

# BEAUFORT WEST MUNICIPALITY

## Notice no. 12/2004

The Council of the Municipality of Beaufort West published the sub-joined by-law relating to the Rules of Order for meeting of the Council, for general notice.

### **RULES OF ORDER REGULATING THE CONDUCT OF MEETINGS OF THE COUNCIL OF THE MUNICIPALITY OF BEAUFORT WEST**

#### *Introduction*

Whereas the Municipality of Beaufort West is vested with Legislative Authority in terms of the Constitution of the Republic of South Africa (Act 108 of 1996),

AND WHEREAS the Municipality has the right to determine its Rules of Order for meetings of the Council,

Be it therefore enacted by the Municipality of Beaufort West as follows:-

#### **PART 1 : GENERAL**

##### **1. Definitions**

In these rules, unless inconsistent with the context—

“council” means the municipal council of Beaufort West;

“chief whip” means the whip of the ruling party in the council who must together with the other whips ensure the smooth functioning of the council, or the member so designated by political parties in council who do not enjoy an outright majority in council;

“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 ordinary and special meetings of the council;

“member” means a member of the council;

“motion” means a motion of which notice is given by a member but shall not include a motion as contemplated in sections 39 and 40;

“municipal manager” means the person appointed by council in terms of the Structures Act, or a person delegated by the municipal manager;

“party” means a party referred to in the Structures Act;

“rules” means the provisions of this by-law (alternative these rules of order);

“speaker” means the member elected as chairperson of the council or any other member acting as chairperson of the council;

“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);

“whip” means a member of a party in the council appointed by that party as whip to assist with the smooth functioning of the proceedings of the council in terms of these rules.

## **PART 2 : APPLICATION OF RULES**

### **2. Application**

- (1) These rules apply to all meetings.
- (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) These rules apply to committees of the Council unless a committee has determined its own rules and procedures.

### **3. Supplementation**

- (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**

### **4. Commencement of Meeting**

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.

### **5. Order of Business**

- (1) The business of meetings will appear in the following order on the agenda
  - (a) election of acting speaker, if necessary;
  - (b) applications for leave of absence;
  - (c) confirmation of minutes;
  - (d) statements and communications by the speaker;
  - (e) statements and communications by the mayor;
  - (f) interviews with deputations;
  - (g) consideration of reports;
  - (h) urgent matters submitted by the municipal manager;
  - (i) consideration of notices of motion;
  - (j) consideration of notices of questions;

(k) consideration of motions of exigency.

- (2) The speaker may of own volition or on request of the chief whip change the order of the business appearing on the agenda.

#### **6. Speaker May Introduce Urgent Matter**

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

#### **7. Business To Be Transacted**

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.

#### **8. Meetings**

- (1) Council must meet at least quarterly.
- (2) The speaker decides when and where the council meets, but if a majority of the members request the speaker in writing to convene a meeting, the speaker must convene a meeting at a time set out in the request.
- (3) The municipal manager must, at the direction of the speaker, give notice in writing to each member of every meeting decided upon in terms of sub-section (2).
- (4) The municipal manager must give notice to the public of the day, time and venue of every meeting by publishing a notice in a local newspaper determined by him or her; provided that he or she may depart from this requirement when time constraints make this impossible in respect of urgent meetings.

#### **9. Attendance At Meetings**

- (1) Every member attending a meeting of the council must sign his or her name in the attendance register kept for such purpose.
- (2) A member must attend each meeting except when-
- (a) leave of absence is granted in terms of section 10; or
  - (b) the member is required to withdraw in terms of law.

#### **10. Leave Of Absence**

A member who wishes to absent himself or herself from meetings must before so absenting himself or herself, obtain leave of absence from the Council, provided that the speaker, on good cause, may grant leave of absence (after the meeting and ensure that such authority is reported to the next Council meeting) **to a member who has been prevented by special circumstances from obtaining leave of absence from the Council.**

#### **11. Sanction For Non-attendance**

- (1) A member who without leave absents himself or herself from a meeting or who fails to be in attendance at the start of the meeting or fails to remain in attendance at such a meeting, is in breach of these rules.
- (2) A committee elected by council, must investigate and make a finding on any breach referred to in sub-section (1).
- (3) The committee elected by council must conduct its business in accordance with the uniform standing procedures determined by Council.
- (4) If the committee finds that a member has breached sub-section (1), the member shall be fined R100,00 for the first meeting, R200,00 for the second meeting, R300,00 for the third meeting and suspension as councillor.
- (5) A member who is absent from three or more consecutive meetings which he or she is required to attend in terms of section 9, must be removed from office.

- (6) Proceedings for the removal of a member in terms of subsection (5) or for the imposition of a fine in terms of sub-section (4), must be conducted in accordance with the uniformed standing procedure determined by the Council in terms of subsection (3).

## 12. Minutes

- (1) Minutes of the proceedings of meetings must be compiled in printed form and be confirmed by the council at the next 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 a reasonable period before the next meeting.
- (3) No motion or discussion shall be allowed on the minutes, except in connection with the correctness thereof.

## 13. Quorum

- (1) A majority of the members constitutes a quorum.
- (2) If there is no quorum at the time for which the meeting is scheduled, the speaker must take the chair as soon as a quorum is present.
- (3) Whenever there is no quorum, the start of the meeting must be delayed for no longer than 30 minutes and if 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 record the names of those members present.
- (4) Whenever the speaker is not present and there is no quorum, the start of the meeting must be delayed for no more than 30 minutes and if there is no quorum at the end of that period, no meeting shall take place and the municipal manager must record the names of the members present.
- (5) Whenever during a meeting there is no quorum, the speaker must suspend the proceedings until a quorum is again present, **provided that** if after 10 minutes there is still no quorum the speaker must adjourn the meeting.
- (6) 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.
- (7) The speaker must report the names of the absentee members to the committee established in terms of section 11 for the purposes of an investigation of a breach of these rules.

## **PART 4 : DECISIONS**

### **14. Unopposed Matters**

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

### **15. Manner of Voting**

- (1) The speaker must put every opposed motion to the vote by calling upon the members to indicate by a show of hands unless otherwise prescribed by law, whether they are for such motion or against it, whereupon he or she must declare the result of such vote.
- (2) 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 municipal manager shall ensure that such vote is recorded in the minutes.
- (3) If there is an equality of votes in respect of a motion on which voting takes place in accordance with sub-section (1) 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.

### **16. Decisions**

- (1) In accordance with the Constitution, a supporting vote of a majority of the members is necessary to decide on-
  - (a) the passing of by-laws;
  - (b) the approval of the budget;
  - (c) the imposition of rates and other taxes, levies and duties;
  - (d) the raising of loans
- (2) In accordance with the Structures Act a supporting vote of at least two-thirds of the members is necessary to adopt a decision to dissolve the council.
- (3) If more than one quarter of the members are against a motion to grant consent to a member to -
  - (a) be a party to or beneficiary under a contract for—
    - (i) the provision of goods or services to the municipality; or
    - (ii) the performance of any work otherwise than as a member for the municipality;
  - (b) obtain a financial interest in any business of the municipality; or

- (c) for a fee or other consideration appear on behalf of any other person before the council or a committee.

such consent may only be given to the member with the approval of the MEC.

- (4) All other questions are decided by a majority of votes cast.

**17. Unopposed business**

- (1) When a meeting has been in progress for not less than one hour the speaker may interrupt the proceedings and direct that the council proceed forthwith to dispose of business other than opposed business.
- (2) After the disposal of such business the proceedings shall be resumed at the point at which they were interrupted, unless all other remaining business have been adjourned until the next meeting.
- (3) An item on the agenda shall be deemed to be opposed business if a member signifies his intention to discuss such item immediately after the speaker has intimated to the meeting that such item is open for discussion; provided that no item shall be deemed to be opposed by reason only of matters being asked in connection therewith.

**PART 5 : PUBLIC ACCESS**

**18. Admittance of Public**

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

**19. Non-disclosure Of Matters**

- (1) Whenever the municipal manager, in his or her discretion, has provisionally placed any matter on a part of the agenda which will not be disclosed to the public before the meeting, the speaker, when such matters are to be considered, must:-
  - (a) direct that all members of the public leave the venue of the meeting, and
  - (b) direct that the members consider whether it would be reasonable for any of all of the items on such part of the agenda to be considered without the presence of the public, with due regard to section 160(7) of the Constitution which requires that the public and media may only be excluded from being present at a meeting only when it is reasonable to do so, having regard to the nature of the business being transacted.
- (2) The motivation for the exclusion of the public must be minuted in full.

- (3) Any items from which the public will not be excluded shall be considered directly after the procedure as set out in sub-section (1).

## **20. Exclusion of the public and media from meetings**

- (1) The public, including the media, may be excluded from the meeting:
  - (a) where so directed by the speaker in terms of section 19, or
  - (b) where so decided by council in terms of sub-section (3).
- (2) If such motion is seconded, it shall be put to the vote forthwith without discussion.
- (3) If, after due consideration by council of the reasons stated, such motion is carried, the place of meeting shall be cleared of all members of the public, including the media.

## **21. Re-admission of public and media to meetings**

- (1) 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 the reasons for such motion.
- (2) If such motion is seconded it shall be put to the vote forthwith without discussion.

## **22. Invitation to Non-member**

The speaker may invite a person who is not a member to address the council or to attend a meeting to state his or her views on a matter before the council.

## **23. Deputations**

- (1) A deputation seeking an interview with council must give the municipal manager six working days’ written notice of its intention and furnish details of the representations to be made and the source of the deputation.
- (2) The municipal manager must submit a notice in terms of sub-section (1) together with his or her comments and recommendations, to the speaker who may decide to grant or refuse an interview and under what conditions.

## **PART 6 : ORDER IN MEETINGS**

## **24. Conduct of non-members and members of the public**

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

**25. Conduct of members**

(1) If a member -

- (a) misconducts himself or herself, or
- (b) behaves in an unseemly manner, or
- (c) obstructs the business of a meeting, or
- (d) challenges the ruling of the speaker on any point of order or ruling in terms of section 3(1), or
- (e) declines to withdraw any expression when required to do so by the speaker, or
- (f) indulges in tedious repetition or unbecoming language, or
- (g) commits any breach of these rules,

the speaker shall direct such member to conduct himself or herself properly and, if speaking, to discontinue his or her speech.

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

**26. Offence**

Any non-member or member of the public who—

- (a) refuses or fails to comply with a direction of the speaker given in terms of sections 23 and 24; or
- (b) returns to the place of meeting prior to the conclusion of the meeting from which he was directed to retire; or
- (c) offers resistance whilst being removed from the place of meeting,

shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand.

**PART 7 : RULES OF DEBATE**

**27. Member to Address Chair**

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

## 28. Order of Priority

When a member wishes to address the council, he or she must first have the permission of the speaker.

## 29. Precedence of Speaker

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

## 30. Relevance

- (1) A member who speaks must direct his speech strictly to the subject or matter under discussion or to an explanation or to a point of order.
- (2) No discussion shall be permitted-
  - (a) which will anticipate any matter on the agenda;
  - (b) on any matter in respect of which a decision by a judicial or quasi-judicial body or a commission of enquiry is pending.

## 31. Right to Speak (A member may only speak once)

- (1) A member may only speak once -
  - (a) to the matter before the council;
  - (b) **to any motion before the council;**
  - (c) to any amendments to the matter (**motion**) before the council;
  - (d) to a matter (**motion**) or an amendment proposed or to be proposed by himself or herself;
  - (e) 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.

## 32. Length of speeches

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

**33. Re-introduction of motion or question**

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.

**34. Notices of motions**

- (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.

**35. Notices of questions**

- (1) Subject to section 39, the speaker may not accept any question unless notice thereof has been given in terms of sub-section (2).
- (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.

**36. Absence of mover or questioner**

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

**37. Motions and questions on matters dealt with by committee**

- (1) A member may not give notice of a motion or question in regard to any matter assigned to a committee unless such motion or question has previously been submitted to such committee or unless it is in the form of a reference to such committee for consideration and report.
- (2) The chairman of a committee may, if he or she is of opinion that the matter is one of urgency, give notice of his or her intention to introduce a motion or ask a question on a matter assigned to such committee notwithstanding the fact that such motion or question has not received the prior consideration of such committee.

**38. Recommendation of committee regarded as motion.**

- (1) The adoption of a recommendation contained in a report submitted by a committee to the council shall be deemed to have been moved by the chairman of such committee or in his or her absence or when he or she opposes such recommendation by a member of such committee deputed by him or her to act at the time when the speaker of the meeting intimates that such recommendation is open for discussion, and no such motion need be seconded, nor shall the chairman of such committee be thereby precluded from exercising his right to speak thereon.
- (2) **The chairperson referred to in subsection (1), may, however, speak on the matter and reply but in replying he or she shall strictly confine himself or herself to answering previous speakers and shall not introduce any new matter into the debate.**

**39. Questions**

- (1) After any motion or amendment has been moved and seconded or at the conclusion of any speech thereon a member may ask any question relevant to such motion or amendment.
- (2) No supplementary questions may be asked except by the member asking the original question and then only in respect of matters arising out of the reply to such original question.
- (3) The speaker may not disallow any such question, provided that the member to whom such question is directed may either reply thereto forthwith or require that notice thereof be given in terms of section 34.

**40. Motion of exigency**

- (1) A member may direct the attention of the council to any matter which does not appear on the agenda and of which no previous notice has been given, by stating briefly the subject of the matter and without comment thereon moving "that the motion to which attention has been directed be considered forthwith as a matter of exigency."
- (2) Such motion is herein referred to as a motion of exigency.
- (3) If such motion is seconded and carried by a majority of the members present, the mover shall be permitted without notice to bring the matter under consideration by way of motion or question.

**41. Motions of course**

In addition to those provided for elsewhere in these rules, the following shall be regarded as motions of course:—

- (i) That precedence be given to the consideration of any particular item appearing on the agenda;
- (ii) that any report referred to in the agenda be noted, adopted, acted upon or referred back;
- (iii) that any document before the council be acted upon in the manner specified in the motion;
- (iv) that action be taken in regard to any item submitted for consideration in the manner specified in the motion.

**42. Points of order**

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.

**43. Points of explanation**

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

**44. Withdrawal of motion, amendment or question**

- (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.

**45. Speaker's ruling on points of order and explanation**

- (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.

**46. Order of debate**

When a motion is under debate at any meeting of the council no further motion shall be received during that discussion except the following:—

- (i) that the motion be amended;
- (ii) that the consideration of the matter be postponed;

- (iii) that the public and the media be excluded;
- (iv) that the public and the media be re-admitted;
- (v) that the council do now adjourn;
- (vi) that the council adjourn for a specified time;
- (vii) that the debate be adjourned;
- (viii) that the matter be put to the vote;
- (ix) that the council proceed to the next business.

**47. That the motion be amended**

- (1) Every amendment shall be relevant to the motion on which it is moved.
- (2) An amendment shall, if required by the speaker, be in writing, signed by the mover and handed to the speaker.
- (3) An amendment shall be read before being moved.
- (4) An amendment shall not be discussed or put to the council until it has been seconded.
- (5) If there are 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.

**48. That consideration of the matter be postponed.**

- (1) A member may at the conclusion of a speech move that the consideration of the matter be postponed to a fixed or undetermined date.
- (2) Such motion must be seconded but need not be in writing, provided that the seconder shall not be permitted to speak. The mover shall be permitted to speak to the motion for a period not exceeding five minutes and the seconder shall not speak except for seconding the motion.
- (3) Upon such motion being made the mover of the matter under debate may (without prejudice to his or her ultimate right of reply if the motion that the matter be postponed be not carried) be heard in reply for five minutes, after which the motion shall be put without further debate.
- (4) If the motion is carried, the matter shall be placed first on the agenda of matters to be considered at the meeting to which it has been

postponed, provided that sections 5(2) and (3) shall not apply to such matter.

**49. That the council do now adjourn to another date**

- (1) A member who has not already participated in the debate on the matter then before the meeting may at any time except during the course of a speech by another member or while a vote is being taken move “that the council do now adjourn to another date”.
- (2) Such motion must be seconded but need not be in writing. NOTE : Ditto.
- (3) The mover shall be permitted to speak to the motion for a period not exceeding five minutes but the seconder shall not speak except for seconding the motion. NOTE : Ditto.
- (4) If the motion is carried the council shall forthwith adjourn; provided that the speaker may direct that the meeting proceed first to dispose of business other than opposed business.
- (5) If the motion is not carried the speaker shall not accept another such motion until the period of half an hour has elapsed.
- (6) Save as is provided in sub-section (3), no discussion on such motion shall be permitted, except that a member who has first indicated as such, may speak in opposition of the motion for not more than five minutes.
- (7) No amendment to such motion may be moved except in relation to the period of adjournment.
- (8) If a motion to adjourn a meeting has been carried during a debate and prior to the conclusion thereof then upon consideration of the matter forming the subject of such debate the adjourned meeting the member who moved the adjournment shall be entitled to speak first.
- (9) No business shall be transacted at an adjourned meeting except such as was set out in the agenda for the meeting of which it is an adjournment.

**50. That the council adjourn for a specified time**

- (1) A member (*or whip*) may at any time except during the course of a speech by another member or while a vote is being taken move “that the council now adjourn for a specified time, up to one hour”.
- (2) Such motion need not be in writing.

(3) If the motion is carried the council shall forthwith adjourn for the specified time.

(4) The speaker may limit the number of such motions.

**51. That the debate be adjourned**

(1) A member who has not yet participated in a debate the before the meeting may at the conclusion of any speech move that the debate be adjourned.

(2) Such motion must be seconded but need not be in writing. NOTE : Ditto.

(3) The mover of such motion may speak to it for five minutes, but the seconder may not speak beyond formally seconding it. NOTE : Ditto.

(4) Save as is provided in sub-section (3) no discussion may be permitted on such motion except in relation to the period of adjournment and that the member who first rises in his/her place for that purpose may speak in opposition thereto for five minutes.

(5) If such motion is carried, the meeting proceeds to the next business on the agenda, and the discussion of the adjourned debate, unless otherwise resolved, is resumed at the next meeting.

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

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

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

**52. That the matter be put to the vote**

(1) A member who has not yet participated in a debate on a matter then before the meeting may during such debate, at the conclusion of any speech, move that the matter be now put to the vote.

(2) Subject to the provisions of sub-section (3), no motion put in terms of sub-section (1) shall be open to discussion.

(3) The mover of a matter under discussion may, when a motion has been put in terms of sub-section (1), speak on such motion for not more than five minutes, whereupon the said motion shall be put to the vote without any further discussion.

**53. That the matter be removed from the agenda**

- (1) A member who has not yet participated in the debate on a matter then before the meeting may during such debate, at the conclusion of any speech, move that the matter be removed from the agenda.
- (2) Subject to the provisions of sub-section (3), no motion put in terms of sub-section (1) shall be open to discussion.
- (3) The mover of a matter under discussion may, when a motion has been put in terms of sub-section (1), speak on such motion for not more than five minutes, whereupon the said motion shall be put to the vote without any further discussion.
- (4) If such a motion is carried, the matter under discussion shall not be further pursued.

#### **PART 8 : LEGISLATIVE PROCESS**

##### **54. Introduction of draft by-laws**

A draft by-law may only be introduced by a member or the committee.

##### **55. Introduction by member**

- (1) A member introduces a draft by-law by submitting it together with a memorandum on the objects of the by-law to the speaker.
- (2) The speaker must on receipt of a draft by-law, present it together with any comments received in terms of sub-section (3), to the executive mayor for consideration.
- (3) The speaker must obtain the comments of the municipal manager on the contents of the draft by-law and may solicit the comments of any person.
- (4) The executive mayor must within 3 months of receipt of a draft by-law from the speaker, consider the matter and submit a report to the council in the form referred to in section 57(1).

##### **56. Introduction by executive committee**

- (1) A committee may on own volition or after considering a request from the municipal manager introduce a draft by-law.
- (2) If the executive mayor on own volition decides to introduce a draft by-law, he/she shall obtain the comments of the municipal manager on the contents thereof and may solicit the comments of any person thereon.

- (3) The committee must submit the draft by-law, together with any comments received in terms of sub-section (2), to the executive mayor for consideration.
- (4) The executive mayor shall submit, within (3) three months, a report on its proposal to introduce a draft by-law to the council in the form referred to in section 57(1).

#### **57. First introduction to council**

- (1) A draft by-law introduced by a member or the executive committee shall be reported to the Council in the following form -
  - (a) an executive summary of the draft by-law,
  - (b) a memorandum on the objects of the by-law,
  - (c) the need to regulate the conduct proposed in the draft by-law,
  - (d) the contents of the proposed by-law,
  - (e) other by-laws that must be repealed or amended if the draft by-law is adopted,
  - (f) any relevant comments or proposals, and
  - (g) a recommendation
- (2) Council after considering the report referred to in sub-section (1) must decide to either reject the proposed by-law or to provisionally pass it.
- (3) When a proposed by law has been rejected by the council no by-law of the same substance may be introduced within a period of 6 months from the date of rejection.
- (4) When a proposed by-law has been provisionally passed, it must be advertised for public comment.

#### **58. Publication**

- (1) The municipal manager must as soon as possible after council has provisionally passed a by-law, publish the draft by-law for public comment in the Courier and Notice Boards within the area of jurisdiction of Beaufort West Municipality in such a manner that the public will have the opportunity to make representations with regard thereto.
- (2) The publication must be in the 3 official languages of the province, namely. Afrikaans, English and Xhosa.

#### **59. Second introduction to council**

- (1) The municipal manager must as soon as possible after the closing date for public representations, submit a report to the executive mayor together with,

- (i) a copy of the proposed by-law;
  - (ii) copies of the advertisements in which the public was invited to make representations;
  - (iii) any comments received from the public; and
  - (iv) any other comments from the administration
- (2) The executive mayor must consider the report by the municipal manager and advise the council to either pass the by-law, pass the by-law in an amended form or reject it
- (3) When a draft by-law has been rejected by the council no by-law of the same substance may be introduced within a period of 6 months from the date of rejection.
- (4) When a proposed by-law has been passed, it must be advertised in the Provincial Gazette.

**60. Debate Procedure**

The rules pertaining to debate also apply to the legislative process.

**61. Revocation**

That the Standard B-law Relating to the Procedure and Maintenance of Order at meetings, PN 411/1998 dated 20 May 21988 and accepted by Council on 18 December 2000, which Council was established in terms of Establishment Notice PN 413/2000dated 28 August 2000, be repealed.

Municipal Office  
15 Church Street  
**Beaufort West**  
6970

**D.E. Welgemoed**  
**Municipal Manager**