

MANDENI MUNICIPALITY

APPLICATION FOR A GATHERING

(TO BE SUBMITTED AT LEAST SEVEN (7) DAYS BEFORE THE GATHERING IN TERMS OF SECTION 3(2) OF THE REGULATION OF GATHERINGS ACT, 1993)

1. The name of the organization:.....
2. The name, address and telephone number of the convener.....
.....
3. The purpose of the demonstration/gathering:.....
.....
4. The date and time of the demonstration/gathering and duration thereof:.....
.....
5. Place of assembly.....
.....
6. The anticipated number of participants.....
7. The precise route, which will be followed during the demonstration:.....
.....
.....
8. The place where the demonstration will end and the participants disperse:.....
.....
9. The traffic situation and the density of the population on the proposed route.....
.....
.....
10. Is there any risk of confrontation with other persons/groups/factions or political groups :.....
11. Will you or your organization be able to effectively control the gathering or demonstration
12. The number of marshals:.....
13. Are there any other demonstrations/gatherings, which will be held during the said period:.....
14. Please indicate what kind of travel arrangement have been made to transport the attendants to and from the place where the gathering will be held. Is there enough buses/transport available?
15. If applicable the number and types of vehicles:.....

TERMS AND CONDITIONS OF EVENTS

In terms of chapter 2 of Mandeni Municipality Public Roads By-laws

Section 2 of public laws by-laws stipulates that no person may cause of nay public roads.

In terms of chapter 3 of Mandeni public road by-laws

Section 4(1) stipulates that no person may make or cause to be made any hole, trench, pit tunnel or other excavation on or under any public road or remove any soil, tar stone or other materials from any public road without the prior written consent of the council.

Section 4 (2) any person who requires the consent referred to in subsection (1) must-

- Comply with any requirements prescribed by the council; and

NB: no person allowed causing any damages to the road surface:

- a) By nailing steel pegs into the road surface
- b) Digging up the road surface
- c) Disturbance of public members are also not allowed
- d) Excessive noise devise by amplifier
- e) Trenching the road surface
- f) No marking on a road surface

Offences

In terms of chapter 7 of Mandeni Municipality public by-laws

Any person who contravenes any provision of these by-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R5000.00 or imprison for a period not exceeding 3 months or both.

The applicant of the event will be liable for all/any damages caused from the erection of tents or any other equipment that may cause or damage municipal property or municipal roads or any municipal infrastructure.

1. The notice (application) of a gathering shall be submitted to the Office of the Responsible Officer (Municipal Manager or his/her authorised representative) not later than seven (7) days before the date on which the gathering is to be held.
2. In the event that a notice is given later than seven (7) days before the date on which the gathering is to be held, (that is, in less than seven (7) days), a reason as to why the notice could be given timeously must be submitted in writing together with the notice or application for a gathering to the Office of the Responsible Officer.
3. Cognisance must be taken that is such a notice is given less than forty eight (48) hours before the commencement of the gathering, the Responsible Officer may by notice to the convener prohibit the gathering (Section 3(2) of the Act)
- 4.(1) If a responsible officer receives notice in terms of section 3(2), or other information regarding a proposed gathering comes to his attention, he shall forthwith consult with the authorized member regarding the necessity for negotiations on any aspect of the conduct of, or any condition with regard to, the proposed gathering.
 - (2) (a) If, after such consultation, the responsible officer is of the opinion that negotiations are not necessary and that the gathering may take place as specified in the notice or with such amendment of the contents of the notice as have been agreed upon by him and the convener, he shall notify the convener accordingly.
 - (b) If, after such consultation, the responsible officer is the is of the opinion that negotiations are necessary, he shall forthwith call a meeting between himself and-
 - (i) The convener;
 - (ii) The authorized member;
 - (iii) Any other responsible officers concerned, if any; and
 - (iv) Representatives of such other bodies, including local authorities, police community consultative forums and peace committees, as in the opinion of such responsible officer or officers ought to be present at such meeting, in order to discuss any amendment of the contents of the notice and such conditions regarding the conduct of the gathering as he may deem necessary.
 - (c) At the meeting contemplated in paragraph (b) discussions shall be held on the contents of the notice amendments thereof or additions thereto and the conditions, if any. to be imposed in respect of the holding of the gathering so as to meet the objects of this Act.
 - (d) The responsible officer shall endeavor to ensure that such discussions take place in good faith.
- (3) If a convener has been notified in terms of subsection (2) (a) or has not, within 24 hours after giving notice in terms of section 3(2), been called to a meeting in terms of subsection (2)(b) of this section, the gathering may take place in accordance with the contents of the notice and in accordance with the provisions of section 8, but subject to the provisions of sections 5 and 6.
- (4) (a) If agreement is reached at the meeting contemplated in subsection (2) (b) the gathering may take place in accordance with the contents of the notice, including amendments, if any, to such contents, on which agreement was reached at the meeting, but subject to the provisions of sections 5 and 6.

(b) If at a meeting contemplated in subsection (2)(b) agreement is not reached on the contents of the notice or the conditions regarding the conduct of the gathering, the responsible officer may, if there are reasonable grounds therefore, of his own accord or at the request of an authorized member impose conditions with regard to the holding of the gathering to ensure-

- (i) That vehicular or pedestrian traffic, especially during traffic rush hours, is least impeded; or
- (ii) An appropriate distance between participants in the gathering and rival gatherings; or
- (iii) Access to property and workplaces; or
- (iv) The prevention of injury to persons or damage to property.

(c) A responsible officer who imposes any condition or refuses a request in terms of paragraph (b) shall give written reasons therefore.

(5) (a) The responsible officer shall ensure as soon as possible that a written copy of the notice, including any amendment thereof and any condition imposed and the reasons therefore, is handed to the convener and the authorized member who, and to every party which, attended the meeting referred to in subsection (2)(b): Provided that if the identity or whereabouts of the convener is unknown, or if in view of the urgency of the case it is not practicable to deliver or tender the said written notice and reasons to him, the notice shall forthwith, notwithstanding any provision to the contrary in any other law contained, be published in one or more of the following manners:

- (i) In a newspaper circulating where the gathering is to be held; or
- (ii) By means of the radio or television; or
- (iii) By the distribution thereof among the public and the affixing thereof in public or prominent places where the gathering is to be held; or
- (iv) By the announcement thereof orally where the gathering is to be held; or
- (v) By affixing it in a prominent place at the address of the convener specified in the notice.

(b) The convener and the authorized member shall, respectively, ensure that every marshal and every member of the Police at the gathering know the contents of the notice, including any amendment or condition, if any.

(6) (a) If a gathering is postponed or delayed, the convener shall forthwith notify the responsible officer thereof and the responsible officer may call a meeting as contemplated in subsection (2)(b), and thereupon the provisions of subsections

(2)(c) and (d), (3), (4) and (5) shall apply, mutatis mutandis, to the gathering in question.

(b) If a gathering is cancelled or called off, the convener shall forthwith notify the responsible officer thereof and the notice given in terms of section 3 shall lapse.

(7) If a responsible officer is notified as contemplated in subsection (6) (a) or (b), he shall forthwith notify the authorized member accordingly.

Prevention and prohibition of gathering

5. (1) When credible information on oath is brought to the attention of a responsible officer that there is a threat that a proposed gathering will result in serious disruption of vehicular or pedestrian traffic, injury to participants in the gathering or other persons, or extensive damage to property, and that the Police and the traffic officers in question will not be able to contain this threat, he shall forthwith meet or, if time does not allow it, consult with the convener and the authorized member, if possible, and any other person with whom, he believes, he should meet or consult, including the representatives of any peace committee or police community consultative forum in order to consider the prohibition of the gathering.

(2) If, after the meeting or consultation referred to in subsection

(1), the responsible officer is on reasonable grounds convinced that no amendment contemplated in section 4(2) and no condition contemplated in section 4(4)(b) would prevent the occurrence of any of the circumstances contemplated in subsection (1), he may prohibit the proposed gathering.

(3) If the responsible officer decides to prohibit the gathering, he shall in a manner contemplated in section 4(5) (a), notify the convener, authorized member and every other person with whom he has so met or consulted, of the decision and the reasons therefore.

Reviews and appeals

6. (1) (a) Whenever a condition is imposed in regard to a gathering in terms of section 4(4)(b) or when a gathering is prohibited in terms of section 5(2), the convener of such gathering may apply to an appropriate magistrate for the setting aside of such prohibition or the setting aside or amendment of such condition, and the magistrate may refuse or grant the application.

(b) Whenever an authorized member in terms of section 4(4)(b) requests that a particular condition be imposed and the request is refused, or whenever information contemplated in section 5(1) is brought to the attention of a responsible officer and the gathering in question is not prohibited, an authorized member may, if instructed thereto by the Commissioner or the district commissioner of the South African Police for the area where the gathering is to be held, apply to an appropriate magistrate to set aside such refusal or to prohibit such gathering, as the case may be, and the magistrate may refuse or grant the application.

(2) The rules made under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), if any, shall apply mutatis mutandis in respect of an application referred to in subsection (1).

(3) (a) An application in terms of subsection (1) (a) or (b) shall be made within 24 hours after the responsible officer has given notice in terms of section 4(5)(a) of the imposition of, or the refusal to impose, the condition

in question or the prohibition of, or the refusal to prohibit, the gathering in question, and under no circumstances later.

(b) Such condition shall, subject to any amendment thereof, remain in force until set aside and such prohibition shall remain in force until set aside.

(c) No order as to costs shall be made by a magistrate in respect of an application under subsection (1).

(4) A convener or authorized member referred to in subsection (1) (a) or (b), as the case may be, may by means of an urgent application in accordance with the Uniform Rules of the several Provincial and Local Divisions of the Supreme Court of South Africa, appeal against any order made by a magistrate in terms of the said subsections.

(5) Notwithstanding the provisions of subsections (1), (2) and (4), the convener authorized member or any person whose rights may be affected by the holding of a gathering or by its prohibition or by any term in a notice or any condition imposed or failure to impose any condition in relation to a gathering may by means of an urgent application in accordance with the Uniform Rules of the several Provincial and Local Divisions of the Supreme Court of South Africa, apply to an appropriate court for the striking, out or amendment of any, such term or condition or the imposition of any other condition or for permission to hold or for a prohibition of, the gathering, and the court may strike out or amend any such term or condition or impose any other condition or grant such permission or prohibit the gathering, as it deems fit.

(6) (a) If a responsible officer or the Minister, or a court on application in terms of the common law, has prohibited a gathering at any place, or if a magistrate or court has upheld the prohibition of a gathering at any place or in the case of a demonstration or gathering contemplated in section 7(1), the authorized member concerned shall cause access to such place or any area adjacent thereto, to be barred, and such place or area shall be kept closed or inaccessible to the public, for such time as may be necessary to prevent the gathering from taking place.

(b) The authorized member shall, at the entrance to or in the vicinity of the place or area in question or in a manner described in section 4(5)(a), give notice that that place or area is so closed or inaccessible to members of the public.

(c) The police may take such steps to uphold the prohibition as are in the circumstances reasonable and appropriate, including the steps contemplated in section 9(2) (a) (i) and (ii) and, subject to paragraphs (c) and (e) of section 9(2), the steps contemplated in paragraphs (b) and (d) of section 9(2).

I _____ Identity number _____
a (nominated) convener for the gathering do hereby state that I have read and understand fully the contents of the abovementioned terms and conditions of applying for the gathering and undertake that I and the organisation I represent will abide by the said terms and conditions. **(Please attach copy of an ID)**

Signature

Date

Witness

Date

RECOMMENDED / NOT RECOMMENDED

Reason(s) : _____

Manager Public Safety

APPROVED / NOT APPROVED

Reason(s) : _____



LH Mapholoba
Municipal Manager