

CITY OF CAPE TOWN

TRAFFIC BY-LAW, 2011

APPROVED BY COUNCIL : 11 MAY 2011  
C 53/05/11

PROMULGATED 22 JULY 2011  
PG 6892; LA 23541

## WESTERN CAPE GAMBLING AND RACING BOARD

## NOTICE

## RECEIPT OF APPLICATION FOR FINANCIAL INTEREST

In terms of the provisions of Section 32(2) of the Western Cape Gambling and Racing Act, 1996 (Act 4 of 1996) ("the Act"), as amended, the Western Cape Gambling and Racing Board hereby gives notice that the following application for the procurement of a financial interest, as provided for in Section 58 of the Act, has been received:

*Name of licence holder:* Victor Chandler South Africa (Pty) Ltd

*Registration number:* 2009/001852/07

*Persons having a direct financial interest in the licence holder:* Michael Carlton (100%)

*Person proposing to have a financial interest of 5% or more in the licence holder:* Marketel Gaming (Pty) Ltd (100%)

*Person having a financial interest of 5% or more in Marketel Gaming (Pty) Ltd:* Marketel Holding (Pty) Ltd (90%)  
Gary Davit Lentin (10%)

All persons have the opportunity to object to or comment on the above applications. Where objections are lodged, the grounds on which such objections are founded, must be furnished. Where comment is furnished, full particulars and facts to substantiate such comment must be provided. The name, address and telephone number of the person submitting the objection or offering the comment must also be provided. Comments or objections must reach the Board not later than 16:00 on 5 August 2011.

Objections or comments must be forwarded to the Chief Executive Officer, Western Cape Gambling and Racing Board, PO Box 8175, Roggebaai 8012 or handed to the Chief Executive Officer, Western Cape Gambling and Racing Board, Seafare House, 68 Orange Street, Gardens, Cape Town or faxed to the Chief Executive Officer on fax (021) 422-2602 or e-mailed to Zintle Dimande at zintle@wcgrb.co.za.

22 July 2011

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## WES-KAAPSE RAAD OP DOBBELARY EN WEDRENNE

## KENNISGEWING

## ONTVANGS VAN AANSOEK OM GELDELIKE BELANG

Kragtens die bepaling van artikel 32(2) van die Wes-Kaapse Wet op Dobbelary en Wedrenne, 1996 (Wet 4 van 1996) ("die Wet"), soos gewysig, gee die Wes-Kaapse Raad op Dobbelary en Wedrenne hiermee kennis dat 'n aansoek om die verkryging van 'n geldelike belang, soos beoog in artikel 58 van die Wet, ontvang is:

*Naam van lisensiehouer:* Victor Chandler South Africa (Edms) Bpk

*Registrasienuommer:* 2009/001852/07

*Persone wat tans 'n direkte geldelike belang in die lisensiehouer het:* Michael Carlton (100%)

*Persoon wat van voornemens is om 'n finansiële belang van 5% of meer in die lisensiehouer te hê:* Marketel Gaming (Edms) Bpk (100%)

*Persoon met 'n finansiële belang van 5% of meer in Marketel Gaming (Edms) Bpk:* Marketel Holding (Edms) Bpk (90%)  
Gary Davit Lentin (10%)

Alle persone kry die geleentheid om beswaar teen of kommentaar ten opsigte van bogemelde aansoek aan te teken. In die geval van besware, moet die gronde waarop sodanige besware gebaseer is, verskaf word. Waar kommentaar verstrekk word, moet die volle besonderhede en feite om sodanige kommentaar te staaf, voorsien word. Die naam, adres en telefoonnommer van die persoon wat beswaar wil maak of kommentaar wil lewer, moet ook voorsien word. Kommentaar of besware moet die Raad nie later nie as 16:00 op 5 Augustus 2011 bereik.

Besware of kommentaar moet gerig word aan die Hoof- Uitvoerende Beampte, Wes-Kaapse Raad op Dobbelary en Wedrenne, Posbus 8175, Roggebaai 8012, of ingehandig word by die Hoof- Uitvoerende Beampte, Wes-Kaapse Raad op Dobbelary en Wedrenne, Seafare Huis, Oranjestraat 68, Tuine, Kaapstad of aan die Hoof- Uitvoerende Beampte gefaks word na (021) 422-2602 of per e-pos gestuur word aan Zintle Dimande by zintle@wcgrb.co.za.

22 Julie 2011

23540

## CITY OF CAPE TOWN

## TRAFFIC BY-LAW, 2011

**To provide for the regulation of public transport vehicles and traffic within the area of jurisdiction of the City of Cape Town; and to provide for matters connected therewith.**

**Preamble**

**WHEREAS** section 156(2) of the Constitution provides that a City may make and administer by-laws for the effective administration of the matters which it has the right to administer;

**WHEREAS** municipal public transport is listed as a local government matter in Part B of Schedule 4 to the extent set out in section 155(6)(a) and (7);

**WHEREAS** municipal roads and traffic and parking is listed as local government matters in Part B of Schedule 5, to the extent set out in section 155(6)(a) and (7);

**AND WHEREAS** the City intends to control nuisances emanating from the operation of public transportation within the jurisdiction of the City of Cape Town;

**AND NOW THEREFORE, BE IT ENACTED** by the Council of the City of Cape Town as follows:—

**CHAPTER 1****INTERPRETATION****Definitions**

1. In this By-law, unless the context indicates otherwise—

“**Act**” means the National Road Traffic Act, 1996 (Act No. 93 of 1996);

“**authorised officer**” includes—

(a) a person in the service of the City whose duty is to inspect licences, examine vehicles, examine driving licences, or who is a traffic officer

or a road traffic law enforcement officer, and also any other person declared by the Minister of Transport by regulation made in terms of the National Road Traffic Act to be an authorised officer; and

(b) a person appointed as an inspector by the City as contemplated in section 86 of the National Land Transport Act, 2009 (Act No. 5 of 2009);

**“authorised official”** means an employee of the City responsible for carrying out any duty or function, or delegated to carry out any duty or function, in terms of this By-law;

**“bus”** means a motor vehicle designed or adapted for the conveyance of more than 16 persons, including the driver;

**“City”** means the City of Cape Town established by Provincial notice 479 of 2000 in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

**“Council”** means the Council of the City;

**“driver”** means any person who drives or attempts to drive any vehicle or who rides or attempts to ride any pedal cycle or who leads any draught, pack or saddle animal or herd or flock of animals, and **“drive”** or any like word has a corresponding meaning;

**“holding area”** in relation to a taxi, means a place, other than a rank, where a taxi remains until space for it is available at a rank or stopping place;

**“holder”** in relation to a rank token, means the owner to whom a rank token has been issued in terms of section 3(2);

**“kerb line”** means the boundary between the shoulder and the verge or in the absence of a shoulder, the part between the edge of the roadway and the verge;

**“motor vehicle”** means any self-propelled vehicle and includes—

(a) a trailer; and

(b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor, but does not include—

(i) any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or

(ii) any vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted for the use of any person suffering from some physical defect or disability and used solely by such person;

**“non-motorised vehicle”** means a vehicle or device utilised for land road based transport for the conveyance of goods or passengers, which is propelled either solely by animal power or by human power or a combination of human power, assisted by an alternative source of power or provided by any form of fossil fuel;

**“operating licence”** means an **“operating licence”** as defined in section 1 of the National Land Transport Act, 2009 (Act No. 5 of 2009);

**“owner”** in relation to a vehicle, means—

(a) the person who has the right to the use and enjoyment of a vehicle in terms of the common law or a contractual agreement with the title holder of such vehicle;

(b) any person referred to in paragraph (a), for any period during which such person has failed to return that vehicle to the title holder in accordance with the contractual agreement referred to in paragraph (a); or

(c) a motor dealer who is in possession of a vehicle for the purpose of sale, and who is registered as such in accordance with the regulations under section 4 of the Act, and **“owned”** or any like word has a corresponding meaning;

**“park”** means to keep a vehicle, whether occupied or not, stationary for a period of time longer than is reasonably necessary for the actual loading or unloading of persons or goods, but does not include any such keeping of a vehicle by reason of a cause beyond the control of the person in charge of such vehicle;

**“ply for hire”** means use of a vehicle for conveying passengers for hire or reward;

**“permit”** means a **“permit”** as defined in section 1 of the National Land Transportation Act, 2009 (Act No. 5 of 2009);

**“public transport conductor”** means a person who, in a public place or on a public road, renders a conductor service to public transport drivers and passengers, including—

(a) soliciting and touting for business;

(b) controlling and managing access to vehicles; and

(c) collecting fares.

**“public transport vehicle”** means a public motor vehicle used for the conveyance of passengers or of passengers and goods for hire or reward, including buses and taxis;

**“public transport service”** means a scheduled or unscheduled service for the carriage of passengers by road whether subject to a contract or not, and where the service is provided for a fare or any other consideration or reward, including cabotage in respect of passenger transport as defined in the Cross-Border Road Transport Act, 1998 (Act No. 4 of 1998) and except where clearly inappropriate, the term **“public transport”** must be interpreted accordingly;

**“rank”** includes—

- (a) a public transport interchange or a place upon a public road from which a public transport service may ply for hire or convey and drop off passengers for reward; and
- (b) any place designated or demarcated as a rank or for the exclusive parking of specific public transport vehicles by a road traffic sign, and **“ranking”** and **“public transport facility”** have corresponding meanings;

**“rank token”** means a rank token issued in terms of section 3;

**“roadway”** means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic which is between the edges of the roadway;

**“shoulder”** means that portion of a road, street or thoroughfare between the edge of the roadway and the kerb line;

**“stopping place”** in relation to—

- (a) a taxi, means a place designated by the City where a taxi may stop to pick up or drop off passengers; and
- (b) a bus, means a demarcated stop where a bus may stop to pick up or drop off passengers;

**“taxi”** means a public transport motor vehicle other than a public bus used for the conveyance of passengers or of passengers and goods for hire or reward such as a minibus or a midibus, and includes metered taxis;

**“taxi facility”** means a holding area, special parking place, stopping place, rank, terminal and any other facility that is specifically identified and designated by the City for the exclusive use of taxis;

**“taxi rank”** means any place designated or demarcated as a taxi rank or for the exclusive parking of taxis by a road traffic sign;

**“touting”** means soliciting passengers for a public transport vehicle by shouting, hooting, whistling or any other conduct, and **“tout”** has a corresponding meaning;

**“trolley”** means a device used to transport anything or person and which is propelled or pulled by human or animal power, and includes a pram or cart; and

**“vehicle”** means a device designed or adapted mainly to travel on wheels or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged other than such a device which moves solely on rails.

## CHAPTER 2

### PLYING FOR HIRE AND RANKING REQUIREMENTS

#### Parking and plying for hire

2. (1) Subject to subsection (2), a driver of a public transport vehicle who plies for hire, or picks up or drops off passengers may park such public transport vehicle at a rank or any parking place demarcated for such public transport vehicles.
- (2) Despite subsection (1), the City may, in emergencies or at recreational and other similar functions, set aside temporary public transport facilities identified by the authorised officer as suitable for the parking and stopping of public transport vehicles.
- (3) No driver of a public transport vehicle may park such vehicle at a stopping place or any other place not demarcated for such public transport vehicles.
- (4) No driver of a public transport vehicle may, except with the written authorisation of the relevant operating licensing authority, deviate from the allocated route and take short cuts through community roads for the purpose of plying for hire or driving to pick up or drop off passengers.

#### Rank tokens

3. (1) No person shall rank with a public transport vehicle at a rank unless a rank token in respect of such vehicle has been issued to him or her in terms of subsection (5).
- (2) No person must be issued with a rank token, unless he or she provides—
  - (a) a certified copy of the operating licence or public permit;
  - (b) a certified copy of certificate of roadworthiness;
  - (c) an identification document or driving licence;
  - (d) registration papers of the vehicle; and
  - (e) letter of support from the relevant association.
- (3) No person may be issued with a rank token if he or she has outstanding warrants for the non-payment of traffic fines.
- (4) The rank token referred to in subsection (1) is valid for a period of 12 months from the date it was issued.
- (5) The authorised official shall, subject to subsections (2) and (3), issue in respect of a ranking public transport vehicle, a rank token specifying—

- (a) the rank at which the rank token applies;
  - (b) the period for which such rank token is granted;
  - (c) the registration number allotted to the vehicle concerned;
  - (d) the make of such vehicle;
  - (e) in respect of metered taxis, the number of the taxi-meter approved for use in such vehicle;
  - (f) the operating license number of the vehicle; and
  - (g) the routes for which such vehicle has authority to ply for hire.
- (6) An application for approval for a rank token must be submitted to the authorised official—
- (a) by the owner; and
  - (b) in a form as contained in the Schedule.
- (7) The authorised official may issue one rank token for each public transport vehicle.
- (8) Subject to section 77 of the National Land Transport Act, 2009 (Act No. 5 of 2009), the owner in respect of which a rank token has been issued shall, in writing, advise the authorised official of—
- (a) any change in his or her address during the operating period in which such rank token was issued;
  - (b) his disposing of or otherwise ceasing to be the owner of such vehicle during such period;
  - (c) the name and address of the person to whom it was disposed of; and
  - (d) the cause of his or her ceasing to be the owner, within 7 days of such event.
- (9) The owner shall pay to the City a charge which shall be fixed by the Council from time to time for the use of each rank token issued in terms of this section.
- (10) No person may forge, imitate, deface, mutilate, alter or make a mark upon, a rank token.

#### **Place of validity of rank token**

4. (1) No person shall, except with the written consent of an authorised officer, ply for hire with a public transport vehicle from any place other than the route, rank or other place specified on the rank token issued in terms of section 3(5) in respect of such vehicle.
- (2) No person shall—
- (a) affix a rank token to any vehicle other than the vehicle in respect of which it was issued; or
  - (b) ply for hire with a public transport vehicle—
    - (i) unless the rank token issued in respect of such public transport vehicle for the current year is affixed to the left hand side of the windscreen thereof so that its face is clearly visible from outside;
    - (ii) whilst any rank token other than the rank token issued in respect of such public transport vehicle for the current year is affixed thereto; or
    - (iii) whilst any rank token which has ceased to be valid is affixed to such public transport vehicle.

#### **Rank token to be produced on demand**

5. (1) The holder of a rank token issued in terms of this By-law must—
- (a) maintain such rank token in a good and legible condition; and
  - (b) keep and display it in the motor vehicle to which it relates at all relevant times when such vehicle is being operated as a public transport vehicle.
- (2) Any authorised officer of the City may call upon the driver of any public transport vehicle to stop and may demand from him or her—
- (a) to produce the rank token required under the provisions of this By-law; and
  - (b) to supply his or her full name and address and also the name and address of the owner or operator of such public transport service.
- (3) No driver referred to in subsection (2) may, when called upon to do so by any authorised officer—
- (a) refuse to stop;
  - (b) refuse to supply his or her full name and address;
  - (c) refuse to supply the correct name and address of the owner or operator of the vehicle in his or her charge;

- (d) refuse to produce a rank token; or
- (e) give a false name or address.

#### **Suspension or withdrawal of a rank token**

6. (1) Where the holder of a rank token has been found guilty of contravening this By-law, and irrespective of whether any other penalty by a court of law has been imposed, the City may, subject to section 7, after all the circumstances of the case have been taken into consideration, act in terms of subsection (2).
- (2) The City may, after taking all the circumstances of the case into consideration, suspend a rank token for a period determined by the authorised officer or withdraw the rank token if—
- (a) the owner of the public transport vehicle—
    - (i) does not comply with an instruction issued in terms of this By-law; or
    - (ii) does not maintain the public transport vehicle at all times in a sanitary state and in a roadworthy condition; and
    - (iii) has outstanding arrest warrants for the payment of traffic fines;
  - (b) an authorised officer inspects the public transport vehicle and finds that such vehicle—
    - (i) is constructed in such a way or is in such a condition that the public transport vehicle is unsafe for the number of passengers that it is authorised to carry; or
    - (ii) does not comply with the conditions specified in this By-law or the Act.
- (3) No person may use or allow a vehicle to be used as a public transport vehicle at a public transport facility if the rank token of such public transport vehicle has been suspended or withdrawn, or has expired.
- (4) If an operating licence has been suspended, cancelled or withdrawn by the relevant licencing authority, the rank token issued by the City is automatically suspended, cancelled or withdrawn, as the case may be.
- (5) Where on appeal by the holder of an operating licence to the relevant authority the suspension, cancellation or withdrawal of an operating licence is reversed, the City may re-issue a rank token subject to certain specified conditions.

#### **Procedure for suspension or withdrawal of a rank token**

7. (1) A rank token may not be suspended or withdrawn unless—
- (a) the authorised official has given the holder of a rank token and any public transport association or council of which the holder is a member, at least 14 days written notice by certified mail of his or her intention to suspend or withdraw the rank token, and such a notice must give—
    - (i) the reasons for the proposed action and an adequate statement setting out the nature of the action;
    - (ii) an invitation to the holder of the rank token to make representations on the matter;
    - (iii) an address for the submission of representations as contemplated in sub-paragraph (ii); and
    - (iv) the date, time and place of a hearing, which may not be less than 28 days from the date of the notice, to consider the suspension or withdrawal, and an indication that the holder may submit representations and appear at the hearing.
  - (b) the holder of a suspended or withdrawn rank token is given an opportunity, to either personally or through his or her duly authorised representative, appear at a hearing and to make representations to the City.
- (2) If a holder of a rank token who has received a notice referred to in subsection (1) wishes to appear and to oppose the proposed action, he or she must, within 14 days of receiving the notice or within a further period that the City may allow, submit representations in writing by hand or by certified mail to the address indicated in the notice.
- (3) After the hearing referred to in subsection (1), the City must give a ruling on whether or not to suspend or withdraw the rank token and the authorised official must give the holder of such rank token his or her reasons for the ruling in writing not later than 14 days after the date of the conclusion of the hearing.
- (4) A record of the proceedings at the hearing referred to in subsection (1) must include—
- (a) the evidence given, if any;
  - (b) any objection made to any evidence received or submitted; and
  - (c) the ruling given at the hearing.

#### **Change of address**

8. The holder of a rank token must give notice to the City in writing of any change of address within 14 working days thereof by pre-paid registered post, telefax or hand delivery.

**Amendment and replacement of a rank token**

9. (1) Subject to section 3, if the particulars reflected on a rank token are incorrect by virtue of a change in such particulars or for any other reason, the holder of such rank token must submit such rank token to the City for the amendment thereof.
- (2) If a rank token is damaged in a manner that the particulars thereon cannot reasonably be ascertained, the holder of a damaged rank token must submit it to the City and the authorised official may replace such damaged rank token at the cost of the holder of the rank token.

**Use of ranks**

10. (1) The driver of public transport vehicle must, when plying for hire at a rank, do so in a queue and must—
- (a) position his or her public transport vehicle in the first vacant place available in the queue immediately behind any other public transport vehicle already in front in the lane for which he or she has the route authority; and
  - (b) move his or her vehicle forward as the queue moves forward.
- (2) When plying for hire at a rank, a driver—
- (a) of any public transport vehicle which occupies the first, second or third position from the front of any queue at a rank must be in close and constant attendance of his or her vehicle so long as it remains in such a position;
  - (b) may not position his or her public transport vehicle ahead of any public transport vehicle that arrived and took up a position in the queue before he or she did; and
  - (c) may, if his or her vehicle is the first public transport vehicle in the queue, and any person calls for a public transport service, respond to the call, unless the person clearly indicates his or her preference for another public transport service not in front of the queue.
- (3) No person may park or stop a vehicle which is not in good working order as required by the Act, in a rank, or cause or permit the vehicle to remain in a rank.
- (4) No person may park or stop any vehicle in a rank except a public transport vehicle for which a rank token, specifying the rank, has been issued for the period in question, in terms of section 3.
- (5) No person may wash any motor vehicle at a rank, except at a wash bay at the facility that has been specially constructed for this purpose.

**Right of entry**

11. An authorised officer may, in enforcing the provisions of this By-law, at any reasonable time and without prior notice—
- (a) enter a public transport service facility to inspect the facility; and
  - (b) make enquiries from a person connected with such facility.

**CHAPTER 3****LICENCE AND OPERATING LICENCE****Driver of motor vehicle to be licensed**

12. No person shall drive a motor vehicle on a public road—
- (a) except under the authority and in accordance with the conditions of a licence issued to him or her in terms of the Act or of any document deemed to be a licence for the purposes of the Act; and
  - (b) unless he or she keeps such licence or document or any other prescribed authorisation with him or her in the motor vehicle.

**Motor vehicle to be licensed**

13. Subject to the provisions of the Act, every motor vehicle in the City shall, whether or not it is operated on a public road, be licensed by the owner of such motor vehicle, in accordance with the provisions of the Act, with the relevant licensing authority.

**Driver to have operating licence or permit**

14. Subject to the provisions of section 32 of the Act, no person shall drive a motor vehicle of a class prescribed in terms of the Act on a public road except—
- (a) in accordance with the conditions of a permit issued to him or her in accordance with the provisions of the Act; and
  - (b) if he or she keeps such permit with him or her in the motor vehicle,

provided that this subsection shall not apply to the holder of a learner's licence who drives such motor vehicle whilst he or she is accompanied by a person registered as a driver in respect of that class of vehicle.

**Operating licence to be produced on demand**

15. (1) The holder of an operating licence must—
- (a) maintain the operating licence in a good and legible condition; and



- (b) keep the operating licence in the motor vehicle to which it relates at all relevant times when the vehicle is being operated as a taxi or bus.
- (2) A traffic officer may call on the driver of a taxi or bus to stop and may demand that he or she—
  - (a) produce the operating licence; and
  - (b) give his or her full name and address and also the name and address of the owner of the taxi or bus.
- (3) A driver referred to in subsection (2) may not—
  - (a) operate a public transport service without a valid operating licence; or
  - (b) allow the operating licence to be used for a vehicle other than that specified in such operating licence.

#### **Unauthorised handing over or abandonment of taxi or bus**

16. No driver of a taxi or bus may—
- (a) abandon his or her vehicle; or
  - (b) allow any other person to drive the taxi or bus under his or her control without the consent of the holder of the operating licence or public permit concerned.

### **CHAPTER 4**

#### **CONDUCT OF DRIVERS, CONDUCTORS AND PASSENGERS**

##### **Preventing engagement of a public transport vehicle**

17. No person may, by using force, intimidation, threats or by any other means, prevent or try to prevent—
- (a) any person from obtaining or engaging a public transport vehicle; or
  - (b) the driver of a public transport vehicle from taking on passengers.

##### **Conveying dangerous or offensive articles in public transport vehicles**

18. A person who is in charge of a public transport vehicle may not knowingly convey a person or thing or allow that person or thing to be conveyed in such vehicle, whether or not the public transport vehicle has been engaged, if that person or thing—
- (a) is not permitted to be conveyed in terms of an existing law; or
  - (b) has obviously been exposed to or contaminated by an infectious or contagious disease as contemplated in the Act.

##### **Boarding and disembarking of public transport vehicles**

19. (1) No person may board a public transport vehicle until all persons desiring to disembark from such vehicle have done so.
- (2) No person may insist on boarding a public transport vehicle where the number of passengers would be in excess of the total number of passengers which it is authorised to carry.
- (3) No person may board or alight or attempt to board or disembark from any public transport vehicle whilst such vehicle is in motion.

##### **Queues at public transport facilities**

20. (1) At any established ranking facility, the City may erect or cause to be erected a queue sign that consists of a notice board indicating the location and the manner in which persons waiting to enter a public transport vehicle will stop and form a queue, and such a sign may be supplemented by queuing barriers in the form of rails or lines marked on the surface of the area to be demarcated for the purpose of queuing.
- (2) All passengers intending to enter any public transport vehicle at an established ranking facility or stopping place must queue from the point at which it is indicated that such public transport vehicle will leave.
- (3) Where no queue sign has been erected, passengers waiting to enter a public transport vehicle must form themselves into a queue not exceeding two abreast or in a single file when required to so by an approved public transport conductor or authorised official of the City.
- (4) A passenger may only enter a public transport vehicle when he or she gets to the front of the queue.
- (5) Every passenger queuing must comply with all the instructions given by a public transport conductor, authorised officer or authorised official when on duty.

##### **Garments and identification of public transport service conductor**

21. (1) Every public transport service conductor must, while on duty and presenting himself or herself as available for service, be dressed in a retro-reflective bib or jacket, and must ensure that an identification card issued to him or her in terms of any other law is visibly displayed.
- (2) No public transport service conductor or any other person may engage in touting.



**Duty of care**

22. The owner, driver and conductor of a public transport vehicle must, at all times, exercise a duty of care by maintaining the inside of such public transport vehicle in a sanitary state of affairs.

**Payment of fares**

23. A passenger must pay the determined fare for the journey on request.

**Rights and duties of passengers when a public transport vehicle becomes defective**

24. (1) If a public transport vehicle becomes defective or, for any reason whatsoever, is unable to proceed, the passengers must, at the request of the driver, disembark such defective vehicle and should the passengers have already paid their fares, they are entitled to a refund to the amount of their fares so paid.
- (2) Upon agreement with the driver of the defective public transport vehicle, passengers are allowed to travel with the next available public transport vehicle for the remainder of the distance in respect of the paid fares, at the cost of the owner of the defective public transport vehicle.
- (3) A driver who refuses to refund a passenger, as contemplated in subsection (1), or who refuses to allow a passenger to travel in the manner as contemplated in subsection (2) commits an offence.

**Animals**

25. No passenger may enter a public transport vehicle with any animals other than a guide dog assisting a blind person.

**Actions prohibited on a public transport vehicle**

26. The following actions are prohibited on a public transport vehicle:
- (a) smoking;
  - (b) playing offensive or excessively loud music;
  - (c) using obscene or offensive language;
  - (d) committing an offensive act;
  - (e) interfering with the comfort of any passenger;
  - (f) damaging anything and interfering with the equipment of the public transport vehicle in any way;
  - (h) forcibly causing the driver to deviate from his route;
  - (i) endangering the life of another person; and
  - (j) interfering with the actions of the driver.

**Behaviour prohibited at a public transport facility**

27. A person who causes a disturbance or behaves in a riotous or indecent manner commits an offence in terms of this By-law and may be removed from a queue or the vicinity of a public transport facility by any authorised officer of the City.

**Property left in public transport vehicles**

28. The driver of a passenger-carrying vehicle must carefully examine the vehicle after a trip, and if a passenger has left behind any property in the vehicle, the driver must—
- (a) deliver that property to the person who left it behind; or
  - (b) if he or she is unable to deliver that property to the person who left it behind, take the
  - (c) property, as soon as possible, to the lost property office of his or her employer or to the nearest police station and de-posit it with the officer on duty and obtain a receipt for it.

**CHAPTER 5**  
**ROAD SAFETY**

**Overloading**

29. No driver of a public transport vehicle may allow more than the specified number of passengers as indicated in the public permit.

**Obstruction and disruption of traffic**

30. (1) No person may park or allow a public transport vehicle to park in a stopping place designated for specific public transport vehicles.
- (2) No driver of public transport vehicle or his or her conductor may depress the button of a traffic control signal so as to speedily activate the green pedestrian light in order to force vehicular traffic to stop.

- (3) No public transport vehicle may traverse a pedestrian crossing when stopping to enable passengers to be picked up or dropped off.
- (4) No public transport vehicle may park for the purpose of plying for hire in a demarcated parking bay any longer than is required to enable waiting passengers to be picked up or dropped off.

#### **Duties of pedestrians**

31. (1) A pedestrian may cross a public road only at a pedestrian crossing or an intersection or at a distance further than 50 metres from such pedestrian crossing or intersection.
- (2) Where a marked pedestrian crossing exists at an intersection, a pedestrian may only cross the intersection within the marked pedestrian crossing.
- (3) Where a traffic-control light signal ("robot"), which embodies pedestrian signals, operates at an intersection, a pedestrian may not commence to cross the roadway in a pedestrian crossing at the intersection while the red light of a pedestrian signal is displayed in the direction opposite to that in which he or she is proceeding.
- (4) Where no pedestrian signals are operating at an intersection, but such intersection is controlled by a traffic-control light signal, a pedestrian may not commence to cross the roadway in a pedestrian crossing at the intersection while the red light of the traffic-control light signal is displayed in the direction opposite to that in which he or she is proceeding.
- (5) Where a traffic-control light signal, which embodies pedestrian signals, are operating at a pedestrian crossing elsewhere than at an intersection, a pedestrian may only commence to cross the roadway in the pedestrian crossing when the green light of the pedestrian signal is displayed in the direction opposite to that in which he or she is proceeding.
- (6) No pedestrian may carelessly, negligently or recklessly disregard, or endanger his or her own safety, or the safety of a person or vehicle using a public road.

#### **Use of hooter**

32. No person shall on a public road use the sounding device or hooter of a vehicle except when such use is necessary in order to comply with the provisions of this By-law or any other law or on the grounds of safety.

#### **Duty to indicate when changing lanes**

33. (1) The driver of a vehicle on a public road divided into traffic lanes by appropriate road traffic signs shall not turn from one lane into or across another lane unless he or she can do so without obstructing or endangering other traffic.
- (2) A driver may not turn from one lane into or across another lane without giving a conspicuous signal visible to any person approaching him or her from the front or from the rear or from the side, and of a duration sufficient to warn any such person of his or her intention.

#### **Driving on shoulders**

34. (1) Subject to subsection (2), no person shall drive a motor vehicle on the shoulder of a public road.
- (2) Notwithstanding subsection (1), the driver of a motor vehicle may, during the period between sunrise and sunset, drive such motor vehicle on the shoulder of a public road which is designated for one lane of traffic in each direction—
- (a) while such motor vehicle is being overtaken by another vehicle;
  - (b) if he or she can do so without endangering himself or herself, other traffic, pedestrians or property on such public road; and
  - (c) if persons and vehicles upon a public road are clearly discernible at a distance of at least 150 metres.

#### **Driver of motor vehicle to be licensed**

35. No person shall drive a motor vehicle on a public road—
- (a) except under the authority and in accordance with the conditions of a licence issued to him or her in terms of the Act or of any document deemed to be a licence for the purposes of the Act; and
  - (b) unless he or she keeps such licence or document or any other prescribed authorisation with him or her in the motor vehicle.

#### **Motor vehicle to be licensed**

36. Subject to the provisions of the Act, every motor vehicle in the City shall, whether or not it is operated on a public road, be licenced by the owner of such motor vehicle, in accordance with the provisions of the Act, with the relevant licensing authority.

#### **Driver to have operating licence or permit**

37. Subject to the provisions of section 32 of the Act, no person shall drive a motor vehicle of a class prescribed in terms of the Act on a public road except—
- (a) in accordance with the conditions of a permit issued to him or her in accordance with the provisions of the Act; and
  - (b) if he or she keeps such permit with him or her in the motor vehicle,

provided that this subsection shall not apply to the holder of a learner's licence who drives such motor vehicle whilst he or she is accompanied by a person registered as a driver in respect of that class of vehicle.

**CHAPTER 6****COMMUNICATIONS DEVICES****Prohibition on use of communication device while driving**

- 38.** (1) Subject to any other law, no person shall drive a motor vehicle on a public road—
- (a) while holding a cellular or mobile telephone or any other communication device in one or both hands or with any other part of the body;
  - (b) while using or operating a cellular or mobile telephone or other communication device unless such a cellular or mobile telephone or other communication device is affixed to the vehicle or is part of the fixture in the vehicle and remains so affixed while being used or operated, or is specially adapted or designed to be affixed to the person of the driver as headgear, and is so used, to enable such driver to use or operate such telephone or communication device without holding it in the manner contemplated in paragraph (a), and remains so affixed while being used or operated.
- (2) For the purposes of this section—
- (a) the word “headgear” includes a device which is specially designed or adapted to allow the driver to use a cellular or mobile telephone or other communication device in such a manner that he or she does not hold it in one or both hands or with any other part of the body, and which is connected to the cellular or mobile telephone or other communication device concerned, directly or indirectly, while being fitted to or attached to one or both ears of the driver; and
  - (b) the phrases “cellular or mobile telephone or any other communication device” and “cellular or mobile telephone or other communication device”, excludes land mobile radio transmission and reception equipment operating in the frequency band 2 megahertz to 500 megahertz that is affixed to the vehicle or is part of the fixture in the vehicle.
- (3) Subject to subsections (1) and (4), an authorised officer may, in the public interest and safety of the public, confiscate and impound a hand held communication device.
- (4) The authorised officer must, when confiscating any hand held communication device—
- (a) inform the owner of such communication device of the reasons of confiscating and impounding;
  - (b) issue a receipt to the owner of such hand held communication device, stating the place at which such device may be claimed; and
  - (c) follow all procedures contained in any policy of the City dealing with the confiscation and impoundment of property.

**CHAPTER 7****OFFENCES AND PENALTIES****Offences and penalties**

- 39.** (1) A person who contravenes a provision of this By-law commits an offence.
- (2) A person who commits an offence referred to in subsection (1) is, on conviction, liable for a fine or a term of imprisonment not exceeding three years, or both such fine or such imprisonment.

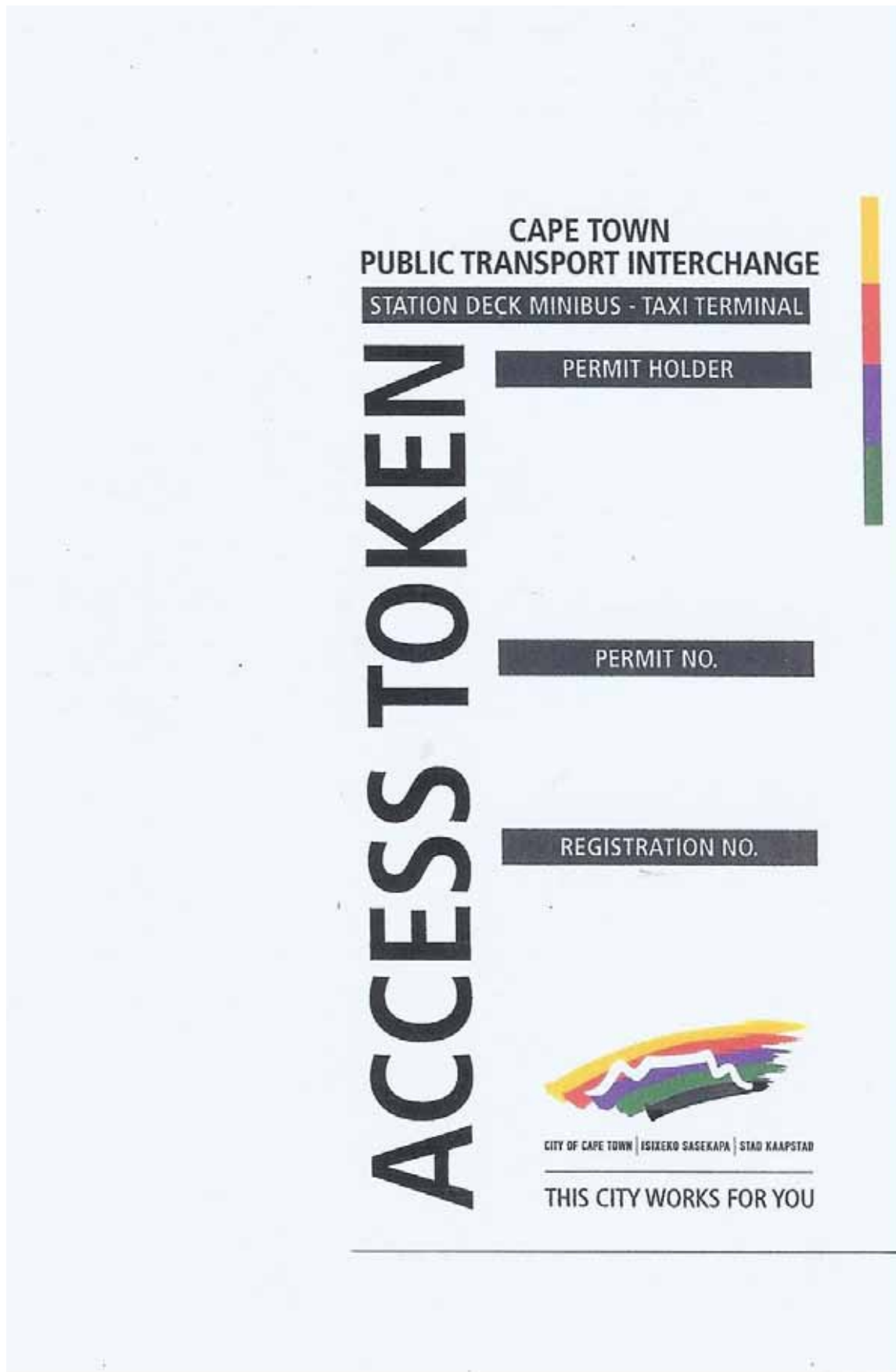
**CHAPTER 8****GENERAL PROVISIONS****Repeals**

- 40.** The Cape Town Municipality Traffic By-law 1117 of 1973 is hereby repealed.

**Short title**

- 41.** This By-law is called the City of Cape Town: Traffic By-law, 2011.

SCHEDULE  
INTERCHANGE & RANK TOKEN APPLICATION



## STAD KAAPSTAD

## VERORDENING OP VERKEER, 2011

**Om vir die regulering van openbare vervoer en verkeer in die regsgebied van die Stad Kaapstad voorsiening te maak; en om vir aangeleenthede wat daarmee gepaard gaan, voorsiening te maak.**

**Aanhef**

**NADEMAAL** artikel 156(2) van die Grondwet bepaal dat 'n Stad verordeninge kan uitvaardig en administreer vir die doeltreffende administrasie van die aangeleenthede wat hy die reg het om te administreer;

**NADEMAAL** munisipale openbare vervoer vermeld word as 'n plaaslike regeringsaangeleentheid in Deel B van Bylae 4 in die mate in artikel 155(6)(a) en (7) uiteengesit;

**NADEMAAL** munisipale paaie en verkeer en parkering vermeld word as 'n plaaslike regeringsaangeleentheid in Deel B van Bylae 5 in die mate in artikel 155(6)(a) en (7) uiteengesit;

**EN NADEMAAL** die Stad voornemens is om oorlaste wat uit die bedryf van openbare vervoer binne die regsgebied van die Stad Kaapstad spruit, te beheer;

**WORD DAAR NOU** soos volg deur die Raad van die Stad Kaapstad **VERORDEN**:

**HOOFTUK 2****INTERPRETASIE****Woordomskrywing**

1. In hierdie Verordening, tensy uit die samehang anders blyk, beteken—

**“bedryfslisensie”** 'n bedryfslisensie (“operating licence”) soos omskryf in artikel 1 van die Wet op Nasionale Landvervoer, 2009 (Wet Nr. 5 van 2009);

**“bestuurder”** iemand wat 'n voertuig bestuur of probeer bestuur of wat op 'n trapfiets ry of probeer ry of wat 'n trek-, pak- of rydier of 'n kudde of trop diere rondlei, en **“bestuur”** of enige soortgelyke woord het 'n ooreenstemmende betekenis;

**“beweegruiimte”** met betrekking tot 'n taxi, 'n plek, buiten 'n staanplek, waar 'n taxi bly totdat ruimte daarvoor by 'n staanplek of stilstouplek beskikbaar is;

**“bus”** 'n motorvoertuig ontwerp of aangepas om meer as 35 persone met inbegrip van die bestuurder te vervoer;

**“eienaar”**, met betrekking tot 'n voertuig—

- (a) die persoon wat die reg op die gebruik en genot van 'n voertuig ingevolge die gemene reg of 'n kontraktuele ooreenkoms met die titelhouer van sodanige voertuig het;
- (b) iemand in paragraaf (a) bedoel, vir enige tydperk waartydens so 'n persoon versuim om daardie voertuig kragtens die kontraktuele ooreenkoms bedoel in paragraaf (a) aan die titelhouer terug te besorg; of
- (c) 'n motorhandelaar wat in besit is van 'n voertuig vir die doel van verkoop, en wat as sulks geregistreer is ooreenkomstig die regulasies kragtens artikel 4 van die Wet, en **“besit”** of enige soortgelyke woord het 'n ooreenstemmende betekenis;

**“gemagtigde amptenaar”** 'n werknemer van die Stad wat ingevolge hierdie Verordening verantwoordelik is om enige plig of funksie te verrig, of gedelegeer is om enige plig of funksie te verrig;

**“gemagtigde beampte”** ook—

- (a) 'n persoon in diens van die Stad wie se plig dit is om lisensies te inspekteer, voertuie te ondersoek, vir bestuurderslisensies te toets, of 'n persoon wat 'n verkeersbeampte of 'n padverkeerswetstoepassingsbeampte is, en ook enige ander persoon wat deur die Minister van Vervoer by regulasie wat ingevolge die Nasionale adverkeerswet uitgevaardig is, tot gemagtigde beampte verklaar is; en
- (b) 'n persoon wat deur die Stad as 'n inspekteur aangestel is soos bedoel in artikel 86 van die Nasionale Padvervoerwet, 2009 (Wet Nr. 5 van 2009);

**“houer”** met betrekking tot 'n staanplekbewys, die eienaar aan wie 'n staanplekbewys ingevolge artikel 3(2) uitgereik is;

**“lokking”** die werf van passasiers vir 'n taxi deur te skreeu, te toet, te fluit of deur enige ander gedrag, en **“lok”** het 'n ooreenstemmende betekenis;

**“motorvoertuig”** enige selfgedrewe voertuig en ook—

- (a) 'n sleepwa; en
- (b) 'n voertuig met pedale en met 'n enjin of 'n elektriese motor as 'n integreerende deel daarvan of daaraan geheg en wat ontwerp of aangepas is om deur middel van sodanige pedale, enjin of motor, of beide sodanige pedale en enjin of motor, aangedryf te word, maar nie ook—
  - (i) 'n voertuig wat aangedryf word met elektriese krag verkry uitopgaarbatterye en wat deur 'n voetganger beheer word nie; of

- (ii) 'n voertuig met 'n massa van hoogstens 230 kilogram en wat spesiaal ontwerp en gebou, en nie net aangepas is nie, vir die gebruik deur iemand wat aan een of ander gestremdheid of ongeskiktheid ly en wat uitsluitlik deur sodanige persoon gebruik word;

**“nie-gemotoriseerde voertuig”** 'n voertuig of toestel wat vir padgebaseerde vervoer vir die karwei van goedere of passasiers gebruik word en wat aangedryf word deur dierekrag of deur mensekrag of 'n kombinasie van mensekrag, bygestaan deur 'n alternatiewe kragbron of krag wat deur enige vorm van fossielbrandstof verskaf word;

**“openbare vervoerdiens”** 'n geskeduleerde of ongeskeduleerde diens vir die vervoer van passasiers per pad hetsy onderworpe aan 'n kontrak of nie, en waar die diens teen reisegeld of 'n ander teenprestasie of beloning verskaf word, insluitende cabotage ten opsigte van passasiersvervoer soos omskryf in die Wet op Oorgrenspadvervoer, 1998 (Wet Nr. 4 van 1998) en, buiten waar duidelik onvanpas, moet die term **“openbare vervoer”** dienoooreenkomstig vertolk word;

**“openbare vervoerkondukteur”** 'n persoon wat in 'n openbare plek of op 'n openbare pad 'n kondukteursdiens aan openbare vervoerbestuurders en passasiers lewer, en dit sluit in—

- (a) die lok en werf van besigheid;
- (b) die beheer en bestuur van toegang tot voertuie; en
- (c) die insamel van reisegeld;

**“openbare vervoervoertuig”** 'n openbare motorvoertuig wat gebruik word om passasiers of goedere teen huur of beloning te vervoer, en dit sluit busse en taxi's in;

**“parkeer”** om 'n voertuig, met of sonder insittendes, langer te laat stilhou as wat redelikerwys nodig is om persone of goedere werklik op of af te laai, maar nie ook die stilhou van 'n voertuig weens 'n rede buite die beheer van die persoon in beheer van daardie voertuig nie;

**“permit”** 'n permit soos omskryf in artikel 1 van die Wet op Nasionale Landvervoer, 2009 (Wet Nr. 5 van 2009);

**“Raad”** die raad van die Stad;

**“randsteenlyn”** die grens tussen die skouer en die soom of, as daar nie 'n skouer is nie, die deel tussen die kant van die ryvlak en die soom;

**“ryvlak”** daardie gedeelte van 'n pad, straat of deurgang wat vir voertuigverkeer verbeter, gebou of bedoel is en wat tussen die kante van die ryvlak is;

**“skouer”** daardie gedeelte van 'n pad, straat of deurgang tussen die kant van die ryvlak en die randlyn;

**“staanplek”** met betrekking tot 'n taxi, ook—

- (a) 'n openbare vervoerwisselaar of 'n plek op 'n openbare pad vanwaar 'n taxi vir huur kan ry of passasiers vir beloning vervoer en afgelaai kan word; en
- (b) enige plek wat deur 'n padverkeerstekens aangewys of afgebaken is as 'n taxistaanplek of vir die uitsluitlike parkering van taxi's,

en **“openbare vervoerfasiliteit”** het 'n ooreenstemmende betekenis;

**“staanplekbewys”** 'n staanplekbewys uitgereik ingevolge artikel 3;

**“Stad”** die Stad Kaapstad wat by Provinsiale Kennisgewing 479 van 2000 ingevolge artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet Nr. 117 van 1998), ingestel is;

**“stilhoplek”** met betrekking tot—

- (a) 'n taxi, 'n plek wat deur die Stad aangewys is waar 'n taxi mag stilhou om passasiers op of af te laai; en
- (b) 'n bus, 'n afgebakende stilhoplek waar 'n bus mag stilhou om passasiers op of af te laai;

**“taxi”** 'n openbare motorvoertuig buiten 'n openbare bus wat gebruik word om passasiers of passasiers en goedere teen huur of beloning te vervoer, soos 'n minibus of 'n midibus, en sluit taxi's met meters in;

**“taxifasiliteit”** 'n beweegruimte, spesiale parkeerplek, stilhoplek, staanplek, terminus en enige ander fasiliteit wat spesifiek deur die Stad geïdentifiseer en aangewys is vir die uitsluitlike gebruik van taxi's;

**“taxistaanplek”** enige plek wat deur 'n padverkeerstekens aangewys of afgebaken is as 'n taxistaanplek of vir die uitsluitlike parkering van taxi's;

**“trollie”** 'n toestel wat gebruik word om goedere of persone te vervoer en wat deur mensekrag of dierekrag aangedryf of getrek word, en sluit 'n stootwaentjie of stootkarretjie in;

**“vir huur ry”** die gebruik van 'n voertuig om passasiers vir huur of beloning te vervoer;

**“voertuig”** 'n toestel ontwerp of aangepas om hoofsaaklik op wiele of rusperbande te loop en ook so 'n toestel wat met 'n trekstang aan 'n teëspoedwa verbind is en gebruik word as deel van die sleeptoerusting van 'n teëspoedwa om enige of al die asse van 'n motorvoertuig wat geberg word, te ondersteun, behalwe so 'n toestel wat uitsluitlik op spore beweeg; en

**“Wet”** die Nasionale Padverkeerswet, 1996 (Wet Nr. 93 van 1996).

**HOOFSTUK 2****VEREISTES MET BETREKKING TOT VIR HUUR RY EN STAANPLEKKE****Parkeer en vir huur ry**

2. (1) Behoudens subartikel (2), mag 'n bestuurder van 'n openbare vervoervoertuig wat vir huur ry of passasiers op- of aflaai, sodanige openbare vervoervoertuig net by 'n staanplek of 'n parkeerplek wat vir sodanige openbare vervoervoertuig afgebaken is, parkeer.
- (2) Ondanks subartikel (1), kan die Stad in noodgevalle of by ontspannings- en ander soortgelyke funksies tydelike openbare vervoerfasiliteite wat deur die gemagtigde beampte as geskik vir die parkeer en stilhou van openbare vervoervoertuie geïdentifiseer is, opsy sit.
- (3) Geen bestuurder van 'n openbare vervoervoertuig mag sodanige voertuig parkeer op 'n stilhouplek of enige ander plek wat nie vir sodanige openbare vervoervoertuie afgebaken is nie.
- (4) Geen bestuurder van 'n openbare vervoervoertuig mag, buiten met die skriftelike magtiging van die betrokke bedryfslisensie-owerheid, van die toegewese roete afwyk en kortpad deur kort gemeenskapspaaie neem met die doel om vir huur te ry of te ry om passasiers op of af te laai nie.

**Staanplekbewyse**

3. (1) Niemand mag met 'n openbare vervoervoertuig by 'n staanplek staan nie, tensy 'n staanplekbewys ten opsigte van sodanige voertuig ingevolge subartikel (5) aan hom of haar uitgereik is.
- (2) Daar mag nie aan iemand 'n staanplekbewys uitgereik word nie, tensy hy of sy die volgende voorsien:
  - (a) 'n gesertifiseerde afskrif van die bedryfslisensie of openbare permit;
  - (b) 'n gesertifiseerde afskrif van 'n padwaardigheidsertifikaat;
  - (c) 'n identifikasiedokument of bestuurderslisensie;
  - (d) registrasiedokumente van die voertuig; en
  - (e) 'n ondersteuningsbrief van die toepaslike vereniging.
- (3) Daar mag nie aan iemand 'n staanplekbewys uitgereik word as daar lasbriewe vir die nie-betaling van verkeersboetes teen hom of haar uitstaande is nie.
- (4) Die staanplekbewys wat in subartikel (1) bedoel word, is geldig vir 'n tydperk van 12 maande vanaf die datum waarop dit uitgereik is.
- (5) Die gemagtigde amptenaar moet, behoudens subartikels (2) en (3), 'n staanplekbewys ten opsigte van 'n openbare vervoervoertuig uitreik wat die volgende spesifiseer:
  - (a) die taxistaanplek waarvoor die staanplekbewys geld;
  - (b) die tydperk waarvoor sodanige staanplekbewys toegestaan word;
  - (c) die registrasienommer wat aan die betrokke voertuig toegeken is;
  - (d) die fabriek van sodanige voertuig;
  - (e) ten opsigte van taxi's met meters, die nommer van die taximeter wat vir gebruik in sodanige voertuig goedgekeur is;
  - (f) die bedryfslisensienommer van die voertuig; en
  - (g) die roetes waarvoor sodanige voertuig magtiging het om vir huur te ry.
- (6) 'n Aansoek om goedkeuring van 'n staanplekbewys moet aan die gemagtigde amptenaar voorgelê word—
  - (a) deur die eienaar; en
  - (b) in 'n vorm soortgelyk aan die vorm wat in die Bylae vervat is.
- (7) Die gemagtigde amptenaar mag een staanplekbewys vir elke openbare vervoervoertuig uitreik.
- (8) Behoudens artikel 77 van die Wet op Nasionale Landvervoer, 2009 (Wet Nr. 5 van 2009), moet die eienaar aan wie 'n staanplekbewys uitgereik is, die gemagtigde amptenaar binne 7 dae na die gebeurtenis skriftelik in kennis stel van—
  - (a) enige verandering in sy of haar adres gedurende die bedryfstydperk waarvoor sodanige staanplekbewys uitgereik is;
  - (b) die verkoop van sodanige voertuig of beëindiging van eienskapskap daarvan gedurende sodanige tydperk;
  - (c) die naam en adres van die persoon aan wie dit verkoop is; en
  - (d) die rede waarom hy of sy ophou om die eienaar te wees.
- (9) Die eienaar moet aan die Stad 'n bedrag, wat van tyd tot tyd deur die Raad vasgestel word, betaal vir die gebruik van elke staanplekbewys wat ingevolge hierdie artikel uitgereik word.



- (10) Niemand mag 'n staanplekbewys vervals, naboots, ontsier, skend, verander of 'n merk daarop maak nie.

#### **Plek waar staanplekbewys geldig is**

4. (1) Niemand mag, buiten met die skriftelike toestemming van 'n gemagtigde beampte, met 'n openbare vervoervoertuig vir huur ry vanaf enige ander plek as die roete, taxistaanplek of ander plek wat gespesifiseer word op die staanplekbewys wat ingevolge artikel 3(5) ten opsigte van sodanige voertuig uitgereik is nie.
- (2) Niemand mag—
- (a) 'n staanplekbewys op 'n ander voertuig as die voertuig ten opsigte waarvan dit uitgereik is, aanbring nie; of
- (b) met 'n openbare vervoervoertuig vir huur ry nie—
- (i) tensy die staanplekbewys wat ten opsigte van sodanige openbare vervoervoertuig vir die huidige jaar uitgereik is, links op die voorruit daarvan aangebring is sodat die voorkant van die bewys duidelik van buite af sigbaar is;
- (ii) terwyl enige ander staanplekbewys as die staanplekbewys wat ten opsigte van sodanige openbare vervoervoertuig vir die huidige jaar uitgereik is, daarop aangebring is; of
- (iii) terwyl enige staanplekbewys wat nie meer geldig is nie, op so 'n openbare vervoervoertuig aangebring is.

#### **Staanplekbewys moet op aanvraag getoon word**

5. (1) Die houër van 'n staanplekbewys wat ingevolge hierdie Verordening uitgereik is, moet—
- (a) sodanige staanplekbewys in 'n goeie en leesbare toestand in stand hou; en
- (b) te alle tye wanneer sodanige voertuig as 'n openbare vervoervoertuig bedryf word, dit in die motorvoertuig waarop dit betrekking het, hou en vertoon.
- (2) Enige gemagtigde beampte van die Stad kan die bestuurder van 'n openbare vervoervoertuig aansê om te stop en hom of haar vra—
- (a) om die staanplekbewys wat kragtens die bepalings van hierdie Verordening vereis word, te toon; en
- (b) om sy of haar volle naam en adres en ook die naam en adres van die eienaar of operateur van sodanige openbare vervoervoertuig te verstrek.
- (3) Geen bestuurder wat in subartikel (2) bedoel word mag, wanneer hy deur 'n gemagtigde beampte aangesê word om dit te doen—
- (a) weier om te stop nie;
- (b) weier om sy of haar volle naam en adres te verstrek nie;
- (c) weier om die korrekte naam en adres van die eienaar of operateur van die voertuig onder sy of haar beheer te verstrek nie;
- (d) weier om 'n staanplekbewys te toon nie; of
- (e) 'n vals naam of adres gee nie.

#### **Opskorting of intrekking van 'n staanplekbewys**

6. (1) Indien die houër van 'n staanplekbewys skuldig bevind is aan 'n oortreding van hierdie Verordening, en ongeag of enige ander straf deur 'n geregshof opgelê is, kan die Stad, behoudens artikel 7, nadat al die omstandighede van die geval in aanmerking geneem is, ingevolge subartikel (2) optree.
- (2) Die Stad kan, nadat al die omstandighede van die geval in aanmerking geneem is, 'n staanplekbewys opskort vir 'n tydperk wat deur die gemagtigde beampte bepaal word of die staanplekbewys intrek indien—
- (a) die eienaar van die openbare vervoervoertuig—
- (i) nie aan 'n opdrag wat ingevolge hierdie Verordening uitgereik is, voldoen nie; of
- (ii) nie die openbare vervoervoertuig te alle tye skoon en in 'n padwaardige toestand in stand hou nie; en
- (iii) uitstaande arrestasielasbriewe vir die betaling van verkeersboetes het;
- (b) 'n gemagtigde beampte die openbare vervoervoertuig inspekteer en bevind dat die voertuig—
- (i) op so 'n manier gebou is of in so 'n toestand is dat die voertuig onveilig is vir die getal passasiers wat dit gemagtig is om te vervoer; of
- (ii) nie voldoen aan die bepalings wat in hierdie Verordening of die Wet gespesifiseer word nie.
- (3) Niemand mag 'n voertuig as 'n openbare vervoervoertuig by 'n openbare vervoerfasiliteit gebruik of toelaat dat dit as 'n openbare vervoervoertuig by 'n openbare vervoerfasiliteit gebruik word as die voertuig se staanplekbewys opgeskort of ingetrek is of verval het nie.
- (4) As 'n bedryfslisensie deur die betrokke lisensie-owerheid opgeskort, gekanselleer of ingetrek is, word die staanplekbewys wat deur die Stad uitgereik is, outomaties opgeskort, gekanselleer of ingetrek, na gelang van die geval.

- (5) Indien die opskorting, kansellasië of intrekking van 'n bedryfslisensie op appèl deur die houër van 'n bedryfslisensie na die betrokke owerheid omgekeer word, kan die Stad 'n staanplekbewys heruitreik, onderworpe aan sekere gespesifiseerde voorwaardes.

#### Prosedure vir die opskorting of intrekking van 'n staanplekbewys

7. (1) 'n Staanplekbewys mag nie opgeskort of ingetrek word nie, tensy—
- (a) die gemagtigde amptenaar die houër van 'n staanplekbewys en enige openbare vervoervereniging waarvan die houër 'n lid is, minstens 14 dae skriftelik per gesertifiseerde pos kennis gegee het van sy of haar voorneme om die staanplekbewys op te skort of in te trek, en sodanige kennisgewing moet—
    - (i) die redes vir die beoogde optrede gee asook 'n afdoende verklaring wat die aard van die optrede uiteensit;
    - (ii) 'n uitnodiging aan die houër van die staanplekbewys bevat om vertoë oor die aangeleentheid te rig;
    - (iii) 'n adres vir die voorlegging van vertoë soos in subparagraaf (ii) bedoel word, gee; en
    - (iv) die datum, tyd en plek van 'n verhoor, wat nie minder nie as 28 dae vanaf die datum van die kennisgewing moet wees, om die opskorting of intrekking te oorweeg, gee, asook 'n aanduiding dat die houër vertoë mag rig en by die verhoor mag verskyn;
  - (b) die houër van 'n opgeskorte of ingetrekke staanplekbewys 'n geleentheid gegee is om persoonlik of deur sy of haar behoorlik gemagtigde verteenwoordiger by 'n verhoor te verskyn en vertoë tot die Stad te rig.
- (2) Indien 'n houër van 'n staanplekbewys wat 'n kennisgewing ontvang het waarna in subartikel (1) verwys word, wil verskyn en die beoogde optrede wil teenstaan, moet hy of sy, binne 14 dae nadat die kennisgewing ontvang is of binne 'n verdere tydperk wat die Stad kan toelaat, skriftelike vertoë per hand of per gesertifiseerde pos na die adres in die kennisgewing aangedui, indien.
- (3) Na die verhoor waarna daar in subartikel (1) verwys word, moet die Stad 'n beslissing gee oor die kwessie of die staanplekbewys opgeskort of teruggetrek word of nie, en die gemagtigde amptenaar moet nie later nie as 14 dae na die datum waarop die verhoor afgehandel is, die houër van sodanige staanplekbewys skriftelik van die redes vir die beslissing verwittig.
- (4) 'n Rekord van die verrigtinge tydens die verhoor waarna in subartikel (1) verwys word, moet die volgende insluit:
- (a) die getuienis wat gegee is, indien enige;
  - (b) enige beswaar wat gemaak is teen enige getuienis wat ontvang of voorgelê is; en
  - (c) die beslissing wat tydens die verhoor gegee is.

#### Adresverandering

8. Die houër van 'n staanplekbewys moet die Stad binne 14 werkdade na 'n adresverandering skriftelik per voorafbetaalde geregistreerde pos, telefaks of aflewering per hand daarvan in kennis stel.

#### Wysiging en vervanging van 'n staanplekbewys

9. (1) Behoudens artikel 3, indien die besonderhede wat op 'n staanplekbewys aangetoon word, inkorrekt is as gevolg van 'n verandering van sodanige besonderhede of om enige ander rede, moet die houër van sodanige staanplekbewys dit aan die Stad voorlê sodat dit gewysig kan word.
- (2) Indien die staanplekbewys op so 'n wyse beskadig is dat die besonderhede daarvan nie met redelikheid vasgestel kan word nie, moet die houër van 'n beskadigde staanplekbewys dit aan die Stad voorlê en die gemagtigde amptenaar kan sodanige beskadigde staanplekbewys op koste van die houër van die staanplekbewys vervang.

#### Gebruik van staanplekke

10. (1) Die bestuurder van 'n openbare vervoervoertuig moet, wanneer hy of sy die voertuig by 'n staanplek vir huur wil ry, dit in 'n tou doen en moet—
- (a) sy of haar openbare vervoervoertuig posisioneer in die eerste oop plek wat in die tou beskikbaar is onmiddellik agter enige ander openbare vervoervoertuig wat reeds voor in die baan is waarvoor hy of sy roetmagtiging het; en
  - (b) sy of haar voertuig vorentoe beweeg na gelang die tou vorentoe beweeg.
- (2) Wanneer 'n voertuig op 'n staanplek vir huur wil ry, moet 'n bestuurder—
- (a) van 'n openbare vervoervoertuig wat die eerste, tweede of derde posisie van voor af in 'n tou by 'n staanplek okkupeer, voortdurend naby sy of haar voertuig wees so lank as wat dit in daardie posisie bly;
  - (b) nie sy of haar openbare vervoervoertuig posisioneer voor enige openbare vervoervoertuig wat voor hom of haar opgedaag het en 'n posisie in die tou ingeneem het nie; en
  - (c) as sy of haar voertuig die eerste openbare vervoervoertuig in die tou is en iemand 'n openbare vervoerdiens ontbied, op die oproep reageer, tensy die persoon duidelik sy of haar voorkeur vir 'n ander openbare vervoerdiens wat nie voor in die tou is nie, te kenne gee.
- (3) Niemand mag 'n voertuig wat nie in 'n goeie werkende toestand is soos deur die Wet vereis word, op 'n staanplek parkeer of daar stilhou of die voertuig in 'n staanplek laat bly of toelaat dat dit daar bly nie.
- (4) Niemand mag 'n voertuig in 'n staanplek parkeer of daar stilhou nie buiten 'n openbare vervoervoertuig waarvoor 'n staanplekbewys, wat die staanplek spesifiseer, vir die betrokke tydperk ingevolge artikel 3 uitgereik is.

- (5) Niemand mag 'n motorvoertuig by 'n staanplek was nie, buiten by 'n wasinham by die fasiliteit wat spesiaal vir hierdie doel gebou is.

#### **Reg van betreding**

11. 'n Gemagtigde beampte mag, by die toepassing van die bepalings van hierdie Verordening, op enige redelike tyd en sonder vooraf kennisgewing—

- (a) 'n openbare vervoerdiensfasiliteit betree om die fasiliteit te inspekteer; en  
 (b) navraag doen by 'n persoon wat by sodanige fasiliteit betrokke is.

### **HOOFSTUK 3**

#### **LISENSIE EN BEDRYFSLISENSIE**

##### **Bestuurder van motorvoertuig moet gelisensieer wees**

12. Niemand mag 'n motorvoertuig op 'n openbare pad bestuur nie—
- (a) buiten kragtens die gesag en in ooreenstemming met die voorwaardes van 'n lisensie wat ingevolge die Wet aan hom of haar uitgereik is of van 'n dokument wat geag word 'n lisensie vir die doeleindes van die Wet te wees; en
- (b) tensy hy of sy sodanige lisensie of dokument of enige ander voorgeskrewe magtiging by hom of haar in die motorvoertuig hou.

##### **Motorvoertuig moet gelisensieer wees**

13. Behoudens die bepalings van die Wet, moet elke motorvoertuig in die Stad, hetsy dit op 'n openbare pad bestuur word of nie, deur die eienaar van sodanige motorvoertuig in ooreenstemming met die bepalings van die Wet by die betrokke lisensie-owerheid gelisensieer word.

##### **Bestuurder moet bedryfslisensie of permit hê**

14. Behoudens die bepalings van artikel 32 van die Wet, mag niemand 'n motorvoertuig van 'n klas wat ingevolge die Wet voorgeskryf word, op 'n openbare pad bestuur nie behalwe—
- (a) ooreenkomstig die voorwaardes van 'n permit wat ooreenkomstig die bepalings van die Wet aan hom of haar uitgereik is; en
- (b) tensy hy of sy sodanige permit by hom of haar in die motorvoertuig hou,

met dien verstande dat hierdie subartikel nie van toepassing is nie op die houer van 'n leerlinglisensie wat sodanige motorvoertuig bestuur terwyl hy of sy vergesel word iemand wat as 'n bestuurder ten opsigte van daardie klas voertuig geregistreer is.

##### **Bedryfslisensie moet op aanvraag getoon word**

15. (1) Die houer van 'n bedryfslisensie moet—
- (a) die bedryfslisensie in 'n goeie en leesbare toestand in stand hou; en
- (b) te alle toepaslike tye wanneer die voertuig as 'n taxi of bus bedryf word, die bedryfslisensie hou in die motorvoertuig waarop dit betrekking het.
- (2) 'n Verkeersbeampte kan die bestuurder van 'n taxi of bus aansê om te stop en hom of haar vra—
- (a) om die bedryfslisensie te toon; en
- (b) om sy of haar volle naam en adres en ook die naam en adres van die eienaar van die taxi of bus te verstrek.
- (3) 'n Bestuurder in subartikel (2) bedoel, mag nie—
- (a) 'n openbare vervoerdiens sonder 'n geldige bedryfslisensie bedryf nie; of
- (b) toelaat dat die bedryfslisensie vir 'n ander voertuig as die een wat in sodanige bedryfslisensie gespesifiseer word, gebruik word nie.

##### **Ongemagtigde oorhandiging of verlating van taxi of bus**

16. Geen bestuurder van 'n taxi of bus mag—
- (a) sy of haar voertuig verlaat nie; of
- (b) toelaat dat enige ander persoon die taxi of bus onder sy of haar beheer sonder die toestemming van die houer van die bedryfslisensie of openbare permit bestuur nie.

### **HOOFSTUK 4**

#### **GEDRAG VAN BESTUURDERS, KONDUKTEURS EN PASSASIERE**

##### **Voorkom dat 'n openbare vervoervoertuig gehuur word**

17. Niemand mag, deur geweld, intimidasie of dreigemente te gebruik of op enige ander manier, voorkom of probeer voorkom dat—
- (a) enigiemand 'n openbare vervoervoertuig neem of huur nie; of

- (b) die bestuurder van 'n openbare vervoervoertuig passasiers oplaai nie.

#### **Vervoer van gevaarlike of aanstootlike goedere in openbare vervoervoertuie**

18. 'n Persoon wat in beheer van 'n openbare vervoervoertuig is, mag nie wetend 'n persoon of goedere vervoer of toelaat dat daardie persoon of goedere in so 'n voertuig vervoer word nie, of die openbare vervoervoertuig gehuur is of nie, as daardie persoon of goedere—
- (a) ingevolge 'n bestaande wet nie vervoer mag word nie; of
- (b) ooglopend blootgestel is aan of besmet is deur 'n besmetlike of aansteeklike siekte soos in die Wet bedoel.

#### **In en uit openbare vervoervoertuie klim**

19. (1) Niemand mag in 'n openbare vervoervoertuig klim voordat almal wat uit sodanige voertuig wil klim, dit gedoen het nie.
- (2) Niemand mag daarop aandrang om in 'n openbare vervoervoertuig te klim as die getal passasiers meer sal wees as die totale getal passasiers wat die voertuig gemagtig is om te vervoer nie.
- (3) Niemand mag in of uit 'n openbare vervoervoertuig klim of probeer in- of uitklim terwyl sodanige voertuig beweeg nie.

#### **Toustaan by openbare vervoerfasiliteite**

20. (1) Die Stad kan by 'n gevestigde staanplekfasiliteit 'n toustaanteken oprig of laat oprig wat bestaan uit 'n kennisgewingbord wat die plek en die manier aandui waarop mense wat wag om in 'n openbare vervoervoertuig te klim, moet staan en 'n tou vorm, en sodanige teken kan aangevul word deur toustaanhindernisse in die vorm van relings of strepe op die oppervlak van die gebied wat vir toustaandoeleindes afgebaken word.
- (2) Alle passasiers wat by 'n gevestigde staanplekfasiliteit of stilhouplek in 'n openbare vervoervoertuig wil klim, moet toustaan vanaf die punt wat aangedui word as die plek van waar sodanige openbare vervoervoertuig gaan vertrek.
- (3) Waar daar geen toustaanteken opgerig is nie, moet passasiers wat wag om in 'n openbare vervoervoertuig te klim, wanneer dit deur 'n goedgekeurde openbare vervoerkondukteur of gemagtigde amptenaar van die Stad vereis word, 'n tou vorm van nie meer as twee persone langs mekaar of in 'n enkelry nie.
- (4) 'n Passasier mag slegs in 'n openbare vervoervoertuig klim wanneer hy of sy voor in die tou kom.
- (5) Elke passasier wat toustaan, moet al die opdragte gehoorsaam wat deur 'n openbare vervoerkondukteur, gemagtigde beampte of gemagtigde amptenaar aan diens gegee word.

#### **Drag en identifisering van openbare vervoerdienskondukteur**

21. (1) Elke openbare vervoerdienskondukteur moet, terwyl hy of sy aan diens is en homself of haarself vir diens aanbied, geklee wees in 'n retro-weerkaatsende beffie of baadjie, en moet seker maak dat 'n identifikasiekaart wat ingevolge enige ander wet aan hom of haar uitgereik is, opsigtelik vertoon word.
- (2) Geen openbare vervoerdienskondukteur of enige ander persoon mag klandisie lok nie.

#### **Sorgplig**

22. Die eienaar, bestuurder en kondukteur van 'n openbare vervoervoertuig moet te alle tye 'n sorgplig uitoefen deur die binnekant van sodanige openbare vervoervoertuig in 'n skoon toestand in stand te hou.

#### **Betaling van reisgeld**

23. 'n Passasier moet op versoek die vasgestelde reisgeld vir die rit betaal.

#### **Regte en pligte van passasiers wanneer 'n openbare vervoervoertuig onklaarraak**

24. (1) Indien 'n openbare vervoervoertuig onklaarraak of om enige rede hoegenaamd nie verder kan ry nie, moet die passasiers, op versoek van die bestuurder, uit die onklaargeraakte voertuig klim, en indien die passasiers reeds hulle reisgeld betaal het, is hulle geregtig op terugbetaling van die bedrag van hulle reisgeld wat aldus betaal is.
- (2) As daar met die bestuurder van die onklaargeraakte openbare vervoervoertuig ooreengekom word, word passasiers toegelaat om vir die res van die afstand ten opsigte van die betaalde reisgeld op die koste van die eienaar van die onklaargeraakte openbare vervoervoertuig met die volgende beskikbare openbare vervoervoertuig te reis.
- (3) 'n Bestuurder wat weier om 'n passasier terug te betaal, soos in subartikel (1) bedoel, of wat weier om 'n passasier toe te laat om te reis op die manier soos in subartikel (2) bedoel, begaan 'n misdryf.

#### **Diere**

25. Geen passasier mag met 'n dier in 'n openbare vervoervoertuig klim nie, behalwe met 'n gidshond wat 'n blinde persoon help.

#### **Optrede wat in 'n openbare vervoervoertuig verbied word**

26. Die volgende optrede in 'n openbare vervoervoertuig word verbied:
- (a) rook;
- (b) die speel van aanstootlike of buitensporige harde musiek;

- (c) die gebruik van obscene of aanstootlike taal;
- (d) die pleeg van 'n aanstootlike daad;
- (e) inmenging met die gemak van 'n passasier;
- (f) beskadiging van enigiets en inmenging met die toerusting van die openbare vervoervoertuig op enige manier;
- (g) om die bestuurder te dwing om van sy roete af te wyk;
- (h) om die lewe van 'n ander persoon in gevaar te stel; en
- (i) inmenging met die optrede van die bestuurder.

#### **Gedrag wat by 'n openbare vervoerfasiliteit verbied word**

27. Iemand wat 'n steurnis veroorsaak of op 'n oproerige of onfatsoenlike manier optree, begaan 'n misdryf ingevolge hierdie Verordening en kan deur enige gemagtigde beampte van die Stad uit 'n tou of die omgewing van 'n openbare vervoerfasiliteit verwyder word.

#### **Eiendom wat in openbare vervoervoertuie agtergelaat is**

28. Die bestuurder van 'n passasiersvoertuig moet die voertuig na elke rit deeglik ondersoek, en as 'n passasier enige eiendom in die voertuig agtergelaat het, moet die bestuurder—
- (a) daardie eiendom aflewer by die persoon wat dit agtergelaat het; of
  - (b) as hy of sy daardie eiendom nie kan aflewer by die persoon wat dit agtergelaat het nie, die eiendom so gou moontlik na die kantoor vir verlore eiendom of sy of haar werkgever of die naaste polisiestasie neem en dit daar by die beampte aan diens laat en 'n kwitansie daarvoor kry.

### **HOOFSTUK 5**

#### **PADVEILIGHEID**

##### **Oorlading**

29. Geen bestuurder van 'n openbare vervoervoertuig mag meer as die gespesifiseerde getal passasiers soos in die openbare permit aangedui, toelaat nie.

##### **Hinder en ontwrigting van verkeer**

30. (1) Niemand mag 'n openbare vervoervoertuig parkeer in 'n stilhouplek wat vir spesifieke openbare vervoervoertuie aangewys is of toelaat dat dit daar parkeer nie.
- (2) Geen bestuurder van 'n openbare vervoervoertuig of sy of haar kondukteur mag die knoppie van 'n verkeersligsein indruk om die groen voetgangerlig vinnig te aktiveer ten einde voertuigverkeer te dwing om te stop nie.
- (3) Geen openbare vervoervoertuig mag op 'n voetgangeroorgang stilhou om passasiers op of af te laai nie.
- (4) Geen openbare vervoervoertuig mag met die doel om vir huur te ry langer in 'n aangewese parkeerinham parkeer as wat nodig is om wagtende passasiers op of af te laai nie.

##### **Pligte van voetgangers**

31. (1) 'n Voetganger mag 'n openbare pad slegs by 'n voetgangeroorgang of by 'n kruising of op 'n plek verder as 50 meter vanaf sodanige voetgangeroorgang of kruising oorsteek.
- (2) As daar 'n gemerkte voetgangeroorgang by 'n kruising is, mag 'n voetganger die kruising slegs binne die gemerkte voetgangeroorgang oorsteek.
- (3) As daar 'n verkeersbeheerligsein ("robot") wat voetgangerseine bevat, by 'n kruising is, mag 'n voetganger nie die ryvlak in 'n voetgangeroorgang by die kruising begin oorsteek terwyl die rooi lig van 'n voetgangersein vertoon word in die teenoorgestelde rigting as die rigting waarin hy of sy begin stap nie.
- (4) As daar geen voetgangerseine by 'n kruising is nie maar sodanige kruising deur 'n verkeersbeheerligsein beheer word, mag 'n voetganger nie die ryvlak in 'n voetgangeroorgang by die kruising begin oorsteek terwyl die rooi lig van 'n verkeersbeheerligsein vertoon word in die teenoorgestelde rigting as die rigting waarin hy of sy begin stap nie.
- (5) As daar 'n verkeersbeheerligsein wat voetgangerseine bevat by 'n voetgangeroorgang op 'n ander plek as by 'n kruising is, mag 'n voetganger die ryvlak in die voetgangerkruising slegs begin oorsteek wanneer die groen lig van die voetgangersein vertoon word in die teenoorgestelde rigting as die rigting waarin hy of sy begin stap.
- (6) Geen voetganger mag sy of haar eie veiligheid of die veiligheid van 'n persoon of voertuig wat 'n openbare pad gebruik, nalatiglik of roekeloos verontagsaam of in gevaar stel nie.

##### **Gebruik van toeter**

32. Niemand mag die klanktoestel of toeter van 'n voertuig op 'n openbare pad gebruik nie, buiten wanneer sodanige gebruik nodig is om aan die bepalings van hierdie Verordening of enige ander wet te voldoen of om veiligheidsredes.

**Plig om aan te dui wanneer van baan verwissel word**

33. (1) Die bestuurder van 'n voertuig op 'n openbare pad wat deur gepaste padverkeerstekens in verkeersbane verdeel is, mag nie van een baan in of oor 'n ander baan draai nie, tensy hy of sy dit kan doen sonder om ander verkeer te hinder of in gevaar te stel.
- (2) 'n Bestuurder mag nie van een baan in of oor 'n ander baan draai nie sonder om 'n opsigtelike sein te gee wat vir enige persoon wat hom of haar van voor of van agter of van die kant af nader, sigbaar is en lank genoeg duur om sodanige persoon van sy of haar bedoeling te waarsku.

**Bestuur op skouers**

34. (1) Behoudens subartikel (2), mag niemand 'n motorvoertuig op die skouer van 'n openbare pad bestuur nie.
- (2) Ondanks subartikel (1), mag die bestuurder van 'n motorvoertuig sodanige motorvoertuig gedurende die tydperk tussen sonsopkoms en sonsondergang op die skouer van 'n openbare pad wat vir een verkeersbaan in elke rigting aangewys is, bestuur—
- (a) terwyl sodanige motorvoertuig deur 'n ander voertuig verbygesteek word;
- (b) indien hy of sy dit kan doen sonder om homself of haarself, ander verkeer, voetgangers of eiendom op sodanige openbare pad in gevaar te stel; en
- (c) indien persone en voertuie op 'n openbare pad op 'n afstand van minstens 150 meter duidelik onderskei kan word.

**Bestuurder van motorvoertuig moet gelisensieer wees**

35. Niemand mag 'n motorvoertuig op 'n openbare pad bestuur nie—
- (a) buiten kragtens die gesag en in ooreenstemming met die voorwaardes van 'n lisensie wat ingevolge die Wet aan hom of haar uitgereik is of van 'n dokument wat geag word 'n lisensie vir die doeleindes van die Wet te wees; en
- (b) tensy hy of sy sodanige lisensie of dokument of enige ander voorgeskrewe magtiging by hom of haar in die motorvoertuig hou.

**Motorvoertuig moet gelisensieer wees**

36. Behoudens die bepalings van die Wet, moet elke motorvoertuig in die Stad, hetsy dit op 'n openbare pad bestuur word of nie, deur die eienaar van sodanige motorvoertuig in ooreenstemming met die bepalings van die Wet by die betrokke lisensie-owerheid gelisensieer word.

**Bestuurder moet bedryfslisensie of permit hê**

37. Behoudens die bepalings van artikel 32 van die Wet, mag niemand 'n motorvoertuig van 'n klas wat ingevolge die Wet voorgeskryf word, op 'n openbare pad bestuur nie behalwe—
- (a) ooreenkomstig die voorwaardes van 'n permit wat ooreenkomstig die bepalings van die Wet aan hom of haar uitgereik is; en
- (b) tensy hy of sy sodanige permit by hom of haar in die motorvoertuig hou,

met dien verstande dat hierdie subartikel nie van toepassing is nie op die houer van 'n leerlinglisensie wat sodanige motorvoertuig bestuur terwyl hy of sy vergesel word van iemand wat as 'n bestuurder ten opsigte van daardie klas voertuig geregistreer is.

**HOOFSTUK 6****KOMMUNIKASIE-TOESTELLE****Verbod op die gebruik van kommunikasietoestel terwyl bestuur word**

38. (1) Behoudens enige ander wet, mag niemand 'n motorvoertuig op 'n openbare pad bestuur—
- (a) terwyl hy of sy 'n sellulêre of mobiele telefoon of enige ander kommunikasietoestel in een of albei hande of met enige ander deel van die liggaam vashou nie;
- (b) terwyl hy of sy 'n sellulêre of mobiele telefoon of ander kommunikasietoestel gebruik of bedryf nie, tensy sodanige sellulêre of mobiele telefoon of ander kommunikasietoestel in die voertuig aangebring is of deel van die bybehore in die voertuig is en so aangebring bly terwyl dit gebruik of bedryf word, of spesiaal aangepas of ontwerp is om op die kop van die bestuurder aangebring te word, en so gebruik word dat dit sodanige bestuurder in staat stel om sodanige telefoon of kommunikasietoestel te gebruik of te bedryf sonder om dit vas te hou op die wyse in paragraaf (a) bedoel, en so aangebring bly terwyl dit gebruik of bedryf word.
- (2) Vir die doel van hierdie artikel—
- (a) sluit die woord “kopstuk” 'n toestel in wat spesiaal ontwerp of aangepas is om die bestuurder in staat te stel om 'n sellulêre of mobiele telefoon of ander kommunikasietoestel op so 'n manier te gebruik dat hy of sy dit nie in een of albei hande of met enige ander deel van die liggaam vashou nie, en wat direk of indirek met die betrokke sellulêre of mobiele telefoon of ander kommunikasietoestel verbind is terwyl dit in een of albei ore van die bestuurder pas of daaraan geheg is; en
- (b) sluit die uitdrukking “sellulêre of mobiele telefoon of enige ander kommunikasietoestel” en “sellulêre of mobiele telefoon of ander kommunikasietoestel” landgebaseerde mobiele radiosend-en-ontvangstoestelle uit wat in die frekwensieband 2 megahertz tot 500 megahertz werk en wat in die voertuig aangebring is of deel van die bybehore in die voertuig is.
- (3) Behoudens subartikels (1) en (4), kan 'n gemagtigde beampte 'n handkommunikasietoestel in die openbare belang en vir die veiligheid van die publiek konfiskeer en beslag daarop lê.

- (4) Die gemagtigde beampte moet, wanneer 'n handkommunikasietoestel gekonfiskeer word—
- (a) die eienaar van sodanige kommunikasietoestel verwittig van die redes vir konfiskering en beslaglegging;
  - (b) 'n kwitansie aan die eienaar van sodanige handkommunikasietoestel uitreik waarin die plek vermeld word waar sodanige toestel teruggeëis kan word; en
  - (c) al die prosedures volg wat vervat is in enige beleid van die Stad met betrekking tot die konfiskering van en beslaglegging op eiendom.

#### **HOOFSTUK 7**

#### **MISDRYWE EN STRAWWE**

##### **Misdrywe en strawwe**

39. (1) 'n Persoon wat 'n bepaling van hierdie Verordening oortree, begaan 'n misdryf.
- (2) 'n Persoon wat 'n misdryf begaan in subartikel (1) bedoel, is by skuldigbevinding strafbaar met 'n boete of gevangenisstraf van hoogstens drie jaar, of met beide sodanige boete en sodanige gevangenisstraf.

#### **HOOFSTUK 8**

#### **ALGEMENE BEPALINGS**

##### **Herroeping**

40. Die Munisipaliteit van Kaapstad se Verkeersverordening 1117 van 1973 word hiermee herroep.


##### **Kort titel**

41. Hierdie verordening word genoem die Stad Kaapstad: Verordening op Verkeer, 2011.



BYLAE

AANSOEK OM WISSELAAR- EN STAANPLEKBEWYS




**CAPE TOWN  
PUBLIC TRANSPORT INTERCHANGE**  
STATION DECK MINIBUS - TAXI TERMINAL

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## ISIXEKO SASEKAPA

## UMTHETHO KAMASIPALA WEZENDLELA, 2011

Wenzelwa ukuwisa umthetho malunga nolawulo lwezothutho lukawonkewonke, ndawonye nolawulo lwezithuthi kuyo yonke imimandla ephantsi kolawulo lweSixeko saseKapa; nokuwisa umthetho malunga nazo zonke izinto ezibandakanyeka kwezothutho.

## Intshayelelo

**NANGONA** iCandelo 156(2) loMgaqo-siseko limemelela iSixeko ukuba ibe siso esinoxanduva lokusungula nokunqozisa imithetho kamasipala nje, ukuze siqinisekise ukuba yonke imiba ephantsi kolawulo lwaso ilawulwa ngendlela eyiyo;

**NANGONA** izithuthi zikawonke-wonke zichazwe njengomcimbi ophantsi korhulumente weMimandla kwiSiqendu B seShedyuli 4 ngokohlobo ezichazwe ngalo kwicandelo 155(6)(a) no-(7);

**NANGONA** iindlela zikamasipala kunye neendawo zokupaka zichazwe njengomcimbi ophantsi korhulumente weMimandla kwiSiqendu B seShedyuli 5 ngokohlobo ezichazwe ngalo kwicandelo 155(6)(a) no-(7);

**YAYE NANGONA** iSixeko sineenjongo yokulawula uqulokubhede oqhubeka kwizithuthi zikawonke-wonke ezisebenza kwimimandla yeSixeko saseKapa;

**NGOKO KE** iBhunga leSixeko saseKapa likhupha isindululo malunga nendlela oza **KUSEBENZA NGAYO LO MTHETHO KAMASIPALA**:

## Ingcaciso

1. Kulo Mthetho kaMasipala, ngaphandle kokuba iimeko ezithile zithetha enye into, esi sigama silandelayo sithetha oku—

**“uMthetho”** ubhekiselele kuMthetho wezeNdlela weSizwe, 1996 (Umthetho 93 ka-1996);

**“igosa eligunyazisiweyo”** eli binzana liquka—

- (a) nabani na osebenzela iSixeko omsebenzi wakhe ikukuphonononga imiba yeelayisenisi zokusebenza ngezithu zikawonke-wonke, ukuhlola izithuthi, ukuhlola iilayisenisi zokuqhuba, oligosa lendlela okanye oligosa elinqozisa umthetho wendlela, kungenjalo nabani na ke ogunyaziswe nguMphathiswa wezoThutho ngemiqathango yoMthetho wezeNdlela weSizwe ukuba abe liliso kwezindlela;
- (b) nabani na ke owonyulwe siSixeko njengomhloli wezendlela ngokwemiqathango yecandelo 86 loMthetho ka-2009 weziThuthi ezihamba eMhlabeni weSizwe (uMthetho 5 ka-2009);

**“igosa eligunyazisiweyo”** uthetha ukuthi lowo uqeshwe siSixeko onikwe uxanduva lokwenza umsebenzi ngokwemiqathango yalo mthetho kamasipala;

**“ibhasi okanye uduladula”** uxela isithuthi esenzelwe ukukhwelisa abantu abangaphezi kwama-35, oko kuquka nomqhubi;

**“iSixeko”** siSixeko saseKapa esasekwa ngokwesaziso sikarhulumente wePhondo esingunombolo 479 ka-2000 ngokwemiqathango yecandelo 12 loMthetho weziGqeba zikaMasipala (Municipal Structures Act) ophantsi koRhulumente wengingqi, 1998 (uMthetho 117 ka-1998);

**“iBhunga”** iBhunga leSixeko;

**“umqhubi”** nabani na oqhuba okanye ozama ukuqhuba isithuthi, oqhuba okanye ozama ukuqhuba ibhayisekile, otsala isithuthi, umthwalo, okanye isilwanyana esinesali, okanye okhokela umhlambi, igama **“ukuqhuba”** linentsingiselo ehambelana nale ixeliweyo;

**“indawo yokugcinisa”** ngokubhekiselele eziteksini — le yindawo yokugcinisa iteksi lo gama yona ingekafumani ndawo kwisikhululo sezithuthi zikawonke-wonke;

**“umnini”** ngokubhekiselele kwithokheni yokurenkisha okanye yokuthutha abantu — umnini-sithuthi onikwe ithokheni yokurenkisha okanye yokuthutha abantu ngokwemiqathango yecandelo 3(2);

**“umqokumbelo wendlela”** umda ophakathi kweligxa lendlela nodini lwendlela, le ndawo iphakathi kwesiphelo okanye komphetho wendlela nodini;

**“isithuthi”** nasiphi na isithuthi esizihambelayo, oko kuquka—

- (a) itreyila;
- (b) isithuthi esinesinyathelo nenjini, zixhobo ezo ziyinxalenye yesithuthi eso okanye zenzelwe kwisithuthi eso nezilungiselelwe ukusenza sihambe, kodwa sibe singaquki olu hlobo lulandelayo lwezithuthi:
  - (i) isithuthi esihamba ngamandla kagesi asuka kwiibhetri zogcino mandla futhi zilawulwa okanye zibhexeshwa ngabahambi ngeenyawo; okanye
  - (ii) isithuthi esinobunzima obungabethi ngaphaya kwe 230 Kilogram nesibunjwe sakhwiwa ngohlobo olulodwa, futhi silungiswe saluhlobo oluthile ngeenjongo zokuba sisetyenziswe ngabantu abakhubazekileyo futhi sisetyenziswe ngabo bantu kuphela;

**“isithuthi esingeyiyo imoto”** esi sisithuthi okanye isakhelo esisetyenziswa kwindlela yomhlaba sisenzelwa ukuthutha iimpahla okanye abantu, sinokutsalwa sibilwanyana okanye ngabantu, kungenjalo sitalwe ngabantu bencediswa luhlobo oluthile lwamandla, njengamandla asuka kumafutha amandulo;

**“ilayisenisi yokusebenza okanye iphepha-mvume lokusebenza”** eli binzana libhekiselele kwilayisenisi yokusebenza njengoko kuchaziwe kwicandelo 1 lomthetho weziThuthi ezihamba kwindlela yoMhlaba weSizwe, 2009 (uMthetho 5 ka-2009);

**“umnini”** ngokubhekiselele kwisithuthi, uxela—

- (a) nabani na onelungelo lokusebenzisa isithuthi ngokwemiqathango yomthetho okanye yesivumelwano asityikitye nalowo ukhutshelwe amagunya okuba nesithuthi eso;
- (b) nabani na lowo uxelwayo apha kumhlathana (a), ongadanga abe usibuyisele isithuthi kulowo unamagunya okuba nesithuthi eso ngokwesivumelwano esityikityiweyo phakathi kwesi sibini nesichaziweyo kumhlathana (a); okanye
- (c) lowo unezithuthi ngeenjongo zokuzithengisa, futhi elubhalisile ushishino olo ngokwemiqathango yemimiselo ephantsi kwecandelo 4 lomthetho. Igama elithi **“obangayo”** liyahambelana nentsingiselo echaziweyo ngalo mntu;

**“ukupaka okanye ukumisa imoto”** ukugcina isithuthi, sinabantu okanye singenabo, simile kangangexesha elide, elide ukwedlula elo lokukhwelisa okanye lokothula abantu okanye iimpahla, kodwa oko kungaquki elo lokugcinwa kwesithuthi sime kuloo ndawo ixesha elide kunene ngesizathu esingaphaya kwamandla omniniso;

**“ukunyuka isehla”** ukusebenza kwesithuthi sithutha abantu ukuze bona bahlawule okanye barhume;

**“ipemethe”** ipemethe okanye iphepha-mvume elichaziweyo kwicandelo 1 lomthetho weziThuthi ezihamba kwindlela yoMhlaba weSizwe, 2009 (uMthetho 5 ka-2009);

**“igatyi yesithuthi sikawonke-wonke”** ibhekisa kumntu osebenza kwindawo kawonke-wonke okanye kwindlela kawonke-wonke esebenzela izithuthi zikawonke-wonke nabakhweli, esenza imisebenzi ebandakanya—

- (a) ukukhangela abakhweli;
- (b) ukulawula indlela ekungenwa kuyo kwizithuthi; kunye
- (c) nokuqokelela imali.

**“isithuthi sikawonke-wonke”** esi sisithuthi esenzelwe ukuthutha abantu neempahla okanye imithwalo ukuze bona bahlawule okanye barhume, oko kuquka izithuthi zikawonke-wonke;

**“umsebenzi wothutho loluntu”** lo ngumsebenzi (ucwangcisiwe okanye ungacwangcisiwanga) wothutho lwabantu ezindleleni, loo nto isenokwenziwa phantsi kwesivumelwano okanye ngaphandle kwesivumelwano, nekulindeleke ukuba kubekho imali ehlawulwayo ngawo (mhlawumbi ke kubekho nolunye nje uhlobo lwembuyekezo, oko kuquka ukuthuthelwa iimpahla ngokubhekiselele kuthutho lwabahambi ngeenyawo njengoko kucacisiwe kuMthetho weziThuthi zeNdlela oXananazileyo (Cross-Border Road Transport Act), 1998 (uMthetho 4 ka-1998). Ibinzana elithi **“isithuthi sikawonke-wonke”** malitolikwe ngendlela eyiyo, ngaphandle kwakumaxa apho lingangeniyo ncam;

**“inkonzo yezothutho kawonke-wonke”** libhekisa kwinkonzo eshedyuliweyo okanye engashedyulwanga yokuthutha abakhweli kwizithuthi ezihamba endleleni ezisebenza ngekontrakti okanye ngaphandle kwayo, apho inkonzo leyo ihlawulelwayo ngemali okanye ngenye imbuyekezo ebandakanya eward, including cabotage in respect of passenger transport nanjengoko ichaziwe kumthetho iCross-Border Road Transport Act, 1998 (Umthetho Nomb. 4 ka-1998) yaye ngaphandle kwalapho inkcazelo ingafanelekanga, igama elithi **“isithuthi soluntu”** kufuneka litolikeke ngendlela eyiyo;

**“isikhululo okanye irenki”** ikuquka—

- (a) indawo yotshintsha-tshintshwano lwezithuthi zikawonke-wonke okanye indawo ethile kwindlela kawonke-wonke apho iteksi inelungelo lokwehla isonyuka ithutha abantu ngeenjongo zokubuyekezwa (zokuba abantu bahlawule okanye barhume); kunye
- (b) nayiphi na ke indawo ekhethiweyo okanye esikwe ngophawu lwendlela yangumda obonisa indawo yokumisa izithuthi zikawonke-wonke kuphela,

**“ukurenkisha okanye ukuthutha abantu”** eli binzana neli lithi **“isibonelelo sezithuthi zikawonke-wonke”** lihambelana noku kuchazwe ngentla;

**“ithokheni yokurenkisha okanye yokuthutha abantu”** ithokheni efunyanwa ngokwemiqathango yecandelo 3;

**“indlela yezithuthi”** isiqephu sendlela, isitalato, okanye indlela ecanda phakathi kwezindlu (ephuculiweyo, eyakhiweyo, okanye eyenzelwe izithuthi nephakathi kwemiqokumbelo yendlela);

**“iligxa”** isiqephu sendlela, isitalato, okanye indlela ecanda phakathi kwezindlu nephakathi komqokumbelo wendlela kunye nomphetho wayo;

**“indawo yokumisa”** ngokubhekiselele-

- (a) kwiteksi, indawo ekhethwe okanye ebunjwe siSixeko apho iteksi inelungelo lokukhwelisa okanye lokothula abantu;
- (b) kwibhasi, indawo yokumisa eyahluliweyo apho ibhasi inelungelo lokumisa ikhwelise okanye yothule abantu;

**“iteksi”** isithuthi sikawonke-wonke esingeyiyo ibhasi, esenzelwe ukuthutha abantu okanye imithwalo okanye iimpahla ngeenjongo zembuyekezo zokuba abantu bahlawule okanye barhume njengeminibus okanye imidibus, okanye imeter taxi;

**“ummandla okanye indawo yeeteksi”** indawo yokupaka iteksi ngamaxesha athile, indawo yokumisa izithuthi zikawonke-wonke, irenki okanye isikhululo sezithuthi zikawonke-wonke, nayiphi na ke enye indawo exelwe ngokucacileyo siSixeko ukuba ingumda wokusebenza kweeteksi;

**“unogada weeteksi”** nabani na lowo unikwe igunya lokongamela imicimbi yokumisa kweeteksi nokuba kukwibala nje lazo okanye kusendleleni, oko kuquka-

- (a) ukukhomba indawo evulelekileyo yokumisa; okanye

- (b) ukuba liliso kwizithuthi xa abaninizo besabambeke kweminye imicimbi;

**“irenki yeeteki okanye isikhululo sezithuthi zikawonke-wonke”** nayiphi na indawo exelwe ngokucacileyo ngophawu lwendlela ukuba ingumda wokusebenza kweeteki;

**“ukurhwebesha”** ukucela abakhweli ngokubakhwaza, ubabethele ihuta kungenjalo ubabethele umlozi okanye wenze nayiphi na into ebarhwebeshayo;

**“itroli”** ithetha isixhobo sokuthutha nantoni okanye umntu etsalwa okanye erhuqwa ngamandla omntu okanye esilwanyana yaye ibandakanya iprem okanye isikhoji;

**“isithuthi”** isakhelo esenzelwe ukuhamba ngamavili okanye ngokurhubuluzwa, oko kuquka isakhelo esithi sibotshelelwe kwisithuthi esitsalwayo mhla ngengxaki, elo ilicebo lokusisusa kwindawo yexhwayela, ngokuxhasa ii-asi ezi zesithuthi esitsalwayo le ndlela yokutsala ayisebenzi kwizithuthi ezenzelwe ukuhamba emzileni kuphela.

## ISAHLUKO 2

### UKULINDA ABAKHWELI ABAFUNA ITEKSI NEEMFUNO ZOKURENKISHA

#### Ukumisa iteksi nokulinda abo bafuna ukuqesha iteksi

2. (1) Ngokwemiqathango yecandelwana (2), umqhubi orhweba ngokuthutha abantu ebasa kwiindawo ngeendawo, obathatha kwindawo ethile aye kubabeka kwenye, umele ze amise isithuthi sakhe kwisikhululo sendawo yokuthutha kungenjalo amise nakuyiphi na ke indawo yokumisa engumda osikelwe olo hlobo lwesithuthi sikawonke-wonke.
- (2) Singanxaxhanga kuyaphi kwimiqathango yecandelo (1), iSixeko sinegunya lokulungisa zonke izixhobo zethutyana ezifunekayo kwiindawo zokumisa ezalathwa ligosa eligunyazisiweyo njengezixhobo ezifanelekileyo kwiindawo zokumisa izithuthi zikawonke-wonke ngamaxesha kaXakeka, okanye xa kukho iziyunguma ezikhoyo.
- (3) Akusayi kubakho namnye umqhubi wesithuthi sikawonke-wonke oya kuvunyelwa ukuba amise isithuthi sakhe kwindawo engengomda usikelwe sona.
- (4) Akusayi kubakho namnye umqhubi wesithuthi sikawonke-wonke oya kuvunyelwa ukuba alande undlela-mfutshane ngokuthi aphinya-phinyele kwiindlela zasekuhlaleni ecanda imida engamiselwanga ziteksi kuba efuna ukukhwelisa okanye ukothula abantu, eyenza loo nto ngaphandle kwemvume yegosa eligunyaziselwe ukujongana nemiba yeemphepha ezigunyazisayo.

#### Iithokheni zokurenkisha okanye zokuthutha abantu

3. (1) Akusayi kubakho namnye umntu onelungelo lokurenkisha okanye lokuthutha abantu kwisikhululo sezithuthi zikawonke-wonke engenayo ithokheni ekhutshelwa abaqhubi abavumelekileyo kwezi ndawo ngokwemiqathango yecandelwana (5).
- (2) Akusayi kubakho namnye umntu oya kufumana ithokheni yokurenkisha okanye yokuthutha abantu engangenisanga—
  - (a) iphepha-mvume elibonisayo ukuba unalo ilungelo lokusebenza kuloo ndawo aza kuthutha kuyo;
  - (b) iphepha-mvume elibonisayo ukuba isithuthi sakhe sinelungelo lokuhamba kuloo ndlele;
  - (c) isazisi okanye iphepha-mvume lokuqhuba ilayisensi;
  - (d) amaphepha abonisayo ukuba esi sithuthi sakhe sibhaliswe ngokusemthethweni;
  - (e) incwadi engqinayo evela kumbutho weeteki ovumelekileyo.
- (3) Akusayi kubakho namnye umntu oya kufumana ithokheni yokurenkisha okanye yokuthutha abantu enamatyala amabi okungahlawuli amatikiti awafumana ngokwaphula imithetho yendlela.
- (4) Le thokheni yokurenkisha okanye yokuthutha abantu kuthethwa ngayo phaya kwicandelwana iphelelwa rhoqo emva kweenyanga ezilishumi elinambini 12.
- (5) Igosa eligunyazisiweyo liya kukhupha ithokheni ebonisayo ukuba isithuthi sakho sinelungelo lokurenkisha okanye lokuthutha abantu kuloo mmandla uthile ngokwemiqathango yomhlathana (2) nomhlathana (3) apha ngasentla ebonisa—
  - (a) isikhululo sezithuthi zikawonkewonke esimele kusebenza kuso isithuthi sakho;
  - (b) ithuba eya kusebenza lona ithokheni yakho;
  - (c) inombolo yobhaliso eyabelwe isithuthi sakho;
  - (d) uhlobo lwesithuthi osiqhubayo;
  - (e) ngokubhekiselele kwiimeter teksi inombolo ebonisa iimitha ezivumelekileyo ngesithuthi sakho;
  - (f) inombolo yelayisensi ebonisayo ukuba sivumelekile ukuba sisebenze endleleni isithuthi sakho;
  - (g) neendlela omele kukhangela kuzo amathuba okurhwebisa okanye okwenza imali ngesithuthi eso.
- (6) Isicelo sokufumana ithokheni yokuthutha abantu masifakwe kwigosa eligunyazisiweyo-
  - (a) ngumini-sithuthi uqobo;

- (b) kwifomu efunaneka kwicandelo elibandakanyekayo lalo mthetho kamasipala.
- (7) Igosa eligunyazisiweyo malikhuphe ithokheni enye ngesithuthi ngasinye.
- (8) Ngokwemiqathango yecandelo 77 lomthetho weziThuthi ezihamba eMhlabeni (uMthetho 5 ka-2009), umnini-sithuthi onikwe ithokheni ngokwasemthethweni umele ze azise igosa eligunyazisiweyo—
- (a) xa idilesi yakhe itshintshile ngethuba lokusebenza kwethokheni yakhe;
- (b) xa mhlawumbi esithengisile okanye engasenguye umnini weso sithuthi ebekhutshelwe ithokheni ngaso ngethuba lokusebenza kwethokheni yakhe;
- (c) igama lomntu asithengisele yena isithuthi sakhe nedilesi yaloo mntu;
- (d) isizathu sokuba ayeke ukuba ngumnini-sithuthi eso kwisithuba sentsuku ezisixhenxe 7.
- (9) Ngokwemiqathango yecandelo, umnini-sithuthi uza kuhlawulela ithokheni nganye ayizuzayo, ntlawulo leyo aza kuyenza phaya kwiSixeko. Ixabiso lale ntlawulo liza kumana liphononongwa liBhunga.
- (10) Akusayi kubakho nabani na oya kuvunyelwa ukuba azenzele owakhe umfanekiso wethokheni, okanye onakalise inkangeleko yayo, ayixhokoze, ayitshintshe, okanye enze nokuba ngumkrwelo apha kuyo.

#### **Iindawo evumeleke kuzo ithokheni yokurenkisha okanye yokuthutha abantu**

4. (1) Akusayi kubakho namnye ubani oya kurhweba okanye oya kwenza imali ngesithuthi sakhe kwiindawo ezingezizo ezo zibonisiweyo kwithokheni yakhe nezivunye ngokwemiqathango yecandelo 3(5), ngaphandle kokuba ufumene amagunya okwenza oko kwigosa eligunyazisiweyo.
- (2) Akukho bani uyaku—
- (a) ncamathisela ithokheni ayikhutshelweyo kwisithuthi esingesimo esiya ebefake isicelo sethokheni ngaso;
- (b) rhwebisa okanye enze imali ngesithuthi eso—
- (i) ngaphandle kokuba ithokheni leyo ikhutshelwe eso sithuthi enza imali ngaso incanyathiselwa apha ngasekhohlo kwewindscreen ukuze ibonakale ngokucace gca apha ngaphandle;
- (ii) xa encamathisele ithokheni engeyiyo leyo ikhutshelwe eso sithuthi enza imali ngaso kwisithuba saloo nyaka ivumeleke ngawo loo thokheni;
- (iii) xa encamathisele ithokheni ephelweyo kweso sithuthi enza imali ngaso.

#### **Ithokheni yokurenkisha okanye yokuthutha abantu mayikhutshwe xa ifuneka**

5. (1) Ngokwemiqathango yalo mthetho kamasipala umnini-thokheni umele—
- (a) ukugcina ithokheni yakhe ikwimeko entle;
- (b) ukuyigcina ibonakala incanyathiselwe apha kwisithuthi sakhe rhoqo isithuthi sakhe sisendleleni.
- (2) Naliphi na igosa leSixeko eligunyazisiweyo linelungelo lokumisa isithuthi sakho, lifune—
- (a) ukubona ithokheni yakho ngokwemiqathango yalo mthetho kamasipala;
- (b) igama lakho nedilesi yakho njengomqhubi ogunyaziselwe ukuqhuba eso sithuthi.
- (3) Akusayi kubakho nabani na ongumqhubi ochaziweyo ngokwecandelo (2), oya kuthi emiswa ligosa eligunyazisiweyo—
- (a) ale ukumisa;
- (b) ale ukuxela igama lakhe nedilesi;
- (c) ale ukuxela igama lomnini-sithuthi amsebenzelayo okanye amqhubelayo ngelo xesha;
- (d) ale ukukhupha ithokheni efunwayo; okanye
- (e) anike igama elingelilo okanye idilesi engeyiyo.

#### **Ukurhoxiswa okanye ukupheliswa kwethokheni**

6. (1) Nabani na umqhubi onale thokheni othe wafunyaniswa ophule nokuba mnye umqathango walo mthetho kamasipala, nokuba ubesele ohlwayelwe kwa-eso senzo sinye yinkundla yomthetho, uza kohlawulwa siSixeko, ngokwemiqathango yecandelo 7, emva kokuba sele zivelele zonke iinkalo malunga netyala elo njengoko isitsho imiqathango yecandelo 2.
- (2) ISixeko sona, emva kokuba sele sizivelele zonke iinkalo malunga netyala elo, siza kurhoxisa ukusetyenziswa kwaloo thokheni kangangexesha eliza kugqitywa ligosa eligunyazisiweyo, okanye sikuphelise tu ukusetyenziswa kwaloo thokheni ukuba lifumanisa ukuba—
- (a) umqhubi okanye umnini-sithuthi—

- (i) uyala ukwenza into ekuthiwa makayenze ngokwemiqathango yalo mthetho kamasipala; okanye
  - (ii) akasigcini sikwimeko entle okanye sicocekile isithuthi sakhe, futhi silungele ukuba sendleleni; kwaye
  - (iii) unamatyala angahlawulwayo awafumene ngokwaphula imithetho yendlela.
- (b) litho igosa eligunyazisiweyo xa lihlola imeko yesithuthi eso lafumanisa ukuba—
- (i) sakhwiwe ngohlobo apha olwenza ukuba kubonakale ukuba asikhuselekanga ukuba singathwala inani eligunyazisiweyo labakhweli; okanye
  - (ii) siyakhatywa yimiqathango yalo mthetho kamasipala okanye yoMthetho nje gabalala malunga nemeko emasibe yiyo isithuthi esilungele ukuhamba endleleni.
- (3) Akusayi kubakho nabani na oya kuvunyelwa ukuba asebenzise isithuthi sakhe njengesithuthi sikawonke-wonke kwisikhululo sezithuthi zikawonke-wonke, okanye avumele ubani ukuba asebenzise isithuthi sakhe (egameni lakhe) njengesithuthi sikawonke-wonke, ukuba ngaba ithokheni yakhe irhoxisiwe, iphelisiwe okanye iphelelwe.
- (4) Ukuba ngaba ilayisenisi yokusebenza kuloo ndawo ithile irhoxisiwe okanye iphelisiwe ligosa eligunyazisiweyo, ngokunjalo ibe kanti nethokheni yokurenkisha okanye yokuthutha abantu ekhutshwe siSixeko nayo irhoxisiwe okanye iphelisiwe (oko kuxhomekeke kwimeko ukuba ithini na yona).
- (5) Ukuba ke umnini-layisenisi uvela phambi kwegosa eligunyazisiwe ngelingxengxeyayo, ilayisenisi yakhe yokusebenza iya kubuyiswa, ngokunjalo neSixeko siya kuyibuyisa ithokheni yokurenkisha okanye yokuthutha abantu kodwa phantsi kwemiqathango ethile.

**Inkqubo malunga nokurhoxisa okanye ukuphelisa ithokheni**

7. (1) Phambi kokuba lirhoxise okanye liphelise ukusebenza kwethokheni, igosa eligunyazisiweyo limele ukwenza oku kulandelayo—
- (a) malikhuphele ngembalelwano umqhubi nombutho wezithuthi zikawonke-wonke obandanyekayo isilumkiso sokurhoxiswa okanye sokupheliswa kwethokheni leyo kwiintsuku ezili-14 phambi kweso senzeko kwaye loo mbalelwano mayiquke—
    - (i) izizathu zesohlwayo, futhi nenkcazelo eyaneleyo edandalazisa iinkcukacha zohlobo lwesohlwayo eso;
    - (ii) isimemo esimvumelayo umnini-thokheni ukuba azifumanele ummeli oya kumthethelela kweso sohlwayo;
    - (iii) idilesi apho umnini-thokheni anokufaka igama lommeli azikhethele yena njengoko usitsho umhlathana (ii) walo mthetho kamasipala; kunye
    - (iv) umhla, ixesha, nendawo yokuxoxwa kwetyala mayibe kwiintsuku ezingama-28 ukusuka kolu lwembalelwano enesilumkiso, ukuze lowo ukhutshelwe isilumkiso afumane ithuba elaneleyo lokuzifumanela ummeli wakhe kwityala abekwa lona.
  - (b) malinike lowo unethokheni erhoxisiweyo okanye ephelisiweyo ithuba lokuzimela kwityala abekwa lona okanye ke lokuzifumanela ummeli ogama lakhe limelwe kufakwa kwiSixeko kwiintsuku eziphambi kokuxoxwa kwetyala.
- (2) Ukuba ke lowo ufumene isilumkiso esixeliweyo kwicandelwana 1 unqwenela ukufaka isibheni malunga netyala abekwa lona makafake isicelo kwiSixeko kwiintsuku ezili-14 emva kokuba efumene isilumkiso, okanye kwezo ntsuku ziya kugqitywa siSixeko, ngesandla okanye athumele iposi eqinisekisiweyo esebenzisa laa dilesi ibhalwe ngasentla kwalo Mthetho kamasipala.
- (3) Xa sele lixoxiwe ityala (emo yalo icacisiweyo kwicandelwana 1), iya kuba siSixeko esiya kugqiba ukuba masiyirhoxise okanye siyiphelise nya na ithokheni yomtyholwa, ze igosa eligunyazisiweyo lazise umtyholwa ngembalelwano apho liya kudandalazisa izizathu zesigqibo esibekiweyo malunga netyala elo kwaye le mbalelwano mayenziwe kwiintsuku ezili-14 emva kokuba lixoxwe lagqitywa ityala.
- (4) Imiba ebhaliweyo malunga nendlela elixoxwe ngayo ityala mayiquke-
- (a) ubungqina obufunyenweyo, ukuba bebukho;
  - (b) amanqaku aphikisa ubungqina obufunyenweyo, okanye obufakiweyo;
  - (c) isigwebo esikhutshiweyo ngemini yetyala.

**Xa kutshintsha idilesi**

8. Umnini-thokheni makazise iSixeko xa etshintshe idilesi nge-posi eqinisekisiweyo, okanye ngefekisi kungenjalo ifakwe ngesandla, kwiintsuku ezili-14 emva kotshintsho olo.

**Ukulungiswa nokutshintshwa kwethokheni**

9. (1) Ngokwemiqathango yecandelo 3, ukuba ngaba iinkcukacha ezikwithokheni yakho ayizizo, mhlawumbi kuba utshintshe idilesi okanye ke nangasiphi isizathu, yingenise kwiSixeko ngoko nangoko loo thokheni ukuze ilungiswe.
- (2) Ukuba ithokheni yakho ithe yonakala kangokuba kube nzima ukubona iinkcukacha ezibhalwe apho kuyo, wena mnini-thokheni yingenise kwisixeko ngoko nangoko loo thokheni ukuze igosa eligunyazisiweyo likukhuphele enye, kodwa ke yazi ukuba uza kuyihlawulela ke le yona ithokheni.



**Ukusetyenziswa kweerenki**

10. (1) Umqhubi wesithuthi sikawonke-wonke, kwiphulo lakhe lokwenza imali ezikhululweni zezithuthi zikawonke-wonke, umele ame etyhwini, kwaye—
- amise isithuthi sakhe kwisithuba esivulelekileyo kanye apha emva kweso besifike kuqala kunaye kwindledlana ezotyweyo ekhokelela apho anelungelo lokusebenza khona;
  - futhi amane ukusisa phambilana isithuthi sakhe okuya netyhu le isiya phambili.
- (2) Xa umqhubi ekwiphulo lokwenza imali esikhululweni sezithuthi zikawonke-wonke—
- xa ekumgca wokuqala, wesibini, okanye wesithathu makaqinisekise ukuba uliliso kuyo yonke into eqhubekayo ngesithuthi sakhe;
  - makaqiniseke ukuba akangeneleli etyhwini; kwaye
  - xa isithuthi sakhe sikumgca wokuqala apha etyhwini, makatake kuqala xa kubizwa isithuthi, ngaphandle kokuba ke uwubonisa ucace gca umnqweno wakhe wokuba ukhetha ukuqhuba isithuthi esingekho kumgca wokuqala apha etyhwini.
- (3) Akusayi kubakho namnye umntu oya kuvunyelwa ukuba amise isithuthi sikawonke-wonke esingekho kwimeko entle yokusebenza kwisikhululo sezithuthi zikawonke-wonke okanye erenkini (njengoko noMthetho uyicacisa nje kakuhle le nto), okanye amise kungenjalo avumele ukuba kumiswe isithuthi eso esikhululweni sezithuthi zikawonke-wonke okanye erenkini ixesha elide.
- (4) Akusayi kubakho nabani na oya kuvunyelwa ukuba amise isithuthi kwisikhululo sezithuthi zikawonke-wonke okanye erenkini singesiso isithuthi afumene ithokheni ngaso — thokheni leyo ibonisayo ukuba iphelelwa nini, ikwabonisa nesikhululo amele kusebenza kuso umniniyo ngokwemiqathango yecandelo 3.
- (5) Akusayi kubakho nabani na oya kuvunyelwa ukuba ahlambe isithuthi naphi na apha esikhululweni, ngaphandle kwakwibala elenzelwe kanye loo nto (elinokuba kwalapha esikhululweni okanye erenkini).

**Ilungelo lokungena**

11. Igosa eligunyazisiweyo linalo ilungelo lokuya kwiindawo zezithuthi zikawonke-wonke lingakhange lixele ukuba liyeza, xa lize kuhlola ukuba ingaba iyathotyelwa na imiqathango yalo mthetho kamasipala—
- liye kwisibonelelo sikawonke-wonke liye kuhlola; futhi
  - likwanelungelo lokubuza kowongameleyo apho iinkcukacha ngendawo leyo.

**ISAPHLUKO 3****ILAYISENSI NELAYISENSI YOKUSEBENZA****Umqhubi wesithuthi esiza kufumana ilayisensi**

12. Akukho mntu uya kuqhuba isithuthi kwindlela kawonke-wonke—
- engathobelanga amagunya nemiqathango yelayisensi ayikhutshelweyo elandela uMthetho okanye naluphi na olunye uxwebhu oluthathwa njengelayisensi ngokwalo Mthetho; yaye
  - ngaphandle kokuba ugcine le layisensi okanye olu xwebhu kuye kwisithuthi eso asiqhubayo.

**Isithuthi esikhutshelwa ilayisensi**

13. Kuthotyelwa imiqathango yalo Mthetho, sonke isithuthi esihamba kwiSixeko, nokuba sihamba okanye asihambi kwindlela kawonke-wonke, kufuneka sifunelwe ilayisensi ngumniniso ngokwemiqathango talo Mthetho, iye kufunwa kugunyaziwe okhupha ilayisenisi ezichaphazela eso sithuthi.

**Umqhubi kufuneka enelayisensi okanye ipemethi**

14. Kuthotyelwa imiqathango yecandelo 32 loMthetho, akukho mntu uya kuqhuba isithuthi sezinga elichazwe kulo Mthetho kwindlela kawonke-wonke ngaphandle kokuba—
- uthobela imiqathango yepemethi ayinikiweyo ethobela imiqathango yalo Mthetho; yaye
  - abe uyigcine lo pemethi kuye kwisithuthi eso asiqhubayo,

eli candelo alisayi kuchaphazela umntu onelayisensi yomntu osafundayo (ilenazi) okhatshwa ngumntu onelayisensi esemthethweni obhaliswe njengomqhubi wesithuthi esikwelo zinga.

**Ukufunwa kwelayisenisi yokuqhuba**

15. (1) Lowo unelayisenisi yokusebenza okanye unephepha—mvume lokusebenza ngezithuthi zikawonke-wonke ulindeleke ukuba—
- agcine ilayisenisi yakhe yokusebenza ikwimeko entle futhi oko kubhaliweyo kuyo kucace gca;
  - agcine ilayisenisi yakhe yokusebenza ilapha kwisithuthi ayifumene ngaso rhoqo isithuthi sakhe sisembenzini.



- (2) Igosa lendlela linelungelo lokumisa nawuphi na umqhubi wesithuthi sikawonke-wonke okanye webhasi, lifune—
- (a) ilayisenisi yokusebenza okanye iphepha-mvume lokusebenza;
- (b) igama lakhe nedilesi, ndawonye negama nedilesi yomnini-teksi okanye yomnini-bhasi.
- (3) Lo mqhubi kuthethwa ngaye kwicandelwana (2) akasayi kuvunyelwa ukuba—
- (a) asebenze ngokuthutha abantu engenayo ilayisenisi yokusebenza okanye iphepha-mvume lokusebenza; okanye
- (b) avumele ukuba kusetyenziswe ilayisenisi yokusebenza okanye iphepha-mvume lokusebenza ekuqhubeni esinye nje isithuthi esingesiso eso afumene loo layisenisi okanye elo phepha-mvume ngaso.

#### **Ukunikisa ngesithuthi sakho ngokungekho mthethweni okanye ukungasinanzi isithuthi sakho**

16. Akusayi kubakho namnye umqhubi wesithuthi sikawonke-wonke okanye webhasi oya kuvunyelwa ukuba—
- (a) angasinanzi okanye angasikhathaleli isithuthi sakhe; okanye
- (b) avumele nabani na ukuba asebenzise isithuthi esiphantsi kolawulo lwakhe ngaphandle kwemvume yalowo unepemethe/ iphepha-mvume lokusebenzisa eso sithuthi.

### **ISIAHLUKO 4**

#### **INDLELA YOKUZIPHATHA KWABAQHUBI, IIKONDAKTHA NABAKHWELI**

##### **Ukuthintela isithuthi sikawonke-wonke ekwenzeni umsebenzi**

17. Akusayi kubakho namnye umntu oya kuvunyelwa ukuba ale nokuba kungebhaxa, ngezikweko, okanye ngezoyikiso ukuba—
- (a) omnye umntu afumane okanye asebenzise isithuthi sikawonke-wonke; okanye
- (b) omnye umqhubi athuthe abantu.

##### **Ukuhambisa okanye ukuthutha abantu okanye izixhobo ezinobungozi okanye ezanyelisayo ngesithuthi sakho**

18. Akusayi kuvunyelwa nabani na ukuba ahambise okanye athuthe ngabom abantu okanye izixhobo ukuba abo bantu okanye ezo zixhobo ba/zinobungozi- okanye ezi mpawu zingavumelekanga zilandelayo:
- (a) bathuthwa okanye zithuthwa ngokunxamnye nemimiselo; okanye
- (b) banezifo ezasulelayo ezibaliweyo kuMthetho, okanye izixhobo ezinobungozi okanye ebezisetyenziswa ngumntu onesifo esasulelayo.

##### **Ukukhwela okanye ukwehla kwisithuthi-sikawonke-wonke**

19. (1) Akusayi kubakho nabani na oya kuvunyelwa ukuba akhwele kwisithuthi sikawonke-wonke de abe wehlile lowo ufuna ukwehla.
- (2) Akusayi kubakho nabani na oya kuvunyelwa ukuba anyanzelise akhwele kwisithuthi sikawonke-wonke xa inani labantu abamele kukhwela kuso liphelele.
- (3) Akusayi kubakho nabani na oya kuvunyelwa ukuba akhwele okanye ahle ikwisithuthi sikawonke-wonke sihamba.

##### **Iityhu kwizikhululo zezithuthi zikawonke-wonke**

20. (1) Kuzo zonke izikhululo zezithuthi zikawonke-wonke iSixeko siza kumisa imibhalo ebonisa iindawo ngeendawo eziya kuzo izithuthi zikawonke-wonke, futhi nemibhalo eya kubonisa indlela amabame ngayo abantu ezityhwini. Le mibhalo ingakhatshwa yimiqolo okanye yimigca ezotyweyo eya kusebenza njengoothintela ababonisa imida abamele kuma kuyo abantu kwezi tyhu.
- (2) Wonke umntu ozimisele ukukhwela isithuthi sikawonke-wonke kuso nasiphi na isikhululo sezithuthi zikawonke-wonke makame etyhwini kuloo ndawo ayiboniswayo kusithiwa isithuthi aza kusikhwela siza kusuka kuyo.
- (3) Kwindawo engenaluphawu luzotyweyo/lumisiweyo, abantu abalindele ukukhwela kwisithuthi sikawonke-wonke bangazenzela ityhu kodwa ingadluli kwisibini semigca enxuseneyo, okanye benze umgca omnye xa unogada wesithuthi sikawonke-wonke okanye igosa eligunyazisiweyo leSixeko libayalela njalo.
- (4) Wonke umntu makangene kwisithuthi sikawonke-wonke kuphela xa sele engoyena uphambili kule tyhu akuyo.
- (5) Wonke umntu osetyhwini makathobele imiyalelo yalowo wongameleyo apho kwizithuthi zikawonke-wonke, okanye yalo naliphi na igosa eligunyazisiweyo xa lisenza umsebenzi walo.

##### **Iimpahla nendlela esiya kubabona ngayo oonogada bezithuthi zikawonke-wonke**

21. (1) Wonke unogada wesithuthi sikawonke-wonke, rhoqo esemsebenzini futhi ezixelele ukuba ukulungele ukwenza umsebenzi, makanxibe ibhibhi ebonakala nangasemva, kungenjalo anxibe ibhatyi, kunjalonje aqinisekise ukuba ikhadi elimazisayo ukuba ungubani ulinxibe labonakala gca apha kwibhibhi okanye apha ebhatyini.
- (2) Akusayi kubakho namnye unogada wesithuthi sikawonke-wonke/okanye nabani na ke oya kuvunyelwa ukuba arhwebeshe okanye abize abantu ngokubakhwaza/ngobabethela ihutala okanye umlozi.

##### **Ukunakekela isithuthi**

22. Umnini, umqhubi, igatyi yesithuthi sikawonke-wonke, kufuneka ngalo lonke ixesha, kufuneka besinakekele isithuthi ngokugcina umphakathi wesithuthi ucocekile.

**Malunga neentlawulo ezenziwayo**

23. Wonke umntu okhwele kwisithuthi sikawonke-wonke makahlawule loo mali yale ndawo aya kuyo xa ifunwa.

**Amalungelo abantu nento abamele kuyenza xa begagana neengxaki kwizithuthi zikawonke-wonke**

24. (1) Ukuba kuyenzeka ukuba isithuthi sikawonke-wonke okhwele kuso sibe nengxaki, mhlawumbi masithi ngesizathu esithile singabi nakho ukufikelela apho usingise khona, wena mkhweli wehla kuphela xa ufumene umyalelo othi yenza oko kumqhubi. Ukuba ubusele uhlawule, unelungelo lokuba uyibuyiselwe imali yakho, kunjalonje ibuyiswe iphelele.
- (2) Maxa wambi ungavumelana nomqhubi wesithuthi esinengxaki ukuba ukhweliswe esinye isithuthi sikawonke-wonke ukuze sona sigqibezele uhambo lwakho ngokwemali oyihlawulileyo, kodwa intlawulo yeso sithuthi iya kuphuma kumqhubi wesithuthi sikawonke-wonke esinengxaki.
- (3) Umqhubi owalayo ukubuyisela abantu iintlawulo zabo mhla ngemeko ecacisiweyo kwicandelwana (1), okanye owalela abantu ukuba baqhubeke nohambo lwabo mhla ngengxaki (ngohlobo olucacisiweyo kwicandelwana (2)), uya kuba waphula umthetho.

**Izilwanyana**

25. Akusayi kubakho namnye umntu oya kuvunyelwa ukuba akhwele nesilwanyana kwisithuthi sikawonke-wonke, ngaphandle kokuba isilwanyana eso yinja emceda ekuboneni xa engaboni.

**Malunga nendlela yokuziphatha kwisikhululo sezithuthi zikawonke-wonke okanye erenkini**

29. Umntu ophazamisayo okanye oziphatha kakubi esikhululweni sezithuthi zikawonke-wonke uya kuba waphula umthetho itsho imiqathango yalo mthetho kamasipala. Lowo ke uya kugxothwa ligosa eligunyazisiweyo leSixeko aphume aphele athi tu etyhwini, esikhululweni nakuyo nayiphi na ke indawo engumda ozotyelwe ukusebenza kwezithuthi zikawonke-wonke.

**Izinto ezingavumelekanga ukuba zezniwe kwisithuthi sikawonke-wonke**

26. Le mikhwa ilandelayo ayivumelekanga kwaphela kwisithuthi sikawonke-wonke:

- (a) ukutshaya;
- (b) ukudlala umculo owonyelisayo okanye ophezulu;
- (c) ukunkqangaza/ukuthukisela;
- (d) ukwenza into enxamnye nomthetho;
- (e) ukugxuphuleka ezintweni zabantu de udike/ukruqule abanye;
- (f) ukonakalisa izinto zesithuthi sikawonke-wonke ngakumbi amacango neefestile;
- (g) ukubamba-bamba izixhobo zesithuthi sikawonke-wonke nakanjani na;
- (h) ukukhupha umqhubi endleleni yakhe ngebhaxa;
- (i) ukubeka ubomi bomntu okhwele naye emngciphekweni;
- (j) ukugxuphuleka kwizinto ezimele kwenziwa ngumqhubi.

**Indlela yokuziphatha engavumelekanga kwiindawo zezithuthi zikawonke-wonke**

27. Umntu ophazamisayo okanye ogezayo uya kuba nobutyala ngokwemiqathango yalo Mthetho kaMasipala yaye usenokususwa ligosa eligunyazisiweyo leSixeko kwityhu okanye kummandla wezithuthi zikawonke-wonke.

**Impahla eshiywe kwisithuthi sikawonke-wonke**

28. Umqhubi wesithuthi sikawonke-wonke okanye webhasi umele kusiphonononga isithuthi sakhe emva kohambo, ajonge ukuba akukho mpahla ishiyiweyo na. Xa efanisa ukuba ikho impahla eshiyiweyo, makenze oku kulandelayo:

- (a) makase impahla leyo ishiyiweyo kumniniyo; okanye
- (b) ukuba akakwazi kuyisa kumniniyo ngasizathu sithile le mpahla, makayithathe ngokukhawuleza ayise kwi-ofisi yezinto ezilahlekileyo kwindawo yomqeshi wakhe, okanye ayise esikhululweni samapolisa apho aya kuyishiya nepolisa eliphangeleyo afumane nerisithi exelayo ukuba uyishiye apho.

**ISAHLUKO 5****UKHUSELEKO EZINDLELENI****Ukudlulisa ngapha kwenani labantu abafanele ukukhweliswa**

29. Akusayi kubakho namnye umqhubi oya kuvunyelwa ukuba agcwalise isithuthi sikawonke-wonke yakhe de sibethe ngaphaya kwenani labantu elivumelekileyo kwisithuthi sakhe nelibhaliweyo kwipemethe yakhe.

**Ukukramela nokuvalela izithuthi**

30. (1) Akukho mntu uya kupaka okanye avumele isithuthi sikawonke-wonke kwindawo yokumisa elungiselelwe izithuthi zikawonke-wonke ezithile.

- (2) Akukho mqhubi wesithuthi sikawonke-wonke okanye igatyti yakhe uya kucofa iqhoshha lerobothi kuba efuna irobhothi eluhlaza ikhawuleze ijike kuba enyanzelisa ukuba izithuthi zime.
- (3) Akukho sithuthi sikawonke-wonke sinokuma kwindawo yokuwela yabahambi-ngenyawo emisela ukukhwelisa okanye ukwehlisa abakhweli.
- (4) Akukho sithuthi sikawonke-wonke sinokumisa kwindawo yokumisa imoto yesiqhelo simisela ukulinda abakhweli ngaphezu kwexesha esifanele ukumisa ngalo kuloo ndawo silinde ukukhwelisa okanye ukwehlisa abakhweli.

#### **Izinto ezimele kwenziwa ngabahambi ngeenyawo**

31. (1) umhambi ngeenyawo makawele indlela esebenzisa kuphela indawo eyenzelwe abahambi ngeenyawo, okanye ekudibaneni kweendlela, kungenjalo awele umgama oyi 50 yeemitha ukusuka kwindawo ewela abantu okanye ukusuka ekudibaneni kweendlela.
- (2) Ukuba ekudibaneni kweendlela kupeyintwe uphawu olubonisa iindawo yokuwela abahambi ngeenyawo, wena mhambi ngeenyawo hamba ngqo apho lupeyintwe khona olo phawu.
- (3) Xa iirobhothi zidanyaza ekudibaneni kweendlela oko kuquka ukuvela kweempawu zabahambi ngeenyawo, wena mhambi ngeenyawo sukuwela indlela (nokuba ubona indawo eyenzelwe abahambi ngeenyawo) kusabonakala uphawu lomntu olubomvu kwiirobhothi ezikweli cala uya ngakulo.
- (4) Ukuba ke azikho iimpawu ezenzelwe abahamba ngeenyawo ekudibaneni kweendlela kodwa kube kukho iirobhothi ezilawulayo kuloo ndawo, wena mhambi ngeenyawo sukuqalisa ukuwela indlela (nokuba ubona indawo eyenzelwe abahambi ngeenyawo) iirobhothi zisebomvu kweli cala uya ngakulo.
- (5) Ukuba ke iirobhothi zidanyaza kwindawo nje engekho ekudibaneni kweendlela, oko kuquka ukuvela kweempawu ezenzelwe abahamba ngeenyawo, wena mhambi qalisa ukuwela indlela (kwindawo eyenzelwe abahambi ngeenyawo) kuphela xa iirobhothi ziluhlaza kweli cala uya ngakulo.
- (6) Akusayi kubakho namnye umhambi ngeenyawo oya kuvunyelwa ukuba azonzakalise okanye onzakalise abanye abasebenzisi-ndlela (oko kuquka nezithuthi) ngenxa yokungakhathali, ukungahoyi, nokungaqapheli.

#### **Ukusetyenziswa kwehutala**

32. Akusayi kuvunyelwa nabani na ukuba akhalise ihutala okanye nantoni na ebanga ingxolo endleleni, ngaphandle kokuba esi senzo siyimfuneka kwaye sithobela imiqathango yalo mthetho kamasipala, okanye sithobela nawuphi na ke umthetho ovunyiweyo, kungenjalo senziwe ngeenjongo zokukhusela umntu othile okanye isithuthi esithile.

#### **Isinyanzeliso sokuba kuboniswe xa kutshintshwa iileyini**

33. (1) Umqhubi wesithuthi esisendleleni akasayi kuvunyelwa ukuba atshintshe iindlelana ezahlulwe ngeempawu zendlela ngaphandle kokuqondisisa kuqala ukuba eso senzo asisayi kuphazamisa okanye kwenzakalisa ezinye izithuthi na.
- (2) mqhubi akasayi kuvunyelwa ukuba atshintshe okanye awele iindlelana engakhange akhuphele abanye abasebenzisi-ndlela isilumkiso esisiso, kunjalo nje ayenze loo nto kwangethuba ukuze lowo uza phambi kwakhe, emva kwakhe, okanye ecaleni kwakhe azibone ngokuthe gca ezona njongo zakhe.

#### **Ukuqhuba emagxeni endlela**

34. (1) Ngokwemiqathango yecandelwana 2, akusayi kubakho namnye umqhubi oya kuvunyelwa ukuba aqhube emagxeni endlela.
- (2) Kungabxoxwanga laa miqathango yomhlathana (1), umqhubi wesithuthi unakho ukuqhuba emagxeni endlela eyenziwe yayindlelana esingise caleni linye (kwicala ngalinye lendlela), kodwa kuphela kwisithuba esiphakathi kokuphuma nokutshona kwelanga, kwezi meko zilandelayo:
  - (a) xa kukho isithuthi esifuna ukugqitha;
  - (b) xa isenzo eso esenza engazonzakalisi, engonzakalisi ezinye izithuthi ezisendleleni, okanye abahambi ngeenyawo, okanye nasiphi na ke isakhiwo esinxuse loo ndlela; kunye
  - (c) ukuba kukho abantu okanye izithuthi ezibonakala ngokuthe gca kumgama oyi-150 yeemitha.

#### **Umqhubi wesithuthi esiza kufumana ilayisensi**

35. Akukho mntu uya kuqhuba isithuthi kwindlela kawonke-wonke—
  - (a) engathobelanga amagunya nemiqathango yelayisensi ayikhutshelweyo elandela uMthetho okanye naluphi na olunye uxwebhu oluthathwa njengelayisensi ngokwalo Mthetho; yaye
  - (b) ngaphandle kokuba ugcine le layisensi okanye olu xwebhu kuye kwisithuthi eso asiqhubayo.

#### **Masibe kanti sibhalisiwe isithuthi sakho**

36. Ngokwemiqathango yoMthetho, yonke into ekuthiwa sisithuthi kwesi Sixeko sihamba okanye singahambi endleleni masibe kanti sibhalisiwe ngokusemthethweni nguminiso kwiziko lobhaliso lwezithuthi eligunyazisiweyo, ngokwemiqathango yoMthetho.

#### **Wonke umqhubi makabe unalo igunya lokusebenzisa isithuthi sakhe okanye okanye ipemethe yakhe**

37. Ngokwemiqathango yecandelo 32 lomthetho, akusayi kubakho namnye umntu oya kuvunyelwa ukuba aqhube isithuthi nokuba sesaliphi na ihlelo kulawo agunyazisiweyo kwimiqathango yoMthetho, ngaphandle kokuba—
  - (a) abe uyenza loo nto ngokwemiqathango yepemethe ayinikwe phantsi kwemiqathango yoMthetho;

- (b) abe uyigcine kwalapha kwisithuthi sakhe ipemethe yakhe.

kambe ke eli candelwana alibhekisi kulowo unelayisensi asafunda ngayo ukuqhuba, yena umele kuqhuba isithuthi ekhatshwa ngulowo ubhaliswe njengomqhubi ogunyaziselwe ukuqhuba elo hlelo lesithuthi asiqhubayo.

#### **Iimpahla nendlela esiya kubabona ngayo oonogada bezithuthi zikawonke-wonke**

38. (1) Wonke unogada wesithuthi sikawonke-wonke, rhoqo esemsebenzini futhi ezixelele ukuba ukulungele ukwenza umsebenzi, makanxibe ibhibhi ebonakala nangasemva, kungenjalo anxibe ibhatyi, kunjalonje aqinisekise ukuba ikhadi elimazisayo ukuba ungubani ulinxibe labonakala gca apha kwibhibhi okanye apha ebhatyini.
- (2) Akusayi kubakho namnye unogada wesithuthi sikawonke-wonke/okanye nabani na ke oya kuvunyelwa ukuba arhwebeshe okanye abize abantu ngokubakhwaza/ngobabethela ihutala okanye umlozi.

### **ISIAHLUKO 6**

#### **IZIXHOBO ZONXIBELELWANO**

##### **Ukusebenzisa izixhobo zonxibelelwano uqhuba akuvumelekanga**

38. (1) Ngokwemiqathango yemithetho iyonke, akusayi kubakho nabani na oya kuvunyelwa ukuba aqhuba endleleni esenza oku kulandelayo:
- (a) ephethe iselula okanye umnxeba ohambayo ngesinye isandla, okanye ngezandla zozibini, kungenjalo ewuphethe nangaliphi na ke ilungu lomzimba;
- (b) ethetha kwiselula okanye emnxebeni ohambayo, kungenjalo esebenzisa nasiphi na ke isixhobo sonxibelelwano, ngaphandle kokuba isixhobo eso sonxibelelwano sibe siyinxalenye yesithuthi eso ngokuthi sincanyathiselwe apho kuso ukuze sikhale sinjalo ngelixa umniso ethetha kuso okanye esisebenzisa, kungenjalo sibe sincanyathiselwe kanye apha kuye (njenge*headgear*), okanye nasiphi na ke isixhobo sonxibelelwano anokusisebenzisa umqhubi engakhange ade abe usibambe ngesandla okanye ngale ndlela icaciswe ngayo kumhlathana (a) apha ngasentla.
- (2) Xa sicacisa eli candelo ngakumbi—
- (a) igama u “*headgear*” uquka nasiphi na isixhobo esenzelwe ukuba umqhubi akwazi ukusebenzisa iselula okanye umnxeba ohambayo (nasiphi na ke isixhobo sonxibelelwano) engakhange ade abe usibambe ngesandla okanye ngezandla zozibini, okanye nangaliphi na ke ilungu lomzimba isixhobo eso siqhotyoshelwa (ngokuthi ngqo okanye ngokungathanga ngqo) apha kwiselula okanye emnxebeni ohambayo (okanye kuso nasiphi na ke isixhobo sonxibelelwano) ze sifakwe apha endlebeni okanye ezindlebeni zomqhubi;
- (b) amagama okanye amabanzana u“*iselula, ifowuni yasesinqeni, isixhobo sonxibelelwano*” akabhekisi nakanye kwisixhobo esine*frequency band* engu2 megahertz ukuya ku500 megahertz esihlonyelwe apha kwisithuthi okanye esiyinxalenye yendawo ethile apha kwisithuthi.
- (3) Kuthotyelwa amacandelwana (1) nele-(4), igosa eligunyazisiweyo lingathi lilungiselela uluntu, lisixuthe okanye lisibambe isixhobo eso sonxibelelwano.
- (4) Xa igosa eligunyazisiweyo libamba okanye lithatha isixhobo sonxibelelwano, kufuneka—
- (a) limazise umnini weso sixhobo sonxibelelwano ngezizathu zokubanjwa okanye ukuthathwa kweso sixhobo;
- (b) likhuphe irisithi liyinike umnini weso sixhobo sonxibelelwano echaza indawo umntu anokusifumana kuyo eso sixhobo; yaye
- (c) lilandele zonke iinkqubo ezichazwe kuwo nawuphi na umgaqo-nkqubo weSixeko ojongene nokubanjwa nokuvalelwa kwepropati.

### **ISIAHLUKO 7**

#### **AMATYALA NEZOHLWAYO**

##### **Amatyala nezohlwayo**

39. (1) Nabani na owophula nokuba mnye umqathango walo mthetho kamasipala uya kuba unetyala.
- (2) Nabani na ke owenza ityala elichazwayo apha kumhlathana (1) umele ze afumane isohlwayo sokuhlululiswa xa sele egwetyiwe, okanye avalelwe ixesha elingaphantsi kweminyaka emithathu, kungenjalo afumane ezi zohlwayo zozibini ngaxesha-nye.

### **ISIAHLUKO 8**

#### **IMIGAQO NGOKUBANZI**

##### **Ubhangiso**

40. UMthetho *i-Cape Town Municipality Traffic By-law 1117 ka-1973* kungokunje uyabhangiswa.

##### **Igama lalo mthetho kamasipala ngokufutshane**

41. Igama lalo mthetho kamasipala liya kwaziwa njengo: UMthetho kaMasipala wezNdelela weSixeko saseKapa, 2011.

ISHEDYULI

ISICELO SETHOKHENI YOKURENKISHA/

YOKUTHATHA INXAXHEBA KUSHISHINO

LWEZITHUTHI ZIKAWONKE-WONKE

