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PROVINCIAL NOTICE

The following Provincial Notices are published for general information.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

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PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Esi saziso silandelayo sipapashelwe ukunika ulwazi ngokubanzi.

ADV. B. GERBER,
UMLAWULI-JIKELELE

ISakhiwo sePhondo,
Wale Street,
eKapa.

30 June 2016



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

Making progress possible. Together.

**CITY OF CAPE TOWN:
INTEGRATED WASTE MANAGEMENT
AMENDMENT BY-LAW, 2016**

CITY OF CAPE TOWN: INTEGRATED WASTE MANAGEMENT AMENDMENT BY-LAW, 2016

To amend the City of Cape Town: Integrated Waste Management By-law, 2009, as amended by the Integrated Waste Management Amendment By-law of 2010 so as to insert new definitions; to update the obligations of waste generators and waste service providers in order to align the provisions with national legislation; to provide for the seizure, impoundment and forfeiture of vehicles; to provide for the ownership of the waste; and to provide for matters connected therewith.

GENERAL EXPLANATORY NOTE:

_____ Words underlined indicate insertions in existing By-law

[] Words in bold square brackets indicate omissions in existing By-law

BE IT ENACTED by the Council of the City of Cape Town, as follows: –

Amendment of section 1 of the City of Cape Town: Integrated Waste Management By-law, 2009

1. Section 1 of the City of Cape Town: Integrated Waste Management By-law, 2009, herein after referred to as the principal By-law, is hereby amended –

- (a) by the substitution for the definition of “accredited service provider” of the following definition:

“ **‘accredited service provider’** means a person **[or entity]** accredited by the City in **[accordance with its guidelines published from time to time]** terms of this By-law **[and]** who provides a waste management service in the City and may include **[but is not limited to]** waste managers, large and small businesses, **[entrepreneurs]** community cooperatives and venture learnerships;”;
- (b) by the substitution for the definition of “building waste” of the following definition:

“ **‘building waste’** means waste produced through the construction, alteration, repair or demolition of any structure both manmade and natural, –
(a) and includes rubble, earth, wood and rock that is displaced during any construction, alteration, repair or demolition,
(b) but excludes garden waste and hazardous waste;”;
- (c) by the deletion of the definition of “chemical waste”;
- (d) by the insertion after the definition of “Director” of the following definition:

“ **‘domestic waste’** means waste, that emanates from premises used wholly or mainly for residential, educational, healthcare, sport or recreational purposes, and -
(a) includes recyclable materials and non-recyclable material,
(b) excludes hazardous waste;”;

(e) by the substitution for the definition of “hazardous waste” of the following definition:

“ **‘hazardous waste’** means[**health care risk waste and any waste that may, by circumstances of the production, use, quantity, concentration or inherent physical, chemical or toxicological characteristics thereof, have a significant adverse effect on the environment, or the health of a person or other living organism;**] any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on health and the environment and includes health care risk waste and the hazardous substances, materials or objects within business waste, residue deposits and residue stockpiles;”;

(f) by the deletion of the following definitions:

- (i) “health care waste”;
- (ii) “genotoxic waste”;
- (iii) “pathological waste”;
- (iv) “sharp waste”;
- (v) “pressurised container waste”; and
- (vi) “radioactive waste” . ;

(g) by the insertion after the definition of “hazardous agent” of the following definition:

“ **‘infectious agent’** means microorganisms including bacteria, mycobacteria, fungi, parasites, or viruses which normally cause or significantly contribute to infectious diseases and result in an increased morbidity or mortality of humans or animals;”;

(h) by the substitution for the definition of “infectious waste” of the following definition:

“ **‘infectious waste’** means[**waste that is suspected to contain pathogens in a sufficient concentration or quantity to cause disease in susceptible hosts, and includes cultures and stocks of infectious agents from laboratory work, waste from surgery and autopsies on corpses with infectious diseases, waste from infected patients in isolation wards, waste that has been in contact with infected patients undergoing haemodialysis, infected animals from laboratories, sanitary waste materials and tissues including swabs and any other instruments or materials that have been in contact with infected persons or materials;**] waste which contains or may be reasonably presumed to contain infectious agents in sufficient concentrations or quantities to cause disease in susceptible hosts; and includes waste containing discarded materials contaminated with excretion, secretion, other fluids discharged from a body or materials generated in the treatment or diagnosis of humans or animals who or which are

isolated from the general population due to the infectiousness or transmissibility of the suspected disease-causing agents;”;

- (i) by the substitution for the definition of “general waste” of the following definition:

“general waste’ is a generic term for waste that, because of its composition and characteristics, does not pose **[a significant]** an immediate risk to public health or the environment if managed properly, and **[typically consists of plastics, paper, food and liquids not considered to be infectious or contaminated with hazardous chemicals or radioactivity;]** includes domestic waste, building waste, business waste, and any waste classified as non-hazardous waste in terms of national legislation;”;

- (j) by the substitution for the definition of “person” of the following definition:

“ ‘person’ includes— **[any organ of state]**

(a) any divisional council, municipal council, village management board, or like authority;

(b) any company incorporated or registered as such under any law;

(c) any body of persons corporate or unincorporate;”;

- (k) by the insertion after the definition of “recyclable materials” of the following definitions:

“ ‘recovery’ means the controlled extraction or retrieval of any substance, material or object from waste;

‘recycle’ means a process where waste is reclaimed for further use, which process involves the separation of waste from a waste stream for further use and the processing of that separated material as a product or raw material;

‘re-use’ means to utilise the whole, a portion of or a specific part of any substance, material or object from the waste stream for a similar or different purpose without changing the form or properties of such substance, material or object;

‘sanitary waste’ means tampons, sanitary towels and incontinence pads;

‘SANS 10234’ means the latest edition of the South African National Standard Globally Harmonized System of Classification and Labelling of Chemicals (GHS); and

‘storage’ means the accumulation of waste in a manner that does not constitute treatment or disposal of that waste;” ;

(l) by the deletion of the definition of “residential waste”;

(m) by the insertion after the definition of “Tariff Policy and Tariff By-Law” of the following definitions:

“ **‘treatment’** means any method, technique or process that is designed to –

(i) change the physical, biological or chemical character or composition of waste;

(ii) remove, separate, concentrate or recover a hazardous or toxic component of waste; or

(iii) destroy or reduce the toxicity of waste,

in order to minimise the impact of the waste on the environment prior to further use or disposal;

‘the Waste Act’ means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), and any reference to NEM:WA;”;

(n) by the substitution for the definition of “waste”, as amended by the Integrated Waste Management Amendment By-law of 2010, of the following definition:

“waste” means **[any substance, whether or not that substance can be reduced, re-used, recycled and recovered-**

(a) that is surplus, unwanted, rejected, discarded, abandoned or disposed of;

(b) which the generator has no further use of for the purposes of production;

(c) that must be treated or disposed of; or

(d) that is identified as a waste by the national Minister by notice in the Gazette in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), and includes waste generated by the mining, medical or other sector, but –

(i) a by-product is not considered waste; and

(ii) any portion of waste, once re-used, recycled and recovered, ceases to be waste]

‘waste’ means, -

(a) any substance, material or object that is unwanted, rejected, abandoned, discarded or disposed of, or that is intended or required to be discarded or disposed of, by the holder of that substance, material or object, whether such substance, material or object can be re-used, recycled or recovered and includes all wastes as defined in the NEM:WA; or

(b) Any other substance, material or object that is not included in the NEM:WA that may be defined as a waste by the Minister by notice in the Gazette,

but any waste or portion of waste, referred to in paragraphs (a) and (b) ceases to be a waste –

- (i) Once an application for its re-use, recycling or recovery has been approved or, after such approval, once it is, or has been re-used, recycled or recovered;
- (ii) Where approval is not required, once a waste is, or has been re-used, recycled or recovered;
- (iii) Where the Minister has, in terms of NEM:WA, exempted any waste or a portion of waste generated by a particular process from the definition of waste; or
- (iv) Where the Minister has, in the prescribed manner, excluded any waste stream or a portion of a waste stream from the definition of waste.”;

(o) by the insertion after the definition of “waste” of the following definition:

“ **‘waste classification’** means establishing whether waste is hazardous based on the nature of its physical, health, and environmental hazardous properties; and the level of severity of the hazard posed;”;

(p) by the substitution for the definition of “waste generator” of the following definition:

“**‘waste generator’** means [a property owner, a household, organisation or business entity, the inhabitants, occupants or employees of which generate waste and includes sorters of waste such as recycling or waste minimisation groups, scrap dealers and buy-back centres] any person whose actions, production process or activities, including waste management activities, result in the generation of waste;”;

(q) by the insertion after the definition of “waste generator” of the following definition:

“**‘waste manager’** means any person who re-uses, recycles, recovers, treats or disposes of waste;”;

(r) by the insertion after the definition of “waste manager” of the following definition:

“**‘waste management facility’** means a place, infrastructure, structure or containment of any kind wherein, upon or at which a waste management activity takes place and includes a waste transfer station, container yard, landfill site, incinerator, a recycling or a composting facility;”; and

(s) by the insertion after the definition of “waste minimisation club” of the following definition:

“waste transporter” means any person who conveys or transfers waste between the waste generator and a waste management facility or between waste management facilities.”.

Amendment of section 4 of the City of Cape Town: Integrated Waste Management By-law, 2009

2. Section 4 of the principal By-law is hereby amended –

(a) by the addition after paragraph (j) of subsection (1) of the following paragraph:

“(k) ensure that the waste that they have generated which is not collected by the City is re-used, recycled, recovered, treated or disposed of –

- (i) within a reasonable time of its generation as determined by the City, and
- (ii) at a waste management facility authorised to accept the type of waste in question.”.

Insertion of section 4A in the City of Cape Town: Integrated Waste Management By-law, 2009

3. The principal By-law is hereby amended by the insertion after section 4 of the By-law of the following section:

“Obligations of accredited service providers and waste managers

4A. (1) Accredited service providers may not accept hazardous waste –

- (a) that is not accompanied by the declaration referred to in section 5 (6); or
- (b) that is required to be classified in terms of section 5 (5) and has not been classified.

(2) Waste managers may not mix or treat waste, if the mixing or treating thereof will reduce the potential for re-use, re-cycling or recovery of waste.

(3) Waste managers must ensure that they comply with the legislation that is applicable to the waste management activity that they are engaged in.”.

Amendment of section 5 of the City of Cape Town: Integrated Waste Management By-law, 2009

4. Section 5 of the principal By-law is hereby amended by the addition after subsection (2) of the following subsections:

“(3) A waste generator who generates hazardous waste must keep accurate and up to date records of the waste they generate and the waste they handover to the waste transporters to be delivered to waste management facilities; which records must reflect-

(a) the classification of the wastes in terms of subsection (5);

(b) the quantity of each waste stream generated per month is expressed in tons or cubic metres;

(c) the quantities of each waste stream that has either been re-used, recycled, recovered, treated or disposed of; and

(d) by whom the waste was collected and by whom the waste was managed.

(4) The records referred to in subsection (3), (4), and (5) must be retained for a period of five years and must be made available to the waste management officer upon request.”.

(5) A waste generator must ensure that hazardous waste, except for hazardous waste that does not require classification in terms of national legislation, is classified in accordance with the SANS 10234 within –

(a) 180 days of its generation;

(b) 180 days from the date of commencement of this By-law; or

(c) the time frame specified in a notice delivered by the City.

(6) A waste generator may not hand over hazardous waste to a waste transporter unless it is accompanied by a declaration in which –

(a) the content of the consignment is fully and accurately described;

(b) it is stated whether or not the hazardous waste requires classification in terms of subsection (5);

(c) if the waste requires classification, the details of its classification are included, subject to the provisions of subsection (5) if the waste was generated before the commencement of the provisions of subsection (5); and

(d) the intended receiver is identified.

(7) For the purposes of subsections (3) and (6) a document prepared in terms of national or provincial laws is acceptable provided that it contains all the required information.

(8) The City may, from time to time, publish a list of additional hazardous waste that requires classification in terms of subsection (5).”.

Amendment of section 10 of the City of Cape Town: Integrated Waste Management By-law, 2009

5. Section 10 of the principal By-law is hereby amended by the insertion after subsection (7) of the following subsection:

“(7A) The waste management officer may, by written notice, require the generators of waste to –

(a) take reasonable steps to ensure that the waste generator –

(i) implements the integrated waste management plan;

- (ii) complies with the directives given by the waste management officer; and
- (b) report any non-compliance with any applicable waste management plan or directive to the waste management officer.”

Amendment of section 12 of the City of Cape Town: Integrated Waste Management By-law, 2009

6. Section 12 of the principal By-law is hereby amended –

- (1) by the deletion of the word “and” at the end of paragraph (f) of subsection (1);
- (2) by the addition after paragraph (g) of subsection (1) of the following paragraphs:

“(h) any container holding hazardous waste is labelled or records are kept reflecting the date on which the waste was first placed in the container and the categories or the specific category of waste stored in the container; and

(i) waste is not stored at any public place without the permission of the City.”;

- (3) by the addition after subsection (2) of the following subsections:

“(3) Waste transporters may not accept hazardous waste unless it is accompanied by the declaration referred to in section 5(6).

(4) The transporters of hazardous waste must ensure that each consignment of waste they receive is properly packed, marked and labelled, and in all respects in proper condition for transportation in accordance with the applicable laws, regulations, norms and standards.”.

Amendment of section 14 of the City of Cape Town: Integrated Waste Management By-law, 2009

7. Section 14 of the principal By-law is hereby amended by the substitution for paragraph (f) of subsection (1) of the following paragraph:

“(f) deposit **[residential]** domestic, business, industrial, garden, building or hazardous waste in a public litter bin; or ”.

Amendment of section 15 of the City of Cape Town: Integrated Waste Management By-law, 2009

8. Section 15 of the principal By-law is hereby amended by the substitution for subsection (7) of the following subsection:

“(7) In the case of hazardous waste, the City may immediately act as contemplated in subsections (3) and (6) and immediately thereafter notify the person concerned of their liability to pay the costs of removal, rehabilitation and any other related costs within the stipulated time.”.

Amendment of section 20 of the City of Cape Town: Integrated Waste Management By-law, 2009

9. Section 20 of the principal By-law is hereby amended –
- (a) by the insertion of the word “or” at the end of paragraph (d);
 - (b) by the insertion after paragraph (d) of subsection (4) of the following paragraph :
“(e) a service provider.”

Amendment of section 23 of the City of Cape Town: Integrated Waste Management By-law, 2009, as amended by the Integrated Waste Management Amendment By-law of 2010

10. Section 23 of the principal By-law is hereby amended by the addition after subsection (7) of the following subsections:
- “ (8) A person who, is convicted of an offence in terms of this By-law and who persists after conviction in the act or omission that constituted the offence, commits a continuing offence and shall, on conviction, be liable for the payment of a fine or to imprisonment for a period not exceeding 10 days, or to both such fine and such imprisonment, in respect of each day that such a person persists with such act or omission.
- (9) The court may declare any vehicle used in connection with the commission of an offence under this By-law forfeited to the City.” .

Insertion of section 23A in the City of Cape Town: Integrated Waste Management By-law, 2009

11. The principal By-law is hereby amended by the insertion after section 23 of the following section:

“Seizure and impounding of vehicles

23A. (1) A peace officer may, without a warrant, seize and impound a vehicle which is concerned or is on reasonable grounds believed to be concerned with the commission of an offence under this By-law.

(2) The peace officer, at the time of impoundment, must give the holder of the seized and impounded vehicle a copy of a notice setting out –

- (i) the reason for the impoundment;
- (ii) the description of the vehicle being impounded;
- (iii) the address and contact details of the designated pound;
- (iv) the payment of an impoundment fee; and
- (v) the possibility of the impounded vehicle being sold to recover the costs.

(3) A vehicle which has been seized and impounded in terms of subsection (1) and (2) must be taken to a designated pound where it will be retained and dealt with in terms of subsection (4).

(4) The seized and impounded vehicle will be released immediately under the following conditions:

- (a) if a criminal charge is not laid or no fine is issued within 48 hours of the seizure of the vehicle;
- (b) when the criminal charges against the person have been withdrawn or the person has been acquitted of the offence charged; or
- (c) in the case where the person is convicted of the offence charged, and unless the court has ordered otherwise, on payment of the impoundment fee to the authorised official of the vehicle impoundment facility of the City.”.

Insertion of section 26A in the City of Cape Town: Integrated Waste Management By-law, 2009

12. The principal By-law is hereby amended by the insertion after section 26 of the By-law of the following section:

“Ownership of waste

26A. (1) Waste on premises controlled by the City, including landfill sites, refuse transfer stations and facilities where waste is received, stored or recovered shall be the property of the City.

(2) No person who is not duly authorized by the City may remove or interfere with waste on premises controlled by the City.

(3) Waste that is collected by the City or its service provider becomes the property of the City when it is placed in receptacles provided by the City on the kerbside by the generator thereof for collection.

(4) Accredited service providers become the owners of waste placed for collection by such accredited service providers.”.

Short Title

13. This By-law is called the City of Cape Town: Integrated Waste Management Amendment By-law, 2016.



STAD KAAPSTAD:

WYSIGINGSVERORDENING OP

GEÏNTEGREERDE AFVALBESTUUR, 2016

STAD KAAPSTAD: WYSIGINGSVERORDENING OP GEÏNTEGREERDE AFVALBESTUUR, 2016

Om die Stad Kaapstad: Verordening op Geïntegreerde Afvalbestuur, 2009, soos gewysig deur die Wysigingsverordening op Geïntegreerde Afvalbestuur van 2010, te wysig om nuwe definisies in te voeg; om die verpligtinge van afvalgenereerders en afvaldiensverskaffers by te werk ten einde die bepalinge in ooreenstemming met nasionale wetgewing te bring; om voorsiening te maak vir die beslagname, skutting en verbeurdverklaring van voertuie; om voorsiening te maak vir die eienaarskap van die afval; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

ALGEMENE VERDUIDELIKENDE AANTEKENING:

_____ Woorde met 'n volstreep daaronder dui invoegings in die bestaande verordening aan

[] Woorde in vetdruk tussen vierkante hake dui skappings uit die bestaande verordening aan

HIERMEE WORD soos volg deur die Raad van die Stad Kaapstad **VERORDEN**:—

Wysiging van artikel 1 van die Stad Kaapstad: Verordening op Geïntegreerde Afvalbestuur, 2009

1. Artikel 1 van die Stad Kaapstad: Verordening op Geïntegreerde Afvalbestuur, 2009, hierna die hoofverordening genoem, word hiermee gewysig –

(a) deur die definisie van “aansteeklike afval” met die volgende definisie te vervang:

“ ‘aansteeklike afval’ [afval wat vermoedelik patogene in afdoende konsentrasie of hoeveelheid bevat om siekte by vatbare draers te veroorsaak; dié kategorie sluit kulture en voorrade van aansteeklike middels in afkomstig van laboratoriumwerk, afval van operasies en lykskouings op lyke met aansteeklike siektes, afval van geïnfekteerde pasiënte in afsonderingsale, afval wat in aanraking was met pasiënte wat hemodialise ondergaan, geïnfekteerde diere van laboratoria, sanitêre afval en weefsel, met inbegrip van absorbeerwatte, en enige ander instrumente of stowwe wat met geïnfekteerde persone of stowwe in aanraking was;] afval wat aansteeklike middels in afdoende konsentrasies of hoeveelhede bevat, of redelik veronderstel word te bevat, om siektes by vatbare draers te veroorsaak; en sluit in afval wat verwerpte stowwe bevat wat besoedel is met ekskresie, uitskeiding, ander vloeistowwe wat deur 'n liggaam uitgeskei is of stowwe wat gegenereer is in die behandeling of diagnose van mense of diere wat van die algemene bevolking afgesonder is weens die aansteeklikheid of oordraagbaarheid van die vermoedelik siekte-veroorsakende middels;”;

(b) deur die volgende definisie na die definisie van “aansteeklike afval” in te voeg:

“ **‘aansteeklike middel’** mikro-organismes, met inbegrip van bakterieë, mikobakterieë, swamme, parasiete of virusse wat normaalweg aansteeklike siektes veroorsaak of weselik daartoe bydra en groter morbiditeit of mortaliteit van mense of diere tot gevolg het.”;

(c) deur die definisie van “afval”, soos gewysig deur die Wysigingsverordening op Geïntegreerde Afvalbestuur van 2010, met die volgende definisie te vervang:

“ **‘afval’ [enige stof, ongeag of daardie stof gereduseer, hergebruik, hersirkuleer en herwin kan word –**

(a) wat oorbodig of onnodig is, afgekeur, verwerp of agtergelaat word of waarmee weggedoen word;

(b) waarvoor die genereerder geen verdere gebruik vir produksiedoeleindes het nie;

(c) wat behandel of waarmee weggedoen moet word, of

(d) wat deur die nasionale minister deur middel van kennisgewing in die Staatskoerant ingevolge die Wet op Nasionale Omgewingsbestuur: Afval, 2008 (Wet 59 van 2008) as afval geïdentifiseer word en sluit dit afval in wat gegenereer word deur die mynbou- of mediese sektor of ’n ander sektor, maar –

(i) word ’n neweproduk nie as afval beskou nie; en

(ii) is enige deel van afval, sodra dit hergebruik, hersirkuleer en herwin is, nie meer afval nie;]

“ **‘afval’ –**

a) enige stof, materiaal of voorwerp wat onnodig is, afgekeur, agtergelaat of verwerp word of waarmee weggedoen word of bedoel is of vereis word om verwerp of mee weggedoen te word deur die houer van daardie stof, materiaal of voorwerp, ongeag of sodanige stof, materiaal of voorwerp hergebruik, hersirkuleer of herwin kan word en sluit alle afval in wat in die WNOB:A omskryf word; of

- b) enige ander stof, materiaal of voorwerp wat nie in die WNOB:A ingesluit is nie wat deur die minister deur middel van kennisgewing in die Staatskoerant as afval omskryf kan word.

maar enige afval of deel van afval waarna in paragrawe (a) en (b) verwys word, is nie meer afval nie –

- (i) sodra 'n aansoek vir die hergebruik, hersirkulering of herwinning daarvan goedgekeur is of sodra dit, na sodanige goedkeuring, hergebruik, hersirkuleer of herwin word of is;
- (ii) waar sodanige goedkeuring nie vereis word nie, sodra afval hergebruik, hersirkuleer of herwin word of is;
- (iii) waar die minister, ingevolge die WNOB:A, enige afval of deel van afval wat deur 'n bepaalde proses gegeneer is, van die definisie van afval vrygestel het; of
- (iv) waar die minister op die voorgeskrewe wyse enige afvalstroom of 'n deel van 'n afvalstroom van die definisie van afval uitgesluit het;”;

- (d) deur die volgende definisie na die definisie van “afval” in te voeg:

“ **‘afvalbestuurder’** 'n persoon wat afval hergebruik, hersirkuleer, herwin, behandel of daarmee wegdoen;”;

- (e) deur die volgende definisie na die definisie van “afvalbestuursbeampte” in te voeg:

“ **‘afvalbestuursfasiliteit’** 'n plek, infrastruktuur, struktuur of inperking van enige soort waarin, waarop of waarby 'n afvalbestuursaktiwiteit plaasvind, met inbegrip van 'n afvaloordragstasie, houerwerf, grondopvulterrein, verbrandingsoond, 'n hersirkulering- of 'n komposteringsfasiliteit;”;

- (f) deur die definisie van “afvalgenereerder” met die volgende definisie te vervang:

“ **‘afvalgenereerder’** [’n eienaar van eiendom, ’n huishouding, organisasie of sake-entiteit waarvan die inwoners, bewoners of werknemers afval genereer, met inbegrip van sorteerdere van afval, soos herwinnings- of afvalminimaliseringsgroepe, skroothandelaars en terugkoopentrums] 'n persoon wie se optrede, produksieproses of aktiwiteite, met inbegrip van afvalbestuursaktiwiteite, die generering van afval tot gevolg het;”;

(g) deur die volgende definisie na die definisie van “afvalgenereerder” in te voeg:

“ **‘afvalklassifisering’** om vas te stel of afval gevaarlik is gebaseer op die aard van die fisiese, gesondheid- en omgewingsgevaarlike eienskappe daarvan; en die vlak van erns van die gevaar wat dit inhou;”;

(h) deur die volgende definisie na die definisie van “afval met swaar metale” in te voeg:

“ **‘afvalvervoerder’** ’n persoon wat afval tussen die afvalgenereerder en ’n afvalbestuursfasiliteit of tussen afvalbestuursfasiliteite vervoer of oorplaas;”;

(i) deur die definisie van “algemene afval” met die volgende definisie te vervang:

“ **‘algemene afval’** ’n generiese term vir afval wat vanweë die samestelling en eienskappe daarvan nie ’n **[wesenlike]** onmiddellike risiko vir openbare gesondheid of die omgewing inhou as dit behoorlik bestuur word nie; **[dié soort afval bestaan tipies uit plastiek, papier, kos en vloeistowwe wat nie aansteeklik of met gevaarlike chemikalieë of radioaktiwiteit besoedel geag te wees nie;]** en sluit in huishoudelike afval, bouafval, sakeondernemingsafval en enige afval wat as nie-gevaarlike afval ingevolge nasionale wetgewing geklassifiseer word;”;

(j) deur die volgende definisies na die definisie van “algemene afval” in te voeg:

“ **‘behandeling’** enige metode, tegniek of proses wat ontwerp is om –

(i) die fisiese, biologiese of chemiese eienskappe of samestelling van afval te verander;

(ii) ’n gevaarlike of toksiese komponent van afval te verwyder, te skei, te konsentreer of te herwin; of

(iii) die toksisiteit van afval te vernietig of te verminder,

ten einde die uitwerking van die afval op die omgewing voor verdere gebruik of wegdoening te minimaliseer;”;

‘berging’ die ophoping van afval op ’n manier wat nie behandeling of wegdoening van daardie afval uitmaak nie;”;

(k) deur die definisie van “bouafval” met die volgende definisie te vervang:

“ **‘bouafval’** afval wat geproduseer word deur die konstruksie, verandering, herstel of sloping van enige struktuur, mensgemaak sowel as natuurlik –

(a) en sluit rommel, grond, hout en rots in wat deur enige konstruksie, verandering, herstel of versloping verplaas word,

(b) maar sluit tuinafval en gevaarlike afval uit;”;

(l) deur die volgende definisies te skrap:

- (i) “chemiese afval”;
- (ii) “drukhouerafval”;
- (iii) “genotoksiese afval”;
- (iv) “gesondheidsorgafval”;
- (v) “patologiese afval”;
- (vi) “radioaktiewe afval”;
- (vii) “residensiële afval”; en
- (viii) “skerp afval”.

(m) deur die volgende definisie na die definisie van “bouafval” in te voeg:

“ **‘die Afvalwet’** die Wet op Nasionale Omgewingsbestuur: Afval, 2008 (Wet 59 van 2008), en enige verwysing na WNOB:A;”;

(n) deur die definisie van “geakkrediteerde diensverskaffer” met die volgende definisie te vervang:

“ **‘geakkrediteerde diensverskaffer’** ’n persoon [of entiteit] wat [deur] ingevolge hierdie Verordening deur die Stad geakkrediteer is [in ooreenstemming met sy riglyne wat van **tyd tot tyd gepubliseer word**] en wat ’n [afvalverwyderingsdiens] afvalbestuursdiens in die Stad lewer, [met inbegrip van, maar nie beperk daartoe nie:] en dit kan afvalbestuurders, groot- en kleinsakeondernemings, [entrepreneurs] gemeenskapskoöperasies en ondernemingsleerderskappe insluit;”;

(o) deur die definisie van “gevaarlike afval” met die volgende definisie te vervang:

“ **‘gevaarlike afval’** [gesondheidsrisiko-afval en enige afval wat na gelang van die omstandighede van die produsering, gebruik, hoeveelheid, konsentrasie of inherente fisiese, chemiese, toksikologiese eienskappe daarvan, ’n wesentlike nadelige uitwerking op die omgewing, of die gesondheid van ’n persoon of enige ander lewende organisme kan hê;] enige afval wat organiese of anorganiese elemente of verbindings bevat wat, vanweë die inherente fisiese, chemiese of toksikologiese eienskappe van daardie afval, ’n nadelige uitwerking op gesondheid en die omgewing kan hê, en sluit gesondheidsrisiko-afval en die gevaarlike stowwe, materiaal of voorwerpe in sakeondernemingsafval, residu-afsettings en residu-voorraadstapels in;”

(p) deur die tweede woordomscriwing van “gesondheidsorgafval” te vervang met “gesondheidsrisiko-afval”;

(q) deur die volgende definisie na die definisie van “gevaarlike afval” in te voeg:

“ **‘hergebruik’** om die hele, of ’n gedeelte of ’n spesifieke deel van enige stof, materiaal of voorwerp uit die afvalstroom vir ’n soortgelyke of ander doel te benut sonder om die vorm of eienskappe van sodanige stof, materiaal of voorwerp te verander;”;

‘hersirkuleer’ ’n proses waar afval teruggewin word vir verdere gebruik, welke proses die skeiding van afval van ’n afvalstroom vir verdere gebruik en die verwerking van daardie afgeskeide materiaal as ’n produk of grondstof behels;”;

(r) deur die volgende definisies na die definisie van “herwinbare stowwe” in te voeg:

“ **‘herwinning’** die beheerde onttrekking of herkryging van enige stof, materiaal of voorwerp uit afval;”;

(s) deur die volgende definisie na die definisie van “houers van afval” in te voeg:

“ **‘huishoudelike afval’** afval wat afkomstig is van persele wat in die geheel of hoofsaaklik vir residensiële, opvoedkundige, gesondheidsorg-, sport- of ontspanningsdoeleindes gebruik word, en –

(a) sluit herwinbare stowwe en nie-herwinbare stowwe in,

(b) sluit gevaarlike afval uit;”

(t) deur die definisie van “persoon” met die volgende definisie te vervang:

“ ‘**persoon**’ sluit [**enige staatsorgaan**] in –

- (a) enige afdelingsraad, munisipale raad, dorpsbestuursraad of soortgelyke owerheid;
- (b) enige maatskappy wat sodanig kragtens enige wet geïnkorporeer of geregistreer is;
- (c) enige liggaam van persone met of sonder regspersoonlikheid;”;

(u) deur die volgende definisies na die definisie van “sakeondernemingsafval” in te voeg;

“ ‘sanitêre afval’ tampons, sanitêre doekies en inkontinensiedoeke; en

‘SANS 10234’ die jongste uitgawe van die Suid-Afrikaanse Nasionale Standaard Globaal Geharmoniseerde Stelsel van Klassifisering en Etiketring van Chemikalieë (GHS).”.

Wysiging van artikel 4 van die Stad Kaapstad: Verordening op Geïntegreerde Afvalbestuur, 2009

2. Artikel 4 van die hoofverordening word hiermee gewysig –

(a) deur die volgende paragraaf na paragraaf (j) van subartikel (1) in te voeg:

“(k) sorg dat die afval wat hulle genereer het wat nie deur die Stad verwyder word nie, hergebruik, hersirkuleer, herwin, behandel of mee weggedoen word —

- (i) binne ’n redelike tyd na die generering daarvan soos deur die Stad bepaal, en
- (ii) by ’n afvalbestuursfasiliteit wat gemagtig is om die betrokke tipe afval te aanvaar.”.

Invoeging van artikel 4A in die Stad Kaapstad: Verordening op Geïntegreerde Afvalbestuur, 2009

3. Die hoofverordening word hiermee gewysig deur die volgende artikel na artikel 4 in te voeg:

“Verpligtinge van geakkrediteerde diensverskaffers en afvalbestuurders

4A. (1) Geakkrediteerde diensverskaffers mag nie gevaarlike afval aanvaar –

- (a) wat nie vergesel word van die verklaring waarna in artikel 5(6) verwys word nie; of
- (b) wat ingevolge artikel 5(5) geklassifiseer moet wees en nie geklassifiseer is nie.

(2) Afvalbestuurders mag nie afval meng of behandel as die meng of behandeling daarvan die potensiaal vir hergebruik, hersirkulering of herwinning van afval sal verminder nie.

(3) Afvalbestuurders moet sorg dat hulle voldoen aan die wetgewing wat van toepassing is op die afvalbestuursaktiwiteit waarmee hulle besig is.”.

Wysiging van artikel 5 van die Stad Kaapstad: Verordening op Geïntegreerde Afvalbestuur, 2009

4. Artikel 5 van die hoofverordening word hiermee gewysig deur die volgende subartikels na subartikel (2) toe te voeg:

“(3) Afvalgenereerders wat gevaarlike afval genereer, moet akkurate en bygewerkte rekords hou van die afval wat hulle genereer en die afval wat hulle aan die afvalvervoerders oorhandig om by afvalbestuurdersfasiliteite afgelewer te word, en dié rekords moet die volgende aantoon:

(a) die klassifisering van die afval ingevolge subartikel (5);

(b) die hoeveelheid van elke afvalstroom per maand gegenereer, uitgedruk in ton of kubieke meter;

(c) die hoeveelhede van elke afvalstroom wat hergebruik, hersirkuleer, herwin of behandel is of mee weggedoen is; en

(d) deur wie die afval verwyder is en deur wie die afval bestuur is.

(4) Die rekords waarna in subartikels (3), (4) en (5) verwys word, moet vir ’n tydperk van vyf jaar gehou word en moet op versoek aan die afvalbestuursbeampte beskikbaar gestel word.

(5) ’n Afvalgenereerder moet sorg dat gevaarlike afval, buiten gevaarlike afval wat nie ingevolge nasionale wetgewing geklassifiseer hoef te word nie, ooreenkomstig die SANS 10234 geklassifiseer word binne –

(a) 180 dae na die generering daarvan,;

(b) 180 dae vanaf die datum van inwerkingtreding van hierdie Verordening; of

(c) die tydraamwerk gespesifiseer in ’n kennisgewing deur die Stad afgelewer.

(6) ’n Afvalgenereerder mag nie gevaarlike afval aan ’n afvalvervoerder oorhandig nie tensy dit vergesel gaan van ’n verklaring waarin –

(a) die inhoud van die besending volledig en akkuraat beskryf word;

(b) daar verklaar word of die gevaarlike afval ingevolge subartikel (5) geklassifiseer moet word of nie;

(c) indien die afval geklassifiseer moet word, die besonderhede van die klassifisering daarvan ingesluit is, behoudens die bepalings van subartikel (5) indien die afval voor die inwerkingtreding van die bepalings van subartikel (5) gegenereer is; en

(d) die bedoelde ontvanger geïdentifiseer word.

(7) Vir die doeleindes van subartikels (3) en (6) is 'n dokument wat ingevolge nasionale of provinsiale wetgewing opgestel is, aanvaarbaar mits dit al die vereiste inligting bevat.

(8) Die Stad kan van tyd tot tyd 'n lys gepubliseer van bykomende gevaarlike afval wat klassifisering ingevolge subartikel (5) vereis.”.

Wysiging van artikel 10 van die Stad Kaapstad: Verordening op Geïntegreerde Afvalbestuur, 2009

5. Artikel 10 van die hoofverordening word hiermee gewysig deur die volgende subartikel na subartikel (7) in te voeg:

“(7A) Die afvalbestuursbeampte kan, deur middel van skriftelike kennisgewing, genereerders van afval aansê om –

(a) redelike stappe te doen om te verseker dat die afvalgenereerder –

(i) die geïntegreerde afvalbestuurdersplan implementeer;

(ii) voldoen aan die voorskrifte wat deur die afvalbestuursbeampte gegee word; en

(b) enige nie-nakoming van enige toepaslike afvalbestuursplan of voorskrif aan die afvalbestuursbeampte te rapporteer.”

Wysiging van artikel 12 van die Stad Kaapstad: Verordening op Geïntegreerde Afvalbestuur, 2009

6. Artikel 12 van die hoofverordening word hiermee gewysig –

(1) deur die woord “en” aan die einde van paragraaf (f) van subartikel (1) te skrap;

(2) deur die volgende paragraawe na paragraaf (g) van subartikel (1) in te voeg:

“(h) enige houer wat gevaarlike afval bevat, geëtiketteer word of rekords gehou word wat die datum waarop die afval die eerste keer in die houer geplaas is en die kategorieë of die spesifieke kategorie afval wat in die houer geberg word, aantoon; en

(i) afval nie sonder die toestemming van die Stad in 'n openbare plek geberg word nie.”;

(3) deur die volgende subartikels na subartikel (2) toe te voeg:

“(3) Afvalvervoerders mag nie gevaarlike afval aanvaar nie tensy dit vergesel gaan van die verklaring waarna in artikel 5(6) verwys word.

(4) Die vervoerders van gevaarlike afval moet sorg dat elke besending afval wat hulle ontvang behoorlik verpak, gemerk en geëtiketteer is, en in alle opsigte in 'n behoorlike toestand is vir vervoer in ooreenstemming met die toepaslike wette, regulasies, norme en standaarde."

Wysiging van artikel 14 van die Stad Kaapstad: Verordening op Geïntegreerde Afvalbestuur, 2009

7. Artikel 14 van die hoofverordening word hiermee gewysig deur paragraaf (f) van subartikel (1) met die volgende paragraaf te vervang:

"(f) **[residensiële]** huishoudelike, sakeondernemings-, industriële, tuin-, bou- of gevaarlike afval in 'n openbare rommelhouer plaas nie; of".

Wysiging van artikel 15 van die Stad Kaapstad: Verordening op Geïntegreerde Afvalbestuur, 2009

8. Artikel 15 van die hoofverordening word hiermee gewysig deur subartikel (7) met die volgende subartikel te vervang:

"(7) In die geval van gevaarlike afval kan die Stad onmiddellik optree soos in subartikels (3) en (6) bedoel, en onmiddellik daarna die betrokke persoon in kennis stel van sy aanspreeklikheid om die koste van verwydering, rehabilitasie en enige ander verwante koste binne die gestipuleerde tyd te betaal."

Wysiging van artikel 20 van die Stad Kaapstad: Verordening op Geïntegreerde Afvalbestuur, 2009

9. Artikel 20 van die hoofverordening word hiermee gewysig –

(a) deur die woord "of" aan die einde van paragraaf (d) van subartikel (4) in te voeg;

(b) deur die volgende paragraaf na paragraaf (d) van subartikel (4) in te voeg:

"(e) 'n diensverskaffer."

Wysiging van artikel 23 van die Stad Kaapstad: Verordening op Geïntegreerde Afvalbestuur, 2009, soos gewysig deur die Wysigingsverordening op Geïntegreerde Afvalbestuur van 2010

10. Artikel 23 van die hoofverordening word hiermee gewysig deur die volgende subartikels na subartikel (7) in te voeg:

"(8) 'n Persoon wat skuldig bevind word aan 'n oortreding van hierdie Verordening en wat na skuldigbevinding volhou met die handeling of versuim wat die oortreding uitmaak, begaan 'n deurlopende oortreding en is by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens 10 dae, of met sodanige boete sowel as sodanige gevangenisstraf, ten opsigte van elke dag wat so 'n persoon met sodanige handeling of versuim volhou."

(9) Die hof kan enige voertuig wat in verband met die begaan van 'n oortreding kragtens hierdie Verordening gebruik is, aan die Stad verbeurd verklaar.”.

Invoeging van artikel 23A in die Stad Kaapstad: Verordening op Geïntegreerde Afvalbestuur, 2009

11. Die hoofverordening word hiermee gewysig deur die volgende artikel na artikel 23 in te voeg:

“Beslagneming en skut van voertuie

23A. (1) 'n Vredesbeampte kan, sonder 'n lasbrief, 'n voertuig wat betrokke is by, of op redelike gronde vermoed betrokke te wees by, die begaan van 'n oortreding kragtens hierdie Verordening, in beslag neem en dit skut.

(2) Die vredesbeampte moet, ten tye van skutting, aan die houer van die voertuig wat in beslag geneem en geskut is, 'n afskrif gee van 'n kennisgewing waarin die volgende uiteengesit word:

(i) die rede vir die skutting;

(ii) die beskrywing van die voertuig wat geskut word;

(iii) die adres en kontakbesonderhede van die aangewese skut;

(iv) die betaling van 'n skutgeld; en

(v) die moontlikheid dat die geskutte voertuig verkoop kan word om die koste te verhaal.

(3) 'n Voertuig wat ingevolge subartikels (1) en (2) in beslag geneem en geskut is, moet na 'n aangewese skut geneem word waar dit gehou en ingevolge subartikel (4) mee gehandel sal word.

(4) Die voertuig wat in beslag geneem en geskut is, sal op die volgende voorwaardes onmiddellik vrygestel word:

(a) indien 'n strafregtelike klag nie gelê of 'n boete uitgereik word binne 48 uur na beslagneming van die voertuig nie;

(b) wanneer die strafregtelike klagte teen die persoon teruggetrek is of die persoon onskuldig bevind is aan die ten laste gelegde oortreding; of

(c) in die geval waar die persoon skuldig bevind word aan die ten laste gelegde oortreding en tensy die hof anders beveel het, by betaling van die skutgeld aan die gemagtigde beampte van die voertuigskutfasiliteit van die Stad.”.

Invoeging van artikel 26A in die Stad Kaapstad: Verordening op Geïntegreerde Afvalbestuur, 2009

12. Die hoofverordening word hiermee gewysig deur die volgende artikel na artikel 26 in te voeg:

“Eienaarskap van afval

26A. (1) Afval op persele wat deur die Stad beheer word, met inbegrip van grondopvulterreine, afvaloordragstasies en fasiliteite waar afval ontvang, geberg of herwin word, is die eiendom van die Stad.

(2) Geen persoon wat nie behoorlik deur die Stad gemagtig is nie, mag afval op persele wat deur die Stad beheer word, verwyder of daarmee inmeng nie.

(3) Afval wat deur die Stad of sy diensverskaffer verwyder word, word die eiendom van die Stad wanneer dit deur die genereerder daarvan op die sypaadjie vir verwydering geplaas word in houers wat deur die Stad verskaf word.

(4) Geakkrediteerde diensverskaffers word die eienaars van afval wat deur sodanige geakkrediteerde diensverskaffers vir verwydering geplaas word.”.

Kort titel

13. Hierdie Verordening staan bekend as die Stad Kaapstad: Wysigingsverordening op Geïntegreerde Afvalbestuur, 2016.



**UMTHETHO KAMASIPALA WEZILUNGISO
WESIXEKO SASEKAPA:
WOLAWULO OLUHLANGENEYO
LWENKUNKUMA, 2016**

**UMTHETHO KAMASIPALA WEZILUNGISO WESIXEKO SASEKAPA: WOLAWULO
OLUHLANGENEYO LWENKUNKUMA, 2016**

Ukwenza izilungiso kuMthetho kaMasipala kaMasipala weZilungiso weSixeko saseKapa: woLawulo oluHlangeneyo lweNkunkuma, 2009, njengoko wenziwe izilungiso nguMthetho kaMasipala oLungisiweyo woLawulo oluHlangeneyo lweNkunkuma ka-2010 ukuze kufakwe iinkcazelo ezintsha; ukuhlaziya uxanduva lwabenzi benkunkuma nababoneleli-ngeenkonzo yenkunkuma ukuze kulungelelaniswe imiqathango kunye nomthetho wesizwe; ukubonelela ngokubanjwa nezohlwayo zokubanjwa kwezithuthi; ukubonelela ngobunini benkunkuma; kunye nokulungiselela imiba ehambelana nale.

INKCAZELO GABALALA:

_____ Amagama akwelelweyo ngomgca ongqindilili abonisa izinto ezifakiweyo kwimithetho ekhoyo

[] Amagama abhalwe ngqindilili akwizigweqe ezisikwere abonisa amagama asusiweyo kwimithetho ekhoyo

MAWUPHUNYEZWE liBhunga leSixeko saseKapa ngolu hlobo lulandelayo:—

Ukwenziwa kwezilungiso kwicandelo 1 loMthetho kaMasipala weZilungiso weSixeko saseKapa: woLawulo oluHlangeneyo lweNkunkuma, 2009

1. Icandelo 1 loMthetho kaMasipala weZilungiso weSixeko saseKapa: woLawulo oluHlangeneyo lweNkunkuma, 2009, ekubhekiswe kuwo apha njengomthetho-ngqangi, lenziwa izilungiso—

(a) ngokufakela endaweni yenkcazelo ka- “Iziko lokuLahlela iNkunkuma elamkelweyo” kwale nkcazelo ilandelayo:

“ **‘Iziko lokuLahlela iNkunkuma elamkelweyo’** lithetha umntu ovunywe siSixeko ngokwalo Mthetho kaMasipala obonelela ngenkonzo yolawulo lwenkunkuma kwiSixeko yaye angabandakanya abalawuli benkunkuma, amashishini amakhulu namancinci, imifelandawonye yasekuhlaleni kunye nabo bangabaqeqeshi kumaphulo;”;

(b) ngokufakela endaweni yenkcazelo ka- “inkunkuma yokwakha” kwale nkcazelo ilandelayo:

“ **‘inkunkuma yolwakiwo’** ithetha inkunkuma evele ngenxa yolwakiwo, ukwenziwa kotshintsho kwisakiwo, ulungiso okanye ukuchithwa kwaso nasiphi isakiwo, esakiwe ngabantu kunye nesizenzekeleyo, -

(a) yaye ibandakanya inkunkuma yesakiwo, umhlaba, iipali namatye ethe yashiywa emva kolwakiwo, utshintsho, ulungiso okanye uchitho lwesakiwo,

(b) kodwa ayibandakanyi inkunkuma yegadi nenkunkuma enobungozi;”;

(c) ngokucinywa kwenkcazelo “engenkunkuma yamachiza”;

- (d) ngokufakela emva kwenkcazelo ka- “Umlawuli” kwale nkcazelo ilandelayo:
 “ **‘inkunkuma yasezindlwini’** ithetha inkunkuma esuka kwizakhiwo ezisetyenziswa ikakhulu njengezindlu zokuhlala, zokufundisela, zokhathalelo lwempilo, ezisetyenziselwa imidlalo okanye ulonwabo, yaye -
 (a) ibandakanya iimathiriyeli ezinokuphinda zisetyenziswe nezingenakuphinda zisetyenziswe.
 (b) ayibandakanyi inkunkuma enobungozi;”;
- (e) ngokufakela endaweni yenkcazelo ka- “inkunkuma eyingozi” kwale nkcazelo ilandelayo:
 “ **‘inkunkuma eyingozi’** ithetha [**ithetha inkunkuma eyingozi yololongo lwempilo kunye nayiphi na, inkunkuma enokuthi, ngeemeko zemveliso, zokusebenzisa, ubungakanani, ibe namandla okanye amandla omzimba, ibe yeyamachiza okanye ibe neempawu zobuhlungu, ibe nefuthe eliyingozi kakhulu kokusingqongileyo, okanye kwimpilo yomntu okanye nasiphi na isilwanyana esiphilayo;**] nayiphi inkunkuma esenokuba nezinto eziphilayo okanye ezingaphiliyo ezinokuthi ngenxa yeempawu ezibonakalayo, zeekhemikhali okanye ezinobungozi kwimpilo nakokusingqongileyo ezibandakanya inkunkuma enobungozi kwimpilo nenezinto eziyingozi ezikwinkunkuma yamashishini, nakwiinkunkuma zezinto ezilahliweyo yezinto ebezishiyekele;”;
- (f) ngokucinywa kwezi nkcazelo zilandelayo:
 (i) “inkunkuma yolondolozo lwempilo”;
 (ii) “inkunkuma egenotoxic”;
 (iii) “inkunkuma yezifo”;
 (iv) “inkunkuma ebukhali”;
 (v) “inkunkuma ekwinkonkxa enoxinzeleleyo olulinganisiweyo”; kunye
 (vi) “nenkunkuma ebangelwa kukuqhekeka kweathom”. ;
- (g) ngokufakela emva kwenkcazelo ka “inkunkuma eyingozi” kwale nkcazelo ilandelayo:
 “ **‘iarhente eyasulelayo’** izidalwa ezincinci kakhulu ezibandakanya iintsholongwane, ifangasi, izidleleli, okanye intsholongwane ezidla ngokudala okanye zibe negalelo elikhulu kwizifo ezosulelayo ze zikhokele ekufeni kwabantu nezilwanyana;”;
- (h) ngokufakela endaweni yenkcazelo ka- “inkunkuma eyasulelayo” kwale nkcazelo ilandelayo:
 ‘ **“inkunkuma eyasulelayo”** ithetha [**ithetha inkunkuma erhaneleka ukuba iqulathe iipathogen enamandla awomeleleyo okanye ubungakanani obunokubangela isifo kuninzi lwabantu abanobuntuntu, yaye ibandakanya iintsholongwane kunye**

noninzi lwezinto ezasulelayo ezivela kumsebenzi waselebhu, inkunkuma evela kutyando notyando lwezidumbu ezinezifo ezasulelayo, inkunkuma evela kwizigulana ezasuleleke zizifo ezikumawodi awodwa, inkunkuma ethe yahlangana nezigulana ezasulelekileyo ezenza ihaemodialysis, izilwanyana ezasulelekileyo ezivela kwiilebhu, inkunkuma yempahla esetyenziswa ngamabhinqa xa esexesheni kunye namalaphu (kubandakanywa ilaphu okanye uboya bokucoca inxeba) kunye naso nasiphi na isixhobo okanye impahla ethe yabe isetyenziswe kumntu **owasulelekileyo okanye impahla;** inkunkuma equlethe okanye ekucingelwa ukuba inezinto ezosulelayo eziqulungethwe okanye ezininzi ezinokubangela izifo kwabo zingene kubo; yaye ibandakanya inkunkuma enezinto ezilahliweyo engcoliswe lugutyulo, incindi ezinye izinto ezingamanzi ezikhutshwa ngumzimba okanye ezivela kwiimathiriyeli ezisuka kunyango lwabantu okanye lwezilwanyana ezibekwe bucala ngenxa yokuba zinezifo ezosulelayo okanye zithwele i-arhente ezinezifo ezosulelayo;”;

- (j) ngokufakela endaweni yenkcazelo ka- “inkunkuma ngokubanzi” kwale nkcazelo ilandelayo:

“**inkunkuma ngokubanzi**’ ligama lohlobo oluthile lwenkunkuma ethi, ngenxa yendlela equlunqwe ngayo kunye neempawu zayo, ibe ayidali ngozi **[ibonakalayo]** ekhawulezileyo kwimpilo yoluntu okanye kokusingqongileyo ukuba ilawulwa kakuhle, yaye **[olu hlobo lwenkunkuma luqulathe iiplastiki, amaphepha, ukutya kunye nolwelo oluthathwa njengolungasuleliyo okanye olungasulelekanga ngamachiza ayingozi okanye imitha ebangwa kukuqhekeka kweathomi;** ibandakanya inkunkuma yasemakhaya, inkunkuma yezakhiwo, inkunkuma yamashishini kunye nayo nayiphi na inkunkuma engenabungozi ngokwemithetho yelizwe;”;

- (j) ngokufakela endaweni yenkcazelo ka- “umntu” kwale nkcazelo ilandelayo:

“ **‘umntu**’ ubandakanya –

- (a) nayiphi ikhansili yenqila, ikhansili kamasipala, ibhodi elawula ilokishi okanye ugunyaziwe okana nalowo;
- (b) nayiphi inkampani ebhaliswe phantsi komthetho;
- (c) nawuphi na umntu okanye iqumrhu labantu abangumfelandawonye okanye abangahlengenanga;”;

- (k) ngokufakela emva kwenkcazelo ka- “izinto ezinakho ukwenziwa ziphinde zisebenze” kwezi nkcazelo zilandelayo:

“ **‘ubuyiselo**’ luthetha utsalo olulawulwayo okanye ukubuyiselwa kwayo nayiphi na into, imathiriyeli ebisenkukumeni;

'ukuphinda usebenzise into ebisebenzile' kuthetha inkqubo apho inkunkuma ilandwa ze iphinde isetyenziswe, nkqubo leyo ebandakanya ukoahlulwa kwenkunkuma kwenye inkunkuma ze kuproseswe loo nkunkuma yahluliweyo kwenye njengemveliso okanye imathiriyeli esafuna ukusetyenzwa;

'ukusebenzisa kwakhona' kuthetha ukusebenzisa yonke okanye inxalenye yento ethile, yemathiriyeli esuka enkunkumeni uyisebenzisela umsebenzi ofanayo okanye injongo eyahlukileyo ngaphandle kokutshintsha ubume bayo okanye izinto eziqulethwe yiloo nto okanye loo mathiriyeli;

'inkunkuma yokuzicoca' ibhekisa kwiithamponi, iitaweli zokuzicoca kunye neephezzi;

'SANS 10234' ibhekisa kuhlelo lokugqibela lweNkqubo yaseMzantsi Afrika yeMigangatho yeSizwe eHambelana neyeHlabathi yokuHlela nokuLebhelisha iiKhemikhali (GHS); yaye

'ugcino' lubhekisa ekupakishekeni kwenkunkuma ngendlela engenanto yakwenza nokucocwa okanye ukulahlwa kwayo;"

(l) ngokucinywa kwenkcazelo ka- "inkunkuma yasezindlwini";

(m) ngokufakela emva kwenkcazelo ka-"Umgaqonkqubo weRhafu noMthetho kaMasipala weRhafu" kwezi nkcazelo zilandelayo:

" 'ucoco' luthetha naluphi uhlobo, indlela okanye inkqubo edizayinelwe –

(i) ukutshintsha izinto eziqulathwe kwiinkunkuma, iikhemikhali ezikuyo nobume bayo;

(ii) ukususa, ukwahlula, ukudibanisa okanye ukubuyisa inxalenye enobungozi yenkunkuma; okanye

(iii) ukutshabalalisa okanye ukucutha ubutyhefu benkunkuma,

Ukucutha ifuthe lenkunkuma kousingqongileyo phambi kokuba iphindwe isetyenziswe okanye ilahlwe;

'iWaste Act' ithetha iNational Environmental Management: Waste Act, 2008 (Umthetho Nomb. 59 ka-2008), kunye nantoni ebhekisa kwiNEM:WA;"

(n) ngokufakela endaweni yenkcazelo ka- "inkunkuma", njengoko yenziwe izilungiso kuMthetho kaMasipala weZilungiso woLawulo lweNkunkuma oluHlanganisiweyo ka-2010, kwale nkcazelo ilandelayo:

“inkunkuma” ithetha [kubhekiselwe kuyo nantoni, nokuba loo nto inakho ukucuthwa, ukusetyenziswa kwakhona irisayiklishwe okanye ifunyanwe kwakhona-

(a) ukuba loo nto igqithisile, ayifuneki, ilahliwe, ishiyiwe okanye elahliweyo;

(b) lowo uyenzileyo engasenanjongo yokuyisebenzisa kwakhona ukuba ivelise enye into;

(c) ekuyimfuneko ukuba icocwe okanye ilahlwe; okanye

(d) echongwe njengenkunkuma nguMphathiswa wesizwe ngokuthi akhuphe isaziso kwiPhephandaba loMbuso ngokwemigaqo yoMthetho weSizwe woLawulo lweNkunkuma kokuSingqongileyo: 2008 (uMthetho onguNomb. 59 ka-2008), yaye iquka inkunkuma eveliswa yimigodi, eyonyango okanye eyamanye amacandelo, kodwa –

(i) into edalwa yimveliso ayithatyathwa njengenkunkuma; yaye

(ii) nayiphi na inxalenye yenkunkuma, xa ithe yasetyenziswa kwakhona, yarisayiklishwa okanye yafunyanwa kwakhona, iyeka ukuba yinkunkuma]

‘ inkunkuma’ ithetha, –

- a) Nayiphi na into, imathiriyeli okanye nantoni na engasafunwayo, elahliweyo, eshiyiweyo okanye ejulwe endaweni yokulahla ngumnini waloo nto okanye loo mathiriyeli, nokuba loo nto okanye loo mathiriyeli inokuphinda isetyenziswe, irisayiklishwe okanye ibuyiswe yaye ibandakanya zonke iinkunkuma njengoko zichaziwe kwiNEM:WA; okanye
- b) Nayiphi na into, imathiriyeli okanye nantoni na engabandakanywanga kwiNEM:WA enokuchazwa njengenkunkuma nguMphathiswa ngokukhupha isaziso kwiGazethi,

Kodwa nayiphi inkunkuma okanye inxalenye yenkunkuma, ekubhekiswe kuyo kwimihlathana (a) no-(b) iyayeka ukuba yinkunkuma –

- (i) Emva kokuba isicelo sokuba iphinde isetyenziswe, irisayiklishwe okanye ibuyiswe siye samkelwa okanye emva kwalo mvume, kwabe iphinde isetyenziwe, irisayiklishwe okanye ibuyiswe;
- (ii) Apho kungadingeki mvume, ukuba nje inkunkuma isetyenziswe, irisayiklishwe okanye ibuyiswe;
- (iii) Apho uMphathiswa, ngokweNEM:WA, ethe wayaphulela nayiphi na inkunkuma okanye inxalenye yayo eyenziwe ngenkqubo ethile ekubeni ichazwe ngokuba yinkunkuma; okanye

(iv) Apho uMphathiswa athe ngendlela ebekiweyo emigaqweni ethe wakhuphela bucala uhlobo oluthile lwenkunkuma okanye inxalenye yalo ekubeni luchazwe ngokuba yinkunkuma.;

(o) ngokufakela emva kwenkcazelo ka- “inkunkuma” kwale nkcazelo ilandelayo:

“**‘ukuhlelwa kwenkunkuma’** kuthetha ukujonga ukuba inkunkuma leyo inobungozi na kusekelwe kwizinto ezikuyo eziphathekayo, ezempilo, nezinobungozi kokusingqongileyo; kunye nezinga lobungozi obunokuba khona.”;

(p) ngokufakela endaweni yenkcazelo ka- “umvelisi wenkunkuma” kwale nkcazelo ilandelayo:

“**‘umvelisi wenkunkuma’** uthetha [umnini wesakhiwo, wekhaya, wombutho okanye weshishini, abemi, abahlali okanye abaqeshwa abavelisa inkunkuma yaye kubandakanywa abahleli benkunkuma abafana nabaguquli bezinto ebezisetyenzisiwe zibe nokusetyenziswa kwakhona okanye amaqela anciphisa inkunkuma, abashishina ngezinto ezilahliweyo kunye namaziko azithengayo kwakhona] nawuphi umntu ezithi iintshukumo zakhe, imisebenzi yemveliso, kubandakanywa imisebenzi yolawulo lwenkunkuma, zithi zidale ukuveliswa kwenkunkuma.”;

(q) ngokufakela emva kwenkcazelo ka- “umvelisi wenkunkuma” kwale nkcazelo ilandelayo:

“**‘umlawuli wenkunkuma’** uthetha nawuphi umntu ophnda asebenzise, arisayiklishe, abuyise, acoce okanye alahle inkunkuma.”;

(r) ngokufakela emva kwenkcazelo ka- “umlawuli wenkunkuma” kwale nkcazelo ilandelayo:

“**‘isibonelelo solawulo lwenkunkuma’** ithetha, indawo, isibonelelo okanye indawo yoqulatho yalo naluphi na uhlobo apho kwenzeka khona umsebenzi wolawulo lwenkunkuma yaye ibandakanya isitishi sokuhanjiswa kwenkunkuma, iyadi yeekhonteyina, itiphu, isitovu sokutshisa inkunkuma, isibonelelo sokurisayiklisha okanye sokwenza umgquba.”; kunye

(s) nangokufakela emva kwenkcazelo ka- “umbutho wokuncitshiswa kwenkunkuma” kwale nkcazelo ilandelayo:

“**‘umhambisi wenkunkuma’** uthetha nawuphi umntu ohambisa inkunkuma phakathi komvelisi wenkunkuma nesibonelelo solawulo lwenkunkuma okanye phakathi kwezibonelelo zolawulo lwenkunkuma.”;

Ukwenziwa kwezilungiso kwicandelo 4 loMthetho kaMasipala weZilungiso weSixeko saseKapa: woLawulo oluHlangeneyo lweNkunkuma, 2009

2. Icandelo 4 lomthetho-ngqangi lenziwa izilungiso –

(a) ngokongeza emva komhlathi (j) icandelwana (1) kwalo mhlathi ulandelayo:

“(k) baqinisekise ukuba inkunkuma abayivelisileyo engaqokelelwanga siSixeko, iyasetyenziswa kwakhona, iyarisayklishwa, iyabuyiswa, iyacocwa okanye iyahlwa –

- (i) ngexesha elamkelekileyo lokwenziwa njengoko kugqitywe siSixeko, yaye
- (ii) kwisibonelelo senkunkuma esigunyaziswe ukuba samkele olo hlobo lwenkunkuma.”

Ukufakelwa kwecandelo 4A kuMthetho kaMasipala weZilungiso weSixeko saseKapa: woLawulo oluHlangeneyo lweNkunkuma, 2009

3. Umthetho-ngqangi wenziwa izilungiso ngokufakelwa emva kwecandelo 4 loMthetho kaMasipala kweli candelo lilandelayo:

“Izinto ekufuneka zenziwe ngababoneleli-zinkonzo abamkelwe sisixeko nabalawuli benkunkuma

4A. (1) Ababoneleli-zinkonzo abamkelweyo abanakwamkela inkunkuma enobungozi –

(a) engakhatshwa sisibhengezo ekubhekiswe kuso kwicandelo 5 (6); okanye

(b) ekufuneka ukuba ihlelwe ngokwecandelo 5 (5) ibe ingahlelwanga.

(2) Abalawuli benkunkuma abanakuxuba okanye bacoce inkunkuma, ukuba ukuxutywa kwayo okanye ukucocwa kwayo kuza kuhlisa ukukwazi ukukwazi kwayo ukuba iphinde isetyenziswe, irisayiklishwe okanye ibuyiswe.

(3) Abalawuli benkunkuma kufuneka baqinisekise ukuba bathobela imithetho echaphazelekayo kwimisebenzi yolawulo lwenkunkuma abasebenza kuyo.”

Ukwenziwa kwezilungiso kwicandelo 5 loMthetho kaMasipala weZilungiso weSixeko saseKapa: woLawulo oluHlangeneyo lweNkunkuma, 2009

4. Icandelo 5 lomthetho-ngqangi lenziwa izilungiso ngokongeza emva kwecandelwana (2) la macandelwana alandelayo:

“(3) Umvelisi wenkunkuma ovelisa inkunkuma enobungozi kufuneka agcine iinkcukacha ezichanekileyo nezamvanje zenkunkuma ayivelisileyo nenkunkuma ayinikezele kubahambisi benkunkuma ekufuneka ihanjiswa kwiindawo zezibonelelo zolawulo lwenkunkuma; ezo rekhodi kufuneka zibonise-

(a) ukuhlelwa kweenkunkuma ngokwecandelwana (5);

(b) ubungakanani benkunkuma nganye eveliswayo ngenyanga ebhalwe ngokweetoni nangokweetyhubhikhimitha;

(c) ubungakanani benkunkuma nganye ephinde yasetyenziswa, yarisayiklithwa, yabuyiswa, yacocwa okanye yalahlwa; nokuba

(d) inkunkuma iqokelelwe ngubani yaye ilawulwa ngubani.

(4) lirekhodi ekubhekiswe kuzo kwicandelwana (3), (4), no-(5) kufuneka zigcinwe isithuba seminyaka emihlanu yaye kufuneka zifumaneke kwigosa lolawulo lwenkunkuma xa lizifuna.”.

(5) Umvelisi wenkunkuma kufuneka aqinisekise ukuba inkunkuma eyingozi, ngaphandle kwaleyo engafuni kuhlelwa ngokwemithetho yesizwe, ihlelwa ngokweSANS 10234 –

(a) kwiintsuku ezili-180 emva kokuveliswa kwayo, ;

(b) kwiintsuku ezili-180 ukusuka ekuqaleni kokusebenza kwalo Mthetho kaMasipala, ; okanye

(c) kwixesha elibekwe kwisaziso esihanjisiwe siSixeko.

(6) Umvelisi wenkunkuma akanakunikezela ngenkunkuma eyingozi kumhambisi wenkunkuma ngaphandle kokuba ikhatshwa sisibhengezo apho –

(a) oko kuqulethwe kuloo nkunkuma kuchazwe ngokupheleleyo nangokuchanekileyo;

(b) kuchaziweyo ukuba ingaba inkunkuma eyingozi idinga ukuba ihlelwe okanye ingahlelwa na ngokwemiqathango yecandelwana (5);

(c) ukuba inkunkuma ifuna ukuhlelwa, iinkcukacha zokuhlelwa kwayo zifakwe kulandelwa imiqathango yecandelwana (5) ukuba ngaba inkunkuma leyo yayiveliswe phambi kokuqala kwemiqathango yecandelwana (5); yaye

(d) loo mntu iya kuye ubhaliwe ukuba ngubani.

(7) Ukulungiselela amacandelwana (3) no-(6), uxwebhu olulungiswe ngokwemithetho yesizwe okanye yephondo lamkelelekile ukuba liqulethe zonke iinkcukacha ezidingekayo.

(8) ISixeko singathi, amaxesha ngamaxesha, sipapashe uludwe lwenkunkuma eyingozi edinga ukuhlelwa ngokwemiqathango yecandelwana (5).”.

Ukwenziwa kwezilungiso kwicandelo 10 loMthetho kaMasipala weZilungiso weSixeko saseKapa: woLawulo oluHlangeneyo lweNkunkuma, 2009

5. Icandelo 10 lomthetho-ngqangi lenziwa izilungiso ngokufakela emva kwecandelwana (7) eli candelwana lilandelayo:

“(7A) Igosa elilawula inkunkuma lingathi, lisebenzisa isaziso esibhaliweyo, lifune ukuba abavelisi benkunkuma –

(a) Bathathe amanyathelo afanelekileyo ukuqinisekisa ukuba umvelisi wenkunkuma –

(i) umisela isicwangciso solawulo lwenkunkuma esihlanganisiweyo;

(ii) uthobela imiyalelo enikezwe ligosa elilawula inkunkuma; yaye

(b) uchaza ngako konke ukungathotyelwa kwesicwangciso solawulo lwenkunkuma okanye komyalelo wegosa elilawula inkunkuma.”

Ukwenziwa kwezilungiso kwicandelo 12 loMthetho kaMasipala weZilungiso weSixeko saseKapa: woLawulo oluHlangeneyo lweNkunkuma, 2009

6. Icandelo 12 lomthetho-ngqangi lenziwa izilungiso –

- (1) ngokucinywa kwegama “and” ekupheleni komhlathi (f) wecandelwana (1);
- (2) ngokongeza emva komhlathi (g) wecandelwana (1) kwale mihlathi ilandelayo:

“(h) nayiphi ikhonteyina equlethe inkunkuma eyingozi iyabhalwa okanye kugcinwe iirekhodi zayo ezibonisa umhla ekwaqalwa ngawo ukufaka inkunkuma kuloo khonteyina kunye nezintlu okanye uluhlu oluthile lwenkunkuma olugcinwe kuloo khonteyina; yaye

(i) inkunkuma ayigcinwa kuyo nayiphi indawo kawonkewonke ngaphandle kwemvume yeSixeko.”;

- (3) ngokongeza emva kwecandelwana (2) la macandelwana alandelayo:

“(3) Abahambisi benkunkuma abanakwamkela inkunkuma eyingozi ngaphandle kokuba ikhatshwa sisibhengezo ekubhekiswe kuso kwicandelo 5(6).

(4) Abathuthi benkunkuma eyingozi kufuneka baqiqinisekise ukuba inkunkuma nganye abayamkelayo ipakishwe, imakishwe yaye ilebhelishwe kakuhle, yaye ngandlela zonke ikwimeko efanele ukuba kuyo yokuba ithuthwe ehambelana nemithetho, imiqathango nemiqangatho echaphazelekayo.”.

Ukwenziwa kwezilungiso kwicandelo 14 loMthetho kaMasipala weZilungiso weSixeko saseKapa: woLawulo oluHlangeneyo lweNkunkuma, 2009

7. Icandelo 14 lomthetho-ngqangi lenziwa izilungiso ngokuthi endaweni yomhlathi (f) wecandelwana (1) kufakwe lo mhlathi ulandelayo:

“(f) ukufaka inkunkuma [yasezindlwini], yasekhaya, yeshishini, yorhwebo, yegadi, yolwakiwo, yesiganeko okanye eyingozi kumgqomo woluntu; okanye ”.

Ukwenziwa kwezilungiso kwicandelo 15 loMthetho kaMasipala weZilungiso weSixeko saseKapa: woLawulo oluHlangeneyo lweNkunkuma, 2009

8. Icandelo 15 lomthetho-ngqangi lenziwa izilungiso ngokuthi endaweni yecandelwana (7) kufakwe eli candelwana lilandelayo:

“(7) Endaweni yenkunkuma eyingozi, iSixeko singakhawuleza sithathe amanyathelo achazwe kumacandelwana (3) no-(6) ze emva koko sazise umntu ochaphazelekayo ngoxanduva lwakhe lokuhlawula iindleko zokususa, zokuvuselela kunye naziphi ezinye iindleko ngexesha elibekiweyo.”.

Ukwenziwa kwezilungiso kwicandelo 20 loMthetho kaMasipala weZilungiso weSixeko saseKapa: woLawulo oluHlangeneyo lweNkunkuma, 2009

9. Icandelo 20 lomthetho-ngqangi lenziwa izilungiso –

- (a) ngokufakela igama u “okanye” ekupheleni komhlathi (d);
- (b) ngokufakela emva komhlathi (d) kwecandelwana (4) lalo mhlathi ulandelayo :
“(e) umboneleli-nkonzo.”

Ukwenziwa kwezilungiso kwicandelo 23 loMthetho kaMasipala weZilungiso weSixeko saseKapa: woLawulo oluHlangeneyo lweNkunkuma, 2009, njengoko lenziwe izilungiso nguMthetho kaMasipala oLungisiweyo woLawulo oluHlangeneyo lweNkunkuma ka-2010

10. Icandelo 23 lomthetho-ngqangi lenziwa izilungiso ngokongeza emva kwecandelwana (7) la macandelwana alandelayo:

“ (8) Umntu ogwetyelwe ityala ngokwalo Mthetho-ngqangi kaMasipala nothi emva kwesigwebo aqhubeke esenza oko ebekuqwetywele, wenza elinye ityala yaye uya kuthi xa ephinda egwetywa abe noxanduva lokuhlawula isohlwayo okanye avalelwe isithuba esingekho ngaphezu kweentsuku ezili-10 okanye afumane zombini izigwebo esentlawulo nesokubanjwa ngosuku ngalunye athe loo mntu waphinde wophula umthetho ngokwenza okanye ngokungenzi afanele ukukwenza.

(9) Inkundla ingabhengeza ukuba nasiphi isithuthi esisetyenzisiweyo xa bekusenziwa ityala ngokwalo Mthetho-ngqangi kaMasipala ukuba sibanjwe siSixeko.”

Ukufakelwa kwecandelo 23A kuMthetho kaMasipala weZilungiso weSixeko saseKapa: woLawulo oluHlangeneyo lweNkunkuma, 2009

11. Umthetho-ngqangi wenziwa izilungiso ngokufakela emva kwecandelo 23 lweli candelo lilandelayo:

“Ukubanjwa nokuvallelwa kwezithuthi

23A. (1) Igosa locwangco lingathi, lingafumenanga zimpepha zagunyaziso zenkundla, libambe yaye livalele isithuthi ekukholelwa ukuba sithathe inxaxheba ekwenziweni kwetyala ngokwalo Mthetho kaMasipala.

(2) Igosa locwangco, ngexesha lokubanjwa kwesithuthi, kufuneka linike umnini wesithuthi esibanjweyo nesivalelweyo ikopi yesaziso esichaza –

- (i) isizathu sokubanjwa kwaso;
- (ii) inkcazelo yesithuthi esibanjweyo;
- (iii) idilesi neenkukacha zendawo esivalelwe kuyo;
- (iv) intlawulo ekufuneka ihlawulelwe isithuthi esibanjweyo; kunye
- (v) nokuba eso sithuthi sisenokuthengiswa ukubuyisa iindleko.

(3) Isithuthi esithe sabanjwa saze savalelwa ngokwemiqathango yecandelwana (1) no-(2) kufuneka sisiwe kwindawo yezithuthi ezivalelweyo echongiweyo apho siza kugcinwa khona ze siphathwe kulandelwa imiqathango yecandelwana (4).

(4) Isithuthi esithe sabanjwa saze savalelwa siya kuthi sikhululwe ngoko nangoko phantsi kwale miqathango ilandelayo:

- (a) ukuba akukho tyala lasemthethweni libekiweyo okanye sohlwayo sibekiweyo kwiiyure ezingama-48 emva kokubanjwa kweso sithuthi;
- (b) xa kurhoxiswe amatyala asemthethweni okanye loo mntu efunyaniswe engenatyala; okanye
- (c) kwimeko apho umntu athe wafunyaniswa enetyala okanye apho inkundla inike omnye umyalelo, xa kuhlawule imali yokubanjwa kweso sithuthi kwigosa eligunyazisiweyo kwindawo yeSixeko esibekwe kuyo isithuthi esivalelweyo.”.

Ukufakelwa kwecandelo 26A kuMthetho kaMasipala weZilungiso weSixeko saseKapa: woLawulo oluHlangeneyo lweNkunkuma, 2009

12. Umthetho-ngqangi wenziwa izilungiso ngokufakela emva kwecandelo 26 loMthetho kaMasipala kweli candelo lilandelayo:

“Ubunini-nkunkuma

26A. (1) Inkunkuma ekwisakhiwo esilawulwa siSixeko, kubandakanywa zonke iitiphu, izitishi zokuhambisa inkunkuma nezibonelelo ezamkela inkunkuma, ekugcinwa kuzo inkunkuma nekubuyiswa kuzo inkunkuma ziya kuba yipropati yeSixeko.

(2) Akukho mntu ungagunyaziswanga siSixeko unokuthi asuse okanye angenelele kwinkunkuma ekwisakhiwo esilawulwa siSixeko.

(3) Inkunkuma eqokelelwe siSixeko okanye ngumboneleli-nkonzo waso iba yipropati yeSixeko ukuba nje ikhe yakwizingxobo ezibonelelwa siSixeko okanye kumhlaba waso ukuze iqokelelwe.

(4) Ababoneleli-nkonzo abamkelwe sisixeko baba ngabanini benkunkuma ebekelwe ukuba iqokelelwe ngabo baboneleli-nkonzo bamkelweyo.”.

Isihloko eSifutshane

13. Lo mthetho kaMasipala ubizwa ngokuba nguMthetho kaMasipala weZilungiso weSixeko saseKapa: woLawulo lweNkunkuma oluHlanganisiweyo, 2016.

