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CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

ANIMAL KEEPING BY-LAW, 2021

City of Cape Town Animal Keeping By-law, 2021

To provide for measures for managing and protecting the interests of residents and animals, by exercising control over the numbers and kinds of animals that may be kept, as well as the conditions under which such animals may be kept, sheltered and cared for, and to provide for the prevention of possible nuisances, loss, damage or disease that could be caused through the keeping of such animals.

PREAMBLE

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

WHEREAS the City has legislative competence in terms of Part B of Schedule 5 of the Constitution in accordance with section 155(6)(a) and (7) of the Constitution relating to control of public nuisances, pounds, facilities for the accommodation, care and burial of animals, licensing of dogs, licensing and control of undertakings that sell food to the public, markets, municipal abattoirs, street trading, municipal roads, traffic and parking;

WHEREAS in terms of Part B of Schedule 4 of the Constitution in accordance with section 155(6)(a) and (7) of the Constitution the City has legislative competence relating to municipal health services;

AND WHEREAS there is a need to develop legislation to provide for the safe, hygienic and responsible way for keeping of animals in the area of jurisdiction of the City and any matters incidental thereto.

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

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1. Definitions

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

"agricultural farming or agricultural purposes" means the cultivation of land for crops and plants, the keeping and breeding of animals, beekeeping, or the operation of a game farm, and includes such activities and buildings as are reasonably connected with the main farming activities, such as dwelling units for the farmer, farm manager and farm labourers, the packing of agricultural produce grown on the property for delivery to the market, and a plant nursery; but excludes intensive horticulture, intensive animal farming, a farm shop, harvesting of natural resources, and agricultural industry;

"agricultural property" means land zoned for such purposes in terms of the City of Cape Town Municipal Planning By-law, 2015;

"animal" means any equine, cattle, pig, sheep, goat, camel, reptile, dog, cat, poultry, ostrich, bird, rabbit, fish or other aquatic animal, rodents kept in captivity, any other domesticated animal, indigenous animal and includes any wild animal, or exotic animal which is in captivity or under the control of any person in any way;

"animal drawn vehicle" means any cart or other type of vehicle which is physically attached to any animal in any manner for the purposes of moving the cart or other type of vehicle;

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

"bees" means honey bees;

"bird" includes any wild bird, but does not include poultry;

"captivity" in relation to any animal means the keeping within an enclosure by means of any fence, wall or obstruction of any kind whatsoever in such a way that such an animal is unable to escape;

"carcass" means the remains of any animal or poultry that died;

"cattery" means premises in or upon which boarding facilities for cats are provided or where cats are bred for commercial purposes;

"City" means the City of Cape Town, a municipality established by the City of Cape Town Establishment Notice No. 479 of 2000 issued in terms of section 12 the Local Government: Municipal Structures Act, 1988 (Act 117 of 1998), or any structure or employee of the City acting in terms of delegated authority;

"Council" means the Council of the City of Cape Town;

“dangerous animal” means any animal which poses a reasonable or potential threat to the safety of any person, animal or property or which has attacked any person or animal without provocation or which has damaged property;

"dwelling house" means a building containing only one dwelling unit, together with such outbuildings as are ordinarily used with a dwelling house, including domestic staff quarters;

"dwelling unit" means a self-contained, inter-leading group of rooms, with not more than one kitchen, used for the living accommodation and housing of one family or a maximum of 5 transient guests, together with such outbuildings as are ordinarily used therewith, but does not include domestic staff quarters, or tourist accommodation or accommodation used as part of a hotel;”

"guide dog" means a dog which has been trained to assist blind or visually impaired persons and includes a service dog which has been trained to assist a person who is mentally or physically incapacitated;

"health nuisance" means any activity, condition, premises or thing which, on account of effluent, vapours, chemical effluvia, odours, noise, refuse, waste products, dirt, chemical or biochemical material, microbial infection, vermin, lack of proper general hygiene, ventilation, lighting, design, situation or on account of any other cause or practice whatsoever, is in the opinion of the Director: City Health or an authorised official potentially injurious or dangerous to health or which is offensive, including, without affecting the generality of the foregoing, any facility for the storage, distribution or handling of water that is likely to be used by man for domestic purposes or consumption, including such water itself, which is contaminated or polluted;

“hive” means a container made of wood or some other material which is suitable for the keeping of bees;

“keeper” in relation to:

(a) any animal means the owner or co-owner thereof or any other person in possession of the animal or responsible for the feeding and caring thereof; and

(b) cattery, kennels, pet parlour or pet shop, means the person who operates the business or the person in charge of the premises on which the business is operated;

"kennels" means premises in or upon which –

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

“large animal” includes any horse, pony, donkey, mule, cattle, antelope, sheep, pig, goat, ostrich or camel and any other animal of similar size or larger;

"large dwelling house" means a dwelling house on an erf more than six hundred square meters;

"owner" in relation to an animal includes any person having the possession, charge, custody or control of that animal;

“nuisance” includes but is not limited to an act or omission which is offensive, injurious or dangerous to health, or which materially interferes with the ordinary comfort, convenience, peace or quiet of the public or which adversely affects the public at large;

"permit" means the written permission granted by the City in terms of this By-Law;

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

“pet” means any domestic or other animal which may be lawfully kept;

“pet parlour” means a business, approved by the City, providing a beauty treatment service for pets by washing, drying, brushing, clipping, trimming or dyeing them or by attending to their nails, teeth and any related treatments;

“pet shop” means premises, approved by the City, on which the business of keeping and selling of pets is conducted;

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

“poultry house” means any roofed-over building or structure in which poultry is kept;

“poultry run” means an unroofed wire mesh or other enclosure in which poultry is kept, whether or not it is attached to a poultry house;

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

"pound master" means a person who has been appointed by the City to be in charge of a pound;

"premises"

a) means a building, tent or any other structure, together with the land on which it is situated and the adjoining land used in connection therewith;

b) means any land without buildings or tents; and

c) includes any vehicle, conveyance, ship or boat;

“public health” means the practice of preventing disease and promoting good health and the physical well-being of people in the area of jurisdiction of the City;

"public place" includes –

(a) a 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 which has –

(i) been provided, reserved or set apart for use by the public; or

(ii) been dedicated to the public;

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

but does not include public land that has been leased by the City;

“rabbit enclosure” means any roofed-over building or structure in which rabbits are kept;

“stray animal” means any animal not under direct control by a person or not prevented from roaming, or an animal that has escaped or is lost;

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

"wild animal" means any live vertebrate or invertebrate animal (including the egg or spawn of any such animal) belonging to a non-domestic species and includes any such animal which is kept or has been born in captivity; and

"working animal" means an animal that is trained to perform certain tasks for human benefit.

CHAPTER 1: GENERAL PROVISIONS RELATING TO ANIMALS

2. Restriction on number of animals

- (1) The City may determine the number of animals that may be kept on any premises.
- (2) The number of animals determined in subsection (1) does not apply to any person who –
 - (a) is the lawful owner or manager in charge of a pet shop;
 - (b) is the owner or manager in charge of premises where animals are being kept or trained and such animals are kept or trained under auspices of a registered animal association;
 - (c) is the owner or manager of a veterinary clinic;
 - (d) is in charge of dogs, horses or equine owned by the Metropolitan Police Department of the City, the South African Police Service or the South African Defence Force, and are kept for operational purposes; or
 - (e) operates a pound.

3. Regulation of Breeding

- (1) All dogs and cats (male and female) over six months of age must be sterilized, unless the owner obtains a permit from the City to keep the animal unsterilized.
- (2) An application to keep an unsterilized animal, must be in writing on a prescribed form, in accordance with relevant City Policies and Standard Operating Procedures and must be accompanied by the prescribed fee.
- (3) An authorised official may cause an animal to be sterilized and the costs thereof may be recovered from the owner, should he or she deem it necessary–
 - (a) in the interests of the welfare of the animal;
 - (b) to prevent nuisance;
 - (c) when the animal is stray;
 - (d) at the request of the owner; and
 - (e) pursuant to the seizure and impoundment of the animal or a contravention involving the animal.

4. Restriction on number of dogs

- (1) The City may determine the number of dogs that may be kept on any premises.
- (2) In the absence of a determination made in terms of the provisions of subsection (1) and subject to the provisions of subsections (3) and (4), no person may keep more than –
 - (a) two dogs, or allow more than two dogs, over the age of six months, to be kept in or at a dwelling unit;
 - (b) three dogs, or allow more than three dogs, over the age of six months, to be kept in or at a dwelling house;
 - (c) four dogs, or allow more than four dogs, over the age of six months, to be kept in or at a large dwelling house;
 - (d) six dogs, or allow more than six dogs, over the age of six months, to be kept on an agricultural property; or
 - (e) three dogs, or allow more than three dogs, over the age of six months, to be kept on at any other premises.
- (3) Subsection (2) does not apply to any person who-
 - (a) is the holder of a permit issued in terms of section 5 to keep a greater number of dogs;
 - (b) is the holder of a permit to keep kennels;
 - (c) is the owner or manager or is in charge of, a pet shop and who has written proof that all dogs under the control of such owner or manager have been vaccinated against canine distemper, hepatitis, kennel cough and parvovirus;
 - (d) is the owner or is in charge of premises where guide dogs are being kept or trained and such guide dogs are kept or trained under auspices of the SA Guide Dogs Association;
 - (e) is the owner or manager of a veterinary clinic;
 - (f) is in charge of dogs, and equine owned by the Metropolitan Police Department of the City, the South African Police Service or the South African Defence Force, and are kept for operational purposes; or
 - (g) operates a pound.
- (4) A person whose permit to keep a dog has been cancelled or who has previously had a dog removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of a dog in his or her care, may not keep a dog, unless the City determines otherwise.

5. Permits to keep more dogs and cats than the prescribed number

- (1) Any person who wants to keep a greater number of dogs or cats on any premises than the number permitted for that type of premises in terms of section 4 and 6, must apply to the City for a permit.

- (2) An application in terms of subsection (1) must be in writing on a prescribed form and must be accompanied by the prescribed fee.
- (3) The City may require the applicant to provide any information which it considers relevant to enable it to make an informed decision.
- (4) The City may refuse to consider an application in terms of subsection (1) in respect of which the provisions of subsection (2) have not been complied with or information contemplated in subsection (3), has not been furnished.
- (5) The City may only consider an application in terms of subsection (1) after receipt of a written report from an authorised official –
 - (a) as to whether the dog or cat for which the permit is required is likely to cause a public health nuisance or the keeping of such dog or cat may result in a contravention of section 5 or 6;
 - (b) setting out the results of an inspection of the premises on which the dog or cat concerned is being kept or is to be kept; and
 - (c) as to whether the applicant has previously had a dog or cat removed from his or her care or has a previous criminal conviction or civil judgement against him or her in respect of an animal in his or her care.
- (6) The City may refuse an application in terms of subsection (1) or approve it subject to any conditions aimed at reducing the risk of any public health nuisance created by the dogs or cats on the premises concerned occurring, continuing or to reduce such risk to a level acceptable to the City.
- (7) In respect of any application approved in terms of subsection (6), an authorised official must issue a permit on a prescribed form specifying every condition imposed by the City.
- (8) A permit is not transferable from one person to another or from the premises in respect of which it has been issued, to other premises.

6. Restriction on number of cats

- (1) The City may determine the number of cats that may be kept on any premises.
- (2) In the absence of a determination made in terms of the provisions of subsection (1) and subject to the provisions of subsections (3) and (4), no person may keep more than –
 - (a) four cats, or allow more than four cats, over the age of six months to be kept in any premises;
 - (b) six cats, or allow more than six cats, to be kept on an agricultural property.
- (3) Subsection (2) does not apply to any person who is the holder of a permit issued in terms of section 5.
- (4) A person who has previously had a cat removed from his or her care or has a previous criminal conviction or civil judgement against him or her in respect of a cat in his or her care, may not keep a cat, unless the City determines otherwise.

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

7. Animals shall not be a source of danger

- (1) No person may urge, incite or provoke any animal to attack, worry or frighten any person or animal or through negligence fail to prevent any animal from attacking, worrying or frightening any other person or animal.
- (2) Any person who keeps an animal on any premises shall keep such animal in such a manner as not to be a source of danger to City employees entering upon such premises for the purpose of carrying out their duties.
- (3) A notice to the effect that a dangerous animal is being kept on such premises shall be displayed in a conspicuous place at each access point to the premises.

8. Animal fighting

- (1) Any person who –
- (a) possesses, keeps, imports, buys, sells, trains, breeds or has under his or her control an animal for the purpose of fighting any other animal;
 - (b) baits, provokes or incites any animal to attack another animal or to proceed with the fighting of another animal;
 - (c) for financial gain or as a form of amusement promotes animal fights;
 - (d) allows any of the acts referred to in paragraph (a) and (c) to take place on any premises place in his or her possession or under his or her charge or control;
 - (e) owns, uses or controls any premises or public place for the purpose, or partly for the purpose, of presenting animal fights on such premises or public place, or who acts or assists in the management of such premises or public place, or who receives any consideration for the admission of any person to such premises or public place; or
 - (f) is present as a spectator at any premises or public place where any kind of the acts referred to in paragraph (b) to (e) is taking place or where preparations are being made for such acts,

is guilty of an offence.

- (2) In any prosecution it is presumed, unless evidence is adduced to the contrary, that an animal that is found at any premises or public place is the property of, or under the control of, the owner of those premises or that public place, or is the property of or under the control of the person who uses or is in control of the premises or public place.

9. Fireworks

- (1) No person may intentionally or negligently terrify, distress or harm any animal with fireworks or by any other means.

10. Designation of public places as free-running, on leash or off-limits

- (1) The City may designate public places, with appropriate signage, as areas where dogs are allowed to be free-running, on leash or off-limits and the designation may vary according to time of day and season.

11. Removal of excrement

- (1) If any animal defecates in any public street, public place or public road, any person in control of such animal, excluding a person assisted by a guide dog, shall forthwith remove the excrement, place it in a plastic or paper bag or wrapper and dispose of it in a receptacle provided for the deposit of litter or refuse.
- (2) No person shall walk an animal, other than a guide dog, in a public street, public place or public road, without carrying a sufficient number of plastic or paper bags or wrappers, within which to place the excrement of the animal, in the event of the animal defecating.

12. Displaying or exhibiting of an animal for show or financial gain

- (1) No person shall display or exhibit an animal for show or financial gain in a public space or public road, unless such person is the holder of a permit issued by the City or Cape Nature. This includes the use of an animal for begging or fundraising purposes. In the event that the City receives an application from a person for the displaying or exhibiting of an animal for show or financial gain they shall consult an animal welfare Inspector authorised in terms of Section 8(1) of the Animals Protection Act 71 of 1962 for comment and input.

13. Animals offered for sale

- (1) A person or manager of premises where animals are offered for sale shall keep proper records of vaccination and shall not leave such animals needs unattended overnight.
- (2) Keeping, breeding, or selling any animal within the scope of business or economic activities requires an authorisation from the City.
- (3) Subsection (2) shall include commercial companion animal breeders.
- (4) An application for authorisation must be submitted to the City, and be granted before the business or economic activity commences. The application must include, as a minimum-
 - (a) details of the type of business or economic activity;
 - (b) the person responsible for the business or economic activity;
 - (c) address and details of the premises or establishment;
 - (d) numbers, sexes, ages, breeds and species of animals or poultry kept;
 - (e) details of enclosures and dimensions, including photographs;
 - (f) details of employees and their relevant skills or expertise;
 - (g) name of veterinarian(s) and relevant expertise or post-graduate training;
 - (h) a full detailed explanation of how the welfare needs of the animals will be met; and
 - (i) proof of sufficient funds to provide adequately for the animals on an ongoing basis.

- (5) The business or economic enterprise shall keep available for inspection by the City at reasonable times, evidence of the numbers, age, sexes, breeds and species of animals kept/bred; the number and names of employees, and proof of their relevant skills/training; and the care regime instituted to protect the welfare of the animals.
- (6) The authorisation shall be limited to the approved location and any person or enterprise keeping or breeding animals within the scope of business or economic activity which changes its location shall notify the City of its new premises in advance of the proposed move. The City may inspect the new premises and re-issue or revoke the permit as required.
- (7) If the City has any doubts about the ability of the business or economic enterprise to meet the animal welfare needs of the animals in its operations, it must deny authorisation, or revoke the same if already granted.
- (8) The business or economic activity may not be exercised until authorisation has been granted.
- (9) The City may, with immediate effect, close business premises or offices to prevent those which are not covered by an authorisation from the City when –
 - (a) authorisation has not been granted; or
 - (b) authorisation has been revoked,from exercising any business or economic activities relating to the keeping, selling or breeding of animals.
- (10) Keepers or breeders of animals for business or economic activities may only be permitted to purchase or acquire animals from authorised breeders.
- (11) Any person, business or economic enterprise selling or transferring the ownership of an animal to another person or enterprise shall provide the person or enterprise taking custody of the animal with relevant information and advice on how to safeguard and protect the animal's welfare, health and well-being. This includes, but is not limited to –
 - (a) how to keep, care for, and handle such animal;
 - (b) preventing unwanted breeding;
 - (c) the vaccinations and other health requirements recommended for the animal offered for sale; and
 - (d) any requirements or restrictions on the keeping or breeding of such animals.
- (12) Evidence of compliance with subsection (11) must be retained, and made available for inspection by an authorised official on request and at all reasonable times.
- (13) Keepers or breeders of animals for business or economic activities must ensure that any animals no longer suitable for the business or economic activity in question are rehomed or sent to a shelter or sanctuary wherever possible.

- (14) Animals may not be presented or displayed inhumanely for sale in pet shops or any other premises of enterprises using animals within their scope of business or economic activities.
- (15) The authorisation for business or economic activity involving the trade or sale of certain wild animals or wildlife products can be restricted or banned by the City.
- (16) Where trade is provided for by the National Environmental Management: Biodiversity Act: Regulations: Convention of International Trade in Endangered Species of Wild Fauna and Flora (CITES) Regulations, 2010 (as amended), Animal Protection Act No. 71 of 1962 and the Provincial Nature Conservation Ordinance (No. 19 of 1974, as amended), guidelines or restrictions, must be applied by any person, business or economic enterprise selling or transferring the ownership of an animal to another person, business or economic enterprise.
- (17) No person may sell or offer to sell an animal without the City's authorisation –
 - (a) in a street or public place;
 - (b) in or from a movable structure or vehicle;
 - (c) at public markets; and
 - (d) online or through social media platforms or outlets.
- (18) It is prohibited to pass on, sell, offer for sale, transport or purchase any animal for whom the continuation of life would be connected with irremediable pain, suffering, agony, torment or distress for any other purpose than for its immediate euthanasia. Anybody acquiring or purchasing such an animal has to immediately euthanise, or ensure the immediate euthanasia of, the animal.
- (19) It is furthermore prohibited to possess any animal, without reasonable cause, which is suffering irremediable pain, agony, torment, distress or disease.

14. Control over animals

- (1) A person who keeps any animal must ensure that it is kept under proper and effective control when it leaves the premises where it is kept and that it does not endanger any person, animal or property when it leaves the premises.
- (2) The City may seize and impound any apparently ownerless or diseased or dangerous or vicious animal found wandering or unattended on any public street or in any public place.
- (3) A person who keeps an animal may not pasture or allow the animal to be pastured in or on any road reserve or any public property.
- (4) The City may seize and impound any such animal found in or on any road reserve or any public property, whether tended or not.
- (5) A person may not, except for purposes of impounding any animal, drive or cause any animal to be driven in any public street or upon any public road within the area of jurisdiction of the City without the prior written consent of the City, which approval may be granted subject to conditions.

15. Control of working animals

- (1) No person putting to work a working animal shall –
 - (a) permit the working animal to be in any public place whilst being incapable of pulling an animal drawn vehicle, suffering from injury or disease, or is otherwise unfit or unsuited to the intended work;
 - (b) permit the working animal to constitute a hazard to traffic using any public street or road;
 - (c) permit the working animal to constitute or be likely to constitute a source of danger or injury to any person or animal using a public street;
 - (d) permit the working animal to be in any public street or public place except when under their control;
 - (e) work any working animal which does not have on the name, telephone number and address of its owner;
 - (f) permit any working animal to draw any vehicle, or use any harness which does not comply with the SABS standards and criteria which may be determined by the City from time to time;
 - (g) work any working equine without a valid E53 Operators Permit where the person is noted as Driver;
 - (h) be younger than eighteen years of age; or
 - (i) be under the influence of drugs or alcohol.

16. Working Equines

- (1) Any owner who wants to put to work a working equine, must apply to the City for a permit, in respect of such working equine.
- (2) An application in terms of subsection (1) must be in writing on a prescribed form and in accordance with relevant City Policies and Standard Operating Procedures.
- (3) An application for a permit, must also –
 - (a) provide documentary evidence that the working equine is the foal of a working mare; and
 - (b) be accompanied by the prescribed fee.
- (4) No more than one permit may be issued in respect of a working equine.

17. Seizure, impounding and destroying of Working Equines

- (1) An authorised official may seize, impound or destroy at a place appointed by the City any working equine which-
 - (a) may be destroyed on the advice of a veterinary surgeon or in terms of the provisions of any law;
 - (b) in his or her opinion is incapable to continue to pull an animal drawn vehicle;
 - (c) in his or her opinion constitutes a hazard to traffic using any public street;

- (d) is at large or apparently without an owner; or
- (e) is found in any public place where such a working equine is, in the opinion of the authorised official, not under proper control.

18. The rescue of impounded working equines prohibited

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

19. Stray Animals

- (1) A person who rescues or comes into possession of a stray animal shall report the date and time of the rescue and a description of the animal to the City within twenty-four hours.
- (2) An authorised official may –
 - (a) seize any animal found on any premises, public place or public road and which is –
 - (i) not under the supervision or control of any person; and
 - (ii) causes or poses a nuisance; and
 - (b) impound or cause to be impounded any such animal at a pound or other facility designated by the City for such purposes.
- (3) The City may sell any animal impounded in terms of subsection 1(b), provided that –
 - (a) a period of no less than 10 days has lapsed from the time of impoundment;
 - (b) in the case of large animals, it shall be no less than 30 days has lapsed from the time of impoundment; and
 - (c) the City has taken all reasonable steps to notify the owner of the animal of the impoundment.
- (4) Any animal impounded in terms of subsection 1(b) may be destroyed, where such animal is –
 - (a) carrying an infectious or contagious disease; or
 - (b) ferocious, vicious or dangerous,

such that it poses an immediate and substantial danger to the health and safety of other animals, or the general public.
- (5) The destruction of any animal in terms of this By-law must be carried out with such precautions and in such a manner so as to inflict as little suffering as possible.
- (6) The person who claims the animal seized must pay to the City the reasonable costs of the City for the seizure and removal of the animal, plus the reasonable costs of the organisation for accommodating the animal, before the animal may be released to the person.

20. Seizure and removal of an animal

- (1) The City must remove any animal seized or impounded in accordance with the provisions of subsection (2) if so ordered by a court in accordance with this By-law to a place designated by the City where the animal can be accommodated.
- (2) Any animal seized and impounded in terms of this By-law, must be kept at the place designated by the City for at least 10 days to enable the owner or person in charge of the animal to claim it.
- (3) In the case of large animals, at least 30 days to enable the owner or person in charge of the animal to claim it.
- (4) If the owner or person in charge has not claimed the animal within the periods set out in subsection (2) and 3 above, the City may sell or donate it and retain and apply the proceeds of the sale, if any, for its own benefit, or it may otherwise dispose of the animal.
- (5) The person who claims the animal seized must pay to the City the reasonable costs of the City for the seizure and removal of the animal, plus the reasonable costs of the organisation for accommodating the animal, before the animal may be released to the person.
- (6) If an animal seized and impounded in terms of this By-law and , where applicable, is so diseased or injured or in such a poor physical condition that it would be cruel or that it would bring unnecessary suffering to the animal to keep it alive and that it ought therefore to be destroyed without unreasonable delay, the City may summon a veterinarian to examine the animal and if, after such examination, the veterinarian certifies that the animal is so diseased or injured or in such a poor physical condition that it would be cruel or that it would bring unnecessary suffering to the animal to keep it alive and that it ought therefore to be destroyed, the City may instruct a veterinarian to immediately destroy the animal or cause it to be destroyed in such a manner so as to inflict as little suffering as possible.
- (7) The City may recover the reasonable veterinary costs and other costs in carrying out the provisions of subsection (5) from the owner or the person in charge of keeping the animal in question.
- (8) A dog or cat which has been seized or removed in terms of this by-law or the provisions of any other law which is found by the authorised official –
 - (a) to be suffering from any incurable, infectious or contagious disease, or be badly injured: or
 - (b) to be ferocious, vicious or dangerous, may be destroyed forthwith - the destruction of any dog or cat shall be by such painless method as may be approved by a registered veterinarian and shall take place under the supervision of an authorised official.

CHAPTER 2: GENERAL PROVISIONS RELATING TO THE KEEPING OF ANIMALS

21. Welfare facilities for the care and accommodation of animals

- (1) All entities purporting to be animal welfare organisations must be registered not-for-profit entities whose main mission and objectives is the reduction of animal suffering and improvements in animal welfare.

- (2) All animal welfare organisations other than a statutory organisation which also functions as rescue and shelter organisations must apply for a permit from the City, which permit must be issued prior to the commencement of operations.
- (3) Such permit may only be granted if the applicant–
 - (a) has appropriate dedicated facilities in terms of relevant City by-laws; and
 - (b) will employ at least one professional, qualified and registered welfare expert to be continuously involved in the management of the organisation or enterprise.

22. Establishment of a pound and appointment of pound master

- (1) The City may establish a pound and any places for safe-keeping of animals within the area of jurisdiction of the City.
- (2) The City may enter into a service delivery agreement with a statutory organisation, an animal welfare organisation or a person to operate such a pound.
- (3) The City may close any pound under its control.
- (4) The City may, in terms of the relevant policies, appoint a competent and suitably skilled person as pound master.
- (5) The City may, in terms of a service delivery agreement, appoint a competent and suitably skilled service provider as pound master.

23. Animal keepers

- (1) All persons are capable of keeping animals, other than –
 - (a) where previously banned from doing so;
 - (b) where unable to provide basic species specific care;
 - (c) minors under 14, who may not keep animals without consent of guardians; and
 - (d) where the appropriate permits from the relevant conservation authorities were not obtained for the keeping of such an animal.
- (2) Any person giving an animal into the care of an animal keeper must ensure that the keeper meets these minimum criteria.

24. Nuisance

- (1) No person may keep any animal that creates a nuisance, whether the health nuisance or nuisance emanates from odour, sound or noise made by the animal, or from any other source relating to the animal and whether the health nuisance or nuisance emanates from the animal itself or from the manner in which, or the conditions under which, the animal is kept or from the escaping or wandering of the animal, as the case may be.
- (2) The City may consult with the relevant street committee or neighbourhood watch of the area to resolve the matter with the owner of the animal causing the nuisance.
- (3) If the City reasonably believes that an animal poses or creates a nuisance, the City may –

- (a) in writing order the owner or person in charge of the animal to abate the nuisance within a reasonable time and setting out the measures to be taken; or
 - (b) where possible and, if necessary, remove the animal concerned.
- (4) If a person as contemplated in subsection (3) is found guilty of a second contravention in terms of subsection (3) in respect of the same animal, the Court may, in addition to imposing a sentence in accordance with the provisions of this by-law, order that the animal be seized and removed by the City to a place designated by the City as contemplated in this by-law.
- (5) If the City reasonably believes that any stable, enclosure or other building or structure where an animal is kept causes or is likely to cause a nuisance, be it due to its construction or state of disrepair or lack of cleanliness or for any other reason, the City may in writing order the owner or the person in charge of the premises upon which the stable, enclosure, building or structure concerned is situated, to execute and perform such work as required to abate the nuisance, as the case may be, as specified in the notice, within a reasonable time.
- (6) If the nuisance as contemplated in subsection (5) has not abated after expiry of the period concerned, or the owner or person in charge of the premises has not executed and performed the work required in the notice to the satisfaction of the City, the owner or person in charge of the premises is guilty of an offence.

25. Permits

- (1) Any person that wants to undertake an activity or for the keeping of animals listed in this By-law, and for which a permit is required, must apply to the City in writing prior to undertaking the relevant activity.
- (2) The City may charge the applicant a prescribed fee for considering and for granting a permit.
- (3) The City may refuse to consider an application for a permit until the prescribed fee has been paid and until it has been provided with the information that it reasonably requires to make an informed decision.
- (4) The City may, after consideration of a report and recommendation of an authorised official or veterinary surgeon, by written notice to the holder of a permit, amend, suspend or cancel the permit –
- (a) if it is satisfied that failure to do so would result in-
 - (i) the creation or continuation of a nuisance in a public place; or
 - (ii) a continued contravention of any provision of this by-law;
 - (b) with immediate effect, if an authorised official reasonably believes that it is urgently necessary to do so to eliminate or reduce a significant risk to public health posed by a nuisance; or
 - (c) after expiry of the period stipulated in a notice affording the holder of a permit a reasonable opportunity to comply with the notice and the holder of the permit failed to comply with the notice.

- (5) The City may amend, suspend or cancel a permit by written notice to the holder, if the authorised official reasonably believes that it is necessary to do so to protect public health or to take account of changed circumstances since the permit was issued.

26. Keeping of Dogs and Cats

- (1) A person who keeps a dog or cat that is older than six months must apply to the City for a permit in respect of every dog or cat.
- (2) The application must be accompanied by the prescribed permit fee as set out in the City's tariff of charges, as well as a valid rabies inoculation certificate held in respect of the dog or cat concerned.

27. Keeping of dangerous animals

- (1) A person who keeps a dangerous animal must –
 - (a) keep it in an adequate enclosure;
 - (b) display adequate signage indicating the presence of a dangerous animal; and
 - (c) take reasonable measures to ensure that the animal –
 - (i) does not escape from the premises where it is kept; or
 - (ii) does not pose a danger, or cause harm, to a person, other animal or property.

28. Keeping of wild animals

- (1) No person may keep any wild animals on residential premises without prior approval of the relevant nature conservation authorities and or without a permit by the relevant local authority authorizing the keeping of such animals on the premises.
- (2) No person may deliberately or negligently feed any wild animal that is not in captivity, with the exclusion of bird feeders.
- (3) No person may permit a wild animal to access domestic waste.

29. Standards and Requirements for Keeping of Animals On Premises

- (1) Premises used in connection with the keeping of animals and poultry must be operated under a permit issued in terms of this By-Law, except premises used for the keeping of animals and poultry on property zoned for agricultural farming or agricultural purposes, where the primary use of the land is for farming with animals and poultry.
- (2) No person may keep, breed or operate the following animals on any residential premises without applying to the City for a permit –
 - (a) keep cattle, horses, mules, donkeys or any animal of similar or bigger size;
 - (b) keep goats or sheep or any animal of similar or smaller size;
 - (c) any poultry, excluding 5 chicken hens;
 - (d) keep more than 5 birds;

- (e) keep or breed any rabbits; and
 - (f) operate a kennel or cattery.
- (3) No person shall keep any varieties of rock dove or feral pigeons of the species *Columba livia* on any residential premises, unless under a valid permit issued in terms of this By-Law and proof of Pigeon Racing Club or Show Pigeon Club Membership.
- (4) Applications to keep any varieties of rock dove or feral pigeons of the species *Columba livia* on any residential premises must be in writing in the prescribed format and may be considered and resolved by the City after consideration of substantiated comments received from abutting and affected neighbours and proof of Club Membership.
- (5) No person may keep any pigs on any residential premises in the City.
- (6) No person may keep any roosters on any residential premises in the City.

30. General hygiene requirements for keeping of animals and poultry

- (1) The premises and any equipment, apparatus, container or receptacle used in connection with keeping of animals, shall be maintained in a clean and sanitary condition and in good repair.
- (2) Portable storage receptacles of an impervious material and with close fitting lids must be provided for storage of manure and animal waste.
- (3) Potable drinking water supply must be provided and situated next to or in every stable or any enclosure used to accommodate animals, including poultry.
- (4) Manure storage receptacles shall be kept on a platform that enables the surface underneath the receptacle to be cleaned.
- (5) Manure from an enclosure must be removed at least once every three (3) days and placed in the manure storage receptacles.
- (6) The contents of the manure storage receptacles must be removed from the premises at least once every seven days and disposed of in a way that will not create a public health nuisance. The disposal of manure does not include composting on the premises.
- (7) All feed must be stored in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids in the storeroom.
- (8) Adequate measures must be taken to keep the premises free of pests and to prevent offensive odours arising from the keeping of such animals.
- (9) All animal bedding must be removed from the stables/enclosures at least once a week and shall be stored in the manure receptacles or manure container or area until it is removed from the premises and suitably disposed of.
- (10) Adequate washing facilities shall be provided for the cleaning of all structures housing animals and poultry.

- (11) If the amount of manure generated on the premises is of large quantities, it may be required that a manure storage area be provided for storage of manure prior to removal.
- (12) The manure storage area, if needed, shall have a roofed platform constructed of concrete or other impervious material and the platform shall be graded and drained.
- (13) Any animal that dies from any premises shall be removed from the said premises within 24 hours of its death, to prevent a health nuisance or nuisance from occurring.
- (14) Where the premises are provided with an animal mortuary, carcasses must be kept in the cold storage facilities until they are removed from the premises.
- (15) Disposal of dead animals shall be conducted in an acceptable manner and in compliance to the relevant City by-laws.
- (16) Subsections (14) and (15) do not apply to similar facilities provided for in terms of the Meat Safety Act No. 40 of 2000, registered veterinarian facilities or pounds.

31. Standards and Requirements for Pet Parlours, Pet Shops, Pet Day Care Facilities and Pet Hotels

- (1) No person shall operate a pet parlour, pet shop, pet day care facility or pet hotel on any premises, unless under a valid permit issued in terms of this By-Law.
- (2) Applications to operate a pet parlour, pet shop, pet day care facility or pet hotel must be made in writing in the prescribed format and may be considered and resolved by the City after consideration of substantiated comments received from abutting and affected neighbours.
- (3) Pet parlours, pet shops, pet day care facilities and pet hotels must comply with the environmental health standards as set out in the relevant by-laws, policies and any conditions that the City may attach to their permits.

32. Keeping and slaughtering of animals for religious, cultural, ceremonial and own consumption purposes

- (1) Subject to subsection (2), no person may:
 - (a) slaughter any animal at any place other than at a registered abattoir;
 - (b) permit the slaughter of any animal at any place under their control unless that place is a registered abattoir; or
 - (c) sell or provide meat for human consumption and animal consumption unless it has been slaughtered at an abattoir.
- (2) Subsection 1 does not apply to a slaughter for religious, cultural, ceremonial and own consumption purposes, in terms of the Meat Safety Act, 40 of 2000.
- (3) No meat or animal product obtained from an animal slaughtered as contemplated in subsections 1 may be sold to any person.
- (4) In the case of religious and cultural slaughtering, an application must be made in writing, fourteen (14) days prior to the event.
- (5) The slaughtering of the animal must be conducted in a position as to not allow observation by any person on neighbouring premises or any member of the public.

- (6) The meat from the slaughtered animal may only be used for religious, cultural, ceremonial and own consumption purposes and may not be sold to any person.
- (7) The meat must be handled in a hygienic manner at all times.
- (8) Blood and other waste products from the carcass must be disposed of in a manner which will not become a public health nuisance.
- (9) The animal to be slaughtered must not be kept on the premises for a period in excess of twelve (12) hours, prior to slaughtering.
- (10) Measures must be taken to ensure that no health nuisance is created or exists on the premises as a result of the slaughtering.
- (11) The services of an authorised official or any person deemed as a meat inspector in terms of the Meat Safety Act, 2000 (Act No. 40 of 2000), may be requested for conducting a post-mortem examination of the slaughtered animal at a cost determined by the City.
- (12) Animals selected for slaughter, in terms of the Red Meat Regulations promulgated in terms of the Meat Safety Act, 2000 (Act No. 40 of 2000), must be in a healthy condition.
- (13) Persons intending to keep animals for slaughter shall:
 - (a) Keep the animal off feed for twelve (12) hours, but provide access to water.
 - (b) Ensure that the legs of the animal are not bound.
 - (c) Not run or excite the animal prior to slaughtering because this may cause poor bleeding and give the carcass a bloody appearance.
 - (d) Minimise pain and suffering as per the Meat Safety Act, 2000 (Act No. 40 of 2000).
 - (e) Provide written proof of notification to abutting neighbours which must be submitted with the application in residential areas only; and
 - (f) Ensure all areas are kept free of animal waste.
- (14) Standard consent form must be completed by applicant.
- (15) Number of animals and duration of event must be indicated by the applicant.
- (16) No noise nuisance shall occur prior to and during the slaughtering process.
- (17) All waste products to be disposed on in a manner approved by the Director: City Health.

33. Drainage

- (1) A person who keeps animals must ensure that all sinks, wash hand basins, baths, shower-baths, troughs, floor surfaces, channels and washing platforms required to be drained in terms of these by-laws are drained in accordance with the provisions of the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977).

CHAPTER 3: BEE KEEPING**34. Keeping of bees**

- (1) No person may keep bees in a residential area or public open space without the permission of the City.
- (2) The City may set standards and requirements applicable to bee keeping.
- (3) No person may keep bees within the City without registration with a registered bee keepers' association or the National Department responsible for agriculture.
- (4) Proof of registration must be submitted to the City in the prescribed manner within 30 days of receipt.
- (5) The City may establish and maintain a bee keeping database and inspect bee keeping premises in accordance with relevant by-laws, City policies and Standard Operating Procedures.
- (6) Bee keeping may not cause a health nuisance or nuisance.

CHAPTER 4: ENFORCEMENT**35. Offences and penalties**

- (1) Any person who –

- (a) contravenes or fails to comply with any provision of this By-law or disobeys any instruction or written compliance notice by an authorised official enforcing this By-law;
- (b) obstructs or hinders any person in the execution of any power or the performance of any duty or function in terms of any provision of this By-law;
or
- (c) furnishes false, incorrect or misleading information when applying for permission from the City in terms of a provision of this by-law;

is guilty of an offence and liable to a fine or upon conviction to a period of imprisonment for a period not exceeding two years, or to both a fine and such imprisonment

36. Powers and functions of authorised officials

- (1) An authorised official may, for the purposes of enforcing this By-Law-
 - (a) instruct a person who is in contravention to-
 - (i) stop the conduct prohibited under the By-Law;

- (ii) remove any obstruction to the safe or free passage of a pedestrian or motor vehicle;
 - (iii) leave and remain out of a specified public place;
- (b) issue a written compliance notice on a person contravening the By-Law, which notice must include the following-
- (i) describe the conduct constituting a contravention of the By-Law;
 - (ii) indicate the section of the By-Law contravened;
 - (iii) specify the steps to be taken to comply with the notice;
 - (iv) (iv) specify the time periods within which the steps have to be taken;
 - (v) state that the failure to comply with the compliance notice constitutes an offence in addition to the contravention of the section contemplated in sub-paragraph (ii); and
 - (vi) state that, in the event of non-compliance, that person will be liable for a fine for both the contravention and for not complying with the compliance notice and state the amount of the fine;
- (c) issue a notice in terms of sections 56 or 341 of the Criminal Procedure Act, 51 of 1977 if –
- (i) a person contravenes a provision of the By-Law; or
 - (ii) a person fails or refuses to comply with a direction in terms of paragraph (a) or a compliance notice in terms of paragraph (b);
- (d) without a search warrant search any person, vehicle, or structure for the purpose of seizing any article which is, or is on reasonable grounds believed to be, concerned with the commission of an offence in terms of this By-law if –
- (i) the person consents to the search;
 - (ii) the person does not consent, the official, on reasonable grounds believes—
 - (aa) that a search warrant will be issued under paragraph (a) of section 21 (1) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) if application is made for a warrant; and
 - (bb) that the delay in obtaining a warrant would defeat the object of the search; or
 - (iii) in terms of section 23 of the Criminal Procedure Act, 1977 (Act 51 of 1977);

- (e) arrest a person, who commits an offence in terms of the By-Law, in terms of section 40(1)(a) to (f), (h) and (j) of the Criminal Procedure Act, 51 of 1977 and, if necessary, search the person arrested in terms of section 23 of that Act;
 - (f) impound, in accordance with the City's Standard Operating Procedure on the Impoundment of Goods and Animals, 2012, any personal items of persons arrested in accordance with this By-law;
 - (g) require any person to furnish their name and address and other particulars that are required for identification or for any process if the authorised official reasonably suspects this person of having committed an offence in terms of this By-law or, if in the opinion of the authorised official, that person is able to give evidence in regard to the commission of any such offence;
 - (h) conduct an inspection in relation to any premises or business –
 - (i) to determine whether the provisions of this By-Law are being complied with;
 - (ii) where there are reasonable grounds for believing that a provision of this By-law has been contravened;
 - (iii) inspect the premises or any vehicle that is used or that they reasonably suspect is being used for the business and anything on the premises or anything in the vehicle; and
 - (iv) question any person on the premises or in the vehicle or any person who has recently been on the premises or in the vehicle; and
 - (i) enter any premises or business at all reasonable times, where there has been an allegation that a provision of this By-law has been contravened.
- (2) Should the person on whom a written compliance notice was issued in terms of subsection (1) fail to comply, or inadequately comply, with the written compliance notice, the City may –
- (a) take measures that the City considers appropriate to remedy the situation or may authorise another person to take such measures; and
 - (b) recover costs in terms of its Credit Control and Debt Collection Policy and the Credit Control and Debt Collection By-law 2006 or similar legislation or policy, for the measures to be undertaken and all costs incurred as a result of acting under this By-law, from any or all of the persons on whom the written compliance notice was issued.
- (3) In exercising any power under this section every authorised official must-
- (a) exercise their powers reasonably with due regard to every person's fundamental rights under Chapter 2 of the Constitution;

- (b) ensure if force is required under the circumstances, the level of force is justifiable and proportional; and
 - (c) in the absence of an authorised official contemplated in subsection (4), take steps to prevent any other authorised official from exercising powers in contravention of paragraphs (a) and (b).
- (4) The authorised official in charge must exercise their duty of care by intervening and taking the necessary steps to curtail any unreasonable exercise of powers or disproportionate use of force by any official under their command.

37. Indemnity

- (1) Neither the City nor any authorised official is liable for any damages in respect of anything lawfully done or omitted in the reasonable exercising of any power or carrying out any function in terms of this By-law.

38. Appeal

- (1) A person whose rights are affected by a decision taken in terms of this By-law may appeal against that decision by giving written notice of, and reasons for, the appeal in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) to the City Manager within 21 days of the notification of the decision.
- (2) Any authorised official making a decision in terms of this By-law must inform any person affected by the decision of that person's right to appeal in terms of subsection (1).

CHAPTER 5: MISCELLANEOUS

39. Repeal

The City of Cape Town Animal By-Law, 2010 is hereby repealed.

40. Short title and Commencement

This law is called the City of Cape Town Animal Keeping By-Law, 2021 and shall come into operation on the date of publication in the Provincial Gazette.



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

VERORDENING OP DIE AANHOU VAN DIERE, 2021

Stad Kaapstad: Verordening op die Aanhou van Diere, 2021

Om bepalings neer te lê vir die bestuur en beskerming van inwoners én diere se belange deur beheer uit te oefen oor die getalle en tipes diere wat aangehou mag word, sowel as oor die omstandighede waarin sodanige diere aangehou, gehuisves en versorg mag word, en vir die voorkoming van moontlike steurnisse, verlies, skade of siekte wat uit die aanhou van sodanige diere kan ontstaan.

AANHEF

AANGESIEN artikel 156(1) van die Grondwet van die Republiek van Suid-Afrika, 1996, 'n munisipaliteit die uitvoerende gesag en reg op administrasie gee ten opsigte van (a) die plaaslike regeringsaangeleenthede in deel B van bylae 4 en deel B van bylae 5 by die Grondwet, sowel as (b) enige ander aangeleentheid wat nasionale of provinsiale wetgewing aan die munisipaliteit opdra;

AANGESIEN die Stad ingevolge deel B van bylae 5 by die Grondwet en ooreenkomstig artikel 155(6)(a) en (7) van die Grondwet oor wetgewende bevoegdheid beskik met betrekking tot beheer oor openbare steurnisse, skutte, geriewe vir die huisvesting, versorging en begrawe van diere, die lisensiëring van honde, die lisensiëring van en beheer oor ondernemings wat kos aan die publiek verkoop, markte, munisipale abattoirs, straathandel, munisipale paaie, verkeer en parkering;

AANGESIEN die Stad ingevolge deel B van bylae 4 by die Grondwet en ooreenkomstig artikel 155(6)(a) en (7) van die Grondwet oor wetgewende bevoegdheid beskik met betrekking tot munisipale gesondheidsdienste;

EN AANGESIEN daar 'n behoefte bestaan aan wetgewing om bepalings neer te lê vir die veilige, higiëniese en verantwoordelike aanhou van diere in die regsgebied van die Stad en enige aangeleenthede wat daarmee verband hou;

DAAROM VERORDEN die munisipale raad van die Stad Kaapstad soos volg:

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1. Woordoms krywing

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

“aanhouer van diere”:

(a) ten opsigte van enige spesifieke dier, die eienaar of mede-eienaar van die dier, of enige ander persoon in besit van die dier of wat daarvoor verantwoordelik is om die dier te voer en te versorg; en

(b) ten opsigte van ’n katte- of hondeherberg of -telery, of ’n troeteldiersalon of -winkel, die persoon wat die onderneming bedryf, of die persoon in beheer van die perseel waarop die onderneming bedryf word;

“**boerdery of landboudoeleindes**” die bewerking van grond vir gewasse en plante, die aanhou en teel van diere, byeteelt, of die bedryf van ’n wildsplaas, met inbegrip van sodanige aktiwiteite en geboue as wat redelikerwys met die hoofboerderyaktiwiteite verband hou, soos wooneenhede vir die boer, plaasbestuurder en plaaswerkers, die verpakking van landbouprodukte wat op die eiendom gekweek word vir lewering aan die mark, en ’n kwekery, maar met uitsluiting van intensiewe tuinbou, intensiewe diereboerdery, ’n plaaswinkel, die oes van natuurlike hulpbronne en ’n landbounywerheid;

“**bye**” heuningbye;

“**dier**” enige perd, bees, vark, skaap, bok, kameel, reptiel, hond, kat, pluimvee, volstruis, voël, konyn, vis of ander waterdier, knaagdier in gevangenskap, enige ander mak dier en inheemse dier, met inbegrip van enige wilde dier of eksotiese dier wat op enige manier in gevangenskap of onder enige persoon se beheer is;

“**dieraangedrewe vervoermiddel**” enige kar of ander tipe vervoermiddel wat fisies op enige manier aan enige dier vasgemaak word om sodanige kar of ander tipe vervoermiddel te laat beweeg;

“**eienaar**” ten opsigte van ’n dier, onder meer enige persoon in wie se besit of onder wie se beheer of toesig daardie dier is;

“**gemagtigde amptenaar**” ’n werknemer van die Stad wat verantwoordelik is om enige plig of funksie of bevoegdheid ingevolge hierdie verordening te verrig of uit te oefen, met inbegrip van ’n werknemer wat gedelegeer of aangewys word om sodanige plig, funksie of bevoegdheid te verrig of uit te oefen;

“**gesondheidsoorlas**” enige aktiwiteit, toestand, perseel of ding wat, vanweë uitvloeiing, dampe, chemiese uitwaseming, reuke, geraas, vullis, afvalprodukte, vuil, chemiese of biochemiese materiaal, mikrobiële infeksie, ongediertes, ’n gebrek aan behoorlike algemene higiëne, ventilasie, lig, ontwerp of ligging, of weens enige ander oorsaak of praktyk hoegenaamd, na die oordeel van die direkteur: stadsgesondheid of ’n gemagtigde amptenaar moontlike gesondheidsnadele of -gevaar inhou of aanstootlik is, wat insluit, dog sonder om aan die algemeenheid van die voorafgaande afbreuk te doen, enige fasiliteit vir die berging, verspreiding of hantering van water wat waarskynlik vir menslike huishoudelike

doeleindes of verbruik aangewend sal word, met inbegrip van sodanige water self, wat besmet of besoedel is;

“gevaarlike dier” enige dier wat ’n redelike of moontlike gevaar inhou vir die veiligheid van enige persoon, dier of eiendom, of enige persoon of dier sonder enige aanleiding aangeval het, of eiendom beskadig het;

“gevangenskap” ten opsigte van enige dier, aanhouding in ’n ruimte wat deur middel van enige omheining, muur of enige tipe versperring hoegenaamd ingeperk is sodat sodanige dier nie kan ontsnap nie;

“gidshond” ’n hond wat opgelei is om blinde persone of diegene met aangetaste sig by te staan, met inbegrip van ’n dienshond wat opgelei is om persone met verstandelike of fisiese gestremdhede by te staan;

“groot dier” onder meer enige perd, ponie, donkie, muil, bees, wildsbok, skaap, vark, bok, volstruis of kameel, en enige ander dier van ’n soortgelyke grootte of groter;

“groot woonhuis” ’n woonhuis op ’n erf van meer as seshonderd (600) vierkante meter;

“hondeherberg” ’n perseel waarin of waarop –

- a) huisvestingsgeriewe vir honde voorsien word;
- b) honde aangehou word vir die doel van opleiding of verhuring, met of sonder hanteerders; of
- c) honde vir kommersiële sekuriteitsdoeleindes aangehou word;

“hondetelery” ’n perseel waarin of waarop honde vir kommersiële doeleindes geteel word;

“karkas” die oorskot van enige dooie dier of pluimvee;

“katteherberg” ’n perseel waarin of waarop huisvestingsgeriewe vir katte voorsien word;

“kattetelery” ’n perseel waarin of waarop katte vir kommersiële doeleindes geteel word;

“konynhok” enige oordekte gebou of struktuur waarin konyne aangehou word;

“korf” ’n houër van hout of ’n ander tipe materiaal wat geskik is om bye in aan te hou;

“landboueiendom” grond wat ingevolge die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015, vir sodanige doeleinde gesoneer is;

“openbare gesondheid” die praktyk van siektevoorkoming en die bevordering van die gesondheid en fisiese welstand van die mense in die regsgebied van die Stad;

“openbare plek” onder meer –

- (a) ’n openbare pad, parkeerterrein, vierkant, park, ontspanningsterrein, sportterrein, sanitêre steeg, oop ruimte, strand, winkelsentrum op munisipale grond, ongebruikte of onbeboude munisipale grond of begraafplaas wat –
 - (i) vir die publiek se gebruik voorsien, geoormerk of opsygesit is; of
 - (ii) aan die publiek gewy is;
- (b) openbare vervoer wat diensverskaffers namens die Stad bedryf, maar met uitsluiting van openbare grond wat deur die Stad verhuur word;

“permit” die skriftelike toestemming van die Stad ingevolge hierdie verordening;

“perseel”

- a) 'n gebou, tent of enige ander struktuur, saam met die grond waarop dit geleë is, en die aangrensende grond wat in verband daarmee gebruik word;
- b) enige grond sonder geboue of tente; en
- c) ook enige voertuig, vervoermiddel, skip of boot;

“persoon” onder meer enige regeringsfeer of natuurlike of regspersone;

“pluimvee” enige jagvoël, gans, volstruis, eend, duif, kalkoen, makou, tarentaal, mannetjie- of wyfiepou, hoender of voël, hetsy mak of wild;

“pluimveehok” enige oordekte gebou of struktuur waarin pluimvee aangehou word;

“pluimveekamp” 'n onoordekte ruimte wat met draadmaas of op 'n ander manier omhein is waarin pluimvee aangehou word, ongeag of dit aan 'n pluimveehok vas is of nie;

“Raad” die Raad van die Stad Kaapstad;

“rondloperdier” enige dier wat nie onder die direkte beheer van 'n persoon is nie, of nie verhinder word om rond te loop nie, of 'n dier wat ontsnap of verdwaal het;

“skut” 'n plek wat die Stad ingevolge enige wet vir die skut, verkoop en van kant maak van diere aanwys, met inbegrip van die perseel van dierewelsynsorganisasies wat deur die Stad erken word;

“skutmeester” 'n persoon wat deur die Stad aangestel is om in beheer te wees van 'n skut;

“Stad” die Stad Kaapstad, 'n munisipaliteit wat ingestel is deur die Stad Kaapstadstigtingskennisgewing no. 479 van 2000, wat ingevolge artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998) uitgereik is, of enige struktuur of werknemer van die Stad wat ingevolge gedelegeerde bevoegdheid optree;

“steurnis” onder meer 'n handeling of versuim wat aanstootlik is, gesondheidsnadele of -gevaar inhou, weselik met die gewone gemak, gerief, rus of vrede van die publiek inmeng, of die algemene publiek nadelig raak;

“struktuur” enige stal, skuur, hok, kraal, kamp, oordekking, loophok, gebou of enige ander ingeslote ruimte wat vir die aanhou, huisvesting of inperking van diere en pluimvee gebruik word;

“troeteldier” enige huis- of ander dier wat wettig aangehou mag word;

“troeteldiersalon” 'n onderneming wat deur die Stad goedgekeur is om 'n skoonheidsbehandelingsdiens vir troeteldiere te lewer deur die diere te was, droog te maak, te borsel, hulle hare te knip of korter te sny en te kleur, hulle naels en tande te versorg, en enige verbandhoudende behandelings;

“troeteldierwinkel” 'n sakeperseel wat deur die Stad goedgekeur is om troeteldiere aan te hou en te verkoop;

“voël” onder meer enige wilde voël, maar nie pluimvee nie;

“werksdier” 'n dier wat opgelei is om sekere take tot mense se voordeel te verrig;

“**wilde dier**” enige lewende gewerwede of ongewerwede dier van ’n spesie wat nie huisdiere is nie (met inbegrip van enige sodanige dier se eiers of saad), wat insluit enige sodanige dier wat in gevangenskap gebore is of aangehou word;

“**wooneenheid**” ’n volledig toegeruste, aaneengeskakelde groep vertrekke met hoogstens een kombuis wat vir die verblyf en behuising van een gesin of ’n maksimum van vyf tydelike gaste gebruik word, saam met sodanige buitegeboue as wat gewoonlik daarmee saam gebruik word, maar met uitsluiting van kwartiere vir huiswerkers, of toeristeverblyf, of verblyf wat as deel van ’n hotel gebruik word; en

“**woonhuis**” ’n gebou wat uit slegs een wooneenheid bestaan, saam met sodanige buitegeboue as wat gewoonlik saam met ’n woonhuis gebruik word, met inbegrip van kwartiere vir huiswerkers.

HOOFSTUK 1: ALGEMENE BEPALINGS MET BETREKKING TOT DIERE

2. Beperking op getal diere

- (1) Die Stad kan die getal diere bepaal wat op enige perseel aangehou mag word.
- (2) Die getal diere wat in subartikel (1) bepaal word, is nie van toepassing nie op enige persoon wat –
 - (a) die regmatige eienaar of bestuurder in beheer van ’n troeteldierwinkel is;
 - (b) die eienaar of bestuurder in beheer van ’n perseel is waar diere aangehou of opgelei word, en waar sodanige aanhouding of opleiding onder die beskerming van ’n geregistreerde dierevereniging geskied;
 - (c) die eienaar of bestuurder van ’n veeartsenykundige kliniek is;
 - (d) in beheer is van honde of perde van die Stad se metropolisedepartement, die Suid-Afrikaanse Polisie of die Suid-Afrikaanse Weermag wat vir bedryfsdoeleindes aangehou word; of
 - (e) ’n skut bedryf.

3. Regulering van teling

- (1) Alle honde en katte (manlik en vroulik) van ouer as ses maande moet gesteriliseer word, tensy die eienaar ’n permit van die Stad bekom om die dier ongesteryliseer te hou.
- (2) ’n Aansoek om ’n dier ongesteryliseer te hou moet skriftelik op ’n voorgeskrewe vorm ooreenkomstig die tersaaklike Stadsbeleide en -standaardbedryfsprosedures geskied en van die voorgeskrewe fooi vergesel wees.
- (3) ’n Gemagtigde amptenaar kan ’n dier laat steriliseer en die koste daarvan van die eienaar laat verhaal indien –
 - (a) dit na die amptenaar se mening in die dier se belang is;
 - (b) dit na die amptenaar se mening nodig is om steurnis te voorkom;
 - (c) die dier ’n rondloperdier is;
 - (d) die eienaar so versoek; en
 - (e) die dier op beslag gelê en geskut is of by ’n oortreding betrokke was.

4. Beperking op getal honde

- (1) Die Stad kan die getal honde bepaal wat op enige perseel aangehou mag word.
- (2) By gebrek aan 'n bepaling ingevolge subartikel (1) en onderworpe aan die bepalings van subartikels (3) en (4) mag geen persoon meer as –
 - (a) twee honde ouer as ses maande in of by 'n wooneenheid aanhou, of dit toelaat nie;
 - (b) drie honde ouer as ses maande in of by 'n woonhuis aanhou, of dit toelaat nie;
 - (c) vier honde ouer as ses maande in of by 'n groot woonhuis aanhou, of dit toelaat nie;
 - (d) ses honde ouer as ses maande op 'n landboueiendom aanhou, of dit toelaat nie; of
 - (e) drie honde ouer as ses maande op of by enige ander perseel aanhou, of dit toelaat nie.
- (3) Subartikel (2) is nie van toepassing nie op enige persoon wat –
 - (a) oor 'n permit beskik om meer honde aan te hou, welke permit ingevolge artikel 5 uitgereik is;
 - (b) oor 'n permit beskik om 'n hondeherberg of -telery te bedryf;
 - (c) die eienaar of bestuurder in beheer van 'n troeteldierwinkel is en oor skriftelike bewys beskik dat alle honde onder sy/haar beheer teen hondesiekte, hepatitis, hokhoes (“kennel cough”) en parvovirus ingeënt is;
 - (d) die eienaar of in beheer is van 'n perseel waar gidshonde aangehou of opgelei word, en sodanige aanhouding en opleiding onder die beskerming van die Suid-Afrikaanse Gidshondevereniging geskied;
 - (e) die eienaar of bestuurder van 'n veeartsenykundige kliniek is;
 - (f) in beheer is van honde en perde van die Stad se metropolisedepartement, die Suid-Afrikaanse Polisiediens of die Suid-Afrikaanse Weermag wat vir bedryfsdoeleindes aangehou word; of
 - (g) 'n skut bedryf.
- (4) 'n Persoon wie se permit om 'n hond aan te hou gekanselleer is, of uit wie se sorg 'n hond voorheen verwyder is, of wat 'n vorige strafregtelike skuldigbevinding of siviele vonnis teen hom/haar het ten opsigte van 'n hond in sy/haar sorg, mag nie 'n hond aanhou nie, tensy die Stad anders bepaal.

5. Permitte om meer as die voorgeskrewe getal honde en katte aan te hou

- (1) Enige persoon wat méér honde of katte op 'n perseel wil aanhou as die voorgeskrewe getal wat ingevolge artikel 4 en 6 vir daardie tipe perseel voorgeskryf word, moet by die Stad om 'n permit aansoek doen.
- (2) 'n Aansoek ingevolge subartikel (1) moet skriftelik op 'n voorgeskrewe vorm geskied en van die voorgeskrewe fooi vergesel wees.
- (3) Die Stad kan van die aansoeker vereis om enige inligting te voorsien wat die Stad as tersaaklik beskou om 'n ingeligte besluit te neem.
- (4) Die Stad kan weier om 'n aansoek ingevolge subartikel (1) te oorweeg indien die bepalings van subartikel (2) nie nagekom is nie, of indien inligting wat in subartikel (3) beoog word, nie voorsien is nie.
- (5) Die Stad kan slegs 'n aansoek ingevolge subartikel (1) oorweeg ná ontvangs van 'n skriftelike verslag van 'n gemagtigde amptenaar –
 - (a) wat aandui of die hond of kat waarvoor die permit vereis word waarskynlik 'n openbare gesondheidsoorlas sal veroorsaak, en of die aanhou van sodanige hond of kat tot 'n oortreding van artikel 5 of 6 kan aanleiding gee;
 - (b) wat die uitslag uiteensit van 'n inspeksie van die perseel waar die betrokke hond of kat aangehou word of sal word; en
 - (c) wat aandui of 'n hond of kat voorheen uit die aansoeker se sorg verwyder is, en of die aansoeker 'n vorige strafregtelike skuldigbevinding of siviele vonnis teen hom/haar het ten opsigte van 'n dier in sy/haar sorg.
- (6) Die Stad kan 'n aansoek ingevolge subartikel (1) hetsy van die hand wys óf goedkeur onderworpe aan enige voorwaardes wat bedoel is om die risiko te beperk dat enige openbare gesondheidsoorlas as gevolg van die honde of katte op die betrokke perseel sal voorkom of voortduur, of om sodanige risiko tot 'n vlak te verlaag wat vir die Stad aanvaarbaar is.
- (7) Vir enige aansoek wat ingevolge subartikel (6) goedgekeur word, moet 'n gemagtigde amptenaar 'n permit op 'n voorgeskrewe vorm uitreik wat elke voorwaarde wat die Stad oplê, uiteensit.
- (8) 'n Permit is nie oordraagbaar van een persoon na 'n ander óf van die perseel waarvoor dit uitgereik is na 'n ander perseel nie.

6. Beperking op getal katte

- (1) Die Stad kan die getal katte bepaal wat op enige perseel aangehou mag word.
- (2) By gebrek aan 'n bepaling ingevolge subartikel (1) en onderworpe aan die bepalings van subartikels (3) en (4) mag geen persoon meer as –
 - (a) vier katte ouer as ses maande op enige perseel aanhou, of dit toelaat nie;
 - (b) ses katte op 'n landboueiendom aanhou, of dit toelaat nie.
- (3) Subartikel (2) is nie van toepassing op enige persoon wat oor 'n permit beskik wat ingevolge artikel 5 uitgereik is nie.

- (4) 'n Persoon uit wie se sorg 'n kat voorheen verwyder is, of wat 'n vorige strafregtelike skuldigbevinding of siviele vonnis teen hom/haar het ten opsigte van 'n kat in sy/haar sorg, mag nie 'n kat aanhou nie, tensy die Stad anders bepaal.
- (5) Geen persoon sal enige kat aanhou waarvan die halsband of mikroskyfie nie 'n naam, telefoonnommer en straatadres of 'n verwysing na 'n dierebeskermingsvereniging of 'n geregistreerde dierewelsynsorganisasie bevat nie.

7. Diere mag nie 'n bron van gevaar wees nie

- (1) Geen persoon mag enige dier aanmoedig, aanhits of uitlok om enige persoon of dier aan te val, lastig te val of skrik te maak, of uit agtelosigheid nalaat om te verhoed dat enige dier enige persoon of dier aanval, lastig val of skrikmaak nie.
- (2) Enige persoon wat 'n dier op enige perseel aanhou, moet sodanige dier op so 'n wyse aanhou dat dit nie 'n bron van gevaar vir Stadswerknemers inhou wat sodanige perseel betree met die doel om hulle pligte uit te voer nie.
- (3) 'n Kennisgewing wat aandui dat 'n gevaarlike dier op die perseel aangehou word, moet op 'n opvallende plek by elke toegangspunt tot die perseel vertoon word.

8. Dieregevegte

- (1) Enige persoon wat –

- (a) 'n dier besit, aanhou, invoer, koop, verkoop, oplei, teel of onder sy/haar beheer het vir die doel om teen enige ander dier te baklei;
- (b) enige dier aanspoor, uitlok of aanhits om 'n ander dier aan te val of voort te gaan om teen 'n ander dier te baklei;
- (c) dieregevegte bevorder vir finansiële gewin of as 'n vorm van vermaak;
- (d) toelaat dat enige van die handeling in paragraaf (a) en (c) hierbo op enige perseel of plek in sy/haar besit of onder sy/haar beheer geskied;
- (e) enige perseel of openbare plek besit, gebruik of beheer vir die doel, of deels vir die doel, om dieregevegte by sodanige perseel of openbare plek aan te bied, of wat die bestuur van sodanige perseel of openbare plek behartig of ondersteun, of wat enige vergoeding daarvoor ontvang om enige persoon tot sodanige perseel of openbare plek toe te laat; of
- (f) as 'n toeskouer aanwesig is by enige perseel of openbare plek waar enige van die tipe handeling in paragraaf (b) tot (e) geskied, of waar voorbereidings vir sodanige handeling getref word,

is skuldig aan 'n misdryf.

- (2) Tensy bewys van die teendeel gelewer word, sal daar in enige vervolging aanvaar word dat 'n dier wat by enige perseel of openbare plek aangetref word, die eiendom of onder die beheer is van die eienaar van daardie perseel of openbare plek, of van die persoon wat die perseel of openbare plek gebruik of beheer.

9. Vuurwerk

- (1) Geen persoon mag enige dier opsetlik of uit nalatigheid met vuurwerk of op enige ander wyse verskrik, ontstel of leed aandoen nie.

10. Aanwys van openbare plekke as losloop-, leiband- of verbode gebiede

- (1) Die Stad kan openbare plekke met gepaste tekens aanwys as areas waar honde kan los loop, aan 'n leiband moet wees of nie toegelaat word nie, welke aanwysing kan wissel na gelang van die tyd van die dag en die seisoen.

11. Verwydering van ontlasting

- (1) Indien enige dier in enige openbare straat, openbare plek of openbare pad ontlast, moet enige persoon in beheer van sodanige dier, met die uitsondering van 'n persoon wat deur 'n gidshond bygestaan word, die ontlasting onverwyld verwyder, in 'n plastiek- of papiersak of -omhulsel sit en in 'n houer plaas wat vir die wegdoening van vullis of vuilgoed bestem is.
- (2) Geen persoon mag in 'n openbare straat, openbare plek of openbare pad met 'n dier, buiten 'n gidshond, stap sonder genoeg plastiek- of papiersakke of -omhulsels byderhand waarin die ontlasting van die dier geplaas kan word ingeval die dier sou ontlast nie.

12. Die vertoon of tentoonstelling van 'n dier vir vermaak of finansiële gewin

- (1) Geen persoon mag 'n dier in 'n openbare ruimte of openbare pad vir vermaak of finansiële gewin vertoon of ten toon stel nie, tensy sodanige persoon oor 'n permit van die Stad of CapeNature beskik. Dit sluit in die gebruik van 'n dier om te bedel of geld in te samel. Ingeval die Stad 'n aansoek vir die vertoon of tentoonstelling van 'n dier vir vermaak of finansiële gewin ontvang, sal die Stad 'n dierewelsynsinspekteur wat ingevolge artikel 8(1) van die Wet op Dierebeskerming (Wet 71 van 1962) gemagtig is, vir kommentaar en insette raadpleeg.

13. Diere wat te koop aangebied word

- (1) 'n Persoon of bestuurder van 'n perseel waar diere te koop aangebied word, moet behoorlik rekord hou van die diere se inentings en mag nie sodanige diere oornag sonder toesig laat nie.
- (2) Die aanhou, teel of verkoop van enige dier as deel van sake- of ekonomiese aktiwiteite vereis magtiging van die Stad.
- (3) Subartikel (2) sluit kommersiële telers van metgeseldiere in.
- (4) 'n Aansoek om magtiging moet by die Stad ingedien en voor die aanvang van die sake- of ekonomiese aktiwiteit toegestaan word. Die aansoek moet ten minste die volgende insluit –
 - (a) besonderhede van die tipe sake- of ekonomiese aktiwiteit;
 - (b) die persoon wat verantwoordelik is vir die sake- of ekonomiese aktiwiteit;
 - (c) adres en besonderhede van die perseel of onderneming;
 - (d) getal, geslag, ouderdom, ras en spesie van diere of pluimvee wat aangehou word;
 - (e) besonderhede van kampe/hokke en die afmetings daarvan, met inbegrip van foto's;
 - (f) besonderhede van werknemers en hulle tersaaklike vaardighede of kennis;

- (g) naam van veearts(e) en tersaaklike kennis of nagraadse opleiding;
 - (h) 'n volledige verduideliking van hoe daar in die welsynsbehoefes van die diere voorsien sal word; en
 - (i) bewys van genoeg geld om die diere op 'n volgehoue grondslag genoegsaam te onderhou.
- (5) Die saak of ekonomiese onderneming moet bewyse byderhand hou van die getal, ouderdom, geslag, ras en spesie van diere wat aangehou/geteel word, van die getal en name van werknemers én hulle tersaaklike vaardighede/opleiding, en van die versorgingsregime wat ingestel is om die welsyn van die diere te beskerm, wat die Stad op enige redelike tyd kan inspekteer.
- (6) Die magtiging is beperk tot die goedgekeurde ligging, en enige persoon of onderneming wat diere as deel van 'n sake- of ekonomiese aktiwiteit aanhou of teel en wat van ligging verander, moet die Stad voor die beplande verskuiwing van die nuwe perseel in kennis stel. Die Stad kan die nuwe perseel inspekteer en die permit heruittrek of terugtrek, na gelang van die omstandighede.
- (7) Indien die Stad enigszins twyfel oor die vermoë van die saak of ekonomiese onderneming om te voorsien in die welsynsbehoefes van die diere wat deel uitmaak van hulle bedrywighede, moet die Stad magtiging weier, of dit terugtrek indien dit reeds toegestaan is.
- (8) Die sake- of ekonomiese aktiwiteit mag nie beoefen word totdat magtiging verleen is nie.
- (9) Die Stad kan sakepersele of -kantore onverwyld sluit om te verhoed dat diegene wat nie oor magtiging van die Stad beskik nie, hetsy omdat –
- (a) magtiging nie verleen is nie; of
 - (b) magtiging teruggetrek is,
- enige sake- of ekonomiese aktiwiteite met betrekking tot die aanhou, verkoop of teel van diere beoefen.
- (10) Aanhouders of telers van diere vir sake- of ekonomiese aktiwiteite mag slegs toegelaat word om diere van gemagtigde telers te koop of te verkry.
- (11) Enige persoon, saak of ekonomiese onderneming wat die eienaarskap van 'n dier aan 'n ander persoon of onderneming verkoop of oordra, moet die persoon of onderneming wat die dier oorneem van tersaaklike inligting en advies voorsien oor hoe om die dier se welsyn, gesondheid en welstand te verseker en te beskerm. Dit sluit onder meer in –
- (a) hoe om sodanige dier aan te hou, te versorg en te hanteer;
 - (b) die voorkoming van ongewenste aanteling;
 - (c) die inentings en ander gesondheidsvereistes wat vir die betrokke dier aanbeveel word; en
 - (d) enige vereistes of beperkings met betrekking tot die aanhou of teel van sodanige diere.

- (12) Bewys van voldoening aan subartikel (11) moet bewaar word en op aanvraag en op alle redelike tye beskikbaar gestel word vir inspeksie deur 'n gemagtigde amptenaar.
- (13) Aanhouders of telers van diere vir sake- of ekonomiese aktiwiteite moet sorg dat enige diere wat nie meer geskik is vir die betrokke sake- of ekonomiese aktiwiteit nie, 'n nuwe tuiste kry of na 'n skooling of veilige hawe gestuur word waar dit ook al moontlik is.
- (14) Diere mag nie op onmenslike wyse te koop aangebied of vertoon word in troeteldierwinkels of op enige ander perseel van ondernemings wat diere as deel van hulle sake- of ekonomiese aktiwiteite gebruik nie.
- (15) Die Stad kan beperkings of 'n verbod plaas op die magtiging van sake- of ekonomiese aktiwiteite wat die verhandeling of verkoop van sekere wilde diere of produkte van wilde diere behels.
- (16) Waar die regulasies insake die konvensie oor internasionale handel in bedreigde wilde plant- en dierspesies (CITES), 2010 (soos gewysig), wat ingevolge die Wet op Nasionale Omgewingsbestuur: Biodiversiteit uitgevaardig is, die Wet op Dierebeskerming (Wet 71 van 1962) en die Provinsiale Ordonnansie op Natuurbewaring (No. 19 van 1974, soos gewysig) vir handel voorsiening maak, moet enige persoon, saak of ekonomiese onderneming wat die eienaarskap van 'n dier aan 'n ander persoon, saak of ekonomiese onderneming verkoop of oordra, die betrokke riglyne of beperkings toepas.
- (17) Geen persoon mag 'n dier sonder die Stad se magtiging verkoop of te koop aanbied –
- (a) in 'n straat of openbare plek nie;
 - (b) in of vanuit 'n verskuifbare struktuur of voertuig nie;
 - (c) by openbare markte nie; en
 - (d) aanlyn of op sosialemediaplatforms of -afsetplekke nie.
- (18) Dit is verbode om enige dier waarvan die voortgesette lewe met ongeneeslike pyn, lyding, worsteling, foltering of nood sal gepaardgaan, vir enige ander doel as onmiddellike genadedood oor te dra, te verkoop, te koop aan te bied, te vervoer of te koop. Enigiemand wat so 'n dier koop of verkry, moet die dier 'n onmiddellike genadedood toedien of laat toedien.
- (19) Dit is voorts verbode om sonder redelike gronde enige dier met ongeneeslike pyn, lyding, worsteling, nood of siekte te besit.

14. Beheer oor diere

- (1) 'n Persoon wat enige dier aanhou, moet sorg dat die dier onder behoorlike en doeltreffende beheer is wanneer dit die perseel waar dit aangehou word, verlaat, en dat dit nie enige persoon, dier of eiendom in gevaar stel nie.
- (2) Die Stad kan beslag lê op enige oënskynlik eienaarlose of siek of gevaarlike of wreedaardige dier, en dit skut, indien die dier sonder toesig in enige openbare straat of enige openbare plek aangetref word of daar rondloop.
- (3) 'n Persoon wat 'n dier aanhou, mag nie die dier in of op enige padreserwe of enige openbare eiendom laat wei of toelaat dat iemand anders dit daar laat wei nie.

- (4) Die Stad kan beslag lê op enige sodanige dier wat in of op enige padreserwe of enige openbare eiendom aangetref word, en dit skut, ongeag of die dier onder toesig is of nie.
- (5) Buiten om 'n dier te skut, mag geen persoon enige dier in enige openbare straat of op enige openbare pad in die regsgebied van die Stad vervoer of laat vervoer sonder die vooraf- skriftelike toestemming van die Stad nie, welke goedkeuring op sekere voorwaardes toegestaan kan word.

15. Beheer oor werksdiere

- (1) Geen persoon wat 'n werksdier aan die werk sit, mag –
 - (a) die werksdier in enige openbare plek laat kom as die dier nie 'n dieraangedrewe vervoermiddel kan trek nie, aan besering of siekte ly, of andersins ongeskik of onbevoeg is om die beoogde werk te verrig;
 - (b) toelaat dat die werksdier 'n gevaar vir die verkeer in enige openbare straat of pad inhou nie;
 - (c) toelaat dat die werksdier 'n bron van gevaar of besering vir enige persoon of dier in 'n openbare straat is of kan wees nie;
 - (d) die werksdier in enige openbare straat of plek laat kom as die dier nie onder die persoon se beheer is nie;
 - (e) enige werksdier laat werk as die naam, telefoonnommer en adres van die eienaar nie op die dier verskyn nie;
 - (f) enige werksdier enige vervoermiddel laat trek of enige tuig gebruik wat nie voldoen aan die SABS-standaarde en kriteria wat die Stad van tyd tot tyd kan bepaal nie;
 - (g) enige werksperd laat werk sonder 'n geldige E53-operateurspermit wat die persoon as 'n bestuurder identifiseer nie;
 - (h) jonger as agtien jaar wees nie; of
 - (i) onder die invloed van dwelmmiddels of alkohol wees nie.

16. Werksperde

- (1) Enige eienaar wat 'n werksperd aan die werk wil sit, moet by die Stad om 'n permit vir sodanige werksperd aansoek doen.
- (2) 'n Aansoek ingevolge subartikel (1) moet skriftelik op 'n voorgeskrewe vorm ooreenkomstig tersaaklike Stadsbeleide en -standaardbedryfsprosedures geskied.
- (3) 'n Aansoek om 'n permit moet ook –
 - (a) dokumentêre bewys insluit dat die werksperd die vul van 'n werksmerrie is; en
 - (b) vergesel wees van die voorgeskrewe fooi.
- (4) Hoogstens een permit mag ten opsigte van 'n werksperd uitgereik word.

17. Beslaglegging op, skut en van kant maak van werksperde

- (1) 'n Gemagtigde amptenaar kan beslag lê op enige werksperd, dit skut of van kant maak by 'n plek wat die Stad aanwys indien die perd –
 - (a) op advies van 'n veearts of ingevolge die bepalings van enige wet van kant gemaak mag word;
 - (b) na die amptenaar se mening nie daartoe in staat is om 'n dieraangedrewe vervoermiddel te trek nie;
 - (c) na die amptenaar se mening 'n gevaar vir verkeer in enige openbare straat inhou;
 - (d) los loop of oënskynlik sonder 'n eienaar is; of
 - (e) in enige openbare plek is waar sodanige werksperd na die gemagtigde amptenaar se mening nie onder behoorlike beheer is nie.

18. Verbod op bevryding van geskutte werksperde

- (1) Geen persoon mag deur middel van dreigemente van geweld of op enige ander manier enige werksperd wat op regmatige wyse na 'n skut gebring word, bevry of probeer bevry van die persoon of persone in beheer van sodanige skut, of enige werksperd bevry of probeer bevry nadat die dier reeds op regmatige wyse deur 'n gemagtigde amptenaar geskut is nie.

19. Rondloperdiere

- (1) 'n Persoon wat 'n rondloperdier red of bekom, moet binne vier-en-twintig uur die datum en tyd van die redding en 'n beskrywing van die dier by die Stad aanmeld.
- (2) 'n Gemagtigde amptenaar kan –
 - (a) beslag lê op enige dier wat op enige perseel, openbare plek of openbare pad aangetref word, en wat –
 - (i) nie onder enige persoon se toesig of beheer is nie; en
 - (ii) 'n steurnis veroorsaak of inhou; en
 - (b) enige sodanige dier skut of laat skut by 'n skut of ander fasiliteit wat die Stad vir sodanige doeleindes aanwys.
- (3) Die Stad kan enige dier wat ingevolge subartikel 1(b) geskut is, verkoop, met dien verstande dat –
 - (a) 'n tydperk van minstens tien dae verloop het sedert die dier geskut is;
 - (b) in geval van groot diere, minstens dertig dae verloop het sedert die dier geskut is; en
 - (c) die Stad alle redelike stappe gedoen het om die eienaar te verwittig dat die dier geskut is.
- (4) Enige dier wat ingevolge subartikel 1(b) geskut is, kan van kant gemaak word indien sodanige dier –
 - (a) 'n infeksie- of aansteeklike siekte dra; of
 - (b) onbeheerbaar, wreedaardig of gevaarlik is,

in so 'n mate dat die dier 'n onmiddellike en wesentliche gevaar vir die gesondheid en veiligheid van ander diere of die algemene publiek inhou.

- (5) Die van kant maak van enige dier ingevolge hierdie verordening moet uitgevoer word met sodanige voorsorgmaatreëls en op sodanige wyse as wat nodig is om die minste moontlike lyding te veroorsaak.
- (6) Die persoon wat die geskutte dier opeis, moet aan die Stad die redelike koste vir die skut en verwydering van die dier betaal, plus die redelike koste van die organisasie wat die dier moes huisves, voordat die dier aan die persoon oorhandig kan word.

20. Beslaglegging op en verwydering van 'n dier

- (1) Die Stad moet enige dier wat ooreenkomstig die bepalings van subartikel (2) op beslag gelê of geskut is, na 'n Stadsaangewese plek verwyder waar die dier gehuisves kan word indien 'n hof ingevolge hierdie verordening so gelas.
- (2) Enige dier wat ingevolge hierdie verordening op beslag gelê en geskut word, moet vir minstens tien dae by die Stadsaangewese plek gehou word om die eienaar of persoon in beheer van die dier in staat te stel om die dier op te eis.
- (3) Groot diere moet minstens dertig dae by die Stadsaangewese plek gehou word om die eienaar of persoon in beheer van die dier in staat te stel om die dier op te eis.
- (4) Indien die eienaar of persoon in beheer van die dier nié die dier binne die tydperke in subartikel (2) en (3) hierbo opeis nie, kan die Stad die dier verkoop of skenk en enige opbrengs op die verkoop hou en tot sy eie voordeel aanwend, of andersins van die dier ontslae raak.
- (5) Die persoon wat die geskutte dier opeis, moet aan die Stad die redelike koste vir die skut en verwydering van die dier betaal, plus die redelike koste van die organisasie wat die dier moes huisves, voordat die dier aan die persoon oorhandig kan word.
- (6) Indien 'n dier ingevolge hierdie verordening op beslag gelê en geskut word en, waar dit van toepassing is, so siek of beseer of in so 'n swak fisiese toestand is dat dit wreed sou wees of onnodige lyding vir die dier sou veroorsaak om dit aan die lewe te hou, en die dier dus sonder onnodige vertraging van kant gemaak behoort te word, kan die Stad 'n veearts ontbied om die dier te ondersoek. Indien die veearts ná sodanige ondersoek verklaar dat die dier so siek of beseer of in so 'n swak fisiese toestand is dat dit wreed sou wees of onnodige lyding vir die dier sou veroorsaak om dit aan die lewe te hou, en dat die dier dus van kant gemaak behoort te word, kan die Stad 'n veearts opdrag gee om die dier onverwyld van kant te maak of van kant te laat maak op 'n wyse wat die minste moontlike lyding veroorsaak.
- (7) Die Stad kan die redelike veeartskoste en ander koste vir die uitvoering van die bepalings van subartikel (5) van die eienaar of persoon in beheer van die betrokke dier verhaal.
- (8) 'n Hond of kat wat ingevolge hierdie verordening of die bepalings van enige ander wet geskut of verwyder is en wat na die mening van die gemagtigde amptenaar –
 - (a) aan enige ongeneeslike, infeksie- of aansteeklike siekte ly, of ernstig beseer is; of
 - (b) onbeheerbaar, wreedaardig of gevaarlik is,

kan onverwyld van kant gemaak word. Die van kant maak van enige hond of kat moet op sodanige pynlose wyse geskied as wat 'n geregistreerde veearts kan goedkeur, en moet onder die toesig van 'n gemagtigde amptenaar geskied.

HOOFSTUK 2: ALGEMENE BEPALINGS MET BETREKKING TOT DIE AANHOU VAN DIERE

21. Welsynsfasiliteite vir die versorging en huisvesting van diere

- (1) Alle entiteite wat hulle vir diere welsynsorganisasies uitgee, moet geregistreerde entiteite sonder winsoogmerk wees wie se hoofmissie en -oogmerk dit is om diere lyding te verminder en diere welsyn te verbeter.
- (2) Alle diere welsynsorganisasies buiten statutêre organisasies wat ook as reddingsorganisasies en skuilings funksioneer, moet om 'n permit van die Stad aansoek doen, welke permit voor die aanvang van bedrywighede uitgereik moet word.
- (3) Sodanige permit kan slegs toegestaan word indien die aansoeker –
 - (a) oor gepaste toegewyde fasiliteite ingevolge tersaaklike Stadsverordeninge beskik; en
 - (b) ten minste een professionele, gekwalifiseerde en geregistreerde welsynskenner in diens sal neem wat op 'n deurlopende grondslag by die bestuur van die organisasie of onderneming betrokke sal wees.

22. Totstandbrenging van 'n skut en aanstelling van 'n skutmeester

- (1) Die Stad kan 'n skut en enige plekke vir die bewaring van diere in die regsgebied van die Stad tot stand bring.
- (2) Die Stad kan 'n diensleweringsooreenkoms met 'n statutêre organisasie, 'n diere welsynsorganisasie of 'n persoon aangaan om sodanige skut te bedryf.
- (3) Die Stad kan enige skut onder sy beheer sluit.
- (4) Die Stad kan ingevolge die tersaaklike beleide 'n bevoegde en behoorlik opleide persoon as 'n skutmeester aanstel.
- (5) Die Stad kan ingevolge 'n diensleweringsooreenkoms 'n bevoegde en behoorlik opleide diensverskaffer as skutmeester aanstel.

23. Aanhouders van diere

- (1) Alle persone kan diere aanhou, buiten –
 - (a) persone wat voorheen verbied is om diere aan te hou;
 - (b) persone wat nie basiese spesiespesifieke sorg kan voorsien nie;
 - (c) minderjarige onder veertienjarige ouderdom, wat nie sonder hulle voogde se toestemming diere mag aanhou nie; en
 - (d) waar die toepaslike permitte vir die aanhou van die betrokke dier nie van die tersaaklike bewaringsowerhede verkry is nie.

- (2) Enige persoon wat 'n dier in die sorg van 'n aanhouer laat, moet seker maak dat die aanhouer aan hierdie minimum kriteria voldoen.

24. Steurnis

- (1) Geen persoon mag enige dier aanhou wat 'n steurnis veroorsaak nie, hetsy 'n gesondheidsoorlas, of 'n steurnis vanweë die reuk, geluid of geraas van die dier, of 'n steurnis uit enige ander bron met betrekking tot die dier, en ongeag of die gesondheidsoorlas of ander steurnis van die dier self afkomstig is, of van die manier waarop, of die omstandighede waarin, die dier aangehou word, of van die ontsnapping of loslopery van die dier, na gelang van die omstandighede.
- (2) Die Stad kan die tersaaklike straatkomitee of buurtwag van die gebied raadpleeg om die aangeleentheid met die eienaar van die dier wat die steurnis veroorsaak te hanteer.
- (3) Indien die Stad redelikerwys glo dat 'n dier 'n steurnis inhou of skep, kan die Stad –
 - (a) die eienaar of persoon in beheer van die dier skriftelik gelas om die steurnis binne 'n redelike tydperk te beëindig, en die maatreëls wat getref moet word, uiteensit; of
 - (b) die betrokke dier verwyder waar dit moontlik en nodig is.
- (4) Indien 'n persoon ten opsigte van dieselfde dier aan 'n tweede oortreding ingevolge subartikel (3) skuldig bevind word, kan die hof, benewens 'n vonnis ooreenkomstig die bepalings van hierdie verordening, ook gelas dat die Stad ingevolge hierdie verordening beslag lê op die dier, en dit verwyder na 'n plek wat die Stad aanwys.
- (5) Indien die Stad redelikerwys glo dat enige stal, kamp of ander gebou of struktuur waar 'n dier aangehou word 'n steurnis skep of waarskynlik sal skep, hetsy weens die konstruksie of toestand of onnetheid daarvan, of enige ander rede, kan die Stad die eienaar of persoon in beheer van die perseel waarop die betrokke stal, kamp, gebou of struktuur geleë is skriftelik gelas om binne 'n redelike tyd sodanige werk uit te voer en te verrig as wat nodig is om die steurnis te beëindig, na gelang van die omstandighede, soos wat die kennisgewing aandui.
- (6) Indien die steurnis wat in subartikel (5) beoog word, nie ná die verstryking van die betrokke tydperk beëindig is nie, of die eienaar of persoon in beheer van die perseel nie die vereiste werk ingevolge die kennisgewing tot die Stad se bevrediging uitgevoer en verrig het nie, is die eienaar of persoon in beheer van die perseel skuldig aan 'n misdryf.

25. Permitte

- (1) Enige persoon wat 'n aktiwiteit wil onderneem wat die aanhou van diere behels wat in hierdie verordening gelys word en onderworpe is aan 'n permit, moet skriftelik by die Stad aansoek doen voordat die betrokke aktiwiteit onderneem word.
- (2) Die Stad kan die aansoeker 'n voorgeskrewe fooi vra om die aansoek te oorweeg en 'n permit toe te staan.
- (3) Die Stad kan weier om 'n aansoek om 'n permit te oorweeg totdat die voorgeskrewe fooi betaal is en die inligting voorsien is wat die Stad redelikerwys vereis om 'n ingeligte besluit te neem.

- (4) Ná oorweging van 'n verslag en aanbeveling van 'n gemagtigde amptenaar of veearts kan die Stad deur skriftelike kennisgewing aan 'n permithouer die permit wysig, opskort of kanselleer –
- (a) indien die Stad oortuig is dat versuim om dit te doen, sal lei tot –
 - (i) die skep of voortsetting van 'n steurnis in 'n openbare plek; of
 - (ii) die voortgesette oortreding van enige bepaling van hierdie verordening;
 - (b) welke wysiging, opskorting of kansellasië dadelik van krag sal wees indien 'n gemagtigde amptenaar redelikerwys glo dat sodanige optrede dringend vereis word om 'n beduidende openbare gesondheidsrisiko as gevolg van 'n steurnis uit te skakel of te verminder; of
 - (c) ná die verstryking van die aangeduide tydperk in 'n kennisgewing wat die permithouer 'n redelike geleentheid gegun het om aan die kennisgewing te voldoen, en die permithouer versuim het om aan die kennisgewing gehoor te gee.
- (5) Die Stad kan 'n permit deur skriftelike kennisgewing aan die permithouer wysig, opskort of kanselleer indien die gemagtigde amptenaar redelikerwys glo dat sodanige optrede nodig is om openbare gesondheid te beskerm of om 'n verandering in omstandighede sedert die permit uitgereik is in berekening te bring.

26. Die aanhou van honde en katte

- (1) 'n Persoon wat 'n hond of kat ouer as ses maande aanhou, moet by die Stad om 'n permit ten opsigte van elke hond of kat aansoek doen.
- (2) Die aansoek moet vergesel wees van die voorgeskrewe permitfooï wat in die Stad se tarieflys aangedui word, sowel as 'n geldige sertifikaat van inenting teen hondsdoelheid (rabies) ten opsigte van die betrokke hond of kat.

27. Die aanhou van gevaarlike diere

- (1) 'n Persoon wat 'n gevaarlike dier aanhou, moet –
- (a) die dier in 'n voldoende hok of ander ingeslote struktuur aanhou;
 - (b) voldoende tekens vertoon wat die teenwoordigheid van die gevaarlike dier bekend maak; en
 - (c) redelike maatreëls tref om te sorg dat die dier –
 - (i) nie uit die perseel waar dit aangehou word, ontsnap nie; of
 - (ii) nie 'n gevaar inhou, of skade veroorsaak, vir 'n persoon, ander dier of eiendom nie.

28. Die aanhou van wilde diere

- (1) Geen persoon mag enige wilde diere op residensiële persele aanhou sonder die voorafgoedkeuring van die betrokke natuurbewaringsowerhede en/of 'n permit van die tersaaklike plaaslike owerheid wat die aanhou van sodanige diere op die perseel magtig nie.

- (2) Geen persoon mag enige wilde dier wat nie in gevangenskap is nie hetsy opsetlik of onopsetlik voer nie, met die uitsondering van voerbakke vir voëls.
- (3) Geen persoon mag toelaat dat 'n wilde dier toegang tot huishoudelike afval verkry nie.

29. Standaarde en vereistes vir die aanhou van diere op persele

- (1) 'n Perseel wat in verband met die aanhou van diere en pluimvee gebruik word, moet ingevolge 'n permit bedryf word wat kragtens hierdie verordening uitgereik is, buiten 'n perseel wat vir die aanhou van diere en pluimvee gebruik word op 'n eiendom wat vir boerdery of landboudoeleindes gesoneer is, waar die grond hoofsaaklik vir diere- en pluimveeboerdery gebruik word.
- (2) Geen persoon mag die volgende op enige residensiële perseel doen sonder om by die Stad om 'n permit aansoek te doen nie –
 - (a) beeste, perde, muile, donkies of enige dier van 'n soortgelyke grootte of groter aanhou;
 - (b) bokke of skape of enige dier van 'n soortgelyke grootte of groter aanhou;
 - (c) enige pluimvee aanhou, met die uitsluiting van vyf hoenderhenne;
 - (d) meer as vyf voëls aanhou;
 - (e) enige konyne aanhou of teel; of
 - (f) 'n honde- of katteherberg of -telery bedryf.
- (3) Geen persoon mag enige rots- of tuinduifvariëteit van die spesie *Columba livia* op enige residensiële perseel aanhou tensy dit ingevolge 'n geldige permit geskied wat kragtens hierdie verordening uitgereik is, en die persoon kan bewys lewer van lidmaatskap van 'n duifvliegklub of skouduifklub nie.
- (4) Aansoeke om enige rots- of tuinduifvariëteite van die spesie *Columba livia* op enige residensiële perseel aan te hou, moet skriftelik in die voorgeskrewe formaat geskied, en die Stad kan dit oorweeg en daarvoor besluit ná oorweging van gestaafde kommentaar van aangrensende en geaffekteerde bure sowel as bewys van klublidmaatskap.
- (5) Geen persoon mag enige varke op enige residensiële perseel in die regsgebied van die Stad aanhou nie.
- (6) Geen persoon mag enige hane op enige residensiële perseel in die regsgebied van die Stad aanhou nie.

30. Algemene higiënevereistes vir die aanhou van diere en pluimvee

- (1) Die perseel en enige toerusting, apparaat of houer wat in verband met die aanhou van diere gebruik word, moet in 'n skoon, sanitêre en goeie toestand gehou word.
- (2) Draagbare houers van 'n ondeurdringbare materiaal en met deksels wat dig sluit, moet vir die berging van mis en diereafval gebruik word.

- (3) Drinkwatertoevoer moet voorsien word, en moet langs of in elke stal, hok of enige ander ingeslote ruimte vir die huisvesting van diere, waaronder pluimvee, geleë wees.
- (4) Mishouers moet op 'n platform gehou word wat dit moontlik maak om die oppervlak onder die houer skoon te maak.
- (5) Mis uit 'n kamp, hok of ander ingeslote ruimte moet ten minste elke drie (3) dae verwyder en in die mishouers geplaas word.
- (6) Die inhoud van die mishouers moet ten minste een maal elke sewe dae van die perseel verwyder en op 'n manier mee weggedoen word wat nie 'n openbare gesondheidsoorlas sal veroorsaak nie. Wegdoening met mis sluit nie die maak van kompos op die perseel in nie.
- (7) Alle voer moet in 'n knaagdierbestande pakkamer gehou word, en alle los voer in sodanige pakkamer in knaagdierbestande houers met deksels wat dig sluit.
- (8) Voldoende maatreëls moet getref word om die perseel plaagvry te hou en te keer dat die aanhou van sodanige diere aanstootlike reuke veroorsaak.
- (9) Alle dierekooigoed moet ten minste een maal per week uit die stalle/hokke verwyder word, en moet in die mishouers of -area gehou word totdat dit van die perseel verwyder en op gepaste wyse mee weggedoen word.
- (10) Voldoende wasgeriewe moet voorsien word vir die skoonmaak van alle strukture waarin diere en pluimvee gehuisves word.
- (11) Indien groot hoeveelhede mis op die perseel ontstaan, kan dit nodig wees dat 'n misarea voorsien word waar mis tot en met verwydering geberg kan word.
- (12) Die misarea, indien een vereis word, moet uit 'n oordekte platform van beton of 'n ander ondeurdringbare materiaal bestaan, welke platform 'n helling en behoorlike dreinerings moet hê.
- (13) Enige dier wat op enige perseel vrek, moet binne 24 uur ná die vrekke van die betrokke perseel verwyder word om te keer dat 'n gesondheidsoorlas of ander steurnis ontstaan.
- (14) Waar die perseel oor 'n lykshuis vir diere beskik, moet karkasse in die koelstoogeriewe gehou word totdat dit van die perseel verwyder word.
- (15) Wegdoening met dierekarkasse moet op 'n aanvaarbare manier en ooreenkomstig die tersaaklike Stadsverordeninge geskied.
- (16) Subartikels (14) en (15) is nie van toepassing op soortgelyke fasiliteite waarvoor die Wet op Vleisveiligheid (Wet 40 van 2000) voorsiening maak, geregistreerde veeartsenykundige fasiliteite of skutte nie.

31. Standaarde en vereistes vir troeteldiersalonne, -winkels, -dagsorgfasiliteite en -hotelle

- (1) Geen persoon mag 'n troeteldiersalon, -winkel, -dagsorgfasiliteit of -hotel op enige perseel bedryf tensy dit ingevolge 'n geldige permit geskied wat ingevolge hierdie verordening uitgereik is nie.

- (2) Aansoeke om 'n troeteldiersalon, -winkel, -dagsorgfasiliteit of -hotel te bedryf moet skriftelik in die voorgeskrewe vorm geskied, en die Stad kan dit oorweeg en daaroor besluit ná oorweging van gestaafde kommentaar van aangrensende en geaffekteerde bure.
- (3) Troeteldiersalonne, -winkels, -dagsorgfasiliteite en -hotelle moet voldoen aan die omgewingsgesondheidsstandaarde in die tersaaklike verordening en beleide, sowel as enige voorwaardes wat die Stad aan die betrokke permitte kan koppel.

32. Die aanhou en slag van diere vir godsdienstige, kulturele, seremoniële en eie verbruiksdoeleindes

- (1) Behoudens subartikel (2) mag geen persoon:
 - (a) enige dier op enige plek buiten 'n geregistreerde abattoir slag nie;
 - (b) toelaat dat enige dier op enige plek onder hulle beheer geslag word nie, tensy daardie plek 'n geregistreerde abattoir is; of
 - (c) vleis vir mense en diere se gebruik verkoop of voorsien tensy dit by 'n abattoir geslag is nie.
- (2) Subartikel 1 is nie van toepassing op slagting vir godsdienstige, kulturele, seremoniële en eie verbruiksdoeleindes ingevolge die Wet op Vleisveiligheid (Wet 40 van 2000) nie.
- (3) Geen vleis of diereprodukt wat verkry is van 'n dier wat ingevolge subartikel (1) geslag is, mag aan enige persoon verkoop word nie.
- (4) In geval van godsdienstige en kulturele slagting moet 'n skriftelike aansoek veertien (14) dae voor die geleentheid ingedien word.
- (5) Die slagting van die dier moet op 'n plek geskied waar geen persoon op 'n naburige perseel of enige lid van die publiek dit kan waarneem nie.
- (6) Die vleis van die geslagte dier mag slegs vir godsdienstige, kulturele, seremoniële en eie verbruiksdoeleindes gebruik word, en mag nie aan enige persoon verkoop word nie.
- (7) Die vleis moet te alle tye op 'n higiëniese wyse hanteer word.
- (8) Bloed en ander afvalprodukte van die karkas moet op 'n manier mee weggedoen word wat nie 'n openbare gesondheidsoorlas sal veroorsaak nie.
- (9) Die dier wat geslag sal word, moenie vir langer as twaalf (12) uur voor die slagting op die perseel aangehou word nie.
- (10) Maatreëls moet getref word om te sorg dat geen gesondheidsoorlas as gevolg van die slagting op die perseel geskep word of bestaan nie.
- (11) Die dienste van 'n gemagtigde amptenaar of enige persoon wat ingevolge die Wet op Vleisveiligheid, 2000 (Wet 40 van 2000) as 'n vleisinpekteur beskou word, kan bekom word om 'n nadoodse ondersoek van die geslagte dier te onderneem teen 'n koste wat die Stad bepaal.
- (12) Diere wat kragtens die regulasies oor rooivleis ingevolge die Wet op Vleisveiligheid, 2000 (Wet 40 van 2000) vir slagting gekies word, moet in 'n gesonde toestand wees.

- (13) Persone wat voornemens is om diere vir slagting aan te hou moet:
- (a) die dier vir twaalf (12) uur geen voer gee nie, maar wel toegang tot water voorsien;
 - (b) sorg dat die bene van die dier nie vasgebind is nie;
 - (c) verhoed dat die dier voor slagting rondhardloop of opgewonde raak omdat dit swak bloeding kan veroorsaak en die karkas 'n bloederige voorkoms kan gee;
 - (d) pyn en lyding ingevolge die Wet op Vleisveiligheid, 2000 (Wet 40 van 2000) beperk;
 - (e) skriftelik bewys lewer van kennisgewing aan aangrensende bure, wat slegs in residensiële gebiede saam met die aansoek ingedien moet word; en
 - (f) sorg dat alle gebiede vry is van diereafval.
- (14) Die aansoeker moet 'n standaardtoestemmingsvorm voltooi.
- (15) Die aansoeker moet die getal diere en die duur van die geleentheid aandui.
- (16) Geen geraassteurnis mag voor en gedurende die slagproses veroorsaak word nie.
- (17) Alle afvalprodukte moet mee weggedoen word op 'n manier wat die direkteur van Stadsgesondheid goedkeur.

33. Dreinerings

- (1) 'n Persoon wat diere aanhou, moet sorg dat alle wasbakke, handwasbakke, baddens, stortbaddens, trôe, vloeroppervlakke, kanale en wasplatforms wat ingevolge hierdie verordening oor dreinerings moet beskik, ooreenkomstig die bepalinge van die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet 103 van 1977) van dreinerings voorsien word.

HOOFSTUK 3: BYETEELT

34. Die aanhou van bye

- (1) Geen persoon mag sonder die Stad se toestemming bye in 'n residensiële gebied of openbare oop ruimte aanhou nie.
- (2) Die Stad kan standarde en vereistes van toepassing op byeteelt neerlê.
- (3) Geen persoon mag sonder registrasie by 'n geregistreerde byeteeltvereniging of by die nasionale departement belas met landbou bye in die regsgebied van die Stad aanhou nie.
- (4) Bewys van registrasie moet binne 30 dae nadat dit ontvang is op die voorgeskrewe manier by die Stad ingedien word.
- (5) Die Stad kan ooreenkomstig tersaaklike verordeninge, Stadsbeleid en -standaardbedryfsprosedures 'n byeteeltdatabasis skep en byhou, en die persele van byetelers inspekteer.
- (6) Byeteelt mag nie 'n gesondheidsoorlas of ander steurnis veroorsaak nie.

HOOFSTUK 4: TOEPASSING

35. Misdrywe en strawwe

(1) Enige persoon wat –

- (a) enige bepaling van hierdie verordening oortree, of versuim om daaraan te voldoen, of enige instruksie of skriftelike voldoeningskennisgewing van 'n gemagtigde amptenaar wat hierdie verordening toepas, verontagsaam;
- (b) enige ander persoon in die uitoefening van enige bevoegdheid of die uitvoering van enige plig of werksaamheid ingevolge enige bepaling van hierdie verordening belemmer of verhinder; of
- (c) vals, verkeerde of misleidende inligting in 'n aansoek om die Stad se toestemming ingevolge 'n bepaling van hierdie verordening verstrek;

is skuldig aan 'n misdryf en strafbaar met 'n boete of, by skuldigbevinding, met tronkstraf vir hoogstens twee jaar, of 'n boete sowel as sodanige tronkstraf.

36. Magte en bevoegdhede van gemagtigde amptenare

(1) 'n Gemagtigde amptenaar kan, vir die doeleinde van die toepassing van hierdie verordening –

(a) 'n persoon wat die verordening oortree, opdrag gee –

- (i) om die verbode optrede ingevolge die verordening te staak;
- (ii) om enige versperring vir die veilige of vrye deurgang van 'n voetganger of motorvoertuig te verwyder;
- (iii) om 'n bepaalde openbare plek te verlaat en daar weg te bly;

(b) 'n skriftelike voldoeningskennisgewing uitreik aan 'n persoon wat die verordening oortree, welke kennisgewing –

- (i) die optrede moet beskryf wat op 'n oortreding van die verordening neerkom;
- (ii) moet aandui watter artikel van die verordening oortree word;
- (iii) moet spesifiseer watter stappe gedoen moet word om aan die kennisgewing te voldoen;
- (iv) die tydperk(e) moet spesifiseer waarbinne die stappe gedoen moet word;
- (v) moet noem dat versuim om aan die voldoeningskennisgewing gehoor te gee op 'n misdryf neerkom benewens die oortreding van die artikel wat in subparagraaf (ii) beoog word; en
- (vi) moet noem dat die persoon in geval van nievoldoening strafbaar sal wees met 'n boete vir sowel die oortreding as die versuim om aan die voldoeningskennisgewing gehoor te gee, en ook die bedrag van die boete moet aandui;

- (c) 'n kennisgewing ingevolge artikels 56 of 341 van die Strafproseswet (Wet 51 van 1977) uitreik indien –
- (i) 'n persoon 'n bepaling van hierdie verordening oortree; of
 - (ii) 'n persoon versuim of weier om te voldoen aan 'n opdrag ingevolge paragraaf (a) of 'n voldoeningskennisgewig ingevolge paragraaf (b);
- (d) sonder 'n lasbrief enige persoon, voertuig of struktuur deursoek ten einde beslag te lê op enige artikel wat verband hou met 'n misdryf ingevolge hierdie verordening, of waar daar redelike gronde bestaan om te aanvaar dat dit met 'n misdryf verband hou –
- (i) indien die persoon tot die deursoeking toestem;
 - (ii) indien die persoon nie toestem nie, dog die amptenaar redelike gronde het om te glo –
 - (aa) dat 'n lasbrief wel ingevolge paragraaf (a) van artikel 21(1) van die Strafproseswet, 1977 (Wet 51 van 1977) toegestaan sal word indien daar om 'n lasbrief aansoek gedoen sou word; en
 - (bb) dat die vertraging om 'n lasbrief te bekom die doel van die deursoeking sal verydel; of
 - (iii) ingevolge artikel 23 van die Strafproseswet, 1977 (Wet 51 van 1977);
- (e) 'n persoon wat ingevolge die verordening 'n misdryf pleeg kragtens artikel 40(1)(a) tot (f), (h) en (j) van die Strafproseswet (Wet 51 van 1977) in hegtenis neem en, indien dit nodig is, die persoon ná inhegtenisneming ingevolge artikel 23 van die Strafproseswet deursoek;
- (f) enige persoonlike items van persone wat ingevolge hierdie verordening in hegtenis geneem word, skut ooreenkomstig die Stad se standaardbedryfsprosedure vir die skut van goedere en diere, 2012;
- (g) vereis dat enige persoon sy/haar naam en adres en ander besonderhede verstrek wat nodig is vir identifisering of vir enige ander proses indien die gemagtigde amptenaar redelikerwys vermoed dat die persoon 'n misdryf ingevolge hierdie verordening gepleeg het, of indien die persoon na die gemagtigde amptenaar se oordeel getuienis kan lewer ten opsigte van die pleging van enige sodanige misdryf;
- (h) 'n inspeksie uitvoer van enige perseel of onderneming –
- (i) om te bepaal of daar aan die bepalings van hierdie verordening voldoen word;
 - (ii) waar daar redelike gronde bestaan om te glo dat 'n bepaling van hierdie verordening oortree is;

- (iii) of van enige voertuig wat vir die onderneming gebruik word, of volgens redelike vermoedens vir die onderneming gebruik word, sowel as van enigiets op die perseel of enigiets in die voertuig; en
 - (iv) en enige persoon op die perseel óf in 'n voertuig wat hierbo beoog word, of enige persoon wat onlangs op die perseel of in die voertuig was, ondervra; en
 - (i) enige perseel of onderneming wat na bewering 'n bepaling van hierdie verordening oortree, op alle redelike tye betree.
- (2) Indien die persoon aan wie 'n skriftelike voldoeningkennisgewing ingevolge subartikel (1) uitgereik is, versuim om gehoor te gee of voldoende gehoor te gee aan die skriftelike voldoeningkennisgewing, kan die Stad –
- (a) maatreëls instel wat die Stad as gepas beskou om die situasie reg te stel, of 'n ander persoon magtig om sodanige maatreëls in te stel; en
 - (b) die koste van die maatreëls wat ingestel moet word, sowel as alle koste wat as gevolg van optrede ingevolge hierdie verordening aangegaan word, ingevolge die Stad se Beleid oor Kredietbeheer en Skuldinvordering en die Verordening op Kredietbeheer en Skuldinvordering, 2006, of soortgelyke wetgewing of beleide, van enige of alle persone verhaal aan wie die skriftelike voldoeningkennisgewing uitgereik is.
- (3) In die uitoefening van enige bevoegdheid ingevolge hierdie artikel moet elke gemagtigde amptenaar –
- (a) hulle bevoegdhede op redelike wyse uitoefen, met behoorlike inagneming van elke persoon se fundamentele regte ingevolge hoofstuk 2 van die Grondwet;
 - (b) toesien dat, indien geweld in die omstandighede vereis word, die vlak van geweld regverdigbaar en eweredig is; en
 - (c) in die afwesigheid van 'n gemagtigde amptenaar wat in subartikel (4) beoog word, stappe doen om te verhoed dat enige ander gemagtigde amptenare hulle bevoegdhede in stryd met paragraaf (a) en (b) uitoefen.
- (4) Die gemagtigde amptenaar in beheer moet sy/haar sorgplig nakom deur in te gryp en die nodige stappe te doen om enige onredelike uitoefening van bevoegdhede of oneweredige gebruik van geweld deur enige amptenaar onder sy/haar bevel te verhoed.

37. Vrywaring

- (1) Nóg die Stad nóg enige gemagtigde amptenaar is aanspreeklik vir enige skadevergoeding ten opsigte van enigiets wat regmatig gedoen of nagelaat is in die redelike uitoefening van enige bevoegdheid of die uitvoering van enige werksaamheid ingevolge hierdie verordening.

38. Appèl

- (1) 'n Persoon wie se regte deur 'n besluit ingevolge hierdie verordening geraak word, kan ingevolge artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) teen sodanige besluit appelleer deur binne 21 dae nadat die besluit bekend gemaak is skriftelike kennisgewing van, en redes vir, die appèl aan die Stadsbestuurder te voorsien.

- (2) Enige gemagtigde amptenaar wat ingevolge hierdie verordening 'n besluit neem, moet enige persoon wat deur die besluit geraak word van sy/haar reg van appèl ingevolge subartikel (1) in kennis stel.

HOOFSTUK 5: DIVERSE AANGELEENTHEDE

39. Herroeping

Die Stad Kaapstad: Verordening op Diere, 2010, word hiermee herroep.

40. Kort titel en inwerkingtreding

Hierdie verordening is bekend as die Stad Kaapstad: Verordening op die Aanhou van Diere, 2021, en tree in werking op die datum van publikasie in die Provinsiale Koerant.



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

**UMTHETHO KAMASIPALA
WESIXEKO SASEKAPA
ONGOKUGCINA IZILWANYANA
WANGO2021**

UMthetho kaMasipala wokuGcina iZilwanyana weSixeko saseKapa, 2021

Ukubonelela ngemiqathango yokulawula nokukhusela umdla wabemi nezilwanyana, ngokulawula amanani kunye neentlobo zezilwanyana ezinokugcinwa, kunye neemeko ezinokuthi zigcinwe phantsi kwazo, zikhuselwe kwaye zikhathalelwe, kunye nokubonelela ukuthintela inkathazo, ilahleko, ukonakala okanye izifo ezinokubangelwa kukugcinwa kwezo zilwanyana.

INTSHAYELELO

NJENGOKUBA icandelo le 156 (1) loMgaqo siseko weRiphabliki yoMzantsi Afrika, 1996 linika umasipala igunya lesigqeba nelungelo lokulawula (a) imicimbi yolawulo lorhulumente wengingqi edweliswe kwiCandelo B leShedyuli 4 nakwiCandelo B leShedyuli 5 yoMgaqo siseko; (b) nawo nawuphi na umcimbi owabelwe wona ngumthetho wesizwe okanye wephondo;

NJENGOKO iSixeko sinobuchule kwezomthetho ngokwecandelo B leShedyuli 5 yoMgaqo siseko ngokungqinelana necandelo le 155 (6) (a) kunye nele (7) loMgaqo siseko elimalunga nolawulo lweenkathazo zoluntu, izikiti, iindawo zokuhlala, ukukhathalela kunye nokungcwaba izilwanyana, ilayisensi yezinja, ilayisensi kunye nolawulo lwezinto ezithengisa ukutya eluntwini, iimarike, izilarha zoomasipala, ukurhweba ezitalatweni, iindlela zikamasipala, ukugcwala kwezithuthi ezindleleni kunye nokupaka;

NJENGOKUBA ngokweCandelo B leshedyuli 4 yoMgaqo siseko ngokungqinelana necandelo le 155(6) kunye nele (7) loMgaqo siseko iSixeko sinobuchule kwezomthetho ngokunxulumene neenkonzo zempilo zikamasipala;

NANJENGOKUBA kukho imfuneko yokuqulunqa umthetho wokubonelela ngokhuseleko, ucoceko kunye nendlela efanelekileyo yokugcinwa kwezilwanyana kummandla wolawulo weSixeko nayo nayiphi na imicimbi enxulumene noko.

NGOKU KE KUWISWA UMTHETHO liBhunga likaMasipala weSixeko saseKapa ngolu hlobo lulandelayo:

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1. Inkcazo

Kulo mthetho kamasipala, ngaphandle kokuba umxholo uchaza ngenye indlela -

“ukulima kwezolimo okanye iinjongo zezolimo” kuthethwa ukulinywa komhlaba wezityalo nezityalo, ukugcinwa kunye nokuzaliswa kwezilwanyana, ukufuywa kweenyosi okanye ukusebenza kwefama yezilwanyana zasendle, kwaye kubandakanya imisebenzi enjalo kunye nezakhiwo ezinxulunyaniswe ngokufanelekileyo nemisebenzi ephambili yezolimo, ezinjengeendawo zokuhlala zomlimi, umphathi wefama kunye nabasenzi basezifama, ukupakishwa kwemveliso yezolimo ekhuliswe kwipropati ukuze isiwe emarikeneni, nakwindawo yokugcina izityalo kodwa akubandakanyi ukulima kakhulu, ukufuya izilwanyana kakhulu, ivenkile yasefama, izibonelelo zendalo, kunye noshishino lwezolimo;

“ipropati yezolimo” ithetha umhlaba ocandelwe ezo njongo ngokwemiqathango yomthetho kaMasipala woCwangciso loMasipala weSixeko saseKapa, 2015;

“isilwanyana” sithetha naliphi na ihashe, inkomo, ihagu, igusha, ibhokhwe, inkamela, isirhubuluzi,inja, ikati, inkukhu, inciniba, intaka, umvundla, intlanzi okanye esinye isilwanyana sasemanzini, iimpuku ezigcinwe eluvalelweni, nasiphi na isilwanyana esifuywayo, isilwanyana semveli kwaye kubandakanya nasiphi na isilwanyana sasendle, okanye isilwanyana esingaqhelekanga esiseluvalelweni okanye esilawulwa nguye nawuphi na umntu nangayiphi na indlela;

“isithuthi esikruqwa sisilwanyana” kuthetha nayiphi na inqwelo okanye olunye uhlobo lwesithuthi olunamathela kuso nasiphi na isilwanyana nangayiphi na indlela ngenjongo yokuhambisa inqwelo okanye olunye uhlobo lwesithuthi;

“igosa eligunyazisiweyo” lithetha umsebenzi weSixeko onoxandavu lokwenza nawuphi na umsebenzi okanye ukusebenzisa naliphi na igunya ngokwalo Mthetho kaMasipala kwaye kubandakanya nabasebenzi abanyulelwe ukwenza loo msebenzi, okanye loo magunya;

“iinyosi” zithetha iinyosi zobusi;

“intaka” ibandakanya nayiphi na intaka yasendle, kodwa ayiquki inkukhu;

“ukuvalelwa” ngokunxulumene naso nasiphi na isilwanyana kuthetha ukugcinwa ngaphakathi kwendawo ebiyelweyo nangaluphi na ucingo, udonga okanye isithintelo salo naluphi na uhlobo nangayiphi na indlela yokuba isilwanyana singabi nako ukubaleka;

“isidumbu” sithetha intsalela yaso nasiphi na isilwanyana okanye inkukhu ethe yafa;

“indawo yokugcina iikati” ithetha apho kulungiselelwa khona ukuhlala kweekati okanye apho iikati zifuyelwa khona ngenjongo yokuthengisa;

“iSixeko” sithetha iSixeko saseKapa, umasipala owasekwa ngeSaziso sokuSekwa kweSixeko saseKapa esinguNomb. 479 ka2000 esikhutshelwe ngokwecandelo 12 likaRhulumente waseKhaya: Umthetho wamaSebe ooMasipala, ka1998 (uMthetho 117

ka1998), okanye naliphi na iqumrhu okanye umqeshwa weSixeko osebenza ngokwegunya elinikezelweyo;

“IBhunga” lithetha iBhunga leSixeko saseKapa;

“isilwanyana esiyingozi” sithetha nasiphi na isilwanyana esinobungozi okanye isiyokiso esinokubakho kukhuseleko lwakhe nawuphi na umntu, isilwanyana okanye ipropati okanye esihlasele nawuphi na umntu okanye isilwanyana ngaphandle kokuxhokonywa okanye sonakalise ipropati;

“indlu yokuhlala” ithetha isakhiwo esineyunithi enye yokuhlala kuphela, kunye nezakhiwo ezingaphandle ezisetyenziswa njengezindlu zokuhlala kubandakanya neendawo zokuhlala abasebenzi basemakhitshini;

“iyunithi yokuhlala” ithetha igumbi elizimeleyo, elikhokelayo phakathi kwamanye amagumbi, anekhithshi elingekho ngaphezulu kwesinye, elisetyenziselwa indawo yokuhlala kunye nezindlu zosapho olunye okanye iindwendwe ezingadluliyo kwi 5 ngobuninzi, kunye nezakhiwo ezingaphandle eziqhele ukusetyentyiswa apho, kodwa akubandakanyi iindawo zokuhlala zabasebenzi basemakhitshini, okanye indawo yokuhlalisa abakhenkethi okanye indawo yokuhlala esetyenziswa njengenxalenye yehotele;

“inja ekhokelayo” ithetha inja eqeqeshelwe ukunceda abantu abangaboniyo kwaye ibandakanya kwaye ibandakanya inja enikezela inkonzo eqeqeshelwe ukunceda umntu okhubazekileyo ngokwasengqondweni okanye ngokwasemzimbeni;

“inkathazo yezempilo” ithetha nawuphi na umsebenzi, imeko, indawo okanye into ethi, ngenxa yamanzi amdaka, umphunga, amanzi amdaka ekhemikhali, ivumba, ingxolo, inkunkuma, imveliso yenkunkuma, ubumdaka, ikhemikhali okanye imathiriyeli yebhayokhemikhali, usulelo lwemayikrobhiyali, izinambuzane ezinobungozi kwizityalo, ukungabikho kococeko oluqhelekileyo, umoya, ukukhanya, ukuyila, imeko okanye ngenxa yaso nasiphi na esinye isizathu okanye isenzo, ngokoluvo loMlawuli: wezeMpilo weSixeko okanye igosa eligunyazisiweyo elinokuba yingozi okanye libe yingozi empilweni okanye elikhubekisayo, kubandakanywa, ngaphandle kokuchaphazela ukuqheleka koku kungentla, naliphi na iziko lokugcina izinto, ukuhanjiswa okanye ukuphathwa kwamanzi anokusetyenziswa ngumntu asetyenziselwe iinjongo zasekhaya okanye asetyenziselwe ukuselwa, kubandakanywa amanzi ngokwawo angcolisekileyo;

“umqolomba” uthetha isikhongozelo esenziwe ngomthi okanye enye imathiriyeli elungele ukugcina iinyosi;

“umgcini” ngokunxulumene:

(a) nasiphi na isilwanyana sithetha umnini okanye umnini ndawonye okanye nawuphi na omnye umntu ophethe isilwanyana okanye onoxanduva lokusondla nokunyamekela kwaso; kunye

(b) indawo egcina iikati, indlwana yezinja, indawo yokuhlamba nokulungisa izilwanyana zasekhaya okanye ivenkile ethengisa izilwanyana zasekhaya, ithetha umntu oqhuba ishishini okanye ophetheyo kwindawo elishishina kuyo;

“iindlwana zezinja” ithetha indawo ezikuyo okanye apho -

- a) kubonelelwa ngeendawo zokuhlala izinja;
- b) izinja ezifuyelwa iinjongo zorhwebo;
- c) izinja zigcinwa ngenjongo yokuqeqeshwa okanye ukuqeqeshwa ngaphandle kwabaphathi, okanye
- d) izinja zigcinelwa iinjongo zokhuseleko lwezorhwebo;

“isilwanyana esikhulu” siquka naliphi na ihashe, idonki, imeyile, iinkomo, iinyamakazi, iigusha, ihagu, ibhokhwe, iinciniba okanye inkamela kunye naso nasiphi na esinye isilwanyana esilingana okanye esingaphezulu;

“indlu enkulu yokuhlala” ithetha indlu enkulu ekwisiza esingaphezulu kwamakhulu amathandathu ezikwere zeemitha;

“umnini” ngokunxulumene nesilwanyana kuquka nawuphi na umntu onobumnini, intlawulo, ugcino okanye ulawulo lweso silwanyana;

“inkathazo” ibandakanya kodwa ingaphelelanga kwisenzo okanye ukungenzi okukhubekisayo, okwenzakalisayo, okanye okuyingozi empilweni, okanye ephazamisana ngokubonakalayo nobutofotofo obuqhelekileyo, ukukhululeka, uxolo okanye ukuzola okanye ukuzola koluntu okanye okuchaphazela kakubi uluntu ngokubanzi;

“iphephamvume” lithetha imvume ebhaliweyo enikwe iSixeko ngokwalo Mthetho kaMasipala;

“umntu” uquka nasiphi na isigaba sikarhulumente, abantu bendalo nabasemthethweni;

“isilwanyana sasekhaya” sithetha nasiphi na isilwanyana sasekhaya okanye esinye isilwanyana esinokugcinwa ngokusemthethweni;

“indawo yokuhlamba nokulungisa izilwanyana” ithetha ishishini, elivunye siSixeko, elibonelela ngenkonzo yobuhle kwizilwanyana zasekhaya ngokuzihlamba, ukuzomisa, ukuzibrasha, ukuzicheba, ukuzitrima, okanye ukuzidaya okanye nokulungisa iinzapho zazo, amazinyo kunye nako nakuphi na ukulungiswa okunxulumene noko;

“ivenkile yezilwanyana zasekhaya” ithetha indawo evunye siSixeko apho ushishino lokugcina nokuthengisa izilwanyana zasekhaya lwenzelwa khona;

“inkukhu” ithetha nayiphi na intaka, irhanisi, inciniba, idada, ihobe, itheki, iMaskhovi, igini fawuli, ipikoko okanye ipea-hen, inkukhu akonye intaka nokuba yeyasekhaya okanye yeyasendle;

“indlu yenkukhu” ithetha nasiphi na isakhiwo esinophahla okanye isakhiwo apho kugcinwa khona iinkukhu;

“indawo yokubaleka iinkukhu” ithetha umnatha wocingo olungaphahlanga okanye enye indawo ebiyelweyo apho kugcinwa khona iinkukhu, nokuba idityaniswe okanye ayidityaniswanga nendlu yeenkukhu;

“isikiti” sithetha indawo emiselwe siSixeko ngokwemiqathango yawo nawuphi na umthetho wokubamba; ukuthengiswa nokutshatyalaliswa kwezilwanyana kwaye kubandakanya nezakhiwo zemibutho yentlalontle yezilwanyana evunyiweyo siSixeko;

“umphathi wesikiti” uthetha umntu oqeshwe siSixeko ukuba alawule esikiti;

“iindawo”

- a) ithetha isakhiwo, intente okanye nasiphi na esinye isakhiwo kunye nomhlaba esikuwo kunye nomhlaba odibeneyo osetyenziswa ngokunxulumene naso;
- b) ithetha nawuphi na umhlaba ongenazakhiwo okanye iintente; kunye
- c) kuquka nasiphi na isithuthi, uthutho, inqanawa okanye isikhephe;

“impilo yoluntu” ithetha inkqubo yokuthintela izifo nokukhuthaza impilo entle kunye nentlalontle ngokwasemzimbeni wabantu kummandla ophantsi kolawulo lweSixeko;

“indawo yoluntu” ibandakanya -

(a) indlela kawonkewonke, indawo yokumisa izithuthi, isikwere, ipaki, ibala lolonwabo, ibala lemidlalo, indlela yococeko, indawo evulekileyo, ulwandle, iziko leevevenkile kumhlaba kamasipala, umhlaba ongasetyenziswanga okanye amangcwaba -

(i) ibonelelwe, ibekwe bucala, okanye ibekelwe bucala ukuba isetyenziswe luluntu; okanye

(ii) inikezelwe eluntwini;

(b) izithuthi zikawonkewonke eziqhutywa ngabanikezeli beenkonzo beSixeko;

kodwa awubandakanyi umhlaba woluntu oqeshiweyo siSixeko;

“indawo ebiyelweyo yemivundla” ithetha nasiphi na isakhiwo esinophahla okanye isakhiwo apho kugcinwa khona imivundla;

“isilwanyana esilahlekileyo” sithetha nasiphi na isilwanyana esingekho phantsi kolawulo lomntu oluthe ngqo okanye esingathintelwanga ukuba sibhadule, okanye isilwanyana esisindileyo okanye esilahlekileyo;

“isakhiwo” sithetha nasiphi na isitali, ishedhi, ihoko, ubuhlanti, indawo yeentaka, idlelo lokuhlala, indawo yokugquma, indlu yeenkukhu, indawo ebiyelweyo, indawo yokubaleka, indawo ephezulu okanye isakhiwo esisetyenziselwa ukugcina, ukuhlalisa okanye ukuvalela iinkukhu nezilwanyana;

“isilwanyana sasendle” sithetha nasiphi na isilwanyana esiphilayo okanye esingenamqolo (kuquka iqanda okanye iqanda elizalelwa emanzini laso nasiphi na isilwanyana esilolo hlobo) esohlobo olungelulo olwasekhaya kwaye lubandakanya nasiphi na isilwanyana esigcinwe okanye esizalelwe ekuthinjweni; kwaye

“isilwanyana esisebenzayo” sithetha isilwanyana esiqeqeshelwe ukwenza imisebenzi ethile ukuze kuxhamle uluntu.

ISAHLUKO 1: AMALUNGISELELO JIKELELE NGOKUPHATHELELE NEZILWANYANA

2. Isithintelo kwinani lezilwanyana

(1) ISixeko sinokumisela inani lezilwanyana elinokugcinwa kuyo nayiphi na indawo.

(2) Inani lezilwanyana elichazwe kwicandelwana (1) alisebenzi kuye nawuphi na umntu othi -

(a) ungumnini osemthethweni okanye umphathi ophetheyo, ivenkile yezilwanyana zasekhaya;

(b) ungumnini okanye umphathi ophetheyo kumaziko apho izilwanyana zigcinwa okanye ziqeqeshwa kwaye ezo zilwanyana zigcinwa okanye ziqeqeshwa phantsi kombutho obhalisiweyo wezilwanyana;

(c) ungumnini okanye ungumphathi wekliniki yezilwanyana;

(d) uphethe izinja amahashe okanye amahashe eSebe lamaPolisa eSixeko, iNkonzo yamaPolisa oMzantsi Afrika okanye uMkhosi woKhuseleko waseMzantsi Afrika kwaye zigcinelwe iinjongo zokusebenza; okanye

(e) osebenzisa isikiti.

3. Ukulawulwa kokuFuya

- (1) Zonke izinja neekati (inkunzi nemazi) ezingaphezulu kweenyanga ezintandathu ubudala kufuneka zivalwe inzala, ngaphandle kokuba umnini ufumene iphephamvume kwiSixeko lokugcina isilwanyana singawalwanga inzala.
- (2) Isicelo sokugcina isilwanyana singawalwanga inzala, kufuneka sibhalwe phantsi kwifomu emiselweyo, ngokungqinelana neMigaqo nkqubo yeSixeko echaphazelekayo kunye neeNkqubo zokuSebenza ezisemgangathweni kwaye kufuneka sikhathshwe yintlawulo.
- (3) Igosa eligunyazi siweyo lingenza ukuba isilwanyana sivalwe kwaye iindleko zaso zinokufunyanwa kumnini, xa libona kuyimfuneko -
 - (a) kumdlala wentlalontle yesilwanyana;
 - (b) ukuthintela inkathazo;
 - (c) xa isilwanyana silahlekile;
 - (d) ngokwesicelo somnini; kwaye
 - (e) ngokulandelwa ukuthinjwa kunye nokuvalelwa kwesilwanyana okanye utyeshelo olubandakanya isilwanyana.

4. Uthintelo kwinani lezinja

- (1) ISixeko sinokumisela inani lezinja ezinokuthi zigcinwe kuyo nayiphi na indawo.
- (2) Xa kungekho ummiselo owenziwe ngokwemiqathango yecandelwana (1) naphantsi kwemiqathango yecandelwana (3) nele (4), akukho mntu unokugcina ngaphezulu kwe -
 - (a) izinja ezimbini, okanye avumele ngaphezulu kwezinja ezimbini, ezingaphezulu kweenyanga ezintandathu ubudala, ukuba zigcinwe ngaphakathi okanye kwindawo yokuhlala;
 - (b) izinja ezintathu, okanye avumele izinja ezingaphezulu kwesithathu, ezingaphezulu kweenyanga ezintandathu ubudala, ukuba zigcinwe ngaphakathi okanye kwindlu yokuhlala;
 - (c) izinja ezine, okanye avumele izinja ezingaphezulu kwezine, ezingaphezulu kweenyanga ezintandathu ubudala, ukuba zigcinwe ngaphakathi okanye kwindlu enkulu yokuhlala;
 - (d) izinja ezintandathu, okanye avumele izinja ezingaphezulu kwezintandathu, ezingaphezulu kweenyanga ezintandathu ubudala, ukuba zigcinwe kwindawo yokulima; okanye
 - (e) izinja ezintathu, okanye avumele ngaphezulu kwezinja ezintathu, ezingaphezulu kweenyanga ezintandathu ubudala, ukuba zigcinwe kuyo nayiphi na indawo.
- (3) Icandelwana (2) alisebenzi kuye nawuphi na umntu o-
 - (a) ngumnikazi wephephamvume elikhutshwe ngokwecandelo lesi5 lokugcina inani elikhulu lezinja;

- (b) ngumnikazi wephephamvume lokugcina indlwana;
- (c) ngumnini okanye umphathi okanye ophetheyo, ivenkile yezilwanyana zasekhaya kwaye unobungqina obubhaliweyo bokuba zonke izinja eziphantsi kolawulo lwaloo mnini okanye umphathi zigonyelwe icanine distemper, ihapatitis, ukhohlokhohlo lwezinja kunye neparvovirus;
- (d) ngumnini okanye uphethe indawo apho izinja ezikhokelayo zigcinwa okanye ziqeqeshwa khona kwaye ezo zinja zikhokelayo zigcinwa okanye ziqeqeshwa phantsi koMbuthe waseMzantsi Afrika weZinja eziKhokelayo;
- (e) ngumnini okanye umphathi wekliniki yezilwanyana;
- (f) uphethe izinja kunye namahashe eSebe lamaPolisa eSixeko, iNkonzo yamaPolisa oMzantsi Afrika okanye uMkhosi woKhuselo woMzantsi Afrika, kwaye zigcinelwe iinjongo zokusebenza; okanye
- (g) usebenzisa isikiti.

- (4) Umntu onemvume yokugcina inja ecinyiweyo okanye othe ngaphambili kwasuswa inja kwinkathalo yakhe okanye ugwetyelwe ityala lolwaphulo mthetho ngaphambili okanye isigwebo sembambano ngakuye malunga nenja ayikhathaleleyo, akanakugcina inja, ngaphandle kokuba iSixeko simisela ngenye indlela.

5. Amaphephamvume okugcina izinja neekati ezingaphezulu kwenani elimiselweyo

- (1) Nawuphi na umntu ofuna ukugcina inani elikhulu lezinja okanye iikati nakweyiphi na indawo enenani elivumelekileyo kolo hlobo lwezakhiwo ngokwemiqathango yecandelo lesi4 nelesi6, kufuneka afake isicelo sephephamvume kwiSixeko.
- (2) Isicelo ngokwemiqathango yecandelwana (1) kufuneka sibhalwe phantsi kwifomu emiselweyo kwaye kufuneka sikhathshwe yintlawulo emiselweyo.
- (3) ISixeko sisenokufuna ukuba umenzi wesicelo anikezele ngalo naluphi na ulwazi esilubona lufanelekile ukuze sikwazi ukwenza isigqibo.
- (4) ISixeko sisenokwala ukuqwalasela isicelo ngokwemiqathango yecandelwana (1) malunga nokungathotyelwa kwamalungiselelo ecandelwana (2) okanye iinkcukacha ezichatshazelwe kwicandelwana (3), azizange zinikezelwe.
- (5) ISixeko sinokuqwalasela isicelo ngokwecandelwana (1) kuphela emva kokuba sifumene ingxelo ebhaliweyo evela kwigosa eligunyazisiweyo -
- (a) malunga nokuba ingaba inja okanye ikati efunelwa iphephamvume kunokwenzeka ukuba ibangele inkathazo kwimpilo yoluntu okanye ukugcinwa kwalo nja okanye ikati kunokubangela ukwaphulwa kwecandelo le5 okanye le 6;
 - (b) echaza iziphumo zokuhlolwa kwendawo leyo inja okanye ikati echaphazelekileyo egcinwa kuyo okanye eza kugcinwa kuyo; kwaye
 - (c) malunga nokuba umenzi wesicelo ebekhe wanenja okanye ikati eyasuswayo kwinkathalo yakhe kusini na okanye ngaphambili wakhe wagwetyelwa ulwaphulo mthetho okanye isigwebo sembambano ngakuye malunga nesilwanyana asikhathaleleyo.

- (6) ISixeko sinokusikhaba isicelo ngokwemiqathango yecandelwana (1) okanye sivume ngokuxhomekeke kuyo nayiphi na imiqathango ejolise ekunciphiseni umngcipheko wayo nayiphi inkathazo yezempilo yoluntu edalwe zizinja okanye iikati kwindawo echaphazelekayo eqhubekayo okanye ukunciphisa umngcipheko ololo hlobo ukuya kwinqanaba elamkelekileyo kwiSixeko.
- (7) Ngokubhekisele kuso nasiphi na isicelo esivunyiweyo ngokwecandelwana (6), igosa eligunyazisiweyo kufuneka likhuphe imvume kwifomu emiselweyo echaza yonke imiqathango ebekwe siSixeko.
- (8) Iphephamvume eladluliswa ukusuka komnye umntu ukuya komnye okanye ukusuka kwindawo elalikhutshwe kuyo, lisiwe kwezinye iindawo.

6. Uthintelo kwini leekati

- (1) ISixeko sinokumisela inani leekati elinokuthi ligcinwe nakweyiphi na indawo.
- (2) Xa kungekho mmiselo owenziweyo ngokwemiqathango yecandelwana (1) naphantsi kwemiqathango yecandelwana (3) nele (4), akukho mntu unokugcina ngaphezulu -
 - (a) iikati ezine, okanye avumele ngaphezulu keekati ezine, ezingaphezulu kweenyanga ezintandathu ubudala zigcinwe kuyo nayiphi na indawo;
 - (b) iikati ezintandathu, okanye avumele iikati ezingaphezulu kwesithandathu, ukuba zigcinwe kwipropati yezolimo;
- (3) Icandelwana (2) alisebenzi kuye nawuphi na umntu ongumnini wephephamvume elikhutshwe ngokwecandelo 5.
- (4) Umntu onekati eyasuswayo kwinkathalo yakhe okanye owakhe wagwetyelwa ulwaphulo mthetho ngaphambili okanye isigwebo sembambano ngakuye ngokubhekiselele kwikati eselugcinweni lwakhe, akanakuyigcina ikati, ngaphandle kokuba iSixeko sigqiba ngenye indlela.
- (5) Akukho mntu uya kugcina nayiphi na ikati engenayo kwikhola okanye kwimicro-chip, igama, inombolo yomnxeba kunye nedilesi yendawo okanye isalathiso soluntu ukuze kuthintelwe inkohlakalo kwizilwanyana okanye kumbutho obhalisiweyo wentlalontle yezilwanyana.

7. Izilwanyana aziyi kuba ngomthombo wengozi

- (1) Akukho mntu uvumelekileyo ukuba anyanzele, aphembelele okanye axhokonxe nasiphi na isilwanyana ukuba sihlasele, sixhalabise okanye soyikise nawuphi na umntu okanye isilwanyana okanye ngokungakhathali sisilele ukuthintela nasiphi na isilwanyana ekuhlaseleni, ekuxhalabiseni okanye ekoyikiseni nawuphi na omnye umntu okanye isilwanyana.
- (2) Nawuphi na umntu ogcina isilwanyana kuyo nayiphi na indawo uya kusigcina eso silwanyana ngendlela yokuba singabi ngomthombo wengozi kubasebenzi beSixeko abangena kuloo ndawo ngenjongo yokwenza imisebenzi yabo.
- (3) Isaziso sokuba kugcinwe isilwanyana esiyingozi kuloo ndawo siya kuboniswa kwindawo ecacileyo kwindawo nganye yokungena kuloo ndawo.

8. Ukulwa kwezilwanyana

(1) Nawuphi na umntu -

- (a) ungumnikazi, ugcina, ungenisa, uthenga, uqeqesha, uzalisa, okanye phantsi kolawulo lwakhe unesilwanyana ngenjongo yokulwa nasiphi na esinye isilwanyana;
- (b) izithiyelo, axhokonye okanye aphambebelele nasiphi na isilwanyana ukuba sihlasele esinye isilwanyana okanye siqhubeke nomlo wesinye isilwanyana;
- (c) ukhuthaza imilo yezilwanyana ngenjongo zenzuzo yemali okanye ngendlela yokuzonwabisa;
- (d) uvumela naziphi na izezo ezichazwe kumhlathi (a) kunye no (c) ukuba zenzeke nakweyiphi na indawo akuyo okanye ephantsi kolawulo lwakhe;
- (e) ungumnikazi, osebenza okanye olawula nayiphi na indawo okanye indawo kawonkewonke ngenjongo, okanye ngokuyinxenye ngenjongo, yokuqhuba imilo yezilwanyana kuloo ndawo okanye kwindawo kawonkewonke, okanye osebenzayo okanye oncedisayo kulawulo lwaloo ndawo okanye indawo yoluntu, okanye ofumana naluphi na uqwalaselo lokwamkelwa kwakhe nawuphi na umntu kuloo ndawo okanye kwindawo kawonkewonke; okanye
- (f) ukhona njegombukeli kuyo nayiphi na indawo okanye indawo kawonkewonke apho naluphi na uhlobo lwezenzo ezikhankanywe kumhlathi (b) ukuya ku (e) zisenzeka okanye apho kusenziwa amalungiselelo ezenzo ezinjalo,

unetyala.

- (2) Kulo naluphi na utshutshiso kucingelwa ukuba, ngaphandle kokuba ubungqina bufakwe ngokuchasane noko, isilwanyana esifunyenwe kuyo nayiphi na indawo okanye indawo kawonkewonke siyipropati, okanye siphantsi kolawulo lomnini wezo ndawo okanye indawo kawonkewonke, okanye siyipropati ephantsi kolawulo lomntu osebenzisa okanye olawula indawo yoluntu.

9. Iziquhumbisi

- (1) Akukho mntu onokuthi ngabom okanye ngokungakhathali oyikise, abandezele okanye enzakalise nasiphi na isilwanyana ngesiquhumbisi okanye nayiphi na enye indlela.

10. Ukuchongwa kweendawo zikawonkewonke njengezokubaleka ngokukhululekileyo, zikwilishi, okanye ngaphandle kwemida

- (1) ISixeko sinakho ukumisela iindawo zikawonkewonke, ezinemiqondiso efanelekileyo, njengeendawo apho izinja zivumelekileyo ukuba zibaleke ngokukhululekileyo, kwilishi okanye ngaphandle kwemida kwaye indawo echongiweyo inokwahluka ngokwexesha lemini nexesha lonyaka.

11. Ukususwa kwelindle

- (1) Ukuba nasiphi na isilwanyana singcolisa ngelindle nakwesiphi na isitalato sikawonkewonke, indawo kawonkewonke okanye indlela kawonkewonke, nawuphi na umntu olawula eso silwanyana, ngaphandle komntu oncediswa yinja ekhokelayo, uya kulisusa ngoko nangoko elo lindle, alifake eplastikini okanye kwingxowa yephepha okanye kwisisongelo kwaye alilahle kwindawo elungiselelwe ukulahlwa kwenkunkuma.

- (2) Akukho mntu uya kuhamba nesilwanyana ngaphandle kwenja ekhokelayo, kwisitalato sikawonkewonke, kwindawo kawonkewonke okanye kwindlela kawonkewonke, engaphethanga inani elaneleyo leplastiki okanye iingxowa zephepha okanye izisongelo, apho unokufaka khona ilindle lesilwanyana eso; xa isilwanyana senze ilindle.

12. Ukubonisa okanye ukubukisa isilwanyana ngenjongo yokubonisa okanye ukufumana inzuzo yemali

- (1) Akukho mntu uya kubonisa okanye babukise isilwanyana ngenjongo yokubonisa okanye ukufumana inzuzo yemali kwindawo kawonkewonke okanye kwindlela kawonkewonke, ngaphandle kokuba loo mntu ungumnikazi wephaphamvume elikhutshwe siSixeko okanye nguCape Nature. Oku kuquka ukusetyenziswa kwesilwanyana ngeenjongo zokungqiba okanye zokuqokelela imali. Kwimeko apho iSixeko sithe safumana isicelo emntwini sokubonisa okanye sokubukisa isilwanyana ngenjongo yokubonisa okanye yenzuzo yemali siya kucebisana noMhloli wentlalontle yezilwanyana ogunyaziswe ngokwemigaqo yecandelo lesi8 (1) loMthetho woKhuseleko lweZilwanyana wama71 ka1962 malunga noMthetho woKhuseleko lweZilwanyana ukuze bahlomle kwaye babe negalelo.

13. Izilwanyana ezithengiswayo

- (1) Umntu okanye umphathi wendawo apho izilwanyana zigcinelwe ukuthengiswa uya kugcina iirekhodi ezifanelekileyo zogonyo kwaye akayi kuzishiya ezo mfuno zezilwanyana zingajongwanga ubusuku bonke.
- (2) Ukugcina, ukufuya okanye ukuthengisa nasiphi na isilwanyana kwindawo yoshishino okanye yezoqoqosho kufuna isigunyaziso esivela kwiSixeko.
- (3) Icandelwana (2) liya kubandakanya abafuyi bezilwanyana abarhwebayo.
- (4) Isicelo sogunyaziso kufuneka singeniswe kwiSixeko, kwaye sivunywe phambi kokuba ishishini okanye umsebenzi woqoqosho uqalise. Isicelo kufuneka siquke, ubuncincinane -
- (a) linkcukacha zohlobo lweshishini okanye umsebenzi wezoqoqosho;
 - (b) Umntu onoxanduva lweshishini okanye umsebenzi wezoqoqosho;
 - (c) Idilesi kunye neenkukacha zesakhiwo okanye iziko;
 - (d) Amanani, isini, ubudala, iintlobo neentlobo zezilwanyana okanye iinkukhu ezigciniweyo;
 - (e) linkcukacha zeendawo ezivaliweyo kunye nemilinganiselo, kubandakanywa neefoto;
 - (f) linkcukacha zabasebenzi kunye nezakhono ezifanelekileyo okanye ubuchule babo;
 - (g) Igama likagqirha wezilwanyana kunye nobuchule obufanelekileyo okanye uqeqesho lwasemva kwesidanga;
 - (h) Inkcazo eneenkcukacha ezipheleleyo malunga nokuba kuya kuhlangatyezwana njani neemfuno zentlalontle yezilwanyana; kwaye; kwaye
 - (i) Ubungqina bemali eyaneleyo yokubonelela ngokufanelekileyo izilwanyana rhoqo.

- (5) Ishishini okanye ishishini loqoqosho liya kuhlala likhona ukuze lihlolwe siSixeko ngamaxesha afanelekileyo, ubungqina bamanani, ubudala, isini, iindidi zezilwanyana eziciniweyo / ezifuyiweyo; inani namagama abasebenzi, kunye nobungqina bezakhono / uqeqesho lwabo olufanelekileyo; kunye nolawulo lokhathalelo olumiselwe ukukhusela intlalontle yezilwanyana.
- (6) Ugunyaziso luya kuthintelwa kwindawo evunyiweyo kwaye nawuphi na umntu okanye ishishini eligcina okanye elifuya izilwanyana ngaphakathi kwendawo yeshishini okanye yezoqoqosho ethi itshintshe indawo yalo iya kwazisa iSixeko ngendawo yalo entsha ngaphambi kokuba kwenzeke ufuduko olucetywayo. ISixeko sinokuhlola isakhiwo esitsha size siphinde sikhuphe okanye sirhoxise iphephamvume njengoko kuyimfuneko.
- (7) Ukuba iSixeko sinawo nawuphi na amathandabuzo malunga nokubanakho kweshishini okanye ishishini loqoqosho ukuhlangabezana neemfuno zentlalontle yezilwanyana ekusebenzeni kwalo, kufuneka singavumeli ugunyaziso, okanye sirhoxise okufanayo ukuba sele kunikiwe.
- (8) Ishishini okanye umsebenzi woqoqosho awunakwenzeka de ugunyaziso lunikezelwe.
- (9) ISixeko sinokuthi ngoko nangoko, sivale iindawo zoshishino okanye iiofisi ukuthintela ezo zingachatshazelwanga sisigunyaziso esivela kwiSixeko xa -
- (a) ugunyaziso aluzange lunikezelwe; okanye
- (b) ugunyaziso lurhoxisiwe;
- ekusebenziseni naliphi na ishishini okanye imisebenzi yezoqoqosho enxulumene nokugcinwa, ukuthengiswa okanye ukufuywa kwezilwanyana.
- (10) Abagcini okanye abafuyi bezilwanyana ukwenzela ishishini okanye imisebenzi yezoqoqosho banokuvunyelwa kuphela ukuthenga okanye ukufumana izilwanyana kubafuyi abagunyazisiweyo.
- (11) Nawuphi na umntu, ishishini okanye ishishini loqoqosho elithengisa okanye elidlisela ubunini besilwanyana komnye umntu okanye ishishini liya kubonelela umntu okanye ishishini eligcina isilwanyana ngolwazi olufanelekileyo kunye neengcebiso malunga nendlela yokukhusela intlalontle, impilo yesilwanyana, kunye nokuphila kakuhle. Oku kubandakanya, kodwa akuphelelanga apho -
- (a) indlela yokugcina, ukunyamekela, nokuphatha eso silwanyana;
- (b) ukuthintela ukufuya okungafunwayo;
- (c) ugunyo kunye nezinye iimfuno zempilo ezicetyiswayo kwisilwanyana esithengiswayo; kwaye
- (d) naziphi na iimfuno okanye izithintelo ekugcinweni okanye ekufuyweni kwezilwanyana ezinjalo.
- (12) Ubungqina bokuthotyelwa kwecandelwana (11) kufuneka bugcinwe, kwaye bufumaneka ukuze buhlolwe ligosa eligunyazisiweyo ngokwesicelo nangawo onke amaxesha afanelekileyo.

- (13) Abagcini okanye abafuyi bezilwanyana besenzela ishishini okanye imisebenzi yezoqoqosho kufuneka baqinisekise ukuba naziphi na izilwanyana ezingasalungelanga ushishino okanye umsebenzi wezoqoqosho ekuthethwa ngawo zibuyiselwe okanye zithunyelwe kwindawo yokukhusela okanye kwindawo yokugcina izilwanyana naphi na apho kunokwenzeka.
- (14) Izilwanyana azinakunikezelwa okanye ziboniswe ngendlela enganabantu ukuba zithengiswe kwiivenkile zezilwanyana zasekhaya okanye kuyo nayiphi na enye indawo yamashishini esebenzisa izilwanyana ngaphakathi kwemida yazo yezoshishino okanye yezoqoqosho.
- (15) Ugunyaziso lweshishini okanye umsebenzi wezoqoqosho olubandakanya urhwebo okanye ukuthengiswa kwezilwanyana zasendle ezithile okanye iimveliso zezilwanyana zasendle lunokuthintelwa okanye luvalwe siSixeko.
- (16) Apho urhwebo lubonelelwa ngoLawulo lokusiNgqongileyo lweSizwe: uMthetho weZilwanyana ezohlukeneyo: iMimiselo: iNgqungquthela yoRhwebo lwaMazwe ngaMazwe ngeZilwanyana eziseMngciphekweni weZilwanyana neeNtyantyambo zasendle (CITES) 2010 (njengoko ulungisiwe), uMthetho woKhuseleko lweZilwanyana Nomb. 71 ka 1962 kunye noMmiselo woLondolozo lweNdalo yePhondo (Nomb 19 ka 1974, njengoko ulungisiwe), izikhokelo okanye izithintelo, kufuneka zisetyenziswe nguye nawuphi na umntu, ishishini okanye ishishini lezoqoqosho elithengisa okanye elidlulisela ubunini besilwanyana komnye umntu, ishishini okanye ishishini loqoqosho.
- (17) Akukho mntu uvumelekileyo ukuba athengise okanye athembise ukuthengisa isilwanyana ngaphandle kwesigunyaziso seSixeko -
- (a) esitalatweni okanye kwindawo kawonkewonke;
 - (b) ngaphakathi okanye kwisakhiwo okanye kwisithuthi;
 - (c) kwimarike zikawonkewonke; kunye
 - (d) kwi-intanethi okanye ngamaqonga osasazo oluntu okanye kwiindawo zokuthengisa;
- (18) Akuvumelekanga ukugqithisa, ukuthengisa, ukunikezela ngentengiso, ukuthutha okanye ukuthenga nasiphi na isilwanyana ekuya kuthi ukuqhubeka kobom kunxulunyaniswe neentlungu ezingenakulungiseka, ukubandezeleka, intlungu, ingqaqambo okanye unxunguphalo ngayo nayiphi na enye injongo ngaphandle kokubulawa kwaso ngoko nangoko. Nabani na ofumana okanye othenga isilwanyana esinjalo kufuneka asibulale ngoko nangoko, okanye aqinisekise ukubulawa ngoko nangoko kwesilwanyana.
- (19) Ngaphezulu akuvumelekanga ukuba nesilwanyana ngaphandle kwesizathu esibambekayo, esiva iintlungu ezinganyangekiyo, ingqaqambo, uxinzelelo okanye isifo.

14. Ukulawula izilwanyana

- (1) Umntu ogcina nasiphi na isilwanyana kufuneka aqinisekise ukuba sigcinwa siphantsi kolawulo olululo nolusebenzayo xa siphuma kwindawo esigcinwe kuyo kwaye asifaki ngozini nawuphi na umntu, isilwanyana okanye impahla xa siphuma kulo ndawo.
- (2) ISixeko sinokuhlutha kwaye sithimbe nasiphi na isilwanyana esibonakala singenamini okanye esigulayo okanye esiyingozi okanye esikhohlakeleyo esifunyenwe sibhadula okanye singajongwangwa kuso nasiphi na isitalato sikawonkewonke okanye kuyo nayiphi na indawo kawonkewonke.

- (3) Umntu ogcina isilwanyana akavumelekanga ukuba adle amadlelo okanye avumele isilwanyana ukuba sityiswe kuwo okanye nakuwuphi na uvimba wendlela okanye kuyo nayiphi na indawo kawonkewonke.
- (4) ISixeko sinokuhlutha kwaye sithimbe isilwanyana esinjalo esifunyenwe kuyo okanye nakuyiphi na indlela egcinweyo okanye kuyo nayiphi na ipropati yoluntu, nokuba iyakhathalelwa okanye hayi.
- (5) Umntu akanakho, ngaphandle kweenjongo zokuvalela nasiphi na isilwanyana, ukuqhuba okanye ukwenza nasiphi na isilwanyana siqhutyelwe kuso nasiphi na isitalato sikawonkewonke okanye nakweyiphi na indlela kawonkewonke phakathi kolawulo lwesixeko ngaphandle kwemvume yangaphambili ebhaliweyo yeSixeko; imvume enokuthi inikwe phantsi kwemiqathango.

15. Ukulawulwa kwezilwanyana ezisebenzayo

- (1) Akukho mntu usebenzisa isilwanyana esisebenzayo -
 - (a) avumele isilwanyana esisebenzayo ukuba sibe kuyo nayiphi na indawo kawonkewonke ngeli lixa singakwaziyo ukutsala isithuthi esitsalayo, esisentlungwini yokwenzekala okanye isifo, okanye ngenye indlela asifanelekanga okanye asiwulengelanga umsebenzi ocetywayo;
 - (b) avumele isilwanyana esisebenzayo sibe yingozi kwizithuthi kusetyenziswa nasiphi na isitalato sikawonkewonke okanye indlela;
 - (c) avumele isilwanyana esisebenzayo ukuba sibe ngumthombo wengozi okanye wokwenzakala kuye nawuphi na umntu okanye isilwanyana esisebenzisa isitalato sikawonkewonke;
 - (d) avumele isilwanyana esisebenzayo ukuba sibe kuso nasiphi na isitalato sikawonkewonke okanye indawo kawonkewonke ngaphandle kokuba siphantsi kolawulo lwaso;
 - (e) asebenzise nasiphi na isilwanyana esisebenzayo esingenalo igama, inombolo yomnxeba kunye nedilesi yomnini waso;
 - (f) avumele nasiphi na isilwanyana esisebenzayo ukuba sitsale nasiphi na isithuthi, okanye asebenzise naziphi na iintambo zokubopha ezingahambelaniyo nemigangatho nemigaqo yeSABS enokumiselwa siSixeko amaxesha ngamaxesha;
 - (g) asebenze naliphi na ihashe elisebenzayo ngaphandle kweMvume esebenzayo yabaSebenzi beE53 apho umntu aphawulwe njengomqhubi;
 - (h) abe ngaphantsi kweminyaka elishumi elinesibhozo ubudala; kwaye
 - (i) abe phantsi kweempembelelo zeziyobisi okanye utywala.

16. Amahashe asebenzayo

- (1) Nawuphi na umnini ofuna ukusebenzisa isixhobo sokuhamba ngemoto, kufuneka isicelo sephephamvume kwiSixeko, ngokubhekiselele kulo ngqalelo isebenzayo.
- (2) Isicelo ngokwemiqathango yecandelwana (1) kufuneka sibhalwe phantsi kwifomu emiselweyo nangokungqinelana neMigaqo nkqubo yeSixeko echaphazelekayo kunye neeNkqubo zokuSebenza ezisemgangathweni.

- (3) Isicelo sephephamvume kufuneka kwakhona -
- (a) sinike ubungqina obubhaliweyo bokuba ihashe elisebenzayo lithole lehashe elisebenzayo; kwaye
 - (b) sikhathshwe yintlawulo emiselweyo.
- (4) Akusayi kukhutshwa ngaphezulu kwephephamvume elinye malunga nehashe elisebenzayo.

17. Ukubanjwa, ukuthinjwa kunye nokutshatyalaliswa kwaMahashe aSebenzayo

- (1) Igosa eligunyazisiweyo linakho ukubamba, lithimbe okanye litshabalalise kwindawo etyunjwe siSixeko naliphi na ihashe elisebenzayo -
- (a) linokutshatyalaliswa ngokucetyiswa ngugqirha wezilwanyana okanye ngokwemiqathango yawo nawuphi na umthetho;
 - (b) ngokoluvo lwakhe akakwazi ukuqhubeka nokutsala isithuthi esitsalwa sisilwanyana;
 - (c) ngokoluvo lwakhe kunobungozi kwizithuthi ezisebenzisa nasiphi na isitalato;
 - (d) liphangalele okanye kubonakala ukuba alinamnini; okanye
 - (e) ihashe elisebenzayo lifunyanwa kuyo nayiphi na indawo kawonkewonke, ngokubona kwegosa eligunyazisiweyo, alikho phantsi kolawulo olululo.

18. Ukuhlangukwa kwamahashe athinjiweyo asebenzayo akuvumelekanga

- (1) Akukho mntu uya kuthi, ngezoyikiso zobundlobongela okanye ngenye indlela, ahlangukela okanye azame ukuhlangukela kumntu okanye kubantu abaphetheyo, naliphi na ihashe elisebenzayo eliziswe esikiti ngokusemthethweni, okanye uya kuhlangukela okanye azame ukuhlangukela naliphi na ihashe elisebenzayo emva kokuba ihashe elisebenzayo lithinjiwe ngokusemthethweni ligosa eligunyazisiweyo.

19. Izilwanyana ezilahlekileyo

- (1) Umntu ohlangulayo okanye ofumana isilwanyana esilahlekileyo uya kuxela umhla nexesha lokuhlangula kunye nenkcazo yesilwanyana eso kwiSixeko kwiiyure ezingamashumi amabini anesine.
- (2) Igosa eligunyazisiweyo linokuthi -
- (a) abambe nasiphi na isilwanyana esifunyenwe kuyo nayiphi na indawo kawonkewonke okanye kwindlela kawonkewonke kwaye –
 - (i) esingekho phantsi kweliso lakhe nawuphi na umntu; kwaye
 - (ii) esibangela okanye senze inkathazo;
 - (b) athimbe okanye abangele ukuba kuvalelwe nasiphi na isilwanyana esikiti okanye enye indawo emiselwe siSixeko ngezo njongo.
- (3) ISixeko sinakho ukuthengisa nasiphi na isilwanyana esithinjiweyo ngokwecandelwana loku 1(b), ngaphandle kokuba -
- (a) ukuphela kwexesha elingekho ngaphantsi kweentsuku ezili 10 ukusukela kwixesha lokuvallelwa;
 - (b) kwimeko yezilwanyana ezikhulu, akuyi kuba ngaphantsi kokuphela kweentsuku ezingama 30 ukusukela kwixesha lokuvallelwa, kwaye

- (c) ISixeko sithathe onke amanyathelo afanelekileyo ukwazisa umnini wesilwanyana esivalelweyo.
- (4) Nasiphi na isilwanyana esithinjiweyo ngokwecandelwana 1(b) singatshatyalaliswa, kulo ndawo eso isilwanyana -
- (a) esinesifo esosulelayo; okanye
- (b) esinoburhalarhume, esikhohlakeleyo okanye esinobungozi, kangangokuba sibeka ubungozi obukhawulezileyo nobubonakalayo kwimpilo nakukhuseleko lwezinye izilwanyana, okanye uluntu ngokubanzi.
- (5) Ukutshatyalaliswa kwaso nasiphi na isilwanyana ngokwemigaqo yalo Mthetho kaMasipala kufuneka kuqhutywe ngezilumkiso nangendlela enokuthi ibangele ukubandazeleka okuncinci kangangoko kunokwenzeka.
- (6) Umntu owenza ibango lesilwanyana esithiniweyo kufuneka ahlawule kwiSixeko iindleko ezifanelekileyo zokuthinjwa kunye nokususwa kwesilwanyana eso, kunye neendleko ezifanelekileyo zombutho ukulungiselela isilwanyana eso, phambi kokuba sikhululelwe umntu.

20. Ukubanjwa kunye nokususwa kwesilwanyana

- (1) ISixeko kufuneka sisuse nasiphi na isilwanyana esihluthiweyo okanye esithinjiweyo ngokungqinelana namalungiselelo ecandelwana (2) ukuba oko kuyalelwe yinkundla ngokwaloMthetho kaMasipala kwiSixeko apho isilwanyana sinokuhlaliswa khona.
- (2) Nasiphi na isilwanyana esihluthiweyo okanye esithinjiweyo ngokwemiqathango yaloMthetho kaMasipala, kufuneka sigcinwe kwindawo emiselwe siSixeko kangangeentsuku ezili10 ubuncinane ukuze umnini okanye umntu ophethe eso silwanyana akwazi ukusibanga.
- (3) Kwimeko yezilwanyana ezinkulu, ubuncinane iintsuku ezingama30 zokwenza ukuba umnini okanye umntu ophethe isilwanyana akwazi ukusibanga.
- (4) Ukuba umnini okanye umntu ophetheyo akakhange abange isilwanyana kwixesha elichazwe kwicandelwana (2) nele (3) ngasentla, iSixeko sinokuthengisa okanye sinikele ngaso kwaye sigcine ukuze sisebenzise ingeniso yentengiso ukuba ikhona, ukwenzela inzuzo yaso, okanye inokusilahla ngenye indlela isilwanyana.
- (5) Umntu owenza ibango lesilwanyana esithinjiweyo kufuneka ahlawule kwiSixeko iindleko ezifanelekileyo zokuthimba kunye nokususa isilwanyana eso, kunye neendleko ezifanelekileyo zombutho ukulungiselela isilwanyana eso, phambi kokuba isilwanyana sikhululelwe emntwini.
- (6) Ukuba isilwanyana sithinjiwe kwaye sivaliwe ngaloMthetho kaMasipala kwaye, apho kufanelekileyo, sinesifo okanye sonzakele okanye sikwimeko embi emzimbeni kangangokuba kuya kuba yinkohlakalo okanye kuya kuzisa ukubandazeleka okungeyomfuneko kwisilwanyana ukuba sisigcine siphile kwaye ke kufuneka ke ngoko ukuba sitshatyalaliswe ngaphandle kokulibazisa okungafanelekanga, iSixeko sinokubiza ugqirha wezilwanyana ukuba ahlole isilwanyana kwaye ukuba, emva kovavanyo olunjalo, ugqirha wezilwanyana uqinisekisa ukuba isilwanyana sigula kakhulu okanye sonzakele okanye sikwimeko embi emzimbeni kangangangokuba kuya kuba yinkohlakalo okanye

kuya kuzisa ukubandazeleka okungeyomfuneko kwisilwanyana kwaye kufuneka ke ngoko ukuba sitshatyalaliswe, iSixeko sinokuyalela ugqirha wezilwanyana asitshabalalise ngoko nangoko isilwanyana okanye asibangele ukuba sitshatyalaliswe ngendlela enokubangela ukubandazeleka okuncinci kangangoko kunokwenzeka.

- (7) ISixeko sinakho ukufumana iindleko ezifanelekileyo zonyango lwezilwanyana kunye nezinye iindleko zokuphumeza imiqathango yecandelwana (5) kumnini okanye kumntu ophetheyo ngokusigcina isilwanyana ekuthethwa ngaso.
- (8) Inja okanye ikati ethe yathinjwa okanye yasuswa phantsi kwemiqathango yalo mthetho kamasipala okanye imiqathango yawo nawuphi na omnye umthetho ofunyenwe ligosa eligunyazisiweyo -
 - (a) ibe iphethwe sisifo esinganyangekiyo, esosulelayo, okanye yonzakele kakhulu: okanye
 - (b) ukuba uburhalarhume, ubugwenxa okanye ubongozi bunokutshatyalaliswa kwangoko – ukutshatyalaliswa kwayo nayiphi na inja okanye ikati kuya kwenziwa ngendlela engenantlungu njengoko inokuvunywa ngugqirha wezilwanyana obhalisiweyo kwaye kuya kwenzeka phantsi kweliso legosa eligunyazisiweyo.

ISAPHLUKO 2: AMALUNGISELELO JIKELELE NGOKUGCINWA KWEZILWANYANA

21. Amaziko entlalontle yokhathalelo kunye neendawo zokuhlala izilwanyana

- (1) Onke amaqumrhu ekucingelwa ukuba yimibutho yentlalontle yezilwanyana kufuneka abhalise amaqumrhu angenzi nzuzo enenjongo ephambili neenjongo zawo ikukunciphisa ukubandazeleka kwezilwanyana kunye nokuphuculwa kwentlalontle yezilwanyana.
- (2) Yonke imibutho yentlalontle yezilwanyana ngaphandle kombutho osemthethweni nokwasebenza njengemibutho yohlangulo neyendawo zokuhlala ezikhuselekileyo kufuneka ifake isicelo sephephamvume kwiSixeko, iphephamvume elo ekufuneka likhutshwe phambi kokuba kuqaliswe ukusebenza.
- (3) Elo phephamvume linganikezelwa kuphela ukuba umenzi wesicelo -
 - (a) unezixhobo ezifanelekileyo ezinikezelweyo ngokweMithetho kaMasipala; kwaye
 - (b) uya kuqesha ubuncinane ingcali yentlalontle eqeqeshiweyo, nebhaliweyo ukuba isoloko ibandakanyeka kulawulo lombutho okanye lweshishini.

22. Ukusekwa kwesikiti kunye nokuqesha komphathi wesikiti

- (1) ISixeko sinokuseta isikiti kunye naziphi na iindawo zokugcina izilwanyana ngokukhuselekileyo kummandla ophantsi kolawulo lweSixeko.
- (2) ISixeko sinokungena kwisivumelwano sonikezelo lweenkonzo nombutho omiselwe ngokomthetho, umbutho wentlalontle yezilwanyana okanye umntu oza kusebenzisa eso sikiti.
- (3) ISikiti sinokuvala nasiphi na isikiti esiphantsi kolawulo lwaso.
- (4) ISixeko sinokuthi, ngokwemigaqo nkqubo efanelekileyo, sityumbe umntu onobuchule obufanelekileyo njengomphathi wesikiti.

- (5) ISixeko sinokuthi, ngokwesivumelwano sonikezelo lweenkonzo sityumbe umnikezeli ngenkonzo onobuchule nonezakhono ezifanelekileyo njengomphathi sikiti.

23. Abagcini bezilwanyana

- (1) Bonke abantu banakho ukugcina izilwanyana, ngaphandle -
- (a) apho wakhe wathintelwa ukwenza njalo;
 - (b) apho angakwaziyo ukubonelela ngononophelo oluthile lweentlobo ezithile;
 - (c) abantwana abangaphantsi kweminyaka eli14, abanokuthi bagcine izilwanyana ngaphandle kwemvume yomlondolozi; kwaye
 - (d) apho amaphephamvume afanelekileyo avela kwabasemagunyeni bolondolozo lwendalo engazange afunyanwe ukuze kugcinwe eso silwanyana.
- (2) Nawuphi na umntu onikezela ngesilwanyana kugcino lwesilwanyana kufuneka aqinisekise umgcini wesilwanyana uyahlangabezana nale milinganiselo iphantsi.

24. Inkathazo

- (1) Akukho mntu uvumelekileyo ukuba agcine nasiphi na isilwanyana esidala inkathazo, nokuba yinkathazo yezempilo okanye inkathazo iphuma kwivumba, isandi okanye kwingxolo eyenziwa sisilwanyana eso, okanye nakuwuphi na omnye umthombo onxulumene nesilwanyana eso okanye kwindlela, okanye iimeko esigcinwa phantsi kwazo okanye ekubalekeni okanye ekubhaduleni kwesilwanyana, njengoko kunokuba kunjalo.
- (2) ISixeko sinokubonisana nekomiti yesitalato efanelekileyo okanye abagadi bobumelwane ukusombulula umba nomnini wesilwanyana esibangela inkathazo.
- (3) Ukuba iSixeko sikholelwa ngokufanelekileyo ukuba isilwanyana sibangela okanye sidala inkathazo, iSixeko sinakho –
- (a) ngokubhaliweyo siyalele umntu okanye umntu ophetheyo ukuba aphelise inkathazo ngexesha elifanelekileyo size sibeke amanyathelo aza kuthatyathwa; okanye
 - (b) apho kunokwenzeka, ukuba kuyimfuneko, susa eso silwanyana.
- (4) Ukuba umntu njengoko kuxeliwe kwicandelwana (3) ufunyenwe enetyala lokwaphula umthetho okwesibini ngokwecandelwana (3) ngokubhekiselele kwisilwanyana esinye, iNkundla isenokuthi, ukongeza ekuwiseni isigwebo ngokungqinelana namalungiselelo alo mthetho kamasipala, uyalele ukuba isilwanyana sibanjwe kwaye sisuswe siSixeko sisiwe kwindawo emiselwe siSixeko njengoko kuchaziwe kulomthetho kamasipala.
- (5) Ukuba iSixeko sikholelwa ngokufanelekileyo ukuba nasiphi na isitali, indawo ebiyelweyo okanye esinye isakhiwo apho kugcinwa khona isilwanyana sigcinwa khona singunobangela okanye sinokuthi sibangele inkathazo, nokuba kungenxa yolwakhiwo lwaso okanye imeko yokonakala okanye ukungabikho kococeko okanye ngaso nasiphi na isizathu, iSixeko sinokuyalele ngokubhaliweyo umnini okanye umntu ophetheyo wendawo apho isitali, indawo ebiyelweyo, isakhiwo okanye indawo esimisi kuyo isakhiwo

esichaphazelekayo siphumeze kwaye senze umsebenzi njengoko kufuneka ukuthomalalisa inkathazo, njengoko imeko inokuba njalo, njengoko kuchaziwe kwisaziso, ngexesha elifanelekileyo.

- (6) Ukuba inkathazo njengoko kuchaziwe kwicandelwana (5) ayiphelanga emva kokuphela kwexesha elichaphazelekayo okanye umnini okanye umntu ophetheyo wendawo akawenzanga wawuphumeza umsebenzi ofunekayo kwisaziso ngokwanelisayo kwiSixeko, umnini okanye umntu ophetheyo kuloo ndawo unetyala lokwaphula umthetho.

25. Amaphephamvume

- (1) Nabani na ofuna ukwenza umsebenzi othile okanye ukugcinwa kwezilwanyana ezidweliswe kulo Mthetho kaMasipala, nalapho kufuneka khona iphephamvume, kufuneka enze isicelo esibhaliweyo kwiSixeko phambi kokuba enze lomsebenzi uchaphazelekayo.
- (2) ISixeko sinokubiza umfaki sicelo intlawulo emiselweyo yokuqwalaselwa kunye nokunikezelwa kwephephamvume.
- (3) ISixeko sisenokwala ukuqwalasela isicelo sephephamvume de kube kuhlawulwe umrhumo omiselweyo kwaye de sibe sinikezelwe ngolwazi olufunekayo ukwenza isigqibo esinolwazi.
- (4) ISixeko sinokuthi, emva kokuqwalasela ingxelo kunye nesindululo segosa eligunyazisiweyo okanye ugqirha wezilwanyana ngesaziso esibhaliweyo esiya kumnini wephephamvume, silungise, sinqumamise okanye sirhoxise iphephamvume -
- (a) ukuba sanelisekile ukuba ukusilela ukwenza oko kuya kubangela -
- (i) ukudalwa okanye ukuqhubela phambili kwenkathazo kwindawo kawonkewonke; okanye
- (ii) ukuqhubeka kokwaphulwa kwawo nawuphi na umqathango walo mthetho kamasipala.
- (b) ngoko nangoko, ukuba igosa eligunyazisiweyo likholelwa ngokufanelekileyo ukuba kuyimfuneko ukwenza njalo ngokukhawuleza ukuze kupheliswe okanye kuncitshiswe umngcipheko omkhulu kwimpilo yoluntu obangelwa yinkathazo; okanye
- (c) emva kokuphela kwexesha elibekiweyo kwisaziso esibeka umnini wephephamvume ithuba eloneleyo lokuthobela isaziso eso kwaye umnini wephephamvume wasilela ukuthobela eso saziso.
- (5) ISixeko sinakho ukulungisa, ukunqumamisa okanye ukurhoxisa iphephamvume ngesaziso esipheleleyo esiya kumnini ukuba igosa eligunyazisiweyo likholelwa ngokufanelekileyo ukuba oko kuyimfuneko ukukhusela impilo yoluntu okanye ukuthathela ingqalelo imeko ezitshintshileyo oko loo mvume yakhutshwayo.

26. Ukugcina iZinja neeKati

- (1) Umntu ogcinainja okanye ikati eneenyangazintandathu kufuneka enze isicelo kwiSixeko sephephamvume malunga nenja okanye ikanti nganye.

- (2) Isicelo kufuneka sikhathshwe yintlawulo yephephamvume emiselweyo njengoko ibekiwe kuluhlu lweentlawulo zeSixeko, kunye nesiqinisekiso esisebenzayo sokugonyelwa umgada esimalunga nenja okanye ikati echaphazelekayo.

27. Ukugcinwa kwezilwanyana eziyingozi

- (1) Umntu ogcina isilwanyana esiyingozi kufuneka -

- (a) asigcine kwindawo efanelekileyo ebiyelweyo;
- (b) abonise imiqondiso eyaneleyo ebonisa ubukho besilwanyana esiyingozi; kwaye
- (c) athathe amanyathelo afanelekileyo ukuqinisekisa ukuba isilwanyana eso -
 - (i) asiphumi kwindawo esigcinwe kuso; okanye
 - (ii) asenzi ngozi, okanye umonakalo, emntwini, kwesinye isilwanyana okanye kwipropati.

28. Ukugcinwa kwezilwanyana zasendle

- (1) Akukho mntu uvumelekileyo ukuba agcine naziphi na izilwanyana zasendle kwindawo ehlala abantu ngaphandle kokufumana imvume yabasemagunyeni bolondolozo lwendalo kunye okanye ngaphandle kwephephamvume likamasipala ofanelekileyo ogunyazisa ukugcinwa kwezo zilwanyana kuloo ndawo.
- (2) Akukho mntu onokuthi ngabom okanye ngokungakhathali ondle nasiphi na isilwanyana sasendle esingekho eluvalelweni, ngaphandle kwabo batyisa iintaka.
- (3) Akukho mntu unokuvumela isilwanyana sasendle singene kwinkunkuma yasekhaya.

29. Imigangatho kunye neeMfuneko zokugcinwa kwezilwanyana kwizakhiwo

- (1) Iindawo ezisetyenziswa ngokunxulemene nokugcinwa kwezilwanyana kunye neenkukhu kufuneka kuqhutywe phantsi kwephephamvume elikhutshwe ngokwemiqathango yaloMthetho kaMasipala, ngaphandle kwendawo esetyenziselwa ukugcinwa kwezilwanyana kunye neenkukhu kwipropati eyenzelwe iinjongo zokulima okanye ezolimo, apho olona setyenziso luphambili lomhlaba kukulima nezilwanyana kunye neenkukhu.
- (2) Akukho mntu unokugcina, afuye okanye asebenzise ezi zilwanyana zilandelayo kuyo nayiphi na indawo yokuhlala ngaphandle kokufaka isicelo sephephamvume kwiSixeko -
- (a) agcine iinkomo, amahashe, iimeyile, iidonki okanye nasiphi na isilwanyana esilinganayo okanye esikhulu ngakumbi;
 - (b) agcine iibhokwe okanye iigusha okanye nasiphi na isilwanyana esilinganayo okanye esincinci ngobukhulu;
 - (c) naziphi na iinkukhu, ngaphandle kwesikhukukazi ezi 5;
 - (d) agcine iintaka ezingaphezulu kwe 5;
 - (e) agcine okanye afuye nayiphi na imivundla; kwaye
 - (f) asebenzise indlu yenja okanye yekati.

- (3) Akukho mntu uya kugcina naluphi na uhlobo lwamahobe okanye amavukuthu ohlobo lweColumbia livia kuyo nayiphi na indawo yokuhlala, ngaphandle kokuba kuphantsi kwephephamvume elisemthethweni elikhutshwe ngokwemiqathango yalo Mthetho kaMasipala kunye nobungqina beQela loMdyarho wamaHobe okanye uBulungu beQela loMboniso wamaHobe.
- (4) Izicelo zokugcina naziphi na iindidi zamahobe okanye amahobe asendle ohlobo lweColumbia livia kuyo nayiphi na indawo yokuhlala kufuneka zibhalwe phantsi ngendlela emiselweyo kwaye zinokuqwalaselwa kwaye zisonjululwe siSixeko emva koqwalaselo lwezimvo ezingqiniweyo ezifunyenwe kubamelwane nabachaphazelekayo kunye noBungqina bobulungu beQela.
- (5) Akukho mntu unokugcina ihagu kuyo nayiphi na indawo yokuhlala kwiSixeko.
- (6) Akukho mntu unokugcina imaqhagi kuyo nayiphi na indawo yokuhlala kwiSixeko.

30. Iimfuno zococeko jikelele zokugcinwa kwezilwanyana kunye neenkukhu

- (1) Iindawo kunye naso nasiphi na isixhobo, isixhobo sokusebenza, ikhonteyina esetyenziswa ngokunxulumene nokugcinwa kwezilwanyana, ziya kugcinwa zicocekile kwaye zikwimeko entle.
- (2) Izixhobo zokugcina eziphathwayo ezenziwe ngemathiriyeli engangeni manzi kunye neziciko ezivala vingci kufuneka zinikezwe ukuze kugcinwe umgquba nenkunkuma yezilwanyana.
- (3) Unikezelo lwamanzi okusela kufuneka lubekho kwaye lube kufuphi okanye kuso sonke isitali okanye nayiphi na indawo ebiyelweyo esetyenziselwa ukuhlalisa izilwanyana, kubandakanya iinkukhu.
- (4) Izixhobo zokugcina umgquba ziya kugcinwa kwiqonga elenza ukuba umgangatho ongaphantsi kwazo ucocwe.
- (5) Umgquba ovela kwindawo ebiyelweyo kufuneka ususwe kanye ngeentsuku ezi3 ubuncinci kwaye ubekwe kwizixhobo zokugcina umgquba.
- (6) Okuqulathwe zizixhobo zokugcina umgquba kufuneka kususwe kwindawo ubuncinane kanye ngeentsuku ezisixhenxe kwaye zilahlwe ngendlela engayi kudala inkathazo kwimpilo yoluntu. Ukulahlwa komgquba akuquki ukuvundisa kwindawo leyo.
- (7) Sonke isondlo kufuneka sigcinwe kwigumbi lokugcina esingangenwa ziimpuku kunye naso sonke isidlo kwizixhobo zokugcina ezikhusela iimpuku ezineziciko ezivalekileyo kwigumbi lokugcina.
- (8) Amanyathelo aneleyo kufuneka athathwe ukugcina indawo ingenazo izitshabalalisi kunye nokuthintela amavumba akhubekisayo avela ekugcinweni kwezilwanyana ezinjalo.
- (9) Zonke izinto zokulala zezilwanyana kufuneka zisuswe kwiindawo ezivalekileyo kanye ngeveki ubuncinane kwaye iya kugcinwa kwizixhobo zokugcina umgquba okanye kwikhonteyina yomgquba okanye kwindawo de isuswe kwindawo leyo kwaye ilahlwe ngokufanelekileyo.
- (10) Kuya kubonelelwa ngeendawo ezifanelekileyo zokucoca kuzo zonke iindawo ezihlala izilwanyana kunye neenkukhu.

- (11) Ukuba isixa somgquba oveliswe kwindawo sikhulu, kunokufuneka ukuba kubekho indawo yokugcina umgquba ukuze kugcinwe umgquba phambi kokuba ususwe.
- (12) Indawo yokugcina umgquba, ukuba akukho mfuneko, iya kuba neqonga elinophahla elakhiwe ngekhonkrithi okanye enye into engenamandla kwaye iqonga liya kuhlelwa kwaye likhutshwe amanzi.
- (13) Nasiphi na isilwanyana esithe safu kuyo nayiphi na indawo siya kususwa kulo ndawo ikhankanyiweyo kwisithuba seeyure ezingama24 emva kokufa kwaso, ukuthintela inkathazo yezempilo okanye inkathazo ukuba ingenzeki.
- (14) Apho indawo leyo ibonelelwe ngabangcwaba ezilwanyana, izidumbu kufuneka zigcinwe kwindawo ebandayo de zisuswe kulo ndawo.
- (15) Ukulahlwa kwezilwanyana ezifileyo kuya kuqhutywa ngendlela eyamkelekileyo nangokuthotyelwa kweMithetho kaMasipala echaphazelekayo.
- (16) Amacandelwana (14) nele (15) awasebenzi ezifanayo ezibonelelweyo ngokoMthetho woKhuseleko lweNyama Nomb.40 ka2000, amaziko ogqirha wezilwanyana abhalisiweyo okanye izikiti.

31. IMigangatho kunye neeMfuno zeeNdawo zokuCoca nokuLungisa izilwanyana zaseKhaya, iivenkile zezilwanyana zaseKhaya, amaziko okugcina izilwanyana emini kunye neehotele zezilwanyana zaseKhaya

- (1) Akukho mntu uvumelekileyo ukuba asebenzise indawo yokucoca nokulungisa izilwanyana zasekhaya, iivenkile zezilwanyana zasekhaya, amaziko okugcina izilwanyana emini kunye neehotele zezilwanyana zasekhaya nakweyiphi na indawo, ngaphandle kokuba phantsi kwemvume esemthethweni ekhutshwe ngokwaloMthetho kaMasipala.
- (2) Izicelo zokuqhuba indawo yokucoca izilwanyana zasekhaya, iivenkile zezilwanyana zasekhaya, amaziko okugcina izilwanyana zasekhaya emini okanye neehotele kufuneka zenziwe ngokubhaliweyo ngendlela emiselweyo kwaye zinokuqwalaselwa kwezimvo ezingqinisisiweyo ezifunyenwe kubamelwane abachaphazelekayo.
- (3) Indawo ezicoca izilwanyana zasekhaya, iivenkile zezilwanyana zasekhaya, amaziko okugcina izilwanyana zasekhaya emini kunye neehotele zezilwanyana zasekhaya kufuneka zithobele imigangatho yempilo yendalo esingqongileyo njengoko ichazwe kwimithetho kamasipala efanelekileyo, imigaqo nkqubo kunye nayiphi na imigangatho esinokuthi iSixeko siyiqhoboshele kumaphephamvume aso;

32. Ukugcinwa nokuxhelwa kwezilwanyana ngeenjongo zenkolo, inkcubeko, imigidi kunye nokutyiwa

- (1) Ngokuxhomekeke kwicandelwana (2), akukho mntu unokuthi:
 - (a) axhele nasiphi na isilwanyana nakweyiphi na indawo ngaphandle kwesilarha esibhalisiweyo;
 - (b) avumele ukuxhelwa kwaso nasiphi na isilwanyana kuyo nayiphi na indawo ephantsi kolawulo lwabo ngaphandle kokuba loo ndawo sisilarha esibhalisiweyo; okanye
 - (c) athengise okanye abonelele ngenyama eza kutyiwa ngabantu kunye nezilwanyana ngaphandle kokuba ixhelwe esilarheni.

- (2) Icandelwana loku1 alisebenzi ekuxhelweni ngeenjongo zenkolo, zenkcubeko, zemibhiyozo kunye neenjongo zokusela, ngokoMthetho woKhuseleko lweNyama, 40 ka2000.
- (3) Akukho nyama okanye mveliso yesilwanyana efunyenwe kwisilwanyana esixheliweyo njengoko kuchazwe kumacandelwana 1 esinokuthengiselwa nawuphi na umntu.
- (4) Kwimeko yokuxhelwa ngokwenkolo nangenkcubeko, isicelo kufuneka senziwe ngokubhaliweyo kwiintsuku ezilishumi elinesine (14) phambi komsitho.
- (5) Ukuxhelwa kwesilwanyana kufuneka kuqhutywe ngendlela yokuba kungabonwa nguye nawuphi na umntu kwindawo ekufutshane okanye naliphi na ilungu loluntu.
- (6) Inyama yesilwanyana esixheliweyo inokusetyenziselwa iinjongo zenkolo, inkcubeko, izithethe nokutyiwa kwayo kuphela kwaye ayinakuthengiselwa nawuphi na umntu.
- (7) Inyama kufuneka iphathwe ngendlela ecocekileyo amaxesha onke.
- (8) Igazi kunye nezinye iimveliso eziphuma kwisidumbu kufuneka zilahlwe ngendlela engayi kuba ngumqobo kwimpilo yethu.
- (9) Isilwanyana esiza kuxhelwa akufuneki sigcinwe kwindawo isithuba esingaphezulu kweeyure ezilishumi elinesibini (12), phambi kokuba sixhelwe.
- (10) Kufuneka kuthatyathwe amanyathelo okuqinisekisa ukuba akukho mqobo wezempilo wenziwayo okanye ukhoyo kwindawo ngenxa yokuxhelwa.
- (11) linkonzo zegosa eligunyazisiweyo okanye nawuphi na umntu othathwa njengomhloli wenyama ngokoMthetho woKhuseleko lweNyama, 2000 (uMthetho Nomb. 40 ka2000), unokucelwa ukuba enze uhlobo lwesidumbu sesilwanyana esixheliweyo ngexabiso eliqingqwe siSixeko.
- (12) Izilwanyana ezikhethelwe ukuxhelwa, ngokweMithetho yeNyama eBomvu ebhengezwe ngokoMthetho woKhuseleko lweNyama, 2000 (uMthetho Nomb. 40 ka2000) kufuneka zibe kwimeko esempilweni.
- (13) Abantu abanqwenela ukugcina izilwanyana zokuxhelwa baya –
 - (a) Kugcina isilwanyana singatyi iiyure ezilishumi elinesibini (12), kodwa babonelele ngokusinika amanzi;
 - (b) Kuqinisekisa ukuba imilenze yesilwanyana ayibotshwanga;
 - (c) Bangasibalekisi okanye basivuyise isilwanyana phambi kokuba sixhelwe kuba oku kunokubangela ukopha kakubi kwaye kubangele ukuba isidumbu sibonakale sinegazi;
 - (d) Ukunciphisa iintlungu nokubandezeleka ngokoMthetho woKhuseleko lweNyama, 2000 (uMthetho Nomb.40 ka2000);

- (e) Kubonelela ngobungqina obubhaliweyo besaziso kubamelwane abakufutshane ekufuneka bangeniswe kunye nesicelo kwiindawo zokuhlala kuphela; kwaye
- (f) Kuqinisekisa ukuba zonke iindawo zigcinwa zingenankunkuma yezilwanyana.

- (14) Ifomu yemvume eqhelekileyo kufuneka igcwaliswe ngumfaki sicelo.
- (15) Inani lezilwanyana kunye nobude bexesha lesiganeko kufuneka lichazwe ngumfaki sicelo.
- (16) Akukho ngxolo iya kwenzeka ngaphambili nangexesha lenkqubo yokuxhela.
- (17) Zonke iimveliso zenkunkuma kufuneka zilahlwe ngendlela evunywe nguMlawuli: wezeMpilo weSixeko.

33. Umjelo wamanzi

- (1) Umntu ogcina izilwanyana kufuneka aqinisekisa ukuba zonke iisinki, izitya zokuhlambela izandla, iibhafu, iibhafu zeshawa, iinkonkxa zokutyela izilwanyana, imigangatho, imisele kunye namaqonga okuhlambela okufunwa ukuba atsalwe amanzi ngokwemiqathango yale mithetho kamasipala itsalwa ngokungqinelana nezibonelelo zoMthetho weSizwe weMigaqo yeZakhiwo kunye neMigangatho yoKwakha, ka1977 (uMthetho Nomb. 103 ka1977).

ISAHLUKO 3: UKUGCINWA KWEENYOSI

34. Ukugcinwa kweenyosi

- (1) Akukho mntu unokugcina iinyosi kwindawo yokuhlala okanye kwindawo evulekileyo yoluntu ngaphandle kwemvume yeSixeko.
- (2) ISixeko sinokumisela imigangatho kunye neemfuno ezisebenzayo kugcino lweenyosi.
- (3) Akukho mntu unokugcina iinyosi kwiSixeko engabhaliswanga kumbutho wabagcini beenyosi obhalisiweyo okanye iSebe leSizwe elijongene nezollimo.
- (4) Ubungqina bobhaliso kufuneka bungeniswe kwiSixeko ngendlela emiselweyo zingaphelanga iintsuku ezingama 30 sifunyenwe.
- (5) ISixeko sinokuseka size silondoloze ugcinolwazi lokugcina iinyosi size sihlale indawo yokugcina iinyosi ngokungqinelana neMithetho kaMasipala efanelekileyo, imigaqo nkqubo yeSixeko kunye neNkqubo zokuSebenza eziseMgangathweni.
- (6) Ukugcinwa kweenyosi akunako ukubangela inkathazo okanye inkathazo empilweni.

ISAHLUKO 4: UKUNYANZELISWA

35. Amatyala nezohlwayo

(1) Nawuphi na umntu -

- (a) waphula okanye wasilela ukuthobela nawuphi na umqathango waloMthetho kaMasipala okanye ongathobeli nawuphi na umyalelo okanye isaziso esibhaliweyo sothotyelo esivela kwigosa eligunyazisiweyo elinyanzelisa lo Mthetho kaMasipala;
- (b) uthintela okanye unqanda nawuphi na umntu ekusebenziseni naliphi na igunya okanye ukwenziwa kwawo nawuphi na umsebenzi ngokwemiqathango yawo nawuphi na umqathango walo Mthetho kaMasipala; okanye
- (c) unikezela ngolwazi olungeyonyani, olungachanekanga okanye olulahlekisayo xa efaka isicelo semvume kwiSixeko ngokwemiqathango yommiselo yalo mthetho kamasipala,

unetyala lokwaphulo umthetho kwaye unoxanduva lokuhlawula ifayini okanye ekugwetyweni kwakhe ixesha lokuvalelwa entolongweni ixesha elingadlulanga kwiminyaka emibini, okanye zombini, isohlwayo kunye nokuvalelwa entolongweni.

36. Amagunya nemisebenzi yamagosa agunyazisiweyo

(1) Igosa eligunyazisiweyo linokuthi, ngeenjongo zokunyanzelisa loMthetho kaMasipala -

- (a) ayalela umntu owaphula umthetho ukuba -
 - (i) ayeke ukuziphatha okwalelweyo phantsi koMthetho kaMasipala;
 - (ii) asuse nasiphi na isithintelo kwindlela ekhuselekileyo okanye esimahla yomhambi ngeenyawo okanye yeemoto;
 - (iii) ashiye kwaye ahlale ngaphandle kwendawo kawonkewonke echaziweyo;
- (b) akhuphe isaziso esibhaliweyo sothotyelo kumntu owaphula lo Mthetho kaMasipala, isaziso eso kufuneka siquke oku kulandelayo -
 - (i) ichaze indlela yokuziphatha ehambisana nokwaphulwa koMthetho kaMasipala;
 - (ii) abonise icandelo loMthetho kaMasipala othe waphulwa;
 - (iii) ichaze amanyathelo amakathathwe ukuthobela isaziso;
 - (iv) ichaze amaxesha ekufuneka amanyathelo athathiwe ngawo;
 - (v) sichaze ukuba ukusilela ekuthobeleni isaziso sothotyelo kulwaphulo mthetho ukongeza ekwaphuleni umthetho wecandelo elixelwe kumhlathana (ii); kwaye
 - (vi) sichaze ukuba, kwimeko yokungathotyelwa kwemigaqo, loo mntu uya kuba noxanduva lokuhlawula isohlwayo sokwaphula umthetho kunye nokungasithobeli isaziso sothotyelo kwaye achaze isixa mali sesohlwayo;

- (c) akhuphe isaziso ngokwemigaqo yamacandelo 56 okanye 341 oMthetho weNkqubo yoLwaphulo Mthetho, 51 ka1977 ukuba -
- (i) umntu waphula amalungiselelo oMthetho kaMasipala; okanye
 - (ii) umntu uyasilela okanye ale ukuthobela umyalelo ngokwemiqathango yomhlathi (a) okanye isaziso sothotyelo ngokwemiqathango yomhlathi (b);
- (d) ngaphandle kwewaranti yokusetsha agqogqe nawuphi na umntu, isithuthi, okanye isakhiwo ngenjongo yokubamba nayiphi na into, okanye ngezizathu ezibambekayo ekukholelwa ukuba, zinxulumene nokwenziwa kolwaphulo mthetho ngokwalo Mthetho kaMasipala ukuba -
- (i) umntu uyavuma ukuba kusetshwe;
 - (ii) umntu akavumi, igosa ngezizathu ezifanelekileyo likholelwa ukuba -
 - (aa) isigunyaziso sokusetsha siya kukhutshwa phantsi komhlathi (a) wecandelo lama 21 (1) Mthetho weNkqubo yoLwaphulo , ka1997 (uMthetho onguNomb. 51 ka1977) ukuba isicelo senziwe sesigunyaziso; kwaye
 - (bb) ukuba ukulibaziseka ekufumaneni isigunyaziso kuya kuyoyisa injongo yokusetshwa; okanye
 - (iii) ngokwecandelo lama 23 loMthetho weNkqubo yoLwaphulo Mthetho, ka 1977 (uMthetho 51 ka1977).
- (e) abambe umntu, owaphula umthetho ngokoMthetho kaMasipala, ngokwecandelo 40 (1) (a) ukuya ku (j) loMthetho weNkqubo yoLwaphulo Mthetho, 51 ka1977 kwaye, ukuba kukho imfuneko kusetshwe umntu obanjiweyo ngokwecandelo lama23 lalo Mthetho;
- (f) athimbe ngokungqinelana neNkqubo yokuSebenza iMigangatho yeSixeko yokuThinjwa kweMpahla neZilwanyana, ka2012, naziphi na izinto zabantu ezibanjiweyo ngokwalo Mthetho kaMasipala;
- (g) afune ukuba nabani na aveze igama lakhe kunye nedilesi kunye nezinye iinkcukacha ezifunekayo ukuze isazisi okanye nayiphi na inkqubo ukuba igosa eligunyazisiweyo likrokrela ngokufanelekileyo ukuba lo mntu wenze ityala ngokwalo Mthetho kaMasipala okanye, ukuba ngokoluvo lwegosa eligunyazisiweyo, loo mntu unako ukunika ubungqina malunga nokwenza kwalo naliphi na ityala elilolo hlobo;
- (h) enze uhlolo ngokunxulumene nayo nayiphi na indawo okanye ishishini -
- (i) ukujonga ukuba amalungiselelo aloMthetho kaMasipala ayathotyelwa kusini na;
 - (ii) apho kukho imihlaba ebambekayo yokukholelwa ukuba amalungiselelo alo Mthetho kaMasipala ayaphulwa;

- (iii) ahlole indawo okanye nasiphi na isithuthi esisetyenziswayo okanye abakrokrela ngokufanelekileyo ukuba sisetyenziselwa ishishini kunye nayo nantoni na ekweso sakhiwo okanye nayiphi na into esesithuthini; kwaye
 - (iv) abuze nawuphi na umntu ongaphakathi kwizakhiwo okanye kwisithuthi okanye nawuphi na umntu osandul'ukufika kuloo ndawo okanye kweso sithuthi; kwaye
 - (i) ngena kuyo nayiphi na indawo okanye ishishini ngawo onke amaxesha afanelekileyo, apho kuye kwakho isityholo sokuba amalungiselelo alo Mthetho kaMasipala aye ophulwa.
- (2) Ukuba umntu othe wakhutshelwa isaziso sothotyelo ngokwecandelwana (1) wasilela ukuthobela, okanye ukungathobeli ngokwaneleyo, nesaziso esibhaliweyo sothotyelo, iSixeko sinokuthi -
- (a) sithabathe amanyathelo iSixeko esiwabona efanelekile ukulungisa imeko okanye sinokugunyazisa omnye umntu ukuba athabathe loo manyathelo; kwaye
 - (b) sibuyisele iindleko ngokoMgaqo nkqubo wokuLawulwa kweTyala kunye noMthetho kaMasipala woLawulo lweTyala nokuQokelelwa kweTyala ka 2006 okanye umthetho okanye umgaqo nkqubo ofanayo, ukulungiselela amanyathelo athatyathwe kunye nazo zonke iindleko ezifunyenweyo ngenxa yokusebenza phantsi kwalo Mthetho kaMasipala, kuye nawuphi na umntu okanye bonke abantu ebesikhutshwe kubo isaziso sothotyelo esibhaliweyo.
- (3) Ekusebenziseni naliphi na igunya phantsi kweli candelo, igunya eligunyazisiweyo kufuneka -
- (a) lisebenzise amagunya abo ngokufanelekileyo ngokuthathela ingqalelo amalungelo asisiseko omntu ngamnye phantsi kweSahluko 2 soMgaqo siseko
 - (b) liqinisekise ukuba, ukuba amandla ayafuneka phantsi kweemeko, umgangatho wamandla uyathetheleleka kwaye uyalingana; kwaye
 - (c) xa lingekho igosa eligunyazisiweyo elikhankanywe kwicandelwana (4), lithathe amanyathelo okuthintela naliphi na elinye igosa eligunyazisiweyo ekusebenzeni amagunya ngokuchasene nemihlathi (a) kunye no (b).
- (4) Igosa eligunyazisiweyo eliphetheyo kufuneka lenze umsebenzi walo wokunonophela ngokungenelela nokuthatha amanyathelo ayimfuneko ukucutha nakuphi na ukusetyenziswa kwamagunya ngokungafanelekanga okanye ukusetyenziswa kwamandla ngendlela engafanelekanga kulo naliphi na igosa eliphantsi kolawulo.

37. Ukhuseleko

- (1) ISixeko okanye naliphi na igosa eligunyazisiweyo elinoxanduva lwawo nawuphi na umonakalo ngokubhekiselele kuyo nayiphi na into eyenziwe ngokusemthethweni okanye engenziwanga ngokusemthethweni ekusebenziseni ngokufanelekileyo kwawo nawuphi na amagunya okanye ekwenzeni nawuphi na umsebenzi ngokwemiqathango yalo Mthetho kaMasipala.

38. Isibheno

- (1) Umntu omalungelo akhe achatshazelwa sisigqibo esithatyathwe ngokwemiqathango yalo Mthetho kaMasipala angabhena kweso sigqibo ngokunika isaziso esibhaliweyo, kunye nezizathu zesibheno ngokwecandelo 62 kaRhulumente weNgingqi: uMthetho weeNkqubo zikaMasipala, ka2000 (uMthetho onguNomb.32 ka2000) kuMphathi weSixeko kwiintsuku ezingama21 zokwaziswa ngesigqibo.
- (2) Naliphi na igosa eligunyazisiweyo elenza isigqibo ngokwemiqathango yalo Mthetho kaMasipala kufuneka lazise nawuphi na umntu ochatshazelwa sisigqibo ngelungelo lakhe lokubhena ngokwecandelwana (1).

ISAHLUKO 5: IZINTO EZINTLOBONTOLO**39. Ukurhoxiswa**

UMthetho kaMasipala weziLwanyana weSixeko saseKapa, ka2010 uyabhangiswa.

40. Isihloko esifutshane kunye nokuQaliswa

Lo mthetho ubizwa ngokuba nguMthetho kaMasipala weSixeko saseKapa ongokugcinwa kwezilwanyana, wango2021 kwaye uya kuqala ukusebenza ngomhla wokupapashwa kwawo kwiGazethi yePhondo.

