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CONTENTS

26340/2026 29 May 2026

City of Cape Town:
Events Amendment By-law, 2025.....2

INHOUD

26340/2026 29 Mei 2026

Stad Kaapstad:
Wysigingsverordening op Geleenthede, 2025 ...9

IZIQULATHO

26340/2026 29 kuCanzibe 2026

Isixeko saseKapa:
UMthetho kaMasipala weziGaneko oSayilwayo oLungisiweyo, 2025 16

CITY OF CAPE TOWN

EVENTS AMENDMENT BY- LAW, 2025

CITY OF CAPE TOWN

EVENTS AMENDMENT BY-LAW, 2025

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 provisions in the City of Cape Town: Events By-law, 2009 as amended by the Events Amendment By-law in 2016; to provide for the classification of types of events as City Protected Events; to provide for Council exemption from specific by-laws for City Protected Events; to empower the Event Permit Officer with discretion to make decisions and to provide for matters related thereto.

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 (herein referred to as the Principal By-law) as amended by the City of Cape Town: Events Amendment By-law, 2016

1. Section 1 of the of the Principal By-law is hereby amended —

(a) by the insertion after the definition for ***"City Manager"*** of the following definition:

"City Protected Event" means a significant event that requires Council approval to be exempted from the provisions of this or any other applicable By-law for a defined period of time and within a defined precinct.".

(b) by the insertion after the definition for ***"Safety Officer"*** of the following definition:

"Special Events Committee" means an advisory committee appointed by the Executive Mayor to facilitate the selection of events that Council wishes to support.".

Amendment of section 4 of the City of Cape Town: Events By-law, 2009 as amended by the City of Cape Town: Events Amendment By-law, 2016

2. Section 4 of the Principal By-law is hereby amended by the insertion of the following sub-sections after sub-section 4(2):

"(2A) The Events Permit Officer may, after considering an application, waive the requirement to comply with the information in Schedule 2, except for City Protected Events.

(2B) The Events Permit Officer must, before exercising their discretion in terms section 4(2A), consider the following:

(a) a written event risk assessment;
(b) a motivation put forward by event organiser;
(c) the nature, size and location of the specific event; and
(d) the need to maintain a safe environment, including the set up and break down stages of the event.".

Amendment of section 4A of the City of Cape Town: Events By-law, 2009 as amended by the City of Cape Town: Events Amendment By-law, 2016

3. Section 4A of the Principal By-law is hereby amended by the substitution for subsection (1) of the following sub-section.

"(1)The event organiser must, unless otherwise decided by the Events Permit Officer in terms of section 4B (2), appoint a safety officer for the event.".

Amendment of section 4B of the City of Cape Town: Events By-law, 2009 as amended by the City of Cape Town: Events Amendment By-law, 2016

4. Section 4B of the Principal By-law is hereby amended by the insertion of the following sub-sections after section 4B:

"(1) The Event Permit Officer may exempt the event organiser from appointing a safety officer after a written application has been received, and the Event Permit Officer has considered —

(a) the nature, size and location of the specific event;
(b) a written event risk assessment; and
(c) the need to maintain a safe environment including the set up and break down stages of the event.

(2) Where the Event Permit Officer decides that the appointment of a safety officer is not required, the Event Permit Officer may impose conditions deemed necessary to address the safety of attendees at the event.

(3) Where an exemption in terms of section 4B(1) occurs, the event organiser must assume the responsibilities of the safety officer.

(4) The Event Permit Officer may approve an event without the need to appoint a safety officer.".

Amendment of section 5 of the City of Cape Town: Events By-law, 2009 as amended by the City of Cape Town: Events Amendment By-law, 2016

5. Section 5 of the Principal By-law is amended by the deletion of the word 'or' at the end of paragraph (e) and by the insertion of the following paragraphs after paragraph (f):

"(g) the event owner, the event organiser or the safety officer concerned, has been found guilty in a court of law of committing any fraudulent or dishonest act, or

(h) where the Events Permit Officer, on reasonable grounds, suspects that the event owner, event organiser or the safety officer, may be engaging in fraudulent

or dishonest activities that may impact on the safe, satisfactory or proper holding of the event.";

(a) by the addition after section (5) of the following section:

"City Protected Events approved by Council

5A (1) The Council may, in exceptional circumstances and upon the recommendation of the Special Events Committee, approve the holding of a City Protected Event, without having to comply with the provisions contained in this or any other applicable By-law, as per the conditions set out in 5A(5).

(2) The Director: Events must make an application to Council requesting an exemption from the applicable by-laws to host the City Protected Event.

(3) A report containing details of the City Protected Event and the reason for the request for exemption must be submitted to Council by the Director: Events.

(4) Council must consider the report, before exercising its discretion in terms of the 5A (1), and must be satisfied that—

(a) the event is one of significant size and importance, organised by international or national organisations, federations, bodies or the like;

(b) it would be in the City's and public's interest that the event should be held, taking the economic and social impacts into account;

(c) the hosting of the City Protected Event will be compromised or not possible if processed in accordance with the requirements in specific City by-laws;

(d) the imposition of conditions would sufficiently regulate the holding of the event; and

(e) the provisions of National health and safety legislation is complied with despite exemption from City of Cape Town By-laws.".

(5) Council may impose conditions in addition to the general conditions contained in an event permit, where Council deems it necessary to sufficiently regulate the holding of the City Protected Event, which may include but are not limited to —

(a) the areas where the by-laws will be suspended;

(b) the sections of the particular by-laws that are to be suspended; and

(c) the period of suspension.

(6) The granting of an exemption from the requirements of certain City by-laws does not suspend or in any way impact on the rights acquired through the granting of permits in terms of those by-laws.

(7) The City may enter into, or facilitate, negotiations with holders of rights, who have acquired rights through the granting of permits in terms of City by-laws, for the temporary suspension of their rights for the duration of a City Protected Event upon request by the event organiser.

(8) No holder of rights may request, or attempt to receive, any additional income over and above what they would ordinarily have received from the exercising of their rights which may be temporarily suspended for the duration of a City Protected Event.".

Amendment of section 13 of the City of Cape Town: Events By-law, 2009 as amended by the City of Cape Town: Events Amendment By-law, 2016

6. Section 13 of the Principal By-law is amended by the deletion of subsections (1) to (6):

Right of Appeal

[(1) Parties to a dispute arising from a conflict in terms of this By Law must attempt to resolve such conflict before exercising the right of appeal contemplated in subsection (2).
(2) The event organizer may appeal against a decision where his or her application to hold an event has been declined.
(3) An appeal may be lodged in writing with the City Manager within a period as indicated in Schedule 1 in relation to the type of event concerned.
(4) The application which is a subject of appeal must be decided in terms of section 5 before the appellant may lodge an appeal within the applicable time-frames set out in Schedule 1.
(5) An appeal lodged in terms of this section must be considered and decided within such time as indicated in Schedule 1 in relation to the type of event concerned.
(6) The City Manager may delegate any official of the City to consider and decide on appeals referred to in subsection (2).]

Amendment of Schedule 1 of the City of Cape Town: Events By-law, 2009 as amended by the City of Cape Town: Events Amendment By-law, 2016

7. Schedule 1 of Principal By-law is hereby amended by the deletion of columns 5 and 6 of the Schedule.

Short title

8. This By-law is called the City of Cape Town: Events Amendment By-law, 2025.

STAD KAAPSTAD

WYSIGINGSVERORDENING OP GELEENTHEDE, 2025

STAD KAAPSTAD

WYSIGINGSVERORDENING OP GELEENTHEDE, 2025

ALGEMENE VERKLARENDE NOTA:

[ ]	Woorde in vetdruk tussen vierkantige hakies dui op geskrapte woorde in die bestaande verordeninge.
	Woorde wat deur ’n aaneenlopende lyn onderstreep is, dui op byvoegings tot die bestaande verordening.

Om die bepalings in die Stad Kaapstad: Verordening op Geleenthede, 2009, soos gewysig deur die Wysigingsverordening op Geleenthede in 2016 te wysig; om voorsiening te maak vir die klassifisering van soort geleenthede as Stadsbeskermde geleenthede; om voorsiening te maak vir raadskwytskelding van spesifieke verordeninge vir Stadsbeskermde geleenthede; om die geleentheidspermitbeampte met diskresie te bemagtig om besluite te neem, en om voorsiening te maak vir sake wat daarmee verband hou.

VERORDEN die raad van die Stad Kaapstad soos volg: —

Wysiging van artikel 1 van die Stad Kaapstad: Verordening op Geleenthede, 2009 (hierna die hoofverordening genoem) soos gewysig deur die Stad Kaapstad: Wysigingsverordening op Geleenthede, 2016

1. Artikel 1 van die hoofverordening word hiermee gewysig —

(a) deur die volgende omskrywing na die omskrywing van ***“Stad”*** *by te voeg*:

“Stadsbeskermde geleentheid” ’n belangrike geleentheid waarvoor raadsgoedkeuring vereis word om vir ’n bepaalde tydperk en binne ’n bepaalde buurt van die bepalings van hierdie of enige ander toepaslike verordening kwytgeskeld te word .”.

(b) deur die volgende omskrywing na die omskrywing van "hierdie verordening" by te voeg:

"komitee vir spesiale geleenthede" 'n advieskomitee wat deur die uitvoerende burgemeester aangestel word om die keuring van geleenthede wat die raad wil steun, te fasiliteer.".

Wysiging van artikel 4 van die Stad Kaapstad: Verordening op Geleenthede, 2009 soos gewysig deur die Stad Kaapstad: Wysigingsverordening op Geleenthede, 2016

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

"(2A) Die geleentheidspermitbeampte kan, na oorweging van 'n aansoek, die vereiste van voldoening aan die inligting in bylae 2, kwytskeld, buiten vir Stadsbeskermde geleenthede."

(2B) Die geleentheidspermitbeampte moet, voor uitoefening van diskresie ingevolge artikel 4(2A), die volgende in ag neem:

(a) 'n skriftelike geleentheidsrisiko-assessering;

(b) 'n motivering wat deur die geleentheidsorganiseerder voorgelê is;

(c) die aard, grootte en ligging van die spesifieke geleentheid; en

(d) die behoefte om 'n veilige omgewing te handhaaf, insluitende die opslaan- en afslaanstadiums van die geleentheid.".

Wysiging van artikel 4A van die Stad Kaapstad: Verordening op Geleenthede, 2009 soos gewysig deur die Stad Kaapstad: Wysigingsverordening op Geleenthede, 2016

3. Artikel 4A van die hoofverordening word hiermee gewysig deur subartikel (1) met die volgende subartikel te vervang.

"(1) Die geleentheidsorganiseerder moet, tensy die geleentheidspermitbeampte ingevolge artikel 4B(2) andersins besluit, 'n veiligheidsbeampte vir die geleentheid aanstel.".

Wysiging van artikel 4B van die Stad Kaapstad: Verordening op Geleenthede, 2009 soos gewysig deur die Stad Kaapstad: Wysigingsverordening op Geleenthede, 2016

4. Artikel 4B van die hoofverordening word hiermee gewysig deur die volgende subartikels na artikel 4B by te voeg:

"(1) Die geleentheidspermitbeampte kan die geleentheidsorganiseerder kwytskeld van die aanstelling van 'n veiligheidsbeampte na ontvangs van 'n skriftelike aansoek, en na die geleentheidspermitbeampte die volgende in ag geneem het -

(a) die aard, grootte en ligging van die spesifieke geleentheid;

(b) 'n skriftelike geleentheidsrisiko-assessering; en

(c) die behoefte om 'n veilige omgewing te handhaaf, insluitende die opslaan- en afslaanstadiums van die geleentheid.

(2) Indien die geleentheidspermitbeampte besluit dat die aanstelling van 'n veiligheidsbeampte nie vereis word nie, kan die geleentheidspermitbeampte voorwaardes stel wat nodig geag word vir die veiligheid van persone wat die geleentheid bywoon.

(3) Indien 'n kwytskelding ingevolge artikel 4B(1) plaasvind, moet die geleentheids-organiseerder die verantwoordelikhede van die veiligheidsbeampte aanvaar.

(4) Die geleentheidspermitbeampte kan 'n geleentheid goedkeur sonder die nodigheid om 'n veiligheidsbeampte aan te stel.".

Wysiging van artikel 5 van die Stad Kaapstad: Verordening op Geleenthede, 2009 soos gewysig deur die Stad Kaapstad: Wysigingsverordening op Geleenthede, 2016

5. Artikel 5 van die hoofverordening word gewysig deur skrapping van die woord 'of' aan die einde van paragraaf (e) en die byvoeging van die volgende paragrawe na paragraaf (f):

"(g) die geleentheidseienaar, die geleentheidsorganiseerder of die betrokke veiligheidsbeampte in 'n geregshof skuldig bevind is aan die pleeg van enige bedrieglike of oneerlike daad, of

(h) indien die geleentheidspermitbeampte op redelike gronde vermoed dat die geleentheidseienaar, geleentheidsorganiseerder of die veiligheidsbeampte by bedrieglike of oneerlike bedrywighede betrokke is wat die veilige, bevredigende of behoorlike hou van die geleentheid kan affekteer.";

(a) deur die byvoeging van die volgende artikel na artikel (5):

"Stadsbeskermde geleenthede wat deur die raad goedgekeur is

5A(1) Die raad kan, in uitsonderlike omtandighede en op aanbeveling van die komitee vir spesiale geleenthede, die hou van 'n Stadsbeskermde geleentheid goedkeur sonder om aan die bepalings wat hierin of in enige ander toepaslike verordending vervat is, te voldoen, op die voorwaardes wat in 5A(5) uiteengesit word.

(2) Die direkteur: geleenthede moet by die raad aansoek doen om kwytskelding van die toepaslike verordeninge om die Stadsbeskermde geleentheid aan te bied.

(3) 'n Verslag met die besonderhede van die Stadsbeskermde geleentheid en die rede vir die versoek om kwytskelding moet deur die direkteur: geleenthede aan die raad voorgelê word.

(4) Die raad moet die verslag oorweeg en voor uitoefening van sy diskresie ingevolge artikel 5A(1), tevrede wees dat—

(a) Die geleentheid van wesenlike grootte en belang is, en deur internasionale of nasionale organisasies, federasies, liggame of soortgelyk georganiseer word;
(b) Dit in die stad en die publiek se belang is dat die geleentheid gehou word, met inagneming van die ekonomiese en sosiale impak daarvan;
(c) Die aanbied van die Stadsbeskermde geleentheid in gedrang sal wees of nie moontlik sal wees nie indien dit ooreenkomstig die vereistes in spesifieke Stadsverordeninge verwerk sou word;

(d) Die stel van voorwaardes die hou van die geleentheid voldoende sal reguleer; en

(e) Daar aan die bepalings van nasionale gesondheids- en veiligheidswetgewing voldoen word ten spyte van kwytskelding van die Stad Kaapstad se verordeninge.".

(5) Die raad kan voorwaardes stel bykomend tot die algemene voorwaardes wat in die geleentheidspermit vervat is, indien die raad dit nodig ag om die hou van die Stadsbeskermde geleentheid voldoende te reguleer, wat kan insluit maar nie beperk is nie tot —

(a) Die areas waar die verordeninge opgeskort sal word;

(b) Die artikels van die bepaalde verordeninge wat opgeskort word; en

(c) Die opskortingstydperk.

(6) Die toestaan van kwytskelding van die vereistes van sekere Stadsverordeninge behels nie die opskorting van, of het geensins 'n uitwerking op, die regte wat verkry word deur die toestaan van permitte ingevolge daardie verordeninge nie.

(7) Die Stad kan onderhandelinge aangaan of fasiliteer met houers van regte wat regte verkry het deur permitte wat ingevolge Stadsverordeninge toegestaan is, vir die tydelike opskorting van hul regte vir die duur van 'n Stadsbeskermde geleentheid op versoek van die geleentheidsorganiseerder.

(8) Geen houer van regte mag enige bykomende inkomste ontvang of poog om te ontvang, bo en behalwe wat hulle normaalweg sou ontvang het in die uitoefening van hul regte wat tydelik vir die duur van 'n Stadsbeskermde geleentheid opgeskort mag word nie.".

Wysiging van artikel 13 van die Stad Kaapstad: Verordening op Geleenthede, 2009 soos gewysig deur die Stad Kaapstad: Verordening op Geleenthede, 2016

6. Artikel 13 van die hoofverordening word gewysig deur subartikel (1) tot (6) te skrap:

Reg van Appèl

[(1) Partye in ’n geskil wat uit ’n konflik ingevolge hierdie verordening spruit, moet sodanige konflik probeer oplos voordat daar tot die uitoefening van die reg van appèl, soos in subartikel (2) hier onder beoog, oorgegaan word.

(2) Die geleentheidsorganiseerder kan teen ’n besluit appelleer indien sy/haar aansoek om ’n geleentheid aan te bied, afgekeur is.

(3) ’n Appèl kan skriftelik binne die tydskale soos in bylae 1 vir die betrokke soort geleentheid aangedui, by die stadsbestuurder ingedien word.

(4) Die aansoek waarop ’n appèl betrekking het, moet ingevolge artikel 5 beslis word voordat die appellant, binne die toepaslike tydskale soos in bylae 1 uiteengesit, ’n appèl kan indien.

(5) ’n Appèl wat ingevolge hierdie artikel ingedien word, moet binne die tydskale soos in bylae 1 vir die betrokke soort geleentheid aangedui, oorweeg en beslis word.

(6) Die stadsbestuurder kan die bevoegdheid om appèlle waarna in subartikel (2) hier bo verwys word, te oorweeg en te beslis, aan enige amptenaar van die Stad oordra.]

Wysiging van Bylae 1 van die Stad Kaapstad: Verordening op Geleenthede, 2009 soos gewysig deur die Stad Kaapstad: Verordening op Geleenthede, 2016

7. Bylae 1 van die hoofverordening word hiermee gewysig deur kolom 5 en 6 van die Bylae te skrap.

Kort titel

8. Hierdie verordening staan bekend as die Stad Kaapstad: Wysigingsverordening op Geleenthede, 2025.

ISIXEKO SASEKAPA

UMTHETHO KAMASIPALA WEZIGANEKO OSAYILWAYO OLUNGISIWEYO, 2025

ISIXEKO SASEKAPA

UMTHETHO KAMASIPALA WEZIGANEKO OSAYILWAYO OLUNGISIWEYO, 2025

INGCACISO EMAYIQWALASELWE:

[ ]

Amagama abhalwe ngqindilili ngobiyelo lwezikweri/ibraketsi abonisa okuthe kwakhutshwa/kwacinywa kwimithetho esele ikhona.

Amagama akrwelwe umgca ngaphantsi abonakalisa ufakelelo kwimithetho esele ikhona.

Ukulungisa izibonelelo kwiSixeko saseKapa: uMthetho kaMasipala weZiganeko, ka2009 njengoko ulungisiwe nguMthetho kaMasipala weZiganeko oLungisiweyo ka2016; ukubonelela ngokuhlelwa kweentlobo zeziganeko njengeZiganeko eziKhuselweyo zeSixeko; ukubonelela ngokukhululwa kweBhunga kwimithetho kamasipala ethile yeMisitho eKhuselweyo yeSixeko; ukuxhobisa iGosa leeMvume zeMisitho ngengqiqo yokwenza izigqibo kunye nokubonelela ngemiba enxulumene noko.

MAYENZIWE liBhunga leSixeko saseKapa, ngolu hlobo lulandelayo: -

Ukwenziwa kwezilungiso kwicandelo 1 leSixeko saseKapa: uMthetho kaMasipala weZiganeko, ka2009 (apha ekubhekiselelwa kuwo njengoMthetho kaMasipala oyiNtloko) njengoko ulungisiwe nguMthetho kaMasipala weZiganeko oLungisiweyo weSixeko saseKapa, ka2016

1. ICandelo 1 loMthetho oyiNtloko liyalungiswa ngolu hlobo -

(a) ngokuthi kufakelwe le nkcazelo emva kwenkcazelo yo **"Mphathi weSixeko":**

"ISiganeko esiKhuselweyo seSixeko" sithetha isiganeko esibalulekileyo esifuna imvume yeBhunga ukuba likhululwe kumalungiselelo nawo nawuphi na omnye umthetho kaMasipala osebenzayo kangangexesha elithile nangaphakathi kwendawo echaziweyo.".

(b) ngokuthi kufakelwe le nkcazelo ilandelayo emva kwenkcazelo “**yeGosa loKhuseleko**”:

“IKomiti yeMisitho eYodwa” ithetha ikomiti yeengcebiso etyunjwe nguSodolophu oLawulayo ukuquguzelela ukukhethwa kwemisitho iBhunga elinqwenela ukuyixhasa.”.

Ukwenziwa kwezilungiso kwicandelo 4 loMthetho kaMasipala weSixeko saseKapa: weZiganeko, ka2009 njengoko ulungisiwe nguMthetho kaMasipala weZiganeko oLungisiweyo weSixeko saseKapa, ka2016

2. Icandelo 4 loMthetho kaMasipala oyiNtloko liyalungiswa ngolu hlobo ngokuthi kufakelwe la macandelwana alandelayo emva kwecandelwana lesi4(2):

“(2A) IGosa leeMvume zeMisitho linokuthi, emva kokuqwalasela isicelo, lirhoxise imfuneko yokuthobela ingcaciso ekwiShedyuli yesi2, ngaphandle kweMisitho eKhuselweyo yeSixeko.

(2B) IGosa leeMvume zeMisitho kufuneka, phambi kokuba lisebenzise igunya lalo ngokwemigaqo yecandelo 4(2A), liqwalasele oku kulandelayo:

(a) uphononongo olubhaliweyo lomngcipheko wesiganeko;

(b) inkuthazo eyenziwe ngumquguzeleli womsitho;

(c) uhlobo, ubungakanani kunye nendawo yomsitho othile; kwaye;

(d) imfuneko yokugcina imekobume ekhuselekileyo, kuquka ukusekwa nokudilizwa kwamanqanaba omsitho.”.

Ukwenziwa kwezilungiso kwicandelo 4A loMthetho kaMasipala weSixeko saseKapa: weZiganeko, ka2009 njengoko ulungisiwe nguMthetho kaMasipala weZiganeko oLungisiweyo weSixeko saseKapa, ka2016

3. Icandelo 4A loMthetho kaMasipala oyiNtloko liyalungiswa ngokufakela eli candelwana lilandelayo endaweni yecandelwana (1)

“(1) UMquguzeleli woMsitho kufuneka, ngaphandle kokuba kuggitywe ngolunye uhlobo liGosa leeMvume zeMisitho ngokwecandelo 4B (2), onyule igosa lokhuseleko kulo msitho”.

Ukwenziwa kwezilungiso kwicandelo 4B loMthetho kaMasipala weSixeko saseKapa: weZiganeko, ka2009 njengoko ulungisiwe nguMthetho kaMasipala weZiganeko oLungisiweyo weSixeko saseKapa, ka2016

4. Icandelo 4B loMthetho kaMasipala oyiNtloko liyalungiswa ngolu hlobo ngokuthi kufakelwe la macandelwana alandelayo emva kwecandelo 4B:

"(1) IGosa leeMvume zeMisitho linokumkhulula umququzeleli womsitho ekutyumbeni igosa lokhuseleko emva kokuba isicelo esibhaliweyo sifunyenwe, kwaye iGosa leeMvume zeMisitho lithe laqwalasela -

(a) uhlobo, ubungakanani kunye nendawo yomsitho othile; kwaye

(b) uphononongo olubhaliweyo lomngcipheko wesiganeko; kwaye

(c) imfuneko yokugcina imekobume ekhuselekileyo, kuquka ukusekwa nokudilizwa kwamanqanaba omsitho

(2) Apho iGosa leeMvume zeMisitho lithatha isigqibo sokuba ukutyunjwa kwegosa lokhuseleko akufuneki, iGosa leeMvume zeMisitho linokubeka imiqathango ebonwa iyimfuneko ukujongana nokhuseleko lwabazimasi bomsitho.

(3) Apho ukhululo ngokwecandelo 4B (1) lusenzeka, umququzeleli womsitho kufuneka athwale uxanduva lwegosa lokhuseleko.

(4) IGosa leeMvume zeMisitho lingavuma umsitho ngaphandle kwemfuneko yokutyumba igosa lokhuseleko.".

Ukwenziwa kwezilungiso kwicandelo 5 loMthetho kaMasipala weSixeko saseKapa: weZiganeko, ka2009 njengoko ulungisiwe nguMthetho kaMasipala weZiganeko oLungisiweyo weSixeko saseKapa, ka2016

5. Icandelo 5 loMthetho kaMasipala oyiNtloko lenziwa izilungiso ngokucima igama elithi **"okanye'** ekupheleni komhlathi (e) nangokufakela le mihlathi ilandelayo emva komhlathi (f):

"(g) umnini womsitho,umququzeleli womsitho okanye igosa lokhuseleko elichaphazelekayo,ufunyenwe enetyala enkundleni yomthetho ngokwenza nasiphi na isenzo sobuqhopholo okanye sokunganyaniseki, okanye

(h) apho iGosa leeMvume zeMisitho ngezizathu ezifanelekileyo likrokrela umnini womsitho, umququzeleli womsitho okanye igosa lokhuseleko lisenokuba

liyabandakanyeka kubuqhopholo okanye izenzo zokunganyaniseki ezinokuthi zibe nefuthe ekugcinweni komsitho ngendlela ekhuselekileyo, eyanelisayo okanye ekusingathweni komsitho ngokufanelekileyo.";

(a) ngokongezwa emva kwecandelo (5) kweli candelo lilandelayo:

"IMisitho eKhuselweyo siSixeko eyunywe liBhunga

5A (1) IBhunga linokuthi, kwiimeko ezizodwa ngokwengcebiso yeKomiti yeMisitho eYodwa, livume ukubanjwa koMsitho oKhuselweyo weSixeko, ngaphandle kokuthobela izibonelelo eziqulethwe kulo okanye nawuphi na omnye uMthetho kaMasipala osebenzayo, ngokwemiqathango echazwe ku 5A (5).

(2) UMlawuli:weMisitho kufuneka enze isicelo kwiBhunga ecela ukukhululwa kwimithetho kamasipala esebenzayo yokusingatha uMsitho oKhuselweyo siSixeko.

(3) Ingxelo eneenkcukacha zoMsitho oKhuselweyo weSixeko kunye nesizathu sokwenziwa kwesicelo sokuxolelwa kufuneka ingeniswe kwiBhunga nguMlawuli: weMisitho.

(4) IBhunga kufuneka liyithathele ingqalelo ingxelo, naphambi kokuba lisebenzise inggigo yalo ngokwemiqathango ye5A (1), kwaye kufuneka laneliseke ukuba -

(a) umsitho umkhulu kwaye ubalulekile, uququzelelwa yimibutho yamazwe ngamazwe okanye yesizwe, imibutho, amaqumrhu okanye izinto ezinjalo;
(b) kuya kuba kumdla weSixeko noluntu ukuba umsitho mawuqhutywe, kuthathelwa ingqalelo iimpembelelo zoqoqosho nezentlalo;
(c) ukusingathwa koMsitho oKhuselweyo weSixeko kuya kuba semngciphekweni okanye kungenzeki ukuba kuqhutywe ngokweemfuno zemithetho kamasipala ethle yeSixeko;
(d) ukubekwa kwemiqathango kuya kulawula ngokwaneleyo ukwenziwa komsitho; kwaye
(e) amalungiselelo omthetho wezempilo weSizwe ayathotyelwa ngaphandle kokukhululwa kwiMithetho kaMasipala yeSixeko saseKapa.".

(5) IBhunga linokubeka imiqathango ukongeza kwimiqathango ngokubanzi equlethwe kwiphephamvume lomsitho, apho iBhunga likubona kuyimfuneko ukulawula ngokufanelekileyo ukubanjwa koMsitho oKhuselweyo weSixeko, onokuthi ubandakanye kodwa ungaphelelanga apho -

(a) iindawo apho imithetho kamasipala iya kunqunyanyiswa;

(b) amacandelo athile emithetho kamasipala aza kunqunyanyiswa; kwaye

(c) ixesha lokunqunyanyiswa.

(6) Ukunikezelwa kokukhululwa kwiimfuno zemithetho kamasipala ethile yeSixeko akunqumamisi okanye nangayiphi na indlela kube nefuthe kumalungelo afunyenwe ngokunikezelwa kweepemethi ngokwemigaqo yalo mthetho kamasipala.

(7) ISixeko sinokungena okanye siququzelele uthethathethwano nabanini bamalungelo, abafumene amalungelo ngokunikezelwa kweepemethi ngokemigaqo yomthetho kamasipala weSixeko, ngokunqunyanyiswa okwethutyana kwamalungelo abo ngexesha loMsitho oKhuselekileyo weSixeko xa becelwe ngumququzeleli womsitho.

(8) Akukho mntu unamalungelo onokuthi acele, okanye azame ukufumana nayiphi na ingeniso eyongezelelekileyo ngaphezu kwaleyo ebenokuyifumana ngokusetyenziswa kwamalungelo akhe anokunqunyanyiswa okwexeshana ngexesha loMsitho oKhuselweyo weSixeko.”.

Ulungiso lwecandelo 13 loMthetho kaMasipala weSixeko saseKapa weZiganeko wango2009, njengoko uLungisiwe nguMthetho kaMasipala weSixeko saseKapa weZiganeko oLungisiweyo wango2016

6. iCandelo13 loMthetho kaMasipala oSisiseko, uthi ulungiswe ngokuthi kucinywe amacandelwana (1) ukuya ku(6):

Ilungelo lokubhena

[(1) Amaqela abandakanyeka kwimbambano ebangwe lungquzulwano kulo Mthetho kamasipala kufuneka azame ukusombulula 100 mbambano phambi kokuba asebenzise i1ungelo lokubhena e1ichazwe kwicandelwana (2).

(2) umququzeleJi womsitho angabhena kwisigqibo apho isicelo sakhe sokusingatha umsitho siye sakhatywa.

(3) kungafakwa isibheno esibhaliweyo kuMlawuli weSixeko kwisithuba sexesha elichazwe kwiSihlomelo malunga nohlobo lomsitho lowo uchaphazelekayo.

(4) Isicelo ekubhenelwe sona masigqitywe ngokwemiqathango yecandelo 5 phambi kokuba umntu obhenayo afake isibheno ngokwamaxesba achazwe kwiShedyuli I.

(5) Isibheno esifakwe ngokweli candela kufuneka siqwalaselwe kuthathwe isigqibo ngaso ngokwexesha elibekwe kwiShedyuli 1 ngokohlobo lomsitho lowo uchaphazelekayo.

(6) UMlawuli weSixeko angagunyazisa naliphi na igosa leSixeko ukuba liqwalasele yaye lithathe isigqibo ngezibheno ezichazwe kwicandelwana (2).]

Ulungiso lweShedyuli 1 loMthetho kaMasipala weSixeko saseKapa onge-Ziganeko wango2009, njengoko uLungisiwe nguMthetho kaMasipala weSixeko saseKapa weZiganeko oLungisiweyo wango2016

7. IShedyuli 1 yoMthetho kaMasipala osiSiseko ke ngoko uyalungiswa ngokucinywa kweekholam 5 no6 zeShedyuli.

Isihloko esifutshane

8. Lo Mthetho kaMasipala ubizwa ngokuba nguMthetho kaMasipala weSixeko saseKapa weZiganeko oLungisiweyo, ka2025.



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