



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

**Provincial Gazette  
Extraordinary**

8551

Monday, 14 February 2022

**Buitengewone  
Provinsiale Koerant**

8551

Maandag, 14 Februarie 2022

**Isongezelelo  
kwiGazethi yePhondo**

8551

uMvulo, 14 kweyoMdumba 2022

Registered at the Post Office as a Newspaper

(\*Copies are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)

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(\*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

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(\*Iikopi zifumaneka kwigumbi M21, kwiSakhiwo seNdlu yoWiso Mithetho yePhondo, e7 Wale Street, eKapa 8001.)

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CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

# **STREETS, PUBLIC PLACES AND THE PREVENTION OF NOISE NUISANCES AMENDMENT BY-LAW, 2021**

## CITY OF CAPE TOWN

## AMENDMENT TO STREETS, PUBLIC PLACES AND THE PREVENTION OF NOISE NUISANCES BY-LAW, 2021

**GENERAL EXPLANATORY NOTE:**

[ ] Words in bold type in square brackets indicate omissions from the existing enactments.

\_\_\_\_\_ Words underlined with solid line indicate insertions in existing enactments.

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**To amend the provisions of the City of Cape Town: Streets, Public Places and the Prevention of Noise Nuisances Bylaw, 2007 to provide for the powers of authorised officials to enforce the Bylaw and to provide for related matters.**

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**Amendment of section 1 of the City of Cape Town: Streets, Public Places and the Prevention of Noise Nuisances Bylaw, 2007**

1. Section 1 of the City of Cape Town: Streets, Public Places and the Prevention of Noise Nuisances Bylaw, 2007 (herein after referred to as the principal Bylaw) is hereby amended by –

(a) the inclusion of the following definition:

“authorised official” means an employee of the City responsible for carrying out a duty or function or exercising any power in terms of this By-Law and includes any employee delegated to carry out or exercise the duty, function or power;”; and

(b) the deletion of the definition of “peace officer” and the replacement of the term by “authorised official” in sections 2(1), 2(2), 7 and 23(1).

**Amendment of section 2 of the principal Bylaw**

2. Section 2 of the principal Bylaw is hereby amended by-

(a) the substitution of subsection 2(1) with the following subsection:

“(1) No person, excluding **[a peace officer]** an authorised official or any other official or person acting in terms of the law, shall—

(a) when in a public place—

(i) intentionally block or interfere with the safe or free passage of a pedestrian or motor vehicle; or

(ii) intentionally touch or cause physical contact with another person, or his or her property, without that person’s consent;

- (b) approach or follow a person individually or as part of a group of two or more persons, in a manner or with conduct, words or gestures intended to or likely to influence or to cause a person to fear imminent bodily harm or damage to or loss of property or otherwise to be intimidated into giving money or other things of value; **[or]**
- (c) continue to beg from a person or closely follow a person after the person has given a negative response to such begging **[.]; or**
- (d) block, occupy or reserve a public parking space or a public place in a manner that denies other members of the public from exercising their freedom of movement or use of a public facility **[; and].**”

(b) the deletion of subsection 2(2).

### Insertion of a new section 22A in the principal Bylaw

3. The following section is inserted after section 22 of the principal Bylaw:

#### **“Enforcement powers**

**22A.(1) An authorised official may, for the purposes of enforcing this By-Law—**

- (a) direct a person who is in contravention to-
  - (i) stop the conduct prohibited under the By-Law;
  - (ii) remove any obstruction to the safe or free passage of a pedestrian or motor vehicle; or
  - (iii) leave and remain out of a specified public place;
- (b) issue a written compliance notice on a person contravening the By-Law, which must include the following:
  - (i) describe the conduct constituting a contravention of the By-Law;
  - (ii) indicate the section of the By-Law contravened;
  - (iii) specify the steps to be taken to comply with the notice;
  - (iv) specify the time periods within which the steps have to be taken;
  - (v) state that the failure to comply with the compliance notice constitutes an offence in addition to the contravention of the section contemplated in subparagraph (ii); and
  - (vi) state that, in the event of non-compliance, that person will be liable for a fine for both the contravention and for not complying with the compliance notice and state the amount of the fine;
- (c) issue a notice in terms of sections 56 or 341 of the Criminal Procedure Act, 51 of 1977 if –
  - (i) a person contravenes a provision of the By-Law; or
  - (ii) a person fails or refuses to comply with a direction in terms of paragraph (a) or a compliance notice in terms of paragraph (b);
- (d) subject to subsection (2), arrest a person, who commits an offence in terms of the By-Law, in terms of section 40(1)(a) to (f), (h) and (j) of the Criminal Procedure Act, 51 of 1977 and, if necessary, search the person arrested in terms of section 23 of that Act;
- (e) impound, in accordance with the City’s Standard Operating Procedure on the Impoundment of Goods and Animals, 2012, any materials used in making of transient shelter or camping overnight and personal items of persons arrested in accordance with subsection (2); or
- (e) require any person to furnish their name and address and other particulars that are required for identification or for any process if the official reasonably suspects this person of having committed an offence in terms of this By-law or, if in the opinion of the officer, that person is able to give evidence in regard to the commission of any such offence.

- (2) The power to arrest in subsection (1)(d) may only be exercised in respect of a contravention of section 2(3)(m) if the person refuses to accept an offer of alternative shelter.
- (3) In exercising any power under this section every authorised official must—
- (a) exercise their powers reasonably with due regard to every person’s fundamental rights under Chapter 2 of the Constitution;
  - (b) ensure if force is required under the circumstances, the level of force is justifiable and proportional; and
  - (c) in the absence of an authorised official contemplated in subsection (4), take steps to prevent any other authorised official from exercising powers in contravention of subsections (a) and (b).
- (4) The authorised official in charge must intervene and take the necessary steps to curtail any unreasonable exercise of powers or disproportionate use of force by any other authorised official under the command of that official.”

#### **Amendment of section 23 of the principal Bylaw**

4. Section 23(1) of the principal Bylaw is amended by substituting the subsection with the following subsection:

“(1) Any person who contravenes or fails to comply with any provision of this By-law or disobeys any instruction or compliance notice by **[a peace officer or a member of the Cape Town Metropolitan Police Department]** an authorised official enforcing this By-law, shall be guilty of an offence **[and with the exception of a]** in contravention of:

- (a) section 2(3)(m) subject to it being proven that the person refused an offer of alternative shelter by the City; and
- (b) section 2(3) (g), (h), (i), (j) and (k), where there is a maximum penalty as provided for in analogous national legislation,  
be liable to a fine or imprisonment for a period not exceeding six months, or to both a fine and such imprisonment.”

#### **Short title**

5. This By-law is called the City of Cape Town: Streets, Public Places and the Prevention of Noise Nuisances Amendment By-law, 2021.
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CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

# **WYSIGINGSVERORDENING OP STRATE, OPENBARE PLEKKE EN DIE VOORKOMING VAN STOORNISSE, 2021**

## STAD KAAPSTAD

WYSIGING VAN VERORDENING OP STRATE, OPENBARE PLEKKE EN DIE VOORKOMING VAN STOORNISSE,  
2021**ALGEMENE VERKLARENDE AANTEKENING:**

[ ] Woorde in vetdruk tussen vierkantige hakies dui op skappings uit bestaande bepalings.

\_\_\_\_\_ Woorde wat met 'n volstreep onderstreep is, dui op invoegings in bestaande bepalings.

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**Om die bepalings van die Stad Kaapstad: Verordening op Strate, Openbare Plekke en die Voorkoming van Stoornisse, 2007 te wysig om voorsiening te maak vir die bevoegdhede van gemagtigde amptenare om die Verordening toe te pas en om vir verwante aangeleenthede voorsiening te maak.**

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**Wysiging van artikel 1 van die Stad Kaapstad: Verordening op Strate, Openbare Plekke en die Voorkoming van Stoornisse, 2007**

1. Artikel 1 van die Stad Kaapstad: Verordening op Strate, Openbare Plekke en die Voorkoming van Stoornisse, 2007 (hierna die hoofverordening genoem) word hiermee gewysig –

(a) deur die insluiting van die volgende omskrywing:

“gemagtigde amptenaar” ‘n werknemer van die Stad wat verantwoordelik is vir die uitvoering van ‘n plig of funksie of uitoefening van enige bevoegdheid ingevolge hierdie Verordening en sluit in enige werknemer wat gedelegeer is om die plig, funksie of bevoegdheid uit te voer of uit te oefen;”

(b) deur die skapping van die omskrywing van “vredesbeampte” en die vervanging van die term met “gemagtigde amptenaar” in artikel 2(1), 2(2), 7 en 23(1).

**Wysiging van artikel 2 van die hoofverordening**

2. Artikel 2 van die hoofverordening word hiermee gewysig deur -

(a) subartikel 2(1) met die volgende subartikel te vervang:

“(1) Geen persoon, uitsluitend ‘n **[vredesbeampte]** gemagtigde amptenaar of enige ander amptenaar of persoon wat ingevolge die wet optree, mag—

(a) wanneer in ‘n openbare plek—

(i) opsetlik die veilige en vrye deurgang van voetgangers of motorvoertuie blokkeer op daarmee inmeng nie; of

- (ii) opsetlik 'n ander persoon of sy of haar eiendom aanraak of fisiese kontak veroorsaak, sonder daardie persoon se toestemming nie;
  - (b) 'n persoon individueel, of as deel van 'n groep van twee of meer, nader of agtervolg, op 'n manier of met gedrag, woorde of gebare wat bedoel word dat, of wat moontlik daartoe mag aanleiding gee dat, 'n persoon ernstige liggaamlike besering vrees, of skade of verlies van eiendom of andersins geïntimideer voel om geld of ander voorwerpe van waarde te gee nie; **[of]**
  - (c) aanhou om by 'n persoon te bedel of te na aan 'n persoon loop nadat die persoon aangedui het dat hy nie enige bydrae gaan maak nie[.]; **of**
  - (d) 'n openbare parkeerplek of 'n openbare plek toemaak, okkupeer of reserveer op 'n manier wat ander lede van die publiek van hulle vryheid van beweging of gebruik van 'n openbare fasiliteit ontnem nie [; **en**].”
- (b) die skraping van subartikel 2(2).

### Invoeging van artikel 22A in die hoofverordening

3. Die volgende artikel word na artikel 22 van die hoofverordening ingevoeg:

#### “Toepassingsbevoeghede

22A.(1) 'n Gemagtigde amptenaar kan, met die doel om hierdie Verordening toe te pas—

- (a) 'n persoon wat 'n oortreding begaan, opdrag gee om-
  - (i) die gedrag wat kragtens die Verordening verbied word, te staak;
  - (ii) enige versperring wat die veilige of vrye deurgang van 'n voetganger of motorvoertuig belemmer, te verwyder; of
  - (iii) 'n spesifieke openbare plek te verlaat en daaruit weg te bly;
- (b) 'n skriftelike nakomingskennisgewing uitreik aan 'n persoon wat die Verordening oortree, wat die volgende moet insluit:
  - (i) beskryf die gedrag wat 'n oortreding van die Verordening uitmaak;
  - (ii) dui aan watter artikel van die Verordening oortree is;
  - (iii) meld die stappe wat gedoen moet word om die kennisgewing na te kom;
  - (iv) meld die tydperke waarbinne die stappe gedoen moet word;
  - (v) meld dat die versuim om aan die nakomingskennisgewing te voldoen 'n bykomende oortreding behels buiten die oortreding van die artikel beoog in subparagraaf (ii); en
  - (vi) meld dat in die geval van nienakoming, daardie persoon hom/haar blootstel aan 'n boete, beide vir die oortreding en vir nienakoming van die nakomingskennisgewing, en die bedrag van die boete meld;
- (c) 'n kennisgewing uitreik ingevolge artikel 56 of 341 van die Strafproseswet, Wet 51 van 1977, indien –
  - (i) 'n persoon 'n bepaling van die Verordening oortree; of
  - (ii) 'n persoon versuim of weier om 'n opdrag ingevolge paragraaf (a) of 'n nakomingskennisgewing ingevolge paragraaf (b) na te kom;
- (d) onderworpe aan subartikel (2), 'n persoon wat 'n oortreding ingevolge die Verordening begaan, in hegtenis neem ingevolge artikel 40(1)(a) tot (f), (h) en (j) van die Strafproseswet, Wet 51 van 1977, en, indien nodig, die persoon wat in hegtenis geneem is ingevolge artikel 23 van daardie Wet deursoek;



- (e) enige materiaal wat gebruik word om 'n tydelike skulping of oornagkamp op te rig en persoonlike items van persone wat ooreenkomstig subartikel (2) in hegtenis geneem word, ooreenkomstig die Stad se standaardbedryfsprosedure oor die skut van goedere en diere, 2012, skut; of
- (e) van enige persoon verwag om hul naam en adres en ander besonderhede te verskaf wat nodig is vir identifisering of vir enige proses indien die amptenaar 'n redelike vermoede het dat hierdie persoon 'n oortreding ingevolge hierdie Verordening begaan het of, indien na die mening van die amptenaar, daardie persoon in staat is om getuienis te lewer oor die pleeg van enige sodanige oortreding.
- (2) Die bevoegheid om iemand in hegtenis te neem in subartikel (1)(d) kan slegs uitgeoefen word ten opsigte van 'n oortreding van artikel 2(3)(m) indien die persoon weier om 'n aanbod van alternatiewe skulping te aanvaar.
- (3) In die uitoefening van enige bevoegdheid kragtens hierdie artikel, moet elke gemagtigde amptenaar—
- (a) hul bevoegdhede uitoefen met die nodige agting vir elke persoon se fundamentele regte kragtens hoofstuk 2 van die Grondwet;
- (b) toesien dat indien hardhandigheid in die omstandighede gebruik word, die mate van hardhandigheid regverdigbaar en proporsioneel is; en
- (c) by gebrek aan 'n gemagtigde amptenaar beoog in subartikel (4), stappe doen om te verhoed dat enige ander gemagtigde amptenaar bevoegdhede in stryd met subartikel (a) en (b) uitoefen.
- (4) Die gemagtigde amptenaar in beheer moet toetree en die nodige stappe doen om enige onnodige uitoefening van bevoegdhede of disproporsionele uitoefening van hardhandigheid deur enige ander gemagtigde amptenaar onder die leiding van daardie amptenaar te bekamp.”

#### Wysiging van artikel 23 van die hoofverordening

4. Artikel 23(1) van die hoofverordening word gewysig deur die subartikel met die volgende subartikel te vervang:

“(1) Enige persoon in stryd met of wat in gebreke bly om te voldoen aan , of enige bepaling van hierdie Verordening of enige instruksie of nakomingskennisgewing deur 'n **[vredesbeampte of 'n lid van die Kaapstadse metropolitaanse polisie departement]** gemagtigde amptenaar wat hierdie Verordening toepas, verontagsaam, is skuldig aan 'n oortreding van:

- (a) artikel 2(3)(m) onderworpe daaraan dat daar bewys word dat die persoon 'n aanbod van alternatiewe skulping deur die Stad geweier het; en
- (b) artikel 2(3) (g), (h), (i), (j) en (k), waar daar vir 'n maksimum boete voorsiening gemaak word volgens ooreenstemmende nasionale wetgewing, stel hom/haar [met die uitsondering van 'n oortreding van] bloot aan 'n boete of tronkstraf vir 'n tydperk van nie langer nie as ses maande, of aan beide 'n boete en sodanige tronkstraf.”

#### Kort titel

5. Hierdie Verordening staan bekend as die Stad Kaapstad: Wysigingsverordening op Strate, Openbare Plekke en die Voorkoming van Stoornisse, 2021.

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CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

**UMTHETHO KAMASIPALA  
WEZILUNGISO ONXULUMENE  
NEZITALATO, IINDAWO ZIKAWONKE-  
WONKE NOTHINTELO  
LWEENKATHAZO  
ZENGXOLO, WANGO2021**

## CITY OF CAPE TOWN

**IZILUNGISO KUMTHETHO KAMASIPALA ONXULUMENE NEZITALATO, IINDAWO ZIKAWONKEWONKE NOTHINTELO LWEENKATHAZO ZENGXOLO, WANGO2021****INGCACISO-GABALALA:**

[ ] Amagama abhalwe ngqindilili akwizibiyeli ezizikwere abonisa oko kucinyiweyo kwimithetho ekhoyo.

\_\_\_\_\_ Amagama akrwelelwe umgca ongqindilili abonisa oko kufakelweyo kwimithetho ekhoyo.

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**Ukuba kwenziwe izilungiso kwimiqathango yoMthetho kaMasipala weSixeko saseKapa oNxulumene neZitalato, iiNdawo zikaWonkewonke noThintelo lweNkathazo zeNgxolo wango2007 ukuze unikezele amagunya kumagosa agunyazisiweyo okunyanzelisa uMthetho kaMasipala kunye nokubonelela ngemiba enxulumene noko.**

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**Ukwenziwa kwezilungiso kwicandelo 1 loMthetho kaMasipala weSixeko saseKapa oNxulumene neZitalato, iiNdawo zikaWonkewonke noThintelo lweNkathazo zeNgxolo wango2007**

1. Icandelo 1 loMthetho kaMasipala weSixeko saseKapa oNxulumene neZitalato, iiNdawo zikaWonkewonke noThintelo lweNkathazo zeNgxolo wango2007 (ekubhekiswe kuwo apha njengoMthethongqangi kaMasipala) lenziwa izilungiso-

- (a) ngokufaka le ngcaciso ilandelayo:

“igosa eligunyazisiweyo” lithetha umsebenzi weSixeko onoxanduva lokwenza umsebenzi okanye ukusebenzisa naliphi na igunya ngokwalo Mthetho kaMasipala kwaye kubandakanya nawuphi na umsebenzi onikwe igunya lokwenza umsebenzi, okanye ukusebenzisa igunya;”

- (b) ngokususa ingcaciso yegama “igosa loxolo” kwaye kufakwe endaweni yalo “igosa eligunyazisiweyo” kumacandelo 2(1), 2(2), 7 no23(1).

**Ukwenziwa kwezilungiso kwicandelo 2 loMthethongqangi kaMasipala**

2. Icandelo 2 loMthethongqangi kaMasipala lenziwa izilungiso-

- (a) ngokufaka endaweni yecandelwana 2(1) eli candelwana lilandelayo:

“(1) Akukho mntu, ngaphandle [kwegosa loxolo] kwegosa eligunyazisiweyo okanye naliphina elinye igosa okanye umntu osebenza ngokwasemthethweni, ovunyelwe ukuba—

- (a) xa esendaweni kawonke-wonke—

- (i) athintele ngenjongo okanye angenelele kwirhanga ekhuselekileyo okanye nekhululekileyo yomhambi ngenyawo okanye imoto; okanye

- (ii) Abambe ngenjongo okanye agilane nomnye umntu, okanye ipropati yakhe, ngaphandle kwemvume yaloo mntu;

- (b) asondele okanye alandele umntu eyedwa okanye njengenxalenye yeqela labantu ababini okanye ngaphezulu, ngendlela okanyengesimilo, amagama isijekulo esineenjongo zoku okanye ezingathi zingalukuhla okanye zenze umntu oyike ukuhlaselwa okwenzakalisayo okunokwenziwa emzimbeni okanye umonakalo kwi okanye kwilahleko yempahla okanye ngenye indlela oyikiswe ekukhupheni imali okanye ezinye izinto zexabiso; **[okanye]**
- (c) aqhubekeke ukungqiba emntwini okanye alandele umntu kufutshane emveni kokuba umntu ethe wanika impendulo engentlanga koko kungqiba **[.]; okanye.**
- (d) athintele, ahlale okanye abekele bucala indawo yokupaka kawonkewonke okanye kwindawo kawonkewonke ngendlela ethintela abanye abantu ukuba basebenzise inkululeko yabo yokuhamba okanye yokusebenzisa indawo yoluntu [; kunye].”

(b) ngokucima icandelwana 2(2)

### Ukufakelwa kwecandelo 22A elitsha kuMthethongqangi kaMasipala

3. Kufakwa eli candelo lilandelayo emva kwecandelo 22 loMthethongqangi kaMasipala:

#### “Amagunya okunyanzelisa

22A.(1) Igosa eligunyazisiweyo linakho, ngeenjongo zokunyanzelisa loMthetho kaMasipala —

- (a) ukuyalela umntu ongawuthobeliyo lo mthetho kamasipala ukuba-
- (i) ayiyeke indlela yokuziphatha engamkelekanga phantsi koMthetho kaMasipala;
- (ii) asuse nayiphi na into ephazamisana nokhuseleko okanye nokuhamba ngokukhululekileyo kwabahambi ngeenyawo nezithuthi; okanye
- (iii) aphume okanye ahlale ngaphandle kwendawo yoluntu echaziweyo;
- (b) ukukhupha isaziso esibhaliweyo sokuthobela umthetho kamasipala kumntu owophula uMthetho kaMasipala, ekufuneka sibandakanye oku kulandelayo:
- (i) sichaze indlela yokuziphatha echasene nokwaphulwa koMthetho kaMasipala;
- (ii) sibonise icandelo elingathotyelwanga loMthetho kaMasipala;
- (iii) sichaze amanyathelo aza kuthatyathwa ukuthobela isaziso eso;
- (iv) sichaze amaxesha ekufuneka kuthathwe ngawo amanyathelo;
- (v) sichaze ukuba ukusilela ekuthobeleni isaziso lityala elongeza kwelo lokungathobeli icandelo elikhankanywe kumhlathana (ii); kwaye
- (vi) sichaze ukuba, xa siye asathotyelwa isaziso, umntu lowo uyakuba noxanduva lwesohlwayo solwaphulo loMthetho kaMasipala nokungathobeli isaziso kwaye sichaze nesixamali sesohlwayo;
- (c) ukukhupha isaziso ngokwamacandelo 56 okanye 341 oMthetho iCriminal Procedure Act, uMthetho 51 ka1977 ukuba —
- (i) umntu akawuthobeli umqathango woMthetho kaMasipala; okanye
- (ii) umntu uyasilela okanye uyala ukuthobela umyalelo ngokwemiqathango yomhlathi (a) okanye isaziso sokuthobela ngokwemiqathango yomhlathi (b);
- (d) ngokuxhomekeke kwicandelwana (2), ukubamba umntu, owaphula umthetho ngokwemiqathango yoMthetho kaMasipala, ngokwecandelo 40(1)(a) ukuya ku(f), (h) kunye no(j) loMthetho iCriminal Procedure Act, uMthetho 51 ka1977 kwaye, ukuba kuyimfuneko, ukusetsha umntu obanjiweyo ngokwemiqathango yecandelo 23 lalo Mthetho;
- (e) ukuthimba, ngokungqinelana neNkqubo yokuSebenza eMiselweyo yeSixeko engokuThinjwa kweeMpahla neZilwanyana, ka2012, naziphi na izixhobo ezisetyenziselwa ukwenza indawo yokuhlala yethutyana okanye yokumisa inkampu ngobusuku kunye nezinto zabantu ababanjiweyo ngokungqinelana necandelwana (2); okanye;

- (e) ukufuna ukuba nawuphi na umntu anike igama lakhe kunye nedilesi kunye nezinye iinkcukacha ezifunekayo njengesazisi okanye nayiphi na inkqubo ukuba igosa likrokrela ngokufanelekileyo ukuba lo mntu wenze ityala ngokwalo Mthetho kaMasipala okanye, ukuba ngokoluvo lwegosa, loo mntu unako ukunika ubungqina malunga nokwenziwa kwalo naliphi na ityala elilolo hlobo.
- (2) Igunya lokubamba elikwicandelwana (1)(d) linokusetyenziswa kuphela kwimeko apho kungakhange kuthotyelwe icandelo 2(3)(m) ukuba umntu uyala ukwamkela unikezelo lwendawo yokuhlala engenye.
- (3) Ukusebenzisa naliphi na igunya eliphantsi kweli candelo igosa ngalinye eligunyazisiweyo kufuneka —
- (a) lisebenzise amagunya alo ngokufanelekileyo ngokuthathela ingqalelo amalungelo asisiseko omntu ngamnye phantsi kweSahluko 2 soMgaqosiseko;
- (b) liqinisekise ukuba kufuneka amandla phantsi kweemeko ezithile, umgangatho wamandla uyathetheleleka kwaye uyalingana; kwaye
- (c) xa lingekho igosa eligunyazisiweyo elikhankanywe kwicandelwana (4), lithathe amanyathelo okuthintela naliphi na elinye igosa eligunyazisiweyo ekusebenziseni amagunya achasene namacandelwana (a) kunye no(b).
- (4) Igosa eligunyazisiweyo eliphethayo kufuneka lingenelele kwaye lithathe amanyathelo afanelekileyo ukunqanda nakuphi na ukusetyenziswa kwamagunya ngokungafanelekanga okanye ukusetyenziswa kwamandla ngendlela engafanelekanga lilo naliphi na elinye igosa eligunyazisiweyo phantsi komyalelo welo gosa.”

#### **Ukwenziwa kwezilungiso kwicandelo 23 loMthethongqangi kaMasipala**

4. Icandelo 23(1) loMthethongqangi kaMasipala lenziwa izilungiso ngokuthi kufakwe endaweni yecandelwana eli candelwana lilandelayo:

“(1) Nabanina umntu owaphula okanye osilelayo ukuthobela nawuphi na umqathango walo Mthetho kaMasipala okanye ongapheleliyo nawuphi na umyalelo okanye umyalelo wokuthobela **[kwiigosa loxolo okanye ilingu leSebe lekoMkhulu lamaPolisa aseKapa]**, wegosa eligunyazisiweyo elinyanzelisa loMthetho kaMasipala, uyakuba netyala lokungathobeli:

- (a) icandelo 2(3)(m) ngokuxhomekeke ekubeni kuqinisekise ukuba umntu wala ukunikwa indawo yokuhlala engenye siSixeko; kunye
- (b) necandelo 2(3)(g), (h), (i), (j), no (k) apho kukho isohlwayo esikhulu njengoko kukhankanyiwe kumthetho wesizwe ofanayo, uyakufanelwa sisohlwayo okanye ukuvalelwa ixesha elingagqithanga kwiinyanga ezintandathu.”

#### **Isihloko esifutshane**

5. Lo Mthetho kaMasipala ubizwa ngokuba nguMthetho kaMasipala weSixeko saseKapa wezilungiso oNxulumene neZitalato, iiNdawo zikaWonkewonke noThintelo lweNkathazo zeNgxolo wango2021.

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**CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD**

# **UNLAWFUL OCCUPATION BY-LAW, 2021**

**Making progress possible. Together.**

## UNLAWFUL OCCUPATION BY-LAW, 2021

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**PREAMBLE**

**WHEREAS** section 156(2) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the competence to make and administer by-laws in respect of local government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

**WHEREAS** Part B of Schedule 4 of the Constitution confers on municipalities the competences in respect of building regulations, municipal planning, and municipal health services;

**WHEREAS** the City of Cape Town seeks to prevent the unlawful occupation of land and buildings while being cognizant of the requirement in section 26(3) of the Constitution that no one may be evicted from their home or have their home demolished without an order of court;

**THE COUNCIL OF THE CITY OF CAPE TOWN** hereby enacts the following:



## CHAPTER 1

### INTERPRETATION, APPLICATION AND OBJECTS

#### 1. Definitions

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

**“Authorised official”** means an employee of the City responsible for carrying out any duty or function or exercising any power in terms of this By-law and includes —

- a. member of the Cape Town Metropolitan Police Department established in terms of section 64A of the South African Police Services Act, 1995 (Act No. 68 of 1995);
- b. a traffic officer appointed in terms of section 3A of the National Road Traffic Act, 1996 (Act No. 93 of 1996);
- c. a law enforcement officer declared to be a peace officer in terms of section 334(1)(a) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977); and
- d. any other employee delegated or person authorised to carry out or exercise the duty, function or power;

**“City”** means the City of Cape Town, a municipality established by the City of Cape Town Establishment Notice No. 479 of 22 September 2000, issued in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), or any structure or employee of the City acting in terms of delegated authority;

**“land”** means any land or building irrespective of who owns, or is in charge of, the land or building or portion of land or building;

**“owner of the land”** means the registered owner of land, including an organ of state and includes any person in charge of that land or building;

**“structure”** includes any shelter, hut, tent, dwelling, structure intended to be occupied as a home;

**“unlawful occupation”** means the occupation of land without the express or tacit consent of the owner of the land and without any other right to settle on or occupy that land.

## **2. Application**

This By-law applies to all land and buildings within the jurisdiction of the City.

## **CHAPTER 2**

### **MANAGED SETTLEMENTS**

#### **3. Identification of land for managed settlements**

- (1) The City must, within its available resources and in accordance with section 26(2) of the Constitution, its Human Settlements Strategy, its Unlawful Occupation of Land Framework, its Spatial Planning Frameworks, and policies identify land for the purposes of establishing managed settlements with the purpose, amongst others, to settle those who have been prevented from, or evicted for unlawfully occupying, land in terms of this By-law.
- (2) In establishing a managed settlement contemplated in subsection (1) the City must —
  - (a) provide basic service infrastructure;
  - (b) demarcate sites on the land in close proximity to that infrastructure;
  - (c) allocate a unique address in respect of that site;
  - (d) ensure that the address is legibly painted or inscribed in a prominent place on the site; and
  - (e) record the name, identity number and contact details of the head of the household and the number of persons residing in that structure.

(3) Subject to the City's Credit Control and Debt Collection Policy, the Rates Policy, the Tariff Policy and the National Policies on Free Basic Services, and any other related policies, the City may institute, operate and maintain an account for —

- (a) the rent or levy charged for occupation of the site; and
- (b) the services rendered to it.

**4. Determination whether to provide interim or emergency basic services to unlawful occupants**

(1) When faced with the unlawful occupation of land, the City may within its available resources and in accordance with its Unlawful Occupation of Land Framework determine whether unlawful occupants of land are to be provided with interim or emergency basic services on the land they have occupied.

(2) If the City makes a determination that an informal settlement contemplated in terms of subsection (1) is —

- (a) to be provided with interim or emergency basic services, section 5 applies;
- (b) not to be provided those services, section 6 applies.

(3) Nothing in this section affects those informal settlements that the City has recognised as informal settlements, has provided basic services or has planned to do so.

**5. Provision of interim or emergency basic services to unlawful occupants**

(1) If a determination is made in terms of section 4(1) those unlawful occupants are to be provided with interim or emergency basic services, an authorised official must inform the occupants, in a language that they understand, that such services will be provided as and when available resources permit.

- (2) An authorised official must ensure that the names and other relevant details of the household heads of the occupants are registered on the City's Housing Needs Register.
- (3) Subject to the City's Credit Control and Debt Collection Policy, the Rates Policy, the Tariff Policy and the National Policies on Free Basic Services, and any other related policies, the City may institute, operate, and maintain an account for —
  - (a) the rent or levy charged for occupation of the site on which the structure is built to be delivered to the head of the household of the structure; and
  - (b) the services rendered to the structure.

#### **6. Voluntary relocation of unlawful occupants**

- (1) If the City has determined in terms of section 4(2)(b) that an informal settlement is not to be provided with interim or emergency basic services, an authorised officer must inform the occupants, in writing, in a language that they understand, that such services will not be provided.
- (2) The written notice referred to in subsection (1) must contain the following:
  - (a) The reasons why the informal settlement is not to be provided with emergency basic services;
  - (b) inform the occupants of the settlement, in writing, in a language that they understand, that their continued occupation is unlawful;
  - (c) require the occupants to remove their structures within a stipulated period, which must be reasonable, and vacate the land on which the settlement has been established; and
  - (d) inform the occupants of the option of settling in terms of the City's managed settlement programme, if available, and any support that the City may give in transporting their possessions including the materials used to build the structure.

- (3) If an occupant agrees to comply with the requirement in subsection (2)(c) and (d), an authorised official must ensure that —
  - (a) the occupant is provided with transport; and
  - (b) the occupant is placed on the City’s Housing Needs Register.
- (4) If an occupant refuses or fails to comply with the requirement in subsection (2) within the stipulated period, the City must initiate eviction proceedings in accordance with the Prevention of Illegal Eviction and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998).

### **CHAPTER 3**

#### **UNLAWFUL OCCUPATION**

##### **7. Identifying and monitoring land prone to unlawful occupation**

- (1) The City must —
  - (a) identify land in its jurisdiction that it reasonably considers may be prone to unlawful occupation taking into account its location, terrain, and previous attempts to occupy it;
  - (b) continuously monitor land in its jurisdiction with a view to —
    - (i) identify additional land that may be prone to unlawful occupation; and
    - (ii) detect signs of a potential unlawful occupation; and
  - (c) keep a register of the identified land and the details of its owners.

##### **8. Steps to prevent unlawful occupation on identified land**

- (1) If the City is the owner of the identified land, it must ensure —
  - (a) if it is land to which the public do not have access that measures are taken to prevent unlawful occupation which may include that —
    - (i) the land is fenced; and

- (ii) signage prohibiting unauthorised entry and occupation is erected;
  - (b) if it is land to which the public have access, that appropriately placed signage is erected prohibiting occupation.
- (2) If City is not the owner of the identified land, an authorised official must —
- (a) notify the owner that the land has been identified as land prone to unlawful occupation in terms of section 7(a);
  - (b) require the owner within a reasonable period stipulated in the notice to take appropriate measures to prevent the unlawful occupation of the land which may include —
    - (i) fencing the land if it is not land to which the public do not have access and erecting signage prohibiting unauthorised entry and occupation; and
    - (ii) placing appropriately placed signage prohibiting occupation on land to which the public have access.
- (3) Subject to the City's Credit Control and Debt Collection Policy and the Credit Control and Debt Collection By-law 2006, -if an owner contemplated in subsection (2) fails or refuses to comply with a requirement contemplated in subsection (2)(b) within the stipulated period, the City may, at the owner's cost, fence the land and place the signage contemplated in the subsection.

## **9. Responding to unlawful occupation on land under the control of the City**

- (1) If the City is informed of an ongoing or imminent unlawful occupation on land under its control and jurisdiction, it must —
- (a) take the necessary steps to prevent persons intent on occupying the land unlawfully from entering the land which may include closing the roads surrounding the land to be, or being, unlawfully occupied in order to prevent vehicles transporting persons carrying their

- possessions or building materials for the construction of structures from entering the area; and
- (b) immediately inform the intending occupier that their intended occupation of the land is unlawful and serve them with a written instruction to —
- (i) not to enter the land; or
- (ii) if they have entered the land, to dismantle any structure and to leave the land with their building materials and possessions.
- (2) If the intending occupier refuses or fails to comply with an instruction given under subsection (1)(b), the authorised official may —
- (a) arrest the person who intends to occupy the land for committing an offence in the presence of the authorised official; and
- (b) dismantle the structure of the person who intends to occupy the land and impound the building materials and possessions if the structure is —
- (i) on land under the City's control;
- (ii) on a public thoroughfare; or
- (iii) not yet capable of constituting a home on any other land.
- (3) If an unlawful occupier has established a structure that is capable of constituting a home and fails or refuses to comply with an instruction given under subsection (1)(b), the City must initiate eviction proceedings in accordance with the Prevention of Illegal Eviction and Unlawful Occupation of Land Act, 1998 (Act No.19 of 1998).
- (4) If the intending occupier or owner of the building materials and possessions cannot be identified after taking all reasonable steps to identify who the intending occupier is or who the owner of the building materials and possessions is, the authorised official may impound them and place a notice in a prominent place at the entrance or boundary of the land indicating the place at which any owner of the materials and

possessions impounded under this section may, upon proof of ownership and payment of the required fee, recover them in terms of the City's Standard Operating Procedure on the Impoundment of Goods and Animals and the City's impoundment policies.

- (5) In taking any of the steps contemplated in this section —
- (a) every authorised official must —
- (i) exercise their powers reasonably with due regard to every person's fundamental rights under Chapter 2 of the Constitution;
  - (ii) if force is required under the circumstances, ensure that the level of force is justifiable and proportional; and
  - (iii) in the absence of an authorised official contemplated in subsection (6), take steps to prevent any other authorised official from exercising powers in contravention of subparagraphs (i) and (ii).
- (6) The authorised official in charge must exercise their duty of care by intervening and taking the necessary steps to curtail any unreasonable exercise of powers or disproportionate use of force by any official under their command.
- (7) The City must keep a record of unlawful occupations and include the details in a register including the names and details of the persons removed and possessions impounded.

**10. Obligations of owners other than the City in responding to unlawful occupation**

- (1) An owner of land must immediately inform the City of any intended or executed unlawful occupation of their land and the measures taken to prevent the occupation.
- (2) If the City is informed of an intended or executed unlawful occupation, it must —
- (a) require the owner to take the necessary measures to prevent any further or subsequent occupation; or



- (b) with the consent of the owner, take the necessary measures set out in section 9 on the owner's behalf and at the owner's expense.
- (3) The City may seek a court order permitting it to take the measures contemplated in subsection (2) if —
  - (a) it is in the public interest; and
  - (b) the owner fails or refuses to —
    - (i) take the necessary measures contemplated in subsection (2)(a);  
or
    - (ii) give the consent contemplated in subsection (2)(b).

## **CHAPTER 4**

### **PROHIBITED CONDUCT, OFFENCES AND PENALTIES**

#### **11. Prohibited conduct**

- (1) Any person who contravenes or fails to comply with any provision of this By-law or disobeys any instruction or compliance order by an authorised official enforcing this By-law, shall be guilty of an offence.
- (2) No person may —
  - (a) instigate or organise the unlawful occupation of land;
  - (b) occupy land unlawfully;
  - (c) clear land, with the intention of occupying it, by removing vegetation or by any other means;
  - (d) remove or damage a sign put up in a managed settlement;
  - (e) remove or damage a sign put up on land that is not owned by the City;
  - (f) remove or damage survey pegs installed by the City;
  - (g) demarcate any land with the purpose of allocating it to unlawful occupiers;

- (h) solicit payment for arranging or organising for a person to occupy land without the consent of the owner of the land;
  - (i) sell or purport to sell land or structures on land that is or is intended to be occupied;
  - (j) lease or purport to lease land or structures on land that is or is intended to be occupied;
  - (k) transport persons, building materials and personal possessions for the purpose of an unlawful occupation;
  - (l) erect or occupy a structure on land without the consent of the owner;  
or
  - (m) interfere or obstruct an authorised official in preventing the erection or dismantling of a structure or the removal of the building materials and personal possessions of an unlawful occupier of land.
- (3) Any person who commits an offence in terms of —
- (a) subsection (a) to (g) and (j) is liable on conviction to a fine or to imprisonment for a period not exceeding two years or to both such fine and imprisonment; and
  - (b) subsection (h) and (i) is liable on conviction to a fine or to imprisonment for a period not exceeding 6 months or to both such fine and imprisonment.
- (4) Any vehicle driven in contravention of this By-law -
- (a) is deemed for the purpose of this By-law to have been driven, in the absence of evidence to the contrary —
    - (i) on the instructions or with the consent of the owner; or
    - (ii) by the owner, if a natural person; and
  - (b) may be impounded in terms of Chapter 6 together with the building materials and possessions conveyed in the vehicle.

## CHAPTER 6

### GENERAL

#### 12. Impoundment

- (1) Subject to subsection (2), building materials and personal possessions impounded in terms of section 9(4) or vehicles impounded in terms of section 11(4)(b) must be stored, returned or disposed of in terms of the City's Standard Operating Procedure on the Impoundment of Goods and Animals and the City's impoundment policies.
- (2) Impounded building materials, possessions or vehicles must be released if charges are not laid within 7 days of impoundment and may only be released —
  - (a) if the charges are withdrawn;
  - (b) on payment of an admission of guilt fine;
  - (c) on payment of impoundment costs incurred by the City; or
  - (d) by an order of court.
- (3) Impounded building materials and possessions under this By-law are forfeited to the City if —
  - (a) a court orders the forfeiture;
  - (b) the owner of the materials and possessions cannot be determined after —
    - (i) posting a notice in a prominent place at the entrance or boundary of the land;
    - (ii) three months from the date of impoundment; or
    - (iii) reasonable efforts have been taken to determine through publication and other means who the owner is; or

- (c) the owner of the materials and possessions has been convicted and not paid the fines imposed and the impoundment fees within 3 months of conviction.
- (4) An impounded vehicle under this By-law is forfeited to the City if a court orders the forfeiture.
- (5) If any impounded materials, possessions or vehicle are to be forfeited, the City —
  - (a) may sell or destroy them; and
  - (b) if sold, must apply any net proceeds from the sale as follows and in this order:
    - (i) the recovery of costs incurred by the City as a result of the impoundment and forfeiture;
    - (ii) the payment of the impoundment fee and any fine imposed in terms of section 6(2); and thereafter
    - (iii) the balance of the proceeds will be forfeited to the City.
- (6) If the owner of the materials, possessions or vehicle fails to claim the proceeds derived from any sale contemplated in subsection (5) within one month from the date of the sale, the proceeds will be forfeited to the City.

### **13. Power to search and seize**

- (1) An authorised official may without a search warrant search any person, vehicle, or structure for the purpose of seizing any article which is, or is on reasonable grounds believed to be, concerned with the commission of an offence in terms of this By-law if —
  - (a) the person consents to the search;
  - (b) the person does not consent, the official, on reasonable grounds believes —

- (i) that a search warrant will be issued under paragraph (a) of section 21 (1) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) if application is made for a warrant; and
  - (ii) that the delay in obtaining a warrant would defeat the object of the search; or
- (c) in terms of section 23 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).
- (2) A search of any person must be conducted with strict regard to decency and order provided that —
  - (a) a woman may only be searched by a woman,
  - (b) if no female authorised official is available, the search may be made by any woman designated for that purpose by an authorised official.
- (3) The authorised official may seize anything found as a result of the search referred to in subsection (1) which —
  - (a) is concerned in or is on reasonable grounds believed to be concerned in the commission or suspected commission of an offence in terms of this By-law;
  - (b) may afford evidence of the commission or suspected commission of such an offence; or
  - (c) is intended to be used or is on reasonable grounds believed to be used in the commission of such an offence.

#### **14. Indemnity**

Neither the City nor any authorised official is liable for any damages in respect of anything lawfully done or omitted in the reasonable exercising of any power or carrying out any function in terms of this By-law.

#### **15. Appeal**

- (1) A person whose rights are affected by a decision of an authorised official may appeal against that decision by giving written notice of, and reasons

for, the appeal in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) to the City Manager within 21 days of the notification of the decision.

- (2) Any authorised official making a decision in terms of this By-law must inform any person affected by the decision of that person's right to appeal in terms of subsection (1).

#### **16. Short title**

This By-law is called the City of Cape Town: Unlawful Occupation By-law, 2021, and shall come into operation on the date of publication in the Provincial Gazette.



CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

# **VERORDENING OP ONREGMATIGE BESETTING, 2021**

Making progress possible. Together.

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**AANHEF**

**AANGESIEN** artikel 156(2) van die Grondwet van die Republiek van Suid-Afrika, 1996 aan 'n munisipaliteit die bevoegdheid verleen om verordeninge ten opsigte van plaaslikeregeringsaangeleenthede wat in deel B van bylae 4 en deel B van bylae 5 van die Grondwet vermeld word, te maak en te administreer;

**AANGESIEN** deel B van bylae 4 van die Grondwet die bevoegdhede in verband met bouregulasies, munisipale beplanning en munisipale gesondheidsdienste aan munisipaliteite opdra;

**AANGESIEN** die Stad Kaapstad die onregmatige besetting van grond en geboue wil voorkom met inagneming van die vereiste in artikel 26(3) van die Grondwet dat sonder 'n hofbevel niemand uit hul huis gesit mag word en niemand se huis gesloop mag word nie;

**VERORDEN DIE RAAD VAN DIE STAD KAAPSTAD** hiermee soos volg:

## HOOFSTUK 1

### VERTOLKING, TOEPASSING EN DOELWITTE

#### 1. Omskrywings

In hierdie verordening, tensy dit uit die samehang anders blyk, beteken:

**“eienaar van die grond”** die geregistreerde eienaar van die grond, insluitende ’n staatsorgaan, en enige persoon wat in beheer van daardie grond of gebou is;

**“gemagtigde amptenaar”** ’n werknemer van die Stad verantwoordelik vir die uitvoering van enige plig, funksie of uitoefening van enige bevoegdheid ingevolge hierdie verordening, insluitende —

- a. ’n lid van die Kaapstadse metropolitaanse polisie departement gestig ingevolge artikel 64A van die Wet op die Suid-Afrikaanse Polisie diens, 1995 (Wet 68 van 1995);
- b. ’n verkeersbeampte aangestel ingevolge artikel 3A van die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996);
- c. ’n wetstoepassingsbeampte wat as vredesbeampte verklaar is ingevolge artikel 334(1)(a) van die Strafproseswet, 1977 (Wet 51 van 1977); en
- d. enige ander werknemer wat gedelegeer is of persoon wat gemagtig is om die plig, funksie of bevoegdheid uit te voer of uit te oefen;

**“grond”** enige grond of gebou ongeag wie die grond, gebou of gedeelte grond of gebou besit of in beheer daarvan is;

**“onregmatige besetting”** die besetting van grond sonder die uitdruklike of stilswyende toestemming van die eienaar van die grond en sonder enige ander reg om op daardie grond te woon of dit te okkupeer;

**“Stad”** die Stad Kaapstad, ’n munisipaliteit ingestel deur die Stad Kaapstad: Stigtingskennisgewing no. 479 van 22 September 2000, uitgereik ingevolge die Wet op Plaaslike Regering: Munisipale Strukture,

1998 (Wet 117 van 1998), of enige struktuur of werknemer van die Stad wat ingevolge gedelegeerde bevoegdheid optree;

“**struktuur**” enige skuiling, hut, tent, woning of struktuur wat bedoel is om as ’n tuiste te bewoon.

## **2. Toepassing**

Hierdie verordening is op alle grond en geboue binne die Stad se regsgebied van toepassing.

## **HOOFSTUK 2**

### **BESTUURDE NEDERSETTINGS**

#### **3. Identifisering van grond vir bestuurde nedersettings**

- (1) Die Stad moet binne sy beskikbare hulpbronne en ooreenkomstig artikel 26(2) van die Grondwet, sy strategie oor menslike nedersettings, sy raamwerk oor die onregmatige besetting van grond, sy raamwerke oor ruimtelike beplanning, en beleide, grond identifiseer vir die vestiging van bestuurde nedersettings waar onder andere diegene kan woon wat weerhou is van grond, of uitgesit is as gevolg van die onregmatige besetting van grond ingevolge hierdie Verordening.
- (2) By die vestiging van ’n bestuurde nedersetting beoog in subartikel (1) moet die Stad —
  - (a) infrastruktuur vir basiese dienste voorsien;
  - (b) persele op die grond naby daardie infrastruktuur afbaken;
  - (c) ’n unieke adres aan daardie perseel toewys;
  - (d) toesien dat die adres leesbaar op ’n prominente plek op die perseel gevef of geskryf word; en

- (e) die naam, identiteitsnommer en kontakbesonderhede van die hoof van die huishouding en die aantal persone wat in daardie struktuur woon, aanteken.
- (3) Onderworpe aan die Stad se beleid oor kredietbeheer en skuldinvordering, die eiendomsbelastingbeleid, die tariefbeleid, en die nasionale beleide oor gratis basiese dienste, en enige ander verwante beleide, kan die Stad 'n rekening instel, bedryf en in stand hou vir —
  - (a) die huur of heffing vir okkupasie van die perseel; en
  - (b) die dienste wat daaraan gelewer word.

#### **4. Bepaling of tussentydse of nood- basiese dienste aan onregmatige besetters voorsien gaan word**

- (1) Wanneer die onregmatige besetting van grond teëgekomp word, kan die Stad binne sy beskikbare hulpbronne en ooreenkomstig sy raamwerk oor die onregmatige besetting van grond bepaal of tussentydse of nood-basiese dienste aan die onregmatige besetters van grond voorsien gaan word op die grond wat hulle beset.
- (2) Indien die Stad bepaal dat 'n informele nedersetting beoog ingevolge subartikel (1) —
  - (a) van tussentydse of nood- basiese dienste voorsien gaan word, is artikel 5 van toepassing;
  - (b) nie van daardie dienste voorsien gaan word nie, is artikel 6 van toepassing.
- (3) Niks in hierdie artikel beïnvloed daardie informele nedersettings wat die Stad as informele nedersettings erken, waaraan die basiese dienste voorsien en beplan om dit te voorsien nie.

#### **5. Voorsiening van tussentydse of nood- basiese dienste aan onregmatige besetters**

- (1) Indien 'n bepaling ingevolge artikel 4(1) gemaak word dat daardie onregmatige besetters van tussentydse of nood- basiese dienste voorsien

gaan word, moet 'n gemagtigde amptenaar die besetters in 'n taal wat hulle verstaan, inlig dat sodanige dienste voorsien sal word afhangende van die beskikbaarheid van hulpbronne.

- (2) 'n Gemagtigde amptenaar moet toesien dat die name en ander toepaslike besonderhede van die hoofde van die huishoudings van die besetters op die Stad se behuisingsbehoefte register geregistreer word.
- (3) Onderworpe aan die Stad se beleid oor kredietbeheer en skuldinvordering, die eiendomsbelastingbeleid, die tariefbeleid en die nasionale beleide oor gratis basiese dienste, en enige ander verwante beleide, kan die Stad 'n rekening instel, bedryf en in stand hou vir —
  - (a) die huur of heffing vir okkupasie van die perseel waarop die struktuur gebou is en wat by die hoof van die huishouding van die struktuur afgelewer moet word; en
  - (b) die dienste wat aan die struktuur gelewer word.

## **6. Vrywillige hervestiging van onregmatige besetters**

- (1) Indien die Stad ingevolge artikel 4(2)(b) bepaal het dat 'n informele nedersetting nie van tussentydse of nood- basiese dienste voorsien gaan word nie, moet 'n gemagtigde amptenaar die besetters skriftelik in 'n taal wat hulle verstaan, inlig dat sodanige dienste nie voorsien sal word nie.
- (2) Die skriftelike kennisgewing waarna in subartikel (1) verwys word, moet:
  - (a) die redes bevat waarom die informele nedersetting nie van nood- basiese dienste voorsien gaan word nie;
  - (b) die besetters van die nedersetting skriftelik in 'n taal wat hulle verstaan, inlig dat hulle voortgesette besetting onregmatig is;
  - (c) van die besetters verwag om hulle strukture binne 'n gestelde tydperk, wat redelik moet wees, te verwyder en die grond waarop die nedersetting gevestig is, te ontruim; en
  - (d) die besetters inlig oor die opsie om hulle ingevolge die Stad se bestuurdenedersettingsprogram, indien beskikbaar, te vestig, en oor

enige steun wat die Stad bied met die vervoer van hulle besittings, insluitende die materiaal wat gebruik is om die struktuur te bou.

- (3) Indien 'n besetter instem om die vereistes in subartikel (2)(c) en (d) na te kom, moet 'n gemagtigde amptenaar toesien dat —
- (a) die besetter van vervoer voorsien word; en
  - (b) die besetter op die Stad se behuisingsbehoefteregister geplaas word.
- (4) Indien 'n besetter weier of versuim om binne die gestelde tydperk die vereiste in subartikel (2) na te kom, moet die Stad uitsettingsverrigtinge begin ooreenkomstig die Wet op die Voorkoming van Onwettige Uitsetting en Onregmatige Besetting van Grond, 1998 (Wet 19 van 1998).

### HOOFSTUK 3

#### ONREGMATIGE BESETTING

##### **7. Identifisering en monitering van grond wat vatbaar is vir onregmatige besetting**

- (1) Die Stad moet —
- (a) grond in sy regsgebied wat dit redelik ag vatbaar is vir onregmatige besetting identifiseer met inagneming van die ligging, terrein, en vorige pogings om dit te beset;
  - (b) voortdurend die grond in sy regsgebied monitor met die oog op —
    - (i) die identifisering van bykomende grond wat vatbaar mag wees vir onregmatige besetting; en
    - (ii) die bespeuring van tekens van potensiële onregmatige besetting; en
  - (c) 'n register byhou van die geïdentifiseerde grond en die besonderhede van die eienaars daarvan.

## **8. Stappe om onregmatige besetting op geïdentifiseerde grond te voorkom**

- (1) Indien die Stad die eienaar van die geïdentifiseerde grond is, moet hy toesien dat —
  - (a) indien dit grond is waartoe die publiek nie toegang het nie, maatreëls getref word om onregmatige besetting te voorkom, wat kan insluit dat —
    - (i) die grond omhein word; en
    - (ii) 'n kennisgewingbord wat ongemagtigde toegang en besetting verbied, opgerig word;
  - (b) indien dit grond is waartoe die publiek toegang het, 'n gepas geplaaste kennisgewingbord wat besetting verbied, opgerig word.
- (2) Indien die Stad nie die eienaar van die geïdentifiseerde grond is nie, moet 'n gemagtigde amptenaar —
  - (a) die eienaar verwittig dat die grond ingevolge artikel 7(a) geïdentifiseer is as grond wat vatbaar is vir onregmatige besetting;
  - (b) van die eienaar vereis om binne 'n redelike tydperk wat in die kennisgewing gestel word, gepaste maatreëls te tref om die onregmatige besetting van die grond te voorkom, wat kan insluit —
    - (i) die omheining van die grond indien dit nie grond is waartoe die publiek toegang het nie, en die oprigting van kennisgewingsborde wat toegang en besetting verbied; en
    - (ii) die gepaste plasing van kennisgewingborde wat besetting op grond waartoe die publiek toegang het, te verbied.
- (3) Onderworpe aan die Stad se beleid op kredietbeheer en skuldinvordering en die Verordening op Kredietbeheer en Skuldinvordering, 2006, indien 'n eienaar beoog in subartikel (2) versuim of weier om 'n vereiste beoog in subartikel (2)(b) binne die gestelde tydperk na te kom, kan die Stad op die

eienaar se onkoste die grond omhein en die kennisgewingbord beoog in die subartikel plaas.

**9. Reaksie op die onregmatige besetting van grond onder die Stad se beheer**

- (1) Indien die Stad ingelig word oor onregmatige besetting wat aan die gang is of binnekort gaan plaasvind op grond onder sy beheer, moet hy —
- (a) die nodige stappe doen om persone wat van voorneme is om die grond onregmatig te beset, te verhoed om die grond te betree, wat kan insluit die sluiting van paaie in die omgewing van die grond wat onregmatig beset gaan word of besig is om beset te word om te verhoed dat voertuie wat persone met hulle besittings of boumateriaal vir die oprigting van strukture vervoer, die gebied binnekom; en
  - (b) onmiddellik die voornemende besetters inlig dat hul voorgenome besetting van die grond onregmatig is en 'n skriftelike instruksie aan hulle beteken om —
    - (i) nie die grond te betree nie; of
    - (ii) indien hulle die grond betree het, enige struktuur af te slaan en die grond met hulle boumateriaal en besittings te verlaat.
- (2) Indien 'n voornemende besetter weier of versuim om 'n instruksie gegee kragtens subartikel (1)(b) na te kom, kan die gemagtigde amptenaar —
- (a) die voornemende besetters in hegtenis neem vir die pleeg van 'n misdryf in die teenwoordigheid van die gemagtigde amptenaar; en
  - (b) die struktuur afslaan en die voornemende besetter se boumateriaal en besittings skut indien die struktuur —
    - (i) op grond onder die Stad se beheer is;
    - (ii) op 'n openbare deurgang is; of
    - (iii) op enige ander grond nog nie as 'n tuiste kan dien nie.



- (3) Indien 'n onregmatige besetter 'n struktuur gevestig het wat as 'n tuiste kan dien en versuim of weier om 'n instruksie gegee kragtens subartikel (1)(b), na te kom, moet die Stad uitsettingsverrigtinge begin ooreenkomstig die Wet op die Voorkoming van Onwettige Uitsetting en Onregmatige Besetting van Grond, 1998 (Wet 19 van 1998).
- (4) Indien die eienaar van die boumateriaal en besittings nie geïdentifiseer kan word na alle redelike stappe gedoen is om te identifiseer wie die voornemende besetter is of wie die eienaar van die boumateriaal en besittings is nie, kan die gemagtigde amptenaar dit skut en 'n kennisgewing op 'n prominente plek by die ingang of grens van die grond plaas, wat meld by watter plek enige eienaar van die materiaal en besittings wat kragtens hierdie artikel geskut is, na bewys van eienaarskap en die betaling van enige vereiste fooi, dit kan terugkry ingevolge die Stad se standaardbedryfsprosedure oor die skut van goedere en diere en die Stad se skutbeleide.
- (5) By die doen van enige van die stappe beoog in hierdie artikel -
- (a) moet elke gemagtigde amptenaar —
- (i) hul bevoegdhede met redelikheid uitvoer met behoorlike inagneming van elke persoon se fundamentele regte kragtens hoofstuk 2 van die Grondwet;
- (ii) indien hardhandigheid in die omstandighede nodig is, toesien dat die mate van hardhandigheid regverdigbaar en proporsioneel is; en
- (iii) in die afwesigheid van 'n gemagtigde amptenaar beoog in subartikel 6 stappe doen om te voorkom dat enige ander gemagtigde amptenaar hul bevoegdhede in stryd met subparagraaf (i) en (ii) uitoefen.
- (6) Die gemagtigde amptenaar in beheer moet hul plig met omsigtigheid nakom deur toe te tree en die nodige stappe te doen om enige onredelike uitoefening van bevoegdhede en disproporsionele gebruik van hardhandigheid deur enige amptenaar onder hulle bevel te bekamp.

- (7) Die Stad moet rekord hou van onregmatige besettings en die besonderhede in 'n register byhou, insluitende die name en besonderhede van die persone wat verwyder en die besittings wat geskut is.

#### **10. Verpligtinge van eienaars buiten die Stad in reaksie op onregmatige besetting**

- (1) 'n Eenaar van grond moet onmiddellik die Stad verwittig van enige voorgenome of uitgevoerde onregmatige besetting van hul grond en die maatreëls wat getref is om die besetting te voorkom.
- (2) Indien die Stad van 'n voorgenome of uitgevoerde onregmatige besetting verwittig word, moet hy –
- (a) van die eenaar vereis om die nodige maatreëls te tref om verdere besetting te voorkom; of
  - (b) met die eenaar se toestemming, die nodige maatreëls wat in artikel 9 uiteengesit word namens die eenaar en op die eenaar se onkoste tref.
- (3) Die Stad kan 'n hofbevel aanvra wat hom toelaat om die maatreëls beoog in subartikel (2) te tref indien —
- (a) dit in die openbare belang is; en
  - (b) die eenaar versuim of weier om —
    - (i) die nodige maatreëls beoog in subartikel (2)(a) te tref; of
    - (ii) die toestemming beoog in subartikel (2)(b) te gee.

### **HOOFSTUK 4**

#### **VERBODE GEDRAG, MISDRYWE EN STRAFBEPALINGS**

#### **11. Verbode gedrag**

- (1) Enige persoon wat enige bepaling van hierdie verordening oortree of versuim om daaraan te voldoen of enige instruksie of

nakomingskennisgewing deur 'n gemagtigde amptenaar wat hierdie verordening toepas, oortree of verontagsaam, is skuldig aan 'n misdryf.

- (2) Geen persoon mag —
- (a) die onregmatige besetting van grond aanhits of organiseer nie;
  - (b) grond onregmatig beset nie;
  - (c) grond skoonmaak met die bedoeling om dit te beset deur plantegroei te verwyder of op enige ander manier nie;
  - (d) 'n kennisgewingbord wat in 'n bestuurde nedersetting geplaas is, verwyder of beskadig nie;
  - (e) 'n kennisgewingbord op grond wat nie deur die Stad besit word nie, verwyder of beskadig nie;
  - (f) opmetingspenne wat deur die Stad geplaas is, verwyder of beskadig nie;
  - (g) enige grond afbaken met die doel om dit aan onregmatige besetters toe te wys nie;
  - (h) betaling vra vir die reël of organisering vir 'n persoon om grond sonder die eienaar van die grond se toestemming te beset nie;
  - (i) grond of strukture op grond wat beset is of beset staan te word, verkoop of voorgee om dit te verkoop nie;
  - (j) grond of strukture op grond wat beset is of beset staan te word, verhuur of voorgee om te verhuur nie;
  - (k) persone, boumateriaal en persoonlike besittings met die oog op onregmatige besetting vervoer nie;
  - (l) sonder die eienaar se toestemming 'n struktuur op grond oprig of beset nie; of
  - (m) inmeng met of keer dat 'n gemagtigde amptenaar die oprigting van 'n struktuur voorkom of dit afslaan of die boumateriaal en persoonlike besittings van 'n onregmatige besetter van grond verwyder nie.

- (3) Enige persoon wat 'n oortreding begaan ingevolge —
- (a) subartikel (a) tot (g) en (j) kan by skuldigbevinding beboet word of gevangenisstraf opgelê word vir 'n tydperk van hoogstens twee jaar of beide sodanige boete en gevangenisstraf; en
  - (b) subartikel (h) en (i) kan by skuldigbevinding beboet word of gevangenisstraf opgelê word vir 'n tydperk van hoogstens ses maande of beide sodanige boete en gevangenisstraf.
- (4) Enige voertuig wat in stryd met hierdie verordening bestuur word –
- (a) word vir die doel van hierdie verordening in die afwesigheid van bewyse tot die teendeel, geag —
    - (i) in opdrag, of met die toestemming, van die eienaar bestuur te wees; of
    - (ii) deur die eienaar, indien 'n natuurlike persoon, bestuur te wees; en
  - (b) kan geskut word ingevolge hoofstuk 6 tesame met die boumateriaal en besittings wat in die voertuig vervoer word.

## HOOFSTUK 6

### ALGEMEEN

#### 12. Skut

- (1) Onderworpe aan subartikel (2), moet boumateriaal en persoonlike besittings wat ingevolge artikel 9(4) geskut is of voertuie wat ingevolge artikel 11(4)(b) geskut is, geberg, teruggehandig of mee weggedoen word ingevolge die Stad se standaardbedryfsprosedue oor die skut van goedere en diere en die Stad se skutbeleide.
- (2) Geskutte boumateriaal, besittings of voertuie moet vrygestel word indien 'n aanklag nie binne sewe dae na die skut daarvan aanhangig gemaak word nie en mag slegs teruggehandig word —

- (a) indien die aanklag teruggetrek word;
  - (b) by betaling van 'n skulderkenningsboete;
  - (c) by betaling van skutkoste wat deur die Stad aangegaan is; of
  - (d) volgens 'n hofbevel.
- (3) Boumateriaal en besittings geskut kragtens hierdie verordening word aan die Stad verbeur indien –
- (a) 'n hof die verbeuring gelas;
  - (b) die eienaar van die materiaal en besittings nie bepaal kan word nie na —
    - (i) 'n kennisgewing op 'n prominente plek by die ingang of grens van die grond geplaas is;
    - (ii) drie maande na die skutdatum; of
    - (iii) redelike pogings aangewend is om deur publikasie en ander maniere te bepaal wie die eienaar is; of
  - (c) Die eienaar van die materiaal en besittings skuldig bevind is en nie die boete wat opgelê is en die skutgeld binne drie maande na skuldigbevinding betaal het nie.
- (4) 'n Voertuig wat kragtens hierdie verordening geskut is, word aan die Stad verbeur indien die hof die verbeuring gelas.
- (5) Indien enige materiaal, besittings of voertuig verbeur word —
- (a) kan die Stad dit verkoop of vernietig; en
  - (b) indien dit verkoop word, moet die Stad enige netto opbrengs uit die verkoop soos volg en in hierdie volgorde aanwend:
    - (i) die verhaling van koste deur die Stad aangegaan as gevolg van die skut en verbeuring;
    - (ii) die betaling van die skutgeld en enige boete wat ingevolge artikel 6(2) opgelê is; en daarna
    - (iii) die verbeuring van die balans van die opbrengs aan die Stad.

- (6) Indien die eienaar van die materiaal, besittings of voertuig versuim om die opbrengs gemaak uit enige verkoop beoog in subartikel (5) binne een maand na die verkoopdatum op te eis, word die opbrengs aan die Stad verbeur.

### **13. Bevoegdhede vir deursoeking en beslaglegging**

- (1) 'n Gemagtigde amptenaar kan sonder 'n lasbrief enige persoon, voertuig of struktuur deursoek met die doel om beslag te lê op enige artikel wat betrokke is by, of op redelike gronde vermoed word betrokke te wees by die pleeg van 'n misdryf ingevolge hierdie verordening –
- (a) indien die persoon tot die deursoeking toestem;
  - (b) indien die persoon nie toestemming gee nie, die amptenaar op redelike gronde van mening is —
    - (i) dat 'n lasbrief kragtens paragraaf (a) van artikel 21(1) van die Strafproseswet, 1977 (Wet 51 van 1977) uitgereik sal word indien daar aansoek om die lasbrief gedoen word; en
    - (ii) dat die vertraging in die verkryging van 'n lasbrief die doel van die deursoeking sal verydel; of
  - (c) ingevolge artikel 23 van die Strafproseswet, 1977 (Wet 51 of 1977).
- (2) Die deursoeking van 'n persoon moet met die behoorlike inagneming van menswaardigheid en orde gedoen word op voorwaarde dat —
- (a) 'n vrou slegs deur 'n vrou deursoek mag word,
  - (b) indien geen vroulike gemagtigde amptenaar beskikbaar is nie, die deursoeking gedoen kan word deur enige ander vrou wat vir daardie doel deur 'n gemagtigde amptenaar aangewys word.
- (3) Die gemagtigde amptenaar kan beslag lê op enigiets wat as gevolg van die deursoeking waarna in subartikel (1) verwys word, gevind word, wat —

- (a) betrokke is by of op redelike gronde vermoed word betrokke te wees by die pleeg of vermoedelike pleeg van 'n misdryf ingevolge hierdie verordening;
- (b) bewys van die pleeg of vermoedelike pleeg van sodanige misdryf kan lewer; of
- (c) bedoel is om gebruik te word of op redelike gronde vermoed word om vir die pleeg van sodanige misdryf gebruik te word.

#### **14. Kwytskelding**

Nie die Stad of enige gemagtigde amptenaar is aanspreeklik vir enige skade ten opsigte van enigiets wat regmatig gedoen of versuim is in die redelike uitoefening van enige bevoegdheid of uitvoering van enige funksie ingevolge hierdie verordening nie.

#### **15. Appèl**

- (1) 'n Persoon wie se regte aangetas word deur 'n besluit van 'n gemagtigde amptenaar kan appèl teen daardie besluit aanteken deur binne 21 dae na kennisgewing van die besluit, skriftelike kennisgewing van, en redes vir, die appèl aan die Stadsbestuurder te gee ingevolge artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2002 (Wet 32 van 2000).
- (2) Enige gemagtigde amptenaar wat 'n besluit ingevolge hierdie verordening neem, moet enige persoon wat deur die besluit geraak word, inlig van daardie persoon se reg om ingevolge subartikel (1) appèl daarteen aan te teken.

#### **16. Kort titel**

Hiedie verordening staan bekend as die Stad Kaapstad: Verordening op Onregmatige Besetting, 2021, en tree in werking op die datum van publikasie in die Provinsiale Koerant.



CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

**UMTHETHO KAMASIPALA  
WESIXEKO SASEKAPA  
OCHASENE NOKUHLALWA  
KUMHLABA  
NGOKUNGEKHOMTHETHWENI  
WANGO2021**

Making progress possible. Together.



**UMTHETHO KAMASIPALA WESIXEKO SASEKAPA OCHASENE  
NOKUHLALWA KUMHLABA NGOKUNGEKHOMTHETHWENI  
WANGO2021**

**UHLENGAHLENGISO LWAMACANDELO**

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## **INTSHAYELELO**

**NGOXA** icandelo 156(2) loMgaqosiseko weRiphabliki yoMzantsi Afrika, wango1996 unika oomasipala amandla okuwisa nokusebenzisa imithetho kamasipala ngokuphathelele imicimbi karhulumente wengingqi echazwe kwiNxalenye B yeShedyuli 4 neNxalenye B yeShedyuli 5 yoMgaqosiseko;

**NGOXA** iNxalenye B yeShedyuli 4 yoMgaqosiseko inika oomasipala amandla ngokuphathelele ukubeka imimiselo, izicwangciso zikamasipala, neenkonzozempilo zikamasipala;

**NGOXA** iSixeko saseKapa sifuna ukuthintela ukuhlala kwabantu ngokungekho mthethweni kumhlaba nakwizakhiwo ngoxa sikuqonda oko kufunwa licandelo 26(3) loMgaqosiseko elithi akukho mntu uya kukhutshwa kwikhaya lakhe okanye ekuya kudilizwa ikhaya lakhe ngaphandle komyalelo wenkundla;

**IBHUNGA LESIXEKO SASEKAPA** ngoko liwisa lo mthetho kamasipala ulandelayo:

## IS AHLUKO 1

### UKUTOLIKWA, UKUSEBENZA NEZINTO EKUBHEKISWA KUZO

#### 1. Iingcaciso

Kulo Mthetho kaMasipala, ngaphandle kokuba umongo ubonisa ngenye indlela:

**“Igos a eligunyazisiweyo”** lithetha umqeshwa weSixeko omsebenzi wakhe ikukuphumeza nayiphi imbopheleleko okanye umsebenzi okanye ukusebenzisa igunya ngokwalo Mthetho kaMasipala ibe liquka —

- a. ilungu leSebe lamaPolisa kaMasipala oMbaxa waseKapa osekwe ngokwecandelo 64A loMthetho weeNkonzo zamaPolisa waseMzantsi Afrika, wango1995 (uMthetho 68 wango1995);
- b. igosa lendlela eliqeshwe ngokwecandelo 3A loMthetho weeNdllela weLizwe, wango1996 (uMthetho 93 wango1996);
- c. igosa elinyanzelisa umthetho elibhengezwe njengegos a loxolo ngokwecandelo 334(1)(a) loMthetho weeNkqubo eziLandelwayo kuLwaphulomthetho, wango1977 (uMthetho 51 wango1977); kunye
- d. naye nawuphi umsebenzi onikwe imbopheleleko okanye umntu ogunyaziswe ukukuphumeza okanye ukwenza imbopheleleko, umsebenzi, okanye igunya;

**“iSixeko”** sithetha iSixeko saseKapa, umasipala owasungulwa ngeSaziso sokuSungulwa kweSixeko saseKapa 479 sowama22 kweyoMsintsi 2000, esakhutshwa ngokoMthetho wooRhulumente weNgingqi: ukwaKhiwa kooMasipala, wango1998, okanye nasiphi isakhiwo okanye umqeshwa weSixeko osebenza ngokwegunya alinikiweyo;

**“umhlaba”** uthetha nawuphi umhlaba okanye izakhiwo kungakhathaliseki ngubani umnini, okanye ngubani olawula, loo mhlaba okanye izakhiwo okanye inxalenye yomhlaba okanye yesakhiwo;

**“ukuhlala ngokungekhomthethweni”** kuthetha ukuhlala emhlabeni ngaphandle kwemvume ecacileyo okanye engacacanga yomnini womhlaba nangaphandle kwalo naliphi na elinye ilungelo lokuhlala kulo mhlaba;

**“umninimhlaba”** uthetha umninimhlaba obhalisiweyo, kuquka isebe likarhulumente uquka nabani na olawula lo mhlaba okanye eso sakhiwo;

**“isakhiwo”** siquka naliphi na ikhusi, uronta, intente, indlu, isakhiwo esinjongo yaso ikukuhlala kuso njengekhaya.

## 2. Ukusebenza

Lo Mthetho kaMasipala usebenza kuwo wonke umhlaba nezakhiwo ezikummandla ophantsi kwesiXeko.

## ISAHLUKO 2

### IINDAWO ZOKUHLALA EZILAWULWAYO

## 3. Ukufunyanwa komhlaba weendawo zokuhlala ezilawulwayo

- (1) ISixeko simele, ngokwemali esinayo nangokuhambisana necandelo 26(2) loMgaqosiseko, iNdlela yokuSingatha ukuHlaliswa kwaBantu yaso, iMithetho engokuHlala ngokuNgekho Mthethweni eMhlabeni, iMithetho engokuCwangciswa kwezikhewu yaso, nemigaqonkqubo, sifumane umhlaba onjongo yawo ikukusungula iindawo zokuhlala ezilawulwayo ngenjongo, phakathi kwezinye, yokuhlalisa abantu abathintelwe, okanye abakhutshwe kumhlaba abebehlala kuwo ngokungekho mthethweni ngokwalo Mthetho kaMasipala.
- (2) Xa sisungula indawo yokuhlala elawulwayo echazwe kwicandelwana (1) isiXeko simele —
  - (a) sinikele ngeziseko zokubonelela ngeenkono;
  - (b) sisike iziza kulo mhlaba kufutshane nezo ziseko zokubonelela ngeenkono;

- (c) sabele eso siza idilesi eyahlukileyo;
  - (d) siqiniseke ukuba loo dilesi ipeyintwe okanye ibhalwe ngendlela efundekayo kwindawo ebonakalayo kweso siza; kwaye
  - (e) sibhale igama, inombolo yesazisi neenkukacha zoqhagamshelwano zentloko yelo khaya nenani labantu abahlala kweso sakhiwo.
- (3) Kuxhomekeka kuMgaqonkqubo wokuLawula amaTyala nokuQokelela amaTyala weSixeko, uMgaqonkqubo ongeeReyithi, uMgaqonkqubo ongamaXabiso noMgaqonkqubo weSizwe ongeeNkonzo ezisisiSeko zaSimahla, nazo naziphi na ezinye iinkqubomgaqo ezisebenzayo, iSixeko singasungula, sisebenzise kwaye sigcine iakhawunti ngenjongo —
- (a) yerenti okanye intlawulo ebizwayo ngokuhlala kweso siza; kunye
  - (b) neenkonzo ezinikelwa kuso.

**4. Ukugqiba enoba kunikelwe ngeenkonzo ezisisiseko zexeshana okanye zongxamiseko kusini na kubantu abahlala ngokungekho mthethweni**

- (1) Xa sijongene nokuhlalwa komhlaba ngokungekho mthethweni, iSixeko singathi ngemali efumanekayo nangokuhambisana neMithetho engokuHlala ngokuNgekho Mthethweni eMhlabeni sigqibe enoba abantu abahlala ngokungekho mthethweni emhlabeni bamele banikwe iinkonzo ezisisiseko zexeshana okanye zongxamiseko kumhlaba abahlala kuwo.
- (2) Ukuba isiXeko sigqiba ekubeni indawo yamatyotyombe eyilwe ngokwecandelwana (1) —
- (a) imele inikwe iinkonzo ezisisiseko zexeshana okanye zongxamiseko, kusebenza icandelo 5;
  - (b) ayimele inikwe ezo nkonzo, kusebenza icandelo 6.
- (3) Akukho nto kweli candelo echaphazela ezo ndawo zamatyotyombe ezigqalwa siSixeko njengeendawo zamatyotyombe, esinikele kuzo iinkonzo ezisisiseko okanye esiceba ukuzinikela kuzo.

**5. Ukunikela ngeenkonzozo zexeshana okanye ezingundoqo kubantu abahlala ngokungekho mthethweni**

- (1) Ukuba kugqitywa ngokwecandelo 4(1) ekubeni abo bantu bahleli ngokungekho mthethweni bamele banikwe iinkonzozo ezisisiseko zexeshana okanye zongxamiseko, igosa eligunyazisiweyo limele lazise abo bantu bahlala apho, ngolwimi abaluvayo, ukuba iinkonzozo ziza kunikelwa xa iimeko zivuma.
- (2) Igosa eligunyazisiweyo limele liqiniseke ukuba amagama kunye neenkucukacha eziyimfuneko zeentloko zamakhaya abo bantu bahlala apho ziyabhaliswa kwiRejista yeeMfuno zeziNdlu yeSixeko.
- (3) Kuxhomekeka kuMgaqonkqubo wokuLawula amaTyala nokuQokelela amaTyala weSixeko, uMgaqonkqubo ongeeReyithi, uMgaqonkqubo ongamaXabiso noMgaqonkqubo weSizwe ongeeNkonzo ezisisiseko zaSimahla, nayo nayiphi na eminye imigaqonkqubo esebenzayo, iSixeko singasungula, sisebenzise kwaye sigcine iakhawunti ngenjongo —
  - (a) yerenti okanye intlawulo ebizwayo ngokuhlala kweso siza esakhiwe kuso isakhiwo inikwe intloko yekhaya elihlala kweso sakhiwo; kunye
  - (b) neenkonzozo ezinikelwa kweso sakhiwo.

**6. Ukufuduka ngokuzithandela kwabantu abahlala ngokungekho mthethweni**

- (1) Ukuba iSixeko sigqibe ngokwecandelo 4(2)(b) ukuba indawo yamatyotyombe ayimele inikwe iinkonzozo ezisisiseko zexeshana okanye zongxamiseko, igosa eligunyazisiweyo limele lazise abantu abahlala apho, ngembalelwano, nangolwimi abaluvayo, ukuba ezo nkonzo aziyi kunikelwa.
- (2) Isaziso esibhaliweyo ekuthethwa ngaso kwicandelwana (1) simele sibe nezi zinto zilandelayo:
  - (a) izizathu zokuba indawo yamatyotyombe inganikwa iinkonzozo ezingundoqo zoncedo;

- (b) sazise abo bahlala kulo ndawo, ngembalelwano, ngolwimi abaluvayo, ukuba ukuqhubeka kwabo behleli apho akukho mthethweni;
  - (c) sifune ukuba abo bahlala apho basuse izakhiwo zabo ngexesha abalisikelweyo, elimele libe lelanelayo, baze baphume kulo mhlaba abahlala kuwo; kwaye
  - (d) sazise abo bahlala apho ngokhetho lokuhlala ngokwenkqubo yeendawo zokuhlala ezilawulwayo yeSixeko, ukuba iyafumaneka, nangayo nayiphi inkxaso enokunikelwa siSixeko yokuthutha izinto zabo kuquka izinto abakhe ngazo isakhiwo.
- (3) Ukuba umntu ohlala apho uyavuma ukwenza oko kufunwa licandelwana (2)(c), igosa eligunyazisiweyo limele liqiniseke ukuba —
- (a) loo mntu ulungiselelwa isithuthi; kwaye
  - (b) loo mntu ufakwa kwiRejista yeeMfuno zeziNdlu yeSixeko.
- (4) Ukuba umntu ohlala apho akavumi okanye akazenzi izinto ezifunwa licandelwana (2) ngexesha elisikiweyo, iSixeko osimele siqalise inkqubo yokumkhupha ngokuhambisana noMthetho wokuThintela ukuKhutshwa ngokuNgekho Mthethweni nokuHlala ngokuNgekho Mthethweni eMhlabeni, wango1998 (uMthetho 19 wango1998).

### IS AHLUKO 3

#### UKUHLALA NGOKUNGEKHO MTHETHWENI

#### 7. Ukukhangela nokugada umhlaba osisisulu sokuhlalwa ngokungekho mthethweni

(1) ISixeko simele —

- (a) sikhangele umhlaba kummandla ophantsi kwaso esiwujonga njengongasisisulu sokuhlalwa ngokungekho mthethweni sicinga ngendawo okuyo, ukuma komhlaba, nemizamo eyenziweyoo ngaphambili yokuhlala kuwo;



(b) siqhubeke siwugadile umhlaba okummandla ophantsi kwaso ngenjongo —

(i) yokukhangela omnye umhlaba ongasisisulu sokuhlalwa ngokungekho mthethweni; kunye

(ii) nokujonga iimpawu zokuba ungalalwa ngokungekho mthethweni; kwaye

(c) sigcine irejista yomhlaba oboniweyo neenkukacha zabanini bawo.

## **8. Amanyathelo okuthintela ukuhlala ngokungekho mthethweni kumhlaba oboniweyo**

(1) Ukuba iSixeko singumnini womhlaba oboniweyo, simele siqiniseke ukuba —

(a) ngumhlaba ongangenwa nguwonkewonke nokuba kuthathwa amanyathelo okuthintela ukuba kuhlalwe ngokungekho mthethweni kuwo angaquka ukuba —

(i) loo mhlaba ubiywe; kwaye

(ii) kumiswe uphawu oluthintela ukungena nokuhlala kwabantu abangagunyaziswanga;

(b) ukuba ngumhlaba ongenwa nguwonkewonke, kumiswa uphawu olubekwe ngendlela efanelekileyo oluthintela ukuhlala ngokungekho mthethweni.

(2) Ukuba iSixeko asinguye umnini womhlaba oboniweyo, igosa eligunyazisiweyo limele —

(a) lazise umnini ukuba lo mhlaba ubonwe njengongasisisulu sokuhlalwa ngokungekho mthethweni ngokwecandelo 7(a);

(b) lifune ukuba umnini ngexesha elifanelekileyo elichazwe kwisaziso athathe amanyathelo afanelekileyo okuthintela ukuhlala ngokungekho kulo mhlaba angaquka —

- (i) ukubiya lo mhlaba ukuba ukuba awungenwa nguwonkewonke nokumisa uphawu oluthi akuvumelekanga ukungena nokuhlala kuwo ungagunyaziswanga; kunye
  - (ii) nokumisa uphawu olubekwe ngendlela efanelekileyo kumhlaba ongenwa nguwonkewonke.
- (3) Kuxhomekeka kuMgaqonkqubo wokuLawula amaTyala neyokuQokelela amaTyala weSixeko noMthetho kaMasipala wokuLawula amaTyala nokuQokelela amaTyala wango2006, -ukuba umnini ekuthethwa ngaye kwicandelwana (2) akazenzi okanye amavumi ukwenza izinto ezifunwa kwicandelwana (2)(b) kwisithuba sexesha elichaziweyo, iSixeko singathi, ngeendleko zomnini, sibiye loo mhlaba size sibe iimpawu ezichazwe kweli candelwana.

**9. Ukusabela xa kuhlalwa ngokungekho mthethweni kumhlaba ophantsi kolawulo lweSixeko**

- (1) Ukuba iSixeko saziswa ukuba kukho ukuhlala ngokungekho mthethweni okuqhubekayo okanye okuza kwenziwa kumhlaba ophantsi kwaso nokummandla waso, simele —
- (a) sithathe amanyathelo ayimfuneko ukuze sithintele abantu abazimisele ukuhlala emhlabeni ngokungekho mthethweni bangangeni kulo mhlaba okungaquka ukuvala iindlela ezikufutshane nalo mhlaba oza, okanye osele uhlalwa ngokungekho mthethweni ukuze kuthintelwe izithuthi ezihambisa abantu abathwele impahla yabo okanye izinto zokwakha izakhiwo zingangeni kulo ndawo; kwaye
  - (b) ngoko nangoko sazise abantu abazimisele ukuhlala apho ukuba ukuhlala kwabo kulo mhlaba akukho mthethweni baze babanike umyalelo obhaliweyo wokuba —
    - (i) bangangeni kulo mhlaba; okanye
    - (ii) ukuba sebengenile kulo mhlaba, bachithe naziphi izakhiwo baze baphume kulo mhlaba nezinto zokwakha nempahla yabo.

- (2) Ukuba umntu ofuna ukuhlala apho akavumi okanye akayenzi imiyalelo enikelwe phantsi kwecandelwana (1)(b), igosa eligunyazisiweyo —
- (a) lingambamba loo mntu ufuna ukuhlala ngenxa yokwaphula umthetho phambi kwegosa eligunyazisiweyo; lize
  - (b) lichithe isakhiwo lize lithimbe izinto zokwakha nempahla yalo mntu ufuna ukuhlala ukuba eso sakhiwo —
    - (i) sikumhlaba ophantsi kolawulo lwesiXeko;
    - (ii) sikwindlela enqumla uwonkewonke; okanye
    - (iii) asikabi likhaya kuwo nawuphi omnye umhlaba.
- (3) Ukuba umntu ohlala ngokungekho mthethweni umise isakhiwo esisele silikhaya ibe akazenzi okanye akavumi ukulandela umyalelo onikelwe phantsi kwecandelwana (1)(b), iSixeko simele siqalise inkqubo yokumkhupha ngokuhambisana noMthetho wokuThintela ukuKhutshwa ngokuNgekho Mthethweni nokuHlala ngokuNgekho Mthethweni eMhlabeni, wango1998 (uMthetho 19 wango1998).
- (4) Ukuba umnini weemathiriyeli zokwakha neempahla akanakho ukuba angafumaneka, nasemva kokuthatha onke amanyathelo afanelekileyo okufumana ukuba ngubani lo unenjongo yokuhlala ngokungekhomthethweni, igosa eligunyazisiweyo lingazithimba lize libeke isaziso kwindawo ebonakalayo ekungeneni okanye emdeni walo mhlabo esibonisa indawo aya kuthi nawuphi umnini wezinto zokwakha nempahla ezithinjwe phantsi kweli candelo, emva kokuveza ubungqina bokuba zezakhe nokukhupha intlawulo emiselweyo, azifumane ngokweNkqubo eQhelekileyo eSetyenziswa siSixeko ekuThinjweni kweMpahla neziLwanyana neenkqubomgaqo zeSixeko zokuthimba.

- (5) Xa kuthathwa nawaphi amanyathelo achazwe kweli candelo -
- (a) onke amagosa agunyazisiweyo amele —
- (i) asebenzise amagunya awo ngendlela efanelekileyo ecinga ngamalungelo asisiseko abo bonke abantu aphantsi kweSahluko 2 soMgaqosiseko;
- (ii) ukuba kuyimfuneko ukusebenzisa ukunyanzelisa, aqinisekise ukuba inqanaba loko kunyanzelisa liyathetheleleka kwaye lifanele lo meko; kwaye
- (iii) xa kungekho gosa ligunyazisiweyo ekuthethwa ngalo kwicandelwana (6), athathe amanyathelo okuthintela naliphi elinye igosa eligunyazisiweyo ekubeni lisebenzisa igunya lalo ngendlela engqubana necandelwana (6).
- (6) Igosa eligunyazisiweyo eliphetheyo limele libe nenkathalo ngokuthi lingenelele kwaye lithathe amanyathelo ayimfuneko ukuze linqande nakuphi ukusetyenziswa kwegunya ngendlela engafanelekanga okanye ukusetyenziswa kokunyanzelisa ngendlela engayifanelanga imeko lilo naliphi elinye igosa eliphantsi kwalo.
- (7) IsiXeko simele sigcine iingxelo zokuhlala ngokungekho mthethweni lize liquke iinkcukacha kwirejista equka amagama neenkukacha zabantu abasusiweyo neempahla ezithinjiweyo.

**10. Imbopheleleko yabanini abangesiso isiXeko yokusabela xa kuhlalwa ngokungekho mthethweni**

- (1) Umninimhlaba umele ngoko nangoko azise iSixeko ngako nakuphi ukuhlala ngokungekho mthethweni okucetywayo okwenziwayo kumhlaba wakhe nangamanyathelo awathathileyo okuthintela ukuhlala kwabantu kuwo.
- (2) Ukuba isiXeko saziswa ngokuhlala ngokungekho mthethweni okucetywayo okanye okwenziweyo, simele-

- (a) sifune ukuba umnini athathe amanyathelo ayimfuneko ukuze athintele ukuhlala kwabantu okungokunye; okanye
  - (b) ngemvume yomnini, sithathe amanyathelo achazwe kwicandelo 9 egameni lomnini nangeendleko zakhe.
- (3) ISixeko singafuna umyalelo wenkundla osivumela ukuba sithathe amanyathelo achazwe kwicandelwana (2) ukuba —
- (a) kuza kuba luncedo kuluntu ukwenjenjalo; kwaye
  - (b) umnini uyasilela okanye akavumi —
    - (i) ukuthatha amanyathelo ayimfuneko achazwe kwicandelwana (2)(a); okanye
    - (ii) ukunikela ngemvume echazwe kwicandelwana (2)(b).

#### **ISAPHLUKO 4**

### **IZENZO EZINGAVUMELEKANGA, ULWAPHULOMTHETHO NEZOHLWAYO**

#### **11. Izenzo ezingavunyelwayo**

- (1) Nabani na owaphula okanye osilelayo ukuthobela nawuphi ummiselo walo Mthetho kaMasipala okanye ongathobeli nawuphi umqathango okanye nawuphi umyalelo wokuba athobele okhutshwa ligosa eligunyazisiweyo elinyanzelisa lo Mthetho kaMasipala, uza kuba netyala lokwaphula umthetho.
- (2) Akukho mntu uvumelekileyo ukuba —
  - (a) aphembelele okanye aququzelele ukuhlalwa ngokungekho mthethweni emhlabeni;
  - (b) ahlale ngokungekho mthethweni emhlabeni;
  - (c) alungise umhlaba, ngenjongo yokuhlala kuwo, ngokuthi asuse izityalo okanye ngayo nayiphi enye indlela;

- (d) asuse okanye onakalise uphawu olubekwe kwindawo yokuhlala elawulwayo;
  - (e) asuse okanye onakalise uphawu olubekwe kumhlaba ongengoweSixeko;
  - (f) asuse okanye onakalise iipalana zokusaveya umhlaba ezifakwe sisiXeko;
  - (g) aphawule nawuphi umhlaba ngenjongo yokuwabela abantu abaza kuhlala ngokungekho mthethweni;
  - (h) afune intlawulo ngokulungiselela okanye ngokuququzelela umntu ukuba ahlale emhlabeni ngabandle kwemvume yomninimhlaba;
  - (i) athengise okanye enze ngathi uthengisa umhlaba okanye izakhiwo ezikumhlaba ohlalwa okanye abantu abaceba ukuwuhlala ngokungekho mthethweni;
  - (j) aqeshise okanye azenze ngathi uqheshisa ngomhlaba okanye ngezakhiwo ezikumhlaba ohlalwa okanye abantu abaceba ukungena kuwo ngokungekho mthethweni;
  - (k) athuthe abantu, izinto zokwakha nempahla ngenjongo yokuhlala ngokungekho mthethweni;
  - (l) amise okanye ahlale kwisakhiwo esisemhlabeni ngaphandle kwemvume yomnini; okanye
  - (m) aphazamisane okanye abe ngumqobo xa igosa eligunyazisiweyo lithintela ukumiswa okanye lichitha isakhiwo okanye lisusa izinto zokwakha nempahla yomntu ohleli emhlabeni ngokungekho mthethweni.
- (3) Nabani na owaphula umthetho —
- (a) ngokwecandelwana (a) ukuya ku(g) no(j) angagwetywa ukuba ahlawuliswe okanye avalelwe entolongweni ixesha elingadlulanga kwiminyaka emibini okanye anikwe zombini ahlawuliswe aze avalelwe entolongweni; kwaye

- (b) ngokwecandelwana (h) no(i) angangwetywa ukuba ahlawuliswe okanye avalelwe entolongweni ixesha elingadlulanga kwiinyanga ezi6 okanye anikwe zombini ahlawuliswe aze avalelwe entolongweni.
- (4) Nasiphi isithuthi esaphula lo Mthetho kaMasipala —
- (a) kulo Mthetho kaMasipala, xa kungekho bungqina buphikisa loo nto, sigqalwa njengesiqhutywa —
- (i) ngokomyalelo okanye ngemvume yomnini waso; okanye
- (ii) ngumnini waso, ukuba umnini waso ngumntu; kwaye
- (b) singathinjwa ngokweSahluko 6 kunye nezinto zokwakha nempahla ethwelwe kweso sithuthi.

## IS AHLUKO 6

### EZINYE IZINTO

#### 12. Ukuthinjwa kwezinto

- (1) Kuxhomekeka kwicandelwana (2), izinto zokwakha nempahla ethinjwe ngokwecandelo 9(4) okanye izithuthi ezithinjwe ngokwecandelo 11(4)(b) zimele zigcinwe, zibuyiselwe okanye zichithwe ngokweNkqubo eQhelekileyo eSetyenziswa siSixeko ekuThinjweni kweMpahla neziLwanyana neenkqubomgaqo zeSixeko zokuthimba.
- (2) Izinto zokwakha, impahla okanye izithuthi ezithinjiweyo zimele zikhululwe akubekwanga zityholo zokuthinjwa kwempahla kwisithuba seentsuku ezisi7 zithinjiwe ibe ziya kukhulwa kuphela —
- (a) ukuba akubekwanga zityholo kwisithuba seentsuku ezisi7 zithinjiwe;
- (b) ukuba kuhlawulwa imali yokwamkela ityala;
- (c) xa kuhlawulwe iindleko zokuthimba ezifunyenwe siSixeko; okanye
- (d) ngokomyalelo wenkundla.

- (3) Izinto zokwakha nempahla ethinjwe phantsi kwalo Mthetho kaMasipala iza kuhluthwa sisiXeko ukuba —
- (a) yinkundla eyalele ngolo hlobo;
  - (b) umnini wezinto zokwakha nempahla akaziwa emva —
    - (i) kokuba kubekwe isaziso kwindawo ebonakalayo ekungeneni okanye kumda walo mhlaba;
    - (ii) kweenyanga ezithathu ukusuka kumhla wokuthinjwa kwazo; okanye
    - (iii) kokuba kwenziwe imizamo eyaneleyo yokugqiba ngubani umninizo ngokupapasha nangezinye iindlela; okanye
  - (c) umninizinto zokwakha nempahla ufunyaniswe enetyala waza akahlawula imali yesohlwayo neemali zokuthimba kwisithuba seenyanga ezi3 efunyaniswe enetyala.
- (4) Isithuthi esithinjwe phantsi kwalo Mthetho kaMasipala siza kuhluthwa sisiXeko ukuba inkundla iyalele ngolo hlobo.
- (5) Ukuba naziphi izinto zokwakha, impahla okanye izithuthi ziza kuhluthwa, isiXeko —
- (a) singazithengisa okanye sizitshabalalise; ibe
  - (b) ukuba ziyathengiswa, simele sisebenzise ingeniso yoko kuthengiswa ngandle ndlela nangolu landelelwano:
    - (i) ukubuyekeza iindleko ezifunyenwe siSixeko ngokuthimba nangokuhlutha;
    - (ii) ukuhlawula imali yokuthimba naso nasiphi isohlwayo esikhutshwe ngokwecandelo 6(2); size emva koko
    - (iii) eseleyo ingeniso ithathwe siSixeko.



- (6) Ukuba umnini wezinto zokwakha, impahla okanye isithuthi uyasilela ukulanda ingeniso efunyenwe ngako nakuphi ukuthengiswa okuchazwe kwicandelwana (5) kwisithuba senyanga ukusuka kumhla wokuthengiswa kwazo, loo ngeniso iza kuthathwa siSixeko.

### 13. Igunya lokusetsha nokuhlutha

- (1) Igosa eligunyazisiweyo linokuthi ngaphandle kwewaranti yokusetsha lisetshe nawuphi umntu, isithuthi, okanye isakhiwo ngenjongo yokuhlutha nantoni na edibene, okanye ekukholelwa ngezizathu ezivakalayo ukuba idibene, nokwaphulwa komthetho ngokwalo Mthetho kaMasipala ukuba —
- (a) loo mntu uyavuma ukuba kusetshwe;
- (b) loo mntu akavumi, elo gosa ngezizathu ezivakalayo likholelwa —
- (i) ukuba iwaranti yokusetsha iza kukhutshwa phantsi komhlathi (a) wecandelo 21 (1) loMthetho weNkqubo eLandelwayo Xa kwaPhulwe uMthetho, wango1977 (uMthetho 51 wango1977) ukuba kufakwa isicelo sewaranti; nokuba
- (ii) ukulibazisa ukufumana iwaranti kuza kuyenza ingaphumeleli injongo yoko kusetsha; okanye
- (c) ngokwecandelo 23 loMthetho weNkqubo eLandelwayo Xa kwaPhulwe uMthetho, wango1977 (uMthetho 51 wango1977).
- (2) Ukusetshwa kwakhe nabani na kumele kwenziwe kucingwa ngokungqongqo ngesidima nocwangco ukuba —
- (a) umntu wasetyhini uza kusetshwa ngowasetyhini kuphela,
- (b) ukuba alikho igosa eligunyazisiweyo elingowasetyhini, kunokusetsha nawuphi owasetyhini okhethelwe loo njongo ligosa eligunyazisiweyo.

- (3) Igosa eligunyazisiweyo lingahlutha nantoni na efunyenweyo ngenxa yokusetsha okuchazwe kwicandelwana (1) —
- (a) edibene okanye ekukho izizathu ezibambekayo zokucingela ukuba idibene nokwaphulwa okanye noko kurhanelwa ukuba kukwaphulwa komthetho ngokwalo Mthetho kaMasipala;
  - (b) ingabubungqina bokwaphulwa okanye boko kurhanelwa ukuba kukwaphulwa komthetho; okanye
  - (c) injongo kukuyisebenzisa okanye kukho izizathu ezivakalayo zokucinga ukuba iza kusetyenziswa ekwenzeni olo lwaphulomthetho.

#### **14. Amazwi okuzihlamba etyaleni**

ISixeko nalo naliphi igosa eligunyazisiweyo asiya kubekeka tyala ngawo nawuphi umonakalo ngayo nantoni na ethe ngokuvumelana nomthetho yenziwa okanye ayenziwa xa kusetyenziswa naliphi igunya okanye kuphunyezwa nawuphi umsebenzi ngokwalo Mthetho kaMasipala.

#### **15. Ukubhena**

- (1) Nawuphi umntu omalungelo akhe aye achatshazelwa sisigqibo segosa eligunyazisiweyo angabhena nxamnye neso sigqibo ngokuthumela isaziso esibhaliweyo sesibheno, nezizathu zaso, ngokwecandelo 62 ngokoMthetho woRhulumente weNgingqi: iiNkqubo zikaMasipala, wango2000 (uMthetho 32 wango2000) kuMphathi wesiXeko kwisithuba seentsuku ezingama21 azisiwe ngeso sigqibo.
- (2) Naliphi igosa eligunyazisiweyo elenza isigqibo ngokwalo Mthetho kaMasipala limele lazise nawuphi umntu ochatshazelwa seso sigqibo ngelungelo lakhe lokubhena ngokwecandelwana (1).

#### **16. Umxholo omfutshane**

Lo Mthetho kaMasipala ubizwa ngokuthi iSixeko saseKapa: uMthetho kaMasipala wokuHlala ngokuNgekho Mthethweni, wango2021, ibe uza kusebenza ngomhla opapashwe ngawo kwiGazethe yePhondo.



