

# **METSIMAHOLO LOCAL MUNICIPALITY (SASOLBURG TRANSITIONAL LOCAL COUNCIL)**

## **STANDARD STANDING ORDERS**

Published in *Free State Provincial Gazette* 78 of 24 November 1995 (as amended by *Free State Provincial Gazette* 68 of 25 October 1996) and adopted by *Free State Provincial Gazette* 23 of 25 April 1997.

Adoption of Regulations: The Standard Standing Orders, as promulgated in *Provincial Gazettes* No. 78 of 24 November 1995 and No. 68 of 25 October 1996, is hereby adopted without any amendments.

The member of the Executive Council responsible for Local Government Management has, in terms of Section 148A(1) of Ordinance No. 8 of 1962, made the following Standard Standing Orders:

[Introductory paragraph amended by PG 68/1996]

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#### 1. Definitions

Words and expressions used in these Regulations have the meaning attached to it in the Ordinance and, unless the context otherwise indicates:-

- (a) **“agenda”** means a list of items for consideration at a meeting including reports on the items contained therein;
- (b) **“chairperson”** in relation to:-
  - (i) the council means the councillor contemplated in Section 60 of the Ordinance;
  - (ii) the executive committee means the chairperson of the executive committee;
  - (iii) a standing committee, means the chairperson of the standing committee;
- (c) **“councillor”** means a member of the council;
- (d) **“code of conduct”** means the code of conduct referred to in Section 16(7) of the Local Government Transition Act, 1993 (Act No. 209 of 1993);
- (e) **“Ordinance”** means the Local Government Ordinance, 1962 (Ord. No. 8 of 1962);

- (f) **“motion”** means a written proposal;
- (g) **“standing committee”** means a standing committee contemplated in Section 63(2) of the Ordinance; and
- (h) **“town clerk”** means the chief executive officer of the council and includes any person lawfully acting in his or her stead.

## **CHAPTER 1**

### **MEETINGS OF THE COUNCIL AND ITS COMMITTEES**

#### **2. Notice of meeting**

- (1) With due regard for the provisions of Sections 63(7) and 661(4) of the Ordinance notice of a meeting including the agenda for the meeting of which notice is given, shall be delivered to the address of a councillor contemplated in Section 59(3) of the Ordinance at least 48 hours before a meeting is due to commence, unless a councillor has made other arrangements with the town clerk.
- (2) Any notice delivered in terms of sub-regulation (1) shall be deemed to have been read for the purpose of the meeting to which it applies.

#### **3. Documents to be available at meetings**

The town clerk shall ensure that a copy of:-

- (a) these Regulations;
- (b) the Ordinance;
- (c) the Local Government Transition Act, 1993;
- (d) the Constitution of the Republic of South Africa, 1993; and
- (e) the council's financial Regulations shall be available at every meeting.

#### **4. Adjournment in the absence of a quorum**

- (1) If there is not a quorum present within 20 minutes after a meeting was due to commence, such a meeting shall not be held, but a continuation meeting shall be held in terms of Regulation 5.
- (2) If it is at any time during the course of a meeting suspected that there is not a quorum present:-
  - (a) the chairperson shall discontinue the proceedings immediately; and
  - (b) cause the councillors present to be counted and if the suspicion is proved, the chairperson shall instruct the town clerk to leave the meeting and to gather all councillors found within the building where the meeting is held and to request them to

return to the meeting and if there is five minutes after the town clerk had returned to the meeting still not a quorum, the chairperson shall adjourn the meeting forthwith: Provided that if the shortfall of councillors is owing to the withdrawal of one or more councillors from the proceedings in compliance with Section 50(1) of the Ordinance, the chairperson shall arrange that such a matter be dealt with at the first ensuing meeting and the unfinished business is taken into consideration.

- (3) If, at any time during the consideration of a matter that requires a majority other than a majority contemplated in Section 62(2) of the Ordinance, it is suspected that there are an insufficient number of councillors present to achieve such majority the chairperson shall:-
- (a) discontinue the consideration of that particular matter immediately; and
  - (b) cause the councillors present to be counted and if the suspicion is proved, the chairperson shall instruct the town clerk to leave the meeting and to gather all the councillors found in the building where the meeting is held and to request them to return to the meeting and if there is, five minutes after the town clerk returned to the meeting still not a sufficient number of councillors, the chairperson shall rule that the matter be held in abeyance until a sufficient number of councillors are present at that meeting and the unfinished business is dealt with:-

Provided that if the shortfall of councillors:-

- (i) is owing to the withdrawal of one or more councillors from the proceedings in compliance with Section 50(1) of the Ordinance, the chairperson shall arrange that such a matter is dealt with at the first ensuing meeting; and
  - (ii) can not be supplied in the course of the meeting, the chairperson shall, unless the councillors present decide that a meeting contemplated in Regulation 5 be held, 'arrange that such matter be dealt with at the first ensuing meeting.
- (4) If a sufficient number of councillors is present after they had been requested to return to the meeting or the chairperson had made a ruling in terms of the provisions of the proviso in sub-regulation (2) or (3)(i) the meeting shall continue forthwith: Provided that notwithstanding any provision to the contrary in these Regulations contained the councillor who was speaking when the proceedings were discontinued, is, in his or her own discretion, entitled to start his or her speech from afresh.
- (5) Any business, except any matter referred to in the proviso in sub-regulation (2) or (3)(i), which had not been dealt with at a meeting that has been adjourned in terms of the said sub-regulations shall be considered at a meeting contemplated in Regulation 5:-

Provided that any such unfinished business arising from a special meeting, shall be considered at the first ensuing ordinary meeting unless a meeting contemplated in Regulation 5 takes place before the date determined for such an ordinary meeting.

## **5. Continuation meeting**

- (1) A continuation meeting shall be held at the same time and venue as a meeting that had been adjourned in terms of Regulation 4 on a date seven days later: Provided that if the said seventh day falls on a public holiday contemplated in the Public Holidays Act, 1994 (Act No

36 of 1994), the said meeting shall take place on the first day following such a public holiday which is not a Saturday, Sunday or a public holiday.

- (2) Subject to the provisions of Regulation 2, the town clerk shall give notice of a continuation meeting.

## **6. Only matters included in the agenda are dealt with**

- (1) Subject to the provisions of sub-regulation (2) and excluding an urgent report received from a committee, no matter not included in the agenda for a particular meeting shall be dealt with at that meeting.
- (2) A councillor may at any time during a meeting, propose that sub-regulation (1) be suspended to allow discussion on any matter not included in the agenda.
- (3) A councillor contemplated in sub-regulation (2) has the right to give reasons for his or her proposal.
- (4) Notwithstanding anything to the contrary in these Regulations contained, a proposal contemplated in sub-regulation (2) shall be carried if it is adopted unanimously by all the councillors present.
- (5) Any proposal flowing from a discussion contemplated in sub-regulation (2) shall be put in writing by its introducer, signed by him or her and his or her seconder and handed to the chairperson whereupon it is dealt with according to these Regulations.

## **7. Minutes of meetings**

- (1) Unless the council or the executive committee, as the case may be, determines otherwise the minutes of any meeting shall be delivered with the notice of the ensuing meeting delivered in accordance with Regulation 2 or prior to such notice being delivered.
- (2) Minutes delivered according to sub-regulation (1) shall be deemed to have been taken as read with a view to its approval.
- (3) No proposal regarding minutes, except a proposal relating to the accuracy thereof, shall be allowed.
- (4) The minutes pertaining to any matter which the council discussed and resolved in committee shall, unless it is clearly separated from the other minutes of the council, be held separately and shall be approved in committee.

## **8. Declaration of pecuniary interest**

- (1) A councillor wishing to declare a pecuniary interest in terms of Section 50 of the Ordinance, shall do so forthwith after the item or motion in respect of which such interest exists, has been put to order.
- (2) No councillor shall speak for more than five minutes on the question of whether his or her pecuniary interest as contemplated in sub-regulation (1), is so small or remote as to render a clash of interests unlikely.

- (3) The speech contemplated in sub-regulation (2) shall not for the purpose of Regulation 30 be regarded as a speech on the item or motion under debate.

## CHAPTER 2

### COUNCIL MEETINGS

#### 9. Order of business at ordinary council meetings

- (1) Except in the circumstances contemplated in Sections 48, 55(3), 56(2), 63(7) and Section 661 (4) of the Ordinance, or Section 9 of the Code of Conduct, as the case may be, the order of business at any ordinary meeting of the council shall be as follows:-
- (a) Opening
  - (b) Applications for leave of absence
  - (c) Official announcements
  - (d) Motions of sympathy or congratulations by the chairperson
  - (e) Motions of sympathy or congratulations by other councillors
  - (f) Minutes of the previous meeting
  - (g) Questions of which notice had been given
  - (h) Motions deferred from previous meetings
  - (i) Report of the Executive Committee
  - (j) Petitions
  - (k) New motions
- (2) If a motion contemplated in sub-regulation 1(d) or (e) is contested, such a motion shall lapse without further discussion.

#### 10. Questions

- (1) A councillor may at a meeting of the council ask a question:-
- (a) regarding a matter arising from or pertaining to an item contained in a report to or of a committee when such an item is put to order;
  - (b) regarding the work of the council in general and which does not arise from or pertain to an item in a report to or of a committee:-

Provided that such a question shall only be asked if written notice of it had been delivered to the town clerk at least 10 days prior to the meeting at which it will be

asked.

- (2) The town clerk shall immediately upon receipt of a question contemplated in sub-regulation 1(b), deliver a copy thereof to the chairperson of the executive committee, the chairperson of the relevant standing committee, if any, and the chairperson.
- (3) Notwithstanding the provisions of sub-regulation (1)(b), the chairperson may allow any question to be asked during a meeting if he or she deems such a question to be in the urgent public interest: Provided that written notice of such a question in triplicate shall be given to the town clerk at least 10 minutes before it is asked and the town clerk shall provide a copy thereof to the chairperson of the executive committee and the chairperson.
- (4) A question contemplated in sub-regulation (3) and the answer thereto shall not be deemed to be a matter contemplated in Regulation 6(1): Provided that no discussion of either the question or the answer thereto is allowed.
- (5) Any councillor who asks a question contemplated in sub-regulation (1)(b) is entitled to receive a written answer in due course upon his or her request.
- (6) The chairperson may, with the concurrence of the councillor who asked the question contemplated in sub-regulation (1)(b) or (3) answer at the ensuing ordinary meeting of the council.
- (7) Subject to the provisions of sub-regulation (6) any question asked in terms of:-
  - (a) sub-regulation (1) shall be answered by the chairperson of the executive committee or a member of the executive committee designated by the chairperson or the executive committee;
  - (b) sub-regulation (3) shall be answered by the chairperson or a councillor designated by him or her.
- (8) If the answer to a question is unclear to the councillor who asked the question, he or she may ask for an explanation.
- (9) The chairperson may reject any question which he or she deems out of order or unclear.

## **11. Report of the executive committee**

- (1) A report of the executive committee contains the matters regarding which the committee made recommendations first and thereafter the matters the committee disposed of.
- (2) Unless an item is submitted for the information of the council, every matter not disposed of by the executive committee shall contain a recommendation that may be considered by the council.

## **12. Delivery of reports of the executive committee**

Except an urgent report contemplated in Regulation 6(1) any report shall be delivered with the notice of the meeting concerned.

### 13. Submission of reports of the executive committee

- (1) The chairperson of the executive committee or a member of the executive committee requested by him or her, submit a report of the executive committee for consideration by the council by proposing: "I propose that the report of the executive committee be considered" and such a proposal shall not be discussed.
- (2) Upon the proposal contemplated in sub-regulation (1) being seconded, the council shall consider the report of the executive committee.
- (3) When the report of the executive committee is considered, the chairperson put the recommendations in that part of the report not disposed of by the committee, to order one after the other.
- (4) The chairperson may alter the sequence of matters dealt with in the report of the executive committee at his or her own discretion.
- (5) The report and recommendations of the executive committee on any matter dealt with by it, shall be deemed to have been moved and seconded.
- (6) When a recommendation contemplated in sub-regulation (2) is adopted, such a recommendation becomes a resolution of the council.
- (7) Upon dispatch of the matters contemplated in sub-regulation (3) the council shall discuss the remainder of the report of the executive committee: Provided that:-
  - (a) a councillor, except the chairperson of the executive committee, notwithstanding the provisions of Regulation 31(1), shall speak 10 minutes at most on any matter;
  - (b) during such a discussion, no proposal except a proposal that the executive committee be requested to reconsider its decision, shall be made; and
  - (c) during such a discussion a councillor may request that his or her opposition against any decision of the executive committee be noted.
- (8) The chairperson of the executive committee or the member contemplated in sub-regulation (1) may, with the permission of the majority of the members of the executive committee present, which permission is granted or denied without discussion, withdraw or amend any item included in the report of the executive committee.
- (9) If the chairperson of the executive committee or member contemplated in sub-regulation (1) participated in the debate on any matter included in the report of the executive committee he or she shall conclude the debate regarding the matter:-

Provided that such chairperson or the member concerned may designate another member of the executive committee who is, in his or her opinion, more knowledgeable about the matter, to conclude the debate notwithstanding if such a member had participated in the discussion of that matter in which case the provisions of Regulation 31(2) shall apply to such member.
- (10) Any matter withdrawn in terms of sub-regulation (8) shall lapse without further discussion.



#### 14. Consideration of estimates

Subject to the council's financial Regulations but notwithstanding anything to the contrary in these Regulations contained, the following provisions shall apply during the consideration by the council of the estimates or revised estimates in terms of Section 81(2) of the Ordinance:-

- (a) A proposal that will cause an increase or decrease in the estimated revenue or expenditure shall not be voted on until discussion of the estimates had been concluded.
- (b) Upon conclusion of any discussion pertaining to the estimates, the chairperson shall put any proposal contemplated in paragraph (a) to the vote in the order they were made.
- (c) Acceptance of any proposal contemplated in paragraph (a) shall not amend the estimates until and unless the executive committee concur with such an amendment.
- (d) If any member of the executive committee who is present during the meeting do not concur with any amendment that was accepted, the meeting shall adjourn in order for the executive committee to consider any such amendment.
- (e) If the executive committee cannot come to a decision within one hour after such an adjournment, the committee shall notify the council whereupon the chairperson shall adjourn the meeting.
- (f) Any amendment considered by the executive committee on which a decision could not be reached at a meeting contemplated in paragraph (e) shall be considered at a special meeting of the executive committee.
- (g) A report of the executive committee contemplated in paragraph (f) shall be submitted for consideration at a meeting of the council contemplated in Regulation 5 or at a special meeting of the council held prior to the date contemplated in sub-regulation 5(1) if such a continuation meeting will be held after the end of the financial year concerned.
- (h) At a meeting contemplated in paragraph (g):-
  - (i) any proposal contemplated in paragraph (e) and the comments and recommendation of the executive committee there anent shall be subjected to debate; and
  - (ii) the chairperson shall put any such proposal to the vote once again and should such a proposal be adopted, the estimates shall be amended accordingly.

#### 15. Petitions

- (1) A councillor may submit a petition during a meeting but shall not make public the contents or subject of such a petition.
- (2) A petition contemplated in sub-regulation (1) shall be referred to the executive committee or the relevant standing committee, if any, who shall report thereon to the council.

#### 16. Delegations

- (1) A delegation who wishes to obtain an interview with the council shall lodge a memorandum

stating the representations it wishes to make, to the town clerk.

- (2) The town clerk shall submit a memorandum contemplated in sub-regulation (1) to:-
  - (a) the relevant standing committee, if any; or
  - (b) the executive committee in all other cases.
- (3) A standing committee may, subject to the provisions of Section 24 of the Constitution of the Republic of South Africa, 1993 (Act No 200 of 1993), interview the delegation on a date and at a time and place determined by it and shall, pursuant to such an interview, submit its report thereon to the executive committee.
- (4) The town clerk shall submit a memorandum contemplated in sub-regulation (2)(b) to the executive committee who may, if it has the authority to dispense with the matter stated in the memorandum, subject to the provisions of Section 24 of the Constitution of the Republic of South Africa, 1993 interview the delegation on a date and at a time and place determined by the committee.
- (5) If the executive committee is not authorised to dispose of the matter raised in a memorandum submitted to it, the committee shall submit a report thereon to the council who may, subject to the provisions of Section 24 of the Constitution of the Republic of South Africa, 1993 interview the delegation on a date and at a time and place determined by it.
- (6) A delegation shall consist of no more than the number of persons determined by the relevant standing or executive committee of the council, as the case may be, and during any interview only one member of the delegation may address the meeting except when a councillor asks a question whereupon any member of the delegation may answer such a question.
- (7) Save in respect of an interview contemplated in sub-regulation (3) or (4) or if a council conducts an interview contemplated in sub-regulation (5) in committee, a delegation is entitled to be present in a meeting at which its case is considered after the interview had been ended.

## 17. Motions

- (1) A councillor shall give written notice and undersign each motion he or she submits for consideration by the council: Provided that:-
  - (a) every such motion shall be lodged with the town clerk;
  - (b) no notice of a motion shall be included in an agenda unless it has, subject to the provisions of Section 63(7) or 661(4) of the Ordinance, as the case may be, been handed in 48 hours prior to the date contemplated in Regulation 2;
  - (c) no motion shall be considered unless the councillor who submitted it is present at the meeting when the motion is put to order;
  - (d) should the councillor who submitted a motion be absent from a meeting when the motion is put to order, the motion shall, subject to the provisions of Section 63(7) or 661(4) of the Ordinance, as the case may be, be held over until the ensuing ordinary

meeting;

- (e) only one motion of a councillor shall be considered at any meeting;
  - (f) any motion which:-
    - (i) contemplates the repeal or amendment of any decision taken during the preceding three months; or
    - (ii) has the same scope as any motion which had been rejected during the preceding three months; shall not be included in the agenda unless it had been signed by three councillors in addition to its introducer; and
  - (g) no motion similar to a motion contemplated in paragraph (f) shall be submitted within 6 (six) months after which it had been considered.
- (2) Motions shall be:-
- (a) consecutively numbered and shall upon receipt thereof be dated and written into a register kept for that purpose; and
  - (b) included in the agenda in the same order it had been received in: Provided that any motion which is intended to or will upon adoption have the effect that it will amend a motion, shall be included in the agenda directly following the motion it amends or will amend.
- (3) On the request of the councillor who lodged a motion, the town clerk shall acknowledge receipt thereof in writing.
- (4) A motion shall be deemed as having been submitted for a decision to the council only if the proposal that introduce the motion, is seconded properly.
- (5) The councillor who introduces the motion shall introduce the discussion thereon and have the right to reply.
- (6) A council may, notwithstanding the provisions of sub-regulation (1)(f)(i) but subject to the provisions of Section 24 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993) at any time repeal or amend a resolution upon receipt and consideration of the report of the executive committee thereon.
- (7) When motions are put to order the chairperson shall determine which of the motions are uncontested, which motions are adopted without discussion and thereupon the chairperson shall put every contested motion to the order.

## **18. Irregular motions and proposals**

The chairperson shall reject any motion or proposal:-

- (a) which, in his or her opinion:-
  - (i) will lead to the discussion of a matter which is already included in the agenda; or

- (ii) does not pertain to the governance, administration or management of or conditions in the municipality; or
- (b) regarding which:-
  - (i) the council does not have authority unless the motion or proposal, on the face of it, intends to convince the council to make representations regarding a particular matter to a body or institution which has such authority; or
  - (ii) a decision of a judicial or quasi-judicial body is being awaited; or
- (c) which is not properly seconded; or
- (d) which, if it is adopted, shall be contrary to the law or impracticable; or
- (e) which, on the face of it, is calculated to or will, if it is adopted, have the effect that a fundamental right of any person is threatened or affected, and in any case where he or she rejects a motion or proposal, he or she shall give reasons for such rejection according to this Regulation.

#### **19. Withdrawal and amendment of motions and proposals**

- (1) A councillor who introduced a motion or who made a proposal may withdraw or amend his or her motion or proposal with the permission of the council, which permission shall be granted or denied without discussion.
- (2) If permission had been granted to withdraw a motion or proposal, such a motion or proposal shall lapse without further discussion.
- (3) If permission to withdraw a motion or proposal had been denied, a councillor may speak on such a motion or proposal.

#### **20. Motion or proposal regarding the estimates**

A motion or proposal, except a recommendation of the executive committee, which will have the effect that the approved revenue or expenditure raise or decline, shall not be adopted unless and until the executive committee submitted a report and recommendations thereon to the council.

#### **21. Motions and proposals regarding Acts and Regulations**

A motion or proposal, except a recommendation of the executive committee, which affects or intends to affect the drafting or amendment of an act or a Regulation, shall, before the council considers it, be referred to the executive committee for a report and recommendations thereon.

#### **22. Proposals that may be made**

- (1) Subject to the provisions of Regulation 6(2) and 39, no proposal other than the following shall be made during discussion of any motion or proposal:-
  - (a) that the motion or proposal be amended;

- (b) that the matter be referred back to the executive committee for further consideration;
- (c) that consideration of the matter be deferred;
- (d) that the meeting be adjourned;
- (e) that the discussion be suspended;
- (f) that the matter be put to the vote;
- (g) that the council continue to the next matter:

Provided that any such proposal shall be subjected to the vote only if it had been properly seconded.

- (2) A proposal contemplated in sub-regulation (1)(a) and (b) may only be made by a councillor during his or her speech on the motion or proposal under discussion.
- (3) If a proposal contemplated in sub-regulation (1)(a) or (b) had been made, no other proposal shall be made until its introducer and seconder had addressed the council.
- (4) A proposal contemplated in sub-regulation (1)(c), (d), (e), (f) or (g) may only be made at the end of a speech by a councillor who had not participated in the debate on the motion or proposal under discussion.
- (5) A second proposal contemplated in sub-regulation (4) shall not be made within half an hour after a similar proposal on the same matter had been made and was rejected unless the chairperson is of the opinion that the circumstances have changed dramatically.
- (6) Subject to sub-regulation (2) and (3) a councillor who made a proposal contemplated in sub-regulation (1), may address the council for five minutes on his or her proposal, but the seconder shall not be permitted to speak and there is no right of reply.
- (7) The councillor who introduced the motion or proposal under discussion may, when a proposal in terms of sub-regulation (1) had been made, address the council for five minutes on the latter proposal without diminishing from his or her right to reply should the latter proposal be rejected whereupon a vote shall be taken on the proposal made in terms of sub-regulation (1) without any further discussion.
- (8) The provisions of Regulations 23 to 29 shall *mutatis mutandis* apply to any proposal made in terms of sub-regulation (1).

### **23. The motion or proposal be amended**

- (1) An amendment which is proposed in terms of Regulation 22(1)(a):-
  - (a) shall be relevant to the motion or proposal on which it is proposed;
  - (b) shall be reduced to writing, signed by its introducer and handed to the chairperson and;

- (c) shall be clearly stated to the meeting by the chairperson before it is put to the vote.
- (2) Subject to the provisions of Regulation 22(3), more than one amendment of a motion or proposal may be introduced and, save as provided in sub-regulation (5), every amendment introduced shall at the close of the debate on such motion or proposal, be put to the vote.
  - (3) If more than one amendment to a motion or proposal have been introduced, such amendments shall be put to the vote in the order in which they were introduced.
  - (4) No councillor shall introduce more than one amendment of the same motion or proposal.
  - (5) If any amendment is carried, the amended motion or proposal shall take the place of the original motion or proposal and shall then become the motion or proposal in respect of which any further proposed amendments shall be put to the vote: Provided that the chairperson may, if he or she is of the opinion that an amendment which has been carried renders another amendment unnecessary or pointless, rule that such other amendment need not be put to the vote after which the latter amendment shall lapse without further discussion.

#### **24. The matter be referred back for further consideration**

- (1) A proposal in terms of Regulation 22(1)(b) shall only be introduced in respect of a recommendation by the executive committee which is being considered by the council.
- (2) A proposal in terms of Regulation 22(1)(b) shall not be put to the vote until the chairperson of the executive committee or any member of the executive committee designated by him or her has spoken on it, and if such proposal is carried, the debate on the recommendation shall end and the council shall proceed to the next matter.

#### **25. Postponement of consideration of matter**

If a proposal contemplated in Regulation 22(1)(c), is carried to a stated date, the motion or proposal, if the matter did not arise from a recommendation of the executive committee shall be placed first among the motions or proposals contemplated in Regulation 9(1)(h), which are to be considered on the particular date, or if such a question arises from, a recommendation of the executive committee, it shall be contained in the report of that committee to the council on the day in question.

#### **26. Adjournment of meeting**

No member shall at any meeting move or second more than one proposal for the adjournment of the meeting.

#### **27. Adjournment of the debate**

- (1) if a proposal contemplated in Regulation 22(1)(e) is carried, the council shall deal with the next item on the agenda and the item in respect of which the debate has been adjourned shall, notwithstanding the provisions of Regulation 25 be placed first on the list of motions or proposals contemplated in Regulation 7(1)(h), of the ensuing meeting and the discussion thereof shall be resumed at that meeting.
- (2) On the resumption of an adjourned debate, the councillor who moved its adjournment shall be entitled to speak first.

- (3) No councillor shall move or second more than one proposal for adjournment of the same debate,

## **28. Putting the matter to the vote**

The introducer of a motion or proposal under debate shall, notwithstanding the fact that the proposal has been adopted in terms of Regulation 22(1)(f), have the right to reply in terms of Regulation 33(1) before the matter is put to the vote.

## **29. Council proceed to next business**

- (1) A proposal contemplated in Regulation 22(1)(g) may be carried unless the council is legally required to pass a resolution on a particular matter.
- (2) If a proposal in terms of Regulation 22(1)(g) is carried, the matter under discussion shall lapse without further discussion.

## **30. Precedence of chairperson**

Whenever the chairperson speaks, any councillor then speaking or offering to speak shall sit down and the persons present at the meeting shall be silent so that the chairperson may be heard without interruption.

## **31. Member to stand while speaking**

- (1) Except when the chairperson determines otherwise but with due regard for Regulation 38(2), a councillor shall stand when he or she speaks and shall address the chairperson.
- (2) If a councillor who is not speaking raises his or her hand on a point of order or to make a proposal and such councillor is seen and addressed by the chairperson, the councillor then speaking shall sit down and remain silent until the chairperson has made a ruling.

## **32. Length of speeches**

- (1) Subject to anything to the contrary in these Regulations contained, a councillor may not speak longer than 10 (ten) minutes on any motion or proposal unless the council decides otherwise.
- (2) A councillor shall not read his or her speech but may refresh his or her memory by referring to notes.
- (3) The provisions of this Regulation shall not apply to a councillor delivering the chairperson's report or in the presentation of the estimates of income and expenditure.

## **33. Councillor to speak only once**

- (1) Subject to anything to the contrary in these Regulations contained, no councillor shall speak more than once on any motion or proposal: Provided that the introducer of a motion or proposal may reply in conclusion of the debate, but shall confine him- or herself to answering to previous speakers and shall not introduce any new matter into debate.

- (2) The council may permit the chairperson of the executive committee or a councillor contemplated in sub-regulation 13(1) to make an explanatory statement prior to the consideration of any particular item contained in the report of the executive committee or during the discussion of such report, in reply to a specific question.

#### **34. Relevance**

A councillor who speaks shall direct his or her speech strictly to the matter under discussion or to an explanation or a question of order and no discussion shall be permitted:-

- (a) which will anticipate any matter on the agenda unless the chairperson has granted leave to a councillor to discuss two or more items in conjunction or the town clerk had indicated at any item included in an agenda, that that particular item should be considered in conjunction with another item; or
- (b) in respect of any matter contemplated in Regulation 18.

#### **35. Irrelevance, tedious repetition, language unbecoming and breach of order**

The chairperson shall call the attention of the councillors to irrelevance, tedious repetition, language unbecoming or any breach of order on the part of a councillor and shall direct such councillor, if speaking, to discontinue his or her speech or, in the event of persistent disregard of the authority of the chair, to retire from the meeting.

#### **36. Removal or exclusion of councillor**

- (1) If a councillor refuses to comply with a direction in terms of Regulation 35, the chairperson may direct an officer present at the meeting to remove the councillor or to cause his or her removal and to take steps to prevent his or her return to the meeting.
- (2) Subject to the provisions of Section 24 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993) the council may exclude from meetings of the council for a period not exceeding 60 (sixty) days any councillor who wilfully and persistently disregards the authority of the chairperson or who wilfully breaches the order or obstructs the business at any meeting: Provided that any councillor so excluded shall be deemed to be absent from meetings of the council with its permission.
- (3) A proposal to exclude any person may be moved at any stage of the meeting.

#### **37. Points of order and personal explanation**

- (1) For the purposes of this Regulation:-

**“a point of order”** means pointing out any deviation of or anything contrary to these Regulations or any other Regulation of the council or any law;

**“a personal explanation”** means the explanation of some material part of a councillor’s former speech which may have been misunderstood.

- (2) Any councillor, whether he or she had addressed the council on the matter under debate or not, may:-



- (a) rise to a point of order;
  - (b) give a personal explanation.
- (3) A councillor contemplated in sub-regulation (2) shall be entitled to be heard forthwith.
- (4) With regard for the provisions of Regulation 39 the ruling of the chairperson on a point of order or on the admissibility of a personal explanation shall be final and shall not be discussed.

### **38. Mode of voting**

- (1) Every motion or proposal shall be submitted to the council by the chairperson who shall, unless a councillor requests that a secret, ballot be held, call upon the councillors to indicate by a show of hands whether they are for or against it, and he or she shall thereupon declare the result of the voting.
- (2) After the chairperson has declared the result of the voting in terms of sub-regulation (1), a councillor may demand:-
- (a) that his or her vote be recorded against the decision; or
  - (b) a division;
- by rising and putting such demand to the chairperson.
- (3) When a division is determined in terms of sub-regulation (2)(b), all entrances to the council chamber shall be closed, and no councillor shall thereafter leave or enter the council chamber until after the result of the division has been declared.
- (4) After expiry of the period contemplated in sub-regulation (3):-
- (a) the motion or proposal shall again be put to the vote by the chairperson;
  - (b) the vote of each councillor shall be taken separately by name and recorded in the minutes; and
  - (c) thereafter the chairperson shall declare the result of the vote.
- (5) When a division takes place, every councillor present, including the chairperson, shall be required to record his or her vote for or against the motion or proposal.
- (6) A councillor demanding a division shall not leave the council chamber before such division has been taken.
- (7) Should there be an equality of votes in respect of a proposal, and the chairperson refuses to record his or her casting vote as contemplated in Section 62(2) of the Ordinance, the matter shall be referred back to the executive committee for consideration.
- (8) Any request that a secret ballot be conducted shall, without discussion upon seconding thereof

be deemed to be adopted as a decision of the council and a secret ballot shall thereupon be conducted according to this sub-regulation:-

- (a) for the purpose of a secret ballot the town clerk shall ensure that a sufficient supply of ballot papers which substantially comply with the following design, is available at each meeting:-

For the proposal

Against the proposal;

- (b) immediately after a request that a secret ballot be held had been seconded, the town clerk shall hand to each councillor present a ballot paper;
- (c) upon receipt of a ballot paper the councillor shall cast his or her vote by clearly marking whether he or she is for or against the proposal concerned, whereupon he or she shall fold the ballot paper once in half and hand same to the town clerk;
- (d) when all the councillors present have cast their votes and handed their ballot papers to the town clerk, the town clerk shall determine and declare the result of the ballot;
- (e) notwithstanding anything to the contrary in these Regulations contained the fact that a secret ballot was held, shall be recorded in the minutes;
- (f) any used ballot paper shall be destroyed forthwith upon conclusion of the meeting.

### **39. Interpretation of Standing Orders**

- (1) Any councillor may request that the ruling of the chairperson as to the interpretation of these Regulations be recorded in the minutes.
- (2) A councillor who has made a request in terms of sub-regulation (1), may verbally at that meeting or within five (5) days thereof in writing require the town clerk to submit the matter to the executive committee, in which event the executive committee shall consider the ruling and report thereon to the council.
- (3) The council may, on the recommendation of the executive committee, direct the ruling of the chairperson be amended or substituted.

### **40. Maintenance of order**

- (1) The chairperson may at any time during the meeting, if he or she deems it necessary for the maintenance of order, direct an officer to remove or cause the removal of any person, excluding a councillor, from the council chamber or order that the public gallery be vacated.
- (2) Any person who attends a meeting of the council shall be dressed according to the dress code determined by the council.

### **41. Council in committee**

- (1) Subject to the provisions of Sections 23 and 24 of the Constitution of the Republic of South

Africa, 1993 (Act No. 200 of 1993), a councillor may:-

- (a) at any time after an item on the agenda has been called or during consideration thereof, propose that the council resolves itself into committee in terms of Section 61 of the Ordinance for the further consideration of that item; or
  - (b) if the council is in committee as contemplated in paragraph (a), propose that for the further consideration of the item under debate, the council resolve to consider the matter, in open council.
- (2) No seconder is required for a motion in terms of sub-regulation (1).
  - (3) Notwithstanding anything to the contrary in these Regulations contained, only the councillor introducing a motion in terms of sub-regulation (1) may, for a period not exceeding five (5) minutes, speak on such motion and give the reasons why the council should resolve itself into committee or discuss the matter in open council, as the case may be.
  - (4) If the council is in committee, the provisions of these Regulations, except in so far as they are in conflict with this Regulation, shall apply.
  - (5) If the council adopts a resolution in terms of sub-regulation (1), the further debate on the item in question, whether in or out of committee, shall be deemed to be a continuation of the preceding debate on that item.
  - (6) If a proposal in terms of sub-regulation (1) is carried, the chairperson shall determine when the items concerned shall be considered and all such items shall be considered consecutively.
  - (7) At the conclusion of the consideration of items in committee, the council shall revert to the consideration of further items in open council.
  - (8) When the council resolves itself into committee, all members of the public and council officials present at such meeting except such officials as the chairperson may require to remain, shall leave the council chamber and shall not return to the council chamber for the duration of the proceedings in committee.
  - (9) The chairperson may direct an official present at the meeting to eject or cause to be ejected any person who remains in the council chamber in contravention of sub-regulation (8), or take steps to prevent the entry of any person into such chamber in contravention of that Regulation.

### **CHAPTER 3**

#### **COMMITTEE MEETINGS**

##### **42. Participation in discussion at committee meeting**

Any person requested or permitted by a committee to attend a meeting of that committee may, with the permission of the chairperson, speak at such meeting.

##### **43. Voting at meetings of committees**

- (1) When consensus on any matter cannot be obtained, the chairperson shall allow the members

of the committee to vote by show of hands: Provided that if a two-thirds majority cannot be obtained in favour of or against any proposal after such vote, the matter shall be considered de novo unless the majority of the members of the committee is in favour of a proposal that a report and recommendations regarding the matter be submitted to the executive committee or the council, as the case may be.

- (2) A member of a committee may request that his or her vote against a resolution be recorded.

#### **44. Ruling of chairperson of committee on procedure**

- (1) Subject to the provisions of sub-regulation (2), a ruling by the chairperson of committee as to procedure shall be final.
- (2) If a ruling of the chairperson of a committee is called in question, such ruling shall be discussed and revised at the next meeting of the committee concerned and for this purpose the chairperson of the committee shall vacate the chair.

#### **45. Order of business at executive committee meetings**

The order of business at an ordinary meeting of the executive committee shall be as follows:-

1. Opening
2. Applications for leave of absence
3. Official announcements
4. Minutes of the previous meeting
5. Reports of standing committees
6. Reports of the Town Clerk
7. Requests by members for reports
8. Petitions

#### **46. Penalty clause**

Any person who contravenes or fails to comply with any provision of these Regulations or who refuses to carry out or obey any instruction given in terms of Regulation 40(1) or who wilfully obstructs the carrying out of such an instruction or otherwise contravenes the provisions of the said Regulation or who fails to comply with a dress code contemplated in Regulation 40(2), shall be guilty of an offence and liable, upon conviction, to a penalty contemplated in Section 147 of the Ordinance.

### **SCHEDULE ONE**

[Schedule One deleted by PG 68/1996]