

**Provincial Gazette**

**Provinsiale Koerant**

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**INHOUD**

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**Offences and penalties**

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 municipality in accordance with this by-law shall be guilty of an offence and on conviction be liable to—
- (1) a fine or imprisonment, or either such fine or such imprisonment 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 or both such additional fine and 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 The By-law relating tot Refuse Removal published under PN 23/2004 dated 12 March 2004, is hereby repealed.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

31609

**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 Witzenberg;
- “**code**” means the code 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;

**Strafbepaling**

14. Iedereen wat enige van die bepalings van hierdie verordening oortree of versuim of weier om te voldoen aan enige bevel of kennisgewing wat kragtens hierdie verordening deur die munisipaliteit uitgereik is, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met—
- (1) 'n boete of gevangenisstraf, of of sodanige boete of sodanige gevangenisstraf of beide sodanige boete en sodanige gevangenisstraf;
  - (2) in die geval van 'n voortdurende misdryf, met 'n addisionele boete of 'n addisionele tydperk van gevangenisstraf, of of sodanige addisionele boete of sodanige addisionele gevangenisstraf, of beide sodanige addisionele boete en gevangenisstraf vir elke dag wat sodanige misdryf voortduur; en
  - (3) 'n verdere bedrag gelyk aan enige koste en uitgawes wat na bevinding van die hof deur die munisipaliteit aangegaan is as gevolg van sodanige oortreding of versuim.

**Herroeping**

15. Die Verordening insake Vullisverwydering afgekondig per PK 23/2004 gedateer 12 Maart 2004, word hiermee herroep.

**Kort titel en inwerkingtrede**

16. Hierdie verordening heet die Verordening insake Vullisverwydering en tree in werking op die datum van publikasie daarvan in die Provinsiale Koerant.

14 Oktober 2005

31609

**WITZENBERG MUNISIPALITEIT****ORDEREËLS VIR DIE HOU VAN VERGADERINGS VAN DIE WITZENBERG MUNISIPALITEIT****DEEL 1: WOORDOMSKRYWING**

1. In hierdie reëls, tensy dit uit die samehang anders blyk, beteken—
- “**Grondwet**” die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996);
- “**kode**” die gedragskode vir raadsiede soos in die Stelselwet uiteengesit;
- “**komitee**” 'n komitee deur die raad ingestel ingevolge artikels 79 of 80 van die Strukturewet;
- “**lid**” 'n lid van die munisipale raad;
- “**LUR**” die lid van die Uitvoerende Raad verantwoordelik vir plaaslike regering in die provinsie die Wes-Kaap;
- “**mosie**” 'n mosie waarvan kennis deur 'n lid gegee is, maar nie ook 'n mosie soos in artikels 31 en 32 en ander mosies ingevolge artikel 38 beoog nie;
- “**munisipale bestuurder**” die persoon deur die raad aangestel ingevolge die Strukturewet;
- “**party**” 'n party in die Strukturewet bedoel;
- “**raad**” die munisipale raad van die Munisipaliteit Witzenberg;
- “**reëls**” die bepalings van hierdie ordereëls;
- “**sekreteraris**” die persoon verantwoordelik vir die afneem van die notule by 'n vergadering;
- “**speaker**” 'n lid as sulks verkies ingevolge die Strukturewet;
- “**Stelselwet**” die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000);

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

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

#### 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 those 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.

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

“vergadering” die vergaderings van die munisipale raad.

#### DEEL 2: TOEPASSING VAN REËLS

##### Toepassing

2. (1) Hierdie reëls is van toepassing op alle vergaderings van die raad.
- (2) Uitgesonderd waar dit klaarblyklik onvanpas is, is 'n reël wat in enige verrigtinge op lede van toepassing is, ook van toepassing op 'n nie-lid wat met die goedkeuring van die speaker aan daardie verrigtinge deelneem.
- (3) Uitgesonderd waar dit klaarblyklik onvanpas is, is hierdie reëls van toepassing op komitees van die Raad tensy 'n komitee sy eie reëls en prosedures bepaal het.

##### Aanvulling

3. (1) Die speaker kan 'n beslissing gee ten opsigte van enige gebeurlikheid 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 aangeteken.

#### DEEL 3: VERGADERINGS

##### Aanvang van vergadering

4. Die speaker moet die stoel inneem presies op die tyd waarvoor die vergadering belê 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 sakelys verskyn:
  - (a) opening en verwelkoming;
  - (b) oorweging van aansoeke om verlof vir afwesigheid;
  - (c) goedkeuring van notules;
  - (d) verklarings, mededelings of sake ingedien;
  - (e) mosies en kennisgewings van voorstelle;
  - (f) onderhoude met afvaardigings;
  - (g) gedelegeerde bevoegdhede;
  - (h) dringende sake;
  - (i) formele en statutêre sake;
  - (j) vrae en sake deur raadslede ge-opper;
  - (k) vrae aan die Burgemeester;
  - (l) vertroulike aangeleenthede;
  - (m) verdaging;
- (2) Die speaker kan uit eie beweging die volgorde van die sake op die sakelys verander.
- (3) 'n Lid wat die volgorde van sake op die sakelys wil verander, moet die speaker voor die vergadering nader. Die speaker se beslissing daarvoor is final.

<b>Speaker may introduce urgent matter</b>	<b>Speaker kan dringende aangeleentheid indien</b>
6. The speaker may at any time and without notice make any statement or introduce urgent matters.	6. Die speaker kan te eniger tyd en sonder kennisgewing enige verklaring maak of dringende aangeleentheid voorstel.
<b>Business to be transacted</b>	<b>Sake vir afhandeling</b>
7. (1) Matters for conclusion are placed on the agenda by the municipal manager or his nominee.	7. (1) Sake vir afhandeling word deur die munisipale bestuurder of sy gevolmagtigde op die sakelys geplaas.
(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.	(2) Uitgesonderd soos in hierdie reëls bepaal, mag geen aangeleentheid wat nie op die sakelys van 'n vergadering van die raad vermeld is nie, op sodanige vergadering behandel word nie.
<b>Attendance at Meetings</b>	<b>Bywoning van vergaderings</b>
8. (1) Every member attending a meeting of the council must sign his or her name in the attendance register kept for such purpose.	8. (1) Elke lid wat 'n vergadering van die raad bywoon, moet sy of haar naam teken in die bywoningsregister wat vir dié doel gehou word.
(2) A member must attend each meeting except when—	(2) 'n Lid moet elke vergadering bywoon, uitgesonderd wanneer—
(a) leave of absence is granted in terms of section 9; or	(a) verlof vir afwesigheid ingevolge artikel 9 verleen is; of
(b) the member is required to withdraw in terms of law.	(b) die lid hom of haar kragtens wet moet onttrek.
<b>Leave of Absence</b>	<b>Verlof tot afwesigheid</b>
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.	9. (1) 'n Lid moet skriftelik aansoek doen om verlof tot afwesigheid van enige raadsvergadering. Sodanige aansoek moet voor die vergadering by die speaker ingedien word en moet deur die Raad oorweeg word.
(2) Vocal 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.	(2) Mondelinge aansoeke om verlof mag ingevolge artikel 5(1)(b) deur die Raad oorweeg word en sal slegs in die geval van buitengewone omstandighede of noodgevalle goedgekeur word.
(3) The speaker ensure 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.	(3) Die Speaker moet toesien dat 'n skriftelike aansoek om verlof ontvang van 'n lid aan die eersvolgende vergadering voorgelê word en die sekretaris moet toesien dat die besluit van die Raad in dié verband geneem, korrek genoteer word.
(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.	(4) Die sekretaris moet toesien dat die name van lede wat afwesig is van 'n vergadering, en van wie geen aansoek om verlof tot afwesigheid ontvang is nie, in die notule aangeteken word.
(5) Any member who wishes to leave a meeting prior to the termination of such meeting, shall only be permitted to do so—	(5) 'n Lid wie 'n vergadering wil verlaat voor die verdaging daarvan, sal alleenlik toegelaat word om dit te doen
(a) with the approval of the meeting; and	(a) met die toestemming van die vergadering; en
(b) if the remaining members continue to form a quorum.	(b) indien die oorblywende lede steeds 'n kworum uitmaak.
(6) The secretary must ensure that a complete and comprehensive record is held of—	(6) Die sekretaris moet volledig rekord hou van—
(a) all members who failed to apply for leave of absence;	(a) lede wat van vergaderings afwesig was sonder verlof;
(b) all cases where leave of absence was not granted by the council;	(b) gevalle waar aansoeke om verlof deur die Raad geweier is; en
(c) cases where a member has left a meeting without the approval of the meeting.	(c) gevalle waar 'n lid 'n vergadering verlaat het sonder die goedkeuring van die vergadering.
(7) Any submission in terms of sub-section (7) above, will be considered by the council, which decision in this respect shall be final.	(7) Enige voorlegging deur 'n lid ingevolge subartikel (7) word deur die Raad oorweeg en die beslissing van die Raad in dié verband is finaal.
(8) Any member who fails to attend any meeting of the committee 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.	(8) Enige lid wat, sonder dat hy aansoek gedoen het om verlof tot afwesigheid, of waar sy of haar aansoek om verlof geweier is, versuim om 'n vergadering by te woon, sal onderhewig wees aan die oplegging van 'n boete soos van tyd tot tyd deur die Raad bepaal, welke boete van die lid se toelae afgetrek sal word aan die einde van die maand, of so spoedig moontlik daarna, waarin hy of sy versuim het om sodanige vergadering by te woon.

- (9) If a member leaves a meeting before it has been concluded and adjourned by the Speaker or failed to be present at the commencement of a meeting without the approval in terms of sub section 5 (a) above, the fine applicable in 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.
- (2) 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) Whenever 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 13.

#### 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

- (9) Waar 'n lid 'n vergadering verlaat voordat dit deur die Speaker verdaag is, of waar 'n lid versuim om aanwesig te wees met die aanvang van die vergadering sonder goedkeuring ingevolge subartikel (5)(a), sal die boete soos in subartikel (8) aan sodanige lid opgelê en gehef word.

- (10) Indien 'n lid afwesig is van drie of meer agtereenvolgende vergaderings en dit word aan die Speaker gerapporteer, moet die Speaker, met inagneming van klousule 4(2) van die Gedragskode vir Raadslede in Bylae 1 van die Stelselwet, die nodige ondersoek gelas in terme van klousule 13 van die Gedragskode.

#### Notule

10. (1) Notule van die verrigtinge van vergaderings moet in gedrukte vorm saamgestel word en moet op die volgende vergadering deur die raad goedgekeur word en deur die speaker onderteken word.
- (2) Die notule word vir die doel van goedkeuring as geloes beskou indien 'n eksemplaar daarvan binne 72 uur voor die volgende vergadering aan elke lid gestuur is.
- (3) Geen mosie of bespreking oor die notule word toegelaat nie, uitgesonderd in verband met die juistheid daarvan.

#### Kworum

11. (1) Wanneer daar nie 'n kworum soos bepaal in die Strukturewet is nie, moet die begin van die vergadering met hoogstens 10 minute vertraag word, en as daar aan die einde van daardie tydperk nog nie 'n kworum is nie, moet die speaker die vergadering verskuif na 'n ander tyd, datum en plek na sy of haar goeddunke en moet die sekretaris die name van die teenwoordige lede aanteken.
- (2) Wanneer die speaker nie teenwoordig is nie en daar nie 'n kworum is nie, moet die begin van die vergadering met hoogstens 30 minute vertraag word, en as daar aan die einde van daardie tydperk nog nie 'n kworum is nie, mag die vergadering nie plaasvind nie en moet die sekretaris die name van die teenwoordige lede aanteken.
- (3) Wanneer daar tydens 'n vergadering nie 'n kworum is nie, moet die speaker die verrigtinge opskort totdat daar weer 'n kworum is; met dien verstande dat as daar na 10 minute nog nie 'n kworum is nie, die speaker die vergadering moet verdaag.(4)

Wanneer 'n vergadering verdaag word omdat daar nie 'n kworum is nie, moet die tyd van sodanige verdaging asook die name van die teenwoordige lede deur die sekretaris in die notule aangeteken word.

### DEEL 4: BESLUIE

#### Debatvoering voor besluite

12. (1) Alvorens debat oor enige aangeleentheid voor die raad gevoer word, moet die speaker te kenne gee dat die aangeleentheid oop is vir bespreking.
- (2) Waar 'n aangeleentheid deur die speaker opgestel is en daar geen bespreking van die aangeleentheid is nie, verklaar die speaker die aanbeveling op die sakelys as die besluit van die Raad.
- (3) Waar 'n aangeleentheid deur die speaker opgestel is en 'n lid dui aan dat hy dit wil bespreek, sal die speaker aan alle lede die geleentheid bied om behoudens die tydsbepalings in artikel 25, die aangeleentheid te bespreek waarna oorgegaan sal word tot stemming ingevolge artikel 13.

#### Wyse van stemming

13. (1) Die speaker moet 'n stemming hou oor elke mosie wat teengestaan word, deur die lede te versoek om deur die opsteek van hande, tensy anders voorgeskryf by wet, aan te

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 set out in section 160(2) of the Constitution.
- (4) Upon the speaker's declaration of the result of a vote, a member may demand 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

##### Admittance 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 to 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 by 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.

dui of hulle vir of teen sodanige mosie is, waarna hy of sy die uitslag van sodanige stemming bekend moet maak.

- (2) Die speaker mag, op versoek van 'n meerderheid van die lede teenwoordig, besluit dat daar by wyse van geheime stemming oor 'n aangeleentheid besluit word. In so 'n geval moet die munisipale bestuurder toesien dat 'n behoorlik gemerkte stembrief aan elke lid verskaf word.
- (3) As daar 'n staking van stemme is ten opsigte van 'n mosie waarvoor 'n stemming gehou word in ooreenstemming met subartikel (1), moet die speaker sy of haar beslissende stem uitbring benewens sy of haar gewone stem; met dien verstande dat die speaker nie 'n beslissende stem mag uitbring nie ten opsigte van enige aangeleentheid in artikel 160(2) van die Grondwet uiteengesit.
- (4) Wanneer die speaker die uitslag van 'n stemming bekend maak, kan 'n lid versoek dat sy of haar stem teen die betrokke besluit aangeteken word, en die sekretaris moet toesien dat sodanige stem in die notule aangeteken word.
- (5) 'n Lid mag buite stemming bly. Indien 'n lid aandui dat hy buite stemming wil bly, moet dit so in die notule aangeteken word.

#### DEEL 5: TOEGANG VIR PUBLIEK

##### Toelating van publiek

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

##### Nie-openbaarmaking van aangeleenthede

15. (1) Aangeleenthede wat na die goeddunke van die speaker op 'n deel van die sakelys geplaas word wat nie voor die vergadering aan die publiek openbaar gemaak word nie, word in komitee bespreek tensy 'n mosie van 'n lid aanvaar word dat dit in die openbaar bespreek kan word.
- (2) Enige ander aangeleentheid op die sakelys wat reeds aan die publiek ge-openbaar is, kan ook in komitee bespreek word indien 'n mosie van 'n lid te dien effekte aanvaar word.
- (3) 'n Lid sal geregtig wees om op enige stadium tydens bespreking van 'n aangeleentheid 'n mosie te stel dat die aangeleentheid verder in komitee bespreek word in welke geval die bespreking gestaak kan word en voortgesit word wanneer vertroulike aangeleenthede ingevolge subartikel (1) bespreek word.
- (4) 'n Lid kan in die loop van 'n vergadering waarvan die publiek en die media uitgesluit is voorstel "dat die vergadering weer oopgestel word" met vermelding van die redes vir sodanige mosie.
- (5) Motivering vir die uitsluiting van die publiek moet genotuleer word.

##### Afvaardigings en uitnodiging aan nie-lede

16. (1) Die speaker het die bevoegdheid om toestemming te verleen vir 'n afvaardiging om 'n onderhoud met die raad te voer, of vir 'n nie-lid om die raad toe te spreek ten einde sy of haar standpunt oor 'n aangeleentheid voor die raad te stel.
- (2) Afvaardigings sal beperk word tot hoogstens vyf persone en sal hoogstens 30 minute tyd gegun word vir sodanige onderhoud. 'n Nie-lid wat toestemming verkry het om sy saak te stel, sal hoogstens vyf minute tyd gegun word om dit te doen.
- (3) Enige versoek van 'n afvaardiging of 'n nie-lid om die raad toe te spreek of ten einde sy of haar standpunt uit te spreek oor 'n aangeleentheid, moet minstens twee werksdae voor die vergadering aan die Speaker voorgelê word.

**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—
- misconducts himself or herself, or
  - behaves in an unseemly manner, or
  - obstructs the business of a meeting, or
  - challenges the ruling of the speaker on any point of order or ruling in terms of section 3(1), or
  - declines to withdraw any expression when required to do so by the speaker, or
  - indulges in tedious repetition or unbecoming language, or
  - commits any breach of these rules.
- the speaker shall direct such 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 there from.

**Offences**

19. (1) Any member or non-member who—
- refuses or fails to comply with a direction of the Speaker given in terms of section 17 and 18; or
  - returns to the place of meeting prior to the conclusion of the meeting from which he or she was directed to retire; or
  - offers resistance whilst being removed from the place of meeting, shall be guilty of an offence and liable on conviction to a fine or imprisonment, or either 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 fine imposed in terms of sub-section (1)(c), 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 raise his/her hand 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-lede**

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

**Gedrag van lede**

18. (1) Indien 'n lid—
- hom of haar aan wangedrag skuldig maak, of
  - hom of haar op 'n onbehoorlike wyse gedra, of
  - die sake van enige vergadering belemmer, of
  - die beslissing van die speaker oor enige punt van orde of beslissing ingevolge artikel 3(1) uitdaag, of
  - weier om enige uitdrukking terug te trek wanneer die speaker daarop aandring, of
  - hom of haar oorgee aan langdradige herhaling of onbehoorlike taalgebruik, of
  - enige van hierdie reëls oortree,
- moet die speaker gelas dat sodanige lid hom of haar behoorlik gedra en, indien hy of sy aan die woord is, om sy of haar redevoering te staak.
- (2) In die geval van 'n voortdurende verontagsaming van die lasgewings van die speaker moet die speaker sodanige lid gelas om die vergaderlokaal vir die res van die vergadering te verlaat en kan hy of sy, indien nodig, sodanige lid uit die lokaal laat verwyder.

**Misdrywe**

19. (1) Enige lid of nie-lid wat—
- weier of versuim om te voldoen aan 'n lasgewing van die speaker ingevolge artikels 17 en 18; of
  - na die vergaderlokaal terugkeer voor die afsluiting van die vergadering waaraan hy of sy gelas is om te onttrek; of
  - weerstand bied terwyl hy of sy uit die vergaderlokaal verwyder word, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete.
- (2) In die geval van 'n lid kan die speaker, benewens die straf in subartikel (c), die stappe neem wat hy/sy nodig ag ingevolge die Gedragskode vir Raadslede.

**DEEL 7: REELS VIR DEBATVOERING****Lid spreek stoel aan**

20. 'n Lid wat op 'n vergadering praat, moet die stoel aanspreek en kan dit doen in enige van die drie amptelike tale van die Provinsie die Wes-Kaap.

**Orde van prioriteit**

21. (1) Wanneer 'n lid die raad wil toespreek, moet hy of sy eers die speaker se toestemming kry.
- (2) 'n Lid sal sy of haar hand opsteek om toestemming te kry 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—
- which will anticipate any matter on the agenda;
  - 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—
- to the matter before the council;
  - to any amendments to the matter before the council;
  - to a matter or an amendment proposed or to be proposed by himself or herself;
  - 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 he or she shall strictly confine himself or herself to answering previous speakers and shall not introduce any new matter into the debate.
- (3) The right of reply shall not extend to the mover of an amendment which, having been carried, has become the substantive motion.

#### 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 any amendment may however speak for five minutes on such 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 exigency 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 sonder enige onderbreking aangehoor kan word.

#### Relevansie

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

#### Reg om te praat

24. (1) 'n Lid mag net een keer praat—
- oor die aangeleentheid voor die raad;
  - oor enige amendemente van die aangeleentheid voor die raad;
  - oor 'n aangeleentheid of 'n amendement wat hy of sy self voorgestel het of gaan voorstel;
  - oor 'n punt van orde of 'n saak van voorreg,

tensy deur die speaker gemagtig of soos in hierdie reëls voorsiening gemaak.

- (2) Die voorsteller van 'n oorspronklike mosie kan oor die mosie praat en repliek lewer, maar in sy of haar repliek moet hy of sy hom of haar bepaal by die beantwoording van vorige sprekers en mag hy of sy geen nuwe aangeleentheid in die debat inbring nie.
- (3) Die reg tot repliek is nie van toepassing nie op die voorsteller van 'n amendement wat, nadat dit goedgekeur is, die substantiewe mosie geword het.

#### Lengte van toesprake

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

#### Herindiening van mosie of vraag

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

#### Kennisgewing van mosie

27. (1) Die speaker mag geen mosie, uitgesonderd 'n dringende mosie of 'n mosie van orde, aanvaar nie tensy kennis daarvan ingevolge subartikel (2) gegee is.
- (2) Elke kennisgewing van voorneme deur 'n lid om 'n mosie in te dien, moet skriftelik, gemotiveer, onderteken en gedateer wees en aan die Speaker gelewer word minstens ses werkdag voor die datum van die vergadering waarop dit ingedien gaan word.

#### Kennisgewing van vraag

28. (1) Behoudens artikel 31 mag die speaker geen vraag aanvaar nie tensy kennis daarvan ingevolge subartikel (2) gegee is.

- (2) Every notice of intention by a member to introduce a question 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.
- (3) A member who wishes to put a question to the mayor must do so in writing and submit same to the mayor at least two working days before the meeting.

#### Absence of mover or questioner

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

#### Recommendation of committee regarded as 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 in his or her absence by a member of such committee deputed by him or her to act at the time when the speaker of the meeting intimates that such recommendation is open for discussion, and no such motion need be seconded, nor shall the chairperson of such committee be thereby precluded from exercising his or her right to speak thereon.
- (2) The chairperson referred to in sub-section (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 thereon a member may ask any question relevant to such motion or amendment.
- (2) No supplementary questions may be asked except by the member asking the original question and then only in respect of matters arising out of the reply to such original question.
- (3) The speaker may not disallow any such question, provided that the member to whom such question is directed may either reply thereto forthwith or require that notice thereof be given in terms of 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:—

- (2) Elke kennisgewing van voorneme deur 'n lid om 'n vraag te stel, moet skriftelik, gemotiveer, onderteken en gedateer wees en aan die speaker gelewer word minstens ses werkdade voor die datum van die vergadering waarop dit gestel gaan word.
- (3) 'n Lid wat tydens 'n vergadering 'n vraag aan die burgemeester wil stel, moet sodanige vraag op skrif stel en dit minstens twee werksdae voor die vergadering aan die burgemeester oorhandig.

#### Afwesigheid van voorsteller of vraesteller

29. Indien die voorsteller of vraesteller nie in sy plek teenwoordig is nie op die vergadering van die raad wanneer hy of sy deur die speaker versoek word om 'n mosie in te dien of 'n vraag te stel wat op sy of haar naam op die sakelys verskyn, vervul sodanige mosie of vraag tensy die oorspronklike voorsteller of vraesteller die speaker skriftelik in kennis gestel het van 'n plaasvervanger om die mosie in te dien of die vraag te stel.

#### Aanbeveling van komitee as mosie beskou

30. (1) Die aanvaarding van 'n aanbeveling vervat in 'n verslag wat deur 'n komitee aan die raad voorgelê is, word geag deur die voorsitter van sodanige komitee voorgestel te wees of, in sy of haar afwesigheid of wanneer hy of sy sodanige aanbeveling teenstaan, deur 'n lid van sodanige komitee deur hom of haar afgevaardig om waar te neem wanneer die speaker van die vergadering te kenne gee dat sodanige aanbeveling oop is vir bespreking, en geen sodanige mosie hoef gesekondeer te word nie, en die voorsitter van sodanige komitee mag ook nie verhinder word om sy reg om daaroor te praat, uit te oefen nie.
- (2) Die voorsitter in subartikel (1) bedoel, kan egter oor die aangeleentheid praat en repliek lewer, maar in sy of haar repliek moet hy of sy hom of haar streng bepaal by antwoorde aan vorige sprekers en mag hy of sy geen nuwe aangeleenthede in die debat invoer nie.

#### Vrae

31. (1) Nadat enige mosie of amendement voorgestel en gesekondeer is of na afhandeling van enige toespraak daaroor kan 'n lid enige vraag stel wat tersaaklik is vir sodanige mosie of amendement.
- (2) Geen aanvullende vrae mag gestel word nie uitgesonderd deur die lid wat die oorspronklike vraag gestel het en dan net ten opsigte van aangeleenthede voortspruitend uit die antwoord op sodanige oorspronklike vraag.
- (3) Die speaker mag geen sodanige vraag weier nie; met dien verstande dat die lid aan wie sodanige vraag gerig is, onverwyld daarop kan antwoord of kan vereis dat kennis daarvan ingevolge artikel 29 gegee word.

#### Dringende mosie

32. (1) 'n Lid kan die aandag van die raad vestig op enige aangeleentheid wat nie op die sakelys verskyn nie en waarvan daar nie vooraf kennis gegee is nie, deur kortliks die onderwerp van die aangeleentheid te meld en sonder kommentaar daarop voor te stel "dat die mosie waarop die aandag gevestig is, onverwyld oorweeg word as 'n kwessie van dringendheid".
- (2) Sodanige mosie word hierin 'n dringende mosie genoem.
- (3) Indien sodanige mosie gesekondeer word en aangeneem word deur 'n meerderheid van die lede teenwoordig, moet die voorsteller toegelaat word om die aangeleentheid sonder kennis deur middel van 'n mosie of vraag tot oorweging te bring.

#### Mosies van orde

33. (1) Benewens die mosies waarvoor elders in hierdie reëls voorsiening gemaak word, word die volgende as mosies van orde beskou:

- (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.
- (2) 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

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

#### Withdrawal of motion, amendment or question

36. (1) A motion or amendment may without debate and with the permission of the seconder 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 re-admitted;
  - (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 matter be put to the vote;
  - (9) that the council proceed to the next business.

- (a) Dat voorrang verleen word aan die oorweging van enige bepaalde item wat op die sakelys verskyn;
- (b) dat daar kennis geneem word van enige verslag in die sakelys vermeld, of dat dit aangeneem of terugverwys word of dat daar aan die verslag uitvoering gegee word;
- (c) dat daar uitvoering gegee word aan enige dokument voor die raad op die wyse in die mosie vermeld;
- (d) dat stappe gedoen word met betrekking tot enige item wat vir oorweging voorgelê is, op die wyse in die mosie vermeld.

- (2) Enige mosie van orde hierbo en elders in hierdie reëls uiteengesit, is onderhewig aan die bepalings van artikel 12.

#### Punt van orde

34. 'n Lid kan 'n punt van orde opper om die aandag te vestig op 'n afwyking van hierdie reëls deur die bepaalde reël te noem waarop sodanige lid hom beroep, waarna sodanige lid onmiddellik gehoor verleen moet word.

#### Punt van verduideliking

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

#### Terugtrekking van mosie, amendement of vraag

36. (1) 'n Mosie of amendement kan sonder bespreking en met die toestemming van die sekondeerder en die raad deur die voorsteller teruggetrek word.
- (2) 'n Lid mag nie oor sodanige mosie of amendement praat nie nadat die raad tot die terugtrekking van sodanige mosie ingestem het.
- (3) 'n Vraag kan teruggetrek word deur die 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 final en nie oop vir bespreking nie.
- (2) Die beslissing van die speaker oor 'n punt van orde wat oor die vertolking van hierdie reëls geopper is, moet in die notule aangeteken word.

#### Volgorde van bespreking

38. Wanneer 'n mosie onder bespreking is op enige vergadering van die raad, mag geen verdere mosie ontvang word nie, uitgesonderd die volgende:
- (1) dat die mosie ge-amendeer word;
  - (2) dat die oorweging van die aangeleentheid uitgestel word;
  - (3) dat die publiek en die media uitgesluit word;
  - (4) dat die publiek en die media weer toegelaat word;
  - (5) dat die raad nou verdaag;
  - (6) dat die raad vir 'n bepaalde tyd verdaag;
  - (7) dat die debat verdaag word;
  - (8) dat die aangeleentheid tot stemming gebring word;
  - (9) dat die raad na die volgende saak oorgaan.

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**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.

**Repeal of By-laws**

40. The by-laws listed hereunder are hereby repealed:
- (a) The former Ceres Municipality: By-law relating to Procedures at Meetings—PN 1006/1988;
- (b) The former Municipality of Prince Alfred's Hamlet By-law relating to Procedures at Meetings—PN 834/1988
- (c) The former Tulbagh Municipality By-law relating to Procedures at Meetings—PN 1027/1971
- (d) The former Wolseley 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

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**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 an inconsistency between the different texts and unless the context otherwise indicates:—

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

**Dat die mosie geamendeer word**

39. (1) Elke amendement moet tersaaklik wees vir die mosie waarop dit voorgestel word.
- (2) 'n Amendement moet, indien die speaker dit verlang, skriftelik en deur die voorsteller onderteken wees en aan die speaker oorhandig word.
- (3) 'n Amendement moet gelees word voordat dit voorgestel word.
- (4) 'n Amendement mag nie bespreek of aan die raad gestel word voordat dit geskondeer is nie.
- (5) As daar meer as een amendement op 'n mosie is, word die amendement wat laaste ingedien is, eerste tot stemming gebring, en as dit aangeneem word, word die aangeleentheid dienoreenkomstig afgehandel.
- (6) Indien die amendement wat laaste ingedien is, verwerp word, word die amendement wat onmiddellik voor die laaste amendement ingedien is, tot stemming gebring.
- (7) Geen verdere amendement op 'n mosie of amendement mag ingedien word nadat die speaker begin het om sodanige mosie of amendement tot stemming te bring nie.

**Herroeping van verordeninge**

40. Die verordeninge hieronder gelys word hiermee herroep:
- (a) Voormalige Ceres Munisipaliteit: Verordening insake Prosedures by Vergaderings—PK 1006/1988;
- (b) Voormalige Munisipaliteit van Prince Alfred's Hamlet: Verordening insake Prosedures by Vergaderings—PK 834/1988;
- (c) Voormalige Tulbagh Munisipaliteit: Verordening insake Prosedures by Vergaderings—PK 1027/1971;
- (d) Voormalige Wolseley Munisipaliteit: Verordening insake Prosedures by Vergaderings—PK 876/1988.

**Kort titel en inwerkingtrede**

41. Hierdie verordening heet die Orderreëls vir die hou van vergaderings van die Witzenberg Munisipaliteit en tree in werking op die datum van publikasie daarvan in die Provinsiale Koerant.

14 Oktober 2005

31610

**WITZENBERG MUNISIPALITEIT**

**VERORDENING INSAKE STRATE**

**Doel van Verordening**

- Om die verwesening van 'n veilige omgewing te bevorder tot voordeel van inwoners binne die regsgebied van die munisipaliteit;
- Om voorsiening te maak vir prosedures, metodes en praktyke om die gebruik en aanwending van strate binne die regsgebied van die munisipaliteit te bestuur.

**Woordbepaling**

1. In hierdie verordening sluit woorde wat die manlike geslag aandui, ook die vroulike geslag in, sluit die enkelvoud die meervoud in en omgekeerd, geniet die Afrikaanse teks voorrang in die geval van 'n teenstrydigheid tussen die verskillende tekste, en tensy dit uit die samehang anders blyk, beteken:—

“diere” enige perde, muile, donkies, beeste, varke, skape, bokke, volstruise, inheemse soogdiere en enige ander wilde diere;