eThekwini, South Africa

Rules of Order By-law, 2014

Legislation as at 20 November 2025

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eThekwini
South Africa

Rules of Order By-law, 2014

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[Amended by Rules of Order By-law: Amendment on 8 February 2018]
[Amended by Rules of Order: Second Amendment By-law, 2022 on 7 April 2022]
[Amended by Rules of Order Third Amendment By-law, 2025 on 20 November 2025]

To provide Rules of Order regulating the procedures and conduct of meetings of the Municipal Council and its committees; and to provide for matters incidental thereto.

WHEREAS a Municipal Council must strive within its capacity to achieve the objectives set out in section 152 of the Constitution which is to provide democratic and accountable government to local communities; to ensure the provision of services to communities in a sustainable manner; to promote social and economic development; to promote a safe and healthy environment and to encourage the involvement of communities in the affairs of local government;

AND WHEREAS Councillors are elected to represent local communities on Municipal Councils to ensure that municipalities have structured mechanisms of accountability to local communities and to meet the priority needs of communities;

AND WHEREAS Councillors must fulfill their obligations to the community, support the achievement by the municipality of its objectives, must adhere to the Code of Conduct for Councillors, comply with the Rules of Order and By-laws of the Municipality and at all times respect the rule of law;

AND WHEREAS it is necessary for the Municipal Council to prescribe Rules of Order for its internal arrangements and to regulate the conduct of its business and proceedings;

NOW THEREFORE the Municipal Council of the eThekwini Metropolitan Municipality, acting in terms of section 160(6) of the Constitution of the Republic of South Africa, 1996 hereby makes the following By-law:

Chapter 1
Interpretation

1. Definitions

In this By-law, unless the context indicates otherwise—

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

"**Access to Information Act**" means the Promotion of Access to Information Act, 2000 (Act. No. 2 of 2000);

"**Chairperson**" means the person who is appointed to chair a Committee of Council;

"**Chief Whip**" means the Councillor elected by the majority of the Members of Council who provides a supportive function to the Council, in conjunction with the Whips, to ensure the smooth functioning of Council meetings;

[definition of "Chief Whip" substituted by section 2(a) of the Amendment By-law, 2017]

"**Code of Conduct**" means the Code of Conduct for Councillors set out in Schedule 7 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998);

[definition of "Code of Conduct" substituted by section 1(a) of the Amendment By-law, 2025]

"**committee**" means a committee of the eThekwini Municipal Council established in terms of—

(a) sections 33, 79 or 80 of the Act; or

(b) any other law;

"**Constitution**" means the Constitution of the Republic of South Africa, 1996;

"**contact details**" shall include a physical address, postal address, e-mail address, cellular number, telephone number and fax number;

"**Council**" or "Municipal Council" means the eThekwini Municipal Council, a Municipal Council referred to in section 157(1) of the Constitution. A reference made herein to Council may include a reference to a committee with the necessary modifications;

"**Councillor**" or "Member" means a Member of the Municipal Council;

[definition of "Councillor" or "Member" substituted by section 2(b) of the Amendment By-law, 2017]

"**day**" means any day of the week, excluding a Saturday, Sunday, Public Holiday or a Monday following a Public Holiday which falls on a Sunday;

[definition of "day" substituted by section 2(c) of the Amendment By-law, 2017]

"**EXCO**" means the Executive Committee of the Council established in terms of section 43 of the Act;

"**Mayor**" means the person elected by the Municipal Council in terms of section 48 of the Act;

"**Meeting**" means an ordinary meeting, special meeting or urgent meeting, and includes the holding of such meeting through any virtual platform as may be required;

[definition of "Meeting" inserted by section 1(a) of the Amendment By-law, 2021]

"**MFMA**" means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);

"**misconduct**" means a breach of the Rules of Order By-law or the Code of Conduct;

[definition of "misconduct" inserted by section 2(d) of the Amendment By-law, 2017]

"**Municipal Manager**" means a person appointed in terms of section 54A of the Systems Act as the head of administration of the Municipal Council;

"**municipality**" means eThekwini Municipality, a category A municipality as envisaged in terms of section 155(1) of the Constitution of South Africa, 1996;

[definition of "municipality" substituted by section 2(e) of the Amendment By-law, 2017]

"**notice of motion**" or "motion" means the instrument by which Councillors may bring items onto the agenda of a Council meeting;

"**Office of the Speaker**" means the administrative branch of the Speaker's office and may include a person with delegated responsibility for management of the administration in the Speaker's Office;

"**ordinary meeting**" means a scheduled meeting of Council or a committee in terms of Section 29 of the Act;

"**procedural motion**" means a matter raised by a Member in terms of Rule 20;

"**quorum**" means the majority (50% plus one) of the Councillors;

"**recess**" means the period during which the business of the Council is interrupted; and

[definition of "recess" inserted by section 2(f) of the Amendment By-law, 2017]

"**recommendation**" means a recommendation in the report of an executive committee in terms of Section 44(4) of the Act, in respect of a decision concerning a matter where EXCO has no delegated powers;

"**Report of EXCO**" means the report of EXCO as contemplated in Section 44 of the Act which requires that EXCO must report to the Municipal Council on all decisions taken by EXCO;

"**Speaker**" means the Chairperson of the Municipal Council elected in terms of Section 36 of the Act, or any acting Speaker;

[definition of "Speaker" substituted by section 2(g) of the Amendment By-law, 2017]

"**special meeting**" means a meeting other than an ordinary meeting which has been convened for a specific purpose, and where the order of business shall be stated in the notice convening the meeting;

"**State of the Municipality Address**" means a speech customarily given by the Mayor addressing various matters including the vision for the Municipality, key objectives, deliverables and developmental interventions for the year ahead, achievements and challenges of the past year;

[definition of "State of the Municipality Address" inserted by section 1(b) of the Amendment By-law, 2025]

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

"**urgent meeting**" means a meeting which has been convened to deal with an urgent matter; and

"**virtual meeting**" means a platform of communication that enables people in different physical locations to use their internet connected devices to meet in the same virtual room.

[definition of "virtual meeting" inserted by section 1(c) of the Amendment By-law, 2025]

"**Whip**" means the Member of Council appointed by each political party to perform the functions referred to in rule 23.

2. Interpretation of By-law

(1) If there is a conflict of interpretation between the English version of this By-law and a translated version, the English version prevails

(2) The ruling of the Speaker or Chairperson with regard to the interpretation of these rules of order at a meeting of the Council or committee of the Council shall be final and binding.

(3) Any interpretation of these rules shall be made having due regard to the supremacy of the Constitution, national, provincial and municipal legislation, the rule of law and the rules of natural justice.

(4) The interpretation and the ruling of the Speaker or Chairperson on any of these rules of order must be recorded in the minutes of the Council or committee meeting.

(5) The Office of the Speaker must keep a record of all written legal opinions sought.

[subrule (5) substituted by section 2(a) of the Amendment By-law, 2025]

3. Object of By-law

(1) The object of this By-law is to prescribe Rules of Order for the Municipal Council and its committees for its–

(a) internal arrangements; and

(b) business and proceedings, in compliance with the provisions of the Constitution, the Act and other applicable laws.

4. Application of By-law

(1) This By-law applies to all meetings of the Municipal Council and its committees and must be complied with by—

(a) Councillors;

(b) traditional leaders;

(c) members of the public;

(d) officials of the municipality;

(e) Government Ministers;

(f) Members of Provincial Executive Councils;

[paragraph (f) substituted by section 3 of the Amendment By-law, 2017]

(g) officials from government departments; and

(h) representatives from public bodies or the private sector, who address or attend the Council or committee meeting.

(2) *[subrule (2) deleted by section 3(a) of the Amendment By-law, 2025]*

(3) *[subrule (3) deleted by section 3(b) of the Amendment By-law, 2025]*

(4) *[subrule (4) deleted by section 3(c) of the Amendment By-law, 2025]*

Chapter 2
Meetings of council

5. Meetings of Council

(1) The Municipal Council must have a minimum of 4 meetings in a calendar year.

[sub-rule (1) substituted by section 2(a) of the Amendment By-law, 2021]

(2) The Speaker must decide where and when the Council meets, including whether such meeting is to be held in person or through a virtual platform, but if a majority of the Councillors request the Speaker in writing to convene a meeting of the Council to debate any matter, the Speaker must convene a meeting at the time set out in the request in accordance with section 29(1) of the Act.

[sub-rule (2) substituted by section 2(b) of the Amendment By-law, 2021]

(3) The meetings referred to in terms of sub-rule (1) must be ordinary meetings at which the order of business must be as stated in rule 12.

(4) A separate special meeting of Council must be called to approve the annual budget.

(5) An urgent meeting may be called by the Speaker after consulting with the Mayor where there is any urgent matter that Council is required to consider before the next ordinary meeting.

(6) A special meeting may be called by the Speaker to debate any special issue, or to allow special guests to address Council.

(7) Prior to the Municipal Council going into recess for the purpose of preparing for the Local Government Elections, the Municipal Council must pass a resolution—

(a) giving 30 days notice of the recess period.

[paragraph (a) substituted by section 4(a) of the Amendment By-law, 2025]

(b) *[paragraph (b) deleted by section 4(b) of the Amendment By-law, 2025]*

[sub-rule (7) inserted by section 4 of the Amendment By-law, 2017]

(8) The newly elected Municipal Council shall be competent to hear any matters placed on the previous Council's agenda that were not dealt with by the previous Municipal Council prior to its dissolution.

[sub-rule (8) inserted by section 4 of the Amendment By-law, 2017]

6. Notice of Meeting

(1) The Speaker must convene meetings of the Council through a duly signed "Notice of Meeting" stating the date, place and time of the meeting.

(2) Notice of the time and the place of every ordinary or special meeting and service of any other document signed by the Speaker in terms of these rules must be served on every Councillor—

(a) personally;

(b) by leaving the notice at the physical address provided by the Councillor at least 72 hours before such meeting;

(c) by e-mail;

[paragraph (c) substituted by section 5(a) of the Amendment By-law, 2025]

(d) by Short Message Service (SMS); or

[paragraph (d) substituted by section 5(b) of the Amendment By-law, 2025]

(e) by WhatsApp messaging service.

[paragraph (e) added by section 5(c) of the Amendment By-law, 2025]

(3) A notice of an urgent meeting must be served on Councillors in accordance with sub-rule (2) above, at least 24 hours before the meeting.

[subrule (3) substituted by section 5(d) of the Amendment By-law, 2025]

(4) The failure to receive a notice of a Council or committee meeting by a Councillor shall not affect the validity of that meeting.

(5) A Councillor may request that an investigation be conducted regarding the non-receipt of a notice to attend a meeting referred to in sub-rule (4).

(6) A Councillor must provide his or her contact details to the Office of the Speaker—

(a) within 2 days after his or her election; and

(b) whenever there is a change in the Councillors contact details.

(7) The Municipal Manager must give notice to the public, in a manner determined by the Council, of the time, date and venue of every—

(a) ordinary meeting of the Council; and

(b) special or urgent meeting of the Council, except when time constraints make this impossible.

7. Admission of the public to meetings

(1) In terms of section 20 of the Systems Act, meetings of the Council and those of its committees are open to the public, including the media, and the Council or such committee may not exclude the public, including the media, from a meeting except when—

(a) it is reasonable to do so having regard to the nature of the business being transacted; and

(b) a By-law or resolution of the Council specifying the circumstances in which the Council or such committee may close a meeting and which complies with sub-rule (1)(a) authorises the Council or such committee to close the meeting to the public.

(2) The Council or a committee of the Council, may not exclude the public, including the media, when considering, voting or noting any of the following matters:

(a) a draft By-law tabled in the Council;

(b) a budget tabled in the Council;

(c) the municipality's integrated development plan or any amendment of the plan tabled in the Council;

(d) the municipality's draft performance management system, or any amendment of the system, tabled in the Council;

(e) the decision to enter into a service delivery agreement referred to in section 76(b) of the Systems Act; or

(f) *[paragraph (f) deleted by section 5(a) of the Amendment By-law, 2017]*

(g) any other matter prescribed by legislation.

[sub-rule (2) substituted by section 5(a) of the Amendment By-law, 2017]

(3) Subject to sub-rules (1) and (2), EXCO may close its meetings to the public, including the media, where it is reasonable to do so having regard to the nature of the matter under consideration and where—

(a) there may be disclosure of confidential or privileged information regarding any person to the public;

(b) any investigation, report or internal audit report which is in the course of consideration, could be compromised by its public disclosure; or

(c) there may be disclosure of any trade secrets of the Municipality or financial, business, scientific or technical information other than trade secrets which is likely to cause prejudiceto the business or interests of the Municipality.

[sub-rule (3) inserted by section 5(b) of the Amendment By-law, 2017]

(4) A member of the media who is in attendance at a meeting may not use any type of device to record the proceedings of a meeting without the necessary permission of the Speaker or the Chairperson of EXCO as the case may be: Provided that a member of the media may in writing take note of the proceedings.

[sub-rule (4) inserted by section 5(b) of the Amendment By-law, 2017]

8. Attendance of Councillors

(1) All Councillors must punctually attend and remain in attendance at each meeting of Council or committee of the Council unless—

(a) leave of absence has been granted in terms of rule 9; or

[paragraph (a) substituted by section 6(a) of the Amendment By-law, 2017]

(b) a matter is before the Council in which that Councillor or their spouse, partner or business associate has any direct or indirect personal or private business interest and that Councillor is required to withdraw in terms of item 3(b) of the Code of Conduct.

[paragraph (b) substituted by section 6(b) of the Amendment By-law, 2017]

(c) ...

[paragraph (c) deleted by section 6(c) of the Amendment By-law, 2017]

(1A) Any Councillor who fails to remain in attendance of the meeting without authorisation of the Speaker or Chairperson of the committee shall be in breach of these Rules of Order as well as the Code of Conduct for Councillors as published in the Regulations.

[subrule (1A) inserted by section 6(a) of the Amendment By-law, 2025]

(2) Every Councillor attending a Council or committee meeting must sign their name in the attendance register kept for that purpose in the Office of Speaker.

[subrule (2) substituted by section 6(b) of the Amendment By-law, 2025]

(3) A Councillor who is entitled to a leave of absence and no longer requires such leave may attend the meeting from which leave of absence was granted in terms of rule 9 and sign the attendance register.

9. Leave of absence

(1) If a Councillor—

(a) is unable to attend a meeting for which notice has been given;

(b) is unable to remain in attendance at a meeting; or

(c) will arrive after the stipulated commencement time of a meeting,

the Councillor must, as soon as is reasonably possible and prior to that meeting, lodge with the Speaker an application in writing for leave of absence with reasons from the whole or part of the meeting concerned.

(1A) If for certain reason(s), any Councillor is unable to submit a leave of absence prior to a meeting, any Councillor authorised by the absent Councillor may submit an application for Leave of Absence on behalf of the absent Councillor.

[subrule (1A) inserted by section 7(a) of the Amendment By-law, 2025]

(2) A leave of absence may not be granted in such a manner as to leave the meeting inquorate.

(3) Notwithstanding sub-rules (1) and (2) above, an application for leave of absence from a meeting is deemed to have been granted if the Council has delegated the relevant Councillor to represent the Council elsewhere.

(4) The Council or a committee may, subject to sub-rule (1) and (2) above, grant leave of absence to a Councillor for the following reasons, which may include—

(a) the illness of a Councillor;

(b) the essential business, personal commitments or personal circumstances of the Councillor;

(c) where the notice of a special or urgent Council meeting was delivered in less than the time stipulated in this By-law, unless the failure to deliver was occasioned by the Councillor's own failure to keep the Speaker's Office informed of his or her updated contact details;

(d) any circumstances beyond the control of the Councillor which prevented attendance at the meeting; or

(e) any other circumstance where the Councillor is prevented by law from attending the meeting.

(5) The Speaker must keep a record of all incidents in respect of which Councillors have been found to have been absent without leave or without good cause.

(6) The Speaker must advise the relevant Whip if a Councillor has been absent without leave or without good cause from a meeting.

(7) ...

[sub-rule (7) deleted by section 7 of the Amendment By-law, 2017]

10. Quorum and Adjournment of Meetings

[heading substituted by section 8(a) of the Amendment By-law, 2025]

(1) The quorum for a meeting of the Council or a committee is a majority of its Members.

(2) A majority of the Members of Council must be present before any vote may be taken on any matter.

(3) If there is no quorum at the expiration of 20 minutes after the time fixed for the meeting, the Speaker or the Chairperson of the committee must allow an extension of time not exceeding 20 minutes for the commencement of the meeting, following which the Speaker or Chairperson of the committee must rule that the meeting is cancelled.

[subrule (3) substituted by section 8(b) of the Amendment By-law, 2025]

(4) During any meeting of Council or committee, if the attention of the Speaker or Chairperson is drawn to the fact that the number of Councillors present is insufficient to constitute a quorum, the Speaker or Chairperson must allow for a 20 minutes interval and, if thereafter there is still no quorum, the Speaker or Chairperson must adjourn the meeting.

[subrule (4) substituted by section 8(c) of the Amendment By-law, 2025]

(5) Where a meeting is adjourned by the Speaker or Chairperson of the committee because there is no quorum or due to any unforeseen eventuality, the meeting must be reconvened within 7 days as a continuation of the adjourned meeting.

[subrule (5) substituted by section 8(d) of the Amendment By-law, 2025]

11. Joint meetings

(1) A committee of Council may meet jointly with—

(a) another committee of Council;

(b) a committee of a Provincial Legislature;

(c) a committee of Parliament;

(d) an organ of state; or

(e) an external stakeholder,

in order to discuss a matter of mutual interest.

(2) Where a committee of Council meets:—

(a) another committee of Council, the initiator of the meeting must be the Chairperson of the meeting;

(b) a committee of a Provincial Legislature or a committee of Parliament, the representatives of these institutions must co-chair the meeting; or

(c) an organ of state or an external stakeholder, a committee of council concerned must chair the meeting.

[subrule (2) substituted by section 9(a) of the Amendment By-law, 2025]

(3) The minutes of the joint meeting must be—

(a) compiled and circulated to all representatives; and

(b) tabled together with a report at the next meeting of Council and the relevant committee.

Chapter 3
Order and consideration of business

12. Agenda

(1) All meetings must be conducted according to the order in which the matters appear on the agenda before the Council and only matters which are on the agenda may be debated, subject to sub-rule (2).

(1A) The agenda for an ordinary or special meeting together with all relevant documentation, must, where possible, be delivered or made available electronically to all Councillors at least 72 hours before such an ordinary meeting or 24 hours before a special meeting: Provided that a failure by any Councillor to receive an agenda or relevant documentation does not affect the validity of any item placed on the agenda.

[sub-rule (1A) inserted by section 8 of the Amendment By-law, 2017 and substituted by section 10(a) of the Amendment By-law, 2025]

(2) The Speaker or Chairperson may change the order in which the matters appear on the agenda after considering suitable motivation.

[subrule (2) substituted by section 10(b) of the Amendment By-law, 2025]

(3) The Speaker or Chairperson may, subject to rule 7—

(a) if it is reasonable and justifiable to do so; and

(b) after considering suitable motivation,

direct that any matter be discussed in a closed sitting of Council or committee.

[subrule (3) amended by section 10(c) and (d) of the Amendment By-law, 2025]

(4) A matter which is discussed in terms of a closed sitting of Council may not be disclosed to any unauthorised person in accordance with item 10 of the Code of Conduct.

(5) Where any matter is deferred for discussion in a closed meeting, the reasons for the deferral must be recorded in the minutes of the meeting.

[subrule (5) substituted by section 10(e) of the Amendment By-law, 2025]

13. Order of business for an ordinary and special meeting

[heading substituted by section 9(a) of the Amendment By-law, 2017]

(1) The order of business for an ordinary meeting convened in terms of rule 5 must be as follows:

(a) notice convening the meeting;

(b) opening;

(c) national anthem;

(d) opportunity for prayer/meditation;

(e) official announcements;

(f) Speaker's report;

(g) applications for leave of absence;

(gA) declaration of interest;

[paragraph (gA) inserted by section 9(b) of the Amendment By-law, 2017]

(h) confirmation of minutes;

(hA) matters arising from the minutes;

[paragraph (hA) inserted by section 9(c) of the Amendment By-law, 2017]

(i) questions of which notice has been given;

(j) reports, which may include:

(i) EXCO Reports;

(ii) MPAC Reports; and

(iii) reports of the Ethics Committee;

(k) notices of motion;

(l) report of the Mayor in terms of the MFMA;

(m) report of the Municipal Manager in terms of the MFMA;

(n) report of committee decisions;

(o) items for noting; and

(p) closing.

(2) The order for any business for a special meeting convened in Rule 5 must be as follows:

(a) notice convening the meeting;

(b) opening;

(c) national anthem;

(d) opportunity for prayer/ meditation;

(e) official announcements;

(f) applications for leave of absence;

(g) declaration of interest;

(h) items giving rise to the special meeting being convened ; and

(i) closing.

[sub-rule (2) inserted by section 9(d) of the Amendment By-law, 2017]

(2A) Where it is reasonable and necessary to do so, the Speaker may amend the order of business as specified in sub-rule (1) and (2) after consultation with the political parties caucuses.

[subrule (2A) inserted by section 11(a) of the Amendment By-law, 2025]

14. Reports

(1) All reports of EXCO to Council must be as contemplated in section 44(4) of the Act, which requires that an Executive Committee must report to the Council on all decisions taken by the committee.

(2) The reports referred to in sub-rule (1) must be divided into two parts and–

(a) the first part must contain the items in respect of which EXCO has no delegated powers; and

(b) the second part must contain the items in respect of which EXCO has delegated powers and which are submitted to Council for noting.

(3) Every item contained in the first part of EXCO's report shall contain a recommendation which may or may not be adopted by Council.

(4) An item contained in the second part of the report may not be debated, but must only be noted.

(5) The Speaker shall permit debate on the reports referred to in sub-rule 2(a) in accordance with rule 23 and 24.

(6) The Council must, upon the written request of at least one quarter of Councillors, review any decision contained in a report submitted in terms of sub-rule 2(b) and either confirm, vary or revoke the decision subject to any rights that may have accrued to a person as provided for in section 59(3) of the Systems Act.

15. Conduct of meetings

(1) The Speaker or Chairperson must—

(a) preside at meetings of the Council;

(b) ensure that the Council meets as scheduled in terms of rule 5;

(c) maintain order during Council meetings;

(d) ensure compliance in the Council and in committees with the Code of Conduct;

(e) ensure that Council meetings are conducted in accordance with this By-law and other applicable laws;

(f) ensure that Councillors conduct themselves in a dignified and orderly manner and comply with the rulings of the Speaker;

(g) ensure that Members of the public attending meetings of Council conduct themselves in an orderly manner and obey the rulings of the Speaker;

(h) subject to sub-rules 5 and 6, ensure that any person who refuses to comply with his or her ruling is directed to leave the meeting for the duration of such sitting;

[paragraph (h) substituted by section 10(a) of the Amendment By-law, 2017]

(i) ensure that the Chief Whip and Whips maintain discipline amongst their party Members during Council meetings;

(j) consider all points of order and rule on them;

[paragraph (j) substituted by section 10(b) of the Amendment By-law, 2017]

(k) act in an impartial and fair manner to all parties and their Members; and

[paragraph (k) substituted by section 10(c) of the Amendment By-law, 2017]

(l) make a ruling in the event of an unforeseen eventuality which has not been provided for in these Rules.

[paragraph (l) inserted by section 10(d) of the Amendment By-law, 2017]

[subrule (1) amended by section 12(a) of the Amendment By-law, 2025]

(2) If the Speaker or Chairperson is not present at a meeting or is not otherwise available to perform the functions of their office or during a vacancy, the Council or committee must elect another Councillor to act as Speaker or Chairperson.

(3) A meeting of the Council or a committee of the Council may not commence or continue unless a Speaker or Chairperson presides at a meeting.

(4) If the Speaker is not present at a meeting, the Municipal Manager must preside over the process to elect an acting Speaker.

(5) When the Speaker directs a person to leave the meeting as per sub-rule (1)(h) and such person refuses to leave, the Speaker must#

(a) where such person is a Councillor#

(i) instruct the Whip of the Councillor's political party to remove the Councillor from the meeting;

(ii) instruct the Chief Whip to remove such Councillor from the meeting, where the Whip fails to act or the Councillor concerned fails to leave as per sub-paragraph (i); or

(iii) instruct officials of the Municipality providing security management services at the meeting to remove such Councillor from the meeting where the Councillor concerned fails to leave as per sub-paragraphs (i) and (ii), subject to sub-rule (6); and

(b) where such person is a person other than a Councillor, instruct officials of the Municipality providing security management services at the meeting to remove such person, subject to sub-rule (6).

[sub-rule (5) inserted by section 10(e) of the Amendment By-law, 2017]

(6) The Municipal Manager may, for the purpose of ensuring the safety of all persons attending a meeting of Council, appoint officials of the Municipality to provide a security management service at such meeting.

[sub-rule (6) inserted by section 10(e) of the Amendment By-law, 2017]

(7) This section shall apply to the conduct of meetings of Committees with the necessary changes.

[sub-rule (7) inserted by section 10(e) of the Amendment By-law, 2017]

Chapter 4
Councillors conduct

16. Councillor's conduct at meetings

(1) During a Council or committee meeting, Councillors, traditional leaders, officials and all persons present must where applicable—

(a) conduct business with the highest decorum and integrity that the occasion deserves;

(b) at all times adhere to the principles contained in the Code of Conduct and the rules contained in this By-law;

(c) at all times adhere to the By-laws of the municipality and the rule of law;

(d) not use offensive or objectionable language or make any remark, opinion, statement, allegation, gesture or accusation of a disparaging nature;

(e) not use a cellular phone or electronic device during meetings in a manner which-

(i) disturbs or disrupts a meeting; or

(ii) communicates any information relating to a matter under consideration while such meeting is still in session;

(f) not bring a firearm or any dangerous item or weapon into a meeting of Council or any of its committees;

(g) not read newspapers or magazines during the meeting;

(h) comply with any ruling made by the Speaker or Chairperson;

(i) immediately withdraw from the place of a meeting for the duration of the sitting where the Speaker or Chairperson has made such a ruling; and

(j) refer to another member in a respectful manner.

[sub-rule (1) substituted by section 11(a) of the Amendment By-law, 2017]

(2) Whenever the Speaker or Chairperson calls for order for purposes of addressing the meeting on any matter during a debate, any Councillor then speaking or offering to speak must remain silent and the Speaker or Chairperson must be heard without being interrupted.

[sub-rule (2) substituted by section 11(b) of the Amendment By-law, 2017]

(3) During a Council or committee meeting, Councillors may not converse with another person loud enough to disrupt proceedings.

[subrule (3) substituted by section 13(a) of the Amendment By-law, 2025]

(4) Other than the Speaker or Chairperson, a Councillor may not interrupt another Councillor while speaking, except to call attention to a Point of Order or explanation.

(5) A Councillor may not use offensive or unbecoming language during proceedings.

(6) The Speaker or Chairperson, after having called attention to the conduct of a Councillor who persists in irrelevant or repetition of arguments, must direct such Councillor to conduct themselves properly, or if speaking, to discontinue that speech and resume their seat.

(7) If the Speaker or Chairperson is of the opinion that a Councillor is–

(a) deliberately contravening a provision of this By-law;

(b) in contempt of or is disregarding the authority of the Speaker or Chairperson;

(c) challenging the ruling of the Speaker or Chairperson on a Point of Order;

(d) declining to withdraw any expression when required to do so by the Speaker or Chairperson; or

(e) behaving in a grossly disorderly manner,

the Speaker or Chairperson must order the Councillor to withdraw from the meeting for the remainder of the meeting or cause the Councillor to be ejected from the meeting.

(8) Any person who attends any meeting of the Council must be dressed in an appropriate manner to uphold the dignity of the Council. The recommended dress code for Councillors must be business or traditional attire and no party symbols or regalia of whatsoever nature may be displayed at any Council or committee meeting.

[sub-rule (8) substituted by section 11(c) of the Amendment By-law, 2017]

(9) The Speaker or Chairperson may request or order the removal of any person who—

(a) refuses to carry out any reasonable instruction given by the Speaker or Chairperson; or

(b) willfully obstructs the carrying out of any reasonable instruction by the Speaker or Chairperson.

(10) In the event of grave disorder at a meeting, the Speaker or Chairperson may–

(a) adjourn the meeting; or

(b) suspend the proceedings for a period of time.

(11) If a meeting is adjourned, all persons who attend the meeting must rise and remain in their places until the Speaker has left the meeting.

(12) The privileges of a Councillor include—

(a) the privilege of freedom of speech in a Council or committee meeting; and

(b) any other privileges or immunities conferred by section 28 of Act or the Constitution.

(13) Councillors are not liable to civil or criminal proceedings, arrest, imprisonment or damages for anything–

(a) they have said in, produced before or submitted to Council or any of its committees; or

(b) revealed as a result of anything they have said in, produced before or submitted to the Council or any of its committees.

(14) The exercise of the privilege of freedom of speech is protected, but must be exercised in accordance with the Rules of Order.

17. Declaration of interest

(1) A Councillor wishing to declare that a matter is before the Council or committee of Council in which that Councillor or their spouse, partner or business associate has a direct or indirect personal or private business interest in terms of the provisions of the Code of Conduct must do so after the item or notice of motion in respect of which such interest exists, has been called.

(2) A Councillor must recuse himself or herself from a matter which is being discussed in which a Councillor or their spouse, partner or business associate has any direct or indirect personal or private business interest and which Councillor is required to withdraw in terms of item 3(b) of the Code of Conduct.

Chapter 5
Debate management

18. Ordinary Notices of Motion

(1) A matter may not be brought before Council by a Councillor except by way of a notice of motion.

(2) Every notice of motion must—

(a) be in writing;

(b) refer to one matter only;

(c) be signed by the Councillor submitting it; and

(d) be signed by the Councillor seconding it.

(3) A notice of motion must be lodged with the Speaker who must–

(a) enter it into a book kept for that purpose; and

(b) ensure that the book is open for inspection by any Councillor.

(4) A notice of motion may not be included in the agenda unless it was received at least 10 days prior to such meeting.

(5) At the request of the Councillor who submitted the notice of motion, the Office of the Speaker must acknowledge receipt of the notice of motion in writing.

(6) Every notice of motion must be relevant to the administration of the municipality or must deal with a matter in respect of which the Council has jurisdiction.

(7) Upon receipt of a notice of motion, the Office of the Speaker must date, number and enter the notices in the agenda in the order in which they were received: Provided that a notice amending another motion must be entered in the agenda immediately after the latter motion.

(8) A notice of motion shall not be competent unless it takes the form of a reference of the subject matter thereof to the relevant committee of Council for investigation or consideration and report back to Council.

(9) A Councillor may not have more than 1 notice of motion entered on the agenda, with the exception of a deferred Notice of Motion.

(10) A Councillor may not move more than 6 notices of motion within any calendar year.

(11) If a notice of motion which is specified on the agenda is called but is not moved, either by the Councillor who submitted it or by another Councillor who has been authorised in writing by the Councillor who submitted it, that notice of motion shall lapse.

(12) The Speaker must ascertain whether a notice of motion is opposed. An unopposed notice of motion must be passed without debate. In the event that a notice of motion is opposed, the Speaker must call upon the mover of the notice of motion to speak first.

(13) If a notice of motion is defeated, a similar subject may not be moved again, either by way of a notice of motion or a question until after the expiry of at least 3 months from the date of the defeat.

(14) All notices of motion must be submitted on the official Councillor letterhead.

(15) The Office of the Speaker must record and keep a register of all notice of motions received.

19. Disallowed Motions

(1) The Speaker must disallow a notice of motion that—

(a) may lead to the discussion of a matter already dealt with in the agenda;

(b) deals with a matter which has no bearing on the administration of the municipality;

(c) is longer than 150 words or contains unnecessary, factually incorrect, incriminating, disparaging or improper suggestions;

(d) deals with a matter in respect of which the Council has no jurisdiction;

(e) deals with a matter in respect of which a decision by a judicial or quasi-judicial body is pending;

(f) has not been duly seconded;

(g) if passed, would be contrary to this By-law or any other law or is impractical to perform;

(h) concerns a matter in respect of which there is an official investigation and such discussion may compromise the investigation;

(i) concerns an item which is already under discussion in a committee; or

(j) is not moved in accordance with these rules.

20. Procedural Motions

(1) Where a motion or recommendation has been moved and is under debate, no further motion may be received except a motion that—

(a) the debate be adjourned;

(b) Council proceed to the next business;

(c) the matter be referred back;

(d) amends the previous motion; or

(e) the matter is put to the vote.

(1A) Notwithstanding sub-rule (1), the Speaker may rule that Council be adjourned in the event of an unforeseen eventuality which is not provided for in these Rules.

[Rule (1A) inserted by section 12 of the Amendment By-law, 2017]

(2) Every procedural motion must be seconded before the motion may be discussed.

(3) Any procedural motion may be withdrawn by the mover with the consent of the Council, without debate.

(4) Where a motion to amend is moved, the amendment must be—

(a) relevant to the original motion;

(b) reduced to writing;

(c) signed by the mover; and

(d) handed to the Speaker to read to the meeting.

(5) The amendment referred to in sub-rule (4) may not alter the substance of the original motion.

(6) A Councillor may not move more than one amendment to any original motion.

(7) Whenever an amendment to an original motion has been moved and seconded, no other amendment may be moved until the first amendment has been disposed of. If that amendment is carried, the motion as amended must become the motion upon which any further amendment may be moved.

(8) Where the original motion relates to a By-law, any motion to amend must take the form of a reference back to the committee concerned.

(9) Any amendment which would have the effect of increasing expenditure or reducing the income of Council must take the form of a reference back to the relevant committee for consideration.

(10) A procedural motion that a matter be referred back, must indicate the committee to which the matter is to be referred and the point, or points on which the committee's advice or further advice is required. If a motion in terms of this rule is carried, the debate on the recommendation must end and the Council must proceed to the next agenda item.

(11) A motion for the adjournment of Council may not be moved while any item on the agenda is under consideration, but may only be moved immediately after the resolution on any item has been adopted, and before the next item on the agenda is brought under consideration.

(12) A motion for the debate to be adjourned with reasons for the request, or for a question to be put, or for Council to proceed to the next business must be moved at the close of any speech.

(13) A further motion in terms of sub-rules (11) or (12) may not be moved within half an hour of any similar preceding motion.

(14) A Councillor may not move or second more than one motion for adjournment of any one Council meeting.

(15) Where a motion to adjourn a meeting is moved, the Speaker may request the meeting to dispose of the unopposed business before adjourning.

21. Withdrawal of Motions

(1) A motion may be withdrawn or amended by the mover with the consent of Council which must be given without debate.

(2) A Councillor may not speak on a motion after consent for the withdrawal of such motion has been granted.

22. Urgent Motions

(1) A Councillor may move an application on an urgent basis provided that a—

(a) notice of motion is handed to the Speaker at least 24 hours before the scheduled meeting; and

(b) motivation for the urgency is attached to the notice of motion.

(1A) The Speaker must take the following into account when considering an application contemplated in sub-rule (1):

(a) whether the subject matter of the request is of such a serious nature that it requires immediate attention;

(b) whether the subject matter of the request relates to a specific matter of recent occurrence;

(c) whether the request is confined to one subject matter;

(d) whether the request can be dealt with by some other means in the near future; and

(e) whether the request concerns a matter for which the Council may be held responsible.

[sub-rule (1A) inserted by section 13(a) of the Amendment By-law, 2017]

(2) The Speaker must advise the Whips on the contents of the urgent motion received under sub-rule (1) and his or her ruling on whether the motion will be tabled before Council. The ruling of the Speaker shall be final.

[sub-rule (2) substituted by section 13(b) of the Amendment By-law, 2017]

(2A) The advice to Whips referred to in sub-rule (2), must be communicated by the Speaker through any electronic communication means.

[subrule (2A) inserted by section 14(a) of the Amendment By-law, 2025]

(3) Notwithstanding the provisions of sub-rule (1), a Councillor may request the Speaker to place an urgent motion which is in the public interest on the agenda at least an hour prior to a Council meeting: Provided that the urgent motion sought to be placed on the agenda—

(a) falls within the mandate of Council to deliberate on; and

(b) cannot stand over until the next ordinary meeting of Council.

[sub-rule (3) substituted by section 13(c) of the Amendment By-law, 2017]

(4) The Speaker must make a final decision to table the urgent motion referred to in sub-rule (3) after considering the motivation. The ruling of the Speaker shall be final.

23. Allocation of time for debate

(1) All parties represented in Council have a right to speak on each item on the agenda relative to their representation in Council.

(2) The Speaker may allow a political party to give their allocated time to another political party on any item, provided that such arrangements are made with the Speaker before the commencement of the Council meeting and the political party giving away its allocated remains in attendance at the meeting.

[subrule (2) substituted by section 15(a) of the Amendment By-law, 2025]

(2A) Notwithstanding any arrangement made with the Speaker, should the political party fail to attend the Council meeting as required, the allocated time given to the other political party shall be forfeited.

[subrule (2A) inserted by section 15(b) of the Amendment By-law, 2025]

(3) The Chief Whip must, after discussion with the Whips of other parties in Council and at least 24 hours prior to a meeting in Council, provide the Speaker and party Whips with a list showing—

(a) items on the agenda for that meeting which will be debated;

(b) the suggested total time to be allocated to the debate of each item; and

(c) the time for debate to be allocated to each political party.

(4) All parties must have a minimum time allocation of 1 minute to debate on every item which is subject to debate. Additional time shall be allocated by the Whips to the parties represented in Council in accordance with the number of seats they hold.

(5) Each party must examine the list drawn up in terms of sub-rule (3) and deliver to the Speaker, at least 12 hours before a Council meeting, a list of its Members who will speak on an item and the time allocated to each Member, provided that the total time allocated to all such Members of a party, must not exceed the time allocated to that party in terms of sub-rule 3(c) above.

(6) The Speaker may reduce or extend the time allocated for debate on each item on the agenda on receipt of a list referred to in sub-rule (5).

(7) The Speaker must—

(a) restrict or extend the time allocated to parties in a manner which is fair to all parties;

(b) to the extent possible, give advance warning of such intention to the parties; and

(c) advise the parties of the extension or reduction of the time allocated.

(8) A decision made in terms of sub-rules (6) and (7) must be conveyed to the relevant Whips within a reasonable time before the Council meeting.

(9) Where a report is laid on the table, the Speaker must note the Councillors who wish to speak on the item from the floor.

(10) The Speaker may upon request and upon the Speaker's discretion, allow an additional five minutes of response time to the mover of either a motion or a committee report. Such request must be conveyed to the Speaker at the commencement of the debate on that item.

(11) The Speaker may not, when exercising any discretion in terms of these rules, prejudice any party in respect of time allocated to that party.

24. Rules of Debate

(1) In any debate, the Speaker must call a Councillor to speak in accordance with the list referred to in rule 23(3). Any debate must be conducted in a spirit of respect for the honour and dignity of all members and the Council itself.

[sub-rule (1) substituted by section 14(a) of the Amendment By-law, 2017]

(2) A Councillor may speak only when so directed by the Speaker and must address the Speaker directly during his or her speech.

[sub-rule (2) substituted by section 14(a) of the Amendment By-law, 2017]

(3) Where a report is laid on the table, a Councillor must indicate their desire to speak by raising a hand and awaiting the direction of the Speaker.

(4) A Councillor who speaks must confine their speech strictly to the matter under discussion.

(5) Whenever the Speaker calls for order for purposes of addressing the meeting on any matter during a debate, any Councillor then speaking, and all persons present in the Council Chamber must remain silent so that the Speaker may be heard without interruption.

[sub-rule (5) substituted by section 14(b) of the Amendment By-law, 2017]

(6) The mover of an original motion may reply to previous speeches in accordance with rule 23(10), but may not introduce any new matter into the debate.

(7) A Councillor may not interject or interrupt a Councillor during his or her speech with the intention to drown out or prevent such Councillor from being heard.

[sub-rule (7) inserted by section 14(c) of the Amendment By-law, 2017]

25. Points of Order and Explanation

(1) A Councillor, whether they have spoken on the matter under consideration or not, may rise—

(a) on a Point of Order, that is, with a view to calling attention to and citing any departure from these rules or any other law; or

[paragraph (a) substituted by section 15 of the Amendment By-law, 2017]

(b) in explanation, that is, in order to explain some material part of that Councillor's former speech which may have been misunderstood.

(2) When a Point of Order is raised, the Councillor called to order must remain silent, and after the Point of Order has been stated to the Speaker by the person raising it, the Speaker must give the ruling or decision.

(3) The ruling of the Speaker on the admissibility of a Point of Order or an explanation shall be final and not open to discussion.

26. Decision and Voting

(1) A quorum must be present in order for a vote to be taken.

(2) The following matters must be determined by a decision taken by a supporting vote of a majority of Councillors, which include—

(a) the passing of By-laws;

(b) the approval of budgets;

(c) the imposition of rates and other taxes, levies and duties;

(d) the raising of loans;

(e) the rescission of a Council resolution; and

(f) any other matter prescribed by legislation.

(3) All other questions before the Council must be decided by a majority of the votes cast.

[subrule (3) substituted by section 16(a) of the Amendment By-law, 2025]

(4) Every recommendation of a committee and every competent motion or amendment duly moved and seconded must be put to the meeting by the Speaker who must call upon the Councillors in favour to say "Agreed" or "Yes" and those against to say "No".

(5) A recommendation which is not opposed by any Councillor present is deemed to be adopted.

(6) A recommendation to which any Councillor present says "No" must be put to the vote by the Speaker.

(7) Voting in terms of sub-rule (6) must be by a show of hands, unless the law prescribes otherwise.

(8) A Councillor may not vote on a question unless they were present when the question was put to the meeting.

(9) During the taking of a vote, a Councillor may not leave or enter the Council Chamber.

(10) A Councillor may abstain from voting without leaving the meeting.

(11) The votes must be recorded and the Speaker must announce the result.

(12) The number of Councillors who voted, and not the names of the Councillors who voted, must be recorded in the minutes.

(13) Any Councillor may request that their dissent, abstention or support in respect of the voting process be recorded in the minutes of that meeting.

(14) If on any question there is an equality of votes, the Councillor presiding must exercise a casting vote in addition to that Councillor's vote as a Councillor.

27. Questions on Municipal Performance

(1) Any Councillor may submit a question concerning any matter related to the effective performance or administration of the municipality's functions and the exercise of its powers, in order to solicit intentions, explanations or information. Such item must not violate item 11(a) of the Code of Conduct reproduced in sub-rule (2) below.

(2) In terms of item 11 of the Code of Conduct, a Councillor may not, except as provided by law—

(a) interfere in the management or administration of any department of the Municipal Council unless mandated by Council;

(b) give or purport to give any instruction to any employee of the Council except when authorised to do so;

(c) obstruct or attempt to obstruct the implementation of any decision of the Council or a committee by an employee of the Council; or

(d) encourage or participate in any conduct which would cause or contribute to maladministration in the Council.

(3) A question to solicit information, including information which may be obtained through the Access to Information Act and other legislation, must be directed to the Municipal Manager's office.

(4) A Councillor must ensure that questions submitted in terms of this rule are submitted to the Office of the Speaker at least 10 days before the date of the next meeting.

[subrule (4) substituted by section 17(a) of the Amendment By-law, 2025]

(5) The Speaker must ensure that the questions are included in the agenda of the next Council meeting.

[subrule (5) substituted by section 17(b) of the Amendment By-law, 2025]

(6) The Speaker must decide, after consultation with the Whips, on the amount of time to be allocated to questions at each meeting.

(7) A Councillor who submits questions in respect of these rules must submit only one question in respect of one subject matter at any Council meeting.

[subrule (7) substituted by section 17(c) of the Amendment By-law, 2025]

(8) Where questions are submitted to Council in terms of this rule, the Speaker must forward a copy of every question to the relevant Executive Director, Municipal Manager and Director who must ensure that a response is given at the next Council meeting.

[subrule (8) substituted by section 17(d) of the Amendment By-law, 2025]

(8A) The relevant Chairperson or his or her nominee must ensure that the response is presented at the Council meeting.

[subrule (8A) inserted by section 17(e) of the Amendment By-law, 2025]

(9) Where questions are submitted to a committee in terms of this rule, the Chairperson must forward a copy of every question to the relevant Department Head and Deputy City Manager, who must ensure that a response is given at the next committee meeting. A response must be given by the relevant Deputy City Manager, Department Head or nominated official.

(10) If questions submitted in terms of sub-rule (1) have not been replied to at the meeting, the minutes of the meeting must record these questions and that no reply was provided.

[subrule (10) substituted by section 17(f) of the Amendment By-law, 2025]

(11) A Councillor who, after their question has been replied to, is of the opinion that the reply to the question is not clear, must request elucidation thereof with the consent of the Speaker or Chairperson.

(12) If the Speaker consents to a question for elucidation being put, the Chairperson of the relevant committee or any Member of the committee must reply to the question at the meeting or at the next ordinary meeting.

(13) *[subrule (13) deleted by section 17(g) of the Amendment By-law, 2025]*

(14) *[subrule (14) deleted by section 17(h) of the Amendment By-law, 2025]*

(15) *[subrule (15) deleted by section 17(i) of the Amendment By-law, 2025]*

(16) A Councillor may take charge of a question on behalf of an absent Councillor, provided that the absent Councillor has authorised that Councillor to do so in writing.

(17) Questions that have not been reached at the end of time allocated for questions must be responded to in writing and responses shall be communicated to the sponsor of the questions or the councillor who submitted them.

[subrule (17) substituted by section 17(j) of the Amendment By-law, 2025]

(18) A question may not stand over more than once.

(19) A Councillor may not re-submit a question or a similar motion to any question which has been considered by Council or a committee during the previous 3 months.

(20) All questions must be submitted on the official Councillor letterhead.

Chapter 6
Miscellaneous provisions

28. Delegation of Powers during Recess and Emergencies

(1) Whenever any matter requiring an immediate decision arises—

(a) *[paragraph (a) deleted by section 18(a) of the Amendment By-law, 2025]*

(b) during the period when Council is in recess or in session, and it is not possible to obtain a decision of the relevant committee or Council, such matter may be decided by the Municipal Manager, after consulting with the Mayor and the Executive Director concerned.

[paragraph (b) substituted by section 18(b) of the Amendment By-law, 2025]

(c) during a period not falling under paragraphs, (b) or (c), such matter, excluding a non-delegable matter contemplated in section 160(2) of the Constitution, may be decided by the Municipal Manager in consultation with the Mayor.

[paragraph (c) substituted by section 18(c) of the Amendment By-law, 2025]

(d) during a period not falling under paragraphs, (b) or (c), such matter, excluding a non-delegable matter contemplated in section 160(2) of the Constitution, may be decided by the Municipal Manager in consultation with the Mayor.

[paragraph (d) substituted by section 18(c) of the Amendment By-law, 2025]

[sub-rule (1) substituted by section 16(a) of the Amendment By-law, 2017]

(2) The power conferred upon the Municipal Manager in terms of sub-rule (1) may include the power to incur expenditure, provided the Executive Director: Treasury or his or her nominee in the Treasury department certifies in writing that provision has been made for the expenditure in the current

budget. If estimates for the financial year have been adopted by the Council, it must be confirmed that provision for the expenditure has been or will be made in the estimates for that financial year.

[subrule (2) substituted by section 18(d) of the Amendment By-law, 2025]

(3) Notwithstanding the provisions of sub-rules (1) and (2), no expenditure may be incurred on the capital account, unless approved by the Mayor in his or her capacity as Chairperson of EXCO.

[sub-rule (3) substituted by section 16(b) of the Amendment By-law, 2017]

(4) All matters which are decided in terms of this rule must be reported for noting at the next ordinary meeting of the committee within whose terms of reference the matter falls for onward noting by Council.

[sub-rule (4) substituted by section 16(c) of the Amendment By-law, 2017 and by section 18(e) of the Amendment By-law, 2025]

29. Records

(1) The Municipal Manager must ensure that—

(a) the minutes of meetings of Council and its committees are recorded; and

(b) such records are kept for a minimum of 5 years.

(2) The minutes of the Council must, after having been perused by the Speaker, be printed and supplied to Councillors.

(3) Where a copy of the minutes has been served on every Councillor in the manner provided in rule 6(2), the minutes shall be taken as read with a view to confirmation at the next Council meeting.

(4) A proposal or discussion may not be allowed on the minutes, except for a proposal on or discussion of the accuracy of the minutes.

(5) The Municipal Manager must ensure that the names of the Councillors who–

(a) attend any meeting;

(b) are absent from any meeting; and,

(c) have been granted leave of absence from any meeting,

are recorded in the minutes.

(6) The Municipal Manager must ensure that the minutes reflect the names of Councillors who requested that their dissent, abstention or support be recorded during voting, are recorded in the minutes.

(7) The Municipal Manager shall have custody of all records and other papers of Council and must neither remove nor permit such records to be removed without the leave of the Speaker.

(8) Audio recordings of all meetings of the Council must be kept at least until such time as the minutes are adopted.

30. Access to Information

(1) The Municipal Manager may on application by—

(a) any registered newspaper; or

(b) interested person or entity,

supply confirmed copies of Council minutes, official agenda and confirmed minutes of all committees subject to the provisions of the Access to Information Act.

(2) Subject to sub-rule (1), a person may not—

(a) have access to;

(b) be entitled to take extracts from;

(c) disclose;

(d) publish; or

(e) make copies of,

Council and committee minutes or official agendas of meetings which have been closed to the public in terms of rule 7.

(3) Any Councillor who publishes or discloses or causes any record of the Council or the proceedings of a committee to be published or disclosed when that meeting was closed to the public in terms of rule 7, shall be guilty of misconduct and shall be dealt with in terms of Council disciplinary processes.

(4) A Councillor may approach or communicate with a Head of Department or nominated official in order to obtain such information as he or she may reasonably require for the proper performance of his or her duties which information must—

(a) be relevant to any matter on an agenda of the Council or its committee concerning the business of the municipality;

(b) be relevant to any matter within the terms of reference of a committee or any other law; or

(c) reasonably be required by him or her for performance of a duty imposed on him or her in terms of a resolution of Council or its committee or any other applicable law.

(5) A Councillor may not approach or communicate with a Head of Department or nominated official in order to obtain information—

(a) relating to a situation where a Councillor or their spouse, partner or business associate has a direct or indirect personal or private business interest which may be in conflict with the provisions of the Code of Conduct;

(b) which would require the Head of Department or a nominated official to act unlawfully;

(c) which disclosure would defeat or be likely to defeat any privilege under any law entitling the Municipality not to disclose the information sought; or

(d) where it is in the opinion of the Head of Department or delegated official that the information sought is of—

(i) a confidential nature, unless the release of the information has been authorised by the relevant committee and which committee must before reaching a decision, afford a hearing to the Councillor seeking such release of information; or

(ii) such a nature that it would involve extensive research by officials, unless the relevant committee has authorised such research and release of information.

(6) A Head of Department must compile a list of officials that a Councillor may approach or communicate with for the purposes of obtaining information in sub-rules (4) and (5).

31. Report on Implementation of Council Decisions

(1) The Municipal Manager must at the end of the first 6 months of a term of office of Council, and at 6 month intervals thereafter, submit to the Council a report on the implementation of each decision of Council.

31A. State of the Municipality Address

(1) At the request of His or Her Worship, the Mayor, the Speaker of Council may grant authority to convene a special meeting to enable the Mayor to table the State of the Municipality Address (SOMA).

[rule 31A inserted by section 19 of the Amendment By-law, 2025]

32. Short title and commencement

This By-law is called the eThekwini Municipality: Rules of Order By-law, 2014 and takes effect on the date of the publication thereof in the *Provincial Gazette*.