

PRINCE ALBERT MUNICIPALITY

Control of the Swartberg Pass, By-law, 2026

The Municipality of Prince Albert ("the municipality") hereby publishes the Prince Albert Municipality: Control of the Swartberg Pass, By-Law 2026 as set out below. This By-Law has been promulgated by the municipality in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 and in accordance with section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

PREAMBLE

To provide for the control of vehicles on the Swartberg Pass, the control of the heritage and the biodiversity status of the Swartberg Pass and to prohibit mining on the Swartberg Pass, the protection of the Swartberg Mountain water catchment area and to provide for enforcement and other matters related thereto.

1. Definitions

In this by-law, words used in the masculine gender include the feminine.
All singular meanings shall include the plural interpretation and vice versa.
The English text shall prevail in the event of an inconsistency between the different texts, unless the context otherwise indicates.

"indigenous species" means a species that occurs, or has historically occurred, naturally in a free state in nature within that area, but excludes a species introduced in that area as a result of human activity.

"municipal manager" means the person appointed by the municipal council as the municipal manager of the municipality in terms of section 82 of the Local Government Municipal Structures Act, 1998 (Act No 117 of 1998) and includes any person to whom the municipal manager has delegated a power, function or duty but only in respect of that delegated power, function or duty

"person" means a natural person or a juristic person;

"Prince Albert Municipality" means the Prince Albert Local Municipality established in terms of Section 12 of the Act on Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), as amended, and "Municipality" has a corresponding meaning;

"Vehicle" means a motorised machine, fuel or electricity driven, with wheels, used for transporting people or goods, on land and any attachment or trailer in respect of that motorised machine.

2. Application

This By-Law applies in the geographical area of Prince Albert Municipality in respect of the road known as the Swartberg Pass and in respect of 250 meters on both sides of this road, referred to as Road 328.

3. Prohibition on certain types of vehicles and loads

- (1) No vehicle or combination thereof, in excess of seven (7) meters is allowed on the Swartberg Pass.
- (2) No vehicle is allowed to exceed the speed limit of 40 kilometres per hour on the Swartberg Pass.
- (3) No unsafe and / or unstable and / or hazardous and / or flammable and / or chemical load is allowed on the Swartberg Pass.

4. Prohibition of removal of plant material

- (1) No indigenous vegetation or plant material may be damaged in any way.
- (2) No indigenous vegetation or plant material may be removed from the area.

5. Prohibition on the damage to stone walls

- (1) No stone structure or wall may be disturbed in any way.
- (2) No stones may be removed.

6. Prohibition on mining

No prospecting, mining, exploration, including sand mining activities, may take place.

7. Prohibition on open fires

No open fires is allowed in the Swartberg Pass.

8. Prohibition on interferences with waterways

- (1) No person may, in any way, interfere with the workings or the water catchment area of the Swartberg Pass.
- (2) No person may, in any way, interfere with the rivers and waterways in the Swartberg Pass.
- (3) No obstructions may be placed in any waterway or river on Swartberg Pass and no dams may be constructed without authorization.

8. Use of hiker trails

No hiker may deviate from the identified hiker trails.

9. Appointment of authorised officials

- (1) The municipality appoints its Law Enforcement officials, Traffic Enforcement officials, Fire and Rescue officials and any official overseeing any of them, to implement and enforce the provisions of this by-law and to issue fines, as determined, for a transgression of this by-law.
- (2) The municipality delegates the authority to enforce this by-law also to inspectors of Cape Nature and members of the South African Police delegated to the area or performing official duties in the area.

10. Compliance and enforcement

An authorised official may issue a control document with fines, as determined, for a transgression of this by-law to any person in transgression.

11. Offences and penalties

Any person who contravenes or fails to comply with any provision of this by-law or interferes, obstructs, hampers or handicaps or furnishes false or misleading information to any authorised official in the execution of any power or the performance of any duty or function in terms of any provision of this by-law is guilty of an offence and liable on conviction to:

- (a) to community work, a fine or imprisonment, or to both such fine and such imprisonment; and
- (b) in the case of a continuing offence, to an additional fine or additional period of imprisonment, or to both such additional fine and imprisonment for each day on which such offence is continued; and
- (c) a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as a result of such contravention or failure.

12. Short title

This by-law shall be known as the Prince Albert Municipality: Swartberg Pass By-Law and shall come into operation on the date of publication hereof in the Provincial Gazette.