

A Izinyathelo ezibalulekile okumele zithathwe uma izimpahla zomhwebi zilinyaziwe isisebenzi sikamasipala

- Thatha iminingwane yemoto ehamba lesosisebenzi sikamasipala
- Thatha ubufakazi bezithombe ngesikhathi belimaza impahla yakho
- Thola noma ibuphi ubufakazi noma igama noma isibongo saleso sisebenzi noma iluphi uphawu ongakwazi ukusichaza noma ukusikhomba lesosisebenzi.
- Zama ukuthola abahwebi noma ufakazi obone ukusuka nokuhlala kwesheho ukuze abe ufakazi wakho uma kunesidingo sokuvula icala.
- Zama ukuthola ukuthi ingabe lokhu abekwenzayo kugunyaziwe yini umthetho, abahwebi banelungelo lokwazi.

B Izinyathelo zomthetho okumele zithathwe abahwebi umakulinyazwe impahla yabo

- Phuthuma ubike isehlakalo kumholi wendawo okhethelwe ukubhekela izimo zokuhlukunyezwa nokulwela amalungelo abahwebi.
- Bika emaphoyiseni aleyondawo ngokulinyazwa kwempahla yakho.
- Bhala uhla oluphelele lwempahla elimele uchaze nokuthi umonakalo ubengakanani, uchaze nokuthi kuzobiza malini ukulungisa noma ukuthenga izimpahla ezintsha.
- Thintana nabameli abanikeza usizo lomthetho okungenani engakapheli amahora angu 24 (usuku) ubanike yonke iminingwane yokwenzekile.

C Izindlela zomthetho zokulingisa isimo ezikhona ekulekeleleni abahwebi

- Izinyathelo zomthetho zokuthi umasipala akunxephezele ngokulahlekelwa kwakho.
- Kuthathelwe isisebenzi somkhandlu izinyathelo zokuthi sikunxephezele.
- Kuvulelwe isisebenzi sikamasipala icala lokulimaza izimpahla zomhwebi.

D Kumele kwenziweni uma umhwebi eshayiwe isisebenzi somkhandlu

- Esimweni lapho umhwebi eshayiwe ngamaphoyisa ngokwalezizimo ezichazwe ngenhla, nazi izinyathelo okumele zilandelwe:
- Thola usizo lokwelashwa ngokushesha, ungazishintshi izingubo obuzigqokile, ungagezi, ungaligezi inxeba, futhi ungathathi isikhathi eside noma ngabe ukulimala kuncane kangakanani.
- Owezempilo oyokuhlola uyoqopha ubunjalo bokulimala ephapheni elibizwa nge J88.
- Thatha izithombe ezikhombisa ukulimala okutholile.
- Thola ofakazi abaseduze ababone ukusuka nokuhlala kwesheho.
- Angeke ukwazi ukufaka isicelo sokunxeshezela uma bungekho ubufakazi bukadokotela obukhombisa ukulimala okutholile ngesikhathi ushaywa.

- Vula icala lokushaywa emaphoyiseni. Kuwumsebenzi wamaphoyisa ukuphenya nokuthi kuqhutshekwe yini kwetheswe okushayile icala.
- Unalo ilungelo lokufuna ukuthi unxeshezwe noma ngabe amaphoyisa engaqhubekanga nokuthatha izinyathelo zokushushisa. Angeke ashushise amaphoyisa uma ukulimala kukuncane noma futhi kunokushayisana noma ukuphikisana ngezimo zokwenzeka ngosuku lwesahlakalo.
- Isinyathelo somthetho sokunxeshezela sihlanganisa izindleko zokwelashwa nezokulahlekelwa inzuzo ngesikhathi ulimele nomonakalo wesikhathi esizayo okungabangwa ukuthi wawulinyaziwe.

Bhala imibono

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7

4

RIGHTS OF TRADERS WHEN GOODS HAVE BEEN DESTROYED BY MUNICIPAL OFFICIALS



A Important steps to take when goods are being destroyed by municipal officials

- Obtain details of the impoundment vehicle used by the officials
- Take photographic evidence of the vandalism incident
- Obtain details and any hints related to the identity of the official e.g. name, surname and working station etc
- Immediately get other informal traders as witnesses to these proceedings who will later assist you in filing a case
- Ask for legal basis authorising such vandalism, traders have a right to know

D What to do when a trader is assaulted in the process?

In cases wherein a trader has been assaulted by a police official in the aforesaid circumstances, the following steps must be taken;

- Seek medical assistance immediately, do not change clothes, wash, clean wounds etc. Also do not delay, even if you know that your injuries are minor.
- The medical officer in attendance will record the injuries in a J88 form
- Photographic evidence of the injuries
- Seek immediate contactable witnesses to the event
- You will not be able to claim if there is no medical verification of the injuries you have sustained from your assault
- File a charge of assault with the police. It is then up to the police to investigate your charge and to decide whether to prosecute the case criminally.

B Legal steps for a trader when goods have been destroyed

- Immediately report the incident to the key leader appointed for the Vikelani Amalungelo Incident forums
- Contact the police department that has jurisdiction where the vandalism occurred.
- Write down a complete and full description of the property damage. Give specific details about the property, the ways in which it was damaged and the extent of the damage. Include a cost estimate for repairs or replacement of the property.
- Approach a pro bono legal firm at least within the next 24 hours with all the details involved therein.

- You may also wish to pursue a civil claim, even if the police do not proceed with prosecution. A case may not be prosecuted if the injuries are very minor, or if there is contested evidence of the circumstances surrounding the event.
- A civil claim could include your medical costs and loss of earnings immediately after the assault or in the long term

C Legal remedies available for traders

- Civil claim damages on vicarious liability
- Personal liability of the municipal official involved.
- Criminal proceedings against the municipal officer for vandalism of property

Notes

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