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# Museum By-laws

Commences on 18 September 1997 unless otherwise noted

## 1. Definitions.

In these By-laws, unless the context otherwise indicates, the following words and phrases shall have the following meanings ascribed to them—

**"authorised delegate"**: any person authorised by the Council to exercise any right or carry out any duty or function under these By-laws;

**"Council"**: the Durban Transitional Metropolitan Council;

**"hours of opening"**: the hours during which any museum is open to the public as prescribed in respect of such museum by the Council and exhibited by the Council on the notice board at the entrance to such museum;

**"museum"**: any museum or art gallery maintained by the Council (including any portion of such museum or gallery) and other building, portion of building or site on or in which a museum or art gallery is housed or may in future be housed by the Council; and

**"public room"**: any room in or any portion of any museum to which the authorised delegate has not restricted access by way of a sign.

## 2. Constitutional restrictions.

Notwithstanding the provisions of any law, discrimination on the grounds of gender may expressly be authorised by way of a restriction imposed by the authorised delegate upon the entry of persons into public ablution, toilet and change-room facilities.

## 3. Public rights, duties, powers and immunities.

- 3.1 Subject to the further provisions of these By-laws and to any permanent or temporary reservation, letting or setting apart of a museum or any portion thereof under any law or contract, admission to all public rooms shall be open free of charge to all persons during the hours of opening.
- 3.2 The authorised delegate may—
  - (1) refuse admission to any person whenever he is of the opinion that the admission of such person would not be in the public interest, and in so deciding the authorised delegate shall have regard to the comfort, health, convenience or feelings of other users of the museum, the habits and the age of the person concerned and questions of public health; and

- (2) forthwith remove from the museum any person who is conducting himself in a manner prohibited by section 3.3 hereof.

3.3 No person shall—

- (a) engage in audible conversation in any part of any museum to the annoyance of a other person;
- (b) obstruct, distract, intercept, or annoy any other person in the proper use of any museum;
- (c)
  - (i) behave in a disorderly manner; or
  - (ii) use violent, obscene, abusive or blasphemous language; or
  - (iii) bet or gamble,

in any part of any museum;

- (d)
  - (i) light a match or cigarette lighter; or
  - (ii) smoke; or
  - (iii) spit; or
  - (iv) sleep,

in any public room;

- (e) consume refreshments in any public room unless such public room has been specifically designated for such purpose;
- (f) cause or permit any animal (other than a guide dog) under his control or in his custody to enter or remain in any museum;
- (g) damage any part of any museum building or the contents thereof;
- (h) enter or remain in any museum while unclean in body or apparel or while suffer from any infectious or offensive disease or while drunk, under the influence of intoxicating liquor or drugs having a narcotic effect;
- (i) furnish a false name and address to any person employed in a museum when reasonably required to do so;
- (j) enter or remain in the museum after having been refused admission by the authorised delegate;
- (k) without special authority from the authorised delegate, enter a museum otherwi than during the hours of opening;
- (l) contravene any restriction imposed by any sign in any museum erected under t authority of the authorised delegate.

- 3.4 The Council shall not be responsible for any loss or damage sustained by any person using any museum howsoever such loss or damage may arise.

#### **4. Penalty for contravention of the By-laws.**

Any person who contravenes any of the provisions of section 3.3 of these By-laws shall be guilty of an offence and liable on conviction for the penalty prescribed under section 266 (7) of Ordinance No. 25 of 1974.

#### **5. Repeal of By-laws.**

The By-laws relating to Museums and Art Galleries of the Durban City Council published under Administrator's Notice No. 302 dated 1955, as amended, are hereby repealed.