PROVINCE OF THE WESTERN CAPE

WESTERN CAPE NINETEENTH GAMBLING AND RACING AMENDMENT BILL

(As introduced)

(MINISTER OF FINANCE AND ECONOMIC OPPORTUNITIES)

[B 1—2020]

PROVINSIE WES-KAAP

WES-KAAPSE NEËNTIENDE WYSIGINGS-WETSONTWERP OP DOBBELARY EN WEDRENNE

(Soos ingedien)

(MINISTER VAN FINANSIES EN EKONOMIESE GELEENTHEDE)

[W 1—2020]

IPHONDO LENTSHONA KOLONI

UMTHETHO OSAYILWAYO WOLUNGISO WONGCAKAZO NEMIDYARHO WESHUMI ELINESITHOBA WENTSHONA KOLONI

(Njengoko wazisiwe)

(NGUMPHATHISWA WEZEMALI NAMATHUBA EZOQOQOSHO)

[B 1—2020]

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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.

BILL

To amend the Western Cape Gambling and Racing Act, 1996, so as to provide that certain fees are to be paid to the Western Cape Gambling and Racing Board instead of into the Provincial Revenue Fund; to provide for casino operator fees; to amend the provisions in Schedule II relating to limited gambling machine operator fees; and to provide for matters incidental thereto.

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

Amendment of section 44 of Act 4 of 1996, as amended by section 38 of Act 4 of 1997, section 12 of Act 11 of 1997, section 1 of Act 5 of 1999 and section 6 of Act 7 of 2013

1. Sectiont 44 of the Western Cape Gambling and Racing Act, 1996 (Act 4 of 1996) (the principal Act), is amended by the substitution for subsection (3) of the following subsection:

> ''(3) The fees contemplated in subsections (1) and (2) shall be payable to the Board.''.

Insertion of section 44D in Act 4 of 1996

2. The following section is inserted in the principal Act after section 44C:

> ''**Casino operator fees**
>
> **44D.** A casino operator fee, as set out in paragraph 5A of Schedule II, shall be payable to the Board by the holder of a casino operator licence.''.

Amendment of Schedule II to Act 4 of 1996, as substituted by section 70 of Act 4 of 1997 and amended by section 18 of Act 11 of 1997, section 4 of Act 5 of 1999, section 4 of Act 10 of 2000, section 1 of Act 9 of 2001, section 1 of Act 7 of 2009 and section 7 of Act 7 of 2013

3. Schedule II to the principal Act is amended—

(a) by the substitution for paragraph 5 of the following paragraph:

“5. The limited gambling machine operator fees payable in terms of section 44C are as follows:

Size of limited gambling machine operator	**Limited gambling machine operator fee**
Where the number of limited gambling machines does not exceed 500 machines per operator	**[R500 000,00]** R1,953 million per annum **[for a period of ten years]** escalating annually at the rate applicable in respect of debts to the State as determined by the Minister responsible for National Finance from time to time
Where the number of limited gambling machines exceeds 500 machines per operator but does not exceed 1 000 machines per operator	**[R1 000 000,00]** R3,905 million per annum **[for a period of ten years]** escalating annually at the rate applicable in respect of debts to the State as determined by the Minister responsible for National Finance from time to time
Where the number of limited gambling machines exceeds 1 000 machines per operator	**[R1 500 000,00]** R5,858 million per annum **[for a period of ten years]** escalating annually at the rate applicable in respect of debts to the State as determined by the Minister responsible for National Finance from time to time

”; and

(b) by the addition of the following paragraph after paragraph 5:

“5A. The casino operator fees payable in terms of section 44D are as follows:

Original value of casino development	**Casino operator fee**
Where the original value of the casino development did not exceed R175,0 million	R2,805 million per annum escalating annually at the rate applicable in respect of debts to the State as determined by the Minister responsible for National Finance from time to time
Where the original value of the casino development exceeded R175,0 million	R7,150 million per annum escalating annually at the rate applicable in respect of debts to the State as determined by the Minister responsible for National Finance from time to time

”.

Amendment of Arrangement of Sections of Act 4 of 1996, as amended by section 2 of Act 4 of 1997 and section 2 of Act 4 of 2006

4. The Arrangement of Sections before section 1 of the principal Act is amended by the insertion before the reference to the heading of section 45 of the following item:

“44D. Casino operator fees”.

Short title and commencement

5. This Act is called the Western Cape Nineteenth Gambling and Racing Amendment Act, 2020, and comes into operation on a date determined by the Premier by proclamation in the *Provincial Gazette*.

MEMORANDUM ON THE OBJECTS OF THE WESTERN CAPE NINETEENTH GAMBLING AND RACING AMENDMENT BILL

1. BACKGROUND

1.1 The Western Cape Gambling and Racing Board (the Board) was established by the Western Cape Gambling and Racing Act, 1996 (Act 4 of 1996)(the Act). The Board controls all gambling, racing and activities incidental thereto (subject to the Act and certain policy determinations).

1.2 It is important that the costs of the Board are defrayed, that it is financially self-sufficient and that the industry pays for its own regulation.

1.3 In the circumstances, the prescribed annual licence fees will now be payable to the Board instead of the Western Cape Government. Casino operator fees and limited gambling machine operator fees will also be payable to the Board.

2. OBJECTS OF BILL

2.1 The objective of the Western Cape Nineteenth Gambling and Racing Amendment Bill [B1—2020] (the Bill), is to amend the Act in order to promote and facilitate the financial self-sufficiency of the Board.

2.2 The Bill introduces a new casino operator fee. The fee is calculated based on what casinos would have been required to pay, should the ten-year exclusivity period contemplated in the Act and the Policy Determinations (published under Provincial Notice 304/1997 in *Provincial Gazette* 5170 of 29 August 1997) not have expired. Furthermore, the casino operator fee is linked to the original value of the casino developments, with a distinction between where the value of the casino development was below the threshold value of R175 million and those that exceeded R175 million. This fee will be levied annually and is introduced to ensure consistency with the operator fee levied upon limited gambling machine operators. The levying of this fee is in line with the principle that the industry pays for its regulation. The expiry of the statutory exclusivity periods, to which the exclusivity fees were attached, is being addressed by processes of legislative reform, of which this new casino operator fee forms part.

2.3 Further, the Bill seeks to revise certain provisions relating to limited gambling machine operator fees. The payment of these fees also contributes towards defraying the costs of the Board, promoting and facilitating its financial self-sufficiency, and is consistent with the principle that the industry pays for its regulation.

3. CONTENTS OF BILL

3.1 **Clause 1** of the Bill substitutes section 44(3) of the Act. It provides for certain fees to be paid to the Board. These fees will no longer be paid to the Western Cape Government.

3.2 **Clause 2** of the Bill inserts section 44D into the Act. Section 44D provides for casino operator fees to be paid by the holder of a casino operator licence.

3.3 **Clause 3** of the Bill amends the paragraph in Schedule II to the Act that relates to limited gambling machine operator fees. It also adds a paragraph that sets out the casino operator fees payable in terms of section 44D.

3.4 **Clause 4** of the Bill provides for the amendment of the Arrangement of Sections of the Act.

3.5 **Clause 5** of the Bill provides for the short title and commencement of the Bill.

4. CONSULTATION

Western Cape Gambling and Racing Board
Department of the Premier: Legal Services

The Draft Bill was published for public comment under Provincial Notice 28/2018 in *Provincial Gazette Extraordinary* 7889 of 28 February 2018. The deadline for comments was extended to 31 May 2018 by Provincial Notice 50/2018 in *Provincial Gazette Extraordinary* 7907 of 5 April 2018 and further extended to 31 July 2018 by Provincial Notice 72/2018 in *Provincial Gazette Extraordinary* 7931 of 23 May 2018.

5. FINANCIAL IMPLICATIONS

The prescribed annual licence fees (which will now be payable to the Board instead of the Western Cape Government), the new casino operator fees and the limited gambling machine operator fees are aimed at defraying the costs incurred by the Board in regulating the gambling sector in the province. It is estimated that the revenue to be collected from these fees will amount to approximately R30 million per annum payable to the Board. Together with the revenue of other prescribed fees, the Board is likely to be financially self-sufficient and less dependent on transfer payments from the Western Cape Provincial Treasury.

6. PERSONNEL IMPLICATIONS

None

7. LEGISLATIVE COMPETENCE

The Provincial Minister responsible for financial matters in the Province is satisfied that the provisions of the Bill fall within the legislative competence of the Province.

ALGEMENE VERDUIDELIKENDE NOTA:

[ ]	Woorde in vetdruk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
______	Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

WETSONTWERP

Tot wysiging van die Wes-Kaapse Wet op Dobbelary en Wedrenne, 1996, ten einde te bepaal dat sekere gelde aan die Wes-Kaapse Raad op Dobbelary en Wedrenne betaal moet word in stede van in die Provinsiale Inkomstefonds in; om voorsiening te maak vir casino-operateurgeld; om die bepalings in Bylae II met betrekking tot beperktedobbelmasjien-operateurgeld te wysig; 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 44 van Wet 4 van 1996, soos gewysig by artikel 38 van Wet 4 van 1997, artikel 12 van Wet 11 van 1997, artikel 1 van Wet 5 van 1999 en artikel 6 van Wet 7 van 2013

1. Artikel 44 van die Wes-Kaapse Wet op Dobbelary en Wedrenne, 1996 (Wet 4 van 1996)(die Hoofwet), word gewysig deur subartikel (3) deur die volgende subartikel te vervang:

> "(3) Die lisensiegelde beoog in subartikels (1) en (2) word aan die Raad betaal.".

Invoeging van artikel 44D in Wet 4 van 1996

2. Die volgende artikel word ná artikel 44C in die Hoofwet ingevoeg:

> "**Casino-operateurgeld**
>
> **44D.** Casino-operateurgeld, soos uiteengesit in paragraaf 5A van Bylae II, moet deur die houer van 'n casino-operateurlisensie aan die Raad betaal word.".

Wysiging van Bylae II by Wet 4 van 1996, soos vervang by artikel 70 van Wet 4 van 1997 en gewysig by artikel 18 van Wet 11 van 1997, artikel 4 van Wet 5 van 1999, artikel 4 van Wet 10 van 2000, artikel 1 van Wet 9 van 2001, artikel 1 van Wet 7 van 2009 en artikel 7 van Wet 7 van 2013

3. Bylae II by die Hoofwet word gewysig—

(a) deur paragraaf 5 deur die volgende paragraaf te vervang:

"5. Die beperktedobbelmasjien-operateurgeld betaalbaar ingevolge artikel 44C is soos volg:

Grootte van beperktedobbelmasjien-operateur	**Beperktedobbelmasjien-operateurgeld**
Waar die getal beperkte dobbelmasjiene nie 500 masjiene per operateur oorskry nie	**[R500 000,00]** R1,953 miljoen per jaar **[vir 'n tydperk van tien jaar]**, jaarliks verhoog teen die koers van toepassing op skuld aan die Staat soos van tyd tot tyd deur die Minister verantwoordelik vir Nasionale Finansies bepaal
Waar die getal beperkte dobbelmasjiene 500 masjiene per operateur oorskry, maar nie 1 000 masjiene per operateur oorskry nie	**[R1 000 000,00]** R3,905 miljoen per jaar **[vir 'n tydperk van tien jaar]**, jaarliks verhoog teen die koers van toepassing op skuld aan die Staat soos van tyd tot tyd deur die Minister verantwoordelik vir Nasionale Finansies bepaal
Waar die getal beperkte dobbelmasjiene 1 000 masjiene per operateur oorskry	**[R1 500 000,00]** R5,858 miljoen per jaar **[vir 'n tydperk van tien jaar]**, jaarliks verhoog teen die koers van toepassing op skuld aan die Staat soos van tyd tot tyd deur die Minister verantwoordelik vir Nasionale Finansies bepaal

"; en

(b) deur die volgende paragraaf ná paragraaf 5 by te voeg:

"5A. Die casino-operateurgeld wat ingevolge artikel 44D betaal moet word, is soos volg:

Oorspronklike waarde van casino-ontwikkeling	**Casino-operateurgeld**
Waar die oorspronklike waarde van die casino-ontwikkeling nie R175,0 miljoen oorskry het nie	R2,805 miljoen per jaar, jaarliks verhoog teen die koers van toepassing op skuld aan die Staat soos van tyd tot tyd deur die Minister verantwoordelik vir Nasionale Finansies bepaal
Waar die oorspronklike waarde van die casino-ontwikkeling R175,0 miljoen oorskry het	R7,150 miljoen per jaar, jaarliks verhoog teen die koers van toepassing op skuld aan die Staat soos van tyd tot tyd deur die Minister verantwoordelik vir Nasionale Finansies bepaal

".

Wysiging van Rangskikking van Artikels van Wet 4 van 1996, soos gewysig by artikel 2 van Wet 4 van 1997 en artikel 2 van Wet 4 van 2006

4. Die Rangskikking van Artikels voor artikel 1 van die Hoofwet word gewysig deur die volgende item voor die verwysing na die opskrif van artikel 45 in te voeg:

"44D. Casino-operateurgeld".

Kort titel en inwerkingtreding

5. Hierdie Wet heet die Wes-Kaapse Neëntiende Wysigingswet op Dobbelary en Wedrenne, 2020, en tree in werking op 'n datum wat die Premier by proklamasie in die *Provinsiale Koerant* bepaal.

MEMORANDUM OOR DIE OOGMERKE VAN DIE WES-KAAPSE NEËNTIENDE WYSIGINGSWETSONTWERP OP DOBBELARY EN WEDRENNE

1. AGTERGROND

1.1 Die Wes-Kaapse Raad op Dobbelary en Wedrenne (die Raad) is by die Wes-Kaapse Wet op Dobbelary en Wedrenne, 1996 (Wet 4 van 1996)(die Wet), ingestel. Die Raad beheer alle dobbel- en wedrenaktiwiteite en aktiwiteite wat daarmee verband hou (behoudens die Wet en sekere beleidsbepalings).

1.2 Dit is van belang dat die koste van die Raad gedek word, dat hy homself finansieel onderhou en dat die bedryf vir sy eie regulering betaal.

1.3 Onder die omstandighede sal die voorgeskrewe jaarlikse lisensiegeld nou aan die Raad betaalbaar wees in stede van aan die Wes-Kaapse Regering. Casino-operateurgeld en beperktedobbelmasjien-operateurgeld sal ook aan die Raad betaalbaar wees.

2. OOGMERKE VAN WETSONTWERP

2.1 Die oogmerk van die Wes-Kaapse Neëntiende Wysigingswetsontwerp op Dobbelary en Wedrenne [W1—2020] (die Wetsontwerp), is om die Wet te wysig ten einde die finansiële selfonderhoud van die Raad te bevorder en te fasiliteer.

2.2 Die Wetsontwerp bring nuwe casino-operateurgeld in. Die geld word bereken volgens wat casino's sou moes betaal indien die tienjaareksklusiwiteitstydperk beoog in die Wet en die Beleidsbepalings (gepubliseer onder Provinsiale Kennisgewing 304/1997 in *Provinsiale Koerant* 5170 van 29 Augustus 1997) nie verval het nie. Verder word die casino-operateurgeld aan die oorspronklike waarde van die casino-ontwikkelings gekoppel, met 'n onderskeid tussen waar die waarde van 'n casino-ontwikkeling onder die drempelwaarde van R175 miljoen was en waar dit R175 miljoen oorskry het. Hierdie geld sal jaarliks gehef word en word ingestel om konsekwentheid te verseker met die operateurgeld wat aan beperktedobbelmasjien-operateurs opgelê word. Die heffing van hierdie geld stem ooreen met die beginsel dat die bedryf vir sy eie regulering betaal. Die verstryking van die statutêre eksklusiwiteitstydperke waaraan die eksklusiwiteitsgeld gekoppel was, word opgelos deur prosesse van wetgewende hervorming, waarvan hierdie nuwe casino-operateurgeld deel uitmaak.

2.3 Verder het die Wetsontwerp ten doel om sekere bepalings rakende beperktedobbelmasjien-operateurgeld te hersien. Die betaling van hierdie geld dra ook by tot die bestryding van die Raad se koste en die bevordering en fasilitering van sy finansiële selfonderhoud en stem ooreen met die beginsel dat die bedryf vir sy eie regulering betaal.

3. INHOUD VAN WETSONTWERP

3.1 **Klousule 1** van die Wetsontwerp vervang artikel 44(3) van die Wet. Dit bepaal dat sekere geld aan die Raad betaal moet word. Hierdie geld sal nie meer aan die Wes-Kaapse Regering betaal word nie.

3.2 **Klousule 2** van die Wetsontwerp voeg artikel 44D in die Wet in. Artikel 44D maak voorsiening vir casino-operateurgeld, wat deur die houer van 'n casino-operateurlisensie betaal moet word.

3.3 **Klousule 3** van die Wetsontwerp wysig die paragraaf in Bylae II by die Wet wat met beperktedobbelmasjien-operateurgeld verband hou. Dit voeg ook 'n paragraaf by wat die casino-operateurgeld uiteensit wat ingevolge artikel 44D betaalbaar is.

3.4 **Klousule 4** van die Wetsontwerp maak voorsiening vir die wysiging van die Rangskikking van Artikels van die Wet.

3.5 **Klousule 5** van die Wetsontwerp maak voorsiening vir die kort titel en inwerkingtreding van die Wetsontwerp.

4. OORLEGPLEGING

Wes-Kaapse Raad op Dobbelary en Wedrenne
Departement van die Premier: Regsdienste

Die Konsepwetsontwerp is onder Provinsiale Kennisgewing 28/2018 in *Buitengewone Provinsiale Koerant* 7889 van 28 Februarie 2018 vir openbare kommentaar gepubliseer. Die sluitingsdatum vir kommentaar is verleng tot 31 Mei 2018 by Provinsiale Kennisgewing 50/2018 in *Buitengewone Provinsiale Koerant* 7907 van 5 April 2018 en verder verleng tot 31 Julie 2018 by Provinsiale Kennisgewing 72/2018 in *Buitengewone Provinsiale Koerant* 7931 van 23 Mei 2018.

5. FINANSIËLE IMPLIKASIES

Die voorgeskrewe jaarlikse lisensiegeld (wat nou aan die Raad betaalbaar sal wees in stede van aan die Wes-Kaapse Regering), die nuwe casino-operateurgeld en die beperktedobbelmasjien-operateurgeld is daarop gemik om die koste wat die Raad by die regulering van die dobbelsektor in die provinsie aangaan, te bestry. Dit word geraam dat die inkomste wat uit hierdie geld ingesamel sal word, ongeveer R30 miljoen per jaar sal bedra, wat aan die Raad betaalbaar sal wees. Tesame met die inkomste van ander voorgeskrewe geld sal die Raad waarskynlik homself finansieel kan onderhou en minder afhanklik wees van oordragbetalings van die Wes-Kaapse Provinsiale Tesourie.

6. PERSONEELIMPLIKASIES

Geen

7. WETGEWENDE BEVOEGDHEID

Die Provinsiale Minister verantwoordelik vir finansiële aangeleenthede in die Provinsie is tevrede dat die bepalings van die Wetsontwerp onder die wetgewende bevoegdheid van die Provinsie ressorteer.

INGCACISO GABALALA:

[ ] Amagama abhalwe ngqindilili kwizibiyeli ezisikwere abonakalisa oko kuye kwasuswa kwimithetho esele iphunyeziwe.

_____ Amagama akrwelelwe umgca ongqindilili ngaphantsi abonakalisa oko kufakelweyo kumthetho osele uphunyeziwe kwimithetho ekhoyo.

UMTHETHO OSAYILWAYO

Ukwenza izilungiso kuMthetho woNgcakazo neMidyarho weNtshona Koloni, 1996, ukunika ukuba iintlawulo ezithile zakuhlawulwa kwiBhodi yoNgcakazo neMidyarho yeNtshona Koloni endaweni yeNgxowa yeNgeniso yePhondo; ukunika imirhumo yomsebenzisi wekhasino; ukwenza olunye ulungiselelo lokwenza imithetho kunye nolawulo kwiShedyuli II ebhekiselele ekucuthweni kwemirhumo yomsebenzisi womatshini wokungcakaza; nokunika imiba ehambelana nezehlo ezo.

UZA KWENZIWA USEBENZE yiPalamente yePhondo leNtshona Koloni, ngolu hlobo:—

Ukwenziwa kwezilungiso kwicandelo 44 loMthetho 4 ka-1996, njengoko lenziwe izilungiso licandelo 38 loMthetho 4 ka-1997, icandelo 12 loMthetho 11 ka-1997, icandelo 1 loMthetho 5 ka-1999 kunye necandelo 6 loMthetho 7 ka-2013

1. Icandelo 44 loMthetho woNgcakazo neMidyarho weNtshona Koloni, 1996 (UMthetho 4 ka-1996)(uMthethongqangi), lenziwa izilungiso kwicandelwana (3) lelicandelwana lilandelayo:

"(3) Imirhumo exelwe kumacandelwana (1) no-(2) ihlawulwa kwiBhodi.".

Ukufakelwa kwecandelo 44D kuMthetho 4 ka-1996

2. Eli candelo lilandelayo liyakufakelwa kuMthethongqangi emva kwecandelo 44C:

"**Umrhumo womsebenzisi wekhasino**

44D. Umrhumo womsebenzisi wekhasino, njengoko kuchaziwe kumhlathi 5A weShedyuli II iyakuhlawulwa kwiBhodi ngumnini welayisenisi yomsebenzisi wekhasino.".

Isilungiso seShedyuli II soMthetho 4 ka-1996, njengoko utshintshiwe licandelo 70 loMthetho 4 ka-1997 yaye nanjengokuba wenziwe izilungiso licandelo 18 loMthetho 11 ka-1997, icandelo 4 loMthetho 5 ka-1999, icandelo 4 loMthetho 10 ka-2000, icandelo 1 loMthetho 9 ka-2001, icandelo 1 loMthetho 7 ka-2009 kunye necandelo 7 loMthetho 7 ka-2013

3. IShedyuli II yoMthethongqangi yenziwa izilungiso—

(a) ngokutshintshwa komhlathi 5 walo mhlathi ulandelayo:

"5. Ukucuthwa kwemirhumo yomsebenzisi woomatshini bongcakazo ehlawulwa ngokwecandelo 44C ngolu hlobo lulandelayo:

Ubungakanani nokucuthwa komsebenzisi womatshini wongcakazo	**Ukucuthwa kwemirhumo yomsebenzisi womatshini wongcakazo**
Apho inani loomatshini bokungcakaza licuthiweyo ngokungedluli koomatshini abayi-500 ngomsebenzisi ngamnye.	**[R500 000,00]** R1,953 yezigidi zeerandi ngonyaka **[kangangexesha eliyiminyaka elishumi]** inyuka ngonyaka ngokomyinge onguwo ohambelana namatyala kaRhulumente njengoko echazwe nguMphathiswa onoxanduva lweziMali kuZwelonke ngamathuba athile
Apho inani lomatshini bokungcakaza licuthiweyo lidlula ku-500 ngokomsebenzisi ngamnye kodwa lingedluli koomatshini abayi-1000 ngomsebenzisi ngamnye	**[R1 000 000,00]** R3,905 yezigidi zeerandi ngonyaka **[kangangexesha eliyiminyaka elishumi]** inyuka ngonyaka ngokomyinge onguwo ohambelana namatyala kaRhulumente njengoko echazwe nguMphathiswa onoxanduva lweziMali kuZwelonke ngamathuba athile
Apho inani loomatshini bokungcakaza licuthiweyo lidlula koomatshini abayi-1000 ngomsebenzisi ngamnye	**[R1 500 000,00]** R5,858 yezigidi zeerandi ngonyaka **[kangangexesha eliyiminyaka elishumi]** inyuka ngonyaka ngokomyinge onguwo ohambelana namatyala kaRhulumente njengoko echazwe nguMphathiswa onoxanduva lweziMali kuZwelonke ngamathuba athile

"; yaye

(b) ngokwengeza lo mhlathi ulandelayo emva komhlathi 5:

"5A. Irhafu yomsebenzisi wekhasino ihlawulwa ngokwecandelo 44D ngolu hlobo lulandelayo:

Ixabiso lokuqala lokuphuhliswa kwekhasino	**Imirhumo yomsebenzisi wekhasino**
Apho ixabiso lokuqala lokuphuhliswa kwekhasino lingedlulanga kwi-R175,0 yezigidi zeerandi	I-R2,805 yezigidi ngonyaka enyuka minyaka le ngokomyinge onguwo ohambelana namatyala kaRhulumente njengoko echazwe nguMphathiswa onoxanduva lweziMali kuZwelonke ngamathuba athile
Apho ixabiso lokuqala lokuphuhliswa kwekhasino lidlula kwi-R1750,0 yezigidi zeerandi	I-R7,150 yezigidi ngonyaka enyuka minyaka le ngokomyinge onguwo ohambelana namatyala kaRhulumente njengoko echazwe nguMphathiswa onoxanduva lweziMali kuZwelonke ngamathuba athile

".

Ukwenziwa kwezilungiso kuCwangciso lwamaCandelo kuMthetho 4 ka-1996, njengoko enziwe izilungiso licandelo 2 loMthetho 4 ka-1997 necandelo 2 loMthetho 4 ka-2006

4. UCwangciso lwamaCandelo aphambi kwecandelo 1 loMthethongqangi lwenziwa izilungiso ngokufakela phambi kwento ebhekisa kwisihloko esikwicandelo 45 kwalo mba ulandelayo:

"44D. Umrhumo womsebenzisi wekhasino".

Isihloko esifutshane nokuqala ukusebenza

5. Lo Mthetho ubizwa ngokuba nguMthetho woLungiso woNgcakazo neMidyarho weShumi elinesiThoba weNtshona Koloni, 2020, yaye uya kuqala ukusebenza ngomhla ogqitywe yiNkulumbuso ngesibhengezo esiya kwenziwa kwi*Gazethi yePhondo*.

IMEMORANDAM ENGEZINTO ZOMTHETHO OSAYILWAYO WESHUMI ELINETHOBA ONGOKUNGCAKAZA NEMIDYARHO

1. IMVELAPHI

1.1 IBhodi yeNtshona Koloni ejongene nokuNgcakaza neMidyarho (iBhodi) yathi yasekwa ngokwemimiselo yoMthetho woNgcakazo neMidyarho weNtshona Koloni, 1996 (uMthetho 4 ka-1996)(uMthetho). IBhodi le iphethe zonke iintshukumo zokungcakaza, ezemidyarho kwakunye nezo zisondeleyo (ngokwemigaqo yalo Mthetho kwakunye namanye amasolotya akwimiga-qonkqubo).

1.2 Kubalulekile ke ukuba ibekho mali yokuhlawulela iindleko zeBhodi, oko ke kukuthi, ikwazi ukuzimela ngokwayo ngokwasezimalini ze neshishini longcakazo eli liwuhlawulele ngokwalo umsebenzi wokumiselwa kwalo.

1.3 Phantsi kwezi meko, iintlawulo ezimiselweyo zokuhlawulelwa kwamaphephamvume onyaka ziya kuthi zihlawulwe kwiBhodi endaweni kaRhulumente weNtshona Koloni. Iintlawulo zokusebenza kwemizi yongcakazo kwakunye neentlawulo zemizi yongcakazo esebenza ngemitshini embalwa yokungcakaza nazo ziya kuhlawulwa kwiBhodi.

2. IINJONGO ZALO MTHETHO OSAYILWAYO

2.1 Injongo yalo Mthetho oSayilwayo weShumi elineThoba wezoNgcakazo neMidyarho [B1—2020] (uMthetho oSayilwayo), kukufaka izilungiso kulo Mthetho ngenjongo yokuphakamisa kwanokunikezela isikhokelo ekuzimeleni kweBhodi ngokwasezimalini.

2.2 LoMthetho osayilwayo uzisa ngaphambili intlawulo entsha yemizi yongcakazo. Le ntlawulo ibalwa ngokusekelwe ekubeni bekuya kufuneka ihlawule kangakanani na imizi yongcakazo, ukuba ela shumi leminyaka yokuzimela ibicetywa kulo Mthetho kwanakuMasolotya eMigaqonkqubo (lipapashwe kuluhlu lwesiBhengezo sePhondo 304/1997 kwi*Gazethi yePhondo* 5170 yomhla wama-29 kweyeThupha ka-1997) ibingekaphelelwa. Ngapha koko, intlawulo yemizi yongcakazo yayanyaniswe nelona xabiso lale mizi yongcakazo, kwahlulwe ke phakathi kwemeko apho umzi wongcakazo othile unexabiso elimiselweyo elingaphantsi kweR175 ezigidi kwanaleyo ixabiso ledlulayo kulo myinge weR175 ezigidi. Le ntlawulo ke iya kudingeka rhoqo ngonyaka yaye kuziwa nayo ngenjongo yokuqinisekisa umakulinganwe kumba wemizi yongcakazo esebenza ngenani lemitshini yongcakazo embalwa. Ukumiselwa kwale ntlawulo kwenziwa phantsi komgaqo othi eli shishini kufuneka liwuhlawulele kwangokwalo umsebenzi wokumiselwa kwalo. Amaxesha okuphelelwa kwesolotya lomthetho elinika amabango athile kumashishini athile, apho bekufakwe nezi ntlawulo zala mabango athile, asephantsi kweentshukumo zenkqubo yokunikezelwa kwengqwalasela kwimithetho, ekwa yingxenye yayo ke phofu nale ntlawulo intsha yemizi yongcakazo.

2.3 Ngapha koko, loMthetho osayilwayo ukwaqonde ekulungiseni izibonelelo ezithile ezichaphazela iintlawulo zemizi yongcakazo esebenza ngemitshini embalwa yongcakazo. Ukuhlawulwa kwezi ntlawulo kukwafaka igxalaba kwilinge lokuba le Bhodi imelane nezidingo zayo zemali, ibe ngoko iphuhlisa ze imisele isikhokelo esihle sokuzimela ngokwasezimalini, futhi ke oko kukwahambelana nalo mgaqo wokuba eli shishini kufuneka liwuhlawulele kwangokwalo umsebenzi wokumiselwa kwalo.

3. IZIQULATHO ZALO MTHETHO OSAYILWAYO

3.1 **Igatya 1** lalo Mthetho oSayilwayo lithabatha indawo yecandelo 44(3) lalo Mthetho. Linika umtyhi wokuba ezinye iintlawulo zihlawulwe kwiBhodi. Ezi ntlawulo ke azisayi kuphinda zihlawulwe kuRhulumente weNtshona Koloni.

3.2 **Igatya 2** lalo Mthetho oSayilwayo lifaka icandelo 44D kulo Mthetho. ICandelo 44D liza nomtyhi wokuba iintlawulo zomzi wongcakazo zihlawulwe ngulowo ungumnini wephephamvume lokusebenza njengomzi wongcakazo.

3.3 **Igatya 3** lalo Mthetho oSayilwayo lilungisa umhlathi kwiShedyuli II yalo Mthetho echaphazela umba weentlawulo zemizi yongcakazo esebenza ngemitshini yokungcakaza embalwa. Likwawongeza nomhlathi omisela iintlawulo zemizi yongcakazo ekufuneka zihlawuliwe ngokwemigaqo yecandelo 44D.

3.4 **Igatya 4** lalo Mthetho oSayilwayo lona liza nezilungiso kuCwangciso lwamaCandelo alo Mthetho.

3.5 **Igatya 5** lalo Mthetho oSayilwayo linikezela ngesihloko esifutshane kwanokuqala ukusebenza kwalo Mthetho.

4. UKUCEBISANA

yiBhodi yeNtshona Koloni ejongene noNgcakazo neMidyarho
neCandelo leeNkonzo zoMthetho: kwiSebe leNkulumbuso

Lo Mthetho osayilwayo wathi wapapashwa ngenjongo yokugaya izimvo zoluntu phantsi kwesiBhengezo sePhondo 28/2018 kwi*Gazethi yePhondo Eyodwa* 7889 yomhla wama-28 kweyoMdumba ka-2018. Umhla wokuvalwa kokwamkelwa kwezimvo wathi wanyenyiswa ze wangulowo wama-31 kwekaCanzibe ka-2018 ngokwesiBhengezo sePhondo 50/2018 seSongezelelo kwi*Gazethi yePhondo* 7907 yomhla wesihlanu kwekaTshazimpuzi ka-2018 ze waphindwa wanyenyiselwa umhla wama-31 kweyeKhala ka-2018 ngokweSibhengezo sePhondo 72/2018 seSongezelelo kwi*Gazethi yePhondo* 7931 yomhla wama-23 kwekaCanzibe ka-2018.

5. UCHAPHAZELEKO NGOKWASEMALINI

Iintlawulo zonyaka ezimiselweyo zeempephamvume (ekungoku nje ziza kuhlawulwa kwiBhodi endaweni kaRhulumente weNtshona Koloni), iintlawulo ezintsha zemizi yongcakazo kwakunye neentlawulo zemizi yongcakazo esebenza ngemitshini embalwa yokungcakaza zijolise ikumelaneni neendleko zokusebenza kwale Bhodi kumsebenzi wayo wokumisela ishishini lokungcakaza kweli phondo. Kuqikelelwa ukuba ingeniso enokwenziwa kwezi ntlawulo iya kufikelela kuma-R30 ezigidi ngonyaka ehlawulwa kwiBhodi. Xa sihlanganiswa nengeniso ephuma kwezinye iintlawulo esi sixa, kukhangeleka ngathi iBhodi le inganako ukuzimela ngokwasezimalini ze ithi xha nasekuxhomekekeni kwiintlawulo ezifumana kwiSebe leMali lePhondo.

6. UCHAPHAZELEKO NGOKWABASEBENZI

Alukho

7. ISAKHONO SOWISO MITHETHO

UMphathiswa ojongene nemicimbi yemali kweli Phondo ukholisekile ukuba izibonelelo zalo Mthetho oSayilwayo ziphakathi kwemida yesakhono sowisomithetho yeli Phondo.

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