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

Act No. 46 of 2013: Broad-Based Black Economic Empowerment Amendment Act, 2013
(English text signed by the President)
(Assented to 23 January 2014)
MOLAO

Go fetola Molao wa Katoloso ya go Nonotsha Ikonomi ya Bantsho wa 2003, go akaretsa dיתhalosoa tse di rileng le go fetola tse dingwe; go totobatsa thalosoa; go tlamela ka moputso wa maloko a Khaense; go godisa kobameloa ya ditheo tsa puso le go matlafatsa tshekatsheko le tlahlho ya kobamelo, go akaretsa go tlhumiwa ga maano a thotloetso go thusa dikgwebo tsa bantsho ka leano la katoloso ya go nonotsha ikonimo ya bantsho; go tlamela ka matla a go phimola kontrakga kgotsa taolo; go tlhama Khomišene ya Katoloso ya go Nonotsha Ikonomi ya Bantsho go lebaga le kobamelo ya leano la katoloso ya nonotsha ya ikonimo ya batsho; go tlamela Bote e Ikemetseng ya Taolo ya Boruni ka matla a go laola ditheo tsa katlanegiso; go tlamela ka ditatofatsa le dikothla; le go tlamela ka merero e e maleba.

A

O ATLENEGISIWE ke Palamente ya Repaboliki ya Aforika Borwa, ka mokgwa o o latelang:—

Go fetolwa ga karolo 1 ya Molao 53 wa 2003

1. Karolo 1 ya Molao wa Katoloso ya go Nonotsha Ikonomi ya Bantsho wa 2003 (yo o tlahosiwang fano jaaka Molao wa pele), wa fetolwa—

(a) ka go kwala pele ga tlahosoa ya “batho bantsho” dיתhalosoa tse di latelang:

“

togamaano ya B-BBEE” go tlahosa kgwebelana ngwe le ngwe, tsamaiso, matsapa kgotsa leano lengwe le le amang kobamelo ya Molao o, kgotsa moloa mongwe le mongwe yo o godisang matlafatso ya katoloso ya nonotsho ya ikonimo ya bantsho.”

“motlhankedi wa netefaletso wa dikgwebo tsa B-BBEE” go bolela motho yo o dirang tiro ngwe le ngwe e e lebaganeng le netefaletso ya maemo a dikgwebo go ya ka netefaletso ya katoloso ya nonotsho ya ikonimo ya bantsho ya taolo ya, kgotsa e e netefaletsweng ke ajensi ya netefaletso ke. Morulaganyi ya Bothati jwa Netefaletso ya B-BBBEE;

“Bothati jwa Netefaletso ya Borulaganyi jwa Dikgwebo tsa B-BBEE”

go bolela mokgatho yo o tlhomilweng ke Tona boemong jwa netefaletso ya diajensi kgotsa katlanegiso ya netefaletso ya bothati jwa B-BBEE;”.

(b) ka go kwala boemong jwa tlahosoa ya “batho bantsho” tlahlosoa e e latelang:

“batho bantsho” ke lere e le tlwaelegileng le le tlahlosang maAforika, Bammala, le Maindia—

(a) bao e leng baagi ba Repaboliki ya Aforika Borwa ka go tsalwa;
kgotsa ka lotso; kgotsa

(English text signed by the President)
(Assented to 23 January 2014)
(b) who became citizens of the Republic of South Africa by naturalisation—
   (i) before 27 April 1994; or
   (ii) on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date;"

(c) by the substitution for the definition of “broad-based black economic empowerment” of the following definition:

‘broad-based black economic empowerment’ means the viable economic empowerment of all black people [including], in particular women, workers, youth, people with disabilities and people living in rural areas, through diverse but integrated socio-economic strategies that include, but are not limited to—

(a) increasing the number of black people that manage, own and control enterprises and productive assets;

(b) facilitating ownership and management of enterprises and productive assets by communities, workers, co-operatives and other collective enterprises;

(c) human resource and skills development;

(d) achieving equitable representation in all occupational categories and levels in the workforce;

(e) preferential procurement from enterprises that are owned or managed by black people; and

(f) investment in enterprises that are owned or managed by black people;"

(d) by the insertion after the definition of “broad-based black economic empowerment” of the following definition:

‘Commission’ means the Broad-Based Black Economic Empowerment Commission established by section 13B;"

(e) by the insertion after the definition of “Council” of the following definitions:

‘Department’ means the Department of Trade and Industry;

‘fronting practice’ means a transaction, arrangement or other act or conduct that directly or indirectly undermines or frustrates the achievement of the objectives of this Act or the implementation of any of the provisions of this Act, including but not limited to practices in connection with a B-BBEE initiative—

(a) in terms of which black persons who are appointed to an enterprise are discouraged or inhibited from substantially participating in the core activities of that enterprise;

(b) in terms of which the economic benefits received as a result of the broad-based black economic empowerment status of an enterprise do not flow to black people in the ratio specified in the relevant legal documentation;

(c) involving the conclusion of a legal relationship with a black person for the purpose of that enterprise achieving a certain level of broad-based black economic empowerment compliance without granting that black person the economic benefits that would reasonably be expected to be associated with the status or position held by that black person; or

(d) involving the conclusion of an agreement with another enterprise in order to achieve or enhance broad-based black economic empowerment status in circumstances in which—

(i) there are significant limitations, whether implicit or explicit, on the identity of suppliers, service providers, clients or customers;

(ii) the maintenance of business operations is reasonably considered to be improbable, having regard to the resources available;

(iii) the terms and conditions were not negotiated at arm’s length and on a fair and reasonable basis;

‘knowing’, ‘knowingly’ or ‘knows’, when used with respect to a person, and in relation to a particular matter, means that the person either—
(b) bao e leng baagi ba Repaboliki ya Aferika Borwa ka go dula semolao—

(i) pele ga 27 Moranang 1994; kgotsa
(ii) ka di kgotsa morago ga 27 Moranang 1994 le bao ne ba le tshwanelo ya go amogela baagi ka tlholego pele le tshwa lelo;"

(c) ka go kwala boemong jwa tlhaloso ya "kataloso ya nonotsho ya ikonomi ya bantsho" ka tlhaloso e e latelang:

"matlatafatso ya kataloso ya nonotsho ya ikonomi ya bantsho’ go bolela ntshetsopele ya kataloso ya ikonomi ya bantsho bothle [go akarediwa] segolo jaang bonne, badiri, ba’wa, banyo bo bakgwethegileng le ba ba dulong mo metse magae, ka maano a a farologaneng a kogolagany a kattlatleloloago le moruo, ao a akaretsang mme a sa lebaganyang fela le—

(a) koketso ya palo ya bolaodi le boeteledipele le dithoto tsa ntshetsopele ya bantsho;  
(b) ketelopele ya go nna mongwa kgwebo le molaoedi le dithoto tsa tlhagiso ke baagi, badiri, dikgwebo-kogolagany a dikgwebo dingwe tsa kopanelo;  
(c) tlhabololo ya badiri le bokgoni;  
(d) go bona kemedi e e lekanang mo magatong otlh a tiro le maemo a badiri;  
(e) go abo ditirelo ka go tlhopa mabaka go tswa go dikgwebo tsa bantsho kgotsa tse di laolwang ke bantsho, go akarediwa kgodiso ya kabelo ya dithoto tsa kgolo; le  
(f) go dira peeletsa mo dikgwebong tsa bantsho kgotsa dikgwebo tse di laolwang ke bantsho;"

(d) ka go kwala morago ga tlhaloso ya "Khansele" tlhaloso e e latelang:  
‘Khomisˇene’ go bolela Khomis ˇene ya Katoloso ya Nonotsho ya Ikonomi ya Bantsho e e tlhomilweng go ya ka krolo 13B;'  
(e) ka go kwala morago ga tlhaloso ya "Khansele" tlhaloso e e latelang:  
‘Lefapha’ go bolela Lefapha la Kgwebo le Indaseteri;  
‘go itira motho yo monngwe’ go bolela kgwebelano, thulaganyo kgotsa tiro nngwe kgotsa e e nytasang ka thlamalalo kgotsa e se ka thlamalalo kgotsa e e kgoroletsang dikgwebo tsa maikaelelo a Molao o, kgotsa tiragatso ya taelo ngwe le ngwe ya Molao o, go akarediwa mme eseng fela mekgwa e e lebaganeng le  
Togamaano ya B-BBEE—

(a) fa bantsho ba ba thapilweng ke kgwebo ba kgoreledi ka kgotsa ba thibelwa go tsaa ya karolo mo ditirong tse di bothloka tsa kgwebo;  
(b) fa bantsho ba sa amogele tekanetso ya tshwanelo ya moruo o o tshwanelo tse di tokomanang tse semolao go tsamaelana le seemo sa kgwebo go ya ka togamaano ya kataloso ya nonotsho ya ikonomi ya bantsho;  
(c) kamano ya kogolagany a semolao le motho montho ka maikaelelo a gore kgwebo eo e fitlhelela seemo se se rieng sa togamaano ya kataloso ya nonotsho ya ikonomi ya bantsho;  
(d) kamano ya kogolagany a semolao le motho montho ka maikaelelo a gore kgwebo eo e fitlhelela seemo sa kataloso ya nonotsho ya ikonomi ya bantsho ka fa tlase ga mabaka a a latelang—

(i) fa go na le maparego a masisi, a sephiri kgotsa a totobetse ka ga loto la batlame; baabi ba ditirelo, badiri ka kgotsa bareki;  
(ii) fa tlhokomelo ya tsamaisimo kgwebo e bonagala e sa lolama, fa go elwa tlhoko di diriswa tse di leng teng;  
(iii) fa dipheelo le mabaka a ne a a tshwanelo ka botlalo, ka mokgwa wa tolamo le nnete;  
‘ka kitso’, ‘ka go itse’ kgotsa ‘wa itse’, e dirisiwa mabapi le motho, le mabapi le morero o o rieng, go bolela fa motho yoo a—
(a) had actual knowledge of that matter; or
(b) was in a position in which the person reasonably ought to have—
   (i) had actual knowledge;
   (ii) investigated the matter to an extent that would have provided
       the person with actual knowledge; or
   (iii) taken other measures which, if taken, would reasonably be
       expected to have provided the person with actual knowledge of
       the matter;”;
(f) by the insertion after the definition of “organ of state” of the following
   definition:
   “‘premises’ includes land, or any building, structure, vehicle, ship,
   boat, vessel, aircraft or container;”; and
(g) by the insertion after the definition of “public entity” of the following
   definition:
   “‘sector charters’ means sectoral transformation charters referred to in
   section 9;”.

Amendment of section 2 of Act 53 of 2003

2. Section 2 of the principal Act is hereby amended—
   (a) by the substitution for paragraph (f) of the following paragraph:
       “(f) empowering rural and local communities by enabling access to
           economic activities, land, infrastructure, ownership and skills;
           [and]”; and
   (b) by the substitution for paragraph (g) of the following paragraph:
       “(g) promoting access to finance for black [economic empowerment]
           start-ups, small, medium and micro enterprises, co-operatives and
           black entrepreneurs, including those in the informal business sector;
           and”; and
   (c) by the addition of the following paragraph:
       “(h) increasing effective economic participation and black owned and
           managed enterprises, including small, medium and micro enter-
           prises and co-operatives and enhancing their access to financial and
           non-financial support.”.

Amendment of section 3 of Act 53 of 2003

3. Section 3 of the principal Act is hereby amended—
   (a) by the substitution for paragraph (a) of the following paragraph:
       “(a) to give effect to its objectives and purposes; and”; and
   (b) by the addition of the following subsection, the current section becoming
       subsection (1):
       “(2) In the event of any conflict between this Act and any other law in
           force immediately prior to the date of commencement of the Broad-
           Based Black Economic Empowerment Amendment Act, 2013, this Act
           prevails if the conflict specifically relates to a matter dealt with in this
           Act.”.

Substitution of section 8 of Act 53 of 2003

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

   “Remuneration and reimbursement of expenses

   8. Council members [will not] must be remunerated for their services[, but will] in accordance with the provisions of the National Treasury
       Regulations, and must be reimbursed for expenses incurred by them in
       carrying out their duties, as determined by the Minister, with the
       concurrence of the Minister of Finance.”.
(a) na le kitso ka ga morero oo; kgotsa  
(b) ka ntlha ya maemo a gagwe a tshwanetse go bo a itse—  
(i) o ne a na le kitso e totobetseng;  
(ii) dipatlisiso tsa morero di ne di tla tlamela motho yo o ka kitso e totobetseng; kgotsa  
(iii) go tsaya dikgato dingwe, tse fa di ka bo di tseilwedi bo di tla tlamela motho yoo ka kitso e e totobetseng ka ga morero oo;'';  
(f) ka go kwala morago ga tlhaloso ya “setheo sa puso” tlhaloso e e latelang: “‘lefelelo’ go akaretsa lefatsho, kgotsa kago ngwe le ngwe, sebopego, koloi, sekepe, mokoro, sefofane kgotsa motemo;”; le  
(g) ka go kwala morago ga tlhaloso ya “setheo sa bosešhaba” tlhaloso e e latelang: “‘makala a dišhata’ go bolela tlhabololo ya makala a dišhata tse di tlhalositsweng mo karolo 9 ya Molao oo;”.

Go fetolwa ga karolo 2 ya Molao 53 wa 2003

2. Karolo 2 ya Molao wa pele ya fetolwa—  
(a) ka go kwala boemong jwa temana (f) temana e e latelang: “‘(f) matlafatso ya baagi ba metse magae le ba dikgaolo ka go netefatsa phitlhelelo ya ditiro tsa ikonomi, lefatsho, mafaratlhatlha, bong le bokgoni; [le]’’;  
(b) ka go kwala mo temana (g) temana e e latelang: “‘(g) go godisa phitlhelelo ya matlole ke batho bantsho [nonotsho ya ikonomi] thuso ya go simolola kgwebo, dikgwebo potlana, dikgwebo tse di golang le dikgwebo tse dikgolo, dikgwebo-thakanelo le ba simolodi ba dikgwebo tsa bantsho, go akarediwa le dikgwebo tse di sa kwadisiwang; le’’; le  
(c) ka go tlaletetsa ka temana e e latelang: “‘(h) go oketsa botswerere jwa seabe sa ikonomi le dikgwebo tsa batsho le taolo ya tsona, go akarediwa dikgwebo potlana, dikgwebo tse golang le dikgwebo tse dikgolo, dikgwebo-thakanelo le matlafatso ya bokgoni jwa tsona go fitlhelela thuso ya matlole le e eseng ya matlole.’’.

Go fetolwa ga karolo 3 ya Molao 53 wa 2003

3. Karolo 3 ya Molao wa pele ya fetolwa—  
(a) ka go kwala boemong jwa temana (a) ka temana e e latelang: “‘(a) go diragatsa maikaelelo le le mabaka a yona; le’’; le  
(b) ka go tlaletetsa ka karolotlaletetsa e e latelang, karolo ya ga jaana e tl nna karolotlaletetso (1): “‘(2) Fa go ka nna le kgotlheng ngwe le ngwe gare ga Molao o le molao mongwe le mongwe yo o dirisiwang, go tla dirisiwa Molao o, go fitlhelela pele ga lethla la tshinologo ya Molao Phetolo wa Katoloso ya Nonotsho ya Ikonomi ya Bantsho wa 2013, go tla dirisiwa Molao ono, fa kgotlheng e ama morero yo o tlahlositsweng mo Molaong ono.’’.”

Go tsengwa karolo 8 ya Molao 53 wa 2003

4. Karolo e e latelang e kwalwa boemong jwa karolo 8 ya Molao wa pele:

“Meputso le tuelo ya ditshenyegelo

8. Maloko a khasele [ga a kitla] a tshwanetse go duelelwa ditirelo tsa bona go tsamaela le diraole tsa Melawana ya Matlole a Bosesha le [I, mme ba] tshwanetse go duelewa ditshenyegelo tsa bona tse di diragetseng fa ba ne ba dira tiro ya bona, go ya ka tlhomamiso ya Tona le tumelano ya Tona ya Matlole.”.
Amendment of section 9 of Act 53 of 2003

5. Section 9 of the principal Act is hereby amended—
   (a) by the substitution in subsection (1) for paragraph (e) of the following paragraph:
      “(e) guidelines for stakeholders in the relevant sectors of the economy to
draw up transformation charters and codes of good practice for their
sector; and”; and
   (b) by the addition of the following subsections:
      “(6) If requested to do so, the Minister may by notice in the Gazette
permit organs of state or public entities to specify qualification criteria
for procurement and other economic activities which exceed those set by
the Minister in terms of subsection (1).
(7) A code of good practice remains in effect until amended, replaced
or repealed.”.

Amendment of section 10 of Act 53 of 2003

6. The following section is hereby substituted for section 10 of the principal Act:

   “Status of codes of good practice

   10. (1) Every organ of state and public entity must [take into account
and, as far as is reasonably possible,] apply any relevant code of good
practice issued in terms of this Act in—
   (a) determining qualification criteria for the issuing of licences, concessions or other authorisations in respect of economic activity in terms of
any law;
   (b) developing and implementing a preferential procurement policy;
   (c) determining qualification criteria for the sale of state-owned enter-
prises; [and]
   (d) developing criteria for entering into partnerships with the private
sector; and
   (e) determining criteria for the awarding of incentives, grants and
investment schemes in support of broad-based black economic
empowerment.

   (2) (a) The Minister may, after consultation with the relevant organ of
state or public entity, exempt the organ of state or public entity from a
requirement contained in subsection (1) or allow a deviation therefrom if
particular objectively verifiable facts or circumstances applicable to the
organ of state or public entity necessitate an exemption or deviation.
   (b) The Minister must publish the notice of exemption or deviation in the
Gazette.

   (3) Subject to section 9(6), an enterprise in a sector in respect of which
the Minister has issued a sector code of good practice in terms of section 9,
may only be measured for compliance with the requirements of broad-
based black economic empowerment in accordance with that code.

   (4) Enterprises operating in a sector in respect of which the Minister has
issued a sector code of good practice in terms of section 9, must report
annually on their compliance with broad-based black economic empower-
ment to the sector council which may have been established for that
sector.”.

Amendment of section 11 of Act 53 of 2003

7. Section 11 of the principal Act is hereby amended by the substitution in subsection (2) for paragraph (b) of the following paragraph:
   “(b) develop a plan for financing broad-based black economic empowerment,
including the creation of incentive schemes to support effective black owned
and managed enterprises;”.
Go fetolwa ga karolo 9 ya Molao 53 wa 2003

5. Karolo 9 ya Molao wa pele ya fetolwa—

(a) ka go kwala karolotlaleletso (1) boemong jwa temana (e) ya temana e e latelang:

“(e) dikaele boemong jwa batsayakarolo ba makala a a maleba a moruo go kwalo ditshhata ts'a tlhalolo le dikhoutu ts'a tsamaiso ya makala ka tolamo boemong jwa makala a tsona; le”; le

(b) ka go tlaleletsa ka dikarolotlaleletso tse di latelang:

“(6) Fa a kopwi a go dira jaalo, Tona e ka letlelela ditheo tsu puso kgotsa ditheo tsu bosesiha go tlhalosa ditlha tsu kabo ya ditirelo le ditirelo tse dingwe tsu ikonomi tse di gaisang tse di tlhalositsweng ke Tona mo karolotlaleletso (1).

(7) Khoutu ya maithshwaro a siameng e tla dula e le tirisong go fthlhel e fetolwa, go kwadiwa e ngwe kgotsa e phimolwa.”.

Go fetolwa ga karolo 10 ya Molao 53 wa 2003

6. Karolo e e latelang e kwadiwa boemong jwa karolotlaleletso 10 ya Molao wa pele:

“Maemo a dikhoutu ts'a maithshwaro a siameng

10. (1) Setheo sengwe le sengwe sa puso le setheo sa bosesiha se tshwanetse go ela thoko go ya ka moo go kgonalagang, tiragato ya khoutu ngwe le ngwe e e kwadiwleng go ya ka Molao o—

(a) go tlhomamisa ditlha tsu kamogelo boemong jwa kabo ya dilaena, ditumelano tse di kgethegileng kgotsa tse tla ngwe le ngwe mabapi le ditiro tse moruo go ya ka molao mongwe le mongwe;

(b) go tlhama le go diragatsa pholisi ya kamogelo ya ditirelo ka mabaka;

(c) go tlhomamisa ditlha tsu kamogelo boemong jwa tsehiko ya dikgwebo tsu puso; [le]

(d) go tlhama mokgwacwa ga go dira dikgolagago le ditheo tsu puso e le tshwanetse go phatlalatsa kitsiso ya kiletso tsu tetla ya go ggotse mo Lekwalodikgang la Puso.”

(2) (a) Tona, morago ga go buisana le ditheo tse di maleba tsu puso kgotsa dikgwebo tsu baagi, e ka iletsa setheo sa puso kgotsa kgwebo ya baagi go obamela thohoko ya karolotlaleletso (1) kgotsa go tsetla ya go letlelela setheo go ikatholose ditlha tsu netefela tse khetse sa puso kgotsa kgwebo ya baagi e e kwadiwa kgotsa go letlelela gore se ikatholose mabaka.

(b) Tona e tshwanetse go phatlalatsa kitsiso ya kiletso kgotsa tsetla ya go ikatholose mo Lekwalodikgang la Puso.”

(3) Go tsamaelana le karolo 9 (6), kgwebo ya lekala leo Tona e ntsitseng khoutu ya lekala ya maithshwaro a siameng go ya ka karolo 9, le tshwanetse fela go thalahobiwa boemong jwa kobamele ya dithlhoko tse matlafatso ya katoloso ya nonotso ya ikonomi ya batsho go tsamaelana le khoutu eo.

(4) Dikgwebo tse di dirang mo lekaleng leo Tona e ntsitseng khoutu ya lekala go ya ka karolo 9, le tshwanetse go beela lekala la khansele ya lona ngwaga le ngwaga ka ga seemo sa bona sa kobamele ya matlafatso ya katoloso ya nonotso ya ikonomi ya batsho.”.

Go fetolwa ga karolo 11 ya Molao 53 wa 2003

7. Karolo 11 ya Molao wa pele e fetolwa ka go tlaleletsa ka karolotlaleletso (2) boemong jwa temana (b) ya temana e e latelang:

“(b) go tlhama polane ya matlhole ya katoloso ya nonotso ya ikonomi ya batsho, go akaredwa thebolo ya dikema ts'a tsholetso go thusa dikgwebo tse di dirang tse tso laolwang ke batsho;”.

[9]

8. The following sections are hereby inserted in the principal Act after section 13:

“Cancellation of contract or authorisation

13A. Any contract or authorisation awarded on account of false information knowingly furnished by or on behalf of an enterprise in respect of its broad-based black economic empowerment status, may be cancelled by the organ of state or public entity without prejudice to any other remedies that the organ of state or public entity may have.

Establishment and status of Broad-Based Black Economic Empowerment Commission

13B. (1) The Broad-Based Black Economic Empowerment Commission is hereby established as an entity within the administration of the Department.

(2) The Commission is headed by a Commissioner appointed by the Minister.

(3) The Commission—

(a) has jurisdiction throughout the Republic;

(b) must be impartial and perform its functions without fear, favour or prejudice; and

(c) must exercise the functions assigned to it in terms of this Act or any other law—

(i) in the most cost-effective and efficient manner; and

(ii) in accordance with the values and principles mentioned in section 195 of the Constitution.

(4) The Minister may issue directives of a general nature, which are consistent with this Act, to the Commission concerning the performance of its functions and the Commission must comply with any such directive.

(5) Each organ of state must assist the Commission to exercise its authority and perform its functions effectively.

Appointment of Commissioner and Acting Commissioner

13C. (1) (a) The Minister must appoint a person with suitable qualifications and experience to be the Commissioner for a term of not more than five years.

(b) When appointing the Commissioner, the Minister must consult the relevant Portfolio Committee of the National Assembly and the relevant Select Committee of the National Council of Provinces.

(2) The Minister may re-appoint a person as Commissioner at the expiry of that person’s term of office for one additional term of office.

(3) The Commissioner, who is the Chief Executive Officer of the Commission, is responsible for the general administration of the Commission and for carrying out any functions assigned to it in terms of this Act, and must—

(a) perform the functions that are conferred on the Commissioner by or in terms of this Act;

(b) manage and direct the activities of the Commission; and

(c) supervise the Commission’s staff.

(4) The Minister must, in consultation with the Minister of Finance, determine the Commissioner’s remuneration, allowances, benefits and other terms and conditions of employment.

(5) The Commissioner may, on three months’ written notice addressed to the Minister, resign as Commissioner.

(6) The Minister may remove the Commissioner from office on account of—

(a) serious misconduct;
8. Dikarolo tse di latelang di kwadiwa mo Molaong wa pele morago ga karolo 13:

"Go phimolwa ga Kontraka kgotsa taelo

13A. Kontraka ngwe le ngwe kgotsa taelo e e ntshitsweng ka nthla ya tshedimosetsa e e fosagetseng ka bomo ke kgwebo kgotsa boemong jwa kgwebo mabapi le seemo sa yona saa katoloso ya nonotsho ya ikonomi ya bantsho ya bantsho e ka gogelwa morago ka setheo sa puso kgotsa setheo sa bosetšhaba ntle le kgethololo ya tshwepe epe kgatlhanong le setheo sa puso kgotsa setheo sa bosetšhaba.

Go tlhamiwa ga Khomisêne le maemo a Katoloso ya Nonotsho ya Ikonomi ya Bantsho

13B. (1) Khomisêne ya Katoloso ya Nonotsho ya Ikonomi ya Bantsho e tlhamiwa jaaka setheo sa kgwebelano ka fa tlase ga tsamaiso ya Lefapha.

(2) Khomisêne e tla etelelwapele ke Mokomišenara yo o thapilweng ke Tona.

(3) Khomisêne—
(a) e nale matla go ralala Rephaboliki ka bophara;
(b) gay a tshwanela go kgethe matlhakore, e bile e tshwanetse go dira tiro ya yona ntle le tshabo, lonya kgotsa kgethololo; gape
(c) e tshwanetse go dira ditiro tse diabetsweng go ya ka Molao o, kgotsa molao mongwe le mongwe—
(i) go manonthotho le botswerere; le
(ii) go tsamaelana botho le mokgw o o thalosietsweng mo karolo 195 ya Molaetho.

(4) Tona e ka thapisa ditaelo tsakgwa wa kakaretso, tse di tsamaelanang le Molao o, tse di tshwanetseng go diriwa ke Khomišene fa e dira tiro ya yona mme Khomišene e tshwanetseng go tshwanegna ya taelo ngwe le ngwe ya mofuta oo.

(5) Setheo sengwe le sengwe sa puso se tshwanetse go thusa Khomišene go diragatsa matla a yona le go dira tiro ya yona ka botswerere.

Go thapiwa ga Mokomišenara le Motlatsa Mokomišenara

13C. (1) Tona e tshwanetse go thapa motho yo o na leng dirutwa le maitešmogolo a a maleba jaaka Mokomišenara go dira paka e e sa feteng dingwaga di le tlhano.

(b) Fa go thapiwa Mokomišenara le Motlatsa Mokomišenara, Tona e tshwanetse go ikogolanyana le Komiti ya Tiro e e maleba ya Koko na ya Bosetšhaba le Komiti ya Patlisiso ya Khanele ya Bosetšhaba ya Diporofense.

(2) Tona e ka thapa gape motho yo o, go dira paka e ngwe ya tlaleletso gape, jaaka Mokomišenara fa paka ya gagwe ya nthla e fedile.

(3) Mokomišenara ke Motlhankedi-Kakaretso Mogolo wa Khomišene, gape ke yena yo o rweleng maikarabelo a tsamaiso ka kakaretso ya Khomišene le tiragatso ta tiro ngwe le ngwe ya yona go ya ka Molao o, e bile o tshwanetse—
(a) go dira ditiro tse di abetsweng Khomišene ka Molao kgotsa go ya ka Molao o;
(b) go laola le go nthetšapele ditiro tsa Khomišene; le
(c) go laola badiri ba Khomišene.

(4) Go ya ka dipuisano gare ga Tona le Tona ya Matlole, Tona e tshwanetse go tlhomamisa moputso wa Mokomišenara, allawanse, ditshwanela, le dipeelo le mabaka a mangwe a tiro.

(5) Mokomišenara a ka rola marapo jaaka Mokomišenara ka go kwalela Tona kitsiso mo nakong ya dikgwedi di le tharo.

(6) Tona e ka tlogedisa Mokomišenara tiro ka nthla ya—
(a) maithsharo a sa siamang a masisi;
(b) permanent incapacity;
(c) engaging in any activity that may undermine the integrity or standing of the Commission; or
(d) any other legitimate ground that justifies the removal of the Commissioner.

(7) If the Commissioner and the Deputy Commissioner are for any reason at the same time unable to perform their functions assigned to them in terms of this Act, the Minister may, on such conditions as the Minister may determine, appoint a suitable person as Acting Commissioner to perform the functions of the Commissioner.

Appointment of Deputy Commissioner and staff of Commission

13D. (1) The Commissioner, in consultation with the Minister, must appoint a person with suitable qualifications and experience to be the Deputy Commissioner for a term of five years.

(2) Section 13C(2), (4), (5) and (6) apply to the Deputy Commissioner, read with such changes as are required by the context.

(3) The Deputy Commissioner must perform the functions of the Commissioner whenever—

(a) the Commissioner is unable for any reason to perform those functions; or

(b) the office of Commissioner is vacant.

(4) The Commissioner may—

(a) appoint staff members with suitable qualifications and experience, or contract with other persons, to assist the Commission in carrying out its functions; and

(b) in consultation with the Minister and the Minister of Finance, determine the remuneration, allowances, benefits and other terms and conditions of appointment of each member of the staff.

Finances of Commission

13E. (1) The Commission is financed from—

(a) money that is appropriated by Parliament for the Commission; and
(b) money lawfully received from any other source.

(2) The Auditor-General must audit the Commission’s financial records every year.

Functions of Commission

13F. (1) The functions of the Commission are—

(a) to oversee, supervise and promote adherence with this Act in the interest of the public;

(b) to strengthen and foster collaboration between the public and private sector in order to promote and safeguard the objectives of broad-based black economic empowerment;

(c) to receive complaints relating to broad-based black economic empowerment in accordance with the provisions of this Act;

(d) to investigate, either of its own initiative or in response to complaints received, any matter concerning broad-based black economic empowerment;

(e) to promote advocacy, access to opportunities and educational programmes and initiatives of broad-based black economic empowerment;

(f) to maintain a registry of major broad-based black economic empowerment transactions, above a threshold determined by the Minister by notice in the Gazette;

(g) to receive and analyse such reports as may be prescribed concerning broad-based black economic empowerment compliance from organs of state, public entities and private sector enterprises;
(b) koafalo ya leruri;
(c) go ikamanya le tiro ngwe le ngwe e e ka nyatsang serodumo sa Khomišene kgotsa maemo a Khoimišene; kgotsa
(d) lebaka lengwe le lengwe le le utlwagalang go mameletela ga tloisiwa ga Mokomišenara.

(7) Fa Mokomišenara le Motlatsa Mokomišenara ba sa kgone ka ntlha ya lebaka lengwe le lengwe ka nako e tshwanetse go dira ditiro tse ba di filweng go ya ka Molao o, go tsamaelana le mabaka a thlomamisitsweng ke Tona, Tona e ka thapa motho yo o maleba jaaka Mokomišenara wa Nama o tshwerwe.

Go thapiwa ga Motlatsa Mokomišenara le badiri ba Khoimišene

13D. (1) Go ya ka dipuisano tsa Mokomišenara le Tona, Mokomišenara o tshwanetse go thapa motho yo o na leng dirutwa le maiemogelo a maleba jaaka Motlatsa Mokomišenara go dira paka ya dingwaga di le tlhano.
(2) Karolo 13C(2), (4), (5) di le (6) di ama Motlatsa Mokomišenara dibuisiwa le diphetogo tse di tsamaelanang le bokao.
(3) Motlatsa Mokomišenara o tshwanetse go dira tiro ya Khoimišene nako ngwe le ngwe fa—
(a) Khoimišene e sa kgone go dira tiro ya yona ka ntlha ya lebaka lengwe;
(b) go naale phatlatiro ya Mokomišenara.
(4) Mokomišenara a ka—
(a) thapa badiri ba ba nang le dikwalo tse di maleba e bile ba na le maiemogelo, kgotsa a ikogolaganya le batho ba bangwe go thusa Khoimišene go dira tiro ya yona; le
(b) go buisana le Tona, le Tona ya Matlole go tlhomamisa moputso, allawanse, ditshwanelo le dipeelo le mabaka mangwe a go thapiwa ga tokololo ngwe le ngwe ya badiri.

Matlole a Khoimišene

13E. (1) Khoimišene e etlediwa ka matlole go tswa go—
(a) tekanyetsokabo ya Palamente e e abelwang Khoimišene; le
(b) tšhelete e e amogelwang semolao go tswa go metswedi e menngwe.
(2) Moruni Kakaretso o tshwanetse go tlhatlhoba ditokomane tsotlhe tsa matlole a Khoimišene ngwaga mongwe le mongwe.

Ditiro tsa Khoimišene

13E. (1) Ditiro tsa Khoimišene ke—
(a) go laola, lebelela le go godisa kobamelo ya Molao o, le go diragatsa dikgathlegelo tsa baagi;
(b) go matlaflatsa le go mameletela tirisanommomo gare ga ditheo tsa baagi le ditheo tsa poraefete ka maikaielelo a go godisa le go sireletsa ponelopele ya katoloso ya nonotsho ya ikonimi ya bantsho;
(c) go amogela dingongorego tebang le katoloso ya nonotsho ya ikonimi ya bantsho go tsamaelana le ditaelo tsa Molao o;
(d) go dira dipatlisiso, ka go ithaopa ka boyona kgotsa go araba ngongorego e e amogetsweng tebang le katoloso ya nonotsho ya ikonimi ya bantsho;
(e) go godisa kitso, phithelelo ya ditšhono, manaane a thuto le maano a katoloso ya nonotsho ya ikonimi ya bantsho;
(f) go boloka rejisetara ya leano la katoloso ya nonotsho ya ikonimi ya bantsho fa kgwebelano e feta selekanyo se se thlomamisitsweng ke Tona ka kitsiso mo Lekwalodikgang la Puso;
(g) go amogela le go sekaseka direpoto tse di tsamaelanang le katoloso ya nonotsho ya ikonimi ya bantsho e e thlomamisang ditaelo tse di tshawanetseng go obamelwa ke ditheo tsa puso, ditheo tsa botšhhaba le dikgwebo tsa makala a poraefete;
(h) to promote good governance and accountability by creating an effective and efficient environment for the promotion and implementation of broad-based black economic empowerment; and

(i) to exercise such other powers which are not in conflict with this Act as may be conferred on the Commission in writing by the Minister.

(2) A complaint contemplated in subsection (1)(c) and (d) must be—

(a) in the prescribed form; and

(b) substantiated by evidence justifying an investigation by the Commission.

(3) The Commission must increase knowledge of the nature and dynamics and promote public awareness of matters relating to broad-based black economic empowerment by—

(a) implementing education and information measures to develop public awareness of the provisions of this Act, and in particular to advance the purposes of this Act;

(b) providing guidance to the public by—

(i) issuing explanatory notices outlining its procedures;

(ii) issuing non-binding opinions on the interpretation of any provision of this Act; or

(iii) applying to a court for a declaratory order on the interpretation or application of the provisions of this Act; and

(c) conducting research relating to its mandate and activities and, from time to time, publishing the results of that research.

(4) The Commission may liaise with any regulatory authority on matters of common interest and, without limiting the generality of the foregoing, may—

(a) exchange information with and receive information from any such regulatory authority pertaining either to matters of common interest or to a specific complaint or investigation;

(b) participate in the proceedings of any regulatory authority; and

(c) advise, or receive advice from, any regulatory authority.

(5) Notwithstanding the provisions of any law, but subject to the approval of the Minister, the Commissioner may enter into an agreement with any other person, body of persons or organ of state, including a special investigating unit established under the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996), to perform any of the Commission’s duties and functions under this Act.

Reporting

13G. (1) All spheres of government, public entities and organs of state must report on their compliance with broad-based black economic empowerment in their audited annual financial statements and annual reports required under the Public Finance Management Act, 1999 (Act No. 1 of 1999).

(2) All public companies listed on the Johannesburg Stock Exchange must provide to the Commission, in such manner as may be prescribed, a report on their compliance with broad-based black economic empowerment.

(3) All Sectoral Education and Training Authorities contemplated in the Skills Development Act, 1998 (Act No. 97 of 1998), must report on skills development spending and programmes to the Commission.

Delegation

13H. (1) The Commissioner may delegate any power conferred on him or her or any duty assigned to him or her under this Act, to any other person with appropriate knowledge and experience who is appointed to or contracted with the Commission to assist it in the carrying out of its functions.
(h) go godisa taolo e lolameng le maikarabelo ka go tlhola maemo mantle go rotoetsa kgodiso le tiragatsa ka botswerere ya katoloso ya nonotsho ya ikonomi ya bantsho; le
(i) go diragatsa dithata tse dingwe tse di seng kgatlhanong le Molao o, tse di abetsweng Khomišene ke Tona ka lekwalo.

(2) Ngongoreg e e thalositsweng mo karolotlaleletso (1)(c) le (d) e tshwanetse go kwidiwa—
(a) mo forming e e thhomamisitsweng; le
(b) go romelwa ka bopaki jo bo tla tlhothleletsang patlisiso ya Khomišene.
(c) Khomišene e tshwanetse go oketsa kitso ya ya farologana ga makabaka le matlafatso ya kitso ya baagi ka ga merero e amang katoloso ya nonotsho ya ikonomi ya bantsho, ka go—
(a) diragatsa maano a thuto le tshedimosetso go tlhabolola kitso ya baagi ka kitaelo tsaa Molao o, segolo jaang, le ntsietsopole ya maikaeleo a Molao o;
(b) go tlamlola baagi ka dikgakololo ka go—
(i) tlhagisa dikitsiso tse di tlhalosong tsamaiso ya Khomišene;
(ii) tlhagisa ditshwetswe tse di sa gapeletseng go ya ka tlhalosong taelo ngwe le ngwe ya Molao o; kgotso;
(iii) go dira kopolo ya taelo go baga ka tlhalosog kgotso tiragatsa ya kitaelo tsa Molao o;
(c) go dira dipatlisiso mabapi le kitaelo le ditiro tsa Khomišene, le go phatlatatsa dipholo tsa dipatlisiso ga gape.

(3) Khomišene e tshwanetse go oketsa kitso ga mabaka le matlafatso ya kitso ya baagi ka ga merero e amang katoloso ya nonotsho ya ikonomi ya bantsho, ka go—
(a) diragatsa maano a thuto le tshedimosetso go tlhabolola kitso ya baagi ka kitaelo tsa Molao o, segolo jaang, le ntsietsopole ya maikaeleo a Molao o;
(b) go tlamlola baagi ka dikgakololo ka go—
(i) tlhagisa dikitsiso tse di tlhalosong tsamaiso ya Khomišene;
(ii) tlhagisa ditshwetswe tse di sa gapeletseng go ya ka tlhalosong taelo ngwe le ngwe ya Molao o; kgotso;
(iii) go dira kopolo ya taelo go baga ka tlhalosog kgotso tiragatsa ya kitaelo tsa Molao o;
(c) go dira dipatlisiso mabapi le kitaelo le ditiro tsa Khomišene, le go phatlatatsa dipholo tsa dipatlisiso ga gape.

(4) Khomišene e tshwanetse go oketsa kitso ga mabaka le matlafatso ya kitso ya baagi ka ga merero e amang katoloso ya nonotsho ya ikonomi ya bantsho, ka go—
(a) refosanya ka tshedimosetso, le go amogela tshedimosetso go tsaa go bote taelo ngwe le ngwe ka ga makabaka ka kgatlhegelo e e tshwanang kgotso ngongoreg e rileng, kgotso patlisiso;
(b) tsayakarolo mo ditshamaisong tsa bothati bongwe le bongwe jwa taelo; le
(c) go gakolola kgotso go amogela kgakololo go tsaa go bothati bongwe le bongwe jwa taelo.

(5) Go sa nyatswe ditaelo tsa Molao mongwe le mongwe, fa fela go tsa Molao mongwe le mongwe, fa fela go tsa Molao mongwe le mongwe, fa fela go tsa Molao mongwe le mongwe. Mokomisˇenara a ka laela mongwe le mongwe, Mokomisˇenara a ka laela mongwe le mongwe, Mokomisˇenara a ka laela mongwe le mongwe, Mokomisˇenara a ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mongwe, ka laela mongwe le mon
(2) Notwithstanding subsection (1), the Commissioner may not delegate the powers referred to in section 13D(1) or (4).

(3) A delegation under subsection (1) must be in writing and—
(a) may be subject to any conditions or restrictions determined by the Commissioner;
(b) does not prevent the exercise of the relevant power by the Commissioner; and
(c) may be withdrawn or amended by the Commissioner.

Specialist committees

13L. (1) The Minister may appoint one or more specialist committees to advise the Commission on the management of its resources or the performance of its functions.

(2) The Minister may assign specific powers to the members of a specialist committee for the purposes of performing any function contemplated in subsection (1).

(3) A specialist committee may—
(a) be established for an indefinite term or for a period determined by the Minister when the committee is established; and
determine its own procedures.

(4) A specialist committee established under this section must—
(a) perform its functions impartially and without fear, favour or prejudice; and
(b) consist of—
(i) not more than eight persons who are independent from the Commission and are appointed by the Minister for a term of not more than five years; and
(ii) not more than two senior employees of the Commission designated by the Commissioner.

(5) A member of a specialist committee must—
(a) be a fit and proper person;
(b) have appropriate expertise or experience; and
c have the ability to perform effectively as a member of the committee.

(6) Members of a specialist committee must not—
(a) act in any way that is inconsistent with subsection (4)(a);
(b) expose themselves to any situation in which the risk of a conflict may arise between their responsibilities and any personal financial interest; or
c use their position or any information entrusted to them to enrich themselves or improperly benefit any other person.

(7) A member of a specialist committee ceases to be a member if—
(a) the member resigns from the committee;
(b) the Minister terminates the person’s membership because the member no longer complies with subsection (5) or has contravened subsection (6); or
(c) the member’s term of office has expired.

(8) A member of a specialist committee who has any personal or financial interest in any matter on which the committee gives advice, must disclose that interest and withdraw from the proceedings of the specialist committee when that matter is discussed.

(9) The Commission must remunerate and compensate—
(a) a member contemplated in subsection (4)(b)(i) for expenses incurred to the extent determined by the Minister; and
(b) a member contemplated in subsection (4)(b)(ii) for expenses incurred to the extent that the member’s remuneration and allowances as an employee of the Commission does not extend to that person’s services as a member of the specialist committee.

Investigations by Commission

13J. (1) Subject to the provisions of this Act, the Commission has the power, on its own initiative or on receipt of a complaint in the prescribed...
(2) Go sa nyatswe ditaelotsa karolotlaleletso (1), Khomišêne ga ya tshwanela go laela matla a yona a a tlhalositsweng mo karolo 13D(1) kgotsa (4).

(3) Taelo ya tiro go ya ka karolotlaleletso (1) e tshwanetse go kwadiwa—
(a) le go tsamaelana le lebaka kgotsa kiletsa ngwe le ngwe e e tlhumamisitsweng ke Mokomišenara;
(b) ga e thibele Mokomišenara go diragatsa dithata tse di maleba; e bile
c) e ka gogelwa morago kgotsa e ka fetolwa ke Mokomišenara.

Dikomiti tsa bomaitsanape

13L. (1) Tona e ka tlhopa komiti e kgethegileng e le ngwe kgotsa dikomiti tse dikgethegileng go gakolola Khomišene ka taolo ya di diriswa tsa yona kgotsa tiragatso ya diri tse ira tsa yona.

(2) Tona e ka abela maloko a komiti e e kgethegileng dithata tse di rileng mabapi le tiragatso ya tiro kgwe le e e tlhalositsweng mo karolotlaleletso (1).

(3) Komiti e e kgethegileng e ka—
(a) tlhamiwa paka e e sa tlhomamiang kgotsa paka e e tlhumamisitsweng kgotsa fa komiti e ne e tlhomamiwa; e bile e
(b) kgona go tlhomamisa tsamaiso ya yona.

(4) Komiti e e tlhamiwiweng go ya ka karolo e, e tshwanetse—
(a) go dira tiro ya yona ka tolamo, ntle le tshabo, go reka sefatlhengo kgotsa kgethololo; le
(b) e tshwanetse—
(i) go nna le batho ba ba sa feteng robedi ba ba se nang kamano le Khomišene, e bile ba tlhopiwei ke Tona paka e e sa feteng dingwaga di le tlhano; le
(ii) badiri ba ba olwane ba Khomišene ba ba sa feteng pedi ba ba tlhopiweleng ke Khomišene.

(5) Leloko la komiti e kgethegileng le tshwanetse go—
(a) nna motho yoo o siameng;
(b) nna le maitemogelo le bokgoni jo bo maleba; le
(c) nna le bokgwari jwa go dira ka manonthlotlhlo jaaka leloko la Khomišene.

(6) Maloko a komiti e e kgotlholo qa a tshwene—
(a) go itshwara ka mokgwa o o kgatlhonong le karolotlaleletso 4(a);
(b) go baka maemo mangwe a a ka bakang kgonagalo ya kgotlhang gare ga maikarabelo a bona le kgatlhagelo ngwe le ngwe ya tšelele; kgotsa
(c) go dirisa maemo a bona kgotsa tsheildo se letšete le ngwe e e ba e filweng go ikhumisa kgotsa gore motho mongwe a une molemo.

(7) Leloko la komiti e e kgotlholo qa tlogela go nna leloko fa—
(a) motho yoo, a rola marapo jaaka leloko la komiti;
(b) Tona e gogela morago boloko jwa motho yoo ka gonne leloko le sa thole le itepatepanya le karolotlaleletso (5) kgotsa la tlogela ditaelo tsa karolotlaleletso (6); kgotsa
(c) paka ya leloko e fedile.

(8) Leloko la komiti e e kgotlholo qa le na leng kgatlheng ko namana kgotsa ya tshelele ke morero mongwe le mongwe yo o komiti e e kgotlholo qa le disame tsa komiti e e na le tshwanetse go dikgato ya tshwene ya Kgosi ya nonto.

(9) Khomišene e tshwanetse go putsa le go diała letšenyelegelo tsa—
(a) leloko lengwe le lengwe le le tlhalositsweng mo karolo (4)/(b)/(i), go ya ka tlahoso ya Tona; mme
(b) leloko le le tlhalositsweng mo karolo (4)/(b)/(ii), fela fela tse la lela lela ka tshwane jaaka modiri wa Khomišene di se amane ke tse ya gagwe jaaka leloko la komiti e e kgotlholo.
form, to investigate any matter arising from the application of the Act, including any B-BBEE initiative or category of B-BBEE initiatives.

(2) The format and the procedure to be followed in conducting any investigation must be determined by the Commission with due regard to the circumstances of each case, and may include the holding of a formal hearing.

(3) Without limiting the powers of the Commission, the Commission may make a finding as to whether any B-BBEE initiative involves a fronting practice.

(4) The Commission may institute proceedings in a court to restrain any breach of this Act, including any fronting practice, or to obtain appropriate remedial relief.

(5) If the Commission is of the view that any matter it has investigated may involve the commission of a criminal offence in terms of this Act or any other law, it must refer the matter to the National Prosecuting Authority or an appropriate division of the South African Police Service.

(6) The Commission may, if it has investigated a matter and justifiable reasons exist, refer to—

(a) the South African Revenue Services any concerns regarding behaviour or conduct that may be prohibited or regulated in terms of legislation within the jurisdiction of that Service; or

(b) any regulatory authority any concerns regarding behaviour or conduct that may be prohibited or regulated in terms of legislation within the jurisdiction of that regulatory authority.

(7) (a) The Commission may publish any finding or recommendation it has made in respect of any investigation which it had conducted in such manner as it may deem fit.

(b) A decision of the Commission to publish any finding or recommendation it has made may not be put into effect—

(i) before proceedings for the judicial review of the decision have been completed or were not instituted within the period allowed therefor;

(ii) if the Commission has referred the matter to the National Prosecuting Authority or the South African Police Service in terms of subsection (5), and no prosecution has been instituted against the person concerned;

(iii) if the person concerned has been prosecuted and acquitted following the investigation of the Commission; or

(iv) where the person concerned has been convicted by a court of law, following an investigation of the Commission, before such person has in respect of the conviction exhausted all recognised legal proceedings pertaining to appeal or review.

Summonses

13K. (1) At any time during an investigation being conducted by the Commission, the Commission may issue a summons to any person who is believed to be able to furnish any information on the subject of the investigation or to have possession or control of any book, document or other object that has a bearing on that subject—

(a) to appear before the Commission to be questioned at a time and place specified in the summons; or

(b) to deliver or produce to the Commission any book, document or other object referred to in paragraph (a) at a time and place specified in the summons.

(2) A summons contemplated in subsection (1)—

(a) must be signed by the Commissioner or by an employee of the Commission designated by the Commissioner; and

(b) may be served in the same manner as a subpoena in a criminal case issued by a magistrates’ court.
(2) Tsela le tsamaiso e e tswanetseng go dirisiwa fa go dira patlisiso ngwe le ngwe e tshwanetse go tlholamiswi ke Khomišene ka go ela tlhoko mabaka a kgetsi ngwe le ngwe e bile go akarediwa le go tshwariwa ga kopano ya semmuso.

(3) Ntle le thibelo ya dithata ts Khomišene, Khomišene e ka dira tlhomamiso fa tsamaiso ngwe le ngwe, togaamaano ngwe le ngwe ya B-BBEE e akaretsa papatso ya kgwebo ka tsel a e e seng yona.

(4) Khomišene e ka tlhatlhela kgetsi mo kgotlatshekelo go thibela go tlolo-molao ngwe le ngwe ya Molao o, go akarediwa le mokgwa mongwe le mongwe wa papatso ya kgwebo ka tsel a e e seng yona kgotsa kamogelo ya thušo ya thshimiso ya mabaka.

(5) Fa Khomišene e nagana gore morero mongwe yo o batlisiwang ke khomišene o ama bosenyi ka mokgwa mongwe, Khomišene e tshwanetse go romela morero oo, go Bothati jwa Bosetšhaba jwa Botshutshisi kgotsa lekala le le maleba la Ditirelo ts Sepodisi sa Aforika Borwa.

(6) Fa Khomišene e dirile dipatlisiso ka ga morero mme go na le mabaka a utlwagalang, e ka romela kgetsi go—

(a) Ditirelo ts Sepodisi sa Aforika Borwa e e amang maitshwaro kgotsa tiro e e ilelictsweng kgotsa e e laolwang ke melawana ya taolo ya Tirelo eo; kgotsa

(b) bothati bongwe le bongwe jwa taolo mabapi le ngongorego ngwe le ngwe ka ga maitshwaro kgotsa tiro e e ilelictsweng go ya ka melawana ya maikarabelo a bothati joo jwa taolo.

(7) (a) Khomišene e ka phatlalatsa tshwetso ngwe le ngwe kgotsa tshitsinyo e e dirilweng ya patlisiso ngwe le ngwe go tsamaelana le dikeletso ts Khomišene.

(b) Tshweto ya Khomišene go phatlatsa tshweto ngwe le ngwe kgotsa tshitsinyo e e dirilweng ke yona, gay a thshanela go diragadiwe—

(i) pele ditssamaiso ts tshekatsheko ya molao di konosedwa kgotsa fa di ne di sa begiwa mo nakong e e letleletseng, ka moo ge;

(ii) fa Khomišene e rometsa kgetsi go Bolaadi ba Botšhutshisi ba Bosetšhaba kgotsa Sepodisi sa Aforika Borwa go ya ka karolotlalelets (5), mme motho yo o amegang a ise a latofadiwe;

(iii) fa motho yo o amegang a latofadiwse mme a bonwe a se molato ke khomišene; kgotsa

(iv) fa motho yo o amegang a bonwe molato ke kgotlatshekelo ya molao go ya ka patlisiso ya Khomišene, mme katlholo e e e tlaolthiowsbiwe ka magato otlhe a a letleletseng a molao jaaka boipelaetso kgotsa tshekatsheko ka golagangwa le motho yoo a ka.

Disamone

13K. (1) Nako ngwe le ngwe fa Khomišene e dira dipatlisiso, Khomišene e ka ntsha samone mabapi le mongwe le mongwe yo go dumelwang fa a na le tsedimosetseng ngwe ka ga morero yo o batlisiwang kgotsa yo na leng buka kgotsa taolo ya buka, tokomane, kgotsa setlankana sengwe se se amanang morero oo, go—

(a) thagelela fa pele ga Khomišene go araba dipotso, mo lefelong le ka nako e e tlaolotsiweng mo samoneng; kgotsa

(b) go romela kgotsa go thagisetsa Khomišene buka ngwe le ngwe, tokomane kgotsa setlankana se se tlaolotsiweng se temana (a) mo lefelong le ka nako e e tlaolotsiweng mo samoneng.

(2) Samone e e tlaolotsiweng mo karolotlalelets (1)—

(a) e tshwanetse go saeniwa ke Mokomišenea kgotsa modiri wa Khomišene yo o thopilweng le Mokomišenea; e bile

(b) e tshwanetse go rebolwa ka mokgwa o o tshwanang le wa subpoena (kwalo le le bilesang motho kwa kgotlatshekelo) mo kgetsing ya bosenyi le le ntshitsiweng ke kgotlatshekelo ya magiseterata.
(3) If a person is summoned to appear before the Commission, or is required to deliver any book, document or other object to the Commission, the Commissioner or an employee of the Commission designated by the Commissioner—

(a) may interrogate and administer an oath to, or accept an affirmation from, the person named in the summons; and

(b) may retain any such book, document or other object for examination for a period not exceeding two months or such longer period as the court on good cause shown, may allow.

(4) A person questioned by the Commission must answer each question truthfully and to the best of that person’s ability, but—

(a) is not obliged to answer any question if the answer is self-incriminating; and

(b) the person asking the questions must inform that person of the right set out in paragraph (a).

(5) No self-incriminating answer given or statement made by any person to the Commission will be admissible as evidence against that person in criminal proceedings against that person instituted in any court, except in criminal proceedings for perjury or in which that person is tried for an offence relating to the disclosure of false information, and then only to the extent that the answer or statement is relevant to prove the offence charged.

Confidential information

13L. (1) When submitting information to the Commission, a person may claim that all or part of that information is confidential.

(2) Any claim contemplated in subsection (1) must be supported by a written statement explaining why the information is confidential.

(3) The Commission must—

(a) consider a claim made in terms of subsection (1); and

(b) as soon as practicable make a decision on the confidentiality of the information and access to that information and provide written reasons for that decision.

(4) A person who has made a claim contemplated in subsection (1) in respect of which the Commission has made a decision in terms of subsection (3), may apply to court for a review of that decision within—

(a) 60 court days of becoming aware of the decision; or

(b) such longer period as a court may allow on good cause shown.

(5) When making any finding in respect of an investigation, the Commission may take confidential information into account.

(6) If any finding would reveal any confidential information, the Commission must provide a copy of the proposed finding to the party claiming confidentiality at least 30 court days before publishing those reasons.

(7) Within 14 court days after receiving a copy of the proposed finding in terms of subsection (6), a party may apply to a court for an appropriate order to protect the confidentiality of the relevant information.

Conflicting interests of employees

13M. The Commissioner, members of a specialist committee and any person appointed to or contracted with the Commission to assist the Commission in the carrying out of its functions, must not—

(a) engage in any activity that may undermine the integrity of the Commission;

(b) participate in any investigation, hearing or decision concerning a matter in respect of which that person has a personal financial interest;
(3) Fa motho a biditswe ka samone go tlhagelela fa pele ga Khomišene, kgotsa tshwanetse go bontsha Khomišene buka ngwe le ngwe, tokomane kgotsa setlanana, Mokhomisišenara kgotsa modiri wa Khomišene yo o tlophilweng ke Mokhomisišenara a ka—

(a) botsolotsa le go atlanegisa maikano, kgotsa a ka netefatsa tshepiso ya motho yo o umakilweng mo samoneng; mme
(b) a ka boloka buka ngwe le ngwe, tokomane kgotsa setlanana sengwe le sengwe se se tshwanetseng go sekasekiwa mo pakeng e e sa fenteg dikgwedi di le pedi kgotsa paka ya sebaka se se leleletsweng ke kgotlatshekelo ka mabaka.

(4) Motho yo o budiwang dipotso ke Khomišene o tshwanetse go araba potso ngwe le ngwe ka botshepegi le ka bokgoni jwa gagwe, le mororö—

(a) motho ga a gapelediwe go araba potso ngwe le ngwe fa karabo e amany motho yoo le bosenyi; le
(b) motho yo o botsang dipotso o tshwanetse go itsise paki ka ga tshwanelo e e thalositsweng mo temana (a).

(5) Ga go karabo epe e e amang motho le bosenyi e e builweng kgotsa seteitemente se se dirilweng ke motho ofe kapa ofe ngwe go Khomišene se se tla amogelwang mo kgotlatshekelo ngwe le ngwe kgatlhanong le motho yoo jaaka bopaki, ntle fela fa e le tsheko ya go bua maaka a ikanne kgotsa tsheko e e amang tshenolo ya tshedimosetso e fosagetseng, fa fela karabo kgotsa seteitemente se le bolthokwa go bontsha tatofatso.

**Tshedimosetso ya sephiri**

**13L.** (1) Fa motho a romela Khomišene tshedimosetso, motho yoo a ka bega fa tshedimosetso eo yotlhe kgotsa karolo ya tshedimosetso eo e le sephiri.

(2) Pego ngwe le ngwe e e thalositsweng mo karolotlaleletso (1) e tshwanetse go patagangwa le seteitemente se se tlahosleng mabaka a go reng tshedimosetso e e le ya sephiri.

(3) Khomišene e tshwanetse go—

(a) sekaseka topo e e dirilweng go ya ka karolotlaleletso (1); mme
(b) go dira tshwetsa ka bonako jo bo kgonalang ka sephiri sa tshedimosetso le phitlhelelo ya tshedimosetso eo le go tlahosang mabaka a kwadiilweng boemong jwa tshwetsa eo.

(4) Motho yo o dirileng topo e e thalositsweng mo karolotlaleletso (1) boemong jwa tshwetsa e e dirilweng ke Khomišene, go ya ka karolotlaleletso (3) a ka dira kop o go kgotlhatshekelo gore e sekaseke tshwetsa eo, mo nakong ya—

(a) matsatsi a 60 a kgotlatshekelo morago ga go amogela tshwetsa; kgotsa
(b) go ya ka paka e tlohamamisitsweng ke kgotlatshekelo fa go nale mabaka a utlwagalang.

(5) fa Khomišene e dira tshwetsa ya patlisiso e tshwanetse go ela tlhoko tshedimosetso ya sephiri.

(6) Fa go nale kgonalang ya gore tshwetsa ngwe, e ka senola tshedimosetso ya sephiri, Khomišene e tshwanetse go abela motho yo o dirileng topo ya tshedimosetso ya sephiri kgatsi ya tshwetsa e e tshitsiintsweng bonnye mo nakong ya matsatsi a le 30 a go dira pele mabaka a phatlaladiwa.

(7) motho a ka dira kop o ya taelo e e maleba go kgotlatshekelo go sireletha tshedimosetso ya sephiri mo nakong ya matsatsi a le 14 a kgotlatshekelo morago ga go amogela kgatsi ya tshwetsa e e tshitsiintsweng go ya ka karolotlaleletso (6).

**Thulano ya dikgatlhagelo tsa badiri**

**13M.** Mokomisišenara, maloko a Komiti e e Kgethegileng, le mongwe le mongwe yo o tlophilweng kgotsa golagantsweng ka kontrak a go thusa Khomišene go dira tiro ya yona, ga a tshwanela go—

(a) ikgolaganya le sepe se se tla nyatsang seriti sa Khomišene;
(b) tsayakarolo mo patlisisong epe, tsheko, kgotsa tshwetsa mabapi le morero o rileng fa motho yoo a nale kgatlhego ya tšelele;
(c) make private use of, or profit from, any confidential information obtained as a result of performing that person’s official functions in the Commission; or

(d) divulge any information referred to in paragraph (c) to any third party, except as required as part of that person’s official functions within the Commission.

Offences in connection with Commission

13N. (1) It is an offence to disclose any confidential information concerning the affairs of any person obtained—

(a) in carrying out any function in terms of this Act; or

(b) as a result of initiating a complaint with the Commission, or participating in any proceedings in terms of this Act.

(2) Subsection (1) does not apply to information disclosed—

(a) for the purpose of the proper administration or enforcement of this Act;

(b) for the purpose of the proper administration of justice;

(c) at the request of the Commission or a court entitled to receive the information; or

(d) when required to do so by any court under any law.

(3) A person commits an offence if that person—

(a) hinders, obstructs or improperly attempts to influence the Commission when it is exercising a power or performing a duty in terms of this Act;

(b) does anything calculated to improperly influence the Commission concerning any matter connected with an investigation by the Commission;

(c) knowingly provides false information to the Commission;

(d) anticipates any findings of the Commission in a way that is calculated to improperly influence the proceedings or findings;

(e) does anything in connection with an investigation of the Commission that would have been contempt of court if the proceedings had occurred in a court of law; or

(f) refuses to attend when summoned or, after attending, refuses to answer any question or produce any document as required by the summons, other than as contemplated in section 13K(4)(a).

Other offences and penalties

13O. (1) A person commits an offence if that person knowingly—

(a) misrepresents or attempts to misrepresent the broad-based black economic empowerment status of an enterprise;

(b) provides false information or misrepresents information to a B-BBEE verification professional in order to secure a particular broad-based black economic empowerment status or any benefit associated with the compliance with this Act;

(c) provides false information or misrepresents information relevant to assessing the broad-based black economic empowerment status of an enterprise to any organ of state or public entity; or

(d) engages in a fronting practice.

(2) A B-BBEE verification professional or any procurement officer or other official of an organ of state or public entity who becomes aware of the commission of, or any attempt to commit, any offence referred to in subsection (1) and fails to report it to an appropriate law enforcement agency, is guilty of an offence.
Molao Phetolo wa Katoloso ya Nonotsha ya Ikonomi ya Bantsho wa, 2013

(c) dirisa ka poraefete, kgotsa go una molemo go tswa go tshedimose tse ngwe le ngwe ya sephehi e e bonweng ka nthla ya gore moyho yoo a direla Khomišene semmuso; kgotsa
(d) senolela motho yo o sa amengeng tshedimose tse ngwe le ngwe e e thalositsweng mo temana (c), ntle le fa go le bothokwa, e bile go tsamaelana le tiro ya motho yoo ya semmuso ya Khomišene.

Ditatofatso malebana le Khomišene

13N. (1) ke tlolo molao go senola tshedimose tse ngwe le ngwe ya sephehi malebana le merero ya motho mongwe e e utlwagetseng—
(a) go dira tiro ngwe le ngwe go ya ka Molao o; kgotsa
(b) ka nthla ya go tlhatlhela ngongorego go Khomišene, kgotsa go tsa yakarolo mo tshakong ngwe go ya ka Molao o.
(2) Karolotlaleletso (1) ga e ame tshedimose tse e senotsweng—
(a) boemong jwa tsamaiso e e lolameng kgotsa tiragatsa ya molao o;
(b) boemong jwa tsamaiso e e lolameng ya bosiamisi;
(c) boemong jwa kopo ya Khomišene kgotsa kgotlatshekelo e e na leng matla a go amogela tshedimose tse; kgotsa
(d) fa e le tshwanelo ya kgotlatshekelo ngwe le ngwe go dira jaalo go ya ka molao.
(3) Motho o tlola molao fa a—
(a) tshwenya, k goreletsa kgotsa ma mokgwa o sa sia mang a leka go tlha thleleletsa Khomišene fa Khomišene e diragatsa matla kgotsa tiro ya yona go ya ka Molao o;
(b) dira sengwe le sengwe ka ntlha ya go tlhodleleleetsa Khomišene ka mokgwa o sa sia mang, mabapi le morero mongwe le mongwe yo amang fipatlisiso tsa Khomišene;
(c) ka bomo a tlama Khomišene ka tshedimose tse e fosagetseng;
(d) ponelo pеle ya thwetsa ya Khomišene ka maikaelelo a go tlhodleleletsa ditshamaiso kgotsa ditshwetsa tsa Khomišene ka mokgwa o sa sia mang;
(e) dira sengwe le sengwe se se lebaganeng le dipatlisiso tsa Khomišene, go se se bontshang go nyatsa kgotlatshekelo fa ditshamaiso di ka bo di diri liwe mo kgotlatshekelo ya molao; kgotsa
(f) gana go tshenela ditshamaiso tsa Khomišene morago ga go tshediwa samone kgotsa morago ga go tsenela ditshamaiso, go gana go araba potso ngwe le ngwe kgotsa go tlhagisa tokomane ngwe le ngwe tsamaelana le tlhokgo ya disamone, ntle le tlhaloso ya karolo 13K(4)(a).

Ditatofatso tse dingwe le dikotlhao

13O. (1) Motho o tlola molao fa motho yo ka bomo a—
(a) itira kgotsa a leka go go dira maemo a k gwebo go tsamaelana le togama ya ya katoloso ya nonotsho ya ikonomi ya bantsho;
(b) tlamela ka tshedimose tse e fosagetseng kgotsa a fetola tshedimose tse ya moltshankaedi wa netefalesto ya B-BBEE ka maikaelelo a go bona maemo a fileng go ya ka selekanyetsa sa togama ya ya katoloso ya nonotsho ya ikonomi ya bantsho kgotsa ditshwanelo ngwe le ngwe e e tsamaelang le kobamelo ya Molao o;
(c) tlamela setheo sengwe le sengwe sa pu so kgotsa setheo sa b osethapa ka tsedimose tse e fosagetseng kgotsa a fetola tshedimose tse e e bothokwa mabapi le tshekatsheko ya maemo a k gwebo ya ka togama ya ya katoloso ya nonotsho ya ikonomi ya bantsho; kgotsa
(d) a ikamanya le mekgwa ya go itira seo a seng sona.
(2) Mothankaedi wa netefalesto ya dikgwebo tsa B-BBEE kgotsa molthankaedi mongwe le mongwe yo o rulaganyang ditirelo kgotsa molthankaedi mongwe wa setheo sa pu so kgotsa setheo sa b osethapa ya o lemogang tiragatsa kgotsa maiteko mangwe le mangwe a a go dira tafatso ngwe le ngwe e e thalositsweng mo karolotlalele tso (1) le mororo a palelwa ke go begela setheo sengwe le sengwe sa tiragatsa ya molao ka ga seo, o molato ka go tlola molao.
(3) Any person convicted of an offence in terms of this Act, is liable—
(a) in the case of a contravention of subsection (1), to a fine or to imprisonment for a period not exceeding 10 years or to both a fine and such imprisonment or, if the convicted person is not a natural person, to a fine not exceeding 10 per cent of its annual turnover; or
(b) in the case of a contravention of subsection (2) or section 13N, to a fine or to imprisonment for a period not exceeding 12 months or to both a fine and such imprisonment.

(4) For the purpose of determining a fine to be imposed for an offence in terms of subsection (1), the court must take into account the value of the transaction which was derived from, or sought to be derived from, the commission of the offence.

(5) A court in which any person is convicted of an offence in terms of subsection (3) must report the conviction—
(a) to the B-BBEE Verification Professional Regulator, if that person is a B-BBEE verification professional; and
(b) in any other case, to the Council and to that person’s employer.

(6) Despite anything to the contrary contained in any other law, a magistrates’ court has jurisdiction to impose any penalty provided for in this Act.

Prohibition on business with organs of state following conviction under this Act

13P. (1) Any person convicted of an offence in terms of this Act may not, for a period of 10 years from the date of conviction, contract or transact any business with any organ of state or public entity and must for that purpose be entered into the register of tender defaulters which the National Treasury may maintain for that purpose.

(2) Where the convicted person is not a natural person, the court may in its discretion restrict the order contemplated in subsection (1) to only those members, directors or shareholders who contravened the provisions of this Act.”.

Substitution of section 14 of Act 53 of 2003

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

“Regulations, guidelines and practice notes

14. (1) The Minister may make regulations with regard to—
(a) any matter that in terms of this Act may or must be prescribed;
(b) the lodging of complaints with the Commission;
(c) the conducting of investigations by the Commission;
(d) the information that any organ of state, public entity or private enterprise is required to provide to the Commission and the form and period of such reporting;
(e) requiring all broad-based black economic empowerment transactions above a prescribed threshold to be reported to the Commission; and
(f) any ancillary or incidental administrative or procedural matter that it is necessary to prescribe [in order to ensure] the proper implementation and administration of this Act.

(2) The Minister may by notice in the Gazette issue guidelines and practice notes relating to the interpretation and application of this Act.”.
(3) Mongwe le mongwe yo o bonweng molato ka tatófatso go ya ka Molao o, o tla otlhaiwa—
   (a) boemong jwa tatófatso ya karolotlaleletso (1), tuelo ya tšhelete kgotsa kothlao ya kgolegelo ya paka e e sa feteng dingwaga di le 10 kgotsa dikotlhao tšopedi tuelo ya tšhelete le kgolegelo kgotsa fa e le kgwebo tuelo ya tšhelete e e sa feteng diperesente di le 10 ya morokotso wa lôtseno lwa ngwaga; kgotsa
   (b) boemong jwa tatófatso ya karolotlaleletso (2) le karolo 13N, tuelo ya tšhelete kgotsa kothlao ya kgolelge ya paka e e sa feteng dikgwedi di le 12, kgotsa dikotlhao tšopedi tuelo ya tšhelete le kgolelge.
(4) mabapi le thomamiso ya tuelo ya tšhelete boemong jwa tatófatso e e dirilweng go tsamelelelana le karolotlaleletso (1) kgotlatshekelo e tshwanetse go ela tlhoko tlhwathlwa e e amogetsweng kgotsa e e neng e tla amogelwa fa kgwebo tšedaye e bosenyi e ka bo e wedsitswe ka katlego.
(5) Kgotlatshekelo ngwe le ngwe e e boneng molato go ya ka karolotlaleletso (3) tloko molao e tshwanetse go begelwa—
   (a) Botha Jwa Netefalele ya Borulaganyi jwa Dikgwebo tsa B-BBEE, fa motho yoo e le morulaganyi wa netefalele tsa dikgwebo tsa B-BBEE; le
   (b) Ka mabaka mangwe go begela Khansele le motapi wa motho yoo.
(6) Nite ga lebaka lengwe le le kgaithanong le molao mongwe, Kgotlatshekelo ya magiseterata e nale matla a go rebola katlhlo ngwe le ngwe e e leteletsweng ke Molao oo.

**Kiletso ya go gwebelana le ditheo tsa puso morago ga go bonwa molato go ya ka Molao ono**

13P. (1) Mongwe le mongwe yo o bonweng a le molato ka ntla ya Molao o, ga a tshwanelo go tla le kgolaganyo ya kontraka kgotsa go dira kgwebo epe le ditheo tsa puso kgotsa tso puso ya boshêhâba paka ya dingwaga di le 10 go simolola ka letla la katlhlo, mme, ka ntla ya lebaka le o tshwanetse go kwadiwa mo rejisetareng ya bathlola-molao ba dithendara e e tla bolokiwang ke Lefapha la Bosetsêhâba la Matlole.
(2) Fa e le kgwebo e e bonweng molato, kgotlatshekelo e ka dira gore taelo e e thalositsweng mo karolotlaleletso (1) e lebaganeye fela le maloko, bakaedi kgotsa beng badiëre ba ba tloedieng ditaelo tsa Molao o."

**Go kwalwa ga karolo 14 ya 53 wa 2003**

9. Karolo e e latelang e kwadiwa boemong jwa karolo 14 ya Molao wa pele:

**“Melawana, dikaelo le tlhaloso ya tsamaiso**

14. (1) Tona e ka dira melawana mabapi le—
   (a) morero mongwele mongwe yo o, kgotsa tshwanetseng go laelwa go ya ka Molao o;
   (b) go begela khomišene dingongorego;
   (c) thebolo ya dipatisiso ke Khomišene;
   (d) tshebimoSETSOGO e e tshwanetseng go tlamelwa Khomišene ke setheo sengwe le sengwe kgotsa setheo sa boshêhâba, mokgwâ le paka eo pego e tshwanetseng go diriwa ka yona;
   (e) taelo ya go begela Khomišene ka kgwebelano yotlhle ya leano la katoloso ya nonotsho ya ikonomi ya bantsho e e fetêng selekanyo se se tlhalositsweng; le
   (f) morero mongwe le mongwe kgotsa tsamaiso kgotsa morero wa taolo o o bothokwa go dira taelo [ka maitkaelelo a go netefatsa] boemong jwa tiragatso le tsamaiso ya Molao o.
   (2) Ka kitsiso mo Lokwalodikgang la Puso, Tona e ka rebola dikaelo le tsamaiso malebana le tlhaloso le tiragatso ya Molao o."
Short title and commencement

10. (1) This Act is called the Broad-Based Black Economic Empowerment Amendment Act, 2013.

(2) Except for section 3(b), this Act comes into operation on a date fixed by the President by proclamation in the Gazette.

(3) Section 3(b) comes into operation one year after the date contemplated in subsection (2).

(4) In the event that the President fixes different dates in respect of different provisions of this Act, section 3(b) comes into operation one year after section 3(a) commences.
   (2) Ntle le karolo 3(b) Molao o, o tla tsengwa tirisong ka letlha le le thhomamisitsweng ke Moporesidente ka kgөeletso mo Lokwalodikgang la Puso.
   (3) Karolo 3(b) e tla tsengwa tirisong ngwaga o monosi morago ga letlha le le thhomamisitsweng mo karolotlaleletso (2).
   (4) Fa go ka diragala gore Moporesidente a thhomamise matlha a a farologaneng boemong jwa ditaelo tsa Molao o, karolo 3(b) e tla tsengwa tirisong ngwaga o monosi morago ga tshimologo ya karolo 3(a).