



**CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD**

WAYLEAVES BY-LAW

**APPROVED BY COUNCIL: 21 AUGUST 2025
ITEM C 11/08/25**

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18 JUNE 2026**



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PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

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As 'n Nuusblad by die Poskantoor Geregistreer

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Ibhaliswe ePosini njengePhephandaba

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IZIQULATHO

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**CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD**

CITY OF CAPE TOWN WAYLEAVES BY-LAW, 2026

CITY OF CAPE TOWN

Making progress possible. Together.

WAYLEAVES BY-LAW, 2026

To provide for measures for managing wayleave applications and wayleaves; managing public access to City-owned infrastructure within the jurisdiction of the City; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on a municipality the executive authority and right to administer (a) the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution; (b) and any other matter assigned to it by national or provincial legislation; and

WHEREAS the City has legislative and executive competence relating to municipal planning, municipal public works, municipal roads, building regulations, and nuisance as pertaining to works carried out in public spaces in the jurisdiction of City;

NOW THEREFORE BE IT ENACTED by the Municipal Council of the City of Cape Town as follows: —

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PART A

DEFINITIONS

1. In this By-law, unless the context indicates otherwise –

“applicant” means a person including its agents and contractors, applying for a wayleave;

“as-built drawings” means a set of drawings that are marked up by a contractor building a facility or fabricating a piece of equipment that shows how the item or facility was actually built at the completion of a project versus the way it was originally designed;

“authorised official” means an employee of the City responsible for carrying out any duty or function or exercising any lawful power in terms of this By-law or any other applicable by-law and includes an employee delegated to carry out such duties, functions or exercise such powers;

“building” includes—

(a) any structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with the —

- (i) accommodation or convenience of human beings or animals;
- (ii) manufacture, processing, storage, display or sale of any goods;
- (iii) rendering of any service;
- (iv) destruction or treatment of refuse or other waste materials; and
- (v) cultivation or growing of any plant or crop; and

(b) any wall or part of the building;

“City” means the City of Cape Town, a municipality established by City of Cape Town Establishment Notice No. 479 of 22 September 2000, issued in terms 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;

“City property” means any property, which the City owns or has the right to use, manage, occupy or control and includes all services infrastructure and street furniture located within the City's jurisdiction;

“Electronic Communications Act” means the Electronic Communications Act, 2005 (Act 36 of 2005);

“emergency works” means the works required to restore failures of essential services, within 24 hours of such failure;

“essential services” means a service which, if interrupted, will endanger the life, personal safety or health of the whole, or any part of, the population;

“City property” means any property, which the City either owns or has the right to use, manage, occupy or control and includes all services infrastructure, street furniture and road reserves located within the City's jurisdiction;

“owner” in relation to property means—

- (a) the person or trust in whose name the property is registered in the relevant deeds office; or
- (b) the person whose name in which the sectional title deed is registered if the property affected is a sectional title unit;

“permit to work” means a written approval issued by the City to a service provider or contractor, permitting them to commence the works outlined in the wayleave;

“property” means —

- (a) any piece of land registered as a separate entity of land in a deeds registry as an erf, lot, plot, farm, stand or agricultural holding and includes any unit and land contemplated in the Sectional Title Act, 1986 (Act No. 95 of 1986); and
- (b) includes any building on that piece of land;

“person” means a natural or juristic person;

“road reserve” means a designated area of land that contains a public street or public road, including the road and associated verge, which land may or may not be defined by cadastral boundaries;

“services infrastructure” means all infrastructure that delivers essential services to the public, including, transportation, roads, electricity, communication, sewage, drainage and water;

“service provider” means a person or organisation that provides consulting or other contractual services;

“supervision fee” means a fee paid to the City for undertaking supervision of works completed by the wayleave holder;

“wayleave” means a document issued by the City which grants the right of access to install, maintain or manage services infrastructure and sets out the

terms and conditions upon which the holder of the wayleave may install and maintain such infrastructure;

“wayleave holder” means the person or registered company to whom a wayleave is issued;

“Wayleave Management System (WMS)” means a management system for the evaluation and processing of wayleave applications, that generates live data and monitors the wayleaves application process, including processing times, construction violations and other matters incidental to wayleaves; and

“works” means the specific activity authorised in a wayleave and includes clearing, grubbing, boring or excavation.

Objectives

2. (1) The objectives of this By-law are to —

- (a) facilitate centralised coordination of wayleave management within jurisdiction of the City;
- (b) enable effective regulatory enforcement of the City's wayleave management system and conditions emanating from wayleaves;
- (c) ensure that roles and responsibilities between wayleave holders and the City are clearly set out;
- (d) outline timeframes for the issuing of wayleaves; and
- (e) minimise damage to City infrastructure.

Application

3. (1) This By-law applies to persons seeking to carry out works on City property.

(2) Approval in terms of this By-law does not exempt the applicant from needing to comply with all other applicable laws.

PART B

General Provisions related to wayleave applications

Wayleaves

4. (1) A wayleave is required for the following activities undertaken on City property and any combination thereof:

- (a) excavation (including all forms of trenchless excavation);
- (b) trenching and micro-trenching;
- (c) clearing, grubbing or boring;
- (d) siting and erection of poles, base stations, towers or masts;
- (e) stringing of cable on existing poles; or
- (f) any other maintenance and operational activities related to services infrastructure.

Standard wayleave applications

5. (1) Any person, who requires access to municipal property to carry out works, must apply for a wayleave.

- (2) A wayleave applicant must—

- (a) register for a profile on the WMS;
- (b) submit all required documentation in support of the application.

The documentation may include:

- i) cover letter outlining the extent of work anticipated;
 - ii) locality plan indicating the proposed route;
 - iii) proposed works plan or engineering plans providing design details;
 - iv) programme with proposed timelines;
 - v) land use management notification letter. The notification letter applies where services must be installed as part of a development approved by the City's Land Use Management Department;
 - vi) proof of appointment of an Engineering Council of South Africa (ECSA) registered engineer and a Construction Industry Development Board (CIDB) registered contractor; where applicable.
 - vii) traffic management plan; where applicable
 - viii) pavement reinstatement details;
 - ix) drill plan; and
 - x) any other necessary documents related to the anticipated works; and
- (c) pay the non-refundable application fee determined by the City. The application will be cancelled if the fee is unpaid within twenty-one (21) working days of issuing of the invoice.

- (3) All City departments whose infrastructure services may be impacted by the anticipated works must evaluate all information provided and

approve works relating to their department before the wayleave may be issued.

- (4) Fees charged by the City for supervising works and non-refundable deposit amounts determined by the City, and associated with the specific scope of works, must be paid in full before the wayleave is issued.
- (5) A security deposit, amount determined by the City, must be paid in full by the wayleave applicant before the wayleave is issued.
- (6) Applicants may be requested to provide a valid bank guarantee from any of the City approved financial institutions, in lieu of a cash security deposit.
- (7) Works may only commence after the wayleave and a permit to work is issued to the applicant.

Permit to work

- 6. (1) After obtaining a wayleave, the contractor must apply for a permit to work.
- (2) The City may issue a permit to work to the contractor, subject to any conditions that it may impose, after—
 - (a) a wayleave is granted;
 - (b) a services verification meeting has taken place; and
 - (c) all City departments whose infrastructure services may be impacted by the anticipated works have evaluated all information provided and approved works relating to their department.
- (3) The applicable City Departments must undertake construction monitoring, which includes—
 - (a) recording progress of the works;
 - (b) inspection for damage to adjacent infrastructure; and
 - (c) checking adherence to conditions contained on wayleave and permit to work.

- (4) The wayleave holder may apply for a refund of the security deposit if—
- (a) all imposed penalty amounts have been settled by means of a cash deposit or an authorisation for deduction from the security deposit;
 - (b) all damage to City infrastructure that has occurred as a result of the works stipulated in the wayleave, or associated activities, has been repaired or reinstated;
 - (c) as-built drawings have been uploaded on WMS;
 - (d) all conditions stipulated in the wayleave and the permit to work have been met; and
 - (e) all contraventions, if any, have been resolved.
- (5) The City may refund the security deposit if it is satisfied that the wayleave holder has fulfilled the conditions contained in this sub-section.

Emergency works application

7. (1) An applicant must apply for an urgent wayleave for emergency works. Applications for an urgent wayleave for emergency works must be prioritised.
- (2) Emergency wayleaves are only issued to City departments who are responsible for the maintenance of essential services.
- (3) Applications for emergency works for non-City services will be given priority status and determined on a case-by-case basis.
- (4) An emergency wayleave must be issued by the City before works can commence.
- (5) The applicant must state the location and scope of emergency work.
- (6) The wayleave approval letter will also serve as permission to commence with the required works.

Request for services information

8. (1) An applicant may request information on the location of existing services infrastructure.
- (2) The application must be processed via the WMS.
- (3) An application letter, locality plan and sketch plan of proposed works must be submitted in support of the application.
- (4) After consideration of the application, the City may make the requested service plans accessible to the applicant.

Extension of wayleave

9. (1) Where a wayleave will expire before completion of the works, a wayleave holder must, before the wayleave expires, request for an extension of the wayleave validity period.
- (2) The application must include—
- a) the original wayleave number;
 - b) the original expiry date of the wayleave;
 - c) planned completion date for associated works; and
 - d) a motivation explaining the circumstances and reason for the extension.
- (3) The City may, after consideration of the application, grant an extension of the wayleave validity period.
- (4) A wayleave will not be renewed once it expires. A new wayleave application must be submitted.

Transfer of wayleaves

10. (1) A wayleave may only be transferred to another person, with the written approval by the City.
- (2) A written motivation must be submitted in support of the transfer.

PART C**Powers and Responsibilities****Obligations of wayleave holder**

11. (1) A wayleave holder must adhere to the conditions contained in the wayleave until the anticipated works are completed.
- (2) A wayleave holder is responsible for all acts or omissions undertaken for the duration of carrying out works.
- (3) A wayleave holder must take necessary steps to verify the exact location and type of already deployed services infrastructure prior to the commencement of the works.
- (4) A wayleave holder must commence with works within ninety (90) calendar days after the wayleave is issued.

(5) Services Verification meetings may be requested by the City during the wayleave review stage.

(6) A wayleave holder must request a Services Verification meeting and notify the City, of the date and location of planned works no less than five (5) working days before commencement.

(7) A wayleave holder must keep a physical copy of the wayleave and permit to work on location where the works are carried out.

(8) All works must be undertaken during the hours indicated on the wayleave and permit to work. The City may impose conditions if the works are noisy, invasive or disruptive.

(9) A wayleave holder must submit final as-built drawings on the WMS within ten working days of completing the works.

(10) A wayleave holder is liable for the repairs of any damage caused to a pavement, sidewalk, or any other existing City services infrastructure, as a result of the works stipulated in the wayleave.

(11) A wayleave holder remains liable for repairs of damaged infrastructure throughout the contractual period to rectify any defects and until the damage of infrastructure is repaired to the City's standard.

(12) A wayleave holder must ensure that all other applicable laws in respect of works undertaken are adhered to.

Rights and obligations of the City

12.(1) The City must process all wayleave applications and consider the applications on a case-by-case basis taking into account the nature and scope thereof.

(2) The City must prioritise emergency applications and triage these applications based on the severity of the emergency.

(3) The City may monitor and supervise the execution of works authorised by a wayleave.

(4) The City may lease available space in an existing duct or within the road reserve, at a monthly or annual cost to a service provider. Costs will be as provided in terms of the applicable City Tariff Policies.

(5) The City may repair and then recover costs from the wayleave holder where damage to City infrastructure as a result of works done, has not been adequately rectified.

PART D

General Provisions

Tariffs, guarantees, holding deposits and exclusions

13.(1) All applicable fees and charges will be in line with the City's approved Tariff policies.

(2) The non-refundable application fee will be charged per application and is not transferrable from one application to another.

(3) Holding deposits is calculated based on the cost of specific material required to repair or reinstate damaged infrastructure as contained section 5(5).

(4) A supervision fee may be charged to cover the cost of supervising the installation and repairs to infrastructure. This fee is payable in advance and is non-refundable.

(5) All government departments and State-Owned Entities are exempt from the payment of application, supervision fees and holding deposits. A guarantee in the form of a letter of undertaking must be furnished stating that any damage incurred will be at the cost of the applicant.

Completion certificates

14.(1) After completion of the construction works, the City will issue the wayleave holder with a preliminary completion certificate.

(2) The preliminary completion certificate does not indemnify the wayleave holder from any claims for damage to municipal infrastructure that has resulted from the construction works associated with the wayleave.

(3) A final completion certificate will be issued to the wayleave holder after the lapse of the contractual period to rectify any defects that may occur.

(4) The final completion certificate will be issued after the City has verified that all —

- a) conditions stipulated in the wayleave and permit to work have been upheld;
- b) contraventions have been resolved and penalties settled; and
- c) as-built plans have been uploaded on the WMS.

(5) The final completion certificate must accompany the application for the release of security deposit.

PART E

Compliance and Enforcement

General prohibitions

15. No person may, without the written consent of the City—

- (a) use Street lights as furniture for the bolstering of electronic communications infrastructure;
- (b) install electronic communications infrastructure in informal areas or areas where the layout is not structured or no approved surveyed plans exist;
- (c) carry out construction work in a road reserve;
- (d) install electronic communication infrastructure on the free ground between properties. Underground conduits must be used; or
- (e) install electronic communication infrastructure on, over or under private property.

Compliance notices

16. (1) An authorised official may issue an compliance notice to a wayleave holder or person who is contravening or likely to contravene the provisions of this By-law.

- (2) A compliance notice issued in terms of subsection (1) must state the—
- a) condition of the wayleave or provision of the By-law that is being contravened or will be contravened if the condition is allowed to continue;
 - b) measures that must be taken to rectify the contravention condition; and
 - c) time period in which such notice must be complied with.

(3) If a person, to whom a compliance notice was issued, fails to comply with the requirements within the specified time, the authorised official may take steps to rectify the contravention, at the cost of the wayleave holder, or take any other action deemed necessary to ensure compliance.

Suspension of wayleave

17.(1) The City may suspend the wayleave and the permit to work; where the works have not been carried out as specified on the wayleave or conditions have not been complied with. The wayleave holder will be notified in writing of such suspension.

(2) The City may after receiving written confirmation that the contraventions have been rectified and all other conditions have been met, reinstate the wayleave and permit to work.

Offence and penalties

18.(1) Any person who —

- a) contravenes any provision of this By-law;
- b) fails to comply with any —
 - i) notice issued; or
 - ii) condition imposed in terms of a wayleave or permit to work; or
- c) deliberately furnishes false or misleading information to an authorised official to obtain a wayleave, permit to work or related consent;

is guilty of an offence in terms of this By-law and is liable, upon conviction to a fine or imprisonment for a period of up to 2 years or as determined by the relevant Court of law.

Indemnity

19.The City is not liable for any loss sustained by, or damage caused to, a person, entity or infrastructure while carrying out works on City property.

Appeals

- 20.** 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). A written notice of the appeal must be submitted to the City, within twenty- one (21) working days of receiving notification of the decision.

Confidentiality and protection of personal information

- 21.**(1) All plans, drawings and information pertaining to the application as provided in this By-law, which is not in the public domain, must be regarded as confidential.

(2) The City, wayleave holder or wayleave applicant, must not share confidential information other than to the extent necessary for the application or implementation of the wayleave.

(3) Any personal information obtained as a result of communications between the City and the wayleave applicant or holder, must be handled according to the provisions of the Protection of Personal Information Act, 2013 (Act 4 of 2013).

Short title

- 22.** This By-law is called the City of Cape Town: Wayleaves By-law, 2026.



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

STAD KAAPSTAD

VERORDENING OP DEURGANGSREGTE, 2026

STAD KAAPSTAD

Making progress possible. Together.

VERORDENING OP DEURGANGSREGTE, 2026

Om voorsiening te maak vir maatreëls om deurgangsregaansoeke en deurgangsregte te bestuur, maatreëls om openbare toegang tot Stadsinfrastruktuur binne die regsgebied van die Stad te bestuur, en verbandhoudende aangeleenthede.

AANHEF

AANGESIEN artikel 156(1) van die Grondwet van die Republiek van Suid-Afrika, 1996, aan 'n munisipaliteit die uitvoerende gesag en reg verleen vir die administrasie van (a) die plaaslike regeringsaangeleenthede wat in deel B van bylae 4 en deel B van bylae 5 by die Grondwet vermeld word; en (b) enige ander aangeleentheid wat deur nasionale of provinsiale wetgewing aan die munisipaliteit opgedra word; en

AANGESIEN die Stad oor wetgewende en uitvoerende bevoegdheid beskik ten opsigte van munisipale beplanning, munisipale openbare werke, munisipale paaie, bouregulasies en stoornisse in verband met werke wat in openbare ruimtes binne die regsgebied van die Stad uitgevoer word;

VERORDEN die Munisipale Raad van die Stad Kaapstad soos volg: —

INDELING VAN VERORDENING

DEEL A

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2. Oogmerke
3. Toepassing

DEEL B

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6. Permit om te werk
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- 11. Verpligtinge van die deurgangsreghouer
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- 14. Tariewe, waarborge, sekuriteitsdeposito's en uitsluitings

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- 19. Geskille
- 20. Vrywaring
- 21. Appèlle
- 22. Vertroulikheid en beskerming van persoonlike inligting
- 23. Kort titel

DEEL A

Woordomskrywing

1. In hierdie verordening, tensy uit die samehang anders blyk, beteken –

“aansoeker” 'n persoon wat om 'n deurgangsreg aansoek doen, met inbegrip van sodanige persoon se agente en kontrakteurs;

“deurgangsreg” 'n dokument wat die Stad uitreik om 'n reg van toegang te verleen vir die installering, instandhouding of bestuur van dienste-infrastruktuur, en wat die bepalings en voorwaardes uiteensit waarop die deurgangsreghouer sodanige infrastruktuur kan installeer en in stand hou;

“deurgangsregbestuurstelsel (DBS)” 'n bestuurstelsel vir die evaluering en verwerking van deurgangsregaansoeke, welke stelsel intydse data skep en die aansoekproses moniteer, waaronder verwerkingstye, konstruksie-oortredings en ander aangeleenthede wat met deurgangsregte verband hou;

“deurgangsreghouer” die persoon of geregistreerde maatskappy aan wie 'n deurgangsreg verleen word;

“dienste-infrastruktuur” alle infrastruktuur wat noodsaaklike dienste aan die publiek lewer, waaronder vervoer, paaie, elektrisiteit, kommunikasie, riolering, dreinerings en water;

“diensverskaffer” 'n persoon of organisasie wat konsultasie- of ander kontraktuele dienste lewer;

“eienaar” met betrekking tot eiendom –

(a) die persoon of trust in wie se naam die eiendom in die betrokke akteskantoor geregistreer is; of

(b) die persoon in wie se naam die deeltitelakte geregistreer is, indien die betrokke eiendom 'n deeltiteleenheid is;

“eiendom” beteken –

(a) enige stuk grond wat as 'n afsonderlike grondentiteit in 'n akteskantoor geregistreer is, hetsy as 'n erf, perseel, kleinhoewe, plaas, standplaas of landbougrond, met inbegrip van enige eenheid en grond wat in die Deeltitelwet, 1986 (Wet 95 van 1986) beoog word; en

(b) ook enige gebou op sodanige stuk grond;

“gebou” onder andere –

(a) enige struktuur, hetsy tydelik of permanent, en ongeag die materiale wat vir die oprigting daarvan gebruik word, wat opgerig of gebruik word vir of in verband met die –

(i) huisvesting of gerief van mense of diere;

- (ii) vervaardiging, verwerking, stoor, vertoning of verkoop van enige goedere;
 - (iii) lewering van enige diens;
 - (iv) vernietiging of behandeling van vullis of ander afvalmateriale;
 - (v) verbouing of kweek van enige plant of gewas; en
- (b) enige muur of deel van die gebou;

“gemagtigde amptenaar” 'n werknemer van die Stad wat verantwoordelik is vir die uitvoering van enige plig of werksaamheid of die uitoefening van enige wetlike bevoegdheid ingevolge hierdie verordening of enige ander toepaslike verordening, met inbegrip van 'n werknemer aan wie die uitvoering van sodanige pligte of werksaamhede of die uitoefening van sodanige bevoegdhede gedelegeer is;

“noodwerke” die werke wat vereis word om 'n onderbreking in noodsaaklike dienste binne 24 uur na sodanige onderbreking reg te stel;

“noodsaaklike diens” 'n diens waarvan 'n onderbreking die lewe, persoonlike veiligheid of gesondheid van die hele of 'n deel van die bevolking in gevaar stel;

“padreserwe” 'n aangewese grondoppervlakte wat 'n openbare straat of openbare pad insluit, met inbegrip van die pad en die gepaardgaande padrand, welke grond deur kadastrale grense gedefinieer kan word of nie;

“permit om te werk” 'n skriftelike goedkeuring wat die Stad aan 'n diensverskaffer of kontrakteur uitreik wat hulle toestemming gee om te begin met die werke wat in die deurgangsreg beskryf word;

“persoon” 'n natuurlike of regspersoon;

“Stad” die Stad Kaapstad, 'n munisipaliteit wat ingestel is deur die Stad Kaapstad: Instellingskennisgewing Nr. 479 van 22 September 2000, wat ingevolge die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998) uitgereik is, of enige struktuur of werknemer van die Stad wat op gedelegeerde gesag handel;

“Stadseiendom” enige eiendom wat die Stad besit of die reg het om te gebruik, te bestuur, te beset of te beheer, met inbegrip van alle dienste-infrastruktuur, straatmeubels en padreserwes binne die Stad se regsgebied;

“tekeninge-soos-gebou” 'n stel tekeninge wat saamgestel word deur 'n kontrakteur wat 'n fasiliteit bou of 'n stuk toerusting vervaardig, wat toon hoe die fasiliteit of item uiteindelik gebou is vergeleke met hoe dit aanvanklik ontwerp is;

“toesigfooi” 'n fooi wat aan die Stad betaal word om toesig te hou oor werke wat die deurgangsreghouer voltooi; en

“werke” die spesifieke aktiwiteit waarvoor 'n deurgangsreg magtiging verleen, met inbegrip van skoonmaakwerk, skraping, boorwerk of uitgrawing.

Oogmerke

2. (1) Die oogmerke van hierdie verordening is —
- (a) om die sentrale koördinerende van deurgangsregbestuur binne die regsgebied van die Stad te fasiliteer;
 - (b) om die doeltreffende regulatoriese afdwinging van die Stad se deurgangsregbestuurstelsel én van die voorwaardes wat uit deurgangsregte spruit moontlik te maak;
 - (c) om te sorg dat die rolle en verantwoordelikhede van deurgangsreghouers en die Stad duidelik uiteengesit word;
 - (d) om tydraamwerke vir die uitreiking van deurgangsregte te bepaal; en
 - (e) om skade aan Stadsinfrastruktuur te beperk.

Toepassing van verordening

3. (1) Hierdie verordening is van toepassing op persone wat werke op Stadseiendom wil uitvoer.
- (2) Goedkeuring ingevolge hierdie verordening onthef nie die aansoeker van die verantwoordelikheid om aan alle ander toepaslike wette te voldoen nie.

DEEL B

Algemene bepalinge met betrekking tot deurgangsregaansoeke

Deurgangsregte

4. (1) 'n Deurgangsreg word vereis vir die volgende aktiwiteite, sowel as enige kombinasie daarvan, wat op Stadseiendom onderneem word:
- (a) uitgrawing (wat alle vorme van slootlose uitgrawing insluit);
 - (b) die grawe van slote en mikroslope;
 - (c) skoonmaakwerk, skraping of boorwerk;
 - (d) die plasing en oprigting van pale, basisstasies, torings of maste;
 - (e) die span van kables aan bestaande pale; of

- (f) enige ander instandhouding- en bedryfsaktiwiteite wat met dienste-infrastruktuur verband hou.

Standaardaansoeke om deurgangsregte

5. (1) Enige persoon wat toegang tot munisipale eiendom vereis om werke uit te voer moet om 'n deurgangsreg aansoek doen.

- (2) 'n Aansoeker om 'n deurgangsreg moet —

(a) registreer om 'n profiel op die deurgangsregbestuurstelsel (DBS) te skep;

(b) alle vereiste dokumente ter staving van die aansoek indien, wat kan insluit:

i) 'n dekbriëf wat die omvang van die beoogde werk uiteensit;

ii) 'n liggingsplan wat die voorgestelde roete aandui;

iii) 'n voorgestelde werke- of ingenieursplan wat die ontwerpdetail voorsien;

iv) 'n program met voorgestelde tydlyn;

v) 'n grondgebruikbestuurskennisgewing, in gevalle waar dienste geïnstalleer moet word as deel van 'n ontwikkeling wat deur die Stad se departement grondgebruikbestuur goedgekeur is;

vi) bewys van die aanstelling van 'n ingenieur wat by die Ingenieursraad van Suid-Afrika (ECSA) geregistreer is, en van 'n kontrakteur wat by die Ontwikkelingsraad vir die Boubedryf (CIDB) geregistreer is, waar van toepassing;

vii) 'n verkeersbestuursplan, waar van toepassing;

viii) besonderhede oor plaveiselherstel;

ix) 'n boorplan; en

x) enige ander vereiste dokumente wat met die beoogde werke verband hou; en

(c) die nieterugbetaalbare aansoekfooi wat die Stad vasstel, betaal, en indien die fooi nie binne een-en-twintig (21) werksdae na die uitreiking van die faktuur betaal word nie, word die aansoek gekanselleer.

- (3) Alle Stadsdepartemente wie se infrastruktuurdienste moontlik deur die beoogde werke geraak sal word, moet alle ingediende inligting evalueer en die werke wat met hulle departement verband hou, goedkeur voordat die deurgangsreg verleen kan word.

- (4) Die fooie wat die Stad vir toesig oor werke hef, sowel as die nieterugbetaalbare depositobedrae wat die Stad vasstel en wat met die omvang van die spesifieke werke verband hou, moet ten volle betaal word voordat die deurgangsreg verleen word.
- (5) 'n Sekuriteitsdeposito, waarvan die Stad die bedrag vasstel, moet ten volle betaal word deur die deurgangsregaansoeker voordat die deurgangsreg verleen word.
- (6) Aansoekers kan versoek word om 'n geldige bankwaarborg van enige Stadsgoedgekeurde finansiële instelling in plaas van 'n kontantsekuriteitsdeposito te voorsien.
- (7) Werke mag eers 'n aanvang neem nadat die deurgangsreg en 'n permit om te werk aan die aansoeker uitgereik is.

Permit om te werk

- 6. (1) Nadat 'n deurgangsreg verkry is, moet die kontrakteur aansoek doen om 'n permit om te werk.
- (2) Die Stad kan 'n permit om te werk aan die kontrakteur uitreik, onderworpe aan enige voorwaardes wat die Stad dalk oplê, nadat —
 - a) 'n deurgangsreg verleen is;
 - b) 'n vergadering vir die verifikasie van dienste plaasgevind het; en
 - c) alle Stadsdepartemente wie se infrastruktuurdienste moontlik deur die beoogde werke geraak sal word moet alle ingediende inligting geëvalueer en die werke wat met hulle departement verband hou, goedgekeur het.
- (3) Die betrokke Stadsdepartemente moet konstruksie-monitoring onderneem, wat insluit —
 - a) rekordhouding van vordering met die werke;
 - b) inspeksie vir skade aan aanliggende infrastruktuur; en
 - c) die nagaan van voldoening aan die voorwaardes in die deurgangsreg en die permit om te werk.
- (4) Die deurgangsreghouer kan aansoek doen om terugbetaling van die sekuriteitsdeposito indien —
 - a) alle opgelegde boetebedrae ten volle betaal is deur middel van 'n kontantdeposito of 'n magtiging vir aftrekking van die sekuriteitsdeposito;

- b) alle Stadsinfrastruktuur wat beskadig is as gevolg van die werke wat in die deurgangsreg beskryf word, of as gevolg van verbandhoudende aktiwiteite, herstel of heringestel is;
- c) tekeninge-soos-gebou op die DBS gelaai is;
- d) alle voorwaardes wat in die deurgangsreg en die permit om te werk neergelê word, nagekom is; en
- e) alle oortredings, indien enige, reggestel is.

(5) Die sekuriteitsdeposito kan terugbetaal word indien die Stad tevrede is dat die deurgangsreghouer die voorwaardes in hierdie subartikel nagekom het.

Aansoek om noodwerke

7. (1) Waar noodwerke vereis word, moet 'n aansoeker om 'n dringende deurgangsreg aansoek doen. Aansoeke om 'n dringende deurgangsreg vir noodwerke moet geprioritiseer word.
- (2) Nooddeurgangsregte word slegs uitgereik aan Stadsdepartemente wat vir die instandhouding van noodsaaklike dienste verantwoordelik is.
- (3) Aansoeke om noodwerke vir nie-Stadsdienste sal prioriteitstatus ontvang en van geval tot geval beslis word.
- (4) 'n Nooddeurgangsreg moet deur die Stad uitgereik word voordat werke mag begin.
- (5) Die aansoeker moet die ligging en omvang van die noodwerke aandui.
- (6) Die goedkeuringsbrief vir die deurgangsreg dien ook as toestemming om met die vereiste werke te begin.

Versoek vir dienste-inligting

8. (1) 'n Aansoeker kan inligting oor die ligging van bestaande dienste-infrastruktuur versoek.
- (2) Die versoek moet op die DBS verwerk word.
- (3) 'n Versoekbrief, liggingsplan en sketsplan van die voorgestelde werke moet ter staving van die versoek ingedien word.
- (4) Nadat die Stad die versoek oorweeg het, kan die aansoeker toegang tot die betrokke diensplanne ontvang.

Verlenging van deurgangsreg

9. (1) Waar 'n deurgangsreg sal verstryk voordat die werke voltooi is, moet 'n deurgangsreghouer voor sodanige verstryking versoek dat die geldigheidstydperk van die deurgangsreg verleng word.
- (2) So 'n versoek moet insluit —
- a) die oorspronklike deurgangsregnommer;
 - b) die oorspronklike verstrykingsdatum van die deurgangsreg;
 - c) die beplande voltooiingsdatum van die verbandhoudende werke; en
 - d) 'n motivering wat die omstandighede en rede vir die verlenging verduidelik.
- (3) Nadat die Stad die versoek oorweeg het, kan 'n verlenging van die geldigheid van die deurgangsreg toegestaan word.
- (4) 'n Deurgangsreg sal nie hernu word nadat dit reeds verstryk het nie. 'n Nuwe deurgangsregaansoek sal ingedien moet word.

Oordrag van deurgangsregte

10. (1) 'n Deurgangsreg mag slegs met die skriftelike goedkeuring van die Stad aan 'n ander persoon oorgedra word.
- (2) 'n Skriftelike motivering moet ter staving van die oordrag ingedien word.

DEEL C

Bevoegdhede en verantwoordelikhede

Verpligtinge van die deurgangsreghouer

- 11.(1) 'n Deurgangsreghouer moet aan die voorwaardes van die deurgangsreg voldoen totdat die beoogde werke voltooi is.
- (2) 'n Deurgangsreghouer is vir die volle duur van die werke verantwoordelik vir alle handeling of versuim.
- (3) 'n Deurgangsreghouer moet die nodige stappe doen om die presiese ligging van én die tipe bestaande dienste-infrastruktuur te verifieer voordat die werke 'n aanvang neem.

- (4) 'n Deurgangsreghouer moet met die werke begin binne negentig (90) kalenderdae nadat die deurgangsreg uitgereik is.
- (5) Die Stad kan gedurende die beslissing van die deurgangsregaansoek vergaderings vir die verifikasie van dienste versoek.
- (6) 'n Deurgangsreghouer moet 'n vergadering vir die verifikasie van dienste versoek en die Stad van die datum en ligging van beplande werke in kennis stel ten minste vyf (5) werksdae voor die aanvang van werke.
- (7) 'n Deurgangsreghouer moet 'n fisiese afskrif van die deurgangsreg en die permit om te werk hou op die perseel waar die werke uitgevoer word.
- (8) Alle werke moet uitgevoer word gedurende die ure wat die deurgangsreg en die permit om te werk aandui. Die Stad kan voorwaardes oplê indien die werke 'n geraas maak, indringend is of ontwigting veroorsaak.
- (9) 'n Deurgangsreghouer moet finale tekeninge-soos-gebou op die DBS indien binne tien werksdae nadat die werke voltooi is.
- (10) 'n Deurgangsreghouer is aanspreeklik vir die herstel van enige skade aan plaveisel, sypaadjies of enige ander bestaande dienste-infrastruktuur van die Stad wat veroorsaak word deur die werke wat in die deurgangsreg beskryf word.
- (11) 'n Deurgangsreghouer bly vir die volle duur van die kontraktydperk aanspreeklik vir die herstel van beskadigde infrastruktuur en die regstelling van foute totdat die skade aan die infrastruktuur volgens die Stad se standarde herstel is.
- (12) 'n Deurgangsreghouer moet sorg dat alle ander toepaslike wette ten opsigte van die betrokke werke nagekom word.

Regte en verpligtinge van die Stad

- 12.**(1) Die Stad moet alle deurgangsregaansoeke verwerk en die aansoeke van geval tot geval oorweeg met inagneming van die aard en omvang van elk.
- (2) Noodaansoeke moet voorrang kry, en die Stad moet hierdie aansoeke op grond van die erns van die noodgeval prioritiseer.

(3) Die Stad kan die uitvoering van werke wat deur 'n deurgangsreg gemagtig word, moniteer en daaroor toesig hou.

(4) Die Stad kan beskikbare ruimte in 'n bestaande kanaal of binne die padreserwe teen 'n maandelikse of jaarlikse koste aan 'n diensverskaffer verhuur. Koste sal vasgestel word ooreenkomstig die toepaslike tariefbeleide van die Stad.

(5) Indien werke wat ingevolge 'n deurgangsreg uitgevoer word Stadsinfrastruktuur beskadig, en die skade nie voldoende herstel word nie, kan die Stad die skade herstel en die koste dan van die deurgangsreghouer verhaal.

DEEL D

Algemene bepalinge

Tariewe, waarborge, sekuriteitsdeposito's en uitsluitings

13.(1) Alle toepaslike fooie en heffings word vasgestel ooreenkomstig die Stad se goedgekeurde tariefbeleide.

(2) Die nieterugbetaalbare aansoekfooie word per aansoek gehef en kan nie tussen aansoeke oorgedra word nie.

(3) Sekuriteitsdeposito's word bereken op grond van die koste van spesifieke vereiste materiaal vir die herstel of herinstelling van beskadigde infrastruktuur ingevolge artikel 5(5).

(4) 'n Toesigfooie kan gehef word om die koste van toesig oor die installering en herstel van infrastruktuur te dek. Hierdie fooie word vooruit betaal en is nieterugbetaalbaar.

(5) Alle staatsdepartemente en entiteite in staatsbesit is vrygestel van die betaling van aansoek- en toesigfooie en houdeposito's. 'n Waarborg in die vorm van 'n ondernemingsbrief moet voorsien word wat verklaar dat die aansoeker aanspreeklik sal wees vir die koste van enige skade wat aangerig word.

Voltooïingsertifikate

14.(1) Na die voltooiing van die konstruksiewerke sal die Stad 'n voorlopige voltooiingsertifikaat aan die deurgangsreghouer uitreik.

(2) Die voorlopige voltooiingsertifikaat vrywaar nie die deurgangsreghouer van enige eise vir skade aan munisipale infrastruktuur wat spruit uit konstruksiewerke wat ingevolge die deurgangsreg uitgevoer is nie.

(3) Na die verstryking van die kontraktydperk sal 'n finale voltooiingsertifikaat aan die deurgangsreghouer uitgereik word om enige foute wat dalk voorkom reg te stel.

(4) Die finale voltooiingsertifikaat sal uitgereik word nadat die Stad nagegaan het dat alle –

- a) voorwaardes van die deurgangsreg en permit om te werk nagekom is;
- b) oortredings reggestel en boetes betaal is; en
- c) tekeninge-soos-gebou op die DBS gelaai is.

(5) Die finale voltooiingsertifikaat moet die aansoek om die vrystelling van die sekuriteitsdeposito vergesel.

DEEL E

Voldoening en afdwinging

Algemene verbodsbepalings

15. Geen persoon mag sonder die Stad se skriftelike toestemming –

(a) straatligte gebruik as toebehore om elektroniese kommunikasie-infrastruktuur te ondersteun nie;

(b) elektroniese kommunikasie-infrastruktuur installeer in informele gebiede of in gebiede waar die uitleg nie gestruktureerd is of waar geen goedgekeurde opgemete planne bestaan nie;

(c) konstruksiewerk in 'n padreserwe uitvoer nie;

(d) elektroniese kommunikasie-infrastruktuur installeer op oop grond tussen eiendomme nie – ondergrondse kanale moet gebruik word; of

(e) elektroniese kommunikasie-infrastruktuur installeer op, oor of onder privaat eiendom nie.

Voldoeningskennisgewings

16. (1) 'n Gemagtigde amptenaar kan 'n voldoeningskennisgewing uitreik aan 'n deurgangsreghouer of 'n persoon wat die bepalings van hierdie verordening oortree of waarskynlik sal oortree.

(2) 'n Voldoeningskennisgewing wat ingevolge subartikel (1) uitgereik word, moet die volgende vermeld —

- a) die voorwaarde van die deurgangsreg of die bepaling van die verordening wat oortree word of oortree sal word indien die situasie toegelaat word om voort te duur;
- b) maatreëls wat ingestel moet word om die situasie reg te stel; en
- c) die tydperk waarbinne daar aan sodanige kennisgewing voldoen moet word.

(3) Indien 'n persoon aan wie 'n voldoeningskennisgewing uitgereik is, nalaat om binne die aangeduide tydperk aan die vereistes te voldoen, kan die gemagtigde amptenaar stappe doen om die oortreding op die deurgangsreghouer se onkoste reg te stel, of op enige ander wyse optree wat nodig geag word om voldoening te verseker.

Opskorting van deurgangsreg

17.(1) Die Stad kan die deurgangsreg en die permit om te werk opskort indien die werke nie uitgevoer word soos wat die deurgangsreg bepaal nie, of indien voorwaardes nie nagekom word nie. Die deurgangsreghouer sal skriftelik van sodanige opskorting in kennis gestel word.

(2) Na ontvangs van skriftelike bevestiging dat die oortredings reggestel en alle ander voorwaardes nagekom is, kan die Stad die deurgangsreg en die permit om te werk herinstel.

Oortredings en strawwe

18.(1) Enige persoon wat —

- a) enige bepaling van hierdie verordening oortree;
- b) nalaat om te voldoen aan enige —
 - i) kennisgewing wat uitgereik is; of
 - ii) voorwaarde wat ingevolge 'n deurgangsreg of 'n permit om te werk opgelê is; of

- c) opsetlik vals of misleidende inligting aan 'n gemagtigde amptenaar voorsien om 'n deurgangsreg, permit om te werk of verbandhoudende toestemming te verkry;

is skuldig aan 'n oortreding van hierdie verordening, en by skuldigbevinding strafbaar met 'n boete, of tronkstraf van tot twee (2) jaar, of soos wat die betrokke hof bepaal.

Vrywaring

19. Die Stad is nie aanspreeklik vir enige verlies deur of van, of enige skade aan of vir, 'n persoon, entiteit of infrastruktuur terwyl werke op Stadseiendom uitgevoer word nie.

Appèlle

20. 'n Persoon wie se regte geraak word deur 'n besluit wat ingevolge 'n gedelegeerde of gesubdelegeerde bevoegdheid of plig in hierdie verordening geneem is, kan kragtens artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) teen daardie besluit appelleer. 'n Skriftelike kennisgewing van die appèl moet binne een-en-twintig (21) werksdae na ontvangs van die kennisgewing van die besluit by die Stad ingedien word.

Vertroulikheid en beskerming van persoonlike inligting

- 21.(1) Alle planne, tekeninge en inligting met betrekking tot die aansoek waarvoor hierdie verordening voorsiening maak en wat nie in die openbare domein is nie, moet as vertroulik beskou word.

(2) Die Stad, die deurgangsreghouer of -aansoeker mag nie vertroulike inligting bekend maak buiten wat nodig is vir die aansoek om, of die implementering van, die deurgangsreg nie.

(3) Enige persoonlike inligting wat as gevolg van kommunikasie tussen die Stad en die deurgangsregaansoeker of -houer verkry word, moet ooreenkomstig die bepalings van die Wet op Beskerming van Persoonlike Inligting, 2013 (Wet 4 van 2013) hanteer word.

Kort titel

22. Hierdie verordening is bekend as die Stad Kaapstad: Verordening op Deurgangsregte, 2026.



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

UMTHETHO KAMASIPALA ONGELUNGELO LOKUNGENA KULOO MHLABA, 2026

WESIXEKO SASEKAPA

ISIXEKO SASEKAPA

UMTHETHO KAMASIPALA ONGELINGELO LOKUNGENA KULOO MHLABA, 2026

Ukubonelela ngamanyathelo okulawula izicelo ezingelungelo lokungena kuloo mhlaba neemvume zelungelo lokungena kuloo mhlaba; ukulawula ukufikelela koluntu kwizibonelelo zeSixeko ezikummandla weSixeko; nokubonelela ngemiba ehambelana naleyo.

IMBULAMBETHE

NANGONA icandelo 156(1) loMgaqosiseko weRiphabliki yoMzantsi Afrika, 1996 linikeza igunya nelungelo kuMasipala ukuba alawule (a) imiba yoorhulumente bemimandla edweliswe kwiSiqendu B seShedyuli 4 neSiqendu B seShedyuli 5 yoMgaqosiseko; (b) kunye nawuphi na umba omele ukulawulwa ngumasipala ngokwemithetho yesizwe okanye eyephondo; yaye

NANGONA iSixeko sikwazi ngokomthetho nangokwemisebenzi emalunga nocwangciso lukamasipala, imisebenzi karhulumente kamasipala, iindlela zikamasipala, imigaqo yezakhiwo, nezinto eziphazamisa uluntu ezinento yokwenza nemisebenzi eyenziwa kwiindawo zoluntu ezikummandla weSixeko;

MAWUMISELWE KE NGOKO liBhunga likaMasipala leSixeko saseKapa ngolu hlobo lulandelayo: —

ULANDELELWANISO LWEMIBA KULO MTHETHO KAMASIPALA

ISiqendu A

1. linkcazelo
2. linjongo
3. Usetyenziso

ISiqendu B

Imiba enento yokwenza nezicelo ezingelungelo lokungena kuloo mhlaba

4. Iimvume zokusebenzisa umhlaba
5. Izicelo zesiqhelo ezingelungelo lokungena kuloo mhlaba
6. Imvume yokusebenza
7. Isicelo semisebenzi engxamisekileyo
8. Isicelo seeNkcukacha ngeenKonzo eZikhoyo
9. Ukwandiswa kwesithuba selungelo lokungena kuloo mhlaba
10. Ukudluliselwa kwelungelo lokungena kuloo mhlaba

ISiqendu C

Amagunya noxanduva

11. Uxanduva lomntu onelungelo lokungena kuloo mhlaba
12. Uxanduva lweSixeko

ISiqendu D

Imiqathango Gabalala

13. Izatifikethi zokuGqiba
14. Imirhumo, iiGaranti, lidiphozithi zokuBambisa neZinto ezingaBanda-kanywayo

ISiqendu E

Uthotyelo noNyanzeliso

15. Izithintelo Gabalala
16. Izaziso zoThotyelo
17. Ukumiswa kwelungelo lokungena kuloo mhlaba
18. Amatyalane neZigwebo
19. Iimbambano
20. Ukungabekwa butyalane
21. Izibheni
22. Ubumfihlo nokuKhuselwa kweNkcukacha zoMntu
23. Isihloko esiFutshane

Isiqendu A

IINKCAZELO

1. Kulo Mthetho kaMasipala, ngaphandle kokuba imeko ekubhekiswa kuyo ithetha enye into –

“umfakisocelo” uthetha umntu, kubandakanywa neearhente kunye nonookontraka, ofake isicelo selungelo lokungena kuloo mhlaba;

“imizobo yezakhiwo” ithetha iqela leimizobo elimakishwe ngunokontraka owokha isakhiwo esithile okanye owenza isixhotyana esibonisa ukuba isakhiwo eso sasakhiwe kanjani ekupheleni kweprojekthi xa sithelekiswa nendlela esasadizayinwe ngayo ekuqaleni;

“igosa eligunyazisiweyo” lithetha umsebenzi weSixeko onoxanduva lokwenza nawuphi na umsebenzi okanye lokusebenzisa naliphi igunya elisemthethweni ngokwalo Mthetho kaMasipala okanye ngokwawo nawuphi na omnye uMthetho kaMasipala ochaphazelekayo yaye ubandakanya umsebenzi onikwe lo misebenzi okanye loo magunya;

“isakhiwo” sibandakany—

(a) nasiphi isakhiwo, nokuba sesexeshana okanye esisigxina nokuba sisebenzisa eyiphi imathiriyeli kulwakhiwo lwaso, esakhelwe okanye esisetyenziselwa into edibene—

(i) nokuhlaliswa koluntu okanye kwezilwanyana;

(ii) ukuvelisa, ukuprosesa, ukugcina, ukubonisa, okanye ukuthengisa naziphi izinto;

(iii) ukubonelela ngazo naziphi na iinkonzo;

(iv) ukutshatyalaliswa okanye ukucocwa kwenkunkuma okanye enye imathiriyeli elahliweyo; yaye

(v) ukulima nokuvuna nasiphi na isityalo; yaye

(b) naliphi udonga okanye inxalenye yesakhiwo;

“Isixeko” sithetha iSixeko saseKapa, umasipala omiselwe siSaziso soMiselo seSixeko saseKapa Nomb. 479 sowe22 kweyoMsintsi (Septemba) 2000, esakhutshwa kulandelwa uMthetho weZigqeba zikaMasipala: zooRhulumente beMimandla, 1998 (UMthetho Nomb. 117 wango1998) okanye nasiphi isigqeba okanye nawuphi umsebenzi weSixeko osebenza ngokwegunya alinikiweyo;

“Electronic Communications Act” ibhekisa kumthetho iElectronic Communications Act, 2005 (uMthetho 36 wango2005);

“imisebenzi engxamisekileyo” ithetha imisebenzi yokubuyisela izinto ezimoshakeleyo zeenkono ezingundoqo, zingaphelanga iiyure ezingama24;

“iinkonzo ezingundoqo” zithetha inkonzo ithi xa iphazanyisiwe, ibe nobungozi kuluntu, kukukhuseleko loluntu okanye kwimpilo yonke, okanye kwinxalenye yoluntu;

“Ipropati yeSixeko” ithetha nayiphi ipropati yeSixeko okanye esinelungelo lokuyisebenzisa, ukuyilawula, ukuhlala kuyo okanye ukuyibanga yaye ibandakanya zonke iinkonzo nezibonelelo nefenitshala esezitratweni nemida yeendlela ezikummandla weSixeko;

“umnini” kumba wepropati uthetha—

(a) umntu okanye itrasti ekubhaliswe ngayo ipropati kwiofisi yobunini bezinto echaphazelekayo; okanye

(b) umntu ekubhaliswe ngegama lakhe itayitile yendlwanyana ethile ukuba ngaba ngaba loo propati ichaphazelekayo yindlu ehlangene nezinye;

“imvume yokusebenza” ithetha imvume ebhaliweyo ekhutshwe siSixeko yanikwa umbonelelinkonzo okanye unokontra, emvumela ukuba aqale imisebenzi exelwe kwilungelo lokungena kuloo mhlaba;

“ipropati” —

(a) ithetha nasiphi isiqwentshana somhlaba esibhaliswe njengomhlaba ozimele wodwa kwincwadi ezisemthethweni zobuninimhlaba njengesiza, ilothi, iploti, ifama, isitendi okanye umhlaba wokulima yaye ubandakanya nayiphi iyunithi nomhlaba oxelwe kwiSectional Title Act, 1986 (UMthetho Nomb. 95 wango1986); yaye

(b) ibandakanya nasiphi isakhiwo esikuloo mhlaba;

“umntu” uthetha umntu okanye inkampani okanye iziko elizimeleyo;

“umda wendlela” uthetha ummandla womhlaba onesitrato sikawonkewonke okanye indlela kawonkewonke kubandakanywa nendlela kunye nomda wayo, apho umhlaba usenokungachazwa ngokwemida yeepropati;

“izibonelelo zeenkonzo” zithetha zonke izibonelelo ezihambisa iinkonzo ezingundoqo kuluntu, kubandakanywa, ezothutho, iindlela, umbane, ezonxibelelwano, ugutyulo, uhanjiso lwezinto ezingamanzi namanzi;

“umbonelelinkonzo” uthetha umntu okanye umbutho obonelela ngeenkonzo zobungcali okanye zezinye iikhontrakthi;

“intlawulo yobekoliso” ithetha imali ehlawulwa kwiSixeko ngenxa yokubeka iliso kwimisebenzi eyenziwe ngumntu onelungelo lokungena kuloo mhlaba;

“ilungelo lokungena kuloo mhlaba” lithetha uxwebhu olukhutshwe siSixeko olunikeza ilungelo lokungena ukuze kufakelwe, kumenteyinwe okanye kulawulwe izibonelelo zeenkonzoyaye libeka imiqathango emayilandelwe ngumntu onikwe ilungelo lokungena kuloo mhlaba yokufakela, nokumenteyina ezo zibonelelo;

“umntu onelungelo lokungena kuloo mhlaba” uthetha umntu okanye inkampani ebhalisiweyo enikwe ilungelo lokungena kuloo mhlaba;

“Inkqubo yeLungelo lokungena kuloo mhlaba (WMS)” ithetha inkqubo yolawulo yokuhlola nokuprosesa izicelo ezingelungelo lokungena kuloo mhlaba, onedatha esebenzayo yaye ibeka iliso kwinkqubo yezicelo zeemvume zelungelo lokungena kuloo mhlaba, kubandakanywa amaxesha athathwayo ukuprosesa, ulwaphulomthetho lolwakhiwo kunye neminye imiba ehambelana neemvume zelungelo lokungena kuloo mhlaba; kananjalo

“imisebenzi” ithetha umsebenzi ongqalileyo ogunyaziswe lilungelo lokungena kuloo mhlaba yaye ibandakanya ukususa izinto kunye nokugromba.

Iinjongo

2. (1) Iinjongo zalo Mthetho kaMasipala kukwenza oku —

- (a) kukwenza ukuba kulungelelaniswe yaye kulawulwe ukwenziwa kwelungelo lokungena kuloo mhlaba okummandla weSixeko;
- (b) kulungiselelwe unyanzeliso ngempumelelo kweNkqubo yeSixeko yeeMvume zokuSebenzisa iMihlatyana nemiqathango yeemvume zelungelo lokungena kuloo mhlaba;
- (c) ukuqinisekisa ukuba iindima noxanduva olupakathi komntu onelungelo lokungena kuloo mhlaba neSixeko zibekwa zicace gca;
- (d) kuxelwe ubungakanani besithuba samaxesha ekufuneka kube kukhutshwe ngaso ilungelo lokungena kuloo mhlaba; kunye
- (e) nokucutha umonakalo kwiZibonelelo zeSixeko.

Ukusebenza kwalo Mthetho kaMasipala

3. (1) Lo Mthetho kaMasipala usebenza kubantu abafuna ukwenza imisebenzi kwiPropati yeSixeko.

(2) Ulwamkelo ngokwalo Mthetho kaMasipala aluyekisi umfakisisicelo ukuba angathobeli eminye imithetho echaphazelekayo.

ISiqendu B:**Imiba gabalala enento yokwenza neZicelo ezingelungelo lokungena kuloo mhlaba****Ilungelo lokungena kuloo mhlaba**

4. (1) Ilungelo lokungena kuloo mhlaba liyadingeka kwezi zinto zilandelayo ezenziwa kwiPropati yeSixeko kunye nayiphi na enye indibanisela yazo:
- (a) ukugrumba (kubandakanywa naluphi ugrumbo olungelolwamijelo);
 - (b) ukuvula imijelo nemijelwana;
 - (c) ukususa izinto nokugrumba imingxuma;
 - (d) ukwenza iziza nokumisa iipali, izitishi zeziseko zonxibelelwano, iithawa neepali zeeflegi;
 - (e) ukufakelwa kweentambo zombane kwiipali ezikhoyo; okanye
 - (f) nayiphi eminye imisebenzi yokumenteyina neyokusebenza ehlangene nezibonelelo zeenkono.

Izicelo zesiqhelo ezingelungelo lokungena kuloo mhlaba

5. (1) nawuphi umntu, ofuna ukungena kwipropati kamasipala ukwenza imisebenzi, kufuneka afake isicelo selungelo lokungena kuloo mhlaba.
- (2) Umfakisicelo welungelo lokungena kuloo mhlaba kufuneka—
- (a) abhalise iprofayili kwiWMS;
 - (b) afake onke amaxwebhu adingekayo axhasa isicelo. Amaxwebhu angabandakanya:
 - i) ileta gabalala exela umsebenzi oza kwenziwa;
 - ii) isicwangciso sendawo esibonisa indlela eza kulandelwa;
 - iii) isicwangciso semisebenzi esicetywayo okanye izicwangciso zobunjineli ezineenkukacha zeedizayini;
 - iv) inkqubo ebonisa amaxesha okusebenza acetywayo;
 - v) ileta yesaziso yolawulo losetyenzisomhlaba. ileta yesaziso isebenza apho kufuneka kufakwe iinkonzo njengenxalenye yolwakhiwo okanye uphuhliso olwamkelwe liSebe loLawulo loSetyenzisomhlaba leSixeko;
 - vi) ubungqina bokuqeshwa kwenjineli ebhaliswe kwiEngineering Council of South Africa (ECSA) nonokotraka obhaliswe kwiConstruction Industry Development Board (CIDB); apho oko kuyimfuneko;
 - vii) isicwangciso solawulo lwezithuthi; apho oko kuyimfuneko;

- viii) iinkcukacha zokubuyiselwa kwepavumente;
 - ix) isicwangciso sokugromba; kunye
 - x) nawaphi na amanye amaxwebhu adingekayo anento yokwenza nemisebenzi ecetywayo.
- (c) Ahlawule intlawulo yokufaka isicelo engabuyiswayo nexabiso layo ligqitywa iSixeko. Isicelo siya kucinywa ukuba ayihlawulwanga intlawulo de kuphele iintsuku ezingamashumi amabini ananye (21) emva kokukhutshwa kweinvoyisi.
- (3) Onke amasebe eSixeko eziya kuthi iinkonzo zawo zezibonelelo zichaphazeleke yimisebenzi kufuneka zibeke ilizo ze ibe zizo ezamkela imisebenzi enento yokwenza namasebe phambi kokukhutshwa kwelungelo lokungena kuloo mhlaba.
- (4) Imirhumo ebizwe siSixeko yokubeka iliso kwimisebenzi nediphozithi engabuyiswayo egqitywe siSixeko, nenento yokwenza nobungakanani bemisebenzi eza kwenziwa, kufuneka ihlawulwe ngokuphelelo phambi kokukhutshwa kwelungelo lokungena kuloo mhlaba.
- (5) Idiphozithi yokubambisa, egqitywe siSixeko, kufuneka ihlawulwe ngokuphelelo ngumfakisicelo welungelo lokungena kuloo mhlaba phambi kokukhutshwa kwelungelo lokungena kuloo mhlaba.
- (6) Abafakisicelo bangacelwa ukuba babonise igaranti yebhanki esuka kuso naliphi iziko lezemali elisesikweni, endaweni yediphozithi yokubambisa.
- (7) Imisebenzi ingaqala kuphela emva kokunikezwa kwelungelo lokungena kuloo mhlaba nemvume yokusebenza kumfakisicelo.

Imvume yokusebenza

6. (1) Emva kokufumana ilungelo lokungena kuloo mhlaba, unokontra kufuneka afake isicelo semvume yokusebenza.
- (2) ISixeko singanikeza imvume yokusebenza kunokontra, ngokuxhomekeke kuyo nayiphi imiqathango esiyibekileyo, emva—
- a) kokunikezwa kwelungelo lokungena kuloo mhlaba;
 - b) kwentlanganiso yoqinisekiso lweenkonzo; kananjalo
 - c) Onke amasebe eSixeko aneenkonzo zezibonelelo ezinokuchaphazeleka yiloo misebenzi icetywayo kufuneka ahlole zonke iinkcukacha ezingeniswayo ze amkele

imisebenzi ehlangene nesebe lawo phambi kokunikezwa kwelungelo lokungena kuloo mhlaba.

(3) Amasebe eSixeko achaphazelekayo kufuneka abeke iliso kulwakhiwo yaye oko kufuneka kubandakanye—

- a) ukurekhodwa kwenkqubela yemisebenzi;
- b) ukuhlola umonakalo kwizibonelelo ezimelene nezo; kunye
- c) nokujonga uthotyelo lwemiqathango equlethwe kwilungelo lokungena kuloo mhlaba nakwimvume yokusebenza.

(4) Umntu onelungelo lokungena kuloo mhlaba angafaka isicelo sokubuyiselwa imali yediphazithi yobambiso ukuba—

- a) zonke iintlawulo zihlawulwe ngediphazithi eyimali eziinkozo okanye, xa kugunyaziswe, kutsalwe kwidiphazithi yobambiso;
- b) ulungisiwe wonke umonakalo owenziwe kwizibonelelo zeSixeko ngenxa yemisebenzi exelwe kwilungelo lokungena kuloo mhlaba, okanye imisebenzi ehambelana naleyo;
- c) yonke imizobo yolwakhiwo ifakiwe kwiWMS;
- d) kuthotyelwe yonke imiqathango yelungelo lokungena kuloo mhlaba neyemvume yokusebenza; kananjalo
- e) lonke ulwaphulo lwemigaqo, ukuba lukhona, lulungisiwe.

(5) ISixeko singabuyisa idiphazithi yobambiso ukuba sanelisekile ukuba umntu onelungelo lokungena kuloo mhlaba uyithobele yonke imiqathango ekweli candelwana.

Isicelo semisebenzi engxamisekileyo

7. (1) Umfakisicelo kufuneka afake isicelo semvume engxamisekileyo yelungelo lokungena kuloo mhlaba yemisebenzi engxamisekileyo.

Kufuneka kuqalwe ngezicelo zemvume engxamisekileyo yelungelo lokungena kuloo mhlaba semisebenzi engxamisekileyo.

(2) Iimvume ezingxamisekileyo zelungelo lokungena kuloo mhlaba zikhutshelwa amasebe eSixeko anoxanduva lokumenteyina iinkonzo ezingundoqo.

(3) Izicelo zemisebenzi engxamisekileyo zeenkonzo ezingezozeSixeko nazo ziya kukhawuleziswa yaye ziya kujongwa ngokwemeko nganye.

(4) Ilungelo elingamisekileyo lokungena kuloo mhlaba kufuneke linikezwe siSixeko phambi kokuqala kwemisebenzi.

(5) Umfakisiselo makaxele indawo nobungakanani bomsebenzi ongxamisekileyo.

(6) Ileta yolwamkelo lwelungelo lokungena kuloo mhlaba iya kusebenza kwanjengemvume yokuqala ukwenza imisebenzi efunwayo.

Isicelo seeNkcukacha ngeeNkonzo eZikhoyo

8. (1) Umfakisiselo angacela iinkcukacha malunga nendawo enezibonelelo zeenkonzo ezikhoyo.

(2) Isicelo kufuneka siproseswe ngeWMS.

(3) Ileta yesicelo, iplani yendawo neplani yomzobo yemisebenzi mazifakwe ukuze zixhase isicelo.

(4) Emva kokuqwalaselwa kwesicelo, iSixeko singabonelela ngeeplani zeenkonzo eziceliweyo kumfakisiselo.

Ukwandiswa kwesithuba selungelo lokungena kuloo mhlaba

9. (1) Apho ilungelo lokungena kuloo mhlaba liza kuphela phambi kokugqitywa komsebenzi, umntu onelungelo lokungena kuloo mhlaba makathi, phambi kokuphelelwa kwelungelo lokungena kuloo mhlaba, afake isicelo sokwandiswa kwesithuba selungelo lokungena kuloo mhlaba.

(2) Isicelo kufuneka sibandakanye—

- a) inombolo yokuqala yelungelo lokungena kuloo mhlaba;
- b) umhla wophelelo wokuqala welungelo lokungena kuloo mhlaba;
- c) umhla wokugqiba ocetywayo wemisebenzi echaphazekayo; kunye
- d) nesizathu esicacisa iimeko zokwandiswa kwesithuba .

(3) ISixeko singathi, emva kokuqwalasela isicelo, sinike imvume yokwandiswa kwesithuba selungelo lokungena kuloo mhlaba.

(4) Ilungelo lokungena kuloo mhlaba aliyi kuhlaziywa xa liyekwe lade laphelwa. Kufuneka kufakwe isicelo esitsha selungelo lokungena kuloo mhlaba.

Ukudluliselwa kwelungelo lokungena kuloo mhlaba

10. (1) Ilungelo lokungena kuloo mhlaba lingadluliselwa komnye umntu kuphela xa kufunyenwe imvume ebhaliweyo evela kwiSixeko.
- (2) Kufuneka kungeniswe izizathu ezibhaliweyo ezixhasa olo dluliselo.

ISiqendu C**Amagunya noxanduva****Uxanduva lomntu onelungelo lokungena kuloo mhlaba**

- 11.(1) Umntu onelungelo lokungena kuloo mhlaba kufuneka athobele imiqathango equlethwe kwilungelo lokungena kuloo mhlaba de kugqitywe imisebenzi ecetyiweyo.
- (2) Umntu onelungelo lokungena kuloo mhlaba unoxanduva lwayo yonke into eyenzekayo nengenzekiyo ngeli lixa kwenziwa imisebenzi.
- (3) Umntu onelungelo lokungena kuloo mhlaba kufuneka athathe amanyathelo adingekayo ukuqinisekisa indawo eyiyo kunye nohlobo lwezibonelelo zeenkonzelo phambi kokuqala imisebenzi.
- (4) Umntu onelungelo lokungena kuloo mhlaba kufuneka aqale ukwenza imisebenzi kwiintsuku ezingamashumi alithoba (90) emva kokunikezwa ilungelo lokungena kuloo mhlaba.
- (5) ISixeko singacela iintlanganiso zoQinisekiso lweNkonzo ngexesha lokuphononongwa kwelungelo lokungena kuloo mhlaba.
- (6) Umntu onelungelo lokungena kuloo mhlaba kufuneka acele iintlanganiso yoQinisekiso lweNkonzo yaye azise iSixeko, ngosuku nendawo yemisebenzi ecetyiweyo yaye akwenze oko kwiintsuku ezingekho ngaphantsi kwezintlanu (5) zempangelo phambi kokuba aqale loo misebenzi.
- (7) Umntu onelungelo lokungena kuloo mhlaba kufuneka agcine ikopi yelungelo lokungena kuloo mhlaba nemvume yokusebenza kwindawo ekwenziwa kuyo imisebenzi.

(8) Yonke imisebenzi kufuneka yenziwe ngeeyure ezixelwe kwilungelo lokungena kuloo mhlaba nakwimvume yokusebenza. ISixeko singabeka imiqathango ukuba imisebenzi inengxolo yaye iyaphazamisa.

(9) Umntu onelungelo lokungena kuloo mhlaba kufuneka angenise imizobo yezakhiwo kwiWMS kwiintsuku ezilishumi zokugqiba imisebenzi.

(10) Umntu onelungelo lokungena kuloo mhlaba unoxanduva lokulungisa nawuphi umonakalo owenzeke kwipavumente, kwindledlana yokuhamba uluntu okanye naziphi ezinye izibonelelo zeenkonzo zeSixeko ezikhoyo, ngenxa yemisebenzi exelwe kwilungelo lokungena kuloo mhlaba.

(11) Umntu onelungelo lokungena kuloo mhlaba unoxanduva lokulungisa izibonelelo ezonakalisiweyo kwisithuba sekhontrakthi de zibe zikwimo eyanelisa imigangatho yeSixeko.

(12) Umntu onelungelo lokungena kuloo mhlaba kufuneka aqinisekise ukuba yonke eminye imithetho echaphazelekayo ehambelana nemisebenzi eyenziwayo iyathotyelwa.

Amalungelo noXanduva lweSixeko

12. (1) ISixeko kufuneka siprosese zonke izicelo ezingelungelo lokungena kuloo mhlaba ze siqwalasele isicelo ngasinye, sithathela ingqalelo ubunjani nobungakanani bomsebenzi oza kwenziwa.

(2) ISixeko kufuneka siqale ngezicelo ezingxamisekileyo ze silandelelanise ezi zicelo ngokobuzaza bemeko kaxakeka.

(3) ISixeko singabeka iliso ekwenziweni kwemisebenzi egunyaziswe lilungelo lokungena kuloo mhlaba.

(4) ISixeko singarentisa ngomhlaba okhoyo kwisithutyana esikhoyo okanye kumda wendlela, ngeendleko zenyanga okanye zonyaka eziya kuhlawulwa ngumbonelelinkonzo. Iindleko ziya kubalwa ngokweMigaqonkqubo yeMirhumo yeSixeko esebenzayo.

(5) ISixeko singalungisa ze sitsale iindleko zaso kumntu onelungelo lokungena kuloo mhlaba apho umonakalo kwizibonelelo zeSixeko wenzeke ngenxa yokwenziwa kwemisebenzi ungalingiswanga ngokwaneleyo.

ISiqendu D

Imiqathango Gabalala

Imirhumo, iiGaranti, lidiphozithi zokuBambisa neZinto ezingaBandakanywayo

13.(1) Zonke iintlawulo nemirhumo ziya kuhambelana neMigaqonkqubo yeMirhumo yeSixeko eyamkelweyo.

(2) Iintlawulo engabuyiswayo yokufaka isicelo iya kuhlawuliswa ngesicelo ngasinye yaye ayidluliselwa ukusuka kwesinye isicelo ukuya kwesinye.

(3) Lidiphozithi yobambiso iya kubalwa ngokweendleko zemathiriyeli ethile yokulungisa umonakalo kwizibonelelo njengoko kuxeliwe kwicandelo 5(7).

(4) Kusenokuhlawulwa indleko yobekoliso ukukhavarisha iindleko zokubeka iliso kufakelo nolungiso lwezibonelelo. Le ntlawulo ihlawulwa phambi kokuba kuqalwe umsebenzi yaye ayibuyiswa.

(5) Onke amasebe karhulumente naMaziko kaRhulumente akayihlawuli imali yesicelo, iindleko zobekoliso neemali ezibanjwa de kugqitywe umsebenzi kunye neediphozithi ezibanjwayo. Kufuneka kungeniswe igaranti eba yileta yokuzibophelela exela ukuba nawuphi umonakalo owenziweyo uya kulungiswa ngeendleko zomfakisicelo.

Izatifikethi zokuGqiba

14.(1) Emva kokugqitywa kwemisebenzi yolwakhiwo, iSixeko siya kunika umntu onelungelo lokungena kuloo mhlaba isatifikethi sokugqiba sethutyana.

(2) Isatifikethi sokugqiba sethutyana asinqandi ukuba makungenziwa mabango kumntu onelungelo lokungena kuloo mhlaba okumosha izibonelelo zikamasipala okwenzeke ngenxa yemisebenzi yolwakhiwo enento yokwenza nelungelo lokungena kuloo mhlaba.

(3) Kuya kunikezwa iSatifikethi sokugqitywa komsebenzi kumntu onelungelo lokungena kuloo mhlaba emva kokuphela kwesithuba sekhontrakthi ukulungisa naziphi izinto ezingenziwanga ngandlela.

(4) Isatifikethi sokugqitywa komsebenzi siya kukhutshwa emva kokuba iSixeko siqinisekise ukuba yonke—

- a) imiqathango ebekiweyo kwilungelo lokungena kuloo mhlaba nakwimvume yokusebenza ithotyelwe;
- b) imiqathango eyaphuliweyo ilungisiwe neentlawulo zihlawulwe; yaye
- c) izicwangciso zolwakhiwo zifakiwe kwiWMS.

(5) Isatifikethi sokugqitywa komsebenzi kufuneka sihambelane nesicelo sokukhululwa kwediphozithi yobambiso.

ISiqendu E

Uthotyelo noNyanzeliso

Izithintelo Gabalala

15. Akukho mntu unokuthi, engafumenanga mbalelwano yeSixeko—

- (a) Asebenzise izibane ezisezitatweni njengefenitshala yokuhlomela izibonelelo zonxibelelwano ze-elektroniki;
- (b) Afakele izibonelelo zonxibelelwano ze-elektroniki ematyotyombeni okanye kwimimandla engazotywanga okanye engenaziplanini ezikhoyo zolwakhiwo;
- (c) Enze umsebenzi wolwakhiwo kumda wendlela;
- (d) Afake izibonelelo zonxibelelwano ze-elektroniki kumhlaba ongenanto ophakathi kwezakhiwo. Kufuneka kusetyenziswa imibhobho engaphantsi komhlaba; okanye
- (e) Afake izibonelelo zonxibelelwano ze-elektroniki kwipropati yabucala, phezu kwayo okanye phantsi kwayo.

Izaziso zoThotyelo

16. (1) Igosa eligunyazisiweyo lingakhupha isaziso sothotyelo esiya kumntu onelungelo lokungena kuloo mhlaba okanye kumntu owaphula okanye ongathi angaphula imiqathango yalo Mthetho kaMasipala.

(2) Isaziso sothotyelo esikhutshwe ngokwecandelwana (1) kufuneka sixele—

- a) umqathango welungelo lokungena kuloo mhlaba okanye umqathango woMthetho kaMasipala owaphuliweyo okanye oza kophulwa ukuba umsebenzi uyavunyelwa ukuba uqhubeke;
- b) amanyathelo emakathathwe ukulungisa imiqathango eyophuliweyo; kunye
- c) nesithuba ekufuneka kuthotyelwe ngaso eso saziso.

(3) Ukuba umntu onikwe isaziso sothotyelo uye akathobela imiqathango ngexesha elibekiweyo, igosa eligunyazisiweyo lingathatha amanyathelo okulungisa olo lwaphulomthetho ngeendleko zomntu onelungelo lokungena kuloo mhlaba, okanye athathe nayiphi enye intshukumo ayibona idingeka ukuqisekisa uthotyelo.

Ukumiswa kwelungelo lokungena kuloo mhlaba

17.(1) ISixeko singalimisa ilungelo lokungena kuloo mhlaba nemvume yokusebenza; apho imisebenzi ingenziwanga ngendlela exelwe kwilungelo lokungena kuloo mhlaba okanye apho kungathotyelwanga imiqathango. Umntu onelungelo lokungena kuloo mhlaba waziswa ngembalelwano ngolo miso.

(2) ISixeko singathi emva kokufumana uqinisekiso olubhaliweyo lokuba ulwaphulo lwemigaqo lulungisiwe yaye ithotyelwe yonke eminye imiqathango, sibuyisele ilungelo lokungena kuloo mhlaba nemvume yokusebenza.

Amatyala neZigwebo

18.(1) nawuphi umntu othe —

- a) waphula nayiphi imiqathango yalo Mthetho kaMasipala;
- b) wasilela ukuthobela nasiphi —
 - i) isaziso esikhutshiweyo; okanye
 - ii) umqathango obekwe kulandelwa ilungelo lokungena kuloo mhlaba okanye imvume yokusebenza; okanye
- c) onikeze ngabom iinkcukacha ezinganyanisekanga kwigosa eligunyazisiweyo ukuze afumane ilungelo lokungena kuloo mhlaba, imvume yokusebenza okanye into ehambelana naleyo;

unetyalo ngokwalo Mthetho kaMasipala yaye xa egwetyiwe uya kuhlawuliswa intlawulo okanye avalele etrongweni isithuba esiya kuma kwiminyaka emi2 okanye leyo igqitywe yiNkundla yomthetho echaphazelekayo.

Ukungabekwa butyala

19. ISixeko asinabutyala ngayo nayiphi ilahleko, okanye umonakalo owenzeke kumntu, kwiziko okanye kwizibonelelo zomntu ngeli lixa ebesenza imisebenzi kwiPropati yeSixeko.

Izibheno

20. Umntu athe amalungelo akhe achaphazeleka ngenxa yesigqibo esithathiweyo kulandelwa igunya okanye umsebenzi ekuthwe mawenziwe ngokwalo Mthetho kaMasipala, akanakubhena kweso sigqibo ngokwemiqathango yecandelo 62 uMthetho weeNkqubo zikaMasipala: zooRhulumente beMimandla, 2000 (UMthetho Nomb. 32 wango2000). Kufuneka kungeniswe isaziso esibhaliweyo sesibheno kwiSixeko, kwiintsuku ezingamashumi amabini ananye (21) zokusebenza emva kokufumana isaziso sesigqibo.

Ubumfihlo nokuKhuselwa kweeNkcukacha zoMntu

21. (1) Zonke iiplani, imizobo neenkcukacha ezinento yokwenza nesicelo njengoko kuxeliwe kulo Mthetho kaMasipala, ezingekho sidlangalaleni, kufuneka zithathwe njengokuba ziyimfihlo.

(2) ISixeko, umntu onelungelo lokungena kuloo mhlaba okanye umfakisocelo onelungelo lokungena kuloo mhlaba, kufuneka angahambisi iinkcukacha eziyimfihlo ngaphandle kwalapho kuyimfuneko ukulungiselela isicelo okanye ukuze kumiselwe ilungelo lokungena kuloo mhlaba.

(3) Naziphi iinkcukacha zomntu ezifunyenwe ngenxa yonxibelelwano phakathi kweSixeko nomfakisicelo welungelo lokungena kuloo mhlaba okanye umntu olinikiweyo, kufuneka ziphathwe kulandelwa imiqathango yeProtection of Personal Information Act, 2013 (uMthetho 4 wango2013).

Isihloko esiFutshane

22. Lo Mthetho kaMasipala ubizwa ngokuba nguMthetho kaMasipala weSixeko saseKapa weLungelo lokuNgena kuloo Mhlaba, 2026.

