



PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

Provincial Gazette Igazethi Yephondo Provinsiale Koerant

Vol. 25

BISHO/KING WILLIAM'S TOWN
26 MARCH 2018
26 MAART 2018

No. 4018

We all have the power to prevent AIDS



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DEPARTMENT OF HEALTH

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Closing times for **ORDINARY WEEKLY** 2018

EASTERN CAPE PROVINCIAL GAZETTE

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

- **20 December 2017**, Wednesday for the issue of Monday **01 January 2018**
- **29 December 2017**, Friday for the issue of Monday **08 January 2018**
- **08 January**, Monday for the issue of Monday **15 January 2018**
- **15 January**, Monday for the issue of Monday **22 January 2018**
- **22 January**, Monday for the issue of Monday **29 January 2018**
- **29 January**, Monday for the issue of Monday **05 February 2018**
- **05 February**, Monday for the issue of Monday **12 February 2018**
- **12 February**, Monday for the issue of Monday **19 February 2018**
- **19 February**, Monday for the issue of Monday **26 February 2018**
- **26 February**, Monday for the issue of Monday **05 March 2018**
- **05 March**, Monday for the issue of Monday **12 March 2018**
- **12 March**, Monday for the issue of Monday **19 March 2018**
- **16 March**, Monday for the issue of Monday **26 March 2018**
- **23 March**, Monday for the issue of Monday **02 April 2018**
- **28 March**, Wednesday for the issue of Monday **09 April 2018**
- **09 April**, Monday for the issue of Monday **16 April 2018**
- **16 April**, Monday for the issue of Monday **23 April 2018**
- **20 April**, Friday for the issue of Monday **30 April 2018**
- **26 April**, Thursday for the issue of Monday **07 May 2018**
- **07 May**, Monday for the issue of Monday **14 May 2018**
- **14 May**, Monday for the issue of Monday **21 May 2018**
- **21 May**, Monday for the issue of Monday **28 May 2018**
- **28 May**, Monday for the issue of Monday **04 June 2018**
- **04 June**, Monday for the issue of Monday **11 June 2018**
- **11 June**, Monday for the issue of Monday **18 June 2018**
- **18 June**, Monday for the issue of Monday **25 June 2018**
- **25 June**, Monday for the issue of Monday **02 July 2018**
- **02 July**, Monday for the issue of Monday **09 July 2018**
- **09 July**, Monday for the issue of Monday **16 July 2018**
- **16 July**, Monday for the issue of Monday **23 July 2018**
- **23 July**, Monday, for the issue of Monday **30 July 2018**
- **30 July**, Monday for the issue of Monday **06 August 2018**
- **03 August**, Friday for the issue of Monday **13 August 2018**
- **13 August**, Monday for the issue of Monday **20 August 2018**
- **20 August**, Monday for the issue of Monday **27 August 2018**
- **27 August**, Monday for the issue of Monday **03 September 2018**
- **03 September**, Monday for the issue of Monday **10 September 2018**
- **10 September**, Monday for the issue of Monday **17 September 2018**
- **17 September**, Monday for the issue of Monday **24 September 2018**
- **21 September**, Friday for the issue of Monday **01 October 2018**
- **01 October**, Monday for the issue of Monday **08 October 2018**
- **08 October**, Monday for the issue of Monday **15 October 2018**
- **15 October**, Monday for the issue of Monday **22 October 2018**
- **22 October**, Monday for the issue of Monday **29 October 2018**
- **29 October**, Monday for the issue of Monday **05 November 2018**
- **05 November**, Monday for the issue of Monday **12 November 2018**
- **12 November**, Monday for the issue of Monday **19 November 2018**
- **19 November**, Monday for the issue of Monday **26 November 2018**
- **26 November**, Monday for the issue of Monday **03 December 2018**
- **03 December**, Monday, for the issue of Monday **10 December 2018**
- **10 December**, Monday, for the issue of Monday **17 December 2018**
- **14 December**, Friday for the issue of Monday **24 December 2018**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2016

NATIONAL AND PROVINCIAL

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

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

EXTRA-ORDINARY

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

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

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

All notices received after the closing time will be rejected.

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES**EXTRAORDINARY GAZETTES**

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

NOTICE SUBMISSION PROCESS

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES**QUOTATIONS**

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

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

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

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

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

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

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

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

CANCELLATIONS

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

AMENDMENTS TO NOTICES

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

REJECTIONS

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

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

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

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

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

LIABILITY OF ADVERTISER

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

CUSTOMER INQUIRIES

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

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

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

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

PROOF OF PUBLICATION

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

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works

149 Bosman Street

Pretoria

Postal Address:

Private Bag X85

Pretoria

0001

GPW Banking Details:

Bank: ABSA Bosman Street

Account No.: 405 7114 016

Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

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

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

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 58 OF 2018EASTERN CAPE PROVINCEDEPARTMENT OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS

NELSON MANDELA BAY MUNICIPALITY

REMOVAL OF RESTRICTIONS ACT, 1967

REMAINDER ERF 70 DESPATCH

Under Section 2 (1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967) as amended and on application by the owner of Remainder Erf 70 Despatch, conditions C.1 (i) C.1 (ii) C.1 (iii) C.1 (iv), C.2 and D in Deed of Transfer No.T000060493/2013 are hereby removed.

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PROVINCIAL NOTICE 59 OF 2018

PUBLIC NOTICE

**CALLING FOR THE INSPECTION OF THE GENERAL VALUATION ROLL 2018 – 2023
AND THE LODGING OF OBJECTIONS**

Notice is hereby given in terms of S49 (1) (a) (i) (ii) read together with Section (78) (2) of the Local Government Municipal Property Rates Act 2004 (Act No. 6 of 2004), as amended, herein after referred to as the ‘Act’, that Matatiele Local Municipality’s General Valuation Roll for a period 1 July 2018 to 30 June 2023 will be open for public inspection at designated municipal offices from 19th February 2018 to the 25th April 2018 during office 08H00 to 16H00. In addition, the valuation roll will be available on the municipal website <http://www.matatiele.gov.za/>.

An invitation is hereby made in terms of Section 49 (i) (a) (ii) read together with Section 78 (2) of the Act, that any owner of the property or other person who so desires, should lodge an objection with Municipal Manager in respect of any matter, including the category, reflected in, or omitted from, the Valuation Roll within the above –mentioned period.

Attention is specifically drawn to the fact that in terms of Section 50(2) of the Act, an objection must be in relation to a specific individual property and not against the Valuation Roll as such. The form for lodging an objection is obtained from the Municipal Offices listed below or from the Municipal website <http://www.matatiele.gov.za/>.

The Valuation Roll can be viewed during office hours from 19th February 2018 to the 25th April 2018 at the following municipal offices:

**102 Main Street, Library, Budget and Treasury Office Mountain view, Cedarville
Office and Maluti Office.**

Completed forms must be returned to the Municipal Manager, 102 Main Street/ P.O Box 35, Matatiele 4730 via hand delivery or **Registered Mail** during office hours 08H00 to 16H00 Monday to Friday.

(No late objections will be accepted after the closing date, the 25th April 2018 at 16h00)

For any queries please contact Ntsapokazi Majova on 039 737 8204 / 082 800 1533 or email nmajova@matatiele.gov.za

D.C.T Nakin
Municipal Manager

OFFICIAL NOTICES • AMPTELIKE KENNISGEWINGS

OFFICIAL NOTICE 1 OF 2018

NELSON MANDELA BAY MUNICIPALITY (EASTERN CAPE) Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) **ERF 2877 KORSTEN, PORT ELIZABETH, EASTERN CAPE** Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions B(i), as contained in Deed of Transfer No T 70866/2014 applicable to Erf 2877 KORSTEN is hereby removed.

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 49 OF 2018**BUFFALO CITY METROPOLITAN MUNICIPALITY****SPLUMA ACT No. 16 of 2013 : ERF 1839 GONUBIE : REMOVAL OF RESTRICTIONS**

Under Section 47 (1) of the Spatial Planning and Land Use Management Act, No. 16 of 2013, read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management By-law of 2016, and on application by the owner of Erf 1839 Gonubie, conditions C. 1, C. 2 and D. (a) (b) (c) (d) (e) (f) & (g), found in Deed of Transfer No. T 4466 / 2016, pertaining to Erf 1839 Gonubie, are hereby removed.

**LOCAL AUTHORITY NOTICE 50 OF 2018
STANDING RULES, ORDERS AND PROCEDURES
OF**

MUNICIPAL COUNCIL AND COMMITTEES OF THE COUNCIL BY- LAW

To provide uniform rules, standing orders and procedures governing council and all council related committees including the mayoral committee. To prescribe acceptable conduct of councillors, the public and staff in all meetings of council and committees, to provided for procedures applicable in transacting council and committee business.

PREAMBLE

Whereas the constitution establishes local government as an independent sphere of government, interdependent and interrelated to the other spheres of government.

Whereas the supreme law of the land prescribes and entrenches both the legislative and executive functions to council

Whereas the constitution instructs a council to draft and adopt a by law prescribing its rules, which rules must ensure that council is enabled to play an effective oversight role over the executive function and may hold it to account.

BE IT THEREFORE ENACTED by the Council of Alfred Nzo District Municipality as follows;

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DEFINITIONS

Definitions

1. In this by-law, unless inconsistent with the context –

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

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

“Council” means –

(a) a body, exercising its legislative and executive authority in a municipal jurisdiction;

(b) its successor-in-title;

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

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

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

“councillor” means a member of a municipal council;

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

“deputation” means a person or group of persons who wish to appear personally before the council or a committee of the council in order to address the council or committee of the council;

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

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

"Executive Mayor" means a councillor elected as the Executive Mayor of the municipality in terms of section 55 of the Structures Act

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

"municipality" means the Municipality established in terms of section 155(6) of the Constitution, 1996, and established by and under sections 11 and 12 of the Structures Act

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

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

"notice of motion" means the instrument by which councillors may bring items on to the agenda of a Council Meeting in terms of rule 23 of this By-law;

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

"point of order" means the pointing out of any deviation from or anything contrary to, the conduct and or any other irregularity in the proceedings of a meeting;

"precincts" means the council chamber and all places of meeting, the areas to which the public are allowed access and all other venues where the meetings of the council or a committee of the council are conducted;

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

"service delivery agreement" means an agreement between a municipality and an institution or person mentioned in section 76(b) of the Systems Act in terms of which a municipal service is provided by that institution or person, either for its own account or on behalf of the municipality;

"Speaker" means the chairperson of the council elected in terms of section 36 of the Structures Act and includes any acting Speaker when he or she is elected to perform the functions of the speaker;

"Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and

"table" means to submit a report or any official document to the council or a committee of council for consideration at a meeting of the council or a committee of council of which notice has been given in terms of this By-law.

CHAPTER 1

1. SUSPENSION OR SUPPLEMENTING OF RULES

- (1) Any provision of these rules relating to the business or proceedings at a sitting of the council or committees or any other forum of the council, may be suspended by resolution of the council.
- (2) The suspension of any provision must be limited in its operation to the particular purpose and period for which such suspension has been approved.
- (3) Any motion to adopt or amend any rule or to suspend any provision of these rules requires notice in accordance with sub-rule 20(10)
- (4) At least 50% plus one of the members of the council must be present before a decision may be taken to suspend any provision of these rules including taking a decision to adopt or amend any rule.
- (5) The council may by resolution, subject to these rules, make an order supplementing these rules in accordance with the structures act; provided that —
 - (a) a standing order remains in force until amended and
 - (b) a sessional order identified as such by the council remains in force —
 - (i) until the period of its validity, as specified in the order, has expired; or
 - (ii) until the end of the last sitting day of the session within which it was made; provided that a sessional order may be amended at any time.

2. NON-LIMITATION OF RULES AND ORDERS

- (1) No convention or practice may limit or inhibit any provision of these rules or any order of the council.

3. UNFORESEEN EVENTUALITIES

- (1) The Speaker may give a ruling or frame a rule in respect of any eventuality for which these rules or orders do not provide, having due regard to the procedures, precedents, practices and conventions developed by council and on the basis of constitutional values and principles underpinning an open, accountable and democratic society.
- (2) A rule framed by the Speaker remains in force until the council based on a recommendation of the rules committee, has decided thereon.

4. DIRECTIVES AND GUIDELINES OF RULES COMMITTEE

- (1) The rules committee may, in terms of these rules, issue directives and lay down guidelines to assist with the implementation of these rules and orders.
- (2) Members must comply with any such directives and guidelines.

5. RULINGS

- (1) The Speaker must perform the functions as provided for in these rules and may make rulings in applying and interpreting these rules, orders of the council, directives and guidelines approved by the rules committee.
- (2) The Speaker and other Chairpersons may make rulings in accordance with Sub-rule 5(1) in respect of procedural matters that arise when presiding.
- (3) Members must comply with rulings made provided
 - (a) A member may request that a ruling be referred to the rules committee for consideration and report.
 - (b) In considering a ruling referred to it in terms of sub-rule 5(1), the rules committee must confine itself to the principle underlying, or subject of, the ruling in question.

6. CONVENTIONS AND PRACTICES

- (1) Conventions and practices relating to the business of the council and its committees are established by agreement amongst political parties and may be varied by agreement amongst them and reviewed from time to time as decided by the rules Committee.
- (2) Conventions and practices must be consistent with the provisions of the Constitution, these rules and orders, rulings, directives and guidelines of the rules committee.

7. CONTEMPT

- (1) A member who wilfully fails or refuses to obey any rule, order or resolution of the council may be found guilty of contempt of Council in terms of these rules and the Code of Conduct as enshrined in schedule 1 of the Municipal Systems Act.

CHAPTER 2

8. APPLICATION; INTERPRETATION OF GENERAL RULES; RULES AND ORDERS

(1) Application of this By-law:

This by-law governs the proceedings of the council and committees of the council which bind and must be complied with by –

- (a) all councillors;
- (b) any member of the public while present in the precincts;
- (c) any deputation addressing the council or a committee of the council; and
- (d) any municipal official of the municipality.

(2) Interpretation of this by-law

- (a) Any interpretation of this by-law must be made having due regard to the supremacy of the Constitution, national, provincial and municipal legislation, the rule of law and the rules of natural justice.
- (b) The ruling of the Speaker or Chairperson with regard to the interpretation of this by-law at a meeting of the council or committee of the council will, subject to sub-rule 8(2)(e) and (f), be final and binding.
- (c) The interpretation and the ruling of the Speaker or Chairperson on any of this by-law must be recorded in the minutes of the council or committee meeting.
- (d) The municipal manager must keep a register of the rulings and legal opinions.
- (e) Any councillor may request the municipal manager, in writing within five days from a ruling made in terms of sub-rule 8(2)(b), to obtain clarity on the interpretation and ruling and to report to the next Council or committee of the Council.
- (f) The council or committee of the Council may after consideration of the report in terms of sub-rule 8(2) (e) confirm, amend or substitute the ruling of the Speaker or Chairperson, subject to any rights which any third party may have accrued as a result of the ruling and all decisions effecting the rights of others must be in writing and reasons must be recorded of such decisions.

CHAPTER 3

9. GENERAL RULES: GENERAL CONDUCT

(1) In every council meeting councillors, officials and the public must observe these rules in order to give effect to democratic and accountable local government. For these purposes the hereunder shall be applicable:

- (a) The municipal manager or a designated official shall inform all present at the chambers to stand and observe in silence the arrival of the Speaker
- (b) The Speaker, whilst standing shall call upon all present in the precincts to stand for a solemn reflection and commitment. All persons present shall remain standing until ordered by the Speaker to sit.
- (c) Immediately the council is in session a councillor shall refer to another as "honourable councillor or honourable member or ikhansela elihloniphekileyo"
- (d) All officials shall address councillors in terms of paragraph (c) above.
- (e) No councillor may leave a council in session unless granted permission by the Speaker.
- (f) Any councillor who walks out either in protest or without permission must be dealt with in terms of these rules.

(2) Duties; Powers and Functions of Speaker and Chairpersons

- (a) Over and above those duties enshrined in the Municipal Structures Act and the delegation framework the Speaker and or the Chairperson as the case may be shall;
 - (i) Keep and maintain order during meetings
 - (ii) Ensure that at all times Councillors transact the business of the meeting in terms of these rules.
 - (iii) Initiate disciplinary measures in terms of the relevant code in the case of Councillors misbehaving in the meeting including but not limited to
 - 1. Instructing a councillor to leave the chamber for a particular item OR
 - 2. Instructing a councillor to leave the chamber for the duration of the proceedings.

3. Instructing any member of the public who misbehaves during the proceedings to recuse either for an item under discussion or for the entire proceedings.
- (b) Over and above the powers and functions enshrined in the Municipal Structures Act and the delegation framework the Speaker and or Chairperson as the case may be shall;
- (i) Give rulings and directions according to these rules and such rulings shall not be subjected to a debate
 - (ii) When interrupting any member on the floor during a meeting that member shall immediately stop speaking and await direction.
 - (iii) Exercise the "privilege rule" by affording any person an opportunity to address a meeting on a specific subject
 - (iv) Apply the "extra-ordinary rule" by employing at own discretion extra-ordinary measures to ensure both the order of the meeting and the control of the debate.
 - (v) The extra-ordinary rule shall be revoked if the Speaker is of the opinion that the issue under consideration is controversial and the debate has the propensity to degenerate into chaos;
 - (vi) The extra-ordinary rule shall be used to ensure a fair play and to be seen to be ensuring fair play.
 - (vii) Any councillor may request the Speaker to activate the extra ordinary rule; the Speaker in turn shall make a ruling which ruling shall be final
 - (viii) The Speaker shall on record formally declare activating the extra ordinary rule and for that purpose allocate rules for the debate.
- (c) The Speaker or Chairperson may relax rule 23 and allow a debate on any report submitted to the council or a committee of the council, at the meeting at which that report is submitted in order to do justice to the report before the council or committee.
- (3) Councillors must when interfacing with staff conduct themselves and abide by the hereunder rules.
- (a) No councillor may approach or communicate with any officer of the municipal administration concerning the business of the municipality other than when exercising his rights or liberties as an ordinary member of the public provided that;

- (b) A councillor may approach and communicate with the municipal manager or any head of department or any officer of the municipal administration specifically designated by the municipal manager or by the head of department concerned for this purpose, in order to obtain such information as he may reasonably require for the proper performance of his duties as a councillor.

(4) Generally council and committee meetings are open to the public unless extra ordinary circumstances so warrant;

- (a) The council or a committee of council may, at any time, resolve to proceed in committee
- (b) The public will be excluded from any in-committee meeting.
- (c) The municipal manager or another official exempted from this section by the Speaker or Chairperson will not be excluded from any in-committee meeting.
- (d) All in-committee proceedings must be recorded in terms of rule 18 and must be confidential until council has confirmed the minutes.
- (e) Unauthorized disclosure of any confidential matter must be dealt with in terms of the Code of Conduct.

CHAPTER 4

10. FREQUENCY, ADMISSION OF PUBLIC AND NOTICE OF MEETINGS

(1) Council meetings

- (a) The council must hold an ordinary meeting of the council not less than once in every three months.
- (b) The Speaker must convene all meetings of the council in accordance with sub-rules 10(4), (5) and or (6) subject to rule 11.
- (c) All committees, which ordinarily present reports to an ordinary council sitting must hold their meetings to produce such reports prior to the sitting of council in accordance with these rules.

(2) Admission of public

- (a) All meetings of the council and those of its committees must be open to the public, and the council or committee of the council may not exclude the public from a meeting, other than when the council or committee, due to the nature of the business being transacted or when the disclosure of any matter may be prejudicial to the interests of the municipality, deems it reasonable and justifiable to do so having due regard to the principles of an open and democratic society.
- (b) The council or a committee of the council, may not for any reason whatsoever, exclude the public when considering, voting or noting any of the following matters –
 - (i) A draft by-law tabled in the council;
 - (ii) A budget tabled in the council;
 - (iii) The municipality's integrated development plan, or any amendment of the plan, or any amendment of the plan tabled in council;
 - (iv) The municipality's performance management system, or any amendment of the system, tabled in Council;
 - (v) The decision to enter into a service delivery agreement;
 - (vi) Any reports on an award in terms of supply chain management policy;
 - (vii) The disposal or acquisition of municipal capital asset;
 - (viii) Any other matter prescribed by legislation.
- (c) The municipal manager must give notice to the public, in a manner determined by the council, of the time, date and venue of every ordinary meeting of the council or committee of the council and any special or urgent meeting of the council or committee of the council, except when time constraints make this impossible.

(3) Council in-committee

- (a) Notwithstanding anything to the contrary in these rules, a councillor may at any time after an item on the agenda has been called or during consideration thereof, move that the council resolves to sit in-committee in terms of section 20 of the Systems Act for the further consideration of that item.
- (b) If the council is in-committee, the provisions of these rules, except insofar as they are in conflict with this rule, must apply.
- (c) If a proposal in terms of paragraph (a) is carried, the Speaker of council must determine when the item/s concerned must be considered and all such items must be considered consecutively.
- (d) At the conclusion of the consideration of items in-committee, the council must revert to the consideration of further items in open council.
- (e) When the council resolves that proceedings should be in-committee, all members of the public and council officials, except those officials that the Speaker of council may

require to remain, must leave the council chamber and must not return to the council chamber for the duration for the proceedings in-committee.

- (f) Notwithstanding the above, the Speaker may declare an item to be dealt with in-committee after paying due regard to the sensitivity of the matter but not merely to prevent the public from accessing information.

(4) Notice to attend an ordinary council meeting

- (a) The Speaker must convene meetings of the council, at least once every three months, through a duly signed "notice of council meeting", stating the date, place and time of the meeting and accompanied by or containing the agenda of the proposed meeting.
- (b) Notice to attend a meeting in terms of this rule must be given at least –
- (i) Seven (7) calendar days prior to an ordinary meeting;

(5) Special meetings

- (a) The Speaker may convene a special council meeting for either of the two hereunder mentioned reasons provided the notice period of convening such special meeting is one (1) calendar day.
- (b) The Speaker must call a special meeting of the Council –
- (i) for the purpose of pertinent or urgent council business but may not place more than two items on the order paper ; or
- (ii) at the request of a majority of the councillors of the municipality.
- (c) A special meeting convened in terms of sub-rule 10(5)(b)(ii) must be held in compliance with the hereunder sub-rule no later than four days from the date of receipt of a request.
- (d) A request for the calling of a special meeting, as contemplated in sub-rule 10(5)(b)(ii), must –
- (i) be signed by no less than fifty percent plus one (50% + 1) of all (seats as promulgated) councilors; and
- (ii) be accompanied by –
1. a duly signed notice of motion; and
 2. a written statement by the councillor signing the notice of motion which must contain the following:

- a. Reasons the intended business of the special meeting is

urgent and cannot wait for an ordinary meeting of the council;

b. Proposed resolution of the matter before council

(6) Ceremonial council meeting

- (a) The following shall be ceremonial council sittings provided the Speaker may declare other sittings not covered hereunder as ceremonies:
 - (i) The first meeting of the council after an election;
 - (ii) The state of the district address by the Executive Mayor which must be tabled after the state of the nation and the state of the province;
 - (iii) Tabling of the integrated development plan and budget
 - (iv) The last council meeting of the calendar year
 - (v) Designated special and extraordinary meetings, as determined by the Speaker
- (b) All council meetings declared as ceremonies shall comply and be treated as ordinary sittings of council provided that at the end of the ceremony the council adjourns in terms of sub-rule 15(1) and reconvene for a debate in terms of sub-rule 20(11)

(7) Service of notices and agenda

- (a) Notice to attend a meeting or any other official communication from the council, must be delivered in either of the following –
 - (i) the allocated post box of a councillor or;
 - (ii) a physical address within the area of jurisdiction of the municipality; or
 - (iii) an e-mail address or;
 - (iv) a facsimile; or
 - (v) a short message service,
- (b) The methods above are feasible provided that contact details must be supplied by each councillor to the municipal manager in writing within two days of a councillor's election and, thereafter, whenever the councillor wishes to change either address and at which address the councillor will accept service and or receipt of any notice to attend a meeting and any other official communication from the council.
- (c) All documentation relevant to any council or committee meeting, convened in terms of sub-rule 9 (3) and (4), must be given to all councillors at least seven (07) calendar days prior to an ordinary council or committee meeting and one (01) calendar day prior to a special council or special committee meeting.
- (d) All councillors must inform the Speaker and the municipal manager of any change of his

contact details within three days of such change.

(e) Subject to section 10 (2), notice to attend a meeting must be displayed on the public notice boards of the municipality.

(8) Non-receipt of notice

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

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

CHAPTER 5

11. QUORUM

(1) Notwithstanding that there may be vacancies, the quorum of a council must be fifty percent plus one (50%+1) of the total number of councillors determined in accordance with the municipality's establishment notice, before a meeting may commence and or a vote may be taken on any matter.

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

(3) The quorum of all committees of council shall be determined by council policy establishing such committees.

(4) Cancellation and adjournment in absence of quorum

(c) No meeting may commence unless the quorum has been realized in terms of sub-rule 11 (1) above.

(d) In the event where no quorum has been realized the meeting shall be cancelled provided a waiting period of fifteen (15) minutes has been realized unless the Municipal Manager or his nominee gives prior notice of a delay in the commencement of proceedings.

- (e) If during discussion on an item at any meeting of council or any of its committees the attention of the Speaker or Chairperson is called to the number of councillors present, he must –
- (i) count the councillors present;
 - (ii) if it is found that there is no quorum, the Speaker or Chairperson must adjourn the meeting and allow an interval of fifteen minutes for a quorum to become present;
 - (iii) if a quorum becomes present after the adjournment then the meeting may continue;
 - (iv) if no quorum becomes present after the adjournment then the Speaker or Chairperson must forthwith adjourn the meeting in terms of rule 10.
 - (v) if a meeting loses a quorum as a result of a walk out; councillors engaged in a walk out shall be deemed to have absented themselves without an official leave of absence.
- (f) When a meeting is adjourned as a result of no quorum in terms of 10 (1) above, the meeting must be re-convened before the next ordinary sitting of council or a committee in terms of these rules.
- (g) In the event a special council or committee losing a quorum during proceedings in terms of 11(4)(c)(iv) the meeting must be re-convened in terms of rule 15 as a continuation meeting.

CHAPTER 6

12. ATTENDANCE

- (1) All councillors must punctually attend and remain in attendance at each meeting of the council and a committee of which that councillor is a member except when –
- (a) leave of absence is granted in terms of rule 13;
 - (b) that councillor is required to withdraw in terms of rule 9(2) (a) (iii.)
 - (c) that councillor is absent with the permission of the Speaker or Chairperson.

- (2) Each councillor attending any meeting of the council or a committee of the council must sign an attendance register provided for that purpose.
- (3) The attendance register must be filed in the council support office.
- (4) Any councillor who is entitled to leave of absence in terms of rule 13 and no longer requires such leave, is entitled to attend, participate and vote in the meeting from which leave of absence was granted and sign the attendance register.

13. LEAVE OF ABSENCE

- (1) Leave of absence is a method by which a councilor obtains lawful absence from an officially sanctioned meeting. Its application must neither be used as a protest nor a tool to derail proceedings. Such behavior if reasonably suspected must be investigated in terms of the Code of Conduct.
- (2) If a councillor –
 - (a) is unable to attend a meeting of which a notice has been given; or
 - (b) is unable to remain in attendance at a meeting; or
 - (c) will arrive after the stipulated commencement time of a meeting,he must, as soon as is reasonably possible and prior to that meeting, lodge in writing with the municipal manager a written application for leave of absence from the whole or any part of the meeting concerned, which application must provide reasonable and bona fide reasons for the application and show good cause for the granting of the application.
- (3) The municipal manager must as soon as possible inform the Speaker or Chairperson of the meeting concerned of any application for leave of absence received.
- (4) The Speaker or Chairperson of the meeting concerned must as soon as possible consider an application for leave of absence and either grants or rejects the application with reasons and immediately inform the municipal manager of his decision. In considering the application the Speaker or Chairperson as the case may be must demonstrate reasonableness and fairness.
- (5) The municipal manager must as soon as is reasonably possible, inform a councillor who has applied for leave of absence of the Speaker or Chairperson's decision.
- (6) A councillor will be deemed absent without leave from the meeting concerned where an

application for leave of absence has not been granted and he or she –

- (a) failed to attend a meeting; or
- (b) failed to remain in attendance at a meeting.

(7) Where a councillor fails to remain in attendance at a meeting –

- (a) without being granted permission to do so; or
- (b) without obtaining permission from the Speaker or Chairperson to leave prior to the close of the meeting,
- (c) the time of leaving must be recorded in the minutes of the meeting and that councillor shall be deemed to have been absent without leave at that meeting.

(8) Where a Councillor arrives late at a meeting, without obtaining prior permission to do so, the time of arrival and the reasons for the late attendance must be recorded in the minutes of the meeting and the councillor may attend the meeting and sign the attendance register subject to sub-rule 14(4).

(9) Failure to attend three consecutive meetings of council or committee shall be deemed as misconduct and relinquishing the seat unless the council has considered prolonged absence and approved it.

14. Non-attendance

(1) Subject to compliance with a fair procedure and the provisions of item 4(2) of Schedule 1 of the Systems Act, a councillor who is absent without good cause from a meeting, of which a notice has been duly given, will be liable to pay a fine in terms of rule 26(2)(c), which fine may be deducted from remuneration due to the councillor concerned subject to the procedure set out herein

(2) A councillor who is absent from three (3) or more consecutive meetings of a council, or from three (3) or more consecutive meetings of a committee, which that councillor is required to attend in terms of item 3 of schedule 1 of the Systems Act, shall be removed from office as a councillor in accordance with schedule 1; 4(2)

(3) Proceedings for the imposition of a fine or the removal of a councillor must be conducted in accordance with a uniform standing procedure as contained hereunder, which the Council must adopt.

- (4) Where a councillor is in breach of these rules including being absent without obtaining leave of absence the following shall obtain—
- (a) The Speaker or the Chairperson of a committee as the case may be must write to the councillor against whom the allegations are leveled to give reasons for the alleged breach
 - (b) The Speaker or the Chairperson shall give the councillor two (2) working days within which to make representations.
 - (c) Upon receiving representations may be satisfied and rest the matter.
 - (d) Upon applying his mind and is not satisfied the Speaker or Chairperson must report the matter to Council and obtain a council resolution to refer the matter to the rules committee for a full enquiry.
 - (e) The council or its delegated committee hereunder must conduct the investigation in a fair and open manner and in the procedure contemplated in sub-rule 26(2)(b) of these rules.
- (5) The municipal manager must keep a record of all incidents in respect of which councillors have been found to be absent or deemed to be absent without leave and without good cause and must submit a written report to the Speaker whenever a councillor is absent from three or more consecutive meetings; which that councillor was required to attend.
- (6) Where the Speaker receives a report in terms of sub-rule 14(5), the Speaker must submit the report to council and direct that the matter be investigated in accordance with Item 14 of the Code of Conduct.

CHAPTER 7

15. ADJOURNMENT

- (1) Subject to rule 1, a council or committee meeting **may**, by majority vote, be adjourned to another day or hour but no later than 14 days after the original meeting subject to rule 16 hereunder.

16. CONTINUATION MEETING

- (1) When a meeting is adjourned a notice of continuation shall be served in terms of rule 10.
- (2) No business will be transacted at a continuation meeting except such as is specified

in the notice of the meeting, which was adjourned.

CHAPTER 8

PROCEEDINGS

17. SPEAKER AND CHAIRPERSONS OF MEETINGS

- (1) At every meeting of the council, the Speaker, or if absent, an Acting Speaker, will perform the duties stipulated in terms of section 37 of the Structures Act and must ensure that each councillor when taking office is given a copy of this by-law and the Code of Conduct.
- (2) The Speaker and Chairperson must—
 - (a) maintain order during meetings;
 - (b) ensure compliance in the council with the Code of Conduct for councillors; and
 - (c) ensure that meetings are conducted in accordance with this by-law.
- (3) If the Speaker or Chairperson is absent or not available to perform the functions or during a vacancy, the council or committee under the direction of the municipal manager or his nominee must elect another councillor to act as Speaker or Chairperson as the case may be.
- (4) No meeting of the council or a committee of the council may commence or continue unless a Speaker or Chairperson presides at that meeting.

18. MINUTES

- (1) The proceedings of every council and committee meeting must be accurately and electronically recorded and retained in accordance with the Archives and Record Service of South Africa Act, 43 of 1996.
- (2) Written minutes of the proceedings of each council and committee meeting must contain an accurate record of the resolutions adopted by council or committee at such meeting.
- (3) The approved minutes of every meeting of a council or committee other than in-committee meetings must be available to the public on request subject to relevant access to information policy of council.
- (4) Where the municipal manager, is of the opinion that any resolution or proceeding of a

council or committee meeting may be in contravention of any law or by-law, he must advise the council or committee accordingly and full details of such opinion must be recorded in the minutes.

(5) The municipal manager must ensure that minutes are drafted and approved in the hereunder method. Due care must be taken to ensure that each approval stage is recorded in the minutes as proof of such approval:

(a) In terms of the council meeting, minutes shall be drafted within eleven (11) days after the council meeting as follows:

(i) Three (3) days after the sitting the drafter in council support shall complete and submit the first draft to manager council support for editing.

(ii) Within two (2) days after receiving the first draft the manager council support shall complete editing and submit to the council secretary for initial confirmation.

(iii) The council secretary shall complete his confirmation task and submit to municipal manager for the second confirmation within two (2) days of receiving the edited minutes.

(iv) The municipal manager shall complete the second confirmation within two (2) days of receipt from the council secretary shall submit to the Speaker.

(v) The Speaker shall perform the final confirmation of minutes within two (2) days and shall henceforth return minutes to council support who shall submit to the next ordinary sitting for approval.

(b) In terms of the meetings of the mayoral committee, minutes shall be drafted within eleven (11) days after the committee meeting as follows:

- i. Three (3) days after the sitting the drafter in council support shall complete and submit the first draft to manager council support for editing.
- ii. Within two (2) days after receiving the first draft the manager council support shall complete editing and submit to the council secretary for initial confirmation.
- iii. The Council Secretary shall complete his confirmation task and submit to municipal manager for the second confirmation within two (2) days of receiving the edited minutes.
- iv. The municipal manager shall complete the second confirmation within two (2) days of receipt from the council secretary and shall submit to the Executive Mayor.
- v. The Executive Mayor shall perform the final confirmation of minutes within two (2) days and shall henceforth return minutes to council support who shall submit to the next ordinary mayoral committee sitting for approval.

(c) In terms of the meetings of the portfolio and other section 79 committees, minutes shall be drafted within eleven (11) days after the sitting of such committee as follows:

- i. Three (3) days after the sitting the drafter in council support shall complete and submit the first draft to manager council support for editing.
- ii. Within two (2) days after receiving the first draft the manager council support shall complete editing and submit to the head of the department of the relevant portfolio committee or the municipal manager as the case may be.
- iii. The head of department shall complete his confirmation task and submit to the Chairperson for the second confirmation within two (2) days of receiving the edited minutes.
- iv. In the case of other committees the council secretary shall act as the initial confirming authority and shall complete such confirmation within two (2) days of receipt from the manager council support.
- v. The municipal manager shall complete the second confirmation within two (2) days of receipt from the head of department or the council secretary as the case may be and shall submit to the relevant Chairperson of the relevant committee.

- vi. The relevant Chairperson shall perform the final confirmation of minutes within two (2) days and shall henceforth return minutes to council support who shall submit to the next ordinary sitting for approval.

19. ORDER OF COUNCIL AND COMMITTEE BUSINESS

(1) The order of business of ordinary sittings of council and committees shall be officially standardized and adhered to in the drafting of the agenda and the conducting the order of business in the meeting unless:

- a. otherwise stated in these rules in terms of sub-rule 19(8)
- b. the council or committee thereof is special in which case the special item must be allocated within the set agenda topics.

(2) The order of business of the first council meeting after local government elections shall be as follows:

1. Notice of a council meeting;
2. Official prayer or silent meditation
3. Acknowledgement of the public, honored guests
4. Words of devotion as Farewell to retiring councillors
5. Applications for leave of absence;
6. Introduction of councillors and council officials
7. Oath of office
8. Election of the Speaker
9. Declaration of election
10. Oath of office
11. Handing over by the municipal manager to the newly elected Speaker
12. 1st Communication Statement by the Speaker
13. Election of the Executive Mayor
 - a. Declaration of election
 - b. Oath of office
 - c. Appointment of mayoral committee by the Executive Mayor
 - i. Oath of office

14. Election of the Deputy Executive Mayor (if enshrined on the gazette)
 - a. Declaration of election
 - b. Oath of office
15. Election of the Chief Whip
 - a. Declaration of election
 - b. Oath of office
16. Election of the Chairpersons of Section 79 committees
 - a. Declaration of election
 - b. Oath of office
17. Determination of full-time councillors
18. Adoption of the rules of order
19. Adoption of the integrated development plan and budget
20. Adoption of the orders of delegation
21. Noting of councillor Code of Conduct
22. Noting of councillor allowances
23. Noting of the declaration of interest register
24. Address by the Executive Mayor
25. Closure

(3) The order of business at other council sittings declared as ceremonies shall be as follows:

1. Notice of a council meeting
2. Singing of the national anthem
2. Affirmation of good governance
3. Application for leave of absence
4. Purpose of council
5. Address by the Executive Mayor
6. Closure

(4) The order of business at every meeting of the ordinary council shall be as follows:

1. Notice of a council meeting
2. Affirmation of good governance
3. Official prayer or silent meditation
4. Applications for leave of absence
5. Communication statement by the Speaker
6. Deputations
7. Confirmation of minutes of the previous meeting

8. Reports

- (1) Reports and recommendations of delegated functions to the Speaker
- (2) S56 Report of the Executive Mayor
- (3) Recommendations of the Executive Mayor (non delegated functions)
- (4) Reports of the municipal manager
 - a. Statutory periodic reports
 - b. Report from the audit committee
 - c. Presentation of council resolutions and progress
- (5) Reports and recommendations of the rules and ethics committee
- (6) Reports and recommendations of the municipal public accounts committee

9. Reports and recommendations from local municipalities

- a. Matatiele local municipality
- b. Mbizana local municipality
- c. Ntabankulu local municipality
- d. Umzimvubu local municipality

10. Notices with motion**11. Answers to questions of which a notice has been given****12. In-committee****13. Closure****(5) The Order of business at every ordinary mayoral committee shall be as follows:**

1. Notice of convening the meeting;
2. Affirmation of good governance
3. Official prayer or silent meditation
4. Applications for leave of absence;
5. Communication statement by the Executive Mayor
6. Deputations
7. Confirmation of minutes of the previous meeting;
8. Reports
 - a. Reports of the municipal manager
 - b. Reports and recommendations from Portfolio Committees of the mayoral committee as established in terms of the delegation framework.
9. Notices with motion
10. Answers to questions of which a notice has been given
11. In-Committee
12. Closure

(6) The Order of business at every ordinary portfolio committee shall be as follows:

1. Notice of convening the meeting;
2. Affirmation of good governance
3. Official prayer or silent meditation
4. Applications for leave of absence;
5. Communication statement by the Chairperson of the portfolio
6. Deputations
7. Confirmation of minutes of the previous meeting;
8. Reports
 - a. Reports and recommendations from the head of department
9. Answers to questions of which a notice has been given
10. In-committee
11. Closure

(7) The Order of business at every ordinary municipal public accounts committee shall be as follows:

1. Notice of convening the meeting;
2. Affirmation good governance
3. Official prayer or silent meditation
4. Applications for leave of absence;
5. Communication statement by the Chairperson of the committee
6. Deputations
7. Confirmation of minutes of the previous meeting;
8. Reports
9. Reports of the municipal manager
10. Reports from Portfolio Committee of the Mayoral Committee
11. Reports sanctioned by the committee
12. Answers to questions of which a notice has been given
13. Closure

(8) The Order of business of the rules committee shall be determined by the nature of the sitting. The municipal manager and the Speaker must determine the order of business without materially departing from the practise set herein, but taking into cognizance the perculia nature of the meeting.

(9) The Speaker or Chairperson may, in his discretion, at any stage bring forward any business that is on the agenda paper.

20. PROCEEDINGS OF THE MEETINGS

(1) Commencement of meetings:

At all meeting of the council, councillors must take their seats at least 5 minutes before the time stipulated as the commencement time for the meeting.

After Councillors have taken their seats, an official of the council shall call the meeting to order and announce the entrance of the Speaker.

Councillors shall stand up, keep quiet and remain standing until the Speaker is completely seated and orders them to assume their seats

- (a) The Speaker shall unless otherwise prior reasonable notice is given assume the chair no later than fifteen (15) minutes after the time stipulated for the start of the meeting, and the business of the meeting must immediately commence.

(2) Notice of a meeting

- (a) The Speaker, Executive Mayor or Chairperson as the case may be shall order the municipal manager or the head of department as the case may be to read the notice.
- (b) The relevant official must stand up and read the Notice.
- (c) The notice of a council meeting shall always be issued under the Speaker or the municipal manager in the case of the first council meeting after local government elections.
- (d) The notice shall be standard and shall read as follows

"Notice is hereby given in terms of s29 of the Municipal Structures Act 117 of 1998 (as amended) that the Alfred Nzo district council shall be holding its ordinary council meeting to dispose of the items as contained in the attached agenda as follows:

Date (specify)
Time (specify)
Venue (specify)"

- (e) The Notice must specify the numerical number of the ordinary sitting or whether the sitting is special.
- (f) All notices of committees shall specify the name of the committee whether the committee is ordinary or special and issued by the relevant Chairperson of the committee.

(3) Affirmation of good governance

- (a) The Speaker or Chairperson as the case may be shall instruct all councillors to stand up and remain standing until the hereunder affirmation has been recited.

"We the members of the Alfred Nzo District Council duly elected and sworn into office as Councillors hereby affirm as follows:

That we shall conduct ourselves in line with all the provisions of shedule 1 of the Systems Act; we shall honestly exercize our oversite responsibility in order to ensure that; at all times we run the legislature and executive in line with the principles of clean good governance so as to ensure the attainment and retaining of a clean audit."

- (b) The municipal manager shall ensure that the recital is on record.

(4) Official prayer or meditation

- (a) The Speaker or Chairperson as the case may be, shall designate a councillor or invite fraternal societal structures to pray or
- (b) Order the meeting to observe a moment of silence for meditation.

(5) Applications for leave of absence

- (a) The Speaker and or Chairperson shall put on record applications received and approved in terms of these rules.
- (b) The Speaker or Chairperson shall record and put on record applications received but not approved of these rules.

(6) Communication statement

- (a) The Speaker or Chairperson must in all ordinary sittings prepare a written communication statement. The statement must reflect on all areas so delegated. The statement is not on its own a report but merely a statement.

(7) Deputations

- (a) In the event a private party has requested to table a deputation in council the Speaker shall assess such request and may grant the opportunity provided such presentation may not be best attended by the mayoral committee, portfolio or any other committee.
- (b) In the event the Speaker grants a deputation the presenter may only be afforded an opportunity provided he does not exceed a total of twenty (20) minutes including questions of clarity.
- (c) The Speaker may not allow more than two (2) deputations per meeting.
- (d) Deputations are best preferred to be forwarded to the mayoral committee or the relevant portfolio provided that the Chairperson affords the presenter a maximum of forty (40) minutes including questions of clarity.
- (e) The Chairperson may not allow more than five (5) deputations per meeting.
- (f) It is not permissible unless only by advice put on record for the council or committee as the case may be to move a resolution based on a deputation.
- (g) Any matter requiring consideration arising from a deputation, will not be further considered by the council or committee until the deputation has withdrawn provided that questions of clarity may be permitted.
- (h) When speaking at a council or committee meeting, a member of the public and a deputation must comply with any directions or orders given by the Speaker or Chairperson.
- (i) If a member of the public or a deputation conducts himself in a disorderly and unruly manner at any time, the Speaker or Chairperson must direct that that member remove himself or be removed by a peace officer from the precincts.

(8) Confirmation of minutes from previous meetings

- (a) Minutes including of special sittings drafted and approved in terms of rule 18 above must be approved in the next ordinary sitting of council or committee as the case may be. Upon confirmation the Speaker or Chairperson must sign the minutes.

- (b) No motion or discussion shall be allowed arising from the minutes of a previous meeting, other than relating to the accuracy of those minutes.

(9) Reports

- (a) Each ordinary sitting shall receive reports from the office of the Speaker on all matters delegated

- (b) Each ordinary sitting of council shall receive the following reports:

- (i) Executive Mayor's Report (Section 56(5) Report)

This report is required in terms of section 56(5) and entails a record of all decisions taken by the Executive Mayor in the period under review. Due regard must be paid to ensure that this report does not include non delegated functions wherein the Executive Mayor only recommends to Council.

- (ii) Recommendations to Council: The Executive Mayor receives reports from mayoral committee members in a mayoral committee on work performed on delegated authority. The mayoral committee resolves to recommend through the Executive Mayor to council all matters that may not be disposed of by the Executive Mayor.

- (c) Report of the municipal manager

- (i) The municipal manager must report on all matters delegated to him specifically statutory reports required periodically by the Municipal Finance Management Act, Municipal Systems Act and other relevant legislations which are to be reported directly to council.

- (ii) Under this order the following may be included:

- 1. Report of the audit committee chairperson
 - 2. Report of external audit including matters to resolve issues
 - 3. Resolutions register and progress on the implementation thereof for the period under review

- (d) Rules committee report

- (i) Framed rules
 - (ii) Investigations and recommendations

- (e) Municipal public accounts

- (i) Statutory quarter reports
 - (ii) Investigations and recommendations

(f) Reports from local municipalities

- (i) Councillor representatives from local municipalities must compile a report to all ordinary sittings of council with the intent of bringing to the agenda the views and aspirations of local municipalities
- (ii) The municipal manager must within 60 days of the adoption of this by law submit to council a prescribed reporting format for the reports contemplated in this order.

(10) Notice of motion

- (a) A motion is an instrument by which councillors may bring a matter before council for consideration in the hereunder prescribed manner:
- (b) A notice of motion must –
 - (i) be in writing;
 - (ii) be signed by the councillor submitting it and by another councillor acting as a seconder; and
 - (iii) refer to one matter only.
- (c) A notice of motion must, subject to sub-rule 10(4), be lodged with the municipal manager before 12h00; 14 (fourteen) calendar days prior to the next ordinary meeting.
- (d) On receipt of the motion the municipal manager must –
 - (i) date and number each notice of motion;
 - (ii) enter each notice of motion lodged in a register, which must be open to any councillor and public inspection
 - (iii) enter each notice of motion on the agenda in the order received.
- (e) The Speaker or Chairperson must –
 - (i) read out the number of every motion and the name of the mover and seconder;
 - (ii) ascertain which motions are unopposed and these shall be passed without debate; and
 - (iii) call the movers of the opposed motions in the order they appear on the agenda.
- (f) A councillor submitting a motion must move such motion and shall have the right of reply.
- (g) A motion will lapse if either the mover or seconder or both who submitted it is or are not present at the meeting when such motion is placed on the agenda.

- (i) A councillor will be allowed not more than two notices of motion on the same agenda.
- (ii) The Speaker or Chairperson may not reject a motion received by him or her in terms of this by-law unless the motion has not met the above set criteria.

(11) Answers to questions given under a notice

- (a) A councillor may put a written question requiring a written reply from any political office bearer or municipal manager of the municipality concerning any matter related to the effective performance of the municipality's functions and the exercise of its powers, provided that ***such written notice of the question has been lodged with the Speaker or Chairperson and the municipal manager at least ten (10) days prior to the council or committee meeting*** and the municipal manager must ensure that the councillor receives a written reply from that political or municipal office bearer, at the council or committee meeting.
- (b) If after a question has been replied to, and the councillor concerned is of the opinion that the reply is not clear or ambiguous, he or she may request a follow-up question.

(12) In-committee

Items declared or issued under a notice as in-committee items shall always be discussed as the last item/s in order to lessen disruption.

(13) Closure

- (a) When council has concluded the business it was convened for the Speaker shall officially declare the sitting closed.
- (b) The time of closure shall be noted on the minutes in terms of rule 18 above.

CHAPTER 9

21. VOTING

- (1) All council decisions and or resolutions shall be subjected to a vote in terms of sub-rule 21(2) hereunder.
- (a) Voting shall always be by a show of hands.
- (b) In the event that a councillor wishes a particular item to be decided upon through a secret ballot a request shall be made to the Speaker at least 24 hours before the scheduled sitting.

- (c) The Speaker reserves the right to approve a vote by a secret ballot however such right is subject to the administration of justice.
- (d) In the event the Speaker approves a vote by a secret ballot the municipal manager must take due care to ensure that each council and or committee meeting is provided with a sufficient voting system to ensure the smooth running of the process.
- (e) During the voting no councillor may leave the chamber unless otherwise lawfully directed.
- (f) The municipal manager or his nominee shall count the number of votes cast and shall record the result.
- (g) Only the Speaker or Chairperson shall announce the result.

(2) Decisions shall be in terms of the following table of majorities provided:

- (a) A quorum in terms of rule 10 above must be present in order for a vote to be taken.

QUESTION	MAJORITY	LEGAL REASON
(b) The dissolution of Council.	(i) The supporting vote of at least two thirds of Councillors. Note: Two thirds of all the elected Councillors must agree. If there is a 71/27 split a deliberative vote, will not create the required two thirds.	Local Government Municipal Structures Act, NO. 117 OF 1998, Section 34 (1)
(c) The passing of by-laws The approval of budgets The imposition of rates and other taxes, levies and duties the raising of loans;	(i) The majority vote of all elected members of Council i.e. 50% plus 1	Constitution, Act 108 of 1996, Section 160 (3) (b)
(d) The rescission of a council resolution within 6 months of the taking thereof; an	(i) The majority vote of all elected members of Council i.e. 50% plus 1	Constitution, Act 108 of 1996, Section 160 (3) (c)

(d) All questions other than the above.	(i) The majority of votes cast. Here a casting votes can operate as a Constitutional requirement and relates to votes not Councillors. There is no reason why the Speaker should not have a casting vote	Constitution, Act 108 of 1996, Section 160 (3) (c)
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(e) If on any matter there is an equality of votes, the Speaker or Chairperson as the case may be, may exercise a casting vote in addition to a deliberative vote as a councillor.

(f) Council must take due regard in rescinding resolutions whose operational nature has led to an accrual of a right to a third party and in such eventuality must thus proceed to set aside the initial resolution in a court of law

(3) A councillor may request that his dissenting vote be recorded as evidence of how he or she voted on any motion or item before council.

22. REVOCATION OF COUNCIL RESOLUTIONS

(1) The council shall;

- (a) not delegate the approval to revoke or alter a resolution of council to any person/s or committee.
- (b) receive prior notice of an intention to move a motion for the revocation or alteration of a council resolution in terms of sub-rule 20(10) unless it is a recommendation of a duly delegated council committee.
- (c) any revocation or alteration of a council resolution must be made in terms of section 21(2)(d)(i).

CHAPTER 11

23. RULES FOR DEBATE

(1) Precedence of the Speaker or Chairperson

- (a) Whenever the Speaker or Chairperson indicates during a debate his intention to speak, any councillor then speaking or offering to speak must immediately withdraw and be silent, so that the Speaker or Chairperson may be heard without interruption.
- (b) A councillor may only speak when directed by the Speaker or Chairperson.
- (c) A councillor may indicate a desire to speak by raising his hand and awaiting the direction of the Speaker or Chairperson, which direction may not be unreasonable withheld.

- (d) Councillors must when speaking direct their address to the Speaker or Chairperson.
- (e) A councillor may not speak more than once on any motion or proposal unless permission to do so is granted by the Speaker or Chairperson provided that the mover of the motion, will have the right of reply and the reply will be confined to answering the previous speakers and will not introduce any new matter into the debate.

(2) Relevance, length of speeches, free speech, privilege and immunity of councillors

- (a) Every speaker shall restrict himself to the matter under consideration.
- (b) The Speaker or Chairperson shall call any speaker whose speech is deemed irrelevant to order and may cause the speaker not to continue with his speech.
- (c) Other than the delivery of speeches in ceremony councils or reports tabled to Council no speech shall exceed five minutes in length without the consent of the Speaker or Chairperson.
- (d) The Speaker shall ensure that councillors are allowed to speak and debate freely subject to these rules.
- (e) Councillor's right to privilege and immunity shall be protected in terms of section 28 of the Municipal Structures Act provided that;
 - (i) councillors participate in the cause of legitimate business of council
 - (ii) resolutions and conduct is lawful and rational

(3) Points of order, clarity and privilege

- (a) Any councillor may raise a point of order at any time by lifting his hand and simultaneously say "point of order" to draw the attention of the Speaker or Chairperson, but shall not proceed to speak until directed to do so.
- (b) The point of order takes precedence over everything else in the meeting and the Speaker or Chairperson must grant immediate hearing to the councillor raising the point of order and rule accordingly.
- (c) Any councillor may raise a point of clarity by raising his hand and simultaneously saying "point of clarity" but shall not proceed to speak until directed to do so.
- (d) The Speaker or Chairperson shall give the councillor requesting a point of clarity an opportunity to speak
- (e) The Speaker or Chairperson may give the councillor provided that such clarity sought is confined to a material part of the discussion, which may have been misunderstood

- (f) Any councillor may raise a point of privilege wherein he is of the view that his privilege protected in terms of section 28 of the Structures Act and these rules is jeopardized
- (g) The ruling of the Speaker or Chairperson on all these points will be final and not be open to discussion.

(4) Request for debate on a matter of urgent public importance

- (a) A councillor who wishes the council to discuss a matter of urgent public importance must make a request to the Speaker of Council in writing at least four (4) hours before the beginning of a meeting of the Council.
- (b) The Speaker may allow a debate on a matter of urgent public importance if it -
 - (i) Requires the urgent attention of the council.
 - (ii) Is within the jurisdiction and competence of council;
 - (iii) Is not reflecting on matters that are *sub-judice*; and
 - (iv) Is factual.
- (c) There may only be one urgent debate on a meeting day. However, the Speaker may allow more than one request, depending on the urgency and importance of the matter.
- (d) If the Speaker of Council grants the request, he/she must notify the Executive Mayor
- (e) The Speaker must place the matter on the council agenda under the order of reports of the Speaker or, if the matter could not be placed on the council agenda, the Speaker must announce it in the council meeting.
- (f) The proposer will be allowed to reply/respond to a debate.

CHAPTER 12

24. GENERAL CONDUCT

- (1) The conduct of councillors must during a council or committee meeting –
 - (a) maintain the highest decorum and integrity that the occasion deserves;
 - (b) adhere at all times to the principles contained in the Code of Conduct for councillors and these rules;
 - (c) adhere at all times to the rule of law and the by-laws of the municipality;
 - (d) be dressed appropriately without any political party regalia for the dignity of the meeting provided appropriately dressed excludes the following;

Male	Female
Tekkies and Loafers shoes	Maxi dresses

Jeans	Jeans and Jean-skirts
Chino trousers	Pump shoes including takkies
Shorts and T-shirts	Leggings, shorts and T-shirts
Short-sleeve shirts	jeggings
Overalls and any work wear including boots	Overalls and any work wear including boots

(e) provided that appropriately dressed is construed as formally dressed and includes either of the hereunder or a combination of the following;

Male	Female
Tie	Formal dresses, Pants and Skirts
Blazer	Formal Blazers and Coats
Trousers	Shoes and Boots with heels
Formal Shoes	Stockings
Formal shirts (long sleeve)	
Waist coat	

(f) The Speaker may in ceremony councils allow councillors to dress in traditional attire for this purpose prior notice must be issued to councillors

(g) refrain from use of offensive or objectionable language; and

(h) must not use a cellular phone during, bring a firearm or any dangerous weapon into, a meeting of council or any of its committees.

(2) The Speaker or Chairperson shall have the responsibility to maintain order during the meeting including:

- (a) to order a councillor to withdraw and apologize for any unbecoming word, statement, opinion or gesture made by that councillor.
- (b) In the event of persistent disregard of the directions of the Speaker or Chairperson, the Speaker or Chairperson may direct such councillor/s to retire from the meeting and be recused from the place of meeting until the item under discussion has been finalized or the whole meeting is over.
- (c) In the event a member of the public, staff and or Councillor is dressed and or conducting himself in a manner contrary to these rules the Speaker may order such member of the public, staff and or councillor to be removed from the precincts.

- (d) In the event that any misconduct by a councillor prejudices the proceedings of the Council or committee the Speaker or Chairperson may adjourn the meeting and any such misconduct by a Councillor must be dealt with in terms of this by-law and the Code of Conduct.
- (e) Any councillor who refuses to leave a meeting of the council or a committee of the council when directed to do so by the Speaker or Chairperson of a meeting in terms of any section in this by-law, may be forcibly removed by a peace officer.

25. DECLARATION OF PECUNIARY INTEREST

(1) Once a person has been elected a councillor he must within 60 days declare in writing to the municipal manager ALL financial interests and update thereafter within 30 days after a change in interests as follows:

- (a) shares and securities in any company.
- (b) membership of any close corporation
- (c) interest in any trust
- (d) directorships
- (e) partnerships
- (f) other financial interests in any business undertaking
- (g) employment and remuneration
- (h) interest in property
- (i) pension and
- (j) subsidies, grants and sponsorships by any organization

(2) A councillor must disclose to the council, or to any committee of which that councillor is a member, any direct or indirect personal or private business interest that that councillor, or any spouse, partner or business associate of that councillor may have in a matter before the council or committee.

(3) The Councillor making a declaration must withdraw from the proceedings of the council or committee unless the council or committee decides that the councillor's direct or indirect interest in that matter is trivial or irrelevant.

(4) A councillor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the councillor is aware at the first meeting of the council at which it is possible for the councillor to make disclosure.

- (5) The disclosure of interests in terms of this by law and benefit does not apply to an interest or benefit which a councillor, or a spouse, partner, business associate or close family member, has or acquires in common with other residents of the municipality.
- (6) To give effect to this rule the Municipal Manager must within 60 days of the passing of this by law design a register of interests and make it accessible to councillors.

CHAPTER 13

26. BREACH AND SANCTIONS

(1) Breach

- (a) Any councillor who fails to abide by this by law may be found guilty of misconduct and sanctioned as hereunder.

(2) Sanction

- (a) Where it is alleged that a councillor has breached this by-law, the council must resolve to investigate through its delegated committee the alleged breach and may impose an appropriate sanction provided that the councillor shall have a right to appeal in terms of procedures set out.
- (b) To give effect to this rule the municipal manager must within 60 days of the passing of this by law draft for council approval the disciplinary procedure contemplated in schedule 1 of the Systems Act.
- (c) Where a councillor is found guilty of misconduct the hereunder may be used as a guideline:

Table of Fines and Penalties

Transgression	Fine / Penalty to be Imposed
Late arrival at Meetings of Council and Committees without informing the Speaker or Chairperson	R100.00
Absence to a Meeting of Council without a written apology	R500.00
Absence to a Meeting of a Committee without a written apology	R250.00
Disclosure of classified information	R500.00
Non-compliance with the dress code	R500.00
Early departure from a meeting	R250.00
Absence to a workshop, conference, symposium, etc. without an apology resulting in costs being incurred for travelling and accommodation and any other related costs	R250.00 and the payment of the expenditure incurred by the Municipality

Transgression	Fine / Penalty to be Imposed
Non-attendance of Council and Committee meetings three times or more without a written apology	Recommendation to the MEC for expulsion (in line with the Code of Conduct for Councillors) – Schedule 1 of the MSA, 2000

CHAPTER 14

27. ADOPTION AS BY-LAW

- (1) This by law upon adoption and publishing in the government gazette repeals in entirety all existing by laws in respect of rules, orders and procedures of the council and related committees of Alfred Nzo district municipality.

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