

## **A** Kunini lapho amaphoyisa angashaqa khona izimpahla zakho?

- i) uma udayisa ungenamvume
- ii) uma udayisa impahla zomkokotelo
- iii) uma udayisa endaweni engavumelekile
- iv) uma umhwebi ebaleke washiya izimpahla zakhe uma ebona amaphoyisa eza kuyena
- v) uma usabisa, uphazamisa noma uvimbela ukusebenza kwamaphoyisa

- Uma udinga ukwelulekwa noma usizo lomthetho thintana nezinhlaka ezinjengo Asiye eTafuleni ne Legal Resources Centre
- Faka isikhalazo esibhaliwe kucity manager ngezizathu uma ungenelesekanga ngokuboshwa (isahluko 41)
  - lesikhalazo kumele ucity manager asithole zingakapheli insuku ezingu 21 uthole isamanisi
  - Ucity manager kumele lesikhalazo asidlulisele ekomitini elicubungula izikhalazo okumele libe selithathe isinqumo engakapheli amasonto ayisithupha. Isinqumo singaqinisekisa ukuthi ngempela kwephuliwe umthetho, sehluke noma sichithe icala owetheswe lona.
  - Lesisigungu siyokwazisa ngombhalo ngomphumela wesinqumo osithathile.
  - Qaphela noma ngabe usifakile isikhalazo kodwa kuyomele uvele phambi kwenkantolo ngosuku olunqunywe kwisamanisi.
  - Uma ulahlwe yicala enkantolo futhi unganelisekile, kuyomele ulandele inqubo yasenkantolo yokudlulisa icala.

## **B** Qinisekisa ukuthi lona oshaqa impahla yakho ukunika iphepha lobufakazi

- a) Uzibalile wazibhala zonke izimpahla azishaqayo.
- b) Ukunikile ikheli lalapho aziyisa nazozigcina khona.
- c) Ukuchazele ukuthi uzozigcina isikhathi esingakanani.
- d) Ukutshelile ngemibandela okumele uyilandele ukuze kukhululwe izimpahla zakho azishaqile.
- e) Ukutshelile ukuthi imalini inhlawulo okumele uyikhokhe ukuze kukhululwe izimpahla zakho.
- f) Ukuchazele konke ngohlelo oluzolandelwa uma impahla yakho ungayilandanga ukuthi hleze izodayiswa noma ilahlwe.

## **D** Amalungelo omhwebi emva koqushaqa kwezimpahla zakhe

- Unelungelo lokuthi zibuyiswe ngokushesha uma usuyikhokhile inhlawulo enqunyiwe (izimpahla ezibolayo zishabalaliswa emva kwenyanga eyodwa kuthi ezingaboli zifakwe endalini emuva kwezinyanga ezintathu)
- Ilungelo lokufaka izethulo ngaphambi kokuthi izimpahla zakho ezingaboli zifakwe endalini (sekudlule inyanga ezintathu)
- Ilungelo lokuthi waziswe ngaphambi kokushabalaliswa noma zidayiswe uma uhlulekile ukukhokha inhlawulo yokuzishaqa enqunyiwe
- Uma sezidayisiwe izimpahla ezingaboli umhwebi unelungelo lokubuyiselwa imali etholakele ngokudayiswa kwazo, umasipala uyobamba inhlawulo yokuzishaqa kuphela.

- g) Ukunikezile igama nekheldi lesisebenzi sikamasipala okumele uxhumane naso uma ufisa ukwenza izethulo mayelana nokushaqwa kwempahla yakho ukuthi izethulo zenziwa kuphi, usuku, isikhathi okumele zenziwe ngaso.

## **C** Okumele ukwenze uma unikezwa isamanisi

Libukisise isamanisi olinikezwe yiphoyisa.

Lelisamanisi kumele lichaze ukuthi:

- kwephulwe muphi umthetho olawula ukuhweba
- nokuthi uphulwe ngokwenzani?
- Uma uvuma ukuthi wonile, khokha inhlawulo
  - inhlawulo ingase ifinyelele ku R5000 ingakhishwa (ngokwesahluko 38)
- Uma ufisa ungavela enkantolo ukuphikisana nenhlawulo
  - Qaphela usuku olubhalwe kusamanisi lokuthi ukhokha noma uvela nini enkantolo
  - Zilungiselele ukuthi yiziphi izizathu ozazibeka enkantolo uma unomuzwa wokuthi bewungafanele unikezwe isamanisi.
  - Phatha amaphepha anobufakazi uma uzovela enkantolo

## **Bhala imibono**

### **Metro Police headquarters:**

16 Archie Gumede Place

### **Metro Police Street Trader Impound:**

126 Johannes Nkosi Street

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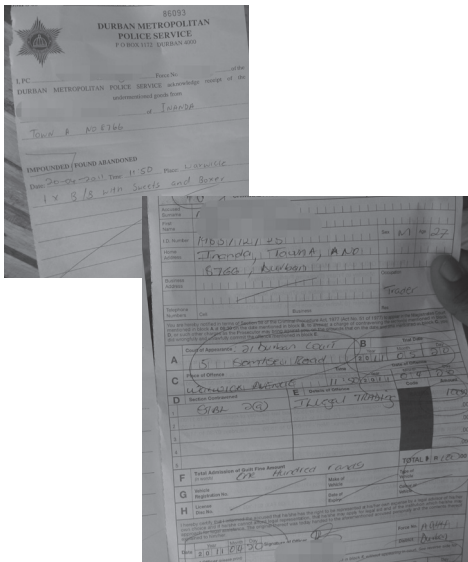


UMA KUSHAQWA IMPAHLA  
AMALUNGELO ABAHWEBI

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## RIGHTS OF TRADERS UPON IMPOUNDMENT OF GOODS



### A When can goods be impounded?

- i) Trading without a permit
- ii) Trading in illegal goods
- iii) Trading in a prohibited area
- iv) Trader flees and abandons goods when approached by Metro

- Appeal in writing with your reasons to the municipal manager (section 41)
  - The appeal must be delivered within 21 days after receiving your summons and fine
  - The appeal must be forwarded to the appropriate committee and the appeal must be commenced within 6 weeks. The decision may be confirmed, varied, or revoked
- Written reasons must be provided for the appeal
- Note that even if you file an appeal you must still appear in court on the date listed on the summons
- If you are convicted by a court you must follow the court appeal process and not this appeal process

### B The receipt from the official must:

- (a) fully itemise the goods to be removed and impounded
- (b) provide the address where the impounded goods will be kept;
- (c) state the period of impoundment;
- (d) state the terms and conditions which must be met to secure the release of the impounded goods;
- (e) state the impoundment fee to be paid to secure release of the impounded goods;
- (f) state the terms and conditions on which unclaimed goods will be sold or otherwise disposed of; and
- (g) provide the name and address of a municipal official to whom any representations regarding the impoundment may be made and the date and time of such representations.

### D Rights of traders after impoundment has taken place

- Right to retain goods immediately after payment of impoundment fee (perishable goods will be disposed after 30 days and non perishable, after 90 days).
- Right to make representations prior to the sale of impounded goods .
- Right to be given notice prior to the disposal or sale of impounded goods upon failure to pay impoundment fee (payable within 1 month from the date of impoundment).
- Upon sale of the impounded goods, the trader is entitled to reimbursement less the impoundment fee payable by the municipality

### C What should a trader do if they are issued a fine?

- Review the summons provided by the Metro officer. The summons must state:
  - which bylaw was contravened
  - how the bylaw was contravened
- You can admit guilt and pay the fine
  - Fines of up to R5000 can be issued (section 38)
- You can appear in court to contest the charge
  - Review the date issued on the summons
  - Prepare to appear and argue why you have been wrongfully prosecuted before the Magistrate Court
  - Review the bylaws and charges on the summons
  - Collect supporting documentation
- Consult with Vikelani Amalungelo incident forums leaders for further assistance challenging the allegations in your summons or the way in which the summons was issued.

## Notes

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