



CITY OF CAPE TOWN | ISIXEKO SASEKAPA | STAD KAAPSTAD

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# INFORMAL TRADING AMENDMENT BY-LAW, 2013

AMENDED BY COUNCIL : 26 SEPTEMBER 2013  
C07/09/13

PROMULGATED 06 DECEMBER 2013  
PG 7208; LA 56160

## CITY OF CAPE TOWN: INFORMAL TRADING AMENDMENT BY-LAW, 2013

### City of Cape Town: Informal Trading Amendment By-law, 2013

#### GENERAL EXPLANATORY NOTE:

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

\_\_\_\_\_ Words underlined with solid line indicate insertions in existing enactments.

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To amend the provisions in the City of Cape Town: Informal Trading By-law, 2009; to provide for the insertion of certain definitions; to amend the provisions relating to permit criteria; to amend provisions relating to public health and safety; to provide for matters connected with law enforcement and events ; and to provide for matters related thereto.

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

#### Amendment of section 8 of the City of Cape Town: Informal Trading By-law, 2009

1. Section 8 of the City of Cape Town: Informal Trading By-law, 2009 (hereinafter referred to as the principal By-law) is hereby amended –
  - (a) By the substitution of paragraph 8.4.1 of the following paragraph:

“must be an informal trader, or desire to become an informal trader”;
  - (b) By the substitution of paragraph 8.4.4:

“must not employ or actively utilise the services of more than **[20 (twenty)]** 5 (five) persons.”

- (c) By the insertion after subsection 8.5 of the following subsection:

“8.5A Notwithstanding the provisions of subsection 8.5 the City may give preference to an applicant –

(a) who resides in or close to the trading area for which the permit is applied; or

(b) who is a new entrant as an informal trader on the database of the City of Cape Town.

8.5B Notwithstanding the provision contemplated in paragraph 8.5.3, the City may allocate only one (1) bay per applicant.”

- (d) By the deletion of paragraph 8.5.3

- (e) By the deletion of paragraph 8.5.7 and paragraph 8.5.8

- (f) By the substitution of paragraph 8.6.5 of the following paragraph:

“suspend a permit for a special event on reasonable prior notice [**where practicable to the informal trader,**] with no compensation payable to the informal trader, notwithstanding that informal trading may be permitted by the City at the special event in terms of section 14;”

- (g) By the substitution of paragraph 8.6.6 of the following paragraph:

“**[on reasonable prior notice]** provided that two written warnings have been issued to the informal trader and after affording the relevant informal trader an opportunity to make written representations, revoke or suspend a permit in the event of an informal trader –”

- (h) By the deletion of sub-paragraph 8.6.6.4.

### **Amendment of section 9 of the City of Cape Town: Informal Trading By-law, 2009**

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

- (a) By the substitution for paragraph 9.2.1 of the following paragraph:

“9.2.1 is incapable of trading for personal reasons such as an illness, pregnancy, family responsibility, religious or cultural matters, or any other personal matter, for a period no longer than 6 months, provided that:”

(b) By the substitution of subparagraph 9.2.1.1 of the following subparagraph:

“9.2.1.1 **[proof from a medical practitioner is provided to the City which certifies that the permit-holder is unable to trade; and]** a written affidavit is provided to the City stating the nature and period for which the permit-holder requires the permit transfer”

(c) By the substitution of subparagraph 9.2.1.2 of the following subparagraph:

“9.2.1.2 the dependant or assistant is only permitted to replace the permit-holder for the period stipulated in the affidavit **[or by the medical practitioner in the certificate for which the permit-holder will be incapable of trading];**”

(d) By the deletion of paragraph 9.2.2.

### **Amendment of section 13 of the City of Cape Town: Informal Trading By-law, 2009**

**3.** Section 13 of the principal By-law is hereby amended –

By the insertion after subsection 13.2 of the following subsection:

“13.3 In the event of the sale of foodstuffs prepared in the trading bay, a certificate of acceptability must first be obtained from the City.”

### **Amendment of section 18 of the City of Cape Town: Informal Trading By-law, 2009**

**4.** Section 18 of the principal By-law is hereby amended –

By the substitution of subsection 18.2 of the following subsection:

“In the event of a person continuing or repeating a contravention in respect of which **[a] two (2) written [warning has] warnings have** already been issued to that person, then an officer may impound, in the case of an informal trader, any property used by the informal trader in conducting the informal trade, and in the case of any other person, any property, including but not limited to, goods, equipment, structures and motor vehicles, in which case the officer must –”

#### **Short title**

**5.** This by-law is called the City of Cape Town: Informal Trading Amendment By-law, 2013.

**PLEASE NOTE: THE AFRIKAANS AND XHOSA VERSIONS OF  
THE BY-LAW WILL BE MADE AVAILABLE ONCE THE CORRECT  
GAZETTED VERSIONS HAVE BEEN RECEIVED**