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KWAZULU-NATAL PROVINSIE  
ISIFUNDAZWE SA KWAZULU-NATALI

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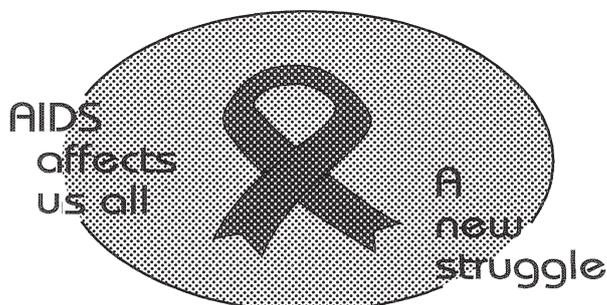
**PIETERMARITZBURG**

**Vol. 9**

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**No. 1530**

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## MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

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### MUNICIPAL NOTICE 200 OF 2015

#### **ETHEKWINI MUNICIPALITY: CHILD CARE FACILITIES BY-LAW**

NOTICE IS HEREBY GIVEN that the eThekwini Municipal Council has enacted, by way of resolution in terms of section 12 of the Local Government: Municipal Systems Act, 32 of 2000, the Child Care Facilities By-law contained hereunder.

Mr Sibusiso Sithole  
City Manager

City Hall  
Dr Pixley Ka-Isaka Seme Street  
Durban

Dated: 2015-10-22

**eTHEKWINI MUNICIPALITY: CHILD CARE FACILITIES BY-LAW, 2015**



Adopted by Council on the: 24 June 2015

**CHILD CARE FACILITIES BY-LAW, 2015**

**To require the operators of child care facilities to be certified; to set out requirements for the premises on which child care facilities are operated; to regulate certain services provided at child care facilities; to provide for the safety and medical care of children in child care facilities; to impose record keeping and other administrative requirements on operators; to prohibit certain conduct; to create offences and penalties; to provide for the withdrawal of compliance certificate; to provide for the repeal of laws and savings; and to provide for matters incidental thereto.**

**PREAMBLE**

**WHEREAS** everyone has the right to an environment that is not harmful to their health or well-being in terms of section 24(a) of the Constitution;

**WHEREAS** in terms of section 152(d) of the Constitution, one of the objects of the eThekweni municipal council is the promotion of a safe and healthy environment;

**WHEREAS** there is a need to regulate child care facilities within the area of jurisdiction of the eThekweni Municipality in order to ensure the well-being and safety of children;

**WHEREAS** the eThekweni municipal council has the competence in terms of Part B of Schedule 4 of the Constitution to control child care facilities;

**AND WHEREAS** the eThekweni municipal council has competence, in terms of section 156(2) of the Constitution of the Republic of South Africa, to make and administer by-laws for the effective administration of the matters which it has the right to administer;

**NOW THEREFORE** the eThekweni municipal council, acting in terms of section 156 read with Part B of Schedule 4 of the Constitution of the Republic of South Africa, and read with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby makes the following By-law:

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## **CHAPTER 1**

### **INTERPRETATION**

## Definitions

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

“**Act**” means Children’s Act No. 38 of 2005, including the regulations made under that Act;

“**adequate**” means that which is adequate in the reasonable opinion of the Municipality after having regard to applicable law and guidelines;

“**approved**” means that which has been approved by the Municipality, after having regard to the reasonable environmental health requirements that may apply in the circumstances;

“**approved premises**” means any premises that have been approved for the operation of a child care facility and in respect of which a health compliance certificate has been issued;

“**authorised official**” means a person authorised to implement the provisions of this By-law, including but not limited to—

- (a) peace officers as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);
- (b) municipal or metropolitan police officers as contemplated in the South African Police Service Act, 1995 (Act No. 68 of 1995); and
- (c) such employees, agents, delegated nominees, representatives and service providers of the municipality as are specifically authorised by the municipality in this regard: Provided that for the purposes of search and seizure, where such person is not a peace officer, such person must be accompanied by a peace officer;

“**certificate of acceptability**” means a certificate of acceptability issued by the Municipality in terms of the Regulations Governing General Hygiene Requirements For Food Premises and the Transport of Food made in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972) and published by Government Notice R962 of 23 November 2012;

“**child**” means any person under the age of 18 years and “**children**” has a corresponding meaning;

**“child care facility”** means any premises at which children are provided with temporary or partial care apart from their parents, whether for profit or otherwise, and excludes–

- (a) boarding schools;
- (b) school hostels; and
- (c) any establishments which operate mainly for the tuition or training of children and which are controlled by the State or registered or approved by the State;

**“compulsory school-going age”** means the age at which it is compulsory for a child to enter grade 1 in terms of the applicable law;

**“council”** or **“municipal council”** means the eThekweni municipal council, a municipal council referred to in section 157(1) of the Constitution;

**“health compliance certificate”** means:

- (a) in the event of a child care facility where a maximum of six children are to be accommodated, the certificate issued by the Municipality for the purposes of registration in terms of this by-law ; or
- (b) in the event of a child care facility where seven or more children are to be accommodated, a certificate issued by the Municipality for the purposes of registration in terms of the Act,

and which confirms that the premises, and the facilities and services available on those premises, comply with this By-Law;

**“health compliance certificate holder”** means a person to whom a health compliance certificate has been issued in terms of this By-law, and includes–

- (a) a legal person;
- (b) a partnership;
- (c) an association;
- (d) a trust; and
- (e) a person acting on behalf of a health compliance certificate holder;

**“Municipality”** means the eThekweni Municipality, a category A municipality as envisaged in terms of section 155(1) of the Constitution of South Africa and established in terms of Provincial Notice No. 343 of 2000 (KZN);

**“municipal manager”** means a person appointed in terms of section 54A of the Municipal Systems Act as the head of administration of the municipal council;

**“National Building Regulations”** means the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and any amendments thereto;

**“person in charge”** includes—

- (a) the owner of a child care facility;
- (b) the principal of a child care facility; and
- (c) any person who is apparently in control of a child care facility;

**“play area”** means a portion of a premises set apart for children to play;

**“premises”** means any land or building or part of any land or building in or on which a child care facility is operated; and

**“suitable”** means that which is suitable in the reasonable opinion of the Municipality.

### **Interpretation of By-law**

2. If there is a conflict of interpretation between the English version of this By-law and a translated version, the English version prevails.

### **Objects of By-law**

3. The objects of this By-law are to—

- (a) regulate the operation of child care facilities by requiring operators to apply for a health compliance certificate;
- (b) ensure that the premises on which child care facilities are operated are age-appropriate and suitable for the health and well-being of children;
- (c) impose minimum safety standards; and
- (d) make provision for the medical care of children while attending child care facilities.

### **Application of By-law**

4. This By-law applies to all areas which fall under the jurisdiction of the eThekweni Municipality.

#### **Existing child care facilities**

5.(1) An authorised official may grant an extension of time to a person who was operating a child care facility before the date of commencement of this By-law so that such person may comply with the provisions of this By-law within 9 months of the date of commencement.

(2) The Municipality may, in any case where reasons to its satisfaction are given, extend the period stated in subsection (1) by not more than a further 12 months.

## **CHAPTER 2 CERTIFICATES**

#### **Application for a Health compliance certificate**

6.(1) No person may operate a child care facility on any premises unless he or she has been—

- (a) issued with a health compliance certificate where the facility provides care for six or less children; or
- (b) registered in terms of the Act where the facility provides care for seven or more children.

(2) Application for a health compliance certificate in terms of this by-law must be made to the Municipality in writing by completing and submitting an application form as determined.

(3) The Municipality may, before considering such application, require that it be furnished with any information in connection with the application concerned which it may deem necessary.

(4) Subject to subsection (5) the authorised official may issue a health compliance certificate if he or she is satisfied that the—

- (a) premises on which it is proposed to operate the child care facility; and

(b) facilities and services available on those premises, comply with this By-law.

(5) The health compliance certificate issued in terms of subsection (4) may be issued either unconditionally or on such conditions that the Municipality may deem necessary.

(6) Every health compliance certificate must contain the following minimum information:

- (a) the maximum number of children which may be cared for on the approved premises;
- (b) the maximum number of children of different age groups which may be cared for on the approved premises;
- (c) the minimum and the maximum ages of the children permitted to be cared for on the approved premises;
- (d) the hours during which the child care facility may operate; and
- (e) the date upon which the health compliance certificate expires.

(7) A health compliance certificate must be displayed on every approved premises in such a way that it is clearly visible at all times to any person entering the premises.

(8) A health compliance certificate is issued in respect of specific approved premises, which means that a health compliance certificate—

- (a) becomes invalid if a health compliance certificate holder dies or ceases to operate a child care facility from the approved premises;
- (b) is not transferable to any other person;
- (c) is not transferable to, or valid for, any other child care facility or premises which the health compliance certificate holder may own, have an interest in or subsequently own or acquire an interest in;
- (d) is not transferred when the holder of the health compliance certificate disposes of the child care facility concerned or of the approved premises; and
- (e) may not be bequeathed by the health compliance certificate holder to any heir or legatee.

(9) If a health compliance certificate holder wishes to move his or her child care facility to premises other than the approved premises, he or she must apply for and obtain a new health compliance certificate in respect of those new premises.

(10) If a health compliance certificate holder wishes to make alterations to premises to which a health compliance certificate relates, he or she must—

- (a) bring his or her intention to the attention of the Municipality before commencing the alterations; and
- (b) apply for and obtain a new health compliance certificate before beginning to operate a child care facility from those altered premises.

(11) A health compliance certificate issued in terms of this section may be cancelled by the Municipality after one month's written notice of its intention to cancel the health compliance certificate has been given to the health compliance certificate holder concerned, and after consideration by the Municipality of any representations which may be submitted in pursuance of such notice.

(12) The cancellation of a health compliance certificate shall take effect on the date specified in the cancellation notice issued by the Municipality, which date shall not be less than 60 days after the date upon which the notice of cancellation was given.

(13) Application for annual renewal of a health compliance certificate must be made to the Municipality in writing by completing and submitting an application form not later than one month before the health compliance certificate expires.

### CHAPTER 3

#### GENERAL REQUIREMENTS FOR PREMISES

##### **Compliance with National Building Regulations**

7.(1) Every structure on premises on which any child care facility is operated or is to be operated must comply with the requirements of the National Building Regulations.

(2) The authorised officer shall be entitled to approve an informal structure on any premises on which a child care facility is operated or is to be operated, provided that the structure—

- (a) is stable;
- (b) is waterproof;
- (c) is sufficiently ventilated;

- (d) is constructed of materials which are safe;
- (e) is supplied with a portable fire extinguisher or other appropriate fire fighting equipment;
- (f) does not contain any physical features which present or might present a risk to children; and
- (g) complies with any other additional requirements determined by the Municipality from time to time.

(3) The Municipality may at any time amend the list in subsection (2) to keep in accordance with the safety and well-being of children.

### **Indoor play areas**

**8.(1)** A separate indoor play area must be provided on every premises on which a child care facility is operated.

(2) The indoor play area must—

- (a) be used for play only;
- (b) provide not less than 1,5 m<sup>2</sup> of free floor area per child;
- (c) separate children under the age of three years from children over the age of three years (movable partitions may be used to create this separation);
- (d) have exterior walls and a roof which is impermeable to wind and rain;
- (e) have windows which open to provide sufficient natural light and cross-ventilation;
- (f) have a floor which has a smooth, impermeable surface that is easy to wash; and
- (g) have sufficient safe indoor play equipment.

### **Outdoor play areas**

**9.(1)** An outdoor play area must be provided on every premises on which a child care facility is operated.

(2) The outdoor play area must—

- (a) comprise of not less than 2 m<sup>2</sup> of outdoor area per child;
- (b) be, in the opinion of the Municipality, a safe area for children of the age concerned to play;

- (c) not have any excavations, steps, projections, levels or surfaces that may, in the opinion of the Municipality, be dangerous or may constitute a hazard; and
- (d) have sufficient safe outdoor play equipment.

(3) If no outdoor play area is available at a premises, the health compliance certificate holder may, subject to the approval of the Municipality, substitute an additional indoor play area of 1.5 m<sup>2</sup> per child for the outdoor play area.

### **Toilets**

**10.(1)** Adequate toilets must be provided for the children on every premises on which a child care facility is operated.

(2) Where a sewer reticulation system or other sewage disposal system approved by the Municipality, and a supply of water, are available on the premises, one approved toilet must be provided for every 20 children.

(3) Where neither a sewer reticulation system nor other sewage disposal system approved by the Municipality, and no supply of running water, are available on the premises, then the following must be provided:

- (a) an approved toilet on the premises or immediately adjacent to the premises; or
- (b) An approved chemical toilet or other acceptable alternative that is hygienic or safe for every 8 children.

(4) Where containers are provided as contemplated in subsection (3)(b)–

- (a) the contents of the containers must be disposed of regularly during the day into an approved toilet;
- (b) the containers must be kept in a clean and sanitary condition at all times;
- (c) the container must be of a size suitable for use as a toilet and must be placed under a properly constructed seat; and
- (d) the container must have a tight-fitting lid which is applied when the containers are removed for emptying.

(5) Toilets must have an adequate–

- (a) supply of toilet paper, soap and paper towels available and accessible to the children; and

(b) number of bins with self-closing lids for the disposal of paper, paper towels, tissues and other waste materials.

### **Washing facilities**

11.(1) Adequate washing facilities must be provided for the children on every premises on which a child care facility is operated.

(2) Where a sewer reticulation system or other sewage disposal system approved by the Municipality, and a supply of running water, are available on the premises, hand washbasins must be provided as follows:

- (a) one hand washbasin must be provided for every 20 children;
- (b) hand washbasins must be placed at a height convenient for children; and
- (c) hand washbasins must be supplied with running water.

(3) Where neither a sewer reticulation system or other sewage disposal system approved by the Municipality, nor a supply of running water, are available on the premises—

- (a) the washing facilities must be supplied with a minimum of 25 litres of potable water a day in a potable water container which—
  - (i) can be closed; and
  - (ii) must be accessible for supply to the hand washbasins: Provided that water is dispensed from the container for use in the hand washbasin and that no children wash in the container;
- (b) one suitable container must be supplied for every 20 children; and
- (c) a container or containers must be placed at a height convenient for children.

(4) Washing facilities must have an adequate:

- (a) supply of soap and paper towels available and accessible to the children; and
- (b) number of bins with self-closing lids for the disposal of paper, paper towels, tissues and other waste materials.

(5) If water supply to the child care facility is interrupted for any reason, the person in charge of the child care facility must—

- (a) implement an alternate water supply arrangement within 24 hours of interruption of water supply; or
- (b) close the child care facility until water supply is restored.

## Kitchens

12.(1) Every child care facility which provides meals to children from a kitchen on the premises must have a separate approved area set aside, with due regard for the safety of children, as a kitchen for the preparation of food and the washing up and rinsing of crockery, cutlery, pots, pans and other kitchen utensils.

(2) The kitchen must—

- (a) have a double bowl sink;
- (b) have a hot water supply;
- (c) have a separate hand washbasin;
- (d) be arranged so that the utensils and other kitchen equipment are inaccessible to children; and
- (e) meet the requirements of the Regulations Governing General Hygiene Requirements For Food Premises and the Transport of Food made in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972) and published by Government Notice R962 of 23 November 2012.

(3) No person may provide meals to children in a child care facility from a kitchen on the premises unless he or she has been issued with a certificate of acceptability by the Municipality in respect of that kitchen.

(4) If any child at a child care facility is bottle-fed,—

- (a) the bottles must be clearly marked with the name of the child;
- (b) the bottles must be supplied with suitable lids or caps;
- (c) any filled bottles brought from home must be suitably stored in the kitchen in a cooler box or refrigerator in such manner as to prevent contamination and spoilage; and
- (d) the child's bottles must be suitably rinsed in the kitchen.

(5) The children must not have access to a kitchen contemplated in subsections (1), (2) or (3), or to any storage space or storage facility contemplated in subsection (4).

(6) Where there is no formal kitchen as stated in section 12(2), an area must be demarcated and set aside for the above activities to take place.

**Storage**

13.(1) Any premises on which a child care facility is operated must have adequate and suitable storage space and storage facilities for–

- (a) food, crockery, cutlery and kitchen utensils, if a kitchen is provided;
- (b) the personal belongings of each child; and
- (c) the personal belongings of the staff of the child care facility.

(2) The storage facilities must be lockable and reasonable steps must be taken to ensure that children do not have access to any storage space or storage facility contemplated in subsection (1).

**Seating and resting**

14.(1) Any premises on which a child care facility is operated must–

- (a) if seating is provided, have suitable and safe seating; and
- (b) if tables are provided, have suitable and safe tables which are the correct size to ensure that each child sits comfortably.

(2) If full day care is provided at a child care facility, every child at the facility must have an approved resting or sleeping mat or mattress which is–

- (a) marked with the name or symbol of the child to whom the mat or mattress is allocated;
- (b) made of suitable waterproof material; and
- (c) covered with a removable washable cover which is also marked with the name or symbol of the child to whom the mat or mattress is allocated.

(3) If blankets are provided at the child care facility, then they must be marked with the name or symbol of the child to whom the blanket is allocated.

(4) Reasonable steps must be taken to ensure that a child does not share a sleeping mat or mattress, or any blanket, with another child.

(5) Washing of linen, blankets or duvet covers must be done on a weekly basis or each time it is soiled.

## Fencing

15.(1) Any premises on which a child care facility is operated must be enclosed with approved fencing so as to prevent—

- (a) a child from leaving the premises on his or her own accord;
- (b) the entrance of domestic animals onto the premises; and
- (c) unauthorised access or entry.

(2) Fencing around a child care facility must meet the following requirements:

- (a) the fencing must be not less than 2m high;
- (b) horizontal members must be placed at intervals which make it difficult for a child to climb; and
- (c) the fence must be constructed of material which cannot reasonably cause harm to children.

(3) A fence referred to in subsection (2) must have a gate which is self-closing and self-locking. A gate will only be regarded as self-locking for the purposes of subsection (2) if it cannot be readily opened by an unauthorised person. In this regard, a gate which closes by means of a latch only, with no other means of securing the gate, will not be regarded as self-locking.

(4) If a pool is permitted on any premises on which a child care facility is operated, the pool must be—

- (a) built in accordance with an approved plan, supported by an acceptable certificate from an engineer or other competent person;
- (b) provided with an approved net;
- (c) fenced in the manner contemplated in subsection (2); and
- (d) provided with a suitable twin gate system with gates that are self-closing and self-locking, and which may close by means of a latch.

(5) Portable pools are not permitted on any premises on which a child care facility is operated.

**CHAPTER 4**  
**ADDITIONAL REQUIREMENTS FOR TOILETS: CHILDREN**  
**UNDER AND OVER THE AGE OF 3**

**Toilets: older than three years**

16.(1) Toilets for children over the age of three years must be in an approved, screened-off and roofed area of the premises, separate to toilet facilities for children who are younger than three years.

(2) Separate toilets must be provided for boys and girls of school-going age.

**Toilets: under three years**

17.(1) Toilets for children who are under three years of age, or who are still in nappies, must include an approved separate nappy-changing area.

(2) The nappy-changing area must have—

- (a) a nappy-changing unit with an impermeable surface that can be easily cleaned;
- (b) at least one hand washbasin;
- (c) access to water: Provided that if no running water is available on the premises, an approved source of clean potable water must be available and accessible to the nappy-changing area on a daily basis;
- (d) disposable material for the cleaning of children who are in nappies;
- (e) approved facilities for the cleaning of cloth nappies if children in cloth nappies attend the child care facility;
- (f) approved separate containers for the storage of clean nappies and soiled nappies and other waste, as well as an approved area for the storage of containers containing soiled nappies and other waste; and
- (g) approved facilities for the cleaning of cloth nappies.

**CHAPTER 5**  
**ADDITIONAL REQUIREMENTS FOR PREMISES:**  
**AFTER CARE CENTRE**

**Separate facilities for after-care centre**

18. If a child care facility cares for children of compulsory school-going age and children under compulsory school-going age on the same premises, facilities available for the children of compulsory school-going age must be separate from the facilities available for the children under compulsory school-going age.

**Indoor study area**

19.(1) An indoor study area consisting of 1.5 m<sup>2</sup> of free floor area per child must be provided on any premises on which a child care facility operates an after-school centre for children of compulsory school-going age.

(2) The indoor study area must have—

- (a) exterior walls and a roof which is impermeable to wind and rain;
- (b) windows which open to provide sufficient natural light and cross-ventilation; and
- (c) a floor which has a smooth, impermeable surface that is easy to wash.

## CHAPTER 6 STAFF FACILITIES

**Staff toilet and hand-washing facilities**

20.(1) Any premises on which a child care facility is operated must have toilet and hand-washing facilities for the staff of the child care facility.

(2) The staff toilet and hand-washing facilities must be—

- (a) easily accessible to the staff;
- (b) separate from the toilet and wash facilities used by the children; and
- (b) provided with soap and towels at all times.

**Bathroom facilities of staff resident on the premises**

21. If any staff member of a child care facility resides on the premises on which the child care facility is operated, the toilet and bathroom facilities for the staff must be easily accessible from their living quarters.

## CHAPTER 7 SAFETY AND MEDICAL CARE

### **Sickbay**

22.(1) Every premises on which a child care facility is operated must have an area set aside as a sickbay for the treatment and care of any child who becomes ill or who is injured until such time as the child is collected by his or her parents or guardian.

(2) The sickbay may only be used for the treatment of ill or injured children and may not, in the ordinary course of events, be used for the treatment or care of children who have become ill or injured outside the hours of operation of the child care facility.

(3) The sickbay must be equipped with—

- (a) an approved, fully lockable and fully equipped first-aid unit, which must be kept out of the children's reach; and
- (b) a bed or a mattress.

(4) In addition, every sickbay must have an approved method for washing hands and every premises on which a child care facility is operated must have a working telephone available to notify parents or guardians of illness or injury and, where applicable, to summon medical assistance.

### **Medical care for children**

23.(1) The person in charge of a child care facility must—

- (a) if a child becomes ill, or suffers an injury, requiring medical attention—
  - (i) notify the child's parent or guardian immediately; and
  - (ii) summon medical assistance or take the child to his or her medical practitioner;

- (b) if a child becomes ill, or suffers an injury, but does not require medical assistance, provide the necessary care and treatment in the sickbay;
- (c) if a child has a notifiable disease, notify the relevant authority immediately;
- (d) if a child is under compulsory school-going age, ensure that he or she has completed the basic immunisation schedules as determined by the National Immunisation Programme;
- (e) comply with the provisions of the regulations relating to the exclusion of children from school on account of an infectious disease, made under the Health Act, 1977 (Act No. 63 of 1977); and
- (f) report cases of head lice to parents and ensure that children are not allowed back on the premises until the head lice have been eradicated.

(2) The person in charge of a child care facility may only allow medication to be administered to a child in terms of written consent from the child's parents, which–

- (a) identifies the medication;
- (b) specifies the dosage and frequency at which the medication must be administered;
- and
- (c) specifies the period for which the medication must be administered.

## **Safety**

**24.** The person in charge of a child care facility must ensure that–

- (a) the children are under constant adult supervision and adequately protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other object or thing which may be dangerous or cause injury to any child;
- (b) adequate fire extinguishers are provided and that the premises otherwise comply with the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);
- (c) if the children are under compulsory school-going age, any slats or rails forming part of a fence, security gate, playpen, bed, cot, balustrade or any other object or structure whatsoever are–
  - (i) not more than 75 mm apart;
  - (ii) suitably installed and maintained in a good state of repair;
  - (iii) painted only with non-toxic paint; and
  - (iv) not less than 1m high, with the exception of fences which must, in terms of section 15(2), be not less than 2m high;

- (d) all medicines, pesticides, detergents and other substances that may be harmful to children are locked in a storage facility and are stored so as not to be accessible to any child;
- (e) no noxious or poisonous plants or shrubs grow on the premises;
- (f) no animal is kept on the premises without the approval of the authorised official;
- (g) no person known or suspected to be suffering from an infectious or contagious disease or who has been in contact with such a person is allowed on the premises while that person is, in the opinion of the authorised official, capable of transmitting the infectious or contagious disease;
- (h) if the children are under compulsory school-going age, no swimming pool, sand pit or other structure is permitted on the premises without the approval of the authorised official; and
- (i) any reasonable measures that may, in the opinion of the authorised official, be necessary to protect the children from any physical danger are taken.

### **Maintenance**

**25.** Any person in charge of a child care facility must ensure that every part of the premises on which the child care facility is operated, including any outdoor area and all structures and equipment, is maintained in good repair and in a clean and tidy condition.

### **Refuse**

**26.** Any person in charge of a child care facility must provide—

- (a) an adequate number of bins with liners, inside the premises, for the disposal of paper, paper towels, tissues and other waste materials;
- (b) an approved refuse area, which is roofed and is graded to a gully and fenced; and
- (c) adequate refuse bins within the refuse area for the storage of refuse pending removal by the Municipality or an approved contractor.

### **Staff**

**27.(1)** Any person in charge of a child care facility must ensure that—

- (a) every employee working on the premises is physically clean and in a state of good health;

- (b) no person on the premises uses tobacco, any tobacco product, alcohol or any drug or other harmful substance in the presence of any child; and
  - (c) no person on the premises is under the influence of alcohol, drugs or any other harmful substance.
- (2) All employees must be subjected to criminal clearance checks before employment can be secured with the child care facility.
- (3) At least one member of staff must be suitably qualified to administer first aid.
- (4) The ratio of child care workers to children must be as follows:
- (a) 0-2 years, requires 1 care worker, 1 assistant to 8 children;
  - (b) 2-3 years, requires 1 care worker, 1 assistant to 15 children;
  - (c) 3-6 years, requires 1 care worker, 1 assistant to 20 children; and
  - (d) six years and older require 1 care worker to 30 children.

### **Meals**

**28.** Any person in charge of a child care facility must ensure that, if meals are provided for children, the meals meet the requirements of the relevant authority.

### **Transport**

**29.(1)** Any person in charge of a child care facility must, if transport is provided to children to or from the premises or elsewhere, ensure that—

- (a) the doors of the vehicle have child locks, such that they cannot be opened from inside the vehicle by a child;
- (b) no child is transported in the front seat of a vehicle or placed under the seat of a vehicle;
- (c) no baby in a carry cot is placed under a seat of a vehicle;
- (d) the vehicle in which any child is transported is not overloaded in terms of any applicable legislation;
- (e) the driver of the vehicle in which any child is transported is licensed to transport passengers in accordance with the applicable legislation;

(f) the vehicle in which any child is transported is licensed to transport passengers, has car seats and seat belts and is roadworthy in accordance with the applicable legislation; and

(g) the vehicle is fitted with seat belts and car seats which, given the age of the children transported, comply with the applicable legislation.

(2) If children under compulsory school-going age are transported, then the person who operates the child care facility must ensure that while being transported, the children are supervised by at least one adult apart from the driver of the vehicle.

(3) Any person in charge of a child care facility must ensure compliance with the provisions of subsections (1) and (2) regardless of whether transport is provided by that person, the child care facility, or by a third party on behalf of that person or the child care facility.

## **CHAPTER 8**

### **ADMINISTRATIVE REQUIREMENTS**

#### **Applications for admission**

**30.**(1) The person in charge of a child care facility must ensure that every child's parent or guardian makes written application for the child to attend the facility.

(2) Every application for a child to attend a child care facility must include the following minimum information:

- (a) the child's full name;
- (b) the child's date of birth;
- (c) the child's age;
- (d) the child's identity number, where applicable;
- (e) the child's sex;
- (f) the name of each parent or guardian;
- (g) the residential address and telephone numbers (landline and, if applicable, cell phone) of each parent or guardian;
- (h) the place of work and work telephone numbers of each parent or guardian;

- (i) the name, address and telephone numbers of a responsible person, other than a parent or guardian, who may be consulted in emergencies; and
- (j) the name, address and telephone number of the child's medical practitioner.

(3) Every application for a child to attend a child care facility must include the parent's or guardian's consent to the owner consulting the child's medical practitioner when the child is in need of medical attention.

(4) The person in charge of a child care facility must ensure that the date on which the child is admitted to the facility and the date on which the child ceases to be cared for at the facility are recorded on the application form.

### **Medical reports**

**31.** The person in charge of a child care facility must, at the same time that the application form is completed, obtain from the parent or guardian of each child admitted to the child care facility a report which contains the following minimum information:

- (a) the child's general state of health and physical condition;
- (b) the nature and dates of any operations that the child has undergone;
- (c) the nature and dates of any illnesses or communicable diseases that the child has suffered from;
- (d) the details of allergies that the child suffers from;
- (e) information about any medical treatment that the child is undergoing or has undergone; and
- (f) if the child is under compulsory school-going age, the details of any immunisation that the child has received.

### **Registers**

**32.** The person in charge of a child care facility must keep—

- (a) a general register in which is recorded the details listed in sections 30(2) and 31 regarding every child presently admitted at the facility; and
- (b) an attendance register in which is recorded the presence or absence of each child on a daily basis and, in the case of absence, the reasons for the absence.

**Incident book**

**33.** The person in charge of a child care facility must keep a journal, diary or other similar book in which important or significant events relating to the child care facility and the children, including illnesses and accidents, and the details of medications administered, are recorded.

**Communication book**

**34.** The person in charge of a child care facility must ensure that each child is issued with a communication book which is sent home with the child each day and which provides the basis for communication between the child care facility and parents.

**Retention of records**

**35.(1)** The person in charge of a child care facility must keep records for the following time periods:

- (a) application forms and medical forms: a minimum of 2 years after the date on which the child ceases to be cared for at the facility; and
- (b) general registers, attendance registers and journals: a minimum of 2 years after the date of the last entry in each of those documents.

(2) The records must be retained in a safe place allowing ready access by the person who operates the child care facility and reasonable steps must be taken to prevent damage to or destruction of the records.

**Suspension or termination of operation**

**36.** A health compliance certificate holder must notify the Municipality in advance and in writing if he or she intends suspending or terminating the operation of the child care facility to which his or her health compliance certificate relates.

**CHAPTER 9****OFFENCES, PENALTIES AND WITHDRAWAL OF CERTIFICATES**

**Offences**

**37.**(1) A person is guilty of an offence under this By-laws if he or she—

- (a) unlawfully prevents an authorised official entry to his or her premises or causes or permits any other person to prevent entry;
- (b) obstructs or hinders an authorised official in the performance of his or her duties or causes or permits any other person to so obstruct or hinder the authorised official;
- (c) refuses or fails to provide to an authorised official such information as is required to allow an authorised official to perform a function in terms of this By-law;
- (d) knowingly gives false or misleading information to an authorised official;
- (e) impersonates an authorised official;
- (f) contravenes or fails to comply with any provision of this By-law;
- (g) contravenes any provision or condition in respect of his or her health compliance certificate; or
- (h) contravenes or fails to comply with any order or notice lawfully issued under this By-law.

**Penalties**

**38.**(1) Any person who is convicted of an offence under this By-law is liable to a fine not exceeding an amount of R40 000 or to imprisonment for a period not exceeding 2 years, or to both such fine and imprisonment.

(2) In the case of a continuing offence, an additional fine of an amount not exceeding R 200 per day or imprisonment for a period not exceeding 10 days, for each day on which such offence continues or both such a fine and imprisonment, will be imposed.

**Withdrawal of health compliance certificates**

**39.** The Municipality may, in its discretion, withdraw a health compliance certificate and a certificate of acceptability where applicable—

- (a) if the health compliance certificate holder is convicted of a breach of any of the provisions of this By-law; or
- (b) where a change in legislation necessitates a withdrawal.

**Right of entry and inspection of premises and records**

**40.** A duly authorised official of the Municipality may, for any purpose connected with the enforcement of this By-law, at all reasonable times and without prior notice enter any premises—

- (a) on which a child care facility is being operated; or
- (b) if he or she has reasonable grounds to suspect that a child care facility is being operated on the premises,

in order to carry out such examination, inquiry or inspection on the premises as he or she may deem necessary.

## **CHAPTER 10 MISCELLANEOUS PROVISIONS**

**Delegations**

**41.**(1) Subject to the Constitution and applicable national and provincial laws, any—

- (a) power, excluding a power referred to in section 160(2) of the Constitution;
- (b) function; or
- (c) duty,

conferred, in terms of this By-law, upon the Council, or on any of the Municipality's other political structures, political office bearers, councillors or staff members, may be delegated or sub-delegated by such political structure, political office bearer, councillor or staff member, to an entity within, or a staff member employed by, the Municipality.

(2) The delegation in terms of subsection (1) must be effected in accordance with the system of delegation adopted by the Council in accordance with section 59(1) of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000), subject to the criteria set out in section 59(2) of said Act.

(3) Any delegation contemplated in this section must be recorded in the Register of Delegations, which must contain information on the—

- (a) entity or person issuing the delegation or sub-delegation;
- (b) recipient of the delegation or sub-delegation; and
- (c) conditions attached to the delegation or sub-delegation.

## **Appeals**

**42.** (1) A person whose rights are affected by a decision taken by the Municipality in terms of this By-law may appeal against that decision in terms of the Appeals provision contained in the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.

(2) The municipal manager must promptly submit the appeal to the appropriate appeal authority.

(3) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

(4) The appeal authority must confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights which may have accrued as a result of the decision.

(5) The appeal authority must furnish written reasons for its decision on all appeal matters.

(6) All appeals lodged are done so in terms of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and not in terms of this By-law.

(7) Where a conviction has been affirmed by a court of law and the accused wishes to appeal such conviction, the appeal must take place in terms of the court's appeal process and not in terms of subsections (1) to (5).

## **Repeal of laws and savings**

**43.** (1) The laws mentioned in the first and second columns of the Schedule to this By-law are hereby repealed to the extent set out in the third column of the said Schedule.

(2) All notices published under the Provincial Notice No. 94 of 1991 remain in full force and effect as if the said By-law has not been repealed as contemplated in subsection (1).

(3) Any rights accrued or obligations incurred as contemplated in the laws referred to in subsection (2) remain in force, as if those laws have not been repealed.

**Short title and commencement**

**44.** This By-law is called the eThekweni Municipality: Child Care Facilities By-law 2015, and takes effect six months from the date of publication thereof in the *Provincial Gazette* or on such earlier date as may be determined by the publication of a commencement notice in the *Provincial Gazette*.

**SCHEDULE**  
**LAWS REPEALED**  
*(Section 43(1))*

<b><i>Number and year of law</i></b>	<b><i>Title</i></b>	<b><i>Extent of repeal</i></b>
By-law No. 94 of 1991	City of Durban: Childminder Service By-law	The whole

**MUNICIPAL NOTICE 200 OF 2015****ISAZISO NGOMTHETHO KAMASIPALA WEZINDAWO ZOKUNAKEKELA IZINGANE**

NGALOKHU KUKHISHWA ISAZISO sokuthi uMkhandlu kaMasipala waseThekwini usushaye uMthetho Wezindawo Zokunakekela Izingane, ngokweSigaba 12 soMthetho woHulumeni Basekhaya, u-Municipal Systems Act, No.32 ka 2000 kanti lo mthetho uyalandela lapha ngenzansi.

Mnu. Sibusiso Sithole  
iMenenja yeDolobha

City Hall  
Dr Pixley ka-Isaka Seme Street  
eThekwini

Usuku: 2015-10-22

**UMASIPALA WASETHEKWINI: UMTHETHO KAMASIPALA WEZINDAWO  
ZOKUNAKEKELA IZINGANE KA-2015**



Wamukelwe wuMkhandlu mhlaka: 24 June 2015

**UMTHETHO KAMASIPALA WEZINDAWO ZOKUNAKEKELA IZINGANE KA-2015**

**Ukudinga ukuthi abaphathi bezindawo zokunakekela izingane babe namalayisense; ukubeka izidingo okufanele kuhlangukshwane nazo zezindawo zokunakekelwa kwezingane; ukulawula imisebenzi ethile ehlinzekwa ezindaweni zokunakekela izingane; ukhulelela ukuphepha nokunakekelwa kokwelashwa kwezingane ezindaweni zokunakekela izingane; ukuphoqelela ukugcinwa kwamarekhodi nokunye okuyizidingo zezokuphatha kubaphathi; ukuvimbela okunye ukuziphatha; ukwakha amacala nezinhlawulo; ukuhlinzekela ukuhoxiswa kwamalayisense; ukuhlinzekela ukuchithwa kwemithetho nokunye okuhambisana nayo; kanye nokuhlinzekela izinto ezihambisana nalokho.**

**ISENDLALELO**

**NJENGOBA** wonke umuntu enelungelo lokuba sendaweni engenakulimaza impilo noma inhlalakahle yakhe ngokwesigaba 24(a) soMthethosisekelo;

**NJENGOBA** enye yezinjongo zoMkhandlu kaMasipala weTheku, ngokwesigaba 152(d) soMthethosisekelo, kungukukhuthaza ukuba kube nezindawo eziphephile nezinempilo;

**NJENGOBA** kunesidingo sokulawula izindawo zokunakekela izingane kuyo yonke indawo engaphansi kukaMasipala weTheku ukuze kuqinisekise ukuthi ukuphepha nokuvikeleka kwabantwana;

**NJENGOBA** uMasipala unamandla ngokweNgxenywe B kaSheduli 5 yoMthethosisekelo okulawula izindawo zokunakekela izingane;

**NANJENGOBA** uMkhandlu kaMasipala weTheku unamandla ngokwesigaba 156(2) soMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, ukumisa kanye nokwengamela iMithetho kaMasipala ukuze kuphathwe ngempumelelo izindaba onelungelo lokuzengamela.

**MANJE NGAkho-KE** uMkhandlu kaMasipala weTheku, usebenza ngaphansi kwesigaba 156 sifundwa neNgxenywe B kaSheduli 5 woMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, siphinde sifundwe nesigaba 11 soMthetho Wezinhlelo Zomasipala: Ohulumeni Basekhaya ka-2000 (uMthetho No. 32 ka-2000) ngalokhu umisa lo Mthetho kaMasipala olandelayo:

**OKUQUKETHWE****ISAPHLUKO 1  
UKUHUNYUSHWA**

1. Izincazelo
2. Ukuhunyushwa koMthetho kaMasipala
3. Izinhloso zoMthetho kaMasipala
4. Ukusetshenziswa koMthetho kaMasipala
5. Izindawo ezikhona zokunakekela izingane

**ISAPHLUKO 2  
IZITIFIKETI**

6. Izitifiketi zokuhambisana nezempilo

**ISAPHLUKO 3  
IZIDINGO EZEJWAYELEKILE KULEZI ZINDAWO**

7. Ukuthobela izidingo zeMithethonqubo kaZwelonke Yezokwakha
8. Izindawo zokudlala ezingaphakathi
9. Izindawo zokudlala ezingaphandle
10. Izindlu zangasese
11. Izindawo zokugeza
12. Amakhishi
13. Izindawo zokucina impahla
14. Izindawo zokuhlala nezokuphumula
15. Ukubiyela

**ISAPHLUKO 4  
OKUNYE OKUDINGEKAYO EZINDLINI ZANGASESE:  
IZINGANE EZINGAPHANSI NEZINGAPHEZULU KWEMINYAKA EMI-3**

16. Izindlu zangasese: zezingane ezingaphezu kweminyaka emithathu
17. Izindlu zangasese: zezingane ezingaphansi kweminyaka emithathu

**ISAPHLUKO 5****OKUNYE OKUDINGEKAYO KULEZI ZINDAWO:  
INDAWO ENAKEKELA IZINGANE UMA SEKUPHUME ISIKOLE**

18. Izindawo zokunakekela izingane uma sekuphume isikole
19. Izindawo zokufunda ezingaphakathi

**ISAPHLUKO 6****IZINDAWO ZABASEBENZI**

20. Izindlu zangasese zabasebenzi kanye nezindawo zokugeza izandla
21. Izindlu zokugezela zabasebenzi abahlala ngaphakathi

**ISAPHLUKO 7****EZOKUPHEPHA KANYE NOKWELAPHA**

22. Indawo yabagulayo
23. Ukwelashwa kwezingane ezigulayo
24. Ezokuphepha
25. Ukugcina indawo esimweni esifanele
26. Imfucuza
27. Abasebenzi
28. Ukudla
29. Ezokuthutha

**ISAPHLUKO 8****IZIDINGO ZEZOKUPHATHA**

30. Izicelo zokwamukelwa
31. Imibiko yezempilo
32. Amarejista
33. Ibhuku lokubhala okwenzekile
34. Ibhuku lokuxhumana
35. Ukugcinwa kwamarekhodi
36. Ukumiswa noma ukuvalwa kokusebenza

**ISAPHLUKO 9****AMACALA, IZINHLOWULO KANYE NOKUHOKISWA KWEZITIFIKETI**

37. Amacala
38. Izinhlawulo
39. Ukuhoxiswa kwezitifiketi zokuthobela ezempilo
40. Ilungelo lokungena nokuhlola indawo kanye namarekhodi

**ISAPHLUKO 10****IZIHLINZEKO EZIYINGXUBE**

41. Ukunikeza amandla
42. Ukudlulisa izikhalo
43. Ukuchithwa kwemithetho nokuhambisana nayo
44. Isihloko esifingqiwe kanye nokuqala ukusebenza

**ISHEDULI: IMITHETHO ECHITHIWE****ISAHLUKO 1  
UKUHUNYUSHWA****Izincazelo**

1. Kulo Mthetho kaMasipala, ngaphandle uma ingqikithi isho okunye –

**"UMthetho"** usho uMthetho Wezingane uNombolo 38 ka 2005, kuhlangukisa nemithethonqubo eyashaywa ngaphansi kwalowo Mthetho;

**"okwanele"** usho lokho okwanele ngeso likaMasipala ngemuva kokubheka umthetho othintekayo kanye nemihlahlandlela;

**"okuvunyiwe"** usho lokho okuvunyiwe nguMasipala, ngemuva kokubheka kahle izidingo zezokuphepha kwemvelo okungadingeka kuleso simo;

**"izandawo ezivunyiwe"** kusho noma yiziphi izindawo ezivunyelwe ukuthi zisetshenziswe njengendawo yokunakekela izingane futhi enesitifiketi sokuthobela ezempilo;

**"isisebenzi esigunyaziwe"** ngumuntu ogunyazwe ukulandela ukuthotshelwa kwezihlinzeko zalo mthetho wedolobha okufaka kodwa okungagcini ku:-

(a) abaqaphe ukuthula abachazwe esigabeni 334 soMthetho iCriminal Procedure Act, 1977 (Act No. 51 of 1977);

(b) amaphoyisa kamasipala noma edolobha achazwe eMthethweni iSouth African Police Services Act, 1995 (Act No. 68 of 1995);

(c) nalabo basebenzi, ama-ajenti, abakhonjiwe, izithunywa nabajutshelwe ukwenzela umasipala imisebenzi njengokugunyazwa nguMasipala; ngalokhu.

**"isitifiketi sokwamukeleka"** sisho isitifiketi sokwamukeleka esikhishwa nguMasipala ngokweMithethonqubo Elawula Izidingo Zenhlanzeko Ezindaweni Zokudla Nokuthuthwa Kokudla eyashaywa ngokoMthetho Wokudla, Izimonyo kanye Nemithi Yokuhlana, 1972 (uMthetho uNombolo 54 we-1972) futhi owashicilelwa ngeSaziso sikaHulumeni u-R962 samhlaka 23 Novemba 2012;

**"isitifiketi esithobela ezempilo"** kusho:

- (a) Uma indawo yokunakekela izingane ingemukela izingane ezingekho ngaphezu kweziyisithupha, isitifiketi esikhishwe nguMasipala ngenhloso yokubhalisa ngokwalo Mthetho kaMasipala; noma
- (b) Uma indawo yokunakekela izingane ingemukela izingane eziyisikhombisa noma ngaphezulu, isitifiketi esikhishwe nguMasipala ngenhloso yokubhalisa ngoko Mthetho, futhi esiqinisekisa ukuthi amagceke, nezindawo kanye nemisebenzi ehlinzekwa yileyo ndawo iyahambisana nalo Mthetho kaMasipala.

**"ingane"** kusho noma imuphi umuntu oneminyaka engaphansi kweyi-18 kanti "abantwana" kusho okufanayo;

**"indawo yokunakekela izingane"** kusho noma iyiphi indawo lapho kunezingane eziyisithupha noma ngaphezulu ngesikhathi esisodwa ezithola ukunakekelwa kwesikhashana bengekho kubazali bazo, ngenhloso yokwenza inzuzo noma qha. Lokhu akufaki–

- (a) izikole okufundwa kuhlalwa ngaphakathi;
- (b) izindawo zokuhlala ezikoleni; kanye
- (c) noma iziphi izindawo lapho kusetshenzwa kakhulu ngokufundisa noma ukuqeqesha izingane futhi ezilawulwa nguHulumeni noma ezibhaliswe noma ezigunyazwe nguHulumeni;

**"iminyaka yobudala yokuya esikoleni ephoqelekile"** kusho iminyaka yobudala lapho kuphoqelekile ukuthi ingane iqale ibanga lokuqala ngokomthetho ophathelene nalokho;

**"umkhandlu"** noma **"umkhandlu kamasipala"** kusho umkhandlu kaMasipala waseThekwini, umkhandlu kamasipala okukhulunywa ngawo eSigabeni 157(1) soMthethosisekelo;

**"isitifiketi esithobela ezempilo"** kusho isitifiketi esithobela ezempilo esikhishwa nguMkhandlu ngokweSigaba 6;

**"onesitifiketi esithobela ezempilo"** kusho umuntu onikwe isitifiketi ngokwalo Mthetho kaMasipala, futhi lokhu kuhlangukisa–

- (a) umuntu osemthethweni;

- (b) ababambisene;
- (c) inhlango; kanye;
- (d) itrasti; kanye;
- (e) nomuntu osebenza egameni lalowo onesitifiketi esithobela ezempilo;

**“uMasipala”** kusho uMasipala waseThekwini, umasipala oyisigaba A njengoba kubekiwe eSigabeni 155(1) soMthethosisekelo waseNingizimu Afrika futhi owakhiwe ngokweSaziso sesiFundazwe uNombolo 343 sika 2000 (KZN);

**“imenenja kamasipala”** kusho umuntu obekwe ngokweSigaba 54A soMthetho weZinhlelo zoMasipala njengenhloko yezokuphatha umkhandlu kamasipala;

**“iMithethonqubo kaZwelonke Yezokwakha”** kusho iMithethonqubo kaZwelonke Yezokwakha kanye noMthetho Wamazinga Okwakha, ka 1977 (uMthetho uNombolo 103 ka 1977) kanye nazo zonke izichibiyelo zayo;

**“umuntu ophethe”** kuhlenganisa–

- (a) umnikazi wendawo yokunakekela izingane;
- (b) inhloko yendawo yokunakekela izingane; kanye;
- (c) noma imuphi umuntu okungathi ulawula indawo yokunakekela izingane;

**“indawo yokudlala”** kusho ingxenye yendawo ebekelwe ukuthi izingane zidlale kuyona;

**“indawo”** kusho noma imuphi umhlaba noma isakhiwo kanye nanoma yiphi ingxenye yendawoi noma yesakhiwe okwenzelwa kuso umsebenzi wokunakekela izingane;

**“fanelekile”** kusho lokho okufanelekile ngokubona kukaMasipala.

### **Ukukhunyushwa koMthetho kaMasipala**

2. Uma kunokushayisana phakathi kokukhunyushwa kwalo Mthetho kaMasipala ngesiNgisi kanye nalowo ohunyushiwe, kuyosebenza lowo obhalwe ngesiNgisi.

### **Izinhloso zoMthetho kaMasipala**

3. Izinhloso zalo Mthetho kaMasipala uku –

- (a) lawula ukusebenza kwezindawo zokunakekela izingane ngokuthi abanikazi balezi zindawo bafake izicelo zezitifiketi ezithobela ezempilo;
- (b) qinisekisa ukuthi izindawo lapho kunakekelwa khona izingane ziyilungele iminyaka yazo futhi zifanelekile ngokwezempilo kanye nenhlalakahle yezingane;
- (c) beka amazinga afanelekile ezokuphepha; kanye
- (d) kwenza izihlinzeko zokwelashwa kwezingane ngenkathi zisezikhungweni zokunakekelwa kwezingane.

#### **Ukusetshenziswa koMthetho kaMasipala**

4. Lo Mthetho kaMasipala usebenza kuzo zonke izindawo ezingaphansi kwemingcele kaMasipala waseThekwini.

#### **Izindawo ezikhona zokunakekela izingane**

5.(1) Isisebenzi esigunyaziwe singakwazi ukwelula isikhathi kumuntu onendawo yokunakekela izingane ngaphambi kosuku lokuqala ukusebenza kwalo Mthetho kaMasipala ukuze lowo muntu akwazi ukuthobela izihlinzeko zalo Mthetho kaMasipala zingakapheli izinyanga eziyisi-9 uqalile ukusebenza.

(2) UMasipala angakwazi ukuthi, kunoma yiluphi udaba lapho kunezizathu eziwenelisayo ezibekwe kuwo, welule isikhathi esibekwe esigatshaneni (1) ngesikhathi esingekho ngaphezulu kwezinye izinyanga eziyi-12.

## **ISAHLUKO 2 IZITIFIKETI**

#### **Izitifiketi Zokuthobela Ezempilo**

6.(1) Akekho umuntu ongaba nendawo yokunakekela izingane ngaphandle –

- (a) kokunikwa isitifiketi sokuthobela ezempilo lapho isikhungo sakhe sinakekela izingane eziyisithupha noma ngaphansi; noma
- (b) kokubhalisa ngokoMthetho lapho isikhungo sakhe sinakekela izingane eziyisikhombisa noma ngaphezulu.

(2) Isicelo sokuthola isitifiketi sokuthobela ezempilo ngokwalo Mthetho kaMasipala kumele sifakwe kuMasipala ngokumubhalela nokugcwalisa kanye nokuthumela ifomu elifanele lokufaka isicelo.

(3) UMasipala, kungathi ngaphambi kokucubungula lesi siculo, acele ukuba anikwe noma iluphi ulwazi alubona ludingeka maqondana nesiculo lesi.

(4) Ngaphansi kwesigatshana (5) isisebenzi esigunyaziwe singakhipha isitifiketi sokuthobela ezempilo uma sigculiseka –

- (a) ngendawo okuzokwenziwa kuyo umsebenzi wokunakekela izingane; kanye
- (b) izinto kanye nemisebenzi eyenziwa kuleyo ndawo ihambisana nalo Mthetho kaMasipala.

(5) Isitifiketi sokuthobela ezempilo esikhishwe ngokwesigatshana (4) singakhishwa ngaphandle kwemibandela noma ngaphansi kwemibandela uMasipala angayibona ifanele.

(6) Isitifiketi esithobela ezempilo ngasinye kufanele sibe okungenani nale mininingwane elandelayo:

- (a) isibalo esiphelele esinqunyiwe sezingane ezinganekekelwa kuleyo ndawo evunyiwe;
- (b) isibalo esiphelele esinqunyiwe sezingane ezineminyaka ehlukeni ezinganakekelwa kuleyo ndawo evunyiwe;
- (c) iminyaka ephansi nephezulu yezingane ezivumeleke ukunakekelwa kule ndawo evunyiwe;
- (d) amahora indawo yokunakekela izingane engawasebenza; kanye
- (e) nosuku okuphela ngaso isikhathi sokusebenza kwesitifiketi sokuthobela ezempilo.

(7) Isitifiketi esithobela ezempilo kufanele sibekwe kuzo zonke izindawo ezivunyiwe ngendlela yokuthi sibonakale kahle ngaso sonke isikhathi kumuntu ongena kule ndawo.

(8) Isitifiketi sokuthobela ezempilo sikhishwa siqondane nendawo evunyiwe. Lokhu kusho ukuthi isitifiketi esithobela ezempilo–

- (a) asibe sisasebenza uma ophethe isitifiketi esithobela ezempilo eshona noma eyeka ukuqhubeka nokunakekela izingane endaweni evunyiwe;
- (b) asedluliselwa kunoma imuphi omunye umuntu;
- (c) asedluliselwa futhi angeke sisebenze kwenye indawo yokunakekela izingane okungaba eyomuntu onesitifiketi esithobela ezempilo, noma umuntu onentshisekelo

noma angabuye abe ngumnini noma abe nentshisekelo emsebenzini wokunakeke izingane;

(d) asedluliswa uma onesitifiketi esithobela ezempilo eseyichitha indawo yokunakekela izingane noma indawo evunyiwe; futhi

(e) asikwazi ukuthi sabiwe njengefa ngonesitifiketi esithjobela ezempilo kunoma iyiphi indlalifa noma ozothola ifa.

(9) Uma onesitifiketi sokuhambisana nezempilo efisa ukususa indawo yakhe yokunakekela izingane ayiyise kwenye indawo okungeyona le ndawo evunyiwe, kufanele afake isicelo futhi athole isitifiketi esisha esithobela ezempilo esiqondene naleyo ndawo entsha.

(10) Uma onesitifikethi sesithobela ezempilo efisa ukwenza izinguquko endaweni eqondene naleso sitifiketi esithobela ezempilo, kufanele—

(a) azise uMasipala ngezinhloso zakhe ngaphambi kokuthi aqale ngezinguquko; futhi

(b) afake isicelo futhi athole isitifiketi esithobela ezempilo esisha ngaphambi kokuthi aqale ukunakekela izingane kuleyo ndawo esiyenziwe izinguquko.

(11) Isitifiketi sokuthobela ezempilo esikhishwe ngokwalesi sigaba, singakhanselwa nguMasipala emva kokunika isaziso senyanga eyodwa senhloso yakhe yokwenza njalo kulowo onaleso sitifiketi. UMasipala angalalela noma ikuphi ukuphawula okungathunyelwa umnikazi wesitifiketi emva kokuba esenikwe leso saziso.

(12) Ukukhanselwa kwesitifiketi sokuthobela ezempilo kuyoqala ukusebenza ngalolo suku olubhalwe esazisweni esikhishwe nguMasipala, kanti lolo suku angeke lube ngaphansi kwezinsuku eziyi 60 kusukela osukwini okwakhishwa ngalo isaziso sokukhansela.

(13) Isicelo sokuvuselela minyaka yonke isitifiketi sokuthobela ezempilo, siyokwenziwa kuMasipala ngokumbhalela nokugcwalisa kanye nokuthumela ifomu lesicelo elifanele kusasele okungenani inyanga eyodwa ngaphambi kokuba isitifiketi sokuthobela ezempilo siphelwe isikhathi sokusebenza.

### ISAHLUKO 3

#### IZIDINGO EZIJWAYELEKILE KULEZI ZINDAWO

#### Ukuthobela iMithethonqubo kaZwelonke Yezokwakha

7.(1) Zonke izakhiwo ezisendaweni lapho okuzonakekelwa noma lapho kunakekelwa khona izingane kufanele zihambisane nezidingo zeMithethonqubo kaZwelonke Yezokwakha.

(2) Isikhulu esigunyaziwe sizoba nelungelo lokuvumela isakhiwo esingeyona indlu kunoma iyiphi indawo yokunakekela izingane noma okuzonakekelwa kuyo izingane, uma lesa sakhiwo—

- (a) siqinile;
- (b) singangenwa ngamanzi;
- (c) singenisa umoya ngokwanele;
- (d) sakhiwe ngezinto eziphephile;
- (e) sifakelwe isicishamlilo esiphathekayo noma enye impahla efanele yokucisha umlilo;
- (f) singenazo izinto ezibonakalayo ezingadala noma zibe nobungozi ezinganeni; futhi
- (g) sihambisana nezinye izidingo ezengeziwe ezinqunywe nguMasipala izikhathi ngezikhathi.

(3) UMasipala noma ingasiphi isikhathi angachibiyela uhla olusesigatshaneni (2) ukuze ahlale ehambisana nezokuphepha nenhlalakahle yezingane.

### **Izindawo zokudlala ezingaphakathi**

8.(1) Kufanele kube nendawo yokudlala engaphakathi eseceleni ehlinzekiwe kuyo yonke indawo lapho kunendawo yokunakekela izingane.

(2) Indawo yokudlala engaphakathi kufanele—

- (a) isetshenziselwe ukudlala kuphela;
- (b) ibe nendawo yaphansi engekho ngaphansi kuka 1,5 m<sup>2</sup> ngengane nganye;
- (c) ihlukanise izingane ezineminyaka engaphansi kwemithathu ubudala ezinganeni ezingaphezu kweminyaka emithathu (kungasetshenziswa impahla yokuhlukanisa amagumbi ukuze kuhlukaniseke lezi zindawo);
- (d) ibe nodonga lwangaphandle kanye nophahla olungangenwa ngumoya kanye nemvula;
- (e) ibe namafasitela avulekayo ukuze kube nokukhanya okwanele kwemvelo kanye nokushaya komoya;
- (f) ibe naphansi elibushelelezi, elinendawo yangaphezulu engagqobhozeki futhi ehlanzeka kalula; futhi
- (g) ibe nempahla ephephile yokudlala yangaphakathi eyanele.

**Izindawo zokudlala ezingaphandle**

9.(1) Indawo yokudlala engaphandle kufanele ibe khona kuzo zonke izindawo lapho kunakekelwa khona izingane.

(2) Indawo yokudlala kufanele —

- (a) ibe nendawo engaphandle engekho ngaphansi kuka 2 m<sup>2</sup> ngengane ngayinye;
- (b) ibe, ngokubona kukaMasipala, yindawo ephephile ukudlala izingane ezineminyaka eqondene naleyo ndawo;
- (c) ingabi nendawo embiwe, izitebhisi, izinto eziphumele ngaphandle, indawo yangaphezulu okungathi, ngokubona kukaMasipala, ibe yingozi noma engadala ubungozi; futhi
- (d) ibe nempahla yokudlala ngaphandle ephephile neyanele.

(3) Uma ingekho indawo yokudlala engaphandle egcekeni, ophethe isitifiketi esithobela ezempilo angakwazi, uma uMasipala evuma, ukuthi abeke enye indawo yokudlala engaphakathi eyi 1.5 m<sup>2</sup> ngengane ngayinye njengendawo yokudlala engaphandle.

**Izindlu zangasese**

10.(1) Izindlu zangasese ezanele kufanele zihlinzekelwe izingane kuzo zonke izindawo lapho kunakekelwa khona izingane.

(2) Lapho uhlelo lokuhambisa indle ngamazi noma olunye uhlelo lokuthutha indle oluvunyiwe nguMasipala, kanye namanzi, lutholakala egcekeni kule ndawo, kufanele kuhlinzekwe indlu eyodwa evunyiwe ngezingane ezingama-20.

(3) Lapho uhlelo lokuhambisa indle ngamanzi noma olunye uhlelo lokuthutha indle oluvunyiwe nguMasipala, kanye namanzi ahambayo, lungatholakali egcekeni kule ndawo, kufanele kuhlinzekwe ngalokhu okulandelayo:

- (a) indlu yangasese evunyiwe egcekeni lale ndawo noma eduze kakhulu nale ndawo; noma
- (b) indlu yangasese yamakhemikhali evunyiwe noma olunye uhlobo lwendu yangasese oluvunyiwe oluhlanzekile futhi oluphephile ukuthi lungasetshenziswa izingane.

(4) Lapho kuhlinzekwe ngeziqukathi njengoba kubekiwe esigabeni (3)(b) —

- (a) okuphakathi kulezi ziqukathi kufanele kuchithwe njalo ngosuku, kufakwe endlini yangasese evunyiwe;
- (b) iziqukathi kufanele zigcinwe zihlanzekile futhi zisesimweni esifanele ngaso sonke isikhathi;
- (c) isiqukathi kufanele sibe nobukhulu obufanele ukusetshenziswa njengendlu yangasese futhi kufanele sibekwe ngaphansi kwendawo yokuhlala eyakhiwe ngendlela efanele; futhi
- (d) isitsha kufanele sibe nesivalo esivala ngci esisetshenziswa uma kuthathwa lezi ziqukathi sezizothululwa.

(5) Izindlu zangasese kufanele zibe nalokhu okwanele –

- (a) amaphepha asendlini yangasese, insipho kanye nephepha lokusula izandla kutholakale futhi kufinyeleleke ezinganeni; kanye
- (b) nedlanzana lemigqomo enezivalo ezizivalekela zona ukuze kulahlwe khona amaphepha, amaphepha okusula izandla, amaphepha okusula ubuso kanye nokunye okungcolile okulahlwayo.

**Izindawo zokugeza**

11.(1) Kufanele kuhlinzekwe izingane ngezindawo zokugeza ezanele kuleyo naleyo ndawo lapho kunakekelwa khona izingane.

(2) Lapho uhlelo lokuhambisa indle ngamanzi noma olunye uhlelo lokuthutha indle oluvunywe nguMasipala, kanye namanzi ahambayo, kutholakala egcekeni kule ndawo, kufanele kuhlinzekwe ngezitsha zokugeza izandla ngale ndlela elandelayo:

- (a) usinki wokugeza izandla owodwa ngezingane ezingama-20;
- (b) osinki bokugeza izandla kufanele babe sendaweni ephakeme ngokwanele ukuthi izingane zifinyelele kalula kuzona; futhi
- (c) osinki bokugeza izandla kufanele babe namanzi ahambayo.

(3) Lapho uhlelo lokuhambisa indle ngamanzi noma olunye uhlelo lokuthutha indle oluvunywe nguMasipala, namanzi ahambayo, kungatholakali egcekeni kule ndawo –

- (a) kufanele izindawo zokugeza zihlinzekwe okungenani ngamalitha angama-25 amanzi ngosuku abe ngezitsha zokuphatha amanzi ezi–
  - (i) valekayo; futhi

- (ii) kufinyeleleke kuwo ukuze afakwe ezitsheni zokugeza izandla: Uma nje amanzi ezophuma ezitsheni zokuphatha angene ezitsheni zokugeza izandla futhi kungabibikho ngane ezogezela phakathi esitsheni sokuphatha amanzi; futhi
- (b) kufanele kuhlinzekwe ngesitsha sokuphatha esisodwa ngezingane ezingama-20; kanye
- (c) nesitsha sokuphatha noma izitsha zokuphatha kufanele zibekwe endaweni ephakeme ngokwanele ukuthi izingane zifinyelele kalula kuzona.

(4) Izindawo zokugeza kufanele zibe nalokhu okwanele:

- (a) insipho kanye namaphepha okusula izandla, kutholakale futhi izingane zikwazi ukufinyelela kukho; kanye
- (b) nedlanzana lemigqomo enezivalo ezizivalekela zona ukuze kulahlwe amaphepha, amaphepha okusula izandla, amaphepha okusula ubuso kanye nokunye okungcolile okulahlwayo.

(5) Uma ukuthunyelwa kwamanzi endaweni yokunakekela izingane kuphazamiseka nganoma yisiphi isizathu, umuntu ophethe indawo yokunakekela izingane kufanele—

- (a) enze olunye uhlelo lokuthunyelwa kwamanzi engakapheli amahora angama-24 ukuthunyelwa kwamanzi kuphazamisekile; futhi
- (b) avale indawo yokunakekela izingane kuze kube ukuthunyelwa kwamanzi sekulungisiwe.

### **Amakhishi**

**12.(1)** Ileyo naleyo ndawo yokunakekela izingane ehlinzeka izingane ngokudla emagcekeni ayo kufanele ibe nendawo evunyiwe eseceleni, kucoshelelwe ukuphepha kwezingane, ezoba yikhishi lapho kulungiswa khona ukudla futhi kugezwe bese kuhlanjululwa izitsha zokudlela, izipuni nemimese, amabhodwe, amapani kanye nokunye okusethenziswa ekhishini.

(2) Ikhishi kufanele —

- (a) libe nendawo yokugeza izitsha ehamba ngambili;
- (b) libe namanzi ashisayo
- (c) libe nesitsha sokugeza izandla esiseceleni;
- (d) lihlelwe ngendlela yokuthi okusethenziswa ekhishini kanye nenye impahla yasekhishini kungabi lula ukuthi izingane zifinyelele kukho; futhi

(e) lenelise izidingo zeMithethonqubo Elawula Inhlanzeko Ezindaweni Zokudla kanye Nokuthuthwa Kokudla eyenziwe ngokoMthetho Wokudla, Izimonyo kanye neMithi Yokuhlaza, 1972 (uMthetho uNombolo 54 we-1972) futhi owashicilelwa ngeSaziso sikaHulumeni u-R962 samhlaka 23 Novemba 2012.

(3) Akekho umuntu onganikeza izingane ukudla endaweni yokunakekela izingane kube kuphuma ekhishini elikule ndawo ngaphandle uma enikwe nguMasipala isitifiketi sokwamukeleka esiqondene nalelo khishi.

(4) Uma kunengane encela ibhodlela endaweni yokunakekela izingane,—

- (a) kufanele amabhodlela abhalwe ngokucacile igama lengane;
- (b) kufanele amabhodlela abe nezivalo ezifanele;
- (c) uma kukhona amabhodlela afika egcwele eqhamuka ekhaya kufanele agcinwe ngendlela efanele ekhishini, afakwe esikhwameni esiqandayo noma esiqandisini ngendlela yokuvikela ukonakala kanye nokubola; futhi
- (d) amabhodlela engane kufanele ahlanjululwe ekhishini.

(5) Izingane akufanele zingene ekhishini elibalulwe ezigabeni (1), (2) noma (3), noma ekhosombeni lokubeka noma endaweni yokugcina impahla ebalulwe esigabeni (4).

(6) Lapho lingekho ikhishi elisemthethweni njengoba kubekwe esigabeni 12(2), kufanele kuklaywe indawo, ibekwe eceleni ukuze isetshenziselwe lokhu okungenhla.

### **Indawo yokubeka impahla**

**13.(1)** Indawo nendawo okunakekelwa kuyo izingane kufanele ibe nendawo eyanele nefanele yokubeka impahla futhi kubekwe kuyo—

- (a) ukudla, izitsha zokudlela, izipuni nemimese kanye nokusetshenziswa ekhishini, uma ikhishi likhona;
- (b) impahla yengane ngayinye; kanye
- (c) nempahla yabasebenzi basendaweni yokunakekela izingane.

(2) indawo yokubeka impahla kufanele ikhiyeke futhi kufanele kuqikelelwe ukuthi izingane azikwazi ukungena kunoma iyiphi indawo yokubeka impahla noma lapho kubekwa khona impahla njengoba kubalulwe esigatshaneni (1).

**Indawo yokuhlala kanye neyokuphumula**

**14.**(1) Indawo nendawo lapho okunakekelwa khona izingane kufanele—

- (a) uma ikhona indawo yokuhlala, ibe nendawo yokuhlala efanele futhi ephephile; futhi
- (b) uma ekhona amatafula, ibe namatafula afanele futhi aphephile okufanele abe nobukhulu obuyibo ukuqinisekisa ukuthi ingane ngayinye ihlala ngokunethezeka.

(2) Uma izingane zinakekelwa usuku lonke endaweni yokunakekela izingane, kufanele ingane nengane kule ndawo ibe nendawo evunyiwe yokuphumula noma umata noma umatilasi—

- (a) obhalwe igama noma uphawu lwengane enikezwe lowo mata;
- (b) owenziwe ngento engangenwa ngamanzi; futhi
- (c) ombozwe ngento yokumboza ekhumukayo futhi ewashekayo nayo ebhalwe igama noma uphawu lwengane enikezwe lowo matilasi.

(3) Uma izingubo zokulala zikhona kule ndawo yokunakekela izingane, kufanele nazo zibhalwe igama noma uphawu lwengane enikezwe leyo ngubo yokulala.

(4) Kufanele kuqikekelwe ukuthi ingane ayilalisani nenye ingane kumata noma umatilasi noma ingubo.

**Ukubiya**

**15.**(1) Noma iyiphi ndawo okunakekelwa kuyo izingane kufanele ibiyelwe ngothango oluvunyiwe ukuze kuvinjelwe—

- (a) ingane ukuba ingaziphumeli ngokwayo ngaphandle kwale ndawo;
- (b) ukungena ngaphakathi kwezilwane zasekhaya kule ndawo; kanye
- (c) nokungena kwabantu ngaphandle kwegunya.

(2) Ukubiyelwa kwendawo yokunakekela izingane kufanele kwenelise lezi zidingo ezilandelayo:

- (a) uthango okubiywe ngalo akufanele lube ngaphansi kwama-2m ukuphakama;
- (b) akufanele kube nezikhala ezingaphezu kwe-100mm ububanzi othangweni okubiywe ngalo;
- (c) izintingo ezibheke phezulu kufanele zibekwe zingahlukani ngaphezu kwe 1000mm;
- (d) izintingo ezilele kufanele zibekwe zibe yizikhala ezenza kube nzima ukuthi ingane igibele; futhi
- (e) uthango kufanele lwakhiwe ngezinto ezingeke zilimaze izingane.

(3) Uthango okukhulunywa ngalo esigatshaneni (2) kufanele lube nesango elizivalekela lona futhi elizikhiya lona. Isango liyothathwa kuphela njengelizikhiya lona ukwenzela isigatshana (2) uma lingeke livulwe noma ikanjani ngumuntu ongagunyaziwe. Kulokhu, isango elivalwa ngenkintsho kuphela, kungekho okunye okubamba isango, angeke lithathwe njengelizikhiyayo.

(4) Uma ichibi lokubhukuda livunyelwe kunoma iyiphi indawo yokunakekela izingane, lelo chibi lokubhukuda kufanele–

- (a) lakhiwe kulandelwa uhlelo oluvunyiwe, luhambisana nesitifiketi esamukelekile esivela kunjiniyela kanye noma imuphi umuntu onekhono elifanele;
- (b) libe nenethi evunyiwe;
- (c) libiyelwe ngendlela ebalulwe esigatshaneni (2); futhi
- (d) libe nohlelo lwamasango amabili olunamasango azivala wona futhi azikhiya wona (okungaba ngelivalwa ngenkintsho).

(5) Amachibi okubhukuda athwalekayo awavunyelwe kunoma iyiphi indawo yokunakekela izingane.

#### ISAHLUKO 4

#### OKUNYE OKUDINGEKAYO KWEZINDLU ZANGASESE: IZINGANE EZINGAPHANSI NEZINGAPHEZU KWEMINYAKA EMI-3

##### **Izindlu zangasese: zabangaphezu kweminyaka emi-3**

16.(1) Izindlu zangasese zezingane ezingaphezu kweminyaka emithathu kufanele zibe sendaweni evunyiwe, esithekile futhi enophahla ngaphakathi egcekeni, ihlukane nezindlu zangasese zezingane ezingaphansi kweminyaka emithathu.

(2) Kufanele zihlukaniswe izindlu zangasese zabafana kanye nezamantombazane asebeseminyakeni yokuya esikoleni.

##### **Izindlu zangasese: zabangaphansi kweminyaka emithathu**

17.(1) Izindlu zangasese zezingane ezingaphansi kweminyaka emithathu, noma ezisafaka amanabukeni, kufanele zihlanganise nendawo evunyiwe eseceleni yokushintsha amanabukeni.

(2) Indawo yokushintsha amanabukeni kufanele ibe—

- (a) nendawana yokushintsha amanabukeni enendawo yangaphezulu engangenwa ngamanzi futhi ehlanzeka kalula;
- (b) kube okungenani nesitsha esisodwa sokugeza izandla;
- (c) namanzi: Uma engatholakali amanzi ahambayo kule ndawo, kufanele kube nendawo evunyiwe okutholakala kuyo amanzi aphuzwayo futhi ahlanzekile abekwe futhi atholakale endaweni yokushintsha amanabukeni nsuku zonke;
- (d) nezinto ezingalahlwa zokuhlaza izingane ezifaka amanabukeni;
- (e) nendawo evunyiwe yokuhlaza amanabukeni endwangu uma kunezingane ezifaka amanabukeni endwangu eziza kule ndawo yokunakekela izingane;
- (f) nezitsha ezivunyiwe ezihlukene zokugcina amanabukeni ahlanzekile namanabukeni angcolile kanye nokunye okungcolile, kanjalo kube nendawo evunyiwe yokugcina izitsha ezinamanabukeni angcolile kanye nokunye okungcolile; kanye
- (g) nendawo evunyiwe yokuhlaza amanabukeni endwangu.

## ISAPHELA 5

### OKUNYE OKUDINGEKAYO KWEZAKHIWO:

#### INDAWO ENAKEKELA IZINGANE UMA SEKUPHUME ISIKOLE

#### **Izindawo ezihlukene zendawo yokunakekela izingane uma sekuphume isikole**

18. Uma indawo yokunakekela izingane inakekela izingane eziseminyakeni ephoqeletwe yokuya esikoleni kanye nezingane ezingaphansi kweminyaka ephoqeletwe yokuya esikoleni endaweni eyodwa, indawo yezingane eziseminyakeni ephoqeletwe yokuya esikoleni kufanele ihlukane nendawo yezingane ezingaphansi kweminyaka ephoqeletwe yokuya esikoleni.

#### **Indawo engaphakathi yokufundela**

19.(1) Kufanele kube nendawo engaphakathi yokufundela enendawo yaphansi eyi-1.5 m ngengane ngayinye kunoma iyiphi indawo okunakekelwa kuyo izingane lapho kunakekelwa

khona izingane uma sekuphume isikole kwenzelwa izingane ezisemimyakeni ephoqeelwe yokuya esikoleni.

(2) Indawo engaphakathi yokufundela kufanele ibe—

- (a) nezindonga zangaphandle kanye nophahla okungangenwa ngumoya kanye nemvula;
- (b) namafasitela avulekayo akwazi ukungenisa ukukhanya kwemvelo futhi ishaye umoya; futhi
- (c) nephansi elibushelelezi, elingagqobhozeki futhi elihlanzeka kalula.

## ISAHLUKO 6

### IZINDAWO ZABASEBENZI

#### **Izindlu zangasese zabasebenzi kanye nezindawo zokugeza izandla**

**20.**(1) Noma iyiphi indawo okunakekelwa kuyo izingane kufanele ibe nezindlu zangasese kanye nezindawo zokugeza izandla zabasebenzi bakule ndawo yokunakekela izingane.

(2) Izindlu zangasese kanye nezindawo zokugeza izandla zabasebenzi kufanele —

- (a) kube lula kubasebenzi ukufinyelela kuzo;
- (b) zihlukane nezindlu zangasese kanye nezindawo zokugezela ezisetshenziswa yizingane; futhi
- (c) zibe nensipho kanye nezindwangu zokusula ngaso sonke isikhathi.

#### **Izindlu zokugezela zabasebenzi abahlala kule ndawo**

**21.** Uma kunomsebenzi wendawo yokunakekela izingane ohlala khona kule ndawo lapho kunakekelwa khona izingane, kufanele indlu yangasese kanye nendlu yokugezela yakhe lowo msebenzi kufinyeleleke kalula kuyo uma esuka lapho ehlala khona.

## ISAHLUKO 7

### EZOKUPHEPHA KANYE NOKUNAKEKELWA KWEMITHI

#### **Indawo yabagulayo**

**22.**(1) Zonke izindawo okunakekelwa kuzo izingane kufanele zibe nendawo ebekwe eceleni njengendawo yabagulayo lapho kwelashwa futhi kunakekelwe noma iyiphi ingane egulayo noma elimele kuze kube ilandwa ngabazali bayo.

(2) Indawo yabagulayo ingasetshenziselwa kuphela ukwelapha izingane ezigulayo noma ezilimele. Indawo yabagulayo akufanele, ngokujwayelekile, isetshenziselwe ukwelapha noma ukunakekela izingane ezigule noma ezilimale ngale kwesikhathi sokusebenza kwendawo yokunakekela izingane.

(3) Indawo yabagulayo kufanele ibe nalokhu –

- (a) ibhokisi elivunyiwe, elikhiyeka kahle futhi elinakho konke okokwelapha kosizo lokuqala, okufanele ligcinwe endaweni lapho izingane zingeke zikwazi ukufika kulo; kanye
- (b) nombhede noma umatilasi.

(4) Ngaphezulu, yonke indawo yabagulayo kufanele ibe nendlela evunyiwe yokugeza izandla futhi yonke indawo yokunakekela izingane kufanele ibe nocingo lukathelelweni olusebenzayo ukuze kwaziswe abazali noma abaphathi bengane ngokugula noma ukulimala, uma kudingeka, kubizwe abosizo lwezokwelapha.

### **Ukunakekela impilo yezingane ezigulayo**

**23.** (1) Umuntu ophethe indawo yokunakekela izingane kufanele–

- (a) uma ingane igula, noma ilimala, idinga ukwelashwa–
  - (i) azise umzali wengane noma umphathi wayo ngokushesha; futhi
  - (ii) abize abezosizo lokwelapha noma athathe ingane ayise kudokotela wayo;
- (b) uma ingane igula, noma ilimala, kodwa ingadingi usizo lokwelashwa, ayinike ukunakekelwa okufanele kanye nokwelashwa endaweni yabagulayo khona endaweni yokunakekela izingane;
- (c) uma ingane inesifo esibikwayo, abikele iziphathimandla ezifanele ngokushesha;
- (d) uma ingane ingaphansi kweminyaka ephoqeletwe yokuya esikoleni, aqinisekise ukuthi iyigcwalisile isheduli yokugonywa njengoba kunqunywe uHlelo Lokugoma LukaZwelonke;
- (e) alandele izihlinzeko zemithetho emaqondana nokujwayelekile kwezingane ukuya esikoleni ngenxa yesifo esithelelanayo, ezenziwe ngaphansi koMthetho WezeMpilo, 1977 (uMthetho uNombolo 63 we-1977); futhi
- (f) abike izintwala zasekhanda kubazali futhi aqiniseke ukuthi izingane azivunyelwa ukuthi zibuyele kule ndawo kuze kube izintwala seziqediwe.

(2) Umuntu ophethe indawo yokunakekela izingane angavumela kuphela ukuthi ingane iphuziswe imithi ngokwemvume yabazali bengane ebhalwe phansi–

- (a) echaza imithi;
- (b) esho isilinganiso kanye nezikhathi okufanele imithi iphuzwe ngazo; futhi
- (c) esho ubungako besikhathi okufanele imithi iphuzwe ngaso.

### **Ezokuphepha**

#### **24. Umuntu ophethe indawo yokunakekela izingane kufanele aqiniseke ukuthi –**

- (a) izingane zivikeleke ngokwanele emililweni, ezindaweni ezikhipha amanzi ashisayo, kugesi kanye nezinto ezisebenza ngogesi kanye nanoma yini enye into noma utho okungaba yingozi noma kulimaze noma iyiphi ingane;
- (b) kunezicishamlilo ezanele nokuthi indawo iyahambisana nezimiso zoMthethonqubo kaZwelonke Wokwakha noMthetho Wamazinga Okwakha, 1977 (uMthetho uNombolo 103 we-1977);
- (c) uma izingane zingaphansi kweminyaka ephoqelelwe yokuya esikoleni, wonke amapulungwe noma izindawo zokubambelela eziyingxenye yothango lokubiya, isango, indawo yokudlala, umbhede, umbhede wengane obiyelwe, isibambelelo sasesitezi, noma yiluphi olunye utho noma isakhiwo noma okwanhloboni -
  - (i) akuqhelelani ngaphezu kwama-75 mm;
  - (ii) kufakwe ngendlela efanele futhi kugcinwe kusesimweni esihle;
  - (iii) kupendwe kuphela ngopende ongenabungozi; futhi
  - (iv) akukho ngaphansi kwemitha eli-1 ukuphakama, ngaphandle kothango lokubiya okufanele, ngokwesigaba 15(2), lungabi ngaphansi kwamamitha ama-2 ukuphakama;
- (d) yonke imithi, imithi yokubulala izinambuzane, imithi yokuhlansa izinto kanye nolunye utho olungaba yingozi ezinganeni kukhiyelwe endaweni yokugcina impahla futhi kugcinwe ngendlela yokuthi ingane ingafinyeleli kukho;
- (e) azikho izitshalo noma izihlahla ezibulalayo noma ezinobuthi ezikhula kule ndawo;
- (f) asikho isilwane esigcinwe kule ndawo ngaphandle kwemvume yomhloli wezempilo wendawo okuhlalwa kuyo;
- (g) akekho umuntu owaziwayo noma osolwa ngokuthi unesifo esithelelanayo noma esithathelwanayo noma oke wathintana nomuntu onjalo, ovunyelwa ukungena kule ndawo uma lowo muntu, ngokubona komhloli wezempilo yendawo, osengakwazi ukuthelela abanye ngalesi sifo esithelelanayo noma esithathelwanayo;
- (h) uma izingane zingaphansi kweminyaka ephoqelelwe yokuya esikoleni, alikho ichibi lokubhukuda, umgodini onesihlabathi sokudlala noma esinye isakhiwo okuvunyelwe kule ndawo ngaphandle kokuvunywa ngumhloli wezempilo yendawo; futhi

(i) kuthathwa noma isiphi isinyathelo esinomqondo esingathi, ngokubona komhloli wezempilo yendawo, sidingeke ukuze kuvikelwe izingane kunoma iyiphi ingozi.

### **Ukunakekela impahla**

**25.** Noma yimuphi umuntu ophethe indawo yokunakekela izingane kufanele aqinisekise ukuthi zonke izingxenye zendawo okunakekelwa kuyo izingane, okuhlaganisa noma iyiphi indawo yangaphandle nazo zonke izakhiwo kanye nempahla, kunakekelwa futhi kugcinwe kusesimweni esihle, kuhlanzekile futhi kuphethwe kahle.

### **Udoti**

**26.** Noma yimuphi umuntu ophethe indawo yokunakekela izingane kufanele ahlinzeke —

(a) ngenani elanele lemigqomo efakwe oplastiki bangaphakathi, ibe ngaphakathi kule ndawo ukuze kulahlwe kuyo amaphepha, amaphepa okusula izandla, amaphepha okusula ubuso kanye nokunye okulahlwayo;

(b) ngendawo evunyiwe kadoti, enophahla futhi egandawe yaba udonga; futhi

(c) ngemigqomo kadoti ibe kule ndawo kadoti ukuze kugcinwe kuyo udoti ngenkathi kulindwe ukuthi uMasipala awususe.

### **Abasebenzi**

**27.(1)** Noma yimuphi umuntu ophethe indawo yokunakekela izingane kufanele aqinisekise ukuthi—

(a) bonke abasebenzi abasebenza kule ndawo bahlanzekile emizimbeni futhi basesimweni esihle sempilo;

(b) akekho umuntu okule ndawo osebenzisa ugwayi, noma yini eyenziwe ngogwayi, utshwala noma isiphi isidakamizwa noma enye into enobungozi uma kukhona izingane; futhi

(c) akekho umuntu okule ndawo odakwe utshwala, noma isiphi isidakamizwa noma iyiphi enye into enobungozi.

(2) Bonke abasebenzi kufanele bahlolwe ukuthi abakaze babe namacala obugebengu ngaphambi kokuthi baqashwe kule ndawo yokunakekela izingane.

(3) Okungenani isisebenzi esisodwa kumele sibe ngesiqeqeshwe ngokufanele ukuba sense usizo lokuqala.

(4) Isisebenzi ngasinye kumele sibheke izingane ngokwalezi zibalo ezilandelayo —

- (a) 0-2 iminyaka, zidinga umsebenzi oyedwa, umsizi oyedwa ngezingane eziyi 8;
- (b) 2-3 iminyaka, zidinga umsebenzi oyedwa, umsizi oyedwa ngezingane eziyi 15;
- (c) 3-6 iminyaka, zidinga umsebenzi oyedwa, umsizi oyedwa ngezingane eziwu 20; kanti
- (d) ezineminyaka eyisithupha nangaphezulu zidinga umsebenzi oyedwa ngezingane eziwu 30

### **Ukudla**

**28.** Noma yimuphi umuntu ophethe indawo yokunakekela izingane kufanele aqinisekise ukuthi, uma izingane zizonikwa ukudla, lokho kudla kuyazanelisa izidingo zeminyango ephethe lokho.

### **Ezokuthutha**

**29.(1)** Noma yimuphi umuntu ophethe indawo yokunakekela izingane kufanele, uma izingane zinikwa into yokuzithutha ziza noma zisuka kule ndawo noma iyiphi enye indawo, aqinisekise ukuthi—

- (a) iminyango yento yokuthutha inokhiye bezingane, ngendlela yokuthi ayivuleki ngaphakathi uma ivulwa ingane;
- (b) ayikho ingane ethi uma ithuthwa ihlaliswe esihlalweni esiphambili sento yokuthutha noma ihlaliswe ngaphansi kwesihlalo sento yokuthutha;
- (c) alukho usana olusembhedeni obiyelwe wengane oluhlaliswa ngaphansi kwesihlalo sento yokuthutha;
- (d) into yokuthutha ethutha izingane ayilayishwa ngokweqile ngokomthetho ophathelene nalokho;
- (e) umshayeli wento yokuthutha ethutha izingane unamalayisense okuthutha abagibeli ngokulandela imithetho ephathelene nalokho;
- (f) into yokuthutha okuthuthwa ngayo izingane inelayisense yokuthutha abagibeli, inezihlalo zemoto kanye namabhande asezihlalweni futhi ibe sesimweni sokuba semgaqweni ngokulandela imithetho ephathelene nalokho; futhi
- (g) into yokuthutha ifakwe amabhande asezihlalweni kanye nezihlalo zemoto, ezivumelana nemithetho ephathelene nalokho, uma kuthathwa iminyaka yezingane ezithuthwayo.

(2) Uma kuthuthwa izingane ezingaphansi kweminyaka ephoqelelwe yokuya esikoleni, umuntu ophethe indawo yokunakekela izingane kufanele aqinisekise ukuthi ngenkathi izingane zithuthwa zigadwe okungenani ngumuntu omdala oyedwa ngale komshayeli wento yokuthutha.

(3) Noma yimuphi umuntu ophethe indawo yokunakekela izingane kufanele aqinisekise ukuthi iyathotshelwa imiyalo yezigatshana (1) kanye ne (2) kungakhathaleki noma into yokuthutha ihlinzekwe nguye lo muntu, yindawo yokunakekela izingane, noma umuntu wesithathu ekwenzela lo muntu noma indawo yokunakekela izingane.

## ISAHLUKO 8 IZIDINGO ZEZOKUPHATHA

### **Izicelo zokwamukelwa**

**30.**(1) Umuntu ophethe indawo yokunakekela izingane kufanele aqinisekise ukuthi umzali nomzali wengane noma umphathi wayo wenza isicelo esibhalwe phansi sokuthi ingane ingene kule ndawo.

(2) Sonke isicelo sokwamukelwa kwengane endaweni yokunakekela izingane kufanele sifake lokhu okulandelayo:

- (a) amagama aphelele engane;
- (b) usuku lokuzalwa kwengane;
- (c) iminyaka yengane;
- (d) inombolo kamazisi wengane, uma ikhona;
- (e) ubulili bengane;
- (f) amagama omzali ngamunye noma umphathi wayo;
- (g) ikheli kanye nezinombolo zocingo (eyocingo lwasendlini kanye nekamakhalekhukhwini uma ikhona) zomzali ngamunye noma umphathi wayo;
- (h) indawo lapho kusebenza khona umzali ngamunye noma umphathi wayo kanye nezinombolo zocingo lwasemsebenzini;
- (i) igama, ikheli kanye nezinombolo zocingo lomuntu othembekile (ngale komzali noma umphathi wayo) ongathintwa uma kunezimo eziphuthumayo; kanye
- (j) negama, ikheli kanye nenombolo yocingo kadokotela wengane.

(2) Kufanele sonke isicelo sokwamukelwa kwengane endaweni yokunakekela izingane sifake nemvume yomzali noma umphathi wayo ukuthi umnikazi akwazi ukubonisana nodokotela wengane uma ingane idinga ukwelashwa.

(3) Umuntu ophethe indawo yokunakekela izingane kufanele aqinisekise ukuthi usuku ingane eyamukelwa ngalo kule ndawo kanye nosuku ingane eyagcina ngalo ukunakekelwa kule ndawo zibhalwe phansi encwadini yesicelo sokwamukelwa.

### **Imibiko yokwelashwa**

**31.** Umuntu ophethe indawo yokunakekela izingane kufanele, ngesikhathi kugcwaliswa incwadi yokucela ukwamukelwa, athole kumzali noma kumphathi wengane ngayinye eyamukelwa kule ndawo yokunakekela izingane umbiko oqukethe lolu lwazi olulandelayo:

- (a) isimo sempilo yengane kanye nesimo somzimba wayo;
- (b) uhlobo kanye nezinsuku zanoma ikuphi ukuhlinzwa okwake kwenziwa enganeni;
- (c) uhlobo kanye nezinsuku zanoma ikuphi ukugula noma izifo ezithathelwanayo ingane eke yaphathwa yizo;
- (d) imininingwane yezinto eziyigulisayo ingane uma ike yathintana nazo;
- (e) ulwazi ngokwelashwa ingane esike yakuthola noma esakuthola; kanye
- (f) nokuthi uma ingane isengaphansi kweminyaka ephoqelewe yokuya esikoleni, imininingwane yokugonywa ingane esikutholile.

### **Amarejista**

**32.** Umuntu ophethe indawo yokunakekela izingane kufanele abe—

- (a) nerejista kawonkewonke lapho kulotshwe khona imininingwane ebhalwe ezigatsheni 30(2) no 31 maqondana nayo yonke ingane eyamukelwe ngaleso sikhathi kule ndawo; kanye
- (b) nerejista yokufika lapho kulotshwe khona ukufika kanye nokungafiki kwengane ngayinye usuku nosuku, kanye; uma ingafikanga, nezizathu zokungafiki.

### **Ibhuku lokubhala okwenzekile**

**33.** Umuntu ophethe indawo yokunakekela izingane kufanele abe nencwadi yokuloba izigigaba zosuku, incwadi yokubhala okwenzeka nsuku zonke noma enye incwadi efanayo lapho kulotshwa khona izehlakalo ezibalulekile noma ezimqoka maqondana nendawo yokunakekela izingane, kuhlanganisa ukugula kanye nezingozi, kanye nemininingwane yemithi ephuziwe.

**Ibhuku lokuxhumana**

**34.** Umuntu ophethe indawo yokunakekela izingane kufanele aqinisekise ukuthi ingane ngayinye inikwa ibhuku lokuxhumana ephathiswa lona usuku nosuku iye nalo ekhaya futhi okuyilona elakha indlela yokuxhumana phakathi kwendawo yokunakekela izingane kanye nabazali.

**Ukugcinwa kwamarekhodi**

**35.(1)** Umuntu ophethe indawo yokunakekela izingane kufanele agcine amarekhodi izikhathi ezingangalezi ezilandelayo:

- (a) izincwadi zokucela ukwamukelwa kanye nezincwadi zezokwelashwa: ubuncane kube yiminyaka emi-2 ngemuva kosuku ingane eyagcina ngalo ukunakekelwa kule ndawo; kanye
- (b) namarejista kawonkewonke, amarejista okufika kanye nencwadi yokuloba okwenzeka nsuku zonke: ubuncane kube yiminyaka emi-2 ngemuva kosuku okwabhalwa ngalo okokugcina ebhukwini ngalinye kulawo.

(2) Amarekhodi kufanele agcinwe endaweni ephophile evumela ukutholakala kwawo kalula kulowo ophethe indawo yokunakekela izingane. Izinyathelo ezifanele kufanele zithathwe ukuvimbela ukonakaliswa noma ukucekelwa phansi kwamarekhodi.

**Ukumiswa noma ukuvalwa kokusebenza**

**36.** Ophethe isitifiketi esithobela ezempilo kufanele azise uMasipala kusenesikhathi futhi akubhale phansi uma ehlongoza ukumisa noma ukuvala ukusebenza kwendawo yokunakekela izingane.

**ISAHLUKO 9****AMACALA, IZINHLAWULO NOKUHOXISWA KWEZITIFIKETI****Amacala**

- 37.(1)** Umuntu unecala lokwephula umthetho ngaphansi kwale Mithetho kaMasipala uma—
- (a) enqabela ngokungekho emthethweni isikhulu esigunyaziwe ukuthi singene endaweni yakhe noma ebangela noma evumela noma yimuphi omunye umuntu ukuthi anqabe ukuthi kungenwe;
  - (b) evimbela noma ethikameza isikhulu esigunyaziwe ekwenzeni umsebenzi waso noma ebangela noma evumela noma yimuphi omunye umuntu ukuthi avimbele noma athikameze isikhulu lesa;

- (c) enqaba noma ehluleka ukunika isikhulu esigunyaziwe lolo lwazi njengoba kudingeka ukuze isikhulu esigunyaziwe senze umsebenzi njengokwalo Mthetho kaMasipala;
- (d) ethi azi kepha anikezele ngolwazi oluyinkohliso noma oludukisayo esikhulwini esigunyaziwe;
- (e) ezenza isikhulu esigunyaziwe;
- (f) ephula noma ehluleka ukuvumelana nanoma yimuphi umyalelo walo Mthetho kaMasipala;
- (g) ephula noma yimuphi umyalelo noma umbandela maqondana nesitifiketi sakhe sokuthobela ezempilo; noma
- (h) ephula noma ehluleka ukuvumelana nomyalelo noma isaziso esikhishwe ngokusemthethweni ngaphansi kwalo Mthetho kaMasipala.

### **Izinhlawulo**

**38.**(1) Noma yimuphi umuntu otholwa enecala lokwephula umthetho ngaphansi kwalo Mthetho kaMasipala angabhekana nenhlawulo engeqile ku-R40 000 noma aboshwe isikhathi esingeqile eminyakeni emi-2, noma abhekane nakho kokubili inhlawulo leyo kanye nokuboshwa.

(2) Odabeni lokwephulwa komthetho okuqhubekayo, inhlawulo eyengeziwe yenani elingeqile ku R200 ngosuku noma ukuboshwa isikhathi esingeqile ezinsukwini eziyi-10, usuku ngalunye lapho lokhu kwephulwa komthetho kuqhubeka noma anikwe kokubili inhlawulo leyo kanye nokuboshwa.

### **Ukuhoxiswa kwezitifiketi ezithobela ezempilo**

**39.** UMkhandlu ungathi, ngokubona kwawo, uhoxise isitifiketi esithobela ezempilo kanye nesitifiketi sokwamukeleka (uma sikhona) uma ophethe isitifiketi esithobela ezempilo etholwa enecala lokwephula noma yimuphi wemiyalelo yalo Mthetho kaMasipala.

### **Ilungelo lokungena kanye nokuhlola indawo kanye namarekhodi**

**40.** Isikhulu sikaMasipala esigunyazwe ngokuyikho singakwazi, noma ngayiphi inhloso exhumene nokuqinisa ukusebenza kwalo Mthetho kaMasipala, ngazo zonke izikhathi ezifanele futhi ngaphandle kokwazisa ngaphambilini ukuthi singene kunoma iyiphi indawo–

- (a) lapho okunakekelwa khona izingane; noma
- (b) uma sona sinezizathu eziphathekayo zokusola ukuthi kunendawo yokunakekela izingane esebenzayo kuleyo ndawo,

ukuze enze lokho kuhlola, ukuphenya noma ukubheka kule ndawo njengoba yena ebona kufanele.

## **ISAHLUKO 10**

### **IZIHLINZEKO EZIYINGXUBEVANGE**

#### **Ukudluliselwa kwamandla**

**41.** (1) Kweyame kuMthethosisekelo nemithetho efanele kazwelonke neyesifundazwe –

- (a) namaphi amandla, ngaphandle kwamandla okukhulunywa ngawo esigabeni 160(2) soMthethosisekelo;
- (b) namuphi umsebenzi; noma
- (c) nasiphi isibopho,

ngokwalo Mthetho KaMasipala, okunikezwe uMasipala noma naziphi ezinye izinhlaka zikaMasipala zezombusazwe, abaphathizikhundla bezombusazwe, ikhansela, umsebenzi, kungaphinde kudluliselwe yilolo hlaka lwezombusazwe, yilowo mphathisikhundla wezombusazwe, yilelo khansela, noma yilowo msebenzi esikhungweni sangaphakathi, noma kumsebenzi oqashwe wuMasipala.

(2) Ukudluliselwa kwamandla ngokwesigaba (1) kufanele kwenziwe ngokulandela uhlelo lokwedlulisela amandla olwamukelwa nguMkhandlu ngokulandela isigaba 59(1) soMthetho Wezinhlelo ZoMasipala: uHulumeni WaseKhaya, 2000 (uMthetho uNombolo 32 wezi-2000), nangokulandela indlela ebekwe esigabeni 59(2) salo Mthetho okukhulunywa ngawo.

(3) Nakuphi ukudluliselwa kwamandla okuhlongozwa kulesi sigaba kumele kuqoshwe ohleni lwamandla adluliseliwe, okumele luqukathe ulwazi mayelana –

- (a) naleso sikhungo noma lowo muntu odlulisela amandla noma odlulisa amandla adlulisiwe;
- (b) nowemukela lawo mandla adlulisiwe noma odluliselwe amandla adlulisiwe; kanye
- (c) nemibandela ehambisana nalawo mandla adluliselwe.

#### **Ukudlulisa isikhalo**

**42.** (1) (1) Umuntu omalungelo akhe achashazelwe yisinqumo somsebenzi ogunyaziwe ngokulandela lo Mthetho KaMasipala angafaka isicelo sokuphikisana naleso sinqumo ngokulandela uhlinzeko lokudlulisa isinqumo oluqukethwe eMthethweni Wezinhlelo Zomasipala: uMthetho Wohulumeni Basekhaya ka-2000 (uMthetho No. 32 ka-2000)

ngesaziso esibhaliwe sokudlulisa isinqumo kanye nezizathu kwiMenenja kaMasipala zingakapheli izinsuku ezingama-21 kusukela ngosuku lwesaziso ngesinqumo.

(2) IMenenja kaMasipala kumele ngokushesha yethule lesi sicelo sokuphikisana nesisinqumo kwisiphathimandla sokudluliswa kwezinqumo esifanele.

(3) Isiphathimandla sokudluliswa kwezinqumo kumele siqalise uhlelo lokudlulisa isinqumo engakapheli amasonto ayisithupha futhi sinqume ngaleso sicelo esikhathini esifanele.

(4) Isiphathimandla sokudluliswa kwezinqumo kumele sivumelane, siguqule noma sichithe isinqumo, kodwa akukho guquko noma kuchithwa kwesinqumo okungahoxisa namaphi amalungelo angabe atholakele ngenxa yaleso sinqumo.

(5) Isiphathimandla sokudluliswa kwezinqumo kumele sinikeze izizathu ezibhaliweyo ngesinqumo saso kuzo zonke izindaba ezithinta ukudluliswa kwezinqumo.

(6) Zonke izicelo zokudluliswa kwezinqumo zenziwa ngokulandela uMthetho Wezinhlalo Zomasipala: uMthetho Wohulumeni Basekhaya, ka-2000 (uMthetho No. 32 ka-2000) hhayi ngokulandela lo Mthetho KaMasipala.

#### **Ukuchithwa kwemithetho nokuhambisana nayo**

**43.** (1) Imithetho ebekiwe kwikholomu yokuqala neyesibili yeSheduli yalo Mthetho KaMasipala ngalokhu iyachithwa ngale ndlela echaziwe kwikholomu yesithathu kule Sheduli esikhuluma ngayo.

(2) Zonke izaziso ezishicilelwe ngaphansi kwe SAZISO SESIFUNDAZWE NOMBOLO 94 SIK-1991 zizoqhubeka nokusebenza kube sengathi uMthetho kaMasipala okukhulunywa ngawo awuzange uchithwe njengoba kuchazwe esigatshaneni (1).

(3) Noma imaphi amalungelo atholakele noma izibopho ezidalekile njengoba kubekiwe kule mithetho okukhulunywa ngayo esigatshaneni (2) kuyohlala kusebenza ngokugcwele kube sengathi leyo mithetho ayizange ichithwe.

#### **Isihloko esifingqiwe kokuqala ukusebenza komthetho**

**44.** Lo Mthetho kaMasipala ubizwa ngoMthetho KaMasipala Wezindawo Zokunakekela Izingane kaMasipala waseThekwini, ka-2015 kanti uqala ukusebenza emva kwezinyanga

eziyisithupha ushicilelwe *kwiGazethi Yesifundazwe* noma ngalolo suku elungaphambili olunganqunywa ngokuba kushicilelwe isaziso sosuku lokuqala ukusebenza esiyofakwa *kwiGazethi Yesifundazwe*.

**ISHEDULI**  
**IMITHETHO ECHITHIWE**  
*(Isigaba 43(1))*

<b><i>Inombolo komthetho</i></b>	<b><i>nonyaka</i></b>	<b><i>Isihloko</i></b>	<b><i>Ingxenye echithwayo</i></b>
uMthetho uNombolo 94 ka 1991	kaMasipala	uMthetho kaMasipala Umsebenzi Wokunakekela Izingane	Wonke
uMthetho uNombolo 87 ka 973	kaMasipala	uMthetho kaMasipala Ofanayo, Mount Edgecombe	Isahluko XIV



# IMPORTANT

## Information

### from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.

#### GPW Business Rules

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format to the email submission address [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – [www.gpwonline.co.za](http://www.gpwonline.co.za))
7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za))
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za).



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