

MUNICIPAL GOLF COURSE

[PROVINCIAL NOTICE NO. 446 OF 1981.]
[DATE OF COMMENCEMENT: 27 AUGUST, 1981.]

These By-laws were published in *Provincial Gazette* No. 4256 dated 27 August, 1981.

The Administrator has been pleased, in terms of section 270 of the Local Authorities Ordinance, 1974 (Ordinance No. 25 of 1974), to approve of the following By-laws made by the City Council of the City of Durban.

CITY OF DURBAN

MUNICIPAL GOLF COURSE BY-LAWS

1. In these By-laws.—

“**Council**” means the City Council of the City of Durban;

“**Course**” means any municipal golf course of the City of Durban;

“**Club house**” means the club house of a municipal golf course;

“**Superintendent**” means the person appointed from time to time by the Council to manage and control a municipal golf course of his duly appointed assistant;

“**tariff**” means the tariff of charges prescribed by the Council by resolution from time to time.

1A. Nondiscrimination.—(1) Subject to the provision of subsection (2) hereof, no provision of these By-laws shall be applied so as to discriminate between persons on the grounds of race, religion or gender nor shall it be so construed as to have the effect of authorising such discrimination.

(2) Notwithstanding the provisions of subsection (1) hereof, discrimination on the grounds of gender may expressly be authorised in terms of any of any provision of these By-laws which prescribes the wearing of appropriate apparel in a public place or imposes a restriction upon the entry of persons into public ablution, toilet and changeroom facilities or prescribes different standards for such facilities.

[R. 1A inserted by r. 24 of MN 43 of 1992.]

2. (a) A course, together with its ancillary facilities other than those leased to other persons, shall be open to the public at times to be determined by the Director, Parks, Recreation and Beaches, provided that a notice shall be posted at the club house and the caddy master’s office setting out the hours during which the public shall be permitted to use the course.

(b) The Director, Parks, Recreation and Beaches, or his duly authorised representative may temporarily close a course or any part thereof by notice posted at the club house and the caddy master’s office.

(c) The Council may close a course or any part thereof for any period of time by posting a notice at the club house and the caddy master’s office.

[R. 2 substituted by PN 148 of 1987 and by PN 294 of 1988.]

(Editorial Note: Regulation 2 was originally substituted by MN 70 of 1987 however MN 74 of 1987 repealed MN 70 of 1987.)

3. Play shall be strictly in accordance with the rules of golf as approved by the Royal and Ancient Golf Club of St. Andrews, together with such rules as the Council shall deem necessary. Such local rules shall be posted up at the club house.

4. No person shall play upon any part of a course without having paid the appropriate fees set out in the tariff. The ticket issued on payment shall not be transferable and shall be valid only on the day of issue. The Superintendent shall be entitled to refuse to accept a fee permitting a person to play if, in the preceding three months, such person has contravened any of the rules referred to in By-law 3.

5. Any player to whom a ticket has been issued in terms of By-law 4 shall produce the ticket for inspection upon being requested to do so by a duly authorised servant of the Council.

6. The Superintendent may, in his discretion, cancel the ticket issued to any player who—

- (a) in any manner whatsoever interferes with the interests, good order or management of a course or the comfort of other players; or
- (b) attempts or purports to transfer the ticket to another player.

Should any ticket be so cancelled, the player shall not be entitled to a refund of any portion of the fee paid for the ticket.

7. No person shall bring a dog on to a course or into a club house.

8. (a) No person shall play any games except golf on a course.

(b) No person other than a person to whom a ticket has been issued under By-law 4 or a person to whom permission has been given by the Superintendent shall enter or be on a course for any other purpose other than golf provided that this By-law shall not apply to the club house and its immediate precincts.

9. All divots and turf cut in the course of play must be replaced.

10. Each player shall, before starting on a round, be in possession of a bag containing a sufficient set of clubs and no two or more players shall share the same set of clubs while playing.

11. Any boots, shoes, clothing, golf clubs or any articles of any kind whatsoever left in a club house by players and not claimed within three months after being left, may be disposed of by the Council and the proceeds of any sale shall be forfeit to the Council.

12. All caddies shall be strictly under the control of the Superintendent and shall be hired by players at the club house only.

13. (1) The Council may hire out lockers in the clubhouse to players for the storage of clubs and other equipment on payment of the appropriate fee set out in the tariff in accordance with contracts concluded with the Council's Director of Parks, Recreation and Beaches and upon such terms as are prescribed by him from time to time; provided that—

- (i) written contracts shall be concluded on an annual basis commencing 1 July in each year; provided further that when the contract is first concluded during a period of twelve months so commencing, the fee payable for the balance of that period shall be assessed at one-twelfth of the annual fee for each month or part thereof remaining;
- (ii) a player may cancel the hire of a locker by him at any time and he shall be entitled to a refund of that portion of the fee which relates to the unexpired

complete months of the period of the hire to the extent that the locker is hired out to another player for such months.

(2) A hirer shall be supplied with a key to his locker upon payment of the deposit set out in the tariff, which deposit will be refunded to him upon return of the key to the Superintendent.

(3) As from the date of commencement of this section all hiring contracts in respect of lockers under the previous section shall automatically be cancelled.

[R. 13 substituted by PN 222 of 1985.]

14. The Council shall not be responsible for any loss or damage to the property of any person, whether left in a club house or on a course and whether left in the lockers or elsewhere on the premises.

15. The Council will hire out sets of clubs to players for use at the mashie course at Windsor Park on payment of the fees set out in the tariff.

16. Players shall be entitled to the use of shower and one towel upon payment of the fee set out in the tariff.

17. Any person who contravenes any of the provisions of these By-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R200 in the case of a first conviction or in the case of a second or subsequent conviction for the same offence to a fine not exceeding R400 or in default of payment of any fine imposed in either case, imprisonment for a period not exceeding three months.

18. The Municipal Golf Course By-laws and Tariff of Charges published on 8 October 1936 under Provincial Notice No. 421 of 1936 are hereby repealed.
