



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

Provincial Gazette Extraordinary

9093

Friday, 27 June 2025

Buitengewone Provinsiale Koerant

9093

Vrydag, 27 Junie 2025

Isongezelelo kwiGazethi yePhondo

9093

uLwesihlanu, 27 kweyeSilimela 2025

Registered at the Post Office as a Newspaper

*(*Copies are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)*

CONTENTS

25390/2025 27 June 2025

City of Cape Town:
Informal Trading Amendment By-law, 20252

As 'n Nuusblad by die Poskantoor Geregistreer

*(*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)*

INHOUD

25390/2025 27 Junie 2025

Stad Kaapstad:
Wysigingsverordening op Informele Handel,
20258

Ibhaliswe ePosini njengePhephandaba

*(*Iikopi zifumaneka kwigumbi M21, kwiSakhiwo seNdlu yoWiso Mthetho yePhondo, e7 Wale Street, eKapa 8001.)*

IZIQULATHO

25390/2025 27 kweyeSilimela 2025

Isixeko saseKapa:
UMthetho kaMasipala weZilungiso woRhwebo olungaBhaliswanga ngokuseSikweni, 202515

CITY OF CAPE TOWN

INFORMAL TRADING AMENDMENT
BY-LAW, 2025

CITY OF CAPE TOWN

INFORMAL TRADING AMENDMENT BY-LAW, 2025

GENERAL EXPLANATORY NOTE:

[]

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

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

To amend the provisions in the City of Cape Town: Informal Trading By-law, 2009, as amended by the City of Cape Town: Informal Trading Amendment By-law, 2013, so as to provide for the insertion of certain definitions; to provide for the establishment of Mobile Business Trading Areas; to provide for the decommissioning of Mobile Business Trading Areas and to provide for matters related thereto.

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

Amendment of section 2 of the City of Cape Town: Informal Trading By-law, 2009

1. Section 2 of the City of Cape Town: Informal Trading By-law, 2009, (herein referred to as the principal By-law) is hereby amended —

(a) by the insertion before the definition of “**beach**” of the following definition:

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

(b) by the insertion after the definition of “ **Council**” or “**the Council**” of the following definition.

“Decommission” means the Council approved rescindment of a Mobile Business Trading Area which is no longer zoned for economic activity and permitted for mobile business operations;’;

(c) by the insertion after the definition of **“informal trading”** of the following definition:

“land-custodian department” means a City department who is the custodian of land owned by the a City and who is duly authorised to consent to the establishment of an MBTA on such property;’;

(d) by the insertion after the definition of **“market”** of the following definitions:

“Mobile Business” means a business registered with the Companies and Intellectual Property Commission that operates inside a self-contained and self-propelled vehicle or a vehicle designed to be drawn by a self-propelled vehicle that is licensed for use on a public road, and which shall not include a shipping container;’;

“Mobile Business Operator” means a person whose business has attained the necessary licenses and has been issued with a mobile business permit by the City to operate a mobile business;’;

“Mobile Business Permit” means a permit to operate as a mobile business within a City-established Mobile Business Trading Area (MBTA);’;

“Mobile Business Trading Area (MBTA)” means a trading area for mobile businesses within the jurisdictional area of the City of Cape Town;’;

(e) by the deletion of the definition of **“officer”**; and

(f) by the insertion before the definition of **“special events”** of the following definition:

“Service Level Agreement” means an inter-departmental agreement which outlines the roles, responsibilities and authoritative powers of the City departments party to the agreement in terms of mobile businesses;’.

Substitution for the word “officer” in the City of Cape Town: Informal Trading By-law, 2009.

2. The principal by-law is hereby amended by the substitution for the word “Officer” wherever it appears with the words “authorised official”.

Insertion of section 3A in the City of Cape Town: Informal Trading By-law, 2009.

3. The following section is hereby inserted in the principal By-law after section 3:

“TYPES OF RECOGNISED MOBILE BUSINESSES

3A. Mobile business trading may include, amongst others:

- 3A.1 Food trucks and coffee operators;
- 3A.2 Mobile hair salons;
- 3A.3 Mobile pet grooming;
- 3A.4 Book mobiles;
- 3A.5 Ice-cream trucks; and
- 3A.6 Pop up flower trucks.”

Substitution of section 4 of the City of Cape Town: Informal Trading By-law, 2009.

4. The following section is hereby substituted for section 4 of the principal By-law:

“Informal trading and mobile business trading is permitted in any area within the jurisdiction of the City, subject to any trading plans and MBTAs adopted by the City, the provisions of this By-law and any other applicable law.”

Insertion of section 7A and 7B in the City of Cape Town: Informal Trading By-law, 2009.

5. The following sections are hereby inserted in the principal By-law after section 7:

“ESTABLISHMENT OF MOBILE BUSINESS TRADING AREAS

7A.1 The City may select a public space for the establishment of MBTAs. A detailed process for the establishment of MBTAs must be contained in a standard operating procedure which is applicable to all affected City departments.

7A.2 The City department responsible for establishing an MBTA must—

- (a) after an area is identified as a potential MBTA, engage the land-custodian department and provide written information such as site conditions, proximity to existing infrastructure, possible risks and any other necessary information to the land-custodian department;
- (b) enter into a standard Service Level Agreement signed by the land-custodian department’s Executive Director. The Service Level Agreement should contain all matters related to the management of the MBTA including roles and responsibilities of the respective City departments involved and designated signatories;
- (c) ensure that a potential MBTA goes through a public participation process in accordance with the City’s public participation policies and national legislation; and

- (d) undertake the process of establishing MBTAs annually or at the discretion the City.

7A.3 Newly established MBTAs must be approved by Council.

DECOMMISSIONING OF EXISTING MOBILE BUSINESS TRADING AREAS

7B.1 The City may identify an existing MBTA for decommission upon a request received or where deemed necessary. A detailed process to decommission existing MBTAs must be contained in a standard operating procedure which is applicable to all affected City departments.

7B.2 The City department responsible for the process to decommission an existing MBTA must —

- (a) consider all written requests received to decommission an existing MBTA;
- (b) undertake a site visit to the MBTA in question; and
- (c) issue a notice informing all affected mobile business operators of the intent to decommission a MBTA and provide an opportunity for mobile business operators to comment.

7B.3 Council must approve the decommissioning of any MBTAs.”

Insertion of section 8A in the City of Cape Town: Informal Trading By-law, 2009.

6. The following section is hereby inserted in the principal By-law after section 8:

“8A PERMITS FOR MOBILE BUSINESSES

8A.1 A person may not operate a mobile business without a valid permit issued by the City.

8A.2 A person may apply to the City for a permit to operate a mobile business.

8A.3 A mobile business permit application must include—

- (a) a description of the intended business activity;
- (b) an approved roadworthy certificate or proof of vehicle licence and registration;
- (c) a fire safety certificate issued by the City;
- (d) a business license issued by the City Health department, and includes:
 - (i) a waste management plan; and
 - (ii) a certificate of acceptability.

8A.4 The City may charge the applicant an application fee. The fee is determined in accordance with the City's tariff policies and schedules.

8A.5 The City must consider the following factors when considering an application for a permit:

- (a) the nature of the mobile business and the vicinity in which the mobile business intends to operate, factoring in possible overcrowding and lack of infrastructure;
- (b) number of permits already allocated to a specific mobile business operator; and
- (c) access to and availability of basic service infrastructure, such as public toilets and seating.

8A.6 The City may issue a permit to operate a mobile business on City land after consideration of factors listed in section 8A.5 and once the City is satisfied that the application has met all the necessary requirements contained in the By-law."

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

7. Section 18 of the principal By-law as amended by the City of Cape Town: Informal Trading Amendment By-law, 2013 is hereby amended by the addition after paragraph 18.8 of the following paragraphs:

"18.9 An authorised official may issue a written warning to a mobile business operator who contravenes the universal rules contained in the Policy or any specific rules approved by Council of a MBTA.

18.10 An authorised official may, after issuing three written warnings to the same mobile business operator, suspend the mobile business operator's permit by written notice for a period of up to one year.

18.11 A mobile business operator whose permit has been suspended may appeal in terms section 17."

Short title

8. This By-law is called the City of Cape Town: Informal Trading Amendment By-law, 2025.

STAD KAAPSTAD

WYSIGINGSVERORDENING OP INFORMELE HANDEL, 2025

STAD KAAPSTAD

WYSIGINGSVERORDENING OP INFORMELE HANDEL, 2025

ALGEMENE VERDUIDELIKENDE AANTEKENING:

[]

Woorde in vetdruk en tussen tekshakies dui op weglatings uit die bestaande wetgewing.

Woorde wat met 'n volstreep onderstreep is, dui op invoegings in die bestaande wetgewing.

Om die bepalings van die Stad Kaapstad: Verordening op Informele Handel, 2009, soos gewysig deur die Stad Kaapstad: Wysigingsverordening op Informele Handel, 2013, te wysig om vir die invoeging van sekere woordskrywings voorsiening te maak; om voorsiening te maak vir die instelling van handelsgebiede vir mobiele ondernemings; om voorsiening te maak vir die opheffing van handelsgebiede vir mobiele ondernemings; en om voorsiening te maak vir aangeleenthede wat daarmee gepaard gaan.

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

Wysiging van artikel 2 van die Stad Kaapstad: Verordening op Informele Handel, 2009

1. Artikel 2 van die Stad Kaapstad: Verordening op Informele Handel, 2009 (wat hierna die hoofverordening genoem word), word hiermee gewysig —

(a) deur die volgende omskrywing ná die omskrywing van **“*ergernis*”** in te voeg:

‘beteken **“gemagtigde amptenaar”** ’n werknemer van die Stad wat daarvoor verantwoordelik is om ingevolge hierdie Verordening enige plig of werksaamheid te verrig of enige bevoegdheid uit te oefen, en sluit dit werknemers in wat gedelegeer word om sodanige pligte, werksaamhede of bevoegdhede te verrig of uit te oefen;’

(b) deur die volgende omskrywing ná die omskrywing van **“*onwettige goedere*”** in te voeg:

‘beteken **“opheffing”** die Raadsgoedgekeurde afskaffing van ’n handelsgebied vir mobiele ondernemings wat nie meer vir ekonomiese

bedrywighede gesoneer is nie en waar mobiele handelsbedrywighede nie toegelaat word nie;

- (c) deur die volgende omskrywing voor die omskrywing van **“Grondwet”** in te voeg:

‘beteken **“grondbeherende departement”** ’n Stadsdepartement wat Stadsgrond beheer en wat behoorlik gemagtig is om tot die instelling van ’n handelsgebied vir mobiele ondernemings op sodanige eiendom toe te stem;

- (d) deur die volgende omskrywing ná die omskrywing van **“mark”** in te voeg:

‘beteken **“mobiele onderneming”** ’n onderneming wat by die Kommissie vir Maatskappye en Intellektuele Eiendom geregistreer is en wat funksioneer vanuit ’n selfstandige en selfaangedrewe voertuig, of ’n voertuig wat ontwerp is om deur ’n selfaangedrewe voertuig gesleep te word, en vir gebruik op ’n openbare pad gelisensieer is, en sluit dit nie ’n skeepshouer in nie;

- (e) deur die volgende omskrywings voor die omskrywing van **“permithouer”** in te voeg:

‘beteken **“operateur van ’n mobiele onderneming”** ’n persoon wie se onderneming die nodige lisensies bekom en ’n permit vir ’n mobiele onderneming van die Stad ontvang het om ’n mobiele onderneming te bedryf;

‘beteken **“permit vir ’n mobiele onderneming”** ’n permit om ’n mobiele onderneming te bedryf in ’n handelsgebied vir mobiele ondernemings wat deur die Stad ingestel is;

- (f) deur die volgende omskrywing voor die omskrywing van **“handelsplan”** in te voeg:

‘beteken **“handelsgebied vir mobiele ondernemings”** ’n handelsgebied vir mobiele ondernemings in die regsgebied van die Stad Kaapstad;

- (g) deur die omskrywing van **“beampte”** te skrap; en

- (h) deur die volgende omskrywing ná die omskrywing van **“beslagleggingskoste”** in te voeg:

‘beteken **“diensvlak-ooreenkoms”** ’n interdepartementele ooreenkoms wat die rolle, verantwoordelikhede en bevoegdhede uiteensit van die Stadsdepartemente wat deel is van die ooreenkoms met betrekking tot mobiele ondernemings;

Vervanging van die woord “beampte” in die Stad Kaapstad: Verordening op Informele Handel, 2009

2. Die hoofverordening word hiermee gewysig deur alle gevalle van die woord “beampte” met die woorde “gemagtigde amptenaar” te vervang.

Invoeging van artikel 3A in die Stad Kaapstad: Verordening op Informele Handel, 2009

3. Die volgende artikel word hiermee ná artikel 3 in die hoofverordening ingevoeg:

“TIPES ERKENDE MOBIELE ONDERNEMINGS

3A. Mobiele ondernemings kan onder meer die volgende insluit:

- 3A.1 Koswaens en koffieverkopers;
- 3A.2 Mobiele haarsalonne;
- 3A.3 Mobiele troeteldiersalonne;
- 3A.4 Boekwaens;
- 3A.5 Roomyswaens; en
- 3A.6 Opwipblomwaens”

Vervanging van artikel 4 van die Stad Kaapstad: Verordening op Informele Handel, 2009

4. Die volgende artikel vervang hiermee artikel 4 van die hoofverordening:

“Informele handel en mobiele handel word in enige gebied binne die Stad se regsgebied toegelaat, onderhewig aan handelsplanne en handelsgebiede vir mobiele ondernemings wat die Stad goedgekeur het, die bepalings van dié Verordening en enige ander toepaslike wet.”

Invoeging van artikel 7A en 7B in die Stad Kaapstad: Verordening op Informele Handel, 2009

5. Die volgende artikels word hiermee ná artikel 7 in die hoofverordening ingevoeg:

“INSTELLING VAN HANDELSGEBIEDE VIR MOBIELE ONDERNEMINGS

7A.1 Die Stad kan ’n openbare ruimte vir die instelling van ’n handelsgebied vir mobiele ondernemings identifiseer. ’n Volledige proses vir die instelling van handelsgebiede vir mobiele ondernemings moet vervat word in ’n standaardbedryfsprosedure wat op alle belanghebbende Stadsdepartemente van toepassing is.

7A.2 Die Stadsdepartement wat vir die instelling van ’n handelsgebied vir mobiele ondernemings verantwoordelik is, moet—

- (a) nadat ’n gebied as ’n moontlike handelsgebied vir mobiele ondernemings geïdentifiseer is, met die grondbeherende departement in gesprek tree en

skriftelike besonderhede soos terreinomstandighede, afstand vanaf bestaande infrastruktuur, moontlike risiko's en enige ander vereiste inligting aan die grondbeherende departement voorsien;

- (b) 'n standaarddiensvlakoooreenkoms aangaan wat deur die uitvoerende direkteur van die grondbeherende departement onderteken word. Die diensvlakoooreenkoms moet alle aangeleenthede met betrekking tot die bestuur van die handelsgebied vir mobiele ondernemings bevat, waaronder rolle en verantwoordelikhede van die onderskeie betrokke Stadsdepartemente en aangewese ondertekenaars;
- (c) toesien dat 'n potensiële handelsgebied vir mobiele ondernemings aan 'n openbaredeelnamenameproses onderwerp word ooreenkomstig die Stad se openbaredeelnamenamebeleide en nasionale wetgewing; en
- (d) die proses vir die instelling van handelsgebiede vir mobiele ondernemings jaarliks of na die goeddunke van die Stad onderneem.

7A.3 Nuwe handelsgebiede vir mobiele ondernemings moet deur die Raad goedgekeur word.

OPHEFFING VAN BESTAANDE HANDELSGEBIEDE VIR MOBIELE ONDERNEMINGS

7B.1 By ontvangs van 'n versoek of waar dit nodig geag word, kan die Stad 'n bestaande handelsgebied vir mobiele ondernemings identifiseer wat opgehef moet word. 'n Volledige proses vir die opheffing van bestaande handelsgebiede vir mobiele ondernemings moet vervat word in 'n standaardbedryfsprosedure wat op alle belanghebbende Stadsdepartemente van toepassing is.

7B.2 Die Stadsdepartement wat verantwoordelik is vir die proses om 'n bestaande handelsgebied vir mobiele ondernemings op te hef moet —

- (a) alle skriftelike versoeke vir die opheffing van 'n bestaande handelsgebied vir mobiele ondernemings oorweeg;
- (b) 'n terreinbesoek by die betrokke gebied aflê; en
- (c) 'n kennisgewing uitreik wat alle belanghebbende operateurs van mobiele ondernemings in kennis stel van die voorneme om 'n handelsgebied vir mobiele ondernemings op te hef, en hulle 'n geleentheid gun om kommentaar te lewer.

7B.3 Die Raad moet die opheffing van enige handelsgebied vir mobiele ondernemings goedkeur."

Invoeging van artikel 8A in die Stad Kaapstad: Verordening op Informele Handel, 2009

6. Die volgende artikel word hiermee ná artikel 8 in die hoofverordening ingevoeg:

“8A PERMITTE VIR MOBIELE ONDERNEMINGS

8A.1 'n Persoon mag nie 'n mobiele onderneming bedryf sonder 'n geldige permit wat deur die Stad uitgereik is nie.

8A.2 'n Persoon kan by die Stad aansoek doen om 'n permit om 'n mobiele onderneming te bedryf.

8A.3 'n Aansoek om 'n permit vir 'n mobiele onderneming moet insluit—

- (a) 'n beskrywing van die voorgenome handelsaktiwiteit;
- (b) 'n goedgekeurde padwaardigheidsertifikaat of bewys van voertuiglisensie en -registrasie;
- (c) 'n brandveiligheidsertifikaat wat deur die Stad uitgereik is;
- (d) 'n sakelisensie wat deur die Stad se gesondheidsdepartement uitgereik is, wat insluit—
 - (i) 'n afvalbestuursplan; en
 - (ii) 'n sertifikaat van aanvaarbaarheid.

8A.4 Die Stad kan 'n aansoekfooi hef. Die fooi word ooreenkomstig die Stad se tariefbeleide en -skedules bepaal.

8A.5 Die Stad moet die volgende faktore in ag neem in die oorweging van 'n aansoek om 'n permit:

- (a) die aard van die mobiele onderneming en die omgewing waarin die mobiele onderneming van plan is om handel te dryf, met inagneming van moontlike oorbevolking en infrastruktuurtekorte;
- (b) die getal permitte wat reeds aan 'n spesifieke operateur van 'n mobiele onderneming toegeken is; en
- (c) toegang tot en beskikbaarheid van basiese diensinfrastruktuur soos openbare toilette en sitplek.

8A.6 Die Stad kan 'n permit uitreik vir die bedryf van 'n mobiele onderneming op Stadsgrond nadat die faktore in artikel 8A.5 oorweeg is en die Stad oortuig is dat die aansoek aan alle tersaaklike vereistes in die Verordening voldoen.”

Wysiging van artikel 18 in die Stad Kaapstad: Verordening op Informele Handel, 2009

7. Artikel 18 van die hoofverordening, soos gewysig deur die Stad Kaapstad: Wysigingsverordening op Informele Handel, 2013, word hiermee gewysig deur die volgende paragrawe ná paragraaf 18.8 by te voeg:

“18.9 'n Gemagtigde amptenaar kan 'n skriftelike waarskuwing uitreik aan 'n operateur van 'n mobiele onderneming wat die universele reëls in die Beleid of enige spesifieke Raadsgoedgekeurde reëls van 'n handelsgebied vir mobiele ondernemings oortree.

18.10 Nadat drie skriftelike waarskuwings aan dieselfde operateur van 'n mobiele onderneming uitgereik is, kan 'n gemagtigde amptenaar deur skriftelike kennisgewing die operateur se permit vir 'n tydperk van tot een jaar opskort.

18.11 'n Operateur van 'n mobiele onderneming wie se permit opgeskort is, kan ingevolge artikel 17 appelleer.”

Kort titel

8. Hierdie Verordening is bekend as die Stad Kaapstad: Wysigingsverordening op Informele Handel, 2025.

ISIXEKO SASEKAPA

UMTHETHO KAMASIPALA
WEZILUNGISO WORHWEBO
OLUNGABHALISWANGA
NGOKUSESIKWENI, 2025

ISIXEKO SASEKAPA

**UMTHETHO KAMASIPALA WEZILUNGISO WORHWEBO
OLUNGABHALISWANGA NGOKUSESIKWENI, 2025**

INKCAZELO GABALALA:

[]

Amagama abhalwe ngqindilili
akwizibiyeli ezisikwere abonisa izinto
ezisusiweyo kwimithetho ekhoyo.

Amagama akrwelelwe umgca ngaphantsi ngomgca ongqindilili abonisa izinto ezifakelweyo kwimithetho ekhoyo.

Ukwenza izilungiso kwimiqathango yoMthetho kaMasipala weSixeko saseKapa:woRhwebo olungaBhaliswanga ngokuseSikweni, 2009, njengoko wenziwe izilungiso nguMthetho kaMasipala weZilungiso woRhwebo olungaBhaliswanga ngokuseSikweni, 2013, ukuze kufakelelwe iinkcazelo ezithile; ukuze kubonelelwe ngokumiselwa kweMimandla yoRhwebo lweShishini elinguMahambehlala; ukubonelela ngokuyekiswa kokusetyenziswa kweMimandla yoRhwebo lweShishini elinguMahambehlala nangokubonelela ngemiba ehamba nale.

MAWUMISELWE libhunga leSixeko saseKapa ngolu hlobo lulandelayo:—

Ukutshintshwa kwecandelo 2 loMthetho kaMasipala weSixeko saseKapa: woRhwebo olungaBhaliswanga ngokuseSikweni, 2009

1. Icandelo 2 loMthetho kaMasipala weSixeko saseKapa:woRhwebo olungaBhaliswanga ngokuseSikweni, 2009, (ekubhekiswe kuwo apho njengoMthethongqangi kaMasipala) lenziwa izilungiso —

(a) ngokufakela phambi kwenkcazelo yegama elithi, ***“ibhitshi”*** kwale nkcazelo ilandelayo:

"igosa eligunyazisiweyo" lithetha umntu ongumsebenzi kwiSixeko onegunya lokwenza nawuphi na umsebenzi okanye lokusebenzisa

nawaphi na amagunya ngokwalo Mthetho kaMasipala yaye abo bantu babandakanya abasebenzi abanikwe igunya lokwenza loo misebenzi okanye lokusebenzisa loo magunya;

(b) ngokufakela emva kwenkcazelo yebinzana elithi **“iBhunga”** kwale nkcazelo ilandelayo.

‘ “**Ukuyekisa**” kuthetha urhoxiso oluphunyezwe liBhunga loMmandla woRhwebo lweShishini elinguMahambehlala ongasasikelwanga ukuba kushishinwe kuwo nekuvumeleke ukuba kungenziwa imisebenzi yeShishini elinguMahambehlala;

(c) ngokufakela emva kwenkcazelo yebinzana elithi **“urhwebo olungabhaliswanga ngokusesikweni”** kwale nkcazelo ilandelayo:

“**Isebe elinoxanduva lokulawula kumhlaba othile**” lithetha isebe leSixeko elibeke iliso kumhlaba ongoweSixeko neligunyaziswe ukuba linikeze imvume yomiselo lweMBTA kuloo propati;

(d) ngokufakela emva kwenkcazelo yebinzana elithi **“imarike”** kwezi nkcazelo zilandelayo:

“**IShishini elinguMahambehlala**” lithetha ishishini elibhaliswe kwiziko iCompanies and Intellectual Property Commission elishishinela kwiikhonteyina ekwazi ukuthuthwa okanye ikhonteyina etsalwa sisithuthi esinelayisenisi yokuba kwindlela kawonkewonke, elingabandakanyi ikhonteyina yokuthutha izinto zisiwe kwenye indawo;

“**Unovenkile weShishini elinguMahambehlala**” uthetha umntu oneshishini elinelayisenisi efanelekileyo yeShishini elinguMahambehlala ayinikezwe siSixeko ukuba abe neShishini elinguMahambehlala;

“**Iphephamvume leShishini elinguMahambehlala**” lithetha ipemethi yokuba neShishini elinguMahambehlala kwiSixeko –yokumisela iShishini elikuMmandla woRhwebo lweShishini elinguMahambehlala (MBTA);

“**IShishini elikuMmandla woRhwebo lweShishini elinguMahambehlala (MBTA)**” lithetha ummandla worhwebo weShishini elinguMahambehlala elithengisela kummandla okwiSixeko saseKapa;

(e) ngokucinywa kwenkcazelo yegama elithi **“igosa”**; ze

(f) kufakelwe phambi kwenkcazelo yebinzana elithi **“amatheko akhethekileyo”** kwale nkcazelo ilandelayo:

“Isivumelwano seMiqathango yokuSebenza neNkonzo eLindelekileyo” sithetha isivumelwano esiphakathi kwamasebe esixela indima, uxanduva namagunya amasebe eSixeko kuMashishini angooMahambehlala;’.

Ufakelo endaweni yegama elithi “igosa” kuMthetho kaMasipala weSixeko saseKapa: woRhwebo olungaBhaliswanga ngokuseSikweni, 2009.

2. UMthethongqangi kaMasipala kungokunje wenziwa izilungiso ngokuthi endaweni yegama elithi “Igosa” kuyo yonke indawo elibhalwe kuyo kufakelwe igama elithi “igosa eligunyazisiweyo”.

Ukufakelwa kwecandelo 3A kuMthetho kaMasipala weSixeko saseKapa: woRhwebo olungaBhaliswanga ngokuseSikweni, 2009.

3. Eli candelo lilandelayo liyafakelwa kuMthethongqangi kaMasipala emva kwecandelo 3:

“INTLOBO ZAMASHISHINI ANGOOMAHAMBEHLALA AMKELEKILEYO

3A. Phakathi kwaMashishini angooMahambehlala kungakho:

3A.1 litraki zokutya namashishini athengisa ikofu;

3A.2 lisaluni zokwenza iinwele;

3A.3 Amashishini afundisa indlela yokuziphatha kwezinja;

3A.4 Amashishini athengisa iincwadi;

3A.5 litraki zeayisikhrimu; kananjalo

3A.6 litraki ezithengisa iintyatyambo.”

Ukutshintshwa kwecandelo 4 loMthetho kaMasipala weSixeko saseKapa: woRhwebo olungaBhaliswanga ngokuseSikweni, 2009.

4. Endaweni yeli candelo lilandelayo kufakwa icandelo 4 loMthethongqangi kaMasipala:

“Urhwebo olungabhaliswanga ngokusesikweni nokuthengisa kwiShishini elinguMahambehlala kuvumeleke kuwo nawuphi ummandla okwiSixeko, kodwa oko kuxhomekeke ekubeni izicwangciso zokushishina zeshishini kunye neeMBTA zibe zamkelwe siSixeko, ngokwemiqathango yalo Mthetho kaMasipala kunye neminye imithetho echaphazelekayo.”

Ukufakelwa kwecandelo 7A no7B kuMthetho kaMasipala weSixeko saseKapa: woRhwebo olungaBhaliswanga ngokuseSikweni, 2009.

5. La macandelo alandelayo ayafakelwa kuMthethongqangi kaMasipala emva kwecandelo 7:

**“UKUMISELWA KWEMIMANDLA YORHWEBO LWESHISHINI
ELINGUMAHAMBEHLALA**

7A.1 ISixeko singakhetha indawo kawonkewonke ukuze kumiselwe iMBTA. Inkqubo eneenkcukacha zokumiselwa kweeMBTA mayibe kwinkqubo yokusebenza yesiqhelo emayisetyenziswe ngawo onke amasebe eSixeko achaphazelekayo.

7A.2 Isebe leSixeko elinoxanduva lokumisela iMBTA kufuneka—

- (a) emva kokuba kukho iMBTA esenokusebenza, libonisane nesebe elinoxanduva lokulawula kumhlaba othile ze libonelele ngeenkcukacha ezibhaliweyo ezifana nemeko yesiza kwanokuba iMBTA leyo iza kuba kude kangakanani kwizibonelelo ezikhoyo, imingcipheko esenokubakhona kunye naziphi na ezinye iinkcukacha ezingadingwa lisebe elinoxanduva lokulawula kumhlaba othile;
- (b) lingene kwiSivumelwano seMiqathango yokuSebenza neNkonzo eLindelekileyo esisayinwe nguMlawuli ophethe isebe elinoxanduva lokulawula kumhlaba othile. ISivumelwano seMiqathango yokuSebenza neNkonzo eLindelekileyo kufuneka sibe nayo yonke imiba enento yokwenza nolawulo lweMBTA efana nendima kunye noxanduva lwamasebe eSixeko abandakanyekayo kunye neesiqinitha zabantu abafanele ukusayina;
- (c) liginisekise ukuba iMBTA esenokusebenza ilandela inkqubo yentathoxaxheba yoluntu ngokwemigaqonkqubo yentathonxaxheba yoluntu nemithetho yelizwe; kananjalo
- (d) unyaka nonyaka limisele iMBTA okanye zimiselwe xa iSixeko sibona ukuba mazimiselwe.

7A.3 IiMBTA ezisandula kumiselwa mazamkelwe liBhunga.

UKUYEKISWA KWEMIMANDLA EKHOYO YORHWEBO LWESHISHINI ELINGUMAHAMBEHLALA

7B.1 ISixeko sisenokuchonga iMBTA ekhoyo ukuba iyekiswe xa kufunyenwe isicelo esinjalo okanye xa oko kubonwa kuyimfuneko. Inkqubo enenkukacha yokuyekisa iiMBTA esele zikhona mayiqulathwe kwinkqubo yokusebenza yesiqhelo emayisetyenziswe ngawo onke amasebe eSixeko achaphazelekayo.

7B.2 Isebe leSixeko elinoxanduva lokuyekisa iMBTA ekhoyo kufuneka—

- (a) lithathele ingqalelo zonke izicelo ezibhaliweyo zokuyekisa iMBTA ekhoyo;
- (b) liye liye kubona loo MBTA kubhekiswa kuyo; kananjalo
- (c) likhuphe isaziso esixelela bonke oonovenkile bamaShishini ango-Mahambehlala abachaphazelekayo ngenjongo yokuyekisa iMBTA ze linike ithuba lokuba oonovenkile bamaShishini angaMahambehlala bavakalise izimvo zabo.

7B.3 Kufuneka ibe liBhunga elinika imvume yokuyekiswa kwazo naziphi iiMBTA.”

Ukufakelwa kwecandelo 8A kuMthetho kaMasipala weSixeko saseKapa: woRhwebo olungaBhaliswanga ngokuSesikweni, wango2009.

6. Eli candelo lilandelayo liyafakelwa kuMthethongqangi kaMasipala emva kwecandelo 8:

“8A IIMPEPHAMVUME ZESHISHINI ELINGUMAHAMBEHLALA

8A.1 Umntu akanakuvula iShishini elinguMahambehlala ngaphandle kwepemithi esemthethweni nesebenzayo ekhutshwe siSixeko.

8A.2 Umntu angafaka isicelo kwiSixeko sokufumana iphephamvume lokuvula iShishini elinguMahambehlala.

8A.3 Isicelo sepemithi yeShishini elinguMahambehlala kufuneka sibandakanye—

- (a) inkcazelo yezinto ekuza kushishinwa ngazo apho;
- (b) isatifikethi sokulungela kwesithuthi ukusebenza okanye ubungqina belayisenisi yesithuthi nobhaliso lwaso;
- (c) isatifikethi sokhuseleko emililweni esikhutshwe siSixeko;
- (d) ilayisenisi yoshishino ekhutshwe liSebe lezeMpilo leSixeko yaye ibandakanye—
 - (i) isicwangciso solawulo lwenkunkuma; kunye
 - (ii) nesatifikethi solwamkeleko.

8A.4 ISixeko singahlawulisa umfakisiselo umrhumo wesicelo. Lo mrhumo ubalwa kulandelwa imigaqonkqubo yemirhumo yeSixeko kunye neeshedyuli.

8A.5 ISixeko kufuneka siqwalasele le miba ilandelayo xa sijonga isicelo sepemithi:

- (a) uhlobo lweShishini elinguMahambehlala nendawo eliza kusebenza kuyo iShishini elo elinguMahambehlala, lijonge uxinaniseko nonqongophalo lwezibonelelo kuloo ndawo liza kuba kuyo;
- (b) inani leepemithi esele zikhutshelwe unovenkile lowo weShishini elinguMahambehlala; kunye
- (c) nokufikelela nobukho bezibonelelo zeenkonzo ezisisiseko ezifana nezindlu zangasese zoluntu neendawo zokuchopha uluntu kwelo shishini.

8A.6 ISixeko singakhupha ipemithi yokuvula iShishini elinguMahambehlala kumhlaba weSixeko emva kokuqwalasela yonke imiba ekhankanywe kwicandelo 8A.5 ekuya kuthi xa iSixeko sanelisekile ukuba isicelo eso sinazo zonke izinto ezifunwayo eziqulethwe kulo Mgaqonkqubo sikhuphe isigqibo ngaso.”

Ukwenziwa kwezilungiso kwicandelo 18 kuMthetho kaMasipala weSixeko saseKapa:woRhwebo olungaBhaliswanga ngokuseSikweni, 2009

7. Icandelo 18 loMthethongqangi kaMasipala, njengoko wenziwe izilungiso nguMthetho kaMasipala weZilungiso woRhwebo olungaBhaliswanga ngokuseSikweni, 2013 kungokunje lenziwa izilungiso ngokufakela emva komhlathi 18.8 kwale mihlathi ilandelayo:

“18.9 Igosa elingagunyaziswanga lingakhupha isilumkiso esibhaliweyo esiya kusomashishini weshishini elingumahambehlala othe wophula imigaqo gabalala ekuMgaqonkqubo okanye nayiphi imigaqo engqalileyo eyamkelwe liBhunga enento yokwenza neMBTA.

18.10 Igosa elingagunyaziswanga lingathi emva kokukhupha izilumkiso ezibhaliweyo ezintathu libhalele unovenkile lowo umnye weShishini elinguMahambehlala, liyiyekise ipemithi yonovenkile weShishini elinguMahambehlala ngokuthi limthumelele isaziso esibhaliweyo ukuba ayeke ukushishina isithuba esingangonyaka omnye.

18.11 Unovenkile weShishini elinguMahambehlala ethe ipemithi yakhe yayekiswa angabhena elandela imiqathango yecandelo 17.”

Isihloko esifutshane

8. Lo Mthetho kamasipala ubizwa ngokuba nguMthetho kaMasipala weZilungiso woRhwebo olungaBhaliswanga ngokuseSikweni, wango2025.

