



KwAZULU-NATAL PROVINCE  
KwAZULU-NATAL PROVINSIE  
ISIFUNDAZWE SA KwAZULU-NATALI

**Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe**

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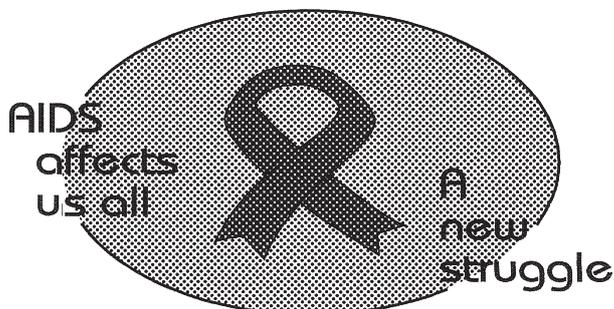
**PIETERMARITZBURG**

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17 SEPTEMBER 2015  
17 SEPTEMBER 2015  
17 KUMANDULO 2015

**No. 1492**

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# IMPORTANT

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## MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

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### MUNICIPAL NOTICE 120 OF 2015

#### **PUBLIC NOTICE**

#### **ETHEKWINI MUNICIPALITY: MUSEUMS BY-LAW**

NOTICE IS HEREBY GIVEN that the eThekweni Municipal Council has enacted, by way of resolution in terms of section 12 of the Local Government: Municipal Systems Act, 32 of 2000, the Museums By-law contained hereunder.

**Mr Sibusiso Sithole**  
**City Manager**

City Hall  
Dr Pixley Ka-Isaka Seme Street  
Durban

Dated: 2015-09-17

**eTHEKWINI MUSEUMS BY-LAW, 2015**



Adopted by Council on the: 24 June 2015

## MUSEUMS BY-LAW, 2015

To contribute towards the preservation and exhibition of art and objects of natural, historical, scientific, artistic or cultural importance; to promote education and research; to regulate the operation and use of museums; to determine the duties and powers of Directors of museums; to create offences and penalties; to provide for the repeal of laws and savings; and to provide for matters incidental thereto.

### PREAMBLE

**WHEREAS** the Municipality recognises the contribution that museums make to preserving and developing art and objects of natural, historical, scientific, artistic or cultural importance;

**WHEREAS** the Municipality has competence in terms of Part B of Schedule 5 of the Constitution of the Republic of South Africa, 1996, to control local amenities;

**AND WHEREAS** the eThekweni Municipality has competence, in terms of section 156 (2) of the Constitution of the Republic of South Africa, 1996, to make and administer By-laws for the effective administration of the matters which it has the right to administer; and

**NOW THEREFORE** the eThekweni municipal council, acting in terms of section 156 read with Part B of Schedule 5 of the Constitution of the Republic of South Africa, 1996, and read with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby makes the following By-law:

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**CHAPTER 1**  
**INTERPRETATION**

**Definitions**

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

“**art**” means items of visual art including, but not limited to, ceramics, sculptures, drawings, paintings, prints, designs, crafts, photography and videos;

**“authorised official”** means a person authorised to implement the provisions of this By-law, including but not limited to –

- (a) peace officers as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);
- (b) municipal or metropolitan police officers as contemplated in the South African Police Service Act, 1995 (Act No. 68 of 1995); and
- (c) such employees, agents, delegated nominees, representatives and service providers of the Municipality as are specifically authorised by the Municipality in this regard: Provided that for the purposes of search and seizure, where such person is not a peace officer, such person must be accompanied by a peace officer;

**“collection”** means a collection of art, museum objects, specimens and any exhibition for display or research purposes;

**“Constitution”** means the Constitution of the Republic of South Africa, 1996;

**“council”** means the eThekweni municipal council, a municipal council referred to in section 157(1) of the Constitution;

**“Director”** means the person designated by the Municipality as being in charge of a museum;

**“exhibit”** means to display art or museum objects for viewing by the public in a museum;

**“flash photography”** refers to the taking of photos or videos where a flash is fired;

**“Municipality”** means the eThekweni Municipality, a category A Municipality as envisaged in terms of section 155(1) of the Constitution and established in terms of Provincial Notice No. 43 of 2000 (KZN);

**“Municipal Manager”** means a person appointed in terms of section 54A of the Municipal Systems Act;

“**museum**” means any space which is identified by the Municipality for the preservation and exhibition of art or museum objects;

“**museum object**” means an object of natural, historical, scientific, artistic or cultural importance including a specimen and relevant electronic media;

“**prescribed**” means as determined by resolution of the council;

“**special collection**” means a section of a museum where art or museum objects are kept which cannot be made available for exhibition to the public without restriction, whether by reason of their value, rarity, fragility or otherwise; and

“**visitor**” means a person who visits a museum.

### **Interpretation of By-law**

2. If there is a conflict of interpretation between the English version of this By-law and a translated version, the English version prevails.

### **Objects of By-law**

3. The object of this By-law is to ensure the operation of museums in a manner which–

- (a) preserves and develops art and objects of natural, historical, scientific, artistic or cultural importance;
- (b) promotes research and education; and
- (c) ensures the sustainability of museums.

### **Application of By-law**

4. This By-law applies to all areas which fall under the jurisdiction of the eThekweni Municipality and is binding on all persons to the extent applicable.

## CHAPTER 2 OPERATION OF MUSEUMS

### **Functions and powers of Directors**

5.(1) A Director has the authority to manage a museum, and to control the day-to-day operations of that museum.

(2) A Director may exercise any power or perform any other duties granted to him or her, in accordance with this By-law and any policy adopted by the council.

### **Museum opening hours**

6.(1) Each museum's opening and closing times must be –

- (a) determined by the Municipality; and
- (b) displayed on a sign at the entrance of the museum.

(2) The Municipality may determine different opening and closing times for different museums.

(3) The Director may temporarily close a museum for stock take, maintenance or any other purpose.

(4) Any period of temporary closure must be advertised on a sign at the entrance to the affected museum for not less than seven calendar days prior to the closure.

(5) A member of the public may not enter a museum outside of the opening hours or when the museum is temporarily closed.

### **Access to museums**

7.(1) Access to a museum is –

- (a) available to any member of the public during opening hours, subject to the provisions of this By-law and any policy made by the council; and
- (b) free of any charge, unless the council has determined that an entrance fee is payable and this fact is advertised on a sign at the entrance to the affected museum.

**Order to leave a museum**

8. Any person who contravenes any provision of this By-law, or any policy adopted by the council may, in addition to any fine which may be imposed, be ordered to leave a museum by the Director or by any other authorised official.

**Policies**

9. The council may adopt and amend policies relating to any matter relevant to the establishment and operation of a museum.

**CHAPTER 3  
EXHIBITIONS IN MUSEUMS****Photography**

10.(1) Flash photography is prohibited in a museum except with the prior written consent of the Director.

(2) No photograph or video taken in a museum may be published without prior written consent of the Director.

**Touching**

11. No person may touch a museum object in a museum, or the case or stand in or on which such object is exhibited, unless the exhibit is specifically designated by a sign as being interactive.

**Preservation and security**

12. A Director may take all reasonable steps, and impose any reasonable restrictions on visitors to a museum, as may be necessary to preserve and secure any museum object.

## CHAPTER 4 LOANS OF MUSEUM OBJECTS

### Loans

13.(1) A Director may, in accordance with a policy adopted by the council, loan museum objects to individuals or institutions for research, education or exhibition purposes.

(3) A Director may charge a prescribed fee for the loan of a museum object to an individual or institution.

(2) Any loan of a museum object is subject to such additional conditions regarding security, insurance, transport, storage and exhibition as may be deemed necessary by the Director.

### Liability to return items

14.(1) Any individual or institution which borrows a museum object is liable for the return of that object in the same condition as it was in when it was lent.

(2) An individual or institution which returns a borrowed museum object in a poorer condition than the condition in which it was lent is liable for the costs of repairing or replacing that object, as may be required.

(3) The Municipality must give written notice to the individual or institution concerned, recording the damage and requiring payment of the amount required to repair or replace the object.

(4) If the amount referred to in subsection (3) is not paid within the time period specified in the notice, the Municipality may repair or replace the object itself, and recover the amount claimed from the individual or institution.

## CHAPTER 5 HIRING EXHIBITION SPACE IN MUSEUMS

### **Hire of exhibition space**

15.(1) A Director may, in accordance with a policy adopted by the council, hire exhibition space in a museum to individuals or institutions.

(2) Any hire of exhibition space is subject to such additional conditions as may be deemed necessary by the Director.

(3) Any individual who, or institution which, hires exhibition space in a museum—

- (a) is liable for the conduct of its employees, agents and guests in the museum;
- (b) must timeously vacate the exhibition space; and
- (c) must return the exhibition space to the Director in the same condition it was in when the space was made available.

(4) An individual or institution is liable for any costs incurred by the Municipality in cleaning, repairing or otherwise restoring an exhibition space which is not returned in the same condition as it was when made available.

## CHAPTER 6 SPECIAL COLLECTIONS AND RESTRICTED AREAS

### **Special collections**

16.(1) A Director may designate any museum object as a special collection which is available for exhibition or research to visitors on a restricted basis and under the supervision of the Director.

(2) A visitor may only access a special collection –

- (a) on written application in the prescribed form;
- (b) at times designated by the Director; and
- (c) subject to any other requirements that may be imposed by the Director.

**Restricted areas**

17.(1) A Director may exclude visitors from the museum or part thereof which is designated as a restricted area and is only accessible to staff of the museum.

(2) A person may not enter a restricted area in a museum without the prior permission of the Director.

**CHAPTER 7  
CONDUCT****Conduct in museums**

18. A person may not –

- (a) disturb any other visitors in their use of the museum;
- (b) eat or drink in a museum, unless in an area specifically designated for that purpose;
- (c) bring any animal into a museum, unless the animal is a guide dog for the blind;
- (d) bring any weapon into a museum;
- (e) enter a museum while inappropriately dressed in such a manner which may cause a nuisance or disturbance to other visitors;
- (f) enter a museum while under the influence of alcohol or any narcotic substances;
- (g) contravene any reasonable instruction given by a Director or authorised official;
- (h) contravene any sign displayed in a museum;
- (i) run in a museum;
- (j) enter a museum where he or she has been ordered to leave the museum by the Director and has not obtained the Director's permission to return;
- (k) damage any part of any museum building or contents thereof;
- (l) enter or remain in the museum after having been refused admission; or
- (m) contravene any provision of this By-law or any policy adopted by the council.

**CHAPTER 8**

## MISCELLANEOUS PROVISIONS

### Offences and penalties

19. (1) A person who –

- (a) contravenes any provision of this By-law;
- (b) fails to comply with any lawful instruction given in terms of this By-law;
- (c) threatens, resists, interferes with or obstructs any Director or authorised official in the performance of official duties or functions in terms of this By-law; or
- (d) deliberately furnishes false or misleading information to any Director or authorised official,

is guilty of an offence.

(2) Any person who is convicted of an offence under this By-law is liable to a fine of an amount not exceeding R20 000.00 or imprisonment not exceeding one year or to both such fine and imprisonment.

(3) In the case of a continuing offence –

- (a) an additional fine of an amount not exceeding R100; or
- (b) imprisonment for a period not exceeding 1 day,

for each day on which such offence continues or both such fine and imprisonment, will be imposed.

### Delegations

20.(1) Subject to the Constitution and applicable national and provincial laws, any –

- (a) power, excluding a power referred to in section 160(2) of the Constitution;
- (b) function; or
- (c) duty,

conferred, in terms of this By-law, upon the council, or on any of the Municipality's other political structures, political office bearers, councillors or staff members, may be delegated or sub-delegated by such political structure, political office bearer, councillor, or staff member, to an entity within, or a staff member employed by, the Municipality.

(2) The delegation in terms of subsection (1) must be effected in accordance with the system of delegation adopted by the council in accordance with section 59(1) of the Local

Government: Municipal Systems Act, 2000 (Act No.32 of 2000), subject to the criteria set out in section 59(2) of said Act.

(3) Any delegation contemplated in this section must be recorded in the Register of Delegations, which must contain information on the –

- (a) entity or person issuing the delegation or sub-delegation;
- (b) recipient of the delegation or sub-delegation; and
- (c) conditions attached to the delegation or sub-delegation.

### **Appeals**

**21.**(1) A person whose rights are affected by a decision taken by an authorised official in terms of this By-law may appeal against that decision in terms of the Appeals provision contained in the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) by giving written notice of the appeal and reasons to the municipal manager within 21 (twenty one) days of the date of the notification of the decision.

(2) The municipal manager must promptly submit the appeal to the appropriate appeal authority.

(3) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

(4) The appeal authority must confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights which may have accrued as a result of the decision.

(5) The appeal authority must furnish written reasons for its decision on all appeal matters.

(6) All appeals lodged are done so in terms of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and not in terms of this By-law.

### **Repeal of laws and savings**

**22.** The laws mentioned in the first and second columns of the Schedule to this By-law are hereby repealed to the extent set out in the third column of the said Schedule.

**Short title and commencement**

**23.** This By-law is called the eThekweni Museums By-law, 2015 and takes effect six months from the date of publication thereof in the *Provincial Gazette* or on such earlier date as may be determined by the publication of a commencement notice in the *Provincial Gazette*.

**SCHEDULE**  
**REPEAL OF BY-LAWS**

<i>Number and year of law</i>	<i>Title</i>	<i>Extent of repeal</i>
Municipal Notice No. 90 of 1997	Durban Metropolitan Museum By-laws	Whole

**MUNISIPALE KENNISGEWING 120 VAN 2015****ISAZISO SOMPHAKATHI****ISAZISO NGOMTHETHO KAMASIPALA WEZIGCINIMAGUGU**

NGALOKHU KUKHISHWA ISAZISO sokuthi uMkhandlu kaMasipala waseThekwini usushaye uMthetho kaMasipala Wezigcinimagugu, ngokweSigaba 12 soMthetho woHulumeni Basekhaya, u-Municipal Systems Act, No.32 ka 2000 kanti lo mthetho uyalandela lapha ngenzansi.

Sibusiso Sithole  
iMenenja yeDolobha

City Hall  
Dr Pixley ka-Isaka Seme Street  
eThekwini

Usuku: 2015-09-17

**UMITHETHO KAMASIPALA WASETHEKWINI WEZIGCINIMAGUGU, 2015**



Wemukelwa uMkhandlu mhla ka: 24 June 2015

**UMTHETHO KAMASIPALA WEZIGCINIMAGUGU, 2015**

**Wokulekelela ekongiweni nasekubukiseni ngobuciko namagugu emvelo, omlando, ezesayensi, ezobuciko noma awamasiko; wokugqugquzela imfundo nocwaningo; wokulawula ukusebenza nokusetshenziswa kwezigcinimagugu; wokunquma imisebenzi namandla abaQondisi bezigcinimagugu; wokusungula amacala nezinhlawulo; wokuhlinzeka imithetho echithwayo nokusalayo; nokuhlinzeka okunye okuphathelene nalokho.**

**ISENDLALELO**

**NJENGOBA** uMasipala uyihlonipha indima edlalwa izigcinimagugu ekongeni nokuthuthukisa ubuciko namagugu emvelo, ezomlando, ezobusayensi, ezobuciko noma ezamasiko;

**NJENGOBA** uMasipala unamandla ngokweNgxenywe B ka Sheduli 5 yoMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996, okulawula impahla engaphansi kwawo;

**FUTHI NJENGOBA** uMasipala waseThekwini unamandla, ngokwesigaba 156(2) soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996, okubeka imithetho kamasipala yokuphatha ngendlela efanele izindaba ezidinga ukuphathwa iwona;

**NGAKHO-KE MANJE** uMasipala woMkhandlu waseThekwini, ngokweSigaba 156 sifundwa neNgxenywe B kaSheduli 5 yoMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996, futhi sifundwa neSigaba 11 soMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000), ushaya lo Mthetho kaMasipala olandelayo:

**OKUQUKETHWE****ISAHLUKO 1**

**UKUHUNYUSHWA**

1. Izincazelo
2. Ukuhunyushwa koMthetho kaMasipala
3. Izinhloso zoMthetho kaMasipala
4. Ukusebenza koMthetho kaMasipala

**ISAPHLUKO 2****UKUSEBENZA KWEZIGCINIMAGUGU**

5. Imisebenzi namandla abaQondisi
6. Izikhathi zokuvula zezigcinimagugu
7. Ukungena kwisigcinimagugu
8. Umyalelo wokuphuma kwisigcinimagugu
9. Izinqubomgomo

**ISAPHLUKO 3****IMIBUKISO KWIZIGCINIMAGUGU**

10. Ukuthwebula
11. Ukuthinta
12. Ukugcinwa nokuvikelwa

**ISAPHLUKO 4****UKUBOLEKWA KWEMPAHLA YESIGCINIMAGUGU**

13. Ukubolekwa
14. Isibopho sokubuyisa impahla

**ISAPHLUKO 5****UKUQASHWA KWENDAWO YEMIBUKISO KWIZIGCINIMAGUGU**

15. Ukuqashwa kwendawo yokubukisa

**ISAPHLUKO 6****AMAGUGU AKHETHELEKILE NEZINDAWO EZINEMIKHAWULO**

16. Amagugu akhethelikile
17. Izindawo ezinemikhawulo

**ISAPHLUKO 7****UKUZIPHATHA**

18. Indlela yokuziphatha kwisigcinimagugu

## ISAPHLUKO 8 OKUNGXUBEVANGE

19. Amacala nezinhlawulo
20. Ukudluliselwa kwamandla
21. Ukudluliswa kwamacala
22. Imithetho echithwayo
23. Isihloko esifingqiwe nokusebenza komthetho

## ISHEDULI: IMITHETHO KAMASIPALA ECHITHWAYO

### ISIGABA 1 UKUHUNYUSHWA

#### Izincazelo

1. Kulo Mthetho kaMasipala, ngaphandle uma ingqikithi isho okwehlukile –

“**ubuciko**” kushiwo izinto zobuciko ezakhiwayo kubandakanya, phakathi kokunye, okubunjiwe, okubaziwe, okudwetshiwe, okupendiwe, okubhaliwe, umsebenzi wezandla wobuciko, okuthwetshuliwe nokuqoshiwe;

“**Umsebenzi ogunyaziwe**” kushiwo umuntu ogunyaziwe ukuba asebenzise izihlinzeko zaloo mthetho kaMasipala, kubandakanya phakathi kokunye –

(a) iphoyisa njengoba kubhaliwe kusigaba 334 soMthetho weNqubo yokuThethwa kwamaCala, 1977 (uMthetho No. 51 ka 1977);

(b) iphoyisa lika masipala noma lomkhandludolobha njengoba kubhaliwe eMthethweni wamaPhoyisa aseNingizimu Afrika, 1995 (uMthetho No. 68 ka 1995); futhi

(c) labo basebenzi, ama-ejenti, abadluliselwe amandla, izithunywa nabahlinzeka uMasipala ngemisebenzi njengoba bengagunyazwa ngokukhethekile uMasipala mayelana nalokhu: Kuncike ekutheni ngokwezinhloso zokusesha nokushaqa impahla, uma umuntu engelona iphoyisa, lowo muntu kumele aphekezelwe yiphoyisa;

**“imibukiso”** kushiwo imibukiso yezobuciko, amagugu enqolobane yomlando, amasampula nayo yonke eminye imibukiso okuhloswe ngayo ukubukisa noma izinhlelo zocwaningo;

**“uMthethosisekelo”** kushiwo uMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996;

**“umkhandlu”** kushiwo umkhandlu kamasipala waseThekwini, okukhulunywe ngawo kwisigaba 157(1) soMthethosisekelo;

**“uMqondisi”** kushiwo umuntu oqokwe uMasipala ukuba aphanthe isigcinimagugu;

**“ukubukisa”** kushiwo ukubeka obala ubuciko noma amagugu enqolobane yomlando ukuze umphakathi ukwazi ukuwabona kwisigcinimagugu;

**“ukuthwebula nge-flash”** kushiwo ukuthatha izithombe usebenzisa i-flash;

**“uMasipala”** kushiwo uMasipala waseThekwini, uMasipala ongu-Category A njengoba kusho isigaba 155(1) soMthethosisekelo futhi owasungulwa ngokweSaziso seSifundazwe No. 43 ka 2000 (KZN);

**“iMenenja kaMasipala”** kushiwo umuntu oqokwe ngokwesigaba 54A soMthetho weziNhlelo zikaMasipala;

**“isigcinimagugu”** kushiwo noma iyiphi indawo ehlonzwe uMasipala ukuze kongiwe kuphinde kubukiswe ngobuciko noma impahla yomlando;

**“impahla yesigcinimagugu”** kushiwo impahla yemvelo, yomlando, yezesayensi noma yezamasiko kubandakanya amaphepha nokuqoshwe ngogesi;

**“okunqunyiwe”** kushiwo okunqunwe ngesivumelwano soMkhandlu;

**“imibukiso ekhethekile”** kushiwo ingxenye yesigcinimagugu lapho ubuciko noma impahla yesigcinimagugu igcinwa khona futhi ingatholakali ukuba zibukiswe emphakathini ngale kwemikhawulo, ngenxa yesizathu sokubaluleka, ukuba imvela kancane, ukuba buthaka noma okunye; futhi

“**isivakashi**” kusho umuntu ovakashela isigcinimagugu.

### **Ukahunyushwa koMthetho kaMasipala**

2. Uma kunokushayisana phakathi kwalo mthetho kamasipala obhalwe ngesiNgisi nohunyushiwe, kuyolandelwa owesingisi.

### **Inhloso yoMthetho kaMasipala**

3. Inhloso yalo Mthetho kaMasipala ukuthi kuqinisekiswa ukuthi izigcinimagugu zisebenza ngendlela –

- (a) evikela nethuthukisa ubuciko nempahla yemvelo, yomlando, yezesayensi, yobuciko noma yokubaluleka kwesiko;
- (b) ethuthukisa ucwaningo nemfundo; iphinde
- (c) iqinisekise ukunakekelwa isikhathi eside kwezicginimagugu.

### **Ukusetshenziswa koMthetho kaMasipala**

4. Lo Mthetho kaMasipala usebenza kuzo zonke izindawo ezingaphansi kukaMasipala waseThekwini futhi uthinta bonke abantu abathintekayo.

## **ISIGABA 2**

### **UKUSEBENZA KWEZIGCINIMAGUGU**

#### **Imisebenzi namandla abaQondisi**

5.(1) UMqondisi unegunya lokuphatha isigcinimagugu nokulawula yonke imisebenzi yansuku zonke kwisigcinimagugu.

(2) UMqondisi engasebenzisa noma imaphi amandla noma enze noma imiphi imisebenzi anikwe yona, ngokuhambisana naloMthetho kaMasipala nanoma iyiphi inqubomgobo eyamukelwe umkhandlu.

#### **Amahora okuvula enqolobane yomlando**

6.(1) Izikhathi zokuvula nokuvala zesigcinimagugu kumele –

- (a) zinqunywe uMasipala; futhi
- (b) kumele zibekwe njengesaziso emnyango wesakhiwo.

(2) UMasipala ungahlonza izikhathi ezahlukene zezigcinimagugu ezahlukene.

(3) UMqondisi engavala isikhashana isigcinimagugu ukuze kubalwe impahla ephakathi, ilungiswe noma ivalelwe noma isiphi esinye isizathu.

(4) Noma isiphi isikhathi okuvalwa ngaso okwesikhashana kumele sikhangiswe ngesaziso emnyango waleso sigcinamagugu esithintekayo kusasele okungenani izinsuku eziyikhombisa kushaye usuku lokuvala.

(5) Ilungu lomphakathi angeke lingene kwisigcinimagugu kungezona izikhathi zokuvula noma uma isigcinimagugu sivaliwe okwesikhashana.

### **Ukungena kwisigcinimagugu**

7.(1) Ukungena kwisigcinimagugu –

- (a) kuvuleleke kuwo wonke amalungu omphakathi ngezikhathi zokuvula, kuncike ezinhlinzekweni zalo mthetho kaMasipala nanoma iyiphi inqubomgomo esungulwe umkhandlu; futhi
- (b) kumahhala, ngaphandle uma umkhandlu unqume ukuthi kuyakhokhelwa ukungena nokuthi lokhu kukhangisiswe ngesaziso emnyango waleyo nqolobane yomlando ethintekayo.

### **Umyalelo wokuphuma kwisigcinimagugu**

8. Noma ubani ophula umthetho nanoma iziphi izinhlinzeko zalo mthetho kaMasipala, nanoma iyiphi inqubomgomo eyamukelwe umkhandlu, ngaphezu kwanoma iyiphi inhlawulo angakiwa yona, angaphinde ayalelwe uMqondisi kanye nayinoma imuphi umsebenzi ogunyaziwe ukuba aphume kwisigcinimagugu.

### **Inqubomgomo**

9. UMkhandlu ungamukela noma uchibiyele inqubomgomo ekhuluma ngokusungulwa nokusebenza kwesigcinamagugu.

### ISIGABA 3 IMIBUKISO KWIZIGCINIMAGUGU

#### **Ukuthwebula**

10.(1) Ukuthwebula nge-flash akuvumelekile kwisigcinimagugu ngaphandle uma uqale wathola imvume kuMqondisi.

(2) Akukho sithombe noma okuqoshiwe okuthathwe kwisigcinimagugu okuvumeleke ukuba kushicilelwe ngaphandle kokuthola imvume ebhalwe phansi kuqala kuMqondisi.

#### **Ukuthinta**

11. Akekho umuntu ovumeleke ukuthinta impahla yesigcinimagugu, noma okuphethe umbukiso noma okumise umbukiso, ngaphandle uma kunophawu olushoyo ukuthi umbukiso ungathintwa.

#### **Ukuvikela nokuphepha**

12. UMqondisi angathatha izinyathelo, aphinde abeke imikhawulo efanelekile kwabavakashela isigcinimagugu, njengoba kungadingeka ukuze kuvikelwe isigcinimagugu kuphinde kuphephiswe nempahla ephakathi.

### ISIGABA 4 UKUBOLEKWA KWEMPAHLA YESIGCINIMAGUGU

#### **Ukuboleka**

13.(1) UMqondisi, ngokulandela inqubomgomo eyamukelwe umkhandlu, engaboleka impahla yesigcinimagugu umuntu noma isikhungo socwaningo, ngenhloso yokufunda noma yokubukisa.

(2) UMqondisi engabiza imali ngokuboleka umuntu noma isikhungo.

(3) Noma ikuphi ukubolekwa kwempahla yesigcinimagugu kungabekelwa eminye imibandela ephathelene nokuvikeleka, nemishwalense, ukuyithutha, ukuyigcina kanye nokubukisa ngayo uma uMqondisi ebona kunesidingo.

#### **Isibopho sokubuyisa izimpahla**

**14.(1)** Umuntu noma isikhungo esiboleka impahla yesigcinimagugu sinisibopho sokubuyisa leyo mpahla isesimweni esifana naleso esiyithole ikuso ngesikhathi sibolekwa.

(2) Umuntu noma isikhungo esibuyisa impahla ebibolekiwe isesimweni esingagculisi kunaleso asithole ikusona ubophezelekile ukuba ayikhande noma ayilungise leyo mpahla, uma kunesidingo.

(3) UMasipala kumele akhiphe isaziso esibhaliwe anikeze umuntu noma isikhungo esithintekayo, esibhalwe umonakalo nemali edingakalayo ukuze kukhandwe noma kuthengwe enye impahla.

(4) Uma imali okukhulunywa kusigatshana (3) ingakhokhiwe kuze kuphele isikhathi esibekiwe encwadini yesaziso, uMasipala angazilungisela noma azithengele enye impahla, bese ekhokhisa umuntu noma isikhungo le mali okuthengwe noma okulungiswe ngayo.

### **ISIGABA 5**

#### **UKUQASHA INDAWO YEMIBUKISO KWISIGCINIMAGUGU**

##### **Ukuqasha indawo yemibukiso**

**15.(1)** UMqondisi, ngokuhambisana nenqubomgomo eyemukelwe umkhandlu, angaqashisela abantu noma izikhungo indawo yokubukisa kwisigcinimagugu.

(2) Noma iyiphi indawo yokubukisa eqashiwe kungaba nemibandela engeziwe uma uMqondisi ebona kunesidingo.

(3) Umuntu, noma isikhungo esiqasha indawo yokubukisa kwisigcinimagugu –

(a) sinisibopho mayelana nokuziphatha kwabasebenzi, ama-ajenti nezivakashi ezivakashele isigcinimagugu;

- (b) kumele siphume ngesikhathi endaweni esiyiqashile; futhi
- (c) kumele sibuyisele leyo ndawo kuMqondisi isesimweni esiyithole ikusona ngesikhathi siyiqasha.

(4) Umuntu noma isikhungo sin esibopho sokukhokha imali uMasipala ayikhokhele ukuhlansa indawo, ukulungisa noma okunye uma indawo yokubukisa ibuyiswa ingekho esimweni eqashwe ikuso.

## **ISIGABA 6**

### **IMPAHLA EKHETHELEKILE NEZINDAWO EZINEMIKHAWULO**

#### **Impahla ekhethlekile**

16.(1) UMqondisi engakhomba impahla yesigcinimagugu njengempahla ekhethlekile ezobukiswa noma yocwaningo ezivakashini enemibandela futhi ezoqashwa uMqondisi.

(2) Isivakashi singathola impahla ekhethlekile uma –

- (a) sibhale isicelo kwifomu ehlinzekiwe;
- (b) ngezikhathi ezibekwe uMqondisi; futhi
- (c) kuncike kunoma iziphi izimfuno ezingabekwa uMqondisi.

#### **Izindawo ezinemikhawulo**

17.(1) UMqondisi enganqabela izivakashi ezize kwisigcinimagugu noma endaweni ethile kwisigcinimagugu lapho kumenikhawulo futhi kuyindawo evumela abasebenzi benqolobane yomlando kuphela ukungena kuyona.

(2) Umuntu akavumelekile ukungena endaweni abantu abangavunyelwe ukungena kuyo ngaphandle kwemvume yoMqondisi.

## **ISIGABA 7**

### **UKUZIPHATHA**

#### **Ukuziphatha kwisigcinimagugu**

18. Umuntu akavumelekile –

- (a) ukuphazamisa ezinye izivakashi uma zisebenzisa isigcinimagugu;
- (b) ukudla noma ukuphuza kwisigcinimagugu, ngaphandle uma indawo kungeyokudla nokuphuza;
- (c) ukuvakasha nezilwane kwisigcinimagugu, ngaphandle uma kuyinja ehola izimpumputhe;
- (d) ukuphatha izikhali kwisigcinimagugu;
- (e) ukungena kwisigcinimagugu egqoke ngendlela engekho esimweni esamukelekile ngaba yisicefe noma iphazamise ezinye izivakashi;
- (f) ukungena kwisigcinimagugu ephuze uphuzo oludakayo noma esebenzise izidakamizwa;
- (g) ukuphula umyalelo okhishwe uMqondisi noma umsebenzi ogunyaziwe;
- (h) ukungahloniphi uphawu olukhangisiwe kwisigcinimagugu;
- (i) ukugijima kwisigcinimagugu;
- (j) ukungena kwisigcinimagugu uma eseyalelwe uMqondisi ukuba ahambe uma engakayitholi imvume kuMqondisi yokubuya;
- (k) ukulimaza noma iyiphi ingxenye yebhilidi lesigcinimagugu noma lokho okuqukethwe yiso;
- (l) ukungena noma ukuhlala kwisigcinimagugu emva kokuba esenqatshelwe ukuba angene
- (m) ukuphula izihlinzeko zalo Mthetho kaMasipala nanoma iyiphi inqubomgomo eyamukelwe umkhandlu.

## **ISIGABA 8 OKUNGXUBEVANGE**

### **Amacala nezinhlawulo**

#### **19. (1) Umuntu –**

- (a) ophula noma iziphi izihlinzeko zalo Mthetho kaMasipala;
  - (b) ohluleka ukuthobela umyalelo osemthethweni okhishwe ngokwalo Mthetho weDolobha;
  - (c) osabisa, ovimbela, ogxambukela noma ophazamisa uMqondisi noma umsebenzi ogunyaziwe uma enza umsebenzi wakhe ngokwalo Mthetho weDolobha; noma
  - (d) ohlinzeka ngabomu imininingwane engamanga noma eholela ophathe kuMqondisi noma kumsebenzi ogunyaziwe,
- unecala lokwephula umthetho.

(2) Noma ubani otholakale enecala lokwephula umthetho ngaphansi kwalo Mthetho weDolobha unesibopho sokukhokha inhlawulo engekho ngaphansi kuka R20 000 noma ukuboshwa isikhathi esingekho phansi konyaka owodwa; noma kokubili inhlawulo.

(3) Uma kuseyicala elifanayo –

(a) inhlawulo iyokwengezwa ngemali engeqile ku R100; noma

(b) umuntu aboshwe isikhathi esingeqile osukwini olu-1, usuku nosuku lapho ukuphulwa komthetho kuqhubeka noma kusetshenziswe kokubili ukuboshwa nenhlawulo.

### **Ukudluliselwa kwamandla**

**20.** (1) Kuncike ezinhlinzekweni zoMthethosisekelo nakweminye imithetho kazwelonke neyesifundazwe esebenzayo, onke –

(a) amandla, ngaphandle kwamandla okukhulunye ngawo esigabeni 160(2) soMthethosisekelo;

(b) imisebenzi; noma

(c) amajoka,

anikezwe, ngokwalo Mthetho kaMasipala, uMkhandlu, noma olunye uhlaka lukaMasipala lwezepolitiki, abasezikhundleni ngokwepolitiki, amakhansela noma abasebenzi, angadluliselwa noma angadluliswa yilolo hlaka lwezepolitiki, yilowo osesikhundleni ngokwezepolitiki, ikhansela noma umsebenzi, enhlanganweni noma kumsebenzi oqashwe uMasipala.

(2) Ukudluliselwa kwamandla ngokwesigatshaa (1) kumele kwenzeke ngokuhambisana nohlelo lokudluliselwa kwamandla olwemukelwa umkhandlu ngokuhambisana nesigaba 59(1) soMthetho weziNhlelo zoMasipala, kuncike kwinqubo ebekwe esigabeni 50(2) soMthetho.

(3) Noma ikuphi ukudluliselwa kwamandla okuhlongozwe kulesi sigaba kumele kuqoshwe kwiRejista yokuDluliselwa kwaMandla, okumele iqukathe ulwazi mayelana –

(a) nohlaka noma nomuntu ohlulisela amandla;

(b) okudluliselwa kuye amandla; kanye

(c) nemibandela ehambisana nokudluliswa kwamandla.

**Ukudluliswa kwamacala**

21.(1) Umuntu omalungelo akhe ayahlukumezeka ngesinqumo ezithathwe umsebenzi ogunyaziwe ngokwalo Mthetho kaMasipala angadlulisa udaba lwakhe ngaleso sinqumo ngowezinhlinzeko zokuDluliswa kwamaCala eziqukethwe esigabeni 62 soMthetho weziNhlelo zoMasipala ngokuthumela isaziso sokudlulisa icala nezizathu zakhe kwiMenenja kaMasipala ezinsukwini ezingu 21 kusukela osukwini aziswe ngalo ngesinqumo.

(2) IMenenja kaMasipala kumele idlulisele lokho kudluliswa kwecala egatsheni elibhekele ukudluliswa kwamacala.

(3) Igatsha elibhekeke ukudluliswa kwamacala kumele licubungule lelo cala elidlulisiwe emavikini ayisithupha bese lithatha isinqumo ngesikhathi esifanele.

(4) Igatsha elibhekeke ukudluliswa kwamacala kumele liqinisekise, lishintshe noma lichithe isinqumo, kodwa ukushintshwa noma ukuchithwa kwesinqumo angeke kugudluke emalungelweni ahambisana nokuthathwa kwaleso sinqumo.

(5) Igatsha elibhekeke ukudluliswa kwamacala kumele likhiphe izizathu ezibhalwe phansi ngesinqumo salo mayelana nodaba oludlulisiwe.

(6) Konke ukudlulisa kwamacala okwenziwayo kwenziwa ngokoMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000) hhayi ngokwalo Mthetho kaMasipala.

(7) Uma inkantolo yomthetho iqinisekisa icala futhi nobekwe icala efisa ukufaka isicelo sokudlulisa lelo cala, ukudlulisa kwecala kumele kwenziwe ngaphansi kwezinhlelo zenkantolo zokudluliswa kwamacala hhayi ngaphansi kwesigaba (1) kuya ku (5).

**Imithetho echithwayo negcinwayo**

22. IMithetho kaMasipala ebalulwe ohlwini lokuqala nolwesibili lweSheduli ekulo Mthetho kaMasipala ngalokhu iyachithwa ngobubanzi obubalulwe ohlwini lwesithathu lwale Sheduli.

**Isihloko esifingqiwe nokuqala kokusebenza komthetho**

23. Lo Mthetho kaMasipala ubizwa ngoMthetho kaMasipala waseThekwini Wezigcinimagugu, 2015 kanti uqala ukusebenza emva kwezinyanga eziyisithupha ushicilelwe *kwiGazethi Yesifundazwe* noma ngalolo suku elungaphambili olunganqunywa ngokuba kushicilelwe isaziso sosuku lokuqala ukusebenza esiyofakwa *kwiGazethi Yesifundazwe*.

**UHLELO  
IMITHETHO ECHITHWAYO**

<b><i>Inombolo ngonyaka</i></b>	<b><i>Isihloko</i></b>	<b><i>Ubungako obuchithwayo</i></b>
ISaziso sikaMasipala No. 90 ka 1997	UMthetho kaMasipala waseThekwini Wezigcinimagugu	Wonke





# IMPORTANT

## Information

### from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.

#### GPW Business Rules

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format to the email submission address [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – [www.gpwonline.co.za](http://www.gpwonline.co.za))
7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za))
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za).



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