



# Western Cape Government • Wes-Kaapse Regering

PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

## Provincial Gazette

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## RULES OF ORDER

### REGULATING THE CONDUCT OF MEETINGS OF THE MUNICIPAL COUNCIL OF BREEDE VALLEY MUNICIPALITY

Passed by Council on 30 May 2012

Council Resolution No. C24/2012

This By-Law is called the Rules of Order for Internal Arrangement By-Law 2012.

To provide for rules of order for the internal arrangements and the business and proceedings of the Council of the municipality; and to provide for matters in connection therewith.

#### PART 1: GENERAL

##### 1. Definitions

In these Rules, unless inconsistent with the context:

“**Council**” means the municipal Council of Breede Valley Municipality;

“**Councillor**” means a member of the Council, including a political office bearer as referred to in Section 1 of The Systems Act.

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

“**Constitution**” means the *Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)*;

“**Deputation**” means a group of people appointed to represent others for a specific purpose;

“**MEC**” means the Member of the Executive Council responsible for local government in the Province of the Western Cape;

“**Meeting**” means the official meetings of the Council and its Committees, as respectively determined by the Speaker or Chairpersons of Committees of Council;

“**Motion**” means a motion of which prior notice is given by a Councillor in writing but shall not include a motion as contemplated in Clauses 39 and 40;

“**Motion of Course**” means motions introduced by any Councillor during the course of a debate without prior notice;

“**Motion of exigency**” means a written motion by any Councillor to consider a matter that does not appear on the agenda but is of extreme urgency, containing motivation why the matter should be regarded as urgent and thus warrants departure from the rule that prior notice must be given;

“**Municipal Manager**” means the person appointed by Council in terms of Section 54A of the *Systems Act (Act 32 of 2000)* (as amended by s.121 of Act 32 of 2000 and repealed by s.15 of Act 7 of 2011) or a person nominated by the Municipal Manager;

“**Notice of question**” means a notice in writing by a Councillor containing questions on any Council matter for purposes of obtaining (an) answer(s);

“**Party**” means a party referred to in definitions of the *Structures Act, (Act 117 of 1998)*.

“**Rules**” means the provisions of these Rules of Order;

“**Speaker**” means the Councillor elected as Chairperson of the Council or any other Councillor acting as Chairperson of the Council;

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

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

“**Unseemly**” means indecent or unbecoming conduct;

“**Whip**” means a Councillor of a party in the Council appointed by that party as Whip to assist with the smooth functioning of the proceedings of the Council in terms of these Rules.

## **PART 2: APPLICATION OF RULES**

### **2. Application**

- (1) These Rules apply to all official meetings of the Council and its Committees, except to meetings of the Mayoral Committee or Committees for which special rules of order have been adopted.
- (2) Except where it is clearly inappropriate, a rule applying to Councillors in any proceedings, also apply to a non-Councillor who takes part in those proceedings with the approval of the Speaker.

### **3. Supplementation**

- (1) The Speaker may give a ruling in respect of any eventuality for which these Rules do not provide and no further discussion shall be allowed on the ruling.
- (2) The ruling of the Speaker shall be entered in the minutes.

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### PART 3: MEETINGS

#### 4. Commencement of meetings of Council

The Speaker must take the chair at the time stated in the notice of the meeting or as soon thereafter as is reasonably possible: provided that the meeting does not commence later than 30 (thirty) minutes after the time stated in the notice of the meeting and must proceed immediately with the business of the meeting, subject to Clause 13.

#### 5. Order of business

- (1) The business of meetings of the Council will appear in the following order on the agenda –
  - (a) Opening;
  - (b) Election of (acting) Speaker, if necessary;
  - (c) Applications for leave of absence;
  - (d) Interviews with or presentations by deputations;
  - (e) Confirmation of minutes;
  - (f) Statements and communications by the Speaker;
  - (g) Statements and communications by the Executive Mayor;
  - (h) Report by the Executive Mayor on decisions taken by the Executive Mayor, the Executive Mayor together with the Deputy Executive Mayor, and the Executive Mayor together with the Mayoral Committee;
  - (i) Matters for Consideration which will include:
    - Items submitted by officials of Council;
    - Urgent matters submitted by the Municipal Manager;
    - Matters for notification;
    - Consideration of notices of motion;
    - Consideration of notices of questions;
    - Consideration of motions of exigency.
  - (j) Closure.
- (2) The Speaker may of own volition change the order of the 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.

#### 6. Function of the Speaker.

- (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 point 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.

**7. Business to be transacted**

Except as provided for in these Rules, no matter not specified in the agenda of a meeting of the Council shall be transacted at such meeting.

**8. Meetings**

- (1) Council must meet at least quarterly.
- (2) The Speaker decides when and where the Council meets, but if a majority of the Councillors request the Speaker in writing to convene a meeting, the Speaker must convene a meeting as close to the time set out in the request as is possible, but not later than 7 (seven) days thereafter.
- (3) The Municipal Manager must, at the direction of the Speaker, give notice in writing to each Councillor of every meeting decided upon in terms of sub-Clause (2).
- (4) The Municipal Manager must give notice to the public of the day, time and venue of every meeting, by displaying notices of meetings in prominent places at all the offices of the Council.

**9. Attendance at meetings**

- (1) Every Councillor attending a meeting of the Council must sign his or her name in the attendance register kept for such purpose.
- (2) A Councillor must attend each meeting except when –
  - (a) Leave of absence is granted in terms of Clause 10; or
  - (b) The Councillor is required to withdraw in terms of law.

**10. Leave of absence**

- (1) A Councillor who wishes to absent himself or herself from meetings must, before so absenting himself or herself, obtain leave of absence via the Whip of the respective Political Party, from the Speaker or Chairperson of a Committee prior to a meeting: Provided that the Speaker or Chairperson of a Committee, on good cause, may grant leave of absence after the meeting to a Councillor who has been prevented by special circumstances from obtaining leave of absence prior to the meeting.
- (2) Where necessitated due to circumstances, leave of absence by Councillors must be duly applied for –
  - (a) In the case of Council – to the Speaker;
  - (b) In the case of meeting of Committees of Council – to the Chairperson of the relevant Committee and the Administration must also be timeously informed so that the alternate for the relevant Councillor of the Committee can be informed in time to ensure a quorum;
  - (c) In the case of workshops, congresses, functions and other meetings than those contemplated in (a) and (b) above – to the Speaker to grant approval in such cases and the Administration must also be timeously informed in the event that Councillors cannot attend workshops, congresses, meetings, functions, etc. so that cancellation arrangements can be made to avoid fruitless expenditure.
- (3) In the event that Councillors have not timeously applied for leave of absence as contemplated in (a) to (c) above and the non-attendance results in expenditure related to the attendance of workshops, congresses, meetings, functions, etc. not being recoverable, such expenditure will constitute fruitless expenditure in terms of the Local Government: Municipal Financial Management Act, 2003 (Act No. 56 of 2003) (MFMA) which holds serious implications and penalties;

- (4) Should Councillors contravene Items (1) and (2) above, the contravention will be –
- (a) Addressed in terms of the Code of Conduct for Councillors [Schedule 1, Item 4, in the Local Government: Municipal Systems Act (Act 32 Of 2000)] as a contravention of the Code;
  - (b) Dealt with as a contravention of Section 32 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) and any non-recoverable costs recovered from the relevant Councillor.

#### **11. Sanctions for non-attendance**

- (1) A Councillor who absents himself or herself from a meeting, or who fails to be in attendance at the commencement of the meeting, or fails to remain in attendance at such a meeting without prior leave having been granted in terms of Section 10, is in breach of these Rules.
- (2) A committee elected by Council (Disciplinary Committee), must investigate and make a finding on any breach referred to in sub-Clause (1) in accordance with the Policy on the Procedure for Investigation of Allegations of Contraventions of the Code of Conduct by Councillors.
- (3) A Councillor who is absent from 3 (three) or more consecutive meetings of Council, without a valid excuse, shall be removed from office.

#### **12. Minutes**

- (1) Minutes of the proceedings of meetings must be compiled in printed form and be confirmed by the Council at the next meeting and signed by the Speaker.
- (2) The minutes shall be taken as read, for the purpose of confirmation, if a copy thereof was sent to each Councillor within forty eight hours before the next meeting, subject to the provisions of sub-Clause (4).
- (3) No motion or discussion shall be allowed on the minutes, except in connection with the correctness thereof.
- (4) The minutes formulated and screened during meetings, shall constitute a resolution for purposes of implementation of decisions.

#### **13. Quorum**

- (1) A majority of the Councillors constitutes a quorum.
- (2) If there is no quorum at the time for which the meeting is scheduled, the meeting must be delayed for no longer than 20 (twenty) minutes and if at the end of that period, there is still no quorum, the Speaker must adjourn the meeting to the same time, a week later at an available venue and the time of such adjournment, as well as the names of the Councillors present, must be recorded in the minutes.
- (3) Whenever the Speaker is not present and there is no quorum, the start of the meeting must be delayed for no more than 20 (twenty) minutes and if there is no quorum at the end of that period, the Municipal Manager must adjourn the meeting to the same time, a week later at an available venue and the time of such adjournment, as well as the names of the Councillors present, must be recorded in the minutes.
- (4) Whenever during a meeting there is no quorum, the Speaker must suspend the proceedings until a quorum is again present: Provided that if after 15 (fifteen) minutes there is still no quorum the Speaker must adjourn the meeting to the same time, a week later at an available venue and the time of such adjournment, as well as the names of the Councillors present, must be recorded in the minutes.

- (5) The Speaker must report the names of the absentee Councillors to the committee established in terms of Clause 11.2 (Disciplinary Committee) for the purposes of an investigation of a breach of these Rules.

#### **PART 4: DECISIONS**

##### **14. Unopposed matters**

Whenever Council is called upon to consider a matter before it and there is no opposition from any Councillor, a unanimous vote must be recorded.

##### **15. Opposed matters**

- (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, as required by section 30(4) of the Structures Act.
- (4) A matter on the agenda is regarded as opposed business if a Councillor signifies the intention to discuss the matter immediately after the Speaker has intimated to the meeting that the matter is open for discussion. No matter is regarded as opposed by reason only of questions being asked in connection therewith.

##### **16. Manner of voting**

- (1) A majority of the Councillors of a Municipal Council must be present before a vote may be taken on any matter.
- (2) The Speaker must put every opposed matter to the vote by calling upon the Councillors to indicate by a show of hands unless otherwise prescribed by Council, whether they are for such matter or against it, whereupon the Speaker must declare the result of such vote.
- (3) Upon the Speaker's declaration of the result of a vote, a Councillor may demand for his or her vote to be recorded against the decision concerned and the Municipal Manager shall ensure that such vote is recorded in the minutes.
- (4) If there is an equality of votes in respect of a matter on which voting takes place in accordance with sub-Clause (1), the Speaker must exercise his or her casting vote, in addition to his or her deliberative vote.

##### **17. Decisions**

- (1) In accordance with the Constitution, a supporting vote of a majority of the Councillors is necessary to decide on –
  - (a) The passing of by-laws;
  - (b) The approval of the budgets;
  - (c) The imposition of rates and other taxes, levies and duties;
  - (d) The raising of loans.
- (2) In accordance with the *Structures Act* a supporting vote of at least 2/3 (two thirds) of the Councillors of Council is necessary to adopt a decision to dissolve the Council.
- (3) All other matters are decided by a majority of votes cast.



## PART 5: PUBLIC ACCESS

### 18. Admittance of public

- (1) The Speaker must –
  - (a) take reasonable steps to regulate the attendance and conduct of members of the public at meetings; and
  - (b) ensure that meetings are accessible to persons with disabilities.
- (2) The Speaker may allocate reasonable time to any member of the public who wishes to address Council, having regard to –
  - (a) the nature of the matter to be discussed;
  - (b) priorities in relation to other Council business;
  - (c) other members of the public present who also wish to address the Council, and
  - (d) whether such an opportunity has already been provided to the member of the public.
- (3) A member of the public who wishes to address the Council must apply in writing to the Speaker, stating the matter on which he or she wishes to speak.
- (4) If the Speaker is of the opinion that members of the public must be excluded from a meeting or upon a motion from a Councillor to that effect, the Speaker must –
  - (a) direct that all members of the public leave the venue of the meeting; and
  - (b) direct that the Council consider a motion whether it would be reasonable to exclude the public from the meeting having regard to the nature of the business being transacted, including whether –
    - (i) there might otherwise be unreasonable disclosure of personal information regarding any person;
    - (ii) trade secrets of any person might otherwise be disclosed;
    - (iii) financial, commercial, scientific or technical information, other than trade secrets, of any person might otherwise be disclosed, and the disclosure would likely cause harm to the commercial or financial interests of that person;
    - (iv) information which had been supplied in confidence by any person might be disclosed, and the disclosure could reasonably be expected to put that person at a disadvantage in contractual or other negotiations or to prejudice that person in commercial competition;
    - (v) information might be disclosed that would give cause for an action for breach of a duty of confidence owed to any person in terms of an agreement;
    - (vi) information might be disclosed that could reasonably be expected to endanger the life or physical safety of any person, or would likely prejudice or impair the security of a building, structure, system, means of transport or any other property;
    - (vii) information might be disclosed which is privileged from production in legal proceedings;
    - (viii) information might be disclosed which contains financial, commercial, scientific or technical information, the disclosure of which –

- (aa) would likely cause harm to the financial interests of the municipality; or
  - (bb) could reasonably be expected to put the municipality at a disadvantage in contractual and other negotiations;
  - (ix) information might be disclosed about research being or to be carried out by or on behalf of any person or the municipality and the disclosure of the information would likely expose any person or the municipality or the subject-matter of the research to serious disadvantage; or
  - (x) the relevant item on the agenda pertains to any other matter which could be reasonably withheld from the public;
- (5) If the motion referred to in sub rule 4(b) to exclude the public from the meeting is seconded, the motion must be put to the vote, after debate of the reasons for excluding the public, but without debate on the relevant item on the agenda.
- (6) If the motion referred to in sub rule 4(b) is not carried, the Speaker must ensure that members of the public are allowed access to the meeting again.
- (7) If the motion referred to in sub rule 4(b) is carried, no member of the public, including the media, may attend the proceedings concerned.
- (8) The motivation for the exclusion of the public must be entered into the minutes, and the minutes must show the time at which the closed session starts and ends.
- (9) This rule is subject to section 20(1) and (2) of the Systems Act.

#### **19. Re-admission of members of the public**

- (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 such 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.

#### **20. Deputations**

- (1) A deputation seeking an interview with Council must give the Municipal Manager 6 (six) days written notice of its intention and furnish details of the representations to be made and the source of the deputation.
- (2) The Municipal Manager must submit a request by a Deputation for an interview with Council to the Speaker, who may decide to grant or refuse an interview and under what conditions.

### **PART 6: ORDER IN MEETINGS**

#### **21. Conduct of non-members and members of the public**

If a non-member or member of the public does not abide by these Rules of Order, behaves in an unseemly manner or obstructs the business of any meeting of the Council, the Speaker may order his or her removal from the meeting.

#### **22. Maintenance of order at meetings of Council**

- (1) If a Councillor does not abide by these Rules of Order, behaves in an unseemly manner or obstructs the business of any meeting of the Council or any Committee thereof, or challenges the ruling of the Speaker on any point of

order, or declines to withdraw any expression when required to do so by the Speaker, or indulges in tedious repetition or unbecoming language, or commits any breach of these Rules, the Speaker shall direct such Councillor to conduct himself or herself properly and if speaking, to discontinue his or her speech and immediately resume his or her seat.

- (2) No Councillor, official or other person shall be allowed to bring any food, beverages or alcohol into the meeting and the usage of a cell phone which may result in disturbance of the meeting, reading of a newspaper or magazine, while a meeting is in progress, is strictly forbidden.
- (3) In the event of a persistent disregard of the directions of the Speaker, the Speaker shall direct such Councillor to retire from the place of meeting for the remainder of the meeting and may, if necessary cause him or her to be ejected there from.

### **23. Offence**

Any Councillor, non-member or member of the public who –

- (a) refuses or fails to comply with a direction of the Speaker given in terms of Clauses 21 and 22.1; or
- (b) returns to the place of meeting prior to the conclusion of the meeting from which he or she was directed to retire; or
- (c) offers resistance whilst being ejected from the place of meeting; commits an offence and is, if convicted by a Court of Law, liable to:
  - pay a fine of not exceeding R1 000,00 (One Thousand Rand); or
  - imprisonment not exceeding a period of 6 (six) months.

## **PART 7: RULES OF DEBATE**

### **24. Councillor to address chair**

A Councillor who speaks at a meeting of the Council must address the chair and may do so in any one of the 3 (three) official languages of the Province of the Western Cape.

### **25. Order of priority**

When a Councillor wishes to address the Council, he or she must first have the permission of the Speaker.

### **26. Precedence of the Speaker**

Whenever the Speaker addresses the meeting, all Councillors must be silent so that the Speaker may be heard without any interruption.

### **27. Relevance**

- (1) A Councillor who speaks must direct his speech strictly to the subject or matter under discussion or to an explanation or to a point of order.
- (2) No discussion shall be permitted –
  - (a) which will anticipate any matter on the agenda;
  - (b) on any matter in respect of which a decision by a judicial or quasi-judicial body or a commission of enquiry is pending.

### **28. Right to speak**

- (1) A Councillor may only speak once –
  - (a) to the matter before the Council;

- (b) to any motion before the Council;
  - (c) to any amendments to the matter before the Council;
  - (d) to a matter or an amendment proposed or to be proposed by himself or herself;
  - (e) to a point of order or a question of privilege; unless authorised by the Speaker or as provided for in terms of these Rules.
- (2) The mover of an original motion may, however, speak to the motion and reply, but in replying he shall strictly confine himself or herself to answering previous speakers and shall not introduce any new matter into the debate.
- (3) The right of reply shall not extend to the mover of an amendment which, having been carried, has become the substantive motion.

**29. Length of speeches**

- (1) Except with the consent of the Speaker no Councillor may speak for more than **3 (three) minutes** on any subject or matter.
- (2) The mover of an original motion or of any amendment may however speak for 10 (ten) minutes on such motion or amendment.

**30. Re-introduction of motion or question**

No motion which has been rejected by the Council and no question asked in terms of the Rules and dealt with at any meeting, may again be moved or asked within a period of 3 (three) months of such meeting, except with the consent of the Speaker.

**31. Notice of motion**

- (1) The Speaker may not accept any motion except a motion of exigency or a motion of course unless notice thereof has been given in terms of sub-Clause (2).
- (2) Every notice of intention to introduce a motion shall be in writing, signed and dated by the Councillor submitting same and shall motivate the motion.
- (3) A notice of intention to introduce a motion as contemplated in sub-Clause (2), shall be delivered to the Municipal Manager at least 6 (six) working days before the date of the meeting at which it is intended to be introduced.

**32. Notice of question**

- (1) Subject to Clause 38, the Speaker may not accept any question unless notice thereof has been given in terms of sub-Clause (2).
- (2) Every notice of intention to ask a question shall be in writing, signed and dated by the Councillor submitting same and shall motivate the question.
- (3) A notice of intention to ask a question shall be delivered to the Municipal Manager at least 6 (six) working days before the date of the meeting at which it is intended to be asked.
- (4) Notices of questions must be referred by the Municipal Manager to the Speaker within 4 (four) working days before a Council meeting.
- (5) The Speaker must forthwith submit the question to the Executive Mayor.
- (6) The Executive Mayor or a Councillor of the Mayoral Committee nominated by the Executive Mayor may answer the question as follows:
- (a) the question may be answered verbally at the next Council meeting; or
  - (b) if information is needed from the administration for the purpose of answering the question, or if more time is needed to prepare the

answer, the Executive Mayor or Councillor answering the question must advise Council at the Council meeting where the question is asked that the question will be answered in writing at the next Council meeting.

**33. Absence of mover or questioner**

In the event of the mover or questioner not being present at the meeting of the Council when called upon by the Speaker to move a motion or ask a question standing in his or her name on the agenda, such motion or question shall lapse unless the original mover or questioner has notified the Speaker in writing of a substitute to move the motion or ask the question.

**34. Motion and question on matters dealt with by a Committee**

- (1) A Councillor may not give notice of a motion in regard to any matter assigned to a committee unless such motion has previously been submitted to such committee or unless it is in the form of a reference to such committee for consideration and report.
- (2) The chairperson of a committee may, if he or she is of the opinion that the matter is one of urgency, give notice of his or her intention to introduce a motion or ask a question on a matter assigned to such committee, notwithstanding the fact that such motion or question has not received the prior consideration of such committee.

**35. Recommendation of a Committee regarded as a motion.**

- (1) The adoption of a recommendation contained in a report submitted by a committee to the Council, shall be deemed to have been moved by the chairperson of such committee or, in his or her absence, or when he or she opposes such recommendation, by a Councillor of such committee deputed by him or her to act at the time, when the Speaker of the meeting intimates that such recommendation is open for discussion, no such motion need be seconded, nor shall the chairperson of such committee be thereby precluded from exercising his or her right to speak thereon.
- (2) The chairperson referred to in sub-Clause (1) may, however, speak on the matter and reply but in replying he or she shall strictly confine himself or herself to answering previous speakers and shall not introduce any new matter into the debate.

**36. Questions**

- (1) After any motion or amendment has been moved and seconded or at the conclusion of any speech thereon, a Councillor may ask any question relevant to such motion or amendment.
- (2) No supplementary questions may be asked except by the Councillor asking the original question and then only in respect of matters arising out of the reply to such original question.
- (3) The Speaker may not disallow any such question: Provided that the Councillor to whom such question is directed may either reply thereto forthwith or require that notice thereof be given in terms of Clause 32.

**37. Motion of exigency**

- (1) A Councillor may direct the attention of the Council to any matter which does not appear on the agenda and of which no previous notice has been given, by stating briefly the subject of the matter and without comment thereon, moving that the motion to which attention has been directed be considered forthwith as a matter of exigency.
- (2) Such motion is herein referred to as a motion of exigency.
- (3) If such motion is seconded and carried by a majority of the Councillors present, the mover shall be permitted without notice to bring the matter under consideration by way of a motion or question.

**38. Motion of course**

In addition to those provided for elsewhere in these Rules, the following shall be regarded as motions of course, that –

- (a) precedence be given to the consideration of any particular item appearing on the agenda;
- (b) any report referred to in the agenda be noted, adopted, acted upon or referred back;
- (c) any document before the Council be acted upon in the manner specified in the motion;
- (d) action be taken in regard to any item submitted for consideration in the manner specified in the motion.

**39. Point of order**

A Councillor may raise a point of order to call attention to a departure from these Rules by stating the particular rule such Councillor relies on, whereupon such Councillor shall immediately be heard.

**40. Point of explanation**

The Speaker may allow a Councillor to raise a point of explanation: Provided that such explanation shall be confined to some material part of the debate which may have been misunderstood.

**41. Withdrawal of motion, amendment or question**

- (1) A motion or amendment may without debate and with the permission of the seconder and Council, be withdrawn by the mover.
- (2) A Councillor may not speak upon such motion or amendment after the Council has agreed to the withdrawal of such motion.
- (3) A question may be withdrawn by the Councillor intending to put it.

**42. Speaker's ruling on points of order and explanation**

- (1) The ruling of the Speaker on a point of order or an explanation shall be final and not open to discussion.
- (2) The ruling of the Speaker upon any point of order raised as to the interpretation of these Rules shall be entered in the minutes.

**43. Order of debate**

When a motion is under debate at any meeting of the Council, no further motion shall be received except the following, that –

- (a) the motion be amended;
- (b) the consideration of the matter be postponed;
- (c) the public and the media be excluded;

- (d) the public and the media be re-admitted;
- (e) the Council do now adjourn;
- (f) the Council adjourn for a specified time;
- (g) the debate be adjourned;
- (h) the matter be put to the vote;
- (i) the Council proceed to the next business.

**44. That the motion be amended**

- (1) Every amendment shall be relevant to the motion on which it is moved.
- (2) An amendment shall, if required by the Speaker, be in writing, signed by the mover and handed to the Speaker.
- (3) An amendment shall be read before being moved.
- (4) An amendment shall not be discussed or put to the Council until it has been seconded.
- (5) If there is more than 1 (**one**) amendment to a motion, the amendment last proposed shall be put to the vote first and if carried the question shall be resolved accordingly.
- (6) If the amendment last proposed is rejected, the amendment proposed immediately prior to the last amendment shall be put to the vote.
- (7) No further amendment shall be moved to a motion or amendment after the Speaker has put such motion or amendment to the vote.

**45. That consideration of the matter be postponed.**

- (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) Such motion must be seconded but need not be in writing: Provided that the seconder shall not be permitted to speak.
- (3) Upon such motion being made, the mover of the matter under debate may, without prejudice to his or her ultimate right of reply if the motion that the matter be postponed be not carried, be heard in reply for 3 (three) minutes, after which the motion shall be put without further debate.
- (4) If the motion is carried, the matter shall be placed first on the agenda of matters to be considered at the meeting to which it has been postponed: Provided that sub-Clauses 5(2) and (3) shall not apply to such matter.

**46. That the Council now adjourn**

- (1) A Councillor who has not already participated in the debate on the matter then before the meeting, may at any time, except during the course of a speech by another Councillor or while a vote is being taken, move that the Council do now adjourn to another date.
- (2) Such motion must be seconded but need not be in writing.
- (3) The mover shall be permitted to speak to the motion for a period not exceeding 3 (three) minutes but the seconder shall not speak except for seconding the motion.
- (4) If the motion is carried the Council shall forthwith adjourn: Provided that the Speaker may direct that the meeting proceed first to dispose of business other than opposed business.
- (5) If the motion that the Council do now adjourn is not carried, the Speaker may not accept another such motion until the period of 30 (minutes) has elapsed thereafter.

- (6) Save as is provided in sub-Clause (3), no discussion may take place upon a motion for the adjournment, except that a Councillor who first indicates his or her intention to speak, may speak in opposition to such motion for a period not exceeding 3 (three) minutes.
- (7) No amendment to such motion may be moved except in relation to the period of adjournment.
- (8) If a motion to adjourn a meeting has been carried during a debate and prior to the conclusion thereof then upon consideration of the matter forming the subject of such debate, the Councillor who moved the adjournment shall be entitled to speak first.
- (9) No business shall be transacted at an adjourned meeting except such as was set out in the agenda for the meeting of which it is an adjournment.

**47. That the Council adjourn for a specified time**

- (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 Council adjourn for a specified time for caucus or any other purposes: Provided that adjournments shall be permitted for a maximum period of time up to 1 (one) hour per request.
- (2) Such motion need not be in writing.
- (3) If the motion is carried, the Council shall forthwith adjourn for the specified time: Provided that the business of Council shall be resumed promptly at the lapsing of the period of time permitted for the adjournment.
- (4) The Speaker may limit the number of such motions.

**48. That the debate be adjourned**

- (1) A Councillor who has not yet participated in a debate, may at the conclusion of any speech, move that the debate be adjourned.
- (2) Such motion must be seconded but need not be in writing.
- (3) The mover of such motion may speak to it for 3 (three) minutes, but the seconder may not speak beyond formally seconding it.
- (4) Save as is provided in sub-Clause (3), no discussion may be permitted on such motion except in relation to the period of adjournment and that the Councillor who first indicates for that purpose, may speak in opposition thereto for **3 (three) minutes**.
- (5) If such motion is carried, the meeting proceeds to the next business on the agenda, and the discussion of the adjourned debate, unless otherwise resolved, is resumed at the next ordinary meeting.
- (6) On the resumption of the adjourned debate, the Councillor who moved the adjournment is entitled to speak first.
- (7) If a motion that a debate be adjourned is not carried, the Speaker may not accept another such motion until 30 (thirty) minutes has elapsed.
- (8) A Councillor may not move or second more than 1 (one) motion for the adjournment of the debate during the course of that debate.

**49. That the matter be put to the vote**

- (1) A Councillor who has not yet participated in a debate on a matter, may during such debate, at the conclusion of any speech, move that the matter be now put to the vote.
- (2) Subject to the provisions of sub-Clause (3), no motion put in terms of sub-Clause (1) shall be open to discussion.



- (3) The mover of a matter under discussion may, when a motion has been put in terms of sub-Clause (1), speak on such motion for not more than 3 (three) minutes, whereupon the said motion shall be put to the vote without any further discussion.

**50. That the matter be removed from the agenda**

- (1) A Councillor who has not yet participated in the debate on a matter may during such debate, at the conclusion of any speech, move that the matter be removed from the agenda.
- (2) Subject to the provisions of sub-Clause (3), no motion put in terms of sub-Clause (1) shall be open to discussion.
- (3) The mover of a matter under discussion may, when a motion has been put in terms of sub-Clause (1), speak on such motion for not more than 3 (three) minutes, whereupon the said motion shall be put to the vote without any further discussion.
- (4) If such a motion is carried, the matter under discussion shall not be further pursued.

**51. Rescission of resolution**

- (1) If a Councillor wishes to give notice of his or her intention to move the rescission of a resolution (or part thereof) of Council, he or she shall give such notice by delivery to the Municipal Manager of a notice of motion in writing, which notice of motion shall be signed and dated by such Councillor and shall state at which meeting of Council it will be introduced, and it shall be in the hands of the Municipal Manager at least six clear days before the said meeting. Such notice of motion shall further state that the Councillor will move that the existing resolution (or part thereof) be reviewed for the purpose of alteration or rescission, as the case may be, and that the Councillor will further move that the same be rescinded or altered, as the case may be, stating, in the case of an alteration, the exact alteration desired.
- (2) If a committee has resolved to recommend to Council that a resolution (or part thereof) of Council be rescinded or altered, notice of intention to move such rescission or alteration shall be given by the inclusion of such recommendation in a report of the committee to Council, and the Municipal Manager shall send a copy of such report to each Councillor, to reach him or her at least twelve hours before the meeting at which the recommendation will be considered. The copies of such report thus sent to all Councillors, or documents which accompany them, shall indicate, at which meeting such report will be considered.
- (3) Except upon the recommendation of a committee, a resolution (or part thereof) shall not be reviewed at any meeting of Council unless the permission of the majority of Councillors present at such meeting has been obtained.
- (4) There shall be no debate on such motion to review save that the Councillor or the Chairperson of the committee giving notice shall have the right to state the reasons therefor.

**PART 8: LEGISLATIVE PROCESS**

**52. Introduction of draft by-laws**

A draft by-law is introduced into Council by the Executive Mayor.

**53. Procedure for introduction of by-laws into Council**

- (1) A draft by-law is submitted by the Municipal Manager to the Executive Mayor together with a report containing –
  - (a) a memorandum with an explanatory summary of the contents of the by-law, the objects of the by-law and the reasons for the need to regulate the proposed conduct in a by-law;
  - (b) an indication of other by-laws that must be repealed or amended if the proposed by-law is passed;
  - (c) any other relevant documentation and proposals that may be required.
- (2) The Executive Mayor together with the Mayoral Committee must consider the draft by-law for purposes of making a recommendation to Council and may request that the by-law be amended and resubmitted.
- (3) The Executive Mayor together with the Mayoral Committee must submit the draft by-law to Council for consideration within 3 (three) months after the date of submission by the Municipal Manager as supra referred to herein with a recommendation that –
  - (a) the draft by-law be passed by Council;
  - (b) the draft by-law be rejected by Council.
- (4) The Executive Mayor submits a draft by-law to the Speaker for inclusion in the agenda of a Council meeting scheduled after date of submission by the Executive Mayor, with 1 (one) of the recommendations as supra referred to herein.

**54. First introduction to Council**

- (1) The Speaker must give all Councillors reasonable notice of the intention to introduce a draft by-law for consideration.
- (2) A draft by-law is introduced and tabled by the Executive Mayor for consideration by Council in the form of a report accompanied by –
  - (a) a memorandum containing an explanatory summary of the contents of the by-law, the objects of the by-law and the reasons for the need to regulate the conduct proposed in a by-law;
  - (b) the draft by-law;
  - (c) an indication of other by-laws that must be repealed or amended if the proposed by-law is passed;
  - (d) comments, remarks and elucidations by the Executive Mayor.
- (3) After considering the draft by-law and report referred to in Clause 54(2), Council must decide to –
  - (a) provisionally pass the by-law, subject thereto that should no public comment and/or representations be received on the draft by-law after the process envisaged in Clause 55 has been followed, the by-law be considered as having been duly passed by Council; or
  - (b) reject the proposed by-law.
- (4) When a draft by-law has been provisionally passed, it must be advertised for public comment and/or representations in accordance with Clause 55.

**55. Notice in local newspapers**

- (1) The Municipal Manager must, as soon as possible after Council has provisionally passed a by-law in terms of Clause 54(3)(a), publish a notice regarding the availability of the draft by-law for perusal and comment in local newspapers in circulation within the area of jurisdiction of the Breede Valley Municipality, which affords the public the opportunity to comment and/or make representations on the draft by-law.

- (2) The notice must be in the 3 (three) official languages of the Province, namely Afrikaans, English and Xhosa.

**56. Second introduction to Council**

- (1) The Municipal Manager must, as soon as possible after the closing date for public comment and/or representations, submit a report to the Executive Mayor accompanied by –
  - (a) the draft by-law;
  - (b) copies of the notice in which the public was invited to comment and/or make representations;
  - (c) any written comments and/or representations received from the public.
- (2) The Executive Mayor together with the Mayoral Committee must consider the report by the Municipal Manager and make a recommendation to Council to –
  - (a) pass the by-law;
  - (b) pass the by-law in an amended form; or
  - (c) reject it.
- (3) When a proposed by-law has been rejected by the Council, no by-law of the same substance may be introduced within a period of 6 (six) months from the date of rejection.

**57. Commencement**

- (1) When a draft by-law has been passed by Council it must be advertised in the Provincial Gazette.
- (2) A draft by-law becomes effective on the date it is published in the Provincial Gazette in terms of Clause 57(1) or on a date stipulated in the by-law.

**58. Debate procedure**

The Rules pertaining to debate also apply to the legislative procedure.

# ORDEREËLS

## VIR DIE HOU VAN VERGADERINGS VAN DIE MUNISIPALE RAAD VAN DIE BREEDEVALLEI MUNISIPALITEIT

Deur die Raad aangeneem op 30 Mei 2012

Raadsbesluit Nr. C24/2012

Hierdie Verordening heet die Verordening op die Ordereëls vir Interne Reëling, 2012.

**Om voorsiening te maak vir ordereëls wat geld vir die interne reëlings en sake en verrigtinge van die Raad van die Munisipaliteit; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.**

### DEEL 1: ALGEMEEN

#### 1. Woordomskrywing

In hierdie Reëls, tensy dit uit die samehang anders blyk, beteken –

**"Afvaardiging"** 'n groep mense wat aangewys is om ander te verteenwoordig vir 'n bepaalde doel;

**"Dringende mosie"** 'n skriftelike mosie deur enige Raadslid om 'n saak te oorweeg wat nie op die sakelys verskyn nie maar uiters dringend is, wat motivering bevat waarom die saak as dringend beskou moet word en dus 'n afwyking regverdig van die reël dat daar vooraf kennis gegee moet word;

**"Grondwet"** die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996);

**"Kennisgewing van vraag"** 'n skriftelike kennisgewing deur 'n Raadslid wat vrae oor enige saak van die Raad bevat met die doel om ('n) antwoord(e) te kry;

**"Kode"** die Gedragskode vir Raadslede uiteengesit in Bylae 1 van die Stelselwet;

**"LUR"** die Lid van die Uitvoerende Raad verantwoordelik vir plaaslike regering in die Provinsie Wes-Kaap;

**"Mosie"** 'n mosie waarvan daar vooraf skriftelik kennis gegee is deur 'n Raadslid, maar nie 'n mosie soos in reëls 39 en 40 beoog nie;

**"Munisipale Bestuurder"** die persoon wat deur die Raad aangestel is ingevolge artikel 54A van die Stelselwet of 'n persoon wat deur die Munisipale Bestuurder benoem is;

**"Ordemosie"** mosies wat in die loop van 'n debat sonder kennisgewing vooraf deur enige Raadslid ingedien word;

**"Party"** 'n party wat in die woordomskrywings van die Strukturewet bedoel word;

**"Raad"** die Munisipale Raad van die Breedevallei-munisipaliteit;

**"Raadslid"** 'n lid van die Raad, insluitende 'n politieke ampsbekleër soos in artikel 1 van die Stelselwet bedoel;

**"Reëls"** die bepalinge van hierdie Ordereëls;

**"Speaker"** die Raadslid wat tot voorsitter van die Raad verkies is of enige ander Raadslid wat as voorsitter van die Raad waarneem;

**"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);

**"Sweep"** 'n Raadslid van 'n party in die Raad wat deur daardie party as Sweep aangestel is om te help met die gladde werking van die verrigtinge van die Raad ingevolge hierdie Reëls;

**"Vergadering"** die amptelike vergaderings van die Raad en sy komitees, soos bepaal deur onderskeidelik die Speaker of voorsitters van komitees van die Raad.

**DEEL 2: TOEPASSING VAN REËLS****2. Toepassing**

- (1) Hierdie Reëls is van toepassing op alle amptelike vergaderings van die Raad en sy komitees, uitgesonderd vergaderings van die Burgemeesterskomitee of komitees waarvoor spesiale ordereëls aangeneem is.
- (2) Uitgesonderd waar dit klaarblyklik ontoepaslik is, is 'n reël wat in enige verrigtinge op Raadslede van toepassing is, ook van toepassing op 'n nie-Raadslid wat met goedkeuring van die Speaker aan daardie verrigtinge deelneem.

**3. Aanvulling**

- (1) Die Speaker kan 'n beslissing gee ten opsigte van enige gebeurlikheid waarvoor hierdie Reëls nie voorsiening maak nie en geen verdere bespreking word daarvoor toegelaat nie.
- (2) Die beslissing van die Speaker moet in die notule aangeteken word.

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48. Dat die debat verdaag word
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### DEEL 3: VERGADERINGS

#### 4. Begin van vergaderings van Raad

Die Speaker moet die voorsitterstoel inneem op die tyd wat in die kennisgewing van die vergadering vermeld word of so gou daarna as wat redelikerwys moontlik is: Met dien verstande dat die vergadering nie later as 30 (dertig) minute na die tyd wat in die kennisgewing van die vergadering vermeld is, moet begin nie en onmiddellik met die sake van die vergadering voortgaan, behoudens reël 13.

#### 5. Sakelys

- (1) Die sake van vergaderings van die Raad verskyn in die volgende volgorde op die agenda:
  - (a) Opening
  - (b) Verkiesing van (waarnemende) Speaker, indien nodig
  - (c) Aansoeke vir toestemming tot afwesigheid
  - (d) Onderhoude met of voorleggings deur afvaardigings
  - (e) Goedkeuring van die notule
  - (f) Verklarings en mededelings deur die Speaker
  - (g) Verklarings en mededelings deur die Uitvoerende Burgemeester
  - (h) Verslag deur die Uitvoerende Burgemeester oor besluite geneem deur die Uitvoerende Burgemeester, die Uitvoerende Burgemeester saam met die Adjunk Uitvoerende Burgemeester en die Uitvoerende Burgemeester saam met die Burgemeesterskomitee
  - (i) Sake ter oorweging, wat insluit:
    - Items voorgelê deur amptenare van die Raad
    - Dringende sake voorgelê deur die Munisipale Bestuurder
    - Sake vir kennisname
    - Oorweging van kennisgewings van mosie
    - Oorweging van kennisgewings van vrae
    - Oorweging van dringende mosies
  - (j) Afsluiting.
- (2) Die Speaker kan uit eie beweging die volgorde van die sake op die agenda verander.
- (3) 'n Raadslid wat wil hê die volgorde van die sake op die agenda moet verander word, moet die Speaker voor die vergadering nader.

#### 6. Funksie van die Speaker

- (1) Die Speaker moet die stoel inneem presies op die tyd waarvoor die vergadering gereël is.
- (2) Benewens die funksies in artikel 37 van die Strukturewet en enige ander wet na verwys –
  - (a) moet die Speaker etiket handhaaf op vergaderings;
  - (b) moet die Speaker 'n beslissing gee ten opsigte van 'n punt van orde wat deur 'n Raadslid geopper word, insluitende 'n vraag betreffende die voorrang van die saak; en
  - (c) kan die Speaker 'n beslissing gee ten opsigte van enige prosedurele gebeurlikheid waarvoor hierdie Reëls nie voorsiening maak nie.
- (3) Die beslissing in subreël (2) na verwys, moet in die notule aangeteken word.



**7. Behandeling van agenda**

Uitgesonderd soos in hierdie Reëls bepaal, mag geen saak wat nie in die agenda van 'n vergadering van die Raad vermeld word nie, op sodanige vergadering behandel word nie.

**8. Vergaderings**

- (1) Die Raad moet ten minste kwartaalliks vergader.
- (2) Die Speaker besluit waar en wanneer die Raad vergader, maar as 'n meerderheid van die Raadslede die Speaker skriftelik versoek om 'n vergadering te belê, moet die Speaker 'n vergadering belê so na moontlik aan die tyd in die versoek vermeld, maar nie later nie as 7 (sewe) dae daarna.
- (3) Die Munisipale Bestuurder moet, in opdrag van die Speaker, aan elke Raadslid skriftelik kennis gee van elke vergadering waarop daar ingevolge subreël (2) besluit word.
- (4) Die Munisipale Bestuurder moet aan die publiek kennis gee van die dag, tyd en plek van elke vergadering deur kennisgewings van vergaderings op opvallende plekke by al die kantore van die Raad te vertoon.

**9. Bywoning van vergaderings**

- (1) Elke Raadslid wat 'n vergadering van die Raad bywoon, moet sy of haar naam teken in die bywoningsregister wat vir daardie doel gehou word.
- (2) 'n Raadslid moet elke vergadering bywoon, uitgesonderd wanneer –
  - (a) afwesigheidsverlof ingevolge reël 10 toegestaan is; of
  - (b) die Raadslid wetlik verplig is om hom of haar te onttrek.

**10. Afwesigheidsverlof**

- (1) 'n Raadslid wat hom of haar van vergaderings wil verskoon, moet, voordat hy of sy, aldus onttrek, voor 'n vergadering via die Sweep van die betrokke politieke party verlof tot afwesigheid verkry van die Speaker of die voorsitter van 'n komitee: Met dien verstande dat die Speaker of voorsitter van 'n komitee by aanvoering van gegronde redes ná die vergadering verlof tot afwesigheid kan toestaan aan 'n Raadslid wat deur spesiale omstandighede verhinder is om voor die vergadering sodanige verlof te bekom.
- (2) Waar dit as gevolg van omstandighede nodig is, moet Raadslede behoorlik aansoek doen vir afwesigheidsverlof –
  - (a) in die geval van die Raad – by die Speaker;
  - (b) in die geval van vergaderings van komitees van die Raad – by die voorsitter van die betrokke komitee, en die Administrasie moet ook betyds in kennis gestel word sodat die plaasvervanger van die betrokke Raadslid betyds in kennis gestel kan word, teneinde 'n kworum te verseker;
  - (c) in die geval van werkwinkels, kongresse, funksies en ander byeenkomste as dié in (a) en (b) hierbo beoog – by die Speaker om goedkeuring te verleen in sulke gevalle, en die Administrasie moet ook betyds in kennis gestel word indien Raadslede nie werkwinkels, kongresse, vergaderings, funksies en dies meer kan bywoon nie, sodat kansellasiereëlings getref kan word om vrugtelose uitgawes te vermy.
- (3) Indien Raadslede nie betyds vir afwesigheidsverlof aansoek gedoen het nie soos in (a) tot (c) hierbo beoog en die niebywoning lei tot uitgawes betreffende die bywoning van werkwinkels, kongresse, vergaderings, funksies en dies meer wat nie verhaal kan word nie, sal sodanige uitgawes vrugtelose uitgawes wees wat ernstige implikasies en strawwe inhou.

- (4) Indien Raadslede subreëls (1) en (2) oortree, sal die oortreding onderskeidelik:
- (a) ingevolge die Gedragskode vir Raadslede (Bylae 1, Item 4, in die Stelselwet) as 'n oortreding van die Kode hanteer word;
  - (b) as 'n oortreding van artikel 32 van die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, 2003 (Wet No. 56 van 2003), hanteer word en sal enige nieverhaalbare koste van die betrokke Raadslid verhaal word.

**11. Sanksie vir versuim om vergadering by te woon**

- (1) 'n Raadslid wat hom of haar aan 'n vergadering onttrek, of wat versuim om by die begin van die vergadering teenwoordig te wees of versuim om op so 'n vergadering teenwoordig te bly, sonder dat verlof tot afwesigheid vooraf ingevolge reël 10 verleen is, begaan 'n oortreding van hierdie Reëls.
- (2) 'n Komitee wat deur die Raad verkies is (Dissiplinêre Komitee), moet ondersoek instel en 'n bevinding maak oor enige oortreding in subreël (1) bedoel ooreenkomstig die Beleid oor die Prosedure vir Ondersoek na Bewerings van Oortredings van die Gedragskode van Raadslede.
- (3) 'n Raadslid wat sonder 'n geldige verskoning van 3 (drie) of meer opeenvolgende vergaderings van die Raad afwesig is, word uit die amp ontslaan.

**12. Notule**

- (1) Die notule van die verrigtinge van vergaderings moet in gedrukte vorm saamgestel word en moet op die volgende vergadering deur die Raad goedgekeur en deur die Speaker onderteken word.
- (2) Die notule moet vir die doel van goedkeuring as gelees beskou word indien 'n afskrif daarvan aan elke Raadslid gestuur is minstens agt en veertig uur voor die volgende vergadering, behoudens die bepalings van subreël (4).
- (3) Geen mosie of bespreking oor die notule word toegelaat nie, uitgesonderd in verband met die korrektheid daarvan.
- (4) Die notule, soos geformuleer en nagegaan tydens vergaderings, maak besluite uit vir doeleindes van die implementering daarvan

**13. Kworum**

- (1) 'n Meerderheid van die Raadslede maak 'n kworum uit.
- (2) Indien daar nie 'n kworum is nie op die tyd waarvoor die vergadering belê is, word die vergadering vir hoogstens 20 (twintig) minute uitgestel, en indien daar aan die einde van daardie tydperk steeds nie 'n kworum is nie, moet die Speaker die vergadering verdaag tot dieselfde tyd 'n week later op 'n beskikbare plek, en die tyd van sodanige verdaging, asook die name van die Raadslede teenwoordig, moet in die notule aangeteken word.
- (3) Wanneer die Speaker nie teenwoordig is nie en daar nie 'n kworum is nie, word die begin van die vergadering vir hoogstens 20 (twintig) minute uitgestel, en indien daar aan die einde van daardie tydperk steeds nie 'n kworum is nie, moet die Munisipale Bestuurder die vergadering verdaag tot dieselfde tyd 'n week later op 'n beskikbare plek, en die tyd van sodanige verdaging, asook die name van die Raadslede teenwoordig, moet in die notule aangeteken word.

- (4) Wanneer daar tydens 'n vergadering nie 'n kworum is nie, moet die Speaker die verrigtinge opskort totdat daar weer 'n kworum teenwoordig is: Met dien verstande dat indien daar na 15 (vyftien) minute steeds nie 'n kworum is nie, die Speaker die vergadering verdaag tot dieselfde tyd 'n week later op 'n beskikbare plek, en die tyd van sodanige verdaging, asook die name van die Raadslede teenwoordig, moet in die notule aangeteken word.
- (5) Die Speaker moet die name van die afwesige Raadslede aanmeld by die komitee wat ingevolge reël 11.2 (Dissiplinêre Komitee) ingestel is vir die doel van 'n ondersoek na 'n oortreding van hierdie Reëls.

#### DEEL 4: BESLUIE

##### 14. Onbestrede sake

Wanneer die Raad 'n saak voor hom moet oorweeg en daar geen teenkanting van enige Raadslid is nie, moet 'n eenparige stemming aangeteken word.

##### 15. Bestrede sake

- (1) Die Speaker moet elke bestrede saak tot stemming bring deur Raadslede te versoek om deur die opsteek van hande, tensy enige wet anders voorskryf of die Raad anders besluit, aan te dui of hulle daarvoor of daarteen is, waarna die Speaker die uitslag van die stemming moet aankondig.
- (2) By die aankondiging van die uitslag van 'n stemming kan 'n Raadslid eis dat sy of haar stem teen die betrokke besluit aangeteken word.
- (3) As daar oor enige saak 'n staking van stemme is, moet die Speaker 'n beslissende stem uitbring soos bepaal ingevolge artikel 30(4) van die Strukturewet.
- (4) 'n Saak op die agenda word as 'n bestrede saak beskou as 'n Raadslid sy voorneme om die saak te bespreek, aandui onmiddellik nadat die Speaker aan die vergadering te kenne gegee het dat die saak oop is vir bespreking. Geen saak word as bestrede beskou slegs omrede vrae in verband daarmee gestel word nie.

##### 16. Wyse van stemming

- (1) 'n Meerderheid van die Raadslede moet teenwoordig wees voordat daar oor enige saak gestem kan word.
- (2) Die Speaker moet elke bestrede saak tot stemming bring deur die Raadslede te versoek om deur die opsteek van hande, tensy die Raad anders voorskryf, aan te dui of hulle vir of teen sodanige saak is, waarna die Speaker die uitslag van die stemming moet aankondig.
- (3) Wanneer die Speaker die uitslag van 'n stemming aankondig, kan 'n Raadslid eis dat sy of haar stem teen die betrokke besluit aangeteken word en die Munisipale Bestuurder moet verseker dat sodanige stem in die notule aangeteken word.
- (4) As daar 'n staking van stemme is ten opsigte van 'n saak waaroor daar ooreenkomstig subreël (1) gestem word, moet die Speaker sy of haar beslissende stem uitbring benewens sy of haar gewone stem.

##### 17. Besluite

- (1) In ooreenstemming met die Grondwet word 'n ondersteunende stem van 'n meerderheid van die Raadslede vereis om te besluit oor –
  - (a) die aanneem van verordeninge;
  - (b) die goedkeuring van die begrotings;

- (c) die oplê van eiendomsbelasting en ander belastings, heffings en vorderings;
- (d) die aangaan van lenings.
- (2) Ooreenkomstig die Strukturewet is 'n ondersteunende stem van ten minste 2/3 (twee derdes) van die Raadslede nodig om 'n besluit aan te neem om die Raad te ontbind.
- (3) Alle ander sake word deur 'n meerderheid van die uitgebragte stemme beslis.

#### **DEEL 5: TOELATING VAN PUBLIEK**

##### **18. Toelating van publiek**

- (1) Die Speaker moet –
  - (a) redelike stappe doen om die bywoning en gedrag van lede van die publiek op vergaderings te reguleer; en
  - (b) verseker dat vergaderings toeganklik is vir persone met gestremdhede.
- (2) Die Speaker kan redelike tyd toewys aan enige lid van die publiek wat die Raad wil toespreek, met inagneming van –
  - (a) die aard van die saak wat bespreek staan te word;
  - (b) prioriteite met betrekking tot ander sake van die Raad;
  - (c) ander lede van die publiek teenwoordig wat ook die Raad wil toespreek, en
  - (d) of so 'n geleentheid reeds aan die lid van die publiek toegestaan is.
- (3) 'n Lid van die publiek wat die Raad wil toespreek, moet skriftelik by die Speaker aansoek doen, met vermelding van die saak waaroor hy of sy wil praat.
- (4) Indien die Speaker van mening is dat lede van die publiek van 'n vergadering uitgesluit moet word, of op 'n mosie van 'n Raadslid te dien effekte, moet die Speaker –
  - (a) gelas dat alle lede van die publiek die lokaal van die vergadering verlaat; en
  - (b) gelas dat die Raad 'n mosie oorweeg of dit redelik is om die publiek van die vergadering uit te sluit met inagneming van die aard van die saak wat behandel word, insluitende of –
    - (i) daar andersins onredelike openbaarmaking van persoonlike inligting betreffende enige persoon kan wees;
    - (ii) handelsgeheime van enige persoon andersins openbaar gemaak kan word;
    - (iii) finansiële, kommersiële, wetenskaplike of tegniese inligting, afgesien van handelsgeheime, van enige persoon andersins openbaar gemaak kan word en die openbaarmaking waarskynlik benadeling van die kommersiële of finansiële belange van daardie persoon sal veroorsaak;
    - (iv) inligting wat vertroulik deur enige persoon verstrekkend is, openbaar gemaak kan word en daar redelikerwys verwag kan word dat die openbaarmaking daardie persoon in kontraktuele of ander onderhandelinge sal benadeel of daardie persoon in kommersiële mededinging sal benadeel;
    - (v) inligting openbaar gemaak kan word wat aanleiding kan gee tot 'n aksie vir skending van 'n vertroulikheidsplig wat ingevolge 'n ooreenkoms aan enige persoon verskuldig is;

- (vi) inligting openbaar gemaak kan word waarvan daar redelikerwys verwag kan word dat dit die lewe of fisiese veiligheid van enige persoon in gevaar kan stel of die sekuriteit van 'n gebou, struktuur, stelsel, manier van vervoer of enige ander eiendom kan benadeel of in die gedrang kan bring;
  - (vii) inligting openbaar gemaak kan word wat geprivilegeer is teen voorlegging in regsverrigtinge;
  - (viii) inligting openbaar gemaak kan word wat finansiële, kommersiële, wetenskaplike of tegniese inligting bevat –
    - (aa) waarvan die openbaarmaking waarskynlik nadelig sal wees vir die finansiële belange van die munisipaliteit; of
    - (bb) ten opsigte waarvan daar redelikerwys verwag kan word dat openbaarmaking die munisipaliteit in kontraktuele en ander onderhandelinge sal benadeel;
  - (ix) inligting openbaar gemaak kan word oor navorsing wat gedoen word of gedoen gaan word deur of namens enige persoon of die munisipaliteit en die openbaarmaking van die inligting waarskynlik enige persoon of die munisipaliteit of die onderwerp van die navorsing aan ernstige benadeling sal blootstel; of
  - (x) die betrokke item op die agenda betrekking het op enige ander saak wat redelikerwys van die publiek weerhou kan word.
- (5) Indien die mosie om die publiek van die vergadering uit te sluit in subreël (4)(b) bedoel, gesekondeer word, moet die mosie tot stemming gebring word na debat oor die redes vir die uitsluiting van die publiek, maar sonder debat oor die betrokke item op die agenda.
- (6) Indien die mosie in subreël (4)(b) bedoel nie aangeneem word nie, moet die Speaker verseker dat lede van die publiek weer tot die vergadering toegelaat word.
- (7) Indien die mosie in subreël (4)(b) bedoel aangeneem word, mag geen lid van die publiek, insluitende die media, die betrokke verrigtinge bywoon nie.
- (8) Die motivering vir die uitsluiting van die publiek moet in die notule aangeteken word en die notule moet die tyd toon waarop die geslote sessie begin en eindig.
- (9) Hierdie reël is onderhewig aan artikel 20(1) en (2) van die Stelselwet.

#### **19. Hertoelating van lede van die publiek**

- (1) 'n Raadslid kan in die loop van 'n vergadering waarvan die publiek uitgesluit is, 'n mosie voorstel "dat die vergadering weer oopgestel word" en die redes vir die mosie stel.
- (2) Indien sodanige mosie gesekondeer word, moet dit onverwyld en sonder debat tot stemming gebring word.
- (3) Indien die mosie aangeneem word, moet die Speaker verseker dat lede van die publiek weer tot die vergadering toegelaat word.

#### **20. Afvaardigings**

- (1) 'n Afvaardiging wat 'n onderhoud met die Raad wil hê, moet aan die Munisipale Bestuurder 6 (ses) dae skriftelike kennis van sy voorneme gee en besonderhede verstrek van die vertoë wat hy wil rig en die bron van die afvaardiging.
- (2) Die Munisipale Bestuurder moet 'n versoek deur 'n afvaardiging vir 'n onderhoud met die Raad aan die Speaker voorlê, wat kan besluit om 'n onderhoud toe te staan of te weier en op welke voorwaardes.

## DEEL 6: ORDE OP VERGADERINGS

### 21. Gedrag van nielede en lede van die publiek

Indien 'n nielid of lid van die publiek nie hierdie Reëls nakom nie, op 'n onbetaamlike wyse optree of die sake van enige vergadering van die Raad dwarsboom, kan die Speaker gelas dat hy of sy uit die vergadering verwyder word.

### 22. Handhawing van orde op vergaderings van Raad

- (1) Indien 'n Raadslid nie hierdie Reëls nakom nie, op 'n onbetaamlike wyse optree of die afhandeling van die agenda van enige vergadering van die Raad of enige komitee van die Raad belemmer, of die beslissing van die Speaker oor enige punt van orde betwis, of weier om enige uitdrukking terug te trek wanneer die Speaker dit vereis, of langtradige herhaling of onbetaamlike taal gebruik, of enige oortreding van hierdie Reëls begaan, moet die Speaker sodanige Raadslid gelas om hom of haar behoorlik te gedra en as hy of sy praat, sy of haar toespraak te staak en onmiddellik te gaan sit.
- (2) Geen Raadslid, amptenaar of ander persoon mag toegelaat word om enige voedsel, drank of alkohol na die vergadering te bring nie en die gebruik van 'n selfoon wat tot steuring van die vergadering kan lei, asook die lees van 'n koerant of tydskrif terwyl 'n vergadering aan die gang is, is streng verbode.
- (3) In die geval van 'n aanhoudende verontagsaming van die lasgewings van die Speaker moet die Speaker sodanige Raadslid gelas om die vergaderlokaal te verlaat vir die res van die vergadering en kan die Speaker, indien nodig, hom of haar uit die lokaal laat verwyder.

### 23. Misdryf

Enige Raadslid, nielid of lid van die publiek wat –

- (a) weier of versuim om te voldoen aan 'n lasgewing van die Speaker wat ingevolge reëls 21 en 22.1 gegee is; en
- (b) na die vergaderlokaal terugkeer voor die einde van die vergadering wat hy of sy gelas is om te verlaat; of
- (c) weerstand bied terwyl hy of sy uit die vergaderlokaal gesit word; begaan 'n misdryf en is by skuldigbevinding deur 'n geregshof strafbaar met:
  - 'n boete van hoogstens R1 000,00 (een duisend rand); of
  - gevangenisstraf vir 'n tydperk van hoogstens 6 (ses) maande.

## DEEL 7: DEBATSREËLS

### 24. Raadslid spreek stoel aan

'n Raadslid wat op 'n vergadering van die Raad praat, moet die stoel aanspreek en kan dit doen in enige van die 3 (drie) amptelike tale van die Provinsie Wes-Kaap.

### 25. Voorrangorde

Wanneer 'n Raadslid die Raad wil toespreek, moet hy of sy eers die toestemming van die Speaker kry.

### 26. Voorrang van die Speaker

Wanneer die Speaker die vergadering toespreek, moet alle Raadslede stil bly sodat die Speaker sonder onderbreking aangehoor kan word.

**27. Tersaaklikheid**

- (1) 'n Raadslid wat praat, moet sy of haar toespraak streng beperk tot die onderwerp of saak onder bespreking of tot 'n verduideliking van 'n punt van orde.
- (2) Geen bespreking word toegelaat nie –
  - (a) wat enige saak op die agenda sal vooruitloop;
  - (b) oor enige saak ten opsigte waarvan 'n besluit deur 'n geregtelike of kwasieregtelike liggaam of 'n kommissie van ondersoek hangende is.

**28. Reg van praat**

- (1) 'n Raadslid mag net een keer praat –
  - (a) oor die saak voor die Raad;
  - (b) oor enige mosie voor die Raad;
  - (c) oor enige amendemente van die saak voor die Raad;
  - (d) oor 'n saak of 'n amendement wat deur homself of haarself voorgestel is of gaan word;
  - (e) oor 'n punt van orde of 'n vraag van privilegie;tensy hy of sy deur die Speaker gemagtig is of soos hierdie Reëls bepaal.
- (2) Die voorsteller van 'n oorspronklike mosie kan egter oor die mosie praat en repliek lewer, maar in sy of haar repliek moet hy of sy hom of haar streng daartoe bepaal om op vorige sprekers te antwoord en mag hy of sy geen nuwe saak in die debat inbring nie.
- (3) Die reg van repliek geld nie vir die voorsteller van 'n amendement nie wat, nadat dit aangeneem is, die substantiewe mosie geword het.

**29. Duur van toesprake**

- (1) Uitgesonderd met toestemming van die Speaker mag geen Raadslid langer as 3 (drie) minute oor enige onderwerp of saak praat nie.
- (2) Die voorsteller van 'n oorspronklike mosie of van enige amendement kan egter 10 (tien) minute lank oor sodanige mosie of amendement praat.

**30. Herindiening van mosie of vraag**

Geen mosie wat deur die Raad verwerp is en geen vraag wat ingevolge die Reëls gestel en behandel is op enige vergadering, mag weer ingedien of gestel word nie binne 'n tydperk van 3 (drie) maande na sodanige vergadering, uitgesonderd met toestemming van die Speaker.

**31. Kennisgewing van mosie**

- (1) Die Speaker mag nie 'n mosie, uitgesonderd 'n dringende mosie of 'n ordemosie, aanvaar nie tensy kennis daarvan ingevolge subreël (2) gegee is.
- (2) Elke kennisgewing van voorneme om 'n mosie in te dien, moet skriftelik wees, geteken en gedateer deur die Raadslid wat dit indien en moet motivering vir die mosie bevat.
- (3) 'n Kennisgewing van voorneme om 'n mosie in te dien soos in subreël (2) beoog, moet aan die Munisipale Bestuurder gelewer word ten minste 6 (ses) werkdag voor die datum van die vergadering waarop dit ingedien staan te word.

**32. Kennisgewing van vraag**

- (1) Behoudens reël 38 mag die Speaker geen vraag aanvaar nie tensy kennis daarvan ingevolge subreël (2) gegee is.

- (2) Elke kennisgewing van voorneme om 'n vraag te stel, moet skriftelik wees, geteken en gedateer deur die Raadslid wat dit voorlê en moet motivering vir die vraag bevat.
- (3) 'n Kennisgewing van voorneme om 'n vraag te stel, moet aan die Munisipale Bestuurder gelewer word ten minste 6 (ses) werkdade voor die datum van die vergadering waarop dit gestel staan te word.
- (4) Kennisgewings van vrae moet deur die Munisipale Bestuurder na die Speaker verwys word minstens 4 (vier) werkdade voor 'n Raadsvergadering.
- (5) Die Speaker moet die vraag onverwyld aan die Uitvoerende Burgemeester voorlê.
- (6) Die Uitvoerende Burgemeester of 'n Raadslid van die Burgemeesterskomitee wat deur die Uitvoerende Burgemeester benoem is, kan die vraag soos volg beantwoord:
  - (a) Die vraag kan mondeling op die volgende Raadsvergadering beantwoord word; of
  - (b) indien inligting van die administrasie nodig is met die doel om die vraag te beantwoord, of as meer tyd nodig is om die antwoord op te stel, moet die Uitvoerende Burgemeester of Raadslid wat die vraag beantwoord, die Raad op die Raadsvergadering waar die vraag gestel word, meedeel dat die vraag op die volgende Raadsvergadering skriftelik beantwoord sal word.

### **33. Afwesigheid van voorsteller of vraesteller**

Indien die voorsteller of vraesteller nie op die vergadering van die Raad teenwoordig is nie wanneer hy of sy deur die Speaker versoek word om 'n mosie voor te stel of 'n vraag te stel wat teenoor sy of haar naam op die agenda staan, verval sodanige mosie of vraag tensy die oorspronklike voorsteller of vraesteller die Speaker skriftelik in kennis gestel het van 'n plaasvervanger om die mosie in te dien of die vraag te stel.

### **34. Mosies en vrae oor sake deur 'n komitee hanteer**

- (1) 'n Raadslid mag nie kennis van 'n mosie gee nie ten opsigte van enige saak wat aan 'n komitee opgedra is, tensy sodanige mosie voorheen aan sodanige komitee voorgelê is of tensy dit in die vorm van 'n verwysing na sodanige komitee vir oorweging en verslagdoening is.
- (2) Die voorsitter van 'n komitee kan, indien hy of sy van mening is dat die saak dringend is, kennis gee van sy of haar voorneme om 'n mosie voor te stel of 'n vraag te stel oor 'n saak wat aan sodanige komitee opgedra is, ondanks die feit dat sodanige mosie of vraag nie vooraf deur sodanige komitee oorweeg is nie.

### **35. Aanbeveling van komitee as mosie beskou**

- (1) Die aanneem van 'n aanbeveling vervat in 'n verslag wat deur 'n komitee aan die Raad voorgelê is, word geag voorgestel te wees deur die voorsitter van sodanige komitee of, in sy of haar afwesigheid of, wanneer hy of sy teen sodanige aanbeveling gekant is, deur 'n Raadslid van sodanige komitee wat deur hom of haar afgevaardig is om dan waar te neem, wanneer die Speaker van die vergadering te kenne gee dat sodanige aanbeveling oop is vir bespreking, geen sodanige mosie hoef gesekondeer te word nie en die voorsitter van sodanige komitee word nie daardeur verhinder om sy of haar reg om daarvoor te praat, uit te oefen nie.



- (2) Die voorsitter in subreël (1) bedoel, kan egter oor die saak praat en repliek lewer, maar in sy of haar repliek moet hy of sy hom of haar streng daartoe bepaal om op vorige sprekers te antwoord en mag hy of sy geen nuwe saak in die debat inbring nie.

**36. Vrae**

- (1) Nadat enige mosie of amendement voorgestel en gesekondeer is of aan die einde van enige toespraak daarvoor kan 'n Raadslid enige vraag stel wat op sodanige mosie of amendement betrekking het.
- (2) Geen aanvullende vrae mag gestel word nie, uitgesonderd deur die Raadslid wat die oorspronklike vraag gestel het en dan net ten opsigte van sake voortspruitend uit die antwoord op sodanige oorspronklike vraag.
- (3) Die Speaker mag geen sodanige vraag weier nie: Met dien verstande dat die Raadslid aan wie sodanige vraag gerig word, onverwyld daarop kan antwoord of vereis dat kennis daarvan ingevolge reël 32 gegee word.

**37. Dringende mosie**

- (1) 'n Raadslid kan die aandag van die Raad vestig op enige saak wat nie op die agenda verskyn nie en waarvan daar nie voorheen kennis gegee is nie, deur kortliks die onderwerp van die saak te stel en sonder kommentaar daarop voor te stel dat die mosie waarop die aandag gevestig is, onverwyld as 'n dringende saak beskou word.
- (2) Sodanige mosie word hierin 'n dringende mosie genoem.
- (3) Indien sodanige mosie gesekondeer word en aangeneem word deur 'n meerderheid van die Raadslede teenwoordig, moet die voorsteller toegelaat word om die saak sonder kennisgewing te laat oorweeg deur middel van 'n mosie of vraag.

**38. Ordemosie**

Benewens dié waarvoor daar elders in hierdie Reëls voorsiening gemaak word, word die volgende as ordemosies beskou:

- (a) dat voorrang gegee word aan die oorweging van enige bepaalde item wat op die agenda verskyn;
- (b) dat enige verslag wat in die agenda bedoel word, aangeneem word of terugverwys word of dat daaraan uitvoering gegee word of daarvan kennis van geneem word,
- (c) dat daar aan enige dokument voor die Raad uitvoering gegee word op die wyse in die mosie gespesifiseer;
- (d) dat daar met betrekking tot enige item wat vir oorweging voorgelê is, stappe gedoen word op die wyse in die mosie gespesifiseer.

**39. Punt van orde**

'n Raadslid kan 'n punt van orde opper om die aandag te vestig op 'n afwyking van hierdie Reëls deur die bepaalde reël te noem waarop sodanige Raadslid steun, waarna sodanige Raadslid onmiddellik sy of haar saak kan stel.

**40. Punt van verduideliking**

Die Speaker kan 'n Raadslid toelaat om 'n punt van verduideliking te opper: Met dien verstande dat sodanige verduideliking beperk word tot 'n wesenlike deel van die debat wat moontlik verkeerd verstaan word.

**41. Terugtrekking van mosie, amendement of vraag**

- (1) 'n Mosie of amendement kan sonder debat en met die toestemming van die sekondeerder en die Raad deur die voorsteller teruggetrek word.
- (2) 'n Raadslid mag nie oor sodanige mosie of amendement praat nie nadat die Raad tot die terugtrekking van sodanige mosie ingestem het.
- (3) 'n Vraag kan teruggetrek word deur die Raadslid wat voornemens is om dit te stel.

**42. Speaker se beslissing oor punte van orde en verduideliking**

- (1) Die beslissing van die Speaker oor 'n punt van orde of 'n verduideliking is finaal en nie oop vir bespreking nie.
- (2) Die beslissing van die Speaker oor enige punt van orde wat oor die vertolking van hierdie Reëls geopper is, moet in die notule aangeteken word.

**43. Orde van debat**

Wanneer 'n mosie onder bespreking is op enige vergadering van die Raad, word geen verdere mosie ontvang nie, uitgesonderd die volgende:

- (a) dat die mosie geamendeer word;
- (b) dat die oorweging van die saak uitgestel word;
- (c) dat die publiek en die media uitgesluit word;
- (d) dat die publiek en die media hertoegelaaat word;
- (e) dat die Raad nou verdaag;
- (f) dat die Raad vir 'n spesifieke tyd verdaag;
- (g) dat die debat verdaag word;
- (h) dat die saak tot stemming gebring word;
- (i) dat die Raad tot die volgende agendapunt oorgaan.

**44. Dat die mosie geamendeer word**

- (1) Elke amendement moet tersaaklik wees vir die mosie waarop dit voorgestel word.
- (2) 'n Amendement moet, indien die Speaker dit vereis, skriftelik wees, deur die voorsteller onderteken word en aan die Speaker oorhandig word.
- (3) 'n Amendement moet gelees word voordat dit ingedien word.
- (4) 'n Amendement mag nie bespreek of aan die Raad gestel word voordat dit gesekondeer is nie.
- (5) As daar meer as 1 (een) amendement op 'n mosie is, word die amendement wat laaste voorgestel is, eerste tot stemming gebring, en as dit aanvaar word, word die vraag dienooreenkomstig opgelos.
- (6) As die amendement wat laaste voorgestel is, verwerp word, word die amendement wat onmiddellik voor die laaste amendement voorgestel is, tot stemming gebring.
- (7) Geen verdere amendement op 'n mosie of amendement mag voorgestel word nie nadat die Speaker sodanige mosie of amendement tot stemming gebring het.

**45. Dat oorweging van die saak uitgestel word**

- (1) 'n Raadslid kan aan die einde van 'n toespraak voorstel dat die oorweging van die saak uitgestel word tot 'n bepaalde of onbepaalde datum.
- (2) Sodanige mosie moet gesekondeer word maar hoef nie skriftelik te wees nie: Met dien verstande dat die sekondeerder nie toegelaat word om te praat nie.

- (3) Wanneer sodanige mosie voorgestel word, kan die voorsteller van die saak onder bespreking, sonder benadeling van sy of haar uiteindelijke reg van repliek indien die mosie dat die saak uitgestel word nie aanvaar word nie, 3 (drie) minute lank repliek lewer, waarna die mosie sonder verdere bespreking tot stemming gebring word.
- (4) As die mosie aanvaar word, word die saak eerste op die agenda geplaas van sake wat oorweeg moet word op die vergadering waarheen dit uitgestel is: Met dien verstande dat reël 5(2) en (3) nie op sodanige saak van toepassing is nie.

#### **46. Dat die Raad nou verdaag**

- (1) 'n Raadslid wat nog nie aan die debat oor die saak wat dan voor die vergadering is, 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 Raad nou tot 'n ander datum verdaag.
- (2) Sodanige mosie moet gesekondeer word maar hoef nie skriftelik te wees nie.
- (3) Die voorsteller moet toegelaat word om vir 'n tydperk van hoogstens 3 (drie) minute oor die mosie te praat, maar die sekondeerder mag nie praat nie uitgesonderd om die mosie te sekondeer.
- (4) As die mosie aanvaar word, verdaag die Raad onverwyld: Met dien verstande dat die Speaker kan gelas dat die vergadering eers sake afhandel wat nie bestrede sake is nie.
- (5) As die mosie dat die Raad nou verdaag nie aanvaar word nie, mag die Speaker nie nog so 'n mosie aanvaar nie totdat 'n tydperk van 30 (dertig) minute daarna verstryk het.
- (6) Uitgesonderd soos in subreël (3) bepaal, mag daar geen bespreking oor 'n mosie vir die verdaging wees nie, uitgesonderd dat 'n Raadslid wat eerste sy of haar voorneme om te praat aandui, vir 'n tydperk van hoogstens 3 (drie) minute teen sodanige mosie kan praat.
- (7) Geen amendement op sodanige mosie mag voorgestel word nie, uitgesonderd met betrekking tot die tydperk van verdaging.
- (8) As 'n mosie om 'n vergadering te verdaag, aangeneem is gedurende 'n debat en voor die afsluiting daarvan, dan by oorweging van die saak wat die onderwerp van sodanige debat is, is die Raadslid wat die verdaging voorgestel het, daarop geregtig om eerste te praat.
- (9) Geen sake word op 'n verdaagde vergadering afgehandel nie, uitgesonderd dié wat uiteengesit is in die agenda vir die vergadering waarvan dit 'n verdaging is.

#### **47. Dat die Raad vir 'n spesifieke tyd verdaag**

- (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 Raad vir 'n vermelde tyd verdaag vir kookus- of enige ander doeleindes: Met dien verstande dat verdagings beperk word tot 'n maksimum tydperk van 1 (een) uur per versoek.
- (2) So 'n mosie hoef nie skriftelik te wees nie.
- (3) As die mosie aanvaar word, verdaag die Raad onverwyld vir die vermelde tyd: Met dien verstande dat die Raad se sake stiptelik hervat word by verstryking van die tydperk wat vir die verdaging toegelaat is.
- (4) Die Speaker kan die aantal sodanige mosies beperk.

**48. Dat die debat verdaag word**

- (1) 'n Raadslid wat nog nie aan 'n debat deelgeneem het nie, kan aan die einde van enige toespraak voorstel dat die debat verdaag word.
- (2) Sodanige mosie moet gesekondeer word maar hoef nie skriftelik te wees nie.
- (3) Die voorsteller van so 'n mosie kan 3 (drie) minute lank daarvoor praat, maar die sekondeerder mag nie praat nie behalwe om dit formeel te sekondeer.
- (4) Uitgesonderd soos in subreël (3) bepaal, mag geen bespreking oor sodanige mosie toegelaat word nie uitgesonderd met betrekking tot die tydperk van verdaging en dat die Raadslid wat eerste vir daardie doel aandui, 3 (drie) minute lank daarteen kan praat
- (5) As sodanige mosie aanvaar word, gaan die vergadering oor tot die volgende saak op die agenda, en die bespreking van die verdaagde debat, tensy dit andersins opgelos word, word op die volgende gewone vergadering hervat.
- (6) Met die hervatting van die verdaagde debat is die Raadslid wat die verdaging voorgestel het, daarop geregtig om eerste te praat.
- (7) As 'n mosie dat 'n debat verdaag nie aanvaar word nie, mag die Speaker nie nog so 'n mosie aanvaar nie voordat 30 (dertig) minute verstryk het.
- (8) 'n Raadslid mag nie meer as 1 (een) mosie vir die verdaging van die debat in die loop van daardie debat voorstel of sekondeer nie.

**49. Dat die saak tot stemming gebring word**

- (1) 'n Raadslid wat nog nie aan 'n debat oor 'n saak deelgeneem het nie, kan gedurende sodanige debat, aan die einde van enige toespraak, voorstel dat die saak nou tot stemming gebring word.
- (2) Behoudens die bepalings van subreël (3) is geen mosie wat ingevolge subreël (1) gestel is, oop vir bespreking nie.
- (3) Die voorsteller van 'n saak onder bespreking kan, wanneer 'n mosie ingevolge subreël (1) gestel is, hoogstens 3 (drie) minute lank oor sodanige mosie praat, waarna genoemde mosie sonder enige verdere bespreking tot stemming gebring word.

**50. Dat die saak van die agenda geskrap word**

- (1) 'n Raadslid wat nog nie aan die debat oor 'n saak deelgeneem het nie, kan gedurende sodanige debat, aan die einde van enige toespraak, voorstel dat die saak van die agenda geskrap word.
- (2) Behoudens die bepalings van subreël (3) is geen mosie wat ingevolge subreël (1) gestel is, oop vir bespreking nie.
- (3) Die voorsteller van 'n saak onder bespreking kan, wanneer 'n mosie ingevolge subreël (1) gestel is, hoogstens 3 (drie) minute lank oor sodanige mosie praat, waarna genoemde mosie sonder enige verdere bespreking tot stemming gebring word.
- (4) As so 'n mosie aangeneem word, word die saak onder bespreking nie verder gevoer nie.

**51. Herroeping van resoluë**

- (1) Indien 'n Raadslid kennis wil gee van sy of haar voorneme om die herroeping van 'n resoluë (of 'n deel daarvan) van die Raad voor te stel, moet hy of sy sodanige kennis gee deur 'n skriftelike kennisgewing van mosie aan die Munisipale Bestuurder te lewer, welke kennisgewing van mosie deur sodanige Raadslid onderteken en gedateer moet wees en moet meld op watter vergadering van die Raad dit ingedien sal word, en dit moet in die hande van die Munisipale Bestuurder wees ten minste ses volle dae voor genoemde

- vergadering. Sodanige kennisgewing van mosie moet voorts meld dat die Raadslid sal voorstel dat die bestaande resoluksie (of deel daarvan) hersien word met die doel van wysiging of herroeping, na gelang van die geval, en dat die Raadslid voorts sal voorstel dat genoemde resoluksie herroep of gewysig word, na gelang van die geval, met vermelding, in die geval van wysiging, van die presiese wysiging wat verlang word.
- (2) Indien 'n komitee besluit het om by die Raad aan te beveel dat 'n resoluksie (of deel daarvan) van die Raad herroep of gewysig word, moet kennis van voorneme om sodanige herroeping of wysiging voor te stel, gegee word deur die insluiting van sodanige aanbeveling in 'n verslag van die komitee aan die Raad, en die Munisipale Bestuurder moet 'n afskrif van sodanige verslag aan elke Raadslid stuur sodat dit hom of haar bereik ten minste twaalf uur voor die vergadering waarop die aanbeveling oorweeg gaan word. Die afskrifte van sodanige verslag wat aldus aan alle Raadslede gestuur word, of dokumente wat dit vergesel, moet aandui op watter vergadering sodanige verslag oorweeg sal word.
- (3) Uitgesonderd op aanbeveling van 'n komitee word 'n resoluksie (of deel daarvan) op geen vergadering van die Raad hersien nie tensy die toestemming van die meerderheid van die Raadslede teenwoordig op sodanige vergadering verkry is.
- (4) Daar mag geen bespreking oor sodanige mosie om te hersien gevoer word nie behalwe dat die Raadslid of die voorsitter van die komitee wat kennis gee, die reg het om die redes daarvoor te vermeld.

## DEEL 8: WETGEWENDE PROSES

### 52. Indiening van konsepverordeninge

'n Konsepverordening word deur die Uitvoerende Burgemeester by die Raad ingedien.

### 53. Prosedure vir indiening van verordeninge in Raad

- (1) 'n Konsepverordening word deur die Munisipale Bestuurder aan die Uitvoerende Burgemeester voorgelê saam met 'n verslag wat die volgende bevat:
- 'n memorandum met 'n verklarende opsomming van die inhoud van die verordening, die oogmerke van die verordening en die redes vir die behoefte om die voorgestelde optrede in 'n verordening te reguleer;
  - 'n aanduiding van ander verordeninge wat herroep of gewysig moet word indien die voorgestelde verordening aangeneem word;
  - enige ander tersaaklike dokumentasie en voorstelle wat nodig kan wees.
- (2) Die Uitvoerende Burgemeester saam met die Burgemeesterskomitee moet die konsepverordening oorweeg met die doel om 'n aanbeveling aan die Raad te doen en kan versoek dat die verordening gewysig en weer voorgelê word.
- (3) Die Uitvoerende Burgemeester saam met die Burgemeesterskomitee moet die konsepverordening aan die Raad voorlê vir oorweging binne 3 (drie) maande na die datum van voorlegging deur die Munisipale Bestuurder soos supra na verwys met 'n aanbeveling dat –
- die konsepverordening deur die Raad aangeneem word;
  - die konsepverordening deur die Raad verwerp word.

- (4) Die Uitvoerende Burgemeester moet 'n konsepverordening aan die Speaker voorlê vir insluiting in die agenda van 'n Raadsvergadering wat deur die Uitvoerende Burgemeester belê is na die datum van voorlegging, met 1 (een) van die aanbevelings soos supra na verwys .

#### **54. Eerste indiening in Raad**

- (1) Die Speaker moet aan alle Raadslede redelike kennis gee van die voorneme om 'n konsepverordening vir oorweging in te dien.
- (2) 'n Konsepverordening word deur die Uitvoerende Burgemeester ingedien en ter tafel gelê vir oorweging deur die Raad in die vorm van 'n verslag wat vergesel gaan van –
- (a) 'n memorandum met 'n verklarende opsomming van die inhoud van die verordening, die oogmerke van die verordening en die redes vir die behoefte om die voorgestelde optrede in 'n verordening te reguleer;
  - (b) die konsepverordening;
  - (c) 'n aanduiding van ander verordeninge wat herroep of gewysig moet word indien die voorgestelde verordening aangeneem word;
  - (d) kommentaar, opmerkings en toeligting deur die Uitvoerende Burgemeester.
- (3) Na oorweging van die konsepverordening en verslag in reël 54(2) bedoel, moet die Raad besluit om –
- (a) die verordening voorlopig aan te neem, onderhewig daaraan dat indien geen kommentaar en/of verhoë oor die konsepverordening van die publiek ontvang word nie nadat die proses in reël 55 beoog gevolg is, die verordening geag word behoorlik deur die Raad aangeneem te wees; of
  - (b) die voorgestelde verordening te verwerp.
- (4) Wanneer 'n konsepverordening voorlopig aangeneem is, moet dit ooreenkomstig reël 55 geadverteer word vir kommentaar en/of verhoë van die publiek.

#### **55. Kennisgewing in plaaslike koerante**

- (1) Die Munisipale Bestuurder moet so gou moontlik nadat die Raad 'n verordening voorlopig aangeneem het ingevolge reël 54(3)(a), 'n kennisgewing oor die beskikbaarheid van die konsepverordening vir insae en kommentaar publiseer in plaaslike koerante in sirkulasie in die regsgebied van die Breedevallei-munisipaliteit wat aan die publiek 'n geleentheid bied om kommentaar te lewer en/of verhoë te rig oor die konsepverordening.
- (2) Die kennisgewing moet in die 3 (drie) amptelike tale van die Provinsie wees, naamlik Afrikaans, Engels en Xhosa.

#### **56. Tweede indiening in Raad**

- (1) Die Munisipale Bestuurder moet, so gou as moontlik na die sluitingsdatum vir kommentaar en/of verhoë deur die publiek, 'n verslag aan die Uitvoerende Burgemeester voorlê, vergesel van –
- (a) die konsepverordening;
  - (b) afskrifte van die kennisgewing waarin die publiek genooi is om kommentaar te lewer en/of verhoë te rig;
  - (c) enige skriftelike kommentaar en/of verhoë wat van die publiek ontvang is.

- (2) Die Uitvoerende Burgemeester saam met die Burgemeesterskomitee moet die verslag deur die Munisipale Bestuurder oorweeg en 'n aanbeveling aan die Raad doen om –
  - (a) die verordening aan te neem;
  - (b) die verordening in gewysigde vorm aan te neem; of
  - (c) dit te verwerp.
- (3) Wanneer 'n voorgestelde verordening deur die Raad verwerp is, mag geen verordening met dieselfde strekking binne 'n tydperk van 6 (ses) maande na die datum van verwerping ingedien word nie.

**57. Inwerkingtreding**

- (1) Wanneer 'n konsepverordening deur die Raad aangeneem is, moet dit in die *Provinsiale Koerant* geadverteer word.
- (2) 'n Konsepverordening word van krag op die datum waarop dit ingevolge reël 57(1) in die *Provinsiale Koerant* gepubliseer word of op 'n datum wat in die verordening bepaal word.

**58. Debatsprosedure**

Die Reëls rakende debat is ook op die wetgewende prosedure van toepassing.

Please note that this copy of the Rules of Order has not been proofread or checked for correctness. it is printed as received from

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**IMITHETHO YENKQUBO**  
**ELAWULA UKUQHUTYWA KWEENTLANGANISO ZEKHANSILE**  
**KAMASIPALA WEBREEDE VALLEY**

**Yaphunyezwa yiKhansile ngomhla wama-30 kuCanzibe 2012**



Lo Mthetho kamasipala ubizwa ngokuba iMithetho yeNkqubo yeZicwangciso Zangaphakathi, i*Rules of Order for Internal Arrangement By-Law* 2012.

Obonelela ngemithetho yenkqubo yezicwangciso zangaphakathi nemicimbi neenkqubo zeKhansile kamasipala; nokubonelela nangeminye imiba ephathelele kuzo.

## ISIGABA 1 : NGOKUBANZI NJE

### 1. linkcazo-magama

Kule Mithetho, ngaphandle kwalapho imeko elisetyenziswe kuyo igama ilinika enye intsingiselo:

"iKhansile" ithetha iKhansile kaMasipala weBreede Valley;

"uCeba" uthetha ilungu leKhansile, kubandakanya negosa lezopolitiko njengoko likhankanya kwiCandelo 1 loMthetho oyi*The Systems Act*.

"uMgaqo" uthetha uMgaqo wokuziphatha wooCeba ocaciswe kwiShedyuli 1 yoMthetho oyi*Systems Act*;

"uMgaqo-siseko" uthetha *uMgaqo-siseko weRipabliki yoMzantsi Afrika ka-1996 (uMthetho 108 ka-1996)*;

"abathunywa" bathetha iqela labantu elinyulelwe ukumela abanye ngenjongo ethile;

"umPhathiswa wePhondo" uthetha ilungu leSigqeba esiLawulayo elongamele ulawulo lweedolophu nezithili kwiPhondo leNtshona Koloni;

"intlanganiso" ithetha iintlanganiso ezisemthethweni zeKhansile nezeeKomiti zayo, njengoko zimiselwe nguSomlomo nooSihlalo beeKomiti zeKhansile;

"isiphakamiso" sithetha isiphakamiso ekunikwe isaziso ngaso kwangaphambili nguCeba ngento ebhaliweyo, kodwa ke asisayi kubandakanya isiphakamiso esikhankanywe kwiMihlathi 39 nowama-40;

"isiphakamiso esingenzelwanga saziso" sithetha iziphakamiso ezithe zenziwa nguye nawuphi na uCeba ngexesha lengxoxo-mpikiswano engakhange anike saziso kwangaphambili;

"isiphakamiso esingxamisekileyo" sithetha isiphakamiso esibhaliweyo esenziwe nguye nawuphi na uCeba esijoliswe ekubeni kuqwalaselwe umba ongekho kwiAjenda, kodwa ingumba obaluleke kakhulu, sinika nenkcazo yokuba kutheni na umba lowo ubaluleke kangangokuba ukufanele ukuba kuphanjukwe kumthetho othi kufanele ukunikwa isaziso esibhaliweyo kuqala;

"iManejala kaMasipala" ithetha umntu oqeshwe yiKhansile ngokwemiqathango yeCandelo 54A loMthetho oyi*Systems Act (uMthetho 32 ka-2000)* (njengoko wenziwe izilungiso ngecand. 121 loMthetho 32 ka-2000 waza watshitshiswa ngecnd. 15 loMthetho 7 ka-2011) okanye umntu otyunjwe yiManejala kaMasipala;

"isaziso sombuzo" sithetha isaziso esibhaliweyo nguCeba esiqulathe imibuzo kuwo nawuphi na umba weKhansile ngenjongo yokuba afumane iimpendulo/iimpendulo;

"iqela" lithetha iqela elikhankanywe kwiinkcazo-magama zoMthetho oyi*Structures Act*, (uMthetho 117 ka-1998).

"iMithetho" ithetha imiqathango yale Mithetho yeNkqubo;

"uSomlomo" uthetha uCeba othe wanyulwa ukuba abe nguSihlalo weKhansile okanye nawuphi na omnye uCeba obambe njengoSihlalo weKhansile;

"uMthetho oyi*Systems Act*" uthetha uMthetho oyi*Local Government: Municipal Systems Act, 2000 (uMthetho 32 ka-2000)*;

"uMthetho oyi*Structures Act*" uthetha uMthetho oyi*Local Government: Municipal Structures Act, 1998 (uMthetho 117 ka-1998)*;

"gwenxa" uthetha ukuziphatha okugwenxa okanye okungafanelekanga;

"uMbhexeshi" uthetha uCeba walo naliphi na iqela eKhansileni onyulwe lelo qela ukuba abe nguMbhexeshi oza kuncedisa ekuqhutyweni kakuhle kweenkqubo zeKhansile ngokwemiqathango yale Mithetho.

## **ISIGABA 2: UKUSETYENZISWA KWALE MITHETHO**

### **2. Ukusetyenziswa**

- (1) Le Mithetho isebenza kuzo zonke iintlanganiso ezisesikweni zeKhansile nezeeKomiti zayo, ngaphandle kwakwiintlanganiso zeKomiti kaSodolophu okanye zeeKomiti zikaSodolophu, ekulandelwa imithetho eyodwa kuzo.
- (2) Ngaphandle kwalapho kucacileyo ukuba akufanelekanga, umthetho ophathelele kooCeba kuzo naziphi na iinkqubo, ukwasebenza nakongengoCeba othatha inxaxheba kwezo nkqubo ngemvume kaSomlomo.

### **3. Ulongezelelo**

- (1) USomlomo usenokuthi awise isigqibo ngayo nayiphi na imeko enokuthi ivele engalungiselelwanga kodwa kule Mithetho, kwaye ke akukho ngxoxo iya kuthi iqhutywe ngeso sigqibo.
- (2) Isigqibo sikaSomlomo siya kuthi sifakwe kwimizuzu.

**IZIQULATHO:**

**ISIGABA 3: IINTLANGANISO**

4. Ukuqala kweentlanganiso zeKhansile
5. Isicwangciso semicimbi
6. Umsebenzi kaSomlomo.
7. Imicimbi eza kuqhutywa
8. Intlanganiso
9. Ukuhanjwa kweentlanganiso
10. Ikhefu lokungabikho
11. Izohlwayo ngokungezi entlanganisweni
12. Imizuzu
13. Inani elinokuqhuba intlanganiso ngokusesikweni

**ISIGABA 4: IZIGQIBO**

14. Imiba engaphikiswayo
15. Imiba ephikiswayo
16. Indlela yokuvota
17. Izigqibo

**ISIGABA 5: UFIKELELO LOLUNTU**

18. Ukwamkelwa koluntu
19. Ukwamkelwa kwakhona kwamalungu oluntu
20. Abathunywa

**ISIGABA 6: UCWANGCO EZINTLANGANISWENI**

21. Ukuziphatha kwabangengomalungu namalungu oluntu
22. Ukugcinwa kocwangco ezintlanganisweni zeKhansile
23. Isigqitho

#### **ISIGABA 7: IIMITHETHO YENGXOXO-MPIKISWANO**

24. UCeba ubhekisa kusihlalo
25. Ukulandelelana ngokokubaluleka
26. Ugqebenyo lukaSomlomo
27. Ufaneleko
28. Ilungelo lokuthetha
29. Ubude beentetho
30. Ukufakwa kwakhona kwesiphakamiso okanye kombuzo
31. Izaziso zeziphakamiso
32. Izaziso zemibuzo
33. Ukungabikho komphakamisi okanye kombuzi
34. Iziphakamiso nemibuzo kwimiba ebiphethwe yiKomiti
35. Izindululo zeKomiti ezithathwa njengesiphakamiso
36. Imibuzo
37. Isiphakamiso esingxamisekileyo
38. Isiphakamiso esingenzelwanga saziso
39. Isilungiso senkqubo
40. Ingcaciso
41. Urhoxiso lwesiphakamiso, isilungiso okanye lombuzo
42. Isigqibo sikaSomlomo ngesilungiso senkqubo nangengcaciso
43. Isicwangciso sengxoxo-mpikiswano
44. Ukwenziwa kwesilungiso kwisiphakamiso
45. Ukumiselwa omnye umhla koqwalaselo lombu
46. Ukumiswa kweKhansile
47. Ukumiswa kweKhansile ixesha eliqingqiweyo
48. Ukumiswa kwengxoxo-mpikiswano
49. Ukuvotelwa komba
50. Ukususwa komba kwiajenda
51. Ukurhoxiswa kwesigqibo

#### **ISIGABA 8: INKQUBO YOWISO-MTHETHO**

52. Ukungeniswa kweziqulunqo zemithetho kamasipala
53. Inkqubo yokungeniswa kwemithetho kamasipala kwiKhansile
54. Ukungeniswa okokuqala kwiKhansile
55. Isaziso kumaphephandaba
56. Ukungeniswa okwesibini kwiKhansile
57. Ukuqalisa
58. Inkqubo yengxoxo-mpikiswano

### ISIGABA 3: IINTLANGANISO

#### 4. Ukuqalisa kweentlanganiso zeKhansile

USomlomo kufuneka athathe isihlalo ngelo xesha libekiweyo kwisaziso sentlanganiso okanye ngokukhawuleza kangangoko emva kwalo: kuqondakale ke kodwa ukuba intlanganiso ayiqali sekudlule imizuzu engama-30 (engamashumi amathathu) emva kweliya xesha belibekiwe kwisaziso sentlanganiso, kwaye kufuneka ikhawuleze iqhube ngomcimbi wentlanganiso, kuthathelwe ingqalelo uMhlathi 13.

#### 5. Isicwangciso semicimbi

- (1) Imicimbi yeentlanganiso zeKhansile iyakucwangciswa ngolu hlobo lulandelayo kwiajenda -
  - (a) Ukuvulwa;
  - (b) Ukunyulwa koSomlomo (obambileyo) ukuba kukho imfuneko yoko;
  - (c) Izicelo zokungabikho;
  - (d) Udliwano-ndlebe nabathunywa okanye iintetho-nkcazo zabameli;
  - (e) Uqinisekiso lwemizuzu;
  - (f) Iinkcazo nemiyalezo kaSomlomo;
  - (g) Iinkcazo nemiyalezo kaSodolophu oLawulayo;
  - (h) Ingxelo kaSodolophu oLawulayo ngezizigqibo ezithathwe nguSodolophu oLawulayo kunye noSekela-Sodolophu oLawulayo kunye neKomiti kaSodolophu;
  - (i) Imiba eqwalaselwayo eya kubandakanya:
    - Imicimbi engeniswe ngamagosa eKhansile;
    - Imicimbi engxamisekileyo engeniswe nguManejala kaMasipala;
    - Imicimbi eza kwaziswa;
    - Uqwalaselo lwezaziso zeziphakamiso;
    - Uqwalaselo lwezaziso zemibuzo;
    - Uqwalaselo lweziphakamiso ezingxaisekileyo.
  - (j) Ukuvala.
- (2) USomlomo usenokuthi ngokubona kwakhe asitshintshe isicwangciso semicimbi ekwiajenda.
- (3) UCeba onqwenela ukuba sitshintshwe isicwangciso semicimbi kwiajenda kufuneka athethe noSomlomo kwaphambi kwentlanganiso.

#### 6. Umsebenzi kaSomlomo

- (1) USomlomo kufuneka athathe isihlalo kanye ngeliya xesha ibimiselwe lona intlanganiso:
- (2) Phezu kwale misebenzi ikhankanywe kwicandelo 37 loMthetho oyi*Structures Act* nakowuphi omnye umthetho, uSomlomo -
  - (a) kufuneka agcine indlela yokuziphatha ezintlanganisweni;
  - (b) kufuneka anike isigqibo malunga nombuzo wenkqubo ophakanyiswe nguCeba, kubandakanya nombuzo ophathelele kukubaluleka komcimbi; kananjalo
  - (c) usenokunika nesigqibo malunga nayiphi na into enokuvela ngokuphathelele kwinkqubo engalungiselelwanga apha kule mithetho.
- (3) Esi sigqibo sikhankanywe kumgaqwana (2) kufuneka sifakwe kwimizuzu.

#### 7. Imicimbi eza kuqhutywa

Ngaphandle kwalapho kulungiselelweyo kule Mithetho, akukho mcimbi ungafakwanga kwiajenda yentlanganiso yeKhansile uya kuthi uqhutywe kuloo ntlanganiso.

#### **8. Iintlanganiso**

- (1) IKhansile kufuneka idibane kube kanye ngekota ubuncinane.
- (2) USomlomo uthatha isigqibo malunga nokuba iKhansile idibana nini, idibanela phi na, kodwa ke ukuba isininzi sooCeba sicela uSomlomo ngento ebhaliweyo ukuba makabize intlanganiso ekufutshane kakhulu kwelo xesha lichazwe kwisicelo eso, kodwazingaphelanga iintsuku ezisixhenxe emva koko (7).
- (3) IManejala kaMasipala kufuneka, ngokukhokelwa nguSomlomo, ikhuphe isaziso esibhaliweyo isithumele kuCeba ngamnye malunga ngazo zonke iintlanganiso ekugqitywe ngazo phantsi koMhlathana (2).
- (4) IManejala kaMasipala kufuneka inike uluntu isaziso malunga nomhla, ixesha nendawo yazo zonke iintlanganiso, ngokuthi kuxhonywe izaziso zeentlanganiso kwiindawo ezisemboniselweni kuzo zonke iiofisi zeKhansile.

#### **9. Ukuhanjwa kweentlanganiso**

- (1) UCeba ngamnye oza entlanganisweni yeKhansile kufuneka asayine ngegama lakhe kwirejista yokubhalisa abezileyo ezintlanganisweni.
- (2) UCeba kufuneka eze kwintlanganiso nganye, ngaphandle kwaxa –
  - (a) eyinikiwe imvume yokungezi phantsi kwemiqathango yoMhlathi 10; okanye
  - (b) uCeba kufuneke ukuba arhoxe ngokwemiqathango yomthetho.

## **10. Isicelo sokungabikho**

- (1) UCeba onqwenela ukungabikho ezintlanganisweni kufuneka ukuba phambi kokuba ahlale angezi entlanganisweni, afumane imvume yokungezi ngoMbhaxeshi weQela lezoPolitiko lakhe kuSomlomo okanye kuSihlalo weKomiti kwaphambikwentlanganiso: Kuqondakale ke kambe ukuba uSihlalo okanye uSihlalo weKomiti, xa kukho isizathu esivakalayo, usenokunika uCeba imvume yokungabikho entlanganisweni emva kwentlanganiso xa ebethe wathintelwa ziimeko ezizodwa ekubeni afune imvume kwangaphambi kwentlanganiso leyo.
- (2) Xa kuye kwathi ngenxa yeemeko kwakho imfuneko imvume yooCeba yokungezi entlanganisweni kufuneka yenzelwe isicelo -
  - (a) kuSomlomo – xa iyiKhansile;
  - (b) Xa iyintlanganiso yeeKomiti zeKhansile – kuSihlalo weKomiti leyo ifanelekileyo, kwaye iofisi kufuneka yaziswe kwangethuba, khona ukuze ilalela laloo Ceba likwazi ukwaziswa kwangexesha khona ukuze kuqinisekiswa ukuba inani elinokuqhuba intlanganiso ngokusesikweni libakhona;
  - (c) Xa iziindibano zocweyo (iworkshop), iinkongolo, amatheko nezinye iintlanganiso ezingezizo ezi zikhankanywe ku-(a) naku-(b) ngentla apha – uSomlomo uya kunika imvume kwiimeko ezinjalo, kwaye neOfisi kufuneka yaziswe kwangethuba xa ooCeba bengazi kukwazi ukuza kwiindibano zocweyo, kwiinkongolo, kwiintlanganiso, emathekweni, njl, khona ukuze kwenziwe izicwangciso zorhoxiso ngeenjongo zokuthintela iinkcitho engenazinjongo.
- (3) Xa ooCeba bethe abazifaka ngethuba izicelo zale mvume yokungezi entlanganisweni ikhankanywe ku-(a) ukuya kutsho ku-(c) ngentla apha neziphumo zokungezi kwiindibano zocweyo, iinkongolo, iintlanganiso, amatheko, njl, zingakwazi ukubuyiseka, loo nkcitho iya kuba yinkcitho engenazinjongo ngokwemiqathango yoMthetho oyi*Local Government: Municipal Financial Management Act, 2003* (uMthetho Nomb. 56 ka-2003) (MFMA) ohamba nezohlwayo ezikhulu;
- (4) Xa ooCeba bethe bayityeshela imiqathango (1) nowe-(2) ngentla apha, olo tyeshelo luya kuthi -
  - (a) luqwalaselwe ngokwemiqathango yoMgaqo wokuZiphatha kooCeba [iShedyuli 1, umhlathana 4, kuMthetho oyi*Local Government: Municipal Systems Act* (uMthetho 32 ka-2000)] njengotyeshelo loMgaqo;
  - (b) luqwalaselwe njengotyeshelo lweCandelo 32 loMthetho oyi*Local Government: Municipal Finance Management Act, 2003* (uMthetho Nomb. 56 ka-2003) neendleko ezingenakubuyiseka ezithe zafunwa kuloo Ceba uchaphazelekayo.

## **11. Izohlwayo ngokungezi entlanganisweni**

- (1) UCeba osilelayo ukuza entlanganisweni okanye othi asilele ukubakhona ekuqaleni kwentlanganiso okanye osilelayo ukuhlala kuloo ntlanganiso engakhange afumane mvume ngokwemiqathango yeCandelo 10, uyityeshele le Mithetho.
- (2) IKomiti enyulwe yiKhansile (yiKomiti yokuZiphatha), kufuneka yenze uphando ikhuphe isiphumo ngalo naluphi na utyeshelo olukhankanywe kuMhlathana (1) ngokuhamba ngokoMgaqo-nkqubo weNkqubo wokuPhandwa kweZityholo zoTyeshelo zoMgaqo wokuZiphatha kooCeba.

- (3) UCeba othe wangabikho kwiintlanganiso zeKhansile ezintathu (3) okanye ngaphezulu zilandelelana engakhange anike sizathu sivakalayo, uya kuthi asuswe esikhundleni sakhe.



## **12. imizuzu**

- (1) Imizuzu yeentlanganiso kufuneka iqulunqwe ngento ebhaliweyo, ize ke iqinisekiswa yiKhansile kwintlanganiso elandelayo, isayinwe nguSomlomo.
- (2) Imizuzu iya kuthi ithathwe njengefundweyo, ngokuphathelele kuqinisekiso lwayo, xa ikopi yayo ibiye yathunyelwa kuCeba ngamnye zingadlulanga iiyure ezingamashumi amane anesibhozo phambi kwentlanganiso elandelayo, kuhanjwa ke phofu ngokwemiqathango yoMhlathana (4).
- (3) Akukho siphakamiso okanye ngxoxo iya kuthi ivunyelwe kwimizuzu, ngaphandle kokuba yechanekileyo.
- (4) Imizuzu ethe yaqulunqwa yabhalwa phantsi ngexesha leentlanganiso, iya kuba sisigqibo esithathiweyo ngokuphathelele ekusetyenzisweni kwezigqibo.

## **13. Inani elinokuqhuba intlanganiso ngokusesikweni**

- (1) Isininzi sooCeba linani elinokuqhuba intlanganiso ngokusesikweni.
- (2) Xa linokuthi lingaphumi inani elinokuqhuba intlanganiso ngokusesikweni ngexesha ebifanele kuqalisa ngalo intlanganiso, kufuneka ukuba loo ntlanganiso ikhe imiswe isithuba esingadlulanga kwimizuzu engamashumi amabini (20), kwaye ke ukuba ekupheleni kwesi sithuba alikaphumi inani elinokuqhuba intlanganiso ngokusesikweni, uSomlomo kufuneka ayimisele elinye ixesha loo ntlanganiso kwiveki elandelayo kuloo ndawo ifumanekayo nelo xesha imiselwe lona, kwaye namagama abo Ceba bebekhona abhalwe kwimizuzu.
- (3) Nanini na xa uSomlomo engekho, laye lingaphumi nenani elinokuqhuba intlanganiso ngokusesikweni, isiqalo sentlanganiso leyo kufuneka sikhe simiswe isithuba esingadlulanga kwimizuzu engamashumi amabini (20), kwaye ke ukuba ekupheleni kweso sithuba liye langaphumi inani elinokuqhuba intlanganiso ngokusesikweni, iManejala kaMasipala kufuneka iyimisele elinye ixesha elikwafana nelo loo ntlanganiso kwiveki elandelayo kuloo ndawo ifumanekayo, kwaye namagama ooCeba ebebekhona kufuneka afakwe kwimizuzu.
- (4) Nanini na xa kuthe ngexesha lentlanganiso langabikho inani elinokuqhuba intlanganiso ngokusesikweni, uSomlomo kufuneka ayimise inkqubo de libe liphinde lakhona inani elinokuqhuba intlanganiso ngokusesikweni: Kuqondakale ke kambe ukuba xa kuthe emva kwemizuzu elishumi elinesihlanu (15) alikaphumi inani elinokuqhuba intlanganiso ngokusesikweni, uSomlomo kufuneka loo ntlanganiso ayimisele elinye ixesha elifana nelo layo kwiveki elandelayo kuloo ndawo ifumanekayo, aze ke namagama ooCeba ebebekhona abhalwe kwimizuzu.
- (5) USomlomo kufuneka ukuba anike ingxelo ngamagama ooCeba ebebengezanga kwikomiti esekwe ngokwemiqathango yoMhlathi 11.2 (iKomiti yokuZiphatha) ngokuphathelele kwinjongo yophando lotyeshelo lwale Mithetho.

## ISIGABA 4: IZIGQIBO

### 14. Imiba engaphikiswayo

Nanini na xa iKhansile ibizelwe ukuba iqwalasele umba ophambi kwayo, kwaye kungekho kuphikiswa kuvela kuye nawuphi na uCeba, kufuneka kubahliswe ivoti ekuvunyelwene ngayo ngumntu wonke.

### 15. Imiba ephikiswayo

- (1) USomlomo kufuneka ukuba wonke umba ophikiswayo awuse evotini ngokuthi acele ooCeba ukuba ukuba babonakalise ngokuphakamisa izandla, ngaphandle kokuba kubekwa ngolunye uhlobo nguwo nawuphi na umthetho okanye iKhansile igqibe ngolunye uhlob, babonakalise ukuba bayawuxhasa na okanye bayawuchasa na umcimbi lowo, aze ke uSomlomo azise ngesiphumo solo voto.
- (2) Sisakuba sazisiwe isiphumo sovoto, uCeba usenokucela ukuba ivoti yakhe ibhaliswe njengechaseyeyo neso sigqibo.
- (3) Ukuba ngaba iivoti zithe zalingana kuwo nawuphi na umcimbi, uSomlomo kufuneka asebenzise ivoti yakhe yokuqhawula ulingano, njengoko kucaciswa kwicandelo 30(4) loMthetho oyi*Structures Act*.
- (4) Umcimbi okwajenda uthathwa ngokuba ngumcimbi ophikiswayo ukuba uCeba uye wabonakalisa injongo yokuxoxa ngomcimbi lowo ngokukhawuleza emva kokuba uSomlomo eye wavakalisa entlanganisweni ukuba umcimbi lowo uvulelekile ukuba ungaxoxwa. Akukho mcimbi uthathwa ngokuba uyaphikiswa ngenxa yokuba nje kuye kwakho umbuzo obuziweyo malunga nawo.

### 16. Indlela yokuvota

- (1) Kufuneka ukuba isininzi soCeba beKhansile kaMasipala sibekhona phambi kokuba kuyiwe evotini ngawo nawuphi na umcimbi.
- (2) USomlomo kufuneka ukubawonke umcimbi ophikiswayo awuse evotini ngokuthi acele ooCeba ukuba babonakalise ngokuphakamisa izandla, ngaphandle kokuba kubekwe ngenye indlela yiKhansile, babonakalise ukuba bayawuxhasa na okanye bayawuchasa na umcimbi lowo, aze ke uSomlomo azise ngesiphumo solo voto.
- (3) Asakuba uSomlo azisile ngesiphumo sevoti, uCeba usenokuthi acele ukuba ivoti yakhe ibhaliswe njengechaseyeyo neso sigqibo kwaye ke uManejala kaMasipala uya kuthi aqinisekise ukuba loo voti ibhaliwe kwimizuzu.
- (4) Ukuba ngaba kukho ulingano lweevoti kumcimbi obuvotelwa ngokoMhlathana (1), uSomlomo kufuneka asebenzise ivoti yakhe yokuqhawula ulingano, phezu kwale voti anelungelo layo kakade.

### 17. Izigqibo

- (1) Ngokwemiqathango yoMgaqo-siseko, kufuneka ivoti exhasayo yesininzi sooCeba ekuthathweni kwesigqibo malunga -
  - (a) nokuwiswa kwemithetho kamasipala;
  - (b) nolwamkelo lohlahlo lwabiwo-mali;
  - (c) nokubekwa kweentlawulo zobuhlali nezinye iirhafu, neentlawulo;
  - (d) nokwenziwa kweemali-mboleko.
- (2) Ngokwemiqathango yoMthetho oyi*Structures Act* ivoti exhasayo yezahlulo zesithathu ezibini ubuncinane (2/3) sooCeba beKhansile iyimfuneko kulwamkelo lwesigqibo sokutshitshiswa kweKhansile.
- (3) Yonke eminye imicimbi igqitywa ngesininzi seevoti.

## ISIGABA 5: UFIKELELO LOLUNTU

### 18. Ukwamkelwa koluntu

- (1) USomlomo kufuneka –
  - (a)
  - (b) athathe amanyathelo afanelekileyo okulawula ukuhanjwa kweentlanganiso nokuziphatha koluntu ezintlanganisweni; nokuba
  - (c) aqinisekise ukuba iintlanganiso ziyakwazi ukufikelelwa ngabantu abakhubazekileyo.
- (2) USomlomo usenokuthi anike nawuphi na umntu kumalungu oluntu ixesha elaneleyo onqwenela ukwenza intetho kwiKhansile, ngokuphathelele –
  - (a) kuhlobo lomcimbi ekuza kuxoxwa ngawo;
  - (b) kwizinto eziphambili ngokubaluleka kwimicimbi yeKhansile;
  - (c) kwamanye amalungu oluntu akhoyo anqwenela ukwenza intetho kwiKhansile, nasekubeni
  - (d) ngaba elo thuba seliye lanikwa ilungu loluntu.
- (3) Ilungu loluntu elinqwenela ukwenza intetho kwiKhansile kufuneka lifake isicelo esibhaliweyo kuSomlomo, licacise nomcimbi lowo linqwenela ukuthetha ngawo.
- (4) Ukuba uSomlomo unoluvo lokuba amalungu oluntu makangavunyelwa ukungena entlanganisweni okanye xa kukho isiphakamiso sikaCeba esilolo hlobo, uSomlomo kufuneka -
  - (a) ayalele ukuba onke amalungu oluntu makaphume kuloo ndawo inentlanganiso leyo; aze ke
  - (b) ayalele nokuba iKhansile mayiqaphele isiphakamiso sokuba ngaba kuya kuba yinto efanelekileyo na ukuba yokulukhupha uluntu kuloo ntlanganiso, kuthathelwe ingqalelo umcimbi lowo uza kuxoxwa, kubandakanya nokuba -
    - (i) kusenokuthi kubekho udizo olungafanelekanga lweenkcukacha zakhe nawuphi na umntu;
    - (ii) nokuba kusenokuthi kudizwe iinkcukacha zorhwebo ezilihlebo lakhe nawuphi na umntu;
    - (iii) kusenokuthi kudizwe iinkcukacha zemali, zorhwebo, zenzululwazi okanye zobungcali, ezingengawo amahlebo orhwebo, zakhe nawuphi na umntu, luze ke olo dizo lubangele umonakalo kwimeko yaloo mntu;
    - (iv) iinkcukacha ezithe zadluliswa nguye nawuphi na umntu ziyindaba yakwamkhozi zisenokuthi zidizwe, kuze ke oko kudizwa kumbeke kwimeko engafanelekanga loo mntu kudizwa iinkcukacha zakhe ngokwakuthethwano ngeekhontrakthi okanye lumbeke kwimeko yomngcipheko kukhuphiswano lwezorhwebo;
    - (v) iinkcukacha zisenokuthi zidizwe into leyo enokukhokelela kutyeshelo loxanduva lokugcina ihlebo ngaye nawuphi na umntu ngokwesivumelwano;
    - (vi) iinkcukacha zisenokuthi zidizwe ezisenokuthi zibeke ubomi bomntu okanye ukhuseleko lomntu ngokwasemzimbeni okanye zibeke ukhuseleko lwesakhiwo, lolwakhiwo, lwenkqubo kwizinto zokuhamba okanye nayiphi na enye ipropati esichengeni;
    - (vii) kusenokudizwa iinkcukacha ezingafanelanga kudizwa kwiinkqubo zomthetho;
    - (viii) kusenokudizwa iinkcukacha eziqulathe ezemali, ezorhwebo, ezenzululwazi nezobungcali -

- (aa) lusenkudala umonakalo kwiimeko zemali zikamasipala; okanye
  - (bb) lusenkuthi lumbeke kwimeko engafanelekanga umasipala ngakwicala leekhontrakthi nolunye uthethwano;
  - (ix) kusenkudzwa iinkcukacha ezimalunga nophando oluqhutywayo okanye oluza kuqhutywa nguye okanye egameni lakhe nawuphi na umntu okanye umasipala okanye ngomcimbi wophando udizo olo olunokubeka esichengeni; okanye
  - (x) umcimbi ofanelekileyo kwiajenda uphathelele kuwo nawuphi na umba ubunokuthi ungadizwa eluntwini;
- (5) Ukuba esi siphakamiso sikhankanywe kumgaqwana 4(b) sokungabandakanywa uyaxhaswa, kufuneka kuvotwe ngeso siphakamiso, emva kokuba kuxoxiwe ngezizathu zokuba lungabandakanywa uluntu, kodwa ngaphandle kwengxoxo-mpikiswano ngomba ofanelekileyo kwiajenda.
  - (6) Ukuba ngaba esi siphakamiso sikhankanywe kumgaqwana 4(b) asiphunyezwa, uSomlomo kufuneka aqinisekise ukuba amalungu oluntu ayavunyelwa ukuba afikelele kwintlanganiso leyo kwakhona.
  - (7) Ukuba ngaba esi siphakamiso sikhankanywe kumgaqwana 4(b) siphunyeziwe, akukho lungu loluntu kubandakanya namaziko eendaba linokuza kuloo ntlanganiso.
  - (8) Isizathu sokungaluvumeli uluntu ukuba lungene kufuneka sifakwe kwimizuzu, kwaye imizuzu leyo kufuneka ibonakalise ixesha lokuqala nelokuvala kwendibano leyo.
  - (9) Lo mthetho uhamba ngokwecandelo 20(1) nele-(2) loMthetho oyi *Systems Act*.

**19. Ukwamkelwa kwakhona kwamalungu oluntu**

- (1) UCeba usenkuthi ngeli xesha lokuqhuba kwentlanganiso ebelungavunyelwanga ukuza kuyo uluntu, enze isiphakamiso sokuba intlanganiso leyo mayiphinde ivulwe kwakhona” anike nezizathu zeso siphakamiso.
- (2) Ukuba eso siphakamiso siyaxhaswa kufuneka sikhawuleze sivotelwe ngaphandle kwengxoxo-mpikiswano.
- (3) Ukuba ngaba kuvunyelwene ngesiphakamiso eso, uSomlomo kufuneka aqinisekise ukuba amalungu oluntu ayavunyelwa ukuba afikelele kwakhona kuloo ntlanganiso.

**20. Abathunywa**

- (1) Abathunywa abanqwenela ukuba nodliwano-ndlebe neKhansile kufuneka banike uManejala kaMasipala iintsuku ezintandathu (6) isaziso esibhaliweyo seenjongo zabo banike neenkukacha zentetho-ngcaciso eza kwenziwa nentsukaphi yabathunywa abo.
- (2) UManejala kaMasipala kufuneka angenise isicelo sabathunywa sodliwanondlebe neKhansile kuSomlomo, osenkuthi agqibe ekubeni asamkele okanye asikhabe anike nokuba usinika phantsi kwaziphi na iimeko eso sigqibo.

## **ISIGABA 6: UCWANGCO EZINTLANGANISWENI**

### **21. Ukuziphatha kwabangengomalungu namalungu oluntu**

Ukuba ongelolungu okanye olilungu loluntu akahambi ngokwale Mithetho yokuZiphatha, uziphatha gwenxa okanye uyayithintela imicimbi yayo nayiphi na intlanganiso yeKhansile, uSomlomo usenokuthi ayalele ukuba akhutshwe kuloo ntlanganiso.

### **22. Ukugcinwa kocwangco ezintlanganisweni zeKhansile**

1. Ukuba ngaba uCeba akayithobeli le Mithetho, aziphathe ngendlela egwenxa okanye uthintela umcimbi wayo nayiphi na intlanganiso yeKhansile okanye yayo nayiphi na iKomiti yayo okanye uphikisa isigqibo sikaSomlomo ngesilungiso senkqubo okanye uyala ukurhoxisa nayiphi na into ayithethileyo asakuba eyalelwe ukuba makenze njalo nguSomlomo okanye uthi gqolo ngokuphinda-phinda into okanye ngokusebenzisa ulwimi olugwenxa okanye waphula le Mithetho, uSomlomo uya kuthi ayalele loo Ceba ukuba aziphathe ngendlela efanelekileyo, kwaye ubethetha, ukuba makayeke oko kuthetha akhawuleze ahlale phantsi.
2. Akukho Ceba, gosa okanye nawuphi na omnye umntu uya kuthi avunyelwe ukuba eze nako nakuphi na ukutya, isiselo okanye tywala entlanganisweni okanye asebenzise iseli eya kuphazamisa intlanganiso, afunde iphephandaba okanye imagazini ngeli xesha iqhubayo intlanganiso
3. Xa uthe awathotyelwa umyalelo kaSomlomo, uSomlomo uya kuthi ayalele loo Ceba ukuba aphume kuloo ndawo inentlanganiso kweso sithuba sisaseleyo sentlanganiso kwaye usenokuyalela nokuba makakhutshwe kuloo ntlanganiso.

### **23. Isigqitho**

Nawuphi na uCeba, umntu ongelolungu okanye ilungu loluntu -

- (a) elalayo okanye elisilelayo ukuhamba ngokwezikhokelo zikaSomlomo ezinikwe ngokwemiqathango yeMihlathi 21 nowama-22.1; okanye
- (b) obuyela kwindawo yentlanganiso phambi kokuba iphele intlanganiso ebeyalelwe ukuba emke kuyo; okanye
- (c) othi angavumi ukuhamba ngoku ayalelwe ukuba makemke kuloo ndawo yentlanganiso; wenza isigqitho, kwaye ukuba ufunyaniswa enetyala yiNkundla yoMthetho, uya kuthi:
  - ahlawule ifayini engadlulanga kwi-R1 000,00 (kwiwaka leeranti); okanye
  - avalelwe entolongweni isithuba esingadlulanga kwiinyanga ezintandathu (6).

## ISIGABA 7: IMITHETHO YENGXOXO-MPIKISWANO

### 24. UCeba oza kuthetha nosihlalo

UCeba othetha entlanganisweni yeKhansile kufuneka athethe nosihlalo, kwaye usenokuthetha ngalo naluphi na olunye ulwimi ezintathu (3) zaseburhulumenteni kwiPhondo leNtshona Koloni.

### 25. Ulandelelwano ngokubaluleka

Xa uCeba enqwenela ukuthetha kwiKhansile, kufuneka aqale afumane imvume kaSomlomo.

### 26. Ugqebenyo lukaSomlomo

Nanini na xa uSomlomo ethetha entlanganisweni, bonke ooCeba kufuneka bathule khona ukuze uSomlomo akwazi ukuviwa ngaphandle kophazamiseko.

### 27. Ufaneleko

- (1) UCeba othethayo kufuneka intetho yakhe ihlale kuloo mba kuxoxwa ngawo okanye kwingcaciso okanye kwisilungiso senkqubo.
- (2) Akukho ngxoxo iya kuvunyelwa -
  - (a) iya kuthi ingene kuwo nawuphi na umcimbi okhoyo kwiajenda;
  - (b) kuwo nawuphi na umcimbi esele kuthathwe isigqibo ngawo sisigqeba esisemthethweni okanye ekusaqhutywa uphando ngawo yikhomishini.

### 28. Ilungelo lokuthetha

- (1) UCeba usenokuthetha kube kanye nje kuphela -
  - (a) kuloo mba uphambi kweKhansile;
  - (b) kuso nasiphi na isiphakamiso esiphambi kweKhansile;
  - (c) kuzo naziphi na izilungiso eziphambi kweKhansile;
  - (d) kuloo mba okanye kweso silungiso siphakanyisiweyo okanye siza kuphakanyisa nguye;
  - (e) kwisilungiso senkqubo okanye kumba welungelo; ngaphandle kokuba ugunyaziswe nguSomlomo okanye ngokwemiqathango yale Mithetho.
- (2) Umphakamisi wesiphakamiso usenokuthi athethe ngesiphakamiso nempendulo, kodwa xa ephendula uya kuthi ahlale ekuphenduleni izithethi ezidlulileyo angafaki nawo nawuphi na umcimbi omtsha kwingxoxo-mpikiswano.
- (3) Ilungelo lokuphendula alisayi kunabela kumphakamisi wesilungiso esamkelweyo, esele sisiphakamiso esipheleleyo.

### 29. Ubude beentetho

- (1) Ngaphandle kwangemvume kaSomlomo akukho Ceba unokuthetha ngaphezu kwemizuzu emithathu (3) kuwo nawuphi na umcimbi.
- (2) Umphakamisi wesiphakamiso sanqangi okanye wesilungiso usenokuthi athethe imizuzu elishumi (10) kweso siphakamiso okanye silungiso.

### 30. Ukungeniswa kwesiphakamiso okanye kombuzo kwakhona

Akukho siphakamiso besiyе sakhatywa yiKhansile kwaye akukho mbuzo ubuzwa ngokwemiqathango yale Mithetho uthe waqwalaselwa kuyo nayiphi na intlanganiso,

unokuthi uphinde ubuzwe singaphelanga isithuba seenyanga ezintathu (3) zalo ntlanganiso ngaphandle kwangemvume kaSomlomo.

**31. Isaziso sesiphakamiso**

- (1) USomlomo usenokungamkeli nasiphi na isiphakamiso ngaphandle kwesiphakamiso esingxamisekileyo ngaphandle kokuba isaziso soko siye sanikwa ngokwemiqathango soMhlathana (2).
- (2) Zonke izaziso zenjongo zokungenisa isiphakamiso ziya kuba ngento ebhaliweyo, sisayinwe sifakwe nomhla nguCeba lowo ebesingenisile anike nengcaciso.
- (3) Isaziso senjongo yokungenisa isiphakamiso njengoko sikhankanywa kuMhlathana (2), siya kusiwa kuManejala kaMasipala kungasalanga ngaphantsi kweentsuku ezintandathu (6) zomsebenzi phambi komhla wentlanganiso esicetywa ukusingenisa kuyo.

**32. Isaziso sombuzo**

- (1) Kuhanjwa ngokoMhlathi 38, uSomlomo usenokuthi angawamkeli nawuphi na umbuzo ngaphandle kokuba bekuye kwanikwa isaziso ngokwemiqathango yoMhlathana (2).
- (2) Isaziso ngasinye senjongo yokubuzisa umbuzo siya kuba ngento ebhaliweyo, sisayinwe sifakwe nomhla nguCeba lowo usingenisayo kunikwe nenkcazo yombuzo lowo.
- (3) Isaziso senjongo yokubuzisa umbuzo siya kuthi sisiwe kuManejala kaMasipala kungasalanga ngaphantsi kweentsuku ezintandathu (6) zomsebenzi phambi komhla wentlanganiso leyo kucetywa ukuwubuzisa kuyo.
- (4) Isaziso zemibuzo kufuneka zisiwe yiManejala kaMasipala kuSomlomo kungasalanga ngaphantsi kweentsuku zomsebenzi ezine (4) phambi kwentlanganiso yeKhansile.
- (5) USomlomo kufuneka akhawuleze angenisele uSodolophu oLawulayo.
- (6) USodolophu oLawulayo okanye uCeba weKomiti kaSodolophu otyunjwe nguSodolophu usenokuwuphendula umbuzo lowo ngolu hlobo lulandelayo:
  - (a) umbuzo usenokuphendulwa ngomlomo kwintlanganiso yeKhansile elandelayo; okanye
  - (b) ukuba iinkcukacha zifunwa eofisini ngeenjongo zokuphendula umbuzo lowo okanye ukuba kufunwa ixesha lokulungisa impendulo, uSodolophu oLawulayo okanye uCeba ophendula umbuzo lowo kufuneka azise iKhansile kwintlanganiso yeKhansile obuzwa kuyo ukuba umbuzo lowo uya kuphendulwa ngento ebhaliweyo kwintlanganiso yeKhansile elandelayo.

**33. Ukungabikho komphakamisi okanye kombuzi**

Xa athe umphakamisi okanye umbuzi wangabikho kwintlanganiso yeKhansile xa athe wacelwa nguSomlomo ukuba enze isiphakamiso okanye abuze umbuzo osegameni lakhe ngokwakwijaenda, eso siphakamiso siya kuphelelwa ngaphandle kokuba umphakamisi okanye umbuzi uye wamazisa uSomlomo ngento ebhaliweyo ukuba aphakamise isiphakamiso okanye abuze umbuzo.

**34. Isiphakamiso nombuzo kwimicimbi eqwalaselwe yiKomiti**

- (1) UCeba usenokuthi anganiki saziso sesiphakamiso malunga nawo nawuphi na umcimbi onikwe ikomiti ngaphandle kokuba eso siphakamiso ubuye wangeniswa kuloo komiti ngaphambili okanye umalunga nodluliselo kwikomiti leyo ukuba iwuqwalasele yenze nengxelo ngawo.
- (2) Usihlalo wekomiti usenokuthi ngokoluvo lwakhe abone ukuba umcimbi lowo ngumcimbi ongxamisekileyo anike isaziso sokungenisa isiphakamiso okanye sokubuzisa umbuzo ngomba obunikezwe ikomiti leyo, nakubeni isaziso eso



okanye umbuzo lowo ungakhange ithuba lokuqwalaselwa yikomiti leyo kwangaphambili.

**35. Isindululo seKomiti esithathwa njengesiphakamiso.**

- (1) Ukwamkelwa kwesindululo esiqulathwe kwingxelo engeniswe yikomiti kwiKhansile, iya kuthathwa ngokuba njengesiphakamiso sikasihlalo waloo komiti, okanye ke xa engekho okanye xa ephikisana neso sindululo, siya kuthathwa ngokuba sisiphakamiso sikaCeba waloo Komiti ogunyaziswe nguye ukuba athathe isigqibo, xa uSomlomo wentlanganiso leyo ebonakalisile ukuba eso sindululo kungaxoxwa ngaso, nokuba akukho mfuneko yakusixhasa isiphakamiso eso, kwaye nosihlalo wekomiti leyo akanakulihluthwa ilungelo lakhe lokuthetha ngaloo mba.
- (2) Lo sihlalo ukhankanywe kuMhlathana (1) usenokuthi ke kambe athethe ngaloo mcimbi aphenndule nokuphendula, kodwa ke kwimpendulo yakhe uya kuhlala kuphela ekuphenduleni izithethi ebesezithethile, angangenisi imiba emitsha kwingxoxo-mpikiswano.

**36. Imibuzo**

- (1) Emva kokuba nasiphi na isiphakamiso okanye isilungiso sithe saphakanyiswa saxhaswa nokuxhaswa okanye ekupheleni kwayo nayiphi na intetho ngaso, uCeba usenokubuza nayiphi na imibuzo efanelekileyo kweso siphakamiso okanye isilungiso eso.
- (2) Akukho mibuzo yongezelelwayo inokuthi ibuzwe ngaphandle kokuba ibuzwa nguCeba lowo ebeye wafaka umbuzo wanqangi nayo loo mibuzo ibe yesekelwe phezu kweempendulo ebezithe zanikwa.
- (3) USomlomo akakwazi ukuba angayivumeli loo mibuzo: Kuqondakale ke kambe ukuba uCeba osiwa kuye loo mbuzo usenokuwuphendula kwangoko loo mbuzo okanye usenokufuna ukuba anikwe isaziso ngokwemiqathango yoMhlathi 34.

**37. Isiphakamiso esingxamisekileyo**

- (1) UCeba usenokuthi atsalele iingqondo zeKhansile kuwo nawuphi na umba ongekho kwiAjenda nekungakhange kubekho saziso ngawo, ngokuthi ngokufutshane akhawuleze awucacise, kwaye engakhange abe unazimvo azivakalisayo ngawo, aphakamise ukuba mawuqwalaselwe njengesiphakamiso esingxamisekileyo.
- (2) Eso siphakamiso sinjalo ke sithathwa ngokuba sisiphakamiso esingxamisekileyo.
- (3) Ukuba ngaba eso siphakamiso siye saxhaswa saza samkelwa sisininzi sooCeba abakhoyo, umphakamisi lowo uya kuvunyelwa ukuba ngoku angafakanga saziso awandlale umcimbi lowo njengesiphakamiso okanye njengombuzo.

**38. Isiphakamiso esingenzelwanga saziso**

- Phezu kwezo zilungiselelweyo kwezinye iindawo kule Mithetho, ezi zilandelayo ziya kuthathwa njengeziphakamiso ezingenzelwanga zaziso -
- (a) kuya kuqalwa ngawo nawuphi na umba ofuna uqwalaselo okhoyo kwiajenda;
  - (b) nayiphi na ingxelo ekhankanywe kwiajenda iya kuqwalaselwa, yamkelwe kwenziwe into ngayo okanye ibuyiselwe emva;
  - (c) naluphi uxwebhu oluphambi kweKhansile luya kuqwalaselwa ngokwaloo ndlela ichazwe kwisiphakamiso eso;
  - (d) inyathelo emalithathwe malunga nawo nawuphi na umba ongeniselwe ukuba mawuqwalaselwe ngokwaloo ndlela icacisiweyo kwisiphakamiso eso.

### **39. Isilungiso senkqubo**

UCeba usenokuphakamisa isilungiso kwinkqubo ngenjongo yokuvakalisa uphambuko oluthe lwenzeka kule Migaqo, atsho awuvelise naloo mthetho asisekela kuwo isilungiso eso, aze ke akhawuleze amanyelwe uCeba lowo.

### **40. Ingcaciso**

USomlomo usenokuthi avumele uCeba ukuba enze ingcaciso ngomba othile: Kuqondakale phofu ukuba ingcaciso leyo iya kuphelela nje kwinxenye yengxoxo-mpikiswano leyo bekucaca ukuba kukho ukungaqondwa kwayo.

### **41. Ukurhoxiswa kwesiphakamiso, kwesilungiso okanye kombuzo**

- (1) Isiphakamiso okanye isilungiso sisenokuthi ngaphandle kwengxoxo-mpikiswano nangemvume yomxhasi neKhansile, sirhoxiswe ngulowo ubesiphakamisile.
- (2) UCeba akanakuthetha ngeso siphakamiso okanye ngeso silungiso emva kokuba iKhansile ivumile ukuba masirhoxiswe.
- (3) Umbuzo usenokurhoxiswa nguCeba obecebe ukuwubuzo.

### **42. Isigqibo sikaSomlomo ngezilungiso zenkqubo nangeengcaciso**

- (1) Isigqibo sikaSomlomo ngesilungiso senkqubo okanye ngengcaciso akusayi kudlulwa kuso kwaye kungayi kuxoxwa nokuxoxwa ngaso.
- (2) Isigqibo sikaSomlomo ngesilungiso senkqubo ebesiphakanyisiwe ngokuphathelele kutoliko lwale Mithetho siya kufakwa kwimizuzu.

### **43. Isicwangciso sengxoxo-mpikiswano**

Xa isiphakamiso kuxoxwa ngaso kuyo nayiphi na intlanganiso yeKhansile, akukho siphakamiso simbi siya kuthi samkelwe ngaphandle kwakoku kulandelayo -

- (a) isiphakamiso siza kwenziwa izilungiso;
- (b) uqwalaselo lombela lowo luza kumiselwa olunye usuku;
- (c) uluntu namajelo eendaba akazi kuvunyelwa;
- (d) uluntu namajelo eendaba aza kuphinda amkelwe;
- (e) iKhansile iyemiswa ngoku;
- (f) iKhansile imiswa okwexesha elibekiweyo;
- (g) ingxoxo-mpikiswano isemisiwe;
- (h) umbela lowo usiwa evotini;
- (i) iKhansile igqithela kumba olandelayo.

### **44. Isiphakamiso senziwa izilungiso**

- (1) Isilungiso ngasinye kuya kufuneka sihambelane nesiphakamiso ebesiphakanyiselwa sona.
- (2) Isilungiso siya kuthi ukuba kufunwa njalo nguSomlomo, senziwe ngento ebhaliweyo, sisayinwe ngumphakamisi size singeniswe kuSomlomo.
- (3) Isilungiso kuya kufuneka ukuba sifundwe kuqala phambi kokuba siphakanyiswe.
- (4) Isilungiso asisayi kuxoxwa okanye sandlalwe kwiKhansile de sibe sixhasiwe.
- (5) Ukuba ngaba kukho ngaphezu kwesilungiso esinye (1) kwisiphakamiso, isilungiso esiphakanyiswe mva siya kusiwa evotini kuqala size ke sithi ukuba samkelwe umbela lowo ke kuya kugqitywa ngawo ngokufanelekileyo.
- (6) Ukuba ngaba isilungiso esiphakanyiswe mva sikhathiwe, isilungiso esiphakanyiswe kwaphambi kwesilungiso sokugqibela siya kusiwa evotini.

- (7) Akukho silungiso siya kuphinda siphakanyiswe kwisiphakamiso okanye kwisilungiso emva kokuba uSomlomo esise evotini eso siphakamiso okanye eso silungiso.

**45. Uqwalaselo lombal malumiselwe omnye umhla.**

- (1) UCeba usenokuthi emva kokuba kugqityiwe ukwenziwa kwentetho aphakamise ukuba umbal othile mawumiselwe omnye umhla oxeliweyo okanye ongaxelwanga.
- (2) Eso siphakamiso kufuneka sixhaswe kodwa akukho mfuneko oko kwenziwe ngento ebhaliweyo: Kuqondakale ke phofu ukuba umxhasi lowo akasayi kuvunyelwa ukuba enze ntetho.
- (3) Sisakuba senziwe eso siphakamiso, umphakamisi waso usenokuthi engalibekanga esichengeni ilungelo lakhe lokuphendula isithuba semizuzu emithathu (3), size ke emva koko isiphakamiso sidluliswe ngaphandle kwengxoxo-mpikiswano.
- (4) Ukuba ngaba isiphakamiso eso siphunyeziwe, loo mba uya kubekwa ekuqaleni kwiajenda yaloo ntlanganiso ubumiselwe yona: Kuqondakale ke kodwa ukuba iMihlathana 5(2) nowe-(3) ayisayi kusebenza kuloo mba.

**46. Ukuba iKhansile mayimiselwe omnye umhla**

- (1) UCeba ongekathathi nxaxheba kwintetho-mpikiswano ekuxoxwa ngayo yintlanganiso, usenokuthi nanini ngaphandle kwaxa esathetha omnye uCeba okanye ngexesha kuqhutywa ivoti, aphakamise ukuba iKhansile mayimiselwe omnye umhla.
- (2) Eso siphakamiso kufuneka sixhaswe kodwa akukho mfuneko yokuba kubhalwe phantsi oko.
- (3) Umphakamisi usenokuthi athethe ngeso siphakamiso imizuzu emithathu (3), kodwa ke umxhasi akanakuthetha ngaphandle kokuxhasa isiphakamiso eso.
- (4) Ukuba ngaba isiphakamiso eso siphunyeziwe iKhansile iya kumiswa kwangoko: Kuqondakale ke phofu ukuba uSomlomo usenokuyalela ukuba intlanganiso mayiqhube ngaleyo miba ingaphikiswayo.
- (5) Ukuba ngaba isiphakamiso sokuba iKhansile mayivalelwe omnye umhla asivunywanga, uSomlomo akanakuphinde ahoye esinye isiphakamiso esilolo hlobo de kudlule imizuzu engama-30 (engamashumi amathathu).
- (6) Ngaphandle kwalapho kulandelwa imiqathango yoMhlathana (3), akukho ngxoxo iya kuqhuba ngokuphathelele kwisiphakamiso sokumiswa kwentlanganiso, ngaphandle kokuba uCeba uye wabonakalisa ukuba unenjongo yokuthetha kwangaphambili ngeso siphakamiso isithuba semizuzu engadlulanga kwemithathu (3).
- (7) Akukho silungiso sinokuphakanyiswa ngeso siphakamiso ngaphandle kwesibhekisele kwithuba lokumiswa oko.
- (8) Ukuba ngaba isiphakamiso sokumiselwa omnye umhla kwentlanganiso siye samkelwa naphambi kokuqosheliswa komba lowo bekuxoxwa ngawo, uCeba owayethe wasungula isiphakamiso uya kuba selungelweni lokuthetha kuqala.
- (9) Akukho mcimbi uya kuthi uqhutywe kwintlanganiso eyayiyemiselwa olunye usuku ngaphandle kwaleyo yayiyinxenye yeajenda yentlanganiso leyo yathi yamiselwa omnye umhla.

**47. Ukuba iKhansile mayimiselwe ixesha elibekiweyo**

- (1) UCeba usenokuthi nanini na ngaphandle kwaxa omnye uCeba esathetha okanye ngexesha kuqhutywa uvoto, aphakamise ukuba iKhansile mayikhe imiselwe ixesha elithile elixeliweyo ngenjongo ethile okanye ngeenjongo ezithile: Kuqondakale ke ukuba oko kumiswa kweentlanganiso ayisayi kuba sisithuba esingaphaya kweyure enye (1) ngesicelo ngasinye.
- (2) Eso siphakamiso akukho mfuneko yokuba masibhalwe phantsi.

- (3) Ukuba ngaba isiphakamiso eso siye samkelwa, iKhansile iya kuthi ikhawuleze imiswe eso sithuba sithe saxelwa: Kuqondakale ke phofu ukuba imicimbi yeKhansile iya kuthi ikhawuleze iqaliswe ngokukhawuleza nje kwangoko emva kokuba liye ledlula elo thuba belibekiwe.
- (4) USomlomo usenokuliqingqa inani leziphakamiso ezinjalo.

**48. Ukumiselwa omnye umhla kwengxoxo-mpikiswano**

- (1) UCeba ongekathi athathe nxaxheba kwingxoxo-mpikiswano, usenokuthi ekupheleni kwayo nayiphi na intetho aphakamise ukuba mayimiswe olunye usuku loo ngxoxo-mpikiswano.
- (2) Eso siphakamiso kufuneka sixhaswe kodwa ke akukho mfuneko yokuba masibhalwe phantsi.
- (3) Umphakamisi usenokuthi athethe ngeso siphakamiso imizuzu emithathu (3), kodwa ke umxhasi akanakudlula ngentetho yakhe kwixesha elibekwe ngokusesikweni.
- (4) Ngaphandle kokuba kubekiwe kwimiqathango yoMhlathana (3), akukho ngxoxo iya kuvunyelwa ngaphandle kwesi sithuba besicelelwe ukuba simiselwe omnye umhla, aze noCeba lowo ubefake isicelo eso usenokuthetha imizuzu emithathu (3) echasa.
- (5) Ukuba ngaba eso siphakamiso siye saphunyezwa, intlanganiso igqithela kumcimbi olandelayo kwiajenda yawo nengxoxo-mpikiswano leyo ibimiswe olunye usuku, ngaphandle kokuba kuye kwathathwa isigqibo esisesinye, uya kuphinda uqalwe kwintlanganiso elandelayo yesiqhelo.
- (6) Xa kuphinde kwaqaliswa ngexoxo-mpikiswano ebimiswe olunye usuku, loo Ceba wayenze eso siphakamiso sokumiselwa olunye usuku uselungelweni lokuba kuqale yena ukuthetha.
- (7) Ukuba ngaba isiphakamiso sokuba ingxoxo-mpikiswano mayimiswe olunye usuku sithe asaphunyezwa, uSomlomo usenokwala ukuba aphinde amkele esinye isiphakamiso esinjalo de kube kuye kwaphela isithuba semizuzu engama-30 (amashumi amathathu).
- (8) UCeba akanakuphakamisa okanye axhase ngaphezu kwesiphakamiso esinye (1) sokumiselwa olunye usuku lwengxoxo-mpikiswano.

**49. Ukuba umcimbi mawusiwe evotini**

- (1) UCeba othe akathatha nxaxheba kwingxoxo-mpikiswano yomba othile usenokuthi ekupheleni kwayo nayiphi na intetho aphakamise ukuba loo mba mawusiwe evotini
- (2) Kuhanjwa ngokwemiqathango yoMhlathana (3), akukho siphakamiso senziwe ngokoMhlathana (1) siya kuvulelwa enye ingxoxo.
- (3) Umphakamisi womba ekuxoxwa ngawo usenokuthi xa isiphakamiso sithe sadluliswa ngokwemiqathango yoMhlathana (1), athethe ngeso siphakamiso ithuba elingadlulanga kwimizuzu emithathu (3) ekuya kuthi ke eso siphakamiso sisiwe evotini kungakhange kuphinde kuqhutywe enye ingxoxo ngaso.

**50. Umba ofanele kukhutshwa kwiajenda**

- (1) UCeba othe akathatha nxaxheba kwingxoxo-mpikiswano yomba othile usenokuthi ekupheleni kwayo nayiphi na intetho aphakamise ukuba loo mba mawukhutshwe kwiajenda leyo.
- (2) Kuhanjwa ngokwemiqathango yoMhlathana (3), akukho siphakamiso senziwe ngokoMhlathana (1) siya kuvulelwa enye ingxoxo.

- (3) Umphakamisi womba ekuxoxwa ngawo usenokuthi xa isiphakamiso sithe sadluliswa ngokwemiqathango yoMhlathana (1), athethe ngeso siphakamiso ithuba elingadlulanga kwimizuzu emithathu (3) ekuya kuthi ke eso siphakamiso sisiwe evotini kungakhange kuphinde kuqhutywe enye ingxoxo ngaso.
- (4) Ukuba ngaba eso siphakamiso siye samkelwa, loo mba kuxoxwa ngawo awusayi kuba saphinda kuqhutywe enye ingxoxo ngawo.

**51. Ukutshitshiswa kwesigqibo**

- (1) Ukuba uCeba unqwenela ukunika isaziso senjongo yakhe yokuphakamisa ukuba kutshitshiswe isigqibo (okanye inxenye yaso) seKhansile, uya kuthi asinike eso saziso ngokusisa kuManejala kaMasipala isaziso esibhaliweyo, isaziso eso esiya sisayinwe sinikwe nomhla nguCeba lowo sicacise nokuba siya kungeniswa kweyiphi na intlanganiso kunjalo nje siya kuthi sibe sezandleni zikaManejala kaMasipala kungasalanga ngaphantsi kweentsuku zomsebenzi ezintandathu phambi kwaloo ntlanganiso. Eso saziso siya kuthi sicacise kananjalo ukuba uCeba uya kuthi aphakamise ukuba isigqibo esikhoyo (okanye inxenye yaso) sivandlakanywe ngeenjongo zokusenza inguqulelo okanye yokusitshitshisa, achaze nokuba loluphi na olo tshintsho luyimfuneko.
- (2) Ukuba ikomiti iye yagqiba ekubeni yenze isindululo kwikhansile sokuba isigqibo (okanye inxenye yaso) seKhansile masitshitshiswe okanye senziwe inguqulelo, isaziso soko siya kuthi sinikwe ngokuthi kubandakanywe eso sindululo kwingxelo yekomiti yeKhansile, kwaye uManejala kaMasipala uya kuthi athumele uCeba ngamnye ingxelo, ayifumane kwiiyure ezilishumi elinesibini ubuncinane phambi kwaloo ntlanganiso siza kuqwalaselwa kuyo isindululo eso. Iikopi zaloo ngxelo zithe zathunyelwa kubo bonke ooCeba okanye iimpepha esihamba nazo, ziya kuthi zibonakalise ukuba iya kuqwalaselwa kweyiphi na intlanganiso loo ngxelo.
- (3) Ngaphandle kwakwisindululo sekomiti isigqibo (okanye inxenye yaso) asisayi kuvandlakanywa kuyo nayiphi na intlanganiso yeKhansile ngaphandle kokuba imvume yesininzi sooCeba abakhoyo kuloo ntlanganiso ifunywewe.
- (4) Akusayi kubakho ngxoxo-mpikiswano kweso siphakamiso ngaphandle kokuba uCeba okanye uSihlalo wekomiti unika isaziso eso uya kuthi abe selungelweni lokunika izizathu zoko.



## ISIGABA 8: INKQUBO YOWISO-MTHETHO

### 52. Ukungeniswa kweziqukunqo zemithetho kamasipala

Isiqukunqo somthetho kamasipala ungeniswa kwiKhansile nguSodolophu oLawulayo.

### 53. Inkqubo yokungeniswa kwemithetho kamasipala

- (1) Isiqukunqo somthetho kamasipala ungeniswa yiManejala kaMasipala kuSodolophu oLawulayo kunye nengxelo equlathe –
  - (a) imemorandam enesishwankathelo seziquatho zomthetho kamasipala, iinjongo zomthetho kamasipala nezizathu zemfuneko yokulawulwa lomthetho kamasipala ucetywayo;
  - (b) eminye imithetho kamasipala ekufuneka itshitshiswe okanye yenziwe izilungiso ukuba umthetho kamasipala ocetywayo uyaphunyezwa;
  - (c) naziphi na ezinye iimpepha ezicetywayo ezinokuthi zibe yimfuneko.
- (2) USodolophu oLawulayo kunye neKomiti kaSodolophu kufuneka baqwalasele isiqukunqo somthetho kamasipala ngenjongo yokwenza isindululo kwiKhansile kwaye basenokucela ukuba umthetho kamasipala mawenziwe izilungiso uphinde ungeniswe..
- (3) USodolophu oLawulayo ekunye neKomiti kaSodolophu kufuneka bangenise isiqukunqo somthetho kamasipala kwiKhansile ukuze iwuqwalasele zingaphelanga iinyanga ezintathu (3) emva komhla wokungeniswa nguManejala kaMasipala njengoko kukhankanywa kuMhlathi 53(1), nesindululo sokuba -
  - (a) isiqukunqo somthetho kamasipala mawuphunyezwe yiKhansile;
  - (b) isiqukunqo somthetho kamasipala mawukhatywe yiKhansile.
- (4) USodolophu oLawulayo makangenise isiqukunqo somthetho kamasipala kuSomlomo khona ukuze ubandakanywe kwiajenda yentlanganiso yeKhansile yasemva komhla wokungeniswa nguSodolophu oLawulayo nesinye (1) sezindululo ezikhankanywe kuMhlathi 53(3).

### 54. Ukungeniswa okokuqala kwiKhansile

- (1) USomlomo kufuneka anike bonke ooCeba isaziso esifanelekileyo senjongo yokungenisa isiqukunqo somthetho kamasipala oza kuqwalaselwa.
- (2) Isiqukunqo somthetho kamasipala ungeniswa wandlalwe nguSodolophu oLawulayo khona ukuze uqwalaselwe yiKhansile ngengxelo ehamba -
  - (a) nememorandam equlathe isishwankathelo esicacisa iziqukunqo zomthetho kamasipala, iinjongo zomthetho kamasipala kunye neziza zemfuneko yolawulo lokuqhutywa komthetho kamasipala ocetywayo;
  - (b) isiqukunqo somthetho kamasipala;
  - (c) neminye imithetho kamasipala ekufuneka itshitshisiwe okanye yenziwe izilungiso ukuba ngaba uphunyeziwe umthetho kamasipala ocetywayo;
  - (d) novakaliso lwezimvo, iingcaciswana neengcaciso zikaSodolophu oLawulayo.
- (3) Emva koqwalaselo lomthetho kamasipala nengxelo ekhankanywe kuMhlathi 54(2), iKhansile kufuneka ithathe isigqibo –
  - (a) iphumeze okwethutyana umthetho kamasipala, xa kuthe kwangabikho zimvo zivakaliswayo luluntu okanye zintetho-nkcazelo zifunyenweyo ngeso siqukunqo somthetho kamasipala ngesiqukunqo emva kwale nkqubo ikhankanywe kuMhlathi 55 ngezantsi apha uya kuthathwa njengophunyezwe ngokufanelekileyo yiKhansile; okanye

- (b) iwukhabe loo mthetho kamasipala ucetywayo.
- (4) Xa isiqulunqo somthetho kamasipala uye waphunyezwa okwethutyana, kufuneka ubhengezwe khona ukuze uluntu luvakalise izimvo ngawo okanye kwenziwe iintetho-nkcazelo ngawo ngokwemiqathango yoMhlathi 55.

**55. Isaziso kumaphendaba**

- (1) UManejala kaMasipala kufuneka ukuba ngokukhawuleza emva kokuba iKhansile iphumeze umthetho kamasipala okwexeshana ngokwemiqathango yoMhlathi 54(3)(a), apapashe isaziso malunga nokufumaneka kwesiqulunqo somthetho kamasipala sokuba sifundwe kumaphephandaba akhoyo kwingingqi ephantsi kolawulo lukaMasipala weBreede Valley. Esinika uluntu ithuba lokuvakalisa izimvo zalo okanye lokwenza iintetho-nkcazelo ngeso siqulunqo somthetho kamasipala.
- (2) Esi saziso kufuneka sibe ngeelwimi ezintathu (3) zaseburhulumenteni zeli Phondo, ezizezi, isiBhulu, isiNgesi nesiXhosa.

**56. Ukungeniswa okwesibini kwiKhansile**

- (1) UManejala kaMasipala kufuneka akhawuleze emva kokudlula komhla wokuvala uvakaliso lwezimvo okanye lokwenziwa kweentetho-nkcazelo angenise ingxelo kuSodolophu oLawulayo -
  - (a) nesiqulunqo somthetho kamasipala;
  - (b) neekopi zesaziso ekucelwa uluntu ukuba luvakalise izimvo zalo;
  - (c) naziphi na izimvo ezibhalisiweyo okanye neentetho-nkcazelo ezivela kuluntu
- (2) USodolophu oLawulayo kunye neKomiti kaSodolophu kufuneka baqwalasele ingxelo kaManejala kaMasipala benze nezindululo kwiKhansile –
  - (a) zokuphunyezwa komthetho kamasipala;
  - (b) zokuphunyezwa komthetho kamasipala; okanye
  - (c) zokuwukhaba.
- (3) Xa umthetho kamasipala ocetywayo uthe wakhatywa yiKhansile, akukho mthetho kamasipala ucetywayo ukwanjalo ya kuthi uphinde ufakwe zidlulile iinyanga ezintandathu (6) ukusukela kuloo mhla wokukhatywa kwawo.

**57. Ukuqalisa**

- (1) Xa isiqulunqo somthetho kamasipala uthe waphunyezwa yiKhansile kufuneka ubhengezwe kwiGazethi yePhondo.
- (2) Isiqulunqo somthetho kamasipala uqalisa ukusebenza ngaloo mhla upapashwe kwiGazethi yePhondo ngokwemiqathango yoMhlathi 57(1) okanye ngaloo mhla ucaciswe kumthetho kamasipala.

**58. Inkqubo yengxoxo-mpikiswano**

IMithetho ephathelele kwingxoxo-mpikiswano isebenza nakwinkqubo yowiso-mthetho.