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Tuesday, 28 January 2025

To: All Owners and Residents

GENERAL CIRCULAR – CANNABIS

The Security Committee and the HOA had to deal with the issue of residents and their visitors consuming cannabis at the Clubhouse and communal areas.

To ensure the HOA and the security service provider apply the correct processes in dealing with this matter the HOA provides the following.

1. The Cannabis for Private Purposes Act, Act 7 of 2024 (“The Act”) has been duly assented to on 28 May 2024, and was published in the Government Gazette on 03 June 2024.
2. In terms of clause 2(1) an adult person may use or possess cannabis in a private place for a private purpose.
 - a. A “private place” is defined in Section 1(1) of the Act as *“any place, including a building, house, room, shed, hut, tent, mobile home, caravan, boat or land or any portion thereof, **TO WHICH THE PUBLIC DOES NOT HAVE ACCESS AS OF RIGHT**; and any part or portion of communal land as defined in section 1 of the Communal Land Rights Act, 2004 (Act 11 of 2004), which, in terms of the rules or custom of a community or the standard rules contemplated in section 19 (5) of that Act, is a place which is exclusively used to cultivate or use cannabis in a private place, by an adult person as a member of such a community”*
 - b. A “private purpose” is defined in Section 1(1) of the Act as *“means for the exclusive use, possession, and cultivation of cannabis by an adult person to keep, store, transport or be in control of cannabis, **IN A MANNER THAT CONCEALS IT FROM PUBLIC VIEW**”*
3. In terms of Section 2(2) of the Act, no adult person may use cannabis in a private place for a private purpose in the presence of a child or non-consenting adult person, within a reasonable distance from a window of, ventilation inlet of, doorway to, or entrance into, another place or that forms part of any public place where persons congregate within proximity of one another and where the smoke is likely to cause a disturbance or nuisance to any person at that place.
4. In terms of Section 2(3) of the Act, an adult person may possess cannabis in a public place: Provided that such cannabis **MAY NOT BE USED IN A PUBLIC PLACE.**
 - a. A “public place” is defined in Section 1(1) of the Act as *“**ANY PLACE TO WHICH THE PUBLIC HAS RIGHT OF ACCESS** and any part or portion of communal land which is not exclusively used to cultivate cannabis, as contemplated in paragraph (b) of the definition of ‘private place’”.*

To ensure the HOA complies with the Act, **NO CANNABIS MAY BE USED** within the Clubhouse or any HOA communal areas.

Any person found to be in contravention will be directed to leave the Clubhouse area immediately.

DIRECTORS

F v Eeden, W Herbst, W Jv Rensburg, C Myburgh, W Strydom, A Philippou, G Muller