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**LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**

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**LOCAL AUTHORITY NOTICE 125 OF 2016****MAKHADO LOCAL MUNICIPALITY  
STANDING RULES OF ORDER**

The Council for **Makhado Local Municipality** adopted the following bylaws at its meeting held on **14 July 2016** in terms of section 165 (2) of the Constitution of the Republic of South Africa (Act No. 108 of 1996) read with section 31 (2) of the Local Government: Municipal Structures Act, 1998 and hereby publishes the bylaws in terms of section 13 (a) of the Local Government: Municipal Systems Act, 2000 to come into effect on the date of publication hereof in the Provincial Gazette.

By virtue of this Notice, Council also gives notice that the Rules and Orders, 2007 promulgated under Local Authority Notice 228 in Government Gazette No 1391 dated 31 August 2007, is herewith repealed and substituted for the Rules of Order as set out hereinafter below.

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**STANDING RULES OF ORDER  
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## 1. Application of rules

- 1.1 The rules of order contained herein apply to all meetings of the municipal council and any committee of the municipal council as well as any other committee of councillors established within the municipality, unless the terms of reference for a specific structure explicitly excludes the application of the rules for such structure.
- 1.2 The rules are aimed at allowing free, open and constructive debate during meetings. The rules are encouraged and promote freedom of expression in such a manner that orderly debate is ensured within the time constraints of time allocated to meetings.
- 1.3 The rules endeavour to create the opportunity for councillors serving in council structures to air their view on any matter of public importance.
- 1.4 The rules of order are applicable to:
  - 1.4.1 All councillors;
  - 1.4.2 Traditional Leaders participating in council and its committees in terms of section 81 of the Municipal Structures Act;
  - 1.4.3 Any municipal official of the municipality; and
  - 1.4.4 Any member of the public while present in the council chamber and precinct.

## 2. Definitions

The following terms and phrases used in these rules shall have the meaning assigned to them hereunder:

“Chief Whip” shall mean the person elected as the Chief Whip of the council;

“Committee” shall mean any committee established in the municipality, including committees established in terms of section 79 and 80 of the Structures Act;

“Constitution” shall mean the Constitution of the Republic of South Africa, 1996;

“Council” shall mean the municipal council for the Makhado Local Municipality;

“Councillor” shall mean a member of the municipal council;

“Day” shall mean a day that is not a public holiday, Saturday or Sunday, and for the calculation of days the first day will be excluded and the last day included;

“Executive Committee” shall mean the committee appointed in terms of section 42 (2) of the Structures Act;

“In Committee” shall mean the part of the meeting of the municipal council where the meeting will be closed and members of the public and press, and such municipal officials as determined by the Speaker, excluding the Municipal Manager, will be excluded from the meeting, based on the nature of the business being transacted;

“Mayor” shall mean the Mayor of the municipality as elected in terms of section 48 of the Structures Act;

“Member” shall mean a councillor serving in the municipal council of the municipality;

“Motion” shall mean a matter submitted by a member in accordance with clause 28 below;

“Municipality” shall mean the Makhado Local Municipality;

“Point of order” shall mean a point raised by a councillor during the council meeting and shall only relate to a matter of procedure and provided for in the rules of order;

“Privilege” shall mean the right of freedom of speech for councillors in council and committee meetings, subject to the rules of order of any ruling of the Speaker in terms thereof as well as the right not to be held liable for civil or criminal proceedings for anything they said, produced or submitted to the Council or Committee;

“Procedural motion” shall mean a matter raised by a member at a meeting in terms of

any deviation from the provisions of this Rules of Order;

“Report” shall mean any item appearing on the agenda for consideration by the council or a committee;

“Sargent-at-arms” shall mean a person in the full time employment of the municipality entrusted to assist the Speaker to maintain order during council meetings and assisted by such staff members as the Speaker may direct;

“Senior managers” shall mean the persons appointed by the council as the municipal manager and all managers directly accountable to the municipal manager as approved on the official organisational structure of the municipality

Speaker” shall mean the person as elected in terms of section 36 of the Structures Act;

“Structures Act” shall mean the Local Government: Municipal Structures Act, 1998;

“Sub-committee” means any other committee, other than the executive committee / or committees appointed by the council or the executive committee;

“Systems Act” shall mean the Local Government: Municipal Systems Act, 2000;

“Traditional Leader” shall mean a Traditional Leader identified by the MEC to participate in the proceedings of a municipal council in terms of section 81 of the Structures Act;

“Whip” shall mean a member of the municipal council appointed by each political party represented in the council to perform the function of managing members of his/her party in council and its committees.

### 3. Meeting of council open to public

3.1 The Municipal Council shall conduct its business in an open manner and every meeting of the council and all committees, including the executive committee shall be open to the public; provided that this section shall not apply when it is reasonable to do so having regard to the nature of the business being transacted in terms of section 20 (1) (a) and (b) of the Systems Act.

3.2 The Council will deal In Committee when discussing any of the following matters:

3.2.1 a trade secret or confidential commercial information of any supplier of the municipality or any person rendering a service to the municipality;

3.2.2 personal and private information of any councillor or an employee of the municipality;

3.2.3 the intention of the municipality to purchase or acquire land or buildings;

3.2.4 the price a municipality may offer for the purchase or acquisition of land or buildings;

3.2.5 any report addressing legal proceedings that the municipality is involved in or contemplating instituting or defending;

3.2.6 disciplinary proceedings or proposed disciplinary proceedings against an employee;

3.2.7 any matter that might not be disclosed in terms of legislation;

3.2.8 consideration of the minutes of previous In Committee discussions.

3.3 A councillor may, when an item in the agenda is put to order, other than a matter referred to in 3.2 above, and provided it is not a matter that is required in law to be dealt with in open council, propose with motivation, that the matter be further dealt with In Committee. The ruling of the Speaker in this regard will be final and binding and no further discussion will be allowed.

