Cederberg, South Africa

Advisory Board for Nature Reserves By-law, 2004

Legislation as at 22 October 2004

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Advisory Board for Nature Reserves By-law, 2004
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Cederberg
South Africa

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1. Definitions

In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the Afrikaans text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates:—

"**Board**" means the Advisory Board appointed by the municipality in terms of section 8 (1) of the Nature Conservation Ordinance, 19 of 1974;

"**first meeting**" means the first meeting after all the members of the board have been appointed, whether such appointment be the first appointment of members to a board or an appointment in terms of section 3(2).

"**municipality**" means the Municipality of Cederberg established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 482 dated 22 September 2000 and includes any political structure, political office bearer, municipality or, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, municipalitylor, agent or employee;

2. Composition of Board

The Board shall consist of six members, three of whom shall be appointed by the Premier of the Western Cape Province, and three by the municipality.

3. Term of office

(1) Members of the board shall hold office for a period of three years. A vacancy occurring on the board during such period shall be filled—

(a) by the appointment of a successor by the Premier, if the member who has vacated the office was appointed by the Premier, or

(b) by the appointment of a successor by the municipality, if the member who has vacated the office was appointed by the municipality, and the person so appointed shall hold office for the unexpired period of office of his predecessor.

(2) The Premier and municipality shall within three months of the expiration of the term of office of members of the board appoint new members in the manner prescribed by section 2.

4. Election of Chairperson

(1) The board shall elect a chairperson and a vice-chairperson for the term of office of the members of the board at the first meeting of the board after being duly constituted in terms of section 2 and as often as the office of chairperson or vice-chairperson shall become vacant. If both the chairperson and vice-chairperson of the board are not present at any meeting, the members of the board shall elect one of their number to act as chairperson for that meeting.

(2) The municipality may appoint a person, not being a member of the board to be secretary to the board. Failing the ap pointment of a secretary by the municipality by the time the first meeting of the board is held, the board shall at that meeting appoint a secretary from amongst its members. The secretary shall hold office until the expiration of the term of office of the members of the board. If the secretary of the board is not present at any meeting, the members of the board present shall elect one of their own members to act as secretary for that meeting.

(3) Where the office of secretary becomes vacant at any time before the expiration of the secretary's term of office the board or municipality, whichever appointed the previous incumbent of the office, shall within one month appoint a secretary who shall hold office for the unexpired period of office of his predecessor.

5. Minutes

The secretary shall keep the minutes of every meeting of the board in a book set aside for that purpose and such minutes shall be submitted by the secretary for confirmation at the next board meeting and if confirmed, shall be signed by the person presiding thereat.

6. Meetings

(1) The board shall hold such meetings as it may deem fit an may adjourn a meeting from time to time; provided that it shall meet at least once every three months. The board shall control and regulate its meetings in such manner as it may deem fit.

(2) All questions before a meeting of the board shall be decided by a majority of the members voting thereat and in the event of an equality of votes the chairperson shall have a casting vote in addition to his deliberative vote.

(3) The first meeting of the board shall be held on a date fixed by the municipality but not later than one month after the appointment of all members of the board. The place and hour of the meeting shall also be fixed by the municipality.

(4) The secretary shall at least seven days before a meeting of the board notify all members of the place, date and hour of such meeting; provided that the municipality shall notify mem bers of the first meeting if the secretary has not been ap pointed.

(5) At the first meeting and all subsequent meetings, the board shall decide the date, place and hour of the next meeting of the board, failing which the chairperson or vice-chairperson shall so decide.

7. Quorum

(1) Three members of the board shall form a quorum and no business shall be transacted unless a quorum is present.

(2) Whenever the municipality is of the opinion that there are urgent matters which require the attention of the board, the municipality may instruct the secretary to convene a special meeting of the board and the number of members of the board present at such meeting shall be reckoned as a quorum for that meeting.

Vacation of Office

8.

A member of the board who is absent without leave of the board from three consecutive meetings of the board shall cease to be a member of the board unless the board at the following meeting condones such absence, which shall there upon be deemed to be absence with leave of the board.

9.

A member of the board who is also a municipal councillor shall on ceasing to be a municipal councillor cease to be a member of the board; provided that such person may be reappointed a member of the board.

10.

A member of the board who desires to resign therefrom shall lodge his resignation in writing with the secretary of the board.

11. Committees

The board shall be entitled to appoint from amongst its members such committees as it may deem to be desirable to assist it.

12. Compensation

The fees payable to members of the board for travelling and subsistence allowance shall be determined by the municipality.

13. Powers and Functions

Without in any way detracting from the generality of the powers of the board in terms of section 8 (1) of the Nature Conservation Ordinance, 19 of 1974, to advise the municipality and make recommendations to the municipality in connection with the management, control and development of the reserve, the board shall—

(a) submit to the municipality annually before 31 October a draft estimate of the approximate expenditure and income which will be incurred and accrued during the following year in respect of the nature reserve;

(b) from time to time furnish the municipality with recommendations regarding the admission fees, times of admission and stay in the nature reserve, temporary closing of the nature reserve, points of access, restriction of access of persons and vehicles and all other matters which are subject to the decision of the Director of Nature Conservation in terms of the Nature Conservation Regulations promulgated under Provincial Notice 955 dated 29 August 1975 and published in the Official Gazette dated 1 September 1975, or any amendments thereof;

(c) from time to time furnish the municipality with recommendations regarding privileges which should be granted to members of recognized associations only;

(e) investigate and submit recommendations to the municipality regarding complaints received from owners and/or occupiers of adjacent property.