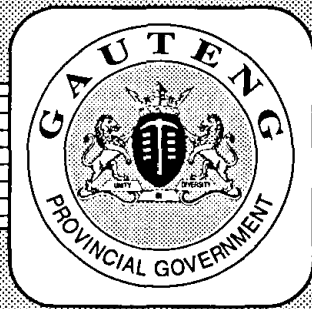


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GENERAL NOTICE ALGEMENE KENNISGEWING

NOTICE 3452 OF 1997

WESTERN VAAL METROPOLITAN LOCAL COUNCIL STREET TRADING BY-LAWS

The Member of the Executive Council for Finance and Economic Affairs hereby publishes, for public information, by-laws regarding street trading, which he has approved in terms of Section 6A of the Businesses Act 1991 (Act 71 of 1991).

P .J. Moleketi, MEC: Finance and Economic Affairs.

WESTERN VAAL METROPOLITAN SUBSTRUCTURE

STREET TRADING BY-LAWS

The Council in terms of section 6A(1) of the Business Act, number 71 of 1991, publishes the by-laws set forth hereinafter which have been adopted by the Council and to which the Premier has given his approval.

INTERPRETATION

1.(1) In these by-laws, unless the context; otherwise indicates -

(i) "authorised official" means an official of the Council authorised to implement the provisions of these by-laws and offer shall have a corresponding meaning;

(ii) "Council" means the Western Vaal Metropolitan Substructure;

(iii) "foodstuff" means foodstuff as defined in section 1 of the Foodstuff Cosmetics and Disinfectant Act, 1972 (Act number 54 of 1972);

(iv) "garden or park" means a garden or park to which the public has a right of access;

(v) "goods" includes a living thing and any transferable interest;

(vi) "intersection" means an intersection as defined in section 1 of the Road Traffic Act, 1989;

(vii) "litter" includes any container or other matter which has been discarded, abandoned or left behind by a person trading or his customers;

WESTELIKE VAAL METROPOLITAANSE SUBSTRUKTUUR

STRAATHANDELVERORDENINGE

Die Raad publiseer hierby, ingevolge artikel 6A(1) van die Wet op Besighede, Nommer 71 van 1991, die verordeninge hierna uiteengesit, wat deur die Raad aangeneem is en deur die Premier goedgekeur is.

VERTOLKING

1.(1) In hierdie verordeninge het die volgende woorde die onderskeie betekenisse wat hieronder uiteengesit word, tensy dit uit die samehang anders blyk:

(i) "beperkte gebied" beteken enige plek wat ingevolge artikel 6A(2) van die Wet deur 'n raadsbesluit 'n gebied verklaar is waarin straathandel verbied word;

(ii) "dienste" omvat enige voordeel of wins vir vergoeding of beloning;

(iii) "die Wet" beteken die Wet op Besighede, 1991 (Wet 71 van 1991);

(iv) "eiendom" met betrekking tot 'n persoon wat die besigheid van straathandel bedryf, beteken enige artikel, houer, voertuig of struktuur wat in verband met sodanige besigheid gebruik word of bestem is om gebruik te word, en omvat goedere waarin hy handel dryf;

(v) "gemagtigde beampte" beteken 'n beampte van die Raad wat gemagtig is om die bepalinge van hierdie verordeninge te implementeer en beampte het 'n ooreenstemmende betekenis;

(vi) "goedere" omvat 'n lewende ding en enige oordraagbare belang;

(vii) "handeldryf" beteken om goedere of dienste op 'n openbare pad of openbare plek regmatig te verkoop en "handeldryf" het 'n ooreenstemmende betekenis;

(viii) "national monument" means a building declared to be a national monument under the National Monuments Act, 1969 (Act 28 of 1969);

(ix) "prohibited area" means any place declared under section 6A(2) of the Act in which street trading is prohibited;

(x) "property" in relation to a person carrying on the business of street trading, means any article, receptacle vehicle or structure used or intended to be used in connection with such business, and includes goods in which he trades;

(xi) "public building" means a building belonging to or occupied solely by the State or the Council;

(xii) "public place" means a public place as defined in section 2 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939);

(xiii) "public road" means a public road as defined in section 1 of the Road Traffic Act, 1989 (Act 29 of 1989);

(xiv) "restricted area" means any place declared under section 6A(2) of the Act by resolution of the Council to be an area in which street trading is restricted;

(xv) "roadway" means a roadway as defined in section 1 of the Road Traffic Act, 1989;

(xvi) "sell" includes supply and also -

(a) exchange or hire;

(b) store, process, expose, offer or prepare for sale; and

"sale" has a corresponding meaning;

(xvii) "services" includes any advantage or gain for consideration or reward;

(viii) "kruising" beteken 'n kruising soos in artikel 1 van die Padverkeerswet, 1989, omskryf.

(ix) "nasionale gedenkwaardigheid" beteken 'n gebou wat ingevolge die Wet op Nasionale Gedenkwaardighede, 1969 (Wet 28 van 1969) tot 'n nasionale gedenkwaardigheid verklaar is;

(x) "openbare gebou" beteken 'n gebou wat behoort aan, of geokkupeer word, slegs deur die Staat of die Raad;

(xi) "openbare pad" beteken 'n openbare pad soos in artikel 1 van die Padverkeerswet, 1989 (Wet 29 van 1989), omskryf;

(xii) "openbare plek" beteken 'n openbare plek soos in artikel 2 van die Ordonnansie op Plaaslike Bestuur, 1939 (Ordonnansie 17 van 1939), omskryf;

(xiii) "Raad" beteken die Westelike Vaal Metropolitaanse Substruktuur;

(xiv) "rommel" omvat enige houer of ander wat weggegooi, geabandonneer of agtergelaat is deur 'n persoon wat handel dryf of sy klante;

(xv) "ryvlak" beteken 'n ryvlak soos in artikel 1 van die Padverkeerswet, 1989, omskryf;

(xvi) "soom" beteken 'n soom soos in artikel 1 van die Padverkeerswet, 1989, omskryf;

(xvii) "sypaadjie" beteken 'n sypaadjie soos in artikel 1 van die Padverkeerswet, 1989 omskryf;

(xviii) "sidewalk" means a sidewalk as defined in section 1 of the Road Traffic Act 1989;

(xix) "the Act" means the Businesses Act, 1991 (Act 71 of 1991);

(xx) "trade" means the lawful sale of goods or services in a public road or public place, and "trading" has a corresponding meaning;

(xxi) "verge" means a verge as defined in section 1 of the Road Traffic Act, 1989,

and any word or expression to which a meaning has been assigned in the Businesses Act, 1991, shall have that meaning.

(2) For the purpose of these by-laws a single act of selling or offering services in a public road or public place shall constitute trading.

RIGHT TO TRADE

2. Subject to the provisions of sections 3 and 4 and any other law any person may trade on a public road except in so far as such trading is restricted or prohibited by sections 5 to 12 inclusive and sections 14 and 15.

GENERAL CONDUCT

3. A person trading shall -

(a)(i) not place his property on the roadway;

(ii) not place his property on a verge or public place except for the purpose of commencing to trade;

(b)(i) ensure that his property does not cover an area of a public road or public place which is greater in extent than 2 m x

REG OM HANDEL TE DRYF

2. Behoudens die bepalings van artikels 3 en 4 en enige ander wet, kan enige persoon op 'n openbare pad handel dryf behalwe in soverre sodanige handel deur artikels 5 tot en met 12 en artikels 14 en 15 beperk of verbied word.

ALGEMENE OPTREDE

3. Iemand wat handel dryf -

(a)(i) mag nie sy eiendom op die ryvlak plaas nie;

(ii) mag nie sy eiendom op 'n soom of publieke plek plaas buiten vir die doel om handel te dryf nie;

(b)(i) moet toesien dat sy eiendom nie 'n oppervlakte groter as 2 m x 3 m van 'n openbare pad of openbare plek beslaan en

3 m and which on any sidewalk does not leave a space less than 1,5 m for pedestrian traffic, measured over the width thereof;

(ii) ensure that his property is not stacked higher than 2 m from the ground.

(c) not place or stack his property in such a manner that it constitutes a danger to any person or is likely to injure any person;

(d) not erect an unsightly structure from which to conduct business;

(e) not obstruct access to a fire hydrant;

(f) on concluding business for the day, remove his property, except any temporary structure permitted by the Council, to a place which is not part of a public road or public place;

(g) not display his goods or other property on a building or other private property without the consent of the owner, occupier or person in control of such building or property.

(h) on request by an employee or agent of the Council or any supplier of telecommunication or electricity or other services, move his property so as to permit the carrying out of any work in relation to a public road, public place or any such service;

(i) not attach any object by any means to any building, structure, pavement, tree, parking meter, lamp-pole, electricity pole, telephone booth, post box, traffic sign, bench, canopy, flower box or any other street furniture in or on a public road or public place.

(j) not make a fire at a place or in circumstances where it could harm any person or damage a building or vehicle or any street furniture referred to in paragraph (i) or any Council property;

op enige sypaadjie 'n ruimte kleiner as 1,5 m vir voetgangerverkeer, oor die breedte daarvan gemeet, laat nie.

(ii) moet toesien dat sy eiendom nie hoër as 2 m vanaf die grondoppervlakte gestapel word nie.

(c) mag nie sy eiendom op so 'n wyse plaas of pak dat dit 'n gevaar vir enige persoon inhou of enige persoon waarskynlik kan beseer nie;

(d) nie 'n onooglike struktuur oprig waarvandaan handel gedryf word nie;

(e) mag nie toegang tot 'n brandkraan versper nie;

(f) moet, na afloop van die dag se besigheid sy eiendom buiten enige tydelike struktuur wat deur die Raad toegelaat word, verwyder na 'n plek wat nie deel van 'n openbare pad of openbare plek uitmaak nie;

(g) mag nie sy goedere of ander eiendom op 'n gebou of ander privaat eiendom uitstal sonder die toestemming van die eienaar, okkupeerder of persoon in beheer van sodanige gebou of eiendom nie;

(h) moet op versoek van 'n werknemer of agent van die Raad of enige verskaffer van telekommunikasie- of elektrisiteits- of ander dienste, sy eiendom verskuif sodat enige werk in verband met 'n openbare pad, openbare plek of enige sodanige diens verrig kan word;

(i) mag nie enige voorwerp op enige wyse aan enige gebou, struktuur, sypaadjie, boom, parkeermeter, lamppaal, kragpaal, telefoonhokkie, posbus, verkeersteken, bank, oorhang, blombak of enige ander straatmeublement in of op 'n openbare plek vasmaak nie.

(j) mag nie vuurmaak op 'n plek of in omstandighede waar dit 'n besering aan enige persoon of skade aan 'n gebou of voertuig of enige straatmeublement waarna daar in paragraaf (h) verwys word of enige raadseiendom kan veroorsaak nie;

(k) not store his property in a manhole or stormwater drain, bus shelter, public toilet or tree.

CLEANLINESS

4. A person trading shall -

(a) keep the area or site occupied by him for the purpose of such business, in a clean and sanitary condition;

(b) keep his property in a clean and sanitary condition;

(c) dispose of litter generated by his business in whatever receptacles provided by the Council for the public or at the Council's dumping sites;

(d) not dispose of litter in a manhole, stormwater drain or other place not intended for the disposal of litter;

(e) not dispose of dirty water on plants, trees or in flower boxes.

(f) ensure that on completion of business for the day, the area or site occupied by him for the purpose of trade, is free of litter;

(g) in the case of a vendor of foodstuffs take such precautions as may be necessary to prevent the spilling onto a public road or public place of any fat, oil or grease in the course of conducting his business and to prevent any smoke, fumes or odours emanating from his activities from becoming a nuisance;

(h) on request by an employee or agent of the Council, move his property so as to permit the cleansing of the surface of the area or site where he is trading.

OBSTRUCTION OF PEDESTRIANS

5. No person shall trade at a place where such trading substantially -

(a) obstructs access to or the use of street

SINDELIKHEID

4. Iemand wat handeldryf -

(a) moet die gebied of terrein wat deur hom vir die doeleindes van sodanige besigheid geokkupeer word, in 'n skoon en netjiese toestand hou;

(b) moet sy eiendom in 'n skoon en netjiese toestand hou;

(c) moet rommel wat deur sy besigheid gegeneer word, wegdoen in welke houters ook al deur die Raad vir die publiek voorsien word, of by die Raad se stortterreine;

(d) mag nie rommel wegdoen in 'n mangat, stormwatervoor of ander plek wat nie vir die wegdoening van rommel bedoel is nie;

(e) mag nie vuil water op plante, bome of blombakke stort nie;

(f) moet na afloop van die dag se besigheid, toesien dat die gebied of terrein wat deur hom vir die doeleindes van handel geokkupeer word, vry van rommel is.

(g) moet, in die geval van 'n verkoper van voedingsmiddels, sodanige voorsorgmaatreëls tref wat nodig is om te voorkom dat enige vet of olie in die loop van die bedryf van sy besigheid op 'n openbare pad of openbare plek gestort word en om te voorkom dat enige rook, gasse of reuke wat deur sy aktiwiteite veroorsaak word, 'n oorlas word;

(h) moet op versoek van 'n werknemer of agent van die Raad sy eiendom verskuif sodat die oppervlak van die gebied of terrein waar hy handel dryf gereinig kan word.

BELEMMERING VAN VOETGANGERS

5. Niemand mag op 'n plek handel dryf nie waar sodanige handeldryf weselik -

(a) toegang tot of die gebruik van

furniture such as a bus passenger bench or shelter or queuing line, a refuse disposal bin or other facility intended for the use of the general public;

(b) obstructs the visibility of a display window in business premises, if the person carrying on business in the business premises concerned objects thereto;

(c) obstructs access to an entrance to or exit from a building or an automatic bank teller machine;

(d) obstructs access to a pedestrian crossing;

(e) obstructs access to any vehicle; or

(f) leaves less than 1,5 m in width of a sidewalk clear for pedestrian use; or in any other manner obstructs pedestrians in their use of a sidewalk.

OBSTRUCTION OF VEHICULAR TRAFFIC

6. No person shall trade at a place where such trading -

(a) causes an obstruction on a roadway;

(b) limits vehicular access to parking or loading bays or other facilities;

(c) obscures any road traffic sign or any marking, notice or sign displayed or made in terms of these by-laws;

(d) interferes in any way with any vehicle that may be parked alongside such place; or

(e) obscures or impedes the view of any road user to see the road, any traffic sign or any other road user.

TRADING RESTRICTED TO SPECIFIED HOURS IN CERTAIN PLACES

7. No person shall trade -

(a) on a verge contiguous to any place of

straatmeublement soos 'n buspas-sasiersbankie of -skuiling of -toustaanlyn, 'n rommelblik of ander fasiliteit wat vir die gebruik van die algemene publiek bestem is, versper;

(b) die sigbaarheid van 'n vertoonvenster in besigheidspersoneel versper as die persoon wat in die betrokke besigheidspersoneel 'n besigheid bedryf, daarteen beswaar maak;

(c) toegang tot 'n ingang na of 'n uitgang uit 'n gebou of 'n outomatiese banktellermasjien versper;

(d) toegang tot 'n voetgangeroorgang versper;

(e) toegang tot enige voertuig versper; of

(f) minder as 1,5 meter wydte van 'n sygaardjie ooplaat vir voetgangergebruik; of op enige ander manier voetgangers in hulle gebruik van 'n sygaardjie belemmer.

VERSPERRING VAN VOERTUIGVERKEER

6. Niemand mag op 'n plek handel dryf nie waar sodanige handeldryf -

(a) 'n versperring op 'n ryvlak veroorsaak;

(b) voertuigtoegang tot parkeer- of laaivakke of ander fasiliteite versper;

(c) enige padverkeersteken of enige merk, kennisgewing of teken wat ingevolge hierdie verordeninge vertoon word of gemaak is, versper;

(d) op enige manier inmeng met enige voertuig wat langs sodanige plek geparkeer is; of

(e) die uitsig van enige padgebruiker om die pad, enige verkeersteken of enige ander padgebruiker te sien, verhinder of belemmer nie;

HANDELDRYF BEPERK TOT SPESIFIEKE URE OP SEKERE PLEKKE

7. Niemand mag -

(a) op 'n soom aangrensend aan enige plek

worship, national monument or public building; or

(b) in a restricted area,

which is specified by Council resolution according to the consultation process outlined in section 6A(2)(a) to (j) of the Act, outside the hours so specified in relation to each such verge or area.

TRADING RESTRICTED TO SPECIFIED GOODS OR SERVICES IN CERTAIN PLACES

8. No person shall trade -

(a) on a verge contiguous to any place of worship, national monument or public building; or

(b) in a restricted area,

which is specified by Council resolution according to the consultation process outlined in section 6A(2)(a) to (j) of the Act, other than in the goods or services so specified in relation to each such verge or area.

TRADING RESTRICTED TO DEMARCATED STANDS OR AREAS IN CERTAIN PLACES

9. No person shall trade -

(a) on a verge contiguous to any place of worship, national monument or public building; or

(b) in a restricted area,

which is specified by Council resolution according to the consultation process outlined in section 6A(2)(a) to (j) of the Act, outside a stand or area set apart for trading purposes as contemplated in section 6A(3)(b) of the Act.

NO TRADING IN STANDS OR AREAS WHICH HAVE BEEN LET EXCEPT BY THE

van aanbidding, nasionale gedenkwaardigheid of openbare gebou; of

(b) in 'n beperkte gebied,

wat by Raadsbesluit aldus gespesifiseer is ooreenkomstig die onderhandelingsproses soos uiteengesit in artikel 6A(2)(a) tot (j) van die Wet, buite die ure wat ten opsigte van elke sodanige soom of gebied aldus gespesifiseer is, handel dryf nie.

HANDELDRYF BEPERK TOT GESPEFISEERDE GOEDERE OF DIENSTE OP SEKERE PLEKKE

8. Niemand mag -

(a) op 'n soom aangrensend aan enige plek van aanbidding, nasionale gedenkwaardigheid of openbare gebou; of

(b) in 'n beperkte gebied,

wat by raadsbesluit aldus gespesifiseer is, ooreenkomstig die onderhandelingsproses soos uiteengesit in artikel 6A(2)(a) tot (j) van die Wet met ander goedere of dienste as goedere en dienste wat ten opsigte van elke sodanige soom of gebied aldus gespesifiseer is, handel dryf nie.

HANDELDRYF BEPERK TOT AFGEBAKENDE STAANPLEKKE OF GEBIEDE OP SEKERE PLEKKE

9. Niemand mag

(a) op 'n soom aangrensend aan enige plek van aanbidding, nasionale gedenkwaardigheid of openbare gebou; of

(b) in 'n beperkte gebied;

wat by raadsbesluit aldus gespesifiseer is ooreenkomstig die onderhandelingsproses soos uiteengesit in artikel 6A(2)(a) tot (j) van die Wet buite 'n staanplek of gebied wat opsygesit is vir handeldryfdoeleindes soos in artikel 6A(3)(b) van die Wet bedoel, handel dryf nie.

GEEN HANDELDRYF, BUITEN DEUR HUURDER, OP STAANPLEKKE OF

LESSEE

10. If the Council has let or otherwise allocated any stand or area set apart or otherwise established for street trading purposes, as contemplated in section 6A(3)(c) of the Act, no person may trade on such stand or in such area if he is not in possession of proof that he has hired such stand or area from the Council or that it has otherwise been allocated to him.

NO TRADING NEAR CERTAIN PUBLIC BUILDINGS, PLACES OF WORSHIP AND NATIONAL MONUMENTS

11. No person shall trade on a verge contiguous to any place of worship, national monument or public building which is specified by Council resolution, according to the consultation process outlined in section 6A(2)(a) - (j) of the Act, unless he obtains written consent from the Council which consent shall not be unreasonably withheld.

NO TRADING IN PROHIBITED AREAS

12. No person shall trade in any prohibited area.

SIGNS INDICATING RESTRICTIONS AND AREAS

13. The Council shall -

(a) by resolution after consultation with all interested parties, prescribe signs, markings or other devices approved by the Premier indicating -

(i) specified hours, places, goods or services in respect of which street trading is restricted;

(ii) the location or boundaries of a restricted area;

(iii) the boundaries of a stand or area set apart for the purposes of the carrying on of the business of street trading under section

GEBIEDE WAT VERHUUR IS

10. Indien die Raad enige staanplek of gebied wat vir straathandeldoeleindes opsygesit of andersins opgerig is, soos in artikel 6A(3)(b) van die Wet bedoel, verhuur of andersins toegewys het, mag niemand op sodanige staanplek of in sodanige gebied handel dryf as hy nie in besit is van bewys dat hy sodanige staanplek of gebied by die Raad gehuur het of dat dit andersins aan hom toegewys is nie.

GEEN HANDELDRYF NABY SEKERE OPENBARE GEBOUE, PLEKKE VAN AANBIDDING OF NASIONALE GEDENKWAARDIGHEDE

11. Niemand mag op 'n soom aangrensend aan enige plek van aanbidding, nasionale gedenkwaardigheid of openbare gebou wat by raadsbesluit gespesifiseer is, ooreenkomstig die onderhandelingsproses uiteengesit in artikel 6A(2)(a) tot (j) van die Wet, behalwe as hy skriftelike toestemming van die Raad verkry het, welke toestemming nie onredelik weerhou sal word nie, handel dryf nie.

GEEN HANDELDRYF IN VERBODE GEBIEDE

12. Niemand mag in 'n verbode gebied handel dryf nie.

TEKENS WAT BEERKINGS EN GEBIEDE AANDUI

13. Die Raad moet -

(a) by besluit na onderhandeling met alle belanghebbende partye, tekens, merke of ander toestelle voorskryf, goedgekeur deur die Premier, wat die volgende aandui;

(i) gespesifiseerde ure, plekke, goedere of dienste ten opsigte waarvan straathandel beperk word;

(ii) die ligging of grense van 'n beperkte gebied;

(iii) die grense van 'n staanplek of gebied wat opsygesit is vir die doeleindes van die bedryf van die besigheid van straathandel

6A(3)(b) of the Act.

(iv) the fact that any such stand or area has been let or otherwise allocated:

(v) any restriction or prohibition against trading in terms of these by-laws; and

(vi) the location or boundaries of a prohibited area; and

(b) display any such sign, marking or device in such a position and manner as will indicate the restrictions or the location or boundaries of the area or stand concerned.

TRADING NEAR RESIDENTIAL BUILDINGS

14. No person shall, outside an area referred to in sections 7 to 12 inclusive, trade in that half of a public road contiguous to a building used exclusively for residential purposes if the owner, person in control or an occupier of any part of the building facing onto such road has objected thereto and the fact that such objection was made, has been made known to the first mentioned person by an authorised official, provided that in a township or portion thereof, mentioned in a resolution of the Council, this section shall not apply to a building used for residential purposes if such building is used for business purposes at ground level.

TRADING NEAR CERTAIN BUSINESS PREMISES

15. No person shall, outside an area referred to in sections 7 to 12 inclusive, trade on a verge contiguous to that part of a building in which business is being carried on by any person who sells goods of the same nature as or of a similar nature to goods being sold by the first-mentioned person, other than a department store or supermarket without the consent of the

ingevolge artikel 6A(3)(b) van die Wet;

(iv) die feit dat enige sodanige staanplek of gebied verhuur of andersins toegewys is;

(v) enige beperking of verbod teen handel ingevolge hierdie verordeninge;

(vi) die ligging of grense van 'n verbode gebied; en

(b) enige sodanige teken, merk of toestel in so 'n posisie en op so 'n manier vertoon dat dit die beperking of die ligging of grense van die betrokke gebied of staanplek aandui.

HANDELDRYF NABY RESIDENSIËLE GEBOUE

14. Niemand mag buite 'n gebied waarna daar in artikels 7 tot en met 12 verwys word, handel dryf op daardie deel van 'n openbare pad aangrensend aan 'n gebou wat uitsluitlik vir residensiële doeleindes gebruik word nie, indien die eienaar, persoon in beheer of bewoner van enige deel van die gebou wat op sodanige pad front, by 'n beampste of agent van die Raad daarteen beswaar maak en die feit dat sodanige beswaar gemaak is deur 'n gemagtigde beampste aan die eersgenoemde persoon bekend gemaak is, nie, met dien verstande dat, in 'n dorp of gedeelte daarvan wat in 'n raadsbesluit genoem word hierdie artikel nie van toepassing sal wees op 'n gebou wat vir residensiële doeleindes gebruik word, as sodanige gebou op grondvlak vir besigheidsdoeleindes gebruik word nie.

HANDELDRYF NABY SEKERE BESIGHEIDSPERSELE

15. Niemand mag, buite 'n gebied waarna in artikels 7 tot en met 12 verwys word, handel dryf op 'n soom aangrensend aan daardie deel van 'n gebou waarin besigheid bedryf word deur 'n persoon, behalwe 'n afdelingswinkel of supermark, wat goedere verkoop wat van dieselfde of 'n soortgelyke aard is as goedere wat deur eersgenoemde persoon verkoop word, sonder die

second-mentioned person.

REMOVAL AND IMPOUNDMENT

16(1) An officer may remove and impound any goods, article, receptacle, vehicle or structure -

(a) which he reasonably suspects is being used or intended to be used or has been used in or in connection with street trading; and

(b) which he finds at a place where street trading is restricted or prohibited in terms of sections 5 to 12 inclusive and sections 14 and 15 and which, in his opinion, constitutes an infringement of any such section; and

(c) as referred to in section 3(d) hereof.

(2) The disposal of any goods, article, receptacle, vehicle or structure removed and impounded as contemplated in subsection (1), and the liability of any person for the expenses incurred in connection with such removal, impoundment and disposal, shall be in accordance with the regulations prescribed by the Premier under section 6(1)(b) of the Act.

VENDING OF NEWSPAPERS AND FLOWERS

17.(1) Notwithstanding any other provision of these by-laws, and unless an intersection is otherwise specified by Council resolution as a prohibited or restricted area contemplated in sections 8, 9 and 12, no person other than a person who sells newspapers and flowers may carry on business on any sidewalk within 5 metres from any intersection.

(2) No person who sells newspapers shall deposit his wares upon the ground or surface of any public place for the purpose of sale otherwise than in an orderly pile neatly stacked and not exceeding 1 m in length measured parallel to the kerb, or roadway, 450 mm in width and 500 mm in height above the sidewalk level.

toestemming van laasgenoemde persoon nie.

VERWYDERING EN BESLAGLEGGING

16(1) 'n Beamppte kan enige goedere, artikel, houer, voertuig of struktuur verwyder en daarop beslag lê -

(a) wat hy redelikerwys vermoed gebruik word of bestem is of gebruik is in verband met straathandel; en

(b) wat hy vind op 'n plek waar straathandel ingevolge artikel 5 tot en met 12 en artikels 14 en 15 beperk of verbied is en wat, na sy oordeel, 'n oortreding van sodanige artikel uitmaak.

(c) soos verwys na 'n artikel 3(d) hiervan.

(2) Die beskikking oor enige goedere, artikel, houer, voertuig of struktuur wat verwyder of geskut is soos beoog in subartikel (1) en die aanspreeklikheid van enige persoon vir die uitgawes aangegaan in verband met sodanige verwydering, skut of beskikking, sal in ooreenstemming met die regulasies voorgeskryf deur die Premier ingevolge artikel 6(1)(b) van die Wet, wees.

VERKOOP VAN KOERANTE EN BLOMME

17.(1) Ondanks enige ander bepaling van hierdie verordeninge, en tensy 'n kruising andersins by raadsbesluit gespesifiseer is as 'n verbode of beperkte gebied wat in artikels 8, 9 en 12 beoog word, mag niemand anders as 'n persoon wat koerante en blomme verkoop, 'n besigheid op enige sypaadjie binne 5 meter van enige kruising bedryf nie.

(2) Niemand wat koerante verkoop mag sy ware op die grond of op die oppervlak van enige openbare plek neersit met die doel om dit te verkoop nie, behalwe in 'n ordelike stapel wat netjies gepak en, ewewydig met die randsteen of ryvlak gemeet, hoogstens 1 m lank, 450 mm breed en 500 mm hoog bokant die sypaadjevvlak is.

OFFENCES

18. Any person who contravenes a provision of these by-laws shall be guilty of an offence.

PRESUMPTIONS

19.(1) In any prosecution for an offence under these by-laws, an allegation in the charge concerned that-

(a) any goods with which a business was carried on were or were not of a particular kind, class, type or description;

(b) any goods were sold or offered for sale;

(c) any place was situated in a public road or public place or within a particular area;

(d) any person carried on the business of street trading and in a manner and place alleged,

shall be presumed to be correct unless the contrary is proved.

(2) In any criminal proceedings for a contravention of these by-laws, where it is shown that -

(a) any goods were displayed in a public place, such goods shall be presumed to have been offered for sale;

(b) any property used in the provision of any service was available in a public road or public place, such services shall be deemed to have been offered for supply.

PENALTIES

20. Any person who is guilty of an offence in terms of these by-laws shall on conviction be liable to a fine, or to imprisonment for a period not exceeding three months.

VICARIOUS RESPONSIBILITY OF**MISDRYWE**

18. Iemand wat 'n bepaling van hierdie verordeninge oortree, is skuldig aan 'n misdryf.

VERMOEDENS

19.(1) In enige vervolging vir 'n misdryf ingevolge hierdie verordeninge, word die bewering in die betrokke klag dat -

(a) enige goedere waarmee 'n besigheid bedryf is nie van 'n bepaalde soort, klas, tipe of beskrywing is of was nie;

(b) enige goedere verkoop of te koop aangebied is;

(c) enige plek in 'n openbare pad of openbare plek of binne 'n bepaalde gebied geleë was;

(d) enige persoon die besigheid van straathandel bedryf het en op 'n manier en plek wat beweer word

vermoed korrek te wees tensy die teendeel bewys word.

(2) In enige strafverrigtinge vir 'n oortreding van hierdie verordeninge, waar daar getoon word dat -

(a) enige goedere in 'n openbare plek uitgestal is, word daar vermoed dat sodanige goedere te koop aangebied is;

(b) enige eiendom in die voorsiening van 'n diens in 'n openbare pad of openbare plek beskikbaar was, word daar beskou dat sodanige goedere vir voorsiening aangebied is.

STRAWWE

20. Iemand wat ingevolge hierdie verordeninge aan 'n misdryf skuldig is, is by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens drie maande.

MIDDELLIKE AANSPREEKLIKHEID VAN

PERSONS CARRYING ON BUSINESS

21. When an employee of a person conducting the business of street trading does or omits to do any act which would be an offence in terms of these by-laws for that person to do or omit to do, that person shall be deemed himself/herself to have done or omitted to do the act, unless he/she satisfies the court that -

(a) he/she neither connived at nor permitted the act or omission by the employee concerned;

(b) he/she took all reasonable steps to prevent the act or omission; and

(c) an act or omission, whether lawful or unlawful, of the nature charged on no condition or under no circumstance fell within the scope of the authority or employment of the employee concerned, and the fact that the said person issued instructions whereby an act or omission of that nature is prohibited shall not in itself be sufficient proof that he/she took all reasonable steps to prevent the act or omission.

VICARIOUS RESPONSIBILITY OF EMPLOYEES

22. When a person carrying on the business of street trading is by virtue of section 21 liable for an act or omission by an employee of that person, that employee shall also be liable as if he/she were the person carrying on the business concerned.

REPEAL OF BY-LAWS

23. The By-laws for the Prohibition, Restriction, Regulation and Control of the Business of a Hawker, published under Administrator's Notice 1770 of 1 December 1982, are hereby repealed.

PERSONE WAT BESIGHEID BEDRYF

21. Wanneer 'n werknemer van 'n persoon wat die besigheid van straathandel bedryf, 'n handeling verrig of nalaat om te verrig wat 'n misdryf sal wees ingevolge die bepalings van hierdie verordeninge vir daardie persoon om te verrig of nalaat om te verrig, sal geag word dat daardie persoon self die handeling verrig het of nagelaat het om dit te verrig, tensy hy/sy die hof oortuig dat -

(a) hy/sy nóg oogluikend toegelaat nóg toegestem het tot die handeling of nalate van die betrokke werknemer;

(b) hy/sy alle redelike stappe geneem het om die handeling of nalate te verhoed; en

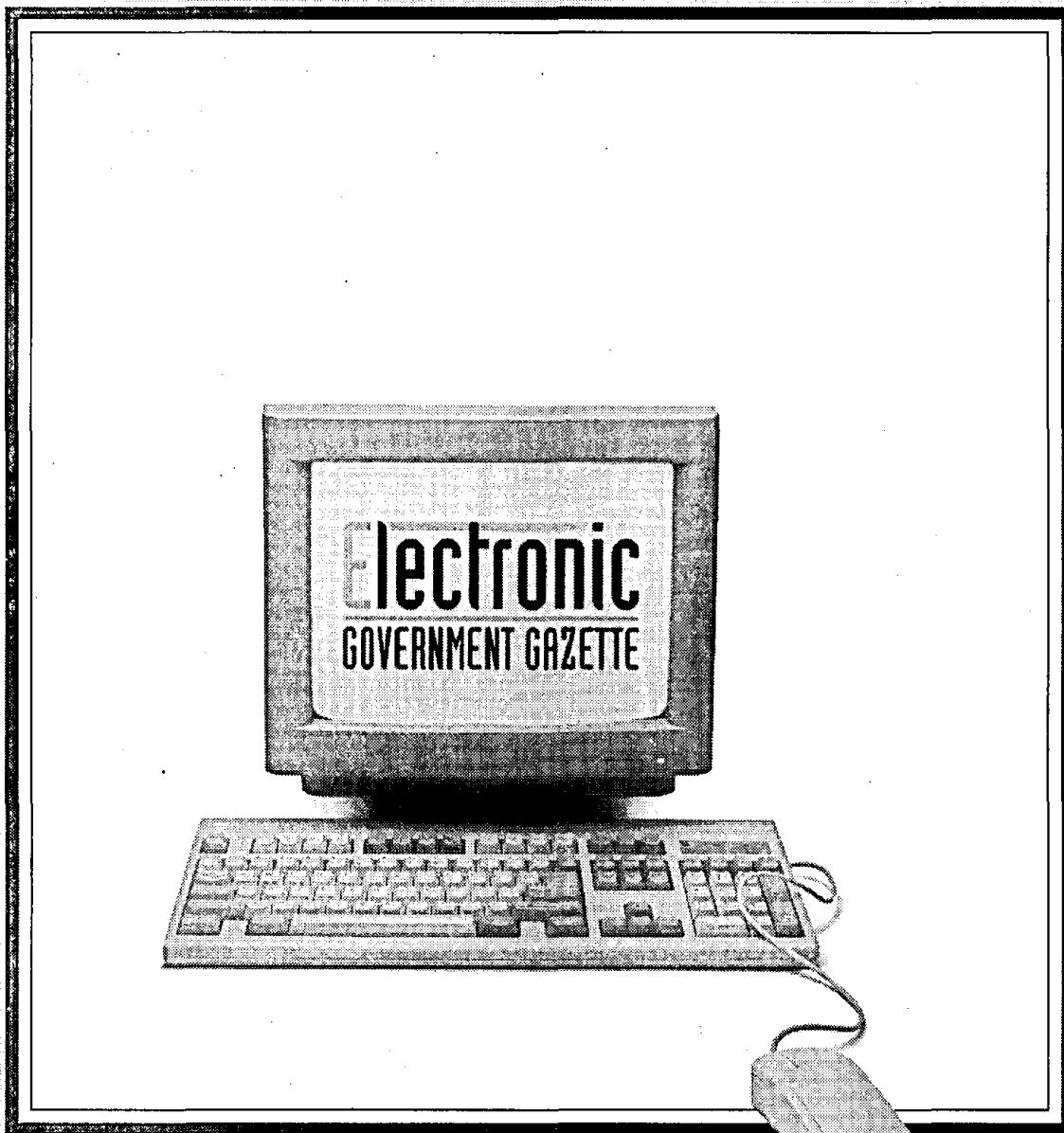
(c) 'n handeling of nalate, hetsy regmatig of onregmatig, van die aard waarvan aangekla is, onder geen voorwaarde of omstandighede binne die bestek van die magtiging of diens van die betrokke werknemer geval het nie en die feit dat die genoemde persoon instruksies uitgereik het waarvolgens 'n handeling of nalate van so 'n aard verbode is, nie op sigself genoegsame bewys sal wees dat hy/sy alle redelike stappe geneem het om die handeling of nalate te verhoed nie.

MIDDELLIKE AANSPREEKLIKHEID VAN WERKNEMERS

22. Wanneer 'n persoon wat die besigheid van straathandel bedryf ingevolge artikel 21 vir 'n handeling of nalate van 'n werknemer van daardie persoon aanspreeklik is, sal daardie werknemer ook aanspreeklik wees asof hy/sy daardie persoon was wat die betrokke besigheid bedryf het.

HERROEPING VAN VERORDENINGE

23. Die Verordeninge betreffende die Verbod, Beperking, Reël en Beheer van die Besigheid van 'n Smous, gepubliseer by Administrateurskennisgewing 1770 van 1 Desember 1982, word hierby herroep.



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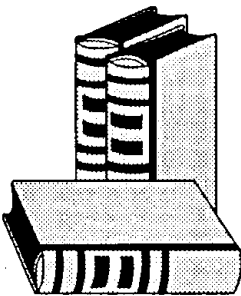
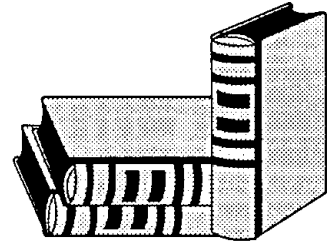
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