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## **BY-LAW ON THE RULES OF ORDER FOR THE MEETINGS OF THE WITZENBERG COUNCIL AND ITS COMMITTEES**

**To provide for Rules of Order for the internal arrangements and the business and proceedings of the Council of the Witzenberg Municipality and its Committees, and to provide for matters in connection therewith.**

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## CHAPTER 1

### INTRODUCTION

#### Definitions

1. In this by-law, including the rules, unless the context indicates otherwise —

“**Code**” means the Code of Conduct for Councillors set out in Schedule 1 to the Systems Act;

“**committee**” means a committee established by the Council in terms of section 79 of the Structures Act;

“**Council**” means the municipal council of the Witzenberg Municipality;

“**councillor**” means a member of the Council, including a political office bearer as referred to in section 1 of the Systems Act;

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

“**meeting**” means any meeting of the Council;

“**member**” means a member of a committee;

“**member of the public**” means a person who is not a councillor or an employee of a municipality and who attends a meeting of the Council or a committee;

“**municipality**” means the Witzenberg Municipality;

“**Municipal Manager**” means the person appointed as municipal manager by the Council in terms of section 54A of the Systems Act, or a person delegated by the Municipal Manager;

“**Provincial Minister**” means the provincial minister responsible for local government in the province;

“**rules**” means the rules provided for in this by-law;

“**law enforcement**” means a person in the employ of the Municipality and who may be requested by the Speaker to maintain order during council meetings and assisted by such staff members as the circumstances may require;

“**Speaker**” means the Speaker of the Council elected under section 36 of the Structures Act or a councillor elected as acting Speaker under section 41 of the Structures Act;

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

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

**“whip”** means a member of the Municipal Council appointed by each political party represented in the Council; and

**“working day”** means any day of the week except Saturday or Sunday or a public holiday.

### **Application of rules**

2. (1) These rules apply to all meetings.
  - (2) Except where it is clearly inappropriate, a rule applying to a councillor in any proceedings also applies to a member of the public who takes part in those proceedings.
  - (3) These rules apply to all meetings of committees except to committees established in terms of item 14(1)(b) of the Code and section 62 of the Systems Act. Unless clearly inappropriate, any reference to the Council is regarded as a reference to the committee, and any reference to the Speaker is regarded as a reference to the chairperson of the committee or a person acting as the chairperson of the committee.

### **Duty of Speaker, councillors and members of the public**

3. The Speaker, councillors and members of the public must familiarise themselves with these rules.

## **CHAPTER 2**

### **MEETINGS**

#### **Order of business**

4. (1) The order of business in ordinary meetings is as follows, unless the order has been changed in terms of sub-rule (2)-
  - (a) election of acting speaker, if necessary;
  - (b) application for leave of absence;

- (c) confirmation of minutes;
  - (d) statements and communications by the Speaker;
  - (e) statements and communications by Executive Mayor or executive committee;
  - (f) consideration of reports;
  - (g) report on delegated powers;
  - (h) urgent matters submitted by the Municipal Manager;
  - (i) consideration of motions;
  - (j) consideration of questions;
  - (k) consideration of motions of exigency; and
  - (l) adjournment.
- (2) The Speaker may change the order of business appearing on the agenda.
- (3) A councillor who wishes to have the order of business on the agenda changed must approach the Speaker prior to the meeting.

### **Agenda**

5. (1) The Speaker or Municipal Manager or a person designated by the Municipal Manager must prepare the agenda for a meeting.
- (2) The Speaker may at any time during a meeting introduce an urgent matter which does not appear on the agenda, unless the Council resolves otherwise.
- (3) Except as otherwise provided in these rules or in terms of sub-rule (2), no matter not appearing on the agenda may be transacted at a meeting, except any matters which the relevant chairperson considers urgent and said chairperson has ruled the matter to be urgent.
- (4) The Municipal Manager may raise matters which in his/her discretion is urgent for decision by the Council. A matter will be deemed urgent when the decision required, if delayed, will prejudice the Council and/or its operations.

## Meetings

6. (1) The Council must meet at least quarterly, as required by section 18(2) of the Structures Act.
- (2) All meetings must be open to members of the public, unless they have been excluded under rule 17.
- (3) Subject to sub-rule (1), the Speaker decides when and where the Council meets.
- (4) The Municipal Manager or, in his or her absence, a person designated by the Municipal Manager must give notice to each councillor and to the public of every meeting.
- (5) If the position of Speaker is vacant, the Municipal Manager or, in the absence of the Municipal Manager, a person designated by the Provincial Minister, must —
  - (a) convene a special meeting to elect a speaker or an acting speaker, and
  - (b) give notice to each councillor and to the public of the meeting.
- (6)
  - (a) The Speaker may at any time of own accord, and shall upon request in writing of a majority of councillors, call a special council meeting, provided that no such meeting shall take place unless all councillors were given at least 48 hours' notice prior to the date and time set for the meeting.
  - (b) A notice by the majority of councillors must clearly indicate the business that will be conducted at the special council meeting. No other business may be conducted at the special council meeting.
- (7) The notice referred to in sub-rules (4) and (5) must state the date, time and venue of the meeting, and must be —
  - (a) given in writing, together with the agenda, to each councillor by any reasonable means to achieve the purpose;
  - (b) published in a local newspaper determined by the Municipal Manager or a person designated; and
  - (c) posted on a notice board at the municipality's head office.



- (8) The Municipal Manager or a person designated under sub-rule (4) or (5) may depart from the requirement of sub-rule (6)(b) in the case of an urgent or special meeting when time constraints make it impossible to comply with the requirement.
- (9) At least seven (7) days before any ordinary meeting of the Council and at least 48 hours before any special meeting of the Council, a notice to attend the meeting, specifying the business proposed to be transacted there at and signed by the Speaker, or Municipal Manager if so designated by the Speaker, shall be left at or delivered to an accessible distribution point within the municipality as determined by the Council from time to time/send by electronic mail to an address provided by the councillor as his/her official address/mail address.
- (10) Accidental omission to serve on any councillor a notice of meeting shall not invalidate the proceedings of that meeting.

### **Functions of Speaker regarding meetings**

7. (1) The Speaker must take the chair precisely at the time the meeting has been scheduled for.
- (2) In addition to the functions referred to in section 37 of the Structures Act and any other law, the Speaker —
  - (a) must preserve decorum in meetings;
  - (b) must give a ruling in respect of a question of order raised by a councillor, including a question in relation to the priority of the business; and
  - (c) may give a ruling in respect of any procedural eventuality for which these rules do not provide.
- (3) The ruling referred to in sub-rule (2) must be entered into the minutes.

## **Attendance by councillors**

### **A councillor —**

- 8.1 shall, subject to item 3 of the Code, rule 9 and rule 19, attend each meeting and must sign his or her name in the attendance register;
- 8.2 shall disclose to the Council, or to any committee of which that councillor is a member, any direct personal or private business interest that the councillor, or the spouse, partner or business associate of that councillor, may have in any matter before the council or the committee; and
- 8.3 shall withdraw from the proceedings of the Council or committee meeting when the matter is being considered by the Council or committee, unless the Council or the committee decides by resolution that the councillor's direct or indirect interest in the matter is trivial or irrelevant. A councillor who has so disclosed his/her interest may, with the approval of majority of the members of the Council or its committee, address the Council or committee on the matter prior to the deliberation and vote on the matter taking place, subject always to the ruling of the Speaker or chairperson on the time to be allowed for such an address.
- 8.4 A councillor who, or whose spouse, partner or business associate or close family member, acquires or stands to acquire any direct benefit from a contract concluded with the municipality must disclose full particulars of the benefit of which the councillor is aware at the first meeting of the Council or committee of the Council at which it is possible for the councillor to make a disclosure.
- 8.5 This provision does not apply to an interest or benefit which a councillor, or a spouse, partner or business associate or close family members, has or acquired in common with other residents and ratepayers of the municipality.

### **Procedure for leave of absence**

9. (1) A councillor must, before absenting himself or herself from a meeting, make an application to the Speaker by signing a leave form and delivering the completed leave form to the Municipal Manager at least 72 hours before the meeting.
- (2) The Municipal Manager must submit the application to the Speaker before the commencement of the meeting.
- (3) Upon receipt of the application referred to in sub-rule (1), the Speaker must consider the application and may approve or reject the application. The Speaker must notify the councillor of his or her decision at least 24 hours before the meeting.

- (4) The Speaker, on good cause shown, may grant leave of absence to a councillor who has been prevented by special circumstances from applying for leave of absence in accordance with sub-rule (1).
- (5) The special circumstances referred to in sub-rule (4) may include —
  - (a) illness of the councillor; or
  - (b) illness or death in the family of the councillor; and
  - (c) any emergency situation that may arise.
- (6) The names of all councillors present at a meeting and of all councillors to whom leave of absence from the meeting has been granted must be entered into the minutes.
- (7) If the Speaker rejects the application referred to in sub-rule (1), he or she must provide a reason therefore.
- (8) Sub-rules (1) to (6) apply, with the necessary changes, in respect of the Speaker, and in such application, a reference in those sub-rules to the Speaker is regarded to be a reference to the Council.

#### **Sanctions for non-attendance**

10. (1) Except for the instances contemplated in rule 9(4) and (5), a councillor is in breach of the rules if he or she without leave —
  - (a) absents himself or herself from a meeting;
  - (b) fails to be in attendance at the commencement of a meeting; or
  - (c) fails to remain in attendance until the end of a meeting.
- (2) A councillor who is absent from three or more consecutive meetings which he or she is required to attend in terms of rule 8 is in breach of the Code.
- (3) The Council may appoint a special committee comprising of councillors to investigate and report to the Council on any alleged breach referred to in sub-rule (1) or (2).

- (4) The special committee must notify the councillor in writing of his or her alleged breach of the rules or the Code. The councillor must be given seven days from date of the written notice to respond in writing regarding the alleged breach.
- (5) The Council must decide whether the rules or the Code has been breached or not, after receiving a report from the special committee.
- (6) If the Council finds that a councillor has breached the rules as contemplated in sub-rule (1), the Council must fine the councillor 10% of his or her monthly salary.
- (7) If the Council finds that a councillor has breached the Code as contemplated in sub-rule (2), the Council must request the Provincial Minister to remove the councillor from office.
- (8) Sub-rules (1) to (7) apply, with the necessary changes, in respect of the Speaker.

### **Minutes**

11. (1) The Municipal Manager must —
  - (a) compile the minutes of the proceedings of a meeting in writing within two weeks of the meeting; and
  - (b) provide each councillor with a copy of the minutes within a reasonable period.
- (2) The minutes of a meeting must be considered by the Council at its next meeting and, if confirmed, must be signed by the Speaker.
- (3) The Municipal Manager must keep a record of the signed minutes.
- (4) The minutes are taken as read, for the purpose of sub-rule (2), if they were provided to each councillor within a reasonable period before the meeting considering them.
- (5) No motion or discussion is allowed on the confirmation of the minutes, except in connection with the correctness thereof.
- (6) If a councillor is dissatisfied with the correctness of the minutes, the councillor must —
  - (a) state the item with which he or she is dissatisfied; and

- (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (7) The minutes of a meeting must set out the date, time and place of the meeting and the decisions or other action taken at the meeting.

### **Quorum**

- 12.**
- (1) A majority of the councillors constitutes a quorum as referred to in section 30(1) of the Structures Act.
  - (2) If there is no quorum at the time for which the meeting is scheduled, the Speaker must take the chair as soon as a quorum is present.
  - (3) Whenever there is no quorum, the start of the meeting must be delayed for no longer than 30 minutes and if at the end of that period, there is no quorum, the Speaker must adjourn the meeting for another time, date and venue at his or her discretion and record the names of those members present.
  - (4) Whenever the Speaker is not present and there is no quorum, the start of the meeting must be delayed for no more than 30 minutes and if there is no quorum at the end of that period, no meeting may take place and the Municipal Manager must record the names of the members present.
  - (5) Whenever during a meeting there is no quorum, the Speaker must suspend the proceedings until a quorum is again present, provided that if after 10 minutes or such longer time the Speaker may allow, there is still no quorum, the Speaker must adjourn the meeting.
  - (6) Whenever a meeting is adjourned owing to the absence of a quorum, the time of such adjournment, as well as the names of the members present, must be recorded in the minutes.
  - (7) The Speaker must report the names of the absentee members to the committee appointed in terms of rule 10(3) for the purposes of an investigation of a breach of these rules.

## CHAPTER 3

### DECISIONS

#### Unopposed matters

13. Whenever Council is called upon to consider a matter before it and there is no opposition from any councillor, a unanimous vote will be recorded in the minutes.

#### Opposed matters

14. (1) The Speaker must put every opposed matter to the vote by calling upon councillors to indicate by a show of hands, unless otherwise prescribed by any law or the Council resolves otherwise, whether they are for that matter or against it, whereupon the Speaker must announce the result of the vote.
- (2) Upon the announcement of the result of a vote, a councillor may demand that his or her vote be recorded against the decision concerned.
- (3) If there is an equality of votes on any matter, the Speaker must exercise a casting vote.

#### Decisions

15. (1) In accordance with section 160(3) of the Constitution, a supporting vote of a majority of councillors is necessary to decide on —
- (a) the passing of by-laws;
  - (b) the approval of the budget;
  - (c) the imposition of rates and other taxes, levies and duties; and
  - (d) the raising of loans.
- (2) In accordance with section 34 of the Structures Act, a supporting vote of at least two-thirds of councillors is necessary to adopt a decision to dissolve the Council.
- (3) All other questions before the Council are decided by a majority of the votes cast, as contemplated by section 160(3)(c) of the Constitution.
- (4) If there is an equality of votes on any question, the Speaker must exercise a casting vote, as contemplated by section 30(4) of the Structures Act.

## CHAPTER 4

### ATTENDANCE BY MEMBERS OF THE PUBLIC

#### Attendance by members of the public

16. The Speaker must take reasonable steps to regulate public access to and public conduct at meetings.

#### Exclusion of the public from meetings

17. (1) The public may be excluded from the meeting —
- (a) where so directed by the Speaker; or
  - (b) where so decided by Council upon a motion from any councillor to that effect.
- (2) If a motion to exclude the public from the meeting is seconded, the motion must be put to the vote, after discussion of the reasons but without discussion of the matter.
- (3) If a motion to exclude the public is carried, the place of meeting shall be cleared of all members of the public, including the media.
- (4) The motivation for the exclusion of the public must be minuted.

#### Re-admission of members of the public

18. (1) A councillor may during the course of a meeting from which the public were excluded, move a motion "that the meeting again be opened" and state the reasons for the motion.
- (2) If the motion is seconded, it must be put to the vote forthwith without debate.
- (3) If the motion is carried, the Speaker must ensure that members of the public are allowed access to the meeting again.

## CHAPTER 5

### CONDUCT IN MEETINGS

#### Conduct of councillors and members of the public

- 19.** (1) Councillors and members of the public must preserve order and decorum at meetings, and they may not —
- (a) behave in an unseemly manner;
  - (b) obstruct the business of a meeting;
  - (c) challenge the ruling of the Speaker on any point of order; or
  - (d) commit any breach of the rules.
- (2) The Speaker or the chairperson of the meeting in the event of a meeting other than a Council meeting shall:
- 2.1. maintain order during meetings;
  - 2.2. ensure compliance with the Code of Conduct for councillors during meetings;
  - 2.3. ensure the meetings are conducted in accordance with the rules;
  - 2.4. ensure the members conduct themselves in a dignified and orderly manner during meetings;
  - 2.5. ensure that members of the public attending meetings are seated in areas designated for that purpose;
  - 2.6. ensure that members of the public attending meetings conduct themselves in an orderly manner and obey any ruling made by the Speaker or chairperson of the meeting;
  - 2.7. ensure that any councillor or member of the public refusing to comply with the ruling of the Speaker or chairperson leaves the meeting; and
  - 2.8. ensure that the whip of each political party represented in the municipal Council maintains discipline during any meeting.
- (3) If a councillor or member of the public breaches sub-rule (1), the Speaker must direct the councillor or member of the public to refrain from the breach.



- (4) If a councillor or member of the public disregards the directions of the Speaker under sub-rule (2), the Speaker may direct the councillor or member of the public —
  - (a) if speaking, to discontinue his or her speech; or
  - (b) to withdraw from the place of meeting for the remainder of the meeting or, if necessary, to be removed by the Sergeant at Arms.
- (5) The Speaker or a chairperson may exclude from a meeting, for such period of time during the meeting as he/she may deem fit, any member who has so committed an act of misconduct or behaved in an unseemly manner or persistently obstructed the business of the meeting or disregarded the authority of the chair, provided that a formal process will be initiated after the conclusion of the meeting.
- (6) Where a councillor refuses to retire or in the event of more than one councillor having to be ejected from the meeting, and such councillor/s refuse/s to leave the meeting, the Speaker shall request the Sergeant at Arms to facilitate the removal of such councillor/s from the chamber. If this cannot be done orderly, the chairperson of a meeting may adjourn proceedings for a period not exceeding 15 minutes, in order for the relevant councillors to retire or to be ejected from the venue of the meeting. If, at the resumption of proceedings, the councillor/s have not left / been ejected, the meeting may be adjourned for another 10 minutes to address the situation. The chairperson may rule that after the second adjournment, the meeting will re-convene at another venue and any councillor/s ordered to retire or so evicted or ordered to be evicted will be refused entry to the alternative venue. The Sergeant at Arms of the Council will ensure that such councillor/s does/do not enter such an alternative venue.
- (7) If the Speaker fails to act under sub-rule (3), any councillor may move a motion to require the Speaker to do so.
- (8) The motion referred to in sub-rule (4) must be moved without notice, and if the motion is seconded, it must be put to the vote forthwith without debate.
- (9) Any person, other than a councillor, who misconducts himself or herself, behaves in an unseemly manner or interrupts the proceedings of the Council or any committee at any meeting shall, if the Speaker or chairperson so directs, be removed from the chamber or the venue where the meeting is being held. If the person refuses to leave, the Sergeant at arms will be responsible to remove such person from the meeting. The chairperson may exclude such person from further admittance to the Council chamber or the meeting venue for such period as it may be deemed fit.

## CHAPTER 6

### DEBATE AND MOTIONS

#### Addressing the Speaker

20. (1) A councillor or a member of the public who is recognised to speak at a meeting must address the Speaker.
- (2) A member of the public who is recognised by the Speaker must state his or her name and, if he or she is representing an organisation or any group, identify the organisation or group.

#### Right to speak and limitation

21. (1) A councillor may speak or proceed to speak at a meeting after being recognised by the Speaker.
- (2) A councillor who is not a member of a committee may request the Chairperson of that committee meeting to speak, which permission will be at the sole discretion of the Chairperson and which will not reasonably be withheld.
- (3) A councillor must avoid personal attacks on other councillors and must refrain from impugning the motives for any argument or vote of another councillor.
- (4) A councillor may speak only once to —
- (a) the matter before the Council;
  - (b) any motion before the Council;
  - (c) any amendments to a motion before the Council; or
  - (d) a point of order or a question,

unless authorised by the Speaker or as provided for in these rules.

- (5) A councillor may not be interrupted while speaking, unless called to order by the Speaker or a point of order is raised by any other councillor.
- (6) The Speaker may not recognise a councillor to speak on a matter once that matter has been voted on.

- (7) The Speaker may not allow a debate on a matter —
- (a) which may anticipate any matter on the agenda; or
  - (b) in respect of which a decision by a judicial or administrative body or a commission of enquiry is pending.

### **Debate Management**

- 22.** (1) At least 24 hours prior to a meeting of Council, the political whips of the parties in Council must provide to the Speaker a list showing —
- (a) which items on the agenda for that meeting are to be debated; and
  - (b) the total time to be allocated to the debate of each item, provided that the maximum time allocated for debate on each item on the agenda will be thirty (30) minutes or any such time as decided on by the Speaker.
- (2) Based on the list drawn up in terms of sub-rule (1), each party must deliver to the Chief Whip, at least 12 hours before a Council meeting, a list of the councillors who will speak on an item and the time allocated to each such councillor, which will not be more than three (3) minutes, provided that the total time allocated to all councillors of a party shall not exceed one-third of the time allocated to that party in terms of sub-rule (1)(b).
- (3) On receipt of the lists referred to in sub-rule (2), the Speaker must, if he or she wishes to deviate from the provisions of those lists, convey his or her decision in this regard to the whips of the parties within a reasonable time prior to the Council meeting.
- (4) All matters before the Council which are not listed in accordance with sub-rule (1) must individually be put to the meeting for adoption without debate before the matters listed in sub-rule (1) are considered.
- (5) At the discretion of the Speaker, a time of three minutes of response may be allowed to the Mayor or relevant member of the mayoral committee, or the mover of a motion, to conclude the debate on an item debated in terms of sub-rule (2).
- (6) Notwithstanding any provisions contained in sub-rules (1) to (5), the Speaker may not, when exercising any discretion in terms of these Rules, prejudice any party in respect of time allocated in relation to any party. The ruling of the Speaker after exercising his/her discretion in this regard shall be final.

### **Content of debate**

**23.** (1) A councillor who speaks must direct his or her speech to the matter before the Council.

(2) If a councillor persists in irrelevance after being requested by the Speaker to confine his or her speech to the matter before the Council, the Speaker must order him or her to be seated and not to speak further in respect of that matter.

(3) Councillors and members of the public must preserve order and decorum at meetings, and they may not indulge in tedious repetition of arguments, or unbecoming language or remarks which are of a defamatory nature.

### **Points of order**

**24.** (1) A councillor may interject during a meeting to raise a point of order to call the attention of the Speaker to a breach of the rules or a statutory provision.

(2) A point of order may be raised in relation to —

(a) a procedural matter; or

(b) the conduct of a councillor, a member of the public, or an employee of the municipality.

(3) A councillor raising a point of order must immediately be heard, and he or she must —

(a) state the point of order; and

(b) the rule or statutory provision that is being breached.

(4) A councillor who is speaking when a point of order is raised must immediately stop speaking until the point of order is ruled on by the Speaker. All other matters before the Council must be suspended until the point of order is ruled on.

(5) If ruled to be in order, the councillor must be allowed to proceed with his or her speech.

(6) If ruled to be out of order, the councillor must remain silent or must retract or change any remarks so as to comply with the ruling.

(7) The Speaker's ruling on a point of order is final and not open to debate, and it must be entered in the minutes.

### **Explanations**

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

### **Motions**

- 26.** A councillor may move a motion only when it is put by the Speaker and if seconded by another councillor, except if provided otherwise in these rules.

### **Notice of motions**

- 27.** (1) Unless provided otherwise in these rules, a notice of motion must be in writing, motivated, signed by the relevant councillor, dated and delivered to the Speaker at least six (6) working days before the date of the meeting at which it is to be moved.
- (2) The Speaker must either put the motion in the agenda or refer such motion to the committee which is dealing with the matter.
- (3) Sub-rule (1) does not apply to the following motions:
- (a) a motion of exigency; or
  - (b) a motion of course.

### **Questions**

- 28.** (1) After a motion has been moved and seconded or at the conclusion of any speech on the motion, a councillor may ask put question relevant to the motion to any other councillor.
- (2) No supplementary questions may be asked, except by the councillor who asked the question and then only in respect of matters arising out of the reply to that question.
- (3) The councillor to whom the question is directed may either reply thereto forthwith or require that notice be given of the question.

(4) The notice referred to in sub-rule (3) must be in writing, signed by the relevant councillor, dated and delivered to the Speaker and the Municipal Manager.

(5) When the Municipal Manager receives the notice, he or she must within five (5) days forward the notice to the councillor to whom the question has been directed and —

(a) request the councillor to submit a reply to the question in writing to the Municipal Manager; and

(b) notify the Speaker of any reply received in respect of the question.

(6) The Speaker must ensure that the reply is placed on the agenda of the next meeting.

(7) A councillor may ask a question requiring a written reply from another councillor concerning any matter related to the effective performance of the municipality's functions and the exercise of its powers.

(8) Notice of a question in sub-rule (7) must be given in writing, signed by the relevant councillor, dated and delivered to the Speaker and the Municipal Manager. The procedures in sub-rules (5) and (6) apply to the question.

### **Motions of exigency**

**29.** (1) A councillor may direct the attention of the Council to any matter which does not appear on the agenda, and of which no notice has been given, by stating briefly the subject of the matter and without comment thereon moving a motion "that the motion to which attention has been directed be considered forthwith as a matter of exigency".

(2) If the motion in sub-rule (1) is seconded and carried, the member who moved the motion may be permitted without notice to have the matter considered.

### **Motions of course**

**30.** (1) The following are regarded as motions of course:

(a) that precedence be given to the consideration of any particular matter appearing on the agenda;

(b) that any report referred to in the agenda be noted, adopted, acted upon or referred back;

(c) that any document before the Council be acted upon in the manner specified in the motion;

- (d) that action be taken in regard to any matter submitted for consideration in the manner specified in the motion; and
  - (e) that the Speaker must direct that a councillor or a member of the public withdraw from the meeting, as well as
  - (f) any motion referred to in rule 31.
- (2) If a motion of course is seconded, it must be put to vote forthwith without debate.

### **Precedence of debate**

**31.** When a motion is under debate, no further motion may be received except that—

- (a) the motion be amended;
- (b) the consideration of the matter be postponed to a fixed or undetermined date;
- (c) members of the public be excluded;
- (d) members of the public be re-admitted;
- (e) the meeting be adjourned to another date;
- (f) the meeting be adjourned for a specified time;
- (g) the debate on the matter be adjourned for a specified time;
- (h) the matter be put to the vote;
- (i) the matter be removed from the agenda; or
- (j) the question or motion be withdrawn.

### **Amendment motions**

**32.** (1) A councillor may move an amendment motion by stating “that the motion be amended”, and stating how the original motion should be amended.

(2) The motion referred to in sub-rule (1) must be seconded and need not be in writing.

(3) An amendment must be relevant to the original motion on which it is moved, and must be moved while the original motion is under consideration.

(4) The amendment must be considered before considering the original motion.

(5) If the Speaker so requires, a proposed amendment must be in writing, signed by the councillor who moved it and handed to the Speaker.

(6) If there is more than one amendment to the original motion, the last proposed amendment must be put to the vote first and, if carried, the matter must be resolved accordingly.

(7) If the last proposed amendment is rejected, the amendment proposed immediately before the last amendment must be put to the vote. When all amendments have been disposed of, the original motion or the original motion as amended, as the case may be, must be put to the vote.

(8) No further amendment to the original motion may be moved after the Speaker has commenced to take the vote on that original motion.

(9) An amendment may not amend, in a material way, the principle embodied in the original motion, but may vary its terms in one or more particulars.

(10) The Speaker must decide whether or not an amendment complies with sub-rule (9) and must rule accordingly.

#### **Motion for postponement of matter**

**33.** (1) A councillor may at the conclusion of a speech move “that the consideration of the matter be postponed to a fixed or undetermined date”.

(2) The motion must be seconded and need not be in writing.

(3) The councillor who moved the motion may speak to the motion.

(4) The councillor who moved the original motion in respect of the matter under debate may reply, after which the motion referred to in sub-rule (1) must be put to the vote without further debate.

(5) If the motion referred to in sub-rule (1) is carried, the matter must be placed first on the agenda of matters to be considered at the meeting to which it has been postponed.

(6) If the motion referred to in sub-rule (1) is not carried, the meeting proceeds as though no interruption occurred, and the Speaker may not accept a similar motion.



**Motion for adjournment of meeting to another date**

- 34.** (1) A councillor who has not yet participated in the debate on a matter may, at any time during the discussion of that matter, except during the course of a speech by another councillor or while a vote is being taken, move "that the meeting adjourn to another date".
- (2) The motion must be seconded and need not be in writing.
- (3) The councillor who moved the motion may speak to the motion.
- (4) No debate on the motion may be permitted, except that the first councillor to indicate his or her opposition to the motion may speak in opposition thereof.
- (5) No amendment to the motion may be moved, except in relation to the period of adjournment.
- (6) If the motion is carried, the meeting must forthwith adjourn and be reconvened on the date specified in the motion or amended motion, unless the Speaker directs that the meeting proceed first to dispose of business other than opposed business.
- (7) If the motion is not carried, the meeting proceeds as though no interruption occurred, and the Speaker may not accept a similar motion until half-an-hour has elapsed.
- (8) If the motion is carried during a debate and before the conclusion thereof, the councillor who moved the motion is entitled to speak first when the matter concerned is reopened for discussion at the adjourned meeting.
- (9) No business may be transacted at an adjourned meeting other than the business that was on the agenda for the meeting of which it is an adjournment.

**Motion for adjournment of meeting for specified time**

- 35.** (1) A councillor may at any time, except during the course of a speech by another councillor or while a vote is being taken, move "that the meeting adjourn for a specified time", up to one hour.
- (2) The motion must be seconded and need not be in writing.
- (3) If the motion is carried, the meeting must forthwith adjourn for the specified time and reconvene on the time specified in the motion.

(4) If the motion is not carried, the meeting proceeds as though 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.

#### **Motion of adjournment of debate on matter for specified time**

**36.** (1) A councillor who has not yet participated in the debate on a matter may, at the conclusion of any speech on that matter, move “that the debate on the matter be adjourned for a specified time”.

(2) The motion must be seconded and need not be in writing.

(3) The councillor who moved the motion may speak to the motion.

(4) No debate is permitted on the motion, except that the first councillor to indicate his or her opposition to the motion may speak in opposition thereto.

(5) No amendment to the motion may be moved, except in relation to the period of adjournment.

(6) If the motion is carried, the meeting proceeds to the next item on the agenda, and the adjourned debate is resumed at the time specified in the motion.

(7) On the resumption of the adjourned debate, the councillor who moved the adjournment is entitled to speak first.

(8) If the motion is not carried, the debate on the matter proceeds as though no interruption occurred, and the Speaker may not accept a similar motion until half-an-hour has elapsed.

(9) A councillor may not move or second more than one motion for the adjournment of the debate on the matter during the course of that debate.

(10) The Speaker may at any time adjourn a debate for the specified time, on good cause shown.

#### **Motion that matter be put to vote**

**37.** (1) A councillor who has not yet participated in the debate on a matter may, at the conclusion of any speech on that matter, move “that the matter be put to the vote”.

(2) The motion must be seconded and need not be in writing.

(3) Subject to sub-rule (4), a motion referred to in sub-rule (1) is not open to debate.

(4) The councillor who moved the original motion under debate may, when a motion referred to in sub-rule (1) has been moved, speak on that original motion, whereupon the motion referred to in sub-rule (1) must be put to the vote without any further debate.

(5) If the motion referred to in sub-rule (1) is not carried, the meeting proceeds as though no interruption occurred, and the Speaker may not accept a similar motion.

#### **Motion to remove matter from agenda**

**38.** (1) A councillor who has not yet participated in the debate on a matter may, at the conclusion of any speech on that matter, move “that the matter be removed from the agenda”.

(2) The motion must be seconded and need not be in writing.

(3) Subject to sub-rule (4), a motion referred to in sub-rule (1) is not open to debate.

(4) The councillor who moved the original motion under debate may, when a motion referred to in sub-rule (1) has been moved, speak on that original motion, whereupon the motion referred to in sub-rule (1) must be put to the vote without any further debate.

(5) If the motion referred to in sub-rule (1) is carried, the matter must be removed from the agenda of the meeting, and may not be further pursued at that meeting.

(6) If the motion referred to in sub-rule (1) is not carried, the meeting proceeds as though no interruption occurred, and the Speaker may not accept a similar motion.

#### **Motion to refer matter to committee**

**39.** (1) A councillor may, at the conclusion of any speech on a matter, move “that the matter be referred to a committee”.

(2) The motion must be seconded and need not be in writing.

(3) Subject to sub-rule (4), a motion referred to in sub-rule (1) is not open to debate.

(4) The councillor who moved the original motion under debate may, when a motion referred to in sub-rule (1) has been moved, speak on that original motion, whereupon the motion referred to in sub-rule (1) must be put to the vote without any further debate.

(5) If the motion referred to in sub-rule (1) is carried, the matter under debate may not be further pursued at the meeting.

(6) If the motion referred to in sub-rule (1) is not carried, the meeting proceeds as though no interruption occurred, and the Speaker may not accept a similar motion.

#### **Withdrawal of motions or questions**

**40.** (1) A councillor who has moved a motion may at any time withdraw it with the permission of the Council and the councillor who seconded it.

(2) A councillor may not speak on a motion after the Council has permitted the withdrawal of the motion.

(3) A councillor who has asked a question may withdraw it, without the permission of the Council, at any time before the question is answered.

#### **Absence of councillor who gave notice of motion or question**

**41.** If the councillor who gave notice of a motion or a question is not present when called upon by the Speaker, the motion may be moved or the question may be asked by any other councillor.

#### **Re-introduction of motions or questions**

**42.** (1) A motion which has been rejected by the Council, or a question which has been answered, may not again be moved or asked within a period of three (3) months of the meeting at which it was rejected or answered, except with the permission of the Council.

(2) A councillor who wishes to re-introduce a motion or question must give notice in writing to the Speaker.

(3) If the Speaker receives a notice referred to in sub-rule (2), he or she must place the notice on the agenda of the next meeting.

#### **Motions or questions on matters referred to committee**

**43.** (1) A councillor may not give notice of a motion or question with regard to any matter that is before a committee for consideration, unless notice of the motion or question —

(a) has also been submitted to that committee; or

- (b) is part of the referral of the matter to that committee for consideration and report.

(2) A member of a committee may, if he or she is of the opinion that the matter is one of urgency, give notice of a motion or question on a matter referred to the committee, despite the fact that the motion or question has not been submitted to or considered by that committee.

#### **Recommendation by Executive Mayor or executive committee**

44. (1) A recommendation contained in a report submitted by the Executive Mayor to the Council is considered to have been moved by the Executive Mayor.
- (2) The motion does not need to be seconded.
- (3) The Executive Mayor or any member of the executive mayoral committee may speak on the matter and reply but in replying, he or she must confine himself or herself to answer the matter and may not introduce any new matter into the debate.

## **CHAPTER 7**

### **LEGISLATIVE PROCESS**

#### **Introduction of draft by-laws**

45. In accordance with section 12 of the Systems Act, a draft by-law may be introduced only by a councillor or a committee.

#### **Introduction of draft by-laws by councillors**

46. (1) A councillor introduces a draft by-law by submitting it, together with a memorandum on its objects, to the Speaker.
- (2) The Speaker must obtain the comments of the Municipal Manager on the contents of the draft by-law and may solicit the comments of any other person.
- (3) The Speaker must submit a draft by-law, together with any comments received in terms of sub-rule (2), to the Executive Mayor, if the municipality has such a mayor or committee, for a report and recommendation in accordance with section 30(5) of the Structures Act.
- (4) The Executive Mayor must within three (3) months of receipt of a draft by-law from the Speaker consider the draft by-law and decide to either support or not support it.

(5) If the Executive Mayor decides to support the draft by-law, the Municipal Manager must publish the draft by-law for public comment in accordance with rule 48.

(6) If the Executive Mayor decides not to support the draft by-law, the Executive Mayor must submit a report to the Council which sets out the following:

- (a) an executive summary of the draft by-law;
- (b) a memorandum on the objects of the draft by-law;
- (c) the contents of the draft by-law;
- (d) other by-laws that will have to be repealed or amended if the draft by-law is adopted;
- (e) any relevant comments or proposals;
- (f) the reasons why the draft by-law is not supported; and
- (g) a recommendation.

(7) After considering the report referred to in sub-rule (6), the Council must decide to either reject the draft by-law or to approve the commencement of the legislative process set out in rules 48 and 49 in respect of the draft by-law.

(8) When a draft by-law has been rejected by the Council, no by-law of the same substance may be introduced within a period of six (6) months from the date of rejection.

(9) When the commencement of the legislative process in respect of a draft by-law has been approved in terms of sub-rule (7), the draft by-law must be published for public comment in accordance with rule 48.

(10) If the municipality does not have an Executive Mayor, the councillor who introduced the draft by-law must submit a report setting out the matters referred to in sub-rule (6)(a) to (g) to the Council where after the procedures set out in sub-rules (7) to (9) apply.

#### **Introduction of draft by-laws by Executive Mayor**

**47.** (1) An Executive Mayor introduces a draft by-law by submitting it, together with a memorandum on its objects, to the Speaker and the Municipal Manager.

(2) The Municipal Manager must publish the draft by-law for public comment in accordance with rule 48.

**Publication of draft by-laws**

**48.** The Municipal Manager must as soon as possible after —

- (a) the Executive Mayor has decided to support the draft by-law under rule 46(5);
- (b) the Council has given approval in terms of rule 46(7) for the commencement of the legislative process; or
- (c) the Executive Mayor has introduced a draft by-law in terms of rule 47(1)

publish the draft by-law for public comment in accordance with section 12(1)(b) of the Systems Act for at least 30 days, unless the Council has approved a shorter period.

**Consideration of draft by-laws**

**49.** (1) The Municipal Manager must, as soon as possible after the closing date for public comment referred to in rule 48, submit a report to the Council or, if the municipality has an Executive Mayor, to that mayor, together with —

- (a) a copy of the draft by-law;
- (b) copies of the advertisements inviting the public to make representations;
- (c) any comments received from the public; and
- (d) any other comments or recommendations from the Municipal Manager.

(2) The Executive Mayor, if the municipality has such a mayor, must consider the report by the Municipal Manager and must —

- (a) submit a report to the Council which sets out the following:
  - (i) an executive summary of the draft by-law,
  - (ii) a memorandum on the objects 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 will have to be repealed or amended if the draft by-law is adopted, and

- (vi) any relevant comments or proposals; and
  - (b) recommend to the Council to pass the by-law, to pass the by-law in an amended form or to reject the by-law.
- (3) When a draft by-law has been rejected by the Council, no by-law of the same substance may be introduced within a period of six (6) months from the date of rejection.
- (4) When a by-law has been passed, it must be published in accordance with section 13 of the Systems Act.

## CHAPTER 8

### MISCELLANEOUS MATTERS

#### Official languages

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

#### Municipal employees

51. (1) The employees of the municipality who attend a meeting must observe the rules and decorum applicable to councillors.
- (2) A municipal employee must attend a meeting if requested to do so by the Municipal Manager.

#### Offences and penalties

52. (1) A councillor or a member of the public who—
- (a) refuses to withdraw from a place of meeting of the Council or a committee when directed to do so by the Speaker or chairperson of a meeting in terms of rule 19(3)(b); or
  - (b) returns to a meeting from which he or she has withdrawn or was removed in terms of rule 19(3)(b)



may be forcibly removed and is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six (6) months or to both such fine and such imprisonment.

- (2) No councillor or member of the public may—
- (a) improperly interfere with—
    - (i) or impede a council or committee when such council or committee is exercising its authority or performing its functions, or
    - (ii) the performance by a councillor of his or her functions as a councillor;
  - (b) threaten or obstruct a councillor proceeding to or going from a meeting of a council or committee;
  - (c) assault or threaten a councillor, or deprive a councillor of any benefit on account of the conduct of the councillor in a Council or committee meeting;
  - (d) while a council or committee is meeting, create or take part in any disturbance within the precincts;
  - (e) fail or refuse to comply with an instruction by the person presiding at a meeting of a council or committee regarding the presence of any person at that meeting; or
  - (f) fail or refuse to comply with an instruction by a duly authorised official of the Council regarding—
    - (i) the presence of persons at a particular meeting of the Council or a committee, or
    - (ii) the possession of any article, including a firearm, in the precincts or any part thereof.
- (3) A person may not by fraud, intimidation, force, insult or threat 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 the functions of said councillor;
  - (b) induce a councillor to be absent from a Council or committee meeting; or

- (c) attempt to compel a councillor to declare himself or herself in favour of or against anything pending before or proposed or expected to be submitted to Council or a committee.
- (4) A person, including a councillor, who contravenes sub-rules (2) and (3) is guilty of an offence and on conviction is liable to a fine or to imprisonment for a period not exceeding three (3) years or to both the fine and the imprisonment.

**Short title**

- 53.** This by-law is called the Rules of Order for Internal Arrangements By-law, 2018.

## **VERORDENING OP DIE ORDEREËLS VIR DIE HOU VAN VERGADERINGS VAN WITZENBERG SE RAAD EN SY KOMITEES**

**Om bepalings neer te lê ten opsigte van die ordereëls wat vir die interne reëlings en algemene sake en verrigtinge van die Raad van Witzenberg Munisipaliteit en sy komitees geld, sowel as om bepalings neer te lê vir aangeleenthede wat daarmee verband hou.**

### **INHOUDSOPGAWE**

#### **HOOFSTUK 1**

##### **INLEIDING**

1. Woordomsrywings
2. Toepassing van reëls
3. Plig van Speaker, raadslede en lede van publiek

#### **HOOFSTUK 2**

##### **VERGADERINGS**

4. Volgorde van sake
5. Sakelys
6. Vergaderings
7. Funksies van Speaker ten opsigte van vergaderings
8. Bywoning deur raadslede
9. Prosedure vir verlof tot afwesigheid
10. Sanksies vir nie-bywoning
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#### **HOOFSTUK 3**

##### **BESLUIE**

13. Onbestrede aangeleenthede
14. Bestrede aangeleenthede
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## HOOFSTUK 4

### BYWONING DEUR LEDE VAN DIE PUBLIEK

16. Bywoning deur lede van die publiek
17. Uitsluiting van publiek van vergaderings
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## HOOFSTUK 5

### GEDRAG TEN TYE VAN VERGADERINGS

19. Gedrag van raadslede en lede van die publiek

## HOOFSTUK 6

### DEBATVOERING EN MOSIES

20. Aanspreek van die Speaker
21. Reg om te praat en beperkings daarop
22. Behartiging van debatvoering
23. Inhoud van debatte
24. Punte van orde
25. Verduidelikings
26. Mosies
27. Kennisgewing van mosies
28. Vrae
29. Dringende mosies
30. Mosies van orde
31. Rangorde van debatvoering
32. Wysiging van mosies
33. Mosie vir uitstel van aangeleentheid
34. Mosie vir verdaging van vergadering tot 'n latere datum
35. Mosie vir verdaging van vergadering vir gespesifiseerde tyd
36. Mosie vir verdaging van debat oor aangeleentheid vir gespesifiseerde tyd
37. Mosie dat aangeleentheid tot stemming gebring word
38. Mosie dat aangeleentheid van sakelys verwyder word
39. Mosie om aangeleentheid na komitee te verwys
40. Terugtrekking van mosies of vrae
41. Afwesigheid van raadslid wat kennis van mosie of vraag gegee het
42. Herinstelling van mosies of vrae

43. Mosies of vrae oor aangeleenthede wat na komitee verwys is
44. Aanbeveling deur Uitvoerende Burgemeester of uitvoerende komitee

## **HOOFSTUK 7**

### **WETGEWENDE PROSES**

45. Indiening van konsepverordeninge
46. Indiening van konsepverordeninge deur raadslede
47. Indiening van konsepverordeninge deur Uitvoerende Burgemeester
48. Publisering van konsepverordeninge
49. Oorweging van konsepverordeninge

## **HOOFSTUK 8**

### **DIVERSE AANGELEENTHEDE**

50. Amptelike tale
51. Munisipale werknemers
52. Oortredings en strawwe
53. Korttitel

## HOOFSTUK 1

### INLEIDING

#### Woordomskrywings

1. In hierdie verordening, met inbegrip van die reëls, het die volgende woorde die volgende betekenis, tensy dit uit die samehang anders blyk —

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

“**Kode**” die Gedragskode vir Raadslede soos uiteengesit in Bylae 1 tot die Stelselwet;

“**komitee**” ’n komitee wat deur die Raad ingevolge artikel 79 van die Strukturewet daargestel is;

“**lid**” ’n lid van ’n komitee;

“**lid van die publiek**” ’n persoon wat nie ’n raadslid of ’n werknemer van ’n munisipaliteit is nie en wat ’n vergadering van die Raad of ’n komitee bywoon;

“**Munisipale Bestuurder**” die persoon wat deur die Raad as munisipale bestuurder aangestel is ingevolge artikel 54A van die Stelselwet, of ’n persoon wat deur die Munisipale Bestuurder gedelegeer is;

“**munisipaliteit**” die Witzenberg Munisipaliteit;

“**Provinsiale Minister**” die provinsiale minister verantwoordelik vir plaaslike regering in die provinsie;

“**Raad**” die munisipale raad van Witzenberg Munisipaliteit;

“**raadslid**” ’n lid van die Raad, met inbegrip van politieke ampsdraers soos na verwys in artikel 1 van die Stelselwet;

“**reëls**” die reëls waarvoor bepalings in hierdie verordening neergelê word;

“**Speaker**” die speaker van die Raad wat ingevolge artikel 36 van die Strukturewet verkies is of ’n raadslid wat ingevolge artikel 41 van die Strukturewet as waarnemende speaker verkies is;

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

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

**“vergadering”** enige vergadering van die Raad;

**“sweep”** ’n lid van die munisipale raad wat deur elke politieke party verteenwoordig in die Raad aangestel is;

**“werksdag”** enige dag van die week behalwe Saterdag of Sondag of ’n openbare vakansiedag; en

**“wetstoepassing”** ’n persoon in diens van die munisipaliteit en wie deur die Speaker versoek mag word om orde tydens raadsvergaderings te handhaaf en wie deur sodanige personeellede bygestaan mag word as wat omstandighede mag noodsaak.

### **Toepassing van reëls**

2. (1) Hierdie reëls geld vir alle vergaderings.

(2) Uitgesonder waar dit ooglopend onvanpas sou wees, is ’n reël wat op ’n raadslid in enige verrigtinge van toepassing is, ook van toepassing op ’n lid van die publiek wat aan daardie verrigtinge deelneem.

(3) Hierdie reëls geld vir alle vergaderings van komitees behalwe komitees wat ingevolge punt 14(1)(b) van die Kode en artikel 62 van die Stelselwet daargestel is. Tensy duidelik onvanpas, word enige verwysing na die Raad as ’n verwysing na die komitee beskou, en word enige verwysing na die Speaker beskou as ’n verwysing na die voorsitter van die komitee of ’n persoon wat as die voorsitter van die komitee waarneem.

### **Plig van Speaker, raadslede en lede van die publiek**

3. Die Speaker, raadslede en lede van die publiek moet hulself met hierdie reëls vereenselwig.

## **HOOFSTUK 2**

### **VERGADERINGS**

#### **Volgorde van sake**

4. (1) Die volgorde van sake in gewone vergaderings is as volg, tensy die volgorde verander is ingevolge subreël (2) —

(a) verkiesing van waarnemende speaker, indien nodig;

- (b) aansoek om verlof tot afwesigheid;
  - (c) goedkeuring van notules;
  - (d) verklarings en mededelings deur die Speaker;
  - (e) verklarings en mededelings deur Uitvoerende Burgemeester of uitvoerende komitee;
  - (f) oorweging van verslae;
  - (g) verslag oor gedelegeerde magte;
  - (h) dringende aangeleenthede deur die munisipale bestuurder voorgelê;
  - (i) oorweging van mosies;
  - (j) oorweging van vrae;
  - (k) oorweging van dringende mosies; en
  - (l) verdaging.
- (2) Die Speaker kan die volgorde van sake, soos op die sakelys aangetoon, verander.
- (3) 'n Raadslid wat die volgorde van sake op die sakelys wil verander, moet die Speaker vóór die vergadering nader.

### **Sakelys**

5. (1) Die Speaker of munisipale bestuurder of 'n persoon wat deur die munisipale bestuurder aangewys is, moet die sakelys vóór die vergadering voorberei.
- (2) Die Speaker kan op enige tydstip tydens 'n vergadering 'n dringende aangeleentheid opper wat nie op die sakelys verskyn nie, tensy die Raad anders sou besluit.
- (3) Uitgesonder soos in hierdie reëls en ingevolge subreël (2) bepaal, mag geen aangeleentheid wat nie op die sakelys verskyn tydens 'n vergadering behandel word nie, behalwe aangeleenthede wat deur die tersaaklike voorsitter as dringend geag word en waar die voorsitter beslis het dat die aangeleentheid dringend is.
- (4) Die munisipale bestuurder kan aangeleenthede opper wat, volgens sy/haar diskresie, dringende besluitneming deur die Raad noodsaak. 'n Aangeleentheid sal as dringend geag word wanneer die verlangde besluit, indien vertraag, die Raad en/of sy werksaamhede sal benadeel.



## Vergaderings

6. (1) Die Raad moet minstens kwartaalliks vergader, soos verlang deur artikel 18(2) van die Strukturewet.
- (2) Alle vergaderings moet oop wees vir lede van die publiek, tensy hulle ingevolge reël 17 uitgesluit word.
- (3) Onderworpe aan subreël (1) sal die Speaker besluit waar en wanneer die Raad vergader.
- (4) Die munisipale bestuurder of, in sy of haar afwesigheid, 'n persoon wat deur die munisipale bestuurder aangewys is, moet kennis gee aan elke raadslid en aan die publiek van elke vergadering.
- (5) As die pos van Speaker vakant is, moet die munisipale bestuurder, of in die afwesigheid van die munisipale bestuurder, 'n persoon wat deur die provinsiale minister aangewys is —
  - (a) 'n spesiale vergadering belê om 'n speaker of 'n waarnemende speaker te verkies, en
  - (b) kennis gee aan elke raadslid en aan die publiek van sodanige vergadering.
- (6) (a) Die Speaker kan op enige tydstip uit eie beweging, en sal op skriftelike versoek van 'n meerderheid raadslede, 'n spesiale vergadering belê, met dien verstande dat geen sodanige vergadering sal plaasvind nie tensy alle raadslede ten minste 48 uur vooraf kennis gegee is van die datum en tyd waarop die vergadering gehou gaan word.
  - (b) Kennisgewing deur die meerderheid raadslede moet duidelik aantoon watter sake tydens die spesiale raadsvergadering behartig sal word. Geen ander sake mag tydens die spesiale raadsvergadering behartig word nie.
- (7) Die kennisgewing waarna in subreëls (4) en (5) verwys word, moet die datum, tyd en plek van die vergadering vermeld, en moet —
  - (a) op enige redelike wyse wat vir die doel geskik is skriftelik tesame met die sakelys aan elke raadslid oorgedra word;
  - (b) in 'n plaaslike koerant, soos bepaal deur die munisipale bestuurder of 'n aangewese persoon, gepubliseer word; en
  - (c) op 'n kennisgewingbord by die munisipaliteit se hoofkantoor aangebring word.

- (8) Die munisipale bestuurder of 'n persoon wat onder subreël (4) of (5) gedeleger is, mag afwyk van die vereiste wat in subreël (6)(b) gestel word in die geval van 'n dringende of spesiale vergadering waar tydsbeperkings dit onmoontlik maak om aan hierdie vereiste te voldoen.
- (9) Minstens sewe (7) dae vóór 'n algemene Raadsvergadering en minstens 48 uur voor enige spesiale Raadsvergadering sal 'n kennisgewing om sodanige vergadering by te woon gelaat word by of afgelewer word aan 'n toeganklike verspreidingspunt binne die munisipaliteit soos van tyd tot tyd deur die Raad bepaal of per elektroniese pos versend word na 'n adres wat deur die raadslid as sy/haar amptelike adres/posadres aangedui is. Sodanige kennisgewing sal spesifiseer watter sake tydens die vergadering behandel gaan word en moet deur die Speaker, of deur die munisipale bestuurder indien deur die Speaker gedeleger, onderteken word.
- (10) Toevallige versuim om enige raadslid kennis te gee van 'n vergadering beteken nie dat die verrigtinge van daardie vergadering nietig verklaar sal word nie.

### **Funksies van Speaker ten opsigte van vergaderings**

7. (1) Die Speaker moet die stoel inneem op die presiese tyd waarvoor die vergadering belê is.
  - (2) Benewens die funksies waarna in artikel 37 van die Strukturewet en enige ander wet verwys word, moet die Speaker —
    - (a) betaamlike gedrag ten tye van vergaderings handhaaf;
    - (b) 'n beslissing lewer oor 'n vraag of punt van orde wat deur 'n raadslid geopper word, met inbegrip van 'n vraag wat met die rangorde van sake verband hou; en
    - (c) beslis oor enige prosessuele gebeurlikheid waarvoor geen bepalings in hierdie reëls neergelê is nie.
  - (3) Die beslissing waarna in subreël (2) verwys word, moet in die notule aangeteken word.

### **Bywoning deur raadslede**

#### **'n Raadslid sal —**

- 8.1 onderworpe aan punt 3 van die Kode, sowel as reël 9 en reël 19, elke vergadering bywoon en moet sy of haar naam in die bywoningsregister aanteken;

- 8.2 enige regstreekse persoonlike belang of private sakebelang wat die raadslid, of sy/haar eggenoot/eggenote, lewensmaat of vennoot/sakevennoot dalk mag hê by enige aangeleentheid wat by die Raad aanhangig gemaak word, aan die Raad en of enige komitee verklaar; en
- 8.3 onttrek aan enige verrigtinge van die Raad of komitee wanneer sodanige aangeleentheid deur die Raad of komitee oorweeg word, tensy die Raad of die komitee by wyse van 'n resolusie besluit dat die raadslid se regstreekse of onregstreekse belang by die aangeleentheid onbeduidend of nie ter sake is nie. 'n Raadslid wat op hierdie wyse sy/haar belang openbaar het, kan met die goedkeuring van 'n meerderheid lede van die Raad of sy komitee die Raad of komitee toespreek oor die aangeleentheid voordat daar oor die aangeleentheid beraadslaag en gestem word, met dien verstande dat die Speaker deurentyd sal beslis oor hoeveel tyd daar aan sodanige voorlegging afgestaan mag word.
- 8.4 'n Raadslid wat, of wie se eggenoot/note, lewensmaat of sakevennoot of nabye familielid, enigsins regstreeks gaan baat by 'n kontrak wat met die munisipaliteit gesluit word (of dalk enigsins regstreeks daarby kan baat), moet volledige besonderhede rakende hierdie voordeel waarvan die raadslid bewus is, openbaar maak tydens die eerste vergadering van die Raad of komitee van die Raad waartydens dit vir die raadslid moontlik is om 'n openbaarmaking te maak.
- 8.5 Hierdie bepaling geld nie vir 'n belang of voordeel wat 'n raadslid, of 'n eggenoot/note, lewensmaat of sakevennoot of nabye familielid, het of bekom wat algemeen deur ander inwoners en belastingbetalers van die munisipaliteit gedeel word nie.

### **Prosedure vir verlof tot afwesigheid**

9. (1) 'n Raadslid moet, voordat hy/sy homself of haarself van 'n vergadering verskoon, sodanige aansoek aan die Speaker rig deur 'n verlofvorm te onderteken en die ingevulde verlofvorm minstens 72 uur vóór die vergadering aan die munisipale bestuurder besorg.
- (2) Die munisipale bestuurder moet die aansoek by die Speaker indien vóór die aanvang van die vergadering.
- (3) By ontvangs van die aansoek na verwys in subreël (1) moet die Speaker die aansoek oorweeg en kan die aansoek óf goedkeur óf verwerp. Die Speaker moet die raadslid minstens 24 uur vóór die vergadering oor sy of haar besluit inlig.
- (4) Die Speaker kan, met afdoende rede, verlof tot afwesigheid aan 'n raadslid toestaan wat weens spesiale omstandighede daarvan weerhou is om ingevolge subreël (1) aansoek om verlof te doen.

- (5) Die spesiale omstandighede waarna verwys word in subreël (4) kan die volgende insluit —
  - (a) siekte van die raadslid; of
  - (b) siekte of dood in die raadslid se familie; en
  - (c) enige noodsituasie wat dalk kan ontstaan.
- (6) Die name van alle raadslede wat by 'n vergadering teenwoordig is en van alle raadslede aan wie verlof tot afwesigheid van die vergadering toegestaan is, moet in die notules aangeteken word.
- (7) As die Speaker die aansoek soos na verwys in subreël (1) verwerp, moet hy of sy 'n rede daarvoor verskaf.
- (8) Subreëls (1) tot (6) geld, met die nodige veranderings, ten opsigte van die Speaker, en in sodanige toepassing word 'n verwysing na die Speaker in daardie subreëls as 'n verwysing na die Raad beskou.

### **Sanksies vir nie-bywoning**

10. (1) Behalwe vir die gevalle beoog in reël 9(4) en (5) oortree 'n raadslid die reëls as hy of sy sonder verlof —
  - (a) homself of haarself van 'n vergadering verskoon;
  - (b) nalaat om teenwoordig te wees by die aanvang van 'n vergadering; of
  - (c) nalaat om teenwoordig te bly tot aan die einde van 'n vergadering.
- (2) 'n Raadslid wat afwesig is van drie of meer opeenvolgende vergaderings wat hy of sy ingevolge reël 8 verplig is om by te woon, oortree die Kode.
- (3) Die Raad kan 'n spesiale komitee bestaande uit raadslede aanstel om ondersoek in te stel na enige beweerde oortreding verwys na in subreël (1) of (2) en om hieroor aan die Raad verslag te doen.
- (4) Die spesiale komitee moet die raadslid skriftelik in kennis stel van sy of haar beweerde oortreding van die reëls of die Kode. Die raadslid moet sewe dae vanaf die datum van die skriftelike kennisgewing gegun word om skriftelik op die beweerde oortreding te reageer.

- (5) Die Raad moet besluit of die reëls of die Kode oortree is al dan nie, nadat 'n verslag van die spesiale komitee ontvang is.
- (6) As die Raad bevind dat 'n raadslid die reëls soos beoog in subreël (1) oortree het, moet die Raad die raadslid met 10% van sy of haar maandelikse salaris beboet.
- (7) As die Raad bevind dat 'n raadslid die Kode soos beoog in subreël (2) oortree het, moet die Raad die provinsiale minister versoek om die raadslid van sy of haar amp te onthef.
- (8) Subreëls (1) tot (7) geld, met die nodige veranderings, ten opsigte van die Speaker.

## **Notules**

11. (1) Die munisipale bestuurder moet —
  - (a) die notules van die verrigtinge van 'n vergadering binne twee weke vanaf die vergadering skriftelik opstel; en
  - (b) elke raadslid binne 'n redelike tydperk van 'n afskrif van die notules voorsien.
- (2) Die notules van 'n vergadering moet deur die Raad oorweeg word by sy volgende vergadering en, indien bekragtig, deur die Speaker onderteken word.
- (3) Die munisipale bestuurder moet 'n rekord hou van die ondertekende notules.
- (4) Die notules word, vir die doeleinde van subreël (2), as gelees beskou as hulle aan elke raadslid voorsien is binne 'n redelike tydperk vóór die vergadering waarin hulle oorweeg word.
- (5) Geen mosie of bespreking oor die bekragtiging van die notules word toegelaat nie, behalwe in verband met die juistheid daarvan.
- (6) As 'n raadslid ontevrede is met die juistheid van die notules, moet die raadslid —
  - (a) die punt noem waarmee hy of sy ontevrede is; en
  - (b) 'n mosie voorstel waarin die alternatiewe bewoording ter wysiging van die notules duidelik uiteengesit word.

- (7) Die notules van 'n vergadering moet die datum, tyd en plek van die vergadering uiteensit sowel as die besluite en ander aksies wat tydens die vergadering geneem is.

### **Kworum**

12. (1) 'n Meerderheid van die raadslede maak 'n kworum uit soos na verwys in artikel 30(1) van die Strukturewet.
- (2) As daar op die tyd waarvoor die vergadering geskeduleer is nie 'n kworum is nie, moet die Speaker die stoel inneem sodra 'n kworum teenwoordig is.
- (3) Wanneer daar nie 'n kworum is nie, moet die aanvang van die vergadering met hoogstens 30 minute vertraag word en as daar aan die einde van daardie tydperk nog nie 'n kworum is nie, moet die Speaker die vergadering verskuif na 'n ander tyd, datum en plek na sy of haar goeddunke en die name aanteken van daardie lede wat teenwoordig is.
- (4) Wanneer die Speaker nie teenwoordig is nie en daar nie 'n kworum is nie, moet die aanvang van die vergadering met hoogstens 30 minute vertraag word en as daar aan die einde van daardie tydperk nog nie 'n kworum is nie, mag geen vergadering plaasvind nie en moet die munisipale bestuurder die name aanteken van die lede wat teenwoordig is.
- (5) Wanneer daar tydens 'n vergadering nie 'n kworum is nie, moet die Speaker die verrigtinge opskort totdat 'n kworum weer teenwoordig is, met dien verstande dat as daar ná 10 minute (of sodanige langer tydperk as wat die Speaker mag vergun) nog nie 'n kworum is nie, die Speaker die vergadering moet verdaag.
- (6) Wanneer 'n vergadering weens die afwesigheid van 'n kworum verdaag word, moet die tyd van sodanige verdaging sowel as die name van die teenwoordige lede, in die notules aangeteken word.
- (7) Die Speaker moet die name van die afwesige lede rapporteer aan die komitee wat ingevolge reël 10(3) aangestel is met die doel om 'n ondersoek van 'n oortreding van hierdie reëls te onderneem.

## HOOFSTUK 3

### BESLUIE

#### Onbestrede aangeleenthede

13. Wanneer die Raad versoek word om 'n aangeleentheid voor hom te oorweeg en daar geen teenkanting van enige raadslid is nie, moet 'n eenparige stemming in die notules aangeteken word.

#### Bestrede aangeleenthede

14. (1) Die Speaker moet 'n stemming hou oor elke aangeleentheid wat teengestaan word deur raadslede te versoek om deur die opsteek van hande, tensy anders voorgeskryf in enige wet of tensy die Raad anders besluit het, aan te dui of hulle vir of teen daardie aangeleentheid is, waarna die Speaker die uitslag van die stemming moet aankondig.
- (2) Wanneer die uitslag van 'n stemming aangekondig word, kan 'n raadslid daarop aandrang dat sy of haar stem teen die betrokke besluit aangeteken word.
- (3) As daar 'n staking van stemme oor enige aangeleentheid is, moet die Speaker 'n beslissende stem uitbring.

#### Besluite

15. (1) Ingevolge artikel 160(3) van die Grondwet is 'n ondersteunende stem van 'n meerderheid van die raadslede nodig om te besluit oor —
- (a) die aanneem van verordeninge;
  - (b) die goedkeuring van die begroting;
  - (c) die oplegging van eiendomsbelasting en ander belastings, heffings en verpligtinge; en
  - (d) die aangaan van lenings.
- (2) Ingevolge artikel 34 van die Strukturewet is 'n ondersteunende stem van minstens tweederdes van die raadslede nodig om 'n besluit te aanvaar om die Raad te ontbind.
- (3) Daar word oor alle ander vrae voor die Raad beslis by wyse van 'n meerderheid van stemme wat uitgebring is, soos beoog in artikel 160(3)(c) van die Grondwet.

- (4) As daar 'n staking van stemme oor enige vraag is, moet die Speaker 'n beslissende stem uitbring, soos beoog in artikel 30(4) van die Strukturewet.

## HOOFSTUK 4

### BYWONING DEUR LEDE VAN DIE PUBLIEK

#### Bywoning deur lede van die publiek

16. Die Speaker moet redelike stappe neem om die publiek se toegang tot en die publiek se gedrag ten tye van vergaderings te reguleer.

#### Uitsluiting van publiek van vergaderings

17. (1) Die publiek kan van die vergadering uitgesluit word —
- (a) indien die Speaker so gelas het; of
  - (b) indien so besluit deur die Raad na aanleiding van 'n mosie deur enige raadslid tot daardie effek.
- (2) Indien 'n mosie gesecondeer word om die publiek van 'n vergadering uit te sluit, moet die mosie tot stemming gebring word, ná bespreking van die redes maar sonder om die aangeleentheid te bespreek.
- (3) As 'n mosie om die publiek uit te sluit aanvaar word, moet alle lede van die publiek, met inbegrip van die media, uit die vergaderlokaal verwyder word.
- (4) Die motivering vir die uitsluiting van die publiek moet genotuleer word.

#### Hertoelating van lede van die publiek

18. (1) 'n Raadslid mag in die loop van 'n vergadering waarvan die publiek uitgesluit is, voorstel "dat die vergadering weer oopgestel word", met vermelding van die redes vir sodanige mosie.
- (2) As die mosie gesecondeer word, moet dit onverwyld en sonder bespreking tot stemming gebring word.
- (3) As die mosie aanvaar word, moet die Speaker verseker dat lede van die publiek weer tot die vergadering toegelaat word.



## HOOFSTUK 5

### GEDRAG TEN TYE VAN VERGADERINGS

#### Gedrag van raadslede en lede van die publiek

- 19.** (1) Raadslede en lede van die publiek moet orde en betaamlike gedrag ten tye van vergaderings handhaaf, en hulle mag nie —
- (a) hulself op 'n onbetaamlike wyse gedra nie;
  - (b) die sake van 'n vergadering belemmer nie;
  - (c) die beslissing van die Speaker oor enige punt van orde bevraagteken nie; of
  - (d) enige oortreding van die reëls begaan nie.
- (2) Die Speaker of die voorsitter van 'n vergadering in die geval van 'n vergadering anders as 'n Raadsvergadering sal:
- 2.1. orde tydens vergaderings handhaaf;
  - 2.2. nakoming van die Gedragskode vir raadslede tydens vergaderings verseker;
  - 2.3. verseker dat vergaderings ooreenkomstig die reëls verloop;
  - 2.4. verseker dat lede hulself op 'n waardige en ordelike manier tydens vergaderings gedra;
  - 2.5. verseker dat lede van die publiek wat vergaderings bywoon hul plekke inneem in areas wat vir daardie doel aangewys is;
  - 2.6. verseker dat lede van die publiek wat vergaderings bywoon hulself op 'n ordelike wyse gedra en die reëls gehoorsaam wat deur die Speaker of voorsitter van die vergadering neergelê is;
  - 2.7. verseker dat enige raadslid of lid van die publiek wat weier om gehoor te gee aan die Speaker of voorsitter se lasgewings die vergadering verlaat; en
  - 2.8. verseker dat die sweep van elke party wat verteenwoordiging in die munisipale Raad geniet dissipline tydens enige vergadering handhaaf.

- (3) As 'n raadslid of lid van die publiek subreël (1) oortree, moet die Speaker gelas dat die raadslid of lid van die publiek hom of haar van sodanige oortreding weerhou.
- (4) As 'n raadslid of lid van die publiek die lasgewings van die Speaker ingevolge subreël (2) verontagsaam, kan die Speaker gelas dat die raadslid of lid van die publiek —
  - (a) indien hy of sy aan die woord is, sy of haar redevoering staak; of
  - (b) hom- of haarself aan die vergaderlokaal onttrek vir die duur van die res van die vergadering of, indien nodig, gelas dat hy of sy deur 'n ampswag verwyder word.
- (5) Die Speaker of 'n voorsitter kan vir sodanige tydperk as wat hy/sy gerade mag ag enige lid uitsluit wat hom of haar skuldig gemaak het aan 'n misdryf of wat op 'n onbetaamlike wyse opgetree het of deurentyd die verloop van die vergadering se verrigtinge ontwig het of wat deurentyd die gesag van die voorsitter verontagsaam het, met dien verstande dat 'n formele proses ná afloop van die vergadering van stapel gestuur sal word.
- (6) Indien 'n raadslid weier om te onttrek of in gevalle waar een of meer raadslid uit die vergadering verwyder moet word, en sodanige raadslid/lede verseg om die vergadering te verlaat, sal die Speaker die ampswag versoek om die verwydering van sodanige raadslid/lede vanuit die raadsaal te bewerkstellig. As dit nie ordelik kan geskied nie, sal die voorsitter die vergadering se verrigtinge vir hoogstens 15 minute verdaag sodat die ter sprake raadslede kan onttrek of uit die vergaderlokaal verwyder kan word. As die raadslid/lede na hervatting van die verrigtinge nog nie vertrek het/verwyder is nie, kan die vergadering met 'n verdere 10 minute verdaag word om die situasie op te los. Ná die tweede verdaging kan die voorsitter beslis dat die vergadering vir 'n ander lokaal herbelê sal word en dat enige raadslid/lede wat aangesê is om te onttrek of wat uit die vergaderlokaal verwyder is, toegang tot die alternatiewe vergaderlokaal geweier sal word. Die Raad se ampswag sal verseker dat sodanige raadslid/lede nie toegang tot die alternatiewe vergaderlokaal verkry nie.
- (7) As die Speaker versuim om ingevolge subreël (3) op te tree, kan enige raadslid 'n voorstel indien dat die Speaker wel tot sulke stappe oorgaan.
- (8) Die mosie waarna in subreël (4) verwys word, moet sonder kennisgewing geskied en indien die mosie gesekondeer word, moet dit onmiddellik sonder bespreking tot stemming gebring word.

- (9) Enige persoon, met uitsondering van 'n raadslid, wat hom- of haarself aan wangedrag skuldig maak, op 'n onbetaamlike manier optree of die verrigtinge van enige Raad- of komiteevergadering ontwig, sal volgens lasgewing van die Speaker of voorsitter verwyder word van die raadsaal of vergaderlokaal waar die vergadering gehou word. As die persoon verseg om hom/haarself te verskoon, sal die ampswag daarvoor verantwoordelik wees om die persoon uit die vergadering te verwyder. Die voorsitter mag enige sodanige persoon toegang tot die Raadsaal of die vergaderlokaal weier vir 'n tydperk wat hy of sy gerade ag.

## HOOFSTUK 6

### DEBATVOERING EN MOSIES

#### Aanspreek van die Speaker

20. (1) 'n Raadslid of 'n lid van die publiek aan wie vergunning verleen is om 'n vergadering toe te spreek, moet die Speaker aanspreek.

(2) 'n Lid van die publiek aan wie die Speaker erkenning verleen het, moet sy of haar naam vermeld en, indien hy of sy 'n organisasie of enige groep verteenwoordig, daardie organisasie of groep identifiseer.

#### Reg om te praat en beperkings daarop

21. (1) 'n Raadslid mag praat of 'n vergadering toespreek nadat hy of sy deur die Speaker erken is.

(2) 'n Raadslid wat nie 'n lid van 'n vergadering is nie, mag die voorsitter van daardie komitee versoek om 'n toespraak te lewer, met dien verstande dat sodanige toestemming slegs na goeddunke van die voorsitter verleen sal word en nie redelikerwys weerhou sal word nie.

(3) 'n Raadslid moet persoonlike aanvalle op ander raadslede vermy en moet nie die motiewe vir enige argument of stem van 'n ander raadslid betwis nie.

(4) 'n Raadslid mag net een keer praat oor —

(a) die aangeleentheid voor die Raad;

(b) enige mosie voor die Raad;

- (c) enige wysigings aan 'n mosie voor die Raad; of
- (d) 'n punt van orde of 'n vraag,

tensy deur die Speaker gemagtig of anders bepaal in hierdie reëls.

(5) 'n Raadslid mag nie in die rede geval word terwyl hy of sy praat nie, tensy hy of sy deur die Speaker tot orde gemaan word of indien 'n punt van orde deur 'n ander raadslid geopper word.

(6) Die Speaker mag nie 'n raadslid toelaat om oor 'n aangeleentheid te praat nadat daardie aangeleentheid tot stemming gebring is nie.

(7) Die Speaker mag nie 'n debat toelaat oor 'n aangeleentheid —

- (a) wat enige aangeleentheid op die sakelys dalk sal vooruitloop nie; of
- (b) ten opsigte waarvan 'n besluit deur 'n juridiese of administratiewe liggaam of 'n kommissie van ondersoek hangende is nie.

### **Behartiging van debatvoering**

- 22.** (1) Minstens 24 uur vóór 'n vergadering van die Raad moet die swepe van die politieke partye in die Raad die Speaker van 'n lys voorsien wat aantoon —
- (a) watter punte op die sakelys vir daardie vergadering bespreek gaan word; en
  - (b) die totale tyd wat vir die bespreking van elke punt toegewys moet word, met dien verstande dat die maksimum tyd wat vir bespreking oor elke punt op die sakelys dertig (30) minute sal wees of enige tyd wat na die Speaker se goeddunke toegewys word.
- (2) Gegrand op die lys wat ingevolge subreël (1) opgestel is, moet elke party minstens 12 ure vóór 'n Raadsvergadering die hoofswep voorsien van 'n lys van die raadslede wat oor 'n punt gaan praat en die tyd wat aan elke sodanige raadslid toegewys is, wat nie meer as drie (3) minute sal wees nie, met dien verstande dat die totale tyd wat aan alle raadslede van 'n party toegewys word, nie langer sal wees as 'n derde van die totale tyd wat ingevolge subreël (1)(b) aan die party toegewys is nie.
- (3) By ontvangs van die lyste waarna in subreël (2) verwys is, moet die Speaker, as hy of sy van die bepalings van daardie lyste wil afwyk, sy of haar besluit in hierdie verband binne 'n redelike tydperk vóór die Raadsvergadering aan die swepe van die partye oordra.

- (4) Alle aangeleenthede voor die Raad wat nie ingevolge subreël (1) gelys is nie, moet individueel aan die vergadering gestel word vir aanvaarding sonder bespreking voordat die aangeleenthede wat ingevolge subreël (1) gelys is, oorweeg word.
- (5) Na goeddunke van die Speaker kan 'n antwoordtyd van drie minute aan die Burgemeester of 'n ter sprake lid van die burgemeesterskomitee vergun word, of aan die voorsteller van 'n mosie, om die debat af te sluit oor 'n punt wat ingevolge subreël (2) bespreek is.
- (6) Desnieteenstaande enige bepalings vervat in subreëls (1) tot (5) mag die Speaker nie, in die uitoefening van enige diskresie ingevolge hierdie Reëls, enige party benadeel ten opsigte van die tyd wat aan enige party toegestaan word nie. Die beslissing van die Speaker nadat hy/sy na goeddunke in hierdie verband gehandel het, is finaal.

### **Inhoud van debatte**

- 23.** (1) 'n Raadslid wat aan die woord is, moet sy of haar toespraak streng hou by die aangeleentheid voor die Raad.

(2) As 'n raadslid aanhou om van die punt af te dwaal nadat hy of sy deur die Speaker versoek is om sy of haar toespraak te hou by die aangeleentheid voor die Raad moet die Speaker hom of haar aansê om sy of haar plek in te neem en nie verder oor daardie aangeleentheid te praat nie.

(3) Raadslede en lede van die publiek moet orde en betaamlike gedrag by vergaderings handhaaf, en hulle mag hulle nie skuldig maak aan langdradige herhalings van argumente of onvanpaste taalgebruik of opmerkings van 'n beledigende aard nie.

### **Punte van orde**

- 24.** (1) 'n Raadslid mag gedurende 'n vergadering 'n punt van orde opper om die Speaker se aandag te vestig op 'n oortreding van die reëls of enige statutêre bepaling.

(2) 'n Punt van orde mag geopper word ten opsigte van —

- (a) 'n prosessuele aangeleentheid; of
- (b) die gedrag van 'n raadslid, 'n lid van die publiek, of 'n werknemer van die munisipaliteit.

(3) 'n Raadslid wat 'n punt van orde opper, moet onmiddellik aangehoor word, en hy of sy moet —

- (a) die punt van orde vermeld; en
- (b) die reël of statutêre bepaling wat oortree word.

(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. Alle ander aangeleenthede voor die Raad moet opgeskort word totdat daar oor die punt van orde beslis is.

(5) Indien in orde bevind, moet die raadslid toegelaat word om sy of haar toespraak voort te sit.

(6) Indien buite orde bevind, moet die raadslid swyg of enige opmerkings terugtrek of wysig ten einde aan die beslissing te voldoen.

(7) Die Speaker se beslissing oor 'n punt van orde is finaal en kan nie bespreek word nie, en dit moet in die notules aangeteken word.

### **Verduidelikings**

**25.** (1) Die Speaker mag 'n raadslid toelaat om 'n vorige toespraak te verduidelik, maar slegs wanneer en tot die mate waartoe 'n wesentlike deel van die toespraak dalk verkeerd verstaan is.

(2) Die raadslid wat die verduideliking gee, mag nie enige nuwe aangeleentheid opper nie, en geen debat oor die verduideliking word toegelaat nie.

### **Mosies**

**26.** 'n Raadslid mag slegs 'n mosie voorstel indien dit deur die Speaker gestel word en deur 'n ander raadslid gesekondeer word, tensy anders in hierdie reëls bepaal.

### **Kennisgewing van mosies**

**27.** (1) Tensy anders in hierdie reëls bepaal, moet 'n kennisgewing van 'n mosie skriftelik geskied, deur die ter sprake raadslid gemotiveer, onderteken en gedateer word en minstens ses (6) werksdae vóór die datum van die vergadering waarop dit voorgestel gaan word aan die Speaker besorg word.

(2) Die Speaker moet die mosie óf by die sakelys insluit óf sodanige mosie verwys na die komitee wat die aangeleentheid behartig.

(3) Subreël (1) geld nie vir die volgende mosies nie:

- (a) 'n dringende mosie; of
- (b) 'n mosie van orde.

## Vrae

**28.** (1) Nadat 'n mosie voorgestel en gesekondeer is of na afloop van enige toespraak oor die mosie, kan 'n raadslid versoek om 'n vraag relevant tot die mosie aan enige ander raadslid te stel.

(2) Geen aanvullende vrae mag gevra word nie, behalwe deur die raadslid wat die vraag gestel het en dan slegs ten opsigte van aangeleenthede wat uit die repliek op daardie vraag voortspruit.

(3) Die raadslid aan wie die vraag gerig word, kan óf onmiddellik daarop antwoord óf versoek dat kennisgewing van die vraag gegee word.

(4) Die kennisgewing waarna in subreël (3) verwys word, moet skriftelik wees, deur die ter sprake raadslid onderteken en gedateer word en aan die Speaker en die munisipale bestuurder besorg word.

(5) Wanneer die munisipale bestuurder die kennisgewing ontvang, moet hy of sy die kennisgewing binne vyf (5) dae aanstuur na die raadslid aan wie die vraag gerig is en —

- (a) die raadslid versoek om 'n repliek op die vraag skriftelik aan die munisipale bestuurder te rig; en
- (b) die Speaker in kennis stel van enige repliek wat ten opsigte van die vraag ontvang is.

(6) Die Speaker moet sorg dat die repliek op die sakelys van die volgende vergadering geplaas word.

(7) 'n Raadslid mag 'n vraag vra wat 'n skriftelike repliek van enige ander raadslid verlang rakende enige aangeleentheid verwant aan die doeltreffende verrigting van die munisipaliteit se funksies en die uitoefening van sy magte.

(8) Kennisgewing van 'n vraag in subreël (7) moet skriftelik wees, deur die ter sprake raadslid onderteken en gedateer word en aan die Speaker en die munisipale bestuurder besorg word. Die prosedures in subreëls (5) en (6) is van toepassing op die vraag.

### **Dringende mosies**

**29.** (1) 'n Raadslid kan die aandag van die Raad vestig op enige aangeleentheid wat nie op die sakelys verskyn nie, en waarvan daar nie vooraf kennis gegee is nie, deur kortliks die onderwerp van die aangeleentheid te meld en sonder kommentaar daarop voor te stel "dat die mosie waarop die aandag gevestig is, onverwyld as 'n saak van dringendheid oorweeg word".

(2) Indien die mosie in subreël (1) gesecondeer en aanvaar word, kan die lid wat die mosie voorgestel het, toegelaat word om sonder kennisgewing te versoek dat die aangeleentheid oorweeg word.

### **Mosies van orde**

**30.** (1) Die volgende word as mosies van orde beskou:

- (a) dat voorrang verleen word aan die oorweging van enige spesifieke aangeleentheid wat op die sakelys verskyn;
- (b) dat enige verslag waarna in die sakelys verwys word, aanvaar, tot uitvoer gebring of terugverwys word;
- (c) dat daar uitvoering gegee word aan enige dokument voor die Raad op die wyse in die mosie vermeld;
- (d) dat daar gehandel word ten opsigte van enige aangeleentheid wat vir oorweging voorgelê is op die wyse wat in die mosie gespesifiseer is; en
- (e) dat die Speaker 'n raadslid of 'n lid van die publiek moet gelas om hom- of haarself aan die vergadering te onttrek, sowel as
- (f) enige mosie waarna in reël 31 verwys word.

(2) As die mosie van orde gesecondeer word, moet dit onverwyld en sonder bespreking tot stemming gebring word.



### Rangorde van debatvoering

31. Wanneer 'n mosie bespreek word, kan geen verdere mosie aanvaar word nie behalwe dat —
- (a) die mosie gewysig word;
  - (b) die oorweging van die aangeleentheid uitgestel word tot 'n vasgestelde of onbepaalde datum;
  - (c) lede van die publiek uitgesluit word;
  - (d) lede van die publiek hertoegelaat word;
  - (e) die vergadering verdaag word tot 'n latere datum;
  - (f) die vergadering verdaag word vir 'n gespesifiseerde tyd;
  - (g) die debat oor die aangeleentheid verdaag word vir 'n gespesifiseerde tyd;
  - (h) die aangeleentheid tot stemming gebring word;
  - (i) die aangeleentheid uit die sakelys geskrap word; of
  - (j) die vraag of mosie teruggetrek word.

### Wysiging van mosies

32. (1) 'n Raadslid mag voorstel dat 'n mosie gewysig word deur te sê “dat die mosie gewysig word”, en te sê hoe die oorspronklike mosie gewysig moet word.
- (2) Die mosie waarna in subreël (1) verwys word, moet gesekondeer word en hoef nie skriftelik te wees nie.
- (3) 'n Wysiging moet betrekking hê op die oorspronklike mosie waarvoor dit voorgestel word, en moet voorgestel word onderwyl die oorspronklike mosie onder oorweging is.
- (4) Die wysiging moet oorweeg word voordat die oorspronklike mosie oorweeg word.
- (5) Indien die Speaker dit verlang, moet 'n voorgestelde wysiging op skrif gestel en deur die raadslid wat dit voorgestel het, onderteken word en aan die Speaker oorhandig word.

(6) As daar meer as een wysiging aan die oorspronklike mosie is, sal die laaste voorgestelde wysiging eerste tot stemming gebring word en, indien aanvaar, sal daar dienooreenkomstig oor die aangeleentheid beslis word.

(7) As die laaste voorgestelde wysiging verwerp word, sal die wysiging wat onmiddellik vóór die laaste wysiging voorgestel is, tot stemming gebring word. Wanneer daar oor alle wysigings gestem is, sal die oorspronklike mosie of die oorspronklike mosie soos gewysig, na gelang van die geval, tot stemming gebring word.

(8) Geen verdere wysigings aan die oorspronklike mosie kan voorgestel word nadat die Speaker 'n stemming oor daardie oorspronklike mosie uitgeroep het nie.

(9) 'n Wysiging mag nie, op enige wesentlike wyse, die beginsel vervat in die oorspronklike mosie wysig nie, maar kan varieer in die terminologie wat vir sy uiteensetting gebruik word.

(10) Die Speaker moet besluit of 'n wysiging aan subreël (9) voldoen al dan nie en dienooreenkomstig beslis.

### **Mosie vir uitstel van aangeleentheid**

**33.** (1) 'n Raadslid kan na afloop van 'n toespraak voorstel "dat die oorweging van die aangeleentheid uitgestel word tot 'n bepaalde of onbepaalde datum".

(2) Die mosie moet gesekondeer word en hoef nie skriftelik te wees nie.

(3) Die raadslid wat die mosie voorgestel het, kan oor die mosie praat.

(4) Die raadslid wat die oorspronklike mosie ten opsigte van die aangeleentheid onder bespreking voorgestel het, kan 'n repliek lewer waarna die mosie verwys na in subreël (1) sonder verdere bespreking tot stemming gebring moet word.

(5) As die mosie soos na verwys in subreël (1) aanvaar word, moet die aangeleentheid bo-aan die lys geplaas word van sake wat oorweeg moet word tydens die vergadering waarna dit uitgestel is.

(6) As die mosie soos na verwys in subreël (1) nie aanvaar word nie, word die vergadering voortgesit asof daar geen onderbreking was nie, en die Speaker mag nie 'n soortgelyke mosie aanvaar nie.

**Mosie vir verdaging van vergadering tot 'n latere datum**

- 34.** (1) 'n Raadslid wat nog nie aan die bespreking oor 'n aangeleentheid wat op daardie tydstip voor die vergadering dien, deelgeneem het nie, kan te eniger tyd, uitgesonderd in die loop van 'n toespraak deur 'n ander raadslid of terwyl daar gestem word, voorstel "dat die vergadering nou tot 'n latere datum verdaag".
- (2) Die mosie moet gesekondeer word en hoef nie skriftelik te wees nie.
- (3) Die raadslid wat die mosie voorgestel het, kan oor die mosie praat.
- (4) Geen bespreking van die mosie word toegelaat nie, behalwe dat die eerste raadslid wat hom of haar daarteen verset, oor sy of haar teëkanting teen die mosie kan praat.
- (5) Geen wysiging van die mosie kan voorgestel word nie, behalwe in verband met die tydperk van verdaging.
- (6) As die mosie aanvaar word, moet die vergadering onverwyld verdaag en weer hervat op die datum wat in die mosie of gewysigde mosie gespesifiseer is, tensy die Speaker gelas dat die vergadering eers onbestrede sake moet afhandel.
- (7) As die mosie nie aanvaar word nie, word die vergadering voortgesit asof daar geen onderbreking was nie, en die Speaker mag nie 'n soortgelyke mosie aanvaar alvorens 'n halfuur verstryk het nie.
- (8) As die mosie tydens 'n bespreking en vóór afhandeling daarvan aanvaar word, is die raadslid wat die mosie voorgestel het daarop geregtig om eerste te praat wanneer die betrokke aangeleentheid weer by die uitgestelde vergadering heropen word.
- (9) Geen sake mag op 'n verdaagde vergadering afgehandel word nie, uitgesonderd die sake wat op die sakelys verskyn het van die vergadering waarvan dit 'n verdaging is.

**Mosie vir verdaging van vergadering vir gespesifiseerde tyd**

- 35.** (1) 'n Raadslid kan te eniger tyd, uitgesonderd in die loop van 'n toespraak deur 'n ander raadslid of terwyl daar gestem word, voorstel "dat die vergadering vir 'n gespesifiseerde tyd verdaag", tot en met 'n uur.
- (2) Die mosie moet gesekondeer word en hoef nie skriftelik te wees nie.
- (3) As die mosie aanvaar word, moet die vergadering onmiddellik vir die gespesifiseerde tyd verdaag en weer byeenkom op die tyd wat in die mosie gespesifiseer is.

(4) As die mosie nie aanvaar word nie, word die vergadering voortgesit asof daar geen onderbreking was nie, en die Speaker mag nie 'n soortgelyke mosie aanvaar alvorens 'n halfuur verstryk het nie.

(5) Die Speaker kan, met afdoende rede, 'n vergadering vir 'n gespesifiseerde tyd verdaag.

### **Mosie vir verdaging van debat oor aangeleentheid vir gespesifiseerde tyd**

**36.** (1) 'n Raadslid wat nog nie aan die bespreking van 'n aangeleentheid deelgeneem het nie, kan by afhandeling van enige toespraak oor daardie aangeleentheid voorstel "dat die debat oor die aangeleentheid verdaag word vir 'n gespesifiseerde tyd".

(2) Die mosie moet gesekondeer word en hoef nie skriftelik te wees nie.

(3) Die raadslid wat die mosie voorgestel het, kan oor die mosie praat.

(4) Geen bespreking van die mosie word toegelaat nie, behalwe dat die eerste raadslid wat hom of haar daarteen verset, oor sy of haar teëkanting teen die mosie kan praat.

(5) Geen wysiging van die mosie kan voorgestel word nie, behalwe in verband met die tydperk van verdaging.

(6) As die mosie aanvaar word, beweeg die vergadering aan na die volgende punt of die sakelys en die verdaagde bespreking word hervat op die tydstip wat in die mosie gespesifiseer is.

(7) By hervatting van die verdaagde bespreking, is die raadslid wat die verdaging voorgestel het daarop geregtig om eerste te praat.

(4) As die mosie nie aanvaar word nie, word die bespreking van die aangeleentheid voortgesit asof daar geen onderbreking was nie, en die Speaker mag nie 'n soortgelyke mosie aanvaar alvorens 'n halfuur verstryk het nie.

(9) 'n Raadslid mag nie meer as een mosie vir die verdaging van die debat oor die aangeleentheid in die loop van daardie vergadering voorstel of sekondeer nie.

(5) Die Speaker kan, met afdoende rede, 'n debat vir 'n gespesifiseerde tyd verdaag.

### **Mosie dat aangeleentheid tot stemming gebring word**

**37.** (1) 'n Raadslid wat nog nie aan die bespreking van 'n aangeleentheid deelgeneem het nie, kan by afhandeling van enige toespraak oor daardie aangeleentheid voorstel "dat die aangeleentheid tot stemming gebring word".

(2) Die mosie moet gesekondeer word en hoef nie skriftelik te wees nie.

(3) Onderworpe aan subreël (4) is 'n mosie waarna verwys word in subreël (1) nie oop vir bespreking nie.

(4) Die raadslid wat die oorspronklike mosie onder bespreking voorgestel het, kan wanneer 'n mosie soos na verwys in subreël (1) voorgestel is, oor daardie oorspronklike mosie praat, waarna die mosie waarna in subreël (1) verwys word tot stemming gebring moet word sonder enige verdere bespreking.

(5) As die mosie soos na verwys in subreël (1) nie aanvaar word nie, word die vergadering voortgesit asof daar geen onderbreking was nie, en die Speaker mag nie 'n soortgelyke mosie aanvaar nie.

### **Mosie dat aangeleentheid van sakelys verwyder word**

38. (1) 'n Raadslid wat nog nie aan die bespreking van 'n aangeleentheid deelgeneem het nie, kan by afhandeling van enige toespraak oor daardie aangeleentheid voorstel "dat die aangeleentheid van die sakelys verwyder word".

(2) Die mosie moet gesekondeer word en hoef nie skriftelik te wees nie.

(3) Onderworpe aan subreël (4) is 'n mosie waarna verwys word in subreël (1) nie oop vir bespreking nie.

(4) Die raadslid wat die oorspronklike mosie onder bespreking voorgestel het, kan wanneer 'n mosie soos na verwys in subreël (1) voorgestel is, oor daardie oorspronklike mosie praat, waarna die mosie waarna in subreël (1) verwys word tot stemming gebring moet word sonder enige verdere bespreking.

(5) As die mosie waarna verwys word in subreël (1) aanvaar word, moet die aangeleentheid uit die sakelys van die vergadering verwyder word en mag nie verder by daardie vergadering nagevolg word nie.

(6) As die mosie soos na verwys in subreël (1) nie aanvaar word nie, word die vergadering voortgesit asof daar geen onderbreking was nie, en die Speaker mag nie 'n soortgelyke mosie aanvaar nie.

### **Mosie om aangeleentheid na komitee te verwys**

39. (1) 'n Raadslid mag, by afsluiting van enige toespraak oor 'n aangeleentheid, voorstel "dat die aangeleentheid na 'n komitee verwys word".

(2) Die mosie moet gesekondeer word en hoef nie skriftelik te wees nie.

(3) Onderworpe aan subreël (4) is 'n mosie waarna verwys word in subreël (1) nie oop vir bespreking nie.

(4) Die raadslid wat die oorspronklike mosie onder bespreking voorgestel het, kan wanneer 'n mosie soos na verwys in subreël (1) voorgestel is, oor daardie oorspronklike mosie praat, waarna die mosie waarna in subreël (1) verwys word tot stemming gebring moet word sonder enige verdere bespreking.

(5) As die mosie waarna verwys word in subreël (1) aanvaar word, moet die aangeleentheid onder bespreking nie verder by die vergadering nagevolg word nie.

(6) As die mosie soos na verwys in subreël (1) nie aanvaar word nie, word die vergadering voortgesit asof daar geen onderbreking was nie, en die Speaker mag nie 'n soortgelyke mosie aanvaar nie.

### **Terugtrekking van mosies of vrae**

**40.** (1) 'n Raadslid wat 'n mosie voorgestel het, kan dit op enige tydstip terugtrek met die toestemming van die Raad en die raadslid wat dit gesekondeer het.

(2) 'n Raadslid mag nie oor 'n mosie praat nadat die Raad toegestem het dat die mosie teruggetrek mag word nie.

(3) 'n Raadslid wat 'n vraag gevra het, kan dit, sonder toestemming van die Raad, terugtrek op enige tydstip voordat die vraag beantwoord word.

### **Afwesigheid van raadslid wat kennis van mosie of vraag gegee het**

**41.** As die raadslid wat kennis van 'n mosie of 'n vraag gegee het nie teenwoordig is wanneer die Speaker hom of haar versoek om die mosie voor te stel of die vraag te vra nie, kan die mosie voorgestel of die vraag gevra word deur enige ander raadslid.

### **Herinstelling van mosies of vrae**

**42.** (1) 'n Mosie wat deur die Raad verwerp is, of 'n vraag wat beantwoord is, kan nie weer voorgestel word of gevra word binne 'n tydperk van drie (3) maande vanaf die vergadering waarop dit verwerp of beantwoord is nie, behalwe met die toestemming van die Raad.

(2) 'n Raadslid wat 'n mosie of vraag wil herinstel, moet die Speaker skriftelik kennis gee.

(3) As die Speaker 'n kennisgewing ontvang soos na verwys in subreël (2) moet hy die kennisgewing op die sakelys van die volgende vergadering plaas.

**Mosies of vrae oor aangeleenthede wat na komitee verwys is**

**43.** (1) 'n Raadslid mag nie kennis gee van 'n mosie of vraag ten opsigte van enige aangeleentheid wat vir oorweging voor 'n komitee dien nie, tensy die kennisgewing van die mosie of vraag —

(a) ook aan daardie komitee voorgelê is; of

(b) dit deel is van die verwysing van die aangeleentheid na daardie komitee vir oorweging en verslagdoening.

(2) 'n Lid van 'n komitee kan, as hy of sy van mening is dat die aangeleentheid 'n saak van dringendheid is, kennis gee van 'n mosie of vraag oor 'n aangeleentheid wat na die komitee verwys is, ondanks die feit dat die mosie of vraag nog nie by daardie komitee ingedien of deur die komitee oorweeg is nie.

**Aanbeveling deur Uitvoerende Burgemeester of uitvoerende komitee**

**44.** (1) 'n Aanbeveling vervat in 'n verslag wat deur die Uitvoerende Burgemeester aan die Raad voorgelê is, sal geag word as voorgestel deur die Uitvoerende Burgemeester.

(2) Die mosie hoef nie gesekondeer te word nie.

(3) Die Uitvoerende Burgemeester of enige lid van die uitvoerende burgemeesterskomitee mag oor die aangeleentheid praat en repliek lewer, maar in sy of haar repliek moet hy of sy hom- of haarself streng by antwoorde oor die aangeleentheid bepaal en mag nie enige nuwe aangeleentheid by die bespreking inlui nie.

**HOOFSTUK 7****WETGEWENDE PROSES****Indiening van konsepverordeninge**

**45.** Ingevolge artikel 12 van die Stelselwet kan 'n konsepverordening slegs deur 'n raadslid of 'n komitee ingedien word.

**Indiening van konsepverordeninge deur raadslede**

**46.** (1) 'n Raadslid dien 'n konsepverordening in deur dit, tesame met 'n memorandum oor sy bedoeling, aan die Speaker voor te lê.

(2) Die Speaker moet die kommentaar van die munisipale bestuurder op die inhoud van die konsepverordening bekom en kan die kommentaar van enige ander persoon versoek.

(3) Die Speaker moet 'n konsepverordening, tesame met enige kommentaar wat ontvang is ingevolge subreël (2), aan die Uitvoerende Burgemeester, as die munisipaliteit só 'n burgemeester of komitee het, voorlê vir 'n verslag en aanbeveling ingevolge artikel 30(5) van die Strukturewet.

(4) Die Uitvoerende Burgemeester moet binne drie (3) maande van ontvangs van 'n konsepverordening vanaf die Speaker die konsepverordening oorweeg en besluit om dit óf te ondersteun óf nie te ondersteun nie.

(5) As die Uitvoerende Burgemeester besluit om die konsepverordening te ondersteun, moet die munisipale bestuurder ingevolge reël 48 die konsepverordening vir openbare kommentaar publiseer.

(6) As die Uitvoerende Burgemeester besluit om nie die konsepverordening te ondersteun nie, moet die Uitvoerende Burgemeester 'n verslag aan die Raad voorlê waarin die volgende uiteengesit word:

- (a) 'n beknopte oorsig van die konsepverordening;
- (b) 'n memorandum oor die bedoeling van die konsepverordening;
- (c) die inhoud van die konsepverordening;
- (d) ander verordeninge wat herroep of gewysig sal moet word as die konsepverordening aanvaar word;
- (e) enige tersaaklike kommentaar of voorstelle;
- (f) die redes waarom die konsepverordening nie ondersteun word nie; en
- (g) 'n aanbeveling.

(7) Nadat die verslag soos na verwys in subreël (6) oorweeg is, moet die Raad besluit om óf die konsepverordening te verwerp óf om die aanvang van die wetgewende proses soos uiteengesit in reëls 48 en 49 ten opsigte van die konsepverordening goed te keur.

(8) Wanneer 'n konsepverordening deur die Raad verwerp is, mag geen verordening met dieselfde hoofinhoud binne 'n tydperk van ses (6) maande vanaf die datum van verwerping ingelei word nie.



(9) Wanneer die aanvang van die wetgewende proses ten opsigte van 'n konsepverordening ingevolge subreël (7) goedgekeur is, moet die konsepverordening ingevolge reël 48 vir openbare kommentaar gepubliseer word.

(10) As die munisipaliteit nie 'n Uitvoerende Burgemeester het nie, moet die raadslid wat die konsepverordening ingedien het 'n verslag aan die Raad voorlê waarin die aangeleenthede soos na verwys in subreël (6)(a) tot (g) uiteengesit word waarna die prosedures soos uiteengesit in subreëls (7) tot (9) van toepassing sal wees.

### **Indiening van konsepverordeninge deur Uitvoerende Burgemeester**

**47.** (1) 'n Uitvoerende Burgemeester dien 'n konsepverordening in deur dit, tesame met 'n memorandum oor sy bedoeling, aan die Speaker en die munisipale bestuurder voor te lê.

(2) Die munisipale bestuurder moet die konsepverordening ingevolge reël 48 vir openbare kommentaar publiseer.

### **Publisering van konsepverordeninge**

**48.** Die munisipale bestuurder moet so gou as moontlik nadat —

- (a) die Uitvoerende Burgemeester besluit het om die konsepverordening onder reël 46(5) te ondersteun;
- (b) die Raad ingevolge reël 46(7) goedkeuring verleen het vir die aanvang van die wetgewende proses; of
- (c) die Uitvoerende Burgemeester 'n konsepverordening ingevolge reël 47(1) ingelei het

die konsepverordening ingevolge artikel 12(1)(b) van die Stelselwet vir minstens 30 dae vir openbare kommentaar publiseer, tensy die Raad 'n korter tydperk goedgekeur het.

### **Oorweging van konsepverordeninge**

**49.** (1) Die munisipale bestuurder moet, so gou as moontlik ná die sluitingsdatum vir openbare kommentaar soos na verwys in reël 48, 'n verslag voorlê aan die Raad of, as die munisipaliteit 'n Uitvoerende Burgemeester het, aan die burgemeester, tesame met —

- (a) 'n afskrif van die konsepverordening;
- (b) afskrifte van die advertensies waarin die publiek genooi word om versoë te rig;

- (c) enige kommentaar wat vanaf die publiek ontvang is; en
  - (d) enige ander kommentaar of aanbevelings van die munisipale bestuurder.
- (2) Die Uitvoerende Burgemeester, as die munisipaliteit só 'n burgemeester het, moet die verslag deur die munisipale bestuurder oorweeg en moet —
- (a) 'n verslag aan die Raad voorlê waarin die volgende uiteengesit word:
    - (i) 'n beknopte oorsig van die konsepverordening,
    - (ii) 'n memorandum oor die bedoeling van die konsepverordening,
    - (iii) die beskouing van die Uitvoerende Burgemeester oor die behoefte aan die konsepverordening,
    - (iv) die inhoud van die konsepverordening,
    - (v) ander verordeninge wat herroep of gewysig sal moet word as die konsepverordening aanvaar word, en
    - (vi) enige tersaaklike kommentaar of voorstelle; en
  - (b) by die Raad aanbeveel om die verordening aan te neem, die verordening in 'n gewysigde vorm aan te neem of die verordening te verwerp.
- (3) Wanneer 'n konsepverordening deur die Raad verwerp is, mag geen verordening met dieselfde hoofinhoud binne 'n tydperk van ses (6) maande vanaf die datum van verwerping ingelei word nie.
- (4) Wanneer 'n verordening aangeneem is, moet dit ingevolge artikel 13 van die Stelselwet gepubliseer word.

## HOOFSTUK 8

### DIVERSE AANGELEENTHEDE

#### Amptelike tale

- 50.** Enige een wat by 'n vergadering praat, mag enige van die drie amptelike tale gebruik wat deur die Grondwet van die Wes-Kaap, 1997, erken word, naamlik Afrikaans, Engels en isiXhosa.

## Munisipale werknemers

- 51.** (1) Die werknemers van die munisipaliteit wat 'n vergadering bywoon, moet die reëls en betaamlike gedrag handhaaf wat op raadslede van toepassing is.
- (2) 'n Munisipale werknemer moet 'n vergadering bywoon indien so versoek deur die munisipale bestuurder.

## Oortredings en strawwe

- 52.** (1) 'n Raadslid of 'n lid van die publiek wat —
- (a) weier om te onttrek van 'n vergaderlokaal van die Raad of 'n komitee indien so ingevolge reël 19(3)(b) deur die Speaker of voorsitter van 'n vergadering gelas; of
  - (b) terugkeer na 'n vergadering waaraan hy ingevolge reël 19(3)(b) gelas is om te onttrek of van verwyder is,
- kan deur brute krag verwyder word en is skuldig aan 'n oortreding en kan, by skuldigbevinding, 'n boete of gevangenisstraf opgelê word vir 'n tydperk van nie langer nie as ses (6) maande of beide sodanige boete en sodanige gevangenisstraf.
- (2) Geen raadslid of lid van die publiek mag —
- (a) onbehoorlik inmeng met —
    - (i) 'n raad of komitee of die voormelde in die uitoefening van sy gesag of die verrigting van sy funksies verhinder nie, of
    - (ii) 'n raadslid of die voormelde in die verrigting van sy of haar funksies as 'n raadslid verhinder nie;
  - (b) dreig om of fisies verhoed dat 'n raadslid na 'n vergadering van 'n raad of 'n komitee mag gaan;
  - (c) 'n raadslid aanrand of dreig, of 'n raadslid ontnem van enige voordeel gegrond op die optrede van 'n raadslid in 'n Raad- of komiteevergadering;
  - (d) terwyl 'n raad of komitee vergader enige steurnis in die omstreke skep of daaraan deelneem;

- (e) nalaat of weier om 'n instruksie van die persoon wat voorsit by 'n vergadering van 'n raad of komitee te gehoorsaam rakende die teenwoordigheid van enige persoon by daardie vergadering; of
  - (f) nalaat of weier om 'n instruksie van 'n behoorlik gemagtigde amptenaar van die Raad te gehoorsaam rakende —
    - (i) die teenwoordigheid van persone by 'n spesifieke vergadering van die Raad of 'n komitee, of
    - (ii) die besit van enige artikel, ingeslote 'n vuurwapen, in die omstreke of enige afdeling daarvan.
- (3) 'n Persoon mag nie by wyse van bedrog, intimidasie, dwang, hoon of 'n dreigement van enige aard, of by wyse van 'n aanbod of belofte van enige aansporing of bevoordeling van watter aard ook al, of op enige ander onbetaamlike wyse —
- (a) 'n raadslid in die uitvoering van die funksies van daardie raadslid beïnvloed nie;
  - (b) 'n raadslid oorhaal om hom- of haarself van 'n Raad- of komiteevergadering te verskoon nie; of
  - (c) probeer om 'n raadslid te oortuig om 'n stem ten gunste van of teen enige aangeleentheid uit te bring wat voor die Raad of 'n komitee dien nie of wat na verwagting aan die Raad of komitee voorgehou of ingedien gaan word.
- (4) 'n Persoon, met inbegrip van 'n raadslid, wat subreëls (2) en (3) oortree, is skuldig aan 'n oortreding en kan, by skuldigbevinding, 'n boete of gevangenisstraf opgelê word vir 'n tydperk wat nie drie (3) jaar oorskry nie of beide die boete én die gevangenisstraf opgelê word.

### **Korttitel**

- 53.** Hierdie verordening staan bekend as die Verordening op Ordereëls vir Interne Reëlins, 2018.

## **UMTHETHO GABALALA KAMASIPALA OMALUNGA NEMIGAQO YOKUMA KWEENTLANGANISO ZEBHUNGA LASEWITZENBERG KUNYE NEEKOMITI ZALO**

**Ukunika imiGaqo yokuMa kwamalungiselelo angaphakathi kunye nemisebenzi kwaneenkqubo zeBhunga loMasipala waseWitzenberg kunye neeKomiti zalo; kwanokulungiselela imiba enxulumene noko.**

### **ISIQULATHO**

#### **IS AHLUKO SOKU-1**

##### **INTSHAYELELO**

1. lingcaciso
2. Ukusetyenziswa kwale migaqo
3. Umsebenzi kaSomlomo, ookhansila kunye nabahlali

#### **IS AHLUKO SESI-2**

##### **IINTLANGANISO**

4. Imiba yengxoxo
5. I-ajenda
6. Iintlanganiso
7. Imisebenzi kaSomlomo ngokunxulumene neentlanganiso
8. Ukuhanjwa kweentlanganiso ngookhansila
9. Inkqubo yezingxengxezo ezintlanganisweni
10. Izohlwayo zokuphosa iintlanganiso
11. Imizuzu
12. Ikhoram

#### **IS AHLUKO SESI-3**

##### **IZIGQIBO**

13. Imiba engaphikiswanga
14. Imiba ephikisiweyo
15. Izigqibo

#### **ISAPHLUKO SESI-4**

##### **UKUYA KWABAPHLALI EZINTLANGANISWENI**

16. Ukuya kwabahlali ezintlanganisweni
17. Ukungavunyelwa kwabahlali ezintlanganisweni
18. Ukubuyiselwa kwabahlali ezintlanganisweni

#### **ISAPHLUKO SESI-5**

##### **INDLELA YOKUZIPHATHA EZINTLANGANISWENI**

19. Indlela yokuziphatha kwookhansila kunye nabahlali

#### **ISAPHLUKO SESI-6**

##### **IINGXOXO NEZIPHAKAMISO**

20. Ukuthetha noSomlomo
21. Ilungelo lokuthetha kunye nokwalelwa kwalo
22. UkuLawulwa kweNgxoxo
23. Umxholo wengxoxo
24. Iziphakamiso zokuba ubani uphumile emxholweni
25. Iingcaciso
26. Iziphakamiso
27. Ukuthathelwa ingqalelo kwesiphakamiso
28. Imibuzo
29. Iziphakamiso zemiba engxamisekileyo
30. Iziphakamiso ezithethelelayo
31. Ukuhlakulela ingxoxo
32. Iziphakamiso zohlaziyo
33. Isiphakamiso sokunqunyanyiswa komba
34. Isiphakamiso sokunqunyanyiswa kwentlanganiso iphinde iqhutywe ngenye imini
35. Isiphakamiso sokunqunyanyiswa kwentlanganiso iphinde iqhutywe ngexesha elithile
36. Isiphakamiso sokunqunyanyiswa kwengxoxo iphinde iqhutywe ngexesha elithile
37. Isiphakamiso sokuvotelwa komba othile
38. Isiphakamiso sokususwa komba othile kwiajenda
39. Isiphakamiso sokuba umba othile udluliselwe kwikomiti
40. Ukurhoxiswa kwemibuzo okanye iziphakamiso
41. Ukungabikho kukakhansila ophakamise umba okanye umbuzo
42. Ukuvuselelwa kwemibuzo okanye iziphakamiso

43. Iziphakamiso okanye imibuzo emalunga nemiba edluliselwe kwikomiti
44. Izindululo zikaSodolophu okanye isiGqeba esiLawulayo

### **ISAPHLUKO SESI-7**

#### **INKQUBO YEZOMTHETHO**

45. Ukwaziswa kwemithetho esayilwayo kamasipala
46. Ukwaziswa kwemithetho esayilwayo kamasipala isaziswa ngookhansila
47. Ukwaziswa kwemithetho esayilwayo kamasipala nguSodolophu weSithili, uSodolophu kaMasipala weNdawo okanye ikomiti
48. Ukupapashwa kwemithetho esayilwayo kamasipala
49. Ukuthathelwa ingqalelo kwemithetho esayilwayo kamasipala

### **ISAPHLUKO SESI-8**

#### **IMIBA GABALALA**

50. Iilwimi ezisemthethweni
51. Abasebenzi bakamasipala
52. Ukungalandelwa komthetho
53. Isihloko esifutshane

## ISAHLUKO SOKU-1

### INTSHAYELELO

#### lingcaciso

1. Ngaphandle kokuba ngomnye umxholo, kulo Mthetho kaMasipala, kuquka imigaqo ebekwe apha —

**“iNdlela yokuziPhatha”** ithetha iNdlela yokuziPhatha yooKhansila, njengoko ibekwe kwiShedyuli yoku-1 yoMthetho weeNdlela zokuSebenza zikaMasipala;

**“ikomiti”** ithetha ikomiti esekwe liBhunga ngokwecandelo lama-79 loMthetho wamaCandelo kaMasipala;

**“iBhunga”** lithetha ibhunga likamasipala loMasipala waseWitzenberg;

**“ukhansila”** uthetha ilungu leBhunga, kuquka ilungu lesigqeba elimele umbutho wezopolitiko, njengoko licaciswe kwicandelo loku-1 loMthetho weeNdlela zokuSebenza zikaMasipala;

**“uMgaqo-siseko”** uthetha uMgaqo-siseko weRiphabliki yoMzantsi Afrika, ka-1996;

**“intlanganiso”** ibhekisa kuyo nayiphi intlanganiso yeBhunga;

**“ilungu”** lithetha ilungu lekomiti;

**“umhlali”** uthetha umntu ongengokhansila okanye ongaqeshwanga ngumasipala nochophele intlanganiso yeBhunga okanye yekomiti;

**“umasipala”** uthetha umasipala waseWitzenberg;

**“UMlawuli kaMasipala”** uthetha umntu oqeshwe liBhunga njengomlawuli kamasipala, ngokwecandelo 54A loMthetho weeNdlela zokuSebenza zikaMasipala, okanye umntu onyulwe nguMlawuli kaMasipala;

**“UMphathiswa wePhondo”** uthetha uMphathiswa wePhondo ojongene norhulumente weendawo ePhondweni;

**“imigaqo”** ithetha imigaqo ebekwe kulo Mthetho kaMasipala;

**“umGcini-mthetho”** uthetha umntu oqeshwe nguMasipala, onokucelwa nguSomlomo ukuba agcine ucwangco ngethuba ngethuba leentlanganiso zebhunga yaye ancediswe ngabo basebenzi bafaneleke kuloo meko;



**“uSomlomo”** uthetha uSomlomo weBhunga onyulwe phantsi kwecandelo lama-36 loMthetho wamaCandelo kaMasipala okanye ukhansila onyulwe njengeBambela-Somlomo, phantsi kwecandelo lama-41 loMthetho wamaCandelo kaMasipala;

**“uMthetho wamaCandelo kaMasipala”** uthetha uRhulumente weNdawo: uMthetho wamaCandelo kaMasipala (iMunicipal Structures Act), ka-1998 (uMthetho we-117 ka-1998);

**“uMthetho weeNdlela zokuSebenza zikaMasipala”** uthetha uRhulumente weNdawo: UMthetho weeNdlela zokuSebenza zikaMasipala (iMunicipal System Act), ka-2000 (uMthetho wama-32 ka-2000);

**“iSabhokhwe”** sithetha ilungu leBhunga likaMasipala elichongwa ngumbutho wezopolitiko ngamnye ukuba liwumele kwiBhunga;

**“usuku lomsebenzi”** luthetha usuku lweveki olungengoMgqibelo okanye iCawa lungeyiyo neholide kawonke-wonke.

### **Ukusetyenziswa kwale migaqo**

2. (1) Le migaqo iya kusebenza kuzo zonke iintlanganiso.
- (2) Umgaqo ngamnye osebenza kukhansila kuyo nayiphi indibano, ukwasebenza nakumhlali othatha inxaxheba kuloo ndibano, ngaphandle kwaxa ungangeni ndawo loo mgaqo.
- (3) Le migaqo isebenza kuzo zonke iintlanganiso zeekomiti, ngaphandle kweekomiti ezisekwe ngokwenqaku 14(1) (b) leNdlela yokuziPhatha kunye necandelo lama-62 loMthetho weeNdlela zokuSebenza zikaMasipala; nantoni na ebhekisa kwiBhunga ikwabhekisa kwikomiti, yaye nantoni na ebhekisa kuSomlomo ikwabhekisa kusihlalo wekomiti okanye umntu osebenza njengosihlalo wekomiti, ngaphandle kokuba oko akufanelekanga kuloo meko.

### **Umsebenzi kaSomlomo, ookhansila kunye nabahlali**

3. USomlomo, ookhansila kunye nabahlali kufuneka bayifunde bayiqonde le migaqo.

## **ISAPHLUKO SESI-2**

### **IINTLANGANISO**

#### **Ukuma kokwenziwa komsebenzi**

4. (1) Iintlanganiso zesiqhelo ziya kuma ngolu hlobo lulandelayo, ngaphandle kokuba kuye kwatshintshwa ngokomgaqwana (2)-

- (a) ukunyulwa kwebambela-somlomo, xa kuyimfuneko;
- (b) *ukufakwa kwesingxengxezo;*
- (c) ukuvunywa kwemizuzu;
- (d) iintetho neembalelwano zikaSomlomo;
- (e) iintetho neembalelwano zikaSodolophu okanye isiGqeba esiLawulayo;
- (f) ukunikwa nokuxoxwa kweengxelo;
- (g) *ingxelo malunga nokunikezelwa kwamagunya;*
- (h) imiba engxamisekileyo efakwe nguMlawuli kaMasipala;
- (i) ukujongwa kweziphakamiso;
- (j) ukujongwa kwemibuzo;
- (k) ukujongwa kwemiba engxamisekileyo ephakanyisiweyo; kunye
- (l) nokunqunyanyiswa kwentlanganiso.

- (2) USomlomo unokuyitshintsha imiba yengxoxo ekwajenda.

- (3) Kufuneka ukhansila ongathanda ukuba kutshintshwe imiba yengxoxo ekwajenda aqale athethe noSomlomo kwangaphambi kwentlanganiso.

### **IMiba yeNtlanganiso**

5. (1) Kufuneka uSomlomo okanye uMlawuli kaMasipala kungenjalo umntu othunywe nguMlawuli kaMasipala alungise iajenda yentlanganiso.
- (2) USomlomo unokuthi afake umba obalulekileyo ongaveliyo kwiajenda, nangaliphi ixesha ngethuba lentlanganiso, ngaphandle kokuba iBhunga lithi makwenziwe ngenye indlela.
- (3) Akukho mba unokuxoxwa entlanganisweni ube ungaveli kwiajenda, ngaphandle kwawo nawuphi umba othathwa nguSihlalo waloo ntlanganiso njengongxamisekileyo abe noSihlalo ofanelekileyo ewuthatha njengongxamisekileyo, ngaphandle kokuba kulandelwa indlela ebekwe kule migaqo okanye ngokomgaqwana (2).
- (4) UMlawuli kaMasipala unokuphakamisa imiba ayithatha njengekungxamisekileyo ukuba ithathelwe izigqibo liBhunga. Umba uya kuthathwa njengongxamisekileyo ukuba eso sigqibo sifunekayo sinokuthi xa sithe salibaziseka kubekho ukudleleka kweBhunga kunye/okanye nomsebenzi walo.

### **Iintlanganiso**

6. (1) Kufuneka iBhunga lidibane ubuncinane qho ngekota, njengoko kubekiwe kwicandelo 18(2) loMthetho wamaCandelo kaMasipala.
- (2) Kufuneka zonke iintlanganiso zivuleleke kubahlali, ngaphandle kokuba abavumelekanga phantsi komgaqo we-17.
- (3) USomlomo uthatha izigqibo malunga nokuba iBhunga lidibana nini yaye lidibanela phi, ngokomgaqwana (1).
- (4) Kufuneka uMlawuli kaMasipala, okanye xa engekho, umntu onyulwe nguMlawuli kaMasipala azise ukhansila ngamnye kunye nabahlali ngokubanzi malunga nazo zonke iintlanganiso.
- (5) Xa singenamntu isikhundla sikaSomlomo, uMlawuli kaMasipala okanye, xa engekho uMlawuli kaMasipala, umntu onyulwe nguMphathiswa wePhondo kufuneka —
  - (a) abize intlanganiso yesikhawu apho kuza kunyulwa khona usomlomo okanye ibambela-somlomo; yaye
  - (b) azise ukhansila ngamnye kunye nabahlali ngokubanzi malunga nentlanganiso leyo.

- (6) (a) USomlomo unokubiza intlanganiso yesikhawu nangaliphi na ixesha alibona lifanelekile, naxa ethe wabhalelwa sisininzi sookhansila bemcela ukuba abize le ntlanganiso, ngokuxhomekeke ekubeni loo ntlanganiso ayiyi kuchotshelwa de babe bonke ooKhansila banikwe isaziso kwithuba elingaphezu kweeyure ezingama-48 phambi komhla nexesha lentlanganiso leyo.
- (b) Eso saziso sivela kwisininzi sookhansila kufuneka siwucacise owona mcimbi ubizelwa loo ntlanganiso yesikhawu yebhunga. Akukho mcimbi wumbi unokuxoxwa kwintlanganiso yesikhawu yebhunga.
- (7) Esi saziso kuthethwe ngaso kumgaqwana (4) no-(5) kufuneka sibeke umhla, ixesha nendawo yaloo ntlanganiso yaye kufuneka —
- (a) sibhalwe phantsi, sikhathshwe yiajenda xa sisisiwa kukhansila ngamnye ngayo nayiphi na indlela eza kwenza ukuba asifumane kwangethuba;
- (b) sipapashwe kwiphephandaba lendawo elikhethwe nguMlawuli kaMasipala okanye umntu onyulwe nguye; yaye
- (c) sixhonywe kwibhodi yezaziso ekwiofisi kandlunkulu kamasipala.
- (8) UMlawuli kaMasipala okanye umntu onyulwe nguye phantsi komgaqwana (4) okanye we-(5) unokungazilandeli ncam iimfuno ezibekwe kumgaqwana (6)(b) kwintlanganiso engxamisekileyo okanye yesikhawu, xa ixesha lingavumi.
- (9) Kufuneka kukhutshwe isaziso sentlanganiso esisayinwe nguSomlomo, okanye uuMlawuli kaMasipala ukuba nguye othunywe nguSomlomo, esixela imiba ekucetywa ukuba ixoxwe apho kuloo ntlanganiso, saziso eso siya kushiywa okanye sisiwe kwindawo efikelekayo apho kwamasipala, ndawo leyo iya kumana ibekwa liBhunga amaxesha ngamaxesha / sithunyelwe ngeimeyile kwidilesi enikwe liBhunga njengedilesi esesikweni yaloo mntu ubuncinane kwiintsuku ezisi-7 phambi kwentlanganiso yesiqhelo yeBhunga yaye kubuncinane beeyure ezingama-48 phambi kwayo nayiphi iNtlanganiso eKhethekileyo yeBhunga.
- (10) Xa uKhansila othile ethe walityalwa ukuthunyelelwa isaziso sentlanganiso, loo nto ayiyi kwenza ukuba ingaqhubeki loo ntlanganiso.

### **Imisebenzi kaSomlomo ngokunxulumene neentlanganiso**

7. (1) USomlomo kufuneka abe ngusihlalo lakufika ithuba lentlanganiso ebekiweyo.
- (2) Ngaphezu kwemisebenzi ebalulwe kwicandelo lama-37 loMthetho wamaCandelo kaMasipala kunye nawo nawuphi na omnye umthetho, uSomlomo —

- (a) kufuneka agcine ucwangco ezintlanganisweni;
  - (b) kufuneka anike ilizwi lokugqibela ngokunxulumene nombuzo okanye umba ophakanyiswe ngukhansela othile, kuquka umbuzo onxulumene nokuba kuhlalwe emxholweni wentlanganiso; aze
  - (c) abe nokunika ilizwi lokugqibela malunga nayo nantoni na eyenzeka entlanganisweni ibe ingachatshazelwanga kule migaqo.
- (3) Esi sigqibo sibalulwe kumgaqwana (2) kufuneka sifakwe kwimizuzu yentlanganiso.

### **Ukuhanjwa kweentlanganiso ngookhansila**

#### **Kuya kufuneka ukuba uKhansila—**

- 8.1 Aye kwintlanganiso nganye aze asayine igama lakhe kwiphepha lobhaliso lwabakhoyo, ngokwenqaku lesi-3 weNdlela yokuziPhatha, umgaqo we-9 kunye nowe-19.
- 8.2 Azixele kwiBhunga okanye nayiphi ikomiti alilungu layo xa kukho umba oza kuxoxwa libhunga okanye ikomiti leyo onokuthi umchaphazele yena buqu okanye ishishini lakhe labucala, okanye kuchaphazeleka umlingane wakhe nokwasemtshatweni, ihlakani lakhe ngokoshishino;
- 8.3 Arhoxe kwiingxoxo zentlanganiso yebhunga okanye yekomiti xa kuxoxwa loo mba umchaphazelayo, ngaphandle kokuba ibhunga okanye ikomiti leyo ithathe isigqibo sokuba ukuchaphazeleka okungqalileyo okanye okungangqalanga kwaloo khansila akubalulekanga kuloo mba uxoxwayo. Ukhansila oye wabika ukuchaphazeleka kwakhe uya kuthi, ngemvume yesininzi samalungu ebhunga okanye ekomiti, athethe nebhunga okanye ikomiti leyo malunga naloo mba achaphazeleka kuwo ingekaqaliswa ingxoxo kunye nevoti malunga nawo, kodwa oko kuya kusoloko kuxhomekeke ekubeni uSomlomo okanye usihlalo ugqibe ekubeni ukhansila lowo ayenze nini loo ntetho.
- 8.4 Ukhansila ochaphazelekayo, okanye onomlingane wasemtshatweni, ihlakani lezoshishino, kungenjalo isizalwane esinomdla wokuzuza kwikhontrakthi ekhutshwe ngumasipala, kufuneka afake iinkcukacha ezipheleleyo zaloo nzuzo ayaziyo ukhansila lowo, loo nto eyenza kwintlanganiso yokuqala yebhunga okanye yekomiti yebhunga ekukwazekayo kuyo ukuba ukhansila lowo abike ukuchaphazeleka kwakhe okanye komntu amaziyo.

- 8.5 Lo mgaqo awungeni xa loo nzuzo okanye umdla apho ukhansila, okanye umlingane wasemtshatweni, ihlakani lezoshishino okanye isizalwane sichaphazeleka kunye nabanye abahlali okanye abahlawuli beenkonzi zikamasipala lowo.

### **Inkqubo yezingxengxezo ezintlanganisweni**

9. (1) Xa ukhansila engazi kubakho entlanganisweni, kufuneka afake isicelo kuSomlomo ngokusayina ifomu yekhefu aze loo fomu yekhefu igcwalisiweyo ayise kuMlawuli kaMasipala kwithuba elibubuncinane beeyure ezingama-72 phambi kwentlanganiso.
- (2) Kufuneka uMlawuli kaMasipala afake isicelo kuSomlomo phambi kokuba iqale intlanganiso leyo.
- (3) Esakufumana eso sicelo sibalulwe kumgaqwana (1), kufuneka uSomlomo asithathele ingqalelo, yaye unokusivuma okanye asale isicelo eso. Kufuneka uSomlomo amazise ukhansila lowo malunga nesigqibo asithathileyo kubuncinane beeyure ezingama-24 phambi kwentlanganiso.
- (4) USomlomo unokuthi esakubona isizathu esiphathekayo, semeko enikwe ngukhansila engaphaya kwamandla akhe, amvumele ukuba angabikho entlanganisweni ngokomgaqwana (1).
- (5) Ezo meko zingaphaya kwamandla akhe zixelwe kumgaqwana (4) zinokuquka –
- (a) ukugula kukakhansila; okanye
  - (b) ukugula okanye ukusweleka kwesizalwane sikakhansila.
  - (c) nayiphi imeko engxamisekileyo enokumvelela.
- (6) Kufuneka afakwe kwimizuzu amagama abo bonke ookhansila abakhoyo entlanganisweni kunye nabo bonke ookhansila abafake izingxengxezo ezivunyiweyo.
- (7) Ukuba uSomlomo akasivumanga isicelo esibalulwe kumgaqwana (1) kufuneka anike isizathu soko kungasivumi.
- (8) Imigaqwana (1) ukuya ku-(6) iya kusebenza, nangona iya kuba neenguqu ezithile xa ibhekisa kuSomlomo, yaye kwisicelo esinjalo kufuneka xa ibhekisa kuSomlomo ithathwe njengokuba ibhekisa kwiBhunga.

**Izohlwayo zokuphosa iintlanganiso**

10. (1) Ngaphandle kwakwiimeko ezicaciswe kumgaqo 9(4) no-(5), ukhansila uya kuba waphule le migaqo xa ethe engafumananga mvume —
- (a) wangabikho entlanganisweni;
  - (b) wafika sele iqalile intlanganiso; okanye
  - (c) wahamba ingekapheli intlanganiso.
- (2) Ukhansila ongayanga kwiintlanganiso ezintathu ezilandelelanayo abemele ukuya kuzo ngokomgaqo wesi-8, uya kuba waphule imigaqo yale Ndlela yokuziPhatha.
- (3) IBhunga linokunyula ikomiti ekhethekileyo eyenziwa ngookhansila, ukuba iphande ize inike ingxelo kulo malunga nako nakuphi ukwaphulwa kwemigaqwana (1) no-(2) ekucingeleka ukuba kwenzekile.
- (4) Loo komiti ikhethekileyo kufuneka imazise ngokubhaliweyo loo khansila malunga nokutyholwa kwakhe ngokwaphula le migaqo okanye le Ndlela yokuziPhatha. Loo khansila makanikwe iintsuku ezisixhenxe ukususela ekufumaneni kwakhe isaziso ukuba aziphendulele ngokubhaliweyo malunga nezo zityholo abekwa zona.
- (5) Kufuneka iBhunga lithathe isigqibo malunga nokuba waphuliwe na okanye hayi loo mgaqo weNdlela yokuziPhatha, emva kokuba lifumene ingxelo yekomiti ekhethekileyo.
- (6) Ukuba iBhunga limfumanisa ukhansila eyaphule le migaqo ngokomgaqwana (1), kufuneka loo khansila iBhunga limdle i-10% yomvuzo wakhe wenyanga.
- (7) Ukuba iBhunga limfumanisa ukhansila eyaphule le migaqo yeNdlela yokuziPhatha ngokomgaqwana (2), kufuneka iBhunga licele uMphathiswa wePhondo ukuba amgxothe loo khansila.
- (8) Imigaqwana (1) ukuya ku-(7) iya kulungiswa ngokufanelekileyo ukuze isebenze kuSomlomo.

**Imizuzu**

- 11.** (1) Kufuneka uMlawuli kaMasipala —
- (a) adibanise imizuzu yeenkqubo zentlanganiso ezibhaliweyo zingadlulanga iiveki ezimbini zentlanganiso; yaye
- (b) anike ukhansila ngamnye ikopi yemizuzu lingadlulanga ithuba elifanelekileyo.
- (2) Kufuneka imizuzu yentlanganiso iqwalaselwe liBhunga kwintlanganiso yalo elandelayo, ize ithi yakuvunywa isayinwe nguSomlomo.
- (3) Kufuneka uMlawuli kaMasipala agcine irekhodi yemizuzu esayiniweyo.
- (4) Loo mizuzu iya kuthathwa njengefundliweyo, ngokomgaqwana (2), xa iye yanikwa ukhansila ngamnye kwangethuba elifanelekileyo ukuze bayifunde kwangaphambi kwentlanganiso.
- (5) Akukho mba uphakanyiswayo okanye ngxoxo iya kuvunyelwa emva kokuvunywa kwemizuzu, ngaphandle kokuba loo mba unento yokwenza nokuchaneka kwemizuzu leyo.
- (6) Ukuba ukhansila akaneliseki kukuchaneka kwemizuzu, kufuneka —
- (a) axele loo mba anganelisekanga nguwo; aze
- (b) aphakamise umba ocacisa eyona ndlela imele ukubekwa ngayo loo nto ayilungisayo kwimizuzu.
- (7) Imizuzu yentlanganiso mayibeke umhla, ixesha nendawo ebiqhubeke kuyo loo ntlanganiso kunye nezigqibo okanye izinto eziza kwenziwa ngokwezigqibo zaloo ntlanganiso.

**Ikhoram**

- 12.** (1) Ikhoram yenziwa sisininzi sookhansila ababalulwe kwicandelo 30 (1) loMthetho wamaCandelo kaMasipala.
- (2) Ukuba ayenzeki ikhoram ngexesha elibekelwe intlanganiso, kufuneka uSomlomo achophele indawo yokuba ngusihlalo xa iphelela ikhoram.



- (3) Rhoqo xa ingenzeki ikhoram kufuneka intlanganiso ilityaziswe ithuba elingedlulanga kwimizuzu engama-30, yaye ukuba ayikabikho ikhoram nasemva kwelo thuba, kufuneka uSomlomo athathe isigqibo sokuyirhoxisela elinye ixesha, umhla nendawo intlanganiso leyo, atsho abhale namagama amalungu akhoyo.
- (4) Ngalo lonke ixesha uSomlomo engekho yaye ingenzeki nekhoram, kufuneka intlanganiso leyo ilityaziswe ithuba elingaphezu kwemizuzu engama-30, ze kuthi ukuba ayikenzeki ikhoram xa kuphela elo thuba, ingaqhubeki loo ntlanganiso; yaye kufuneka umlawuli kamasipala abhale amagama abantu abebekho.
- (5) Nanini na apho intlanganiso ingayenziyo ikhoram, kufuneka uSomlomo azirhoxise iingxoxo de kube kukho ikhoram eyaneleyo, ze ukuba ayikabikho ikhoram emva kwemizuzu eli-10 okanye elo thuba longezelelweyo linokuvunyelwa nguSomlomo, uSomlomo ayirhoxise loo ntlanganiso.
- (6) Nanini na apho ithe yarhoxiswa intlanganiso ngenxa yokungapheleli kwekhoram, kufuneka kubhalwe kwimizuzu ixesha lokurhoxiswa kwayo ngokunjalo namagama abo bebhona.
- (7) Kufuneka uSomlomo axele amagama amalungu abengekho kuloo komiti yonyulwe ngokomgaqo 10(3), ukwenzela ukuba kuphandwe malunga nokwaphulwa kwale migaqo.

### ISAHLUKO SESI-3

#### IZIGQIBO

##### **Imiba engaphikiswanga**

13. Nanini na apho iBhunga licelwe ukuba lijonge umba othiwe thaca phambi kwalo, uze loo mba ungaphikiswa nguye nawuphi ukhansila, kufuneka kubhalwe kwimizuzu ukuba loo mba uye wavotelwa ngumntu wonke.

##### **Imiba ephikisiweyo**

14. (1) Kufuneka uSomlomo ayalele ukuba kuvotelwe wonke umba ophikiswayo ngokuthi acele ookhansila ukuba baphakamise izandla bavotele ukuxhasa okanye ukuchasa umba othile, ngaphandle kokuba umthetho okanye iBhunga lithatha esinye isigqibo, apho uSomlomo kufuneka uSomlomo abhengeze isiphumo sovoto olo.

- (2) Emva kokubhengezwa kweziphumo zovoto, ukhansila usenokunyanzelisa ukuba ukuvota kwakhe kubhalwe njengokuchasa eso sigqibo sithathiweyo.
- (3) Ukuba iivoti ziyalingana kuwo nawuphi umba, kufuneka uSomlomo anike ivoti ethatha isigqibo.

### **Izigqibo**

15. (1) Ngokwecandelo 160(3) loMgaqo-siseko, kufuneka ivoti exhasa isininzi sookhansila xa —
  - (a) kuvunywa imithetho kamasipala;
  - (b) xa kuvunywa ibhajethi;
  - (c) kunyanzeliswa iintlawulo zeenkondo zikamasipala kunye neerhafu neemali zikamasipala; okanye
  - (d) kunyuswa imali-mboleko.
- (2) Ngokwecandelo lama-34 loMthetho wamaCandelo kaMasipala, ukuze isigqibo sivunywe liBhunga kufuneka ivoti exhasayo ibe sisibini esithathwini sookhansila.
- (3) Yonke eminye imibuzo eziswe kwiBhunga iya kugqitywa sisininzi seevoti ezinikiweyo, njengoko kubekwe kwicandelo 160(3)(c) loMgaqo-siseko.
- (4) Ukuba iivoti ziyalingana kuwo nawuphi umbuzo, kufuneka uSomlomo anike ivoti ethatha isigqibo.

## **ISAHLUKO SESI-4**

### **UKUYA KWABAHLALI EZINTLANGANISWENI**

#### **Ukuya kwabahlali ezintlanganisweni**

16. Kufuneka uSomlomo athathe amanyathelo afanelekileyo okulawula ukuba ngoobani abahlali abaza kungena entlanganisweni kwanendlela abaziphatha ngayo kwezo ntlanganiso.

### **Ukungavunyelwa kwabahlali ezintlanganisweni**

**17.** (1) Abahlali banokungavunyelwa ukuba bachophele intlanganiso-

- (a) xa etsho njalo uSomlomo; okanye
  - (b) xa kusitsho iBhunga emva kwesiphakamiso esivela kukhansila ocela njalo.
- (2) Xa eso siphakamiso sokungabavumeli abahlali kuloo ntlanganiso siye saxhaswa, kufuneka eso siphakamiso sivotelwe, emva kokuxoxwa kwezizathu zokungavunyelwa kwabo, kodwa ungaxoxwanga umba wokungavunyelwa kwabo.
- (3) Ukuba uyalandelwa umba wokungavunyelwa kwabahlali entlanganisweni, kufuneka kungavunyelwa mhlali kuloo ndawo yentlanganiso, kuquka neentatheli.
- (4) Kufuneka izizathu zoko kungavunyelwa kwabahlali kubhalwe kwimizuzu.

### **Ukubuyiselwa kwabahlali ezintlanganisweni**

- 18.** (1) Kusekunothi ngethuba kuqhuba intlanganiso kubekho ukhansila ophakamisa “ukuvulelwa kwabahlali kwakhona” kwintlanganiso leyo aze abeke izizathu zeso siphakamiso sakhe.
- (2) Ukuba eso siphakamiso siyaxhaswa, kufuneka sivotelwe ngaphandle kokuxoxwa.
- (3) Ukuba eso siphakamiso siyalandelwa, kufuneka uSomlomo aqinisekise ukuba abahlali bayaphinda bavunyelwe ukuba bangene kuloo ntlanganiso.

## **ISAHLUKO SESI-5**

### **INDLELA YOKUZIPHATHA EZINTLANGANISWENI**

#### **Indlela yokuziphatha kwookhansila kunye nabahlali**

- 19.** (1) Kufuneka ookhansila nabahlali bahlale ngocwangco ezintlanganisweni yaye abanakho —
- (a) ukuziphatha ngendlela engamkelekanga;
  - (b) ukuphazamisa ukuqhuba kwentlanganiso;

- (c) ukucela umngeni isigqibo sikaSomlomo okanye nasiphi isiphakamiso sokuba ubani uphumile emxholweni; okanye
  - (d) ukwaphula nayiphi na imigaqo.
- (2) Kufuneka uSomlomo okanye usihlalo wentlanganiso, xa ingeyontlanganiso yebhunga:
- 2.1. Agcine ucwangco ngethuba leentlanganiso.
  - 2.2. Aqinisekise ngokulandelwa kweNdlela yokuziPhatha kookhansila ngethuba leentlanganiso.
  - 2.3. Aqinisekise ukuba iintlanganiso zilandela le migaqo ibekiweyo.
  - 2.4. Aqinisekise ukuba amalungu aziphatha ngendlela enesidima nenocwangco ngethuba lokuqhuba kweentlanganiso.
  - 2.5. Aqinisekise ukuba abahlali abaye kuloo ntlanganiso bahlala kwiindawo ezibekelwe oko.
  - 2.6. Aqinisekise ukuba abahlali abakuloo ntlanganiso baziphatha ngendlela enocwangco yaye bayayilandela nayiphi imigaqo ebekwe nguSomlomo okanye usihlalo waloo ntlanganiso.
  - 2.7. Aqinisekise ukuba uyakhutshwa entlanganisweni nawuphi na ukhansila okanye umhlali ongavumiyo ukulandela isigqibo sikaSomlomo okanye usihlalo.
  - 2.8. Aqinisekise ukuba iSabhokhwe esingummeli weqela ngalinye lezopolitiko kwibhunga likamasipala, sigcina ucwangco ngethuba lentlanganiso nganye.
- (3) Ukuba ukhansila okanye umhlali waphula umgaqwana (1), kufuneka uSomlomo ayalele loo khansila okanye umhlali lowo ukuba ayeke ukwaphula loo mqaqo.
- (4) Ukuba ukhansila okanye umhlali akawuthatheli ngqalelo umyalelo kaSomlomo ngokomgaqwana (2), uSomlomo usenokuyalela loo khansila okanye umhlali lowo —
- (a) ukuba athule ukuba uyathetha; okanye
  - (b) ayishiye intlanganiso okanye akutshwe nguNogada, xa kuyimfuneko oko.

- (5) Ilungu eliye laziphatha kakubi okanye eliye laqhuba nokuphazamisana nokuqhuba kwentlanganiso okanye elingakhange limhloniphe usihlalo linokungavunyelwa entlanganisweni nguSomlomo okanye usihlalo, ithuba alibona lifanelekile ngokuxhomekeke ekubeni kuza kulandelwa inkqubo esesikweni yokulohlwaya emva kwentlanganiso.
- (6) Apho ukhansila angavumiyo ukuphuma entlanganisweni okanye apho kufuneka kukhutshwe ookhansila abaninzi, aze loo khansila/ abo khansila bangavumi ukuphuma entlanganisweni, uSomlomo uya kucela uNogada ukuba amkhuphe loo khansila/ abakhuphe abo khansila kwindawo yentlanganiso. Ukuba loo nto ayinakwenzeka ngendlela enocwangco, usihlalo angayinqumamisa ithuba lemizuzu eli-15 intlanganiso leyo esenzela ukuba abo khansila baphume okanye bakhutshwe kwindawo yentlanganiso. Ukuba kuthe xa kuphinda kuqhutywa intlanganiso wabe loo khansila/ abo khansila bengekaphumi okanye bakhutshwe, intlanganiso inokuphinda inqunyanyiselwe eminye imizuzu eli-10 ukwenzela ukulungisa loo meko. Usihlalo unokuthatha isigqibo sokuba intlanganiso iye kuqhutyelwa kwenye indawo, emva kokunqunyanyiswa kwayo okwesibini, aze angavunyelwa kuloo ndawo intsha nawuphi ukhansila okanye ookhansila abebeyalelwe ukuba baphume okanye abebekhutshiwe entlanganisweni. UNogada webhunga uya kuqinisekisa ukuba loo khansila/abo khansila abangeni kuloo ndawo intsha ibanjelwe kuyo intlanganiso.
- (7) Ukuba uSomlomo akakwazanga ukwenza oko kubekwe kumgaqwana (3), nawuphi ukhansila unokuphakamisa ukuba uSomlomo enze ngokwalo mgaqwana.
- (8) Oku kuphakanyiswa komba kuxelwe kumgaqwana (4) kufuneka kuqhutywe ngaphandle kwamagingxigingxi, kuze ukuba kuthe kwaxhaswa kuvotelwe ngaphandle kwengxoxo.
- (9) Nawuphi umntu ongengokhansila, othe waziphatha kakubi okanye waphazamisa inkqubo kuyo nayiphi intlanganiso yebhunga okanye yekomiti, uya kukhutshwa kwigumbi lentlanganiso xa ethe wayalela njalo uSomlomo. Ukuba loo mntu akafuni kuphuma, iya kuba nguNogada onoxanduva lokukhupha loo mntu kuloo ntlanganiso. Usihlalo unokungamvumeli loo mntu ukuba aphinde avunyelwe kwigumbi lokubambela iintlanganiso zebhunga okanye kwindawo yentlanganiso, ithuba alibona lifanelekile.

## ISAPHLUKO SESI-6

### IINGXOXO NEZIPHAKAMISO

#### Ukuthetha noSomlomo

20. (1) Umntu onokuthetha noSomlomo ngukhansila okanye umhlali okhonjelwe ukuthetha.

(2) Umhlali okhonjwe nguSomlomo kufuneka axele igama lakhe, axele nombutho okanye iqela lakhe ukuba umele umbutho okanye iqela elithile.

#### Ilungelo lokuthetha kunye nokwalelwa kwalo

21. (1) Ukhansila unokuthetha okanye aqhube nokuthetha entlanganisweni emva kokuba ekhonjwe nguSomlomo.

(2) Ukhansila ongelolungu lakomiti unokucela uSihlalo waloo ntlanganiso yekomiti ukuba athethe, yaye ukunikwa kwemvume yokuthetha kuya kuxhomekeka kuSihlalo lowo, nosenakho ukungayiniki loo mvume.

(3) Kufuneka ukhansila angabahlaseli abanye ookhansila yaye kufuneka azinxweme ekuceleni umngeni kuwo nawuphi umba okanye ivoti yomnye ukhansila.

(4) Ukhansila unokuthetha kube kanye kuphela —

(a) kumba othiwe thaca phambi kweBhunga;

(b) kuwo nawuphi umba ophakanyiswe phambi kweBhunga;

(c) kuzo naziphi izilungiso zomba ophakanyiswe phambi kweBhunga; okanye

(d) ekuphakanyisweni kokuphuma emxholweni okanye umbuzo,

ngaphandle kokuba ugunyaziswe nguSomlomo okanye ngokwendlela ebekwe kule migaqo.

(5) Akufunekanga ukhansila aphazanyiswe esathetha, ngaphandle kokuba ulungiswa nguSomlomo okanye kukho omnye ukhansila ophakamisa ukuphuma emxholweni kwesithethi eso.

(6) USomlomo usenokungamkhombi ukhansila ukuba athethe kumba othile xa sele uvotelwe loo mba.

(7) USomlomo usenokungakuvumeli ukuxoxwa komba —

- (a) onokuphembelela nawuphi umba okwiajenda; okanye
- (b) osalinde ukuthathelwa isigqibo liqela lezomthetho okanye lezokulawula kungenjalo ikomishoni yophando.

### **UkuLawulwa kweNgxoxo**

- 22.** (1) Ubuncinane beeyure ezingama-24 phambi kwentlanganiso yeBhunga, abameli bamaqela ezopolitiko abakwiBhunga kufuneka banike uSomlomo uluhlu olubonisa ukuba—
- (a) yiyiphi imiba yeajenda eza kuxoxwa kuloo ntlanganiso;
  - (b) ixesha elipheleleyo elibekelwe ukuxoxwa komba ngamnye, ngokuxhomekeke ukuba elona xesha lininzi libekelwe umba ngamnye liya kuba yimizuzu engamashumi amathathu (30) okanye naliphi ixesha anokuthatha isigqibo salo uSomlomo
- (2) Ngokuxhomekeke kuluhlu olubekwe ngokomgaqwana (1), iqela ngalinye lezopolitiko kufuneka linike iSabhokhwe esiyiNtloko uluhlu lookhansila abaya kuthetha kumba othile kubuncinane beeyure ezili-12 phambi kwentlanganiso yeBhunga, yaye ithuba eliya kunikwa ukhansila ngamnye aliyi kuba ngaphezu kwemizuzu emi-3, ngokuxhomekeke ekubeni ixesha elipheleleyo likakhansila ngamnye weqela lezopolitiko aliyi kuba ngaphezu kwesithathu sexesha elibekelwe elo qela lezopolitiko ngokomgaqwana (1)(b).
- (3) Ukuba uSomlomo ufuna ukutshintsha kuloo nto ikwezo zintlu, kufuneka adlulise isigqibo sakhe ngokunxulumene neZabhokhwe zamaQela ezopolitiko, lingedlulanga ixesha elifanelekileyo phambi kwentlanganiso yeBhunga, emva kokufunyanwa koluhlu olubalulwe kumgaqwana (2).
- (4) Yonke imiba yeBhunga engadweliswanga ngokomgaqwana (1) kufuneka ukuba umba ubekwe ngamnye ukuba uvunywe entlanganisweni ngaphandle kwengxoxo, phambi kokuba kujongwe le miba idweliswe kumgaqwana (1).
- (5) Xa ebona kufanelekile uSomlomo unokunika uSodolophu okanye iLungu elifanelekileyo leKomiti kaSodolophu kungenjalo umntu ophakamise umba othile, imizuzu emithathu ukuba aphenyule, njengendlela yokuvala ingxoxo emalunga nombala oxoxwe ngokwenqaku lomgaqwana (2).

- (6) Nokuba ulandela nawuphi kwimigaqo ekwimigaqwana (1) ukuya ku-(5), uSomlomo akanakuthi xa ethabatha isigqibo sakhe ngokwale miGaqo, adlelelele naliphi iqela lezopolitiko ngokunxulumene nexesha elinikwa amaqela ezopolitiko. Asinakuphinda sixoxwe isigqibo sikaSomlomo ngokunxulumene nalo mba.

### **Umxholo wengxoxo**

- 23.** (1) Ukhansila oza kuthetha kufuneka loo nto ayithethayo ayingqalise kwiBhunga.

(2) Ukuba ukhansila uqhubeka ngenkani nombala ongekho mxholweni, emva kokucelwa nguSomlomo ukuba angaphumi emxholweni wentetho yakhe ayibeka phambi kweBhunga, kufuneka uSomlomo amyalele ukuba ahlale phantsi ayeke ukuqhuba nokuxoxa malunga naloo mba.

(3) Ookhansila kunye nabahlali kufuneka bagcine ucwangco ezintlanganisweni, yaye abavumelekanga ukuba baqhuba umlebelele wengxoxo ephindaphinda into enye, bengavumelekanga nokuba basebenzise ulwimi olukrwada kungenjalo bathukane entlanganisweni.

### **Isiphakamiso sokuba ubani uphumile emxholweni**

- 24.** (1) Ukhansila unokuphazamisa intlanganiso kuba efuna ukuphakamisa ukuba isithethi siphumile emxholweni, apho abonisa uSomlomo ukuba kophulwe umgaqo othile okanye umgaqo womthetho othile.

(2) Isiphakamiso sokuphuma emxholweni sinokwenziwa ngokunxulumene —

- (a) nokungalandelwa kwenkqubo efanelekileyo; okanye
- (b) indlela aziphethe ngayo ukhansila, umhlali, okanye umsebenzi kamasipala.

(3) Ukhansila ophakamisa ukuphuma emxholweni kwesithethi kufuneka amanyelwe ngoko nangoko, yaye kufuneka —

- (a) atsho loo nto ayilungisayo; kunye
- (b) nomgaqo lowo okanye umgaqo womthetho owophulweyo.

(4) Ukhansila othethayo kuze kuphakanyiswe ukuphuma kwakhe emxholweni, kufuneka anqumame ayeke ukuthetha ngoko nangoko de abe uSomlomo uwulungisile loo mba wokuphuma kwakhe emxholweni. Kufuneka inqunyanyiswe yonke imiba ebekwe phambi kweBhunga de ube ugqityiwe loo mba ubulungiswa.



(5) Ukuba kugqitywe ekubeni ulandela imigaqo, kufuneka loo khansila avunyelwe ukuba aqhube nentetho yakhe.

(6) Ukuba kugqitywe ukuba uphumile emxholweni, kufuneka loo khansila athule okanye arhoxise kungenjalo atshintshe nayiphi kuloo nto abeyithetha ukwenzela ukuba ahambelane naloo nto igqityiweyo.

(7) Isigqibo sikaSomlomo malunga nokuphuma emxholweni asiyi kuphikiswa singayi kuxoxwa, yaye kufuneka sibhalwe kwimizuzu.

### **Iingcaciso**

**25.** (1) USomlomo unokuvumela ukhansila ukuba acacise intetho abeyenza, kodwa loo nto ayenze xa kukho imfuneko yoko yaye agxile kule ndawo kuthiwa uphazame kuyo.

(2) Xa ukhansila ecacisa intetho yakhe akanakuza namba mtsha, yaye akunakuvunyelwa ngxoxo malunga noko.

### **Iziphakamiso**

**26.** Ukhansila unokuphakamisa umba othile kuphela xa uthi wabekwa nguSomlomo naxa uxhaswe ngomnye ukhansila, ngaphandle kwaxa kubekwe ngenye indlela kule migaqo.

### **Ukuthathelwa ingqalelo kweziphakamiso**

**27.** (1) Isiphakamiso masibhalwe phantsi, sicaciswe, sisayinwe nguloo khansila usiphakamisayo, sibhalwe umhla size sisiwe kuSomlomo kubuncinane beentsuku ezintandathu zomsebenzi ngaphambi komhla wentlanganiso ophakanyiselwa yona, ngaphandle kokuba le migaqo ithetha enye into.

(2) Kufuneka uSomlomo awufake kwiajenda loo mba okanye awudlulisele kwikomiti ejongene nawo.

(3) Umgaqwana (1) awungeni xa kuphakanyiswe le miba ilandelayo:

- (a) Isiphakamiso somba ongxamisekileyo; okanye
- (b) Ukuthethelela umbono.

## Imibuzo

- 28.** (1) Emva kokuba kuye kwaphakanyiswa kwaza kwaxhaswa umba okanye ekupheleni kwayo nayiphi intetho emalunga nombaba obuphakanyisiwe, ukhansila unokubuzisa imibuzo enxulumene naloo mba ewubuzisa kuye nawuphi omnye ukhansila.
- (2) Akunakubuzwa mibuzo ingenelelayo, ngaphandle kokuba loo mbuzo ubuzwa nguloo khansila ubebuzisa umbuzo yaye ube unxulumene nempendulo enikwe kuloo mbuzo ububuzwa.
- (3) Ukhansila obuzwa umbuzo unokuphendula ngoko nangoko okanye acele ukuba loo mbuzo ubhalwe kwisaziso.
- (4) Eso saziso kuthethwe ngaso apha kumgaqwana (3) masibhalwe phantsi, sisayinwe ngukhansila ofanelekileyo, sibekwe umhla size sisiwe kuSomlomo kunye noMlawuli kaMasipala.
- (5) Xa uMlawuli kaMasipala efumana eso saziso, kufuneka asidlulisele kuloo khansila ubuzwa kuye loo mbuzo zingedlulanga iintsuku ezintlanu, aze —
- (a) acele ukhansila lowo ukuba anike uMlawuli kaMasipala impendulo ebhaliweyo; yaye
- (b) azise uSomlomo malunga nayo nayiphi impendulo efumanekileyo malunga naloo mbuzo.
- (6) Kufuneka uSomlomo aqinisekise ukuba loo mpendulo ifakwa kwiajenda yentlanganiso elandelayo.
- (7) Ukhansila unokubuzisa umbuzo ofuna impendulo ebhaliweyo evela komnye ukhansila ngokunxulumene nawo nawuphi umba onxulumene nokwenziwa kakuhle kwemisebenzi kwanokusetyenziswa kwamagunya kamasipala.
- (8) Esi saziso sombuzo kuthethwe ngaso apha kumgaqwana (7) masibhalwe phantsi, sisayinwe ngukhansila ofanelekileyo, sibekwe umhla size sisiwe kuSomlomo kunye noMlawuli kaMasipala. Kuza kulandelwa iinkqubo zomgaqwana (5) no-(6) ngokunxulumene naloo mbuzo.

## Iziphakamiso ezingxamisekileyo

- 29.** (1) Ukhansila unokubonisa iBhunga nawuphi umba ongabhalelwanga saziso ube ungaveli kwiajenda ngokuthi awucacise ngokufutshane, kuze kuthi kungakhange kuhlonyulwe malunga nawo aphakamise "ukuba loo mba uthathelwe ingqalelo njengomba ongxamisekileyo".

(2) Ukuba lo mba uphakanyiswe kumgaqwana (1) uye waxhaswa waza wavunywa, loo mntu ubewuphakamisile uya kuvunyelwa ukuba awubeke nangona engawufakanga ngesaziso.

### **Ukuthethelela umba**

- 30.** (1) Oku kulandelayo kuthathwa njengokuthethelela umba:
- (a) Ukuba kuqale kuxoxwe malunga nawo nawuphi umba okwiajenda;
  - (b) ukuba kuthathelwe ingqalelo, kuvunywe kuze kulandelwe okanye kubuyiselwe umva nayiphi ingxelo ekwiajenda;
  - (c) ukuba nawaphi amaxwebhu athe eziswa kwiBhunga alandelwe ngendlela ecaciswe kuloo mba uphakanyisiweyo;
  - (d) ukuba kuthathelwa ingqalelo nawuphi umba ofakelwe ukujongwa ngokwendlela ecaciswe ekuphakanyisweni komba;
  - (e) ukuba uSomlomo ayalele ukhansila okanye umhlali ukuba aphume entlanganisweni; kunye
  - (f) naso nasiphi isiphakamiso ekuthethwe ngaso kumgaqo 31.
- (2) Ukuba isiphakamiso siyaxhaswa, kufuneka sivotelwe ngaphandle kokuxoxwa.

### **Ukuhlakulela ingxoxo**

- 31.** Akukho siphakamiso sinokwamkelwa xa kusekho esisaxoxwayo, ngaphandle kwaxa—
- (a) eso siphakamiso silungiswa;
  - (b) ukuxoxwa kwaloo mba kuza kuhlehliselwa umhla othile okanye ongabekwanga;
  - (c) bengazi kubandakanywa abahlali;
  - (d) beza kubuyiselwa entlanganisweni abahlali;
  - (e) intlanganiso iza kunqunyanyiselwa omnye umhla;
  - (f) intlanganiso iza kunqunqanyiselwa ixesha elithile;
  - (g) ingxoxo yaloo mba iza kunqunyanyiselwa ixesha elithile;

- (h) loo mba uza kuvotelwa;
- (i) loo mba uza kukhutshwa kwiajenda; okanye
- (j) loo mbuzo okanye umba uza kurhoxiswa.

### Iziphakamiso zohlaziyo

- 32.** (1) Ukhansila unokuza nesiphakamiso sokuhlaziya ngokutsho ukuba "ukuba loo mba uhlahziywe", aze atsho ukuba kufuneka ulungiswe njani loo mba ebewubeke kuqala.
- (2) Lo mba kuthethwa ngawo kumgaqwana (1) mawuxhaswe yaye awunyanzelekanga ukuba ubhalwe phantsi.
- (3) Uhlaziyo maluhambelane nesiphakamiso sokuqala, yaye masicelwe kwangeli xesha usaxoxwayo lo mba wokuqala.
- (4) Makuqale kuxoxwe uhlahziyo phambi kokuba kubuyelwe kwisiphakamiso sokuqala.
- (5) Ukuba ufuna njalo uSomlomo, kungafuneka olo hlaziyo lucetywayo lubhalwe, lusayinwe ngukhansila oluphakamisileyo luze lunikwe uSomlomo.
- (6) Ukuba kulungiswa ngaphezu komba omnye kwisiphakamiso sokuqala, esona siphakamiso sokugqibela sicetywayo masiqale sivotelwe, size ukuba sivunyiwe, loo mba ulungiswe ngokufanelekileyo.
- (7) Ukuba saliwe isilungiso esiphakanyiswayo, kufuneka kuvotelwe eso silungiso siphakanyiswe ngaphambi kweso sokugqibela. Xa zigqityiwe zonke izilungiso, kufuneka kuvotelwe isiphakamiso sokuqala okanye isiphakamiso sokuqala esilungisiweyo.
- (8) Akukho zilungiso zinokuphinda zenziwe kwisiphakamiso sokuqala emva kokuba uSomlomo eye wavulela ukuvotelwa kwesiphakamiso sokuqala.
- (9) Isilungiso asinakulungisa owona mba ubuphakanyiswa sisiphakamiso sokuqala, koko unokulungisa indlela yokuwubeka lo mba.
- (10) Kufuneka uSomlomo athathe isigqibo sokuba isilungiso siyawulandela na umgaqwana (9) aze aphenyule ngokufanelekileyo malunga neso silungiso.

### **Isiphakamiso sokunqunyanyiswa komba**

- 33.** (1) Ekupheleni kokubekwa kwentetho, ukhansila unokuphakamisa "ukuba ukuxoxwa kwaloo mba kuhlehliselwe umhla othile okanye ongaxelwanga".
- (2) Esi siphakamiso masixhaswe yaye asinyanzelekanga ukuba sibhalwe phantsi.
- (3) Ukhansila owenze esi siphakamiso sokuhlehlisa unokucacisa uluvo lwakhe malunga nesi siphakamiso sokuhlehlisa.
- (4) Lo khansila ubephakamisa isiphakamiso sokuqala salo mba kuxoxwa ukuhlehliswa kwawo unakho ukuphendula, ze emva koko esi siphakamiso kuthethwe ngaso kumgaqwana (1) sivotelwe ngaphandle kokuphinda sixoxwe.
- (5) Ukuba siyaqhutywa esi siphakamiso kuthethwe ngaso kumgaqwana (1), kufuneka loo mba uqale ufakwe kwijenda yemiba eya kuxoxwa kwintlanganiso yaloo mhla uhlehliselwe kuwo.
- (6) Ukuba asiqhutywa esi siphakamiso kuthethwe ngaso kumgaqwana (1), loo ntlanganiso iya kuqhuba ngokungakhangela iphakazanyiswe, aze uSomlomo angaphindi avume siphakamiso sinjalo.

### **Isiphakamiso sokunqunyanyiswa kwentlanganiso iphinde iqhutywe ngenye imini**

- 34.** (1) Ukhansila ongekathathi nxaxheba kwingxoxo yomba, unokuthi nangaliphi ixesha kuxoxwa loo mba, aphakamisa "ukuba intlanganiso inqunyanyiselwe omnye umhla", ngaphandle kokuba kusekho omnye ukhansila osathethayo okanye kusavotwa.
- (2) Esi siphakamiso masixhaswe yaye asinyanzelekanga ukuba sibhalwe phantsi.
- (3) Ukhansila owenze esi siphakamiso sokuhlehlisa unokucacisa uluvo lwakhe malunga nesi siphakamiso sokuhlehlisa.
- (4) Akunakuvunyelwa ngxoxo yaloo mba, ngaphandle kokuba ukhansila wokuqala ubonisa ukungakungasivumi isiphakamiso eso, nalapho anokuthi acacise ukuba akasivumi ngazizathu zini.
- (5) Awunakuphakanyiswa ukuhlaziywa kweso siphakamiso, ngaphandle kokuba oko kunxulumene nobude bethuba emayinqunyanyiswe ngalo intlanganiso.
- (6) Ukuba siyaqhutywa eso siphakamiso sokunqunyanyiswa kwentlanganiso, kufuneka inqunyanyiswe intlanganiso leyo ize iphinde ihlale ngomhla obekwe kwisiphakamiso eso okanye kuhlaziyo lwaso, ngaphandle kokuba uSomlomo uyalela ukuba intlanganiso iqale iqhube de kugqitywe enye ingxoxo ngaphandle kwekhatywayo.

(7) Ukuba asiqhutywa esi siphakamiso, loo ntlanganiso iya kuqhuba ngokunga khange iphakazanyiswe, aze uSomlomo angaphindi avume siphakamiso sinjalo de kuphele isiqingatha seyure.

(8) Ukuba eso siphakamiso sokuhlehliswa kwentlanganiso siye saqhutywa kusekho umba ongekagqitywa ukuxoxwa, loo khansila uphakamise eso siphakamiso unelungelo lokuthetha kuqala xa uphinda uvulelwa ingxoxo loo mba kwintlanganiso eqhuba leyo ibinqunyanyisiwe.

(9) Akukho miba yimbi inokuxoxwa kuloo ntlanganiso iqhuba leyo ibinqunyanyisiwe ngaphandle kwale miba ibikwajenda yentlanganiso eye yanqunyanyiswa.

### **Isiphakamiso sokunqunyanyiswa kwentlanganiso iphinde iqhutywe ngexesha elithile**

**35.** (1) Ukhansila unokuthi nangaliphi na ixesha aphakamise ukuba "intlanganiso inqunyanyiswe ze iphinde iqhutywe ngexesha elithile", ngaphandle kwaxa kukho omnye ukhansila othethayo okanye kukho uvoto oluqhubekayo. Olo nqunyanyiso lunokuya kutsho kwiyure enye.

(2) Esi siphakamiso masixhaswe yaye asinyanzelekanga ukuba sibhalwe phantsi.

(3) Ukuba siyaqhutywa eso siphakamiso sokunqumamisa intlanganiso, kufuneka intlanganiso leyo inqunyanyiselwe ukuphinda iqhutywe ngexesha elithile, ize iphinde iqhube kanye ngelo xesha libekwe kwisiphakamiso.

(4) Ukuba asiqhutywa esi siphakamiso, loo ntlanganiso iya kuqhuba ngokunga khange iphakazanyiswe, aze uSomlomo angaphindi avume siphakamiso sinjalo de kuphele isiqingatha seyure.

(5) USomlomo unokuyinqumamisela ukuba iphinde iqhutywe ngexesha elithile intlanganiso, xa kukho isizathu esiphathekayo esinikiweyo.

### **Isiphakamiso sokunqunyanyiswa kwengxoxo iphinde iqhutywe ngexesha elithile**

**36.** (1) Ukhansila ongekathathi nxaxheba kwingxoxo malunga nombala othile unokuthi xa kugqiba kuthetha nabani na malunga naloo mba, aphakamise "ukuba loo ngxoxo inqunyanyiselwe ixesha elithile".

(2) Esi siphakamiso masixhaswe yaye asinyanzelekanga ukuba sibhalwe phantsi.

(3) Ukhansila owenze esi siphakamiso sokuhlehlisa unokucacisa uluvo lwakhe malunga nesi siphakamiso sokuhlehlisa.

(4) Akunakuvunyelwa ngxoxo yaloo mba, ngaphandle kokuba ukhansila wokuqala ubonisa ukungakungasivumi isiphakamiso eso, nalapho anokuthi acacise ukuba akasivumi ngazizathu zini.

(5) Awunakuphakanyiswa ukuhlaziywa kweso siphakamiso, ngaphandle kokuba oko kunxulumene nobude bethuba emayinqunyanyiswe ngalo ingxoxo leyo.

(6) Ukuba siyaqhutywa eso siphakamiso sokunqunyanyiswa kwengxoxo, intlanganiso leyo iya kudlulela kumba olandelayo weajenda, kuze kuphinde kubuyelwe kuloo ngxoxo inqunyanyisiweyo ngelo xesha belibekwe kwisiphakamiso.

(7) Xa kuphinda kuqhutywa naloo ngxoxo ibinqunyanyisiwe, umntu onelungelo lokuthetha kuqala nguloo khansila ubephakamise oko kunqunyanyiswa kwengxoxo leyo.

(8) Ukuba asiqhutywa esi siphakamiso, loo ngxoxo malunga naloo mba iya kuqhuba ngokunga khange iphakazanyiswe, aze uSomlomo angaphindi avume siphakamiso sinjalo de kuphele isiqingatha seyure.

(9) UKhansila akanakuphakamisa okanye axhase ngaphezu kwesiphakamiso esinye sokunqunyanyiswa kwengxoxo malunga nombala othile ngethuba lokuxoxwa kweso siphakamiso sokunqumamisa ingxoxo leyo.

(10) USomlomo unokuyinqumamisela ingxoxo ukuba iphinde iqhutywe ngexesha elithile, xa kukho isizathu esiphathekayo esinikiweyo.

### **Isiphakamiso sokuvotelwa komba othile**

37. (1) Ukhansila ongekathathi nxaxheba kwengxoxo malunga nombala othile unokuthi xa kugqiba kuthetha nabani na malunga naloo mba, aphakamise "ukuba loo mba uvotelwe".

(2) Esi siphakamiso masixhaswe yaye asinyanzelekanga ukuba sibhalwe phantsi.

(3) Ngokuxhomekeke kumgaqwana (4), asivumelekanga ukuba sixoxwe isiphakamiso ekuthethwe ngaso kumgaqwana (1).

(4) Xa kuphakanyiswe umbala okumgaqwana (1), ukhansila ophakamise isiphakamiso sokuqala esixoxwayo unokucacisa malunga nesiphakamiso sakhe sokuqala, apho eso siphakamiso kuthethwe ngaso kumgaqwana (1) kufuneka sivotelwe singakhange siphinde sixoxwe.

(5) Ukuba asiqhutywa esi siphakamiso kuthethwe ngaso kumgaqwana (1), loo ntlanganiso iya kuqhuba ngokunga khange iphakazanyiswe, aze uSomlomo angaphindi avume siphakamiso sinjalo.

**Isiphakamiso sokususwa komba othile kwiajenda**

38. (1) Ukhansila ongekathathi nxaxheba kwingxoxo malunga nombaba othile unokuthi xa kugqiba kuthetha nabani na malunga naloo mba, aphakamise "ukuba loo mba ukhutshwe kwiajenda".
- (2) Esi siphakamiso masixhaswe yaye asinyanzelekanga ukuba sibhalwe phantsi.
- (3) Ngokuxhomekeke kumgaqwana (4), asivumelekanga ukuba sixoxwe isiphakamiso ekuthethwe ngaso kumgaqwana (1).
- (4) Xa kuphakanyiswe umbaba okumgaqwana (1), ukhansila ophakamise isiphakamiso sokuqala esixoxwayo unokucacisa malunga nesiphakamiso sakhe sokuqala, apho eso siphakamiso kuthethwe ngaso kumgaqwana (1) kufuneka sivotelwe singakhange siphinde sixoxwe.
- (5) Ukuba siyaqhutywa eso siphakamiso esibalulwe kumgaqwana (1), kufuneka loo mba ususwe kwiajenda yaloo ntlanganiso, yaye akunakuphinda kuthethwe ngawo kuloo ntlanganiso.
- (6) Ukuba asiqhutywa esi siphakamiso kuthethwe ngaso kumgaqwana (1), loo ntlanganiso iya kuqhuba ngokungakhangela iphakazanyiswe, aze uSomlomo angaphindi avume siphakamiso sinjalo.

**Isiphakamiso sokuba umbaba othile udluliselwe kwikomiti**

39. (1) Ukhansila unokuthi kusakugqiba ukuthetha nabani na obethetha malunga nombaba othile, aphakamise ukuba "loo mba udluliselwe kwikomiti".
- (2) Esi siphakamiso masixhaswe yaye asinyanzelekanga ukuba sibhalwe phantsi.
- (3) Ngokuxhomekeke kumgaqwana (4), asivumelekanga ukuba sixoxwe isiphakamiso ekuthethwe ngaso kumgaqwana (1).
- (4) Xa kuphakanyiswe umbaba okumgaqwana (1), ukhansila ophakamise isiphakamiso sokuqala esixoxwayo unokucacisa malunga nesiphakamiso sakhe sokuqala, apho eso siphakamiso kuthethwe ngaso kumgaqwana (1) kufuneka sivotelwe singakhange siphinde sixoxwe.
- (5) Ukuba uyaqhutywa umbaba obalulwe kumgaqwana (1), loo mba ubuxoxwa awunakuphinda uxoxwe kuloo ntlanganiso.
- (6) Ukuba asiqhutywa esi siphakamiso kuthethwe ngaso kumgaqwana (1), loo ntlanganiso iya kuqhuba ngokungakhangela iphakazanyiswe, aze uSomlomo angaphindi avume siphakamiso sinjalo.



**Ukurhoxiswa kwemibuzo okanye iziphakamiso**

40. (1) Ukhansila owenze isiphakamiso angasirhoxisa nanini na xa evunyelwa liBhunga kunye nokhansila osixhasileyo.
- (2) Ukhansila akanakuthetha malunga nesiphakamiso emva kokuba iBhunga sele livumele ukurhoxiswa kweso siphakamiso.
- (3) Ukhansila obuze umbuzo angawurhoxisa, nangaliphi na ixesha ungekaphendulwa, engakhange afumane mvume yeBhunga.

**Ukungabikho kukakhansila ophakamise umba okanye umbuzo**

41. Ukuba akekho ukhansila onike isaziso sesiphakamiso okanye umbuzo xa ebizwa nguSomlomo, eso siphakamiso singaphakanyiswa okanye kubuzwe umbuzo nguye nawuphi omnye ukhansila.

**Ukuvuselelwa kwemibuzo okanye iziphakamiso**

42. (1) Isiphakamiso esaliwe liBhunga okanye umbuzo ophendulweyo awunakuphinda uphakanyiswe okanye ubuzwe lingaphelanga ithuba leenyanga ezintathu zentlanganiso obuwaliwe okanye waphendulwa kuyo, ngaphandle kokuba kuvume iBhunga.
- (2) Ukhansila ongathanda ukubuyisa isiphakamiso okanye umbuzo, kufuneka afake isiphakamiso esibhaliweyo esiya kuSomlomo.
- (3) Ukuba uSomlomo ufumana isaziso esibalulwe kumgaqwana (2), kufuneka afake isaziso kwijenda yentlanganiso elandelayo.

**Iziphakamiso okanye imibuzo emalunga nemiba edluliselwe kwikomiti**

43. (1) Ukhansila akanakunika saziso sasiphakamiso okanye umbuzo obhekisele kuwo nawuphi umba odluliselwe kwikomiti, ngaphandle kokuba eso siphakamiso okanye loo mbuzo —
- (a) ukwafakwe nakuloo komiti; okanye
- (b) uyinxalenye yoko kudluliswa komba kuloo komiti iza kuwujonga kunye nengxelo.
- (2) Ukuba ilungu lekomiti libona ngathi umba ungxamisekile, elo lungu linokunika isaziso sesiphakamiso okanye umbuzo malunga nombala odluliselwe kwikomiti, nokuba eso siphakamiso asifakwanga okanye asijongwanga yiloo komiti.

**Izindululo zikaSodolophu**

- 44.** (1) Isindululo esikwingxelo efakwe nguSodolophu kwiBhunga sithathwa njengokuba siphakanyiswe nguSodolophu.
- (2) Eso siphakamiso asidingi kuxhaswa.
- (3) USodolophu okanye naliphi ilungu leKomiti kaSodolophu, linokuthetha lize liphendule malunga nalo mba, kodwa ekuphenduleni kwalo kufuneka lizibophelele ekuphenduleni loo mba kuphela yaye alinakufaka mba mtsha kuloo ngxoxo.

**ISAPHLUKO SESI-7****INKQUBO YEZOMTHETHO****Ukwaziswa kwemithetho esayilwayo kamasipala**

- 45.** Ngokwecandelo le-12 loMthetho weeNdlalela zokuSebenza zikaMasipala, umthetho oyilwayo kamasipala unokuziswa ngukhansila okanye ikomiti kuphela.

**Ukwaziswa kwemithetho esayilwayo kamasipala isaziswa ngookhansila**

- 46.** (1) Ukhansila ufaka umthetho oyilwayo kamasipala kuSomlomo, aze afake nememorandam emalunga neenjongo zawo.
- (2) USomlomo kufuneka afumane izimvo zoMlawuli kaMasipala malunga nomxholo womthetho oyilwayo kamasipala yaye usenokucela izimvo zakhe nawuphi omnye umntu.
- (3) Ukuba umasipala unaye usodolophu okanye ikomiti, uSomlomo kufuneka afake kuSodolophu umthetho oyilwayo kamasipala, ukunye nazo naziphi izimvo ezifunyenwe ngokomgaqwana (2), ukuze afumane ingxelo kunye nezindululo ngokwecandelo 30(5) loMthetho wamaCandelo kaMsipala.
- (4) Kufuneka uSodolophu ajonge umthetho oyilwayo kamasipala aze athathe isigqibo sokuba uyawuxhasa na okanye hayi, zingaphelanga iinyanga ezintathu ewufumene kuSomlomo.
- (5) Ukuba uSodolophu ugqiba ekubeni awuxhase umthetho oyilwayo kamasipala, kufuneka uMlawuli kaMasipala awupapashe loo mthetho uyilwayo kamasipala esenzela ukuba abahlali baveze izimvo zabo ngokomgaqo wama-48.

(6) Ukuba uSodolophu ugqiba ekubeni angawuxhasi loo mthetho uyilwayo kamasipala, kufuneka afake kwiBhunga ingxelo ebeka oku kulandelayo:

- (a) Isishwankathelo esinabileyo saloo mthetho uyilwayo kamasipala;
- (b) imemorandam emalunga neenjongo zomthetho oyilwayo kamasipala;
- (b) okuqulethwe nguloo mthetho uyilwayo kamasipala;
- (d) ukuba uyavunywa loo mthetho uyilwayo kamasipala, eminye imithetho eyilwayo kamasipala eya kubhangiswa okanye ihlaziye;
- (e) naziphi ezinye izimvo okanye iingcebiso;
- (f) izizathu zokuba kutheni ungaxhaswanga loo mthetho uyilwayo kamasipala; kunye
- (g) nesindululo.

(7) Emva kokujonga ingxelo ekuthethwe ngayo kumgaqwana (6), kufuneka iBhunga lithathe isigqibo sokuba liyawala na loo mthetho uyilwayo kamasipala okanye liyakuvuma ukudluliselwa kwawo kwinkqubo yomthetho ebekwe kumgaqo wama-48 nowama-49 ngokunxulumene naloo mthetho uyilwayo kamasipala.

(8) Xa umthetho oyilwayo kamasipala waliwe liBhunga, akunakuphinda kufakwe omnye umthetho kamasipala ofana nalowo de kuphele iinyanga ezintandathu emva komhla wokwaliwa kwawo.

(9) Xa sele kuvunyiwe ukuqalwa kwenkqubo yomthetho ngokunxulumene nomthetho oyilwayo kamasipala ngokomgaqwana (7), kufuneka loo mthetho uyilwayo kamasipala upapashwe ukuze abahlali bafumane ithuba lokuvakalisa izimvo zabo ngokomgaqo wama-48.

(10) Ukuba umasipala awunaye uSodolophu, kufuneka loo khansila ubefake umthetho oyilwayo kamasipala afake kwiBhunga ingxelo ecacisa le miba ibalulwe kumgaqwana (6)(a) ukuya ku-(g), kuze emva koko kulandelwe iinkqubo ezibekwe kumgaqwana (7) ukuya ku-(9).

### **Ukwaziswa kwemithetho esayilwayo kamasipala nguSodolophu**

**47.** (1) USodolophu ufaka umthetho oyilwayo kamasipala kuSomlomo noMlawuli kaMasipala, aze afake nememorandam emalunga neenjongo zawo.

(2) Ukuba uSodolophu ugqiba ekubeni awuxhase uthetho oyilwayo kamasipala, kufuneka uMlawuli kaMasipala awupapashe loo mthetho uyilwayo kamasipala esenzela ukuba abahlali baveze izimvo zabo ngokomgaqo wama-48.

### **Ukupapashwa kwemithetho esayilwayo kamasipala**

**48.** Kufuneka uMlawuli kaMasipala athi nje kwangoko kangangoko emva —

- (a) kokuba uSodolophu egqibe ekubeni awuxhase umthetho oyilwayo kamasipala phantsi komgaqo 46(5);
- (b) kokuba iBhunga linike imvume yokuba kuqhutywe inkqubo yezomthetho ngokomgaqo 46(7); okanye
- (c) kokuba uSodolophu efake umthetho oyilwayo kamasipala ngokomgaqo 47(1),

apapashe umthetho oyilwayo kamasipala ukuze abahlali bafake izimvo zabo ngokwecandelo 12(1)(b) loMthetho weeNdlela zokuSebenza zikaMasipala ubuncinane beentsuku ezingama-30, ngaphandle kokuba iBhunga livume ithuba elifutshane kunelo.

### **Ukuthathelwa ingqalelo kwemithetho esayilwayo kamasipala**

**49.** (1) Kufuneka uMlawuli kaMasipala afake ingxelo kwiBhunga okanye ukuba umasipala unaye uSodolophu, afake kuloo sodolophu, kwangoko kangangoko emva komhla wokuvalwa kwezimvo zabahlali ezibalulwe kumgaqo wama-48, ize loo ngxelo ihambe —

- (a) Nekopi yaloo mthetho uyilwayo kamasipala;
- (b) iikopi zezibhengezo ezimema izimvo zabahlali;
- (c) naziphi izimvo ezifunyenwe kubahlali; kunye
- (d) nazo naziphi ezinye izimvo okanye izindululo ezivela kuMlawuli kaMasipala.

- (2) Ukuba loo masipala unaye usodolophu, kufuneka uSodolophu ajonge loo ngxelo ifakwe nguMlawuli kaMasipala yaye kufuneka —
- (a) afake kwiBhunga ingxelo ecacisa oku kulandelayo:
- (i) Isishwankathelo esinabileyo saloo mthetho uyilwayo kamasipala;
  - (ii) imemorandam emalunga neenjongo zomthetho oyilwayo kamasipala;
  - (iii) uluvo lukaSodolophu malunga nemfuneko yalo mthetho uyilwayo kamasipala.
  - (iv) okuqulethwe nguloo mthetho uyilwayo kamasipala;
  - (v) ukuba loo mthetho uyilwayo kamasipala uyavunywa, eminye imithetho eyilwayo kamasipala eya kubhangiswa okanye ihlaziyiwe; kunye
- (e) naziphi ezinye izimvo okanye iingcebiso; aze
- (b) aphakamise ukuba iBhunga liwupasise loo mthetho kamasipala, liwupasise ukwimo ehlaziyiweyo loo mthetho kamasipala okanye liwale umthetho kamasipala lowo.
- (3) Xa umthetho oyilwayo kamasipala waliwe liBhunga, akunakuphinda kufakwe omnye umthetho kamasipala ofana nalowo de kuphele iinyanga ezintandathu emva komhla wokwaliwa kwawo.
- (4) Xa umthetho kamasipala upasisiwe, kufuneka upasiswe ngokwecandelo le-13 loMthetho weeNdlela zokuSebenza zikaMasipala.

## ISAHLUKO SESI-8

### IMIBA GABALALA

#### liLwimi eziseMthethweni

50. Nabani na othetha entlanganisweni angasebenzisa naluphi kwezi lwimi zintathu zisemthethweni nezibalulwa nguMgaqo-siseko weNtshona Koloni, 1997, isiBhulu, isiNgesi nesiXhosa.

#### Abasebenzi bakamasipala

51. (1) Abasebenzi bakamasipala abachophela intlanganiso mabalandele imigaqo babambe nocwangco olubhekisa kookhansila.

(2) Umsebenzi kamasipala kufuneka aye entlanganiswe xa ecelwe nguMlawuli kaMasipala.

#### Amatyala nezohlwayo

52. (1) Ukhansila okanye umhlali othe—

- (a) wangavumi ukuphuma entlanganisweni yebhunga okanye yekomiti akucelwa nguSomlomo okanye usihlalo waloo ntlanganiso ukuba aphume ngokomgaqo 19(3)(b); okanye
- (b) obuyela entlanganisweni abegxothwe okanye wakhutshwa kuyo ngokomgaqo 19(3)(b) unokukhutshwa ngenkani yaye unetyala lokophula umthetho kananjalo eya kujongana nokugwetywa intlawulo okanye avalelwe entolongweni ithuba elingekho ngaphezu kweenyanga ezintandathu, kungenjalo ahlawuliswe aze avalelwe entolongweni.

- (2) Akukho khansila okanye umhlali unokuthi—

- (a) aphazamisane-
  - (i) kungenjalo axabe endleleni yebhunga okanye ikomiti xa elo bhunga okanye ikomiti isebenzisa amagunya ayo okanye isenza umsebenzi wayo; okanye
  - (ii) ukhansila ekwenzeni kwakhe umsebenzi wakhe njengokhansila;

- (b) agrogrise okanye avalele ukhansila ukuba angakwazi kudlula okanye ukuya entlanganisweni yebhunga okanye yekomiti;
  - (c) ahlasele okanye agrogrise ukhansila, kungenjalo angamniki isibonelelo sakhe ukhansila, ngenxa yendlela aye waziphatha ngayo loo khansila kwintlanganiso yebhunga okanye ekomitini;
  - (d) adale okanye athathe inxaxheba kuko nakuphazamisana okukwindawo ekuqhuba kuyo intlanganiso yebhunga okanye yekomiti;
  - (e) angaphumeleli okanye angavumi ukulandela umyalelo onikwa ngumntu ophethe intlanganiso yebhunga okanye yekomiti, ngokunxulumene nobukho bakhe nawuphi umntu kuloo ntlanganiso; kungenjalo
  - (f) angaphumeleli okanye angavumi ukulandela umyalelo onikwa ligosa eligunyaziswe libhunga ngokunxulumene—
    - (i) nobukho babantu abathile kwintlanganiso ethile yebhunga okanye yekomiti; okanye
    - (ii) nokuphatha nasiphi na isixhobo, kuquka umpu, kwindawo leyo yentlanganiso okanye nayiphi na inxenye yayo.
- (3) Akukho mntu unokuthembisa ukwenza nantoni na okanye anike nasiphi isibonelelo ngendlela engafanelekanga esebenzisa ubuqhophololo, izigrogriso, izinyanzeliso, izithuko okanye naluphi uhlobo lokoyikisa—
- (a) aphembelele ukhansila ekwenzeni kwakhe umsebenzi wakhe loo khansila;
  - (b) anyanzelise ukhansila ukuba angayi kwintlanganiso yebhunga okanye yekhomiti; okanye
  - (c) azame ukunyanzelisa ukhansila ukuba abhengeze yena kuyo nayiphi into ebisaza kufakwa okanye icetywe kungenjalo elindele ukufakwa kwintlanganiso yebhunga okanye yekomiti.
- (4) Umntu, kuquka nokhansila, owaphula umgaqwana (2) no-(3) unetyala yaye xa ethe wafunyaniswa enetyala ngenene uya kujongana nentlawulo okanye ukuvalelwa entlongweni ithuba elingekho ngaphezu kweminyaka emithathu kungenjalo ahlawuliswe intlawulo aphinde avalelwe entlongweni.

### Isihloko esifutshane

- 53.** Lo Mthetho kaMasipala ubizwa ngokuba nguMthetho kaMasipala omalunga nemiGaqo yokuMa kweeNtlanganiso zeBhunga, ka-2018.

