunye nowe(19) nakwimigaqo ye15(1) nowe13.
- (21) IGunya kufuneka, zingaphelanga iintsuku ezisixhenxe emva kokuba iNkundla yamaTyala yeMvume yoTywala yenze isigqibo ngesicelo esenziwe ngokomgaqwana woku(1), lazise umfaki-sicelo kunye nomntu ngamnye ofake isichaso esibhaliweyo okanye isichaso esibhaliweyo malunga nesicelo eso kwabasemaGunyeni ngembalelwano. isigqibo ngokwefomu yeFomu 27C kwiSihlomelo sesi3.
- (22) Xa isiGqeba samaPhephandaba oTywala sivuma ngokwemigaqo yesicelo esenziwe ngokomgaqwana woku(1) okanye sinikezela ngesicelo njengoko kuxelwe kwisiqendu sama66(8)(b), njengoko kunokuba njalo, iGunya kufuneka lazise umfaki-sicelo kwiintsuku ezisixhenxe emva koko kumntu ngamnye ofake inkcaso ebhaliweyo okanye isichaso esibhaliweyo malunga nesicelo kwabasemaGunyeni ngembalelwano malunga nesigqibo eso ngendlela yeFomu 27D kwiSihlomelo sesi3.
- (23) Xa isicelo esenziwe ngokomgaqwana woku(1) sivunyiwe, iGunya kufuneka, ngokulawulwa ngumgaqwana wama(24), zingadlulanga iintsuku ezili14 emva kokuhlawulwa komfaki-sicelo lowo uchaphazelekayo umrhumo ochazwe kwiSahlulo B seSihlomelo sesi2 kwiGunya, ukhuphe isatifiketi sokufuduswa ngokwecandelo lama66(9) ngendlela yeFomu 28 kwiSihlomelo sesi3..
- (24) Xa isicelo esenziwe ngokomgaqwana woku(1) sivunyiwe ngokwemiqathango okanye sivunyiwe isicelo njengoko kuxelwe kwisiqendu sama66(8)(b), iGunya kufuneka, zingadlulanga iintsuku ezisixhenxe emva kokuba iGosa eloNgameleyo lizanelise ukuba umfaki-sicelo. uyithobele imigaqo ebekwe sisiGqeba samaPhephamvume oTywala okanye imigaqo ethe yalungiswa liGosa eloNgameleyo, yazisa umfaki-sicelo ngembalelwano ngoko.
- (25) Isaziso esiya kumfaki-sicelo kufuneka sibe kwifomu yeFomu 27E kwisiHlomelo sesi3.
- (26) Umfaki-sicelo kufuneka ahlawule umrhumo ofanelekileyo ochazwe kwiSigaba B seSihlomelo sesi2 kwiGunya kwaye angenise ubungqina bentlawulo kwabasemaGunyeni.
- (27) IGunya kufuneka, zingaphelanga iintsuku ezili14 lifumene ubungqina bentlawulo ekubhekiswe kuyo kumgaqwana wama(26), likhuphe isiqinisekiso sokufuduswa komfaki-sicelo kwifomu yeFomu 28 kwisiHlomelo sesi3.
- (28) Isicelo soxolelo ngokwecandelo lama66(11) kufuneka sifakwe kwabasemaGunyeni ngendlela yeFomu 27F kwisiHlomelo sesi3.
- (29) IGosa eliLawulayo eliyiNtloko kufuneka, kwiintsuku ezingama30 emva kokufumana isicelo ekubhekiswa kuso kumgaqwana wama(28), lisithathele ingqalelo isicelo eso.
- (30) IGunya kufuneka, kwiintsuku ezisixhenxe emva kokuba iGosa eliyiNtloko lesiGqeba lithathe isigqibo ngesicelo esenziwe ngokomgaqwana wama(28), lazise umfaki-sicelo ngembalelwano yesigqibo eso.

- (31) Ukuba iGosa eliLawulayo eliyiNtloko liyasivuma isicelo ekubhekiswa kuso kumgaqwana wama(28), umfaki-sicelo kufuneka ahlawule kwabasemaGunyeni intlawulo efunekayo kunye nesohlwayo ekubhekiselwe kuso kwicandelo lama66(11).
- (32) Umfaki-sicelo—
- (a) ulungisa okanye arhoxise imiqathango ebekwe sisiGqeba samaPhephamvume oTywala xa sithe ngokwemiqathango yasivuma isicelo esenziwe ngokwemiqathango yomgaqwana woku(1);
 - (b) lirhoxise okanye lilungise nawuphi na umqathango okanye imfuneko egqitywe phantsi kwecandelo lama66(8)(b);
 - (c) phumeza isicwangciso esilungisiweyo ekubhekiselwe kuso kwicandelo lama66(14),
kufuneka senziwe ngokufaka kwabasemaGunyeni isicelo ngokohlobo lweFomu 27G kwisiHlomelo sesi3 kunye nekopi yaso kwigosa elijongene nemiba engotywala elichongiweyo ukuba ilayisenisi isuswe kwindawo ephantsi kwayo.
- (33) Isicelo kufuneka—
- (a) sikhathshwe bubungqina bentlawulo eya kwabasemaGunyeni bentlawulo yesicelo echazwe kwiNqaku le17(a), (b) okanye (d) lesiHlomelo soku1, njengoko imeko inokuba njalo;
 - (b) sikhathshwe ziinkcazelo ezibhaliweyo ezixhasa isicelo; kwaye
 - (c) ngokumalunga nesicelo esenziwe ngokomgaqwana wama(32)(c), ngokunjalo sikhathshwe yikopi yesicwangciso esilungisiweyo sendawo leyo.
- (34) Igosa elijongene nemiba engotywala elikwindawo yolawulo lwelayisenisi ekufuneka isuswe kufuneka, zingaphelanga iintsuku ezili14 emva kwesicelo esenziwe ngokwemiqathango yomgaqwana wama(32)(a),(b), okanye (c), njengoko kunokuba njalo, sele efakiwe, anike ikopi yengxelo yakhe malunga nesicelo kumfaki-sicelo aze afake ingxelo kwabasemaGunyeni kunye nobungqina bokuba ingxelo inikezelwe kumfaki-sicelo.
- (35) Ingxelo yegosa elijongene nemiba engotywala kufuneka iqulathe oku kulandelayo:
- (a) ingxelo ngefuthe lolungiso olucetywayo okanye ukurhoxiswa kwemiqathango okanye ukurhoxiswa okanye ukulungiswa kwemiqathango okanye iimfuno ezinokuba nazo kuluntu;
 - (b) Ingxelo ngefuthe lolungiso olucetywayo okanye ukurhoxiswa kwemiqathango okanye ukurhoxiswa okanye ukulungiswa kwemiqathango okanye iimfuno ezinokubakho kumaziko ekubhekiswa kuwo kwicandelo lama34(1)(e)(ii) ukuya ku(v);
 - (c) naziphi na ezinye iinkcukacha, ukuba lukhona, olunokuthi, ngokoluvo lwegosa elijongene nemiba engotywala, luthathelwe ingqalelo xa kuqwalaselwa isicelo; kwaye
 - (d) isindululo sokuvunywa okanye ukwaliwa kwesicelo.
- (36) Ukuba igosa elijongene nemiba engotywala liyasilela ukufaka ingxelo yalo ngokwemiqathango yomgaqwana wama(34), iGosa eliLawulayo eliyiNtloko linokuthumela ikopi yesicelo kumhloli ngomyalelo obhaliweyo ukuba afake ingxelo equlethe ulwazi ekubhekiswa kulo kumgaqwana wama(35), ngokumalunga nesicelo esichaphazelekayo.
- (37) Umhloli kufuneka afake ingxelo yakhe kwabasemaGunyeni aze agqithisele ikopi yayo kumfaki-sicelo phakathi kwethuba elimiselwe liGosa eliyiNtloko lesiGqeba ngokwemigaqo yomyalelo ekubhekiswa kuwo kumgaqwana wama (36).
- (38) Umfaki-sicelo kufuneka afake kwabasemaGunyeni impendulo yakhe kwingxelo yegosa elijongene nemiba engotywala ekubhekiselwe kulo kumgaqwana wama(34) okanye ingxelo

yomhloli ekubhekiswa kuye kumgaqwana wama(37) zingaphelanga iintsuku ezisixhenxe emva kokuba enikezelwe ikopi yayo nayiphi na ingxelo.

(39) IsiGqeba samaPhephamvume oTywala okanye iGosa eloNgameleyo, njengoko kunokwenzeka, kufuneka liqwalasele isicelo esenziwe ngokwemiqathango yomgaqwana wama(32)(a),(b), okanye (c) kwiintsuku ezingama30 emva kokuba liwafumene onke amaxwebhu afanelekileyo. ukuya kwimigaqo yama(32) ukuya kuma (38).

(40) IGunya kufuneka, zingaphelanga iintsuku ezisixhenxe emva kokuba iNkundla yamaTyala yeMvume yoTywala okanye iGosa eLongameleyo, njengoko kunokubakho, lithathe isigqibo ngesicelo esenziwe ngokwemiqathango wama(32)(a),(b), okanye (c), lazise Umfaki-sicelo kunye nomntu ngamnye ofake isichaso esibhaliweyo okanye isichaso malunga nesicelo kwabasemaGunyeni ngembalelwano malunga nesigqibo eso ngendlela yeFomu 27H kwisiHlomelo sesi3.

(41) Isicelo sokwandisa ixesha elibekwe yiNkundla yamaTyala yeMvume yoTywala ngokwemiqathango—

(a) yecandelo lama42(3);

(b) yecandelo lama66(8)(b);

(c) yecandelo lama66(5), malunga nesicelo sokususa kangangexehsa elimisiweyo, kufuneka senziwe ngokufaka kwabasemaGunyeni isicelo kwifomu yeFomu 27G kwiSihlomelo sesi3.

(42) Isicelo kufuneka sikhathshwe—

(a) bubungqina bentlawulo kwabasemaGunyeni womrhumo wesicelo esibekwe kwiNqaku le17(c) lesiHlomelo soku1; kunye

(b) neenkcazelo ezibhaliweyo ezixhasa isicelo esimiselweyo—

(i) izizathu zokuba kutheni le miqathango ikhankanywe kwicandelo lama66(5)(c) okanye iimeko neemfuno ezixelwe kwisiquqendu sama66(8)(b) zingenako okanye zingathotyelwa ngexesha elimiselwe sisiGqeba samaPhephamvume oTywala;

(ii) indlela umfaki-sicelo athe wayithobela ngayo imiqathango okanye iimfuno;

(iii) amanyathelo umfaki-sicelo aceba ukuwathatha ukuze athobele imiqathango okanye iimfuno; kwaye

(iv) ixesha eliqikelelwayo lomfakisicelo liya kufunwa ukugqiba amanyathelo acetywayo.

(43) IGosa eloNgameleyo kufuneka liqwalasele isicelo esenziwe ngokomgaqwana wama(41)(a) okanye (b) kwiintsuku ezingama30 emva kokuba liwafumene onke amaxwebhu afanelekileyo ekubhekiswa kuwo kwisolotyana lama(41) nelama(42).

(44) IGunya kufuneka, zingaphelanga iintsuku ezisixhenxe emva kokuba iGosa eloNgameleyo lithathe isigqibo ngesicelo esenziwe ngokomgaqwana wama(41)(a) okanye (b), lazise umenzi wesicelo kunye nomntu ngamnye ofake isichaso esibhaliweyo okanye isichaso malunga nesicelo eso kunye noGunyaziwe ngembalelwano yesigqibo ngokweFomu 27H kwisiHlomelo sesi3.

(45) Xa isicelo sivunyiwe ngokwalo mqaqo umfaki-sicelo kufuneka, ngaphandle kwesicelo esenziwe ngokomgaqwana wama(28), ahlawule umrhumo ofanelekileyo ochazwe kwiSahlulo B sesiHlomelo sesi2 kwabasemaGunyeni.

Ukwenziwa kwezilungiso zomgaqo wama34 weMigaqo

23. Umgaqo wama34 weMigaqo ulungiswe ngokuthi kongezwe lemigaqo ilandelayo:

“(36) Ngaphandle kwesibheni okanye isicelo sophononongo esifakiweyo ngokubhekiselele kwisicelo esenziwe ngokomgaqo wama19(1)(a) okanye (b), ukuba—

- (a) kukho isithuba kwiNkundla yamaTyala yeZibheno; okanye
 (b) emva kokufumana amaxwebhu ekubhekiswa kuwo kumgaqwana we(9), isiGqeba seZibheno esichaphazelekayo siya kuba singafumaneki kangangethuba elithile eliya kuthi ngokoluvo lweGosa eliyiNtloko lesiGqeba sokuLawula ukulibazisa ngokungekho ngqiqweni ukuqwalaselwa kwesibheno okanye isicelo sohlaziyo;

IGosa eliLawulayo eliyiNtloko kufuneka lazise iNkundla yamaTyala yeMvume yoTywala, iGosa eloNgameleyo okanye iSekela leGosa eloNgameleyo, njengoko kunokuba njalo, umbheni, wonke umntu onomdla oxelwe kumgaqwana wesi(5)(b)(i) kunye nesiGqeba seZibheno esiseleyo ukuba isibheno eso. okanye isicelo sophononongo asinako ukugweba sisiGqeba seZibheno esichaphazelekayo ngenxa yezizathu ezidweliswe kwisaziso.

(37) IsiGqeba seZibheno esishiyekileyo kufuneka kwiintsuku ezimbini emva kokufumana isaziso ekubhekiswa kuso kumgaqwana lama(36), sazise iGosa eliyiNtloko lesiGqeba esiLawulayo malunga nexesha eliya kufuna ukuba lizazise ngokwalo maxwebhu adweliswe kumgaqwana we(9) nokuba zibekwe kwindawo yokuqalisa kwakhona ukuqwalaselwa kwesibheno okanye isicelo sophononongo.

(38) IGosa eliyiNtloko lesiGqeba sokuLawula linokuzinqumamisa iinkqubo kunye namaxesha asebenzayo ekubhekiswa kuwo kwimigaqo ye(10) ukuya kuma(35) kuphela ngexesha eliqulethwe kwisaziso ekubhekiswa kuso kumgaqwana wama (37).

(39) IGosa eliLawulayo eliyiNtloko kufuneka kwiintsuku ezimbini emva kokufumana isaziso ekubhekiswa kuso kumgaqwana wama(37) lazise iNkundla yamaTyala yeMvume yoTywala, iGosa eloNgameleyo okanye iSekela leGosa eloNgameleyo, njengoko kunokuba njalo, umfakisibheno, onke amaqela anomdla axelwe kumgaqwana wesi(5) (b)(i) kunye nesiGqeba seZibheno esishiyekileyo ukuba iinkqubo kunye namaxesha asebenzayo ekubhekiswa kuwo kumgaqwana we(10) ukuya kuma(35) zinqunyanyisiwe kunye nexesha ekuye kwanqunyanyiswa ngalo.

(40) Iinkqubo kunye namaxesha asebenzayo aqala kwakhona ekuphelisweni kwexesha eliqulethwe kwisaziso ekubhekiswa kuso kumgaqwana wama(39) kwaye isiGqeba seZibheno esiseleyo kufuneka siqwalasele kwaye senze isigqibo ngesibheno okanye isicelo sohlaziyo ngokungqinelana nezo nkqubo kunye namaxesha asebenzayo.

(41) Apho kufakwe isibheno okanye isicelo sophononongo malunga nesicelo esenziwe ngokomgaqo we19(1)(a) okanye (b), kwaye ukuba—

(a) kukho isithuba seNkundla yeZibheno; okanye

(b) emva kokufumana amaxwebhu ekubhekiswa kuwo kumgaqwana we(9), isiGqeba seZibheno esichaphazelekayo asibikho,

IGosa eliLawulayo eliyiNtloko kufuneka kwangoko lazise isiGqeba seZibheno esishiyekileyo ngezizathu zokuba kutheni isibheno okanye isicelo soqwalaselo singakwazi ukugweba.

isiGqeba seZibheno esichaphazelekayo kunye nesaziso, singenise onke amaxwebhu adweliswe kumgaqwana we(9) kwisiGqeba seZibheno esishiyekileyo ukuze siqwalasele kwaye sithathe isigqibo ngesibheno okanye isicelo sohlaziyo ngokungqinelana neenkqubo kunye namaxesha asebenzayo ekubhekiswa kuwo kwimigaqo we(9) ukuya kuma(35).”.

Ukweziwa kwezilungiso zomgaqo wama37 weMigaqo

24. Umgaqo wama37 weMigaqo ulungiswa ngokufakela lomgaqwana wesi (2) walo mgaqwana ulandelayo:

“(2) Umntu onikwe iphephamvume kufuneka abe kwindawo ebalaseleyo kwindawo eneempephamvume eziboniswayo—

- (a) Iphephamvume okanye, ukuba ikhona, incwadi yesiqinisekiso yokususwa, incwadi yesiqinisekiso sotshintshelo okanye iphephamvume elifinyeziweyo ngohlobo lweFomu 7A;
- (b) ubungqina bentlawulo kwiGunya lomrhumo wohlaziyo kulo nyaka okanye iminyaka emibini echaphazelekayo;
- (c) ukuba kufanelekile, ikopi yeFomu 21B ezalisiweyo kwisiHlomelo sesi3 apho umntu onikwe iphephamvume enze isicelo sokubhalisa kumjikelo wohlaziyo waminyaka emibini ngokwecandelo lama63(1);
- (d) ukuba kufanelekile, ikopi eqinisekisiweyo yeFomu ye15 nganye efanelekileyo; kwaye
- (e) ukuba kufanelekile, ikopi eqinisekisiweyo yeFom 15A nganye efanelekileyo.”.

Isilungiso kwiSihlomelo 1

25. ISihlomelo 1 esikwiMigaqo njengoko zilungisiwe ngokuthi—

- (a) kongezwe eli solotya lilandelayo emva kwesolotya 9, libe isolotya ebeselikho liba lisolotya 9(a):

“

	(b) Isicelo sokwenyuselwa ngokwemigaqo yecandelo 64(4)	2 339
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”; and

- (b) kufakelwe isolotya 12 leli solotya lilandelayo:

“

13.	Imfundo noqeqesho ngokwemigaqo yamacandelo 45, 52(6) no65(14)	550
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.”

Ukuthatywa kwendawo yesiHlomelo sesi3 kwiMigaqo

26. Esi sihlomelo silandelayo sitshintshelwe kwisiHlomelo sesi3 kwiMigaqo:

“TSIHLOMELO SESI3

Isalathiso kwiifomu

UMGAQO	INOMBOLO YEFOMU	INKCAZELO
UKUTYUNJWA KWAMALUNGU EBHODI KUNYE NEENKUNDLA YAMATYALA YEMVUME YOTYWALA		
2(3)	1	Ifomu yolonyulo lokuchongwa njengelungu leBhodi
6(6)	2	Ifomu yokutyumba njengelungu okanye ilungu elibambeleyo leNkundla yamaTyala yeMvume yoTywala
INKQUBO YOKUFAKA ISICELO SEPHEPHAMVUME ELITSHA		
9(3)	3	Isicelo selayisenisi ngokwecandelo lama36
9A(2)	3C	Ukwaliwa kokufakwa kwesicelo ngokwemiqathango yecandelo 36(1A)(b)
9A(3)	3D	Ukwamkelwa kokufakwa kwesicelo ngokwemiqathango yecandelo lama36(1C)(a)
9A(5)(a)	3E	Isaziso ngokomgaqo we9A(6)(a)
9A(5)(b)	3F	Isaziso ngokwecandelo lama36(1C)(e)
10(1)	3A	Isaziso sezicelo zamaphephamvume otywala ngokwecandelo lama37(1) loMthetho woTywala weNtshona Koloni, wama2008.
10(2)	3B	Isaziso sokufakwa kwesicelo sephephamvume lokuthengisa utywala

UMGAQO	INOMBOLO YEFOMU	INKCAZELO
IZAZISO NEESAMANI		
16(1)	4A	Isaziso sokuba sibekho entlanganisweni yeNkundla yamaTyala yeMvume yoTywala ngokwemiqathango yecandelo lama23(2)
16(1)	4B	Iisamani ngokwecandelo lama23(5)
UKUNIKEZELWA KWAMAPHEPHAMVUME NGOKWEMIQATHANGO		
17(2)	5A	Isaziso sonikezelo lwephephamvume ngokwemiqathango yomgaqo we17(2)
17(8) & (18)	5B	Isicelo— A – Ngokwecandelo lama42(4) lokulungiswa okanye ukurhoxiswa kwemiqathango ebekwe ngokwecandelo lama42(1) B – Ngokwecandelo lama42(5)(b) lokulungiswa kwesicwangciso sezakhiwo; okanye C – Ngokwecandelo lama42(5)(a) lokwandiswa kwexesha
17(17) & (22)	5C	Isaziso sesigqibo ngokomgaqo we17(17) okanye wama(22)
17(28)	5D	Isaziso sokurhoxiswa ngokwemiqathango yecandelo lama42(4A) lelayisenisi enikwe phantsi kwemiqathango
17(25)	5E	Isaziso ngokomgaqo we17(25)
UKUKHUTSHWA KWEPHEPHAMVUME		
18(2)	6A	Isaziso sokunikezelwa kwephephamvume
17(4)	6B	Isaziso ngokomgaqo we17(4) sokuba imiqathango yonikezelo lwephephamvume ithotyelwe

UMGAQO	INOMBOLO YEFOMU	INKCAZELO
18(3A)	6C	Isicelo sokuxolelwa kokusilela ukuhlawula umrhumo omiselweyo ngokwecandelo lama46(6)
17(6) & 18(4)	7	Iphephamvume lotywala
	7A	Iphephemvume lotywala elifinyeziweyo
ISICELO SEPHEPHAMVUME LOTYWALA LWEXESHANA OKANYE UMSITHO WEPHEPHANDABA LOTYWALA		
19(2)(a)(ii)	8	Isicelo sephephamvume lotywala sethutyana ngokwemiqathango yecandelo lama48(1)
19(2)(b)(ii)	9	Isicelo sephephamvume somsitho wotywala ngokwecandelo lama48(4)
19(18)(b)	10	Iphephamvume lotywala lethutyana
19(18)(b)	11	Iphephamvume lomsitho wotywala
19(14)	12A	Isicelo sokuxolelwa kokufakwa kade kwesicelo semvume yotywala yethutyana okanye yomsitho ngokwecandelo lama48(10)
19(19)	12B	Isaziso ngokomgaqo we19(19)
ISICELO SOKUTSHINTSHELWA KWENZALA YEMALI KWISHISHINI ELINEPHEPHAMVUME OKANYE LOKUVUMELA ISHISHINI ELINEPHEPHAMVUME		
21(1)	13	Isicelo sokutshintshela inzala yemali kwishishini elinelayisensi ngokwecandelo lama51(1)
21A(1)	14	Isicelo sokuvumela omnye umntu ukuba aqhube ishishini ngokwemiqathango yelayisensi okanye avumele omnye umntu ukuba asebenzise indawo enephephamvume ngokwecandelo 51A(1)

UMGAQO	INOMBOLO YEFOMU	INKCAZELO
UKUTYUNJWA KOMPHATHI		
22(1)	15	Isaziso sokutyunjwa komphathi ngokwecandelo lama52
22(2)	15A	Incwadi yesiqinisekiso kuQeqesho lwePhephamvume loTywala
UTSHINTSHO LWESHISHINI ELINEPHEPHAMVUME OKANYE UHLOBO LWESHISHINI		
23(1)	16	<p>A – Isicelo semvume yokwenza utshintsho kwisakhiwo, ukongezwa, okanye ukwakhiwa ngokutsha okanye kwizakhiwo ezinephephamvume ngokwemiqathango yecandelo lama53(1)(a)</p> <p>B – Isicelo semvume yokwenza ukwandiswa okanye ukuya kwizakhiwo ezinephephamvume ngokwemiqathango yecandelo lama53(1A)(a)</p>
23(2)	17	Isicelo semvume yokutshintsha imeko yeshishini elinephephamvume ngokwemiqathango yecandelo lama53(1A)(b)
23(3)	18	Isicelo semvume yokuqhuba ishishini phantsi kwephephamvume kwindawo apho naliphi na elinye ishishini, kubandakanywa neshishini elo naliphi na elinye iphephamvume linxulumene nalo, okanye naluphi na olunye urhwebo okanye umsebenzi oqhutywa ngokwecandelo lama53(1)(c)

UMGAQO	INOMBOLO YEFOMU	INKCAZELO
IYURE ZOKURHEBA		
26(1)	19	Isicelo sokwandisa iiyure zokurhweba ngokwemiqathango yecandelo lama59(4)
27	19A	Ubungakanani botywala obuthengisiweyo kunye nokugcinwa kweerekhodi ngokwemiqathango yecandelo lama60(1)
UKUL AHLWA KWEPHEPHAMVUME		
29	20	Isaziso sokulahlwa kwephephamvume
UKUHLAZIYWA NGOKUZENZAKALELAYO KWEPHEPHAMVUME NOXOLELO LOKUSILELA EKUHLAWULENI IMALI YOKUHLAZIYA NGOMHLA OMISIWEYO.		
30(1)	21A	Isaziso sonyaka okanye sonyakambini sohlaziyo
30(3)	21B	Isaziso sonyakambini sohlaziyo: Isaziso sokurhuma kumjikelo wohlaziyo lonyakambini
ISICELO SOKUHLAZIYA IPHEPHAMVUME		
31(1)	22	Isicelo sokuhlaziywa kwephephamvume ngokwecandelo lama64(1)
31(4)	23	Isicelo sokuxolelwa kokusilela ekwenzeni isicelo sohlaziyo lwephephamvume ngokwemiqathango yecandelo lama64(4)
UDLULISO LWEPHEPHAMVUME		
32(2)(a)	24	Isicelo soludluliselwa kwephephamvume ngokwemiqathango yecandelo lama65(1)
32(10)	24A	Isaziso sokunikezelwa okanye ukwaliwa kokudluliselwa kwephephandaba

UMGAQO	INOMBOLO YEFOMU	INKCAZELO
32(11)	24B	Isaziso sokunikezelwa kwephephamvume ngokwemiqathango yomgaqo wama32(11)
32(14)	24C	Qaphela ukuba imiqathango yokunikezelwa kwephephamvume ngokwemiqathango ithotyelwe ngokomgaqo wama32(14)
32(17)	24D	Isicelo sokuxolelwa kokusilela ukuhlawula umrhumo omiselweyo ngokwecandelo lama65(19)
32(35) & (46)	24E	Isicelo— A – Ngokwecandelo lama65(12B) lokulungiswa okanye ukurhoxiswa kwemiqathango ebekwe ngokwecandelo lama65(12); okanye B – Ngokwecandelo lama65(12C) lokwandiswa kwexesha elibekiweyo ngokwecandelo lama65(12A)
32(45) & (49)	24F	Isaziso sesigqibo ngokomgaqo wama32(45) okanye wama(49)
32(12) & (16)	25	Incwadi yesiqinisekiso sodluliselo lwephephamvume lokuthengisa utywala ngokwecandelo lama65(17)
32(21)	26	Isicelo semvume yokuqhuba ishishini elinephephamvume ngokulindeleke ukudluliselwa kwephephamvume ngokwemiqathango yecandelo lama65(3)
32(31)	26A	Isicelo ngokwemiqathango yecandelo lama65(6) sokwandisa ixesha lemivume enikezelweyo ngokwecandelo lama65(5)
32(34)	26B	Imvume yokwandiswa kwexesha elinikezelweyo ngokwecandelo lama65(5)
ISICELO SOKUSUSWA KWEPHEPHAMVUME		
33(7)	27	Isicelo sokususwa kwephephamvume ngokwecandelo lama66(2)
33(2)(a)	27A	Isaziso sokufakwa kwesicelo sokususwa kwephephamvume lokuthengisa utywala phantsi kwemiqathango yecandelo lama66(2)

UMGAQO	INOMBOLO YEFOMU	INKCAZELO
33(2)(b)	27B	Isaziso sokufakwa kwesicelo sokususwa kwephephamvume lokuthengisa utywala
33(21)	27C	Isaziso sokuvunyelwa okanye ukwaliwa kwephephamvume
33(22)	27D	Isaziso sonikezelo olunemiqathango lokususwa kwelayisenisi ngokwemiqathango yomgaqo wama33(22)
33(25)	27E	Qaphela ukuba imiqathango yobonelelo ngokwemiqathango ithotyelwe ngokomgaqo wama33(25)
33(28)	27F	Isicelo sokuxolelwa kokusilela ukuhlawula umrhumo omiselweyo ngokwecandelo lama66(11)
33(32) & (41)	27G	<p>Isicelo—</p> <p>A – Ngokwecandelo lama66(5)(c) elifundwa kunye necandelo lama42 ukulungiselela ukulungiswa okanye ukurhoxiswa kwemiqathango;</p> <p>B –Ngokwecandelo lama66(8)(b) elifundwa kunye necandelo lama44 ukurhoxisa okanye ukulungisa nawuphi na umqathango okanye imfuneko;</p> <p>C – Ngokwecandelo lama66(5)(c) elifundwa necandelo lama42(5) ukuze kuphunyezwe isicwangciso esilungisiweyo; okanye</p> <p>D –Ukwandisa ixesha elimiselwe yiNkundla yamaTHyala yeMvunyoTywala ngokwemiqathango yecandelo lama42(3), elama66(5) kunye nelama66(8)(b),</p>
33(40) & (44)	27H	Isaziso sesigqibo ngokomgaqo wama33(39) okanye wama(44)
33(23) & (27)	28	Isiqinisekiso sokususwa kwephephamvume ngokwecandelo lama66
IZIBHENO NOPHONONONGO		
34(6)	29	Isaziso sokubhena okanye isicelo sokuphonononga ngokwecandelo lama68(3)

UMGAQO	INOMBOLO YEFOMU	INKCAZELO
UKUTHOBELA		
35(1)	30	Isaziso sokuthobela ngokwecandelo lama69(1)
35(3)	31	Isiqinisekiso sokuthobela ngokwecandelo lama69(6)
ISAZISO SOLAWULO		
37A(1)	32	Isaziso ngokomgaqo wama37A(1)
UKUKHULULWA		
36(1)	33	Isicelo sokukhululwa ngokwecandelo lama84(2)

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU YOKU1

IFOMU YOKUTYUNJWA NJENGELUNGU LEBHODI

[Reg. 2(3)]

ICANDELO A: IZALISWA NGULOWO UTYUMBAYO

1. IINKCUKACHA ZAKHO

1.1 Igama elipheleleyo : _____

1.2 Inombolo yesazisi : _____

1.3 Umhla wokuzalwa : _____ / _____ / _____

1.4 Idilesi yokuhlala : _____

Ikhowudi yeposi: _____

1.5 Idilesi yeposi : _____

Ikhowudi yeposi : _____

1.6 Inombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye _____

1.7 Inombolo yefeksi : _____

I-imeyile : _____

2. UBUDLELWANE NOMTYUNJWA

Umtyumbi makabonise uhlobo bobudlelwane (iqabane, ilungu losapho, iqabane okanye iqabane leshishini) phakathi kwakhe nomtyunjwa:

3. IZIZATHU ZOKUTYUMBA UMTYUNJWA

Umtyumbi alathe izizathu zokuba kutheni uMtyunjwa kufuneka onyulwe njengelungu leBhodi:

ITYIKITYWE E _____ ngolu _____ usuku _____

20 _____

Utyikityo lomntu otyumbayo

ICANDELO B: IZALISWA NGULOWO UTYUNJWAYO

1. IINKCUKACHA ZAKHO

1.1 Igama elipheleleyo : _____

1.2 Inombolo yesazisi : _____

1.3 Umhla wokuzalwa : _____ / _____ / _____

1.4 Idilesi yokuhlala : _____

Ikhowudi yeposi : _____

1.5 Idilesi yeposi : _____

Ikhawudi yeposi : _____

1.6 Inombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

1.7 Inombolo yefeksi : _____

1.8 Imeyile : _____

2. UKUFANELEKA KOMTYUNJWA

2.1(a)	Ingaba ungummi weRiphabhliki yoMzantsi Afrika kwaye ungumhlali ngokusisigxina kweli Phondo?	Ewe	Hayi
(b)	Ingaba ungaphantsi kwamashumi amabini anesihlanu (25) eminyaka ubudala?	Ewe	Hayi
(c)	Ingaba kule minyaka ilishumi (10) edlulileyo ukhe wagwetywa ngokwalo Mthetho okanye nawuphi na umthetho ofanayo?	Ewe	Hayi
(d)	Ingaba, kule minyaka ilishumi (10) engaphambili, nokuba ukwiRiphabhliki okanye kwenye indawo, ukhe wabanjelwa ubusela, ubuqhophololo, urhwaphilizo, ukukhupha uxwebhu olungeyonyani, isifungo sobuxoki okanye naliphi na ityala phantsi koMthetho woRhwaphilizo, we1992 (uMthetho wama94 we1992) , okanye uMthetho woThintelo nokuNyulwa kweMisebenzi yoRhwaphilizo, wama2004 (uMthetho we12 wama2004), okanye naliphi na ityala ekukuko ukunganyaniseki okuyinxalenye yalo?	Ewe	Hayi
(e)	Ingaba ukhe watshona ngokwasezimalini okanye uphila nokhubazeko olusemthethweni?	Ewe	Hayi
(f)	Ingaba kule minyaka ilishumi (10) idlulileyo uye wasuswa kuso nasiphi na isikhundla sokuthembeka ngenxa yokungaziphathi kakuhle okanye ukunganyaniseki?	Ewe	Hayi
(g)	Ingaba uligosa lezopolitiko?	Ewe	Hayi

(h)	Ingaba wena, nokuba ungowakho okanye ngeqabane lakho, ilungu losapho, iqabane okanye iqabane leshishini— (i) unomdla wemali ngokuthe ngqo okanye ngokungathanga ngqo kulo naliphi na ishishini lotywala okanye iziko?; okanye	Ewe	Hayi
	(ii) ingaba unawo nawaphi na umdla kulo naliphi na ishishini okanye ishishini elinokuthi lingquzulane okanye liphazamise ukwenziwa komsebenzi ngendlela eyiyo njengelungu leBhodi okanye kulo naliphi na iphephamvume elikhutshwe phantsi kwalo Mthetho?	Ewe	Hayi
<i>Nceda qaphela: Ngenjongo yomhlathana (h), inzala yemali engathanga ngqo ayibandakanyi inzala engathanga ngqo ebanjwe ngayo nayiphi na ingxowamali okanye utyalomali ukuba umntu onjalo akanalo ulawulo kwizigqibo zotyalomali ezenziweyo malunga naloo ngxowamali okanye utyalomali.</i>			

- 2.2 Ukuba nawuphi na umbuzo kumhlathi 2.1(b) ukuya ku (h) uno“ewe” njengempendulo, nceda unike iinkcukacha ezipheleleyo.:

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

- 2.3 Ukuba utyunjelwe ukuchongwa ngokwecandelo lesi3(1)(a) loMthetho:

Ingaba unolwazi olufanelekileyo okanye amava kwiinkqubo kunye neenkqubo zokuqinisekisa uxanduva olufanelekileyo, ukuthembeka kunye nokuvuleleka ekuqhubeni umsebenzi weGunya njengombutho? **EWE / HAYI**

Ukuba ngu-ewe, nceda ubonise ulwazi namava akho:

- 2.4 Ukuba utyunjelwe ukuchongwa ngokwecandelo lesi3(1)(b) loMthetho:

Ngaba unalo ulwazi olufanelekileyo okanye amava okujongana nokulwa neziphumo ezibi ekuhlaleni zokusetyenziswa gwenxa kotywala? **EWE / HAYI**

Ukuba ngu-ewe, nceda ubonise ulwazi okanye amava akho:

3. IZIQINISEKISO ZEMFUNDO

Nceda unike iinkcukacha ezipheleleyo zazo zonke iziqinisekiso zakho zemfundo, kubandakanywa nezifundo ezimfutshane, ukuba:

4. UKUBANDAKANYEKA KOLUNGU

Nceda unike iinkcukacha zokubandakanyeka koluntu lwakho.

5. INKUTHAZO KWINKXASO YENGGQESHO

Nceda ungenise izizathu ezivakalayo zokuba kutheni ukholelwa ekubeni kufuneka utyunjwe njengelungu leBhodi:

ITYIKITYWE E _____ ngolu _____ usuku _____

20 _____

Utyikityo loMtyunjwa

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofake uxwebhu olungeyonyani okanye lowo unenjongo yokuba lulo, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho. Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini ezo zohlwayo kunye nexesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU YESI2

**IFOMU YOKUTYUNJWA NJENGELUNGU OKANYE ILUNGU ELIFAKWE
ENDAWENI YELINYE ILUNGU KWINKUNDLA YAMATYALA YEMVUME
YOTYWALA**

[Reg. 6(6)]

ICANDELO A: IZALISWA NGULOWO UTYUMBAYO

1. IINKCUKACHA ZAKHO

1.1 Igama elipheleleyo : _____

1.2 Inombolo yesazisi : _____

1.3 Umhla wokuzalwa : _____ / _____ / _____

1.4 Idilesi yokuhlala : _____

Ikhawudi yeposi : _____

1.5 Idilesi yeposi : _____

Ikhawudi yeposi : _____

1.6 Iinombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye : _____

1.7 Inombolo yefeksi : _____

1.8 Imeyile : _____

2. UBUDLELWANE BOMTYUNJWA

Umtyumbi makabonise uhlobo lobudlelwane (iqabane, ilungu losapho, iqabane okanye isinxulumani) phakathi kwakhe nomtyunjwa:

3. IZIZATHU ZOKUTYUMBA UMTYUNJWA

Umtyumbi makabonise izizathu zokuba kutheni uMtyunjwa kufuneka atyunjwe njengelungu okanye njengelungu elibambeleyo leNkundla yamaTyala yeMvume yoTywala:

ITYIKITYWE E _____ ngolu _____ usuku _____

20 _____

Utyikityo lomntu otyumbayo

ICANDELO B: IZALISWA NGULOWO UTYUNJWAYO

1. IINKCUKACHA ZAKHO

1.1 Igama elipheleleyo : _____

1.2 Inombolo yesazisi : _____

1.3 Umhla wokuzalwa : _____ / _____ / _____

- 1.4 Idilesi yokuhlala : _____

 Ikhowudi yeposi : _____
- 1.5 Idilesi yeposi : _____

 Ikhowudi yeposi : _____
- 1.6 Inombolo zeminxeba:
 Eyeofisi : _____
 Iselula : _____
 Eyasekhaya okanye enye: _____
- 1.7 Inombolo yefeksi : _____
- 1.8 Imeyile : _____

2. UKUFANELEKA KOMTYUNJWA

2.1(a)	Ngaba kule minyaka ilishumi (10) edlulileyo ukhe wafunyaniswa unetyala waza wagwetyelwa ukuvalelwa entolongweni ngaphandle kokukhetha isohlwayo?	Ewe	Hayi
(b)	Ngaba kule minyaka ilishumi (10) edlulileyo ukhe wagwetywa ngokwalo Mthetho, uMthetho woTywala, wama2003 (uMthetho wama59 wama2003), uMthetho woTywala, we1989 (uMthetho wama27 we1989), okanye nawuphi na umthetho ofana nalowo?	Ewe	Hayi
(c)	Ingaba ukhe watshona ngokwasezimalini okanye uphila nokhubazeko olusemthethweni?	Ewe	Hayi
(d)	Ingaba ungaphantsi kwamashumi amabini anesihlanu (25) eminyaka ubudala?	Ewe	Hayi
(e)	Ingaba unawo nawuphi na umdla othe ngqo kurhwebo lotywala?	Ewe	Hayi
(f)	Ingaba ulilungu losapho, iqabane okanye ishishini loshishino lomntu onomdla othe ngqo kurhwebo lotywala?	Ewe	Hayi
(g)	Ingaba awufanelekanga ngokwecandelo lama35 loMthetho ekubeni ube nephephamvume lokuthengisa utywala?	Ewe	Hayi
(h)	Ingaba ngoku uhlala kweli Phondo?	Ewe	Hayi

2.2 If any of the questions in paragraph 2.1(a) to (g) has “yes” as the answer, provide full details.

(Qhoboshela isihlomelo esahlukileyo ukuba kuyimfuneko.)

3. IZIQINISEKISO ZEMFUNDO

Nceda unikeze iinkcukacha ezipheleleyo zazo zonke iziqinisekiso zakho zemfundo, kubandakanywa nezifundo ezimfutshane, ukuba zikhona:

4. INKUTHAZO KWINKXASO YENGQESHO

Nceda ungenise inkuthazo ebanzi yokuba kutheni ukholelwa ukuba kufuneka unyulwe njengelungu okanye ilungu elibambeleyo leNkundla yamaTyala yeMvume yoTywala..

ITYIKITYWE E _____ ngolu _____ usuku _____

20 _____

Utyikityo loMtyunjwa

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.

Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini ezo zohlwayo kunye nexesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU YESI3

ISICELO SEPHEPHAMVUME NGOKWECANDELO LAMA36

[Reg. 9(3)]

EYOQOBO KUFUNEKA IFAKWE NGEGUNYA

Isitampu somhla weGunya ekufunyanweni
kwesicelo

ISALATHISO

Inkcazelo yamaxwebhu amakaqhotyoshelwe	Isihlomelo
Isicwangciso esibanzi somgangatho wezakhiwo ezicetywayo ezinephephamvume	A
Isicwangciso sendawo	B
Imephu yokujonga emoyeni	C
Inkcazelo yezakhiwo	D
Iifoto zemibala ezalathisiweyo	E
Inkcazelo ezibhaliweyo ezixhasa isicelo	F
Ingxelo efunyelweyo eyenziwe ngumfakisicelo yokuba akathintelwanga ngokwemiqathango yecandelo lama35 ekubeni nephephamvume lokuthengisa utywala.	G
Ubungqina belungelo lokuhlala kwizakhiwo ezicetywayo ezinephephamvume	H
Ubungqina bobunini bezakhiwo ezicetywayo ezinephephamvume okanye, ukuba umfaki-sicelo akangomnini, imvume ebhaliweyo evela kumnini wendawo enephephamvume ecetywayo ukuba umfaki-sicelo angasebenzisa indawo ecetywayo enephephamvume ngeenjongo zephephamvume afake isicelo kulo.	I
Ikopi eqinisekisiweyo yekhadi lesazisi okanye uxwebhu, okanye incwadana yokundwendwela kunye nevisa okanye imvume yokuhlala ngokusisigxina yomfaki-sicelo ukuba umfaki-sicelo ungowasemzini, okanye, kwimeko yomfaki-sicelo ngaphandle komntu wendalo, iikopi zamaxwebhu afanelekileyo obhaliso abonisa	J

Inkcazelo yamaxwebhu amakaqhotyoshelwe	Isihlomelo
isazisi kunye, apho kufanelekileyo, umdla wemali wawo onke amalungu, abalawuli, amahlakani, abaxhamli okanye abaphathiswa	
Ubungqina bentlawulo yomrhumo ofanelekileyo wesicelo	K
Incwadi yesiqinisekiso socando okanye ikopi yesicelo socwangciso esingeniswe kumasipala ochaphazelekayo ngokomthetho wocwangciso osebenzayo	L
Amanye amaxwebhu afunekayo kuMthetho okanye afunwa ngabasemaGunyeni	M
Isaziso sokuqeshwa komphathi okanye abaphathi ngokungqinelana nomgaqo wama22, ukuba kufanelekile	N
Ukumelwa malunga nokuba kutheni ukuvunywa kwesicelo kusemdleni woluntu	O
Isiqinisekiso soQeqesho lwePhephamvume loTywala	P

Igama, utyikityo neenkukacha zoqhagamshelwano zomntu olungiselele esi sicelo:

Igama : _____
 Utyikityo : _____
 Idilesi yeposi : _____

 Ikhowudi yeposi : _____
 Idilesi yokuhlala : _____

 Ikhowudi yeposi : _____
 Inombolo zeminxeba:
 Eyeofisi : _____
 Iselula : _____
 Eyasekhaya okanye enye: _____
 Inombolo yefeksi : _____
 Imeyile : _____

1. IINKCUKACHA ZOMFAKI-SICELO

1.1 Igama elipheleleyo : _____

1.2 Inombolo yesazisi : _____
(Ukuba umfakisicelo ngumntu olilungelo)

Inombolo yokubhalisa : _____
(Ukuba umfakisicelo ngumntu olilungelo)

1.3 Umhla wokuzalwa : _____ / _____ / _____
(Ukuba umfakisicelo ngumntu olilungelo)

1.4 Idilesi yokuhlala : _____
Ikhowudi yeposi : _____

1.5 Idilesi yeposi : _____
Ikhowudi yeposi: _____

1.6 Idilesi yenkonzo yazo zonke izaziso kunye namaxwebhu:

Ikhowudi yeposi: _____

1.7 Idilesi yenkonzo yazo zonke izaziso kunye namaxwebhu emva kokuba isicelo sichaziwe:

Ikhowudi yeposi: _____

1.8 Iinkcukacha zoqhagamshelwano zomfakisicelo okanye, ukuba umfakisicelo akangomntu ulilungelo, walowo woqhagamshelwano:

Iinombolo zeminxeba:
Eyeofisi : _____
Iselula : _____
Eyekhaya okanye enye : _____

1.9 Inombolo yefeksi : _____

1.10 Imeyile : _____

2. UKUFANELEKA KOMFAKISICELO

2.1	Ingaba umfakisicelo ngulowo othe—	Phawula ngo “ewe” okanye “hayi”	
(a)	kwisithuba seminyaka emihlanu (5) phambi kokufakwa kwesi sicelo, ugwetyelwe ukuvalelwa entolongweni ngaphandle kokukhetha ukuhlawula isohlwayo?	Ewe	Hayi
(b)	Ingaba, kwiminyaka emihlanu (5) phambi kokufaka esi sicelo, uye wabhengezwa njengongafanelekanga ukuba angabhaliswa nguGunyaziwe woTywala kaZwelonke okanye iphephamvume lawo nawuphi na ugunyaziwe wotywala wephondo?	Ewe	Hayi
(c)	ngothe watshona ngenxa yamatyala	Ewe	Hayi
(d)	ngumntwana?	Ewe	Hayi
(e)	Ingaba wayenephephamvume eliye lacinywa ngokwemigaqo yoMthetho okanye uMthetho olawula amaphephamvume otywala kulo naliphi na elinye iphondo kwisithuba seenyanga ezilishumi elinesibini (12) phambi kokufakwa kwesi sicelo?	Ewe	Hayi
(f)	liqabane okanye iqabane lobomi bomntu ochazwe ku (a), (b) okanye (e) ngasentla?	Ewe	Hayi
(g)	nabani na ogula ngengqondo njengoko kuchaziwe kuMthetho woNonophelo lweMpilo yeNgqondo, wama2002 (uMthetho we17 we2002)?	Ewe	Hayi
2.2	Kwimeko apho umfaki-sicelo ungengomntu uqhelekileyo: Ingaba naliphi na ilungu, umlawuli, ihlakani, umxhamli okanye umphathiswa womfaki-sicelo umntu ochazwe kumhlathi 2.1(a), (b), (c), (d) okanye (e)?	Ewe	Hayi

2.3 Ukuba nawuphi na umbuzo kumhlathi 2.1 okanye 2.2 uno “ewe” njengempendulo, nika iinkcukacha ezipheleleyo:

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

3. UMDLA WEZEMALI

3.1 Chaza igama, inombolo yesazisi kunye nedilesi yomntu ngamnye, kubandakanywa umfakisicelo, onomdla wemali kwishishini kwaye kwimeko nganye uchaze uhlobo kunye nobungakanani bomdla onjalo:

[Ukuba umfakisicelo yinkampani kawonkewonke, iziko elimiselwe ngokomthetho okanye umasibambisane njengoko kuxelwe kuMthetho weNtsebenziswano, wama2005 (uMthetho we14 we1981), kwanele ukuba kuphela igama nedilesi yeposi yaloo nkampani, iziko elimiselwe ngokomthetho okanye Abasebenzi, njengoko imeko inokuba njalo, igama lomlawuli ngamnye (ukuba likhona) kunye nohlobo nobungakanani benzuzo yemali yaloo nkampani, iziko elimiselwe ngokomthetho okanye ukopolotyeni zinikiwe hayi ngokunjalo umdla wamalungu aloo nkampani, iziko elisemthethweni okanye intsebenziswano.]

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

3.2	Ukuba umfaki-sicelo yinkampani, ukopolotyeni, intsebenziswano okanye itrasti, chaza ukuba ngaba umntu okhankanywe kumhlathi 3.1 apha ngasentla—	Phawula ngo “ewe” okanye ngo“hayi”	
(a)	onomdla wokulawula kwinkampani, kwishishini elisondeleyo okanye kwitrasti?	Ewe	Hayi
(b)	lihlahlani kwintsebenziswano?	Ewe	Hayi
(c)	ngoyena mxhamli uphambili phantsi kwetrasti?	Ewe	Hayi

3.3 Ukuba kukho nawuphi na umbuzo kumhlathi 3.2(a), (b) okanye (c) othi “ewe” njengempendulo, nika iinkcukacha ezipheleleyo:

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

4. IINKCUKACHA ZOMFAKISICELO

4.1 Chaza udidi lwephephamvume ofake isicelo kulo:

4.2 Chaza uhlobo (ii) lotywala umfaki-sicelo ajonge ukubuthengisa okanye abenze phantsi kwephephamvume:

4.3 Ishishini eliza kuqhutywa phantsi kweliphi igama? _____

4.4 Idilesi yendawo eza kunikwa iphephamvume, ngokubhekiselele kwinani leziza, isitalato, (iindawo), iiflethi, iivenkile okanye ifama, njengoko kusenokubakho, apho ishishini liya kuqhutyelwa khona:

4.5 Ingaba umfaki-sicelo ungumnikazi wesakhiwo esicetywayo esinephephamvume?

EWE /HAYI

Ukuba akunjalo, nika iinkcukacha zomnini kunye nelungelo lokuhlala komfaki-sicelo:

Igama lomnikazi : _____

Idilesi yomnikazi : _____

Ilungelo lokuhlala komfaki-sicelo:

Ixesha anelungelo lokuhlala ngalo: _____

4.6	Ingaba isicelo senziwe ngoku phathelele kwizakhiwo ezo—	Phawula ngo “ewe” okanye “hayi”
-----	---------------------------------------------------------	---------------------------------------

(a)	azikakhiwa?	Ewe	Hayi
(b)	sele zakhiwe kodwa zifuna ukongezwa okanye utshintsho ukuze zilungele iinjongo zeshishini elicetywayo?	Ewe	Hayi
(c)	sele zakhiwe kwaye, ngokombono womfaki-sicelo, akufuneki kongezwa okanye utshintsho ukuze uzenze zilungele iinjongo zeshishini elicetywayo?	Ewe	Hayi

4.7 Ukuba kukho nawuphi na umbuzo kumhlathi 4.6(a) okanye (b) othi “ewe” njengempendulo, nceda uchaze—

(a) umhla apho olo lwakhiwo, ukongeza okanye utshintsho luza kuqala khona:

_____ / _____ / 20____; kunye

(b) nexesha eliza kufuneka lolo lwakhiwo, ukongeza okanye utshintsho:

4.8 Iiyure zokurhweba ezifunwayo ngexesha obucetywayo utywala bunokuthi buthengiswe okanye buselelwe kwisakhiwo esinephephamvume:

4.9 Ukuba isicelo samkelwe, bonisa ukuba iphephamvume liza kuhlaziywa ngokuzenzekelayo **ngonyaka** okanye emva **kweminyaka emibini** (*Phawula ukuba yeyiphi efanelekileyo.*)

4.10 Imisebenzi edaliweyo:

(a) Bangaphi abantu abaza kuqeshwa lishishini?

(b) Bangaphi abantu abaza kuqeshelwa ukuphatha?

(c) Bangaphi abantu abaza kuqeshwelwa ngokukodwa ukuthengisa utywala?

**5. IINKCUKACHA ZOMFAKI-SICELO UKUBA UMFAKI-SICELO AKANGUYE
OLILUNGELO**

(Ma izaliswe ngumfaki-sicelo ukuba umfaki-sicelo yinkampani, ukopoletyeni, itrasti okanye intsebenziswano.)

5.1 Igama elibhalisiweyo: _____

5.2 Inombolo ebhalisiweyo: _____

5.3 Umhla wobhaliso: _____

(Qhoboshela ubungqina bobhaliso njengesihlomelo.)

5.4 Iinkcukacha zamalugu, abalawuli, amahlakani okanye abaphathiswa:

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

(Umntu wokuqala)

Igama elipheleleyo : _____

Idilesi yokuhlala : _____

Ikhawudi yeposi: _____

Idilesi yeposi : _____

Ikhawudi yeposi: _____

Inombolo yesazisi : _____

(Umntu wesibini)

Igama elipheleleyo : _____

Idilesi yokuhlala : _____

Ikhawudi yeposi: _____

Idilesi yeposi : _____

Ikhawudi yeposi: _____

Inombolo yesazisi : _____

6. AMANYE AMAPHEPHAMVUME

- 6.1 Nika iinkcukacha ezipheleleyo zalo naliphi na iphephamvume lotywala elikhoyo kwipropati apho indawo ecetywayo ikhona:

Umnikazi wephephamvume: _____

Uhlobo lwephephamvume: _____

Inombolo yesalathisi segunya: _____

(Indawo yezinye izakhiwo ezinephephamvume ngokunxulumene nesakhiwo esicetywayo kufuneka iboniswe kwisicwangciso sesiza..)

- 6.2 Nika iinkcukacha ezipheleleyo zawo onke amaphephamvume otywala aphethwe ngumfakisicelo kwiPhondo leNtshona Koloni, kunye neenkukacha ezipheleleyo zalo naluphi na ubhaliso olubanjwe kuGunyaziwe woTywala kaZwelonke ngokoMthetho woTywala wama2003 (uMthetho wama59 wama2003):

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

Umhla

**Utyikityo lomfakisicelo okanye umntu
ogunyaziswe ngumfaki-sicelo**

Bhala igama ngoonobumba

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.

Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini ezo zohlwayo kunye nexesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONGI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 3A

**ISAZISO SEZICELO ZAMAPHEPHAMVUME OTYWALA NGOKWECANDELO
LAMA37(1) LOMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008**

[Reg. 10(1)]

Isaziso siyanikezelwa ukuba ezi zicelo zilandelayo zamaphephamvume otywala zifakiwe kwabasemaGunyeni nakumagosa ajongene nemiba engotywala kwii-ofisi ezixeliweyo zeNkonzo yamaPolisa aseMzantsi Afrika.

Izicelo ezibandakanyekayo zinokuthi, ukuya kutsho kusuku lwama28 ukususela kumhla wokupapashwa kwesicelo, xa siceliwe kwaye simahla, zihlolwe nguye nawuphi na umntu, kwii-ofisi ezisemaGunyeni okanye zegosa elijongene nemiba engotywala elichazwe apha ngezantsi. Iikopi zesicelo zinokufunyanwa kwabasemaGunyeni emva kwentlawulo emiselweyo.

Izichaso nezichaso mazingeniswe ngokubhaliweyo kwabasemaGunyeni nakwigosa elijongene nemiba engotywala ngokungqinelana necandelo lama39 loMthetho.

UMTHETHO WOTYWALA WENTSHONA KOLONI, 2008 (UMTHETHO WESI4 WAMA2008)

IFOMU 3A

**ISAZISO SOKUFakwa KWESICeLO SEPHEPHA MVUME
NGOKWECANDELO LAMA37(1) LOMTHETHO WOTYWALA WENTSHONA KOLONI
WAMA2008**

[Reg. 10(1)]

Isaziso siyanikezelwa ukuba ezi zicelo zilandelayo zamaphepha mvume otywala zifakiwe kwabasemaGunyeni ezoTywala eNtshona Koloni (abasemaGunyeni) nakumagosa ajongene nemiba engotywala kwii-ofisi ezixeliweyo zeeNkonzo zamaPolisa aseMzantsi Afrika.

Izicelo ekubhekiselelwa kuzo zingakwazi kwiintsuku ezingamashumi amabini anesibhozo (28) ukususela ngomhla wokupapashwa kwesi sicelo, xa eceliwe kwaye simahla, ziye kuhlolwa nguye nawuphi umntu okwiOfisi esemaGunyeni okanye yegosa elijongene nemiba engotywala elixelwe apha ngezantsi. Iikopi zesicelo zingafumaneka kwabasemaGunyeni emva kwentlawulo emiselweyo.

Uchaso neengxelo ezixhasayo ezibhaliweyo zingafakwa kwabasemaGunyeni nakwigosa elijongene nemiba engotywala ngokwecandelo lama39 loMthetho.

Ino mb olo	Igama elipheleleyo lomfaki-sicelo	Igama ishishini eza kushishina phantsi kwalo	Idilesi yesakhiwo	Uhlobo lwephepha mvume olucelayo	iOfisi yeGosa elijongene nemiba engotywala yeeNkonzo zamaPolisa eMzantsi Afrika apho isicelo sifakwe khona

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 3B

ISAZISO SOKUFAKA ISICELO SEPHEPHAMVUME LOTYWALA

[Reg. 10(2)]

Isaziso siyanikezelwa ukuba isicelo sephephamvume lokuthengisa utywala, iinkcukacha ezibhalwe apha ngezantsi, sifakiwe kwaye samkelwe ngabasemaGunyeni

Isicelo esibandakanyekayo sinokuthi, ukuya kuthi ga kusuku lwamashumi amabini anesibhozo (28) ukusukela kumhla wokupapashwa kwesicelo, xa siceliwe kwaye simahla, sihlolwe nguye nawuphi na umntu kwii-ofisi ezisemaGunyeni nakwigosa elijongene nemiba engotywala. Iikopi zesicelo zinokufunyanwa kwabasemaGunyeni emva kwentlawulo emiselweyo.

Ngokwecandelo lama39 ungafaka inkcaso okanye iinkcaso malunga okanye usichase eso sicelo. Ukuba unqwenela ukwenza njalo, izichaso okanye izichaso mazingeniswe, ngokubhaliweyo, kwabasemaGunyeni nakwiofisi yegosa elijongene nemiba engotywala.

Umhla wesaziso: _____

(Lo mhla kufuneka ungqamane nomhla wokufakwa kwesicelo)

Igama elipheleleyo lomfaki-sicelo: _____

Inombolo yesazisi okanye inombolo yobhaliso yomfaki-sicelo: _____

Idilesi yesitalato somfaki-sicelo: _____

Idilesi yeposi yomfaki-sicelo:

Ikhawudi yeposi: _____

Uhlobo lwephephamvume ekufakwa isicelo ngalo: _____

Iintlobo zotywala eziza kuveliswa kunye/okanye kuthengiswa: _____

Igama eliza kuqhutywa phantsi kwalo ishishini: _____

Idilesi yendawo eza kunikwa iphephamvume, ngokubhekiselele kwinani lesiza, isitalato, (iindawo), iiflethi, iivenkile okanye ifama apho ishishini liya kuqhutyelwa khona, njengoko kunokuba njalo:

Igama notyikityo lomntu olungiselelele esi sicelo:

Igama : _____

Utyikityo : _____

Idilesi yeposi: _____

Idilesi yokuhlala: _____

Inombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Inombolo yefeksi : _____

Imeyile : _____

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.

Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 3C

UKWALIWA KOKUFAKWA KWESICELO NGOKWECANDELO LAMA36(1A)(b)

[Reg. 9A(2)]

INOMBOLO YESALATHISI:

IGAMA:

IDILESI:

Uyaziswa ngokwemiqathango yecandelo lama36(1A)(b) loMthetho ukuba ukufakwa kwesicelo sakho sephephamvume lokuthengisa utywala kwaliwe ngenxa yezi zizathu zilandelayo;

-
-
-
-

Fumana izicelo ezifakwe apha kunye namaxwebhu afakwe ngokunxulumene noko ngabasemaGunyeni. Unelungelo lokufaka isicelo sakho kwakhona ngokungqinelana nomgaqo we9(2) emva kokuba uye wayiqwalasela yonke le miba engekahlawulwa idweliswe ngasentla.

Ikhutshwe e _____ ngolu _____ usuku _____ 20__

Unobhala

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 3D

UKWAMKELWA KOKUFAKWA KWESICELO NGOKWECANDELO LAMA36(1A)(a)

[Reg. 9A(2)]

INOMBOLO YESALATHISO: IGAMA: IDILESI:	IGOSA LOTYWALA ELALATHIWEYO
------------------------------------------------------------------	------------------------------------

Uyaziswa ngokwemiqathango yecandelo lama36(1C)(a) loMthetho ukuba ukufakwa kwesicelo sakho sephephamvume lokuthengisa utywala kwamkelekile. Kufuneka ufake isicelo kwigosa elijongene nemiba engotywala njengoko kubonisiwe apha ngasentla kwiintsuku ezili14 ukususela kumhla wesi saziso.

Kufunwa ngokomgaqo we9A(4) ukuba, phakathi kweentsuku ezili14 ukususela kumhla wesi saziso:

- (a) uhlawule kwabasemaGunyeni umrhumo wesicelo esimiselweyo isixamali esi R...;
- (b) ungenise ubungqina bentlawulo yomrhumo omiselweyo kunye nokungenisa kwigosa elijongene nemiba engotywala kwabasemaGunyeni.

Ukungaphumeleli ukuthobela umgaqo 9A(4) kungakhokelela ekubeni ukufakwa kwesicelo sakho kuthathwe njengokwaliwe ngokwecandelo lama36(1A) (b).

Ikhutshwe e _____ ngolu _____ usuku _____ 20__

Unobhala _____

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 3E

ISAZISO NGOKOMGAQO WE9A(5)(a)

[Reg. 9A(5)(a)]

<p>INOMBOLO YESALATHISO: IGAMA: IDILESI:</p>	<p>IGOSA LOTYWALA ELALATHIWEYO</p>
---------------------------------------------------------------------------	-------------------------------------------

Uyaziswa ngokomgaqo we9A(5)(a) ukuba:

- (a) ubungqina bentlawulo yomrhumo wesicelo esinokusetyenziswa; kunye
- (b) ubungqina bokufakwa kwesicelo sakho sephephamvume lokuthengisa utywala kwigosa elijongene nemiba engotywala elichazwe ngasentla, bufunyenwe liGunya.

Kufuneka ngokomgaqo we10(2) ubonise isaziso ekubhekiswa kuso kwicandelo lama37(2) loMthetho.

Kufuneka ungenise ubungqina besaziso ekubhekiswa kuso kwicandelo lama37(2) kwabasemaGunya kwiintsuku ezisi7 zomhla wesi saziso.

Ikhutshwe e _____ ngolu _____ usuku _____ 20__

Unobhala

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 3F

ISAZISO NGOKWECANDELO LAMA36(1C)(e)

[Reg. 9A(5)(b)]

<p>INOMBOLO YESALATHISO: IGAMA: IDILESI:</p>	<p>IGOSA LOTYWALA ELALATHIWEYO</p>
---------------------------------------------------------------------------	-------------------------------------------

Uyaziswa ngokwemiqathango yecandelo lama36(1C)(e) loMthetho ukuba ngenxa yokusilela kwakho ukungenisa oku kulandelayo kwabasemaGunyeni ngokungqinelana nomgaqo we9A(4)(a) ukufakwa kwesicelo sakho kubonakala sinokwaliwa:

- ubungqina bentlawulo yomrhumo wesicelo esinokusetyenziswa; kunye
- nobungqina bokuba ikopi yesicelo sephephamvume lotywala safakwa kunye negosa lotywala elalathiweyo elichazwe apha ngentla.

Fumana isicelo esivalelweyo kunye namaxwebhu afakwe ngokunxulumene noko ngabasemaGunyeni. Unelungelo lokuphinda ufake isicelo sakho ngokuhambelana nomgaqo we9(2).

Ikhutshwe e _____ ngolu _____ usuku _____ 20__

Unobhala

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4 WAMA2008)

IFOMU 4A

ISAZISO XA SIKHONA ENTLANGANISWENIO YENKUNDLA YAMATYALA EPHEPHAMVUME OTYWALA NGOKWECANDELO LAMA23(2)

[Reg. 16(1)]

IYA: Igama: _____
Idilesi: _____

Ngenxa yamagunya anikwe iGosa eloNgameleyo ngokwecandelo lama23(2) loMthetho nangenxa yokuba unokuchaphazeleka kakubi xa kuqwalaselwe umba othile sisiGqeba seLayisenisi yoTywala, uya kwaziswa ukuba ubekho apho intlanganiso yeNkundla yamaTyala yeMvume yoTywala enxulumene nesicelo okanye ilayisenisi enezi nkcukacha zilandelayo:

Igama nedilesi yesakhiwo: _____

Igama lomfaki-sicelo/umnikazi wephephamvume: _____

Inombolo yesalathiso seGunya: _____

Intlanganiso iya kubanjwa ngomhla, ixesha kunye nendawo njengoko kubonisiwe ngezantsi:

Umhla: _____ / _____ /20_____

Ixesha: _____

Indawo: _____

Nceda qaphela oku kulandelayo:

- (i) Kubalulekile ukuba ubonakale emntwini. Ungatyumba ummeli, igqwetha okanye nawuphi na omnye umntu oza kuvela egameni lakho.
- (ii) IGosa eloNgameleyo lisenokufuna kuwe ukuba unike ubungqina okanye uvelise naluphi na uxwebhu okanye nayiphi na enye into ekuwe okanye elugcinweni lwakho okanye ephantsi kolawulo lwakho.

Ikhutswe e _____ ngolu _____ usuku _____ 20__

Unobhala

ISETYENZISWA NGABASEMTHETHWENI KUPHELA

Ndiyaqinisekisa ukuba ndisifakile esi saziso kumntu okhankanywe kwisaziso ngoku —

(a) hambisa ikopi yokwenyani ku _____ NGOKOBUQU

OKANYE

(b) hambisa ikopi yokwenyani ku _____,
ngaphezulu kweminyaka eli16 kwaye kubonakala ukuba uhlala okanye uqeshwe endaweni
INDAWO YOKUHLALA/ INGQESHO/ISHISHINI kwezichaziweyo

_____ kuba akazange afumaneke

_____.

Ubume kunye nokungxamiseka kwesi saziso kuye kwacaciswa kumamkeli.

Ixesha lenkonzo:

Ixesha: _____ Usuku: _____ Inyanga: _____ 20 _____

Utyikityo lwepolisa okanye umhloli

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 4B

IISAMONI NGOKWECANDELO LAMA23(5)

[Reg. 16(1)]

IYA:

Igama: _____

Idilesi: _____

Ngamandla anikwe iGosa eloNgameleyo ngokwecandelo lama23(5) loMthetho, uyabizwa ukuba ubekho kwaye unike ubungqina okanye uvelise amaxwebhu okanye nantoni na eboniswe kwisiHlomelo_____ apha entlanganisweni yeNkundla yamaTyala yeMvume yoTywala enxulumene ne kwisicelo okanye kwiphephamvume eneenkcukacha ezilandelayo:

Igama lesakhiwo : _____

Idilesi lesakhiwo : _____

Igama lomfaki-sicelo/umnikazi wephephamvume: _____

Isalathiso segunya : _____

Intlanganiso izakubanjwa ngomhla nexesha nasendaweni eyalathwe apha ngezantsi:

Umhla: _____

Ixesha: _____

Indawo: _____

- (i) **Nceda uqaphele ukuba kululwaphulomthetho ngokwemigaqo yecandelo lama23(13) loMthetho ukungayi kwintlanganiso yesiGqeba sePhephamvume yoTywala emva kokubizwa.**

- (ii) IGosa eloNgameleyo lisenokufuna kuwe ukuba unike ubungqina okanye uvelise naluphi na uxwebhu okanye nayiphi na into onayo okanye elugcinweni lwakho okanye ephantsi kolawulo lwakho.
- (iii) amangqina anelungelo lokuzisa ummeli entlanganisweni ukuze avele egameni lawo.

Ikhutshwe e _____ ngolu _____ usuku _____ 20_____

Utyikityo likaNobhala

ISETYENZISWA NGABASEMTHETHWENI KUPHELA

Ndiyaqinisekisa ukuba ndiyinike le samoni kumntu okhankanywe kwisamani ngoku —

- (a) hambisa ikopi yokwenyani ku _____ NGOKOBUQU
OKANYE
- (b) hambisa ikopi yokwenyani ku _____, ngaphezulu
kweminyaka eli16 kwaye kubonakala ukuba uhlala okanye uqeshwe kwindawo YOKUHLALA
/ YENGGQESHO/YESHISHINI echaziweyo _____, kuba akazange
afumaneke _____

Ubume kunye nokungxamiseka kwesi saziyo kuye kwacaciswa kumamkeli waso.

Ixesha: _____ Usuku: _____ Inyanga: _____ 20_____

Utyikityo lwepolisa okanye lomhloli

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4 WAMA2008)

IFOMU 5A

ISAZISO SOKUNIKEZELWA KWEPHEPHAMVUME NGOKWEMIQATHANGO

YOMGAQO WE17(2)

[Reg. 17(2)]

IGAMA LOMFAKI-SICELO:

IGAMA LESHISHINI ELICETYWAYO ELINEPHEPHAMVUME: _____

IDILESI YESHISHINI ELICETYWAYO ELINEPHEPHAMVUME: _____

INOMBOLO YESALATHISO SEGUNYA: _____

Isicelo se _____ phephamvume sibhekisa.

Nceda uqaphele ukuba i _____ iphephamvume linikezelwe ngokwemiqathango kwaye iphephamvume liza kukhutshwa ngokothotyelo nale miqathango ilandelayo:

Nceda uqaphele oku kulandelayo:

- (a) Le miqathango ingentla kufuneka ihambelane ne _____ ukusuka kumhla wesi saziso okanye ngo okanye phambi kolu ___ usuku _____ 20_____.
- (b) Isicelo singenziwa kwiNkundla yamaTyala yeMvume yoTywala ngokwemiqathango yecandelo lama42(4) ngendlela yeFomu5B ukuba ilungise okanye irhoxise imiqathango apho iphephamvume belinikezelwe phantsi kwemiqathango.
- (c) Isicelo singenziwa kwiGosa eLongameleyo leNkundla yamaTyala yeMvume yoTywala ngendlela yeFomu5B yokwandisa ixesha lonikezelo olunemiqathango ngokwemiqathango yecandelo 42(5)(a) okanye lamkele isilungiso kwisicwangciso saloo ndawo ikwindawo ohlala kuyo ngokwemiqathango yecandelo lama42(5)(b).
- (d) Ukuba umfaki-sicelo uyasilela ukuthobela le miqathango ikhankanywe ngasentla kwixesha elimiselweyo ngexesha lonikezelo olunemiqathango okanye kwixesha elongeziweyo ngokwemiqathango yecandelo lama42(5)(a), ukunikezelwa kwephephamvume kuza kuphelelwa kwaye iphephamvume liza kuphelelwa. kuthatyathwe njengokuba khange linikezelwe.

*IGosa eliyiNtloko lesiGqeba soLawulo loTywala eNtshona Koloni
okanye umntu osebenza phantsi kwegunya elinikezelwe liGosa eliyiNtloko lesiGqeba sokuLawula*

Umhla: _____

**QAPHELA UKUBA OKUNIKEZELWA KWEPHEPHAMVUME EMTHETHWENI
AKUKHO IMVUME YOKURHWEBE NGAPHANDLE KWEPHEPHAMVUME
LOKUTHENGISA UTYWALA ELISEBENZAYO ELIKHUTSHWE NGOKOMTHETHO
WENTSHONA KOLONI WOTYWALA WAMA2008.**

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4 WAMA2008)

IFOMU 5B

ISICELO—

- A – NGOKWECANDELO42(4) UKULUNGISELELA OKANYE UKURHOXISWA KWEMIQATHANGO EBEBIWE NGOKWECANDELO LAMA42(1);**
- B – NGOKWECANDELO LAMA42(5)(B) LOLUNGISELELO LWESICWANGCISO SENDAWO; OKANYE**
- C – NGOKWECANDELO LAMA42(5) (a) UKONGEZWA KWEXESHA.**

[Reg. 17(8) and (18)]

EYOQOBO IZA KUFAKWA KWIGUNYA IZE IKOPI ENYE KWIGOSA LOTYWALA ELALATHIWEYO

ISALATHISO SEGUNYA: _____

ISICELO: _____

IZAKHIWO: _____

ISICELO:

A	B	C
----------	----------	----------

(Chaza ukuba sesiphi isicelo.)

ISALATHISO

Inkcazelo yamaxwebhu amakaqhotyoshelwe	Isihlomelo
Isicwangciso esilungisiweyo sezakhiwo (ukuba kuyimfuneko)	A
Iinkcazelo ezibhaliweyo exhasa isicelo	B
Ubungqinga bentlawulo	C

Igama, utyikityo neenkukacha zoqhagamshelwano zomntu olungiselele esi sicelo:

Igama : _____

Utyikityo : _____

Idilesi yeposi : _____

Ikhawudi yeposi : _____

Idilesi yokuhlala : _____
 : _____
 Ikhowudi yeposi : _____
 Inombolo zeminxeba:
 Eyeofisi : _____
 Iselula : _____
 Eyasekhaya okanye enye: _____
 Inombolo yefeksi : _____
 Imeyile : _____

Umhla

**Utyikityo lomfaki-sicelo okanye umntu
 ogunyaziswe ngumfaki-sicelo**

Bhala igama ngoonobumba

**Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.
 Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvallelwa entolongweni.**

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 5C

ISAZISO NGESIGQIBO NGOMGAQO WE17(17) OKANYE WAMA(22)

[Reg. 17(17) okanye we17(22)]

IGAMA LOMFAKI-SICELO: _____

IGAMA LESHISHINI ELICETYWAYO LEPHEPHAMVUME: _____

IDILESI YEZAKHIWO: _____

INOMBOLO YESALATHISO SEGUNYA: _____

Nceda uqaphele ukuba isicelo ngokwemiqathango ye—

- A** candelo lama42(4) ukulungisa okanye ukurhoxisa imiqathango;
- B** candelo lama42(5)(b) ukulungisa isicwangciso sezakhiwo; okanye
- C** icandelo lama42(5)(a) ukwandisa ixesha,
 - (a) **sinikwe imvume** kuxhomekeke kwimiqathango eqhotyoshelweyo; okanye
 - (b) **saliwe.**

*IGosa eliyiNtloko lesiGqeba soLawulo loTywala eNtshona Koloni okanye umntu osebenza phantsi
kwegunya elinikezelwe liGosa eliyiNtloko lesiGqeba sokuLawula*

Umhla: _____

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 5D

**ISAZISO SOKURHOXISWA NGOKWECANDELO LAMA42(4A) LOKUNIKEZELWA
KWEPHEPHAMVUME NGOKWEMIQATHANGO**

[Reg. 17(28)]

IGAMA LOMFAKI-SICELO: _____

IGAMA LESHISHINI ELICETYWAYO LEPHEPHAMVUME: _____

IDILESI YEZAKHIWO: _____

INOMBOLO YESALATHISO SEGUNYA: _____

Nceda uqaphele ukuba iNkundla yamaTyala yamaPhephamvume oTywala:

- (a) ngokwemiqathango yecandelo lama42(4A) igqibe ekubeni irhoxise ukunikezela okunemiqathango kwephephamvume ebethe lanikezelwa ngokwecandelo lama42(1); okanye
- (b) igqibe ekubeni ingakurhoxisi ukunikezelwa kwephephamvume ebelithe lanikezelwa ngokwemiqathango yecandelo lama42(1).

Unelungelo ngokwecandelo lama68 loMthetho lokubhena okanye lokufaka isicelo sokuphononongwa kwaso nasiphi na isigqibo seNkundla yamaTyala eMvume yoTywala.

*IGosa eliyiNtloko lesiGqeba soLawulo loTywala eNtshona Koloni okanye umntu osebenza phantsi
kwegunya elinikezelwe liGosa eliyiNtloko lesiGqeba sokuLawula*

Umhla: _____

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 5E

ISAZISO NGOKOMQATHANGO WOMGAQO WE17(25)

[Reg. 17(25)]

IGAMA LOMFAKI-SICELO: _____

IGAMA LESHISHINI ELICETYWAYO LEPHEPHAMVUME: _____

IDILESI YEZAKHIWO: _____

INOMBOLO YESALATHISO SEGUNYA: _____

Isidlo esathi sanikezelwa ngokwemiqathango ngo _____ kubhekisele.

Iinyaniso ezibambekayo apho iNkundla yamaTyala yamaPhephamvume yoTywala ibingazi nto ngexesha apho iphephamvume belinikezelwe phantsi kwemiqathango iye yafakwa kwabasemaGunyeni ngo_____. IGosa eliLawulayo eliyiNtloko lithumele ezi nyaniso zibambekayo kwiNkundla yamaTyala yamaPhephamvume ooTywala ngokomgaqo we17(24).

IsiGqeba seLayisenisi yoTywala siya kuthathela ingqalelo izinto ezibambekayo kwaye ukuba sanelisekile ukuba, ukuba besinolwazi ngezo nyaniso ngelo xesha sivunyiweyo isicelo besingayi kunikwa ilayisenisi ngokwemiqathango, sisenokukurhoxisa ukunikwa kwephephamvume ngokwemiqathango yecandelo lama42(4A) loMthetho

Unelungelo lokuba nommeli kungaqithanga _____.

Izinto eziphathekayo ezikhankanywe ngasentla ziqhotyoshelwe apha.

Ukuba iNkundla yamaTyala yeMvume yoTywala emva kokuthathela ingqalelo izinto ezibambekayo ezincanyathiselweyo yenza isigqibo sokulurhoxisa unikezelo olunemiqathango ngokwecandelo lama42(4A), unelungelo ngokwecandelo lama68 lokubhena okanye lokufaka isicelo sokuqwalaselwa ngokutsha kweso sigqibo.

IGosa eliyiNtloko lesiGqeba soLawulo loTywala eNtshona Koloni okanye umntu osebenza phantsi kwegunya elinikezelwe liGosa eliyiNtloko lesiGqeba sokuLawula

Umhla: _____

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 6A

ISAZISO SOKUNIKWA KWEPHEPHAMVUME

[Reg. 18(2)]

IGAMA LOMFAKI-SICELO: _____

IGAMA LESHISHINI ELICETYWAYO LEPHEPHAMVUME: _____

IDILESI YESHISHINI ELICETYWAYO LEPHEPHAMVUME: _____

INOMBOLO YESALATHISO SEGUNYA: _____

Isicelo se _____ sibhekisa kwiphephamvume.

Nceda qaphela ukuba i _____
phephamvume liza kukhutshwa xa kuthe kwahlawulwa umrhumo ekubhekiswa kuwo kwicandelo
lama46(2) kwiintsuku ezingamashumi amathandathu (60) zokukhutshwa kwesi saziso, ukusilela
koko, ngokwecandelo lama46(6), ukunikezelwa kwesicelo kuzakumiswa.

Ukuba umrhumo awuhlawulwanga kwixesha elichazwe ngasentla, unokufaka isicelo ngokwemiqathango
yecandelo lama46(6) ngokubhalela iGosa eliyiNtloko lesiGqeba sokuLawula ukuze uxolise ukusilela
ekuhlawuleni umrhumo.

Ukuba iGosa eliLawulayo eliyiNtloko liyakuvumela ukusilela ekuhlawuleni umrhumo, umrhumo kufuneka
uhlawulwe ngomhla obekwe liGosa eliLawulayo eliyiNtloko kunye nesohlwayo se100% saloo mrhumo.

*Igosa eliyiNtloko lesiGqeba soLawulo loTywala eNtshona Koloni okanye umntu osebenza phantsi
kwegunya elinikezelwe liGosa eliyiNtloko lesiGqeba sokuLawula*

Umhla: _____

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 6B

**ISAZISO NGOKOMGAQO WE17(4) SOKUBA IMIQATHANGO YOKUNIKEZELWA
KWEPHEPHAMVUME NGOMQATHANGO KUHAMBELANA**

[Reg. 17(4)]

IGAMA LOMFAKI-SICELO: _____

IGAMA LESHISHINI ELICETYWAYO LEPHEPHAMVUME: _____

IDILESI YESHISHINI ELICETYWAYO LEPHEPHAMVUME: _____

INOMBOLO YESALATHISO SEGUNYA: _____

Isicelo se _____ phephamvume kubhekisa.

Nceda uqaphele ukuba iGosa eloNgameleyo lanelisekile ukuba umfaki-sicelo uye wayithobela imiqathango ebekwe sisiGqeba sePhephamvume loTywala ngomhla wa _____ kwaye iphephamvume elisebenzayo liya kukhutshwa xa kuhlawulwe umrhumo okhankanywe kwicandelo lama46(2) phakathi kweentsuku ezingamashumi amathandathu lama(60) ekukhutshweni kwesi sazi, ukuba asiphumelelanga, ukuvunywa kwesicelo kuya kuphelelwa.

Ukuba umrhumo awuhlawulwanga kwixesha elichazwe ngasentla, unokufaka isicelo ngokubhaliweyo kwiGosa eliyiNtloko lesiGqeba sokuLawula ukuze uxolelwe ngokusilela ukuhlawula umrhumo ngokwecandelo lama46(6).

Ukuba iGosa eliLawulayo eliyiNtloko liyakuvumela ukusilela, umrhumo kufuneka uhlawulwe ngomhla obekwe liGosa eliyiNtloko lesiGqeba esiLawulayo kunye nesohlwayo se100% saloo mrhumo.

*IGosa eliyiNtloko lesiGqeba soLawulo loTywala eNtshona Koloni okanye umntu osebenza phantsi
kwegunya elinikezelwe liGosa eliyiNtloko lesiGqeba sokuLawula*

Umhla: _____

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4 WAMA2008)

IFOMU 6C

ISICELO SOKUKHUSELA UKUHLAWULA IMALI OMISELWEYO NGOKWECANDELO LAMA46(6)

[Reg. 18(3A)]

UQOBO LWAYO KUFUNEKA LUFAKWE KWIGUNYA

INOMBOLO YESALATHISO SEGUNYA _____

Igama, utyikityo neenkukacha zoqhagamshelwano zomntu olungiselele esi sicelo:

Igama : _____

Utyikityo : _____

Idilesi yeposi : _____

Ikhawudi yeposi : _____

Idilesi yokuhlala : _____

Ikhawudi : _____

Iinombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

Inombolo yefeksi : _____

Imeyile : _____

IINKCUKACHA ZOMFAKI-SICELO

1. Igama elipheleleyo lomfaki-sicelo: _____
2. Iinkcazelo ezibhaliweyo ezixhasa esi sicelo: _____

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

Umhla

**Utyikityo lomfaki-sicelo okanye umntu
ogunyaziswe ngumfaki-sicelo**

Bhala igama ngoonobumba

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.

Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU YESI7

IPHEPHAMVUME LOTYWALA

[Reg. 17(6) okanye 18(4)]

INOMBOLO YESALATHISO SEGUNYA

_____ (Umnikazi
wephephamvume)

Inikwe iphephamvume lokuvelisa kunye/okanye ukuthengisa _____

_____ (Dwelisa iintlobo
zotywala.) kunye nokuqhuba ishishini elinephephamvume phantsi kwegama le:

_____ (Fakela igama
lokurhweba.)

kwizakhiwo ezinelayisenisi (isicwangciso esithe sangeniswa kunye nesicelo okanye nasiphi na
esinye isicwangciso saso esithe samkelwa emva koko sisiGqeba sePhephamvume soTywala,
kunye nekopi yeso sincamathele kunye nesiHlomelo“A”) sime apha. _____

_____ (Fakela idilesi yokuhlala yesakhiwo esinephephamvume.)

kumasipala we _____ shishini elinje ngokuhambelana
nezibonelelo zoMthetho kunye nemiqathango, umiselo, iimvume, ulwamkelo okanye amagunya
akhutshwe nale layisenisi kwaye iqhotyoshelwe apha

_____ IGosa eliyiNtloko lesiGqeba soLawulo loTywala eNtshona Koloni okanye umntu osebenza phantsi
kwegunya elinikezelwe liGosa eliyiNtloko lesiGqeba sokuLawula

Umhla: _____

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 7A

IPHEPHAMVUME LOTYWALA ELIFINYEZIWEYO

INOMBOLO YESALATHISO SEGUNYA

UMNINI PHEPHAMVUME:

UDIDI LWEPHEPHAMVUME:

IDILESI YEZAKHIWE EZINEPHEPHAMVUME:

IGAMA LESHISHINI ELINEPHEPHAMVUME:

(faka igama lokurhweba)

IZINZE KUMASIPALA WASE:

*IGosa eliyiNtloko lesiGqeba soLawulo loTywala eNtshona Koloni okanye umntu osebenza phantsi
kwegunya elinikezelwe liGosa eliyiNtloko lesiGqeba sokuLawula*

Umhla: _____

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 8

**ISICELO SEPHEPHAMVUME LOTYWALA LETHUTYANA NGOKWECANDELO
LAMA48(1)**

[Reg. 19(2)(a)(ii)]

UQOBO KUFUNEKA LUFAKWE KWABASEMAGUNYENI, ENYE IKOPI IFAKWE
KWIGOSA ELALATHWE NGOKUFANELEKILEYO LOTYWALA IZE ENYE IKOPI IFAKWE
KUMASIPALA APHO ULAWULO LWEZAKHIWO LUZINZE KHONA

INOMBOLO YESALATHISO SEGUNYA: _____

Isitampu somhla seGunya ekufunyanweni kwesicelo	Isitampu somhla segosa elijongene nemiba engotywala ekufunyanweni kwesicelo
Isitampu somhla sikamasipala ofanelekileyo ekufunyanweni kwesicelo	

ISALATHISO

Inkcazelo yamaxwebhu amakaqotyoshelwe	Isihlomelo
Isicwangciso esibanzi somgangatho wezakhiwo ezicetywayo ezinephephamvume	A
Isicwangciso sesiza	B
Imephu yokujonga emoyeni	C
Iifoto zemibala enesalathiso	D
Inkcazelo yezakhiwo	E
Inkcazelo ezibhaliweyo ezixhasa isicelo	F
Ubungqina bentlawulo yomrhumo ofanelekileyo wesicelo	G

Inkcazelo yamaxwebhu amakaqotyoshelwe	Isihlomelo
Ikopi eqinisekisiweyo yekhadi lesazisi okanye uxwebhu, okanye incwadana yokundwendwela kunye nevisa okanye imvume yokuhlala ngokusisigxina yomfaki-sicelo ukuba umfaki-sicelo ungumphambukeli okanye, kwimeko yomfaki-sicelo ongenguye umntu wendalo, iikopi zamaxwebhu afanelekileyo obhaliso abonisa ukuba isazisi kunye, apho kufanelekileyo, umdla wemali wawo onke amalungu, abalawuli, amahlakani, abaxhamli okanye abaphathiswa	H
Amanye amaxwebhu afunekayo kuMthetho okanye afunwa liGunya	I
Ingxelo efungelweyo eyenziwe ngumfaki-sicelo yokuba akathintelwanga ngokwecandelo lama35 ekubeni nephephamvume lokuthengisa utywala	J
Ubungqina belungelo lokuhlala kwixesha elifakelwe isicelo	K
Ubungqina bobunini bezakhiwo ezicetywayo ezinephephamvume okanye, ukuba umfaki-sicelo akangomnini, imvume ebhaliweyo evela kumnini wendawo enephephamvume ecetywayo ukuba umfaki-sicelo angasebenzisa indawo ecetywayo enephephamvume ngeenjongo zephephamvume afake isicelo kulo	L
Isaziso sokuqeshwa komphathi okanye abaphathi ngokungqinelana nomgaqo wama22, ukuba uyasebenza	M

Igama, utyikityo neenkukacha zoqhagamshelwano lomntu olungiselele esi sicelo:

Igama : _____

Utyikityo : _____

Idilesi yeposi : _____

Ikhawudi yeposi : _____

Idilesi yokuhlala : _____

Ikhawudi yeposi : _____

Iinombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

Inombolo yefeksi : _____

Imeyile : _____

1. IINKCUKACHA ZOMFAKISICELO

1.1 Igama elipheleleyo : _____

1.2 Idilesi yokuhlala : _____

Ikhowudi yeposi: _____

1.3 Idilesi yeposi : _____

Ikhowudi yeposi: _____

1.4 Inombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

1.5 Inombolo yefeksi : _____

1.6 Imeyile : _____

1.7 Idilesi yenkonzo yazo zonke izaziso namaxwebhu:

Ikhowudi yeposi: _____

1.8 Idilesi yenkonzo yazo zonke izaziso namaxwebhu emva kokuba isicelo simiselwe:

Ikhowudi yeposi: _____

1.9 Iinkcukacha zoqhagamshelwano zomnini wephephamvume okanye, ukuba umfaki-sicelo akanguye owenza isicelo, iinkcukacha ezipheleleyo zomntu woqhagamshelwano:

1.10 Iinombolo zeminxeba:

Eyefisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

2. IINKCUKACHA ZESHISHINI ELINEPHEPHAMVUME

2.1 Udidi lwephephamvume: *(Phawula iphephamvume elifanelekileyo ngokufaka uX.)*

Iphephamvume ngokwemiqathango yecandelo lama33(1)(a)	
Iphephamvume ngokwemiqathango yecandelo lama33(1)(b)	
Iphephamvume ngokwemiqathango yecandelo lama33(1)(c)	
Iphephamvume ngokwemiqathango yecandelo lama33(1)(d)	

2.2 Iintlobo zotywala obunokuthi buthengiswe phantsi kwephephamvume: _____

2.3 Igama eliza kuqhutywa phantsi kwalo ishishini elinephephamvume: _____

2.4 Inombolo yesiza nedilesi yesakhiwo esinephephamvume: _____

2.5 Indawo umasipala azinzise kuyo isakhiwo esinephephamvume: _____

2.6 Inombolo yephephamvume:

3. IINKCUKACHA ZOMFAKISICELO

3.1 Chaza izizathu zesicelo kunye nohlobo lwesiganeko (ukuba kunokusetyenziswa) malunga nephephamvume lotywala lexeshana elifunekayo: _____

3.2 Iinkcukacha zezakhiwo apho ishishini liza kuqhutyelwa khona:

Inombolo yesiza: _____

Idilesi : _____

3.3 Indawo kamasipala apho ishishini liza kuqhutyelwa khona: _____

3.4 Igama eliza kuqhutywa phantsi kwalo ishishini: _____

3.5 Chaza indawo okanye iindawo kwizakhiwo apho utywala buza kuthengiswa khona:

3.6 Iiyure zokurhweba kunye nemihla ekufunwa ngayo utywala obunokuthi buthengiswe okanye buselelwe kwizakhiwo enephephamvume:

3.7 Ingaba umfaki-sicelo unalo ilungelo lokuhlala kwisakhiwo esicetywayo?

(Phawula ngo “ewe” okanye “hayi”.) **EWE / HAYI**

Ukuba ngu “ewe”, nika iinkcukacha zomnini nelungelo lokuhlala lomfaki-sicelo:

(a) Igama lomnini: _____

(b) Idilesi yomnini: _____

(c) Inkcazelo yelungelo lokuhlala komfaki-sicelo: _____

(d) Ubude belungelo lokuhlala: _____

(e) Ingaba umfaki-sicelo unalo ilungelo lokuthengisa utywala kwisakhiwo esichaziweyo?

3.8 Ingaba umfaki-sicelo ngaphambili ukhe wafumana iphephamvume lotywala lexeshana kunyaka omiyo? (Phawula ngo “ewe” okanye “hayi”.) **EWE / HAYI**

Ukuba ngu-ewe, chaza—

(a) inombolo yephephamvume lexeshana olinikiweyo kulo nyaka: _____

(b) lilonke inani leentsuku ekunikezelwe ngazo amaphephamvume ethutyana kulo nyaka:

4. AMANYE AMAPHEPHAMVUME

Nika iinkcukacha ezipheleleyo zawo nawaphina amaphephamvume otywala akhoyo kwisakhiwo esicetywayo:

Umnini wephephamvume: _____

Uhlobo lwephephamvume:

Inombolo yesalathiso segunya: _____

(Indawo yamanye amapephamvume ngokunxulumene nesakhiwo esicetywayo kufuneka iboniswe kwisicwangciso sesiza.)

5. UMDLA WEZEMALI

Chaza igama, inombolo yesazisi kunye nedilesi yomntu ngamnye, kubandakanywa umfakisicelo, onomdla kwezemali kwishishini eliza kuqhutywa ngokwesi sicelo, kwaye kwimeko nganye uchaze uhlobo nobungakanani bomdla onjalo.

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

Umhla

**Utyikityo lomfaki-sicelo okanye umntu
ogunyaziswe ngumfaki-sicelo**

Bhala igama ngoonobumba

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.

Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU YE9

**ISICELO SEPHEPHAMVUME LOMSITHO WOTYWALA NGOKWEMIQATHANGO
YECANDELO LAMA48(4)**

[Reg. 19(2)(b)(ii)]

UQOBO KUFUNEKA LUFAKWE KWABASEMAGUNYENI, ENYE IKOPI IFAKWE KWIGOSA
ELALATHWE NGOKUFANELEKILEYO LOTYWALA IZE ENYE IKOPI IFAKWE
KUMASIPALA APHO ULAWULO LWEZAKHIWO LUZINZE KHONA

Isitampu somhla weGunya kufunyanweni kwesicelo	Isitampu somhla wegosa lotywala elalathiweyo kufunyanweni kwesicelo
Isitampu somhla sikamasipala ofanelekileyo ekufunyanweni kwesicelo	

INOMBOLO YESALATHISI SEGUNYA: _____

ISALATHISO

Inkcazelo yamaxwebhu amakaqhotyoshelwe	Isihlomelo
Isicwangciso esibanzi somgangatho wesakhiwo	A
Isicwangciso sesiza	B
Imephu yokujonga umoya	C
Iifoto zemibala enesalathiso	D
Iinkcazelo zesakhiwo	E

Inkcazelo yamaxwebhu amakaqhotyoshelwe	Isihlomelo
Iinkcazelo ezibhaliweyo ezixhasa isicelo	F
Ubungqina bentlawulo yomrhumo ofanelekileyo wesicelo	G
Ikopi eqinisekisiweyo yekhadi lesazisi okanye uxwebhu, okanye incwadana yokundwendwela kunye nevisa okanye imvume yokuhlala ngokusisigxina yomfaki-sicelo ukuba umfaki-sicelo ungowasemzini, okanye, kwimeko yomfaki-sicelo ngaphandle komntu wendalo, ikopi zamaxwebhu afanelekileyo obhaliso, ebonisa ubuni kunye, apho kufanelekileyo, umdla wemali wawo onke amalungu, abalawuli, amahlakani, abaxhamli okanye abaphathiswa.	H
Amanye amaxwebhu afunwa nguMthetho okanye afunwa liGunya	I
Ingxelo efungelweyo eyenziwe ngumfaki-sicelo yokuba akathintelwanga ngokwecandelo lama35 ekubeni nephephamvume lokuthengisa utywala.	J
Ubungqina bobunini bezakhiwo ezicetywayo ezinephephamvume okanye, ukuba umfaki-sicelo akangomnini, imvume ebhaliweyo evela kumnini wendawo enephephamvume ecetywayo ukuba umfaki-sicelo angasebenzisa indawo ecetywayo enephephamvume ngeenjongo zephephamvume afake isicelo kulo	K
Isaziso sokuqeshwa komphathi okanye abaphathi ngokungqinelana nomgaqo wama22, ukuba kufanelekile	L

Igama, utyikityo neenkukacha zoqhagamshelwano lomntu olungiselele esi sicelo:

Igama : _____

Utyikityo : _____

Idilesi yokuhlala : _____

Ikhawudi yeposi : _____

Idilesi yeposi : _____

Ikhawudi yeposi: _____

Iinombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

Inombolo yefeksi : _____

Imeyile : _____

1. IINKCUKACHA ZOMFAKISICELO

1.1 Igama elipheleleyo : _____

1.2 Idilesi yokuhlala : _____

Ikhowudi yeposi: _____

1.3 Idilesi yeposi : _____

Ikhowudi yeposi : _____

1.4 Iinombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

1.5 Inombolo yefeksi : _____

1.6 Imeyile : _____

1.7 Idilesi yeenkonzo zonke zezaziso namaxwebhu: _____

Ikhowudi yeposi : _____

1.8 Idilesi yeenkonzo zonke namaxwebhu emva kokuba isicelo sigqityiwe:

Ikhowudi yeposi: _____

1.9 Iinkcukacha zoqhagamshelwano zomnini wephephamvume okanye, ukuba umfaki-sicelo akanguye woqobo, iinkcukacha ezipheleleyo zomntu woqhagamshelwano:

1.10 Iinombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

1.11 Inombolo yobhaliso: _____

(Ukuba umfaki-sicelo akanguye owoqobo)

1.12	Ingaba umfaki-sicelo ngumntu othe—	Phawula ngo “ewe” okanye “hayi”	
		Ewe	Hayi
(a)	ingaba, kwisithuba seminyaka emihlanu (5) phambi kokufakwa kwesicelo, uye wagwetyelwa ukuvalelwa entolongweni ngaphandle kokukhetha ukuhlawula isohlwayo?	Ewe	Hayi
(b)	ingaba, kwisithuba seminyaka emihlanu (5) phambi kokufaka isicelo, uye wabhengezwa njengongakufanelanga ukubhaliswa nguGunyaziwe woTywala kaZwelonke okanye ilayisensi nguwuphi na ugunyaziwe wotywala wephondo?	Ewe	Hayi
(c)	ingaba ungumntu otshone ematyaleni ngokungenakuncedakala?	Ewe	Hayi
(d)	ingaba ungumntwana?	Ewe	Hayi
(e)	Ingaba wayenephephamvume eliye lacinywa ngokwemiqathango yalo Mthetho okanye uMthetho olawula iimpephamvume zotywala kulo naliphi na elinye iphondo kwisithuba seenyanga ezilishumi elinesibini (12) phambi kokufaka isicelo?	Ewe	Hayi
(f)	umlingane okanye iqabane lobomi bomntu ochazwe ku (a), (b) okanye (e) ngasentla?	Ewe	Hayi
(g)	ugula ngengqondo njengoko kuchaziwe kuMthetho woNonophelo lweMpilo yeNgqondo, wama2002 (uMthetho we17 wama2002)?	Ewe	Hayi

1.13 Ukuba omnye wemibuzo ku1.12 ngentla uno “ewe” njengempendulo, nika iinkcukacha ngokupheleleyo:

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

2. IINKCUKACHA ZOMSITHO NEZAKHIWO EZICETYWAYO

2.1 Chaza uhlobo lomsitho apho kufuneka ube nephephamvume lokuthengisa utywala khona:

2.2 Inombolo yesiza nedilesi yesakhiwo apho ishishini liza kuqhutywa khona:

Inombolo yesiza: _____

Idilesi: _____

2.3 Indawo kamasipala apho ishishini liza kuqhutyelwa khona: _____

2.4 Igama eliza kuqhutywa phantsi kwalo ishishini: _____

2.5 Chaza indawo okanye iindawo kwisakhiwo apho utywala buza kuthengiswa khona:

2.6 Utywala buzakuthengiselwa ukuselwa ngaphakathi okanye ukucinywa okanye zombini ngaphakathi nangaphandle kwezakhiwo ezinephephamvume?

2.7 Chaza imihla neeyure ekuza kuthengiswa ngazo utywala:

2.8 Ingaba umfakisicelo unalo ilungelo lokuthengisa utywala kwisakhiwo esicetywayo?

EWE / HAYI

2.9 Ukuba ngu ewe, nika iinkcukacha zomnini kunye nelungelo lomfakisicelo sokuthengisa utyala kwisakhiwo esicetywayo:

(a) Igama lomnini:

(b) Idilesi yomnini: _____

(c) _____

(d) Inkcazelo yelungelo lomfaki-sicelo lokuthengisa utywala: _____

(e) Ixesha lelungelo lokuthengisa utywala: _____

2.10 Ingaba iphephamvume lomsitho wotywala likhe phambilini lanikezelwa kumfaki-sicelo kunyaka omiyo? *(Phawula ngo “ewe” okanye “hayi”.)* **EWE / HAYI**

3. AMANYE AMAPHEPHAMVUME

Nika iinkcukacha ezipheleleyo zawo nawaphina amaphephamvume otywala akhoyo kwisakhiwo esicetywayo:

Umnini wePhephamvume: _____

Uhlobo lwephephamvume: _____

Inombolo yesalathiso segunya: _____

(Indawo yamanye amaphephamvume ngokunxulumene nesakhiwo esicetywayo kufuneka sichazwe kwisicwangciso sesiza.)

4. UMDLA WEZEMALI

4.1 Ngubani oza kubanomdla wezemali kwishishini eliza kuqhutywa kwisakhiwo esicetywayo?

4.2 Chaza uhlobo nobungakanani balomdla: _____

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

Umhla

Utyikityo lomfaki-sicelo okanye umntu
ogunyaziswe ngumfaki-sicelo

Bhala igama ngoonobumba

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.

Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4 WAMA2008)

IFOMU YE10

IPHEPHAMVUME LOTYWALA LETHUTYANA

[Reg. 19(18)(b)]

ISALATHISO SEGUNYA: _____

_____, othi
abe ngubani umnini welayisenisi yotywala efanelekileyo (umnini wephephamvume)
ngokwemiqathango yecandelo lama33(.....) ke ngoko unikwe iphephamvume lokuthengisa

_____ (dwelisa iintlobo zotywala) nokuqhuba ishishini lakhe phantsi kwegama

ekufumaneni isakhiwo esinephephamvume elizinze

_____ (Idilesi yokuhlala yesakhiwo esinephephamvume)

kwezi ntsuku neeyure: _____

Lowo unikwe iphephamvume unikwe iphephamvume lokuqhuba ishishini lakhe ngokungqinelana noMthetho kunye nemiqathango kunye nezicwangciso njengoko zibekiwe kwesi sihlomelo siqhotyoshelweyo.

IGosa eliyiNtloko lesiGqeba soLawulo loTywala eNtshona Koloni okanye umntu osebenza phantsi kwegunya elinikezelwe liGosa eliyiNtloko lesiGqeba sokuLawula

Umhla: _____

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4 WAMA2008)

IFOMU 11

IPHEPHAMVUME LOMSITHO WOTYWALA

[Reg. 19(18)(b)]

_____ (uMnini
wephephamvume)

unikwe iphephamvume lokuthengisa

_____ (dwelisa iintlobo
zotywala

nokuqhuba ishishini phantsi kwegama _____

ekufumaneni isakhiwo esinephephamvume, esizinze e

_____ (idilesi yokuhlala yesakhiwo
esinephephamvume)

ngezi ntsuku neeyure zelandelayo:

ngeenjongo zokusebenzisa okanye ukucima okanye zombini ekusetyenzisweni nasekusebenziseni ngaphandle.

Umnini wePhephamvume unikwe iphephamvume lokuqhuba ishishini lakhe ngokungqinelana nezibonelelo zoMthetho kunye nemiqathango kunye nezicwangciso njengoko zibekiwe kwesi sihlomelo siqhotyoshelweyo.

IGosa eliyiNtloko lesiGqeba soLawulo loTywala eNtshona Koloni okanye umntu osebenza phantsi kwegunya elinikezelwe liGosa eliyiNtloko lesiGqeba sokuLawula

Umhla: _____

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 12A

**ISICELO SOXOLELO NGOKUFAKA MVA ISICELO SETHUTYANA OKANYE
IPHEPHAMVUME LOMSITHO WOTYWALA NGOKWEMIQATHANGO YECANDELO
LAMA48(10)**

[Reg. 19(14)]

UQOBO KUFUNEKA LUFAKWE KWIGUNYA

INOMBOLO YESALATHISO SEGUNYA LOTYWALA: _____

Isitampu somhla weGunya ekufunyanweni
kwesicelo

ISALATHISO

Inkcazelo yamaxwebhu aza kuqhutyoshelwe	Isihlomelo
Ubungqina bentlawulo yesohlwayo	A
Isicelo ngokwemiqathango yomgaqo we19(1)(a) okanye (b)	B
Ubungqina bentlawulo yomrhumo wesicelo ngokumalunga nesicelo esenziwe ngokwemiqathango yomgaqo we19(1)(a) okanye (b)	C

Igama, utyikityo neenkukacha zoqhagamshelo lomntu olungiselele esi sicelo:

Igama : _____

Utyikityo : _____

Idilesi yeposi : _____

Ikhawudi yeposi: _____

Idilesi yokuhlala : _____

Ikhawudi yeposi: _____

Iinombolo zeminxeba\:

Eyefisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

Inombolo yefeksi : _____

Imeyile : _____

IINKCUKACHA ZOMFAKI-SICELO

1. Igama elipheleleyo lomfaki-sicelo:

2. Iinkcazelo ezibhaliweyo ezixhasa esi sicelo soxolelo:

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

Umhla

**Utyikityo lomfaki-sicelo okanye umntu
 ogunyaziswe ngumfaki-sicelo**

Bhala igama ngoonobumba

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.

Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 12B

ISAZISO NGOKWEMIQATHANGO YOMGAQO WE19(19)

[Reg. 19(19)]

IGAMA LOMNINI PHEPHAMVUME LOTYWALA LETHUTYANA OKANYE

IPHEPHAMVUME LOMSITHO WOTYWALA: _____

IGAMA LESHISHINI ELINEPHEPHAMVUME: _____

IDILESI YESAKHIWO: _____

INOMBOLO YESALATHISO SEGUNYA: _____

Iphephamvume lethutyana okanye lomsitho wotywala elakhutshwa ngo _____
_____ ibhekise.

likopi zayo nayiphi na ingxelo, isikhalazo, ugqithiselo okanye izimvo ezixelwe kwicandelo
lama48(14) zinikezelwa kuwe.

Emva kokuqwalasela ingxelo ekhankanyiweyo, isikhalazo, ugqithiselo, okanye izindululo,
iGosa eLongameleyo leNkundla yamaTyala yeMvume yoTywala linokuthi ngokwecandelo
48(13)—

- (a) ukubhengeza iphephamvume ukuba liphantsi kwemiqathango okanye izithintelo okanye eminye imiqathango okanye izithintelo ezibekwe kwisaziso njengoko enokubeka ngokubona kwakhe;
- (b) ukunqumamisa, ukurhoxisa okanye ukulungisa nawuphi na umqathango okanye unyino olubekiweyo malunga nephephamvume; okanye
- (c) ukunqumamisa okanye ukuxhoxisa iphephamvume.

Unelungelo lokuvakalisa izimvo zakho ungalulanga umhla _____.

Ukuba iGosa eloNgameleyo lithatha isigqibo sokuthatha amanyathelo ngokwecandelo lama48(13), unelungelo ngokwecandelo lama68 lokubhena okanye ukufaka isicelo sokuqwalaselwa ngokutsha kweso sigqibo.

IGosa eliyiNtloko lesiGqeba soLawulo loTywala eNtshona Koloni okanye umntu osebenza phantsi kwegunya elinikezelwe liGosa eliyiNtloko lesiGqeba sokuLawula

Umhla: _____

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU YE13

**ISICELO SODLULISELO LOMDLA WEZEMALI KWISHISHINI
ELINEPHEPHAMVUME NGOKWEMIQATHANGO YECANDELO LAMA51(1)**

[Reg. 21(1)]

UQOBO KUFUNEKA LUFAKWE KWIGUNYA IZE IKOPI KWIGOSA LOTYWALA
ELALATHIWEYO KWINDAWO YALO YOLAWULO APHO ISAKHIWO
ESINEPHEPHAMVUME SIZINZE KHONA

Iistampu somhla weGunya ekufunyanweni kwesicelo	Isitampu somhla wegosa lotywala elalathiweyo ekufunyanweni kwesicelo
-------------------------------------------------	----------------------------------------------------------------------

INOMBOLO ISALATHISO SEGUNYA: _____.

ISALATHISO

Inkcazelo yamaxwebhu aza kuqhotyoshelwa	Isihlomelo
Ubungqina bentlawulo	A
Ubungqina obubhaliweyo botshintsho kwinzala yemali kwimeko yesicelo ngokomgaqo wama21(1)	B
Inkcazelo ezibhaliweyo ezixhasa isicelo	C
Ikopi eqinisekisiweyo yesazisi sekhadi okanye uxwebhu, okanye incwadana yokundwendwela kunye nevisa okanye invume yokuhlala ngokusisigxina yomntu ekujoliswe kuye ukuba inzala yemali idluliselwe kuye ukuba ngumntu wasemzini, okanye, kwimeko yomntu ongenguye umntu wendalo, iikopi zamaxwebhu afanelekileyo obhaliso, abonisa isazisi kunye, apho kufanelekileyo, umdla wemali wawo onke amalungu, abalawuli, amahlakani, abaxhamli okanye abaphathiswa.	D

Inkcazelo yamaxwebhu aza kuqhotyoshelwa	Isihlomelo
Ingxelo efungelweyo (ubungqina obufungelweyo) ngumntu oza kudluliselwa kuye inzala yemali ebonisa ukuba akathintelwanga ngokwecandelo lama35 ekubeni nephephamvume lokuthengisa utywala.	E

Igama, utyikityo neenkukacha zoqhagamshelwano lomntu olungiselele esi sicelo:

Igama : _____
 Utyikityo : _____
 Idilesi yokuhlala : _____

 Ikhawudi yeposi: _____
 Idilesi yeposi : _____

 Ikhawudi yeposi: _____
 Inombolo zeminxeba:
 Eyeofisi : _____
 Iselula : _____
 Eyasekhaya okanye enye: _____
 Inombolo yefeksi : _____
 Iimeyile : _____

ICANDELO A: IINKCUKACHA ZEPHEPHAMVUME

1. Inombolo yephephamvume lotywala: _____
2. Igama elipheleleyo lephephamvume: _____
3. Chaza igama, inombolo yesazisi kunye nedilesi kunye nobungakanani bomdla wemali welungu ngalinye, umlawuli, iqabane, umxhamli okanye umphathiswa oceba ukutshintshela inzala yemali:

(Sebenzisa isihlomelo ukuba kuyimfuneko)

4. (a) Igama nedilesi yesakhiwo esinephephamvume: _____

(b) Chaza imeko yendawo apho ishishini elinephephamvume lenzelwa khona, ngokubhekiselele kwinani lesiza, isitalato (izitrato), (iindawo), iivenkile okanye ifama, njengoko kunokuba njalo:

(c) Kukuwuphi ummandla kamasipala ezi ndawo zikhankanywe kumhlathana (a) zimi?

5. Igama loqhagamshelwano lwasemini kunye nenombolo yomnxeba: _____

ICANDELO B: IINKCUKACHA ZOMNTU (ABANTU) EKUZA KUTHUNYELWA KUYE INDLALA YEZIMALI

1. Igama eliphelele:

2. Inombolo yesazisi okanye, kwimeko yenkampani okanye ukopoletyini, inombolo yayo yokubhalisa:

(Qhoboshela ikopi yekhadi lesazisi okanye incwadi yesazisi okanye ubungqina bobhaliso.)

3. Idilesi yokuhlala okanye idilesi yeofisi ekubhaliswe ngayo: _____

4. Idilesi yeshishini: _____

5. Idilesi yeposi: _____

6. Inombolo zeminxeba: _____

7.1	Ingaba ngumntu ekufuneka inzala yemali idluliselwe kuye—	Phawula ngo “ewe” okanye “hayi”	
(a)	ingaba, kwisithuba seminyaka emihlanu (5) phambi kokufakwa kwesicelo, uye wagwetyelwa ukuvalelwa entolongweni ngaphandle kokukhetha ukuhlawula isohlwayo?	Ewe	Hayi
(b)	ingaba, kwisithuba seminyaka emihlanu (5) phambi kokufaka isicelo, uye wabhengezwa njengongakufanelanga ukubhaliswa nguGunyaziwe woTywala kaZwelonke okanye ilayisensi nguWuphi na uGunyaziwe wotywala wephondo?	Ewe	Hayi
(c)	ingaba utshone ematyaleni ngokungalingisekiyo?	Ewe	Hayi
(d)	ingaba ungumntwana?	Ewe	Hayi
(e)	Ingaba wayenephephamvume eliye lacinywa ngokwemiqathango yalo Mthetho okanye uMthetho olawula iimpephamvume zotywala kulo naliphi na elinye iphondo kwisithuba seenyanga ezilishumi elinesibini (12) phambi kokufaka isicelo?	Ewe	Hayi
(f)	ngumlingane okanye iqabane lobomi bomntu ochazwe ku (a), (b) okanye (e) ngasentla?	Ewe	Hayi
(g)	ugula ngengqondo njengoko kuchaziwe kuMthetho woNonophelo lweMpilo yeNgqondo, wama2002 (uMthetho we17 wama2002)?	Ewe	Hayi
7.2	Ukuba umntu oza kudluliselwa kuye inzala yemali ayingomntu wendalo, ngaba naliphi na ilungu, umlawuli, iqabane, umxhamli okanye umphathiswa womfaki-sicelo umntu ochazwe kumhlathi 7.1(a), (b) okanye (e)?	Ewe	Hayi

7.3 Ukuba nawuphi na umbuzo kumhlathi we7.1 okanye 7.2 uno “ewe” njengempendulo, bonelela ngeenkukacha ezipheleleyo:

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

7.4	Ukuba umntu oza kudluliselwa kuye inzala yemali yinkampani, ukopoletyeni, intsebenziswano okanye abaphathiswa, chaza ukuba ngaba umntu okhankanywe kumhlathi 7.1 apha ngasentla—	Phawula ngo “ewe” okanye “hayi”	
(a)	Unolawulo lwezala kwinkampani, ukopoletyeni okanye abaphathiswa?	Ewe	Hayi
(b)	lihlakani kwintsebenziswano?	Ewe	Hayi
(c)	ngumxhamli ophambili phantsi kwetrasti?	Ewe	Hayi

7.5 Ukuba nawuphi na umbuzo kumhlathi 7.4(a) ukuya ku(c) uno “ewe” njengempendulo, nika iinkcukacha ezipheleleyo:

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

7.6 Chaza igama, inombolo yesazisi nedilesi yomntu ngamnye—

- (a) othi, kubandakanywa nomnini wephephamvume, abe nayo nayiphi na inzuzo yemali kwishishini elinxulumene nelayisenisi leyo; kwaye
- (b) lowo, kubandakanywa nomntu ekuza kudluliselwa kuye inzala yemali, uya kuba nomdla onjalo ukuba isicelo samkelwe, kwaye kwimeko nganye, ubunjani kunye nobungakanani bomdla wemali.

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

Umhla: _____

**Utyikityo lomfaki-sicelo okanye umntu
ogunyaziswe ngumfaki-sicelo**

Bhala igama ngoonobumba

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.

Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvalwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU YE14

**ISICELO SOKUVUMELA OMNYE UMNTU KWISAKHIWO, AVUMELE OMNYE
UMNTU AQHUBE ISHISHINI NGOKWEMIGAQO YEPHEPHAMVUME OKANYE
AVUMELE OMNYE UMNTU UKUBA ASEBENZISE ISAKHIWO
ESINEPHEPHAMVUME NGOKWECANDELO 51A(1)**

[Reg. 21A(1)]

ORIGINAL MUST BE LODGED WITH AUTHORITY AND COPY WITH DESIGNATED
LIQUOR OFFICER IN WHOSE AREA OF JURISDICTION THE LICENCED PREMISES ARE
LOCATED UQOBO KUFUNEKA LUFAKWE KWABASEMAGUNYENI IZE IKOPI KWIGOSA
LOTYWALA ELALATHIWEYO KWINDAWO YOKULAWULA ISAKHIWO
ESINEPHEPHAMVUME ZABELWE.

Isitampu somhla weGunya ekufumaneni isicelo	Isitampu somhla wegosa lotywala elalathiweyo ekufumaneni isicelo
---------------------------------------------	------------------------------------------------------------------

INOMBOLO YESALATHISO SEGUNYA: _____

ISALATHISO

Inkcazelo yamaxwebhu aza kuqhotyoshelwa	Isihlomelo
Ubungqina bentlawulo yomrhumo ofanelekileyo wesicelo	A
Ubungqina obubhaliweyo bokuvunyelwa kweendawo ezinephephamvume, ukuqhutywa kweshishini ngokwemiqathango yelayisenisi okanye ukusetyenziswa kwezakhiwo ezinephephamvume, njengoko kunokuba njalo.	B
Iinkcazelo ezibhaliweyo ezixhasa isicelo	C
Ikopi eqinisekisiweyo yekhadi lesazisi okanye uxwebhu lomntu oceba ukuvumela ilayisenisi kumnini wephephamvume, ukuba aqhube ishishini ngokwemiqathango yelayisenisi okanye asebenzise indawo enephephamvume okanye, ukuba loo mntu ngumphambukeli, incwadana yokundwendwela kunye nevisa okanye ngokusisigxina, imvume yokuhlala, kwaye, kwimeko yomntu ongenguye umntu wendalo, iikopi zamaxwebhu afanelekileyo obhaliso, abonisa isazisi kunye, apho kufanelekileyo, umdla wemali wawo onke amalungu, abalawuli, amaqabane,	D

Inkcazelo yamaxwebhu aza kuqhotyoshelwa	Isihlomelo
abaxhamli okanye abaphathiswa	
Ubungqina obufungelweyo benziwe ngumntu ekujoliswe ukuba avunyelwe ukuba avumele iphephamvume, aqhube ishishini okanye asebenzise indawo enephephamvume ukuba akathintelwanga ngokwemiqathango yecandelo lama35 ekubeni nephephamvume lokuthengisa utywala	E
Ikopi yephephamvume lotywala yomntu oceba ukukhulula iphephamvume, aqhube ishishini okanye asebenzise indawo enephephamvume	F
Ikopi yelayisenisi yotywala yomntu oceba ukuvulela omnye umntu indawo yakhe, avumele omnye umntu ukuba aqhube ishishini ngokwemiqathango yelayisenisi okanye avumele omnye umntu ukuba asebenzise indawo enephephamvume	G
Isicwangciso somgangatho obanzi ngokuhambelana nomgaqo 21A(2) (f)	H
Iifoto zemibala eyalathiweyo ngokwemiqathango yomgaqo 21A(2)(g)	I

Igama, utyikityo neenkukacha zoqhagamshelwano lomntu olungiselele esi sicelo:

Igama : _____

Utyikityo : _____

Idilesi yokuhlala : _____

Ikhawudi yeposi: _____

Idilesi yeposi : _____

Ikhawudi yeposi: _____

Inomblo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

Inombolo yefeksi : _____

Iimeyile : _____

ICANDELO A: IINKCUKACHA ZEPHEPHANDABA LESAKHIWO ESINEPHEPHAMVUME (UMQASHISI)

1.1 Inombolo yephephamvume: _____

1.2 Igama elipheleleyo lomqashi: _____

1.3 Ukuba umntu onikwe iphephamvume ayingomntu wendalo, chaza igama, inombolo yesazisi, idilesi kunye nobungakanani bomdla wemali welungu ngalinye, umlawuli, ihlakani, umxhamli okanye umphathiswa:

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

1.4 (a) Igama nedilesi yesakhiwo esinephephamvume: _____

(b) Chaza imeko yendawo apho ishishini elinephephamvume liqhutyelwa khona, ngokubhekiselele kwinani lesiza, isi(zi)trato,(ii)zindlu,(ii)venkile okanye ifama, njengoko kunokuba njalo:

(c) Kweyiphi indawo kamasipala isakhiwo ekubhekiswa kuso kumhlathana(a) ozinze kuyo?

1.5 Igama loqhagamshelwano lwasemini kunye nenombolo yomnxeba: _____

ICANDELO B: IINKCUKACHA ZOMNINI (ABANINI) BEPHEPHAMVUME ABAZA KUNIKEZELWA INXALENYE YESAKHIWO ESINEPHEPHAMVUME (UMQESHI)

2.1 Igama elipheleleyo: _____

2.2 Inombolo yesazisi, okanye kwimeko yenkampani okanye ukopoletyeni, inombolo yayo yobhaliso: _____

(Qhoboshela ikopi yekhadi lesazisi okanye incwadi yesazisi okanye ubungqina bobhaliso.)

2.3 Idilesi yokuhlala okanye idilesi yeofisi ebhalisiweyo: _____

2.4 Idilesi yeshishini: _____

2.5 Idilesi yeposi: _____

2.6 Inombolo yomnxeba: _____

2.7	Ingaba umqashi ngumntu o—	Phawula ngo“ewe” okanye “hayi”	
(a)	ingaba, kwisithuba seenyanga ezingamashumi amathandathu (60) phambi kokufakwa kwesicelo, ugwetyelwe ukuvalelwa entolongweni ngaphandle kokukhetha ukuhlawula isohlwayo?	Ewe	Hayi
(b)	ingaba, kwisithuba seenyanga ezingamashumi amathandathu (60) phambi kokufaka isicelo, uye wabhengezwa njengongafanelekanga ukuba angabhaliswa nguGunyaziwe woTywala kaZwelonke okanye iphephamvume nguWuphi na ugunyaziwe wotywala wephondo?	Ewe	Hayi
(c)	ingaba ukhe watshona ematyaleni ngokunganqandekiyo?	Ewe	Hayi
(d)	ingaba ungumntwana?	Ewe	Hayi

(e)	ingaba wayenephephamvume eliye lacinywa ngokwemiqathango yalo Mthetho okanye uMthetho olawula iimpephamvume zotywala kulo naliphi na elinye iphondo kwisithuba seenyanga ezilishumi elinesibini (12) phambi kokufaka isicelo?	Ewe	Hayi
(f)	ngumlingane okanye iqabane lobomi bomntu ochazwe ku (a), (b) okanye (e) ngasentla?	Ewe	Hayi
(g)	ugula ngengqondo njengoko kuchaziwe kuMthetho woNonophelo lweMpilo yeNgqondo, wama2002 (uMthetho we17 wama2002)?	Ewe	Hayi
(h)	ehleli eMzantsi Afrika iminyaka emihlanu (5) phambi kokufakwa kwesicelo?	Ewe	Hayi
(i)	Ngaba akafanelekanga ngokoMthetho wokuNgenelela kwabantu, wama2007 (uMthetho we13 wama2007)?	Ewe	Hayi
2.8	Kwimeko yoMqeshi ongengomntu woqobo, ngaba naliphi na ilungu, umlawuli, iqabane, umxhamli okanye utrasti womfaki-sicelo ngumntu ochazwe kumhlathana (a), (b) okanye (e) ngasentla?	Ewe	Hayi

2.9 Ukuba kukho nawuphi na umbuzo kumhlathi 2.7 okanye 2.8 uno “ewe” njengempendulo, bonelela ngeenkukacha ezipheleleyo:

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

2.10	Ukuba uMqeshisi yinkampani, imbumba esondeleyo, intsebenziswano okanye utrasti, chaza ukuba ngaba umntu ochazwe kumhlathi 7.1 apha ngasentla.	Phawula ngo “ewe” okanye “hayi”	
(a)	unomdla wokulawula kwinkampani, kwishishini elisondeleyo okanye kwitrasti	Ewe	Hayi
(b)	ingaba lihlakani kwintsebenziswano.	Ewe	Hayi
(c)	Ingaba ngumxhamli ophambili kwitrasti.	Ewe	Hayi

2.11 Ukuba nawuphi na umbuzo kumhlathi 2.10(a) ukuya ku(c) apha ngasentla uno “ewe” njengempendulo, nika iinkukacha ezipheleleyo:

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

3. Chaza igama, inombolo yesazisi nedilesi yomntu ngamnye—

- (a) ngubani, kuquka umnini wephephamvume, onomdla wezemali kwishishini elinxulumene nephephamvume; kwaye
- (b) ngubani, kuqukwa noMqeshi, oya kuba nomdla onjalo ukuba isicelo samkelwe.

Kwimeko nganye, chaza ubunjani kunye nobungakanani bomdla wemali onjalo:

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

Umhla

Utyikityo lomfaki-sicelo okanye umntu ogunyaziswe ngumfaki-sicelo ozakutyikitya

Bhala igama ngoonobumba

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.

Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU YE15

ISAZISO SOKUQESHA UMPHATHI NGOKWEMIQATHANGO YECANDELO LAMA52

[Reg. 22(1)]

UQOBO KUFUNEKA LUFAKWE KWIGUNYA IZE IKOPI IFAKWE KWIGOSA LOTYWALA
ELALATHIWEYO IFOMU EYAHLUKILEYO KUFUNEKA IZALISWE IZE IFAKWE KUMNTU
NGAMNYE OWONYULWE NJENGOMPHATHI

Isitampu somhla weGunya ekufunyanweni kwesicelo	Isitampu somhla wegosa lotywala elalathiweyo ekufunyanweni kwesicelo
----------------------------------------------------	-------------------------------------------------------------------------

INOMBOLO YESALATHISO SEGUNYA: _____

ISALATHISO

Inkcazelo yamaxwebhu aza kuqhotyoshelwa	Isihlomelo
Ikopi eqinisekisiweyo yekhadi lesazisi okanye uxwebhu lomntu omiselweyo, okanye incwadana yokundwendwela kunye nevisa okanye imvume yokuhlala ngokusisigxina yomntu onyuliweyo ukuba ungumphambukeli.	A
Ubungqina bedilesi yomntu oqeshiweyo eNtshona Koloni	B
Ingxelo efunjelweyo yomntu ochongiweyo yokuba akathintelwanga ngokwecandelo lama35 ekubeni nephephamvume lokuthengisa utywala.	C
Isiqinisekiso kuQeqesho lwePhephamvume loTywala, ukuba kufanelekile	D

Igama, utyikityo neenkukacha zomntu olungiselele esi saziso:

Igama : _____

Utyikityo : _____

Idilesi yokuhlala : _____

Ikhawudi yeposi: _____

Idilesi yeposi : _____

Ikhawudi yeposi: _____

Inombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

Inombolo yefeksi : _____

Iimeyile : _____

ICANDELO A: UKUQESHA KOMPETHI

1. Igama leshishini elinephephamvume: _____

2. Ingxelo efungelweyo yomntu ochongiweyo yokuba akathintelwanga ngokwecandelo lama35 ekubeni nephephamvume lokuthengisa utywala:

(a) Igama elipheleleyo: _____

(b) Inombolo yesazisi: _____

(c) Umhla wokuphelelwa: _____

3.1 Chaza iinkcukacha ngokupheleleyo zomntu oqashwayo:

(a) Igama elipheleleyo:

(b) Inombolo yesazisi: _____
(Qhoboshela ikopi yekhadi okanye incwadi yesazisi.)

(c) Idilesi yokuhlala yomntu oqeshiweyo:

(d) Idilesi yeposi yomntu oqeshiweyo:

(e) Inombolo yomnxeba yomntu oqeshiweyo:

(f) Ubudlelwane phakathi komntu oqeshiweyo nalowo ungumnini wephephamvume lotywala: _____

3.2	Ingaba umntu oqeshiweyo ngumntu o—	Phawula ngo “ewe” okanye “hayi”	
(a)	ingaba, kwisithuba seenyanga ezingamashumi amathandathu (60) phambi kokufakwa kwesi sazi, ugwetyelwe ukuvalelwa entolongweni ngaphandle kokukhetha ukuhlawula isohlwayo?	Ewe	Hayi
(b)	ingaba, kwisithuba seenyanga ezingamashumi amathandathu (60) phambi kokufakwa kwesi sazi, uye wabhengezwa njengongafanelekanga ukuba angabhalisa nguGunyaziwe woTywala kaZwelonke okanye iphephamvume nguye nawuphi na ugunyaziwe wotywala wephondo?	Ewe	Hayi
(c)	ingaba utshone ematyaleni kakhulu?	Ewe	Hayi
(d)	ingaba ungumntwana?	Ewe	Hayi
(e)	Ingaba wayenephephamvume eliyelarhoxiswa ngokwemiqathango yalo Mthetho okanye uMthetho olawula amaphephamvume otywala kulo naliphi na elinye iphondo kwisithuba seenyanga ezilishumi elinesibini (12) phambi kokuba kufakwe esi sazi sokuqeshwa?	Ewe	Hayi
(f)	ngumlingane okanye iqabane lobomi bomntu ochazwe ku (a), (b) okanye (e) ngasentla?	Ewe	Hayi
(g)	ugula ngengqondo njengoko kufunwa kuMthetho woNonophelo lweMpilo yeNgqondo, wama2002 (uMthetho we17 wama2002)?	Ewe	Hayi
(h)	ehleli eMzantsi Afrika iminyaka emihlanu (5) phambi kokufakwa kwesazi?	Ewe	Hayi
(i)	Ingaba akafanelekanga ngokoMthetho wokuNgenelela kwabantu, wama2007 (uMthetho we13 wama2007)?	Ewe	Hayi

3.3 Ukuba nawuphi na umbuzo kumhlathi 3.2 uno“ewe” njengempendulo, nikela iinkcukacha ezipheleleyo: _____

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

3.4 Umhla wengqesho ocetywayo: _____

4. Ukuba umntu otyunjiweyo unomdla wemali kwishishini elinephephamvume, nikeza iinkcukacha ezipheleleyo:

Umhla

Utyikityo lomfaki-sicelo okanye umntu ogunyaziswe ngumfaki sicelo oza kutyikitya

Bhala igama ngoonobumba

ICANDELO B: UKWAMKELWA NGUMPHATHI OQESHIWEYO

Mna, _____, lowo utyikitye apha ngezantsi, uyakwamkela ukuqeshwa okungentla kwaye amkele uxanduva lolawulo lweshishini kwaye uyaqonda ukuba ndiphantsi kwemisebenzi efanayo, izibophelelo kunye namatyala njengomnini wephephamvume.

Utyikityo lomphathi oqeshiweyo

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala we-Ntshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho. Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelu xesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 15A

ISIQINISEKISO NGOKWEMIQATHANGO YECANDELO LAMA52(7)

[Reg. 22(2)]

OKU KUQINISEKISA UKUBA

IGAMA ELIPHELELEYO

KUZALISWE NGEMPUMELELO

UQEQESHO LWEPHEPHAMVUME LOTYWALA

INDAWO

UMHLA

ISETYENZISWA NGABASEMTHETHWENI KUPHELA

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU YE16

**A – ISICELO SEMVUME YOKWENZA UKULUNGISWA, UKONGEZWAZA, OKANYE
UKWAKHIWA OKANYE KWENDAWO ESINEPHEPHAMVUME
NGOKWECANDELO LAMA53(1)(a)**

**B – ISICELO SEMVUME YOKWENZA ULWANDISO OKANYE LWESAKHIWO
ESINEPHEPHAMVUME NGOKWECANDELO LAMA53(1A)(a)**

[Reg. 23(1) nama23(1A)]

UQOBO KUFUNEKA LUFAKWE KWIGUNYA IZE ENYE IKOPI IFAKWE KWIGOSA
LOTYWALA ELALATHIWEYO

Isitampu somhla weGunya ekufunyanweni kwesicelo	Isitampu somhla wegosa lotywala elalathiweyo ekufunyanweni kwesicelo
----------------------------------------------------	-------------------------------------------------------------------------

INOMBOLO YESALATHISO SEGUNYA: _____

ISALATHISO

Inkcazelo yamaxwebhu aza kuqhotyoshelwa	Isihlomelo
Isicwangciso esibanzi somgangatho wezakhiwo ngokuhambelana nomgaqo wama23(1)(a)	A
Inkcazelo yotshintsho olucetywayo	B
Inkcazo yecandelo elisebenzayo lendawo enephephamvume ngokomgaqo wama23(1)(c)	C
Ubungqina bobunini bezakhiwo ezinelayisenisi okanye, ukuba umfaki-sicelo akangomnini, imvume ebhaliweyo evela kumnini yokuba umfaki-sicelo angasebenzisa indawo leyo ngeenjongo zephephamvume, malunga nesicelo sokwandiswa kwesicelo.	D
Ubungqina bentlawulo yomrhumo ofanelekileyo wesicelo	E
Inkcazelo ezibhaliweyo ezixhasa isicelo	F

Inkcazelo yamaxwebhu aza kuqhotyoshelwa	Isihlomelo
Ifoto yemibala enesalathiso yendawo esele inephephamvume elibonisa iimpawu zangaphakathi nezingaphandle ezigqityiweyo zezakhiwo ezinephephamvume	G
Ubungqina bokuba umfaki-sicelo unelungelo lokuhlala kweso sakhiwo, ngokubhekiselele kwisicelo sokwandiswa	H
Ubungqina bokuba umfaki-sicelo unelungelo lokutshintsha indawo enephephamvume, ukuba kufanelekile	I
Imvume evela kumnini wendawo yokuba umfaki-sicelo angasebenzisa isabelo esongezelelweyo esicitywayo ngeenjongo zephephamvume, ukuba kuyasebenza oko	J

Igama, utyikityo neenkukacha zoqhagamshelwano lomntu olungiselele esi sicelo:

Igama :

Utyikityo :

Idilesi yokuhlala :

Ikhawudi yeposi: _____

Idilesi yeposi :

Ikhawudi yeposi: _____

Inombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyekhaya okanye enye : _____

Inombolo yefeksi : _____

Imeyile : _____

1. IINKCUKACHA ZOMFAKI-SICELO

1.1 Igama elipheleleyo: _____

1.2 Idilesi: _____

Ikhawudi yeposi: _____

1.3 Idilesi yenkonzo yamaxwebhu: _____

Ikhawudi yeposi: _____

1.4 Iinkcukacha zoqhagamshelwano zomnini wephephamvume okanye, ukuba umfaki-sicelo akanguye owoqobo, iinkcukacha zomntu woqhagamshelo:

1.5 Inombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

2. IINKCUKACHA ZESHISHINI ELINEPHEPHAMVUME

2.1 Udidi lwephephamvume: *(Phawula iphephamvume elifanelekileyo ngoX.)*

Iphephamvume ngokwemiqathango yecandelo lama33(1)(a)	
Iphephamvume ngokwemiqathango yecandelo lama33 (1)(b)	
Iphephamvume ngokwemiqathango yecandelo lama33 (1)(c)	
Iphephamvume ngokwemiqathango yecandelo lama33 (1)(d)	

2.2 Uhlobo (iintlobo) zotywala obunokuthi buthengiswe phantsi kwephephamvume: _____

2.3 Igama apho ishishini elinephephamvume lizakuthi liqhutywe phantsi kwalo: _____

2.4 Inombolo yesiza nedilesi yesakhiwo esinephephamvume: _____

2.5 Indawo kamasipala yesakhiwo esinephephamvume: _____

Umhla

Utyikityo lomfaki-sicelo okanye umnto ogunyaziswe
ngumfaki-sicelo

Bhala igama ngoonobumba

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.

Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU YE17

**ISICELO SEMVUME YOKUTSHINTSHA NGEMALI INDLELA YESHISHINI
ELINEPHEPHAMVUME NGOKWEMIQATHANGO YECANDELO LAMA53(1A) (b)**

[Reg. 23(2)]

UQOBO KUFUNEKA LUFAKWE KWIGUNYA IZE IKOPI IFAKWE NEGOSA LOTYWALA
ELALATHIWEYO

Isitampu somhla weGunya ekufunyanweni kwesicelo	Isitampu somhla wegosa lotywala elalathiweyo ekufunyanweni kwesicelo
-------------------------------------------------	----------------------------------------------------------------------

INOMBOLO YESALATHISO SEGUNYA: _____.

ISALATHISO

Inkcazelo yamaxwebhu aza kuqhotyoshelwa	Isihlomelo
Inkcazelo yotshintsho olucetywayo kubume beshishini Bandakanya, ukuba kuyimfuneko: 1. Iifoto zemibala yesakhiwo 2. Isicwangciso somgangatho wesakhiwo	A
Inkcazelo ezibhaliweyo ezixhasa isicelo	B
Ubungqina bentlawulo yomrhumo wesicelo ofanelekileyo	C
Ubungqina bokuba umfaki-sicelo unelungelo lokutshintsha uhlobo lwesakhiwo ngokomgaqo wama23(2)(d), ukuba kufanelekile	D

Igama, utyikityo neenkukacha zoqhagamshelwano lomntu olungelele esi sicelo:

Igama : _____

Utyikityo : _____

Idilesi yokuhlala : _____

Ikhowudi yeposi : _____

Idilesi yeposi : _____

Ikhowudi yeposi: _____

Iinombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

Inombolo yefeksi : _____

Imeyile : _____

1. IINKCUKACHA ZOMFAKI-SICELO

1.1 Igama elipheleleyo: _____

1.2 Idilesi: _____

Ikhowudi yeposi: _____

1.3 Idilesi yenkonzo yamaxwebhu: _____

Ikhowudi yeposi: _____

1.4 Iinkcukacha zoqhagamshelwano zomnini wephaphamvumea okanye, ukuba umfaki-sicelo akangomntu, iinkcukacha ezipheleleyo zomntu woqhagamshelwano:

1.5 Iinombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye : _____

2. IINKCUKACHA ZESHISHINI ELINEPHEPHAMVUME

2.1 Udidi lwephephamvume: *(Phawula iphephamvume elifanelekileyo ngoX.)*

Iphephamvume ngokwemiqathango yecandelo lama33(1)(a)	
Iphephamvume ngokwemiqathango yecandelo lama33(1)(b)	
Iphephamvume ngokwemiqathango yecandelo lama33(1)(c)	
Iphephamvume ngokwemiqathango yecandelo lama33(1)(d)	

2.2 Iintlobo zotywala obunokuthi buthengiswe phantsi kwephephamvume: _____

2.3 Igama eliqhutywa phantsi kwalo ishishini elinephephamvume: _____

2.4 Inombolo yesiza nedilesi yesakhiwo esinephephamvume: _____

2.5 Indawo kamasipala yesakhiwo esinephephamvume: _____

Umhla

Utyikityo lomfaki-sicelo okanye umntu
ogunyaziswe ngumfaki-sicelo

Bhala igama ngoonobumba

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.

Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU YE18

**ISICELO SEMVUME YOKUQHUBA ISHISHINI PHANTSI KWEPHEPHAMVUME
KWISAKHIWO APHO NALO NALIPHI NA ISHISHINI, KUHLANGANISA ISHISHINI
ELINXULUMENE NALO NALIPHI NA ELINYE IPHEPHAMVUME, OKANYE NOLUPHI
NA URHWEBO OKANYE UMSEBENZI OWENZIWA NGAWO NGETHUBA LAMA53(1)(c)**

[Reg. 23(3)]

UQOBO KUFUNEKA LUFAKWE KWIGUNYA IZE ENYE IKOPI IFAKWE NEGOSA
LOTYWALA ELALATHIWEYO

Isitampu somhla wegosa lotywala ekufunyanweni kwesicelo	Isitampu somhla weGunya ekufunyanweni kwesicelo
---------------------------------------------------------	-------------------------------------------------

Inkcazelo yamaxwebhu aza kuqhutyoshelwa	Isihlomelo
Inkcazelo yalo naliphi na elinye ishishini, urhwebo okanye umsebenzi oqhutywayo okanye olandelwayo kuloo ndawo	A
Ubungqina bentlawulo yomrhumo wesicelo ofanelekileyo	B
Inkcazelo ezibhaliweyo ezixhasa isicelo	C
Isicwangciso somgangatho esicacileyo, esibanzi sendawo ecetywayo apho kujongwe ukuba ishishini eliphantsi kwephephamvume iya kuqhutywa	D
Inkcazo yecandelo elisebenzayo lendawo, ngokubhekisele kulwakhiwo, uyilo, ifanitshala, izincedisi, izifakelo kunye nesigqubuthelo somgangatho	E
Ubungqina bokuba umfaki-sicelo unelungelo lokuhlala kweso sakhiwo sicetywayo	F
Ubungqina bobunini bezakhiwo ezicetywayo ezinephephamvume okanye, ukuba umfaki-sicelo akangomnini, imvume ebhaliweyo evela kumnini yokuba umfaki-sicelo angasebenzisa indawo ecetywayo enephephamvume ngeenjongo zephephamvume	G

Inkcazelo yamaxwebhu aza kuqhotyoshelwa	Isihlomelo
Iifoto zemibala ezalathisiweyo ezibonisa iimpawu zangaphakathi nezangaphandle zesakhiwo esicetywayo	H

Igama, utyikityo neenkukacha zoqhagamshelwano zomntu olungiselele esi sicelo:

Igama : _____
 Utyikityo : _____
 Idilesi yeposi : _____

 Ikhawudi yeposi : _____
 Idilesi yokuhlala : _____

 Ikhawudi yeposi : _____
 Inombolo zeminxeba:
 Eyeofisi : _____
 Iselula : _____
 Eyasekhaya okanye enye: _____
 Inombolo yefeksi : _____
 Iimeyile : _____

1. IINKCUKACHA ZOMFAKI-SICELO

1.1 Igama elipheleleyo: _____

1.2 Idilesi: _____

Ikhawudi yeposi: _____

1.3 Idilesi yenkonzo yamaxwebhu: _____

Ikhawudi yeposi: _____

1.4 Iinkcukacha zoqhagamshelwano zomnini welayisenisi okanye, ukuba luqobo lomfaki-sicelo, iinkcukacha ezipheleleyo zomntu woqhagamshelwano:

1.5 Iinombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

1.6 Umhla wokuzalwa: (*ukuba umfakisisicelo luqobo lwakhe*)

_____/_____/_____

2. IINKCUKACHA ZESHISHINI ELINEPHEPHAMVUME

2.1 Uhlobo lwephephamvume lotywala: (*Phawula iphephamvume elifanelekileyo ngoX.*)

Iphephamvume lotywala ngokwemiqathango yecandelo lama33(1)(a)	
Iphephamvume lotywala ngokwemiqathango yecandelo lama33(1)(c)	

2.2 Iintlobo zotywala obunokuthengiswa phantsi kwephephamvume lotywala: _____

2.3 Igama eliqhutywa phantsi kwalo ishishini elinelayisenisi:

2.4 Inombolo yesiza nodilesi yesakhiwo esinephephamvume: _____

2.5 Indawo kamasipala wesakhiwo esinephephamvume: _____

Umhla

**Utyikityo lomfaki-sicelo okanye umntu
ogunyaziswe ngumfaki-sicelo**

Bhala igama ngoonobumba

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.

Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU YE19

**ISICELO SOKWANDISWA KWEEYURE ZOKURHWEBA NGOKWEMIQATHANGO
YECANDELO LAMA59(4)**

[Reg. 26(1)]

UQOBO KUFUNEKA LUFAKWE KWIGUNYA ZIZE IIKOPI EZIMBINI ZIFAKWE KWIGOSA
LOTYWALA ELALATHIWEYO

Isitampu somhla wegosa lotywala ekufunyanweni kwesicelo	Isitampu somhla weGunya ekufunyanweni kwesicelo
------------------------------------------------------------	----------------------------------------------------

INOMBOLO YESALATHISO SEGUNYA: _____

ISALATHISO

Inkcazelo yamaxwebhu aza kuqhutyoshelwa	Isihlomelo
Inkcazelo ezibhaliweyo ezixhasa isicelo	A
Ubungqina bentlawulo yomrhumo ofanelekileyo wesicelo	B

Igama, utyikityo neenkukacha zoqhagamshelwano lomntu olungiselele esi sicelo:

Igama : _____

Utyikityo : _____

Idilesi yeposi : _____

Ikhawudi yeposi : _____

Idilesi yokuhlala : _____

Ikhawudi yeposi : _____

Iinombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

Inombolo yefeksi : _____

Iimeyile : _____

IINKCUKACHA ZOMNINI WEPHEPHAMVUME

1. Igama elipheleleyo lomnini wephephamvume: _____

2. Ukuba umntu onikwe iphephamvume ayiloqobo lomntu, chaza igama, inombolo yesazisi, idilesi kunye nobungakanani bomdla wemali welungu ngalinye, umlawuli, iqabane, umxhamli okanye umphathiswa:

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

3. (a) Igama nedilesi yesakhiwo esinephephamvume: _____

(b) Chaza imeko yendawo apho ishishini elinephephamvume liqhutyelwa khona, ngokubhekiselele kwinani lesiza, izitalato, iiflethi, iivenkile okanye iifama, njengoko kunokuba njalo.:

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

(c) Kweyiphi indawo kamasipala indawo ekubhekiswa kuyo kumhlathana(a)?

4. Igama loqhagamshelwano lwasemini kunye nenombolo yomnxeba: _____

5. Chaza izizathu zokuba kutheni umntu onikwe iphephamvume enze isicelo sokwandiswa kweeyure zokurhweba: _____

((Sebenzisa isihlomelo ukuba kuyimfuneko.))

Umhla

Utyikityo lomfaki-sicelo okanye umntu ogunyaziswe ngumfaki-sicelo

Bhala igama ngoonobumba

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.

Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 19A

**UBUNGAKANANI BOTYWALA OBUTHENGISIWEYO KWAZE KWAGCINWA IIREKHODI
NGOKWEMIQATHANGO YECANDELO LAMA60(1)
IMBUYEKEZO YONYAKA
[Reg. 27]**

**IINKCUKACHA ZOMNINI WEPHEPHAMVUME (KUQUKA ABANEPHEPHAMVUME
LETHUTYANA)**

Inombolo yephephamvume lotywala:	
Udidi lwephephamvume:	
Igama lomnini wephephamvume:	
Igama lesakhiwo:	
Uhlobo lweshishini	
Idilesi yesalathiso esinephephamvume:	
Umhla elikhutshwe ngalo iphephamvume:	

Icandelo lama60 lifuna ukuba umntu onikwe iphephamvume kubandakanywa nomnini wephephamvume lotywala lexeshana, ukuba agcine kwaye angenise kwabasemaGunyeni irekhodi yabo bonke utywala obuthengiswayo njengoko kuchaziwe kwiCandelo A, B, C kunye noD wale fomu, apho kufanelekileyo.

Ingxelo yoNyaka kufuneka ingeniswe kwiGunya rhoqo ngonyaka ngowama31 kweyoKwindla kunyaka ngamnye kangangethuba elisusela kumhla woku1 kweyoMqungu wonyaka ukuya kuma31 kweyoMnga wonyaka owandulela umhla wokungeniswa kwayo.

Ifomu ye-elektroniki yeerekhodi kunye neenkukacha ekubhekiselwe kuzo kwicandelo lama60(1) kunye nomgaqo lama27(1)(a) kufuneka zifakwe kwikhompyutha kusetyenziswa isicelo esichongiweyo kwiSango leGunya sePhephamvume leintanethi elifumaneka kwi-intanethi:

www.wcla.gov.za

ICANDELO A: IREKHODI ZABO BONKE UTYWALA OBUTHENGISIWEYO

ICANDELO A: IREKHODI ZABO BONKE UTYWALA OBUTHENGISIWEYO (Iphephamvume lokusela utywala obuthengiweyo, iphephamvume lokusela utywala obungekhoyo, iphephamvume lokusetyenziswa ngaphandle nangaphandle kunye nabanini bamaphephamvume okwexeshana kufuneka bazalise eli candelo.)														
1	2	3	4				5	6			7			
			Ubungakanani (iilitha) botywala obuthengisiweyo					Ixabiso lendleko	Iinkukacha zombonoleli zinkonzo			Ixabiso lokuthengisa (R)		
Inombolo	Inombolo zeeInvooyisi [Reg 27(1)(b)(iii)]	Umhla wokuKhutshwa [Reg 27(1)(b)(iii)]	Ibhiya	Isayida	Iwayini	Ispirithi	Okunye		Igama	Idilesi	Ibhiya	Isayida	Iwayini	Ispirithi
1														
2														
3														
4														
5														
6														
7														
8														
9														
10														
11														
12														
13														
14														
15														

(Qhoboshela isihlomelo esahlukeyo ukuba kuyimfuneko.)

ICANDELO B: IREKHODI YOKUTHENGISWA KOTYWALA NGAPHEZU KWEELITHA EZILI100 KUMNTU OMNYE NGOSUKU OLUNYE

8	9	10	11				12				13						
			Ubungakanani (ifilitha) botywala obuthengisiweyo [Reg 27(1)(b)(iv)]				Inkcukacha zomthengi [Reg 27(1)(c)(i)]				Ixabiso lokuthengisa (R) [Reg 27(1)(b)(iv)]						
			Iinombolo zeeInvooyisi [Reg 27(1)(b)(iii)]	Imihla yokukhutshwa [Reg 27(1)(b)(iii)]	Ibhitya	Isayida	Iwayini	Ispirithi	Okunye	Igama	Idilesi	Inombolo yesazisi	Inombolo yomnxeba	Ibhitya	Isayida	Iwayini	Ispirithi
1																	
2																	
3																	
4																	
5																	
6																	
7																	
8																	
9																	
10																	
11																	
12																	
13																	
14																	
15																	

(Qhoboshela isihlomelo esahlukileyo ukuba kuyimfuneko.)

ICANDELO C: IREKHODI YOBUNGAKANANI BOTYWALA OBUGCINWE NGUMNINI WEPHEPHAMVUME

ICANDELO C: IREKHODI YOBUNGAKANANI BOTYWALA OBUGCINWE NGUMNINI WEPHEPHAMVUME (Iphephamvume lokuselela ngaphandle, iphephamvume lokuselela ngaphakathi nangaphandle, iphephamvume lokuselela izinto ezincinci kunye nabanini bamaphephamvume zotywala bexeshana kufuneka bazalise eli candelo.)												
14	15	16	17				18					
Inombolo	Inkcazelo yohlobo lotywala obugciniweyo [Reg 27(1)(b)(i)]	Indawo apho utywala bugcinwe khona [Reg 27(1)(b)(i)]	Ubungakanani (iilitha) botywal obugcinwe kwistokhwe ukususela ngomhla woku1 kweyoMqungu welo xesha [Reg 27(1)(c)(ii)]				Ubungakanani (iilitha) botywal obugcinwe kwistokhwe ukususela ngomhla wama31 kweyoMnga welo xesha [Reg 27(1)(c)(iii)]					
			Ibhiya	Isayida	Iwayini	Ispirithi	Okunye	Ibhiya	Isayida	Iwayini	Ispirithi	Okunye
1												
2												
3												
4												
5												
6												
7												
8												
9												
10												
11												
12												
13												
14												
15												

(Sebenzisa isihlomo esahlukeyo ukuba kuyimfuneko.)

ICANDELO D: IREKHODI YABO BONKE UTYWALA OBUVELISIWEYO'

ICANDELO D: IREKHODI YABO BONKE UTYWALA OBUVELISIWEYO (Abanamaphephamvume okuvelisa izinto ezincinci kufuneka bazalise eli candelo)																	
19	20	21	22				23				24						
			Uhlolo nobungakanani (iilitha) botywala obuvulisiweyo [Reg 27(1)(d)(ii)]				Uhlolo nobungakanani (iilitha) botywala obuthengisiweyo [Reg 27(1)(b)(iv) kunye neReg 27(1)(d)(i)]				Ixabiso lokuthengisa (R) [Reg 27(1)(b)(vi)]						
Ino mbo lo	IiNombolo zeInvooyisi [Reg 27(1)(b)(iii) kunye neReg 27(1)(d)(i)]	Umhla wookukhutshwa [Reg 27(1)(b)(iii) kunye neReg 27(1)(d)(i)]	Ibhiya	Isayida	Iwayini	Ispirithi	Okunye	Ibhiya	Isayida	Iwayini	Ispirithi	Okunye	Ibhiya	Isayida	Iwayini	Ispirithi	Okunye
1																	
2																	
3																	
4																	
5																	
6																	
7																	
8																	
9																	
10																	
11																	
12																	
13																	
14																	
15																	

(Sebenzisa isihlomo esahlukileyo ukuba kuyimfuneko.)

Umhla

Utyikityo lomnini wephaphamvume, umnini wephaphamvume lotywala lethutyana okanye umntu ogunyaziswe ngumnini wephaphamvume okanye lowo unalo

Bhala igama nesikhundla ngoonobumba

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalalekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho. Umntu ogwetywe ngolo hlobo umelwe kukhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU YAMA20

ISAZISO SOKUL AHLWA KWEPHEPHAMVUME

[Reg. 29]

UQOBO KUFUNEKA LUFAKWE KWIGUNYA IZE IKOPI IFAKWE KWIGOSA LOTYWALA
ELALATHIWEYO

Isitampu somhla wegosa lotywala elalathiweyo ekufunyanweni kwesicelo	Isitampu somhla weGunya ekufunyanweni kwesicelo
----------------------------------------------------------------------	-------------------------------------------------

INOMBOLO YESALATHISO SEGUNYA: _____

ISALATHISO

Inkcazelo yexwebhu eliza kuqhotyoshelwa	Isihlomelo
Ubungqina obufungelweyo obunxulumene nokuyekiswa	A

Igama, utyikityo neenkukacha zoqhagamshelwano lomntu olungiselele esi sicelo:

Igama : _____

Utyikityo : _____

Idilesi yeposi : _____

Ikhawudi yeposi : _____

Idilesi yokuhlala : _____

Ikhawudi yeposi : _____

Iinombolo zeminxeba:

Eyeofisi : _____

Iselula : _____
 Eyasekhaya okanye enye: _____
 Inombolo yefeksi : _____
 Iimeyile : _____

1. IINKCUKACHA ZOMNINI WEPHEPHAMVUME

Igama elipheleleyo lomnini wephephamvume: _____

2. IZIZATHU ZOKUYEKISWA

- 2.1 Ishishini elinephephamvume lithe layekwa ngumnini wephephamvume: **EWE / HAYI**
- 2.2 Umntu onikwe iphephamvume ngumntu ochazwe kwicandelo lama67(3) kwaye umntu ekubhekiswa kuye kwicandelo lama(67)(1) unyulwe njengomnini welayisenisi. **EWE / HAYI**
- 2.3 Qhoboshela ubungqina obufungelweyo ucacise iimeko.

Umhla

**Utyikityo lomfaki-sicelo okanye umntu ogunyaziswe
 ngumfaki-sicelo**

Bhala igama ngoonobumba

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.

Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4 WAMA2008)

IFOMU 21A

ISAZISO SOKUHLAZIYWA KWEPHEPHAMVUME LONYAKA OKANYE LONYAKAMBINI LE:
IMALI EHLAWULWAYO NGOKUNXULUMENE NEPHEPHAMVUME LOTYWALA:
UNYAKA WAMA20 ; OKANYE
IMINYAKA EMIBINI 20 KUNYE 20

[Reg. 30(1)]

INOMBOLO YESALATHISO SEGUNYA LOTYWALA:

Igama lomnini wephephamvume:

Idilesi yesakhiwo esinephephamvume:

(Ukuba idilesi yendawo yokuhlala okanye yeposi itshintshile, nceda uthumele kwakhona idilesi entsha kule dilesi yeimeyile ilandelayo: liquor.enquiries@wcla.gov.za.)

Udidi lwephephamvume:

Uyaziswa ukuba iyonke imirhumo yohlaziyo ehlawulwa kwiGunya:

Ngonyaka: R , ihlawulwe ngomhla okanye phambi kwe:

Unyakambini: R , ihlawulwe ngomhla okanye phambi kwe:

Nceda Qaphela:

- 1. Intlawulo kufuneka yenziwe ngokufaka ngqo kule akhawunti yebhanki ilandelayo yeGunya:
Ibhanki: Nedbank
Umnini akhawunti: iGunya loTywala leNtshona Koloni
Inombolo yeakhawunti: 145 206 9883
Ikhawudi yeSebe: 198 765
Nceda unikezele ngenombolo yephephamvume lakho njengesalathiso kwiphethshana lokufaka imali (Inombolo yeWCP/DTI iboniswe ngezantsi nje kwesihloko sale fomu).
2. Iphephamvume linqunyanyiswa isithuba seenyanga ezintandathu ukusuka kumhla wokul kweyoMqungu wonyaka apho umrhumo omiselweyo wohlaziyo bekufanele ukuba uhlawulwe. Jonga icandelo lama63(7). Umntu onikwe ilayisenisi ogama lakhe linqunyanyisiwe akanakuthengisa utywala ngexesha lokunqunyanyiswa.

3. Ukunqunyanyiswa kwelayisenisi enqunyanyiswe ngale ndlela kurhoxiswa kuphela ukuba umrhumo ofanelekileyo wohlaziyo uhlawulwe kunye nezohlwayo ezifanelekileyo. Jonga icandelo lama63(8).
4. Iphephamvume liyaphelelwa ukususela kumhla wokul kweyoMqungu wonyaka apho umrhumo wohlaziyo ofanelekileyo bekufanele ukuba uhlawulwe ukuba lowo unikwe iphephamvume uyasilela ukuhlawula umrhumo wohlaziyo ofanelekileyo kunye nesohlwayo ngokuhambelana necandelo lama63(8).

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 21B

**ISAZISO SOKUHLAZIYWA KONYAKAMBINI:
ISAZISO SOKUBHALISA KUMJIKELO WOKUHLAZIYA KUNYAKAMBINI
NGEMINYAKA 20_____ KUNYE 20_____**

[Reg. 30(3)]

INOMBOLO YESALATHISO SEGUNYA: _____

Igama lomnini wephephamvume: _____

Idilesi yesakhiwo sephephamvume: _____

UDIDI LWEPHEPHAMVUME ELIZA KUHLAZIYWA

(Phawula iphephamvume elifanelekileyo ngoX.)

1.	Iphephamvume ngokwemiqathango yecandelo lama33(1)(a)	
2.	Iphephamvume ngokwemiqathango yecandelo lama33(1)(b)	
3.	Iphephamvume ngokwemiqathango yecandelo lama33(1)(c)	
4.	Iphephamvume ngokwemiqathango yecandelo lama33(1)(d)	

Inombolo yephephamvume: _____

A. Ndi, _____ (umnini wephephamvume), qinisekisa ukuba ndirhuma kumjikelo wohlaziyo kanyakambini; okanye

B. Ndi, _____ (umntu ogunyaziswe ngumnini wephephamvume), qinisekisa ukuba qinisekisa ukuba lowo mntu unikwe iphephamvume ubhalisa kumjikelo wohlaziyo waminyaka emibini.

Umhla

**Utyikityo lomnini wephephamvume okanye
umntu ogunyaziswe ngumnini wephephamvume**

Bhala igama ngoonobumba

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.

Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 22

**ISICELO SOKUHLAZIYWA KWEPHEPHAMVUME NGOKWEMIQATHANGO
YECANDELO LAMA64(1)**

[Reg. 31(1)]

UQOBO KUFUNEKA LUFAKWE KWABASEMAGUNYENI IZE IKOPI ENYE IFAKWE
KWIGOSA LOTYWALA ELALATHIWEYO

Isitampu somhla wegosa lotywala elalathiweyo ekufunyanweni kwesicelo	Isitampu somhla weGunya ekufunyanweni kwesicelo
----------------------------------------------------------------------	-------------------------------------------------

INOMBOLO YESALATHISO SEGUNYA: _____

ISALATHISO

Iinkcazelo zamaxwebhu aza kuqhutyoshelwa	Isihlomelo
Iinkcazelo ezibhaliweyo ezixhasa isicelo	A
Ubungqina bentlawulo yomrhumo ofanelekileyo wesicelo	B
Isicelo soxolelo, ukuba kufanelekile	C
Ubungqina bentlawulo yomrhumo wesicelo soxolelo, ukuba kufanelekile	D

Igama, utyikityo neenkukacha zoqhagamshelwano lomntu olungiselele esi sicelo:

Igama : _____

Utyikityo : _____

Idilesi yeposi : _____

Ikhawudi yeposi : _____

Idilesi yokuhlala : _____

Ikhawudi yeposi : _____

Iinombolo zeminxeba:

- Eyeofisi : _____
- Iselula : _____
- Eyasekhaya okanye enye: _____
- Inombolo yefeksi : _____
- Iimeyile : _____

IINKCUKACHA ZOMNINI WEPHEPHAMVUME

1. Inombolo yephephamvume: _____
2. Igama elipheleleyo lomnini wephephamvume: _____
3. Ngaba isakhiwo sikowuphi umasipala wesithili? _____
4. Chaza izizathu zokuba kutheni umntu onikwe iphephamvume kufuneka avunyelwe ukuhlaziya iphephamvume nangona kukho (a) iimeko ezixelwe kwisiqendu lama64(1)(a) ukuya ku(e):

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

Umhla

Utyikityo lomnini wephephamvume okanye umntu ogunyaziswe ngumnini wephephamvume

Bhala igama ngoonobumba

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.

Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU YAMA23

**ISICELO SOXOLELO SOKUSILELA UKUFAKA ISICELO SOHLAZIYO
LWEPHEPHAMVUME NGOKWEMIQATHANGO YECANDELO LAMA64(4)**

[Reg. 31(2A)]

UQOBO LUZA KUFakwa KWABASEMAGUNYENI IZE IKOPI IFAKWE KWIGOSA
LOTYWALA ELALATHIWEYO

Isitampu somhla wegosa lotywala elalathiweyo ekufunyanweni kwesicelo	Isitampu somhla weGunya ekufunyanweni kwesicelo
-------------------------------------------------------------------------	----------------------------------------------------

INOMBOLO YESALATHISO SEGUNYA: _____

Igama, utyikityo, neenkukacha zozhagamshelwano zomntu olungiselele esi sicelo:

Igama : _____

Utyikityo : _____

Idilesi yeposi : _____

Ikhowudi yeposi : _____

Idilesi yokuhlala : _____

Ikhowudi yeposi : _____

Iinombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

Inombolo yefeksi : _____

Iimeyile : _____

IINKCUKACHA ZOMNINI WEPHEPHAMVUME

1. Inombolo yephephamvume: _____
2. Igama elipheleleyo lomnini wephephamvume: _____
3. Chaza izizathu zokungafaki isicelo sohlaziyo lwelayisenisi ngomhla okanye phambi kwama30 kweyoMsintsi wonyaka ofanelekileyo kwifomu emiselweyo:

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

Umhla

**Utyikityo lomnini wephephamvume okanye
 umntu ogunyaziswe ngumnini wephephamvume**

Bhala igama ngoonobumba

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.

Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU YAMA24

**ISICELO SODLULISELO LWEPHEPHAMVUME NGOKWEMIQATHANGO
YECANDELO LAMA65(1)**

[Reg. 32(2)(a)]

UQOBO KUFUNEKA LUFAKWE KWABASEMAGUNYENI IZE IKOPI IFAKWE KWIGOSA
LOTYWALA ELALATHIWEYO

Isitampu somhla wegosa lotywala elalathiweyo ekufunyanweni kwesicelo	Isitampu somhla weGunya ekufunyanweni kwesicelo
----------------------------------------------------------------------	-------------------------------------------------

INOMBOLO YESALATHISO SEGUNYA: _____

ISALATHISO

Inkcazelo yamaxwebhu aza kuqhotyoshelwa	Isihlomelo
Iinkcazelo ezibhaliweyo ezixhasa isicelo	A
Ikopi eqinisekisiweyo yekhadi lesazisi okanye uxwebhu, okanye incwadana yokundwendwela kunye nevisa okanye imvume yokuhlala ngokusisigxina yomnini welayisenisi ecetywayo ukuba lowo unikwe iphephamvume ngumntu wangaphandle, okanye, kwimeko yomntu ongenguye umntu wendalo, iikopi zobhaliso olufanelekileyo. amaxwebhu, abonisa isazisi kunye, apho kufanelekileyo, umdla wemali wawo onke amalungu, abalawuli, amahlakani, abaxhamli okanye abaphathiswa bomnini wephephamvume elicetywayo.	B
Ubungqina bentlawulo yomrhumo ofanelekileyo wesicelo ochazwe kwiNqaku le10(a) lesiHlomelo soku1.	C
Ubungqina obufungelweyo bomceli phephamvume ukuba uya, okanye ngulowo ucetywayo ukuba abe nephephamvume lokuthengisa utywala phantsi kwemiqathango yecandelo lama35.	D
Ubungqina bokuba umfaki-sicelo ufake ikopi yesi sicelo kwigosa elijongene nemiba engotywala.	E

Inkcazelo yamaxwebhu aza kuqhotyoshelwa	Isihlomelo
Ubungqina bokuba umntu onikwe iphephamvume ocetywayo unelungelo lokuhlala kwindawo enephephamvume	F
Ubungqina bobunini bezakhiwo ezinelayisenisi okanye, ukuba lowo unikwe iphephamvume elicetywayo akangomnini wendawo leyo, imvume ebhaliweyo evela kumniniyo ukuba lowo unikwe iphephamvume angasebenzisa indawo enephephamvume ngeenjongo zephephamvume apho isicelo sodluliselo sisenziwa. ilalisiwe	G
Ubungqina obubhaliweyo besizathu sokudluliselwa	H

Igama, utyikityo neenkukacha zoqhagamshelwano lomntu olungiselele esi sicelo:

Igama : _____

Utyikityo : _____

Idilesi yeposi : _____

Ikhawudi yeposi : _____

Idilesi yokuhlala : _____

Ikhawudi yeposi : _____

Inombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

Inombolo yefeksi : _____

Iimeyile : _____

ICANDELO A: IINKCUKACHA ZOMNINI WEPHEPHAMVUME

1. Igama elipheleleyo lomnini wephephamvume: _____

- 2. Igama nedilesi yesakhiwo esinephephamvume: _____

ICANDELO B: IINKCUKACHA ZOMNINI WEPHEPHAMVUME ELICETYWAYO

- 1. Igama elipheleleyo: _____
- 2. Inombolo yesazisi somnini wephephamvume elicetywayo okanye, ukuba umnini wephephamvume elicetywayo akanguye owoqobo, inombolo yayo yobhaliso:

--	--	--	--	--	--	--	--	--	--	--	--	--

(Qhoboshela ikopi yekhadi okanye incwadi yesazisi okanye ubungqina bobhaliso.)

- 3. Idilesi yokuhlala okanye idilesi yeofisi yobhaliso: _____

Ikhowudi yeposi: _____

- 4. Idilesi yeshishini: _____

Ikhowudi yeposi: _____

- 5. Idilesi yeposi: _____

Ikhowudi yeposi: _____

6. Inombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

Inombolo yefeksi : _____

7.	Ingaba umnini wephephamvume elicetywayo ngumntu o—	Phawula ngo “ewe” okanye “hayi”	
(a)	ingaba, kwisithuba seenyanga ezingamashumi amathandathu ama(60) phambi kokufaka isicelo, ugwetyelwe ukuvalelwa entolongweni ngaphandle kokukhetha ukuhlawula isohlwayo?	Ewe	Hayi
(b)	ingaba, kwisithuba seenyanga ezingamashumi amathandathu ama(60) phambi kokufaka isicelo, uye wabhengezwa njengongafanelekanga ukuba angabhaliswa nguGunyaziwe woTywala kaZwelonke okanye iphephamvume nguwuphi na ugunyaziwe wotywala wephondo?	Ewe	Hayi
(c)	ingaba utshone ematyaleni ngokungenakuncedakala?	Ewe	Hayi
(d)	ingaba ungumntwana?	Ewe	Hayi
(e)	ingaba wayenephephamvume eliye lacinywa ngokwemiqathango yalo Mthetho okanye uMthetho olawula iimpephamvume zotywala kulo naliphi na elinye iphondo kwisithuba seenyanga ezilishumi elinesibini (12) phambi kokufaka isicelo?	Ewe	Hayi
(f)	ingaba umlingane womntu ochazwe ku(a), (b) okanye (e) ngentla?	Ewe	Hayi
(g)	ingaba ugula ngengqondo njengechazwe kuMthetho woNonophelo lweMpilo ngokweNgqondo, wama2002 (uMthetho we17 wama2002)?	Ewe	Hayi
(h)	kwimeko apho umntu onikwe iphephamvume elicetyiweyo ingengomntu wendalo, ungomnye wamalungu, abalawuli, amaqabane, abaxhamli okanye abaphathiswa umntu ochazwe ku (a), (b), (d), (e) okanye (g) ngasentla?	Ewe	Hayi
8.	Kwimeko yomntu onikwe iphephamvume elicetywayo ongengomntu wendalo, ngaba naliphi na ilungu, umlawuli, iqabane, umxhamli okanye umphathiswa ngumntu ochazwe kumhlathi 7(a), (b), (e) okanye (h)?	Ewe	Hayi

9. Ukuba nawuphi na umbuzo okwisiqendu sesi7(a) ukuya ku(h) nesi8 uno“ewe” njengempendulo, nikela iinkcukacha ezipheleleyo:

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

10.	If the proposed licensee is a company, close corporation, partnership or trust, state whether a person contemplated in paragraph 7 above, except as referred to in paragraph 7(f)—	Phawula ngo “ewe” okanye “hayi”	
(a)	unomdla kwinkampani enjalo, ukopoletyeni?	Ewe	Hayi
(b)	ingaba ungumlingane kwintsebenziswano enjalo?	Ewe	Hayi
(c)	ingaba umxhasi uphantsi kwalo trasti?	Ewe	Hayi

11. Ukuba omnye wemibuzo kwimihlathana we10(a) ukuya ku(c) apha ngentla uno “ewe” njengempendulo, bonelela ngeenkcukacha ezipheleleyo:

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

12. Chaza igama, inombolo yesazisi nedilesi yomntu ngamnye—

- (a) othi, kubandakanywa nomnini wephephamvume, abe nayo nayiphi na inzuzo yemali kwishishini elinxulumene nephephamvume leyo; kwaye
- (b) lowo, kubandakanywa nomntu onikwe iphephamvume elicetywayo, uya kuba nomdla onjalo ukuba isicelo samkelwe, kwaye kwimeko nganye, chaza uhlobo nobungakanani bomdla wezemali onjalo.

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

- (c) ingaba lowo ucetywayo unikwe iphephamvume ungumnikazi wendawo? **EWE / HAYI**
- (d) Ukuba impendulo ku(c) apha ngasentla ithi “hayi”, nika iinkcukacha zomnini kunye nelungelo lokusebenza lomntu onikwe iphephamvume:

Igama lomnini: _____

Idilesi yomnini: _____

Ilungelo lokusebenza lomntu onikwe iphephamvume: _____

Ixesha lelungelo lokuhlala: _____

Umhla

Utyikityo lomnini wephephamvume okanye umntu ogunyaziswe ngumnini wephephamvume

Bhala igama ngoonobumba

Umhla

Utyikityo lomnini wephephamvume elicetywayo okanye umntu ogunyaziswe ngumnini wephephamvume elicetywayo

Bhala igama ngoonobumba

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.

Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 24A

ISAZISO SOKULIVUMELA OKANYE UKULALA UDLULISELO LWEPHEPHAMVUME

[Reg. 32(10)]

IGAMA LOMFAKI-SICELO: _____

IGAMA LESAKHIWO: _____

IDILESI YESAKHIWO: _____

INOMBOLO YESALATHISO SEGUNYA: _____

Isicelo sodlulisele lwephephamvume kubhekisela.

Nceda uqaphele ukuba—

1. Isicelo sodlulisele lwephephamvume **saliwe** ngo _____.
2. Isicelo sodlulisele lwephephamvume **sivunywe** ngo _____.

Isiqinisekiso sodlulisele siya kukhutshwa xa kuthotyelwe le miqathango ilandelayo:

- (a) Umrhumo okwisixamali seR _____ kufuneka uhlawulwe zingadlulanga iintsuku ezingamashumi amathandathu (60) zokukhutshelwa kwesi sazi, ukuba asiphumelelanga ukuvunywa kwesicelo.
- (b) Ukuba umrhumo awuhlawulwanga kwixesha elichazwe ngasentla, unokufaka isicelo ngokubhaliweyo kwiGosa eliyiNtloko lesiGqeba sokuLawula ukuxolelwa ngokusilela ukuhlawula umrhumo. (Jonga icandelo lama65(19).)
- (c) Ukuba iGosa eliLawulayo eliyiNtloko liyakuvumela ukusilela, umrhumo kufuneka uhlawulwe ngomhla obekwe liGosa eliyiNtloko lesiGqeba kunye nesohlwayo se100% saloo mrhumo.

IGosa eliyiNtloko lesiGqeba soLawulo loTywala eNtshona Koloni okanye umntu osebenza phantsi kwamagunya anikezelwe liGosa eliyiNtloko lesiGqeba sokuLawula

Umhla: _____

Nceda uqaphele oku kulandelayo:

- (a) Imiqathango kufuneka ithotyelwe ngaphakathi _____ ukususela kumhla wesi saziso okanye ngomhla okanye ngaphambi komhla _____ usuku _____ 20_____.
- (b) Isicelo singenziwa kwiNkundla yamaTyala yeMvume yoTywala ngokwemigaqo yecandelo lama65(12B) ngendlela yeFomu 24E ukuba ilungise okanye irhoxise imiqathango apho unikezelo lwephephamvume lunikezelwe phantsi kwemiqathango.
- (c) Isicelo singenziwa kwiGosa eloNgameleyo ngokwemigaqo yecandelo lama65(12C) ngendlela yeFomu 24E ukuze kwandiswe ixesha lonikezelo olunemiqathango.
- (d) Ukuba umfaki-sicelo uyasilela ukuthobela le miqathango ikhankanywe ngasentla kwixesha elimiselweyo ngexesha lonikezelo olunemiqathango okanye ixesha elongeziweyo ngokwemiqathango yecandelo lama65(12C), unikezelo olunemiqathango lonikezelo lwephephamvume luyaphelelwa kwaye ugqithiselo luya kuthathwa ukuba yaliwe.

*IGosa eliyiNtloko lesiGqeba soLawulo loTywala eNtshona Koloni
Okanye umntu osebenza phantsi kolawulo ogunyaziswe liGosa eliyiNtloko lesiGqeba*

Umhla: _____

**QAPHELA UKUBA OLU NIKEZELO LUNEMIQATHANGO LODLUISELO
LWEPHEPHAMVUME ALUYIYO IMVUME YOKURHWABA NGAPHANDLE
KWEPHEPHAMVUME LOTYWALA OLUSEMTHETHWENI ELIKHUTSHWE
NGOKOMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008.**

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 24C

**ISAZISO MALUNGA NOMGAQO WAMA32(14) UKUBA UKUNIKELWA
OKUNIMIQATHANGO KODLULISELO LWEPHEPHAMVUME LUTHOTYELWE**

[Reg. 32(14)]

IGAMA LOMFAKISICELO: _____

IGAMA NEDILESI YESAKHIWO: _____

INOMBOLO YESALATHISO SEGUNYA: _____

1. Isicelo sodlulisele lwephephamvume sibhekisa.
2. Nceda uqaphele ukuba iGosa eloNgameleyo lonelisekile ukuba umfaki-sicelo uyithobele imiqathango ebekwe yiNkundla yamaTyala yePhephamvume loTywala ngo _____ kwaye ukuba isiqinisekiso sodlulisele siza kukhutshwa ngokuhlulwa komrhumo ekwalathwe kuwo kwicandelo lama65(16) kwiintsuku ezingamashumi amathandathu(60) ekukhutshweni kwesi sisaziso, ekusileleni ekuvumeleni isicelo siza kuphelelwa.
3. Ukuba umrhumo awuhlawulwanga ngexesha ekwalathwe ngalo ngentla, ungafaka isicelo ngokumalunga necandelo lama65(19) ngembalelwano kwiGosa eliyiNtloko lesiGqeba soLawulo loxolelo lokusilela ukuhlawula umrhuma.
4. Ukuba iGosa eliyiNtloko lesiGqeba soLawulo loxolelo lisilele ukuhlawula, umrhumo ukunye nesohlwayo se100% salo mrhumo kufuneka kuhlulwe ngomhla omiselwe liGosa lesiGqeba eliyiNtloko.

*IGosa eliyiNtloko lesiGqeba soLawulo loTywala eNtshona Koloni
okanye umntu osebenza phantsi kolawulo ogunyaziswe liGosa eliyiNtloko lesiGqeba*

Umhla: _____

**NCEDA QAPHELA UKUBA LE MVUME INEMIQATHANGO YEPHEPHAMVUME
AYIYOMVUME YAPHEPHAMVUME LOTYWALA LAKURHWEBE ESEMTHETHWENI
EKHUTSHWE NGOKOMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008.**

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 24D

**ISICELO SOXOLELO SOKUSILELA KOKUHLAWULWA KOMRHUMO OMISELWEYO
NGOKWECANDELO LAMA65(19)**

[Reg. 32(17)]

UQOBO KUFUNEKA LUFAKWE KWABASEMAGUNYENI

INOMBOLO YESALATHISO SEGUNYA: _____

ISALATHISO

Inkcazelo yoxwebhu oluza kuqhotyoshelwa	Isihlomelo
Inkcazelo ezibhaliweyo ezixhasa isicelo	A

Igama, utyikityo neenkukacha zoqhagamshelwano lomntu olungiselele esi sicelo:

Igama : _____

Utyikityo : _____

Idilesi yeposi : _____

Ikhawudi yeposi : _____

Idilesi yeposi : _____

Ikhawudi yeposi : _____

Iinombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

Inombolo yefeksi : _____

Iimeyile : _____

IINKCUKACHA ZOMNINI WEPHEPHAMVUME

Igama elipheleleyo lomnini wephephamvume: _____

Umhla

Utyikityo lomfaki-sicelo okanye umntu
ogunyaziwe ngumfaki-sicelo

Bhala igama ngoonobumba

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.

Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvalwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4 WAMA2008)

IFOMU 24E

ISICELO—

- A – NGOKWECANDELO LAMA65(12B) LOLUNGISO OKANYE LOKURHOXISWA KWEMIQATHANGO EZIMISELWE NGOKWECANDELO LAMA65(12); OKANYE**
- B – NGOKWECANDELO LAMA65(12C) LOKWANDISWA KWEXESHA ELICHAZWE NGOKWECANDELO LAMA65(12A)**

[Reg. 32(35) nama(46)]

UQOBO KUFUNEKA LUFAKWE KWABASEMAGUNYENI KWAYE, KWIMEKO YESICELO A, KWAKUNYE NOKUFAKWA KWEKOPI NGOKUFANELEKILEYO KWI(KUMA)GOSA OTYWALA AWALATHIWEYO

Isitampu somhla wegosa lotywala elalathiweyo ekufunyanweni kwesicelo	Isitampu somhla weGunya ekufunyanweni kwesicelo
----------------------------------------------------------------------	-------------------------------------------------

INOMBOLO YESALATHISO SEGUNYA: _____

IGAMA LOMFAKI-SICELO: _____

IGAMA LESAKHIWO: _____

ISICELO:

A	B
---	---

(Bonisa sesiphi isicelo.)

ISALATHISO

Inkcazelo yamaxwebhu aza kuqhotyoshelwa	Isihlomelo
Ubungqina bentlawulo	A
Iinkcazelo ezibhaliweyo ezixhasa isicelo	B

Igama, utyikityo neenkukacha zoqhagamshelwano lomntu olungiselele esi sicelo:

Igama : _____

Utyikityo : _____

Idilesi yeposi : _____

Ikhawudi yeposi : _____

Idilesi yokuhlala : _____

Ikhawudi yeposi : _____

Inombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

Inombolo yefeksi : _____

Iimeyile : _____

Umhla

**Utyikityo lomfaki-sicelo okanye umntu
ogunyaziswe ngumfaki-sicelo**

Bhala igama ngoonobumba

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.

Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 24F

ISAZISO SESIGQIBO NGOKOMGAQO WAMA32(45) OKANYE WAMA(49)

[Reg. 32(45) okanye wama(49)]

IGAMA LOMFAKI-SICELO: _____

IGAMA LESAKHIWO: _____

IDILESI YESAKHIWO: _____

INOMBOLO YESALATHISO SEGUNYA: _____

Nceda uqaphele ukuba isicelo ngokwemiqathango ye—

- A** candelo lama65(12B) ukulungisa okanye ukurhoxisa imiqathango; okanye
- B** candelo lama65(12C) ukwandisa ixesha,
- (a) **sinikezelwe**, kuxhomekeka kwimiqathango eyayanyanisiweyo.
- (b) **saliwe**.

*IGosa eliyiNtloko lesiGqeba soLawulo loTywala eNtshona Koloni
okanye umntu osebenza phantsi kolawulo ogunyaziswe liGosa eliyiNtloko lesiGqeba*

Umhla: _____

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU YAMA25

**ISIQINISEKISO SODLULISELO LWEPHEPHAMVUME LOTYWALA
NGOKWEMIQATHANGO YECANDELO LAMA65(17)**

[Reg. 32(12) ne(16)]

INOMBOLO YESALATHISO SEGUNYA: _____

Iphephamvume elibhanjwe ngu _____
ngokumalunga nesakhiwo esizinze e _____ kumasipala
we _____, phantsi kwegama apho ishishini elinephephamvume
liqhutywa khona: _____
udlulisela ku _____,
kuxhomekeka kwimiqathango nezicwangciso ezifakwe phantsi kwazo ngapha koko.
Ishishini elinephephamvume kwixesha elizayo lizakuqhutywa phantsi kweli gama:
_____.

**Esi sisiqinisekiso kufuneka ngawo onke amaxesha siqhotyoshelwe kwiphephamvume
ekuthethwa ngalo.**

*IGosa eliyiNtloko lesiGqeba soLawulo loTywala eNtshona Koloni
okanye umntu osebenza phantsi kolawulo ogunyaziswe liGosa eliyiNtloko lesiGqeba*

Umhla: _____

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU YAMA26

**ISICELO SEMVUME YOKUQHUBA ISHISHINI ELINEPHEPHAMVUME ELILINDELE
UKUDLULISELWA IPHEPHAMVUME NGOKWEMIQATHANGO YECANDELO LAMA65(3)**

[Reg. 32(21)]

UQOBO KUFUNEKA LUFAKWE KWWABASEMAGUNYENI IZE IKOPI IFAKWE KWIGOSA
LOTYWALA ELALATHIWEYO

Isitampu somhla wegosa lotywala elalathiweyo ekufunyanweni kwesicelo	Isitampu somhla weGunya ekufunyanweni kwesicelo
----------------------------------------------------------------------	-------------------------------------------------

INOMBOLO YESALATHISO SEGUNYA: _____

ISALATHISO

Inkcazelo yamaxwebhu aza kuqhotyoshelwa	Isihlomelo
Inkcazelo ezibhaliweyo ezixhasa isicelo	A
Ubungqina bentlawulo yomrhumo ofanelekileyo	B

Igama, utyikityo neenkukacha zoqhagamshelwano lomntu olungiselele esi sicelo:

Igama : _____

Utyikityo : _____

Idilesi yeposi : _____

Ikhawudi yeposi : _____

Idilesi yokuhlala : _____

Ikhowudi yeposi : _____

Iinombolo zeminxeba :

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

Inombolo yefeksi : _____

Iimeyile : _____

ICANDELO A: IINKCUKACHA ZOMNINI WEPHEPHAMVUME

1. Igama elipheleleyo lomnini wephephamvume: _____

2. Igama nedilesi yeshishini elinephephamvume: _____

3. Igama apho ishishini elicetywa ngumnini wephephamvume liza kuqutywa phantsi kwalo:

4. Ngokutyikitya esi sicelo, umnini wephephamvume uqaphela ukuba unolwazi lwemiqathango equlathwe kwicandelo lama65(8) oMthetho.

Umhla

**Utyikityo lomnini wephephamvume okanye umntu
ogunyaziswe ngumnini wephephamvume**

Bhala igama ngoonobumba

ICANDELO B: IINKCUKACHA ZEPHEPHAMVUME ELITYECWAYO

5. Igama elipheleleyo: _____

6. Inombolo yesazisi okanye, kwimeko yenkampani okanye ukopoletyeni, inombolo yobhaliso:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

(Qhoboshela ikhadi okanye incwadi yesazisi okanye ubungqina bentlawulo yobhaliso.)

7. Idilesi yokhuhlala okanye idilesi yeofisi yobhaliso: _____

Ikhowudi yeposi: _____

8. Idilesi yeshishini: _____

Ikhowudi yeposi: _____

9. Idilesi yeposi: _____

Ikhowudi yeposi: _____

10. Inombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

11. Inombolo yefeksi : _____

12. Iimeyile : _____

Umhla

Utyikityo lomnini wephaphamvume elicetywayo okanye umntu ogunyaziswe ngumnini wephaphamvume

Bhala igama ngoonobumba

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.

Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 26A

**ISICELO NGOKWEMIQATHANGO YECANDELO LAMA65(6) LOKWANDISA IXESHA
LEMVUME ENIKEZELWEYO NGOKWECANDELO LAMA65(5)**

[Reg. 32(31)]

UQOBO KUFUNEKA LUFAKWE KWABASEMAGUNYENI IZE ENYE IKOPI IFAKWE
KWIGOSA LOTYWALA ELALATHIWEYO

Isitampu somhla wegosa lotywala elalathiweyo ekufunyanweni kwesicelo	Isitampu somhla weGunya ekufunyanweni kwesicelo
----------------------------------------------------------------------	-------------------------------------------------

INOMBOLO YESALATHISO SEGUNYA: _____

ISALATHISO

Inkcazelo yamaxwebhu aza kuqhutyoshelwa	Isihlomelo
Iinkcazelo ezibhaliweyo ezixhasa isicelo	A
Ubungqina bentlawulo yomrhumo wesicelo	B

Igama, utyikityo neenkukacha zoqhagamshelwano lomntu olungiselele esi sicelo:

Igama : _____
 Utyikityo : _____
 Idilesi yeposi : _____

 Ikhowudi yeposi : _____
 Idilesi yokuhlala : _____

Ikhowudi yeposi : _____

Inombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

Inombolo yefeksi : _____

Iimeyile : _____

IINKCUKACHA ZEPHEPHAMVUME ELICETYWAYO

1. Inombolo yephephamvume lotywala: _____
2. Igama elipheleleyo lomnini wephephamvume: _____
3. Ukuba umnini wephephamvume akanguye woqobo, chaza igama, inombolo yesazisi nedilesi kunye nobungakanani bomdla wezemali welungu ngalinye, umlawuli, ihlakani, umxhamli okanye abaphathiswa:

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

4. (a) Igama nedilesi yesakhiwo esinephephamvume: _____

- (b) Chaza isimo sesakhiwo apho ishishini elinephephamvume liqhutyelwa khona, kunye nenombolo yesiza, isi(izi)talato, i(ama)gumbi, i(ii)venkile okanye ifama, njengoko kunobanjalo:

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

(c) Ingaba yeyiphi indawo kamasipala isakhiwo ekubhekiswa kuso kumhlathi (a) sizinze khona? _____

5. Igama loqhagamshelo nenombolo yomnxeba zasemini: _____

6. Chaza isi(izi)zathu zokwandiswa kwesicelo semvume enikezelweyo ngokwecandelo lama65(5):

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

Umhla

Utyikityo lomnini wephephamvume elicetywayo okanye umntu ogunyaziswe ngumnini wephephamvume

Bhala igama ngoonobumba

Ndiyavuma kulwandiso lwemvume ngokwecandelo lama65(6) lalo Mthetho kude kube _____ lusuku _____ 20 _____.

Umhla

Utyikityo lomnini phephamvume okanye umntu ogunyaziswe ngumnini wephephamvume

Bhala igama ngoonobumba

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.

Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 26B

**IMVUME YOKWANDISWA KWEXESHA LONIKEZELO NGOKWECANDELO
LAMA65(5)**

[Reg. 32(34)]

INOMBOLO YESALATHSO SEGUNYA: _____

Imvume enikezelwe ku _____

Ukuqhuba ishishini elinephephamvume, kulindwe udluliselo lwephephamvume, ngokumalunga
nesakhiwo _____ esizinze _____ e

kumasipala we _____, apho igama leshishini

liqhuba phantsi kwalo _____,

landiselwe eli xesha lilandelayo _____.

**Esi sisaziso kufuneka ngawo amaxesha ngexesha elithile lemali yelizwe siqhotyoshelwe ngoko
kwiphephamvume ekuthethwa ngalo.**

*IGosa eliyiNtloko lesiGqeba soLawulo loTywala eNtshona Koloni
okanye umntu osebenza phantsi kolawulo ogunyaziswe liGosa eliyiNtloko lesiGqeba*

Umhla: _____

**QAPHELA: Ikopi enye kwiphephamvume ngalinye, iphephamvume elicetywayo negosa
lotywala elalathiweyo**

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 27

ISICELO SOKUSUSA IPHEPHAMVUME NGOKWECANDELO LAMA66(2)

[Reg. 33(7)]

UQOBO KUFUNEKA LUFAKWE KWABASEMAGUNYENI IZE IKOPI IFAKWE
KWI(KUMA)GOSA AFANELEKILEYO AWALATHIWEYO OTYWALA

INOMBOLO YESALATHISO SEGUNYA: _____

Isitampu somhla weGunya ekufunyanweni kwesicelo	Isitampu somhla wegosa lotywala elalathiweyo ekufunyanweni kwesicelo
----------------------------------------------------	-------------------------------------------------------------------------

ISALATHISO

Inkcazelo yamaxwebhu aza kuqhotyoshelwa	Isihlomelo
Isicwangciso somgangatho esifundekayo, esibanzi sesakhiwo sephephamvume elicetywayo njengoko lichaziwe kumgaqo wama33(8)(a)	A
Isicwangciso sesiza esi esifundekayo sesakhiwo njengoko kuchaziwe kumgaqo wama33(8)(b)	B
Imephu yokujonga umoya ebonisa unxulumano lwesakhiwo esinephephamvume elicetywayo kwindawo yokuhlala njengoko kuchaziwe kumgaqo wama33(8)(c)	C
Inkcazelo yesakhiwo njengoko kuchaziwe kumgaqo wama33(8)(d)	D
Ifoto zemibala esisalathiso ebonisa ububanzi beempawu zangaphakathi nangaphandle zesakhiwo esinephephamvume elicetywayo okanye, apho isicelo sinxulumene nesakhiwo esingagqitywana, umgangatho wokugqitywa kwesakhiwo njengoko kuchaziwe kumgaqo wama33(8)(e)	E

Inkcazelo yamaxwebhu aza kuqhutyoshelwa	Isihlomelo
Ikopi eqinisekiweyo ye/ya— (i) khadi okanye incwadi yesazisi yomfaki-sicelo; (ii) ncwadi yokundwendwela nevisa okanye, apho kuyimfuneko, imvume yobume obusisigxina somfaki-sicelo ukuba umfaki-sicelo ngowasemzini; okanye (iii) maxwebhu obhaliso afanelekileyo, alatha ubuwena kunye, apho kufanelekileyo, umdla wezemali awo onke amalungu, abalawuli, amahlakani, abaxhamli okanye abaphathi bomfaki-sicelo, ukuba umfaki-sicelo ngumntu ngaphandle kwalowo uluqobo	F
Ubungqina obufungelweyo obenziwe ngumfaki-sicelo ukuba akakulungelanga ngokwecandelo lama35 ukuba nephephamvume lotywala	G
Ubungqina bokuba umfaki-sicelo unelungelo lokuhlala kwisakhiwo esinephephamvume elicetywayo	H
Ubungqina bobunini besakhiwo esinephephamvume esicetywayo okanye, ukuba umfaki-sicelo akangomnini wesakhiwo esinephephamvume, imvume esuka kumnini ukuba umfaki-sicelo angasebenzisa isakhiwo esinephephamvume elicetywayo ngenjongo yephephamvume ngokumalunga nokuba isicelo sokususwa safakwa	I
Iinkcazelo ezibhaliweyo ezixhasa isicelo	J
Ubungqina bentlawulo yomrhumo wesicelo esifanelekileyo	K
Ubungqina bezaziso ngokomgaqo we10(2)	L
Isiqinisekiso sokucanda	M
Ubungqina bokuba ikopi yesicelo sifakwe kwigosa lotywala elalathiweyo ondawo yakhe yolawulo lwesakhiwo esinephephamvume sizinze khona ngoku kwaye, apho ukunikelwa kwesicelo kuza kusebenza ekususweni kwephephamvume kwindawo yolawulo lwelinye igosa lotywala elalathiweyo, ubungqina bokuba umfaki-sicelo afake ikopi yesicelo kwigosa lotywala elalathiweyo lwalo ndawo	N

Igama, utyikityo neenkukacha zoqhagamshelwano lomntu olungiselele esi sicelo:

Igama : _____

Utyikityo : _____

Idilesi yokuhlala : _____

Ikhawudi yeposi: _____

Idilesi yeposi : _____

Ikhawudi yeposi : _____

Iinombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

Inombolo yefeksi : _____

Iimeyile : _____

1. IINKCUKACHA ZOMFAKI-SICELO

1.1 Igama elipheleleyo : _____

1.2 Idilesi yokuhlala : _____

Ikhowudi yeposi: _____

1.3 Idilesi yeposi : _____

Ikhowudi yeposi: _____

1.4 Iinombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

1.5 Inombolo yefeksi : _____

1.6 Iimeyile : _____

1.7 Address for service of all notices and documents: _____

Ikhowudi yeposi: _____

1.8 Iinkcukacha zozhagamshelwano lomnini wephephamvume okanye, ukuba umfaki-sicelo akanguye owoqobo, iinkcukacha ezipheleleyo zomntu woqhagamshelwano:

1.9 Iinombolo zeminxeba:

Eyeofisi: _____

Iselula : _____

Eyasekhaya okanye enye: _____

1.10 Umhla wokuzalwa: (*ukuba umfaki-sicelo usisiqu*)

_____/_____/_____

2. IINKCUKACHA ZOKUSUSWA

2.1 Phantsi kweliphi igama ishishini eliqhutywa phantsi kwalo? _____

2.2 Ingaba igama liza kutshintshwa ekuphunyezweni kwesicelo sokususwa? **EWE / HAYI**

2.3 Ukuba kunjalo, chaze igama elitsha: _____

2.4 Chaza imeko yesalathiso apho ishishini liza kuqhutywa khona, ngokubhekisele kwinombolo yesiza, isi(izi)talato, i(ama)gumbi, i(ii)venkile okanye ifama:

2.5 Ingaba isakhiwo ekubhekiselwa kuso kumhlathi 2.4 kwisithili esifanayo samapolisa njengesakhiwo esinephephamvume langoku? **EWE / HAYI**

2.6 Ingaba isakhiwo ekubhekiswa kuso kumhlathi 2.4 kwindawo kamasipala enye njengesakhiwo sangoku esinephephamvume? **EWE / HAYI**

2.7 Ingaba umfaki-sicelo ungumnini wesakhiwo esizakususelwa iphephamvume? **EWE / HAYI**

2.8 Ukuba akunjalo, bonelela ngeenkukacha zomnini nelungelo lomfaki-sicelo sokuhlala:

Igama lomnini: _____

Idilesi yomnini: _____

Ilungelo lomfaki-sicelo lokuhlala:

Ixesha lelungelo lokuhlala: _____

2.9 Kwimeko yesicelo sephephamvume esivumela ukusetyenziswa kotywala kwisakhiwo, chaza kweyiphi inxalenye yesakhiwo utywala buhanjiswa ze busetyenziswe:

2.10 Ingaba isicelo senziwe ngokumalunga nesakhiwo esi—

(a) ngekakhiwa? **EWE / HAYI**

(b) sele sakhiwe kodwa sifuna ulongezelelo okanye utshintsho ukwenza isakhiwo esilungele injongo yeshishini? **EWE / HAYI**

(c) sele sakhiwe kwaye singafuni longezelelo okanye tshintsho ukuze kwenziwe isakhiwo silungele injongo yeshishini? **EWE / HAYI**

2.11 Ukuba impendulo kumbuzo 2.10(a) okanye (b) ngu “ewe”, nceda chaza—

(a) umhla wolo lwakhiwo, izongezelelo okanye utshintsho luza kuqala: _____; kunye

(b) nexesha eliza kufuneka lokwakha, izongezelelo okanye utshintsho: _____.

- 2.12 Kwimeko yesicelo sokususwa kwephephamvume kwixesha elimiselweyo, chaza ixesha apho olo suso lufuneka khona:

Umhla

**Utyikityo lomfaki-sicelo okanye umntu
ogunyaziswe ngumfaki-sicelo**

Bhala igama ngoonobumba

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.

Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 27A

**ISAZISO SOKUFAKWA KWESICELO SOKUSUSWA KWEPHEPHAMVUME
LOTYWALA NGOKWECANDELO LAMA66(2) LOMTHETHO WOTYWALA
WENTSHONA KOLONI, WAMA2008**

[Reg. 10(1)]

Isaziso sinikiwe ukuba isicelo sokususwa kwephephamvume lotywala sifakwe kwabasemaGunyeni kunye nakwigosa lotywala elalathiweyo endawo yalo yolawulo lwesakhiwo sephephamvume elizinze khona ngoku kwaye, apho ukunikezelwa kwesicelo kuza kuba nefuthe lokususwa kwephephamvume kwindawo yolawulo lelinye igosa lotywala elalathiweyo, kunye negosa lotywala elalathiweyo lalo ndawo.

Isicelo ekuthethwa ngaso singa, ukubandakanya usuku lwama28 ukusuka kumhla wopapasho lwesicelo, ekufunweni ekungahlawulisweni, kuhlolwe nguye nabani na umntu eziofisini zeGunya okanye i(ama)gosa afanelekileyo otywala alathiweyo. Iikopi zesicelo singafumaneka kwiGunya emva kokuhlululwa komrhumo omiselweyo.

Izichaso neenkcazelo zingafakwa ngembalelwano nabasemaGunyeni nakwi(ama)gosa ngokuhambelana nomgaqo we13 weMigaqo.

UMTHETHO WOTYWALA WENTSHONA KOLONI, 2008 (UMTHETHO 4 KA-2008)

IFOMU 27A

**ISAZISO SOKUFAKWA KWESICELO SOKUSUSWA KWEPHEPHAMVUME
LOTYWALA NGOKWECANDELO 66(2) LOMTHETHO WEZOTYWALA WENTSHONA
KOLONI, 2008**

[Reg. 10(1)]

Isaziso siyanikezelwa ukuba isicelo sokususwa kwephephamvume lotywala sifakiwe kwabasemaGunyeni ezoTywala eNtshona Koloni (abasemaGunyeni) nakwigosa elijongene nemiba engotywala elijongene nolawulo lweendawo ezinempaphamvume kwaye, apho ukunikezelwa kwesicelo kuza kuchaphazela ukususwa kwephephamvume phantsi kolawulo lwelinye igosa elijongene nemiba engotywala kuloo ngingqi.

Isicelo ekubhekiswa kuso singakwazi, ukuya kwiintsuku eziquka usuku lwama-28 ukusukela ngomhla wokupapashwa kwesi sicelo, xa siceliwe kwaye simahla, sihlolwe nguye nawuphi na umntu okwiofisi

yabasemaGunyeni okanye i(ama)gosa eli(a)jongene nemiba engotywala. Iikopi zesicelo singafumaneka kwabasemaGunyeni emva kwentlawulo emisiweyo.

Uchaso neengxelo ezixhasayo ezibhaliweyo zingafakwa kwabasemaGunyeni nakwigosa lotywala eligunyazisiweyo ngokwecandelo 13 leMigaqo.

Ino mb olo	Igama elipheleleyo lomfaki-sicelo	Igama eliza kuqhutywa ngalo ishishini	Idilesi yesakhiwo	Uhlobo lwelayisenisi ecetywayo	iOfisi yeGosa elijongene nemiba engotywala yeeNkonzo zamaPolisa eMzantsi Afrika apho isicelo sifakwe khona

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 27B

ISAZISO SOKUFAKWA KWESICELO SOKUSUSWA KWEPHEPHAMVUME LOTYWALA

[Reg. 10(2)]

Isaziso siyanikezelwa ukuba isicelo sokususwa kwephephamvume lokuthengisa utywala kwezi ndawo, iinkcukacha zazo zinikiwe apha, sifakwe kwabasemaGunyeni nakwiiofisi zegosa elijongene nezotywala elimiselweyo kwiNkonzo yamaPolisa oMzantsi Afrika..

Isicelo esibandakanyekayo sinokuthi, ukuya kutsho yaye kubandakanywa nosuku lwamashumi amabini anesibhozo (28) ukususela kumhla wokupapashwa kwesicelo, xa siceliwe kwaye simahla, sihlolwe nguye nawuphi na umntu kwiiiofisi zabasemaGunyeni kunye negosa elijongene nemiba engotywala elimiselweyo(s). Iikopi zesicelo zinokufunyanwa kwabasemaGunyeni emva kwentlawulo emiselweyo

Ngokomgaqo wama33(13) weMigaqo, ungafaka izimvo zakho malunga okanye ngokuchasene nesi sicelo. Ukuba unqwenela ukwenza njalo, izikhalazo kufuneka zingeniswe, ngokubhaliweyo, kwabasemaGunyeni nakwiiofisi zegosa elijongene nemiba engotywala elimiselweyo.

Umhla wesaziso: _____
(Lo mhla kufuneka ungqinelane nomhla wokufakwa kwesicelo.)

Igama elipheleleyo lomfaki-sicelo: _____

Inombolo yesazisi okanye inombolo yobhaliso yomfaki-sicelo: _____

Idilesi yesitalato somfaki-sicelo: _____

Ikhawudi yeposi: _____

Idilesi yeposi yomfaki-sicelo: _____

Ikhawudi yeposi: _____

Uhlobo lwephephamvume olufakelweyo: _____

Iintlobo zotywala obuza kuveliswa kunye/okanye kuthengiswa: _____

Igama eliza kuqhutywa phantsi kwalo ishishini: _____

Idilesi yendawo ecetywayo ukuba ibe nephephamvume, ngokubhekiselele kwinqanaba lesiza, izitalato, amagumbi, iivenkile okanye ifama apho ishishini liza kuqhutyelwa khona, njengoko imeko inokuba njalo:

Igama, utyikityo neenkukacha zoqhagamshelwano zomntu olungiselele esi sicelo:

Igama : _____
 Utyikityo : _____
 Idilesi yeposi : _____
 Idilesi yokuhlala : _____
 Inombolo zeminxeba:
 Eyeofisi : _____
 Iselula : _____
 Inombolo yefeksi : _____
 Iimeyile : _____

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho. Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 27C

ISALATHISO SOKUNIKEZELWA OKANYE UKWALIWA KWEPHEPHAMVUME

[Reg. 33(21)]

IGAMA LESAKHIWO: _____

IDILESI YESAKHIWO: _____

INOMBOLO YESALATHISO SEGUNYA: _____

Isicelo sokususa iphephamvume sibhekisela.

Nceda uqaphele ukuba—

1. Isicelo sokususwa kwephephamvume **saliwe** ngo _____.
2. Isicelo sokususwa kwephephamvume **sinikezelwe** ngo _____.

Isiqinisekiso sokususwa siya kukhutshwa xa kuthotyelwa le miqathango ilandelayo:

- (a) Umrhumo okwisixamali se-R _____ kufuneka uhlawulwe zingaphelanga iintsuku ezingamashumi amathandathu (60) zokukhutshelwa kwesi saziso, ukuba asiphumelelanga ukuvunywa kwesicelo.
- (b) Ukuba umrhumo awuhlawulwanga kwixesha elichazwe ngasentla, unokufaka isicelo ngokubhaliweyo kwiGosa eliyiNtloko lesiGqeba soLawulo ukuxolelwa ngokusilela ukuhlawula umrhumo (Jonga icandelo lama66(8)).
- (c) Ukuba iGosa loLawulo eliyiNtloko liyakuvumela ukusilela, umrhumo kufuneka uhlawulwe ngomhla obekwe liGosa eliyiNtloko lesiGqeba kunye nesohlwayo se100% saloo mrhumo.

*IGosa eliyiNtloko lesiGqeba soLawulo loTywala eNtshona Koloni
okanye umntu osebenza phantsi kolawulo ogunyaziswe liGosa eliyiNtloko lesiGqeba*

Umhla: _____

Nceda uqaphele oku kulandelayo:

1. Imiqathango okanye iimfuno ezixeliweyo mazithotyelwe—
 - (a) ngaphakathi kwi _____ ukusuka ekukhutshweni kwesi sisaziso; okanye
 - (b) ngo okanye ngaphambi kolu _____ usuku _____ 20_____.

2. Isicelo singenziwa ku—
 - (a) iNkundla yaMatyala yePhephamvume loTywala ukuba ilungise okanye irhoxise imiqathango ngokwemigaqo yecandelo lama66(5)(c) elifundwa necandelo lama42(4); okanye
 - (b) iNkundla yaMatyala yePhephamvume loTywala ukuba irhoxise okanye ilungise nawuphi na umqathango okanye imfuneko egqitywe phantsi kwecandelo lama66(8)(b) elifundwa necandelo lama44 nelama42(4); okanye
 - (c) iGosa eloNgameleyo ukuba lamkele isicwangciso esilungisiweyo esikhankanywe kwicandelo lama66(5)(c) elifundwa necandelo lama42(5)(b); okanye
 - (d) iGosa eloNgameleyo ngokwemiqathango yecandelo lama66(7)(a) elifundwa kunye necandelo lama42(5)(a) ukuba landise ixesha elibekwe sisiGqeba sePhephamvume lezoTywala ngokwecandelo lama42(3), lama66(8)(b), lama66(5) malunga nokususwa kwelayisenisi kangangexesha elimiselweyo.

3. Ukuba umfakisicelo uyasilela ukuthobela imiqathango echaziweyo okanye iimfuno ngaphakathi kwexesha elimiselwe yiNkundla yaMatyala yePhephamvume loTywala, okanye naliphi na ixesha elongeziweyo, unikezelo olunemiqathango lokususwa kwephephamvume luya kuphelelwa kwaye isicelo sokususwa kwephephamvume siya kuthathwa ukuba ungavunyelwa.

IGosa eliyiNtloko lesiGqeba soLawulo loTywala eNtshona Koloni okanye umntu osebenza phantsi kolawulo ogunyaziswe liGosa eliyiNtloko lesiGqeba

Umhla: _____

**QAPHELA UKUBA UKUNIKEZELWA KWEPHEPHAMVUME EMTHETHWENI
AKUKHO IMVUME YOKURHWEBA NGAPHANDLE KWEPHEPHAMVUME
ELISEBENZAYO LOTYWALA ELIKHUTSHIWEYO NGOKOMTHETHO WENTSHONA
KOLONI YOTYWALA WAMA2008 (UMTHETHO WESI4 WAMA2008)**

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 27E

**ISAZISO SOKUBA IMIQATHANGO YOKUNIKEZELWA PHANTSI KWAYO
IHAMBANELWE NGOKOMGAQO WAMA33(25)**

[Reg. 33(25)]

IGAMA LOMFAKI-SICELO: _____

IGAMA LESAKHIWO: _____

IDILESI YESAKHIWO: _____

INOMBOLO YESALATHISO SEGUNYA: _____

Isicelo sokususwa kwephephamvume sibhekisa.

Nceda uqaphele ukuba iGosa eloNgameleyo lanelisekile ukuba umfaki-sicelo uye wayithobela imiqathango ebekwe sisiGqeba sePhephamvume loTywala ngomhla _____ kwaye iphephamvume elisebenzayo liya kukhutshwa emva kokuthobela oku kulandelayo:

- (a) Umrhumo ekubhekiselwe kuwo kwicandelo lama66(9) kufuneka uhlawulwe zingaphelanga iintsuku ezingamashumi amathandathu (60) zokukhutshelwa kwesi saziso, ukuba xa ithe ke yaba sileleyo ukuvunywa kwesicelo kuya kuphelelwa.
- (b) Ukuba umrhumo awuhlawulwanga ngexesha elichazwe kumhlathi (a), ungafaka isicelo kwiNtloko yeSebe ngokwemiqathango yecandelo lama66(11) kwiintsuku ezingamashumi amathandathu (60) emva kokuphela kwexesha elichazwe kumhlathi (a). IGosa lesiGqeba soLawulo ngembalelwano lixolisa ngokusilela ukuhlawula umrhumo.
- (c) Ukuba iGosa eliyiNtloko lesiGqeba liyakuvumela ukusilela, umrhumo, kunye nesohlwayo se100% saloo mrhumo, kufuneka uhlawulwe ngomhla obekwe liGosa eliyiNtloko lesiGqeba soLawulo.

*IGosa eliyiNtloko lesiGqeba soLawulo loTywala eNtshona Koloni
okanye umntu osebenza phantsi kolawulo ogunyaziswe liGosa eliyiNtloko lesiGqeba*

Umhla: _____

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 27F

**ISICELO SOKUHLAWULA UMRHUMO OMISELWEYO NGOKWECANDELO
LAMA66(11)**

[Reg. 33(28)]

UQOBO LUZA KUFakwa KWABASEMAGUNYENI

INOMBOLO YESALATHISO SEGUNYA

ISALATHISO

Inkcazelo yamaxwebhu aza kuqhotyoshelwa	Isihlomelo
Inkcazelo ezibhaliweyo ezixhasa isicelo	A

Igama, utyikityo neenkukacha zoqhagamshelwano lomntu olungiselele esi sicelo:

Igama : _____
 Utyikityo : _____
 Idilesi yeposi : _____

 Ikhawudi yeposi : _____
 Idilesi yokuhlala : _____

 Ikhawudi yeposi : _____
 Inombolo zeminxeba:
 Eyeofisi : _____
 Iselula : _____
 Eyasekhaya okanye enye: _____
 Inombolo yefeksi : _____
 Iimeyile : _____

IINKCUKACHA ZOMNINI WEPHEPHAMVUME

Igama elipheleleyo lomnini wephephamvume: _____

Umhla

**Utyikityo lomfaki-sicelo okanye umntu
ogunyaziswe ngumfaki-sicelo**

Bhala igama ngoonobumba

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.

Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 27G

ISICELO—

- A – NGOKWECANDELO LAMA66(5)(c) LIFUNDWE NECANDELO LAMA42(4)
UKULUNGISELELA OKANYE UKURHOXISWA KWEMIQATHANGO;**
**B – NGOKWECANDELO LAMA66(8)(b) FUNDA NECANDELO LAMA44 UKUZE
UYEKISE OKANYE ULUNGISE NAYIPHI NA IMIQATHANGO OKANYE
IMFUNKO;**
**C – NGOKWECANDELO LAMA66(5)(c) FUNDWA NECANDELO LAMA42(5)
UKUZE KWAMKELWE ISICWANGCISO ESILUNGISIWEYO; OKANYE**
**D – UKWANDISA IXESHA ELIMISELWE YINKUNDLA YAMATYALA
YEPHEPHAMVUME LOTYWALA NGOKWECANDELO LAMA42(3), LAMA66(8)(B),
LAMA66(5) NGOKUBHEKISELELE EKUSUSWENI KWETHUBA ELIMISELWEYO.**

[Reg. 33(32) nama(41)]

UQOBO KUFUNEKA LUFAKWE KWABASEMAGUNYENI IZE IKOPI ENYE IFAKWE
KWIGOSA ELIFANELEKILEYO LOTYWALA ELALATHIWEYO

Isitampu somhla wegosa lotywala elalathiweyo ekufunyanweni kwesicelo	Isitampu somhla weGosa ekufunyanweni kwesicelo
-------------------------------------------------------------------------	---------------------------------------------------

INOMBOLO YESALATHISO SEGUNYA: _____

IGAMA LOMFAKI-SICELO: _____

IGAMA LESAKHIWO: _____

ISICELO:

A	B	C
----------	----------	----------

(Bonisa ukuba sesiphi isicelo esenziwayo.)

ISALATHISO

Inkcazelo yamaxwebhu aza kuqhotyoshelwa	Isihlomelo
Ubungqina bentlawulo yomrhumo omiselweyo	A
Inkcazelo ezibhaliweyo ezixhasa isicelo	B

Igama, utyikityo neenkukacha zoqhagamshelwano zomntu olungiselele esi sicelo:

Igama : _____
 Utyikityo : _____
 Idilesi yeposi : _____

 Ikhawudi yeposi : _____
 Idilesi yokuhlala : _____

 Ikhawudi yeposi : _____
 Inombolo zeminxeba:
 Eyeofisi : _____
 Iselula : _____
 Eyasekhaya okanye enye: _____
 Inombolo yefeksi : _____
 Iimeyile : _____

Umhla

**Utyikityo lomfaki-sicelo okanye umntu
 ogunyaziswe ngumfaki-sicelo**

Bhala igama ngoonombumba

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.

Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avaluele entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvallelwa entolongweni.

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU 27H

ISAZISO SESIGQIBO NGOKOMGAQO WAMA33(39) OKANYE WAMA(44)

[Reg. 33(40) okanye (44)]

IGAMA LOMFAKI-SICELO: _____

IGAMA LESAKHIWO: _____

IDILESI YESAKHIWO: _____

INOMBOLO YESALATHISO SEGUNYA: _____

Nceda qaphela ukuba isicelo—

A – ukulungiswa okanye ukurhoxiswa kwemiqathango ngokwecandelo lama66(5)(c) elifundwa necandelo lama42(4); okanye

B – ukurhoxisa okanye ukulungisa nawuphi na umqathango okanye imfuneko ngokwecandelo lama66(8)(b) elifundwa necandelo lama44; okanye

C – ukuphumeza isicwangciso esilungisiweyo ngokwecandelo lama66(5)(c) elifundwa necandelo lama42(5); okanye

D –Ukwandisa ixesha—

(a) njengoko kuchazwe sisiGqeba sePhephamvume loTywala ngokwemigaqo yecandelo lama42(3), lama66(8)(b), lama66(5) malunga nokususwa kangangexesha elimiselweyo,

(i) sinikezelwe, ngokuxhomekeke kwimiqathango eqhotyoshelweyo.

(ii) saliwe.

*IGosa eliyiNtloko lesiGqeba soLawulo loTywala eNtshona Koloni
okanye umntu osebenza phantsi kolawulo ogunyaziswe liGosa eliyiNtloko lesiGqeba*

Umhla: _____

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU YAMA28

**ISIQINISEKISO SOKUSUSWA KWEPHEPHAMVUME NGOKWEMIQATHANGO
YECANDELO LAMA66**

[Reg. 33(23) nama(27)]

INOMBOLO YESALATHISO SEGUNYA: _____

Iphephamvume elinikezelweyo ngokubhekiselele kwizakhiwo ezikuyo _____

kunye nalapho ishishini elinelayisensi liqhutywa phantsi kwegama le _____

isuswa ngokusisigxina/ithutyana kwindawo ekuyo _____

kumasipala we _____, apho ishishini elinelayisensi liza
kuqhutywa phantsi kwemiqathango kunye nezicwangciso eziqhotyoshelwe apha.

Ishishini elinephephamvume kwixesha elizayo liya kuqhutywa phantsi kwegama le _____

**Esi satifikethi masincanyathiselwe kwiphephamvume elichaphazelekayo ngawo onke amaxesha
ngexesha lemali yaso.**

*IGosa eliyiNtloko lesiGqeba soLawulo loTywala eNtshona Koloni
okanye umntu osebenza phantsi kolawulo ogunyaziswe liGosa eliyiNtloko lesiGqeba*

Umhla: _____

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU YAMA29

**ISAZISO NGESIBHENO OKANYE ISICELO SOKUHLAZIYWA NGOKWECANDELO
LAMA68(3)**

[Reg. 34(6)]

UQOBO KUFUNEKA LUFAKWE KWABASEMAGUNYENI

INOMBOLO YESALATHISO SEGUNYA: _____

ISALATHISO

Inkcazelo yamaxwebhu aza kuqhotyoshelwa	Isihlomelo
Ingxelo echaza izizathu zesibheni okanye isicelo sophononongo	A
Ingxelo emfutshane yeengongoma eziyinyani okanye ezisemthethweni umbheni azimisele ukuxoxa ngazo kwisibheni okanye ukuphonononga	B
Uluhlu lweziphathamandla, ukuba zikhona, eziza kunikwa ithenda ukuxhasa amanqaku aphambili	C
Isiqabu esifunwa ngumbheni	D

IGAMA LOMBHENI: _____

Igama, utyikityo neenkukacha zoqhagamshelwano lomntu olungiselele esi sicelo:

Igama : _____

Utyikityo : _____

Idilesi yeposi : _____

Ikhawudi yeposi : _____

Idilesi yokuhlala : _____

Ikhawudi yeposi : _____

Iinombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

Inombolo yefeksi : _____

Iimeyile : _____

IINKCUKACHA ZOKUBHENA OKANYE ISICELO SOKUPHONONONGA

1. Sesiphi isigqibo seGunya esifakwa kuso esi sibheni okanye isicelo sophononongo?

2. Umhla wesigqibo: _____

3. Umhla apho umbheni athe waziswa ngawo ngesigqibo: _____

Umhla

**Utyikityo lomfaki-sicelo okanye umntu
ogunyaziswe ngumfaki-sicelo**

Bhala igama ngoonobmba

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4 WAMA2008)

IFOMU YAMA30

ISAZISO SOKUTHOBELA NGOKWEMIQATHANGO YECANDELO LAMA69(1)

[Reg. 35(1)]

INOMBOLO YESALATHISO SEGUNYA: _____

IYA: Igama: _____

Idilesi: _____

Inombolo yesazisi:

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Ngenxa yamagunya anikwe abahloli beGunya kunye namagosa otywala amiselweyo ngokwecandelo lama69 loMthetho woTywala weNtshona Koloni, wama2008, uyaziswa ukuba awuthobelanga la malungiselelo alandelayo oMthetho okanye imiqathango yelayisenisi:

Uyacelwa ukuba uthobele ezi zibonelelo zingentla zoMthetho okanye imiqathango yephephamvume ungadlulanga umhla: _____, ngo (*chaza intshukumo efunekayo kumnini wephephamvume okanye umlawuli*)

Inggalelo yakho itsalwa kumacandelo lama69(5) ukuya kwelama69(12) oMthetho.

Utyikityo lomntu onikezelweyo (ukuba kuyafumaneka):

ISETYENZISWA NGOKUSEMTHETHWENI KUPHELA

Ndiyaqinisekisa ke ngoko ukuba ndisifakile esi saziso ngokuzisa imvelaphi kwa:

njengoko kuchaziwe kumgaqo wama35(2). Ubume kunye nokungxamiseka kwesaziso kwacaciswa kumamkeli. Indawo yenkonzo: _____

Umhla nexesha lenkonzo: _____

Utyikityo lomhloli okanye igosa lotywala elalathiweyo: _____

Igama lomhloli okanye igosa lotywala elalathiweyo: _____

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4 WAMA2008)

IFOMU YAMA32

ISAZISO NGOKWEMIQATHANGO YOMGAQO 37A(1)

[Reg. 37A(1)]

INOMBOLO YESALATHISO SEGUNYA: _____

IYA: Igama lomnini okanye umntu ojongene nesakhiwo:

Idilesi yesakhiwo: _____

Inombolo yesazisi:

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Ngenxa yamagunya anikwe abahloli beGunya ngokomgaqo 37A weMithetho, uyaziswa ukuba ndinemihlaba efanelekileyo yokukrokrela ukuba utywala buyathengiswa okanye benziwa nguwe okanye ngokwemiyalelo yakho okanye ngolwazi lwakho kwezi ndawo zikhankanywe ngasentla ngokuchasene nezibonelelo zoMthetho.

Kukuchasana noMthetho ukuthengisa okanye ukwenza utywala obuncinci ngaphandle kwelayisenisi ekhutshwe ngokwemiqathango yoMthetho, kwaye unokutshutshiswa kwinkundla yolwaphulomthetho. Ukuba ufunyaniswe unetyala, unokugwetyelwa ukuhlawula isohlwayo esifikelela kwiR1 000 000 okanye enye indlela yokuvallelwa entolongweni ukuya kutsho kwiminyaka emihlanu (5) okanye zozibini isohlwayo kunye nexesha lokuvallelwa entolongweni.

Uyacetyiswa ukuba uthathe amanyathelo akhawulezileyo okufaka isicelo sephephamvume elikugunyazisa ukuba uthengise okanye uvelise utywala obuncinci kwezi ndawo.

Izicelo zamaphephamvume kufuneka zingeniswe kwiGunya loTywala weNtshona Koloni:

Idilesi yokuhlala: Umgangatho wesiThathu, iSakhiwo seSunbel, 3 Old Paarl Road, Bellville

Inombolo yomnxeba: 021 204 9700

Iiyure zokusebenza: 7:30 ukuya kweye16:00

Idilesi yeWebhusayithi: www.wela.gov.za

Uya kufumana uncedo oluyimfuneko olufunayo ngesicelo sakho.

Utyikityo lomntu ekuncedwa yena (ukuba kuyafumaneka): _____

ISETYENZISWA NGOKWASEMTHETHWENI KUPHELA

Ndiyaqinisekisa ke ngoko ukuba ndisifakile esi saziso ngokuzisa imvelaphi kwa: _____

njengoko kuchaziwe kumgaqo 37A(1). Ubume kunye nokungxamiseka kwalo mbandela wachazwa kumamkeli.

Indawo yenkonzo: _____

Umhla nexesha lenkonzo: _____

Utyikityo lomhloli: _____

Igama lomhloli: _____

UMTHETHO WOTYWALA WENTSHONA KOLONI, WAMA2008 (UMTHETHO WESI4
WAMA2008)

IFOMU YAMA33

ISICELO SOKUKHULULW ANGOKWEMIQATHANGO YECANDELO LAMA84(2)

[Reg. 36(1)]

UQOBO LUZA KUFAKWA KWABASEMAGUNYENI ZIZE IIKOPI EZIMBINI ZIFAKWE
KWIGOSA LOTYWALA ELALATHIWEYO

Isitampu somhla weGunya ekufunyanweni kwesicelo.	Isitampu somhla wegosa lotywala elalathiweyo ekufunyanweni kwesicelo.
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INOMBOLO

YESALATHISO

SEGUNYA:

ISALATHISO

Ukhululo	Inkcazelo yokhululo	Phawula inqaku elifanelekileyo
Icandelo lama84(2)(a)	Izakhiwo ezihlala, ezilawulwa okanye ezilondolozwe liSebe likaRhulumente	
Icandelo lama84(2)(b)	Izakhiwo ezihlala, ezilawulwa okanye ezilondolozwe liQumrhu leziXhobo zaseMzantsi Afrika, okanye iAtomic Energy Corporation yoMzantsi Afrika Limited, kubasebenzi beziko elichaphazelekayo kunye neendwendwe zabo ezinyanisekileyo, ukuze zisetyenziswe kwezo ndawo.	
Icandelo lama84(2)(c)	Isicelo egameni leziko elisemthethweni kwizakhiwo okanye kwindawo yokuchithela iiholide kawonkewonke, kwipaki yesizwe okanye kwizilwanyana zasendle okanye kwindawo yolondolozo lwendalo.	
Icandelo lama84(2)(d)	Isicelo egameni lenqununu yeziko lemfundo kwindawo yokutyela esetyenziselwa ukuqeqesha abantu kwiinkonzo zokutya kwizakhiwo ezihlala, ezilawulwa okanye ezigcinwe liziko elichaphazelekayo, ukuze zityiwe kuloo ndawo yokutyela.	

Ukhululo	Inkcazelo yokhululo	Phawula inqaku elifanelekileyo
Icandelo lama84 (2)(e)	Ukusetyenziswa <i>ngokunyanisekileyo</i> ngumqokeleli wewayini okanye iziselo ezinxilisayo kwaye obo tywala bubandakanya ingqokelela yakhe yewayini okanye iziselo ezinxilisayo okanye nayiphi na inxalenye yoko.	
Icandelo lama84 (2)(f)	Isicelo somthengisi osebenza egameni lombutho onyanisekileyo wenkcubeko okanye wentlalontle, iziko lemfundo okanye umkhuseli	

Igama notyikityo lomntu olungiselele esi sicelo:

Igama : _____

Utyikityo : _____

Idilesi yokuhlala : _____

Ikhawudi yeposi: _____

Idilesi yeposi : _____

Ikhawudi yeposi : _____

Inombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

Inombolo yefeksi : _____

Iimeyile : _____

1. IINKCUKACHA ZOMFAKI-SICELO (*ukuba umfaki-sicelo ngowoqobo*)

1.1 Igama elipheleleyo:

1.2 Inombolo yesazisi:

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1.3 Umhla wokuzakwa:

D	D	M	M	Yr	Yr
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1.4 Idilesi: _____

Ikhowudi yeposi: _____

1.5 Idilesi yenkonzo yamaxwebhu: _____

Ikhowudi yeposi: _____

1.6 Idilesi yenkonzo yamaxwebhu emva kokuba isicelo simisiwe: _____

Ikhowudi yeposi: _____

1.7 Iinkcukacha zoqhagamshelwano:

Iinombolo zeminxeba:

Eyeofisi : _____

Iselula : _____

Eyasekhaya okanye enye: _____

Inombolo yefeksi : _____

Iimeyile : _____

2. IINKCUKACHA ZOMFAKI-SICELO (*ukuba umfaki-sicelo akanguye owoqobo*)

2.1 Umphathi otyunjweyo:

2.1.1 Igama _____ elipheleleyo:

2.1.2 Inombolo yesazisi:

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2.1.3 Idilesi: _____

Ikhowudi yeposi: _____

2.1.4 Inkcukacha zoqhagamshelwano:

Iofisi : _____

Iselula : _____

Eyasekhaya okanye enye : _____

Inombolo yefeksi : _____

Iimeyile : _____

3. ABAMELI ABAXHASA ISICELO:

(Sebenzisa isihlomelo ukuba kuyimfuneko.)

Umhla

Utyikityo lomfaki-sicelo okanye umntu ogunyaziswe ngumfaki-sicelo

Bhala igama ngoonobumba

Umntu othe, malunga nesicelo, isichaso okanye iinkcazelo ngokoMthetho woTywala weNtshona Koloni, wama2008, afake okanye anike iinkcukacha azaziyo ukuba zibubuxoki okanye ziyalahlekisa, okanye angazazi ukuba ziyinyani, okanye ofaka uxwebhu olungeyonyani okanye onenjongo yokuba, kodwa engeyiyo, ikopi yokwenyani yoloqobo, unetyala lokwaphula umthetho ngokwecandelo lama77(a) loMthetho.

Umntu ogwetywe ngolo hlobo umelwe kukuhlawula isohlwayo esingadlulanga kumaR50 000,00 okanye avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintathu okanye zozibini izohlwayo kunye nelo xesha lokuvallelwa entolongweni.

Izibonelelo zenguqu

- 27.(1) Umntu onikwe ilayisenisi oxelwe kwicandelo lama60(1) kufuneka, ukuba le migaqo ingeyiyo le migaqo ikhankanywe kumgaqo wama30(1)(a) no (b) wale migaqo, iqale ngomhla—
- (a) phambi komhla wama31 kweyoKwindla wonyaka, ingenise iinkcukacha ekubhekiswa kuzo kumgaqo wama27(1)(c)(iii) wale migaqo yaloo nyaka ngowama31 kweyoKwindla wonyaka olandelayo; okanye
 - (b) emva komhla wama31 kweyoKwindla wonyaka, ngenisa ulwazi ekubhekiswa kulo kumgaqo wama27(1)(c)(iii) wale migaqo yaloo nyaka kunye nolwazi ekubhekiswa kulo kumgaqo wama27(1)(c)(ii) wale migaqo kunyaka olandelayo ngowama31 kweyoKwindla wonyaka olandelayo.

Ukwenziwa kwezilungiso zoLungiselelo lweMigaqo

28. ULungiselelo lweMigaqo phambi komgaqo woku1 weMigaqo luyalungiswa—
- (a) ngokufakela emva kwesalathiso kwisihloko somgaqo we9 kweli nqaku lilandelayo: “Isaziso 9A sokwaliwa okanye ukwamkelwa kokungeniswa”;
 - (b) Isaziso 21 sokususa igama kufakwe elinye endaweni yalo kwisihloko somgaqo ngolu hlobo lulandelayo: “Isaziso 21 sezicelo zokudlulisa inzala yemali kwishishini elinephephamvume”;
 - (c) Isaziso 21 sokufakela emva kokubhekisa kwisihloko kumgaqo wama21 eli nqaku lilandelayo: “Isaziso 21A sokukhutshwa kwephephamvume, ukuqhuba ushishino ngokwephephamvume kunye nokusetyenziswa kwezakhiwo ezinelayisenisi”;
 - (c) ngokufakela emva kokubhekisa kwisihloko kumgaqo wama22 weli nqaku lilandelayo: “Isaziso 22A seMfundo nomrhumo woqeqesho”.

Isihloko esifutshane nesiqalo

- 29.(1) Le migaqo ibizwa iMigaqo yoTywala kwiNtshona Koloni, ka2011: iiNgqu zeSibini zika2023, yaye iqala ukusebenza ngomhla oya kumiselwa nguMphathiswa kwiGazethi yePhondo.

**ISIVUMELWANO SENGCACISO KUYILO LWEMIGAQO YOTYWALA
YENTSHONA KOLONI, 2011: ULUNGISO LWESIBINI LWAMA2023**

1. IMVELAPHI

- 1.1 URhulumente weNtshona Koloni wenze isigqibo sokuba umgaqonkqubo wokunciphisa ubungozi botywala kufuneka uphuhlise ukukhokela indlela kaRhulumente weNtshona Koloni yokulawula utywala. URhulumente weNtshona Koloni wamkele uMgaqonkqubo wokuNcithiswa koTywala (uMgaqonkqubo) ka-2017. Injongo yoMgaqonkqubo ikakhulu kukubonelela ngamangenelelo okuncedisa ekunciphiseni umonakalo onxulumene notywala eNtshona Koloni. Enye injongo kukubonelela ngemiba encedisayo ukwandisa ukusebenza kakuhle kunye nokusebenza kweziseko ezixhasayo ezongezelelweyo ezinxulumene nokuncitshiswa kobungozi botywala.
- 1.2 Ukuphumeza isindululo sawo, uRhulumente weNtshona Koloni uphuhlise uMthetho oYilwayo woTywala weNtshona Koloni, wama2023 (uMthetho oYilwayo olungisa uqulunqo), owapapashwa ukuze kunikwe izimvo kunye noyilo lweMigaqo yoTywala yeNtshona Koloni, 2011: isiHlomelo seSibini sama2023). Uyilo lwemigaqo yesilungiso lufuna ukubonelela ngotshintsho kulawulo olufunekayo ukuze kuphunyezwe iinguqu eziziswe ngumthetho osayilwayo woqulunqo.
- 1.3 Olona tshintsho lubalulekileyo kwisakhelo solawulo lulolu hlobo lulandelayo:
- 1.3.1 Ukulungiswa kwenkqubo yesicelo sephephamvume, ngokukodwa inkqubo yokwamkelwa kunye nokwaliwa kokufakwa kwesicelo sephephamvume;
- 1.3.2 Inkqubo entsha yokuqeshwa komphathi weshishini eline phephamvume. Inkqubo ecetywayo yeyokwazisa endaweni yesicelo esibandakanya uqeqesho lwephephamvume lotywala olusisinyanzelo kubaphathi.
- 1.3.3 Ukubandakanywa kwenkqubo yentathoxaxheba yoluntu kwizicelo zemvume yokwenza naluphi na ukwandiswa okanye kwizakhiwo ezinephephamvume ngokwemigaqo yecandelo elitsha elicetywayo lama-53(1A)(a) kuqulunqo loMthetho oYilwayo wolungiso. Inkqubo yentathoxaxheba yoluntu ikwabandakanyiwe kwizicelo zokutshintsha ngokubonakalayo ubume beshishini elinephephamvume ngokwemigaqo yecandelo elitsha elicetywayo lama-53(1A)(b) kuMthetho oYilwayo wolungiso.
- 1.3.4 Uphononongo lweerekhodi ekufuneka zigcinwe kwaye zingeniswe ngabanini bamaphephamvume malunga nobungakanani botywala obuthengisiweyo.
- 1.3.5 Uphononongo lweefomu kunye nemirhumo kwaye, ngokukodwa, isibonelelo senziwe ngephephamvume elifinyeziweyo kwifomu entsha ecetywayo i-7A.
- 1.3.6 Ukufakwa kweentlawulo ezimbini ezintsha ekumele zihlawuliwe ngokwemigaqo yale migaqo.

2. IINJONGO ZEMIGAQO YOQULUNQO LWEZILUNGISO

- 2.1 Uqulunqo lwemigaqo yezilungiso ifuna ukubonelela ngeenguqu kulawulo lolawulo olufunekayo ukuze kuphunyezwe izihlomelo ezicetywayo kuMthetho oYilwayo wolungiso.

- 2.2 Ngokwenza njalo, imigaqo yoqulunqo lwezilungiso okumandla kukubonelela ngolawulo, ukwandisa okanye ukuphonononga, iinkqubo ezifunekayo uku—
- 2.2.1 Ukwamkelwa kunye nokwaliwa kokufakwa kwezicelo zamaphephamvume;
- 2.2.2 Isaziso sokuqeshwa kwabaphathi;
- 2.2.3 Ukuthatha inxaxheba kukawonkewonke ngokubhekiselele kwizicelo zokwandisa iindawo ezinamaphephamvume okanye ukutshintsha imeko yeshishini elinephephamvume;
- 2.2.4 Iirekhodi ekufuneka zigcinwe kwaye zingeniswe ngabanini bamaphephamvume.

3. OKUQULATHWE YIMIGAQO YOQULUNQO LWEZILUNGISO

Iinjongo neenjongo zemithetho eyahlukahlukeneyo eyilwayo zichazwe apha ngezantsi.

- 3.1 **Umgaqo woqulunqo 1** udwelisa zonke izilungiso zangaphambili kwiMigaqo yoTywala yeNtsona Koloni, yama2011 (iMigaqo ephambili).
- 3.2 **Umgaqo woqulunqo 2** wenza izilungiso kumgaqo woku1 weMigaqo ephambili uze ufakele inkcazelo yebinzana elithi “utyikityo”.
- 3.3 **Umgaqo woqulunqo 3** wenza izilungiso kumgaqo wesi6 weMigaqo ephambili ngokuthi ixhobise iNtloko yeSebe, eyinxalenye yegqiza lodliwanondlebe eliqhuba udliwanondlebe nabo banokuba ngamalungu esiGqeba sePhephamvume loTywala, ukuba abele igosa eliqeshwe liSebe umsebenzi wokuba yinxalenye yesigqeba.
- 3.4 **Umgaqo woqulunqo 4** wenza izilungiso kumgaqo we9 kwiMigaqo ephambili ukufaka umgaqo wokuba isicelo sephephamvume masikhatshwe ziinkcazo ezibhaliweyo zokuba kutheni isicelo eso sisemdeni woluntu. Umgaqo oyilwayo uchaphazela uphuculo oluthile lombhalo kunye notshintsho ukuze luhambelane nezilungiso ezicetywayo zecandelo 36 kuMthetho oYilwayo woLungiso. Umgaqo oyilwayo ngakumbi ufuna uncamathiselo lweefomu ezintsha eziza kwazisa iGunya lomntu oqeshwe njengomphathi weshishini elinephephamvume. Oku kukulungelelanisa inkqubo yokufaka izicelo nezilungiso ezicetywayo zecandelo lama52 kuQulunqo loMthetho oYilwayo woLungiso kunye nezilungiso ezicetywayo kumgaqo 22.
- 3.5 **Umgaqo woqulunqo 5** ifaka umgaqo 9A kwiMigaqo ephambili. Umgaqo 9A ocetywayo ubeka inkqubo yokwamkelwa kunye nokwaliwa kokufakwa kwesicelo selaphephamvume kunye namaxesha amisiweyo ekufuneka kwenziwe ngawo. Injongo yale nkqubo ihambelana nezilungiso ezicetywayo zecandelo lam36 kuqulunqo loMthetho oYilwayo woLungiso.
- 3.6 **Umgaqo woqulunqo 6** wenza izilungiso kumgaqo we-10 weMigaqo ephambili ngokususa umgaqo we-10(1A) onxulumene nokupapashwa kwezicelo kwiGazethi yePhondo. Ukucinywa kuyafuneka ukulungelelanisa inkqubo yopapasho kunye nesilungiso esicetywayo secandelo 37 kuMthetho oyilwayo woLungiso oluYilwayo olufuna ukupapashwa kwezicelo kwiwebhusayithi yeGunya. Umgaqo oluqulunqo ngaphezu koko uchaphazela izilungiso ezibhaliweyo ukulungelelanisa inkqubo yokwazisa kunye nezilungiso ezicetywayo zecandelo 36 kuqulunqo loMthetho oYilwayo woLungiso.

- 3.7 **Umgaqo woqulunqo 7** wenza izilungiso kumgaqo we-15 wemigaqo ephambili ukwenza izilungiso ezithile kwiimbekiselo nokufuna ukuba ingxelo yegosa elijongene nemiba engotywala elimiselweyo ibandakanye naluphi na ulwazi olumiselwe nguMphathiswa ngokwecandelo 41(1)(a)(ii) elitsha elicetywayo kuqulunqo loMthetho oYilwayo woLungiso.
- 3.8 **Umgaqo woqulunqo 8** wenza izilungiso kumgaqo we-17 weMigaqo ephambili ukwenza uphuculo oluthile lokubhaliweyo ukuze luhambelane nezihlomelo ezicetywayo kwicandelo 36 kuqulunqo loMthetho oYilwayo wezilungiso.
- 3.9 **Umgaqo woqulunqo 9** wenza izilungiso kumgaqo we-18 weMigaqo ephambili ukwenza uphuculo oluthile lokubhaliweyo ukuze luhambelane nezihlomelo ezicetywayo kwicandelo 36 kuqulunqo loMthetho oYilwayo wezilungiso.
- 3.10 **Umgaqo woqulunqo 10** wenza ulungiso kumgaqo we-19 weMigaqo ephambili ukwenza utshintsho oluthile lwesalathisi kunye nokufuna ukuba isicelo sephephamvume sotywala sethutyana okanye yesiganeko kufuneka sikhathshwe ziifomu ezintsha eziza kwazisa iGunya lomntu oqeshwe njengomphathi weshishini elinephephamvume. Oku kukulungelelanisa inkqubo yokufaka izicelo nezilungiso ezicetywayo zecandelo 52 kuqulunqo loMthetho oYilwayo woLungiso kunye nezilungiso ezicetywayo kumgaqo 22.
- 3.11 **Umgaqo woqulunqo 11** wenza izilungiso kumgaqo 21 weMigaqo ephambili ngokususa kumgaqo izibonelelo eziphathelele ekuqeshisweni kwephephamvume, ukuqhutywa kweshishini ngokwemigaqo yephephamvume nokusetyenziswa kwezakhiwo ezinephephamvume. Oku kulandela izilungiso ezindululwe kwicandelo 51 kuqulunqo loMthetho oYilwayo woLungiso.
- 3.12 **Umgaqo woqulunqo 12** ufaka umgaqo 21A kwiMigaqo ephambili. Umgaqo oyilwayo umisela inkqubo yokufumana invume yokuvula iphephamvume, ukuqhuba ishishini ngokwemigaqo yephephamvume kunye nokusetyenziswa kwezakhiwo ezinephephamvume.
- 3.13 **Umgaqo woqulunqo 13** wenza izilungiso kumgaqo 22 weMigaqo ephambili ngokufaka umgaqo 22 endaweni yawo ngenkqubo entsha yokuqeshwa komphathi weshishini elinephephamvume. Ngokuhambelana nezilungiso ezicetywayo zecandelo 52 kuyilo loMthetho oYilwayo, inkqubo entsha ibandakanya ukungenisa ngumfakisicelo okanye umntu onikwe iphephamvume isaziso kwiGunya lomntu oqeshwe njengomphathi. Umntu ololu hlobo, kwiimeko ezithile njengoko achongwe kwicandelo 52(4) nelesi-(5) elitsha elicetywayo kuqulunqo loMthetho oYilwayo woLungiso, kufuneka abe sele eyigqibile imfundo noqeqesho olutyunjweyo lwaze lwamiselwa sisiGqeba sePhephamvume loTywala.
- 3.14 **Umgaqo woqulunqo 14** ufaka umgaqo omtsha 22A kwiMigaqo ephambili. Umgaqo oyilwayo udwelisa umrhumo ohlawulwa kwiGunya ngokumalunga nemfundo noqeqesho olufunwa nguMthetho woTywala weNtshona Koloni, 2008, kunye noMthetho oYilwayo wohlengahlengiso ngokubhekisele kumbandela omtsha wesi-3 kwisiHlomelo soku kwimigaqo.
- 3.15 **Umgaqo woqulunqo 15** ithatha indawo yomgaqo 3 weMigaqo ephambili ngokufaka inkqubo yentathoxaxheba yoluntu ngokubhekiselele kwizicelo zemvume yokwenza naluphi na

- ulwandiso lwezakhiwo ezinempephamvume ngokwemigaqo yecandelo 53(1A)(a) elitsha elicetywayo kuqulunqo loMthetho oYilwayo. Inkqubo yentathoxaxheba yoluntu nayo ifakelwe ngokubhekiselele kwizicelo zemvume yokutshintsha ngokubonakalayo ubume beshishini elinepephamvume ngokwecandelo elitsha elicetywayo 53(1A)(b) kuqulunqo loMthetho oYilwayo woLungiso.
- 3.16 **Umgaqo woqulunqo 16** wenza izilungiso kumgaqo 25 woMgaqo ophambili kwaye lulungiso olulandela uhlehlengiso lomgaqo 15 weMigaqo ephambili ngomgaqo oluqulunqo lwesi-7(c).
- 3.17 **Umgaqo woqulunqo 17** wenza izilungiso kumgaqo 26 woMgaqo ophambili kwaye lulungiso olulandela uhlehlengiso lomgaqo 15 weMigaqo ephambili ngomgaqo oluqulunqo lwesi-7(c).
- 3.18 **Umgaqo woqulunqo 18** uthatha indawo yomgaqo 27 weMigaqo ephambili. Icacisa uhlobo locwangciso ekufuneka ligcinwe ngabanini bamaphephamvume, ixesha ekufuneka lugcinwe ngayo, indlela ekufuneka igcinwe ngayo kunye nexesha ekufuneka ingeniswe ngayo kwiGunya. Ukutshintshwa kuyafuneka ukuze kubonelelwe ngenkqubo yeemfuno eziziswe zizilungiso ezicetywayo kwicandelo lama60 kuqulunqo loMthetho oYilwayo woLungiso.
- 3.19 **Umgaqo woqulunqo 19** uthatha indawo yomgaqo 30 wemigaqo ephambili. Umgaqo omtsha wama-30 ocetywayo umisela uhlobo lwesaziso sohlaziyo sonyaka kunye nesithuba seminyaka emibini, ithini intlawulo yohlaziyo esebenzayo kuhlobo ngalunye lomjikelo wohlaziyo ngokubhekisele kwiCandelo C lesiHlomelo 2 kwimigaqo kwaye njani kwaye nini umntu onikwe iphephamvume kufuneka aziswe. Igunya lokhetho lomnini wephephamvume lokubhalisela umjikelo wonyaka okanye wohlaziyo waminyaka emibini. Olu tshintsho lucetywayo lulungelelanisa umgaqo 30 kunye nezihlomelo ezibanzi kwinkqubo yohlaziyo oluzenzekelayo kwicandelo 63 elicetywayo kuqulunqo loMthetho oYilwayo.
- 3.20 **Umgaqo woqulunqo 20** uthatha indawo yomgaqo 31 weMigaqo ephambili. Umgaqo omtsha wama-31 ocetywayo ubeka inkqubo emayilandelwe xa isicelo ngokwecandelo 64(1) elitsha elicetywayo kuqulunqo loMthetho oYilwayo wolungiso kufuneka senziwe. Utshintsho olucetywayo kumgaqo omtsha ocetywayo 31 kowona mgaqo uphambili useka ngokutsha inkqubo yesicelo soxolelo esinokwenziwa kwaye yazisa umrhumo ohlawulwa kwiGunya xa kusenziwa isicelo soxolelo. Oku kulungelelanisa umgaqo 31 kunye nezilungiso ezicetywayo zecandelo 64 kuqulunqo loMthetho oYilwayo woLungiso.
- 3.21 **Umgaqo woqulunqo 21** wenza izilungiso kumgaqo 32 weMigaqo ephambili kwaye sisilungiso esilandela izilungiso ezicetywayo kumgaqo 22 ophambili weMigaqo emalunga nesaziso sokuqeshwa komphathi weshishini elinamaphephamvume.
- 3.22 **Umgaqo woqulunqo 22** uthatha indawo yomgaqo 33 weMigaqo ephambili. Olu tshintsho luhlehlengisa inkqubo eza kulandelwa kwizicelo zokususwa kwephephamvume kwaye ilungelelaniswe nezihlomelo ezicetywayo kwicandelo 66 kuqulunqo loMthetho oYilwayo woLungiso.
- 3.23 **Umgaqo woqulunqo 23** wenza izilungiso kumgaqo 34 ngokwenza isibonelelo senkqubo apho esinye isiGqeba seziBheno sinokugwebela isibheno okanye isicelo sophononongo

esabelwe esinye. Esi sihlomelo sicetywayo sijonge ukulungelelanisa umgaqo 23 kwizihlomelo ezicetywayo kwicandelo 25 nelama-68 kuqulunqo loMthetho oYilwayo woLungiso.

- 3.24 **Umgaqo woqulunqo 24** wenza izilungiso kumgaqo 37 weMigaqo ephambili ngokufuna ukuba abanini bamaphephamvume, apho kufanelekileyo, babonise iFomu ye-15 enezilungiso kunye neFomu ye-15A ecetywayo entsha. Esi sihlomelo sikwabonelela ngokuboniswa kwephephamvume elifinyeziweyo.
- 3.25 **Umgaqo woqulunqo 25** utshintsha iSihlomelo 1 kwiMigaqo ephambili ngokuthi kwaziswe iintlawulo ezintsha ezichaphazela izicelo zokwenyuselwa ekubhekiswa kuzo ngokwemigaqo yecandelo 64(4) leBhili yeengqu esaqulunqwayo, ndawonye nentlawulo entsha echaphazela imfundo noqeqesho ngokwemigaqo yamacandelo 45, 52(6) no65(14) ale Bhili yeenguqu isaqulunqwayo.
- 3.26 **Umgaqo woqulunqo 26** ithatha indawo yesiHlomelo 3 kwiMigaqo ephambili, kuzo zombini iSalathiso kwiifomu neefomu. Ngaapha koko, utshintsho luzisa iifomu ezithile ezintsha ezidingwa zizilungiso ezicetywayo kuqulunqo lwemimiselo yolungiso.
- 3.27 **Umgaqo woqulunqo 27** ubonelela ngamalungiselelo ethutyana.
- 3.28 **Umgaqo woqulunqo 28** wenza izilungiso kuLungiselelo lweMigaqo.
- 3.29 **Umgaqo woqulunqo 29** ubonelela ngesihloko esifutshane nokuqalwa kwemigaqo yoqulunqo lwezilungiso.

4. UKUCEBISANA

ISebe loKhuseleko loLuntu
ISebe leNkulumbuso: IiNkonzo zoMthetho
IGunya loTywala leNtshona Koloni

5. UCHAPHAZELEKO KUBASEBENZI

Akukho kuchaphazeleka kuthe ngqo kubasebenzi.

6. UCHAPHAZELEKO KWEZEMALI

IGunya ngoku lichitha ama-R4 513 960 ngonyaka ukubhengeza izicelo zamaphephamvume okuthengisa utywala ngokwecandelo 36 apho isi-R1 912 143 kuphela ebandakanyiweyo kuhlalho lwabiwomali lweMTEC. I-R2 601 817 eshiyekileyo iye yaxhaswa ngokwembali ukusuka kunikezelomali olungasetyenziswanga kwiminyakamali edlulileyo. Iimali zange zibandakanywe kuhlalho lwabiwomali lweMTEC njengoko zithathwa njengokungasebenzi kakuhle kwemithetho. Isihlomelo kwisoloty 14 kuqulunqo loMthetho oYilwayo wolungiso

siza kusombulula ukungasebenzi kakuhle kwemithetho kwaye kubangele kongiwe malunga ne-R1 500 000 kwisiseko sohlahlo lwabiwomali lweMTEC.

Ngaphaya koko, iGunya ngoku livelisa iR1 129 577 kwizohlwayo kwiintlawulo zasemva kwexesha zohlaziyo lwephephamvume. Isihlomelo kwigatya 28 nelama-29 kuqulunqo loMthetho ozaYilwayo wolungiso siza kunciphisa ngokuphawulekayo ezi zohlwayo kwiintlawulo zasemva kwexesha zohlaziyo lwephephamvume okukhokelela kwilahleko yengeniso yethu eqikelelwa malunga ne-R1 000 000. Ilahleko yengeniso iya kuxhaswa ngemali kugcino olusebenzayo oluchazwe ngasentla.

Izilungiso zomthetho ke ngoko ziya kubangela ukongiwa okuqikelelwayo kwama-R500 000 aza kufumaneka kwezinye izinto eziphambili zohanjiso lweenkonzo zeGunya.

