14. Any person who contravenes any provisions of this by-law or fails or refuses to comply with any order or notice issued by the municipal cook in accordance with this by-law shall be liable to—

(1) a fine or imprisonment, or either such fine or such imprison-
ment or both such fine and such imprisonment,
(2) in the case of a continuing offence, an additional fine or an
additional period of imprisonment or either such additional
fine or such additional imprisonment for each day on which such offence is
continued, and
(3) a further amount equal to any costs and expenses found by
the court to have been incurred by the municipality as result of
such contravention.

Repeal
15. The by-law relating to Refuse Removal published under PN
23/2004 dated 13 March 2004, is hereby repealed.

Short title and commencement
16. This by-law shall be known as the By-law relating to Refuse
Removal and shall come into operation on the date of publication
thereof in the Provincial Gazette.

14 October 2005

PROVINSIË WIENS KAP: PROVINSIESE KOERANT 6307
14 OKTOBER 2005

WITZENBERG MUNICIPALITY
RULES OF ORDER FOR THE CONDUCT OF MEETINGS
OF THE MUNICIPALITY OF WITZENBERG

PART 1: DEFINITIONS

1. In these regulations, unless inconsistent with context—
“committee” means a committee established by council in terms of
sections 79 or 80 of the Municipal Structures Act;
“council” means the municipal council of Witzenburg;
“councillor” means the office of conduct for councillors set out in the
Systems Act;
“Constitution” means the Constitution of the Republic of South
Africa, 1996 (Act 108 of 1996);
“MEC” means the member of the Executive Council responsible
for local government in the province of the Western Cape;
“meeting” means the meetings of the municipal council;
“member” means a member of the municipal council;
“motion” means a motion of which written notice is given by a
member but shall not include a motion as contemplated in sections
32 and 32, and order motions as set out in Section 38;
“municipal manager” means the person appointed by council in
terms of the Structures Act;
“party” means a party referred to in the Structures Act;
“rules” means the provisions of this by-law;
“secretary” means the person responsible for taking down the
minutes at a meeting;
“speaker” means a member elected as such in terms of the
Structures Act.
PART 2: APPLICATION OF RULES

Application

2. (1) These rules apply to all meetings of Council.

(2) Except where it is clearly inappropriate, a rule applying to members in any proceedings, also apply to a non-member who takes part in these proceedings with the approval of the Speaker.

(3) Except where it is clearly inappropriate, these rules apply to the committees of the Council unless a committee has adopted its own rules and procedures.

Supplementation

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

(2) The ruling of the Speaker shall be entered in the minutes.

PART 3: MEETINGS

Commencement of Meeting

4. The Speaker must take the chair precisely at the time for which the meeting is convened and must proceed immediately with the business of the meeting subject to section 13.

Order of Business

5. (1) The business of meetings will appear in the following order on the agenda:

(a) opening and welcome;
(b) applications for leave of absence;
(c) approval of minutes;
(d) statements, communications and matters submitted;
(e) motions and notices of proposals;
(f) interviews with deputations;
(g) delegated powers;
(h) urgent matters;
(i) formal and statutory matters;
(j) questions and matters raised by members;
(k) questions to the mayor;
(l) matters in-committee;
(m) adjournment.

(2) The Speaker may of own volition change the order of the business appearing on the agenda.

(3) A member who wishes to have the order of business on the agenda changed must approach the speaker prior to the meeting. The decision of the speaker in this regard will be final.

DEEL 2: TOEPASSING VAN REËLS

Toepassing

2. (1) Hierdie reëls is van toepassing op alle vergaderings van die raad.

(2) Uitgesondere waar dit klaarblyklik onwensig is, is 'n reël wat in enige varriedinge op ede van toepassing is, ook van toepassing op 'n lid wat met die goedkeuring van die speaker aan daardie varriedinge deelneem.

(3) Uitgesondere waar dit klaarblyklik onwensig is, is hierdie reëls van toepassing op kennis van die Raad vanweë 'n konsel of reël en procedures Bespreekst 12.

Aanvulling

3. (1) Die speaker kan 'n beslissing gee ten opsigte van enige gebeurtenis waarvoor hierdie reëls nie voorsiening maak nie, en geen verdere bespreking word oor die beslissing toegelaat nie.

(2) Die beslissing van die speaker word in die notule aangereken.

DEEL 3: VERGADERINGS

Aanvang van vergadering

4. Die speaker moet die nodige innerne strenge oor dié tyd waarop die vergadering teil is en moet onmiddellik begin met die sake van die vergadering, behoudens artikel 12.

Volgorde van sake

5. (1) Die sake van vergaderings moet in die volgende volgorde op die sake lys verskyn:

(a) opening en verwelkomming;
(b) oorweging van aanname of verloor van afwesigheid;
(c) goedkeuring van notules;
(d) verklarings, meldings of sake ingedien;
(e) voorstelle en kennisgewings van voorstelle;
(f) onderhoud met afvragings;
(g) gekalewing van bevragings;
(h) dienende sake;
(i) somate en standaf sake;
(j) vrae en sake deur raadslede ge-opper;
(k) vrae aan die Burgemeester;
(l) vertoonlike aangeneemhede;
(m) verdaging;

(2) Die speaker kan uit die beweging die volgorde van dié sake op dié sake lys verander.

(3) "n Lid wat die volgorde van sake op dié sake lys wil verander, moet die speaker voor die vergadering onderrig. Die speaker se beslissing daaraan is fisaal.
Speaker may introduce urgent matter

6. The speaker may at any time and without notice make any statement or introduce urgent matters.

Business to be transacted

7. (1) Matters for conclusion are placed on the agenda by the
municipal manager or his nominee.

(2) Except as otherwise provided in these rules, no matter not
specified in the agenda of a meeting of the council shall be
transacted at such meeting.

Attendance at Meetings

8. (1) Every member attending a meeting of the council must sign
his or her name in the attendance register kept for such
purpose.

(2) A member must attend each meeting except when—
(a) leave of absence is granted in terms of section 9; or
(b) the member is required to withdraw in terms of law.

Leave of Absence

9. (1) A member must apply in writing for leave of absence from
any meeting. Such application must be submitted to the
speaker prior to the meeting and such application for leave of
absence must be considered by the council.

(2) Oral requests for leave of absence may be considered by the
council in terms of section 5(1)(b) and shall only be approved
in cases of unusual circumstances and/or emergency.

(3) The speaker ensures that any application for leave of absence
received from a member be submitted to the next meeting of
the committee and the secretary must ensure that the decision
taken by the committee is correctly minuted.

(4) The secretary must ensure that the names of all members not
present at the meeting in respect of whom no application for
leave of absence has been received, be correctly minuted.

(5) Any member who wishes to leave a meeting prior to the
termination of such meeting, shall only be permitted to do so—
(a) with the approval of the meeting; and
(b) if the remaining members continue to form a quorum.

(6) The secretary must ensure that a complete and comprehen-
sive record is held of—
(a) all members who failed to apply for leave of absence;
(b) all absent members who were granted by the
council;
(c) cases where a member has left a meeting without the
approval of the meeting.

(7) Any submission in terms of sub-section (7) above, will be
considered by the council, which decision in this respect shall
be final.

(8) Any member who fails to attend any meeting of the
council and who has not applied for leave of absence, or
where such leave of absence has not been approved, shall be
punishable with a fine as determined by council from time to
time, which fine shall be deducted from the allowance of such
member at the end of the month in which he/she failed to
attend such meeting, or as soon as possible thereafter.

Speaker kan dringende aangeleentheid инdien

6. Die spreekbare kan enigerlyd en sonder kennisgewing enige
verklaring maak of dringende aangeleentheid voorstel.

Sake vir afhandeling

7. (1) Sake vir afhandeling word deur die munisipale bestuurder of
sy gesjukanstigde op die sakeby aanplaa.

(2) Uitgesonderd soos in hierdie reëls bepaal, mag geen
aangeleentheid wat nie op die sakeby van 'n vergadering van
die raad vormel is nie, op sodanige vergadering behandels
word nie.

Byvordering van vergaderings

8. (1) Elke lid wat 'n vergadering van die raad bywoon, moet sy of
haar naam in die byvorderingregister wat vir dié deel
gehou word.

(2) 'n Lid moet elke vergadering bywoon, uitgesonderd
wanneer—
(a) verlof vir afwesigheid ingevolge artikel 9 verleen is; of
(b) die lid hem of haar gunstens wat moet ontskak.

Vertoet tot afwesigheid

9. (1) 'n Lid moet skryftelik aanvaak doen om verlof tot
afwesigheid van enige raadvergadering. Sodanige aanvaak
moet voor die vergadering by die spreekbare ingedien word en
moet deur die raad aanvaag word.

(2) Mundelans saak van een vertoet ingevolge artikel
5(1)(b) deur die raad aanvaag word woord nul sig in die geval
van buitewyse uitsluitings of noordgewe goedgawe.

(3) Die Spreekbare moet toesien dat 'n skryftelike aanvaak om vertoet
ontvang van 'n lid aan die eenmalige vergadering voorgestel
word en die sekretaris moet toesien dat die besluit van die
raad (in dié verband geneem, oorvloedig geneem is)

(4) Die sekretaris moet toesien dat die naam van elke wat
afgewig is van 'n vergadering, en van wie geen aanvaak om
vertoet tot afwesigheid ontvang is nie, in die notule
aangestok word.

(5) 'n Lid wat 'n vergadering wil vertrek voor die verdag-
ning daarvan, sal vanmee na die spreekbare gesê word dit is dus—
(a) met die toestemming van die vergadering; en
(b) indien die oorheuwende lede steds 'n kwaam
uitmak.

(6) Die sekretaris moet voldoende rekord hou van—
(a) elke wat van vergaderings afgewig was sonder vertoet;
(b) geweë waar aansoek om vertoet deur die raad
geweë is; en
(c) geweë waar 'n lid 'n vergadering vertrek het sonder
die goedkeuring van die vergadering.

(7) Enige voorlegging deur 'n lid ingevolge sub(paragraaf (7) word
deur die raad vereis om die besluit van die raad in die
verband in finalis.

(8) Enige lid wat, sonder dat hy aansoek gedaan het om vertoet tot
afwesigheid, of waar sy van haar aansoek om vertoet geweë is,
verklaring van 'n vergadering by te woon, sal onderhewig wees
die oplegging van 'n boete van van tyd tot tyd deur die
raad bepaal, wêreldwyse boete van die lid of toegeken afgetrek sal
word aan die ene van die massas, of so spoedig moontlik
daarmee, waarin hy of sy versien het om sodanige vergadering
toe te woon.
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Province of Western Cape
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(9) If a member leaves a meeting before it has been concluded and adjourned by the Speaker or fails to be present at the commencement of a meeting without the approval in terms of sub section (8) above, the fine applicable to sub section (8) shall be imposed.

(10) Where a member has been absent from three or more consecutive meetings, and such absence has been reported to the Speaker, the Speaker must, with due regard to clause 4(2) of the Code of Conduct for Councillors in Schedule 1 of the Systems Act, direct the necessary investigation in terms of clause 13 of the said Code of conduct.

Minutes

10. (1) Minutes of the proceedings of meetings must be compiled in printed form and be approved by the council at the next ordinary meeting and signed by the speaker.

(2) The minutes shall be taken as read, for the purpose of confirmation, if a copy thereof was sent to each member within 72 hours before the next meeting.

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

Quorum

11. (1) Whenever there is no quorum as determined in the Structures Act, the start of the meeting must be delayed for no longer than 10 minutes and if at the end of that period, there is no quorum, the speaker must adjourn the meeting to another time, date and venue at his or her discretion and the secretary must record the names of those members present.

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

(3) Wherever during a meeting, there is no quorum, the speaker must suspend the proceedings until a quorum is again present. If after 10 minutes there is still no quorum the speaker must adjourn the meeting.

(4) Whenever a meeting is adjourned owing to the absence of a quorum, the time of such adjournment, as well as the names of the members present, must be recorded in the minutes by the secretary.

PART 4: DECISIONS

Debate prior to decisions

12. (1) Before any matter before a committee is debated, the speaker must intimate that the matter is open for discussion.

(2) Where a matter has been intimated by the speaker as open for discussion, and no discussion takes place, the speaker shall declare the recommendation on the agenda as the resolution of the council.

(3) If a member signifies his/her intention to discuss a matter immediately after the speaker has intimated to the meeting that such item is open for discussion, the speaker shall, subject to the time restrictions in section 25, allow all members to discuss the matter after which the matter shall be put to the vote in terms of section 15.

Manner of Voting

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

(2) The speaker may, at the request of a majority of the members present, rule that a matter be decided by secret ballot. In such event the municipal manager shall ensure that a duly marked ballot paper is handed to each member.

(3) If there is an equality of votes in respect of a motion on which voting takes place in accordance with sub-sections (1) and (2), the speaker must exercise his casting vote, in addition to his deliberative vote, provided that the speaker may not exercise a casting vote in terms of any matter on one in section 16(2) of the Constitution.

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

(5) A member may abstain from voting on any matter. Upon indication that a member wishes to abstain from voting, it shall be accordingly entered in the minutes.

PART 5: PUBLIC ACCESS

Admission of Public

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

Matters In-Committee

15. (1) Matters which have been placed by the speaker, in his or her discretion, on a part of the agenda which will not be disclosed to the public before the meeting, are discussed in-committee unless a motion by a member is adopted that the matter be discussed in public.

(2) Any other matter on the agenda which has already been disclosed to the public, may also be discussed in-committee upon adoption of a motion by a member to that effect.

(3) A member shall, at any time during discussion of a matter, be entitled to move that such matter be further discussed in-committee in which event discussion may be terminated and continued when confidential matters are discussed in terms of sub section (1).

(4) A member may during the course of the meeting from which the public and the media were excluded, move that “the meeting again be opened” and state reasons for such motion.

(5) The motivation for the exclusion of the public or media must be minuted.

Deputations and invitations to non-members

16. (1) The speaker has the power to grant approval for a deputation to be interviewed by the council or for a non-member to address the council on state his/her views on a matter before the council.

(2) Deputations will be restricted to a maximum of five persons and will be allowed no more than 30 minutes for an interview. A non-member who has been granted approval to state his/her views will be allowed no more than five minutes to do so.

(3) Any request for a deputation or a non-member to address the council or to state his/her views on a matter, shall be submitted to the speaker at least two working days before the meeting.

dat de bale vir of teen sodanige more in, waarvan hy of sy die uitlating van sodanige stemming bekend moet maak.

(2) Die speaker mag, op versoek van ‘n lid van die lokaal bestuur, besluit dat deel van die vergadering waarin die gesprek met die publiek of deel van die vergadering wat deur die publiek getoe is, in komitesbespreking word gehou.

(3) As daer ‘n stemming is, moet die komitee besluit of daardie stemming goedgekeur word. Daarby moet die sekretaris weet of die stemming in openbaarheid gestel word.

(4) Hoeveel deur die speaker die uiting van ‘n stemming bekend maak, moet die lid regterheidsvoorsitter van die medewerker weet.

(5) ‘n Lid mag hul stemming bly bly. Daarby moet die lid regterheidsvoorsitter weet.

DEEL 5: TOEGANG VIR PUBLIEK

Insitutie van persone

14. Die speaker moet redelike stappe doen om toegang vir die publiek tot en gedagte van die vergaderings te regedere.

Nie-openbaar make van aangetekende

15. (1) Aangetekende wat na die goedkeuring van die speaker op ‘n deel van die vergadering moet gesels word wat nie voor die vergadering van die publiek openbaar gestel word nie, word in komitesbespreking gehou en ‘n stemming word gehou.

(2) Enige andere deelgeneemskap op die saklike wat reeds aan die vergaderings van die publiek openbaar is, moet ook in komitesbespreking word.

(3) “A Lid sal gereeld wees om op enige stadig tydens bespreking van ‘n aangeleenthed in komitesbespreking te stem of die aangeleenthed verder in komitesbespreking te stem in welke geval die bespreking gestaak kan word en voortgezet word.”

(4) “A Lid kan in die loop van ‘n vergadering vuur te went van die publiek en die media uitgelat is voor die ‘dat die vergadering weer onderbroken word’ met vermelding van die redes vir sodanige more.

(5) Motivering van die uitsluiting van die publiek moet genoteer word.

Afvaardigings en uitsluiting aan nie-lode

16. (1) Die speaker het die bevoegdheid om te besluit of ‘n afvaardiging of ‘n lid van die raad die rekening met die nuwe voorkeur moet hou.

(2) Afvaardigings het regterheidsvoorsitter van die medewerker weet.

(3) Enige versoek van ‘n afvaardiging of ‘n lid van die raad moet deur die medewerker van die raad beoordeel wie deur die raad moet nuwe voorkeur moet hou.
PART 6: ORDER IN MEETINGS

Conduct of non-members

17. If a non-member misconducts himself or herself, behaves in an unseemly manner or obstructs the business of any meeting, the speaker may order his or her removal from the meeting.

Conduct of members

18. (1) If a member—
(a) misconducts himself or herself, or
(b) behaves in an unseemly manner, or
(c) obstructs the business of a meeting, or
(d) challenges the ruling of the speaker on any point of order or ruling in terms of section 3(1), or
(e) declines to withdraw any expression when required to do so by the speaker, or
(f) indulges in tedious repetition or unbecoming language, or
(g) commits any breach of these rules,
the speaker shall direct such member to conduct himself or herself properly and, if speaking, to discontinue his or her speech.

(2) In the event of a persistent disregard of the directions of the speaker, the speaker shall direct such member to retire from the place of meeting for the remainder of the meeting and may, if necessary, cause him to be removed therefrom.

Offences

19. (1) Any member or non-member who—
(a) refuses or fails to comply with a direction of the Speaker given in terms of section 17 or 18, or
(b) returns to the place of meeting prior to the conclusion of the meeting from which he or she was directed to retire; or
(c) offers resistance while being removed from the place of meeting, shall be guilty of an offence and liable on conviction to a fine or imprisonment, or both such fine or imprisonment or to both such fine and such imprisonment;

(2) In the case of a member, the speaker may in addition to the fines imposed in terms of subsection (1), take the steps he or she deems necessary in terms of the Code of Conduct.

PART 7: RULES OF DEBATE

Member to address Chair

20. A member who speaks at a meeting must address the chair and may do so in any one of the three official languages of the Province of the Western Cape.

Order of Priority

21. (1) When a member wishes to address the council, he or she must first have the permission of the speaker.
(2) A member shall state his/her name in order to obtain the necessary permission to speak.

Precedence of Speaker

22. Whenever the speaker addresses the meeting, all members must be

DEEL 6: ORDE OP VERGADERINGS

Gedrag van nie-lid

17. Indien ‘n lid of lid van ‘n ongewenste steldeel is, kan die speaker die vergadering belemmer, om die lid of lid van die vergadering verwys te word.

Gedrag van lede

18. (1) Indien ‘n lid—
(a) hom of haar aan opdrag skuldig maak, of
(b) hom of haar op ‘n onhoorlike wyse gedra, of
(c) die sake van enige vergadering belemmer, of
(d) die besluiting van die speaker onjuist van onders is, of van onregte inligting ongewilde wyl in die vergadering voorgekom het, of
(e) weer om enige uitdrukking terug te trek wanneer die speaker daarop aandring, of
(f) hom of haar oorweg aan langdurige beluiting of onhoorlike taalbruik, of
(g) enige van meere noem correc, moet die speaker die lid van die vergadering, waarvan die vergadering verwys word, verwys.

(2) In die geval van ‘n vooroordrede verslagstelling van die vergaderings van die vergaderings van die speaker moet die speaker die lid van die vergadering, waarvan die vergadering verwys word, verwys.

Misdrywe

19. (1) Enige lid of nie-lid wat—
(a) wees of verskuif om te voldoen aan ‘n legsgewig van die vergadering of van enige ander lid van die vergadering, of
(b) na die vergaderings of van die vergadering aan die afhanklikheid van die vergadering waarvan hy of sy lid is om te ontrek, of
(c) wissel brief terwyl hy of sy uit die vergaderings verskei word, began ‘n onrug of onregtigheid en/of skuldigheid in die vergadering, of

(2) In die geval van ‘n lid in die vergadering, moet die speaker, bereits om die straf in die vergaderings van die vergaderings van die vergaderings van die vergadering, daarop aandring om die lid te verwys.

DEEL 7: REELS VIR DEBATVOEROING

Lid spreek steel aan

20. ‘n Ld wat op ‘n vergadering aan die steel spreke, moet die steel aan die vergadering, en kan dit doen na afloop van hierdie ses minute, ten einde die vergadering te verstaan.

Orde van prioriteit

21. (1) Wanneer ‘n lid die laast wil toespreek, moet hy of sy eerst die speaker so toeter om te toeter om te praat.
(2) ‘n Lid wat op ‘n vergadering aan die steel spreke, moet die speaker so toeter om te praat.

Voorrang van speaker

22. Wanneer die speaker die vergadering toespreek, moet alle lede stil
silent so that the speaker may be heard without any interruption.

Relevance

23. (1) A member who speaks must direct his speech strictly to the subject or matter under discussion or to an explanation or to a point of order.

(2) No discussion shall be permitted—

(a) which will anticipate any matter on the agenda;

(b) on any matter in respect of which a decision by a judicial or quasi-judicial body or a commission of enquiry is pending.

Right to Speak

24. (1) A member may only speak once—

(a) to the matter before the council;

(b) to any amendments to the matter before the council;

(c) to a matter or an amendment proposed or to be proposed by himself or herself;

(d) to a point of order or a question of privilege;

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

(2) The mover of an original motion may speak to the motion and reply but in replying for or on behalf of another, he must first premise himself or himself to answering previous speakers and shall not introduce any new matter into the debate.

(3) The right of reply shall not extend to the mover of an amendment which, having been carried, has become the substantive motion.

Length of speeches

25. (1) Except with the consent of the speaker no member may speak for more than five minutes on any matter.

(2) The mover of an original motion or of an amendment may however speak for five minutes on each motion or amendment.

Re-introduction of motion or question

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

Notices of motions

27. (1) The speaker may not accept any motion except a motion of urgency or a motion of course unless notice thereof has been given in terms of sub-section (2).

(2) Every notice of intention by a member to introduce a motion shall be in writing, motivated, signed and dated and delivered to the municipal manager at least six working days before the date of the meeting on which it is intended to be introduced.

Notice of questions

28. (1) Subject to section 31, the speaker may not accept any question unless notice thereof has been given in terms of sub-section (2).

bly sodat die speaker sender enige onderbreking aangehoor kan word.

Relevansie

25. (1) ’n Lid wat aan die woord is, moet sy toespraak sorgvuldig by die onderwerp of aangeleenthed onder bespreek of by ’n verdeeldeleling op ’n punt van ordre.

(2) Geen bespreek word toegestaan—

(a) wat enige aangeleenthed op die sakêys sal vooroorlopend wees;

(b) oor enige aangeleenthed ten opsigte waarvan ’n besluit deur ’n geregtelike of lewensgerelateerde hoogpaam of ’n kommissie van onderzoek langere is nie.

Reg om te praat

24. (1) ’n Lid mag net een keer praat—

(a) oor die aangeleenthed voor die raad;

(b) oor enige ammendemente van die aangeleenthed voor die raad;

(c) oor ’n aangeleenthed of ’n ammendement wat by of sy sem voorsiening het en gaat voorloop;

(d) oor ’n punt van ordre of ’n vraag van voorreg, tensoos die speaker goedgekeur of voors in hierdie reg van voorreg genoem het.

Legte van toesprake

25. (1) Uitgesonderd uit die toetsing van die speaker mag geen lid langer as vyf minute oor enige aangeleenthed praat nie.

(2) Die voorstaller van ’n ooreenkomslike vraag kan oor die vraag praat en repliek lewer, maar in sy of haar repliek moet by of sy hom of haar bepaal by die beantwoording van vorige speakers en mag by of sy geen nuwe aangeleenthed in die debat inbring nie.

(3) Die reg tot repliek is nie van toepassing nie op die voorstaller van ’n ammendement wat, netos dit goedgekeur is, die toetsing van die speaker gewoon het.

Herindiening van mienie of vraag

26. Geen mienie wat deur die raad verwerp is en geen vraag wat ingevoeg deur die raad gestel is en afgehandel is en op enige vergadering, mag weer ingevoeg of gestel word as byvoorbeeld enige maande na sodanige vergadering, uitgesonderd muis die toetsing van die speaker.

Kranskuiging van mienie

27. (1) Die speaker mag geen mienie, uitgesonderd ’n dringende mienie of ’n mienie van ordre, aanvaar nie ten seëls dier trans hoewel invervolge subartikel (2) gegee is.

(2) Elke kennisjewening van voorvoorde deur ’n lid en ’n mienie in die debat moet skriftlik, gemotiveer, onderken en gelaat word en aan die Speaker gelever word minstens siek werksdae voor die datum van die vergadering waarop dit ingevoeg gaan word.

Kranskuiging van vraag

28. (1) Behoudens artikel 31 mag die speaker geen vraag aanvaar nie ten seëls daarvan ingevoeg vanaf subartikel (2) gegee is.
29. In de event van de mover of questioner niet being present in his place at the meeting of the council when called upon by the speaker to move a motion or ask a question standing in his name on the agenda, such motion or question shall lapse unless the original mover or questioner has notified the speaker in writing of a substitute to move the motion or ask the question.

Recommendation of committee regarding motion

30. (1) The adoption of a recommendation contained in a report submitted by a committee to the council shall be deemed to have been moved by the chairperson of such committee or by his or her absence by a member of such committee appointed by him or her to act at the time when the speaker of the meeting announces such recommendation is open for discussion, and so much motion need be seconded, nor shall the chairperson of such committee be thereby precluded from exercising his or her right to speak thereon.

(2) The chairperson referred to in subsection (1), may, however, speak on the matter and reply but in replying he or she shall strictly confine himself or herself to answering previous speakers and shall not introduce any new matter into the debate.

Questions

31. (1) After any motion or amendment has been moved and seconded or at the conclusion of any speech thereto a member may ask any question relevant to such motion or amendment.

(2) No supplementary questions may be asked except by the member asking the original question and then only in respect of matters arising out of the reply to such original question.

(3) The speaker may not disallow any such question, provided that the member to whom such question is directed may either reply thereto forthwith or require that notice thereof be given in terms of section 29.

Motion of exigency

32. (1) A member may direct the attention of the council to any matter which does not appear on the agenda and of which no previous notice has been given, by stating briefly the subject of the matter and without comment thereon moving “that the motion to which attention has been directed be considered forthwith as a matter of exigency.”

(2) Such motion is herein referred to as a motion of exigency.

(3) If such motion is seconded and carried by a majority of two thirds of the members present, the mover shall be permitted without notice to bring the matter under consideration by way of motion or question.

Motions of course

33. (1) In addition to those provided for elsewhere in these rules, the following shall be regarded as motions of course:—
(a) that precedence be given to any particular item on the agenda;
(b) that any report referred to in the agenda be noted, adopted, acted upon or referred back;
(c) that any document before the Council be acted upon in the manner specified in the motion;
(d) that action be taken in regard to any item submitted for consideration in the manner specified in the motion.

11) Any motion of course as stipulated above and elsewhere in these rules, shall be subject to section 12 hereof.

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

Points of explanation
1x. The Speaker may allow a member to raise a point of explanation provided such explanation shall be confined to some material part of the debate which may have been misunderstood.

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

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

Order of debate
38. When a matter is under debate at any meeting of the council no further motion shall during such discussion be received except the following—
(1) that the motion be amended;
(2) that the consideration of the matter be postponed;
(3) that the public and the media be excluded;
(4) that the public and the media be readmitted;
(5) that the council do now adjourn;
(6) that the council adjourn for a specified time;
(7) that the debate be adjourned;
(8) that the motion be put to the vote;
(9) that the council proceed to the next business.

(a) Dat voorraam verleem word aan die oorweging van enige bepaalde item wat op die sakelys verskyf;
(b) dat daar kennis geneem word van enige verslag in die sakelys verskyn, of dat dit aansienlik of terreurverses word of dat daar aan die verslag uitvoering gegee word;
(c) dat daar uitvoering gegee word van enige dokument wat van voorraad gemaak word op die sakelys; en
(d) dat stappe geskied word met betrekking tot enige item wat vir voorraad voorgestel is op die sakelys.

(2) Enige mens van orde hierbo en elders in hierdie sette uitengemiet, is onderrigig aan die bepaling van artikel 12.

Punt van orde
34. ’n Lid kan ’n punt van orde open en aan die aandag van die lid boer wanneer dit aangemoedig deur die bepaalde lid te noem waarop sodanige lid boer breek, waarvan sodanige lid onmiddellik gehoor verleen moet word.

Punt van verduideliking
35. Die speaker kan ’n lid in staat om ’n punt van verduideliking te open, met die verstaan dat sodanige verduideliking openstaan tot en met als verduideliking van die deel wat voorheen moet verleem word.

Terugtrekking van mosies, amendement of vraag
36. (1) ’n Mosie of amendement kan onder bespreking en met die toestemming van die sekondier en die raad daer die voorstel van teruggerek word.
(2) ’n Lid mag nie oor sodanige mosies of amendement praat nie nadat die raad tot die terugtrekking van sodanige mosies ingestem het.
(3) ’n Vraag kan teruggereken word deur die lid wat dit wou gestel het.

Speaker se beslissing oor punte van orde en verduideliking
37. (1) Die beslissing van die speaker oor ’n punt van orde of verduideliking is fisaal en nie oop vir bespreking nie.
(2) Die beslissing van die speaker oor ’n punt van orde wat oor die verduideliking van sodanige mosies bepaal is moet in die verlies aangekrag word.

Volgorde van bespreking
38. Wanneer ’n mosie onder bespreking is op enige vergadering van die raad, mag deur verdere mosies ontstaan word nie, ongeagd die volgende:
(1) dat die mosie ge-gemengde word;
(2) dat die oorweging van die aangeloopheid uitgestel word;
(3) dat die publiek en die media uitgeschakel word;
(4) dat die publiek en die media weer toegelaat word;
(5) dat die raad nou vergader;
(6) dat die raad vir ’n bepaalde tyd vergader;
(7) dat die debat vergader word;
(8) dat die aangemoedigde toestemming gebring word;
(9) dat die raad na die volgorde saak oogaan.
That the motion be amended

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

Repeat of by-laws

40. The by-laws listed hereunder are hereby repealed:
(a) The former Ceres Municipality:
(b) The former Municipality of Prince Alfred’s Hamlet By-law relating to Procedures at Meetings—PN 1006/1988;
(c) The former Tulbagh Municipality
By-law relating to Procedures at Meetings—PN 1027/1971;
(d) The former Wellington Municipality
By-law relating to Procedures at Meetings—PN 876/1988.

Short title and commencement

41. This by-law shall be known as The Rules of Order for the Conduct of Meetings of the Witzenberg Municipality and shall come into operation on the date of publication thereof in the Provincial Gazette.

14 October 2005

WITZENBERG MUNICIPALITY
BY-LAW RELATING TO STREETS

Purpose of By-Law

- To promote the achievement of a safe environment for the benefit of residents within the area of jurisdiction of the municipality;
- To provide for procedures, methods and practices to manage the use and utilisation of streets in the area of jurisdiction of the municipality.

Definitions

1. In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the Afrikaans text prevails in the event of any inconsistency between the different texts and within the context information indicates:

"Animals" means any horses, mules, donkeys, cattle, pigs, sheep, goats, ostriches indigenous mammals and other wild animals;