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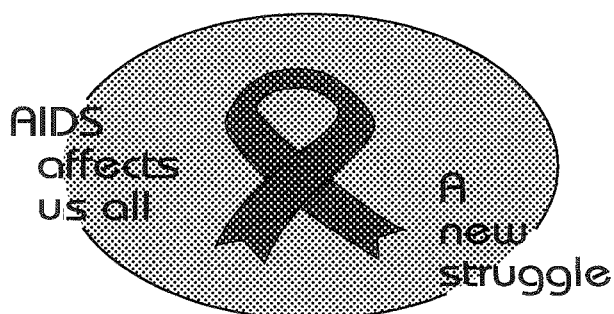
**Vol. 6**

**PIETERMARITZBURG,**

20 APRIL 2012  
20 kuMBASA 2012

**No. 734**

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**MUNICIPAL NOTICE—MUNISIPALE KENNISGEWING—ISAZISO SIKAMASIPALA**


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No. 15

20 April 2012

**ENDUMENI MUNICIPALITY****BY-LAWS RELATING TO THE REGULATION OF MINI BUS TAXIS & BUSES**1. **Application of By-Laws**

These by-laws shall apply to all minibus/-taxis or public buses operating within the Endumeni Municipality Councils area of jurisdiction and cover:

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2. **Non-Discrimination**

- (a) Subject to the provision of subsection (b) hereof, no provision of these By-Laws shall be applied to discriminate between persons on the ground of race, religion or gender nor shall it be so construed as to authorised such discrimination.
- (b) Despite the provisions of subsection (a) hereof, discrimination on the grounds of gender may expressly be authorised in terms of any provision of these bylaws that describes the wearing of appropriate apparel in a public place or imposes a restriction upon the entry of persons into public ablution, toilet and change room facilities or prescribes different standards for such facilities.

**PART 1: DEFINITIONS**

For the purpose of these By-Laws any word that has a meaning assigned to it in the National Road Traffic Act or the Road Traffic Regulations promulgated there under, shall have the meaning in these By-Laws. In case of any conflicts in the definitions, the meanings as described in the National Road Traffic Act 1996 (Act No. 93 of 1996) prevails. Unless the context otherwise indicates, the under mentioned words shall have the following meanings:

<b>"Act"</b>	means the National Road Traffic Act, 1996 (Act No. 93 of 1996)
<b>"Authorised Officer"</b>	means an examiner of vehicles, examiner for driving licenses, or traffic officer and also any other person declared by the Minister of Transport by regulation to be an authorised officer, from time to time, and shall include a peace officer as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996)
<b>"By-Law"</b>	means a By-Law drawn up in terms of Section 80A of the National Road Traffic Act, 1996 (Act No. 93 of 1996) read with section 31(2) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)
<b>"Municipal Manager"</b>	means the Official duly appointed by Council to this position or any person authorised to act for him
<b>"Conductor"</b>	means the person in the employ of the "operator" having charge of a minibus taxi vehicle and/or bus for the purposes of collecting fares, thereon, and shall include, in the case of a one-manned vehicle, the employee in charge of such vehicle;
<b>"Council"</b>	means the Endumeni Municipal Council and includes any person with delegated authority to act on behalf of the Council
<b>"Driver"</b>	means any person who drives or attempts to drive a public transport vehicle
<b>"Holding"</b>	is the parking of a minibus taxi and/or bus between trips
<b>"Metered Taxi"</b>	means a public transport vehicle which is equipped with a sealed meter, in good working order for the purpose of determining the fare payable, that is calibrated for such fare or complies with any other requirements applicable to such meters.
<b>"Midibus Taxi"</b>	means a sub-category of bus, designed or modified solely or principally for the conveyance of more than 16 and less than 35 seated persons (including the driver)
<b>"Minibus Taxi"</b>	means a public transport vehicle designed solely or principally for the conveyance of not more than fifteen passengers and not less than nine including the driver, and used for hire or reward and operating or plying for hire and reward or as defined by future legislation in terms of unscheduled services

- "Minibus Taxi Operator"** means the person responsible for the use of a minibus taxi, and who has been registered as the operator with the Provincial Registrar and in terms of the National Road Traffic Act
- "Minibus Taxi and/or Bus Rank"** is any place set aside by Council, marked by means of prescribed road markings and/or traffic signs and numbered, for the exclusive use of the minibus taxi or bus displaying the appropriate minibus taxi or bus rank permit disc
- "Minibus Taxi or Bus Rank Permit"** is a written consent, issued by Council for a minibus taxi or bus operator to operate from a specific minibus taxi or bus rank
- "Minibus taxi or bus rank permit disc"** is a disc, issued by Council indicating the rank number that can be used by the minibus taxi or bus displaying the said minibus taxi or bus rank permit disc
- "Minibus Taxi or Bus Stop"** is an area indicated by prescribed road markings and/or traffic signs, designated by Council for the exclusive use of a minibus taxi or bus displaying the appropriate minibus taxi or bus rank permit disc, for loading and off-loading passengers only and it is not a parking or holding area
- "Police Official"** means a member of the South African Police Services, or legal successor
- "Public Bus or Bus"** means a public transport vehicle designed solely or principally for the conveyance of more than 15 passengers and used for hire and reward and operating or plying for the hire and reward in terms of a scheduled service and in respect of which a public road carrier permit has been issued by a Local Road Transportation Board over a route falling within or partially within the area of jurisdiction of the Council
- "Singular/Plural"** in this By-Law unless the context indicates otherwise an expression which denotes any gender includes the other gender, natural person, a judicial person and vice versa, and the singular includes the plural and vice versa

## **PART 2 ESTABLISHMENT AND CONTROL OF MINIBUS TAXI AND/OR PUBLIC BUS RANKS AND STOPS**

### **Section 1: Establishment of Minibus Taxi and/or Bus Ranks and Stops**

- (1) These By-Laws shall apply to all minibus taxi and bus ranks and stops, which have been or may hereafter be set aside by the Council as minibus taxi and/or bus ranks or stops for minibus taxi and/or buses authorised to use them by a minibus taxi or bus rank permit issued in terms of these by-laws
- (2) Minibus taxi ranks and bus ranks or stops shall be those set out in the schedules prepared by the delegated officer of the Council as amended from time to time.

### **Section 2: Designation of Minibus Taxi and/or Bus Ranks and Stops for Minibus Taxis or Buses**

The setting aside of minibus taxi or bus ranks and stops for use only by minibus taxis or buses shall be effected and defined by the erecting, marking or placing at such places (whether on a public road or not), as the Council may determine, of appropriate road traffic signs prescribed by the Regulations made in terms of the Act.

### **Section 3: Demarcation within Minibus Taxi or Bus Ranks**

The Council may demarcate in each rank a specific area or areas for a specific purpose or purposes, such as the loading or off-loading of passengers, holding, informal traders.

### **Section 4: Allocation of Minibus Taxi or Bus Ranks and Stops**

- (1) The ranks established in terms of Section 1 shall be for the exclusive use of minibus taxis or buses displaying valid minibus taxi or bus rank permit discs issued in respect of such minibus taxi or bus rank; (provided that this restriction shall not apply to a minibus taxi or bus, the substitution or interchange of which has been authorised in terms of Section 14).
- (2) The stops established in terms of Section 1 shall either be common to all minibus taxis or buses operating on that route or allocated to a specific operator, association, route or destination as indicated on the road traffic sign erected at such stops.

**Section 5: Holding and Stopping Time at Minibus Taxi or Bus Ranks and Stops**

- (1) The Council may, by a road traffic sign erected at or near the rank, stipulate the maximum continuous period during which minibus taxis or buses may hold within a rank.
- (2) No minibus taxi or bus shall be allowed to stop at a minibus taxi or bus stop for a longer period of time than is reasonably necessary for setting down or picking up passengers.
- (3) No minibus taxi or bus shall be allowed to stop while operating, except in a demarcated bay or stop.

**Section 6: Unauthorised Use of Minibus Taxi or Bus Ranks and Stops**

- (1) Only the driver of a minibus taxi or bus in respect of which a minibus taxi or bus permit to use a rank or stop has been issued under the By-Laws shall cause or allow the said vehicle to use the specified rank or stop at any time (provided that this prohibition shall not apply to a minibus taxi or bus the substitution or interchange of which has been authorized in terms of Section 14).
- (2) It shall be unlawful for any person to stop any minibus taxi or bus in respect of which a minibus taxi or bus rank permit disc has been issued in terms of these By-Laws, at any rank or stop or any other place other than the minibus taxi or bus rank and stops allocated to it and specified on such a minibus taxi or bus rank permit disc.
- (3) The driver of a minibus taxi or bus shall remain in attendance of such vehicle during the time it occupies such rank or stop.

**Section 7: Council's Liability**

The Council shall in no way be liable for:

- (1) The loss of or damage to any vehicle or any accessory or contents of such a vehicle which has been parked in any or stopped at any stop or driven in, through or out of any rank or stop;
- (2) Any death, injury, damage or loss (including consequential loss) to any person in any rank or stop.

**Section 8: Minibus Taxi or Bus Rank Closure**

- (1) The Council shall have the right to temporarily close any rank established under these By-Laws and, if necessary, to establish elsewhere another temporary rank in lieu thereof. Such temporary closure and establishment shall be deemed to have been effected by the display of notices thereof at or near to the rank concerned and during any such temporary closure any minibus taxi or bus rank permit disc issued in respect of the rank so closed shall be deemed to be valid for the rank established in lieu thereof.
- (2) No rights possessed by the holder of any minibus taxi or bus rank permit under these By-Laws shall debar the Council from permanently closing or removing any rank established hereunder or

- (3) from amending these By-Laws. Provided, however, that no rank shall be permanently closed or removed until after the expiry of three months' written notice to the holders of any current discs issued in respect thereof in terms of these By-Laws, except in case of emergency, and any fees paid will be refunded pro-rata.

### **PART 3: RANK PERMITS**

#### **Section 9: Application for Minibus Taxi or Bus Rank Permit**

- (1) The owner/operator, in conjunction with the Taxi/Transport Association operating in the area shall apply to use any minibus taxi or bus rank in writing to the Municipal Manager. Such application shall be made in the form prescribed by the Council.
- (2) All minibus taxi or buses for which a minibus taxi or bus rank permit is applied, shall have:
  - (a) A valid COF (Certificate of Fitness);
  - (b) An LRTB permit or permission to operate a service in terms of the Road Transportation Act or any legislation replacing it;
  - (c) The owner's name and address legibly, permanently and conspicuously affixed on the left side of the vehicle;
  - (d) The destination displayed in the front of the vehicle;
  - (e) Proof of being registered with the Provincial Registrar where applicable;
  - (f) The vehicle carrying capacity displayed.
- (3) A fee as specified and revised from time to time by Council shall be payable in respect of each minibus taxi or bus rank permit allocated, provided that when application for a new minibus taxi or bus rank permit is granted, the amount shall be based on the pro-rata time period left for the usage of the rank during the current year, calculated to the nearest month.

#### **Section 10: Issue of Minibus Taxi or Bus Rank Permits**

- (1) The granting of minibus taxi or bus rank permits is the responsibility of the Council which may include certain conditions pertaining to the vehicle as necessary, such as:
  - (a) Restricting any vehicle to a particular loading bay or holding area;
  - (b) Limiting the hours during which any rank may be used;
  - (c) Specifying the number of vehicles which may use any portion of the rank;
  - (d) Specifying the route which the minibus taxi or bus must use;
  - (e) Any other condition to ensure a fair allocation of the rank or to avoid obstruction and congestion of vehicles and passengers or to ensure the proper regulation of traffic.
- (2) Whenever an application to use a rank is granted, the applicant shall be issued with a minibus taxi or bus rank permit and numbered minibus taxi or bus rank permit disc of a design approved by the Council, displaying on the face thereof the registration number of the minibus taxi or bus and where applicable the rank number and description for which its use has been authorized;
- (3) A minibus taxi or bus rank permit not allocated within 3 months shall lapse, unless an extension of time has been requested and approved by the Council. A minibus taxi or bus rank permit shall be valid only for the period stated thereon.
- (4) A minibus taxi or bus rank permit issued in terms of these By-Laws shall not be transferred to any other person except by the written approval of the Council.
- (5) The Council may, at its discretion, replace a minibus taxi or bus rank permit disc which has been lost or has become damaged on payment

of a fee, as prescribed by Council resolution, and submission of an affidavit setting out the circumstances occasioning such loss or damage.

**Section 11: Minibus Taxi or Bus Rank Permit to be Carried and Minibus Taxi or Bus Rank Permit Disc to be Displayed**

- (1) The minibus taxi or bus rank permit shall be carried at all times in the minibus taxi or bus for which it was issued. The driver of the said vehicle shall produce on demand the said minibus taxi or bus rank permit to any Authorized Officer or Police Official. Failure to produce the said minibus taxi or bus rank permit on demand will deem the driver guilty of an offence.
- (2) A minibus taxi or bus rank permit disc issued in terms of Section 10 of these By-Laws shall at all times be displayed in a weather proof holder on the left-hand side of the front windscreen of the minibus taxi or bus to which it was issued, and it is to be clearly legible and visible from outside the said vehicle. Failure to display such a minibus taxi or bus rank permit disc, as required by this By-Law, shall deem the driver, operator and owner of such a vehicle to be guilty of an offence.

**Section 12: Expiry and Renewal of Minibus Taxi or Bus Rank Permit**

- (1) No minibus taxi or bus rank permit will be valid for longer than a year. A minibus taxi or bus rank permit issued in terms of these By-Laws shall expire on the last day of July in each year. Applications for the renewal of a minibus taxi or bus rank permit for the following year shall be made to the Council before the 1<sup>st</sup> day of December in each year in the same manner as provided in Section 9 of these By-Laws.
- (2) No application for renewal of a minibus taxi or bus rank permit will be accepted after 3 months from the expiry date unless an application in writing, in conjunction with the Taxi/Transport Association operating in the area, for an extension has been made to and accepted by the Council.
- (3) An application for the renewal of a minibus taxi or bus rank permit not renewed before the expiry date, may at the discretion of the Council, be treated as a new application.

**Section 13: Power to Refuse Application for or Cancel Minibus Taxi or Bus Rank Permit**

- (1) The Council shall be entitled to cancel or to refuse to renew or grant any minibus taxi or bus rank permit if:
  - (a) The motor carrier exemption certificates of the vehicle to which the minibus taxi or bus rank permit relates is cancelled or withdrawn or is not renewed;
  - (b) The minibus taxi or bus rank permit was granted on incorrect information furnished by the applicant;
  - (c) The minibus taxi or bus operator has been found guilty of offences relating to the Road Traffic Act or the By-Laws that deem him to be an unsuitable person to operate within the public transport sector;
  - (d) If the application for renewal of the minibus taxi or bus rank permit is not submitted before the expiry date thereof;
  - (e) There is no minibus taxi or bus rank space available;
  - (f) The driver of the vehicle to which the permit relates, is not the holder of a valid driver's license for the class of vehicle concerned or he is not in possession of a valid professional drivers permit as provided for in the National Road Traffic Act, 1996 (Act No. 93 of 1996);
  - (g) The vehicle is not insured as required in terms of Section 20.



- (2) The cancellation or suspension of a minibus taxi or bus rank permit in terms of this section shall not entitle the holder to any refund in respect of the fee paid.

**Section 14: Power to Authorise Substitution of Minibus Taxi or Bus**

- (1) If at any time the minibus taxi or bus to which a minibus taxi or bus rank permit was issued is under repair, or if for any reason the owner thereof so desires, the Council may authorise the substitution of another minibus taxi or bus, either temporarily or for the duration of the minibus taxi or bus rank permit, provided that the said minibus taxi or bus rank permit holder is also the owner of the minibus taxi or bus and has paid the prescribed administration fee as per Council resolution. The minibus taxi or bus rank permit holder must return his minibus taxi or bus rank permit so as to be issued with a new one, provided that in the case of a lost minibus taxi or bus rank permit an affidavit must be submitted.
- (2) Notwithstanding the provisions of these By-Laws the Council may authorise the holder of a minibus taxi or bus rank permit to interchange the minibus taxi or bus to which that minibus taxi or bus rank permit relates with any other minibus taxi or bus of the same type owned by him or belonging to the same association where the Public Road Carrier permits issued to him terms of the Road Transportation Act, 1977 allow such a minibus taxi or bus to be interchanged provided that the total number of minibus taxi or buses owned by the holder and using any minibus taxi or bus rank on any particular day shall not exceed the total number of minibus taxi or bus rank permits issued to such a holder in respect of that minibus taxi or bus rank.

**Section 15: Transferability of Minibus Taxi or Bus Rank Permit to another Minibus Taxi or Bus Rank**

Subject to the provisions, *mutatis mutandis*, of Section 9 and 10, a current minibus taxi or bus permit may, on application by the holder thereof to the Council and with its approval, be transferred without the payment of any additional fee to another minibus taxi or bus rank, and the fact of such transfer shall be endorsed on the minibus taxi or bus rank permit, whereupon the minibus taxi or bus rank permit shall be deemed for all purposes of these By-Laws to have been issued in respect of the minibus taxi or bus rank to which it has been transferred.

**PART 4: OPERATOR'S/DRIVERS' CODE OF CONDUCT**

**Section 16: Drivers to Observe By-Laws and Instructions of Authorised Officer or Police Officials**

- (1) The driver or other person in control of any minibus taxi or bus shall exercise the rights conferred by the minibus taxi or bus rank permit authorising such vehicle to use specific ranks and/or stops with due regard to the rights and convenience of passengers and other minibus taxis or busses authorised to use the rank; and shall, besides observing the requirements of these by-laws obey all lawful instructions or signals given by any Authorised Officer or Police Official;
- (2) For these By-Laws, Authorised Officers or Police Officials are hereby authorised to give such instructions or signals, which may be necessary to avoid obstruction and congestion of vehicle or passengers and for the proper regulation of traffic at or near the rank.

**Section 17: Unauthorised Behaviour on a Public Road or at a Rank**

- (1) No driver or person in charge of any minibus taxi or bus shall stop on a public road, where minibus taxi or bus stops or ranks exist, for the purpose of plying for hire, or pick up or off-loading passengers or allowing any passenger or intending passenger to board or leave

such minibus taxi or bus except at a rank or stop established in terms of these By-Laws where such facilities exist along the road;

- (2) No person shall tout, importune or solicit for passengers for any minibus taxi or bus by loitering, calling out, hooting or in any other manner whatsoever;
- (3) No person shall operate a minibus taxi or bus upon a public road in any way that causes any excess noise which can be avoided by the exercise of reasonable care on his part;
- (4) No person shall wash any minibus taxi or bus on any public road or rank within the Council's area of jurisdiction except within a demarcated washing area which may be provided by the Council at its sole discretion;
- (5) No person shall repair any minibus taxi or bus on any public road, rank or place within the Council's area of jurisdiction provided that this By-Law shall not prohibit the carrying out of minor repairs necessitated by a temporary or sudden stoppage of such minibus taxi or bus for the purpose of setting such vehicle in motion.
- (6) No person without a valid driver's licence shall be allowed to drive a taxi inside or outside a taxi rank

**Section 18: Displaying of Destination**

When any bus is proceeding to its authorised minibus taxi or bus rank, the driver of such vehicle shall cause the destination to which it is proceeding to be displayed clearly on the front of the vehicle.

**Section 19: Cleanliness of Vehicle and Premises**

- (a) Every person operating any minibus taxi or bus within the Council's area of jurisdiction shall maintain the vehicle in a clean condition and in a proper state of appearance and repair.
- (b) Every association operating from a minibus taxi or bus rank shall be responsible for the cleanliness of that minibus taxi or bus rank.

**Section 20: Insurance**

The owner or operator of a minibus taxi or bus shall insure any such vehicle in terms of which a ranking permit is required on a comprehensive basis, and all passengers and their belongings in terms of public liability as required by law, prior to the granting and issuing of any ranking permit, and shall furnish such proof as may be required by the Council.

**PART 5: PASSENGERS CODE OF CONDUCT**

**Section 21: Entering and Leaving Minibus Taxi or Buses**

- (1) Every passenger shall enter or depart from a minibus taxi or bus by the entrance provided;
- (2) No person shall board a minibus taxi or bus until all persons desiring to alight from the minibus taxi or bus have done so;
- (3) It shall be an offence for any person to enter or attempt to enter any minibus taxi or bus which contains the total number of passengers which it is authorised to carry;
- (4) On routes where stops or ranks are provided, no person shall board or attempt to board, leave or attempt to leave any minibus taxi or bus at any point along the road other than at a designated minibus taxi or bus stop or rank, if minibus taxi or bus stops or tanks exist along the road;
- (5) No person shall board or attempt to board, leave or attempt to leave any minibus taxi or bus while such vehicle is in motion.

**Section 22: Queues and Queue Marshals**

- (1) At any minibus taxi or bus rank established in terms of these By-Laws the Council may erect or cause to be erected queue signs

consisting of a notice board indicating the position and manner in which persons waiting to board a minibus taxi or bus shall stop and form a queue which sign may or may not be supplemented by queuing barriers in the form of rails or lines marked on the surface of the area to be demarcated for the purpose of queuing.

- (2) Persons intending to board any vehicle at any terminus or other stopping place at which queuing barriers have been erected shall form a queue at and from the point from which it is indicated that such vehicle will leave;
- (3) Where no queue sign has been erected persons waiting at or near any minibus taxi or bus rank or stop for the purpose of boarding a minibus taxi or bus shall form themselves in a queue not exceeding two abreast, or in single file when required thereto by any Authorised Officer or Police Official;
- (4) Persons forming any such queue shall take an give precedence according to their arrival. No person shall take any place in a queue in front of any other person who has precedence over him;
- (5) No person shall board any vehicle at any minibus taxi or bus rank or stopping place except from a queue (unless there are no other persons waiting to board the vehicle), and no person shall take any place in a queue in front of any other person who has precedence over him;
- (6) Every person standing in any queue or boarding or attempting to board any minibus taxi or bus at any minibus taxi or bus rank where a queue has assembled shall comply with all instructions given by any Authorised Officer or Police Officials as may be for the control of the queue or for the prevention of obstruction to vehicular or pedestrian traffic;
- (7) A queue marshal engaged at any rank must be clearly identifiable and must display his or her name in a conspicuous manner on his or her clothing below the left shoulder;
- (8) A queue marshal must discharge his or her duties in a courteous and polite manner and show respect to every passenger;
- (9) Where a queue marshal is controlling entry onto a taxi or bus, he or she must not allow more than the number of passengers permitted by law, onto such vehicle.

**Section 23: Payment of Fares: Onus on Passenger to Effect Payment**  
Every passenger shall pay the legal fare for the journey.

**PART 6: RANK MANAGER**

**Section 24: Need for Rank Manager**

- (1) The taxi/bus ranks within the municipality are under control of the Council and, where, in the opinion of one or more taxi associations, a taxi rank warrants the appointment of a rank manager, the Council may, following consultation with all associations and other role players using such rank, decide whether the appointment of a rank manager is necessary;
- (2) The Council requires the following data in respect to the appointment of a Rank Manager to be submitted by the Taxi Association/Bus Company in writing:
  - (a) Name of the Taxi Association or Bus Company;
  - (b) Full names of the chairman or owner;
  - (c) Contact details: Telephone and Address;
  - (d) The name of the rank in respect of which the application is being made;
  - (e) Full names of the proposed Rank Manager;
  - (f) The identify number of the proposed Rank Manager;
  - (g) The number of authorised taxis or buses using the rank;
  - (h) The names of, and number of other associations/bus companies using the rank;
  - (i) The association's/owners reasons for wanting a rank manager appointed by it, in full;

- (j) A signed undertaking by the association or owner that the association/owner and rank manager, if appointed, will abide by any conditions as may be prescribed by the Council in granting its approval and that such managers will not interfere with the activities, vehicles, drivers, passengers and office bearers of other associations/ owners other than in the performance of his duties, nor will he create any tension between any of the aforementioned.

The Council's approval will not be unreasonably withheld.

#### **Section 25: The Role of Rank Managers**

Any Rank Manager appointed in terms of this section will:

- (a) Control the entry to and exit from the rank, of any taxi or bus using the rank to ensure that no congestion occurs at such entry or exit points, or elsewhere in the rank;
- (b) Control, within reason, the behaviour of people within the confines of the rank;
- (c) Give direction to any person wishing to make use of a taxi or bus as to the whereabouts of the taxi or bus required by that person;
- (d) Allocate the maximum legal number of passengers to any one taxi or bus and not permit any overloading to take place;
- (e) Attempt to mediate on any dispute or disagreement between traders, pedestrians, passengers or drivers with regard to the allocation or use of any space in the rank, and if not successful, to contact the Protection Services Officer to report the incident and to restore order;
- (f) Without endangering himself, attempt to discourage the carrying of any weapon by any driver, operator or passenger and to report any incidents relating to weapons to the SAPS or an Authorized Officer;
- (g) Ensure that queues formed by passengers waiting to board taxis or buses are so formed in accordance with any of the provisions of Section 22 of these By-Laws;
- (h) Ensure that any queues are formed in the manner directed by him and in the positions directed by him;
- (i) Ensure that any people in queues do not interfere with any other users of the rank and do not block any walkway, sidewalk or pavement so as to prevent other pedestrians or passengers from utilizing these;
- (j) Ensure that people in queues board their taxi or bus in an orderly manner on a first come, first to board basis;
- (k) Ensure that passengers formed in queues or waiting in any part of the rank do not deposit any litter anywhere except in litter bins provided for the purpose, and to arrange with the works foreman that such bins are emptied by the Council at regular intervals or when full;
- (l) Ensure that no taxi or bus is washed or cleaned, except in any area designated for this purpose, and that no servicing or repairs are carried out within the rank, other than urgent repairs required to allow the driver to move the taxi to a proper repair centre;
- (m) Report to the works foreman or his representative on the cleanliness of the facilities at the rank and to ensure through this official that these are cleaned on a regular basis or when in an unhygienic state, or that essential repairs are reported and followed up;
- (n) That the taxis or buses are parked within the bays or area allocated to them. Any ongoing, irregularities are to be drawn to the attention of any perpetrator in the case of a first infringement or to the Council's Protection Services or Traffic Department in the event of repeated incidents for resolution. At no stage is the Rank Manager or Controller to become embroiled in any argumentative or confrontational situations with any third party;

- (o) Ensure that no passenger is permitted to board a taxi or bus which appears to him to be in any state of disrepair so as to render it unroadworthy, and to draw the drivers attention to any apparent fault(s) with a request that these are rectified;
- (p) Undertake to liaise with an Authorised Officer in respect of any other duty or duties which he believes he should be responsible for or on any of the above clauses which may cause him any undue hardship;
- (q) If any remuneration is to be paid, be so remunerated by the association which requested his or her appointment.

**Section 26: Removal of Rank Manager**

In the event of any continuous breach of any of the above conditions by any Rank Manager, the Council may, following consultation with the Taxi Association or bus company by whom he was appointed, have the appointment of the offending Rank Manager cancelled, in which case he shall quietly and without hindrance leave the rank in question.

**PART 7: GENERAL**

**Section 27: Rights and duties of Passengers when Minibus Taxi or Bus becomes Defective**

If at any time a minibus taxi or bus becomes defective or from any cause whatever is unable to proceed, the passengers shall on request of the driver, or conductor leave same, and if such passengers have paid their fares they shall be entitled to either demand back the amount of their fares so paid, or shall be allowed to travel by the next minibus taxi or bus available, at the cost of the defective minibus taxi's or bus driver or conductor, for the remainder of the distance in respect of which they have paid their fares.

**Section 28: Dangerous or Offensive Articles**

Persons travelling in or on any minibus taxi or bus with any article, instrument or implement which may be considered dangerous or offensive by the passengers, driver, conductor or Authorised Officer or Police Official, may be removed.

**Section 29: Animals**

The driver or conductor of any minibus taxi or bus or Authorised Officer or Police Official may refuse to admit upon such minibus taxi or may at any time require a passenger to remove therefrom any animal which, in his opinion, is likely to cause or which does cause annoyance to any passengers, provided that his fare is refunded.

**Section 30: Actions Prohibited on a Minibus Taxi or Bus**

The following actions are prohibited on a minibus taxi or bus:

- (a) Smoking, if prohibited by signage;
- (b) Playing offensive or excessively loud music
- (c) Using obscene or offensive language;
- (d) Interfering with the comfort of any passenger;
- (e) Damaging any minibus taxi or bus or the fittings thereof;
- (f) Interfering with the equipment of the minibus taxi or bus in any way;
- (g) Forcibly causing the driver to deviate from his route.

Any person committing any of the above actions shall, in addition to incurring the penalty hereinafter provided, forfeit his or her fare and be summarily removed from the minibus taxi or bus.

**Section 31: Riotous or Indecent Behaviour**

Any person who causes a disturbance or behaves in a riotous or indecent manner, shall be guilty of an offence and may be removed from a minibus taxi or bus, a queue or from the vicinity of a minibus taxi or bus rank by any Authorised Officer or Police Official.

**Section 32: Damage to Municipal Property Prohibited**

No person shall damage, disfigure, mutilate, obliterate, remove or in any other way interfere with any municipal property.

**Section 33: Offences and Penalties and Appeals**

- (1) Any vehicle parked or stopped:
  - (i) In contravention of any of the By-Laws; or
  - (ii) That has outstanding summons or warrants of arrest against the owner or driver; or
  - (iii) That is un-roadworthy.
- (2) Failure to comply with the terms of any condition or notice referred to in subsection (1) above shall constitute a continuing offence and a person failing to comply with the terms of such condition or notice shall be guilty of a separate offence for each day during which he fails to comply with such terms.
- (3) The Provisions of the Council's By-Laws relating to Offences and Penalties and Appeals shall *mutatis mutandis* apply to these By-Laws.

**Section 34: Repeal of Previous By-Laws**

Previous By-Laws of the Council relating to the regulation of Minibus Taxis and buses together with any amendments thereto are hereby repealed.

No. 15

20 April 2012

## ENDUMENI MUNISIPALITEIT

**VERORDENINGE MET BETREKKING TOT DIE REGULERING VAN MINIBUS-TAXI'S & BUSSE**1. **Toepassing van Verordeninge**

Hierdie verordeninge sal op alle minibus-taxi's of openbare busse van toepassing wees wat binne die Endumeni Munisipaliteitsraad se gebied van jurisdiksie en dekking bedryf word:

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2. **Nie diskriminerend nie**

- (a) Onderhewig aan die bepaling van onderafdeling (b) hiervan, sal geen bepaling van hierdie Verordeninge toegepas word om te diskrimineer tussen mense op grond van ras, godsdiens of geslag nie, en dit sal ook nie so opgevat word dat dit sulke diskriminasie magtig nie.
- (b) Ondanks die bepalings van onderafdeling (a) hiervan, kan diskriminasie op grond van geslag uitdruklik gemagtig word ooreenkomstig enige bepaling van hierdie verordeninge wat die dra van ongepaste klere in 'n openbare plek beskryf of 'n beperking plaas op die toegang van persone tot openbare geriewe, toilette en kleedkamers of verskillende standarde vir sulke geriewe voorskryf.

**DEEL 1: DEFINISIES**

Vir die doel van hierdie Verordeninge sal enige woord, waaraan daar 'n betekenis toegeskryf is in die Nasionale Padverkeerswet of die Padverkeersregulasies daaronder uitgevaardig, dieselfde betekenis in hierdie Verordeninge hê. In die geval van enige teenstrydighede in die betekenis, sal die betekenis soos beskryf in die Nasionale Padverkeerswet 1996 (Wet Nr. 93 van 1996) van krag wees. Tensy die konteks iets anders aandui, sal die ondergenoemde woorde die volgende betekenis hê:

**“Wet”** beteken die Nasionale Padverkeerswet, 1996 (Wet Nr. 93 van 1996)

**“Gemagtigde Beampte”** beteken iemand wat voertuie ondersoek, ie-mand wat bestuurders-lisensies ondersoek, of verkeersbeampte en ook enigiemand anders wat van tyd tot tyd, volgens regulasie deur die Minister van Vervoer as 'n gemagtigde be-ampte verklaar is, en sal 'n konstabel insluit, soos omskryf in die Nasionale Padverkeerswet, 1996 (Wet Nr. 93 van 1996)

**“Verordening”** beteken 'n Verordening wat opgetrek is kragtens Afdeling 80A van die Nasionale Padverkeers-wet, 1996 (Wet Nr. 93 van 1996) gelees saam met afdeling 31(2) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet Nr. 117 van 1998)

**“Munisipale Bestuurder”** beteken die Beampte wat behoorlik aangestel is deur die Raad in hierdie posisie of enig-iemand wat gemagtig is om namens hom op te tree

**“Kondukteur”** beteken die persoon in diens van die “opera-teur” wat in beheer is van 'n minibus-taxi-voertuig en/of bus met die doel om passasiersgeld daarop in te samel, en sal, in die geval van 'n eenmanvoertuig, die werknemer insluit wat in beheer is van hierdie voertuig;

**“Raad”** beteken die Endumeni Munisipale Raad en sluit enigiemand in met ge-delegeerde gesag om namens die Raad op te tree

**“Bestuurder”** beteken enigiemand wat 'n voertuig vir openbare vervoer bestuur of pro-beer bestuur

**“Oorstaan”** is die parkering van 'n minibus-taxi en/of bus tussen ritte

**“Metertaxi”** beteken 'n voertuig vir openbare vervoer wat toegerus is met 'n geseëde meter, wat in goeie werkende toe-stand is, met die doel om te bepaal hoeveel passasiersgeld betaal-baar is, wat vir sulke passasiersgeld gekali-breer is of wat aan enige ander vereistes vir sulke meters voldoen.

**“Midibus-taxi”** beteken 'n subkategorie van bus, uitsluitlik of hoofsaaklik ontwerp of omgebou om meer as 16 en minder as 35 sittende persone (insluitende die bestuurder) te vervoer

**“Minibus-taxi”** beteken 'n voertuig vir openbare vervoer wat uitsluitlik of hoofsaaklik ontwerp is vir die ver-voer van nie meer as vyftien passasiers en nie minders as nege nie, insluitende die bestuur-der, en wat gebruik word vir verhuring of beloning en teen huur en be-loning bedryf word of ry of soos gedefinieer word deur toekomstige wetge-wing met betrekking tot ongeskeduleerde dienste

**“Minibus-taxi-operateur”** beteken die persoon wat verantwoordelik is vir die gebruik van 'n minibus-taxi, en wat geregistreer is as die operateur by die Provinsiale Registra-teur en kragtens die Na-sionale Padverkeerswet

**“Minibus-taxi- en/of busstaanplek”** is enige plek wat deur die Raad opsygesit is, wat deur middel van voorgeskrewe padte-kens en/of verkeerste-kens gemerk is en ge-nommer is, vir die uit-sluitlike gebruik van die minibus-taxi of bus wat die gepaste minibus-taxi- of busstaanplek-permitskyf vertoon

**“Minibus-taxi- of busstaanplek-permit”** is geskrewe toestem-ming wat deur die Raad uitgereik is vir 'n mini-bus-taxi- of busopera-teur om vanaf 'n spe-sifieke minibus-taxi- of busstaanplek te werk

**“Minibus-taxi of busstaanplek-permitskyf”** is 'n skyf, wat deur die Raad uitgereik word, wat aandui watter staan-pleknommer deur die minibus-taxi of bus ge-bruik kan word wat daar-die minibus-taxi- of bus-staanplek-permitskyf vertoon

**“Minibus-taxi- of bushalte”** is 'n gebied wat aan-gedui word deur voor-geskrewe padtekens en/ of verkeerstekens, wat deur die Raad aange-wys is vir die uitsluitlike gebruik van 'n minibus-taxi of bus wat die gepaste minibus-taxi- of busstaanplek-permitskyf vertoon, alleenlik vir die op- en aflaai van passa-siers en dit is nie 'n plek om te parkeer of oor te staan nie

**“Polisiebeampte”** beteken 'n lid van die Suid-Afrikaanse Polisie, of wetlike opvolger

**“Openbare bus of bus”** 'n voertuig vir openbare vervoer wat uitsluitlik of hoofsaaklik ontwerp is om meer as 15 passa-siers te vervoer en ge-bruik word vir verhuring en beloning en teen huur en beloning bedryf word of ry kragtens 'n geskeduleerde diens en waarvoor 'n openbare padvervoerderpermit deur 'n Plaaslike Pad-vervoerraad uitgereik is op 'n roete wat val in of gedeeltelik val in die jurisdiksiegebied van die Raad

**Enkelvoud/Meervoud** in hierdie Verordening, tensy die konteks iets anders aandui, sluit 'n uitdrukking wat enige geslag aandui, die ander geslag in, 'n natuurlike persoon, 'n regspersoon en andersom, en die enkelvoud sluit die meervoud in en an-dersom

**DEEL 2****OPRIGTING EN BEHEER VAN MINIBUS-TAXI- EN/OF OPENBARE BUSSTAANPLEKKE EN -HALTES****Afdeling 1: Oprigting van minibus-taxi- en/of bus-staanplekke en -haltes**

- (1) Hierdie Verordening is van toepassing op alle minibus-taxi- en busstaanplekke en -haltes, wat deur die Raad opsygesit is of hierna opsygesit sal word as minibus-taxi- en/of busstaanplekke of-haltes vir minibus-taxi's en/of busse wat gemagtig is om dit te gebruik deur 'n minibus-taxi- of busstaanplek-permit wat kragtens hierdie verordeninge uitgereik is



- (2) Minibus-taxistaanplekke en busstaan-plekke of -haltes sal dié wees wat in die skedules uiteengesit word wat deur die afgevaardigde beampte van die Raad voorberei is en wat van tyd tot tyd ge-wysig word.

#### **Afdeling 2: Aanwysing van minibus-taxi- en/of bus-staanplekke en -haltes vir minibus-taxi's en/ of busse**

Die opsysitting van minibus-taxi- of busstaan-plekke en -haltes vir alleenlike gebruik deur minibus-taxi's of busse sal teweeggebring en bepaal word deur die oprigting, merk of plasing by sulke plekke (of dit op 'n openbare pad is of nie), soos wat die Raad sal bepaal, van die gepaste padverkeerstekens wat deur die Regulasies kragtens die Wet voorgeskryf word.

#### **Afdeling 3: Afbakening in minibus-taxi- of busstaan-plekke**

Die Raad mag in elke staanplek 'n spesifieke gebied of gebiede afbaken vir 'n spesifieke doel of doeleindes, soos die op- of aflaai van passasiers, oorsaak, informele handelaars.

#### **Afdeling 4: Toewysing van minibus-taxi- of busstaan-plekke en -haltes**

- (1) Die staanplekke wat opgerig is kragtens Afdeling 1 sal vir die uitsluitlike gebruik van minibus-taxi's of busse wees wat geldige minibus-taxi- of busstaanplek-permitskywe vertoon wat ten opsigte van hierdie minibus-taxi- of busstaanplek uitgereik is (op voorwaarde dat hierdie beperking nie van toepassing sal wees op 'n minibus-taxi of bus, waarvan die vervanging of afwisseling kragtens Afdeling 14 gemagtig is).
- (2) Die haltes wat kragtens Afdeling 1 opgerig is, sal of vir die algemene gebruik wees van alle minibus-taxi's of busse wat op daardie roete bedrywig is, of dit sal toegewys word aan 'n spesifieke operateur, assosiasie, roete of bestemming soos aangedui op die padverkeersteken wat by hierdie haltes opgerig is.

#### **Afdeling 5: Oorstaan- en stilhoutyd by minibus-taxi of busstaanplekke en -haltes**

- (1) Die Raad mag, deur middel van 'n padverkeersteken wat by of naby die staanplek opgerig is, die maksimum aaneenlopende tydperk bepaal waarin minibus-taxi's of busse in 'n staanplek mag oorsaak.
- (2) Geen minibus-taxi of bus sal toegelaat word om by 'n minibus-taxi- of bushalte te stop vir 'n langer tydperk as wat redelikerwys nodig is om passasiers af te laai of op te laai nie.
- (3) Geen minibus-taxi of bus sal toegelaat word om te stop terwyl dit bedryf word nie, tensy dit in 'n afgebakende plek of halte is.

#### **Afdeling 6: Ongemagtigde gebruik van minibus-taxi- of busstaanplekke en -haltes**

- (1) Net die bestuurder van 'n minibus-taxi of bus waarvoor 'n minibus-taxi- of bus-permit om 'n staanplek of halte te gebruik onder die Verordeninge uitgereik is, sal veroorsaak of toelaat dat die genoemde voertuig die gespesifiseerde staanplek of halte te eniger tyd gebruik (op voorwaarde dat hierdie beperking nie van toepassing sal wees op 'n minibus-taxi of bus, waarvan die ver-vanging of afwisseling kragtens Afdeling 14 gemagtig is nie).
- (2) Dit sal vir enige persoon onwettig wees om enige minibus-taxi of bus waarvoor 'n minibus-taxi- of busstaanplek-permit-skyf kragtens hierdie Verordeninge uit-gereik is, by enige staanplek of halte of op enige ander plek te stop as by die minibus-taxi- of busstaanplek en -haltes wat daaraan toegewys is en op hierdie minibus-taxi- of busstaanplek-permitskyf gespesifiseer is.
- (3) Die bestuurder van 'n minibus-taxi of bus sal by hierdie voertuig aanwesig bly gedurende die tyd dat dit sodanige staanplek of halte beset.

#### **Afdeling 7: Die Raad se aanspreeklikheid**

Die Raad sal op geen manier aanspreeklik wees vir:

- (1) Die verlies van of skade aan enige voertuig of enige toebehore of inhoud van so 'n voertuig wat geparkeer is by of stilgehou is by enige halte of bestuur is in, deur of uit enige staanplek of halte nie;
- (2) Enige sterfte, besering, skade of verlies (insluitende voortvloeiende verlies) wat gely is deur enigiemand in enige staanplek of halte nie.

#### **Afdeling 8: Toemaking van minibus-taxi- of bus-staanplek**

- (1) Die Raad sal die reg hê om enige staanplek wat onder hierdie Verordeninge opgerig is, tydelik toe te maak en om, indien nodig, iewers anders 'n ander tydelike staanplek in die plek daarvan op te rig. Sulke tydelike toe-making en oprigting sal as bewerkstellig geag word deur die vertoning van kennisgewings daarvan by of naby die betrokke staanplek en gedurende so 'n tydelike toemaking sal enige minibus-taxi- of busstaanplek-permitskyf wat uit-gereik is ten opsigte van die staanplek wat so toegemaak is, geldig geag word vir die staanplek wat in die plek daarvan opgerig is.
- (2) Geen regte wat deur die houer van enige minibus-taxi- of busstaanplek-permit onder hierdie Verordeninge besit word, sal die Raad verhinder om enige staanplek wat hieronder opgerig is, permanent toe te maak of te verwyder of om hierdie Verordeninge te wysig nie. Dit is egter op voorwaarde dat geen staanplek permanent toegemaak of verwyder sal word tot ná die verval van

drie maande se skriftelike kennisgewing aan die houters van enige geldige skywe wat daarvoor uitgereik is kragtens hierdie Verordeninge nie, behalwe in 'n nood-geval, en enige fooie wat betaal is, sal pro-rata terugbetaal word.

### DEEL 3: STAANPLEKPERMITTE

#### Afdeling 9: Aansoek om minibus-taxi- of busstaanplek-permit

- (1) Die eienaar/operateur sal, in same-werking met die Taxi/Vervoervereniging wat in die gebied werksaam is, skriftelik by die Munisipale Bestuurder aansoek doen om enige minibus-taxi- of busstaanplek te gebruik. Hierdie aan-soek sal gedoen word in die vorm wat deur die Raad voorgeskryf word.
- (2) Alle minibus-taxi's of busse waarvoor daar om 'n minibus-taxi- of busstaanplek-permit aansoek gedoen word, moet die volgende hê:
  - (a) 'n Geldige SVG (Sertifikaat van Geskiktheid);
  - (b) 'n LRTB-permit of toestemming om 'n diens te bedryf kragtens die Padverkeerswet of enige wetgewing wat dit vervang;
  - (c) Die eienaar se naam en adres op 'n leesbare, permanente en opsigtelike wyse aan die linkerkant van die voertuig aangebring;
  - (d) Die bestemming moet aan die voorkant van die voertuig vertoon word;
  - (e) Bewyse van registrasie by die Provinsiale Registrateur waar dit van toepassing is;
  - (f) Die voertuig se vervoerkapasiteit moet vertoon word.
- (3) 'n Fooi wat deur die Raad gespesifiseer en van tyd tot tyd hersien sal word, sal betaalbaar wees met betrekking tot elke minibus-taxi- of busstaanplek-permit wat toegewys word, op voorwaarde dat, wanneer 'n aansoek om 'n nuwe minibus-taxi- of busstaanplek-permit toe-gestaan word, die bedrag gebaseer sal wees op die pro-rata tydperk wat oor is vir die gebruik van die staanplek gedurende die huidige jaar, wat tot op die naaste maand bereken sal word.

#### Afdeling 10: Uitreiking van minibus-taxi- of busstaanplek-permitte

- (1) Dit is die verantwoordelikheid van die Raad om minibus-taxi- of busstaanplek-permitte toe te staan, wat sekere voorwaardes met betrekking tot die voertuig kan insluit, soos wat dit nodig word, soos:
  - (a) Om enige voertuig tot 'n sekere laaizone of oorstaanplek te beperk;
  - (b) Om die ure waarin enige staanplek gebruik kan word, te beperk;
  - (c) Om die aantal voertuie te spesifiseer wat enige gedeelte van die staanplek kan gebruik;
  - (d) Om die roete wat die minibus-taxi of bus moet gebruik, te spesifiseer;
  - (e) Enige ander voorwaarde om 'n billike toewysing van die staanplek te verseker of om versperring en opeenhoping van voertuie en passasiers te vermy of om die behoorlike reëling van verkeer te verseker.
- (2) Wanneer 'n aansoek om 'n staanplek te gebruik, ook al toegestaan word, sal daar 'n minibus-taxi- of busstaanplek-permit en genummerde minibus-taxi- of busstaanplek-permitskyf aan die aan-soeker uitgereik word, waarvan die ont-werp deur die Raad goedgekeur is en wat op die voorkant die registrasienommer van die minibus-taxi of bus vertoon en waar dit van toepassing is die staanpleknommer en beskrywing waar-voor die gebruik daarvan gemagtig is;
- (3) 'n Minibus-taxi- of busstaanplek-permit wat nie binne 3 maande toegewys word nie, sal verval, tensy 'n verlenging van tyd aangevra is en deur die Raad goedgekeur is. 'n Minibus-taxi- of bus-staanplek-permit sal slegs geldig wees vir die tydperk wat daarop aangegee word.
- (4) 'n Minibus-taxi- of busstaanplek-permit wat kragtens hierdie Verordeninge uit-gereik is, sal nie aan enige ander persoon oorgedra word nie, behalwe met die geskrewe goedkeuring van die Raad.
- (5) Die Raad mag, na goeddunke daarvan, 'n minibus-taxi- of busstaanplek-permit-skyf vervang wat verlore geraak het of wat beskadig is as 'n fooi betaal word, soos voorgeskryf deur 'n beslissing van die Raad, en 'n beëdigde verklaring in-gehandig word wat die omstandighede uiteensit waaronder die permit verloor of beskadig is.

#### Afdeling 11: Minibus-taxi- of busstaanplek-permit moet byderhand gehou word en minibus-taxi- of busstaanplek-permitskyf moet vertoon word

- (1) Die minibus-taxi- of busstaanplek-permit moet te alle tye byderhand gehou word in die minibus-taxi of bus waarvoor dit uitgereik is. Die bestuurder van die ge-noemde voertuig moet op aanvraag die genoemde minibus-taxi- of busstaanplek-permit toon aan enige Gemagtigde Beampte of Polisiebeampte. Versuim om die genoemde minibus-taxi- of bus-staanplek-permit op aanvraag te toon, sal die bestuurder skuldig maak aan 'n oortreding.
- (2) 'n Minibus-taxi- of busstaanplek-permit-skyf wat kragtens Afdeling 10 van hierdie Verordeninge uitgereik is, moet te alle tye vertoon word in 'n weerbestande houer aan die linkerkant van die voorruit van die minibus-taxi of bus waarvoor dit uitgereik is, en dit moet duidelik leesbaar en sigbaar wees van buite die ge-noemde voertuig. Versuim om so 'n minibus-taxi- of busstaanplek-permitskyf te vertoon, soos vereis word deur hierdie Verordening, sal die bestuurder, opera-teur en eienaar van so 'n voertuig skuldig maak aan 'n oortreding.

**Afdeling 12: Verval en hernuwing van minibus-taxi- of busstaanplek-permit**

- (1) Geen minibus-taxi- of busstaanplek-permit sal langer as 'n jaar geldig wees nie.  
'n Minibus-taxi- of busstaanplek-permit wat kragtens hierdie Verordeninge uitgereik is, sal elke jaar op die laaste dag van Julie verval. Aansoeke om die hernuwing van 'n minibus-taxi- of busstaanplek-permit vir die volgende jaar sal voor die 1<sup>ste</sup> dag van Desember in elke jaar by die Raad gedoen word op dieselfde manier as wat bepaal word in Afdeling 9 van hierdie Verordeninge.
- (2) Geen aansoek vir die hernuwing van 'n minibus-taxi- of busstaanplek-permit sal aanvaar word ná 3 maande vanaf die vervaldatum nie, tensy 'n geskrewe aansoek, in samewerking met die Taxi/Vervoervereniging wat in die gebied werksaam is, om 'n verlenging gedoen is by en aanvaar is deur die Raad.
- (3) 'n Aansoek vir die hernuwing van 'n minibus-taxi- of busstaanplek-permit wat nie voor die vervaldatum hernu is nie, kan na goeddunke van die Raad, as 'n nuwe aansoek behandel word.

**Afdeling 13: Mag om aansoek om minibus-taxi- of bus-staanplek-permit te weier of dit te kanselleer**

- (1) Die Raad sal die reg hê om enige minibus-taxi- of busstaanplek-permit te kanselleer of te weier om dit hernu of om dit toe te staan as:
  - (a) Die voertuigvervoerder-vrystel-lingsertifikaat waarmee die mini-bus-taxi- of busstaanplek-permit verband hou, gekanselleer of teruggetrek is of nie hernu is nie;
  - (b) Die minibus-taxi- of busstaanplek-permit toegestaan is op grond van verkeerde inligting wat deur die aansoeker verskaf is;
  - (c) Die minibus-taxi- of busopera-teur skuldig bevind is aan oor-tredings wat verband hou met die Padverkeerswet of die Ver-ordeninge wat hom 'n persoon maak wat ongeskik is om in die openbare vervoer-sektor bedrywig te wees;
  - (d) As die aansoek om hernuwing van die minibus-taxi- of bus-staanplek-permit nie voor die vervaldatum daarvan ingedien word nie;
  - (e) Daar geen minibus-taxi- of busstaanplek-spasie beskikbaar is nie;
  - (f) Die bestuurder van die voertuig waarmee die permit verband hou, nie 'n geldige bestuurders-lisensie vir die betrokke klas voertuig het nie of hy besit nie 'n geldige professionele bestuurderspermit soos bepaal word in die Nasionale Padverkeerswet, 1996 (Wet Nr. 93 van 1996);
  - (g) Die voertuig nie verseker is nie soos kragtens Afdeling 20 vereis word.
- (2) Die kansellering of opskorting van 'n minibus-taxi- of busstaanplek-permit kragtens hierdie afdeling sal die houer nie die reg gee op enige terugbetaling met betrekking tot die fooi wat betaal is nie.

**Afdeling 14: Mag om die vervanging van minibus-taxi of bus te magtig**

- (1) As die minibus-taxi of bus waarvoor 'n minibus-taxi- of busstaanplek-permit uitgereik is, te eniger tyd herstel word, of as die eienaar daarvan dit vir enige rede so wil hê, kan die Raad die vervanging van 'n ander minibus-taxi of bus, tydelik of vir die duur van die minibus-taxi- of busstaanplek-permit, magtig, op voor-waarde dat die genoemde minibus-taxi- of busstaanplek-permithouer ook die eienaar van die minibus-taxi of bus is en die voorgeskrewe administrasie fooi, volgens die Raad se beslissing, betaal het. Die minibus-taxi- of busstaanplek-permithouer moet sy minibus-taxi- of busstaanplek-permit teruggee sodat 'n nuwe een uitgereik kan word, op voorwaarde dat, in die geval van 'n verlore minibus-taxi- of busstaanplek-permit, 'n beëdigde verklaring ingedien word.
- (2) Nieteenstaande die bepalings van hierdie Verordeninge, kan die Raad die houer van 'n minibus-taxi- of bus-staanplek-permit magtig om die minibus-taxi of bus wat met daardie minibus-taxi- of busstaanplek-permit verband hou, af te wissel met enige ander minibus-taxi of bus van dieselfde tipe wat deur hom besit word of aan dieselfde vereniging behoort waar die Openbare Padver-voerder-permitte wat aan hom uitgereik is kragtens die Padvervoerwet, 1977, toelaat dat so 'n minibus-taxi of bus afgewissel word, op voorwaarde dat die totale aantal minibus-taxi's of busse wat deur die houer besit word en enige minibus-taxi- of busstaanplek op enige spesifieke dag gebruik, nie die totale aantal minibus-taxi- of busstaanplek-permitte sal oorskry wat aan so 'n houer uitgereik is met betrekking tot daardie minibus-taxi- of busstaanplek nie.

**Afdeling 15: Oordraagbaarheid van minibus-taxi- of busstaanplek-permit na 'n ander minibus-taxi- of busstaanplek**

Onderworpe aan die bepalings, *mutatis mutandis*, van Afdeling 9 en 10, kan 'n huidige minibus-taxi- of bus-permit, wanneer die houer daarvan hiervoor aansoek doen by die Raad en dit goedgekeur word, oorgedra word sonder die betaling van enige addisionele fooi na 'n ander minibus-taxi- of busstaanplek, en hierdie oor-draging sal op die minibus-taxi- of busstaanplek-permit geëndosseer word, waarna die minibus-taxi- of busstaanplek-permit vir alle doeleindes van hierdie Verordeninge beskou sal word as dat dit uitgereik is met betrekking tot die mini-bus-taxi- of busstaanplek waarna dit oorgedra is.

**DEEL 4: OPERATEUR/BESTUURDER SE GEDRAGSKODE****Afdeling 16: Bestuurders moet Verordeninge en instruksies van Gemagtigde Beampte of Polisiebeamptes gehoorsaam**

- (1) Die bestuurder of ander persoon in beheer van enige minibus-taxi of bus sal die regte uitoefen wat verleen word deur die minibus-taxi- of busstaanplek-permit wat genoemde voertuig magtig om spesifieke staanplekke en/of haltes te gebruik met gepaste inagneming van die regte en gemak van passasiers en ander minibus-taxi's of busse wat ge-matig is om die staanplek te gebruik; en sal, buiten dat hy die vereistes van hierdie verordeninge nakom, alle regma-tige instruksies of seine gehoorsaam wat deur enige Gemagtigde Beampte of Polisiebeampte gegee word;
- (2) Vir hierdie Verordeninge, word Gemag-tigde Beamptes of Polisiebeamptes hier-deur gemagtig om instruksies of seine te gee wat nodig kan wees om die versperring en opeenhoping van voer-tuie of passasiers te vermy en vir die behoorlike reëling van verkeer by of naby die staanplek.

**Afdeling 17: Ongemagtigde gedrag op 'n openbare pad of by 'n staanplek**

- (1) Geen bestuurder of persoon in beheer van enige minibus-taxi of bus sal op 'n openbare pad stop waar minibus-taxi- of bushaltes of -staanplekke bestaan nie, met die doel om teen huur te ry of om passasiers op of af te laai of om enige passasier of voornemende passasier toe te laat om in of uit so 'n minibus-taxi of bus te klim behalwe by 'n staanplek of halte wat kragtens hierdie Verordeninge opgerig is waar sulke fasiliteite langs die pad bestaan;
- (2) Geen persoon sal passasiers werf, dringend versoek of lok vir enige mini-bus-taxi of bus deur rond te drentel, uit te roep, toeter te blaas of op hoege-naamd enige ander manier nie;
- (3) Geen persoon sal 'n minibus-taxi of bus op 'n openbare pad bedryf op enige ma-nier wat enige oordadige geraas ver-oorsaak nie wat vermy kan word deurdat hy redelike versigtigheid aan die dag lê;
- (4) Geen persoon sal enige minibus-taxi of bus op enige openbare pad of staanplek binne die Raad se jurisdiksiegebied was nie, behalwe binne 'n afgebakende wasarea wat deur die Raad voorsien kan word, na goeiddunke daarvan;
- (5) Geen persoon sal enige minibus-taxi of bus op enige openbare pad, staanplek of plek binne die Raad se jurisdiksiegebied herstel nie, op voorwaarde dat hierdie Verordening nie die uitvoering van geringe herstelwerk sal verbied nie wat genoodsaak word deur 'n tydelike of skielike stilstand van hierdie minibus-taxi of bus met die doel om hierdie voertuig in beweging te bring. Geen persoon sonder 'n geldige bestuurderslisensie sal toegelaat word om 'n taxi binne of buite 'n taxistaanplek te bestuur nie

**Afdeling 18: Vertoning van bestemming**

Wanneer enige bus na die gemagtigde minibus-taxi- of busstaanplek daarvan gaan, moet die bestuurder van hierdie voertuig seker maak dat die bestemming waarheen dit oppad is, duidelik op die voorkant van die voertuig vertoon word.

**Afdeling 19: Skoonheid van voertuig en perseel**

- (a) Elke persoon wat enige minibus-taxi of bus in die Raad se jurisdiksiegebied bedryf, sal die voertuig skoon, netjies en in 'n werkende toestand hou.
- (b) Elke vereniging wat vanaf 'n minibus-taxi- of busstaanplek werksaam is, sal daarvoor verantwoordelik wees dat daardie minibus-taxi- of busstaanplek skoongehou word.

**Afdeling 20: Versekering**

Die eienaar of operateur van 'n minibus-taxi of bus sal enige sodanige voertuig waarvoor 'n staanplek-permit vereis word van allesom-vattende versekering voorsien, en alle passa-siers en hulle besittings van versekering met betrekking tot openbare aanspreeklikheid soos vereis word deur die wet, voordat enige staan-plek-permit toegestaan en uitgereik sal word, en hy sal bewyse hiervan verskaf soos wat vereis kan word deur die Raad.

**DEEL 5: PASSASIERSE GEDRAGSKODE****Afdeling 21: Inklim in en uitklim uit minibus-taxi's of busse**

- (1) Elke passasier sal in 'n minibus-taxi of bus inklim of daaruit uitklim deur die ingang wat voorsien word;
- (2) Geen persoon sal in 'n minibus-taxi of bus inklim totdat alle persone wat uit die minibus-taxi of bus wil uitklim, dit gedoen het nie;
- (3) Dit sal vir enige persoon 'n oortreding wees om in enige minibus-taxi of bus in te klim of te probeer inklim waarin daar reeds die totale aantal passasiers is wat dit gemagtig is om te vervoer;
- (4) Op roetes waar haltes of staanplekke voorsien word, sal geen persoon in enige minibus-taxi of bus inklim of pro-beer inklim, daaruit uitklim of probeer uitklim by enige punt langs die pad nie behalwe by 'n toegewese minibus-taxi- of bushalte of -staanplek, as minibus-taxi- of bushaltes of -staanplekke langs die pad bestaan;

- (5) Geen persoon sal in enige minibus-taxi of bus inklim of probeer inklim of daaruit uitklim of probeer uitklim terwyl so 'n voertuig beweeg nie.

#### **Afdeling 22: Rye en rybeamptes**

- (1) Die Raad kan by enige minibus-taxi- of busstaanplek wat kragtens hierdie Ver-ordeninge opgerig is, rytekens aanbring of laat aanbring wat bestaan uit 'n kennisgewingbord wat aandui waar en hoe mense wat wag om in 'n minibus-taxi of bus in te klim, moet stop en 'n ry moet vorm, en hierdie teken kan moontlik aangevul word deur ryversperrings in die vorm van reëlins of lyne wat ge-merk is op die oppervlak van die area wat vir ryvorming afgebaken sal word.
- (2) Mense wat in enige voertuig wil inklim by enige terminus of ander halte waar ryversperrings opgerig is, sal 'n ry vorm by en vanaf die punt vanwaar dit aangedui word dat hierdie voertuig sal vertrek;
- (3) Waar geen ryteken aangebring is nie, sal mense wat by of naby enige minibus-taxi- of busstaanplek of -halte wag met die doel om in 'n minibus-taxi of bus in te klim, in 'n ry staan met nie meer as twee langs mekaar nie, of agter mekaar wan-neer dit vereis word deur enige Gemagtigde Beampte of Polisiebeampte;
- (4) Mense wat in so 'n ry gaan staan, sal voorkeur gee en neem volgens hulle aankoms daar. Geen persoon sal voor enigiemand anders in 'n ry gaan staan wat voorkeur bo hom geniet nie;
- (5) Geen persoon sal in enige voertuig by enige minibus-taxi- of busstaanplek of halte inklim tensy dit uit 'n ry is nie (behalwe as daar geen ander persone wag om in die voertuig in te klim nie), en geen persoon sal voor enigiemand anders in 'n ry gaan staan wat voorkeur bo hom geniet nie;
- (6) Elke persoon wat in enige ry staan of in enige minibus-taxi of bus inklim of probeer inklim by enige minibus-taxi- of busstaanplek waar 'n ry gevorm het, sal alle instruksies nakom wat deur enige Gemagtigde Beampte of Polisiebeampte-tes gegee word wat moontlik nodig is om die ry te beheer of om die versperring van voertuig- of voetgangerverkeer te verhoed;
- (7) 'n Rybeampte wat by enige staanplek werk, moet duidelik uitkenbaar wees en moet sy of haar naam op 'n opsigtelike wyse op sy of haar klere onder die linkerskouer vertoon;
- (8) 'n Rybeampte moet sy of haar pligte op 'n hoflike en beleefde manier nakom en respek toon teenoor elke passasier;
- (9) Waar 'n rybeampte beheer uitoefen oor wie in 'n taxi of bus inklim, moet hy of sy nie toelaat dat meer passasiers as die aantal wat deur die wet toegelaat word, in so 'n voertuig inklim nie.

#### **Afdeling 23: Betaling van passasiersgeld: Passasier se verantwoordelikheid om betaling te doen**

Elke passasier sal die wetlike passasiersgeld vir die rit betaal.

### **DEEL 6: STAANPLEKBESTUURDER**

#### **Afdeling 24: Behoeftte aan staanplekbestuurder**

- (1) Die taxi-/busstaanplekke in die munisi-paliteit is onder die beheer van die Raad en waar 'n taxistaanplek, volgens die mening van een of meer taxiverenigings, die aanstelling van 'n staanplekbestuurder regverdig, kan die Raad, na raad-pleging met alle verenigings en ander rolspelers wat hierdie staanplek gebruik, besluit of die aanstelling van 'n staan-plekbestuurder nodig is;
- (2) Die Raad vereis die volgende data met betrekking tot die aanstelling van 'n Staanplekbestuurder wat deur die Taxivereniging/Busmaatskappy op skrif ingedien moet word:
  - (a) Naam van die Taxivereniging of Busmaatskappy;
  - (b) Volle name van die voorsitter of eienaar;
  - (c) Kontakbesonderhede: Telefoon en adres;
  - (d) Die naam van die staanplek waarvoor die aansoek gedoen word;
  - (e) Volle name van die voorgestelde Staanplekbestuurder;
  - (f) Die identiteitsnommer van die voorgestelde Staanplekbestuurder;
  - (g) Die aantal gemagtigde taxi's of busse wat die staanplek gebruik;
  - (h) Die name van en aantal ander verenigings/busmaatskappye wat die staanplek gebruik;
  - (i) Die vereniging/eienaar se vol-ledige redes waarom hulle 'n staanplekbestuurder wil aanstel;
  - (j) 'n Getekende onderneming deur die vereniging of eienaar dat die vereniging/eienaar en staanplek-bestuurder, indien aangestel, sal bly by enige voorwaardes wat deur die Raad voorgeskryf mag word wanneer dit goedkeuring gee en dat sulke bestuurders nie sal inmeng met die bedrywig-hede, voertuie, bestuurders, passasiers en beamptes van ander verenigings/eienaars be-halwe om sy pligte uit te voer nie, en hy sal ook nie enige spanning tussen enige van die bogenoemdes veroorsaak nie.Die Raad se goedkeuring sal nie sonder goeie rede weerhou word nie.

#### **Afdeling 25: Die rol van staanplekbestuurders**

Enige Staanplekbestuurder wat kragtens hierdie afdeling aangestel word, sal:

- (a) die ingang in en uitgang uit die staan-plek beheer van enige taxi of bus wat die staanplek gebruik om te verseker dat geen opeenhoping by hierdie ingang- of uitgangspunte, of op ander plekke in die staanplek, ontstaan nie;
- (b) redelikerwys die gedrag van mense bin-ne die grense van die staanplek beheer;
- (c) aanwysings gee aan enigiemand wat 'n taxi of bus wil gebruik met betrekking tot waar die taxi of bus is soos aangevra deur daardie persoon;
- (d) die maksimum wetlike aantal passasiers aan enige enkele taxi of bus toewys en nie toelaat dat sulke voertuie oorlaai word nie;
- (e) probeer om as bemiddelaar op te tree in enige twis of geskil tussen handelaars, voetgangers, passasiers of bestuurders met betrekking tot die toewysing of gebruik van enige spasie in die staan-plek, en as dit nie suksesvol is nie, met 'n beamppte van die Beskermingsdiens in aanraking kom om die insident te rapporteer en om orde te herstel;
- (f) sonder om homself in gevaar te stel, probeer om die dra van enige vuur-wapen deur enige bestuurder, operateur of passasier te ontmoedig en enige insidente met betrekking tot vuurwapens by die SAPD of 'n Gemagtigde Beamppte aanmeld;
- (g) verseker dat rye wat gevorm word deur passasiers wat wag om in taxi's of busse in te klim, gevorm word in ooreenstem-ming met enige van die bepalings van Afdeling 22 van hierdie Verordeninge;
- (h) verseker dat enige rye gevorm word op die manier wat deur hom aangedui word en op die plekke wat deur hom aangedui word;
- (i) verseker dat enige mense in rye nie inmeng met enige ander gebruikers van die staanplek nie en nie enige loopgang of sygaardjie versper sodat ander voet-gangers of passasiers dit nie kan gebruik nie;
- (j) verseker dat mense in rye op 'n ordelike manier in hulle taxi of bus inklim, op 'n grondslag van wie eerste daar is, kan eerste inklim;
- (k) verseker dat passasiers wat in rye staan of wat in enige deel van die staanplek wag, nie enige rommel op enige ander plek weggooi as in asblikke wat vir dié doel voorsien is nie, en met die bedryfs-voorman reël dat hierdie asblikke ge-reeld of wanneer dit vol is, deur die Raad leeggemaak word;
- (l) verseker dat geen taxi of bus gewas of skoongemaak word nie, behalwe in enige area wat vir hierdie doeleinde afgebaken is, en dat geen dienste of herstelwerk in die staanplek uitgevoer word nie, buiten dringende herstelwerk wat nodig is om die bestuurder in staat te stel om die taxi na 'n behoorlike herstelwerkswinkel te skuif;
- (m) aan die bedryfsvoorman of sy verteenwoordiger verslag lewer oor die skoon-heid van die geriewe by die staanplek en deur middel van hierdie beamppte ver-seker dat hierdie geriewe gereeld of wanneer dit in 'n onhigiëniese toestand is, skoongemaak word, of dat noodsaak-like herstelwerk gerapporteer en opge-volg word;
- (n) verseker dat die taxi's of busse in die zones of area geparkeer is wat aan hulle toegewys is. Enige voortgaande onreël-matighede moet onder die aandag gebring word van enige skuldige in die geval van 'n eerste oortreding of onder die aandag van die Raad se Besker-mingsdiens of Verkeersafdeling in die geval van herhaalde insidente sodat dit opgelos kan word. Op geen stadium moet die Staanplekbestuurder of -opsig-ter by enige argument of konfrontasie met enige derde party betrokke raak nie;
- (o) verseker dat geen passasier toegelaat word om in 'n taxi of bus in te klim wat vir hom lyk of dit enigsins onklaar is sodat dit onpadwaardig is nie, en die bestuurder se aandag vestig op enige skynbare fout(e) met 'n versoek dat dit reggestel word;
- (p) onderneem om met 'n Gemagtigde Beamppte te skakel in verband met enige ander plig of pligte waarvoor hy meen hy verantwoordelik moet wees of oor enige van die bogenoemde klousules wat vir hom enige oormatige probleme veroor-saak;
- (q) indien vergoeding betaal gaan word, deur die vereniging vergoed word wat sy of haar aanstelling aangevra het.

#### **Afdeling 26: Verwydering van staanplekbestuurder**

In die geval van enige aanhoudende versuim om aan enige van die bogenoemde voorwaardes te voldoen deur enige Staanplekbestuurder, kan die Raad, na raadpleging met die Taxi-vereniging of busmaatskappy deur wie hy aangestel is, die aanstelling van die skuldige Staanplekbestuurder laat kanselleer, en in daardie geval sal hy stil en sonder hindernis die staanplek onder bespreking verlaat.

### **DEEL 7: ALGEMEEN**

#### **Afdeling 27: Regte en pligte van passasiers wanneer minibus-taxi of bus onklaar raak**

As 'n minibus-taxi of bus te eniger tyd onklaar raak of weens watter oorsaak ookal nie verder kan gaan nie, sal die passasiers op versoek van die bestuurder of kondukteur hierdie voertuig verlaat, en as hierdie passasiers hulle passa-siersgeld betaal het, sal hulle die reg hê om ôf die bedrag van hulle passasiersgeld wat betaal is, terug te eis, ôf toegelaat te word om met die

volgende minibus-taxi of bus wat beskikbaar is, te reis, waarvoor die onklaar minibus-taxi of bus se bestuurder of kondukteur sal betaal, vir die res van die afstand waarvoor hulle hulle passasiersgeld betaal het.

**Afdeling 28: Gevaarlike of aanstootlik artikels**

Persone wat in enige minibus-taxi of bus ry met enige artikel, instrument of implement wat as gevaarlik of aanstootlik beskou kan word deur die passasiers, bestuurder, kondukteur of Gemagtigde Beampte of Polisiebeampte, kan verwyder word.

**Afdeling 29: Diere**

Die bestuurder of kondukteur van enige minibus-taxi of bus of Gemagtigde Beampte of Polisiebeampte kan te eniger tyd weier om enige dier op hierdie minibus-taxi toe te laat, wat na sy mening waarskynlik steuring vir enige passasiers sal veroorsaak of kan te eniger tyd 'n passasier vra om sodanige dier wat steuring veroorsaak, te verwyder, op voorwaarde dat sy passasiersgeld terugbetaal word.

**Afdeling 30: Optrede wat op 'n minibus-taxi of bus verbied word**

Die volgende optrede word op 'n minibus-taxi of bus verbied:

- (a) Rook, indien dit deur kennisgewings verbied word;
- (b) Om aanstootlike of uitermatig harde musiek te speel
- (c) Om vuil of aanstootlike taal te gebruik;
- (d) Om dit vir enige passasier ongemaklik te maak;
- (e) Om enige minibus-taxi of bus of die toebehore daarvan te beskadig;
- (f) Om op enige manier met die toerusting van die minibus-taxi of bus in te meng;
- (g) Om die bestuurder te dwing om van sy roete af te wyk.

Enige persoon wat hom aan enige van die bogenoemde optrede skuldig maak, sal, buiten dat hy of sy die straf opgelê sal word wat hierin bepaal word, sy of haar passasiersgeld verloor en sonder versuim uit die minibus-taxi of bus verwyder word.

**Afdeling 31: Oproerige of onweloweglike gedrag**

Enigiemand wat 'n versteuring veroorsaak of wat oproerig of onweloweglik optree, sal hom skuldig maak aan 'n oortreding en kan uit 'n minibus-taxi of bus, 'n ry of uit die omgewing van 'n minibus-taxi- of busstaanplek verwyder word deur enige Gemagtigde Beampte of Polisiebeampte.

**Afdeling 32: Skade aan munisipale eiendom word verbied**

Geen persoon sal enige munisipale eiendom beskadig, ontsier, skend, vernietig of op enige ander manier daarmee inmeng nie.

**Afdeling 33: Oortredings en straf en appèlle**

- (1) Enige voertuig wat geparkeer of gestop word:
  - (i) in oortreding van enige van die Verordeninge; of
  - (ii) wat uitstaande dagvaardigings of lasbriewe vir inhegtenisne-ming teen die eienaar of bestuurder het; of
  - (iii) wat onpadwaardig is.
- (2) Versuim om te voldoen aan die bepalings van enige voorwaarde of kennisgewing waarna daar in onder-afdeling (1) hierbo verwys is, sal 'n voortgesette oortreding uitmaak en iemand wat versuim om te voldoen aan die bepalings van sodanige voorwaarde of kennisgewing, sal skuldig wees aan 'n aparte oortreding vir elke dag wat hy versuim om aan hierdie bepalings te voldoen.
- (3) Die Bepalings van die Raad se Verordeninge met betrekking tot oortredings en straf en appèlle sal *mutatis mutandis* van toepassing wees op hierdie Verordeninge.

**Afdeling 34: Herroeping van vorige Verordeninge**

Vorige Verordeninge van die Raad wat verband hou met die regulering van minibus-taxi's en busse tesame met enige wysigings daaraan word hiermee herroep.

No. 15

20 kuMbasa 2012

**UMASIPALA WASE-ENDUMENI****IMITHESHWANA EPHATHELENE NOKULAWULA AMAKHUMBI NAMABHASI**

1. **Ukusebenza KweMitheshwana**  
 Le mitheshwana iyosebnza kuwo wonke amatekisi/ amakhumbi noma amabhasi omphakathi asebenza eMikhandlwini yaMasipala waseNdumeni

Inombolo yekhasi

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 Isigaba 2: Ukukhonjwa Kwamarenke Nezitobhi Zamakhumbi Namabhasi  
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 Isigaba 18: Ukutshengiswa Indawo Ehambela Kuyo.  
 Isigaba 19: Ukuhlanzeka Kwenqola noma Kwendawo.  
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**Isigaba 25:** Iqhaza Lomphathi WeRenke.  
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**Isigaba 33:** Amacala Nezinhlawulo Nezikhalo.  
**Isigaba 34:** Ukuchithwa KweMitheshwana Engaphambili.

**2. Ukungabandlululi**

- (a) Kweyame esihlinzekweni sesigatshana (b) sawo, akukho sinhlizeko sale Mitheshwana esiyosetshenziselwa ukubandlulula abantu ngesizathu sobuhlanga, senkolo noma sobulili futhi ngeke kwahunyushwa kanjalo ukugunyaza lokho kubandlulula.
- (b) Ngaphandle kwezimiso zesigatshana (a) sawo, ukubandlulula ngezizathu sobulili kungagunyazwa ngokukusobala ngokulandela noma yisiphi isimiso sale mitheshwana ebeka ukuthi kugqokwe ingubo efanelekile noma evimbela ukungena kwabantu endaweni yokugezela, endlini yangasese noma ezakhiweni zokugqokela noma ebeka imigomo eyehlukile mayelana nalezi zindawo.

**1: IZINCAZELO**

Mayelana nenhloso yale Mitheshwana, noma yliphi igama elinencazelo elinikezwe yona eMthethweni KaZwelonke Wokuhamba Kwezithuthi Emgwaqweni noma uMthetho Wezimiselo Zokuhamba eMgwaqweni ezimenezelwe ngaphansi kwawo, ziyoba naleyo ncazelo kule Mitheshwana. Uma kukhona ukungqubuzana kulezi zincazelo, kusebenza izincazelo njengoba zethulwe eMthethweni KaZwelonke Wokuhamba Kwezithuthi Emgwaqweni we-1996, (uMthetho KaZwelonke Wokuhamba Kwezithuthi Emgwaqweni, Nombolo 93 we-1996). Ngaphandle uma okuqukethwe kusho okunye, amagama abalulwe ngezansi kumele abe nalezi zincazelo.

**“uMthetho”** usho uMthetho KaZwelonke Wokuhamba Kwezithuthi Emgwaqweni Nombolo 93 we-1996).

**“iSiphathimandla Esigunyaziwe”** kusho umhloli wezithuthi, umhloli wezincwadi zokushayela, noma yisiphathimandla sezommgwaqo nanoma yimuphi umuntu omenyezelwe nguNgqongqoshe Wezokuthutha ngokomthetho ukuba abe yisiphathimandla esigunyaziwe, ngalezo zikhathi, futhi kumele kube nesiphathimandla sokuthula ngokusho koMthetho KaZwelonke Wokuhamba Kwezithuthi Emgwaqweni we-1996 (uMthetho KaZwelonke Wokuhamba Kwezithuthi, Nombolo 93 we-1996).

**“iMitheshwana”** isho uMitheshwana owenziwe ngokulandela iSigaba 80A soMthetho KaZwelonke Wokuhamba Kwezithuthi Emgwaqweni we-1996, (uMthetho KaZwelonke Wokuhamba Kwezithuthi

Emgwaqweni, Nombolo 93 we-1996).ufundwa neSigaba 31(2) saHulumeni WeziNdawo: uMthetho Wezigaba zaMasipala, we-998(uMthetho Nombolo 117 we-1998)

**“uMphathi waMasipala”** usho isikhulu oqokelwe lesi sikhundla ngokomthetho nguMkhandlu noma ngumuphi umuntu ogunyazwe ukuba abe, asebenze egameni lakhe.

**“uSicabha”** usho umuntu oqashwe “ngumnikazi” olawula ikhumbi kanye noma nebhasi ukuba aqoqe imali ekhokhwa ngabagibeli kuyo futhi ubandakanya, uma kuyisithuthi esilawulwa ngumuntu oyedwa, oqashelwe leso sithuthi;

**“uMkhandlu”** usho uMkhandlu waMasipala WaseNdumeni futhi ubandakanya noma ngumuphi umuntu onikezwe igunya egameni loMkhandlu.

**“uMshayeli”** usho noma ngumuphi umuntu oshayela noma ozama ukushayela isithuthi somphakathi.

**“uKulindela ukulayisha”** ngukuma kwekhumbi kanye noma nebhasi lisalindele ukulayisha.

**“itekisi lemitha”** Imoto ethutha umphakathi esesimeni esiphephile nangendlela yokukala ibanga eliyihambayo ngenhloso etshengisa ukukhokha ngokufanelekile okusezingeni elifanele, nokunye okudingakalayo kuleyo itekisi lemitha.

**“iBhasi Elincane”** lisho ibhasi elincane, elenziwe, noma eliguqulwe kuphela noma ngokukhethekile ukuthutha abantu abangaphezu kwe-16 futhi bengaphansi kwabangama-35 (kuhlanganisa nomshayeli)

**“iKhumbi”** isho isithuthi somphakathi esenzelwe kuphela noma ngokukhethekile ukuthutha abantu abangaphezu kwe-15 futhi abangaphansi kwabayi-9 (kuhlanganisa nomshayeli, futhi esetshenziselwa ukuqashwa noma ukuklonyeliswa nokusebenzela ukuqashwa nokuklonyeliswa noma ngokuchaza komthetho okulandelayo nokulandela ngokwemisebenzi engahleliwe.

**“uMninimakhumbi”** usho umuntu onesibopho sokusebenzisa ikhumbi, futhi obhalise njengomninimakhumbi kuMbhali WeSifundazwe nangokulandela uMthetho KaZwelonke Wokuhamba Kwezithuthi Emgwaqweni

**“iRenke Yamakhumbi noma iRenke Yamabhasi”** yinoma yiyiphi indawo ehlelwe, NguMkhandlu, edwetshwelwe ngezimidwebo yomgwaqo emisiwe kanye nezimpawu nomgwaqo futhi kwabekwa izinombolo, ukuze isetshenziswe ngokukhethekile ngamakhumbi noma ngamabhasi atshengisa idiski yemvume yokusebenza.

**“iMvume Yamakhumbi noma Imvume Yamabhasi”** yimvume ebhaliwe, enikezwe umphathi wekhumbi noma webhasi nguMkhandlu ukuze asebenzela erenke ethile yamakhumbi noma yamabhasi .

**“iDiski YeRenke yamakhumbi noma amabhasi”** yidiski enikezelwe nguMkhandlu ekhombisa inombolo yerenke engasetshenziswa ikhumbi noma ibhasi elitshengisa idiski ebaluliwe yemvume yokusebenzisa irenke yamakhumbi noma yamabhasi.

**“iSitobhi samakhumbi noma samabhasi”** indawo ekhonjiswe ngemidwebo yomgwaqo kanye nezimpawu zomgwaqo, ezikhonjwe nguMkhandlu ukuze isetshenziswa ngokukhethekile ngamakhumbi namabhasi atshengisa idiski yemvume yokusebenza irenke, ukulayisha nokwehlisa abagibeli kuphela futhi akuyona indawo yokuma noma yokulindela ukulayisha.

**“iSiphathimandla Sezokuvikela”** sisho ilungu loMbutho WamaPhoyisa AseNingizimu Afrika noma olandela ngokomthetho esikhundleni.

**"iBhasi Lomphakathi noma iBhasi"** lisho isithuthi somphakathi esimiselwe kuphela noma ikakhulu ukuthwala abagibeli abangaphezu kwe-5 nokusetshenziselwa ukuqashwa nokuklonyeliswa futhi esisebenza noma ukusebenza ngokuqashwa noma ngokuklonyeliswa ngokwemisebenzi ebaliwe futhi ngaleso sizathu esinikezwe imvume yokuthutha impahla emgwaqweni yiBhodi Lendawo Lezokuthutha eMgwaqeni uma umzila noma ingxenye yomzila ingaphansi koMkhandlu.

**"Ubunye/Nobuningi"** Kulomthetho nangaphandle kwenqikithi kutshengisa noma kugcizelela noma ibuphi ubulili obubanda kanya noma obunye ubulili noma imuphi umuntu, noma nangayiphi indlela kanye nobunye nangobuningi noma nangayiphi indlela.

## **INGXENYE 2:           UKWAKHIWA   NOKULAWULWA   KWAMARENKE   NEZITOBHI ZAMAKHUMBI NAMABHASI.**

### **Isigaba 1:       Ukumiswa Kwamarenke Nezitobhi Zamakhumbi Namabhasi.**

- (1) Le mtheshwana iyosebenza kuwo wonke amarenke nezitobhi zamakhumbi namabhasi, ezehlukaniselwe noma ezingehlukaniswa kamuva nguMkhandlu njengamarenke amakhumbi kanye namarenke amabhasi noma izitobhi zamakhumbi kanye namabhasi, ezigunyazwe ukusetshenziswa ngezimvume zamarenke ezikhishwe ngokulandela le mitheshwana.
- (2) Amarenke amakhumbi namarenke amabhasi noma izitobhi kuyoba yilezo ezichazwe ezinhlelweni ezihlelwe yisiphathimandla esigunyaziwe soMkhandlu njengoba zichibiyelwa ngokuhamba kwesikhathi.

### **Isigaba 2:       Ukukhonjwa Kwamarenke Nezitobhi Zamakhumbi Namabhasi**

Ukwehlukaniswa kwamarenke nezitobhi zamakhumbi namabhasi ukuba kusetshenziswe ngamakhumbi noma amabhasi kuphela kuyokwenziwa futhi kuchazwe ngokwakha, ngokudweba noma ukubeka kulezo zindawo (kungaba semgwaqeni womphakathi noma kungesiwo) njengokunquma koMkhandlu, izimpawu zomgwaqo ezimiswe ngeZimiso ezakhiwe ngokulandela uMthetho.

### **Isigaba 3:       Ukuklama Emarenke Amakhumbi noma Amabhasi**

UMkhandlu ungaklama kuwo wonke amarenke indawo noma izindawo ezikhethekile ngenhloso noma ngezinhloso ezikhethekile, njengokulayisha nokwehlisa abagibeli, ukulindela ukulayisha, abahwebi basemgwaqeni.

### **Isigaba 4:       Ukwabiwa Kwamarenke Nezitobhi Zamakhumbi Noma Zamabhasi**

- (1) Amarenke akhiwe ngokulandela isigaba 1 ayosetshenziswa kuphela ngamakhumbi noma ngamabhasi atshengisa idiski yemvume yokusebenza eqondene naleyo renke yamakhumbi noma yamabhasi; (kuba sekutheni lokhu kunqatshelwa akuyosebenza ekhumbini noma ebhasini, uma ukufaka esikhundleni noma ukushintshanisa kugunyaziwe ngokulandela isigaba 14).
- (2) Izitobhi ezakhiwe ngokulandela isigaba 1 ziyosetshenziswa yiwo wonke amakhumbi namabhasi asebenza kulowo mzila noma obelwe umsebenzi, inhlango, umzila noma uhambo oluthile, njengoba kukhonjisiwe ophawini lomgwaqo olugxunyekwe kuleso sitobhi.

**Isigaba 5: Isikhathi Sokulinda Nokuma Kwamakhumbi Namabhasi Emarenke Nasezitobhini.**

- (1) UMkhandlu unganquma, ngokugxumeka izimpawu zomgwaqo emarenke noma eduze kwerenke, iside esiqhubekayo amakhumbi namabhasi angasilinda erenke.
- (2) Ayikho ikhumbi noma ibhasi elivunyelwe ukuma esitobhini samakhumbi noma samabhasi isikhathi eside ngokweqile sokuhlela noma sokucosha abagibeli.
- (3) Ayikho ikhumbi noma ibhasi eelivunyelwe ukuma lisasebenza, ngaphandle uma kuyisikhumulo noma yizitobhi eziklanyiwe.

**Isigaba 6: Ukugunyaza ukusebenzisa Amarenke Nezitobhi Zamakhumbi Noma Zamabhasi.**

- (1) Ngumshayeli waleyo khumbi noma ibhasi kuphela elidiski yemvume yokusebenzisa irenke noma isitobhi ekhishwe ngokulandela iMitheshwana oyokwenza noma oyovumela isithuthi esibaluliwe ukusebenzise irenke noma isitobhi esithile nganoma yisiphi isikhathi (kuba sekutheni lesi senqabelo lokhu kwenqaba akuyosebenza ekhumbini noma ebhasini, uma ukufaka esikhundleni noma ukushintshanisa kugunyaziwe ngokulandela isigaba 14).
- (2) Kuyoba ukwephula umthetho ngunoma ngumuphi umuntu ukumisa noma yiyiphi ikhumbi nom ibhasi elinediski yemvume yokusebenza ekhishwe ngokulandela le Mitheshwana, kunoma yiyiphi enye irenke noma isitobhi okungesiyo irenke noma isitobhi sekhumbi noma sehasi elabelwe sona futhi sahlukaniselwa leyo disk yemvume yerenke yemakhumbi noma yebhasi.
- (3) Umshayeli wekhumbi noma webhasi uyoba kuleso sithuthi ngenkathi sikulyo renke noma leso sitobhi.

**Isigaba 7: Isibopho SoMkhandlu Ngokomthetho**

UMkhandlu awuyobekwa cala ngokomthetho noma ngayiphi indlela mayelana:

- (1) Nokulahleka noma ukulimala kwanoma yisiphi isithuthi noma yini ephakathi kuleso sithuthi esipakwe noma esimiswe kunoma yisiphi isitobhi esishayelwa phakathi, ngaphandle noma esiphuma kunoma yiyiphi irenke noma isitobhi;
- (2) Nokushona, ukulimala, ukonakala ukulahleka (kuhlanganisa nokulahlekelwa okulandelayo) kunoma ngumuphi umuntu kunoma yiyiphi irenke noma isitobhi.

**Isigaba 8: Ukuvalwa Kwerenke Yamakhumbi Noma Amabhasi.**

- (1) Le Mitheshwana futhi, uma kufanele, nokusungula kwenye indawo irenke yesikhashana esikhundleni senye. Lokho kuvalwa kanye nokusungulwa kwesikhashana kuyothathwa ngokuthi kwenziwe. UMkhandlu uyoba negunya lokuvala okwesikhashana noma yiyiphi irenke esungulwe ngokubeka izaziso ngaphakathi noma eduze kwerenke leyo futhi ngaleso sikhashana sokuvalwa, kwekhumbi noma kwebhasi elinikelzwe idiski yemvume yokusebenza mayelana naleyo renke iyothathwa njengesemthethweni mayelana nerenke esungulwe esikhundleni senye.
- (2) Awekho amalungelo omnikazi onemvume yaserenke yamakhumbi namabhasi ngokwale Mitheshwana oyovimba uMkhandlu ukuvala noma ukususa unomphela noma yiyiphi irenke esungulwe ngale ndlela noma ukuchibiyela le Mitheshwana. Kuba sekutheni, nokho, ukuthi ayikho eyovalwa noma isuswe unomphela kuze kuphele isaziso esibhaliwe sezinyanga ezintathu kumnikazi wanoma iyiphi idiski ekhishwe ngokulandela le Mitheshwana, ngaphandle uma kunezimo eziphuthumayo, futhi nanoma iyiphi imali ekhokhiwe iyobuyiselwa ngokulingana.

**INGXENYE 3: IZIMVUME ZAMARENKE****Isigaba 9: Izicelo Zezimvume Zamarenke Amakhumbi Noma Amabhasi.**

- (1) Umnikazi/Osebenzisana nomphathi wamatekisi nenhlango yezokuthutha esebenzela kuleyo ndawo. Kufanele bafake isicelo sokusebenzisa itekisi noma itekisi lemitha noma ukusebenzisa indawo yezokuthutha, kumele bafake isicelo sabo ngokubhalela umphathi dolobha. Isicelo sabo kumele basigcwalise ngefomu eligunyaziwe yikhansela.
- (2) Onke amakhumbi noma amabhasi okucelwa ukuba abe nemvume yokusebenza, ayoba:
  - (a) Nesitifiketi sokufaneleka (i-COF)
  - (b) Nemvume ye-LRTB noma igunya lokwenza umsebenzi ngokulandela uMthetho Wezokuthutha Emgwaqweni nanoma yimuphi omunye umthetho ongena endaweni yawo.
  - (c) Negama nekheli lo mnikazi elifundekayo, ahlala kulo nelaziwayo, linanyathiselwe esandleni sobunxele sesithuthi.
  - (d) Nendawo ahambela kuyo itshengiswe ngaphambili esithuthini;
  - (e) Nobufakazi bokuthi ubhalisile noMbhali weSifundazwe lapho kufanele;
  - (f) Nomthamo wokuthwala kwesithuthi utshengiswe.
- (3) Kuyokhokha imali njengoba imiswe futhi yabuyekwezwa emva kwezikhathi ezithile nguMkhandlu mayelana nemvume yerenke eyabelwe ikhumbi noma ibhasi ngalinye, kube sekutheni lapho isicelo semvume yerenke sivunywa, inani lemali liyokweyama esikhathini esisele sokusebenzisa irenke kulowo nyaka, ibalelwe enyanga eneseduze.

**Isigaba 10: Ukukhipha Izimvume Zamarenke Amakhumbi Noma Amabhasi**

- (1) Ukugunyaza izimvume zamarenke amakhumbi namabhasi kuyisibopho soMkhandlu, okumele kubandakanye izimo ezithile eziqondene nesithuthi njengoba kudingeka njengokulandelayo:
  - (a) Ukuphoqelela noma yisiphi isithuthi indawo yokulayisha noma indawo yokulindela;
  - (b) Ukulawula amahora noma yisiphi irenke engasetshenziswa ngaso;
  - (c) Ukubalula inani lezithuthi ezingasebenzisa noma yisiphi ingxenye yerenke;
  - (d) Ukubalula umzila ikhumbi noma ibhasi okumele liwusebenzise;
  - (e) Noma yisiphi esinye isimo ukuqinisekisa ukwabiwa kwamarenke okulungile noma ukugwema ukuthikameziseka nokucinana kwezithuthi nabagibeli noma ukuqinisekisa ukulawulwa kokuhamba kwezithuthi.
- (2) Lapho isicelo sokusebenzisa irenke sigunyaziwe, umfaki sicelo uyonikezwa imvume yerenke yamakhumbi noma yamabhasi nediski yemvume yerenke yamakhumbi namabhasi neyedikisi yemvume ngohlaka olumiswe lwagunyazwa nguMkhandlu, yaxhonywa ngaphambili lapho enombolweni yokubhalisa yekhumbi noma ibhasi nalapho kufaneleke khona inombolo yerenke nencazelo yomsebenzi egunyazwe ukuba iwenze;
- (3) Imvume yerenke yekhumbi noma yebhasi enganikeziwe kuze kudlule izinyanga ezintathu iyophelelwa yisikhathi, ngaphandle uma ukwelulelwa isikhathi kuceliwe futhi kwagunyazwa nguMkhandlu. Imvume yerenke yekhumbi noma yebhasi iyosebenza kuphela isikhathi esibaluliwe.
- (4) Imvume yerenke yekhumbi noma yebhasi enikeziwe ngokulandela le Mitheshwana ayinadluliselwa komunye umuntu ngaphandle kokugunyazwa nguMkhandlu okubhalwe phansi.
- (5) UMkhandlu, ngokubona kwawo, ungabuyisa idiski yemvume yerenke yekhumbi noma yebhasi elahlekile noma eyonakele ngokukhokha imali, njengokuchaza kwesinqumo soMkhandlu, kanye nokulethwa kwencwadi efungelwe echaza izimo ezibangele lokho kulahleka noma ukonakala.

**Isigaba 11: Imvume Yerenke Yekhumbi Noma Yebhasi Okumele Iphathwe Nediski Yemvume Yerenke Yekhumbi Noma Yebhasi Okumele itshengiswe.**

- (1) Imvume yerenke yekhumbi neyebhasi iyophathwa ngaso sonke isikhathi ekhumbini noma ebhasini elinikezwa yona. Umshayeli waleso sithuthi esibaluliwe uyoveza imvume yerenke ecelwa yinoma yisiphi iSiphathimandla eSigunyaziwe noma iPhoyisa loMgwaqo. Ukwehluleka ukuveza imvume yerenke yekhumbi noma yebhasi elibaluliwe lapho icelwa umshayeli uyobekwa icala.
- (2) Idiski yemvume yerenke yekhumbi noma ibhasi enikeziwe ngokulandela isigaba 10 sale Mitheshwana iyotshengiswa ngaso sonke isikhathi ngesikhwama esivikela zonke izimo zezulu, ngakwesokunxele sewindi elingaphambili lekhumbi noma ibhasi elinikizelwa yona, ifundeke futhi ibonakale ngokucacile ngaphandle kuleso sithuthi. Ukwehluleka ukuveza idiski yemvume yerenke yaleyo khumbi noma ibhasi njengoba kuphoqelelqa yilo Mtheshwana, umshayeli, umsebenzisi nomnikazi waleso sithuthi uyobekwa icala.

**Isigaba 12: Ukuphelelwa Yisikhathi Nokuvuselelwa Kwemvume Yerenke Yekhumbi Noma Yebhasi**

- (1) Ayikho imvume yerenke yekhumbi noma yebhasi eyosebenza isikhathi esingaphezu konyaka. Imvume yerenke yekhumbi noma yebhasi ekhishwe ngokulandela le Mitheshwana iyophelelwe yisikhathi ngosuku lokugcina uNtulikazi njalo ngonyaka. Izicelo zokuvuselela imvume yerenke yekhumbi noma yebhasi yonyaka olandelayo ziyofakwa eMkhandlwini ngaphambi kosuku loku-1 uNtulikazi minyaka yonke, ngendlela efanayo ehlinzekwe eSigabeni 9 sale Mitheshwana.
- (2) Asikho isicelo sokuvuselela kwamaTekesi noma itekisi lemitha, noma indawo yezokuthuthela, noma imvumo yokuthutha ingamukelekanga ngemva kwezinyanga ezintathu mhla sekuphele isikhathi ngamphandle kokuba isicelo sibhalwe ngokuvumelana nomphathi wezokuthutha ophethe kuleyo ndawo, ekululweni kwesikhathi savunywa ngama khansela.
- (3) Isicelo sokuvuselela imvume yerenke yekhumbi noma yebhasi esingavuselelwe ngaphambi kosuku lokuphelelwa yisikhathi, ngokubona koMkhandlu, sithathwe njengesicelo esisha.

**Isigaba 13: Amandla Okwenqaba Noma Okwesula Isicelo Semvume Yerenke Yekhumbi Noma Yebhasi.**

- (1) UMkhandlu uyoba negunya lokwesula noma ukwenqaba ukuvuselela noma ukunikeza imvume yerenke yekhumbi noma yebhasi uma:
  - (a) Izitifiketi zokuthwala zaleso sithuthi esinikezwe imvume yerenke yekhumbi noma ibhasi eqondene nayo zesuliwe noma zihoxisiwe noma zingavuselelwanga;
  - (b) Imvume yerenke yekhumbi noma yebhasi eyanikezwa ngokuletha imininingwane engesiyo ngumfaki sicelo;
  - (c) Umninimakhumbi/umsebenzisi wekhumbi noma webhasi etholakala enamacala aphathelene noMthetho Wokuhamba Kwezithuthi Emgwaqeni emenza abe ngumuntu ongafanale umsebenzi wokuthutha umphakathi;
  - (d) Uma isicelo sokuvuselela imvume yekhumbi noma yebhasi singafakwanga ngaphambi kokuphelelwa yilesi isikhathi;
  - (e) Uma singekho isikhala esikhona serenke yekhumbi noma yebhasi;
  - (f) Uma umshayeli wesithuthi esiqondene naleyo mvume engesiye umnikazi welayisense esemthethweni walolo hlobo lesithuthi esithintekayo, noma engenayo imvume yokushayela ngokomsebenzi okuhlinzekelwe eMthethweni KaZwelonke Wokuhamba Kwezithuthi Emgwaqeni we-1996 (uMthetho Nombolo 93 we-1996);
  - (g) Isithuthi singenawo umshwalense njengoba kudingeka ngokweSigaba 20.

- (2) Ukwesulwa noma ukumiswa kwemvume yerenke yekhumbi noma yebhasi ngokulandela lesi sigaba, akunikezi umnikazi ilungelo lokubuyiselwa imali ayikhokhile.

**Isigaba 14: Amandla Okugunyaza Ukufaka Enye Ikhumbi noma Ibhasi Endaweni Yenye**

- (1) Uma nganoma yisiphi isikhathi ikhumbi noma ibhasi elinemvume yerenke yekhumbi noma yebhasi elaliyinkeziwe iyokhandwa, noma kungaba yisiphi isizathu umnikazi anaso, uMkhandlu ungagunyaza ukuba kufakwe enye ikhumbi noma ibhasi, okwesikhashana noma okwesikhathi semvume yerenke yekhumbi noma yebhasi, kube sekutheni ophethe imvume yerenke yekhumbi noma yebhasi futhi ungumnikazi waleyo khumbi noma ibhasi futhi useyikhokhile imali emisiwe ngokulandela isinqumo soMkhandlu. Ophethe imvume yerenke yekhumbi noma yebhasi kumele abuyisele imvume yerenke yekhumbi noma yebhasi ukuze anikezwe entsha, kube sekutheni uma ilahlekile imvume yerenke yekhumbi noma yebhasi kulethwa incwadi efungelwe.
- (2) Ngale kwezihlinzeko zale miTheshwana, uMkhandlu ungagunyaza ophethe imvume yerenke yekhumbi noma yebhasi ukushintshanisa ikhumbi noma ibhasi eliqondene naleyo mvume yerenke yekhumbi noma yebhasi ivumelana nganoma yiyiphi enye ikhumbi noma ibhasi yohlobo olufanayo okungeyakhe noma engaphansi kwenhlangano efanayo, lapho imvume yokweThwala Emgwaqeni Womphakathi anikezwe yona ngokulandela uMthetho Wezokuthutha Emgwaqeni we-1977 uvumela leyo khumbi noma ibhasi ukungena endaweni yenye kube sekutheni inani lamakhumbi namabhasi anawo futhi esebenzisa noma iyiphi irenke yekhumbi noma yebhasi ngosuku oluthile aliyoba ngaphezu kwenani lezimvume zerenke yekhumbi noma yebhasi elinikezelwe lowo mphathi wemvume mayelana naleyo renke yamakhumbi noma yamabhasi.

**Isigaba 15: Ukudlulisela Imvume Yerenke Yamakhumbi noma Yamabhasi Kwelinye Irenke Yamakhumbi Noma Yamabhasi.**

Kweyame ezihlinzekeni, *izinguquko sezenziwe*, zezigaba 9 & 10, imvume yekhumbi noma yebhasi yangaleso sikhathi, uma umnikazi efaka isicelo, eMkhandlwini nalapho isigunyaza, ingadlulisela ngaphandle kokukhokhela enye irenke yekhumbi noma ibhasi enye imali, futhi lokho kudlulisela kuyosayinwa emvumeni yerenke yekhumbi noma yebhasi, emva kwalokho imvume yerenke yekhumbi noma yebhasi iyothathwa ngenxa yezinhloso zale Mitheshwana njengenikezwe irenke yekhumbi noma yebhasi edluliselwe kuyo.

**INGXENYE 4: INQUBO YOKUZIPHATHA YOMNINIMAKHUMBI NOMA UMSEBENZISI/ YOMSHAYELI**

**Isigaba 16: Abashayeli Kumele Balalele Imiyalelo YeSiphathimandla Esiguyaziwe Noma Iphoyisa lomgwaqo**

- (1) Umshayeli nanoma yimuphi umuntu osebenzisa noma yiyiphi ikhumbi noma ibhasi oyosebenzisa amalungelo awagidlabezwe yimvume yerenke yekhumbi noma yebhasi agunyaza leso sithuthi ukusebenzisa lawo marenke noma izitobhi ngokucabangela amalungelo nenkululeko yabagibeli namanye amakhumbi namabhasi agunyaziwe ukusebenzisa leyo renke; futhi ngaphandle kokuhlonipha izibopho zale mitheshwana, uyothobela yonke imiyalelo esemthethweni noma izimpawu azikhonjiswe yinoma yisiphi iSiphathimandla Esigunyaziwe noma iPhoyisa lomgwaqo;
- (2) Ngale MiTheshwana, iSiphathimandla Esigunyaziwe noma iPhoyisa lomgwaqo lapha ligunyazwa ukuba likhiphe leyo miyalelo noma izimpawu, ezingafaneleka ukugwema ukuvimbeleka nokucinana kwezithuthi noma abagibeli kanye nokulawula ngendlela ukuhamba kwezithuthi phakathi noma noma eduze nerenke.

**Isigaba 17: Ukuziphatha Okungagunyaziwe Emgwaqeni Noma Erenke Yomphakathi**

- (1) Akukho mshayeli noma umuntu olawula noma iyiphi ikhumbi noma ibhasi oyoma emgwaqeni womphakathi, lapho isitobhi noma irenke yamakhumbi noma yamabhasi ihlinzekiwe, ngesizathu sokuba aqashwe, noma acoshe noma ehlise abagibeli noma avumele noma ngumuphi umgibeli noma ofuna ukugibela noma ashiye leyo khumbi noma ibhasi ngaphandle uma irenke noma isitobhi sakhiwe ngokulandela le Mitheshwana lapho lezo zindawo zikhona eceleni komgwaqo;
- (2) Akukho muntu oyokhangisa, alandele noma anxenxe abathengi banoma iyiphi ikhumbi noma ibhasi ngokuzulazula, ngokumemeza, nangokupopoza noma ingayiphi enye indlela.
- (3) Akukho muntu oyosebenzisa ikhumbi noma ibhasi emgwaqeni womphakathi ngendlela ebanga umsindo omkhulu ongagwemeka uma ngokwakhe uqobo ecophelela;
- (4) Akukho muntu oyogeza noma iyiphi ikhumbi noma ibhasi kunoma yimuphi umgwaqo noma irenke yomphakathi endaweni eyenganyelwe nguMkhandlu ngaphandle kwezindawo ezihlelelwe ukugeza ezingahlinzekwa nguMkhandlu ngokuthanda kwawo;
- (5) Akukho muntu oyokhanda noma iyiphi ikhumbi noma ibhasi kunoma ngumuphi umgwaqo noma irenke yomphakathi noma endaweni eyenganyelwe nguMkhandlu kube sekutheni le Mitheshwana ayikwenqabi ukwenza imisebenzana emincane edingeka okwesikhashana noma ukumisa ngokushesha leyo khumbi noma ibhasi ukuze ilungele ukuthi iphinde ihambe.
- (6) Akekho umuntu onemvumo yokushayela amatekisi ngaphakathi nangaphandle kwendawo yokushayela amatekisi engenazo izincwadi zokushayela.

**Isigaba 18: Ukutshengiswa Indawo Okuhanjelwa Kuyo**

Uma ibhasi iya erenke yayo yamakhumbi noma yamabhasi, umshayeli waleso sithuthi uyotshengisa ngokucacile ngaphambili indawo lapho ikhumbi noma ibhasi lihambela khona.

**Isigaba 19: Ukuhlanzeka Kwenqola noma Kwendawo**

- (a) Bonke abantu ababenzisa noma iyiphi ikhumbi noma ibhasi ezindaweni ezenganyelwe nguMkhandlu bayogcina isithuthi sisesimweni esihlanzekile, futhi sisesimweni esibukukayo, sibe sikhandiwe.
- (b) Zonke izinhlangano ezisebenzela erenke yamakhumbi noma yamabhasi ziyoba nesibopho sokuhlanzeka kwaleyo renke yamakhumbi noma yamabhasi.

**Isigaba 20: Umshwalense**

Umninimakhumbi noma umsebenzisi wekhumbi noma webhasi uyothathela noma yisiphi isithuthi umshwalense ogcwele odingwa yimvume yerenke, kanye nabagibeli bonke nezimpahla zabo ngokulandela isibopho somthetho njengesidingo somthetho, ngaphambi kokunikezwa kwanoma iyiphi imvume yerenke, futhi uyoveza ubufakazi balokho njengokudinga koMkhandlu.

**INGXENYE 5: INQUBO YOKUZIPHATHA KWABAGIBELI****Isigaba 21: Ukungena Nokuphuma Ekhumbini noma Ebhasini.**

- (1) Bonke abagibeli bayongena noma baphume ekhumbini noma ebhasini ngentuba ehlinzekiwe;
- (2) Akukho muntu oyogibela ikhumbi noma ibhasi kuze kube ukuthi bonke abafisa ukwehla ekhumbini noma ebhasini sebehlele;
- (3) Kuyoba icala kunoma ngumuphi umuntu ukungena noma ukuzama ukungena noma ukwehla ekhumbini noma ebhasini elinesibalo sabagibeli eligunyazwe ukusithwala.



- (4) Emizileni lapho kuhlizekwe khona izitobhi noma amarenke kunikeziwe, akukho muntu oyogibela noma azame ukugibela, ehle noma azame ukwehla ekhumbini noma ebhasini kunoma iyiphi indawo emgwaqeni ngaphandle kwesitobhi noma irenke yamakhumbi noma yamabhasi ekhonjisiwe, uma izitobhi noma amarenke ekhona emgwaqeni;
- (5) Akukho muntu oyogibela noma azame ukugibela, ehle noma azame ukwehla ekhumbini noma ebhasini ihamba.

**Isigaba 22: Imigqa Nabalawuli Bemigqa**

- (1) Kunoma iyiphi irenke yamakhumbi noma yamabhasi eyakhiwe ngokulandela le Mitheshwana, uMkhandlu ungabeka noma wenze kubekwe izimpawu zemigqa ezinamabhodi ezaziso ezitshengisa ukuma noma indlela umuntu olindele ukugibela ikhumbi noma ibhasi ayoma noma enze ngayo uhele, uphawu olusekwe noma lungasekiwe ngezivimbeli zehele eziyimigqa edwetshwe phansi endaweni ehlukaniselwe ukushaya ujenga.
- (2) Abantu abafuna ukugibela noma yisiphi isithuthi kunoma yisiphi isikhumulo noma iyiphi enye indawo yokuma lapho izivimbeli zohele ezigxunyeke bayokwenza uhele lapho kutshengiswe khona ukuthi leso sithuthi siyosukela khona;
- (3) Lapho zingagxunyeke khona izimpawu zohele abantu abalindile eduze noma erenke noma esitobhini samakhumbi noma samabhasi ngenhloso yokugibela ikhumbi noma ibhasi bayokwenza uhele ngokwabo olungengaphezu kwabantu abami ngababili, noma umugqa owodwa uma lokho kudingwa yiSiphathimandla Esigunyaziwe noma iPhoyisa Lomgwaqo;
- (4) Abantu abenza noma nguluphi uhele bayokwemukela futhi bavume kulandela ukufika kwabo. Akukho muntu oyovunyelwe ukuqhola omunye ongaphambi kwakhe;
- (5) Akukho muntu oyogibela noma yisiphi isithuthi kunoma iyiphi irenke noma indawo yokuma, ngaphandle kokele (ngaphandle uma kungekho muntu olindele ukugibela isithuthi), futhi akukho muntu oyovunyelwa ukuqhola omunye ongaphambi kwakhe;
- (6) Bonke abantu abame oheleni noma abagibelayo noma abazama ukugibela ikhumbi noma ibhasi erenke yamakhumbi noma yamabhasi lapho uhele selwenziwe bayothobela yoke imiyalelo enikezwe iSiphathimandla Esigunyaziwe noma iPhoyisa Lomgwaqo ukuze kulawuleke uhele noma kunqandwa ukuvimbeleka kokuhamba kwezithuthi nabagibeli;
- (7) Umlawuli wohele osebenza kunoma iyiphi irenke kumele abonakale ngokucacile futhi kumele atshengise igama lakhe ngendlela egqamile ezigutsheni azigqokile, ngezansi kwehlombe lakwesobunxele;
- (8) Umlawuli wohele kumele enze umsebenzi wakhe ngenhlonipho nangentobeko futhi akhombise ukuhlonipha bonke abagibeli;
- (9) Lapho umlawuli wohele elawula ukungena ekhumbini noma ebhasini; akumele avumele abagibeli abangaphezu kwesibalo esivumelekile ngokomthetho, kuleso sithuthi.

**Isigaba 23: Ukukhokha Kwemali Yokugibela: Isibopho Somgibeli Ukukhokha**

Bonke abagibeli bayokhokha imali yokuya lapho beya khona esemthethweni.

**INGXENYE 6: UMPHATHI WERENKE**

**Isigaba 24: Isidingo Somphathi weRenke**

- (1) Amarenke amakhumbi/amabhasi akumasipala ongaphansi koMkhandlu, futhi lapho ngokubona kweyodwa noma ngaphezulu kwezinhlangano zamatekisi, kudingeka kuqashwe umphathi werenke, uMkhandlu, emuva kokubonisana nazo zonke izinhlangano nabo bonke abanye abasebenzisa leyo renke, unganquma ukuthi kuyadingeka yini ukuthi umphathi werenke aqokwe;

- (2) UMkhandlu udinga imininingwane elandelayo mayelana nokuqokwa koMphathi weRenke, ukuba ilethwe yiNhlango yamakhumbi noma iNkampani yamabhasi ngokubhala incwadi:
- (a) Igama leNhlango yamakhumbi noma iNkampani yamabhasi
  - (b) Amagama aphelele kaSihlalo noma omnikazi;
  - (c) Imininingwane yokuxhumana: Inombolo yocingo nekheli;
  - (d) Igama lerenke efakelwa isicelo;
  - (e) Amagama oMphathi Werenke ohlongozwayo;
  - (f) Inombolo yamazisi yoMphathi Werenke ohlongozwayo;
  - (g) Inani lamakhumbi noma lamabhasi avunyelwe ukusebanzisa leyo renke;
  - (h) Amagama nenani lezinye izinhlangano/ izinkampani zamabhasi asebenzisa leyo renke;
  - (i) Izizathu zenhlango/zabanikazi zokufuna umphathi werenke aqokwe yiwo, achaze ngokugcwele;
  - (j) Ukuzibophezela okusayinelwe yinhlangano noma ngumnikazi ukuthi inhlangano/ umnikazi nomphathi werenke, uma eqokiwe, uzohlonipha noma yimiphi imibandela ebekwa njengoba ingabekwa nguMkhandlu lapho unikeza igunya lawo nokuthi labo baphathi ngeke bagxambukele emisebenzini, ezithuthini, kubashayeli, kubagibeli nasezikhulwini zezinye izinhlangano/abanikazi ngaphandle kokwenza imisebenzi yakhe, noma adale noma yikuphi ukungezwani phakathi kwanoma yibaphi ababaluliwe ngenhla.

Isigunyazo soMkhandlu asiyokugodlwa ngokungemthetho.

#### **Isigaba 25: Iqhaza Lomphathi WeRenke**

Noma ngumuphi uMphathi Werenke oqokwe ngokulandela lesi sigaba:

- (a) Uyolawula ukungena nokuphuma erenke, kwanoma iyiphi ikhumbi noma ibhasi esebenzisa irenke ukuqinisekisa ukuthi akukho ukucinana okwenzakalayo ezindaweni zokungena nezokuphuma, noma kwenye irenke.
- (b) Uyolawula, ngokufanele, ukuziphatha kwabantu abangaphakathi erenke;
- (c) Uyoyalela noma ngumuphi umuntu ofisa ukusebenzisa ikhumbi noma ibhasi ukuthi ikuphi leyo khumbi ayidingayo;
- (d) Uyokwaba inani elifanele, elisemthethweni labagibeli ekhumbini noma ebhasini futhi angavumeli ukulayisha ngokweqile ukuba kwenzeke;
- (e) Uyozama ukuxazulula ukungezwani nokungavumelani phakathi kwabadayisi, abahamba ngezinyawo, abagibeli noma abashayeli mayelana nokwabiwa noma ukusetshenziswa kwendawo erenke, futhi uma kungaphumeleli, uyothinta iSiphathimandla Sophiko Lwezokuvikela ukubika isehlakalo abuyisele ukuthula;
- (f) Ngaphandle kokuzifaka engozini, uyozama ukujivaza ukuphathwa kwezikhali ngumshayeli, umsebenzisi noma umgibeli futhi abike noma yiziphi izehlakalo eziphathelene nezikhali eMnyangweni Wamaphoyisa noma kwiSiphathimandla eSigunyaziwe ;
- (g) Uyoqinisekisa ukuthi imihele edalwe ngagibeli abalindele ukugibela amakhumbi noma amabhasi, yenziwa ngendlela ehambisana nanoma yiziphi izihlinzeko zesigaba 22 sale Mitheshwana;
- (h) Uyoqinisekisa ukuthi noma yimiphi imihele yenziwa ngendlela eyalelwa nguye nangokuma okuyalelwa nguyena;
- (i) Uyoqinisekisa ukuthi noma yibaphi abantu abasoheleni abathikamezi abanye abasebenzisi berenke, futhi abaminyanisi noma ngumuphi umzila noma unqenqema ukuvimbela abanye abahamba ngezinyawo noma abagibela ukuba balusebenzise;
- (j) Uyoqinisekisa ukuthi noma yibaphi abantu abagibela amakhumbi noma amabhasi ngendlela enokuthula yokuthi lowo ofike kuqala, ugibela kuqala;
- (k) Uyoqinisekisa ukuthi abagibeli abenze uhele futhi abalindle kunoma yiyiphi ingxenye yerenke abalahli izibi noma yikuphi ngaphandle kwasemigqomeni yezibi ehlinzekelwe lokho, futhi ahlele nemfolomane yomnyango wemisebenzi

ukuthi leyo migqomo iyathululwa nguMkhandlu ngezikhathi ezijwayelekile noma uma seyigcwele;

- (l) Uyoqinisekisa ukuthi ayikho ikhumbi noma ibhasi egezwayo noma ehlanzwayo, ngaphandle uma kusendaweni ekhonjelwe lokho, nokuthi akukho ukulungiswa nokukhandwa okwenziwa ngaphakathi erenke, ngaphandle kokukhanda okuphuthumayo okuzovumela umshayeli ahambise ikhumbi esikhungweni esifanele sokukhanda;
- (m) Uyobikela imfolomane yezemisebenzi noma umuntu ommele mayelana nokuhlanzeka kwezindawo zokuzikhulula erenke nokuqinisekisa ngokuxhumanana nalesi siphathimandla ukuthi lezi zindawo ziyahlanzwa njalo noma uma izindawo zingahlanzekile, noma ukuthi ukulungiswa okudingekile kuyabikwa futhi kuyalandelwa;
- (n) Ukuthi amakhumbi namabhasi apakwe ezindaweni ezabelwe wona. Noma yikuphi ukungenzeki ngendlela okuqhubekayo kubikelwe okwenzayo lokho uma kungokokuPhiko Lokuvikela LoMkhandlu noma uMnyango Wezokuhamba Kwezithuthi Emgwaqeni uma isehlakalo sesiphinda ukuze kuthathwe isinqumo;
- (o) Uyoqinisekisa ukuthi akukho mgibeli ongena ekhumbini noma ebhasini ebukeya kuye ikunoma yisiphi isimo sokungalungele ukuba semgwaqeni ukuze ilungiswe, futhi abikele umshayeli iphutha/ amaphutha agqamile acele ukuthi alungiswe;
- (p) Uyozibophezela ukuxhumana neSiphathimandla Esigunyaziwe mayelana nanoma yimuphi omunye umsebenzi/ imisebenzi akholelwa ukuthi kumele ayenze noma yinganoma yisiphi isigaba esingase simholele kunoma nguluphi uhlobo lobunzima;
- (q) Um kukhona iholo okumele liholwe, kumele likhokhwe yinhlangano ecele ukuthi aqokwe.

**Isigaba 26: Ukususwa KoMphathi WeRenke**

Uma kunokwephulwa okuqhubekayo kwanoma yiziphi zezimiso ezingenhla nguMphathi Werenke uMkhandlu, emva kokubonisana neNhlango Yamakhumbi noma iNkampani Yamabhasi emqokile, ungamisa ukuqokwa koMphathi Werenke onecala, ngaleso sizathu uyohamba ngokuthula, nangaphandle kokuphazamisa kuleyo renke.

**INGXEYE 7: OKUVAMILE**

**Isigaba 27: Amalungelo Nezibopho Zabagibeli Uma Ikhumbi Noma Ibhasi Lingalungile**

Uma nganoma yisiphi isikhathi ikhumbi noma ibhasi lingasebenzi noma ngayiphi imbangela lingakwazi ukuqhubeka, ngokucelwa ngumshayeli noma usicabha abagibeli bayolishiya, futhi uma labo bagibeli sebekhokhile bayoba nelungelo lokucela ukubuyiselwa imali abayikhokhile, noma bavunyelwe ukuhamba ngenye ikhumbi noma ibhasi elikhona, ngezindleko zomshayeli noma usicabha waleyo khumbi noma ibhasi, ingxenye esele yemali yohambo abalukhokhele.

**Isigaba 28: Izimpahla Eziyingozi Noma Eziyisinengiso**

Abantu abahamba nganoma iyiphi ikhumbi noma ibhasi nanoma yiziphi bephethe noma iyiphi impahla, amathuluzi noma izinto zokusebenza ezingabonakala ziyingozi noma ziyisinengiso kubagibeli, kumshayeli, kusicabha kwiSiphathimandla Esigunyaziwe noma ePhoyiseni Lomgwqo, ziyothathwa..

**Isigaba 29: Izilwane**

Umshayeli noma usicabha wekhumbi noma webhasi noma iSiphathimandla Esigunyaziwe noma iPhoyisa Lomgwaqo lingenqaba ukufaka kuleyo khumbi noma ibhasi noma yinoma yingasiphi

isikhathi lingacele umgibeli ukuba asuse lapho isilwane, ngokubona kwalo, ukuthi singase sidale ukucasuka noma sicasula abanye abagibeli, kube sekutheni uma imali ayikhokhile uyabuyiselwa.

**Isigaba 30: Izenzo Ezingemukelekile Ekhumbini noma Ebhasini**

Lezi zenzo ezilandelayo azemukelekile ekhumbini noma ebhasini:

- (a) Ukubhema, uma ukungavumeleki kukhonjisiwe ngezimpawu;
- (b) Ukudlala umculo okuhlukumezayo noma okubanga umsindo omkhulu;
- (c) Ukusebenzisa ulimi olungalungile noluyinhlanga;
- (d) Ukuthikameza ukuthula kwabagibeli;
- (e) Ukulimaza ikhumbi noma ibhasi noma imifakela ephakathi;
- (f) Ukuthikameza impahla yekhumbi noma yebhasi nganoma iyiphi indlela;
- (g) Ukukhipha ngempoka umshayeli emzileni wakhe;

Umuntu owenza lezi zenzo ezibalulwe ngenhla, ngaphezu kwesijeziso esimiselwe lokho, uyolahlekelwa yimali ayikhokhile futhi akhishwe ekhumbini noma ebhasini.

**Isigaba 31: Uthuthuva Noma Ukuziphatha Okungalungile**

Noma ngumuphi umuntu ophazamisayo noma oziphatha ngendlela enothuthuva noma engalungile, uyobekwa icala futhi angakhishwa ekhumbini noma ebhasini, oheleni noma endaweni yerenke yamakhumbi noma yamabhasi yiSiphathimandla Esigunyaziwe noma iPhoyisa Lomgwaqo.

**Isigaba 32: Ukulinyazwa kwempahla kaMasipala Akuvunyelwe**

Akukho muntu oyolimaza, avithize, aphihlize, ahlikize, asuse noma nganoma iyiphi enye indlela athikameze impahla yamasipala.

**Isigaba 33: Amacala Nezinhlawulo Nezikhalo**

- (1) Noma yisiphi isithuthi esipakiwe noma esimiswe:
  - (i) Ngokwephula noma ngumuphi wale Mitheshwana; noma
  - (ii) Umnikazi noma umshayeli waso enamasamanisi noma izincwadi ezigunyaza ukuba aboshwe; noma
  - (iii) Esingakulungele ukuba semgwaqeni.
- (2) Ukwehluleka ukuthobela imibandela yanoma yisiphi isimiso noma isaziso esichazwe esigatshaneni (1) ngenhla kuyoba icala eliqhubekayo futhi umuntu ohlulekayo ukuthobela imibandela yalesi isimiso noma isaziso uyobekwa elinye icala usuku nosuku ehluleka ukuthobela le mibandela.
- (3) Izihlinzeko zeMitheshwana yoMkhandlu ephathelene naMacala, Nezinhlawulo kanye neZikhalo ngaphandle kokuguqulwa ziyosebenza njengale Mitheshwana.

**Isigaba 34: Ukuchithwa KweMitheshwana Engaphambili**

Imitheshwana engaphambili yoMkhandlu ephathelene nokulawula amakhumbi namabhasi kanye yisiphi isichibiyelo lapha iyachithwa.