



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

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

## Provincial Gazette Extraordinary

## Buitengewone Provinsiale Koerant

## Isongezelelo kwiGazethi yePhondo

7194

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20 November 2013

20 November 2013

20 kweyeNkanga 2013

*Registered at the Post Office as a Newspaper*

*As 'n Nuusblad by die Poskantoor Geregistreer*

*Ibhaliswe ePosini njengePhephandaba*

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

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

(\*Ushicilelo oLutsha lufumaneka kwiGumbi M21, kwiSakhiwo sePhondo seNdlu yoWiso Mthetho, 7 Wale Street, eKapa 8001.)

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**PROVINCIAL NOTICE**

The following Provincial Notices are published for general information.

ADV. B. GERBER,  
DIRECTOR-GENERAL

Provincial Building,  
Wale Street,  
Cape Town.

**PROVINSIALE KENNISGEWING**

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

ADV. B. GERBER,  
DIREKTEUR-GENERAAL

Provinsiale Gebou,  
Waalstraat,  
Kaapstad.

**ISAZISO SEPHONDO**

Ezi zaziso zilandelayo zipapashelwe ukunika ulwazi ngokubanzi.

ADV. B. GERBER,  
UMLAWULI-JIKELELE

iSakhiwo sePhondo,  
Wale Street,  
eKapa.

**PROVINCIAL NOTICE****DEPARTMENT OF TRANSPORT AND PUBLIC WORKS**

P.N. 371/2013

20 November 2013

**WESTERN CAPE PROVINCIAL ROAD TRAFFIC ADMINISTRATION ACT, 2012 (ACT 6 OF 2012):  
REGULATIONS ON RESTRICTIONS ON THE USE OF LAMPS EMITTING A BLUE LIGHT AND USE OF SIRENS, 2013**

The Provincial Minister of Transport and Public Works, under section 8(1)(b) of the Western Cape Provincial Road Traffic Administration Act, 2012 (Act 6 of 2012), has made the regulations in the Schedule.

**SCHEDULE****Definitions**

1. In these regulations, any word or expression to which a meaning has been assigned in the National Road Traffic Act, 1996 (Act 93 of 1996), or the Western Cape Provincial Road Traffic Administration Act, 2012 (Act 6 of 2012), bears that meaning and, unless the context indicates otherwise—  
“**office bearer**” has the meaning assigned to it in section 1 of the Remuneration of Public Office Bearers Act, 1998 (Act 20 of 1998).

**Application**

2. These regulations do not apply in respect of a motor vehicle in which—
- (a) the President or the Deputy President of the Republic; or
  - (b) the head of state or head of government of any other country,
- is being transported, or any other vehicle escorting or accompanying that motor vehicle.

**Restrictions on use of lamps emitting a blue light and use of sirens when transporting office bearers**

3. A person may not operate or instruct any other person to operate—
- (a) a motor vehicle in which an office bearer is being transported; or
  - (b) a motor vehicle escorting or accompanying a motor vehicle referred to in paragraph (a),  
on a public road while—
    - (i) an intermittently flashing blue light is being emitted from a lamp fitted to that motor vehicle; or
    - (ii) a siren fitted to that motor vehicle is being used,
 unless there is an imminent, identified threat to the safety or life of the office bearer, or such a threat of damage to the property of the office bearer.

**Offence and penalty**

4. A person who contravenes regulation 3 commits an offence and is liable on conviction to a fine or a term of imprisonment not exceeding one year.

**Short title**

5. These regulations are called the Regulations on Restrictions on the Use of Lamps Emitting a Blue Light and Use of Sirens, 2013.

**PROVINSIALE KENNISGEWING**  
**DEPARTEMENT VAN VERVOER EN OPENBARE WERKE**

P.K. 371/2013

20 November 2013

**WES-KAAPSE PROVINSIALE WET OP PADVERKEERSADMINISTRASIE, 2012 (WET 6 VAN 2012): REGULASIES OP  
BEPERKINGS OP DIE GEBRUIK VAN LAMPE WAT 'N BLOU LIG UITSTRAAL EN GEBRUIK VAN SIRENES, 2013**

Die Provinsiale Minister van Vervoer en Openbare Werke, kragtens artikel 8(1)(b) van die Wes-Kaapse Provinsiale Wet op Padverkeersadministrasie, 2012 (Wet 6 van 2012), het die regulasies in die Bylae gemaak.

**BYLAE**

**Woordskrywing**

1. In hierdie regulasies dra enige woord of uitdrukking waaraan daar 'n betekenis geheg is in die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996), of die Wes-Kaapse Provinsiale Wet op Padverkeersadministrasie, 2012 (Wet 6 van 2012), daardie betekenis en, tensy dit uit die samehang anders blyk, dra—
- “**ampsbektelr**” die betekenis wat in artikel 1 van die Wet op die Besoldiging van Openbare Ampsbektelrs, 1998 (Wet 20 van 1998), daaraan geheg is.

**Toepassing**

2. Hierdie regulasies is nie van toepassing ten opsigte van 'n motorvoertuig waarin—
- (a) die President of die Adjunkpresident van die Republiek; of
- (b) die staatsheof of regeringsheof van 'n ander land,
- vervoer word nie, of enige ander voertuig wat daardie motorvoertuig vergesel of begelei nie.

**Beperkings op gebruik van lampe wat 'n blou lig uitstraal en gebruik van sirenes wanneer ampsbektelrs vervoer word**

3. 'n Persoon mag nie—
- (a) 'n motorvoertuig waarin 'n ampsbektelr vervoer word; of
- (b) 'n motorvoertuig wat 'n motorvoertuig bedoel in paragraaf (a) begelei of vergesel, op 'n openbare pad gebruik, of enige ander persoon opdrag gee om dit te gebruik, terwyl—
- (i) 'n onderbroke flikkerende blou lig uitgestraal word uit 'n lamp wat aan daardie motorvoertuig aangebring is nie; of
- (ii) 'n sirene wat aan daardie motorvoertuig aangebring is, gebruik word nie,
- tensy daar 'n naderende, vasgestelde bedreiging is van die veiligheid of lewe van die ampsbektelr, of so 'n bedreiging van skade aan die eiendom van die ampsbektelr.

**Misdryf en straf**

4. 'n Persoon wat regulasie 3 oortree, begaan 'n misdryf en is strafbaar by skuldigbevinding met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens een jaar.

**Kort titel**

5. Hierdie regulasies heet die Regulasies op Beperkings op die Gebruik van Lampe wat 'n Blou Lig Uitstraal en Gebruik van Sirenes, 2013.

**ISAZISO SEPHONDO****ISEBE LEZOTHUTHO NEMISEBENZI YOLUNTU**

I.S. 371/2013

20 kweyeNkanga 2013

**UMTHETHO WOLAWULO LOKUHAMBA KWEZITHUTHI EZINDLENI KWIPHONDO LENTSHONA KOLONI, 2012  
(UMTHETHO 6 KA-2012): IMIGAQO ELAWULA UKUSETYENZISWA KWEZIBANE EZILUHLAZA NOKUSETYENZISWA  
KWEESAYIRENI, 2013**

UMphathiswa wePhondo wezoThutho neMisebenzi yoLuntu, phantsi kwecandelo 8(1)(b) loMthetho woLawulo lokuHamba kweziThuthi eziNdleleni kwiPhondo leNtshona Koloni, 2012 (uMthetho 6 ka-2012), wenze lo Mgaqo ukule Shedyuli.

**ISHEDYULI****Iinkcazo-magama**

1. Kule migaqo, naliphi na igama, nalo naliphi na ibinzana lamagama elinentsingiselo elithe layinikwa kuMthetho oyi-*National Road Traffic Act, 1996* (uMthetho 93 ka-1996), okanye kuMthetho woLawulo lokuHamba kweziThuthi eziNdleleni kwiPhondo leNtshona Koloni, 2012 (uMthetho 6 ka-2012), linaloo ntsingiselo nalapha, ngaphandle kokuba imeko elisetyenziswe kuyo inika enye ntsingiselo—

“igosa le-ofisi” linentsingiselo efanayo naleyo ikwicandelo 1 le-*Remuneration of Public Office Bearers Act, 1998* (uMthetho 20 ka-1998).

**Ukusetyenziswa**

2. Le migaqo ayisebenzi kwisithuthi ekukho kuso—

(a) uMongameli okanye uSekela-mongameli wale Riphabliki; okanye

(b) intloko yesizwe okanye intloko karhulumente welinye ilizwe, ohanjiswa, okanye kuso nasiphi na esinye isithuthi esipheleke eso sithuthi.

**Uyinyo ekusetyenzisweni kwezibane eziluhlaza nasekusetyenziseni kweesayireni xa kuhanjiswa amagosa e-ofisi**

3. Umntu akanakuthi aqhube okanye ayalele nawuphi na omnye umntu ukuba aqhube—

(a) isithuthi ekuhanjiswa ngaso igosa le-ofisi; okanye

(b) isithuthi esipheleka okanye esikhaphezela isithuthi ekubhekiswe kuso kumhlathi (a), kwindlela kawonke-wonke ngelixa—

(i) kulanyaziswa izibane eziluhlaza ezikweso sithuthi; okanye

(ii) isayireni efakwe kweso sithuthi isetyenziswa,

ngaphandle kokuba kukho into ebhaqiweyo engahle ibeke ukhuseleko okanye ubomi belo gosa le-ofisi esichengeni okanye kukho umngcipheko wokuba kungakho umonakalo kwizinto zelo gosa le-ofisi.

**Ityala nesohlwayo**

4. Nabani na owaphula umgaqo 3 unetyala, yaye esakuba efunyaniswe enetyala usenokufumana isohlwayo esiyimali okanye esikukuvallelwa entolongweni isithuba esingadlulanga kunyaka omnye.

**Isihloko esifutshane**

5. Le migaqo ibizwa ngokuba yiMigaqo eLawula ukuSetyenziswa kweZibane eziLuhlaza nokuSetyenziswa kweeSayireni, 2013.

**PROVINCIAL NOTICE****DEPARTMENT OF TRANSPORT AND PUBLIC WORKS**

P.N. 372/2013

20 November 2013

**WESTERN CAPE PROVINCIAL ROAD TRAFFIC ADMINISTRATION ACT, 2012 (ACT 6 OF 2012):  
SAFETY OF CYCLISTS REGULATIONS, 2013**

The Provincial Minister of Transport and Public Works in the Western Cape, under section 8(1)(c) of the Western Cape Provincial Road Traffic Administration Act, 2012 (Act 6 of 2012), has made the regulations set out in the Schedule.

**SCHEDULE****Definitions**

1. In these regulations, any word or expression defined in the National Road Traffic Act, 1996 (Act 93 of 1996), or the Western Cape Provincial Road Traffic Administration Act, 2012 (Act 6 of 2012), has the same meaning and, unless the context indicates otherwise—
  - “**cyclist**” means a person who rides or attempts to ride a pedal cycle;
  - “**National Regulations**” means the National Road Traffic Regulations, 2000;
  - “**pedal cycle lane**” means any area forming part of a public road and which has been designated by the appropriate road traffic sign or road marking for the exclusive use of cyclists.

**Duties of driver of motor vehicle when passing cyclist**

2. (1) The driver of a motor vehicle who passes a cyclist on a public road must—
  - (a) exercise due care while passing the cyclist;
  - (b) leave a distance between the motor vehicle and the cyclist of at least one metre; and
  - (c) maintain that distance from the cyclist until safely clear of the cyclist.
- (2) Despite any solid barrier line or other road traffic sign prohibiting encroachment upon the right-hand side of the road, the driver of a motor vehicle on a public road may, where the roadway is not wide enough to comply with subregulation (1)(b) or (c) when passing a cyclist, encroach on that part of the road to his or her right, but only if—
  - (a) it can be done without obstructing or endangering other persons or vehicles;
  - (b) it is safe to do so; and
  - (c) it can be done and is done for a period and distance not longer than is necessary to pass the cyclist.

**Duties of cyclists**

3. (1) A cyclist riding on a public road must—
  - (a) if the road has a pedal cycle lane, ride only in the pedal cycle lane and may not ride on any other portion of a public road except when crossing the road; or
  - (b) if there is no pedal cycle lane, ride—
    - (i) to the left of the left edge of the roadway; or
    - (ii) on the roadway, keeping as close as practicable to the left edge of the roadway.
- (2) When riding on a public road, a cyclist must—
  - (a) give conspicuous driving signals as contemplated in regulation 300 and Part II of Chapter X of the National Regulations; and
  - (b) stop in the circumstances contemplated in regulation 307 of the National Regulations.
- (3) A person may not ride a pedal cycle on a public road—
  - (a) on the right-hand side of a motor vehicle proceeding in the same direction, except when passing that motor vehicle or turning right at an intersection;
  - (b) abreast of another cyclist proceeding in the same direction, except when passing that cyclist;
  - (c) while wearing a headset, headphones or any listening device other than a hearing aid; or
  - (d) while carrying another person on the pedal cycle, unless that pedal cycle is specifically equipped to carry more than one person.
- (4) A cyclist must exercise due care while—
  - (a) passing a motor vehicle or turning right in the circumstances described in subregulation (3)(a); or
  - (b) passing another cyclist in the circumstances described in subregulation (3)(b).

**Lamps and reflectors on pedal cycles**

4. (1) A person may not ride a pedal cycle on a public road or pedal cycle lane during the period between sunset and sunrise unless—
- (a) the pedal cycle is fitted in the front with a head lamp capable of emitting a white light in accordance with regulations 158 and 178 of the National Regulations;
  - (b) the pedal cycle is fitted at the rear with a rear lamp capable of emitting a red light in accordance with regulations 158 and 178 of the National Regulations; and
  - (c) the head lamp and rear lamp are kept lighted.
- (2) A person may not ride a pedal cycle on a public road or pedal cycle lane at any other time when, due to insufficient light or unfavourable weather conditions, persons or vehicles on the public road or pedal cycle lane are not clearly discernible at a distance of 150 metres, unless the head lamp and rear lamp are kept lighted.
- (3) A person may not ride a pedal cycle on a public road or pedal cycle lane unless—
- (a) the pedal cycle is fitted on the front with a white retro-reflector in accordance with regulation 186(3) of the National Regulations; and
  - (b) the pedal cycle is fitted on the rear with a red retro-reflector in accordance with regulation 187(4) of the National Regulations.

**Races and sporting events for cyclists on public roads**

5. The Minister or the local authority concerned, as the case may be, may, in granting consent in terms of regulation 317(2) of the National Regulations in respect of a pedal cycle race or pedal cycle sporting event on a public road, exempt any person, or category of persons, taking part in that race or event from any provision of these regulations.

**Offences and penalties**

6. Any person who contravenes or fails to comply with any provision of these regulations commits an offence, and on conviction is liable to a fine or to imprisonment for a period not exceeding one year.

**Short title**

7. These regulations are called the Safety of Cyclists Regulations, 2013.

**PROVINSIALE KENNISGEWING**  
**DEPARTEMENT VAN VERVOER EN OPENBARE WERKE**

P.K. 372/2013

20 November 2013

**WES-KAAPSE PROVINSIALE WET OP PADVERKEERSADMINISTRASIE, 2012 (WET 6 VAN 2012):  
 REGULASIES OP VEILIGHEID VAN FIETSRYERS, 2013**

Die Provinsiale Minister van Vervoer en Openbare Werke in die Wes-Kaap, kragtens artikel 8(1)(c) van die Wes-Kaapse Provinsiale Wet op Padverkeersadministrasie, 2012 (Wet 6 van 2012), het die regulasies in die Bylae uiteengesit, gemaak.

**BYLAE**

**Woordomskrywing**

1. In hierdie regulasies het enige woord of uitdrukking omskryf in die Nasionale Padverkeerswet, 1996 (Wet 93 of 1996), of die Wes-Kaapse Provinsiale Wet op Padverkeersadministrasie, 2012 (Wet 6 van 2012), dieselfde betekenis en, tensy dit uit die samehang anders blyk, beteken—
  - “fietsryer” ’n persoon wat op ’n trapfiets ry of probeer ry;
  - “Nasionale Regulasies” die Nasionale Padverkeersregulasies, 2000;
  - “trapfietslaan” enige gebied wat deel van ’n openbare pad uitmaak en wat deur die toepaslike padverkeersteken of padmerk vir die uitsluitlike gebruik van fietsryers aangewys is.

**Pligte van bestuurder van motorvoertuig wat fietsryer verbystee**

2. (1) Die bestuurder van ’n motorvoertuig wat ’n fietsryer op ’n openbare pad verbystee, moet—
  - (a) met behoorlike sorg handel terwyl hy of sy die fietsryer verbystee;
  - (b) ’n afstand van ten minste een meter tussen die motorvoertuig en die fietsryer laat; en
  - (c) daardie afstand vanaf die fietsryer handhaaf totdat hy of sy veilig verby die fietsryer is.
- (2) Ondanks enige ononderbroke spierstreek of ander padverkeersteken wat oorskryding op die regterkant van die pad verbied, kan die bestuurder van ’n motorvoertuig op ’n openbare pad, waar die ryvlak nie breed genoeg is om aan subregulasie (1)(b) of (c) te voldoen wanneer hy of sy ’n fietsryer verbystee nie, daardie gedeelte van die pad aan sy of haar regterkant oorskry, maar slegs indien—
  - (a) dit gedoen kan word sonder om ander persone of voertuie te verhinder of in die gevaar te stel;
  - (b) dit veilig is om dit te doen; en
  - (c) dit gedoen kan word en gedoen word vir ’n tydperk en afstand wat nie langer is nie as wat nodig is om die fietsryer verby te steek.

**Pligte van fietsryers**

3. (1) ’n Fietsryer wat op ’n openbare pad ry moet—
  - (a) indien die pad ’n trapfietslaan het, slegs in die trapfietslaan ry en mag nie op enige ander gedeelte van ’n openbare pad ry uitgesonderd wanneer hy of sy die pad oorsteek nie; of
  - (b) indien daar geen trapfietslaan is nie—
    - (i) links van die linkerkant van die ryvlak ry; of
    - (ii) op die ryvlak so na as moontlik aan die linkerkant van die ryvlak ry.
- (2) Wanneer ’n fietsryer op ’n openbare pad ry, moet hy of sy—
  - (a) opvallende bestuurseine gee soos beoog in regulasie 300 en Deel II van Hoofstuk X van die Nasionale Regulasies; en
  - (b) stilhou in die omstandighede beoog in regulasie 307 van die Nasionale Regulasies.
- (3) ’n Persoon mag nie op ’n trapfiets op ’n openbare pad ry—
  - (a) aan die regterkant van ’n motorvoertuig wat in dieselfde rigting beweeg nie, uitgesonderd wanneer hy of sy daardie motorvoertuig verbystee of regs draai by ’n kruising;
  - (b) langs ’n ander fietsryer wat in dieselfde rigting beweeg nie, uitgesonderd wanneer hy of sy daardie fietsryer verbystee;
  - (c) terwyl ’n kopstuk, oorfoon of enige luistertoestel buiten ’n gehoortoestel gedra word nie; of
  - (d) terwyl hy of sy ’n ander persoon op die trapfiets vervoer nie, tensy daardie trapfiets spesifiek toegerus is om meer as een persoon te vervoer.
- (4) ’n Fietsryer moet met behoorlike sorg handel terwyl hy of sy—
  - (a) ’n motorvoertuig verbystee of regs draai in die omstandighede beskryf in subregulasie (3)(a); of
  - (b) ’n ander fietsryer verbystee in die omstandighede beskryf in subregulasie (3)(b).

**Lampe en trukaatsers aan trapfietse**

4. (1) 'n Persoon mag nie gedurende die tydperk tussen sonder en sonop op 'n trapfiets op 'n openbare pad of trapfietslaan ry nie, tensy—
- (a) die trapfiets aan die voorkant toegerus is met 'n koplamp wat 'n wit lig ooreenkomstig regulasies 158 en 178 van die Nasionale Regulasies kan uitstraal;
  - (b) die trapfiets aan die agterkant toegerus is met 'n agterlamp wat 'n rooi lig ooreenkomstig regulasies 158 en 178 van die Nasionale Regulasies kan uitstraal; en
  - (c) die koplamp en agterlamp aan gehou word.
- (2) 'n Persoon mag nie op 'n trapfiets op 'n openbare pad of trapfietslaan ry op enige ander tyd wanneer, as gevolg van onvoldoende lig of ongunstige weerstoestande, persone of voertuie op die openbare pad of trapfietslaan nie duidelik sigbaar is nie op 'n afstand van 150 meter, tensy die koplamp en agterlamp aan gehou word.
- (3) 'n Persoon mag nie op 'n trapfiets op 'n openbare pad of trapfietslaan ry tensy—
- (a) die trapfiets aan die voorkant toegerus is met 'n wit trukaatser ooreenkomstig regulasie 186(3) van die Nasionale Regulasies nie; en
  - (b) die trapfiets aan die agterkant toegerus is met 'n rooi trukaatser ooreenkomstig regulasie 187(4) van die Nasionale Regulasies nie.

**Wedrenne en sportbyeenkomste vir fietsryers op openbare paaie**

5. Die Minister of die betrokke plaaslike owerheid, na gelang van die geval, kan by die verlening van toestemming ingevolge regulasie 317(2) van die Nasionale Regulasies ten opsigte van 'n trapfietswedren of trapfietsportbyeenkoms op 'n openbare pad enige persoon, of kategorie van persone, wat deelneem aan daardie wedren of byeenkoms van enige bepaling van hierdie regulasies vrystel.

**Misdrywe en strawwe**

6. Enige persoon wat enige bepaling van hierdie regulasies oortree of versuim om daaraan te voldoen, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete, of met gevangenisstraf vir 'n tydperk van hoogstens een jaar.

**Kort titel**

7. Hierdie regulasies heet die Regulasies op Veiligheid van Fietsryers, 2013.



## ISAZISO SEPHONDO

## ISEBE LEZOTHUTHO NEMISEBENZI YAKWARHULUMENTE

I.S. 372/2013

20 kweyeNkanga 2013

UMTHETHO WOLAWULO LOKUHAMBA KWEZITHUTHI EZINDLENI KWIPHONDO LENTSHONA KOLONI, 2012  
(UMTHETHO 6 KA-2012): IMIGAQO YOKHUSELEKO LWABAKHWELI BEEBHAYISIKILE, 2013

UMphathiswa wePhondo wezoThutho neMisebenzi yakwaRhulumente, phantsi kwecandelo 8(1)(c) loMthetho weNtshona Koloni oyiWestern Cape Provincial Road Traffic Administration Act, 2012 (uMthetho 6 ka-2012), umisele le migaqo ichazwe kule Shedyuli.

## ISHEDYULI

## Iinkczo-magama

1. Kule migaqo, naliphi na igama okanye ibinzana lamagama elichazwe kuMthetho oyiNational Road Traffic Act, 1996 (uMthetho 93 ka-1996), okanye oyiWestern Cape Provincial Road Traffic Administration Act, 2012 (uMthetho 6 ka-2012), lisekwanaloo ntsingiselo ngaphandle kwalapho imeko elisetyenziswe kuyo ibonisa ngolunye uhlobo—

“**umkhweli webhayisikile**” uthetha umntu okhwele okanye ozama ukukhwela ibhayisikile enyovwayo;

“**iMigaqo yeSizwe**” ithetha iMigaqo yeNdlela yeSizwe ka-2000;

“**ileyini yeebhayisikile ezinyovwayo**” ithetha nayiphi na indawo eyinxenye yendlela kawonke-wonke eboniswe ngomqondiso wendlela ofanelekileyo okanye ngophawu olubhalwe phantsi endleleni njengendawo yokusetyenziswa kuphela ngabakhweli beebhayisikile.

## Uxanduva lomqhubi wesithuthi xa edlula umkhweli webhayisikile

2. (1) Umqhubi wesithuthi odlula umkhweli webhayisikile kwindlela kawonke-wonke kufuneka—
- anonophele kangangoko xa edlula umkhweli webhayisikile;
  - ashiye isithuba esaneleyo phakathi kwesithuthi nomkhweli webhayisikile esiyimitha enye ubuncinane; kananjalo
  - asigcine eso sithuba singako ade amdulule umkhweli webhayisikile.
- (2) Nokuba kukho umgca okunqandayo ukudlula okanye nawuphi na omnye umqondiso wendlela okunqandayo ukuya kwicala lendlela elisekunene, umqhubi wesithuthi kwindlela kawonke-wonke, apho indlela ingavulekanga ngokwaneleyo ukuba angahamba ngokomthethwana (1)(b) okanye (c) angamdulula umkhweli webhayisikile kuloo ndawo yendlela angene kweli cala lendlela lisekunene, kodwa kuphela ukuba—
- oko kungenzeka ngaphandle kokusitha okanye kokubeka abanye abantu okanye izithuthi emngciphekweni wengozi;
  - kukhuselekile ukwenza njalo; futhi
  - oko kungenzeka kwaye kwenziwa ixesha nomgama ongemde ngaphezu kwemfuneko ekudluleni umkhweli webhayisikile.

## Uxanduva lwabakhweli beebhayisikile

3. (1) Umkhweli webhayisikile ohamba kwindlela kawonke-wonke kufuneka—
- ukuba indlela leyo ineleyini yeebhayisikile ezinyovwayo, ahambe kuphela kule leyini yeebhayisikile ezinyovwayo kwaye akanakuhamba nakweyiphi na enye inxenye yendlela kawonke-wonke ngaphandle kwaxa ewela indlela; okanye
  - ukuba akukho leyini yeebhayisikile ezinyovwayo, ahambe—
    - ekhohlo kwale nyewe yendlela kawonke-wonke isekhohlo; okanye
    - apha endleleni kodwa abe kufutshane kangangoko kule nyele yendlela isekhohlo.
- (2) Xa ehamba kwindlela kawonke-wonke umkhweli webhayisikile kufuneka—
- anike imiqondiso ebonakalayo necacileyo njengoko kuchazwa kumgaqo 300 nakwiSigaba II seSahluko X seMigaqo yeSizwe; kananjalo
  - amise kweziya meko zichazwe kumgaqo 307 weMigaqo yeSizwe.
- (3) Umntu akanakhwela ibhayisikile enyovwayo kwindlela kawonke-wonke—
- kwicala elisekunene lesithuthi esiya kweli cala aya kulo, ngaphandle kwaxa edlula eso sithuthi okanye ejika ekunene esiphambukeni;
  - enxusene nomnye umkhweli webhayisikile oya kweli cala aya kulo naye, ngaphandle kwaxa emdlula loo mkhweli webhayisikile;
  - efake izimameli ezifakwa entloko okanye nantoni na enye eyeyokumamela ngaphandle kwesincedisu sabangeva kakuhle; okanye
  - xa enomnye umntu amkhwelisileyo kwibhayisikile enyovwayo leyo, ngaphandle kokuba loo bhayisikile yenzelwe ukukhwelwa ngabantu abangaphezulu komntu omnye.
- (4) Umkhweli webhayisikile kufuneka anonophele kangangoko xa—
- Edlula isithuthi okanye ejika ekunene kwezi meko zichazwe kumgaqwana (3)(a); okanye

(b) Xa edlula omnye umkhweli webhayisikile kwezi meko zichazwe kumgaqwana (3)(b).

**Izibane okanye izibane ezibuyisa umbala kwiibhayisikile ezinyovwayo**

4. (1) Umntu akanakuhamba ngebhayisikile enyovwayo kwindlela kawonke-wonke okanye kwileyini yeebhayisikile ezinyovwayo kwisithuba esiphakathi kokutshona kwelanga nokuphuma kwelanga, ngaphandle kokuba—
- (a) ibhayisikile leyo enyovwayo inesibane esikhulu phaya ngaphambili esikwaziyo ukukhanyisa mhlophe ngokwemigaqo 158 nowe178 yeMigaqo yeSizwe;
- (b) ibhayisikile leyo enyovwayo ifakwe isibane esibomvu esikwaziyo ukukhanyisa bomvu ngokwemigaqo 158 nowe-178 yeMigaqo yeSizwe; kwanje
- (c) nangaphandle kokuba esi sibane sikhulu nesi sibane singemva zihlala zikhanyisiwe.
- (2) Umntu akanakuhamba ngebhayisikile enyovwayo kwindlela kawonke-wonke okanye kwileyini yeebhayisikile ezinyovwayo ngalo naliphi na elinye ixesha ngenxa yokunganeli kokukhanya okanye ngenxa yeemeko zezulu zingekho ntle, abantu okanye izithuthi ezisendleleni kawonke-wonke okanye kwileyini yeebhayisikile ezinyovwayo azibonakali kakuhle kumgama oziimitha ezili-150, ngaphandle kokuba isibane esikhulu nesibane sangemva zihleli zikhanyisiwe.
- (3) Umntu akanakuhamba ngebhayisikile enyovwayo kwindlela kawonke-wonke okanye kwileyini yeebhayisikile ezinyovwayo ngaphandle kokuba—
- (a) ibhayisikile enyovwayo leyo ifakelwe isibane esibuyisa umbala esimhlophe phaya ngaphambili ngokomgaqo 186(3) weMigaqo yeSizwe; kwaye
- (b) ibhayisikile enyovwayo leyo ifakelwe isibane esibuyisa umbala esibomvu phaya ngemva ngokomgaqo 187(4) weMigaqo yeSizwe.

**Imidyarho nezinyunguma zemidlalo zabakhweli beebhayisikile kwiindlela zikawonke-wonke**

5. UMphathiswa okanye lowo masipala uchaphazelekayo, ngokwemeko leyo, usenokuthi xa enika imvume ngokwemiqathango yomgaqo 317(2) weMigaqo yeSizwe ngokuphathelele kwimidyarho yeebhayisikile ezinyovwayo okanye kwisinyunguma seebhayisikile ezinyovwayo kwindlela kawonke-wonke, enzele uxolelo nawuphi na umntu okanye naliphi na iqela labantu elithatha inxaxheba kuloo mdyarho okanye kweso sinyunguma, ekubeni lihambe ngawo nawuphi na umqathango wale migaqo.

**Izigqitho nezohlwayo**

6. Nawuphi na umntu otyeshela okanye osilelayo ukuhamba ngawo nawuphi na umqathango wale migaqo wenza isigqitho, kwaye xa anokuthi afunyanwe enetyala angafumana isigwebo sentlawulo okanye sokuvalelwa entolongweni.

**Isihlokwana esifutshane**

7. Le migaqo ibizwa ngokuba yiMigaqo yoKhuseleko lwaBakhweli beeBhayisikile, 2013.



