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CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY
PUBLIC ROAD AND MISCELLANEOUS BY-LAWS

The Municipal Manager of the City of Johannesburg Metropolitan Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), publishes the Public Road and Miscellaneous By-laws for the City of Johannesburg Metropolitan Municipality, as approved by its Council and as concurred with by the Premier: Gauteng Province in terms of section 80A of the National Road Traffic Act, 1996 (Act 89 of 1996), as set out hereunder.

CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY
PUBLIC ROAD AND MISCELLANEOUS BY-LAWS

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CODE OF PRACTICE FOR WORK IN THE ROAD RESERVE

CHAPTER 1 INTERPRETATION

Definitions and interpretation

1. (1) In these By-laws, any word or expression that has been defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996) including any regulations made thereunder or the Gauteng Provincial Road Traffic Act, 1997 (Act No. 10 of 1997) including any regulations made thereunder, has that meaning and, unless the context otherwise indicates -

"authorised official" means -

(a) a member of the Johannesburg Metropolitan Police established in terms of section 64A of the South African Police Service Act, 1 995 (Act No. 68 of 1995); or

(b) any person or official authorised in writing as such by the Council.

"Council" means -

(a) the Metropolitan Municipality of the City of Johannesburg established by Provincial Notice No. 6766 of 2000 dated 1 October 2000, as amended, exercising its legislative and executive authority through its municipal Council; or

(b) its successor in title; or

(c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or

(d) a service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, or any other law, as the case may be.

"demarcated space" means a space so laid out and marked on the roadway as a place within which a vehicle is to be parked;

"municipal store" means the municipal store of the Council;

"parking meter" means a device for registering and visibly recording of a parking period in accordance with the insertion of a coin or other prescribed object therein and includes a post or fixture to which it is attached;

"parking period" means that period of parking in a demarcated space which is permitted by the insertion into the parking meter allocated to such space of a coin or other object as prescribed;

"prescribed" means determined by resolution of the Council from time to time;

"prescribed fee" means a fee determined by the Council by resolution in terms of section 10G(7)(a)(ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other

applicable legislation;

"public road" means a square, road, sidewalk, island in a road, subway, avenue, bridge, public passageway and any thoroughfare shown on the general plan of a township or in respect of which the public has acquired a prescriptive or other right of way and which is 4 vested in the Council in terms of section 63 of Local Government Ordinance, 1939 (Ordinance No 17 of 1 939) or any other law;

"storekeeper" means the person in the service of the Council who holds the position of storekeeper or a person acting in that capacity;

"token" in respect of a trolley, means a sign on which the name or trade name and the address of the owner appears;

"trolley" means a push trolley, push cart or any table, stand or basket on wheels;

"watercourse" means a watercourse as defined in section 1 of the National Water Act, 1998 (Act No. 36 of 1998);.

(2) If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), or any other law been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

(3) The provisions of the Code of Practice for work in the road reserve set out in Schedule 2 to these By-laws, form part and parcel of these Bylaws for all purposes.

CHAPTER 2

PUBLIC ROADS AND MISCELLANEOUS

Ropes, wires or poles across public road

2. No person may place any rope, wire or pole on, under or across any public road, or hang, or place anything whatsoever thereon, without the prior written permission of the Council.

Damage to trees

3. No person may climb upon, or break or damage or in any way mark or paint on any tree on any public road within the municipal area of the Council, and no person may, without the prior written permission of the Council, lop, top, trim, cut down or remove any such tree unless the person is authorised to do so in terms of these By-laws or any other law.

Barbed wire, dangerous and electrical fencing

4. (1) No owner or occupier of land -

(a) other than an owner or occupier of an agricultural holding or farm land, may along any public road erect or cause, or permit to be erected, any barbed-wire fence or any railing, paling, wall or other barrier which, by reason of spikes or other sharp or pointed protrusions or otherwise by reason of the nature of its construction or design, is or may become a danger to any member of the public using such public road;

(b) including an owner or occupier of an agricultural holding or farm land, may along any

public road erect or cause, or permit to be erected, or after one year from the date of commencement of these By-laws, have along a public road any electrified fence, railing or other electrified barrier unless -

(i) the fence, railing or other barrier is erected on top of a wall built of brick, cement, concrete or similar material, which wall may not be less than 1,8 metres high; and

(ii) the fence, railing, or other barrier is designed and installed in accordance with any relevant specifications determined by the Council and any standard issued in terms of the Standards Act, 1993 (Act No. 29 of 1993); or

(c) may erect, or cause, or permit to be erected, any electrified fence, railing, wall or other electrified barrier referred to in paragraph (b) without the prior written permission of the Council, in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).

(2) The full technical details of the proposed electrified fence, railing, wall or other electrified barrier must accompany any application for permission submitted to the Council.

Protection of public roads

5. No person may place upon or off-load on a public road any material or goods that are likely to cause damage to a public road unless the person has taken reasonable precautions to protect the surface of the public road against damage.

Cleanliness of public roads

6. (1) No person may spill, drop or place or permit to be spilled, dropped or placed, on a public road any matter or substance that may interfere with the cleanliness of the public road, or cause or is likely to cause annoyance, danger or accident to any person, animal, vehicle or other traffic using the public road, without removing it or causing it to be removed from the public road immediately.

(2) If the person referred to in subsection (1), fails to remove the matter or substance, the Council may remove such matter or substance and recover the cost of removal from that person.

Article placed in building facing public road

7. No person may place any article likely to cause injury or damage to any person or property if it were to fall on a public road, in any near a public road without taking all reasonable steps to prevent it falling onto the public road.

Damaging of Council's property

8. Subject to the provisions of section 10, no person may deface, tamper, damage, remove, or in any way interfere with any of the Council's property or work on or along any public road.

Cleaning and repairing on public roads

9. No person may clean or repair any part of a vehicle or wash, dry or paint any article or object on any public road except in the case of an emergency breakdown of a vehicle, when emergency repairs may be done.

Excavations in public roads

10. (1) No person may make or cause to be made any hole, trench, pit or tunnel on or under any public road or remove any soil, metal or macadam therefrom without the prior written permission of the Council, unless such person is authorised to do so in terms of these By-laws or any other law.

(2) A person, who requires the permission in terms of subsection (1), must comply with the requirements contained in Schedule 2 to these By-laws.

(3) A person referred to in subsection (2) must pay the prescribed fee.

(4) A person referred to in subsection (2) must, if applicable, pay the prescribed fee for lane rental provided for in Schedule 2 to these By-laws.

Defacing, marking or painting public roads

11. No person may in any way deface, mark or paint any public road or part of a public road or any structure related to such road, without the prior written permission of the Council.

Races and sports events

12. (1) An application for consent to hold a race or sports event on any public road in terms of regulation 317(2) of the National Road Traffic Regulations, 2000, under the National Road Traffic Act, 1996 (Act No. 93 of 1996), must be submitted in writing to the Council on the prescribed form at least 60 days prior to the envisaged event.

(2) The applicant must pay the prescribed deposit for the costs to be incurred by the Council during and after the race or sports event, to the Council prior to commencement of the race or sports event and an adjustment must be made after the conclusion of the race or sports event as soon as the Council has determined actual costs incurred by it.

Loitering on public roads

13. (1) No person may -

(a) lie, sit stand, congregate, loiter or walk, or otherwise act, on any public road in a manner that may obstruct traffic;

(b) jostle or loiter at or within 20 metres of the entrance of any place of public worship during the time of divine service or during an assembly at the place of worship or departure from such place of the congregation so as to obstruct or annoy any person going to, attending at, or leaving such place of worship.

(2) Any person contravening subsection (1) must, upon instruction by an authorised official, discontinue doing so.

Loitering and touting at places of public entertainment

14. (1) No person may loiter or, except when forming part of a queue, congregate on any public road within 20 metres of the entrance to any place of public entertainment so as to obstruct traffic or persons proceeding to, attending at, or departing from such place of entertainment.

(2) No person may, without the prior written permission of the Council tout or solicit a driver of any motor vehicle who parks a motor vehicle at a place of entertainment for the purpose of or under pretext of looking after or watching over the motor vehicle during the assembly thereat

or the departure therefrom.

Public decency

15. (1) No person may appear unclothed or indecently clothed on any public road.
- (2) No person may on or in view of any public road urinate, excrete, behave in any indecent manner by exposing his or her person or otherwise, make use of any indecent gesture, or commit, solicit or provoke any person to commit any riotous, disorderly or indecent act.
- (3) No person may on any public road sing any obscene or profane song, or use any profane, foul, indecent or obscene language.
- (4) No person may on any public road in any way loiter or solicit or inconvenience or harass any other person for the purpose of begging.
- (5) No person may on a public road use any threatening, abusive or insulting words or gestures or behaviour with intent to cause a breach of the peace or whereby a breach of the peace is likely to be occasioned.

Trolleys

16. (1) The owner of a trolley must affix a prescribed token in a conspicuous position on the trolley.
- (2) The owner or the person who controls or has the supervision over a trolley or who offers it to be used by any person, or who uses it for any purpose whatsoever, may not leave or abandon it or permit it to be left or abandoned on any public road.
- (3) Any trolley which has been left or abandoned on any public road, may be removed, or caused to be removed, by an authorised official and be placed under the care of the storekeeper.
- (4) The storekeeper must store any trolley which has been placed under his or her care in terms of subsection (3), at the municipal store and the Council must publish once a month in respect of eleven months of a year calculated from the first day of January, a notice in two newspapers circulating within the municipal area, which states-
- (a) the name of the owner of every trolley being stored, if known;
- (b) the number of trolleys being so stored;
- (c) that the trolley may be claimed by the owner from the Council on payment of the prescribed storage charge;
- (d) that any trolley which has not been claimed after a period of three months from the date of publication of the said notice, may be sold by the Council by public auction; and
- (e) that the proceeds of the public auction will accrue to the Council.

Public road collections

17. (1) No collection on a public road may be organised or held without the prior written permission of the Council.
- (2) Application for such permission must be made on a form provided for this purpose by the

Council.

(3) Every application must be accompanied by proof that the organisation or person intending to hold the public road collection is authorised to collect a contribution in terms of the Nonprofit Organisations Act, 1997 (Act No. 71 of 1997), or the Fund-raising Act, 1978 (Act No. 107 of 1978), as the case may be.

(4) The Council may grant permission referred to in subsection (1) to an organisation or person to hold a collection on a specified public road, date and at a specified time and reserves the right to determine the number of collections which may be held on any one day on the public road so specified.

(5) Every organisation or person, holding a public road collection is entitled to use his, her or its own identifiable collection boxes and if any organisation or person does not possess any boxes, the Council's collection boxes may be used upon payment of the prescribed fee.

Control of stormwater and watercourses on public road

18. (1) No person may, without prior written permission of the Council, which permission may be conditional or unconditional -

(a) lead or discharge any water on or over or across a public road; or

(b) by any means whatever, raise the level of water in any river, dam or watercourse so as to cause interference with or endanger any public road.

(2) The Council may, subject to any laws which may be applicable and after obtaining consent of the owner and the occupier, if any, of the land concerned -

(a) deviate any watercourse, stream or river if the deviation is necessary for the protection of a public road or structure related to a public road or for the construction of a structure connected with or belonging to a public road;

(b) divert stormwater from or under any public road onto private property other than land occupied by buildings, other structures or improvements; and

(c) pay reasonable compensation as agreed between the owner or occupier and the Council, for any damage caused as a result of any action taken in terms of paragraph (a) or (b) or failing such agreement, compensation determined by arbitration in terms of the Arbitration Act, 1965 (Act No 42 of 1965).

Obstruction on public roads

19. No person may deposit or cause to be deposited or leave or cause to be left any sand, stone, earth, bricks, timber, lime, cement or other building or excavated material of whatever nature on any portion of any public road, sidewalk or footway unless it is deposited within an enclosure in respect of which the prior written permission of the Council has been obtained.

Planting on sidewalks

20. No person may plant or cause to be planted, any tree, shrub or other plant on any public road or any sidewalk, footway or road reserve forming part thereof, which obstructs or interferes with pedestrian traffic on such sidewalk, footway or road reserve or allow any such tree, shrub or plant to remain on that sidewalk, footway or road reserve.

Permission to hoard in footway

21. (1) Any person who intends erecting, removing, altering, repairing or painting any part of a building or structure or carrying out any excavation, on part of any land which is within 2 metres of a public road, must before commencing any such work, enclose or cause to be enclosed a space in front of such part of the building, structure or land by means of a hoarding, fence or other enclosure or an enclosure specified in a permit issued in terms of subsection (3).

(2) If the enclosure contemplated in subsection (1), occupies or projects over any portion of a public road, the person concerned must apply for a written permit to the Council and if the person making the application is not the owner of the building or land on which the work is to be done, the owner must countersign the application.

(3) The Council may determine what portion of the public road is necessary for the purpose of carrying out any operations contemplated in subsection (1), and in every case where it determines that portion of a public road may be used for such purpose, grant a permit in writing specifying the portion which may be occupied for such purpose and the conditions under which such permit is granted.

(4) The Council reserves the right to withhold the issue of a permit required in terms of subsection (2), until all prescribed fees have been paid and the acceptance of any such permit by the applicant without objection, is taken to indicate that all kerbs, gutters and other works in the portion of the public road concerned were in good order and condition on the date of issue of such permit.

(5) Every permit granted by the Council for the erection of a hoarding, fence, scaffolding or an enclosure or a planked shed, must specify the area and precise position of that part of the public road where the enclosure, overhanging or covering is permitted and the period for which the permit is granted.

CHAPTER 3 TRAFFIC MATTERS

Control of traffic

22. An authorised official may direct any form of traffic by means of any visible or audible signal and every person must obey such signal.

Clinging to moving vehicles

23. No person travelling upon any pedal cycle, motor cycle, coaster, sled, roller-skates, or any other similar device may cling to or attach himself or herself or such cycle coaster, sled, roller-scales or device to any other moving vehicle, upon a public road.

Removal of obstructions

24. (1) If any person causes an obstruction on a public road, an authorised official, may order such person to refrain from causing, or to remove, the obstruction.

(2) If a person causing an obstruction cannot be found, or fails or neglects to remove, or to cease causing, such obstruction, an authorised official may take such steps as may be necessary to remove the obstruction, or to prevent its continuance and the Council may if the person concerned fails or neglects to remove or cease causing the obstruction, recover the cost of the removal of the obstruction from that person.

(3) An act done in terms of section 218 of the Standard Building By-Laws, adopted by the Council under Administrator's Notice 726, dated 16 June 1976, is for the purposes of this

section deemed not to cause an obstruction except if permission of the Council in respect of that act is revoked.

Games, throwing stones, on public roads

25. (1) No person may roll a hoop or fly a kite or throw stones or use a bow and arrow, or by any means discharge any missile upon, over or across any public road, or play cricket, football or any other game on a public road.

(2) No person may erect a tent or place chairs or any article on a public road for the purpose of a funeral, party or any other event without the prior written permission of the Council.

Shoeing and cleaning of animals on public roads

26. No person may shoe any animal, or clean, dress, train or break-in livestock on any public road.

Animals on public roads

27. (1) No person may turn any livestock loose on a public road.

(2) No person may leave any injured, feeble, emaciated, diseased or dying animal on a public road except for the purpose of seeking assistance for the removal of such animal.

(3) Any livestock at large on a public road may be taken to a place designated by the Council, by any authorised official.

(4) Any person contravening subsection (1) is liable, in addition to any penalty which may be imposed by a Court of Law, to pay to the Council the cost incurred by it in acting in terms of subsection (3).

(5) No person may walk a dog on a public road unless it is on a leash and under control of that person.

(6) Any excretion left by a dog on a public road, must immediately be removed by the person in charge of the dog and be deposited in a waste receptacle provided by the Council or removed from the road.

Parking meters

28. (1) No person shall park a vehicle or cause a vehicle to be parked in a demarcated space unless a coin or other prescribed object is forthwith inserted -

(a) into the meter allocated to such space; or

(b) if the meter controls more than one demarcated space, into the meter controlling such spaces as indicated by markings or signs on the roadway or sidewalk, and thereafter such meter is put into operation in accordance with the instructions appearing thereon so that the meter registers and visibly indicates the parking period appropriate to the coin or other prescribed object inserted.

Provided that -

(i) such coin or prescribed object need only be inserted during such hours indicated on the meter as prescribed;

(ii) a vehicle may be parked in a demarcated space without the insertion of a coin or other prescribed object in the parking meter allocated to such space for such part only of any parking period as such meter may indicate to be unexpired;

(iii) where such parking meter is out of operation or not operating properly, the driver of a vehicle may leave his or her vehicle in the demarcated space appropriate to such meter for so long as the parking meter continues to be out of order but not for longer than the parking period determined for that space and the vehicle may not be returned to such space within 15 minutes of removing it therefrom.

(2) No person may, with or without the insertion of an additional coin or other prescribed object into a parking meter, leave a vehicle in a demarcated space after the expiry of the parking period as indicated by the parking meter allocated to such space or return his or her vehicle to that space within 15 minutes after that expiry or prevent the use of that space by any other vehicle.

(3) The insertion of a coin or other prescribed object into a parking meter and the putting into operation of such meter where necessary in accordance with the instructions appearing on such meter entitles the person inserting it to park a vehicle in the demarcated space for the period corresponding with the payment so made, provided that, notwithstanding the making of a payment as aforesaid, nothing in this section contained shall entitle any person to contravene a notice or road traffic sign exhibited by the Council in terms of these by-laws prohibiting the parking.

(4) The period during which a vehicle may be parked in any demarcated space and the coin or other prescribed object to be inserted in respect of that period into the parking meter allocated to such space shall be as prescribed and the said period and the coin or other prescribed object to be inserted in respect thereof must at all times be clearly indicated on the parking meter itself.

(5) No person may-

(a) insert or attempt to insert into a parking meter a coin or object except -

(i) a coin of South African currency of a denomination as prescribed;

(ii) an object which is prescribed as another method of payment;

(b) damage or deface, or write or draw on, or affix any handbill, poster, placard or other document, whether or not of an advertising nature, to a parking meter, unless the Council determine otherwise;

(c) in any way whatsoever cause or attempt to cause a parking meter to record the passage of time otherwise than by the insertion of a coin or other prescribed object;

(d) jerk, knock, shake or interfere with a parking meter which is not working properly or at all in order to make it do so or for any other purpose;

(e) deface, soil, obliterate or otherwise render less visible or interfere with any mark painted on the roadway, or any sign or notice erected for the purpose of this section;

(f) remove or attempt to remove a parking meter or any part thereof from the post of other fixture to which it is attached.

(6) Every vehicle must be so placed in a demarcated space, other than one which is at an angle to the kerb line, that its near side wheels are not more than 450 mm from the kerb line and that it is laterally within that space and that the driver's seat, or in the case of a motor

vehicle with left-hand drive, the front passenger's seat, is opposite and close to the mark known as the driver's marker, painted on the surface of the road or in the case of a one-way street in which parking on the right-hand side thereof is permitted, on the roadway.

(7) No person may place or cause or permit to be placed or to stand any vehicle not specially designed or constructed for the carriage of goods in any loading space in any portion of a public road in which parking meters have been erected, otherwise than for the shortest possible time necessary for the loading or unloading of passengers.

(8) Where a vehicle parked in a demarcated space occupies by reason of its length so much of an adjoining space that another vehicle cannot be parked in such space in the manner referred to in subsection (6), the person parking the first mentioned vehicle must immediately after parking it insert an appropriate coin or other prescribed object into the parking meters of both the said spaces.

(9) No person may park a two-wheeled vehicle without a side-car in any demarcated space unless such space is designed for the use of such vehicle by means of a road traffic sign or notice.

Medical practitioner exempt

29. A medical practitioner is exempt from paying the prescribed fees, while the vehicle used by that practitioner is parked in a demarcated space to enable him or her to perform professional duties at any place other than a consulting room or similar place, subject to a form or token issued by the South African Medical Council for that purpose being displayed on the windscreen of the vehicle concerned in such manner that it is readily legible from outside the vehicle.

CHAPTER 4

GENERAL PROVISIONS

Offences and penalties

30. Any person who -

(a) contravenes or fails to comply with any provisions of these By-laws;

(b) fails to comply with any notice issued in terms of these By-laws; or

(c) fails to comply with any lawful instruction given in terms of these By-laws; or

(d) who obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under these By-laws, is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment, to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requesting the discontinuance of such offence.

Repeal of by-laws

31. The by-laws listed in Schedule 1 are hereby repealed.

Short title

32. These By-laws are called the Public Road and Miscellaneous By-laws, 2003.

SCHEDULE 1

REPEALED BY-LAWS

Number and year	Name of by-law	Extent of repeal
Administrator's Notice 281 dated 27 June 1934	Road Traffic By-laws (JHB)	The whole
Administrator's Notice 368 dated 14 March 1973	Standard Street and Miscellaneous By-laws (Randburg Municipality)	The whole
Administrator's Notice 652 dated 24 April 1974	Standard Street and Miscellaneous By-laws (Sandton Municipality)	The whole
	Standard Street and Miscellaneous By-laws (Roodepoort Municipality)	The whole
	Standard Street and Miscellaneous By-laws (Midrand Municipality)	The whole
Government Notice R.2606 dated 2 December 1983 under section 27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982) read with section 13(3) of the Local Government Transition Act, 1993 (Act No 209 of 1993)	By-laws relating to Streets and Street Collections as applied by the Municipalities of Alexandra, Diepmeadow, Dobsonville and Soweto	Whole
Local Authority Notice 741 dated 22 March 1989	Standard Traffic By-laws (Randburg)	The whole
Local Authority Notice of Roodepoort Municipality on page 5161 in Official Gazette dated 21 December 1988	Standard Traffic By-laws (Roodepoort)	The whole
Administrator's Notice 901 dated 19 August 1970 as amended by Administrator's Notice 1692 dated 24 October 1973	Parking Meter By-laws (Roodepoort)	The whole