

EXPLANATORY NOTE:

Words ~~struck through~~ indicate proposed **deletions** from existing by-laws.

Words underlined with a solid line indicate proposed **insertions** in existing by-laws

BY-LAWS RELATING TO CONTROL OF COLLECTIONS

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CHAPTER 1 INTERPRETATION

1. Definitions

- (1) In these by-laws, unless the context indicates otherwise :

~~“**Council**” means the municipal council of the Mangaung Local Municipality in which the executive and legislative authority of the municipality is vested, and which is the decision making body of the municipality, and its delegates;~~

“**Council**” means the Council of the Mangaung Metropolitan Municipality or any political structure, political office bearer, councillor or any staff member acting under council’s delegated or sub-delegated power;

"Collection" means the collection of money, goods or contributions from the public in public places or by means of visits to residential or business places;

~~“**Municipality**” means the Mangaung Local Municipality, and when referred to as –~~

~~(a) — an entity, means Mangaung Local Municipality as described in section 2 of the~~

Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and

~~(b) a geographic area, means the municipal area of the Mangaung Local Municipality as determined in terms of the Local Government : Municipal Demarcation Act, 1998 (Act No 27 of 1998);~~

“Municipality/City” means Mangaung Metropolitan Municipality established by the Provincial Notice No. 261 of 28 March 2011, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"Public place" means any street, road, thoroughfare, park, square or open space.

- (2) In these by-laws, unless the context otherwise indicates, words and expressions denoting the singular shall include the plural and vice versa, words and expressions denoting the male sex shall include the female sex and vice versa and reference to a natural person shall include a legal person and vice versa.

CHAPTER 2 CONDITIONS FOR COLLECTIONS

2. Collections

- (1) No person shall within the Municipality be engaged in, attempt to, or permit or in any way be concerned with the conducting of a collection, without the prior written consent of the ~~Council~~ Municipality.
- (2) Any application for the consent of the ~~Council~~ Municipality in terms of subsection (1) shall be made and submitted to the ~~Council~~ Municipality in writing, and shall clearly set out :
- (a) the full name and address and occupation of the person to be responsible, or of persons to be jointly responsible for such collection and the name of the organisation concerned;
 - (b) the object for which such collection is to be made or the fund to which the proceeds thereof are to be devoted and whether such object or fund is local to the Municipality;
 - (c) in the event that the applicant is the local branch of a parent organisation, what percentage, if any, will be paid over to the parent organisation;
 - (d) the day or days on which and the hours between which such collection is to be made;
 - (e) the area where such collection is to be made;
 - (f) whether the gross amount of the proceeds, without any deduction, is to be devoted to the object or fund in question;
 - (g) the full name and address of the person who will supervise such collection; and
 - (h) whether contributions in cash will be recorded on lists or will be received in

receptacles.

- (3) Where such contributions are to be received in receptacles, such receptacles shall be sealed, and each receptacle shall bear a label indicating the object or the fund to which the proceeds shall be devoted.
- (4) Where contributions are to be recorded on lists, such lists shall be endorsed by the Council Municipality and shall clearly set out:
 - (a) that such collection is being made with the consent of the Council Municipality;
 - (b) the object or the fund to which the proceeds shall be devoted;
 - (c) by whom such collection is being made or conducted and
 - (d) the full name and address of the person supervising such collection.
- (5) Where contributions are to be received or recorded in a manner other than that prescribed in subsections (3) or (4), the consent of the Council Municipality thereto shall first be obtained.

3. ~~Age of the persons to be used for collections~~ Age Limit for Collecting

No person under the age of 16 years shall be employed or engaged in any collection and any person who or any organization which has obtained the written permission of the Council Municipality to make such collection shall be responsible for ensuring that the provisions of this section are strictly complied with.

CHAPTER 3 MISCELLANEOUS

4. Offences and Penalties

- (1) Any person contravening or failing to comply with any of the provisions of these by-laws shall be guilty of an offence and shall upon conviction by a court be liable to a fine not exceeding R 60 000, or imprisonment for a period not exceeding three years or both a fine as well as period of imprisonment, or such other fine or period of imprisonment which the Minister of Justice may from time to time determine in terms of the provisions of section 92 of the Magistrate's Courts Act, 1944 (Act No 32 of 1944).
- (2) Any expense incurred by the Council Municipality as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the Council Municipality from the person who committed the contravention or who failed to do such thing.

5. ~~Repeal~~ Amendment

- (1) ~~The Regulations for the Control of Collections as promulgated by Administrator's Notice No 186 of November 6, 1970 are hereby repealed.~~

The by-laws relating to the Control of Collections, as promulgated in the Local Government Notice No. 112 of 28 October 2005, are hereby amended.

6. Short Title and Commencement

This by-law is called ~~the by-laws relating to~~ **Mangaung, Control of Collections By-law** and ~~shall~~ the amendments effected come into operation on the date of publication in the *Provincial Gazette*.