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MUNICIPAL NOTICE—ISAZISO SIKAMASIPALA

No. 71

30 June 2014

<u>UGU DISTRICT MUNICIPALITY</u>	
	
By-Law Name	STANDING RULES AND ORDERS OF UGU COUNCIL AND COMMITTEES OF UGU COUNCIL
Reference Number	
Status (1st, 2nd or approved policy)	1 ST Draft: 26 October 2012
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STANDING RULES AND ORDERS OF UGU COUNCIL AND COMMITTEES OF COUNCIL**PREAMBLE**

WHEREAS every Municipal Councillor shall recognise that the prime function of Local Government is at all times to serve the best interests of all of the community, shall be dedicated to the concepts of effective and democratic Local Government, shall promote the dignity and worth of the services rendered by Local Government and maintain a constructive, creative and practical attitude towards Local Government and a deep sense of social responsibility as an elected representative, shall be dedicated to the highest ideals of honour and integrity in all public and personal relationships in order that the community, Municipal Officials may merit the respect and confidence of the elected representatives shall set and achieve community goals and uphold Municipal policies, shall refrain from interference in the administration of the Municipality and from all other partisan political activities which would impair performance as an elected representative, shall make it a duty to continually improve his professional ability and develop competencies required to perform the duties of an elected representative, shall keep the community informed of Municipal affairs, shall encourage communication and foster friendly and courteous service to the community and seek to improve the quality and image of Municipal Councillors, shall handle each challenge without discrimination and with principles of justice and fairness, shall seek no favour and acknowledge that personal gain or profit secured by a Councillor's position is dishonest, shall adhere to the Code of Conduct for Councillors, comply with the standing rules and orders and by-laws of a Municipal Council and at all times respect the rule of law.

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CHAPTER 1- DEFINITIONS

1. Definitions

In these rules, any word or expression shall have the meaning assigned thereto in the relevant legislation, unless the context indicates otherwise—

“**Absent**”, in relation to a meeting of the Council, or its Committee, refers to being absent without having obtained leave from the meeting.

“**Amend a motion**” refers to making minor alterations or modifications to a motion without changing the original meaning or intention of the motion.

“**by-law**” refers to legislation passed by the Council of a Municipality;

“**Chairperson**” refers to a Councillor elected in a permanent or acting capacity to control and conduct any meeting of a Committee of Council;

“**Council**” or “**Municipal Council**” refers to the Council of the Ugu Municipality established in terms of Section 18 of the Local Government Municipal Structures Act, Act 117 of 1998.

“**Council-in-Committee**” refers to when Council, may during the course of its deliberations resolve to sit as a Committee in circumstances where matters of a confidential or legal nature are to be debated or in circumstances where, in the opinion of the majority of the members of the Council, the presence of the media or members of the public would prevent free and open discussion on the matter under consideration.

“**Code of Conduct**” refers to the Code of Conduct for Councillors contained in Schedule 1 to the Systems Act;

“**Contact details**” refers to a physical address, postal address, electronic mail address, telephone number, facsimile number and cellular-phone number;

“**Calendar day**” refers to a twenty-four hour day as denoted on the calendar;

“**Councillor**” refers to a member of a Municipal Council;

“**Day**” refers to any ordinary day other than a Saturday, Sunday or Public Holiday, except where otherwise stated;

“**Deputation**” refers to a person or group of persons who wish to appear personally before the Council or a Committee of the Council in order to address the Council or Committee of the Council;

“**Executive Committee**” refers to the Council’s executive Committee established in terms of section 43 of the Structures Act;

“**Explanation**” refers to the clarification of some material part of a Councillor’s former speech, or Officials former inputs, which may have been misunderstood nor not being clear;

“**in-Committee**” refers to any Council or Committee meeting at which the public and or Officials of the Municipality are excluded;

“Integrated Development Plan” refers to the 5-year strategic plan developed by the Municipality and reviewed annually in terms of Chapter 5 of The Local Government Municipal Systems Act.

“Matters arising” refers to the aspect of the Agenda whereby any issues/matters from the previous minutes may be updated to members of the meeting, such as any developments on the issue which are deemed important for the members to be aware of.

“Mayor” refers to a Councillor elected as the Mayor of the Municipality in terms of section 48 of the Structures Act;

“Meeting” refers to a meeting of the Council or any one of its Committees;

“Municipal asset” refers to any movable, immovable, corporeal, incorporeal, tangible and intangible property to which the Municipality holds title;

“Municipal Manager” refers to the person appointed Municipal Manager in terms of section 82 of the Structures Act and includes any person duly acting in that capacity;

“Notice of motion” refers to the instrument by which Councillors may bring items on to the agenda of a Council meeting in terms of rule 23;

“Peace Officer” refers to any person declared as a Peace Officer in terms of the Criminal Procedure Act No. 51 of 1977;

“Point of order” refers to the pointing out of any deviation from or anything contrary to, the conduct and or any other irregularity in the proceedings of a meeting;

“Precincts” refer to the Council chamber and all places of meeting, the areas to which the public are allowed access and all other venues where the meetings of the Council or a Committee of the Council are conducted;

“Privilege and Immunity” means that Councillors have freedom of speech at meetings of the Council and its Committees and that they are not liable to civil or criminal proceedings, arrest, imprisonment or damage for anything that they have said in, produced before or submitted to the Council or any of its Committees, or anything revealed as a result of anything that they have said in, produced before or submitted to the Council or any of its Committees.

“Public” includes the media and means any person residing within the Republic of South Africa;

“Service Delivery Agreement” refers to an agreement between a Municipality and an institution or person mentioned in section 76(b) of the Systems Act in terms of which a Municipal service is provided by that institution or person, either for its own account or on behalf of the Municipality;

“Speaker” refers the Chairperson of the Council elected in terms of section 36 of the Structures Act and includes any acting Speaker when he or she is elected to perform the functions of the Speaker;
“Structures Act” means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
“Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

“Structures Act” refers to the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“Systems Act” refers to the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

“**Table**” means to present a report or any official document to the Council or a Committee of Council for consideration at a meeting of the Council or a Committee of Council of which notice has been given in terms of these rules and orders;

“**Outstanding List**” refers to a list of matters which Council and or its Committees have taken a resolution against and which Council and its Committees deem worthy of elevating to a monitoring tool which is reported against at every meeting.

Gender and number - In every rule, unless the contrary intention appears, words importing the masculine gender include females and words in the singular number include the plural, and words in the plural number include the singular.

CHAPTER 2 - APPLICATION AND INTERPRETATION OF RULES AND ORDERS

2. Application of these rules and orders

- 2.1 These rules and orders govern the proceedings of the Council and Committees of the Council which shall be complied with by:-
- (a) all Councillors;
 - (b) any member of the public while present in the precincts;
 - (c) any deputation addressing the Council or a Committee of the Council; and
 - (d) any Municipal official of the Municipality.

3. Interpretation of these rules and orders

- 3.1 Any interpretation of these rules and orders shall be made having due regard to the supremacy of the Constitution, National, Provincial and Municipal legislation, the rule of law and the rules of natural justice.
- 3.2 The ruling of the Speaker or Chairperson with regard to the interpretation of these rules and orders at a meeting of the Council or Committee of the Council shall, subject to rules 3(5) and 3(6), be final and binding.
- 3.3 The interpretation and the ruling of the Speaker or Chairperson of any of these rules and orders shall be recorded in the minutes of the Council or Committee meeting.
- 3.4 The Municipal Manager shall keep a register of the rulings and legal opinions.
- 3.5 Any Councillor may request the Municipal Manager, in writing within five days from a ruling made in terms of rule 3(2), to obtain clarity on the interpretation and ruling. The Municipal Manager shall thereafter report to the Council or Committee of the Council.
- 3.6 The Council or Committee of the Council may, after consideration of the report in terms of rule 3(5) confirm, amend or substitute the ruling of the Speaker or Chairperson subject to any rights which any third party may have accrued as a result of the ruling and all decisions affecting the rights of others must be in writing and reasons must be recorded of such decisions.

CHAPTER 3 - FREQUENCY, ADMISSION OF PUBLIC AND NOTICE OF MEETINGS

4. Council meetings

- 4.1 The Council shall hold an ordinary meeting of the Council on a monthly basis.
- 4.2 The Speaker shall convene all meetings of the Council in accordance with rule 4(1) and subject to rule 6.

- 4.3 The Council shall adjourn for approximately two weeks during July and thirty days during December/January annually.

5. Admission of public

- 5.1 All meetings of the Council and those of its Committees shall be open to the public, and the Council or Committee of the Council may not exclude the public from a meeting, other than when the Council or Committee, due to the nature of the business being transacted or when the disclosure of any matter may be prejudicial to the interests of the Municipality, deems it reasonable and justifiable to do so having due regard to the principles of an open and democratic society.
- 5.2 The Council or a Committee of the Council, may not for any reason whatsoever, exclude the public when considering, voting or noting any of the following matters :-
- (a) a draft by-law tabled in the Council;
 - (b) a budget tabled in the Council;
 - (c) the Municipality's Integrated Development Plan, or any amendment of the plan tabled in Council;
 - (d) the Municipality's Performance Management System, or any amendment of the system, tabled in Council;
 - (e) the decision to enter into a Service Delivery Agreement;
 - (f) any report on an award in terms of Supply Chain Management policy ;
 - (g) the disposal or acquisition of Municipal capital asset(s);
 - (h) any other matter prescribed by legislation.
- 5.3 The Municipal Manager shall give notice to the public, in a manner determined by the Council, of the time, date and venue of every ordinary meeting of the Council or Committee of the Council and any special or urgent meeting of the Council or Committee of the Council, except when time constraints make this impossible.

6. Notice to attend an ordinary Council meeting

- 6.1 The Speaker shall convene meetings of the Council, on a monthly basis, through a duly signed "Notice of Council Meeting", stating the date, place and time of the meeting and accompanied by or containing the agenda of the proposed meeting.
- 6.2 Notice to attend a meeting in terms of rule 6(1) shall be given at least—
- (a) five calendar days prior to an ordinary meeting; and
 - (b) two calendar days/forty eight hours prior to a special meeting.

7. Special meetings

- 7.1 The Speaker
- (a) for the purpose of pertinent or urgent Council business
 - (b) or at the request of a majority of the Councillors of the Municipality, shall call a special meeting of the Council
- 7.2 A special meeting shall be convened in compliance with rule 6(2)(b) and in terms of rule 7(1)(b) no later than four days from the date of receipt of a request.
- 7.3 A request for the calling of a special meeting, as contemplated in rule 7(1)(b), shall—
- (a) be signed by no less than 50% (fifty per centum) plus one of all Councillors of the Municipality; and
 - (b) be accompanied by—
 - (i) a duly signed notice of motion; and
 - (ii) a written statement by the Councillor signing the notice of motion giving reasons as to why the intended business of the special meeting is urgent and cannot wait for an

ordinary meeting of the Council.

(c) If the Speaker fails to convene a meeting in terms of this rule, the Municipal Manager shall convene such meeting and conduct an election of an acting Speaker in terms of section 41 of the Structures Act.

8. Service of notices and agenda

- 8.1 Notice to attend a meeting or any other official communication from the Council, shall be delivered to—
- (a) a physical address within the area of jurisdiction of the Municipality; or
 - (b) an e-mail address; or
 - (c) by a short message service (SMS);
- provided that contact details shall be supplied by each Councillor to the Municipal Manager in writing within two days of a Councillors' election and, thereafter, whenever the Councillor wishes to change either address and at which address the Councillor shall accept service and or receipt of any notice to attend a meeting and any other official communication from the Council.
- 8.2 All documentation relevant to any Council or Committee meeting shall be given to all Councillors at least five calendar days prior to an ordinary Council or Committee meeting and two calendar days prior to a special Council or special Committee meeting.
- 8.3 All Councillors shall inform the Speaker of any change of his contact details within three days of such change.
- 8.4 Subject to rule 5(3), notice to attend a meeting shall be displayed on the public notice boards of the Municipality.

9. Non-receipt of notice

- 9.1 A Councillor may request an investigation regarding the non-receipt of a notice to attend a meeting.
- 9.2 Non-receipt of a notice to attend a meeting, or decisions taken at such meetings, shall not affect the validity of any meeting or proceedings of Council or any of its Committees.

CHAPTER 4 - QUORUM

10. Quorum

- 10.1 Notwithstanding that there may be vacancies, the quorum of Council, or any of its Committees, shall be fifty percent (50%) plus one (1) of the total number of Councillors determined in accordance with the Municipality's establishment notice, or appointed to the Committee by Council, before a vote may be taken on any matter.
- a) Subject to a quorum, the failure of any Councillor to vote shall not invalidate the proceedings of the Council meeting.
- 10.2 Notwithstanding that there may be vacancies; a majority of the number of Councillors appointed to a Committee of Council shall be present at a meeting of the Committee before a vote may be taken on any matter.
- a) Subject to a quorum, the failure of any Councillor to vote shall not invalidate the proceedings of the Committee meeting.

11. Cancellation and adjournment in absence of quorum

- 11.1 No meeting shall take place, if no quorum is present fifteen minutes after the time at which a meeting was due to commence, unless it is unanimously agreed by the Councillors present

- to allow further time not exceeding fifteen minutes for a quorum, where after if no quorum is present, the meeting shall be cancelled.
- 11.2 If during discussion on an item at any meeting of Council or any of its Committees the attention of the Speaker or Chairperson is called to the number of Councillors present, he or she shall—
- (a) count the Councillors present;
 - (b) if it is found that there is no quorum, the Speaker or Chairperson must adjourn the meeting and allow an interval of fifteen minutes for a quorum to become present;
 - (c) if a quorum becomes present after the adjournment then the meeting shall continue;
 - (d) if no quorum becomes present after the adjournment then the Chairperson or Speaker shall forthwith adjourn the meeting.
- 11.3 When a meeting is adjourned as a result of no quorum, the meeting shall be re-convened within seven days as a continuation meeting.

CHAPTER 5 - ATTENDANCE

12. Attendance

- 12.1 All Councillors shall punctually attend and remain in attendance at each meeting of the Council and a Committee of which that Councillor is a member except when:-
- a) leave of absence is granted in terms of rule 13;
 - b) that Councillor is required to withdraw in terms of rule 46(2);
 - c) that Councillor is absent with the permission of the Speaker or Chairperson.
- 12.2 Each Councillor attending any meeting of the Council or a Committee of the Council shall sign an attendance register provided for that purpose.
- 12.3 The attendance register shall be filed in the office of the Municipal Manager.
- 12.4 Any Councillor who is entitled to leave of absence in terms of rule 13 and no longer requires such leave may attend the meeting from which leave of absence was granted and sign the attendance register.

13. Leave of absence

- 13.1 Leave of absence shall not be granted in such a manner that more than the number required for a quorum will at any one time be absent.
- 13.2 If a Councillor is characterized by either (a), (b) or (c) below he or she shall, as soon as is reasonably possible and prior to that meeting, lodge with the Municipal Manager a written application for leave of absence from the whole or any part of the meeting concerned, which application must provide reasonable and bona fide reasons for the application, which application must provide reasonable and bona fide reasons for the application and show good cause for the granting of the application.
- (a) is unable to attend a meeting of which notice had been given; or
 - (b) is unable to remain in attendance at a meeting; or
 - (c) will arrive after the stipulated commencement time of a meeting,
- 13.3 The Municipal Manager shall as soon as possible inform the Speaker or Chairperson of the meeting concerned of any application for leave of absence received.
- 13.4 The Speaker or Chairperson of the meeting concerned shall as soon as possible consider an application for leave of absence and either grant or reject the application with reasons and immediately inform the Municipal Manager of his decision.

- 13.5 The Municipal Manager shall as soon as is reasonably possible, inform a Councillor who has applied for leave of absence of the Speaker or Chairperson's decision. The Councillor has the right to contest the decision by means of a written submission to the Municipal Manager who will submit the matter to Council for consideration.
- 13.6 A Councillor shall be deemed absent without leave from the meeting concerned where an application for leave of absence has not been granted and he or she—
- (a) failed to attend a meeting; or
 - (b) failed to remain in attendance at a meeting.
- 13.7 Where a Councillor fails to remain in attendance at a meeting –
- (a) without being granted permission to do so; or
 - (b) without obtaining permission from the Speaker or Chairperson to leave prior to the close of the meeting, the time of leaving must be recorded in the minutes of the meeting and that Councillor shall be deemed to have been absent without leave at that meeting;
- 13.8 Where a Councillor arrives late at a meeting, without obtaining permission to do so, the time of arrival and the reasons for the late attendance must be recorded in the minutes of the meeting and the Councillor may attend the meeting and sign the attendance register in terms of rule 12(2).
- 13.9 Leave of absence for two or more consecutive Council or Committee meetings shall be sanctioned by the Council or the relevant Committee.

14. Non-attendance

- 14.1 Subject to compliance with the procedure set out in rule 13, a Councillor who is absent without good cause from a meeting, of which notice has been given, shall be liable to pay a fine equivalent to one week's remuneration, which fine may be deducted from remuneration due to the Councillor concerned.
- 14.2 Where a Councillor has been absent without obtaining leave from a meeting—
- (a) the Rules Committee as contemplated in rule 43 or the Speaker or Chairperson as the case may be, shall invite the Councillor to provide a formal explanation setting out the reasons for the Councillor's absenteeism from the meeting;
 - (b) the Speaker or Chairperson shall consider the explanation and decide whether or not the Councillor was absent with good cause, providing appropriate reasons for the decision;
 - (c) the Councillor may appeal in writing to the Speaker's or Chairperson's decision within seven days of receipt of such decision.
 - (d) the Council or Committee, as the case may be, shall—
 - (i) allow the Councillor an opportunity to make representations, oral or written; and
 - (ii) consider the Councillor's appeal, together with any comments from the Speaker or Chairperson of the meeting concerned;
 - (iii) make a finding as to whether the Councillor was absent with or without good cause.
- 14.3 The Municipal Manager shall keep a record of all incidents in respect of which Councillors have been found to be absent or deemed to be absent without leave and without good cause and shall submit a written report to the Speaker whenever a Councillor is absent from three or more consecutive meetings which that Councillor was required to attend.
- 14.4 Where the Speaker receives a report in terms of rule 14(3), the Speaker must submit the report to Council and direct that the matter be investigated in accordance with Item 14 of the Code of Conduct.

CHAPTER 6 - ADJOURNMENT

15. Adjourned meetings

Subject to rule 11(3), a Council or Committee meeting may, by majority vote, be adjourned to another day or hour but no later than 14 days after the original meeting.

16. Continuation meeting

- 16.1 When a meeting is adjourned, notice of the continuation meeting shall be served in terms of rule 8.
- 16.2 No business shall be transacted at a continuation meeting except such as is specified in the notice of the meeting, which was adjourned.

CHAPTER 7 - PROCEEDINGS**17. Speaker and Chairpersons of meetings**

- 17.1 At every meeting of the Council, the Speaker, or if he or she is absent, an acting Speaker, shall be the Chairperson and shall perform the duties stipulated in terms of section 37 of the Structures Act and must ensure that each Councillor when taking office is given a copy of these rules and orders and the Code of Conduct.
- 17.2 The Speaker and Chairperson of Council and Committee meetings:-
(a) must maintain order during meetings;
(b) must ensure compliance in the Council with the Code of Conduct for Councillors;
(c) must ensure that meetings are conducted in accordance with these standing rules and orders.
- 17.3 If the Speaker or Chairperson of the Council or Committee of the Council is absent or not available to perform the functions of Speaker or Chairperson, or during a vacancy, the Council or Committee under the direction of the Municipal Manager or his/her nominee shall elect another Councillor to act as Speaker or Chairperson as the case may be.
- 17.4 No meeting of the Council or a Committee of the Council may commence or continue unless a Speaker or Chairperson presides at a meeting.

18. Minutes

- 18.1 The proceedings of every Council meeting shall be electronically recorded and retained in accordance with the Archives and Record Service of South Africa Act, 43 of 1996.
- 18.2 Written minutes of the proceedings of each Council and Committee meeting shall be accurately recorded and retained in accordance with the Archives and Record Service of South Africa Act, 43 of 1996.
- 18.3 The approved minutes of every meeting of a Council or Committee other than in-Committee meetings shall be available to the public through the Municipal website, and upon request.
- 18.4 Where the Municipal Manager is of the opinion that any resolution or proceeding of a Council or Committee meeting may be in contravention of any law or by-law, he or she shall advise the Council or Committee accordingly and full details of such opinion shall be recorded in the minutes.

19. Order of business

- 19.1 The order of business at every meeting of the Council or its Executive Committee or Committee of Council is preceded by the following procedure as follows:
(a) the Speaker and the Mayor enter the meeting room and stand at their places (Council

and EXCO);

(b) the Speaker, or Chairperson, indicates to all present that the meeting is to commence shortly and requests a member to commence the meeting with a prayer;

(c) short prayer;

19.2 The order of business at every meeting, following the procedure in 19(1) is as follows:

(a) notice of meeting;

(b) applications for leave of absence;

(c) confirmation of minutes of previous meeting;

(d) announcements by the Chairperson;

(e) declarations of pecuniary or other interests;

(f) deputations;

(g) reports;

(h) notices of motion;

(i) matters arising from previous minutes; and

(j) general matters of an urgent nature.

19.3 The Speaker or Chairperson may, in his discretion, at any stage bring forward any business that is on the agenda paper.

20. Confirmation of minutes of previous meeting

20.1 The minutes of every meeting shall be confirmed at the next ordinary meeting of that Council or Committee and shall be signed by the Speaker or Chairperson.

20.2 No motion or discussion shall be allowed upon the minutes of a previous meeting, other than relating to the accuracy of those minutes.

21. Deputations

21.1 A deputation wishing to address the Council or a Committee of Council shall submit a memorandum to the Municipal Manager in which is set out the representations it wishes to make.

21.2 A request by a deputation to address the Council or a Committee of the Council shall be approved by the Speaker or relevant Chairperson.

21.3 The Municipal Manager shall submit the memorandum to the Council or a Committee of the Council, which may receive the deputation.

21.4 Any matter requiring consideration arising from a deputation, shall not be further considered by the Council or Committee until the deputation has withdrawn provided that questions of clarity may be permitted.

21.5 A member of the public, other than a deputation, who wishes to speak at a Council or Committee meeting, shall obtain the permission of the Speaker or Chairperson to do so, prior to the commencement of the meeting.

21.6 When speaking at a Council or Committee meeting, a member of the public and a deputation must comply with any directions or orders given by the Speaker or Chairperson.

21.7 If a member of the public or a deputation conducts himself/herself in a disorderly and unruly manner at any time, the Speaker or Chairperson must direct that that member remove himself or be removed by a Peace Officer from the precincts.

21.8 Any member of the public or deputation who fails or refuses to comply with the Speaker's or Chairperson's directions in terms of rule 21(6) and rule 21(7) shall be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding one month or both such fine and such imprisonment.

22. Reports

- 22.1 Any report submitted to the Council or a Committee of the Council shall, with the exception of a report accepted by the Speaker or Chairperson as a matter of urgency, be provided to Councillors in terms of rule 8.
- 22.2 The Speaker or Chairperson shall allow debate in accordance with chapter 10 on any report submitted to the Council or a Committee of the Council, at the meeting at which that report is submitted and if the debate is incomplete or does not take place for any reason whatsoever, then the debate in respect of that report shall be held, at the next meeting.
- 22.3 Before the Council takes a decision on any of the following matters it shall first require the Executive Committee to submit to it a report and recommendation on the matter:
- (a) the passing of by-laws;
 - (b) the approval of budgets;
 - (c) the imposition of rates and taxes, levies and duties;
 - (d) the raising of loans;
 - (e) the approval of an integrated development plan and/or any amendment to the plan;
 - (f) the appointment and conditions of service of the Municipal Manager and any Head of Department of The Municipality.

23. Motions

- 23.1 No subject shall be brought before Council or a Committee of Council by a Councillor except by way of notice of motion.
- 23.2 A notice of motion must –
- (a) be in writing; and
 - (b) be signed by the Councillor submitting it and by another Councillor acting as seconder; and
 - (c) refer to one matter only.
- 23.3 A notice of motion shall be lodged with the Municipal Manager before 12h00 ten calendar days prior to the next meeting, failing which the notice will be considered at the next ensuing meeting.
- 23.4 The Municipal Manager shall–
- (a) date and number each notice of motion;
 - (b) enter each notice of motion lodged in a register, which shall be open to inspection by any Councillor and the public; and must
 - (c) enter each notice of motion on the agenda in the order received.
- 23.5 The Speaker or Chairperson shall–
- (a) read out the number of every motion and the name of the mover and seconder;
 - (b) ascertain which motions are unopposed and these shall be passed without debate; and
 - (c) call the movers of the opposed motions in the order they appear on the agenda.
- 23.6 A Councillor submitting a motion shall move such motion and shall have the right of reply.
- 23.7 A motion shall lapse if the Councillor and seconder who submitted it is not present at the meeting when such motion is being debated.
- 23.8 A Councillor shall be allowed not more than three notices of motion on the same agenda.
- 23.9 The Speaker or Chairperson shall not reject a motion received by him or her in terms of these rules.

24. Questions

- 24.1 A Councillor may put a question requiring a written reply from any political or Municipal office bearer of the Municipality concerning any matter related to the effective performance of the Municipality's functions and the exercise of its powers, provided that written notice of the question has been lodged with the Speaker or Chairperson and the

Municipal Manager at least seven days prior to the Council or Committee meeting and the Municipal Manager must ensure that the Councillor receives a written reply from that political or Municipal office bearer, at the Council or Committee meeting.

- 24.2 If after a question has been replied to, a Councillor is of the opinion that the reply is not clear and is ambiguous, he or she may, with the consent of the Speaker or Chairperson, request a follow-up question.

25. Supply of information to a Councillor

- 25.1 No Councillor shall approach or communicate with any officer of the Municipal administration concerning the business of the Municipality other than when exercising his rights or liberties as an ordinary member of the public.

- 25.2 A Councillor may approach and communicate with the Municipal Manager or any head of department or any officer of the Municipal administration specifically designated by the Municipal Manager or by the head of department concerned for this purpose, in order to obtain such information as he or she may reasonably require for the proper performance of his duties as a Councillor.

26. General matters of an urgent nature

- 26.1 General items of an urgent nature may be placed on an agenda by the Municipal Manager and any member of the Council with the prior consent of the Speaker or Chairperson, which consent shall not be unreasonably withheld.

- 26.2 Prior to adoption, Councillors must be afforded reasonable time to peruse and consider any report or official documents submitted to the Council.

27. Interpretation

- 27.1 In recognition of Individual rights, an interpreter may be requested and used in meetings of the Council and Committees of the Council.

28. In-Committee

- 28.1 Subject to rule 5, the Council or a Committee of Council may, at any time, resolve to proceed in- Committee.

- 28.2 The public shall be excluded from any in-Committee meetings.

- 28.3 The Municipal Manager or another official exempted from this rule by the Speaker or Chairperson shall not be excluded from any in-Committee meeting.

- 28.4 All proceedings in-Committee must be recorded in terms of rule 18(1) and 18(2) and shall be confidential

- 28.5 Unauthorised disclosure of any confidential matter must be dealt with in terms of the Code of Conduct.

CHAPTER 8 - VOTING

29. Decisions by voting

- 29.1 A quorum shall be present in order for a vote to be taken.

- 29.2 All questions concerning the following matters shall be determined by a decision taken by the Council with a supporting vote of a majority of the number of Councillors determined in accordance with the Municipality's establishment notice:-

- a) the passing of by-laws;
- b) the approval of budgets;

- c) the imposition of rates and other taxes, levies and duties;
 - d) the raising of loans;
 - e) the rescission of a Council resolution within 6 months of the taking thereof; and
 - f) any other matter prescribed by legislation.
- 29.3 All other questions before the Council shall be decided by a majority of the votes cast by the Councillors present.
- 29.4 If on any matter there is an equality of votes, the Speaker or Chairperson may exercise a casting vote in addition to a deliberative vote as a Councillor, provided that a Speaker or Chairperson shall not exercise a casting vote during the election of any office bearer of Council.
- 29.5 A Councillor may not vote in favour of or agree to a resolution which is before the Council or a Committee of the Council which conflicts with any legislation applicable to Local Government.

30. Method of voting

- 30.1 Voting shall be by a show of hands unless the law prescribes otherwise, or the Council or Committee by resolution of a majority of the Councillors present resolves to proceed with a secret written ballot.
- 30.2 During the taking of a vote no Councillor may leave or enter the Council chamber or Committee room.
- 30.3 The Municipal Manager or his nominee, shall count the votes cast and shall record the result of voting, but the Speaker or Chairperson shall announce the result.

31. Dissenting votes

- 31.1 A Councillor may request that his dissenting vote be recorded as evidence of how he or she voted on the motion.

CHAPTER 9 - REVOCATION OF COUNCIL AND COMMITTEE RESOLUTIONS

32. Revocation of Council Resolutions

- 32.1 Approval to revoke or alter a resolution of Council may not be delegated to any person or Committee.
- 32.2 Prior notice of an intention to move a motion for the revocation or alteration of a Council resolution must be given.
- 32.3 Any revocation or alteration of a Council resolution shall be made in terms of rule 29(2)(e).

33. Revocation of Committee Resolutions

- 33.1 Approval to revoke or alter a resolution of a Committee of the Council may not be delegated to any person.
- 33.2 Prior notice of an intention to move a motion for the revocation or alteration of a resolution of a Committee of the Council shall be given.
- 33.3 Any revocation or alteration of a resolution of a Committee of the Council shall be approved by a majority of the number of the members of that Committee.

CHAPTER 10 - DEBATE

34. Opportunity to speak

- 34.1 A Councillor may only speak when so directed by the Speaker or Chairperson.
- 34.2 A Councillor may indicate a desire to speak by raising his hand and awaiting the direction of the Speaker or Chairperson, which direction shall not be withheld.
- 34.3 Councillors and Officials shall direct their address to the Speaker or Chairperson.

35. Relevance

- 35.1 Every Speaker shall restrict him or herself strictly to the matter under consideration.

36. Length of speeches

- 36.1 Other than the delivery of the Mayoral report or the presentation of the estimates of income and expenditure, no speech shall exceed five minutes in length without the consent of the Speaker or Chairperson.

37. Councillors to speak only once

- 37.1 A Councillor may not speak more than once on any motion or proposal unless permission to do so is granted by the Speaker or Chairperson provided that the mover of the motion may speak to the motion, shall have the right of reply and the reply shall be confined to answering previous speakers and shall not introduce any new matter into the debate.

38. Precedence of the Speaker or Chairperson

- 38.1 Whenever the Speaker or Chairperson rises during a debate, any Councillor then speaking or offering to speak must seat himself/herself and the Councillor must be silent, so that the Speaker or Chairperson may be heard without interruption.

39. Points of order

- 39.1 Any Councillor may raise a point of order at any time by standing to draw the attention of the Speaker or Chairperson.
- 39.2 The point of order takes precedence over everything else in the meeting and the Speaker or Chairperson must grant immediate hearing to the Councillor raising the point of order and rule accordingly.
- 39.3 The ruling of the Speaker or Chairperson on a point of order shall be final and shall not be open to discussion.

40. Explanation

- 40.1 Any Councillor may speak in explanation, provided that such explanation is confined to some material part of the discussion, which may have been misunderstood.

CHAPTER 11 - CONDUCT**41. General conduct**

- 41.1 Councillors and Officials shall during any Council or Committee meeting—
- (a) conduct the business in the highest decorum and integrity that the occasion deserves;
 - (b) shall, at all times adhere to the principles contained in the code of conduct

- and these rules and orders;
- (c) shall at all times adhere to the rule of law and the by-laws of the Municipality;
 - (d) shall be dressed appropriately for the dignity of the meeting;
 - (e) shall not use offensive or objectionable language;
 - (f) shall not use a cellular phone during, bring a firearm or any dangerous weapon into, a meeting of Council or any of its Committees;
 - (g) shall not converse aloud with any person;
 - (h) shall not interrupt any person whilst speaking, except to call attention-
 - (i) to a point of order;
 - (ii) to a point of clarification;
 - (iii) to a question of privilege as provided for in Section 28 of the Structures Act.

42. Misconduct

- 42.1 The Speaker or Chairperson may order a Councillor to withdraw and apologise for any word, statement, opinion or gesture made by that Councillor or Official.
- 42.2 If a Councillor or Councillors, or Official or Officials, behave improperly during a meeting of Council or any of its Committees, the Speaker or Chairperson shall direct the Councillor or Councillors or official or Officials to conduct himself or themselves properly and, if speaking, to stop speaking and resume his/her seat or seats.
- 42.3 In the event of persistent disregard of the directions of the Speaker or Chairperson, the Speaker or Chairperson shall direct such Councillor or Councillors or Official or Officials to retire from the meeting and remove himself/herself or themselves from the place of meeting until the item under discussion has been finalized.
- 42.4 In the event that any misconduct by a Councillor or Councillors or Official or Officials prejudices the proceedings of the Council or Committee the Speaker or Chairperson must adjourn the meeting and any such misconduct by a Councillor or Councillors or Official or Officials must be dealt with in terms of these standing rules and orders and the Code of Conduct.
- 42.5 Any Councillor or Official who refuses to leave a meeting of the Council or a Committee of the Council when directed to do so by the Speaker or Chairperson of a meeting in terms of any rule in these rules and orders, may be forcibly removed and shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one month or to both such fine and such imprisonment.

CHAPTER 12 - COMMITTEES

43. Rules Committee

- 43.1 The Municipal Council may by resolution of a majority of Councillors establish a special Committee to be known as the Rules Committee to investigate and make findings on any alleged breaches of the Code of Conduct, including sanctions for non-attendance at meetings and to make recommendations regarding any other matter concerning the Rules and Orders.
- 43.2 The Rules Committee shall consist of the Speaker, the Mayor and one representative of each political party represented on the Council, such representative to be nominated from time to time by each political party.

44. Own rules

- 44.1 Every Committee of the Council shall determine its own procedures subject to any directions from Council and these standing rules and orders.
- 44.2 Chapter 10 of these rules and orders may be relaxed by a Chairperson of a Committee to accommodate interactive and effective participation, provided that the Chairperson may, at his/her discretion, apply the provisions of any rule contained in chapter 10.

45. The Chairperson

- 45.1 The Chairperson of a Committee shall–
(a) preside at every meeting of the Committee at which he or she is present; and
(b) be entitled to vote in the first instance and in the case of an equality of votes in addition to his deliberative vote, shall give a second or casting vote.
- 45.2 In his absence, the Acting or Deputy Chairperson shall have the same powers and rights of voting as those possessed by the Chairperson.

CHAPTER 13 - PECUNIARY INTEREST**46. Declaration of pecuniary interest**

- 46.1 A Councillor shall disclose to the Municipal Council, or to any Committee of which that Councillor is a member, any direct or indirect personal or private business interest that that Councillor, or any spouse, partner or business associate of that Councillor may have in any matter before the Council or Committee.
- 46.2 The Councillor making a declaration shall withdraw from the proceedings of the Council or Committee unless the Council or Committee decides that the Councillor's direct or indirect interest in that matter is trivial or irrelevant.
- 46.3 A Councillor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the Municipality, must disclose full particulars of the benefit of which the Councillor is aware at the first meeting of the Council at which it is possible for the Councillor to make disclosure.
- 46.4 The disclosure of interests in terms of rule 46(1) and benefit in terms of rule 46(3) does not apply to an interest or benefit which a Councillor, or a spouse, partner, business associate or close family member, has or acquires in common with other residents of the Municipality.

CHAPTER 14- BREACH AND SANCTIONS**47. Breach**

- 47.1 Any Councillor who fails or refuses to obey any of these rules and orders, or any resolution of Council may be guilty of a breach of the Code of Conduct.

48. Sanction

- 48.1 Where it is alleged that a Councillor has breached these rules, the Council must, in terms of Item 14 of the Code of Conduct, investigate the alleged breach and may impose a sanction.

CHAPTER 15 - GENERAL PROVISIONS**49. Suspension of a rule or order**

- 49.1 In instances of urgency or where a Council considers that adherence to a rule would be unreasonable and would prejudice the operation of a meeting of the Council, then the Council may with the approval of the majority of the number of Councillors of the Municipality and for the duration of that meeting, temporarily relax the provisions of a rule, provided that:
- (a) Such relaxation must not be in contravention of any national or provincial legislation or any by-law of the Municipality;
 - (b) No rule may be relaxed when the removal of any political office bearer is before the Council.
 - (c) The suspension or relaxation of the rule relates to an item on the agenda for the meeting of the Council or Committee of the Council; and
 - (d) Rule 22 must not be suspended;
 - (e) the reasons for the suspension of the rule are recorded in the minutes of the meeting.

50. Adoption as by-laws

- 50.1 These rules and orders shall be adopted as a by-law of the Municipality.

51. Repeal of existing by-laws

- 51.1 The Council's existing by-laws in respect of rules and orders are hereby repealed.

52. Short title and commencement

- 52.1 These standing rules and orders shall be called the Ugu Municipal Standing Rules and Orders, 2013, and shall come into operation on the date of adoption by Council, 19 September 2013.

No. 71

30 kuNhlanguvana 2014

<u>UGU DISTRICT MUNICIPALITY</u>	
IGAMA NGOKOMTHETHO KAMASIPALA	IMITHETHO NEMIGOMO YEMIKHANDLU YOMASIPALA KANYE NAMAKOMIDI OMKHANDLU
INKOMBA NOMBOLO	
ISIKHUNDLA (Sokuqala, Sesibili noma Ngomthethetho okuvunyelwene ngawo)	Isiphakamiso sokuqala: 26 uMfumfu 2012
USUKU	Isiphakamiso sesibili: 19 uLwezi 2012
NGOKWAMUKELWA	uMKHANDLU
USUKU OKWAMUKELWE NGALO	19 uMandulo 2013
USUKU LOKUGCINA LWEZICHIBIYELO	24 uNhlaba 2008
USUKU OLULANDELAYO LOKUBUYEZEKA	
USUKU LOKWAZISA KWISIZINDALWAZI	

IMITHETHO NEMIGOMO YEMIKHANDLU YOMASIPALA KANYE NAMAKOMIDI OMKHANDLU**ISANDULELO**

NJENGOBA wonke umuntu oyikhansela likamasipala kumele akwemukele ukuthi umsebenzi omkhulu wohulumeni basekhaya ngukwenza lokho okuyizidingo zomphakathi zikhathi zonke, kumele azinikele ohlelweni lohulumeni basekhaya lokusebenza ngokuzimisela nangentando yeningi, agqugquzele isithunzi nokufaneleka emisebenzini eyenziwa ngohulumeni basekhaya futhi agcine ukuziphatha okwakhayo, okukhuthele nokubonakalayo kohulumeni basekhaya aphinde angxile ekuzibophezeleni kokusiza umphakathi njengomuntu okhethiwe, kumele azinikele ngokusezingeni elicokeme ngokuba yisibonelo sokuhlonipheka nokwethembeka kukho konke ukuxhumana nomphakathi noma nomuntu ngamunye ukuze umphakathi, izikhulu zikamasipala nabasebenzi behlomule enhlonipheni nasekuzethembeni kwalabo abakhethiwe, kumele abeke aphinde afezekise izinjongo zomphakathi futhi agcine imithetho kamasipala, kumele akugweme ukugxambukela ezindabeni zokuphathwa kukamasipala nakho konke ukubamba iqhaza ezintweni ezithintana nepolitiki okuyinto engakhinyabeza ukusebenza njengomuntu okhethiwe, kumele akwenze kube ngumsebenzi wakhe ukuqhubeka nokuthuthuka emisebenzini ayenzayo nokukhulisa ulwazi oludingekayo lokwenza imisebenzi yakhe njengomuntu okhethiwe, kumele agcine umphakathi wazi ngokusuka nokuhlala kwezindaba ezenzeka kuMasipala, kumele agqugquzele ukuxhumana nobungani nokusiza umphakathi ngesizotha futhi azame ukukhulisa izinga nesithombe samakhansela kamasipala, kumele abhekane nenselelo ngayinye njengoba injalo ngaphandle kokucwasa alandele imigomo yobulungiswa nokusebenza ngeqiniso, angabheki ukubhekelelwa futhi azi ukuthi ukuzihlomulisa noma ukuzenzela inzuzo okwenziwa ngumuntu osesikhundleni sekhansela kungukungathembeki, kumele abambebele eMthethweni wokuziPhatha kwama-Khansela, ahambisane nemithetho nokujutshwa kanye nemithetho yomkhandlu kamasipala futhi ngaso sonke isikhathi ahloniphe ukusebenza komthetho.

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**ISAHLUKO 1
IZINCAZELO****IZINCAZELO**

1. Kule mithetho noma yiliphi igama noma ukuphawula kumele kube nencazelo efanayo naleyo esemthethweni okhona, ngaphandle uma ingqikithi isho okunye -

"imithetho kamasipala" kusho imithetho egunyazwe nguMkhandlu kaMasipala;

"usihlalo" kusho ikhansela elikhethiwe ngokugcwele noma elisabambe okwesikhashana ukuze liqondise noma lisingathe noma yimuphi umhlangano womkhandlu;

"umkhandlu" kusho isigungu sikaMasipala;

"indlela yokuziphatha" kusho iNdlela yokuziPhatha yamaKhansela equkethwe uHlelo 1 loMthetho weziNhlelo;

"imininingwane yokuxhumana" kusho ikheli lendawo yokuhlala, ikheli leposi, i-imeyili, inombolo yocingo, inombolo yesikhahlemezi noma inombolo kamakhalekhukhwini;

"usuku lwekhalenda" kusho usuku olungamahora angamashumi amabili nane njengoba kutshengisiwe nasekhalendeni;

"ikhansela" kusho ilungu lesigungu sikamasipala;

"usuku" kusho usuku olufanayo nezinye ngaphandle koMgqibelo, kweSonto neholidi;

"inxusa" kusho umuntu noma iqembu labantu abafisa ukuzivelela ngokwabo phambi komkhandlu noma ekomidini lomkhandlu ukuze bathule okuthile emkhandlwini noma ekomidini lomkhandlu;

"ikomiti eliphethe" kusho ikomidi eliphethe lomkhandlu elisungulwe ngokwesiGaba 43 soMthetho weziNhlaka;

"incazelo" kulapho kucaciswa khona ezinye izinto eziphathekayo enkulumweni yekhansela okungenzeka ukuthi aziqondakalanga;

"ikomidi langaphakathi" kusho noma yimuphi umhlangano womkhandlu noma ikomidi lapho umphakathi kanye noma izikhulu zishiywa ngaphandle;

"uhlelo lwentuthuko oludidiyele" kusho uhlelo lwepulani olulodwa noma oludidiyele lwentuthuko lukamasipala olusetshenziswayo ngokweSahluko 5 soMthetho weziNhlelo;

"usodolobha" kusho ikhansela eliqokwe njengosodolobha kamasipala ngokwesigaba 48 soMthetho weziNhlala;

"umhlangano" kusho umhlangano womkhandlu noma wanoma yiliphi elinye lamakomidi awo;

"impahla kamasipala" kusho noma yiyiphi impahla egudluzekayo, engagudluzeki, ebonakalayo, engabonakali ephathekayo engaphatheki umasipala angumnini wayo;

"imenenja kamasipala" kusho umuntu oqokwe njengemenenja kamasipala ngokwesigaba 82 soMthetho weziNhlaka futhi kuhlanganisa noma yimuphi umuntu obambe lesi sikhundla;

"isaziso sesinyathelo" kusho indlela amakhansela angabeka ngayo izihloko ohlelweni lomhlangano womkhandlu ngokomthetho 23;

"oqaphe ukuthula" kusho noma yimuphi umuntu ohlonzwe njengomuntu oqaphe ukuthula

ngokoMthetho woHlelo lobuGebengu, 1977 (uMthetho No. 51 ka 1977);

"**ukubuyisela endleleni**" kusho ukuphawula kunoma yisiphi isiphazamiso nanoma yikuphi ukwahluka, ekuziphatheni kanye nanoma yikuphi ukungahambisani nokuqhubeka komhlangano;

"**isithangami**" kusho indawo yokuhlanganyela yomkhandlu nazo zonke ezinye izindawo zomhlangano, izindawo lapho umphakathi wamukelekile ukungena kanye nazo zonke ezinye izindawo lapho imihlangano yomkhandlu noma yekomidi lomkhandlu ibanjelwa khona;

"**umphakathi**" kubandakanya nabezindaba futhi kuchaza noma yimuphi umuntu ohlala kwiRiphabhuliki yaseNingizimu Afrika.

"**isivumelwano sokulethwa kwezidingo**" kusho isivumelwano phakathi kukamasipala nesikhungo noma umuntu obalulwe kwisigaba 76(b) soMthetho weziNhlelo lapho umasipala ehlinzekwa khona yilesi sikhungo noma yilowo muntu, kungaba ukuhlinzekwa kwakhe qobo noma esikhundleni sikamasipala;

"**usomlomo**" kusho usihlalo womkhandlu okhethwe ngokwesigaba 36 soMthetho weziNhlaka futhi kubandakanya nanoma yimuphi omunye usomlomo obambile uma ekhethelwe ukwenza imisebenzi kasomlomo.

"**uMthetho weziNhlaka**" kusho uMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998);

"**uMthetho weziNhlelo**" kusho uMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000);

"**ukubeka etafuleni**" kusho ukuthumela noma yimuphi umbiko noma incwadi esemthethweni emkhandlwini noma ekomidini lomkhandlu ukuze ucutshungulwe emhlanganweni womkhandlu noma wekomidi lomkhandlu elinikezwe isaziso ngokwemibandela yale mithetho ngemigomo;

"**Ubulili nesibalo**" – Kunoma yimuphi umthetho, ngaphandle uma kuba nezinhliso zokuphikisana, amagama afaka ubulili besilisa ahlanganisa nobulili besifazane futhi amagama asho isibalo esisodwa ahlanganisa izibalo esiningi, futhi amagama asho izibalo esiningi ahlanganisa nesibalo esisodwa.

ISAHLUKO 2 UKUSEBENZA NOKUHUNYUSHA KWEMITHETHO NEMIGOMO

2. Ukusetshenziswa kwale mithetho nemigomo

- (1) Le mithetho nemigomo ibusa ukusebenza komkhandlu namakomidi omkhandlu ibophezela futhi iphoqa ukuba isetshenziswe -
 - (a) yiwo wonke amakhensela;
 - (b) yinoma yiliphi ilungu lomphakathi elikhona esithangamini;
 - (c) yinoma yiliphi inxusa elizokhuluma nomkhandlu noma nekomidi lomkhandlu; kanye
 - (d) nanoma yisiphi isikhulu sikamasipala.

3. Ukuhunyushwa kwale mithetho nemigomo

- (1) Noma yikuphi ukuhunyushwa kwale mithetho nemigomo kumele kwenziwe ngokuhambisana nokulawula koMthethosisekelo, komthetho kazwelonke, wesifundazwe kanye nokamasipala, nokubusa komthetho kanye nobulungiswa.
- (2) Isinqumo sikasomlomo noma usihlalo mayelana nokuhunyushwa kwale mithetho nemigomo emhlanganweni womkhandlu noma wekomiti lomkhandlu, ngokususela emithethweni 3(5) no 3(6), kuyokuba yisinqumo esingujuqu.

- (3) Ukuhunyushwa nokunquma kukasomlomo noma usihlalo kunoma yimuphi wale mithetho nemigomo kumele kuqoshwe emaminihini omhlangano womkhandlu noma wekomidi lomkhandlu.
- (4) Imenenja kaMasipala kumele igcine irejista yezinqumo kanye nemibono yomthetho.
- (5) Noma yiliphi ikhansela lingacela imenenja kamasipala, ngokubhalwe phansi ezinsukwini eziyisihlanu kuthathwe isinqumo esithathwe ngokomthetho 3(2), ukuthi lithile incazelo ngokuhunyushwa nangeqinqumo nangombiko womkhandlu noma wekomiti lomkhandlu.
- (6) Umkhandlu noma ikomiti lomkhandlu ngemuva kokubheka umbiko ngokomthetho 3(5) kumele uqinisekise, uchibiyele noma ushintshe isinqumo sikasomlomo noma usihlalo, mayelana nanoma yimaphi amalungelo angathinta noma yimuphi umuntu wesithathu ngenxa yokunquma kanye nazo zonke izinqumo ezithinta amalungelo abanye kumele kubhalwe phansi futhi izizathu zalezo zinqumo kumele ziqoshwe.

ISAHLUKO 3

IZIKHAWU, UKWEMUKELEKA KOMPHAKATHI NEZAZISO ZEMIHLANGANO

4. Imihlangano yomkhandlu

- (1) Umkhandlu kumele ubambe imihlangano ejwayelekile yomkhandlu okungenani kanye ezinyangeni ezintathu.
- (2) Usomlomo kumele asingathe yonke imihlangano yesigungu ngokomthetho 4 (1) no 6.

5. Ukwamukeleka komphakathi

- (1) Yonke imihlangano yomkhandlu naleyo yamakomidi kumele ivuleleke emphakathini, futhi umkhandlu noma ikomidi lomkhandlu lingangashiya ngaphandle umphakathi emhlanganweni, ngaphandle uma umkhandlu noma ikomidi, ngenxa yohlobo lodaba oludingidwayo noma uma ukuvela kwanoma yiluphi udaba kungangaba nokukhunyabeza izinhloso zikamasipala, ubona kunesizathu esizwakalayo sokwenzenjalo ngokuhambisana nemigomo yomphakathi ovulelekile futhi wentando yeningi.
- (2) Umkhandlu noma ikomidi lomkhandlu, nganoma yisiphi isizathu, angeke lishiye ngaphandle umphakathi lapho libheka, livota noma liphakamisa noma yiluphi udaba kulezi ezilandelayo:
 - (a) ukuklanywa kwemithetho kaMasipala emkhandlwini;
 - (b) ukwethulwa kwesabelomali emkhandlwini;
 - (c) uhlelo oludidiyele lwentuthuko lukamasipala, noma yisiphi isichibiyelo sohlelo, nanoma yisiphi isichibiyelo esibekwe phambi komkhandlu;
 - (d) uhlelo lokuphathwa kokusebenza lukamasipala, noma yisiphi isichibiyelo sohlelo, esibekwe phambi komkhandlu;
 - (e) isinqumo sokungena esivumelwaneni sokuletha izidingo kubantu.
 - (f) noma yimiphi imibiko emayelana nomithetho yokunikezwa kwezinkampani umsebenzi ngaphansi kweNqubomgomo yokuPhathwa kokuHlinzekwa kwemiSebenzi (Supply Chain Management Policy);
 - (g) ukuhlelwa noma ukutholakala kwempahla kaMasipala;
 - (h) noma yiluphi olunye udaba olubekwe umthetho.
- (3) Imenenja kaMasipala kumele inikeze isaziso emphakathini, ngendlela egunyazwe yisigungu, esisho isikhathi, usuku, nendawo yanoma yimuphi umhlangano ojwayelekile womkhandlu noma wekomiti lomkhandlu kanye nanoma yimuphi umhlangano okhethekile noma ophuthumayo womkhandlu noma wekomidi lomkhandlu, ngaphandle uma isikhathi singavumi ukuthi kwenzeke njalo.

6. Isaziso sokwethamela umhlangano ojwayelekile womkhandlu

- (1) Usomlomo kumele abize imihlangano yomkhandlu, okungenani kane ngonyaka, "ngeSaziso soMhlangano woMkhandlu" esisayindiwe, esisho usuku, indawo nesikhathi somhlangano esihambisana noma esiqukethe uhlelo lwalowo mhlangano ohlongozwayo.
- (2) Isaziso sokuhambela umhlangano ngokomthetho 6 (1) kumele sinikezwe okungenani-
 - (a) ezinsukwini eziyisihlanu zekhalenda ngaphambi kosuku lomhlangano; futhi
 - (b) ezinsukwini ezimbili zekhalenda ngaphambi kosuku lomkhangano ophuthumayo.

7. Umhlangano ophuthumayo

- (1) Usomlomo
- (i) ngenhloso yodaba lomkhandlu oluphuthumayo noma olubalulekile;
 - (ii) noma ngokucela kweningi lamakhansela kamasipala;
- kumele abize umhlangano ophuthumayo womkhandlu.
- (2) Umhlangano ophuthumayo kumele ubanjwe ngokuhambisana nomthetho 6(2)(b) kanye nomthetho 7(1)(ii) esikhathini esingekho ngaphansi kwezinsuku ezine kusukela osukwini okwamukelwe ngalo isicelo.
- (3) Isicelo sokubiza umhlangano ophuthumayo njengoba kuhlangozwe emthethweni 7 (1)(ii), –
- (a) siyosayinwa ngamakhansela omkhandlu angekho ngaphansi kwama-50% (fifty *per centum*) noyedwa ngaphezulu;
 - (b) sihambisane –
 - (i) nesaziso sesinyathelo esisayindiwe; futhi
 - (ii) isitatimende esibhalwe yikhansela elisayinde isaziso sesinyathelo esinikeza izizathu zokuthi kungani udaba oluhloswe ukudingidwa kulowo mhlango ophuthumayo lubalulekile futhi lungeke lusalinda umhlangano ojwayelekile womkhandlu.
 - (c) Ukuhambisana okuphelele nomthetho 7 (3)(a) no 7 (3)(b) kuchaza ukuthi usomlomo angeke asebenzise ukulawula kwakhe kodwa kumele abize umhlangano.

8. Ukukhishwa kwezaziso nohlelo lomhlangano (agenda)

- (1) Isaziso sokuhambela umhlangano noma okunye ukuhlangana okusemthethweni komkhandlu, kumele sithunyelwe –
- (a) ekhelini lendawo yokuhlala elisendaweni elawulwa ngumasipala; noma
 - (b) nge-imeyili;
 - (c) noma ngomqhafazo (SMS);
- kuncika ekutheni leyo mininingwane yokuxhumana kumele ithunyelwe yikhansela ngalinye kwiminenja kamasipala ezinsukwini ezimbili emva kokukhethwa kwamakhansela futhi, ngemuva kwalokho, noma nini laphi ikhansela linesifiso sokushintsha noma yiliphi ikheli futhi lelo kheli ikhansela kumele lithole kulo imiyalezo futhi noma lamukele noma yimuphi umyalezo wokuhambela umhlangano kanye nanoma yikuphi ukuhlangana okusemthethweni komkhandlu.
- (2) Onke amaphepha ahambisana nanoma yimuphi umhlangano womkhandlu noma ikomidi kumele anikezelwe kuwo wonke amakhansela okungenani kusasele izinsuku ezinhlanu zekhalenda ngaphambi komhlangano womkhandlu noma ikomidi ojwayelekile nezinsuku ezimbili zekhalenda emhlanganweni ophuthumayo womkhandlu noma emhlanganweni ophuthumayo wekomidi.
- (3) Wonke amakhansela kumele azise usomlomo nganoma yiluphi uguquko emakhelini awo zingakapheli izinsuku ezintathu lwenzekile.
- (4) Ngokomthetho 5 (3), isaziso sokuhambela umhlangano kumele sihlonywe ebhodini eligcina izaziso zomphakathi likamasipala.

9. Ukungasitholi isaziso

- (1) Ikhansela lingacela uphenyo mayelana nokusazitholi isaziso sokuhambela umhlangano.
- (2) Ukungasitholi isaziso sokuhambela umhlangano ngeke nakancane siphazamise ukubaluleka kwanoma yimuphi umhlangano noma ukuqhubeka komkhandlu noma elinye lamakomidi awo.

ISIAHLUKO 4
ISIBALO ESILINGENE

10. ISIBALO ESILINGENE

- (1) Iningi lamakhansela achazwe ngokuhambisana nesaziso sokusungulwa kukamasipala kumele abe khona emhlanganweni womkhandlu ngaphambi kokuba kube nokhetho kunoma yiluphi udaba kuncika ekutheni:
- (a) Izikhala zomsebenzi emahhovisi amakhansela akumele kube yizo ezivimbela ukuqhutshwa komhlangano womkhandlu;

- b) Ngokwesibalo esilingene sokubamba umhlangano, ukwehluleka kwanoma yiliphio ikhansela ukuvota akumele kumise ukuqhubeka komhlangano womkhandlu.
- (2) Isibalo esilingene samakhansela aqokelwe ekomidini lomkhandlu kumele sibe khona emhlanganweni wekomidi ngaphambi kokuthi kuvotwe kunoma yiluphi udaba kuncika ekutheni:
- (a) Izikhala ehhovisi lekansela angeke zimise ukuqhubeka komhlangano wekomidi;
- b) Ngokwesibalo esilingene, ukwehluleka kwanoma yiliphi ikhansela ukuvota akumele kumise ukuqhubeka komhlangano wekomidi.

11. UKUMISWA NOKUHLEHLISWA UMA SINGEKHO ISIBALO ESILINGENE

- (1) Angeke ube khona umhlangano, uma singekho isibalo esilingene sekwedlule imizuzu eyishumi nanhlanu esikhathini ebesibekelwe ukuqala komhlangano, ngaphandle uma amakhansela akhona evumelana ngazwi linye ekutheni kwengezwe isikhathi kodwa esingeqi emizuzwini eyishumi nanhlanu, uma isibalo esilingene singahlangani, umhlangano kumele umiswe.
- (2) Uma ngesikhathi sokudingidwa kodaba oluthile kunoma yimuphi umhlangano womkhandlunoma wekomiti kumele kulalelwa usomlomo noma usihlalo kulawo makhansela akhona -
- (a) uyobala amakhansela akhona;
- (b) uma kutholakala ukuthi aseneli isibalo esifanele, usomlomo noma usihlalo kumele awuhlelise umhlangano abanikeze imizuzu eyishumi nanhlanu ukuze kube khona isibalo esifanele;
- (c) Uma sesihlangana isibalo ngemuva kokuhlehliswa umhlangano kumele uqhubeke;
- (d) Uma isibalo esifanele singahlangani ngemuva kokuhlehliswa usomlomo noma usihlalo kumele ngalokho bawuhlelise umhlangano.
- (3) Uma umhlangano uhlehliswa ngenxa yokuthi asihlangana isibalo esifanele, umhlangano kumele uphinde ubanjwe zingakapheli izinsuku eziyisikhombisa.

ISIAHLUKO 5 UKUHANJELWA

12. UKUHANJELWA

- (1) Wonke amakhansela kumele agcine isikhathi bahlale bekhona njalo emhlanganweni ngamunye womkhandlu nowekomidi lelo khansela eliyilungu lalo ngaphandle uma:
- a) ligunyaziwe ukuba liphuthe ngokomthetho 13; noma
- b) lelo khansela licelwa ukuba lihoxe ngokomthetho 46(2); noma
- c) ngemvume kusomlomo noma kusihlalo.
- (2) Ikhansela ngalinye elihambele noma yimuphi umhlangano womkhandlu noma wekomidi lomkhandlu kumele lisayine kwirejista yokubhalisa abakhona ohlinzekelwe lokho.
- (3) Irejista yabakhona kumele ihlale ehhovisi lemenenja kaMasipala.
- (4) Noma yiliphi ikhansela elivumeleke ukuba liphuthe ngokomthetho 13 kodwa elingasadingi lokho kwephula lingawuhambela umhlangano ebelinikezwe ukuba liphuthe kuwo futhi lisayinde kwirejista yokubhalisa abakhona.

13. IMVUME YOKUPHUTHA

- (1) Imvume yokuphutha ngeke inikezwe ngendlela yokuthi kugcine kungaseneli isibalo esanele sabantu okumele babe khona.
- (2) Uma ikhansela –
- (a) lingakwazi ukuhambela umhlangano yize noma lanikwa isaziso; noma
- (b) lingakwazi ukuqhubeka nokuhlala emhlanganweni; noma
- (c) lifika sekwedlule isikhathi ebesinqunyiwe somhlangano, ngokushesha nangemuva kwalowo mhlangano, liyofika isicelo esibhaliwe kwimeneja kamasipala sokuphutha kuwo wonke umhlangano noma engxenyeni ethile yomhlangano ethintekayo, leso sicelo kumele sihlinzeke izizathu ezizwakalayo neziqondakalayo zesisicelo futhi lisho imbangela ezwakalayo yaleso sicelo.
- (3) Imenenja kamasipala kumele yazise usomlomo noma usihlalo othintekayo womhlangano ngokushesha mayelana nomhlangano nangesicelo sokuphutha asitholile.

- (4) Usomlomo noma usihlalo womhlangano kufanele ngokushesha asibheke isicelo sokungaphumeleli ebese enikeza noma enqabele isicelo ngezizathu futhi azise imenenja kamasipala ngesinqumo sakhe.
- (5) Imenenja kamasipala kufanele ngokushesha yazise ikhansela elifake isicelo sokuphutha kusomlomo noma kusihlalo ngokushesha ngesinqumo esithathiwe
- (6) Ikhansela kufanele lithathwe njengo njengophuthe ngokungemthetho emhlanganweni uma isicelo salo sokungezi emhlanganweni singemukelwanga futhi:
 - (a) lehlulekile ukuhambela umhlangano; noma
 - (b) ehlulekile ukuhlala emhlanganweni.
- (7) Uma ikhansela lehluleka ukuhlala emhlanganweni uze uphele:
 - (a) ngaphandle ngokunikezwa imvume yokwenze njalo; noma
 - (b) lihambe ngaphandle kokuthola imvume yokuphutha kusomlomo noma usihlalo ungakapheli umhlangano, isikhathi elihambe ngaso kufanele siqoshwe emaminithini futhi kufanele lelo khansela lithathwe njengomuntu ophuthe ngaphandle kwemvume emhlanganweni.
- (8) Lapho ikhansela lifika sekudlule isikhathi emhlanganweni, ngaphandle kokuthola imvume, isikhathi sokufika nezizathu zokungasigcini isikhathi kufanele ziqoshwe emaminithini omhlangano bese ikhansela liqhubeka nokuba semhlanganweni futhi lisayine irejista yokuba semhlanganweni ngokomthetho 12(2).
- (9) Ukungezi kabili noma ngaphezulu emihlanganweni elandelanayo yomkhandlu noma yekomidi kumele kuthathelwe izinyathelo ngumkhandlu noma ikomidi eliphathelene elifanele.

14. Ukungafiki/ ukuphutha

- (1) Ngokulandelwa kohlelo olubekwe kumthetho 13, ikhansela elingekho ngaphandle kwesizathu esibonakalayo emhlanganweni, ebelinikeziwe isaziso sawo, kufanele likhokhe inhlawulo elingana nomholo wesonto elilodwa, kufanele lenhlawulo iphume eholweni lalelo khansela elithintekayo.
- (2) Lapho ikhansela liphuthe ngaphandle kokuthola imvume yokuphutha emhlanganweni:
 - (a) iKomidi loMthetho njengoba kuhlangozwe emthethweni 43 noma usomlomo okanye usihlalo uma kungenzeka kufanele acele ikhansela ukuthi lisho ngokusemthethweni izizathu ezenze ukuthi ikhansela liphuthe emhlanganweni;
 - (b) usomlomo noma isihlalo kufanele abheke incazelo bese enquma ukuthi ikhansela liphuthe ngezizathu esizwakalayo yini, ahlinzeke ngezizathu ezizwakalayo zesinqumo;
 - (c) ikhansela lingafaka isikhalo esibhaliwe ngesinqumo sikasomlomo noma sikasihlalo zingakapheli izinsuku eziyi- 7 lithole lesi sinqumo;
 - (d) umkhandlu noma ikomidi kuya ngesimo kufanele:
 - (i) kufanele banike ikhansela ithuba lokuziphendulela, ngencwadi noma ngomlomo; futhi
 - (ii) balalele isikhalo sekhansela, kanye nanoma ngabe ikuphi ukuphawula okwenziwe usomlomo noma usihlalo womhlangano othintekayo;
 - (iii) bathole ukuthi ikhansela belingekho ngezizathu esibalulekile yini noma cha.
- (3) Imenenja kamasipala kufanele igcine amarekhodi azo zonke izigameko lapho amakhansela abetholwa ephuthile noma ethathwa njengaphuthe ngaphandle kwemvume futhi ngaphandle kwesizathu esizwakalayo futhi ithumeleumbiko obhaliwe umbiko kusomlomo noma yinini lapho ikhansela litholakala liphuthile emhlanganweni emithathu noma ngaphezulu elandelanayo ebekufanele liyihambele.
- (4) Lapho usomlomo ethola umbiko ngokomthetho 14(3), usomlomo kufanele alethe lo mbiko emkhandlwini futhi agunyaze uphenyo ngokomthetho 14-weNdlela yokuziPhatha.

**ISAHLUKO 6
UKUHLEHLISWA**

15. Imihlangano ehlehile

Ngokomthetho 11(3), umhlangano womkhandlu noma wekomiti. ngevoti leningi ungalahlelela olunye usuku oma ihora kodwa kungeqi ezinsukwini eziyi-14 kudlule lowo mhlango.

16. Ukuqhubeka nomhlangano

- (1) Uma umhlangano uhlehlisiwe isaziso sokuqhubeka komhlangano kumele Sikhishwe ngokomthetho 8.
- (2) Alukho udaba okumele ludluliselwe ukuqhutshwa emhlanganweni oqhutshwayo ngaphandle uma kucacisiwe esazisweni somhlangano, ohlehlisiwe.

**ISAHLUKO 7
UKUQHUTSHWA**

17. Usomlomo nosihlalo bemihlangano

- (1) Kuyo yonke imihlangano yomkhandlu, usomlomo, noma uma ephuthile, obambe njengosomlomo, uyoba ngusihlalo futhi uyokwenza imisebenzi ebekwe ngokwesigaba 37 soMthetho weziNhlaka futhi kumele aqinisekise ukuthi ikhansela ngalinye uma lithatha isikhundla linikezwa ikhophi yale mithetho nemigomo yeNdlela yokuziPhatha.
- (2) Usomlomo nosihlalo wemihlangano yomkhandlu kanye neyekomidi:
 - (a) kufanele agcine umhlangano uhamba ngendlela;
 - (b) baqinisekise ukuhambisana komkhandlu neNdlela yokuziphatha yamaKhansela;
 - (c) kufanele baqinisekise ukuthi imihlangano ihamba ngemithetho nangokwemigomo ebekiwe
- (3) Uma usomlomo noma usihlalo womkhandlu noma wekomidi lomkhandlu bephuthile noma bengekho ukuzokwenza imisebenzi kasomlomo noma usihlalo, noma kunesikhala somsebenzi umkhandlu noma ikomidi ngokuholwa yimenenja kamasipala noma okhethwe yiyo kufanele likhethwe elinye ikhansela ukumela usomlomo noma usihlalo.
- (4) Awukho umhlangano womkhandlu noma ikomidi lomkhandlu ongaqala noma ongaqhubeka ngaphandle uma ulawulwa ngusomlomo noma ngusihlalo.

18. Amaminithi

- (1) Ukuqhutshwa kwayo yonke imihlangano yemikhandlu kufanele iqoshwe ngomshini futhi kugcinwe ngokuhambisana ne-Archives and Record Service of South Africa Act, 43 ka 1996.
- (2) Amaminithi abhaliwe okwenzekayo emihlanganweni yomkhandlu neyekomiti kufanele aqoshwe ngokucophelela futhi agcinwe ngokuhambisana ne-Archives and Record Service of South Africa Act 43 ka 1996.
- (3) Amaminithi avunyiwe ayo yonke imihlangano yomkhandlu noma yekomidi ngaphandle kweyangaphakathi kufanele atholakale emphakathini.
- (4) Lapho imenenja kamasipala ibona ukuthi isinqumo noma ukuqhubeka komhlangano womkhandlu noma wekomidi kungenzeka ukuthi kuphula noma yimuphi umthetho noma umthetho kamasipala, kufanele azise umkhandlu noma ikomidi ngendlela efanele futhi iminingwane ephelile yalowo mbono iqoshwe kumaminithi.

19. Uhlelo lomhlangano

- (1) Uhlelo lomhlangano kuyo yonke imihlangano yomkhandlu noma yekomiti lomkhandlu eliphethe noma yekomidi imi kanje:
 - (a) isaziso somhlangano;

- (b) abaxolisile;
 - (c) ukuvunywa kwamaminithi omhlangano odlule;
 - (d) izimemezelo zikasihlalo;
 - (e) kukhonjiswa ngesimo sezimali noma okunye;
 - (f) abathunyiwe noma abamele abanye;
 - (g) Imibiko;
 - (h) isaziso ngokwenzakalayo;
 - (i) imibuzo ngesaziso esikhishiwe; kanye
 - (j) okuvuka emaminithini okuphuthumayo.
- (2) Usomlomo noma usihlalo ngokucabanga kwakhe nganoma yisiphi isikhathi angaletha noma iluphi udaba olusohlelweni lomhlangano.

20. Ukuvunywa kwamaminithi omhlangano odlule

- (1) Amaminithi ayo yonke imihlangano kufanele avunywe emhlanganweni ojwayelekile olandelayo womkhandlu noma wekomiti futhi kufanele usomlomo noma usihlalo awasayine.
- (2) Akukho okwenziwayo noma okuxoxwayo ngamaminithi odlule ngaphandle kokuhambisana nobuqiniso bawo.

21. Izithunywa

- (1) Isithunywa esifisa ukukhuluma nekomiti noma umkhandlu kufanele silethe incwadi kwimenenja kamasipala echazayo ukuthi ufisa ukuthini.
- (2) Isicelo sothunyiwe sokukhuluma nomkhandlu noma ikomidi lomkhandlu kufanele sivunyelwe wusomlomo noma wusihlalo othintekayo.
- (3) Imenenja kamasipala kufanele ilethe isicelo emkhandlwini noma ekomidini lomkhandlu elizokwamukela isithunywa.
- (4) Noma yini edinga ukubhekwa esicelweni sesithunywa akufanele iqhubeke nokubhekwa ngumkhandlu noma yikomidi kuze kube isithunywa siyahoxa kuncika ekutheni ukucala ukucaciselwa kungavumeleka.
- (5) Ilungu lomphakathi ngaphandle kwesithunywa, elifisa ukukhuluma emhlanganweni womkhandlu noma wekomidi, kufanele lithole imvume yokwenze njalo kusomlomo noma usihlalo ngaphambi kokuthi umhlangano uqale.
- (6) Uma ilungu lomphakathi noma isithunywa sikhuluma emhlanganweni, kufanele silandele noma iyiphi imigomo noma imithetho noma iziqondiso okuzoshiwo usomlomo noma usihlalo.
- (7) Uma ilungu lomphakathi noma isithunywa siziphatha ngendlela engafanele, usomlomo noma usihlalo angakhipha isinqumo sokuthi lelo lungu liphume noma likhishwe yiPhoyisa loMthetho emhlanganweni.
- (8) Noma iliphi ilungu lomphakathi noma isithunywa esinqabayo noma esihlulekayo ukulandela isinqumo sikasomlomo noma usihlalo ngokomthetho 21(6) no 21(7) bangathweswa icala bahlawuliswe noma bagwetshwe isikhathi ezingeqile enyangeni eyodwa noma kokubili.

22. Imibiko

- (1) Noma imuphi umbiko o lethwe emkhandlwini noma ekomidini lomkhandlu ngaphandle kombiko omukelwe usomlomo noma usihlalo njengophuthumayo, kufanele unikezelwe kumakhansela ngokomthetho 8.
- (2) Usomlomo noma usihlalo kufanele avumele inkulumompikiswano ngokuhambisana nesahluko 10 kunoma yimuphi umbiko o lethwe emkhandlwini noma ekomidini, emhlanganweni lapho lombiko ufakwe futhi uma inkulumompikiswano ingapheli, noma engenzeki ngenxa yanoma yisiphi izizathu, inkulumompikiswano kumele ibanjwe, emhlanganweni olandelayo.

23. Izicelo

- (1) Asikho isihloko esizolethwa ikhansela ngaphambi komkhandlu noma ikomidi ngaphandle kwesicelo

- (2) Isaziso sesicelo kufanele:
 - (a) sibe ngesibhalwe phansi;
 - (b) sisayinwe ikhansela elisilethile futhi sisayinwe elinye ikhansela elivumelana nalo; futhi
 - (c) sikhulume ngento eyodwa kuphela.
- (3) Isaziso ngesicelo kufanele sifakwe kwimenenja kamasipala ngaphambi kwehora le 12h00; kusasele izinsuku eziyisikhombisa kube nomhlangano uma kungabanga njalo isaziso siyothulwa komunye umhlangano.
- (4) Imenenja kamasipala kumele:
 - (a) ifake usuku nenombolo yesaziso sesicelo;
 - (b) ifake isaziso sesicelo kwirejista ezovuleleka ekutheni icwaningwe yinoma yiliphi ikhansela noma umphakathi;
 - (c) ifake saziso sesicelo ngasinye ohlelweni ngendlela ezifike ngayo.
- (5) Usomlomo noma usihlalo kufanele:
 - (a) afunde inombolo yanoma isiphi isicelo negama lomfaki waso nomsekeli waso;
 - (b) abheke ukuthi iziphi izicelo ezingaphikiswanga bese ezivumela ngaphandle kwenkulumompikiswano.
 - (c) abize labo bafaki bezicelo eziphikisiwe ngokohlelo abavela ngalo ohlelweni lomhlangano.
- (6) Ikhansela elidlulisa isicelo lingakudlulisa leso sicelo futhi linelungelo lokuthola impendulo.
- (7) Isicelo siyoqedwa uma ikhansela elisifakile noma osivumele kade engekho emhlanganweni ozoba nenkulumompikiswano.
- (8) Ikhansela akufanele livunyelwe ukuletha izaziso zezicelo ezintathu ohlelweni olulodwa.
- (9) Usomlomo noma usihlalo akufanele anqabe isicelo asitholile ngokwale mithetho.

24. Imibuzo

- (1) Ikhansela lingabuza umbuzo odinga impendulo ebhalwe phansi kunoma ubani kungaba usopolitiki noma isisebenzi sasemahhovisi kamasipala, mayelana nanoma ngani ehlanganise ukuthi yini engenza ngcono ukusebenza kwezinto zikamasipala nokusebenza kwamandla kamasipala, kuncike ekutheni isaziso esibhalwe phansi sombuzo sazisiwe usomlomo noma usihlalo noma imenenja kamasipalaezinsukwini eziyisikhombisa ngaphambi komhlangano womkhandlu noma wekomidi futhi imenenja kamasipala kumele iqinisekise ukuthi ikhansela lithola impendulo ebhalwe phansi iphuma kosopolitiki noma osebenzela umasipala emhlanganweni womkhandlu noma wekomidi.
- (2) Uma emva kokuba umbuzo usuphenduliwe, ikhansela libona ukuthi impendulo ayicacile futhi ijjekile, ngemvume kasomlomo noma usihlalo angacela ukuthi alandelise ngomunye umbuzo.

25. Ukunikeza ikhansela ulwazi

- (1) Alikho ikhansela okufanele libuze noma lixoxisane nanoma yimuphi umsebenzi wasehhovisini lokuphatha likamasipala mayelana nezindaba zikamasipala ngaphandle uma libuza njengelungu lomphakathi elinelungelo lokwazi.
- (2) Ikhansela lingabuza noma lixhumane nemenenja kamasipala nanoma yiyiphi inhloko yomnyango noma umsebenzi wezokuphathwa kukamasipala obekwe imenenja ukuthi enze lowo msebenzi noma yinhloko yomnyango ethintekayo ngenxa yalokhu, ukuze likwazi ukuthola lolu lwazi uma ludingeka ekwenzeni umsebenzi kahle njengekhansela.

26. Izindaba ezejwayelekile eziphuthumayo

- (1) Izindaba ezejwayelekile eziphuthumayo kufanele zingabekwa ohlelweni lomhlangano yimenenja kamasipala noma elinye ilungu lomkhandlu ngemvume kasomlomo noma usihlalo, leyo mvume akumele inqatshelwe ngaphandle kwesizathu.
- (2) Ngaphambi kokuthi kwamukelwe, ikhansela kufanele linikwe isikhathi esanele ukuthi libheke futhi lamukele yonke imibiko elethiwe kumkhandlu.

27. Ukutolika

- (1) Uma amakhansela amaningi akhona efinyelela esivumelwaneni, utolika angasetshenziswa emhlanganweni womkhandlu kanye nowamakomidi omkhandlu.

28. Ikomidi langaphakathi

- (1) Ngokomthetho 5, umkhandlu noma ikomidi lomkhandlu noma nini lingavumelana ngokuqhuba ikomidi langaphakathi.
- (2) Umphakathi awuvumelekile kwimihlangano yekomidi langaphakathi.
- (3) Imenenja kamasipala noma ubani oshiywe ngaphandle kulo mthetho ngusomlomo noma usihlalo akufanele bashiywe ngaphandle kule mihlangano yekomidi langaphakathi.
- (4) Konke okuqhubekayo kwimihlangano yekomidi langaphakathi kufanele ngokomthetho 18(1) no 18(2) kuqoshwe futhi kube yimfihlo.
- (5) Ukuputshuka kwale mfihlo ngokungekho emthethweni kufanele kuqondiswe ngokomthetho wenqubo mgomo yeNdlela yokuziPhatha

**ISAPHLUKO 8
UKUVOTA**

29. Izinqumo ngokuvota

- (1) Kufanele kube nabantu abalingene ukuze bakwazi ukuvota.
- (2) Yonke imibuzo mayelana nalokhu okulandelayo kumele inqunywe yisinqumo esithathwe wumkhandlu ngokuthola amavoti amaningi kumakhansela abhekele nesaziso sokusungulwa kukamasipala:
- (a) ukuvunywa kwemithetho kamasipala;
- (b) ukuvunywa kwesabelo-mali;
- (c) ukubekwa kwamareyithi nezinye izintela, izinhlawulo kanye nemisebenzi eyenziwa umasipala;
- (d) ukunyuswa kwemalimboleko;
- (e) ukubuyiswa kwesinqumo somkhandlu zingakapheli izinyanga eziyi-6; kanye
- (f) nanoma yini okufanele yenziwe ebekwe.
- (3) Yonke eminye imibuzo elethwe kumkhandlu inqunywe ngokweningi lamavoti enziwe amakhansela akhona.
- (4) Uma kwenzeka amavoti elingana; usomlomo noma usihlalo angafaka ivoti elizothatha isinqumo avote njengekhansela, kuncika ekutheni usomlomo noma usihlalo akumele afake ivoti elizoba isinqumo okhethweni lomuntu ozosebenza ehhovisi lomkhandlu.

30. Indlela yokuvota

- (1) Kufanele kuvotwe ngokuthi kuphakanyiswe izandla ngaphandle uma umthetho usho okunye, noma umkhandlu noma ikomiti ngokuvumelana neningi lamakhansela ungaxazulula ngokuthi uvumelane ngokufaka ivoti elibhaliwe eliyimfihlo.
- (2) Ngesikhathi sokuvota alikho ikhansela elivunyelwe ukuphuma lapho kuvotwa khona.
- (3) Imenenja kamasipala noma okhethwe yiyo kufanele abale amavoti angenile bese eqopha imiphumela kodwa usomlomo noma usihlalo kuphela ozomemezela imiphumela.

31. Amavoti aphikisayo

Ikhansela lingafaka isicelo sokuthi ivoti lalo liqoshwe njengobufakazi bokuthi livote kanjani.

**ISAHLUKO 9
UKUCHITHWA KOMKHANDLU NEZINQUMO ZEKOMITI**

32. Ukuchithwa kweziNqumo zomKhandlu

- (1) Imvume yokuvuselela noma ukushintsha isinqumo somkhandlu ayinikezwa nanoma ubani futhi nanoma iliphi ikomidi.
- (2) Isaziso ngenhloso yokuhambisa isicelo sokuchitha noma sokushintsha isinqumo somkhandlu kufanele sinikezwe
- (3) Noma yikuphi ukuchithwa noma ukushintshwa kwesinqumo somkhandlu kufanele kwenziwe ngokomthetho 29(2)(e).

33. Ukuchithwa kweziNqumo zeKomidi

- (1) Imvume yokuchitha noma ukushintsha isinqumo sekomidi lomkhandlu akufanele inikezwe noma ubani.
- (2) Isaziso ngenhloso yokuhambisa isicelo sokuchitha noma sokushintsha isinqumo sekomidi lomkhandlu kufanele sinikezwe.
- (3) Ukuchithwa noma ukushintshwa kwesinqumo sekomiti lomkhandlu kufanele sivunyelwe iningi lamalungu alelo komidi.

**ISAHLUKO 10
INKULUMO MPIKISWANO**

34. Ithuba lokukhuluma

- (1) Ikhansela lingakhuluma kuphela uma kusho usomlomo noma usihlalo.
- (2) Ikhansela lingakhombisa ukuthi lifuna ukukhuluma ngokuthi liphakamise isandla bese lilinda ukuyalelwa ngusomlomo noma ngusihlalo; lelo thuba akumele linqatshelwe.
- (3) Amakhansela nezikhulu kufanele asukume uma ekhuluma futhi inkulumo iqondiswe kusomlomo noma usihlalo.

35. Ukuqondana

Zonke izikhulumi kufanele zikhulume ngalokho okusuke kukhulunywa ngakho.

36. Ubude benkulumo

Ngaphandle kokwethulwa kombiko wemeya, noma ukuvezwa kokungena nokusebenza kwezimali, ayikho inkulumo okufanele idlule amaminithi amahlanu ngobude, kungenzeka kuphela uma imvume ikhishwe usomlomo noma usihlalo.

37. Amakhansela akhuluma kanye kuphela

Ikhansela akufanele likhulume kabili kunoma yisiphi isicelo ngaphandle uma imvume ikhishwe usomlomo noma usihlalo kuncika ekutheni ohambisa isicelo angakhuluma kuleso sicelo, kunelungelo lokuphendula futhi impendulo kumele kumele ihambisane nokuphendula izikhulumi ebezibuza futhi ingafaki lutho olusha kuleyo nkulumompikiswano.

38. Ukulawula kukasomlomo noma usihlalo

Lapho usomlomo noma usihlalo esukuma ngesikhathi senkulumompikiswano, noma yiliphi ikhansela elikhulumayo noma elizama ukukhuluma kufanele lihlale phansi lithule khona usomlomo noma usihlalo ezozwakala ngaphandle kokuphazanyiswa.

39. Ukubuyisela endleleni

- (1) Noma yiliphi ikhansela lingabuyisela endleleni umhlangano osunhlānhlatha ngokuthi lisukume khona lizodonsa amehlo kasomlomo noma usihlalo.
- (2) Ukubuyisela endleleni kubaluleke kakhulu emhlanganweni futhi usomlomo noma usihlalo kufanele avumele ngokushesha ikhansela eliza nombono wokubuyiselwa endleleni futhi anqume ngokufanele.
- (3) Isinqumo sikasomlomo noma usihlalo sokubuyisela endleleni singujuqu futhi asivulelwe ukudingidwa.

40. Incazelo

Noma yiliphi ikhansela lingachaza, kuncika ekutheni leyo ncazelo iwusizo enkulumweni ebingazwakalanga kahle.

**ISAPHLUKO 11
UKUZIPHATHA**

41. Ukuziphatha okujwayelekile

- (1) Amakhansela nezikhulu kufanele kunoma yimuphi umhlangano womkhandlu noma wekomidi:
 - (a) baphathe udaba ngendlela esezingeni eliphezulu nenesithunzi futhi enokuthembeka okudingekayo;
 - (b) kumele, ngazikhathi zonke balandele imigomo ebekiwe kwinqubo yokuziphatha nakule mithetho nemigomo;
 - (c) ngaso sonke isikhathi balandele ukusebenza komthetho nemithetho kamasipala;
 - (d) bagqoke ngendlela efanele ukuhlonipha umhlangano;
 - (e) bangasebenzisi ulimi oluqosheme noma olungamukelekile; futhi
 - (f) bangasebenzisi amaselula noma baphathe izibhamu noma ezinye izikhali eziyingozi emhlanganweni womkhandlu noma elinye lamakomidi awo.

42. Ukungaziphathi kahle

- (1) Usomlomo angatshela ikhansela ukuthi alihoxise noma lixolise uma kukhona elikushilo noma elikwenzile okuyindelelo.
- (2) Uma ikhansela noma amakhansela engaziphathi ngendlela emhlanganweni womkhandlu noma wanoma yiliphi ikomidi lawo, usomlomo angasho ekhanseleni noma emakhanseleni ukuthi abaziphathe ngendlela noma bahlale phansi futhi, uma bekhuluma, bayeke ukukhuluma.
- (3) Esimweni lapho sokugoloza noma ukunganaki iziqondiso zikasomlomo, usomlomo angatshela lelo khansela noma lawo makhansela ukuthi awushiye umhlangano noma ahoxe emhlanganweni kuze kube lolo daba oludingidwayo luyaphothulwa.
- (4) Esimweni lapho ukuziphatha kabi kwekhansela noma amakhansela kulimaza ukuqhubeka komkhandlu noma ikomidi usomlomo noma usihlalo kufanele ahlehlise umhlangano kuthi lokho kuziphatha budlabha kwekhansela noma amakhansela kubhekwane nakho ngokwemithetho nemigomo emile yeNqubo yokuziphatha.
- (5) Ikhansela elinqabayo ukuphuma emhlanganweni womkhandlu noma wekomidi lomkhandlu uma litshelwa usomlomo noma usihlalo womhlangano, ngokwanoma yimuphi umthetho kule mithetho nemigomo, lingakwazi ukukhishwa ngenduzula bese lithweswa icala elingalikhokhisa inhlawulo yemali noma ukuboshwa uma lilahlwa icala, lingaboshwa isikhathi esingevile Enyangeni noma kokubili.

**ISAPHLUKO 12
AMAKOMITI**

43. IKomidi leMithetho

- (1) Umkhandlu kamasipala ngesinqumo seningi lamakhansela ungasungula ikomidi elikhethekile elaziwa ngeKomidi leMithetho elizophenya ngabaphula imithetho yeNqubo yokuziPhatha, kubandakanya unswinyo ngokuphutha emhlanganweni futhi beze izincomo mayelana nanoma iyiphi into emayelana neMithetho nemoGomo.
- (2) IKomidi leMithetho kufanele libe nosomlomo, usodolobha, neLungu ngalinye elimele iqembu ngalinye lezopolitiki emkhandlwini; labo abamele ezeopolitiki bayokhethwa amaqembu abo ngezikhathi ezithile.

44. Imithetho yekomidi qobo

- (1) Noma yiliphi ikomidi lomkhandlu kufanele lizibekela imithetho yawo azoyilandela kodwa ngokuqondiswa umkhandlu kanye nale mithetho nemigomo.
- (2) Isahluko 10 sale mithetho nemigomo singathanjiswa usihlalo wekomidi ukuze sifake ukuzibandakanya okufanele nokunemiphumela, kuncika ekutheni usihlalongokubona kwakhe, angasebenzisa noma imuphi umthetho kulena equkethwe kwisahluko 10.

45. Usihlalo

- (1) Usihlalo wekomidi kufanele –
 - (a) abengusihlalo kuyo yonke imihlangano yekomiti uma ekhona; futhi
 - (b) abe nelungelo lokuvota kusaqalwa futhi uma amavoti elingana ekwengezeni ivoti lakhe elingujuqu, anganika ivoti lesibili noma ivoti elithatha isinqumo.
- (2) Uma engekho, obambile noma isekela likasihlalo lizoba namandla namalungelo okuvota afanayo nakasihlalo.

**ISAPHLUKO 13
OKUTHINTA EZEZIMALI**

46. Ukuphumela obala ngokuthinta imali

- (1) Ikhansela kumele liveze emkhandlwini kamasipala, nom kunoma yiliphi ikomiti elilungu lalo, uma kukhona ibhizinisi elinalo lelo khansela, uwakwalo, umlingani noma elisebenzisana naye ebhizinisini lelo khansela elinalo phambi komkhandlu noma kwekomidi.
- (2) Ikhansela eliphumela obala kumele lihoxe kokuqhubekayo emkhandlwini noma noma ekomidini ngaphandle uma umkhandlu ubone ukuthi ukuthinteka kwalo kulelo bhizinisi akushayisani nemisebenzi yawo.
- (3) Ikhansela noma uwakwalo, umlingani walo, umlingani noma elisebenzisana naye ebhizinisini noma ilungu lomndeni walo ethola noma engase athole umhlomulo ngenkontileka nomasipala, kumele liveze imininingwane ephelele yokuhlomula ikhansela elikwaziyo emhlanganweni wokuqala womkhandlu lapho kungakwazi ukuthi ikhansela likuveze.
- (4) Ukuvezwa kokubandakanyeka ngokomthetho 46 (1) nemihlomulo ngokomthetho 46 (3) akusebenzi ekuhlomuleni ikhansela uwakwalo, umlingani walo, umlingani noma elisebenzisana naye ebhizinisini noma ilungu elisondelene lomndeni, elisokuthola ngokufanayo nezinye izakhamizi zomphakathi.

**ISAHLUKO 14
UKWEPHULA ISIVUMELWANO NESIGWEBO**

47. Ukwephula isivumelwano

Noma yiliphi ikhansela elihluleka noma elenqaba ukuhlonipha noma yimiphi imithetho nemigomo, nanoma yisiphi esinye isinqumo esithathwe yisigungu engazithola enecala lokwephula iNqubo yokuziPhatha.

48. Unswinyo

Lapho kusolakala ukuthi ikhansela lephule le mithetho, umkhandlu kumele, ngokohlamvu 14 lweNqubo yokuziphatha, uphenye ngenzinsolo zokwephula umthetho okungalandelwa wunswinyo.

**ISAHLUKO 15
IZINHLINZEKO EZEJWAYELEKLE**

49. Ukumiswa komthetho nomgomo

- (1) Ezimweni eziphuthumayo lapho isigungu sibona ukuthi ukulandela umthetho kubonakala kungenasidingo futhi kungenabulungiswa ekuqhubekeni komhlangano womkhandlu, ngalokho umkhandlu ngentando yeningi lamakhansela kamasipala nangesikhathi salowo mhlango, ungathambisa okwesikhashana izinhlinzeko zomthetho, kuncika ekutheni:
 - (a) Lokho kuthanjiswa akumele kushayisane nanoma yimuphi umthetho wesifundazwe noma kazwelonke noma nanoma yimuphi umthetho kamasipala;
 - (b) Ukumiswa noma ukuthanjiswa komthetho kuhambisana nezihloko ezisohlelweni lomhlangano womkhandlu noma wekomidi lomkhandlu; futhi
 - (c) Umthetho 22 akumele umiswe;
 - (d) Izizathu zokumiswa komthetho ziyaqoshwa emaminithini omhlangano.

50. Ukwamukelwa kwemithetho

Lezi mithetho nemigomo kumele yemukelwe njengemithetho kamasipala.

51. Ukuqedwa kwemithetho ekhona

Imithetho ekhona yomkhandlu mayelana nale mithetho nemigomo ngalokhu iyaqedwa.

52. Isihloko esifishane nokuqaliswa

Le mithetho nemigomo emile iyobizwa ngeMithetho ngeMigomo eMile kamasipala Ugu, 2013 futhi iyoqala ukusebenza ngomhla 19 September 2013.