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**PROVINCIAL NOTICE**

The following Provincial Notice is published for general information.

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DIRECTOR-GENERAL

Provincial Legislature Building,  
Wale Street  
Cape Town.

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**PROVINSIALE KENNISGEWING**

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

ADV. B. GERBER,  
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,  
Waalstraat  
Kaapstad.

22 February 2016

**THEEWATERSKLOOF MUNICIPALITY****BY-LAW ON RULES OF ORDER FOR THE INTERNAL ARRANGEMENTS OF THE MUNICIPAL COUNCIL**

**Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Municipal Council of the Theewaterskloof Municipality hereby enacts as follows:**

**PREAMBLE**

The purpose of this by-law is to make provision for rules of order for the business and proceedings of the Municipal Council of the Theewaterskloof Municipality, and to make provision for internal arrangements and matters in connection therewith.

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## CHAPTER 1: INTRODUCTION

### 1. INTERPRETATION

In this by-law, the English text prevails in the event of any conflict with the Afrikaans text, and unless the context indicates otherwise -

“**authorized official**”, means any peace officer authorized in terms of section 334 of the Criminal Procedures Act, 1977 (Act No 51 of 1977), as amended, or any employee of the Theewaterskloof Municipality, who is authorized by the Theewaterskloof Municipality to enforce the provisions of this by-law;

“**Code of Conduct for Councillors**”, means the Code of Conduct for Councillors, as contemplated in section 54 and stipulated in Schedule 1 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as amended;

“**committee**”, means a committee of the Municipal Council, established in terms of section 79 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998), as amended;

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

“**councillor**”, means a member of a municipal council, including a political office-bearer as referred to in section 1 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as amended;

“**meeting**”, means any meeting or similar scheduled event of the Municipal Council or a committee of the Municipal Council, but excludes a meeting of the local labour forum or a workshop of the Theewaterskloof Municipality;

“**member**”, means a member of the Municipal Council or a committee of the Municipal Council;

“**member of the public**”, means a person who is not a councillor or an employee or a service provider of Theewaterskloof Municipality, including representatives of the media who attends a meeting of the Municipal Council or a committee of the Municipal Council;

“**Municipal Council**”, means the Municipal Council of Theewaterskloof Municipality, and “**Council**” has a corresponding meaning;

“**Municipal Manager**”, means the person appointed as Municipal Manager by the Municipal Council in terms of section 54A of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as amended, or a person appointed by the Municipal Council as Acting Municipal Manager;

“**Municipality**”, means the Theewaterskloof Municipality, and includes reference to any duly delegated and / or appointed officials and / or service providers in terms of service level agreements of the Theewaterskloof Municipality;

“**office bearer**”, means the Executive Mayor, the Speaker or the Executive Deputy Mayor of the Municipal Council of Theewaterskloof Municipality;

“**Provincial Minister**”, means the Provincial Minister responsible for Local Government in the Western Cape Province;

“**rules**”, means the rules of conduct provided for in this by-law, the By-law on Rules of Order for the Internal Arrangements of the Municipal Council of the Theewaterskloof Municipality;

“**Speaker**”, means the Speaker of the Municipal Council, elected in terms of section 36 of Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998), as amended, or a councillor elected as Acting Speaker in terms of section 41 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998), as amended;

“**Structures Act**”, means the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998), as amended;

“**Systems Act**”, means the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as amended; and

“**working day**”, means any day of the week, except for Saturdays or Sundays or a public holiday.

## **2. APPLICATION OF RULES OF ORDER**

- (1) The rules of order, as contained in this by-law, apply to all the meetings of the Municipal Council, as well as all the meetings of the committees of the Municipal Council.
- (2) The rules of order, as contained in this by-law, may be applicable for meetings of the Mayoral Committee, and when applied for meetings of the Mayoral Committee, the Executive Mayor shall be the Chairperson of such meeting or in his or her absence, the Executive Deputy Mayor.
- (3) Unless clearly irrelevant, a rule of order applicable to a councillor in any proceedings of the Municipal Council, shall also be applicable to a member of the public who is participating in proceedings of the Municipal Council on invitation by the Speaker, or a municipal official participating in the proceedings of the Municipal Council.
- (4) Unless clearly irrelevant, any reference to the Municipal Council in this by-law shall be regarded as a reference to a committee of the Municipal Council, and any reference to the Speaker shall be regarded as a reference to the appointed Chairperson of a committee of the Municipal Council or a person chairing a meeting of a committee of the Municipal Council.

## **3. DUTIES OF THE SPEAKER AND COUNCILLORS**

The Speaker and councillors shall familiarise themselves with the rules of order contained in this by-law.

### **CHAPTER 2: MEETINGS**

## **4. ORDER OF BUSINESS**

- (1) The order of business at ordinary council meetings of the Municipal Council shall be as follows, unless the order has been changed by the Speaker in terms of subsection 4(2) of this by-law -
  - (a) election of acting Speaker, when necessary;
  - (b) application for leave of absence;
  - (c) confirmation of minutes;
  - (d) statements and communications by the Speaker;

- (e) statements and communications by the Executive Mayor;
  - (f) consideration of reports;
  - (g) urgent matters submitted by the Municipal Manager;
  - (h) consideration of confidential reports;
  - (i) consideration of notices of motions;
  - (j) consideration of notices of questions;
  - (k) consideration of urgent motions; and
  - (l) adjournment.
- (2) The Speaker may of his or her own volition, or upon a request by a whip of a political party represented in the Municipal Council, change the order of business on an agenda.
- (3) A councillor who wishes to have the order of business on the agenda changed, may approach the Speaker before the start of a council meeting, and the Speaker may accede to or decline the request to change the order of business of a council meeting

## 5. AGENDAS

- (1) The Municipal Manager or a person designated by the Municipal Manager, shall prepare an agenda for a meeting.
- (2) The Municipal Manager may at his or her own discretion, and subject to the provisions of subsection 160(7) of the Constitution, identify reports on the agenda to be handled as confidential matters, not to be disclosed to the public.
- (3) The Speaker may at any time during a meeting introduce an urgent matter that does not appear on the agenda for discussion by the Municipal Council, by making an announcement or submitting an urgent report, subject thereto that the majority of the councillors present at the meeting agree to the introduction of such urgent matter.
- (4) Except as provided for in this by-law or otherwise allowed for in terms of subsection 5(3) of this by-law, no matter that is not on the agenda of a meeting, may be dealt with at a meeting.

## 6. MEETINGS OF THE MUNICIPAL COUNCIL

- (1) The Municipal Council shall meet at least quarterly, as required by subsection 18(2) of the Structures Act.
- (2) All council meetings of the Municipal Council shall be open to members of the public, unless the members of the public have been excluded from a meeting of the Municipal Council in terms of section 17 of this by-law.
- (3) Subject to subsection 6(1) of this by-law, the Speaker shall decide where and when the Municipal Council meets.
- (4) The Municipal Manager or in his or her absence, a person designated by the Municipal Manager, shall give notice of every council meeting to each councillor and to the public, at least five (5) working days before such meeting takes place.
- (5) When the position of Speaker is vacant, the Municipal Manager or in the absence of the Municipal Manager, a person designated by the Provincial Minister shall –
  - (a) ensure that a Special Council Meeting be scheduled within fourteen (14) days after the position of Speaker became vacant to elect a new speaker.
  - (b) give notice of the planned council meeting to each councillor and to the public.
- (6) A majority of councillors may request the Speaker in writing to convene a special council meeting, and the Speaker shall convene such a meeting at a time set out in the request, subject thereto -
  - (a) that should the Speaker fail to convene a special council meeting as requested by a majority of councillors, the majority of councillors may request the Municipal Manager to convene such a meeting, and the Municipal Manager shall then convene such meeting at a time as set out in the request; and
  - (b) the notice by the majority of councillors for a special council meeting shall clearly indicate the reports to be dealt with at such a special council meeting, and no other matters may be dealt with at the special council meeting, except with the consent of the majority of councillors.
- (7) The notice of a meeting referred to in subsections 6(4), 6(5) and 6(6) of this by-law, shall state the date, time and place of such meeting, and shall –
  - (a) be forwarded to each councillor in writing, together with an agenda, and may for purpose of expediting notification, also be provided in electronic format;



- (b) be published in a local newspaper determined by the Municipal Manager or a designated person; and
  - (c) be displayed on a notice board at the head office of the Municipality.
- (8) The Municipal Manager or a person designated under subsection 6(4) or 6(5) of this by-law, may deviate from the requirement of subsection 6(7)(b) of this by-law, in the event of an urgent or a special meeting when time constraints make it impossible to meet the requirements as contemplated in subsection 6(7)(b) of this by-law.
- (9) When a meeting has been convened, it may be moved or postponed by the Speaker on written notification to all councillors, on condition that –
- (a) such moving or postponement of a meeting shall be at least twenty four (24) hours in advance, before the scheduled time and date of the meeting involved; and
  - (b) the reasons for the moving or postponement of a meeting be provided to all councillors.
- (10) A convened council meeting may only be adjourned -
- (a) when a quorum of councillors are not present to continue with such a meeting, subject to any other provision of this by-law; or
  - (b) when a meeting has been adjourned in terms of the stipulations of this by-law.

## **7. FUNCTIONS OF THE SPEAKER AT COUNCIL MEETINGS**

- (1) The Speaker shall take the chair exactly at the time for which a council meeting has been scheduled.
- (2) In addition to the functions entrusted to the Speaker in section 37 of the Structures Act, the Speaker –
- (a) shall maintain decorum at council meetings;
  - (b) shall make a ruling in respect of a point of order raised by a councillor, including a question regarding the precedence of a matter; and
  - (c) may make a ruling in respect of any procedural contingency for which these rules do not make provision.

- (3) The ruling referred to in subsection 7(2) of this by-law, shall be recorded in the minutes of a meeting.
- (4) An objection against a ruling of the Speaker, may be submitted in writing after a meeting to the Municipal Manager, and a report on the objection shall be submitted by the Municipal Manager at a following council meeting for consideration.

## **8. ATTENDANCE OF MEETINGS AND EVENTS BY COUNCILLORS**

- (1) Subject to section 9 of this by-law, a councillor shall attend every meeting or similar official event of the Municipal Council or a committee of the Municipal Council which he or she has been elected to, and sign his or her name in the attendance register at the beginning of such a meeting or event, as applicable.
- (2) A councillor shall attend every meeting or similar official event of the Municipal Council, or of a committee of the Municipal Council of which he or she is a member, except when such councillor has –
  - (a) been granted leave of absence in terms of section 9 of this by-law;
  - (b) to be excused from such a meeting or an event in terms of statutory stipulations;
  - (c) been delegated by the Municipal Council or an authorized office bearer to represent the Municipality at another meeting elsewhere; or
  - (d) been excused from a meeting or an event by the Speaker in terms of the provisions of subsection 19(3)(b) of this bylaw.

## **9. PROCEDURES FOR APPLICATIONS FOR LEAVE OF ABSENCE**

- (1) Before absenting himself or herself from a meeting, a councillor shall apply for leave of absence from the Speaker, by addressing a communication in writing to the Speaker at least seventy two (72) hours before a meeting or any such period which is acceptable for the Speaker, stating the reasons for being absent or by providing a medical certificate to the Speaker before the meeting, stating that he or she is unfit for duty.
- (2) Upon receipt of an application referred to in subsection 9(1) of this by-law, the Speaker shall consider the application, and approve or reject the application, and the Speaker shall notify the councillor concerned, at least 24 hours before the meeting concerned of his or her decision.

- (3) The Speaker may, when good cause exist, grant leave of absence to a councillor prevented by special circumstances from applying for leave of absence in accordance with the stipulations of subsection 9(1) of this by-law.
- (4) The special circumstances referred to in subsection 9(3) of this by-law, may include –
  - (a) illness of a councillor; or
  - (b) illness or death in a councillor's family.
- (5) The names of all the councillors present at a meeting, the councillors absent without leave and of all the councillors to whom leave of absence from the meeting has been granted by the Speaker, shall be recorded in the minutes of a meeting, as well as the names of all the municipal officials and other persons in attendance on invitation at such a meeting.
- (6) When the Speaker rejects an application for leave of absence, as referred to in subsection 9(1) of this by-law, the Speaker shall provide the reason for the rejection of the application for leave of absence, at the meeting for which such leave of absence has been applied for.
- (7) Subsections 9(1) to 9(5) of this by-law shall apply with the necessary amendments to the Speaker, and in such instance, a reference in the by-law to the Speaker shall be deemed to be a reference to the Municipal Council.

## **10. SANCTIONS FOR THE NON-ATTENDANCE OF MEETINGS**

- (1) Except for the circumstances referred to in subsections 8(2) and 9(4) of this by-law, a councillor shall be in breach of the rules of order if he or she –
  - (a) is without leave absent from a meeting;
  - (b) fails to be in attendance at the start of a meeting;
  - (c) fails to remain in attendance for the duration of a meeting or until the end of a meeting; or
  - (d) leave a meeting without being excused from such meeting by the Speaker.
- (2) A councillor who has been absent without leave from three (3) or more consecutive similar meetings that he or she is required to attend in terms of subsection 8(1) of this by-law, is in breach of the Code of Conduct for Councillors.

- (3) The Municipal Council may appoint a special committee, consisting out of a chairperson appointed by the Municipal Council and at least two (2) other councillors, reflecting the composition of the Council, to investigate and report to Municipal Council, any alleged breach referred to in subsections 10(1) or 10(2) of this by-law.
- (4) The Municipal Manager shall report every occurrence of non-attendance of meetings by councillors to the Speaker.
- (5) The Speaker shall on receipt of information on the non-attendance of meetings by councillors from the Municipal Manager, immediately in writing inform the councillor concerned that a report has been received regarding his or her non-attendance and request the written comments of the councillor concerned, within ten (10) working days, from the date of the notification.
- (6) The Speaker shall on receipt of the written comments of the councillor concerned on his or her alleged absenteeism from meetings, or when the councillor fails to furnish the Speaker with his or her comments within the ten (10) working days or after such extension of time as may be permitted by the Speaker, submit a report to the Municipal Council for consideration of the matter, and the further actions to be taken on the matter.
- (7) The Municipal Council shall on receipt of the report of the Speaker, decide whether or not to refer the matter to a special committee, as contemplated in subsection 10(3) of this by-law, to investigate the alleged absenteeism of the councillor concerned at meetings, or that the Municipal Council shall investigate the matter themselves, or that no further action shall be taken against the councillor concerned because of a lack of substantive evidence.
- (8) The Speaker shall for the purpose of ensuring the principals of natural justice, determine the procedures for the hearing of the matters referred to in subsections 10(1) or 10(2) of this by-law by the special committee or the Municipal Council, as applicable, or the Municipal Council may adopt an Uniform Standard Procedure as a policy for the hearing of the matters referred to in subsections 10(1) or 10(2) of this by-law, which shall at least include the following principles –
  - (a) the councillor concerned shall have the right to be present when any evidence is heard, except when such person refuses or fails to attend a meeting on the hearing of a matter, and the councillor may ask relevant questions based on the evidence submitted;
  - (b) the members of the special committee or the Municipal Council, as applicable, may ask questions of the councillor concerned, as well as questions with regard to any evidence, report or document presented by any person;

- (c) when the councillor concerned refuses or fail to attend a meeting on the hearing of a matter, or is instructed by the Speaker or the Chairperson, as applicable, to leave a meeting because of his or her conduct at the meeting, the meeting concerned may continue in the absence of such a councillor;
  - (d) the special committee or the Municipal Council, as applicable, may be assisted during the proceedings by an official of the Municipality, as agreed on by the special committee or the Municipal Council;
  - (e) the councillor concerned shall have the right to present his or her own evidence on the reports submitted and to call witnesses; and
  - (f) the special committee or the Municipal Council, as applicable, may call witnesses, to assist it in making a finding.
- (9) The Speaker or the Chairperson of a special committee, as applicable, shall invite the councillor concerned to the meeting where the alleged absenteeism of the councillor at meetings, as referred to in subsection 10(1) and 10(2) of this by-law, shall be heard.
- (10) When the Speaker has been implicated in a matter under investigation, the functions of chairperson in the case of the Municipal Council, shall be performed by the Executive Mayor for the procedure, and when he or she has also been implicated, then by a councillor appointed by Municipal Council.
- (11) When the absenteeism of a councillor is referred by the Municipal Council for further investigation and hearing, the special committee or the Municipal Council, as applicable, shall conduct a hearing as contemplated in subsection 10(7) of this by-law, and after consideration of all the evidence shall make a finding as to whether the councillor concerned contravened the rules of order and / or the Code of Conduct for Councillors, being absent for one or more meetings of the Municipal Council or a committee of the Municipal Council, and shall record the reasons for its findings, and –
- (a) when the finding is that a councillor did not contravened the rules of order and /or the Code of Conduct for Councillors, the Speaker or the Chairperson, as applicable, shall terminate the hearing and in writing inform the councillor concerned, the Speaker of the Municipal Council when the hearing has been conducted by a special committee, and the Municipal Manager, of the finding; or
  - (b) when the finding is that a councillor did in fact contravened the rules of order for non-attendance in respect of less than three (3) consecutive similar meetings, the Chairperson of the special committee shall recommend to the Municipal Council a fitting sanction, or when the matter is heard by the

Municipal Council, the Municipal Council may resolve to impose the fine determined for the contravention concerned, and the Speaker shall in writing inform the Municipal Manager and the councillor concerned of the finding and the sanction being imposed; or

- (c) when the finding is that a councillor did in fact contravene the Code of Conduct for Councillors by not attending more than two (2) consecutive similar meetings, the Chairperson of the special committee shall submit a report on the findings of such committee to the Municipal Council for consideration of a suitable sanction, or when the matter is heard by the Municipal Council, the Municipal Council shall resolve on a suitable sanction or a recommendation for a suitable sanction in terms of subsection 10(14) of this by-law to the Provincial Minister for the transgression, and the Speaker shall in writing inform the Municipal Manager and the councillor concerned of the finding and the sanction being imposed or recommended to be imposed.
- (12) When a special committee cannot reach consensus on the findings to be conveyed to the Municipal Council, the collective and individual findings of the members of the committee shall be reported to the Municipal Council.
- (13) Should the Municipal Council find that a councillor was in breach of the rules of order, as contemplated in subsection 10(1) of this by-law, the Municipal Council shall impose the following sanction-
- (a) For a first offence, give the councillor a written warning or fine the councillor with a fine equal to five (5) percent of the gross remuneration of such councillor for one (1) month, for each meeting not attended.
  - (b) For a second offence, fine the councillor with a fine equal to eight (8) percent of the gross remuneration of such councillor for one (1) month, for each meeting not attended.
  - (c) For a third/further offence, fine the councillor with a fine equal to ten (10) percent of the gross remuneration of such councillor for one (1) month, for each meeting not attended.
- (14) Should the Municipal Council find that a councillor was in breach of the Code of Conduct for Councillors, as contemplated in subsection 10(2) of this by-law, the Municipal Council may –
- (a) issue a formal warning to the councillor;
  - (b) reprimand the councillor; or

- (c) request the Provincial Minister to –
  - (i) suspend the councillor for a period;
  - (ii) fine the councillor; or
  - (iii) remove the councillor from office.
- (15) When the Municipal Council is not satisfied with a report or the findings of a special committee, the Municipal Council may institute its own investigation into the non-attendance of meetings by a councillor.
- (16) A councillor found guilty of being absent without leave from meetings of the Municipal Council or meetings of committees of the Municipal Council, has in terms of subsection 14(3) of the Code of Conduct for Councillors, the right to appeal to the Provincial Minister, against a formal warning, a reprimand or a fine imposed in terms of subsection 10(14) of this by-law, and the special committee concerned and / or the Municipal Council shall have the right to provide written input for such appeal to the Provincial Minister.
- (17) Subsections 10(1) to 10(16) of this by-law, shall apply with the necessary amendments, also to the Speaker.

## **11. MINUTES OF MEETINGS**

- (1) The Municipal Manager or a person designated by the Municipal Manager shall –
  - (a) within two (2) weeks after a meeting, compile in writing the minutes of the proceedings of a meeting; and
  - (b) provide each councillor with a copy of the minutes of a meeting, within five (5) working days before the next ordinary meeting of the Municipal Council or a specific committee of the Municipal Council.
- (2) The minutes of a meeting shall be considered by Municipal Council or a committee of Municipal Council at the next ordinary meeting of Council or such committee of Municipal Council, and when confirmed, such minutes shall be signed by the Speaker, or the Chairperson of a committee of Municipal Council, as applicable.
- (3) The Municipal Manager or a person designated by the Municipal Manager, shall keep record of the signed minutes.
- (4) The minutes of a meeting shall be taken as read for the purpose of subsection 11(2) of this by-law, when it has been provided to each councillor within five (5) working days, before the meeting where such minutes shall be considered for adoption.

- (5) No motion or discussion during the confirmation of minutes shall be permitted, except for questions in respect of the correctness thereof or on a point of clarification.
- (6) When a councillor disagrees with the correctness of minutes, the councillor shall –
  - (a) state the report or the resolution with which he or she disagrees with; and
  - (b) propose a motion in which the alternative wording is clearly set out, to amend the minutes for the specified report or the resolution.
- (7) When consensus cannot be obtained at a meeting on the correctness of minutes, the meeting shall –
  - (a) approve the minutes, with exclusion of the item or items in dispute;
  - (b) refer the item or items in dispute to the next ordinary meeting of the Municipal Council or the committee of the Municipal Council, as applicable, to allow for the examination of the recording of the meeting involved, to determine the exact wording used during the meeting concerned; and
  - (c) reconsider the part of the minutes on the item or items in dispute, at the meeting as contemplated in subsection 11(7)(b) of this by-law for approval of the portion of the minutes in dispute, based on the results of the examination of the recording
- (8) The minutes of a meeting shall clearly indicate the date, time and venue of the meeting, and the resolutions taken or any other important matters debated at a meeting, but shall not be a verbatim report of a meeting.

## **12. QUORUMS AT MEETINGS**

- (1) A majority of the members of the full Municipal Council shall constitute a quorum at a council meeting, as contemplated in section 30(1) of the Structures Act, and a majority of the councillors elected to a committee of the Municipal Council, shall constitute a quorum at a meeting of such committee, and such meetings shall only be properly constituted when a quorum of councillors are present and when all elected members of the Municipal Council and / or a committee of the Municipal Council have been properly notified of a meeting.
- (2) When there is no quorum at a meeting, at the time which a meeting was scheduled to start, the Speaker or the Chairperson shall take the chair at the stipulated starting time of the meeting, for purpose of implementing the procedure as contemplated in subsection 12(3) of this by-law.



- (3) When there is no quorum, the start of a meeting shall be postponed by thirty (30) minutes at the most, and when at the end of that period, there is still no quorum, the Speaker or the Chairperson, as applicable, shall adjourn the meeting at his or her discretion to another time, date and venue, and record the names of those councillors present.
- (4) When the Speaker is absent, and there is no quorum, the start of a council meeting shall be postponed with thirty (30) minutes by the Municipal Manager at the most, and when there is still no quorum at the end of that period, the council meeting may not take place and the Municipal Manager shall record the names of those councillors present.
- (5) When there is no quorum during the course of a council meeting, the Speaker shall suspend the proceedings until a quorum of councillors is again present, provided that when after ten (10) minutes, or such longer period as the Speaker may allow, there is still no quorum, the Speaker shall adjourn the council meeting.
- (6) When a council meeting is adjourned owing to the absence of a quorum, the time of such adjournment as well as the names of those councillors present, shall be recorded in the minutes.
- (7) The Municipal Manager shall report the names of the absent councillors as contemplated in subsections 12(3), 12(4), 12(5) and 12(6) of this by-law, to the Speaker, for the purpose of an investigation of the breach of the rules of order.

### **CHAPTER 3: DECISIONS**

#### **13. UN-OPPOSED MATTERS**

When the Municipal Council considers a report before it and there is no opposition from any councillor against the matters in the report, the unanimous adoption of the matter shall be recorded in the minutes for the specific report.

#### **14. OPPOSED MATTERS**

- (1) The Speaker shall put each opposed matter to the vote by requesting councillors to indicate by a show of hands, unless an alternative method of voting has been determined by the Municipal Council, whether they are in favour of a matter or opposed to the matter being voted on, after which the Speaker shall announce the outcome of such voting.

- (2) When the Speaker announces the outcome of a vote, a councillor may request that his or her vote against the decision be recorded, and the Municipal Manager shall ensure that such vote is recorded in the minutes.

## **15. DECISIONS**

- (1) In terms of subsection 160(3) of the Constitution the supporting vote of a majority of the members of the full Municipal Council shall be required to decide on –
- (a) the passing of by-laws;
  - (b) the approval of the budget;
  - (c) the imposition of property rates and other taxes, levies and charges; or
  - (d) the raising of loans.
- (2) In terms of Section 34 of the Structures Act, a supporting vote of at least two-thirds of the members of the full Municipal Council shall be required to take a decision to dissolve the Municipal Council.
- (3) All other matters before Municipal Council shall be decided by a majority of votes cast by the councillors present at a council meeting, as contemplated in subsection 160(3)(c) of the Constitution.
- (4) In the event of a tie of votes in respect of any matter at a council meeting, which is put to the vote in accordance with subsection 14(1) of this by-law, but excluding those matters referred to in subsection 15(1) and 15(2) of this by-law, the Speaker shall cast a deciding vote as required by subsection 30(4) of the Structures Act, in addition to his or her ordinary vote, provided that the Speaker is not permitted to cast a deciding vote in respect of any matter provided for in subsection 160(2) of the Constitution.

## **CHAPTER 4: ATTENDANCE BY MEMBERS OF THE PUBLIC**

### **16. ATTENDANCE OF COUNCIL MEETINGS BY MEMBERS OF THE PUBLIC**

- (1) The Speaker shall take all reasonable steps to regulate the access to and conduct of the public at council meetings, subject to the constraints and capacity of a council chamber.

- (2) A member of the public or any delegation of any institution or organization who wishes to address the Municipal Council, shall apply to the Speaker in writing, stating in such application the matter that shall be discussed, and the Speaker in his or her sole discretion may accede to or decline such application.

## **17. EXCLUSION OF THE PUBLIC FROM COUNCIL MEETINGS**

- (1) The public shall be excluded from a council meeting -
  - (a) when the Speaker wish to make a confidential statement, as contemplated in subsection 5(2) of this by-law;
  - (b) for consideration of reports indicated on an agenda as confidential by the Municipal Manager, after the Speaker determined whether the councillors are in agreement that the indicated matters should be considered as confidential matters;
  - (c) when so directed by the Speaker; or
  - (d) when the Municipal Council resolve to exclude the public, after considering a motion to this effect from any councillor.
- (2) When a motion to exclude the public from a council meeting is seconded, the motion shall be put to the vote, subject to any debate allowed on the matter by the Speaker.
- (3) When a motion to exclude the public is adopted, all members of the public, including the media, shall leave the meeting venue.
- (4) The reasons for the exclusion of the public during the discussion and / or debate of a matter shall be minuted.

## **18. RE-ADMISSION OF THE PUBLIC TO COUNCIL MEETINGS**

- (1) A councillor may in the course of a council meeting, from which the public was excluded, propose a motion "*that the meeting again be opened*" and state the reasons for the motion.
- (2) When such a motion is seconded, it shall be put to the vote without delay and without any discussion.
- (3) When a motion as contemplated in subsection 18(1) of this by-law is adopted, the Speaker shall ensure that the public is re-admitted to the meeting venue.

## **CHAPTER 5: CONDUCT AT MEETINGS**

### **19. CONDUCT AT MEETINGS**

- (1) Councillors, officials of the Municipality and members of the public shall maintain order and decorum at meetings, and they may not –
  - (a) misbehave in any way;
  - (b) act in an unseemly manner, by threatening or intimidating fellow councillors;
  - (c) deliberately obstruct the business or progress of a meeting;
  - (d) dispute the ruling of the Speaker on any point of order or arrangements;
  - (e) make insulting remarks, use any offensive or insulting language or make defamatory allegations;
  - (f) make tedious and irritating speeches;
  - (g) use blasphemous or improper language; or
  - (h) commit a breach of any of the rules of order.
- (2) When a councillor, officials of the Municipality or member of the public, contravenes subsection 19(1) of this by-law, the Speaker shall direct such person to refrain from such breach.
- (3) When a councillor, officials of the Municipality or member of the public disregards the directions of the Speaker in terms of subsection 19(2) of this by-law, the Speaker may –
  - (a) direct the councillor, officials of the Municipality or member of the public when he or she is speaking, to discontinue his or her speech;
  - (b) direct the councillor, officials of the Municipality or member of the public, to leave the meeting for the remainder of the meeting, or when necessary to be removed by a person designated by the Speaker; or
  - (c) postpone the council meeting concerned for a period determined by the Speaker.
- (4) When the Speaker fails to act in terms of subsection 19(3) of this by-law, any councillor may submit a point of order to require the Speaker to do so.

- (5) The point of order referred to in subsection 19(4) of this by-law, shall be immediately attended to by the Speaker.
- (6) The Municipal Manager shall report the names of the councillors, or any other person at a council meeting who contravened the rules of order as contemplated in subsections 19(1) and 19(2) of this by-law to the Speaker, for the purpose of investigations of the breach of the rules of order.
- (7) The Speaker shall after an investigation of a breach of the rules of order, report the findings to the Municipal Council for further action and the imposing of sanctions.

## **CHAPTER 6: DEBATES AND MOTIONS**

### **20. ADDRESSING THE SPEAKER**

A councillor or official of the Municipality or a member of the public acknowledged by the Speaker to speak at a meeting, shall rise when addressing the Speaker, except when ruled otherwise by the Speaker.

### **21. THE RIGHT TO SPEAK AND LIMITATIONS TO SPEAKING AT A MEETING**

- (1) A councillor may only speak or continue to speak at a council meeting after he or she has been acknowledged by the Speaker, and shall refrain from speaking when the Speaker speaks or addresses the Municipal Council.
- (2) A councillor who is not a member of a committee, shall only be allowed to speak at such a committee meeting, when the councillor has been invited in writing by the Chairperson of the committee involved, to attend such meeting for discussions on a specified matter on the agenda.
- (3) Councillors who attend a committee meeting and speak at such committee meeting, without being invited or authorized to do so by the Chairperson of such committee, shall not be protected by the Western Cape Privileges and Immunities of Councillors Act, 2011 (Act No 7 of 2011), and contravenes the rules of order.
- (4) A councillor shall avoid personal attacks on other councillors and shall refrain from doubting the motives for any argument or vote of another councillor.

(5) A councillor may speak only once –

- (a) about a matter before the Municipal Council;
- (b) on any motion before the Municipal Council;
- (c) on any amendments to a motion before the Municipal Council ; or
- (d) on a point of order or a question,

unless he or she has been authorised by the Speaker to provide further input, or as provided by the rules of order.

(6) A councillor may not be interrupted while he or she is speaking, unless he or she is called to order by the Speaker, or a point of order has been raised by another councillor.

(7) The Speaker may not acknowledge a councillor to speak on a matter, after such matter has been voted on.

(8) The Speaker may not allow a debate on a matter –

- (a) that would pre-empt any other matter on the agenda; or
- (b) in respect of which a decision by a judicial or quasi-judicial body or a commission of inquiry is pending.

(9) Except with the consent of the Speaker, a councillor shall restrict all debates or points of order to the matter under discussion, and no councillor may speak for more than five (5) minutes on any topic or matter.

## **22. CONTENTS OF DEBATES**

(1) A councillor who speaks, shall restrict his or her speech on the matter before the Municipal Council.

(2) When a councillor persists with an irrelevant speech, after a request from the Speaker to the councillor concerned, to restrict his or her speech to the matter under discussion, the Speaker shall instruct the councillor concerned to sit down and discontinue speaking about the matter under discussion.

(3) Councillors shall maintain order and decorum at meetings and may not use tedious repetitions of arguments, or unbecoming language or remarks that are defamatory in nature.

## 23. POINT OF ORDER

- (1) A councillor may make an interjection at a meeting to raise a point of order, to direct the attention of the Speaker to a breach of the rules of order or a statutory provision.
- (2) A point of order may be raised with respect to –
  - (a) a procedural matter; or
  - (b) the conduct of a councillor, a member of the public or an official of the Municipality.
- (3) A councillor who raises a point of order shall be heard immediately and he or she may –
  - (a) raise the point of order; and
  - (b) state the rule or statutory provision that has been breached.
- (4) A councillor who is speaking when a point of order is raised, shall immediately stop speaking until the Speaker has ruled on the point of order, and all other matters before Council shall be suspended until the point of order has been ruled on.
- (5) When the Speaker has ruled that no rule of order or statutory provision has been breached, the councillor referred to in subsection 23(4) of this by-law, shall be allowed to continue his or her speech.
- (6) When the Speaker has ruled that a rule of order or statutory provision has been breached, the councillor concerned shall remain silent or withdraw or change any remarks, in order to comply with the ruling, and no debate of any kind shall be allowed on the point of order.
- (7) The Speaker's ruling on a point of order is final, not open to debate and shall be recorded in the minutes.
- (8) A councillor who is dissatisfied with the ruling of the Speaker on a point of order, may after the conclusion of the meeting where the point of order of a councillor has been declined or accepted by the Speaker, submit a motion in terms of section 26 or section 28 of this by-law, that a legal opinion be obtained on the ruling of the Speaker, whereafter the matter shall be handled in terms of the provisions for the submission of motions.

## **24. EXPLANATIONS**

- (1) The Speaker may allow a councillor to explain a previous speech, but only when and to the extent that a material part of such speech may possibly have been misunderstood.
- (2) The councillor giving the explanation may not raise any new matters, and no debate on the explanation shall be allowed.

## **25. MOTIONS**

A councillor may only table a motion, when such motion has been allowed for introduction by the Speaker and has been seconded by another councillor, except where the rules of order provide otherwise.

## **26. NOTICE OF MOTIONS**

- (1) A notice of a motion shall be in writing, motivated, dated and signed by the relevant councillor, and delivered to the Speaker at least ten (10) working days before the date of the council meeting at which it is to be introduced, unless otherwise provided for in this rules of order.
- (2) The Speaker shall either request the Municipal Manager to put the motion on the agenda of a meeting of Council or to refer such motion to a committee dealing with the matter indicated in the motion.
- (3) Subsection 26(1) of this by-law shall not apply to the following types of motions -
  - (a) an urgent motion; or
  - (b) a motion for a point of order.
- (4) The Speaker's ruling on a motion for a point of order shall be final, not open to debate and shall be recorded in the minutes.

## **27. QUESTIONS**

- (1) After a motion has been proposed and seconded, or at the conclusion of any speech on such motion, a councillor may put any question relevant to such motion to any other councillor, and the Speaker shall allow such questions.
- (2) No supplementary questions may be asked, except by the councillor who put the question and then only in respect of matters arising from the response to such question.



- (3) The councillor to whom the question has been directed may either reply thereto forthwith or may require that written notice be given of the question.
- (4) The notice referred to in subsection 27(3) of this by-law, shall be in writing, signed by the relevant councillor, dated and delivered to the Speaker and the Municipal Manager, at least ten (10) working days before the date of the meeting at which it is to be answered.
- (5) When the Municipal Manager receives the notice concerned, he or she shall within five (5) working days forward the notice to the councillor to whom the question has been directed and –
  - (a) request the councillor to submit a written reply to the question, to the Municipal Manager; and
  - (b) notify the Speaker of any such response received in respect of the question.
- (6) The Speaker shall ensure that the response is placed on the agenda of the next meeting, where the question has to be answered.
- (7) A councillor may table a question requiring a written response from another councillor or the Executive Mayor or the Municipal Manager, concerning any matter related to the effective performance of the municipality's functions and the exercise of its powers.
- (8) Notice of a question referred to in subsection 27(7) of this by-law, shall be given in writing, signed by the relevant councillor, dated and delivered to the Speaker and the Municipal Manager, and the procedures contemplated in subsections 27(5) and 27(6) of this by-law, shall apply for the tabling of the question.

## **28. URGENT MOTIONS**

- (1) A councillor may direct the attention of the Municipal Council to any matter that does not appear on the agenda and of which prior notice has not been given, by stating briefly the subject of the matter, and propose an urgent motion, *“that the matter which has been brought to the attention of the Municipal Council, be considered forthwith as an urgent matter”*.
- (2) When the motion referred to in subsection 28(1) of this by-law, has been seconded and adopted, the councillor who proposed the motion, shall be permitted to have the matter considered without further notice.

## 29. MOTIONS OF ORDER

- (1) The following matters are regarded as motions of order -
- (a) that precedence be given to the consideration of any particular matter that appears on the agenda;
  - (b) that any report included in the agenda, be adopted or be referred back or be noted or be implemented;
  - (c) that any document serving before the Municipal Council, be acted upon in the manner specified in the motion;
  - (d) that in respect of any matter submitted for consideration, steps be implemented in the manner specified in the motion;
  - (e) that the Speaker shall instruct a councillor or an official of the Municipality or a member of the public to withdraw from the meeting; and
  - (f) any motion referred to in section 30 of this by-law.
- (2) When a motion of order has been seconded, such motion shall be put to the vote forthwith and without debate.

## 30. PRECEDENCE OF DEBATE

When a motion or a question is under discussion, no further motion may be received, except -

- (a) that the tabled motion be amended;
- (b) that consideration of the matter under discussion be postponed to a specified or an unspecified date;
- (c) that the public be excluded from a meeting;
- (d) that members of the public be re-admitted to a meeting;
- (e) that the meeting be adjourned to another date;
- (f) that the meeting be adjourned for a specified time;
- (g) that the debate on the matter be adjourned for a specified time;

- (h) that the matter under discussion be put to the vote;
- (i) that the matter under discussion be removed from the agenda; or
- (j) that the question or motion be withdrawn.

### **31. AMENDMENT OF MOTIONS**

- (1) A councillor may propose an amendment to a motion by stating "*that the motion be amended*", and shall read the amendment to the Municipal Council, stating in what way the original motion should be amended.
- (2) The motion referred to in subsection 31(1) of this by-law, shall be seconded and a councillor may not speak on the amendment of such a motion before the Municipal Council agreed to the amendment of such motion.
- (3) The proposal for the amendment to a motion shall be submitted by the councillor who proposed the motion, and such amended motion need not to be in writing.
- (4) An amendment shall be relevant to the original motion in respect of which it is proposed, and shall be proposed while the original motion is under consideration by the Municipal Council.
- (5) The amendment shall be considered before considering the original motion.
- (6) When the Speaker so requires, a proposed amendment shall be in writing, signed by the Councillor who proposed it, and the written amended motion shall be handed to the Speaker.
- (7) When there is more than one amendment to an original motion, the last proposed motion shall be put to the vote first, and when adopted, the matter shall be considered to be resolved.
- (8) When the last proposed amendment has been rejected, the amendment proposed immediately before the last proposed amendment, shall be put to the vote, and when all amendments have been dealt with and has been rejected by the Municipal Council, the original motion or the original motion as amended, shall be voted on, depending on the case
- (9) No further amendments to the original motion may be proposed after the Speaker has tabled the original motion to be voted on.
- (10) An amendment may not in a material way amend the principle embodied in the original motion, but may only vary the terms on one or more particulars contained in a motion.

- (11) The Speaker shall have discretion, to decide whether or not an amendment complies with subsection 31(10) of this by-law.

### **32. MOTION FOR THE POSTPONEMENT OF A MATTER**

- (1) A councillor may at the conclusion of a speech on a matter, propose “*that the matter be postponed until a specified or an unspecified date*”.
- (2) The motion shall be seconded, but need not to be in writing.
- (3) Only the councillor who proposed the motion may speak on such motion, restricted to the time limitation as contemplated in subsection 21(9) of this by-law.
- (4) The councillor who proposed the original motion, in respect of the matter for which a motion for the postponement has been received, may reply on the proposed motion subject to the stipulations provided for in subsection 21(9) of this by-law, after which the motion referred to in subsection 32(1) of this by-law shall be put to the vote without further debate.
- (5) When the motion referred to in subsection 32(1) has been adopted, the matter shall be placed first on the agenda of matters to be considered at the meeting to which it has been postponed, and the provisions as contemplated in subsection 4(2) and 4(3) of this by-law to change the order of business, shall not apply in this instance.
- (6) When the motion referred to in subsection 32(1) has been declined, the proposer of the motion for the postponement of the matter shall be allowed to reply on the declined motion subject to the stipulations provided for in subsection 21(9) of this by-law.
- (7) When the motion referred to in subsection 32(1) of this by-law, is not adopted, the council meeting proceeds as if no interruption occurred, and the Speaker may not accept a similar motion, for the remainder of the meeting concerned.

### **33. MOTION FOR THE ADJOURNMENT OF A MEETING TO ANOTHER DATE**

- (1) A councillor who has not yet participated in the debate on a matter, may at any time during the discussion of a matter, except during the course of a speech by another councillor or while there is being voted on the matter concerned, propose “*that the meeting adjourn to another date*”.
- (2) The motion shall be seconded, but need not to be in writing.

- (3) Only the councillor who proposed the motion, may speak on the motion, restricted to the time limitation provided for in subsection 21(9) of this by-law.
- (4) No debate on the motion may be permitted, except that the councillor, who introduced the matter under discussion, may speak in opposition of the tabled motion for adjournment, subject to the stipulations provided for in subsection 21(9) of this by-law.
- (5) No amendment to the motion may be proposed, except in respect of the period of adjournment.
- (6) When the motion has been adopted, the meeting shall adjourn forthwith and be reconvened on the date specified in the motion or amended motion, unless the Speaker directs that the meeting should proceed to dispose first of unopposed matters.
- (7) When the motion has not been adopted, the meeting shall proceed as if no interruption occurred, and the Speaker may not accept a similar motion until half an hour has elapsed.
- (8) When the motion referred to in subsections 34(1) and 34(6) of this by-law, has been adopted during a debate and before the conclusion thereof, the councillor who proposed the motion shall be entitled to speak first when the matter concerned is reopened for discussion at the resumption of the adjourned meeting.
- (9) No matters may be transacted at the resumption of the adjourned meeting, other than the unconcluded reports that was on the agenda of the meeting which has been adjourned.

#### **34. MOTION FOR THE ADJOURNMENT OF A MEETING FOR A SPECIFIED TIME**

- (1) A councillor may at any time, except during the course of a speech by another councillor or while there is being voted on the matter concerned, propose "*that the meeting adjourn for a specified time*", to caucus on a matter.
- (2) The motion shall be seconded, but need not to be in writing.
- (3) When the motion referred to in subsection 34(1) of this by-law has been adopted, the Speaker shall adjourn the meeting forthwith for the specified time and the meeting shall reconvene at the time specified in the motion, and the Speaker may for the sake of progress with a meeting, restrict the time allowed for adjournment for caucusing.

- (4) When the motion has not been adopted, the meeting proceeds as if no interruption occurred, and the Speaker may not accept a similar motion until half an hour has elapsed.
- (5) The Speaker may at any time adjourn a meeting for a specified time, on good cause shown.

### **35. MOTION OF THE ADJOURNMENT OF A DEBATE ON A MATTER FOR A SPECIFIED TIME**

- (1) A councillor who has not yet participated in the debate on a matter may at the conclusion of any speech on that matter, propose "*that the debate on the matter be adjourned for a specified time*".
- (2) The motion shall be seconded, but need not to be in writing.
- (3) Only the Councillor who proposed the motion, may speak on the motion, subject to the stipulations provided for in subsection 21(9) of this by-law.
- (4) No debate on the motion may be permitted, except that the councillor, who introduced the matter under discussion, may speak in opposition of the tabled motion for adjournment, subject to the stipulations provided for in subsection 21(9) of this by-law.
- (5) No amendment to the motion may be proposed, except in relation to the period of adjournment.
- (6) When the motion has been adopted, the meeting proceeds to the next item on the agenda, and the adjourned debate shall resume at the time specified in the motion.
- (7) On the resumption of the adjourned debate, the councillor who proposed the adjournment shall be entitled to speak first.
- (8) When the motion has not been adopted, the debate on the matter proceeds as if no interruption occurred, and the Speaker may not accept a similar motion until half an hour has lapsed.
- (9) A councillor may not propose or second more than one motion for the adjournment of the debate on a matter, during the course of a debate on the matter concerned.
- (10) The Speaker may at any time adjourn a meeting for a specified time on good cause shown, or may restrict the time allowed for adjournment for the sake of progress with a meeting.

### **36. MOTION THAT A MATTER SHOULD BE PUT TO A VOTE**

- (1) A councillor who has not yet participated in the debate on a matter, may at the conclusion of any speech on that matter, proposes "*that the matter be put to the vote*".
- (2) The motion shall be seconded, but need not to be in writing.
- (3) Subject to subsection 36(4) of this by-law, a motion referred to in subsection 36(1) of this by-law shall not be open to debate.
- (4) The councillor who proposed the original motion under debate may be allowed, when a motion referred to in subsection 36(1) of this by-law has been proposed, to speak on the original motion, subject to the stipulations provided for in subsection 21(9) of this by-law, where after the motion referred to in subsection 36(1) of this by-law shall be put to the vote without any further debate.
- (5) When the motion referred to in subsection 36(1) of this by-law has not been adopted, the meeting shall proceed as if no interruption occurred, and the Speaker may not accept a similar motion for the remainder of the meeting.

### **37. MOTION TO REMOVE A MATTER FROM THE AGENDA**

- (1) A councillor who has not yet participated in the debate on a matter, may at the conclusion of any speech, proposes "*that the matter be removed from the agenda*".
- (2) The motion shall be seconded, but need not to be in writing.
- (3) Subject to subsection 37(4) of this by-law, a motion referred to in subsection 37(1) of this by-law shall not be open to debate.
- (4) The councillor who proposed the original motion under debate may be allowed, when a motion referred to in subsection 37(1) of this by-law has been proposed, to speak on the original motion, subject to the stipulations provided for in subsection 21(9) of this by-law, where after the motion referred to in subsection 37(1) of this by-law shall be put to the vote without any further debate.
- (5) When the motion referred to in subsection 37(1) of this by-law has been adopted, the matter shall be removed from the agenda of the meeting and may not be discussed again at that meeting.
- (6) When the motion referred to in subsection 37(1) of this by-law has not been adopted, the meeting proceeds as if no interruption occurred, and the Speaker may not accept a similar motion for the remainder of the meeting.

### **38. MOTION TO REFER A MATTER TO A COMMITTEE**

- (1) A councillor may, at the conclusion of any speech on a matter, propose “*that the matter be referred to a committee*”.
- (2) The motion shall be seconded, but need not to be in writing.
- (3) Subject to subsection 38(4) of this by-law, a motion referred to in subsection 38(1) of this by-law shall not be open to debate.
- (4) The councillor who proposed the original motion under debate may be allowed, when a motion referred to in subsection 38(1) of this by-law has been proposed, to speak on the original motion, subject to the stipulations provided for in subsection 21(9) of this by-law, where after the motion referred to in subsection 38(1) of this by-law shall be put to the vote without any further debate.
- (5) No debate on the motion may be permitted, except that the councillor who introduced the matter under discussion, may speak in opposition of the tabled motion for adjournment, restricted to the time limitation provided for in subsection 21(9) of this by-law.
- (6) When the motion referred to in subsection 38(1) of this by-law has been adopted, the matter under debate may not be discussed further at that meeting.
- (7) When the motion referred to in subsection 38(1) of this by-law has not been adopted, the meeting proceeds as if no interruption occurred, and the Speaker may not accept a similar motion for the remainder of the meeting.

### **39. WITHDRAWAL OF MOTIONS OR QUESTIONS**

- (1) A councillor who has proposed a motion may at any time withdraw it with the permission of the councillor who seconded it.
- (2) A councillor may not speak on a motion at a council meeting, after such motion has been withdrawn.
- (3) A councillor who has put a question may withdraw it without the permission of the Municipal Council, at any time before the question is answered.



#### **40. ABSENCE OF THE COUNCILLOR WHO GAVE NOTICE OF A MOTION OR A QUESTION**

When the councillor who gave notice of a motion or a question is not present when called upon by the Speaker to introduce the motion concerned or ask the question concerned, the motion or question shall lapse, unless the proposer of the motion or question, in writing before such meeting requested the Speaker that another councillor table the motion or ask the question concerned.

#### **41. RE-INTRODUCTION OF MOTIONS OR QUESTIONS**

- (1) A motion that has been rejected by the Municipal Council or a question that has been answered, may not again be proposed or asked within a period of three (3) months after the meeting at which it was rejected or answered, except with the permission of Municipal Council.
- (2) A councillor who wishes to re-introduce a motion or question shall give notice in writing to the Speaker thereof.
- (3) When the Speaker receives a notice referred to in subsection 41(2) of this by-law, he or she shall request the Municipal Manager to place the notice on the agenda of the next meeting, subject to the provisions of subsection 41(1) of this by-law.

#### **42. MOTIONS OR QUESTIONS ON MATTERS REFERRED TO A COMMITTEE**

- (1) A councillor may not give notice of a motion or a question with regard to any matter that is before a committee for consideration, unless such notice of the motion or the question –
  - (a) has also been submitted to the committee concerned; or
  - (b) is part of the referral of a matter to that committee for consideration and report to the Municipal Council.
- (2) A member of a committee may with the approval of the Chairperson of the committee concerned and the Speaker, when he or she is of the opinion that a matter is urgent, give notice of a motion or a question on a matter referred to such a committee, despite the fact that the motion or the question has not been submitted to or has been considered by such committee.

## **CHAPTER 7: LEGISLATIVE PROCESS**

### **43. INTRODUCTION OF DRAFT BY-LAWS**

A by-law may only in accordance with section 12 of the Systems Act, be introduced by a councillor or a committee of the Municipal Council.

### **44. INTRODUCTION OF DRAFT BY-LAWS BY COUNCILLORS**

- (1) A councillor may introduce a draft by-law, by submitting it together with a memorandum on the objectives of the by-law concerned to the Speaker.
- (2) The Speaker shall obtain the comments of the Municipal Manager on the content of the submitted draft by-law and may solicit the comments of any other person.
- (3) The Speaker shall submit the draft by-law, together with any comments received in terms of subsection 44(2) of this by-law, to the Executive Mayor for a report and a recommendation in accordance with subsection 30(5) of the Structures Act.
- (4) The Executive Mayor shall within three (3) months of the receipt of a draft by-law from the Speaker, consider the draft by-law and decide to either support or not support such by-law.
- (5) When the Executive Mayor decides to support a draft by-law, the Executive Mayor shall submit a report to the Municipal Council and recommend that the draft by-law be supported and that the Municipal Manager advertise the draft by-law for public comment as contemplated in section 46 of this by-law.
- (6) When the Executive Mayor decides not to support a draft by-law, the Executive Mayor shall submit a report to the Municipal Council, stating his or her opposition to such draft by-law and the reasons therefore.
- (7) After considering the report referred to in subsection 44(5) of this by-law, the Municipal Council may decide to either reject the draft by-law or to approve the commencement of the legislative process set out in section 46 and 47 of this by-law in respect of the draft by-law concerned.
- (8) When a draft by-law has been rejected by the Municipal Council, no by-law with the same content may be re-introduced to the Municipal Council within a period of six (6) months from the date of the rejection of the submitted draft by-law.

- (9) When the commencement of the legislative process in respect of a draft by-law has been approved in terms of subsection 44(7) of this by-law, the draft by-law shall be published for public comment in accordance with section 46 of this by-law.
- (10) Adoption of a draft by-law by the Municipal Council shall be considered as the first introduction and reading of such by-law.

#### **45. INTRODUCTION OF DRAFT BY-LAW BY THE EXECUTIVE MAYOR**

- (1) An Executive Mayor may on request of the Municipal Manager, introduces a draft by-law by submitting it together with a memorandum on the objects of the draft by-law to the Speaker.
- (2) When the Executive Mayor wish to introduce a draft by-law on his or her own accord, he or she shall solicit the comments of the Municipal Manager thereon, and may request the comments of any other person thereon before submitting it to the Speaker.
- (3) The Executive Mayor shall submit a report to the Municipal Council on the introduction of the draft by-law, and recommend that the draft by-law be supported and that the Municipal Manager publish the draft by-law for public comment in accordance with section 46 of this by-law.
- (4) After considering the report referred to in subsection 45(3) of this by-law, the Municipal Council may decide to either reject the draft by-law or to approve the commencement of the legislative process set out in section 46 and 47 of this by-law, in respect of the draft by-law concerned.
- (5) The adoption of the draft by-law by the Municipal Council shall be considered as the first introduction and reading of such by-law.

#### **46. PUBLICATION OF A DRAFT BY-LAW FOR PUBLIC COMMENT**

The Municipal Manager shall as soon as possible after the Municipal Council has in terms of subsection 44(7) and 45(4) of this by-law, approved the commencement of the legislative process for a by-law, publish the draft by-law in two of the official languages for not less than thirty (30) days in terms of sections 21, 21A and 21B of the Systems Act for public comment.

#### 47. CONSIDERATION OF A DRAFT BY-LAW FOR ADOPTION

- (1) The Municipal Manager shall as soon as possible after the closing date for public comment referred to in section 46 of this by-law, submit a report to the Executive Mayor together with –
  - (a) a copy of the draft by-law;
  - (b) copies of the notices in which the public was invited to make representations;
  - (c) the comments and recommendations received from the public; and
  - (d) any other comments or recommendations by the Municipal Manager.
- (2) The Executive Mayor shall consider the report of the Municipal Manager and shall after consideration of all the recommendations and comments –
  - (a) submit a report to the Municipal Council in which the following shall be included -
    - (i) an executive summary of the draft by-law;
    - (ii) a memorandum on the objectives of the draft by-law;
    - (iii) the view of the Executive Mayor on the need for the draft by-law;
    - (iv) the contents of the draft by-law;
    - (v) other by-laws that shall have to be repealed or amended when the draft by-law is adopted; and
    - (vi) any relevant comments or proposals; and
  - (b) recommend to the Municipal Council to adopt the by-law or to adopt the by-law in an amended form or to reject the by-law.
- (3) When a draft by-law has been rejected by the Municipal Council, no by-law with the same content may be introduced within a period of six (6) months from the date of the rejection of the submitted draft by-law.
- (4) When a by-law has been adopted by the Municipal Council, it shall be promulgated in accordance with Section 13 of the Systems Act, as a municipal by-law of the Theewaterskloof Municipality.
- (5) Adoption of the draft by-law by the Municipal Council shall be considered as the second introduction and final reading of such by-law, before the proclamation thereof as by-law.

## **CHAPTER 8: GENERAL MATTERS**

### **48. OFFICIAL LANGUAGES**

Anyone who speaks at a meeting may use any of the three official languages recognized by the Constitution of the Western Cape Province, 1997, as official languages, namely Afrikaans, English and isiXhosa.

### **49. MUNICIPAL EMPLOYEES**

The employees of the Municipality, who attend any meeting of the Municipal Council or a committee of the Municipal Council, shall observe the rules of order and decorum applicable to councillors.

### **50. OFFENCES AND PENALTIES**

(1) A councillor or an official of the Municipality or a member of the public who –

- (a) refuses to withdraw from a meeting of the Municipal Council or a committee of the Municipal Council, when directed to do so by the Speaker or the Chairperson of a meeting in terms of subsection 19(3)(b) of this by-law; or
- (b) returns to a meeting from which he or she has been expelled or was removed in terms of subsection 19(3)(b) of this by-law,

may be forcibly removed from such a meeting and shall be guilty of an offence.

(2) A councillor or an official of the Municipality or a member of the public may not –

- (a) interfere with –
  - (i) or impede the Municipal Council or a committee of the Municipal Council, when the Municipal Council or such committee are exercising their authority or performing their functions;
  - (ii) or impede a councillor while he or she is addressing the Municipal Council or a committee of the Municipal Council, or prevent a councillor to speak at a meeting; or
  - (iii) the performance and duties of a councillor or his or her functions as a councillor;
- (b) threaten a councillor or obstruct the access of a councillor to or leaving a meeting of the Municipal Council or a committee of the Municipal Council;
- (c) assault or threatens a councillor with assault;

- (d) while the Municipal Council or a committee of the Municipal Council is meeting, create or take part in any disturbance of such meeting;
  - (e) fail or refuse to comply with an instruction by the person presiding at a meeting of the Municipal Council or a committee of the Municipal Council, regarding the presence of any person or the conduct of any persons at such meeting; or
  - (f) fail or refuse to comply with an instruction issued by a duly authorised official of the Municipality regarding –
    - (i) the presence of persons at a particular meeting of the Municipal Council or a committee of the Municipal Council;
    - (ii) the conduct of persons at a particular meeting of the Municipal Council or a committee of the Municipal Council; or
    - (iii) the possession of a firearm or any other dangerous weapon or substance at any meeting of the Municipal Council or any committee of the Municipal Council or in a meeting venue.
- (3) A person may not by fraud, intimidation, force, insult or threats of any kind or by the offer or promise of any inducement or benefit of any kind or by any other improper means –
- (a) influence a councillor in the performance of his or her duties and functions as a councillor;
  - (b) convince a councillor to be absent from a meeting of the Municipal Council or a committee meeting of the Municipal Council; or
  - (c) attempt to compel a councillor to declare himself or herself in favour of or against any matter pending before or proposed to or expected to be submitted to the Municipal Council or a committee of the Municipal Council.
- (4) The Speaker shall after investigation of any breach of the rules of order, report the findings to the Municipal Council for further action and the imposing of sanctions.
- (5) Any person, including a councillor, who contravenes any provision of this by-law is guilty of an offence and is liable on conviction, for -
- (i) a fine or imprisonment or to such imprisonment without the option of a fine, or to both such fine and such imprisonment;
  - (ii) in the case of a successive or continuing offence, to an additional fine or an additional period of imprisonment, or such additional imprisonment without the option of a fine, or to both such additional fine and such additional imprisonment, for every day such offence continues; and

- (iii) any further amount as an order of court for costs, equal to any costs and / or expenses, deemed by the Court to have been incurred by the Municipality as a result of such contraventions.

## 51. CONFLICT BETWEEN LEGISLATION

When any stipulation of this by-law, is in conflict with national and provincial legislation or regulations, the national and provincial legislation or regulations shall prevail.

## 52. REPEAL OF BY-LAWS

- (1) The provisions of any by-laws previously promulgated by the Municipality or by any of the disestablished municipalities now incorporated in the municipality, are hereby repealed as far as they relate to matters provided for in this by-law.
- (2) The following by-law of the Theewaterskloof Municipality is hereby specifically repealed -

Name of by-law	Date published	As a whole or partially
Rules of order regulating the conduct of meetings	PG 6555 dated 22 August 2008	As a whole

## 53. SHORT TITLE

This by-law shall be called the By-law on Rules of Order for the Internal Arrangements of the Municipal Council of the Theewaterskloof Municipality.

## 54. OPERATIVE DATE

This by-law shall take effect on the date of publication.

## **MUNISIPALITEIT VAN THEEWATERSKLOOF**

### **VERORDENING VIR ORDEREËLS VIR DIE INTERNE REËLINGS VAN DIE MUNISIPALE RAAD**

**Kragtens artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996,  
verorden die Munisipale Raad van die Munisipaliteit van Theewaterskloof  
hiermee soos volg:**

#### **AANHEF**

Die doel van hierdie verordening is om voorsiening te maak vir ordereëls vir die sake en verrigtinge van die Munisipale Raad van die Munisipaliteit Theewaterskloof, en om voorsiening te maak vir interne reëlins en aangeleenthede wat daarmee verband hou.

#### **INHOUDSOPGAWE**

##### **HOOFSTUK 1: INLEIDING**

1. Interpretasie
2. Toepassing van ordereëls
3. Pligte van die Speaker en raadslede

##### **HOOFSTUK 2: VERGADERINGS**

4. Volgorde van sake
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6. Vergaderings van die Munisipale Raad
7. Funksies van die Speaker by raadvergaderings
8. Bywoning van vergaderings en byeenkomste deur raadslede
9. Prosedures vir aansoeke vir verlof van afwesigheid
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11. Notules van vergaderings
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**HOOFSTUK 3: BESLUIE**

13. Onbestrede sake
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**HOOFSTUK 4: BYWONING DEUR LEDE VAN DIE PUBLIEK**

16. Bywoning van raadsvergaderings deur lede van die publiek
17. Uitsluiting van die publiek van raadsvergaderings
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19. Gedrag by vergaderings

**HOOFSTUK 6: DEBATTE EN MOSIES**

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21. Die reg om te praat en beperkings op spreukbeurte by vergaderings
22. Inhoud van debatte
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35. Mosie vir die verdaging van 'n debat oor 'n saak vir 'n bepaalde tyd
36. Mosie dat 'n saak tot 'n stemming gebring word
37. Mosie om 'n saak van die agenda te verwyder
38. Mosie om 'n saak na 'n komitee te verwys
39. Terugtrekking van mosies of vrae
40. Afwesigheid van die raadslid wat kennis van 'n mosie of 'n vraag gegee het
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## HOOFSTUK 7: WETGEWENDE PROSES

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44. Indiening van konsep verordeninge deur raadslede
45. Indiening van konsep verordeninge deur die Uitvoerende Burgemeester
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## HOOFSTUK 8: ALGEMENE SAKE

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49. Munisipale werknemers
50. Strafbepalings
51. Teenstrydighede met ander wetgewing
52. Herroeping van verordeninge
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## HOOFSTUK 1: INLEIDING

### 1. INTERPRETASIE

In hierdie verordening, geniet die Engelse teks voorrang in die geval van 'n teenstrydigheid met die Afrikaanse teks, en beteken -

“**ampsdraer**”, die Uitvoerende Burgemeester, die Speaker of die Uitvoerende Onderburgemeester van die Munisipale Raad van die Munisipaliteit van Theewaterskloof;

“**gemagtigde beampte**”, enige vredesbeampte gemagtig ingevolge artikel 334 van die Strafproseswet, 1977 (Wet No 51 van 1977), soos gewysig, of enige beampte van die Munisipaliteit van Theewaterskloof wat gemagtig is deur die Munisipaliteit van Theewaterskloof, om die bepalings van hierdie verordening af te dwing;

“**Gedragkode vir Raadslede**”, die Gedragkode vir Raadslede soos voorsien in artikel 54 en uiteengesit in Bylae 1 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No 32 van 2000), soos gewysig;

“**Grondwet**”, die Grondwet van die Republiek van Suid-Afrika, 1996;

“**komitee**”, 'n komitee van die Munisipale Raad, ingestel in terme van artikel 79 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No 117 van 1998), soos gewysig;

“**lid**”, ‘n lid van die Munisipale Raad of ‘n komitee van die Munisipale Raad;

“**lid van die publiek**”, ‘n persoon wat nie ‘n raadslid of ‘n werknemer of ‘n diensverskaffer van Theewaterskloof Munisipaliteit is nie, insluitende verteenwoordigers van die media, wat ‘n vergadering van die Munisipale Raad of ‘n komitee van die Munisipale Raad bywoon;

“**Munisipale Bestuurder**”, die persoon wat deur die Munisipale Raad as Munisipale Bestuurder aangestel is, ingevolge artikel 54A van die die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No 32 van 2000), soos gewysig, of ‘n persoon wat deur die Munisipale Raad as Waarnemende Munisipale Bestuurder aangestel is;

“**Munisipale Raad**”, die Munisipale Raad van die Munisipaliteit van Theewaterskloof, en “**Raad**” het ‘n ooreenstemmende betekenis;

“**Munisipaliteit**”, die Munisipaliteit van Theewaterskloof, wat insluit enige verwysing na behoorlike gemagtigde en / of aangestelde beamptes en / of diensverskaffers in terme van diensleweringooreenkomste van die Munisipaliteit van Theewaterskloof;

“**Provinsiale Minister**”, die Provinsiale Minister verantwoordelik vir Plaaslike Regering in die Provinsie Wes-Kaap;

“**raadslid**”, ‘n lid van ‘n munisipale raad, insluitend ‘n politieke ampsbekleër soos in artikel 1 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No 32 van 2000), soos gewysig, bedoel;

“**reëls**”, die gedragsreëls waarvoor hierdie verordening, die Verordening vir Ordereëls vir die Interne Reëlings van die Munisipale Raad van die Munisipaliteit van Theewaterskloof, voorsiening gemaak word;

“**Speaker**”, die Speaker van die Munisipale Raad wat ingevolge artikel 36 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No 117 van 1998), soos gewysig, verkies is of ‘n raadslid wat ingevolge artikel 41 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No 117 van 1998), soos gewysig, as Waarnemende Speaker verkies word;

“**Stelselwet**”, die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000), soos gewysig;

“**Strukturewet**”, die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), soos gewysig;

“**vergadering**”, enige vergadering of soortgelyke geskeduleerde byeenkoms van die Munisipale Raad, of ‘n komitee van die Munisipale Raad, maar uitgesluit ‘n vergadering van die Plaaslike Arbeidsforum en ‘n werkwinkel van die Munisipaliteit; en

“**werksdag**”, enige dag van die week, uitgesonderd Saterdag of Sondag of ‘n openbare vakansiedag.

## **2. TOEPASSING VAN ORDEREËLS**

- (1) Die ordereëls, soos voorsien in hierdie verordening, is op alle vergaderings van die Munisipale Raad en al die vergaderings van komitees van die Munisipale Raad van toepassing.
- (2) Die ordereëls soos voorsien in hierdie verordening, mag van toepassing gemaak word op die vergaderings van die Burgemeesterkomitee, en wanneer toegepas vir vergaderings van die Burgemeesterkomitee, sal die Voorsitter van sodanige vergadering die Uitvoerende Burgemeester wees, of die Uitvoerende Onderburgemeester in sy of haar afwesigheid.
- (3) Behalwe indien duidelik irrelevant, sal ‘n ordereël van toepassing op ‘n raadslid in enige verrigtinge van die Munisipale Raad, ook van toepassing wees op ‘n lid van die publiek wat aan die verrigtinge van die Munisipale Raad deelneem op uitnodiging van die Speaker, of ‘n munisipale beampte wat deelneem aan die verrigtinge van die Munisipale Raad.
- (4) Behalwe indien duidelik irrelevant, sal enige verwysing in hierdie verordening na die Munisipale Raad, beskou word as ‘n verwysing na ‘n komitee van die Munisipale Raad, en enige verwysing na die Speaker sal beskou word as ‘n verwysing na die aangestelde Voorsitter van ‘n komitee van die Munisipale Raad of ‘n persoon wat voorsit in ‘n vergadering van ‘n komitee van die Munisipale Raad.

## **3. PLIGTE VAN DIE SPEAKER EN RAADSLEDE**

Die Speaker en raadslede moet hulself van die ordereëls vervat in hierdie verordening vergewis.

## HOOFSTUK 2: VERGADERINGS

### 4. VOLGORDE VAN SAKE

- (1) Die volgorde van sake op gewone raadsvergaderings van die Munisipale Raad sal as volg wees, tensy die volgorde deur die Speaker in terme van subartikel 4(2) van hierdie verordening verander word -
  - (a) verkiesing van 'n waarnemende Speaker, indien nodig;
  - (b) aansoeke vir verlof vir afwesigheid;
  - (c) bekragtiging van notules;
  - (d) verklarings en mededelings deur die Speaker;
  - (e) verklarings en mededelings deur die Uitvoerende Burgemeester;
  - (f) oorweging van verslae;
  - (g) dringende aangeleenthede deur die Munisipale Bestuurder voorgelê;
  - (h) oorweging van vertroulike verslae;
  - (i) oorweging van kennisgewings van mosies;
  - (j) oorweging van kennisgewings van vrae;
  - (k) oorweging van dringende mosies; en
  - (l) verdaging.
- (2) Die Speaker kan uit eie oorweging, of op versoek van 'n sweep van 'n politieke party verteenwoordig in die Munisipale Raad, die volgorde van die sake op 'n agenda verander.
- (3) 'n Raadslid wat die volgorde van die sake op die agenda wil laat verander, mag die Speaker voor die aanvang van 'n raadsvergadering daaraangaande nader, en die Speaker kan die versoek vir die verandering van die volgorde van sake van 'n raadsvergadering, toestaan of weier.

### 5. AGENDAS

- (1) Die Munisipale Bestuurder of 'n persoon deur die Munisipale Bestuurder aangewys moet die agenda vir 'n vergadering opstel.

- (2) Die Munisipale Bestuurder mag volgens sy of haar eie diskresie, en onderhewig aan die bepalings van subartikel 160(7) van die Grondwet, verslae op die agenda identifiseer wat as vertroulike sake hanteer moet word, wat nie aan die publiek openbaar mag word nie.
- (3) Die Speaker kan te eniger tyd gedurende 'n vergadering 'n dringende saak wat nie op die agenda verskyn nie, voorstel vir bespreking deur die Munisipale Raad by wyse van 'n aankondiging of by wyse van die indiening van 'n dringende verslag, onderhewig daaraan dat die meerderheid van die raadslede verteenwoordig by 'n vergadering moet instem tot die oorweging van sodanige dringende saak.
- (4) Geen saak wat nie op die agenda van 'n vergadering verskyn nie, mag op 'n vergadering behandel word nie, uitgesonderd soos voorsien in terme van die bepalings van hierdie verordening of andersins in terme van subartikel 5(3) van hierdie verordening.

## **6. VERGADERINGS VAN DIE MUNISIPALE RAAD**

- (1) Die Munisipale Raad moet ten minste kwartaalliks vergader, soos vereis in terme van subartikel 18(2) van die Strukturewet.
- (2) Alle raadsvergaderings van die Munisipale Raad moet oop wees vir lede van die publiek, tensy lede van die publiek ingevolge artikel 17 van hierdie verordening uitgesluit word van 'n vergadering van die Munisipale Raad.
- (3) Behoudens subartikel 6(1) van hierdie verordening, besluit die Speaker waar en wanneer die Munisipale Raad vergader.
- (4) Die Munisipale Bestuurder of in sy of haar afwesigheid, 'n persoon deur die Munisipale Bestuurder aangewys, moet minstens vyf (5) werksdae voorgaande 'n raadsvergadering, aan elke raadslid en die publiek van sodanige raadsvergadering kennis gee.
- (5) Indien die posisie van Speaker vakant is, moet die Munisipale Bestuurder of in die afwesigheid van die Munisipale Bestuurder, 'n persoon deur die Provinsiale Minister aangewys –
  - (a) toesien dat 'n Spesiale Raadsvergadering binne veertien (14) dae gereël word nadat die pos van Speaker vakant geraak het om 'n nuwe Speaker te kies.
  - (b) aan elke Raadslid en aan die publiek kennis gee van die beoogde raadsvergadering.
- (6) 'n Meerderheid van raadslede kan die Speaker skriftelik versoek om 'n spesiale

raadsvergadering te belê, en die Speaker moet so 'n vergadering belê op 'n tyd wat in die versoek uiteengesit word, met dien verstande dat -

- (a) indien die Speaker versuim om 'n spesiale raadsvergadering te belê soos deur 'n meerderheid van raadslede versoek, kan die meerderheid raadslede die Munisipale Bestuurder versoek om so 'n vergadering te belê, en die Munisipale Bestuurder moet dan sodanige vergadering belê op 'n tyd wat in die versoek uiteengesit word; en
  - (b) die kennisgewing deur 'n meerderheid van raadslede vir 'n spesiale raadsvergadering moet die sake wat op sodanige spesiale raadsvergadering behandel moet word, duidelik uiteensit, en geen ander sake mag op sodanige spesiale raadsvergadering behandel word nie, behalwe met instemming van die meerderheid van raadslede.
- (7) Die kennisgewing van 'n vergadering in subartikels 6(4), 6(5) en 6(6) van hierdie verordening bedoel, moet die datum, tyd en plek van sodanige vergadering vermeld, en moet –
- (a) saam met 'n agenda, skriftelik aan elke raadslid verskaf word, en mag vir doeleindes van die bespoediging van kennisgewing, ook in 'n elektroniese formaat verskaf word;
  - (b) gepubliseer word in 'n plaaslike koerant wat deur die Munisipale Bestuurder of 'n aangewese persoon bepaal word; en
  - (c) op 'n kennisgewingbord by die Munisipaliteit se hoofkantoor aangebring word.
- (8) Die Munisipale Bestuurder of 'n persoon wat in terme van subartikels 6(4) of 6(5) van hierdie verordening aangewys word, kan van die vereistes van subartikel 6(7)(b) van hierdie verordening afwyk, in die geval van 'n dringende of 'n spesiale vergadering, wanneer tydbepenkings dit onmoontlik maak om aan die vereistes soos voorsien in subartikel 6(7)(b) van hierdie verordening te voldoen.
- (9) Wanneer 'n raadsvergadering belê word, mag dit deur die Speaker op skriftelike kennisgewing aan alle raadslede verskuif of uitgestel word, op voorwaarde dat –
- (a) sodanige verskuiwing of uitstel minstens vier-en-twintig (24) uur voorgaande die geskeduleerde tyd en datum van sodanige vergadering sal geskied; en
  - (b) die rede van verskuiwing of uitstel aan alle raadslede verskaf word.
- (10) 'n Geskeduleerde raadsvergadering mag slegs verdaag word –

- (a) wanneer 'n kworum van raadslede nie teenwoordig is om voort te gaan met sodanige vergadering nie, onderworpe aan enige ander bepaling van hierdie verordening; en
- (b) wanneer 'n vergadering in terme van die bepalings van hierdie verordening verdaag word.

## **7. FUNKSIES VAN DIE SPEAKER BY RAADSVERGADERINGS**

- (1) Die Speaker moet die stoel inneem presies op die tyd waarvoor 'n raadsvergadering gereël is.
- (2) Bo-en-behalwe die funksies toegeken aan die Speaker in terme van artikel 37 van die Strukturewet -
  - (a) sal die Speaker betaamlikheid op raadsvergaderings handhaaf;
  - (b) sal die Speaker 'n beslissing gee ten opsigte van 'n punt van orde wat deur 'n raadslid geopper word, insluitende 'n vraag betreffende die voorrang van 'n saak; en
  - (c) kan die Speaker 'n beslissing gee ten opsigte van enige prosedurele gebeurlikheid waarvoor nie in hierdie verordening voorsiening gemaak word nie.
- (3) Die beslissing waarna in subartikel 7(2) van hierdie verordening verwys word, moet in die notule aangeteken word.
- (4) 'n Beswaar teen 'n beslissing van die Speaker, mag na afloop van 'n vergadering skriftelik aan die Munisipale Bestuurder verskaf word, en die Munisipale Bestuurder sal 'n verslag oor sodanige beswaar by 'n volgende raadvergadering voorlê vir oorweging.

## **8. BYWONING VAN VERGADERINGS EN BYEENKOMSTE DEUR RAADSLEDE**

- (1) Onderworpe aan artikel 9 van hierdie verordening, moet 'n raadslid elke vergadering of ander soortgelyke amptelike byeenkoms van die Munisipale Raad of 'n komitee van die Munisipale Raad waartoe hy of sy verkies is bywoon, en 'n raadslid moet met die aanvang van sodanige vergadering of byeenkoms sy of haar naam in die bywoningsregister aanteken, soos toepaslik.
- (2) 'n Raadslid moet elke vergadering of ander soortgelyke amptelike byeenkoms van die Munisipale Raad, of 'n komitee van die Munisipale Raad waarvan hy of sy 'n lid is bywoon, behalwe wanneer sodanige raadslid –



- (a) verlof van afwesigheid verleen was in terme van artikel 9 van hierdie verordening;
- (b) verskoon moet word van sodanige vergadering of byeenkoms in terme van statutêre vereistes;
- (c) deur die Munisipale Raad of 'n gemagtigde ampsbeker afgevaardig was om die Munisipaliteit by 'n ander vergadering te verteenwoordig; of
- (d) deur die Speaker verskoon was van 'n vergadering of 'n byeenkoms in terme van die bepalings van subartikel 19(3)(b) van hierdie verordening.

## **9. PROSEDURES VIR AANSOEKE VIR VERLOF VAN AFWESIGHEID**

- (1) 'n Raadslid moet voordat hy of sy van 'n vergadering wegbly, by die Speaker aansoek doen vir verlof van afwesigheid, deur ten minste twee-en-sewentig (72) uur voor 'n vergadering of enige ander tydperk wat vir die Speaker aanvaarbaar is, 'n skriftelike kommunikasie aan die Speaker te rig waarin die redes vir afwesigheid aangedui word of deur 'n mediese sertifikaat wat sy of haar ongeskiktheid vir diens aandui, te verskaf.
- (2) By ontvangs van 'n aansoek soos in subartikel 9(1) van hierdie verordening bedoel, moet die Speaker die aansoek oorweeg en die aansoek goedkeur of verwerp, en die Speaker moet die betrokke raadslid ten minste vier-en-twintig (24) uur voor die betrokke vergadering in kennis stel van sy of haar besluit.
- (3) Die Speaker mag wanneer grondige redes daarvoor bestaan, ooreenkomstig die bepalings van subartikel 9(1) van hierdie verordening, verlof vir afwesigheid toestaan aan 'n raadslid wat deur spesiale omstandighede verhinder word om vir sodanige afwesighedsverlof aansoek te doen.
- (4) Die spesiale omstandighede, soos in subartikel 9(3) van hierdie verordening bedoel, kan insluit –
  - (a) siekte van 'n raadslid; of
  - (b) siekte of dood in die familie van 'n raadslid.
- (5) Die name van alle raadslede teenwoordig op 'n vergadering, die raadslede wat afwesig sonder verlof is en al die raadslede aan wie afwesighedsverlof vir die vergadering deur die Speaker toegestaan was, moet in die notule van 'n vergadering aangeteken word, asook die name van alle munisipale beamptes en ander persone wat op uitnodiging sodanige vergadering bywoon.

- (6) Indien die Speaker 'n aansoek om verlof tot afwesigheid, soos voorsien in subartikel 9(1) van hierdie verordening verwerp, moet die Speaker die rede vir die afkeuring van die verlof om afwesigheid by die vergadering waarvoor sodanige aansoek om verlof vir afwesigheid bedoel was, verskaf.
- (7) Subartikels 9(1) tot 9(5) van hierdie verordening, sal met die nodige veranderinge van toepassing wees op die Speaker, en by sodanige toepassing sal 'n verwysing in die verordening na die Speaker, as 'n verwysing na die Munisipale Raad beskou word.

## **10. SANKSIES VIR DIE NIE-BYWONING VAN VERGADERINGS**

- (1) Met uitsondering van die gevalle voorsien in subartikels 8(2) en 9(4) van hierdie verordening, oortree 'n raadslid die ordereëls as hy of sy sonder verlof –
  - (a) afwesig is van 'n vergadering;
  - (b) versuim om teenwoordig te wees wanneer 'n vergadering begin;
  - (c) versuim om teenwoordig te bly vir die duur van 'n vergadering of tot die einde van 'n vergadering; of
  - (d) 'n vergadering verlaat sonder om deur die Speaker van sodanige vergadering verskoon te word.
- (2) 'n Raadslid wat afwesig is sonder verlof van drie (3) of meer opeenvolgende soortgelyke vergaderings wat hy of sy in terme van subartikel 8(1) van hierdie verordening moes bywoon, oortree die Gedragskode van Raadslede.
- (3) Die Raad mag 'n spesiale komitee instel, bestaande uit 'n voorsitter en minstens twee (2) ander raadslede deur die Munisipale Raad aangestel, wat die samestelling van die Munisipale Raad reflekteer, om ondersoek in te stel na en verslag te doen aan die Munisipale Raad oor enige beweerde oortreding, soos verwys na in subartikels 10(1) en 10(2) van hierdie verordening.
- (4) Die Munisipale Bestuurder moet elke voorval van nie-bywoning van vergaderings deur raadslede aan die Speaker rapporteer.
- (5) Die Speaker sal met ontvangs van die inligting van die Munisipale Bestuurder oor die nie-bywoning van vergaderings deur raadslede, die betrokke raadslid onmiddelik in kennis stel dat 'n verslag oor sy of haar nie-bywoning van 'n vergadering ontvang was, en sodanige raadslid versoek om skriftelike kommentaar binne tien (10) werksdae vanaf die datum van kennisgewing, oor sy of haar afwesigheid te lewer.

- (6) Die Speaker sal met ontvangs van die skriftelike kommentaar van die betrokke raadslid oor sy of haar beweerde afwesigheid van vergaderings, of wanneer die raadslid versuim om binne die voorgeskrewe tien (10) werksdae of sodanige langer tydperk deur die Speaker toegestaan sy of haar kommentaar te verskaf, 'n verslag aan die Munisipale Raad voorlê vir oorweging van die saak en die verdere stappe wat onderneem moet word.
- (7) Die Munisipale Raad sal by ontvangs van die verslag van die Speaker, besluit of die saak na 'n spesiale komitee, soos voorsien in subartikel 10(3) van hierdie verordening, verwys moet word om die beweerde afwesigheid van die betrokke raadslid by vergaderings te ondersoek, of dat die Munisipale Raad self die saak sal ondersoek, of dat geen verdere stappe teen die betrokke raadslid geneem sal word weens 'n gebrek aan substantiewe getuienis nie.
- (8) Die Speaker moet gebaseer op die reëls van natuurlike geregtigheid, prosedures bepaal vir die aanhoor van sake deur die spesiale komitee of die Munisipale Raad, soos verwys na in subartikels 10(1) en 10(2) van hierdie verordening, of die Munisipale Raad kan 'n Uniforme Standaard Prosedure as 'n beleid aanvaar, vir die aanhoor van sake soos verwys na in subartikels 10(1) en 10(2) van hierdie verordening, wat minstens die volgende beginsels moet insluit –
- (a) die raadslid betrokke sal die reg hê om teenwoordig te wees as enige bewyse voorgelê word, behalwe wanneer sodanige persoon weier of versuim om 'n vergadering by te woon waar die saak aangehoor word, en die raadslid sal toegelaat word om relevante vrae te vra gebaseer op die bewyse voorgelê;
  - (b) die lede van die spesiale komitee of die Munisipale Raad, soos toepaslik, mag vrae aan die betrokke raadslid, asook enige vrae verbandhoudend met enige bewyse, verslae of dokumente ingedien deur enige persoon, vra;
  - (c) wanneer die raadslid betrokke weier of versuim om 'n vergadering by te woon vir die aanhoor van 'n saak, of deur die Speaker of die Voorsitter, soos toepaslik, opdrag gegee word om 'n vergadering weens sy of haar wangedrag te verlaat, mag die betrokke vergadering in die afwesigheid van die betrokke raadslid voortgaan;
  - (d) die spesiale komitee of die Munisipale Raad, soos toepaslik, mag tydens verrigtinge deur 'n beampte van die Munisipaliteit geassisteer word, soos deur die spesiale komitee of die Munisipale Raad ooreengekom;
  - (e) die betrokke raadslid sal die reg hê om gebaseer op die verslae ingedien, sy/haar eie bewyse aan te bied, en om getuienis te roep; en
  - (f) die spesiale komitee of die Munisipale Raad, soos toepaslik, mag getuies roep om 'n bevinding te kan maak.

- (9) Die Speaker of die Voorsitter van 'n spesiale komitee, soos toepaslik, sal die betrokke raadslid uitnooi om die betrokke vergadering by te woon, waar die saak oor die beweerde afwesigheid van vergaderings van sodanige raadslid, soos verwys na in subartikels 10(1) en 10(2) van hierdie verordening, aangehoor sal word.
- (10) Wanneer die Speaker impliseer word in 'n saak wat ondersoek word, sal die funksies van voorsitter van die Munisipale Raad vir die prosedure, deur die Uitvoerende Burgemeester vervul word, en indien hy of sy ook impliseer word, deur 'n raadslid wat deur die Munisipale Raad aangewys word.
- (11) Wanneer die afwesigheid van 'n raadslid, deur die Munisipale Raad verwys word vir verdere ondersoek en aanhoor van die saak, sal die spesiale komitee of die Munisipale Raad, soos toepaslik, 'n verhoor hou soos voorsien in subartikel 10(7) van hierdie verordening, en na oorweging van al die getuienis 'n bevinding maak of die betrokke raadslid die ordereëls en / of die Gedragskode van Raadslede oortree het, deur afwesig te wees van een of meer vergaderings van die Munisipale Raad of 'n komitee van die Munisipale Raad, die bevinding notuleer en -
- (a) wanneer die bevinding is dat 'n raadslid nie die ordereëls en / of Gedragskode vir Raadslede oortree het nie, sal die Speaker of die Voorsitter, soos toepaslik, die verhoor termineer en die betrokke raadslid, die Speaker van die Munisipale Raad, indien die verhoor deur 'n spesiale komitee hanteer was, en die Munisipale Bestuurder, skriftelik van die bevinding in kennis stel; of
- (b) wanneer die bevinding is dat 'n raadslid wel die ordereëls vir nie-bywoning van minder as drie (3) opeenvolgende soortgelyke vergaderings oortree het, sal die Voorsitter van die spesiale komitee aan die Munisipale Raad 'n aanbeveling maak oor 'n gepaste sanksie, of wanneer die saak deur die Munisipale Raad aangehoor word, mag die Munisipale Raad besluit om die boete wat vasgestel is vir sodanige tipe oortreding te implementeer vir die betrokke oortreding, en die Speaker sal dan die Munisipale Bestuurder en die betrokke raadslid skriftelik van die bevinding en die sanksie opgelê in kennis stel; of
- (c) wanneer die bevinding is dat 'n raadslid wel die Gedragskode vir Raadslede vir nie-bywoning van meer as twee (2) opeenvolgende soortgelyke vergaderings oortree het, sal die Voorsitter van die spesiale komitee 'n verslag van die spesiale komitee aan die Munisipale Raad verskaf oor die bevinding van sodanige komitee vir oorweging van 'n gepaste sanksie, en wanneer die saak deur die Munisipale Raad aangehoor word, sal die Munisipale Raad besluit oor 'n gepaste sanksie of 'n gepaste sanksie aan die Provinsiale Minister aanbeveel, in terme van subartikel 10(14) van hierdie verordening vir die oortreding, en die Speaker sal dan die Munisipale

Bestuurder en die betrokke raadslid skriftelik van die bevinding en die sanksie opgelê of van die aanbeveling vir 'n sanksie, in kennis stel.

- (12) Wanneer 'n spesiale komitee nie konsensus kan bereik oor die bevindinge wat aan die Munisipale Raad oorgedra moet word nie, moet die kollektiewe en individuele bevindinge van die lede van die komitee aan die Munisipale Raad voorgelê word.
- (13) Indien die Munisipale Raad bevind dat 'n raadslid die ordereëls oortree het soos voorsien in subartikel 10(1) van hierdie verordening, moet die Munisipale Raad die volgende sanksie oplê-
- (a) Vir 'n eerste oortreding, die raadslid 'n skriftelike waarskuwing toedien of beboet met 'n boete wat vyf (5) persent van een (1) maand se bruto vergoeding van sodanige raadslid beloop, vir elke vergadering wat nie bygewoon word nie.
  - (b) Vir 'n tweede oortreding, die raadslid beboet met 'n boete wat agt (8) persent van een (1) maand se bruto vergoeding van sodanige raadslid beloop, vir elke vergadering wat nie bygewoon word nie.
  - (c) Vir 'n derde/verdere oortreding, die raadslid beboet met 'n boete wat tien (10) persent van een (1) maand se bruto vergoeding van sodanige raadslid beloop, vir elke vergadering wat nie bygewoon word nie.
- (14) Wanneer die Munisipale Raad bevind dat 'n raadslid die Gedragdskode van Raadslede oortree het, soos voorsien in subartikel 10(2) van hierdie verordening, mag die Munisipale Raad -
- (a) 'n formele waarskuwing aan die raadslid uitreik;
  - (b) die raadslid tereg wys; of
  - (c) die Provinsiale Minister versoek om –
    - (i) die raadslid vir 'n tydperk te skors;
    - (ii) die raadslid te beboet; of
    - (iii) die raadslid uit sy of haar amp te verwyder.
- (15) Wanneer die Munisipale Raad nie tevrede is met 'n verslag of die bevindinge van 'n spesiale komitee nie, mag die Munisipale Raad self die nie-bywoning van vergaderings deur 'n raadslid ondersoek.
- (16) 'n Raadslid wat skuldig bevind word aan afwesigheid sonder verlof van vergaderings van die Munisipale Raad of vergaderings van komitees van die Munisipale Raad, het in terme van subartikel 14(3) van die Gedragdskode van

Raadslede die reg om teen 'n formele waarskuwing, 'n teregwysing of 'n boete opgelê in terme van subartikel 10(14) van hierdie verordening, na die Provinsiale Minister te appèlleer, en die spesiale komitee betrokke en / of die Munisipale Raad sal die reg hê om om skriftelike insette aangaande sodanige appèl aan die Provinsiale Minister te verskaf.

- (17) Subartikels 10(1) tot 10(16) van hierdie verordening, sal met die nodige aanpassings van toepassing wees op die Speaker.

## 11. NOTULES VAN VERGADERINGS

- (1) Die Munisipale Bestuurder, of 'n persoon deur die Munisipale Bestuurder aangewys, moet –
- (a) binne twee weke na 'n vergadering, die notule van die verrigtinge van 'n vergadering skriftelik saamstel; en
  - (b) elke Raadslid nie later as vyf (5) werksdae, voorgaande die volgende algemene vergadering van die Munisipale Raad of 'n spesifieke komitee van die Munisipale Raad, van 'n eksemplaar van die notule van 'n vergadering voorsien.
- (2) Die notule van 'n vergadering moet deur die Munisipale Raad of 'n komitee van die Munisipale Raad oorweeg word op die volgende algemene vergadering van die Munisipale Raad of sodanige komitee van die Munisipale Raad, en indien dit goedgekeur word, moet dit deur die Speaker of die Voorsitter van 'n komitee van die Munisipale Raad, soos toepaslik, geteken word.
- (3) Die Munisipale Bestuurder, of 'n persoon aangewys deur die Munisipale Bestuurder, moet 'n rekord van die getekende notules hou.
- (4) Die notule van 'n vergadering sal vir doeleindes van subartikel 11(2) van hierdie verordening as gelees beskou word, as dit nie later as vyf (5) werksdae voorgaande die vergadering waar dit vir aanvaarding oorweeg sal word, aan elke raadslid verskaf was.
- (5) Geen mosie of bespreking sal tydens die goedkeuring van notules toegelaat word nie, uitgesonderd vrae aangaande die korrektheid daarvan of uitklaring van onduidelikhede.
- (6) Indien 'n raadslid ontevrede is oor die korrektheid van 'n notule, moet sodanige raadslid –
- (a) die verslag of die besluit waarmee hy of sy nie saamstem nie meld; en

- (b) 'n mosie waarin die alternatiewe bewoording duidelik uiteengesit word voorstel om die notule ten opsigte van die spesifieke verslag of die besluit te wysig.
- (7) Wanneer konsensus nie bereik kan word by 'n vergadering oor die korrektheid van notules nie, sal sodanige vergadering –
- (a) die betrokke notule goedkeur, met uitsluiting van die item of items in dispuut;
  - (b) die item of items in dispuut na die volgende algemene vergadering van die Munisipale Raad of die komitee van die Munisipale Raad verwys, soos toepaslik, ten einde 'n ondersoek van die opname van die betrokke vergadering te doen, om die presiese woorde gebruik tydens die betrokke vergadering te bepaal; en
  - (c) by die vergadering soos in subartikel 11(7)(b) van hierdie verordening voorsien, die gedeelte van die notule met betrekking tot die item of items in dispuut heroorweeg vir goedkeuring, met inagneming van die resultaat van die ondersoek van die opname.
- (8) Die notule van 'n vergadering moet die datum, tyd en plek van die vergadering, en die besluite geneem of ander belangrike sake wat op 'n vergadering gedebateer word uiteensit, maar sal nie 'n verbatim verslag van 'n vergadering wees nie.

## 12. KWORUMS BY VERGADERINGS

- (1) 'n Meerderheid van die lede van die volle Munisipale Raad sal 'n kworum uitmaak by 'n raadsvergadering, soos voorsien in subartikel 30(1) van die Strukturewet, en 'n meerderheid van raadslede verkies tot 'n komitee van die Munisipale Raad, sal 'n kworum uitmaak by 'n vergadering van sodanige komitee, en sodanige vergaderings sal slegs behoorlik gekonstitueer wees, indien 'n kworum van raadslede teenwoordig is en wanneer alle verkose raadslede van die Munisipale Raad en / of 'n komitee van die Munisipale Raad behoorlik kennis van sodanige vergadering gegee was.
- (2) Wanneer daar nie 'n kworum by 'n vergadering is nie, op die tydstip waarvoor 'n vergadering gereël was om in aanvang te neem nie, moet die Speaker of die Voorsitter die stoel inneem op die gestipuleerde begintyd, met die doel om die prosedure soos voorsien in subartikel 12(3) van hierdie verordening te implementeer.

- (3) Wanneer daar nie 'n kworum is nie, moet die begin van 'n vergadering met hoogstens dertig (30) minute vertraag word, en as daar aan die einde van daardie tydperk nog nie 'n kworum is nie, moet die Speaker of die Voorsiter, soos toepaslik, die vergadering na sy of haar goeddunke tot 'n ander tyd, datum en plek verdaag en die name van die raadslede teenwoordig aanteken.
- (4) Wanneer die Speaker nie teenwoordig is nie en daar nie 'n kworum is nie, moet die begin van 'n raadsvergadering met hoogstens dertig (30) minute vertraag word, en as daar aan die einde van daardie tydperk nog nie 'n kworum is nie, mag die raadsvergadering nie plaasvind nie en moet die Munisipale Bestuurder die name van die raadslede teenwoordig aanteken.
- (5) Wanneer daar gedurende 'n raadsvergadering nie 'n kworum is nie, moet die Speaker die verrigtinge opskort totdat daar weer 'n kworum is, met dien verstande dat as daar na tien (10) minute of so 'n langer tydperk as wat die Speaker mag toelaat, steeds nie 'n kworum is nie, moet die Speaker die raadsvergadering verdaag.
- (6) Wanneer 'n raadsvergadering verdaag word omdat daar nie 'n kworum is nie, moet die tyd van sodanige verdaging asook die name van die raadslede teenwoordig in die notule aangeteken word.
- (7) Die Munisipale Bestuurder moet die name van die afwesige raadslede, soos voorsien in subartikels 12(3), 12(4), 12(5) en 12(6) van hierdie verordening aanmeld by die Speaker, met die doel om 'n ondersoek na 'n oortreding van die ordereëls te loods.

### **HOOFSTUK 3: BESLUIE**

#### **13. ONBESTREDE SAKE**

Wanneer die Munisipale Raad 'n saak wat dien oorweeg en daar geen teenkanting van enige raadslid oor die aangeleentheid is nie, moet 'n eenparige stemming in die notule vir die spesifieke verslag aangeteken word.

#### **14. BESTREDE SAKE**

- (1) Die Speaker moet elke bestrede saak tot stemming bring, deur die raadslede te versoek om deur die opsteek van hande, tensy 'n ander metode van stemming deur die Munisipale Raad bepaal was, aan te dui of hulle vir 'n saak is of teen 'n saak is, waarna die Speaker die uitslag van sodanige stemming bekend sal maak.



- (2) Wanneer die Speaker die uitslag van 'n stemming bekend maak, kan 'n raadslid versoek dat sy of haar teenstem teen die betrokke besluit aangeteken moet word, en die Munisipale Bestuurder moet seker maak dat sodanige teenstem in die notule aangeteken word.

## **15. BESLUIE**

- (1) In ooreenstemming met subartikel 160(2) van die Grondwet, is die ondersteunende stem van 'n meerderheid van die lede van die volle Munisipale Raad nodig om te besluit oor –
- (a) die aanneem van verordeninge;
  - (b) die goedkeuring van die begroting;
  - (c) die heffing van eiendomsbelasting en ander belastings, heffings en vorderings; of
  - (d) die aangaan van lenings.
- (2) In ooreenstemming met artikel 34 van die Strukturewet, is 'n ondersteunende stem van minstens twee derdes van die raadslede van die volle Munisipale Raad nodig om 'n besluit te neem om die Munisipale Raad te ontbind.
- (3) Alle ander sake voor die Munisipale Raad word beslis deur 'n meerderheidstem van die raadslede teenwoordig by 'n raadsvergadering, soos voorsien in subartikel 160(3)(c) van die Grondwet.
- (4) As daar 'n staking van stemme is ten opsigte van enige aangeleentheid waaroor 'n stemming gehou word by 'n raadsvergadering in ooreenstemming met subartikel 14(1) van hierdie verordening, maar uitgesluit die sake waarna verwys word in subartikels 15(1) en 15(2) van hierdie verordening, moet die Speaker sy of haar beslissende stem uitbring soos vereis in terme van subartikel 30(4) van die Strukturewet, benewens sy of haar gewone stem, met dien verstande dat die Speaker nie ten opsigte van enige aangeleentheid verwys na in subartikel 160(2) van die Grondwet nie, 'n beslissende stem mag uitbring nie.

## **HOOFSTUK 4: BYWONING DEUR LEDE VAN PUBLIEK**

### **16. BYWONING VAN RAADSVERGADERINGS DEUR LEDE VAN DIE PUBLIEK**

- (1) Die Speaker moet alle redelike stappe doen om die publiek se toegang tot en gedrag by raadsvergaderings te reguleer, onderhewig aan die beperkings en kapasiteit van 'n raadsaal.

- (2) 'n Lid van die publiek of 'n delegasie of enige instelling of organisasie wat die Munisipale Raad wil toespreek, moet skriftelik daarvoor by die Speaker aansoek doen, en moet die gegewens van die saak wat bespreek gaan word in sodanige aansoek vermeld, met dien verstande dat die Speaker in sy of haar uitsluitlike diskresie sodanige aansoek kan goedkeur of afkeur.

## 17. UITSLUITING VAN DIE PUBLIEK VAN RAADSVERGADERINGS

- (1) Die publiek kan uit 'n raadsvergadering gesluit word-
- (a) wanneer die Speaker dit gelas, om 'n konfidentiële verklaring, soos voorsien in subartikel 5(2) van hierdie verordening te maak ;
  - (b) vir oorweging van die verslae op die agenda van 'n raadsvergadering wat as konfidentiël deur die Munisipale Bestuurder aangedui word, nadat die Speaker vasgestel het of die raadslede saamstem dat die betrokke sake as konfidentiële sake hanteer word;
  - (c) wanneer die Speaker dit so gelas; of
  - (d) waar die Munisipale Raad so besluit het na aanleiding van 'n mosie te dien effekte van enige raadslid.
- (2) Wanneer 'n mosie om die publiek uit 'n raadsvergadering uit te sluit, gesekondeer word, moet die mosie tot stemming gebring word, onderhewig aan enige debat oor die aangeleentheid, soos deur die Speaker toegelaat.
- (3) Wanneer 'n mosie om die publiek uit te sluit aanvaar word, moet alle lede van die publiek, insluitende die media, die vergaderlokaal verlaat.
- (4) Die redes vir die uitsluiting van die publiek, gedurende die bespreking en / of debatering van 'n saak moet genotuleer word.

## 18. HERTOELATING VAN DIE PUBLIEK TOT RAADSVERGADERINGS

- (1) 'n Raadslid mag tydens die verloop van 'n raadsvergadering, waarvan die publiek uitgesluit was, 'n mosie voorstel "*dat die vergadering weer oopgestel word*" en die redes vir die mosie verskaf.
- (2) Indien sodanige mosie gesekondeer word, moet dit onverwyld en sonder bespreking tot stemming gebring word.
- (3) Wanneer 'n mosie soos voorsien in subartikel 18(1) van hierdie verordening aanvaar word, moet die Speaker toesien dat die publiek weer tot die vergaderlokaal toegelaat word.

## **HOOFSTUK 5: GEDRAG BY VERGADERINGS**

### **19. GEDRAG BY VERGADERINGS**

- (1) Raadslede, beamptes van die Munisipaliteit en lede van die publiek moet orde en betaamlikheid handhaaf by vergaderings, en hulle mag nie –
  - (a) hulself op enige wyse wangedra nie;
  - (b) op 'n onbetaamlike wyse optree, deur mede raadslede te dreig of te intimideer nie;
  - (c) die verrigtinge of vordering van 'n vergadering belemmer nie;
  - (d) die beslissing van die Speaker oor enige punt van orde betwis nie;
  - (e) kwetsende opmerkings maak, aanstootlike of beledigende taal gebruik of lasterlike opmerkings maak nie;
  - (f) vervelende en irriterende toesprake maak nie;
  - (g) godslasterlike of onbehoorlike taal gebruik nie; of
  - (h) enige van ordereëls oortree nie.
- (2) Wanneer 'n raadslid, 'n beampte van die Munisipaliteit of lid van die publiek, subartikel 19(1) van hierdie verordening oortree, moet die Speaker die sodanige persoon gelas om hom of haar van sodanige oortreding te weerhou.
- (3) Wanneer 'n raadslid, 'n beampte van die Munisipaliteit of lid van die publiek, die opdragte van die Speaker, uitgereik in terme van subartikel 19(2) van hierdie verordening, verontagsaam, mag die Speaker –
  - (a) die raadslid, beampte van die Munisipaliteit of lid van die publiek, indien hy of sy aan die woord is, versoek om sy of haar toespraak te staak;
  - (b) die raadslid, beampte van die Munisipaliteit of lid van die publiek, versoek om die raadsvergadering te verlaat vir die res van die vergadering, of indien nodig die persoon te laat verwyder deur 'n persoon wat die Speaker aanwys; of
  - (c) die betrokke raadsvergadering uitstel vir 'n periode soos deur die Speaker bepaal.

- (4) Wanneer die Speaker versuim om ingevolge subartikel 19(3) van hierdie verordening op te tree, kan enige raadslid 'n punt van orde opper, om van die Speaker te vereis om te handel.
- (5) Die punt van orde in subartikel 19(42) van hierdie verordening bedoel moet onverwyld deur die Speaker hanteer word.
- (6) Die Munisipale Bestuurder moet die name van die raadslede, of enige ander persoon by 'n raadsvergadering, wat die ordereëls soos voorsien in subartikels 19(1) en 19(2) en 19(3)(b) van hierdie verordening oortree, aan die Speaker rapporteer vir doeleindes van ondersoek na die oortreding van die ordereëls.
- (7) Die Speaker moet na afloop van 'n ondersoek van 'n oortreding van die ordereëls, die bevindinge van sodanige ondersoek aan die Munisipale Raad rapporteer vir verdere optrede en die oplegging van sanksies.

#### **HOOFSTUK 6: DEBATTE EN MOSIES**

### **20. AANSPREEK VAN DIE SPEAKER**

'n Raadslid, 'n beampte van die Munisipaliteit of lid van die publiek wat deur die Speaker erken word om te praat in 'n raadsvergadering, moet die Speaker staande aanspreek, behalwe waar die Speaker anders reël.

### **21. DIE REG OM TE PRAAT EN BEPERKINGS OP SPREUKBEURTE BY VERGADERINGS**

- (1) 'n Raadslid mag slegs praat of voortgaan om te praat op 'n raadsvergadering nadat hy of sy deur die Speaker erken is, en moet hom of haar weerhou daarvan om te praat as die Speaker praat of die Munisipale Raad toespreek.
- (2) 'n Raadslid wat nie 'n lid van 'n komitee is nie, het slegs die reg om te praat op 'n vergadering van sodanige komitee, wanneer hy of sy deur die Voorsitter van sodanige komitee skriftelik uitgenooi is, om sodanige vergadering by te woon ter bespreking van 'n spesifieke saak op die agenda.
- (3) Raadslede wat 'n komiteevergadering bywoon, en by sodanige komiteevergadering praat sonder dat hulle genooi of gemagtig is deur die betrokke Voorsitter, word nie deur die Wes-Kaapse Wet op Voorregte en Immuniteite van Raadslede, 2011 (Wet No 7 van 2011), beskerm nie, en oortree die ordereëls.
- (4) 'n Raadslid moet persoonlike aanvalle op ander raadslede vermy en moet hom of haar daarvan weerhou om die motiewe vir enige argument of stem van 'n ander raadslid in twyfel te trek.

- (5) 'n Raadslid mag net een keer praat –
- (a) oor 'n saak voor die Munisipale Raad;
  - (b) oor enige mosie voor die Munisipale Raad;
  - (c) oor enige amendemente op 'n mosie voor die Munisipale Raad ; of
  - (d) oor 'n punt van orde of 'n vraag,  
tensy hy of sy deur die Speaker gemagtig is om verdere insette te lewer,  
of indien die ordereëls daarvoor voorsiening maak.
- (6) 'n Raadslid mag nie onderbreek word terwyl hy of sy praat nie, tensy hy of sy deur die Speaker tot orde geroep word of 'n punt van orde deur 'n ander raadslid geopper word.
- (7) Die Speaker mag nie 'n raadslid erken om oor 'n saak te praat, nadat daar reeds oor sodanige saak gestem was nie.
- (8) Die Speaker mag nie 'n debat toelaat oor 'n saak –
- (a) wat enige ander saak op die agenda sal vooruitloop; of
  - (b) ten opsigte waarvan 'n besluit deur 'n geregtelike of kwasi-geregtelike liggaam of 'n kommissie van ondersoek hangende is nie.
- (9) Behalwe met die toestemming van die Speaker, moet 'n raadslid alle debatte of punte van orde beperk tot die saak onder bespreking en geen raadslid mag langer as vyf (5) minute oor enige onderwerp of aangeleentheid praat nie.

## **22. INHOUD VAN DEBATTE**

- (1) 'n Raadslid wat die woord voer, moet sy of haar toespraak rig op die saak voor die Munisipale Raad.
- (2) Indien 'n raadslid volhard met 'n ontersaaklike toespraak, nadat 'n versoek deur die Speaker aan die betrokke raadslid gerig was, om sy of haar toespraak tot die saak onder bespreking te beperk, moet die Speaker die betrokke raadslid gelas om te sit en nie verder ten opsigte van die betrokke saak te praat nie.
- (3) Raadslede moet orde en betaamlikheid op raadsvergaderings handhaaf, en mag nie langdradige herhalings van argumente, of onbetaamlike taal of aanmerkings wat lasterlik van aard is, gebruik nie.

## 23. PUNT VAN ORDE

- (1) 'n Raadslid mag tydens 'n vergadering 'n tussenwerpsel maak om 'n punt van orde te opper, met die doel om die Speaker se aandag te vestig op 'n oortreding van die ordereëls of 'n statutêre bepaling.
- (2) 'n Punt van orde kan geopper word met betrekking tot –
  - (a) 'n proseduresaak; of
  - (b) die gedrag van 'n raadslid, 'n lid van die publiek of 'n beampte van die Munisipaliteit.
- (3) 'n Raadslid wat 'n punt van orde opper, moet onmiddellik aangehoor word en hy of sy mag –
  - (a) die punt van orde stel; en
  - (b) die ordereël of statutêre bepaling wat oortree word vermeld.
- (4) 'n Raadslid wat aan die woord is wanneer 'n punt van orde geopper word, moet onmiddellik ophou praat totdat die Speaker oor die punt van orde beslis het, en alle ander sake voor die Munisipale Raad sal opgeskort word, totdat die punt van orde hanteer is.
- (5) Indien daar deur die Speaker beslis word dat geen ordereël of statutêre bepaling oortree is nie, moet die raadslid waarna in subartikel 23(4) van hierdie verordening verwys word, toegelaat word om met sy of haar toespraak voort te gaan.
- (6) Indien daar deur die Speaker beslis word dat 'n ordereël of statutêre bepaling wel oortree is, moet die betrokke raadslid stil bly, of enige aanmerkings terugtrek of verander, ten einde aan die beslissing van die Speaker te voldoen, en geen debat sal op die punt van orde toegelaat word nie.
- (7) Die Speaker se beslissing oor 'n punt van orde is finaal, is nie oop vir debat nie, en moet in die notule aangeteken word.
- (8) 'n Raadslid wat nie tevrede is met beslissing van die Speaker op 'n punt van orde nie, mag na die afsluiting van sodanige vergadering waar die punt van orde van 'n raadslid deur die Speaker van die hand gewys of aanvaar was, 'n mosie in terme van 26 of 28 van hierdie verordening indien, dat die beslissing van die Speaker onderwerp moet word aan 'n regsmenting, waarna die saak verder hanteer sal word in terme van die bepalings vir die indiening van mosies.

## 24. VERDUIDELIKINGS

- (1) Die Speaker kan 'n raadslid toelaat om 'n vorige toespraak te verduidelik, maar slegs wanneer en in die mate wat 'n wesenlike deel van die betrokke toespraak moontlik misverstaan is.
- (2) Die raadslid wat die verduideliking gee, mag geen nuwe sake opper nie en geen debat oor die verduideliking word toegelaat nie.

## 25. MOSIES

'n Raadslid mag 'n mosie slegs voorstel, wanneer dit deur die Speaker toegelaat word vir voorstelling en deur 'n ander raadslid gesekondeer word, behalwe waar die ordereëls anders bepaal.

## 26. KENNISGEWINGS VAN MOSIES

- (1) 'n Kennisgewing van 'n mosie moet skriftelik wees, gemotiveerd en deur die betrokke raadslid geteken en gedateer wees, en moet ten minste tien (10) werksdae voor die datum van die raadsvergadering waarop dit voorgestel gaan word aan die Speaker verskaf word, behalwe waar die ordereëls anders bepaal.
- (2) Die Speaker moet òf die Munisipale Bestuurder versoek om die mosie op die agenda te plaas van 'n vergadering van die Munisipale Raad òf die betrokke betrokke mosie na 'n komitee verwys, wat die saak waarna verwys word in die mosie hanteer.
- (3) Subartikel 26(1) van hierdie verordening is nie op die volgende tipes van mosies van toepassing nie -
  - (a) 'n dringende mosie; of
  - (b) 'n mosie vir 'n punt van orde.
- (4) Die Speaker se beslissing oor 'n mosie vir 'n punt van orde is finaal, is nie oop vir debat nie en moet in die notule aangeteken word.

## 27. VRAE

- (1) Nadat 'n mosie voorgestel en gesekondeer is, of na afhandeling van enige toespraak oor sodanige mosie, kan 'n raadslid enige vraag wat op sodanige mosie betrekking het aan enige ander raadslid stel, en die Speaker sal sodanige vrae toelaat.
- (2) Geen aanvullende vrae mag gestel word nie, behalwe deur die raadslid wat die oorspronklike vraag gestel het en dan net ten opsigte van sake voortspruitend uit die antwoord op daardie vraag.

- (3) Die raadslid aan wie die vraag gerig word, kan onverwyld daarop antwoord of versoek dat skriftelike kennis van die vraag gegee moet word.
- (4) Die kennisgewing in subartikel 27(3) van hierdie verordening bedoel moet skriftelik wees en deur die betrokke raadslid geteken en gedateer wees, en moet minstens tien (10) werksdae voorgaande die vergadering waar dit beantwoord moet word, aan die Speaker en die Munisipale Bestuurder gelewer word.
- (5) Wanneer die Munisipale Bestuurder die betrokke kennisgewing ontvang, moet hy of sy die kennisgewing binne vyf (5) werksdae aan die raadslid aan wie die vraag gerig was stuur, en –
  - (a) die raadslid versoek om 'n skriftelike antwoord op die vraag, aan die Munisipale Bestuurder te verskaf; en
  - (b) die Speaker in kennis stel van enige sodanige antwoord wat ten opsigte van die vraag ontvang word.
- (6) Die Speaker moet seker maak dat die antwoord op die agenda van die volgende vergadering waar die vraag beantwoord moet word, geplaas word.
- (7) 'n Raadslid kan 'n vraag stel wat 'n skriftelike antwoord van 'n ander raadslid of die Uitvoerende Burgemeester of die Munisipale Bestuurder vereis, oor enige saak rakende die doeltreffende verrigting van die Munisipaliteit se funksies en die uitoefening van bevoegdhede.
- (8) Kennisgewing van 'n vraag in subartikel 27(7) van hierdie verordening bedoel, moet skriftelik wees, en deur die betrokke raadslid geteken en gedateer wees, en aan die Speaker en die Munisipale Bestuurder gelewer word, met dien verstande dat die prosedures voorsien in subartikels 27(5) 27(6) van hierdie verordening, op die indiening van die vraag van toepassing sal wees.

## **28. DRINGENDE MOSIES**

- (1) 'n Raadslid kan die aandag van die Munisipale Raad vestig op enige saak wat nie op die agenda verskyn nie en waarvan daar nie voorheen kennis gegee was nie, deur kortliks die onderwerp van die saak te stel en sonder kommentaar daarop 'n mosie voor te stel "*dat die mosie waarop die Munisipale Raad se aandag gevestig is, onverwyld as 'n dringende saak oorweeg word*".
- (2) Indien die mosie in subartikel 28(1) van hierdie verordening bedoel gesekondeer en aanvaar word, sal die raadslid wat die mosie voorgestel het toegelaat word om die saak sonder verdere kennisgewing te laat oorweeg.



## 29. ORDE MOSIES

- (1) Die volgende aangeleenthede word as orde mosies beskou -
- (a) dat voorrang gegee word aan die oorweging van enige bepaalde item wat op die agenda verskyn;
  - (b) dat enige verslag wat in die agenda ingesluit is, aangeneem word of terugverwys word of dat daarvan kennis geneem word of dat daaraan uitvoering gegee word;
  - (c) dat daar aan enige verslag wat voor die Munisipale Raad dien uitvoering gegee word op die wyse in die mosie gespesifiseer;
  - (d) dat daar met betrekking tot enige saak wat vir oorweging voorgelê word stappe geïmplementeer word op die wyse in die mosie gespesifiseer;
  - (e) dat die Speaker moet gelas dat 'n raadslid of 'n beamppte van die Munisipaliteit of 'n lid van die publiek hom of haar aan die vergadering moet onttrek; en
  - (f) enige mosie in subartielel 30 van hierdie verordening bedoel.
- (2) Indien 'n orde mosie gesecondeer word, moet dit onverwyld en sonder debat tot stemming gebring word.

## 30. VOORRANG VAN DEBAT

Wanneer 'n mosie onder bespreking is, mag geen verdere mosie ontvang word nie, uitgesonderd -

- (a) dat die betrokke mosie wat ingedien is, geamendeer word;
- (b) dat die oorweging van die saak uitgestel word tot 'n bepaalde of 'n onbepaalde datum;
- (c) dat die publiek van die vergadering uitgesluit word;
- (d) dat die lede van die publiek tot die vergadering hertoegelaat word ;
- (e) dat die vergadering tot 'n ander datum verdaag;
- (f) dat die vergadering vir 'n spesifieke tyd verdaag;
- (g) dat die debat oor die saak vir 'n spesifieke tyd verdaag word;

- (h) dat die saak onder bespreking tot stemming gebring word;
- (i) dat die saak onder bespreking van die agenda geskrap word; of
- (j) dat die vraag of mosie teruggetrek word.

### 31. AMENDEMENT VAN MOSIES

- (1) 'n Raadslid kan 'n amendement tot 'n mosie voorstel, deur te verklaar "*dat die mosie geamendeer word*", en die raadslid sal die amendement aan die Munisipale Raad voorlees, en verklaar hoe die oorspronklike mosie geamendeer moet word.
- (2) Die geamendeerde mosie in subartikel 31(1) van hierdie verordening bedoel moet gesekondeer word, en 'n raadslid mag nie oor sodanige mosie praat, alvorens die Munisipale Raad die amendement van sodanige mosie aanvaar het nie.
- (3) Die voorstel vir die amendement van 'n mosie sal deur die raadslid wat die mosie ingedien het gedoen word, en sodanige voorstel hoef nie skriftelik te wees nie.
- (4) 'n Amendement moet verband hou met die oorspronklike mosie waarop dit voorgestel word, en moet voorgestel word terwyl die oorspronklike mosie deur die Munisipale Raad oorweeg word.
- (5) Die amendement moet oorweeg word voordat die oorspronklike mosie oorweeg word.
- (6) Indien die Speaker dit so verlang, moet 'n voorgestelde amendement skriftelik wees, geteken deur die raadslid wat dit voorgestel het, en die geskrewe geamendeerde mosie moet aan die Speaker oorhandig word.
- (7) As daar meer as een amendement op 'n oorspronklike mosie ingedien word, moet die amendement wat laaste voorgestel word, eerste tot stemming gebring word, en as dit aangeneem word moet daar dienoreenkomstig oor die saak besluit word.
- (8) As die amendement wat laaste voorgestel is verwerp word, word die amendement wat onmiddellik voor die laaste amendement voorgestel is tot stemming gebring, en wanneer alle amendemente oorweeg en afgekeur word deur die Munisipale Raad, sal die oorspronklike mosie of die oorspronklike mosie soos geamendeer, na gelang van die geval, tot stemming gebring word.
- (9) Geen verdere amendemente op die oorspronklike mosie mag voorgestel word, nadat die Speaker die oorspronklike mosie tot stemming gebring het nie.

- (10) 'n Amendement mag nie 'n beginsel wat in die oorspronklike mosie beliggaam word, weselik amendeer nie, en 'n amendement mag slegs die terme van een of meer besonderhede in die mosie vervat, wysig.
- (11) Die Speaker het die diskresie om te besluit of 'n amendement aan subartikel 31(10) van hierdie verordening voldoen, al dan nie.

### **32. MOSIES VIR DIE UITSTEL VAN 'N SAAK**

- (1) 'n Raadslid kan aan die einde van 'n toespraak, voorstel "*dat die oorweging van die saak uitgestel word tot 'n bepaalde of 'n onbepaalde datum*".
- (2) Die mosie moet gesekondeer word, maar hoef nie skriftelik te wees nie.
- (3) Slegs die raadslid wat die mosie voorgestel het, kan oor sodanige mosie praat, maar beperk tot die tydsbeperking soos voorsien in subartikel 21(9) van hierdie verordening.
- (4) Die raadslid wat die oorspronklike mosie voorgestel het, waaroor daar nou 'n mosie vir die uitstel van die oorweging van die saak ontvang is, mag onderhewig aan die bepalings van subartikel 21(9) van hierdie verordening repliek lewer, waarna die mosie soos in subartikel 32(1) van hierdie verordening bedoel, tot stemming gebring moet word sonder verdere debat.
- (5) As die mosie soos in subartikel 32(1) van hierdie verordening bedoel aanvaar word, moet die saak eerste geplaas word op die agenda van sake wat oorweeg moet word op die vergadering waarheen sodanige saak uitgestel word, en die bepalings met betrekking tot die volgorde van sake, soos voorsien in subartikels 4(2) en 4(3) van hierdie verordening, sal in hierdie geval nie geld nie.
- (6) As 'n mosie soos in subartikel 32(1) van hierdie verordening bedoel nie aanvaar word nie, moet 'n raadsvergadering voort gaan asof daar geen onderbreking was nie, en die Speaker mag nie 'n soortgelyke mosie aanvaar tydens die duur van die betrokke vergadering nie.

### **33. MOSIES VIR DIE VERDAGING VAN 'N VERGADERING TOT 'N ANDER DATUM**

- (1) 'n Raadslid wat nog nie aan die debat oor 'n saak deelgeneem het nie, kan te eniger tyd gedurende die bespreking van die saak, uitgesonderd in die loop van die toespraak deur 'n ander raadslid of terwyl daar oor die betrokke saak gestem word, voorstel "*dat die vergadering tot 'n ander datum verdaag*".
- (2) Die mosie moet gesekondeer word, maar hoef nie skriftelik te wees nie.

- (3) Slegs die raadslid wat die mosie voorgestel het, mag toegelaat word om oor die mosie te praat, onderhewig aan die bepalings van subartikel 21(9) van hierdie verordening.
- (4) Geen debat oor die mosie word toegelaat nie, uitgesonderd die raadslid wat die oorspronklike mosie voorgestel het, waaroor daar nou 'n mosie vir die verdaging van die vergadering ontvang is, mag onderhewig aan die bepalings van subartikel 21(9) van hierdie verordening repliek lewer, waarna die mosie soos in subartikel 33(1) van hierdie verordening bedoel tot stemming gebring moet word sonder verdere debat.
- (5) Geen amendement op die mosie mag voorgestel word nie, uitgesonderd met betrekking tot die tydperk van verdaging.
- (6) As die mosie aanvaar word, moet die vergadering onverwyld verdaag en herbelê word op die datum wat in die mosie of gewysigde mosie vermeld word, tensy die Speaker gelas dat die vergadering eers voortgaan om onbetwiste sake af te handel.
- (7) As die mosie nie aanvaar word nie, gaan die vergadering voort asof daar geen onderbreking was nie, en die Speaker mag nie 'n soortgelyke mosie aanvaar totdat 'n halfuur verstryk het nie.
- (8) As die mosie soos in subartikels 33(1) en 33(6) van hierdie verordening bedoel, gedurende 'n debat en voor die afhandeling daarvan aanvaar word, is die raadslid wat die mosie voorgestel het, daarop geregtig om eerste te praat wanneer die betrokke saak op die hervattingsvergadering heropen word vir bespreking.
- (9) Geen sake mag op die hervattingsvergadering afgehandel word nie, uitgesonderd die sake, wat uiteengesit was in die agenda van die verdaagde vergadering.

#### **34. MOSIE VIR DIE VERDAGING VAN 'N VERGADERING VIR 'N BEPAALDE TYD**

- (1) 'n Raadslid kan te eniger tyd, uitgesonderd in die loop van 'n toespraak deur 'n ander raadslid of terwyl daar oor die betrokke saak gestem word, voorstel "*dat die vergadering vir 'n spesifieke tyd, verdaag*", om oor 'n saak te kookus.
- (2) Die mosie moet gesekondeer word, en hoef nie skriftelik te wees nie.
- (3) Indien die mosie soos in subartikel 34(1) van hierdie verordening bedoel, goedgekeur word, moet die Speaker die vergadering onverwyld vir die spesifieke tyd verdaag, vir hervatting op die tyd in die mosie vermeld en die Speaker mag die tyd toegelaat vir verdaging om te kookus beperk, ter wille van vordering met 'n vergadering.

- (4) As die mosie nie aanvaar word nie, gaan die vergadering voort asof daar geen onderbreking was nie, en die Speaker mag nie 'n soortgelyke mosie aanvaar totdat 'n halfuur verstryk het nie.
- (5) Die Speaker kan by aanvoering van grondige redes, 'n vergadering te eniger tyd vir 'n bepaalde tyd verdaag.

### **35. MOSIE VIR DIE VERDAGING VAN 'n DEBAT OOR 'n SAAK VIR 'n BEPAALDE TYD**

- (1) 'n Raadslid wat nog nie aan die debat oor 'n saak deelgeneem het nie, mag aan die einde van enige toespraak oor daardie saak, voorstel "*dat die debat oor die saak vir 'n bepaalde tyd verdaag word*".
- (2) Die mosie moet gesekondeer word, maar hoef nie skriftelik te wees nie.
- (3) Slegs die raadslid wat die mosie voorgestel het, mag toegelaat word om oor die mosie te praat, onderhewig aan die bepalings van subartikel 21(9) van hierdie verordening.
- (4) Geen debat oor die mosie word toegelaat nie, uitgesonderd die raadslid wat die oorspronklike mosie voorgestel het, waaroor daar nou 'n mosie vir die verdaging van die debat ontvang is, mag onderhewig aan die bepalings van subartikel 21(9) van hierdie verordening oor die mosie repliek lewer.
- (5) Geen amendement op die mosie mag voorgestel word nie, uitgesonderd met betrekking tot die tydperk van verdaging.
- (6) As die mosie aanvaar word, gaan die vergadering oor tot die volgende item op die agenda, en die verdaagde debat word hervat op die tyd wat in die mosie vermeld word.
- (7) Met die hervatting van die verdaagde debat, sal die raadslid wat die verdaging voorgestel het daarop geregtig wees om eerste te praat in die debat.
- (8) As die mosie nie aanvaar word nie, gaan die vergadering voort asof daar geen onderbreking was nie, en die Speaker mag nie 'n soortgelyke mosie aanvaar nie totdat 'n halfuur verstryk het nie.
- (9) 'n Raadslid mag nie meer as een mosie vir die verdaging van die debat oor die saak in die verloop van 'n debat oor 'n betrokke saak, voorstel of sekondeer nie.
- (10) Die Speaker kan by aanvoering van grondige redes, 'n vergadering te eniger tyd vir 'n bepaalde tyd verdaag.

**36. MOSIE DAT 'n SAAK TOT 'n STEMMING GEBRING WORD**

- (1) 'n Raadslid wat nog nie aan die debat oor 'n saak deelgeneem het nie, kan aan die einde van enige toespraak oor daardie saak, voorstel "*dat die saak tot stemming gebring word*".
- (2) Die mosie moet gesekondeer word, en hoef nie skriftelik te wees nie.
- (3) Behoudens subartikel 36(4) van hierdie verordening, sal 'n mosie soos voorsien in subartikel 36(1) van hierdie verordening nie vir debat oop wees nie.
- (4) Die Raadslid wat die oorspronklike mosie onder bespreking voorgestel het, mag wanneer 'n mosie soos voorsien in subartikel 36(1) van hierdie verordening voorgestel word, toegelaat word om onderhewig aan die bepalings van subartikel 21(9) van hierdie verordening, oor die oorspronklike mosie repliek te lewer, waarna die mosie soos voorsien in subartikel 36(1) van hierdie verordening tot stemming gebring moet word sonder enige verdere debat.
- (5) Wanneer die mosie in in subartikel 36(1) van hierdie verordening bedoel nie aanvaar word nie, gaan die vergadering voort asof daar geen onderbreking was nie, en die Speaker mag nie weer 'n soortgelyke mosie aanvaar vir die duur van die vergadering nie.

**37. MOSIE OM 'n SAAK VAN DIE AGENDA TE VERWYDER**

- (1) 'n Raadslid wat nog nie aan die debat oor 'n saak deelgeneem het nie, kan aan die einde van enige toespraak voorstel "*dat die saak van die agenda verwyder word*".
- (2) Die mosie moet gesekondeer word, en hoef nie skriftelik te wees nie.
- (3) Behoudens subartikel 37(4) van hierdie verordening, sal 'n mosie soos voorsien in in subartikel 37(1) van hierdie verordening nie vir debat oop wees nie.
- (4) Die Raadslid wat die oorspronklike mosie onder bespreking voorgestel het, mag wanneer 'n mosie soos voorsien in subartikel 37(1) van hierdie verordening voorgestel word toegelaat word om onderhewig aan die bepalings van subartikel 21(9) van hierdie verordening, oor die oorspronklike mosie te praat, waarna die mosie soos voorsien in subartikel 37(1) van hierdie verordening tot stemming gebring moet word sonder enige verdere debat.
- (5) As die mosie in subartikel 37(1) van hierdie verordening bedoel aanvaar word, moet die saak van die agenda van die vergadering geskrap word en mag dit nie weer op daardie vergadering bespreek word nie.

- (6) Wanneer die mosie in in subartikel 37(1) van hierdie verordening bedoel nie aanvaar word nie, gaan die vergadering voort asof daar geen onderbreking was nie, en die Speaker mag nie weer 'n soortgelyke mosie aanvaar vir die duur van die vergadering nie.

### **38. MOSIE OM 'n SAAK NA 'n KOMITEE TE VERWYS**

- (1) 'n Raadslid kan aan die einde van enige toespraak oor 'n saak, voorstel "*dat die saak na 'n komitee verwys word*".
- (2) Die mosie moet gesekondeer word, en hoef nie skriftelik te wees nie.
- (3) Behoudens subartikel 38(4) van hierdie verordening, sal 'n mosie soos voorsien in in subartikel 38(1) van hierdie verordening nie vir debat oop wees nie.
- (4) Die Raadslid wat die oorspronklike mosie onder bespreking voorgestel het, mag wanneer 'n mosie soos voorsien in subartikel 38(1) van hierdie verordening voorgestel word, toegelaat word om onderhewig aan die bepalings van subartikel 21(9) van hierdie verordening oor die oorspronklike mosie repliek te lewer, waarna die mosie soos voorsien in subartikel 38(1) van hierdie verordening tot stemming gebring moet word sonder enige verdere debat.
- (5) As die mosie soos voorsien in subartikel 38(1) van hierdie verordening aanvaar word, mag die saak onder bespreking nie op die vergadering verder bespreek word nie.
- (6) As die mosie in subartikel 38(1) van hierdie verordening nie aanvaar word nie, gaan die vergadering voort asof daar geen onderbreking was nie, en die Speaker mag nie weer 'n soortgelyke mosie aanvaar vir die duur van die vergadering nie.

### **39. TERUGTREKING VAN MOSIES OF VRAE**

- (1) 'n Raadslid wat 'n mosie voorgestel het, kan dit te eniger tyd onttrek met toestemming van die raadslid wat dit gesekondeer het.
- (2) 'n Raadslid mag nie oor 'n mosie in 'n raadsvergadering praat nie, nadat sodanige mosie onttrek is nie.
- (3) 'n Raadslid wat 'n vraag gestel het, kan dit sonder toestemming van die Munisipale Raad, te eniger tyd terugtrek voordat die vraag beantwoord word.

#### **40. AFWESIGHEID VAN DIE RAADSLID WAT KENNIS VAN 'n MOSIE OF 'n VRAAG GEGEE HET**

As die raadslid wat kennis van 'n mosie of 'n vraag gegee het, nie teenwoordig is nie wanneer hy of sy deur die Speaker aan die woord gestel word om sodanige mosie ter tafel te lê of om sodanige vraag te stel nie, sal die mosie of die vraag verval, indien die voorsteller van die mosie of die vraag nie voorgaande die betrokke vergadering, skriftelik die Speaker versoek het dat 'n ander raadslid die betrokke mosie kan stel of die betrokke vraag sal vra nie.

#### **41. HERINDIENING VAN MOSIES OF VRAE**

- (1) 'n Mosie wat deur die Raad verwerp word of 'n vraag wat beantwoord is, mag nie binne 'n tydperk van drie (3) maande na die vergadering waarop dit verwerp word of beantwoord is, weer ingedien of gestel word nie, uitgesonderd met toestemming van die Munisipale Raad.
- (2) 'n Raadslid wat 'n mosie of vraag weer wil indien of stel, moet skriftelik kennis aan die Speaker gee.
- (3) Wanneer die Speaker 'n kennisgewing soos bedoel in subartikel 41(2) van hierdie verordening ontvang, moet hy of sy Munisipale Bestuurder versoek om die kennisgewing op die agenda van die volgende raadsvergadering te plaas, onderhewig aan die bepalings van subartikel 41(1) van hierdie verordening.

#### **42. MOSIES OF VRAE OOR SAKE WAT NA 'n KOMITEE VERWYS IS**

- (1) 'n Raadslid mag nie kennis van 'n mosie of 'n vraag met betrekking tot enige saak wat voor 'n komitee vir oorweging dien gee nie, tensy sodanige kennisgewing van die mosie of vraag –
  - (a) ook aan die betrokke komitee voorgelê word; of
  - (b) deel is van die verwysing van 'n saak na daardie komitee vir oorweging en verslag aan die Munisipale Raad.
- (2) 'n Lid van 'n komitee mag as hy of sy van mening is dat 'n saak dringend is, met die toestemming van die Voorsitter van die betrokke komitee en die Speaker kennis gee van 'n mosie of 'n vraag oor 'n saak wat na die komitee verwys is, ondanks die feit dat die mosie of vraag nie aan sodanige komitee voorgelê was of deur die komitee oorweeg was nie.



## **HOOFSTUK 7: WETGEWENDE PROSES**

### **43. INDIENING VAN KONSEP VERORDENINGE**

Ooreenkomstig artikel 12 van die Stelselwet, mag 'n verordening net deur 'n raadslid of 'n komitee van die Munisipale Raad ingedien word.

### **44. INDIENING VAN KONSEP VERORDENINGE DEUR RAADSLEDE**

- (1) 'n Raadslid mag 'n konsep verordening indien, deur dit saam met 'n memorandum oor die oogmerke van sodanige verordening aan die Speaker voor te lê.
- (2) Die Speaker moet die kommentaar van die Munisipale Bestuurder oor die inhoud van die konsep verordening wat ontvang is inwin, en mag die kommentaar van enige ander persoon verkry.
- (3) Die Speaker moet die konsep verordening, saam met enige kommentaar wat ingevolge subartikel 44(2) van hierdie verordening ontvang word, aan die Uitvoerende Burgemeester voorlê vir 'n verslag en 'n aanbeveling ooreenkomstig subartikel 30(5) van die Strukturewet.
- (4) Die Uitvoerende Burgemeester moet binne drie (3) maande na ontvangs van 'n konsep verordening van die Speaker, die konsep verordening oorweeg en besluit om dit te steun of nie te steun nie.
- (5) Wanneer die Uitvoerende Burgemeester besluit om 'n konsep verordening te steun, moet die Uitvoerende Burgemeester 'n verslag aan die Munisipale Raad voorlê en aanbeveel dat die konsep verordening ondersteun word en dat die Munisipale Bestuurder ooreenkomstig subartikel 46 van hierdie verordening die konsep verordening vir publieke kommentaar publiseer.
- (6) Wanneer die Uitvoerende Burgemeester besluit om nie 'n konsep verordening te steun nie, moet die Uitvoerende Burgemeester 'n verslag aan die Raad voorlê, waarin sy of haar beswaar teen die betrokke konsep verordening en die redes daarvoor uiteengesit word.
- (7) Na oorweging van die verslag in subartikels 44(5) van hierdie verordening bedoel, mag die Munisipale Raad besluit om die konsep verordening te verwerp of om die aanvang van die wetgewende proses wat in artikels 46 en 47 van hierdie verordening uiteengesit word goed te keur vir die betrokke konsep verordening.

- (8) Wanneer 'n konsep verordening deur die Munisipale Raad verwerp word, mag geen verordening met dieselfde strekking binne 'n tydperk van ses (6) maande, na die datum van verwerping weer by die Munisipale Raad ingedien word nie.
- (9) Wanneer die begin van die wetgewende proses ten opsigte van 'n konsep verordening ingevolge subartikel 44(7) van hierdie verordening goedgekeur word, moet die konsep verordening vir kommentaar deur die publiek gepubliseer word ooreenkomstig artikel 46 van hierdie verordening.
- (10) Aanvaarding van 'n konsep verordening deur die Munisipale Raad sal beskou word as die eerste voorlegging en lesing van sodanige verordening.

#### **45. INDIENING VAN KONSEP VERORDENINGE DEUR DIE UITVOERENDE BURGEMEESTER**

- (1) 'n Uitvoerende Burgemeester mag op versoek van die Munisipale Bestuurder, 'n konsep verordening indien deur dit saam met 'n memorandum oor die oogmerke van sodanige verordening aan die Speaker en Munisipale Bestuurder voor te lê.
- (2) Wanneer die Uitvoerende Burgemeester uit eie beweging 'n konsep verordening wil indien, moet hy of sy die kommentaar van die Munisipale Bestuurder daarvoor inwin en mag ook die kommentaar van enige ander persoon verkry, voordat sodanige konsep verordening aan die Speaker voorgelê word.
- (3) Die Uitvoerende Burgemeester moet 'n verslag aangaande die beoogde konsep verordening by die Raad indien, en aanbeveel dat die konsep verordening ondersteun word en dat die Munisipale Bestuurder die konsep verordening ooreenkomstig subartikel 46 van hierdie verordening vir publieke kommentaar adverteer.
- (4) Na oorweging van die verslag in subartikel 45(3) van hierdie verordening bedoel, mag die Munisipale Raad besluit om die konsep verordening te verwerp of om die aanvang van die wetgewende proses wat in artikels 46 en 47 van hierdie verordening uiteengesit word, goed te keur vir die betrokke konsep verordening.
- (5) Aanvaarding van 'n konsep verordening deur die Munisipale Raad sal beskou word as die eerste voorlegging en lesing van sodanige verordening.

#### **46. PUBLIKASIE VAN 'n KONSEP VERORDENING VIR PUBLIEKE KOMMENTAAR**

Die Munisipale Bestuurder moet so gou as moontlik nadat die Munisipale Raad ingevolge subartikel 44(7) en 45(4) van hierdie verordening goedkeuring gegee het vir die begin van die wetgewende proses, die konsep verordening ooreenkomstig artikel 21, 21A en 21B van die Stelselwet vir publieke kommentaar in twee van die amptelike tale vir ten minste dertig (30) dae publiseer

#### **47. OORWEGING VAN 'n KONSEP VERORDENING VIR AANVAARDING**

- (1) Die Munisipale Bestuurder moet so gou moontlik na die sluitingsdatum vir publieke kommentaar in terme van subartikel 46 van hierdie verordening, 'n verslag aan die Uitvoerende Burgemeester voorlê saam met –
  - (a) 'n afskrif van die konsep verordening;
  - (b) afskrifte van die kennisgewings waarin die publiek genooi was om kommentaar te lewer;
  - (c) die kommentaar of aanbevelings wat van die publiek ontvang was, en
  - (d) enige ander kommentaar of aanbevelings van die Munisipale Bestuurder.
- (2) Die Uitvoerende Burgemeester moet die verslag van die Munisipale Bestuurder oorweeg en moet –
  - (a) 'n verslag aan die Raad voorlê waarin die volgende uiteengesit word -
    - (i) 'n bestuursopsomming van die konsep verordening;
    - (ii) 'n memorandum oor die oogmerke van die konsep verordening;
    - (iii) die mening van die Uitvoerende Burgemeester oor die behoefte aan die konsep verordening;
    - (iv) die inhoud van die konsep verordening;
    - (v) ander verordeninge wat herroep of gewysig sal moet word, as die konsep verordening aanvaar word; en
    - (vi) enige tersaaklike kommentaar of voorstelle; en
  - (b) 'n aanbeveling aan die Munisipale Raad maak oor die aanvaarding van die verordening in die huidige vorm, of om die verordening in 'n gewysigde vorm aan te neem of om die verordening te verwerp.
- (3) Wanneer 'n konsep verordening deur die Munisipale Raad verwerp word, mag geen verordening met dieselfde strekking binne 'n tydperk van ses (6) maande na die datum van verwerping, weer by die Munisipale Raad ingedien word nie.

- (4) Wanneer 'n verordening deur die Munisipale Raad aanvaar word moet dit ooreenkomstig artikel 13 van die Stelselwet afgekondig word as 'n munisipale verordening van die Munisipaliteit van Theewaterskloof.
- (5) Aanvaarding van die konsep verordening deur die Munisipale Raad sal beskou word as die tweede voorlegging en finale lesing van sodanige verordening voor die afkondiging daarvan as verordening.

## **HOOFSTUK 8: ALGEMENE SAKE**

### **48. AMPTELIKE TALE**

Iemand wat op 'n vergadering praat kan enige van die drie amptelike tale gebruik wat deur die Grondwet van die Provinsie Wes-Kaap, 1997, as amptelike tale erken word, te wete Afrikaans, Engels en isiXhosa.

### **49. MUNISIPALE WERKNEMERS**

Die werknemers van die Munisipaliteit wat enige vergadering van die Munisipale Raad of 'n komitee van die Munisipale Raad bywoon, moet die ordereëls en betaamlikheid handhaaf wat op raadslede van toepassing is.

### **50. STRAFBEPALINGS**

(1) 'n Raadslid of 'n beampte van die Munisipaliteit of 'n lid van die publiek wat -

(a) weier om te onttrek van 'n vergadering van die Munisipale Raad of 'n komitee van die Munisipale Raad, indien so deur die Speaker of die Voorsitter van 'n vergadering in terme van subartikel 19(3)(b) van hierdie verordening versoek; of

(b) terugkeer na 'n vergadering waarvan hy of sy gelas was om te onttrek of uit 'n vergadering in terme van subartikel 19(3)(b) van hierdie verordening verwyder was,

kan met geweld uit sodanige vergadering verwyder word en begaan 'n misdryf.

(2) Geen raadslid of 'n beampte van die Munisipaliteit of 'n lid van die publiek mag -

(a) inmeng met –

(i) die Munisipale Raad of 'n komitee van die Munisipale Raad, wanneer sodanige Munisipale Raad of komitee van die Munisipale Raad hul gesag uitoefen of hul funksies verrig nie;

- (ii) 'n raadslid terwyl hy of sy die Munisipale Raad of 'n komitee van die Munisipale Raad toespreek, of 'n raadslid beperk of verhinder om te praat nie; of
  - (ii) die optredes of pligte van 'n raadslid of sy of haar funksies as 'n raadslid;
- (b) 'n raadslid dreig of die toegang van 'n raadslid tot of vanuit 'n vergadering van die Munisipale Raad of 'n komitee van die Munisipale Raad verhinder nie;
- (c) 'n raadslid aanrand of dreig met aanranding nie;
- (d) terwyl 'n raad of 'n komitee vergader, die verrigtinge versteur of deelneem aan die versteuring van verrigtinge nie;
- (e) versuim of weier om te voldoen aan 'n opdrag deur die persoon wat as voorsitter van 'n vergadering van die Munisipale Raad of 'n komitee van die Munisipale Raad optree, met betrekking tot die teenwoordigheid of optrede van enige persoon by sodanige vergadering; of
- (f) versuim of weier om te voldoen aan 'n opdrag deur 'n behoorlik gemagtigde beampte van die Munisipaliteit met betrekking tot –
- (i) die teenwoordigheid van persone by 'n bepaalde vergadering van die Munisipale Raad of 'n komitee van die Munisipale Raad;
  - (ii) die gedrag van persone by 'n bepaalde vergadering van die Munisipale Raad of 'n komitee van die Munisipale Raad; of
  - (iii) die besit van 'n vuurwapen of enige ander gevaarlike wapen of middel, by enige vergadering van die Munisipale Raad of 'n komitee van die Munisipale Raad of in 'n vergaderinglokaal.
- (3) 'n Persoon mag nie deur bedrog, intimidasie, geweld, belediging of dreigemente van enige aard, of deur die aanbieding of belofte van enige oorreringsmiddel of voordeel van enige aard, of op enige ander onbehoorlike wyse –
- (a) 'n raadslid in die verrigting van sy of haar pligte en funksies as raadslid beïnvloed nie;
  - (b) 'n raadslid oorreed om van 'n vergadering van die Munisipale Raad of 'n komiteevergadering van die Munisipale Raad, afwesig te wees nie; of
  - (c) poog om 'n raadslid te dwing om sy of haar steun vir of teenkanting teen enige saak wat dien voor of wat voorgestel word of na verwagting aan 'n die Munisipale Raad of 'n komitee van die Munisipale Raad voorgelê gaan word, uit te spreek nie.

- (4) Die Speaker moet na afloop van 'n ondersoek van enige oortreding van die ordereëls, die bevindinge van sodanige ondersoek aan die Munisipale Raad rapporteer vir verdere optrede en die oplegging van sanksies.
- (5) Enige persoon, insluitende 'n raadslid, wat enige bepaling van hierdie verordening oortree, begaan 'n oortreding en mag by skuldigbevinding -
- (i) 'n boete of gevangenisstraf, of gevangenisstraf sonder die keuse van 'n boete, of beide sodanige boete en sodanige gevangenisstraf opgelê word;
  - (ii) in geval van 'n voortdurende oortreding, 'n bykomende boete of 'n bykomende termyn gevangenisstraf of tot sodanige bykomende gevangenisstraf sonder die keuse van 'n boete, of tot beide sodanige boete en gevangenisstraf, vir elke dag wat sodanige oortreding voortduur, opgelê word; en
  - (iii) 'n verdere bedrag as kostebevel opgelê word, gelykstaande aan enige kostes en / of uitgawes wat die Hof bevind deur die Munisipaliteit aangaan was, as gevolg van sodanige oortreding.

## 51. TEENSTRYDIGHEDE MET ANDER WETGEWING

In die geval van teenstrydigheid tussen enige bepaling van hierdie verordening, en nasionale en provinsiale wetgewing of regulasies, sal sodanige nasionale en provinsiale wetgewing of regulasies voorrang geniet.

## 52. HERROEPING VAN VERORDENINGE

- (1) Die bepalings van enige ander verordeninge, voorheen uitgevaardig deur die Munisipaliteit of deur enigeen van die afgeskafte munisipaliteite wat nou in die Munisipaliteit geïnkorporeer is, word hiermee herroep insoverre dit betrekking het op aangeleenthede waarvoor daar in hierdie verordening voorsiening gemaak word.
- (2) Die volgende verordening van die Munisipaliteit van Theewaterskloof word hiermee spesifiek herroep –

Naam van verordening	Datum gepubliseer	As 'n geheel of gedeeltelik
Ordereëls vir die hou van vergaderings	PK 6555 gedateer 22 Augustus 2008	As 'n geheel

## 53. KORT TITEL

Hierdie verordening staan bekend as die Verordening vir Ordereëls vir die Interne Reëlings van die Munisipale Raad van die Munisipaliteit van Theewaterskloof.

## 54. INWERKINGTREDING

Hierdie verordening tree op datum van publikasie daarvan in werking.



