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PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

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INHOUD

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Stad Kaapstad:
Verordening op Verfilming, 202420

Ibhaliswe ePosini njengePhephandaba

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

IZIQULATHO

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CITY OF CAPE TOWN: FILMING BY-LAW, 2024

To repeal the City of Cape Town By-law relating to Filming 2005, to provide for the regulation of filming activities on private and public property; to enable an environment for the development of the filming sector within the jurisdiction of the City of Cape Town and to provide for matters connected therewith.

Preamble

WHEREAS Section 156 of the Constitution, read with local government matters listed in Part B of Schedule 4 and Part B of Schedule 5 of the Constitution, empowers a municipality with the authority to make by-laws for the effective administration of the matters that it has the right to administer and authorises the exercise of any power concerning a matter reasonably necessary for, or incidental to the effective performance of its functions;

WHEREAS the City aims to balance economic activities such as filming with other rights contemplated in Chapter 2 of the Constitution;

WHEREAS the City seeks to strike a balance between facilitating the growth and development of the industry while safeguarding the rights and interests of the City's residents and thereby intends to regulate short term public nuisances linked to filming;

WHEREAS the City recognises the important role that filming plays in the economy of Cape Town and wishes to promote the human right of freedom of expression and is committed to simplifying permission processes in relation to filming within its jurisdiction; and

WHEREAS the City intends to provide a one-stop accessible facility for the processing of applications for filming while acting within the parameters of the Constitution and existing applicable legislation;

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

Definitions

1. In this By-Law, unless inconsistent with the context –

“applicant” means a natural or juristic person who applies for permission to conduct filming activities in the City;

“abutting or affected properties” means properties that share a common boundary or properties in close proximity that, while not sharing a common boundary, may be impacted by film-related activity;

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

- (a) A member of the Cape Town Metropolitan Police Department established in terms of section 64A of the South African Police Service Act, 1995 (Act No. 68 of 1995);
- (b) A traffic officer appointed in terms of section 3A of the National Road Traffic Act, 1996 (Act No. 93 of 1996);
- (c) A law enforcement officer declared to be a peace officer in terms of section 334(1)(a) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977); and
- (d) A member of the South African Police Service (SAPS);

“City” means the City of Cape Town, a municipality established by the City of Cape Town Establishment Notice No. 479 of 22 September 2000, issued in terms of the Local Government: Municipal Structures Act, 1998, or any structure or employee of the City acting in terms of delegated authority;

“filming” (a) means: (i) the preparation of public and private property for the recording of sound and images as well as the recording of sound and images moving or still, whether on film or video tape, electronically, digitally or by any other means and includes all activities related to the filming location where there is an impact on public or private property and which may require the services of the City, or may have any adverse implications for public safety, the environment and local communities;

(ii) student film projects where there is an impact on public property, which may require the services of the City or may have any adverse implications for public safety, the environment and local communities;

(iii) the recording of digital media on public property on mobile devices such as smartphones, tablet computers, handheld cameras for the creation or sharing of information via virtual communities and social networks for commercial gain; but

(b) excludes (i) the recording of a private wedding ceremony or other private celebration or event for the purpose of making a recording thereof for its participants for private purposes;

(ii) electronic news gathering or the recording of current affairs or news for immediate broadcast or release;

(iii) the recording of digital media on mobile devices such as smartphones, tablet computers and handheld cameras for personal use where there is no impact on the public or any public amenity; and

(iv) purpose-built film facilities and other film suitable facilities, including filming facilities at educational institutions, where there is no need for City services or impact on the public or any public amenity;

“film permit” means a written permission, with conditions, granted for filming by the City in terms of this By-Law;

“Film Permit Office” means the unit responsible for coordinating film permit applications, coordinating the approval and rejection of filming and film-related activities in accordance with this By-law, applicable legislation, as well as the City’s legal and operational requirements and for issuing of film permits with appropriate conditions;

“film shoot” means the process or activity of filming, photographing or recording of sound and images for the production of film material or digital media for commercial productions or documentaries and includes the preparation of property for filming;

“film suitable facility” means a film studio or any other facility or premises designed and built or converted for filming activities with all necessary approvals from the City, including any sound stage or backlot adjoining such facility, and includes filming facilities at educational institutions;

“impoundment costs” means all costs incurred by the City in impounding and storing property impounded in terms of this or any other applicable by-law and, where applicable, the costs incurred as a result of the disposal or releasing of the impounded property and any other associated costs;

“location” means any area or place, used for filming activity other than a film studio or film-suitable facility, or any sound stage or backlot adjoining a film studio or purpose-built film facility. This area or place may be erected or demarcated by temporary or permanent structures;

“permit holder” means a person, whether natural or juristic, or their representative, that has been granted a film permit to conduct filming in terms of this By-law;

“person” means any natural person or juristic person recognised by law as the subject of rights and duties;

“public place” includes –

(a) any public road, 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, or any protected or conservation area owned or managed by the City which has –

- (i) been provided, reserved or set apart for use by the public; or
- (ii) been dedicated to the public; and

(b) public transportation operated by service providers for the City,

but does not include public land that has been leased to a 3rd party by the City;

“purpose-built film facility” means a place, studio, facility, or property designed and built or converted for filming activities, including any sound stage or backlot adjoining such facility, with all necessary approvals from the City; and

“shoot type” means a micro, small, medium, large or very large filming activity as described in Schedule 1.

Application

2. This By-law applies to all filming activities undertaken within the jurisdiction of the City of Cape Town.

Exemptions

3. (1) Film suitable facilities & purpose built facilities within the jurisdiction of the City, are exempted from having to apply for film permits, except when filming activities spill outside of the erf boundaries of any such facility or onto any public place or there is a need for City services.

(2) The following types of filming activities do not require a film permit:

(a) The filming of private wedding ceremonies, or other private celebrations or events for the purpose of making a recording thereof for its participants for private purposes where there is no impact on the public or a public place and there is no need for any City services.

(b) Electronic news gathering and the recording of current affairs or news for immediate broadcast or release; and

(c) The recording of digital media on mobile devices such as smartphones, tablet computers, handheld cameras for personal use where there is no impact on the public or a public place and there is no need for any City services.

(3) An applicant applying for a micro shoot permit in terms of Schedule 1 is exempt from having to submit proof of no objections to filming to the City.

Requirements for filming in Cape Town

- 4 (1) Any person or production company who intends to conduct filming within the jurisdiction of the City must —
- (a) register with the Film Permit Office; and
 - (b) apply to the City for a permit to conduct filming, in terms of Section 5.
- (2) The City may require payment of a fee before considering an application to conduct filming.
- (3) The applicant must provide proof to the satisfaction of the City of —
- (a) appropriate indemnity cover to cover all film-related activities; and
 - (b) appropriate specialised risk insurance and blanket liability or cover where the filming activity—
 - (i) will involve stunts, special effects, explosives or similar activities, cranes, drones or unmanned aerial vehicles or any other apparatus or equipment requiring special permissions in accordance with applicable legislation; and
 - (ii) will occur in sensitive areas such as conservation areas, heritage areas, or any area identified as environmentally sensitive through legislative processes.
- (4) Where filming takes place on land that falls under the authority of another organ of state or on land owned by a private management company, a permit or written approval must first be obtained from such organ of state or private management company prior to submitting an application to film to the City.

Application for a film permit

5. (1) Subject to the exemptions set out in section 3, no person may conduct filming within the jurisdiction of the City without a film permit from the City.
- (2) An application for a film permit to conduct filming must be submitted to the City —
- (a) after registration in terms of section 4; and
 - (b) in accordance with the application requirements for different shoot types as set out in Schedule 1 prior to the commencement of the intended filming activities.

(3) The submitted film permit application must include —

- (a) the name, address, electronic mail address, telephone contact numbers and occupation of the applicant;
- (b) details of the production company to which the application relates;
- (c) particulars and contact details of the person who will be in charge of the actual filming;
- (d) an alternative forwarding address within the jurisdiction of the City of Cape Town for the receipt of any notices, accounts or correspondence;
- (e) details of the location, associated base camps and parking requirements of intended filming activity, the proposed dates and times, the number of people and vehicles linked to the filming project and general details of the purpose of the intended filming;
- (f) a detailed description of the filming activities and the apparatus to be used, which may include:
 - (i) devices or equipment that may cause light, noise or air pollution;
 - (ii) generators, energy transformers or converters;
 - (iii) vehicles, cranes, any other apparatus or devices, unmanned aerial vehicles, drones or similar devices requiring special permissions in accordance with applicable legislation;
 - (iv) temporary structures, tripods or dollies, specialised rigs or equipment; or
 - (v) special effects, stunts, explosives or simulated gunfire;
- (g) details of any foreign material, including animals, plants, fish, soil or similar material not endemic to the location to be used; and
- (h) details of the number and species of animals or livestock to be used during the proposed filming activities.

(4) The applicant must inform the City of any changes, new developments or any relevant information pertaining to the shoot or its impact.

(5) The City may accept, modify or refuse to consider an application for a film permit.

(6) The City may impose additional application requirements to be fulfilled by the applicant during the film permit application process that may include:

- (a) provision of additional production information such as country of origin, estimated budget spend in city, estimated local job opportunities created, etc.; and
- (b) additional application requirements relating to filming in conservation areas, heritage areas, greenbelts or any area identified as environmentally sensitive through legislative processes.

Community Consultation

6. (1) A person who intends to apply for a permit to film at a location must, once a location has been confirmed, deliver a written notice of intention to undertake filming at such location to the occupiers of abutting and affected properties in terms of subsection (2) before submitting an application for filming to the City.

(2) The written notice of intention to undertake filming must —

- (a) be in a format approved by the City;
- (b) communicate the intention of the applicant to submit an application for permission to conduct filming activities at a particular address, location or area;
- (c) provide the occupiers of abutting and affected properties an opportunity to declare on the prescribed form that they have no objection to the intended filming;
- (d) advise the occupiers of the abutting and affected properties of their right to submit any objections to the City;
- (e) contain the name and contact details of the production company; and
- (f) contain the dates, times and details of the intended filming activities.

(3) Where the occupiers of abutting and affected properties cannot be reached a person who intends to apply for a film permit to film must demonstrate to the Film Permit Office that reasonable steps have been taken to contact such occupiers.

(4) The proof of notification or consultation with occupiers of abutting and affected properties obtained in accordance with Schedule 1 must be submitted to the City's Film Permit Office at the time of submission of the application for filming.

(5) Occupiers of abutting and affected properties impacted by intended filming activity may submit an objection to the intended filming directly to the Film Permit Office for consideration during the film permit application decision-making process.

(6) The Film Permit Office will inform an objector in writing of the outcome of the objection.

(7) The City may require further consultation between the production company, and the occupiers of abutting and affected properties, prior to the film permit being issued should there be any changes, new developments or information pertaining to a shoot or its impact once an applicant has confirmed the use of any location.

Criteria for assessing applications

7. (1) The City when considering an application and determining conditions as contemplated in section 4(6), must assess —

- (a) the duration and location of the filming activity;
- (b) whether the filming activity has the potential to cause unreasonable disturbance or harm in the form of noise, light or pollution to any person or location including residential areas, conservation areas, heritage areas, or any area identified as environmentally sensitive through legislative processes.;
- (c) whether the filming activity would unreasonably interfere with or disrupt normal activities in a public place or have a negative impact on —
 - (i) general traffic in public places;
 - (ii) pedestrian traffic in public places;
 - (iii) public parking;
 - (iv) access to any private property;
 - (v) municipal property or infrastructure;
 - (vi) the natural environment, or
 - (vii) safety of members of the public;
- (d) the potential impact of the filming activity on the surrounding community;
- (e) whether the occupiers of abutting and affected properties have been given notice of the intended filming; and
- (f) any objections from occupiers of abutting and affected properties.

Decisions on Film Permits

8. (1) The City must approve or decline an application for a film permit submitted in accordance with Section 5 read with Schedule 1, and may impose conditions with the issuing of the permit.

(2) The City may amend a permit issued in terms of subsection (1) where the circumstances require it.

(3) The City may, at its own discretion at any time, amend any film permit, any condition on any film permit, or revoke a film permit in its entirety where the filming activity has the potential to —

- (a) contravene any legislation;
- (b) cause harm or injury to, persons or animals on location or members of the public;
- (c) damage City property or infrastructure;
- (d) negatively impact the natural environment or heritage or cultural resources;
- (e) interfere with any City services or operations; or
- (f) cause or contribute to circumstances which may create an emergency or an urgent need for City intervention or services.

(4) If an application for a film permit has been declined the City must provide the applicant with —

- (a) written reasons for declining the application;
- (b) notification of their right, in terms of section 12, to appeal the decision to decline the application, and
- (c) information relating to the procedures and timeframes within which to lodge an appeal against the decision to decline their application for a film permit.

(5) Where there are time constraints or where there is a need for urgent communication in terms subsections (3) or (4) a notice may be served on the permit holder in the form of an appropriate electronic notification to the email address and contact number provided in the application form.

(6) The issuing of a film permit by the City does not exonerate the applicant from having to apply for any other permission in terms of any other law.

(7) A film permit issued in terms of this By-law is not transferable.

Enforcement

9. (1) The City may take any steps necessary to ensure compliance with this By-law, or any notice issued in terms of it, which may include —

-
- (a) entry into the any property in order to investigate and enforce any matter related to this By-law;
 - (b) cancellation and withdrawal of the film permit;
 - (c) stopping any filming activities;
 - (d) imposing a fine; or
 - (e) seizing and impounding, without a warrant, any goods, vehicles or equipment used in the contravention of the By-law.

Compliance notices

10. (1) The City may serve a compliance notice on a permit holder or any other person on the film set if there are reasonable grounds for believing that the provisions of the By-law, or any conditions imposed with the issuing of the permit, are being contravened.

(2) A compliance notice served in terms of subsection (1) must —

- (a) describe the conduct constituting a contravention of this By-law;
- (b) state the provision of the By-law that is being contravened or the condition that is not being complied with;
- (c) state that the contravention constitutes an offence and state the penalty for such contravention;
- (d) state the measures that must be taken to rectify the contravention;
- (e) where relevant, instruct the permit holder or other person to stop all filming activities and remove all props and equipment;
- (f) state the time period within which the notice must be complied with;
- (g) inform the permit holder that goods, equipment, props and any other filming apparatus may be impounded if the compliance notice is not complied with;
- (h) inform the permit holder or other person that no filming activities will be allowed until the measures required in terms of 10(2)(d) have been complied with; and
- (i) state that failure to comply with the compliance notice will constitute a second offence and indicate the penalty for not complying with the compliance notice.

(3) A compliance notice is sufficiently and effectively served on the permit holder —

- (a) when it has been delivered personally to the site where filming is taking place;

(b) when it has been left at the permit holder's place of residence or business in the jurisdiction of the City with a person who is apparently over the age of 16 years of age;

(c) when it has been placed in a conspicuous place on the property to which it relates; or

(d) when it has been delivered to the forwarding address or email address of the permit holder provided to the City in terms of section 4(3)(a) of this By-law.

(4) Where there are time constraints or where there is a need for urgent intervention a compliance notice may be served on the permit holder in the form of an appropriate electronic notification to the email address and contact number provided in the application form provided that a copy of the compliance order is also delivered to the permit holder in terms of subsection (3).

(5) Any person who fails to comply with a compliance notice issued in terms of subsection (1) is guilty of an offence in addition to the contravention and may be fined in terms of section 12.

Right of Appeal

11. (1) A person whose rights are affected by a decision taken by an authorised official may appeal against that decision.

(2) An appeal in terms of 11(1) must be lodged in writing in terms of Section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), within 21 days of the notification of the decision.

Offences and Penalties

12. (1) A person is guilty of an offence if the person —

(a) contravenes any provision of this By-law;

(b) fails to comply with a condition imposed in terms of this By-law;

(c) fails to comply with a compliance notice issued in terms of this By-law or disobeys any instruction by an authorised official enforcing this By-law;

(d) threatens, resists, interferes with or obstructs any authorised official in the performance of their official duties or functions in terms of this By-law; or

(e) interferes with, obstructs, seeks to unreasonably demand compensation (both monetary or in kind), or wilfully cause delays to filming activities carried out by a person holding a lawful permit issued in terms of this By-law.

(2) A person guilty of an offence in terms of this By-law is liable to a fine, and upon conviction, to a period of imprisonment not exceeding two years, or to both such fine and imprisonment.

(3) The City may take action against a person or permit holder on whom a notice was issued in terms of sections 8 or 10, and the City may take the necessary steps to implement such notice at the expense of such person or permit holder.

(4) The City may decline to consider applications for filming —

(a) for a period of up to 3 months where a person has been found by the City to have contravened the conditions of a film permit; and

(b) for a period of up to 6 months where a person has been convicted of an offence in terms of this By-law.

Impoundment

13 (1) The authorised official may, in line with City policies and procedures, impound any vehicles, goods or equipment used in filming activities undertaken in contravention of this By-law or any conditions imposed or notices issued in terms of sections 8 and 10 of this By-law.

(2) The authorised official, at the time of the impoundment, must give the holder of the seized and impounded vehicles, goods or equipment a copy of a notice setting out —

(a) the reason for the impoundment including the provisions of the By-law that were contravened;

(b) the details, description and the condition of the vehicles, goods and equipment being impounded;

(c) the address and contact details of the designated pound where the impounded items will be held;

(d) the terms under which impounded goods may be released which must include the payment of any fines and any impoundment costs;

(e) the possibility of the impounded vehicles, goods or equipment being forfeited to the City and sold to recover costs should the impounded vehicles, goods and equipment not be retrieved within 3 months, and

(f) the name and contact details of the authorised official to whom any representation regarding the impoundment may be made.

(3) The authorised official responsible for the release of goods from the designated pound may waive conditions for the release of impounded items upon receipt of written representations.

(4) Subject to subsection (5) vehicles, goods and equipment impounded by the City in terms of subsection (1) will be forfeited to the City if not collected within 3 months of —

(a) the date of impoundment, or

(b) the conclusion of the matter's prosecution.

(5) Subject to subsection (8), impounded vehicles, goods or equipment may only be released to the permit holder —

(a) where proof of payment for all fines, impoundment costs, transport, storage and related costs is produced; or

(b) upon the conclusion of the matter's prosecution.

(6) The City may sell, donate or destroy any vehicles, goods or equipment not collected in accordance with subsections (4) and (5).

(7) The City may, upon the owner's written application, extend the storage period before the end of the three-month period referred to subsection (4) provided that extension is not granted more than twice.

(8) The City is not liable to any third party for any hired items or equipment that is impounded in terms of subsection (1).

(9) Vehicles, goods or equipment impounded in terms of subsection (1) that is owned by a third party may be released to such third party, subject to subsection (5)(b), upon provision of proof of —

a) ownership via a valid agreement between the third-party owner and the permit holder; and

b) payment of all impoundments, transport and storage costs of the impounded vehicles, goods or equipment.

14. The City May Act and Recover Costs

(1) Notwithstanding any other provision of this By-law, the City may —

(a) take measures and act to recover costs it considers appropriate to remedy the situation where a person or permit holder —

(i) has caused damage to City property or infrastructure; or

(ii) on whom a compliance notice was issued under section 10 fails to comply, or has inadequately complied with a compliance notice; or

(b) recover costs, in terms of its Credit Control and Debt Collection Policy and its Credit Control and Debt Collection By-law, for all measures and costs incurred as a result of enforcing compliance with the By-law.

Indemnity

15. The City or any authorised official is not liable to a third party for any damage caused by anything lawfully done or omitted by the City or any authorised official in carrying out any lawful function or duty in terms of this By-law.

Transitional measures

16. Applications received prior to the promulgation of this By-law will be processed in terms of the City of Cape Town By-law relating to Filming, 2005.

Repeals

17. The City of Cape Town By-law relating to Filming, 2005, as promulgated in Provincial Gazette No. 6277 on 24 June 2005, is hereby repealed.

Short title

18. This By-law is called the City of Cape Town: Filming By-law, 2024 and comes into operation on a date to be determined by proclamation in the Provincial Gazette.

SCHEDULE 1

Shoot Type	Shoot Size/Description	Conditions	Application Requirements	Consultation/Notification Requirements (Prior to submission of permit application)
Micro Shoot	1 - 3 vehicles or 8 or less cast & crew and duration of 1 day	• small, mobile shoots • no road closures • no generators, • hand-held lights only, • no structures, sets, platforms • no heavy vehicles (trucks and/or cranes) • no animals / livestock • no plants, greens, soil or foreign material brought onto location • No special effects	2 working days prior to shoot day <i>NB – if the location is within a protected area, or conservation area, the timeframes for a medium shoot (5 working days) will apply.</i>	* No requirement for the delivery of Notice of intention for filming to adjacent properties.
Small Shoot	4 - 6 vehicles or 9 - 15 cast & crew	• small stills shoots /commercials • small pick-up shots • minimal generators, lights, structures • no special effects and/or stunts • no road closures	2 working days prior to shoot day <i>NB – if the location is within a protected area, or conservation area, the timeframes for a medium shoot (5 working days) will apply.</i>	* <i>subject to nature and impact of shoot</i> ** Community notification/consultation may be required, and if required, the type and extent of notification/consultation is to be determined by the City. • Proof of delivery of Notice of intention for filming to abutting and affected properties to be submitted to Film Permit Office

Shoot Type	Shoot Size/Description	Conditions	Application Requirements	Consultation/Notification Requirements (Prior to submission of permit application)
Medium Shoot	7 - 15 vehicles or 16 - 30 cast & crew	• big stills shoots, small commercials & features • minor/moderate generators, lights, sets, structures • minor special effects and/or stunts • traffic assistance required • minor lane/road closures • minimal noise impact, early morning or night shoots** <i>NB – with major lane/road closures, diversions, Civil Aviation Authority or other approvals, etc. Large Shoot timeframes become applicable</i>	5 working days* prior to shoot day <i>* Subject to nature and impact of shoot</i> • Remote Base camp may be required if shoot is in a residential area or in a sensitive location such as a protected area or conservation area. • detailed film schedule to be submitted when filming over multiple days or multiple locations	* Subject to nature and impact of shoot ** Community notification/consultation may be required, and if required, the type and extent of notification/consultation is to be determined by the City. • Proof of delivery of Notice of intention for filming to abutting and affected properties to be submitted to Film Permit Office
Large Shoot	16 - 30 vehicles or 30-60 cast & crew	• large stills shoots, commercials, features * • moderate/substantial generators, lights, sets, structures • special effects and/or stunts • traffic assistance required • major lane/road closures, diversions, etc. • moderate noise impact, early morning or night shoots** <i>NB – with major lane/road closures, diversions, Civil Aviation Authority or other approvals, etc. Very Large Shoot timeframes will become applicable</i>	5+ working days* prior to shoot day <i>* Subject to nature and impact of shoot</i> • A shoot schedule may be required • Traffic diversion plan/s may be required • Remote Base camp may be required – especially if shoot is in a residential area or in a sensitive location such as a protected area or conservation area.	** Community notification/consultation may be required by the City and if required, the type and extent of consultation is so to be determined by the City. • Proof of delivery of Notice of intention for filming to abutting and affected properties to be submitted to Film Permit Office

Shoot Type	Shoot Size/Description	Conditions	Application Requirements	Consultation/Notification Requirements (Prior to submission of permit application)
Very Large Shoot	31 or more vehicles; or 61 or more cast & crew	• Very large, high-impact shoots, commercials & features* • Extensive generators, lights, sets, structures • large special effects and/or stunts • traffic assistance required • major lane/road closures • considerable noise impact, early morning or night shoots** <i>NB – with major lane/road closures, diversions, Civil Aviation Authority or other approvals, etc. additional planning time may be required.</i>	10+ working days* prior to shoot day <i>* Subject to nature and impact of shoot</i> • A shoot schedule may be required; • Traffic diversion plan/s required • Remote Base camp may be required – especially if shoot is in a residential area or in a sensitive location such as a protected area or conservation area.	** Community consultation may be required by the City and if so required, the extent of consultation is so to be determined by the City. • Proof of delivery of Notice of intention for filming to abutting and affected properties to be submitted to Film Permit Office.

DIE STAD KAAPSTAD: KONSEPVERORDENING OP VERFILMING, 2024

Om die Stad Kaapstad se Verordening op Verfilming, 2005, te herroep, om voorsiening te maak vir die regulering van verfilmingsaktiwiteite op private en openbare eiendom; om 'n omgewing vir die ontwikkeling van die verfilmingsektor in die regsgebied van die Stad Kaapstad moontlik te maak, en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

Aanhef

AANGESIEN artikel 156 van die Grondwet, saamgelees met plaaslikeregeringsaangeleenthede vermeld in Deel B van Bylae 4 en Deel B van Bylae 5 van die Grondwet, 'n munisipaliteit bemaatig met die bevoegdheid om verordeninge te maak vir die doeltreffende administrasie van die aangeleenthede wat hy die reg het om te administreer en die uitoefening magtig van enige bevoegdheid met betrekking tot 'n aangeleentheid wat redelikerwys nodig is vir, of verband hou met, die doeltreffende verrigting van sy funksies;

AANGESIEN die Stad ten doel het om ekonomiese aktiwiteite soos verfilming in ewewig te bring met ander regte soos in Hoofstuk 2 van die Grondwet beoog;

AANGESIEN die Stad poog om 'n ewewig te handhaaf tussen fasilitering van die groei en ontwikkeling van die bedryf en terselfdertyd die regte en belange van die Stad se inwoners te beveilig en daardeur beoog om korttermyn- openbare oorlaste wat met verfilming verband hou, te reguleer;

AANGESIEN die Stad besef watter belangrike rol verfilming in die ekonomie van Kaapstad speel en die mensereg van vryheid van uitdrukking wil bevorder en daartoe verbind is om toestemmingsprosesse met betrekking tot verfilming in sy regsgebied te vereenvoudig; en

AANGESIEN die Stad beoog om 'n eenstopfasiliteit vir die prosessering van aansoeke om verfilming te voorsien, maar terselfdertyd binne die beperkinge van die Grondwet en bestaande toepaslike wetgewing moet optree;

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

Woordomskrywing

1. In hierdie verordening, tensy strydig met die konteks, beteken —

"aangrensende of geraakte eiendomme" eiendomme wat 'n gemeenskaplike grens deel of eiendomme naby mekaar wat, hoewel hulle nie 'n gemeenskaplike grens deel nie, deur filmverwante aktiwiteit geraak kan word;

"aansoeker" 'n natuurlike of regspersoon wat aansoek doen om toestemming om verfilmingaktiwiteite in die Stad uit te voer;

"doelgemaakte filmfasiliteit" 'n plek, ateljee, fasiliteit of eiendom wat vir verfilmingsaktiwiteite ontwerp en gebou of omskep is, insluitende enige klankverhoog of permanente buitestel langs so 'n fasiliteit, met alle nodige goedkeurings van die Stad;

"filmgeskikte fasiliteit" 'n filmateljee of ander fasiliteit of perseel wat ontwerp en gebou of omskep is vir verfilmingsaktiwiteite met alle nodige goedkeurings van die Stad, insluitende enige klankverhoog of permanente buitestel wat aan sodanige fasiliteit grens, en sluit in verfilmingsfasiliteite by opvoedkundige instellings;

"filmopname" die proses of aktiwiteit van verfilming, fotografering of opneem van klank en beelde vir die produksie van filmmateriaal of digitale media vir kommersiële of dokumentêre produksies, en sluit die voorbereiding van eiendom vir verfilming in;

"filmpermit" 'n skriftelike toestemming, met voorwaardes, wat ingevolge hierdie verordening vir verfilming deur die Stad toegestaan is;

"filmpermitkantoor" die eenheid verantwoordelik vir koördinerende van filmpermitiesaansoeke, koördinerende van die goedkeuring en weiering van verfilming- en filmverwante aktiwiteite ooreenkomstig hierdie verordening, toepaslike wetgewing, asook die Stad se regs- en bedryfsvereistes en vir die uitreiking van filmpermitte met gepaste voorwaardes;

"gemagtigde amptenaar" 'n werknemer van die Stad wat daarvoor verantwoordelik is om enige wettige plig of funksie uit te voer of enige wettige bevoegdheid ingevolge hierdie verordening uit te oefen en sluit in 'n werknemer wat gedelegeer is om sulke pligte, funksies of bevoegdhede uit te voer of uit te oefen, wat insluit:

- (a) Lid van die Kaapstadse metropolitaanse polisie departement gestig ingevolge artikel 64A van die Wet op Suid-Afrikaanse Polisie diens, Wet 68 van 1995;
- (b) 'n Verkeersbeampte aangestel ingevolge artikel 3A van die Nasionale Padverkeerswet, Wet 93 van 1996;
- (c) 'n Wetstoepassingsbeampte wat ingevolge artikel 334(1)(a) van die Strafproseswet, Wet 93 van 1977, as 'n vredesbeampte verklaar is; en
- (d) 'n Lid van die Suid-Afrikaanse Polisie diens (SAPD);

"ligging" enige gebied of plek wat vir verfilmingsaktiwiteit gebruik word buiten 'n filmateljee of filmgeskikte fasiliteit, of enige klankverhoog of permanente buitestel wat aan 'n filmateljee of doelgemaakte filmfasiliteit grens. Hierdie gebied of plek kan deur tydelike of permanente strukture opgerig of afgebaken word;

"openbare plek" sluit in —

(a) enige openbare pad, parkeergebied, plein, park, ontspanningsterrein, sportterrein, sanitasiesteeg, oop ruimte, strand, winkelsentrum op munisipale grond, ongebruikte of onbeboude munisipale grond of begraaftaas, of enige beskermde of bewaringsgebied in die Stad se besit of wat deur hom bestuur word wat —

(i) verskaf, gereserveer of uitgehou is vir gebruik deur die publiek; of

(ii) aan die publiek toegewy is; en

(b) openbare vervoer wat deur diensverskaffers vir die Stad bedryf word,

maar sluit nie openbare grond in wat deur die Stad aan 'n derde party verhuur word nie;

"permithouer" 'n persoon, hetsy 'n natuurlike of regspersoon, of hulle verteenwoordiger, aan wie 'n filmpermit ingevolge hierdie verordening toegestaan is om verfilming uit te voer;

"persoon" enige natuurlike of regspersoon wat regtens die wet as subjek met regte en verpligtinge erken word;

"skutkoste" alle koste wat deur die Stad aangegaan is met die skut en berging van eiendom wat ingevolge hierdie of enige ander toepaslike wetgewing geskut en geberg is en, waar van toepassing, die koste wat aangegaan is as gevolg van die wegdoening met of vrystelling van die geskutte eiendom en enige ander verwante koste;

"Stad" die Stad Kaapstad, 'n munisipaliteit ingestel deur die Stad Kaapstadstigtingskennisgewing no. 479 van 22 September 2000, uitgereik ingevolge die Wet op Plaaslike Regering: Munisipale Strukture, 1998, of enige struktuur of werknemer van die Stad wat ingevolge gedelegeerde magtiging optree;

"tipe filmopname" 'n mikro, klein, medium, groot of baie groot verfilmingsaktiwiteit soos in bylae 1 beskryf; en

"verfilming" – (a): (i) die voorbereiding van openbare en private eiendom vir die opneem van klank en beelde asook die opneem van klank en beelde, bewegend of stil, hetsy op film of videoband, elektronies, digitaal of op enige ander manier, en sluit in alle aktiwiteite met betrekking tot die ligging van die verfilming waar daar 'n impak op openbare of private eiendom is en wat die dienste van die Stad kan vereis, of wat enige negatiewe implikasies vir openbare veiligheid, die omgewing en plaaslike gemeenskappe kan hê;

(ii) studente-filmprojekte waar daar 'n impak op openbare eiendom is wat die dienste van die Stad kan vereis of wat enige nadelige implikasies vir openbare veiligheid, die omgewing en plaaslike gemeenskappe kan hê;

(iii) die opneem van digitale media op openbare eiendom op mobiele toestelle soos slimfone, tabletrekenaars, handkameras vir die skepping of deel van inligting deur virtuele gemeenskappe en sosiale netwerke vir kommersiële gewin; maar

(b) sluit uit (i) die opneem van 'n private huwelikseremonie of ander private viering of geleentheid met die doel om 'n opname vir die deelnemers daaraan vir private doeleindes te maak;

(ii) elektroniese nuusinsameling of die opneem van aktuele sake of nuus vir onmiddellike uitsending of vrystelling;

(iii) die opneem van digitale media op mobiele toestelle soos slimfone tabletrekenaars en handkameras vir persoonlike gebruik waar daar geen impak op die publiek of enige openbare gerief is nie; en

(iv) doelgemaakte filmfasiliteite en ander filmgeskikte fasiliteite, insluitende verfilmingsfasiliteite soos opvoedkundige instellings, waar daar geen behoefte aan die Stad se dienste of impak op die publiek of enige openbare gerief is nie.

Aansoek

2. Hierdie verordening is van toepassing op alle verfilmingsaktiwiteite wat in die regsgebied van die Stad Kaapstad uitgevoer word.

Vrystellings

3. (1) Filmgeskikte fasiliteite en doelgemaakte fasiliteite in die regsgebied van die Stad is daarvan vrygestel om aansoek te doen om filmpermitte, buiten waar verfilmingsaktiwiteite buite die erfgrense van enige sodanige fasiliteit of op enige openbare plek oorloop of waar daar 'n behoefte aan dienste van die Stad is.

(2) Die volgende tipes verfilmingsaktiwiteite het nie 'n filmpermit nodig nie:

(a) Die verfilming van private huwelikseremonies of ander private vierings of geleenthede met die doel om 'n opname daarvan vir die deelnemers daaraan vir private doeleindes te maak waar daar geen impak op die publiek of 'n openbare plek is nie en waar daar geen behoefte aan die Stad se dienste is nie;

(b) Elektroniese nuusinsameling of die opneem van aktuele sake of nuus vir onmiddellike uitsending of vrystelling; en

(c) Die opneem van digitale media op mobiele toestelle soos slimfone, tabletrekenaars en handkameras vir persoonlike gebruik waar daar geen impak op die publiek of 'n openbare plek en geen behoefte aan enige van die Stad se dienste is nie.

- (3) 'n Aansoeker wat ingevolge bylae 1 aansoek om 'n mikrofilmopnamepermit doen, is daarvan vrygestel om bewys aan die Stad te lewer dat daar geen beswaar teen verfilming is nie.

Vereistes vir verfilming in Kaapstad

4. (1) Enige persoon of produksiemaatskappy wat voornemens is om verfilming in die regsgebied van die Stad te doen, moet —

(a) by die filmpermitkantoor registreer; en

(b) ingevolge artikel 5 by die Stad aansoek doen om 'n permit om verfilming uit te voer.

- (2) Die Stad kan betaling van gelde vereis voordat 'n aansoek om verfilming uit te voer, oorweeg word.

- (3) Die aansoeker moet tot voldoening van die Stad bewys lewer van —

(a) gepaste vrywaringsdekking om alle filmverwante aktiwiteite te dek; en

(b) gepaste gespesialiseerde risikoversekering en omvattende aanspreeklikheid of dekking waar die verfilmingsaktiwiteit —

(i) waagtoertjies, spesiale effekte, plofstowwe of soortgelyke aktiwiteite, hyskrane, hommeltuie of onbemande lugvoertuie of enige ander apparaat of toerusting sal behels wat spesiale toestemming ooreenkomstig toepaslike wetgewing vereis, en

(ii) in sensitiewe gebiede soos bewaringsgebiede, erfenisgebiede of enige gebied wat deur wetgewende prosesse as omgewingsensitief geïdentifiseer word, sal plaasvind.

- (4) Waar verfilming plaasvind op grond wat onder die gesag van 'n ander staatsorgaan val of op grond in besit van 'n private bestuursmaatskappy, moet eers 'n permit of skriftelike toestemming van sodanige staatsorgaan of private bestuursmaatskappy verkry word voordat 'n aansoek om verfilming by die Stad ingedien word.

Aansoek om 'n filmpermit

5. (1) Onderworpe aan die vrystellings wat in artikel 3 uiteengesit word, mag geen persoon verfilming in die regsgebied van die Stad uitvoer sonder 'n filmpermit van die Stad nie.
- (2) 'n Aansoek om 'n filmpermit om verfilming uit te voer, moet by die Stad ingedien word—
- (a) ná registrasie ingevolge artikel 4; en
- (b) ooreenkomstig die aansoekvereistes vir verskillende tipes filmopname soos in bylae 1 uiteengesit voor die aanvang van die voorgenome verfilmingsaktiwiteite.
- (3) Die filmpermitaansoek wat ingedien word, moet insluit —
- (a) die naam, adres, elektroniese posadres, telefoonkontaknommers en beroep van die aansoeker;
- (b) besonderhede van die produksiemaatskappy waarop die aansoek betrekking het;
- (c) besonderhede en kontakbesonderhede van die persoon wat in beheer van die werklike verfilming sal wees;
- (d) 'n alternatiewe aanstuuradres in die regsgebied van die Stad Kaapstad vir die ontvangs van enige kennisgewings, rekeninge of korrespondensie;
- (e) besonderhede van die ligging, verwante basiskampe en parkeervereistes van die voorgenome verfilmingsaktiwiteit, die voorgestelde datums en tye, die getal persone en voertuie wat aan die verfilmingsprojek verbonde is en algemene besonderhede van die doel van die voorgenome verfilming;
- (f) 'n gedetailleerde beskrywing van die verfilmingsaktiwiteite en die apparaat wat gebruik gaan word, wat die volgende kan insluit:
- (i) toestelle of toerusting wat lig, geraas of lugbesoedeling kan veroorsaak;
- (ii) kragopwekkers, energietransformators of omsetters;
- (iii) voertuie, hyskrane, enige ander apparaat of toestelle, onbemande lugvoertuie, hommeltuie of soortgelyke toestelle wat spesiale toestemming ooreenkomstig toepaslike wetgewing vereis;
- (iv) tydelike strukture, driepote of trollies, gespesialiseerde takelwerk of toerusting; of
- (v) spesiale effekte, waagtoertjies, plofstowwe of gesimuleerde geweervuur;

(g) besonderhede van enige vreemde materiaal, insluitende diere, plante, vis, grond of soortgelyke materiaal nie endemies in die ligging wat gebruik gaan word nie; en

(h) besonderhede van die getal van en spesies diere of lewende hawe wat tydens die voorgenome verfilmingsaktiwiteite gebruik gaan word.

(4) Die aansoeker moet die Stad in kennis stel van enige veranderings, nuwe ontwikkelings of enige toepaslike inligting wat met die filmopname of die impak daarvan verband hou.

(5) Die Stad kan 'n aansoek om 'n filmpermit aanvaar, wysig of weier om dit te oorweeg.

(6) Die Stad kan bykomende aansoekvereistes stel wat tydens die filmpermitaansoekproses deur die aansoeker nagekom moet word, wat kan insluit:

(a) verskaffing van bykomende produksie-inligting soos land van oorsprong, geraamde begrotingsbesteding in stad, geraamde plaaslike werksgeleenthede wat geskep gaan word, ens.; en

(b) bykomende aansoekvereistes met betrekking tot verfilming in bewaringsgebiede, erfenisgebiede, groen stroke of enige gebied wat deur wetgewende prosesse as omgewings sensitief geïdentifiseer is.

Oorleg met gemeenskap

6. (1) 'n Persoon wat voornemens is om aansoek te doen om 'n permit om in 'n ligging te verfilm, moet, sodra 'n ligging bevestig is, 'n kennisgewing van voorneme om verfilming in sodanige ligging uit te voer aan die okkupeerders van aangrensende en geraakte eiendomme ingevolge subartikel (2) aflewer voordat 'n aansoek om verfilming by die Stad ingedien word.

(2) Die skriftelike kennisgewing van voorneme om verfilming uit te voer moet —

(a) in 'n formaat wees wat deur die Stad goedgekeur is;

(b) die voorneme van die aansoeker om 'n aansoek om goedkeuring om verfilmingsaktiwiteite by 'n bepaalde adres, ligging of gebied uit te voer, kommunikeer;

(c) die okkupeerders van aangrensende en geraakte eiendomme die geleentheid bied om op die voorgeskrewe vorm te verklaar dat hulle geen beswaar teen die voorgenome verfilming het nie;

(d) die okkupeerders van die aangrensende en geraakte eiendomme inlig van hulle reg om besware by die Stad in te dien;

(e) die naam en kontakbesonderhede van die produksiemaatskappy bevat; en

(f) die datums, tye en besonderhede van die voorgenome verfilmingsaktiwiteite bevat.

(3) Waar die okkupeerders van aangrensende en geraakte eiendomme nie bereik kan word nie, moet 'n persoon wat voornemens is om aansoek te doen om 'n filmpermit om te verfilm, aan die filmpermitkantoor bewys lewer dat redelike stappe gedoen is om sulke okkupeerders te kontak.

(4) Die bewys van kennisgewing of oorleg met okkupeerders van aangrensende en geraakte eiendomme wat ooreenkomstig bylae 1 verkry is, moet ten tye van indiening van die aansoek om verfilming by die Stad se filmpermitkantoor ingedien word.

(5) Okkupeerders van aangrensende en geraakte eiendomme wat deur die voorgenome verfilmingsaktiwiteit geraak word, kan 'n beswaar teen die voorgenome verfilming regstreeks by die filmpermitkantoor indien vir oorweging tydens die besluitnemingsproses oor die filmpermитаansoek.

(6) Die filmpermitkantoor sal die beswaarmaker skriftelik van die uitkoms van die beswaar in kennis stel.

(7) Die Stad kan verdere oorleg tussen die produksiemaatskappy en die okkupeerders van aangrensende en geraakte eiendomme vereis voordat die filmpermit uitgereik word as daar enige veranderings, nuwe ontwikkelings of inligting met betrekking tot 'n filmopname of die impak daarvan is nadat 'n aansoeker die gebruik van 'n ligging bevestig het.

Maatstawwe vir beoordeling van aansoeke

7. (1) Wanneer 'n aansoek oorweeg en voorwaardes soos beoog in artikel 4(6) vasgestel word, moet die Stad die volgende beoordeel —

(a) die duur en ligging van die verfilmingsaktiwiteit;

(b) of die verfilmingsaktiwiteit die potensiaal het om onredelike steurnis of nadeel in die vorm van geraas, lig of besoedeling vir enige persoon of ligging, insluitende residensiële gebiede, bewaringsgebiede, erfenisgebiede of enige gebied wat deur wetgewende prosesse as sensitief geïdentifiseer is, te veroorsaak;

(c) of die verfilmingsaktiwiteit onredelik met normale aktiwiteite in 'n openbare plek sal inmeng of dit ontwrig of 'n negatiewe impak sal hê op —

(i) algemene verkeer in openbare plekke;

(ii) voetgangerverkeer in openbare plekke;

(iii) openbare parkering;

(iv) toegang tot enige private eiendom;

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- (v) munisipale eiendom of infrastruktuur;
 - (vi) die natuurlike omgewing; of
 - (vii) veiligheid van lede van die publiek;
- (d) die potensiele impak van die verfilmingsaktiwiteit op die omliggende gemeenskap;
- (e) of die okkupeerders van aangrensende en geraakte eiendomme kennis van die voorgenome verfilming gekry het; en
- (f) enige besware van okkupeerders van aangrensende en geraakte eiendomme.

Besluite oor filmpermitte

8. (1) Die Stad moet 'n aansoek om 'n filmpermit wat ooreenkomstig artikel 5 gelees met bylae 1 ingedien is, goedkeur of weier, en kan voorwaardes stel wanneer die permit uitgereik word.

(2) Die Stad kan 'n permit wat ingevolge subartikel (1) uitgereik is, wysig waar die omstandighede dit vereis.

(3) Die Stad kan, na sy diskresie te eniger tyd, enige filmpermit, enige voorwaarde op 'n filmpermit wysig of 'n filmpermit in die geheel terugtrek waar die verfilmingsaktiwiteit die potensiaal het om —

- (a) enige wetgewing te oortree;
- (b) nadeel of besering vir persone of diere by die ligging of lede van die publiek te veroorsaak;
- (c) skade aan Stadseiendom of -infrastruktuur te veroorsaak;
- (d) 'n negatiewe impak op die natuurlike omgewing of erfenis- of kulturele hulpbronne te hê;
- (e) met enige dienste of werksaamhede van die Stad in te meng; of
- (f) omstandighede te veroorsaak of daartoe by te dra wat 'n noodgeval of 'n dringende behoefte aan die Stad se ingryping of dienste skep.

(4) Indien 'n aansoek om 'n filmpermit geweier is, moet die Stad die aansoeker voorsien van —

- (a) skriftelike redes waarom die aansoek geweier is;
- (b) kennisgewing van die aansoeker se reg, ingevolge artikel 12, om appèl teen die besluit om die aansoek te weier aan te teken; en

(c) inligting met betrekking tot die prosedures en tydraamwerke waarbinne 'n appèl teen die besluit om die aansoek om 'n filmpermit te weier, aangeteken moet word.

(5) Waar daar enige tydbeperkings is of waar daar 'n behoefte aan dringende kommunikasie ingevolge subartikel (3) of (4) is, kan 'n kennisgewing in die vorm van 'n gepaste elektroniese kennisgewing na die e-posadres en kontaknommer wat in die aansoekvorm verskaf is, aan die permithouer beteken word.

(6) Die uitreik van 'n filmpermit deur die Stad onthef die aansoeker nie daarvan om om enige ander toestemming ingevolge enige ander wet aansoek te doen nie.

(7) 'n Filmpermit wat ingevolge hierdie verordening uitgereik word, is nie oordraagbaar nie.

Afdwinging

9. (1) Die Stad kan enige stappe doen wat nodig is om nakoming van hierdie verordening of enige kennisgewing wat ingevolge daarvan uitgereik is, te verseker, wat die volgende kan insluit —

(a) toegang tot enige eiendom ten einde enige aangeleentheid met betrekking tot hierdie verordening te ondersoek en af te dwing;

(b) kansellering en terugtrekking van die filmpermit;

(c) staking van enige verfilmingsaktiwiteite;

(d) opleë van 'n boete; of

(e) die skut van en beslaglegging op enige goedere, voertuie of toerusting wat in die oortreding van die verordening gebruik is.

Nakomingskennisgewings

10. (1) Die Stad kan 'n nakomingskennisgewing aan 'n permithouer of enige ander persoon op die filmstel beteken as daar redelike gronde is om te vermoed dat die bepaling van die verordening, of enige voorwaardes wat met die uitreik van die permit gestel is, oortree word.

(2) 'n Nakomingskennisgewing ingevolge subartikel (1) moet —

(a) die gedrag wat 'n oortreding van hierdie verordening uitmaak, beskryf;

(b) die bepaling van die verordening wat oortree word of die voorwaarde wat nie nagekom word nie, meld;

(c) meld dat die oortreding 'n misdryf uitmaak en meld wat die straf vir so 'n oortreding is;

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- (d) die maatreëls meld wat getref moet word om die oortreding reg te stel;
 - (e) waar toepaslik, die permithouer of ander persoon opdrag gee om alle verfilmingsaktiwiteite te staak en alle rekwisiete en toerusting te verwyder;
 - (f) die tydperiode waarbinne die kennisgewing nagekom moet word, meld;
 - (g) die permithouer in kennis stel dat goedere, toerusting, rekwisiete en enige ander verfilmingsapparaat geskut kan word as daar nie aan die nakomingskennisgewing voldoen word nie;
 - (h) die permithouer of ander persoon inlig dat geen verfilmingsaktiwiteite toegelaat sal word totdat die maatreëls wat ingevolge 10(2)(d) vereis word, nagekom is nie; en
 - (i) meld dat versuim om aan die nakomingskennisgewing te voldoen, 'n tweede misdryf sal uitmaak en aandui wat die straf vir nienakoming van die nakomingskennisgewing is.
- (3) 'n Nakomingskennisgewing is toereikend en doeltreffend aan die permithouer beteken —
- (a) wanneer dit persoonlik afgelewer is op die terrein waar verfilming plaasvind;
 - (b) wanneer dit by die permithouer se plek van verblyf of besigheid in die regsgebied van die Stad gelaat is by 'n persoon wat oënskynlik ouer as 16 jaar is;
 - (c) wanneer dit op 'n opvallende plek op die eiendom waarop dit betrekking het, geplaas is; of
 - (d) wanneer dit by die aanstuuradres of e-posadres van die permithouer wat ingevolge artikel 4(3)(a) van hierdie verordening verskaf is, afgelewer is.
- (4) Waar daar tydbeperkings is of waar daar 'n behoefte aan dringende ingryping is, kan 'n nakomingskennisgewing in die vorm van 'n gepaste elektroniese kennisgewing na die e-posadres en kontaknommer wat in die aansoekvorm verskaf is, aan die permithouer beteken word, met dien verstande dat 'n afskrif van die nakomingsbevel ook aan die permithouer ingevolge subartikel (3) afgelewer word.
- (5) Enige persoon wat versuim om aan 'n nakomingskennisgewing ingevolge subartikel (1) te voldoen, is skuldig aan 'n misdryf benewens die oortreding en kan ingevolge artikel 12 beboet word.

Reg van appèl

11. (1) 'n Persoon wie se regte geraak word deur 'n besluit wat deur 'n gemagtigde amptenaar geneem is, kan teen daardie besluit appelleer.

(1) 'n Appèl ingevolge 11(1) moet skriftelik ingevolge artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) ingedien word binne 21 dae ná die kennisgewing van die besluit.

Misdrywe en strawwe

12. (1) 'n Persoon is skuldig aan 'n misdryf as die persoon —

- (a) enige bepaling van hierdie verordening oortree;
- (b) versuim om te voldoen aan 'n voorwaarde wat ingevolge hierdie verordening gestel is;
- (c) versuim om te voldoen aan 'n nakomingskennisgewing wat ingevolge hierdie verordening uitgereik is of enige opdrag van 'n gemagtigde amptenaar wat hierdie verordening afdwing, verontagsaam;
- (d) enige gemagtigde amptenaar in die uitvoering van sy of haar amptelike pligte of funksies ingevolge hierdie verordening dreig, teenstaan, hinder of daarmee inmeng; of
- (e) inmeng met, hindernis veroorsaak, onredelik vergoeding (beide geldelik of in spesie) probeer eis, of moedswillig vertragings veroorsaak vir verfilmingsaktiwiteite wat deur 'n persoon uitgevoer word wat 'n wettige permit hou wat ingevolge hierdie verordening uitgereik is.

(2) 'n Persoon wat ingevolge hierdie verordening aan 'n misdryf skuldig is, kan 'n boete opgelê word, en by skuldigbevinding, 'n tydperk van gevangenisstraf van hoogstens twee jaar, of beide sodanige boete en gevangenisstraf, opgelê word.

(3) Die Stad kan stappe doen teen 'n persoon of permithouer aan wie 'n kennisgewing ingevolge artikel 8 of 10 uitgereik is en die Stad kan die nodige stappe doen om sodanige kennisgewing op die koste van sodanige persoon of permithouer ten uitvoer te bring.

(4) Die Stad kan weier om aansoeke om verfilming te oorweeg —

- (a) vir 'n tydperk van tot 3 maande waar die Stad gevind het dat 'n persoon die voorwaardes van 'n filmpermit oortree het; en
- (b) vir 'n tydperk van tot 6 maande waar 'n persoon aan 'n misdryf ingevolge hierdie verordening skuldig bevind is.

Skut

13. (1) Die gemagtigde amptenaar kan, ooreenkomstig die Stad se beleid en prosedures, enige voertuie, goedere of toerusting skut wat gebruik is in verfilmingsaktiwiteite wat strydig met hierdie verordening uitgevoer is of enige

voorwaardes wat opgelê of kennisgewings wat ingevolge artikel 8 en 10 van hierdie verordening opgelê is.

(2) Die gemagtigde amptenaar moet ten tye van die skut aan die houer van die goedere of toerusting waarop beslag gelê en geskut is, 'n afskrif van 'n kennisgewing gee waarop die volgende uiteengesit word:

(a) die rede vir die skut insluitende die bepalings van die verordening wat oortree is;

(b) die besonderhede, beskrywing en toestand van die voertuie, goedere en toerusting wat geskut word;

(c) die adres en kontakbesonderhede van die aangewese skut waar die geskutte items gehou gaan word;

(d) die bepalings waarop goedere wat geskut is, vrygestel kan word, wat die betaling van enige boetes en enige skutkoste moet insluit;

(e) die moontlikheid dat die voertuie, goedere of toerusting wat geskut is, aan die Stad verbeurd verklaar en verkoop kan word om koste te verhaal indien die voertuie, goedere en toerusting wat geskut is, nie binne 3 maande afgehaal word nie, en

(f) die naam en kontakbesonderhede van die gemagtigde amptenaar aan wie enige verhoë met betrekking tot die skutting gerig kan word.

(3) Die gemagtigde amptenaar verantwoordelik vir die vrystelling van goedere uit die aangewese skut kan, by ontvangs van skriftelike verhoë, afsien van voorwaardes vir die vrystelling van items wat geskut is.

(4) Onderworpe aan subartikel (5), sal voertuie, goedere en toerusting wat die Stad ingevolge subartikel (1) geskut het, aan die Stad verbeurd verklaar word as dit nie afgehaal word binne 3 maande vanaf —

(a) die datum van skutting, of

(b) die afloop van vervolging van die aangeleentheid.

(5) Onderworpe aan subartikel (8), kan geskutte voertuie, goedere of toerusting slegs aan die permithouer vrygestel word —

(a) waar bewys van betaling van alle boetes, skut-, vervoer-, berging- en verwante koste gelewer word; of

(b) by afloop van vervolging van die aangeleentheid.

(6) Die Stad kan enige voertuie, goedere of toerusting wat nie ooreenkomstig subartikel (4) en (5) afgehaal word nie, verkoop, skenk of vernietig.

(7) Die Stad kan, op skriftelike aansoek van die eienaar, die bergingstydperk verleng voor die einde van die driemaandetydperk waarna in subartikel (4) verwys word, met dien verstande dat die verlenging nie meer as twee keer toegestaan word nie.

(8) Die Stad is nie teenoor enige derde party aanspreeklik vir enige gehuurde items of toerusting wat ingevolge subartikel (1) geskut word nie.

(9) Voertuie, goedere of toerusting wat ingevolge subartikel (1) geskut word wat aan 'n derde party behoort, kan aan so 'n derde party vrygestel word, onderworpe aan subartikel 5(b), by verskaffing van bewys van —

(a) eienaarskap by wyse van 'n geldige ooreenkoms tussen die derdeparty-eienaar en die permithouer, en

(b) betaling van alle skut-, vervoer- en bergingskoste van die geskutte voertuie, goedere of toerusting.

14. Die Stad kan optree en koste verhaal

(1) Ondanks enige ander bepaling van hierdie verordening, kan die Stad —

(a) maatreëls tref en optree om koste te verhaal wat hy gepas ag om die situasie reg te stel waar 'n persoon of permithouer —

(i) skade aan Stadseiendom of -infrastruktuur veroorsaak het; of

(ii) aan wie 'n nakomingskennisgewing kragtens artikel 10 uitgereik is, versuim om daaraan te voldoen of onvoldoende daaraan voldoen het; of

(b) koste ingevolge sy kredietbeheer- en skuldinvorderingsbeleid en sy verordening op kredietbeheer en skuldinvordering verhaal vir alle maatreëls en koste wat as gevolg van afdwinging van nakoming met die verordening aangegaan is.

Vrywaring

15. Die Stad of enige gemagtigde amptenaar is nie teenoor 'n derde party aanspreeklik vir enige skade wat veroorsaak is deur enigiets wat onwettig gedoen of nagelaat is deur die Stad of enige gemagtigde amptenaar wat 'n wettige funksie of plig ingevolge hierdie verordening uitvoer nie.

Oorgangsmatreëls

16. Aansoeke wat voor die afkondiging van hierdie verordening ontvang word, sal ingevolge die Stad Kaapstad: Verordening op Verfilming, 2005, geprosesseer word.

Herroeping

17. Die Stad Kaapstad: Verordening op Verfilming, 2005, soos afgekondig in Provinsiale Koerant no. 6277 van 24 Junie 2005, word hiermee herroep.

Kort titel

18. Hierdie verordening word die Stad Kaapstad: Verordening op Verfilming, 2024, genoem, en tree in werking op 'n datum wat deur afkondiging in die Provinsiale Koerant bepaal sal word.

BYLAE 1

Tipe film-opname	Grootte/ Beskrywing van filmopname	Voorwaardes	Aansoekvereistes	Oorleg/Kennisgewing- vereistes (voor indiening van permitaansoek)
Mikro film- opname	1 - 3 voertuie of 8 of minder rolspelers en filmspan en duur van 1 dag	• klein, mobiele filmopnames • geen padsluitings • geen kragopwekkers • slegs handligte • geen strukture, stelle, platforms • geen swaar voertuie (vragmotors en/of hyskrane) • geen diere/lewende hawe • geen plante, loof, grond of vreemde materiaal op ligging gebring • geen spesiale effekte	2 werksdae voor dag van filmopname <i>LW. As die ligging in 'n beskermingsgebied of bewaringsgebied is, is raamwerke vir 'n medium filmopname (5 werksdae) van toepassing.</i>	* Geen vereiste vir die aflewering van kennisgewing van voorneme van verfilming aan aangrensende eiendomme
Klein film- opname	4 - 6 voertuie of 9 - 15 rolspelers en filmspan	• klein stil filmopnames /advertensies • klein buite-filmopnames • minimale kragopwekkers, ligte, strukture • geen spesiale effekte en/of waagtoertjies • geen padsluitings	2 werkdag voor dag van filmopname <i>LW – As die ligging in 'n beskermde gebied of bewaringsgebied is, is tydraamwerke vir 'n medium filmopname (5 werkdag) van toepassing.</i>	* <i>onderworpe aan aard en impak van filmopname</i> ** gemeenskap-kennisgewing/oorleg kan vereis word, en indien vereis, moet die tipe en omvang van kennisgewing/oorleg deur die Stad bepaal word. • Bewys van aflewering van kennisgewing van voorneme om te verfilm aan aangrensende en geraakte eiendomme moet by filmpermit-kantoor ingedien word

Tipe film-opname	Grootte/beskrywing van filmopname	Voorwaardes	Aansoekvereistes	Oorleg/Kennisgewingvereistes (voor indiening van permitaansoek)
Medium film-opname	7 - 15 voertuie of 16 - 30 rolspelers en filmspan	• groot stil opnames, klein advertensies en glansprogramme • klein/gemiddelde kragopwekkers, ligte, stelle, strukture • geringe spesiale effekte en/of waagtoertjies • verkeersbystand vereis • geringe laan/padsluitings • minimale geraasimpak, filmopnames vroeg soggens of snags <i>LW - met groot laan-/padsluitings, verleggings, Burgerlike Lugvaartowerheid- of ander goedkeurings, ens., kan bykomende beplanningstyd vereis word.</i>	5+ werkdade * voor dag van opname <i>* onderworpe aan aard en impak van filmopname</i> Afgeleë basiskamp kan vereis word as filmopname in 'n residensiële gebied of in 'n sensitiewe ligging soos 'n beskermde gebied of bewaringsgebied is. • gedetailleerde filmskedule moet ingedien word wanneer verfilming oor meer as een dag of meer as een ligging plaasvind	* onderworpe aan aard en impak van filmopname ** gemeenskap-kennisgewing/oorleg kan vereis word, en indien vereis, moet die tipe en omvang van kennisgewing/oorleg deur die Stad bepaal word. • Bewys van aflewering van kennisgewing van voorneme om te verfilm aan aangrensende en geraakte eiendomme moet by filmpermitkantoor ingedien word
Groot film-opname	16 - 30 voertuie of 30 – 60 rolspelers en filmspan	• groot stil opnames, advertensies, glansprogramme* • gemiddelde/groot kragopwekkers, ligte, stelle, strukture • spesiale effekte en/of waagtoertjies • verkeersbystand vereis • groot laan-/padsluitings, verleggings, ens. • gemiddelde geraasimpak, filmopnames vroeg soggens of snags** <i>LW - met groot laan-/padsluitings, verleggings, Burgerlike Lugvaartowerheid- of ander goedkeurings, ens., kan bykomende beplanningstyd vereis word.</i>	5+ werkdade* voor filmopname <i>* onderworpe aan aard en impak van opname</i> • 'n opnameskedule kan vereis word • Afgeleë basiskamp kan vereis word as filmopname in 'n residensiële gebied of in 'n sensitiewe ligging soos 'n beskermde gebied of bewaringsgebied plaasvind.	** Gemeenskap-kennisgewing/oorleg kan vereis word, en indien vereis, moet die tipe en omvang van kennisgewing/oorleg deur die Stad bepaal word. • Bewys van aflewering van kennisgewing van voorneme om te verfilm aan aangrensende en geraakte eiendomme moet by filmpermitkantoor ingedien word.

Tipe-opname	Grootte/beskrywing van filmopname	Voorwaardes	Aansoekvereistes	Oorleg/Kennisgewing-vereistes (voor indiening van permitaansoek)
Baie groot film-opname	31 of meer voertuie, of 61 of meer rolspelers en filmspan	- Baie groot, hoë impak filmopnames, advertensies en glansprogramme* - Omvattende kragopwekkers, ligte, stelle, strukture - groot spesiale effekte en/of waagtoertjies - verkeersbystand vereis - groot laan-/padsluitings - aansienlike geraasimpak met filmopnames vroeg soggens of snags** - <i>LW - met groot laan-/padsluitings, verleggings, Burgerlike Lugvaartowerheid- of ander goedkeurings, ens., kan bykomende beplanningstyd vereis word.</i>	10+ werkdade* voor dag van filmopname <i>*onderworpe aan aard en impak van filmopname</i> 'n Filmopname-skedule kan vereis word; - Verkeersomleidings-plan(ne) vereis; - Afgeleë basiskamp kan vereis word as opname in 'n residensiële gebied of in 'n sensitiewe ligging soos 'n beskermde gebied of bewaringsgebied is.	** Gemeenskap-kennisgewing/oorleg kan vereis word, en indien vereis, moet die tipe en omvang van kennisgewing/oorleg deur die Stad bepaal word. Bewys van aflewering van kennisgewing van voorneme om te verfilm aan aangrensende en geraakte eiendomme moet by filmpermittkantoor ingedien word.

**UMTHETHO KAMASIPALA
OSAYILWAYO OMALUNGA
NOKWENZIWA KWEEFILIMU, 2024:
WESIXEKO SASEKAPA**

Ukubhangisa uMthetho kaMasipala weSixeko saseKapa omalunga nokweNziwa kweeFilimu wango2005, ukubonelela ngolawulo lwemisebenzi yokwenziwa kweefilimu kwiipropati zabantu nakwezikarhulumente; ukulungiselela imeko yophuhliso lwecandelo leefilimu elikummandla olawulwa siSixeko saseKapa nokubonelela ngemiba ehlangene naleyo.

Imbulambethe

NANGONA iCandelo 156 loMgaqosiseko, xa lifundwa nemiba yorhulumente wommandla edweliswe kwiNxalenye B yeShedyuli 4 neNxalenye B yeShedyuli 5 yoMgaqosiseko, lixhobisa umasipala ngegunya lokwenza imithetho kamasipala ukuze akwazi ukulawula ngempumelelo yonke imicimbi anelungelo lokuyilawula yaye likwanikeza negunya kwimiba ekufuneka esebenzise igunya lakhe kuyo, okanye kwizinto ezincedisa ukuba enze umsebenzi wakhe ngempumelelo;

NANGONA iSixeko sinenjongo yokulungelelanisa imiba yezoqoqosho efana neyokwenza iifilimu kunye namanye amalungelo axelwe kwiSahluko 2 soMgaqosiseko;

NANGONA iSixeko sizama ukulungelelanisa ukhulo kunye nophuhliso loshishino ngeli lixa sikhusela amalungelo nezinto ezifunwa ngabahlali beSixeko, yaye ke ngenxa yoko sinenjongo yokwenza imithetho enqanda ukuphazanyiswa koluntu okwethutyana ngenxa yokwenziwa kweefilimu;

NANGONA iSixeko siyithathela ingqalelo indima ebalulekileyo edlalwa ziifilimu kuqoqosho lwaseKapa sikwanqwenela ukukhuthaza ukuhlonitshwa kwamalungelo oluntu okuvakalisa uluvo lwalo yaye sizibophelele ekwenzeni ukuba ibe lula inkqubo yokufumana imvume yokwenza ifilimu kummandla waso; kananjalo

NANGONA iSixeko sizimisele ukuba nesibonelelo esikwindawo enye sokubonelela ngokuproseswa kwezicelo zokwenza iifilimu ngeli lixa silandela imigaqo yoMgaqosiseko neminye imithetho ekhoyo echaphazelekayo;

NGENXA YOKO KE, LO MTHETHO UYAMISELWA liBhunga leSixeko saseKapa, ngolu hlobo lulandelayo: —

linkcazelo

1. Kulo Mthetho kaMasipala, ngaphandle kokuba into ekubhekiswa kuyo ayihambelani nomxholo -

"umfakisicelo" ngumntu okanye inkampani efake isicelo sokwenza ifilimu kummandla weSixeko;

"iipropati ezisondeleyo okanye ezichaphazelekayo" zithetha iipropati ezabelana ngomda okanye iipropati ezisondeleneyo zibe zingabelani ngamda, ezinokuthi zichatshazelwe yinto edibene nokwenziwa kwefilimu;

"igosa eligunyazisiweyo" lithetha umsebenzi weSixeko onoxanduva lokwenza nawuphi na umsebenzi osemthethweni okanye asebenzise naliphi igunya elisemthethweni elandela lo Mthetho kaMasipala yaye libandakanya umsebenzi onikezwe igunya lokwenza lo misebenzi okanye lokusebenzisa loo magunya; abandakanya:

- (a) ILungu leSebe laMapolisa eNqila yaseKapa elamiselwa ngokwemigaqo yecandelo 64A loMthetho weNkonzo zamaPolisa oMzantsi Afrika, 1995 (uMthetho onguNomb. 68 ka1995);
- (b) Igosa lezendlela elichongwe ngokwecandelo 3A loMthetho weSizwe ongeZithuthi zeNdlela, 1996 (uMthetho onguNomb. 93 ka1996)
- (c) Igosa lonyanzeliso lomthetho elibhengezwe njengegosa loxolo ngokwecandelo 334(1)(a) loMthetho weNkqubo yoLwaphulomthetho, 1977 (uMthetho onguNomb. 51 ka1977); kunye
- (d) Nelungu leeNkonzo zaMapolisa oMzantsi Afrika (SAPS);

"Isixeko" sithetha iSixeko saseKapa, umasipala owamiselwa ngokweSaziso soMiselo seSixeko saseKapa Nomb. 479 sowe22 kweyoMsintsi (Septemba) 2000, ngokwemiqathango yoMthetho woRhulumente weMimandla: weZigqeba zikaMasipala, 1998, okanye nasiphi isigqeba okanye umsebenzi weSixeko owenza umsebenzi wakhe ngokwegunya alinikeziweyo;

"ukwenza ifilimu" (a) kuthetha: (i) ukwenza amalungiselelo kwipropati karhulumente okanye eyomntu okuba kurekhodwa isandi nemifanekiso kunye nokurekhodwa kwesandi nemifanekiso ehambayo okanye emileyo, nokuba oko kwenziwa kwifilimu okanye kwividiyo, nge-elektroniki, ngedijithali okanye ngayo nayiphi na indlela yaye oko kubandakanya yonke imisebenzi ehambelana nendawo ekwenziwa kuyo ifilimu apho kuthi kubekho ifuthe kwipropati karhulumente okanye eyomntu enokuthi idinge iinkonzo zeSixeko, okanye enokuthi ibe nefuthe elibi kukhuseleko loluntu, kwezokusingqongileyo okanye kuluntu oluhlala kuloo ndawo;

(ii) iiprojekthi zeefilimu zabafundi apho kuthi kubekho ifuthe kwipropati yoluntu, apho kunokudingeka iinkonzo zeSixeko okanye enokuthi ibe nefuthe elibi kukhuseleko loluntu, kwezokusingqongileyo okanye kuluntu oluhlala kuloo ndawo;

(iii) ukurekhodwa kusetyenziswa ijelo eliyidijithali kwipropati yoluntu ngeselifowuni, ngethablethi, ngekhamera ebanjwa ngesandla kuyilwa okanye ukuhanjiswa ulwazi ngamajelo asebenzisa i-intanethi namajelo othungelwano oluntu ukuze kuzuzwe imali; kodwa ke

(b) oku akubandakanyi (i) ukurekhodwa komtshato womntu okanye umsitho womntu okanye umsitho orekhodwayo ukuze abantu abathatha inxaxheba kuwo bazibukelele;

(ii) indibano yeendaba ezielektroniki okanye ukurekhodwa kweendaba zezinto eziqhubekayo okanye eziza kusasazwa okanye eziza kukhutshwa ngoko nangoko;

(iii) ukurekhodwa kusetyenziswa ijelo eliyidijithali ngeselifowuni, ngethablethi, ngekhamera ebanjwa ngesandla umntu esenzela yena yaye engaphazamisi uluntu okanye nasiphi isibonelelo soluntu; kananjalo

(iv) izibonelelo ezakhelwe ukwenza iifilimu nezinye izibonelelo ezilungele ukwenza iifilimu kubandakanywa izibonelelo zokwenza iifilimu ezikumaziko ezemfundo, apho kungekho sidingo seeNkonzo zeSixeko okanye kungazi kuchaphazeleka uluntu okanye naziphi izibonelelo zoluntu;

"ipemithi yefilimu" ithetha imvume ebhaliweyo, enemiqathango, enikezwa siSixeko ukuze kwenziwe ifilimu ngokwalo Mthetho kaMasipala;

"IOfisi yePemithi yeFilimu" ithetha iyunithi elungiselela izicelo zepemithi yefilimu, zokuba zamkelwe kwanokuba zikhatywe kunye nemicimbi ehlangene nokwenziwa kweefilimu ngokwalo Mthetho kaMasipala, ngokwemithetho echaphazelekayo, kunye nezinto zomthetho nezokusebenza ezifunwa siSixeko ukuze kunikezwe ipemithi yeefilimu nemiqathango efanelekileyo;

"ukwenziwa kweefilimu" kuthetha inkqubo okanye umsebenzi wokwenziwa kweefilimu, ukufota okanye ukurekhoda isandi nemifanekiso ukuze kuveliswe imathiriyeli yefilimu okanye ijelo ledijithali leemveliso ezithengiswayo okanye iinkqubombaliselo yaye oku kubandakanya nokulungiswa kwepropati ukuze kwenziwe ifilimu kuyo;

"isibonelelo esilungele ifilimu" sithetha istudiyo sefilimu okanye nasiphi na esinye isibonelelo okanye indawo eyenzelwe neyakhelwe oko okanye eye yajikwa yenziwa indawo yokwenza iifilimu ethe yafumana imvume edingekayo kwiSixeko, kubandakanywa iqonga lesandi okanye indawo yokubeka izixhobo zokwenza ifilimu, yaye sibandakanya izibonelelo zokwenza iifilimu kumaziko ezemfundo;

"iindleko zokuthimba izinto" zithetha zonke iindleko ezichithwe siSixeko ekubambeni nasekugcineni ipropati ethinjiweyo ngokwalo mthetho kamasipala okanye eminye imithetho kamasipala yaye, apho kuyimfuneko, neendleko ezichithiweyo ngenxa yokuhanjiswa okanye yokukhululwa kwaloo propati ibanjiweyo kunye nezinye iindleko ezihamba nezo;

"indawo" ithetha nawuphi ummandla okanye indawo, esetyenziselwa ukwenza ifilimu ngaphandle kwesitudiyo sokwenza iifilimu okanye isibonelelo esilungele ukwenza iifilimu, okanye naliphi iqonga lesandi okanye indawo yokubeka izixhobo zokwenza ifilimu okanye isibonelelo esakhelwe ukwenza iifilimu. Lo mmandla okanye le ndawo ingamiswa okanye yakhiwe ngezinto zokwakha zexeshana okanye ezisisigxina;

"umntu onikwe ipemithi" uthetha umntu okanye inkampani, okanye ummeli wabo, othe wanikwa ipemithi yefilimu ukuba enze ifilimu ngokwalo Mthetho kaMasipala;

"umntu" ubhekisa kuye nawuphi na umntu okanye inkampani ethathelwa ingqalelo ngumthetho njengomntu okanye inkampani enamalungelo noxanduva;

"indawo kawonkewonke" ibandakanya -

(a) nayiphi indlela yoluntu, indawo yokupaka iimoto, isikwere, ipaki, ibala eliyindawo yolonwabo, ibala lezemidlalo, indawo yokubeka inkunkuma, ibala elivulekileyo, iziko elineevenkile elikumhlaba kamasipala, umhlaba kamasipala ongasetyenziswayo okanye ongenanto, okanye amangcwaba, okanye nayiphi indawo ekhuselweyo okanye yolondolozo lwendalo yeSixeko okanye elawulwa siSixeko ethe-

(i) yabonelelelwa, yagcinelwa okanye yabekwa bucala ukuba isetyenziswe luluntu; okanye

(ii) ethe yanikezwa uluntu; kananjalo

(b) nezithuthi zikawonkewonke eziqhutywa ngabaqhubi beSixeko,

kodwa ayibandakanyi umhlaba karhulumente orentiselwa omnye umntu siSixeko;

"isibonelelo esakhelwe ukwenza iifilimu" sithetha isitudiyo sefilimu okanye nasiphi na esinye isibonelelo okanye indawo eyenzelwe neyakhelwe oko okanye eye yajikwa yenziwa indawo yokwenza iifilimu ethe yafumana imvume edingekayo kwiSixeko, kubandakanywa iqonga lesandi okanye indawo yokubeka izixhobo zokwenza ifilimu ehlanganiswe apho; kananjalo

"umsebenzi owenziwayo wokwenza ifilimu" uthetha umsebenzi omncinci, ophakathi, omkhulu okanye omkhulu kakhulu wokwenziwa kweofilimu oxelwe kwiShedyuli 1.

Ukusebenza komthetho

2. Lo Mthetho kaMasipala usebenza kuyo yonke imisebenzi yokwenziwa kweefilimu eyenziwa kummandla weSixeko saseKapa.

Izaphulelo

3. (1) Izibonelelo ezakhelwe ukwenza iifilimu nezinye izibonelelo ezilungele ukwenza iifilimu ezikummandla weSixeko, azifaki zicelo zepemithi yeefilimu, ngaphandle kwaxa imisebenzi yokwenziwa kweefilimu iphumela ngaphaya kwemida yesiza yaso nasiphi isibonelelo okanye ngaphandle kwayo nayiphi indawo yoluntu okanye xa kudingeka iiNkonzo zeSixeko.

(2) Ezi ntlobo zilandelayo zemisebenzi yokwenziwa kweefilimu azidingi ipemithi yefilimu:

(a) umtshato womntu okanye umsitho womntu okanye umsitho orekhodwayo ukuze abantu abathatha inxaxheba kuwo bazibukelele apho kungachaphazeleki uluntu okanye indawo kawonkewonke nalapho kungadingeki naziphi iiNkonzo zeSixeko.

(b) indibano yeendaba ezielektroniki okanye ukurekhodwa kweendaba zezinto eziqhubekayo okanye eziza kusasazwa okanye eziza kukhutshwa ngoko nangoko; kananjalo

(c) ukurekhodwa kusetyenziswa ijelo eliyidijithali, ngeselifowuni, ngethablethi, ngekhamera ebanjwa ngesandla umntu esenzela yena yaye engaphazamisi uluntu okanye nasiphi isibonelelo soluntu nalapho kungadingeki naziphi iiNkonzo zeSixeko

- (3) Umfakisiselo owenza ifilimu yento encinci ngokwemiqathango yeShedyuli 1 akudingeki ukuba afake ubungqina kwiSixeko bokungabikho kwezichaso ekwenzeni loo filimu.

Izinto ezidingwayo ukuze wenze ifilimu eKapa

4. (1) Nawuphi na umntu okanye inkampani evelisa iifilimu efuna ukwenza ifilimu kummandla weSixeko kufuneka —

(a) ibhalise kwiOfisi yePemithi yeFilimu; kananjalo

(b) ifake isicelo kwiSixeko sepemithi sokwenza ifilimu, ngokwecandelo 5.

- (2) ISixeko singathi sifune intlawulo yomrhumo phambi kokuqwalasela isicelo sokwenza ifilimu.

- (3) Umfakisiselo kufuneka abonelele ngobungqina obanelisa iSixeko bezi zinto —

(a) i-inshorensi ekhusela wonke umsebenzi wokwenziwa kwefilimu; kananjalo

(b) i-inshorensi ekhethekileyo yemingcipheko neyoxanduva lwento yonke okanye i-inshorensi ekhavarisha le ndawo kwenziwa kuyo ifilimu —

(i) ukuba ingaba ifilimu iza kuba neentshukumo ezinemingcipheko, izinto ezikhethekileyo ezingenzeki ngokwenyani (imilingo), iziqhushumbisi okanye iintshukumo ezibunjalo, iikhreyini, iidrowuni okanye izithuthi ezihamba emoyeni ezingenamntu ngaphakathi kuzo okanye naziphi izixhobo ekudingeka ukuba zifumane iimvume ekhethekileyo ngokwemiqathango yomthetho ochaphazelekayo, kananjalo

(ii) ukuba ingaba iza kwenzelwa kwindawo ezinobucukubhede obuthile ezifana nemimandla yolondolozo, imimandla enezinto ezililifa lemveli, okanye nawuphi ummandla ochongwe njengochaphazela okusingqongileyo ngokweenkqubo zemithetho.

- (4) Apho ifilimu yenziwa kumhlaba welinye icandelo likarhulumente okanye kumhlaba wenkampani yabucala, kufuneka kuqala kufunyanwe ipemithi okanye imvume ebhaliweyo yelo candelo likarhulumente okanye yaloo nkampani yabucala phambi kokuba kufakwe isicelo sokwenza ifilimu kwiSixeko.

Isicelo sepemithi yefilimu

5. (1) Ngaphandle kwezaphulelo ezixelwe kwicandelo 3, akukho umntu onokwenza ifilimu kummandla olawulwa siSixeko engafumenanga ipemithi yefilimu evela kwiSixeko.
- (2) Isicelo sepemithi yefilimu sokwenza ifilimu kufuneka singeniswe kwiSixeko —
- (a) emva kobhaliso ngokwecandelo 4; kananjalo
- (b) kulandelwe iimfuno zesicelo seentlobo ezahlukeyo zeefilimu njengoko zixeliwe kwiShedyuli 1 phambi kokuba kuqalwe imisebenzi yokwenziwa kweefilimu.
- (3) Isicelo sepemithi yefilimu esifakiweyo kufuneka sibandakanye —
- (a) igama, idilesi, idilesi yeimeyili, iinombolo zefowuni nomsebenzi owenziwa ngumfakisicelo;
- (b) iinkcukacha zenkampani yoveliso lweefilimu efaka isicelo;
- (c) iinkcukacha zomntu kunye nezoqhagamshelwano zaloo mntu oza kuphatha kulo msebenzi wokwenziwa kwaloo filimu;
- (d) idilesi engenye ekummandla weSixeko saseKapa ekuza kuthunyelwa kuyo izaziso, iikhawunti okanye imbalelwano;
- (e) iinkcukacha zendawo, izinto ezidingekayo kwiindawo zamalungiselelo nakwezokupaka iimoto zomsebenzi wokwenziwa kweefilimu, imihla namaxesha acetywayo eza kwenziwa ngawo, inani labantu nelezithuthi kwiprojekthi yokwenziwa kweefilimu neenkukacha gabalala zenjongo yefilimu ecetywa ukwenziwa;
- (f) inkcazelo eneenkukacha yemisebenzi yokwenziwa kweefilimu nezixhobo eziza kusetyenziswa, ezinokubandakanya:
- (i) izixhobo ezinezibane, ingxolo okanye ungcoliso lomoya;

- (ii) ijeneriyitha, iziguquli ze-eneji okanye iikhonvetha;
- (iii) izithuthi, iikhreyini, naziphi ezinye izixhobo, iidrowuni okanye izithuthi ezihamba emoyeni ezingenamntu ngaphakathi kuzo okanye naziphi izixhobo ekudingeka ukuba zifumane iimvume ekhethekileyo ngokwemiqathango yomthetho ochaphazelekayo;
- (iv) izakhiwana zethutyana, iitrayipodi okanye izixhobo zokuhambisa ikhamera; okanye
- (v) izinto ezikhethekileyo ezingenzeki ngokwenyani (imilingo), iziqhushumbisi okanye into engathi zizidubuli;
- (g) iinkcukacha zezinto ezingaqhelanga kubakho kuloo ndawo, ezibandakanya izilwanyana, izityalo, iintlanzi, umhlaba okanye imathiriyeli ebunjalo engafane ifumaneke kuloo ndawo iza kusetyenziswa; kunye
- (h) neenkukacha zenani lohlobo lwezilwanyana okanye imfuyo eza kusetyenziswa ngexesha elicetyiweyo lokwenziwa kweefilimu.
- (4) Umfakisicelo makazise iSixeko ngalo naluphi na utshintsho, izinto ezintsha ezivelayo okanye naluphi ulwazi olumalunga nokwenziwa kweefilimu okanye ifuthe layo.
- (5) ISixeko singathi samkele, sitshintshe okanye sale ukuqwalsela isicelo sepemithi yefilimu.
- (6) ISixeko singathi songeze ezinye iimfuno kwisicelo se z i n t o ekufuneka zize nomfakisicelo ngexesha lenkqubo yesicelo sepemithi yefilimu ezinokubandakanya:
 - (a) ubonelelo ngeenkukacha ezongezelelekileyo zoveliso njengezelizwe olusuka kulo, ibhajethi eqikelelweyo eza kuchithwa kwisixeko, amathuba obonelelo ngemisebenzi anokudalwa aqikelelweyo, njl njl.; kananjalo
 - (b) iimfuno zesicelo ezongezelelweyo ezimalunga nokwenza ifilimu kwimimandla yolondolozo lwendalo, imimandla enezinto ezililifa lemveli, iindawo ekungenakwakhiwa kuzo okanye nawuphi ummandla ochongwe njengochaphazela okusingqongileyo ngokweenkqubo zemithetho.

Ukubonisana noluntu

6. (1) Umntu ozimisele ukufaka isicelo sepemithi ukwenza ifilimu kwindawo ethile kufuneka, emva kokuba indawo leyo iqinisekisiwe, kuhanjisiwe isaziso esibhaliweyo senjongo yokwenza ifilimu kuloo ndawo esiya kubahlali beepropati ezikufuphi nalapho okanye ezichaphazelekayo ngokwecandelwana (2) phambi kokufaka isicelo sokwenza ifilimu kwiSixeko.

(2) Isaziso esibhaliweyo senjongo yokwenza ifilimu kufuneka —

- (a) sibe kwifomathi eyamkelwe siSixeko;

- (b) sichaze ngenjongo yomfakisiselo yokufaka isicelo semvume yokwenza imisebenzi yokwenziwa kweefilimu kwidilesi ethile, indawo okanye ummandla othile;
- (c) sinikeze abahlali beepropati ezisondeleyo okanye ezichaphazelekayo ithuba lokuba baxele kwifomu yokwenza oko ukuba abanasichaso sefilimu ecetywa ukwenziwa;
- (d) sazise abahlali beepropati ezisondeleyo okanye ezichaphazelekayo ngelungelo labo lokufaka naziphi na izichaso kwiSixeko;
- (e) siqulathe igama neenkukacha zoqhagamshelwano zenkampani yemveliso; kananjalo
- (f) siqulathe imihla, amaxesha neenkukacha zemisebenzi eza kwenziwa xa kusenziwa ifilimu.

(3) Apho abahlali beepropati ezisondeleyo okanye ezichaphazelekayo bengafumaneki, umntu onenjongo yokufaka isicelo sepemithi yefilimu kufuneka abonise ubungqina kwiOfisi yePemithi yeFilimu bokuba wenze konke anakho ukuqhagamshelana nabantu abahlala apho kuloo mmandla.

(4) Kufuneka kungeniswe ubungqina besaziso okanye bokubonisana nabahlali beepropati ezisondeleyo okanye ezichaphazelekayo kulandelwa imiqathango yeShedyuli kwiOfisi yePemithi yeFilimu yeSixeko nesicelo sokwenza ifilimu.

(5) Abahlali beepropati ezisondeleyo okanye ezichaphazelekayo ezichatshazelwa yifilimu ecetywa ukwenziwa bangafaka isichaso ngefilimu ecetywa ukwenziwa basifake ngqo kwiOfisi yePemithi yeFilimu ukuze siqwalaselwe xa kuthathwa isigqibo ngesicelo sepemithi yefilimu.

(6) I-Ofisi yePemithi yeFilimu iya kwazisa umchasi isebenzisa imbalelwano malunga nesiphumo sesichaso.

(7) ISixeko singathi sifune ukuba inkampani yemveliso iphinde ibonisane nabahlali beepropati ezisondeleyo okanye ezichaphazelekayo, phambi kokuba kunikezwe ipemithi yefilimu ukuba ngaba kuye kwakho naluphi na utshintsho, izinto ezintsha ezivelayo okanye naluphi ulwazi olunento yokwenza nokwenziwa kweefilimu okanye ifuthe layo emva kokuba umfakisiselo ethe waqinisekisa ngokusetyenziswa kwayo nayiphi na indawo.

Inkqubo yokuhlola izicelo

7. (1) ISixeko xa sijonga isicelo naxa sigqiba ngemiqathango exelwe kwicandelo 4(6), kufuneka sihlale —

- (a) ixesha eliza kuthathwa nendawo ekuza kwenziwa kuyo ifilimu;

(b) ukuba ingaba ukwenza ifilimu kungadala uphazamiseko na oluchukela abantu okanye izinto ezicaphukisayo ezifana nengxolo, ukukhanyisa okanye ungcoliso oluchphazela naye nawuphi umntu okanye indawo ezinezindlu zokuhlala abantu, imimandla yolondolozo lwendalo, imimandla enelifa lemveli, okanye nawuphi ummandla ochongwe njengontununtunu ngokweenkqubo zemithetho;

(c) ingaba ukwenza ifilimu kuya kuphazamisa kakubi izinto zesiqhelo ezenzekayo kwindawo yoluntu okanye kuya kuba nefuthe elibi —

(i) ekuhambeni kwezithuthi kwiindawo zikawonkewonke;

(ii) ekuhambahambeni koluntu kwiindawo zikawonkewonke;

(iii) kwindawo yokupaka izithuthi yoluntu;

(iv) ufikelelo kuyo nayiphi ipropati yomntu;

(v) ipropati kamasipala okanye izibonelelo;

(vi) kwiindalo, okanye

(vii) kukhuseleko loluntu;

(d) ifuthe linokuba khona lokwenziwa kweafilimu kuluntu olungqonge loo ndawo;

(e) ingaba abahlali beepropati ezisondeleyo okanye ezichaphazelekayo basinikiwe na isazio seafilimu ecetywa ukwenziwa; kunye

(f) naziphi na izichaso zabahlali beepropati ezisondeleyo okanye ezichaphazelekayo.

Izigqibo ngePemithi yeafilimu

8. (1) ISixeko kufuneka samkele okanye sikhabe isicelo sepemithi yeafilimu esifakwe kulandelwa iCandelo 5 elifundwa neShedyuli 1, yaye singabeka imiqathango xa sikhupha ipemithi.

(2) ISixeko singenza iinguqu kwipemithi ekhutshiweyo ngokwecandelwana (1) xa iimeko zinyanzelisa ukuba kwenziwe oko.

(3) ISixeko singathi, ngokokubona kwaso nanini na, sitshintshe nayiphi ipemithi yeafilimu, nawuphi umqathango okuyo nayiphi ipemithi yeafilimu, okanye siphelise ipemithi yeafilimu yonke apho ukwenziwa kweafilimu kunokuthi —

(a) kophule nawuphi na umthetho;

(b) kube nobungozi okanye umenzakalo, kubantu okanye kwizilwanyana ezikwindawo leyo okanye kuluntu;

(c) kumoshe ipropati yeSixeko okanye isibonelelo;

-
- (d) kube nefuthe elibi kwindalo okanye kwilifa lemveli okanye kwizibonelelo zenkcubeko;
- (e) kuphazamise naziphi iiNkonzo zeSixeko okanye imisebenzi yaso; okanye
- (f) kwenze okanye kube negalelo kwiimeko ezinokudala imeko kaxakeka okanye isidingo esikhawulezileyo songenelelo lweSixeko okanye lweenkonzo zaso.
- (4) Ukuba isicelo sepemithi yefilimu sikhathiwe, iSixeko kufuneka sinike umfakisicelo —
- (a) izizathu ezibhaliweyo zokwala isicelo;
- (b) isaziso selungelo labo, ngokwecandelo 12, lokubhena kwisigqibo sokukhaba isicelo, kunye
- (c) neenkcukacha malunga neenkqubo namaxesha okufaka eso sibheni apho kuthe kwakhatywa isicelo sepemithi yefilimu.
- (5) Apho kukho amaxesha abekiweyo okanye apho kufuneka kunxityelelwene ngokukhawuleza ngokwemiqathango yamacandelwana (3) okanye (4), kungathunyelwa isaziso kumntu onikwe ipemithi nge-elektroniki kwidilesi yeimeyili neenombolo zoqhagamshelwano ebezinikeziwe kwifomu yesicelo.
- (6) Ukukhutshwa kwepemithi yefilimu siSixeko akunqandi umfakisicelo ekubeni afake isicelo senye imvume elandela omnye umthetho.
- (7) Ipemithi yefilimu ekhutshwe kulandelwa lo Mthetho kaMasipala ayidluliselwa komnye umntu.

Unyanzeliso

9. (1) ISixeko singathi sithathe nawaphi amanyathelo adingekayo ukuqinisekisa uthotyelo loMthetho kaMasipala, okanye nasiphi isaziso esikhutshwe kulandelwa wona esinokubandakanya —

- (a) ukungena kuyo nayiphi ipropati ukuze siphande yaye sinyanzelise nawuphi umba onento yokwenza nalo Mthetho kaMasipala;
- (b) ukuphelisa nokurhoxisa ipemithi yefilimu;
- (c) ukumisa nayiphi imisebenzi yokwenziwa kweefilimu;
- (d) ukuhlawulisa isohlwayo semali; okanye
- (e) ukubamba nokuthimba, singaphethanga zimpepha zenkundla naziphi izinto, izithuthi okanye izixhobo ezisetyenziswayo ezingahambelani noMthetho kaMasipala.

Izaziso zothobelo

10. (1) ISixeko singathi sihambise isaziso sothobelo kumntu onikwe ipemithi okanye omnye umntu okwindawo ekwenziwa kuyo ifilimu ukuba kukho izizathu ezibambekayo zokukholelwa ukuba kophulwe imiqathango yoMthetho kamasipala, okanye nayiphi eminye imiqathango ebibekiwe xa bekukhutshwa ipemithi.

(2) Isaziso sothobelo esikhutshwe ngokwecandelwana (1) kufuneka —

- (a) sixele le nto yenzekileyo elulwaphulo lwemiqathango yoMthetho kaMasipala;
- (b) sixele isolotya loMthetho kaMasipala elophulweyo okanye umqathango ongathotyelwanga;
- (c) sichaze ukuba ulwaphulo lwemiqathango lulityala ze sichaze nesohlwayo solo lwaphulo lwemiqathango;
- (d) sichaze amanyathelo ekufuneka ethathiwe ukulungisa ulwaphulo lwemiqathango;
- (e) apho kuyimfuneko, kuya le lwe umntu onikwe ipemithi okanye omnye umntu ukuba ayeke yonke imisebenzi yokwenziwa kweefilimu aze asuse zonke izixhobo azisebenzisayo zokwenza ifilimu;
- (f) sichaze isithuba sexesha ekufuneka sibe sithotyelwe isaziso eso;
- (g) sazise umntu onikwe ipemithi ukuba izinto kunye nazo zonke izixhobo zokwenza ifilimu zisenokuthathwa zithinjwe ukuba isaziso sothobelo asithotyelwa;
- (h) sazise umntu onikwe ipemithi okanye omnye umntu ukuba akusayi kuvunyelwa imisebenzi yokwenziwa kweefilimu de kube kuthotyelwe amanyathelo ekufuneka ethatyathiwe ngokwemiqathango eku10(2)(d); kananjalo
- (i) sichaze ukuba ukusilela ukuthobela isaziso sothobelo kulityala lesibini sitsho nokuba siya kuba yintoni isohlwayo sokungathobeli isaziso sothobelo.

(3) Isaziso sothobelo siya kuthathwa njengesinikeziweyo kumntu onikwe ipemithi —

- (a) xa sisiswe ngumntu buqu kwisiza apho kwenziwa khona ifilimu;
- (b) xa sishiywe kumntu okwindlu yomntu onikwe ipemithi okanye kwishishini elikummandla weSixeko kumntu oneminyaka engaphezu kweli16;
- (c) xa sibekwe kwindawo ecacileyo kwipropati enento yokwenza nomsebenzi lo; okanye
- (d) xa sisiwe kwidilesi okanye sithunyelwe kwidilesi yeimeyili yomntu onikwe ipemithi eyanikezwa iSixeko ngokwecandelo 4(3)(a) loMthetho kaMasipala.

(4) Apho kukho amaxesha abekiweyo okanye apho kufuneka kunxityelelwene ngokukhawuleza ngokwemiqathango yamacandelwana (3) okanye (4) kungathunyelwa isaziso kumntu onikwe ipemithi nge-elektroniki kwidilesi yeimeyili neenombolo zoqhagamshelwano ezazinikezwe kwifomu yesicelo ukuba ngaba ikopi yomyalelo wothobelo nawo uthunyelwe kumntu onikwe ipemithi ngokwecandelwana (3).

(1) Nawuphi na umntu osilela ukuthobela isaziso sothobelo esikhutshwe ngokwecandelwana (1) unetyala lolwaphulo lwemiqathango yaye angahlawuliswa intlawulo ngokwecandelo 12.

Ilungelo lokubhena

11. (1) Umntu othe amalungelo akhe achatshazelwa sisigqibo esithathwe ligosa eligunyazisiweyo angabhena kweso sigqibo.

(2) Isibheni ngokwemiqathango 11(1) kufuneka sifakwe sibhaliwe ngokwecandelo 62 loMthetho woRhulumente woMmandla: weeNkqubo zikaMasipala, 2000 (Umthetho ongunomb. 32 wango2000), kwiintsuku ezingama21 emva kokwaziswa ngesigqibo.

Amatyala neZohlwayo

12. (1) Umntu unetyala ukuba —

(a) wophule nayiphi imiqathango yalo Mthetho kaMasipala;

(b) usilela ukuthobela umqathango obekwe kulandelwa lo Mthetho kaMasipala;

(c) usilela ukuthobela isaziso sothobelo esikhutshwe ngokwalo Mthetho kaMasipala okanye akathobeli umyalelo wegosa eligunyazisiweyo elinyanzelisa lo Mthetho kaMasipala;

(d) ugrogrisa, uyala, uphithikeza okanye uphazamisa naliphi igosa eligunyazisiweyo xa lisenza umsebenzi walo ngokwalo Mthetho kaMasipala; okanye

(e) uphithikeza, uphazamisa, unyanzelisa ukunikwa imbuyekezo ngendlela engamkelekanga (eyemali okanye eyezibele), okanye ulibazisa ngabom imisebenzi yokwenziwa kweefilimu ekufuneka yenziwe ngumntu onepemithi esemthethweni ekhutshwe ngokwalo Mthetho kaMasipala.

(2) Umntu onetyala ngokwalo Mthetho kaMasipala uya kuhlululiswa imali, ze apho agwetywe khona avelwe etrongweni isithuba esingekho ngaphezu kweminyaka emibini, okanye agwetywe zombini, intlawuliso nokubanjwa.

(3) ISixeko singathi sithathe amanyathelo ngakumntu okanye inkampani enikwe ipemithi ethe yanikwa isaziso kulandelwa imiqathango yamacandelo 8 okanye 10 yaye ISixeko singathi sithathe amanyathelo adingekayo ukumisela eso saziyo ngeendleko zaloo mntu okanye lo nkampani inikwe ipemithi.

(4) ISixeko singala ukuqwalasela izicelo zokwenza ifilimu —

(a) isithuba esiya kuma kwiinyanga ezi3 apho umntu efunyaniswe siSixeko ukuba wophule imiqathango yepemithi yefilimu; kananjalo

(b) isithuba esiya kuma kwiinyanga ezi6 apho umntu egwetyelwe ityala ngokwalo Mthetho kaMasipala.

Ukuthimba

13 (1) Igosa eligunyazisiweyo lingathi, lilandela imigaqonkqubo neenkqubo zeSixeko libambe okanye lithimbe nazihi izithuthi, izinto, okanye izixhobo ezisetyenziswayo kwimisebenzi yokwenziwa kweefilimu ezithe zasetyenziswa kulwaphulo lwemiqathango yalo Mthetho kaMasipala okanye nayiphi eminye imiqathango ebekiweyo okanye izqziso ezikhutshwe kulandelwa imiqathango ekumacandelo 8 no10 alo Mthetho kaMasipala.

(2) Igosa eligunyazisiweyo, ngexesha libamba ezo zinto, kufuneka linike umntu wezo zithuthi, izinto, okanye izixhobo zibanjiweyo ikopi yesaziso, exela -

(a) isizathu sokuthinjwa kwazo kubandakanywa imiqathango yomthetho kamasipala ethe yophulwa;

(b) iinkcukacha, inkcazelo nemeko yezithuthi, izinto, okanye izixhobo ezithinjiweyo;

(c) idilesi neenkcukacha zoqhagamshelwano zesikiti ezisiwa kuso;

(d) imiqathango ezinokuthi zikhululwe ngayo izinto ezibanjiweyo okanye ezithinjiweyo ekufuneka sibandakanye intlawulo yeendleko zokuthimba;

(e) lixele ukuba kunokwenzeka ukuba izithuthi, izinto, okanye izixhobo ezithinjiweyo zithathwe umphelo siSixeko ze zithengiswe ukubuyisa iindleko ukuba izithuthi, izinto, okanye izixhobo ezithinjiweyo azilandwanga kwiinyanga ezi-3, yaye

(f) linike igama neenkcukacha zoqhagamshelwano zegosa eligunyazisiweyo ekunokubhalelwa kulo malunga nezinto ezithinjiweyo.

(3) Igosa eligunyazisiweyo elinoxanduva lokukhulula izinto esikiti lingangayilandeli imiqathango yokukhululwa kwezinto ezithinjiweyo emva kokufumana imbalelwano malunga nazo.

(4) Kulandelwa icandelwana (5) izithuthi, izinto, okanye izixhobo ezithinjiweyo siSixeko ngokwecandelwana (1) ziya kuthathwa siSixeko ukuba azilandwanga kwiinyanga ezi-3 —

(a) ukususela ngomhla wokuthinjwa kwazo, okanye

(b) xa loo mba ugqityiwe ukuxoxwa kwaze kwaphuma nesigwebo.

(5) Kulandelwa icandelwana (8), izithuthi, izinto, okanye izixhobo ezithinjiweyo zingakhululelwa kuphela umntu onikwe ipemithi -

(a) apho kuvezwe ubungqina bentlawulo yazo zonke izohlwayo, iindleko zothinjo, ezothutho, ezogcino neendleko ezihambelana nezo okanye

(b) xa loo mba ugqityiwe ukuxoxwa kwaze kwaphuma nesigwebo.

(6) ISixeko singathi sithengise, siphise okanye sithabalalise naziphi na izithuthi, izinto, okanye izixhobo ezingalandwanga ngokwamacandelwana (4) no (5).

(7) ISixeko singathi, emva kokufumana isicelo esibhaliweyo somnini wepemithi, songeze isithuba sokugcinwa kwezinto xa eso sicelo senziwe phambi kokuba kuphele isithuba seenyanga ezintathu ekubhekiswe kuso kwicandelwana (4) ukuba ngaba oko kongezwa kwexesha akuzi kunikezwa ngaphezu kwamatyeli amabini.

(8) ISixeko asithathi xanduva kuye nawuphi umntu wesithathu ngezinto eziqeshiweyo okanye izixhobo eziye zathinjwa ngokwecandelwana (1).

(9) Izithuthi, izinto, okanye izixhobo ezithinjiweyo ngokwecandelwana (1) ezizezomnye umntu okanye inkampani zingakhululelwa loo mntu okanye loo nkampani, kulandelwa icandelwana (5)(b), emva kokufumana ubungqina —

(a) bobunini na obubhalwe kwisivumelwano phakathi komntu lowo okanye inkampani leyo kunye nalo mntu unikwe ipemithi, kunye

(b) nentlawulo yokuthimba, eyothutho neyeendleko zokugcinwa kwezo zithuthi, izinto, okanye izixhobo ezithinjiweyo.

14. ISixeko siNgathi siThathe aManyathelo okuBuyekeza lindleko

(1) Nangona kukho eminye imiqathango kulo Mthetho kaMasipala, iSixeko singathi —

(a) sithathe amanyathelo okufumana iindleko esizibona zifanelekile ukulungisa imeko apho umntu okanye inkampani enikwe ipemithi —

(i) ithe yadala umonakalo kwiPropati yeSixeko okanye kwisibonelelo; okanye

(ii) ethe yakhutshelwa isaziso sothobelo kulandelwa icandelo 10 yaze yasilela ukusithobela, okanye ayasithobela ngokupheleleyo isaziso sothobelo; okanye

(b) sibuyekeze iindleko, sisebenzisa imiqathango uMgaqonkqubo waso woLawulo lweKhredithi noQokelelo lwaMatyala kunye noMthetho kaMasipala woLawulo lweKhredithi noQokelelo lwaMatyala, sawo onke amanyathelo neendleko ezichithiweyo ngenxa yokunyanzelisa lomthetho kamasipala.

Ukungabi nabutyala

15. ISixeko okanye naliphi igosa eligunyazisiweyo alinatyala mntwini ngawo nawuphi na umonakalo owenzeke kusenziwe umsebenzi osemthethweni ngenxa yento ethe ayenziwa siSixeko okanye naliphi igosa eligunyazisiweyo xa belisenza umsebenzi walo osemthethweni ngokwalo Mthetho kaMasipala.

Amanyathelo esi sithuba sotshintsho lomthetho

16. Izicelo ezifunyenwe phambi kokwenziwa kompoposho ngalo Mthetho kaMasipala ziya kuqwalaselwa kulandelwa imiqathango yoMthetho kaMasipala weSixeko saseKapa omalunga nokweNziwa kweeFilimu, wango2005.

Ubhangiso

17. Umthetho kaMasipala weSixeko saseKapa omalunga nokweNziwa kweeFilimu, 2005, owabhengezwa kusetyenziswa iGazethi yePhondo Nomb. 6277 ngowe24 kweyeSilimela (Juni), 2005, kungokunje uyabhangiswa.

Isihloko esifutshane

18. Lo Mthetho kaMasipala ubizwa ngokuba nguMthetho kaMasipala weSixeko saseKapa omalunga nokweNziwa kweeFilimu, 2024 kwaye uya kuqalisa ukusebenza ngomhla oya kuthi ukhutshwe ngesibhengezo kwiGazethi yePhondo.

ISHEDYULI 1

Uhlobo lokwenziwa kweFilimu	Ubungakanani/ iNkcazelo yoKwenziwa kweFilimu	Imiqathango	Izinto ezidingwayo kwiSicelo	Imfuneko yoLwaziso (Phambi kokufakwa kwesicelo sepemithi)
Oluncinci kakhulu	1 - 3 yezithuthi ne8 okanye abantu abambalwa kunoko abenza ifilimu kunye nabasebenzi babo yaye kufotwa usuku olu1 kuphela	• ukufota okuncinci ngezinto ezihambayo • akuvalwa zindlela • akukho zijenereyitha, izibane ezibanjwa ngesandla kuphela, akukho zakhiwo, iiseti, iiplatfomu • akukho zithuthi zikhulu (iitraki kunye/okanye iikhreyini) • akukho zilwanyana • akukho zityalo, uhlaza, umhlaba okanye izinto, ezivela ngaphandle, kwale ndawo • Akukho milingo	• iintsuku ezi2 zokusebenza phambi kosuku lokufotwa kweFilimu Qaphela: - Ukuba indawo leyo <i>ikwindawo ekhuselweyo, okanye yolondolozo, amaxesha okwenziwa kweFilimu ephakathana</i> (iya kuba ziintsuku ezi5)	* Akukho sidingo sokuhanjiswa kwesaziso senjongo yokwenza ifilimu kwiipropati ezikufuphi.
Ukufota okuncinci	4 - 6 yezithuthi okanye 9 - 15 yabo benza ifilimu kunye nabasebenzi babo	• ukufota okuncinci ngomtshini ongahambiyo/ ukwenziwa kweentengiso • ukuphindwa kokufota okungephi • iijenereyitha ezincinci, izibananyana, izakhiwana • akukho milingo kunye/okanye izinto ezitsala amehlo • akuvalwa zindlela	Iintsuku ezi2 zokusebenza phambi kosuku lokufotwa kweFilimu QAPHELA - Ukuba indawo leyo <i>ikwindawo ekhuselweyo okanye yolondolozo, amaxesha okwenziwa kweFilimu ephakathana</i> (iya kuba ziintsuku ezi5).	* <i>Kuxhomekeke kuhlobo nefuthe lefilimu eyenziwayo</i> ** Isaziso esiya kuluntu/uboniswano noluntu lungadingeka, yaye ukuba luyadingeka, siSixeko esiza kugqiba ukuba luza kwenziwa njani yaye lube ngakanani. • Ubungqina bokuhanjiswa kweSaziso senjongo yokwenza ifilimu kwiipropati ezisondeleyo okanye ezichaphazelekayo emabungeniswe kwiOfisi yePemithi yeFilimu

Uhlobo lokwenziwa kweFilimu	Ubungakanani/ iNkcazelo yoKwenziwa kweFilimu	Imiqathango	Izinto ezidingwayo kwiSicelo	Imfuneko yoLwaziso (Phambi kokufakwa kwesicelo sepemithi)
Ifilimu ephakathana	7 - 15 yezithuthi okanye 16 - 30 yabo benza ifilimu kunye nabasebenzi babo	• ukufota okukhulu ngomtshini ongahambiyo, kweentengiso neefilimu ezincinci * • iijenereyitha ezincinci, izibananyana, iisetana, izakhiwana imilingwana kunye/okanye izinto ezitsala amehlo • uncedo lokulawula izithuthi luyadingeka • ukuvalwa okuncinci kweeleyini/kweendlela • akuzi kubakho ngxolo enkulu, kufotwa ekuseni kakhulu okanye ebusuku** <i>QAPHELA - ukuvalwa okukhulu kweeleyini/ kweendlela, uphambukiso, uGunyaziwe wezohambo ngoMoya woLuntu okanye iimvume, njl njl. Kusebenza amaxesha okufotwa kweefilimu ezinkulu</i>	5+ yeentsuku zokusebenza* phambi kosuku lokufotwa kweFilimu <i>*Kuxhomekeke kuhlobo nefuthe lefilimu eyenziwayo</i> Kungadingeka indawo yokuhlanganela ekude ukuba kufotwa kwindawo enezindlu zabantu okanye kwindawo enobuntununtunu njengendawo ekhuselweyo okanye yolondolozo lwendalo • Makungeniswe ishedyuli eneenkcukacha xa kuza kuthatha iintsuku ezininzi ukwenza ifilimu okanye iza kufotwa kwindawo ezininzi	* Kuxhomekeke kuhlobo nefuthe lefilimu eyenziwayo ** Isaziso esiya kuluntu/uboniswa nolutu lungadingeka, yaye ukuba luyadingeka, siSixeko esiza kugqiba ukuba luza kwenziwa njani yaye lube ngakanani. • Ubungqina bokuhanjiswa kweSaziso senjongo yokwenza ifilimu kwiipropati ezisondeleyo okanye ezichaphazelekayo emabungeniswe kwiOfisi yePemithi yeFilimu
Ukufotwa kweFilimu eNkulu	16 - 30 yezithuthi okanye 30-60 yabo benza ifilimu kunye nabasebenzi babo	• ngomtshini ongahambiyo, kweentengiso, kweefilimu * • iijenereyitha, izibane, iiseti, izakhiwana eziphakathi/ezinkulu • imilingo kunye/okanye izinto ezitsala amehlo • uncedo lokulawula izithuthi luyadingeka • ukuvalwa okukhulu kweeleyini/kweendlela, uphambukiso, njl njl. • iingxolo ephakathana, kufotwa ekuseni kakhulu okanye ebusuku** <i>QAPHELA - ukuvalwa okukhulu kweeleyini/ kweendlela, uphambukiso, uGunyaziwe wezohambo ngoMoya woLuntu okanye ezinye iimvume, njl njl. Kusebenza amaxesha okufotwa kweefilimu ezinkulu kakhulu</i>	5+ yeentsuku zokusebenza* phambi kosuku lokufotwa kweFilimu <i>*Kuxhomekeke kuhlobo nefuthe lefilimu eyenziwayo</i> • Ishedyuli yokwenziwa kweFilimu ingadingeka • Kungadingeka iplani yokujikwa kwezithuthi • Kungadingeka indawo yokuhlanganela ekude - ingakumbi ukuba kufotwa kwindawo enezindlu zabantu okanye kwindawo enobuntununtunu njengendawo ekhuselweyo okanye yolondolozo lwendalo	** Isaziso esiya kuluntu/uboniswa nolutu lungadingeka, yaye ukuba luyadingeka, siSixeko esiza kugqiba ukuba luza kwenziwa njani yaye lube ngakanani. • Ubungqina bokuhanjiswa kweSaziso senjongo yokwenza ifilimu kwiipropati ezisondeleyo okanye ezichaphazelekayo emabungeniswe kwiOfisi yePemithi yeFilimu

Uhlobo lokwenziwa kweFilimu	Ubungakanani /iNkcazelo yoKwenziwa kweFilimu	Imiqathango	Izinto ezidingwayo kwiSicelo	Imfuneko yoLwaziso (Phambi kokufakwa kwesicelo sepemithi)
Ukufotwa kweFilimu enkulu kakhulu	31 okanye ngaphezu koku yezithuthi; 61 okanye nangaphezulu yabo benza ifilimu kunye nabasebenzi babo	• Eyokufotwa kweefilimu ezinkulu kakhulu, iintengiso neefilimu* • Iijenereyitha ezinkulu kakhulu, izibane, iiseti, izakhiwana • imilingo emikhulu kunye/okanye izinto ezitsala amehlo • uncedo lokulawula izithuthi luyadingeka • ukuvalwa okukhulu kweeleyini/kweendlela • ingxolo enkulu, kufotwa ekuseni kakhulu okanye ebusuku** <i>QAPHELA - ukuvalwa okukhulu kweeleyini/kweendlela, uphambukiso, uGunyaziwe wezohambo ngoMoya woLuntu okanye ezinye iimvume, njl njl; ixesha lokwenza izicwangciso elongezelelweyo lingadingeka.</i>	10+ yeentsuku zokusebenza* phambi kosuku lokufotwa kweFilimu <i>*Kuxhomekeke kuhlobo nefuthe lefilimu eyenziwayo</i> • Ishedyuli yokwenziwa kweFilimu ingadingeka; • lyadingeka iplani yokujikwa kwezithuthi • Kungadingeka indawo yokuhlanganela ekude - ingakumbi ukuba kufotwa kwindawo enezindlu zabantu okanye kwindawo enobuntununtunu njengendawo ekhuselweyo okanye yolondolozo lwendalo	** Isaziso esiya kuluntu/uboniswano noluntu lungadingeka, yaye ukuba luyadingeka, siSixeko esiza kugqiba ukuba luza kwenziwa njani yaye lube ngakanani. • Ubungqina bokuhanjiswa kweSaziso senjongo yokwenza ifilimu kwiipropati ezisondeleyo okanye ezichaphazelekayo emabungeniswe kwiOfisi yePemithi yeFilimu.

