

NOTICE 117 OF 2017

STANDING ORDERS, 2012

By-law No. 12,2012

BY-LAW**As Amended by the Standing Orders Amendment By-Law 2017**

To provide for standing orders for the dispatch of business by the Council of the Dawid Kruiper Municipality; and for matters connected therewith.

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to provide for standing orders for the dispatch of business by its Council in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:

Definitions

1. In this By-law, unless the context otherwise indicates -

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

"**budget**" means the estimate of the revenue and expenditure of the Council drawn up and presented by the Mayoral Committee in terms of national legislation;

"**chairperson of the Mayoral Committee**" means the Mayor;

"**Council**" means the Municipal Council of the Municipality;

"**Executive Mayor**" means an executive mayor elected in terms of section 55 of the Act;

"**Mayoral Committee**" means the committee as contemplated by section 60 of the Act;

"**meeting**" means a meeting of the Council or the Mayoral Committee, as the case may be;

"**member**" means a member of the Council or the Mayoral Committee, as the case may be;

"**motion**" means a motion introduced in writing in terms of section 21 or 50;

"Municipal Manager" means the person appointed as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal Systems Act, 2000";

"Municipality" means the Dawid Kruiper Municipality;

"proposal" means any proposal with the exception of a motion, moved and seconded during a meeting of the Council or a committee thereof; and

"Speaker" means the Speaker of the Council as contemplated in sections 36 and 37 of the Act; and

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

Removal of persons from Council Chamber

2. The Speaker may, subject to section 160(7) of the Constitution, at any time during a meeting, if for the maintenance of order, he or she deems it necessary, direct the removal of any person other than a member from the Council chamber.

Signing of attendance register and wearing of robe during meetings

3. Every member attending a meeting shall -
 - (a) sign his or her name in the attendance registers; and
 - (b) wear a robe, if the Council so resolves, which robe is provided for that purpose.

Adjournment in event of no quorum

4. If at the expiration of fifteen minutes after the hour at which a meeting is appointed to be held a quorum has not assembled, no meeting shall take place unless the members present agree to allow further time not exceeding an additional ten minutes in order to enable a quorum to assemble. The members present may, at any time after the expiry of the ten minutes aforesaid, request the Speaker to convene a meeting at a convenient date and time, notice of which shall be given as provided for in section 115 of the Systems Act, and the provisions of section 7 shall apply *mutatis mutandis* to such meeting.

Count out of members

5. If during any meeting, the attention of the Speaker is directed to the number of members present, such members shall be counted and, if it is found that there is no quorum, the Speaker shall cause this fact to be recorded in the minutes and the call bell to be rung for at least one minute and, if after an interval of five minutes a quorum has not yet assembled, the members present may by a majority of votes resolve to adjourn the meeting. If no such resolution be taken and after an interval of ten minutes there is no quorum, the meeting shall be considered adjourned until a time to be determined by the Speaker.

Notice of adjourned meeting

6. When a meeting is adjourned, notice of the adjourned meeting shall be served as provided for in section 115 of the Systems Act.



Adjourned meeting

7. Subject to the provisions of section 8, no business shall be transacted at an adjourned meeting, except such as specified in the notice of the meeting which is adjourned.

Business limited by notice

8. Subject to the provisions of section 50(1), no matter not specified in the notice of a meeting shall be transacted at that meeting, save an urgent report of the Mayoral Committee.

Order of business of meeting

9. (1) The order of business of an ordinary meeting shall be as follows:
- (a) Opening;
 - (b) Acceptance of notice of the meeting as read;
 - (c) Applications for leave of absence;
 - (d) Official notices -
 - (i) by the Speaker;
 - (ii) by members;
 - (iii) by the Municipal Manager;
 - (e) Speaker's unopposed proposals;
 - (f) Confirmation of minutes of previous meeting;
 - (g) Questions of which notice has been given;
 - (h) Motions or proposals referred from previous meetings;
 - (i) Report of the Mayoral Committee;
 - (j) New motions;
 - (k) Petitions;
 - (l) Closure.
- (2) After the matters referred to in paragraphs (a) to (f) of subsection (1) have been considered, the Council may at its discretion change the order of the other business appearing on the agenda.

Minutes of meeting

10. (1) Unless the minutes of a meeting are confirmed at the same meeting, the minutes shall be taken as read with a view to confirmation:

Provided a copy thereof has been served on each member in the manner as provided for in section 115 of the Systems Act, at least 24 hours before the commencement of the meeting.

- (2) No motion, proposal or discussion shall be allowed on the minutes, except as to their accuracy.

Questions by members

11. (1) A member may put a question at a meeting -
- (a) on a matter arising out of or connected with any item of a report of the Mayoral Committee when such item has been called or during discussion thereon;
- (b) concerning the general work of the Council not arising out of or connected with any item of a report of the Mayoral Committee:


Provided that such question may only be asked if at least seven day's prior notice in writing has been lodged with the Municipal Manager, who shall forthwith furnish a copy thereof to the Speaker and the Chairperson of the Executive Committee.

- (2) A question on a matter which, in the opinion of the Speaker, is of urgent public importance, shall only be asked at a meeting after notice in writing thereon in duplicate has been lodged with the Municipal Manager at least ten minutes before the commencement of the meeting, and the Municipal Manager shall immediately furnish a copy thereof to the Speaker and the chairperson of the Mayoral Committee.
- (3) Any question put in terms of this section shall be replied to by or on behalf of the chairperson of the Mayoral Committee and/or Speaker.
- (4) After a member's question has been replied to, he or she may ask for elucidation thereof and the question whether it has been decisively or fully replied to shall not be debated, except with the consent of the Speaker.
- (5) The Speaker may disallow a question if he or she is of the opinion that it is out of order or not put clearly.

Reporting to the Mayoral Committee

12. (1) A report of a head of department shall be directed to the Municipal Manager who must submit it to the Mayoral Committee.
- (2) The Municipal Manager may refer a report back to a head of department for factual amendment or amplification and he or she may, if he or she deems it necessary, comment on and make a recommendation in respect of any report contemplated in subsection (1).

Composition of a report of the Mayoral Committee

13. (1) A report submitted by the Mayoral Committee in terms of the Act, read with section 160(6)(a) to (c) of the Constitution, shall first contain the matters in respect of which recommendations are made (hereinafter referred to as the "*first part*") and thereafter those matters which have been delegated to -
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- (a) the Mayoral Committee; and
 - (b) committees contemplated in section 79 of the Act.
- (2) Unless any item is submitted to the Council for information only, every item of the first part shall contain a recommendation which may be adopted by the Council.

Report shall be delivered

14. A report of the Mayoral Committee, with the exception of a report accepted by the Speaker as a matter of urgency, shall be delivered in the manner provided for in the Act.

Submission on report

15. (1) The chairperson of the Mayoral Committee or member called upon by him or her to do so, shall submit a report of the Executive Committee, and in doing so, shall move:
- "that the report be considered",*
- (2) A proposal referred to in subsection (1) shall not be discussed, and if the Council accepts such proposal, the Speaker shall put the recommendations contained in the first part of the report seriatim, unless for a good cause he or she sees fit to vary the order.
- (3) When a recommendation referred to in subsection (2) is accepted, it shall become a resolution of the Council.
- (4) At the conclusion of the first part of the report referred to in subsection (2), the Speaker shall permit discussion of the ensuing parts of the report:

Provided that -

- (a) such discussion shall be limited to -
 - (i) one hour in respect of the matters contemplated in section 13(1)(a); and
 - (ii) 30 minutes per part in respect of the matters contemplated in section 13(1)(b);
- (b) a member, excluding the chairperson of the Mayoral Committee, shall not, unless permitted by the Council, speak for more than ten minutes, and when a member is permitted to speak for more than ten minutes, the Council shall decide on the period of time;
- (c) during such discussion, no other proposal shall be submitted, except a proposal that the Mayoral Committee or a committee contemplated in subsection 13(1)(b), as the case may be, be requested to reconsider its decision;
- (d) a member may during such discussion request that his or her opposition to any resolution in such ensuing part, and the reason therefore, be recorded,

whereupon the Municipal Manager shall record or have such opposition recorded.

Recommendations of Mayoral Committee shall be regarded as proposals

16. It shall be deemed that the member who has made a proposal in terms of section 15, moves each recommendation contained in the report and that such proposal has been seconded.

Withdrawal or amendment of recommendation

17. The member who has made a proposal in terms of section 15, may withdraw or amend any recommendation contained in a report with the consent of the Council.

Reply to debate

18. (1) The chairperson of the Mayoral Committee or the member who has made a proposal in terms of section 15, shall reply to and close the debate on any item in a report of the Mayoral Committee, without introducing new matters.
- (2) Notwithstanding the provisions of subsection (1), the Speaker or the member therein mentioned may make an explanatory statement or an announcement prior to the consideration of any particular item contained in the report of the Mayoral Committee or during the discussion of such a report.

Deputation

19. (1) (a) A deputation desiring an interview with the Council shall submit a memorandum setting out the representations it wishes to make.
- (b) The Municipal Manager shall place the memorandum before the Mayoral Committee which may receive the deputation and deal with the matter raised in the memorandum in terms of the power delegated to it:
- Provided that the Mayoral Committee may dispense with the necessity of submitting a memorandum.
- (c) If the Mayoral Committee is of the opinion that the matter is one which should be placed before the Council, it shall so report to the Council and, if the Council so orders, an interview shall be granted to the deputation.
- (2) A deputation shall not exceed three in number and only one member thereof shall be at liberty to speak, except in reply to a question of a member. The matter shall not be further considered until the deputation has withdrawn.

Petition

20. A petition may be presented by a member, but when presenting it, he or she shall not deliver a speech or comment thereon to the Council. Such a petition shall be referred to the Mayoral Committee who shall report to Council thereon.

Form of giving notice of motion

21. (1) Every notice of motion shall be in writing and such motion shall be signed by the member submitting it.
- (2) A motion shall be given to the Municipal Manager, who shall enter it in a book to be kept for this purpose, which book shall be open to the inspection of members. The

Municipal Manager shall without delay furnish each member with a copy of the motion.

- (3) At the request of the member who gave notice of the motion, the Municipal Manager shall acknowledge receipt thereof in writing.
- (4) Unless a notice of motion is received at least ten days before a meeting, it shall not be specified in the notice of such meeting.
- (5) Every motion shall be relevant to some question relating to the administration or conditions in the Municipality.
- (6) The member who introduces a motion may reply: Provided that when a proposal in terms of section 43(1)(b), (c), (d), (e), (f) or (g) is carried in respect of such motion, such member may reply for not more than ten minutes.

Order of motions

22. Every motion shall on receipt be dated and numbered and shall be entered by the Municipal Manager to the agenda in the order in which it is received, except in the case of notice of an amendment, which shall be entered immediately after such notice of motion, irrespective of the time upon which notice of motion to amend is received.

Urgent Motions

23. (1) Any member of a meeting can submit an urgent motion in the meeting, which motion must be handed to the Speaker when the meeting commence. The Speaker must request a seconding for the motion. The motion shall only serve in the meeting where a majority of the members in attendance vote for the matter to serve.
- (2) The provisions of sections 21, 22, 25, 26, 27, 28 and 33 is *mutatis mutandis* applicable to a motion in term of this section.

Limitation of notices

24. No member shall have more than one motion other than a deferred motion on the agenda paper and no member shall move more than six motions, which includes a motion contemplated in section 50(1), in any year.

Motion to rescind any resolution passed within the preceding three months

25. (1) When a member proposes a motion in terms of the provisions of section 21 which -
 - (a) is aimed at the revocation or amendment of a resolution of the Council taken within the preceding three months; or
 - (b) has the same purport as a motion which has been negative within the preceding three months, such motion shall be placed on the agenda only if the notice of such a motion is signed by three members in addition to the member who proposes such motion.
- (2) A motion similar to the one which was disposed of in terms of subsection (1), shall not again be proposed by a member before the expiry of six months after such disposal.

- (3) Notwithstanding the provisions of subsections (1) and (2), the Council may at any time rescind or amend a resolution in pursuance of a recommendation of the Mayoral Committee contained in a report in accordance with section 15.

Procedure In respect of putting of motions

26. (1) When motions come up for discussion, the Speaker shall read out the number of each motion and the name of the mover and shall ascertain which motions are unopposed.
- (2) An unopposed motion shall be carried immediately and without discussion.
- (3) If there is an opposed motion, the Speaker shall call for a seconder and he or she shall thereafter in turn put each such seconded motion.
- (4) A member who seconded a motion may subsequently speak upon such motion unless a proposal in terms of subsection 43(1)(b), (c), (d), (e), (f) or (g) in respect of such motion has been made and carried before the seconder has spoken.
- (5) A motion which is not put by the proposer thereof, or which is not seconded, shall lapse.

Irregular motions or proposals

27. The Speaker shall disallow a motion or proposal -
- (a) which in his or her opinion-
- (i) might lead to the discussion of a matter already contained in the agenda or which is not relevant to some question relating to the administration or conditions in the Municipality; or
- (ii) advances argument, expresses an opinion or contains unnecessary factual, incriminating, derogatory or improper allegations;
- (b) in respect of which -
- (i) the Council has no jurisdiction; or
- (ii) a decision by a judicial or quasi-judicial body is pending; or
- (c) which, if carried, will be in conflict with the provisions contained in these Standing Orders or of any other law, or will be unenforceable.

Matter serves before Council by way of proposal

28. (1) Subject to the provisions of sections 15(2) and 16, a matter shall not be deemed to be put to the Council for a decision, unless a proposal on such matter has been made and duly seconded.
- (2) The provisions of section 25(4) shall apply *mutatis mutandis* to a member seconding a proposal.

Provisions relating to the consideration of the budget



29. Notwithstanding anything to the contrary contained herein, the following provisions shall apply when the Council considers the budget:
- (a) A proposal, which will have the effect that estimated revenue or expenditure of the Council is increased or decreased, shall not be put before the debate on the budget has been closed.
 - (b) After the debate on the budget has been closed the Speaker shall put every proposal contemplated in paragraph (a) seriatim.
 - (c) If any such proposal is accepted, the budget shall not be deemed to be amended in accordance with that resolution and the meeting shall be postponed to a date and time determined by the Speaker.
 - (d) After a postponement contemplated in paragraph (c), the Mayoral Committee shall investigate the implication of every such resolution and shall report to the Council thereon at the resumption of the meeting. The postponement intends to provide the Executive Mayor an opportunity to assess the full impact, particularly financial impact, of such a decision in order to report to the subsequent meeting where the proposed amendments are to be debated.
 - (e) After the Mayoral Committee has reported in terms of paragraph (e), the Speaker shall-
 - (i) allow a debate thereon;
 - (ii) thereafter again put every proposal contemplated in paragraph (c) and if any such proposal is accepted, the budget shall be amended in accordance with that resolution.

Referral to Mayoral Committee of proposal affecting budget

30. A motion or proposal, other than a proposal contemplated in section 16, which will have the effect that the approved budget is increased or decreased, shall not be accepted before the Mayoral Committee has reported thereon.

Referral to the Mayoral Committee of motion or proposal affecting any matter contemplated in section 30(5) of the Act

31. A motion or proposal, other than a recommendation of the Mayoral Committee, affecting a matter contemplated in section 30(5) of the Act shall, before the Council adopts a resolution thereon, be submitted to the Executive Committee to report and make a recommendation thereon.

Withdrawal or amendment of motion or proposal

32. (1) A mover may, with the Council's permission, withdraw or amend a motion or proposal, and only the mover shall be allowed to explain his or her request for such permission.
- (2) After permission has been requested in this way, no further discussion shall be held on the respective motion or proposal and the permission requested shall be granted or refused without further discussion.

Addressing the meeting



33. A member may sit when speaking and shall address the Speaker.

Precedence of Speaker

34. Whenever the Speaker speaks, any member then speaking or offering to speak shall sit down, if standing, and the members are to be silent so that the Speaker may be heard without interruption.


Length of speeches

35. (1) Subject to the provisions of sections 15 and 43, a member may not speak for longer than ten minutes:

Provided that -

- (a) a member who submits a motion may speak for a period not exceeding fifteen minutes when elucidating his or her motion; and
 - (b) the Council may permit a speech to be continued for a further period or periods of 5 minutes.
- (2) The Council may waive the provisions of subsection (1) in regard to a statement made with the consent of the Council by the chairperson or any other member of the Mayoral Committee in relation to any matter arising from a report.
- (3) A member participating in any debate may, during the course of his or her speech, refer to notes, but he or she shall not be permitted to read his or her speech. The Speaker may require a member reading his or her speech to discontinue his or her speech.
- (4) The provisions of this section shall not apply to-
- (a) the chairperson of the Mayoral Committee, when he or she presents the budget and opens the debate thereon;
 - (b) the chairperson of the Mayoral Committee, when he or she or a member of that committee designated by him or her, delivers the budget speech, or replies to the debate in connection with the consideration of the budget;
 - (c) the chairperson of the Mayoral Committee, when he or she closes the debate in connection with the consideration of the budget; and
 - (d) the person, who in terms of section 18(1), replies to and closes the debate contemplated in that section.

Relevance

36. (1) A member who speaks, shall direct his or her speech strictly to the matter under discussion or to an explanation or to a point of order.
- (2) The Speaker shall not allow a discussion -
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- (a) which will anticipate any matter on the agenda; or
- (b) on any matter in respect of which a decision by a judicial or quasi-judicial body is pending.

Irrelevance, repetition and breach of order

37. (1) If, in the opinion of the Speaker, a member -
- (a) does not abide by the provisions of section 35(1) or is guilty of irrelevance or tedious repetition while he or she addresses the Council, the Speaker may direct him or her to abide by the said provisions or to discontinue such irrelevancies or tedious repetition;
 - (b) endeavours a discussion in breach of section 35(2), the Speaker shall direct him or her to cease that discussion;
 - (c) while he or she is in the Council chamber and irrespective of whether he or she addresses the Council -
 - (i) uses offensive or unbecoming language;
 - (ii) makes an incriminating, libellous or derogatory remark, allegation or insinuation in respect of another member or person;
 - (iii) breaches the order or disregards the authority of the Speaker; or
 - (iv) is improperly dressed, the Speaker shall direct such member to cease or remedy such conduct immediately.
- (2) If a member fails to comply with a direction contemplated in subsection (1), the Speaker may-
- (a) in a case contemplated in subsection (1)(a) or (b), direct the member concerned to discontinue his or her speech; or
 - (b) in a case contemplated in subsection (1)(c), direct the member concerned to withdraw from the meeting for the further duration thereof.

Chairperson may have member removed

38. (1) Should any member fail to comply with a direction given in terms of section 36(2)(a) or (b), the Speaker may call upon an officer to remove the member and to take steps to ensure that the member does not return to the meeting.
- (2) Section 36(1)(c), 36(2) and subsection (1) shall *mutatis mutandis* be applicable to a member of the public.

Exclusion of members

39. (1) The Council may exclude from meetings of the Council, for such period as it may fix, but not exceeding forty-five days, a member who wilfully disregards the authority of the Speaker or who wilfully obstructs the business at any meeting:

Provided that the member concerned may, within 7 days from the Council meeting at which the exclusion decision was taken, direct an appeal in writing to the

Executive Mayor, who must convene a special Council meeting to consider the appeal within 7 days from date of receiving such appeal.

- (2) The Council at the said special meeting may confirm, reject or amend the original Council resolution.
- (3) In the considering of the appeal, the Council must comply with the rules of natural justice.
- (4) A proposal to exclude a member may be moved at any stage of the meeting.

Member to speak only once

- 40. (1) Subject to any provisions to the contrary, or the prior approval of the Speaker, no member shall speak more than once on any motion or proposal and the Speaker's decision whether or not to allow the member to speak again, is final and shall not be open for discussion.
- (2) The provisions of subsection (1) shall not apply to a member of the Mayoral Committee when the Council considers the budget.

A point of order and personal explanation

- 41. (1) Any member may rise to a point of order or explanation, but such explanation shall be confined to the material content of his or her former speech.
- (2) Such a member shall be called upon to speak forthwith.

Speaker's ruling on a question of order

- 42. The ruling of the Speaker on a point of order or on the admissibility of an explanation shall be final and shall not be open for discussion.

Mode of voting

- 43. (1) Every opposed motion or proposal shall be submitted to the Council by the Speaker who shall call upon the members to indicate by a show of hands, unless the Council decides otherwise, whether they are for or against it or abstained from it, and he or she shall thereupon declare the result of the voting.
- (2) After the Speaker has declared the result of the voting in accordance with subsection (1), a member may demand-
 - (a) that his or her vote be recorded against a decision; or
 - (b) a division by rising and putting such demand to the Speaker.
- (3) When a division has been duly demanded in accordance with subsection (2)(b), the Speaker shall accede thereto; the division bell shall be rung for at least one minute, whereupon every entrance to the Council chamber shall be closed, and no member shall leave or enter the Council chamber until the result of the division has been declared.



- (4) After the expiry of the period of time referred to in subsection (3), the Speaker shall again put the motion or proposal to the vote as provided in subsection (5) and thereafter declare the result of the division.
- (5) A division shall take place as follows: The Municipal Manager shall read out the name of each member alphabetically. Each member shall indicate by means of a clearly audible "*for*" or "*against*" or "*abstained*", whether he or she votes in favour of or against or abstained on the motion or proposal and the Municipal Manager shall record each such vote, as well as the name of each absent member.
- (6) When a division takes place in accordance with the preceding provisions, every member present, including the Speaker, shall be obliged to record his or her vote for or against the motion or proposal or abstained.
- (7) member demanding a division shall not leave the Council chamber before such division has been taken.
- (8) Should there be an equality of votes in respect of a motion or proposal on which voting takes place in accordance with subsection (1) or (4), the Speaker shall record his or her casting vote as contemplated in section 30(4) of the Act.

Proposals which may be made

44. (1) When a motion or proposal is under debate at a meeting, no further proposal shall be received, except a proposal -
- (a) that the motion or proposal be amended;
 - (b) that consideration of the question be postponed;
 - (c) that the meeting be adjourned;
 - (d) that the debate be adjourned;
 - (e) that the question be put;
 - (f) that the Council proceeds to the next matter;
 - (g) that the question be referred back for further consideration;
 - (h) that, for the purpose of dealing with the matter, the Council resolves itself in committee in terms of section 54; or
 - (i) that the consideration of the matter be held over until the Council has dispatched all the other matters on the agenda:

Provided that the proposals referred to in paragraphs (b) to (g), may not be made to the Council until the mover of the motion or proposal under debate has spoken thereon:

Provided further that a second proposal in terms of paragraphs (b) to (f) shall not be made within half an-hour of a similar proposal under the same

item, unless, in the opinion of the Speaker, the circumstances are materially altered.

- (2) A member who has not participated in the debate or proposal may, during that debate at the conclusion of any speech, move -
 - (a) that consideration of the question be postponed to any stated date; or
 - (b) that the meeting be now adjourned: Provided that the meeting shall not be adjourned until the debate on a motion or proposal has first been adjourned; or
 - (c) that the debate be adjourned.
- (3) A member who has made a proposal mentioned in subsection (2) may speak thereon for not more than five minutes, but the seconder shall not be allowed to speak thereon.
- (4) Upon a proposal mentioned in subsection (2) being made, the mover of the question under debate may speak on such proposal for not more than 5 minutes and subsequently the proposal shall be put without further debate.

Consideration of a matter to be held over

45. A member who makes a proposal in terms of section 43(1)(i), may speak thereon for not more than 3 minutes, but the seconder shall not be allowed to speak thereon, and thereafter the proposal shall be put to the vote without further debate.

Amendment of a motion or proposal

46. (1) An amendment which is moved shall be relevant to the motion or proposal on which it is moved.
- (2) Such amendment shall be reduced to writing, signed by the mover and handed to the Speaker.
- (3) An amendment shall be clearly stated to the meeting by the Speaker before it is put.
- (4) (a) Whenever an amendment upon a motion or proposal has been moved and seconded, no further amendment shall be moved until a resolution has been adopted upon which a further amendment may be moved.
- (b) If the amendment is carried, the amended motion or proposal shall take the place of the original motion or proposal and shall become the substantive motion or proposal upon which an amendment may be moved.
- (5) A member shall not move more than one amendment of a proposal or motion.
- (6) The mover of an amendment of a proposal or motion shall have no right to reply.

Postponement of consideration of question



47. If a motion is carried that the consideration of the question be postponed to a stated date, the motion or proposal shall be placed first among the motions or proposals to be contained in the report of that committee to the Council on the day in question.

Adjournment of meeting

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

Adjournment of the debate

49. (1) If the proposal that the debate be adjourned is carried, the Council shall deal with the next question appearing on the agenda and the question in respect of which the debate has been adjourned, shall be placed first on the list of motions or proposals of the next meeting and the discussion thereof shall be resumed at that meeting.
- (2) On resuming an adjourned debate, the member who moved its adjournment shall be entitled to speak first.
- (3) No member shall move or second more than one proposal for the adjournment of the same debate.

Putting of the question

50. (1) Subject to the provisions of subsection 43(1), a member who has not participated in the debate on a motion or proposal may, at the conclusion of a speech, move that the question be now put.
- (2) Subject to the provisions of subsection (3), a proposal made in terms of subsection (1) shall not be open to discussion.
- (3) The mover of a question under debate may, when a proposal has been made in terms of subsection (1), speak on such a proposal for not more than five minutes and subsequently the proposal shall be put without further discussion.

The Council shall proceed to next business

51. (1) Subject to the provisions of subsection 43(1), a member who has not participated in the debate on a motion or proposal may, at the conclusion of a speech, move that the Council do now proceed to the next matter.
- (2) Subject to the provisions of subsection (3), a proposal made in terms of subsection (1) shall not be open to discussion.
- (3) The mover of a question under discussion may, when a proposal has been made in terms of subsection (1), speak on such proposal for not more than 5 minutes, and subsequently the proposal shall be put without any further debate.
- (4) If a proposal made in terms of subsection (1) is carried, the question under discussion shall be dropped.

Question to be referred back for further consideration



52. (1) When a recommendation of the Mayoral Committee is before the Council, a member may move that the question be referred back to the Mayoral Committee for further consideration.
- (2) The mover of such a proposal shall have no right of reply.
- (3) Such a proposal shall not be put until the provisions of section 18 have been complied with.
- (4) If such a proposal is carried, the debate on the recommendation shall end and the Council shall proceed to the next matter.

Suspension of section 8

53. (1) Notwithstanding anything to the contrary contained in these Standing Orders, but subject to the provisions for this section, a member may move at an ordinary meeting or an adjournment thereof, that the provisions of section 8 be suspended to enable him or her to propose a motion whereof notice could not be given in terms of section 21 owing to the urgency thereof.
- (2) The proposal and motion referred to in subsection (1) shall be reduced to writing, shall be signed by the proposer and at least one seconder and shall be handed to the Speaker at least 10 minutes before the commencement of the meeting whereat it is proposed to move the proposal and motion, unless the Speaker allows a shorter period of time.
- (3) The Speaker shall disallow both if he or she could have disallowed such motion in terms of section 26.
- (4) Immediately before the report of the Mayoral Committee is submitted in terms of section 15, the Speaker shall make known that a proposal and motion in terms of subsection (1), if any, have been handed to him or her and whether he or she is disallowing or allowing them, and in the event of them being allowed whether they shall be proposed before or after the dispatch of the report of the Mayoral Committee.
- (5) If the Speaker allows the proposal and motion in terms of subsection (4), the member concerned shall, when called upon to do so by the Speaker, read out the motion and after he or she has spoken on only the reason for the urgency of the consideration of that motion for not more than 5 minutes, which includes the reading of the motion, he or she shall propose that the provisions of section 8 be suspended.
- (6) The seconder of the proposal and motion contemplated in subsection (1) shall not speak on them, except to formally second them.
- (7) The proposal to suspend shall be deemed to be carried if the members voting in favour thereof constitute a majority of all the members of the Council.
- (8) If the proposal to suspend is carried, the motion shall be deemed to be duly put and thereafter the debate thereon shall proceed in accordance with the provisions of these Standing Orders.

Interpretation of Standing Orders

54. (1) (a) Any member may request the ruling of the Speaker as to the interpretation of the Standing Orders to be embodied in the minutes, and a register of such rulings shall be kept by the Municipal Manager.
- (b) The Speaker shall sign the entry of each ruling given by him or her.
- (2) A member who has made a request in terms of subsection (1) may, during that meeting orally or within 5 days thereof, in writing require the Municipal Manager to submit the matter to the Mayoral Committee and in such event the Mayoral Committee shall consider the ruling and report thereon to the Council.

Discussion of matter in committee

55. (1) When a member moves that the Council resolve itself in committee to consider a matter on the agenda, including a proposal in terms of subsection 52(1), he or she may speak on such proposal for not more than 3 minutes, but the seconder shall not speak thereon.
- (2) After a proposal contemplated in subsection (1) has been carried, the Speaker shall, after consideration if it is reasonable and necessary to protect the rights of the person or subject under discussion, order the press, the public and every other person whose presence will in his or her opinion not be required during the discussion, to leave the Council chamber, and upon satisfying himself or herself that his or her order has been complied with, he or she shall put the matter concerned again.
- (3) A discussion of a matter in committee shall not suspend any other provisions of these Standing Orders.
- (4) If, after the Council has dispatched the matters dealt with in committee, there still remain other matters on the agenda, the Speaker shall allow the press, the public and others to re-enter the Council chamber.
- (5) Any decision by the Council to resolve itself in committee must be taken with due consideration of section 160(7) of the Constitution.

Quorum of the Council or the Council as committee

56. The quorum of the Council and the committee shall be a majority of all the members of the Council and/or the committee.

Resignation of seat on committee

57. Any member of a committee who wishes to resign his or her seat on the committee, shall submit his or her resignation to the Municipal Manager in writing and thereafter such resignation may not be withdrawn. The Municipal Manager should refer the resignation to the Mayoral Committee, where after it shall be referred to Council.

Filling of a vacancy on a committee

58. Every vacancy on a committee, other than the Mayoral Committee, shall be notified by the Mayoral Committee to the Council not later than the second meeting after the meeting of the committee at which such vacancy is notified and the Council may fill the vacancy.

Filling of a vacancy on a committee during absence of a member

59. When any member who is not a member of the Mayoral Committee is granted leave of absence from a meeting of a committee, the Council may appoint another member to act during his or her absence on any committee on which the absent member serves.

Dates and times of Mayoral Committee meetings

60. (1) The Speaker shall fix the dates, times and venues of meetings.
- (2) No meeting of the Mayoral Committee shall be held during a meeting of the Council without the Council's consent.

Notice of Mayoral Committee meetings

61. (1) The Speaker shall issue a notice calling a meeting of the Mayoral Committee and specify the business to be entertained by that committee.
- (2) The notice shall be delivered to each member of that committee or left at his or her business or residential address or e-mail at least 24 hours before the commencement of any ordinary meeting and should the notice accidentally not be so delivered or left, the validity of the meeting shall not be affected thereby.

Attendance registers for Mayoral Committee meetings

62. (1) The Municipal Manager shall keep an attendance register in which every member of the Mayoral Committee attending a meeting of that committee shall sign his or her name.
- (2) Any member who is not an Mayoral Committee member shall whenever he or she attends a meeting of that committee, enter his or her name in the attendance register and shall write after his or her name the words "*not a member*".

Participation in discussions at Mayoral Committee meeting

63. Any person requested or allowed by the Mayoral Committee to attend a meeting of such committee may, with the permission of the chairperson of the Mayoral Committee, speak thereat.

No quorum at Mayoral Committee meeting

64. If, after expiration of ten minutes after the time at which a meeting of the Executive Committee is due to commence there is no quorum, the meeting shall be held on a day and at an hour determined by the Speaker.

Manner of voting at meetings of Mayoral Committee

65. The chairperson of the Mayoral Committee shall allow the members of the Executive Committee to vote by show of hands and any member of that committee then present and voting may call for a division in which event the provision of section 42(5), (6) and (7) shall apply *mutatis mutandis*:

Provided that no provision hereof shall affect the right of any member to have his or her vote recorded against the resolution.

Approval of minutes of Mayoral Committee meeting

66. (1) At any ordinary meeting of the Mayoral Committee, after considering applications for leave of absence, the minutes of any previous meeting of the committee not yet confirmed shall be read, approved with or without amendments and signed by the chairperson of the Mayoral Committee.
- (2) The minutes mentioned in subsection (1) may be taken as read if they have been open to inspection of the members of the committee not less than an hour prior to the commencement of the meeting:

Provided that the minutes shall be read if a member so required, unless the committee decides to defer consideration thereof until its next meeting:

Provided further that if the minutes have been circulated in a manner as provided for in section 115 of the Systems Act, it shall not be competent for any member to require them to be read, unless a majority of the members present so resolves.

Minutes may be held over owing to pressure of work

67. The minutes of a meeting of the Mayoral Committee may owing to pressure of work or any other appropriate reason be held over for confirmation at any subsequent meeting.

Discussion of minutes of Mayoral Committee meeting

68. No proposal or discussion shall be allowed upon the minutes, except as to their accuracy.

Reports may be supplied to press

69. The Municipal Manager may, on application being made to him or her by any registered newspaper, supply the agenda of the Council to a representative of such newspaper at the commencement of a meeting:

Provided that the Mayoral Committee or the Executive Mayor may instruct him or her not to supply any particular agenda or item in an agenda or to withhold it until the conclusion of the relevant meeting.

Exclusion of members disclosing documents

70. (1) A member who publishes or discloses or causes to be published or disclosed any document or record of the Council or of the proceedings of any committee of the Council or of the Council in committee, relating to a matter referred to in section 10 of the Code of Conduct for Councillors as annexed as Schedule 1 to the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), shall be guilty of a contravention of this subsection.
- (2) The Council may exclude for such period, but not exceeding 45 days, as it may determine, any member who in its opinion is guilty of a contravention of subsection (1): Provided that the appeal procedures contemplated in section 38 shall *mutatis mutandis* apply to the provisions of this section.
- (3) If a member attends any meeting despite a decision in terms of subsection (2) to exclude such member, the Speaker may call upon an officer to remove such member and to take steps to ensure that such member does not return to the meeting.

Return of attendance of meetings



71. (1) The Municipal Manager shall prepare annually a return on the number of Council meetings attended by each member and of the number of meetings of the Mayoral Committee, attended by each member of such committee.
- (2) The Municipal Manager shall include the return in the agenda of the ordinary meeting to be held in January of each year.

Secretariate

72. (1) The Municipal Manager shall be responsible for the effective functioning of the activities of the Council and its committees.
- (2) The Municipal Manager may designate a number of officers in the fulltime employ of the Municipality to serve as a secretariate for the Council.
- (3) The Municipal Manager may assign a function such as the taking of minutes or the distribution of documents to any member of the secretariate, but shall remain responsible to the Council for the effective execution of any function entrusted to him or her by or under these Standing Orders.

Short title

73. This By-law shall be called the Standing Orders, 2012.
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DAWID KUIPER MUNICIPALITY

STANDING ORDERS AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

[] Words in bold type and square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Standing Orders By-Law, 2012; to provide for the substitution of the name "//Khara Hais", wherever it appears; to provide for the insertion of a preamble; to provide for matters connected therewith;

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kuiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kuiper Municipality Standing Orders By-law, 2012:

1. The Dawid Kuiper Municipality: Standing Orders By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kuiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kuiper Municipality;

WHEREAS the Dawid Kuiper Municipality intends to provide for standing orders for the dispatch of business by its Council in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kuiper Municipality as follows:"

Amendment of section 1 of the Dawid Kruiper Municipality: Standing Orders By-Law, 2012.

2. Section 1 of the principal By-Law is hereby amended:
- (a) by the substitution for the definition of "budget" of the following definition:
"budget" means the estimate of the revenue and expenditure of the Council drawn up and presented by the [Executive Committee] Mayoral Committee in terms of national legislation;"
 - (b) by the substitution for the definition of "chairperson" of the following definition:
"chairperson of the [Executive Committee] Mayoral Committee " means the [Mayor] Executive Mayor;"
 - (c) by the deletion of the definition of "Executive Committee"
 - (d) by the insertion after the definition of "Council" of the following definition:
"Executive Mayor" means an executive mayor elected in terms of section 55 of the Act;"
 - (e) by the deletion of the definition of "Mayor"
 - (f) by the insertion after the definition of "Executive Mayor" of the following definition:
"Mayoral Committee" means the committee as contemplated by section 60 of the Act"
 - (g) by the substitution for the definition of "meeting" of the following definition:
"meeting" means a meeting of the Council or the [Executive Committee] Mayoral Committee, as the case may be;"
 - (h) by the substitution for the definition of "member" of the following definition:
"member" means a member of the Council or the [Executive Committee] Mayoral Committee, as the case may be;"
 - (i) by the deletion of the definition of "Municipality"
 - (j) by the substitution for the definition of "Municipal Manager" of the following definition:
"Municipal Manager" means the person appointed [in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)] as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal Systems Act, 2000."
 - (k) by the insertion before the definition of "proposal" of the following definition:
"Municipality" means the Dawid Kruiper Municipality".

Amendment of section 8 of the Dawid Kruiper Municipality: Standing Orders By-Law, 2012:

3. Section 8 of the principal By-Law is hereby amended:
- (a) by the substitution for the words "Executive Committee" of the following words:
"Subject to the provisions of section 50(1), no matter not specified in the notice of a meeting shall be transacted at that meeting, save an urgent report of the [Executive Committee] Mayoral Committee."

Amendment of section 9 of the Dawid Kruiper Municipality: Standing Orders By-Law, 2012:

4. Section 9(1)(i) of the principal By-Law is hereby amended:
- (a) by the substitution for the words "Executive Committee" of the following words:
"Report of the [Executive Committee] Mayoral Committee."

Amendment of section 11 of the Dawid Kruiper Municipality: Standing Orders By-Law, 2012:

5. Section 11(1)(a) of the principal By-Law is hereby amended:
- (a) by the substitution for the words "Executive Committee" of the following words:
"on a matter arising out of or connected with any item of a report of the [Executive

Committee] Mayoral Committee when such item has been called or during discussion thereon."

6. Section 11(1)(b) of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:

"concerning the general work of the Council not arising out of or connected with any item of a report of the [Executive Committee] Mayoral Committee: Provided that such question may only be asked if at least seven day's prior notice in writing has been lodged with the Municipal Manager, who shall forthwith furnish a copy thereof to the Speaker and the chairperson of the [Executive Committee] Mayoral Committee."
7. Section 11(2) of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:

"A question on a matter which, in the opinion of the Speaker, is of urgent public importance, shall only be asked at a meeting after notice in writing thereon in duplicate has been lodged with the Municipal Manager at least ten minutes before the commencement of the meeting, and the Municipal Manager shall immediately furnish a copy thereof to the Speaker and the chairperson of the [Executive Committee] Mayoral Committee."
8. Section 11(3) of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:

"Any question put in terms of this section shall be replied to by or on behalf of the chairperson of the [Executive Committee] Mayoral Committee and/or Speaker."

Amendment of section 12 of the Dawid Kruiper Municipality: Standing Orders By-Law, 2012:

9. Section 12(1) of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:

"Reporting to the [Executive Committee] Mayoral Committee

A report of a head of department shall be directed to the Municipal Manager who must submit it to the [Executive Committee] Mayoral Committee."

Amendment of section 13 of the Dawid Kruiper Municipality: Standing Orders By-Law, 2012:

10. Section 13(1) of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:

"Composition of a report of the [Executive Committee] Mayoral Committee

A report submitted by the [Executive Committee] Mayoral Committee in terms of the Act, read with section 160(6)(a) to (c) of the Constitution, shall first contain the matters in respect of which recommendations are made (hereinafter referred to as the "first part") and thereafter those matters which have been delegated to-

- (a) the [Executive Committee] Mayoral Committee; and
- (b) committees contemplated in section 79 of the Act"

Amendment of section 14 of the Dawid Kruiper Municipality: Standing Orders By-Law, 2012:

11. Section 14 of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:

"A report of the [Executive Committee] Mayoral Committee, with the exception of a report accepted by the Speaker as a matter of urgency, shall be delivered in the manner provided for in the Act."

Amendment of section 15 of the Dawid Kruiper Municipality: Standing Orders By-Law, 2012:

12. Section 15(1) of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:

"The chairperson of the [Executive Committee] Mayoral Committee or member called upon by him or her to do so, shall submit a report of the [Executive Committee] Mayoral Committee, and in doing so, shall move:
"that the report be considered"."
13. Section 15(4)(b) of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:

"a member, excluding the chairperson of the [Executive Committee] Mayoral Committee, shall not, unless permitted by the Council, speak for more than ten minutes, and when a member is permitted to speak for more than ten minutes, the Council shall decide on the period of time;"
14. Section 15(4)(c) of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:

"during such discussion, no other proposal shall be submitted, except a proposal that the [Executive Committee] Mayoral Committee or a committee contemplated in subsection 13(1)(b), as the case may be, be requested to reconsider its decision;"

Amendment of section 16 of the Dawid Kruiper Municipality: Standing Orders By-Law, 2012:

15. Section 15(1) of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:

"**Recommendations of [Executive Committee] the Mayoral Committee shall be regarded as proposals**"

Amendment of section 18 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

16. Section 18(1) of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:

"The chairperson of the [Executive Committee] Mayoral Committee or the member who has made a proposal in terms of section 15, shall reply to and close the debate on any item in a report of the [Executive Committee] Mayoral Committee, without introducing new matters."
17. Section 18(2) of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:

"Notwithstanding the provisions of subsection (1), the Speaker or the member therein mentioned may make an explanatory statement or an announcement prior to the consideration of any particular item contained in the report of the [Executive Committee] Mayoral Committee or during the discussion of such a report."

Amendment of section 19 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

18. Section 19(1)(b) of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:

"The Municipal Manager shall place the memorandum before the [Executive Committee] Mayoral Committee which may receive the deputation and deal with the matter raised in the memorandum in terms of the power delegated to it: Provided that the [Executive Committee] Mayoral Committee may dispense with the necessity of submitting a memorandum."
19. Section 19(1)(c) of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:

"If the [Executive Committee] Mayoral Committee is of the opinion that the matter is one which should be placed before the Council, it shall so report to the Council and, if the Council so orders, an interview shall be granted to the deputation."

Amendment of section 20 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

20. Section 20 of the principal By-Law is hereby amended:
- (a) by the substitution for the words "Executive Committee" of the following words:
"A petition may be presented by a member, but when presenting it, he or she shall not deliver a speech or comment thereon to the Council. Such a petition shall be referred to the [Executive Committee] Mayoral Committee who shall report to Council thereon."

Amendment of section 25 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

21. Section 25(3) of the principal By-Law is hereby amended:
- (a) by the substitution for the words "Executive Committee" of the following words:
"Notwithstanding the provisions of subsections (1) and (2), the Council may at any time rescind or amend a resolution in pursuance of a recommendation of the [Executive Committee] Mayoral Committee contained in a report in accordance with section 15."

Amendment of section 29 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

22. Section 29(d) of the principal By-Law is hereby amended:
- (a) by the substitution for the words "Executive Committee" and "mayor" of the following words:
"After a postponement contemplated in paragraph (c), the [Executive Committee] Mayoral Committee shall investigate the implication of every such resolution and shall report to the Council thereon at the resumption of the meeting. The postponement intends to provide the [mayor] Executive Mayor an opportunity to assess the full impact, particularly financial impact, of such a decision in order to report to the subsequent meeting where the proposed amendments are to be debated."
23. Section 29(e) of the principal By-Law is hereby amended:
- (a) by the substitution for the words "Executive Committee" of the following words:
"After the [Executive Committee] Mayoral Committee has reported in terms of paragraph (e), the Speaker shall –
 - (i) allow a debate thereon;
 - (ii) thereafter again put every proposal contemplated in paragraph (c) and if any such proposal is accepted, the budget shall be amended in accordance with that resolution."

Amendment of section 30 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

24. Section 30 of the principal By-Law is hereby amended:
- (a) by the substitution for the words "Executive Committee" of the following words:

"Referral to [Executive Committee] the Mayoral Committee of proposal affecting budget

A motion or proposal, other than a proposal contemplated in section 16, which will have the effect that the approved budget is increased or decreased, shall not be

accepted before the [Executive Committee] Mayoral Committee has reported thereon."

Amendment of section 31 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

25. Section 31 of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:

"Referral to the [Executive Committee] Mayoral Committee of motion or proposal affecting any matter contemplated in section 30(5) of the Act

A motion or proposal, other than a recommendation of the [Executive Committee], Mayoral Committee affecting a matter contemplated in section 30(5) of the Act shall, before the Council adopts a resolution thereon, be submitted to the [Executive Committee] Mayoral Committee to report and make a recommendation thereon."

Amendment of section 35 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

26. Section 35(2) of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:
"The Council may waive the provisions of subsection (1) in regard to a statement made with the consent of the Council by the chairperson or any other member of the [Executive Committee] Mayoral Committee in relation to any matter arising from a report."

27. Section 35(4)(a) of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:
"the chairperson of the [Executive Committee] Mayoral Committee, when he or she presents the budget and opens the debate thereon;"

28. Section 35(4)(b) of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:
"the chairperson of the [Executive Committee] Mayoral Committee, when he or she or a member of that committee designated by him or her, delivers the budget speech, or replies to the debate in connection with the consideration of the budget;

29. Section 35(4)(c) of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:
"the chairperson of the [Executive Committee] Mayoral Committee, when he or she closes the debate in connection with the consideration of the budget; and"

Amendment of section 39 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

30. Section 39(1) of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Mayor" of the following words:
"The Council may exclude from meetings of the Council, for such period as it may fix, but not exceeding forty-five days, a member who willfully disregards the authority of the Speaker or who willfully obstructs the business at any meeting: Provided that the member concerned may, within 7 days from the Council meeting at which the exclusion decision was taken, direct an appeal in writing to the [Mayor] Executive Mayor, who must convene a special Council meeting to consider the appeal within 7 days from date of receiving such appeal."

Amendment of section 40 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

31. Section 40(2) of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:



"The provisions of subsection (1) shall not apply to a member of the [Executive Committee] Mayoral Committee when the Council considers the budget."

Amendment of section 52 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

32. Section 52(1) of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:
"When a recommendation of the [Executive Committee] Mayoral Committee is before the Council, a member may move that the question be referred back to the [Executive Committee] Mayoral Committee for further consideration."

Amendment of section 53 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

33. Section 53(4) of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:
"Immediately before the report of the [Executive Committee] Mayoral Committee is submitted in terms of section 15, the Speaker shall make known that a proposal and motion in terms of subsection (1), if any, have been handed to him or her and whether he or she is disallowing or allowing them, and in the event of them being allowed, whether they shall be proposed before or after the dispatch of the report of the [Executive Committee] Mayoral Committee."

Amendment of section 54 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

34. Section 54(2) of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:
"A member who has made a request in terms of subsection (1) may, during that meeting orally or within 5 days thereof, in writing require the Municipal Manager to submit the matter to the [Executive Committee] Mayoral Committee and in such event the [Executive Committee] Mayoral Committee shall consider the ruling and report thereon to the Council."

Amendment of section 57 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

35. Section 57 of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:
"Any member of a committee who wishes to resign his or her seat on the committee, shall submit his or her resignation to the Municipal Manager in writing and thereafter such resignation may not be withdrawn. The Municipal Manager should refer the resignation to the [Executive Committee] Mayoral Committee, where after it shall be referred to Council."

Amendment of section 58 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

36. Section 58 of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:
"Every vacancy on a committee, other than the [Executive Committee] Mayoral Committee, shall be notified by the [Executive Committee] Mayoral Committee to the Council not later than the second meeting after the meeting of the committee at which such vacancy is notified and the Council may fill the vacancy."

Amendment of section 59 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:



37. Section 59 of the principal By-Law is hereby amended:
- (a) by the substitution for the words "Executive Committee" of the following words:
- "When any member who is not a member of the [Executive Committee] Mayoral Committee is granted leave of absence from a meeting of a committee, the Council may appoint another member to act during his or her absence on any committee on which the absent member serves."

Amendment of section 60 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

38. Section 60 of the principal By-Law is hereby amended:
- (a) by the substitution for the words "Executive Committee" of the following words:

"Dates and times of [Executive Committee] Mayoral Committee meetings"

39. Section 60(2) of the principal By-Law is hereby amended:
- (a) by the substitution for the words "Executive Committee" of the following words:
- "No meeting of the [Executive Committee] Mayoral Committee shall be held during a meeting of the Council without the Council's consent."

Amendment of section 61 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

40. Section 61(1) of the principal By-Law is hereby amended:
- (a) by the substitution for the words "Executive Committee" of the following words:

"Notice of [Executive Committee] Mayoral Committee meetings"

The Speaker shall issue a notice calling a meeting of the [Executive Committee] Mayoral Committee and specify the business to be entertained by that committee."

Amendment of section 62 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

41. Section 62(1) of the principal By-Law is hereby amended:
- (a) by the substitution for the words "Executive Committee" of the following words:

"Attendance registers for [Executive Committee] Mayoral Committee meetings"

The Municipal Manager shall keep an attendance register in which every member of the [Executive Committee] Mayoral Committee attending a meeting of that committee shall sign his or her name."

42. Section 62(2) of the principal By-Law is hereby amended:
- (a) by the substitution for the words "Executive Committee" and "an" of the following words:

"Any member who is not [an] a [Executive Committee] Mayoral Committee member shall whenever he or she attends a meeting of that committee, enter his or her name in the attendance register and shall write after his or her name the words "not a member"."

Amendment of section 63 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

43. Section 63 of the principal By-Law is hereby amended:
- (a) by the substitution for the words "Executive Committee" of the following words:



"Participation in discussions at [Executive Committee] the Mayoral Committee meeting

Any person requested or allowed by the [Executive Committee] Mayoral Committee to attend a meeting of such committee may, with the permission of the chairperson of the [Executive Committee] Mayoral Committee, speak thereat."

Amendment of section 64 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

44. Section 64 of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:

"No quorum at [Executive Committee] the Mayoral Committee meeting

If, after expiration of ten minutes after the time at which a meeting of the [Executive Committee] Mayoral Committee is due to commence there is no quorum, the meeting shall be held on a day and at an hour determined by the Speaker."

Amendment of section 65 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

45. Section 65 of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:

"Manner of voting at meetings of [Executive Committee] the Mayoral Committee

The chairperson of the [Executive Committee] Mayoral Committee shall allow the members of the [Executive Committee] Mayoral Committee to vote by show of hands and any member of that committee then present and voting may call for a division in which event the provision of section 42(5), (6) and (7) shall apply *mutatis mutandis*: Provided that no provision hereof shall affect the right of any member to have his or her vote recorded against the resolution."

Amendment of section 66 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

46. Section 66(1) of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:

"Approval of minutes of [Executive Committee] the Mayoral Committee meeting

At any ordinary meeting of the [Executive Committee] Mayoral Committee, after considering applications for leave of absence, the minutes of any previous meeting of the committee not yet confirmed shall be read, approved with or without amendments and signed by the chairperson of the [Executive Committee] Mayoral Committee."

Amendment of section 67 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

47. Section 67 of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:
"The minutes of a meeting of the [Executive Committee] Mayoral Committee may be owing to pressure of work or any other appropriate reason be held over for confirmation at any subsequent meeting."

Amendment of section 68 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

48. Section 68 of the principal By-Law is hereby amended:



- (a) by the substitution for the words "Executive Committee" of the following words:
"Discussion of minutes of [Executive Committee] the Mayoral Committee meeting"

Amendment of section 69 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

49. Section 69 of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" and "Mayor" of the following words:
"The Municipal Manager may, on application being made to him or her by any registered newspaper, supply the agenda of the Council to a representative of such newspaper at the commencement of a meeting: Provided that the [Executive Committee] Mayoral Committee or the [Mayor] Executive Mayor may instruct him or her not to supply any particular agenda or item in an agenda or to withhold it until the conclusion of the relevant meeting."

Amendment of section 71 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

50. Section 71(1) of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:
"The Municipal Manager shall prepare annually a return on the number of Council meetings attended by each member and of the number of meetings of the [Executive Committee] Mayoral Committee, attended by each member of such committee."

Amendment of section 73 of the Dawid Kruiper Municipality: Standing Orders By-Law, 2012:

51. The following section is hereby substituted for section 73 of the principal By-Law:

"73. This By-Law is called Dawid Kruiper Municipality: Standing Orders Amendment By-Law, [2012]

