Isalathiso: 20190530-5299
Inombolo yefayili: 12/19/2
Imibuzo: KuBalawuli beZithili

ISetyhula: 0038/2019
Umhla wokuphelelwa: Awukho

Iya: KumaSekela Balawuli-Jikelele, kuBalawuli abaziiNtloko, kuBalawuli (kwaNdlunkulu nakwii-ofisi zezithili), kumaSekela Balawuli, kwiiNgcali zeMfundo eziziiNtloko, kwiiNtloko zoKunika iNkxaso kwiKharityhulam, kuBaphathi beeSekethe, kwiiNtloko zoLawulo noKuphathwa kwamaZiko, kumaSekela eeNgcali zeMfundo eziziiNtloko, kuBacebisi ngeZifundo, kwiiNqununu zezikolo zikarhulumente nakooSihlalo bamabhunga olawulo

Isishwankathelo esifutshane: *Kwaziswa zonke iinqununu, amabhunga olawulo nabathathi-nxaxheba abasezikolweni abaphantsi kweSebe leMfundo leNtshona Koloni (WCED) ngeenkqubo ezisebenzayo xa kuziswe, kuthengiswa okanye kuselwa utywala obunxilisayo kumasango esikolo kunye/okanye kwimisebenzi yezikolo.*

**Isihloko: Ukuthengiswa nokuselwa kotywala obunxilisayo kumasango esikolo okanye kwimisebenzi yesikolo nokubakho kwabafundi xa kuselwa okanye kuthengiswa utywala obunxilisayo kumasango esikolo okanye kumsebenzi wesikolo**

1. Le setyhula mayifundwe kunye neSetyhula 004/2019, yange-09 Februwari 2019.

2. UMthetho oFakela iZilungiso kuMthetho weMfundo weZikolo zePhondo leNtshona Koloni, 2018 (uMthetho 4 ka-2018), opapashwe *kwiGazethi yePhondo esiSongezelelo* No. 8010 yange-29 Novemba 2018, ubhengeziwe yiNkulumbuso phantsi kwecandelo 29 lalo Mthetho.

3. Ukususela ekubeni ubhengeziwe uMthetho oFakela iZilungiso kuMthetho weMfundo weZikolo zePhondo leNtshona Koloni, 2018 (uMthetho 4 ka-2018), iSebe leMfundo leNtshona Koloni (*WCED*) lifumene imibuzo esuka ezikolweni nasebantwini malunga nokuthengiswa kunye nokuselwa kotywala obunxilisayo kumasango esikolo nakwimisebenzi yesikolo nokubakho kwabafundi xa kuselwa okanye kuthengiswa utywala obunxilisayo kumasango esikolo okanye kumsebenzi wesikolo.

4. INtloko yeSebe, ngokwecandelo 45B(11) loMthetho weMfundo weZikolo zePhondo leNtshona Koloni, 1997 (uMthetho 12 ka-1997), ikhuphe isikhokelo i-*Western Cape Education Department Guidelines for the Consumption or Sale of Alcoholic Liquor on School Premises or at a School Activity*.

5. Injongo yale setyhula kukunika isikhokelo kwiinqununu nakumabhunga olawulo malunga nendlela yokwenza imisebenzi eluxanduva yabo ngokumalunga noku.

6. Inqununu okanye amabhunga olawulo anyanzelekile ukuqinisekisa ukuba ukuthengiswa okanye ukuselwa kotywala obunxilisayo kumasango esikolo okanye kumsebenzi wesikolo kuyalawulwa yaye kubekwa esweni.

7. Iinqununu namabhunga olawulo mazikufunde okubhalwe kumthetho i-*Western Cape Liquor Act, 2008* (uMthetho 4 ka-2008), kunye nawo nawuphi na umthetho, imimiselo okanye imithetho kamasipala enxulumene nokusetyenziswa okanye ukuthengiswa kotywala obunxilisayo kumasango esikolo/kumsebenzi wesikolo.

8. Apha kuqhotyoshelwe ikopi yemimiselo i-*Western Cape Education Department Guidelines for the Consumption or Sale of Alcoholic Liquor on School Premises or at a School Activity and the Presence of Learners when Alcoholic Liquor is Consumed or Sold on School Premises or at a School Activity*, ifom yesicelo saqho ngonyaka elungiselelwe ukwenza isicelo semvume yokusela okanye ukuthengiswa kotywala obunxilisayo kumasango esikolo okanye umsebenzi wesikolo, kunye nekopi yenkqubo yokwenza isicelo sephepha-mvume lokusebenzisa utywala obunxilisayo esingeniswa kwi-*Western Cape Liquor Authority*.

9. Ukuba kukho nayiphi na eminye imibuzo ngalo mba, ungathandabuzi ukuqhagamshelana ne-ofisi yesithili yakho echaphazelekayo.

10. Kucelwa wazise okukule setyhula bonke abachaphazelekayo ukuze bakuthathele ingqalelo.

**ISAYINWE:** NGU-BK SCHREUDER
**INTLOKO YESEBE LEMFUNDO**
**UMHLA:** 2019-10-11

**ISIKHOKELO SESEBE LEMFUNDO LENTSHONA KOLONI ESINGOKUSELWA OKANYE UKUTHENGISWA KOTYWALA OBUNXILISAYO KUMASANGO ESIKOLO OKANYE KUMSEBENZI WESIKOLO NOKUBAKHO KWABAFUNDI XA KUSELWA OKANYE KUTHENGISWA UTYWALA OBUNXILISAYO KUMASANGO ESIKOLO OKANYE KUMSEBENZI WESIKOLO**

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**Izihlomelo**

IsiHlomelo A Ifom yesicelo saqho ngonyaka sokugunyazisa ukuvunyelwa kokuselwa okanye ukuthengiswa kotywala obunxilisayo kumasango esikolo okanye kumsebenzi wesikolo nokubakho kwabafundi xa kuselwa okanye kuthengiswa utywala kumasango esikolo okanye kumsebenzi wesikolo

IsiHlomelo B: Inkqubo yokwenza isicelo iphepha-mvume lokusebenzisa utywala obunxilisayo kwitheko elithile yi-*Western Cape Liquor Authority*

## 1. Iinkcazelo zamagama

1.1 Kwesi sikhokelo, naliphi na igama okanye intetho enentsingiselo eyinikiweyo kulo Mthetho, iya kuba naloo ntsingiselo liyinikiweyo, ngaphandle kokuba umxholo walatha okunye—

"iphepha-mvume lokusebenzisa utywala obunxilisayo kwitheko elithile" lithetha iphepha-mvume elikhutshwe ngokomthetho i-*Western Cape Liquor Act*, 2008 (uMthetho 4 ka-2008);

"INkundla yeeMpepha-mvume zoTywala" lithetha inkundla ejongene nokukhupha iimpepha-mvume zotywala ekubhekiselelwe kuyo kwicandelo 15 loMthetho i-*Western Cape Liquor Act*, 2008 (uMthetho 4 ka-2008);

"itheko labasebenzi abasesikolweni" lithetha indibano yezentlalo, eyolonwabo, eyezenkcubeko okanye esesikweni eyenziwa ngabasebenzi besikolo; yaye

"uMthetho" lithetha kulo Mthetho weMfundo weZikolo wePhondo leNtshona Koloni, 1997 (uMthetho 12 ka-1997).

## 2. Intshayelelo

2.1 Icandelo 45B(1) lalo Mthetho limisa ukuba "Nangona kukho ukuthintelwa kotywala obunxilisayo kumasango *esikolo* okanye kuwo nawuphi na *umsebenzi wesikolo* ochatshazelweyo kwicandelo 45A(1), *iNtloko yeSebe*, ingathi kwisicelo esibhaliweyo, igunyazise *ibhunga lolawulo*, okanye, malunga nefankshini yootitshala *inqununu*, *yesikolo sikarhulumente* ikuvumele ukusetyenziswa okanye ukuthengiswa kotywala obunxilisayo kumasango *esikolo* okanye *kumsebenzi wesikolo* obanjelwe kumasango *esikolo*."

Icandelo 45B(1) lalo Mthetho limisa ukuba "Nangona kukho ukuthintelwa kotywala obunxilisayo kumasango *esikolo* okanye kuwo nawuphi na *umsebenzi wesikolo* ochatshazelweyo kwicandelo 45A(1), *iNtloko yeSebe*, ingathi kwisicelo esibhaliweyo, igunyazise *ibhunga lolawulo*, okanye, malunga nefankshini yootitshala *inqununu*, *yesikolo sikarhulumente* ikuvumele ukusetyenziswa okanye ukuthengiswa kotywala obunxilisayo kumasango *esikolo* okanye *kumsebenzi wesikolo* obanjelwe kumasango *esikolo*."

2.2 Lo Mthetho wenza ukuba ibhunga lolawulo lesikolo sikarhulumente libe nako ukongeza ezi zibonelelo zoncedo zinikwe ngurhulumente ukuphucula umgangatho wemfundo onikwa sisikolo bonke abafundi esikolweni ngokuvumela ukuselwa okanye ukuthengiswa kotywala obunxilisayo kumasango esikolo (kubandakanywa nakumsebenzi wesikolo) ngeenjongo zokunyusa ingxowa-mali.

2.3 Icandelo 45B(11) lalo Mthetho licacisa ngaphezulu ukuba iNtloko yeSebe—

"*(a)* inako ukukhupha isikhokelo esiya *kwizikolo* malunga nokuselwa okanye ukuthengiswa kotywala obunxilisayo kumasango *esikolo* okanye *kumsebenzi wesikolo* ngokungqinelana neli candelo; yaye

*(b)* kufuneka ikhuphe isikhokelo esiya *ezikolweni* ngokumalunga nokubakho *kwabafundi* xa kuselwa okanye kuthengiswa utywala obunxilisayo kumasango *esikolo* okanye kumsebenzi *wesikolo* ngokungqinelana neli candelo;" yaye

2.4 Olu xwebhu lucacisa malunga nesikhokelo sezikolo esingokuselwa okanye ukuthengiswa kotywala obunxilisayo kumasango esikolo okanye kumsebenzi wesikolo nokubakho kwabafundi xa utywala obunxilisayo buselwa okanye buthengiswa kumasango esikolo (kubandakanywa nakumsebenzi wesikolo), njengoko kuchatshazelweyo kwicandelo 45B(11) loMthetho.

2.5 Icandelo 45A(1A) limisela ukuba isithintelo esinxulumene notywala obunxilisayo kumasango esikolo nakwimisebenzi yesikolo asisebenzi xa kuselwa ngokusemthethweni utywala obunxilisayo ngumntu ongenguye umfundi kumsebenzi wesikolo obanjelwe ngaphaya kwamasango esikolo.

## 3. Isikhokelo semithetho esebenzayo

3.1 Isikhokelo semithetho apha yile:

3.1.1 *Western Cape Provincial School Education Act, 1997 (Act 12 of 1997)*.

3.1.2 *The Western Cape Liquor Act, 2008 (Act 4 of 2008)*.

3.1.3 Imithetho kamasipala enxulumene nokusetyenziswa kotywala obunxilisayo kumasango esikolo.

**4. Umhlaba oza kufikelelwa**

Esi sikhokelo sisebenza kuzo zonke izikolo zikarhulumente kwiPhondo leNtshona Koloni.

**5. Injongo**

5.1 Esi sikhokelo siyilelwe—

5.1.1 Ukunika imigaqo emayilandelwe libhunga lolawulo okanye yinqununu yesikolo sikarhulumente xa kwenziwa isicelo kwiNtloko yeSebe sokugunyazisa ukuvunyelwa kokuselwa okanye ukuthengiswa kotywala obunxilisayo kumasango esikolo (kubandakanywa nomsebenzi wesikolo obanjelwa kumasango esikolo).

5.1.2 Ukulungiselela xa kukho abafundi xa kuselwa okanye kuthengiswa utywala obunxilisayo kumasango esikolo okanye kumsebenzi wesikolo.

5.1.3 Ukuqinisekisa ukuba kukho amanyathelo ezokhuseleko amiselwayo ngethuba lokuselwa okanye ukuthengiswa kotywala obunxilisayo kumasango esikolo okanye kumsebenzi wesikolo.

5.1.4 Ukulungiselela iimeko ezingenzekayo zamaxa kuselwa okanye kuthengiswa utywala obunxilisayo kumasango esikolo okanye kumsebenzi wesikolo.

**6. Ukwenza isicelo sesigunyaziso**

6.1 Kwimeko yetheko labasebenzi, inqununu mayenze isicelo kwiNtloko yeSebe yesigunyaziso esivumela ukuselwa okanye ukuthengiswa kotywala obunxilisayo kumasango esikolo okanye kumsebenzi wesikolo.

6.2 Kuzo zonke ezinye iimeko, ibhunga lolawulo malenze isicelo kwiNtloko yeSebe sesigunyaziso esivumela ukuselwa okanye ukuthengiswa kotywala obunxilisayo kumasango esikolo okanye kumsebenzi wesikolo.

6.3 Isicelo njengoko kuchatshazelweyo kule mihlathi ingentla masisoloko sisenziwa ngokuthi kubhalwe incwadi yaye isayinwe yinqununu ngokumalunga namatheko abasebenzi, nangusihlalo webhunga lolawulo kuzo zonke ezinye iimeko.

## 7. Imigaqo yokwenza isicelo

7.1 Isicelo sokugunyazisa ukuvunyelwa kokuselwa okanye ukuthengiswa kotywala obunxilisayo kumasango esikolo okanye kumsebenzi wesikolo. masithunyelwe kwiNtloko yeSebe ngokugqitha kwi-ofisi yesithili echaphazelekayo yoMlawuli weSithili kwifom yokwenza isicelo eqhotyoshelwe apha **njengesiHlomelo A**.

7.2 Ifom yokwenza isicelo mayizaliswe ngokupheleleyo libhunga lolawulo okanye yinqununu, ngokwemeko leyo kuyiyo, nangokucetyiswe nguMlawuli weSithili esichaphazelekayo ukwenzela ukuba sivunywe yiNtloko yeSebe.

7.3 Isicelo siya kufuna ubuncinane ibhunga lolawulo okanye inqununu echaphazelekayo—

7.3.1 inike iinkcukacha ezaneleyo ukwenzela ukuba iNtloko yeSebe ibe nako ukwenza isigqibo esisiso;

7.3.2 icacise imihla eqikelelwayo neentlobo zamatheko abasebenzi abasesikolweni namatheko esikolo okanye eminye imisebenzi;

7.3.3 ichaze amalungiselelo amiselweyo okanye aya kwenziwa ukuqinisekisa ukhuseleko kwitheko lesikolo okanye lomnye umsebenzi; wesikolo yaye

7.3.4 ikuchaze ukuba ngaba abafundi baya kubakho kumsebenzi wesikolo nokuthathwa kwamanyathelo acwangcisiweyo ukuthintela ukubeka esichengeni abafundi apho kuselwa okanye kuthengiswa utywala obunxilisayo khona.

## 8. Imibandela emayinikwe ingqwalaselo yiNtloko yeSebe

8.1 Ekunikeni ingqwalaselo emalunga nokunika isigunyaziso esichatshazelwe kumhlathi 6 wesi sikhokelo, iNtloko yeSebe mayithathele ingqalelo efanelekileyo yoku kulandelayo:

8.1.1 Imigaqo-nkqubo kaRhulumente weNtshona Koloni emalunga nokunciphisa umonakalo obangelwa butywala obunxilisayo.

8.1.2 Imithetho yezenkolo yesikolo kunye neyabahlali.

8.1.3 Ukunikwa kwezizathu zokwenziwa kwesicelo.

8.1.4 Ingaba isigunyaziso siya kuba luncedo kwisikolo eso.

8.1.5 Amanyathelo ezokhuseleko athe amkelwa sisikolo.

8.1.6 Kunye nazo naziphi na ezinye izizathu ezinokuthathwa njengezifanelekileyo yiNtloko yeSebe ekufikeleleni isigqibo esisiso.

**9. Isigqibo seNtloko yeSebe**

9.1 INtloko yeSebe inokusikhaba okanye isamkele isicelo sesigunyaziso esifakwe libhunga lolawulo okanye yinqununu njengoko kuchatshazelweyo kumhlathi 6, phantsi kwaloo miqathango njengoko inokuyinyanzeliswa yiNtloko yeSebe.

9.2 Isigqibo seNtloko yeSebe masisoloko sichazwa ngencwadi ebhaliweyo kwibhunga lolawulo okanye kwinqununu nakuMlawuli weSithili, ngokwemeko leyo kuyiyo.

9.3 Ukuba iNtloko yeSebe igqiba ekubeni isikhabe isicelo sesigunyaziso esichatshazelwe kumhlathi 6, iNtloko yeSebe mayinike umenzi-sicelo izizathu ngesigqibo sakhe.

9.4 Ukuba ibhunga lolawulo okanye inqununu, ngokwemeko leyo kuyiyo, likhathazekile sisigqibo seNtloko seSebe, ibhunga lolawulo okanye inqununu, ngokwemeko leyo kuyiyo, linokufaka isibheno kuMphathiswa wePhondo zingadlulanga iintsuku eziyi-14 zokwamkelwa kwesigqibo yiNtloko yeSebe.

10. **Ithuba lokusebenza ngokusemthethweni kwesigunyaziso**

10.1 Ngaphandle kokuba isigunyaziso esinikwe yiNtloko yeSebe sinemida ebekiweyo emalunga netheko okanye amatheko athile kuphela okanye imida yexesha elimiselweyo elicacisiweyo ngokwemiqathango enyanzeliswe kwisigunyaziso, isigunyaziso siya kuhlala sisemthethweni kangangonyaka wokufunda omnye ochaziweyo.

10.2 Isikolo kufuneka senze isicelo qho ngonyaka esichaza ukuba kukho amatheko okanye imisebenzi yesikolo echaphazelekayo.

10.3 Izicelo, ezicacisa yonke imisebenzi yesikolo namatheko acwangcisisweyo apho kuya kuselwa okanye kuthengiswe utywala obunxilisayo, mazifike kwi-ofisi yoMlawuli weSithili ungadlulanga owe-31 Oktobha ngonyaka owandulelayo phambi kokuqhubeka kwemisebenzi namatheko acwangcisiweyo.

10.4 Mayichazwe le misebenzi namatheko acwangcisiweyo xa ibhunga lolawulo lilungisa ibhajethi emayiqwalaselelwe ukuvunywa.

## 11. Imisebenzi eluxanduva yebhunga lolawulo nenqununu ngokunxulumene nokuselwa okanye ukuthengiswa kotywala obunxilisayo

11.1 Ibhunga lolawulo okanye inqununu inokunyanzelisa nayiphi na imiqathango njengoko inokubona kuyimfuneko ngokunxulumene nokuselwa okanye ukuthengiswa kotywala obunxilisayo kumasango esikolo okanye kumsebenzi wesikolo, ngokuxhomekeke ekubeni le miqathango ayinakukhabana nemiqathango enyanzeliswe yiNtloko yeSebe okanye ngokungqinelana nephepha-mvume lokusebenzisa utywala kwitheko elithile elimiselwe yi-*Western Cape Liquor Licensing Tribunal*.

11.2 Ukuba ngaba ibhunga lolawulo okanye inqununu inikwe isigunyaziso semvume yokusetyenziswa okanye ukuthengiswa kotywala obunxilisayo, ibhunga lolawulo okanye inqununu, ngokwemeko leyo kuyiyo, abanakunyanzelisa nabaphi na abasebenzi besikolo ukuba bathathe inxaxheba kwitheko ukuba abasebenzi besikolo abakunqweneli ukuthatha inxaxheba ngenxa yezizathu zenkolo, ezenkcubeko okanye ezingezinye.

11.3 Ibhunga lolawulo okanye inqununu mayiqinisekise ukuba kuyalawulwa yaye kubekwa esweni ukuthengiswa kotywala obunxilisayo kumasango esikolo okanye kumsebenzi wesikolo.

11.4 Iinqununu mazikufunde okuqulathwe ngumthetho i-*Western Cape Liquor Act*, 2008 (uMthetho 4 ka-2008), nawo nawuphi na umthetho osebenzayo, imimiselo okanye imithetho kamasipala enxulumene nokuselwa okanye ukuthengiswa kotywala obunxilisayo kumasango esikolo.

11.5 Ibhunga lolawulo okanye inqununu mayigcine irekhodi yayo yonke imisebenzi okanye yawo onke amatheko abasebenzi apho kuselwa okanye kuthengiswa khona utywala obunxilisayo kwirejista ngeenjongo zokubeka esweni.

## 12. Isicelo semvume yokusebenzisa utywala obunxilisayo kwitheko elithile

12.1 Kwimeko apho injongo ikukusela kodwa ingekokuthengisa utywala obunxilisayo kumasango esikolo okanye kumsebenzi wesikolo, akukho phepha-mvume lokusebenzisa utywala lifunekayo.

12.2 Kwimeko apho injongo ikukuthengisa utywala obunxilisayo kumasango esikolo ukwenzela ukuba kuselelwe ngaphakathi okanye ngaphaya kwamasango esikolo, makufunyanwe iphepha-mvume lokusebenzisa utywala njengoko kucacisiweyo **kwisiHlomelo B** kwi-*Western Cape Liquor*

*Authority*. Isicelo sephepha-mvume lokusebenzisa utywala obunxilisayo masikhatshwe yileta yesigunyaziso yeSebe (**isiHlomelo A**) kunye neleta esuka kwinqununu okanye kusihlalo webhunga lolawulo, ngokwemeko leyo kuyiyo, ecacisa ukuba inikiwe imvume yetheko labasebenzi okanye yomsebenzi wesikolo ekuthethwa ngawo

12.3 Imiqathango enyanzelisiweyo ngokwephepha-mvume lokusebenzisa utywala obunxilisayo yongezelela kuyo nayiphi na imiqathango enyanzeliswa yiNtloko yeSebe, libhunga lolawulo okanye yinqununu ngokumalunga netheko labasebenzi.

## 13. Ezingokhuseleko kumatheko

13.1 Ibhunga lolawulo okanye inqununu esele inikwe isigunyaziso semvume yokuselwa okanye yokuthengiswa kotywala obunxilisayo kumasango esikolo okanye kumsebenzi wesikolo mayiqinisekise ukuba kukho inani elaneleyo labantu abakwitheko abajongene neemeko zokhuseleko nentlalo-ntle yabantu abaze kumsebenzi wesikolo.

13.2 Abantu abachatshazelwe kulo mhlathi ungentla akuvumelekanga ukuba babusele utywala obunxilisayo ngosuku lomsebenzi wesikolo nangethuba bekumsebenzi wesikolo.

13.3 Abantu mabanikwe inkxaso ngokufanelekileyo yaye baqeqeshelwe ukusingatha iingxaki neengozi ezinxulumene nokuselwa kotywala obunxilisayo.

13.4 Utywala obunxilisayo akuvumelekanga ukuba buthengiselwe umntu onxilileyo, obonakalisa iimpawu zokunxila okanye oziphethe ngendlela ephazamisayo.

13.5 Ibhunga lolawulo okanye inqununu yesikolo inokuxhoma emboniselweni iinkonzo zeeteksi okanye iinkcukacha zoqhagamshelwano zeenkonzo ezilolo hlobo ukuze abaxhasi (*patrons*) bakwazi ukwenza amalungiselelo okugoduka ngokukhuselekileyo.

13.6 Ibhunga lolawulo okanye inqununu yesikolo inokucinga ngokuqesha oonogada ukujongana nemiba enxulumene nezokhuseleko okanye icele ubukho bamapolisa ngokwemeko leyo kuyiyo kwitheko.

## 14. Ukubakho kwabafundi ngethuba lokuselwa okanye lokuthengiswa kotywala obunxilisayo nemiba enxulumene noko

14.1 Ibhunga lolawulo okanye inqununu, ngokwemeko leyo kuyiyo, mayiqinisekise ukuba indawo leyo kuselwa okanye kuthengiselwa kuyo utywala obunxilisayo, yindawo abangavumelekanga kuyo

abafundi kwanokuba abafundi bayathintelwa ukungena kwindawo echaziweyo ngaphandle kokuba bakhatshwa ngumzali okanye ngumntu omdala otyunjwe ngumzali. Ukungena kwiindawo enezithintelo makubekwe esweni ngumntu omdala ongasokuze asele ngosuku lomsebenzi wesikolo nangeli xesha besemsebenzini kumsebenzi wesikolo.

14.2 Ibhunga lolawulo okanye inqununu yesikolo mayiqinisekise ukuba indawo enezithintelo iphawulwe ngokusebenzisa isaziso esibekwe kwisango lendawo enezithintelo enamagama athi, "**LE YINDAWO ENEZITHINTELO – ABAVUMELEKANGA ABAFUNDI NGAPHANDLE KOKUBA BAKHATSHWA NGUMZALI OKANYE NGUMNTU OMDALA OTYUNJWE NGUMZALI OVUMELEKILEYO**" abhalwe ngoonobumba abangqindilili (*boldface*), ngoonobumba abakhulu (*upper case letters*) ubuncinane ibe yi-5 cm ubude (*height*), ngoonobumba ababhalwe mnyama, abangekho nganeno ko-0.5 cm ububanzi.

14.3 Akuvumelekanga namphi na umfundi phantsi kwazo naziphi na iimeko ukuba angene kulo naliphi na igumbi okanye kwindawo ekuthengiswa kuyo utywala obunxilisayo apho kungathengiswa kutya khona ukwenzela abo benzelwa izidlo abahleli ezitafileni kwigumbi okanye kwindawo enye, nayo nayiphi na indawo ephawulwe ngesaziso esibekwa esangweni lendawo ekusebenza kuyo izithintelo ebhalwe la magama alandelayo: "**LE YINDAWO ENEZITHINTELO – ABAFUNDI ABAVUMELEKANGA UKUNGENA**" ebhalwe ngoonobumba abangqindilili (*boldface*), ngoonobumba abakhulu (*upper case letters*) ubuncinane ibe yi-5 cm ubude (*height*) ngoonobumba ababhalwe mnyama abangekho nganeno ko-0.5 cm ububanzi.

14.4 Akuvumelekanga phantsi kwazo naziphi na iimeko ukuthengisela umfundi utywala obunxilisayo.

14.5 Isikolo asinakumvumela umfundi asele utywala obunxilisayo.

14.6 Isikolo asinakumvumela okanye simcele umfundi ukuba ancedise kumsebenzi wesikolo ngokuthengisa, ngokugcina, ngokulayisha okanye ukuphatha utywala obunxilisayo.

14.7 Ukushenxa kulo mqathango njengoko kuchatshazelwe kwisiqendu 45A(1) salo Mthetho kulapho "*inqununu ngenxa yeenjongo zemfundo ezivumelekileyo nezisemthethweni*", inokumgunyazisa umfundi ukuba abekho kumsebenzi wesikolo apho kuselwa okanye kuthengiswa khona utywala obunxilisayo.

**15. Iiyure eziya kuthathwa xa kuselwa okanye kuthengiswa utywala obunxilisayo**

15.1 Ukuselwa okanye okanye ukuthengiswa kotywala obunxilisayo kumsebenzi wesikolo okanye kwitheko labasebenzi abasesikolweni elibanjelwe kumasango esikolo makwenzeke kuphela emva kweeyure zesikolo.

15.2 Akuvumelekanga ukusela okanye ukuthengisa utywala obunxilisayo ngethuba leeyure zesikolo.

15.3 Kwimeko yokuthengiswa kotywala obunxilisayo, ibhunga lolawulo okanye inqununu, ngokwemeko leyo kuyiyo, mayithobele iiyure ezinyanzeliswa yi-*Liquor Licensing Tribunal* kunye nemithetho kamasipala esebenzayo yengingqi.

**16. Izithintelo**

16.1 Akuvumelekanga ukuba kupapashwe okanye kuboniswe utywala obunxilisayo kuyo nayiphi na indawo ekumasango esikolo.

16.2 Ukuba isikolo siqeshisa ngazo naziphi na iifasilithi okanye inxalenye yoko kwiqela elichaphazelekayo (*third party*), isikolo eso sinokuthatha isigqibo sokumisela ukuba ngaba utywala obunxilisayo bunokuthengiswa okanye bunokungathengiswa ngaphakathi kwaloo masango okanye ukumisela indlela nethuba eziya kusetyenziswa ngalo ezi fasilithi. Ukuba kunyanzelekile kuthengiswe utywala obunxilisayo, abantu abaqeshe iifasilithi mababe nolwazi ngemfuneko yokufumana iphepha-mvume lokusebenzisa utywala obunxilisayo.

16.3 Nakuba kucacisiwe kumhlathi 16.2, akuvumelekanga kwibhunga lolawulo okanye kwinqununu, phantsi kwazo naziphi na iimeko, ukuqeshisa ngenxalenye yesikolo kuye nawuphi na umntu onenjongo yokuthengisa utywala obunxilisayo.

16.4 Akuvumelekanga ukuba kuselwe okanye kuthengiswe utywala obunxilisayo ngethuba lamatheko ezemidlalo yesikolo, umz. umdlalo wombhoxo, ibhola yomnyazi, iqakamba, intenetya, nemidlalo yeembaleki, njl. njl.

**17. Ingeniso eyenziwe ngokuselwa okanye ngokuthengiswa kotywala obunxilisayo**

17.1 Ibhunga lolawulo okanye inqununu mayiqinisekise ukuba ingeniso efunyenwe kumsebenzi wesikolo iyabhalwa kwiingxelo zemali zesikolo.

17.2 Ingeniso eyenziwe ngokuselwa okanye ngokuthengiswa kotywala obunxilisayo mazisetyenziselwe kuphela—

17.2.1 iinjongo zemfundo, kuso okanye ngokunxulumene nesikolo eso; kunye

17.2.2 neenjongo zemfundo, kuso okanye ngokunxulumene nesinye isikolo sikarhulumente, ngemvumelwano neso sikolo sikarhulumente.

**ISAYINWE:** NGU-BK SCHREUDER
**INTLOKO YESEBE LEMFUNDO**
**UMHLA:** 2019-10-11

**IFOM YESICELO SAQHO NGONYAKA YOKUGUNYAZISA UKUVUNYELWA KOKUSELWA OKANYE UKUTHENGISWA KOTYWALA OBUNXILISAYO KUMASANGO ESIKOLO OKANYE KUMSEBENZI WESIKOLO NOKUBAKHO KWABAFUNDI XA KUSELWA OKANYE KUTHENGISWA UTYWALA KUMASANGO ESIKOLO OKANYE KUMSEBENZI WESIKOLO**

Ukuselwa okanye ukuthengiswa kotywala obunxilisayo kumasango esikolo okanye kumsebenzi wesikolo njengoko kuchatshazelweyo kwicandelo 45B(4) loMthetho weMfundo weZikolo zePhondo leNtshona Koloni, 1997 (uMthetho 12 ka—1997) kuxhomekeke —

(a) kuMthetho i-*Western Cape Liquor Act, 2008 (Act 4 of 2008*) kunye nayo nayiphi na imiqathango emiselwe ngokwalo Mthetho

(b) nakuyo nayiphi na imiqathango emiselwe—

(i) libhunga lolawulo;

(ii) yinqununu kwimeko yetheko *(function*) lootitshala nabasebenzi abasesikolweni; kunye

(iii) nayiNtloko yeSebe.

**ISICELO SOKUGUNYAZISA UKUVUNYELWA KOKUSELWA OKANYE UKUTHENGISWA KOTYWALA OBUNXILISAYO KUMASANGO ESIKOLO OKANYE KUMSEBENZI WESIKOLO MASENZIWE QHO NGONYAKA.**

**ISIGUNYAZISO ESICELWAYO SISEBENZA KUPHELA KUMATHEKO ALUDIDI OLUTHILE NJENGOKO KUCACISIWE KUMHLATHI 1 WEFOM YESICELO.**

**AKUKHO BUTYWALA BUNXILISAYO BUNOKUSELWA OKANYE BUNOKUTHENGISWA KUWO NAWUPHI NA UMSEBENZI WEZEMIDLALO WESIKOLO.**

**IZICELO MAZIFIKE KWI-OFISI YOMLAWULI WESITHILI UNGADLULANGA OWE-31 OKTOBHA KUNYAKA ONGAPHAMBI KOKUBA KUQHUBEKE IMISEBENZI KUNYE NAMATHEKO ACWANGCISISWEYO ALINDELEKILEYO.**

Igama lesikolo:
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Idilesi:
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Inombolo yefoni:
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Idilesi ye-imeyili:
……

*ISitampu sesikolo*

**A. ISICELO SOKUGUNYAZISWA KOKUVUNYELWA KOKUSELWA/KOKUTHENGISWA KOTYWALA OBUNXILISAYO KUMASANGO ESIKOLO OKANYE KUMSEBENZI WESIKOLO**

Masizaliswe yinqununu kwimeko yetheko (yamatheko) ootitshala nabasebenzi abasesikolweni kunye nangusihlalo webhunga lolawulo kuzo zonke ezinye iimeko:

1. Masicacise umhla oqikelelweyo nodidi lwetheko (lwamatheko)/lomsebenzi (lwemisebenzi) wesikolo okanye itheko (amatheko) lootitshala nabasebenzi abasesikolweni, isikolo esilindele ukuwenza apho kunokuselwa okanye kuthengiswe khona utywala obunxilisayo:
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2. Masicacise ukuba isikolo sinenjongo yokuqeshisa iifasilithi zaso okanye inxenye yazo komnye umntu ochaphazelekayo apho kungenzeka ukuba kuselwe okanye kuthengiswe utywala obunxilisayo:
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3. Injongo yemisebenzi yesikolo/yamatheko ootitshala nabasebenzi abasesikolweni.
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4. Ingaba singqinisisiwe isigqibo sesininzi sokusela okanye sokuthengisa utywala obunxilisayo kumasango esikolo okanye kuwo nawuphi na umsebenzi wesikolo okanye imisebenzi yesikolo libhunga lolawulo lesikolo?
   .....

5. Ingaba umsebenzi wesikolo/itheko lootitshala nabasebenzi/itheko elikhethekileyo liyayithobela imiqathango ebekwe yi-*Western Cape Liquor Authority*, apho kufanelekileyo?
   ……

6. Ingaba iNkonzo yamaPolisa aseMzantsi Afrika yazisiwe ngomsebenzi wesikolo/ngetheko lootitshala nabasebenzi abasesikolweni /kwitheko elikhethekileyo, apho kufanelekileyo?
   ……..

7. Ngawaphi amanyathelo athathiweyo okanye amele ukuthathwa ukuqinisekisa ukuba abafundi abayi kubakho kwindawo ekuselwa okanye ekuthengiswa kuyo utywala obunxilisayo ngaphandle kokuba bakhatshwa ngumzali okanye ngumntu omdala onyulwe ngumzali (kwimeko apho kuvumelekileyo oku)?
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   ……

   **MAKUQATSHALWE: *Akukho mfundi ngaphantsi kwazo naziphi na iimeko unokungena kulo naliphi na igumbi okanye indawo apho kuthengiswa utywala ekhawuntareni apho kungekho kutya kuphakwayo ezifatileni kwakwelo gumbi okanye kuloo ndawo ifanayo.*

8. Nawaphi amanyathelo okhuseleko asebenzayo?
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   ……
   ……

**Igama lenqununu:** **Igama likasihlalo webhunga lolawulo:**

…… ……..

**Isignitsha: ……** **Isignitsha: ……**

**Ingqina: ……..** **Ingqina: …….**

**Umhla : ……** **Umhla : ……..**

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**YEYOKUSETYENZISWA YI-OFISI KUPHELA**

Iikhomenti:……
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**UMphathi weSekethe: ……..** **Umhla : ……..**

Sivunyiwe/ Asivunywangwa isicelo

Iikhomenti:

**UMlawuli weSithili: ……..** **Umhla : ……..**

Sivunyiwe/Asivunywanga

**IMIQATHANGO:**

1. Utywala obunxilisayo abunakuthengiselwa ukuselwa phantsi kwazo naziphi na iimeko kumasango okanye ngaphandle kwamasango esikolo ngaphandle kokuba oko kungqinelana ngokungqongqo nelayisensi yotywala betheko eyimfuneko (*event liquor licence*) efunyenwe kwi-*Western Cape Liquor Authority*.

2. Akukho butywala bunxilisayo bunokuselwa okanye bunokuthengiswa ngethuba lamatheko ezemidlalo yesikolo umzekelo umdlalo wombhoxo, owebhola yomnyazi, iqakamba, intenetya, nemidlalo yeembaleki, njl.njl.

3. Ukuthotyelwa kwemisebenzi eyimfanelo yebhunga lolawulo nenqununu ngokumalunga nokuselwa okanye ukuthengiswa kotywala obunxilisayo njengoko kumiselwe kumhlathi 11 *weSikhokelo seSebe leMfundo leNtshona Koloni esingoKuselwa okanye uKuthengiswa koTywala obuNxilisayo kuMasango eSikolo okanye kuMsebenzi weSikolo noKubakho kwaBafundi xa Kuselwa okanye Kuthengiswa uTywala obuNxilisayo kuMasango eSikolo okanye kuMsebenzi weSikolo* (esiya kubizwa ukususela ngoku"iSikhokelo").

4. Makuthotyelwe ubuncinane iimfuno ezimiselweyo zokhuseleko ezimiselwe kumhlathi 13 wesi Sikhokelo.

5. Makuthotyelwe iimfuno ezimiselweyo malunga nokubakho kwabafundi ngethuba lokuselwa okanye lokuthengiswa kotywala obunxilisayo njengoko kumiselwe kwisahluko 14 sesi Sikhokelo.

6. Makuthotyelwe iimfuno ezimiselweyo malunga neeyure zokuselwa okanye zokuthengiswa kotywala obunxilisayo njengoko kumiselwe kumhlathi 15 kwesi Sikhokelo.

7. Makuthotyelwe imiqathango ezizithintelo njengoko imiselwe kumhlathi 16 weSikhokelo.

8. Makuthotyelwe iimfuno ezimiselweyo malunga nengeniso eyenziwe ngokuselwa okanye ngokuthengiswa kotywala obunxilisayo njengoko kumiselwe kumhlathi 17 wesi Sikhokelo.

9. EMINYE IMIQATHANGO:

……..…
……..……
……..

**INTLOKO YESEBE LEMFUNDO: ……..UMHLA : ……..**

WESTERN CAPE
LIQUOR AUTHORITY

**Event Liquor Licence**

***The process for applying for an event liquor licence is given below. Any person of 18 years and older that are not disqualified according to Section 35 of the Western Cape Liquor Act 4 of 2008 as amended can apply for an event liquor licence. Application forms and relevant liquor legislation are available on the Western Cape Liquor Authority website. You can also contact our office on (021) 204 9805 or (21) 204 9700 or email us on Liquor.Enquiries@wcla.gov.za for more information or advise.***

(1) An applicant for an event liquor licence must lodge an application with the Authority, and a copy thereof with the designated liquor officer in whose area of jurisdiction the proposed licensed premises are located and with the municipality concerned.

(2) An application for—

*(a)* an event liquor licence must—

(i) be made at least 39 days before the date of the event;

(ii) be made in the form of Form 9 in Annexure 3;

(iii) be on A4-size standard white paper; and

(iv) contain the information as required in that form.

(3) An application for an event liquor licence must be accompanied by—

*(a)* a legible, comprehensive floor plan of the proposed licensed premises on standard white paper not exceeding A3 in size and clearly showing in contrasting colours—

(i) the proposed licensed premises in relation to the entire premises;

(ii) the dimensions of the proposed licensed premises;

(iii) the dimensions of each room on the proposed licensed premises;

(iv) the uses of all the rooms on the proposed licensed premises;

(v) all doors, windows and counters, where applicable, and means of internal and external access;

(vi) the streets and places to which such means of external access lead;

(vii) where liquor will be stored on the proposed licensed premises;

(viii) the areas on the proposed licensed premises where liquor will be sold in relation to the entire premises; and

(ix) the areas on the proposed licensed premises where liquor will be consumed in relation to the entire premises;

*(b)* a legible site plan of the proposed licensed premises on standard white paper not exceeding A3 in size and clearly showing in contrasting colours—

(i) in relation to the proposed licensed premises, an outline of every building on the erf to which the application relates and the uses of those buildings;

(ii) the relation of the proposed licensed premises to a residential area;

(iii) the relation of the proposed licensed premises to any institutions referred to in section 34(1)(e)(ii) to (v), with distances indicated in metres;

(iv) the relation of the proposed licensed premises to an undertaking referred to in section 41(1)(c)(i), with distances indicated in metres;

(v) other licensed premises on the erf; and

(vi) the date of preparation of and the name and address of the person who prepared the plan;

*(c)* an aerial view map showing the relation of the proposed licensed premises to a residential area;

*(d)* indexed colour photographs showing the completed internal and external features of the proposed licensed premises as indicated on the floor plan referred to in paragraph (a);

*(e)* in a separate document, a description of the premises, with reference to the construction, layout, furnishing, fixtures, fittings and floor covering;

*(f)* written representations in support of the application;

*(g)* proof of payment to the Authority of the application fee for an event liquor licence set out in Item 3 of Annexure 1;

*(h)* a certified copy of the—

(i) identity card or document of the applicant;

(ii) passport and visa or, where applicable, the permanent residence permit of the applicant, if the applicant is a foreigner; or

(iii) relevant registration documents, indicating the identity and, where applicable, the financial interest of all the members, directors, partners, beneficiaries or trustees of the applicant, if the applicant is a person other than a natural person;

*(i)* such other documents as may be specified on the application form and in the Act, or as may be requested by the Authority;

*(j)* an affidavit by the applicant that he, she or it is not disqualified in terms of section 35 from holding a liquor licence;

*(k)* proof that the applicant has lodged a copy of the application with the designated liquor officer in whose area of jurisdiction the proposed licensed premises are located and with the municipality concerned;

*(l)* proof of ownership of the proposed licensed premises or, if the applicant is not the owner

of the premises, written consent from the owner that the applicant may use the proposed licensed premises for the purposes of the licence applied for; and

*(m)* a nomination for the appointment of a manager in accordance with regulation 22.

(4) The designated liquor officer must, within five days after an application has been lodged in terms subregulation (1)*(a)* or *(b)*, as the case may be, serve a copy of his or her report referred to in section 73(7)*(a)* containing the information referred to in regulation 15(3)*(a)*(i) to (vi) and a recommendation contemplated in regulation 15(3)*(b)* on the applicant and lodge the report with the Authority together with proof that the report has been served on the applicant.

(5) The municipality concerned must, within eight days after the application has been lodged in terms of subregulation (1)*(a)* or *(b)*, as the case may be, forward the comments and documents referred to in section 40(2), if any, to the Authority and the applicant.

(6) If the designated liquor officer fails to lodge his or her report in terms of subregulation (5), the Chief Executive Officer may forward a copy of the application to an inspector with a written instruction to lodge a report containing the information referred to in regulation 15(3)*(a)*(i), (ii), (iii) and (v), a recommendation contemplated in regulation 15(3)*(b)* and, where available, the information referred to in regulation 15(3)*(a)*(iv) and (vi), in respect of the application concerned.

(7) An inspector must lodge his or her report with the Authority and forward a copy thereof to the applicant within two days of receipt of the instruction referred to in subregulation (7).

(8) If the municipality concerned does not forward comments and documents in terms of subregulation (6), the Chief Executive Officer must notify the municipality that the period referred to in subregulation (6) has lapsed and that the Presiding Officer may nonetheless proceed to consider the application made in terms of subregulation (1)*(a)* or *(b)*, as the case may be.

(9) The Authority must serve on the applicant copies of any objections or representations lodged with the Authority in respect of an application made in terms of subregulation (1)*(a)* or *(b)*.

(10) The applicant must, within ten days of lodgement of an application in terms of subregulation (1)*(a)* or *(b)*, lodge with the Authority his, her or its response to—

*(a)* a report by the designated liquor officer contemplated in subregulation (5) or by an inspector contemplated in subregulation (8);

*(b)* comments and documents, if any, forwarded by the municipality;

*(c)* any objections or representations that may have been lodged with the Authority if the

objections or representations so lodged were served on the applicant within eight days of lodgement of the application.

(11) The Presiding Officer may, within three days of receipt of the applicant's response contemplated in subregulation (11), or if no response was received, within three days of the day on which the response of the applicant was due in terms of subregulation (11), request additional information as referred to in section 48(9) from the applicant.

(12) The applicant must furnish the Authority with the additional information within three days of being requested to do so.

(13) An application for condonation in terms of section 48(10) must be lodged with the Authority in the form of Form 12A.

(14) An application contemplated in subregulation (14) must be accompanied by—

*(a)* the application in terms of subregulation (1)*(a)* or *(b)*, as the case may be, in respect of which condonation is applied for;

*(b)* written representations in support of the application; and

*(c)* proof of payment to the Authority of the penalty referred to in section 48(10).

(15) The Presiding Officer must either grant or refuse an application made in terms of subregulation (1)*(a)* or *(b)*—

*(a)* within 19 days of the date of lodgement of the application; or

*(b)* in the case of an application for condonation in terms of subregulation (14), on the day on which the application for condonation is granted.

(16) The Authority must, on the day following the day contemplated in subregulation (16) notify the applicant and each person who lodged a written objection or representations in respect of the application with the Authority in writing of the decision.

(17) If the application made in terms of subregulation (1)*(a)* or *(b)* is granted—

*(a)* the applicant must, on the day contemplated in subregulation (17), pay the fee set out in Item 5 or 6 in Part A of Annexure 2, as the case may be, to the Authority and lodge proof of the payment with the Authority; and

*(b)* the Authority must, within one day of receipt of proof of the payment referred to in paragraph *(a)*, issue a licence, in the form of Form 10 or 11 in Annexure 3, as the case may be.

(18) Before the Presiding Officer issues a notice in terms of section 48(13), the Authority must serve on the holder of the licence copies of any report, complaint, referral or representations contemplated in section 48(14) together with a notice in the form of Form 12B in Annexure 3 setting out:

*(a)* the action which the Presiding Officer proposes to take in terms of section 48(13);

*(b)* the nature and purpose of the proposed action;

*(c)* the right of the holder of the licence to make representations within the period stipulated in the notice;

*(d)* the right of the holder of the licence to appeal or apply for the review of any decision of the Presiding Officer.

(19) The Presiding Officer must, on the expiry of the period referred to in the notice, consider and decide on the proposed action to be taken.

(20) The Authority must, on the day that the Presiding Officer takes a decision as contemplated in subregulation (20)—

*(a)* notify the holder of the licence, the Chief Executive Officer and each person who lodged a report, complaint, referral or representations contemplated in section 48(14) with the Authority in writing of the decision; and

*(b)* if the decision is to take any action in terms of section 48(13), deliver or tender the notice referred to in section 48(13) to the holder of the licence.

**For more information contact us on:**

Tel: (021) 204 9805 or (021) 204 9700

Email: Liquor.Enquiries@wcla.gov.za