



KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
ISIFUNDAZWE SA KWAZULU-NATALI

Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe

(Registered at the post office as a newspaper) • (As 'n nuusblad by die poskantoor geregistreer)
(Irejistiwee njengephephandaba eposihhovisi)

PIETERMARITZBURG

Vol. 11

20 APRIL 2017
20 APRIL 2017
20 KUMBASA 2017

No. 1813

We all have the power to prevent AIDS



**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

Prevention is the cure

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Closing times for **ORDINARY WEEKLY** 2017

KWAZULU-NATAL PROVINCIAL GAZETTE

*The closing time is **15:00** sharp on the following days:*

- **28 December**, Wednesday, for the issue of Thursday **05 January 2017**
- **05 January**, Thursday, for the issue of Thursday **12 January 2017**
- **12 January**, Thursday, for the issue of Thursday **19 January 2017**
- **19 January**, Thursday, for the issue of Thursday **26 January 2017**
- **26 January**, Thursday, for the issue of Thursday **02 February 2017**
- **02 February**, Thursday, for the issue of Thursday **09 February 2017**
- **09 February**, Thursday, for the issue of Thursday **16 February 2017**
- **16 February**, Thursday, for the issue of Thursday **23 February 2017**
- **23 February**, Thursday, for the issue of Thursday **02 March 2017**
- **02 March**, Thursday, for the issue of Thursday **09 March 2017**
- **09 March**, Thursday, for the issue of Thursday **16 March 2017**
- **15 March**, Wednesday, for the issue of Thursday **23 March 2017**
- **23 March**, Thursday, for the issue of Thursday **30 March 2017**
- **30 March**, Thursday, for the issue of Thursday **06 April 2017**
- **06 April**, Thursday, for the issue of Thursday **13 April 2017**
- **11 April**, Tuesday, for the issue of Thursday **20 April 2017**
- **20 April**, Thursday, for the issue of Thursday **27 April 2017**
- **25 April**, Tuesday, for the issue of Thursday **04 May 2017**
- **04 May**, Thursday, for the issue of Thursday **11 May 2017**
- **11 May**, Thursday, for the issue of Thursday **18 May 2017**
- **18 May**, Thursday, for the issue of Thursday **25 May 2017**
- **25 May**, Thursday, for the issue of Thursday **01 June 2017**
- **01 June**, Thursday, for the issue of Thursday **08 June 2017**
- **08 June**, Thursday, for the issue of Thursday **15 June 2017**
- **14 June**, Wednesday, for the issue of Thursday **22 June 2017**
- **22 June**, Thursday, for the issue of Thursday **29 June 2017**
- **29 June**, Thursday, for the issue of Thursday **06 July 2017**
- **06 July**, Thursday, for the issue of Thursday **13 July 2017**
- **13 July**, Thursday, for the issue of Thursday **20 July 2017**
- **20 July**, Thursday, for the issue of Thursday **27 July 2017**
- **27 July**, Thursday, for the issue of Thursday **03 August 2017**
- **02 August**, Wednesday, for the issue of Thursday **10 August 2017**
- **10 August**, Thursday, for the issue of Thursday **17 August 2017**
- **17 August**, Thursday, for the issue of Thursday **24 August 2017**
- **24 August**, Thursday, for the issue of Thursday **31 August 2017**
- **31 August**, Thursday, for the issue of Thursday **07 September 2017**
- **07 September**, Thursday, for the issue of Thursday **14 September 2017**
- **14 September**, Thursday, for the issue of Thursday **21 September 2017**
- **20 September**, Wednesday, for the issue of Thursday **28 September 2017**
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- **05 October**, Thursday, for the issue of Thursday **12 October 2017**
- **12 October**, Thursday, for the issue of Thursday **19 October 2017**
- **19 October**, Thursday, for the issue of Thursday **26 October 2017**
- **26 October**, Thursday, for the issue of Thursday **02 November 2017**
- **02 November**, Thursday, for the issue of Thursday **09 November 2017**
- **09 November**, Thursday, for the issue of Thursday **16 November 2017**
- **16 November**, Thursday, for the issue of Thursday **23 November 2017**
- **23 November**, Thursday, for the issue of Thursday **30 November 2017**
- **30 November**, Thursday, for the issue of Thursday **07 December 2017**
- **07 December**, Thursday, for the issue of Thursday **14 December 2017**
- **14 December**, Thursday, for the issue of Thursday **21 December 2017**
- **19 December**, Tuesday, for the issue of Thursday **28 December 2017**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2016

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1000 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	250.00
Ordinary National, Provincial	2/4 - Half Page	500.00
Ordinary National, Provincial	3/4 - Three Quarter Page	750.00
Ordinary National, Provincial	4/4 - Full Page	1000.00

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3000** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

All re-submissions will be subject to the standard cut-off times.

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 12h00 - 3 days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00, to be published the following Friday	Tuesday, 12h00 - 3 days prior to publication
Petrol Price Gazette	As required	First Wednesday of the month	One week before publication	3 days prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00, to be published the following Friday	3 days prior to publication
Unclaimed Monies (justice, labour or lawyers)	January / As required 2 per year	Any	15 January / As required	3 days prior to publication
Parliament (acts, white paper, green paper)	As required	Any		3 days prior to publication
Manuals	As required	Any	None	None
State of Budget (National Treasury)	Monthly	Any	7 days prior to publication	3 days prior to publication
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 12h00 - 3 days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 12h00 - 3 days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 days prior to publication
North West	Weekly	Tuesday	One week before publication	3 days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 days prior to publication
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
Mpumalanga Liquor License Gazette	2 per month	Second & Fourth Friday	One week before	3 days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For *National Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice .
(Please see *Quotation* section below for further details)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (Please see the *Copy Section* below, for the specifications).
 - 8.1.5. Any additional notice information if applicable.
9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**QUOTATIONS**

13. Quotations are valid until the next tariff change.
 - 13.1. **Take note:** GPW's annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
 - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
 - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
 - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
 - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
 - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
 - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
 - 19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES**COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03

- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.

The content document should contain only one notice. (You may include the different translations of the same notice in the same document).

- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:

Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

27. The Government Printer will assume no liability in respect of—
 - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
 - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

CUSTOMER INQUIRIES

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwonline.co.za free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette(s)*.

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works
149 Bosman Street
Pretoria

Postal Address:

Private Bag X85
Pretoria
0001

GPW Banking Details:

Bank: ABSA Bosman Street
Account No.: 405 7114 016
Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

E-mail: submit.egazette@gpw.gov.za

E-mail: info.egazette@gpw.gov.za

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

MUNICIPAL NOTICE 37 OF 2017

RULES AND ORDERS OF MUNICIPAL COUNCILS AND COMMITTEES OF THE COUNCIL BY- LAW

Be it enacted by the Council of the **Mandeni** Municipality, in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996, read with section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), as follows:

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CHAPTER 1 DEFINITIONS

Definitions

1. In these Rules and Orders, unless inconsistent with the context –

“Authorised person” means an official of the municipality authorised by the Municipal Manager to perform a specific task in terms of these Rules and Orders;

“by-law” means legislation passed by the council of a municipality;

“calendar day” means a twenty-four hour day as denoted on the calendar;

“chairperson” means a councillor elected in a permanent or acting capacity to control and conduct any meeting of a committee of council;

“Constitution” means the Constitution of the Republic of South Africa, 1996

“Council” means —

- (a) the **council of the Mandeni Municipality**, exercising its legislative and executive authority through its municipal council;
- (b) its successor-in-title;

- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these Rules and Orders has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Systems Act; and
- (d) a service provider fulfilling a responsibility under these Rules and Orders;

"Code of Conduct" means the Code of Conduct for Councillors contained in Schedule 1 to the Systems Act;

"contact details" means a physical address, postal address, electronic mail address, telephone number, facsimile number and cellular phone number;

"councillor" means a member of a municipal council;

"day" means any ordinary day other than a Saturday, Sunday or Public Holiday, except where otherwise stated;

"deputation" means 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" means the council's executive committee established in terms of section 43 of the Structures Act;

"in-committee" means any council or committee meeting at which the public and or officials of the municipality are excluded;

"integrated development plan" means a single, inclusive and strategic plan for the development of the municipality and applicable in terms of Chapter 5 of the Systems Act;

"mayor" means a councillor elected as the mayor of the municipality in terms of section 48 of the Structures Act;

"meeting" means a meeting of the council or any one of its committees;

"municipality" means the **Mandeni Local Municipality** established in terms of section 155(6) of the Constitution, 1996, and established by and under sections 11 and 12 of the Structures Act, read with sections 3, 4 and 5 of the KwaZulu-Natal Determination of Types of Municipality

Act, 2000 (Act No. 7 of 2000);

“municipal asset” means any movable, immovable, corporeal, incorporeal, tangible and intangible property to which the municipality holds title;

“municipal manager” means the person appointed municipal manager in terms of section 54A of the Systems Act and includes any person acting in that capacity;

“notice of motion” means the instrument by which councillors may bring items on to the agenda of a council meeting in terms of section 23 of these Rules and Orders;

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

“point of order” means 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” means 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;

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

“service delivery agreement” means 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” means 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);

"table" means to submit 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;

CHAPTER 2

APPLICATION AND INTERPRETATION OF RULES AND ORDERS

Application of this by-law these Rules and Orders

2.1 The rules of order contained herein apply to all meetings of the municipal council and any committee of the municipal council as well as any other committee of councillors established within the municipality, unless the terms of reference for a specific structure explicitly excludes the application of the rules for such structure.

2.2 these Rules and Orders governs the proceedings of the council and committees of the council which bind and must 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;
- (d) any municipal official of the municipality; **and**
- (e) Traditional Leaders participating in Council and its committees in terms of section 81 of the Municipal Structures Act

Interpretation of these Rules and Orders

3.(a) Any interpretation of these Rules and Orders must 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.

(b) 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 will, subject to sections 3(e) and 3(f), be final and binding.

(c) The interpretation and the ruling of the speaker or chairperson on any of these Rules and Orders must be recorded in the minutes of the council or committee meeting.

(d) The municipal manager must keep a register of the rulings and legal opinions.

(e) Any councillor may request the municipal manager, in writing within five days from a ruling made in terms of section 3(b), to obtain clarity on the interpretation and ruling and to report to the council or committee of the council.

(f) The council or committee of the council may after consideration of the report in terms of section 3(e) 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 effecting 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

Council meetings

4.(a) The council must hold an ordinary meeting of the council not less than once in every three months.

(b) The speaker must convene all meetings of the council in accordance with section 4(a) and subject to section 6.

Admission of public

5.(1) All meetings of the council and those of its committees must 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.

(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, 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 reports on an award in terms of supply chain management policy;
- (g) the disposal or acquisition of municipal capital asset;
- (h) any other matter prescribed by legislation.

(3) The municipal manager must 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.

(4) Members of the council together with members of the public attending any council or committee meetings must accord the meeting the dignity it deserves by dressing appropriately as per Rule 41(d) and must not wear any attire which could be ascribed to a political party

Notice to attend an ordinary council meeting

6.(1) The speaker must convene meetings of the council, at least once every three months, 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.

(2) Notice to attend a meeting in terms of section 6(1) must be given at least –

- (a) five calendar days prior to an ordinary meeting; and
- (b) two calendar days prior to a special meeting.

Special meetings

7.(1) The speaker must call a special meeting of the council –

- (a) for the purpose of pertinent or urgent council business; or
- (b) or at the request of a majority of the councillors of the municipality.

(2) A special meeting must be held in compliance with section 6(2)(b) and in terms of section 7(1)(b) no later than four days from the date of receipt of a request.

(3) A request for the calling of a special meeting, as contemplated in section 7(1)(b), must –

- (a) be signed by no less than fifty percent 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 section, the municipal manager must convene such meeting and conduct an election of an acting speaker in terms of section 41 of the Structures Act.

Service of notices and agenda

8.(1) Notice to attend a meeting or any other official communication from the council, must be delivered to –

- (a) a physical address within the area of jurisdiction of the municipality; or
- (b) an e-mail address;
- (c) facsimile; or
- (d) by a short message service:

Provided that contact details must be supplied by each councillor to the municipal manager in writing within two days of a councillor's election and, thereafter, whenever the councillor wishes to change either address and at which address the councillor will accept service and or receipt of any notice to attend a meeting and any other official communication from the council.

(2) All documentation relevant to any council or committee meeting, except special meetings convened in terms of section 7, must 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.

(3) All councillors must inform the speaker of any change of his contact details within three days of such change.

(4) Subject to section 5(3), notice to attend a meeting must be displayed on the public notice boards of the municipality.

Non-receipt of notice

9.(a) A councillor may request an investigation regarding the non-receipt of a notice to attend a meeting.

(b) Non-receipt of a notice to attend a meeting will not affect the validity of any meeting or proceedings of council or any of its committees.

CHAPTER 4

QUORUM

Quorum

10.(1)(a) Notwithstanding that there may be vacancies, the quorum of a council must be fifty percent plus one of the total number of councillors determined in accordance with the municipality's establishment notice, before a vote may be taken on any matter.

(b) Subject to a quorum, the failure of any councillor to vote will not invalidate the proceedings of the council meeting.

(2)(a) Notwithstanding that there may be vacancies, a majority of the number of councillors appointed to a committee of council must be present at a meeting of the committee before a vote may be taken on any matter.

b) Subject to a quorum, the failure of any councilor to vote will not invalidate the proceedings of the committee meeting.

Cancellation and adjournment in absence of quorum

Cancellation

11.(1) No meeting may 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 a further fifteen minutes for a quorum, whereafter if no quorum is present, the meeting must be cancelled.

Adjournment

(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 must –

- (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 must continue;
- (d) if no quorum becomes present after the adjournment then the chairperson or speaker must forthwith adjourn the meeting.

(3) When a meeting is adjourned as a result of no quorum, the meeting will be re-convened within seven days as a continuation meeting.

CHAPTER 5

ATTENDANCE

Attendance

12.(1) All councillors must 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 section 13;
- (b) that councillor is required to withdraw in terms of section 46(b); or
- (c) that councillor is absent with the permission of the speaker or chairperson.

(2) Each councillor attending any meeting of the council or a committee of the council must sign an attendance register provided for that purpose.

(3) The attendance register must be filed in the office of the municipal manager.

(4) Any councillor who is entitled to leave of absence in terms of section 13 and no longer requires such leave, is entitled to attend, participate and vote in the meeting from which leave of absence was granted and sign the attendance register.

Leave of absence

13.(1) Leave of absence must not be granted by the Speaker in such a manner that more than the number required for a quorum will at any one time be absent.

(2) If a councillor –

- (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,

he or she will, 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 and show good cause for the granting of the application.

(3) The municipal manager must as soon as possible inform the speaker or chairperson of the meeting concerned of any application for leave of absence received.

(4) The speaker or chairperson of the meeting concerned must 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.

(5) The municipal manager must as soon as is reasonably possible, inform a councillor who has applied for leave of absence of the speaker or chairperson's decision.

(6) A councillor will 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.

(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 will be deemed to have been absent without leave at that meeting.

(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 section 12(2).

(9) Leave of absence for two or more consecutive council or committee meetings must be sanctioned by the council or the relevant committee.

Non-attendance

14.(1)(a) Subject to compliance with the procedure set out in section 13 and the provisions of item 4(2) of Schedule 1 of the Systems Act, a councillor who is absent without good cause from a meeting, of which notice has been given, will be liable to pay a fine equivalent to one week's remuneration, which fine may be deducted from remuneration due to the councillor concerned.

(b) A councillor who is absent from three or more consecutive meetings of a municipal council, or from three or more consecutive meetings of a committee, which that councillor is required to attend in terms of item 3 of Schedule 1 of the Systems Act, must be removed from office as a councillor in accordance with section 14(2)(e) of the Systems Act.

(c) Proceedings for the imposition of a fine or the removal of a councillor must be conducted in accordance with a uniform standing procedure which each municipal council must adopt.

(2) Where a councillor has been absent without obtaining leave from a meeting—

- (a) the Rules Committee as contemplated in section 43 or the speaker or chairperson as the case may be, must 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 must 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, must –
 - (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.

(3) The municipal manager must 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 must 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.

(4) Where the speaker receives a report in terms of section 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

Adjourned meetings

15. Subject to section 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.

Continuation meeting

16.(1) When a meeting is adjourned, notice of the continuation meeting must be served in terms of section 8.

(2) No business will be transacted at a continuation meeting except such as is specified in the notice of the meeting, which was adjourned.

CHAPTER 7 PROCEEDINGS

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, will be the chairperson and will 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.

(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; and
- (c) must ensure that meetings are conducted in accordance with these Rules and Orders.

(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 must elect another councillor to act as speaker or chairperson as the case may be.

(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.

Minutes

18.(a) The proceedings of every council meeting must be accurately and electronically recorded and retained in accordance with the Archives and Record Service of South Africa Act, 43 of 1996.

(b) Written minutes of the proceedings of each council and committee meeting must contain an accurate record of the resolutions adopted by council at such meeting.

(c) The approved minutes of every meeting of a council or committee other than in-committee meetings must be available to the public.

(d) 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 must advise the council or committee accordingly and full details of such opinion must be recorded in the minutes.

Order of business

19.(1) The order of business at every meeting of the council or its executive committee or committee of council, as may be applicable, is as follows:

(a)

Council	Executive Committee / Mayoral Committee	Committee
<ul style="list-style-type: none"> • Opening: Moment of reflection • Notice of the meeting • Granted leave of absence • Acceptance of the agenda • Declaration of interest • <u>Announcements</u> • Deputations • Confirmation of minutes from the previous meeting • Outstanding matters • Submission of reports from Council representatives from District/Local municipality • Reports of the Executive Committee / Executive Mayor, under the sections: recommendations to the council, decisions under delegated authority and decisions of the Executive Committee • Reports from MPAC • Report from the Audit Committee • Reports on ward committees/ consolidated report on ward committees • Report on SALGA activities • Monthly Activities • Input by the Traditional Leader • Reports for noting • Reports for consideration • Reports - In-Committee; • Notice of Motion • Questions of which Notice has been given • Urgent reports - allowed only with the consensus of the chairperson; and • General matters of an urgent nature 	<ul style="list-style-type: none"> • Opening: Moment of reflection • Notice of the meeting • Applications for leave of absence • Acceptance of the agenda • Declaration of interest • <u>Announcements</u> • Presentations • Confirmation of minutes from previous minutes • Outstanding matters • Reports from Portfolio Committees • Reports from Audit Committees • Reports for noting • Reports for consideration • In-Committee reports • Urgent reports allowed-only with the consensus of the chairperson; and 	<ul style="list-style-type: none"> • Opening: Moment of reflection • Notice of the meeting • Applications for leave of absence • Acceptance of the agenda • Declaration of interest • <u>Announcements</u> • Presentations • Confirmation of minutes from previous minutes • Outstanding matters • Reports for noting • Reports for consideration • In-Committee reports • Notice of Motion • Urgent reports allowed only with the consensus of the chairperson; and

(2) The speaker or chairperson may, in his discretion, at any stage bring forward any business that is on the agenda paper.

Confirmation of minutes of previous meeting

20.(1) The minutes of every meeting must be confirmed at the next ordinary meeting of that council or committee and must be signed by the speaker or chairperson.

(2) No motion or discussion will be allowed upon the minutes of a previous meeting, other than relating to the accuracy of those minutes.

Deputations

21.(a) A deputation wishing to address the council or a committee of council must submit a memorandum to the municipal manager in which is set out the representations it wishes to make.

(b) A request by a deputation to address the council or a committee of the council must be approved by the speaker or relevant chairperson.

(c) The municipal manager must submit the memorandum to the council or a committee of the council, which may receive the deputation.

(d) Any matter requiring consideration arising from a deputation, will not be further considered by the council or committee until the deputation has withdrawn provided that questions of clarity may be permitted.

(e) A member of the public, other than a deputation, who wishes to speak at a council or committee meeting, must obtain the permission of the speaker or chairperson to do so, prior to the commencement of the meeting.

(f) 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.

(g) 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.

(h) Any member of the public or deputation who fails or refuses to comply with the speaker's or chairperson's directions in terms of section 21(f) and section 21(g) will 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.

Reports

22.(a) Any report submitted to the council or a committee of the council must, with the exception of a report accepted by the speaker or chairperson as a matter of urgency, be provided to councillors in terms of section 8.

(b) The speaker or chairperson must allow debate in accordance with sections 34, 35, 36, 37, 38, 39 and 40 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 must be held, at the next meeting.

Motions

23.(1) No subject will be brought before council or a committee of council by a councillor except by way of notice of motion.

(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.

(3) A notice of motion must, subject to section 7, be lodged with the municipal manager before 12h00 seven calendar days prior to the next meeting, failing which the notice will be considered at the next ensuing meeting.

(4) The municipal manager must –

(a) date and number each notice of motion;

(b) enter each notice of motion lodged in a register, which must 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.

(5) The speaker or chairperson must –

(a) read out the number of every motion and the name of the mover and seconder;

(b) ascertain which motions are unopposed and these will be passed without debate; and

(c) call the movers of the opposed motions in the order they appear on the agenda.

(6) A councillor submitting a motion must move such motion and will have the right of reply.

(7) A motion will lapse if the councillor and seconder who submitted it is not present at the meeting when such motion is being debated.

(8) A councillor will be allowed not more than three notices of motion on the same agenda.

(9) The speaker or chairperson must not reject a motion received by him or her in terms of these Rules and Orders.

Questions

24.(a) 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.

(b) 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.

Supply of information to a councillor

25.(a) No councillor may 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.

(b) 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 her may reasonably require for the proper performance of his duties as a councillor.

General matters of an urgent nature

26.(a) 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

will not be unreasonably withheld.

(b) Prior to adoption, councillors must be afforded reasonable time to peruse and consider any report or official documents submitted to the council.

Interpretation

27. If a majority of councillors present so resolve, an interpreter may be used in meetings of the council and committees of the council.

In-committee

28.(a) Subject to section 5, the council or a committee of council may, at any time, resolve to proceed in-committee.

(b) The public will be excluded from any in-committee meetings.

(c) The municipal manager or another official exempted from this section by the speaker or chairperson, will not be excluded from any in-committee meeting.

(d) All proceedings in-committee must be recorded in terms of section 18(1) and 18(2) and must be confidential.

(e) Unauthorised disclosure of any confidential matter must be dealt with in terms of the Code of Conduct.

28.2 The Council will deal In Committee when discussing any of the following matters:

- (a) a trade secret or confidential commercial information of any supplier of the municipality or any person rendering a service to the municipality;
- (b) personal and private information of any councillor or an employee of the municipality;
- (c) the intention of the municipality to purchase or acquire land or buildings;
- (d) the price a municipality may offer for the purchase or acquisition of land or buildings;
- (e) any report addressing legal proceedings that the municipality is involved in or contemplating instituting or defending;
- (f) disciplinary proceedings or proposed disciplinary proceedings against any employee;
- (g) any matter that might not be disclosed in terms of legislation;
- (h) consideration of the minutes of previous In Committee discussions.

28.3 A councillor may, when an item in the agenda is put to order, other than a matter referred to in 28.2 above, and provided it is not a matter that is required in law to be dealt with in open council, propose with motivation, that the matter be further dealt with In Committee. The ruling of the Speaker in this regard will be final and no further discussion will be allowed.

CHAPTER 8

VOTING

Decisions by voting

29.(1) A quorum must be present in order for a vote to be taken.

(2) All questions concerning the following matters must 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.

(3) All other questions before the council must be decided by a majority of the votes cast by the councillors present.

(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 will not exercise a casting vote during the election of any office bearer of council and when Council considers matters listed in section 162 of the Constitution.

Method of voting

30.(a) Voting will 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.

(b) During the taking of a vote no councillor may leave the council chamber or committee room.

(c) The municipal manager or his nominee, will count the votes cast and will record the result of voting, but the speaker or chairperson will announce the result.

Dissenting votes and Abstention

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

31.2 A member may abstain from voting without leaving the chamber.

CHAPTER 9

REVOCATION OF COUNCIL AND COMMITTEE RESOLUTIONS

Revocation of Council Resolutions

32.(a) Approval to revoke or alter a resolution of council may not be delegated to any person or committee.

(b) Prior notice of an intention to move a motion for the revocation or alteration of a council resolution must be given.

(c) Any revocation or alteration of a council resolution must be made within a period of six months as provided for in section 29(2)(e).

Revocation of Committee Resolutions

33.(a) Approval to revoke or alter a resolution of a committee of the council may not be delegated to any person.

(b) Prior notice of an intention to move a motion for the revocation or alteration of a resolution of a committee of the council must be given.

(c) Any revocation or alteration of a resolution of a committee of the council must be approved by a majority of the number of the members of that committee.

CHAPTER 10

DEBATE

Opportunity to speak

34.(a) A councillor may only speak when so directed by the speaker or chairperson.

(b) A councillor may indicate a desire to speak by raising his hand and awaiting the direction of the speaker or chairperson, which direction must not be withheld.

(c) Councillors and officials must direct their address to the speaker or chairperson.

Relevance

35. Every speaker must restrict him or herself strictly to the matter under consideration.

Length of speeches

36. Other than the delivery of the mayoral report or the presentation of the estimates of income and expenditure, no speech will exceed five minutes in length without the consent of the speaker or chairperson.

Councillors to speak only once

37. A councillor may not speak more than once on any motion or proposal provided that the mover of the motion may speak to the motion, will have the right of reply and the reply will be confined to answering previous speakers and will not introduce any new matter into the debate.

Precedence of the speaker or chairperson

38. Whenever the speaker or chairperson rises during a debate, any councillor then speaking or offering to speak must seat himself and the councillor must be silent, so that the speaker or chairperson may be heard without interruption.

Points of order

39.(a) Any councillor may raise a point of order at any time by standing to draw the attention of the speaker or chairperson.

(b) Any member will only be allowed to raise one point of order and one point of personal explanation during the council meeting. Only one point of order on the same matter will be allowed.

(c) The ruling of the speaker or chairperson on a point of order will be final and will not be open to discussion.

Explanation

40. 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

General conduct

41.(1) The Speaker or the chairperson of the meeting in the event of a meeting other than a council meeting shall:

- a) Maintain order during meetings
- b) Ensure compliance with the Code of Conduct for Councillors during meetings
- c) Ensure that meetings are conducted in accordance with the Council's Rules and Orders
- d) Ensure that members conduct themselves in a dignified and orderly manner during meetings are dressed appropriately for the dignity of the meeting and ensure that no political party attire or regalia is acceptable within the Council Chamber
- e) Ensure that members of the public attending meetings are seated in areas designated for that purpose
- f) Ensure that members of the public attending meetings conduct themselves in an orderly manner and obey any ruling made by the Speaker or chairperson of the meeting
- g) Ensure that any councillor or member of the public refusing to comply with the ruling of the Speaker or chairperson leaves the meeting
- h) Ensure that Council conduct its business in the highest decorum and integrity that the occasion deserves;
- i) Ensure adherence to the code of conduct (j) Ensure adherence to the rule of law and the by-laws of the municipality;
- j) Ensure that all members do not use offensive or objectionable language; and
- k) Ensure that members do not use a cellular phone during, bring a firearm or any dangerous weapon into, a meeting of council or any of its committees.

Misconduct and Disorderly Conduct of a Councillor or persons other than Councillors

42.(a) The speaker may order a councillor to withdraw and apologise for any word, statement, opinion or gesture made by that councillor.

(b) If a councillor or councillors behave improperly during a meeting of council or any of its committees, the speaker must direct the councillor or councillors to conduct himself or themselves properly and, if speaking, to stop speaking and resume his seat or seats.

(c) In the event of persistent disregard of the directions of the speaker, the speaker must direct such councillor or councillors to retire from the meeting and remove himself or themselves from the place of meeting until the item under discussion has been finalised.

(d) In the event that any misconduct by a councillor or councillors 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 must be dealt with in terms of these Rules and Orders and the Code of Conduct.

(e) Where a councillor refuses to retire from a meeting or in the event of more than one councillor having to be ejected from the meeting, and such councillor/s refuse/s to leave the meeting, the Speaker shall request an authorised official to facilitate the removal of such councillor/s from the chamber. If this cannot be done orderly, the chairperson of a meeting may adjourn proceedings for a period not exceeding 15 minutes, in order for the relevant councillors to retire or to be ejected from the venue of the meeting. If, at the resumption of proceedings, the councillor/s have not left / been ejected, the meeting may be adjourned for another 10 minutes to address the situation. The chairperson may rule that after the second adjournment the meeting will re-convene at another venue and any councillor/s ordered to retire or so evicted or ordered to be evicted will be refused entry to the alternative venue. The authorised official of the council will ensure that such councillor/s do/es not enter such an alternative venue.

(f) Any person, other than a councillor, who misconducts himself or herself, behaves in an unseemly manner or interrupts the proceedings of the council or any committee at any meeting shall, if the Speaker or chairperson so directs, be removed from the chamber or the venue where the meeting is being held. If the person refuses to leave, the authorised official will be responsible to remove such person from the meeting. The chairperson may exclude such person from further admittance to the council chamber or the meeting venue for such period as it may be deemed fit.

CHAPTER 12 COMMITTEES

Rules Committee

43.(a) 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 these Rules and Orders.

(b) The Rules Committee will 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.

Own rules

44.(a) These Rules and Orders are applicable to all Committees of the Council. No Committee of the Council may determine its own rules. .

The chairperson

45.(1) The chairperson of a committee must—

- (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, will give a second or casting vote.

(2) In his absence, the acting or deputy chairperson will have the same powers and rights of voting as those possessed by the chairperson.

CHAPTER 13 PECUNIARY INTEREST

Declaration of pecuniary interest

46.(a) A councillor must 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.

(b) The councillor making a declaration must 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.

(c) 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.

(d) The disclosure of interests in terms of section 46(a) and benefit in terms of section 46(c) 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.

(e) When elected or appointed, a councillor must within 60 days or as soon as possible thereafter declare in writing to the municipal manager the financial interests referred to in item 7 of schedule 1 of the Systems Act.

CHAPTER 14

BREACH AND SANCTIONS

Breach

47. Any councillor who fails or refuses to obey these Rules and Orders, or any resolution of Council, may be guilty of a breach of the Code of Conduct.

Sanction

48. Where it is alleged that a councillor has breached these Rules and Orders, the council must, in terms of Item 14 of the Code of Conduct, investigate the alleged breach and may impose a sanction in keeping with the Uniform Standing procedure.

CHAPTER 15

GENERAL PROVISIONS

Suspension of a rule or order

49.(1) In instances of urgency or where a council considers that adherence to a section 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 section, 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 section may be relaxed when the removal of any political office bearer is before the council.
- (b) the suspension or relaxation of the section relates to an item on the agenda for the meeting of the council or committee of the council; and
- (c) section 23 must not be suspended; and
- (d) the reasons for the suspension of the section are recorded in the minutes of the meeting.

Adoption as by-law

50. These Rules and Orders be adopted as a by-law of the **Mandeni** Municipality.

Repeal of existing Rules and Orders

51. The council's existing Rules and Orders are hereby repealed.

Short title and commencement

52. These Rules and Orders will be called the **Mandeni** Municipal Standing Rules and Orders, 2016.

UMTHETHO KAMASIPALA OMAQONDANA NEMITHETHO NEMIYALELO YOMKHANDLU KANYE NAMAKOMIDI KAMASIPALA

Makushaywe uMthetho nguMkhandlu kaMasipala waseMandeni, ngokweSigaba 156(2) soMthethosisekelo weRiphabhlikhi yaseNingizimu Afrika, we-1996, ufundwa nesigaba 11(3)(m) soMthetho Wezinhlelo Zomasipala kuHulumeni Wendawo, wezi-2000 (uMthetho No. 32 wezi -2000) ngale ndlela elandelayo:

UKUHLELEKA KWEZIGABA

ISigaba

ISAPHLUKO 1

1. Izincazelo

ISAPHLUKO 2

UKUSETSHENZISWA KANYE NOKUHUNYUSHA KWEMITHETHO NEMIYALELO

2. Ukusetshenziswa kwale Mithetho Nemiyalelo

3. Ukuhunyushwa kwale Mithetho Nemiyalelo

ISAPHLUKO 3

IZIKHAWU ZEZIKHATHI OKUHLANGANWA NGAZO, UKWAMUKELWA KOMPHAKATHI EMIHLANGANWENI KANYE NEZAZISO ZEMIHLANGANO

4. Imihlangano yoMkhandlu

5. Ukwamukelwa Komphakathi Emihlanganweni

6. Isaziso sokwethamela umhlangano ojwayelekile woMkhandlu

7. Imihlangano eyisipesheli

8. Ukukhishwa kwezaziso kanye nohlelo lomhlangano

9. Ukungasitholi isaziso

ISAPHLUKO 4

IKHORAMU

10. Ikhoramamu

11. Ukuchithwa kanye nokuguqiswa komhlangano ngenxa yokungahlangani kwekhoramamu

ISAPHLUKO 5**UKWETHAMELA IMIHLANGANO**

- 12. Ukuhanjelwa Komhlangano
- 13. Isicelo sokungabi bikho emhlanganweni
- 14. Ukungawuhambeli umhlangano

ISAPHLUKO 6**UKUGUQA KOMHLANGANO**

- 15. Imihlangano eguqisiwe
- 16. Umhlangano oqhutshwayo

ISAPHLUKO 7**UKUQHUTSHWA KOMHLANGANO**

- 17. USomlomo nozihlalo bemihlangano
- 18. Amaminithi
- 19. Indlela okuqhutshwa ngayo umhlangano
- 20. Ukuqinisekiswa kwamaminithi omhlangano odlule
- 21. Amathimba ajutshiwe
- 22. Imibiko
- 23. Iziphakamiso
- 24. Imibuzo
- 25. Ukunikezelwa kwemininingwane emakhenseleni
- 26. Izindaba ezivamile eziphuthumayo
- 27. Ukuhunyushwa
- 28. Ikomidi langaphakathi

ISAPHLUKO 8**UKUVOTA**

- 29. Izinqumo ezithathwa ngokuthi kuvotwe
- 30. Indlela yokuvota
- 31. Amavoti aphikisayo kanye Nokungavoti

ISAPHLUKO 9**UKUCHITHWA KWEZINQUMO ZOMKHANDLU KANYE NEZAMAKOMIDI**

- 32. Ukuchithwa kwezinqumo zomkhandlu
- 33. Ukuchithwa kwezinqumo zamakomidi

ISAPHLUKO 10**INKULUMOMPIKISWANO**

- 34. Ithuba lokukhuluma
- 35. Ukuhambisana /ukuvumelana
- 36. Ubude bezinkulumo
- 37. Amakhansela kumele akhulume kanye kuphela
- 38. Ukubaluleka kukaSomlomo noma kukasihlalo
- 39. Ukuqondisa inkulumo
- 40. Incazelo

ISAPHLUKO 11**UKUZIPHATHA**

- 41. Indlela elindelekile yokuziphatha
- 42. Ukungaziphathi kahle kanye Nokuziphatha ngendlela Engahlekile kweKhansela kumbe kwabanye abantu abangesiwona amaKhansela

ISAPHLUKO 12**AMAKOMIDI**

- 43. IKomidi Elibhekele iMithetho
- 44. IMithetho azenzela yona amakomidi
- 45. Usihlalo

ISAPHLUKO 13**INTSHISEKELO YEZEZIMALI**

- 46. Ukudalulwa kwentshisekelo yezezimali

ISAHLUKO 14**UKWEPHULWA KOMTHETHO KANYE NEZIJEZISO**

47. Ukwephulwa komthetho

48. Izijeziso

ISAHLUKO 15**IZIHLINZEKO EZIVAMILE**

49. Ukumiswa komthetho kumbe komyalelo

50. Ukwamukelwa ibe ngumthetho kamasipala

51. Ukuchithwa kweMithetho Nemiyalelo evele ikhona

52. Isihloko esifushane kanye nokuqalisa kokusebenza

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

1. Kule Mithetho Nemiyalelo Engenakuguqulwa, ngaphandle uma ingqikithi ikhomba okwehlukile-

“**Umntu ogunyaziwe**” kusho umsebenzi kamasipala ogunyazwe yiMenenja kaMasipala ukuba enze umsebenzi othile ngokwale Mithetho Nemiyalelo;

“**Umtetho kamasipala**” kusho umthetho oshaywe waphasiswa ngumkhandlu kamasipala;

“**Usuku lwekhalenda**” kusho usuku olunamahora angamashumi amabili nane njengalokhu luvela kwikhalenda;

“**Usihlalo**” kusho ikhansela elikhethelwe esikhundleni ngokugcwele noma njengebamba sokulawula liphinde liqhube nanoma yimuphi umhlangano wekomidi lomkhandlu;

“**UMthethosisekelo**” kusho uMthethosisekelo weRiphabhlikhi yaseNingizimu Afrika, we-1996

“**UMkhandlu**” kusho —

- (a) uMasipala wase**Mandeni**, usebenzisa amagunya awo owanikwa yimithetho kanye nawokulawula usebenzisa umkhandlu wawo kamasipala;
- (b) labo abayolandla emuva kwawo ngokwezikhundla;

- (c) uhlaka noma umuntu osebenzisa amandla awanikeziwe kumbe owenza ngokwemiyalelo ayinikeziwe, lapho nanoma yimaphi amandla akule Mithetho Nemiyalelo edluliselwe kumuntu kumbe naye aphinde wawedlulisela komunye noma umyalelo onikeziwe, njengalokhu kuningwe esigabeni 59 soMthetho Wezinhlelo; futhi
- (d) ohlinzeka ngemisebenzi ukufezekisa isibopho ngaphansi kwale Mithetho Nemiyalelo;

"Inqubo Yendlela Yokuziphatha" kusho iNqubo Yendlela Yokuziphatha yamaKhansela equkethwe kuSheduli 1 yoMthetho Wezinhlelo;

"Imininingwane yokuxhumana" kusho ikheli lendawo, ikheli lokuposa, ele-imeyili, inombolo yocingo, ifeksi kanye nenombolo yeselula;

"ikhansela" kusho ilungu lomkhandlu kamsipala;

Usuku kusho nanoma yiluphi usuku olujwayelekile ngaphandle koMgqibelo, iSonto noma iHolide, ngaphandle uma kushiwo ngenye indlela;

"izithunywa" kusho umuntu noma iqoqo labantu abafisa ukuzifikela bona mathupha emkhandlwini noma ekomidini lomkhandlu ukuze bedlulise udaba lwabo;

"Ikomidi eliphezulu" kusho ikomidi eliphezulu lomkhandlu elisungulwe ngokwesigaba sama- 43 soMthetho Wezinhlaka;

"Ikomidi langaphakathi" kusho nanoma yimuphi umhlangano womkhandlu kumbe wekomidi lapho umphakathi kanye/ noma abasebenzi bakamasipala bengadingeki ukuba babe yingxenye;

"Uhlelo lwentuthuko edidiyele" kusho uhlelo olulodwa, olufaka phakathi okuningi futhi olunesu lokuthuthukiswa kukamasipala nolusetshenziswa ngokwesahluko 5 soMthetho Wezinhlelo;

"imeya" kusho ikhansela eliqokwe ukuba libe yimeya kamasipala ngokwesigaba 48 soMthetho Wezinhlelo;

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

“umasipala” kusho uMasipala **waseMandeni** owasungulwa ngokwesigaba 155(6) soMthethosisiekelo we-1996, futhi osungulwe ngaphansi kwezigaba 11 kanye ne- 12 zoMthetho Wezinhlaka, zifundwa nezigaba 3, 4 kanye no- 5 zoMthetho Wokuqagulwa Kwezinhlobo zoMasipala KwaZulu-Natali , wezi-2000 (uMthetho No. 7 wezi-2000);

“impahla kamasipala” kusho nanoma iyiphi impahla kamasipala enokususwa, engenakususwa, ethintekayo, engathinteki, ebambekayo, engabambeki;

“imenenja kamasipala” kusho umuntu oqashwe waba yimenenja kamasipala ngokwesigaba 54A soMthetho Wezinhlalo futhi kubandakanya nanoma yimuphi umuntu obambile kuleso sikhundla;

“isaziso sesiphakamiso” kusho indlela esetshenziswa ngamakhansela ukufaka amaphuzu ohlelweni lomhlangano womkhandlu ngokwesigaba 23 sale Mithetho Nemiyalelo;

“UMsebenzi Obhekele Ukuthula” kusho nanoma yimuphi umuntu omenyezwe ngokuthi unguMsebenzi Obhekele Ukuthula ngokoMthetho Wenqubo Yamacala Obugebengu, No-51 we-1977;

“iphuzu lokuqondisa inkulumo” kusho ukuphawula mayelana nanoma yikuphi ukuphambuka kumbe nanoma yikuphi okuphambene nenqubo yokuziphatha kanye/ kumbe nanoma yikuphi ukungahambisi ngendlela kulokho okuqhubekayo emhlanganweni;

“isakhiwo somkhandlu” kusho igumbi lomkhandlu kanye nazo zonke izindawo okuhlanganelwa kuzo, izindawo umphakathi ovumelekile ukufinyelela kuzo kanye nezinye izindawo zokuhlanganela lapho kubanjelwa khona imihlangano yomkhandlu noma yamakomidi omkhandlu;

“umphakathi” kubandakanywa abezokwazisa (abezindaba) kanti kusho nanoma yimuphi umuntu ohlala eRiphabhlikhi yaseNingizimu Afrika;

“isivumelwano sokunikezela ngezidingo” kusho isivumelwano esiphakathi kukamasipala kanye nesikhungo kumbe umuntu obalulwe esigabeni 76(b) soMthetho Wezinhlalo maqondana nomsebenzi kamasipala ohlinzekwa yilesi sikhungo kumbe yilowo muntu, ngokwakhe noma egameni likamasipala;

“usomlomo” kusho usihlalo womkhandlu okhethwe ngokwesigaba 36 soMthetho Wezinhlaka futhi kubandakanya nanoma yimuphi usomlomo obambile uma ekhethelwe ukuba enze imisebenzi kasomlomo;

“uMthetho Wezinhlaka” kusho uHulumeni Wendawo: uMthetho Wezinhlaka zikaMasipala we- 1998, (uMthetho No. 117 we-1998);

“uMthetho Wezinhlelo” kusho uHulumeni Wendawo: uMthetho Wezinhlelo zikaMasipala wezi- 2000, (uMthetho No. 32 wezi- 2000);

“ukwethula” kusho ukuhambisa umbiko kumbe nanoma yimuphi umbhalo osemthethweni emkhandlwini noma ekomidini lomkhandlu ukuba ucutshungulwe emhlanganweni okukhishelwe isaziso ngokwale Mithetho Nemiyalelo;

ISAHLUKO 2

UKUSETSHENZISWA KANYE NOKUHUNYUSHA KWALE MITHETHO NEMIYALELO

Ukusetshenziswa kwale Mithetho Nemiyalelo kamasipala

2.1 Imithetho yemiyalelo equkethwe lapha isebenza kuyo yonke imihlangano yomkhandlu kamasipala kanye nakunoma yiliphi ikomidi lomkhandlu kamasipala ngokunjalo nakunoma yiliphi elinye ikomidi lamakhansela elisungulwe kumasipala, ngaphandle uma imibandela okususelwa kuyona yohlaka oluthile isikhipha ngokusobala ukuthi le mithetho ayisebenzi kulolo hlaka.

2.2 Le Mithetho Nemiyalelo yengamela indlela okuqhutshwa ngayo emkhandlwini nasemakomidini omkhandlu ebophezelayo futhi kumele ukuthi imigomo yayo ilandelwe:-

- (a) yiwo onke amakhansela;
- (b) yinanoma yiliphi ilungu lomphakathi ngesikhathi likhona esakhiweni somkhandlu;
- (c) yinanoma yisiphi isithunywa esethulela umkhandlu inkulumo kumbe ikomidi lomkhandlu;
- (d) yinanoma yimuphi umsebenzi kamasipala; kanye
- (e) naBaholi Bomdabu ababambe iqhaza eMkhandlwini nasemakomidini awo ngokwesigaba 81 soMthetho Wezinhlelo zikaMasipala

Ukuhunyushwa kwale Mithetho Nemiyalelo

3. (a) Kumele nanoma yikuphi ukuhunyushwa kwale Mithetho Nemiyalelo kwenziwe ngokubhekelela ubukhulu boMthethosisekelo, imithetho kazwelonke, yesifundazwe nekamasipala, ukuhlonishwa komthetho kanye nemithetho yezobulungiswa.

(b) Ukunquma kukasomlomo kumbe kukasihlalo maqondana nokuhunyushwa kwale Mithetho Nemiyalelo emhlanganweni womkhandlu kumbe wekomidi lomkhandlu, ngokulandela izigaba 3(e) no- 3(f), kuyokuba ngumnqamulajuqu futhi kubophezele

(c) Kumele ukuhunyushwa kanye nokunquma kukasomlomo kumbe kukasihlalo maqondana nanoma yimiphi yale Mithetho Nemiyalelo kurekhodwe phansi kumaminithi omhlangano womkhandlu kumbe wekomidi.

(d) Kumele imenenja kamasipala igcine irejista lalokho okunqunyiwe kanye nemibono yangokomthetho.

(e) Nanoma yiliphi ikhansela lingacela imenenja kamasipala, ngokuba liyibhalele zingakapheli izinsuku ezinhlanu kwenziwe isinqumo ngokomtheshwana 3(b), ukuba liyicacisele mayelana nokuhumushwa kanye nokunquma. Kumele imenenja kamasipala emva kwalokho ibike emkhandlwini noma ekomidini lomkhandlu.

(f). Umkhandlu kumbe ikomidi lomkhandlu emva kokucubungula umbiko ngokomtheshwana 3(5) lingaqinisekisa, lichibiyele kumbe liguqule isinqumo sikasomlomo kumbe sikasihlalo kuncike kunanoma yimaphi amalungelo anoma ngubani omunye othintekayo okungenzeka ukuthi atholakele ngenxa yesinqumo futhi kumele zonke izinqumo ezithinta amalungelo abanye abantu abhalwe phansi futhi kumele izizathu zalezo zinqumo zibhalwe phansi.

ISAHLUKO 3

IZIKHAWU ZEZIKHATHI OKUHLANGANWA NGAZO, UKUNGENISWA KOMPHAKATHI KANYE NEZAZISO ZEMIHLANGANO

Imihlangano yomkhandlu

4. (a) Kumele umkhandlu ubambe umhlangano ojwayelekile womkhandlu kungabi ngaphansi kowodwa ngenyanga.

(b) Kumele usomlomo ahlele yonke imihlangano yomkhandlu ngokuhambisana nesigaba 4(a) futhi kuncike esigabeni 6.

Ukungeniswa komphakathi

5. (1) Kumele yonke imihlangano yomkhandlu kanye neyamakomidi awo ivuleleke emphakathini, futhi umkhandlu kumbe ikomidi lomkhandlu lingeke likhiphele ngaphandle umphakathi emhlanganweni, ngaphandle uma umkhandlu kumbe ikomidi, ngenxa yohlobo lodaba oludingidwayo kumbe uma ukudalulwa kwanoma yiluphi udaba kungalimaza ukusebenza kukamasipala, ungabona kufanelekile futhi kuvumelekile ukwenze njalo ube uyibhekelele imigomo yezwe elivulelekile nelibuswa ngokwentando yabantu.

(2) Umkhandlu kumbe ikomidi lomkhandlu, nganoma yisiphi isizathu, ungeke uwukhiphele ngaphandle umphakathi uma udingida, uvota kumbe uphawula ngezindaba ezilandelayo:-

- (a) umthetho kamasipala osaluhlaka owethulwa emkhandlwini;
- (b) isabelomali esethulwa emkhandlwini;
- (c) uhlelo lukamasipala lwentuthuko edidiyele, kumbe nanoma yikuphi ukuchitshiyelwa kohlelo, kumbe nanoma yikuphi ukuguqulwa kohlelo olwethulwe emkhandlwini;
- (d) inqubo kamasipala yezokulawulwa kokwenziwa komsebenzi, kumbe nanoma yikuphi ukuchitshiyelwa kwenqubo eyethulwe emkhandlwini;
- (e) isinqumo sokwenza isivumelwano sokuthunyelwa kwezidingongqangi;
- (f) nanoma yimuphi umbiko omayelana nokunikezwa kwethenda ngokwenqubomgomo yezokulawulwa kokuthengwa nokusatshalaliswa kwempahla;
- (g) ukulahlwa noma ukuthengwa kwempahla kamasipala;
- (h) nanoma yiluphi olunye udaba olunqunywe ngumthetho.

(3) Imenenja kamasipala kumele ikhiphe isaziso esiya emphakathini, ngendlela enqunywe ngumkhandlu, esicacisa isikhathi, usuku nendawo yalowo nalowo mhlango owayelekile womkhandlu noma wekomidi lomkhandlu kanye nanoma yimuphi umhlango oyisipesheli kumbe ophuthumayo womkhandlu noma wekomidi lomkhandlu, ngaphandle uma isikhathi singasakuvumeli lokho.

(4) Amalungu omkhandlu namalungu omphakathi ahambele nanoma yimuphi umhlango womkhandlu kumbe umhlango wekomidi kumele anikeze umhlango isithunzi osifanele ngokukhuluma ngendlela eyamukelekile njengalokhu kusho uMthetho 41(d) kanti futhi akuvumelekile ukugqoka imifaniswano yamaqembu ezipolitiki

Isaziso sokuhambela umhlango owayelekile womkhandlu

6.(1) Kumele usomlomo ameme imihlango yomkhandlu, okungenani njalo ngenyanga, “ngeSaziso Somhlango Womkhandlu” esisayinwe ngokufaneleyo, esisho usuku, indawo kanye nesikhathi somhlango futhi sihambisane kumbe sibe nohlelo lomhlango ohlongozwayo.

(2) Isaziso sokuhambela umhlango ngokwesigaba 6(1) kumele sikhishwe okungenani–

- (a) kusasele izinsuku ezinhlanu ngaphambi komhlango owayelekile, futhi;
- (b) kusasele izinsuku ezimbili ngaphambi komhlango oyisipesheli.

Imihlango eyisipesheli

7.(1) USomlomo

(a) ngenhloso emayelana nomsebenzi womkhandlu osemqoka noma ophuthumayo

- (b) kumbe ngokucela kweningi lamakhansela kamasipala, kumele abize umhlangano oyisipesheli womkhandlu.
- (2) Umhlangano oyisipesheli kumele ubanjwe ngokuhambisana nesigaba 6(2) (b) kanye nesigaba 7(1)(b), kungakedluli izinsuku ezine kusukela osukwini lwesicelo
- (3) Isicelo sokuba kube khona umhlangano oyisipesheli, njengoba kushiwo esigabeni 7(1)(b), –
- (a) kumele sisayinwe ngamakhansela angekho ngaphansi kwamaphesenti angamashumi amahlanu kanye nelilodwa ngaphezulu awo wonke amakhansela kamasipala kanye nelilodwa; futhi
 - (b) kumele sihambisane–
 - (i) nesaziso sesiphakamiso esisayinwe ngokufanelekileyo; kanye
 - (ii) nesitatimende esibhalwe yikhansela lisayina isaziso sesiphakamiso linikeza izizathu zokuthi kungani siphuthuma isicelo sokuba nomhlangano ophuthumayo nokuthi ngeke kulindwe umhlangano ojwayelekile womkhandlu.
 - (c) Uma usomlomo ehluleka ukubiza umhlangano ngokwalo mtheshwana, kumele imenenja kamasipala ibize lowo mhlango bese kuba nokhetho lebambela likasomlomo ngokwesigaba 41 soMthetho Wezinhlaka.

Indlela Okukhishwa Ngayo Izaziso kanye noHlelo Lomhlangano

8. (1) Isaziso sokuhambela umhlangano noma nanoma yikuphi ukuxhumama kwangokomsebenzi okuvela emkhandlwini, kuyothunyelwa–
- (a) ekhelini lendawo elindaweni engaphansi kolawulo lukamasipala; noma
 - (b) ekjelini le- imeyili;
 - (c) ifeksi; kumbe
 - (d) ngomyalezo omfishane wocingo (i-SMS);
- Inqobo nje uma iminingwane yokuxhumana izohlinzekwa ngokubhaliwe yikhansela ngalinye kwimenenja kamasipala zingakapheli izinsuku ezimbili lelo khansela likhethiwe futhi, emva kwalokho, uma ikhansela lifisa ukushintsha ikheli kanye nendawo laphe elifisa ukuthola khona izaziso zomhlangano kanye nokunye ukuxhumana kwangokomsebenzi okuvela kumkhandlu.
- (2) Yonke imibhalo eqondene nanoma yimuphi umhlangano womkhandlu kumbe wekomidi, ngaphandle kwemihlangano ebizwe ngokwesigaba 7, kumele inikezwe wonke amakhansela okungenani kusasele izinsuku ezinhlanu ngaphambi komhlangano ovamile womkhandlu

noma wekomidi futhi kusasele izinsuku ezimbili ngaphambi komhlangano oyisipesheli womkhandlu noma wekomidi.

- (3) Kumele wonke amakhansela azise usomlomo nganoma yiziphi izinguquko zemininingwane yawo yokuxhumana zingakapheli izinsuku ezintathu zalolo guquko
- (4) Kuncike kumtheshwana 5(3), kufanele isaziso sokuhambela umhlangano sikhangiswe kumabhodi kamasipala ezaziso zomphakathi

Ukungasitholi isaziso

- 9. (a) Ikhansela lingacela ukuba kuphenywe maqondana nokungasitholi isaziso sokwethamela umhlangano.
- (b) Ukungasitholi isaziso sokwethamela umhlangano ngeke kuphazamise ukuba semthethweni komhlangano kumbe ukuqhubeka komhlangano womkhandlu kumbe wanoma yiliphi lamakomidi awo.

ISAPHELA 4

IKHORAMU

Ikhoramamu

- 10. (1) (a) Ngale kokuthi kungaba nezikhala, kumele ikhoramamu yomkhandlu ibe ngamaphesenti angamashumi amahlanu kanye nelilodwa (1) ngaphezulu wenani selilonke lamakhansela elinqunywe ngokuhambisana nesaziso sesakhowo sikamasipala, ngaphambi kokuba kuvotelwe nanoma yiluphi udaba.
 - (b) Kuncike kwikhoramamu, ukwehluleka kwananoma yiliphi ikhansela ukuvota ngeke kwenze kungabi ngokusemthethweni ukuqhubeka komhlangano womkhandlu.
- (2) (a) Ngale kokuthi kungaba nezikhala, kumele iningi lesibalo samakhansela aqokwe ekomidini lomkhandlu abe khona emhlanganweni wekomidi ngaphambi kokuba kuvotelwe nanoma yiluphi udaba.
 - b) Kuncike kwikhoramamu, ukwehluleka kwanoma yiliphi ikhansela ukuvota ngeke kwenze kungabi ngokusemthethweni ukuqhubeka komhlangano wekomidi.

Ukuchithwa kanye nokuguqiswa komhlangano ngenxa yokungahlangani kwekhoramamu

Ukuchithwa komhlangano

11. (1) Akukho mhlango oyoqhubeka, uma ikhoramu ingahlangani sekuze kwadlula imizuzu eyishumi nanhlanu emva kwesikhathi obekumele kuqale ngaso umhlango, ngaphandle uma kuvumelana wonke amakhansela akhona ukuba kwengezwe isikhashana esingadlule kumaminithi ayishumi nanhlanu ukuze kuhlangane ikhoramu, emva kwalokho uma ingekho futhi ikhoramu, umhlango sokuyomele uchithwe.

Ukuguqiswa komhlango

- (2) Uma ngesikhathi kudingidwa udaba kunanoma yimuphi umhlango womkhandlu kumbe wananoma yiliphi ikomidi lawo kucelwa ukuba usomlomo noma usihlalo abhekisise isibalo samakhansela akhona, –
- (a) kuyomele abale amakhansela akhona;
- (b) uma kutholakala ukuthi isibalo sekhoramu asihlangani, kufanele usomlomo kumbe usihlalo aguqise umhlango bese evumela ikhefu lefizuzu eyishumi nanhlanu ukuze kube khona inani lamalungu elidingekile ukuqala umhlango;
- (c) uma ikhoramu ihlangana emva kokuguqiswa komhlango, kumele umhlango uqhubeke;
- (d) uma ikhoramu ingahlangani emva kokuguqiswa komhlango, kumele usihlalo noma usomlomo aqhubeke nokuguqisa umhlango.
- (3) Lapho umhlango uguqisiwe ngenxa yokungahlangani kwekhoramu, kuyomele kubizwe futhi umhlango oyobe uqhubeke lapho zingakapheli izinsuku eziyisikhombisa

ISAHLUKO 5

UKUHANJELWA KOMHLANGO

Ukuhanjelwa Komhlango

12. (1) Wonke amakhansela kumele afike ngesikhathi emhlanganweni ahlale kulowo nalowo mhlango womkhandlu kanye nowekomidi ikhansela eliyilungu lalo ngaphandle uma-
- (a) linikezwe ilivu yokungabi bikho ngokwesigaba 13;
- (b) ikhansela licelwe ukuba lihoxe ngokwesigaba 46(b); noma
- (c) ikhansela lingekho ngoba lithole invume kusomlomo kumbe kusihlalo.
- (2) Ikhansela ngalinye elihambe nanoma yimuphi umhlango womkhandlu kumbe wekomidi lomkhandlu liyosayina irejista lokuba khona ehlinzekelwe lokho.

- (3) Irejista yokuba khona kumele ifakwe kwifayela ehhovisi lemenenja kamasipala
- (4) Nanoma yiliphi ikhansela elinelungelo lokuthatha ilivu yokungabi bikho ngokwesigaba 13 kodwa elingasayidingi leyo livu lingawuhambela umhlangano ebelinikwe ilivu yokungabikho kuwo futhi lisayine irejista yokuba khona.

Ilivu yokungabi bikho

13. (1) USomlomo akumele anikeze ilivu yokungabi bikho ngendlela yokuthi isibalo sabantu abangeke babe khona emhlanganweni sibe ngaphezu kwekhoramu yomhlangano ngesikhathi esisodwa.

- (a) ilivu yokungabi bikho inganikezwa nguSomlomo
- (b) isicelo kumele siveze izizathu eziqinile futhi sifakwe ngaphambi komhlangano
- (c) isinqumo sokunikezwa noma sokunganikezwa kwelivu yokungabi bikho kumele sikhishwe kusenesikhathi
- (d) ikhansela kuyothathwa ngokuthi alikho ngaphandle kwelivu uma isicelo selivu singaphumelelanga kodwa futhi liqhubeke lingawethameli umhlangano noma lehluleke ukuhlala emhlanganweni

(2) Uma ikhansela—

- (a) lingeke likwazi ukuhambela umhlangano elinikezwe isaziso sawo; kumbe
- (b) lingeke lihlale emhlanganweni; noma
- (c) lizofika sekudlule isikhathi esibekiwe sokuqalisa umhlangano, kufanele, ngokukhulu ukushesha futhi ngaphambi kwalowo mlangano, lifake isicelo esibhaliwe esiya kumenenja kamasipala selivu yokungabi bikho kuwo wonke umhlangano kumbe ingxenye ethile yomhlangano, isicelo leso okumele sihlinzeke ngezizathu eziqondakalayo futhi ezinobufakazi beqiniso futhi lisho nezizathu ezizokwenza ukuthi linikezwe ilivu.

(3) Kumele imenenja kamasipala ngokukhulu ukushesha yazise usomlomo kumbe usihlalo womhlangano mayelana nanoma yisiphi isicelo esitholakele selivu yokungabi bikho.

(4) Kumele usomlomo noma usihlalo wekomidi elifanele ngokukhulu kushesha acubungule isicelo selivu yokungabi bikho bese lisivuma kumbe lisinqabe isicelo ngezizathu bese ngokushesha lazise imenenja kamasipala ngesinqumo sakhe.

- (5) Imeneja kamasipala kumele yazise ikhansela elifake isicelo selivu yokungabi bikho, ngokukhulu ukushesha, ngesinqumo sikasomolomo kumbe usihlalo.
- (6) Ikhansela kuyothathwa ngokuthi alibanga khona emhlanganweni okukhulunywa ngawo ngale kokuthola ilivu lapho isicelo sokungabi bikho emsebenzini singavunywanga futhi—
- (a) lehlulekile ukuhambela umhlangano; noma
- (b) lehlulekile ukuhlala emhlanganweni.
- (7) Lapho ikhansela lihluleka ukuhlala emhlanganweni –
- (a) ngaphandle kokuthola imvume yokwenze njalo; noma
- (b) ngaphandle kokuthola imvume kusomlomo kumbe usihlalo yokuphuma ngaphambi kokuba kuphele umhlangano, kumele isikhathi elihambe ngaso sibhalwe phansi kumaminithi nokuthi ikhansela lizothathwa njengebelingekho kulowo mhlangano ngaphandle kwemvume;
- (8) Lapho ikhansela lifika sekudlule isikhathi, ngaphandle kokuthola imvume yokwenze njalo, kumele isikhathi elifike ngaso kanye nezizathu zokufika sekudlule isikhathi zibhalwe phansi kumaminithi omhlangano futhi ikhansela lingathamela umhlangano bese lisayina irejista yokubakhona ngokwesigaba 12(2).
- (9) Kumele ilivu yokungabi bikho emihlanganweni emibili noma ngaphezulu ilandelana igunyazwe ngumkhandlu kumbe ikomidi eliqondene.

Ukungawuhambeli umhlangano

14. (1)(a) Kuncike ekuthotshelweni kwenqubo ebekwe kusigaba 13 kanye nasezihlinzekweni zephuzu 4(2) leShuduli 1 yoMthetho Wezinhlelo, ikhansela eliphuthe emhlanganweni okunikezwe ngawo isaziso ngaphandle kwesizathu, liyokhokha inhlawulo elingana nomholo weviki elilodwa, nokuyinhlawulo eyobanjwa emholweni walelo khansela elithintekayo.

(b) Ikhansela elingayihambeli imihlangano yomkhandlu kamasipala ize ibe mithathu noma ngaphezulu ilandelana, kumbe ibe imihlangano yekomidi emithathu noma ngaphezulu ilandelana, okuyimihlangano lelo khansela elilindeleke ukuba liyihambe ngokwephuzu 3 leShuduli 1 yoMthetho Wezinhlelo, kumele likhishwe esikhundleni sokuba yikhansela ngokwesigaba 14(2)(e) soMthetho Wezinhlelo.

(c) Izinyathelo ezimaqondana nokukhokhiswa kwenhlawulo noma ukukhishwa kwekhansela esikhundleni kumele kwenziwe ngokulandela inqumo ebekiwe esebenza ngokufana kuwo umuntu okumele yamukelwe ngumkhandlu kamasipala.

- (2) Lapho ikhansela liphuthile emhlanganweni ngaphandle kokuthola ilivu–
- (a) Ikomidi elibhekelele iMithetho njengoba kuchazwe kusigaba 43 kumbe usomlomo noma usihlalo njengoba kungaba njalo, kuyomela acele ikhansela ukuba lichaze ngokusemthethweni ngezizathu zokuphutha emhlanganweni;
 - (b) usomlomo noma usihlalo uyobe esecubungula incazelo bese enquma ukuthi kungabe ikhansela laliphuthe ngesizathu esifanele yini, ahlinzeke izizathu ezifanele mayelana nesinqumo sakhe;
 - (c) ikhansela lingabhala ledlulise isikhalo ngesinqumo sikasomlomo noma sikasihlalo zingakapheli izinsuku eziyisikhombisa lithole lesi sinqumo.
 - (d) umkhandlu noma ikomidi kumele–
 - (i) linikeze ikhansela ithuba lokuba limeleleke, ngomlomo kumbe ngokuba kubhalwe; futhi
 - (ii) licubungule ukwedluliswa kwesikhalo kwekhansela, kuhlangele nanoma yimiphi imibono e vele kusomlomo kumbe usihlalo wekomidi elithintekayo;
 - iii) lithathe isinqumo sokuthi kungabe ikhansela laliphuthe ngesizathu esifanele yini.
- (3) Imenenja kamasipala iyogcina amarekhodi azo zonke izigameko ezimaqondana nokuthi ikhansela latholakala liphuthile kumbe kwathathwa ngokuthi liphuthile ngaphandle kokuthola ilivu futhi nangaphandle kwesizathu esifanele bese lithumela umbiko obhaliwe kusomlomo uma ikhansela liphuthile kusukela emhlanganweni emithathu noma ngaphezulu ilandelana ikhansela okwakumele liyihambe
- (4) Lapho usomlomo ethola umbiko ngokomtheshwana 14(3), kumele usomlomo athumele umbiko kumkhandlu bese eyalela ukuba udaba luphenywe ngokuhambisana noNgxenywe 14 lweNqubo Yendlela Yokuziphatha.

ISAPHELA 6

UKUGUQA KOMHLANGANO

Imihlangano Eguqile

15. Kuncike kumtheshwana 11(3), umhlangano womkhandlu kumbe wekomidi, ngokuvotelwa yiningi ungahlehliselwa kolunye usuku kumbe ihora kodwa kungadluli izinsuku eziyi- 14 emva komhlangano wasekuqaleni.

Umhlangano Oqhutshwayo

16. (1) Lapho umhlangano uguqile, kuyokhishwa isaziso somhlangano oqhutshwayo ngokwesigaba 8.
- (2) Akukho daba oluyodingidwa emhlanganweni oqhutshwayo ngaphandle kwalolo obelubalulwe

esazisweni somhlangano oguqile.

ISAHLUKO 7

INQUBO YOKUQHUTSHWA KOMHLANGANO

USomlomo kanye nozihlalo bemihlangano

17. (1) Kulowo nalowo mhlango womkhandlu, usomlomo, kumbe uma engekho yena, ibamba likasomlomo, liyokuba ngusihlalo liphinde lenze imisebenzi eshiwo ngokwesigaba 37 soMthetho Wezinhlaka futhi kumele aqinisekise ukuthi yilelo nalelo khansela liyayithola ikhophi yeMithetho Nemiyalelo kanye neNqubo Yendlela Yokuziphatha ngesikhathi lingena esikhundleni .

- (2) Usomlomo nosihlalo wemihlangano yomkhandlu neyamakomidi—
- (a) kumele baqinisekise ukuthi imihlangano iqhutshwa ngendlela enokuhleleka;
 - (b) kumele baqinisekise ukugcinwa komthetho emkhandlwini maqondana neNqubo Yendlela Yokuziphatha kwamaKhansela; futhi
 - (c) kumele aqinisekise imihlangano ibanjwa ngokulandela le Mithetho Nemiyalelo .
- (3) Uma usomlomo noma usihlalo wekomidi lomkhandlu engekho noma engatholakali ukwenza imisebenzi kasomlomo kumbe kasihlalo, noma ngeikhathi engekho okuleso sikhundla, umkhandlu kumbe ikomidi ngokuholwa yimenenja kamasipala noma lowo emqokile kumele akhethe elinye ikhansela elizobamba njengosomlomo noma usihlalo.
- (4) Akukho mhlango womkhandlu kumbe wekomidi lomkhandlu ongaqala kumbe uqhubeke ngale kokuba khona kukasomlomo kumbe usihlalo ophethe umhlangano.

Amaminithi

18. (a). Kufanele okuqhubekayo emhlanganweni womkhandlu kurekhodwe kwikhompyutha bese kugcinwa ngokuhambisana noMthetho Wemisebenzi Yezinqolobane Zemibhalo Eyigugu Namarekhodi eNingizimu Afrika, No- 43 we- 1996

- (b) Kumele amaminithi abhaliwe alokho okuqhubekayo emhlanganweni ngamunye womkhandlu kanye nowamakomidi aqukathe izinqumo ezamukelwe ngumkhandlu kulowo mhlango.
- (c) Kumele amaminithi asegunyaziwe ayo yonke imihlangano yomkhandlu kumbe yamakomidi okungeyona imihlangano yamakomidi angaphakathi akwazi ukutholwa ngumphakathi.

- (d) Lapho imenenja kamasipala ibona ukuthi nanoma yiziphi izinqumo noma okuqhubekayo emhlanganweni womkhandlu kumbe wekomidi kungashayisana nanoma yimuphi umthetho kumbe umthetho kamasipala, kumele eluleke umkhandlu kumbe ikomidi ngendlela efanele futhi kumele imininingwane ephelile yalowo mbono ibhalwe phansi emaminithini.

Indlela okuzoqhutshwa ngayo umhlangano

19. (1) Indlela okuzoqhutshwa ngayo nanoma yimuphi umhlangano womkhandlu noma wekomidi lawo eliphezulu kumbe wekomidi lomkhandlu yilena:

(a)

uMkhandlu	IKomidi Eliphezulu / Ikomidi leMeya	Ikomidi
<ul style="list-style-type: none"> • Ukuvula: Umkhuleko • Isaziso somhlangano • Ukungabi bikho okugunyaziwe • Ukuvunywa kohlelo lwamaphuzu azodingidwa emhlanganweni • Ukudalulwa kwezintshisekelo • <u>Izimemezelo</u> • Izithunywa zizokwenza izethulo • Ukuqinisekiswa kwamaminithi omhlangano owedlule • Ezivuka emaminithini • Ukwethulwa kwemibiko yabamele uMkhandlu abavela komasipala beziFunda / nabeNdawo • Imibiko yeKomidi Eliphezulu / yeMeya, ngaphansi kwezigaba: izinqumo ezibhekiswe emkhandlini, izinqumo zabadluliselwe kubo amandla kanye nezinqumo zeKomidi Eliphezulu • Imibiko evela kwi- MPAC • Imibiko yamaKomidi abhekele Ukucwaningwa Kwamabhuku • Imibiko yamakomidi amawadi / umbiko ohlanganisiwe wamakomidi amawadi • Umbiko omaqondana nokwenziwa yi- SALGA • Izinto ezenzeka nyanga zonke • Ilaka loMholi woMdabu • Imibiko okumele iqashelwe nje kuphela • Imibiko okumele icutshungulwe • Imibiko - iKomidi Langaphakathi; • Isaziso Sesiphakamiso • Imibuzo ebikhishelwe Isaziso • Imibiko ephuthumayo – ivunyelwa ngokuvumelana nosihalalo kuphela; kanye • Nezindaba ezivamile 	<ul style="list-style-type: none"> • Ukuvula: Umkhuleko • Isaziso somhlangano • Izicelo zelivu yokungabi bikho • Ukuvunywa kohlelo lwamaphuzu azodingidwa emhlanganweni • Ukudalulwa kwentshisekelo • <u>Izimemezelo</u> • Izethulo • Ukuqinisekiswa kwamaminithi omhlangano owedlule • Ezivuka emaminithini • Imibiko yamaKomidi abhekele Izindaba zeMinyango ngokwahlukana kwayo • Imibiko yamaKomidi abhekele ukuCwaningwa Kwamabhuku • Imibiko okumele iqashelwe nje kuphela • Imibiko okumele icutshungulwe • Imibiko yamaKomidi Angaphakathi • Imibiko ephuthumayo – ivunyelwa ngokuvumelana nosihalalo kuphela 	<ul style="list-style-type: none"> • Ukuvula: Umkhuleko • Isaziso somhlangano • Izicelo zelivu yokungabi bikho • Ukuvunywa kohlelo lwamaphuzu azodingidwa emhlanganweni • Ukudalulwa kwentshisekelo • <u>Izimemezelo</u> • Izethulo • Ukuqinisekiswa kwamaminithi omhlangano owedlule • Ezivuka emaminithini • Imibiko okumele iqashelwe nje kuphela • Imibiko okumele icutshungulwe • Imibiko yamaKomidi Angaphakathi • Isaziso Sesiphakamiso • Imibiko ephuthumayo – ivunyelwa ngokuvumelana nosihalalo kuphela

eziphuthumayo		
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- (2) USomlomo kumbe usihlalo ngokokubona kwakhe, angasondeza noma ahlehlise nanoma yiluphi udaba olusohlelweni lomhlangano nanoma inini.

Ukuqinisekiswa kwamaminithi omhlangano owedlule

20. (1) Amaminithi ayo yonke imihlangano azoqinisekiswa emhlanganweni ojwayelekile olandelayo walowo mkhandlu noma wekomidi futhi azosayinwa ngusomlomo kumbe usihlalo.

- (2) Akukho siphakamiso kumbe ingxoxo ezovunyelwa emaminithini omhlangano owedlule, ngaphandle kwalokho okumayelana nokubhaleka kahle kwalawo maminithi.

Amathimba ajutshiwe

21. (a) Ithimba elijutshiwe elifisa ukwenza isethulo emkhandlwini kumbe ekomidini lomkhandlu kumele lilethe imemorandamu equkethe izethulo elizozenza kwimenenja kamasipala.

- (b) Isicelo sethimba sokwenza isethulo emkhandlwini kumele sivunywe ngusomlomo kumbe usihlalo oqondene.
- (c) Imenenja kamasipala kumele ihambise leyo memorandamu emkhandlwini kumbe ekomidini lomkhandlu, elizokwamukela ithimba elijutshiwe.
- (d) Nanoma yiluphi udaba oludinga ukucutshungulwa kusukela kokushiwo yizithunywa, umkhandlu kumbe ikomidi lomkhandlu ngeke liqhubeke nalo kuze kube izithunywa ziyahoxisa, inqobo nje uma imibuzo yokucacisa ivunyelwe.
- (e) Ilungu lomphakathi, ngaphandle kwethimba elijutshiwe, elifisa ukukhuluma emhlanganweni womkhandlu kumbe wekomidi, kumele lithole imvume yokukhuluma kusomlomo kumbe kusihlalo, ngaphambi kokuqala komhlangano.
- (f) Uma likhuluma emhlanganweni womkhandlu noma wekomidi, ilungu lomphakathi kanye nelethimba kumele lihloniphe nanoma iyiphi imiyalelo ekhishwa ngusomlomo noma usihlalo.
- (g) Uma ilungu lomphakathi noma lethimba liziphatha ngendlela engafanele nengenanhlonipho nanoma ngabe yisiphi isikhathi, usomlomo kumbe usihlalo atshele lelo lungu ukuthi liphume noma likhishwe nguMsebenzi obhekele ukuthula emagcekeni.

- (h) Nanoma yiliphi ilungu lomphakathi noma lethimba elehluleka kumbe elenqaba ukuhlonipha imyalelo kasomlomo noma usihlalo ngokwesigaba 21(f) kanye nesigaba 21(g) liyobekwa icala futhi liyokhokha inhlawulo kumbe libhadle ejele isikhathi esingeqile inyanga eyodwa noma kokubili inhlawulo nokubhadla ejele.

Imibiko

22. (a) Kumele nanoma yimuphi umbiko othunyelwe emkhandlwini kumbe ekomidini, ngaphandle kombiko owamukelwe ngusomlomo kumbe ngusihlalo njengophuthumayo, uhlinzekwe kumakhansela ngokwesigaba 8.

- (b) Kumele usomlomo kumbe usihlalo avumele izingxoxo ngokuhambisana nezigaba 34, 35, 36, 37, 38, 39 kanye nesama- 40 nganoma yimuphi umbiko othunyelwe emkhandlwini kumbe ekomidini lomkhandlu, emhlanganweni okuzothunyelwa kuwo lowo mbiko futhi uma izingxoxo zingaphothulwanga noma zingabanga khona nganoma yisiphi isizathu, kuyobe sekuba nezingxoxo ezimayelana nalowo mbiko emhlanganweni olandelayo.

Iziphakamiso

23. (1) Akukho daba oluzoethwa emkhandlwini kumbe ekomidini lomkhandlu ngaphandle ngokuba lulethwe ngokwesaziso sesiphakamiso.

- (2) Kumele isaziso sesiphakamiso –

(a) sibe ngesibhaliwe; futhi

(b) sisayinwe yikhansela elisilethayo kanye nelinye ikhansela elesekayo; futhi

(c) sikhulume ngodaba olulodwa kuphela.

- (3) Isaziso sesiphakamiso, ngokuhambisana nesigaba 7, kumele silethwe kwimenenja kamasipala ngaphambi kwe- 12h00 kusasele izinsuku eziyisikhombisa zilandelana ngaphambi komhlangano olandelayo, uma kungenzekanga lokho, isaziso sizobhekwa emhlanganweni olandelayo oqinisekisiwe.

- (4) Kumele imenenja kamasipala–

(a) ifake usuku kanye nenombolo esazisweni ngasinye sesiphakamiso;

(b) ifake erejisti isaziso sesiphakamiso, irejista lelo elivulelekile ukuba lihlolwe yinanoma yiliphi ikhansela kanye nomphakathi; futhi kumele

(c) ifake isaziso sesiphakamiso ngasinye ohlelweni lomhlangano ngokulandelayo kwazo ngendlela azithole ngayo.

- (5) USomlomo kumbe usihlalo kumele—
 - (a) afunde kakhulu inombolo yaleso naleso siphakamiso kanye negama likamethuli siphakamiso kanye nomeseki;
 - (b) athole ukuthi yiziphi iziphakamiso ezingaphikiswanga kanye nalezo ezizophumelela ngale kokudingidwa; futhi
 - (c) abize abethuli beziphakamiso eziphikisiwe ngokulandelana kwabo ohlelweni lomhlangano
- (6) Ikhansela elithumele isiphakamiso liyokwethula lesa siphakamiso futhi liyokuba nelungelo lokuphendula
- (7) Siyophelelwa yisikhathi isiphakamiso uma ikhansela elisithumellie kanye nomeseki walo bengekho emhlanganweni ngesikhathi kudingidwa ngaleso siphakamiso.
- (8) Ikhansela liyovunyelwa ukuletha izaziso zeziphakamiso ezingeqile kwezintathu ohlelweni lomhlangano.
- (9) USomlomo noma usihlalo akumele enqabe isiphakamiso esilethwa kuye ngokwale Mithetho Nemiyalelo.

Imibuzo

- 24.** (a) Ikhansela lingaphonsa umbuzo odinga impendulo ebhaliwe ovela kunoma yimuphi ophethe isikhundla sezepolitiki noma sikamasipala mayelana nodaba olumaqondana nokwenziwa ngempumelelo komsebenzi kamasipala kanye nokusebenzisa amandla awo, inqobo nje uma kungukuthi isaziso esibhaliwe sombuzo sithunyelwe kusomlomo noma kusihlalo kanye nakwimenenja kamasipala okungenani kusasele izinsuku eziyisikhombisa ngaphambi komhlangano womkhandlu noma wekomidi futhi imenenja kamasipala kumele iqinisekise ukuthi ikhansela liyayithola impendulo ebhaliwe evela kulowo ophethe esikhundla sezepolitiki noma sikamasipala, emhlanganweni womkhandlu kumbe wekomidi.
- (b) Uma emva kokuba umbuzo usuphenduliwe, ikhansela libona ukuthi impendulo ayicacile, ngemvume kasomlomo noma kasihlalo, ikhansela lingacela ukuba kube nombuzo wokulandelela.

Ukunikezwa kwemininingwane emakhanseleni

- 25.** (a) Akukho khansela okumele lixhumane kumbe likhulume nanoma yimuphi umsebenzi wezokuphathwa kwehhovisi likamasipala mayelana nomsebenzi owenziwa

ngumasipala okungale kokuthi lisebenzise amalungelo alo noma inkululeko yalo njengelungu elijwayelekile lomphakathi.

- (b) Ikhasela lingaxhumana futhi likhulume nemenenja kamasipala kumbe nanoma iyiphi inhloko yomnyango kumbe nanoma yimuphi umsebenzi wezokuphathwa kwehhovisi likamasipala ogunyazwe ngqo yimenenja kamasipala noma yinhloko yomnyango ofanele ngale nhloso, ukuze lithole lolo lwazi njengoba lingaludinga ekwenzeni umsebenzi walo ngendlela efanele njengekhasela.

Izindaba ezivamile Eziphuthumayo

26. (a) Izindaba eziphuthumayo zingafakwa ohlelweni lomhlangano yimenenja kamasipala kanye nanoma iliphi ilungu lomkhandlu ngemvume eqale yayithola kusomlomo kumbe usihlalo, kanti leyo mvume ngeke kunqatshwe nayo ngokungenasidingo.

- (b) Ngaphambi kokwamukela, kumele amakhansela anikezwe isikhathi esanele njengoba kunqunywe nguSomlomo kumbe uSihlalo ukuba abhekisise futhi acubungule nanoma yimuphi umbiko kumbe imibhalo esemthethweni ephuthumayo ethunyelwe emkhandlwini.

Ukuhunyushwa

27. Uma iningi lamakhansela akhona enquma kanjalo, umhumushi angasetshenziswa emihlanganweni yomkhandlu kanye nasemakomidini omkhandlu.

Ikomidi langaphakathi

28. (a). Ngokwesigaba 5, umkhandlu kumbe ikomidi, linganquma nanoma kungasiphi isikhathi ukuba liqhube umhlangano walo njengekomidi langaphakathi.

- (b) Umphakathi ngeke ube yingxenye yemihlangano yekomidi langaphakathi.
- (c) Imenenja kamasipala, umsebenzi kamasipala kumbe nanoma yimuphi omunye umuntu okhululwa kulesi sigaba ngusomlomo kumbe usihlalo, ngeke angabi yingxenye yanoma yimuphi umhlangano wekomidi langaphakathi.
- (d) Kumele konke ukuqhubeka komhlango wekomidi langaphakathi kurekhodwe ngokwesigaba 18(1) no- 18(2) futhi kuhlale kuyimfihlo.

- (e) Ukudalulwa kwananoma yiluphi udaba oluyimfihlo ngendlela engekho emthethweni kumele kubhekwane nakho ngokulandela iNqubo Yendlela Yokuziphatha

28.2 UMkhandlu uyosebenzisa indlela yeKomidi Langaphakathi uma udingida nanoma yiluphi lwalezi zindaba ezilandelayo:

- (a) imfihlo yezohwebo ulwazi oluyimfihlo lwezamabhizinisi ananoma yimuphi umhlinzekimsebenzi kamasipala kumbe lwananoma yimuphi umuntu ohlinzeka ngomsebenzi kumasipala;

- (b) ulwazi oluqondene ngqo lube futhi lungolwangesese lwananoma yiluphi ikhansela kumbe umsebenzi kamasipala;

- (c) inhloso kamasipala yokuthenga noma ukuthola umhlaba kumbe amabhilidi;

- (d) inani umasipala angathembisa ukuthenga ngalo noma athole ngalo umhlaba kumbe amabhildi;

- (e) yinanoma yimuphi umbiko okhuluma ngamacala asenkantolo athinta umasipala kumbe ahlela ukuwafaka noma ukuzivikela kuwo;

- (f) ukuqondiswa kwezigwegwe izinhlelo zokuqondiswa kwananoma yimuphi umsebenzi;

- (g) yinanoma yiluphi udaba okungafanele ludalulwe ngokomthetho oshayiwe;

- (h) ukucutshungulwa kwamaminithi ezingxoxo zeKomidi Langaphakathi laphambilini.

28.3 Ikhansela lingaphakamisa ukuthi udaba luphinde ludingidwe yiKomidi Langaphakathi, ngokuthi linikeze izizathu, uma iphuzu elisohlelweni lomhlangano liqondiswa, kube kungesilona udaba olushiwo ephuzwini 28.2 ngenhla, futhi inqobo nje uma kungesilona udaba okudingeka ludingidwe ngumkhandlu ngokomthetho. Isinqumo sikaSomlomo maqondana nalokhu siyokuba ngujuqu kanti futhi akukho ukuxoxisana okuyophinda kuvunyelwe ngaleso sinqumo.

ISAPHLUKO 8**UKUVOTA****Izinqumo ezithathwa ngokuthi kuvotwe**

29. (1) Kumele ihlangane ikhoramu ukuze kuvotwe.

- (2) Kumele yonke imibuzo eqondene nezindaba ezilandelayo inqunywe ngesinqumo esithathwe ngumkhandlu ngevoti elesekayo leningi lamakhansela elinqunywe ngokuhambisana nesaziso sesakhiwo sikamasipala-
- a) ukuphasiswa kwemithetho kamasipala;
 - (b) ukugunyazwa kwesabelomali;
 - (c) ukuphoqelelwa kwentela kamasipala kanye nezinye izintela;
 - (d) ukwenyuswa kwezimali-mboleko;
 - e) ukuchithwa kwesinqumo somkhandlu zingakapheli izinyanga eziyi- 6 sithathiwe; kanye
 - f) nanoma yiluphi olunye udaba olunqunywe ngokomthetho oshayiwe.
- (3) Yonke eminye imibuzo elethwe emkhandlwini izonqunywa ngokweningi lamavoti afakwe ngamakhansela akhona.
- (4) Uma kunoma yiluphi udaba kuvotwe kwalingwana, usomlomo kumbe usihlalo angasebenzisa ivoti elingumnqamulajuqu ukwengeza evotini lakhe njengekhansela, inqobo nje uma kungukuthi usomlomo kumbe usihlalo ngeke asebenzise leli lungelo lokuvota uma kukhethwa umuntu ozophatha isikhundla somkhandlu kanye nalapho uMkhandlu ucubungula izindaba ezibalulwe esigabeni 162 soMthethesisekelo.

Indlela yokuvota

30. (a) Kuyovotwa ngokuthi kuphakanyiswe izandla ngaphandle uma umthetho unquma ngenye indlela, noma umkhandlu kumbe ikomidi ngokwesinqumo seningi lamakhansela akhona unquma ukuqhubeka nokuvota ngendlela eyimfihlo lapho kubhalwa khona phansi.

- (b) Ngesikhathi kuvotwa alikho ikhansela okumele liphume egunjini lomkhandlu noma egunjini lekomidi.
- (c) Imenenja kamasipala kumbe lowo emqokile, iyobala amavoti afakiwe bese irekhoda umphumela wokuvota, kodwa umphumela uyomenyezwe ngusomlomo noma ngusihlalo.

Amavoti aphikisayo kanye Nokungavoti

31.1. Ikhasela lingacela ukuba ivoti lalo eliphikisayo lirekhodwe phansi libe ngubufakazi bokuthi lisivotele kanjani isiphakamiso

31.2A Ilungu lingahlala lingavoti ngaphandle kokuthi liphume egunjini.

ISAHLUKO 9**UKUCHITHWA KWEZINQUMO ZOMKHANDLU NEZAMAKOMIDI****Ukuchithwa Kwezinqumo Zomkhandlu**

32. (a). Igunya lokuchitha kumbe ukuguqula isinqumo somkhandlu ngeke linikezwe nanoma yimuphi umuntu noma ikomidi.

(b) Kumele kunikezwe isaziso ngaphambi kokwethulwa kwesiphakamiso sokuchitha noma sokuguqulwa kwananoma yisiphi isinqumo somkhandlu.

(c) Kumele nanoma yikuphi ukuchithwa kumbe ukuguqulwa kwesinqumo somkhandlu kwenziwe ngokwesigaba 29(2)(e)

Ukuchithwa Kwezinqumo Zamakomidi

33. (a) Igunya lokuchitha kumbe ukuguqula isinqumo sekomidi lomkhandlu ngeke linikezwe nanoma ngubani.

(b) Kumele kuqale kukhishwe isaziso senhloso yokethulwa kwesiphakamiso sokuchitha kumbe sokuguqulwa kwesinqumo sekomidi lomkhandlu.

(c) Kumele nanoma yikuphi ukuchithwa kumbe ukuguqulwa kwesinqumo sekomidi lomkhandlu kugunyazwe yiningi lamalungu alelo komidi.

ISAHLUKO 10**INKULUMOMPIKISWANO****Ithuba lokukhuluma**

34. (a) Ikhasela livunyelwe ukukhuluma kuphela uma kusho usomlomo noma usihlalo.

(b) Ikhasela kufanele libonakalise ukuthi linesifiso sokukhuluma ngokuthi liphakamise isandla bese lilinda umyalelo kasomlomo noma usihlalo, nokungumyalelo

okungamele ugodlwe.

- (c) Amakhansela kanye nabasebenzi kumele babhekise inkulumo yabo kusomlomo noma kusihlalo.

Ukuhambisana/ ukuvumelana

35. Yilowo nalowo mkhulumi kumele inkulumo yakho ayiqondise ngqo odabeni oludingidwayo.

Ubude bezinkulumo

36. Ayikho inkulumo eyothatha imizuzu engaphezu kwemihlanu ngale kwemvume kasomlomo noma usihlalo, ngaphandle uma kwethulwa umbiko weMeya noma kuyisethulo sezilinganiso zemali engenile nesetshenzisiwe.

Amakhansela kumele akhulume kanye kuphela

37. Akumele ikhansela likhulume ngaphezu kokukodwa kunoma yisiphi isiphakamiso kumbe udaba ngaphandle uma imvume yokwenza lokho liyinikezwe ngusomlomo kumbe ngusihlalo; inqobo nje uma kungukuthi umethuli wesiphakamiso yena uma ekhuluma ngesiphakamiso, uzokuba nelungelo lokuphendula futhi impendulo yakhe kumele igxile ekuphenduleni laba esebeke bakhuluma futhi ngeke aqalise nanoma yiluphi udaba olusha oluzodingidwa.

Ukunikeza uSomlomo noma uSihlalo ithuba lokukhuluma kuqala

38. Uma uSomlomo noma uSihlalo esukuma nanoma kunini ngesikhathi kuqhubeka inkulumompikiswano, nanoma yiliphi ikhansela elisuke likhuluma noma elifisa ukukhuluma kufanele lihlalle phansi lithule ukuze usomlomo noma usihlalo akhulume ngale kokuphazamiseka.

Ukuqondisa inkulumo

39. (a) Nanoma yiliphi ikhansela lingaqondisa inkulumo nanoma kunini ngokuthi lisukume ukuze usomlomo noma usihlalo alibone.

(b) Nanoma yiliphi ilungu liyovunyelwa ukuphakamisa iphuzu elilodwa lokuqondisa inkulumo kanye nephuzu elilodwa lokucacisa inkulumo yalo emhlanganweni womkhandlu. Kuyovunyelwa iphuzu elilodwa kuphela lokuqondisa inkulumo odabeni olufanayo.

(c) Isinqumo sikasomlomo noma usihlalo maqondana nokuqondiswa kwenkulumo siyoba futhi ngeke sivuleleke ukuthi sidingidwe.

Incazelo

- 40.** Nanoma yiliphi ikhansela lingavunyelwa ngusomlomo kumbe ngusuhlalo ukuba linikeze incazelo, inqobo nje uma leyo ncazelo ihambisana nengxenye ethile yodaba oludingidwayo okungenzeka ukuthi ayiqondakalanga kahle.

ISAHLUKO 11**UKUZIPHATHA****Indlela elindelekile yokuziphatha**

41.(1) Emhlanganweni okungesiwona umhlangano wokhandlu, uSomlomo kumbe usihlalo womhlangano:

- a) Uyoqhuba umhlangano ngendlela ehlekile
- a) Uyoqinisekisa ukulandelwa kweMigomo Yokuziphataha kwamaKhansela emhlanganweni
- b) Uyoqinisekisa ukuthi imihlangano iqhutshwa ngokulandela iMithetho Nemiyalelo yoMkhandlu
- c) Uyoqinisekisa ukuthi amalungu aziphatha enesizothola nehlelekile emihlanganweni futhi agqoka ngendlela efanele ukuhlonipha umhlangano aphinde aqinisekise ukuthi imifaniswano yamaqembu ezepolitiki ayigqokwa eGunjini loMkhandlu
- d) Uyoqinisekisa ukuthi amalungu omphakathi ahlala ezindaweni abekelwe zona.
- e) Uyoqinisekisa ukuthi amalungu omphakathi ahambele umhlangano athamela imihlangano aziphatha ngendlela ehlekile futhi ahlonipha nanoma yisiphi isinqumo sikaSomlomo kumbe usihlalo womhlangano
- f) Uyoqinisekisa ukuthi nanoma yiliphi ikhansela kumbe ilungu lomphakathi elenqaba ukuhambisana nesinqumo sikaSomlomo noma usihlalo, liyawushiya umhlangano
- g) Uyoqinisekisa ukuthi uMkhandlu uqhuba umsebenzi wawo ngesizotha nangobuqotho obuwufanele;
- h) Uyoqinisekisa ukuthi umgomo wokuziphatha uyalandelwa (j) Uyoqinisekisa ukugcinwa komthetho kanye nemithetho kamasipala;
- i) Uyoqinisekisa ukuthi wonke amalungu awasebenzisi ulimi olulumelayo noma olungemukelekile; aphinde futhi
- j) Aqinisekise ukuthi amalungu awasebenzisi omakhalelekhukhwini, awangeni nezibhamu kumbe nanoma yisiphi isikhali esiyingozi, emhlanganweni womkhandlu kumbe wananoma yimaphi amakomidi awo.

Ukungaziphathi kahle kanye Nokuziphatha ngendlela Engahlekeile kweKhansela kumbe abanye abantu abangesiwona amaKhansela

- 42.**(a) USomlomo angayalela ikhansela ukuba lihoxe futhi lixolise nanoma yimaphi amazwi, isitatimende, umbono kumbe ukukhuluma ngezimpawu okwenziwe yilelo khansela.
- (b) Uma ikhansela noma amakhansela eziphatha ngendlela engalungile ngesikhathi somhlangano womkhandlu kumbe nanoma yiliphi lamakomidi awo, usomlomo uyoyalela ikhansela kumbe amakhansela ukuba aziphathe ngendlela efanele futhi, uma ekhuluma, ayeke ukukhuluma bese ehlala phansi ezihlalweni zawo.
- (c) Lapho kuqhutshekwa nokushaya indiva umyalelo kasomlomo, usomlomo uzoyalela ikhansela noma amakhansela ukuba ashiye umhlangano bese ephuma noma bephuma lapho kubanjelwe khona umhlangano kuze kube udaba oludingidwayo seluphuthuliwe.
- (d) Lapho ukungaziphathi kahle kwekhansela noma kwamakhansela kuphazamisa ukuqhubeka komkhandlu kumbe kwekomidi, usomlomo noma usihlalo kumele aguqise umhlangano bese kuthi ukungaziphathi kahle kwekhansela noma kwamakhansela kumele kusingathwe ngokweale Mithetho Nemiyalelo kanye neNqubo Yendlela Yokuziphatha.
- (e) Lapho ikhansela lenqaba ukuphuma emhlanganweni noma uma kufanele kukhishwe amamakhansela angaphezulu kwelilodwa emhlanganweni, bese lelo khansela / amakhansela enqaba ukuphuma emhlanganweni, uSomlomo uyocela umsebenzi ogunyaziwe ukuba elekelele ekukhishweni kwalelo khansela / amakhansela egunjini lomkhandlu. Uma lokhu kungenzeki ngendlela ehlelekile, usihlalo womhlangano angawuguqisa umhlangano isikhathi esingeqile emizuzwini eyi-15, ukuze lawo makhansela athintekayo aphume noma akhishwe egunjini lomhlangano. Uma ikhansela/ amakhansela engaphumile / engakhishiwe lapho umhlangano usuqhubeka kabusha, umhlangano ungamiswa eminye imizuzu eyi-10 ukuze kulunguswe leso simo. Usihlalo anganquma ukuthi emva kokuguqa okwesibili, umhlangano uyohlanganela kwenye indawo, bese kuthi nanoma yiliphi ikhansela / amakhansela ayalelwe ukuba aphume noma akhishiwe kumbe okuyalelwe ukuba akhishwe, angabe esavunyelwa ukuba angene kuleyo ndawo yomhlangano ehlelwe kabusha. Umsebenzi ogunyaziwe womkhandlu uyoqinisekisa ukuthi lelo khansela / amakhansela awangeni kuleyo ndawo yomhlangano ehlelwe kabusha.
- (f) Nanoma ngubani, ongesilona ikhansela, oziphatha ngendlela engemukelekile noma ophazamisa ukusebenza komkhandlu kumbe nanoma yiliphi ikomidi kunanoma yimuphi umhlangano, uyokhishwa egunjini noma endaweni okubanjewe kuyona umhlangano, uma uSomlomo kumbe

usihlalo esho kanjalo. Uma lowo enqaba ukuphuma, umsebenzi ogunyaziwe uyomkhipha emhlanganweni. Usihlalo anganqabela lowo muntu ukuthi aphinde angene eegunjini lomkhandlu noma endaweni yomhlanagano ngaleso sikhathi.

ISAHLUKO 12

AMAKOMIDI

IKomidi Elibhekele iMithetho

43. (a) Umkhandlu kamasipala ngokwesinqumo seningi lamakhansela ungasungula ikomidi eliyisipesheli elizokwaziwa ngokuthi yiKomidi Elibhekele iMithetho elizophenya bese lithola izimpendulo maqondana nanoma yikuphi ukwephulwa kweNqubo Yendlela Yokuziphatha okusolakalayo, kubandakanywa izijeziso zokungayihambeli imihlangano bese lenza nezincomo ezimayelana nezinye izindaba ezithinta le Mithetho Nemiyalelo .

(b) IKomidi Elibhekele iMithetho kumele libe nosomlomo, imeya kanye noyedwa omele iqembu ngalinye lezopolitiki emkhandlwini, lowo omele iqembu uzokhethwa yiqembu lezopolitiki izithathi ngezikhathi.

IMithetho Azenzele yona Amakomidi

44. (a) Le Mithetho Nemiyalelo isebenza kuwo wonke amaKomidi oMkhandlu. Alikho iKomidi loMkhandlu elivumeleke ukuzenzela eyalo imithetho.

Usihlalo

45.(1) Usihlalo wekomidi kumele—

(a) engamele yonke imihlangano yekomidi akhona kulo; futhi

(b) abe nelungelo lokuvota ngokokuqala bese kuthi laphe amavoti elingana ngaphezu kwevoti lakhe elihleliwe, abe nelungelo lokuvota okwesibili.

(2) Uma engekho, usihlalo obambile noma usekela sihlalo uyokuba negunya elifanayo kanye nelungelo lokuvota njengalelo usihlalo analo.

ISAHLUKO 13**INTSHISEKELO YEZEZIMALI****Ukudalulwa kwentshisekelo yezezimali**

46.(a) Ikhangsela kumele lidalulele umkhandlu kamasipala, kumbe nanoma yiliphi ikomidi lelo khangsela eliyilungu lalo, ngananoma iyiphi intshisekelo yebhizinisi okungeyalo ngqo noma eliyingxenye yayo noma elishade naye, umlingani walo, elibambisene naye ebhizinisini ngaphambi komkhandlu noma kwekomidi.

(b) Ikhangsela kumele elidalulayo lihoxe kokuqhubekayo emkhandlwini kumbe ekomidini ngaphandle uma umkhandlu kumbe ikomidi linquma ukuthi ukubandakanyeka kwekhangsela kulolo daba kuyize kumbe akuqondene.

(c) Ikhangsela noma elishade naye, umlingani walo, elibambisene naye ebhizinisini noma ilungu lomndeni elisondele nalo lithola noma okungenzeka libe nomhlomulo enkontilekeni eyenziwe nomasipala, kufanele lidalule imininingwane ephелеle yokuzuza ikhangsela elaziyo ngakho emhlanganweni wokuqala womkhandlu okungenzeka ukuba ikhangsela lidalule kuwo.

(d) Ukudalulwa kwentshisekelo ngokwesigaba 46(a) kanye nomhlomulo ngokomtheshwana 46(c) akusebenzi entshisekelweni noma emhlomulweni otholwe yikhangsela noma elishade naye, umlingani walo, elibambisene naye ebhizinisini noma ilungu lomndeni elisondele ngokufanayo nezinye izakhamuzi zikamasipala.

(e) Emva kokukhethwa noma kokuqokwa, ezinsukwini ezingama-60 noma ngokushesha emva kwalokho, kumele ikhangsela lidalulele imenenja kamasipala ngokubhalwe phansi intshisekelo yezezimali okukhulunywe ngayo esigabeni 7 sesheduli 1 yoMthetho Wezinhlelo.

ISAHLUKO 14**UKWEPHULWA KOMTHETHO KANYE NEZIJEZISO****Ukwephulwa komthetho**

47. Nanoma yiliphi ikhangsela elehlulekayo kumbe elenqabayo ukuthobela nanoma yiziphi izihlinzeko zale Mithetho Nemiyalelo, kumbe nanoma yisiphi isinqumo soMkhandlu, liyokuba necala lokwephula iNqubo Yendlela Yokuziphatha.

Izizeziso

48. Lapho kusoleka ukuthi ikhansela lephule le Mithetho Nemiyalelo , kumele umkhandlu ngokwePhuzu 14 leNqubo Yendlela Yokuziphatha, uphenye ngezinsolo zokwephula umthetho futhi ukhiphe isizeziso ngokwenqubo Efanayo Engaguquki.

ISAHLUKO 15**IZIHLINZEKELO EZIVAMILE****Ukumiswa komthetho kumbe umyalelo**

49. (1) Ezimweni eziphuthumayo kumbe lapho umkhandlu ubona ukuthi ukulandela izimiso sesigaba esithile akuwenzi umqondo futhi kungase kukhanyabeze ukuqhubeka komhlangano womkhandlu, umkhandlu-ke uyobe usuxegisa okwesikhashana izihlinzekelo zaleso sigaba ngemvume yeniningi lamakhansela kamasipala futhi maqondana nalowo mhlangothintekayo, inqobo nje uma:

- (a) lokho kuxegiswa kungephuli nanoma yimuphi umthetho oshayiwe kazwelonke noma wesifundazwe kumbe nanoma yimuphi umthetho oshaywe umasipala;
- (b) singekho isigaba esiyoxegiswa ngesikhathi umkhandlu udingida ukukhishwa esikhundleni kwananoma yisphi isikhulu sezepolitiki.
- (b) ukumiswa noma ukuxegiswa kwesigaba kuphathelene nephuzu elisohlelweni lomhlangano womkhandlu kumbe wekomidi lomkhandlu; futhi
- (c) isigaba 23 singeke simiswe; futhi
- (d) izizathu zokumiswa kwesigaba zirekhodiwe emaminithini omhlangano

Ukwamukelwa ibe ngumthetho kamasipala

50. Le Mithetho Nemiyalelo kumele yamukelwe ibe ngumthetho kamasipala kuMasipala waseMandeni.

Ukuchithwa kweMithetho Nemiyalelo ekhona

51. IMithetho Nemiyalelo yomkhandlu evela ikhona iyachithwa lapha.

Isihloko esifushane kanye nokuqaliswa ukusebenza

52. Le Mithetho Nemiyalelo izobizwa ngokuthi yiMithetho kaMasipala waseMandeni Nemiyalelo Engaguquki yowezi-2016.

MUNICIPAL NOTICE 38 OF 2017**uMLALAZI MUNICIPALITY****RULES AND ORDERS OF MUNICIPAL COUNCILS AND COMMITTEES OF THE COUNCIL****PREAMBLE**

WHEREAS a Municipal Council must strive within its capacity to achieve the objectives set out in section 152 of the Constitution of the Republic of South Africa (Act No. 108 of 1996) which is to provide democratic and accountable government to local communities; to ensure the provision of services to communities in a sustainable manner; to promote social and economic development; to promote a safe and healthy environment and to encourage the involvement of communities in the affairs of local government;

AND WHEREAS Councillors are elected to represent local communities on Municipal Councils to ensure that municipalities have structured mechanisms of accountability to local communities and to meet the priority needs of communities;

AND WHEREAS Councillors must fulfil their obligations to the community, support the achievement by the municipality of its objectives, must adhere to the Code of Conduct for Councillors, comply with the Rules of Order and By-laws of the Municipality and at all times respect the rule of law;

AND WHEREAS it is necessary for the Municipal Council to prescribe Rules of Order for its internal arrangements and to regulate the conduct of its business and proceedings;

NOW THEREFORE the Municipal Council of the uMlalazi Municipality, acting in terms of section 165 (2) of the Constitution of the Republic of South Africa (Act No. 108 of 1996) read with section 31 (2) of the Local Government: Municipal Structures Act (Act No. 117 of 1998), and hereby publishes the bylaws in terms of section 13 (a) of the Local Government: Municipal Systems Act (Act No.32 of 2000) to come into effect on the date of publication hereof in the Provincial Gazette.

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ANNEXURE A - SCHEDULE OF FINES

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-

“Authorized Official” means:-

- a) an official of the Municipality who has been authorized by it to administer, implement and enforce the provisions of this by-law;
- b) a traffic officer appointed in terms of section 3A of the National Road Traffic Act, 1996 (Act No. 93 of 1996);
- c) a member of the police service, as defined in terms of section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995);
- d) a peace officer, contemplated in terms of section 1 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977); or
- e) a law enforcement officer appointed by the Municipality in terms of the relevant legislation;

"By-Law" means legislation passed by the council of a municipality;

"Chairperson" means a Councillor elected in a permanent or acting capacity to control and conduct any meeting of a committee of council;

“Chief Whip” shall mean the person elected as the Chief Whip of the Council;

“Committee” shall mean any committee established in the municipality, including committees established in terms of section 79 and 80 of the Structures Act 117 of 1998;

“Constitution” shall mean the Constitution of the Republic of South Africa Act 108 of 1996;

"Council" means the council of the uMlalazi Municipality;

"Code of Conduct" means the Code of Conduct for Councillors contained in Schedule 1 to the Systems Act 32 of 2000;

"Contact Details" means a physical address, postal address, electronic

mail address, telephone number, facsimile number and cellular-phone number;

"Calendar Day" means a twenty-four hour day as denoted on the calendar;

"Councillor" means a member of a municipal council;

"Day" means any ordinary day other than a Saturday, Sunday or Public Holiday, except where otherwise stated;

"Deputation" means 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;

"Director Corporate Services" means the person appointed Director Corporate Services in terms of Section 56 of the Local Government Municipal Systems Act 32 of 2000 and includes any person acting in that capacity;

"Executive Committee" means the council's executive committee established in terms of section 43 of the Structures Act 117 of 1998;

"Explanation" means the clarification of some material part of a Councillor's former speech which may have been misunderstood;

"In Committee" shall mean the part of the meeting of the municipal council where the meeting will be closed and members of the public and press, and such municipal officials as determined by the Speaker, excluding the Municipal Manager, unless he/she has a pecuniary or other interest, will be excluded;

"Integrated Development Plan" means a single, inclusive and strategic plan for the development of the municipality and applicable in terms of Chapter 5 of the Systems Act 32 of 2000;

"Mayor" means a Councillor elected as the Mayor of the municipality in terms of section 48 of the Structures Act 117 of 1998;

"Meeting" means a meeting of the council or any one of its committees;

"Member" shall mean a Councillor serving in the municipal council of the municipality;

"Motion" shall mean a matter submitted by a member in accordance with rule 20.11;

"Municipality" shall mean the uMlalazi Municipality;

"Peace Officer" means any person declared as a Peace Officer in terms of the Criminal Procedure Act No. 51 of 1977;

"Point of Order" means 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" means 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;

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

"Report" shall mean any item appearing on the agenda for consideration by the council or a committee;

"Senior Managers" shall mean the persons appointed by the council as the municipal manager and all managers directly accountable to the municipal manager as approved on the official organisational structure of the municipality

"Service Delivery Agreement" means an agreement between a municipality and an institution or person mentioned in section 76(b) of the Systems Act 32 of 2000 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" means the chairperson of the council elected in terms of section 36 of the Structures Act 117 of 1998 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 117 of 1998

"Sub-committee" means any other committee, other than the Executive Committee or committees appointed by the council or the executive committee;

"Systems Act" means the Local Government: Municipal Systems Act 32 of 2000;

"Table" means to submit 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;

"Traditional Leader" shall mean a Traditional Leader identified by the MEC to participate in the proceedings of a municipal council in terms of Section 81 of the Structures Act 117 of 1998;

CHAPTER 2 : APPLICATION AND INTERPRETATION OF RULES AND ORDERS

2. Application of rules

- 2.1 The rules of order contained herein apply to all meetings of the municipal council and any committee of the municipal council as well as any other committee of Councillors established within the municipality, unless the terms of reference for a specific structure explicitly excludes the application of the rules for such structure.
- 2.2 The rules are aimed at allowing free, open and constructive debate during meetings. The rules are encouraged and promote freedom of expression in such a manner that orderly debate is ensured within the time constraints of time allocated to meetings.
- 2.3 The rules endeavour to create the opportunity for Councillors serving in council structures to air their view on any matter of public importance.
- 2.4 The rules of order are applicable to:
- 2.4.1 All Councillors;
 - 2.4.2 Traditional Leaders participating in Council and its committees in terms of section 81 of the Municipal Structures Act 117 of 1998;
 - 2.4.3 Any municipal official of the municipality; and
 - 2.4.4 Any member of the public while present in the council chamber and precinct.

3. Interpretation of these rules and orders

- 3.1 Any interpretation of these rules and orders must be made having due regard to the supremacy of the Constitution Act 108 of 1996, 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 must be recorded in the minutes of the council or committee meeting.
- 3.4 The Municipal Manager must 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 must 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 effecting 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 must hold an ordinary meeting of the council not less than once in every three months.
- 4.2 The Speaker must convene all meetings of the council in accordance

with rule 4.1 and subject to rule 6.

5. Meeting of council open to public

5.1 The Municipal Council shall conduct its business in an open manner and every meeting of the council and all committees, including the executive committee shall be open to the public; provided that this section shall not apply when it is reasonable to do so having regard to the nature of the business being transacted in terms of section 20 (1) (a) and (b) of the Systems Act 32 of 2000.

5.2 The Council will deal with matters ‘In Committee’ when discussing any of the following :

- 5.2.1 A trade secret or confidential commercial information of any supplier of the municipality or any person rendering a service to the municipality;
- 5.2.2 Personal and private information of any Councillor or an employee of the municipality;
- 5.2.3 The intention of the municipality to purchase or acquire land or buildings;
- 5.2.4 The price a municipality may offer for the purchase or acquisition of land or buildings;
- 5.2.5 Any report addressing legal proceedings that the municipality is involved in or contemplating instituting or defending;
- 5.2.6 Disciplinary proceedings or proposed disciplinary proceedings against any employee;
- 5.2.7 Consideration of the minutes of previous ‘In Committee’ discussions;
- 5.2.8 Any matter that might not be disclosed in terms of legislation.

5.3 A Councillor may, when an item in the agenda is put to order, other than a matter referred to in 5.2 above, and provided it is not a matter that is required in law to be dealt with in open council, propose with motivation, that the matter be further dealt with ‘In Committee’. The ruling of the Speaker in this regard will be final and no further discussion will be allowed.

- 5.4 The Municipal Manager must 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 must convene meetings of the council, at least quarterly, 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-
- 6.2.1 Five (5) calendar days prior to an ordinary meeting; and
- 6.2.2 Two (2) calendar days prior to a special meeting.

7. Special meetings

- 7.1 The Speaker for the purpose of urgent council business or at the request of a majority of the Councillors of the municipality, must call a special meeting of the council;
- 7.2 A special meeting must be convened in compliance with rule 6.1 and rule 6.2.2.
- 7.3 A request for the calling of a special meeting, as contemplated in rule 7.1, shall be signed by no less than 50 percent (fifty per centum) plus one of all Councillors of the municipality; and
- 7.4 Shall be accompanied by-
- 7.4.1 A duly signed notice of motion; and
- 7.4.2 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.
- 7.5 If the Speaker fails to convene a meeting in terms of this rule, the Municipal Manager must convene such meeting and conduct an election

of an acting Speaker in term of Section 41 of the Structures Act 117 of 1998.

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-

- 8.1.1 A physical address within the area of jurisdiction of the municipality; or
- 8.1.2 An e-mail address; or
- 8.1.3 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 must 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 must inform the Speaker of any change of his/her contact details within three days of such change.

8.4 Subject to rule 6, notice to attend a meeting must be displayed on the public notice boards of the municipality, except when time constraints make this impossible.

9. Non-receipt of notice

9.1 A Councillor may request an investigation by the Speaker regarding the non-receipt of a notice to attend a council or any of its committees meeting.

9.2 Non-receipt of a notice to attend a meeting 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 a council or committee must be fifty percent (50 percent) plus one (1) of the total number of Councillors determined in accordance with the municipality's establishment notice, before a vote may be taken on any matter.
- 10.1.1 Subject to a quorum, the failure of any Councillor to vote shall not invalidate the proceedings of the council or 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 must 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-
- 11.2.1 Count the Councillors present;
- 11.2.2 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;
- 11.2.3 If a quorum becomes present after the adjournment then the meeting must continue;
- 11.2.4 If no quorum becomes present after the adjournment then the chairperson or Speaker must forthwith adjourn the meeting.
- 11.3 When a meeting is adjourned as a result of no quorum, the meeting shall be re-convened for such a period as the chairperson deems fit and thereafter adjourn the meeting to another date, time and/or venue.

CHAPTER 5 : ATTENDANCE**12. Attendance**

12.1 All Councillors must punctually attend and remain in attendance at each meeting of the council and a committee of which that Councillor is a member except when:-

12.1.1 Leave of absence is granted in terms of rule 13;

12.1.2 That Councillor is required to withdraw in terms of rule 41;

12.1.3 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 Director Corporate Services.

12.4 Any Councillor who is entitled to leave of absence in terms of rule 13.4 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-

13.2.1 Is unable to attend a meeting of which notice had been given; or

13.2.2 Is unable to remain in attendance at a meeting; or

13.2.3 Will arrive after the stipulated commencement time of a meeting, he or she shall, at least 12 hours prior to the commencement of the meeting or as soon as is reasonably possible and prior to that meeting, lodge with the Municipal Manager a written application for leave of absence on the

- prescribed Leave of Absence form from the whole or any part of the meeting concerned, which application must provide reasonable and bona fide reasons for the application and show good cause for the granting of the application.
- 13.3 The Municipal Manager must 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 must 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 such decision.
- 13.5 The Municipal Manager must as soon as is reasonably possible, inform a Councillor who has applied for leave of absence of the Speaker or chairperson's decision.
- 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-
- 13.6.1 Failed to attend a meeting; or
- 13.6.2 Failed to remain in attendance at a meeting.
- 13.7 Where a Councillor fails to remain in attendance at a meeting -
- 13.7.1 Without being granted permission to do so; or
- 13.7.2 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 must be sanctioned / authorised by the council or the relevant committee.

14. Non-attendance

- 14.1 Subject to compliance with the procedure set out in rule 13 and 43, a Councillor who is absent without good cause from a meeting, of which notice has been given, shall be liable to pay a fine in terms of the penalty detailed in the schedule of fines attached as annexure A to the Standing Rules and Orders as determined by the MEC / Minister for Local Government and Traditional Affairs.
- 14.2 Where a Councillor has been absent without obtaining leave from a meeting-
- 14.2.1 The Rules Committee as contemplated in rule 38 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;
 - 14.2.2 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;
 - 14.2.3 The Councillor may appeal in writing to the Speaker's or chairperson's decision within seven days of receipt of such decision.
 - 14.2.4 The council or committee, as the case may be, shall-
 - 14.2.4.1 Allow the Councillor an opportunity to make representations, oral or written; and
 - 14.2.4.2 Consider the Councillor's appeal, together with any comments from the Speaker or chairperson of the meeting concerned;
 - 14.2.4.3 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.

CHAPTER 6 : ADJOURNMENT**15. Adjourned meetings**

Notwithstanding rule 11 a council or committee meeting may, by majority vote, be adjourned to another day or hour but no later than fourteen (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 6.

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 117 of 1998 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 of Council and chairperson / chairpersons of committees:-

17.2.1 Must maintain order during meetings;

17.2.2 Must ensure compliance in the council with the Code of Conduct for Councillors;

17.2.3 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 and 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 must elect another Councillor to act as Speaker or chairperson as the case may be with the exception of the Executive Committee where Section 49 (2) and (3) of the Local Government Municipal Structures Act 117 of 1997 will apply.

- 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 must 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 must 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 must be available to the public.
- 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 must advise the council or committee accordingly and full details of such opinion must 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 as follows:
- 19.1.1 Devotion;
 - 19.1.2 Notice of meeting;
 - 19.1.3 Applications for leave of absence;

- 19.1.4 Declarations of pecuniary or other interests;
- 19.1.5 Announcements/ Disclosures;
- 19.1.6 Deputations;
- 19.1.7 Confirmation of minutes of previous meeting;
- 19.1.8 Matters Arising from the Minutes;
- 19.1.9 Outstanding Matters;
- 19.1.10 Reports;
- 19.1.11 Notices of motion;
- 19.1.12 Questions of which notice has been given; and
- 19.1.13 General matters of an urgent nature.
- 19.2 The Speaker or chairperson may, in his/her discretion, at any stage bring forward any business that is on the agenda.

20. Proceedings of Order of Business

20.1 Devotion

The Chairperson will nominate a member present to open the meeting with devotion.

20.2 Notice of meeting

The notice of meeting will comply with Rule 6, 7, 8 and 9 of the Standing Rules and Orders.

20.3 Applications for leave of absence

Applications for leave of absence shall comply with Rule 13 of the Standing Rules and Orders.

20.4 Declarations of pecuniary or other interests

Declarations shall be dealt with in accordance with Rule 41.

Section 7(1) of Schedule 01 of the Code of Conduct for Councillors as stipulated in the Local Government Municipal Systems Act 32 of 2000, where Councillors must declare in writing to the Municipal Manager the financial interest held by that Councillor.

20.5

Announcements/ Disclosures

The Chairperson of the Council or Committee shall afford a member of the Committee an opportunity to make any relevant announcements or disclosures as the case may be.

20.6

Deputations

- 20.6.1 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.
- 20.6.2 A request by a deputation to address the council or a committee of the council must be approved by the Speaker or relevant chairperson limited to a maximum of 15 minutes per deputation.
- 20.6.3 The Municipal Manager shall submit the memorandum to the council or a committee of the council, which may receive the deputation.
- 20.6.4 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.
- 20.6.5 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.
- 20.6.6 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.
- 20.6.7 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.
- 20.6.8 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 20.6.6 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.

20.7

Confirmation of minutes of previous meeting

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.

20.8

Matters Arising from the Minutes

20.8.1 Discussion shall be allowed upon items in the minutes of the previous meeting only for clarity and progress on implementation of resolution purposes, subject to these items not appearing as separate items on the agenda.

20.8.2 No council or committee resolution shall be amended or rescinded under matters arising other than in terms of Rule 27 and 28 of these standing rules and orders.

20.9

Outstanding Matters

20.9.1 Items discussed under outstanding matters should not have been discussed under Matters Arising and should not refer to an item included on the current agenda for discussion.

20.9.2 Refers to items that have not been resolved and still require investigation and reporting.

20.10

Reports

20.10.1 Any report submitted to the council or a committee of the council must, 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.

20.10.2 The Speaker or chairperson must 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.

20.11

Notices of motion

- 20.11.1 No subject shall be brought before council or a committee of council by a Councillor except by way of notice of motion.
- 20.11.2 A notice of motion must-
 - 20.11.2.1 Be in writing; and
 - 20.11.2.2 Be signed by the Councillor submitting it and by another Councillor acting as seconder; and
 - 20.11.2.3 Refer to one matter only.
- 20.11.3 A notice of motion shall be lodged with the Municipal Manager before 12h00 seven calendar days prior to the next ordinary meeting, failing which the notice will be considered at the next ensuing ordinary meeting.
- 20.11.4 The Municipal Manager must-
 - 20.11.4.1 Date and number each notice of motion;
 - 20.11.4.2 Enter each notice of motion lodged in a register, which shall be open to inspection by any Councillor and the public; and must
 - 20.11.4.3 Enter each notice of motion on the agenda in the order received.
- 20.11.5 The Speaker or chairperson shall-
 - 20.11.5.1 Read out the number of every motion and the name of the mover and seconder;
 - 20.11.5.2 Ascertain which motions are unopposed and these shall be passed without debate; and
 - 20.11.5.3 Call the movers of the opposed motions in the order they appear on the agenda.
- 20.11.6 A Councillor submitting a motion shall move such motion and shall have the right of reply.
- 20.11.7 A motion shall lapse if the Councillor and seconder who submitted it is not present at the meeting when such motion is being debated.
- 20.11.8 A Councillor shall be allowed not more than three notices of motion on the same agenda.
- 20.11.9 The Speaker or chairperson must not reject a motion received by him or her in terms of these rules.
- 20.11.10 The Speaker may disallow a motion which :

- a) May lead to discussions of a matter already dealt with on the agenda
- b) Addresses a matter where the Council has no jurisdiction
- c) Addresses a matter where a decision of judicial or quasi-judicial body is pending
- d) Has not been seconded as required in terms of rule 20.11.2.2
- e) If passed, would be contrary to the law

20.11.11 Notwithstanding the above, before any notice is placed on the agenda it shall be submitted to the Municipal Manager who must obtain the written technical input from the various heads of department of the municipality within a period of 30 days, if it is required, and, who, if he/she be of the opinion that it is *ultra vires* to existing legislation, shall cause the giver of the notice to be so informed. The giver of the notice shall however, have the right to appeal to a sub-committee comprised of the Speaker, Mayor and Chief Whip of the Council, who shall review the matter and decide whether or not such notice of motion be placed on the agenda.

20.12 **Questions of which notice has been given**

- 20.12.1 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 (7) 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 next ordinary council or committee meeting.
- 20.12.2 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.

20.13 General matters of an urgent nature

- 20.13.1 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.
- 20.13.2 Prior to adoption, Councillors must be afforded reasonable time to peruse and consider any report or official documents submitted to the council.

21. Supply of information to a Councillor

- 21.1 No Councillor shall approach or communicate with any official of the municipal administration concerning the business of the municipality other than when exercising such rights or liberties as an ordinary member of the public.
- 21.2 A Councillor may approach and communicate with the Municipal Manager or any head of department or any official 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/she may reasonably require for the proper performance of such duties as a Councillor.

22. Interpretation

If a majority of Councillors present so resolve, an interpreter may be used in meetings of the council and committees of the council.

23. In-committee

- 23.1 Subject to rule 5, the council or a committee of council may, at any time, resolve to proceed in-committee.
- 23.2 The public shall be excluded from any in-committee meetings.

- 23.3 The Municipal Manager or another official exempted from this rule by the Speaker or chairperson shall not be excluded from any in-committee meeting.
- 23.4 All proceedings in-committee must be recorded in terms of rule 18.1 and 18.2 and shall be confidential.
- 23.5 Unauthorized disclosure of any confidential matter must be dealt with in terms of the Code of Conduct.

CHAPTER 8 : VOTING

24. Decisions by voting

- 24.1 A quorum must be present in order for a vote to be taken.
- 24.2 All questions concerning the following matters must 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:-
- 24.2.1 The passing of by-laws;
 - 24.2.2 The approval of budgets;
 - 24.2.3 The imposition of rates and other taxes, levies and duties;
 - 24.2.4 The raising of loans;
 - 24.2.5 The rescission of a council resolution within 6 months of the taking thereof; and
 - 24.2.6 Any other matter prescribed by legislation.
- 24.3 All other questions before the council shall be decided by a majority of the votes cast by the Councillors present.
- 24.4 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 and matters listed in Section 160 (2) of the Constitution Act 106 of 1996.

25. Method of voting

- 25.1 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.
- 25.2 During the taking of a vote no Councillor may leave the council chamber or committee room.
- 25.3 The Municipal Manager or his/her nominee, shall count the votes cast and shall record the result of voting, but the Speaker or chairperson shall announce the result.

26. Dissenting votes

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

CHAPTER 9 : REVOCATION OF COUNCIL AND COMMITTEE RESOLUTIONS**27. Revocation of Council Resolutions**

- 27.1 Approval to revoke or alter a resolution of council may not be delegated to any person or committee.
- 27.2 Prior notice of an intention to move a motion for the revocation or alteration of a council resolution must be given.
- 27.3 Any revocation or alteration of a council resolution must be made in terms of rule 27.

28. Revocation of Committee Resolutions

- 28.1 Approval to revoke or alter a resolution of a committee of the council may not be delegated to any person.
- 28.2 Prior notice of an intention to move a motion for the revocation or

- alteration of a resolution of a committee of the council must be given.
- 28.3 Any revocation or alteration of a resolution of a committee of the council must be approved by a majority of the members of that committee.

CHAPTER 10 : DEBATE

29. Opportunity to speak

- 29.1 A Councillor may only speak when so directed by the Speaker or chairperson.
- 29.2 A Councillor may indicate a desire to speak by raising his/her hand and await the direction of the Speaker or chairperson, which direction must not be withheld.
- 29.3 A member who speaks shall confine his/her speech strictly to the motion or matter under discussion or to an explanation or a question of order.

30. Relevance

Every Councillor must restrict him or herself strictly to the matter under consideration.

31. Length of speeches

Other than the delivery of the Mayoral report or the presentation of the estimates of income and expenditure, no speech shall exceed five (5) minutes in length without the consent of the Speaker or chairperson.

32. Councillors to speak only once

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.

33. Precedence of the Speaker or chairperson

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

34. Points of order

34.1 Any Councillor may raise a point of order at any time by standing to draw the attention of the Speaker or chairperson.

34.2 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.

34.3 The ruling of the Speaker or chairperson on a point of order shall be final and shall not be open to discussion.

34.4 Any member will only be allowed to raise one point of order during a Council meeting. Only one point of order on the same matter will be allowed.

35. Explanation

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**36. General conduct**

- 36.1 Councillors and officials must during any council or committee meeting-
- 36.1.1 Conduct the business in the highest decorum and integrity that the occasion deserves;
 - 36.1.2 At all times adhere to the principles contained in the code of conduct and these rules and orders;
 - 36.1.3 At all times adhere to the rule of law and the by-laws of the municipality;
 - 36.1.4 Be dressed appropriately formal for the dignity of the meeting;
 - 36.1.5 Not use offensive or objectionable language; and
 - 36.1.6 Not use a cellular phone during, bring a firearm or any dangerous weapon into, a meeting of council or any of its committees.

37. Misconduct

- 37.1 The Speaker may order a Councillor or official to withdraw and apologise for any word/s, statement/s, opinion or gesture made by that councillor.
- 37.2 If a Councillor or Councillors, official or officials behave improperly during a meeting of council or any of its committees, the Speaker shall direct the Councillor or Councillors, official or officials to conduct himself or themselves properly and, if speaking, to stop speaking and resume his/her seat or seats.
- 37.3 In the event of persistent disregard of the directions of the Speaker, the Speaker shall direct such Councillor or Councillors, official or officials to retire from the meeting and remove himself or themselves from the place of meeting until the item under discussion has been finalized.
- 37.4 In the event that any misconduct by a Councillor or Councillors

prejudices the proceedings of the council or committee the Speaker or chairperson must adjourn the meeting to another day or hour but not later than fourteen (14) days after the original meeting and any such misconduct by a Councillor or Councillors must be dealt with in terms of these standing rules and order and the Code of Conduct.

37.5 Any Councillor 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 by an authorized official 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.

37.6 Any 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 by an authorized official and shall be charged with misconduct in terms of the disciplinary regulations.

CHAPTER 12 : COMMITTEES

38. Rules Committee

38.1 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.

38.2 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.

39. Own rules

39.1 Every committee of the council shall determine its own procedures subject to any directions from council and these standing rules and orders.

39.2 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.

40. The chairperson

40.1 The chairperson of a committee shall-

40.1.1 Preside at every meeting of the committee at which he or she is present; and

40.1.2 Be entitled to vote in the first instance and in the case of an equality of votes in addition to his/her deliberative vote, shall give a second or casting vote.

40.2 In his/her 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

41. Declaration of pecuniary interest

41.1 A Councillor must 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.

41.2 The Councillor making a declaration must 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.

41.3 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

41.4 The disclosure of interests in terms of rule 41(1) and benefit in terms of rule 41(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

42. Breach

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.

43. Sanction

Where it is alleged that a Councillor has breached these rules, the council must, in terms of Item 14 of the Code of Conduct for Councillors as stipulated in the Local Government Municipal Systems Act 32 of 2000, investigate the alleged breach and may impose a penalty as per the schedule of fines attached as annexure A to the Standing Rules and Orders.

CHAPTER 15 : GENERAL PROVISIONS

44. Suspension of a rule or order

- 44.1 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:
- 44.1.1 Such relaxation must not be in contravention of any national or provincial legislation or any by-law of the municipality;
- 44.1.2 No rule may be relaxed when the removal of any political office bearer is before the council.
- 44.2 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
- 44.3 Rule 20.11 must not be suspended;
- 44.4 The reasons for the suspension of the rule are recorded in the minutes of the meeting.

45. Dress code

- 45.1 Councillors and officials must during any council or committee meetings be dressed appropriately for the dignity of the meeting.
- 45.2 They must be dressed either formally (collar and tie), smart casual or, in a traditional attire.
- 45.3 The following items shall not be regarded as proper dress code for a meeting of council or any of its committees:
- 45.3.1 Canvass shoes or tekkies;
- 45.3.2 Dark sunglasses except on medical grounds;
- 45.3.3 Hats or caps;
- 45.3.4 Tracksuits
- 45.3.5 T-shirts;
- 45.3.6 Political party attire;
- 45.3.7 Short pants.

45.2 Notwithstanding the provisions of any resolution passed in accordance with 45.1, no Councillor shall be allowed to wear any clothing or accessory containing party political paraphernalia to any meeting.

46. Adoption as by-laws

These rules and orders must be adopted as a by-law of the municipality.

47. Repeal of existing by-laws

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

48. Short title and commencement

These standing rules and orders shall be called the uMlalazi Municipal Standing Rules and Orders, and shall come into operation on date of promulgation in the Provincial Gazette.

ANNEXURE A

SCHEDULE OF FINES

This Schedule shall serve as a guideline to Council on the determination of sanctions in terms of the Code. The sanctions included in this Schedule shall be read in conjunction with relevant by-laws and adopted policies.

OBLIGATION	ITEM OF THE CODE	PENALTY
<p>A councillor must-</p> <p>a) perform the functions of office in good faith, honestly and a transparent manner; and</p> <p>b) at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised.</p>	Item 2 of the Code	<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <p>(a) fine the councillor a minimum of 1 month salary, which must be deducted from that councillor's allowance;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the councillor;</p> <p>(d) request the MEC to suspend the councillor for a certain period; or</p> <p>(e) request the MEC to remove the councillor from office.</p>
<p>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.</p>	Item 2A of the Code	<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <p>(a) fine the councillor a minimum of 2 month salary, which must be deducted from that councillor's allowance;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the councillor;</p> <p>(d) request the MEC to suspend the councillor for a certain period; or</p> <p>(e) request the MEC to remove the councillor from office.</p> <p>Where the consequences of the unlawful votes have detrimental financial implications, Council or other authorities may also institute civil recovery proceedings.</p>
<p>A councillor must attend each meeting of the municipal council and of a committee of which that councillor is a member, except when leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the council; or that councillors is required in terms of the Code to withdraw from the meeting.</p>	Item 3 of the Code	<p>A councillor who is absent at a meeting of the council or committee of council without obtaining leave of absence is liable for a fine of 2 weeks salary per meeting, which must be deducted from that councillor's allowance. This must also apply where leave of absence is declined and the councillor nonetheless remains absent at such a meeting.</p>

		<p>A councillor who fails to remain in attendance at a Council or committee meeting for a period exceeding an hour without having obtained the consent of the Council or the committee is liable for a fine of 2 weeks salary per meeting, which must be deducted from that councillor's allowance</p> <p>A councillor who is absent from three or more consecutive meetings of a municipal council, or from three or more consecutive meetings of a committee, which that councillor is required to attend in terms of item 3, must be removed from office as a councillor. The Process outlined in Chapter 3 must be followed when removing a councillor in terms of this Item.</p>
<p>A councillor must-</p> <p>a) 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 councilor may have in any matter before the council or the committee; and</p> <p>b) withdraw from the proceedings of the council or committee when that matter is considered by the council or committee, unless the council or committee decides that the councillor's direct or indirect interest in the matter is trivial or irrelevant.</p> <p>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 municipal council at which it is possible for the councillor to make the disclosure.</p>	Item 5 of the Code	<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <p>(a) fine the councillor 1 month's salary which must be deducted from that councillor's allowance;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the councillor;</p> <p>(d) request the MEC to suspend the councillor for a certain period; or</p> <p>(e) request the MEC to remove the councillor from office.</p>
<p>A councillor may not use the position or privileges of a councillor, or confidential information obtained as a councillor, for private gain or to improperly benefit another person.</p> <p>Except with the prior consent of the municipal council,</p> <p>2) councillor may not-</p> <p>a) be a party to or beneficiary under a contract for the provision of goods or services to the municipality; or</p> <p>i) the performance of any work otherwise than as a councillor for the municipality;</p> <p>ii) obtain a financial interest in any business of the municipality; or</p> <p>b) for a fee or other consideration appear on behalf of any other person before the council or a committee.</p> <p>c)</p>	Item 6 of the Code	<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may</p> <p>(a) fine the councillor 1 month salary which must be deducted from that councillor's allowance;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the councillor;</p> <p>(d) request the MEC to suspend the councillor for a certain period; or</p> <p>(e) request the MEC to remove the councillor from office.</p> <p>Council or other authorities may also consider instituting criminal proceedings.</p>
<p>When elected or appointed, a councillor must within 60 days declare in writing to the municipal manager the following financial interests held by that councilor;</p> <p>a) shares and securities in any company;</p>		<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p>

<p>b) membership of any close corporation; c) interest in any trust; d) directorships; e) partnerships;</p> <p>f) other financial interests in any g) interest in property; pension; and</p> <p>h) subsidies, grants and sponsorships by any organisation</p> <p>Any change in the nature or detail of the financial interests of a councillor must be declared in writing to the municipal manager annually</p> <p>Gifts received by a councillor above a prescribed amount must also be declared in accordance with subitem (1).</p>		<p>(a) fine the councillor 3 weeks salary which must be deducted from that councillor's allowance; (b) issue a formal warning; (c) reprimand the councillor; (d) request the MEC to suspend the councillor for a certain period; or (e) request the MEC to remove the councillor from office.</p> <p>Council or other authorities may also consider instituting criminal proceedings.</p>
<p>A councillor who is a full-time councillor may not undertake any other paid work, except with the consent of municipal council which consent must not unreasonably be withheld.</p>	Item 8 of the Code	<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <p>(a) fine the councillor a minimum of 2 weeks salary which must be deducted from that councillor's allowance; (b) issue a formal warning; (c) reprimand the councillor; (d) request the MEC to suspend the councillor for a certain period; or (e) request the MEC to remove the councillor from office.</p>
<p>A councillor may not request, solicit or accept any reward, gift or favour for-</p> <p>a) voting or not voting in a particular matter on any matter before the municipal council or before a committee of which councillor is a member; b) persuading the council or any committee regard to the exercise of any power, function or duty; c) making a representation to the council or committee of the council; or d) disclosing privileged or confidential information</p>	Item 9 of the Code	<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <p>(a) fine the councillor a minimum of 4 months' salary which must be deducted from that councillor's allowance; (b) issue a formal warning; (c) reprimand the councillor; (d) request the MEC to suspend the councillor for a certain period; or (e) request the MEC to remove the councillor from office.</p>
<p>A councillor may not without the permission of the municipal council or a committee disclose any privileged or confidential information of the council or committee to any unauthorised person.</p>	Item 10 of the Code	<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <p>(a) fine the councillor a minimum of 4 months' salary which must be deducted from that councillor's allowance; (b) issue a formal warning; (c) reprimand the councillor; (d) request the MEC to suspend the councillor for a</p>

		certain period; or (e) request the MEC to remove the councillor from office.
A councillor may not, except as provided by law- a) interfere in the management or administration of any department of the municipal council unless mandated by council b) give or purport to give any instruction to an employee of the council except where authorised to do so; c) obstruct or attempt to obstruct the implementation of any decision of the council or a committee by an employee of the council or d) encourage or participate in any conduct which would cause or contribute to maladministration in the council.	Item 11 of the Code	This shall depend on the severity of the action/s of the councillor. The Council may- (a) fine the councillor a minimum of 3 months' salary which must be deducted from that councillor's allowance; issue a formal warning; (b) reprimand the councillor; (c) request the MEC to suspend the councillor for a certain period; or (d) request the MEC to remove the councillor from office.
A councillor may not use, take, acquire or benefit from any property or asset owned, controlled or managed by the municipality to which that councillor has no right.	Item 12 of the Code	This shall depend on the severity of the action/s of the councillor. The Council may- (a) fine the councillor a minimum of 4 months' salary which must be deducted from that councillor's allowance; (b) issue a formal warning; (c) reprimand the councillor; (d) request the MEC to suspend the councillor for a certain period; and (e) request the MEC to remove the councillor from office. Council or other authorities may also consider instituting criminal proceedings.
Assaulting any person on municipal premises or on municipal business.		The Council may- (a) fine the councillor a minimum of 4 months' salary; (b) request the MEC to suspend the councillor for a certain period; and (c) request the MEC to remove the councillor from office. Council or other authorities may also consider instituting criminal proceedings.
Stealing any property from municipal premises.		This shall depend on the severity of the action/s of the councillor. The Council may- (a) fine the councillor a minimum of 4 months salary; (b) request the MEC to suspend the councillor for a certain period; and (c) request the MEC to remove the councillor from office. Council or other authorities may also consider instituting criminal proceedings.

Malicious injury to municipal property.		<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <ul style="list-style-type: none"> (a) fine the councillor a minimum of 4 months' salary; (b) request the MEC to suspend the councillor for a certain period; and (c) request the MEC to remove the councillor from office. <p>Council or other authorities may also consider instituting criminal proceedings.</p>
Being under the influence of alcohol or intoxicating drugs or partaking of alcohol or intoxicating drugs in any meeting of the Council or Committee of the Council.		<p>The Council may-</p> <ul style="list-style-type: none"> (a) fine the councillor a minimum of 1 months' salary; (b) issue a formal warning; (c) reprimand the councillor; (d) request the MEC to suspend the councillor for a certain period; and (e) request the MEC to remove the councillor from office. <p>Council or other authorities may also consider instituting criminal proceedings.</p>
Failing to fall silent when the Presiding Officer speaks or rises during a meeting.		<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <ul style="list-style-type: none"> (a) fine the councillor a minimum of 2 weeks' salary; (b) issue a formal warning; (c) reprimand the councillor; (d) request the MEC to suspend the councillor for a certain period; and (e) request the MEC to remove the councillor from office.
Failing to obey any ruling, order or directive of the Presiding Officer at any meeting of the Council or any Committee		<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <ul style="list-style-type: none"> (a) fine the councillor a minimum of 2 weeks' salary; (b) issue a formal warning; (c) reprimand the councillor; (d) request the MEC to suspend the councillor for a certain period; and (e) request the MEC to remove the councillor from office.
Failing to leave the Chamber or Committee Room when ordered to do so by the Presiding Officer.		<p>The Council may-</p> <ul style="list-style-type: none"> (a) fine the councillor a minimum of 2 weeks' salary; (b) issue a formal warning; (c) reprimand the councillor; (d) request the MEC to suspend the councillor for a certain period; and (e) request the MEC to remove the councillor from office.

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