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Plaaslike Kennisgewing

Swartland Munisipaliteit: Verordening Insake die Reëls vir
die Hou van Vergaderings.....

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SWARTLAND MUNICIPALITY

BY-LAW RELATING TO THE RULES FOR THE CONDUCT OF MEETINGS

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Swartland Municipality enacts as follows-

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CHAPTER 1 : INTERPRETATION AND DEFINITIONS

1. Interpretation

National and provincial legislation will be given priority in the interpretation of this by-law. Any provision in this by-law that is prohibited by law or unenforceable will not in any way invalidate the validity of these rules to the extent that it is against the law or unenforceable.

2. Definitions

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

“**code of conduct**” means the code of conduct for councillors as set out in the Systems Act;

“**committee**” means a committee established by the council in terms of section 79 and 80 of the Structures Act, or any other committee established by council for a specific purpose;

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

“**council**” means the municipal council of Swartland Municipality;

“**majority of votes**” means the votes cast by the majority of members present during a meeting;

“**mayor**” means the member appointed as executive mayor by the council in terms of the Structures Act or, in his or her absence, the executive deputy mayor;

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

“**meeting**” means a meeting of the municipal council and any committee established by the council, including the executive mayoral committee;

“member” means a member of the municipal council and any committee established by the council;

“member of the public” means a person who is not member of the council or any committee established by the council;

“motion” means a proposal, recommendation or question on which the council must take a resolution, but excludes a motion as contemplated in rules 44 and 45;

“municipality” means the Swartland Municipality established in terms of section 12 of the Structures Act, and includes any political structure, political office-bearer, councillor, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office-bearer, councillor, agent or employee;

“municipal manager” means the person appointed by council in terms of section 54A of the Systems Act or his or her delegatee;

“party” means a party as defined in the Structures Act;

“rules” mean the provisions of this by-law;

“speaker” means the member elected as chairperson of the council and the chairpersons of committees established by the council and members acting as chairperson;

“supporting vote” means the vote cast by a majority of the members of the council;

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

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

“working day” means any day of the week, excluding Saturdays or Sundays or public holidays.

CHAPTER 2: APPLICATION OF BY-LAW

3. Application

(1) This by-law is applicable to all meetings.

(2) Except where it is clearly inappropriate, a rule applying to members in any proceedings also applies to a member of the public who takes part in those proceedings with the approval of the speaker.

(3) Notwithstanding the provisions of sub rule (1), the rules of this by-law shall not apply to –

- (a) committees established in terms of item 14(1) of the code of conduct;
- (b) committees established in terms of section 62 of the Systems Act; and
- (c) committees established for a specific purpose, where such committee determines its own rules and procedures.

4. Supplementation

- (1) The speaker may make a ruling with regard to the application of this by-law and in respect of any procedural eventuality for which this by-law does not provide and no further discussion shall be allowed on the ruling.
- (2) Notwithstanding the provisions of rule 53, the speaker may order that the council adjourn for a specific time, not exceeding one hour, should circumstances require this.
- (3) The speaker's decision will be final and binding on all members and the public, subject to the rights of the council in terms of sub rules 5 and 6.
- (4) The ruling of the speaker shall be entered in the minutes.
- (5) If the majority of the members present during a meeting are of the opinion that the speaker has exceeded his or her powers or interpreted the relevant rule incorrectly or has not interpreted the rules of the procedures of the council correctly, the council may –
 - (a) temporarily suspend the speaker from the position and appoint another member to act as speaker in terms of the Structures Act, for the appointment of a special committee consisting of members; and
 - (b) immediately thereafter appoint a special committee to investigate the incident and to make recommendations to the council, after which the speaker will continue to lead the meeting in order to finalise the outstanding items on the agenda.
- (6) The special committee referred to in sub rule (5) shall meet as soon as possible to investigate the incident and make recommendations to the council.

5. Duty of speaker, members and members of public

The speaker, members and members of the public must familiarise themselves with these rules.

CHAPTER 3: MEETINGS

6. Chairing of meetings

- (1) The speaker chairs all meetings of the council.
- (2) Should the speaker not be present at a meeting, an acting speaker for that meeting must be elected from the members present by a majority of votes.
- (3) Where the office of the speaker becomes vacant, the municipal manager must call a special council meeting for the purpose of electing a speaker, at a date and time determined by him, provided that such special meeting must take place within 14 days after the office became vacant.
- (4) If the office of the speaker becomes vacant during a meeting, an acting speaker for that meeting must be elected from the members present at the meeting.
- (5) The municipal manager, or in the absence of a municipal manager, a person designated by the MEC, presides over the election of a speaker.

7. Commencement of meeting

Subject to the provisions of rule 16, the speaker must take the chair precisely at the time for which the meeting is convened and must proceed immediately with the business of the meeting.

8. Order of business

- (1) The business of meetings will appear on the agenda in the following order –
 - (a) election of acting speaker, if necessary;
 - (b) applications for leave of absence;
 - (c) confirmation of minutes;
 - (d) statements and communications by the speaker;
 - (e) statements and communications by the mayor;
 - (f) interviews with deputations;
 - (g) consideration of reports;
 - (h) urgent matters submitted by the municipal manager;
 - (i) consideration of notices of motions;
 - (j) consideration of notices of questions;
 - (k) consideration of motions of exigency; and
 - (l) consideration of items and matters not finalised.
- (2) The speaker may change the order of the business on the agenda.
- (3) A member who wishes to have the order of business on the agenda changed must approach the speaker with this request prior to the meeting, but any changes remain the prerogative of the speaker.

9. Urgent matters

The speaker, mayor or municipal manager may, at any time during the meeting and without prior notice, make any statement or introduce urgent matters.

10. Business to be disposed of

Except as otherwise provided in this by-law, no matter not specified in the agenda of a meeting of the council shall be dealt with at such meeting.

11. Meetings

- (1) Council must meet at least quarterly.
- (2) All meetings must be open to members of the public unless they are excluded in terms of rule 23.
- (3) Excluding the first meeting of the council and subject to the provisions of sub rule (1), the speaker decides where and when council meets.
- (4) If a majority of the members request the speaker in writing to convene a meeting, the speaker must call a meeting at a time set out in the request.

- (5) (a) If the speaker fails to convene a special council meeting referred to in sub rule (4), the majority of members may request the municipal manager to convene such meeting and the municipal manager must convene such meeting at a time set out in the request.
- (b) A notice by the majority of members must clearly indicate the business that will be conducted at the meeting. No other business, except with the agreement of a majority of members, may be conducted at the meeting.
- (6) On the direction of the speaker, the municipal manager or, in his or her absence, a person designated by the speaker, must
- (a) give at least 48 hours notice of each ordinary meeting to each member, together with the agenda set out for that meeting;
 - (b) give at least 24 hours notice in the case of an urgent or special meeting or such lesser period as the speaker may determine; and
 - (c) in a manner determined by the council, inform the public of the time, date and venue of each meeting of the council,
- except when time restrictions makes it impossible in case of urgent meetings.
- (7) The speaker or in his or her absence, the executive mayor, shall determine whether a meeting is urgent or not.
- (8) Members must carefully check the agenda with which they have been provided in accordance with rule 11(6) and prepare themselves thoroughly for the scheduled meeting.
- (9) On acceptance of his or her office as councillor, a member must provide the municipal manager with a physical address within the municipal area of jurisdiction to which the agendas for meetings can be delivered, and must submit in writing, where possible, an electronic mail address and a mobile telephone number for instant messaging where he or she can receive notification of meetings and other official correspondence.
- (10) Electronic notice of a meeting or any other official correspondence to any of the addresses or numbers provided, shall constitute proper notice of meetings.
- (11) A councillor must inform the municipal manager without delay of any changes in the information provided in terms of sub rule (9).

12. Attendance of meetings

- (1) Every member attending a meeting of the council must sign his or her name in the attendance register kept for this purpose.
- (2) A member must attend each meeting of the council and of a committee of which he or she is a member, except when –
- (a) leave of absence is granted in terms of rule 13;
 - (b) the member is required to withdraw in terms of this by-law; or
 - (c) he or she is suspended temporarily in terms of rule 28(3).

13. Leave of absence

- (1) A member who cannot attend a meeting must submit his or her apology at the office of the municipal manager or his or her delegate at least one hour before the meeting commences. However, the speaker, on good cause shown, may grant leave of absence to a member who has been prevented by special circumstances from obtaining leave of absence from the council.
- (2) The special circumstances referred to in sub rule (1) may include –
- (a) illness of the member;
 - (b) illness or death in the family of the member; or
 - (c) a member being on official business of the council.
- (3) A member who fails to remain in attendance at a meeting shall be regarded as being absent without leave.
- (4) The names of all members to whom leave of absence from any meeting have been granted and those of all members who absent themselves without leave from any meeting or who fail to remain in attendance at a meeting, shall be recorded in the minutes or report(s) relating to such meeting.

14. Sanction for non-attendance

- (1) A member who is absent without leave from a meeting or who is deemed absent in terms of rule 13(3), is in breach of this by-law; provided that, if a member is temporarily suspended from meetings or committees in terms of rule 28, he or she is deemed absent with leave for the purposes of this rule.
- (2) A member who violates the provisions of sub rule (1) may be fined by an amount as determined by the council, which fine shall be recovered directly from such member's remuneration.
- (3) A member who is absent without leave from three or more consecutive meetings of the council or from three or more consecutive meetings of a committee which that member is required to attend, is in breach of the code of conduct for councillors.
- (4) The council –
- (a) may appoint a special committee comprising of councillors to investigate and make a finding on any repeated violation of sub rule (1) in terms of the code of conduct for councillors; and
 - (b) must appoint a special committee to investigate and make a finding where a member is in breach of the code in terms of sub rule (3) and to make recommendations to the council.
- (5) The special committee must notify the member in writing of his or her alleged breach of the by-law or the code of conduct and must be given at least seven days from date of the written notice to respond in writing regarding the alleged breach.
- (6) After receiving a report from the special committee, the council must decide whether or not the rules of the code of conduct have been breached.

(7) If the council finds that a member has breached the rules as contemplated in sub rule (4)(a), the council may –

- (a) issue a formal warning to the member;
- (b) reprimand the member; or
- (c) fine the member, in addition to the fine determined in sub rule (2), an amount equal to 5% of the member's monthly gross salary package, excluding allowances.

(8) If the council finds that a member has breached the code of conduct as contemplated in sub rule (3), the council must request the MEC to remove the member from office.

15. Minutes

(1) Minutes of the proceedings of meetings must be recorded electronically and compiled in printed form and must be confirmed by the council at its next meeting and signed by the speaker.

(2) The municipal manager must keep a record of the signed minutes.

(3) The minutes shall be taken as read, for the purpose of confirmation, if a copy thereof was sent to each member at least 48 hours before the scheduled meeting.

(4) No motion or discussion of the minutes shall be allowed, except in connection with the correctness thereof.

(5) If a member is dissatisfied with the correctness of the minutes, he or she must

- (a) state the item with which he or she is dissatisfied; and
- (b) propose a motion outlining the alternative wording to amend the minutes.

16. Quorum

(1) A majority of the members shall constitute a quorum and must be present at a meeting of the council before a vote may be taken on any matter.

(2) Notwithstanding the provisions of sub rule (1), a meeting shall only commence once a quorum is present. If there is no quorum at the time for which the meeting is scheduled, the speaker will only take the chair as soon as a quorum is present.

(3) Whenever there is no quorum, the start of the meeting must be delayed for no longer than 30 minutes and, if there is not yet a quorum at the end of that period, the speaker must adjourn the meeting to another time, date and venue at his or her discretion and must record the names of those members present.

(4) Whenever the speaker is not present and there is no quorum, the start of the meeting must be delayed for no more than 30 minutes and, if there is still no quorum at the end of that period, no meeting may take place and the municipal manager must record the names of the members present.

(5) Whenever there is a quorum at the start of a meeting, but a situation arises during the meeting that there is no longer a quorum, the speaker must suspend the

proceedings until a quorum is again present, provided that, if there is still no quorum after 10 minutes, the speaker must adjourn the meeting.

(6) Whenever a meeting is adjourned because there is no longer a quorum, the time of such adjournment, as well as the names of the members present and the names of the members who left the meeting without leave, must be recorded in the minutes.

(7) A quorum is not required if a committee merely has to make a recommendation to the council, but in such a case the committee must minute that the recommendation is a recommendation that does not fulfil the quorum requirement.

CHAPTER 4: DECISIONS

17. Unopposed matters

Whenever the council is requested to consider a matter before it and there is no opposition from any member, an unanimous vote must be recorded in the minutes.

18. Manner of voting

(1) The speaker must put every opposed motion to the vote by calling upon the members to indicate by a show of hands, unless otherwise prescribed, whether they are for such motion or against it, whereupon he or she must declare the result of such vote and record it in the minutes.

(2) If the majority of the members present request the speaker that a vote should take place by secret ballot, this shall be done accordingly.

(3) If there is an equality of votes in respect of a motion on which voting takes place in accordance with sub rules (1) and (2), the speaker must exercise his casting vote, in addition to his deliberative vote, provided that the speaker may not exercise a casting vote in terms of any matter set out in section 160(2) of the Constitution.

(4) Upon the speaker's declaration of the result of a vote, a member may demand that his or her vote be recorded against the decision concerned and the municipal manager shall ensure that such vote is recorded in the minutes.

(5) A member may abstain from voting without leaving the meeting place and such abstention must accordingly be recorded in the minutes.

19. Decisions

(1) In accordance with the Structures Act, a supporting vote of at least two thirds of the members of the council is necessary to adopt a decision to dissolve the council.

(2) In accordance with the Constitution, the supporting vote of a majority of the members is needed 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; and
- (d) the raising of loans.

(3) All questions other than those referred to in sub rules (1) and (2) are decided by a majority of votes.

(4) Before the council can take a decision on the following matters, it must first request the executive mayor to submit a report and recommendation on the matter to the council –

- (a) any matter referred to in section 160(2) of the Constitution;
- (b) the approval of an integrated development plan for the municipality and amendments of the mentioned plan;
- (c) the appointment and conditions of service of the municipal manager and a manager directly accountable to the municipal manager.

20. Unopposed business

(1) When a meeting has been in progress for not less than one hour, the speaker may interrupt the proceedings and order the council to proceed forthwith to dispose of unopposed business.

(2) After the disposal of such business, the proceedings shall be resumed at the point at which they were interrupted, unless all other remaining business has been adjourned until the next meeting.

(3) An item on the agenda shall be deemed to be opposed business if a member signifies his or her intention to discuss such item immediately after the speaker has intimated to the meeting that such item is open for discussion, provided that no item shall be deemed to be opposed by reason only of questions being asked in connection therewith.

21. Rescission of resolutions

(1) If a member wishes to give notice of his or her intention to move the rescission or amendment of a resolution (or part thereof) of the 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 member and shall state at which meeting of the council it will be introduced, and it shall be delivered to the municipal manager at least six working days before the said meeting. Such notice of motion must state that the mover will move that the existing resolution (or part thereof) be reviewed for the purpose of rescission or amendment, as the case may be, and stating, in the case of an amendment, the exact amendment desired.

(2) If a committee has resolved to recommend to the council that a resolution (or part thereof) of the council be rescinded or amended, notice of intention to move

such rescission or amendment shall be given by the inclusion of such recommendation in a report of the committee to the council, and the municipal manager must send a copy of such report to each member, to reach him at least twelve hours before the meeting at which the recommendation will be considered. The copies of such report, or documents which accompany it, must indicate at which meeting it shall be considered.

(3) Except upon the recommendation of a committee, a resolution (or part thereof) shall not be reviewed at any meeting of the council unless the permission of the majority of the members present at such meeting has been obtained.

(4) There shall be no debate on such motion to review, except that the member or the chairman of the committee giving notice, shall have the right to briefly state the reasons therefore.

CHAPTER 5: PUBLIC ACCESS

22. Admittance of public

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

23. Exclusion of the public and media from meetings

(1) Whenever the municipal manager has provisionally placed any matter on a part of the agenda which will not be disclosed to the public before the meeting, the public may be excluded from the meeting –

- (a) where so directed by the speaker; or
- (b) where so decided by council upon a motion from any member to that effect, subject to sub rule (2).

(2) When a motion in terms of sub rule (1)(b) is considered by council, due regard must be given to the provisions of the Constitution, which requires that the public and the media may only be excluded from being present at a meeting when it is reasonable to do so, having regard to the nature of the business being transacted, including whether –

- (a) there might otherwise be unreasonable disclosure of personal information regarding any person;
- (b) trade secrets of any person might otherwise be disclosed;
- (c) 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;

- (d) 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;
 - (e) 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;
 - (f) 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;
 - (g) information might be disclosed which is privileged from production in legal proceedings;
 - (h) information might be disclosed which contains financial, commercial, scientific or technical information, the disclosure of which –
 - (i) would likely cause harm to the financial interests of the municipality; or
 - (ii) could reasonably be expected to put the municipality at a disadvantage in contractual and other negotiations;
 - (i) 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
 - (j) the relevant item on the agenda pertains to any other matter which could be reasonably withheld from the public.
- (3) If a motion to exclude the public from the meeting is seconded, the motion must be put to the vote, after discussion of the reasons but without discussion of the matter.
- (4) If a motion to exclude the public is carried, the place of meeting shall be cleared of all members of the public, including the media.
- (5) The motivation for the exclusion of the public must be minuted.
- (6) Any items from which the public will not be excluded shall be considered directly after the procedure as set out in rule 23(1).

24. Re-admission of public and media to meetings

- (1) During the course of a meeting from which the public and the media have been excluded, a member may move “that the meeting again be opened” and state the reasons for such motion.
- (2) If such motion is seconded, it shall be put to the vote forthwith and without discussion.

(3) If the motion is carried, the speaker must ensure that members of the public and media are allowed to the meeting again.

25. Invitation to non-member

The speaker may invite a person who is not a member to address the council or to attend a meeting to state his or her views on a matter before the council. A time limit of 10 minutes, or any such time as may be allowed by the meeting, will apply.

26. Deputations

(1) An individual or a deputation seeking an interview with the council must give the municipal manager six working days' written notice of his or her request and must provide details of the presentations that will be made and the source of the deputation.

(2) The municipal manager must submit a notice, together with his or her comments and recommendations, to the speaker, who may decide to grant or refuse a request for such an audience, and if granted, upon which conditions.

(3) A deputation shall consist of no more than ten members.

(4) Except with the consent of the speaker, or in reply to questions from members, only two members of a deputation may address the council.

(5) Except with the consent of the speaker, a member of a deputation or an individual, depending on the case, shall not address the meeting for more than 10 minutes.

CHAPTER 6 : CONDUCT IN MEETINGS

27. Conduct of non-members and members of the public

If a non-member or member of the public misconducts himself or herself, behaves in an unseemly manner or obstructs the business of any meeting, the speaker may order that he or she should leave the meeting or be removed from the meeting.

28. Conduct of members

(1) If a member –

- (a) misbehaves, or
- (b) behaves in an unseemly manner, or
- (c) obstructs the business of any meeting, or
- (d) challenges the ruling of the speaker on any point of order or ruling in terms of rule 4(1), or
- (e) declines to withdraw any expression when required to do so by the speaker, or

- (f) indulges in tedious repetition or unbecoming language, or
(g) commits any breach of this by-law,
- the speaker must direct such member to conduct himself or herself properly and, if speaking, to discontinue his or her speech.
- (2) In the event of a persistent disregard of the directions of the speaker, the speaker shall direct such member to retire from the place of meeting for the remainder of the meeting and may, if necessary, cause him or her to be removed from the venue.
- (3) Where a member is guilty of the conduct in sub rules (1) or (2), the speaker may act against such member in terms of item 13 of the code of conduct.
- (4) The use of cellular phones during meetings is prohibited. Cellular phones should be switched off during the meeting unless prior arrangements were made with the speaker. Fines can be imposed should the rule be ignored and fines should also be minuted.
- (5) A member may not leave the venue where the meeting is held without the consent of the speaker.

CHAPTER 7: RULES OF DEBATE

29. Member to address chairperson

A member or a member of the public who is recognised to speak at a meeting must address the chairperson and may do so in any one of the three official languages of the Province of the Western Cape.

30. Order of priority

When a member wishes to address the council, he or she must first obtain the permission of the speaker and must raise his or her hand in order to obtain permission to speak.

31. Precedence of speaker

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

32. Relevance

- (1) A member who speaks must direct his speech strictly to the subject or matter under discussion or to an explanation or 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.

33. Right to speak and limitation

- (1) A member may speak or proceed to speak at a meeting with approval of the speaker.
- (2) A member who is not a member of a committee has the right to speak at that committee meeting, provided that such member has been invited by the chairperson to attend such meeting for a specific item on the agenda.
- (3) Members who attend and speak at a committee meeting without being invited, will not be protected by the Western Cape Privileges and Immunities of Members Act, 2011 (Act no 7 of 2011).
- (4) A member may only speak once –
 - (a) on the matter before the council;
 - (b) on any motion before the council;
 - (c) on any amendments to the matter before the council;
 - (d) on a matter or an amendment proposed or to be proposed by himself or herself; or
 - (e) on a point of order or a question of privilege,

unless authorised by the speaker or as provided for in terms of these rules.

- (5) The mover of an original motion may speak to the motion 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.
- (6) The right of reply shall not extend to the mover of an amendment which, having been carried, has become the substantive motion.

34. Duration of speeches

- (1) Except with the consent of the speaker, no member may speak for more than five minutes on any subject or matter.
- (2) The mover of an original motion or of any amendment may, however, speak for five minutes on such motion or amendment.

35. Re-introduction of motion or question

No motion which has been rejected by the council and no question asked in terms of these rules and dealt with at any meeting may again be moved or asked within a period of three months of such meeting, except with the consent of the speaker.

36. 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 rule (2).
- (2) Every notice of intention by a member to introduce a motion shall be in writing, signed and dated and delivered to the municipal manager at least six working days before the date of the meeting at which it is intended to be introduced.
- (3) The speaker must either put the motion in the agenda or refer such motion to the committee which is dealing with the matter.

37. Notice of question

- (1) Subject to rule 42, the speaker may not accept any question unless notice thereof has been given in terms of sub rule (2).
- (2) Every notice of intention by a member to introduce a question shall be in writing, signed and dated and delivered to the municipal manager at least six working days before the date of the meeting on which it is intended to be introduced.
- (3) The member to whom such question is posed, may answer the question at the meeting referred to in sub rule (2) or, if the member elects to answer the question in writing, he or she may do so within six work days after the meeting.

38. Absence of mover or questioner

In the event of the mover or questioner not being present in his place at the meeting of the council when called upon by the speaker to move a motion or ask a question standing in his 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.

39. Motions or questions on matters dealt with by a committee

- (1) A member may not give notice of a motion or question in respect of any matter assigned to a committee, unless such motion or question 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 opinion that the matter is one of exigency, 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.

40. Recommendation of committee regarded as 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 chairman of such committee or, in his or her absence or when he or she opposes such recommendation, by a member 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, and no such motion need be seconded, nor shall the chairperson of such committee thereby be precluded from exercising his or her right to speak thereon.
- (2) The chairperson referred to in sub rule (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.

41. Questions

- (1) After any motion or amendment has been moved and seconded or at the conclusion of any speech thereon, a member may ask any question relevant to such motion or amendment.
- (2) No supplementary questions may be asked, except by the member 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 member to whom such question is directed may either reply thereto forthwith or require that notice thereof be given in terms of rule 37.

42. Motion of exigency

- (1) A member 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 members present, the mover shall be permitted without notice to bring the matter under consideration by way of a motion or question.

43. Motion of course

- (1) In addition to those provided for elsewhere in these rules, the following shall be regarded as motions of course –
 - (a) that precedence be given to the consideration of any particular item appearing on the agenda;
 - (b) that any report referred to in the agenda be noted, or that it is adopted or referred back or that the report is acted upon;
 - (c) that any document before the council be acted upon in the manner specified in the motion;
 - (d) that action be taken in respect of any item submitted for consideration in the manner specified in the motion;
 - (e) that the speaker must direct that a member or a member of the public withdraw from the meeting; and
 - (f) any motion referred to in rule 44.
- (2) If a motion of course is seconded, it must be put to vote forthwith without debate.

44. Point of order

- (1) A member may interject during a meeting to raise a point of order to a breach of these rules or a statutory provision.
- (2) A point of order may be raised in relation to –
 - (a) a procedural matter; or
 - (b) the conduct of a member, a member of the public, or an employee of the municipality.
- (3) A member raising a point of order must immediately be heard, and he or she must –
 - (a) state the point of order; and
 - (b) the rule or statutory provision that is being breached.
- (4) A member who is speaking when a point of order is raised must immediately stop speaking until the point of order is ruled on by the speaker. All other matters before the meeting must be suspended until the point of order is ruled on.
- (5) If ruled to be in order, the member must be allowed to proceed with his or her speech.
- (6) If ruled to be out of order, the member must remain silent or must retract or change any remarks so as to comply with the ruling.
- (7) The speaker's ruling on a point of order is final and not open to debate, and it must be entered in the minutes.

45. Point of explanation

The speaker may allow a member 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.

46. Withdrawal of motion, amendment or question

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

47. Speaker's ruling on a point of order and explanation

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

48. Order of debate

When a motion is under debate at any meeting of the council, no further motion may be received, except the following –

- (a) that the motion be amended;
- (b) that the consideration of the matter be postponed;
- (c) that the public and the media be excluded;
- (d) that the public and the media be readmitted;
- (e) that the council now adjourns;
- (f) that the council adjourn for a specified time;
- (g) that the debate be adjourned;
- (h) that the matter be put to the vote;
- (i) that the council proceed to the next business.

49. 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 one amendment to a motion, the amendment proposed last shall be put to the vote first and, if carried, the matter shall be resolved accordingly.
- (6) If the amendment proposed last 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 commenced to take the vote upon such motion or amendment.

50. That consideration of the matter be postponed

- (1) A member 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 this need not be in writing, provided that the seconder shall not be permitted to speak. The mover shall be permitted to speak to the motion for a period not exceeding five minutes and the seconder shall not speak, except for seconding the motion.
- (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 is not carried) be heard in reply for five minutes, after which the motion shall be put to the vote 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 rules 8(2) and 8(3) do not apply to such matter.

51. That the council do now adjourn to another date

- (1) A member may, at any time except during the course of a speech by another member or while a vote is being taken, move “that the council do now adjourn to another date”.
- (2) Such motion must be seconded, but this need not be in writing.
- (3) The mover shall be permitted to speak to the motion for a period not exceeding five minutes, but the seconder shall not speak, except for seconding the motion.
- (4) If the motion is carried, the council shall adjourn forthwith, provided that the speaker may direct that the meeting continue to first dispose of business other than opposed business.
- (5) If the motion is not carried, the speaker shall not accept another such motion until a period of half an hour has elapsed.
- (6) Except as is provided in rule 34(1) no discussion on such motion shall be permitted, except that a member who has first indicated as such may speak against the motion for not longer than five minutes.
- (7) No amendment to such motion may be moved, except with regard 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 the member who moved the adjournment shall be entitled to speak first upon consideration of the matter forming the subject of such debate at the adjourned meeting.
- (9) No business shall be transacted at an adjourned meeting except such as is set out in the agenda for the meeting of which it is an adjournment.

52. That the council adjourn for a specified time

- (1) A member may at any time, except during the course of a speech by another member or while a vote is being taken, move “that the council now adjourn for a specified time, up to one hour”.
- (2) Such motion need not be in writing, but must be seconded.
- (3) If the motion is carried, the council shall forthwith adjourn for the specified time.
- (4) The speaker may limit the number of such motions.

53. That the debate be adjourned

- (1) A member may, at the conclusion of any speech, move that the debate be adjourned.
- (2) Such motion must be seconded, but this need not be in writing.
- (3) The mover of such motion may speak to it for five minutes, but the seconder may not speak beyond formally seconding it.

(4) Save as is provided in sub rule (3), no discussion may be permitted on such motion except with reference to the period of adjournment and that the member who first rises in his or her place for that purpose may speak in opposition thereto for five 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 meeting.

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

(7) If the motion is not carried, the speaker shall not accept another such motion until half an hour has elapsed.

(8) A member may not move or second more than one motion for the adjournment of the debate during the course of that debate.

54. That the matter be put to the vote

A member may, at the conclusion of any speech during a debate, move that the matter be now put to the vote.

55. That the matter be removed from the agenda

(1) A member may, at the conclusion of any speech during a debate, move that the matter be removed from the agenda.

(2) Subject to the provisions of sub rule (3), no motion put in terms of sub rule (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 rule (1), speak on such motion for not more than five 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 discussed further.

CHAPTER 8: PROCESS FOR ADOPTION OF BY-LAW

56. Submission of draft by-law

A by-law may only be introduced by a member or the executive mayor.

57. First submission to council

(1) A draft by-law submitted by a member or the mayor, must be submitted to council in the following form –

- (a) an executive summary of the by-law;
- (b) the need to regulate the conduct addressed by the draft by-law;
- (c) the content of the draft by-law;

- (d) any other by-law that must be repealed or amended if the draft is adopted;
 - (e) any relevant comments or proposals; and
 - (f) a recommendation.
- (2) After consideration of the report contemplated in sub rule (1) the council must resolve to reject the draft or to adopt it in principle.
- (3) When a proposed by-law is adopted in principle, it must be advertised for public comment in terms of rule 59.

58. Submission by executive mayor

- (1) The mayor may submit a draft by-law to council on his or her own volition or after consideration of a request submitted by the municipal manager.
- (2) If the executive mayor decides to submit a draft by-law on his or her own volition, he or she must obtain the comments of the municipal manager on the contents thereof and may request comment from any person.
- (3) The executive mayor must submit a report on the submission of a draft by-law to council as contemplated in rule 57(1).

59. Publication of draft by-laws

- (1) The municipal manager must, as soon as possible after a by-law has been adopted in principle and for at least 30 days, publish the draft by-law in such a way that the public will have the opportunity to submit comments in connection therewith.
- (2) Publication must be in at least two of the official languages of the province.

60. Consideration of draft by-laws

- (1) The municipal manager must as soon as possible after the closing date for public comment referred to in rule 58, submit a report to the executive mayor, together with –
 - (a) a copy of the draft by-law;
 - (b) copies of the advertisements in which the public was invited to make representations;
 - (c) any comment received from the public; and
 - (d) any other comments or recommendations from the municipal manager.
- (2) The executive mayor must consider the report by the municipal manager and must –
 - (a) submit a report to the council which sets out the following –
 - (i) an executive summary of the draft by-law;
 - (ii) the view of the mayor on the need for the draft by-law;
 - (iii) other by-laws that will have to be repealed or amended if the draft by-law is adopted;

- (iv) any relevant comments or proposals; and
- (v) a recommendation.

(3) When a by-law has been passed in accordance with sub rule (2)(b) it must be published in accordance with the Systems Act.

61. Debating procedure

The provisions regarding debating are also applicable to the legislative process.

CHAPTER 9: GENERAL PROVISIONS

62. Privileges and immunities for members

The privileges and immunities of councillors of the municipality are subject to the provisions of the Western Cape Privileges and Immunities of Councillors Act, 2011 (Act 7 of 2011).

63. Municipal employees

- (1) Employees of the municipality who attend a meeting must observe the rules and decorum applicable to members.
- (2) A municipal employee must attend a meeting if requested to do so by the municipal manager or the speaker.

64. Offences

- (1) No person may –
 - (a) improperly interfere with –
 - (i) or impede on the proceedings of the council or a committee in exercising its authority or performing its functions; or
 - (ii) the performance by a member of his or her functions as a member;
 - (b) threaten or obstruct a member to attend or leave a meeting of the council or a committee;
 - (c) assault or threaten a member, or deprive a member of any benefit, on account of the conduct of the member in a council or committee;
 - (d) while the council or a committee is meeting, create or take part in any disturbance within the precincts;
 - (e) fail or refuse to comply with an instruction by the person presiding at a meeting of the council or a committee regarding the presence of any person at that meeting; or
 - (f) fail or refuse to comply with an instruction by a duly authorised official of the council regarding –
 - (i) the presence of persons at a particular meeting of the council or a committee; or

(ii) the possession of any article, including a firearm, in the precincts or any part thereof.

(2) No person may by fraud, intimidation, force, or threat of any kind, or by the offer or promise of any inducement or benefit of any kind, or by any other improper means –

- (a) influence a member in the performance his or her functions;
- (b) induce a member to be absent from a council or committee meeting or to remain present at such meeting; or
- (c) attempt to compel a member to declare himself or herself in favor of or against anything pending before or proposed or expected to be submitted to the council or a committee.

(3) A person who contravenes sub rules (1) and (2) is guilty of an offence and on conviction is liable to a fine or to imprisonment or to both the fine and the imprisonment.

65. Repeal of by-laws

The By-law for the Conduct of Meetings of Swartland Municipality as published in Provincial Gazette 6199 of 14 January 2005 is hereby repealed as a whole.

66. Short title and commencement

This by-law shall be known as the By-law relating to the Rules for the Conduct of Meetings of Swartland Municipality and shall come into operation on the date of publication thereof in the Provincial Gazette.

SWARTLAND MUNISIPALITEIT**VERORDENING INSAKE DIE REËLS VIR DIE HOU VAN
VERGADERINGS**

Ingevolge die bepalings van artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996, bepaal Swartland Munisipaliteit soos volg-

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52. Dat die raad vir 'n bepaalde tyd verdaag
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HOOFSTUK 1:INTERPRETASIE EN DEFINISIES

1. Interpretasie

By die interpretasie van hierdie verordening, sal nasionale en provinsiale wetgewing voorrang geniet. Enige bepaling in hierdie verordening wat regtens verbied word of onafdwingbaar is, sal nie in die mate wat dit verbode of onafdwingbaar is, die geldigheid van die oorblywende bepalings van hierdie reëls op enige wyse ongeldig maak nie.

2. Definisies

In hierdie verordening, geld die Afrikaanse teks in geval van konflik met die Engelse teks en tensy dit uit die samehang anders blyk, beteken –

“burgemeester” die lid deur die raad aangewys as uitvoerende burgemeester kragtens die Strukturewet of, in sy of haar afwesigheid, die uitvoerende onderburgemeester;

“gedragskode” die gedragskode vir lede soos in die Stelselwet uiteengesit;

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

“komitee” ’n komitee deur die raad ingestel ingevolge artikels 79 en 80 van die Stelselwet, of enige ander komitee deur die raad ingestel vir ’n spesifieke doel;

“lid” beteken ’n lid van die munisipale raad en enige komitee deur die raad ingestel;

“lid van die publiek” ’n persoon wat nie ’n lid van die raad of enige komitee van die raad is nie;

“LUR” die lid van die Uitvoerende Raad verantwoordelik vir plaaslike regering in die Provinsie Wes-Kaap;

meerderheid van stemme" die stemme uitgebring deur die meerderheid van lede wat tydens 'n vergadering teenwoordig is;

"mosie" 'n voorstel of aanbeveling of 'n vraag waарoor die raad 'n besluit moet neem, uitgesonderd 'n mosie soos vermeld in reëls 44 en 45;

"munisipaliteit" die munisipaliteit van Swartland gestig in terme van Artikel 12 van die Munisipale Strukturewet, 117 van 1998, en sluit in enige politieke struktuur, politieke ampsbekleeder, raadslid, behoorlik gevoldmagtigde agent daarvan of enige werknemer daarvan handelende ingevolge hierdie verordening uit hoofde van 'n bevoegdheid van die munisipaliteit wat gedelegeer of gesubdelegeer is aan gemelde politieke struktuur, politieke ampsbekleeder, raadslid, agent of werknemer;

"munisipale bestuurder" die persoon aangestel deur die raad ingevolge artikel 54A van die Stelselwet of sy of haar gedelegeerde;

"ondersteunende stem" die stem uitgebring deur 'n meerderheid van die lede van die raad;

"party" 'n party soos omskryf in die Strukturewet;

"raad" die munisipale raad van Munisipaliteit Swartland;

"reëls" die bepalings van hierdie verordening;

"speaker" die lid gekies tot voorsitter van die raad en die voorsitters van komitees deur die raad ingestel asook lede wat as voorsitter 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);

"vergadering" 'n vergadering van die munisipale raad en enige komitee deur die raad ingestel, ingesluit die uitvoerende burgemeesterskomitee; en

"werksdag" enige dag van die week, uitgesonderd Saterdae, Sondae of openbare vakansiedae.

HOOFTUK 2 : TOEPASSING VAN VERORDENING

3. Toepassing

- (1) Hierdie verordening is op alle vergaderings van toepassing.
- (2) Uitgesonderd waar dit klaarblyklik onvanpas is, is 'n reël wat in enige verrigtinge op lede van toepassing is, ook van toepassing op 'n lid van die publiek wat met die goedkeuring van die speaker aan daardie verrigtinge deelneem.
- (3) Ondanks die bepalings van subreël (1) is die bepalings van hierdie reëls nie van toepassing nie op –
 - (a) komitees ingestel ingevolge item 14(1) van die gedragskode;
 - (b) komitees ingestel ingevolge artikel 62 van die Stelselwet; en
 - (c) komitees ingestel vir 'n spesifieke doel, waar sodanige komitee sy eie reëls en procedures bepaal.

4. Aanvulling

- (1) Die speaker kan 'n beslissing gee met betrekking tot die toepassing van hierdie verordening en ten opsigte van enige procedurele gebeurlikheid waarvoor hierdie verordening nie voorsiening maak nie, en geen verdere besprekking word oor die beslissing toegelaat nie.
- (2) Ondanks die bepalings van reël 53, mag die speaker gelas dat die raad vir 'n bepaalde tyd verdaag, vir hoogstens een uur lank, indien omstandighede dit sou vereis.
- (3) Die speaker se beslissing is finaal en bindend op lede en die publiek, behoudens die regte van die raad kragtens subreëls (5) en (6).
- (4) Die beslissing van die speaker word in die notule aangeteken.
- (5) Indien die meerderheid van die teenwoordige lede tydens 'n vergadering van mening is dat die speaker sy of haar magte oorskry het, of die toepaslike reël verkeerd geïnterpreter het, of die reëls van die procedures van die raad nie nakom nie, kan die raad –
 - (a) die speaker tydelik uit die amp onthef en 'n ander lid ingevolge die Strukturewet aanwys om as speaker waar te neem, vir die aanwysing van 'n spesiale komitee, wat uit lede sal bestaan; en
 - (b) onmiddellik daarna 'n spesiale komitee aanwys om die voorval te ondersoek en om 'n aanbeveling aan die raad te maak,
 waarna die speaker sal voortgaan om die vergadering te lei om uitstaande items op die sakelys af te handel.
- (6) Die spesiale komitee na verwys in subreël (5) moet so gou moontlik vergader om die voorval te ondersoek en 'n aanbeveling aan die raad maak.

5. Plig van die speaker, lede en lede van die publiek

Die speaker, lede en lede van die publiek moet hulself op hoogte bring met die bepalings van hierdie reëls.

HOOFTUK 3 : VERGADERINGS

6. Voorsitterskap van vergaderings

- (1) Die speaker tree tydens alle vergaderings van die raad as voorsitter op.
- (2) Indien die speaker tydens 'n vergadering nie teenwoordig is nie, word 'n waarnemende speaker vir daardie vergadering uit die teenwoordige lede gekies deur 'n meerderheid van stemme.
- (3) Wanneer die amp van speaker vakant raak, moet die munisipale bestuurder 'n spesiale raadsvergadering belê, op 'n tyd en datum deur hom bepaal, vir die verkiesing van 'n speaker, met dien verstande dat sodanige vergadering plaasvind binne 14 dae nadat die amp vakant geraak het.

(4) Wanneer die amp van speaker tydens 'n vergadering vakant raak, moet 'n waarnemende speaker vir daardie vergadering verkies word uit die lede teenwoordig by die vergadering.

(5) Die munisipale bestuurder, of in die afwesigheid van 'n munisipale bestuurder, 'n persoon aangewys deur die LUR, sit voor tydens die verkiesing van 'n speaker.

7. Aanvang van vergadering

Behoudens die bepalings van reël 16 moet die speaker die stoel inneem presies op die tydstip waarvoor die vergadering belê is en moet onmiddellik met die sake van die vergadering begin.

8. Volgorde van sake

(1) Die sake van vergaderings moet in die volgende volgorde op die sakelys verskyn –

- (a) verkiesing van waarnemende speaker, indien nodig;
- (b) aansoeke vir verlof vir afwesigheid;
- (c) goedkeuring van notule;
- (d) verklarings en mededelings deur die speaker;
- (e) verklarings en mededelings deur die burgemeester;
- (f) onderhoude met afvaardigings;
- (g) oorweging van verslae;
- (h) dringende aangeleenthede deur die munisipale bestuurder voorgelê;
- (i) oorweging van kennisgewings van mosies;
- (j) oorweging van kennisgewings van vrae;
- (k) oorweging van dringende mosies; en
- (l) oorweging van onafgehandelde aangeleenthede.

(2) Die speaker kan uit eie beweging die volgorde van die sake op die sakelys verander.

(3) 'n Lid wat die volgorde van sake op die sakelys wil verander, moet die speaker voor die vergadering met die versoek nader, maar dit bly die prerogatief van die speaker om dit te verander.

9. Dringende sake

Die speaker, burgemeester, of munisipale bestuurder kan te eniger tyd tydens 'n vergadering, sonder vooraf kennisgewing, enige verklaring maak of dringende aangeleenthede voorstel.

10. Sake vir afhandeling

Uitgesonderd soos in hierdie verordening bepaal, mag geen aangeleentheid wat nie op die sakelys van 'n vergadering van die raad vermeld is nie, op sodanige vergadering behandel word nie.

11. Vergaderings

- (1) Die raad moet ten minste kwartaalliks vergader.
- (2) Alle vergaderings moet oop wees vir lede van die publiek tensy hulle uitgesluit word ingevolge reël 23 van hierdie verordening.
- (3) Uitgesluit die eerste vergadering van die raad en behoudens die bepalings van subreël (1), besluit die speaker waar en wanneer die raad vergader.
- (4) Indien 'n meerderheid van die lede die speaker skriftelik versoek om 'n vergadering te belê, moet die speaker die vergadering byeenroep op 'n tyd in die versoek vermeld.
- (5) (a) Indien die speaker in gebreke bly om 'n spesiale vergadering van die raad bedoel in subreël (4) te belê, kan die meerderheid van die lede die munisipale bestuurder versoek om so 'n vergadering te belê en die munisipale bestuurder moet so 'n vergadering belê op die datum en tyd soos versoek.
(b) 'n Kennisgewing deur die meerderheid van die lede moet aandui wat by die vergadering bespreek sal word. Geen ander sake nie, behalwe met die toestemming van 'n meerderheid van die lede, mag by die vergadering bespreek word nie.
- (6) In opdrag van die speaker moet die munisipale bestuurder, of in sy of haar afwesigheid, 'n persoon aangewys deur die speaker –
 - (a) minstens 48 uur vooraf skriftelike kennis gee aan elke lid van elke gewone vergadering, tesame met die sakelys bedoel vir daardie vergadering;
 - (b) minstens 24 uur kennis gee van 'n dringende of spesiale vergadering of sodanige mindere tydperk as wat die speaker mag bepaal; en
 - (c) op 'n wyse wat deur die raad bepaal word, die publiek in kennis stel van die tyd, datum en plek van elke vergadering van die raad,behalwe wanneer tydsbeperkings dit onmoontlik maak ten opsigte van dringende vergaderings.
- (7) Die speaker, of in sy of haar afwesigheid, die uitvoerende burgemeester, mag besluit of 'n vergadering dringend is aldus nie.
- (8) Lede moet die sakelyste wat ooreenkomsdig subreël (6) aan hulle besorg is, behoorlik nagaan en hulself deeglik vir die geskeduleerde vergadering voorberei.
- (9) By die aanvaarding van sy of haar amp as raadslid, moet 'n lid aan die munisipale bestuurder 'n fisiese adres binne die munisipale regssgebied verskaf waar sakelyste van vergaderings aan sodanige lid bestel moet word en moet, waar moontlik, 'n elektroniese e-pos adres en 'n selfofoonnummer verstrek vir kitsboodskappe om kennis te ontvang van vergaderings of ander amptelike korrespondensie.
- (10) Elektroniese kennisgewing van vergaderings of ander amptelike korrespondensie aan enige adres of nommer deur lede verskaf, sal geag word behoorlike kennisgewing te wees.

(11) 'n Lid moet die munisipale bestuurder sonder versuim in kennis stel van enige verandering van die inligting ingevolge subreël (9) voorsien.

12. Bywoning van vergaderings

- (1) Elke lid wat 'n vergadering van die raad bywoon, moet sy of haar naam teken in die bywoningsregister wat vir dié doel gehou word.
- (2) 'n Lid moet elke vergadering van die raad en van 'n komitee waarvan hy of sy 'n lid is, bywoon, behalwe wanneer –
- (a) verlof vir afwesigheid ingevolge reël 13 verleen is;
 - (b) die lid hom of haar ingevolge hierdie verordening moet onttrek; of
 - (c) 'n lid kragtens subreël 28 (3) van die verordening tydelik geskors is.

13. Verlof tot afwesigheid

- (1) 'n Lid wat nie 'n vergadering kan bywoon nie, moet ten minste een uur voor die aanvang van die vergadering by die kantoor van die munisipale bestuurder of sy gedelegeerde verskoning aanteken. Die speaker kan egter, om goeie redes, verlof vir afwesigheid verleen aan 'n lid wat deur spesiale omstandighede verhinder word om verlof vir afwesigheid van die raad te verkry.
- (2) Die spesiale omstandighede bedoel in subreël (1), mag insluit –
- (a) siekte van die lid;
 - (b) siekte of dood in die familie van die lid; of
 - (c) waar die lid met amptelike besigheid van die raad is;
- (3) 'n Lid wat sonder verlof versuim om teenwoordig te bly by 'n vergadering, word geag sonder verlof afwesig te wees.
- (4) Die name van alle lede aan wie verlof tot afwesigheid van enige vergadering gegee is en van alle lede wat sonder verlof tot afwesigheid afwesig is van enige vergadering of versuim om teenwoordig te bly by 'n vergadering, moet aangeteken word in die notule of verslag of verslae met betrekking tot sodanige vergadering.

14. Sanksie vir nie-bywoning

- (1) 'n Lid wat sonder verlof van 'n vergadering afwesig is of ooreenkomstig reël 13(3) geag word afwesig te wees, oortree hierdie verordening, met dien verstande dat indien 'n lid ooreenkomstig reël 28 tydelik van vergaderings of komitees geskors is, hy of sy vir doeleindeste van hierdie reël geag word met verlof afwesig te wees.
- (2) 'n Lid wat die bepalings van subreël (1) oortree, word beboet met 'n bedrag soos van tyd tot tyd deur die raad bepaal, welke boete regstreeks van die betrokke lid se vergoeding verhaal sal word.
- (3) 'n Lid wat sonder verlof afwesig is van drie of meer agtereenvolgende vergaderings van die raad of van drie of meer agtereenvolgende vergaderings van 'n komitee, wat daardie lid veronderstel is om by te woon, oortree die gedragskode.
- (4) Die raad –

- (a) mag 'n spesiale komitee bestaande uit raadslede instel om enige herhaalde oortreding van subreël (1) ingevolge die gedragskode te ondersoek en 'n bevinding te maak; en
 - (b) moet 'n spesiale komitee aanstel om ondersoek in te stel en 'n bevinding te maak waar 'n lid die gedragskode soos bedoel in subreël (3) oortree, en om aanbevelings aan die raad te maak.
- (5) Die spesiale komitee moet die lid skriftelik in kennis stel van die beweerde oortreding van die gedragskode en minstens sewe dae tyd vanaf datum van kennisgewing gun om te reageer op die beweerde oortreding.
- (6) Na ontvangs van 'n verslag van die spesiale komitee, moet die raad besluit of die gedragskode oortree is aldan nie.
- (7) Waar die raad bevind dat 'n lid 'n oortreding begaan het soos bedoel in subreël (4)(a), mag die raad –
- (a) 'n formele waarskuwing aan die lid uitreik;
 - (b) die lid vermaan; of
 - (c) benewens die boete soos bepaal in subreël (2), 'n boete gelykstaande aan 5% van die lid se bruto salarispakket, uitgesluit toelaes, oplê.
- (8) Indien die raad bevind dat 'n lid die gedragskode oortree het soos bedoel in subreël (3), moet die raad die LUR versoek om die lid uit sy amp te verwijder.

15. Notules

- (1) 'n Notule van verrigtinge van vergaderings moet elektronies opgeneem word en in gedrukte vorm saamgestel word en moet op die volgende vergadering deur die raad goedgekeur en deur die speaker onderteken word.
- (2) Die munisipale bestuurder moet rekord hou van getekende notules.
- (3) Die notule word vir die doel van goedkeuring as gelees beskou indien 'n eksemplaar daarvan ten minste 48 uur voor die geskeduleerde vergadering aan elke lid gestuur is.
- (4) Geen mosie of bespreking oor die notule word toegelaat nie, uitgesonderd in verband met die juistheid daarvan.
- (5) Indien 'n lid nie tevrede is met die korrektheid van die notule nie, moet hy of sy –
 - (a) die item vermeld waarmee hy of sy nie tevrede is nie; en
 - (b) 'n mosie voorstel waarin die alternatiewe bewoording vir die wysiging van die notule voorgestel word.

16. Kworum

- (1) 'n Meerderheid van die lede van die raad vorm 'n kworum en moet by 'n vergadering van die raad teenwoordig wees voordat daar oor enige aangeleentheid gestem mag word.
- (2) Ondanks die bepalings van subreël (1), sal 'n vergadering eers 'n aanvang neem sodra daar 'n kworum teenwoordig is. As daar op die tydstip waarvoor die

vergadering belê is, nie 'n kworum is nie, sal die speaker eers die stoel inneem sodra daar 'n kworum is.

(3) Wanneer daar nie 'n kworum is nie, moet die begin van die vergadering met hoogstens 30 minute uitgestel word, en as daar aan die einde van daardie tydperk nog nie 'n kworum is nie, moet die speaker die vergadering verskuif na 'n ander tyd, datum en plek na sy of haar goeddunke en moet hy of sy die name van die teenwoordige lede aanteken.

(4) Wanneer die speaker nie teenwoordig is nie en daar ook nie 'n kworum is nie, moet die begin van die vergadering met hoogstens 30 minute uitgestel word, en as daar aan die einde van daardie tydperk nog nie 'n kworum is nie, mag die vergadering nie plaasvind nie en moet die munisipale bestuurder die name van die teenwoordige lede aanteken.

(5) Wanneer daar by die aanvang van 'n vergadering 'n kworum is, maar tydens die vergadering die situasie ontstaan dat daar nie 'n kworum is nie, moet die speaker die vergadering opskort totdat daar weer 'n kworum is, met dien verstande dat as daar na 10 minute nog nie 'n kworum is nie, die speaker die vergadering moet verdaag.

(6) Wanneer 'n vergadering verdaag word omdat daar nie meer 'n kworum is nie, moet die tyd van sodanige verdaging asook die name van die teenwoordige lede en die name van lede wat die vergadering sonder verskoning verlaat het, in die notule aangeteken word.

(7) Indien 'n komitee bloot 'n aanbeveling aan die raad moet doen, word 'n kworum nie vereis nie, maar moet die komitee in sodanige geval notuleer dat die aanbeveling 'n aanbeveling is wat nie aan die kworumvereiste voldoen nie.

HOOFTUK 4 : BESLUITE

17. Onbestrede aangeleenthede

Wanneer die raad versoek word om 'n aangeleentheid voor hom te oorweeg en daar geen teenkanting van enige lid is nie, moet 'n eenparige stemming in die notule aangeteken word.

18. Wyse van stemming

(1) Die speaker moet 'n stemming hou oor elke mosie wat teengestaan word, deur die lede te versoek om deur die opsteek van hande, tensy anders voorgeskryf, aan te dui of hulle vir of teen sodanige mosie is, waarna hy of sy die uitslag van sodanige stemming bekend moet maak en dit in die notule aangeteken word.

(2) Indien die meerderheid van die teenwoordige lede die speaker versoek dat 'n stemming per geslotte stembrief moet geskied, moet dit dienooreenkomsdig geskied.

(3) As daar 'n staking van stemme is ten opsigte van 'n mosie waaroor 'n stemming gehou word in ooreenstemming met subreëls (1) en (2), moet die speaker sy of haar beslissende stem uitbring benewens sy of haar gewone stem; met dien

verstande dat die speaker nie 'n beslissende stem mag uitbring ten opsigte van enige aangeleentheid vervat in artikel 160(2) van die Grondwet, 1996 nie.

(4) Wanneer die speaker die uitslag van 'n stemming bekend maak, kan 'n lid versoek dat sy of haar stem teen die betrokke besluit aangeteken word, en die munisipale bestuurder moet seker maak dat sodanige stem in die notule aangeteken word.

(5) 'n Lid kan buite stemming bly sonder om die vergaderlokaal te verlaat en dit moet so in die notule aangeteken word.

19. Besluite

(1) In ooreenstemming met die Strukturewet is 'n ondersteunende stem van minstens twee derdes van die lede van die raad nodig om 'n besluit om die raad te ontbind, aan te neem.

(2) In ooreenstemming met die Grondwet is die ondersteunende stem van 'n meerderheid van die lede nodig om te besluit oor –

- (a) die aanneem van verordeninge;
- (b) die goedkeuring van die begrotings;
- (c) die oplegging van eiendomsbelasting en ander belastings, heffings en regte; en
- (d) die verkryging van lenings.

(3) Alle ander vrae as na verwys in subreëls (1) en (2) word beslis deur 'n meerderheid van die stemme wat uitgebring word.

(4) Alvorens die raad 'n besluit oor die volgende aangeleenthede neem, moet hy eers sy uitvoerende burgemeester versoek om 'n verslag en aanbeveling oor die aangeleentheid aan die raad voor te lê –

- (a) enige aangeleentheid genoem in artikel 160(2) van die Grondwet;
- (b) die goedkeuring van 'n geïntegreerde ontwikkelingsplan vir Munisipaliteit Swartland en wysigings van gemelde plan;
- (c) die aanstelling en diensvoorraad van die munisipale bestuurder en 'n bestuurder direk verantwoordbaar aan die munisipale bestuurder.

20. Onbestrede sake

(1) Wanneer 'n vergadering minstens een uur aan die gang is, kan die speaker die verrigtinge onderbreek en gelas dat die raad onverwyld daartoe oorgaan om onbestrede sake af te handel.

(2) Na die afhandeling van sodanige sake moet die vergadering hervat word op die punt waar dit onderbreek is, tensy alle oorblywende sake tot die volgende vergadering uitgestel is.

(3) 'n Item op die sakelys word geag 'n bestrede saak te wees as 'n lid te kenne gee dat hy van voornemens is om sodanige item te bespreek onmiddellik nadat die speaker aan die vergadering te kenne gegee het dat sodanige item oop is vir bespreking; met dien verstande dat geen item geag word bestrede te wees slegs omdat vrae vir toelighting in verband daarmee gestel word nie.

21. Herroeping van besluite

(1) Indien 'n lid kennis wil gee van sy voorname om die herroeping of wysiging van 'n besluit (of deel daarvan) van die raad voor te stel, moet hy sodanig kennis gee deur 'n skriftelike kennisgewing van voorstel by die munisipale bestuurder af te lewer, welke kennisgewing van voorstel deur sodanige lid onderteken en gedateer moet wees en waarin hy moet meld op watter vergadering van die raad dit aangehoor moet word, en moet dit minstens ses werkdae voor genoemde vergadering by die munisipale bestuurder afgelewer word. In sodanige kennisgewing van voorstel moet daar verder vermeld word dat die voorsteller sal voorstel dat die bestaande besluit (of deel daarvan) in hersiening geneem word vir die doel van wysiging of herroeping, na gelang van die geval, met vermelding, in die geval van 'n wysiging, van die presiese wysiging wat verlang word.

(2) Indien 'n komitee besluit het om by die raad aan te beveel dat 'n besluit (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 sodanige aanbeveling in te sluit by 'n verslag van die komitee aan die raad, en die munisipale bestuurder moet 'n kopie van sodanige verslag aan elke lid stuur om hom minstens twaalf uur voor die vergadering waarop die aanbeveling oorweeg sal word, te bereik. Die kopieë van sodanige verslag wat aldus aan alle lede gestuur word, of dokumente wat dit vergesel, moet aandui op watter vergadering sodanige verslag oorweeg sal word.

(3) Uitgesonderd op aanbeveling van 'n komitee mag 'n besluit (of deel daarvan) nie op enige vergadering van die raad op hersiening geneem word nie, tensy die toestemming van die meerderheid van die lede wat op sodanige vergadering teenwoordig is, verkry is.

(4) Daar mag geen debat oor sodanige voorstel tot hersiening gevoer word nie, behalwe dat die lid of die voorsitter van die komitee wat kennis gee, die reg het om kortlik die redes daarvoor te vermeld.

HOOFTUK 5 : PUBLIEKE TOEGANG

22. Toelating van die publiek

Die speaker moet redelike stappe doen om toegang vir die publiek tot en gedrag van die publiek op vergaderings te reguleer.

23. Uitsluiting van die publiek en media van vergaderings

(1) Wanneer die munisipale bestuurder na sy of haar goeddunke enige aangeleentheid voorlopig op 'n deel van die sakelys geplaas het wat nie voor die vergadering aan die publiek openbaar gemaak sal word nie, mag die publiek uitgesluit word van die vergadering –

(a) wanneer die speaker dit gelas; of

- (b) waar die raad dit gelas ingevolge 'n mosie van enige lid, onderhewig aanubreël (2).
- (2) Wanneer die raad 'n mosie ingevolge subreël (1)(b) oorweeg, moet die bepalings van artikel 160(7) van die Grondwet in ag geneem word, wat vereis dat die publiek en die media slegs van 'n vergadering uitgesluit kan word as dit redelik is om dit te doen met inagneming van die aard van die sake wat oorweeg word, ingesluit indien –
- (a) daar onredelike bekendmaking van persoonlike inligting van enige persoon kan wees;
 - (b) handelsgeheime van enige persoon bekend gemaak kan word;
 - (c) finansiële, kommersiële, wetenskaplike of tegniese inligting anders as handelsgeheime van enige persoon bekend gemaak mag word en dat die bekendmaking skadelik mag wees vir die kommersiële of finansiële belang van sodanige persoon;
 - (d) inligting wat vertoulik deur enige persoon verskaf is bekend gemaak kan word en dat die bekendmaking redelikerwys verwag kan word om sodanige persoon te benadeel in kontraktuele of ander onderhandelings of om sodanige persoon in kommersiële mededinging te benadeel;
 - (e) inligting bekend gemaak mag word aanleiding mag gee tot aksie vir verbreking van 'n vertrouensplig teenoor enige persoon in terme van 'n ooreenkoms;
 - (f) inligting bekend gemaak mag word wat redelickerwys verwag kan word om die lewe of veiligheid van enige persoon te bedreig, of wat die sekuriteit van 'n gebou, struktuur, stelsel, vervoersysteem of enige ander eiendom mag bedreig;
 - (g) inligting bekend gemaak mag word wat geprivilipeerd is van indiening in regsprosesse;
 - (h) inligting bekend gemaak mag word wat finansiële, kommersiële wetenskaplike of tegniese inligting bevat, wat indien dit bekend gemaak word –
 - (i) waarskynlik die finansiële belang van die munisipaliteit sal skaad; of
 - (ii) redelickerwys verwag kan word om die munisipaliteit te benadeel in kontraktuele of ander onderhandelings.
 - (i) inligting bekend gemaak mag word ten opsigte van navorsing ten behoeve van enige persoon of die munisipaliteit en dat die bekendmaking waarskynlik enige persoon of die munisipaliteit of die onderwerp van navorsing kan benadeel; of
 - (j) die betrokke item op die agenda verwys na enige aangeleentheid wat redelickerwys van die publiek weerhou mag word.
- (3) Wanneer 'n mosie vir die uitsluiting van die publiek gesekondeer word, moet die mosie tot stemming gebring word na bespreking van die redes vir uitsluiting sonder enige bespreking van die aangeleentheid self.

(4) Indien sodanige mosie aangeneem word na behoorlike oorweging deur die raad van die redes wat aangevoer is, moet alle lede van die publiek, insluitende die media, die vergaderlokaal verlaat.

(5) Die motivering vir die uitsluiting van die publiek moet volledig genotuleer word.

(6) Enige items waarvan die publiek nie uitgesluit sal word nie, word oorweeg onmiddellik na die prosedure in reël 23(1) uiteengesit.

24. Hertoelating van publiek en media tot vergaderings

(1) 'n Lid kan in die loop van die vergadering waarvan die publiek en die media uitgesluit is, voorstel "dat die vergadering weer oopgestel word" met vermelding van die redes vir sodanige mosie.

(2) Indien sodanige mosie gesekondeer word, moet dit onverwyld en sonder bespreking tot stemming gebring word.

(3) Indien die mosie aangeneem word, moet die speaker toesien dat die publiek en media weer tot die vergadering toegelaat word.

25. Uitnodiging aan nie-lid

Die speaker kan 'n persoon wat nie 'n lid is nie, nooi om die raad toe te spreek of om 'n vergadering by te woon ten einde sy of haar menings oor 'n aangeleentheid voor die raad te stel. 'n Tydsbeperking van 10 minute, of sodanige tyd as wat die vergadering toelaat, sal geld.

26. Afvaardigings

(1) 'n Individu of afvaardiging wat 'n onderhoud met die raad verlang, moet aan die munisipale bestuurder ses werkdae skriftelike kennis gee van sy of haar versoek en moet besonderhede verskaf van die voorlegging wat gedoen sal word en die bron van die afvaardiging.

(2) Die munisipale bestuurder moet 'n kennisgewing met die inhoud vermeld in subreël (1) van die verordening tesame met sy of haar kommentaar en aanbevelings aan die speaker voorlê, wat kan besluit om 'n onderhoud toe te staan of te weier, en op watter voorwaardes.

(3) 'n Afvaardiging mag uit hoogstens tien lede bestaan.

(4) Uitgesonderd met die toestemming van die speaker of in antwoord op vrae van lede mag net twee lede van 'n afvaardiging die vergadering toespreek.

(5) Uitgesonderd met die toestemming van die speaker mag 'n lid van 'n afvaardiging of 'n individu, na gelang van die geval, die vergadering nie langer as 10 minute toespreek nie.

HOOFTUK 6 : GEDRAG IN VERGADERINGS

27. Gedrag van nie-lede en lede van die publiek

Indien 'n nie-lid of 'n lid van die publiek hom of haar aan wangedrag skuldig maak, op 'n onbehoorlike wyse gedra of die sake van enige vergadering belemmer, kan die speaker gelas dat hy of sy uit die vergaderlokaal verwyder word.

28. Gedrag van lede

(1) Indien 'n lid –

- (a) hom of haar aan wangedrag skuldig maak, of
- (b) hom of haar op 'n onbehoorlike wyse gedra, of
- (c) die sake van enige vergadering belemmer, of
- (d) die beslissing van die speaker oor enige punt van orde of beslissing ingevolge reël 4(1) uitdaag, of
- (e) weier om enige uitdrukking terug te trek wanneer die speaker daarop aandring, of
- (f) hom of haar oorgee aan langdradige herhaling of onbehoorlike taalgebruik, of
- (g) enige bepaling van hierdie verordening oortree,

moet die speaker gelas dat sodanige lid hom of haar behoorlik gedra en, indien hy of sy aan die woord is, om sy of haar redevoering te staak.

(2) In die geval van 'n voortdurende verontagsaming van die lasgewings van die speaker moet die speaker sodanige lid gelas om die vergaderlokaal vir die res van die vergadering te verlaat en kan hy of sy, indien nodig, sodanige lid uit die lokaal laat verwyder.

(3) Waar 'n lid skuldig is aan die gedrag bedoel in subreëls (1) en (2) mag die speaker teen sodanige lid optree ingevolge item 13 van die gedragskode.

(4) Die gebruik van selfone gedurende vergaderings word verbied. Selfone moet afgeskakel wees tydens vergaderings tensy vooraf reëlings getref is met die speaker. Boetes mag opgelê word vir veronagsaming van hierdie reël en moet genotuleer word.

(5) 'n Lid mag nie die vergaderlokaal verlaat sonder die toestemming van die speaker nie.

HOOFTUK 7 : REËLS VIR DEBATVOERING

29. Lid spreek voorsitter aan

'n Lid of 'n lid van die publiek wat goedkeuring het om die vergadering toe te spreek, moet die voorsitter aanspreek en kan dit doen in enige van die drie amptelike tale van die Provinsie Wes-Kaap.

30. Orde van prioriteit

Wanneer 'n lid die raad wil toespreek, moet hy of sy eers die speaker se toestemming kry en moet sy of haar hand opsteek om toestemming te verkry.

31. Voorrang van speaker

Wanneer die speaker die vergadering toespreek, moet alle lede stil bly sodat die speaker sonder enige onderbreking aangehoor kan word.

32. Relevansie

- (1) 'n Lid wat aan die woord is, moet sy toespraak streng bepaal by die onderwerp of aangeleentheid onder bespreking of by 'n verduideliking of 'n punt van orde.
- (2) Geen bespreking word toegelaat –
 - (a) wat enige aangeleentheid op die sakelys sal vooruitloop nie;
 - (b) oor enige aangeleentheid ten opsigte waarvan 'n besluit deur 'n geregtelike of kwasigeregtelike liggaam of 'n kommissie van ondersoek hangende is nie.

33. Reg om te praat en beperking

- (1) 'n Lid mag praat of voortgaan om te praat met toestemming van die speaker.
- (2) 'n Lid wat nie lid is van 'n komitee nie, mag by sodanige komiteevergadering praat op voorwaarde dat hy of sy deur die voorsitter genooi is om die vergadering vir 'n spesifieke item op die agenda by te woon.
- (3) Lede wat sodanige vergadering bywoon en praat sonder uitnodiging sal nie beskerm wees ingevolge die Wes-Kaapse Wet op Voorregte en Immuniteit vir Raadslede, 2011, (Wet 7 van 2011) nie.
- (4) 'n Lid mag net een keer praat –
 - (a) oor die aangeleentheid voor die raad;
 - (b) oor enige mosie voor die raad;
 - (c) oor enige wysiging van die aangeleentheid voor die raad;
 - (d) oor 'n aangeleentheid of 'n wysiging wat hy of sy self voorgestel het of gaan voorstel; of
 - (e) oor 'n punt van orde of 'n saak van voorreg,tensy deur die speaker gemagtig of soos in hierdie reëls voorsiening gemaak.
- (5) Die voorsteller van 'n oorspronklike mosie kan oor die mosie praat en repliek lewer, maar in sy of haar repliek moet hy of sy hom of haar bepaal by die beantwoording van vorige sprekers en mag hy of sy geen nuwe aangeleentheid in die debat inbring nie.
- (6) Die reg tot repliek is nie van toepassing nie op die voorsteller van 'n wysiging wat, nadat dit goedgekeur is, die substantiewe mosie geword het.

34. Tydsduur van toesprake

- (1) Uitgesonderd met die toestemming van die speaker mag geen lid langer as vyf minute oor enige onderwerp (of aangeleentheid) praat nie.
- (2) Die voorsteller van 'n oorspronklike mosie of van enige wysiging kan egter vyf minute lank oor sodanige mosie of wysiging praat.

35. Herindiening van mosie of vraag

Geen mosie wat deur die raad verwerp is en geen vraag wat ingevolge die reëls gestel is en afgehandel is op enige vergadering, mag weer ingedien of gestel word nie binne 'n tydperk van drie maande na sodanige vergadering, uitgesonderd met die toestemming van die speaker.

36. Kennis van mosie

- (1) Die speaker mag geen mosie, uitgesonderd 'n dringende mosie of 'n mosie van orde, aanvaar nie tensy kennis daarvan ingevolge subreël (2) gegee is.
- (2) Elke kennisgewing van voorneme deur 'n lid om 'n mosie in te dien, moet skriftelik wees en onderteken en gedateer wees en aan die munisipale bestuurder gelewer word minstens ses werkdae voor die datum van die vergadering waarop dit ingedien gaan word.
- (3) Die speaker moet sodanige mosie op die agenda plaas of die mosie verwys na die komitee wat daarmee belas is.

37. Kennis van vraag

- (1) Behoudens reël 42 mag die speaker geen vraag aanvaar nie tensy kennis daarvan ingevolge subreël (2) gegee is.
- (2) Elke kennisgewing van voorneme deur 'n lid om 'n vraag te stel, moet skriftelik wees en onderteken en gedateer wees en aan die munisipale bestuurder gelewer word minstens ses werkdae voor die datum van die vergadering waarop dit gestel gaan word.
- (3) Die lid aan wie sodanige vraag gerig word, mag die vraag antwoord by die vergadering bedoel in subreël (2), of indien die lid verkies om die vraag skriftelik te beantwoord, mag hy of sy dit doen binne ses werkdae na die vergadering.

38. Afwesigheid van mosiesteller of vraesteller

Indien die voorsteller of vraesteller nie in sy plek teenwoordig is nie op die vergadering van die raad wanneer hy of sy deur die speaker versoek word om 'n mosie in te dien of 'n vraag te stel wat op sy of haar naam op die sakelys verskyn, 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.

39. Mosies of vrae oor aangeleenthede deur komitee hanteer

(1) 'n Lid mag nie kennis van 'n mosie of vraag gee met betrekking tot enige aangeleenthed wat aan 'n komitee opgedra is nie, tensy sodanige mosie of vraag voorheen aan sodanige komitee voorgelê is of tensy dit in die vorm is van 'n verwysing na sodanige komitee vir oorweging en verslagdoening.

(2) Die voorsitter van 'n komitee mag, indien hy of sy van mening is dat die aangeleenthed dringend is, kennis gee van sy of haar voorneme om 'n mosie in te dien of 'n vraag te stel oor 'n aangeleenthed wat aan sodanige komitee opgedra is, ondanks die feit dat sodanige mosie of vraag nie vooraf deur sodanige komitee oorweeg is nie.

40. Aanbeveling van komitee as mosie beskou

(1) Die aanvaarding van 'n aanbeveling vervat in 'n verslag wat deur 'n komitee aan die raad voorgelê is, word geag deur die voorsitter van sodanige komitee voorgestel te wees of, in sy of haar afwesigheid of wanneer hy of sy sodanige aanbeveling teenstaan, deur 'n lid van sodanige komitee deur hom of haar afgevaardig om waar te neem wanneer die speaker van die vergadering te kenne gee dat sodanige aanbeveling oop is vir bespreking, en geen sodanige mosie hoof gesekondeer te word nie, en die voorsitter van sodanige komitee mag ook nie verhinder word om sy reg om daaroor te praat, uit te oefen nie.

(2) Die voorsitter in subreël (1) bedoel, kan egter oor die aangeleenthed praat en repliek lewer, maar in sy of haar repliek moet hy of sy hom of haar streng bepaal by antwoorde aan vorige sprekers en mag hy of sy geen nuwe aangeleenthede in die debat invoer nie.

41. Vrae

(1) Nadat enige mosie of wysiging voorgestel en gesekondeer is of na afhandeling van enige toespraak daaroor kan 'n lid enige vraag stel wat tersaaklik is vir sodanige mosie of wysiging.

(2) Geen aanvullende vrae mag gestel word nie uitgesonderd deur die lid wat die oorspronklike vraag gestel het en dan net ten opsigte van aangeleenthede voortspruitend uit die antwoord op sodanige oorspronklike vraag.

(3) Die speaker mag geen sodanige vraag weier nie, met dien verstande dat die lid aan wie sodanige vraag gerig is, onverwyld daarop kan antwoord of kan vereis dat kennis daarvan ingevolge reël 37 gegee word.

42. Mosie van dringendheid

(1) 'n Lid kan die aandag van die raad vestig op enige aangeleenthed wat nie op die sakelys verskyn nie en waarvan daar nie vooraf kennis gegee is nie, deur kortlik die onderwerp van die aangeleenthed te meld en sonder kommentaar daarop voor te stel "dat die mosie waarop die aandag gevvestig is, onverwyld oorweeg word as 'n kwessie van dringendheid".

(2) Sodanige mosie word hierin 'n dringende mosie genoem.

(3) Indien sodanige mosie gesekondeer word en aangeneem word deur 'n meerderheid van die lede teenwoordig, moet die voorsteller toegelaat word om die aangeleentheid sonder kennis deur middel van 'n mosie of vraag tot oorweging te bring.

43. Mosie van orde

- (1) Benewens die mosies waarvoor elders in hierdie reëls voorsiening gemaak word, word die volgende as mosies van orde beskou –
 - (a) dat voorrang verleen word aan die oorweging van enige bepaalde item wat op die sakelys verskyn;
 - (b) dat daar kennis geneem word van enige verslag in die sakelys vermeld, of dat dit aangeneem of terugverwys word of dat daar aan die verslag uitvoering gegee word;
 - (c) dat daar uitvoering gegee word aan enige dokument voor die raad op die wyse in die mosie vermeld;
 - (d) dat stappe gedoen word met betrekking tot enige item wat vir oorweging voorgelê is, op die wyse in die mosie vermeld; en
 - (e) dat die speaker moet gelas dat 'n lid of 'n lid van die publiek van die vergadering onttrek; en
 - (f) enige mosie bedoel in reël 44.
- (2) Indien die mosie aangeneem word, moet dit tot stemming gebring word sonder enige debat.

44. Punt van orde

- (1) 'n Lid kan 'n vergadering in die rede val om 'n punt van orde te opper met betrekking tot 'n oortreding van die reëls of 'n statutêre bepaling.
- (2) 'n Punt van orde mag geopper word met betrekking tot –
 - (a) 'n procedurele aangeleentheid; of
 - (b) die gedrag van 'n lid, 'n lid van die publiek, of 'n werknemer van die munisipaliteit.
- (3) 'n Lid wat 'n punt van orde opper moet onmiddellik aangehoor word en hy of sy moet –
 - (a) die punt van orde stel; en
 - (b) die reël of 'n statutêre bepaling wat oortree word.
- (4) 'n Lid wat praat wanneer 'n punt van orde geopper word, moet onmiddellik ophou praat totdat die punt van orde deur die speaker gereël word. Alle ander sake wat voor die vergadering dien word opgeskort totdat die punt van orde beslis is.
- (5) Indien beslis dat dit in orde is, moet die lid toegelaat word om voort te gaan met sy of haar toespraak.
- (6) Indien nie, moet die lid swyg of enige opmerkings verander of terugtrek om te voldoen aan die beslissing.
- (7) Die speaker se beslissing oor 'n punt van orde is finaal en nie oop vir debat nie, en dit moet in die notule aangeteken word.

45. Punt van verduideliking

Die speaker kan 'n lid toelaat om 'n punt van verduideliking te opper, met dien verstande dat sodanige verduideliking beperk moet word tot 'n wesenlike deel van die debat wat moontlik misverstaan is.

46. Onttrekking van mosie, wysiging of vraag

- (1) 'n Mosie of wysiging kan sonder bespreking en met die toestemming van die sekondeerdeur en die raad deur die voorsteller teruggetrek word.
- (2) 'n Lid mag nie oor sodanige mosie of wysiging praat nie nadat die raad tot die terugtrekking van sodanige mosie ingestem het.
- (3) 'n Vraag kan teruggetrek word deur die lid wat dit wou gestel het.

47. Speaker se reëling oor punt van orde en verduideliking

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

48. Orde van debat

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

- (a) dat die mosie gewysig word;
- (b) dat die oorweging van die aangeleentheid uitgestel word;
- (c) dat die publiek en die media uitgesluit word;
- (d) dat die publiek en die media weer toegelaat word;
- (e) dat die raad nou verdaag;
- (f) dat die raad vir 'n bepaalde tyd verdaag;
- (g) dat die debat verdaag word;
- (h) dat die aangeleentheid tot stemming gebring word;
- (i) dat die raad na die volgende saak oorgaan.

49. Dat die mosie gewysig word

- (1) Elke wysiging moet tersaaklik wees vir die mosie waarop dit voorgestel word.
- (2) 'n Wysiging moet, indien die speaker dit verlang, skriftelik en deur die voorsteller onderteken wees en aan die speaker oorhandig word.
- (3) 'n Wysiging moet gelees word voordat dit voorgestel word.
- (4) 'n Wysiging mag nie bespreek of aan die raad gestel word voordat dit gesekondeer is nie.
- (5) As daar meer as een wysiging op 'n mosie is, word die wysiging wat laaste ingedien is, eerste tot stemming gebring, en as dit aangeneem word, word die aangeleentheid dienooreenkomsdig afgehandel.

(6) Indien die wysiging wat laaste ingedien is, verwerp word, word die wysiging wat onmiddellik voor die laaste wysiging ingedien is, tot stemming gebring.

(7) Geen verdere wysiging op 'n mosie of wysiging mag ingedien word nadat die speaker begin het om sodanige mosie of wysiging tot stemming te bring nie.

50. Dat oorweging van die aangeleentheid uitgestel word

(1) 'n Lid kan aan die einde van 'n toespraak voorstel dat die oorweging van die aangeleentheid 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 sekondant nie toegelaat mag word om te praat nie. Die voorsteller moet toegelaat word om vir 'n tydperk van hoogstens vyf minute oor die mosie te praat, en die sekondant mag nie praat nie, behalwe om die mosie te sekondeer.

(3) Wanneer so 'n mosie voorgestel word, kan die voorsteller van die aangeleentheid onder bespreking (sonder benadeling van sy of haar uiteindelike reg op repliek indien die mosie dat die aangeleentheid uitgestel word, nie aanvaar word nie) vyf minute lank repliek lewer, waarna die mosie sonder verdere bespreking tot stemming gebring word.

(4) Indien die mosie aanvaar word, moet die aangeleentheid eerste geplaas word op die sakelys van aangeleenthede wat oorweeg moet word op die vergadering waartoe dit uitgestel is: met dien verstande dat reëls 8(2) en 8(3) nie op sodanige aangeleentheid van toepassing is nie.

51. Dat die raad verdaag tot 'n later datum

(1) 'n Lid kan te eniger tyd, uitgesonderd in die loop van 'n toespraak deur 'n ander lid of terwyl daar gestem word, voorstel "dat die raad 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 vyf minute oor die mosie te praat, maar die sekondant mag nie praat nie behalwe om die mosie te sekondeer.

(4) Indien die mosie aanvaar word, moet die raad onverwyld verdaag, met dien verstande dat die speaker kan gelas dat die vergadering voortgaan om eers onbestrede sake af te handel.

(5) Indien die mosie nie aanvaar word nie, mag die speaker nie nog so 'n mosie aanvaar nie totdat 'n halfuur verstryk het.

(6) Uitgesonderd soos in reël 34(1) bepaal, mag geen bespreking oor sodanige mosie toegelaat word nie, behalwe dat 'n lid wat dit eerste aangedui het, hoogstens vyf minute lank teen die mosie kan praat.

(7) Geen wysiging op sodanige mosie mag voorgestel word nie, uitgesonderd met betrekking tot die tydperk van verdaging.

(8) Indien 'n mosie om 'n vergadering te verdaag aanvaar is gedurende 'n debat en voor die afhandeling daarvan, na oorweging van die aangeleentheid wat die

onderwerp van sodanige bespreking op die verdaagde vergadering sal wees, is die lid wat die verdaging voorgestel het, geregtig om eerste te praat.

(9) Geen sake mag op 'n verdaagde vergadering afgehandel word nie, uitgesonderd die sake wat op die sakelys van die vergadering waarvan dit 'n verdaging is, verskyn.

52. Dat die raad vir 'n bepaalde tyd verdaag

(1) 'n Lid kan te eniger tyd behalwe in die loop van 'n toespraak deur 'n ander lid of terwyl daar gestem word, voorstel "dat die raad nou vir 'n bepaalde tyd, vir hoogstens een uur lank, verdaag".

(2) Sodanige mosie hoef nie skriftelik te wees nie, maar moet gesekondeer word.

(3) Indien die mosie aanvaar word, moet die raad onverwyld vir die bepaalde tyd verdaag.

(4) Die speaker kan die aantal sodanige mosies beperk.

53. Dat die debat verdaag word

(1) 'n Lid 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 sodanige mosie kan vyf minute lank daaroor praat, maar die sekondant 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, behalwe in verband met die tydperk van verdaging en dat die lid wat eerste in sy of haar sitplek op die been kom vir dié doel, vyf minute lank daarteen mag praat.

(5) Indien sodanige mosie aanvaar word, gaan die vergadering oor na die volgende saak op die sakelys, en die bespreking van die verdaagde debat word op die volgende vergadering hervat, tensy daar anders besluit word.

(6) Met die hervattung van die verdaagde debat is die lid wat die verdaging voorgestel het, geregtig om eerste te praat.

(7) Indien die mosie nie aanvaar word nie, mag die speaker nie nog so 'n mosie aanvaar nie totdat 'n halfuur verstryk het.

(8) 'n Lid mag nie meer as een mosie vir die verdaging van die debat in die loop van daardie debat voorstel of sekondeer nie.

54. Dat die aangeleentheid tot stemming gebring word

'n Lid kan in die loop van 'n debat, aan die einde van enige toespraak, voorstel dat die aangeleentheid nou tot stemming gebring word.

55. Dat die aangeleentheid van die sakelys verwyder word

- (1) 'n Lid kan in die loop van 'n debat, aan die einde van enige toespraak, voorstel dat die aangeleentheid van die sakelys verwyder word.
- (2) Behoudens die bepalings van subreël (3), is geen mosie wat ingevolge subreël (1) voorgestel is, oop vir bespreking nie.
- (3) Die voorsteller van 'n aangeleentheid onder bespreking kan, wanneer 'n mosie ingevolge subreël (1) voorgestel is, hoogstens vyf minute lank oor sodanige mosie praat, waarna genoemde mosie sonder enige verdere bespreking tot stemming gebring word.
- (4) Indien sodanige mosie aanvaar word, word die aangeleentheid onder bespreking nie verder bespreek nie.

HOOFSTUK 8: PROSES VIR DIE AANVAARDING VAN VERORDENINGE**56. Indiening van konsepverordening**

'n Verordening mag slegs deur 'n lid of die uitvoerende burgemeester ingedien word.

57. Eerste voorlegging aan raad

- (1) 'n Konsepverordening ingedien deur 'n lid of die uitvoerende burgemeester, moet op die volgende wyse voorgelê word –
 - (a) 'n uitvoerende opsomming van die verordening;
 - (b) die noodsaaklikheid vir die regulering van die aangeleentheid in die konsepverordening;
 - (c) die inhoud van die konsepverordening;
 - (d) enige ander verordening wat herroep of gewysig word indien die konsepverordening aanvaar word;
 - (e) enige relevante kommentaar of voorstelle; en
 - (f) 'n aanbeveling.
- (2) Na oorweging van die verslag in subreël (1), moet die raad besluit om die konsepverordening te aanvaar of te verwerp.
- (3) Wanneer 'n konsepverordening in beginsel goedgekeur is, moet dit adverteer word vir publieke deelname soos bedoel in reël 59.

58. Indiening deur uitvoerende burgemeester

- (1) Die uitvoerende burgemeester mag uit eie beweging 'n konsepverordening aan die raad voorlê na oorweging van 'n versoek deur die munisipale bestuurder.
- (2) Indien die uitvoerende burgemeester 'n konsepverordening uit eie beweging aan die raad wil voorlê, moet hy of sy die kommentaar van die munisipale bestuurder of enige ander persoon verkry met betrekking tot die inhoud daarvan.

(3) Die uitvoerende burgemeester moet 'n verslag voorlê vir die indiening van 'n konsepverordening ooreenkomstig reël 57(1).

59. Publikasie van verordening

- (1) Die munisipale bestuurder moet so gou moontlik na beginselgoedkeuring van 'n konsepverordening dit vir 'n tydperk van minstens 30 dae publiseer op so 'n wyse dat die publiek die geleentheid sal hê om kommentaar daaroor te lewer.
- (2) Publikasie moet in minstens twee amptelike tale van die Provinsie geskied.

60. Oorweging van konsepverordening

- (1) Die munisipale bestuurder moet so gou moontlik na sluiting van die publikasie vir kommentaar soos bedoel in reël 58 'n verslag aan die uitvoerende burgemeester voorlê, vergesel van –
- (a) 'n afskrif van die verordening;
 - (b) afskrifte van die kennisgewing waardeur die publiek se kommentaar gevra is;
 - (c) enige kommentaar van die publiek ontvang; en
 - (d) enige ander kommentaar van die munisipale bestuurder.
- (2) Die uitvoerende burgemeester moet die verslag van die munisipale bestuurder oorweeg en moet –
- (a) 'n verslag aan die raad voorlê vergesel van die volgende –
 - (i) 'n uitvoerende opsomming van die verordening;
 - (ii) die mening van die uitvoerende burgemeester met betrekking tot die noodsaaklikheid van die verordening;
 - (iii) ander verordeninge wat herroep of gewysig word indien die verordening aanvaar word;
 - (iv) enige relevante kommentaar of voorstelle; en
 - (v) 'n aanbeveling.
- (3) Wanneer 'n verordening ingevolge subreël (2)(b) aanvaar is, moet dit ooreenkomstig die bepalings van die Stelselwet gepubliseer word.

61. Debatprosedure

Die reëls met betrekking tot debatprosedure is ook op die wetgewende proses van toepassing.

HOOFSTUK 9: ALGEMENE BEPALINGS

62. Voorregte en immuniteit vir raadslede

Die voorregte en immuniteit vir raadslede is onderhewig aan die bepalings van die Wes-Kaapse Wet op Voorregte en Immuniteit vir Raadslede, 2011, (Wet 7 van 2011).

63. Munisipale werknemers

- (1) Werknemers van die munisipaliteit wat vergaderings bywoon moet die reëls en betaamlikheid wat op lede van toepassing is, eerbiedig.
- (2) 'n Werknemer moet 'n vergadering bywoon indien daar toe versoek deur die munisipale bestuurder.

64. Misdrywe

- (1) Niemand mag –
 - (a) op onbehoorlike wyse inmeng met –
 - (i) die verrigtinge van die raad of 'n komitee belemmer in die uitvoering van sy werksaamhede nie; of
 - (ii) die verrigting deur 'n lid van sy of haar funksies as 'n lid nie;
 - (b) 'n lid dreig of verhinder om 'n vergadering van die raad of 'n komitee by te woon of dit te verlaat nie;
 - (c) 'n lid aanrand of dreig of van enige voordeel ontneem, vanweë die gedrag van die lid in die raad of 'n komitee nie;
 - (d) terwyl die raad of 'n komitee vergader, 'n steurnis veroorsaak of aan steurende aktiwiteite deelneem binne die onmiddellike nabijheid van die verrigting nie;
 - (e) versuim of weier om te voldoen aan 'n opdrag deur die persoon wat voorsit by 'n vergadering van die raad of 'n komitee met betrekking tot die teenwoordigheid van enige persoon by 'n vergadering nie;
 - (f) versuim of weier om te voldoen aan 'n opdrag deur 'n behoorlik gemagtigde amptenaar van die raad ten opsigte van –
 - (i) die teenwoordigheid van persone op 'n bepaalde vergadering van die raad of 'n komitee; of
 - (ii) die besit van 'n artikel, met inbegrip van 'n vuurwapen, in die omgewing van die vergadering of enige deel daarvan.
- (2) Geen persoon mag deur bedrog, intimidasie, geweld, of af dreiging van enige aard, of deur die aanbod of belofte van enige aansporing of voordeel van enige aard, of op enige ander onbehoorlike wyse –
 - (a) 'n lid beïnvloed in die uitvoering van sy of haar funksies nie;
 - (b) 'n lid oorreed om weg te bly van 'n vergadering of aanwesig te bly nie; of

- (c) 'n lid verplig om homself of haarself ten gunste van of teen enigiets hangende of voorgestel, of wat na verwagting aan die raad of 'n komitee voorgelê gaan word, uit te spreek nie.
- (3) 'n Persoon watubreëls (1) of (2) oortree is skuldig aan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete of gevangenisstraf, of met beide sodanige boete of gevangenisstraf.

65. Herroeping van verordeninge

Die Verordening vir die hou van Vergaderings van die Munisipaliteit Swartland soos gepubliseer in Provinciale Koerant 6199 van 14 Januarie 2005 word hiermee in geheel herroep.

66. Kort titel en inwerkingtrede

Hierdie verordening staan bekend as die Verordening insake die Reëls vir die Hou van Vergaderings van Swartland Munisipaliteit en tree in werking op die datum van publikasie in die Provinciale Koerant.