



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

WATER AMENDMENT BY-LAW, 2018

**APPROVED BY COUNCIL : 31 MAY 2018
C07/05/18**

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CITY OF CAPE TOWN
WATER AMENDMENT BY-LAW, 2018

GENERAL EXPLANATORY NOTE:

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

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

To amend the City of Cape Town: Water By-law, 2010, so as to amend and insert certain definitions; to provide for the control and regulation of water services in the City; to provide for the implementation of prepayment meters and private sub-meters; to provide for the registration of plumbers; to provide for the cancellation of registration of plumbers; to provide for the responsibilities of plumbers; to provide for the imposition of water restrictions; to provide for the installation of alternative water systems; to amend the provision relating to Offences and Penalties; to provide for the substitution of Schedule 1; to repeal Schedule 4; and to provide for matters connected therewith.

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

Amendment of section 1 of the City of Cape Town: Water By-law, 2010

1. Section 1 of the City of Cape Town: Water By-law, 2010, (hereinafter referred to as the principal By-law) is hereby amended—

(a) by the addition of the following definitions before the definition for “**authorized official**”:

“**alternative water**” means water sourced from a supply other than municipal drinking water, including; -

(a) grey water,

(b) rainwater,

(c) treated effluent;

(d) surface water including sea water; and

(e) water from a borehole, well, well-point or spring;’;

“**associated protective devices**” means the safety devices that forms part of the hot water cylinder installations which prevents excessive temperatures or pressures within the system;’;

- (b) by the substitution for the definition of **“authorized official”** of the following definition:

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

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

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

- (d) by the substitution for the definition of **“Council”** of the following definition:

“Council” means the Municipal Council of the City [or any political structure, political office bearer, Councillor or staff member of the City, duly authorized by delegation];’;

- (e) by the substitution for the definition the definition of **“domestic purposes”** of the following definition:

“domestic purposes” in relation to the supply of water means water supplied for drinking, ablution and culinary purposes. [excluding toilets and urinals];’;

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

“industry best practice norms” means recycling and re-using a minimum of 50% of the water used;’;

- (g) by the substitution for the definition of **“meter”** of the following definition:

“meter” means a device installed and maintained by the City which measures the quantity of water passing through as contemplated in the Trade Metrology Act, 1973 (Act No. 77 of 1973) as amended;’;

- (h) by the insertion after the definition of ‘meter’ of the following definition:

“new development” refers to land development for commercial, industrial or housing purposes including sectional title, single title cluster, gated villages, block of flats, etc excluding stand-alone households;’;

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

“**plumbing components**” means any fitment, pipe, fitting, meter, or any other part of a plumbing installation or water services infra-structure that is used to convey water;’;

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

“**prepayment meter**” means a City meter that can be programmed to allow the flow of a pre-purchased volume of water to the customer;’;

“**prescribed charge**” means a fee, charge or tariff determined and imposed by the Council in terms of the Tariff By-law;’;

“**private sub-meter**” means a device owned, installed and maintained by a person other than the City which measures the quantity of water passing through as contemplated in the Trade Metrology Act, 1973 (Act No. 77 of 1973) as amended;’;

- (k) by the deletion of the definition of “**prescribed charge**” where it occurs after the definition of “publish”.

- (l) by the insertion after the definition of “**publish**” of the following definition:

“**registered plumber**” means a plumber registered with the City in terms of section 46A;’; and

- (m) by the insertion after the definition of “**storage tank**” of the following definition:

“**tamper**” includes to alter, cut, disturb, interfere with, interrupt, manipulate, obstruct, remove or uproot by any means, method or device;’.

Substitution for the word “Director” in the City of Cape Town: Water By-law, 2010

2. The principal by-law is hereby amended by the substitution for the word “Director” wherever it appears, of the words “authorized official” except in sections 3(2), 5, 7, 31, 36 (1) and 46A .

Amendment of section 2 of the City of Cape Town: Water By-law, 2010

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

(a) by the insertion after subsection (1) of the following subsections:

“(1A) The owner is responsible for ensuring compliance with this By-law in respect of all or any matters relating to the water installation, and the maintenance thereof.”;

“(1B) the consumer is responsible for compliance with this By-law in respect of matters relating to the wastage or other abuse of any water.”.

(b) by the substitution for subsection (5) of the following subsection:

“(5) The [**Director may, in consultation with the Executive Director City Health,**] City must, where it is not reasonably possible or cost effective to supply water to each consumer within a particular area, determine an alternative manner of water supply.”.

Amendment of section 8 of the City of Cape Town: Water By-law, 2010

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

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

“8. (1) Any member of the public must[], inform the Director immediately, on becoming aware of any emergency[], or imminent situation [that requires immediate attention or a situation] that may give rise to the wastage [**of water**] or pollution of water, [**inform the Director immediately.**] damage to property, or risk of injury to a person.”.

Repeal of section 11 of the City of Cape Town: Water By-law, 2010

5. Section 11 of the principal by-law is hereby repealed.

Amendment of section 12 of the City of Cape Town: Water By-law, 2010

6. Section 12 of the principal by-law is hereby amended by—

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

“(a) unless an agreement referred to in section 13 or [**14**] 15 has been concluded;”;

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

“(b) determine the [**amount**] volume of water for which the City can claim compensation by using [where proven theft has taken place, the Director must use] the maximum flow rate of a water meter which is [that complies with the regulations relating to water meters published under the Trade Metrology Act, 1973 (Act No. 77 of 1973), and of] the same size [in diameter as the pipe from] of the pipe through which the unauthorized water was drawn[.] and which complies with the Legal Metrology Act, 2014 (Act No.09 of 2014) or as amended.”.

Amendment of section 13 of the City of Cape Town: Water By-law, 2010

7. Section 13 of the principal by-law is hereby amended—

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

“(1) Water from the water supply system will not be supplied to any [**new**] premises unless the owner has applied to the City for a supply and such application has been approved by the Director.”;

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

“(3) The owner is liable for all the fees in respect of the supply of water determined in terms of the Tariff By-law until the supply has been interrupted at the request of the owner, or the agreement has been terminated in terms of section 18, and the owner is deemed to be the consumer for all purposes during the [**currency**] term of the agreement.”.

(c) by the insertion after subsection (5) of the following subsection:

“(5A) When an application is made for water supply to a vacant erf, unless otherwise agreed to, the supply is deemed to be for building purposes and will be serviced via a temporary connection.”;

(d) by the substitution for subsection (6) of the following subsection:

“(6) Where the purpose for which the water is applied for in terms of subsection (4)(f), or the extent to which the water is applied for is changed, the owner must promptly, in addition to advising the City of the change, enter into a new agreement with the City[.]including supply provided in terms of section 24(5A).”.

Substitution of section 14 of the City of Cape Town: Water By-law, 2010

8. The following section is hereby substituted for section 14 of the principal by-law:

“Transfer of ownership

14. [(1) The seller must, before transfer of a property, submit a certificate from an accredited plumber certifying that—

- (a) the water installation conforms to the national Building Regulations and this By-law;
- (b) there are no defects;
- (c) the water meter registers; and
- (d) there is no discharge of storm water into the sewer system.

(2) The certificate referred to in subsection (1) must be in the format of the form attached as Schedule 4.]

(1) The seller must before transfer of a property, submit a certificate of compliance from a registered plumber, certifying that the water installation conforms to the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) and this By-law.

(2) The certificate referred to in subsection (1) is available on the City’s website.

(3) Any person who provides false information on a certificate referred to in subsection (1), may be prosecuted in terms of section 64.”.

Substitution of section 19 of the City of Cape Town: Water By-law, 2010

9. The following section is hereby substituted for section 19 of the principal by-law:

“Interference with the water supply

19. [Unless authorized in terms of this By-law, no] No person unless authorized by [other than] the City in terms of this By-law may—

- (a) **[manage,]** interfere or tamper with, operate or maintain infrastructure belonging to the City for the provision of water services; or
- (b) effect a connection to the water supply system.”.

Amendment of section 21 of the City of Cape Town: Water By-law, 2010

10. Section 21 of the principal by-law is hereby amended—

(a) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

“(3) The Director [**may**] must determine the— ”;

(b) by the substitution for subsection (7) of the following subsection:

“(7) Unless otherwise agreed to by the Director, only one communication pipe per type of water installation, may be provided to any premises, [**irrespective of the number of accommodation units, business units or consumers located on such premises**] to determine water use.”;

(c) by the deletion of subsection (9).

Amendment of section 24 of the City of Cape Town: Water By-law, 2010

11. Section 24 of the principal by-law is hereby amended—

(a) by the insertion after subsection (5) of the following subsection:

“(5A) No water installation will be supplied with water through a communication pipe which was installed to provide water for building construction purposes until the certificate of approval referred to in section 46B (b) has been received by the City and if no such certificate has been received, the Director may disconnect or restrict the water supply to that water installation.”;

(b) by the substitution in subsection (6) for the words preceding paragraph (a) of the following words:

“(6) The Director may install a Water Management Device or prepayment meter at any premises as part of the water meter and its associated apparatus to—”;

(c) by the substitution for subsection (7) of the following subsection:

“(7) Where a Water Management Device or prepayment meter has been installed at any premises, a consumer may request to enter into an agreement with the [**Director**]City in terms of the City’s Credit Control and Debt Collection Policy and it’s Credit Control and Debt Collection By-law, 2006, to set the [**drinking**] domestic water supply to their premises to a predetermined daily volume.”.

Amendment of section 27 of the City of Cape Town: Water By-law, 2010

12. Section 27 of the principal by-law is hereby amended—

(a) by the substitution for paragraph (a) of the following paragraph:

“(a) agreement for supply has been terminated in terms of section [17] 18 and the Director has not received an application for a subsequent supply of water to the premises served by the communication pipe within a period of 90 days of such termination;”.

Amendment of section 28 of the City of Cape Town: Water By-law, 2010

13. Section 28 of the principal by-law is hereby amended—

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

“(1) Water supplied to premises must pass through a meter, installed between the communication pipe and water installation_ **[in a position determined by the Director, provided that a meter may be dispensed with in the case of—**

- (a) an automatic sprinkler fire installation;**
- (b) a fire installation in respect of which steps have been taken to detect unauthorized draw-off of water for purposes other than fire-fighting;**
- (c) circumstances determined by the Director; or**
- (d) where water is consumed through an existing unmetered fire connection.]”;**

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

“(2) The Director may, after informing the owner of the property in writing of his or her intention to install a meter to an existing unmetered fire connection **[referred to in subsection (1)(d)]**, at the cost of the City, install such meter and subsequently render an account for water consumed through the connection.”;

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

“(3) A meter and its associated apparatus that is provided and installed by the City, remains the property of the City and may be replaced when deemed necessary by the Director.”;

(d) by the substitution for subsection (9) of the following subsection:

“(9) The Director may at the cost of the owner, install or require the installation of a private sub-meter, **[or volume controlling device]** water management device or prepayment meter to each section, business or dwelling unit on any premises for use in determining the quantity of water supplied to each section, business or dwelling unit or portion of the premises.”;

(e) by the substitution for subsection (13) of the following subsection:

“(13) If access for reading purposes to a meter, installed in terms of subsection (4)(a) is denied, the owner is[,] during the period of such denial, liable for the cost of the water wasted, should a leak develop on such meter and its associated apparatus and their fittings, **[or become visible on the section of the service pipe within such premises, and is measured by a meter installed in accordance with subsection (12)(a).]**”;

(f) by the substitution for subsection (20) of the following subsection:

“(20)(a) Where the owner, **[or]** person in charge or management of any premises on which several **[accommodation]** units are situated, requires the supply of water to such premises for the purpose of supply to the different **[accommodation]** units or to different portions of the premises, the Director **[may]** must provide and install **[either—]**

[(a)] a single meter in respect of the premises as a whole subject to item 20(b) **[or any number of such accommodation units; or]**

(b) The Director may approve an application for deviation where separately motivated. [(b) a separate meter, situated at the property boundary on the land vested in the City, for each accommodation unit or any number thereof.]”;

(g) by the substitution for subsection 21 of the following subsection:

“(21) Where **[the Director has installed]** a **[single]** meter as contemplated in subsection (20)**[(a)]** is installed, the owner, **[or the]** person in charge or management of the premises must install and maintain on each branch pipe **[extending from the communication pipe]** to the different **[accommodation]** units—

(a) **[a separate meter]** an isolating valve; and

(b) **[an isolating valve]** a water management device, prepayment meter or a private sub-meter,

and will be liable to the City for payment of the prescribed charges for all water supplied to the premises through such a meter, irrespective of the different quantities consumed by the different consumers served by such meter.”.

(h) by the addition after subsection (21) of the following subsections :

“(22) “Where separate private sub-meters exist for individual dwelling or commercial units on any land, the owner or person in charge or management of the premises must monitor and record the monthly usage of each individual unit and retain detailed records in respect thereof for a period of at least twenty four months.

(23) The person in charge or management of premises upon which separate private sub-meters exist for individual dwelling or commercial units must notify the City and provide proof to the City of water usage upon any such unit which transgresses any water restrictions or exceeds directed usage limits prescribed by the Director from time to time, within twenty one days of such transgression or exceedance being observed. The City shall thereupon be entitled to take such enforcement steps as are prescribed in this By-law directly against the owner or person in charge of the relevant unit.”.

Amendment of section 31 of the City of Cape Town: Water By-law, 2010

14. Section 31 of the principal by-law is hereby amended

(a) by the substitution for subsection (4) of the following subsection:

“(4) Subject to subsection (1), [R]resale of water [is intended to] covers the supply of water—
[(a) to other municipalities;
(b) to the Ports Authority of South Africa;
(c) to Airports Company of South Africa ;]
 (d) in cases where the City cannot gain direct access to a property;
 (e) where the expansion of the City’s network to serve a property cannot be undertaken immediately;
 or
 (f) where a bulk main passes a property which cannot be served by another water service authority.”.

Amendment of section 32 of the City of Cape Town: Water By-law, 2010

15. Section 32 of the principal by-law is hereby amended—

(a) by the substitution for subsection (5) of the following subsection:

“(5) Where a meter installed in terms of section 28 (4) (a) and (4)(b), has ceased to function and does not register the consumption through it, it is deemed to be defective.”. [Estimation of quantity of water supplied to consumer through defective meter]

Substitution of section 33 of the City of Cape Town: Water By-law, 2010

16. The following section is hereby substituted for section 33 of the principal by-law:

“Estimation of quantity of water supplied to consumer through defective meter

(1) If a meter is found to be defective in terms of section 31(3), (4) or (5), the Director may estimate the quantity of water consumed during the period in which such meter was defective, in line with the City of Cape Town’s Tariff policy , and on the basis of the average daily quantity of water supplied over—

- (a) a period between two successive meter readings subsequent to the replacement of the meter;
- (b) a period in the previous year corresponding to the period in which the meter was defective; or
- (c) the period between three successive meter readings prior to the meter becoming defective, whichever the Director considers the most appropriate.

(2) If the quantity of water supplied to a consumer during the period when the meter was defective cannot be estimated in terms of subsection (1), the Director may estimate the quantity on any other basis that is available.

(3)The consumer must be informed of the method used by the Director to estimate the quantity of water supplied to him or her, as contemplated in subsection (1) or (2), and be given an opportunity to make representations to the Director[**before a final estimate is arrived at**].”.

Amendment of section 34 of the City of Cape Town: Water By-law, 2010

17. Section 34 of the principal by-law is hereby amended—

(a) by the substitution for subsection (4) of the following subsection:

“(4) Rebates will only be granted in terms of underground leaks, for categories specified in the City of Cape Town’s Tariff Policy, and where the repair of such leak was [**visually**] confirmed by an official of the City.”.

Amendment of section 35 of the City of Cape Town: Water By-law, 2010

18. Section 35 of the principal by-law is hereby amended—

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

“(1) If the Director requires, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, he or she may by written notice, advise the owner concerned of his or her intention to install a measuring device or a prepayment meter at any point in the water installation that he or she may specify.”.

Amendment of section 36 of the City of Cape Town: Water By-law, 2010

19. Section 36 of the principal by-law is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“(1) The Director may, by public notice, whenever there is scarcity of water [**available to it**] for distribution and supply to consumers, or for any other good cause—”.

(b) by the addition after subsection (5) of the following subsections:

“(6) Council may impose water restrictions by issuing a direction in terms of sections 54(3)(b) and 55(2) of the Disaster Management Act, 2002 (Act 57 of 2002), where a local disaster has been declared due to a scarcity of water or in an effort to prevent such a disaster from being declared.

“(7) A person who fails to comply with water restrictions imposed in terms of subsection (6), is guilty of an offence and is liable to a fine or upon conviction to a period of imprisonment not exceeding six months.”.

Deletion of sections 39, 40 and 41 of the City of Cape Town: Water By-law, 2010

20. Sections 39, 40 and 41 of the principal by-law are hereby deleted.

Amendment section 42 of the City of Cape Town: Water By-law, 2010

21. Section 42 of the principal by-law is hereby amended—

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

“(1) If an owner wishes to **[install] construct** a new water installation, **or extend an existing one** he or she must first obtain the written approval of the Director on plans submitted for scrutiny, provided that approval is not required for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices, in which instance, a notice of notification is required.”.

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

(c) by the substitution for subsection (5) of the following subsection:

“(5) **Where renovations to an existing building triggers a building plan approval process, full details of any [proposed] water conservation and demand management system or alternative water systems [such as a grey water system, air conditioner or bleed-off] for flushing toilets, irrigation, swimming pool filling or top-up or other non – domestic purposes must accompany the building plans.**”; and

(d) by the addition after subsection (5) of the following subsections:

“(6) **All new developments must provide for the installation of water conservation and demand management systems or alternative water systems for non-domestic purposes and full details thereof must accompany the building plans.**

(7) **The owner must notify the City when any of the following plumbing components are either installed or changed:**

(a) **a fixed water heater;**

(b) **heat pump installations; and**

(c) **solar hot water panels.**

together with their associated protective devices.

(8) **The provisions of this section do not exempt any person from complying with relevant policies, standards or any applicable legislation.**”.

Amendment of section 44 of the City of Cape Town: Water By-law, 2010

22. Section 44 of the principal by-law is hereby amended—

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

“(1) Unless the Director has in writing determined otherwise, the drawings depicting the new or amended water installation must be on sheets of a size not smaller than A4 and must provide information in the form required by Clause 4.1.1 of SANS 10252:~~2004~~ 2012 Part 1, or as amended, a copy of which may be obtained from the Director.”;

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

“(3) If more than one type of water installation is to be installed in a building, such installations may be shown on the same drawing, provided they are clearly differentiated.”;

(c) by the substitution for subsection (4) of the following subsection:

“(4) A schedule must be provided with each drawing or set of drawings, indicating the number and type, of each [**type of**] terminal water fitting and its nominal size.”.

Substitution of section 45 of the City of Cape Town: Water By-law, 2010

23. The following section is hereby substituted for section 45 of the principal by-law:

“Copies of drawings to be kept on site

45. Until [**receipt by**] the Director is in receipt of the certificate of [**compliance**] approval for newly completed or altered water installations, submitted in terms of section 48, a complete set of approved drawings of the installation work must at all times be available at the site of the work.”.

Insertion of section 46A, and section 46B in City of Cape Town: Water By-law, 2010

24. The following sections are hereby inserted in the principal by-law after section 46:

“Registration and cancellation of registration of plumbers

46A. (1) The authorized official must maintain a register of registered plumbers.

(2) A plumber who is qualified and accredited in terms of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008) may register with the City.

(3) The authorized official must consider the application and issue the registered plumber with proof of registration upon payment of a fee determined by Council from time to time.

(4) The authorized official must publish the register of registered plumbers.

(5) Notwithstanding the registering of a plumber’s details in terms of subsection (1), the City is not liable for any misleading information, incorrect work, or poor workmanship carried out by the plumber.

(6) Subject to subsection (7), the Director may cancel the registration of a registered plumber and remove his or her name from the register if such registered plumber -

(a) fails to comply with the requirements as contemplated in any provision of this by-law;

(b) falsely or misleadingly completes and issues a certificate of compliance; or

(c) allows his or her registration details to be used in a fraudulent manner.

(7) Prior to cancelling the registration of any registered plumber, the Director

(a) must serve a written notice of pre-cancellation of registration on the registered plumber, which must include reasons; and

(b) must provide an opportunity for the registered plumber to make written representations as to why his or her registration should not be cancelled within 14 days of receipt of such notice.

(8) The Director may via a written notice cancel the registration of the registered plumber—

(a) 14 days after service of the pre-cancellation notice where no representations are made; or

(b) 21 days after receiving written representations.

(9) The authorized official may, after a period of 12 months of the cancellation and removal from the register of a registered plumber, consider an application to re-register such plumber.

Responsibilities of a registered plumber

46B. Every registered plumber must -

- (a) ensure that installation or other work done by him or her or under his or her control complies with this by-law;
- (b) submit a certificate of approval for work done, in terms of section 42(1) to the City, certifying that the work is in compliance with this by-law; and
- (c) provide a copy of the approved certificate to the property owner.”.

Amendment of section 47 of the City of Cape Town: Water By-law, 2010

25. Section 47 of the principal by-law is hereby amended—

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“47(1) No person, who is not qualified and accredited in terms of the **[South African Qualifications Authority Act, 1995 (Act No. 58 of 1995)]** National Qualifications Framework Act, 2008 (Act No.67 of 2008), may-”; and

- (b) by the deletion of subsection (2).

Substitution of section 48 of the City of Cape Town: Water By-law, 2010

26. The following section is hereby substituted for section 48 of the principal by-law—

“Responsibilities of a property owner

48(1) A property owner must **[ensure that the installation work done on his or her premises]** –

- (a) ensure that the installation work done on his or her premises is carried out by a **[person or]** plumber qualified in terms of Section 47;
- (b) **[complies with this By-law;]** notify the City of any changes, replacements or installations to the pipework mentioned in section 42(7); and
- (c) **[on completion thereof]**, ensure that a certificate of [compliance] approval for newly completed or altered water installations, is submitted to the Director.

(2) If installation work is being done in contravention of section 47, the Director may by written notice require the owner of the premises concerned to cease such work until he or she has employed a qualified plumber to—

- (a) inspect such work and rectify any part of it which does not comply with this By-law;
- (b) test and disinfect the work in terms of section 49; and

(c) ensure that a certificate of [**compliance**] approval for newly completed or altered water installations, stating that the work carried out complies with this By-law, is submitted to the Director.”.

Amendment of section 49 of the City of Cape Town: Water By-law, 2010

27. Section 49 of the principal by-law is hereby amended—

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

“(3) The owner of a premises on which a storage tank is installed must, not less than once in every five years, cause such tank to be drained, inspected and disinfected, in accordance with the relevant standard and procedure set in SANS 10252:[**2004**] 2012 Part 1, or as amended.”;

(b) by the substitution for subsection (5) of the following subsection:

“(5) Before the tank or the water installation served by it referred to in subsection (4)_[**(3)**] is returned to use, it must be cleaned and disinfected in accordance with the relevant standard and procedure set in SANS 10252:[**2004**] 2012 Part 1, or as amended.”.

Amendment of section 51 of the City of Cape Town: Water By-law, 2010

28. Section 51 of the principal By-law is hereby amended by:

(a) the deletion of subsection (4); and

(b) the substitution for subsection (5) of the following subsection:

“(5) The Director must make available during working hours copies of Schedule 2 [**as updated in terms of this By-law,**] at the offices of the City.”.

Amendment of section 52 of the City of Cape Town: Water By-law, 2010

29. Section 52 of the principal by-law is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“(1) An owner and the **qualified and accredited** plumber, who executed the work on his or her behalf, must ensure that—”;

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

“(a) water installations comply with the relevant standard set by—SANS 10252:[2004] 2012 Part 1 or as amended;”;

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

“(b) hot water cylinder installations comply with the relevant standard set by— SANS [10254] 10252:[2004]2012 or as amended;”;

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

“(c) solar heated water installations comply with the relevant standard set by— SANS 10106:[1972]2006 or as amended;”;

(e) by the insertion after paragraph (c) of subsection (1) of the following paragraph:

“(cA) heat pump water installations comply with the relevant standard set by SANS 1352:2012 or as amended;”;

(f) by the substitution for paragraph (d) of subsection (1) of the following paragraph:

“(d) The storage of a minimum quantity of water, to be used for purposes other than fire-fighting or air-conditioning, is provided in accordance with Table 1 of Schedule 3 or as amended;”;

(g) by the substitution for paragraph (e) of subsection (1) of the following paragraph:

“(e) the storage of a minimum quantity of water to be used for flushing of water closets and urinals in commercial and industrial premises is provided in accordance with Table 2 of Schedule 3 or as amended;”;

(h) by the substitution for paragraph (f) of subsection (1) of the following paragraph:

“(f) the design of storage tanks is in accordance with the relevant standard set by SANS 10252: [2004] 2012 Part 1 or as amended and with section 53;”;

(i) by the substitution for paragraph (g) of subsection (1) of the following paragraph:

“(g) the use of pipes supplying water in any installation is in accordance with the relevant standard set by SANS 10252:[2004] 2012 Part 1 or as amended and Schedule 3 or as amended;”;

(j) by the substitution for paragraph (h) of subsection (1) of the following paragraph:

“(h) a non-return valve of similar size as the service pipe immediately downstream of the isolating valve, referred to in section **[28(21)(b),] 23(2)(a) and section 23(2)(b)** is installed;”;

(k) by the deletion of subsection (6).

Amendment of section 53 of the City of Cape Town: Water By-law, 2010

30. Section 53 of the principal by-law is hereby amended—

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

“(1) Any person who installs a storage tank must install it in such a position that its exterior and interior can readily be inspected, cleaned and maintained, unless it is a concrete reservoir that is buried or partly sunk into the ground and has been designed, constructed and tested in accordance with the relevant standard **[set by]** where only the interior is accessible for inspection and cleaning, as per –SANS 10100-1 and SANS 1200-G or as amended.”;

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

“(c) a contamination proof tank is totally enclosed with no other access to its interior, other than an access panel in its side to facilitate inspection and cleaning, which must be at a level where the tank cannot be used unless the access panel cover is in place; **[and]**”;

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

“(cA) that the material the tank is manufactured from, is suitable for the application and is impervious to sunlight; and”;

(d) by the substitution for subsection (4) of the following subsection:

“(4) Unless authorized in writing by the Director, every **[boiler, steam kettle or other apparatus for generating steam, gas producer,] device generating steam, or in a case of a** gas engine or oil engine or any other apparatus in or by which water supplied by the City is used, must be supplied only through a cold water feed tank which utilizes an air gap to separate the incoming mains water from the contents of the tank.”.

Amendment of section 54 of the City of Cape Town: Water By-law, 2010

31. Section 54 of the principal by-law is hereby amended—

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

“(b) any part of the water installation [**on his or her premises**].”;

(b) by the addition of the following subsection:

“(3) Where a property is supplied with potable and alternative water, the owner must ensure that—

(a) no interconnection is effected between the installations; and

(b) the pipe work is correctly colour coded, as per SANS 10140-3:2003 and that the appropriate signage, as per SANS 1186-1:2008 is displayed.”.

Amendment of section 55 of the City of Cape Town: Water By-law, 2010

32. Section 55 of the principal by-law is hereby amended—

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

“(a) hose reel and hydrant installations comply with the relevant standard set by SANS 10252:**[2004]**
2012Part 1 or as amended; and”;

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

“(3) No water will [**be**]continue to be supplied to any fire extinguishing installation—

(a) without a certificate of approval [**issued**] referred to in terms of [**section 47**] section 46B
(b); and

(b) unless the installation complies with the requirements of this By-law.”.

Amendment of section 56 of the City of Cape Town: Water By-law,2010

33. Section 56 of the principal by-law is hereby amended-

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

“(1) No person may use or permit to be used any water obtained from a source other than the water supply system of the City for domestic purposes[.] without the prior written approval of the Director, and in accordance with any conditions determined by him or her.”; and

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

“(2) No person may connect a water supply obtained from any source other than the water supply system of the City to any water distribution system without the prior written approval of the Director, and in accordance with any conditions determined by **[the]** him or her.”;

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

“(3) Any owner of premises on which an alternative water source], **such as well-point, borehole or well,** is located or on which alternative water is used, must within 14 days of being called upon to do so provide the Director with such particulars regarding the alternative water source. **[as may be required]**.”.

(d) by the insertion and after subsection (5) of the following subsections:

“(5A) The Council may by public notice, require water services intermediaries or classes of water services intermediaries to apply and register with the City in a manner specified in the public notice.

“(5B)(1) Water services intermediaries must ensure that water services, including basic services as determined by the Council are provided to such persons it is obliged to provide with water services.

“(2) The quality, quantity and sustainability of water services provided by a water services intermediary must at least be of the same standards as provided by the City to consumers.

“(5C)(1) A water services intermediary may not charge for water services at a price which does not comply with the norms and standards as may be set by the Director.

“(2) A water services intermediary must provide subsidized water services, as determined by the Council in terms of the Credit Control and Debt Collection By-law and provided by the City to consumers at a price that is the same or less than the prescribed charges at which the City provides such services.”.

(e) by the addition after subsection (6) of the following subsection:

“(7)(a) The consumer assumes full responsibility for all consequences of their use of water not from the City’s water supply system.

(b) The City bears no responsibility or liability, financial or otherwise, for the use of water not from the City’s water supply system.”.

Substitution of section 57 of the City of Cape Town: Water By-law, 2010

34. The following section is hereby substituted for section 57 of the principal by-law:

“Wells, boreholes, wellpoints and excavations

57. Every owner of premises must ensure that any well, borehole, well-point, installation relating to alternative water or any other excavation relating thereto located on his or her premises—

(a) is adequately safeguarded from creating a health nuisance;

(b) is not filled in a way or with material that may cause an adjacent well, borehole or underground source of water to become polluted or contaminated; **[and]**

[(c) no interconnection is made between a water installation supplied from the main and any other source of water supply.]

(d) is registered or re-registered on the database of the City and a sign provided by the City is prominently displayed on the property; and

(e) where water is being used from boreholes and well points, it shall be used sparingly and efficiently and where used for irrigation purposes in line with the watering times of the water by-laws of the City.”.

Amendment of section 58 of the City of Cape Town: Water By-law, 2010

35. Section 58 of the principal by-law is hereby amended—

(a) by the insertion after subsection (2) of the following subsection :

“(2A) Authorisation to use water from boreholes, wells and well points must, be sought from the Department of Water and Sanitation in terms of section 39 of the National Water Act,1998 (Act 36 of 1998).”;

(b) by the substitution for subsection (4) of the following subsection:

“(4) The Director may, by written notice, require the owner of any premises within any area of the City upon which a borehole, well and wellpoint exists or, if the owner is not in occupation of such premises, the occupier at the time to notify him or her of the existence of a borehole, well and wellpoint on such premises, and provide [it] him or her with such information about the borehole, well and wellpoint as he or she may require.”;

Amendment of section 59 of the City of Cape Town: Water By-law, 2010

36. Section 59 of the principal by-law is hereby amended—

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

“(1) The Director may, on application [**in terms of section 13**] by an owner and subject to any other law, grant a supply of non-potable water to a consumer and on such conditions as he or she may deem fit.”;

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

“(2) Any supply of water granted in terms of subsection (1) may not be used for domestic or any other purposes, or in any way which may give rise to a health hazard., without the prior written approval of the Director, and in accordance with any conditions determined by him or her.”.

Amendment of section 61 of the City of Cape Town: Water By-law, 2010

37. Section 61 of the principal by-law is hereby amended—

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

“(3) Every warning notice referred to in subsections (1) and (2) must be in the three official languages, used in the Province.

[Irrigation systems]”

Substitution of section 62 of the City of Cape Town: Water By-law, 2010

38. The following section is hereby substituted for section 62 of the principal by-law:

“Irrigation systems

62. Where a new irrigation system, which is to be supplied from an existing domestic connection or another existing irrigation connection, is installed—

(a) the size of the existing connection must be reviewed by the City; **[and]**

(b) all materials used in the system must comply with SABS requirements[.];

- (c) it shall be installed in such a way as to minimize water wastage onto hard surfaces; and
- (d) it shall be able to be adjusted to prevent water wastage during cooler or rainy weather conditions.”.

Substitution of section 63 of the City of Cape Town: Water By-law, 2010

39. The following section is hereby substituted for section 63 of the principal by-law:

“Appeals

63. A person whose rights are affected by a decision taken in terms of a power or duty delegated or sub-delegated in terms of this By-law, may appeal against that decision in accordance with section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000). **[Offences and penalties]”**

Substitution of section 64 of the City of Cape Town: Water By-law, 2010

40. The following section is hereby substituted for section 64 of the principal by-law”

“Offences and penalties

64. Subject to section 36(7), any person who—

- (a) contravenes or fails to comply with any provision of this By-law;
- (b) fails to comply with any notice issued, or lawful instruction given, in terms of this By-law; **[or]**
- (c) obstructs or hinders any authorized **[representative or employee of the City] official** in the execution of his or her duties under this By-law~~],; or~~
- (d) deliberately furnishes false or misleading information to an authorized official,

is guilty of an offence and is~~], on conviction,~~ liable to a fine or upon conviction to a [term] period of imprisonment not exceeding five years or to both such fine and [term]period of imprisonment.”.

Substitution of Schedule 1 of the City of Cape Town: Water By-law, 2010

41. Schedule 1 of the principal by-law is hereby amended—

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

“Schedule 1**Water Conservation and Demand Management**

(Section 38)

1 No person may without prior written authority from the Director, water a garden, sports field, park, or other grassed area using potable water, between the hours of ~~[10:00]09:00~~ and ~~[16:00]18:00~~

2 Where a hosepipe is used to irrigate a garden, park, or sports field ~~[from a potable water source]~~a controlling device such as a sprayer or automatic self-closing device must be attached to the hose end.

2A Automated sprinkler systems should be able to be correctly positioned and be able to be adjusted to prevent water wastage.

3 No person may without prior written authority from the Director hose down a hard-surfaced or paved area using water from a potable source.

4 A hosepipe used for washing vehicles, boats, and caravans must be fitted with an automatic self-closing device.

5 Automatic top up systems using a float valve fed from a potable water source to supply swimming pools and garden ponds is not allowed.

6 Commercial car wash industries must comply with industry best practice norms regarding water usage per car washed.

7 Wash-hand basins provided in public facilities must be fitted with demand type taps.

8 Showers provided at public facilities must be fitted with demand type valves.

9 Potable water may not be used to dampen building sand and other building material to prevent it from being blown away.

10 Stand pipe draw-off taps must be at a height of at least 450mm, measured above ground level.

11 The maximum flow rate from any tap installed in a wash hand basin may not exceed 6 litres per minute.

12 The maximum flow rate from any showerhead may not exceed ~~[10]~~ 7 litres per minute.

13 ~~New or replaced [W]~~water closet cisterns may not exceed~~[9.5]~~ 6 litres in capacity.

14 No automatic cistern or tipping tank may be used for flushing a urinal

15 All automatic flushing cisterns fitted to urinals, must be replaced with either manually operated systems or non-manual apparatus which causes

the flushing device to operate only after each use of such urinal or waterless systems that must be properly maintained.

16 Terminal water fittings installed outside any buildings other than a residential dwelling must—

(a) incorporate a self-closing device; or

(b) have a removable handle for operating purposes; or

(c) be capable of being locked to prevent unauthorized use; or

(d) be of a demand type that limits the quantity of water discharged in each operation.

17 Water Audit

(a) Major water users (those using more than 10 000 kilolitres per annum), excluding those comprising multiple dwelling units, must

undertake an annual water audit. The audit must be carried out no later than two weeks after the end of each financial year of the City.

The audit report must be available for inspection by officials from the Department of Water and Sanitation [Affairs and Forestry], the Water Board (where applicable) and the City.

(b) The audit must detail the following—

(i) amount of water used during a financial year;

(ii) amount paid for water for the financial year;

(iii) number of people living on the stand or premises;

(iv) number of people permanently working on the stand or premises;

(v) comparison of the above factors with those reported in each of the previous three years (where available);

(vi) seasonal variation in demand (monthly consumption figures);

(vii) detailed methods of water pollution monitoring ;

(viii) details of current initiatives to manage their demand for water;

(ix) details of future plans to manage their water demand;

(x) comparison of the above factors with those reported in each of the previous three years (where available); and

(xi) estimate of consumption by various components in use such as appliances and terminal water fittings.

18 No person may allow water, used as a heat-exchange medium in any equipment or plant and supplied from a water installation, to run continuously to waste except for maintaining a prescribed level of total dissolved solids in a recirculating plant.”

19. All swimming pools must be covered by a pool cover to avoid evaporation when not in use.”.

Repeal of Schedule 4 of the City of Cape Town: Water By-law, 2010

42. Schedule 4 of the principal by-law is hereby repealed.

Short Title

43. This By-law is called the City of Cape Town: Water Amendment By-law, 2018.

STAD KAAPSTAD
WATERWYSIGINGSVERORDENING, 2018

ALGEMENE VERDUIDELIKENDE AANTEKENING:

[] Woorde in vetdruk in vierkantige hakies dui op weglatings uit bestaande wetgewing.

_____ Woorde met 'n soliede streep onderstreep dui op invoegings in bestaande wetgewing.

Om die Stad Kaapstad: Waterverordening, 2010, te wysig om sekere woordomsrywings te wysig en in te voeg; om voorsiening te maak vir die beheer en regulering van waterdienste in die Stad; om voorsiening te maak vir die implementering van voorafbetaalmeters en privaat submeters; om voorsiening te maak vir die registrasie van loodgieters; om voorsiening te maak vir die kansellering van registrasie van loodgieters; om voorsiening te maak vir die verantwoordelikhede van loodgieters; om voorsiening te maak vir die oplegging van waterbeperkings; om voorsiening te maak vir die installering van alternatiewe waterstelsels; om die bepaling met betrekking tot misdrywe en strawwe te wysig; om voorsiening te maak vir die vervanging van Bylae 1; om Bylae 4 te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee gepaard gaan.

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

Wysiging van artikel 1 van die Stad Kaapstad: Waterverordening, 2010

1. Artikel 1 van die Stad Kaapstad: Waterverordening, 2010 (hierna die hoofverordening genoem), word hiermee gewysig—

a) deur die volgende woordomskrywing na die woordomskrywing van “aansluitwatertoebehore” in te voeg:

“alternatiewe water” water wat uit 'n ander bron as munisipale drinkwater verkry is, en sluit in—

(a) gryswater,

(b) reënwater,

(c) behandelde uitvloeisel;

(d) oppervlakwater, ook seewater; en

(e) water uit 'n boorgat, put, syferboorgat of fontein;

b) deur die volgende woordomskrywing na die woordomskrywing van “basiese watervoorsiening”

in te voeg:

“bedryfsbestepraktynorme” herwinning en hergebruik van minstens 50% van die water wat gebruik is;

c) deur die volgende woordskrywing na die woordskrywing van **“boorgat”** in te voeg:

“bybehorende beskermingstoestelle” die veiligheidstoestelle wat deel uitmaak van die warmwatersilinderinstallasies wat oormatige temperature of druk in die stelsel verhoed;

d) deur die woordskrywing van **“gemagtigde beampte”** deur die volgende woordskrywing te vervang:

“gemagtigde beampte” ’n [beampte] werknemer van die Stad verantwoordelik vir [die implementering en toepassing van hierdie Verordening] die verrigting van enige plig of funksie of die uitoefening van enige bevoegdheid ingevolge hierdie Verordening en ook werknemers aan wie die verrigting of uitoefening van sodanige pligte, funksies of bevoegdhede gedelegeer is;

e) deur die volgende woordskrywing na die woordskrywing van **“gemagtigde beampte”** in te voeg:

“geregistreerde loodgieter” ’n loodgieter wat ingevolge artikel 46A by die Stad geregistreer is;

f) deur die woordskrywing van **“huishoudelike doeleindes”** deur die volgende woordskrywing te vervang:

“huishoudelike doeleindes” met betrekking tot watervoorsiening, water wat vir drink-, was- en kookdoeleindes voorsien word [**uitgesonderd toilette en urinale**];

g) deur die volgende woordskrywing na die woordskrywing van **“Kredietbeheer- en Skuldinvorderingsbeleidverordening”** in te voeg:

“loodgieterkomponente” enige passtuk, pyp, toebehoorsel, meter of enige ander deel van ’n loodgieterinstallasie of waterdienste-infrastruktuur wat gebruik word om water te vervoer;

h) deur die woordskrywing van **“meter”** deur die volgende woordskrywing te vervang:

“meter” ’n toestel wat deur die Stad geïnstalleer en in stand gehou word om die hoeveelheid water wat daardeur vloei te meet soos in die Wet op Handelsmetrologie, 1973 (Wet Nr. 77 van 1973), soos gewysig, [**voorsien is**] bedoel;

i) deur die volgende woordskrywing na die woordskrywing van **“meter”** in te voeg:

“nuwe ontwikkeling” verwys na grondontwikkeling vir kommersiële, nywerheids- of behuisingsdoeleindes, en sluit deeltiteleenhede, enkeltiteltrosbehuising, omheinde ontwikkelings, woonstelblokke, ens. in, maar sluit alleenstaande huishoudings uit;

- j) deur die volgende woordoms krywing na die woordoms krywing van **“persoon”** in te voeg:

“peuter” sluit in om op enige manier, met enige metode of toestel te verander, te sny, te versteur, in te meng, te onderbreek, te manipuleer, te versper, te verwyder of uit te grawe;

- k) deur die volgende woordoms krywing na die nuwe woordoms krywing van **“peuter”** in te voeg:

“privaat submeter” ’n toestel wat deur iemand anders as die Stad besit, geïnstalleer en in stand gehou word om die hoeveelheid water wat daardeur vloei te meet soos in die Wet op Handelsmetrologie, 1973 (Wet Nr. 77 van 1973), soos gewysig, bedoel;

- l) deur die woordoms krywing van **“Raad”** deur die volgende woordoms krywing te vervang:

“Raad” die Munisipale Raad van die Stad [of enige politieke struktuur, politieke ampsbekleër, raadslid of personeellid van die Stad, behoorlik deur delegasie gemagtig];

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

“Stad” die Stad Kaapstad, ’n munisipaliteit ingestel by die Stad Kaapstad Instellingskennisgewing Nr. 479 van 22 September 2000, uitgereik ingevolge [artikel 12 van] die Wet op Plaaslike Regering: Munisipale Strukture, 1998, [(Wet Nr. 117 van 1998)] of enige struktuur of werknemer van die Stad wat kragtens gedelegeerde magtiging optree;

- n) deur die volgende woordoms krywing na die woordoms krywing van **“verbruiker”** in te voeg:

“voorafbetalometer” ’n Stadsmeter wat geprogrammeer kan word om die vloei van ’n vooraf gekoopte volume water na die verbruiker toe te laat.

Vervanging van die woord “Direkteur” in die Stad Kaapstad: Waterverordening, 2010

2. Die hoofverordening word hiermee gewysig deur die woord “Direkteur” waar dit ook al voorkom deur die woorde “gemagtigde beampte” te vervang, behalwe in artikels 3(2), 5, 7, 31, 36(1) en 46A.

Wysiging van artikel 2 van die Stad Kaapstad: Waterverordening, 2010

3. Artikel 2 van die hoofverordening word hiermee gewysig—

- a) deur die volgende subartikels na subartikel (1) in te voeg:

“(1A) Die eienaar is daarvoor verantwoordelik om toe te sien dat hierdie Verordening nagekom word ten opsigte van alle aangeleenthede wat met die waterinstallasie en die instandhouding daarvan verband hou.”;

“(1B) Die verbruiker is verantwoordelik vir die nakoming van hierdie Verordening ten opsigte van aangeleenthede wat met die vermorsing of ander misbruik van water verband hou.”;

b) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Waar dit nie redelik moontlik of koste-effektief is om aan elke verbruiker in ’n bepaalde gebied water te voorsien nie, **[kan die Direkteur, in oorleg met die Uitvoerende Direkteur: Stadsgeondheid] moet die Raad** ’n alternatiewe manier van watervoorsiening bepaal.”.

Wysiging van artikel 8 van die Stad Kaapstad: Waterverordening, 2010

4. Artikel 8 van die hoofverordening word hiermee gewysig—

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

“8. (1) Enige lid van die publiek wat bewus word van ’n noodgeval of dreigende situasie **[wat dringend aandag verg of ’n situasie]** wat **[watervermorsing of besoedeling]** die vermorsing of besoedeling van water, skade aan eiendom of die risiko van besering van ’n persoon tot gevolg kan hê, moet die Direkteur onmiddellik daarvan verwittig.”.

Herroeping van artikel 11 van die Stad Kaapstad: Waterverordening, 2010

5. Artikel 11 van die hoofverordening word hiermee herroep.

Wysiging van artikel 12 van die Stad Kaapstad: Waterverordening, 2010

6. Artikel 12 van die hoofverordening word hiermee gewysig—

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

“(a) tensy ’n ooreenkoms waarna in artikel 13 of **[14]15** verwys word, aangegaan is;”;

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

“(b) die **[hoeveelheid] volume** water waarvoor die Stad vergoeding kan eis **[waar bewese diefstal plaasgevind het,]** bepaal **[, die Direkteur moet] deur die** maksimum vloeitempo van ’n watermeter **[wat voldoen aan die regulasies wat met betrekking tot watermeters kragtens die Wet op Handelsmetrologie, 1973 (Wet Nr. 77 van 1973), gepubliseer is en]** wat dieselfde grootte **[in deursnit het] is** as die pyp waaruit die ongemagtigde water onttrek is**[, gebruik]** en wat voldoen aan die Wet op Handelsmetrologie, 1973 (Wet Nr. 77 van 1973) of soos gewysig, te gebruik.”.

Wysiging van artikel 13 van die Stad Kaapstad: Waterverordening, 2010

7. Artikel 13 van die hoofverordening word hiermee gewysig—

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

“(1) Water word nie uit die watervoorsieningstelsel aan ’n [nuwe] perseel voorsien nie tensy die eienaar by die Stad daarom aansoek gedoen het en sodanige aansoek deur die Direkteur goedgekeur is.”;

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

“(3) Die eienaar is aanspreeklik vir alle gelde ten opsigte van die voorsiening van water soos ingevolge die Verordening op Tariewe bepaal totdat die toevoer op versoek van die eienaar onderbreek word of die ooreenkoms ingevolge artikel 18 beëindig is, en die eienaar word vir alle doeleindes gedurende die [bestaan] termyn van die ooreenkoms geag die verbruiker te wees.”;

c) deur die volgende subartikel na subartikel (5) in te voeg:

“(5A) Wanneer aansoek gedoen word om watervoorsiening aan ’n onbeboude erf, word die voorsiening geag vir boudoeleindes te wees en sal dit deur ’n tydelike aansluiting bedien word, tensy andersins ooreengekom.”;

d) deur subartikel (6) deur die volgende subartikel te vervang:

“(6) Die eienaar moet, wanneer die doel van watergebruik waarvoor in subartikel (4)(f) aansoek gedoen is of die omvang van waterverbruik waarvoor aansoek gedoen word, verander, die Stad onverwyld van die verandering in kennis stel en ’n nuwe ooreenkoms met die Stad sluit[.], wat watervoorsiening ingevolge artikel 24(5A) insluit.”;

Vervanging van artikel 14 van die Stad Kaapstad: Waterverordening, 2010

8. Artikel 14 van die hoofverordening word hiermee deur die volgende artikel vervang:

“Oordrag van eienaarskap

14. [(1) Die verkoper moet, voor oordrag van ’n eiendom, ’n sertifikaat van ’n geakkrediteerde loodgieter indien wat sertifiseer dat—

- (a) die waterinstallering aan die nasionale bouregulasies en hierdie Verordening voldoen;**
- (b) daar geen foute is nie;**
- (c) die watermeter registreer; en**
- (d) daar geen stormwater in die rioolstelsel inloop nie.**

(2) Die sertifikaat na verwys in subartikel (1) moet in die formaat van die vorm aangeheg as Bylae 4 wees.]

(1) Die verkoper moet, voor oordrag van ’n eiendom, ’n goedkeuringssertifikaat van ’n geregistreerde loodgieter indien wat sertifiseer dat die waterinstallering aan die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet Nr. 103 van 1977), en hierdie Verordening voldoen.

(2) Die sertifikaat waarna in subartikel (1) verwys word, is beskikbaar op die Stad se webwerf.

(3) Enige persoon wat vals inligting verskaf op 'n sertifikaat waarna in subartikel (1) verwys word, kan ingevolge artikel 64 vervolg word.”

Vervanging van artikel 19 van die Stad Kaapstad: Waterverordening, 2010

9. Artikel 19 van die hoofverordening word hiermee deur die volgende artikel vervang:

“Inmenging met die watervoorsieningstelsel

19. Niemand [**behalwe die Stad**] mag, tensy deur die Stad ingevolge hierdie Verordening gemagtig—

- (a) met infrastruktuur behorende aan die Stad vir die voorsiening van waterdienste [**bestuur, mee**] inmeng of peuter of dit bedryf of in stand hou nie; of
- (b) 'n aansluiting aan die watervoorsieningstelsel maak nie.”

Wysiging van artikel 21 van die Stad Kaapstad: Waterverordening, 2010

10. Artikel 21 van die hoofverordening word hiermee gewysig—

- a) deur in subartikel (3) die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

“(3) Die Direkteur moet die volgende bepaal—

- b) deur subartikel (7) deur die volgende subartikel te vervang:

“(7) Tensy die Direkteur andersins instem, mag slegs een kommunikasiepyp per tipe waterinstallasie aan 'n perseel verskaf word om waterverbruik te bepaal[, **ongegag die getal wooneenhede, sake-eenhede of verbruikers op sodanige perseel**].”;

- c) deur subartikel (9) te skrap.

Wysiging van artikel 24 van die Stad Kaapstad: Waterverordening, 2010

11. Artikel 24 van die hoofverordening word hiermee gewysig—

- a) deur die volgende subartikel na subartikel (5) in te voeg:

“(5A) Totdat die goedkeuringssertifikaat waarna in artikel 46(1)(b) verwys word deur die Stad ontvang is, sal water nie deur middel van 'n kommunikasiepyp wat vir die voorsiening van water vir boudoeleindes aangelê is, aan 'n waterinstallasie voorsien word nie, en indien so 'n sertifikaat nie ontvang is nie, kan die Direkteur die watertoevoer aan daardie waterinstallasie afsny of inkort.”;

- b) deur in subartikel (6) die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

“(6) Die Direkteur kan ’n [W]waterbestuurtoestel of voorafbetaalmeter op enige perseel as deel van die watermeter en sy bybehorende apparaat installeer om—”;

c) deur subartikel (7) deur die volgende subartikel te vervang:

“(7) Indien ’n [W]waterbestuurtoestel of voorafbetaalmeter op ’n perseel geïnstalleer is, kan ’n verbruiker versoek dat ’n ooreenkoms ingevolge die Stad se Kredietbeheer- en Skuldinvorderingsbeleidverordening, 2006, met die [Direkteur] Stad aangegaan word om die [drink] huishoudelike watertoevoer aan sy of haar perseel op ’n voorafbepaalde daaglikse volume te stel.”.

Wysiging van artikel 27 van die Stad Kaapstad: Waterverordening, 2010

12. Artikel 27 van die hoofverordening word hiermee gewysig—

a) deur paragraaf (a) deur die volgende paragraaf te vervang:

“(a) die ooreenkoms vir watervoorsiening ingevolge artikel [17]18 beëindig is en die Direkteur geen aansoek vir die verdere voorsiening van water aan die perseel wat deur die kommunikasiestyp bedien word, binne ’n tydperk van 90 dae na sodanige beëindiging ontvang het nie;”.

Wysiging van artikel 28 van die Stad Kaapstad: Waterverordening, 2010

13. Artikel 28 van die hoofverordening word hiermee gewysig—

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

“(1) Water wat aan ’n perseel voorsien word moet vloei deur ’n meter wat tussen die kommunikasiestyp en waterinstallasie **[en op ’n plek wat die Direkteur bepaal]** geïnstalleer is, **[met dien verstande dat dit nie nodig is om ’n meter aan te bring nie in die geval van—**

- (a) ’n outomatiese sprinkelbrandinstallasie;
- (b) ’n brandinstallasie ten opsigte waarvan maatreëls getref is om ongemagtigde wateraftapping vir ander doeleindes as brandbestryding op te spoor;
- (c) omstandighede soos deur die Direkteur bepaal; of
- (d) waar water deur ’n bestaande ongemeterde brandaansluiting verbruik word.]”;

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

“(2) Die Direkteur kan, nadat die eienaar van die eiendom skriftelik in kennis gestel is van sy of haar voorneme om ’n meter in ’n bestaande ongemeterde brandaansluiting **[waarna daar in subartikel (1)(d) verwys word,]** op die koste van die Stad aan te bring, sodanige meter aanbring en daarna ’n rekening lewer vir water wat deur middel van die verbinding verbruik word.”;

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

“(3) ’n Meter en sy bybehorende apparaat **[wat] word** deur die Stad verskaf en aangebring **[is]**, bly die eiendom van die Stad en **[mag] kan** vervang word wanneer die Direkteur dit nodig ag.”;

d) deur subartikel (9) deur die volgende subartikel te vervang:

“(9) Die Direkteur kan op koste van die eienaar ’n privaat submeter, [of toestel wat volume beheer] waterbestuurtoestel of voorafbetaalmeter aanbring of laat aanbring vir elke deel, sake- of wooneenheid op enige perseel om die hoeveelheid water wat aan elke deel, sake- of wooneenheid of gedeelte van die perseel gelewer word, te bepaal.”;

e) deur subartikel (13) deur die volgende subartikel te vervang:

“(13) Indien toegang tot ’n meter wat ingevolge subartikel (4)(a) geïnstalleer is, vir doeleindes van lesing geweier word, is die eienaar vir die duur van sodanige weiering aanspreeklik vir die koste van die water wat vermors word as ’n lek op sodanige meter en sy bybehorende apparaat sou ontstaan **[of opmerklik is op daardie gedeelte van die dienspyp binne sodanige perseel, soos gemeet deur ’n meter wat ingevolge subartikel (12)(a) geïnstalleer is]**.”;

f) deur subartikel (20) deur die volgende subartikel te vervang:

“(20)(a) Wanneer die eienaar, **[of]** die persoon in beheer of die bestuur van enige perseel waarop daar ’n aantal **[woon]**eenhede is, ’n watertoevoer na sodanige perseel verlang sodat **[elke] verskillende [eenheid] eenhede of verskillende gedeeltes van die perseel** ’n afsonderlike watertoevoer kan kry, **[kan] moet** die Direkteur, [—]

[(a)] behoudens item 20(b), ’n enkel meter vir die perseel as ’n geheel [of enige getal sodanige wooneenhede; of] verskaf en installeer.

[(b)] Die Direkteur kan ’n aansoek om afwyking goedkeur indien dit afsonderlik gemotiveer word. [(b) ’n afsonderlike meter, op die grens van die eiendom waarvan die eiendomsreg by die Stad berus, vir elke wooneenheid of enige getal wooneenhede verskaf en installeer.]”;

g) deur subartikel (21) deur die volgende subartikel te vervang:

“(21) Indien **[die Direkteur]** ’n **[enkel]** meter geïnstalleer **[het] word**, soos bedoel in subartikel (20)**[(a)]**, moet die eienaar, **[of]** die persoon in beheer of die bestuur van die perseel aan elke takpyp **[vanaf die kommunikasiepyp]** tot by die onderskeie **[woon]**eenhede—

(a) **[’n afsonderlike meter] ’n isoleerklep;** en

(b) **[’n isoleerklep] ’n waterbestuurtoestel, voorafbetaalmeter of ’n privaat submeter**

installeer en in stand hou, en is hy of sy teenoor die Stad aanspreeklik vir die betaling van die voorgeskrewe bedrae vir alle water wat deur so ’n meter aan die perseel gelewer word, ongeag die onderskeie hoeveelhede water wat die verskillende verbruikers wat deur sodanige meter bedien word, verbruik het.”;

h) deur die volgende subartikels na subartikel (21) in te voeg:

“(22) Indien afsonderlike privaat submeters vir individuele woon- of kommersiële eenhede op enige grond bestaan, moet die eienaar, persoon in beheer of die bestuur van die perseel die maandelikse gebruik van elke individuele eenheid monitor en aanteken en gedetailleerde rekords ten opsigte daarvan vir ’n tydperk van minstens vier en twintig maande behou.

(23) Die persoon in beheer of die bestuur van ’n perseel waarop afsonderlike privaat submeters vir individuele woon- of kommersiële eenhede bestaan, moet die Stad in kennis stel en aan die Stad bewys lewer van watergebruik op enige sodanige eenheid wat enige waterbeperkings oortree of aangewese gebruikskerke oorskry wat van tyd tot tyd deur die Direkteur voorgeskryf word, binne een en twintig dae nadat sodanige oortreding of oorskryding waargeneem word. Die Stad is vervolgens geregtig om sodanige afdwingingstappe wat in hierdie Verordening voorgeskryf word, direk teen die eenaar of persoon in beheer van die betrokke eenheid te doen.”.

Wysiging van artikel 31 van die Stad Kaapstad: Waterverordening, 2010

14. Artikel 31 van die hoofverordening word hiermee gewysig—

a) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Behoudens subartikel (1), dek [D] die herverkoop van water [is bedoel om] die koste [te dek] van die voorsiening van water—

[(a) aan ander munisipaliteite;

(b) aan die Hawe-owerheid van Suid-Afrika;

(c) aan die Lughawemaatskappy van Suid-Afrika;]

(d) in gevalle waar die Stad nie direkte toegang tot ’n eiendom kan verkry nie;

(e) indien die uitbreiding van die Stad se netwerk om ’n eiendom te bedien nie dadelik onderneem kan word nie; of

(f) indien ’n grootmaat-hoofwaterpyp oor ’n eiendom loop wat nie deur ’n ander waterdienste-owerheid bedien kan word nie.”.

Wysiging van artikel 32 van die Stad Kaapstad: Waterverordening, 2010

15. Artikel 32 van die hoofverordening word hiermee gewysig—

a) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Indien ’n meter wat ingevolge artikel 28(4)(a) en (4)(b) geïnstalleer is opgehou het om te funksioneer en nie die verbruik wat daardeur vloei registreer nie, word dit geag foutief te wees.

[Raming van hoeveelheid water met foutiewe meter aan verbruiker gelewer].”.

Vervanging van artikel 33 van die Stad Kaapstad: Waterverordening, 2010

16. Artikel 33 van die hoofverordening word hiermee deur die volgende artikel vervang:

“Raming van hoeveelheid water met foutiewe meter aan verbruiker gelewer

(1) Wanneer ’n meter ingevolge artikel 31(3), (4) of (5) foutief bevind word, kan die Direkteur die hoeveelheid water wat aan die verbruiker gelewer is gedurende die tydperk waarin die meter foutief

was, raam ooreenkomstig die Stad Kaapstad se Tariefbeleid en volgens die gemiddelde daaglikse hoeveelheid water gelewer gedurende—

- (a) ’n tydperk tussen twee opeenvolgende meterlesings nadat die meter vervang is;
- (b) ’n tydperk in die vorige jaar wat ooreenstem met die tydperk waartydens die meter foutief was; of
- (c) die tydperk tussen drie opeenvolgende meterlesings voordat die meter foutief geword het, watter een die Direkteur ook al die gepaste ag.

(2) Indien die hoeveelheid water wat aan ’n verbruiker gelewer is gedurende die tydperk waarin ’n meter foutief was, nie ingevolge subartikel (1) geraam kan word nie, kan die Direkteur die hoeveelheid raam volgens enige ander metode wat beskikbaar is.

(3) Die verbruiker moet ingelig word van die metode wat die Direkteur gebruik het om die hoeveelheid water wat aan hom of haar gelewer is te raam, soos bedoel in subartikel (1) of (2), en die geleentheid gegun word om verhoë tot die Direkteur te rig [**voordat ’n finale raming gemaak word**].”.

Wysiging van artikel 34 van die Stad Kaapstad: Waterverordening, 2010

17. Artikel 34 van die hoofverordening word hiermee gewysig—

- a) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Kortings word slegs toegestaan vir ondergrondse lekke, vir kategorieë wat in die Stad Kaapstad se Tariefbeleid gespesifiseer word en waar die herstel van sodanige lekke [**visueel**] deur ’n beamppte van die Stad bevestig is.”.

Wysiging van artikel 35 van die Stad Kaapstad: Waterverordening, 2010

18. Artikel 35 van die hoofverordening word hiermee gewysig—

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

“(1) Indien die Direkteur, vir ander doeleindes as om gelde vir water wat verbruik is te vorder, die hoeveelheid water wat in ’n gedeelte van ’n waterinstallasie gebruik word wil bepaal, kan hy of sy die eienaar by skriftelike kennisgewing verwittig van sy of haar voorneme om ’n meettoestel of ’n voorafbetaalmeter by ’n plek in die waterinstallasie wat hy of sy aanwys, te installeer.”.

Wysiging van artikel 36 van die Stad Kaapstad: Waterverordening, 2010

19. Artikel 36 van die hoofverordening word hiermee gewysig—

- a) Wysiging van die Engelse teks noodsaak nie ’n wysiging van die Afrikaanse teks van die verordening nie.

b) deur die volgende subartikels na subartikel (5) in te voeg:

"(6) Die Raad kan waterbeperkings oplê deur 'n aanwysing ingevolge artikels 54(3)(b) en 55(2) van die Wet op Rampbestuur, 2002 (Wet Nr. 57 van 2002), uit te reik wanneer 'n plaaslike ramp as gevolg van 'n skaarste aan water verklaar is of in 'n poging om te verhoed dat so 'n ramp verklaar word.

(7) 'n Persoon wat versuim om te voldoen aan waterbeperkings wat ingevolge subartikel (6) opgelê is, is skuldig aan 'n misdryf en is strafbaar met 'n boete of by skuldigbevinding met gevangenisstraf van hoogstens ses maande."

Skraping van artikels 39, 40 en 41 van die Stad Kaapstad: Waterverordening, 2010

20. Artikels 39, 40 en 41 van die hoofverordening word hiermee geskrap.

Wysiging van artikel 42 van die Stad Kaapstad: Waterverordening, 2010

21. Artikel 42 van die hoofverordening word hiermee gewysig—

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

"(1) Indien 'n eienaar 'n nuwe waterinstallasie wil [installeer] bou of 'n bestaande een wil uitbrei, moet hy of sy eers die skriftelike goedkeuring van die Direkteur daartoe verkry op planne wat vir ondersoek voorgelê moet word; met dien verstande dat goedkeuring nie nodig is vir die herstel of vervanging van 'n bestaande pyp of watertoebehore nie, buiten 'n vaste waterverwarmer en sy bybehorende beskermingstoestelle, in welke geval slegs 'n kennisgewing vereis word."

b) deur subartikel (3) te skrap.

c) deur subartikel (5) deur die volgende subartikel te vervang:

"(5) Wanneer opknappings aan 'n bestaande gebou 'n bouplangoedkeuringsproses aan die gang sit, moet [V]volledige besonderhede van enige [beoogde] waterbewaring- en wateraanvraagbestuurstelsel of alternatiewe waterstelsels [soos 'n gryswaterstelsel, lugversorger of aftapping] vir spoeltoilette, besproeiing, volmaak en byvul van swembaddens of ander nie-huishoudelike doeleindes [moet] die bouplanne vergesel."; en

(b) deur die volgende subartikels na subartikel (5) in te voeg:

"(6) Alle nuwe ontwikkelings moet voorsiening maak vir die installering van waterbewaring- en wateraanvraagbestuurstelsels of alternatiewe waterstelsels vir nie-huishoudelike doeleindes en volledige besonderhede daarvan moet die bouplanne vergesel.

(7) Die eienaar moet die Stad in kennis stel wanneer enige van die volgende loodgieterkomponente geïnstalleer of verander word:

(a) 'n vaste waterverwarmer;

(b) hittepompinstallasies; en
(c) sonkragwarmwaterpanele,
saam met hulle bybehorende beskermingstoestelle.

(8) Die bepalings van hierdie artikel stel niemand daarvan vry om aan toepaslike beleide, standaarde of enige toepaslike wetgewing te voldoen nie.”.

Wysiging van artikel 44 van die Stad Kaapstad: Waterverordening, 2010

22. Artikel 44 van die hoofverordening word hiermee gewysig—

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

“(1) Tensy die Direkteur skriftelik anders bepaal het, moet die tekeninge wat die nuwe of gewysigde waterinstallasie uitbeeld op velle wees wat nie kleiner as A4 is nie en moet inligting verskaf word in die vorm wat vereis word deur klousule 4.1.1 van SANS 10252:[2004]2012, Deel 1, of soos gewysig, waarvan ’n afskrif by die Direkteur verkry kan word.”;

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

“(3) Indien meer as een tipe waterinstallasie in ’n gebou geïnstalleer gaan word, kan sodanige installasies op dieselfde tekening aangetoon word, met dien verstande dat hulle duidelik onderskei word.”;

c) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) ’n Bylae wat die getal en tipe van elke [**tipe**] aansluitwatertoehore en die grootte daarvan aandui, moet saam met elke tekening of stel tekeninge voorsien word.”.

Vervanging van artikel 45 van die Stad Kaapstad: Waterverordening, 2010

23. Artikel 45 van die hoofverordening word hiermee deur die volgende artikel vervang:

“Afskrifte van tekeninge moet op perseel gehou word

45. Totdat die Direkteur die [**voldoening**]goedkeuringsertifikaat vir pas voltooide of gewysigde waterinstallasies wat ingevolge artikel 48 voorgelê moet word, ontvang het, moet ’n volledige stel goedgekeurde tekeninge van die installasiewerk te alle tye beskikbaar wees op die perseel waar gewerk word.”.

Invoeging van artikel 46A en artikel 46B in die Stad Kaapstad: Waterverordening, 2010

24. Die volgende artikels word hiermee in die hoofverordening na artikel 46 ingevoeg:

“Registrasie en kansellering van registrasie van loodgieters

46A. (1) Die gemagtigde beampte moet ’n register van geregistreerde loodgieters byhou.

(2) ’n Loodgieter wat ingevolge die Wet op die Nasionale Kwalifikasieraamwerk, 2008 (Wet Nr. 67 van 2008), gekwalifiseer en geakkrediteer is, kan by die Stad registreer.

(3) Die gemagtigde beampte moet die aansoek oorweeg en bewys van registrasie aan die geregistreerde loodgieter uitreik by betaling van gelde wat van tyd tot tyd deur die Raad bepaal word.

(4) Die gemagtigde beampte moet die register van geregistreerde loodgieters publiseer.

(5) Ondanks die registrasie van ’n loodgieter se besonderhede ingevolge subartikel (1), is die Stad nie aanspreeklik vir enige misleidende inligting, verkeerde werk of swak vakmanskap wat deur die loodgieter verrig word nie.

(6) Behoudens subartikel (7), kan die Direkteur die registrasie van ’n geregistreerde loodgieter kanselleer en sy of haar naam uit die register verwyder indien daardie geregistreerde loodgieter—

(a) versuim om te voldoen aan die vereistes soos in enige bepaling van hierdie Verordening bedoel;

(b) ’n voldoeningcertifikaat valslik of misleidend voltooi en uitreik; of

(c) toelaat dat sy of haar registrasiebesonderhede op ’n bedrieglike wyse gebruik word.

(7) Voor die kansellering van die registrasie van ’n geregistreerde loodgieter moet die Direkteur—

(a) ’n skriftelike kennisgewing van voorkansellering van registrasie aan die geregistreerde loodgieter beteken, wat redes moet insluit; en

(b) die geregistreerde loodgieter ’n geleentheid gee om skriftelike verhoë te rig waarom sy of haar registrasie nie binne 14 dae na ontvangs van so ’n kennisgewing gekanselleer moet word nie.

(8) Die Direkteur kan deur middel van ’n skriftelike kennisgewing die registrasie van die geregistreerde loodgieter kanselleer—

(a) 14 dae na die betekening van die voorkanselleringskennisgewing wanneer geen verhoë gerig is nie; of

(b) 21 dae nadat skriftelike verhoë ontvang is.

(9) Die gemagtigde beampte kan, na ’n tydperk van 12 maande na die kansellering en verwydering van ’n geregistreerde loodgieter uit die register, ’n aansoek om herregistrasie van so ’n loodgieter oorweeg.

Verantwoordelikhede van ’n geregistreerde loodgieter

46B. Elke geregistreerde loodgieter moet—

(a) toesien dat installasie- of ander werk wat deur hom of haar of onder sy of haar beheer gedoen word, aan hierdie Verordening voldoen;

(b) ingevolge artikel 42(1) 'n goedkeuringssertifikaat vir werk gedoen aan die Stad voorlê waarin gesertifiseer word dat die werk aan hierdie Verordening voldoen; en

(c) 'n afskrif van die goedkeuringssertifikaat aan die eienaar van die eiendom verskaf.”.

Wysiging van artikel 47 van die Stad Kaapstad: Waterverordening, 2010

25. Artikel 47 van die hoofverordening word hiermee gewysig—

(a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

“47(1) Niemand wat nie ingevolge die bepalings van die [**Wet op die Suid-Afrikaanse Kwalifikasieowerheid, 1995 (Wet Nr. 58 van 1995)**] Wet op die Nasionale Kwalifikasieraamwerk, 2008 (Wet Nr. 67 van 2008), gekwalifiseer en geakkrediteer is nie, mag—”; en

(b) deur subartikel (2) te skrap.

Vervanging van artikel 48 van die Stad Kaapstad: Waterverordening, 2010

26. Artikel 48 van die hoofverordening word hiermee deur die volgende artikel vervang:

“Verantwoordelikhede van 'n eienaar van eiendom

48(1) 'n Eienaar van eiendom moet [**toesien dat die installasiewerk wat op sy of haar perseel gedoen word**]

(a) toesien dat die installasiewerk wat op sy of haar perseel gedoen word deur 'n [**gekwalfiseerde persoon of**] loodgieter, gekwalifiseer volgens artikel 47, uitgevoer word;

(c) [**aan die bepalings van hierdie Verordening voldoen;**] die Stad in kennis stel van enige verandering, vervanging of installering van die pypwerk in artikel 42(7) genoem; en

(c) [**dat by voltooiing daarvan,**] toesien dat 'n [voldoening]goedkeuringssertifikaat vir pas voltooide of gewysigde waterinstallasies aan die Direkteur voorgelê word.

(2) Indien installasiewerk strydig met artikel 47 gedoen word, kan die Direkteur by skriftelike kennisgewing die eienaar van die betrokke perseel aansê om sodanige werk te staak totdat hy of sy 'n gekwalifiseerde loodgieter in diens het om—

(a) sodanige werk te inspekteer en enige deel daarvan wat nie aan die bepalings van hierdie Verordening voldoen nie, reg te stel;

(b) die werk ingevolge die bepalings van artikel 49 te toets en te ontsmet; en

(c) toe te sien dat 'n [**voldoening**]goedkeuringssertifikaat vir pas voltooide of gewysigde waterinstallasies, wat meld dat die werk wat gedoen is aan die bepalings van hierdie Verordening voldoen, aan die Direkteur voorgelê word.”.

Wysiging van artikel 49 van die Stad Kaapstad: Waterverordening, 2010

27. Artikel 49 van die hoofverordening word hiermee gewysig—

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

“(3) Die eienaar van ’n perseel waarop ’n opgaartenk geïnstalleer is, moet minstens een keer elke vyf jaar sodanige tenk laat leegloop, inspekteer en ontsmet in ooreenstemming met die toepaslike standaard en prosedure gestel in SANS 10252:[2004]2012 Deel 1 of soos gewysig.”;

b) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Voordat ’n tenk of die waterinstallasie wat dit bedien waarna in subartikel (4)[(3)] verwys word, weer in gebruik geneem word, moet dit skoongemaak en ontsmet word in ooreenstemming met die toepaslike standaard en prosedure gestel in SANS 10252:[2004]2012 Deel 1 of soos gewysig.”.

Wysiging van artikel 51 van die Stad Kaapstad: Waterverordening, 2010

28. Artikel 51 van die hoofverordening word hiermee gewysig—

a) deur subartikel (4) te skrap; en

b) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Die Direkteur moet afskrifte van Bylae 2 [, soos ingevolge hierdie Verordening bygewerk,] gedurende werkure by die Stad se kantore beskikbaar stel.”

Wysiging van artikel 52 van die Stad Kaapstad: Waterverordening, 2010

29. Artikel 52 van die hoofverordening word hiermee gewysig—

a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

“(1) ’n Eienaar en die gekwalifiseerde en geakkrediteerde loodgieter wat die werk vir hom of haar gedoen het, moet toesien dat—”;

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

“(a) waterinstallasies voldoen aan die toepaslike standaard wat deur SANS 10252:[2004]2012 Deel 1 of soos gewysig gestel is;”;

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

“(b) warmwatersilinderinstallasies voldoen aan die toepaslike standaard wat deur SANS 10252:[2004]2012 Deel 1 of soos gewysig gestel is;”;

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

“(c) sonkragverhitte waterinstallasies voldoen aan die toepaslike standaard wat deur SANS 10106:[1972]2006 of soos gewysig gestel is;”;

e) deur na paragraaf (c) van subartikel (1) die volgende paragraaf in te voeg:

“(cA) hittepompwaterinstallasies voldoen aan die toepaslike standaard wat deur SANS 1352:2012 of soos gewysig gestel is”;

f) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

“(d) die opgaar van ’n minimum hoeveelheid water wat vir ander doeleindes as brandbestryding of lugversorging gebruik gaan word, in ooreenstemming met Tabel 1 van Bylae 3 of soos gewysig verskaf word;”;

g) deur paragraaf (e) van subartikel (1) deur die volgende paragraaf te vervang:

“(e) die opgaar van ’n minimum hoeveelheid water wat gebruik gaan word om spoeltoilette en urinale in kommersiële en nywerheidspersele te spoel, in ooreenstemming met Tabel 2 van Bylae 3 of soos gewysig verskaf word;”;

h) deur paragraaf (f) van subartikel (1) deur die volgende paragraaf te vervang:

“(f) die ontwerp van opgaartenks in ooreenstemming met die toepaslike standaard wat deur SANS 10252:[2004]2012 Deel 1 of soos gewysig gestel is en met artikel 53 is;”;

i) deur paragraaf (g) van subartikel (1) deur die volgende paragraaf te vervang:

“(g) die gebruik van pype wat water aan ’n installasie voorsien, in ooreenstemming met die toepaslike standaard wat deur SANS 10252:[2004]2012 Deel 1 of soos gewysig gestel is en met Bylae 3 of soos gewysig is;”;

j) deur paragraaf (h) van subartikel (1) deur die volgende paragraaf te vervang:

“(h) daar onmiddellik stroomaf van die isoleerklap waarna in artikel [28(21)(b)] 23(2)(a) en artikel 23(2)(b) verwys word, ’n terugslagklap van dieselfde grootte as die dienspyp geïnstalleer word; en”;

k) deur subartikel (6) te skrap.

Wysiging van artikel 53 van die Stad Kaapstad: Waterverordening, 2010

30. Artikel 53 van die hoofverordening word hiermee gewysig—

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

“(1) Enige persoon wat ’n opgaartenk installeer, moet dit in so ’n posisie installeer dat die binne- en buitekante daarvan gereedelik geïnspekteer, skoongemaak en in stand hou kan word, tensy dit ’n betonreservoir is wat ondergronds begrawe of gedeeltelik in die grond ingesink is en ontwerp, opgerig en getoets is in ooreenstemming met die toepaslike standaard **[wat deur SANS 10252:2004 deel I, of soos gewysig, gestel is]**, waar slegs die binnekant toeganklik vir inspeksie- en skoonmaakdoeleindes is volgens SANS 10100-1 en SANS 1200-G of soos gewysig.”;

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

“(c) ’n besmettingbestande tenk wat heeltemal toe is met geen ander toegang na die binnekant nie behalwe ’n toegangspaneel in die kant daarvan om inspeksie en skoonmaak te vergemaklik en wat op so ’n hoogte moet wees dat die tenk nie gebruik kan word nie tensy die inspeksiepaneeldeksel in plek is; **[en]**”;

- c) deur na paragraaf (c) van subartikel (3) die volgende paragraaf in te voeg:

“(cA) die materiaal waarvan die tenk vervaardig word, geskik is vir die gebruik daarvan en nie sonlig deurlaat nie, en;”;

- d) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Tensy dit skriftelik deur die Direkteur gemagtig is, moet elke **[ketel, stoomketel of ander apparaat wat stoom opwek, gasontwikkelaar,] toestel wat stoom opwek, of in die geval van ’n gasenjin of olie-enjin of enige ander apparaat waarin of waardeur water gebruik word wat deur die Stad voorsien word, slegs voorsien word deur middel van ’n kouewatertoevoertenk met ’n tussenruimte om die inkomende water van die hoofwaterpyp en die inhoud van die tenk te skei.**”.

Wysiging van artikel 54 van die Stad Kaapstad: Waterverordening, 2010

31. Artikel 54 van die hoofverordening word hiermee gewysig—

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

“(b) enige gedeelte van die waterinstallasie **[op sy of haar perseel]**”;

- b) deur die volgende subartikel in te voeg:

“(3) Wanneer ’n eiendom van drinkbare en alternatiewe water voorsien word, moet die eienaar toesien dat—

(a) daar geen tussenverbinding tussen die installasies is nie; en

(b) die pypwerk korrek gekleurkodeer word, volgens SANS 10140-3:2003, en dat die gepaste inligtingsborde, volgens SANS:1186-1:2008, vertoon word.”.

Wysiging van artikel 55 van die Stad Kaapstad: Waterverordening, 2010

32. Artikel 55 van die hoofverordening word hiermee gewysig—

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

“(a) slangtolle en brandkraaninstallasies voldoen aan die toepaslike standaard wat deur SANS:10252:[2004]2012 Deel 1, of soos gewysig, gestel is; en”;

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

“(3) Geen water sal aan ’n brandbestrydingsinstallasie bly voorsien word—

(a) sonder ’n [voldoening]goedkeuringssertifikaat [wat ingevolge artikel 47 uitgereik is] waarna in artikel 46B(b) verwys word nie; en

(b) tensy die installasie aan die vereistes van hierdie Verordening voldoen nie.”.

Wysiging van artikel 56 van die Stad Kaapstad: Waterverordening, 2010

33. Artikel 56 van die hoofverordening word hiermee gewysig—

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

“(1) Niemand mag water wat uit ’n ander bron as die Stad se watervoorraadstelsel afkomstig is, vir huishoudelike doeleindes gebruik nie tensy die vooraf skriftelike goedkeuring van die Direkteur verkry is en dan slegs in ooreenstemming met die voorwaardes soos deur hom of haar bepaal.”;

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

(2) Niemand mag water wat uit ’n ander bron as die Stad se watervoorraadstelsel verkry is aan enige waterverspreidingsstelsel koppel nie tensy die vooraf skriftelike goedkeuring van die Direkteur verkry is, en dan slegs in ooreenstemming met die voorwaardes soos deur hom of haar bepaal.”;

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

“(3) Enige eienaar van ’n perseel waarop ’n alternatiewe waterbron geleë is [, soos ’n **syferboorgat, boorgat of put**] of waarop alternatiewe water gebruik word, moet binne 14 dae nadat hy of sy aangesê is om dit te doen, die Direkteur van sodanige besonderhede met betrekking tot die waterbron [as wat verlang word], voorsien.”;

d) deur die volgende subartikels na subartikel (5) in te voeg:

“(5A) Die Raad kan by openbare kennisgewing vereis dat waterdienstetussengangers of klasse waterdienstetussengangers by die Stad aansoek doen en registreer op ’n wyse in die openbare kennisgewing vermeld.

(5B)(1) Waterdienstetussengangers moet toesien dat waterdienste, insluitende basiese dienste soos deur die Raad bepaal, verskaf word aan diegene aan wie die tussenganger verplig is om

waterdienste te verskaf.

(5B)(2) Die gehalte, hoeveelheid en volhoubaarheid van waterdienste wat deur 'n waterdienstetussenganger verskaf word, moet minstens van dieselfde standaard wees as wat die Stad aan verbruikers verskaf.

(5C)(1) 'n Waterdienstetussenganger mag nie bedrae vir waterdienste vorder teen 'n prys wat nie aan die norme en standaarde wat die Direkteur mag stel, voldoen nie.

(5C)(2) 'n Waterdienstetussenganger moet gesubsidieerde waterdienste, soos deur die Raad ingevolge die Verordening op Kredietbeheer en Skuldinvordering bepaal en deur die Stad aan verbruikers gelewer, teen 'n prys lewer wat dieselfde of minder is as die voorgeskrewe bedrae waarteen die Stad sodanige dienste lewer.”;

e) deur die volgende subartikel na subartikel (6) in te voeg:

“(7)(a) Die verbruiker aanvaar volle verantwoordelikheid vir alle gevolge van sy of haar gebruik van water wat nie uit die Stad se watervoorsieningstelsel kom nie.

(b) Die Stad dra geen verantwoordelikheid of aanspreeklikheid, finansiële of andersins, vir die gebruik van water wat nie uit die Stad se watervoorsieningstelsel kom nie.”.

Vervanging van artikel 57 van die Stad Kaapstad: Waterverordening, 2010

34. Artikel 57 van die hoofverordening word hiermee deur die volgende artikel vervang:

“Putte, boorgate, syferboorgate en uitgrawings

57. Elke eienaar van 'n perseel moet toesien dat enige put, boorgat, syferboorgat, installasie met betrekking tot alternatiewe water of ander uitgrawing met betrekking daartoe wat op sy of haar perseel geleë is—

(a) toereikend beveilig word sodat dit nie 'n gesondheidsgevaar skep nie;

(b) nie op so 'n manier gevul of met materiaal opgevuul word dat dit kan veroorsaak dat 'n aanliggende put, boorgat of ondergrondse waterbron besoedel of besmet word nie; **[en]**

[c) nie verbind word met 'n waterinstallasie wat van die hoofwaterpyp voorsien word en enige ander waterbron nie.]

(d) op die Stad se databasis geregistreer of herregistreer is en 'n teken wat deur die Stad verskaf is opsigtelik op die eiendom vertoon word; en

(e) wanneer water uit boorgate en syferboorgate gebruik word, dit spaarsaam en doeltreffend gebruik word en wanneer dit vir besproeiingsdoeleindes gebruik word, dit in ooreenstemming met die natleitye van die waterverordeninge van die Stad gebruik word.”.

Wysiging van artikel 58 van die Stad Kaapstad: Waterverordening, 2010

35. Artikel 58 van die hoofverordening word hiermee gewysig—

(a) deur die volgende subartikel na subartikel (2) in te voeg:

“(2A) Magtiging om water uit boorgate, putte en syferboorgate te gebruik, moet by die Departement van Water en Sanitasie ingevolge artikel 39 van die Nasionale Waterwet, 1998 (Wet Nr. 36 van 1998) verkry word.”;

(b) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Die Direkteur kan die eienaar van enige perseel binne ’n gebied van die Stad waarop ’n boorgat, put en syferboorgat geleë is of, indien die eienaar nie so ’n perseel bewoon nie, die okkupeerder op daardie tydstip, by skriftelike kennisgewing aansê om hom of haar kennis te gee van die bestaan van ’n boorgat, put en syferboorgat op sodanige perseel en hom of haar te voorsien van sodanige inligting omtrent die boorgat, put en syferboorgat wat hy of sy vereis.”.

Wysiging van artikel 59 van die Stad Kaapstad: Waterverordening, 2010

36. Artikel 59 van die hoofverordening word hiermee gewysig—

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

“(1) Die Direkteur kan, op aansoek [**ingevolge artikel 13**] van ’n eienaar en onderworpe aan enige ander wet, nie-drinkbare water aan ’n verbruiker voorsien op sodanige voorwaardes as wat hy of sy goed vind.”;

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

“(2) Enige water wat ingevolge die bepalings van subartikel (1) voorsien word, mag nie sonder die vooraf skriftelike goedkeuring van die Direkteur en in ooreenstemming met enige voorwaardes wat hy of sy stel gebruik word vir huishoudelike doeleindes of enige ander doeleindes of op enige wyse wat tot ’n gesondheidsgevaar aanleiding kan gee nie.”.

Wysiging van artikel 61 van die Stad Kaapstad: Waterverordening, 2010

37. Artikel 61 van die hoofverordening word hiermee gewysig—

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

“(3) Elke waarskuwingskennisgewing waarna in subartikels (1) en (2) verwys word, moet in die drie amptelike tale wat in die Provinsie gebruik word, wees.

[Besproeiingstelsels];”.

Vervanging van artikel 62 van die Stad Kaapstad: Waterverordening, 2010

38. Artikel 62 van die hoofverordening word hiermee deur die volgende artikel vervang:

“Besproeiingstelsels

62. Wanneer ’n nuwe besproeiingstelsel wat van ’n bestaande huishoudelike aansluiting of ander bestaande besproeiingskoppeling voorsien word, geïnstalleer word—

(a) moet die bestaande verbinding deur die Stad nagegaan word; [en]

(b) moet alle materiaal wat in die stelsel gebruik word, aan SABS-vereistes voldoen[.];

(c) moet dit op so 'n wyse geïnstalleer word dat watervermorsing op harde oppervlakke tot die minimum beperk word; en

(d) moet dit verstel kan word sodat watervermorsing in koeler of reënerige weerstoestande voorkom word.”.

Vervanging van artikel 63 van die Stad Kaapstad: Waterverordening, 2010

39. Artikel 63 van die hoofverordening word hiermee deur die volgende artikel vervang:

“Appèlle

63. ’n Persoon wie se regte geraak word deur ’n besluit wat geneem is ingevolge ’n bevoegdheid of plig wat ingevolge hierdie Verordening gedelegeer of gesubdelegeer is, kan teen daardie besluit appelleer ooreenkomstig artikel 62 van die Wet op Plaaslike Regering, Munisipale Stelsels, 2000 (Wet Nr. 32 van 2000).

[**Misdrywe en strawwe**]”.

Vervanging van artikel 64 van die Stad Kaapstad: Waterverordening, 2010

40. Artikel 64 van die hoofverordening word hiermee deur die volgende artikel vervang:

“Misdrywe en strawwe

64. [**Enige persoon wat**] Behoudens artikel 36(7) is enige persoon wat—

(a) ’n bepaling van hierdie Verordening oortree of versuim om daaraan te voldoen;

(b) versuim om te voldoen aan ’n kennisgewing of wettige opdrag wat ingevolge hierdie Verordening uitgereik of gegee is; [**of**]

(c) ’n gemagtigde [**verteenwoordiger of werknemer van die Stad**] beamppte in die uitvoering van sy of haar pligte ingevolge hierdie Verordening dwarsboom of hinder[.]; of

(d) opsetlik vals of misleidende inligting aan ’n gemagtigde beamppte verskaf.

[is] aan 'n misdryf skuldig en [by skuldigbevinding] strafbaar met 'n boete of by skuldigbevinding met gevangenisstraf van hoogstens vyf jaar, of met beide sodanige boete en gevangenisstraf.”.

Vervanging van Bylae 1 van die Stad Kaapstad: Waterverordening, 2010

41. Bylae 1 van die hoofverordening word hiermee gewysig—

a) deur Bylae 1 met die volgende Bylae te vervang:

“Bylae 1

Waterbewaring en wateraanvraagbestuur

(Artikel 38)

1 Niemand mag sonder die vooraf skriftelike magtiging van die Direkteur 'n tuin, sportveld, park of ander grasbedekte gebied tussen die ure ~~[10:00]~~[09:00] en ~~[16:00]~~[18:00] met drinkbare water natmaak nie.

2 Indien 'n tuinslang gebruik word om 'n tuin, park of sportveld **[uit 'n drinkbare waterbron]** nat te maak, moet 'n beheertoestel soos 'n sproeier of outomatiese selfsluitende toestel aan die spuitpunt gekoppel word.

2A Geoutomatiseerde sprinkelstelsels moet korrek geposisioneer kan word en moet verstel kan word om watervermorsing te voorkom.

3 Niemand mag sonder die vooraf skriftelike magtiging van die Direkteur water uit 'n drinkbare bron gebruik om 'n harde oppervlak of plaveisel af te spuit nie.

4 'n Tuinslang wat gebruik word vir die was van voertuie, bote en woonwaens moet met 'n outomatiese selfsluitende toestel toegerus wees.

5 Outomatiese byvulstelsels wat 'n vlotterklep wat van 'n drinkbare waterbron gevoer word, gebruik om swembaddens en tuinpoele van water te voorsien, word nie toegelaat nie.

6 Kommersiële motorwasserye moet voldoen aan bedryfsbesteparktyknorme met betrekking tot watergebruik per motor gewas.

7 Handewasbakke in openbare geriewe moet toegerus wees met aanvraag-tipe krane.

8 Storte in openbare geriewe moet toegerus wees met aanvraag-tipe kleppe.

9 Drinkbare water mag nie gebruik word om bousand en ander boumateriaal te benat om te verhoed dat dit wegwaai nie.

10 Aftapkrane op staanpype moet op 'n hoogte van minstens 450mm, gemeet bokant grondvlak, wees.

11 Die maksimum vloeitempo van enige kraan wat in 'n handewasbak aangebring is, mag nie meer as 6 liter per minuut wees nie.

12 Die maksimum vloeitempo van enige storkop mag nie meer as ~~[10]~~[7] liter per minuut wees nie.

13 Nuwe of vervangde [S]spoeltoiletbakke mag nie 'n groter kapasiteit as ~~[9,5]~~[6] liter hê nie.

14 Geen outomatiese spoelbak of storttenk mag gebruik word om 'n urinaal te spoel nie.

15 Alle outomatiese spoelbakke wat aan urinale gekoppel is, moet vervang word met handgeaktiveerde stelsels of nie-handapparate wat die spoelstelsel slegs na elke gebruik van die urinaal in werking stel of waterlose stelsels wat behoorlik in stand gehou moet word.

16 Aansluitwatertoebehore wat aan die buitekant van geboue buiten woonhuise geïnstalleer word, moet—

(a) 'n selfsluitende toestel bevat; of

(b) toegerus wees met 'n verwyderbare handvatset; of

(c) gesluit kan word om ongemagtigde gebruik te verhoed; of

(d) van 'n aanvraagtype wees wat die hoeveelheid water by elke gebruik beperk.

17 Wateraudit

(a) Grootmaatwatergebruikers (gebruikers wat meer as 10 000 kiloliter per jaar gebruik), uitgesonderd die wat uit veelvoudige wooneenhede bestaan, moet jaarliks 'n wateraudit doen. Die audit moet uitgevoer word nie later nie as twee weke na die einde van elke finansiële jaar van die Stad. Die auditverslag moet beskikbaar wees vir inspeksie deur beamptes van die Departement van Water en Sanitasie [Waterwese en Bosbou], die Waterraad (waar van toepassing) en die Stad.

(b) Die audit moet die volgende uiteensit:

- (i) die hoeveelheid water wat gedurende 'n finansiële jaar gebruik is;
- (ii) die bedrag betaal vir water vir die finansiële jaar;
- (iii) die getal persone wat op die perseel of standplaas woon;
- (iv) die getal persone wat permanent op die perseel of standplaas werk;
- (v) 'n vergelyking van die bogemelde faktore met dié wat ten opsigte van elkeen van die vorige drie jare gerapporteer is (waar beskikbaar);
- (vi) seisoensveranderinge in aanvraag (maandelikse verbruiksyfers);
- (vii) gedetailleerde metodes van waterbesoedelingsmonitering;
- (viii) besonderhede van huidige maatreëls wat getref word om die aanvraag na water te bestuur;
- (ix) besonderhede van toekomstige planne om wateraanvraag te bestuur;
- (x) 'n vergelyking van die bogemelde faktore met dié wat in elkeen van die vorige drie jare gerapporteer is (waar beskikbaar);
- (xi) 'n raming van die waterverbruik van die verskillende komponente wat in gebruik is soos toestelle en aansluitwatertoebehore.

18 Niemand mag toelaat dat water wat as 'n hitteuijlingsmedium in enige toerusting of toestel gebruik word en vanaf 'n waterinstallasie voorsien word, aanhoudend vermors word nie, behalwe as dit gebruik word om 'n voorgeskrewe vlak van totaal opgeloste vaste stowwe in 'n hersikleringsaanleg te handhaaf.

19. Alle swembaddens moet met 'n swembadbedekking bedek word om verdamping te verhoed terwyl die swembad nie in gebruik is nie.

Herroeping van Bylae 4 van die Stad Kaapstad: Waterverordening, 2010

42. Bylae 4 van die hoofverordening word hiermee herroep.

Kort titel

43. Hierdie verordening staan bekend as die Stad Kaapstad: Waterwysigingsverordening, 2018.

ISIXEKO SASEKAPA**UMTHETHO KAMASIPALA WEZILUNGISO WAMANZI, 2018****INGCACISO GABALALA:**

[] Amagama abhalwe ngqindilili akwizibiyeli ezisikwere abonisa izinto ezicinyiweyo kumthetho okhoyo.

Amagama akrwelele ngomgca ongqindilili abonisa izinto ezifakiweyo kumthetho okhoyo.

Ukwenza izilungiso kuMthetho kaMasipala waManzi: weSixeko saseKapa, ka-2010, ukuze kwenziwe izilungiso ze kufakelwe neenkcazelo ezithile; ukubonelela ngolawulo lweenkonzo zamanzi kwiSixeko; ukubonelela ngomiselo lweemitha ezihlawulelwa phambi kokuba zisetyenziswe nezixhobo zokulinganisa ezinabanini bazo; ukubonelela ngobhaliso lwabasebenzi bofakelo; ukubonelela ngokucinywa kobhaliso lwabasebenzi bofakelo; ukubonelela ngoxanduva lwabasebenzi bofakelo; ukubonelela ngokubekwa nokumiselwa kweminyino yamanzi; ukubonelela ngofakelo lweenkqubo zamanzi ezingezinye; ukwenza izilungiso kwimiqathango emalunga naMatyala neZohlwayo; ukubonelela ngokutshintshwa kweziqulatho zeShedyuli 1; ukutshitshisa iShedyuli 4; nokubonelela ngemiba ehambelana nale.

MAWUMISELWE liBhunga leSixeko saseKapa, ngolu hlobo lulandelayo:-

Ukwenziwa kwezilungiso kwicandelo 1 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

1. Icandelo 1 loMthetho kaMasipala: weSixeko saseKapa, ka-2010, (ekubhekiswe kuwo apha njengomthetho-ngqangi) lenziwa izilungiso—

a) ngokongeza ezi nkcazelo zilandelayo phambi kwenkcazelo ye- “**gosa eligunyazisiweyo**”:

“**amanzi angamanye**” athetha amanzi athathwe kumthombo ongomnye ngaphandle kwamanzi okusela kamasipala, abandakanya; -

(a) amanzi aphuma ezisinkini asele esebenzile.

(b) amanzi emvula.

(c) inkunkuma engamanzi ecociweyo;

(d) amanzi asemhlabeni kubandakanywa amanzi aselwandle; kunye

(e) namanzi aphuma kumaqula abhorwayo, awemithombo nemifula.

“**izixhobo zokhuselo ezihambiselana nazo**” zithetha izixhobo zokhuseleko eziyinxalenye yezo zifakelwa kwisilinda yamanzi ashushu ezingqanda ubushushu obugqithisileyo okanye uxinzelelo kwisistimu;’

b) ngokufakela endaweni yenkcazelo ye“**gosa eligunyazisiweyo**” kwale nkcazelo ilandelayo:

“igosa eligunyazisiweyo” lithetha [igosa] umsebenzi weSixeko onoxanduva [lokumilisela nokunyanzelisa izibonelelo zalo Mthetho kaMasipala] lokwenza nawuphi na umsebenzi okanye asebenzise nawaphi na amagunya ahambelana nalo Mthetho kaMasipala yaye ubandakanya abasebenzi abanikwe igunya lokwenza lo msebenzi;

c) ngokufakela endaweni yenkcazelo ye“**Sixeko**” kwale nkcazelo ilandelayo:

“ISixeko” sithetha iSixeko saseKapa, umasipala osekwe ngokweSaziso soMiselo seSixeko saseKapa esinguNombolo. 479 sowe-22 Septemba 2000, esikhutshwe kulandelwa [icandelo 12] uMthetho woLwakhiwo lukaMasipala, we-1998 [uMthetho onguNombolo 117 we-1998] okanye nasiphi isigqeba okanye umsebenzi weSixeko osebenza ngokwegunya alinikiweyo;

d) ngokufakela endaweni yenkcazelo ye“**Bhunga**” le nkcazelo ilandelayo:

“IBhunga” lithetha iBhunga likaMasipala [okanye naluphi na uyilo lopolitiko, umthwali woxanduva lweofisi yezepolitiko, uCeba okanye umsebenzi weSixeko, ogunyaziswe ngokufanelekileyo ngokunikezelwa amagunya];

e) ngokufakela endaweni yenkcazelo ye “**njongo zasekhaya**” kwale nkcazelo ilandelayo:

“iinjongo zasekhaya” ngokunxulumene nonikezelo lwamanzi kuthetha ukunikezelwa kwamanzi okusela, awokuhlamba neenjongo zokupheka [kungabandakanywa izindlu zangasese neendawo zokuchamela];

f) ngokufakela emva kwenkcazelo “**yobungozi kwimpilo**” kwale nkcazelo ilandelayo:

“ezona zinto zibonwa njengempumelelo kweli candelo” zibhekisa kusetyenziso kwakhona lwamanzi, ubuncinane i-50% yamanzi abesele esetyenzisiwe ngaphambili;

g) ngokufakela endaweni yenkcazelo ye“**sixhobo sokulinganisa**” kwale nkcazelo ilandelayo:

“isixhobo sokulinganisa” sithetha isixhobo esifakelwe nesimenteyinwa siSixeko esilinganisela ubungakanani bamanzi aphuma kuso njengoko kubonakalisiwe kuMthetho iTrade Metrology Act onguNomb.77 wango-1973, (UMthetho-Nombolo 77 ka-1973) njengoko wenziwe izilungiso;

h) ngokufakela emva kwenkcazelo ‘yesixhobo sokulinganisa’ kwale nkcazelo ilandelayo:

“uphuhliso olutsha” lubhekisa kuphuhliso lomhlaba ophuhlisela ushishino, imizimveliso okanye ulwakiwo lwezindlu kubandakanywa ubunini bezindlu ezihlanganisiweyo, izindlu zabantu ngabantu ezakhiwe kumhlaba omnye, izindlu eziliqela ezikwindawo ezibiyelweyo, iibhloko zeeflethi, njalo njalo olungabandakanyi, imizi ezimele yodwa;

i) ngokufakela emva kwenkcazelo “**yomntu**” kwale nkcazelo ilandelayo:

“izixhobo zofakelo” zibhekisa kulo naluphi ufakelo, umbhobho, isixhobo sokulinganisa okanye nayiphi ipati efakelweyo okanye isixhobo seenkonzo zamanzi esisetyenziselwa ukuhambisa amanzi;

j) ngokufakela emva kwenkcazelo yo“**ngcoliseko**” kwezi nkcazelo zilandelayo:

“isixhobo sokulinganisa sabo bathenga amanzi phambi kokuwasebenzisa” sithetha isixhobo sokulinganisa seSixeko esenzelwa inkqubo evumela ukuba kuhambe umthamo wamanzi asele ehlawulelwe anikezelwe kumsebenzisi-nkonzo.

“intlawulo ebekiweyo” ibhekisa kumrhumo okanye intlawulo esisixamali esibekwe liBhunga lilandela imiqathango yoMthetho kaMasipala weMirhumo;

“imithanyana yomntu” ithetha isixhobo somntu esifakelwe nguye nesimentenyinwa nguye, ngaphandle kweSixeko esimeta ubungakanani bamanzi ahamba apho njengoko kuchaziwe kumthetho iTrade Metrology Act onguNomb.77 wango-1973, (UMthetho-Nombolo 77 ka-1973) njengoko wenziwe izilungiso.

k) ngokucinywa kwenkcazelo ye“**ntlawulo echaziweyo**” apho ikhoyo emva kwenkcazelo “yopapasho”.

l) ngokufakela emva kwenkcazelo “**yopapasho**” kwezi nkcazelo zilandelayo:

“iplamba ebhalisiweyo” ithetha iplamba ebhaliswe kwiSixeko ngokwecandelo 46A.

m) ngokufakela emva kwenkcazelo ye“**tanki lokugcina amanzi**” kwale nkcazelo ilandelayo:

“ukumosha” kubandakanya ukutshintsha, ukuqhawula, ukuchukumeza, ukuphazamisa, ukutshintsha imo, ukuphazamisa, ukususa okanye ukutoncula nangayiphi na indlela okanye nasiphi na isixhobo.

Ukufaka endaweni yegama elithi “uMlawuli” kuMthetho kaMasipala: weSixeko saseKapa, ka-2010

2. Umthetho-ngqangi wenziwa izilungiso ngokufakela endaweni yegama “uMlawuli” qho apho livela khona, kwamagama athi, “igosa eligunyazisiweyo” ngaphandle kwakumacandelo 3(2), 5, 7, 31, 36 (1) no-46A.

Ukwenziwa kwezilungiso kwicandelo 2 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

3. Icandelo 2 lomthetho-ngqangi lenziwa izilungiso—

a) ngokufakela emva kwecandelwana (1) kwala macandelwana alandelayo:

“(1A) Umnini unoxanduva lokuqinisekisa uthotyelo lwalo Mthetho kaMasipala kuyo nayiphi na imiba

emalunga nofakelo lwezinto zamanzi nokulungiswa kwazo.”;

“(1B) umsebenzisi-nkonzo unoxanduva lokulandela nokuthobela lo Mthetho kaMasipala kwimiba ehlangene nokumoshwa kwezinto okanye ukumosha amanzi.”

b) ngokufakela endaweni yecandelwana (5) eli candelwana lilandelayo:

(5) [UMlawuli unakho, ngothethwano noMlawuli Ophezulu wezeMpilo weSixeko,] ISixeko kufuneka, apho kungenakho okanye kuncitshiswa iindleko zonikezelo lwamanzi kumsebenzisi ngamnye okwizingqi ethile, kumiselwe indlela eyenye yokunikezelwa kwamanzi.

Ukwenziwa kwezilungiso kwicandelo 8 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

4. Icandelo 8 lomthetho-ngqangi lenziwa izilungiso—

a) ngokufakela endaweni yecandelwana (1) eli candelwana lilandelayo:

“8. (1) Naliphi na ilungu loluntu kufuneka [,] lazise uMlawuli ngoko nangoko, xa lithe lazi ngomsebenzi okhawulezileyo [,] okanye ubume obungakho [obunokuthi budinge ingqwalasela ekhawulezileyo okanye imeko] obunokudala inkcitho [yamanzi] okanye ungcoliseko lwamanzi, [azise uMlawuli ngoko nangoko.] ukumoshwa kwepropati, okanye ubungozi obunokwenzakalisa umntu.

Ukutshitshiswa kwecandelo 11 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

5. Icandelo 11 lomthetho-ngqangi liyatshitshiswa.

Ukwenziwa kwezilungiso kwicandelo 12 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

6. Icandelo 12 lomthetho-ngqangi lenziwa izilungiso ngokuthi—

a) ngokufakelwa endaweni yomhlathi (a) wecandelwana (1) kwalo mhlathi ulandelayo:

“(a) ngaphandle kokuba isivumelwano ekubhekiselelwe kuso kwicandelo le-13 okanye le-[14] 15 siqukunjelwe”;

b) ngokufakela endaweni yomhlathi (b) wecandelwana (2), lo mhlathi ulandelayo:

“(b) ukuqinisekisa [ngobungakanani] umthamo wamanzi apho iSixeko sinokwenza ibango lembuyezeko ngokusebenzisa [apho ubusela obungqinwayo bamanzi buthe benzeka uMlawuli kufuneka asebenzise] umlinganiselo ophezulu wokukhutshwa kwamanzi kwisilinganisi [othi uhambelane nemithetho enxulumene nezilinganisi zamanzi ezipapashwe kuMthetho weTrade Metrology, 1973 we-1973 (uMthetho onguNombolo 77 we-1973), yaye] olinganayo [ngokwedayamitha njengombhobho apho] nombhobho osetyenziselwa ukutsala amanzi angagunyaziswanga [,] , nohambelana nomthetho iLegal Metrology Act, 2014 (Umthetho Nombolo.09 wango-2014) okanye njengoko wenziwe izilungiso”.

Ukwenziwa kwezilungiso kwicandelo 13 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

7. Icandelo 13 lomthetho-ngqangi lenziwa izilungiso—

a) ngokufakela endaweni yecandelwana (1) eli candelwana lilandelayo:

“(1) Amanzi avela kwisixokelelwano sonikezelo lwamanzi awasayi kunikezelwa nakusiphi na isakhiwo [esitsha] ngaphandle kokuba umnini wenze isicelo kwiSixeko sonikezelo yaye isicelo esinjalo sithe samkelwa nguMlawuli”;

b) ngokufakela endaweni yecandelwana (3) eli candelwana lilandelayo:

“(3) Umnini unoxanduva lwayo yonke imirhumo ngokubhekiselele kunikezelo lwamanzi olumiselwe ngokwemiqathango yoMthetho weRhafu kaMasipala de unikezelo lube luvaliwe ngesicelo somnini, okanye isivumelwano sibe sirhoxisiwe ngokwemiqathango yecandelo le-18, yaye umnini uthatyathwa njengomsebenzisi ngazo zonke iinjongo [ngesithuba] ngexesha lokusebenza kwesi sivumelwano.

c) ngokufakela emva kwecandelwana (5) eli candelwana lilandelayo:

“(5A) Xa kwenziwe isicelo sokufakelwa kwamanzi kwisiza esingenamntu, ngaphandle kokuba kuvunyelwene, ubonelelo lwe-69 luthathwa njengolokuba lolokwakha yaye luya kufunewa nje into yokumpompa amanzi yethutyana”;

d) ngokufakela endaweni yecandelwana (6) eli candelwana lilandelayo:

“(6) Apho injongo ebelucelelwe yona unikezelo lwamanzi ngokwemiqathango yecandelwana (4)(f), okanye ubungakanani bonikezelo lwamanzi buthe baguquka, umnini kufuneka ngokukhawuleza, kusongezelelwa kwisaziso sesiXeko ngontshintsho, angene kwisivumelwano esitsha kunye neSixeko [.]kubandakanywa ubonelelo olunikezwa kulandelwa icandelo 24(5A).”

Ukutshintshwa kwecandelo 14 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

8. Eli candelo lilandelayo lingena endaweni yecandelo 14 lomthetho-ngqangi:

“Ukutshintshelwa kobunini

14. [(1) Umthengisi phambi kokuba atshintshela ubunini bepropati, kufuneka angenise isatifiketi esiphuma kumtywini ogunyazisiweyo esiqinisekisa ukuba—

(a) ufakelelo lamanzi lungqinelana neMigaqo yeSizwe engeZakhiwo kunye nalo Mthetho kaMasipala;

(b) akukho mibandela yonakeleyo;

(c) imitha yamanzi iyabala kakuhle; kwakhona

(d) akukho ziphazamiso zamanzi esitshi kwisixhobo sogutyulo.

(2) Isatifiketi esi sikhankanyiweyo kwicandelwana-(1) kufuneka sibhalwe ngokwendlela yefomu eqhotyoshelwe njengeShedyuli-4.]

(1) Phambi kokudlulisela ipropati komnye umntu, umthengi kufuneka angenise isatifikethi ezibonisa ukuba imiqathango ithotyelwe esisuka kwiplamba ebhalisiweyo esibonisa ukuba ufakelo lwamanzi luhambelana nomthetho iNational Building Regulations and Building Standards Act, 1977 (Umthetho 103 ka-1977) nalo Mthetho kaMasipala.

(2) Esi satifikethi kubhekiswe kuso kwicandelwana (1) siyafumaneka kwiwebhusayithi yeSixeko.

(3) Nawuphi na umntu onikeza iinkcukacha ezibubuxoki kwisatifikethi ekubhekiswe kuso kwicandelwana (1), angagwetywa kulandelwa icandelo 64.”.

Ukutshintshwa kwecandelo 19 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

9. Eli candelo lilandelayo lingena endaweni yecandelo 19 lomthetho-ngqangi:

“Ukunqanyulelwa kwesixokelelo sonikezelo lwamanzi

19. **[Ngaphandle kokuba kugunyazisiwe ngokwemiqathango yalo Mthetho kaMasipala,] Akukho** mntu ngaphandle kogunyaziswe [ngaphandle] siSixeko ngokwalo Mthetho kaMasipala onokuthi—

- (a) **[ukulawula,]** ukuphazamisa okanye ukonakalisa, ukusebenzisa okanye ukugcina isixhobo esisibonelelo samanzi sesiXeko ukulungiselela unikezelo lweenkonzo zamanzi; okanye
- (b) uphazamise uqhagamshelwano kwisixokelelwano sonikezelo lwamanzi.

Ukwenziwa kwezilungiso kwicandelo 21 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

10. Icandelo 21 lomthetho-ngqangi lenziwa izilungiso—

a) ngokufakela endaweni yecandelwana (3) kumagama aphambi komhlathi (a) kwala magama alandelayo:

“(3) Umlawuli **[unakho]** kufuneka amisele — ”;

b) ngokufakela endaweni yecandelwana (7) eli candelwana lilandelayo:

“(7) Ngaphandle kokuba kuvunyelwe nguMlawuli, mnye kuphela umbhobho onxibelelayo kuhlobo ngalunye lomfakelo-manzi, onokunikezelwa nakuso nasiphi na isakhiwo, [nokokuba lithini na inani leeyunithi zokuhlala, iyunithi zoshishino okanye abasebenzisi abahlala kweso sakhiwo] wokubala usetyenziso-manzi.

c) ngokucinywa kwecandelwana (9).

Ukwenziwa kwezilungiso kwicandelo 24 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

11. Icandelo 24 lomthetho-ngqangi lenziwa izilungiso—

a) ngokufakela emva kwecandelwana (5) eli candelwana lilandelayo:

“(5A) kukho zixhobo zalufakelo-manzi eziya kufakwa kwimibhobho yonxibelelwano eyayifakelwe ukubonelela ngamanzi ngexesha ekwokusakhiwa de isatifikethi solwamkelo ekubhekiswe kuso kwirandelo 46B (b) sibe sifikile kwiSixeko yaye ukuba asifikanga eso satikethi, uMlawuli angawavala okanye awanqamle loo manzi aya kuloo mibhobho.”;

b) ngokufakela endaweni yecandelwana (6) kumagama aphambi komhlathi (a) kwala magama alandelayo:

“(6) Umlawuli unakho ukufakela isixhobo soLawulo lwaManzi okanye imitha ehlawulwa phambi kokusetyenziswa nakwesiphi na isakhiwo njengexalenye yesilinganisi samanzi/imitha yamanzi kunye nesixhobo esinxulumene naso—”;

c) ngokufakela endaweni yecandelwana (7) eli candelwana lilandelayo:

“(7) Apho kufakelwe isiXhobo soLawulo lwaManzi okanye imitha ehlawulwa phambi kokusetyenziswa kuso na isakhiwo, umsebenzisi wamanzi unakho ukucela ukuba angene kwisivumelwano kunye [noMlawuli] neSixeko ngokungqinelana noMgaqo-nkqubo weSixeko ongoLawulo lamaTyala nokuOokelelwa kweZikweliti nangokoMthetho kaMasipala ongoLawulo lwamaTyala nokuOokelelwa kweZikweliti wango-2006, kumiliselwe unikezelo lwamanzi [okusela] asekhaya kwisakhiwo sabo kumthamo wosuku oqitywe kwangaphambili.

Ukwenziwa kwezilungiso kwicandelo 27 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

12. Icandelo 27 lomthetho-ngqangi lenziwa izilungiso—

a) ngokufakela endaweni yomhlathi (a) lo mhlathi ulandelayo:

“(a) isivumelwano sonikezelo lwamanzi sithe sarhoxiswa ngokwemiqathango yecandelo le-[17] 18 yaye umlawuli akasifumananga isicelo sonikezelo lwamanzi olulandelayo kwisakhiwo esinikezelwa amanzi ngumbhobho wothungelwano kwisithuba seentsuku ezingama-90 kuvalo olunjalo.

Ukwenziwa kwezilungiso kwicandelo 28 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

13. Icandelo 28 lomthetho-ngqangi lenziwa izilungiso—

a) ngokufakela endaweni yecandelwana (1) eli candelwana lilandelayo:

“(1) Unikezelo lwamanzi kwisakhiwo kufuneka ludlule kwisilinganisi samanzi, samanzi, esifakelwe phakathi kombhobho onxibelelayo kunye nofakelo lwamanzi. [kwindawo emiselwe nguMlawuli, ngaphandle kokuba isilinganisi samanzi singasuswa njengemeko —

(a) ngokufakelwa kwesifefezi somlilo esizilawulayo;

(b) ngokufakelwa komlilo ngokubhekiselele ukuba ngawaphi amanyathelo athatyathiyeyo ukufumana ukutsalwa kwamanzi okungekho mthethweni ukulungiselela iinjongo ezingezizo ezokulwa umlilo;

(c) ngeemeko ezimiselwe nguMlawuli; okanye

(d) apho amanzi asetyenziswa ngofakelo olusebenzayo lomlilo olungenasilinganisi samanzi.]

b) ngokufakela endaweni yecandelwana (2) eli candelwana lilandelayo:

“(2) Umlawuli unakho, emva kokwazisa umnini wesakhiwo ngembalelwano ngeenjongo engofakelo imitha yamanzi kuqhagamshelwano elingezemililo olusele lumiselwe olungenamitha [ekujoliswe kulo kwicandelwana (1)(d)], ngokweendleko zeSixeko, kufakelwe loo mitha kwaye emva koko kukhutshwe iakhawunti yamanzi asetyenzisiweyo ngokusetyenziswa kolo fakelo.”;

c) ngokufakela endaweni yecandelwana (3) eli candelwana lilandelayo:

“(3) Isilinganisi samanzi kunye nezixhobo ezinxulumene naso esinikezelwa nesifakelwa siSixeko, [sihala] sihlala siseseSixeko yaye sinakho ukubuyiselwa xa kubonakala kuyimfuneko nguMlawuli.”;

d) ngokufakela endaweni yecandelwana (9) eli candelwana lilandelayo:

“(9) UMlawuli unakho ngendleko zomnini, ukufakela okanye afune kufakelwe isilinganisana samanzi sabucala, [okanye isixhobo esilawula umthamo] isixhobo solawulo lwamanzi okanye imitha ehlawulwa phambi kokusetyenziswa kwicandelo ngalinye, kushishino okanye kwiyunithi yokuhlala nakusiphi na isakhiwo esilungiselelwe ukusetyenziswa ekumiseleni ubungakanani bamanzi obunikezelwa kwicandelo ngalinye, kushishino okanye iyunithi yokuhlala okanye kwinxalenye yesakhiwo.”;

e) ngokufakela endaweni yecandelwana (13) eli candelwana lilandelayo:

“(13) Ukuba ngaba ilungelo lokungena elilungiselelwe iinjongo zokufunda isilinganisi samanzi, elifakelwe ngokwemiqathango yecandelwana (4)(a) liyaliwa, umnini, ngesithuba solo lwaliwo, uya kuthwala indleko zamanzi abe yinkcitho xa kuthi kwavela ukuvuza kwisilinganisano eso kunye nesixhobo esinxulumene naso kunye nezidibanisi zazo [okanye kubonakale kwicandelo lombhobho oncedisayo kwisakhiwo eso, yaye kulinganiswa sisilinganisi esifakelweyo ngokuhambelana necandelwana (12)(a).]”;

f) ngokufakela endaweni yecandelwana (20) eli candelwana lilandelayo:

“(20)(a) Apho umnini [okanye] umntu ophetheyo okanye ulawulo lwaso nasiphi na isakhiwo apho kukho iiyunithi ezininzi [zokuhlala], zifuna unikezelo lwamanzi kwisakhiwo esinjalo ngenjongo yokunikezela kwiiyunithi [zokuhlala] ezahlukeneyo okanye kwiinxalenye ezahlukeneyo zesakhiwo, uMlawuli [unakho] kufuneka ukubonelela yaye afake [nokokuba—]

[(a) isilinganisi samanzi esinye ngokubhekiselele kwisakhiwo ngokupheleleyo, [okanye; naliphi inani lweeyunithi zokuhlala ezinjalo, okanye]

“(b) UMlawuli angamkela isicelo sotyeshelo xa kunikwe isizathu soko ngokukodwa. [(b) isilinganisi samanzi esahlukeneyo, esakhelwe kumda wesakhiwo kumhlaba lowo ophantsi kolawulo lweSixeko, ukulungiselela iyunithi nganye yokuhlala okanye naliphi na inani ngoko.]”;

g) ngokufakela endaweni yecandelwana 21 kweli candelwana lilandelayo:

“(21) Apho [uMlawuli afakele] isilinganisi samanzi [esinye] njengoko kucamngcwe kwicandelwana (20)[(a) sifakelwe, umnini, [okanye] okanye umntu ophetheyo okanye ulawulo lwesakhiwo kufuneka lufakele yaye lugcine kwisebe ngalinye umbhobho [owandiswe usuka kumbhobho onxibelelayo] oya kwiiyunithi [zokuhlala] ezahlukeneyo —

(a) [isilinganisi samanzi esahlukeneyo] iyalvu eyahlulayo; kunye

(b) [neyalvu eyahlulayo] isixhobo solawulo lwamanzi, imitha ehlawulwa phambi kokusetyenziswa okanye imithana yomntu,

yaye iya kuba luxanduva lweSixeko intlawulo yomrhumo ochaziweyo lwalo lonke unikezelo lwamanzi kwisakhiwo kusetyenziswa isilinganisi samanzi esinye, kungakhathalelwe usetyenziso lwemithamo eyahlukeneyo ngabasebenzisi benkonzo abahlukeneyo ababonelelwa seso silinganisi samanzi.

h) ngokongeza emva kwecandelwana (21) kwala macandelwana alandelayo :

“(22) “apho imithana ezizezabantu zifakiwe kwizindlu zabantu okanye kumashishini kuwo nawuphi na umhlaba, umnini okanye umntu ophetheyo okanye olawula ezo zakhiwo kufuneka ahlole ze arekhode ubungakanani bamanzi asetyenziswe ngenyanga ngumntu ngamnye ze agcine ezo rekhodi ezineenkukacha isithiba seenyanga ezingamashumi amabini anesine.”

(23) “umntu ophetheyo okanye olawula ezo zakhiwo ezinemithana zabantu ezifakwe kwizindlu zabantu okanye kumashishini kufuneka azise iSixeko ze anike ubungqina kwiSixeko bokusetyenziswa kwamanzi xa kuthe kwasetyenziswa amanzi angaphezuu kwalawo ekuthwe makasetyenziswe ngokwemigaqo ebekwe nguMlawuli amaxesha ngamaxesha, zingaphelanga iintsuku ezingamashumi amabini ananye emva kokophulwa kwalo mgaqo. ISixeko siya kuthi sithathe amanyathelo omthetho abekwe kulo Mthetho kaMasipala ngakumnini okanye umntu olawula loo yunithi ichaphazelekayo.”

Ukwenziwa kwezilungiso kwicandelo 31 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

14. Icandelo 31 lomthetho-ngqangi lenziwa izilungiso

a) ngokufakela endaweni yecandelwana (4) eli candelwana lilandelayo:

“(4) Kuxhomekeke kwicandelwana (1), [U] ukuthengiswa kwakhona kwamanzi [kuxhibe] unikezelo lwamanzi —

[(a) kwabanye ooMasipala;

(b) kuGunyaziwe weZibuko loMzantsi Afrika;

(c) kwiNkampani yeeNqwelo-moya yoMzantsi Afrika;]

(d) kwimeko apho iSixeko singenakho ilungelo elithe ngqo lokungena kwisakhiwo;

(e) apho kukho ukwanda konxibelelo lweSixeko ukunceda isakhiwo lungenakho ukuqaliswa ngokukhawuleza; okanye

(f) apho ubukhulu bomthombo budlula isakhiwo esingenakho ukubonelelwa ngomnye ugunyaziwe wenkonzo yamanzi.

Ukwenziwa kwezilungiso kwicandelo 32 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

15. Icandelo 32 lomthetho-ngqangi lenziwa izilungiso—

a) ngokufakela endaweni yecandelwana (5) eli candelwana lilandelayo:

“(5) Apho sithe isilinganisi samanzi esifakelwe ngokwecandelo 28(4)(a) no-(4)(b), asasebenza yaye singabonakalisi amanzi asetyenzisiweyo, sithathwa njengesinesiphene.”.

[Uqikelelo lobungakanani bamanzi anikwe umsebenzi wenkonzo ngesilinganisi samanzi esinesiphene]

Ukutshintshwa kwecandelo 33 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

16. Eli candelo lilandelayo lingena endaweni yecandelo 33 lomthetho-ngqangi:

“Uqikelelo lobungakanani bamanzi anikwe umsebenzi wenkonzo ngesilinganisi samanzi esinesiphene

(1) Ukuba ngaba isilinganisi samanzi sifumaniseke sinesiphene ngokwemiqathango yecandelo 31(3), (4) okanye (5), uMlawuli unakho ukuqikelela ubungakanani bamanzi anikezelweyo kumsebenzisi wenkonzo ochaphazelekayo ngesi sithuba isilinganisi samanzi besinesiphene, kulandelwa imiqathango yoMthetho kaMasipala weMirhumo, nangokomyinge wobungakanani bonikezelo lwamanzi emihla ngemihla —

- (a) kwisithuba esiphakathi kofundo olubini olulandelelanayo lwesilinganisi samanzi emva kokubuyiselwa kwesilinganisi samanzi;
- (b) kwisithuba kunyaka ophelileyo esihambelana nesithuba apho isilinganisi samanzi sasinesiphene; okanye
- (c) kwisithuba esiphakathi kofundo amaxesha amathathu alandelelanayo lwesilinganisi samanzi phambi kokuba isilinganisi samanzi sibe nesiphene, nokokuba ziyiphi na acinga uMlawuli ukuba ifaneleke kakhulu.

(2) Ukuba ubungakanani bamanzi obunikwe umsebenzisi wenkonzo ngesithuba apho isilinganisi samanzi besinesiphene abunakho ukuqikelelwa ngokwemiqathango yecandelwana (1), uMlawuli unakho ukuqikelela ubungakanani ebuseke nakuyiphi na indlela ekhoyo.

(3) Umsebenzisi wenkonzo kufuneka aziswe ngendlela esetyenziswe nguMlawuli ukuqikelelela ubungakanani bamanzi anikwe yena, njengoko kucamngciwe kwicandelwana (1) okanye (2), ze anikwe ithuba ukuba enze inkcazelo kuMlawuli [**ngaphambi kokuba kufikelelwe kuqikelelo lokugqibela**].”.

Ukwenziwa kwezilungiso kwicandelo 34 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

17. Icandelo 34 lomthetho-ngqangi lenziwa izilungiso—

a) ngokufakela endaweni yecandelwana (4) eli candelwana lilandelayo:

“(4) Izaphulelo zemali ziya kunikezelwa kuphela ngokuvuza okungaphantsi komhlaba, zezintlu ezichazwe kuMthetho kaMasipala weMirhumo weSixeko saseKapa, nalapho ukulungiswa koko kuvuza kuboniwe kwaqinisekiswa ligosa leSixeko.”.

Ukwenziwa kwezilungiso kwicandelo 35 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

18. Icandelo 35 lomthetho-ngqangi lenziwa izilungiso—

a) ngokufakela endaweni yecandelwana (1) eli candelwana lilandelayo:

“(1) Ukuba ngaba uMlawuli ufuna, ngenjongo ezingezizo zokuhlwalulisela amanzi asetyenzisiweyo kwisahlulo sofakelo lwamanzi, unakho ngesaziso esibhaliweyo, ukucebisa umnini ochaphazelekayo ngenjongo yakhe yokufakela isixhobo sokulinganisa okanye imitha eqala ihlawulelwe phambi kokusetyenziswa nakuyiphi na indawo kufakelo lwamanzi anokuthi ayichaze.”.

Ukwenziwa kwezilungiso kwicandelo 36 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

19. Icandelo 36 lomthetho-ngqangi lenziwa izilungiso—

a) ngokufakela endaweni yecandelwana (1) kumagama aphambi komhlathi (a) kwala magama alandelayo:

“(1) Umlawuli unakho, ngesaziso sikawonke-wonke, ngalo lonke ixesha kukho ukunqongophala kwamanzi [**kuso**] ukulungiselela ukukhutshwa nokunikezelwa kubasebenzisi benkonzo, okanye nangaso nasiphi na esinye isizathu—

b) ngokongeza emva kwecandelwana (5) kwala macandelwana alandelayo:

(6) IBhunga lingabeka imiqathango yobungakanani bamanzi emakasetyenziswe ngokukhupha umyalelo ngokwamacandelo 54(3)(b) no-55(2) omthetho iDisaster Management Act, 2002 (Umthetho 57 ka-2002), apho kubhengezwe intlekele yengingqi ngenxa yokunqongophala kwamanzi kwiinzame zokunqanda ukuba ukuba loo ntlekele ibhengezwe.

(7) Umntu ongathobeli le miqathango yamanzi ebekwe ngokwecandelwana (6), unetyala yaye uya kugwetywa ukuba ahlawule imali okanye avalelwe etrongweni isithuba esingekho ngaphantsi kweenyanga ezintandathu.

Ukucinywa kwamacandelo 39, 40 no-41 oMthetho kaMasipala: weSixeko saseKapa, ka-2010

20. Amacandelo 39, 40 no-41 omthetho-ngqangi ayacinywa.

Ukwenziwa kwezilungiso kwicandelo 42 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

21. Icandelo 42 lomthetho-ngqangi lenziwa izilungiso—

a) ngokufakela endaweni yecandelwana (1) eli candelwana lilandelayo:

“(1) Ukuba ngaba umnini uthanda [**ukufakela**] ukwenza ufakelo olutsha lwamanzi, kufuneka kuqala afumane invume ebhaliweyo yoMlawuli kwizicwangciso ezingenisweyo ukuba zihlolwe, ngaphandle kokuba ulwamkelo aludingeki xa kulungiswa okanye ukubuyiselwa ngokutsha kombhobho osele ukho okanye wongeza okhoyo okanye isidibanisi samanzi esingaphandle kwesifudumezi samanzi esisigxina kunye nezixhobo zaso zokhuseleko ezinxulumeneyo, apho kuloo meko, kufuneka afake isaziso.”

b) ngokucinywa kwecandelwana (3).

c) ngokufakela endaweni yecandelwana (5) eli candelwana lilandelayo:

“(5) Apho ulungiso lwezakhiwo ezikhoyo lunyanzelisa ukuba kulandelwe inkqubo yolwamkelo lweplani yolwakhiwo, iinkcukacha ezipheleleyo zalo naluphi na ulondolozo lwamanzi [**olucetywayo**] kunye nenkqubo yebango yolawulo okanye ezinye iinkqubo zamanzi [**njengamanzi asele esebenzile, oomatshini bomoya okanye imibhobho yokukhupha uxinzelelelo**] zezindlu zangasese eziflashwayo, unkcenkeshelo, ipuli yokudada okanye nantoni na enamanzi angasetyenziswayo endlwini, kufuneka sikhaphe izicwangciso zolwakhiwo.”; kunye

d) nangokongeza emva kwecandelwana (5) kwala macandelwana alandelayo:

(6) Kuzo zonke izakhiwo ezitsha kufuneka kuxelwe ngeenkqubo eziza kufakelwa zolondolozo lwamanzi nezolawulo lwamanzi amaninzi okanye amanzi angamanye angazi kusetyenziswa endlwini yaye iinkcukacha ezipheleleyo zoko kufuneka zikhaphe izicwangciso zolwakhiwo.

(7) Umnini kufuneka azise iSixeko ukuba ngaba ezi zixhobo zofakelo lwezixhobo ziye zafakelwa

okanye zatshintshwa:

(a) isifudumezi-manzi esisigxina;

(b) ufakelo lwempompo yobushushu; okanye

(c) iiphaneli zamanzi ashushu atsala umbane elangeni.

nezixhobo ezihambelana nazo zokhuseleko.

(8) Imiqathango yeli candelo ayaphuleli nawuphi na umntu ekubeni angathobeli imigaqo nemiqathango efanelekileyo, okanye nawuphi na umthetho ochaphazelekayo.

Ukwenziwa kwezilungiso kwicandelo 44 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

22. Icandelo 44 lomthetho-ngqangi lenziwa izilungiso—

a) ngokufakela endaweni yecandelwana (1) eli candelwana lilandelayo:

“(1) Ngaphandle kokuba uMlawuli uthe ngembalelwano wamisela enye into imizobo ebonisa izinto zamanzi ezintsha ezifakelweyo kufuneka ibe kumaxwebhu ebukhulu bawo bungekho ngaphantsi kwe-A4 yaye kufuneka unike ingcaciso kwifomu efunwa liGatya 4.1.1 leSANS 10252:[2004] 2012 iSahlulo soku-1, okanye njengoko lenziwe izilungiso, ikopi leyo enokufunyanwa kuMlawuli.”;

b) ngokufakela endaweni yecandelwana (3) eli candelwana lilandelayo:

“(3) Ukuba ngaba kuza kufakelwa ufakelo olungaphezulu kohlobo olunye kwisakhiwo, ufakelo olunjalo lungabonakaliswa kumzobo omnye, ngaphandle kokuba zahlukene ngokucacileyo.”;

c) ngokufakela endaweni yecandelwana (4) eli candelwana lilandelayo:

“(4) IShedyuli kufuneka inikezelwe nomzobo ngamnye okanye iiseti zemizobo zibonisa inani ngalinye nohlobo ngalunye lwendawo yodityaniso lwamanzi kunye nobukhulu bayo obuqhelekileyo.”.

Ukutshintshwa kwecandelo 45 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

23. Eli candelo lilandelayo lingena endaweni yecandelo 45 lomthetho-ngqangi:

“Ikopi zemizobo emazigcinwe kwisiza

45. De uMlawuli afumane isatikethi [sohambelwano] solwamkelo sezino ezintsha ezifakelweyo okanye ezitshintshiweyo, esingeniswe ngemiqathango yecandelo lama-48, iseti epheleleyo yemizibo eyamkelweyo yomsebenzi wofakelo kufuneka isoloko ifumaneka ngawo onke amaxesha kwisiza sokusebenza.”.

Ukufakelwa kwecandelo 46A, necandelo 46B kuMthetho kaMasipala: weSixeko saseKapa, ka-2010

24. La macandelo alandelayo afakwa kumthetho-ngqangi emva kwecandelo 46:

“Ubhaliso nocinyo lobhaliso lwabatywini (iiplamba)

46A. (1) Igosa eligunyazisiweyo malimenteyine irejista yeeplamba ezibhalisiweyo.

(2) Iplamba ezinezifundo zokwenza lo msebenzi neyamkelwe ngokwemiqathango yomthetho iNational Qualifications Framework Act, 2008 (Umthetho No. 67 ka-2008) angabhalisa kwiSixeko.

(3) Igosa eligunyazisiweyo maliqwalasele isicelo ze linikeze iplamba ebhalisiweyo ubungqina bobhaliso emva kokuba iplamba leyo ihlawule umrhumo obekwe libhunga kumaxesha ngamaxesha.

(4) Igosa eligunyazisiweyo kufuneka ipapashe irejista yeeplamba ezibhalisiweyo.

(5) Noxa zisenokubhaliswa iinkcukacha zeplamba ngokwecandelwana (1), iSixeko asinaxanduva lweenkcukacha ezingeyonyani, umsebenzi ongenguwo okanye owenziwe kakubi owenziwe yiloo plamba.

(6) Kuxhomekeke kwicandelwana (7), uMlawuli angalucima ubhaliso lweplamba ebhalisiweyo ze alisuse igama layo kwirejista ukuba loo plamba ebhalisiweyo -

(a) isilele ukuthobele imiyalelo exelwe kuyo nayiphi na imiqathango yalo Mthetho kaMasipala;

(b) ukuba ngobuxoki okanye ngokukhohlisa ukupha isatifikethi esiqinisekisa ukuba yonke into ilungile; okanye

(c) uvumela ukuba iinkcukacha zakhe zobhaliso zisetyenziswe ngobuqhophololo.

(7) Phambi kokucima ubhaliso lwayo nayiphi na iplamba ebhalisiweyo, uMlawuli

(a) kufuneka athumele isaziso esibhaliweyo esiyichazela ukuba uza kucinywa eibandakanya nezizathu zoko; yaye

(b) kufuneka anike ithuba iplamba ebhalisiweyo ukuba inike impendulo ebhaliweyo exelayo ukuba kutheni ubhaliso kufuneka lungacinywanga kwiintsuku ezili-14 zokufumana eso saziso.

(8) UMlawuli angathi ngesaziso esibhaliweyo acime ubhaliso lweplamba ebhalisiweyo—

(a) kwiintsuku ezili-14 emva kokuthumela isaziso zokucima igama layo xa kunabuyanga mpendulo ibhaliweyo; okanye

(b) kwiintsuku ezingama-21 emva kokufumana impendulo ebhaliweyo.

(9) Igosa eligunyazisiweyo lingathi emva kwesithuba seenyanga ezili-12 sokucinywa nokususwa kweplamba ebhalisiweyo, liphinde liqwalasele isicelo sokuphinda kubhaliswe loo plamba.

Uxanduva lweplamba ebhalisiweyo

46B. Yonke iplamba ebhalisiweyo kufuneka -

(a) iqinisekise ukuba ufakelo okanye nawuphi na omnye umsebenzi owenziwe yiyo okanye olawulwa yiyo uyahambelana nalo Mthetho kaMasipala;

(b) ingenise isatifikethi sochaneko lomsebenzi owenziweyo, ngokwecandelo 42(1) kwiSixeko, esiqinisekisa ukuba umsebenzi uyahambelana nalo Mthetho kaMasipala; yaye

(c) inike isatifikethi esithi umsebenzi uchanekile kumnini wepropati.

Ukwenziwa kwezilungiso kwicandelo 47 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

25. Icandelo 47 lomthetho-ngqangi lenziwa izilungiso—

(a) ngokufakela endaweni yecandelwana (1) kumagama aphambi komhlathi (a) kwala magama alandelayo:

“47(1) Akukho mntu, ongenaziqinisekiso zokufundela lo msebenzi yaye engamkelwanga ngokwemiqathango yoMthetho [**woGunyaziwe wesiNgqiniso seMfundo soMzantsi Afrika, we-1995 (uMthetho onguNombolo 58 we-1995)**,)] iNational Qualifications Framework Act, 2008 (Umthetho No.67 ka-2008), unakho -”; kanaanjala

(c) nangokucinywa kwecandelwana (2).

Ukutshintshwa kwecandelo 48 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

26. Eli candelo lilandelayo lingena endaweni yecandelo 48 lomthetho-ngqangi—

“Uxanduva lomnini wesakhiwo

48(1) Umnini wesakhiwo kufuneka aqinisekise ngento yokuba umsebenzi wofakelo owenziweyo kwisakhiwo sakhe [**kufuneka aqinisekise ngento yokuba umsebenzi wofakelo owenziweyo kwisakhiwo sakhe**] –

(a) aqinisekise ukuba umsebenzi wofakelo oweniwe kwisakhwo sakhe wenziwa [ngumntu] okanye ngumtywini oneziqinisekiso ezixelwe kwicandelo 47;

(b) [**uyahambelana nalo Mthetho kaMasipala;**] wazisa iSixeko ngaluphi na utshintsho, ukufakelwa kwezinye izinto kwimibhobho exelwe kwicandelo 42(7); yaye

(c) [**emva kokuba ugqityiwe apho,** aqinisekise ukuba isiqinisekiso [sohambelwano] sochaneko lomsebenzi somsebenzi osandula kugqitywa okanye sokutshintshwa kwezinto ezifakelelwe amanzi, siyangeniswa kuMlawuli.

(2) Ukuba ngaba umsebenzi wofakelo wenziwa kusaphulwa icandelo lama-47, uMlawuli unakho ngesaziso esibhaliweyo ukufuna ukuba umnini wesakhiwo ochaphazelekayo awuyekise umsebenzi lowo de aqeshe umtywini onencwadi zokuwufundela lomsebenzi ukuba—

(a) ahlole loo msebenzi aze alungise nasiphi na isahlulo esingahambelanayo nalo Mthetho kaMasipala;

(b) avavanye yaye abulale iintsholongwane komsebenzi ngokwemiqathango yecandelo lama-49; aze

(c) aqinisekise ngento yokuba isiqinisekiso [**sohambelwano**] sochaneko lomsebenzi somsebenzi osandula kugqitywa okanye sokutshintshwa kwezinto ezifakelelwe amanzi esichaza into yokokuba umsebenzi oqhutyiweyo uyahambelana nalo Mthetho kaMasipala, siyagenisiwe kuMlawuli.”

Ukwenziwa kwezilungiso kwicandelo 49 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

27. Icandelo 49 lomthetho-ngqangi lenziwa izilungiso—

a) ngokufakela endaweni yecandelwana (3) eli candelwana lilandelayo:

“(3) Umnini wesakhiwo apho kufakelwe khona itanki lokugcina amanzi kufuneka, kungabi ngaphantsi kwexesha elinye kwiminyaka emihlanu, enze ukuba itanki elo lifunxwe, lihlolwe ze libulawe iintsholongwane, ngokuhambelana nemigangatho nenkqubo efanelekileyo ebekwe kwi-SANS:[2004] 2012 uMhlathi-1, okanye njengoko yenziwe izilungiso.”;

b) ngokufakela endaweni yecandelwana (5) eli candelwana lilandelayo:

“(5) Phambi kokuba itanki okanye ufakelo lwamanzi olusetyenziswayo ekubhekiselelwe kulo kwicandelwana (4) [(3)] libuyiselwe ekubeni lisebenze, kufuneka licocwe yaye kubulawe iintsholongwane ngokuhambelana nemigangatho nenkqubo efanelekileyo ibekwe kwi-SANS 10252:[2004] 2012 uMhlathi 1, okanye njengoko yenziwe izilungiso.”.

Ukwenziwa kwezilungiso kwicandelo 51 loMthetho kaMasipala: weSixeko saseKapa, ka-2010**28. Icandelo 51 lomthetho-ngqangi lenziwa izilungiso ngokuthi:**

a) ukucinywa kwecandelwana (4); kunye

b) nokufakela endaweni yecandelwana (5) eli candelwana lilandelayo:

“(5) UMLawuli makaqinisekise, ngeeyure zokusebenzisa ngokubonelela ngeekopi zikaShedyuli 2 [njengoko zihlaziweyo phantsi koMthetho kaMasipala,] kwii-ofisi zeSixeko.”

Ukwenziwa kwezilungiso kwicandelo 52 loMthetho kaMasipala: weSixeko saseKapa, ka-2010**29. Icandelo 52 lomthetho-ngqangi lenziwa izilungiso—**

a) ngokufakela endaweni yecandelwana (1) kumagama aphambi komhlathi (a) kwala magama alandelayo:

“(1) Umnini kunye neplamba eneemphepha zokufundela nokulungela lo msebenzi, eyenze lo msebenzi egameni lakhe, makaqinisekise ukuba—”;

b) ngokufakela endaweni yomhlathi (a) wecandelwana (1) lo mhlathi ulandelayo:

“(a) ufakelo lwamanzi luthobeke imigangatho efanelekileyo ebekwe yi-SANS 10252:[2004] 2012 Umhlathi 1 okanye njengoko yenziwe izilungiso;”;

c) ngokufakela endaweni yomhlathi (b) wecandelwana (1) lo mhlathi ulandelayo:

“(b) ufakelo lwamanzi luthobeke imigangatho efanelekileyo ebekwe yi-SANS 10252 — SANS [10254] 10252:[2004]2012 okanye njengoko yenziwe izilungiso;”;

d) ngokufakela endaweni yomhlathi (c) wecandelwana (1) lo mhlathi ulandelayo:

“(c) ufakelo lwamanzi afudunyezwa ngombane luthobelana nemigangatho efanelekileyo ebekwe yi-SANS 10106:[1972]2006 okanye njengoko wenziwe izilungiso;”;

e) ngokufakela emva komhlathi (c) wecandelwana (1) lo mhlathi ulandelayo:

“(cA) Ufakelo lwempompo yokufudumeza amanzi luyahambelana imigangatho efanelekileyo ebekwe yi-SANS 1352:2012 okanye njengoko yenziwe izilungiso;”;

f) ngokufakela endaweni yomhlathi (d) wecandelwana (1) lo mhlathi ulandelayo:

“(d) umyinge wogcino wobungakanani bamanzi usetyenziswe ngeenjongo ezingaphandle kokulwa umlilo okanye umoya onokufudunyezwa okanye onokupholiswa uze unikezwe ngokuhambelana neTheyibhile 1 yeShedyuli 3 okanye njengoko yenziwe izilungiso;”;

g) ngokufakela endaweni yomhlathi (e) wecandelwana (1) lo mhlathi ulandelayo:

“(e) umyinge wogcino wobungakanani bamanzi, usetyenziselwe ukuthoba ngamanzi kumagunjana kunye nemichamo kwizakhiwo nomhlaba zorhwebo noshishino unikwe ngokuhambiselana neTheyibhile 2 yeShedyuli 3 okanye njengoko yenziwe izilungiso;”;

h) ngokufakela endaweni yomhlathi (f) wecandelwana (1) lo mhlathi ulandelayo:

“(f) uyilo lweetanki luhambelana luhambelana nemigangatho efanelekileyo ebekwe yi-SANS 10252:[2004] 2012 uMhlathi 1 okanye njengoko yenziwe izilungiso kunye necandelo 53;”

i) ngokufakela endaweni yomhlathi (g) wecandelwana (1) lo mhlathi ulandelayo:

“(g) ukusetyenziswa kwemibhobho enikezela amanzi nakuluphi ufakelo luhambiselana nemigangatho ebekwe yi-SANS 10252:[2004] 2012 uMhlathi 1 okanye njengoko yenziwe izilungiso neShedyuli 3 okanye njengoko yenziwe izilungiso;”;

j) ngokufakela endaweni yomhlathi (h) wecandelwana (1) lo mhlathi ulandelayo:

“(h) apho isivalo esingajikiyo esinobukhulu obufanayo nombhobho woncedo oya ezantsi kwangoko kwesivalo esenza umsantsa, nesikhankanywe kwicandelo [28(21)(b),] 23(2)(a) necandelo 23(2)(b) sifakelwe; kunye;”;

k) nangokucinywa kwecandelwana (6).

Ukwenziwa kwezilungiso kwicandelo 53 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

30. Icandelo 53 lomthetho-ngqangi lenziwa izilungiso—

(a) ngokufakela endaweni yecandelwana (1) eli candelwana lilandelayo:

“(1) Nawuphi na umntu ofakela itanki yogcino makayifake nendlela ekwindawo eya kuthi umphandle nomphakathi uhlolwe ngokulula uocwe ugcinwe usemgangathweni, ngaphandle kokuba wenziwe ichibi elenziwe ngesamente efihlakeleyo okanye elinxalenye yalo elitshone emhlabeni kwaye libe liyiliwe, lakhiwe laze lahlolwa, apho ingumphakathi kuphela ofikelelekayo ukuze kwenziwe uhlolo nococo, ngokuhambelana nemigangatho efanelekileyo, **[equlunqwe ngabe] ngokungqinelana neSANS 10100-1 neSANS 1200-G** okanye njengoko wenziwe izilungiso.”;

(b) ngokufakela endaweni yomhlathi (c) wecandelwana (3) lo mhlathi ulandelayo:

“(c) itanki enesivalo sokuthintela ukungenwa zizifo kufuneka ingabi nayo enye indawo evulekileyo kumphakathi wayo ngaphandle kwecandelo lokungena kuphakathi wayo, ukulungiselela ukuqhutywa kohlolo nococo ekufuneka ibe kwinqanaba apho itanki ingenakusetyenziswa ngaphandle kokuba isiciko secandelo lokungena sibe siendaweni yaso; **[yaye]**.”;

(c) ngokufakela emva komhlathi (c) wecandelwana (3) lo mhlathi ulandelayo:

“(cA) imathiriyeli itanki elenziwe ngayo, ifanele umsebenzi walo yaye ayichatshazelwa yimitha yelanga; kanaanjalo.”

(d) ngokufakela endaweni yecandelwana (4) eli candelwana lilandelayo:

“(4) Ngaphandle kogunyaziso olubhaliweyo uMlawuli, nasiphi na **[isibilisi, iketile yomphunga okanye ezinye izixhobo ezivelisa umphunga, ezivelisa igesi.] isixhobo esikhupha umphunga, okanye kwimeko** yenjini yegesi okanye injini yeoyile okanye nasiphi na esinye isixhobo esithi okanye ekuthi, kunikezelwe amanzi ngaso siSixeko kufuneka sinikezelwe kuphela ngokusetyenziswa kwetanki enikezela ngamanzi abandayo esebenzisa isithuba sokungena komoya ukwahlula amanzi angenayo asuka kumbobho onikezelayo ovela kokuqulathwe litanki.

Ukwenziwa kwezilungiso kwicandelo 54 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

31. Icandelo 54 lomthetho-ngqangi lenziwa izilungiso—

(a) ngokufakela endaweni yomhlathi (b) wecandelwana (1) walo mhlathi ulandelayo:

“(b) nayiphi na indawo yofakelo lwamanzi **[kwizakhiwo nomhlaba wakhe]**.”

b) ngokongeza eli candelwana lilandelayo:

“(3) Apho ipropati ibonelelwe ngamanzi alungele ukuselwa namanye amanzi, umnini kufuneka aqinisekise ukuba—

(a) akufakelwa eminye imibhobho phakathi kwleyo ifakelweyo; yaye

(b) imibhobho inemibala eneekhowudi ezichanekileyo, ngokweSANS 10140-3:2003 kanaanjalo kubekwe iisayini kulandelwa iSANS 1186-1:2008.”

Ukwenziwa kwezilungiso kwicandelo 55 loMthetho kaMasipala: weSixeko saseKapa, ka-2010**32. Icandelo 55 lomthetho-ngqangi lenziwa izilungiso—**

a) ngokufakela endaweni yomhlathi (a) wecandelwana (1) lo mhlathi ulandelayo:

“(a) umbhobho wokuncenkceshela nofakelo lombhobho wokucima umlilo uthobelana nomgangatho onguwo obekwe yi-SANS 10252:[2004] 2012 uMhlathi 1 okanye njengoko yenziwe izilungiso; kunye”;

b) nokufakela endaweni yecandelwana (3) eli candelwana lilandelayo:

“(3) Akukho manzi aya kuqhubeka enikezwa nakuliphi ufakelo lwesicimi-mlilo—

(a) ngaphandle kwesiqinisekiso [**esamkelwe**] ekubhekiswe kuso [**kwicandelo 47**] kwicandelo 46B (b);kwaye

(b) ngaphandle kokuba olo fakelo luthobelana neemfuno zalo Mthetho kaMasipala.”.

Ukwenziwa kwezilungiso kwicandelo 56 loMthetho kaMasipala: waManzi weSixeko saseKapa, ka-2010**33. Icandelo 56 lomthetho-ngqangi lenziwa izilungiso-**

a) ngokufakela endaweni yecandelwana(1) eli candelwana lilandelayo:

“(1) Akukho namnye umntu onokusebenzisa, okanye avumele ukusetyenziswa kwamanzi avela kweminye imithombo/imvelaphi ngaphandle kwamanzi esixhobo anikezelwa ngumasipala esebenzisela izinto zasekhaya [.] ngaphandle kwemvume ebhaliweyo yoMlawuli, nangokwemiqathango ebekwe nguye.”; kunye

b) nangokufakela endaweni yecandelwana (2) eli candelwana lilandelayo:

(2) Akukho mntu unokudibanisa unikezelo lwamanzi asuka nakweyiphi indawo ngokwenkqubo yosasazo lwamanzi ngaphandle kwasuka kwisixhobo kunikezelo lwamanzi esiXeko ngaphambi kolwamkelo olubhaliweyo loMlawuli, nangokuhambiselana nemiqathango egqitywe nguye.

c) ngokufakela endaweni yecandelwana (3) eli candelwana lilandelayo:

“(3) Nawuphi umnini wezakhiwo nomhlaba apho umthombo wamanzi ongomnye [, **umzekelo umjelo othile, umngxunya onamanzi okanye iqula,**] umiselwe okanye apho kusetyenziswa amanzi angamanye, kufuneka umnini lowo kwiintsuku ezili-14 abonelele ngeenkukacha zoko ezimalunga nomthombo ongomnye wamanzi kuMlawuli. [**xa kungayimfuneko**].”.

d) ngokufakela emva kwecandelwana (5) la macandelwana alandelayo:

(5A)IBhunga lingathi ngokukhupha isaziso soluntu sinyanzelise ukuba abo babonelela ngeenkonzozamanzi okanye izintlu ezithile kwiinkonzozamanzi bafake isicelo ze babhalise kwiSixeko ngendlela echazwe kweso saziso.

(5B)(1) Abafakeli beenkonzo zamanzi kufuneka baqinisekise ukuba iinkonzozamanzi,

kubandakanywa iinkonzo ezisisiseko ezibekwe liBhunga ziyabonelelwa kwabo bantu ababonelelwa ngeenkonzo zamanzi.

(5B)(2) Umgangatho, umthamo nozinzo lweenkonzo zamanzi ezibonelelwa ngumboneleli ngeenkonzo zamanzi kufuneka zibe kumgangatho ofanayo nalowo ubonelelwa siSixeko kubasebenzisi-zinkonzo.

(5C)(1) Umfakeli weenkonzo zamanzi akanahlawulisela iinkonzo zamanzi ngexabiso elingahambelani neenqobo kunye nemigangatho ebekwe nguMlawuli.

(5C)(2) Umfakeli weenkonzo zamanzi kufuneka abonelela ngeenkonzo zamanzi ezixhaswayo ngesavenge esithile njengoko oko kubekiwe liBhunga ngokoMthetho kaMasipala woLawulo noOokelelo lwaMatyala nangendlela iSixeko esikwenza ngako oku kubasebenzisi-zinkonzo zaso ngexabiso elifanayo okanye elingaphantsi kwalawo abekwe siSixeko ekuboneleleni ezi nkonzo.

e) ngokongeza emva kwecandelwana (6) eli candelwana lilandelayo:

(7)(a)Umsebenzisi-nkonzo nguye onoxanduva lwayo yonke into eqhubekayo kusetyenziso lwamanzi angasuki kwimithombo yeSixeko.

(b)ISixeko asisayi kuba natyala naxanduva lwemali okanye naluphi na uxanduva ngokusetyenziswa kwamanzi angasuki kwimithombo yeSixeko.

Ukutshintshwa kwecandelo 57 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

34. Eli candelo lilandelayo lingena endaweni yecandelo 57 lomthetho-ngqangi:

“Imithombo, izitsala-manzi ngaphantsi komhlaba, indawo zemithombo, kunye neendawo ezigrunjweyo

57. Wonke umnini zakhiwo nomhlaba makaqinisekise ukuba nawuphi umthombo, indawo yomthombo, isitsala-manzi ngaphantsi komhlaba, ufakelelo olumalunga nomthombo ongomnye wamanzi okanye nayiphina indawo egrunjweyo ehambelana noko efumaneka kwizakhiwo zakhe —

(a) ikhuseleke ngokufanelekileyo ekudaleni ingxaki kwimpilo; kwaye

(b) ayizaliswanga nangayipho indlela, zizinto ezinokudala umthombo osecaleni, isitsala-manzi ngaphantsi komhlaba okanye ukuba imvelaphi yamanzi esuka ngaphantsi komhlaba angcoliseke okanye osuleleke; **[okanye]**

[(c) akukho dityaniso lwenziweyo phakathi kwesifakelo samanzi esibonelelweyo sisuka kundoqo kunye nawuphi umthombo wobonelelo ngamanzi.]

(d)ibhaliswe okanye iphinde yabhaliswa kuvimba weSixeko yaye uphawu olubonelelwe siSixeko luboniswa ngokucacileyo kwipropati; yaye

(e) apho kusetyenziswa amanzi atsalwa ngaphantsi komhlaba nakwimithombo, aya kusetyenziswa ngaaxesha athile nangendlela eyiyo yaye apho asetyeniselwa ukunkcenkeshela , kufuneka oko kwenziwe ngamaxesha onkcnkeshelo abekwe nguMthetho kaMasipala waManzi weSixeko.

Ukwenziwa kwezilungiso kwicandelo 58 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

35. Icandelo 58 lomthetho-ngqangi lenziwa izilungiso—

(a) ngokufakela emva kwecandelwana (2) eli candelwana lilandelayo:

(2A) Igunya lokusebenzisa amanzi atsalwa phantsi komhlaba, amaqula nasuka kwimithombo malicelwe kwiSebe laManzi noCoceko ngokwecandelo 39 loMthetho iNational Water Act, 1998 (uMthetho 36 ka-1998).

(b) ngokufakela endaweni yecandelwana (4) eli candelwana lilandelayo:

“(4) UMlawuli unakho, ngesaziso esibhaliweyo, ukufuna ukuba umnini wezakhiwo nomhlaba ongaphakathi kommandla wesiXeko apho isitsalamanzi, iqula nomthombo okanye ukuba umnini akahlali kwezo zakhiwo nomhlaba, umntu ohlala apho ngelo xesha azise ngokubakho kwesitsalamanzi, iqula nomthombo kwezo zakhiwo nomhlaba, aze anikezele ngolwazi anokulufuna olubhekiselele kwisitsala-manzi iqula nomthombo.”;

Ukwenziwa kwezilungiso kwicandelo 59 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

36. Icandelo 59 lomthetho-ngqangi lenziwa izilungiso—

(a) ngokufakela endaweni yecandelwana (1) eli candelwana lilandelayo:

“(1) UMlawuli angathi, xa kwenziwe isicelo [**ngokwecandelo 13**] ngumnini nangaphantsi kwawo nawuphi omnye umthetho, anikeze imvume yobonelelo lamanzi aselwayo kumsebenzisi-nkonzo kwaye phantsi kwaloo miqathango angayibona ifanelekile.”;

(b) ngokufakela endaweni yecandelwana (2) eli candelwana lilandelayo:

“(2) Naluphi unikezelo lwamanzi ngokwemiqathango yecandelwana (1) alunakusetyenziselwa nawuphi umsebenzi wasekhaya okanye naziphi ezinye iinjongo, okanye nangayiphi na indlela enokukhokelela kwingozi kwimpilo[.], ngaphandle kwemvume ebhaliweyo yoMlawuli, nangokwemiqathango ebekwe nguye.”

Ukwenziwa kwezilungiso kwicandelo 61 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

37. Icandelo 61 lomthetho-ngqangi lenziwa izilungiso—

(a) ngokufakela endaweni yecandelwana (3) eli candelwana lilandelayo:

“(3) Isaziso esilumkisayo ngasinye esibekwe/esenziwe ngokwemiqathango yecandelo (1) kunye (2) elingezantsi masibe ngeelwimi ezintathu ezisetyenziswa kwiPhondo.”

[linkqubo zokunkcenceshela]

Ukutshintshwa kwecandelo 62 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

38. Eli candelo lilandelayo lingena endaweni yecandelo 62 lomthetho-ngqangi:

“Inkqubo zokunkcenkceshela

62. Apho kukho inkqubo entsha yokunkcenkceshela, nekufuneka ifumaneka ngokuthi kusetyenziswe ngokuhlanganisa izifakeli-manzi zekhaya okanye isifakeli-manzi sokunkcenkceshela esikhoyo, xa kuthe kwafakelwa—

- (a) ubukhulu besihlanganisi esikhoyo kufuneka siphinde siqwalaselwe siSixeko; [yaye]
- (b) konke okusetyenziswayo makungqamane kuhambelane neemfuno nemimiselo yabakwa-SABS [,];
- (c) siya kufakelwa ngendlela ethi icuthe ukumoshwa kwamanzi kwimigangatho eqinileyo; yaye
- (d) kuza kufuneka ikwazi ukujija-jijwa ukunqanda ukumoshakala kwamanzi kwiimozulu ezibandayo nezinethayo.”

Ukutshintshwa kwecandelo 63 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

39. Eli candelo lilandelayo lingena endaweni yecandelo 63 lomthetho-ngqangi:

“Izibheno

63. Umntu omalungelo akhe achaphazelekayo sisigqibo esithathwe ngokwemimiselo yamagunya okanye uxanduva olugunyazisiweyo okanye oluyaleziweyo phantsi kwalo mthetho kaMasipala, unakho ukubhena ngesigqibo esithatyathiwewo, phantsi kwecandelo lama-62 loLawulo lweeDolophu: uMthetho weNkqubo zikaMasipala 2000 (uMthetho onguNombolo 32 we-2000). [Amatyala kunye nezohlwayo]

Ukutshintshwa kwecandelo 64 loMthetho kaMasipala: weSixeko saseKapa, ka-2010

40. Eli candelo lilandelayo lingena endaweni yecandelo 64 lomthetho-ngqangi”

“Amatyala kunye nezohlwayo

64. Kulandelwa icandelo 36(7), nawuphi na umntu othe—

- (a) wophula okanye wasilela ukuthobela nawuphi kule mimiselo yalo Mthetho kaMasipala;
- (b) wasilela ukuthobela nasiphi isaziso esikhutshiweyo, okanye umyalelo osemthethweni oyalelweyo, ngokommiselo walo Mthetho kaMasipala; [okanye]
- (c) wathintela okanye waphithikeza naliphi igosa eligunyazisiweyo [nawuphi ummeli ogunyazisiweyo okanye umqeshwa weSixeko] kwimisebenzi yakhe phantsi kwalo Mthetho kaMasipala [,]; okanye
- (d) unikeza ngamabom iinkcukacha ezibubuxoki okanye ezilahlekisayo kwigosa elisemthethweni,

lowo wonile yaye xa efunyaniswe enetyala, unokunikwa isohlwayo sokuhlawula okanye sokuvalelwa kungadlulwa isithuba seminyaka emihlanu okanye zombini, intlawulo nokuvalelwa.”.

Ukutshintshwa kweShedyuli 1 yoMthetho kaMasipala: weSixeko saseKapa, ka-2010

41. IShedyuli 1 yomthetho-ngqangi yenziwa izilungiso—

a) ngokufakela endaweni kaShedyuli 1 kwale Shedyuli ilandelayo:

**“ULUHLU LWENKQUBO YOKU-1
Ulawulo olunyanzelekileyo lwamanzi**

(Icandelo 38)

1 Akukho mntu ngaphambi kwegunya elibhaliweyo loMlawuli oya kuthi ankcenkceshele igadi, amabala okudlala, ipaki, okanye nayiphi eminye imimandla enengca, esebenzisa amanzi okusela, phakathi kweyure ye-[10:00]09:00 no-[16:00]18:00.

2 Apho umbhobho wokuncenkceshela usetyenzisiweyo ukuncenkceshela igadi, ipaki, okanye amabala okudlala [**kumthombo wamanzi aselwayo**] isixhobo sokulawula esinjengesitshizi okanye esizicimela ngokwaso sakuncanyathiselwa kwisiphelo sombhobho.

2A Inkqubo yokuncenkceshela esetiweyo kufuneka ibekwe ngendlela eyiyo yaye isetelwe ukunqanda ukuba ingamoshi amanzi.

3 Akukho mntu ngaphandle kokuqala afumane igunya elibhaliweyo kuMlawuli oya kumanzisa umphantsi oqinileyo okanye indawo elungiselelwe ukuhamba esebenzisa amanzi okusela asuka kwisiseko samanzi sokusela.

4 Umbhobho wokuncenkceshela osetyenziselwa ukuhlamba imoto, isikhephe, ikharavani mawufakwe isixhobo esizilawulayo esizivala ngokwaso.

5 Inkqubo zokuzalisa ezizenzelayo ezisebenzisa isivalo esijingayo esizaliswa kwindawo/kwintusa yamanzi aselwayo ukusa kumachibi okudada namachibi egadi, ayivumelekanga.

6 Amashishini okuhlamba inqwelo zorhwebo makasebenzise iindlela zoshishino zokusebenza ezamkelekileyo kusetyenziso lwamanzi ukuhlamba iinqwelo.

7 Izitya zokuhlamba izandla kumaziko/kwindawo zikawonke-wonke mazifakelwe uhlobo lwempompo ezizilinganiselayo.

8 Iishawari ezikwiindawo zikawonke-wonke mazifakelwe uhlobo lwezivalo ezizilinganiselayo.

9 Amanzi okusela akanakusetyenziselwa ukumanzisa Isanti yesakhiwo nezinye izixhobo zokwakha ukuzikhusela ukuba zingaphaphatheki.

10 Imibhobho emileyo etsalwa kwiimpompo mayibe nomphakamo okungenani ozii-450mm, ngokomlinganiselo womphezulu womhlaba.

11 Obona bukhulu bomgama wokuhamba kwamanzi nakweyiphi impompo efakiweyo kwisitya sokuhlamba izandla ayinakodlula iilitha ezi-6 ngomzuzu.

12 Obona bukhulu bomgama wokuhamba kwamanzi nakweyiphi intloko yeshawari ayinakodlula iilitha ezili-[10] 7 ngomzuzu.

13 Amagunjana etanki yamanzi amatsha okanye afakelweyo akanakodlula iilitha ezisisi-[9.5] 6 ngomthamo.

14 Akukho gunjana lizenzelayo okanye itanki echithayo inokusetyenziselwa ukuhlisa umchamo.

15. Onke amagunjana azenzelayo, afakwe ukuthoba imichamo, makasuswe, kufakelwe nokuba ziinkqubo ezisetyenziswa ngezandla okanye isixhobo esingasetyenziswa ngasandla esidala ukuthotywa sisebenze kuphela emva komchamo/kokusetyenziswa ngakunye kwesixhobo kokuchama okanye inkqubo engasebenzisi manzi ekufuneka imenteyinwe kakuhle.

16 Izilinganisi zamanzi ezingundoqo zifakwe ngaphandle kwezakhiwo ngazinye ngaphandle kwendawo zokuhlala apho kufuneka—

(a) kudityaniswe isixhobo esizivalayo; okanye

(b) kubekho indawo yokubamba eshukumayo ngeenjongo zokuyisebenzisa; okanye

(c) ibe nakho ukutshixwa ukukhusela ukusetyenziswa okungekho mthethweni; okanye

(d) ibe luhlobo olunyanzelisa ukulawula ubungakanani bamanzi aphumayo ekusebenzeni kwayo ngakunye.

17 Uphicotho lwamanzi

(a) Abasebenzisi kakhulu bamanzi (abo basebenzisa ngaphezulu kwama- 10 000 khilolitha ngonyaka), ngaphandle kwabo banendawo zokuhlala amaqela abantu, kufuneka benze uphicotho lwamanzi rhoqo ngonyaka. Ingxelo yophicotho mayibekho zingadlulanga iiveki ezimbini uphelile unyaka-mali weSixeko. Oku kusenziwa liSebe [leMicumbi y] laManzi, noCoceko [namaHlathi], yiBhodi yaManzi (apho kukho imfuneko) kunye neSixeko.

(b) Uphicotho maluqulathe ezi nkukacha zilandelayo—

(i) Ubuninzi bamanzi asetyenziswe ngethuba lonyaka-mali;

(ii) Ixabiso elihlawulelwe amanzi lonyaka-mali;

(iii) Inani labantu abahlala kwindawo yokuhlala engasiyo yabo okanye kwizakhiwo nomhlaba;

(iv) Inani labantu abasebenza isigxina kwindawo yokuhlala engasiyo yabo okanye kwizakhiwo nomhlaba;

(v) Uthelekiso lwale miba ingasentla naleyo bekunikwe ingxelo yayo kunyaka ngamnye kwemithathu edlulileyo (apho ikhoyo);

(vi) Ukwahluka ngokwamaxesha onyaka ngokwemfuno (amanani osetyenziso enyanga nenyanga);

(vii) Iinkukacha zeendlela zokujongwa kongcoliseko lwamanzi;

(viii) Iinkukacha zamanyathelo okuqala asetyenziswayo ukulawula imfuno zolawulo losetyenziso lwamanzi;

(ix) Iinkukacha zezicwangciso zexesha elizayo zokulawula iimfuno zabo zamanzi;

(x) Uthelekiso lwale miba ingasentla naleyo bekunikwe ingxelo yayo kunyaka ngamnye kwemithathu edlulileyo (apho ikhoyo); kunye

(xi) Uqikelelo losetyenziso lwamanzi ngezixhobo ezahlukeneyo ezisetyenziswayo ezinjengezixokelelwane neziqhagamshelanisi kwiitephu zamanzi.

18 Akukho mntu unokuvumela amanzi, asetyenziswe njengendlela yokutshintshisa ubusushu nakwesiphi isixhobo okanye umatshini odityanisiweyo ize inikezele amanzi kufakelo lwamanzi, isebenze ngokuqhubelekayo ukonakalisa amanzi ngaphandle kokugcina umgangatho omiselweyo wamanzi aqinileyo ewonke kumatshini ojikelezayo.”

19. Zonke iipuli zokudada kufuneka zigqunywe ngekhavari yepuli ukunqanda ukuba angajiki abe ngumphunga xa engasetyenziswa.

Ukutshitshiswa kweShedyuli 4 yoMthetho kaMasipala: weSixeko saseKapa, ka-2010

42. IShedyuli 4 yomthetho-ngqangi iyatshitshiswa.

Isihloko esifutshane

43. Lo Mthetho kaMasipala ubizwa ngokuba nguMthetho kaMasipala weZilungiso waManzi: weSixeko saseKapa, ka-2018.