UMTHETHOSIVIVINYO WOKUCHIBIYELA UMTHETHO WAMALAYISENSI OTSHWALA WAKWAZULU-NATALI, 2013

IZINCAZELO EZEJAYELEKILE:

[ ] Amagama abhalwe ngokugqamile kubakaki abayizikwele asho okususiwe emthethweni okhona

________ Amagama adwetshelwe ngomugqa ohlangene asho okufakiwe emthethweni okhona

UMTHETHOSIVIVINYO

Wokuchibiyela uMthetho wamaLayisensi oTshwala waKwaZulu-Natali, 2010 (uMthetho No. 6 ka 2010), ngokuthi kushintshwe incazelo "yenkundla yezemidlalo"; wokuhlinzekela ukuphiswa nokudayiswa kwezipirithi ezine-ethanol eziwumthamo omncane; wokuhlinzekela ukuguqulwa kwamalayisensi noma kwezimvume; kanye nokuhlinzekela okunye okuphathelene nalokho.

MAWUMISWE yisiShayamthetho sesiFundazwe saKwaZulu-Natali, kanje:-

Ukuchitshiyelwa kwesigaba 1 soMthetho 6 ka 2010

1. Isigaba 1 soMthetho wamaLayisensi oTshwala waKwaZulu-Natali, 2010 (uMthetho No. 6 ka 2010), ngemuva kwalokhu ozobizwa ngoMthetho omkhulu, ngalokhu siyachitshiyelwa ngokufakwa kwale ncazelo elandelayo esikhundleni sencazelo "yenkundla yezemidlalo":

> "**"inkundla yezemidlalo"** kushiwo indawo lapho kubanjwa khona imihlangano yezemidlalo, imidlalo noma ezoungcebeleka<u>: Kuncike ekutheni leyo ndawo ayikho esikhungweni sezenkolo noma sezemfundo;</u>".

Ukuchitshiyelwa kwesigaba 2 soMthetho 6 ka 2010

2. Isigaba 2 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokufakwa kwale ndima elandelayo esikhundleni sendima (a) yesigatshana (1):

> "(a) ukuhlinzekela ukulawulwa kokuphiswa kotshwala obuwumthamo omncane nokudayiswa kotshwala <u>nezipirithi ezine-ethanol;</u>".

Ukufakwa kwesigaba 60A soMthetho 6 ka 2010

3. Ngalokhu kufakwa lesi sigaba esilandelayo ngemuva kwesigaba 60 soMthetho omkhulu:

"**<u>Izipirithi ezine-ethanol</u>**

60A. Izinhlinzeko zeNgxenye 4 yalesi Sahluko zisebenza nezinguquko ezifanele uma kuphiswa izipirithi ezine-ethanol eziwumthamo omncane.".

Ukuchitshiyelwa kwesigaba 76 soMthetho 6 ka 2010

4. Isigaba 76 soMthetho omkhulu ngalokhu siyachitshiyelwa –

(a) ngokufakwa kwalesi sihloko esikhulu esilandelayo esikhundleni sesihloko esikhulu:

"**Ukwenqatshelwa kokudayiswa [noma] kanye nokuhlinzekwa kotshwala noma kwezipirithi ezine-ethanol kubantu abathile**"; kanye

(b) nangokwengezwa kwalesi sigatshana ngemuva kwesigatshana (3):

"(4) Izinhlinzeko zalesi sigatshana zisebenza nezinguquko ezidingekayo uma kudayiswa noma kuhlinzekwa izipirithi ezine-ethanol kubantu abathile.".

Ukuchitshiyelwa kwesigaba 95 soMthetho 6 ka 2010

5. Isigaba 95 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokwengezwa kwalesi sigatshana esilandelayo ngaphambi kwesigatshana (1):

"(1A) Izinhlinzeko zesigatshana (1) azisebenzi ezitolo ezincane ezathola amalayisensi okudayisa utshwala ngaphambi kokuqala kokusebenza kwalo Mthetho.".

Ukuchitshiyelwa kwesigaba 99 soMthetho 6 ka 2010

6. Isigaba 99 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokufakwa kwalesi sigatshana esilandelayo esikhundleni sesigatshana (1):

"(1) ILungu loMkhandlu oPhethe **[lingasungula]** kumele lisungule imithethonqubo emayelana –

(a) nokukhokhwa kwezimali kanye nesamba semali ekhokhwayo ngokwalo Mthetho ephathelene –

(i) nesicelo esenziwe ngokwalo Mthetho;

(ii) nokukhishwa kwelayisensi noma kwemvume; kanye

(iii) nezimali ezikhokhwa minyaka yonke umnikazi welayisensi maqondana nelayisensi ngayinye ekhishiwe;

(b) nezinhlobo zamalayisensi, zezimvume, zokugunyazwa, zezitifiketi, zezinqumo, zezaziso, kubandakanya nezaziso zokulandelwa komthetho neminye imibhalo okukhulunywe ngayo kulo Mthetho;

(c) nendlela nohlobo, kanjalo nosuku okumele kwenziwe noma kufakwe ngalo isicelo ngokwalo Mthetho, uma kukhona;

(d) nendlela yokuhanjiswa, yokuthunyelwa noma yokukhishwa kwanoma isiphi isaziso noma omunye umbhalo okudingeka uhanjiswe, uthunyelwe noma ukhishwe ngokwalo Mthetho;

(e) nendlela yokushicilelwa kwanoma isiphi isaziso noma umbhalo okudingeka ushicilelwe ngokwalo Mthetho;

(f) nohlobo, nokuqukethwe kanye nobungako banoma isiphi isaziso, incwadi noma omunye umbhalo okudingeka ukhishwe, uhanjiswe, uhlinzekwe noma ushicilelwe ngokwalo Mthetho, uma kunesidingo;

(g) nohlobo nokuqukethwe umbiko wokuhlola neminye imibiko noma izincomo ezenziwe noma ezikhishwe ngokwalo Mthetho;

(h) nendlela nohlobo okumele kuhlelwe ngayo izigcawu zokulalela iziphikiso noma ezinye izigcawu ezimayelana nokulandelwa kwesaziso esenziwe ngokwesigaba 89;

(i) nezikhathi, noma nokwelulwa kwezikhathi, okumele kunqunywe ngokwalo Mthetho;

(j) neminininingwane yezakhiwo okuzobekwa kuzo ilayisensi okumele ifakwe esicelweni selayisensi;

(k) nendlela okumele kufakwe ngayo isicelo sokukhalaza noma kubuyekezwe ngayo isicelo yiLungu loMkhandlu oPhethe;

(l) nendlela okumele iLungu loMkhandlu oPhethe libize ngayo imihlangano noma izigcawu;

(m) nezimali ezikhokhelwa ofakazi uma bebizelwe emacaleni;

(n) nefomu lesitifiketi elikhishwa umhloli;

(o) nendlela okumele kufakwe ngayo isicelo kuMaziphathe woTshwala;

(p) nenqubo elandelwayo uma kwesulwa ilayisensi noma imvume ngenxa yokutholakala necala ngokwesigaba 98;

(q) nendlela okumele kufakwe ngayo isicelo sokuthola ushwele wesikhashana;

(r) nendlela okumele kufakwe ngayo isicelo sokukhokhwa kwezimali zaminyaka yonke njengoba kuhlongozwe esigabeni 64;

(s) nokuhweba, nokudayisa kanye nokukhiqizwa kwezipirithi ezine-ethanol eziwumthamo omncane;

(t) nomthamo wezipirithi ezine-ethanol ongadayiselwa noma imuphi umuntu noma inini nezindawo lapho kungadayiswa khona izipirithi ezine-ethanol;

(u) nokwenqatshelwa noma nokulawulwa kokudayiswa noma kokugcinwa kwezipirithi ezine-ethanol, kubandakanya ukukhishwa kwezimvume zokuzidayisa noma zokuzigcina;

(v) namahora okusebenza kwezitolo ezihweba nezidayisa izipirithi ezine-ethanol;

[(s)](w) nanoma iluphi udaba okumele lunqunywe noma olunganqunywa ngokwalo Mthetho; kanye

[(t)](x) nanoma iluphi olunye udaba iLungu loMkhandlu oPhethe elilubona lunesidingo noma lubalulekile ukwenza imithethonqubo ukuze kufezekiswe izinhloso zalo Mthetho, ukusebenza kwale ndima akugcini nje kuphela ngalezi zindima ezingenhla.”.

Ukuchitshiyelwa kwesigaba 101 soMthetho 6 ka 2010

7. Isigaba 101 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokwengezwa kwalesi sigatshana esilandelayo ngemuva kwesigatshana (5):

“(6) Ngale kokulandela izinhlinzeko zesigaba 39, iLungu loMkhandlu oPhethe kumele –

(a) ngokulandela izinhlinzeko zesikhashana zoMthetho woTshwala;

(b) nangesaziso kwiGazethi,

lihlinzekele ukuguqulwa kwanoma iyiphi ilayisensi noma imvume, engekho ohlwini loHlelo 2 lwalo Mthetho, kodwa ebisebenza ngosuku olungaphambi kosuku lokuqala kokusebenza koMthetho wokuChibiyela uMthetho wamaLayisensi oTshwala waKwaZulu-Natali, 2013, ibe inoma iyiphi ilayisensi noma imvume emikhakheni ebekwe ohlwini lwesibili loHlelo 2 lwalo Mthetho.”.

Isihloko esifingqiwe

8. Lo Mthetho ubizwa ngoMthetho wokuChibiyela uMthetho wamaLayisensi oTshwala waKwaZulu-Natali, 2013.

IMEMORANDAMU

NGEZINHLOSO

ZOMTHETHOSIVIVINYO WOKUCHIBIYELA UMTHETHO WAMALAYISENSI OTSHWALA WAKWAZULU-NATALI, 2013

1. ISENDLALELO

Inhloso yoMthethosivivinyo ukuchibiyela uMthetho wamaLayisensi oTshwala waKwaZulu-Natali, 2010 (uMthetho No. 6 ka 2010), ukuze ubhekelele –

(a) izinselelo ezingase zibhekane noMaziphathe woTshwala waKwaZulu-Natali uma kuguqulwa amalayisensi ngokwesigaba 101 soMthetho wamaLayisensi oTshwala waKwaZulu-Natali, 2010; kanye

(b) nombono wokuthi incazelo "yenkundla yezemidlalo" ayibandakanyi izinkundla zezemidlalo ezingaphakathi emagcekeni esikhungo sezenkolo noma sezemfundo okuholela ekutheni ukudayiswa kotshwala endaweni esebangeni elingamamitha angama-500 ukusuka kunoma isiphi isikhungo sezenkolo noma sezemfundo kube semthethweni.

Ngaphezu kwalokho nangemuva kokutholakala kwesicelo esenziwa yiLungu loMkhandlu oPhethe ngoZibandlela ka 2011 sokubonisana noNgqongqoshe wezoHwebo neziMboni mayelana nokuqaliswa koMthetho wamaLayisensi oTshwala waKwaZulu-Natali, 2010, nokuchithwa koMthetho woTshwala, 1989 (uMthetho No. 27 ka 1989), lokho kubonisana okuhlinzekelwe uhlamvu 2(2) loHlelo 1 loMthetho woTshwala ka 1989 KwaZulu-Natali, uNgqongqoshe wezoHwebo neziMboni waba nokungagculiseki mayelana nokushiywa ngaphandle kwezinhlinzeko eziphathelene nokulawulwa kokukhiqizwa ngomthamo omncane, kokuhweba, kokudayisa nokusetshenziswa kwezipirithi ezine-ethanol lokhu kwaphoqa ukuthi isiFundazwe silawule ukusetshenziswa kwezipirithi ezine-ethanol ukuze uMthetho wamaLayisensi oTshwala waKwaZulu-Natali, 2010 uhambisane noMthetho woTshwala kaZwelonke, 2003 (uMthetho No. 59 ka 2003).

Omunye umbono oqhamuke eMnyangweni wezoHwebo neziMboni kaZwelonke bekungukuthi isigaba 99 soMthetho wamaLayisensi oTshwala waKwaZulu-Natali, 2010, senza ukuthi kube iLungu loMkhandlu oPhethe lilawule ngokubona kwalo kanti ngokwawo leyo nhlinzeko kumele ibe impoqo ukuze kuphoqe isiFundazwe ukuthi silawule okuhlinzekelwe esigabeni 99.

Kuphinde kwabonakala isidingo sokuba kuvikelwe amalungelo abanikazi bamalayisensi bezitolo ezincane abangavikelwe ngokwanele njengamanje, kusalindwe izinguquko ngokwesigaba 101 soMthetho wamaLayisensi oTshwala waKwaZulu-Natali, 2010.

Kuphethwe ngokuthi-ke, uMthetho wamaLayisensi oTshwala waKwaZulu-Natali, 2010, awukulawuli ukukhiqizwa ngomthamo omncane, nokuhweba, nokudayiswa nokusetshenziswa kwezipirithi ezine-ethanol, ngakho-ke awuhambisani noMthetho woTshwala kaZwelonke, 2003. Ngakho-ke, uMthetho wamaLayisensi oTshwala waKwaZulu-Natali, 2010 udinga ukuchitshiyelwa ngendlela ukuze uhambisane noMthetho woTshwala kaZwelonke, 2003.

2. UKUCHAZWA KWESIGABA SOMTHETHO NGASINYE

Kafushane, uMthethosivivinyo uhlinzeka kanje -

Isigaba somthetho 1

Isigaba somthetho 1 sichaza kabusha incazelo "yenkundla yezemidlalo" ukuze singabandakanyi izinkundla zezemidlalo ezisemagcekeni noma eziseduze kwezikhungo zezenkolo noma zezemfundo.

Isigaba somthetho 2

Isigaba somthetho 2 sihlinzekela ukukhiqizwa ngomthamo omncane, ukudayiswa, ukuhweba nokusetshenziswa kwezipirithi ezine-ethanol njengenye yezinhloso zoMthetho.

Isigaba somthetho 3

Isigaba somthetho 3 silawula uhlelo lokufakwa kwezicelo zamalayisensi okukhiqizwa ngomthamo omncane, okudayiswa, okuhweba nawokusetshenziswa kwezipirithi ezine-ethanol.

Isigaba somthetho 4

Isigaba somthetho 4 sihlinzekela ukwenqatshelwa ukudayiselwa kwabantu abathile izipirithi ezine-ethanol.

Isigaba somthetho 5

Isigaba somthetho 5 sihlinzekela ukuvikelwa kwesikhashana kwamalungelo abanikazi bamalayisensi otshwala bezitolo ezincane kusalindwe uguquko njengoba kuhlongozwe esigabeni 101 soMthetho.

Isigaba somthetho 6

Isigaba somthetho 6 senza ukuthi ijoka lokulawula lingabi ngokubona kweLungu loMkhandlu oPhethe kodwa libe yimpoqo. Siphinde sihlinzekele ukulawulwa kokukhiqizwa ngomthamo omncane, kokudayiswa kokuhweba nokusetshenziswa kwezipirithi ezine-ethanol.

Isigaba somthetho 7

Isigaba somthetho 7 sinikeza iLungu loMkhandlu oPhethe amandla okuhlinzeka ngohlaka noma ngenqubo yokushintsha ilayisensi noma imvume, engekho ohlwini lokuqala loHlelo 2 eMthethweni, kodwa esebenzayo ngosuku noma ngaphambi kosuku lokuqala kokusebenza koMthetho, ibe yinoma iyiphi ilayisensi noma imvume emkhakheni obekwe ohlwini lwesibili loHlelo 2 loMthetho.

Isigaba somthetho 8

Isigaba somthetho 8 sihlinzekela isihloko esifingqiwe soMthethosivivinyo.

IZINGQINAMBA KWEZOKUPHATHA NAKWEZABASEBENZI KUHULUMENI WESIFUNDAZWE

Akukho zingqinamba ezilindelekile mayelana nezokuphatha nezabasebenzi.

4. IZIMALI EZIZODINGEKA KUHULUMENI WESIFUNDAZWE

Akukho zimali okulindeleke ukuba zidingeke.

5. IMINYANGO/IMIGWAMANDA OKUBONISWENE NAYO

UMthethosivivinyo ubhalwe ngokubonisana –

5.1 noMnyango wezoBulungiswa kaZwelonke - uPhiko lokweLuleka uHulumeni ngezoMthetho;

5.2 noMnyango wezoHwebo neziMboni kaZwelonke;

5.3 noMaziphathe woTshwala waKwaZulu-Natali;

5.4 neHhovisi likaNdunankulu - uPhiko lokweLuleka uHulumeni ngezoMthetho; kanye

5.5 neHhovisi loMgcinimafa wesiFundazwe / noMnyango wezeziMali wesiFundazwe.

6. IZINGQINAMBA EZINGOKOMTHETHOSISEKELO

Izingqinamba ezingokoMthethosisekelo kubhekwane nazo ngalesi sichibiyelo esihlongozwayo.

7. OKUNGAXHUNYWANA NAYE

Igama:	Ummeli wasemaJajini SS Nkatha
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