

CITY OF CAPE TOWN

ANIMAL BY-LAW, 2010

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**CITY OF CAPE TOWN**  
**ANIMAL BY-LAW, 2010**

**PREAMBLE**

**WHEREAS** old municipalities within the area of jurisdiction of the City of Cape Town have been disestablished to form one municipality with legislative and executive powers over all areas of such old municipalities;

**WHEREAS** there is a need to develop one piece of legislation to govern the control of animals including dogs, cats and working equines uniformly throughout the City;

**WHEREAS** the City has competence in terms of the Constitution of the Republic of South Africa to make and administer by-laws for the effective administration of the matters which it has the right to administer;

**WHEREAS** the City has the competence in terms of Part B of Schedule 5 of the Constitution relating to control of public nuisances, pounds, facilities for the accommodation, care and burial of animals, licensing of dogs, municipal roads, traffic and parking and has the competence in terms of Part B of Schedule 4 of the Constitution relating to municipal health services;

**AND NOW THEREFORE**, be it enacted by the Council of the City of Cape Town, as follows:-

**CHAPTER ONE**

**INTERPRETATION**

**Definitions**

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

**"adjoining and affected neighbour"** means a neighbour whose property directly abuts the common boundary of the premises of the applicant or which is located opposite or diagonally opposite the premises of the applicant;

**"agricultural property"** means land zoned for agricultural use in terms of any town planning scheme of the Council or any other law;

**"animal"** means horse, pony, mule, donkey, cattle, pig, sheep, goat, camel, reptile, dog, cat or other domestic animal, indigenous animal and other wild or exotic animal, but for the purposes of Chapter five, excludes dogs, cats and working equines to the extent that they are regulated separately in other Chapters;

**"animal drawn vehicle"** means a standard designed cart with swivel and shafts which is attached to the working equine by means of a harness;

**"authorised official"** means an officer authorised in terms of section 8 of the Animals Protection Act, 1962 (Act No. 71 of 1962) and any official of the Council who has been authorised by the Council to enforce the provisions of this By-Law;

**"carcass"** means the remains of any animal or poultry;

**"cat"** means both a male and a female cat of any age, unless otherwise specified;

**"cattery"** means premises in or upon which-

- (a) boarding facilities for cats are provided; or
- (b) cats are bred for commercial purposes;

**"Council"** means –

- (a) the Council of the City of Cape Town established by Provincial Notice No. 479 of 2000 issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
- (b) a successor in title;
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in this By-law has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or
- (d) a service provider fulfilling a responsibility under this By-law assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), or any other law;

**"dog"** means both a dog and a bitch of any age, unless otherwise specified;

**"dwelling house"** means a single building designed for use as a residence for a single family situated on premises containing not more than two such buildings;

**"dwelling unit"** means an inter-connected suite of rooms including a kitchen or scullery designed for occupation by a single family, other than a dwelling house, irrespective of whether such unit is a single building or forms part of a building containing two or more such units;

**"guide dog"** means a dog which has been trained to assist a blind or poor-sighted person and includes a service dog which has been trained to assist a person who is mentally or physically incapacitated;

**"health nuisance"** means any activity, condition, premises or thing which, on account of effluent, vapours, chemical effluvia, odours, noise, vibration, radiation, refuse, waste products, dirt, chemical or biochemical material, microbial infection, vermin, vegetation, overcrowding, lack of proper

general hygiene, ventilation, lighting, design, situation or on account of any other cause or practise whatsoever, is or are in the opinion of the Executive Director: Health or a duly authorised Council employee potentially injurious or dangerous to health or which is or are offensive, including, without affecting the generality of the foregoing, any facility for the storage, distribution or handling of water that is likely to be used by man for domestic purposes or consumption, including such water itself, which is contaminated or polluted;

**"kennels"** means premises in or upon which –

- (a) boarding facilities for dogs are provided;
- (b) dogs are bred for commercial purposes;
- (c) dogs are kept for the purposes of being trained or hired out with or without handlers; or
- (d) dogs are kept for commercial security purposes;

**"large dwelling house"** means a dwelling house on an erf of more than six hundred square metres;

**"owner"** in relation to a dog, cat or working equine includes any person having the possession, charge, custody or control of that dog, cat or working equine;

**"permit"** means the written permission granted by the Council in terms of this By-law;

**"person"** includes any sphere of government, natural and juristic person;

**"poultry"** means any fowl, goose, ostrich, duck, pigeon, dove, turkey, muscovy, guinea-fowl, peacock or pea-hen or bird whether domesticated or wild;

**"pound"** means a place designated by the Council in terms of any law for the impounding, sale and destruction of animals and includes the premises of the organisations and any other animal welfare organisation recognised by the Council;

**"poundmaster"** means a person who has been appointed by the Council to be in charge of a pound;

**"premises"** means any building, tent or any other structure, together with the land on which the same is situated and the adjoining land used in connection therewith and any land without buildings or tents, and includes any vehicle, conveyance, ship or boat;

**"public place" and public street"** means –

- (a) a public road;
- (b) any parking area, square, park, recreation ground, sports ground sanitary lane, open space, beach, shopping centre on municipal land, unused or vacant municipal land or cemetery which has –
  - (i) in connection with any subdivision or layout of land into erven, lots or plots, been provided or set apart for use by the public or the owners or

- occupiers or such erven, lots or plots, whether or not it is shown on a general plan, plan of subdivision or diagram;
- (ii) at any time been dedicated to the public;
  - (iii) been used without interruption by the public for a period of at least thirty years expiring after 31 December 1959; or
  - (iv) at any time been declared or rendered as such by the City or other competent authority; or
- (c) a public transportation motor vehicle, but will not include public land that has been leased or otherwise alienated by the City;

**"structure"** means any stable, shed, pigsty, kraal, aviary, paddock, covering structure, poultry house, enclosure, run, loft or building, used for the keeping, housing or enclosing of animals and poultry; and

**"working equine"** means a horse, donkey, mule or ass that is fit for pulling an animal drawn vehicle used for financial gain.

## CHAPTER TWO

### DOGS

#### Restriction on number of dogs

2. (1) The Council may determine the number of dogs that may be kept on any premises.

(2) In the absence of a determination made in terms of the provisions of subsection (1) and subject to the provisions of subsections (3) and (4), no person may keep more than –

- (a) two dogs, or allow more than two dogs, over the age of six months, to be kept in or at a dwelling unit;
- (b) three dogs, or allow more than three dogs, over the age of six months, to be kept in or at a dwelling house;
- (c) four dogs, or allow more than four dogs, over the age of six months, to be kept in or at a large dwelling house;
- (d) six dogs, or allow more than six dogs, over the age of six months, to be kept on an agricultural property;
- (e) three dogs, or allow more than three dogs, over the age of six months, to be kept on or at any other premises.

(3) Subsection (2) does not apply to any person who –

- (a) is the holder of a permit issued in terms of section 4 to keep a greater number of dogs;
- (b) is the holder of a permit to keep kennels;
- (c) is the owner or manager or is in charge of, a pet shop and who has written proof that all the dogs under the control of such owner or manager have been vaccinated against canine distemper, hepatitis, kennel cough and parvovirus;
- (d) is the owner or is in charge of premises where guide dogs are being kept or trained; and such guide dogs are kept or trained under the auspices of the SA Guide Dogs Association;
- (e) is the owner or manager of a veterinary clinic; or
- (f) is in charge of dogs owned by the Metropolitan Police Department of the Council as specified in paragraph (a) of the definition of "Council", the South African Police Service or the South African Defence Force, and are kept for operational purposes;
- (g) operates a pound.

(4) A person whose permit to keep a dog has been cancelled or who has previously had a dog removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of an animal in his or her care, may not keep a dog, unless the Council determines otherwise.

#### **Dog registration and licensing**

3. (1) The owner of a property where one or more dogs are kept must register the dog or dogs with the Council.

(2) Dog registration must take place within four months of the dog's birth or within 30 days of acquiring a dog on property within Council's jurisdictional boundaries.

(3) The Council may levy a dog license fee in respect of a property where one or more dogs are kept.

(4) The amount of the dog license fee may be determined in terms of a resolution of Council. A reduced dog license fee may apply for sterilized dogs.

#### **Permits to keep more dogs than the prescribed number**

4. (1) Any person who wants to keep a greater number of dogs on premises than the number permitted in terms of section 2(2), must apply to the Council for a permit.

(2) An application in terms of subsection (1) must be in writing on a prescribed form and must be accompanied by the prescribed fee.

(3) The Council may require the applicant to provide any information which it considers relevant to enable it to make an informed decision.

(4) The Council may refuse to consider an application in terms of subsection (1) in respect of which the provisions of subsection (2) have not been complied with or information contemplated in subsection (3), has not been furnished.

(5) The Council may only consider an application in terms of subsection (1) after receipt of a written report from an authorised official –

- (a) as to whether the dog for which the permit is required is likely to cause a public health hazard or the keeping of such dog may result in a contravention of section 6;
- (b) setting out the results of an inspection of the premises on which the dog concerned is being kept or is to be kept; and
- (c) as to whether the applicant has previously had a dog removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of an animal in his or her care.

(6) The Council may refuse an application in terms of subsection (1) or approve it subject to any conditions aimed at reducing the risk of any public health hazard created by the dogs on the premises concerned occurring, continuing or recurring or to reduce such risk to a level acceptable to the Council.

(7) In respect of any application approved in terms of subsection (6), an authorised official must issue a permit on a prescribed form specifying every condition imposed by the Council.

(8) A permit is not transferable from one person to another or from the premises in respect of which it has been issued, to other premises.

#### **Amendment, suspension and cancellation of permits**

5. The Council may, after consideration of a report and recommendation of an authorised official or veterinary surgeon, by written notice to the holder of a permit contemplated in section 4 –

- (a) amend, suspend or cancel that permit if it is satisfied that failure to do so would result in –
  - (i) the creation or continuation of a public health hazard; or
  - (ii) a continued contravention of any provision of section 6;
- (b) with immediate effect amend, suspend or cancel that permit if-
  - (i) such official is of the view that it is urgently necessary to do so to eliminate or reduce a significant risk to the public posed by a public health hazard or potential public health hazard; or
  - (ii) there is a criminal case pending against the permit holder or a civil case which the permit holder is a party to, involving an animal in his or her care.

**Prohibition relating to the keeping of dogs****6. No person shall -**

- (a) permit any bitch on heat owned or kept by him or her to be in any public street or public place;
- (b) urge any dog to attack, worry or frighten any person or animal or through negligence fail to prevent any dog from attacking, worrying or frightening any person or animal, except where necessary for the defence of such first-mentioned person or his or her property or of any other person;
- (c) keep any dog which causes damage to public property;
- (d) keep any dog the faeces of which he or she fails to remove regularly and dispose of suitably;
- (e) keep any dog which barks, yelps, howls or whines for more than six accumulated minutes in an hour or more than three accumulated minutes in an half hour;
- (f) keep any dog which is starved or under-fed or denied water or adequate shelter;
- (g) keep any dog which causes a nuisance to inhabitants of the neighbourhood by -
  - (i) having acquired the habit of charging any vehicle, animals, poultry, pigeons or persons outside any premises where it is kept; or
  - (ii) by misbehaving in any other manner;
- (h) permit any dog owned or kept by him or her -
  - (i) to be in any public street or public place while suffering from mange or any other infectious or contagious disease and cannot prove that the dog is under treatment by a registered veterinarian and is no longer a public health hazard;
  - (ii) which is in the assessment of the authorised official ferocious, vicious or dangerous to be in any public street or public place, unless it is humanely muzzled and held on a leash and under control;
  - (iii) to trespass on private property;
  - (iv) to constitute a hazard to traffic using any public street;
  - (v) to constitute or to his or her knowledge be likely to constitute a source of danger or injury to any person outside the premises on which such dog is kept;
  - (vi) to be in any public street or public place except on a leash and under control unless the dog is in an area designated by the Council as a free running area;



- (i) keep any dog which does not have on its collar or micro-chip a name, telephone number and physical address or reference to a society for the prevention of cruelty to animals or registered animal welfare organisation;
- (j) provoke, harass or tease any dog.

#### **Seizure, impounding and destruction of dogs**

7. (1) An authorised official may seize and impound at a place appointed by the Council any dog which -

- (a) may be destroyed in terms of the provisions of subsection (10) or any other law;
- (b) in his or her opinion is suffering from mange or any other infectious or contagious disease;
- (c) in his or her opinion constitutes a hazard to traffic using any public street;
- (d) is at large and apparently without an owner;
- (e) is found in any public place or public street where such a dog is, in the opinion of the authorised official, not on a leash or under proper control, unless the dog is in an area designated by the Council as a free running area;
- (f) enters any premises while an authorised official is attempting to take it into custody;
- (g) is starved or under-fed or denied water or adequate shelter; or
- (h) is being kept in contravention of section 2 or section 6.

(2) Any person may on premises of which he or she is the owner or occupier, take into custody any dog found trespassing thereon or therein for the purpose of having it impounded.

(3) Notwithstanding the provisions of subsections (1) and (2), no person may take any dog into custody for the purpose of having it impounded if there are reasonable grounds to believe that the dog is a female dog with unweaned young, unless such dog and unweaned young are taken into custody together.

(4) Any person who has taken a dog into custody in terms of this section-

- (a) must ensure that the dog is not ill-treated; and
- (b) may, when the pound is closed, keep the dog in his or her custody until the pound re-opens.

(5) No person may free any dog which has been taken into custody by an authorised official, or is being kept in custody in terms of this section or which has been impounded.

(6) The Council shall keep a record of all dogs seized and impounded in terms of this By-law indicating the species, marks and distinguishing peculiarities (if any) of such dogs, as well as the last

date for their release or otherwise, and such records shall be open for inspection by the public at the Council Offices during office hours.

(7) Any person may claim an impounded dog if he or she-

- (a) satisfies the pound master that he or she is the owner or is otherwise entitled to the custody of the dog concerned;
- (b) satisfies the pound master that releasing the dog into his or her custody will not result in any provision of section 2 or 6 being contravened; and
- (c) pays to the pound master the prescribed fees and the amount of veterinary expenses, if any, incurred in respect of the dog.

(8) A dog impounded in terms of subsection (1), other than a dog so impounded in terms of subsection (1) (b), shall be released to the owner of or person keeping such dog upon payment of the fee as fixed by the Council.

(9) A dog impounded in terms of subsection (1), other than a dog so impounded in terms of subsection (1)(b), may be sold or destroyed after it has been detained for not less than ten days and after such destruction has been approved by a qualified veterinarian, unless it has been claimed and released in terms of subsection (7) or subsection (8). At least 7 days prior notice of the intended destruction must be given by the pound master to the organisations and any other animal welfare organisation recognised by the Council.

(10) Notwithstanding the provisions of subsection (9), a dog which has been seized or impounded in terms of -

- (a) subsection (1)(b); or
- (b) any provision of this By-law or the provisions of any other law and which is found by the authorised official –
  - (i) to be suffering from any incurable, infectious or contagious disease, or to be badly injured; or
  - (ii) to be ferocious, vicious or dangerous, may be destroyed forthwith.

(11) If an authorised official is of the opinion that a dog is a dog contemplated by the provisions of section 6, he or she may –

- (a) cause a notice to be served on the owner of such dog requiring such owner to take such steps as will effectively abate such nuisance or contravention and to establish to the satisfaction of the authorised official that such dog is being properly kept;
- (b) impound the dog and deal with it in terms of this section, provided that such dog shall not be released to its owner unless such owner, within the period of ten days contemplated by subsection (9), provides the authorised official with satisfactory

proof that such dog, if released to him or her, will not cause any further nuisance and will be kept under control.

(12) The destruction of any dog shall be by such painless method as may be approved by a registered veterinarian and shall take place under the supervision of an authorised official.

(13) The proceeds of any sale shall be used to defray all costs connected with such sale and the impounding of such dog.

(14) Neither the Council nor the authorised official nor any employee of the Council shall be liable for or in respect of any injury suffered or disease contracted by or damage caused to any dog as result of or during its seizure, impounding, detention, sale or destruction in terms of this By-law.

#### **Fencing of property**

8. No person shall keep a dog if his or her premises are not properly and adequately fenced to keep such dog inside when it is not on a leash unless the dog is confined to the premises in some other manner, provided that such confinement is not inhumane in the assessment of the authorised official.

#### **The rescue of stray dogs**

9. A person who rescues a stray dog shall report the date and time of the rescue and a description of the dog to the Council within twenty four hours.

#### **Dog shall not be a source of danger**

10. (1) Any person who keeps a dog on any premises shall keep such dog in such a manner as not to be a source of danger to the Council's employees entering upon such premises for the purpose of carrying out their duties.

(2) A notice to the effect that a dog is being kept on such premises shall be displayed in a conspicuous place at each access point to the premises.

#### **Removal of excrement**

11. (1) If any dog defecates in any public street, public place or public road, any person in control of such dog, excluding a person assisted by a guide dog, shall forthwith remove the excrement, place it in a plastic or paper bag or wrapper and dispose of it in a receptacle provided for the deposit of litter or refuse, excluding a person who is assisted by a guide dog.

(2) No person shall walk a dog, other than a guide dog, in a public street, public place or public road, without carrying a sufficient number of plastic or paper bags or wrappers, within which to place the excrement of the dog, in the event of the dog defecating.

#### **Sterilisation**

12. (1) An authorized official may cause a dog to be sterilized should he or she deem it necessary-

- (a) in the interests of the welfare of the dog;

- (b) to prevent nuisance;
- (c) when the dog is stray;
- (d) at the request of the owner,

and the costs thereof may be recovered from the owner.

(2) The owner of a sterilized dog must obtain from a registered veterinarian proof that the dog has been sterilized and must produce such document for inspection to any authorised official on demand.

#### **Designation of public places as free-running, on-leash or off-limits**

13. The Council may designate public places, with appropriate signage, as one or more of free-running, on-leash or off-limits and the designation may vary according to time of day and season.

### **CHAPTER THREE**

#### **CATS**

##### **Restriction on number of cats**

14. (1) The Council may determine the number of cats that may be kept on any premises.

(2) In the absence of a determination made in terms of the provisions of subsection (1) and subject to the provisions of subsections (3) and (4), no person may keep more than –

- (a) four cats, or allow more than four cats, over the age of six months to be kept on any premises;
- (b) six cats, or allow more than six cats, to be kept on an agricultural property.

(3) (a) The provisions of section 2 (3), except paragraphs (d), and (f) of subsection (3), read with the necessary changes apply.

- (b) For the purpose of applying the provisions of section 2 (3) in terms of paragraph (a)–
  - (i) paragraph (b) thereof is deemed to refer to a cattery; and
  - (ii) paragraph (c) thereof is deemed to refer to cat flu and feline respiratory diseases.

(4) A person who has previously had a cat removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of an animal in his or her care, may not keep a cat, unless the Council determines otherwise.

(5) The provisions of sections 4, 5 and 7, read with the necessary changes, apply in respect of cats.

(6) No person shall keep any cat which does not have on its collar or micro-chip a name, telephone number and physical address or reference to a society for the prevention of cruelty to animals or registered animal welfare organisation.

#### **Powers of Council to sterilize cats**

15. (1) An authorised official may cause a cat to be sterilized should he or she deem it necessary-

- (a) in the interests of the welfare of the cat;
- (b) to prevent nuisance;
- (c) when the cat is stray;
- (d) on the request of the owner,

and the costs thereof may be recovered from the owner.

(2) The owner of a sterilized cat must obtain from a registered veterinarian proof that the cat has been sterilized and must produce such document for inspection to any authorised official on demand.

#### **Taking cats into custody**

16. (1) An authorised official or a person authorised thereto by a person, body or structure contemplated in paragraph (c) or (d) of the definition of Council may, for the purpose of having a cat impounded, take into custody any cat which is being kept in contravention of section 14.

(2) The provisions of section 7, read with the necessary changes, apply to the taking into custody of cats.

(3) Council may take the necessary steps to ensure that entrapment of cats is affected.

## **CHAPTER FOUR**

### **WORKING EQUINES**

#### **Permits to keep working equines**

17. (1) (a) Any owner who wants to put to work a working equine, must apply to the Council for a permit, in respect of such working equine.

(b) No more than one permit may be issued in respect of a working equine.

(2) An application in terms of subsection (1) must be in writing on a prescribed form and must be accompanied by –

- (a) the prescribed fee;
- (b) documentary evidence that the working equine is suitable to pull a animal drawn vehicle;

(3) The Council may require the applicant to provide any further information which it considers relevant to enable it to make an informed decision.

(4) The Council may refuse to consider an application in terms of subsection (1) in respect of which the provisions of subsection (2) have not been complied with or information contemplated in subsection (3), has not been furnished.

(5) The Council may only consider an application in terms of subsection (1) after receipt of a written report from an authorised official –

- (a) as to whether the working equine for which the permit is required is likely to cause a nuisance in a public place or its use may result in a contravention of section 19;
  - (b) setting out the results of an inspection of the working equine and its working circumstances; and
  - (c) as to whether the applicant has previously had a working equine removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of an animal in his or her care.
- (6) The Council may refuse an application in terms of subsection (1) or approve it subject to any conditions aimed at reducing the risk of nuisance in a public place occurring, continuing or recurring or to reduce such risk to a level acceptable to the Council.

(7) A person who has applied for a permit in terms of subsection (1) may not work a working equine pending the outcome of such application, in the absence of a permit.

(8) In respect of any application approved in terms of subsection (6), an authorised official must issue a permit on a prescribed form specifying every condition imposed by the Council.

(9) A permit is not transferable from one owner to another.

#### **Amendment, suspension and cancellation of permits**

18. The Council may, after consideration of a report and recommendation of an authorised official or veterinary surgeon, by written notice to the holder of a permit contemplated in section 17 –

- (a) amend, suspend or cancel that permit if it is satisfied that failure to do so would result in –
  - (i) the creation or continuation of a nuisance in a public place; or
  - (ii) a continued contravention of any provision of section 19;
- (b) with immediate effect amend, suspend or cancel that permit if such official is of the view that it is urgently necessary to do so to eliminate or reduce a significant risk to the public posed by a nuisance in a public place.

**Control of working equines**

19. No person putting to work a working equine shall -
- (a) permit the working equine to be in any public place whilst being incapable of pulling an animal drawn vehicle;
  - (b) permit the working equine to constitute a hazard to traffic using any public street;
  - (c) permit the working equine to constitute or to his or her knowledge be likely to constitute a source of danger or injury to any person using a public street;
  - (d) permit the working equine to be in any public street or public place except when under his or her control;
  - (e) work any working equine which does not have on the name, telephone number and address of its owner;
  - (f) permit any working equine to draw any vehicle, or use any harness which does not comply with the SABS standards and criteria which may be determined by Council from time to time.

**Seizure, impounding and destruction of working equines**

20. (1) An authorised official may seize and impound at a place appointed by the Council any working equine which -

- (a) may be destroyed on the advice of a veterinary surgeon or in terms of the provisions of any law;
- (b) in his or her opinion is incapable to continue to pull an animal drawn vehicle;
- (c) in his or her opinion constitutes a hazard to traffic using any public street;
- (d) is at large and apparently without an owner; or
- (e) is found in any public place where such a working equine is, in the opinion of the authorised official, not under proper control.

(2) The Council shall keep a record of all working equines seized and impounded in terms of this By-law indicating the species, marks and distinguishing peculiarities (if any) of such working equines, as well as the last date for their release or otherwise, and such records shall be open for inspection by the public at the Council Offices during office hours.

(3) A working equine impounded in terms of subsection (1) shall be released to the owner or person keeping such working equine upon payment of the fee as fixed by the Council.

(4) A working equine impounded in terms of subsection (1) may be sold or re-homed after it has been detained for not less than ten days unless it has been claimed and released in terms of subsection (3).

(5) If an authorised official is of the opinion that a working equine is a working equine contemplated by the provisions of section 19, he or she may –

- (a) cause a notice to be served on the owner of such working equine requiring such owner to take such steps as will effectively abate such nuisance and to establish to the satisfaction of the authorised official that such working equine will be kept under proper control;
- (b) impound the working equine and deal with it in terms of this section, provided that working equine shall not be released to its owner unless such owner, within the period of ten days contemplated by subsection (4), provides the authorised official with satisfactory proof that such working equine, if released to him or her, will not cause any further nuisance and will be kept under control.

(6) The proceeds of any sale shall be used to defray all costs connected with such sale and the impounding of such working equine.

(7) Neither the Council nor the authorised official nor any employee of the Council shall be liable for or in respect of any injury suffered or disease contracted by or damage caused to any working equine as result of or during its seizure, impounding, detention, sale or destruction in terms of this By-law.

#### **The rescue of impounded working equines prohibited**

21. No person shall, by threats of violence or otherwise, rescue or attempt to rescue from the person or persons in charge thereof any working equine being lawfully brought to the pound, or shall rescue or attempt to rescue any working equine after such working equine has been lawfully impounded by an authorised official.

### **CHAPTER FIVE**

#### **Animals and poultry**

22. In order to promote public health no person shall keep or permit to be kept on any premises or property any animal or poultry without the permission of the Council.

#### **Permits**

23. (1) For the purpose of promoting public health and restricting public nuisances, the Council may from time to time determine the number of animals or poultry that may be kept per unit area and the areas within which such animals or poultry shall be prohibited.

(2) The Council may from time to time, determine the kinds of animals and poultry for which a permit is required and the relevant application fee and annual fee for such permit. Applications for such permits must be made on the prescribed form made available by the Council for such purposes.

(3) Permits issued in terms hereof are not transferable and shall only be valid for the specific property in respect of which the application was made.



24. (1) The Council may require an application in terms of section 23(1) to be accompanied by a detailed site plan indicating all existing or proposed structures and fences on the property for which a permit is required.

(2) The Council may require detailed plans and specifications of structures wherein it is proposed to keep animals and poultry, in order to evaluate whether or not to grant a permit applied for in terms of section 23 (2).

(3) Notwithstanding anything to the contrary contained in this by-law, the Council may refuse to approve an application or grant approval subject to specific conditions if, in its opinion, the property owing to its location, siting or geographical features or size, is unsuitable for the keeping of animals or poultry.

(4) No structure that accommodates animals shall be sited-

- (a) within one and a half metres of any boundary of the erf which abuts another residential erf;
- (b) within six metres of any boundary of the erf which abuts any road or public open space; and
- (c) within four and a half metres from any dwelling, servants quarters, inhabited outbuilding and shop or building where food is processed.

(5) Where a structure in which animals will be kept forms part of an outbuilding used for human habitation, such structure must be sited at least four and a half metres from such habitable room and must not be under the same roof space as the habitable room.

(6) No structure in which poultry is kept shall be sited:

- (a) within one and a half metres from any boundary of a residential erf; and
- (b) within one and a half metres from any dwelling, servants quarters, inhabited outbuilding and shop or building where food is processed, sold or stored.

(7) All structures in which animals or poultry are kept shall be suitably screened from any street to the satisfaction of the Council.

(8) No structure in which poultry is kept shall have a height in excess of three and a half metres.

(9) Notwithstanding the aforementioned provisions, the Council may, after considering conditions particular to the property and on condition that no objection is received from adjoining and affected neighbours, waive any or all of the requirements of this chapter and impose other conditions if appropriate.

#### **Storage of feed and manure, disposal of carcasses**

25. (1) All manure resulting from the keeping of animals and poultry shall, pending removal from the premises, be stored under shelter in sealed fly-proof containers and disposed of on a regular

basis so as to prevent any nuisance from being created, provided that such disposal may not include composting on the premises, except on agricultural property.

(2) All feed shall be stored in a rodent proof place, container or storeroom for the keeping of animals and poultry.

(3) The premises for the keeping of animals and poultry shall be kept in such condition as not to attract or provide harbourage for rodents.

(4) Carcasses are to be disposed of at the owner's expense and in a manner approved by the Council.

**26.** The Council may from time to time determine that a fly and rodent proof manure store and feed store of adequate size and constructed of permanent material, is required on premises where animals are kept.

#### **Kennels and catteries**

**27.** No person shall keep a kennel or cattery unless the following requirements are complied with and a permit has been obtained from the Council:

- (a) Dogs and cats are kept in separate enclosures-
  - (i) constructed of durable materials and with adequate access for cleaning, disinfecting and de-vermination purposes;
  - (ii) with a floor constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel one hundred millimetres wide, extending over the full width of the floor and situated within the enclosure, which channel shall drain into a gully connected to the Council sewer system by means of a pipe of approved material with a minimum diameter of one hundred millimetres or to another approved disposal system;
  - (iii) with a kerb one hundred and fifty millimetres high along the entire length of the channel referred to in subparagraph (ii), to prevent stormwater from such area from entering the channel;
- (b) every enclosure referred to in paragraph (a) shall contain a roofed shelter for the accommodation of dogs and cats of which-
  - (i) every wall shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface without cracks or open joints; and
  - (ii) the floor shall be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints and the surface between the floor and the walls of a permanent structure shall be coved;

- (c) in the case of dogs, a dog kennel of moulded fibre cement or other similar material which is movable and placed on a base constructed of concrete or other durable material with an easily cleaned finish, without cracks or open joints, may be provided instead of a shelter contemplated in paragraph (b) and if the base of such kennel is not rendered waterproof, a raised sleeping board which will enable the dog to keep dry shall be provided in every such kennel;
- (d) a concrete apron at least one metre wide shall be provided at the entrance of the enclosure over its full width, the apron to be graded to allow for the drainage of water away from the enclosure;
- (e) a supply of potable water, adequate for drinking and cleaning purposes, shall be provided in or adjacent to every enclosure;
- (f) separate isolation facilities for sick dogs and cats shall be provided to the satisfaction of the Council;
- (g) if cages are provided for the keeping of cats, such cages shall be of durable, impervious material and constructed so as to be easily cleaned.

#### **Structures to be in proper state of repair and no alterations**

28. (1) All structures shall at all times be kept in a proper state of repair by the owner or occupier of the premises.

(2) No person shall alter or use a structure for the keeping of animals or poultry for purposes other than those specified in the permit.

#### **Notices, amendment and cancellation of permits**

29. (1) If, in the opinion of the Council, any animals kept on any property in terms of which a permit has been issued by the Council under this By-Law cause a health nuisance, danger to health or endanger the safety of the public or where more animals are kept than authorised in the permit issued, the Council may serve written notice on the holder of the permit, or in his absence the person in charge, to remove or cause to be removed such nuisance or danger or excess number of animals within a specified period.

(2) The holder of a permit or the person in charge, on receiving a notice in terms of subsection (1), shall comply with the requirements as specified by the Council in such notice, failing which the Council may, at its discretion-

- (a) cancel the permit to keep animals on such property, or
- (b) amend the permit.

(3) The holder of a permit shall, when requested by Council to do so, return the permit issued to him for amendment or cancellation, as the case may be.

**Animals offered for sale**

30. A person or manager of premises where dogs or cats or horses are offered for sale shall keep proper records of vaccination and shall not leave such animals unattended overnight.

**Fireworks**

31. No person may terrify or cause stress or fear to any animal with fireworks or by any other means.

**Animal cruelty**

32. Any person who-

- (a) possesses, keeps, imports, buys, sells, trains, breeds or has under his or her control an animal for the purposes of fighting any other animal;
- (b) baits, provokes or incites any animal to attack another animal or to proceed with the fighting of another animal;
- (c) for financial gain or as a form of amusement promotes animal fights;
- (d) allows any of the acts referred to in paragraphs (a) to (c) to take place on any premises or place in his or her possession or under his or her charge or control;
- (e) owns, uses or controls any premises or place for the purpose or partly for the purpose of presenting animal fights on such premises or place or who acts or assists in the management of such premises or place, or who receives any consideration for the admission of any person to such premises or place; or
- (f) is present as a spectator at any premises or place where any of the acts referred to in paragraphs (b) to (e) is taking place or where preparations are being made for such acts,  
  
is guilty of an offence and liable on conviction to a fine of R 20 000.00 (twenty thousand rand) or to imprisonment for a period not exceeding two years;
- (g) In any prosecution it is presumed, unless the contrary is proved, that an animal that is found at any premises or place is the property or under the control of the owner of those premises or that place, or is the property or under the control of the person who uses or is in control of the premises or place.

## CHAPTER 6

### Duties of pound master

#### 33. A pound master-

- (a) (i) must keep the pound open between 08h00 and 16h30 from Monday to Friday and Saturday between 08h00 and 12h00 unless any such day is a public holiday;
- (ii) may, notwithstanding the provisions of subparagraph (i), keep the pound open during such earlier or later hours as he considers necessary, subject to displaying an easily legible notice to that effect at the entrance to the pound;
- (b) must accept, take charge of and impound any animal brought to the pound with a view to impounding it, during the hours when the pound is open and must, subject to the further provisions of this By-Law, detain that animal in the pound: Provided that the pound master may refuse to receive, or may release any animal if he or she reasonably believes that such animal was not lawfully taken into custody or impounded;
- (c) must keep a register in which the following particulars of any animal are recorded:
  - (i) the name of the authorised official or the name, residential address and telephone number of any other person who brought the animal to be impounded;
  - (ii) the time at which and date on which the animal was impounded;
  - (iii) the place where the animal was found immediately before it was taken into custody;
  - (iv) the date on which and the time at which the animal was taken into custody before being brought to the pound;
  - (v) the reason for impounding the animal;
  - (vi) a description of the animal indicating the estimated age, breed, sex, colour, markings and any injury found on the animal when the poundmaster accepted it;
  - (vii) whether the animal was released, sold or destroyed and the date and time of such release, sale or destruction;
  - (viii) the amount or money realised in respect of such release or sale;
  - (ix) the amount of veterinary expenses, if any, incurred in respect of the animal;
- (d) must ensure that the pound and all equipment used in connection with impounding animals are at all times kept in a clean condition and free from flies and other vermin, to the satisfaction of the Council's Executive Director: Health;

- (e) must ensure that every animal in the pound is properly fed and cared for;
- (f) must isolate any female animal on heat;
- (g) must take all reasonable steps to prevent fighting amongst animals in the pound;
- (h) must isolate any diseased animal from the healthy animals, have such animal attended to by a veterinarian and take all steps to recover the expenses incurred in this regard from the owner if the identity and address of the owner are known;
- (i) must take all necessary steps to have any animal destroyed as contemplated in this By-Law and recover any expenses incurred in this regard from the owner if the identity and address of the owner are known;
- (j) must take all reasonable steps to ensure that animals are re-homed and not destroyed;
- (k) must levy the prescribed fees for impoundment and daily holding fees in respect of any animal;
- (l) may cause any animal to be sterilised and provide it with identification as set out in sections 6(i) and 14(6) and recover the costs thereof from the claimant provided that the claimant may provide for consideration a motivation as to why the animal should not be sterilised;
- (m) must cause any animal to be sterilised and provide it with identification as set out in sections 6(i) and 14(6) prior to releasing the animal from the pound to any person other than the original owner thereof; and
- (n) must scan any animal taken into custody by an authorised official for the purposes of detecting a microchip.

## CHAPTER SIX

### MISCELLANEOUS

#### Offences and penalties

#### 34. (1) Any person who -

- (a) contravenes or fails to comply with any provisions of this By-law or with any order or notice lawfully issued thereunder commits an offence; and
- (b) continues to commit an offence after notice has been served on him or her to cease committing such offence or after he has been convicted of such offence shall be guilty of a continuing offence.

(2) Any person convicted of an offence under this By-law shall be liable to a fine or imprisonment for a period not exceeding two years.

(3) In the case of a continuing offence an additional fine or imprisonment for a period not exceeding ten days for each day on which such offence continued may be imposed or both a fine and imprisonment.

(4) Any court convicting any person of keeping any animal which is not kept under control in accordance with the provisions of this By-law may, in addition to the penalty referred to in subsection (2), order the destruction of the animal concerned, and thereupon an authorised official may destroy such animal.

#### **Application to the State and Council**

35. These By-laws bind the State and the Council.

#### **REPEAL**

36. The following By-laws are hereby repealed:

- (a) Kuilsriver Municipality By-law relating to the keeping of dogs as published in Provincial Notice No. 1027 of 1977;
- (b) Milnerton Municipality By-law relating to the control of dogs as published in Provincial Notice No. 481 of 1987;
- (c) Brackenfell Municipality By-law relating to the keeping of dogs as published in Provincial Notice No. 190 of 1979 and Amendment of By-law relating to the keeping of dogs as published in Provincial Notice No. 510 of 1990;
- (d) Kraaifontein Municipality By-law for the Control of dogs as published in Provincial Notice No. 669 of 1979 and Amendment to the By-law for the control of dogs as published in Provincial Notice No. 526 of 1982;
- (e) Divisional Council of Stellenbosch By-law relating to the keeping of dogs as published in Provincial Notice No. 692 of 1979;
- (f) Fish Hoek Municipality dog control by-law as published in Provincial Notice No. 675 of 1979;
- (g) Simonstown Municipality Regulations relating to the keeping of dogs as published in Provincial Notice No. 549 of 1963;
- (h) City of Tygerberg By-law relating to the control of dogs as published in Provincial Notice No. 567 of 2000;
- (i) Cape Town Municipality By-law for the control of dogs as published in Provincial Notice No. 658 of 1981;
- (j) Cape Divisional Council By-law relating to the control of dogs as published in Provincial Notice No. 781 of 1985;

- (k) Part 2 of the Environmental Health By-law of the City of Cape Town as published in the Provincial Gazette Extraordinary dated 30 June 2003.

#### **Transitional provisions**

**37. (1)** A nine month transitional period for the registration of dogs in terms of section 3(1) and section 3(2) of this By-law will apply from the date of promulgation of this By-Law by publication in the Gazette.

(2) Applications in terms of section 4(1) of this By-Law to keep a greater number of dogs on premises than the number permitted in terms of section 2(2), will in the first six months after promulgation of this By-Law, be granted up to a maximum of six dogs on any premises, subject to the owner not replacing any dog that dies or is disposed of if it would result in a contravention of section 2(2).

(3) Applications to keep a greater number of cats on premises than the number permitted in terms of section 14(2), will in the first six months after promulgation of this By-Law, be granted up to a maximum of six cats on any premises, subject to the owner not replacing any cat that dies or is disposed of if it would result in a contravention of section 14(2).

(4) Section 6(i) and section 14(6) of this By-law takes effect after a period of six months has elapsed since the date of promulgation of this By-Law by publication in the Gazette.

(5) Section 17 (7) of this By-Law takes effect after a period of six months has elapsed since the date of promulgation of this By-Law by publication in the Gazette.

(6) Section 12(1) and section 15(1) of this By-Law takes effect after a period of six months has elapsed since the date of promulgation of this By-Law by publication in the Government Gazette.

#### **Short title**

**38.** This By-law is called the City of Cape Town: Animal By-Law, 2010.



## STAD KAAPSTAD

### VERORDENING OP DIERE, 2010

#### AANHEF

**NADEMAAL** voormalige munisipaliteite binne die regsgebied van die Stad Kaapstad ontbind is om een munisipaliteit te vorm met wetgewende en uitvoerende bevoegdhede oor alle gebiede van sodanige voormalige munisipaliteite;

**NADEMAAL** daar 'n behoefte daaraan is om een stuk wetgewing te ontwikkel wat die beheer van diere, met inbegrip van honde, katte en werkperde, deur die Stad heen gelykvormig bestuur;

**NADEMAAL** die Stad die bevoegdheid ingevolge die Grondwet van die Republiek van Suid-Afrika het om verordeninge uit te vaardig en toe te pas vir die doeltreffende administrasie van die aangeleenthede wat hy die reg het om te administreer;

**NADEMAAL** die Stad ingevolge deel B, skedule 5, van die Grondwet die bevoegdheid het met betrekking tot die beheer van openbare oorlas, skutte, geriewe vir die akkommodasie, versorging en begrawe van diere, die lisensiëring van honde, munisipale paaie, verkeer en parkering, en ingevolge deel B, skedule 4, van die Grondwet die bevoegdheid ten opsigte van munisipale gesondheidsdienste het;

**VERORDEN** die raad van die Stad Kaapstad DUS NOU soos volg:-

#### HOOFSTUK EEN

#### INTERPRETASIE

#### Definisies

1. In dié verordening, tensy die konteks andersins aantoon-

beteken "**aanliggende buurman wat geraak word**" 'n buurman wie se eiendom regstreeks aanliggend aan die gemeenskaplike grens van die aansoeker is, of wat oorkant of skuins teenoor die aansoeker se perseel geleë is;

beteken "**bespanne voertuig**" 'n standaard-ontwerpte wa met as en disselbome wat deur middel van 'n harnas aan die werkperd vas is;

beteken "**dier**" perd, ponie, muil, donkie, vee, vark, skaap, bok, kameel, reptiel, hond, kat of ander huisdier, inheemse dier en ander wilde of eksotiese dier, maar vir die doeleindes van hoofstuk vyf sluit dit honde, katte en werkperde uit in die mate wat hulle afsonderlik in ander hoofstukke gereguleer word;

beteken "**eienaar**" ten opsigte van 'n hond, kat of werkperd enige persoon wat in besit of bevel van sodanige hond, kat of werkperd is, of wat toesig of beheer daarvoor het;

beteken **"gemagtigde amptenaar"** 'n amptenaar gemagtig ingevolge artikel 8 van die Wet op Dierebeskerming, Wet 71 van 1962, en enige amptenaar van die raad wat deur die raad gemagtig is om die bepalings van dié verordening toe te pas;

beteken **"gesondheidsoorlas"** enige aktiwiteit, toestand, perseel of voorwerp wat vanweë uitvloeiende dampe, chemiese reuke, slegte reuke, geraas, vibrasie, uitstraling, vullis, afvalprodukte, vuilheid, chemiese of biochemiese materiaal, mikrobiële besmetting, parasiete, plantegroei, oorbewoning, gebrek aan behoorlike algemene hygiëne, ventilasie, verligting, ontwerp, situasie of weens enige ander oorsaak of praktyk ook al, na die mening van die uitvoerende direkteur: gesondheid of behoorlik gemagtigde raadswerknemer potensieel nadelig of gevaarlik vir gesondheid is of wat onaangenaam is, met inbegrip van, sonder om aan die algemeenheid van die voorgaande afbreuk te doen, enige fasiliteit vir die berging, verspreiding of hantering van water wat mense waarskynlik vir huishoudelike doeleindes of verbruik gaan aangewend, met inbegrip van die water self, wat besmet of besoedel is;

beteken **"gidshond"** 'n hond wat opgelei is om 'n blinde of swaksiene persoon te help, met inbegrip van 'n dienshond wat opgelei is om 'n persoon te help wat geestelik of liggaamlik gestrem is;

beteken **"groot woonhuis"** 'n woonhuis op 'n erf wat groter as seshonderd vierkante meter is;

beteken **"hond"** 'n reu of 'n teef van enige ouderdom, tensy andersins gespesifiseer;

beteken **"hondehawe"** 'n perseel waarop –

- (a) verblyffasiliteite vir honde voorsien word;
- (b) honde vir kommersiële doeleindes geteel word;
- (c) honde aangehou word met die oog op opleiding of verhuring, met of sonder hanteerders; of
- (d) honde vir kommersiële veiligheidsdoeleindes aangehou word;

beteken **"karkas"** die oorskot van enige dier of pluimvee;

beteken **"kat"** 'n mannetjies- sowel as wyfiekat van enige ouderdom, tensy andersins gespesifiseer;

beteken **"kattehawe"** 'n perseel waarop –

- (a) verblyffasiliteite vir katte voorsien word; of
- (b) katte vir kommersiële doeleindes geteel word;

beteken **"landbou-eiendom"** grond wat ingevolge enige van die raad se dorpsbeplanningskemas of enige ander wet vir landbougebruik gesoneer is;

beteken **"openbare plek"** en **"openbare straat"** –

- (a) 'n openbare pad;

- (b) enige parkeerterrein, plein, park, ontspanningsterrein, sportterrein, nagkarsteeg, oop ruimte, strand, winkelsentrum op munisipale grond, ongebruikte of onbeboude munisipale grond of begraafplaas wat –
- (i) in verband met enige onderverdeling of uitleg van grond in erwe, persele of hoewes voorsien is of opsy gesit is vir gebruik deur die publiek of die eienaars of okkupante van sodanige erwe, persele of hoewes, hetsy dit op 'n algemene plan, onderverdelingsplan of diagram getoon word, al dan nie;
  - (ii) te eniger tyd aan die publiek opgedra is;
  - (iii) ononderbroke deur die publiek gebruik is vir 'n tydperk van minstens dertig jaar wat na 31 Desember 1959 verstryk het; of
  - (vi) te eniger tyd as sodanig verklaar of beskikbaar gestel is deur die Stad of ander bevoegde owerheid; of
- (c) 'n openbarevervoer-motorvoertuig, maar sluit nie openbare grond in wat deur die Stad verhuur of andersins vervreem is nie;

beteken "**permit**" die skriftelike toestemming wat die raad ingevolge dié verordening verleen het;

beteken "**perseel**" enige gebou, tent of enige ander struktuur, tesame met die grond waarop dit geleë is, sowel as die aanliggende grond wat ten opsigte daarvan gebruik word en enige grond sonder geboue of tente, en sluit enige voertuig, vervoermiddel, skip of boot in; sluit "**persoon**" enige regeringsfeer, regs- of natuurlike persoon in;

beteken "**pluimvee**" enige hoender, gans, volstruis, eend, posduif, duif, kalkoen, makou, tarentaal, pou of voël in, hetsy mak of wild;

beteken "**raad**" –

- (a) Die raad van die Stad Kaapstad gestig ooreenkomstig Provinsiale Kennisgewingno. 479 van 2000, uitgevaardig ingevolge artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, Wet 117 van 1998;
- (b) 'n regsopvolger;
- (c) 'n struktuur of persoon wat 'n gedelegeerde bevoegdheid of 'n opdrag uitvoer, waar enige bevoegdheid in dié Verordening gedelegeer of gesubdelegeer is, of 'n opdrag gegee is, soos bedoel in artikel 59 van die Wet op Plaaslike Regering: Munisipale Stelsels, Wet 32 van 2000; of
- (d) 'n diensverskaffer wat 'n ingevolge dié Verordening 'n verantwoordelikheid uitvoer wat ingevolge artikel 81(2) van die Wet op Plaaslike Regering: Munisipale Stelsels, Wet 32 van 2000, of enige ander wet aan hom/haar opgedra is;

beteken "**skut**" 'n plek wat die raad ingevolge enige wet aangewys het vir die skut, verkoop en van kant maak van diere, met inbegrip van 'n dierewelsynsorganisasie wat deur die raad erken word;

beteken "skutmeester" 'n persoon wat deur die raad aangestel is om in bevel van 'n skut te wees;

beteken "struktuur" enige stal, skuthok, varkhok, kraal, voëlhok, veekamp, dekkingstruktuur, hoenderhuis, afkamping, loophok, solder of gebou wat vir die aanhou, huisvesting of afkamping van diere of pluimvee gebruik word; en

beteken "werkperd" 'n perd, donkie, muil of esel wat geskik is om 'n bespanne voertuig te trek wat vir geldelike gewin gebruik word;

beteken "woonhuis" 'n enkele gebou wat as woning vir die gebruik van 'n enkele gesin ontwerp is en wat geleë is op 'n perseel wat nie meer as twee sodanige gebouehuisves nie;

beteken "wooneenheid" 'n ander onderling verbindende suite kamers as 'n woonhuis, met inbegrip van 'n kombuis of opwasplek, wat vir bewoning deur 'n enkele gesin ontwerp is, ongeag of sodanige eenheid 'n enkele gebou is of deel uitmaak van 'n gebou wat uit meer as een sodanige eenheid bestaan.

## HOOFSTUK TWEE

### HONDE

#### Beperking op getal honde

2. (1) Die raad mag die getal honde bepaal wat op enige perseel aangehou kan word.

(2) By afwesigheid van 'n bepaling gemaak ingevolge die bepalings van subartikel (1), en onderhewig aan die bepalings van subartikels (3) en (4), mag geen persoon meer as –

- (a) twee honde ouer as ses maande in of by 'n wooneenheid aanhou of laat aanhou nie;
- (b) drie honde ouer as ses maande in of by 'n woonhuis aanhou of laat aanhou nie;
- (c) vier honde ouer as ses maande in of by 'n groot woonhuis aanhou of laat aanhou nie;
- (d) ses honde ouer as ses maande op 'n landbou-eiendom aanhou of laat aanhou nie;
- (e) drie honde ouer as ses maande op of by enige ander perseel aanhou of laat aanhou nie.

(3) Subartikel (2) is nie van toepassing op enige persoon wat –

- (a) die houer is van 'n permit uitgereik ingevolge artikel 4 om 'n groter getal honde aan te hou nie;
- (b) die houer van 'n permit is om 'n hondehawe te bedryf nie;
- (c) die eienaar of bestuurder van 'n troeteldierwinkel is of in bevel daarvan is nie, en wat skriftelike bewys het dat alle honde onder bevel van sodanige eienaar of bestuurder teen hondesiekte, hepatitis, hokhoes en katgriep (parvovirus) ingeënt is;

- (d) die eienaar van 'n groot perseel is of in bevel is daarvan, waar gidshonde aangehou of opgelei word nie; en sodanige honde aangehou of opgelei word onder beskerming van die SA Gidshondvereniging;
- (e) die eienaar of bestuurder van 'n veeartsenykliniek is nie; of
- (f) in bevel is van honde wat deur die metropolisedepartement van die raad, soos gespesifiseer in paragraaf (a) van die definisie van "raad", die Suid-Afrikaanse Polisie of die Suid-Afrikaanse Weermag besit word, en wat vir teel- of operasionele doeleindes aangehou word nie;
- (g) 'n skut bedryf nie.

(4) 'n Persoon wie se permit om 'n hond aan te hou, gekanselleer is, of uit wie se sorg 'n hond voorheen verwyder is, of wat 'n vorige kriminele veroordeling of 'n siviele uitspraak teen hom of haar het ten opsigte van 'n dier in sy of haar sorg, mag nie 'n hond aanhou nie, tensy die raad andersins bepaal.

#### **Lisensiering en registrasie van honde**

3.(1) Die eienaar van 'n eiendom waar 'n hond of honde aangehou word, moet die hond of honde by die raad registreer.

(2) Honderegistrasie moet plaasvind binne vier maande na die hond se geboorte of binne 30 dae na 'n hond verkry is op eiendom binne die grense van die raad se regsgebied.

(3) Die raad kan hondelisenstegeld hef ten opsigte van 'n eiendom waar 'n hond of honde aangehou word.

(4) Die bedrag van die hondelisenstegeld kan ingevolge 'n raadsbesluit bepaal word. 'n Verminderde hondelisenstegeld kan op honde van toepassing wees wat gesteriliseer is.

#### **Permitte om meer as die voorgesrewe getal honde aan te hou**

4. (1) Enige persoon wat 'n groter getal honde op persele wil aanhou as die getal wat ingevolge artikel 2(2) toegelaat word, moet by die raad om 'n permit aansoek doen.

(2) 'n Aansoek ingevolge subartikel (1) moet skriftelik op 'n voorgeskrewe vorm ingedien word, en moet van die voorgeskrewe gelde vergesel word.

(3) Die raad kan vereis dat die aansoeker enige inligting verstrek wat die raad toepaslik ag om 'n ingeligte besluit te neem.

(4) Die raad kan weier om 'n aansoek ingevolge subartikel (1) te oorweeg ten opsigte waarvan daar nie aan die bepalings van subartikel (2) voldoen is nie, of waar inligting bedoel in subartikel (3) nie verskaf is nie.

(5) Die raad kan 'n aansoek ingevolge subartikel (1) slegs oorweeg na ontvangs van 'n skriftelike verslag van 'n gemagtigde amptenaar –

- (a) of die hond waarvoor die permit verlang word, dalk 'n openbare gesondheidsgevaar kan veroorsaak, en of die aanhou van sodanige hond tot 'n oortreding van artikel 6 kan lei;
- (b) waarin die resultate uiteengesit word van 'n inspeksie van die perseel waarop die betrokke hond aangehou word of aangehou gaan word; en
- (c) of 'n hond voorheen uit die aansoeker se sorg verwyder is, en of hy of sy 'n vorige kriminele oortreding of siviele uitspraak ten opsigte van 'n hond in sy of haar sorg teen hom of haar het.

(6) Die raad kan 'n aansoek ingevolge subartikel (1) van die hand wys, of dit goedkeur, onderhewig aan enige voorwaardes wat daarop gemik is om die risiko daarvan te verminder dat enige openbaregesondheidsgevaar wat die honde op die betrokke perseel kan veroorsaak, voorkom, voortduur of weer voorkom, of om sodanige risiko te verminder tot 'n vlak wat vir die raad aanvaarbaar is.

(7) Ten opsigte van enige aansoek wat ingevolge subartikel (6) goedgekeur is, moet 'n gemagtigde amptenaar 'n permit op 'n voorgeskrewe vorm uitreik waarop elke voorwaarde gespesifiseer word wat die raad opgelê het.

(8) 'n Permit is nie oordraagbaar van een persoon na 'n ander, of van die perseel ten opsigte waarvan dit uitgereik is, na ander persele nie.

#### **Wysiging, opskorting en kansellering van permitte**

5. Die raad kan, na oorweging van 'n verslag en 'n aanbeveling deur 'n gemagtigde amptenaar of veearts, deur middel van skriftelike kennisgewing aan die houer van 'n permitbedoel in artikel 4 –

- (a) sodanige permit wysig, opskort of kanselleer as hy oortuig is dat versuim om dit te doen, sou lei tot –
  - (i) die skepping of voortsetting van 'n openbare gesondheidsgevaar; of
  - (ii) 'n voortgesette oortreding van enige bepaling van artikel 6;
- (b) dadelik ingaande sodanige permit wysig, opskort of kanselleer as –
  - (i) sodanige amptenaar van mening is dat dit dringend nodig is om dit te doen om daardeur 'n wesentliche risiko wat 'n openbaregesondheidsgevaar of moontlike openbaregesondheidsgevaar inhou, vir die publiek uit te skakel of te verminder; of
  - (ii) daar 'n kriminele saak teen die permithouer aanhangig is of 'n siviele saak waarin die permithouer 'n party is, waarby 'n dier in sy of haar sorg betrokke is.

**Verbodsbepalinge wat met die aanhou van honed verband hou****6. Geen persoon mag -**

- (a) enige teef in oestrus wat hy of sy besit of deur hom of haar aangehou word, toelaat om op enige openbare straat of openbare plek te wees nie;
- (b) enige hond aanhits om enige persoon of dier aan te val, lastig te val of skrik te maak, of deur nalatigheid versuim om enige hond te verhoed om enige persoon of dier aan te val, lastig te val of skrik te maak nie, behalwe waar dit ter verdediging van sodanige eersgenoemde persoon of sy of haar eiendom of enige ander persoon is;
- (c) enige hond aanhou wat skade aan openbare eiendom aanrig nie;
- (d) enige hond aanhou waarvan hy of sy versuim om sodanige hond se ontlasting gereeld te verwyder en op 'n paslike wyse daarmee weg te doen nie;
- (e) enige hond aanhou wat meer as altesaam ses minute in enige uur of meer as altesaam drie minute in enige halfuur blaf, kef, tjank of kerm nie;
- (f) enige hond aanhou wat honger ly, ondervoed is of nie water of toereikende skuiling het nie;
- (g) enige hond aanhou wat 'n oorlas vir die buurt se inwoners is aangesien die hond:
  - (i) die aangeleerde gewoonte het om enige voertuig, diere, pluimvee, duiwe of persone te jaag buite enige perseel waar sodanige hond aangehou word; of
  - (ii) deur hom/haar op enige ander wyse te wangedra;
- (h) enige hond wat hy of sy besit of deur hom of haar aangehou word -
  - (i) toelaat om op enige openbare straat of openbare plek te wees terwyl sodanige hond aan brandsiekte of enige ander besmetlike of aansteeklike siekte ly nie, en nie kan bewys dat die hond deur 'n geregistreerde veearts behandel word en nie meer 'n openbaregesondheidsgevaar inhou nie;
  - (ii) en wat na mening van die gemagtigde amptenaar wild, kwaai of gevaarlik is, toelaat om op enige openbare straat of openbare plek te wees nie, tensy sodanige hond op 'n menslike wyse gemuilband is, aan 'n leiband is en onder beheer is;
  - (iii) toelaat om op privaat eiendom te oortree nie;

- (v) toelaat om 'n verkeersgevaar te wees deur enige openbare straat te gebruik nie;
- (vi) toelaat om 'n bron van gevaar of besering, of na sy of haar wete waarskynlik 'n bron van gevaar of besering, uit te maak vir enige persoon buite die perseel waar sodanige hond gehou word nie; of
- (vi) toelaat om op enige openbare straat of openbare plek te wees, behalwe aan 'n leiband en onder beheer nie, tensy die hond in 'n gebied is wat deur die raad bestem is as 'n gebied waar sodanige hond vry kan hardloop;
- (i) enige hond aanhou wat nie aan sy of haar halsband of op sy of haar mikroskyfie 'n naam, telefoonnommer en fisiese adres of verwysing na 'n vereniging vir die voorkoming van wreedheid teenoor diere of geregistreerde dierewelsynsorganisasie het nie;
- (j) enige hond tart, teister of terg nie.

#### **Beslaglegging op, skut en van kant maak van honde**

7.(1) 'n Gemagtigde amptenaar mag op enige hond beslag lê of dit skut op 'n plek wat die raad aangewys het, as sodanige hond -

- (a) van kant gemaak kan word ingevolge die bepalings van subartikel (10) of enige ander wet;
- (b) na sy of haar mening aan brandsiekte of enige ander besmetlike of aansteeklike siekte ly;
- (c) na sy of haar mening 'n gevaar inhou vir verkeer wat enige openbare straat gebruik;
- (d) los loop en klaarblyklik sonder eienaar is;
- (e) op enige openbare plek of openbare straat gevind word waar sodanige hond, na die mening van die gemagtigde amptenaar, nie aan 'n leiband of onder behoorlike beheer is nie, tensy die hond in 'n gebied is wat deur die raad as vryhardloopegebied aangewys is;
- (f) enige perseel binnegaan terwyl 'n gemagtigde amptenaar daarop probeer beslag lê;
- (g) honger ly of ondervoed is of water of toereikende skuiling ontsê word; of
- (h) in stryd met artikel 2 of artikel 6 aangehou word.

(2) Enige persoon mag op 'n perseel waarvan hy of sy die eienaar of bewoner is, op enige hond wat daarop of daarin oortree, beslag lê met die doel om dit te laat skut.

(3) Ondanks die bepalings van subartikels (1) en (2), mag geen persoon op 'n hond beslag lê met die oog daarop om dit te laat skut as daar redelike gronde is om te glo dat die hond 'n teef is



waarvan die kleintjies nog nie gespeen is nie, tensy sodanige hond en ongespeende kleintjies saam gevang word;

- (4) Enige persoon wat ingevolge dié artikel op 'n hond beslag gelê het -
- (a) moet sorg dat die hond nie mishandel word nie; en
  - (b) mag, ingeval die skut gesluit is, die hond in sy of haar bewaring hou tot die skut weer oopmaak.
- (5) Geen persoon mag enige hond vrylaat waarop 'n gemagtigde amptenaar beslag gelê het of wat ingevolge dié artikel in bewaring gehou word of wat geskut is nie.
- (6) Die raad moet rekord hou van alle honde waarop daar ingevolge dié verordening beslag gelê is en wat geskut is, en die soort, merke en onderskeidende eienskappe (as daar is) van sodanige honde opteken, sowel as die laaste datum vir hulle vrylating of andersins, en sodanige rekords moet gedurende kantoorure by die raadskantore vir die publiek ter insae beskikbaar wees.
- (7) Enige persoon kan 'n geskutte hond opeis as hy of sy -
- (a) die skutmeester tevrede stel dat hy of sy die eienaar is of andersins op bewaring van die betrokke hond geregtig is;
  - (b) die skutmeester tevrede stel dat die vrylating van die hond in sy of haar bewaring nie daartoe sal lei dat enige bepaling van artikels 2 of 6 oortree word nie; en
  - (c) die voorgestelde gelde en bedrag van veeartsuitgawes wat ten opsigte van die hond aangegaan is, as daar is, aan die skutmeester betaal.
- (8) 'n Hond wat ingevolge subartikel (1) geskut is, buiten 'n hond wat ingevolge subartikel (1)(b) geskut is, moet aan die eienaar of persoon wat dit aanhou, oorhandig word by betaling van die gelde soos vasgestel deur die raad.
- (9) 'n Hond wat ingevolge subartikel (1) geskut is, buiten 'n hond wat ingevolge subartikel (1)(b) geskut is, kan verkoop of van kant gemaak word nadat dit vir ten minste tien dae aangehou is en nadat 'n gekwalifiseerde veearts sodanige van kant maak goedgekeur het, tensy dit opgeëis en vrygelaat is ingevolge subartikel (7) of subartikel (8). Die skutmeester moet die organisasies en enige ander dierewelsynsorganisasie wat deur die raad erken word, minstens sewe dae voor die voorgenome van kant maak daarvan kennis gee.
- (10) Ondanks die bepalings van subartikel (9), kan 'n hond waarop daar beslag gelê is of wat geskut is ingevolge -
- (a) subartikel (1)(b); of
  - (b) enige bepaling van dié verordening of die bepalings van enige ander wet, en wat na die mening van die gemagtigde amptenaar –
    - (i) aan enige ongeneeslike, besmetlike of aansteeklike siekte ly of erg beseer is; of

(ii) wild, kwaai of gevaarlik is, onmiddellik van kant gemaak word.

(11) As 'n gemagtigde amptenaar van mening is dat 'n hond 'n hond is soos bedoel in die bepalings van artikel 6, kan hy of sy –

- (a) 'n kennisgewing aan die eienaar van sodanige hond laat beteken waarvolgens van sodanige eienaar vereis word om sodanige stappe te doen om sodanige oorlas/oortreding doeltreffend te verminder, en om tot bevrediging van die gemagtigde amptenaar te bewys dat sodanige hond onder behoorlike beheer aangehou word;
- (b) die hond skut en ingevolge dié artikel daarmee handel, met dien verstande dat sodanige hond nie aan die eienaar daarvan oorhandig mag word nie, tensy sodanige eienaar, binne die tydperk van tien dae bedoel in subartikel (9), bevredigende bewys aan die gemagtigde amptenaar lewer dat sodanige hond, as dit aan hom of haar oorhandig word, nie verder 'n oorlas sal wees nie en onder beheer gehou sal word.

(12) Die van kant maak van enige hond moet volgens sodanige pynlose metode geskied as wat deur 'n geregistreerde veearts goedgekeur word, en moet onder toesig van 'n gemagtigde amptenaar plaasvind.

(13) Die opbrengs van enige verkoop moet gebruik word om alle koste verbonde aan sodanige verkoop en skut van sodanige hond te delg.

(14) Nóg die raad nóg die gemagtigde amptenaar nóg enige werknemer van die raad is aanspreeklik vir of ten opsigte van enige besering of siekte wat opgedoen word deur of skade veroorsaak aan enige hond tydens die beslaglegging daarop, skut, aanhouding, verkoop of van kant maak daarvan ingevolge dié verordening.

#### **Omheining van eiendom**

8. Geen persoon mag 'n hond aanhou as sy of haar perseel nie behoorlik en toereikend omhein is om sodanige hond binne te hou as dit nie aan 'n leiband is nie, tensy die hond op 'n ander wyse op die eiendom gehou word, en op met dien verstande dat sodanige aanhouding op die eiendom nie onmenslik na mening van die gemagtigde amptenaar is nie.

#### **Die redding van rondloperhonde**

9. 'n Persoon wat 'n rondloperhond red, moet binne vier-en-twintig uur die datum en tyd van die redding en 'n beskrywing van die hond by die raad aanmeld.

#### **Hond mag nie 'n bron van gevaar wees nie'n**

10. (1) Enige persoon wat 'n hond op enige perseel aanhou, moet sodanige hond op sodanige wyse aanhou dat dit nie 'n bron van gevaar is vir raadswerknemers wat die eiendom betree met die doel om hulle pligte uit te voer nie.

(2) 'n Kennisgewing dat 'n hond op sodanige perseel aangehou word, moet op 'n duidelik sigbare plek by elke toegangspunt tot die perseel vertoon word.

### **Verwydering van ontlasting**

11. (1) As enige hond op enige openbare straat, openbare plek of openbare pad ontlas, moet enige persoon in beheer van sodanige hond, met die uitsluiting van 'n persoon wat deur 'n gidshond gehelp word, onmiddellik die ontlasting verwyder, dit in 'n plastiek- of papiersak plaas of dit toedraai en in 'n houer plaas wat vir die weggooi van rommel of vullis voorsien word, met uitsluiting van 'n persoon wat deur 'n gidshond gehelp word.

(2) Geen persoon mag met 'n ander hond as 'n gidshond op 'n openbare straat, openbare plek of openbare pad gaan stap sonder om genoeg plastiek- of papiersakke of toedraaimateriaal byderhand te hê waarin die ontlasting van die hond geplaas kan word ingeval die hond ontlas nie.

### **Sterilisasië**

12. (1) 'n Gemagtigde amptenaar kan 'n hond steriliseer as hy of sy dit nodig ag-

- (a) in die belang van die hond se welsyn;
- (b) om 'n oorlas te verhoed;
- (c) wanneer die hond rondloop;
- (d) op versoek van die eienaar,

en die koste daarvan kan van die eienaar verhaal word.

(2) Die eienaar van 'n gesteriliseerde hond moet by 'n geregistreerde veearts bewys kry dat die hond gesteriliseer is en sodanige dokument op aanvraag aan enige ongemagtigde amptenaar kan toon.

### **Aanwysing van openbare plekke waar honed vrylopend kan wees of aan leibande moet wees of verbode is**

13. Die raad kan openbare plekke aanwys met toepaslike kennisgewingborde waar honed vrylopend kan wees of aan leibande moet wees of verbode is, en hierdie aanwysings kan wissel na gelang van die tyd van die dag en seisoen.

## **HOOFSTUK DRIE**

### **KATTE**

#### **Beperking op getal katte**

14. (1) Die raad mag bepaal hoeveel katte op enige perseel aangehou mag word.

(2) In afwesigheid van 'n bepaling gemaak ingevolge die bepalings van subartikel (1), en onderhewig aan die bepalings van subartikel (3) en (4), mag geen persoon –

- (a) vier of meer katte ouer as ses maande op enige perseel aanhou of laat aanhou nie;

(b) ses of meer katte op 'n landbou-eiendom aanhou of laat aanhou nie;

(3) (a) Die bepalings van artikel 2(3), met die uitsondering van paragrawe (d), en (f) van subartikel (3), gelees met die nodige veranderinge, is van toepassing.

(b) Vir die doeleindes van die toepassing van die bepalings van artikel 2(3) ingevolge paragraaf (a) –

(i) word paragraaf (b) daarvan geag na 'n katteroof te verwys;  
en

(ii) paragraaf (c) daarvan geag te verwys na katgriep en  
katasemhalingsiektes.

(4) 'n Persoon uit wie se sorg 'n kat voorheen verwyder is of wat 'n vroeëre kriminele veroordeling of siviele uitspraak ten opsigte van 'n dier in sy of haar sorg het, mag nie 'n kat aanhou nie, tensy die raad andersins bepaal.

(5) Die bepalings van artikels 4, 5 en 7 gelees met die nodige veranderinge, is ten opsigte van katte van toepassing.

(6) Geen persoon mag enige kat aanhou wat nie op sy/haar halsband of op sy of haar mikroskyfie 'n naam, telefoonnommer en fisiese adres of verwysing na 'n vereniging vir die voorkoming van wreedheid teenoor diere of geregistreerde dierewelsynsorganisasie het nie.

#### **Raad se bevoeghede om katte te steriliseer**

15.(1) 'n Gemagtigde amptenaar mag 'n kat laat steriliseer as hy of sy dit nodig ag-

(a) in die belang van die kat se welsyn;

(b) om 'n oorlas te verhoed;

(c) wanneer die kat rondloop;

(d) op versoek van die eienaar,

en die koste daarvan kan van die eienaar verhaal word.

(2) Die eienaar van 'n gesteriliseerde kat moet by 'n geregistreerde veearts bewys kry dat die kat gesteriliseer is en sodanige dokument op aanvraag aan enige ongemagtigde amptenaar kan toon.

#### **In bewaring neem van katte**

16. (1) 'n Gemagtigde amptenaar of 'n persoon wat daartoe gemagtig is deur 'n persoon, liggaam of struktuur bedoel in paragraaf (c) of (d) van die definisie van raad kan, met die doel om 'n kat te skut, 'n kat in bewaring neem wat strydig met artikel 14 aangehou word.

(2) Die bepaling van artikel 7, gelees met die nodige veranderinge, is van toepassing daarop om katte in bewaring te neem.

- (3) Die raad kan die nodige stappe doen om te sorg dat katte gevang word.

## HOOFSTUK VIER

### WERKPERDE

#### Permitte om werkperde aan te hou

17.(1) (a) Enige eienaar wat 'n werkperd wil laat werk, moet by die raad om 'n permit vir sodanige werkperd aansoek doen.

- (b) Slegs een permit mag ten opsigte van 'n werkperd uitgereik word.

(2) 'n Aansoek ingevolge subartikel (1) moet skriftelik en op 'n voorgeskrewe vorm wees, en moet vergesel word van –

- (a) die voorgeskrewe gelde;
- (b) dokumentêre bewys dat die werkperd geskik is om 'n bespanne voertuig (wat deur 'n dier getrek word) te trek.

(3) Die raad kan vereis dat die aansoeker nadere inligting verskaf wat hy toepaslik ag om 'n ingeligte besluit te maak.

(4) Die raad kan weier om 'n aansoek ingevolge subartikel (1) te oorweeg ten opsigte waarvan daar nie aan die bepalings van subartikel (2) voldoen is nie of as inligting bedoel in subartikel (3) nie verstrekkend is nie.

(5) Die raad kan dalk slegs 'n aansoek ingevolge subartikel (1) oorweeg by ontvangs van 'n skriftelike verslag van 'n gemagtigde amptenaar –

- (a) of die werkperd waarvoor die permit nodig is, waarskynlik 'n oorlas op 'n openbare plek sal veroorsaak, en of sy gebruik 'n oortreding van artikel 19 tot gevolg sal hê;
- (b) waarin die resultate van 'n inspeksie van die werkperd en sy werktoestande uiteengesit is; en
- (c) of 'n werkperd voorheen uit die aansoeker se sorg verwyder is, en of hy of sy 'n vroeëre kriminele veroordeling of siviele uitspraak ten opsigte van 'n dier in sy of haar sorg teen hom of haar het.

(6) Die raad kan 'n aansoek ingevolge subartikel (1) van die hand wys of dit ewig aan enige voorwaardes wat daarop gemik is om die risiko daarvan te verminder dat 'n oorlas op 'n openbare plek voorkom, voortgesit word of weer voorkom, of om sodanige risiko tot 'n peil te verminder wat vir die raad aanvaarbaar is.

(7) 'n Persoon wat om 'n permit ingevolge subartikel (1) aansoek gedoen het, mag 'n werkperd nie in afwagting van die uitslag van sodanige aansoek, sonder 'n permit laat werk nie.

(8) Ten opsigte van enige aansoek wat ingevolge subartikel (6) goedgekeur is, moet 'n gemagtigde amptenaar 'n permit op 'n voorgeskrewe vorm uitreik wat elke voorwaarde spesifiseer wat deur die raad opgelê is.

(9) 'n Permit is nie oordraagbaar van een eienaar na 'n ander nie.

#### **Wysing, opskorting en kansellasië van permitte**

18. Die raad kan, na oorweging van 'n verslag en aanbeveling deur 'n gemagtigde amptenaar of veearts, deur middel van skriftelike kennisgewing aan die houër van 'n permit bedoel in artikel 17 -

- (a) sodanige permit wysig, opskort of kanselleer as hy oortuig is dat versuim om dit te doen, sou lei tot –
  - (i) die skepping of voortsetting van 'n oorlas op 'n openbare plek; of
  - (ii) 'n voortgesette oortreding van enige bepaling van artikel 19;
- (b) dadelik daardie permit wysig, opskort of kanselleer as sodanige amptenaar van mening is dat dit dringend nodig is om dit te doen om daardeur 'n wesenlike risiko wat 'n oorlas op 'n openbare plek inhou, vir die publiek uit te skakel of te verminder.

#### **Beheer van werkperde**

19. Geen persoon wat 'n werkperd laat werk, mag -

- (a) toelaat dat die werkperd op enige openbare plek is terwyl dit nie 'n bespanne voertuig kan trek nie;
- (b) toelaat dat die werkperd 'n gevaar uitmaak vir verkeer wat enige openbare straat gebruik nie;
- (c) die werkperd toelaat om 'n bron van gevaar of besering, of na sy of haar wete waarskynlik 'n bron van gevaar of besering, uit te maak vir enige persoon wat 'n openbare straat gebruik nie;
- (d) toelaat dat die werkperd op enige openbare straat of openbare plek is nie, behalwe wanneer dit onder sy of haar beheer is;
- (e) enige werkperd laat werk wat nie die naam, telefoonnommer en adres van sy of haar eienaar aan het nie;
- (f) toelaat dat enige werkperd enige voertuig trek of enige harnas gebruik wat nie aan die SABS-standaarde en –kriteria voldoen nie wat van tyd tot tyd deur die raad afgekondig word.

### Beslaglegging op, skut en van kant maak van werkperde

20.(1) 'n Gemagtigde amptenaar kan op enige werkperd beslag lê en dit skut op 'n plek wat die raad aangewys het, as sodanige werkperd -

- (a) van kant gemaak kan word op advies van 'n veearts of ingevolge die bepalings van enige wet;
- (b) na sy of haar mening nie meer 'n bespanne voertuig kan trek nie;
- (c) na sy of haar mening 'n gevaar inhou vir verkeer wat enige openbare straat gebruik;
- (d) los loop en klaarblyklik sonder eienaar is; of
- (e) op enige openbare plek of openbare straat gevind word waar sodanige werkperd, na die mening van die gemagtigde amptenaar, nie onder behoorlike beheer is nie;

(2) Die raad moet rekord hou van alle werkperde wat ingevolge dié verordening gevang en geskut is, en die soort, merke en onderskeidende eienaardighede (as daar is) van sodanige werkperde opteken, sowel as die laaste datum van hulle vrylating of andersins, en sodanige rekords moet gedurende kantoorure by die raadskantore vir die publiek ter insae beskikbaar wees.

(3) 'n Werkperd wat ingevolge subartikel (1) geskut is, moet aan die eienaar van, of persoon wat sodanige werkperd aanhou, oorhandig word by betaling van die gelde wat deur die raad vasgestel is.

(4) 'n Werkperd wat ingevolge subartikel (1) geskut is, kan verkoop word of na 'n ander tuiste verskuif word nadat dit ten minste tien dae lank aangehou is, tensy dit opgeëis en vrygelaat is ingevolge subartikel (3).

(5) As 'n gemagtigde amptenaar van mening is dat 'n werkperd 'n werkperd is soos bedoel in die bepalings van artikel 19, kan hy of sy -

- (a) 'n kennisgewing aan die eienaar van sodanige werkperd laat beteken waarvolgens van sodanige eienaar vereis word om sodanige stappe te doen wat sodanige oorlas doeltreffend sal verminder, en om tot bevrediging van die gemagtigde amptenaar te bewys dat sodanige werkperd onder behoorlike beheer gehou word;
- (b) die werkperd skut en ingevolge dié artikel daarmee handel, met dien verstande dat sodanige werkperd nie aan die eienaar daarvan oorhandig mag word nie, tensy sodanige eienaar, binne die tydperk van tien dae bedoel in subartikel (4), bevredigende bewys aan die gemagtigde amptenaar lewer dat sodanige werkperd, as dit aan hom of haar oorhandig word, nie verder 'n oorlas sal wees nie en onder beheer gehou sal word.

(6) Die opbrengs van enige verkoop moet gebruik word om alle koste verbonde aan sodanige verkoop en skut van sodanige werkperd te delg.

(7) Nóg die raad nóg die gemagtigde amptenaar nóg enige werknemer van die raad is aanspreeklik vir of ten opsigte van enige besering of siekte wat opgedoen word deur of skade

veroorzaak aan enige werkperd tydens die beslaglegging op, skut, aanhouding, verkoop of van kant maak daarvan ingevolge dié verordening.

#### **Die redding van geskutte werkperde is verbode**

21. Geen persoon mag, deur middel van dreigemente van geweld of andersins, 'n werkperd red of probeer red van die persoon of persone wat in bevel daarvan is, en wat wettig na die skut gebring word nie, of mag enige werkperd red of probeer red nadat sodanige werkperd wettig deur 'n gemagtigde amptenaar geskut is nie.

### **HOOFSTUK VYF**

#### **Diereen pluimvee**

22. Ten einde openbare gesondheid te bevorder mag geen persoon enige dier of pluimvee op 'n enige perseel aanhou of laat aanhou sonder die toestemming van die raad nie.

#### **Permitte**

23.(1) Met die doel om openbare gesondheid te bevorder en openbare oorlas te beperk, kan die raad van tyd tot tyd bepaal hoeveel diere of pluimvee per eenheidoppervlakte aangehou mag word, en die gebiede waarin sodanige diere of pluimvee verbode is.

(2) Die raad kan van tyd tot tyd bepaal vir watter soort diere en pluimvee 'n permit nodig is, en wat die toepaslike aansoekgeld en jaargeld vir sodanige permit is. Aansoeke om dié permitte moet op die voorgeskrewe vorm ingedien word wat die raad vir dié doel beskikbaar stel.

(3) Permitte wat ingevolge hiervan uitgereik word, is nie oordraagbaar nie en is slegs geldig vir die spesifieke eiendom ten opsigte waarvan daar aansoek gedoen is.

24.(1) Die raad kan vereis dat 'n aansoek ingevolge artikel 23(1) vergesel moet word van 'n gedetailleerde terreinplan wat al die bestaande en voorgestelde strukture en heinings toon op die eiendom waarvoor 'n permit verlang word.

(2) Die raad kan gedetailleerde planne en spesifikasies vereis van strukture daar beoog word om diere en pluimvee aan te hou, ten einde te evalueer of 'n permit waarvoor daar ingevolge artikel 23(2) aansoek gedoen is, toegestaan kan word, al dan nie.

(3) Nieteenstaande enigiets strydigs wat in dié Verordening vervat is, kan die raad 'n aansoek van die hand wys of goedkeuring verleen, onderhewig aan spesifieke voorwaardes, as die eiendom na sy mening vanweë die ligging, plasing of geografiese eienskappe of grootte daarvan nie geskik vir die aanhou van diere of pluimvee is nie.

(4) Geen struktuur wat diere huisves, mag geleë wees-

- (a) binne een en 'n half meter van enige grens van die erf wat aanliggend aan 'n ander residensiële erf is nie;



- (b) binne ses meter van enige grens van die erf wat aanliggend aan enige pad of openbare oop ruimte is nie; en
  - (c) binne vier en 'n half meter van enige woning, bediendekwartiere, bewoonde buitegebou en winkel of gebou waarin voedsel verwerk word nie.
- (5) Waar 'n struktuur waarin diere gehou sal word, deel van 'n buitegebou is wat vir menslike bewoning gebruik word, moet sodanige struktuur minstens vier en 'n half meter van sodanige bewoonbare vertrek geleë wees, en mag dit nie onder dieselfde dakruimte as die bewoonbare vertrek wees nie.
- (6) Geen struktuur waarin pluimvee aangehou word, mag geleë wees
- (a) binne een en 'n half meter van enige grens van 'n residensiële erf nie; en
  - (b) binne een en 'n half meter van enige woning, bediendekwartiere, bewoonde buitegebou en winkel of gebou waarin voedsel verwerk, verkoop of geberg word nie.
- (7) Alle strukture waarin diere of pluimvee aangehou word, moet na behore van enige straat verberg word tot die bevrediging van die raad.
- (8) Geen struktuur waarin pluimvee gehou word, mag hoër as drie en 'n half meter wees nie.
- (9) Ondanks voormelde bepalings, kan die raad, nadat toestande eie aan die eiendom oorweeg is, en op voorwaarde dat geen beswaar ontvang word van aanliggende bure en bure wat geraak word nie, van enige of al die voorwaardes van dié hoofstuk afstand doen en ander voorwaardes opleë as dit toepaslik is.

#### **Berging van voer en misstof, wegdoening van karakasse**

**25.(1)** Alle misstof wat uit die aanhou van diere en pluimvee ontstaan, moet, in afwagting van verwydering van die perseel, onder skuiling in verseëld, vliegbestande houers geberg word, en daar moet op 'n gereelde grondslag daarmee weggedoen word ten einde te voorkom dat enige oorlas ontstaan, op voorwaarde dat sodanige wegdoening nie komposmaking op die perseel mag insluit nie.

(2) Alle voer moet in 'n knaagdierbestande plek, houer of pakkamer geberg word vir die aanhou van diere en pluimvee.

(3) Die perseel vir die aanhou van diere en pluimvee moet in sodanige toestand gehou word dat dit nie knaagdiere lok of skuilplek aan hulle bied nie.

(4) Daar moet op die eienaar se koste met karkasse weggedoen word op 'n wyse wat deur die raad goedgekeur is.

**26.** Die raad kan van tyd tot tyd bepaal dat 'n vlieg- en knaagdierbestande mis- en voerbergplek van toereikende grootte en wat van permanente materiaal gebou is, op 'n perseel vereis word waar diere gehou word.

**Honde en kattehawens**

27. Geen persoon mag 'n honde- of kattehawe bedryf nie, tensy daar aan die volgende vereistes voldoen is en 'n permit van die raad verkry is:

- (a) honde en katte word in afsonderlike kampe gehou-
  - (i) gebou van duursame materiaal, met toereikende toegang vir skoonmaak-, ontsmettings- en parasietbeheerdoeleindes;
  - (ii) met 'n vloer van beton of ander duursame en ondeurlatende materiaal wat glad afgewerk is en wat 'n helling het na 'n honderd millimeter breë sloot wat oor die volle breedte van die vloer strek en binne die kamp geleë is, welke sloot in 'n rioolput moet uitloop wat met die raad se rioolstelsel verbind is deur middel van 'n pyp van goedgekeurde materiaal met 'n minimum diameter van een honderd millimeter, of met 'n ander goedgekeurde wegdoenstelsel verbind is;
  - (iii) met 'n honderd-en-vyftig millimeter hoë randsteen langs die hele lengte van die sloot waarna in subparagraaf (ii) verwys word, om te voorkom dat stormwater van sodanige gebied in die sloot beland;
- (b) elke hok waarna in paragraaf(a) verwys word, moet 'n oordekte skuiling vir die akkommodasie van honde en katte hê, en-
  - (i) elke muur daarvan moet van baksteen, klip, beton of ander duursame materiaal wees, en moet 'n gladde binneoppervlak sonder krake of oop lasse hê; en
  - (ii) die vloer daarvan moet van beton of ander ondeurlatende en duursame materiaal wees wat glad afgewerk is, sonder krake of oop lasse, en die oppervlak tussen die vloer en die mure van 'n permanente struktuur moet hol vloerlyste hê;
- (c) in die geval van honde kan 'n hondehok van gevormde veselcement of ander soortgelyke materiaal, wat verskuifbaar is en geplaas word op 'n basis van beton of ander duursame materiaal met 'n afwerking wat maklik skoongemaak kan word, sonder krake of oop lasse, voorsien word in plaas van 'n skuiling bedoel in paragraaf(b), en as die basis van sodanige hok nie waterdig gemaak is nie, moet 'n verhewe slaapplank, wat die hond sal laat droog bly, in elke sodanige hok voorsien word;
- (d) 'n Betondeklaag van minstens een meter breed moet voor die ingang van die kamp vir die volle breedte van die hok voorsien word, en die deklaag moet 'n helling hê sodat water weg van die hok kan dreineer;
- (e) 'n Voorraad drinkwater, voldoende vir drink- en skoonmaakdoeleindes, moet in of langs elke kamp voorsien word;

- (f) afsonderlike isolasiefasiliteite vir siek honde en katte moet tot bevrediging van die raad voorsien word;
- (g) as hokke vir die aanhou van katte voorsien word, moet sodanige hokke van duursame, ondeurlatende materiaal wees en so gebou wees dat dit maklik skoongemaak kan word.

#### **Strukture moet behoorlik in stand gehou word, en geen veranderinge nie**

28.(1) Die eienaar of bewoner van die perseel moet alle strukture te alle tye behoorlik in stand hou.

(2) Geen persoon mag 'n struktuur vir die aanhou van diere of pluimvee verander of vir ander doeleindes gebruik as dié wat op die permit gespesifiseer is nie.

#### **Kennisgewings, wysiging en kansellasië van permitte**

29.(1) As, na die mening van die raad, enige diere wat op enige eiendom aangehou ten opsigte waarvan die raad 'n permit ingevolge dié Verordening uitgereik het, 'n gesondheidsoorlas of gesondheidsgevaar inhou of die veiligheid van die publiek in gevaar stel, of waar meer diere aangehou word as wat in die uitgereikte permit gemagtig word, kan die raad 'n skriftelike kennisgewing aan die houer van die permit, of in sy afwesigheid, aan die persoon in bevel beteken om sodanige oorlas of gevaar of oortallige diere binne 'n gespesifiseerde tydperk te verwyder of te laat verwyder.

(2) Die houer van 'n permit, of die persoon in bevel, moet by ontvangs van 'n kennisgewing ingevolge subartikel (1) aan die vereistes voldoen wat die raadin sodanige kennisgewing spesifiseer, by gebreke waarvan die raad na goeddunke -

- (a) die permit om diere op sodanige eiendom aan te hou, kan kanselleer; of
- (b) die permit kan wysig.

(3) Die houer van 'n permit moet, wanneer hy of sy deur die raad versoek word om dit te doen, die permit wat aan hom of haar uitgereik is, teruggee vir wysiging of kansellasië, na gelang van die geval.

#### **Diere te koop aangebied**

30. 'n Persoon of bestuurder van 'n perseel waar honde of katte of perde te koop aangebied word, moet behoorlike inentingsrekords hou en sodanige diere nie oornag sonder toesig laat nie.

#### **Vuurwerk**

31. Geen persoon mag enige dier met vuurwerk of op enige ander wyse bang of skrik maak of spanning by die dier veroorsaak nie.

#### **Wreedheid teenoor diere**

32. Enige persoon wat-

- (a) 'n dier besit, aanhou, invoer, koop, verkoop, oplei, teel of onder sy of haar beheer het met die oog daarop om die dier teen enige ander dier te laat veg;
- (b) enige dier treiter, uitlok of aanhits om enige ander dier aan te val of voort te gaan om met enige ander dier te baklei;
- (c) dieregevegte vir finansiële wins of as vorm van vermaak ondersteun of bewerkstellig;
- (d) toelaat dat enige van die dade waarna in paragraaf (a) tot (c) verwys word, plaasvind op enige perseel of plek in sy of haar besit of onder sy of haar beheer;
- (e) enige perseel of plek besit of beheer met die doel om of gedeeltelik met die doel om dieregevegte op sodanige perseel of plek aan te bied of wat sodanige perseel of plek bestuur of met die bestuur daarvan help, of wat betrokke is by die toelating van enige persoon tot sodanige perseel of plek; of
- (f) as toeskouer teenwoordig is by enige perseel of plek waar enige van die dade waarna in paragraaf (b) tot (e) verwys word, plaasvind of waar voorbereidings vir sodanige dade getref word,  
is skuldig aan 'n oortreding en kan by skuldigbevinding gevonnisskap word tot 'n boete van R20 000,00 (twintigduisend rand) of gevangenisstraf vir 'n tydperk van uiters twee jaar;
- (g) met enige vervolging word daar aangeneem, tensy die teendeel bewys word, dat 'n dier wat by enige perseel of plek gevind word, die eiendom of onder beheer van die eienaar van daardie perseel of plek is, of die eiendom of onder beheer is van die persoon wat die perseel of plek gebruik of in beheer daarvan is.

## HOOFSTUK SES

### Pligte van skuitmeester

#### 33. 'n Skuitmeester -

- (a)
  - (i) moet die skut oop hou tussen 08:00 en 16:30 van Maandag tot Vrydag, en tussen 08:00 en 12:00 op Saterdag, tensy enige sodanige dag 'n openbare vakansiedag is;
  - (ii) kan, ondanks die bepalings van subparagraaf (i), die skut oop hou visodanige vroeër of later tye na gelang hy nodig ag, onderhewig daaraan dat 'n maklik leesbare kennisgewing te dien effekte by die ingang van die skut vertoon word;
- (b) moet gedurende die tye wat die skut oop is, enige dier aanvaar, in hande neem en skut wat na die skut gebring word met die doel om dit te laat skut, en moet, onderhewig aan die verdere bepalings van dié verordening, sodanige dier in die skut

aanhou, met dien verstande dat die skutmeester kan weier om enige dier te aanvaar of enige dier kan vrylaat as hy of sy redelikerwys meen dat sodanige dier nie wettiglik in bewaring geneem is of geskut is nie;

- (c) moet 'n register hou waarin die volgende besonderhede van enige dier opgeteken word -
- (i) die naam van die gemagtigde amptenaar of die naam, woonadres en telefoonnommer van enige ander persoon wat dit gebring het om geskut te word;
  - (ii) die tyd en datum waarop die dier geskut is;
  - (iii) die plek waar die dier gevind is onmiddellik voordat dit in bewaring geneem is;
  - (iv) die datum en die tyd waarop die dier in bewaring geneem is voordat dit na die skut gebring is;
  - (v) die rede waarom die dier geskut is;
  - (vi) 'n beskrywing van die dier, met inbegrip van die geskatte ouderdom, ras, geslag, kleur, merke en enige besering wat aan die dier gevind is toe die skutmeester dit aanvaar het;
  - (vii) of die dier vrygelaat, verkoop of van kant gemaak is, en die datum en tyd van sodanige vrylating, verkoop of vankantmaking;
  - (viii) die hoeveelheid geld verbonde aan sodanige vrylating of verkoop;
  - (ix) die bedrag van die veeartskoste wat ten opsigte van die dier aangegaan is, as daar is;
- (d) moet sorg dat die skut en alle toerusting wat by die skut van diere gebruik word, te alle tye in 'n skoon toestand en vry van vlooië en ander parasiete is, tot bevrediging van die raad se uitvoerende direkteur: gesondheid;
- (e) moet sorg dat elke dier in die skut behoorlik gevoer en versorg word;
- (f) moet enige vroulike dier in oestrus afsonder;
- (g) moet alle redelike stappe doen om gevegte tussen diere in die skut te voorkom;
- (h) moet enige siek dier van die gesonde diere afsonder, moet sodanige dier deur 'n veearts laat ondersoek, en moet alle stappe doen om uitgawes wat in dié verband aangegaan word, van die eienaar te verhaal as die identiteit en adres van die eienaar bekend is;

- (i) moet alle nodige stappe doen om enige dier van kant te laat maak soos bedoel in dié verordening, en uitgawes wat in dié verband aangegaan word, van die eienaar te verhaal as die identiteit en adres van die eienaar bekend is;
- (j) moet alle redelike stappe doen om te sorg dat diere weer huise kry en nie van kant gemaak word nie;
- (k) moet die voorgeskrewe gelde vir skut en daaglikse aanhouding ten opsigte van enige dier hef;
- (l) kan enige dier laat steriliseer en dit van identifikasie voorsien soos uiteengesit in artikels 6(i) en 14(6) en die koste daarvan van die eiser verhaal, met dien verstande dat die eiser 'n motivering ter oorweging kan aanvoer waarom die dier nie gesteriliseer moet word nie;
- (m) moet enige dier laat steriliseer en dit van identifikasie voorsien soos uiteengesit in artikels 6(i) en 14(6) voordat die dier aan enige ander persoon as die oorspronklike eienaar daarvan uit die skut oorhandig word; en
- (n) moet enige dier wat deur 'n gemagtigde amptenaar in bewaring geneem is, laat aftas met die oog daarop om 'n mikroskyfie op te spoor.

## HOOFSTUK SEWE

### DIVERSE

#### Misdrywe en boetes

#### 34.(1) Enige persoon wat -

- (a) enige bepalings van dié verordening oortree of versuim om daaraan of aan enige bevel of kennisgewing te voldoen wat wettiglik ingevolge daarvan uitgereik is, begaan 'n misdryf; en
- (b) wat voortgaan om 'n misdryf te pleeg nadat kennisgewing aan hom of haar beteken is om sodanige misdryf te staak of nadat hy of sy aan sodanige misdryf skuldig bevind is, is aan 'n voortgesette misdryf skuldig.

(2) Enige persoon wat aan 'n misdryf ingevolge dié verordening skuldig bevind is, is blootgestel aan 'n boete of tronkstraf van hoogstens twee jaar.

(3) In die geval van 'n voortgesette misdryf kan 'n bykomende boete of tronkstraf van hoogstens tien dae vir elke dag wat sodanige misdryf voortgesit is, of 'n boete sowel as tronkstraf opgelê word.

(4) Enige hof wat enige persoon daaraan skuldig bevind dat hy of sy 'n dier aanhou wat nie onder beheer gehou word in ooreenstemming met die bepalings van dié verordening nie, mag,

benewens die boete waarna daar in subartikel (2) verwys word, gelas dat die betrokke dier van kant gemaak word, en daarna mag 'n gemagtigde amptenaar sodanige dier van kant maak.

#### **Toepassing op die staat en die raad**

**35.** Dié verordeninge bind die staat en die raad.

#### **Herroeping**

**36.** Die volgende verordeninge word hiermee herroep:

- (a) Kuilsrivier-munisipaliteit: Verordening op die Aanhou van Honde soos gepubliseer in Provinsiale Kennisgewing 1027 van 1977.
- (b) Milnerton-munisipaliteit: Verordening op die Beheer van Honde soos gepubliseer in Provinsiale Kennisgewing 481 van 1987.
- (c) Brackenfell-munisipaliteit: Verordening op die Aanhou van Honde soos gepubliseer in Provinsiale Kennisgewing 190 van 1979 en Wysiging van Verordening op die Aanhou van Honde soos gepubliseer in Provinsiale Kennisgewing 510 van 1990.
- (d) Kraaifontein-munisipaliteit: Verordening op die Beheer van Honde soos gepubliseer in Provinsiale Kennisgewing 669 van 1979 en Wysiging van die Verordening op die Beheer van Honde soos gepubliseer in Provinsiale Kennisgewing 526 van 1982.
- (e) Afdelingsraad van Stellenbosch: Verordening op die Aanhou van Honde soos gepubliseer in Provinsiale Kennisgewing 692 van 1979.
- (f) Vishoek-munisipaliteit: Hondebeheerverordening soos gepubliseer in Provinsiale Kennisgewing 675 van 1979.
- (g) Simonstad-munisipaliteit: Regulasies oor die Aanhou van Honde soos gepubliseer in Provinsiale Kennisgewing 549 van 1963.
- (h) Stad Tygerberg: Verordening op die Beheer van Honde soos gepubliseer in Provinsiale Kennisgewing 567 van 2000.
- (i) Kaapstad-munisipaliteit: Verordening op die Beheer van Honde soos gepubliseer in Provinsiale Kennisgewing 658 van 1981.
- (j) Kaapse Afdelingsraad: Verordening op die Beheer van Honde soos gepubliseer in Provinsiale Kennisgewing 781 van 1985.
- (k) Deel 2 van die Verordening op Omgewingsgesondheid van die Stad Kaapstad soos gepubliseer in die Buitengewone Provinsiale Staatskoerant van 30 Junie 2003.

**Oorgangsbepalings**

37.(1) 'n Oorgangstydperk van nege maande vir die registrasie van honde ingevolge artikel 3(1) en artikel 3(2) van dié Verordening sal van toepassing wees van die datum van promulgasie van dié Verordening deur middel van publikasie in die Staatskoerant.

(2) Aansoeke ingevolge artikel 4(1) van dié verordening ten einde meer honde op 'n perseel aan te hou as die getal wat ingevolge artikel 2(2) toegelaat word, sal in die eerste ses maande na promulgasie van dié verordening tot 'n maksimum van ses honde op enige perseel toegestaan word, onderhewig daaraan dat die eienaar nie enige hond wat vrek of weggemaak is, vervang as dit tot 'n oortreding van artikel 2(2) sal lei nie.

(3) Aansoeke om meer katte op 'n perseel aan te hou as die getal wat ingevolge artikel 14(2) toegelaat word, sal in die eerste ses maande na promulgasie van dié verordening tot 'n maksimum van ses katte op enige perseel toegestaan weggemaak is, vervang as dit tot 'n oortreding van artikel 14(2) sal lei nie.

(4) Artikel 6(i) en artikel 14(6) van dié verordening tree in werking nadat 'n tydperk van ses maande verloop het na die datum van promulgasie van dié verordening deur middel van publikasie in die Staatskoerant.

(5) Artikel 17(7) van dié verordening tree in werking nadat 'n tydperk van ses maande verloop het na die datum van promulgasie van dié verordening deur middel van publikasie in die Staatskoerant.

(6) Artikel 12(1) en artikel 15(1) van dié verordening tree in werking nadat 'n tydperk van ses maande verloop het na die datum van promulgasie van dié verordening deur middel van publikasie in die Staatskoerant.

**Kort titel**

38. Dié verordening word die Stad Kaapstad: Verordening op Diere, 2010, genoem.



## UMTHETHO KAMASIPALA WEZILWANYANA, KA-2010

### WESIXEKO SASEKAPA

#### IMBULAMBETHE

**NJENGOKUBA** oomasipala abadala abaphantsi kolawulo lwesiXeko saseKapa bethe bachithwa kwamiselwa umasipala onamagunya okwenza umthetho nokulawula kuzo zonke iindawo ebezinabo masipala badala;

**NJENGOKUBA** kukho imfuneko yokuphuhlisa umthetho omnye ukukhokela ngokufanayo ulawulo lwezilwanyana kuquka izinja, iikati kunye namahashe asebenzayo kuso sonke isiXeko;

**NJENGOKUBA** isiXeko sinalo igunya ngokoMgaqo-siseko weRiphabliki yoMzantsi Afrika lokwenza nokulawula imithetho kaMasipala ukulungiselela ulawulo olululo lwemibandela esinelungelo lokuyilawula;

**NJENGOKUBA** isiXeko sinegunya ngokweCandelo B leShedyuli 5 yoMgaqo-siseko malunga nolawulo lophazamiseko loluntu, izikiti, iindawo zokuhlala, ezolondolozo kwakunye nokungcwaba izilwanyana, ezokukhupha iilayisenisi zezinja, neendlela zikamasipala, imicimbi yeendlela nokupaka kwaye sinalo negunya kwinkonzo zezempilo ngokweCandelo B leShedyuli 4 yoMgaqo-siseko;

**NGOKO KE NGOKU**, uwiswa njengomthetho liBhunga lesiXeko saseKapa, ngale ndlela ilandelayo:-

#### ISAPHLUKO 1

#### INKCAZO

#### Iintsingiselo

1. Kulo Mthetho kaMasipala, ngaphandle kokuba kuthethwa phantsi kwenye imeko -

**“ummelwane okufuphi okanye ochaphazelekayo”** uthetha ummelwane onepropati eyayamileyo kumda kweyahlula umhlaba womfaki-sicelo okanye emi ngaphesheya okanye ngokuxwesileyo kuleyo yomfaki-sicelo;

**“ipropati yezolimo”** umhlaba omiselwe ukusetyenziselwa ezolimo ngokwesikimu seBhunga socwangciso lwedolophu okanye nangawuphi na omnye umthetho;

**“isilwanyana”** sithetha ihashe, iponi, imeyili, idonki, inkomo, ihagu igusha, ibhokhwe, inkamela, isilwanyana esirhubuluzayo,inja, ikati okanye ezinye izilwanyana zasekhaya, izilwanyana zendawo ethile, kunye nezinye izilwanyana zasendle, okanye ezingaqhelekanga kodwa ngokwenjongo zesahluko sesihlanu, aziqakwa izinja, iikati namashe okusebenza kangangokuba zilawulwa ngokwahlukeneyo kwezinye izahluko;

**“inqwelo ezitsalwa zizilwanyana”** zithetha inqwelo eyenziwe ukuba zijike nezinto zokudibanisa ihashe enqwelweni.;

**“igosa eligunyazisiweyo”** lithetha igosa eligunyaziswe ngokwecandelo 8 loMthetho wokuKhusela iZilwanyana, (Animal Protection Act) ka-1962 (uMthetho onguNomb. 71 ka- 1962) kunye nalo naliphi na igosa leBhunga eligunyaziswe liBhunga ukuba linyanzelise izibonelelo zalo Mthetho kaMasipala;

**“umzimba wesilwanyana esifileyo”** uthetha intsalela yaso nasiphi na isilwanyana okanye inkukhu efileyo;

**“ikati”** ithetha ikati eyinkunzi neyimazi nokuba buthini na ubudala bayo, ngaphandle kokuba kuthethwa phantsi kwenye imeko;

**“ikhaya leekati”** yindawo apho-

- (a) kuginwa khona iikati; okanye
- (b) kukhuliswa khona iikati ngenjongo zorhwebo;

**“iBhunga ”** lithetha –

- (a) iBhunga lesiXeko saseKapa elimiselwe ngokweSaziso sePhondo esinguNomb. 479 sika-2000 esikhutshwe ngokweCandelo 12 loMthetho woBume booMasipala woRhulumente woMmandla, ka-1998 (uMthetho . onguNomb.117 ka-1998);
- (b) iziko elimiselweyo elingena endaweni yebelikho elikwanale tayitile;
- (c) icandelo okanye umntu osebenzisa igunya alinikiweyo okanye olandela umyalelo awunikiweyo, apho anikwe naliphi na igunya kulo Mthetho kaMasipala, okanye umyalelo onikiweyo, ngokungqinelana neCandelo 59 loMthetho weeNkqubo zikaMasipala woRhulumente wePhondo (uMthetho onguNomb. 32 ka-2000); okanye
- (d) lowo unika inkonzo efezekisa uxanduva phantsi kwalo Mthetho kaMasipala alunikwe ngokwecandelo 81(2) loMthetho weeNkqubo zikaMasipala woRhulumente wePhondo (uMthetho onguNomb. 32 ka-2000); okanye nguwo nawuphi na omnye umthetho;

**“inja”** ithethainja nenjakazi yabo nabuphi na ubudala, ngaphandle kokuba kuthethwa phantsi kwenye imeko;

**“indlu yokuhlala”** ithetha isakhiwo esizimeleyo esilungiselelwe ukuba yindawo yokuhlala yosapho olunye emi kwindawo enezakhiwo ezinjalo ezingekho ngaphezu kwesibini;

**“iyunithi yokuhlala”** amagumbi ahamba kunye kuquka ikhitshi okanye igumbi lokuhlambela izitya alungiselelwe ukuhlala usapho olunye, engeyiyo indlu yokuhlala nokuba loo yunithi sisakhiwo esinye okanye iyinxalenye yesakhiwo esineeyunithi ezikwanjalo ezimbini okanye ngaphezulu na;

**“inja yokukhokela”**inja eqeqeshelwe ukukhokela imfama okanye umntu ongaboni kakuhle kwaye iqukainja yoncedo eqeqeshelwe ukunceda umntu ongaphilanga kakuhle ngokwasengqondweni okanye ngokwasemzimbeni;

**“uphazamiseko lwezempilo”** luthetha nawuphi na umsebenzi, imeko, indawo okanye into ethi ngenxa yamanzi amdaka ahambayo, umphunga, ivumba elibi leekhemikali, ingxolo, ungangcazelo, inkunkuma, iimveliso ezilahlwayo, ukungcola, iimathiriyeli zamachiza, izilwanyana ezikhathazayo, izityalo, ukuxinana, ukungabikho kococeko olufanelekileyo, ukungenisa nokukhupha umoya ukukhanya, isiyilo, imeko, ngenxa yomnye unobangela okanye okwenzekayo okanye nokuba yintoni na ukuba ngokoluvo loMlawuli oyiNtloko wezeMpilo okanye ngokoluvo lomqeshwa ogunyazisiweyo weBhunga ibonwa njengento enokwenzakalisa okanye enokuba nobungozi kwezempilo okanye ekhubekisayo, kuquka nokuba ayikuchaphazeli oku kukhankaywe ngasentla, indawo esistoro, yokuhambisa okanye ukuphatha amanzi aza kusetyenziswa ngabantu ekhayeni kuquka amanzi angcolisekileyo;

**“Indawo ekugcinwa kuyo izinja”** indawo apho –

- (a) kugcinwa khona izinja;
- (b) kuqeqeshwa izinja ngenjongo yokurhweba;
- (c) kugcinwa khona izinja ngenjongo yokuziqeqesha okanye yokuziqeshisa kunye okanye ngaphandle kwabaphathi bazo; okanye
- (d) kugcinwa khona izinja ngenjongo zokhuselo lorthwebo;

**“indlu yokuhlala enkulu”** ithetha indlu yokuhlala ekwisiza esinezikwere zemitha ezingaphezulu kwamakhulu amathandathu;

**“umnini”** ngokunxulumene nenja, ikati okanye ihashe lokusebenza uquka nawuphi na umntu ekuye, onoxanduva lwayo, oyigcinileyo okanye onolawulo lwaloo nja, kati okanye ihashe lokusebenza;

**“iphepha-mvume”** imvume ebhaliweyo enikwe liBhunga ngokwalo mthetho kamasipala;

**“umntu”** uquka neliphi na inqanaba loburhulumente, umntu ngokwendalo kunye nomntu ngokwasemthethweni;

**“inkukhu”** ithetha inkukhu, irhanisi, inciniba, idada, ihobe, ikarikuni, impangele, ipikoko kunye nemazi yepikoko kunye/okanye imazi yepikoko okanye intaka nokuba yeyasekhaya nokuba yeyasendle;

**“isikiti”** sithetha indawo emiselwe liBhunga ngokwawo nawuphi na umthetho wokuthimba, wokuthengisa kunye nokutshabalalisa izilwanyana kuquka nombutho wentlalo-ntle yezilwanyana enakanwayo liBhunga;

**“igosa lesikiti”** lithetha umntu owonyulwe liBhunga ukuba ongamele isikiti;

**“isakhiwo kunye nomhlaba esikuwo”** sithetha isakhiwo, intente okanye naluphi na ulwakhiwo, nomhlaba esakhiwe kuwo kunye nomhlaba osecaleni kwaso osetyenziswa ngokunxulumene naso nawo nawuphi na umhlaba ongenasakhiwo okanye ntente, kwaye uquka inqwelo-mafutha, isihambisi, inqanawa okanye iphenyane;

**"indawo kawonke-wonke" kunye "nesitalato sikawonke-wonke" sithetha -**

- (a) indlela kawonke-wonke;
- (b) nayiphi na indawo yokupaka, isikwere, ipaki, ibala lokuzonwabisa, ibala lemidlalo, indawo yococeko, ibala, unxweme, uluhlu lweevenkile ezikumhlaba kamasipala, umhlaba kamasipala ekungakhiwanga kuwo okanye owamangcwaba othe –
  - (i) ngokunxulumene nalo naluphi na ucando okanye usiko lomhlaba ube ziziza okanye iziqwenga zomhlaba, walungiselelwa okanye wabekelwa bucala ukuba usetyenziswe luluntu okanye ngabanini okanye ngabo bahlala kwezo ziza, kuloo macandelo omhlaba okanye kwezo ziqwenga zomhlaba, nokuba ubonisiwe okanye awuboniswanga kwisicwangciso jikelele, kwisicwangciso socando okanye kwisazobe;
  - (ii) nangaliphi na ixesha wanikezelwa kuluntu;
  - (iii) wasetyenziswa luluntu ngaphandle kophazanyiso kangangesithuba samashumi amathathu eminyaka ukuya kuma emva komhla wama-31 Disemba ka-1959; okanye
  - (iv) nangaliphi na ixesha wachazwa okanye wanikezelwa ngolo hlobo siSixeko okanye nguye nawuphi na omnye ugunyaziwe onalo elo lungelo; okanye
- (c) inqwelo-mafutha yezothutho kawonke-wonke,

kodwa konke oku akuquki umhlaba kawonke-wonke oqeshisiweyo okanye othe wasetyenziselwa ezinye injongo obungamiselwanga zona;

**"isakhiwo"** sithetha nayiphi na ished, ihoko yehagu, ubuhlanti, indlu yokugcina iintaka, idlelo elincinane lamahashe, isakhiwo esinesigqumathelo okanye uphahla, indlu yeenkukhu, intendelezo, idlelo lezilwanyana, isakhiwo esinophahla okanye isakhiwo esisetyenziselwa ukugcina, ukuhlalisa okanye ukuvalela izilwanyana kunye neenkukhu; yaye

**"ihashe lokusebenza"** lithetha ihashe, idonki, imeyile, okanye i-esile elomeleleyo ukuba lingatsala elirhuqwa zizilwanyana elisetyenziselwa ukungenisa imali.

## ISAHLUKO SESIBINI

### IZINJA

#### Imiqathango kwinani lobungakanani bezinja

2. (1) IBhunga lingamiselwa inani lezinja elinokugcinwa kwindawo ethile.

(2) Xa kungekho mmiselo owenziweyo ngokwezibonelelo zecandelwana (1) kunye nokulandela izibonelelo zecandelwana (3) kunye no-(4), akukho mntu unokugcina ngaphezu –

- (a) kwezinja ezimbini, okanye avumele ngaphezu kwezinja ezimbini, ezingaphezulu kweenyanga ezintandathu ubudala, ukuba zigcinwe kwiyunithi yokuhlala;
  - (b) kwezinja ezintathu, okanye avumele ngaphezu kwezinja ezintathu, ezingaphezulu kweenyanga ezintandathu ubudala, ukuba zigcinwe kwindlu yokuhlala;
  - (c) kwezinja ezine, okanye avumele ngaphezu kwezinja ezine, ezingaphezulu kweenyanga ezintandathu ubudala, ukuba zigcinwe kwindlu yokuhlala enkulu;
  - (d) kwezinja ezintandathu, okanye avumele ngaphezu kwezinja ezintandathu, ezingaphezulu kweenyanga ezintandathu ubudala, ukuba zigcinwe kwipropati yezolimo;
  - (e) kwezinja ezintathu, okanye avumele ngaphezu kwezinja ezintathu, ezingaphezulu kweenyanga ezintandathu ubudala, ukuba zigcinwe kwindlu yokuhlala.
- (3) Icandelwana (2) alisebenzi kumntu—
- (a) onemvume ekhutshwe ngokwecandelwo 4 ukuba agcine inani eliphezulu lezinja;
  - (b) onemvume yokugcina indawo yokugcina izinja;
  - (c) ongumnini okanye umanejala okanye owongamele, ivenkile yezilwanyana kwanalowo unobungqina obubhaliweyo bokuba zonke ezo zinja ziphantsi kolawulo lomnini okanye umanejala onjalo zigonyelwe umzananda wamabamba, ukukrala kwesibindi, ukhohlokhohlo lwezinja kunye nentsholongwane i-parvovirus;
  - (d) ongumnini okanye owongamele indawo apho izinja zokukhokela zigcinwa okanye ziqeqeshwa khona yaye ezo zinja zigcinwa okanye ziqeqeshwa phantsi kwemiqathango ye-SA Guide Dogs Association;
  - (e) ongumnini okanye umanejala wekliniki yezilwanyana; okanye
  - (f) nabani na owongamele izinja zeSebe lamaPolisa eBhunga njengoko echazwe kumhlathi (a) wentsingiselo ye“Bhunga”, iNkonzo yamaPolisa oMzantsi Afrika okanye loMkhosi woKhuselo woMzantsi Afrika, kwaye zigcinelwe injongo zokusebenza;
  - (g) nomntu onesikiti.
- (4) Umntu erhoxisiweyo imvume yakhe yokugcinainja okanye otheinja yahluthwa kulondolozo lwakhe ngaphambili okanye onerekhodi lokugwetyelwa ukwaphula umthetho okanye ukunyhasha amalungelo ngokunxulumene nesilwanyana esiphantsi kolondolozo lwakhe akanakho ukugcinainja, ngaphandle kokuba iBhunga limisele ngenye indlela.

### Ubhaliso kunye nokuLayiseniswa kweziNja

3. (1) Mnini-propati ogcinainja enye okanye ngaphezulu kufuneka azibhalise kwiBhungainja okanye izinja ezo.

(2) Ubhaliso lwenja kufuneka lwenzeke kwisithuba seenyanga ezintathu izelweinja okanye kwisithuba seentsuku ezingama-30 ufuyeinja kwipropati ekwimida ephantsi kolawulo lweSixeko.

(3) IBhunga lingarhafisa umrhumo wephepha-mvume ngokuphathelele kwipropati apho kugcinwa khonainja enye nangaphezulu.

(4) Ixabiso lomrhumo wephepha-mvume lenja lingamiselwa ngokwesigqibo seBhunga. Ungacuthwa umrhumo wephepha-mvume lezinja ezivalwe isizalo.

### Amaphepha-mvume okugcina izinja ezingaphezulu kunenani elichaziweyo

4. (1) Nawuphi na umntu ofuna ukugcina inani lezinja elingaphezulu kunelo livumekileyo ngokwecandelo 2(2), kufuneka afake isicelo kwiBhunga

(2) Isicelo ngokwecandelwana (1) kufuneka sibhalwe kwifomu elungiselelwe oko kwaye sihambe nomrhumo omiselweyo.

(3) IBhunga lisenokufuna ukuba umfaki-sicelo anike nayiphi na ingcaciso esiyibona njengeyimfuneko ukulungiselela ukuba sithathe isigqibo sinolwazi.

(4) IBhunga lisenokwala ukuqwalasela isicelo ngokwecandelwana (1) apho izibonelelo zecandelwana (2) zingathotyelwanga okanye ingcaciso efunwa kwicandelwana (3), inganikwanga.

(5) IBhunga lisenokusiqwalasela kuphela isicelo ngokwecandelwana (1) emva kokuba lifumene ingxelo ebhaliweyo evela kwigosa eligunyazisiweyo –

- (a) malunga nokubainja leyo kufunwa imvume yayo ingaba yingozi kwezempilo zoluntu okanye ukugcina loo nja kungakhokelela kungachasana necandelwana 6;
- (b) echaza iziphumo zohlolo lwendawo apho loo nja igcinwa okanye iza kugcinwa khona; kwakunye
- (c) nokuba ingaba kwakhe kwasuswainja phantsi kolondolozo lomfaki-sicelo na okanye unerekhodi yokugwetyelwa ukwaphula umthetho okanye ukunyhasha amalungelo ngokunxulumene nesilwanyana esiphantsi kolondolozo lwakhe

(6) IBhunga lingasikhaba isicelo ngokwecandelwana (1) okanye lisamkele phantsi kwayo nayiphi na imiqathango ejolise ekucutheni ukwenzeka, ukuqhubeka okanye ukuphinda kwenzeke komngcipheko wabo nabuphi na ubungozi bezempilo yoluntu obunokubangelwa zizinja kuloo ndawo okanye ukucutha loo mngcipheko ube kwinqanaba elamkelekileyo kwiBhunga.

(7) Malunga nokwamkelwa kwesicelo ngokwecandelwana (6), igosa eligunyazisiweyo kufuneka likhuphe iphepha-mvume kwifomu elungiselelwe oko echaza wonke umqathango obekwe liBhunga.

(8) Iphepha-mvume alitshintshelwa ukusuka komnye umntu liye komnye okanye ngokuphathelele nendawo ebelikhutshelwa yona, ukuya kwenye.

#### **Ulungiso, ukumiswa kunye norhoxiso lwephepha-mvume**

5. Emva koqwalaselo lwengxelo kunye nengcebiso yegosa eligunyazisiweyo okanye ugqirha wezilwanyana, ngesaziso kumntu onemvume ngokokuchazwe kwicandelo 4 iBhunga linakho –

- (a) ukwenza isilungiso, ukumisa okanye ukurhoxisa loo mvume ukuba liyaneziseka ukuba ukungenzi oko kuya kukhokelela –
  - (i) ekudaleni okanye ekuqhubekeni kobungozi kwimpilo yoluntu; okanye
  - (ii) kulwaphulo lwaso nasiphi na isibonelelo secandelo 6;
- (b) ukwenza isilungiso, ukumisa okanye ukurhoxisa loo mvume ngoko nangoko ukuba-
  - (i) igosa elo lifumanisa ukuba kuyimfuneko engxamisekileyo ukwenza njalo ukuphelisa okanye ukunciphisa umngcipheko ongamandla kuluntu obangwa bubungozi bezempilo yoluntu okanye ubungozi obungenzekayo kwimpilo yoluntu; okanye
  - (ii) kukho ityala lolwaphulo-mthetho elijingayo kumnini-mvume okanye ityala lezentlalo ayinxalenye yalo umnini-mvume, elibandakanya isilwanyana esiphantsi kolondolozo lwakhe.

#### **Imiqathango ngokunxulumene nokugcinwa kwezinja**

6. Akukho mntu uza-

- (a) kuvumela nayiphi na imazi yenja eyeyakhe okanye egcinwa nguye efuna iinkunzi okanye edumbileyo ukuba ibe sesitalatweni sikawonke-wonke okanye endaweni kawonke-wonke;
- (b) kukhuthaza nayiphi nainja ukuba ihlasele, ikhathaze okanye yoyikise nawuphi na umntu okanye isilwanyana okanye ngokungabi nankathalo asilele ukuthintela nayiphi nainja ekuhlaseleni, ekukhathazeni okanye ekoyikiseni nawuphi na umntu okanye isilwanyana, ngaphandle kokuba umnini lowo uyazikhusela okanye ukhusela ipropati yakhe okanye ukhusela nawuphi na omnye umntu;
- (c) kugcina nayiphi nainja eyonakalisa ipropati yoluntu;
- (d) kugcina nayiphi nainja aze asilele ukulikhupha rhoqo, alilahle kwindawo efanelekileyo ilindle layo;
- (e) kugcina nayiphi nainja ekhonkotha ngaphezu kwemizuzu emithandathu kwiyure enye okanye emithathu ngesiqingatha seyure;
- (f) kugcina nayiphi nainja engondliwayo okanye engaphiwa manzi okanye engenandlu yayo;

- (g) kugcina nayiphi nainja eza kuthi ibangele uphazamiseko okanye uphithikezoko kubahlali abasebumelwaneni-
  - (i) ngokuba nomkhwa wokuleqa iinqwelo-mafutha, izilwanyana, iinkukhu, amahobe okanye abantu ngaphandle kwamasango egcinwe kuwo; okanye
  - (ii) ngokuziphatha nangayiphi na enye indlela;
- (h) kuvumela nayiphi nainja yakhe okanye egcinwa nguye -
  - (i) ukuba ibe sesitalatweni sikawonke-wonke okanye endaweni kawonke-wonke logama igula likhwekhwe okanye nasiphi na isifo esosulelayo;
  - (ii) elugcalagcala, ekhohlakeleyo okanye eyingozi ukuba ibe sesitalatweni sikawonke-wonke okanye endaweni kawonke-wonke, ngaphandle kokuba ivalwe umlomo yaze yabanjwa ngentambo kwaye iyalawuleka;
  - (iii) ukuba ihambe kwipropati yomnye umntu;
  - (iv) ukuba yingozi endleleni isebenzisa nasiphi na isitalato sikawonke-wonke;
  - (v) ukuba ibe kwisitalato sikawonke-wonke okanye endaweni yoluntu ngaphandle kwaxa isebhantini okanye ikwindawo emiselwe liBhunga nje ngaleyo inokukhululeka kuyo;
- (i) kugcina nayiphi nainja engenagama lijinga kuyo, okanye inombolo yomnxeba, kunye nedilesi ehlala kuyo okanye okanye nokuba ngumbhalo othintela ukuphathwa kakubi kwezilwanyana okanye umbutho obhalisiweyo wentlalo-ntle yezilwanyana;
- (j) kunxwala okanye axhokoxe inja.

**Ukuthinjwa, ukuvalelwa esikiti nokubulawa kwezinja**

7. (1) Igosa eligunyazisiweyo lingayithimba, lize liyivalele esikiti kwindawo emiselwe liBhunga nayiphi nainja enokuthi -

- (a) ibulawe ngokwesibonelelo secandelwana (10) okanye nawuphi na omnye umthetho;
- (b) ibe inebhula ngokwezimvo zalo okanye enaso nesiphi na esinye isifo esosulelayo;
- (c) ibe iyingozi kubasebenzisi bendlela abasebenzisa nokuba sesiphi na isitalato sikawonke-wonke;
- (d) ibe iphandle kwaye ingenamnini;
- (e) ifunyanwe endaweni yoluntu okanye kwisitalato sikawonke-wonke ibe ingekho bhantini kwaye ingekho phantsi kolawulo olululo ngokwezimvo zegosa eligunyazisiweyo, ngaphandle kokuba inja leyo ikwindawo emiselwe liBhunga njengendawo yokuhamba ngokukhululekileyo;



- (f) ingene nakwawaphi na amasango logama igosa eligunyazisiweyo lizama ukuyibamba liyivalele;
- (g) ibe iyalamba okanye ayondlekanga okanye ayifumani manzi okanye ayinandawo yokuhlala ifanelekileyo; okanye
- (h) igcinwe ngokuchasene necandelo 2 kunye necandelo 6.

(2) Nawuphi na umntu kumasango angawakhe okanye ahlala kuwo unakho ukuyivalela nayiphi nainja ayifumene kumasango akhe ngenjongo zokuba ithinjwe.

(3) Nangona ngokwezibonelelo zecandelwana (1) kunye no-(2), kungekho mntu onokuyivalela ngenjongo zokuba ithinjwe ukuba kukholeleka ukuba inja leyo yimazi kwaye inentshontsho elingakhumlwanga (elingalunyulwanga) ngaphandle kokuba inja leyo ivalelwa kunye nentshontsho layo.

(4) Nawuphi na umntu ovalele inja ngokwefi candelo-

- (a) kufuneka aqinisekise ukuba ayiphethekanga kakubi; kwaye
- (b) xa isikiti sivaliwe, unokuyivalela kuye inja leyo de sibe sivuliwe.

(5) Akukho mntu unokhulula nayiphi na inja, ebanjwe yavalelwa okanye egcinwe eluvalelweni ligosa eligunyazisiweyo okanye ethinjiweyo ngokwefi candelo.

(6) IBhunga liza kugcina irekhodi yazo zonke izinja ezithinjiweyo zaze zafakwa esikithi ngokwalo Mthetho kaMasipala, echaza uhlobo, iimpawu neminye imiqondiso eyahlukileyo (ukuba ikhona) yezo zinja, kwakunye nomhla wokugqibela wokukhululwa kwazo okanye lo nto yenzekileyo, kwaye ezo rekhodi ziza kuvuleleka ukuba zihlolwe luluntu kwii-Ofisi zeBhunga ngexesha lomsebenzi.

(7) Nawuphi na umntu angayibanga inja esesikithi ukuba yena-

- (a) uyalanezisa igosa lesikithi ukuba ungumnini okanye unelungelo lokuyigcina inja leyo;
- (b) uyalanezisa igosa lesikithi ukuba ukukhululelwa ukuba ayigcine inja leyo akuyi kukhokelela ekubeni kuchasane naso nasiphi na isibonelelo secandelo le-2 okanye le-6;
- (c) ahlawule igosa lesikithi umrhumo omiselweyo kunye nendleko zikagqirha wezilwanyana, ukuba kukho ndleko zikhoyo ngokuphathelele kuloo nja.

(8) Inja evalelwe esikithi ngokwecandelwana (1), ingeyiyo inja evalelwe esikithi ngokwecandelwana (1) (b), ingakhululelwa kumnini wayo okanye kuloo mntu uyigcinayo xa ethe wahlawula umrhumo omiselwe liBhunga.

(9) Inja evalelwe esikithi ngokwecandelwana (1), ingeyiyo inja evalelwe esikithi ngokwecandelwana (1) (b), ingathengiswa okanye ibulawe emva kokuba igcinwe eluvalelweni iintsuku ezingekho ngaphantsi kweshumi ngaphandle kokuba ithe yabangwa yaza yakhululwa ngokwecandelwana (7) okanye ngokwecandelwana (8). Ukuba ngaba iza kubulawa, kufuneka

kukhutshwe isaziso seentsuku ezisi-7 sikhutshwe ngumphathi wesikiti asithumele kwimibutho nakuwo nawuphi na omnye umbutho othathelwa ingqalelo liBhunga.

(10) Nangona kukho izibonelelo zecandelwana (9), inja ethinjweyo okanye efakwe esikiti ngokwe

- (a) candelwana (1)(b); okanye
- (b) nasiphi na isibonelelo ngokwalo Mthetho kaMasipala okanye ngokwezibonelelo zawo nawuphi na omnye umthetho kwaye igosa eligunyazisiweyo lifumanisa ukuba
  - (i) igula sisifo esinganyangekiyo, sisifo esosulelayo okanye yonzakele kakhulu; okanye
  - (ii) ilugcalagcala, ikhohlakele okanye iyingozi, ingabulawa kwangoko.

(11) Ukuba igosa eligunyazisiweyo linoluvo lokuba inja injengokuba kuchazwa kwizibonelelo zecandelo 6, linakho –

- (a) ukubangela ukuba kunikwe isaziso umnini wayo ukuba kufuneka athathe amanyathelo aza kuphelisa olo phithikezo abonise ngokwanezisayo kwigosa eligunyazisiweyo ukuba loo nja igcinwa phantsi kolawulo;
- (b) ukuyivalela esikiti inja leyo lize lilandele imigaqo yeli candelo, ukuba inja leyo ayiyi kukhululelwa umniniyo ngaphandle kokuba umniniyo, unika igosa eligunyazisiweyo, kwisithuba seentsuku ezilishumi njengoko kuchazwa kwicandelwana (9), ubungqina obanezisayo bokuba inja leyo ukuba uyikhululelwe, ayiyi kuphinda ibangele uphithikezo kwaye iya kugcinwa phantsi kolawulo.

(12) Inja iza kubulawa ngendlela engenabuhlungu eya kuthi yamkelwe ngugqirha wezilwanyana kwaye oko kuza kwenzeka phantsi kolongamelo lwegosa eligunyazisiweyo.

(13) Ingeniso yentengiso iza kuhlawula zonke iindleko ezimalunga naloo ntengiso kunye nokuthinjwa kwaloo nja.

(14) Ngokwalo Mthetho kaMasipala akukho Bhunga okanye gosa eligunyazisiweyo okanye nawuphi na omnye umqeshwa weBhunga oya kubekwa ubutyala ngokuphathelele ekwenzakaleni kwenja okanye kwisifo esifumeneyo umonakalo kwinja ngethuba ithinjwa, ifakwa esikiti, eluvalelweni, entengisweni okanye ekubulalweni kwayo.

#### Ubiyelo lwepropati

8. Akukho mntu uza kugcina izilwanyana ukuba amasango akhe akabiyelwanga ngokufanelekileyo nangokwaneleyo ukugcina izinja ngaphakathi kwamasango xa ingabotshelwanga ngaphandle kokuba inja ivalelwe kumasango ngenye indlela.

### **Ukuhlangulwa kwezinja ezibhadulayo**

9. Nawuphi na umntu ohlangulainja ehadulayo kufuneka anike ingxelo yomhla nexesha ayihlangule ngalo kwakunye nenkcazo yenja kwiBhunga zingadlulanga iiyure ezingamashumi amabini anesine.

### **Inja kufuneka ingabi nakubangela ingozi**

10. (1) Nawuphi na umntu ogcinainja kuwo nawuphi na amasango kufuneka ayigcine ngendlela engabangeli ngozi kubasebenzi beBhunga xa bengena kuloo masango ngenjongo yokwenza umsebenzi wabo.

(2) Kufuneka kubekho isaziso esichaza yo ukuba kukhoinja kwaye kufanelwe ukuba sibekwe kwindawo esekuhleni kwindawo yokungena nganye kuloo masango.

### **Ukususwa kwelindle**

11. (1) Ukubainja ituwa kwisitalato sikawonke-wonke, kwindawo yoluntu okanye kwisitalato sikawonke-wonke, nawuphi umntu ephantsi kolawulo lwakhe loo nja, ngaphandle komntu okhokelwa yinja, kufuneka ayisuse ituwa leyo ngoko nangoko, ayifake eplastikini okanye kwingxowa yephepha okanye kwiphepha lokusongela aze ayilahle kumgqomo wenkunkuma, ngaphandle komntu okhokelwa yinja.

(2) Akukho mntu uza kuhambisainja kwisitalato sikawonke-wonke, kwindawo yoluntu okanye kwindlela kawonke-wonke engaphethanga ziplastiki, iingxowa zephepha okanye amaphepha okusongela awoneleyo, aza kufaka kuzo ituwa yenja xainja ithe yatuwa.

### **Ukuvala inzala**

12. (1) Igosa eligunyazisiweyo lingayivalainja xa lifumanisa oko kuyimfuneko-

- (a) xa oko kuza kunceda impilo yenja;
- (b) ukunqanda ukubainja ingabe iphithizela ikhathaza;
- (c) xainja izula esithubeni;
- (d) xa licelwa ngumniniyo,

kwaye indleko yoko ingafunyanwa kumnini nja.

(2) Umnini wenja evaliweyo kufuneka efumene ubungqina boko kugqirha wezilwanyana obuthi injaleyo ivaliwe yaye xa kukho igosa eligunyazisiweyo elifuna ukububona obo bungqina kufuneka ebukhuphile alibonise.

### **Ukubekelwa bucala kweendawo zoluntu njengeendawo izinja ezinokuhamba-hamba kuzo, iindawo emazibotshelwe kuzo nezingenakungena kuzo**

13. IBhunga linokubeka bucala iindawo zoluntu eziza kuba neesayini ezicacileyo ezichaza ukubainjinja zingahamba-hamba kuzo mazirhuqwe ngentambo okanye azifanelanga kuhamba kuloo ndawo yaye ezo ndawo ziya kutshintshwa kuxhomekeke kwixesha lemini okanye lonyaka.

## ISAHLUKO SESITHATHU

### IIKATI

#### Ulinganiselo lwenani leekati

14. (1) IBhunga lingamisela inani leekati elinokugcinwa nakuwaphi na amasango.

(2) Ukuba akukho mmiselo owenziwe ngokwezibonelelo zecandelwana (1) kwaye ngokuxhomekeke kwizibonelelo zecandelwana (3) no (4), akukho mntu unokugcina ngaphezu –

- (a) kweekati ezine, okanye avumele iikati ezingaphezu kwezine, ezingaphezu kweenyanga ezintandathu ubudala ukuba zigcinwe nakuwaphi na amasango;
- (b) iikati ezintandathu, okanye avumele ngaphezu kweekati ezintandathu, ukuba zigcinwe kwipropati yezolimo.

(3) (a) Izibonelelo zecandelwana 2 (3), ngaphandle komhlathi (d), kunye no (f) becandelwana (3), kusebenza zona xa zifundwa neenguqu ezifunekayo.

- (b) Ngeenjongo zokusebenzisa izibonelelo zecandelo 2 (3) ngokomhlathi (a) –
  - (i) umhlathi (b) walo kucingwa ukuba ubhekisa kwindawo yeeekati; kwaye
  - (ii) umhlathi (c) walo kucingwe ukuba ubhekisa kumkhuhlane wekati nezifo zokuphefumla zekati.

(4) Umntu ekukhe ngaphambili kwasuswa ikati kunakekelo lwakhe okanye ngaphambili okhe wafunyanwa enetyala lokophula umthetho okanye enetyala ngokwezentlalo ngokuphathelele kwisilwanyana ebesiphantsi konakekelo lwakhe akanakho ukugcina ikati, ngaphandle kokuba iBhunga limisela ngenye indlela.

(5) Izibonelelo zamacandelo 4, 5 nele-7, kusebenza zona ngokuphathelele kwiikati xa zifundwa neenguqu ezifunekayo.

(6) Akuvumelekanga nawuphina umntu agcina nayiphi na ikati engenagama lijinga kuyo, okanye inombolo yomnxeba, kunye nedilesi ehlala kuyo okanye nokuba ngumbhalo othintela ukuphathwa kakubi kwezilwanyana okanye umbutho obhalisiweyo wentlalo-ntle yezilwanyana.

#### Amagunya eBhunga okuvala isizalo sekati

15. (1) Igosa eligunyazisiweyo lingayivala isizalo sekati xa lifumanisa oko kuyimfuneko-

- (a) xa oko kuzakunceda impilo yekati;
- (b) ukunqanda ukuba ikati ingabe iphithizela ikhathaza;
- (c) xa ikati izula esithubeni;
- (d) xa licelwa ngumniniyo,

kwaye indleko yoko ingafunyanwa kumnini nja.

(2) Umnini wenja evaliweyo kufuneka efumene ubungqina boko kugqirha wezilwanyana obuthiinja leyo ivaliwe yaye xa kukho igosa eligunyazisiweyo elifuna ukububona obo bungqina kufuneka ebukhuphile alibonise.

#### **Ukubanjwa kuvalelwe iikati**

16. (1) Igosa eligunyazisiweyo okanye umntu ogunyaziswe ngumntu, ngumbutho okanye liqela elichazwe kumhlathi (c) okanye (d) wenkcazo yeBhunga ngenjongo zokuvalela ikati esikiti angayithatha ikati egcinwe ngendlela eyaphula icandelo 14.

(2) Izibonelelo zecandelo 7, kusebenza zona malunga nokuvalelwa kweekati zifundwa neenguqu ezifunekayo.

(3) IBhunga lingathatha amanyathelo ayimfuneko ukuqinisekisa ukuba iikati ziyabanjiswa.

### **ISAPHLUKO SESINE**

#### **AMAHASHE OKUSEBENZA**

##### **Iimvume zokugcina amahashe okusebenza**

17. (1) (a) Nawuphi na umnini ofuna ukusebenzisa ihashe lokusebenza, kufuneka enze isicelo semvume kwiBhunga, malunga nelo hashe lokusebenza.

(b) Akunakho ukukhutshwa iimvume ezingaphezulu kwesinye malunga nehashe lokusebenza.

(2) Isicelo ngokwecandelwana (1) kufuneka sibhalwe kwifomu emiselwe oko kwaye kufuneka zihambe kunye –

(a) nomrhumo omiselweyo;

(b) nobungqina obubhaliweyo bokuba ihashe elo lokusebenza likufanele ukutsala inqwelo etsalwa sisilwanyana;

(3) IBhunga lingafuna ukuba umfaki sicelo anike enye ingcaciso elifumanisa ukuba iyafuneka ukuze libe nakho ukuthatha isigqibo esisekelwe kulwazi.

(4) IBhunga lisenokwala ukuqwalasela isicelo ngokwecandelwana (1) malunga nezibonelelo zecandelwana (2) ezingakhange zithotyelwe okanye ingcaciso engakhange inikwe njengoko ichazwe kwicandelwana (3).

(5) IBhunga lingasiqwalasela isicelo ngokwecandelwana (1) kuphela emva kokufumana ingxelo ebhaliweyo evela kwigosa eligunyazisiweyo –

(a) malunga nokuba ingaba ihashe elo lokusebenza kufunwa imvume yalo lingabangela uphithikezo kwindawo yoluntu okanye ukusetyenziswa kwalo kungakhokelela kulwaphulo lwecandelo 19;

- (b) echaza iziphumo zohlolo lwehashe lokusebenza kunye nemeko yalo yokusebenza; kwakunye
- (c) nokuba ingaba umfaki-sicelo ukhe wayekiswa ukunakekela ihashe lokusebenza na ngaphambili, okanye ukhe wagwetywa ngokwaphula umthetho okanye ukhe wabekwa ubutyala malunga nesilwanyana esiphantsi konakekelo lwakhe.

(6) IBhunga lingasikhaba isicelo ngokwecandelwana (1) okanye lisamkele phantsi kwemiqathango ejoliswe ekunciphiseni umngcipheko wokwenzeka kophithikezo kwindawo yoluntu, ukuqhubeka, okanye ukuphinda kwenzeka okanye ukunciphisa umngcipheko ololo hlobo ube kwibnqanaba elamkelekileyo kwiBhunga.

(7) umntu ofake isicelo semvume ngokwecandelwana (1) akafanelanga ukulisebenzisa ihashe lokusebenza kude kubuye iziphumo zesicelo, xa engekabi nayo imvume.

(8) Xa isicelo samkelwe ngokwecandelwana (6), igosa eligunyazisiweyo kufuneka likhuphe imvume kwifomu elungiselelwe oko echaza yonke imiqathango ebekwe liBhunga.

(9) Imvume ayitshintshwa ukusuka komnye umnini inikwe omnye.

#### **Isilungiso, ukuxhonywa kunye nokurhoxiswa kweemvume**

18. Emva kokuba liqwalasele ingxelo kunye nengcebiso yegosa eligunyazisiweyo, iBhunga okanye ugqirha wezilwanyana angabhala isaziso njengoko kuchaziwe kwicandelo 17 –

- (a) ibhunga lingenza isilungiso, lingaxhoma okanye liyirhoxise imvume ukuba liyaneliseka ukuba ukungakwenzi oko kuya kukhokelela ekubeni–
  - (i) kudaleke okanye kuqhube uphithikezo kwindawo yoluntu; okanye
  - (ii) kuqhubeke ulwaphulo lwaso nasiphi na isibonelelo secandelo 19;
- (b) kwenziwe isilungiso, ukuxhonywa okanye ukurhoxiswa kwemvume ngoko nangoko ukuba igosa lifumanisa ukuba kuyimfuneko engxamisekileyo ukwenza njalo ukuphelisa okanye ukunciphisa umngcipheko ongamandla kuluntu owenziwa luphithikezo kwindawo yoluntu.

#### **Ulawulo lwehashe lokusebenza**

19. Akukho mntu usebenzisa ihashe lokusebenza oza–

- (a) kuvumela ihashe lokusebenza ukuba libe kwindawo yoluntu logama lingakwaziyo ukutsala inqwelo etsalwa zizilwanyana;
- (b) kuvumela ihashe lokusebenza libangele ubungozi kubasebenzisi bendlela abasebenzisa nasiphi na isitalato sikawonke-wonke;
- (c) kuvumela ihashe lokusebenza ukuba ngokolwazi lwakhe libe nokubangela ingozi kuye nawuphi na umntu osebenzisa isitalato sikawonke-wonke;

- (d) kuvumela ihashe lokusebenza ukuba libe kwisitalato sikawonke-wonke okanye kwindawo yoluntu ngaphandle kokuba liphantsi kolawulo lwakhe;
- (e) kusebenzisa ihashe lokusebenza elingenalo igama, inombolo yomnxeba kunye nedilesi yomnini walo.
- (f) Kuvumela naliphi ihashe lokusebenza ukuba litsale isithuthi okanye lisebenzise nayiphi na isali engahambelani nemigangatho nemiqathango ye-SABS enokumane imiselwa liBhunga kumathuba athile.

**Ukuthinjwa, ukuvalelwa esikiti nokubulawa kwehashe lokusebenza**

20. (1) Igosa eligunyazisiweyo linakho ukuthimba nokuvalela esikiti kwindawo emiselwe liBhunga naliphi na ihashe -

- (a) elinokubulawa ngengcebiso kagqirha wezilwanyana okanye ngokwezibonelelo zawo nawuphi na umthetho;
- (b) ngokwezimvo zalo elingakwaziyo ukuqhubeka litsala inqwelo etsalwa sisilwanyana;
- (c) ngokwezimvo zalo eliyingozi kubasebenzisi bendlela abasebenzisa nasiphi isitalato soluntu;
- (d) elizihambela lodwa phandle, ngaphandle komnini walo; okanye
- (e) elifunyenwe kwindawo yoluntu kwaye ngokwezimvo zegosa eligunyazisiweyo lingekho phantsi kolawulo olufanelekileyo.

(2) IBhunga liya kugcina irekhodi yawo onke amahashe okusebenza athinjiweyo aze avalelwa esikiti ngokwalo Mthetho kaMasipala echaza uhlobo, iimpawu kunye nezinye iingcimbolo ezilohlulayo (ukuba zikhona) kwakunye nomhla wokugqibela elikhululwe ngawo kwaye ezo rekhodi ziza kuvuleka ukuba zihlolwe luluntu kwii-Ofisi zeBhunga ngexesha lomsebenzi.

(3) Ihashe lokusebenza elivalelwe esikiti ngokwecandelwana (1) liya kukhululelwa kumnini walo okanye kumntu oligcinayo xa kuhlawulwe umrhumo omiselwe liBhunga.

(4) Ihashe lokusebenza elivalelwe ngokwecandelwana (1) lingathengiswa okanye lifunyanelwe ikhaya elilelinye emva kokuba livalelwe iintsuku ezingekho ngaphantsi kweshumi ngaphandle kokuba lithe labangwa laza lakhululwa ngokwecandelwana (3).

(5) Ukuba igosa eligunyaziweyo linoluvo lokuba ihashe lokusebenza lelo lichazwe ngokwezibonelelo zecandelo 19, lingathi -

- (a) lenze ukuba kunikwe isaziso umnini walo ukuba kufuneka athathe amanyathelo aza kuphelisa olo phithikezo abonise ngokwanezisayo kwigosa eligunyazisiweyo ukuba elo hashe ligcinwa phantsi kolawulo olufanelekileyo;
- (b) ukulivalela esikiti ihashe elo lize lilandele imigaqo yeli candelo, ukuba ihashe lokusebenza elo aliyi kukhululelwa umnini walo ngaphandle kokuba umnini walo, unika igosa eligunyazisiweyo, kwisithuba seentsuku ezilishumi njengoko kuchazwa

kwicandelwana (4), ubungqina obanezisayo bokuba ihashe lokusebenza elo ukuba ulikhululelwe, aliya kuphinda libangele uphithikezo kwaye liya kugcinwa phantsi kolawulo.

(6) Ingeniso yentengiso iza kuhlawula zonke iindleko ezimalunga naloo ntengiso kunye nokuthinjwa kwelo hashe lokusebenza.

(7) Ngokwalo Mthetho kaMasipala akukho Bhunga okanye gosa eligunyazisiweyo okanye nawuphi na omnye umqeshwa weBhunga oya kubekwa ubutyala ngokuphathelele ekwenzakaleni kwehashe lokusebenza okanye kwisifo elisifumeneyo umonakalo kwihashi lokusebenza ngethuba lithinjwa, lifakwa esikiti, eluvalelweni, entengisweni okanye ekubulaweni kwalo.

#### **Aluvumelekanga uhlangulo lwamahashe okusebenza avalelwe esikiti**

21. Akukho mntu oza kuhlanguka okanye oza kuzama ukuhlanguka ihashe lokusebenza ukuba lingabanjwa ngokusemthethweni livalelwe esikiti, ngokuthi enze izoyikiso zobundlobongela okanye nantoni na eyenye kwabo bantu bagunyazisiweyo, okanye oza kuhlanguka okanye azame ukuhlanguka naliphi na ihashe lokusebenza emva kokuba libanjwe lavalelwa esikiti ligosa eligunyazisiweyo.

### **ISAHLUKO SESIHLANU**

#### **izilwanyana kunye neenkukhu**

22. Ukukhuthaza ukhuseleko lwempilo yoluntu, akukho mntu uza kugcina okanye avumele ukuba kugcinwe nakuwaphi na amasango okanye ipropati nasiphi na isilwanyana okanye iinkukhu ngaphandle kwemvume yeBhunga.

#### **Iimvume**

23. (1) Ngenjongo yokukhuthaza ezempilo yoluntu kunye nokuthothisa uphithikezo loluntu, iBhunga kumaxesha, ngamaxesha lingamisela inani lezilwanyana okanye leenkukhu ezinokuthi zigcinwe kwiyunithi yendawo kwaneendawo ezingayi kuvumeleka kuzo ezo zilwanyana okanye ezo nkukhu.

(2) Kumaxesha ngamaxesha, iBhunga lingamisela iintlobo zezilwanyana kunye neenkukhu ekufuneka kufunwe imvume ngazo kwakunye nomrhumo obekiweyo kwakunye nomrhumo wonyaka wemvume leyo. Izicelo zezo mvume kufuneka zenziwe kwifomu efunyanwa kwiBhunga elungiselelwe ezo njongo.

(3) Iimvume ezikhutshelwe oko azitshintshelwa komnye umntu kwaye zisebenza kuphela kuloo propati besifakelwe yona isicelo.

24. (1) IBhunga lingafuna ukuba isicelo ngokwecandelo 23(1) sihambe kunye nesicwangciso esineenkukacha esibonisa zonke izakhiwo ezikhoyo kunye nezo zindululwayo kunye nobiyelo olukwipropati ekufuneka kufunyanwe imvume yalo.



(2) IBhunga lingafuna izicwangciso ezineenkukacha kunye neengcombolo zezakhiwo apho ziza kugcinwa khona ezo zilwanyana kunye neenkukhu, khona ukuze sibone ukuba siyinike na imvume ngokwecandelo 23 (2).

(3) Nangona kukho lo Mthetho kaMasipala, iSixeko sinokwala ukwamkela isicelo okanye ukunika imvume phantsi kwemiqathango ethile, ukuba ngokoluvo lwaso, ngenxa yendawo ekuyo ipropati ngokwesiza okanye ubume bendawo ekuyo okanye ubungakanani bayo, abufanelanga ukucina izilwanyana okanye iinkukhu.

(4) Akukho sakhiwo sihlala izilwanyana esiza kuma-

(a) malunga nemitha enesiqingatha kumda wesiza esayamene nesinye isiza sendawo yokuhlala; (b) malunga neemitha ezintandathu kumda wesiza esayamene nendlela okanye ibala loluntu; kwakunye

(b) namalunga neemitha ezine ezinesiqingatha ukusuka nakuyiphi na enye indlu, kwindlu yabasebenzi, isakhiwo esiphandle esingahlalwayo kunye nevenkile okanye isakhiwo apho kusetyenzwa ngokutya khona.

(5) Apho isakhiwo esiza kugcinwa kuzo izilwanyana siyinxalenye yesakhiwo esingaphandle ekuhlala abantu kuso, eso sakhiwo kufuneka sime kangangeemitha ezine ezinesiqingatha ubuncinane ukusuka kwigumbi ekuhlalwayo kulo kwaye kufuneka ukuba singabi phantsi kophahla olunye kunye nelo gumbi kuhlalwayo kulo.

(6) Akukho sakhiwo sihlala iinkukhu esiza kuma:

(a) malunga nemitha enesiqingatha ukusuka kumda wesiza sendawo yokuhlala; kananjalo

(b) namalunga nemitha enesiqingatha ukusuka nakuyiphi na indawo yokuhlala, indlu yabasebenzi, isakhiwo esiphandle esingahlalwayo kunye nesakhiwo esiphandle ekungahlalwayo kuso apho kusetyenzwa, kuthengiswa okanye kugcinwa khona ukutya.

(7) Zonke izakhiwo ekugcinwa kuzo izilwanyana okanye iinkukhu ziza kusithela kuso nasiphi na isitalato ngokwanezisa iBhunga.

(8) Akukho sakhiwo siza kucina iinkukhu esiza kuba nomphakamo odlula iimitha ezintathu ezinesiqingatha.

(9) Nangona kukho ezi zibonelelo zikhankanywe apha ngaphambili, iBhunga linakho ukuthi emva kokuba liqwalasele iimeko zeprophi ethile kwaye ukuba ngaba akukho nkcaso kubamelwane abakufutshane nabo bachaphazelekayo, lisuse naziphi na okanye zonke iimfuneko zesi sahluko ize simisele eminye imiqathango ukuba kukho imfuneko.

**Ukugcinwa kokutya kwezilwanyana neenkukhu kunye nomgquba, nokulahlwa kwemizimba yezilwanyana ezifileyo**

25. (1) Wonke umgquba oziziphumo zokugcinwa kwezilwanyana neenkukhu, olindele ukukhutshwa kumasango, kufuneka ugcinwe ngaphakathi kwikhonteyina etywiniweyo engangeni zimpukane uze ulahlwe rhoqo ukuthintela ukuba kungabikho phithikezo ludalekayo, ukuba ngaba oko kulahlwa akuquki ukwenziwa kwesivundiso apho kumasango lawo.

(2) Konke ukutya kwezilwanyana neenkukhu kuza kugcinwa kwindawo engangeni mabuzi, kwikhonteyina okanye estoreni sokugcina izilwanyana okanye iinkukhu.

(3) Indawo yokugcina izilwanyana okanye iinkukhu kufuneka igcinwe ikwimeko yokuba ingatsali okanye ibe yindawo yokuhlala amabuzi.

(4) Imizimba yezilwanyana ezifileyo kufuneka ilahlwe ngendleko yomnini nangendlela eyamkelwe iBhunga.

26. Kumaxesha ngamaxesha, iBhunga lingamisela ukuba kufuneka kwakhiwe istoro somgquba esingangeni zimpukane kunye namabuzi kwakunye nestoro sokutya kwezilwanyana neenkukhu esibukhulu bufanelekileyo nesakhiwe ngemathiriyeli eme isigxina kumasango apho kugcinwa khona izilwanyana.

**Indawo yokugcina izinja kunye neekati**

27. Akukho mntu uza kugcina izinja neekati ngaphandle kokuba athobele ezi mfuneko zilandelayo kwaye afumane imvume kwiBhunga:

- (a) izinja kunye neekati zigcinwa kwiindawo ezibiyelweyo ezahlukeneyo-
  - (i) ezakhiwe ngeemathiriyeli ezihlala ixesha elide kwaye ezifikeleka lula ukulungiselela ukucoca nokubulala iintsholongwane;
  - (ii) umgangatho kufuneka wakhiwe ngekhonkrithi okanye ngemathiriyeli ehlala ixesha elide angenakugqobhozela kuyo amanzi, igudiswe umphezulu, ibe nobubanzi obulikhulu lee-milimitha obuthatha bonke ububanzi bomgangatho wesakhelo, ibe nomjelo otsalela amanzi kumjelo weBhunga ophantsi komhlaba ohamba amanzi amdaka kusetyenziswa umbhobho wemathiriyeli eyamkelekileyo ovuleke kangangekhulu lee-milimitha ubuncinane okanye ophumela kwenye indlela ehambisa amanzi amdaka owamkelekileyo;
  - (iii) be nomqokumbelo wendlela olikhulu elinamashumi amahlanu eemilimitha ukuphakama ohamba ecaleni lobude bomjelo ekubhekiswa kuwo kwicandelwana (ii) ukuthintela amanzi empuphuma asuka kuloo ndawo ekubeni angene kumjelo;
- (b) nayiphi na indawo ebiyelweyo ekubhekiswa kuyo kwicandelwana (a) kufuneka ibe nophahla ukulungiselela ukuhlalisa izinja neekati luze-

- (i) udonga lwakhiwe ngezitena, amatye, ngekhonkriti okanye ngenye imathiriyeli eyomeleleyo kwaye ngaphakathi igude kwaye ingabi nazintanda okanye midibaniso iqhaqhekileyo; kwaye
  - (ii) umgangatho kufuneka ube ngowekhonkriti okanye enye imathiriyeli engenakugqobhoza manzi kwaye yomelele igude ingabi nazintanda, uze umphezulu wale ndawo iphakathi komgangatho namadonga esakhiwo esisigxina ube sisigqumathelo;
- (c) ukulungiselela izinja, kungenziwa indlu yezinja ekufuneka yenziwe ngesamente exhonkxiweyo okanye enye imathiriyeli ekwazi ukushenxiswa kwisiseko esakhiwe ngekhonkriti okanye imathiriyeli eyomeleleyo ekulufa ukuyicoca, kwaye ingabi nazintanda okanye imidibaniso evulekileyo, endaweni yesakhiwo esichazwe kwicandelwana (b) kwaye ukuba isiseko salo ndlu yenja ayisosikhuseli-manzi, kufuneka kubekho ibhodi yokulala enyukileyo, eza kwenzainja ihlale yomile;
  - (d) kubekho umgangatho wekhonkriti obubanzi buyimitha enye ubuncinane kumnyango wesakhiwo kwaye uthambeke ukulungiselela ukuba amanzi angemi kwisakhiwo eso;
  - (e) kubekho amanzi okusela nokulungiselela ukucoca ecale kwesakhiwo;
  - (f) kubekho indawo eyodwa yezinja neyeekati ezigulayo eyanezisayo kwiBhunga;
  - (g) ukuba kukho iindlwana (iikheji) zokugcina iikati, iikheji ezo kuza kufuneka ukuba zomelele, zibe zezemathiriyeli engangeni manzi kwaye zakhiwe ngendlela yokuba kube lula ukuzicoca.

#### **Izakhiwo kufuneka zibe kwimo efanelekileyo kwaye kungenziwa tshintsho**

28. (1) Zonke izakhiwo ziza kugcinwa zikwimo efanelekileyo ngalo lonke ixesha ngumnini okanye umntu ohlala kuloo masango.

(2) Akukho mntu oya kutshintsha okanye asebenzise isakhiwo esilungiselelwe ukugcina izilwanyana okanye iinkukhu ngezinye iinjongo ezingezizo ezo zichazwe kwimvume.

#### **Izaziso, izilungiso okanye urhoxiso lwemvume**

29. (1) Ukuba, ngokoluvo lweBhunga, naziphi na izilwanyana ezigcinwe nakuyiphi na ipropati ngokwemvume ekhutshwe liBhunga phantsi kwalo Mthetho kaMasipala zibangela uphithikezo lwezempilo, ingozi kwezempilo okanye ubungozi kuluntu, okanye kugcinwa izilwanyana ezingaphezulu kunezo zigunyaziswe kwimvume, iBhunga lingakhuphela umnini-mvume saziso, okanye loo mntu uphetheyo xa engekho umnini-mvume, sokuba asuse okanye abangele ukususwa kweso siphithikezo okanye ingozi echazwe liBhunga kweso saziso okanye inani lezilwanyana elidlulisweyo kwelo lichaziweyo kwisithuba sexesha elichaziweyo kwisaziso.

(2) Umnini-mvume okanye loo mntu uphetheyo, xa efumana saziso eso ngokwecandelwana (1), uza kuthobela iimfuneko ezo zichazwe kweso saziso, kwaye ukuba akenzi njengoko eyalelwa, iBhunga lingathi ngokubona kwalo

- (a) liyirhoxise imvume leyo yokugcina izilwanyana kuloo propati; okanye
- (b) lenze utshintsho kwimvume leyo.

(3) Umnini-mvume uya kuthi xa ecelwe libhunga ukuba enze njalo, abuyisele imvume ayikhutshelweyo ukuze kwenziwe utshintsho okanye irhoxiswe, ngokwemeko leyo.

#### **Izinja ezithengiswayo**

30. Umntu okanye umanejala wendawo ekuthengiswa kuyo izinja okanye iikati okanye amahashe uya kuthi agcine iirekhodi ezizizo zogonyo lwazo yaye ezo zilwanyana akanakuzishiya zingagadwanga ebusuku.

#### **Ukutakisa iintlantsi (fireworks)**

31. Akukho mntu unokoyikisa okanye afake uxinzelelo okanye antywantywise nasiphi na isilwanyana ngokudubulisa iintlantsi (fireworks) okanye nangayiphi na enye into.

#### **Ukukhohlakalela izilwanyana**

32. Nawuphi na umntu-

- (a) ogcina isilwanyana, ongenisa isilwanyana samazwe angaphandle, othengisa, oqeqesha, ofuya okanye onesilwanyana esiphantsi kolawulo lwakhe ngenjongo yokulwa naso nasiphi na esinye isilwanyana;
- (b) ofunza, oxhokonxa okanye othelekisa nasiphi na isilwanyana ukuba sihlasele esinye isilwanyana okanye uukuba siqhuba ukulwa nesinye;
- (c) okhuthaza imilo yezilwanyana ngenjongo yenzuzo yemali okanye njengendlela yokuzonwabisa;
- (d) ovumela naziphi na izenzo ekubhekiswa kuzo kwimihlathi (a) ukuya kutsho ku (c) ukuba zenzeke kumasango okanye kwindawo yakhe okanye ephantsi kolawulo lwakhe;
- (e) ongumnini, osebenzisa okanye olawula nasiphi na isakhiwo nomhlaba waso okanye indawo ngenjongo zokuqhuba imilo yezilwanyana kwezo ndawo okanye oncedisa kulawulo lwezo ndawo okanye ofumana nokuba yiyiphi na inzuzo ngokungena kwakhe nawuphi na umntu kuloo masango okanye ndawo; okanye
- (f) ukho njengombukeli nakuwaphi na amasango okanye indawo apho naziphi na izenzo ekubhekiswa kuzo ku(b) ukuya kutsho ku(e) zenzeka khona okanye apho amalungiselelo azo enzelwa khona,

unetyala lokwaphula umthetho kwaye xa efunyanwa enetyala uya kufumana isohlwayo esingama-R20 000.00 (amashumi amabini amawaka eerandi) okanye agwetyelwe entolongweni isithuba esingekho ngaphezulu kweminyaka emibini.

- (g) Nakuluphi na utshutshiso kuthathwa ukuba akunatyala, kude kubekho ubungqina, isilwanyana esifunyenwe nakwawaphi na amasango okanye ipropati ephantsi kolawulo lomnini waloo masango okanye waloo ndawo, okanye ingaba ipropati leyo iphantsi kolawulo lwalo mntu uyisebenzisayo okanye ulawula loo masango okanye loo ndawo.

### ISAHLUKO SESITHANDATHU

#### Imisebenzi yegosa lesikiti

#### 33. Igosa lesikiti-

- (a) (i) kufuneka ligcine isikiti sivuliwe phakathi kwentsimbi ye-08h00 kunye neye-16h30 ukusukela ngoMvulo ukuya kuma ngoLwesihlanu kunye naphakathi kwentsimbi ye-08h00 kunye neye-12h00 ngoMgqibelo, ngaphandle kweentsuku zeholide yoluntu;
- (ii) Nangona zimi izibonelelo zecandelwana (i), linakho ukusigina sivuliwe isikiti kwangaphambi kwexesha elimisiwe kwakunye nasemva kwalo, xa lifumanisa kukho imfuneko, kwaye ke kufuneka libeke isaziso esicacileyo kwindawo yokungena yesikiti xa lenze oko;
- (b) kufuneka lamkele, lithathe uxanduva kwaye livalele esikiti nasiphi isilwanyana esiziswe esikiti ngenjongo zokusithimba ngethuba leeyure esivulileyo ngazo isikiti kwaye ngokuxhomekeke kwezinye izibonelelo zalo Mthetho kaMasipala, kufuneka asivalele esikiti isilwanyana: Nangona igosa lesikiti linokwala ukwamkela okanye linakho ukukhulula nasiphi na isilwanyana ukuba likholelwa ekubeni eso silwanyana asibanjwanga okanye asithinjwanga ngokusemthethweni;
- (c) kufuneka ligcine irejista elirekhodisha kuyo ezi nkukacha zilandelayo zaso nasiphi na isilwanyana
- (i) igama legosa eligunyazisiweyo okanye igama, idilesi yendawo elihlala kuyo kunye nenombolo yomntu ozise isilwanyana ukuba sivalelwe esikiti;
- (ii) ixesha nomhla esivalelwe ngawo esikiti isilwanyana;
- (iii) indawo apho sifunyenwe khona isilwanyana ngethuba sisiwa eluvalelweni;
- (iv) umhla nexesha esabanjwa ngawo isilwanyana ngaphambi kokuba sisiwe esikithi;
- (v) isizathu sokusivalela esikiti isilwanyana;
- (vi) inkcazo yesilwanyana ebonisa nothelekelelo lobudala besilwanyana, uhlobo, isini, ibala, iimpawu kunye nokwenzakala okufunyaniswe kwisilwanyana ngethuba lisamkelayo isilwanyana igosa lesikiti;

- (vii) ingaba isilwanyana sakhululwa, sathengiswa okanye sabulawa kunye nomhla nexesha lokukhululwa kwaso, wokuthengiswa kwaso okanye wokubulawa kwaso;
  - (viii) isixa semali esifunyenweyo ngokuphathelele ekukhuluweni okanye kwintengiso yaso;
  - (ix) isixa semali sendleko zikagqirha wezilwanyana ukuba zikhona ngokuphathelele kwisilwanyana eso;
- (d) kufuneka liqinisekise ukuba isikiti kunye nezixhobo ezisetyenziswayo ngokunxulumene nokuvalelwa kwezilwanyana esikiti zigcinwa zikwimeko ecocekileyo ngalo lonke ixesha kwaye akukho zimpukane nezinye izilwanyana ezikhathazayo, ngendlela eyanezisa uMlawuli oyiNtloko weBhunga kwezeMpilo;
  - (e) kufuneka liqinisekise ukuba sonke isilwanyana esisesikiti sondliwa ngokufanelekileyo kwaye sinakekelwe;
  - (f) kufuneka lisigcine sodwa isilwanyana esiyimazi esidumbileyo (efuna inkunzi);
  - (g) kufuneka lithathe onke amanyathelo elinakho ukuwathatha ukuthintela umlo phakathi kwezilwanyana ezisesikitiound;
  - (h) kufuneka lisigcine sodwa isilwanyana esinesifo kwezo ziphilileyo, eso silwanyana kufuneka lisidibanise nogqirha wezilwanyana lize lithathe onke amanyathelo okufumana indleko malunga noku kumnini silwanyana ukuba liyayazi idilesi nesazisi somnini;
  - (i) kufuneka lithathe onke amanyathelo ayimfuneko ukubulala nasiphi na isilwanyana njengoko kuchaziwe kulo Mthetho kaMasipala size sifumane naziphi na indleko zoko kumnini silwanyana ukuba liyayazi idilesi nesazisi somnini;
  - (j) kufuneka lithathe onke amanyathelo ekukwazekayo ukuwathatha ukuqinisekisa ukuba izilwanyana zifumana amakhaya angamanye endaweni yokubulawa; kwaye
  - (k) kufuneka lirhafise imirhumo emiselweyo yesikiti neyeentsuku zokugcinwa kwezilwanyana.
  - (l) lingavala inzala yesilwanyana ze libonelele ubungqina boko njengoko kuchaziwe kumacandelo 6(i) no-14(6) ze emva koko afune iindleko zokwenza oko kulowo ufake ibango ngaphandle kokuba loo mntu ufake ibango angabonelela ngezizathu zokubainja leyo ingavalwa;
  - (m) lingavala inzala yesilwanyana ze libonelele ubungqina boko njengoko kuchaziwe kumacandelo 6(i) no-14(6) phambi kokuba lisikhulule isilwanyana eso esikiti lisidlulisele komnye umntu ongengomnini-silwanyana; yaye
  - (n) kufuneka askene izilwanyana ezibanjiweyo ukujonga ukuba zinawo na umtshiso ofakelweyo ochaza ngesilwanyana eso ekuthiwa yimayikhrotshiphu (microchip)..

**ISAHLUKO SESIXHENXE****IMIBA EYAHLUKENEYO****Ulwaphulo-mthetho nezohlwayo**

34. (1) Nawuphi umntu othe -

- (a) waphula okanye akathobela naziphi na izibonelelo zalo Mthetho kaMasipala okanye nawuphi na umyalelo wesaziso asikhutshelweyo ngokusemthethweni; waze
- (b) waqhubeka ukwaphula umthetho emva kokuba enikwe isaziso okanye akayeka ukwaphula emva kokuba efunyaniswe enetyala ngolo lwaphulo-mthetho, uya kuba netyala lokwaphula umthetho.

(2) Nawuphi umntu ofunyaniswe enetyala lokwaphula lo Mthetho kaMasipala uza kufumana isohlwayo okanye ukuvalelwa entolongweni isithuba sexesha elingadlulanga kwiminyaka emibini.

(3) Kwimeko apho aqhubayo ngolu lwaphulo-mthetho kuza kongezwa isohlwayo okanye ukuvalelwa entolongweni okanye ezinye iintsuku ezingadlulanga kwishumi ngosuku ngalunye aphinde waqhuba ngalo olu lwaphulo-mthetho okanye afumane zombini isohlwayo kunye nesigwebo sentolongo.

(4) Nayiphi na inkundla yamatyala egwebe nawuphi na umntu ngokugcina nasiphi na isilwanyana esingagcinwanga ngokwezibonelelo zalo Mthetho kaMasipala, ngaphezu kwesohlwayo ekubhekiswa kuso kwicandelo (2), ingathi iyalele ukubulawa kwesilwanyana eso, lize ke igosa eligunyazisweyo lisibulale isilwanyana eso.

**Ukusebenza kwalo Mthetho kaMasipala kuRhulumente nakwiBhunga**

35. Le Mithetho kaMasipala ibophelela uRhulumente kunye noMasipala.

**Urhoxiso**

36. Le Mithetho kaMasipala ilandelayo iyarhoxiswa:

- (a) UMthetho kaMasipala wase-Kuilsriver onxulumene nokugcinwa kwezinja othe wapapashwa kwiSaziso sePhondo esinguNomb.1027 ka-1977;
- (b) UMthetho kaMasipala wase-Milnerton onxulumene nokugcinwa kwezinja othe wapapashwa kwiSaziso sePhondo esinguNomb. 481 ka-1987;
- (c) UMthetho kaMasipala wase-Brackenfell onxulumene nokugcinwa kwezinja othe wapapashwa kwiSaziso sePhondo esinguNomb.1027 ka-190 ka-1979 kunye neSilungiso soMthetho kaMasipala onxulumene nokugcinwa kwezinja esithe wapapashwa kwiSaziso sePhondo esinguNomb. 510 ka-1990;
- (d) UMthetho kaMasipala wase-Kraaifontein woLawulo lwezinja othe wapapashwa kwiSaziso sePhondo esinguNomb. 669 ka-1979 kunye neSilungiso soMthetho

kaMasipala wolawulo lwezinja esithe sapapashwa kwiSaziso sePhondo esinguNomb. 526 ka-1982;

- (e) UMthetho kaMasipala wase-Stellenbosch onxulumene nokugcinwa kwezinja othe wapapashwa kwiSaziso sePhondo esinguNomb. 692 ka-1979;
- (f) UMthetho kaMasipala wase-Fish Hoek wolawulo kwezinja othe wapapashwa kwiSaziso sePhondo esinguNomb.675 ka-1979;
- (g) IMipoposho kaMasipala wase-Simonstown enxulumene nokugcinwa kwezinja ethe yapapashwa kwiSaziso sePhondo esinguNomb.549 ka-1963;
- (h) UMthetho wesiXeko saseTygerberg onxulumene nokulawulwa kwezinja othe wapapashwa kwiSaziso sePhondo esinguNomb.567 ka-2000;
- (i) UMthetho kaMasipala waseKapa wolawulo lwezinja othe wapapashwa kwiSaziso sePhondo esinguNomb.658 ka-1981;
- (j) UMthetho weBhunga leCandelo laseKapa onxulumene nokulawulwa kwezinja othe wapapashwa kwiSaziso sePhondo esinguNomb.781 ka-1985;
- (k) ICandelo 2 loMthetho kaMasipala wezeMpilo yoBume beNdawo wesiXeko saseKapa othe wapapashwa kwiGazethi yePhondo eyoNgezelelweyo yomhla we- 30 Juni ka-2003.

#### **Izibonelelo zethuba lotshintsho**

**37. (1)** Isithuba sotshintsho esizinyanga ezilithoba ukulungiselela ubhaliso lwezinja ngokwecandelo 3(1) kunye necandelo 3(2) lwalo Mthetho kaMasipala siza kuqala ukusukela kumhla wokubhengezwa kwalo Mthetho kaMasipala ngokuthi upapashwe kwiGazethi.

(2) Kwizicelo ngokwecandelo 4(1) lalo Mthetho kaMasipala zokugcina inani elikhulu lezinja kumasango ngaphezulu kunenani elivumelekileyo ngokwecandelo 2(2), kuya kuvunyelwa izinja ezintandathu ubuninzi kumasango kwiinyanga ezintandathu zokuqala emva kokuba ubhengeziwe lo Mthetho kaMasipala, kwaye kufuneka ukuba umnini angafaki enyeinja endaweni yethe yafa okanye yalahlwa ukuba oko kuza kukhokelela ekwaphuleni icandelo 2(2).

(3) Kwizicelo ngokwecandelo 14(2) lalo Mthetho kaMasipala zokugcina inani elikhulu leekati kumasango ngaphezulu kunenani elivumelekileyo, kuya kuvunyelwa iikati ezintandathu ubuninzi kumasango kwiinyanga ezintandathu zokuqala emva kokuba ubhengeziwe lo Mthetho kaMasipala, kwaye kufuneka ukuba umnini angafaki enye ikati endaweni yethe yafa okanye yalahlwa ukuba oko kuza kukhokelela ekwaphuleni icandelo 14(2).

(4) Icandelo 6(i) kunye necandelo 14(6) lalo Mthetho kaMasipala liqalisa ukusebenza emva kokuba kudlule iinyanga ezintandathu ukusukela kumhla wokubhengezwa kwalo Mthetho kaMasipala ngokupapashwa kwiGazethi.



(5) Icandelo 17 (7) lalo Mthetho kaMasipala liqalisa ukusebenza emva kokuba kudlule iinyanga ezintandathu ukusukela kumhla wokubhengezwa kwalo Mthetho kaMasipala ngokupapashwa kwiGazethi.

(6) Icandelo 12(1) kunye necandelo 15(1) lalo Mthetho kaMasipala liqalisa ukusebenza emva kokuba kudlule iinyanga ezintandathu ukusukela kumhla wokubhengezwa kwalo Mthetho kaMasipala ngokupapashwa kwiGazethi kaRhulumente.

**Isihloko esifutshane**

**38.** Lo Mthetho kaMasipala ubizwa ngokuba nguMthetho kaMasipala weZilwanyana, ka-2010 wesiXeko saseKapa.