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INHOUD

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Ibhaliswe ePosini njengePhephandaba

IZIQULATHO

(Ushicilelo oLutsha lufumaneka kwigumbi M21, kwiSakhiwo seNdlu yoWiso Mthetho sePhondo, 7 Wale Street, eKapa 8001.)

IGunya loMmandla

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**CITY OF CAPE TOWN
EVENTS AMENDMENT
BY-LAW, 2016**

CITY OF CAPE TOWN
EVENTS AMENDMENT BY-LAW, 2016

GENERAL EXPLANATORY NOTE:

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

 Words underlined with a solid line indicate insertions in existing enactments.

To amend the City of Cape Town: Events By-law, 2009, so as to amend and insert certain definitions; to amend the provisions relating to the scope of application; to amend and make further provisions relating to requirements and conditions for an event; to make provision relating to a safety officer; to make provision relating to the minimum criteria for appointment as safety officer; to make further provisions relating to decisions on events; to provide for and regularise the role of the authorised official; to provide that a compliance notice is to be issued by an authorised official; to delete the provision regarding the written notice as a requirement of access to property; to provide for the immediate stoppage of non-permitted events and events that are non-compliant with permit conditions; to provide clear consequences for offending event organisers and event owners; to provide that the event organiser must provide evidence to the City Manager regarding appropriate indemnity cover and public liability insurance; to provide that event owners shall be held liable for any damages to City property resulting from the holding of an event; to provide for the mitigation of damage to City property; to amend the provisions relating to Offences and Penalties; to make provision for the written confirmation of the appointment of a safety officer for an event; to repeal the Schedule of Fines; and to provide for matters connected therewith.

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

Amendment of section 1 of the City of Cape Town: Events By-law, 2009

1. Section 1 of the City of Cape Town: Events By-law, 2009, (hereinafter referred to as the principal By-law) is hereby amended—

(a) by the substitution for the definition of “**authorised official**” of the following definition:

“ ‘**authorised official**’ means an **[official]** employee of the City **[authorized to implement or enforce the provisions of any other law]** responsible for carrying out any duty or function or exercising any power in terms of this By-law and includes employees delegated to carry out or exercise such duties, functions or powers;”;

(b) by the substitution for the definition of “**City**” of the following definition:

“ ‘**City**’ means the City of Cape Town, a municipality established by the City of Cape Town Establishment Notice No. 479 of 22 September 2000, issued in terms of [section 12 of] the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), [by Provincial Notice No. 479 dated 22 December 2000] or any structure or employee of the City acting in terms of delegated authority;”;

(c) by the substitution for paragraph (a) of the definition of “**event**” of the following paragraph:

“(a) any sporting, recreational or entertainment event, including live acts, flash mobs and events promoted through online event campaigns;”;

(d) by the substitution for the definition of “**event organiser**” of the following definition:

“ ‘**event organiser**’ means **[a person who submits an application to hold an event in terms of this By-law whether he or she submits the application for himself or herself or on behalf of another person, body or organization]** a person appointed by an event owner to apply for an event permit and to manage the event;”;

- (e) by the substitution for the definition of “**event permit officer**” of the following definition:

“ ‘**event permit officer**’ means the head of the City of Cape Town events permit office [**or any other official delegated by him or her**];”;

- (f) by the insertion after the definition of “**event**” of the following definition:

“ ‘**event coordination committee**’ means the event planning committee of the City which comprises of all the service departments of the City;”;

- (g) by the insertion after the definition of “**event organiser**” of the following definition:

“ ‘**event owner**’ means

(a) the person funding the event; or

(b) the person who holds the rights to an event;”;

- (h) by the insertion after the definition of “**events policy**” of the following definitions:

“ ‘**event safety and security planning committee**’ means the committee contemplated in section 15 of the Safety at Sports and Recreational Events Act, 2010 (Act No 2 of 2010);

‘**flash mob**’ means a group of people mobilised via telecommunications, social media or e-mails to assemble in a public place for a specific purpose for a brief time and then quickly disperse;”;

- (i) by the insertion after the definition of “**flash mob**” of the following definition:

“ ‘**online event campaigns**’ means a marketing campaign for the promotion of an event through the use of the internet or social media;”;

- (j) by the insertion after the definition of “**permit**” of the following definition:

“ ‘**person**’ means a natural or juristic person;”;

- (k) by the insertion after the definition of “**purpose-built venue**” of the following definitions:

“ **‘safety and security plan’** means the safety and security plan, referred to in section 16(1)(b) of the Safety at Sports and Recreational Events Act, 2010 (Act No 2 of 2010), providing for the coordination of the functions of the role players involved in the provision of safety and security at the event;

‘safety officer’ means a person whose job it is to develop and recommend measures for promoting personal safety, and to monitor and anticipate hazardous and unsafe situations;”;

- (l) by the deletion of the definition of “**Law Enforcement Officer**”.

Amendment of section 2 of the City of Cape Town: Events By-law, 2009

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

- (a) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) events of fewer than **[50] 200** persons where there is no amplified sound or no temporary structures to be used; and”;

- (b) by the substitution for subsection (3) of the following subsection:

“(3) Notwithstanding subsection (2), the **[Events Permit Officer or a Law Enforcement Officer]** authorised official may—

- (a) when **[the Events Permit Officer or a Law Enforcement Officer]** he or she finds that this By-law is, or is likely to be, contravened by an event organizer; or
- (b) when a stakeholder affected by the impact and risk attached to an event files a complaint with the **[Event Permit Officer or a Law Enforcement Officer]** authorised official,

issue a compliance notice to the event organiser in terms of section 8 and act in terms of this By-law.”;

(c) by the addition of the following subsection:

“(7) This by-law does not apply to the holding of public gatherings and demonstrations as provided for in terms of the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993).”

Amendment of section 3 of the City of Cape Town: Events By-law, 2009

3. Section 3 of the principal By-law is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) An application to hold or stage an event must be made by the event organiser and submitted to the events permit office –

(a) by a person who is at least 18 years old;

(b) in a form as prescribed by the Events Permit Officer;

(c) within the prescribed time frames as set out in the Schedule 1; and

(d) by a person or on behalf of a person who possesses the necessary capacity and resources[, **as set out in the Schedule 1, to the events permit office**].”

Amendment of section 4 of the City of Cape Town: Events By-law, 2009

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

(a) by the substitution for subsection (2) of the following subsection:

“(2) An application for an event must comply with the provisions of this By-law and contain such information as indicated in the prescribed application form as well as the information as set out in Schedule 2.”;

(b) by the substitution for subsection (3) of the following subsection:

“(3) The event organiser may **[not] at own risk** advertise the planned event before an application **[is submitted to the City and the Event Permit Officer has informed the event organiser that the application]** has been approved in terms of section 5(1).”;

(c) by the insertion after subsection (3) of the following subsections:

“(3A) Advertising before the approval of an application for an event does not obligate the Event Permit Officer to grant any approvals.

“(3B) The event organiser is required to apply separately and within the required timeframe to the National Commissioner of the South African Police Service for a risk categorisation as contemplated in the Safety at Sports and Recreational Events Act, 2010 (Act No. 2 of 2010).

“(3C) The South African Police Service may require the event organiser to participate in separate event safety and security planning committee meetings.”;

(d) by the insertion after subsection (4) of the following subsection:

“(4A) The Event Permit Officer, may invite the event organiser to make a presentation to the Event Coordination Committee of the City prior to the approval of the event if an event—

(a) has been classified as a medium-risk or a high-risk event by the South African Police Service;

(b) clashes with another event; or

(c) presents other potential risks identified by the City.”.

Insertion of section 4A and section 4B in City of Cape Town: Events By-law, 2009

5. The following sections are hereby inserted in the principal By-law after section 4:

“Safety Officer

4A. (1) The event organiser must appoint a safety officer for the event.

(2) The responsibility for the safety of all present at the event lies primarily with the event organiser.

(3) The safety officer is tasked with monitoring and maintaining a safe environment for the duration of the event, including the set-up and breakdown stages of an event.

(4) The areas of responsibility of the safety officer include operational safety, occupational health and safety compliance and hygiene management.

(5) The safety officer maintains the right to halt any event should the safety officer identify a significant risk threatening the safety of any individual present at the event.

(6) The mandate of the safety officer includes the event venue as well as all associated facilities.

(7) The safety officer is required to be on-site for the entire duration of the event, including the set-up and breakdown stages of an event.

(8) The safety officer is to reasonably identify any risks or dangers and recommend suitable mitigation and management measures to the event organiser.

(9) The safety officer is responsible for ensuring that the event-specific written safety and security plan is adhered to.

Minimum criteria for appointment as safety officer

4B. Any person who is to be appointed as a safety officer at an event must be in possession of a qualification relating to occupational health and safety.”

Amendment of section 5 of the City of Cape Town: Events By-law, 2009

6. Section 5 of the principal By-law is hereby amended—

(a) by the insertion after subsection (3) of the following subsection:

“(3A) The Events Permit Officer may issue an event organiser with a provisional approval, subject to the event organiser complying with certain conditions relevant to the specific event.”;

(b) by the insertion after subsection (4) of the following subsections:

“(4A) The Event Permit Officer, may decline an application for an event permit where—

(a) an event application is received at short notice;

(b) the event clashes with another event ;

(c) the event safety and security plan is deemed insufficient by the City’s services;

(d) the event is not approved by the South African Police Service;

(e) the event is non-compliant with applicable legislation; or

(f) any other factor which, in the opinion of the Event Permit Officer, may negatively impact on the —

i) safe conclusion of an event; or

ii) human or other resources of the City;

(4B) No event permit may be issued, where more than 2000 persons are expected, without—

(a) the approval of the South African Police Service; and

(b) a South African Police Service risk categorisation.”.

(c) by the addition of the following subsection:

“(6) Notwithstanding the timeframes set out in Schedule 1 the Event Permit Officer may, after consultation with the City Manager, approve a late application for an event, where the holding of an event will be beneficial to the City.”

Substitution of section 7 of the City of Cape Town: Events By-law, 2009

7. The following section is hereby substituted for section 7 of the principal By-law:

“Holding of an event

7. Event organisers whose applications have been approved in terms of this By-law are responsible for the event and must ensure that —

- (a) the event is held in compliance with the provisions of this By-law and does not contravene any other law;
- (b) the conduct of persons attending an event and the activities undertaken or carried out at the event do not negatively impact on affected communities during such event; and
- (c) any compliance notice issued by **[the Events Permit Officer]** an authorised official in terms of section 8 is complied with.”.

Amendment of section 8 of the City of Cape Town: Events By-law, 2009

8. Section 8 of the principal By-law is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) When **[the Events Permit Officer or a Law Enforcement Officer]** an authorised official finds that a provision of this By-law is contravened by an event organizer or that a condition has arisen that has the potential to lead to a contravention of this By-law, or any other law, he or she[—]

[(a)] may issue a compliance notice to the event organizer[; or]

[(b) may, on receipt of information from an authorized official relating to the contravention of this By-law or any other law in respect of the holding or staging of an event, issue a compliance notice to the event organiser].”;

(b) by the substitution for subsection (3) of the following subsection:

“(3) If a person on whom notice was served in terms of subsection (1), fails to comply with the requirements of the notice, the **[Event Permit Officer, a Law Enforcement Officer or an]** authorized official may, for the purposes of this By-law, take such steps as may be necessary to rectify the condition at the cost of the event organizer.”.

Amendment of section 9 of the City of Cape Town: Events By-law, 2009

9. Section 9 of the principal By-law is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The **[Events Permit Officer, an]** authorized official **[or law enforcement officer]** may conduct inspections of a venue after the submission of an application, during or after the staging or holding of an event to determine compliance with this By-law.”;

(b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

“(2) The **[Events Permit Officer or a law enforcement officer]** authorised official has a right of access to or over any venue for the purposes of—”;

(c) by the deletion of subsection (3).

Amendment of section 10 of the City of Cape Town: Events By-law, 2009

10. Section 10 of the principal By-law is hereby amended—

(a) by the substitution for the heading thereof of the following heading:

“Suspension, **[and]** revocation and temporary refusal of permits”;

(b) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) on receipt of information **[from a Law Enforcement Officer or an authorised official]** relating to failure to comply with a compliance notice, suspend or revoke the permit of an event organizer.”;

(c) by the addition of the following subsections:

“(3) Non-permitted events and events that are non-compliant with permit conditions may be immediately stopped by an authorised official or the South African Police Service and all costs and liability resulting from such action will accrue to the event organiser and the event owner.

(4) The City may refuse to approve applications for an event for a period of six months where event organisers and event owners –

(a) did not comply with the provisions of a compliance notice issued in terms of this By-law; or

(b) have not repaired or not paid for damage caused to City property during a previous event.”.

Repeal of section 12 of the City of Cape Town: Events By-law, 2009

11. Section 12 of the principal By-law is hereby repealed.

Amendment of section 14 of the City of Cape Town: Events By-law, 2009

12. Section 14 of the principal By-law is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The event **[specialized]** organiser must provide **[—]**

[(a)] evidence, to the satisfaction of the City Manager, of appropriate indemnity cover **[:]** and

[(b)] ,where an activity which may put the public at risk will be involved, **[evidence to the satisfaction of the Events Permit Officer]** of appropriate **[specialized risk insurance, blanket liability or work cover]** public liability insurance.”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) [The City shall not be liable for any costs, including any damage or loss, incurred or suffered as a result of an event held without an approval in terms of this By-law] Event owners shall be held liable for any damages to City property resulting from the holding of an event.”;

(c) by the addition of the following subsections:

“(3) No person may without prior written approval from the City, drive pegs into sensitive areas where the City has high voltage electricity cables, fibre optic networks or any infrastructure for the provision of services.

“(4) Event organisers must take appropriate steps to the satisfaction of the City to minimise damage to City property.

Substitution of section 15 of the City of Cape Town: Events By-law, 2009

13. The following section is hereby substituted for section 15 of the principal By-law:

“Offences and Penalties

15. [(1) Failure to comply with any provision of this By-Law constitutes an offence.

(2) A person who commits an offence in terms of this By-Law shall, on conviction, be liable for a fine or a term of imprisonment, or both such fine and such imprisonment.]

(1) Any person who—

(a) holds an event without a permit, in contravention of section 4(1);

(b) is an event organiser who fails to comply with any provision of this By-law; and

(c) fails to ensure that the conduct of persons attending an event and the activities undertaken or carried out at an event do not disturb the neighbouring community and the residents, in contravention of section 7(b).

shall be guilty of an offence.

(2) A person who commits an offence in terms of this By-law shall be liable—

(a) in the case of an offence referred to in subsection (1)(a) or (b), to a fine or on conviction to imprisonment for a period not exceeding twelve months, or to both such fine and such imprisonment;

(b) in the case of an offence referred to in subsection 1(c), to a fine or on conviction to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment;

(c) in the case of an offence referred to in section 8(4), to a fine or on conviction to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.”.

Amendment to Schedule 1 of the City of Cape Town: Events By-law, 2009

14. Schedule 1 to the principal By-law is hereby amended—

(a) by the substitution in the second row of the second column regarding the small crowd size or number of participants for number 50 of number 200:

“**[50]** 200 to 2000”.

(b) by the substitution for note 3 of the following note:

“3. Any event which involves an application for a **[temporary]** land use **[departure]** approval and where the **[departure]** approval has not been granted must follow the appeal process as outlined in the **[Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985)]** relevant land use planning legislation.”

Amendment to Schedule 2 of the City of Cape Town: Events By-law, 2009

15. Schedule 2 to the principal By-law is hereby amended—

(a) by the addition after item q of the following item:

“r. Written confirmation of the appointment of a safety officer for the event.”.

Repeal of Schedule 3 of the City of Cape Town: Events By-law, 2009

16. Schedule 3 to the principal By-law is hereby repealed.

Short Title

17. This By-law is called the City of Cape Town: Events Amendment By-law, 2016.

STAD KAAPSTAD
WYSIGINGSVERORDENING
OP GELEENTHEDE, 2016

STAD KAAPSTAD

WYSIGINGSVERORDENING OP GELEENTHEDE, 2016

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vetdruk tussen vierkante hakies dui skrapings uit bestaande verordening aan.
- _____ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordening aan.

Om die Stad Kaapstad: Verordening op Geleentheid, 2009, te wysig ten einde sekere woordskrywings te wysig en in te voeg; om die bepalings met betrekking tot die toepassingsomvang te wysig; om bepalings met betrekking tot vereistes en voorwaardes vir 'n geleentheid te wysig en verdere vereistes te stel; om voorsiening vir 'n veiligheidsbeampte te maak; om voorsiening vir die minimum maatstawwe vir aanstelling as veiligheidsbeampte te maak; om verdere bepalings met betrekking tot besluite oor geleentheid te maak; om voorsiening vir die rol van die gemagtigde amptenaar te maak en te reguleer; om te bepaal dat 'n nakomingskennisgewing deur 'n gemagtigde amptenaar uitgereik moet word; om die bepaling met betrekking tot die skriftelike kennisgewing as 'n vereiste vir toegang tot eiendom te skrap; om voorsiening te maak vir die onmiddellike stopsit van nietoegelate geleentheid en geleentheid wat nie aan permitvoorwaardes voldoen nie; om duidelike voorsiening te maak vir gevolge vir 'n geleentheidsorganiseerder of geleentheidseienaar wat oortree; om te bepaal dat die geleentheidsorganiseerder bewys aan die stadsbestuurder moet lewer van gepaste vrywaringsdekking en versekering teen openbare aanspreeklikheid; om te bepaal dat die geleentheidseienaars aanspreeklik gehou sal word vir enige skade aan Stadseiendom as gevolg van die hou van 'n geleentheid; om voorsiening te maak vir vermindering van skade aan stadseiendom; om die bepalings met betrekking tot oortredings en boetes te wysig; om voorsiening te maak vir die skriftelike bekragting van die aanstelling van 'n veiligheidsbeampte vir die geleentheid; om die Boetebylae te skrap; en om voorsiening te maak vir aangeleentheid wat daarmee gepaard gaan.

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

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

1. Artikel 1 van die Stad Kaapstad: Verordening op Geleenthede, 2009 (hierna die hoofverordening genoem), word hiermee gewysig –

(a) deur die volgende woordomsywing na die inleidende sin in te voeg:

“ ‘aanlyn geleentheidsveldtogte’ ’n bemarkingsveldtog vir die bevordering van ’n geleentheid deur die gebruik van die internet of sosiale media;”;

(b) deur paragraaf (a) van die woordomsywing van “**geleentheid**” deur die volgende paragraaf te vervang:

“(a) enige sport-, ontspannings- of vermaakgeleentheid, wat lewende optredes, kitsskares en geleenthede wat deur middel van aanlyn geleentheidsveldtogte bevorder word, insluit;”;

(c) deur die volgende woordomsywing na die woordomsywing van “**geleentheid**” in te voeg:

“ ‘geleentheidkoördineringskomitee’ die geleentheidbeplanningskomitee van die Stad wat uit al die diensdepartemente van die Stad bestaan;”;

(d) deur die volgende woordomsywing na die woordomsywing van “**geleentheidsbeleid**” in te voeg:

“ ‘geleentheidseienaar’

a) die persoon wat die geleentheid befonds; of

b) die persoon wat die regte vir ’n geleentheid hou;”;

(e) deur die woordomsywing van “**geleentheidsorganiseerder**” deur die volgende woordomsywing te vervang:

“ ‘geleentheidsorganiseerder’ [’n persoon wat hetsy self of namens ’n ander persoon, liggaam of organisasie ingevolge hierdie verordening ’n aansoek indien om ’n geleentheid aan te bied] ’n persoon wat deur ’n geleentheidseienaar aangestel is om aansoek te doen om ’n permit vir die geleentheid en die geleentheid te bestuur;”;

- (f) deur die woordoms krywing van “**geleentheidspermitbeampte**” deur die volgende woordoms krywing te vervang:

“ ‘**geleentheidspermitbeampte**’ die hoof van die Stad Kaapstad se geleentheidspermitkantoor [**of enige ander amptenaar aan wie hy/sy bevoegdhede oorgedra word**];”;

- (g) deur die woordoms krywing van “**gemagtigde amptenaar**” deur die volgende woordoms krywing te vervang:

“ ‘**gemagtigde amptenaar**’ ’n [**amptenaar**] werknemer van die Stad [wat gemagtig is om die bepalings van enige ander wet in werking te stel of toe te pas] wat verantwoordelik is vir die verrigting van enige plig of funksie of die uitoefening van enige bevoegdheid ingevolge hierdie verordening, en sluit in werknemers aan wie die verrigting of uitoefening van sodanige pligte, funksies of bevoegdhede gedelegeer is;”;

- (h) deur die volgende woordoms krywings na die woordoms krywing van “**hierdie verordening**” in te voeg:

“ ‘**kitsskare**’ ’n groep mense wat deur middel van telekommunikasie, sosiale media of e-pos gemobiliseer word om in ’n openbare plek vir ’n spesifieke doel vir ’n kort rukkie bymekaar te kom en dan vinnig uitmekaargaan;

‘**komitee vir veiligheid en sekuriteit by geleenthede**’ die komitee beoog in artikel 15 van die Wet op Veiligheid by Sport- en Ontspanningsgeleenthede, 2010 (nr. 2 van 2010);”;

- (i) deur die volgende woordoms krywing na die woordoms krywing van “**permit**” in te voeg:

“ ‘**persoon**’ ’n natuurlike persoon of ’n regs persoon;”;

- (j) deur die woordoms krywing van “**Stad**” deur die volgende woordoms krywing te vervang:

“ ‘**Stad**’ die Stad Kaapstad, ’n munisipaliteit ingestel deur die Stad Kaapstad Instellingkennisgewing nr. 479 van 22 September 2000, uitgereik [**soos**] ingevolge [**artikel 12 van**] die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (nr. 117 van 1998) [**volgens Provinsiale Kennisgewing nr. 479 van 22 Desember 2000 ingestel**],

of enige struktuur of werknemer van die Stad wat kragtens gedelegeerde magtiging optree;”;

- (k) deur die volgende woordomsrywings na die woordomsrywing van “**stadsbestuurder**” in te voeg:

“ ‘veiligheid-en-sekuriteitsplan’ die veiligheid-en-sekuriteitsplan in artikel 16(1)(b) van die Wet op Veiligheid by Sport en Ontspanningsgeleenthede (nr. 2 van 2010) beoog, wat voorsiening maak vir die koördinerende funksies van die rolspelers wat by die verskaffing van veiligheid en sekuriteit by die geleentheid betrokke is;

‘veiligheidsbeampte’ ’n persoon wie se taak dit is om maatreëls vir die bevordering van persoonlike veiligheid te ontwikkel en aan te beveel, en om gevaarlike en onveilige situasies te monitor en te voorsien;”;

- (l) deur die woordomsrywing van “**wetstoepassingsbeampte**” te skrap.

Wysiging van artikel 2 van die Stad Kaapstad: Verordening op Geleentheid, 2009

2. Artikel 2 van die hoofverordening word hiermee gewysig –

- (a) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

“(a) op geleentheid met minder as **[50]200** mense sonder versterkte klank of tydelike strukture; en

- (b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Ondanks subartikel (2) hier bo, kan die **[geleentheidsperrmit-beampte of ’n wetstoepassingsbeampte]** gemagtigde amptenaar:

(a) wanneer hy/sy van oordeel is dat ’n geleentheidsorganiseerder hierdie verordening oortree of waarskynlik sal oortree; of

(b) wanneer ’n belanghebbende wat deur die impak en risiko verbonde aan ’n geleentheid geraak word, ’n klagte by die **[geleentheidsperrmit-beampte of wetstoepassingsbeampte]** gemagtigde amptenaar indien,

ingevolge artikel 8 ’n nakomingskennisgewing aan die geleentheidsorganiseerder uitreik, en ingevolge hierdie verordening optree.”;

(c) deur die volgende subartikel toe te voeg:

“(7) Hierdie verordening is nie van toepassing op die aanbied van openbare byeenkomste en betogings waarvoor daar in die Wet op die Reëling van Byeenkomste, 1993 (nr. 205 van 1993) voorsiening gemaak word nie.”.

Wysiging van artikel 3 van die Stad Kaapstad: Verordening op Geleenthede, 2009

3. Artikel 3 van die hoofverordening word hiermee gewysig –

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) ’n Aansoek om ’n geleentheid aan te bied, moet deur die geleentheidsorganiseerder voorberei en by die geleentheidspermitkantoor ingedien word –

(a) deur ’n persoon van 18 jaar of ouer;

(b) op die vorm wat deur die geleentheidspermitbeampte voorgeskryf word;

(c) binne die voorgeskrewe tydskaal soos in bylae 1 uiteengesit; en

(d) deur ’n persoon of namens ’n persoon met die nodige vermoë en hulpbronne [**, soos in bylae 1 uiteengesit**].”.

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

4. Artikel 4 van die hoofverordening word hiermee gewysig –

(a) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) ’n Aansoek om ’n geleentheid aan te bied, moet aan die bepalings van hierdie verordening voldoen, en moet sodanige inligting bevat soos op die voorgeskrewe aansoekvorm aangedui asook die inligting soos [en] in bylae 2 uiteengesit.”;

(b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Die geleentheidsorganiseerder mag **[nie] op eie risiko** die beplande geleentheid adverteer voordat ’n aansoek **[by die Stad ingedien is en die geleentheidspermitbeampte sodanige organiseerder verwittig het dat die aansoek]** ingevolge artikel 5(1) goedgekeur is**[nie]**.”;

(c) deur die volgende subartikels na subartikel (3) in te voeg:

“(3A) Die advertering van die aanbied van ’n geleentheid voor die goedkeuring van ’n aansoek verplig nie die geleentheidspermitbeampte om goedkeuring te verleen nie.

“(3B) Die geleentheidsorganiseerder moet afsonderlik en binne die vereiste tydskaal by die Nasionale Kommissaris van die Suid-Afrikaanse Polisie diens aansoek doen om ’n risiko-kategorisering soos beoog in die Wet op Veiligheid by Sport- en Ontspanningsgeleenthede, 2010 (nr. 2 van 2010).

“(3C) Die Suid-Afrikaanse Polisie diens kan vereis dat die geleentheidsorganiseerder afsonderlike vergaderings van die beplanningskomitee vir veiligheid en sekuriteit by geleentheid bywoon.”;

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

“(4A) Die geleentheidspermitbeampte kan die geleentheidsorganiseerder nooit om voor die goedkeuring van die geleentheid ’n voorlegging aan die geleentheidskoördineringskomitee van die Stad te doen indien ’n geleentheid–

(a) as ’n mediumrisiko- of hoërisikogeleentheid deur die Suid-Afrikaanse Polisie diens geklassifiseer is;

(b) met ’n ander geleentheid bots; of

(c) ander potensiële risiko’s inhou wat deur die Stad geïdentifiseer is.”.

Invoeging van artikel 4A en artikel 4B in die Stad Kaapstad: Verordening op Geleenthede, 2009

5. Die volgende artikels word hiermee in die hoofverordening na artikel 4 ingevoeg:

“Veiligheidsbeampte

4A. (1) Die geleentheidsorganiseerder moet ’n veiligheidsbeampte vir die geleentheid aanstel.

(2) Die verantwoordelikheid vir die veiligheid van almal wat die geleentheid bywoon, berus in die eerste plek by die geleentheidsorganiseerder.

(3) Die veiligheidsbeampte se taak is monitering en die handhawing van ’n veilige omgewing vir die duur van die geleentheid, insluitend die opstel- en afbreekstadiums van ’n geleentheid.

(4) Die veiligheidsbeampte is verantwoordelik vir bedryfsveiligheid, beroepsgesondheid en veiligheidsnakoming en higiënebestuur.

(5) Die veiligheidsbeampte behou die reg voor om enige geleentheid stop te sit indien hy/sy ’n beduidende risiko identifiseer wat die veiligheid van enige individu by die geleentheid bedreig.

(6) Die veiligheidsbeampte se mandaat sluit die vergaderplek asook alle verwante fasiliteite in.

(7) Die veiligheidsbeampte moet vir die duur van die geleentheid op die terrein te wees, insluitend die opstel- en afbreekstadiums van ’n geleentheid.

(8) Die veiligheidsbeampte moet enige risiko’s of gevare redelikerwys identifiseer en geskikte skadeverkleining- en bestuursmaatreëls by die geleentheidsorganiseerder aanbeveel.

(9) Die veiligheidsbeampte is daarvoor verantwoordelik om toe te sien dat die skriftelike geleentheid-spesifieke veiligheid-en-sekuriteitsplan nagekom word.

Minimum maatstawwe vir aanstelling as veiligheidsbeampte

4B. Enige persoon wat as ’n veiligheidsbeampte by ’n geleentheid aangestel gaan word, moet in besit wees van ’n kwalifikasie wat met beroepsgesondheid en -veiligheid verband hou.”.

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

6. Artikel 5 van die hoofverordening word hiermee gewysig –

(a) deur die volgende subartikel na subartikel (3) in te voeg:

“(3A) Die geleentheidspermitbeampte mag ’n voorlopige goedkeuring aan ’n geleentheidsorganiseerder uitreik, onderworpe daaraan dat die geleentheids-organiseerder voldoen aan sekere voorwaardes wat met die spesifieke geleentheid verband hou.”;

(b) deur die volgende subartikels na subartikel (4) in te voeg:

“(4A) Die geleentheidspermitbeampte mag ’n aansoek om ’n geleentheids-permit weier indien –

(a) ’n geleentheidsaansoek op kort kennisgewing ontvang word;

(b) die geleentheid met ’n ander geleentheid bots;

(c) die Stad se dienste die veiligheid-en-sekureiteitsplan vir die geleentheid as ontoereikend beskou;

(d) die geleentheid nie deur die Suid-Afrikaanse Polisie goedgekeur word nie;

(e) die geleentheid nie aan toepaslike wetgewing voldoen nie; of

(f) daar enige faktor is wat, na mening van die geleentheidspermit-beampte, ’n negatiewe impak kan hê op die –

i) veilige afsluiting van ’n geleentheid; of

ii) die Stad se menslike of ander hulpbronne;

(4B) Waar meer as 2000 mense verwag word, mag geen geleentheidspermit uitgereik word nie sonder –

(a) die goedkeuring van die Suid-Afrikaanse Polisie; en

(b) ’n risiko-kategorisering deur die Suid-Afrikaanse Polisie.

(c) die byvoeging van die volgende subartikel:

“(6) Nieteenstaande die tydsraamwerke uiteengesit in bylae 1 kan die geleentheidspermitbeampte, na oorleg met die stadsbestuurder, ’n laat aansoek vir ’n geleentheid goedkeur waar die hou van ’n geleentheid die Stad tot voordeel sal strek.”

Vervanging van artikel 7 van die Stad Kaapstad: Verordening op Geleenthedede, 2009

7. Artikel 7 van die hoofverordening word hiermee deur die volgende artikel vervang:

“Aanbied van ’n geleentheid

7. Geleentheidsorganiseerders wie se aansoeke ingevolge hierdie verordening goedgekeur word, is verantwoordelik vir die geleentheid en moet verseker dat:

- (a) die geleentheid aan die bepalings van hierdie verordening sowel as dié van enige ander wet voldoen;
- (b) die gedrag van persone wat ’n geleentheid bywoon, en die aktiwiteite wat by ’n geleentheid beoefen of uitgevoer word, nie gedurende sodanige geleentheid ’n negatiewe impak op geaffekteerde gemeenskappe het nie; en
- (c) daar aan enige nakomingskennisgewing voldoen word wat **[die geleentheidspermitbeampte]** ’n gemagtigde amptenaar ingevolge artikel 8 hier onder uitreik.”.

Wysiging van artikel 8 van die Stad Kaapstad: Verordening op Geleenthedede, 2009

8. Artikel 8 van die hoofverordening word hiermee gewysig –

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Wanneer [die geleentheidspermitbeampte of ’n wetstoepassings-beampte] ’n gemagtigde amptenaar bevind dat ’n geleentheidsorganiseerder ’n bepaling van hierdie verordening oortree, of dat ’n situasie met betrekking tot ’n geleentheid ontstaan het wat moontlik tot ’n oortreding van hierdie verordening of enige ander wet kan lei, kan hy/sy[:]

[(a)]'n nakomingskennisgewing aan die geleentheidsorganiseerder uitreik[; **of]**

[(b) by ontvangs van inligting van 'n gemagtigde amptenaar oor die oortreding van hierdie verordening of enige ander wet met betrekking tot die hou of aanbied van geleenthede, 'n nakomingskennisgewing aan die geleentheidsorganiseerder uitreik].”;

(b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Sou 'n persoon aan wie 'n kennisgewing ingevolge subartikel (1) hier bo bestel is, versuim om aan die vereistes daarvan gehoor te gee, kan die **[geleentheidspermitbeampte, 'n wetstoepassingsbeampte of 'n]** gemagtigde amptenaar vir die doeleindes van hierdie verordening, en op onkoste van die geleentheidsorganiseerder, sodanige stappe doen as wat nodig blyk te wees om die situasie reg te stel.”.

Wysiging van artikel 9 van die Stad Kaapstad: Verordening op Geleenthede, 2009

9. Artikel 9 van die hoofverordening word hiermee gewysig –

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die **[geleentheidspermitbeampte, 'n]** gemagtigde amptenaar **[of 'n wetstoepassingsbeampte]** kan ná die indiening van 'n aansoek, en gedurende of ná die aanbied van 'n geleentheid inspeksies van die vergaderplek onderneem ten einde te bepaal of hierdie verordening nagekom is of word.”;

(b) deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

“(2) Die **[geleentheidspermitbeampte of 'n wetstoepassingsbeampte]** gemagtigde amptenaar beskik oor die reg van toegang tot of oor enige vergaderplek.”;

(c) deur subartikel (3) te skrap.

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

10. Artikel 10 van die hoofverordening word hiermee gewysig –

(a) Deur die opskrif daarvan deur die volgende opskrif te vervang:

“Opskorting, **[en]** intrek en tydelike weiering van permitte”;

(b) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

“(c) die permit opskort óf intrek by ontvangs van inligting **[van ’n wetstoepassingsbeampte of ’n gemagtigde amptenaar]** oor die geleentheidsorganiseerder se versuim om aan ’n nakomingskennisgewing te voldoen.”;

(c) deur die volgende subartikels toe te voeg:

“(3) Nietoegelate geleenthede en geleenthede wat nie aan permitvoorwaardes voldoen nie, kan onmiddellik deur ’n gemagtigde amptenaar of die Suid-Afrikaanse Polisie diens stopgesit word en alle koste en aanspreeklikheid wat uit sodanige optrede voortspruit, sal die geleentheidsorganiseerder en die geleentheidseienaar toeval.

(4) Die Stad mag vir ’n tydperk van ses maande weier om aansoeke vir ’n geleentheid goed te keur waar geleentheidsorganiseerders en geleentheidseienaars –

(a) nie aan die bepalings van ’n nakomingskennisgewing uitgereik ingevolge hierdie Verordening voldoen nie; of

(b) nie skade herstel het wat gedurende ’n vorige geleentheid aan stadseiendom veroorsaak is nie of nie vir sodanige skade betaal het nie.”.

Herroeping van artikel 12 van die Stad Kaapstad: Verordening op Geleenthede, 2009

11. Artikel 12 van die hoofverordening word hiermee herroep.

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

12. Artikel 14 van die hoofverordening word hiermee gewysig –

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die geleentheidsorganiseerder moet **[onderstaande lewer:]**

[(a)] bewys lewer van toepaslike vrywaringsdekking, tot bevrediging van die stadsbestuurder, [;] en

[(b)] waar ’n aktiwiteit betrokke is wat die publiek in gevaar kan stel, [bewys] van toepaslike [gespesialiseerde risikoversekering, omvattende aanspreeklikheidsdekking of werksdekking, tot bevrediging van die geleentheidspermitbeampte] versekering vir openbare aanspreeklikheid.”;

(b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2)**[Die Stad sal nie aanspreeklik wees vir enige koste, wat enige skade of verlies insluit, wat as gevolg van ’n geleentheid wat sonder goedkeuring ingevolge hierdie verordening aangebied is, aangegaan of gely word nie]. Geleentheidseienaars sal aanspreeklik gehou word vir enige skade aan stadseiendom wat deur die hou van ’n geleentheid veroorsaak word.”;**

(c) deur die volgende subartikels toe te voeg:

“(3) Geen persoon mag sonder die Stad se vooraf skriftelike goedkeuring penne in sensitiewe gebiede inslaan waar die Stad hoogspanningselektrisiteitskabels, veseloptiese netwerke of enige ander infrastruktuur vir die voorsiening van dienste het nie.

“(4) Geleentheidsorganiseerders moet gepaste stappe tot bevrediging van die Stad doen om skade aan stadseiendom tot die minimum te beperk.”

Vervanging van artikel 15 van die Stad Kaapstad: Verordening op Geleenthede, 2009

13. Artikel 15 van die hoofverordening word hiermee deur die volgende artikel vervang:

“Oortredings en boetes

15(1) [Versuim om enige bepaling van hierdie verordening na te kom, maak ’n oortreding uit.

(2) ’n Persoon wat ingevolge hierdie verordening ’n oortreding begaan, is by skuldigbevinding strafbaar met ’n boete, of tronkstraf, of sowel ’n boete as tronkstraf.]

(1) ’n Persoon wat –

(a) in stryd met artikel 4(1) ’n geleentheid sonder ’n permit aanbied;

(b) ’n geleentheidsorganiseerder is en versuim om enige bepaling van hierdie verordening na te kom; en

(c) in stryd met artikel 7(b) versuim om toe te sien dat die gedrag van persone wat ’n geleentheid bywoon en die aktiwiteite wat by ’n geleentheid onderneem of uitgevoer word, nie die omliggende gemeenskap en die inwoners steur nie;

is skuldig aan ’n oortreding.

(2) ’n Persoon wat ingevolge hierdie verordening ’n oortreding begaan, is strafbaar –

(a) in die geval van ’n oortreding waarna in subartikel (1)(a) of (b) verwys word, met ’n boete, of met gevangenisstraf vir ’n tydperk van hoogstens twaalf maande, of met sowel sodanige boete as sodanige gevangenisstraf;

(b) in die geval van ’n oortreding waarna in subartikel (1)(c) verwys word, met ’n boete of by skuldigbevinding met gevangenisstraf vir ’n tydperk van hoogstens vyf jaar, of met sowel sodanige boete as sodanige gevangenisstraf;

(c) in die geval van ’n oortreding waarna in artikel 8(4) verwys word, met ’n boete of by skuldigbevinding met gevangenisstraf vir ’n tydperk van hoogstens tien jaar, of met sowel sodanige boete as sodanige gevangenisstraf.”

Wysiging van bylae 1 van die Stad Kaapstad: Verordening op Geleentehede, 2009

14. Bylae 1 van die hoofverordening word hiermee gewysig –
- (a) deur in die tweede ry van die tweede kolom oor die grootte van 'n klein skare of getal deelnemers die syfer 50 met die syfer 200 te vervang:

“**[50]** 200 tot 2000”.

- (b) deur nota 3 met die volgende nota te vervang:

“3. Enige geleentheid wat 'n aansoek om 'n **[tydelike]** grondgebruik-goedkeuring **[afwyking]** behels, welke **[afwyking]** goedkeuring uiteindelik nie toegestaan word nie, moet die appèlproses soos in die **[Ordonnansie op Grondgebruikbeplanning, (nr. 15 van 1985)]** betrokke wetgewing oor grondgebruikbeplanning vervat, volg.”

Wysiging van bylae 2 van die Stad Kaapstad: Verordening op Geleentehede, 2009

15. Bylae 2 van die hoofverordening word hiermee gewysig –
- (a) deur die volgende item na item q toe te voeg:

“r. Skriftelike bekragtiging van die aanstelling van 'n veiligheidsbeampte vir die geleentheid.”

Herroeping van bylae 3 van die Stad Kaapstad: Verordening op Geleentehede, 2009

16. Bylae 3 van die hoofverordening word hiermee herroep.

Kort titel

17. Hierdie Verordening staan bekend as die Stad Kaapstad: Wysigingsverordening op Geleentehede, 2016.

**ISIXEKO SASEKAPA
UMTHETHO
KAMASIPALA
ONGEMISITHO
OLUNGISIWEYO WANGO-
2016**

ISIXEKO SASEKAPA

UMTHETHO KAMASIPALA ONGEMISITHO OLUNGISIWEYO WANGO-2016

INGCACISO NGOKUBANZI EMAYIQWALASELWE:

[] Amagama abhalwe ngokugxininisiweyo ngobiyelo lwezikweri/iibraketsi abonakalisa okuthe kwakhutshwa kwimithetho ekhoyo kaMasipala.

_____ Amagama akrwelelwe umgca ngaphantsi ongqindilili abonakalisa ufakelelo kwimithetho ekhoyo kaMasipala.

Ukuba kubonelelwe ngolungiso kuMthetho kaMasipala ongeMisitho wango-2009, khon' ukuze kufakelwe neenkcazo ezithile; ukwenza izilungiso kwimimiselo ephathelene nomhlaba wokusebenza kwawo; ukufakela izilungiso nokwenza eminye imimiselo enxulumene neemfuno kunye nemiqathango yokusingatha umsitho; ukwenza ummiselo onxulumene negosa lokhuseleko; ukwenza ummiselo onxulumene neenkqubo ezizezona zisezantsi zokuqeshwa kwegosa lokhuseleko; ukwenza eminye imimiselo enxulumene nezigqibo malunga nemisitho; ukubonelela kunye nokulawula indima yegosa eligunyazisiweyo; ukucima ummiselo omalunga nesaziso esibhaliweyo njengemfuno engummiselo yokungena kwipropati; ukubonelela ngokunqandwa ngoko nangoko kwemisitho enganikwanga mvume kunye neziganeko ezingayithobeliyo imimiselo yepemithi; ukubonisa okuya kuthi kwenziwe kulowo athi aphazamisane nabaququzeleli kunye nabanini bemisitho; ukumisela ukuba umququzeleli womsitho kufuneka anike ubungqina kuMphathi weSixeko malunga nentlawulo yokuxolelwa efanelekileyo kunye ne-inshorensi yokuba nobutyala kuluntu; ukumisela ukuba abanini bomisitho bayakuthi babenoxanduva ngawo nawuphina umonakalo othe wenzeka kwipropati yeSixeko ngenxa yokuchotshelwa komsitho lowo; umisela imeko yokuncitshiswa komonakalo kwipropati yeSixeko; ukwenza izilungiso kwimimiselo enxulumene noLwaphulo-mthetho kunye neZohlwayo; ukwenza ummiselo obubungqina obubhaliweyo bokuqeshwa kwegosa lokhuseleko ukulungiselela umsitho; ukubhangiswa kweShedyuli yeZohlwayo; nokwenza ummiselo ngemiba enxulumene nayo.

NGOKU KE KUWISWA UMTHETHO liBhunga leSixeko saseKapa, ngolu hlobo lulandelayo:—

Ukwenziwa kwezilungiso kwicandelo 1 loMthetho weSixeko saseKapa: uMthetho kaMasipala ongeMisitho, wango-2009

1. ICandelo 1 loMthetho kaMasipala weSixeko saseKapa ongeMisitho, wango-2009, (ngokulandelayo obizwa ngokuba nguMthetho kaMasipala oyintloko) wenziwa izilungiso—

- (a) Ngokukhutshwa kufakelwe endaweni echaza “**igosa eligunyazisiweyo**” le nkcazo ilandelayo:

“ ‘**igosa eligunyazisiweyo**’ lithetha [**igosa**] umqeshwa weSixeko [ogunyaziselwe ukumisela okanye ukunyanzelisa imimiselo yawo nawuphi na omnye umthetho] elinoxanduva lokwenza nawuphi na umsebenzi okanye ukusebenzisa nawaphi na amagunya ngokwalo Mthetho kaMasipala kwaye libandakanya abasebenzi abanikwe amagunya okwenza okanye ukusingatha imisebenzi elolo hlobo, okanye amagunya anjalo;”;

- (b) Ngokutshintshwa kwenkcazo “**iSixeko**” kufakwe le nkcazo ilandelayo:

“ ‘**iSixeko**’ sithetha iSixeko saseKapa, umasipala osekwe ngokweSaziso sokuSekwa kweSixeko saseKapa Nomb. 479 sowama-22 Septemba 2000, esikhutshwe ngokwe-[candelo 12] ngokoMthetho wooRhulumente beMimandla: weZiseko zooMasipala, wowe-1998 (uMthetho Nomb. 117 wowe-1998), [iSaziso sePhondo Nomb. 479 somhla we-22 Disemba 2000] okanye naso nasiphi na isiseko okanye umqeshwa weSixeko osebenza ngokwegunya eligqithiselweyo;”;

- (c) Ngokutshintshwa komhlathi (a) wenkcazo “**umsitho**” walo mhlathi ulandelayo:

“(a) nasiphi na isiganeko sezemidlalo, okanye ulonwabo, kuqukwa okwenziwa phambi kwabantu, iintshukumo ozibukela njengoko zisenzeka, abantu abadibana ngesikhawu ngenjongo yokonwabisa (flash mobs)”;

- (d) Ngokutshintshwa kwenkcazo “**umququzeleli womsitho**” kufakwe le nkcazo ilandelayo:

“**‘umququzeleli womsitho’** uthetha [umntu ofaka isicelo sokubamba umsitho ngokwalo Mthetho kaMasipala nokuba uyazifakela na eso sicelo okanye usifakela omnye umntu, iqumrhu okanye umbutho] umntu oqeshwe ngumnini-siganeko ukuba enze isicelo sepemithi yomsitho aze alawule umsitho;”;

- (e) Ngokutshintshwa kwenkcazo ye“**igosa leemvume zomsitho**” kufakwe le nkcazo ilandelayo:

“**‘igosa leemvume zomsebenzi’** lithetha i-ofisi yentloko yeepemithi yeSixeko saseKapa [okanye nalo naliphi na igosa eligqithiselwe amagunya nguye];”;

- (f) Ngokufakwa emva kwenkcazo “**umsitho**” kwale nkcazo elandelayo:

“**‘ikomiti yokuququzelela imisitho’** ithetha ikomiti yokucwangcisa imisitho yeSixeko equka onke amasebe eenkonzo zeSixeko;”;

- (g) Ngokufakwa emva kwenkcazo “**umququzeleli womsitho**” kwale nkcazo ilandelayo:

“**‘umnini womsitho’** uthetha

- a) umntu oxhasa ngemali umsitho; okanye
- b) umntu obambe amalungelo omsitho;”;

- (h) Ngokufakwa emva kwenkcazo yoku “**umgaqo-nkqubo wezemisitho**” kwezi nkcazo zilandelayo:

“**‘ikomiti yocwangciso lokhuselo nokhuseleko’** ithetha ikomiti eqatshelweyo kwicandelo 15 loMthetho weMisitho yoKhuseleko lwezeMidlalo noLonwabo, wowe-2010 (uMthetho Nomb. 2 wowe-2010);

‘iqela labantu abadityaniswe ngesikhawu ngenjongo zokonwabisa’ lithetha iqela labantu abahlanganiswe ngobuxhakaxhaka bezonxibelelwano, amajelo kawonkewonke okanye ii-imeyili ukuba ahlangane kwindawo kawonkewonke fele-fele ngenjongo ethile okwexeshana elingephi baze emva koko bakhawuleze bachithakale;”;

- (i) Ngokufakwa emva kwenkcazo yoku “**amaqela avela isikhawu esidlangalaleni ngenjongo ethile**” kwale nkcazo ilandelayo:

“ ‘amaphulo emisitho ahanjiswa ngekhompyutha’ kuthetha iphulo lokuthengisa umsitho lowo ngokuthi kusetyenziswe i-intanethi okanye amaqonga onxubelelwano noluntu ale mihla;”;

- (j) Ngokufakwa emva kwenkcazo yoku “**ipemithi**” kwale nkcazo ilandelayo:

“ ‘umntu’ uthetha umntu onokubanjiswa xa oko kuyimfuneko;”;

- (k) Ngokufakwa emva kwenkcazo yoku “**indawo eyakhelwe injongo ethile**” kwezi nkcazo zilandelayo:

“ ‘isicwangciso sokhuselo nokhuseleko’ sithetha isicwangciso sokhuselo nokhuseleko, ekubhekiselelwe kuso kwicandelo 16(1)(b) loMthetho wezoKhuseleko kwezeMidlalo nakwiMisitho yezoLonwabo, wowe-2010 (uMthetho Nomb. 2 wowe-2010), omisela ukuququzelelwa kwemisebenzi yabathathi-nxaxheba ababandakanyekayo ekuboneleleni ngokhuselo nokhuseleko kumsitho lowo;

“ ‘igosa lokhuseleko’ lithetha umntu omsebenzi wakhe ikukwenza nokucebisa ngemimiselo yokukhuthaza ukhuseleko lomntu, nokubeka esweni kwanokulindela iimeko eziyingozi nezingakhuselekanga;”;

- (l) Ngokucinywa kwenkcazo emalunga nalo “**IGosa loNyanzeliso-mthetho**”.

Ukwenziwa kwezilungiso kwicandelo 2 loMthetho weSixeko saseKapa: uMthetho kaMasipala ongeMisitho wango-2009

2. Candelo 2 loMthetho kaMasipala ukwenjenje lifakelwa izilungiso—

- (a) kutshintshwe umhlathi (a) wecandelwana (2) womhlathi olandelayo:

“(a) imisitho engenena kubantu abangama-**[50]** 200 apho kungekho matshini wesandisi-sandi okanye izakheko zexeshana ekufaneleke zisetyenzisiwe; kwakhona”;

(b) kutshintshwe icandelwana (3) lecandelwana elilandelayo:

“(3) Noxa kukho icandelwana (2), **[IGosa leeMvume zeMisitho okanye iGosa loNyanzeliso-Mthetho]** igosa eligunyazisiweyo linakho —

(a) xa **[IGosa leeMvume zeMisitho okanye iGosa loNyanzeliso-Mthetho]** lifumanisa ukuba lo Mthetho kaMasipala uza kophulwa ngumququzeleli womsitho; okanye

(b) xa umntu ochaphazelekayo lifuthe nengozi enokubangelwa sisiganeko ethe wangenisa isikhalazo **[kwiGosa leeMvume zeMisitho okanye kwiGosa loNyanzeliso-Mthetho]** kwigosa eligunyazisiweyo

likhuphe isaziso sothotyelo-miqathango kumququzeleli-siganeko ngokwecandelo 8 ze enze oko kufunwa ngulo mthetho.”;

(c) ngokufakelwa kweli candelwana lilandelayo:

“(7) Lo mthetho kamasipala awusebenzi xa kubanjwe iintlanganiso zoluntu kunye neematshi nanjengokuba imiqathango yazo ikumthetho *iRegulation of Gatherings Act, 1993 (UMthetho Nomb. 205 ka-1993)*.”.

Ukwenziwa kwezilungiso kwicandelo 3 loMthetho weSixeko saseKapa: uMthetho kaMasipala ongeMisitho wango-2009

3. ICandelo 3 loMthetho wokuQala ngokunje lenziwa izilungiso—

(a) ngokuthi endaweni yecandelwana (1) kufakelwe eli candelwana lilandelayo:

“(1) Isicelo esisesikweni sokusingatha umsitho okanye isiganeko kufuneka singeniswe ngumququzeleli wesiganeko eso ze kwiofisi yeemvume zemisitho—

(a) ngumntu ominyaka yobudala ili-18 ubuncinane nangaphezulu;

(b) kwifomu efanelekileyo echazwe liGosa leeMvume zeMisitho;

(c) kwixesha elibekiweyo elichazwe kwiShedyuli 1; yaye

(d) ibe ngumntu okanye asifakele umntu onesakhono nezibonelelo ezifanelekileyo [, **njengoko ichaziwe kwiShedyuli 1, kwiofisi yeemvume zemisitho**].”.

Ukwenziwa kwezilungiso kwicandelo 4 loMthetho weSixeko saseKapa: uMthetho kaMasipala ongeMisitho wango-2009

4. ICandelo 4 loMthetho wokuQala ngokunje lenziwa izilungiso—

(a) ngokuthi endaweni yecandelwana (2) kufakwe eli candelwana lilandelayo:

“(2) Isicelo somsitho kufuneka sithobele imiqathango yalo Mthetho kaMasipala, sibe neenkukacha ezichazwe kwifomu yezicelo efanelekileyo kunye neenkukacha njengoko kuchazwe kwiShedyuli 2.”;

(b) ngokuthi endaweni yecandelwana (3) kufakwe eli candelwana lilandelayo:

“(3) Umsindleki-siganeko [**akanakukwazisa**] ngokunokwakhe abantu ngesiganeko phambi kokuba [azise iSixeko neGosa leeMvume zeMisitho ukuba isicelo] samkelwe ngokwecandelo 5(1).”;

(c) ngokuthi kufakelwe emva kwecandelwana (3) la macandelwana alandelayo:

“(3A) Ukwazisa uluntu phambi kokuba isicelo samkelwe akunyanzelisi iGosa leeMvume zeMisitho ukuba lamkele isicelo.

(3B) Umsindleki-siganeko kufuneka afake esinye isicelo ngexesha elifunekayo kuMkomishinala weSizwe waMapolisa oMzantsi Afrika ukuze kujongwe uluhlu lwemingcipheko nanjengoko kuchaziwe kumthetho *iSafety at Sports and Recreational Events Act, 2010 (UMthetho Nomb. 2 ka-2010).*

(3C) AmaPolisa oMzantsi Afrika angafuna ukuba umsindleki-msitho athathe inxaxheba kwiintlanganiso zekomiti ezahlukileyo zocwangciso lokhuselo nokhuseleko.”;

(d) ngokuthi kufakelwe emva kwecandelwana (4) eli candelwana lilandelayo:

“(4A) IGosa leeMvume zeMisitho, lingamema umsindleki-msitho ukuba aze kunika inkcaza kwiKomiti yeSixeko yoQuquzelelo lweMisitho phambi kokuba isiganeko eso sivunyelwe ukuba ngaba umsitho—

(a) uhlelwe njengonomngcipheko ophakathi okanye umsitho okumngcipheko ophezulu ngamaPolisa oMzantsi Afrika;

(b) ungqubana nomnye umsitho; okanye

(c) uneminye imingcipheko enokubakhona ebonwe siSixeko.”.

Ukufakelwa kweCandelo 4A neCandelo 4B loMthetho weSixeko saseKapa: uMthetho kaMasipala ongeMisitho wango-2009.

5. La macandelo alandelayo afakelwe kuMthetho kaMasipala wokuQala emva kwecandelo 4:

“IGosa loKhuseleko

4A. (1) Umsindleki-msitho kufuneka atyumbe iGosa loKhuseleko lomsitho.

(2) Uxanduva lokhuseleko labo bonke abakhoyo lolomsindleki-msitho.

(3) IGosa loKhuseleko kufuneka libeke iliso yaye ligcine indawo ikhuselekile ngalo lonke ixesha lesiganeko, kuquka ubume nokwahluka-hlukana kwezigaba zomsitho lowo.

(4) Umsebenzi wegosa lokhuseleko ubandakanya ukhuseleko lwezinto ezenziwayo, uthotyelo lwemiqathango yempilo nokhuseleko emsebenzini nolawulo lwezempilo.

(5) IGosa loKhuseleko linelungelo lokumisa nawuphi na umsitho ukuba ngaba libona umgcipheko kukhuseleko lwawo nawuphi na umntu okuloo msitho.

(6) Umsebenzi weGosa loKhuseleko ubandakanya indawo enomsitho kunye nezinye izibonelelelo ezihambelana nayo.

(7) IGosa loKhuselekokufuneka libe kule ndawo inomsitho de lo msitho uye kuphela, kuquka ubume nokwahluka-hlukana kwezigaba zomsitho lowo.

(8) IGosa loKhuseleko kufuneka lichonge imingcipheko neengozi ze licebise okunokwenziwa namanyathelo anokuthathwa okulawula loo meko, lizichaze ezo zinto kuMququzeleli weSiganeke.

(9) IGosa loKhuseleko linoxanduva lokuqinisekisa ukuba isicwangciso sokhuselo nokhuseleko esibhaliweyo somsitho lowo siyathotyelwa.

Izinto ezifunekayo ukuze umntu atyunjwe njengegosa lokhuseleko

4B. Nabani na oya kutyunjwa njengeGosa loKhuseleko kumsitho kufuneka abe uneempepha ezisesikweni zokusebenza ngempilo nokhuseleko lwasemsebenzini.”.

Ukwenziwa kwezilungiso kwicandelo 5 loMthetho weSixeko saseKapa: uMthetho kaMasipala ongeMisitho wango-2009

6. Icandelo 5 loMthetho wokuQala ngokunje lenziwa izilungiso—
 (a) ngokuthi kufakelwe emva kwecandelwana (3) eli candelwana lilandelayo:

“(3A) IGosa leeMvume zeMisitho linganika imvume engesosigxina kumququzeleli womsitho ukuba ngaba uthe wathobela imiqathango ethile, emalunga nesiganeko esithile.”;

- (b) ngokuthi kufakelwe emva kwecandelwana (4) la macandelwana alandelayo:

“(4A) IGosa leeMvume zeMisitho linokusikhaba isicelo somsitho xa:

- (a) isicelo somsitho saziswe ngexeshanyana elifutshane;
- (b) umsitho ungqubana nomnye kwangosuku olunye kwindawo enye;
- (c) isicwangciso sokhuselo nokhuseleko somsitho sibonwe ukuba asinazinkcukacha zaneleyo siSixeko;
- (d) umsitho awamkelwanga ngamaPolisa oMzantsi Afrika; okanye
- (e) umsitho awuthobelanga imiqathango efanelekileyo; okanye
- (f) nawuphina umbandela ongomnye apho ngokwembono yeGosa leeMvume zeMisitho unganempembelelo embi—
 - i) ekuqakunjelweni ngokukhuselekileyo lomsitho; okanye
 - ii) kubantu okanye kweminye imithombo yoncedo yeSixeko;

(4B) Akukho mvume yesiganeko eya kukhutshwa, apho kulindeleke abantu abangaphezulu kwama-2000, ngaphandle—

- (a) kwemvume yamaPolisa oMzantsi Afrika; kunye
- (b) nohlelo lwemingcipheko ngokwamaPolisa oMzantsi Afrika.”.
- (c) ngokuthi kongezwe icandelwana elilandelayo:

“(6) Nakubeni kukho amaxesha okufezekiswa komsebenzi athe aqulunqwa kwiSheduli-1 iGosa loQuquzelelo leMisitho lisenokuthi, emva kokuba licebisene noMphathi weSixeko, liphumeze isicelo somsitho esingeniswe emva kwexesha elimiselweyo, apho ukuchotshelwa komsitho lowo kuyakuthi kubeyinzuzo kwiSixeko.”

Ukutshintsha icandelo 7 loMthetho weSixeko saseKapa: uMthetho kaMasipala ongemisitho wango-2009

7. Eli candelo lilandelayo lingena endaweni yecandelo 7 loMthetho kaMasipala wokuQala:

“Ukusindleka isiganeko

7. Abaququzeleli bemisitho, ezithe zamkelwa izicelo zabo ngokwalo Mthetho kaMasipala, banoxanduva lo msitho yaye kufuneka baqinisekise ukuba —

- (a) eso siganeko sibanjwa kuthotyelwe imiqathango yalo Mthetho kaMasipala yaye asophuli nawo nawuphi na omnye umthetho;
- (b) abantu abazimase eso siganeko baziphatha ngendlela eyiyo yaye izinto ezenziwa apho aziphazamisi abantu abahlala ebumelwaneni okanye abanini-zindlu beSixeko ngexesha leso siganeko; yaye
- (c) kuthotyelwa nasiphi na isaziso esikhutshwe **[iGosa elikhupha iiMvume zeMisitho]** igosa eligunyazisiweyo ngokwecandelo 8.”.

Ukwenziwa kwezilungiso kwicandelo 8 loMthetho weSixeko saseKapa: uMthetho kaMasipala ongemisitho wango-2009

8. Icandelo 8 loMthetho kaMasipala wokuQala ngokunje lenziwa izilungiso—

- (a) ngokuthi endaweni yecandelwana (1) kufakwe eli candelwana lilandelayo:

“(1) Xa **[iGosa leeMvume zeMisitho okanye iGosa loNyanzeliso-Mthetho]** igosa eligunyazisiweyo lifumanisa ukuba imiqathango yalo Mthetho kaMasipala yophuhlwe ngumququzeleli wesiganeko okanye kukho imeko evelileyo enokukhokelela ekubeni kophulwe imiqathango yalo Mthetho kaMasipala kwisiganeko esiza kubakho okanye nawuphi na omnye umthetho, linokuthi [—]

[(a)] lingakhupha isaziso sothotyelo-mthetho esiya kumququzeleli womsitho lowo[; **okanye]**

[(b)] unokuthi xa efumene ulwazi kwigosa eligunyazisiweyo malunga nokwaphulwa kwalo Mthetho kaMasipala okanye nawuphi na omnye umthetho omalunga nokusindlekwa kwesiganeko, likhuphe isaziso sokuthobela esiya kumququzeleli-siganeko].”;

(b) ngokuthi endaweni yecandelwana (3) kufakwe eli candelwana lilandelayo:

“(3) Ukuba ngaba loo mntu ukhutshelwe isaziso ngokwecandelwana (1), akazithobeli iimfuno zesaziso, **[IGosa leeMvume zeMisitho okanye iGosa loNyanzeliso-Mthetho okanye]** igosa eligunyazisiweyo, linokuthi lithabathe amanyathelo afanelekileyo ukulungisa imeko ze iindleko zolo lungiso lwemeko zihlawulwe ngumququzeleli womsitho.”.

Ukwenziwa kwezilungiso kwicandelo 9 loMthetho weSixeko saseKapa: uMthetho kaMasipala ongeMisitho wango-2009

9. Icandelo 9 loMthetho kaMasipala wokuQala ngokunje lenziwa izilungiso—

(a) ngokuthi endaweni yecandelwana (1) kufakwe eli candelwana lilandelayo:

“(1) **[IGosa leeMvume zeMisitho,]** igosa eligunyazisiweyo **[okanye iGosa loNyanzeliso-Mthetho]** linokuhlola indawo ekuza kubanjelwa kuyo isiganeko emva kokuba kufakwe isicelo, ngexesha lesiganeko okanye emva kwaso ukujonga ukuthotyelwa kwalo Mthetho kaMasipala.”;

(b) Ngokuthi endaweni yecandelwana (2) apho kukho amagama aphambi komhlathi (a) kufakwe la magama alandelayo:

“(2) **[IGosa leeMvume zeMisitho okanye iGosa loNyanzeliso-Mthetho]** igosa eligunyazisiweyo linelungelo lokungena nakuyiphi na indawo ngesizathu —”;

(c) ngokucinywa kwecandelwana (3).

Ukwenziwa kwezilungiso kwicandelo 10 loMthetho weSixeko saseKapa: uMthetho kaMasipala ongeMisitho wango-2009

10. Icandelo 10 loMthetho kaMasipala wokuQala ngokunje lenziwa izilungiso—

(a) Ngokuthi endaweni yesihloko kutshintshwe ngesi sihloko silandelayo:

“Ukurhoxiswa, ukuvukelwa nokukhtywa okwexeshana kweempephamvume”;

- (b) Ngokufakela endaweni yomhlathi (c) wecandelwana (1) kwalo mhlathi ulandelayo:

“(c) emva kokufumana ulwazi **[iGosa loNyanzeliso-Mthetho okanye umsebenzi ogunyazisiweyo]** malunga nokungathotyelwa kwalo mthetho, liya kuthi liyirhoxise ipemethi yomququzeli-siganeko.”;

- (c) ngokufakelwa kwala macandelwana alandelayo:

“(3) Imisitho engenamvume kunye naleyo ingathobeli imiqathango yeemvume inokuthi imiswe ngoko nangoko ligosa eligunyazisiweyo okanye ngaMapolisa oMzantsi Afrika yaye zonke iindleko noxanduva lwalo ntshukumo iya kuba luxanduva lomququzeleli-msitho nomnini-msitho.

(4) ISixeko singala ukwamkela izicelo zesiganeko isithuba seenyanga ezintandathu apho abaququzeleli-msitho nabanini-msitho –

- a) bathe bagwetyelwa ityala lokophula lo Mthetho kaMasipala; okanye
 b) bathe abalungisa umonakalo okanye abahlawula umonakalo owenziwe kwipropati yeSixeko kumsitho odlulileyo.”.

Ukubhangiswa kwecandelo 12 loMthetho weSixeko saseKapa: UMthetho kaMasipala ongeMisitho wango-2009

11. Icandelo 12 loMthetho kaMasipala wokuQala liyabhangiswa.

Ukwenziwa kwezilungiso kwicandelo 14 loMthetho weSixeko saseKapa: uMthetho kaMasipala ongeMisitho wango-2009

12. Icandelo 14 loMthetho kaMasipala wokuQala ngokunje lenziwa izilungiso—

- (a) ngokuthi endaweni yecandelwana (1) kufakwe eli candelwana lilandelayo:

“(1) Umququzeleli wesiganeko [esisodwa] makanikezele [—]

[(a)] ngobungqina obanelisa uMphathi weSixeko bokuba une-inshorensi yokhuselo eyiyo [;] kananjalo

[(b)] ukuba isiganeko sinokuthi sibeke uluntu emngciphekweni othile, **[ubungqina obanelisa iGosa leeMvume zemisitho] [be-inshorensi yemingcipheko eyodwa, ukhuseleko lomntu wonke okanye i-inshorensi ekhusele umsebenzi]** efanelekileyo eyi-inshorensi eyakukhavarisha uluntu.”;

(b) ngokuthi endaweni yecandelwana (2) kufakwe eli candelwana lilandelayo:

“(2) [ISixeko asisayi kuba nabutyala bazo naziphi na iindleko, kubandakanywa umonakalo okanye ilahleko ethe yabakho ngenxa yesiganeko esibanjwe ngaphandle kwemvume ngokwemiqathango yalo Mthetho kaMasipala] Abanini bomsitho kufuneka babenoxanduva lawo nawuphina umonakalo kwipropati yeSixeko owenzeke ngenxa yokuchotshelwa komsitho lowo. ”;

(c) ngokufakelwa kwala macandelwana alandelayo:

“(3) Akukho mntu unokuthi engafumenanga mvume kuqala ngokubhaliweyo kwiSixeko, abethelele izinto kwiindawo ezineentambo ezinombane ophezulu okanye kwiindawo enothungelwano lweentambo nemibhobho okanye nasiphina isakheko esingundoqo sokubonelela ngeenkonzelo.

(4) Abaququzeleli bemisitho kufuneka bathathe amanyathelo angawo anelisa iSixeko ukucutha umonakalo kwipropati yeSixeko.

Ukutshintshwa kwecandelo 15 loMthetho weSixeko saseKapa: UMthetho kaMasipala ongemisitho wango-2009

13. Eli candelo lilandelayo lingena endaweni yecandelo 15 loMthetho kaMasipala wokuQala:

“Ulwaphulo-mthetho neMidliwo

[15. (1) ukungathobeli nawuphi na umqathango walo Mthetho kaMasipala lulwaphulo-mthetho.

(2)umntu owaphula umthetho ngokwalo Mthetho kaMasipala uya kudliwa akufunyaniswa enetyala okanye abe seluvalelweni okanye kokubini umdliwo nokuvallelwa.]

(1) Nawuphi na umntu—

(a) obamba umsitho ngaphandle kwemvume, owaphula imiqathango yecandelo 4(1);

(b) ongumququzeleli womsitho othe wasilela ekuthobeleni lo Mthetho kaMasipala; kwakhona

(c) osilelayo ukuginisekisa ukuba indlela yokuziphatha kwabantu abazimase umsitho wakhe nezinto ezenziwayo kuloo msitho, ophazamisa abamelwane nabahlali, owaphula imiqathango yecandelo 7(b).

uya kufunyanwa enetyala.

(2) Umntu owaphula imiqathango yalo Mthetho kaMasipala uya kuba nobutyala —

(a) ngokwetyala ekubhekiswe kulo kwicandelwana (1)(a) okanye (b), ngokuthi ahlawule imali okanye abanjwe isithuba esingekho ngaphezulu kweenyanga ezilishumi elinambini okanye azifumane zombini ezi zohlwayo, esentlawuliso nesokubanjwa;

(b) ngokwetyala ekubhekiswe kulo kwicandelwana 1(c), unokuhlawuliswa intlawulo okanye agwetywe ukuvalelwa entolongweni kwisithuba esingekho ngaphezulu kweminyaka emihlanu, okanye azifumane zombini ezi zohlwayo, esentlawuliso nesokubanjwa;

(c) ngokwetyala ekubhekiswe kulo kwicandelwana-8(4), unokuhlawuliswa intlawulo okanye abanjwe isithuba esingekho ngaphezulu kweminyaka eli-10, okanye azifumane zombini ezi zohlwayo, esentlawuliso nesokubanjwa.”

Isilungiso kwiShedyuli 1 yoMthetho weSixeko saseKapa: UMthetho kaMasipala ongeMisitho wango-2009

14. IShedyuli 1 yoMthetho kaMasipala wokuQala yenziwa isilungiso —

(a) Ngokutshintshwa kwerowu yesibini yekholam yesibini ngokuphathelele nobungakanani behlokondiba labantu okanye inani labathathi-nxaxheba ukuba babelinani elingama-50 likanombolo 200:

“**[50]** 200 ukuya ku 2000”.

(b) ngokuthi kutshintshwe isaziso3 ngesi saziso silandelayo:

“3. Nawuphina umsitho othi ubandakanye isicelo sotyeshelo lomqathango wokusetyenziswa komhlaba okwexeshana nalapho utyeshelo lomqathango lungakhange luvunyelwe kufuneka kulandelwe inkqubo yesibheno njengoko kuqulunqwe **[kuMmiselo woCwangciso lokuSetyenziswa koMhlaba ongunomb.15 wangowe-1985]** umthetho ofanelekileyo ongocwangciso lokusetyenziswa komhlaba.”

Isilungiso kwiShedyuli 2 yoMthetho weSixeko saseKapa: UMthetho kaMasipala ongemisitho wango-2009

15. IShedyuli 2 kuMthetho kaMasipala wokuqala ke ngoko iyalungiswa—

(a) ngokuthi kongezwe umbandela q walo mbandela ulandelayo:

“r. Isiqinisekiso esibhaliweyo sokutyunjwa kwegosa lokhuseleko lesiganeko.”

Ukubhangiswa kweShedyuli 3 yoMthetho weSixeko saseKapa: uMthetho kaMasipala ongemisitho wango-2009

16. IShedyuli 3 yoMthetho kaMasipala wokuqala iyabhangiswa.

Isihloko eSifutshane

17. Lo mthetho kamasipala ubizwa ukuba nguMthetho kaMasipala: weZilungiso weSixeko saseKapa ongemisitho, ka-2016.

