

CITY OF CAPE TOWN

CEMETERIES, CREMATORIA AND FUNERAL UNDERTAKERS BY-LAW, 2011

To repeal the Cape Metropolitan Council: By-law for Cemeteries and Crematoria, 2000; to provide for the control, regulation and development of cemeteries; and to provide for the disposal of corpses and the interment of human remains, in a dignified manner; and to provide for matters connected therewith.

PREAMBLE

WHEREAS in terms of Part B of schedule 5 of the Constitution of the Republic of South Africa 1996 cemeteries, crematoria and funeral parlours are local government matters;

AND WHEREAS section 73 of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000) places a general duty on municipalities to give effect to the provisions of the Constitution;

AND WHEREAS the City of Cape Town seeks to ensure the proper management of cemeteries, crematoria and funeral undertakers within the area of jurisdiction of the City;

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

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CHAPTER 1

1. Definitions

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

"**above-ground burial**" means when a structure is employed for the interment of a body and such structure is located above normal ground level;

"**approved**" means approved by the City;

"**ashes**" means the cremated remains of a corpse;

"**ash grave**" means a grave for the burial of cremated remains, with such grave covered by a memorial plaque or slab;

"**authorised official**" means an official of the City authorised to implement or enforce the provisions of any law;

"**berm section**" means a grave section in a cemetery set aside by the City where memorial work is restricted to a headstone only with ground cover planted over the length of the grave;

"**biodegradation**" means a process whereby the corpse is disposed of by bio-friendly chemical dissolution;

"**burial**" means when land is excavated for the interment of a body or ashes or when a structure is employed for the interment of a body or ashes;

"**burial order**" means a burial order issued in terms of section 20 of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);

"**cemetery**" means any land containing one or more graves;

"**City**" means the City of Cape Town established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) by Provincial Notice No. 479 dated 22 September 2000, as amended;

"City Parks" means the Department of City Parks in the Directorate: Community Services in the City of Cape Town;

"corpse" means the remains of a deceased person and includes a still-born child and foetus;

"corpse reduction" means any process used to reduce corpses including cremation, freeze reduction and biodegradation;

"Council" means the Council of the City or any political structure, political office bearer, councillor or any staff member acting under council's delegated or sub-delegated authority;

"cremated remains" means all recoverable ashes of a corpse after the cremation;

"cremation" means the process whereby a corpse is reduced by fire;

"crematorium" means a building where deceased persons are cremated;

"environmental health practitioner" means a person appointed as such in terms of section 80 of the National Health Act 61 of 2003;

"exhumation" means the removal of a corpse from its grave;

"freeze reduction" means the process whereby the corpse is disposed of by freeze drying;

"funeral undertaker" means any person, organisation or corporate body in the business of, or which undertakes or organises the burial or reduction of corpses for gain;

"funeral undertaker's premises" has the meaning assigned to it in regulation 1 of the regulations;

"garden of remembrance" means a section of a cemetery set aside for the erection of memorials to an individual, a group of people or an event, memorial walls, niche walls, the establishment of ash graves and the scattering of ashes;

"grave" includes any place, whether wholly or partly above or below ground level in which a corpse is permanently interred or intended to be permanently interred, whether in a coffin or other receptacle or not, and also includes any monument, tombstone, cross, inscription, rail, fence, chain, erection or other structure of whatsoever nature forming part of or appurtenance to such grave;

"in-ground burial" means when land is excavated for the interment of a body;

"interment" means to commit a corpse or ashes to its final resting place;

"landscape section" means a grave section in a cemetery set aside by the City where memorial work is restricted to a horizontally placed plaque or a memorial slab, with ground cover planted over the length of the grave;

"mausoleum" means an above-ground burial chamber or chambers to accommodate a body and a coffin with such chambers stacked vertically in varying forms and heights;

"memorial square" means a grave section in a cemetery set aside for the interment and memorialisation of heroes and celebrated persons;

"memorial wall (cenotaph)" means a wall or structure on which the names of heroes and celebrated persons are depicted, including the graphic depiction of historical events;

"memorial work" means any headstone, monument, plaque, other work or object, erected or intended to be erected in a cemetery to commemorate a deceased person, and includes a kerb demarcating a grave, a slab covering a grave and wooden, granite, marble or steel crosses;

"monumental section" means a grave section in a cemetery set aside for the erection of memorial work;

"multiple burial" means subsequent interments in the remaining depth of a grave;

"next of kin" means the surviving spouse, unless otherwise determined by customs, or if there is no surviving spouse, the surviving child or children, or where there is no surviving child or are no surviving children, the closest surviving descendant or descendants, or there are no surviving descendants, the surviving parent or parents, or where there is no surviving parent or no surviving parents, the surviving sibling or siblings, or where there is no surviving sibling or are no surviving siblings, the other blood relation or blood relations of the deceased who are related to him or her in nearest degree, provided that where this By-law requires the consent of the next of kin, and the next of kin refers to more than one person, in terms of this definition, then the consent of all these persons shall be required;

"niche" means a compartment in a structure designed for the placement of ashes;

"niche wall" means a wall or structure containing niches;

"notifiable disease" means any disease that is required by law to be reported to government authorities when diagnosed, even at death;

"officer in charge" means the authorised official whom the City appoints from time to time in a supervisory capacity with regard to a cemetery or crematorium;

"ossuary" means a chest, building, well or site made to serve as the final resting place of human skeletal remains;

"prescribed fee" means a fee as determined by the City;

"private cemetery" means land which is used as a cemetery but not owned by the City;

"private crematorium" means a building where deceased persons are cremated but is not owned and/or managed by the City;

"public grave" means a grave in which a second burial of any member of the public may take place after a period of five years and on which the erection of a headstone is not permitted for either the first or second burial;

"reduction burial" refers to the making of a grave available for a subsequent interment after a specified period;

"regulations" means the regulations governing Funeral Undertakers' Premises, made under sections 33 and 39 of the Health Act, 1977 (Act No. 63 of 1977);

"surface grave units" means an above-ground burial system which employs on-site constructed or prefabricated burial chambers to accommodate the body and the coffin, with such chambers layered above the normal ground level.

CHAPTER 2

DISPOSAL AND INTERMENT OF A BODY

Methods of disposal of a body

2. Subject to the applicable provisions of this By-law, and any other applicable law, a body may be disposed of by-

- (a) in-ground burial;
- (b) above-ground burial;
- (c) cremation; or
- (d) freeze reduction and biodegradation.

Consent required for interment

3. (1) No person may dispose of a corpse in any manner other than the manner prescribed by the City in this By-law, and a person who wishes to dispose of a corpse must obtain the written consent of the City before he or she disposes of the corpse, and must comply with the requirements of the City.

(2) A person who wishes to obtain the consent as contemplated in subsection (1) must submit to the City, an application in writing together with –

- (a) the proof of payment of the prescribed fee;
- (b) the death certificate of the corpse;
- (c) a burial order issued in terms of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);
- (d) in the case of a funeral undertaker, on an annual basis, the certificate of competence issued in terms of the regulations, proof of registration on the database of City Parks referred to in section 17(1), and in the case where the burial order has been issued by a funeral undertaker, proof of authorization in terms of section 4 of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);

- (e) an affidavit by the next of kin of the deceased, or where not practicable, other close relative, consenting to the disposal of the corpse when such corpse is to be buried in the manner requested;
- (f) in the instance where a person who at the time of his or her death was suffering from a notifiable disease, this must be indicated in the application;
- (g) details of cultural or religious practices that need to be adhered to.

(3) The City may approve the application subject to the conditions set out in the approval, or refuse the application.

(4) An application for interment must be submitted to the City not later than the time periods that may be prescribed by the City from time to time.

(5) The time periods so stipulated shall take account of any religious practice in this regard, which may be relevant and adhered to by any particular religious group.

(6) Should any alteration be made in respect of the day or hour previously fixed for an interment, or an interment be cancelled, in the instance where the City is responsible for the digging of a grave, notice of the alteration must be given to the City at least eight hours before the time fixed for the interment.

(7) The City reserves the right to inspect the contents of a coffin before interment, in the event of any irregularities in paperwork.

(8) The City may refuse a person, including a funeral undertaker, permission to inter a corpse if relevant documentation required by the City has not been submitted to the City prior to the interment.

Interment times

4. (1) Interments shall take place at times determined by the City from time to time.

(2) A person contemplated in section 3(2) will be allocated an interment time by the City and interments that are not undertaken within the time allocated will result in such interment being postponed until such time as an alternative interment time is available without inconveniencing other interments taking place within the time allocated.

(3) Despite the provisions of subsection (1), the City may, if the case is one of emergency or the custom or conventions of a religious or cultural group, permit interment outside the times contemplated in subsection (1).

(4) The interment times determined by the City in subsection (1), (2) and (3) shall take into account the practices adhered to by, and beliefs of specific religious groups.

Coffin

5. (1) A coffin must be used for any burial of a corpse except where religious beliefs prohibit its use, or special permission has been granted.

(2) Subject to the provisions of subsection (3), only one corpse may be contained in a coffin, unless this is contrary to the tradition, customs or religious beliefs of the deceased person or the person mentioned in section 3.

(3) A mother and child who died during childbirth may be contained in one coffin, if the consent of the City has been obtained and the prescribed fees have been paid.

(4) If there is more than one body in a coffin, each body must be contained in a separate body bag.

Construction material of coffin

6. A coffin interred in a grave should insofar as this is possible be constructed of natural wood or other non-toxic, perishable material.

Coffin to be covered

7. The person referred to in section 3(2), must ensure that a coffin, upon being placed in a grave, is covered with at least 300mm of earth prior to the conclusion of the ceremony.

Dimensions of grave apertures

8. (1) All graves within the cemeteries of the City shall comply with the dimensions set out hereunder and there shall be two grave aperture sizes with the following dimensions:

(a) Large Grave:

Length: 2 250mm

Breadth: 750mm

(b) Small Grave:

Length: 1 350mm

Breadth: 535mm

(2) All graves shall be a minimum depth of 1 400mm.

(3) Any person who requires an aperture for an interment in a grave of a size larger than the standard dimensions and depth specified in subsection (1) must, when submitting an application in terms of section 3, specify the measurements of the coffin and the depth, and pay such charges or fee as prescribed by the City from time to time.

(4) Where one coffin has been buried on top of another coffin, there must be at least 300mm of soil between the coffins.

(5) On completion of an interment, the person referred to in section 3(2) or persons who dug the grave must clear the surrounding areas including pathways and graves of all soil, debris and other matter or material exposed by the digging of the grave.

(6) The person who arranged the interment must take all reasonable steps to ensure that no damage occurs to surrounding property during the interment or ceremony including any collapse of grave walls and take steps to prevent such collapse.

(7) The City has the right to flatten any area on, or surrounding any grave including the grave mound three months after the burial has taken place.

Indigent persons

9. A person making application for the burial of an indigent person, must make a declaration to that effect.

Register

10. The City must keep a record of all interments and such record must contain-

- (a) the particulars of the person who requested the interment;
- (b) the particulars of the deceased person whose corpse is to be interred or has been interred, such as the name, address, and identification number;
- (c) the date of the interment and the number of the grave in which the corpse or ashes is interred or the location of the receptacle where the ashes have been placed.

Right of burial

11. (1) No person shall acquire any right including a right of burial in any ground or grave in a cemetery owned by the City, other than such rights or interests as may be obtainable under this By-law.

(2) The determination of the identity of the holder of existing rights to further burials in existing graves shall be determined with reference to the register of the City.

(3) On application in terms of section 3 and on payment of the prescribed fee, a person may acquire the right of burial in a public grave.

(4) On application in terms of section 3 and on payment of the prescribed fee, a person may acquire the exclusive right to subsequent burials in the same grave provided that this right will lapse on the exhumation of the corpse buried in such grave.

(5) The right to subsequent burials shall not be transferable to a third party other than on the death of the holder of the right, in which event the right shall be transferred to his or her next of kin.

(6) Where the next of kin of the deceased person buried in the grave to which the right to subsequent burial relates is not a holder of the right, in the event that the next of kin objects to a subsequent burial in that grave, the consent of the next of kin shall be required prior to any subsequent burial being permitted.

(7) The right to subsequent burials referred to in subsection (4) is conditional on the suitability of the grave for additional burials as determined by the City.

(8) The next of kin or other closest surviving relative of a deceased person who is buried in a public or private grave may, in writing, forfeit such public or private grave to the City, and thereby grant consent for the exhumation of the remains of the deceased person buried in that grave, and the burial therein of an unrelated person or persons.

(9) In the case of a private grave, where the holder of the right acquired in terms of subsection (11)(4) is not the next of kin or other closest surviving relative of the deceased, the joint consent of both the holder of the right and the next of kin or other closest surviving relative of the deceased, must be obtained before a grave is forfeited in accordance with subsection 8.

CHAPTER 3

FUNERALS

Religious and other ceremonies

12. The members of a religious denomination may, without prior permission and during the interment and at the grave, conduct a religious ceremony in connection with an interment or memorial service, which ceremony may not last more than the time period determined by the City.

Music inside cemetery

13. No unduly loud or disturbing music with singing shall be permitted in a cemetery, and instrumental music and amplified sound shall only be permitted with the consent of the City.

Hearse and other vehicles at cemetery

14. (1) No hearse or other vehicle may enter a cemetery without the prior permission of the City, which may not be unreasonably withheld.

(2) No hearse or other vehicle may use any route to enter or proceed within a cemetery, other than the routes set aside for that purpose.

(3) No hearse or other vehicle may park in any place in a cemetery other than the section of a cemetery specifically allocated for parking.

Instruction of officer in charge

15. A person taking part in a funeral procession or ceremony in a cemetery must follow the reasonable instructions of the City.

CHAPTER 4

FUNERAL UNDERTAKERS

Funeral undertakers

16. (1) All funeral undertakers that wish to operate as such within the jurisdiction of the City are required to register on a database with City Parks.

(2) All funeral undertakers, when registering on the database referred to in subsection (1), shall be required to sign a memorandum of understanding in which it is confirmed that the funeral undertaker is familiar with and will abide by this By-law, and all policy and fee structures in terms of this By-law.

(3) All information supplied by a registered funeral undertaker in any application submitted in terms of this By-law shall be true and correct.

(4) A funeral undertaker shall only transport a corpse in a vehicle suitable for such purpose, and which meets the requirements determined by the Environmental Health Officer.

(5) In the event of any registered funeral undertaker who breaches any provision of this By-law, policy, guideline or fee structure in terms of this By-law, the City may, after notice has been given cancel the registration of the funeral undertaker, and suspend the funeral undertaker from further burials in cemeteries within the jurisdiction of the City.

CHAPTER 5

THE ADMINISTRATION AND CONTROL OF CEMETERIES

Appointment of officer in charge

17. (1) The City must appoint an officer in charge for each cemetery to control and administer the cemetery.

(2) The officer in charge must take into account the customs of the deceased person and the persons responsible for the interment and must accommodate these within the framework of this By-law.

Hours of admission for public

18. (1) The City shall determine and cause the hours during which a cemetery or part thereof is open to the public to be displayed on a notice board placed at each entrance to the cemetery.

(2) No person, excluding duly authorised workers or authorised officials from the City, with permission, may be in or remain in a cemetery or part thereof before or after the hours when it is closed to the public as displayed on a notice board as contemplated in subsection (1).

Children

19. No child under twelve (12) years of age may enter a cemetery unless he or she is under the care of a responsible adult person.

Keeping to path

20. All persons are required to keep to the paths indicated in a cemetery, where such paths exist.

Prohibited conduct within any cemetery**21. (1) No person may –**

- (a) commit or cause a nuisance within any cemetery;
- (b) ride an animal, cycle, or skateboard for recreational purposes or partake in any other form of recreational or sporting activity, with the exception of a wheelchair, within any cemetery, unless otherwise determined by the City;
- (c) with the exception of a blind person, bring into or allow an animal to wander inside any cemetery, provided that dogs on leashes shall be permitted unless otherwise determined by the City;
- (d) plant, cut, pick or remove a tree, plant, shrub or flower without the permission of the City;
- (e) hold or take part in a protest in any cemetery;
- (f) interrupt or disrupt-
 - (i) the performance of duties of an authorised official or workman employed by the City; or
 - (ii) a funeral undertaken in any cemetery;
- (g) obstruct, resist or oppose the officer in charge in the course of his or her duty or refuse to comply with an order or request which the officer in charge is entitled under this By-law to make;
- (h) mark, draw, scribble, paint, or place an object on a wall, building, fence, gate, memorial work or other erection within any cemetery other than for official purposes;
- (i) use water for any form of gardening without the permission of the City;
- (j) leave any rubbish, soil, stone, debris, garbage or litter within any cemetery;
- (k) in any way damage, deface or desecrate any part of a cemetery or anything therein;

- (l) enter or leave a cemetery, except by an entrance or exit provided for these purposes;
- (m) solicit or conduct any business, order, exhibit, distribute or leave a tract, business card or advertisement within a cemetery, other than in an area designated for such purposes by the City and with the prior permission of the City;
- (n) treat a grave or memorial work with disrespect, such as climbing or sitting on a grave or memorial work;
- (o) enter an office, building or fenced place in a cemetery except in connection with lawful business;
- (p) expose a corpse or a part thereof in a cemetery;
- (q) exceed the prescribed speed limit of 20 km per hour in a cemetery;
- (r) use any cemetery as a thoroughfare;
- (s) allow or cause any animal to enter any cemetery with the exception of an officer in charge, living on site and who is keeping pets with the prior approval of the City;
- (t) bring any alcohol into or consume any alcohol in a cemetery or discharge any firearms in a cemetery except in the case of a police, state, or military funeral;
- (u) make or ignite any fire in a cemetery without the prior permission of the City;
- (v) bring into a cemetery excavation equipment, saws or metal detecting equipment, other than with the permission of the City;
- (w) hunt or harm any animals or birds;
- (x) graze domestic animals in unused areas or amongst the graves; or
- (y) conduct driving lessons in a cemetery.

(2) An authorised official of the City working in any cemetery may not enter into an agreement with a member of the public for the purpose of undertaking work in the cemetery on behalf of such person, such as maintaining or digging a grave or any other related work.

(3) The City may impound an animal found in any cemetery otherwise other than in accordance with the provisions of the By-law.

(4) Gazebos larger than two meters by three meters may not be erected in a cemetery without the prior permission of the City.

CHAPTER 6

PRIVATE CEMETERIES AND CREMATORIA

Parts of By-law applicable

22. The provisions of sections, 5, 6, 10, and chapter 9 of this By-law shall apply *mutatis mutandis* to private cemeteries, and the provisions of sections 52, 53 and 55(2) shall apply *mutatis mutandis* to private crematoria.

Duties of proprietors

23. (1) The proprietor of a private cemetery or crematoria for which the consent of the City has been obtained must —

- (a) comply with —
 - (i) any special conditions which may be determined by the City in respect of private cemeteries and crematoria from time to time; and
 - (ii) the relevant provisions of this By-law and any other applicable law;
- (b) maintain the grounds, fences, gates, roads, paths and drains in good order and condition and clear of weeds and overgrowth;
- (c) allow an authorised official of the City to enter or inspect the cemetery or crematoria and all records kept in connection therewith;
- (d) appoint a suitably qualified person to manage the cemetery and to keep the records.

(2) The owner of a private cemetery, a private crematorium, or private property may on reasonable grounds, refuse permission to have a corpse interred or cremated in the cemetery or crematorium.

CHAPTER 7

SECTIONS IN A CEMETERY

City may establish sections

24. (1) The City may establish one or more of the following sections in its cemeteries:

- (a) Monumental section;
- (b) Berm section;
- (c) Landscape section;
- (d) Memorial Square;
- (e) Garden of Remembrance;
- (f) Crematorium and Corpse Reduction Facility;
- (g) Mausolea;
- (h) Surface Grave Units; or
- (i) Denominational section.

Monumental section

25. (1) A monumental section is a grave section in a cemetery set aside for the erection of memorial work at graves.

(2) The City may in the course of time level all graves and plant grass thereon.

(3) Flowers, foliage, wreaths or any adornment may be placed upon the berm only of graves except in the case of graves which have not yet been levelled.

Berm section

26. (1) A berm section is a grave section in a cemetery set aside by the City where memorial work is restricted to a headstone only, with ground cover planted over the extent of the grave.

(2) Headstones may contain two receptacles for flowers.

(3) Headstones must be erected on the concrete plinth supplied by the City or on a suitable foundation to support the headstone, which shall be embedded horizontally at ground level in the position indicated by the City.

(4) No kerb or frame demarcating the grave or a slab covering is permitted.

(5) The City may, in the course of time, level all graves and plant grass thereon.

(6) Flowers, foliage, wreaths or any adornment may be placed upon the berm only of graves, except in the case of graves which have not yet been levelled.

Landscape section

27. (1) A landscape section is a grave section in a cemetery set aside by the City where memorial work is restricted to a horizontally placed plaque or memorial slab only, with ground cover planted over the extent of the grave.

(2) No object other than a plaque or memorial slab may be placed on the grave.

(3) No kerb or frame demarcating the grave or a slab covering is permitted.

(4) The City may in the course of time level all graves and plant grass thereon.

(5) Flowers, foliage, wreaths or any adornment may be placed only upon or beside the plaque or memorial slab, except in the case of graves which have not yet been levelled.

Garden of Remembrance

28. (1) A garden of remembrance is a section in a cemetery set aside for the erection of memorials to an individual, a group of people or an event, memorial walls (cenotaph), niche walls, the establishment of ash graves and the scattering of ashes;

(2) Flowers and wreaths may be placed only on the places provided therefore.

Crematorium and Corpse Reduction Facility

29. The City may set aside sections in a cemetery for the establishment of a crematorium and a corpse reduction facility.

Memorial Square

30. (1) A memorial square is a grave section in a cemetery set aside for the interment and memorialisation of heroes and celebrated persons.

(2) No person may be interred or commemorated in this section unless the status of a hero or celebrated person has been confirmed by the City in writing.

Mausolea

31. A mausolea section may be established in a cemetery in which corpses are interred in mausolea.

Surface Grave Units

32. A surface grave unit section may be established in a cemetery in which corpses are interred in surface grave units.

Denominational section

33. (1) The City may set aside denominational sections in its cemeteries for the exclusive use of a specific faith, religious or cultural group where the burial requirements of such group dictates a physical arrangement of graves with reference to orientation, density and depth other than the norm.

(2) The allocation of such sections may not be to the detriment of the burial requirements of the general residents of the City.

CHAPTER 8
ERECTION AND MAINTENANCE OF
MEMORIAL WORK AND CARE OF GRAVES

Consent of City

34. (1) No person may bring any memorial into a cemetery or erect, alter, paint, renovate, decorate, remove or otherwise interfere with any memorial work or cut any inscription thereon in a cemetery without the written consent of the City and payment of the required fee, other than for the purposes of routine maintenance work.

(2) Before erecting memorial work an application must be submitted to the City for approval at least five working days prior to the proposed erection, such application to include:

- (a) plan which gives an indication of its measurements and its position;
- (b) specification of the material of which the memorial work is to be constructed; and
- (c) the wording of the epitaph.

(3) The City may approve the application referred to in subsection (2) with or without conditions as it deems necessary, and may refuse the application if it does not comply with the requirements in respect of memorial work as determined by the City.

(4) No person may bring into the cemetery any material for the purpose of constructing therewith any memorial work on any grave unless –

- (a) the provisions of subsection (1) to (3) have been complied with; and
- (b) proof of payment in respect of work to be carried out has been submitted.

(5) The consent for the proposed work is valid only for a period of twelve (12) months from the date on which it is approved, and in the event of the memorial work not being erected within the prescribed time a new application must be submitted.

Requirements for erection of memorial work

35. A person erecting a memorial work must comply with the following:

- (a) he or she must be in possession of a plan approved in terms of section 34(2);
- (b) all work must be effected according to the conditions contemplated in section 34(3);
- (c) proceedings must be of such a nature that no damage may be caused to any structure or offence given;
- (d) with the applicant's permission, the name of the maker or manufacturer can be displayed on a memorial work, but no address or any other particulars may be added thereto, and the space utilized for it may not be larger than 40 x 100 mm;
- (e) all unused material after the completion of the work must be removed and the adjoining areas must be left neat and clean; and
- (f) any damage caused must be repaired at the cost of the person responsible for such damage and should the responsible person fail to affect such repair, after due notice, the City may undertake the remedial work at the cost of the person who erected the memorial work.

Position, movement and removal of memorial work

36. (1) No person may erect a memorial work on a grave before the position in which such memorial work is to be placed has been indicated in terms of the approved plan referred to in section 34(2).

(2) Should the condition referred to in subsection (1) not be complied with, the City may, on written notice to such person, alter the position of the memorial work and recover the costs of the alteration from the person who erected the memorial work.

(3) In the instance where a memorial work has originally been placed in a certain position with the express consent of the City, any alteration of the position in terms of the provisions of this section is executed at the expense of the City.

Work and maintenance in respect of memorial work

37. (1) Any person engaged in any work, shall affect such work under the supervision of the City.

(2) Should the person who erected a memorial work allow such memorial work to fall into such a state of disrepair that it may cause danger or deface the cemetery, the City may serve a notice of compliance, as contemplated in section 59, on such person.

(3) The City may, after due notice, at any time change or alter the position of a memorial work in a cemetery placed without the express consent of the City and recover the cost thereof from the owner of the memorial work.

(4) A memorial work placed, built, altered, decorated, painted or otherwise dealt with in a cemetery in such manner that any provisions of this By-law are contravened, may be removed by the City at the cost of the person responsible, after due notice, without payment of any compensation.

Damaging of memorial work

38. The City is not responsible for any damage which may at any time occur to a memorial work and which is not due to the negligence of the authorised officials of the City.

Vehicle and tools

39. (1) Every person engaged with work upon a grave or plot must ensure that the vehicles, tools or appliances comply with the provisions of this By-law and any other law, and do not block roads or paths.

(2) No person may convey any materials stone, brick or memorial work or a portion thereof within a cemetery upon a vehicle or truck which may cause damage to the paths or grounds or structures of the cemetery.

Complying with directives of the City

40. A person carrying out work within a cemetery must in all respects comply with the directives of the City.

Times for bringing in material and doing work

41. (1) No person may bring memorial work or material in connection therewith, or do any work other than the dismantling of memorial work for interment purposes within a cemetery except during the times determined by the City.

(2) No person may engage in work which may disturb or intrude upon a funeral for the duration of the funeral.

Subsiding soil conditions

42. The City is not liable for damage to memorial work resulting from any subsiding soil.

Production of written consent

43. A person charged with a work or on his or her way to or from work within the cemetery must, upon demand from the City or its authorised official, produce the written consent issued to him or her in terms of section 34(1).

Care of grave

44. (1) The maintenance of a grave is the responsibility of the person contemplated in section 3(2).

(2) The City may undertake to keep any grave in order for any period.

(3) The City may undertake to maintain any grave for any period at its own expense.

CHAPTER 9

EXHUMATION, REDUCTION BURIAL AND OSSUARIES

Application for exhumation

45. (1) An application for exhumation must be submitted to the City, and must include the following:

- (a) the completed application form;

- (b) a copy of the death certificate;
- (c) a letter or an affidavit from the next of kin of the deceased consenting to the exhumation;
- (d) payment of the prescribed fee.

Conditions of exhumation

46.(1) No person may exhume or cause to be exhumed a corpse or human remains without the written consent of the-

- (a) the City; and
- (b) the Provincial Department of Health in accordance with the Exhumations Ordinance, 1980 (Ordinance No. 12 of 1980).

(2) The written consent referred to in subsection (1) must be submitted to the environmental health practitioner at least five working days prior to the approved exhumation date.

(3) The environmental health practitioner may impose conditions with respect to exhumation as referred to in subsection (1) and an exhumation may only proceed when such conditions have been complied with.

(4) No exhumation or re-interment may proceed without the presence of a competent and experienced environmental health practitioner employed by the City and a registered funeral undertaker.

(5) The remains of a deceased person must be reburied or cremated within 48 hours, unless the environmental health practitioner determines that circumstances or conditions prevent reburial or cremation within the 48 hour period.

(6) The remains of the deceased person must, pending reburial or cremation be kept at a registered funeral undertakers premises.

(7) Exhumations shall be carried out in accordance with the City's policy on exhumation and re-interment of human remains.

(8) A Commonwealth war grave may only be exhumed in accordance with the provisions of section 3 of the Commonwealth War Graves Act, 1992 (Act No. 8 of 1992).

(9) The person carrying out the exhumation must provide a suitable receptacle for each body or remains.

Emergency Exhumations

47. (1) No body may be exhumed less than eighteen months after burial, other than in compliance with a Court Order.

(2) An emergency exhumation shall comply with the provisions of sections 45 and 46.

(3) A member of the South African Police Services must be present during emergency exhumations.

Wrongful Burial

48. The City may if a body has been buried in contravention of this By-law, subject to the provisions of section 45 with the exception of section 45(1)(c), cause the body to be exhumed and reburied in another grave, in which event the relatives of the deceased must be notified of the intended exhumation and reburial and allowed to attend.

Reduction Burial

49. The City may, after the lapse of a minimum time period of ten (10) years after the most recent burial in a grave, exhume the remains of a corpse for the purposes of the reduction of the corpse and rebury the remains of that corpse in the same grave, in a smaller coffin, at a greater depth, subject to the conditions that-

- (a) any holders of private rights in that grave, acquired in terms of subsection (11)(4) and the next of kin or other closest surviving relative of the deceased (where the holder of the right is not the next of kin or closest relative of the deceased) have given their consent;
- (b) in respect of any grave where no private rights have been acquired, where the next of kin, or other closest surviving relative of the corpse has given consent.

Establishment of an Ossuary

50. An ossuary may be established in a cemetery.

CHAPTER 10

USE AND CLOSURE OF DISUSED CEMETERIES

Use and closure of disused cemeteries

51. (1) Despite any provision of this By-law, and subject to the provisions of subsection (6), the City may use any cemetery or portion thereof, of which it is the cemetery authority, which has been disused for a period of not less than 20 years for such purpose as will not desecrate the ground and any human remains or any memorials in such cemetery.

(2) Despite any provision of this By-law, and subject to the provisions of subsection (6), the City may close any cemetery or portion thereof, of which it is the cemetery authority, which has been disused for a period of not less than 20 years, or if good cause for such closure exists.

(3) Despite any provision of this By-law, and subject to the provisions of subsection (6), the City may use as a cemetery any cemetery or any portion thereof, which has been used for another purpose in terms of subsection (1), or reopen any cemetery or portion thereof, which has been closed in terms of subsection (2).

(4) The City may, subject to the provisions of subsection (6), remove to another cemetery the human remains, memorials and other structures from a cemetery of which it is the cemetery authority, which has been closed or disused for a period of not less than 20 years and which has been approved for other usage by the competent authority or authorities as the case may be.

(5) All rights possessed or enjoyed by any person in respect of a cemetery contemplated in subsections (1) and (2) shall thereupon cease.

(6) Before acting in terms of subsections (1), (2), (3) and (4) the City must give notice of its intention to do so.

CHAPTER 11

CREMATIONS

Applications for Cremation

52. (1) Applications for cremation must be made upon terms, at times and places and upon payment of fees as determined by the City.

(2) A person may only cremate or cause to be cremated any body within any crematorium after –

- (a) complying with applicable legislation;
- (b) obtaining the approval of the City; and
- (c) complying with all the conditions as determined by the City.

Cremations

53. (1) Where a member of the public desires to be present at a cremator, a request for such member to be present must be made to the City, which will consider the request as it deems fit.

(2) Any corpse which contains a cardiac pacemaker or radio-active implant of any kind or any other material which may result in an explosion or harmful emissions when incinerated may not be cremated unless it is removed.

(3) A crematorium shall be fitted with equipment in order to prevent the dispersion of ash into the atmosphere.

Coffins for cremation

54. (1) When cremated a corpse must be contained in a coffin.

(2) A coffin in which a corpse is cremated shall be made of natural wood or other non-toxic material.

(3) No toxic varnish, paint or glue shall be utilized in the manufacturing of a coffin in which a corpse is cremated.

(4) When cremated, a coffin may only contain combustible material, including clothing, shoes and other adornments of whatsoever nature, and the City shall have the right to remove non-combustible material from the coffin.

(5) Before a cremation is permitted to take place, the applicant or his or her representative shall be obliged to produce a certificate certifying that the coffin complies with subsections (2) and (3) above.

(6) No corpse may be removed from any coffin for the purpose of incineration and a coffin may not be opened in the crematorium except with the permission of the City, which shall not be unreasonably withheld.

General Requirements for memorials and memorial work

55. (1) The City may provide –

- (a) buildings, niches or other facilities for the deposit and preservation of ashes for definite periods or in perpetuity upon terms and conditions as may be determined by the City.
- (b) facilities for memorial tablets of approved material, upon terms and conditions as may be determined by the City; and
- (c) gardens for the scattering or burial of ashes, which gardens may be known as “Gardens of Remembrance”.

(2) All inscriptions on niches, memorial tablets or on books of remembrance must comply with general standards of decency and propriety and must not be of such a nature so as to offend the feelings of the public.

(3) A person may only –

- (a) open a niche containing ashes; or
- (b) remove an urn or casket containing ashes from a niche with the permission of the City, which will not be unreasonably withheld.

(4) If ashes are buried in a grave in a container, such container must be constructed of perishable material.

(5) Only urns or caskets containing ashes may be deposited in a niche.

(6) The City or its authorised officials will not be liable to members of the public for any damage to or theft from niches, urns, memorials or any other embellishments thereon within a crematorium under its control or its grounds.

Disposal of Ashes

56. (1) Ashes must be disposed of as requested by the applicant or his or her representative for cremation.

(2) The applicant or his or her representative must, at the time of application for cremation, give directions as to the disposal of ashes.

(3) Despite the above, the City has the right to dispose of the ashes in accordance with any applicable legislation.

CHAPTER 12

MISCELLANEOUS

Authentication and service of order, notice or other document

57. (1) An order, notice or other document in terms of this By-law requiring authentication must be signed by, or on the instruction of a duly authorised official of the City.

(2) Any notice or other document that is served on a person in terms of this By-law, is regarded as having been served –

- (a) when it has been delivered to that person personally;
- (b) when it has been left at that person's place of residence or business in the Republic of South Africa with a person apparently over the age of sixteen years;
- (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
- (d) if that person's address in the Republic is unknown, when it has been served on that

person's agent or representative in the Republic in the manner provided by paragraphs (a), or (b) or (c);

- (e) if that person's address and agent or representative in the Republic is unknown, when it has been affixed in a conspicuous place on the property or premises, if any, to which it relates; or
- (f) in the event of a body corporate, when it has been delivered at the registered office or the business premises of such body corporate.

(3) Service of a copy shall be deemed to be service of the original.

(4) Any legal process is effectively and sufficiently served on the City when it is delivered to the City Manager or a duly authorised person.

Complaint

58. A person wishing to lodge a complaint with the City in terms of the provision of this By-law must do so in writing at the City Manager's office.

Notice of compliance and representations

59. (1) A notice of compliance must state –

- (a) the name, residential and postal address of the person;
- (b) the nature of the state of disrepair;
- (c) sufficient detail to enable compliance with the notice, the measures required to remedy the memorial work;
- (d) that the person must, within a specified time period, take the measures to comply with the notice, to diligently continue with the measures, and to complete the measures before a specific date;
- (e) that failure to comply with the requirements of the notice within the period contemplated in paragraph (d) is an offence;
- (f) that written representations, as contemplated in subsection (3) may, within the time period stipulated under paragraph (d), be made to the City at a specified place.

(2) The City, when considering any measure or time period envisaged in subsections (1)(d) and (e), must have regard to –

- (a) the principles and objectives of this By-law;
- (b) the cause and state of disrepair;
- (c) any measures proposed by the person on whom measures are to be imposed;
and
- (d) any other relevant factors.

(3) A person may within the time period contemplated in subsection (1) (f) make representations, in the form of a sworn statement or affirmation to the City at the place specified in the notice.

(4) Representations not lodged within the time period will not be considered, except where the person has shown good cause and the City condones the late lodging of the representations.

(5) The City must consider the representations and any response thereto by an authorised official or any other person.

(6) The City may, on its own volition, conduct any further investigations to verify the facts if necessary, and the results of the investigation must be made available to the person, who must be given an opportunity of making a further response if he or she so wishes, and the City must also consider the further response.

(7) The City must, after consideration of the representations and responses, make an order in writing and serve a copy of it on the person.

(8) The order must –

- (a) set out the findings of the City;
- (b) confirm, alter or set aside in whole or in part, the notice of compliance; and
- (c) specify a period within which the person must comply with the order made by the City.

(9) If the notice of compliance is confirmed, in whole or in part, or is altered but not set aside, the City will inform the person that he or she must discharge the obligations set out in the notice within the time specified therein.

(10) Where there has been no compliance with the requirements of the notice within the time specified therein, the City may take such steps as it deems necessary to repair the monumental work and the cost thereof must be paid to the City by such person.

Costs

60. Should a person fail to take the measures required of him or her by notice, the City may recover from such person all costs incurred as a result of it acting in terms of section 59(10).

Appeal

61. A person whose rights are affected by a decision delegated by the City may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems, 2000 (Act No. 32 of 2000) to the City Manager within 21 days of the date of the notification of the decision.

Charges

62. The prescribed fees to be paid to the City in terms of this By-law must be determined in terms of the City of Cape Town: Tariff By-law.

Offences and Penalties

63. (1) A person who contravenes the provisions of sections 3(1), 4(2), 4(3), 5(1), 5(2), 5(3), 5(4), 7, 12, 13, 14(1), 14(2), 14(3), 15, 16(3), 16(4), 18(2), 19, 21(1), 21(4), 25(3), 26(3), 26(4), 26(6), 27(3), 27(5), 28(2), 30(2), 34(1), 34(4)(a), 35(1), 36(1) 39(1), 39(2), 40, 41(1), 41(2), 43, 52(2), 53(1), 53(2), 54(1), 54(2), 54(3), 54(4), 54(5), 54(6), 55(3), 55(4) or 55(5) commits an offence.

(2) A person who has committed an offence in terms of this By-law will be, on conviction, liable to a fine not exceeding R50 000.00 (Fifty Thousand Rand) or in default of payment, to imprisonment for a period not exceeding six (6) months, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.

Limitation of liability

- 64.** The City is not liable for any damage or loss caused by –
- (a) its authorised officials in exercising any power or performing any function or duty in good faith under this By-law;
 - (b) its authorised officials in failing to, exercise any power, or perform any function or duty in good faith under this By-law; or
 - (c) the exercise by a person of a right which he or she has obtained from the City.

Exemptions

65. (1) Any person may by means of a written application, in which the reasons are given in full, apply to the City for exemption from any provision of this By-law.

- (2) The City may –
- (a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted must be stipulated therein;
 - (b) alter or cancel any exemption or condition in an exemption; or
 - (c) refuse to grant an exemption.

(3) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the City under subsection (2). If an activity is commenced with before such undertaking has been submitted to the City, the exemption granted shall be of no force and effect.

(4) If any condition of an exemption is not complied with, the exemption lapses immediately.

(5) The failure to comply with a condition of an exemption in terms of subsection (2) constitutes an offence.

Powers and Functions

66. (1) Unless otherwise stated in this By-law, the City Manager shall be responsible for –

- (a) All functions and decisions contemplated in this By-law;
- (b) The administration of this By-law.

(2) The City Manager may delegate any of his powers or functions to an appropriate authorised official with the power to sub-delegate in order to maximise administrative and operational efficiency.

Liaison forums in community

67. (1) The City may establish one or more liaison forums in a community for the purposes of –

- (a) creating conditions for and encouraging, a local community to participate in the affairs of the City relating to the matters regulated in this By-law; and
- (b) promoting the achievement of a healthy environment, insofar as they may relate to matters regulated in this By-law.

(2) A liaison forum may consist of –

- (a) a member or members of an interest group, or affected persons;
- (b) a member or members of a community in whose immediate area a cemetery exists;
- (c) a designated authorised official or authorised officials of the City; and
- (d) the responsible councillor in such community .

(3) The City may, when considering an application for consent, or exemption in terms of this By-law request the input of a liaison forum.

(4) A liaison forum or any person or persons contemplated in subsection (2) may, on their own initiative, submit an input to the City for consideration.

Guidelines and Policies

68. The City may at any time develop guidelines and policies in respect of cemeteries, crematoria, funeral undertakers, any matter connected therewith, and any other matter regulated in terms of this By-law.

Repeal of By-laws

69. (1) The Cape Metropolitan Council: By-law for Cemeteries and Crematoria, 10 November 2000, 621/2000, is hereby repealed.

(2) In the event of any other By-law of the City being inconsistent with this By-law, the provisions of this By-law shall prevail, to the extent of the inconsistency.

Short title and commencement

70. This By-law is called the City of Cape Town: Cemeteries, Crematoria and Funeral Undertakers By-law, 2011.

STAD KAAPSTAD

VERORDENING OP BEGRAAFPLASE, KREMATORIUMS EN BEGRAFNISONDERNEMERS, 2011

Om die Kaapse Metropolitaanse Raad: Verordening op Begraafplase en Krematoriums, 2000, te herroep; om voorsiening te maak vir die beheer, regulering en ontwikkeling van begraafplase; en om vir die beskikking oor lyke en die begrawe van menslike reste op 'n waardige wyse voorsiening te maak; en om vir aangeleenthede wat daarmee gepaard gaan, voorsiening te maak.

AANHEF

AANGESIEN begraafplase, krematoriums en lykdienslokale ingevolge Deel B van bylae 5 van die Grondwet van die Republiek van Suid-Afrika, 1996, plaaslike regeringsaangeleenthede is;

EN AANGESIEN artikel 73 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet nr. 32 van 2000) 'n algemene plig op munisipaliteite plaas om gevolg aan die bepalings van die Grondwet te gee;

EN AANGESIEN die Stad Kaapstad die behoorlike bestuur van begraafplase, krematoriums en begrafnisondernemings binne die Stad se regsgebied wil verseker;

EN NOU DAAROM VERORDEN die Raad van die Stad Kaapstad soos volg:—

HOOFSTUK 1

Artikel

1. Woordomskrywing

HOOFSTUK 2

BESKIKKING OOR EN BEGRAWE VAN 'N LIGGAAM

2. Metodes van beskikking oor 'n liggaam
3. Toestemming vereis vir begrawing
4. Begrawingstye
5. Kis
6. Konstruksiemateriaal van kis
7. Kis moet bedek wees
8. Afmetings van grafopeninge
9. Hulpbehoewende persone
10. Register
11. Begrawingsreg

HOOFSTUK 3

BEGRAFNISSE

12. Godsdienstige en ander seremonies
13. Musiek binne begraafplaas
14. Lykswa en ander voertuie by begraafplaas
15. Opdrag van beampte in beheer

HOOFSTUK 4

BEGRAFNISONDERNEMERS

16. Begrafnisondernemers

HOOFSTUK 5

DIE ADMINISTRASIE EN BEHEER VAN BEGRAAFPLASE

17. Aanstelling van beampte in beheer
18. Ure wat publiek toegang het
19. Kinders
20. In paadjies bly
21. Verbode gedrag binne 'n begraafplaas

HOOFSTUK 6

PRIVATE BEGRAAFPLASE EN KREMATORIUMS

22. Dele van Verordening van toepassing
23. Pligte van eienaars

HOOFSTUK 7

AFDELINGS IN 'N BEGRAAFPLAAS

24. Stad kan afdelings vestig
25. Monumentafdeling
26. Bermafdeling
27. Landskapafdeling
28. Gedenktuin
29. Krematorium en lykreduksiefasiliteit
30. Gedenkplein
31. Mausoleums
32. Oppervlakgrafeenhede
33. Denominasie-afdeling

HOOFSTUK 8
OPRIGTING EN INSTANDHOUDING VAN GRAFSTEENWERK
EN VERSORGING VAN GRAFTE

34. Toestemming van Stad
35. Vereistes vir oprigting van grafsteenwerk
36. Posisie, verskuiwing en verwydering van grafsteenwerk
37. Werk aan en instandhouding van grafsteenwerk
38. Beskadiging van grafsteenwerk
39. Voertuig en gereedskap
40. Nakoming van Stad se voorskrifte
41. Tye vir die inbring van materiaal en verrigting van werk
42. Wegsakkende grond
43. Toon van skriftelike toestemming
44. Versorging van graf

HOOFSTUK 9
OPGRAWING, HERBEGRAWING EN OSSUARIUMS

45. Aansoek om opgrawing
46. Voorwaardes vir opgrawing
47. Noodopgrawings
48. Verkeerde begrawing
49. Reduksiebegrawing
50. Vestiging van 'n ossuarium

HOOFSTUK 10
GEBRUIK EN SLUIT VAN BEGRAAFPLASE IN ONBRUIK

51. Gebruik en sluit van begraafplase in onbruik

HOOFSTUK 11

VERASSINGS

52. Aansoeke om verassing
53. Verassings
54. Kiste vir verassing
55. Algemene vereistes vir gedenkstone en grafsteenwerk
56. Beskikking oor as

HOOFSTUK 12

ALLERLEI

57. Verifikasie en betekening van lasgewing, kennisgewing of ander dokument
58. Klagte
59. Nakomingskennisgewing en vertoë
60. Koste
61. Appèl
62. Gelde
63. Misdrywe en strawwe
64. Beperking van aanspreeklikheid
65. Vrystellings
66. Bevoegdhede en funksies
67. Skakelforums in gemeenskap
68. Riglyne en beleid
69. Herroeping van verordeninge
70. Kort titel en inwerkingtreding

HOOFSTUK 1

1. Woordomskrywing

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

"aanmeldbare siekte" 'n siekte wat volgens wet by regeringsowerhede aangemeld moet word wanneer dit gediagnoseer word, selfs by dood;

"as" die veraste reste van 'n lyk;

"asgraf" 'n graf vir die begrawe van veraste reste, en so 'n graf word deur 'n gedenkplaat of -blad bedek;

"beampte in beheer" die gemagtigde beampte wat die Stad van tyd tot tyd in 'n toesighoudende hoedanigheid met betrekking tot 'n begraafplaas of krematorium aanstel;

"begraafplaas" enige grond wat een of meer grafte bevat;

"begravnisondernemer" enige persoon, organisasie of regspersoon wat die besigheid van die begrawe of reduksie van lyke vir wins bedryf of onderneem of organiseer;

"begravnisondernemersperseel" die betekenis wat in regulasie 1 van die regulasies daaraan toegeken word;

"begravnisorder" 'n begravnisorder uitgereik ingevolge artikel 20 van die Wet op die Registrasie van Geboortes en Sterftes, 1992 (Wet nr. 51 van 1992);

"begrawe" om 'n lyk of as in die finale rusplek daarvan neer te lê;

"begraving" wanneer grond vir die begrawe van 'n liggaam of as uitgegrawe word of wanneer 'n struktuur vir die begrawe van 'n liggaam of as gebruik word;

"begraving bo die grond" wanneer 'n struktuur gebruik word vir die begrawe van 'n liggaam, en so 'n struktuur bokant die normale grondvlak geleë is;

"begraving in die grond" wanneer grond vir die begrawe van 'n liggaam uitgegrawe word;

"bermafdeling" 'n grafafdeling in 'n begraafplaas wat deur die Stad opsy gesit word waar grafsteenwerk tot net 'n kopsteen beperk word, met grondbedekking wat oor die hele graf geplant word;

"biodegradering" 'n proses waarvolgens daar deur biovriendelike chemiese afbreking oor die lyk beskik word;

"gedenkmuur (senotaaf)" 'n muur of struktuur waarop die name van helde en beroemde persone aangebring word, en ook die grafiese beskrywing van geskiedkundige gebeurtenisse;

"gedenkplein" 'n grafafdeling in 'n begraafplaas wat opsy gesit word vir die begrawe of ter herdenking van helde en beroemde persone;

"gedenktuin" 'n afdeling van 'n begraafplaas wat vir die oprigting van gedenkstone vir 'n individu, 'n groep mense of 'n gebeurtenis, gedenkmure, nismure, die vestiging van asgrafte en die strooi van as opsy gesit word;

"gemagtigde beampte" 'n beampte van die Stad wat gemagtig is om die bepalings van enige wet toe te pas of af te dwing;

"goedgekeur" goedgekeur deur die Stad;

"graf" ook 'n plek, hetsy in geheel of gedeeltelik bo of onder grondvlak, waarin 'n lyk permanent begrawe word of die voorneme is om dit permanent te begrawe, hetsy in 'n kis of ander houer of nie, en sluit ook enige monument, grafsteen, kruis, inskripsie, reling, heining, ketting, konstruksie of ander struktuur van watter aard ook al in wat deel vorm van of bykomend tot so 'n graf is;

"grafsteenwerk" 'n kopsteen, monument, gedenkplaat, ander werk of voorwerp wat in 'n begraafplaas opgerig of die voorneme is om dit op te rig ter herdenking van 'n oorlede persoon, en sluit in 'n randsteen wat 'n graf afbaken; 'n blad wat 'n graf bedek; en hout-, graniet-, marmer- of staalkruise;

"krematorium" 'n gebou waar oorlede persone veras word;

"landskapafdeling" 'n grafafdeling in 'n begraafplaas wat deur die Stad opsy gesit word waar grafsteenwerk beperk word tot 'n gedenkplaat of 'n gedenkblad wat horisontaal geplaas word, met grondbedekking wat oor die hele graf geplant word;

"lyk" die reste van 'n oorlede persoon en sluit 'n doodgebore kind en fetus in;

"lykreduksie" enige proses wat gebruik word om lyke te reduseer, insluitende verassing, vriesreduksie en biodegradering;

"mausoleum" 'n bogrondse grafkamer of grafkamers om 'n liggaam en 'n kis te huisves, met sulke kamers wat vertikaal in verskillende vorme en hoogtes gestapel word;

"monumentafdeling" 'n grafafdeling in 'n begraafplaas wat vir die oprigting van grafsteenwerk opsy gesit word;

"naasbestaande" die oorlewende gade, tensy anders deur gebruik bepaal, of as daar geen oorlewende gade is nie, die oorlewende kind of kinders, of as daar geen oorlewende kind of geen oorlewende kinders is nie, die naaste oorlewende afstammeling of afstammeling, of as daar geen oorlewende afstammeling is nie, die oorlewende ouer of ouers, of as daar geen oorlewende ouer of geen oorlewende ouers is nie, die oorlewende broer of suster of broers of susters, of as daar geen oorlewende broer of suster of geen oorlewende broers of susters is nie, die ander bloedverwant of bloedverwante van die oorledene wat die naaste aan hom of haar verwant is, met dien verstande dat waar hierdie Verordening die toestemming van die naasbestaande vereis, en die naasbestaande ingevolge hierdie woordskrywing na meer as een persoon verwys, die toestemming van al hierdie persone vereis word;

"nis" 'n kompartement in 'n struktuur wat vir die plasing van as ontwerp is;

"nismuur" 'n muur of struktuur wat nisse bevat;

"omgewingsgesondheidspraktisyn" 'n persoon wat ingevolge artikel 80 van die Wet op Nasionale Gesondheid 61 van 2003 as sodanig aangestel is;

"openbare graf" 'n graf waarin 'n tweede begrawing van 'n lid van die publiek na 'n tydperk van vyf jaar kan plaasvind en waarop die oprigting van 'n kopsteen nie vir die eerste of die tweede begrawing toegelaat word nie;

"opgrawing" die verwydering van 'n lyk uit sy graf;

"oppervlakgrafeenhede" 'n bogrondse begrawingstelsel wat grafkamers wat op die terrein gebou word of voorafvervaardigde grafkamers gebruik om die liggaam en die kis te huisves, met sulke kamers wat bo die normale grondvlak gestapel word;

"ossuarium" 'n kis, gebou, put of terrein wat gemaak is om as die finale rusplek van menslike skeletoorblyfsels te dien;

"private begraafplaas" grond wat as 'n begraafplaas gebruik word maar nie aan die Stad behoort nie;

"private krematorium" 'n gebou waar oorlede persone veras word maar wat nie aan die Stad behoort en/of deur hom bestuur word nie;

"Raad" die Raad van die Stad of enige politieke struktuur, politieke ampsdraer, raadslid of enige personeellid wat optree uit hoofde van die Raad se gedelegeerde of subgedelegeerde bevoegdheid;

"reduksiebegrawing" die beskikbaarstelling van 'n graf vir 'n daaropvolgende begrawing na 'n gespesifiseerde tydperk;

"regulasies" die regulasies wat begrafnisondernemerspersele beheer wat kragtens artikels 33 en 39 van die Wet op Gesondheid, 1977 (Wet nr. 63 van 1977) uitgevaardig is;

"Stad" die Stad Kaapstad ingestel ingevolge artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet nr. 117 van 1998), by Provinsiale Kennisgewing nr. 479 van 22 September 2000, soos gewysig;

"Stadsparke" die Departement Stadsparke in die Direkoraat: Gemeenskapsdienste van die Stad Kaapstad;

"veelvuldige begrawing" latere begrawings in die oorblywende diepte van 'n graf;

"verassing" die proses waarvolgens 'n lyk deur vuur gereduseer word;

"veraste reste" alle herwinbare as van 'n lyk na die verassing;

"voorgeskrewe geld" 'n geld soos deur die Stad vasgestel; en

"vriesreduksie" die proses waardeur daar deur middel van vriesdroging oor die lyk beskik word.

HOOFSTUK 2

BESKIKKING OOR EN BEGRAWE VAN 'N LIGGAAM

Metodes van beskikking oor 'n liggaam

2. Behoudens die toepaslike bepalings van hierdie Verordening en enige ander toepaslike wet, kan daar oor 'n liggaam beskik word deur –
 - (a) begrawing in die grond;
 - (b) begrawing bo die grond;
 - (c) verassing; of
 - (d) vriesreduksie en biodegradering.

Toestemming vereis vir begrawing

3. (1) Geen persoon mag op enige ander manier as die manier wat deur die Stad in hierdie Verordening voorgeskryf word, oor 'n lyk beskik nie, en iemand wat oor 'n lyk wil beskik, moet die skriftelike toestemming van die Stad verkry voordat hy of sy oor die lyk beskik en moet die Stad se vereistes nakom.
- (2) 'n Persoon wat die toestemming in subartikel (1) bedoel wil verkry, moet 'n skriftelike aansoek by die Stad indien saam met –
 - (a) bewys van betaling van die voorgeskrewe geld;
 - (b) die doodsertifikaat van die lyk;

- (c) 'n begrafnisorder uitgereik ingevolge die Wet op die Registrasie van Geboortes en Sterftes, 1992 (Wet nr. 51 van 1992);
 - (d) in die geval van 'n begrafnisondermemer, op 'n jaarlikse grondslag, die bevoegdheidsertifikaat uitgereik ingevolge die regulasies, bewys van registrasie op die databasis van Stadsparke waarna in artikel 17(1) verwys word, en in die geval waar die begrafnisorder deur 'n begrafnisondermemer uitgereik is, bewys van magtiging ingevolge artikel 4 van die Wet op Geboortes en Sterftes, 1992 (Wet nr. 51 van 1992);
 - (e) 'n beëdigde verklaring deur die naasbestaande van die oorledene of, waar dit nie prakties is nie, ander nabye familielid, wat toestem tot die beskikking oor die lyk wanneer so lyk begrawe moet word op die wyse wat versoek word;
 - (f) in geval 'n persoon ten tye van sy of haar dood aan 'n aanmeldbare siekte gely het, moet dit in die aansoek gemeld word;
 - (g) besonderhede van kulturele of godsdienstige gebruike wat nagekom moet word.
- (3) Die Stad kan die aansoek goedkeur onderworpe aan die voorwaardes wat in die goedkeuring uiteengesit word, of die aansoek weier.
- (4) 'n Aansoek om begrawing moet nie later nie as die tye wat van tyd tot tyd deur die Stad voorgeskryf word, by die Stad ingedien word
- (5) Die tye wat aldus gestipuleer word, moet enige godsdienstige gebruik in hierdie verband wat op 'n bepaalde godsdienstige groep van toepassing is en deur hom eerbiedig word, in ag neem.
- (6) Indien die dag of uur wat voorheen vir 'n begrawing vasgestel is, verander word of 'n begrawing gekanselleer word, moet, in die geval waar die Stad vir die grawe van 'n graf verantwoordelik is, kennis van die verandering aan die Stad gegee word ten minste agt ure voor die tyd wat vir die begrawing vasgestel is.

- (7) Die Stad behou hom die reg voor om die inhoud van 'n kis voor begraving te inspekteer in geval van enige onreëlmatighede met die papierwerk.
- (8) Die Stad kan 'n persoon, insluitende 'n begrafnisondernemer, toestemming weier om 'n lyk te begrawe indien toepaslike dokumentasie wat deur die Stad vereis word, nie voor die begraving by die Stad ingedien is nie.

Begrawingstye

4. (1) Begrawings moet plaasvind op tye wat van tyd tot tyd deur die Stad vasgestel word.
- (2) Die Stad sal 'n begravingstyd aan die persoon in artikel 3(2) bedoel toewys en indien begrawings nie binne die toegewese tyd plaasvind nie, sal so 'n begraving uitgestel word totdat 'n alternatiewe begravingstyd beskikbaar is sonder dat ander begrawings wat binne die toegewese tyd plaasvind, verontrief word.
- (3) Ondanks die bepalings van subartikel (1), kan die Stad, as dit 'n saak van dringendheid of die gebruike of gewoontes van 'n godsdienstige of kulturele groep is, begrafnisse buite die tye wat in subartikel (1) bedoel word, toelaat.
- (4) Die begravingstye wat in subartikels (1), (2) en (3) deur die Stad vasgestel word, moet die gebruike en oortuigings van spesifieke godsdienstige groepe in ag neem.

Kis

5. (1) 'n Kis moet vir die begrawe van 'n lyk gebruik word, buiten waar godsdienstige oortuigings die gebruik daarvan verbied of spesiale toestemming verleen is.
- (2) Behoudens die bepalings van subartikel (3), mag 'n kis net een lyk bevat, tensy dit in stryd is met die tradisie, gebruike of godsdienstige oortuigings van die oorlede persoon of die persoon wat in artikel 3 genoem word.

- (3) 'n Moeder en kind wat gedurende kindergeboorte gesterf het, kan in een kis geplaas word indien die toestemming van die Stad verkry is en die voorgeskrewe gelde betaal is.
- (4) As daar meer as een liggaam in 'n kis is, moet elke liggaam in 'n afsonderlike lyksak geplaas word.

Konstruksiemateriaal van kis

6. 'n Kis wat in 'n graf begrawe word moet, sover moontlik, van natuurlike hout of ander nietoksiese, bederfbare materiaal gemaak word.

Kis moet bedek wees

7. Die persoon in artikel 3(2) genoem moet toesien dat 'n kis, wanneer dit in 'n graf geplaas word, voor afloop van die seremonie met ten minste 300mm grond bedek word.

Afmetings van grafopeninge

8. (1) Alle grafte binne die Stad se begraafplase moet voldoen aan die afmetings wat hieronder uiteengesit word en daar is twee grafopeninggroottes met die volgende afmetings:

(a) Groot graf:

Lengte: 2 250mm

Breedte: 750mm

(b) Klein graf:

Lengte: 1 350mm

Breedte: 535mm

- (2) Alle grafte moet 'n minimum diepte van 1 400mm wees.
- (3) Enige persoon wat 'n opening groter as die standaard afmetings en diepte in subartikel (1) gespesifiseer vir 'n begrawing in 'n graf wil hê, moet, wanneer 'n aansoek ingevolge artikel 3 ingedien word, die afmetings van die kis en die diepte spesifiseer en sodanige heffings of gelde betaal wat van tyd tot tyd deur die Stad voorgeskryf word.
- (4) Waar een kis bo-op 'n ander kis begrawe is, moet daar ten minste 300mm grond tussen die kiste wees.
- (5) Na afloop van 'n begrafnis is dit die plig van die persoon in artikel 3(2) genoem of die persone wat die graf gegrawe het om alle grond, puin en ander stof of materiaal wat deur die grawe van die graf blootgelê is van die omliggende gebiede, insluitende paadjies en grafte, te verwyder.
- (6) Die persoon wat die begrafnis gereël het, moet alle redelike stappe doen om te verseker dat daar tydens die begrafnis of seremonie geen skade aan omliggende eiendom aangerig word nie, met inbegrip van enige ineenstorting van grafmure, en moet stappe doen om sodanige ineenstorting te voorkom.
- (7) Die Stad het die reg om binne drie maande nadat die begrawing plaasgevind het, enige gebied in of om 'n graf, insluitende die grafhoop, gelyk te maak.

Hulpbehoewende persone

9. 'n Persoon wat aansoek om die begrawing van 'n hulpbehoewende persoon doen, moet 'n verklaring te dien effekte aflê.

Register

10. Die Stad moet rekord hou van alle begrawings, en sodanige rekord moet die volgende bevat:
 - (a) Die besonderhede van die persoon wat die begrawing aangevra het;

- (b) die besonderhede van die oorlede persoon wie se lyk begrawe gaan word of begrawe is, soos die naam, adres en identiteitsnommer;
- (c) die datum van die begrawing en die nommer van die graf waarin die lyk of as begrawe word of die ligging van die houer waarin die as geplaas is.

Begrawingsreg

11. (1) Geen persoon verkry enige reg insluitende 'n begrawingsreg in enige grond of graf in 'n begraafplaas wat aan die Stad behoort nie, buiten sodanige regte of belange wat kragtens hierdie Verordening verkry kan word.
- (2) Die vasstelling van die identiteit van die houer van bestaande regte op verdere begrawings in bestaande grafte moet vasgestel word deur na die Stad se register te verwys.
- (3) 'n Persoon kan, by aansoek ingevolge artikel 3 en by betaling van die voorgeskrewe geld, die begrawingsreg in 'n openbare graf verkry.
- (4) By aansoek ingevolge artikel 3 en by betaling van die voorgeskrewe geld, kan 'n persoon die uitsluitlike reg op daaropvolgende begrawings in dieselfde graf verkry, met dien verstande dat hierdie reg verval wanneer die lyk wat in so 'n graf begrawe is, opgegrawe word.
- (5) Die reg op daaropvolgende begrawings is nie aan 'n derde party oordraagbaar nie buiten by die dood van die houer van die reg, in welke geval die reg aan sy of haar naasbestaande oorgedra word.
- (6) Waar die naasbestaande van die oorlede persoon wat begrawe is in die graf waarop die reg op daaropvolgende begrawing betrekking het nie die houer van die reg is nie en die naasbestaande beswaar opper teen 'n daaropvolgende begrawing in daardie graf, word die toestemming van die naasbestaande vereis voordat 'n daaropvolgende begrawing toegelaat word.

- (7) Die reg op veelvuldige begrawings waarna in subartikel 4 verwys word, hang af van die geskiktheid van die graf vir bykomende begrawings soos deur die Stad bepaal.
- (8) Die naasbestaande of ander naaste oorlewende familielid van 'n oorlede persoon wat in 'n openbare of private graf begrawe is, kan sodanige openbare of private graf skriftelik aan die Stad verbeur, en gee hiermee toestemming vir die opgraving van die reste van die oorlede persoon wat in daardie graf begrawe is, en die begraving daarin van 'n nieverwante persoon of persone.
- (9) In die geval van 'n private graf, waar die houer van die reg wat ingevolge subartikel (11)(4) verkry is nie die naasbestaande of ander naaste oorlewende familielid van die oorledene is nie, moet die gesamentlike toestemming van beide die houer van die reg en die naasbestaande of ander naaste oorlewende familielid van die oorledene verkry word voordat 'n graf in ooreenstemming met subartikel 8 verbeur word.

HOOFSTUK 3

BEGRAFNISSE

Godsdienstige en ander seremonies

12. Die lede van 'n godsdienstige denominasie kan, sonder voorafverkreë toestemming en gedurende die begraving en by die graf, 'n godsdienstige seremonie in verband met 'n begraving of 'n gedenkdiens hou wat nie langer mag duur as die tydperk wat deur die Stad bepaal is nie.

Musiek binne begraafplaas

13. Geen buitengewoon harde of steurende musiek met sang word in 'n begraafplaas toegelaat nie, en instrumentale musiek en klankversterking word net met die toestemming van die Stad toegelaat.

Lykswa en ander voertuie by begraafplaas

14. (1) Geen lykswa of ander voertuig mag 'n begraafplaas sonder die voorafverkreë toestemming van die Stad, wat nie onredelik weerhou mag word nie, binnegaan nie.
- (2) Geen lykswa of ander voertuig mag enige ander roete as die roetes wat vir daardie doel opsy gesit is, gebruik om 'n begraafplaas binne te gaan of daar te ry nie.
- (3) Geen lykswa of ander voertuig mag op enige ander plek in 'n begraafplaas as die afdeling van die begraafplaas wat spesifiek vir parkering toegewys is, parkeer nie.

Opdrag van beampte in beheer

15. 'n Persoon wat aan 'n begrafnisstoet of -seremonie in 'n begraafplaas deelneem, moet die opdragte van die Stad nakom.

HOOFSTUK 4**BEGRAFNISONDERNEMERS****Begrafnisondernemers**

16. (1) Alle begrafnisondernemers wat as sulks binne die regsgebied van die Stad werksaam wil wees, moet op 'n databasis by Stadsparke registreer.
- (2) Alle begrafnisondernemers moet, wanneer hulle registreer op die databasis waarna in subartikel (1) verwys word, 'n memorandum van verstandhouding teken waarin bevestig word dat die begrafnisondernemer vertrouwd is met hierdie Verordening en alle beleide en geldestrukture ingevolge hierdie Verordening en dit sal nakom.

- (3) Alle inligting wat deur 'n geregistreerde begrafnisondernemer verskaf word in 'n aansoek wat ingevolge hierdie Verordening ingedien word, moet waar en juis wees.
- (4) 'n Begrafnisondernemer mag 'n lyk net in 'n voertuig vervoer wat geskik vir sodanige doel is en wat voldoen aan die vereistes wat deur die omgewingsgesondheidsbeampte bepaal word.
- (5) In geval 'n geregistreerde begrafnisondernemer enige bepaling van hierdie Verordening, beleid, riglyn of geldestruktuur ingevolge hierdie Verordening verbreek, kan die Stad, nadat kennis gegee is, die registrasie van die begrafnisondernemer kanselleer en verdere begrawings in begraafplase binne die Stad se regsgebied deur die begrafnisondernemer opskort.

HOOFSTUK 5

DIE ADMINISTRASIE EN BEHEER VAN BEGRAAFPLASE

Aanstelling van beampte in beheer

17. (1) Die Direkteur moet vir elke begraafplaas 'n beampte in beheer aanstel om die begraafplaas te beheer en te administreer.
- (2) Die beampte in beheer moet die gebruike van die oorlede persoon en die persone verantwoordelik vir die begrawing in ag neem en binne die raamwerk van hierdie Verordening daarvoor voorsiening maak.

Ure wat publiek toegang het

18. (1) Die Stad moet die ure waartydens 'n begraafplaas of gedeelte daarvan vir die publiek oop is, vasstel en dit op 'n kennisgewingbord wat by die elke ingang van die begraafplaas geplaas is, laat vertoon.
- (2) Geen persoon, buiten behoorlik gemagtigde werkers of gemagtigde beamptes van die Stad met toestemming, mag in 'n begraafplaas of

gedeelte daarvan wees of aanbly voor of na die ure wat dit vir die publiek gesluit is, soos op 'n kennisgewingbord in subartikel (1) bedoel, vertoon word nie.

Kinders

19. Geen kind onder twaalf (12) jaar mag 'n begraafplaas binnegaan nie tensy hy of sy onder die sorg van 'n verantwoordelike volwasse persoon is.

In paadjies bly

20. Daar word van alle persone verwag om in die paadjies te bly wat in 'n begraafplaas aangedui word, waar sulke paadjies bestaan.

Verbode gedrag binne 'n begraafplaas

21. (1) Geen persoon mag –
- (a) 'n oorlas in 'n begraafplaas veroorsaak of laat veroorsaak nie;
 - (b) op 'n dier, fiets of skaatsplank vir ontspanningsdoeleindes ry of aan enige ander vorm van ontspannings- of sportaktiwiteit in die begraafplaas deelneem nie, met die uitsondering van 'n rystoel, tensy die Stad andersins bepaal;
 - (c) 'n dier in 'n begraafplaas inbring of toelaat om daar rond te dwaal nie, buiten 'n blinde persoon, met dien verstande dat honde aan leibande toegelaat word tensy die Stad andersins bepaal;
 - (d) sonder die toestemming van die Stad 'n boom, plant, struik of blom plant, sny, pluk of verwyder nie;
 - (e) 'n betoging in 'n begraafplaas hou of daaraan deelneem nie;
 - (f)
 - (i) die nakoming van die pligte van 'n gemagtigde beampte of werker in diens van die Stad of

- (ii) 'n begrafnis wat in 'n begraafplaas plaasvind,
onderbreek of ontwrig nie;
- (g) die beampte in beheer in die loop van sy of haar plig dwarsboom, teenstaan of teengaan nie of weier om te voldoen aan enige bevel of versoek wat die beampte in beheer geregtig is om ingevolge hierdie Verordening te gee of te rig;
- (h) 'n muur, gebou, heining, hek, grafsteenwerk of ander konstruksie in 'n begraafplaas merk, daarop teken, skryf of verf of 'n voorwerp daarop plaas nie, buiten vir amptelike doeleindes;
- (i) sonder die toestemming van die Stad water vir enige vorm van tuinmaak gebruik nie;
- (j) enige vuilis, grond, klip, puin, vuilgoed of rommel in 'n begraafplaas laat nie;
- (k) enige gedeelte van 'n begraafplaas of enigiets daarin op enige wyse beskadig, ontsier of ontheilig nie;
- (l) 'n begraafplaas binnegaan of verlaat nie buiten deur 'n ingang of uitgang wat vir hierdie doeleindes voorsien word;
- (m) enige besigheid, bestelling of uitstalling doen of werf of 'n traktaatjie, besigheidskaart of advertensie in 'n begraafplaas versprei of laat nie, buiten in 'n gebied wat vir sodanige doeleindes deur die Stad aangewys is en met die voorafverkreë toestemming van die Stad;
- (n) 'n graf of grafsteenwerk oneerbiedig behandel, soos om op 'n graf of grafsteenwerk te klim of te sit nie;
- (o) 'n kantoor, gebou of omheinde plek in 'n begraafplaas binnegaan nie, buiten in verband met wettige besigheid;
- (p) 'n lyk of 'n deel daarvan in 'n begraafplaas ontbloot nie;

- (q) die voorgeskrewe spoedbeperking van 20 km per uur in 'n begraafplaas oorskry nie;
 - (r) 'n begraafplaas as 'n deurgang gebruik nie;
 - (s) toelaat of veroorsaak dat 'n dier 'n begraafplaas binnegaan nie, met die uitsondering van 'n beampte in beheer wat op die terrein woon en met die voorafverkreë goedkeuring van die Stad troeteldiere aanhou;
 - (t) alkohol in 'n begraafplaas inbring of verbruik nie of vuurwapens in 'n begraafplaas afvuur nie, buiten in die geval van 'n polisie-, staats- of militêre begrafnis;
 - (u) 'n vuur in 'n begraafplaas maak of aansteek nie buiten met die voorafverkreë toestemming van die Stad;
 - (v) uitgrawingstoerusting, sae of metaalopspoortoerusting in 'n begraafplaas inbring nie, behalwe met die toestemming van die Stad;
 - (w) diere of voëls jag of leed aandoen nie;
 - (x) huishoudelike diere in ongebruikte gebiede of tussen die grafte laat wei nie; of
 - (y) bestuurslesse in 'n begraafplaas gee nie.
- (2) 'n Werknemer van die Stad wat in 'n begraafplaas werk, mag nie met 'n lid van die publiek ooreenkom om werk in die begraafplaas, soos die instandhouding of grawe van 'n graf of enige ander verwante werk, namens so 'n persoon te verrig nie.
- (3) Die Stad kan 'n dier wat strydig met die bepalings van die Verordening in 'n begraafplaas aangetref word, skut.
- (4) Somerhuisies groter as twee meter by drie meter mag nie sonder die voorafverkreë toestemming van die Stad in 'n begraafplaas opgerig word nie.

HOOFSTUK 6

PRIVATE BEGRAAFPLASE EN KREMATORIUMS

Dele van Verordening van toepassing

22. Die bepalings van artikels 5, 6, 10 en hoofstuk 9 van hierdie Verordening is *mutatis mutandis* van toepassing op private begraafplase, en die bepalings van artikels 52, 53 en 55(2) is *mutatis mutandis* van toepassing op private krematoriums.

Pligte van eienaars

23. (1) Die eienaar van 'n private begraafplaas waarvoor die toestemming van die Stad verkry is, moet –
- (a) voldoen aan –
 - (i) enige spesiale voorwaardes wat die Stad van tyd tot tyd ten opsigte van private begraafplase en krematoriums bepaal; en
 - (ii) die toepaslike bepalings van hierdie Verordening en enige ander toepaslike wet;
 - (b) die terrein, heinings, hekke, paaie, paadjies en dreineervore in 'n goeie toestand en vry van onkruid en weelderige groei in stand hou;
 - (c) 'n gemagtigde beampte van die Stad toelaat om die begraafplaas of krematorium binne te gaan en alle rekords wat in verband daarmee gehou word, te inspekteer;
 - (d) 'n persoon met geskikte kwalifikasies aanstel om die begraafplaas te bestuur en die rekords te hou.
- (2) Die eienaar van 'n private begraafplaas, 'n private krematorium of private eiendom kan op redelike gronde toestemming weier dat 'n lyk in die begraafplaas of krematorium begrawe of veras word.

HOOFSTUK 7

AFDELINGS IN 'N BEGRAAFPLAAS

Stad kan afdelings vestig

- 24.** (1) Die Stad kan een of meer van die volgende afdelings in sy begraafplase vestig:
- (a) Monumentafdeling;
 - (b) Bermafdeling;
 - (c) Landskapafdeling;
 - (d) Gedenkplein;
 - (e) Gedenktuin;
 - (f) Krematorium en lykreduksiefasiliteit;
 - (g) Mausoleums;
 - (h) Oppervlakgrafeenhede;
 - (i) Denominasie-afdeling.

Monumentafdeling

- 25.** (1) 'n Monumentafdeling is 'n grafafdeling in 'n begraafplaas wat vir die oprigting van grafsteenwerk by grafte opsy gesit is.
- (2) Die Stad kan met verloop van tyd alle grafte gelykmaak en gras daarop plant.
- (3) Blomme, loof, kranse of enige versiering mag slegs op die berm van grafte geplaas word, buiten in die geval van grafte wat nog nie gelykgemaak is nie.

Bermafdeling

26. (1) 'n Bernafdeling is 'n grafafdeling in 'n begraafplaas wat deur die Stad opsy gesit is waar grafsteenwerk tot net 'n kopsteen beperk word, met grondbedekking wat oor die hele graf geplant word.
- (2) Kopstene mag twee houers vir blomme bevat.
- (3) Kopstene moet opgerig word op die betonplint wat deur die Stad voorsien word of op 'n geskikte fondament om die kopsteen te stut, wat horisontaal op grondvlak ingebed moet word in die posisie wat deur die Stad aangedui word.
- (4) Geen randsteen of raam wat die graf afbaken of 'n dekblad word toegelaat nie.
- (5) Die Stad kan met verloop van tyd alle grafte gelykmaak en gras daarop plant.
- (6) Blomme, loof, kranse of enige versiering mag slegs op die berm van grafte geplaas word, buiten in die geval van grafte wat nog nie gelykgemaak is nie.

Landskapafdeling

27. (1) 'n Landskapafdeling is 'n grafafdeling in 'n begraafplaas wat deur die Stad opsy gesit is waar grafsteenwerk beperk word tot net 'n gedenkplaat of gedenkblad wat horisontaal geplaas word, met grondbedekking wat oor die hele graf geplant word.
- (2) Geen ander voorwerp as 'n gedenkplaat of gedenkblad mag op die graf geplaas word nie.
- (3) Geen randsteen of raam wat die graf afbaken of 'n bladbedekking word toegelaat nie.
- (4) Die Stad kan met verloop van tyd alle grafte gelykmaak en gras daarop plant.
- (5) Blomme, loof, kranse of enige versiering mag slegs op of langs die gedenkplaat of gedenkblad geplaas word, buiten in die geval van grafte

wat nog nie gelykgemaak is nie.

Gedenktuin

28. (1) 'n Gedenktuin is 'n afdeling van 'n begraafplaas wat vir die oprigting van gedenkstene vir 'n individu, 'n groep mense of 'n gebeurtenis, gedenkmure (senotaaf), nismure, die vestiging van asgrafte en die strooi van as opsy gesit is;
- (2) Blomme en kranse mag net geplaas word op die plekke wat daarvoor voorsien word.

Krematorium en lykreduksiefasiliteit

29. Die Stad kan afdelings in 'n begraafplaas opsy sit vir vestiging van 'n krematorium en 'n lykreduksiefasiliteit.

Gedenkplein

30. (1) 'n Gedenkplein is 'n grafafdeling in 'n begraafplaas wat vir die begrawe en herdenking van helde en beroemde persone opsy gesit word.
- (2) Geen persoon mag in hierdie afdeling begrawe of herdenk word nie, tensy die status van held of beroemde persoon skriftelik deur die Stad bevestig is.

Mausoleums

31. 'n Mausoleumafdeling waarin lyke in mausoleums begrawe word, kan in 'n begraafplaas gevestig word.

Oppervlakgrafeenhede

32. 'n Oppervlakgrafeenhede-afdeling waarin lyke in oppervlakgrafeenhede begrawe word, kan in 'n begraafplaas gevestig word.

Denominasie-afdeling

33. (1) Die Stad kan denominasie-afdelings in sy begraafplase opsy sit vir die uitsluitlike gebruik van 'n bepaalde geloof, godsdienstige of kulturele

groep waar die begrawingsvereistes van so 'n groep 'n ander fisiese rangskikking van grafte (met verwysing na oriëntasie, digtheid en diepte) as die norm voorskryf.

- (2) Die toewysing van sodanige afdelings mag nie tot nadeel van die begrawingsvereistes van die algemene inwoners van die Stad wees nie.

HOOFSTUK 8

OPRIGTING EN INSTANDHOUDING VAN GRAFSTEENWERK EN VERSORGING VAN GRAFTE

Toestemming van Stad

- 34.** (1) Geen persoon mag sonder die skriftelike toestemming van die Stad en betaling van die vereiste geld enige gedenksteen in 'n begraafplaas inbring of enige grafsteenwerk oprig, verander, verf, opknap, versier, verwyder of andersins daarmee peuter of 'n inskripsie daarop uitkap nie.
- (2) Voordat grafsteenwerk opgerig word, moet 'n aansoek ten minste vyf werkdade voor die voorgestelde oprigting daarvan vir goedkeuring by die Stad ingedien word, en die volgende bevat:
- (a) 'n plan wat die afmetings en posisie daarvan aandui;
 - (b) spesifikasies van die materiaal waarvan die grafsteenwerk gemaak gaan word; en
 - (c) die bewoording van die grafskrif.
- (3) Die Stad kan die aansoek waarna in subartikel (2) verwys word, goedkeur met of sonder voorwaardes wat hy nodig ag, en kan die aansoek weier as dit nie voldoen aan die vereistes ten opsigte van grafsteenwerk soos deur die Stad bepaal nie.
- (4) Geen persoon mag enige materiaal in die begraafplaas inbring met die doel om grafsteenwerk op 'n graf te bou nie, tensy –

- (a) daar aan die bepalings van subartikels (1) tot (3) voldoen is; en
 - (b) bewys van betaling ten opsigte van werk wat verrig gaan word, voorgelê is.
- (5) Die toestemming vir die voorgestelde werk is slegs geldig vir 'n tydperk van twaalf (12) maande vanaf die datum waarop dit gegee is, en in geval die grafsteenwerk nie binne die voorgeskrewe tyd opgerig word nie, moet 'n nuwe aansoek ingedien word.

Vereistes vir oprigting van grafsteenwerk

35. 'n Persoon wat 'n grafsteenwerk oprig, moet aan die volgende voldoen:

- (a) Hy of sy moet in besit wees van 'n plan wat ingevolge artikel 34(2) goedgekeur is;
- (b) alle werk moet in ooreenstemming met die voorwaardes in artikel 34(3) bedoel, verrig word;
- (c) die werk moet so verrig word dat geen skade aan 'n struktuur aangerig of aanstoot gegee word nie;
- (d) met die aansoeker se toestemming kan die naam van die maker of vervaardiger op 'n grafsteenwerk vertoon word, maar geen adres of enige ander besonderhede mag daarby gevoeg word nie, en die ruimte wat daarvoor benut word, mag nie groter as 40 x 100 mm wees nie; en
- (e) alle ongebruikte materiaal na voltooiing van die werk moet verwyder word en aangrensende gebiede moet netjies en skoon gelaat word; en
- (f) enige skade wat aangerig is, moet herstel word op die koste van die persoon wat vir sodanige skade verantwoordelik is, en indien die verantwoordelike persoon versuim om sodanige herstelwerk na behoorlike kennisgewing te verrig, kan die Stad die regstellende werk onderneem op die koste van die persoon wat die grafsteenwerk opgerig het.

Posisie, verskuiwing en verwydering van grafsteenwerk

36. (1) Geen persoon mag 'n grafsteenwerk op 'n graf oprig nie alvorens die posisie waarin sodanige grafsteenwerk geplaas gaan word, aangedui is ingevolge die goedgekeurde plan waarna in artikel 34(2) verwys word.
- (2) Indien daar nie aan die voorwaarde waarna daar in subartikel (1) verwys word, voldoen word nie, kan die Stad met skriftelike kennisgewing aan so 'n persoon die posisie van die grafsteenwerk verander en die koste van die verandering verhaal op die persoon wat die grafsteenwerk opgerig het.
- (3) In die geval waar 'n grafsteenwerk oorspronklik met die uitdruklike toestemming van die Stad in 'n sekere posisie geplaas is, word enige verandering van die posisie ingevolge die bepalings van hierdie artikel op die Stad se onkoste gedoen.

Werk aan en instandhouding van grafsteenwerk

37. (1) Enige persoon wat werk verrig, moet sodanige werk onder toesig van die Stad doen.
- (2) Indien die persoon wat 'n grafsteenwerk opgerig het, toelaat dat sodanige grafsteenwerk in so 'n toestand verval dat dit gevaar inhou of die begraafplaas ontsier, kan die Stad 'n nakomingskennisgewing, soos in artikel 59 bedoel, aan so 'n persoon beteken.
- (3) Die Stad kan, na behoorlike kennisgewing, die posisie van 'n grafsteenwerk wat sonder die uitdruklike toestemming van die Stad in 'n begraafplaas geplaas is, te eniger tyd verander of wysig en die koste daarvan op die eenaar van die grafsteenwerk verhaal.
- (4) 'n Grafsteenwerk wat op so 'n wyse in 'n begraafplaas geplaas, gebou, verander, versier, geverf of andersins mee gehandel is dat enige bepalings van hierdie Verordening daardeur oortree word, kan, na behoorlike kennisgewing, sonder betaling van enige vergoeding, deur die Stad op die koste van die verantwoordelike persoon verwyder word.

Beskadiging van grafsteenwerk

38. Die Stad is nie verantwoordelik vir enige skade wat te eniger tyd aan 'n grafsteenwerk veroorsaak word en wat nie aan die nalatigheid van die Stad se gemagtigde beamptes te wyte is nie.

Voertuig en gereedskap

39. (1) Elke persoon wat werk op 'n graf of grafperseel verrig, moet toesien dat die voertuie, gereedskap of toestelle aan die bepalings van hierdie Verordening en enige ander wet voldoen en nie paaie of paadjies versper nie.
- (2) Geen persoon mag enige materiaal, klip, bakstene of grafsteenwerk of 'n deel daarvan in 'n begraafplaas op 'n voertuig of vragmotor vervoer wat skade aan die paadjies of terrein of strukture van die begraafplaas kan veroorsaak nie.

Nakoming van die Stad se voorskrifte

40. 'n Persoon wat werk in 'n begraafplaas verrig, moet die Stad se voorskrifte in alle opsigte nakom.

Tye vir die inbring van materiaal en verrigting van werk

41. (1) Geen persoon mag grafsteenwerk of materiaal in verband daarmee in 'n begraafplaas inbring of enige werk, buiten die afbreek van grafsteenwerk vir begrawingsdoeleindes, verrig nie, buiten gedurende die tye wat deur die Stad bepaal word.
- (2) Geen persoon mag vir die duur van 'n begrafnis werk doen wat 'n begrafnis ontwrig of daarop inbreuk maak nie.

Wegsakkende grondtoestande

42. Die Stad is nie aanspreeklik vir skade aan grafsteenwerk as gevolg van wegsakkende grond nie.

Toon van skriftelike toestemming

43. 'n Persoon aan wie werk opgedra is of wat na of van sy of haar werk in die begraafplaas op pad is, moet op aanvraag van die Stad of sy gemagtigde beampte die skriftelike toestemming toon wat ingevolge artikel 34(1) aan hom of haar uitgereik is.

Versorging van graf

44. (1) Die instandhouding van 'n graf is die verantwoordelikheid van die persoon in artikel 3(2) bedoel.
- (2) Die Stad kan onderneem om 'n graf vir 'n tydperk te versorg.
- (3) Die Stad kan onderneem om 'n graf vir 'n tydperk op sy eie koste in stand te hou.

HOOFSTUK 9

OPGRAWING, REDUKSIEBEGRAWING EN OSSUARIUMS

Aansoek om opgraving

45. (1) 'n Aansoek om opgraving moet by die Stad ingedien word, en moet die volgende insluit:
- (a) Die voltooide aansoekvorm;
 - (b) 'n afskrif van die doodsertifikaat;
 - (c) 'n brief of 'n beëdigde verklaring van die naasbestaande van die oorledene wat tot die opgraving toestem;
 - (d) betaling van die voorgeskrewe geld.

Voorwaardes vir opgraving

46. (1) Geen persoon mag 'n lyk of menslike reste opgrawe of laat opgrawe nie sonder die skriftelike toestemming van –

- (a) die Stad; en
 - (b) die Provinsiale Departement van Gesondheid in ooreenstemming met die Ordonnansie op Opgrawings, 1980 (Ordonnansie nr. 12 van 1980).
- (2) Die skriftelike toestemming waarna in subartikel (1) verwys word, moet ten minste vyf werkdade voor die goedgekeurde opgrawingsdatum by die omgewingsgesondheidspraktisyn ingedien word.
 - (3) Die omgewingsgesondheidspraktisyn kan voorwaardes oplê ten opsigte van 'n opgrawing waarna daar in subartikel (1) verwys word, en daar mag slegs met 'n opgrawing voortgegaan word nadat sodanige voorwaardes nagekom is.
 - (4) Daar mag met geen opgrawing of herbegrawing voortgegaan word sonder dat 'n bevoegde en ervare omgewingsgesondheidspraktisyn wat by die Stad in diens is en 'n geregistreerde begrafnisondernemer teenwoordig is nie.
 - (5) Die reste van 'n oorlede persoon moet binne 48 uur herbegrawe of veras word, tensy die omgewingsgesondheidspraktisyn bepaal dat omstandighede of toestande herbegrawing of verassing binne die tydperk van 48 uur verhoed.
 - (6) Die oorskot van die oorlede persoon moet in afwagting op herbegrawing of verassing by 'n geregistreerde begrafnisondernemersperseel gehou word.
 - (7) Opgrawings moet uitgevoer word in ooreenstemming met die Stad se beleid oor opgrawing en herbegrawing van menslike reste.
 - (8) 'n Statebond-oorlogsgraf mag net opgegrawe word in ooreenstemming met die bepalings van artikel 3 van die Wet op Statebond-oorlogsgrafte, 1992 (Wet nr. 8 van 1992).
 - (9) Die persoon wat die opgrawing doen, moet 'n geskikte houer vir elke liggaam of reste voorsien.

Noodopgrawings

47. (1) Geen liggaam mag binne agtien maande na begrawing opgegrawe word nie, buiten in nakoming van 'n Hofbevel.
- (2) 'n Noodopgrawing moet aan die bepalings van artikels 45 en 46 voldoen.
- (3) 'n Lid van die Suid-Afrikaanse Polisie diens moet tydens noodopgrawings teenwoordig wees.

Verkeerde begrawing

48. Indien 'n liggaam in stryd met hierdie Verordening begrawe is, kan die Stad, behoudens die bepalings van artikel 45, met die uitsondering van artikel 45(1)(c), die liggaam laat opgrawe en in 'n ander graf laat herbegrawe, in welke geval die familieledede van die oorledene van die voorgenome opgrawing en herbegrawing in kennis gestel moet word en toegelaat moet word om dit by te woon.

Reduksiebegrawing

49. Die Stad kan, na verloop van 'n minimum tydperk van tien (10) jaar na die mees onlangse begrawing in 'n graf, die reste van 'n lyk vir die doeleindes van die reduksie van die lyk opgrawe en die reste van daardie lyk in dieselfde graf in 'n kleiner kis op 'n groter diepte herbegrawe, op voorwaarde dat –
- (a) enige houers van private regte in daardie graf, verkry ingevolge subartikel (11)(4), en die naasbestaande of ander naaste oorlewende familielid van die oorledene (waar die houer van die reg nie die naasbestaande of naaste familielid van die oorledene is nie) hulle toestemming gegee het;
- (b) ten opsigte van 'n graf waar geen privaat regte verkry is nie, die naasbestaande of ander naaste oorlewende familielid van die lyk toestemming gegee het.

Vestiging van 'n ossuarium

50. 'n Ossuarium kan in 'n begraafplaas gevestig word.

HOOFSTUK 10

GEBRUIK EN SLUIT VAN BEGRAAFPLASE IN ONBRUIK

Gebruik en sluit van begraafplase in onbruik

51. (1) Ondanks enige bepaling van hierdie Verordening en behoudens die bepalings van subartikel (6), kan die Stad enige begraafplaas of gedeelte daarvan waarvan hy die begraafplaasowerheid is, wat vir 'n tydperk van nie minder nie as 20 jaar in onbruik is, gebruik vir sodanige doel wat die grond en enige menslike reste of enige gedenkstene in so 'n begraafplaas nie sal ontheilig nie.
- (2) Ondanks enige bepaling van hierdie Verordening en behoudens die bepalings van subartikel (6), kan die Stad enige begraafplaas of gedeelte daarvan waarvan hy die begraafplaasowerheid is, sluit as dit vir 'n tydperk van nie minder nie as 20 jaar in onbruik was of indien goeie rede vir sodanige sluiting bestaan.
- (3) Ondanks enige bepaling van hierdie Verordening en behoudens die bepalings van subartikel (6), kan die Stad enige begraafplaas of enige gedeelte daarvan wat ingevolge subartikel (1) hierbo vir 'n ander doel gebruik is, as 'n begraafplaas gebruik, of enige begraafplaas of gedeelte daarvan wat ingevolge subartikel (2) hierbo gesluit is, heropen.
- (4) Die Stad kan, behoudens die bepalings van subartikel (6), die menslike reste, gedenkstene en ander strukture uit 'n begraafplaas waarvan hy die begraafplaasowerheid is, wat vir 'n tydperk van nie minder nie as 20 jaar gesluit of in onbruik was en wat deur die bevoegde owerheid of owerhede, na gelang van die geval, vir ander gebruik goedgekeur is, na 'n ander begraafplaas verwyder.
- (5) Alle regte wat enige persoon besit of geniet ten opsigte van 'n begraafplaas in subartikels (1) en (2) bedoel, hou dan op bestaan.
- (6) Voordat daar ingevolge subartikels (1), (2), (3) en (4) opgetree word, moet die Stad kennis gee van sy voorneme om dit te doen.

HOOFSTUK 11

VERASSINGS

Aansoeke om verassing

52. (1) Aansoeke om verassing moet gedoen word op die bepalings en die tye en by die plekke en by betaling van gelde soos deur die Stad bepaal.
- (2) 'n Persoon mag 'n liggaam in 'n krematorium veras of laat veras slegs na –
- (a) nakoming van toepaslike wetgewing;
 - (b) verkryging van die Stad se goedkeuring; en
 - (c) voldoening aan al die voorwaardes soos deur die Stad bepaal.

Verassings

53. (1) Waar 'n lid van die publiek by 'n verassing teenwoordig wil wees, moet 'n versoek vir so 'n lid om teenwoordig te wees aan die Stad gerig word, wat die versoek na goeddunke sal oorweeg.
- (2) 'n Lyk wat 'n hartpasaangeër of radio-aktiewe inplanting van enige aard of enige materiaal bevat wat tot 'n ontploffing of skadelike uitlatings kan lei wanneer dit verbrand word, mag nie veras word nie tensy dit verwyder word.
- (3) 'n Krematorium moet toegerus word met toerusting om te voorkom dat die as in die atmosfeer versprei word.

Kiste vir verassing

54. (1) 'n Lyk moet in 'n kis wees wanneer dit veras word.
- (2) 'n Kis waarin 'n lyk veras word, moet van natuurlike hout of ander nietoksiese materiaal gemaak wees.
- (3) Geen toksiese vernis, verf of gom mag gebruik word in die vervaardiging

van 'n kis waarin 'n lyk veras word nie.

- (4) Wanneer dit veras word, mag 'n kis slegs brandbare materiaal bevat, wat klere, skoene en ander versierings van watter aard ook al insluit, en die Stad het die reg om niebrandbare materiaal uit die kis te verwyder.
- (5) Voordat toegelaat word dat 'n verassing plaasvind, moet die aansoeker of sy of haar verteenwoordiger 'n sertifikaat toon wat sertifiseer dat die kis aan subartikels (2) en (3) hierbo voldoen.
- (6) Geen lyk mag vir die doel van verbranding uit 'n kis verwyder word nie en 'n kis mag nie in die krematorium oopgemaak word nie, buiten met die toestemming van die Stad, wat nie onredelik weerhou moet word nie.

Algemene vereistes vir gedenkstone en grafsteenwerk

55. (1) Die Stad kan –

- (a) geboue, nisse of ander fasiliteite verskaf vir die plasing en bewaring van as vir bepaalde tydperke of onbepaald op bepalinge en voorwaardes wat die Stad van tyd tot tyd bepaal;
 - (b) fasiliteite vir gedenkplate van goedgekeurde materiaal voorsien op bepalinge en voorwaardes wat die Stad van tyd tot tyd bepaal; en
 - (c) tuine verskaf vir die strooi of begrawe van as, welke tuine as “gedenktuine” bekend kan staan.
- (2) Alle inskripsies op nisse of gedenkplate of in gedenkboeke moet voldoen aan algemene standaarde van ordentlikheid en welvoeglikheid en mag nie van so 'n aard wees dat dit die publiek aanstoot gee nie.
- (3) 'n Persoon mag slegs met die toestemming van die Stad, wat nie onredelik weerhou sal word nie –
- (a) 'n nis wat as bevat, oopmaak; of
 - (b) 'n urn of kisse wat as bevat, uit 'n nis verwyder.
- (4) Indien as in 'n houër in 'n graf begrawe word, moet sodanige houër van

bederfbare materiaal gemaak word.

- (5) Slegs urns of kissies wat as bevat mag in 'n nis geplaas word.
- (6) Die Stad of sy gemagtigde beamptes is nie teenoor lede van die publiek aanspreeklik vir enige skade aan of diefstal uit nisse, urns, gedenkstone of enige ander versierings daarop in 'n krematorium onder sy beheer of op die terrein daarvan nie.

Beskikking oor as

56. (1) Daar moet oor as beskik word soos deur die aansoeker vir verassing of sy of haar verteenwoordiger versoek word.
- (2) Die aansoeker of sy of haar verteenwoordiger moet, ten tye van die aansoek om verassing, aanwysings vir beskikking oor die as gee.
- (3) Ondanks bostaande, het die Stad die reg om in ooreenstemming met enige toepaslike wetgewing oor die as te beskik.

HOOFSTUK 12

ALLERLEI

Verifikasie en betekening van lasgewing, kennisgewing of ander dokument

57. (1) 'n Lasgewing, kennisgewing of ander dokument ingevolge hierdie Verordening wat verifikasie vereis, moet geteken word deur, of in opdrag van, 'n behoorlik gemagtigde beampte van die Stad.
- (2) Daar word geag dat enige kennisgewing of ander dokument wat ingevolge hierdie Verordening aan 'n persoon beteken word, beteken is –
 - (a) wanneer dit by daardie persoon persoonlik afgelewer is;
 - (b) wanneer dit by daardie persoon se plek van verblyf of besigheid in die Republiek van Suid-Afrika gelaat is by 'n persoon wat

oënskynlik ouer as sestien jaar is;

- (c) wanneer dit per geregistreerde of gesertifiseerde pos na daardie persoon se laaste bekende woon- of besigheidsadres in die Republiek gepos is en 'n erkenning van die pos daarvan van die posdiens ontvang word;
 - (d) indien daardie persoon se adres in die Republiek onbekend is, wanneer dit op die wyse waarvoor daar in paragrawe (a) of (b) of (c) voorsiening gemaak word, aan daardie persoon se agent of verteenwoordiger in die Republiek beteken is;
 - (e) indien daardie persoon se adres en agent of verteenwoordiger in die Republiek onbekend is, wanneer dit op 'n ooglopende plek op die eiendom of perseel, indien enige, waarop dit betrekking het, opgeplak is; of
 - (f) in die geval van 'n regs persoon, wanneer dit by die geregistreerde kantoor of besigheidsperseel van sodanige regs persoon afgelewer is.
- (3) Betekening van 'n afskrif word as betekening van die oorspronklike beskou.
- (4) Enige prosesstuk is effektief en afdoende aan die Stad beteken wanneer dit by die Stadsbestuurder of 'n behoorlik gemagtigde persoon afgelewer is.

Klagte

58. 'n Persoon wat 'n klagte by die Stad ingevolge die bepalings van hierdie Verordening wil lê, moet dit skriftelik by die Stadsbestuurder se kantoor doen.

Nakomingskennisgewing en vertoë

59. (1) 'n Nakomingskennisgewing moet die volgende meld:

- (a) Die naam, woon- en posadres van die persoon;
- (b) die aard van die verval;
- (c) genoeg besonderhede om nakoming van die kennisgewing moontlik

- te maak, die maatreëls wat nodig is om die grafsteenwerk te herstel;
- (d) dat die persoon binne 'n gespesifiseerde tydperk die maatreëls moet tref om die kennisgewing na te kom, om ywerig met die maatreëls voort te gaan en om die maatreëls voor 'n bepaalde datum te voltooi;
 - (e) dat versuim om binne die tydperk in paragraaf (d) bedoel die vereistes van die kennisgewing na te kom, 'n misdryf daarstel;
 - (f) dat skriftelike versoë, soos in subartikel (3) bedoel, binne die tydperk ingevolge paragraaf (d) gestipuleer, op 'n gespesifiseerde plek aan die Stad gerig kan word.
- (2) Die Stad moet, wanneer enige maatreël of tydperk in subartikel (1)(d) en (e) bedoel oorweeg word, die volgende in ag neem:
- (a) Die beginsels en oogmerke van hierdie Verordening;
 - (b) die oorsaak en omvang van die verval;
 - (c) enige maatreëls voorgestel deur die persoon op wie maatreëls opgelê gaan word; en
 - (d) enige ander relevante faktore.
- (3) 'n Persoon kan binne die tydperk in paragraaf (1)(f) bedoel versoë in die vorm van 'n beëdigde verklaring of bevestiging aan die Stad rig by die plek wat in die kennisgewing gespesifiseer word.
- (4) Versoë wat nie binne die tydperk ingedien word nie, sal nie oorweeg word nie, buiten waar die persoon goeie rede kan toon en die Stad die laat indiening van die versoë kondoneer.
- (5) Die Stad moet die versoë en enige reaksie daarop deur 'n gemagtigde beampte of 'n ander persoon oorweeg.
- (6) Die Stad kan, uit eie beweging, enige verdere ondersoeke doen om die feite te verifieer indien dit nodig is, en die uitslag van die ondersoek moet

aan die persoon beskikbaar gestel word, wat 'n geleentheid moet kry om verder daarop te reageer as hy of sy wil, en die Stad moet die verdere reaksie ook oorweeg.

- (7) Die Stad moet, na oorweging van die verhoë en reaksies, 'n skriftelike lasgewing uitreik en 'n afskrif daarvan aan die persoon beteken.
- (8) Die lasgewing moet –
- (a) die bevindings van die Stad uiteensit;
 - (b) die nakomingskennisgewing heeltemal of gedeeltelik bekragtig, wysig of tersyde stel; en
 - (c) 'n tydperk spesifiseer waarbinne die persoon aan die lasgewing wat deur die Stad uitgereik is, moet voldoen.
- (9) Indien die nakomingskennisgewing heeltemal of gedeeltelik bekragtig word of gewysig word maar nie tersyde gestel word nie, sal die Stad die persoon inlig dat hy of sy die verpligtinge wat in die kennisgewing uiteengesit word, moet nakom binne die tyd wat daarin gespesifiseer word.
- (10) Waar die vereistes van die kennisgewing nie nagekom word binne die tyd wat daarin gespesifiseer word nie, kan die Stad sodanige stappe doen wat hy nodig ag om die monumentwerk te herstel en die koste daarvan moet deur sodanige persoon aan die Stad betaal word.

Koste

60. Indien 'n persoon versuim om die maatreëls te tref wat deur die kennisgewing van hom of haar vereis word, kan die Stad alle koste wat aangegaan is omdat hy ingevolge artikel 59(10) opgetree het, op sodanige persoon verhaal.

Appèl

61. 'n Persoon wie se regte geraak word deur 'n beslissing wat deur die Stad gedelegeer is, kan teen daardie beslissing appelleer deur skriftelike kennisgewing van die appèl en die redes daarvoor ingevolge artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet nr. 32 van 2000)

aan die Stadsbestuurder te gee binne 21 dae na die datum waarop hy of sy van die beslissing verwittig is.

Gelde

- 62.** Die voorgeskrewe gelde wat ingevolge hierdie Verordening aan die Stad betaal moet word, moet vasgestel word ingevolge die Stad Kaapstad: Verordening op Tariewe.

Misdrywe en strawwe

- 63.** (1) 'n Persoon wat die bepalings van artikels 3(1), 4(2), 4(3), 5(1), 5(2), 5(3), 5(4), 7, 12, 13, 14(1), 14(2), 14(3), 15, 16(3), 16(4), 18(2), 19, 21(1), 21(4), 25(3), 26(3), 26(4), 26(6), 27(3), 27(5), 28(2), 30(2), 34(1), 34(4)(a), 35(1), 36(1), 39(1), 39(2), 40, 41(1), 41(2), 43, 52(2), 53(1), 53(2), 54(1), 54(2), 54(3), 54(4), 54(5), 54(6), 55(3), 55(4) of 55(5) oortree, begaan 'n misdryf.
- (2) 'n Persoon wat 'n misdryf ingevolge hierdie Verordening begaan het, is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000.00 (vyftig duisend rand) of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens ses (6) maande, of met sodanige gevangenisstraf sonder die keuse van 'n boete, of met sowel sodanige boete as sodanige gevangenisstraf.

Beperking van aanspreeklikheid

- 64.** Die Stad is nie aanspreeklik nie vir enige skade of verlies veroorsaak deur –
- (a) sy gemagtigde beamptes wat kragtens hierdie Verordening in goeie trou 'n bevoegdheid uitoefen of 'n funksie of plig verrig;
 - (b) sy gemagtigde beamptes wat versuim om kragtens hierdie Verordening in goeie trou 'n bevoegdheid uit te oefen of 'n funksie of plig te verrig; of
 - (c) die uitoefening deur 'n persoon van 'n reg wat hy of sy van die Stad verkry het.

Vrystellings

65. (1) Enige persoon kan deur middel van 'n skriftelike aansoek, waarin die redes volledig verstrek word, by die Stad aansoek doen om vrystelling van enige bepaling van hierdie Verordening.
- (2) Die Stad kan –
- (a) 'n skriftelike vrystelling gee en die voorwaardes daarvan, indien enige, en die tydperk waarvoor sodanige vrystelling verleen word, moet daarin gestipuleer word;
 - (b) enige vrystelling of voorwaarde van 'n vrystelling wysig of kanselleer; of
 - (c) weier om 'n vrystelling te gee.
- (3) 'n Vrystelling tree nie in werking alvorens die aansoeker skriftelik onderneem het om al die voorwaardes wat die Stad ingevolge subartikel (2) gestel het, na te kom nie. Indien 'n aktiwiteit egter begin voordat so 'n onderneming by die Stad ingedien is, is die vrystelling wat gegee is nietig.
- (4) Indien enige voorwaarde van 'n vrystelling nie nagekom word nie, vervall die vrystelling onmiddellik.
- (5) Versuim om aan 'n voorwaarde van 'n vrystelling ingevolge subartikel (2) te voldoen, stel 'n misdryf daar.

Bevoegdhede en funksies

66. (1) Tensy andersins in hierdie Verordening gemeld, is die Stadsbestuurder verantwoordelik vir –
- (a) alle funksies en beslissings wat in hierdie Verordening bedoel word;
 - (b) die administrasie van hierdie Verordening.
- (2) Die Stadsbestuurder kan enigeen van sy bevoegdhede of funksies delegeer aan 'n toepaslik gemagtigde beampte met die bevoegdheid om te

subdelegeer ten einde administratiewe en bedryfsdoeltreffendheid te maksimaliseer.

Skakelforums in gemeenskap

67. (1) Die Stad kan een of meer skakelforums in 'n gemeenskap instel met die doel om –
- (a) toestande te skep vir en 'n plaaslike gemeenskap aan te moedig om deel te neem aan die sake van die Stad wat betrekking het op die aangeleenthede wat in hierdie Verordening geregleer word; en
 - (b) die bereiking van 'n gesonde omgewing te bevorder, vir sover dit betrekking het op aangeleenthede wat in hierdie Verordening geregleer word.
- (2) 'n Skakelforum kan bestaan uit –
- (a) 'n lid of lede van 'n belangegroep, of geaffekteerde persone;
 - (b) 'n lid of lede van 'n gemeenskap in wie se onmiddellike omgewing 'n begraafplaas bestaan;
 - (c) 'n aangewese gemagtigde beampte of gemagtigde beamptes van die Stad; en
 - (d) die verantwoordelike raadslid in sodanige gemeenskap.
- (3) Die Stad kan, wanneer 'n aansoek om toestemming of vrystelling ingevolge hierdie Verordening oorweeg word, 'n skakelforum se inset vra.
- (4) 'n Skakelforum of enige persoon of persone in subartikel (2) bedoel, kan op eie inisiatief 'n inset vir oorweging aan die Stad voorlê.

Riglyne en beleid

68. Die Stad kan te eniger tyd riglyne en beleid ontwikkel ten opsigte van begraafplase, krematoriums, begrafnisondernemers, enige aangeleentheid wat

daarmee gepaard gaan en enige ander aangeleentheid wat ingevolge hierdie Verordening gereguleer word.

Herroeping van Verordeninge

69. (1) Die Kaapse Metropolitaanse Raad: Verordening op Begraafplase en Krematoriums, 10 November 2000, 621/2000, word hiermee herroep.
- (2) In geval enige ander Verordening van die Stad strydig met hierdie Verordening is, geld die bepalings van hierdie Verordening in die mate wat dit teenstrydig is.

Kort titel en inwerkingtreeding

70. Hierdie verordening heet die Stad Kaapstad: Verordening op Begraafplase, Krematoriums en Begravnisondernemers, 2011.

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ISIXEKO SASEKAPA

UMTHETHO KAMASIPALA WAMANGCWABA, INDAWO YOKUTSHISA IZIDUMBU NABANGCWABI, WAMA-2010

Ukurhoxiswa kweBhunga likaMasipala waseKapa: UMthetho kaMasipala waMangcwaba nokubonelela ngolawulo, umthetho nophuhliso lwamangcwaba nokubonelela ngokuhlwa kwezidumbu nokugcwatywa kwamalungu omzimba omntu, ngendlela enesidima nokubonelela kwimiba enxulumene noko.

INTSHAYELELO

NJENGOKUBA ngokwemiqathango yeSahlulo B seshedyuli 5 yoMgaqo-siseko weRiphabliki yoMzantsi Afrika we-1996 amangcwaba, indawo yokutshisa izidumbu kunye nabangcwabi bangumcimbi kamasipala;

YAYE NJENGOKUBA icandelo lama-73 loMthetho weNkqubo zikaMasipala, wama-2000 (uMthetho onguNombolo 32 wama-2000) ubeka umsebenzi ngokubanzi koomasipala ukulungiselela ukunika impembelelo kwizibonelelo zoMgaqo-siseko;

YAYE NJENGOKUBA iSixeko saseKapa sifuna ukuqinisekisa ngento yokokuba ulawulo olululo lwamangcwaba, indawo yokutshisa izidumbu namangcwaba akwicingqi yolawulo lweSixeko;

YAYE NGOKUNGOKO, KUWISWA UMTHETHO webhunga leSixeko saseKapa ngale ndlela ilandelayo:-

OKUQULATHIWEYO

ISAHLUKO SOKU-1

Icandelo

1. linkcazelo

ISAHLUKO SESI-2:

UKUL AHLWA NOKUNGCWATYWA KOMZIMBA

2. lindlela zokulahlwa komzimba
3. Imvume ekufunekayo yokungcwaba
4. Amaxesha okungcwaba
5. Ibhokisi
6. Imathiriyeli yokwenza ibhokisi
7. Ibhokisi kufuneka igqunywe
8. Imilinganiselo yemingxunya yengcwaba
9. Abantu abangamahlwempu
10. Irejista
11. Ilungelo lokungcwaba

ISAHLUKO SESI-3

IMINGCWABO

12. Ezokholo kunye nezinye iinkonzo
13. Umculo phakathi emangcwabeni
14. Inqwelo ethutha izidumbu kunye nezinye izithuthi emangcwabeni
15. Imiyalelo yegosa eliphetheyo

ISAPHLUKO SESI-4

ABANGCWABI

16. Abangcwabi

ISAPHLUKO SESI-5

ULAWULO NOKUPHATHWA KAMANGCWABA

17. Ukuqeshwa kweGosa eliPhetheyo
18. Iiyure zolwamkelo ezilungiselelwe uluntu
19. Abantwana
20. Ukugcina emgaqweni
21. Indlela yokuziphatha ethintelwayo kumangcwaba

ISAPHLUKO 6

AMANGCWABA ANGASESE NENDAWO YOKUTSHISA IZIDUMBU

22. Izahlulo zoMthetho kaMasipala esebenza yo
23. Imisebenzi yabanini

ISAPHLUKO 7

AMACANDELO KUMANGCWABA

24. ISixeko sinokuseka amacandelo
25. Icandelo lamatye esikhumbuzo
26. Icandelo lamangcwaba apho umsebenzi wesikhumbuzo ufanele ukuba yintloko yelitye kuphela
27. Icandelo lamangcwaba apho umsebenzi wesikhumbuzo kubekwa icwecwe lesinyithi
28. Isitiya sokuKhumbula
29. Icandelo lokuTshisa izidumbu kunye neZiko lokuNcithiswa kweSidumbu
30. I Akile yamaGorha
31. Icandelo lezakhiwo ezingamangcwaba neziKhumbuzo
32. Icandelo leeYunithi zomphezulu wengcwaba
33. Icandelo leNkolo ethile

ISAPHLUKO SESI-8

UKUMISWA NOKUGCINWA KOMSEBENZI WESIKHUMBUZO NOLOLONGO

LWAMANGCWABA

34. Imvume yeSixeko
35. Imfuno zokumiswa komsebenzi wesikhumbuzo
36. Indawo, intshukumo nokususwa komsebenzi wesikhumbuzo
37. Umsebenzi, nogcino olubhekiselele kumsebenzi wesikhumbuzo
38. Ukonakaliswa komsebenzi wesikhumbuzo
39. Izithuthi nezixhobo
40. Ukuhambelana nezikhokhelo lweSixeko
41. Amaxesha okuziswa kwemathiriyeli nokwenziwa komsebenzi
42. Ubume bomhlaba obungazinzanga okanye obumanzi
43. Ukuveliswa kwemvume ebhaliweyo
44. Ulolongo lwengcwaba

ISAPHLUKO SESI-9

UKUKHUTSHWA KWESIDUMBU ENGCWABENI NOKUNCITSHISWA

KWESIDUMBU ESINGCWATYIWEYO NEZITYA ZOKUGCINA

AMATHAMBO ABAFI

45. Ukwenziwa kwesicelo sokukhutshwa kwesidumbu engcwabeni
46. Imiqathango yokukhutshwa kwesidumbu engcwabeni
47. Ukukhutshwa kwesidumbu ngokukhawulezileyo
48. Ukungcwatywa kwesidumbu esingesiso
49. Ukuncitshiswa kwesidumbu esingcwatyweyo
50. Ukusekwa kwezitya zokugcina amathambo abafi

ISAPHLUKO SE-10

UKUSETYENZISWA NOKUVALWA KWAMANGCWABA ANGASETYENZISWAYO

51. Ukusetyenziswa nokuvalwa kwamangcwaba angasetyenziswayo

ISAPHLUKO SE-11

UKUTSHISA IZIDUMBU

52. Izicelo zokutshiswa kwesidumbu
53. Ukutshiswa kwesidumbu
54. Iibhokisi zokutshiswa kwezidumbu
55. Iimfuno ngokubanzi ukulungiselela izikhumbuzo nomsebenzi wesikhumbuzo
56. Ukulahlwa kothuthu

ISAPHLUKO SE-12

IINTLOBO NGEENTLOBO

57. Ukungqinela nenkqubo yenkonzo, isaziso kunye namanye amaxwebhu
58. Izikhalazo
59. Isaziso sokuhambelana neenkcazelo
60. Iindleko
61. Isibheni
62. Imirhumo
63. Amatyala nezohlwayo
64. Uminyo lwemfanelo
65. Ukhululo
66. Amagunya neMisebenzi
67. Amaqela onxibelelwano kuluntu
68. Izikhokhelo nemigaqo-nkqubo
69. Ukurhoxiswa kweMithetho kaMasipala
70. Isihloko esifutshane nokuqaliswa

1. Iinkcazelo

Kulo Mthetho kaMasipala, ngaphandle kokuba ubume bubonisa enye into —

"ukungcwaba ngaphezulu komhlaba" kuthetha xa isakhiwo simisiwe ukulungiselela ukungcwaba umzimba yaye eso sakhiwo sibekwe naphezulu kwenqanaba eliqhelekileyo lomhlaba;

"ulwamkelo" luthetha ulwamkelo siSixeko;

"uthuthu" luthetha okushiyekelelo kwisidumbu esitshisiweyo;

"ingcwaba lothuthu" lithetha ingcwaba elilungiselelwe ukungcwaba okushiyeke kokutshisiweyo, kwingcwaba elinjalo ligqunywa ngelitye lesinyithi lesikhumbuzo okanye isixwemba;

Igosazingcwaba eligunyazisiweyo" lithetha igosazingcwaba leSixeko elingunyaziswe ukuba limilisele okanye linyanzelise izibonelelo zawo nawuphi na umthetho;

"icandelo elibekelwe umsebenzi wesikhumbuzo" lithetha icandelo lengcwaba kumangcwaba emangcwabeni elibekelwe bucala siSixeko apho umsebenzi wesikhumbuzo uminyelwe ukuze ube yintloko yelitye kuphela kuze kutyale ingca kubude bengcwaba;

"Ukuboliswa kwesidumbu" kuthetha inkqubo apho isidumbu silahlwa ngokuboliswa ngekhemikhali yezendalo;

"ukungcwaba" kuthetha umhlaba oqunjelwe ukungcwaba umzimba okanye uthuthu okanye isakhiwo simiselwe ukungcwatywa komzimba okanye uthuthu;

"umyalelo wokungcwaba" uthetha umyalelo wokungcwaba okhutshwe ngokwemiqathango yecandelo lama-20 loMthetho woBhaliso lwaBazalwayo naBabhuhileyo, we-1992 (uMthetho onguNombolo 51 we-1992);

"amangcwaba" athetha nawuphi na umhlaba onengcwaba okanye amangcwaba amaninzi;

"ISixeko" sithetha iSixeko saseKapa esisekwe ngokwemiqathango yecandelo le-12 loMthetho kaMasipala : INkqubo zikaMasipala we-1998 (uMthetho onguNombolo 117 we-1998) siSaziso sePhondo esinguNombolo 479 somhla wama-22 kuDisemba wama-2000 njengoko uhlonyelwe;

"iPaka zeSixeko" zithetha iPaka zeSixeko zeSebe kwiCandelo leeNkonzo zoLuntu kwiSixeko saseKapa;

"isidumbu" sithetha umzimba womntu oswelekileyo yaye sibandakanya imfambilini nento engekazalwa;

"ukuncitshiswa kwesidumbu" kuthetha nayiphi na inkqubo esetyenziswayo ukunciphisa izidumbu kubandakanywa ukutshiswa kwesidumbu, ukomiswa kwesidumbu ngokukhenkciswa nenkqubo yokuboliswa ziintsholongwane;

"IBhunga" lithetha iBhunga leSixeko okanye nawuphi na umbutho wopolitiko, igosa lopolitiko, ilungu leBhunga okanye nawuphi na umsebenzi osebenza phantsi kwegunya lebhunga okanye igunya elinganikezelwanga ngokupheleleyo;

"okushiyekileyo emva kokutshiswa kwesidumbu" kuthetha lonke uthuthu olufumanekayo emva kokutshiswa kwesidumbu;

"ukutshiswa kwesidumbu" kuthetha inkqubo apho isidumbu sincitshiswa ngumlilo;

"Indawo yokutshiswa kwesidumbu" ithetha isakhiwo apho abantu ababhuhileyo batshiswa khona;

"igcisa lempilo yendalo" lithetha umntu oqeshwe ngolo hlobo ngokuhambelana necandelo lama-80 loMthetho weMpilo weSizwe wama-61 wama-2003;

"ukukhutshwa kwesidumbu engcwabeni" kuthetha ukususwa kwesidumbu kwingcwaba laso;

"Ukuncitshiswa ngokukhenkceziwa" kuthetha inkqubo apho isidumbu silahlwa ngokomiswa ngokukhenkceziwa;

"umngcwabi" uthetha nawuphi na umntu, umbutho okanye iqumru loshishino elikushishino okanye eliqhuba ukungcwatywa kwezidumbu ukufumana inzuzo;

"indawo yoshishino yomngcwabi" inentsingiselo enikwe yona kummiselo woku-1 wemimiselo;

"isitya sokukhumbula" sithetha icandelo lamangcwaba elibekelwe bucala ukulungiselela ulwakhiwo lomsebenzi wesikhumbuzo, igolonxa ezindongeni, ukusekwa kwamangcwaba othuthu nokusasazwa kokushiyekileyo kutshiso lwesidumbu;

"ingcwaba" libandakanya nayiphi na indawo, nokokuba iphelele okanye ayiphelele ngaphezulu okanye ngaphantsi kwenqanaba lomhlaba apho isidumbu singcwatywa isigxina, nokokuba sikwibhokisi okanye kwesinye isitya yaye ngokunjalo libandakanya ilitye lesikhumbuzo, ilitye lengcwaba, umqamlezo, umbhalo, ubuyelo, uthanga, ityathanga, ulwakhiwo okanye nasiphi na isakhiwo esaso nesaluphi na uhlobo esiyinxalenye okanye izinto ezihamba nezo zikwingcwaba elinjalo.

"ukungcwaba ngaphantsi komhlaba" kuthetha xa umhlaba ugrunjiwe ukulungiselela ukungcwaba umzimba;

"ukungcwaba" kuthetha ukufaka isidumbu okanye uthuthu kwindawo yalo yokugqibela;

"icandelo lembonakalo yomhlaba" ithetha icandelo lengcwaba emangcwabeni elibekelwe bucala siSixeko apho umsebenzi wesikhumbuzo unyinwe ekubeni ube lilitye lesinyithi elibekwe ngokuthe tyaba okanye isixwexwe sesikhumbuzo, esinengca etyalwe kubude bengcwaba;

"Igumbi lokungcwaba elingaphezulu komhlaba" lithetha igumbi okanye amagumbi okubeka umzimba kunye nebhokisi yaye eme nkqo ngeendlela ezahlukeneyo;

"iakile yamagorha" ithetha icandelo lengcwaba emangcwabeni elibekelwe bucala emangcwabeni ukulungiselela ukungcwaba okanye ukukhumbula

amagorha nabantu abakhunjulwayo;

“Udonga lwenkumbulo” (ilitye lesikhumbuzo elibungcwaba” luthetha udonga okanye isakhiwo apho amagama amagorha nabantu abakhunjulwayo aboniswe khona,

"umsebenzi wesikhumbuzo" sithetha nayiphi na intloko yelitye, ilitye lesikhumbuzo, icwecwe lesinyithi, omnye umsebenzi okanye into, eyakhiweyo okanye ekuxhitywe ukuba yakhiwe emangcwabeni ukukhumbula umntu oswelekileyo, yaye kubandakanywa umqokumbelo wokwahlula ingcwaba, isixwexwe esigquma ingcwaba kunye neminqamlezo eyenziwe ngomthi, ngenyengane okanye uhlobo lwelitye eligudisiweyo (imbali) nentsimbi;

“Icandelo lesikhumbuzo” lithetha icandelo lamangcwaba emangcwabeni elibekelwe bucala ukulungiselela ulwakhiwo lomsebenzi wesikhumbuzo;

"ukungcwatywa kwabantu abaninzi kwingcwaba" kuthetha ukungcwatywa okulandelayo kubunzulu obuseleyo bengcwaba;

“Izalamane” ithetha umyeni/inkosikazi ephilileyo, ngaphandle kokuba imiselwe zizithethe, okanye ukuba ngaba akukho myeni/nkosikazi iphilileyo, umntwana ophilileyo okanye abantwana, okanye apho kungekho mntwana uphilileyo okanye akukho bantwana baphilileyo, umntu womnombo ophilileyo okanye abantu bomnombo abaphilileyo, okanye akukho bantu bomnombo baphilileyo, umzali okanye abazali abaphilileyo, okanye apho kungekho mzali uphilileyo okanye akukho bazali baphilileyo, umntakwabo okanye abantakwabo abaphilileyo, okanye apho kungekho mntakwabo uphilileyo okanye akukho bantakwabo baphilileyo, isihlobo esihlobene ngegazi okanye isihlobo segazi somfi esihlobene naye ngokusondeleyo, ngaphandle kokuba lo Mthetho kaMasipala udinga imvume yesalamane, yaye isalamane sibhekiselele kubantu abangaphezulu komntu omnye, ngokuhambelana nale nkcazelo, ngoko imvume yabo bonke aba bantu iya kufuneka.

"igolonxa" lithetha igumbi kwisakhiwo emangcwabeni esiyilelwe ukubekwa kothuthu;

"igolonxa eludongeni" lithetha udonga okanye isakhelo esiqulathe amagolonxa;

"Isifo ekufuneka sichaziwe" sithetha nasiphi na isifo ekufuneka ngokwasemthethweni ukuba sichazwe koogunyaziwe bakarhulumente xa sithe sachazwa ngugqirha, de kube sekufeni;

"igosa eliphetheyo" lithetha igosa eligunyazisiweyo elithi liqeshwe siSixeko kumathuba ngamathuba kwinqanaba lokubekwa kweliso ngokubhekiselele kumangcwaba okanye indawo yokutshisa izidumbu;

"Isitya sokugcina amathambo abafi" sithetha ibhokisi, isakhiwo, umbholompo okanye isiza esenzelwe ukuba sisebenze njengendawo yokugqibela yokuphumla kwamathambo omntu;

"umrhumo ochaziweyo" uthetha umrhumo njengoko uqinisekiswa siSixeko;

"amangcwaba angasese" athetha umhlaba othi usetyenziswe njengendawo yokungcwabela kodwa ongekho phantsi kolawulo lweSixeko;

"Indawo yokutshisa izidumbu yangasese" ithetha isakhiwo apho abantu ababhubhileyo batshiswa khona kodwa esingekho phantsi kwelungelo kunye /okanye kolawulo lweSixeko;

"amangcwaba kawonke-wonke" athetha ingcwaba apho ukungcwatywa kwesibini kwalo naliphi na ilungu loluntu kunakho ukuqhutywa emva kwesithuba seminyaka emihlanu nalapho ulwakiwo lwentloko yelitye kungavumelekanga nokokuba lelomntu ongcwatyweyo wokuqala nokokuba ngowesibini;

"ukungcwaba okuncitshisiweyo" kubhekiselele ekufumanekeni kwengcwaba ebelikho ukulungiselela ukungcwaba kulo emva kwesithuba esichaziweyo;

"imithetho" ithetha imithetho elawula iindawo zaBangcwabi, ezenziwe phantsi kwamacandelo 33 kunye nelama-39 oMthetho wezeMpilo, we-1977 (uMthetho onguNombolo 63 we-1977);

"iiyunithi zomphezulu wengcwaba" zithetha inkqubo yokungcwaba ngaphezulu komhlaba apho kusetyenziswa amagumbi okungcwaba enziwe ngenx' engaphambili ukulungiselela ukufaka umzimba nebhokisi, nezindlu ezinjalo ezibekwe ngaphezulu kwenqanaba lomhlaba elililo.

ISAPHLUKO SESI-2

UKULAPHLWA NOKUNGCWATYWA KOMZIMBA

Iindlela zokulaphlwa komzimba

2. Kuxhonyekekwe kwizibonelelo ezisebenzayo zalo Mthetho kaMasipala, nawo nawuphi na umthetho osebenzayo, umzimba unakho ukulaphlwa:-

- (a) Ngokungcwatywa emhlabeni;
- (b) Ngokungcwatywa ngaphezulu komhlaba.
- (c) Ukutshiswa kwesidumbu; okanye
- (d) Ukomiswa kwesidumbu ngokukhenkciswa nenkqubo yokubolisa ziintsholongwane.

Imvume efunekayo elungiselelwe ukungcwaba

3. (1) Akukho mntu unakho ukulaphlwa isidumbu nangayiphi na indlela ngaphandle kwaleyo ichazwe siSixeko kulo Mthetho kaMasipala, yaye umntu ofuna ukulaphlwa isidumbu kufuneka afumane imvume ebhaliweyo yeSixeko phambi kokuba alahle isidumbu, yaye kufuneka athobele iimfuno zeSixeko.

(2) Umntu ofuna ukufumana imvume njengoko kucamngcwe kwicandelwana (1) kufuneka angenise kwiSixeko isicelo esibhaliweyo kunye –

- (a) nobungqina bentlawulo yomrhumo ochaziweyo;
- (b) isiqinisekiso sokufa komntu;
- (c) umyalelo wokungcwaba ngokwemiqathango yoMthetho woBhaliso lwaBazelweyo nabaBhubhileyo, we-1992 (uMthetho onguNombolo 51 we-992);
- (d) kwimeko yomngcwabi, qho ngonyaka, isiqinisekiso sokuba nobuchule esikhutshiweyo ngokwemiqathango yemithetho, ubungqina bobhaliso kuluhlu lweenkcukacha ezikwikhompyutha lweePaka zeSixeko

ekubhekiselelwe kuzo kwicandelo lama-17(1), yaye kwimeko apho umyalelo wokungcwaba uthetha wakhutshwa ngumngcwabi, ubugqina bogunyaziso ngokwemiqathango yecandelo lesi-4 loMthetho woBhaliso lwaBazelweyo nabaBhubhileyo, we-1992 (uMthetho onguNombolo 51 we-1992;

- (e) ingxelo efungelweyo lilungu losapho lomntu obhubhileyo, okanye apho kungenakho ukwenzeka, esinye isizalwane esisondeleyo, livumele ukulahlwa kwesidumbu xa isidumbu eso siza kungcwatywa ngendlela exeliweyo;
 - (f) kwimeko apho umntu othe ngexesha lokusweleka kwakhe wabe enesifo esasulelayo, oku kufuneka kuchazwe kwisicelo;
 - (g) iinkcukacha zendlela zenkcubeko nezenkolo yomntu obhubhileyo ekufuneka kuhanjelwane nazo.
- (3) ISixeko sinakho ukusamkela isicelo kuxhonyekekwe kwimiqathango ethiwe thaca kwisicelo esamkelweyo okanye esaliweyo.
 - (4) Isicelo sokungcwaba kufuneka singeniswe kwiSixeko kungadlulanga isithuba sexesha esinokuthi sichazwe siSixeko kumathuba ngamathuba.
 - (5) Amaxesha amathuba achaziweyo aya kuthabathela ingqalelo nayiphi na indlela yenkonzo kulo mba, enokuthi yamkeleke yaye kuhanjelwane nayo naliliphi na iqela lenkolo elithile.
 - (6) Ukuba ngaba kwenziwe utshintsho ngokubhekiselele kusuku okanye iyure ebe ibekiwe ngaphambili yokungcwaba okanye umngcwabo ube urhoxisiwe, kwimeko apho iSixeko sinoxanduva lokumba ingcwaba, isaziso sotshintsho kufuneka sinikezelwe kwigosa elilawulayo emangcwabeni malunga neeyure ezisibhozo phambi kwexesha elimiselwe ukungcwaba.
 - (7) ISixeko sinelungelo lokuhlola okungaphakathi kwibhokisi phambi kokungcwaba.
 - (8) ISixeko sinakho ukwalela umntu, kubandakanywa nomngcwabi, imvume

yokungcwaba isidumbu ukuba ngaba amaxwebhu afanelekileyo afunwa siSixeko akangeniswanga kwiSixeko phambi komngcwabo.

Amaxesha okungcwaba

4. (1) Imingcwabo kufuneka iqhutywe ngamaxesha aqinisekisiwe nguMlawuli kumathuba ngamathuba.
- (2) Umntu ocamgcwe kwicandelo 3(2) uya kwabelwa ixesha lokungcwaba siSixeko yaye imingcwabo engaqhutywa kwixesha elabiweyo iya kuba nomphumela wokuba imingcwabo enjalo imiswe de kube lelo thuba apho elinye ixesha lokungcwaba lifumaneka kungakhange kuxakekiswa eminye imingcwabo eqhutywayo ngexesha elabiweyo.
- (3) Nangona kukho izibonelelo zecandelwana (1), iSixeko sinakho, ukuba imeko yileyo ingxamileyo okanye isithethe okanye amasiko enkonzo okanye iqela lenkcubeko, ukunikezela ngemvume yokungcwaba ngaphandle kwamaxesha aqulunqwe kwicandelwana (1) kwimeko enjalo umthumo owangezelelweyo unokuhlawulwa.
- (4) Amaxesha okungcwaba amiselwe siSixeko kwicandelwana (1), (2), nele-(3) siya kuthathela ingqalelo indlela ezimiselweyo, kunye neenkolo zamaqela athile enkolo.

Ibhokisi yokungcwaba

5. (1) Ibhokisi yokungcwaba kufuneka isetyenziselwe nakuphi na ukungcwatywa kwesidumbu ngaphandle kwalapho kuthintelwa ukusetyenziswa kwayo ziinkolo zezenkolo, okanye imvume eyodwa inikezelwe.
- (2) Kuxhonyekeke kwizibonelelo zecandelwana (3), sinye kuphela isidumbu esinokuthi sifakwe kwibhokisi yokungcwaba, ngaphandle kokuba oku kunxamnye nesithethe, namasiko okanye iinkolo zezenkolo zomntu oswelekileyo okanye umntu ochazwe kwicandelo lesi-3.
- (3) Umama nomntwana ababhubhe ngexesha lokuzalwa banakhno ukufakwa

kwibhokisi yokungcwaba enye, ukuba ngaba kufunyenwe imvume yeSixeko yaye umrhumo ochaziweyo uhlawulwe.

- (4) Ukuba ngaba kukho imizimba engaphezulu komnye kwibhokisi yokungcwaba, umzimba ngamnye kufuneka ufakwe kwingxowa yokufaka umzimba eyahlukeneyo.

Ulwakhiwo lwemathiriyeli yebhokisi yokungcwaba

6. Ibhokisi engcwatywe engcwabeni kufuneka kangangoko kufanelekile yakhiwe ngomthi okanye nayiphi na imathiriyeli engenatyhefu, etshabalalayo.

Ibhokisi kufuneka igqunywe

7. Umntu ekubhekiselelwe kuye kwicandelo 3(2), kufuneka aqinisekise ngento yokuba ibhokisi yokungcwaba, emva kokuba ifakwe engcwabeni, igqunywe ngomhlaba omalunga nama-300mm ubuncinane phambi kokuba kuqunjelwe inkonzo leyo iyodwa.

Imilinganiselo yomngxuma wengcwaba

8. (1) Onke amangcwaba okumangcwaba eSixeko aya kuhambelana nemilinganiselo ethiwe thaca apha ngasezantsi yaye kuya kubakho ubukhulu obubini bomngxunya wengcwaba obunale milinganiselo ilandelayo:

(a) **Ingcwaba elikhulu:**

Ubude:		2 250mm
Ububanzi:		750mm

(b) **Ingcwaba elincinane:**

Ubude:		1 350mm
Ububanzi:		535mm

- (2) Onke amangcwaba aya kuba nobunzulu obu-1 400mm ubuncinane.
- (3) Nawuphi na umntu ofuna umngxunya wokungcwaba kwingcwaba elikhulu kunobukhulu obungaphezulu kwemilinganiselo yesiseko kunye nobunzulu obuchaziweyo kwicandelwana (1) kufuneka, xa engenisa isicelo ngokwemiqathango yecandelo lesi-3, achaze imilinganiselo yebhokisi yokungcwaba kunye nobunzulu, ze ahlawule ezo ndleko okanye umrhumo njengoko uchaziwe siSixeko kumathuba ngamathuba
- (4) Apho ibhokisi yokungcwaba sele ungcwatywe phezu kwenye ibhokisi yokungcwaba, kufuneka kubekho malunga nama-300mm omhlaba ubuncinane phakathi kweebhokisi zokungcwaba.
- (5) Ekugqityweni kokungcwaba, umntu ekubhekiselelwe kuye kwicandelo lesi-3(2) okanye abantu abagrumbe ingcwaba kufuneka bacoce umhlaba olingqongileyo kubandakanywa neendledlana namangcwaba athe anomhlaba, nokungcola nazo naziphi na izinto okanye imathiriyeli evele ngokugrunjwa kwengcwaba.
- (6) Umntu owenza amalungiselelo okungcwaba kufuneka athabathe onke amanyathelo afanelekileyo ukuqinisekisa ngento yokuba akukho monakalo wenzekayo kwizakhiwo nempahla ekufutshane ngexesha lokungcwaba okanye lenkonzo eyodwa kubandakanywa nakuphi na ukudilika kweendonga zengcwaba ze athabathe amanyathelo okuthintela udiliko olunjalo.
- (7) ISixeko sinelungelo lokuwenza mtyaba nawuphi na umhlaba, okanye ongqonge naliphi na ingcwaba kubandakanywa ingqumba yengcwaba kwiinyanga ezintathu emva kokuba kungcwatywe.

Abantu abangamahlwempu

9. Umntu owenza isicelo sokungcwaba umntu olihlwempu, kufuneka isibhengezo soko.

IRejista

10. ISixeko kufuneka sigcine irhekhodi yabo bonke abangcwatyweyo yaye irhekhodi enjalo kufuneka iqulathe:-

- (a) iinkcukacha zomntu othe wacela ukungcwaba;
- (b) iinkcukacha zomntu obhubhileyo osidumbu sakhe siza kungcwatywa, ezifana negama, idilesi, kunye nenombolo yesazisi;
- (c) umhla womngcwabo kunye nenombolo yengcwaba apho kuza kungcwatywa isidumbu okanye uthuthu okanye indawo yesitya apho uthuthu lubekwe khona.

Ilungelo lokungcwaba

11. (1) Akukho mntu uya kufumana naliphi na ilungelo kubandakanywa nelungelo lokungcwaba nakuwuphi na umhlaba okanye ingcwaba emangcwabeni aphantsi kwelungelo leSixeko ngaphandle kwalawo malungelo okanye umdla njengoko anokufunyanwa phantsi kwalo Mthetho kaMasipala.
- (2) Ukuqinisekiswa kobunini bomntu obambe amalungelo akhoyo okungcwaba ngaphezulu kumangcwaba asele ekho kuya kuqinisekiswa ngokukhangelwa kwirejista yeSixeko.
- (3) Xa kwenziwe isicelo ngokwemiqathango yecandelo lesi-3 nasekuhlawulweni komrhumo ochaziweyo, umntu unakho ukufumana ilungelo lokungcwaba kumangcwaba oluntu.
- (4) xa kwenziwe isicelo ngokwemiqathango yecandelo lesi-3 nasekuhlawulweni komrhumo ochaziweyo, umntu unakho ukufumana ilungelo elilodwa lokuthi kamva angcwatywe kwakulo eli ngcwaba linye ukuba ngaba ilungelo elo liya kuphelelwa emva kokugrunjwa kwesidumbu ebesingcwatywe kwelo ngcwaba.

- (5) Ilungelo lokungcwaba abantu alisayi kukhutshelwa kumntu wesithathu ngaphandle kokuba kusweleke onelungelo kwimeko enjalo ilungelo liya kukhutshelwa kwisizalwane sakhe.
- (6) Apho isalamane somntu obhubhileyo ongcwatywe kwingcwaba apho ilungelo kukungcwaba okulandelayo kubonakalisa into yokokuba akasiso isalamane esinelungelo, kwimeko apho isalamane sisala kungcwatywo olulandelayo kweli ngcwaba, imvume yesalamane siya kufuneka phambi kokungcwaba okulandelayo kube kuyavunyelwa.
- (7) Ilungelo kwimingcwabo elandelayo ekubhekiselelwe kulo kwicandelwana lesi-4 lixhomekeke ekufanelekeni kwengcwaba ukulungiselela ukungcwatywa kwemizimba eyangezelelweyo njengoko kumiselwe siSixeko.
- (8) Isalamane okanye isizalwane esisondeleyo esiphilileyo somntu obhubhileyo othe wangcwatywa kwingcwaba kumangcwaba kawonke-wonke okanye kumangcwaba angasese sinakho, ngembalelwano, ukulahlekelwa lelo ngcwaba likawonke-wonke okanye elangasese kwiSixeko, yaye ngoko ke sinikezele imvume yokugrunjwa kwamathambo omntu obhubhileyo ongcwatywe kwlo ngcwaba, kunye nokungcwatywa apho komntu onganxulumananga okanye abantu.
- (9) Kwimeko yengcwaba langasese, apho umntu onelungelo elifunyenweyo ngokwemiqathango yecandelwana (11)(4) akasiso isalamane okanye isizalwane esisondeleyo esiphilayo somfi, imvume ehlangeneyo yomntu onemvume kunye nesalamane okanye esinye isizalwane esiphilayo somfi, kufuneka ifunyenwe ngaphambi kokuba kulahleke ilungelo lengcwaba ngokuhambelana necandelwana lesi-8.

ISIAHLUKO SESI-3

IMINGCWABO

Ezenkolo nezinye iinkonzo ezi zodwa

12. Amalungu ebandla lezenkolo anakho, kungakhange kufunyanwe imvume kwangaphambili nangethuba lomngcwabo nasengcwabeni, ukuqhuba inkonzo yenkolo eyodwa ngokubhekiselele nokungcwaba okanye inkonzo yesikhumbuzo, inkonzo leyo iyodwa engenakho ukuba ngaphezulu kwesithuba sexesha esiqingqwe siSixeko.

Umculo ngaphakathi emangcwabeni

13. Akusayi kubakho mculo okanye ukucula okukhwazayo okungafanelekanga okanye okuphazamisayo okanye isandi somculo esandisiweyo esiya kuvunyelwa emangcwabeni.

Inqwelo ethutha izidumbu nezinye izithuthi ezisengcwabeni

14. (1) Akukho nqwelo ethutha izidumbu okanye nasiphi na esinye isithuthi esinakho ukungena emangcwabeni ngaphandle kwemvume efunwe ngaphambili yeSixeko, engenakho ukubanjwa ngokungekho sizathu.
- (2) Akukho nqwelo ethutha izidumbu okanye nasiphi na esinye isithuthi esinakho ukusebenzisa nayiphi na indlela ukungena nokubheka phambili emangcwabeni, ngaphandle kweendlela ezibekelwe bucala ukulungiselela loo njongo.
- (3) Akukho nqwelo ethutha izidumbu okanye nasiphi na esinye isithuthi esinakho ukupaka nakuyiphi na indawo emangcwabeni ngaphandle kwecandelo lamangcwaba elabelwe kuphela ukupaka.

Iminyalelo yegosa eliphethayo

15. Umntu othabatha inxaxheba kumngcelele womngcwabo okanye inkonzo eyodwa esemangcwabeni kufuneka alandele iminyalelo yeSixeko.

ISAPHLUKO 4

ABANGCWABI

Abangcwabi

16. (1) Bonke abangcwabi abafuna ukusebenza njengolo hlobo phantsi kolawulo lweSixeko kufuneka babhalise kuluhlu lweenkcukacha zekhompyutha lweePaka zeSixeko.
- (2) Bonke abangcwabi, xa bebhalisa kuluhlu lweenkcukacha zekhompyutha ekubhekiselele kulo kwicandelwana (1), kuya kufuneka basayine isaziso saseburhulumenteni apho kuqinisekiswa ngento yokuba umngcwabi unolwazi yaye uza kuthobela nalo Mthetho kaMasipala, nayo yonke imigaqo-nkqubo nemirhumo ngokwemiqathango yalo Mthetho kaMasipala.
- (3) Yonke ingcaciso enikezelwe ngumngcwabi obhalisiweyo nakusiphi na isicelo esingeniswe ngokwemiqathango yalo Mthetho kaMasipala iya kuba yeyinyaniso nelungileyo.
- (4) Umngcwabi uya kuhambisa kuphela isidumbu kwinqwelo efanele imeko enjalo naleyo ihlangabezana neemfuno ezimiselwe liGosa leMpilo leNdalo.
- (5) Kwimeko apho nawuphi na umngcwabi obhalisiweyo othe waphula nasiphi na isibonelelo salo Mthetho kaMasipala, umgaqo-nkqubo okanye isikhokhelo okanye ubume bomrhumo ngokwemiqathango yalo Mthetho kaMasipala, iSixeko unakho, emva kokuba isaziso sinikezelwe sirhoxise ukubhaliswa komngcwabi, ze sirhoxise umngcwabi ekuqhubeni eminye imingcwabo emangcwabeni aphantsi kolawulo lweSixeko.

IS AHLUKO SESI-5

ULAWULO LWAMANGCWABA

Ukuqeshwa kwegosa eliphetheyo

17 (1) Umlawuli kufuneka aqeshe igosa eliphetheyo kumangcwaba ngamanye ukulungiselela ukuphatha nokulawula amangcwaba.

(2) Igosa eliphetheyo kufuneka lithathele ingqalelo izithethe zomntu oswelekileyo kunye nezabantu abanoxanduva lomngcwabo yaye kufuneka lizithathele ingqalelo kwisicwangciso-nkqubo salo Mthetho kaMasipala.

Iiyure zolwamkelo loluntu

18. (1) ISixeko siya kumisela iiyure zokuvulwa kwamangcwaba okanye inxalenye yawo ivulelwe kuluntu ukuze lupapashe kwibhodi yesaziso ebekwe kwisango ngalinye lasemangcwabeni.

(2) Akukho mntu, ungabandakanywa abasebenzi abagunyaziwe ngokufanelekileyo okanye amagosa avela kwiSixeko, unemvume, onokuba ngaphakathi okanye ahlale emangcwabeni okanye kwinxalenye yawo phambi okanye emva kweeyure ezimiselweyo xa amangcwaba evaliwe ukuba asetyenziswe luluntu njengoko kupapashiwe kwibhodi yezaziso njengoko kucamgcwe kwicandelwana (1).

Abantwana

19. Akufuneki mntwana ungaphantsi kweminyaka eli-12 ubudala ekuvumeleke ukuba angene emangcwabeni ngaphandle kokuba uphantsi kololongo lomntu omdala.

Ukuhamba ngeendledlana

20. Bonke abantu kudingeka ukuba bahambe ngeendledlana ezibonisiweyo emangcwabeni, kwezo ndawo kukho iindledlana.

Indlela yokuziphatha ethintelweyo nakuwaphi na amangcwaba

21. (1) Akukho mntu unakho -

- (a) Ukwenza okanye abangele inkathazo nakuwaphi na amangcwaba;
- (b) Ukukhwela isilwanyana, ibhayisikili okanye ibhodi yokutyibiliza okanye ukuthabatha inxaxheba nakuyiphi na enye indlela yokuzonwabisa okanye imisebenzi yemidlalo, ngaphandle kwesitulo esinamavili, nakuwaphi na amangcwaba, ngaphandle kokuba kokunye okumiselwe siSixeko;
- (c) Ngaphandle komntu ongaboniyo, ukuzisa into okanye avumele isilwanyana sizula-zule ngaphakathi nakuwaphi na amangcwaba, ngaphandle kokuba izinja ezo zitsalwa ngentambo eziya kwamkelwa ngaphandle kokuba kumiselwe ngenye indlela siSixeko;
- (d) ukutyala, ukugawula okanye ukususa umthi, isityalo, isihlahla okanye intyantyambo ngaphandle kwemvume yeSixeko;
- (e) ukubamba okanye ukuthabatha inxaxheba kugwayimbo nakuwaphi na amangcwaba;
- (f) ukuphazamisa okanye ukuchitha-chitha
 - (i) ukwenziwa komsebenzi wegosa eligunyazisiweyo okanye umsebenzi oqeshwe siSixeko; okanye
 - (ii) umngcwabi kuwaphi na amangcwaba;
- (g) Ukuthintela, ukwala okanye ukuchasa igosa eliphetheyo ekwenzeni umsebenzi walo okanye ukwala ukuthobela umyalelo okanye isicelo esiselungelweni esenziwa ligosa eliphetheyo phantsi kwalo Mthetho kaMasipala;

- (h) Ukuphawula, ukuzoba, ukurhoqoza, ukupeyinta okanye ukubeka nayiphi na into eludongeni, kwisakhiwo, kuthango, kwisanga, umsebenzi wesikhumbuzo okanye nasiphi na isakhiwo, kuthango, kwisango, umsebenzi wesikhumbuzo okanye nasiphi na isakhiwo nakuwo nawaphi na amangcwaba ngaphandle kwezo zilungiselelwe iinjongo ezisesikweni;
- (i) Ukusebenzisa amanzi uwasebenzisela naluphi na uhlobo lokunkcenkceshela igadi ngaphandle kwemvume yeSixeko;
- (j) ukushiya nayiphi na inkunkuma, umhlaba, amatye, ubutyobo, ukutya okulahlweyo okanye ukungcola nakuwaphi na amangcwaba;
- (k) nangayiphi na indlela ukonakalisa, ukunokalisa inkangeleko okanye angcolise nayiphi na inxalenye yamangcwaba okanye nayiphi na enye into apho;
- (l) ukungena okanye aphume kumangcwaba, ngaphandle kokusebenzisa isango lokungena okanye lokuphuma elilungiselelwe ezi njongo;
- (m) ukubongoza naliphi na ishishini, umyalelo, enze umboniso, okanye anikezele okanye ashiye umzila, ikhadi lokushishina okanye apapashe emangcwabeni, ngokungaphandle kwendawo etyunjelwe iinjongo ezinjalo siSixeko nangemvume efunyenwe kwangaphambili kwiSixeko;
- (n) ukuphatha ingcwaba okanye umsebenzi wesikhumbuzo ngaphandle kwentlonipho, okufana nokukhwela okanye ukuhlala kwingcwaba okanye umsebenzi wesikhumbuzo;
- (o) ukungena kwiofisi, kwisakhiwo okanye kwindawo ebiyelweyo emangcwabeni ngaphandle kokuba ungena ngokunxulumene nomcimbi osemthethweni;
- (p) ukutyhila isidumbu okanye inxalenye yaso emangcwabeni;
- (q) ukudlula kwisantya sokuqhuba esimiselelweyo esingama-20km ngeyure emangcwabeni;

- (r) ukusebenzisa nawuphi na amangcwaba njengendlela yokunqumla;
- (s) ukuvumela okanye abe ngunobangela wokungena kwaso nasiphi na isilwanyana nakuwaphi na amangcwaba ngaphandle kwegosa eliphetheyo, elihlala kwisiza eso samangcwaba elinezilwanyana ezingamanqabane, ngaphandle kwemvume efunyenwe kwangaphambili yeSixeko;
- (t) ukuza nabuphi na utywala emangcwabeni okanye buselelwe khona okanye udubule nayiphi na imipu emangcwabeni, ngaphandle kwemeko yamapolisa okanye umngcwabo karhulumente okanye umngcwabo wamajoni;
- (u) Ukwenza okanye aphembe nawuphi na umlilo emangcwabeni ngaphandle kweSixeko;
- (v) Ukuza emangcwabeni naso nasiphi na isixhobo sokugrumba, iisarha okanye isixhobo sokubamba isixhobo esiyintsimbi, ngaphandle kwemvume yeSixeko;
- (w) Ukuzingela okanye ukwenzakalisa naziphi na izilwanyana okanye iintaka;
- (x) Ukutyisa izilwanyana zasekhaya kwindawo engasetyenziswanga okanye phakathi kwamangcwaba;
- (y) Ukuqhuba izifundo zokufundisa umntu ukuqhuba emangcwabeni;

- (2) Igosa eligunyazisiweyo leSixeko elisebenza nakuwaphi na amangcwaba alinakho ukungena nakusiphi na isivumelwano nelungu loluntu ukulungiselela ukuba liqhube umsebenzi emangcwabeni egameni laloo mntu, onje ngokulolonga okanye ukugrumba ingcwaba okanye nawuphi na umsebenzi onxulumene nalowo.
- (3) ISixeko sinakho ukuthimba isilwanyana esifunyenwe nakuwaphi na amangcwaba kungenjalo ngaphandle kokuhambelana nezibonelelo zalo Mthetho kaMasipala.
- (4) Iigazebho ezibukhulu bungaphezulu kweemitha ezimbimi ziphinda-phindwe ngeemitha ezintathu azinakho ukumiswa emangcwabeni ngaphandle kwemvume enikezelwe kwangaphambili siSixeko.

ISAHLUKO SESI-6

AMANGCWABA ANGASESE NENDAWO YOKUTSHISA IZIDUMBU

Uzahlulo ezisebenzayo zoMthetho kaMasipala

22. Izibonelelo zamacandelo, 5, 6, 10 kunye neSahluko sesi-9 salo Mthetho kaMasipala ziya kwenza *inguqulelo apho kuyimfuneko* kumangcwaba angasese kunye nezibonelelo zamacandelo 52, 53 kunye nama-55(2) ziya kusebenzisa *inguqulelo apho kuyimfuneko* kumangcwaba angasese.

Imisebenzi yabanini

23. (1) Umnini wamangcwaba angasese okanye indawo yokutshisa izidumbu apho kufunyenwe imvume yeSixeko kufuneka —
- (a) ahambelana —
- (i) nayo nayiphi na imiqathango eyodwa enokuthi imiselwe siSixeko ngokubhekiselele kumangcwaba angasese nendawo yokutshisa izidumbu kumathuba ngamathuba; yaye
- (ii) nezibonelelo ezifanelekileyo zalo Mthetho kaMasipala kunye nayo nayiphi na eminye imithetho esebenzayo;

- (b) yokugcinwa kwembonakalo yomhlaba, uthango, amasango, imigaqo, iindledlana kunye needreyini zikwimeko elungileyo nesemgangathweni yaye zingenalo ukhula nokwena;
 - (c) nokuvumela igosa eligunyazisiweyo leSixeko ukuba lingene okanye lihlole amangcwaba okanye indawo yokutshisa izidumbu nazo zonke iirhekhodi ezigciniweyo ngokubhekiselele noku;
 - (d) nokuqeshwa komntu okulungileyo ukulawula amangcwaba nokugcina iirhekhodi.
- (2) Umnini wamangcwaba angasese okanye wendawo yokutshisa izidumbu yangasese, okanye womhlaba wangasese unakho ukwala ukunika imvume yokungcwatywa kwesidumbu okanye esitshisiweyo kumangcwaba okanye kwindawo yokutshisa izidumbu.

ISIAHLUKO SESI-7

AMACANDELO EMANGCWABENI

Isixeko sinakho ukuseka amacandelo

- 24. (1)** ISixeko sinakho ukuseka elinye okanye amaninzi ala macandelo alandelayo kumangcwaba aso:
- (a) Icandelo lelitye lesikhumbuzo
 - (b) Icandelo lomsebenzi wezikhumbuzo
 - (c) Icandelo lembonakalo yomhlaba;
 - (d) IAkile yamaGorha;
 - (e) Isitiya seNkumbulo;
 - (f) Icandelo leNdawo yokutshisa izidumbu neZiko lokuNciphisa isidumbu;

- (g) Icandelo leeyunithi zomphezulu wengcwaba omiselweyo; okanye
- (h) Icandelo lokungcwaba ngaphezulu komhlaba.
- (i) Icandelo ngokwenkolo

Icandelo lelitye lesikhumbuzo

- 25.** (1) Icandelo lelitye lesikhumbuzo licandelo lengcwaba kumangcwaba abekelwe bucala ukulungiselela ulwakhiwo lomsebenzi wesikhumbuzo emangcwabeni.
- (2) ISixeko sinakho ekuhambeni kwexesha silungelelanise onke amangcwaba ze sityale ingca apho.
- (3) Iintyatyambo, amagqabi isithsaba seentyatyambo okanye nasiphi na isihombiso esinokubekwa kwintloko yamangcwaba kuphela ngaphandle kwemeko apho amangcwaba angekalungelelaniswa.

Icandelo elibekelwe umsebenzi wesikhumbuzo

- 26.** (1) ICandelo lomsebenzi wesikhumbuzo lecandelo lamangcwaba elibekelwe bucala siSixeko apho umsebenzi wesikhumbuzo unyinwe ekubeni ube lilitye eliyintloko kuphela, kunye nengca etyaliweyo kwingcwaba liphela.
- (2) Iintloko zamatye linokuqulatha izitya ezibini zeentyatyambo.
- (3) Iintloko zamatye kufuneka zakhiwe kwisiseko sekhonkrithi esibonelelwa siSixeko okanye isiseko esifanelekileyo ukuxhasa intloko yelitye, eya kuzinziswa ngokuthe tyaba kwinqanaba lomgangatho kubume obuchazwe siSixeko.
- (4) Akusayi kubakho mqokumbelo okanye sakhelo esahlula ingcwaba okanye isicwemba esigqumileyo esivunyelweyo.
- (5) ISixeko sinakho, ekuhambeni kwexesha, ukulungelelanisa onke amangcwaba ze sityale ingca apho.
- (6) Iintyatyambo, amagqabi, isithsaba seentyatyambo okanye nasiphi na

isihombiso esinokubekwa kwintloko yamangcwaba kuphela ngaphandle kwemeko apho amangcwaba angekalungelelaniswa.

Icandelo lembonakalo yomhlaba

- 27.** (1) Icandelo lembonakalo yomhlaba licandelo lengcwaba emangcwabeni elibekelwe bucala siSixeko apho umsebenzi wesikhumbuzo unyinywe ekubeni ube lilitye lesinyithi elibekwe ngokuthe tyaba okanye isixwexwe sesikhumbuzo kuphela, kunye nengca etyaliweyo kwingcwaba liphela.
- (2) Akusayi kubakho enye into ngaphandle kwelitye lesinyithi okanye isixwexwe sesikhumbuzo esinokuthi sibekwe engcwabeni.
- (3) Akusayi kubakho mqokumbelo okanye sakhelo esahlula ingcwaba okanye isicwemba esigqumileyo esivunyelweyo.
- (4) ISixeko sinakho, ekuhambeni kwexesha, ukulungelelanisa onke amangcwaba ze sityale ingca apho.
- (5) Iintyatyambo, amagqabi, isithsaba seentyatyambo okanye nasiphi na isihombiso esinokubekwa kwintloko yamangcwaba kuphela ngaphandle kwemeko apho amangcwaba angekalungelelaniswa.

Isitya sesikhumbuzo

- 28.** (1) Isitya sesikhumbuzo lecandelo emangcwabeni elibekelwe bucala ulwakiwo lweendonga zesikhumbuzo ukukhumbula abantu, kwiqela labantu okanye isiganeko, iindonga ezinegolonxa, ukusekwa kwamangcwaba othuthu nokusasazwa kokuseleyo kwisidumbu ebesitshisiwe.
- (2) Iintyatyambo nesithsaba seentyatyambo zinokubekwa kuphela kwiindawo ezilungiselelwe oko ngoko.

Icandelo lokutshiswa kwezidumbu neZiko lokuNciphisa isidumbu

29. ISixeko sinakho ukubekela bucala icandelo lamangcwaba ukulungiselela ukusekwa kwendawo yokutshiswa kwezidumbu neziko lokunciphisa isidumbu.

Iakile yamagorha

30. (1) Iakile yamagorha licandelo lengcwaba emangcwabeni elibekelwe bucala ukulungiselela ukungcwatywa nokukhunjulwa kwegorha nokuVuyisana naBantu.

(2) Akukho mntu unokungcwatywa okanye akhunjulwe kweli candela ngaphandle kokuba iwonga lobugorha okanye umntu okhunjulwayo uthe waqinisekiswa siSixeko ngokubhaliweyo.

Igumbi okanye amagumbi angaphezulu komhlaba okugcina isidumbu nebhokisi

31. Icandelo legumbi okanye amagumbi angaphezulu komhlaba okugcina isidumbu nebhokisi linokusekwa emangcwabeni apho izidumbu zingcwatywa kwigumbi.

Icandelo leeYunithi zokuNgcwaba ngaphezulu koMhlaba

32. Icandelo leyunithi yokungcwaba ngaphezulu komhlaba linakho ukusekwa kumangcwaba apho izidumbu zingcwatywa kwiiyunithi zokungcwaba ngaphezulu komhlaba.

Icandelo leNkonzo

- 33.** (1) ISixeko sinokubekela bucala amacandelo ajongene neenkonzo kumangcwaba aso ukulungiselela inkolo ethile, unqulo okanye amaqela enkcubeko apho iimfuno zokungcwaba seqela elinjalo zinyanzelisa ulungiselelo lwamangcwaba ngokubhekiselele kukuziqhelanisa, ingxinano nobunzulu obungebubo obo buqhelekileyo.
- (2) ulwabiwo lwamacandelo anjalo alusayi kuba namonakalo kwiimfuno zokungcwaba zabahlali ngokubanzi beSixeko.

ISAHLUKO SESI-8

**ULWAKHIWO NOKUGCINWA KOMSEBENZI WESIKHUMBUZO
NOKULOLONGWA KWAMANGCWABA**

Imvume yeSixeko

- 34.** (1) Akukho mntu uvumelekileyo ukuzisa nasiphi na isikhumbuzo okanye akhe, aguqule, apeyinte, acoce, avuselele ngokutsha, ahombise, asuse okanye enze into eza kuphazamisa nawuphi na umsebenzi wesikhumbuzo okanye akrole umbhalo kuso emangcwabeni ngaphandle kwemvume ebhaliweyo yeSixeko kunye nentlawulo yomrhumo ofunekayo, ngaphandle kweenjongo zomsebenzi wololongo oluqhelekileyo.
- (2) Phambi kolwaxhiwo lomsebenzi wesikhumbuzo oku kulandelayo kufuneka kungeniswe kwiSixeko ukulungiselela ulwamkelo malunga neentsuku ezintlanu ngeentsuku zomsebenzi ngaphambili kolwaxhiwo olucetywayo:
- (a) isicwangciso esibonisa ngemilinganiso kunye nendawo;
- (b) iinkcukacha zemathiriyeli ekuza kwaxhiwa ngayo umsebenzi wesikhumbuzo ; kunye
- (c) namagama ombhalo oselityeni lesikhumbuzo;
- (3) ISixeko sinakho ukwamkela isicelo ekubhekiselelwe kuso kwicandelwana

- (2) kunye okanye ngaphandle kwemiqathango njengoko ebona kuyimfuneko, yaye sinakho ukusala isicelo ukuba ngaba asihambelani neemfuno ngokubhekiselele kumsebenzi wesikhumbuzo njengoko uqinisekisiwe siSixeko.
- (4) Akukho mntu unakho ukuza emangcwabeni nemathiriyeli elungiselelwe injongo yokwakha apho nawuphi na umsebenzi wesikhumbuzo nakuliphi na ingcwaba ngaphandle kokuba-
- (a) izibonelelo zecandelwana (1) ukuya kwi-(3) kuthe kwahanjelwana nazo; yaye
- (b) ubungqina bentlawulo ngokubhekiselele kumsebenzi oza kuqhutywa buthe bangeniswa.
- (5) Imvume yomsebenzi ocetywayo iba yesebenzayo kangangesithuba seenyanga ezilishumi elinesibini (12) ukususela kumhla ethe yamkelwa, yaye kwimeko apho umsebenzi wesikhumbuzo uthe awakhiwa malunga nexesha elichaziweyo isicelo esitsha kufuneka singeniswe.

Iimfuno zolwakhiwo lomsebenzi wesikhumbuzo

35. Umntu owakha umsebenzi wesikhumbuzo kufuneka ahambelane noku kulandelayo:

- (a) umntu kufuneka abe nesicwangciso esamkelweyo ngokwemiqathango yecandelo lama-34(2);
- (b) wonke umsebenzi kufuneka wenziwe ngokwemiqathango equlunqwe kwicandelo lama-34(3);
- (c) inkqubo kufuneka ingabi namonakalo ewenzayo nakusiphi na isakhiwo okanye idale ubutyala;
- (d) ngemvume yomenzi wesicelo, igama lomenzi okanye lomyili linakho ukubhalwa kumsebenzi wesikhumbuzo, kodwa kungabikho dilesi okanye ezinye iikcukacha emazangezelelwe kuwo, yaye nesithuba esisetyenziselwa oko asinakuba sikhulu ngaphezulu kwama-40 x 100 mm;

- (e) yonke imathiriyeli engasetyenziswanga emva kokugqitywa komsebenzi kufuneka isuswe yaye imimandla eyameneyo kufuneka ishiywe icocekile; yaye
- (f) nawuphi na umonakalo owenziweyo kufuneka ulungiswe ngeendleko zomntu onoxanduva lomonakalo onjalo yaye xa umntu onoxanduva esilela ukulungisa oko, emva kwesaziso esifanelekileyo, iSixeko siya kuqhuba umsebenzi wolungiso ngeendleko zomntu owakhe umsebenzi wesikhumbuzo.

Indawo, ukushukunyiswa nokususwa komsebenzi wesikhumbuzo

- 36.** (1) Akukho mntu unokwakha umsebenzi wesikhumbuzo kwingcwaba phambi kokuba kwaziwe indawo oza kubekwa kuyo loo msebenzi wesikhumbuzo ngokwemiqathango yesicwangciso esamkelweyo ekubhekiselelwe kuso kwicandelo lama-34(2).
- (2) Ukuba ngaba ubume ekubhekiselelwe kubo kwicandelwana (1) akuhanjelwana nabo, iSixeko sinakho, ngesaziso esibhaliweyo kuloo mntu, ukuyiguqula indawo yomsebenzi wesikhumbuzo ze lizifumane kwakhona iindleko zolungiso kumntu lowo wakhe umsebenzi wesikhumbuzo.
- (3) Kwimeko apho umsebenzi wesikhumbuzo uthe kuqala wabekwa kwindawo ethile ngemvume echaziweyo yeSixeko, ulungiso olulolunye lwendawo ngokwemiqathango yezibonelelo zeli candela luqhutywa ngeendleko zeSixeko.

Umsebenzi nololongo ngokubhekiselele kumsebenzi wesikhumbuzo

- 37.** (1) Nawuphi na umntu owenza nawuphi na umsebenzi, uya kuwenza umsebenzi onjalo phantsi kolawulo kwiSixeko.
- (2) Ukuba ngaba umntu othe wakha umsebenzi wesikhumbuzo waze wawuyeka umsebenzi wesikhumbuzo wade wafikelela kwisimo sokokuba ungalungiseki de ufikelele ekubeni ube nokuba ngunobangela wengozi okanye wonakalise imbonakalo yamangcwaba, iSixeko sinokunikezela

ngesaziso sokuhambelana, njengoko kuqulunqiwe kwicandelo lama-59, kumntu lowo.

- (3) ISixeko sinakho, emva kwesaziso esifanelekileyo, nangaliphi na ixesha singatshintsha okanye siguqule indawo yomsebenzi wesikhumbuzo emangcwabeni ze lifumane kwakhona indleko ezo kumnini womsebenzi wesikhumbuzo.
- (4) Umsebenzi wesikhumbuzo obekiweyo, owakhiweyo, oguqulweyo, ohonjisiweyo, opeyintiweyo okanye owenziwe ngenye indlela emangcwabeni ngendlela apha enokubangela ukwaphulwa kwazo naziphi na izibonelelo zalo Mthetho kaMasipala, unakho ukususwa siSixeko ngeendleko zomntu onoxanduva loku, emva kwesaziso esifanelekileyo, ngaphandle kwentlawulo yayo nayiphi na imbuyekezo.

Ukonakaliswa komsebenzi wesikhumbuzo

38. ISixeko asinalo uxanduva esingabuthathayo lwalwo nawuphi na umonakalo onakho ukwenzeka nangaliphi na ixesha kumsebenzi wesikhumbuzo, yaye ongabangelwanga kukuswela inkathalo kwamagosa agunyazisiweyo eSixeko.

Izithuthi nezixhobo

39. (1) Wonke umntu owenza umsebenzi kwingcwaba okanye kwisiza kufuneka aqinisekise ngento yokuba izithuthi, izixhobo ziyahambelana nezibonelelo zalo Mthetho kaMasipala kunye nayo nayiphi na eminye imithetho, yaye azivali ndlela okanye iindlelana.
- (2) Akukho mntu onakho ukuthutha nayiphi na imathiriyeli yamatye, izitena okanye umsebenzi wesikhumbuzo okanye inxalenye ngoko kumangcwaba kwisithuthi okanye ilori enokuthi yenze umonakalo kwiindlelana okanye umhlaba okanye izakhiwo zamangcwaba.

Ukuhambelana nemiyalelo yeSixeko

40. Umntu oqhuba umsebenzi emangcwabeni kufuneka ngazo zonke iindlela ahambelane nemiyalelo yegosa eliphethayo.

Amaxesha okuziswa kwemathiriyeli nokwenziwa komsebenzi

41. (1) Akukho mntu unokuzisa umsebenzi wesikhumbuzo okanye imathiriyeli enxulumene noko, okanye enze nawuphi na umsebenzi ongaphandle kokukhulula umsebenzi wesikhumbuzo ngeenjongo zokungcwaba kumangcwaba ngaphandle kwamaxesha aqinisekiswa siSixeko.
- (2) Akukho mntu unokuqhuba umsebenzi onokuthi uphazamise okanye ungene ngenkani emngcwabeni ngesithuba somngcwabo.

Ubume bomhlaba obungazinzanga okanye umhlaba ekufikelelwe kwiqondo elingenakugqithwa

42. ISixeko asisayi kuthwala luxanduva lwandleko kumsebenzi wesikhumbuzo ezenzeke ngenxa yomhlaba okwimo engazinzanga.

Ukuveliswa kwemvume ebhaliweyo

43. Umntu otyholwa ngokusebenza okanye esendleleni eya okanye evela emsebenzini emangcwabeni kufuneka, xa sithe iSixeko okanye igosa eligunyazisiweyo lenza ibango, akhuphe imvume ebhaliweyo ebikhutshelwe yena ngokwemiqathango yecandelo lama-34(1).

Ulolongo lwengcwaba

44. (1) Ukugcinwa nokulolongwa kwengcwaba kuluxanduva lomntu ocamngcwe kwicandelo 3(2).
- (2) ISixeko sinakho ukuqalisa ngokugcina naliphi na ingcwaba lisemgangathweni nangasiphi na isithuba.
- (3) ISixeko sinakho ukuqalisa ngokugcina naliphi na ingcwaba ngokwaso nasiphi na isithuba ngeendlela zaso.

ISIAHLUKO 9

UKUKHUPHA ISIDUMBU ENGCWABENI NOKUNCITSHISWA KOKUNGCWATYIWEYO NEZITYA ZOKUGCINA AMATHAMBO ABAFI

Isicelo sokukhupha isidumbu engcwabeni

45. (1) Isicelo sokukhutshwa kwesidumbu engcwabeni kufuneka singeniswe kwiSixeko, yaye kufuneka sibandakanye oku kulandelayo:

- (a) ifomu ezalisiweyo yesicelo;
- (b) ikopi yesiqinisekiso sokubhubha;
- (c) ileta okanye ingxelo efungelweyo kwisizalwane somntu obhubhileyo evuma ukuba kukhutshwe isidumbu engcwabeni;
- (d) intlawulo yomrhumo ochaziweyo.

Imiqathango yokukhutshwa kwesidumbu engcwabeni

46. (1) Akukho mntu unakho ukukhupha isidumbu engcwabeni okanye enze into yokokuba kukhutshwe isidumbu engcwabeni okanye okuseleyo kumalungu omzimba ngaphandle kwemvume ebhaliweyo -

- (a) yeSixeko; okanye
 - (b) yeSebe leMpilo lePhondo ngokuhambelana noMmiselo wokuKhutshwa kwesidumbu engcwabeni, we-1980 (uMmiselo onguNombolo. 12 we-1980).
- (2) Imvume ebhaliweyo ekubhekiselelwe kuyo kwicandelwana (1) kufuneka ingeniswe kwigcisa lempilo yendalo malunga neentsuku zomsebenzi ezintlanu phambi kolwamkelo lomhla wokukhutshwa kwesidumbu engcwabeni.
- (3) Igcisa lempilo yendalo linakho ukumisela imiqathango ngokubhekiselele

kukukhutshwa kwesidumbu engcwabeni njengoko kubhekiselelwe kulo kwicandelwana (1) yaye ukukhutshwa kwesidumbu engcwabeni kunakho ukuqhubeka xa imiqathango enjalo ithe yathotyelwa.

- (4) Akunakuze kukhutshwe isidumbu engcwabeni okanye ukungcwatywa kwakhona kuqhutywe ngaphandle kobukho begcisa lempilo yendalo elinobuchule nelinamava eliqeshwe siSixeko kunye nomngcwabi obhalisiweyo.
- (5) Amalungu omntu obhubhileyo kufuneka angcwatywe kwakhona okanye atshiswe malunga neeyure ezingama-48, ngaphandle kokuba igcisa lempilo yendalo limisela into yokokuba iimeko okanye imiqathango ithintela ukungcwatywa kwakhona okanye ukutshiswa kwesidumbu kwisithuba seeyure ezingama-48.
- (6) Amalungu omntu obhubhileyo kufuneka, kumiselwe ukungcwatywa kwakhona okanye ukutshiswa kwawo, agcinwe kwindawo yomngcwabi obhalisiweyo.
- (7) Ukukhutshwa kwesidumbu kwakhona kuya kuqhutywa ngokuhambelana nomgaqo-nkqubo weSixeko wokukhutshwa kwesidumbu engcwabeni okanye ukungcwatywa kwakhona kwamalungu esidumbu somntu.
- (8) Ingcwaba lemfazwe loManyano lwezizwe ezinobudlelwane linakho ukukhutshwa kulo isidumbu kuphela ngokuhambelana nezibonelelo zecandelo lesi-3 loMthetho waMangcwaba eMfazwe oManyano lwezizwe ezinobudlelwane, we-1992 (uMthetho onguNombolo 8 we-1992).
- (9) Umntu oqhuba ukukhutshwa kwesidumbu engcwabeni kufuneka abonelele isidumbu ngasinye okanye amalungu ngesitya esifanelekileyo.

Ukukhutshwa kwesidumbu engcwabeni okungxamileyo

47. (1) Akukho mzimba unakho ukukhutshwa engcwabeni ngaphantsi kwesithuba seenyanga ezilishumi elinesibhozo emva kokungcwatywa ngaphandle kokuba oko kuhambelana noMyalelo weNkundla.

- (2) Ukukhutshwa kwesidumbu engwabeni okungxamileyo kuya kuhambelana nezibonelelo zamacandelo 45 kunye nama-46.
- (3) Ilungu leeNkonzo zaMapolisa zoMzantsi Afrika kufuneka libekho ngethuba lokukhutshwa kwesidumbu engwabeni okungxamileyo.

Ukungwatywa okungalunganga

48. ISixeko sinakho ukuba ngaba umzimba sele ungwatywe ngokuchasene nalo Mthetho kaMasipala, kuxhonyekeke kwizibonelelo zecandelo lama-45, ngaphandle kwecandelo 45(1)(c), ukwenza ukuba umzimba ukhutshwe engwabeni ze ungwatywe kwakhona kwelinye ingwaba, kuloo meko ke izizalwane zomntu obhubhileyo kufuneka zaziswe ngokukhutshwa kwesidumbu engwabeni okuxhitywayo nokungwatywa kwakhona ze zivunyelwe ukuba zikuzimase.

Ukuncitshiswa kokungwatyweyo

49. ISixeko sinakho, emva kwesithuba seminyaka elishumi (10) emva kokungwatywa okusandula ukwenzeka kwingwaba, ukukhupha isidumbu engwabeni amalungu esidumbu ngeenjongo zokunciphisa isidumbu ze kungwatywe kwakhona amalungu eso sidumbu kwakelo ngwaba, kwibhokisi encinane, kubunzulu obukhulu, kuxhonyekeke kwimiqathango yokokuba -
 - (a) nabaphi na abantu abanamalungelo angasese kwelo ngwaba, amiselwe ngokwemiqathango yamacandelwana 11(4) kunye nezizalwane ezisondeleyo ezisaphilayo zomfi (apho umntu onelungelo engesiso isizalwane somfi) kufuneka babe banikezela ngemvume yabo;
 - (b) ngokubhekiselele nakuliphi na ingwaba apho kungafunyanwanga amalungelo angasese, apho isizalwane, okanye izizalwana ezisondeleyo ezisaphilayo zomntu obhubhileyo kufuneka zinikezele ngemvume.

Ukusekwa kwezitya ukulungiselela amathambo omfi

50. Izitya zokugcina amathambo omfi zinakho ukusekwa emangwabeni.

ISAHLUKO SE-10

UKUSETYENZISWA NOKUVALWA KWAMANGCWABA ANGASETYENZISWAYO

Ukusetyenziswa nokuvalwa kwamangcwaba angasetyenziswayo

51. (1) Nangona nasiphi na isibonelelo salo Mthetho kaMasipala, yaye kuxhonyekwe kwizibonelelo zecandelwana (6), iSixeko sinakho ukusebenzisa nawaphi na amangcwaba okanye isahlulo soko, apho iligunya lamangcwaba, athe akasetyenziswa kangangesithuba esingekho ngaphantsi kweminyaka engama-20 ukulungiselela loo njongo njengoko engenakungcolisa umhlaba kunye namalungu omzimba okanye izikhumbuzo kumangcwaba anjalo.
- (2) Nangona nasiphi na isibonelelo salo Mthetho kaMasipala, yaye kuxhonyekwe kwizibonelelo zecandelwana (6), iSixeko sinakho ukuvala nawaphi na amangcwaba okanye isahlulo ngoko, apho iligunya lamangcwaba, athe akasetyenziswa kangangesithuba esingekho ngaphantsi kweminyaka engama-20, okanye ukuba ngaba sikho isizathu esibambekayo sokuvalwa kwawo.
- (3) Nangona nasiphi na isibonelelo salo Mthetho kaMasipala, yaye kuxhonyekwe kwizibonelelo zecandelwana (6), iSixeko sinakho ukusebenzisa njengendawo yokungcwaba nawaphi na amangcwaba okanye isahlulo sawo, ebesisetyenziselwe enye injongo ngokwemiqathango yecandelwana (1), okanye sivule kwakhona nawaphi na amangcwaba okanye isahlulo eso, esithe savalwa ngokwemiqathango yecandelwana(2).
- (4) ISixeko sinakho, kuxhonyekwe kwizibonelelo zecandelwana (6), ukususa sise kwamanye amangcwaba amalungu omzimba, izikhumbuzo kunye nezinye izakhiwo kumangcwaba apho singugunyaziwe wamangcwaba, athe avalwa okanye angasetyenziswayo ngokwesithuba esingekho ngaphantsi kweminyaka engama-20 athe amkelelwa ukuba kwenziwe enye into kuwo ugunyaziwe onobuchule okanye oogunyaziwe njengoko kusenokuba njalo.

- (5) Onke amagunya anawo okanye afunyanwe nanguye nawuphi na umntu ngokubhekiselele kumangcwaba acamngcwe kumacandelwana (1) kunye nele-(2) aya kutshitsha.
- (6) Ngaphambi kokuba kwenziwe ngokwemiqathango yamacandelwana (1), (2), (3) kunye nele-(4) iSixeko kufuneka sinike isaziso ngeenjongo zalo zokwenza njalo.

ISAHLUKO SE-11

UKUTSHISWA KWESIDUMBU

Izicelo zokutshiswa kwesidumbu

- 52.** (1) Izicelo zokutshiswa kwesidumbu mazenziwe phezu kwemiqathango, ngamaxesha neendawo naxa sele kuhlulwe umrhumo omiselwe siSixeko.
- (2) Umntu unakho ukutshisa isidumbu okanye enze ukuba kutshiswe nawuphi na umzimba nakuyiphi na indawo yokutshisa emva -
- (a) kokuhambelana nomthetho osebenzayo;
- (b) kokufumana imvume yeSixeko; kunye
- (c) nokuhambelana kunye nayo yonke imiqathango njengoko imiselwe siSixeko.

Utshiso lwesidumbu

- 53.** (1) Apho ilungu loluntu linqwenela ukubakho kutshiso lwesidumbu, isicelo selungu elo sokubakho kufuneka senziwe kwiSixeko, esiya kuthi sinike ingqwalasela kwisicelo njengoko kufanelekile.
- (2) Nasiphi na isidumbu esiwotshi elawula ukubetha kwentliziyo okanye isixhobo esifakwa entliziweni salo naluphi na uhlobo okanye nayiphi na into enokuba nesiphumo sodubulo okanye ekhupha okunobungozi xa ithe yatshiswa asinakho ngoko ukutshiswa ngaphandle kokuba sikhutshiwe.

- (3) Indawo yokutshisa isidumbu iya kufakwa isixhobo ukulungiselela ukuthintela ukusasazeka kothuthu kumoya ojikelezayo emhlabeni.

Iibhokisi ezilungiselelwe ukutshiswa kwesidumbu

54. (1) Xa kutshiswa isidumbu, umzimba kufuneka ufakwe kwibhokisi.
- (2) Ibhokisi leyo inesidumbu ekutshiselwa kuyo iya kwenziwa ngomthi wendalo okanye ngayo nayiphi na imathiriyeli engenabungozi.
- (3) Akusayi kusetyenziswa ivanishi eyingozi, ipeyinti okanye iglu xa kusenziwa ibhokisi apha kuza kutshiselwa khona isidumbu.
- (4) Sakuba sitshisiwe isidumbu, ibhokisi kufuneka iqulathe kuphela imathiriyeli etshisekayo, kubandakanywa impahla, izihlangu nezinye izihombiso zalo naluphi na uhlobo, yaye iSixeko siya kuba nelungelo lokususa imathiriyeli engatshiyo ekwibhokisi.
- (5) Phambi kokuba kuvunyelwe utshiso lwesidumbu ukuba luqhube, umenzi wesicelo okanye ummeli wakho uya kunyanzeleka ukuba akhuphe isiqinisekiso esiqinisekisa ngento yokuba ibhokisi iyahambelana namacandelwana (2) kunye (3) ngasentla.
- (6) Akusayi kususwa isidumbu nakuyiphi ibhokisi ngenjongo zokutshisa nqu yaye ibhoksi ayinakho ukuvulwa kwindawo yokutshisa isidumbu ngaphandle kwemvume yeSixeko engenakubanjwa ngaphandle kwesizathu.

Iimfuno ngokubanzi ezilungiselelwe izikhumbuzo kunye nomsebenzi wesikhumbuzo

55. (1) Isixeko sinakho ukubonelela -
- (a) ngezakhiwo, amagolonxa okanye ezinye izibonelelo ukulungiselela ukugcinisa nokugcina uthuthu nangangesithuba esiqinisekisiweyo okanye ngonaphakade ngokuhambelana nangemiqathango enokuthi imiselwe siSixeko;

- (b) izibonelelo ezilungiselelwe izixwembe zezikhumbuzo ezenziwe ngemathiriyeli eyamkelweyo, ngokuhambelana nangemiqathango enokuthi imiliselwe siSixeko; kunye
 - (c) ngezitiya zokusasaza uthuthu, izitiya ezo ezinokwaziwa njenge“Zitiya zeNkumbulo”.
- (2) Wonke umbhalo kumagolonxa, kwizixwembe zezikhumbuzo okanye kwiincwadi zenkumbulo kufuneka uhambelane nemigangatho ngokubanzi yentlonipho nemfaneleko yaye mawungabi nakukhubekisa uluntu.
- (3) Umntu unakho kuphela -
- (a) ukuvula igolonxa eliqulathe uthuthu; okanye
 - (b) asuse ingqayi okanye iqhaga eliqulathe uthuthu kwigolonxa ngemvume yeSixeko, engenakho ukunganikezelwa ngaphandle kwesizathu.
- (4) Ukuba uthuthu lungcwatywa engcwabeni lukwingqayi, ingqayi leyo kufuneka yenzi ngemathiriyeli ebolayo.
- (5) Zingqayi okanye ngamaqhaga aqulathe uthutha anokufakwa kwigolonxa
- (6) ISixeko okanye amagosa agunyazisiweyo aso akasayi kuthwala uxanduva ngokubhekiselele kumalungu oluntu ngomonakalo okanye ubusela obuqhubeke kwigolonxa, kwiingqayi, izikhumbuzo okanye nasiphi na isihombiso esilapho kwindawo yokutshiswa kwezidumbu ephantsi kolawulo lwaso okanye emhlabeni waso.

Ukulahlwa kothuthu

- 56.** (1) Uthuthu kufuneka lulahlwa ngohlobo olucelwe ngumenzi wesicelo okanye ummeli wakho ukulungiselela ukutshiswa kwesidumbu.
- (2) Umenzi wesicelo okanye ummeli wakhe kufuneka, ngesithuba sokwenziwa kwesicelo sokutshiswa kwesidumbu, anikezele ngemiyalelo emalunga nokulahlwa kothuthu.

- (3) Nangona kukho oku kungentla, iSixeko sinelungelo lokulahla uthuthu ngokuhambelana nomthetho ofanelekileyo.

ISAHLUKO SE-12

IINTLOBO NGEENTLOBO

Ukungqinela nokunikezelwa komyalelo, isaziso okanye amanye amaxwebhu

57. (1) Umyalelo, isaziso okanye amanye amaxwebhu ngokwemiqathango yalo Mthetho kaMasipala ofuna ubungqina kufuneka asayinwe okanye ngomyalelo wegosa elifanelekileyo eligunyazisiweyo leSixeko.
- (2) Nasiphi na isaziso okanye amanye amaxwebhu athe anikezelwa kumntu ngokwemiqathango yalo Mthetho kaMasipala, athathwe njenganikezelweyo -
- (a) xa athe anikezelwa kumntu lowo buqu;
 - (b) xa athe ashitywa kwindawo ahlala kuyo loo mntu okanye yoshishino kwiRiphabliki yoMzantsi Afrika kumntu obudala bungaphezulu kweminyaka elishumi elinesithandathu;
 - (c) xa athe aposwa ngerejista okanye ngencwadi eqinisekisiweyo kuloo dilesi yokugqibela yokuhlala okanye yoshishino eyaziwayo yaloo mntu kwiRiphabliki ze isiqinisekiso sokuposa soko esivela kwinkonzo yezeposi sifumaneka;
 - (d) ukuba idilesi yomntu lowo kwiRiphabliki ayaziwa, xa ithe yanikezelwa kwiarhente yomntu okanye ummeli womntu lowo kwiRiphabliki ngendlela ekuboniswe ngayo kwimihlathi (a), okanye (b) okanye (c);
 - (e) ukuba idilesi yomntu kunye nearhente okanye ummeli kwiRiphabliki ayaziwa, xa ithe yancanyathiselwa kwindawo ebonakalayo kwipropati leyo okanye kwindlu, ukuba ikho, apho ihambelana nayo; okanye

- (f) kwimeko apho iqumrhu lamashishini, xa ithe yanikezelwa kwiofisi yeziqinisekiso okanye indawo yoshishino yequmru elo jnmloshishino.
- (3) Ukunikezelwa kwekopi kuya kuthatyathwa njengokunikezelwa kwencwadi yokuqala engeyiyo ikopi.
- (4) Nayiphi na inkqubo esemthethweni inikezelwa ngokufanelekileyo nokwanelisayo kwiSixeko xa inikezelwe kuMlawuli weSixeko okanye kumntu ogunyazisiwe ngokufanelekileyo.

Isikhalazo

- 58.** Umntu othanda ukufaka isikhalazo neSixeko ngokwemiqathango yesibonelelo salo Mthetho kaMasipala kufuneka enze njalo ngokubhalela iofisi yoMlawuli weSixeko.

Isaziso sokuhambela nokumelwa

- 59. (1)** Isaziso sokuhambelana kufuneka sichaze -

- (a) igama, idilesi yendawo yokuhlala neyeposi yomntu;
- (b) ubume bentswela-ntliziyo;
- (c) neenkukacha ezipheleleyo ukunceda ukuhambelana nesaziso, imiqathango edingekayo ukulungisa umsebenzi wesikhumbuzo;
- (d) into yokuba umntu kufuneka, kwisithuba esichaziweyo, athabathe amanyathelo okuhambelana nesaziso, ukwenzela ukuqhubela phambili ngenkathalo nemiqathango nokuqukumbela imiqathango phambi komhla omiselweyo;
- (e) into yokusilela ukuhambelana neemfuno zesaziso kwisithuba esicamgciweyo kumhlathi (d) kulityala;
- (f) into yokokuba umelo olubhaliweyo, njengoko lucamngcwe kwicandelwana (3) lunakho kwisithuba sexesha eliqukunqwe phantsi komhlathi (d), ukwenziwa kwiSixeko kwindawo echaziweyo.

- (2) ISixeko, xa siqwalasela nawuphi na umqathango okanye isithuba sexesha esicingwayo kumacandelwana (1)(d) kunye no (e), kufuneka sithathele inqqalelo -
- (a) imithetho-siseko kunye neenjongo zalo Mthetho kaMasipala;
 - (b) isizathu kunye nobume bentswela-ntliziyo;
 - (c) nayiphi na imiqathango endululwayo ngumntu ekufuneka le miqathango ibekwe emagxeni akhe; kunye
 - (d) nayiphi na eminye imiba engeminye efanelekileyo.
- (3) Umntu unakho kwisithuba sexesha esicamngcwe kumhlathi (1) (f) ukunika iinkcazelo, ngendlela yengxelo efungelweyo okanye isingqiniseko kwiSixeko kwindawo echaziweyo kwisaziso.
- (4) Iinkcazelo ezingangeniswanga kwisithuba sexesha esichaziweyo azinakuqwalaselwa, ngaphandle apho umntu unike isizathu esibambekayo yaye iSixeko siyakwamkela ukungeniswa kweenkcazelo ezisemva.
- (5) ISixeko kufuneka siqwalasela iinkcazelo kunye nayiphi na impendulo yegosa eligunyazisiweyo okanye naye nawuphi na omnye umntu.
- (6) ISixeko sinakho, ngentando yaso, ukuqhuba naluphi na uphando olungaphezulu ukuqinisekisa ubunyaniso ukuba kuyimfuneko, yaye iziphumo zophando kufuneka zifumaneka kumntu lowo, ekufuneka anikweithuba lokuphendula kwakhona ukuba ngaba ukwenza njalo, yaye iSixeko kufuneka ngokunjalo sinike ingqwalasela kwiimpindulo ezingaphezulu.
- (7) ISixeko kufuneka, emva kokunika ingqwalasela kwiinkcazelo neempindulo, sinike umyalelo obhaliweyo ze sinikezele ikopi yawo kumntu lowo.
- (8) Umyalelo kufuneka -
- (a) uthi thaca okufunyenweyo siSixeko;
 - (b) uqinisekise, uguqule okanye ubekele bucala wonke okanye isahlulo, isaziso sokuhambelana; yaye

- (c) uchaze isithuba sokuba umntu athobele umyalelo owenziwe siSixeko.
- (9) Ukuba ngaba isaziso sokuhambelana siqinisekisiwe, siphela okanye isahlulo saso, okanye siguqulwe kodwa asibekelwanga bucala, iSixeko siya kwazisa umntu ngento yokuba kufuneka similisele izigunyaziso ezithiwe thaca kwisaziso kwisithuba sexesha esixeliweyo apha.
- (10) Apho kuthe akwabikho ukuthotyelwa kweemfuno zesaziso kwisithuba sexesha elichaziweyo kuso, iSixeko sinakho ukuthabatha amanyathelo njengoko sibona kufanelekile ukulungiselela ukulungisa umsebenzi wesikhumbuzo kunye neendleko ezikhoyo kufuneka zihlawulwe kwiSixeko ngumntu lowo.

Iindleko

60. Ukuba ngaba umntu uthe wasilela ukuthatha amanyathelo afunekayo ukuba awathabathe agunyaziswa sisaziso, iSixeko sinakho ukufumana kumntu onjalo zonke iindleko esigene kuzo ngenxa yoko sisebenza ngokwemiqathango yecandelo lama-59 (10).

Isibhenno

61. Umntu onamalungelo athe achaphazeleka sisigqibo esigunyaziswe siSixeko unakho ukubhena kweso sigqibo ngokuthi anikezele ngesaziso esibhaliweyo sesibhenno kunye nezizathu ngoko ngokwemiqathango yecandelo lama-62 likaMasipala: iiNkqubo zikaMasipala, 2000 (uMthetho onguNombolo 32 wama-2000) kuMlawuli weSixeko kwisithuba seentsuku ezingama-21 ukusuka kumhla wokwenziwa kwesaziso sesigqibo.

Iintlawulo

62. Umrhumo ochaziweyo ukuba uhlawulwe kwiSixeko ngokwemiqathango yalo Mthetho kaMasipala kufuneka umiselwe ngokwemiqathango yeSixeko saseKapa: uMrhumo woMthetho kaMasipala.

Amatyala neZohlwayo

63. (1) Umntu owaphula izibonelelo zamacandelo 3(1), 4(2), 4(3), 5(1), 5(2), 5(3), 5(4), 7, 12, 14(1), 14(3), 15, 16(3), 16(4), 18(2), 19, 21(1), 21(4), 25(3), 26(3), 26(4), 26(6), 27(3), 27(5), 28(2), 30(2), 34(1), 34(4)(a), 35(1), 36(1), 39(1), 39(2), 40, 41(1), 41(2), 43, 52(2), 53(2), 54(1), 54(2), 54(3), 54(4), 54(5), 54(6), 55(4) okanye 55(5) uya kuba nobutyala.
- (2) Umntu owenze ityala ngokwemiqathango yalo Mthetho kaMasipala uya kuthi, akugwetywa, abe noxanduva kumrhumo ongadlulanga kuma-R50 000.00 (iiRandi ezingamaShumi amaHlanu) okanye akusilela kwintlawulo, avalelwe etolongweni kangangesithuba esingadlulanga kwiinyanga ezintandathu (6), okanye kuvalelo etolongweni olunjalo angabi nalo ilungelo lokuhlawula isohlwayo, okanye intlawulo yesohlwayo kunye nokuvalelwa entolongweni.

Unyino loxanduva

64. ISixeko asinakuthwala luxanduva lwawo nawuphi na umonakalo okanye ilahleko ebangelwe -
- (a) ngamagosa agunyazisiweyo aso xa ebemilisela nawuphi na amagunya aso okanye esenza nawuphi na umsebenzi ngokufanelekileyo phantsi kwalo Mthetho kaMasipala;
- (b) ngamagosa aso kuba esilele, ukumilisela nawuphi na amagunya, okanye esenza nawuphi na umsebenzi okanye uxanduva ngokufanelekileyo phantsi kwalo Mthetho kaMasipala; okanye
- (c) ukumilisela ilungelo ngumntu athe walifumana kwiSixeko.

Ukukhululwa

65. (1) Nawuphi na umntu ngesicelo esibhaliweyo, apho kunikezwe izizathu ngokupheleleyo, unokwenza isicelo kwiSixeko sokukhululwa nakusiphi na isibonelelo salo Mthetho kaMasipala.
- (2) ISixeko sinakho

- (a) ukunikezela ngenkululo ebhaliweyo kunye nemiqathango ngokuhambelana ukuba ikho kunye nesithuba sokunikezelwa kwenkululo kufuneka sichazwe apha;
 - (b) ukutshintsha okanye ukurhoxisa nayiphi na inkululo okanye umqathango kwinkululo; okanye
 - (c) ukwala ukunikezela ngenkululo
- (3) Inkululo ayenzeki phambi kokuba umenzi wesicelo azibophelele ngembalelwano ukuthobela yonke imiqathango ebekwe emagxeni siSixeko phantsi kwecandelwana (2). Ukuba ngaba umsebenzi uqalisiwe phambi kokuba eso sibophelelo sibe singenisiwe kwiSixeko, inkululo enikezelweyo ayisayi kuba sisinyanzelo yaye ayisayi kusebenza.
- (4) Ukuba ngaba nawuphi na umqathango wenkululo awuthotyelwa, inkululo iyapheliswa ngoko nangoko.
- (5) Ukusilela ukuthobela umqathango wenkululo ngokuhambelana necandelwana (2) kuya kuba ngunobangela wokuba netyala.

Amagunya nemiSebenzi

66. (1) Ngaphandle kokuba kuchazwe ngenye indlela kulo Mthetho kaMasipala, uMlawuli weSixeko uya kuba noxanduva –

- (a) Lwayo yonke imisebenzi nezigqibo ezicamngcwe kulo Mthetho kaMasipala;
- (b) Lolawulo lwalo Mthetho kaMasipala.

(2) UMlawuli weSixeko unakho ukunikezela ngamagunya ache okanye imisebenzi kumagosa agunyazisiweyo afanelekileyo kunye negunya lokuwanikezela loo magunya kubantu abakwinqanaba elisezantsi kubo ukulungiselela ukwandisa ulawulo kunye nokusebenza okufanelekileyo.

Iiforam zonxibelelwano kuluntu

67. (1) ISixeko sinakho ukuseka iforam ibe nye okanye ngaphezulu kuluntu ngeenjongo –
- (a) zokuyila ubume nokukhuthaza uluntu lwengingqi ukuze luthabathe inxaxheba kwimicimbi yeSixeko enxulumene nemiba elawulwa ngulo Mthetho kaMasipala; yaye
 - (b) zikhuthaze ufezekiso lobume obunempilo, obubhekiselele kwimicimbi elawulwa ngulo Mthetho kaMasipala.
- (2) Iforam yonxibelelwano inokuqulatha -
- (a) ilungu okanye amalungu eqela elinomdla, okanye abantu abachaphazelekayo;
 - (b) ilungu okanye amalungu oluntu akwiningqi esondeleyo apho kukho amangcwaba;
 - (c) igosa eligunyazisiweyo elityunjiweyo okanye amagosa agunyazisiweyo eSixeko; kunye
 - (d) ilungu lebhunga elinoxanduva kulo ngingqi yoluntu .
- (3) ISixeko sinakho, xa siqwalasela isicelo ukulungiselela imvume, okanye inkululo ngokuhambelana nalo Mthetho kaMasipala ukucela igalelo leforam yonxibelelwano.
- (4) Iforam yonxibelelwano okanye nawuphi na umntu okanye abantu abancamgcwe kwicandelwana (2) banakho, ngokuzicingela, ukungenisa igalelo kwiSixeko ukuze liqwalaselwe.

Izikhokhelo neMigaqo-nkqubo

68. ISixeko sinakho nangaliphi na ixesha siphuhlise izikhokhelo nemigaqo-nkqubo ngokubhekiselele kumangcwaba, indawo yokutshisa izidumbu, abangcwabi, nawo nawuphi na omnye umba onxulumene noku, kunye nawo nawuphi na umba osemthethweni ngokwemiqathango yalo Mthetho kaMasipala.

Ukubhangiswa kweMithetho kaMasipala

69.(1) IBhunga loMasipala weKapa: uMthetho kaMasipala waMangcwaba nokuTshiswa kwezidumbu, umhla we-10 Novemba 2000, 621/2000, liyarhoxiswa.

(2) Kwimeko apho nawuphi na uMthetho kaMasipala weSixeko ongomnye uthe awangqinelana nalo Mthetho kaMasipala, izibonelelo zalo Mthetho kaMasipala iya kuba zizo ezisebenzayo, kubungakanani bokungangqinelani.

Isihloko esifutshane nokuqalisa

70. Lo Mthetho kaMasipala ubizwa ngokuba iSixeko saseKapa: uMthetho kaMasipala waMangcwaba, ukuTshiswa kwezidumbu naBangcwabi, 2011.

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