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[No. 6738

**GOVERNMENT NOTICES**

**DEPARTMENT OF CO-OPERATION AND DEVELOPMENT**

No. R. 2559    16 November 1979

**ESTABLISHMENT OF A COMMUNITY COUNCIL FOR THE URBAN RESIDENTIAL AREA OF BRANDFORT**

I, George de Villiers Morrison, Deputy Minister of Co-operation, hereby establish, on behalf of the Minister of Co-operation and Development by virtue of the powers vested in him by section 2 (1) of the Community Council's Act, 1977 (Act 125 of 1977), a community council for the urban residential area defined in the Schedule hereto.

G. DE V. MORRISON, Deputy Minister of Co-operation.

(File A2/14/2/B68)

**SCHEDULE**

Urban residential area	Defined in Government Notice
Brandfort.....	1455 of 16 August 1929. 212 of 16 February 1962.

No. R. 2560    16 November 1979

**REGULATIONS GOVERNING THE COMMUNITY COUNCIL OF BRANDFORT**

I, George de Villiers Morrison, Deputy Minister of Co-operation, on behalf of and by direction of the Minister of Co-operation and Development, by virtue of the powers vested in him by section 11 (1) of the Community Council's Act, 1977 (Act 125 of 1977), hereby make the regulations contained in the accompanying Schedule.

G. DE V. MORRISON, Deputy Minister of Co-operation.

(File A2/14/2/B68)

17678—A

**GOEWERMENTSKENNISGEWINGS**

**DEPARTEMENT VAN SAMEWERKING EN ONTWIKKELING**

No. R. 2559    16 November 1979

**INSTELLING VAN 'N GEMEENSKAPSRAAD VIR DIE STEDELIKE WOONGEBIED VAN BRANDFORT**

Ek, George de Villiers Morrison, Adjunk-minister van Samewerking, stel hierby, namens die Minister van Samewerking en Ontwikkeling, kragtens die bevoegdheid hom verleen by artikel 2 (1) van die Wet op Gemeenskapsrade, 1977 (Wet 125 van 1977), 'n gemeenskapsraad in vir die stedelike woongebied omskryf in die Bylae hiervan.

G. DE V. MORRISON, Adjunk-minister van Samewerking.

(Lêer A2/14/2/B68)

**BYLAE**

Stedelike woongebied	Omskryf by Goewerments-kennisgewing
Brandfort.....	1455 van 16 Augustus 1929. 212 van 16 Februarie 1962.

No. R. 2560    16 November 1979

**REGULASIES BETREFFENDE DIE GEMEENSKAPSRAAD VAN BRANDFORT**

Ek, George de Villiers Morrison, Adjunk-minister van Samewerking, vaardig hierby, namens en in opdrag van die Minister van Samewerking en Ontwikkeling, kragtens die bevoegdheid hom verleen by artikel 11 (1) van die Wet op Gemeenskapsrade, 1977 (Wet 125 van 1977), die regulasies uit wat in die bygaande Bylae vervat is.

G. DE V. MORRISON, Adjunk-minister van Samewerking.

(Lêer A2/14/2/B68)

6738—1

**SCHEDULE**  
**CHAPTER 1**  
**DEFINITIONS**

1. In these Regulations, unless the context otherwise indicates—

“agent” means an agent appointed under regulation 23;

“Board” means the Southern Orange Free State Administration Board established by section 2 (1) of the Black Affairs Administration Act, 1971 (Act 45 of 1971), read with Government Notices 1001 of 1973 and 630 of 1979;

“Chief Director” means the Chief Director of the Board;

“Commissioner” means the person appointed Commissioner, Brandfort, under section 2 (2) of the Black Administration Act, 1927 (Act 38 of 1927);

“committee” means any committee of the Community Council appointed under section 5 (1) (k) of the Act;

“Community Council” means the Brandfort Community Council established under section 2 (1) of the Act and “Council” has a corresponding meaning;

“corrupt practice” means any of the offences of treating, undue influence, bribery and personation;

“electoral officer” means the electoral officer referred to in regulation 15 and includes an assistant electoral officer;

“identity document” means a reference book referred to in the Black (Abolition of Passes Co-ordination of Documents) Act 1952 (Act 67 of 1952), and a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Republic Regulation Act, 1972 (Act 59 of 1972);

“illegal practice” means any of the offences created by regulations 58, 59 and 60;

“member” means a member of the Community Council;

“registered occupier” means a person to whom a site, residential, hostel or lodger's permit or certificate of occupation has been issued in terms of the Regulations contained in the Schedule to Government Notice R. 1036 of 1968, any person to whom the township manager has issued a permit permitting him to occupy any approved dwelling on any church, school or institutional site and the person over the age of 18 years whose name appears on such permit or certificate as well as any child of such permit or certificate holder over the age of 18 years who lawfully resides continuously with such permit or certificate holder: Provided that any person who derives his right to remain in the area concerned from a permission granted under section 10 (1) (d) of the principal Act, shall not be considered to be such a registered occupier;

“Secretary of the Community Council” means the person appointed or employed as such by the Community Council under section 5 (1) (i) of the Act;

“the Act” means the Community Council's Act, 1977 (Act 125 of 1977);

“the principal Act” means the Black (Urban Areas) Consolidation Act, 1945 (Act 25 of 1945);

“township manager” means any officer appointed in terms of section 22 of the principal Act and licensed under Government Notice 552 of 1958 to manage the urban residential area for which the Community Council has been established and includes the duly appointed and licensed deputy and assistant of such officer;

**BYLAE**  
**HOOFSTUK 1**  
**WOORDOMSKRYWING**

1. In hierdie Regulasies, tensy uit die samehang anders blyk, beteken—

“agent” ’n agent aangestel kragtens regulasie 23;

“die Hoofwet” die Swartes (Stadsgebiede) Konsolidasiewet, 1945 (Wet 25 van 1945);

“die Wet” die Wet op Gemeenskapsrade, 1977 (Wet 125 van 1977);

“dorpsbestuurder” enige beampte aangewys kragtens artikel 22 van die Hoofwet en gelisensieer kragtens Goewermentskennisgewing 552 van 1958 om die stede-lyke woongebied waarvoor die Gemeenskapsraad ingestel is, te bestuur, asook die behoorlike aangestelde en gelisensieerde adjunk en assistent van sodanige beampte;

“Gemeenskapsraad” die Brandfortse Gemeenskapsraad ingestel kragtens artikel 2 (1) van die Wet;

“geregisteerde bewoner” ’n persoon aan wie ’n perseel-, woon-, tehuis- of loseerderspermit of ’n sertifikaat van bewoning kragtens die Regulasies vervat in die Bylae van Goewermentskennisgewing R. 1036 van 1968 uitgereik is, ’n persoon aan wie die dorpsbestuurder ’n permit uitgereik het om ’n goedgekeurde woning op ’n kerk-, skool- of inrigtingsterrein te bewoon en die persoon bo die ouderdom van 18 jaar wie se naam op sodanige permit of sertifikaat verskyn, asook enige kind bo die ouderdom van 18 jaar van sodanige permit- of sertifikaathouer wat wettiglik, onafgebroke by sodanige permit- of sertifikaathouer inwoon: Met dien verstande dat ’n persoon wat sy reg om in die betrokke woongebied te bly, ontleen aan ’n vergunning kragtens artikel 10 (1) (d) van die Hoofwet verleen, nie as sodanige geregisteerde bewoner beskou word nie;

“Hoofdirekteur” die Hoofdirekteur van die Raad;

“identiteitsdokument” ’n bewysboek in die Swartes (Afskaffing van Passe en Koördinering van Dokumente) Wet, 1952 (Wet 67 van 1952), bedoel en ’n paspoort, permit, identifikasiebewys of ander reisdokument in die Wet op die Reëling van die Toelating van Persone tot die Republiek, 1972 (Wet 59 van 1972), bedoel;

“kieser” iemand wat ingevolge regulasie 3 bevoeg is om by ’n verkiesing van verkose lede van die Gemeenskapsraad te stem en wie se naam op ’n kieserslys in regulasie 4 bedoel, voorkom;

“komitee” ’n komitee van die Gemeenskapsraad aangestel kragtens artikel 5 (1) (k) van die Wet;

“Kommissaris” die persoon aangestel as Kommissaris, Brandfort, kragtens artikel 2 (2) van die Swart Administrasie Wet, 1927 (Wet 38 van 1927);

“korrupte bedrywigheid” enige van die misdrywe van trakteredery, onbehoorlike beïnvloeding, omkopery en uitgee vir ’n ander;

“lid” ’n lid van die Gemeenskapsraad;

“onwettige bedrywigheid” enige van die misdrywe geskep deur regulasies 58, 59 en 60;

“Raad” die Suid-Oranje-Vrystaat Administrasieraad ingestel by artikel 2 (1) van die Wet op Administrasie van Swart Sake, 1971 (Wet 45 van 1971), saamgelees met Goewermentskennisgewings 1001 van 1973 en 630 van 1979;

“Sekretaris van die Gemeenskapsraad” die persoon wat kragtens artikel 5 (1) (i) van die Wet as sodanig deur die Gemeenskapsraad aangestel of in diens van die Gemeenskapsraad is;



"voter" means any person who is qualified to vote at any election of elected members of the Community Council in terms of regulation 3 and whose name appears on any voters' list referred to in regulation 4.

## CHAPTER 2 DELIMITATION

### *Delimitation of wards*

2. (1) The Board shall divide the area for which the Community Council has been established into six wards.

(2) Such division shall be made within one month after the date of publication of these Regulations and thereafter at intervals of not less than five years and not more than 10 years commencing from the last delimitation of wards.

(3) Details of such division shall be made available for inspection at the office of the township manager.

## CHAPTER 3 VOTERS AND VOTERS' LISTS

### *Qualification of voters*

3. Only persons who are citizens of the Republic of South Africa or any territory which previously formed part of the Republic and who are registered occupiers within the area for which the Community Council has been established and whose names appear on the voters' list, shall be qualified to vote at any election of elected members of the Community Council.

### *Voters' lists*

4. (1) Within two months of the delimitation of wards under regulation 2, the electoral officer shall prepare for each ward a list of persons who are entitled to vote.

(2) The lists prepared after any such delimitation of wards shall come into operation immediately after they have been so prepared by the electoral officer.

(3) Until the coming into operation of the voters' lists prepared after the delimitation of wards, the current voters' lists shall continue to be valid, but thereafter the lists prepared after such delimitation shall be the voters' lists for the respective wards.

(4) The voters' lists prepared for the various wards after any delimitation of wards shall be—

(a) supplemented by the insertion therein of the names of voters whose names do not appear therein and who have satisfied the electoral officer that they are qualified to have their names inserted therein; and

(b) further adjusted by the deletion of the name of any person who is dead or no longer qualifies for continuance of registration as a voter.

### *Voters' list in which voter's name is to be entered*

5. No person's name shall be entered in a voters' list for any particular ward unless he actually resides in such ward on the date on which his name is so entered in the voters' list.

### *Particulars to be shown in voters' list*

6. A voters' list shall show in respect of every person whose name is included therein—

(a) a serial number;

(b) his surname and immediately thereafter his first names;

"verkiesingsbeampte" die verkiesingsbeampte in regulasie 15 bedoel en ook 'n assistent-verkiesingsbeampte.

## HOOFSTUK 2 AFBAKENING

### *Afbakening van wyke*

2. (1) Die Raad verdeel die gebied waarvoor die gemeenskapsraad ingestel is in ses wyke.

(2) Sodanige verdeling word binne een maand na die datum van publikasie van hierdie Regulasies gedoen en daarna met tussenpose van minstens vyf jaar en hoogstens 10 jaar, gereken van die jongste afbakening van wyke.

(3) Besonderhede van sodanige verdeling word vir inspeksie by die kantoor van die dorpsbestuurder beskikbaar gestel.

## HOOFSTUK 3 KIESERS EN KIESERSLYSTE

### *Kwalifikasie van kiesers*

3. Alleenlik burgers van die Republiek van Suid-Afrika of 'n gebied wat voorheen deel van die Republiek uitgemaak het en wat geregistreerde bewoners is binne die gebied waarvoor die Gemeenskapsraad ingestel is en wie se name op die kieserslys verskyn, kwalifiseer om by 'n verkiesing van gekose lede van die Gemeenskapsraad te stem.

### *Kieserslyste*

4. (1) Binne twee maande na die afbakening van wyke kragtens regulasie 2 moet die verkiesingsbeampte 'n lys van persone wat geregtig is om te stem, vir elke wyk opstel.

(2) Die lys wat na sodanige afbakening van wyke opgestel is, tree in werking onmiddellik nadat dit aldus deur die verkiesingsbeampte opgestel is.

(3) Die lopende kieserslyste bly van krag tot dat die kieserslyste wat na die afbakening van wyke opgestel is in werking tree, en daarna is die lys wat na sodanige afbakening opgestel is, die kieserslyste vir die onderskeie wyke.

(4) Die kieserslyste wat na 'n afbakening van wyke vir die verskillende wyke opgestel is, word—

(a) aangevul deur die opname daarin van die name van kiesers wie se name nie daarin verskyn nie en wat die verkiesingsbeampte daarvan oortuig dat hulle kwalifiseer vir die opname van hul name daarin; en

(b) verder aangepas deur die skraping daarin van die name van kiesers wat oorlede is of nie langer bevoeg is om as 'n kieser geregistreer te wees nie.

### *Kieserslys waarin kiesersnaam ingeskryf moet word*

5. Geen persoon se naam word in 'n kieserslys vir 'n besondere wyk ingeskryf nie tensy hy inderdaad in sodanige wyk woon op die datum waarop sy naam aldus in die kieserslys ingeskryf word.

### *Besonderhede wat op 'n kieserslys aangegee moet word*

6. Op 'n kieserslys moet ten aansien van iedere persoon wie se naam daarin opgeneem is, aangegee word—

(a) 'n volgnummer;

(b) sy van en onmiddellik daarna sy voorname;

- (c) his residential address; and
- (d) his identity document number;

in order of house numbers and, in the case of persons resident in hostels, all surnames shall be in alphabetical order.

*Permanent change in the place of residence of voter*

7. (1) Whenever there has been a permanent change in the place of residence of a voter, he shall forthwith notify the electoral officer of the change.

(2) On receipt of any such notification the electoral officer shall amend the voters' list or lists as circumstances may require.

*List of insertions*

8. On the first day of every month the electoral officer shall prepare in respect of each ward, a list of insertions, *mutatis mutandis* in the form prescribed in regulation 6 in respect of a voters' list, showing the names inserted in terms of regulations 4 (4) (a) and 7 (2) in the voters' list for the ward in question during the immediately preceding month.

*Amendment of voters' list by electoral officer*

9. (1) Subject to the provisions of subregulations (2) and (3), the electoral officer shall, if he is satisfied as to the relative facts, amend the voters' list for any ward by—

(a) correcting any mistake, supplying any omission or recording any change in the particulars of the registration of any person;

(b) after ascertaining by virtue of the provisions of regulation 7 that a person has ceased to be permanently resident in the ward in which he is registered as a voter, transferring his name to the list in respect of the ward to which he has moved, or, in the case of a person who has left the area for which the Community Council has been established, removing his name from the list;

(c) removing the name of any person who is dead or no longer qualifies for continuance of registration as a voter;

(d) removing any superfluous entry where the name of the same person appears more than once in the same voters' list or in voters' lists for more than one ward.

(2) Before removing the name of any person from the voters' list, or adding it thereto, the electoral officer shall, by such means as are practicable, satisfy himself that the name relates to the person concerned.

(3) The electoral officer shall cause a copy of a list containing the names of persons who no longer qualify for continuance of registration as voters and whose names were removed from the voters' list during any month, to be displayed on the notice board at the township manager's office for a period of at least 30 days commencing not later than the 20th day of the next ensuing month.

*When voters' lists to be printed*

10. (1) The voters' lists as prepared and supplemented and further adjusted from time to time in accordance with the provisions of these Regulations, shall be printed, subject to the provisions of subregulation (2), not later than one month before an election referred to in regulation 19, and at such other times as the electoral officer considers necessary.

(2) The voters' lists printed for the purposes of an election referred to in subregulation (1) shall be the voters' lists for the wards in question as supplemented

- (c) sy woonadres; en
- (d) sy identiteitsdokumentnommer;

in volgorde van huisnommers, en in die geval van persone woonagtig in tehuise, moet alle vanne in alfabetiese volgorde wees.

*Permanente verandering in verblyfplek van kieser*

7. (1) Wanneer daar 'n permanente verandering plaasvind in die verblyfplek van 'n kieser, stel hy onverwyld die verkiesingsbeampte in kennis van die verandering.

(2) By ontvangs van so 'n kennisgewing, wysig die verkiesingsbeampte die kieserslys of -lyste, na gelang van die omstandighede.

*Lys van opnames*

8. Die verkiesingsbeampte stel op die eerste dag van elke maand ten opsigte van elke wyk 'n lys van opnames op, *mutatis mutandis* in die vorm in regulasie 6 ten opsigte van 'n kieserslys voorgeskryf, waarin die name wat gedurende die onmiddellik voorafgaande maand ingevolge regulasies 4 (4) (a) en 7 (2) in die kieserslys vir die betrokke wyk opgeneem is.

*Wysiging van kieserslys deur verkiesingsbeampte*

9. (1) Behoudens die bepalings van subregulasies (2) en (3), wysig die verkiesingsbeampte, indien hy oortuig is ten opsigte van die feite wat ter sake is, die kieserslys vir 'n wyk deur—

(a) 'n fout in die besonderhede van die registrasie van 'n persoon te verbeter, 'n weglating daarin aan te vul of 'n verandering daarin aan te teken;

(b) na vasstelling uit kragte van die bepalings van regulasie 7 dat 'n persoon opgehou het om permanent in die wyk waarin hy as 'n kieser geregistreer is te woon, sy naam oor te plaas na die lys ten opsigte van die wyk waarheen hy verhuis het of, in die geval van 'n persoon wat die gebied waarvoor die Gemeenskapsraad ingestel is verlaat het, sy naam van die lys te verwyder;

(c) die naam van 'n persoon wat oorlede is of onbevoeg is om as kieser geregistreer te bly, te verwyder;

(d) 'n oortollige inskrywing te verwyder, waar die naam van dieselfde persoon meer as een maal in dieselfde kieserslys of in kieserslyste vir meer as een wyk voorkom.

(2) Alvorens die naam van 'n persoon uit die kieserslys te verwyder of dit daarin by te voeg, vergewis die verkiesingsbeampte hom deur sodanige middele as wat uitvoerbaar is, daarvan dat die naam op die betrokke persoon betrekking het.

(3) Die verkiesingsbeampte laat 'n afskrif van 'n lys bevattende die name van persone wat onbevoeg is om as kiesers geregistreer te bly en wie se name gedurende enige maand van die kieserslys verwyder is, op die aanplakbord by die dorpsbestuurder se kantoor vertoon vir 'n tydperk van minstens 30 dae beginnende voor of op die 20ste dag van die daaropvolgende maand.

*Wanneer kieserslyste gedruk moet word*

10. (1) Die kieserslyste, soos ooreenkomstig die bepalings van hierdie Regulasies opgestel en van tyd tot tyd aangevul en verder aangepas, word, behoudens die bepalings van subregulasie (2), gedruk uiterlik een maand voor 'n verkiesing in regulasie 19 bedoel, en op die ander tye wat die verkiesingsbeampte nodig ag.

(2) Die kieserslyste wat vir die doeleindes van 'n verkiesing in subregulasie (1) bedoel, gedruk word, is die kieserslyste vir die betrokke wyke soos van tyd tot



and further adjusted from time to time up to and including the last day of the month preceding the month in which the notice referred to in regulation 19 is issued.

(3) A voters' list printed for the purposes of an election referred to in subregulation (1), shall not be amended and shall prior to such election be made available for inspection for a period of at least 14 days at the office of the township manager within whose area of jurisdiction the ward is situated.

*Voters' lists not invalidated by reason of errors*

11. If through accident, inadvertence or oversight, anything required by law to be done in the preparation of any voters' list is erroneously done or omitted to be done, the voters' list shall not be invalidated thereby and the electoral officer may take or cause to be taken such steps as are necessary to rectify the error or omission.

## CHAPTER 4 QUALIFICATIONS

12. Subject to the provisions of section 3 (5) of the Act, no person shall be qualified to be or remain a member of the Community Council if he—

(a) is not a registered occupier in the area for which the Community Council has been established;

(b) is not a voter;

(c) is in arrears for more than two months with any charges, fees or other dues payable by him to the Board or the Community Council on the day when nominations of candidates for the election of members of the Community Council close;

(d) has, within the period of three years immediately preceding the date of his nomination for election, been convicted of any offence in respect of which he has been sentenced to imprisonment without the option of a fine for a period of more than six months;

(e) is being detained as mentally disordered or defective under the Mental Disorders Act, 1916 (Act 38 of 1916), or the Mental Health Act, 1973 (Act 18 of 1973);

(f) is an employee of the Community Council;

(g) is prohibited in terms of section 2 (4) of the Riotous Assemblies Act, 1956 (Act 17 of 1956), from attending gatherings, and particulars of the notice addressed to him under the said section 2 (4) have been published in the *Government Gazette* in terms of section 2 (5) of the said Act;

(h) is prohibited in terms of section 5 (1) (e) or section 9 (1) of the Internal Security Act, 1950 (Act 44 of 1950), from attending gatherings;

(i) is a person whose name appears on a list compiled in terms of the provisions of section 4 (10) of the Internal Security Act, 1950 (Act 44 of 1950), and published in the *Government Gazette* in terms of section 8 (4) of the said Act.

## CHAPTER 5 ELECTIONS

### *General elections*

13. A general election of members of the Community Council shall take place not later than six months after the publication of these Regulations and thereafter in every third year during September.

tyd aangevul en verder aangepas tot en met die laaste dag van die maand wat die maand waarin die in regulasie 19 bedoelde kennisgewing uitgevaardig word, voorafgaan.

(3) 'n Kieserslys wat vir die doeleindes van 'n verkiesing in subregulasie (1) bedoel, gedruk is, word nie gewysig nie en word voor sodanige verkiesing vir inspeksie beskikbaar gestel vir 'n tydperk van minstens 14 dae by die kantoor van die dorpsbestuurder binne wie se regsgebied die wyk geleë is.

*Kieserslyste nie as gevolg van foute ongeldig nie*

11. Indien per ongeluk, per abuis of deur onoplettendheid iets wat regtens by die opstel van 'n kieserslys gedoen moet word, verkeerd gedoen word of nie gedoen word nie, maak dit die kieserslys nie ongeldig nie, en kan die verkiesingsbeampte die stappe doen of laat doen wat nodig is om die fout te verbeter of om die versuim te herstel.

## HOOFSTUK 4 KWALIFIKASIES

12. Behoudens die bepalings van artikel 3 (5) van die Wet, is geen persoon bevoeg om lid van die Gemeenskapsraad te wees of te bly nie indien hy—

(a) nie 'n geregistreerde bewoner binne die gebied waarvoor die Gemeenskapsraad ingestel is, is nie;

(b) nie 'n kieser is nie;

(c) op die dag waarop nominasies van kandidate vir die verkiesing van lede van die Gemeenskapsraad sluit, vir meer as twee maande agterstallig is met die betaling van vorderings, gelde of ander bedrae wat deur hom aan die Raad of die Gemeenskapsraad verskuldig is;

(d) binne die tydperk van drie jaar wat die datum van sy nominasie vir verkiesing onmiddellik voorafgaan, skuldig bevind is aan enige misdryf ten opsigte waarvan hy tot gevangenisstraf sonder die keuse van 'n boete vir 'n tydperk van meer as ses maande gevonnis is;

(e) kragtens die Wet op Geestesgebreken, 1916 (Wet 38 van 1916), of die Wet op Geestesgesondheid, 1973 (Wet 18 van 1973), as geestelik gekrenk of gebrekkig aangehou word;

(f) 'n werknemer van die Gemeenskapsraad is;

(g) kragtens artikel 2 (4) van die Wet op Oproerige Byeenkomste, 1956 (Wet 17 van 1956), verbied is om byeenkomste by te woon en besonderhede van die kennisgewing wat kragtens bedoelde artikel 2 (4) aan hom gerig is, kragtens artikel 2 (5) van bedoelde Wet in die *Staatskoerant* afgekondig is;

(h) kragtens artikel 5 (1) (e) of 9 (1) van die Wet op Binnelandse Veiligheid, 1950 (Wet 44 van 1950), verbied is om byeenkomste by te woon;

(i) iemand is wie se naam verskyn op 'n lys, saamgestel kragtens die bepalings van artikel 4 (10) van die Wet op Binnelandse Veiligheid, 1950 (Wet 44 van 1950), en in die *Staatskoerant* kragtens artikel 8 (4) van bedoelde Wet afgekondig is.

## HOOFSTUK 5 VERKIESINGS

### *Algemene verkiesings*

13. 'n Algemene verkiesing van lede van die Gemeenskapsraad word gehou uiterlik ses maande nadat hierdie Regulasies bekendgemaak is en daarna driejaarlik gedurende September.

*Term of office of members*

14. (1) A member elected at a general election or an election held to fill a casual vacancy shall assume office on the date of such election.

(2) A member designated by the Minister under section 3 (2) of the Act shall assume office on a date determined by the Minister.

(3) A member shall, subject to the provisions of regulations 61 and 62, remain in office up to and including the day immediately preceding the next succeeding general election or until the terms for which he was designated by the Minister in terms of section 3 (2) of the Act, has expired.

*Electoral officer*

15. (1) The Commissioner shall appoint, after consultation with the Board, an electoral officer and as many assistant electoral officers as he may deem necessary.

(2) The electoral officer shall be responsible for the conduct of elections of members of the Community Council.

*Presiding officer, polling officers, counting officers and witnesses*

16. The electoral officer shall appoint in writing a presiding officer and as many polling officers and witnesses as may be necessary for effectually taking poll at every polling station and he shall appoint as many counting officers as may be necessary for the counting of votes after the close of the poll.

*Polling stations*

17. There shall be polling stations at such place or places as the electoral officer deems necessary.

*Members to be elected*

18. The number of members determined by the Minister under section 3 (1) of the Act shall be elected.

*Fixing of nomination and polling dates*

19. (1) The electoral officer shall, not later than three months after the date of publication of these Regulations, and thereafter not later than the first day of August of each year in which a general election is to be held, call, in a notice which shall be in both official languages and shall be published in at least one newspaper which generally circulates in the area for which the Community Council has been established and shall be displayed on the notice board at each township manager's office situated in such area, for the nomination of candidates for the election of members of the Community Council.

(2) The notice referred to in subregulation (1) shall specify—

(a) the place at which and the date and time before which nominations shall be received by the electoral officer, which date shall be not less than 14 days and not more than 21 days from the date of first publication of such notice; and

(b) the places at which and the date, other than a Sunday, on which polling shall take place.

*Hours of poll*

20. The poll shall commence at 07h00 and close at 21h00 on the polling day, but the presiding officer shall permit every voter who is at 21h00 inside the room in which the ballot box is, to record his vote before the closing of the poll.

*Ampstermyn van lede*

14. (1) 'n Lid verkies in 'n algemene verkiesing of 'n verkiesing gehou om 'n toevallige vakature te vul, aanvaar sy amp op die datum van sodanige verkiesing.

(2) 'n Lid deur die Minister kragtens artikel 3 (2) van die Wet aangewys, aanvaar sy amp op die datum deur die Minister bepaal.

(3) 'n Lid bly, behoudens die bepalings van regulasies 61 en 62, in sy amp aan tot en met die dag wat die eersvolgende algemene verkiesing onmiddellik voorafgaan of totdat die termyn waarvoor hy ingevolge artikel 3 (2) van die Wet deur die Minister aangewys is, verstryk.

*Verkiesingsbeampte*

15. (1) Die Kommissaris na oorlegpleging met die Raad, stel 'n verkiesingsbeampte en soveel assistent verkiesingsbeamptes as wat hy nodig ag, aan.

(2) Die verkiesingsbeampte is verantwoordelik vir die hou van verkiesings van lede van die Gemeenskapsraad.

*Voorsittende beampte, stemopnemers, telbeamptes en getuies*

16. Die verkiesingsbeampte stel skriftelik 'n voorsittende beampte en soveel stemopnemers en getuies aan as wat nodig is om die stemming doeltreffend te laat plaasvind by iedere stemburo en stel soveel telbeamptes aan as wat nodig is vir die tel van die stemme na die sluiting van die stemming.

*Stemburo's*

17. Daar moet stemburo's wees by sodanige plek of plekke as wat die verkiesingsbeampte nodig ag.

*Lede wat verkies moet word*

18. Die aantal lede deur die Minister kragtens artikel 3 (1) van die Wet bepaal, word verkies.

*Bepaling van nominasie- en stemdatums*

19. (1) Die verkiesingsbeampte moet binne drie maande na die bekendmaking van hierdie Regulasies en daarna uiters op die eerste dag van Augustus van elke jaar waarin 'n algemene verkiesing gehou staan te word, in 'n kennisgewing, in albei amptelike tale, wat afgekondig word in ten minste een nuusblad wat gewoonlik in die gebied waarvoor die Gemeenskapsraad ingestel is, versprei word en wat op die aanplakbord by elke dorpsbestuurder se kantoor in sodanige gebied geleë vertoon word, om nominasies vra van kandidate vir verkiesing tot lede van die Gemeenskapsraad.

(2) Die kennisgewing in subregulasie (1) bedoel, vermeld—

(a) die plek waar en die datum en tyd tot en met wanneer nominasies deur die verkiesingsbeampte ontvang sal word, welke datum minstens 14 dae en hoogstens 21 dae na die datum van eerste afkondiging van sodanige kennisgewing moet wees; en

(b) die plekke waar en die datum, uitgesonderd 'n Sondag, waarop stemming sal plaasvind.

*Ure van stemming*

20. Stemming begin om 07h00 en sluit om 21h00 op die dag van stemming, maar die voorsittende beampte laat elke kieser wat om 21h00 binne die kamer waarin die stembus is, sy stem uitbring voor die sluiting van die stemming.



*Nomination of candidates*

21. (1) Nominations of candidates for election as members of the Community Council shall be submitted in writing to the electoral officer in the form contained in Annexure A hereto, which form shall be supplied by the township manager, and shall be supported by the signatures of not less than 10 persons who are registered as voters in the ward for which the nomination is made.

(2) The electoral officer shall as soon as practicable, and not later than 14 days after the date referred to in subregulation (1), affix on the notice board at the office of the township manager a notice containing a list of the candidates duly nominated in terms of these Regulations and shall also declare those candidates who have been returned unopposed to be elected members for their respective wards.

*Deposit by or on behalf of persons nominated*

22. (1) There shall be deposited by or on behalf of each person nominated as a candidate for election as a member of the Community Council the sum of R10 with the electoral officer on or before the date and time referred to in regulation 19 (2) (a).

(2) If poll takes place and the total number of votes received thereat by any unsuccessful candidate is less than one-fifth of the number of votes received by the successful candidate the sum deposited by or on behalf of such unsuccessful candidate shall be forfeited and shall be paid into the funds of the Community Council.

(3) Save as is in this regulation expressly provided, the sum deposited shall be returned to the depositor.

*Candidates and agents*

23. (1) Any duly nominated candidate at an election of members of the Community Council may, in the form contained in Annexure B hereto, appoint one or more agents to assist him and shall advise the electoral officer in writing of the name(s) and address(es) of such agent or agents.

(2) The candidates and only one agent per candidate shall be allowed at any particular time to be present inside any polling station or any place where votes are counted.

(3) Any person appointed an agent in terms of subregulation (1) shall produce his letter of appointment to the electoral officer, presiding officer or polling officer, as the case may be, if required to do so.

*Provision of equipment*

24. (1) For all elections the electoral officer shall arrange for voting compartments, ballot boxes, ballot papers, instruments for marking ballot papers with the official mark and other requirements to be provided and shall do such other acts and make such arrangements to facilitate the taking of the poll as he may deem necessary for effectually conducting the election.

(2) The equipment and requirements in connection with any election shall be supplied by and all expenditure in this connection shall be for the account of the Community Council: Provided that the equipment and requirements in connection with the first election shall be supplied by and all expenditure in connection with such election shall be for the account of the Board.

*Nominasie van kandidate*

21. (1) Die nominasie van kandidate vir verkiesing tot lede van die Gemeenskapsraad moet skriftelik by die verkiesingsbeampte ingedien word in die vorm in Aanhangsel A hiervan vervat en wat deur die dorpsbestuurder verskaf word en dit moet gestaaf word deur die handtekeninge van 10 persone wat as kiesers geregistreer is in die wyk ten opsigte waarvan sodanige nominasie geskied.

(2) Die verkiesingsbeampte moet so gou doenlik, en uitsers 14 dae na die datum in subregulasie (1) bedoel, 'n kennisgewing met die lys van kandidate wat behoorlik ingevolge hierdie Regulasies genomineer is, op die aanplakbord by die kantoor van die dorpsbestuurder opplak en moet ook dié kandidate wat onbestrede verkies is, tot verkose lede vir hul onderskeie wyke verklaar.

*Deposito deur of namens genomineerde persone*

22. (1) Daar word op of voor die datum en tyd in regulasie 19 (2) (a) bedoel, deur of ten behoeve van elke persoon wat genomineer is as kandidaat vir verkiesing tot lid van die Gemeenskapsraad die bedrag van R10 by die verkiesingsbeampte gestort.

(2) Indien 'n stemming plaasvind en die totale getal stemme wat daarby op enige verslane kandidaat uitgebring is, minder is as 'n vyfde van die getal stemme van die suksesvolle kandidaat, word die bedrag wat deur of ten behoeve van sodanige verslane kandidaat gestort is, verbeur en in die fondse van die Gemeenskapsraad gestort.

(3) Behoudens die uitdruklike bepalings van hierdie regulasie, word die gestorte bedrag aan die deposant terugbetaal.

*Kandidate en agente*

23. (1) Enige behoorlik genomineerde kandidaat by 'n verkiesing van lede van die Gemeenskapsraad kan, in die vorm vervat in Aanhangsel B hiervan, een of meer agente aanstel om hom behulpsaam te wees, en hy moet die verkiesingsbeampte skriftelik in kennis stel van die naam (name) en adres(se) van sodanige agent(e).

(2) Die kandidate en slegs een agent per kandidaat word toegelaat om op enige bepaalde tydstip binne enige stemburo of by enige plek waar stemme getel word, teenwoordig te wees.

(3) 'n Persoon wat kragtens subregulasie (1) as agent aangestel is, moet sy aanstellingsbrief toon aan die verkiesingsbeampte, voorsittende beampte of stemopnemer na gelang van die geval, indien dit van hom verlang word.

*Verskaffing van uitrusting*

24. (1) Die verkiesingsbeampte reël by alle verkiesings dat stembokkies, stembusse, stembriewe, toestelle om die stembriewe met die amptelike merk te merk en ander benodigdhede verskaf word en doen sodanige ander stappe en tref sodanige reëlins ter vergemakliking van die stemming as wat hy nodig ag ten einde die verkiesing op doeltreffende wyse te kan laat geskied.

(2) Die Gemeenskapsraad verskaf die uitrusting en benodigdhede in verband met 'n verkiesing en alle uitgawes in verband met sodanige verkiesing is vir sy rekening: Met dien verstande dat die Raad die uitrusting en benodigdhede in verband met die eerste verkiesing verskaf en dat alle uitgawe in dié verband vir sy rekening is.

*Polling station at which voter shall vote*

25. A voter voting in the area of jurisdiction of the Community Council may only vote at a polling station determined by the returning officer by virtue of regulation 17.

*Declaration of secrecy*

26. (1) The electoral officer and every presiding officer, polling officer, candidate, agent, witness or any other person or official (except a policeman) entitled to attend at a polling station or at the counting of votes shall, before the opening of the poll, and every counting officer shall, before the commencement of the counting of votes, make, in duplicate, in the form contained in Annexure C hereto, a declaration of secrecy under oath before a justice of the peace or a commissioner of oaths, or before the electoral officer or a presiding officer who are hereby authorised to administer such oath.

(2) The original declaration of secrecy shall be handed to the electoral officer by the person who made it, before the opening of the poll or before the commencement of the counting of votes, as the case may be, and such person shall at all times during the polling or the counting of votes have the duplicate of such declaration of secrecy in his possession and shall on demand produce it to the electoral officer or the presiding officer for inspection.

*Procedure at ballot*

27. The presiding officer, in the presence of such candidates and agents as may be present, shall—

(a) before the commencement of the poll, seal each ballot box, leaving open an opening through which ballot papers may be inserted into the ballot box;

(b) at the closing of the poll, seal the opening referred to in paragraph (a).

*Powers of the presiding officer at a polling station*

28. (1) The presiding officer shall keep order at a polling station, shall regulate the number of voters to be admitted at any time and shall exclude all other persons except the electoral officer, the candidates or their agents, and policemen and other officials on duty.

(2) Save as is excepted in subregulation (1), the presiding officer may require any person (other than a person recording his vote) to leave the polling station and any person who fails to leave the polling station when so required may be arrested without a warrant on the order of the presiding officer and shall be guilty of an offence.

(3) The powers conferred by this regulation shall not be exercised so as to prevent any voter who is otherwise entitled to vote from having an opportunity of voting at the polling station.

*Ballot papers*

29. Every ballot paper to be used for voters who wish to vote shall be in both official languages and in the form set out in Annexure D hereto, and there shall be printed or written on every ballot paper in alphabetical order the names of all the duly nominated candidates at the election and their addresses and occupations.

*No voter to vote more than once*

30. A voter shall, whether or not his name appears on more than one voters' list or more than once on the same voters' list, be entitled to cast at an election one

*Stemburo waar kieser moet stem*

25. 'n Kieser wat binne die regsgebied van die Gemeenskapsraad stem, kan alleenlik stem by 'n stemburo deur die kiesbeampte ingevolge regulasie 17 bepaal.

*Verklaring van geheimhouding*

26. (1) Die verkiesingsbeampte en elke voorsittende beampte, stemopnemer, kandidaat, agent, getuie of enige ander persoon of beampte (uitgesonderd 'n polisiebeampte) wat geregtig is om in 'n stemburo of by die tel van stemme teenwoordig te wees, moet voor die aanvang van die stemming, en elke telbeampte moet voor die aanvang van die tel van stemme, in die vorm vervat in Aanhangsel C hiervan, in duplikaat, 'n beëdigde verklaring van geheimhouding aflê voor 'n vrederegter of 'n kommissaris van ede, of voor die verkiesingsbeampte of 'n voorsittende beampte wat hierby gemagtig word om sodanige eed af te neem.

(2) Die oorspronklike verklaring van geheimhouding word aan die verkiesingsbeampte, voor die aanvang van die stemming of die begin van die tel van stemme, na gelang van die geval, deur die persoon wat dit afgelê het, oorhandig en sodanige persoon moet die duplikaat van sodanige verklaring van geheimhouding te alle tye gedurende die stemming of tel van stemme in sy besit hê en moet dit op aandrang aan die verkiesingsbeampte of die voorsittende beampte vir inspeksie toon.

*Prosedure by stemming*

27. Die voorsittende beampte, in teenwoordigheid van sodanige kandidaat en agente as wat teenwoordig is, verseël—

(a) voor die aanvang van die stemming, elke stembus maar laat 'n opening oop waardeur stembriewe in die stembus ingesit kan word;

(b) by die sluiting van die stemming, die opening in paragraaf (a) bedoel.

*Bevoegdhede van voorsittende beampte by 'n stemburo*

28. (1) Die voorsittende beampte hou orde by 'n stemburo, reël hoeveel kiesers tegelyk binnegelaat word en hou alle ander persone, uitgesonderd die verkiesingsbeampte, die kandidaat of hulle agente en polisiebeamptes en ander beamptes op diens, buite.

(2) Behoudens die uitsonderings wat by subregulasie (1) gemaak word, kan die voorsittende beampte enige persoon (uitgesonderd 'n persoon wat sy stem uitbring) aansê om die stemburo te verlaat en enige persoon wat versuim om dit te doen wanneer dit van hom vereis word, begaan 'n misdryf en kan op bevel van die voorsittende beampte sonder lasbrief in hegtenis geneem word.

(3) Die bevoegdhede by hierdie regulasie verleen, word nie so uitgeoefen dat dit 'n kieser wat andersins geregtig is om te stem, verhinder om sy stem by die stemburo uit te bring nie.

*Stembriewe*

29. Elke stembrief wat gebruik word deur kiesers wat wil stem, moet in albei amptelike tale wees en in die vorm vervat in Aanhangsel D hiervan en op elke stembrief moet die name staan van al die behoorlik genomineerde kandidaat by die verkiesing in alfabetiese orde afgedruk of ingeskryf en hul adresse en beroepe.

*Geen kieser mag meer as een maal stem nie*

30. 'n Kieser is, ongeag of sy naam op meer as een kieserslys of meer as een maal op dieselfde kieserslys voorkom, geregtig om by 'n verkiesing slegs een stem



vote only and no voter shall be entitled to vote unless he has produced to the presiding officer or a polling officer his identity document.

#### *Identification of voters*

31. (1) Save as provided in regulation 36, no enquiry shall be made at an election as to the identity of any person or his right to vote, except that the presiding officer may himself, and if required by any candidate or an agent of any candidate shall, after any person has established his identity in the manner contemplated in regulation 30, and before he is allowed to vote, put to him either or both of the following questions, but no other, namely:

(a) Are you the person whose name appears as A.B. on the list of voters in this ward?

(b) Have you already voted at this election in this or any other ward?

(2) Any person who fails to establish his identity in the manner contemplated in regulation 30 or who does not answer the first question distinctly and absolutely in the affirmative and the second question distinctly and absolutely in the negative, shall not be permitted to vote.

(3) A person who makes a false answer to either of those questions shall be guilty of an offence.

(4) The presiding officer may make enquiry of any other presiding officer at any polling station for the purpose of verifying an answer to either of the two questions referred to in subregulation (1), and may further order the arrest without warrant of any person who is suspected by him on reasonable grounds of making a false answer to either of such questions or of committing the offence of personation as defined in regulation 57.

(5) Every person empowered by law to make arrests shall carry out such an order of the presiding officer.

#### *Manner of voting*

32. (1) The voting at all elections held in terms of the provisions of these Regulations shall be by secret ballot.

(2) Every person who wishes to vote shall apply to the presiding officer or a polling officer for a ballot paper and such officer shall, if he is satisfied that such person is entitled to vote in the ward concerned and after determining that no ballot paper has already been issued at that polling station to that person at such election, he shall—

(a) call out the serial number and name of the voter as it appears on the voters' list;

(b) enter the serial number in the appropriate space on the counterfoil of the ballot paper that is to be issued to the voter;

(c) tear out the ballot paper and stamp the official mark on the back thereof in the space provided;

(d) fold the ballot paper so that the front thereof is on the inside and the official mark is on the outside and hand it to the applicant; and

(e) on the voters' list, draw a line through the serial number, identity document number and name of the voter as proof that a ballot paper has been issued.

(3) When the voter has received such ballot paper he shall take it to the compartment provided for that purpose and signify for whom he desires to vote by secretly placing a cross opposite the name of the candidate for whom he wishes to vote. He shall then fold the ballot paper so that the official mark can be seen

uit te bring, en geen kieser is geregtig om te stem nie tensy hy sy identiteitsdokument aan die voorsittende beampte of 'n stemopnemer oorleë.

#### *Identifikasie van kiesers*

31. (1) Behoudens soos by regulasie 36 bepaal, word by 'n verkiesing geen navraag gedoen omtrent enige persoon se identiteit of sy reg om te stem nie, behalwe dat die voorsittende beampte nadat iemand sy identiteit op die wyse in regulasie 30 beoog, bewys het, en voordat hy toegelaat word om te stem, hom een van of albei die volgende vrae, en geen ander nie, uit eie beweging kan, en op versoek van 'n kandidaat of 'n agent van 'n kandidaat moet, stel, naamlik:

(a) Is u die persoon wie se naam as A.B. op die kieserslys van hierdie wyk voorkom?

(b) Het u reeds in hierdie verkiesing of in 'n ander wyk gestem?

(2) Iemand wat versuim om sy identiteit op die wyse in regulasie 30 beoog, te bewys, of wat nie die eerste vraag duidelik en sonder voorbehoud bevestigend en die tweede duidelik en sonder voorbehoud ontkennend beantwoord nie, word nie toegelaat om te stem nie.

(3) Iemand wat op enigeen van daardie vrae 'n valse antwoord gee, is aan 'n misdryf skuldig.

(4) Die voorsittende beampte kan by 'n ander voorsittende beampte by enige stemburo navraag doen ten einde die waarheid van 'n antwoord op enigeen van die vrae in subregulasie (1) bedoel te toets en kan verder beveel dat enigiemand wat hy op redelike gronde verdink daarvan dat hy op enigeen van bedoelde vrae 'n valse antwoord gegee het, of hom skuldig maak aan die misdryf om hom vir 'n ander uit te gee, soos in regulasie 57 omskryf, sonder lasbrief in hegtenis geneem word.

(5) Iedereen wat regtens bevoeg is tot inhegtenisneming, voer so 'n bevel van die voorsittende beampte uit.

#### *Wyse waarop gestem word*

32. (1) Die stemming by alle verkiesings wat kragtens die bepalings van hierdie Regulasies gehou word, geskied by geheime stemming.

(2) Elke persoon wat wil stem, doen aansoek om 'n stembrief by die voorsittende beampte of 'n stemopnemer en sodanige beampte of stemopnemer, indien hy oortuig is dat sodanige persoon geregtig is om in die betrokke wyk te stem en nadat hy vasgestel het dat geen stembrief reeds aan daardie persoon by daardie stemburo by sodanige verkiesing uitgereik is nie, moet hy—

(a) die volgnommer en naam van die kieser soos dit op die kieserslys voorkom, uitroep;

(b) die volgnommer in die toepaslike ruimte op die teenblad van die stembrief wat aan die kieser uitgereik gaan word, inskryf;

(c) die stembrief uitskeur en dit op die keersy in die ruimte voorsien met die amptelike merk, merk;

(d) die stembrief vou sodat die voorkant daarvan aan die binnekant en die amptelike merk aan die buitekant is en dit aan die kieser oorhandig; en

(e) op die kieserslys 'n streep trek deur die volgnommer, identiteitsdokumentnommer en naam van die kieser, as bewys dat 'n stembrief uitgereik is.

(3) Wanneer die kieser sodanige stembrief ontvang, neem hy dit na die stembokkie wat vir dié doel verskaf is en dui aan vir wie hy stem deur in die geheim 'n kruisie teenoor die naam van die kandidaat vir wie hy wil stem, aan te bring. Hy vou dan die stembrief sodat

and having held up the ballot paper so that the presiding officer or polling officer can recognise the official mark, shall drop the ballot paper in the ballot box placed in front of the presiding officer or polling officer.

(4) If the ballot paper that is about to be dropped into the ballot box has inadvertently not been marked with the official mark, the presiding officer or polling officer may cause such ballot paper to be so marked.

(5) If the presiding officer or polling officer has any reason to doubt that a ballot paper in the possession of a voter is the ballot paper issued to him, he may, for the purpose of comparing the numbers printed on the ballot paper and the counterfoil, request the voter to show him the number and official mark appearing on the back of the ballot paper and the voter shall do so.

(6) The voter shall vote without undue delay and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

#### *Voters who are unable to vote in the manner prescribed*

33. (1) Any voter who is unable to vote in the prescribed manner may request the presiding officer or polling officer to complete his ballot paper on his behalf.

(2) Such presiding officer or polling officer, as the case may be, shall thereupon, with due regard to the maintenance of secrecy and in the presence of one witness and a person of the voter's own choice who shall accompany him, read to such voter the names of the candidates for the particular ward and affix a cross in the space provided on the ballot paper opposite the name of the candidate selected by word of mouth by such voter and shall thereafter fold the ballot paper and put it into the ballot box.

(3) In the performance of his functions under this regulation such polling officer shall disregard any document or thing exhibited or produced by or in the possession of the voter which indicates or suggests or purports to indicate or suggest the name of any candidate for whom such voter is or is not to vote.

#### *Spoilt ballot papers*

34. If a voter inadvertently spoils a ballot paper he may return it to the presiding officer or polling officer who, if he is satisfied of such inadvertence, shall give him another ballot paper and retain the spoilt ballot paper which he shall immediately cancel and endorse with the words "returned under regulation 34" and the fact of such cancellation shall be noted upon the counterfoil.

#### *Tendered ballot papers*

35. If a person representing himself to be a particular voter applies for a ballot paper after another person has voted in his name, the applicant shall, upon duly answering the questions permitted by regulation 31 to be asked of voters at the time of polling, be entitled to mark a ballot paper in the same manner as any other voter, but the ballot paper shall not be put into the ballot box but shall be given to the presiding officer, endorsed by him with the name of the voter and his serial number on the voters' list and set aside in a separate packet.

die amptelike merk sigbaar is en nadat hy die stembrief só opgehou het dat die voorsittende beampte of stemopnemer die amptelike merk kan herken, laat hy die stembrief val in die stembus wat voor die voorsittende beampte of stemopnemer staan.

(4) Indien die stembrief wat in die stembus ingesit staan te word, onopsetlik nie met die amptelike merk gemerk is nie, kan die voorsittende beampte of stemopnemer sodanige stembrief aldus laat merk.

(5) Indien die voorsittende beampte of stemopnemer om enige rede twyfel of 'n stembrief in besit van 'n kieser die stembrief is wat aan hom uitgereik is, kan hy, met die doel om die nommers gedruk op die stembrief en die teenblad te vergelyk, die kieser versoek om die nommer en amptelike merk op die keersy van die stembrief aan hom te toon, en die kieser moet dit doen.

(6) Die kieser moet sonder onnodige versuim sy stem uitbring en die stemburo verlaat sodra hy sy stembrief in die stembus geplaas het.

#### *Kiesers wat nie in staat is om op die voorgeskrewe wyse te stem nie*

33. (1) Enige kieser wat nie in staat is om sy stem op die voorgeskrewe wyse uit te bring nie, kan die verkiesingsbeampte of stemopnemer versoek om sy stembrief namens hom in te vul.

(2) Sodanige verkiesingsbeampte of stemopnemer, na gelang van die geval, moet daarop met behoorlike inagneming van die handhawing van geheimhouding en in teenwoordigheid van een getuie en 'n persoon van die kieser se eie keuse wat hom moet vergesel, aan sodanige kieser die name van die kandidate vir die bepaalde wyk voorlees en 'n kruis in die ruimte op die stembrief aanbring teenoor die naam van die kandidaat wat mondeling deur sodanige kieser gekies is, en moet daarna die stembrief vou en dit in die stembus plaas.

(3) By die verrigting van sy werksaamhede ingevolge hierdie regulasie moet sodanige stemopnemer enige dokument of ding verontagsaam wat deur die kieser vertoon of getoon word of in die kieser se besit is en wat die naam van enige kandidaat vir wie sodanige kieser moet stem of nie moet stem nie, aandui of suggereer of veronderstel is om dit aan te dui of te suggereer.

#### *Bedorwe stembriewe*

34. Indien 'n kieser onopsetlik 'n stembrief bederf, kan hy dit aan die voorsittende beampte of stemopnemer teruggee, en as laasgenoemde daarvan oortuig is dat dit onopsetlik gebeur het, gee hy hom 'n ander stembrief en behou hy die bedorwe stembrief wat hy onmiddellik kanselleer en teken hy die woorde "teruggegee kragtens regulasie 34" daarop aan, en die feit dat dit aldus gekanselleer is, word op die teenblad aangeteken.

#### *Aangebode stembriewe*

35. Indien iemand wat voorgee dat hy 'n bepaalde kieser is, om 'n stembrief aansoek doen nadat 'n ander persoon in sy naam gestem het, is die aansoeker, nadat hy behoorlik geantwoord het op die vrae wat volgens regulasie 31 tydens die stemming aan kiesers gestel kan word, geregtig om 'n stembrief te merk op dieselfde wyse as enige ander kieser, maar die stembrief word nie in die stembus geplaas nie, maar word aan die voorsittende beampte gegee en deur hom met die naam van die kieser en sy volgnummer geëndosseer en eenkant gesit in 'n afsonderlike pakket.



*Circumstances under which ballot paper may be refused by presiding officer*

36. (1) If any candidate or an agent of any candidate or any voter makes before the presiding officer a declaration on oath stating that a person enrolled on the voters' list is dead or is so incapacitated by sickness, absence or otherwise, that it is impossible for such person to be present at the polling station to record his vote at the election then being held, the presiding officer shall refuse to hand a ballot paper to any person who applies for the same in the name of the person who is the subject of the declaration unless the person so applying proves his identity to the satisfaction of the presiding officer or makes a declaration on oath before the presiding officer that he is the person whose name appears on the voters' list for the ward and that the statements made in the first-mentioned declaration (which shall be read over to him) are false.

(2) The presiding officer is hereby authorised and required to administer any such oath as is required by subregulation (1).

(3) Any person who makes any false statement in any declaration referred to in subregulation (1), knowing the statement to be false, shall be guilty of an offence.

(4) More than one person may be referred to in any declaration on oath made under subregulation (1), provided the reason why each of the persons referred to is unable to attend at a polling station can be clearly connected with the person to whom the declaration relates.

*Sealing of ballot boxes, etc.*

37. (1) Every presiding officer shall, immediately after the close of the poll, in the presence of such candidates or their agents (if any) as may be in attendance, make up into separate packets, sealed with his own seal and with the seals of those candidates or agents (if any) who desire to affix their seals—

- (a) each ballot box entrusted to him, unopened;
- (b) the unused and spoiled ballot papers;
- (c) the counterfoils of all used ballot papers; and
- (d) tendered ballot papers;

and shall forthwith deliver or cause to be delivered the packets to the electoral officer.

(2) The packets shall be accompanied by a return made by the presiding officer, in the form contained in Annexure E hereto, showing the number of ballot papers entrusted to him and accounting for them under the heads of "Ballot papers in the ballot box", "Unused ballot papers", "Spoiled ballot papers" and "Tendered ballot papers".

(3) A label in the form contained in Annexure F hereto shall be affixed to each of the packets mentioned in subregulation (1) and to the return mentioned in subregulation (2).

*Action to be taken by the electoral officer upon receipt of ballot papers*

38. The electoral officer shall upon receipt of voters' ballot papers retain such ballot papers unopened in safe custody until the counting of votes.

*Verification of ballot paper return*

39. (1) The electoral officer shall, upon receipt of all the packets and ballot boxes from every presiding officer, and not before, examine whether the seals are

*Omstandighede waaronder voorsittende beampte 'n stembrief kan weier*

36. (1) Indien 'n kandidaat of 'n agent van 'n kandidaat of 'n kieser voor die voorsittende beampte 'n beëdigde verklaring aflê dat 'n persoon wat in die kieserslys ingeskryf is, oorlede is of dat bedoelde persoon weens siekte, afwesigheid of om 'n ander rede onmoontlik by die stemburo teenwoordig kan wees om by die verkiesing wat dan gehou word, sy stem uit te bring, weier die voorsittende beampte om 'n stembrief uit te reik aan enigiemand wat daarom aansoek doen in naam van die persoon op wie die verklaring betrekking het, tensy die persoon wat aldus aansoek doen sy identiteit tot tevredenheid van die voorsittende beampte bewys of voor die voorsittende beampte 'n beëdigde verklaring aflê dat hy die persoon is wie se naam op die kieserslys vir die wyk voorkom en dat die bewerings in eersbedoelde verklaring (wat aan hom voorgelees moet word) vals is.

(2) Aan die voorsittende beampte word hierby die bevoegdheid verleen en die verpligting opgelê om 'n in subregulasie (1) bedoelde eed af te neem.

(3) Iemand wat in 'n in subregulasie (1) bedoelde verklaring 'n valse verklaring doen, wetende dat dit vals is, is aan 'n misdryf skuldig.

(4) In 'n beëdigde verklaring ingevolge subregulasie (1) afgelê, kan na meer as een persoon verwys word, mits die rede waarom elkeen van die persone na wie verwys word, nie by die stemburo kan wees nie, duidelik met die persoon op wie die verklaring betrekking het, verbind kan word.

*Verseëling van stembusse, ens.*

37. (1) Elke stemopnemer maak onmiddellik na die sluiting van die stemming, in teenwoordigheid van sodanige kandidaat of hulle agente (as daar is) as wat aanwesig is, afsonderlike pakkette, verseël met sy eie seël en met die seëls van dié kandidaat of hulle agente (as daar is) wat hulle seëls ook daarop wil afdruk, van—

- (a) elke stembus wat aan hom toevertrou is, onoopgemaak;
- (b) die ongebruikte en die bedorwe stembriewe;
- (c) die teenblaai van alle gebruikte stembriewe; en
- (d) aangebode stembriewe;

en lewer die pakkette onverwylde aan die verkiesingsbeampte af of laat hulle aan hom aflewer.

(2) Die pakkette gaan vergesel van 'n opgawe in die vorm vervat in Aanhangel E hiervan deur die voorsittende beampte verstrekk waarin hy die getal stembriewe aan hom toevertrou noem en waarin hy van hulle rekenskap gee onder die hoofde "Stembriewe in die stembus", "Ongebruikte stembriewe", "Bedorwe stembriewe" en "Aangebode stembriewe".

(3) Elkeen van die pakkette in subregulasie (1) genoem en die opgawe in subregulasie (2) genoem, word voorsien van 'n etiket in die vorm vervat in Aanhangel F hiervan.

*Optrede deur verkiesingsbeampte by ontvangs van stembriewe*

38. Elke verkiesingsbeampte moet by ontvangs van kiesers se stembriewe sodanige stembriewe onoopgemaak in veilige bewaring hou totdat die stemme getel word.

*Verifiëring van stembriefopgawe*

39. (1) By ontvangs deur die verkiesingsbeampte van al die pakkette en stembusse van iedere voorsittende beampte, en nie eerder nie, ondersoek hy of die seëls

in order and afford such candidates or their agents as may be in attendance an opportunity to do the same and after that open the sealed packets containing the ballot paper return and shall open each ballot box and verify the number of ballot papers in the ballot box according to the ballot paper return given by each presiding officer by comparing it with the number of ballot papers in each such ballot box.

(2) When the electoral officer has completed the verification of the ballot papers in the ballot boxes for each polling station, and whether or not the number of ballot papers in the ballot boxes is found to correspond with the number appearing on the return, he shall in the presence of such candidates or their agents as may be present mix together the ballot papers contained in all the ballot boxes for a particular ward so that it is impossible to determine from which ballot box any particular ballot paper was taken.

(3) The electoral officer shall, after scrutinising the official mark on the ballot papers, proceed to count or cause to be counted the votes and while counting the votes shall cause the ballot papers to be kept with their faces upwards.

#### *Manner of counting votes*

40. The ballot papers shall, for the purposes of counting, be fastened together in packets of 50 (to each of which a distinctive number shall be assigned) and thereafter the number of votes for each candidate shall be recorded and checked.

#### *Ballot papers to be rejected*

41. (1) The electoral officer shall reject and not count any ballot paper—

- (a) which does not bear the official mark;
- (b) on which votes are cast for more than one candidate;
- (c) which is unmarked or invalid owing to uncertainty;
- (d) which bears any writing or mark by which a voter can be identified otherwise than in these Regulations prescribed.

(2) Subject to the provisions of subregulation (1), the electoral officer shall not reject any ballot paper on which a voter has clearly indicated, in a manner other than by means of a cross, for which candidate he has voted.

(3) The electoral officer shall endorse the word "rejected" on a ballot paper which he may reject as invalid.

#### *Objection against acceptance or rejection of a ballot paper*

42. (1) If a candidate or an agent objects to the acceptance of any ballot paper, the electoral officer shall endorse the words "objection raised against acceptance" on such ballot paper.

(2) If a candidate or an agent objects to the rejection of any ballot paper, the electoral officer shall endorse the words "objection raised against rejection" on such ballot paper.

#### *Determination of successful candidate in event of equal number of votes*

43. In the event of the number of votes being found to be equal for the candidates who obtained the greater or the greatest number of votes, the electoral officer shall by lot determine the successful candidate.

in orde is en gee hy sodanige kandidate of hulle agente as wat aanwesig is 'n geleentheid om dieselfde te doen, en daarna maak hy die verseelde pakkette oop wat die opgawe van stembriewe bevat, en maak hy elke stembus oop en verifieer hy die getal stembriewe in die stembus ooreenkomstig die stembriefopgawe wat deur elke voorsittende beampte ingelewer is deur dit met die getal stembriewe in elke sodanige stembus te vergelyk.

(2) Wanneer die verkiesingsbeampte die verifiëring van die stembriewe in die stembusse vir elke stemburo uitgevoer het, maak hy, afgesien daarvan of die getal stembriewe in die stembusse klop met die getal wat op die opgawe voorkom al dan nie, in teenwoordigheid van sodanige kandidate of hulle agente as wat aanwesig is, die stembriewe uit al die stembusse vir 'n besondere wyk op so 'n wyse deurmekaar dat dit onmoontlik is om te bepaal uit watter stembus 'n bepaalde stembrief geneem is.

(3) Nadat hy die amptelike merk op die stembriewe nagegaan het, gaan die verkiesingsbeampte oor tot die tel van die stemme en terwyl hy die stemme tel of laat tel, laat hy die stembriewe met hulle voorkant na bo hou.

#### *Wyse waarop stemme getel moet word*

40. Vir die doel van die tel van stemme word die stembriewe in pakkette van 50 vasgebind (aan elkeen waarvan 'n onderskeidende nommer toegeken word) en daarna word die getal stemme ten opsigte van elke kandidaat opgeskryf en nagegaan.

#### *Stembriewe wat verwerp moet word*

41. (1) Die verkiesingsbeampte verwerp en tel nie 'n stembrief nie—

- (a) wat nie die amptelike merk daarop het nie;
- (b) waarop stemme op meer as een kandidaat uitgebring is;
- (c) wat ongemerk of weens onsekerheid ongeldig is;
- (d) wat enige skrif of merk daarop het waardeur 'n kieser op 'n ander wyse as dié in hierdie Regulasies voorgeskryf, geïdentifiseer kan word.

(2) Behoudens die bepalinge van subregulasie (1), verwerp die verkiesingsbeampte nie 'n stembrief waarop 'n kieser op 'n ander wyse as by wyse van 'n kruis duidelik aangedui het vir watter kandidaat hy stem nie.

(3) Die verkiesingsbeampte endosseer die woord "verwerp" op 'n stembrief wat hy as ongeldig verwerp.

#### *Beswaar teen aanname of verwerping van stembrief*

42. (1) Indien 'n kandidaat of 'n agent beswaar maak teen die aanname van 'n stembrief, endosseer die verkiesingsbeampte die woorde "beswaar geopper teen aanname" op sodanige stembrief.

(2) Indien 'n kandidaat of 'n agent beswaar maak teen die verwerping van 'n stembrief, endosseer die verkiesingsbeampte die woorde "beswaar geopper teen verwerping" op sodanige stembrief.

#### *Bepaling van suksesvolle kandidaat in geval van staking van stemme*

43. Ingeval daar bevind word dat eweveel stemme uitgebring is op die kandidate wat die grootste getal stemme verkry het, bepaal die verkiesingsbeampte die suksesvolle kandidaat deur loting.



*Result of election*

44. The electoral officer shall, as soon as possible after determining which candidate has obtained the greater or the greatest number of votes in each ward, in public declare such candidates duly elected and shall make known the number of votes polled by each candidate.

*Publication of names of elected members*

45. (1) As soon as possible after the name of the candidates duly elected as members of the Community Council are known the electoral officer shall cause to be displayed on the notice board of each township manager's office situated in the area for which the Community Council has been established a list reflecting the full name of every member so elected together with the date on which he was duly elected, the name of the ward which such member represents and the total number of votes cast in favour of such member.

(2) A notice displayed in terms of subregulation (1) shall also reflect the names of the unsuccessful candidates in respect of each ward and the total number of votes cast in favour of each such candidate, as well as the number of rejected ballot papers in respect of each ward.

*Disposal of electoral matter by electoral officer after the counting of votes has been completed*

46. (1) The electoral officer shall after the completion of the counting of votes make up into separate packets the following:

- (a) All unused, tendered and spoiled ballot papers used at each polling station;
- (b) all counted ballot papers in respect of each ward;
- (c) all rejected ballot papers in respect of each ward; and
- (d) all ballot paper returns duly endorsed with his findings on the verification of such returns.

(2) The electoral officer shall—

(a) affix a label in the form contained in Annexure F hereto to each of the packets mentioned in subregulation (1);

(b) seal each such packet with his own seal and with the seals of such candidates and agents (if any) as may desire to affix their seals; and

(c) retain such packets for a period of six months and thereafter destroy them.

*Immaterial mistakes not to affect validity of election*

47. No election shall be invalid by reason of any mistake or non-compliance with the provisions of these Regulations if the election was conducted in accordance with the principles laid down herein and such mistake or non-compliance did not affect the result.

*Evidence of election being held*

48. Upon any charge of a corrupt or illegal practice or any other offence under these Regulations alleged to have been committed at or in connection with an election, the certificate of the electoral officer that the election mentioned therein was being or had been held shall be sufficient evidence of the fact that such election was being or had been held.

*Sundays and public holidays*

49. Whenever under these Regulations anything is required to be commenced, concluded or done on a particular date, and that date happens to fall upon a

*Uitslag van verkiesing*

44. Die verkiesingsbeampte verklaar in die openbaar, so gou moontlik nadat hy bepaal het watter kandidaat die grootste getal stemme in elke wyk verkry het, sodanige kandidate behoorlik verkose en maak die getal stemme bekend wat op elke kandidaat uitgebring is.

*Bekendmaking van name van verkose lede*

45. (1) Sodra die name van die kandidate wat behoorlik as lede van die Gemeenskapsraad verkies is, bekend is, laat die verkiesingsbeampte 'n lys bevatende die volle naam van elke kandidaat aldus verkies tesame met die datum waarop hy behoorlik verkies is, die naam van die wyk wat sodanige lid verteenwoordig en die totale getal stemme wat ten gunste van sodanige lid uitgebring is, op die aanplakbord van elke dorpsbestuurder se kantoor wat in sodanige gebied geleë is, vertoon.

(2) 'n Kennisgewing ingevolge subregulasie (1) vertoon, dui ook die name van die onsuksesvolle kandidate ten opsigte van elke wyk en die totale getal stemme aan wat ten opsigte van elke sodanige kandidaat uitgebring is, asook die getal bedorwe stembriewe ten opsigte van elke wyk.

*Beskikking oor verkiesingstukke deur verkiesingsbeampte na afloop van tel van stemme*

46. (1) Na afloop van die tel van die stemme maak die verkiesingsbeampte die volgende in afsonderlike pakkette op:

- (a) Alle ongebruikte, aangebode en bedorwe stembriewe wat by elke stemburo gebruik is;
- (b) alle getelde stembriewe met betrekking tot elke wyk;
- (c) alle verworpe stembriewe met betrekking tot elke wyk; en
- (d) alle stembriefopgawes behoorlik geëndosseer met sy bevindings betreffende die verifiëring van sodanige opgawes.

(2) Die verkiesingsbeampte—

(a) voorsien elke pakket genoem in subregulasie (1) van 'n etiket in die vorm vervat in Aanhangsel F hiervan;

(b) verseël elke sodanige pakket met sy eie seël en met die seëls van sodanige kandidate en agente (as daar is) as wat hulle seëls ook daarop wil afdruk; en

(c) bewaar sodanige pakkette vir 'n tydperk van ses maande en vernietig hulle daarna.

*Onbelangrike foute raak nie geldigheid van verkiesing nie*

47. Geen verkiesing is weens 'n fout of nie-nakoming van die bepalings van hierdie Regulasies ongeldig nie indien die verkiesing gehou is ooreenkomstig die beginsels hierin voorgeskryf en sodanige fout of nie-nakoming nie die uitslag geraak het nie.

*Bewys dat verkiesing gehou is*

48. By 'n aanklag van 'n korrupte of onwettige bedrywigheid of van 'n ander misdryf ingevolge hierdie Regulasies, wat volgens bewering by of in verband met 'n verkiesing begaan is, is die sertifikaat van die verkiesingsbeampte dat die verkiesing daarin gemeld aan die gang was of gehou is, voldoende bewys van die feit dat sodanige verkiesing aan die gang was of gehou is.

*Sondae en openbare feesdae*

49. Wanneer enigiets op 'n bepaalde datum ingevolge hierdie Regulasies begin, voltooi of gedoen moet word, en daardie datum op 'n Sondag val of op 'n

Sunday or a day declared by or under any law to be a public holiday, such thing shall be commenced, concluded or done on the date next succeeding such Sunday or public holiday or if the last-mentioned date is also a Sunday or public holiday, then on the date next succeeding such Sunday or public holiday.

#### *Interrupting or disturbing proceedings at elections*

50. Any person who wilfully interrupts, obstructs or disturbs any proceedings in connection with the conduct of elections in terms of the provisions of these Regulations of who on polling day uses any form of loudspeaker or forms or organises any procession of or demonstration by persons other than for official purposes, shall be guilty of an offence.

#### *Fraud in connection with ballot papers, etc.*

51. (1) Any person who—

(a) forges or counterfeits or fraudulently destroys any ballot paper or the official mark on any ballot paper;

(b) without due authority supplies a ballot paper to any person;

(c) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in;

(d) fraudulently takes out of the polling station any ballot paper; or

(e) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purpose of the election;

shall be guilty of an offence.

(2) In any indictment, summons or charge for an offence in relation to ballot boxes, ballot papers and official marking instruments at an election, the property in such boxes, papers and instruments as well as the property in the counterfoils, may be stated to be in the electoral officer.

(3) If the electoral officer is so indicted or charged such property may be stated to be in the Community Council.

#### *Infringement of secrecy*

52. (1) Every officer, candidate or his agent in attendance at a polling station or at the counting of votes, shall maintain, and aid in maintaining, the secrecy of the voting in that station and shall not communicate, except for some purpose authorised by law, to any person any information likely to defeat the secrecy of the voting.

(2) No person, except as in these Regulations provided, shall interfere with or attempt to interfere with a voter when such voter is marking his ballot paper, or otherwise attempt to obtain information as to the candidate for whom any voter is about to vote or has voted, or communicate at any time to any person any information obtained as to the candidate for whom any voter is about to vote or has voted at a taking of poll under these Regulations.

(3) No person shall directly or indirectly induce any voter to display his ballot paper, after he has marked the same, in such a manner as to make known to any person the name of the candidate for whom the voter has so marked his ballot paper.

dag wat by of kragtens 'n wet tot 'n openbare feesdag verklaar is, moet dit begin, voltooi of gedoen word op die eersvolgende datum na sodanige Sondag of openbare feesdag, of as laasgenoemde datum ook op 'n Sondag of openbare feesdag val, dan op die eersvolgende datum na sodanige Sondag of openbare feesdag.

#### *Onderbreking of steuring van verrigtings by verkiesings*

50. 'n Persoon wat opsetlik verrigtings in verband met die hou van verkiesings ooreenkomstig die bepalings van hierdie Regulasies onderbreek, belemmer of versteur, of op stemdag enige vorm van luidspreker gebruik of enige optog van, of betoging deur, persone vorm of reël, uitgesonderd vir amptelike doeleindes, begaan 'n misdryf.

#### *Bedrog met stembriewe, ens.*

51. (1) 'n Persoon wat—

(a) 'n stembrief of die amptelike merk op 'n stembrief vervals, namaak of met opset om te bedrieg vernietig;

(b) sonder behoorlike magtiging 'n ander persoon van 'n stembrief voorsien;

(c) met opset om te bedrieg, enige ander stuk papier in 'n stembus plaas as die stembrief wat hy regtens daarin mag plaas;

(d) met opset om te bedrieg, 'n stembrief uit die stemburo wegneem; of

(e) sonder behoorlike magtiging 'n stembus of pakket stembriewe wat dan vir die doel van die verkiesing in gebruik is, vernietig, neem, oopmaak of hom op 'n ander wyse daarmee bemoei;

begaan 'n misdryf.

(2) In 'n akte van beskuldiging, dagvaarding of aanklag weens 'n misdryf met betrekking tot stembusse, stembriewe en amptelike merkinstrumente by 'n verkiesing kan verklaar word dat die eiendomsreg op die busse, stembriewe en instrumente, asook op die teenblaai, by die verkiesingsbeampte by die verkiesing berus.

(3) Word die verkiesingsbeampte aldus beskuldig of aangekla, kan verklaar word dat die eiendomsreg by die Gemeenskapsraad berus.

#### *Skending van geheimhouding*

52. (1) Iedere beampte, kandidaat of sy agent wat by 'n stemburo of by die tel van stemme aanwesig is, moet die geheimhouding van die stemming in daardie buro handhaaf en help om dit te handhaaf en mag aan geen persoon, uitgesonderd vir die een of ander regtens geoorloofde doel, enige inligting meedeel wat waarskynlik die geheimhouding van die stemming sal verydel nie.

(2) Behoudens die bepalings van hierdie Regulasies, mag geen persoon hom met 'n kieser bemoei of probeer om hom met 'n kieser te bemoei wanneer sodanige kieser sy stembrief merk nie, of andersins by 'n stemming kragtens hierdie Regulasies probeer om te wete te kom vir watter kandidaat 'n kieser op die punt staan om te stem of gestem het nie of te eniger tyd aan enige persoon meedeel vir watter kandidaat, volgens inligting wat verkry is, 'n kieser op die punt staan om te stem of gestem het nie.

(3) Geen persoon mag direk of indirek enige kieser beweeg om sy stembrief, nadat hy dit gemerk het, op so 'n wyse te vertoon dat enige persoon die naam van die kandidaat vir wie hy sy stembrief aldus gemerk het, te wete kom nie.



(4) No person shall place upon any ballot paper any mark or writing whereby a person who casts his vote on that ballot paper may be identified.

(5) Every person in attendance at the counting of votes shall maintain, and aid in maintaining, the secrecy of the voting, and shall not attempt to ascertain or communicate any information obtained at such counting as to the candidate for whom any vote is cast in any particular ballot paper.

(6) A person who has, in carrying out his duties under these Regulations, obtained knowledge as to the candidate for whom any other person has voted shall not, except in answer to a question lawfully put to him in the course of proceedings in a competent court, disclose such knowledge.

(7) Any person who contravenes or fails to comply with any provision of this regulation shall be guilty of an offence.

*Failure by electoral officer or other officer to perform his duties*

53. If the electoral officer or any other officer or person wilfully fails to perform any of the duties which he is required to perform under the provisions of these Regulations, he shall be guilty of an offence.

*Treating*

54. Any person who corruptly by himself or by any other person either before, during or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any food, drink, entertainment, lodging or provisions to or for any person for the purpose of corruptly influencing that person or any other person to cast or refrain from casting his vote at an election, or on account of such person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at such election, shall be guilty of the offence of treating.

*Undue influence*

55. (1) Any person who directly or indirectly by himself or by any other person makes use or threatens to make use of any force, violence or restraint or inflicts or threatens to inflict any temporal or spiritual injury, damage, harm or loss upon or against, or does or threatens to do anything to the disadvantage of any person in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting at any election, shall be guilty of the offence of undue influence.

(2) Any person who, by abduction, duress or fraudulent device or contrivance, impedes or prevents the free exercise of the franchise by any voter, or thereby compels, induces or prevails upon any voter either to cast or to refrain from casting his vote at any election, shall be guilty of the offence of undue influence.

*Bribery*

56. (1) Any person shall be guilty of the offence of bribery if he, directly or indirectly, by himself or by any other person—

(a) gives, lends or procures, or agrees to give, lend or procure, or offers, promises, or promises to procure or to endeavour to procure any money or any other thing, to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election;

(4) Geen persoon mag op 'n stembrief enige merk of skrif aanbring waardeur 'n persoon wat met daardie stembrief stem, geïdentifiseer kan word nie.

(5) Iedere persoon wat by die tel van die stemme aanwesig is, moet die geheimhouding van die stemming handhaaf en help om dit te handhaaf, en mag nie probeer vasstel of aan 'n ander persoon meedeel vir watter kandidaat, volgens inligting wat by sodanige telling verkry is, op 'n bepaalde stembrief 'n stem uitbring is nie.

(6) 'n Persoon wat by die vervulling van sy pligte kragtens hierdie Regulasies te wete gekom het op watter kandidaat enige ander persoon sy stem uitbring het, mag sodanige kennis nie bekendmaak nie, uitgesonderd in antwoord op 'n vraag wat wettiglik aan hom gestel is in die loop van verrigtings in 'n bevoegde hof.

(7) 'n Persoon wat enige van die bepalings van hierdie regulasie oortree of versuim om daaraan te voldoen, begaan 'n misdryf.

*Versuim deur verkiesingsbeampte of ander beampte om sy pligte te vervul*

53. Indien die verkiesingsbeampte of enige ander beampte of persoon opsetlik versuim om enige van die pligte te vervul wat kragtens die bepalings van hierdie Regulasies hom opgelê is, begaan hy 'n misdryf.

*Trakteerdery*

54. 'n Persoon wat korruptelik, hetsy voor, gedurende of na 'n verkiesing, self of deur 'n ander persoon direk of indirek aan of vir enige persoon voedsel, drank, vermaak, inwoning of lewensmiddele gee of verskaf of die koste om dit te gee of te verskaf, of 'n deel daarvan, betaal, met die doel om daardie persoon of 'n ander persoon korruptelik te beïnvloed om sy stem by die verkiesing uit te bring al dan nie, of omdat daardie persoon of 'n ander persoon sy stem by die verkiesing uitbring het of gaan uitbring al dan nie, begaan die misdryf van trakteerdery.

*Onbehoorlike beïnvloeding*

55. (1) 'n Persoon wat, self of deur 'n ander persoon, direk of indirek teen enige persoon geweld of dwang gebruik of dreig om te gebruik, of aan enige persoon enige wêreldlike of geestelike leed, skade, kwaad of verlies berokken of dreig om dit te berokken of iets ten nadele van enige persoon doen of dreig om dit te doen, ten einde daardie persoon te beweeg of te dwing om sy stem by 'n verkiesing uit te bring al dan nie, of omdat hy sy stem by 'n verkiesing uitbring het al dan nie, begaan die misdryf van onbehoorlike beïnvloeding.

(2) 'n Persoon wat deur ontvoering, dwang of enige bedrieglike middel die vrye uitoefening van die stemreg deur 'n kieser belemmer of belet of 'n kieser daardeur dwing, beweeg of oorhaal om sy stem by 'n verkiesing uit te bring al dan nie, begaan die misdryf van onbehoorlike beïnvloeding.

*Omkopery*

56. (1) 'n Persoon begaan die misdryf van omkopery indien hy, self of deur 'n ander, direk of indirek—

(a) aan of vir 'n kieser, of aan of vir 'n persoon ten behoeve van 'n kieser, of aan of vir enige ander persoon, enige geld of enigiets anders gee, leen of verkry of ooreenkom om dit te gee, te leen of te verkry of dit aanbied, belooft of belooft om dit te verkry of om te probeer om te verkry, ten einde 'n kieser te beweeg om sy stem by 'n verkiesing uit te bring al dan nie, of korruptelik een van voormelde handelinge verrig omdat die kieser sy stem by 'n verkiesing uitbring het al dan nie;

(b) gives, lends or agrees to give or lend, or offers, or promises to procure or to endeavour to procure any money or any other thing to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, for acting or joining in any procession or demonstration before, during or after any election;

(c) makes any such gift, loan, offer, promise, procurement or agreement to or for any person in order to induce such person to procure or endeavour to procure, the return of any candidate at any election or the vote of any voter at an election;

(d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures, or engages, promises or endeavours to procure, the return of any candidate at any election or the vote of any voter at any election;

(e) advances or pays, or causes to be advanced or paid, any money, to, or for the use of, any other person with the intent that such money, or any part thereof, shall be expended in bribery at any election, or knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election;

(f) before or during any election, receives or contracts for any money or loan, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, at any election;

(g) after any election receives any money on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any election; or

(h) conveys or transfers or is concerned with the conveyance or transfer of any property, or pays or is concerned with the payment of any money, to any person for the purpose of enabling him to vote, thereby to influence his vote at any future election, or pays or is concerned with the payment of any money on behalf of any voter for the purpose of inducing him to vote or refrain from voting.

(2) Nothing in this regulation contained shall be construed as applying to any money paid or agreed to be paid for or on account of any electoral expenditure bona fide and lawfully incurred.

#### *Personation*

57. Any person who—

(a) at any election applies for a ballot paper in the name of some other person, whether living, dead or fictitious; or

(b) having voted once at any election, applies again at any polling station at the same election for a ballot paper;

shall be guilty of the offence of personation.

#### *Corrupt procurement of candidature or withdrawal thereof*

58. Any person who—

(a) corruptly induces or procures any other person to become a candidate or to withdraw as a candidate at any election in consideration of any payment or promise of any nature;

(b) becomes a candidate or withdraws as a candidate at any election in pursuance of such inducement or procurement; or

(b) aan of vir 'n kieser, of aan of vir 'n persoon ten behoeve van 'n kieser, of aan of vir enige ander persoon, enige geld of enigiets anders gee of leen, of ooreenkom om dit te gee of te leen, of dit aanbied, of beloof om dit te verkry of om te probeer om dit te verkry, vir optrede in of deelname aan enige optog of betoging voor, gedurende of na 'n verkiesing;

(c) aan of vir 'n persoon sodanige skenking, lening, aanbod, belofte, verkryging of ooreenkoms gee, verstrek, doen of aangaan ten einde sodanige persoon te beweeg om die verkiesing van 'n kandidaat by 'n verkiesing of die stem van 'n kieser by 'n verkiesing te verkry of om te probeer om dit te verkry;

(d) teen of ten gevolge van sodanige skenking, lening, aanbod, belofte, verkryging of ooreenkoms, die verkiesing van 'n kandidaat by 'n verkiesing of die stem van 'n kieser by 'n verkiesing verkry of onderneem, beloof of probeer om dit te verkry;

(e) aan of vir die gebruik van 'n ander persoon enige geld voorskiet of betaal of laat voorskiet of betaal, met die bedoeling dat daardie geld of enige deel daarvan by 'n verkiesing aan omkoperij bestee moet word, of willens en wetens aan 'n persoon enige geld betaal of laat betaal ter vereffening of terugbetaling van geld wat geheel of ten dele by 'n verkiesing aan omkoperij bestee is;

(f) voor of gedurende enige verkiesing, vir homself of 'n ander persoon, enige geld of lening ontvang of beding, omdat hy by 'n verkiesing gestem het of ooreengekom het om te stem, of omdat hy hom by 'n verkiesing van stemming onthou het of ooreengekom het om hom van stemming te onthou;

(g) na 'n verkiesing geld ontvang omdat 'n persoon sy stem uitgebring het al dan nie of 'n ander persoon beweeg het om sy stem by enige verkiesing uit te bring al dan nie; of

(h) eiendom oordra of transporteer of betrokke is by die oordrag of transport van eiendom, of enige geld betaal of betrokke is by die betaal van enige geld aan 'n persoon ten einde hom in staat te stel om te stem en daardeur sy stem by 'n toekomstige verkiesing te beïnvloed, of enige geld betaal of betrokke is by die betaling van enige geld ten behoeve van 'n kieser ten einde hom te beweeg om sy stem uit te bring al dan nie.

(2) Geen bepaling van hierdie regulasie mag uitgelê word nie as sou dit van toepassing wees op geld wat vir of weens bona fide- en wettig aangegane verkiesingskoste betaal is of volgens ooreenkoms betaal moet word.

#### *Uitgee vir 'n ander*

57. 'n Persoon wat—

(a) by enige verkiesing in die naam van 'n ander persoon, hetsy lewend of afgestorwe, of van 'n denkbeeldige persoon, om 'n stembrief aansoek doen; of

(b) nadat hy een maal by 'n verkiesing gestem het, weer by 'n stemburo by dieselfde verkiesing om 'n stembrief aansoek doen;

begaan die misdryf van hom vir 'n ander uit te gee.

#### *Korrupte verkryging van kandidatuur of terugtrekking daarvan*

58. 'n Persoon wat—

(a) 'n ander persoon korruptelik beweeg of oorhaal om, as teenprestasie vir 'n betaling of belofte van watter aard ook al, 'n kandidaat by enige verkiesing te word of as sodanig terug te trek;

(b) as gevolg daarvan dat hy aldus beweeg of oorhaal is, 'n kandidaat by enige verkiesing word of as sodanig terugtrek; of



(c) before or during an election publishes a false statement of the withdrawal of a candidate at an election for the purpose of promoting or procuring the election of another candidate, knowing that statement to be false;

shall be guilty of an offence.

*Bills, placards, etc., to bear publisher's name*

59. (1) Every bill, placard, poster, pamphlet, circular or other printed matter having reference to an election shall clearly bear the name and address of the printer and publisher thereof.

(2) No person shall print, publish or post up or cause to be printed, published or posted up, any such printed matter which fails to bear clearly the name and address of the printer and publisher.

(3) The proprietor and publisher of every newspaper shall cause the word "advertisement" to be printed as a headline to each article or paragraph in his newspaper containing electoral matter, the insertion of which is or is to be paid for or for which any reward or compensation or promise of reward or compensation is or is to be made.

(4) The words "electoral matter" used in subregulation (3) include all matters which on the face of it are intended or calculated to affect the result of an election, and any report of the speech of a candidate if the insertion of the report is or is to be paid for.

(5) Every report, letter, article, bill, placard, poster, pamphlet, circular, cartoon or other printed matter (hereinafter in this subregulation called a newspaper article) which, on the face of it, is intended or calculated to affect the result of an election, and is inserted in any newspaper or otherwise produced and is published on or after the date of commencement of such election of members to the Community Council, shall bear at the foot thereof the full name and address of the person by whom such newspaper article was written or produced: Provided that—

(a) any newspaper article which is inserted in any newspaper as aforesaid and which has been altered materially by the editor of such newspaper, may also be signed by such editor;

(b) in the case of a report of a public meeting which is written jointly by two or more persons, it shall be sufficient for the purposes of this subregulation if the report as a whole bears upon the face of it the full names and addresses of the persons by whom it was written; and

(c) in the case of headlines to any newspaper article which is inserted in any newspaper as aforesaid, and bills, placards or posters having reference thereto, which are issued in the ordinary practice of a newspaper, it shall be sufficient for the purposes of this subregulation if the full names and addresses of the persons by whom such headlines, bills, placards or posters were written, and a statement that such headlines, bills, placards or posters were written by such persons, are published in the issue of the newspaper in which such newspaper article is inserted.

(6) Subject to the provisions of proviso (c) to subregulation (5), no person shall print or publish any newspaper or other printed matter in which is inserted or produced any such newspaper article, which fails

(c) voor of gedurende 'n verkiesing, met die doel om die verkiesing van 'n ander kandidaat te bevorder of te bewerkstellig, 'n valse verklaring dat 'n kandidaat by 'n verkiesing teruggetrek het, publiseer wetende dat die verklaring vals is;

begaan 'n misdryf.

*Biljette, plakkate, ens., moet naam van uitgewer dra*

59. (1) Alle biljette, plakkate, aanplakbiljette, pamflette, omsendbriewe of ander drukwerk wat op 'n verkiesing betrekking het, moet die naam en adres van die drukker en uitgewer daarvan duidelik dra.

(2) Geen persoon mag sodanige drukwerk wat nie die naam en adres van die drukker en uitgewer dra nie, druk, uitgee of aanplak of laat druk, uitgee of aanplak nie.

(3) Die eienaar en uitgewer van iedere nuusblad moet die woord "advertensie" as 'n opskrif laat druk by elke artikel of paragraaf in sy nuusblad wat verkiesingstof bevat, vir die opneming waarvan betaal is of gaan word of waarvoor 'n beloning of vergoeding of 'n belofte van beloning of vergoeding gegee is of gaan word.

(4) Die woord "verkiesingstof" in subregulasie (3) gebesig, omvat alles wat, na die skyn geoordeel, bedoel of daarop bereken is om die uitslag van 'n verkiesing te beïnvloed, asook enige verslag van 'n toespraak van 'n kandidaat, indien vir die opneming van die verslag betaal word of gaan word.

(5) Alle verslae, briewe, artikels, biljette, plakkate, aanplakbiljette, pamflette, omsendbriewe, spotprente of ander drukwerk (hieronder in hierdie subregulasie nuusbladartikels genoem) wat, na die skyn geoordeel, bedoel of daarop bereken is om die uitslag van 'n verkiesing te beïnvloed, en in 'n nuusblad opgeneem of op 'n ander wyse geproduseer word en op of na die datum van die begin van die verkiesing van lede van die gemeenskapsraad gepubliseer word, moet onderaan die volle naam en adres dra van die persoon deur wie die nuusbladartikel geskryf of geproduseer is: Met dien verstande dat—

(a) enige sodanige nuusbladartikel wat soos voormeld in 'n nuusblad opgeneem word en wat wesenlik deur die redakteur van die nuusblad verander is, ook deur sodanige redakteur onderteken kan word;

(b) in die geval van 'n verslag van 'n openbare vergadering wat deur twee of meer persone gesamentlik geskryf is, dit voldoende vir doeleindes van hierdie subregulasie is as die verslag in sy geheel op die voorkant daarvan die volle name en adresse dra van die persone deur wie dit geskryf is; en

(c) in die geval van opskrifte by 'n nuusbladartikel wat soos voormeld in enige nuusblad opgeneem is, en van biljette, plakkate of aanplakbiljette wat daarop betrekking het en wat volgens die gewone gebruik van 'n nuusblad uitgegee word, dit voldoende vir doeleindes van hierdie subregulasie is as die volle name en adresse van die persone deur wie sodanige opskrifte, biljette, plakkate of aanplakbiljette geskryf is, met 'n verklaring dat sodanige opskrifte, biljette, plakkate of aanplakbiljette deur daardie persone geskryf is, gepubliseer word in die uitgawe van die nuusblad waarin sodanige nuusbladartikel opgeneem word.

(6) Behoudens die bepalings van voorbehoudsbepaling (c) van subregulasie (5), mag geen persoon enige nuusblad of ander drukwerk waarin enige sodanige nuusbladartikel opgeneem of geproduseer is, wat nie op

to bear upon the face thereof the full name and address of the person by whom it was written or produced.

(7) For the purposes of this regulation an election shall be deemed to commence on the date of first publication of the notice referred to in regulation 19.

(8) Any person who contravenes or fails to comply with any provision of this regulation shall be guilty of an offence.

*Meetings on premises where sale of liquor usually takes place*

60. (1) No person shall hire or use—

(a) any premises on which the sale, by wholesale or retail, of any intoxicating liquor is authorised (whether the authorisation be for consumption of liquor on or off the premises); or

(b) any premises where any intoxicating liquor is sold or is supplied to members of a club, society or association;

or any part of any such premises, as a committee room or for any meeting of voters for the purpose of promoting or procuring the election of a candidate at an election or in connection with arrangements made by any person or party in reference to an election.

(2) No person shall let or make available for use any such premises or part thereof, knowing that it is intended to be so used.

(3) Any agreement entered into in contravention of subregulation (1) or (2) shall be null and void.

(4) Any person who contravenes or fails to comply with any provision of this regulation shall be guilty of an offence.

*Consequences to the candidates*

61. If upon trial it is proved that any corrupt practice or illegal practice has been committed in reference to the election of a member to the Community Council by or with the knowledge and consent or approval of any candidate at that election, the election of that candidate shall be void and a casual vacancy shall exist.

*Vacating of seats by members of the Community Council*

62. The seat of a member of the Community Council shall become vacant—

(a) upon the death of such member;

(b) upon receipt by the Secretary of the Community Council of a notice of resignation under the hand of such member;

(c) should such member fail to attend three consecutive general meetings of the Community Council without its special leave;

(d) should such member withdraw from any meeting of the Community Council without the permission of the Chairman;

(e) in the event of such member becoming subject to any of the disqualifications mentioned in regulation 12.

*Filling of casual vacancies*

63. Should the seat of a member become vacant in terms of regulation 61 or 62 or should the Minister under section 3 (2) of the Act determine that a vacancy exist, the vacancy shall, unless the term of the Community Council expires before such vacancy can be

die voorkant daarvan die volle naam en adres dra van die persoon deur wie dit geskryf of geproduseer is nie, druk of publiseer nie.

(7) Vir doeleindes van hierdie regulasie word 'n verkiesing geag te begin op die datum van eerste afkondiging van die kennisgewing in regulasie 19 bedoel.

(8) 'n Persoon wat enige van die bepalings van hierdie regulasie oortree of versuim om daaraan te voldoen, begaan 'n misdryf.

*Vergaderings op persele waar gewoonlik drank verkoop word*

60. (1) Geen persoon mag—

(a) 'n perseel waarop die verkoop van bedwelmende drank, by wyse van groothandel of kleinhandel, deur 'n magtiging gemagtig is (ongegag of dit 'n magtiging is vir verbruik van drank op die perseel of daarbuite); of

(b) 'n perseel waar bedwelmende drank verkoop of verskaf word aan lede van 'n klub, genootskap of vereniging;

of 'n gedeelte van enige sodanige perseel, as 'n komiteekamer of vir 'n vergadering van kiesers ter bevordering of bewerkstelling van die verkiesing van 'n kandidaat by 'n verkiesing of in verband met reëlins wat deur 'n persoon of party met betrekking tot 'n verkiesing getref is, huur of gebruik nie.

(2) Geen persoon mag sodanige perseel of 'n gedeelte daarvan verhuur of vir gebruik beskikbaar stel nie, wetende dat dit die bedoeling is om dit aldus te gebruik.

(3) Enige ooreenkoms wat strydig met subregulasie (1) of (2) gesluit is, is van nul en gener waarde.

(4) 'n Persoon wat enige van die bepalings van hierdie regulasie oortree of versuim om daaraan te voldoen, begaan 'n misdryf.

*Gevolge vir kandidaat*

61. As daar by 'n verhoor bewys word dat 'n korrupte bedrywigheid of 'n onwettige bedrywigheid in verband met die verkiesing van 'n lid van die Gemeenskapsraad deur of met die kennis en instemming of goedkeuring van enige kandidaat by daardie verkiesing begaan is, is die verkiesing van daardie kandidaat nie-tig en bestaan daar 'n toevallige vakature.

*Ontruiming van setels deur lede van die Gemeenskapsraad*

62. Die setel van 'n lid van die Gemeenskapsraad raak vakant—

(a) by die afsterwe van sodanige lid;

(b) by ontvangs deur die Sekretaris van die Gemeenskapsraad van 'n kennisgewing van bedanking onder die handtekening van sodanige lid;

(c) indien sodanige lid versuim om drie opeenvolgende algemene vergaderings van die Gemeenskapsraad by te woon sonder die spesiale toestemming daarvan;

(d) indien sodanige lid hom onttrek aan enige vergadering van die Gemeenskapsraad sonder die toestemming van die Voorsitter;

(e) indien sodanige lid onderhewig raak aan enige van die diskwalifikasies in regulasie 12 genoem.

*Vulling van toevallige vakatures*

63. Indien die setel van 'n lid ingevolge regulasie 61 of 62 vakant raak of indien die Minister kragtens artikel 3 (2) van die Wet bepaal dat 'n vakature bestaan, moet die vakature, tensy die termyn van die Gemeenskapsraad verstryk voordat sodanige vakature



filled, be filled within six months of its occurring, by an election which shall be held in accordance with the provisions of these Regulations.

## CHAPTER 6

### THE CONVENING OF, THE PROCEDURE AT AND THE CONDUCT OF MEETINGS OF THE COMMUNITY COUNCIL AND COMMITTEES

#### *First general meeting of Community Council*

64. The first general meeting of the Community Council shall be convened by the Chief Director on a date, which date shall be within 60 days after the first general election, and at a time and in the manner decided upon by him.

#### *Election of Chairman*

65. Immediately after all the members present at the first general meeting of the Community Council and thereafter at the general meeting held in October of each year, have taken their seats the Council shall proceed to the election of the Chairman from the ranks of members of the Council in the manner prescribed in regulation 66.

#### *Manner of election of Chairman*

66. (1) A member having first ascertained that the person whom he wishes to propose as Chairman and who is then present, is willing to serve if elected, may propose such person as Chairman and such proposal shall lapse if not seconded.

(2) There shall be no limit to the number of candidates who may be proposed and seconded under subregulation (1), but no member who has already proposed or seconded a candidate shall propose or second any other candidate and no member shall propose or second his own candidature.

(3) The names of the persons duly nominated shall be announced by the person presiding at the relevant meeting of the Community Council (hereinafter in this regulation referred to as the presiding officer) and no debate shall be allowed at the election.

(4) If more than one member be proposed as Chairman, a secret ballot shall be held at which—

(a) the presiding officer shall hand each member present a ballot paper with the names of all the candidates thereon and with an official mark on the reverse side thereof;

(b) every member shall signify the candidate for whom he desires to vote by placing a cross opposite the name of such candidate;

(c) the presiding officer shall call the names of all the members and each member shall, when his name is called, drop his ballot paper into a ballot box;

(d) when all members who wish to vote have done so the presiding officer shall, in the presence of the Community Council, examine the ballot papers with the assistance of such members as the Community Council may decide upon and declare the result of the ballot.

(5) The successful candidate shall be the candidate who obtains the greater or the greatest number of votes cast.

(6) In the event of the number of votes being found to be equal for the candidates who obtained the greater or the greatest number of votes, the presiding officer shall by lot determine the successful candidate.

gevol kan word, binne ses maande nadat dit ontstaan het, gevul word deur 'n verkiesing wat ooreenkomstig die bepalings van hierdie Regulasies gehou word.

## HOOFSTUK 6

### DIE BYEENROEPING VAN, DIE PROSEDURE OP EN DIE HOU VAN VERGADERINGS VAN DIE GEMEENSKAPSRAAD EN KOMITEES

#### *Eerste algemene vergadering van Gemeenskapsraad*

64. Die Hoofdirekteur roep die eerste algemene vergadering van die Gemeenskapsraad byeen op 'n datum, wat binne 60 dae na die eerste algemene verkiesing moet wees, en op 'n tyd en wyse soos deur hom bepaal.

#### *Verkiesing van Voorsitter*

65. Onmiddellik nadat al die lede wat op die eerste algemene vergadering van die Gemeenskapsraad en daarna op die algemene vergadering gehou in Oktober van elke jaar, hul sitplekke ingeneem het, gaan die Gemeenskapsraad oor tot die verkiesing van die Voorsitter uit die geledere van die lede van die Gemeenskapsraad op die wyse in regulasie 66 voorgeskryf.

#### *Wyse waarop Voorsitter verkies word*

66. (1) 'n Lid wat vooraf vasgestel het dat die persoon wat hy as Voorsitter wil voorstel en wat dan teenwoordig is, gewillig is om te dien as hy verkies word, kan sodanige persoon as Voorsitter voorstel en indien sodanige voorstel nie gesekondeer word nie, verval dit.

(2) Daar is geen beperking op die getal kandidate wat kragtens subregulasie (1) voorgestel en gesekondeer kan word nie, maar geen lid wat reeds 'n kandidaat voorgestel of gesekondeer het, mag 'n ander kandidaat voorstel of sekondeer nie en geen lid mag sy eie kandidatuur voorstel of sekondeer nie.

(3) Die name van die behoorlik genomineerde persone moet deur die persoon wat by die betrokke vergadering van die Gemeenskapsraad voorsit (hierna in hierdie regulasie die voorsittende beamppte genoem) aangekondig word op die sitting waartydens die verkiesing moet plaasvind, en geen debat word by die verkiesing toegelaat nie.

(4) Indien meer as een lid as Voorsitter voorgestel word, word 'n geheime stemming gehou waarby—

(a) die voorsittende beamppte aan elke lid teenwoordig 'n stembriefie met die name van al die kandidate daarop en met 'n amptelike merk op die keersy daarvan uitreik;

(b) elke lid die kandidaat vir wie hy wil stem, aandui deur 'n kruis teenoor die naam van sodanige kandidaat te plaas;

(c) die voorsittende beamppte die name van al die lede uitroep en elke lid, wanneer sy naam uitgeroep word, sy stembriefie in 'n stembus laat val;

(d) sodra alle lede wat wil stem dit gedoen het, die voorsittende beamppte met die hulp van sodanige lede as wat die Gemeenskapsraad bepaal, die stembriefies in teenwoordigheid van die Gemeenskapsraad ondersoek en die uitslag van die stemming bekendmaak.

(5) Die suksesvolle kandidaat is die kandidaat wat die grootste getal stemme uitbring, verkry.

(6) Ingeval daar bevind word dat daar ewe veel stemme uitbring is op die kandidate wat die grootste getal stemme verkry het, bepaal die voorsittende beamppte die suksesvolle kandidaat by loting.

(7) A member who arrives after the names of the members have been called shall not be entitled to vote.

(8) If only one member is proposed and seconded as Chairman he shall be declared elected.

#### *Manner of election of Deputy Chairman*

67. Immediately after the Chairman has been elected, the Community Council shall proceed to the election of a Deputy Chairman and the provisions of regulation 66 shall apply *mutatis mutandis* to the election of a Deputy Chairman: Provided that any reference in regulation 66 to the presiding officer shall be construed as being a reference to the Chairman.

#### *Period of office of Chairman and Deputy Chairman*

68. Subject to the provisions of regulation 69, the Chairman and the Deputy Chairman shall hold office until their successors be elected at the general meeting referred to in regulation 65.

#### *Vacation of office by Chairman or Deputy Chairman*

69. (1) The Chairman or the Deputy Chairman shall vacate his office—

(a) if his seat as a member of the Community Council becomes vacant or is deemed to have been vacated in terms of the provisions of these Regulations;

(b) if he resigns his office as Chairman or Deputy Chairman by notice, in writing, to the Secretary of the Community Council or makes an announcement to that effect at a meeting of the Community Council.

(2) If the Chairman or the Deputy Chairman vacates his seat otherwise than in pursuance of his resignation announced at a meeting of the Community Council, the Secretary of the Community Council shall at the first ensuing meeting of the Community Council inform it accordingly.

#### *Filling of casual vacancies*

70. A casual vacancy in the office of Chairman or of Deputy Chairman shall, if the Community Council is holding a meeting when the vacancy occurs, be filled by the election at that meeting of an incumbent to the office concerned in the manner provided in these Regulations and if the Community Council is then not holding a meeting such election shall take place at its next meeting.

#### *Meetings of the Community Council*

71. (1) Every meeting of the Community Council shall be held at the seat of the Council which shall be situated within the area for which the Community Council has been established: Provided that the Minister may direct that any such meeting be held at a place situated outside such area.

(2) The Community Council shall hold one general meeting each month.

(3) Notwithstanding the provisions of regulation 78, the Community Council shall at each general meeting thereof, whether or not there is a quorum at such meeting, decide the date and time of the next general meeting.

(4) Subject to the provisions of regulation 64, the Secretary of the Community Council shall, in writing, not less than seven days prior to a general meeting of the Council inform the members, the Chief Director and the Commissioner of the date and time fixed for, and the business to be transacted at, such general meeting.

(7) 'n Lid wat opdaag nadat die lede se name uitgeroep is, is nie geregtig om te stem nie.

(8) Indien slegs een lid as Voorsitter voorgestel en gesekondeer word, word hy verkose verklaar.

#### *Wyse waarop Ondervoorsitter verkies word*

67. Onmiddellik nadat die Voorsitter verkies is, gaan die Gemeenskapsraad oor tot die verkiesing van 'n Ondervoorsitter en is die bepalings van regulasie 66 *mutatis mutandis* van toepassing by die verkiesing van 'n Ondervoorsitter: Met dien verstande dat 'n verwysing in regulasie 66 na die voorsittende beampte uitgelê word as 'n verwysing na die Voorsitter.

#### *Ampstermyn van Voorsitter en Ondervoorsitter*

68. Behoudens die bepalings van regulasie 69, beklee die Voorsitter en die Ondervoorsitter hulle amp totdat hul opvolgers gedurende die algemene vergadering in regulasie 65 bedoel, verkies word.

#### *Ontruiming van amp deur Voorsitter of Ondervoorsitter*

69. (1) Die Voorsitter of die Ondervoorsitter ontruim sy amp—

(a) indien sy setel as lid van die Gemeenskapsraad vakant raak of geag word ontruim te gewees het ingevolge die bepalings van hierdie Regulasies;

(b) indien hy uit sy amp as Voorsitter of Ondervoorsitter bedank by skriftelike kennisgewing aan die Sekretaris van die Gemeenskapsraad of 'n aankondiging tot dien effekte op 'n sitting van die Gemeenskapsraad doen.

(2) Indien die Voorsitter of die Ondervoorsitter sy setel ontruim anders as deur die aankondiging van sy bedanking op 'n sitting van die Gemeenskapsraad, verwittig die Sekretaris van die Gemeenskapsraad gedurende die eerste daaropvolgende vergadering van die Gemeenskapsraad die Gemeenskapsraad dienoreenkomsig.

#### *Vulling van toevallige vakatures*

70. 'n Toevallige vakature in die amp van Voorsitter of van Ondervoorsitter moet, indien die Gemeenskapsraad in sitting is wanneer die vakature ontstaan, gevul word deur die verkiesing tydens sodanige sitting van 'n bekleër vir die betrokke amp op die wyse in hierdie Regulasies bepaal, en indien die Gemeenskapsraad nie dan in sitting is nie, moet sodanige verkiesing op die daaropvolgende vergadering plaasvind.

#### *Vergaderings van die Gemeenskapsraad*

71. (1) Elke vergadering van die Gemeenskapsraad word gehou by die setel van die Gemeenskapsraad wat binne die gebied waarvoor die Gemeenskapsraad ingestel is, geleë moet wees: Met dien verstande dat die Minister kan gelas dat enige sodanige vergadering gehou moet word op 'n plek geleë buite sodanige gebied.

(2) Die Gemeenskapsraad hou een algemene vergadering elke maand.

(3) Ondanks die bepalings van regulasie 78, bepaal die Gemeenskapsraad by elke algemene vergadering daarvan, of daar 'n kworum by sodanige vergadering is aldan nie, die datum en tyd van die daaropvolgende algemene vergadering.

(4) Behoudens die bepalings van regulasie 64, stel die Sekretaris van die Gemeenskapsraad die lede, die Hoofdirekteur en die Kommissaris minstens sewe dae voor 'n algemene vergadering van die Gemeenskapsraad skriftelik in kennis van die datum en tyd bepaal vir en die sake wat behandel gaan word gedurende sodanige algemene vergadering.



*Special meeting of the Community Council*

72. (1) The Chairman may at any time convene a special meeting of the Community Council and only such business as the Chairman may lay before it or approve shall be transacted.

(2) The Secretary of the Community Council shall, in writing, not less than 72 hours prior to a special meeting of the Community Council inform the members, the Chief Director and the Commissioner of the date and time fixed for, and the business to be transacted at, such special meeting.

*Meetings of Community Council open to public and press*

73. (1) Subject to the provisions of subregulation (2), all meetings of the Community Council shall be open to the public and the press.

(2) If the Community Council is of the opinion that any matter can more conveniently or advantageously be dealt with in the absence of members of the public and the press, it may, subject to the provisions of section 3 (6) of the Act, exclude the public and the press from such meeting while such matter is dealt with.

*Chairman to preside at meetings of Community Council*

74. The Chairman or, in his absence, the Deputy Chairman shall preside at all meetings of the Community Council or if both the Chairman and the Deputy Chairman are unable through absence or other cause to preside at a meeting, the members present shall, with the Secretary of the Community Council, who shall not be entitled to vote, as presiding officer, nominate one of the members present to preside at such meeting: Provided that the Chairman of the Board or a member of the Board designated by him shall preside at the first general meeting of the Community Council until a Chairman is elected.

*Attendance register*

75. Every member attending a meeting of the Community Council shall sign the attendance register kept for this purpose.

*Order of business*

76. The business of each meeting of the Community Council shall, in accordance with the need thereof, be transacted in the following order:

- (a) Notice convening the meeting;
- (b) obituaries and ceremonial speeches;
- (c) applications for leave of absence;
- (d) official announcements;
- (e) unopposed motions of the Chairman;
- (f) minutes of previous meeting;
- (g) reports of committees;
- (h) questions of which notice has been given;
- (i) motions held over from previous meetings;
- (j) petitions;
- (k) new motions;
- (l) other matters.

*Business to be transacted at meeting of Community Council*

77. No business other than that included in the agenda embodied in the notice convening a meeting shall be transacted at such meeting of the Community Council: Provided that at such meeting, and with the approval of the Chairman, matters of urgency may be raised and submitted to the Council.

*Spesiale vergadering van die Gemeenskapsraad*

72. (1) Die Voorsitter kan te eniger tyd 'n spesiale vergadering van die Gemeenskapsraad byeenroep en slegs die sake wat die Voorsitter voorlê of goedkeur, word behandel.

(2) Die Sekretaris van die Gemeenskapsraad stel die lede, die Hoofdirekteur en die Kommissaris minstens 72 uur voor 'n spesiale vergadering van die Gemeenskapsraad skriftelik in kennis van die datum en tyd bepaal vir en die sake wat behandel gaan word gedurende sodanige spesiale vergadering.

*Vergaderings van Gemeenskapsraad vir publiek en pers toeganklik*

73. (1) Behoudens die bepalings van subregulasie (2), is alle vergaderings van die Gemeenskapsraad vir die publiek en pers toeganklik.

(2) Indien die Gemeenskapsraad van mening is dat 'n aangeleentheid geriefliker of voordeliger in die afwesigheid van lede van die publiek en die pers behandel kan word, kan hy, behoudens die bepalings van artikel 3 (6) van die Wet, die publiek en die pers van sodanige vergaderings uitsluit terwyl sodanige aangeleentheid behandel word.

*Voorsitter sit voor by vergaderings van Gemeenskapsraad*

74. Die Voorsitter of, in sy afwesigheid, die Ondervoorsitter, sit voor op alle vergaderings van die Gemeenskapsraad of, as sowel die Voorsitter as die Ondervoorsitter weens afwesigheid of om 'n ander rede nie op 'n vergadering kan voorsit nie, benoem die aanwesige lede onder die voorsitterskap van die Sekretaris van die Gemeenskapsraad, wat nie geregtig is om te stem nie, een van die aanwesige lede om op sodanige vergadering voor te sit: Met dien verstande dat die Voorsitter van die Raad of 'n lid van die Raad deur hom aangewys op die eerste algemene vergadering van die Gemeenskapsraad voorsit totdat 'n Voorsitter verkies is.

*Bywoningsregister*

75. Elke lid wat 'n vergadering van die Gemeenskapsraad bywoon, teken sy naam in die bywoningsregister wat vir dié doel gehou word.

*Volgorde van werksaamhede*

76. Die werksaamhede van elke vergadering van die Gemeenskapsraad word na gelang daarvan of dit nodig is, in die volgende volgorde verrig:

- (a) Beskrywingsbrief;
- (b) sterflys en seremoniële toesprake;
- (c) aansoeke om afwesigheidsverlof;
- (d) amptelike aankondigings;
- (e) onbestrede mosies van die Voorsitter;
- (f) notule van vorige vergadering;
- (g) verslae van komitees;
- (h) vrae waarvan kennis gegee is;
- (i) mosies wat sedert vorige vergaderings oorstaan;
- (j) versoekskrifte;
- (k) nuwe mosies;
- (l) ander aangeleenthede.

*Werksaamhede wat by vergadering van Gemeenskapsraad behandel word*

77. Geen saak wat nie in die sakelys in die beskrywingsbrief vermeld is nie, word op daardie vergadering van die Gemeenskapsraad behandel nie: Met dien verstande dat, met die toestemming van die Voorsitter, dringende sake op sodanige vergadering geopper en aan die Gemeenskapsraad voorgelê kan word.

*Quorum*

78. Any number of members exceeding half the number of members of the Community Council shall form a quorum.

*Procedure when quorum not present*

79. (1) If after the expiration of 20 minutes after the time at which any meeting of the Council is appointed to be held, a quorum is not assembled, no meeting shall take place. If the members present unanimously consent thereto, a further period, not exceeding 10 minutes, may be permitted to enable a quorum to assemble, but the members present may by a majority decision at any stage after 10 minutes past the time appointed for such meeting, request the Chairman to convene a further meeting within 10 days, at which meeting, notwithstanding the provisions of regulation 78, the members present shall form a quorum and if the Chairman complies with such request the provisions of regulation 71 shall *mutatis mutandis* apply.

(2) If during the sitting of any meeting of the Council a quorum is found not to be present no further business shall be conducted until a quorum is reassembled. Should a quorum not be present and 10 minutes elapse after the attention of the Chairman is drawn to the absence of a quorum, the meeting shall stand adjourned until a time to be decided by the Chairman.

(3) If from the number of members voting it appears that a quorum is not present the voting shall be invalid.

*Adjournment of meeting*

80. If for any reason whatsoever, the business to be transacted at any meeting of the Community Council cannot be completed at such meeting, the Chairman may adjourn such meeting to a date and time to be determined by the Chairman in consultation with the members.

*Questions*

81. A member may ask a question at any meeting of the Community Council—

(a) in connection with any matter arising out of or having a bearing on an item in the report of a committee during the discussion of such report;

(b) regarding the exercise of any of the Council's powers or performance of any of its duties or conditions within the area for which the Community Council has been established.

*Notice of question, motion or petition to be given*

82. (1) Notice of any question, referred to in regulation 81 (b), motion (excluding any unopposed motion of the Chairman) or petition which a member wishes to pose, move or present, as the case may be, at or to any general meeting of the Community Council shall be in writing and signed by such member and shall be forwarded to the Secretary of the Community Council who shall, subject to the provisions of subregulation (2) and regulation 84, place it on the agenda for the next ensuing general meeting.

(2) If any such question, motion or petition is received by the Secretary of the Community Council at least 10 days before the next ensuing general meeting of the

*Kworum*

78. Enige getal lede wat meer as die helfte van die getal lede van die Gemeenskapsraad is, vorm 'n kworum.

*Prosedure wanneer kworum nie teenwoordig is nie*

79. (1) Indien daar na afloop van 20 minute na die tyd waarop 'n vergadering van die Gemeenskapsraad moet begin geen kworum is nie, vind geen vergadering plaas nie. Indien die aanwesige lede dit eens is, kan 'n verdere tydperk van hoogstens 10 minute toegelaat word om 'n kworum te laat byeenkom, maar die aanwesige lede kan, deur 'n meerderheidsbeslissing, te eniger tyd na die verloop van 10 minute na die tyd waarop sodanige vergadering moet begin, die Voor-sitter versoek om 'n verdere vergadering binne 10 dae te belê, en by sodanige vergadering, ondanks die bepalings van regulasie 78, maak die lede teenwoordig 'n kworum uit en indien die Voor-sitter aan so 'n versoek voldoen, is die bepalings van regulasie 71 *mutatis mutandis* van toepassing.

(2) Indien daar gedurende die sitting van 'n vergadering van die Gemeenskapsraad bevind word dat 'n kworum nie teenwoordig is nie, word geen verdere sake behandel nie totdat 'n kworum opnuut byeengekomp het. Indien 'n kworum nie teenwoordig is nie en 10 minute verstryk nadat die Voor-sitter se aandag op die gebrek aan 'n kworum gevestig is, word die vergadering verdaag tot 'n tyd deur die Voor-sitter bepaal.

(3) As dit uit die getal lede wat deelneem aan 'n stemming, blyk dat 'n kworum nie teenwoordig is nie, is die stemming ongeldig.

*Verdagings van vergadering*

80. Indien, om watter rede ook al, die sake wat by 'n vergadering van die Gemeenskapsraad behandel staan te word, nie by sodanige vergadering afgehandel kan word nie, kan die Voor-sitter sodanige vergadering verdaag tot 'n datum en tyd wat die Voor-sitter in ooreenstemming met die lede bepaal.

*Vrae*

81. 'n Lid kan op 'n vergadering van die Gemeenskapsraad 'n vraag stel—

(a) oor 'n saak wat voortspruit uit of in verband staan met 'n item van die verslag van 'n komitee tydens die bespreking van sodanige verslag;

(b) betreffende die uitoefening van enige van die Gemeenskapsraad se bevoegdhede, die uitvoering van enige van sy pligte, of toestande binne die gebied waarvoor die Gemeenskapsraad ingestel is.

*Wyse waarop kennisgewing van vraag, mosie of versoekskrif geskied*

82. (1) Kennis van 'n vraag in regulasie 81 (b) bedoel, 'n mosie (uitgesonderd 'n onbestrede mosie van die Voor-sitter) of versoekskrif wat 'n lid wil stel of indien, na gelang van die geval, op 'n vergadering van die Gemeenskapsraad moet skriftelik wees en deur sodanige lid onderteken wees en word aan die Sekretaris van die Gemeenskapsraad gestuur, en behoudens die bepalings van subregulasie (2) en regulasie 84 plaas hy dit op die sakelys van die daaropvolgende algemene vergadering.

(2) Indien sodanige vraag, mosie of versoekskrif deur die Sekretaris van die Gemeenskapsraad minstens 10 dae voor die daaropvolgende algemene vergadering van die Gemeenskapsraad ontvang is, plaas hy dit op



Community Council he shall place it on the agenda for such meeting or otherwise he shall place it on the agenda for the next ensuing general meeting.

(3) If a member is not present to pose his question or present his petition when he is called upon to do so by the Chairman, and he has not authorised any other member to do so on his behalf, the question or petition shall lapse.

*Chairman may reject certain motions, questions or petitions*

83. (1) The Chairman may reject any motion, question or petition which in his opinion will lead to the discussion of a matter already included in the agenda or which does not concern the area for which the Community Council has been established or over which the Council has no jurisdiction or which is not clear and he shall reject any motion or petition which, if it were to be moved or accepted, as the case may be, would be against the law.

(2) If the Chairman so rejects any motion, question or petition he shall inform the Community Council of his decision and shall not call upon the member concerned to move such motion, pose such question or present such petition, as the case may be.

*Motion to rescind a resolution passed during the previous three months*

84. No motion to rescind a resolution passed by the Community Council during the previous three months or having the same effect as one that has been rejected by the Community Council during the previous three months shall be placed on the agenda unless the notice of such motion is signed by at least three members in addition to the member who wishes to move such motion and after the Community Council has dealt with such motion no member may move a similar motion within six months thereafter.

*Procedure on moving a motion*

85. (1) When motions come up for discussion, the Chairman shall, subject to the provisions of regulation 83, read out the numbers and names of the movers of all the motions appearing on the agenda and he shall ascertain which motions are unopposed and such unopposed motions shall immediately be carried.

(2) Immediately after such unopposed motions have been carried the Chairman shall, in the order in which the remaining motions appear on the agenda, call upon the members concerned to move such motions.

(3) A member called upon by the Chairman to move a motion shall rise in his place and after making such remarks as he may wish he shall move the motion.

(4) If a member is not present to move a motion when called upon to do so by the Chairman, and he has not authorised any other member to do so on his behalf, the motion shall lapse.

(5) Every motion moved shall require seconding and if a motion is not seconded it shall lapse.

(6) When a motion has been moved and seconded, the Chairman shall read it or cause it to be read after which debate may take place on such motion and may continue, subject to the provisions of these Regulations, for as long as any member who is entitled to speak wishes to speak.

die sakelys vir sodanige vergadering, of anders plaas hy dit op die sakelys van die daaropvolgende algemene vergadering.

(3) As 'n lid nie teenwoordig is om sy vraag te stel of sy versoekskrif in te dien nie wanneer hy deur die Voorsitter versoek word om dit te doen en hy nie 'n ander lid gemagtig het om dit namens hom te stel of in te dien nie, verval die vraag of versoekskrif.

*Voorsitter kan sekere mosies, vrae of versoekskrifte verwerp*

83. (1) Die Voorsitter kan 'n mosie, vraag of versoekskrif verwerp wat na sy mening tot die bespreking sou lei van 'n saak wat reeds in die sakelys vervat is of wat nie op die gebied waarvoor die Gemeenskapsraad ingestel is betrekking het nie of waaroor die Gemeenskapsraad nie regsbevoegdheid het nie of wat nie duidelik is nie, en hy verwerp 'n mosie of versoekskrif wat, as dit voorgestel of aangeneem word, na gelang van die geval, strydig sal wees met die wet.

(2) Indien die Voorsitter 'n mosie, vraag of versoekskrif aldus verwerp, stel hy die Gemeenskapsraad in kennis van sy beslissing en hy versoek nie die betrokke lid om sodanige mosie in te dien, sodanige vraag te stel of sodanige versoekskrif in te dien nie, na gelang van die geval.

*Mosie ter herroeping van 'n besluit geneem binne voorafgaande drie maande*

84. Geen mosie ter herroeping van 'n besluit wat gedurende die voorafgaande drie maande geneem is of 'n mosie van dieselfde strekking as een wat binne die voorafgaande drie maande deur die Gemeenskapsraad verwerp is, word op die sakelys geplaas nie, tensy die kennisgewing van die mosie deur minstens drie lede, benewens die voorsteller van die mosie, onderteken is, en nadat die Gemeenskapsraad sodanige mosie afgehandel het, mag geen lid weer 'n soortgelyke mosie binne ses maande daarna indien nie.

*Prosedure by die indiening van 'n mosie*

85. (1) Wanneer mosies aan die orde kom, lees die Voorsitter, behoudens die bepalings van regulasie 83, die nommers en die name uit van die voorstellers van al die mosies wat op die sakelys verskyn, en hy stel vas watter mosies onbestrede is, en sodanige onbestrede mosies word dadelik aangeneem.

(2) Onmiddellik nadat sodanige onbestrede mosies aangeneem is, versoek die Voorsitter die betrokke lede, beurtelings in die volgorde waarin die oorblywende mosies op die sakelys verskyn, om sodanige mosies in te dien.

(3) 'n Lid wat deur die Voorsitter versoek word om 'n mosie in te dien, staan in sy plek op en na enige opmerkings wat hy wens te maak, dien hy die mosie in.

(4) As 'n lid nie teenwoordig is nie om sy mosie in te dien wanneer hy deur die Voorsitter versoek word om dit te doen en hy nie 'n ander lid gemagtig het om dit namens hom in te dien nie, verval die mosie.

(5) Elke mosie ingedien moet gesekondeer word, en as 'n mosie nie gesekondeer word nie, verval dit.

(6) Wanneer 'n mosie ingedien is en gesekondeer is, lees die Voorsitter dit uit, of laat dit uitlees, waarna sodanige mosie gedebatteer kan word en die debat kan, behoudens die bepalings van hierdie Regulasies, so lank aanhou as wat enige lid wat die reg het om te praat, nog wil praat.

(7) When no more members wish or are entitled to speak the Chairman shall put the motion to the Community Council for its decision.

(8) When an amendment or amendments have been proposed to a motion the Chairman shall first put the amendments and after all amendments have been disposed of, again read and put the original motion or if it has been amended the motion as amended, so as to enable the members of the Community Council to be fully acquainted with the terms thereof.

(9) The order in which amendments shall be put shall be in the discretion of the Chairman.

(10) No member may speak on a motion or amendment after it has been fully put by the Chairman.

#### *Amendments to motions*

86. (1) A member who has risen to speak on a motion may propose an amendment to such motion.

(2) Such amendment shall require seconding.

(3) An amendment may take one of the following forms:

- (a) To leave out one or more words of the motion;
- (b) to insert one or more words in the motion;
- (c) to add one or more words at the end of the motion;
- (d) to substitute certain other words for certain words contained in the motion.

(4) Members may propose more than one amendment to a motion but a proposal to further amend a proposed amendment shall be out of order.

(5) Debate may take place on any amendment to a motion.

#### *Postponement of motions*

87. (1) Any member may move that a motion be postponed or referred to a committee of the Community Council for consideration.

(2) Such motion shall be seconded.

(3) Notwithstanding the provisions of regulation 97 (2), the mover of such motion shall speak for not more than five minutes and the seconder shall not be permitted to speak beyond formally seconding it.

(4) Immediately after such motion has been seconded the Chairman shall put the motion to the Community Council for its decision.

#### *Withdrawal of motions and amendments*

88. A motion or an amendment proposed to such motion may be withdrawn at the request of the mover thereof by leave of the Community Council at any time before the question has been fully put.

#### *Moving reports at meetings of Community Council*

89. (1) All recommendations of any committee shall be reported to the Council and the Chairman of the committee concerned or in his absence a member of the committee called upon by the Chairman of the Council, shall introduce the report by moving that the report of the committee concerned be received.

(2) The Council having agreed to receive the report, the Chairman of the Community Council shall thereupon put the recommendations contained in the various items *seriatim*, unless for good cause he sees fit to vary

(7) Wanneer daar nie meer lede is wat wens, of geregtig is, om te praat nie, stel die Voorsitter die mosie aan die Gemeenskapsraad vir beslissing.

(8) Wanneer 'n amendement of amendemente op 'n mosie voorgestel is, stel die Voorsitter eers die amendemente en na al die amendemente afgehandel is, lees en stel hy weer die oorspronklike mosie of, indien dit gewysig is, die mosie, soos gewysig, ten einde die lede van die Gemeenskapsraad ten volle vertrou te maak met die bepalings daarvan.

(9) Die volgorde waarin amendemente gestel word, is volgens die diskresie van die Voorsitter.

(10) Geen lid mag oor 'n mosie of 'n amendement praat nadat dit ten volle deur die Voorsitter gestel is nie.

#### *Amendemente op mosies*

86. (1) 'n Lid wat opgestaan het om 'n mosie te bespreek, kan 'n amendement op die mosie voorstel.

(2) Sodanige amendement moet gesekondeer word.

(3) 'n Amendement kan een van die volgende vorme aanneem:

- (a) Om een of meer van die woorde van die mosie weg te laat;
- (b) om een of meer woorde in die mosie in te voeg;
- (c) om een of meer woorde aan die einde van die mosie by te voeg;
- (d) om sekere woorde van die mosie deur sekere ander woorde te vervang.

(4) Lede kan meer as een amendement op 'n mosie voorstel, maar 'n voorstel vir die verdere wysiging van 'n voorgestelde amendement is buite die orde.

(5) 'n Amendement op 'n mosie kan gedebateer word.

#### *Uitsel van mosies*

87. (1) 'n Lid kan voorstel dat 'n mosie uitgestel of na 'n komitee van die Gemeenskapsraad verwys word vir oorweging.

(2) Sodanige voorstel moet gesekondeer word.

(3) Ondanks die bepalings van regulasie 97 (2), kan die indiener van sodanige voorstel hoogstens vyf minute lank praat en die sekondant word nie toegelaat om te praat nie buiten om dit formeel te sekondeer.

(4) Onmiddellik nadat sodanige voorstel gesekondeer is, stel die Voorsitter die voorstel aan die Gemeenskapsraad vir beslissing.

#### *Terugtrekking van mosies en amendemente*

88. 'n Mosie of 'n voorgestelde amendement van sodanige mosie kan te eniger tyd voordat die mosie ten volle gestel is, teruggetrek word op versoek van die voorsteller daarvan met die verlof van die Gemeenskapsraad.

#### *Indiening van verslae op vergaderings van Gemeenskapsraad*

89. (1) Verslag oor alle aanbevelings van 'n komitee word aan die Gemeenskapsraad gedoen en die Voorsitter van die betrokke komitee, of in sy afwesigheid 'n lid van die komitee deur die Voorsitter van die Gemeenskapsraad aangesê, dien die verslag in deur voor te stel dat die verslag van die betrokke komitee in ontvangs geneem word.

(2) Nadat die Gemeenskapsraad besluit het om die verslag in ontvangs te neem, stel die Voorsitter van die Gemeenskapsraad die aanbevelings vervaar in die verskillende items *seriatim*, tensy hy goedgevind om hul volgorde te verander. Indien die meerderheid van die



their order. If the majority of the members of the Council present agree with any recommendation it shall forthwith become a resolution of the Council.

*Item to be referred back for further consideration*

90. (1) When the report of any committee has been received by the Council and a recommendation in that report is before the Council, any member may move that the item be referred back to such committee for further consideration.

(2) If such motion is carried, the debate on the recommendation shall end forthwith.

*Chairman to maintain order*

91. Order shall be maintained in the Community Council by the Chairman whose decision on a point of order shall not be open to appeal and shall not be reviewed by the Community Council.

*Members to sit down when Chairman rises*

92. When the Chairman rises during a meeting of the Community Council every member shall sit down and members shall be silent so that the Chairman may be heard without interruption.

*Members to speak standing*

93. A member shall speak standing and shall address his observations to the Chair.

*Chairman to select speaker*

94. If two or more members rise at the same time to speak the Chairman shall select one member and call on him to speak.

*Members not speaking to be seated*

95. When a member has finished speaking he shall resume his seat and any other member wishing to speak shall rise.

*Matters on which members may speak*

96. A member may address the Community Council on the question before the Council or upon any amendment proposed thereto, or upon a question or amendment to be proposed by himself, or upon a point of order arising out of debate, but not otherwise and no discussion or debate shall be permitted which will anticipate any matter on the agenda.

*Speaking on questions at meetings of Community Council*

97. (1) No member shall address the Community Council more than once on the question before the Community Council except in explanation, such explanation being allowed only in case a material part of his speech has been misquoted or misunderstood, and he shall not introduce any new matter and no debate shall be allowed on such explanation.

(2) No member may, without the approval of the Community Council, exceed 10 minutes in speaking on any question.

(3) Notwithstanding the provisions of subregulation (1), the member who introduced the question may reply and such member having so replied, the debate shall be closed and the question put to the vote.

*Form of address*

98. During proceedings at a meeting of the Community Council members shall refer to one another as "the honourable member" (stating the member's name).

aanwesige lede van die Gemeenskapsraad 'n aanbeveling aanvaar, word dit onverwyld 'n besluit van die Gemeenskapsraad.

*Item kan terugverwys word vir verdere oorweging*

90. (1) Wanneer die verslag van 'n komitee deur die Gemeenskapsraad in ontvangs geneem is en 'n aanbeveling van sodanige verslag voor die Gemeenskapsraad dien, kan 'n lid voorstel dat die item na sodanige komitee terugverwys word vir verdere oorweging.

(2) As sodanige voorstel aangeneem word, eindig die debat oor die aanbeveling onverwyld.

*Voorsitter handhaaf orde*

91. Orde word in die Gemeenskapsraad deur die Voorsitter gehandhaaf en sy beslissing oor 'n punt van orde is nie onderworpe aan appèl nie en word nie deur die Gemeenskapsraad hersien nie.

*Lede moet sit wanneer Voorsitter opstaan*

92. Wanneer die Voorsitter gedurende 'n vergadering van die Gemeenskapsraad opstaan, sit elke lid en lede bly stil sodat die Voorsitter ongestoord gehoor kan word.

*Lede praat staande*

93. Elke lid staan as hy praat en rig sy opmerkings tot die Stoel.

*Voorsitter kies spreker*

94. Indien twee of meer lede gelyk opstaan om te praat, kies die Voorsitter een lid en versoek hom om te praat.

*'n Lid wat nie praat nie, moet sit*

95. 'n Lid wat klaar gepraat het, moet sit en enige ander lid wat wil praat, moet opstaan.

*Sake waaroor lede kan praat*

96. 'n Lid kan oor die mosie voor die Gemeenskapsraad praat of oor amendemente daarop voorgestel, of oor 'n mosie of amendement wat hy self wil voorstel, of oor 'n punt van orde voortspruitende uit die debat, maar anders nie en geen bespreking of debat wat 'n saak wat op die sakelys voorkom, sal vooruitloop, word toegelaat nie.

*Die praat oor onderwerpe op vergaderings van Gemeenskapsraad*

97. (1) Geen lid spreek die Gemeenskapsraad meer as een maal oor 'n mosie voor die Gemeenskapsraad toe nie, behalwe by wyse van verduideliking, welke verduideliking toegelaat word slegs ingeval 'n wesentlike deel van 'n lid se toespraak verkeerd aangehaal of misverstaan is en hy mag geen nuwe aangeleentheid behandel nie en oor sodanige verduideliking word geen debat toegelaat nie.

(2) Geen lid praat sonder die toestemming van die Gemeenskapsraad langer as 10 minute oor enige mosie nie.

(3) Ondanks die bepalings van subregulasie (1), kan die lid wat 'n mosie ingedien het, repliek lewer en nadat sodanige lid sodanige repliek gelewer het, is die debat gesluit en word die mosie in stemming gebring.

*Aanspreekvorm*

98. Gedurende verrigtings by 'n vergadering van die Gemeenskapsraad verwys lede na mekaar as "die agbare lid" (die naam van lid moet gemeld word).

*Conduct of members during meetings*

99. During a meeting of the Community Council a member shall—

- (a) enter or leave the Chamber with decorum;
- (b) in the case of a male, be bare-headed while in the Chamber and bow to the Chair when entering or leaving the Chamber or passing to or from his place;
- (c) not pass between the Chair and any member speaking;
- (d) not address the Chairman by name or any other title save as "Mr Chairman";
- (e) not cross the floor of the Chamber unnecessarily;
- (f) when crossing from one side of the Chamber to the other, pause in the centre and bow to the Chair;
- (g) not read newspapers, books, letters or other documents except such matter therein as may be directly connected with the business then under consideration;
- (h) while a member is speaking be silent and not make unseemly interruptions;
- (i) when called to order by the Chairman immediately resume his seat; and
- (j) when the Community Council adjourns keep his place until the Chairman has left the Chair.

*Speeches to be relevant*

100. A member shall restrict his observations to the subject under discussion and shall not introduce matters irrelevant to that subject.

*Irrelevance or repetition*

101. The Chairman after having called the attention of the Community Council to the conduct of a member who persists in irrelevance or tedious repetition of his own or some other member's arguments in debate, may order him to discontinue his speech and resume his seat.

*When interruption may be made*

102. A member shall not interrupt the speech of any other member except—

- (a) by rising to a point of order, when the member speaking shall resume his seat and the member interrupting shall merely direct attention to the point which he wishes to bring to notice and submit it to the Chairman for decision; or
- (b) to put a relevant question to the speaker with the consent of the Chairman.

*Insulting language out of order*

103. It shall be out of order to use offensive and insulting language about members of the Community Council.

*Imputation of improper motives out of order*

104. A member shall not impute improper motives to any other member.

*Personal charges out of order*

105. A member shall not make a personal charge in reference to any other member.

*Offensive expressions about Community Council out of order*

106. A member shall not use offensive expressions about the conduct of proceedings at meetings of the Community Council.

*Gedrag van lede tydens vergaderings*

99. Gedurende vergaderings van die Gemeenskapsraad moet 'n lid—

- (a) die Raadsaal met deorum binnekom of verlaat;
- (b) in die geval van 'n man, blootshoof wees terwyl hy in die Raadsaal is en 'n buiging voor die Stoel maak wanneer hy die Raadsaal binnekom of verlaat, of wanneer hy na of van sy sitplek gaan;
- (c) nie tussen die Stoel en 'n lid wat aan die woord is, verbygaan nie;
- (d) nie die Voorsitter by sy naam of enige ander titel as "Meneer die Voorsitter" aanspreek nie;
- (e) nie onnodig oor die vloer van die Raadsaal stap nie;
- (f) wanneer hy van een deel van die Raadsaal na 'n ander gaan, in die middel stilstaan en 'n buiging voor die Stoel maak;
- (g) nie nuusblaai, boeke, briewe of ander dokumente lees nie, uitgesonderd sodanige stof daarin as wat regstreeks in verband staan met die aangeleentheid dan onder oorweging;
- (h) stilbly terwyl 'n lid aan die woord is, en hom nie onnodig in die rede val nie;
- (i) wanneer hy deur die Voorsitter tot orde geroep is, dadelik gaan sit; en
- (j) wanneer die Gemeenskapsraad verdaag, in sy sitplek bly totdat die Voorsitter die Stoel verlaat het.

*Toesprake moet ter sake wees*

100. 'n Lid moet sy opmerkings oor die onderwerp in bespreking beperk, en mag geen sake wat nie op daardie onderwerp betrekking het nie, byhaal nie.

*Ontoepaslikheid of herhaling*

101. Nadat die Voorsitter die aandag van die Gemeenskapsraad gevestig het op die gedrag van 'n lid wat volhou om aangeleenthede wat nie ter sake is nie te bespreek of om sy eie argumente of dié van 'n ander lid in die debat tot vervelens toe te herhaal, kan hy die lid gelas om sy toespraak te staak en sy sitplek in te neem.

*Wanneer lede in die rede geval mag word*

102. Geen lid mag 'n ander lid wat aan die woord is, in die rede val nie, behalwe—

- (a) wanneer hy op 'n punt van orde opstaan, en dan moet die lid wat aan die woord was, gaan sit, en die lid wat opgestaan het, moet slegs die punt noem waarop hy die aandag wil vestig en dit aan die Voorsitter voorlê vir sy beslissing; of
- (b) om 'n tersaaklike vraag aan die spreker te stel met die toestemming van die Voorsitter.

*Beledigende taal buite die orde*

103. Dit is buite die orde om aanstootlike en beleedigende taal omtrent lede van die Gemeenskapsraad te gebruik.

*Toeskrywing van onbehoorlike motiewe buite die orde*

104. 'n Lid mag nie onbehoorlike motiewe aan 'n ander lid toeskryf nie.

*Persoonlike aanvalle buite die orde*

105. 'n Lid mag nie 'n persoonlike aanval ten opsigte van enige ander lid maak nie.

*Aanstootlike uitdrukkings omtrent Gemeenskapsraad buite die orde*

106. 'n Lid mag nie aanstootlike uitdrukkings oor die bestuur van verrigtings by vergaderings van die Gemeenskapsraad gebruik nie.



*Alleged improper conduct*

107. The personal conduct or any alleged improper motives of a member shall not be referred to except on a motion moved for that purpose.

*Disorderly conduct of members*

108. The Chairman shall order a member whose conduct is grossly disorderly or who fails to comply with an order made under regulation 101, to withdraw forthwith from the Chamber for the remainder of the meeting and should he fail to do so the Chairman may cause him to be ejected from the Chamber and take such reasonable steps as are necessary to ensure that such member does not return to the meeting.

*Chairman's powers to adjourn or suspend meeting of Community Council*

109. In the case of great disorder arising during a meeting of the Community Council the Chairman may adjourn or suspend the meeting for such reasonable period as he may determine.

*Appointment of committees of Community Council*

110. (1) Any committee of the Community Council shall be appointed by the Council at a meeting of the Council.

(2) The Community Council shall determine the terms of reference and the powers and duties of such committee at such meeting: Provided that it may from time to time at any meeting thereof amend such terms of reference and add to or withdraw any such powers and duties.

(3) Members of a committee to which the Community Council has assigned any of its powers and duties shall remain in office until the day before the day fixed for the holding of the next ensuing general meeting referred to in regulation 65.

*Constitution of committees of Community Council*

111. A committee shall consist of not less than three and not more than seven members of the Community Council.

*Chairman of committee*

112. The Community Council shall appoint the chairman of every committee: Provided that if such chairman is unable to be present at any meeting of such committee the committee shall, from their own ranks, elect another chairman whose tenure of office shall be for the day of his election.

*Meetings of committees of Community Council*

113. (1) A committee shall meet on the date and at the time determined by the chairman thereof in consultation with the members thereof.

(2) The meetings of any committee shall be held in private unless the committee otherwise orders: Provided that this provision shall not be so interpreted as to exclude officials or witnesses necessarily associated with the business of such committee.

(3) Notwithstanding the provisions of subregulation (2), members of the Community Council who are not members of a particular committee thereof may be present at any meeting of such committee and take part in the discussion, but shall not have the power to vote.

*Beweerde onbehoorlike gedrag*

107. Daar mag nie verwys word na die persoonlike gedrag of enige beweerde onbehoorlike motiewe van 'n lid nie, behalwe na 'n mosie vir daardie doel ingedien.

*Wanordelike gedrag van lid*

108. Die Voorsitter gelas 'n lid wie se gedrag uiters wanordelik is of wat versuim om te voldoen aan 'n opdrag gegee kragtens regulasie 101, om die Raadsaal onverwyld vir die res van die vergadering te verlaat en as hy versuim om dit te doen, kan die Voorsitter hom uit die Raadsaal laat verwyder en sodanige redelike stappe doen as wat nodig is om te verseker dat sodanige lid nie na die vergadering terugkeer nie.

*Voorsitter se bevoegdhede om vergadering van Gemeenskapsraad te verdaag of op te skort*

109. Ingeval groot wanordelike gedurende 'n vergadering van die Gemeenskapsraad ontstaan, kan die Voorsitter die vergadering verdaag of opskort vir 'n redelike tydperk deur hom bepaal.

*Aanstelling van komitees van Gemeenskapsraad*

110. (1) 'n Komitee van die Gemeenskapsraad word aangestel op 'n vergadering van die Gemeenskapsraad.

(2) Die Gemeenskapsraad bepaal die opdragte aan en die bevoegdhede en pligte van sodanige komitee op sodanige vergadering: Met dien verstande dat dit van tyd tot tyd op 'n vergadering daarvan sodanige opdragte kan wysig en tot sodanige bevoegdhede en pligte byvoeg of enige sodanige bevoegdhede en pligte intrek.

(3) Lede van 'n komitee waaraan die Gemeenskapsraad enige van sy bevoegdhede en pligte opgedra het, beklee hul ampte tot die dag wat die dag wat bepaal is vir die hou van die daaropvolgende algemene vergadering in regulasie 65 bedoel, voorafgaan.

*Samestelling van komitees van Gemeenskapsraad*

111. 'n Komitee bestaan uit minstens drie en hoogstens sewe lede van die Gemeenskapsraad.

*Voorsitter van komitee*

112. Die Gemeenskapsraad stel die voorsitter van elke komitee aan: Met dien verstande dat indien sodanige voorsitter nie in staat is om teenwoordig te wees op 'n vergadering van sodanige komitee nie, verkies die komitee uit eie geledere 'n ander voorsitter wie se ampstermyn die dag van sy verkiesing is.

*Vergaderings van komitees van Gemeenskapsraad*

113. (1) 'n Komitee sit op die datum en tyd deur die voorsitter daarvan bepaal in oorleg met die lede daarvan.

(2) Die vergaderings van 'n komitee is privaat, tensy die komitee anders gelas: Met dien verstande dat hierdie bepaling nie uitgelê word as sou dit beamptes of getuies wat noodsaaklikerwys geassosieer is met die werksaamhede van sodanige komitee uitsluit nie.

(3) Ondanks die bepalings van subregulasie (2), kan lede van die Gemeenskapsraad wat nie lede is van 'n besondere komitee daarvan nie, teenwoordig wees by 'n vergadering van sodanige komitee en aan die bespreking deelneem, maar hulle het nie die reg om te stem nie.

*Quorum*

114. Any number of members exceeding half the number of the members of any committee shall form a quorum.

*Procedure when quorum not present*

115. (1) If after the expiration of 20 minutes after the time at which any meeting of any committee is appointed to be held, a quorum is not assembled, no meeting shall take place. If the members of the committee present unanimously consent thereto, a further period, not exceeding 10 minutes, may be permitted to enable a quorum to assemble, but the members present may by a majority decision at any stage, after 10 minutes past the time appointed for such meeting, request the chairman to convene a further meeting within seven days, at which meeting, notwithstanding the provisions of regulation 114, the members present shall form a quorum.

(2) If during the sitting of any meeting of a committee a quorum is found not to be present no further business shall be conducted until a quorum is reassembled. Should a quorum not be present and 10 minutes elapse after the attention of the chairman is drawn to the absence of a quorum, the meeting shall stand adjourned until a time to be determined by the chairman in consultation with the members thereof present.

(3) If from the number of members voting it appears that a quorum is not present the voting shall be invalid.

*How question before Community Council or committee is to be decided*

116. All questions before the Community Council or any committee of the Community Council shall be determined by a majority of votes of the members present and in the case of an equality of votes the chairman of the meeting shall have a second or casting vote.

*Mode of putting question for decision*

117. When the Chairman or chairman of a committee, as the case may be, puts a question for decision, he shall do so by saying: "All agreed?" and if any member says "No" he shall order that a ballot be taken by show of hands and shall then total the number of votes cast for and against the question and declare the number to the Council or committee, as the case may be.

*Minutes of meetings*

118. (1) The Secretary of the Community Council shall cause the minutes of the proceedings at any meeting of the Community Council and meetings of any committee of the Community Council to be recorded and there shall be noted in such minutes the names of every member and official present.

(2) Such minutes shall be confirmed at the next ensuing general meeting of the Community Council or the next ensuing meeting of such committee and the Chairman or the chairman of the committee, as the case may be, shall thereafter sign them.

(3) If a copy of such minutes has been sent to each member at least two days prior to the meetings referred to in subregulation (2), such minutes shall be taken as read with a view to confirmation.

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

*Kworum*

114. Enige getal lede wat meer as die helfte van die getal lede van 'n komitee is, vorm 'n kworum.

*Prosedure wanneer kworum nie teenwoordig nie*

115. (1) Indien daar na verloop van 20 minute na die tyd waarop 'n vergadering van 'n komitee moet begin geen kworum is nie, vind geen vergadering plaas nie. Indien die aanwesige lede van die komitee dit eens is, kan 'n verdere tydperk van hoogstens 10 minute toegelaat word om 'n kworum te laat byeenkom, maar die aanwesige lede kan, deur 'n meerderheidsbeslissing te eniger tyd na verloop van 10 minute na die tyd waarop sodanige vergadering moet begin, die voorsitter versoek om 'n verdere vergadering binne sewe dae te belê, en by sodanige vergadering, ondanks die bepalinge van regulasie 114, maak die lede teenwoordig 'n kworum uit.

(2) Indien daar gedurende die sitting van 'n vergadering van 'n komitee bevind word dat 'n kworum nie teenwoordig is nie, word geen verdere sake behandel nie totdat 'n kworum opnuut byeengekom het. Indien 'n kworum nie teenwoordig is nie en 10 minute verstryk nadat die voorsitter se aandag op die gebrek aan 'n kworum gevestig is, word die vergadering verdaag tot 'n tyd deur die voorsitter in oorleg met die aanwesige lede daarvan bepaal.

(3) As dit uit die getal lede wat deelneem aan 'n stemming, blyk dat 'n kworum nie teenwoordig is nie, is die stemming ongeldig.

*Hoe mosie voor Gemeenskapsraad of komitee beslis word*

116. Alle mosies voor die Gemeenskapsraad of 'n komitee van die Gemeenskapsraad word beslis deur 'n meerderheid van stemme van die aanwesige lede en by 'n staking van stemme het die voorsitter van die vergadering 'n tweede of beslissende stem.

*Wyse waarop mosie vir beslissing voorgelê word*

117. Wanneer die Voorsitter of die voorsitter van 'n komitee, na gelang van die geval, 'n mosie vir beslissing voorlê, doen hy dit deur te sê: "Stem almal saam?" en indien enige lid "Nee" sê, gelas hy 'n stemming deur die opsteek van hande en hy tel die getal stemme uitgebring vir en teen die mosie en daarna maak hy die getalle bekend aan die Gemeenskapsraad of komitee, na gelang van die geval.

*Notule van vergaderings*

118. (1) Die Sekretaris van die Gemeenskapsraad laat die notule van die verrigtings van 'n vergadering van die Gemeenskapsraad en vergaderings van 'n komitee van die Gemeenskapsraad hou en die naam van elke lid en beampte aanwesig word in sodanige notule aangeteken.

(2) Sodanige notule word bekragtig by die daaropvolgende algemene vergadering van die Gemeenskapsraad of die daaropvolgende vergadering van sodanige komitee en daarna onderteken die Voorsitter of die voorsitter van die komitee, na gelang van die geval, die notule.

(3) Indien 'n afskrif van sodanige notule minstens twee dae voor die vergaderings in subregulasie (2) bedoel aan elke lid gestuur is, word aanvaar dat sodanige notules met die oog op bekragtiging gelees is.

(4) Geen mosie, voorstel of bespreking ten opsigte van die notule, behalwe wat die juistheid daarvan betref, word toegelaat nie.



## CHAPTER 7 GENERAL

### *Member to look after interests of ward he represents*

119. In addition to any other duties imposed on a member of the Community Council, such member shall, on behalf of the ward he represents and within the area for which the Community Council has been established look after the interests of such ward and keep the residents of the ward concerned informed of, and advise such residents regarding, matters affecting the general interest of the persons residing in such ward or area.

### *Provisions as to members being interested in contracts with the Community Council*

120. No member of the Community Council shall, either on his own behalf or on behalf of a partnership in which he is interested, be concerned in or interested in any transaction, contract or arrangement whatsoever made by or with the Community Council with the exception of the purchase and sale or hiring of sites, premises or buildings.

### *Member not to have financial interest in matter before meeting*

121. A member of the Community Council shall, at any meeting of the Community Council or any committee thereof, not be present during the discussion of or the voting on any matter in which either he, his spouse, his partner, the partner of his spouse, his employer (except the State) or the employer (except the State) of his spouse has a direct or indirect financial interest.

### *Payment of members*

122. There shall be payable to members of the Community Council such allowances as the Minister after consultation with the Community Council and the Board shall determine.

### *General penalty*

123. Any person who is convicted of an offence in terms of these Regulations shall be liable to a fine not exceeding R200 or, in default of payment, imprisonment for a period not exceeding six months.

### *Certain provisions applicable to persons referred to in section 3 (6) of the Act*

124. The provisions of regulations 92 to 96 inclusive, and 98 to 106 inclusive, shall *mutatis mutandis* apply to any person referred to in section 3 (6) of the Act.

## ANNEXURE A COMMUNITY COUNCIL

Nomination of candidate for election of a member of the Community Council for ward.....

We, the undersigned....., hereby nominate (name of candidate)....., registered as voters in ward....., for election as a member of the Community Council for ward.....

Name (to be printed)	Identity document number	Address	Signature
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

## HOOFSTUK 7 ALGEMEEN

### *Lid behartig belange van wyk wat hy verteenwoordig*

119. Benewens enige ander pligte aan 'n lid van die Gemeenskapsraad opgedra, moet 'n lid namens die wyk wat hy verteenwoordig die belange van daardie wyk binne die gebied waarvoor die Gemeenskapsraad ingestel is behartig en die inwoners van die betrokke wyk ingelig hou van en adviseer oor aangeleenthede rakende die algemene belang van die persone wat in sodanige wyk of gebied woon.

### *Bepalings aangaande lede wat belang het by kontrakte met Gemeenskapsraad*

120. Geen lid van die Gemeenskapsraad mag of vir homself of namens 'n vennootskap waarin hy 'n belang het, betrokke wees by of 'n belang hê in enige transaksie, kontrak of reëling hoegenaamd aangegaan deur of met die Gemeenskapsraad, met uitsondering van die koop en verkoop of verhuur van persele of geboue.

### *Lid mag nie 'n geldelike belang in aangeleentheid voor vergadering hê nie*

121. 'n Lid van die Gemeenskapsraad mag nie by 'n vergadering van die Gemeenskapsraad of 'n komitee daarvan teenwoordig wees nie tydens die bespreking van of stemming oor enige aangeleentheid waarin hy, sy eggenote, sy vennoot, die vennoot van sy eggenote, sy werkgewer (behalwe die Staat) of die werkgewer (behalwe die Staat) van sy eggenote, regstreeks of onregstreeks 'n geldelike belang het.

### *Betaling van lede*

122. Die toelae wat die Minister na oorleg met die Gemeenskapsraad en die Raad bepaal, word aan die lede van die Gemeenskapsraad betaal.

### *Algemene strafbepaling*

123. Iemand wat skuldig bevind word aan 'n misdryf ingevolge hierdie Regulasies is strafbaar met 'n boete van hoogstens R200 of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens ses maande.

### *Sekere bepalings van toepassing op persone in artikel 3 (6) van die Wet bedoel*

124. Die bepalings van regulasies 92 tot en met 96 en 98 tot en met 106 is *mutatis mutandis* van toepassing op 'n persoon in artikel 3 (6) van die Wet bedoel.

## AANHANGSEL A GEMEENSKAPSRAAD

Nominasie van 'n kandidaat vir verkiesing van 'n lid van die Gemeenskapsraad vir wyk.....

Ons, die ondergetekendes....., wat in wyk..... as kiesers geregistreer is, nomineer hierby (naam van kandidaat)..... vir verkiesing as lid van die Gemeenskapsraad in wyk.....

Naam (in drukskrif)	Identiteits- dokument- nommer	Adres	Hand- tekening
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

## ACCEPTANCE OF NOMINATION BY CANDIDATE

I, .....,  
Identity document No. ...., residing at .....,  
hereby accept nomination for the election described above.

Date .....,  
Candidate's signature .....

ANNEXURE B  
COMMUNITY COUNCIL  
APPOINTMENT OF AGENT

This is to certify that I have appointed .....  
(Identity document No. ....), of  
(address) .....,  
to be my agent to attend on my behalf at polling station  
..... in ward ..... /the  
counting of votes on/during the period .....

Candidate .....  
(Identity document No. ....)

Address of candidate .....

Date .....

ANNEXURE C  
COMMUNITY COUNCIL  
DECLARATION OF SECRECY

I, .....,  
do hereby solemnly promise and declare that I will not at the  
election of members of the ..... Community  
Council to be held on ..... do anything  
forbidden by regulation 52 of the .....  
which I have read and which I fully understand.

\*Electoral Officer  
\*Presiding Officer  
\*Polling Officer  
\*Counting Officer  
\*Candidate  
\*Agent  
\*Witness

Address .....

Date .....

The above declaration was made and subscribed before me  
at ....., this ..... day of ..... 19.....

\*Justice of the Peace  
\*Commissioner of Oaths  
\*Electoral Officer  
\*Presiding Officer

\* Delete whichever is not applicable.

ANNEXURE D  
FORM OF FRONT OF BALLOT PAPER

TEENBLAD  
COUNTERFOIL

No. ....

Gemeenskaps-  
raadsverkiezing

Community Coun-  
cil Election

Wyk  
Ward .....

Datum  
Date .....

Volgnommer van  
kieser

Serial No. of voter


Stem slegs vir een  
kandidaat.

Stem deur 'n X te  
maak in die vier-  
kant teenoor die  
naam van die  
kandidaat vir  
wie u wil stem.


Vote for one can-  
didate only.

Record your vote  
by placing an X  
in the square  
opposite the  
name of the can-  
didate for whom  
you wish to  
vote.

## AANVAARDING VAN NOMINASIE DEUR KANDIDAAT

Ek, .....,  
Identiteitsdokumentnommer .....,  
wat by ..... woon, aanvaar hierby die  
nominasie vir die verkiesing hierbo beskryf.

Datum .....,  
Kandidaat se handtekening .....

AANHANGSEL B  
GEMEENSKAPSRAAD  
AANSTELLING VAN AGENT

Hierby word gesertifiseer dat ek .....  
(Identiteitsdokumentnommer ....., van  
(adres) .....,  
aangestel het as agent om namens my teenwoordig te wees by  
stemburo ..... in wyk ..... /die  
tel van stemme op/gedurende die tydperk .....

Kandidaat .....  
(Identiteitsdokumentnommer .....,)

Adres van kandidaat .....

Datum .....

AANHANGSEL C  
GEMEENSKAPSRAAD  
VERKLARING VAN GEHEIMHOUDING

Ek, .....,  
beloof hierby pligtig en verklaar dat ek by die verkiesing van  
lede van die ..... Gemeenskaps-  
raad wat op ..... gehou word, niks sal doen nie  
wat by regulasie 52 van die ..... verbode is,  
wat ek gelees het en volkome begryp.

\*Verkiesingsbeampste  
\*Voorsittende beampste  
\*Stemopnemer  
\*Telbeampste  
\*Kandidaat  
\*Agent  
\*Getuie

Adres .....

Datum .....

Bostaande verklaring is voor my afgelê en onderteken  
te ..... op hede die ..... dag  
van ..... 19.....

\*Vrederegter  
\*Kommissaris van Ede  
\*Verkiesingsbeampste  
\*Voorsittende beampste

\* Skrap wat nie van toepassing is nie.

AANHANGSEL D  
VORM VAN VOORKANT VAN STEMBRIEFIE

TEENBLAD  
COUNTERFOIL

No. ....

Gemeenskaps-  
raadverkiezing

Community Coun-  
cil Election

Wyk  
Ward .....

Datum  
Date .....

Volgnommer van  
kieser

Serial No. of voter


Stem slegs vir een  
kandidaat.

Stem deur 'n X te  
maak in die vier-  
kant teenoor die  
naam van die  
kandidaat vir  
wie u wil stem.


Vote for one can-  
didate only.

Record your vote  
by placing an X  
in the square  
opposite the  
name of the can-  
didate for whom  
you wish to  
vote.



## FORM OF BACK OF BALLOT PAPER

Amptelike merk

Official mark

Verkiesing van 'n lid van die Gemeenskapsraad  
Election of a member of the..... Community Council  
vir die wyk  
for the ward of.....  
Datum  
Date.....

ANNEXURE E  
BALLOT PAPER RETURN

Election of a member of the..... Community  
Council for ward..... held on.....  
Polling station.....

Ballot papers received	Number	Ballot papers accounted for	Number
Ballot papers: Nos..... to..... inclusive		Ballot papers in ballot box..... Unused ballot papers: Nos..... to..... inclusive Spoiled ballot papers..... Tendered ballot papers.....	
Total number received		Total number accounted for.....	

I hereby certify that the above is a correct return of all the ballot papers supplied to me.

Dated this..... day of..... 19.....

Place.....  
Presiding Officer

ANNEXURE F  
LABEL

Election of a member of the..... Community  
Council for ward.....  
Contents.....  
Date of poll.....

\*Presiding Officer  
\*Electoral Officer

\* Delete whichever is not applicable.

No. R. 2561

16 November 1979

ESTABLISHMENT OF A COMMUNITY COUNCIL  
FOR THE URBAN RESIDENTIAL AREA OF  
PETRUSBURG

I, George de Villiers Morrison, Deputy Minister of Co-operation, hereby establish, on behalf of the Minister of Co-operation and Development by virtue of the powers vested in him by section 2 (1) of the Community Council's Act, 1977 (Act 125 of 1977), a community council for the urban residential area defined in the Schedule hereto.

G. DE V. MORRISON, Deputy Minister of  
Co-operation.

(File A2/14/2/P17)

## SCHEDULE

Urban residential area Defined in Government  
Notice  
Petrusburg..... 1175 of 11 July 1969.

## VORM VAN AGTERKANT VAN STEMBRIEFIE

Amptelike merk

Official mark

Verkiesing van 'n lid van die Gemeenskapsraad  
Election of a member of the..... Community Council  
vir die wyk  
for the ward of.....  
Datum  
Date.....

AANHANGSEL E  
STEMBRIEFOPGAWE

Verkiesing van 'n lid van die.....  
Gemeenskapsraad vir wyk..... gehou op.....  
Stemburo.....

Stembriewe ontvang	Getal	Verantwoorde stembriewe	Getal
Stembriewe: No.'s..... tot en met.....		Stembriewe in stembus..... Ongebruikte stembriewe: No.'s..... tot en met..... Bedorwe stembriewe Aangebode stembriewe.....	
Totale getal ontvang		Totale getal verantwoord.....	

Ek verklaar hierby dat bostaande 'n juiste opgawe is van alle stembriewe aan my verskaf.

Gedateer op hede die..... dag van..... 19.....

Plek.....  
Voorsittende beamppte

AANHANGSEL F  
ETIKET

Verkiesing van 'n lid van die..... Gemeenskapsraad  
vir wyk.....  
Inhoud.....  
Datum van stemming.....

\*Voorsittende beamppte  
\*Verkiesingsbeamppte

\* Skrap wat nie van toepassing is nie.

No. R. 2561

16 November 1979

INSTELLING VAN 'N GEMEENSKAPSRAAD VIR  
DIE STEDELIKE WOONGEBIED VAN PETRUS-  
BURG

Ek, George de Villiers Morrison, Adjunk-minister van Samewerking, stel hierby, namens die Minister van Samewerking en Ontwikkeling, kragtens die bevoegdheid hom verleen by artikel 2 (1) van die Wet op Gemeenskapsrade, 1977 (Wet 125 van 1977), 'n gemeenskapsraad in vir die stedelike woongebied omskryf in die Bylae hiervan.

G. DE V. MORRISON, Adjunk-minister van  
Samewerking.

(Lêer A2/14/2/P17)

## BYLAE

Stedelike woongebied Omskryf by Goewermements-  
kennisgewing  
Petrusburg..... 1175 van 11 Julie 1969.

No. R. 2562

16 November 1979

# REGULATIONS GOVERNING THE COMMUNITY COUNCIL OF PETRUSBURG

I, George de Villiers Morrison, Deputy Minister of Co-operation, on behalf of and by direction of the Minister of Co-operation and Development, by virtue of the powers vested in him by section 11 (1) of the Community Council's Act, 1977 (Act 125 of 1977), hereby make the regulations contained in the accompanying Schedule.

G. DE V. MORRISON, Deputy Minister of Co-operation.

(File A2/14/2/P17)

## SCHEDULE CHAPTER 1 DEFINITIONS

1. In these Regulations, unless the context otherwise indicates—

“agent” means an agent appointed under regulation 23;

“Board” means the Southern Orange Free State Administration Board established by section 2 (1) of the Black Affairs Administration Act, 1971 (Act 45 of 1971), read with Government Notices 1001 of 1973 and 630 of 1979;

“Chief Director” means the Chief Director of the Board;

“Commissioner” means the person appointed Commissioner, Petrusburg, under section 2 (2) of the Black Administration Act, 1927 (Act 38 of 1927);

“committee” means any committee of the Community Council appointed under section 5 (1) (k) of the Act;

“Community Council” means the Petrusburg Community Council established under section 2 (1) of the Act and “Council” has a corresponding meaning;

“corrupt practice” means any of the offences of treating, undue influence, bribery and personation;

“electoral officer” means the electoral officer referred to in regulation 15 and includes an assistant electoral officer;

“identity document” means a reference book referred to in the Black (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act 67 of 1952), and a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Republic Regulation Act, 1972 (Act 59 of 1972);

“illegal practice” means any of the offences created by regulations 58, 59 and 60;

“member” means a member of the Community Council;

“registered occupier” means a person to whom a site, residential, hostel or lodger's permit or certificate of occupation has been issued in terms of the Regulations contained in the Schedule to Government Notice R. 1036 of 1968, any person to whom the township manager has issued a permit permitting him to occupy any approved dwelling on any church, school or institutional site and the person over the age of 18 years whose name appears on such permit or certificate as well as any child of such permit or certificate holder over the age of 18 years who lawfully resides continuously with such permit or certificate holder; Provided that any person who derives his right to remain in the area concerned from a permission granted under section 10 (1) (d) of the principal Act, shall not be considered to be such a registered occupier;

No. R. 2562

16 November 1979

# REGULASIES BETREFFENDE DIE GEMEENSKAPSRAAD VAN PETRUSBURG

Ek, George de Villiers Morrison, Adjunk-minister van Samewerking, vaardig hierby, namens en in opdrag van die Minister van Samewerking en Ontwikkeling, kragtens die bevoegdheid hom verleen by artikel 11 (1) van die Wet op Gemeenskapsrade, 1977 (Wet 125 van 1977), die regulasies uit wat in die bygaande Bylae vervat is.

G. DE V. MORRISON, Adjunk-minister van Samewerking.

(Lêer A2/14/2/P17)

## BYLAE HOOFSTUK 1 WOORDOMSKRYWING

1. In hierdie Regulasies, tensy uit die samehang anders blyk, beteken—

“agent” ’n agent aangestel kragtens regulasie 23;

“die Hoofwet” die Swartes (Stadsgebiede) Konsolidasiewet, 1945 (Wet 25 van 1945);

“die Wet” die Wet op Gemeenskapsrade, 1977 (Wet 125 van 1977);

“dorpsbestuurder” enige beamppte aangewys kragtens artikel 22 van die Hoofwet en gelisensieer kragtens Goewermentskennisgewing 552 van 1958 om die stedelike woongebied waarvoor die Gemeenskapsraad ingestel is, te bestuur, asook die behoorlike aangestelde en gelisensieerde adjunk en assistent van sodanige beamppte;

“Gemeenskapsraad” die Petrusburgse Gemeenskapsraad ingestel kragtens artikel 2 (1) van die Wet;

“geregisteerde bewoner” ’n persoon aan wie ’n perseel-, woon-, tehuis- of loseerderspermit of ’n sertifikaat van bewoning kragtens die Regulasies vervat in die Bylae van Goewermentskennisgewing R. 1036 van 1968 uitgereik is, ’n persoon aan wie die dorpsbestuurder ’n permit uitgereik het om ’n goedgekeurde woning op ’n kerk-, skool- of inrigtingsterrein te bewoon en die persoon bo die ouderdom van 18 jaar wie se naam op sodanige permit of sertifikaat verskyn, asook enige kind bo die ouderdom van 18 jaar van sodanige permit- of sertifikaathouer wat wettiglik, onafgebroke by sodanige permit- of sertifikaathouer inwoon: Met dien verstande dat ’n persoon wat sy reg om in die betrokke woongebied te bly, ontleen aan ’n vergunning kragtens artikel 10 (1) (d) van die Hoofwet verleen, nie as sodanige geregisteerde bewoner beskou word nie;

“Hoofdirekteur” die Hoofdirekteur van die Raad;

“identiteitsdokument” ’n bewysboek in die Swartes (Afskaffing van Passe en Koördinering van Dokumente) Wet, 1952 (Wet 67 van 1952), bedoel en ’n paspoort, permit, identifikasiebewys of ander reisdokument in die Wet op die Reëling van die Toelating van Persone tot die Republiek, 1972 (Wet 59 van 1972), bedoel;

“kieser” iemand wat ingevolge regulasie 3 bevoeg is om by ’n verkiesing van verkose lede van die Gemeenskapsraad te stem en wie se naam op ’n kieserslys in regulasie 4 bedoel, voorkom;

“komitee” ’n komitee van die Gemeenskapsraad aangestel kragtens artikel 5 (1) (k) van die Wet;

“Kommissaris” die persoon aangestel as Kommissaris, Petrusburg, kragtens artikel 2 (2) van die Swart Administrasie Wet, 1927 (Wet 38 van 1927);



"Secretary of the Community Council" means the person appointed or employed as such by the Community Council under section 5 (1) (i) of the Act;

"the Act" means the Community Council's Act, 1977 (Act 125 of 1977);

"the principal Act" means the Black (Urban Areas) Consolidation Act, 1945 (Act 25 of 1945);

"township manager" means any officer appointed in terms of section 22 of the principal Act and licensed under Government Notice 552 of 1958 to manage the urban residential area for which the Community Council has been established and includes the duly appointed and licensed deputy and assistant of such officer;

"voter" means any person who is qualified to vote at any election of elected members of the Community Council in terms of regulation 3 and whose name appears on any voters' list referred to in regulation 4.

## CHAPTER 2

### DELIMITATION

#### *Delimitation of wards*

2. (1) The Board shall divide the area for which the Community Council has been established into five wards.

(2) Such division shall be made within one month after the date of publication of these Regulations and thereafter at intervals of not less than five years and not more than 10 years commencing from the last delimitation of wards.

(3) Details of such division shall be made available for inspection at the office of the township manager.

## CHAPTER 3

### VOTERS AND VOTERS' LISTS

#### *Qualification of voters*

3. Only persons who are citizens of the Republic of South Africa or any territory which previously formed part of the Republic and who are registered occupiers within the area for which the Community Council has been established and whose names appear on the voters' list, shall be qualified to vote at any election of elected members of the Community Council.

#### *Voters' lists*

4. (1) Within two months of the delimitation of wards under regulation 2, the electoral officer shall prepare for each ward a list of persons who are entitled to vote.

(2) The lists prepared after any such delimitation of wards shall come into operation immediately after they have been so prepared by the electoral officer.

(3) Until the coming into operation of the voters' lists prepared after the delimitation of wards, the current voters' lists shall continue to be valid, but thereafter the lists prepared after such delimitation shall be the voters' lists for the respective wards.

(4) The voters' lists prepared for the various wards after any delimitation of wards shall be—

(a) supplemented by the insertion therein of the names of voters whose names do not appear therein and who have satisfied the electoral officer that they are qualified to have their names inserted therein; and

(b) further adjusted by the deletion of the name of any person who is dead or no longer qualifies for continuance of registration as a voter.

"korrupte bedrywigheid" enige van die misdrywe van trakteerdery, onbehoorlike beïnvloeding, omkoperij en uitgee vir 'n ander;

"lid" 'n lid van die Gemeenskapsraad;

"onwettige bedrywigheid" enige van die misdrywe geskep deur regulasies 58, 59 en 60;

"Raad" die Suid-Oranje-Vrystaat Administrasieraad ingestel by artikel 2 (1) van die Wet op Administrasie van Swart Sake, 1971 (Wet 45 van 1971), saamgelees met Goewermmentskennisgewings 1001 van 1973 en 630 van 1979;

"Sekretaris van die Gemeenskapsraad" die persoon wat kragtens artikel 5 (1) (i) van die Wet as sodanig deur die Gemeenskapsraad aangestel of in diens van die Gemeenskapsraad is;

"verkiesingsbeampte" die verkiesingsbeampte in regulasie 15 bedoel en ook 'n assistent-verkiesingsbeampte.

## HOOFSTUK 2

### AFBAKENING

#### *Afbakening van wyke*

2. (1) Die Raad verdeel die gebied waarvoor die gemeenskapsraad ingestel is in vyf wyke.

(2) Sodanige verdeling word binne een maand na die datum van publikasie van hierdie Regulasies gedoen en daarna met tussenpose van minstens vyf jaar en hoogstens 10 jaar, gereken van die jongste afbakening van wyke.

(3) Besonderhede van sodanige verdeling word vir inspeksie by die kantoor van die dorpsbestuurder beskikbaar gestel.

## HOOFSTUK 3

### KIESERS EN KIESERSLYSTE

#### *Kwalifikasie van kiesers*

3. Alleenlik burgers van die Republiek van Suid-Afrika of 'n gebied wat voorheen deel van die Republiek uitgemaak het en wat geregisteerde bewoners is binne die gebied waarvoor die Gemeenskapsraad ingestel is en wie se name op die kieserslys verskyn, kwalifiseer om by 'n verkiesing van gekose lede van die Gemeenskapsraad te stem.

#### *Kieserslyste*

4. (1) Binne twee maande na die afbakening van wyke kragtens regulasie 2 moet die verkiesingsbeampte 'n lys van persone wat geregtig is om te stem, vir elke wyk opstel.

(2) Die lys wat na sodanige afbakening van wyke opgestel is, tree in werking onmiddellik nadat dit aldus deur die verkiesingsbeampte opgestel is.

(3) Die lopende kieserslyste bly van krag totdat die kieserslyste wat na die afbakening van wyke opgestel is in werking tree, en daarna is die lys wat na sodanige afbakening opgestel is, die kieserslyste vir die onderskeie wyke.

(4) Die kieserslyste wat na 'n afbakening van wyke vir die verskillende wyke opgestel is, word—

(a) aangevul deur die opname daarin van die name van kiesers wie se name nie daarin verskyn nie en wat die verkiesingsbeampte daarvan oortuig dat hul kwalifiseer vir die opname van hul name daarin; en

(b) verder aangepas deur die skraping daarin van die name van kiesers wat oorlede is of nie langer bevoeg is om as 'n kieser geregistreer te wees nie.

*Voters' list in which voter's name is to be entered*

5. No person's name shall be entered in a voters' list for any particular ward unless he actually resides in such ward on the date on which his name is so entered in the voters' list.

*Particulars to be shown in voters' list*

6. A voters' list shall show in respect of every person whose name is included therein—

- (a) a serial number;
- (b) his surname and immediately thereafter his first names;
- (c) his residential address; and
- (d) his identity document number;

in order of house numbers and, in the case of persons resident in hostels, all surnames shall be in alphabetical order.

*Permanent change in the place of residence of voter*

7. (1) Whenever there has been a permanent change in the place of residence of a voter, he shall forthwith notify the electoral officer of the change.

(2) On receipt of any such notification the electoral officer shall amend the voters' list or lists as circumstances may require.

*List of insertions*

8. On the first day of every month the electoral officer shall prepare in respect of each ward, a list of insertions, *mutatis mutandis* in the form prescribed in regulation 6 in respect of a voters' list, showing the names inserted in terms of regulations 4 (4) (a) and 7 (2) in the voters' list for the ward in question during the immediately preceding month.

*Amendment of voters' list by electoral officer*

9. (1) Subject to the provisions of subregulations (2) and (3), the electoral officer shall, if he is satisfied as to the relative facts, amend the voters' list for any ward by—

- (a) correcting any mistake, supplying any omission or recording any change in the particulars of the registration of any person;
- (b) after ascertaining by virtue of the provisions of regulation 7 that a person has ceased to be permanently resident in the ward in which he is registered as a voter, transferring his name to the list in respect of the ward to which he has moved, or, in the case of a person who has left the area for which the Community Council has been established, removing his name from the list;
- (c) removing the name of any person who is dead or no longer qualifies for continuance of registration as a voter;
- (d) removing any superfluous entry where the name of the same person appears more than once in the same voters' list or in voters' lists for more than one ward.

(2) Before removing the name of any person from the voters' list, or adding it thereto, the electoral officer shall, by such means as are practicable, satisfy himself that the name relates to the person concerned.

(3) The electoral officer shall cause a copy of a list containing the names of persons who no longer qualify for continuance of registration as voters and whose names were removed from the voters' list during any month, to be displayed on the notice board at the township manager's office for a period of at least 30 days commencing not later than the 20th day of the next ensuing month.

*Kieserslys waarin kiesersnaam ingeskryf moet word*

5. Geen persoon se naam word in 'n kieserslys vir 'n besondere wyk ingeskryf nie tensy hy inderdaad in sodanige wyk woon op die datum waarop sy naam aldus in die kieserslys ingeskryf word.

*Besonderhede wat op 'n kieserslys aangegee moet word*

6. Op 'n kieserslys moet ten aansien van iedere persoon wie se naam daarin opgeneem is, aangegee word—

- (a) 'n volgnummer;
- (b) sy van en onmiddellik daarna sy voorname;
- (c) sy woonadres; en
- (d) sy identiteitsdokumentnommer;

in volgorde van huisnommers, en in die geval van persone woonagtig in têhuise, moet alle vanne in alfabetiese volgorde wees.

*Permanente verandering in verblyfplek van kieser*

7. (1) Wanneer daar 'n permanente verandering plaasvind in die verblyfplek van 'n kieser, stel hy onverwyld die verkiesingsbeampte in kennis van die verandering.

(2) By ontvangs van so 'n kennisgewing, wysig die verkiesingsbeampte die kieserslys of -lyste, na gelang van die omstandighede.

*Lys van opnames*

8. Die verkiesingsbeampte stel op die eerste dag van elke maand ten opsigte van elke wyk 'n lys van opnames op, *mutatis mutandis* in die vorm in regulasie 6 ten opsigte van 'n kieserslys voorgeskryf, waarin die name wat gedurende die onmiddellik voorafgaande maand ingevolge regulasies 4 (4) (a) en 7 (2) in die kieserslys vir die betrokke wyk opgeneem is.

*Wysiging van kieserslys deur verkiesingsbeampte*

9. (1) Behoudens die bepalings van subregulasies (2) en (3), wysig die verkiesingsbeampte, indien hy oortuig is ten opsigte van die feite wat ter sake is, die kieserslys vir 'n wyk deur—

- (a) 'n fout in die besonderhede van die registrasie van 'n persoon te verbeter, 'n weglating daarin aan te vul of 'n verandering daarin aan te teken;
- (b) na vasstelling uit kragte van die bepalings van regulasie 7 dat 'n persoon opgehou het om permanent in die wyk waarin hy as 'n kieser geregistreer is te woon, sy naam oor te plaas na die lys ten opsigte van die wyk waarheen hy verhuis het of, in die geval van 'n persoon wat die gebied waarvoor die Gemeenskapsraad ingestel is verlaat het, sy naam van die lys te verwyder;

(c) die naam van 'n persoon wat oorlede is of onbevoeg is om as kieser geregistreer te bly, te verwyder;

(d) 'n oortollige inskrywing te verwyder, waar die naam van dieselfde persoon meer as een maal in dieselfde kieserslys of in kieserslyste vir meer as een wyk voorkom.

(2) Alvorens die naam van 'n persoon uit die kieserslys te verwyder of dit daarin by te voeg, vergewis die verkiesingsbeampte hom deur sodanige middele as wat uitvoerbaar is, daarvan dat die naam op die betrokke persoon betrekking het.

(3) Die verkiesingsbeampte laat 'n afskrif van 'n lys bevattende die name van persone wat onbevoeg is om as kiesers geregistreer te bly en wie se name gedurende enige maand van die kieserslys verwyder is, op die aanplakbord by die dorpsbestuurder se kantoor vertoon vir 'n tydperk van minstens 30 dae beginnende voor of op die 20ste dag van die daaropvolgende maand.



*When voters' lists to be printed*

10. (1) The voters' lists as prepared and supplemented and further adjusted from time to time in accordance with the provisions of these Regulations, shall be printed, subject to the provisions of subregulation (2), not later than one month before an election referred to in regulation 19, and at such other times as the electoral officer considers necessary.

(2) The voters' lists printed for the purposes of an election referred to in subregulation (1) shall be the voters' lists for the wards in question as supplemented and further adjusted from time to time up to and including the last day of the month preceding the month in which the notice referred to in regulation 19 is issued.

(3) A voters' list printed for the purposes of an election referred to in subregulation (1), shall not be amended and shall prior to such election be made available for inspection for a period of at least 14 days at the office of the township manager within whose area of jurisdiction the ward is situated.

*Voters' lists not invalidated by reason of errors*

11. If through accident, inadvertence or oversight, anything required by law to be done in the preparation of any voters' list is erroneously done or omitted to be done, the voters' list shall not be invalidated thereby and the electoral officer may take or cause to be taken such steps as are necessary to rectify the error or omission.

## CHAPTER 4

## QUALIFICATIONS

12. Subject to the provisions of section 3 (5) of the Act, no person shall be qualified to be or remain a member of the Community Council if he—

(a) is not a registered occupier in the area for which the Community Council has been established;

(b) is not a voter;

(c) is in arrears for more than two months with any charges, fees or other dues payable by him to the Board or the Community Council on the day when nominations of candidates for the election of members of the Community Council close;

(d) has, within the period of three years immediately preceding the date of his nomination for election, been convicted of any offence in respect of which he has been sentenced to imprisonment without the option of a fine for a period of more than six months;

(e) is being detained as mentally disordered or defective under the Mental Disorders Act, 1916 (Act 38 of 1916), or the Mental Health Act, 1973 (Act 18 of 1973);

(f) is an employee of the Community Council;

(g) is prohibited in terms of section 2 (4) of the Riotous Assemblies Act, 1956 (Act 17 of 1956), from attending gatherings, and particulars of the notice addressed to him under the said section 2 (4) have been published in the *Government Gazette* in terms of section 2 (5) of the said Act;

(h) is prohibited in terms of section 5 (1) (e) or section 9 (1) of the Internal Security Act, 1950 (Act 44 of 1950), from attending gatherings;

(i) is a person whose name appears on a list compiled in terms of the provisions of section 4 (10) of the Internal Security Act, 1950 (Act 44 of 1950), and published in the *Government Gazette* in terms of section 8 (4) of the said Act.

*Wanneer kieserslyste gedruk moet word*

10. (1) Die kieserslyste, soos ooreenkomstig die bepalings van hierdie Regulasies opgestel en van tyd tot tyd aangevul en verder aangepas, word, behoudens die bepalings van subregulasie (2), gedruk uiterlik een maand voor 'n verkiesing in regulasie 19 bedoel, en op die ander tye wat die verkiesingsbeampte nodig ag.

(2) Die kieserslyste wat vir die doeleindes van 'n verkiesing in subregulasie (1) bedoel, gedruk word, is die kieserslyste vir die betrokke wyke soos van tyd tot tyd aangevul en verder aangepas tot en met die laaste dag van die maand wat die maand waarin die in regulasie 19 bedoelde kennisgewing uitgevaardig word, voorafgaan.

(3) 'n Kieserslys wat vir die doeleindes van 'n verkiesing in subregulasie (1) bedoel, gedruk is, word nie gewysig nie en word voor sodanige verkiesing vir inspeksie beskikbaar gestel vir 'n tydperk van minstens 14 dae by die kantoor van die dorpsbestuurder binne wie se regsgebied die wyk geleë is.

*Kieserslyste nie as gevolg van foute ongeldig nie*

11. Indien per ongeluk, per abuis of deur onoplettendheid iets wat regtens by die opstel van 'n kieserslys gedoen moet word, verkeerd gedoen word of nie gedoen word nie, maak dit die kieserslys nie ongeldig nie, en kan die verkiesingsbeampte die stappe doen of laat doen wat nodig is om die fout te verbeter of om die versuim te herstel.

## HOOFSTUK 4

## KWALIFIKASIES

12. Behoudens die bepalings van artikel 3 (5) van die Wet, is geen persoon bevoeg om lid van die Gemeenskapsraad te wees of te bly nie indien hy—

(a) nie 'n geregistreerde bewoner binne die gebied waarvoor die Gemeenskapsraad ingestel is, is nie;

(b) nie 'n kieser is nie;

(c) op die dag waarop nominasies van kandidate vir die verkiesing van lede van die Gemeenskapsraad sluit, vir meer as twee maande agterstallig is met die betaling van vorderings, gelde of ander bedrae wat deur hom aan die Raad of die Gemeenskapsraad verskuldig is;

(d) binne die tydperk van drie jaar wat die datum van sy nominasie vir verkiesing onmiddellik voorafgaan, skuldig bevind is aan enige misdryf ten opsigte waarvan hy tot gevangenisstraf sonder die keuse van 'n boete vir 'n tydperk van meer as ses maande gevonnis is;

(e) kragtens die Wet op Geestesgebreken, 1916 (Wet 38 van 1916), of die Wet op Geestesgesondheid, 1973 (Wet 18 van 1973), as geestelik gekrenk of gebrekkig aangehou word;

(f) 'n werknemer van die Gemeenskapsraad is;

(g) kragtens artikel 2 (4) van die Wet op Oproerige Byeenkomste, 1956 (Wet 17 van 1956), verbied is om byeenkomste by te woon en besonderhede van die kennisgewing wat kragtens bedoelde artikel 2 (4) aan hom gerig is, kragtens artikel 2 (5) van bedoelde Wet in die *Staatskoerant* afgekondig is;

(h) kragtens artikel 5 (1) (e) of 9 (1) van die Wet op Binnelandse Veiligheid, 1950 (Wet 44 van 1950), verbied is om byeenkomste by te woon;

(i) iemand is wie se naam verskyn op 'n lys, saamgestel kragtens die bepalings van artikel 4 (10) van die Wet op Binnelandse Veiligheid, 1950 (Wet 44 van 1950), en in die *Staatskoerant* kragtens artikel 8 (4) van bedoelde Wet afgekondig is.

## CHAPTER 5 ELECTIONS

### *General elections*

13. A general election of members of the Community Council shall take place not later than six months after the application of these Regulations and thereafter in every third year during September.

### *Term of office of members*

14. (1) A member elected at a general election or an election held to fill a casual vacancy shall assume office on the date of such election.

(2) A member designated by the Minister under section 3 (2) of the Act shall assume office on a date determined by the Minister.

(3) A member shall, subject to the provisions of regulations 61 and 62, remain in office up to and including the day immediately preceding the next succeeding general election or until the term for which he was designated by the Minister in terms of section 3 (2) of the Act, has expired.

### *Electoral officer*

15. (1) The Commissioner shall appoint, after consultation with the Board, an electoral officer and as many assistant electoral officers as he may deem necessary.

(2) The electoral officer shall be responsible for the conduct of elections of members of the Community Council.

### *Presiding officer, polling officers, counting officers and witnesses*

16. The electoral officer shall appoint in writing a presiding officer and as many polling officers and witnesses as may be necessary for effectually taking poll at every polling station and he shall appoint as many counting officers as may be necessary for the counting of votes after the close of the poll.

### *Polling stations*

17. There shall be polling stations at such place or places as the electoral officer deems necessary.

### *Members to be elected*

18. One member shall be elected in respect of each ward.

### *Fixing of nomination and polling dates*

19. (1) The electoral officer shall, not later than three months after the date of publication of these Regulations, and thereafter not later than the first day of August of each year in which a general election is to be held, call, in a notice which shall be in both official languages and shall be published in at least one newspaper which generally circulates in the area for which the Community Council has been established and shall be displayed on the notice board at each township manager's office situated in such area, for the nomination of candidates for the election of members of the Community Council.

(2) The notice referred to in subregulation (1) shall specify—

(a) the place at which and the date and time before which nominations shall be received by the electoral officer, which date shall be not less than 14 days and not more than 21 days from the date of first publication of such notice; and

(b) the places at which and the date, other than a Sunday, on which polling shall take place.

## HOOFSTUK 5 VERKIESINGS

### *Algemene verkiesings*

13. 'n Algemene verkiesing van lede van die Gemeenskapsraad word gehou uiterlik ses maande nadat hierdie Regulasies bekendgemaak is en daarna driejaarliks gedurende September.

### *Ampstermyn van lede*

14. (1) 'n Lid verkies in 'n algemene verkiesing of 'n verkiesing gehou om 'n toevallige vakature te vul, aanvaar sy amp op die datum van sodanige verkiesing.

(2) 'n Lid deur die Minister kragtens artikel 3 (2) van die Wet aangewys, aanvaar sy amp op die datum deur die Minister bepaal.

(3) 'n Lid bly, behoudens die bepalings van regulasies 61 en 62, in sy amp aan tot en met die dag wat die eersvolgende algemene verkiesing onmiddellik voorafgaan of totdat die termyn waarvoor hy ingevolge artikel 3 (2) van die Wet deur die Minister aangewys is, verstryk.

### *Verkiesingsbeampte*

15. (1) Die Kommissaris na oorlegpleging met die Raad, stel 'n verkiesingsbeampte en soveel assistent verkiesingsbeamptes as wat hy nodig ag, aan.

(2) Die verkiesingsbeampte is verantwoordelik vir die hou van verkiesings van lede van die Gemeenskapsraad.

### *Voorsittende beampte, stemopnemers, telbeamptes en getuies*

16. Die verkiesingsbeampte stel skriftelik 'n voorsittende beampte en soveel stemopnemers en getuies aan as wat nodig is om die stemming doeltreffend te laat plaasvind by iedere stemburo en stel soveel telbeamptes aan as wat nodig is vir die tel van die stemme na die sluiting van die stemming.

### *Stemburo's*

17. Daar moet stemburo's wees by sodanige plek of plekke as wat die verkiesingsbeampte nodig ag.

### *Lede wat verkies moet word*

18. Een lid word verkies ten opsigte van elke wyk.

### *Bepaling van nominasie- en stemdatums*

19. (1) Die verkiesingsbeampte moet binne drie maande na die bekendmaking van hierdie Regulasies en daarna uiters op die eerste dag van Augustus van elke jaar waarin 'n algemene verkiesing gehou staan te word, in 'n kennisgewing, in albei amptelike tale, wat afgekondig word in ten minste een nuusblad wat gewoonlik in die gebied waarvoor die Gemeenskapsraad ingestel is, versprei word en wat op die aanplakbord by elke dorpsbestuurder se kantoor in sodanige gebied geleë vertoon word, om nominasies vra van kandidaat vir verkiesing tot lede van die Gemeenskapsraad.

(2) Die kennisgewing in subregulasie (1) bedoel, vermeld—

(a) die plek waar en die datum en tyd tot en met wanneer nominasies deur die verkiesingsbeampte ontvang sal word, welke datum minstens 14 dae en hoogstens 21 dae na die datum van eerste afkondiging van sodanige kennisgewing moet wees; en

(b) die plekke waar en die datum, uitgesonderd 'n Sondag, waarop stemming sal plaasvind.



*Hours of poll*

20. The poll shall commence at 07h00 and close at 21h00 on the polling day, but the presiding officer shall permit every voter who is at 21h00 inside the room in which the ballot box is, to record his vote before the closing of the poll.

*Nominations of candidates*

21. (1) Nominations of candidates for election as members of the Community Council shall be submitted in writing to the electoral officer in the form contained in Annexure A hereto, which form shall be supplied by the township manager, and shall be supported by the signatures of not less than 10 persons who are registered as voters in the ward for which the nomination is made.

(2) The electoral officer shall as soon as practicable, and not later than 14 days after the date referred to in subregulation (1), affix on the notice board at the office of the township manager a notice containing a list of the candidates duly nominated in terms of these Regulations and shall also declare those candidates who have been returned unopposed to be elected members for their respective wards.

*Deposit by or on behalf of persons nominated*

22. (1) There shall be deposited by or on behalf of each person nominated as a candidate for election as a member of the Community Council the sum of R10 with the electoral officer on or before the date and time referred to in regulation 19 (2) (a).

(2) If poll takes place and the total number of votes received thereat by any unsuccessful candidate is less than one-fifth of the number of votes received by the successful candidate the sum deposited by or on behalf of such unsuccessful candidate shall be forfeited and shall be paid into the funds of the Community Council.

(3) Save as is in this regulation expressly provided, the sum deposited shall be returned to the depositor.

*Candidates and agents*

23. (1) Any duly nominated candidate at an election of members of the Community Council may, in the form contained in Annexure B hereto, appoint one or more agents to assist him and shall advise the electoral officer in writing of the name(s) and address(es) of such agent or agents.

(2) The candidates and only one agent per candidate shall be allowed at any particular time to be present inside any polling station or any place where votes are counted.

(3) Any person appointed an agent in terms of subregulation (1) shall produce his letter of appointment to the electoral officer, presiding officer or polling officer, as the case may be, if required to do so.

*Provision of equipment*

24. (1) For all elections the electoral officer shall arrange for voting compartments, ballot boxes, ballot papers, instruments for marking ballot papers with the official mark and other requirements to be provided and shall do such other acts and make such arrangements to facilitate the taking of the poll as he may deem necessary for effectually conducting the election.

*Ure van stemming*

20. Stemming begin om 07h00 en sluit om 21h00 op die dag van stemming, maar die voorsittende beampte laat elke kieser wat om 21h00 binne die kamer waarin die stembus is, sy stem uitbring voor die sluiting van die stemming.

*Nominasie van kandidate*

21. (1) Die nominasie van kandidate vir verkiesing tot lede van die Gemeenskapsraad moet skriftelik by die verkiesingsbeampte ingedien word in die vorm in Aanhangsel A hiervan vervat en wat deur die dorpsbestuurder verskaf word en dit moet gestaaf word deur die handtekeninge van 10 persone wat as kiesers geregistreer is in die wyk ten opsigte waarvan sodanige nominasie geskied.

(2) Die verkiesingsbeampte moet so gou doenlik, en uitsers 14-dae na die datum in subregulasie (1) bedoel, 'n kennisgewing met die lys van kandidate wat behoorlik ingevolge hierdie Regulasies genomineer is, op die aanplakbord by die kantoor van die dorpsbestuurder opplak en moet ook dié kandidate wat onbestrede verkies is, tot verkose lede vir hul onderskeie wyke verklaar.

*Deposito deur of namens genomineerde persone*

22. (1) Daar word op of voor die datum en tyd in regulasie 19 (2) (a) bedoel, deur of ten behoeve van elke persoon wat genomineer is as kandidaat vir verkiesing tot lid van die Gemeenskapsraad die bedrag van R10 by die verkiesingsbeampte gestort.

(2) Indien 'n stemming plaasvind en die totale getal stemme wat daarby op enige verslane kandidaat uitgebring is, minder is as 'n vyfde van die getal stemme van die suksesvolle kandidaat, word die bedrag wat deur of ten behoeve van sodanige verslane kandidaat gestort is, verbeur en in die fondse van die Gemeenskapsraad gestort.

(3) Behoudens die uitdruklike bepalings van hierdie regulasie, word die gestorte bedrag aan die deposant terugbetaal.

*Kandidate en agente*

23. (1) Enige behoorlik genomineerde kandidaat by 'n verkiesing van lede van die Gemeenskapsraad kan, in die vorm vervat in Aanhangsel B hiervan, een of meer agente aanstel om hom behulpsaam te wees, en hy moet die verkiesingsbeampte skriftelik in kennis stel van die naam (name) en adres(se) van sodanige agent(e).

(2) Die kandidate en slegs een agent per kandidaat word toegelaat om op enige bepaalde tydstip binne enige stemburo of by enige plek waar stemme getel word, teenwoordig te wees.

(3) 'n Persoon wat kragtens subregulasie (1) as agent aangestel is, moet sy aanstellingsbrief toon aan die verkiesingsbeampte, voorsittende beampte of stemopnemer na gelang van die geval, indien dit van hom verlang word.

*Verskaffing van uitrusting*

24. (1) Die verkiesingsbeampte reël by alle verkiesings dat stembokkies, stembusse, stembriewe, toestelle om die stembriewe met die amptelike merk te merk en ander benodighede verskaf word en doen sodanige ander stappe en tref sodanige reëlins ter vergemakliking van die stemming as wat hy nodig ag ten einde die verkiesing op doeltreffende wyse te laat geskied.

(2) The equipment and requirements in connection with any election shall be supplied by and all expenditure in this connection shall be for the account of the Community Council: Provided that the equipment and requirements in connection with the first election shall be supplied by and all expenditure in connection with such election shall be for the account of the Board.

*Polling station at which voter shall vote*

25. A voter voting in the area of jurisdiction of the Community Council may only vote at a polling station determined by the returning officer by virtue of regulation 17.

*Declaration of secrecy*

26. (1) The electoral officer and every presiding officer, polling officer, candidate, agent, witness or any other person or official (except a policeman) entitled to attend at a polling station or at the counting of votes shall, before the opening of the poll, and every counting officer shall, before the commencement of the counting of votes, make, in duplicate, in the form contained in Annexure C hereto, a declaration of secrecy under oath before a justice of the peace or a commissioner of oaths, or before the electoral officer or a presiding officer who are hereby authorised to administer such oath.

(2) The original declaration of secrecy shall be handed to the electoral officer by the person who made it, before the opening of the poll or before the commencement of the counting of votes, as the case may be, and such person shall at all times during the polling or the counting of votes have the duplicate of such declaration of secrecy in his possession and shall on demand produce it to the electoral officer or the presiding officer for inspection.

*Procedure at ballot*

27. The presiding officer, in the presence of such candidates and agents as may be present, shall—

(a) before the commencement of the poll, seal each ballot box, leaving open an opening through which ballot papers may be inserted into the ballot box;

(b) at the closing of the poll, seal the opening referred to in paragraph (a).

*Powers of the presiding officer at a polling station*

28. (1) The presiding officer shall keep order at a polling station, shall regulate the number of voters to be admitted at any time and shall exclude all other persons except the electoral officer, the candidates or their agents, and policemen and other officials on duty.

(2) Save as is excepted in subregulation (1), the presiding officer may require any person (other than a person recording his vote) to leave the polling station and any person who fails to leave the polling station when so required may be arrested without a warrant on the order of the presiding officer and shall be guilty of an offence.

(3) The powers conferred by this regulation shall not be exercised so as to prevent any voter who is otherwise entitled to vote from having an opportunity of voting at the polling station.

(2) Die Gemeenskapsraad verskaf die uitrusting en benodigdhede in verband met 'n verkiesing en alle uitgawes in verband met sodanige verkiesing is vir sy rekening: Met dien verstande dat die Raad die uitrusting en benodigdhede in verband met die eerste verkiesing verskaf en dat alle uitgawe in dié verband vir sy rekening is.

*Stemburo waar kieser moet stem*

25. 'n Kieser wat binne die regsgebied van die Gemeenskapsraad stem, kan alleenlik stem by 'n stemburo deur die kiesbeampte ingevolge regulasie 17 bepaal.

*Verklaring van geheimhouding*

26. (1) Die verkiesingsbeampte en elke voorsittende beampte, stemopnemer, kandidaat, agent, getuie of enige ander persoon of beampte (uitgesonderd 'n polisiebeampte) wat geregtig is om in 'n stemburo of by die tel van stemme teenwoordig te wees, moet voor die aanvang van die stemming, en elke telbeampte moet voor die aanvang van die tel van stemme, in die vorm vervat in Aanhangsel C hiervan, in duplikaat, 'n beëdigde verklaring van geheimhouding aflê voor 'n vrederegter of 'n kommissaris van ede, of voor die verkiesingsbeampte of 'n voorsittende beampte wat hierby gemagtig word om sodanige eed af te neem.

(2) Die oorspronklike verklaring van geheimhouding word aan die verkiesingsbeampte, voor die aanvang van die stemming of die begin van die tel van stemme, na gelang van die geval, deur die persoon wat dit afgelê het, oorhandig en sodanige persoon moet die duplikaat van sodanige verklaring van geheimhouding te alle tye gedurende die stemming of tel van stemme in sy besit hê en moet dit op aandrang aan die verkiesingsbeampte of die voorsittende beampte vir inspeksie toon.

*Prosedure by stemming*

27. Die voorsittende beampte, in teenwoordigheid van sodanige kandidate en agente as wat teenwoordig is, verseël—

(a) voor die aanvang van die stemming, elke stembus maar laat 'n opening oop waardeur stembriewe in die stembus ingesit kan word;

(b) by die sluiting van die stemming, die opening in paragraaf (a) bedoel.

*Bevoegdhede van voorsittende beampte by 'n stemburo*

28. (1) Die voorsittende beampte hou orde by 'n stemburo, reël hoeveel kiesers tegelyk binnegelaat word en hou alle ander persone, uitgesonderd die verkiesingsbeampte, die kandidate of hulle agente en polisiebeamptes en ander beamptes op diens, buite.

(2) Behoudens die uitsonderings wat by subregulasie (1) gemaak word, kan die voorsittende beampte enige persoon (uitgesonderd 'n persoon wat sy stem uitbring) aansê om die stemburo te verlaat en enige persoon wat versuim om dit te doen wanneer dit van hom vereis word, begaan 'n misdryf en kan op bevel van die voorsittende beampte sonder lasbrief in hegtenis geneem word.

(3) Die bevoegdhede by hierdie regulasie verleen, word nie so uitgeoefen dat dit 'n kieser wat andersins geregtig is om te stem, verhinder om sy stem by die stemburo uit te bring nie.



*Ballot papers*

29. Every ballot paper to be used for voters who wish to vote shall be in both official languages and in the form set out in Annexure D hereto, and there shall be printed or written on every ballot paper in alphabetical order the names of all the duly nominated candidates at the election and their addresses and occupations.

*No voter to vote more than once*

30. A voter shall, whether or not his name appears on more than one voters' list or more than once on the same voters' list, be entitled to cast at an election one vote only and no voter shall be entitled to vote unless he has produced to the presiding officer or a polling officer his identity document.

*Identification of voters*

31. (1) Save as provided in regulation 36, no enquiry shall be made at an election as to the identity of any person or his right to vote, except that the presiding officer may himself, and if required by any candidate or an agent of any candidate shall, after any person has established his identity in the manner contemplated in regulation 30, and before he is allowed to vote, put to him either or both of the following questions, but no other, namely:

(a) Are you the person whose name appears as A.B. on the list of voters in this ward?

(b) Have you already voted at this election in this or any other ward?

(2) Any person who fails to establish his identity in the manner contemplated in regulation 30 or who does not answer the first question distinctly and absolutely in the affirmative and the second question distinctly and absolutely in the negative, shall not be permitted to vote.

(3) A person who makes a false answer to either of those questions shall be guilty of an offence.

(4) The presiding officer may make enquiry of any other presiding officer at any polling station for the purpose of verifying an answer to either of the two questions referred to in subregulation (1), and may further order the arrest without warrant of any person who is suspected by him on reasonable grounds of making a false answer to either of such questions or of committing the offence of personation as defined in regulation 57.

(5) Every person empowered by law to make arrests shall carry out such an order of the presiding officer.

*Manner of voting*

32. (1) The voting at all elections held in terms of the provisions of these Regulations shall be by secret ballot.

(2) Every person who wishes to vote shall apply to the presiding officer or a polling officer for a ballot paper and such officer shall, if he is satisfied that such person is entitled to vote in the ward concerned and after determining that no ballot paper has already been issued at that polling station to that person at such election, he shall—

(a) call out the serial number and name of the voter as it appears on the voter's list;

(b) enter the serial number in the appropriate space on the counterfoil of the ballot paper that is to be issued to the voter;

*Stembriewe*

29. Elke stembrief wat gebruik word deur kiesers wat wil stem, moet in albei amptelike tale wees en in die vorm vervat in Aanhangsel D hiervan en op elke stembrief moet die name staan van al die behoorlik genomineerde kandidate by die verkiesing in alfabetiese orde afgedruk of ingeskryf en hul adresse en beroepe.

*Geen kieser mag meer as een maal stem nie*

30. 'n Kieser is, ongeag of sy naam op meer as een kieserslys of meer as een maal op dieselfde kieserslys voorkom, geregtig om by 'n verkiesing slegs een stem uit te bring, en geen kieser is geregtig om te stem nie tensy hy sy identiteitsdokument aan die voorsittende beampite of 'n stemopnemer oorleë.

*Identifikasie van kiesers*

31. (1) Behoudens soos by regulasie 36 bepaal, word by 'n verkiesing geen navraag gedoen omtrent enige persoon se identiteit of sy reg om te stem nie, behalwe dat die voorsittende beampite nadat iemand sy identiteit op die wyse in regulasie 30 beoog, bewys het, en voordat hy toegelaat word om te stem, hom een van of albei die volgende vrae, en geen ander nie, uit eie beweging kan, en op versoek van 'n kandidaat of 'n agent van 'n kandidaat moet, stel, naamlik:

(a) Is u die persoon wie se naam as A.B. op die kieserslys van hierdie wyk voorkom?

(b) Het u reeds in hierdie verkiesing of in 'n ander wyk gestem?

(2) Iemand wat versuim om sy identiteit op die wyse in regulasie 30 beoog, te bewys, of wat nie die eerste vraag duidelik en sonder voorbehoud bevestigend en die tweede duidelik en sonder voorbehoud ontkennend beantwoord nie, word nie toegelaat om te stem nie.

(3) Iemand wat op enigeen van daardie vrae 'n valse antwoord gee, is aan 'n misdryf skuldig.

(4) Die voorsittende beampite kan by 'n ander voorsittende beampite by enige stemburo navraag doen ten einde die waarheid van 'n antwoord op enigeen van die vrae in subregulasie (1) bedoel te toets en kan verder beveel dat enigiemand wat hy op redelike gronde verdink daarvan dat hy op enigeen van bedoelde vrae 'n valse antwoord gegee het, of hom skuldig maak aan die misdryf om hom vir 'n ander uit te gee, soos in regulasie 57 omskryf, sonder lasbrief in hegtenis geneem word.

(5) Iedereen wat regtens bevoeg is tot inhegtenisneming, voer so 'n bevel van die voorsittende beampite uit.

*Wyse waarop gestem word*

32. (1) Die stemming by alle verkiesings wat kragtens die bepalings van hierdie Regulasies gehou word, geskied by geheime stemming.

(2) Elke persoon wat wil stem, doen aansoek om 'n stembrief by die voorsittende beampite of 'n stemopnemer en sodanige beampite of stemopnemer, indien hy oortuig is dat sodanige persoon geregtig is om in die betrokke wyk te stem en nadat hy vasgestel het dat geen stembrief reeds aan daardie persoon by daardie stemburo by sodanige verkiesing uitgereik is nie, moet hy—

(a) die volgnommer en naam van die kieser soos dit op die kieserslys voorkom, uitroep;

(b) die volgnommer in die toepaslike ruimte op die teenblad van die stembrief wat aan die kieser uitgereik gaan word, inskryf;

(c) tear out the ballot paper and stamp the official mark on the back thereof in the space provided;

(d) fold the ballot paper so that the front thereof is on the inside and the official mark is on the outside and hand it to the applicant; and

(e) on the voters' list, draw a line through the serial number, identity document number and name of the voter as proof that a ballot paper has been issued.

(3) When the voter has received such ballot paper he shall take it to the compartment provided for that purpose and signify for whom he desires to vote by secretly placing a cross opposite the name of the candidate for whom he wishes to vote. He shall then fold the ballot paper so that the official mark can be seen and having held up the ballot paper so that the presiding officer or polling officer can recognise the official mark, shall drop the ballot paper in the ballot box placed in front of the presiding officer or polling officer.

(4) If the ballot paper that is about to be dropped into the ballot box has inadvertently not been marked with the official mark, the presiding officer or polling officer may cause such ballot paper to be so marked.

(5) If the presiding officer or polling officer has any reason to doubt that a ballot paper in the possession of a voter is the ballot paper issued to him, he may, for the purpose of comparing the numbers printed on the ballot paper and the counterfoil, request the voter to show him the number and official mark appearing on the back of the ballot paper and the voter shall do so.

(6) The voter shall vote without undue delay and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

#### *Voters who are unable to vote in the manner prescribed*

33. (1) Any voter who is unable to vote in the prescribed manner may request the presiding officer or polling officer to complete his ballot paper on his behalf.

(2) Such presiding officer or polling officer, as the case may be, shall thereupon, with due regard to the maintenance of secrecy and in the presence of one witness and a person of the voter's own choice who shall accompany him, read to such voter the names of the candidates for the particular ward and affix a cross in the space provided on the ballot paper opposite the name of the candidate selected by word of mouth by such voter and shall thereafter fold the ballot paper and put it into the ballot box.

(3) In the performance of his functions under this regulation such polling officer shall disregard any document or thing exhibited or produced by or in the possession of the voter which indicates or suggests or purports to indicate or suggest the name of any candidate for whom such voter is or is not to vote.

#### *Spoilt ballot papers*

34. If a voter inadvertently spoils a ballot paper he may return it to the presiding officer or polling officer who, if he is satisfied of such inadvertence, shall give him another ballot paper and retain the spoilt ballot paper which he shall immediately cancel and endorse with the words "returned under regulation 34" and the fact of such cancellation shall be noted upon the counterfoil.

(c) die stembrief uitskeur en dit op die keersy in die ruimte voorsien met die amptelike merk, merk;

(d) die stembrief vou sodat die voorkant daarvan aan die binnekant en die amptelike merk aan die buitekant is en dit aan die kieser oorhandig; en

(e) op die kieserslys 'n streep trek deur die volgnommer, identiteitsdokumentnommer en naam van die kieser, as bewys dat 'n stembrief uitgereik is.

(3) Wanneer die kieser sodanige stembrief ontvang, neem hy dit na die stemhokkie wat vir dié doel verskaf is en dui aan vir wie hy stem deur in die geheim 'n kruisie teenoor die naam van die kandidaat vir wie hy wil stem, aan te bring. Hy vou dan die stembrief sodat die amptelike merk sigbaar is en nadat hy die stembrief só opgehou het dat die voorsittende beamppte of stemopnemer die amptelike merk kan herken, laat hy die stembrief val in die stembus wat voor die voorsittende beamppte of stemopnemer staan.

(4) Indien die stembrief wat in die stembus ingesit staan te word, onopsetlik nie met die amptelike merk gemerk is nie, kan die voorsittende beamppte of stemopnemer sodanige stembrief aldus laat merk.

(5) Indien die voorsittende beamppte of stemopnemer om enige rede twyfel of 'n stembrief in besit van 'n kieser die stembrief is wat aan hom uitgereik is, kan hy, met die doel om die nommers gedruk op die stembrief en die teenblad te vergelyk, die kieser versoek om die nommer en amptelike merk op die keersy van die stembrief aan hom te toon, en die kieser moet dit doen.

(6) Die kieser moet sonder onnodige versuim sy stem uitbring en die stemburo verlaat sodra hy sy stembrief in die stembus geplaas het.

#### *Kiesers wat nie in staat is om op die voorgeskrewe wyse te stem nie*

33. (1) Enige kieser wat nie in staat is om sy stem op die voorgeskrewe wyse uit te bring nie, kan die verkiesingsbeamppte of stemopnemer versoek om sy stembrief namens hom in te vul.

(2) Sodanige verkiesingsbeamppte of stemopnemer, na gelang van die geval, moet daarop met behoorlike inagneming van die handhawing van geheimhouding en in teenwoordigheid van een getuie en 'n persoon van die kieser se eie keuse wat hom moet vergesel, aan sodanige kieser die name van die kandidaat vir die bepaalde wyk voorlees en 'n kruis in die ruimte op die stembrief aanbring teenoor die naam van die kandidaat wat mondeling deur sodanige kieser gekies is, en moet daarna die stembrief vou en dit in die stembus plaas.

(3) By die verrigting van sy werksaamhede ingevolge hierdie regulasie moet sodanige stemopnemer enige dokument of ding verontagsaam wat deur die kieser vertoon of getoon word of in die kieser se besit is en wat die naam van enige kandidaat vir wie sodanige kieser moet stem of nie moet stem nie, aandui of suggereer of veronderstel is om dit aan te dui of te suggereer.

#### *Bedorwe stembriewe*

34. Indien 'n kieser onopsetlik 'n stembrief bederf, kan hy dit aan die voorsittende beamppte of stemopnemer teruggee, en as laasgenoemde daarvan oortuig is dat dit onopsetlik gebeur het, gee hy hom 'n ander stembrief en behou hy die bedorwe stembrief wat hy onmiddellik kanselleer en teken hy die woorde "teruggegee kragtens regulasie 34" daarop aan, en die feit dat dit aldus gekanselleer is, word op die teenblad aangeteken.



*Tendered ballot papers*

35. If a person representing himself to be a particular voter applies for a ballot paper after another person has voted in his name, the applicant shall, upon duly answering the questions permitted by regulation 31 to be asked of voters at the time of polling, be entitled to mark a ballot paper in the same manner as any other voter, but the ballot paper shall not be put into the ballot box but shall be given to the presiding officer, endorsed by him with the name of the voter and his serial number on the voters' list and set aside in a separate packet.

*Circumstances under which ballot paper may be refused by presiding officer*

36. (1) If any candidate or an agent of any candidate or any voter makes before the presiding officer a declaration on oath stating that a person enrolled on the voters' list is dead or is so incapacitated by sickness, absence or otherwise, that it is impossible for such person to be present at the polling station to record his vote at the election then being held, the presiding officer shall refuse to hand a ballot paper to any person who applies for the same in the name of the person who is the subject of the declaration unless the person so applying proves his identity to the satisfaction of the presiding officer or makes a declaration on oath before the presiding officer that he is the person whose name appears on the voters' list for the ward and that the statements made in the first-mentioned declaration (which shall be read over to him) are false.

(2) The presiding officer is hereby authorised and required to administer any such oath as is required by subregulation (1).

(3) Any person who makes any false statement in any declaration referred to in subregulation (1), knowing the statement to be false, shall be guilty of an offence.

(4) More than one person may be referred to in any declaration on oath made under subregulation (1), provided the reason why each of the persons referred to is unable to attend at a polling station can be clearly connected with the person to whom the declaration relates.

*Sealing of ballot boxes, etc.*

37. (1) Every presiding officer shall, immediately after the close of the poll, in the presence of such candidates or their agents (if any) as may be in attendance, make up into separate packets, sealed with his own seal and with the seals of those candidates or agents (if any) who desire to affix their seals—

- (a) each ballot box entrusted to him, unopened;
- (b) the unused and spoiled ballot papers;
- (c) the counterfoils of all used ballot papers; and
- (d) tendered ballot papers;

and shall forthwith deliver or cause to be delivered the packets to the electoral officer.

(2) The packets shall be accompanied by a return made by the presiding officer, in the form contained in Annexure E hereto, showing the number of ballot papers entrusted to him and accounting for them under the heads of "Ballot papers in the ballot box", "Unused ballot papers", "Spoiled ballot papers" and "Tendered ballot papers".

*Aangebode stembriewe*

35. Indien iemand wat voorgee dat hy 'n bepaalde kieser is, om 'n stembrief aansoek doen nadat 'n ander persoon in sy naam gestem het, is die aansoeker, nadat hy behoorlik geantwoord het op die vrae wat volgens regulasie 31 tydens die stemming aan kiesers gestel kan word, geregtig om 'n stembrief te merk op dieselfde wyse as enige ander kieser, maar die stembrief word nie in die stembus geplaas nie, maar word aan die voorsittende beampte gegee en deur hom met die naam van die kieser en sy volgnommer geëndosseer en eenkant gesit in 'n afsonderlike pakket.

*Omstandighede waaronder voorsittende beampte 'n stembrief kan weier*

36. (1) Indien 'n kandidaat of 'n agent van 'n kandidaat of 'n kieser voor die voorsittende beampte 'n beëdigde verklaring aflê dat 'n persoon wat in die kieserslys ingeskryf is, oorlede is of dat bedoelde persoon weens siekte, afwesigheid of om 'n ander rede onmoontlik by die stemburo teenwoordig kan wees om by die verkiesing wat dan gehou word, sy stem uit te bring, weier die voorsittende beampte om 'n stembrief uit te reik aan enigiemand wat daarom aansoek doen in naam van die persoon op wie die verklaring betrekking het, tensy die persoon wat aldus aansoek doen sy identiteit tot tevredenheid van die voorsittende beampte bewys of voor die voorsittende beampte 'n beëdigde verklaring aflê dat hy die persoon is wie se naam op die kieserslys vir die wyk voorkom en dat die bewerings in eersbedoelde verklaring (wat aan hom voorgelees moet word) vals is.

(2) Aan die voorsittende beampte word hierby die bevoegdheid verleen en die verpligting opgelê om 'n in subregulasie (1) bedoelde eed af te neem.

(3) Iemand wat in 'n in subregulasie (1) bedoelde verklaring 'n valse verklaring doen, wetende dat dit vals is, is aan 'n misdryf skuldig.

(4) In 'n beëdigde verklaring ingevolge subregulasie (1) afgelê, kan na meer as een persoon verwys word, mits die rede waarom elkeen van die persone na wie verwys word, nie by die stemburo kan wees nie, duidelik met die persoon op wie die verklaring betrekking het, verbind kan word.

*Verseëling van stembusse, ens.*

37. (1) Elke stemopnemer maak onmiddellik na die sluiting van die stemming, in teenwoordigheid van sodanige kandidaat of hulle agente (as daar is) as wat aanwesig is, afsonderlike pakkette, verseël met sy eie seël en met die seëls van dié kandidaat of hulle agente (as daar is) wat hulle seëls ook daarop wil afdruk, van—

- (a) elke stembus wat aan hom toevertrou is, onopgemaak;
- (b) die ongebruikte en die bedorwe stembriewe;
- (c) die teenblaaie van alle gebruikte stembriewe; en
- (d) aangebode stembriewe;

en lewer die pakkette onverwylde aan die verkiesings-beampte af of laat hulle aan hom aflewer.

(2) Die pakkette gaan vergesel van 'n opgawe in die vorm vervat in Aanhangsel E hiervan deur die voorsittende beampte verstrekk waarin hy die getal stembriewe aan hom toevertrou noem en waarin hy van hulle rekenskap gee onder die hoofde "Stembriewe in die stembus", "Ongebruikte stembriewe", "Bedorwe stembriewe" en "Aangebode stembriewe".

(3) A label in the form contained in Annexure F hereto shall be affixed to each of the packets mentioned in subregulation (1) and to the return mentioned in subregulation (2).

*Action to be taken by the electoral officer upon receipt of ballot papers*

38. The electoral officer shall upon receipt of voters' ballot papers retain such ballot papers unopened in safe custody until the counting of votes.

*Verification of ballot paper return*

39. (1) The electoral officer shall, upon receipt of all the packets and ballot boxes from every presiding officer, and not before, examine whether the seals are in order and afford such candidates or their agents as may be in attendance an opportunity to do the same and after that open the sealed packets containing the ballot paper return and shall open each ballot box and verify the number of ballot papers in the ballot box according to the ballot paper return given by each presiding officer by comparing it with the number of ballot papers in each such ballot box.

(2) When the electoral officer has completed the verification of the ballot papers in the ballot boxes for each polling station, and whether or not the number of ballot papers in the ballot boxes is found to correspond with the number appearing on the return, he shall in the presence of such candidates or their agents as may be present mix together the ballot papers contained in all the ballot boxes for a particular ward so that it is impossible to determine from which ballot box any particular ballot paper was taken.

(3) The electoral officer shall, after scrutinising the official mark on the ballot papers, proceed to count or cause to be counted the votes and while counting the votes shall cause the ballot papers to be kept with their faces upwards.

*Manner of counting votes*

40. The ballot papers shall, for the purposes of counting, be fastened together in packets of 50 (to each of which a distinctive number shall be assigned) and thereafter the number of votes for each candidate shall be recorded and checked.

*Ballot papers to be rejected*

41. (1) The electoral officer shall reject and not count any ballot paper—

- (a) which does not bear the official mark;
- (b) on which votes are cast for more than one candidate;
- (c) which is unmarked or invalid owing to uncertainty;
- (d) which bears any writing or mark by which a voter can be identified otherwise than in these Regulations prescribed.

(2) Subject to the provisions of subregulation (1), the electoral officer shall not reject any ballot paper on which a voter has clearly indicated, in a manner other than by means of a cross, for which candidate he has voted.

(3) The electoral officer shall endorse the word "rejected" on a ballot paper which he may reject as invalid.

(3) Elke van die pakkette in subregulasie (1) genoem en die opgawe in subregulasie (2) genoem, word voorsien van 'n etiket in die vorm vervat in Aanhangsel F hiervan.

*Optrede deur verkiesingsbeampte by ontvangs van stembriewe*

38. Elke verkiesingsbeampte moet by ontvangs van kiesers se stembriewe sodanige stembriewe onooopmaak in veilige bewaring hou totdat die stemme getel word.

*Verifiëring van stembriefopgawe*

39. (1) By ontvangs deur die verkiesingsbeampte van al die pakkette en stembusse van iedere voorsittende beampte, en nie eerder nie, ondersoek hy of die seëls in orde is en gee hy sodanige kandidate of hulle agente as wat aanwesig is 'n geleentheid om dieselfde te doen, en daarna maak hy die verseëelde pakkette oop wat die opgawe van stembriewe bevat, en maak hy elke stembus oop en verifieer hy die getal stembriewe in die stembus ooreenkomstig die stembriefopgawe wat deur elke voorsittende beampte ingelewer is deur dit met die getal stembriewe in elke sodanige stembus te vergelyk.

(2) Wanneer die verkiesingsbeampte die verifiëring van die stembriewe in die stembusse vir elke stemburo uitgevoer het, maak hy, afgesien daarvan of die getal stembriewe in die stembusse klop met die getal wat op die opgawe voorkom al dan nie, in teenwoordigheid van sodanige kandidate of hulle agente as wat aanwesig is, die stembriewe uit al die stembusse vir 'n besondere wyk op so 'n wyse deurmekaar dat dit onmoontlik is om te bepaal uit watter stembus 'n bepaalde stembrief geneem is.

(3) Nadat hy die amptelike merk op die stembriewe nagegaan het, gaan die verkiesingsbeampte oor tot die tel van die stemme en terwyl hy die stemme tel of laat tel, laat hy die stembriewe met hulle voorkant na bo hou.

*Wyse waarop stemme getel moet word*

40. Vir die doel van die tel van stemme word die stembriewe in pakkette van 50 vasgebind (aan elkeen waarvan 'n onderskeidende nommer toegeken word) en daarna word die getal stemme ten opsigte van elke kandidaat opgeskryf en nagegaan.

*Stembriewe wat verwerp moet word*

41. (1) Die verkiesingsbeampte verwerp en tel nie 'n stembrief nie—

- (a) wat nie die amptelike merk daarop het nie;
- (b) waarop stemme op meer as een kandidaat uitgebring is;
- (c) wat ongemerk of weens onsekerheid ongeldig is;
- (d) wat enige skrif of merk daarop het waardeur 'n kieser op 'n ander wyse as dié in hierdie Regulasies voorgeskryf, geïdentifiseer kan word.

(2) Behoudens die bepalings van subregulasie (1), verwerp die verkiesingsbeampte nie 'n stembrief waarop 'n kieser op 'n ander wyse as by wyse van 'n kruis duidelik aangedui het vir watter kandidaat hy stem nie.

(3) Die verkiesingsbeampte endosseer die woord "verwerp" op 'n stembrief wat hy as ongeldig verwerp.



*Objection against acceptance or rejection of a ballot paper*

42. (1) If a candidate or an agent objects to the acceptance of any ballot paper, the electoral officer shall endorse the words "objection raised against acceptance" on such ballot paper.

(2) If a candidate or an agent objects to the rejection of any ballot paper, the electoral officer shall endorse the words "objection raised against rejection" on such ballot paper.

*Determination of successful candidate in event of equal number of votes*

43. In the event of the number of votes being found to be equal for the candidates who obtained the greater or the greatest number of votes, the electoral officer shall by lot determine the successful candidate.

*Result of election*

44. The electoral officer shall, as soon as possible after determining which candidate has obtained the greater or the greatest number of votes in each ward, in public declare such candidates duly elected and shall make known the number of votes polled by each candidate.

*Publication of names of elected members*

45. (1) As soon as possible after the names of the candidates duly elected as members of the Community Council are known the electoral officer shall cause to be displayed on the notice board of each township manager's office situated in the area for which the Community Council has been established a list reflecting the full name of every member so elected together with the date on which he was duly elected, the name of the ward which such member represents and the total number of votes cast in favour of such member.

(2) A notice displayed in terms of subregulation (1) shall also reflect the names of the unsuccessful candidates in respect of each ward and the total number of votes cast in favour of each such candidate, as well as the number of rejected ballot papers in respect of each ward.

*Disposal of electoral matter by electoral officer after the counting of votes has been completed*

46. (1) The electoral officer shall after the completion of the counting of votes make up into separate packets the following:

(a) All unused, tendered and spoiled ballot papers used at each polling station;

(b) all counted ballot papers in respect of each ward;

(c) all rejected ballot papers in respect of each ward; and

(d) all ballot paper returns duly endorsed with his findings on the verification of such returns.

(2) The electoral officer shall—

(a) affix a label in the form contained in Annexure F hereto to each of the packets mentioned in subregulation (1);

(b) seal each such packet with his own seal and with the seals of such candidates and agents (if any) as may desire to affix their seals; and

(c) retain such packets for a period of six months and thereafter destroy them.

*Beswaar teen aanname of verwerping van stembrief*

42. (1) Indien 'n kandidaat of 'n agent beswaar maak teen die aanname van 'n stembrief, endosseer die verkiesingsbeampte die woorde "beswaar geopper teen aanname" op sodanige stembrief.

(2) Indien 'n kandidaat of 'n agent beswaar maak teen die verwerping van 'n stembrief, endosseer die verkiesingsbeampte die woorde "beswaar geopper teen verwerping" op sodanige stembrief.

*Bepaling van suksesvolle kandidaat in geval van staking van stemme*

43. Ingeval daar bevind word dat ewe veel stemme uitgebring is op die kandidaat wat die grootste getal stemme verkry het, bepaal die verkiesingsbeampte die suksesvolle kandidaat deur loting.

*Uitslag van verkiesing*

44. Die verkiesingsbeampte verklaar in die openbaar, so gou moontlik nadat hy bepaal het watter kandidaat die grootste getal stemme in elke wyk verkry het, sodanige kandidaat behoorlik verkose en maak die getal stemme bekend wat op elke kandidaat uitgebring is.

*Bekendmaking van name van verkose lede*

45. (1) Sodra die name van die kandidaat wat behoorlik as lede van die Gemeenskapsraad verkies is, bekend is, laat die verkiesingsbeampte 'n lys bevatende die volle naam van elke kandidaat aldus verkies tesame met die datum waarop hy behoorlik verkies is, die naam van die wyk wat sodanige lid verteenwoordig en die totale getal stemme wat ten gunste van sodanige lid uitgebring is, op die aanplakbord van elke dorpsbestuurder se kantoor wat in sodanige gebied geleë is, vertoon.

(2) 'n Kennisgewing ingevolge subregulasie (1) vertoon, dui ook die name van die onsuksesvolle kandidaat ten opsigte van elke wyk en die totale getal stemme aan wat ten opsigte van elke sodanige kandidaat uitgebring is, asook die getal bedorwe stembriewe ten opsigte van elke wyk.

*Beskikking oor verkiesingstukke deur verkiesingsbeampte na afloop van tel van stemme*

46. (1) Na afloop van die tel van die stemme maak die verkiesingsbeampte die volgende in afsonderlike pakkette op:

(a) Alle ongebruikte, aangebode en bedorwe stembriewe wat by elke stemburo gebruik is;

(b) alle getelde stembriewe met betrekking tot elke wyk;

(c) alle verworpe stembriewe met betrekking tot elke wyk; en

(d) alle stembriefopgawes behoorlik geëndosseer met sy bevindings betreffende die verifiëring van sodanige opgawes.

(2) Die verkiesingsbeampte—

(a) voorsien elke pakket genoem in subregulasie (1) van 'n etiket in die vorm vervat in Aanhangsel F hiervan;

(b) verseël elke sodanige pakket met sy eie seël en met die seëls van sodanige kandidaat en agente (as daar is) as wat hulle seëls ook daarop wil afdruk; en

(c) bewaar sodanige pakkette vir 'n tydperk van ses maande en vernietig hulle daarna.

*Immaterial mistakes not to affect validity of election*

47. No election shall be invalid by reason of any mistake or non-compliance with the provisions of these Regulations if the election was conducted in accordance with the principles laid down herein and such mistake or non-compliance did not affect the result.

*Evidence of election being held*

48. Upon any charge of a corrupt or illegal practice or any other offence under these Regulations alleged to have been committed at or in connection with an election, the certificate of the electoral officer that the election mentioned therein was being or had been held shall be sufficient evidence of the fact that such election was being or had been held.

*Sundays and public holidays*

49. Whenever under these Regulations anything is required to be commenced, concluded or done on a particular date, and that date happens to fall upon a Sunday or a day declared by or under any law to be a public holiday, such thing shall be commenced, concluded or done on the date next succeeding such Sunday or public holiday or if the last-mentioned date is also a Sunday or public holiday, then on the date next succeeding such Sunday or public holiday.

*Interrupting or disturbing proceedings at elections*

50. Any person who wilfully interrupts, obstructs or disturbs any proceedings in connection with the conduct of elections in terms of the provisions of these Regulations or who on polling day uses any form of loudspeaker or forms or organises any procession of or demonstration by persons other than for official purposes, shall be guilty of an offence.

*Fraud in connection with ballot papers, etc.*

51. (1) Any person who—

(a) forges or counterfeits or fraudulently destroys any ballot paper or the official mark on any ballot paper;

(b) without due authority supplies a ballot paper to any person;

(c) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in;

(d) fraudulently takes out of the polling station any ballot paper; or

(e) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purpose of the election;

shall be guilty of an offence.

(2) In any indictment, summons or charge for an offence in relation to ballot boxes, ballot papers and official marking instruments at an election, the property in such boxes, papers and instruments as well as the property in the counterfoils, may be stated to be in the electoral officer.

(3) If the electoral officer is so indicated or charged such property may be stated to be in the Community Council.

*Infringement of secrecy*

52. (1) Every officer, candidate or his agent in attendance at a polling station or at the counting of votes, shall maintain, and aid in maintaining, the

*Onbelangrike foute raak nie geldigheid van verkiesing nie*

47. Geen verkiesing is weens 'n fout of nie-nakoming van die bepalings van hierdie Regulasies ongeldig nie indien die verkiesing gehou is ooreenkomstig die beginsels hierin voorgeskryf en sodanige fout of nie-nakoming nie die uitslag geraak het nie.

*Bewys dat verkiesing gehou is*

48. By 'n aanklag van 'n korrupte of onwettige bedrywigheid of van 'n ander misdryf ingevolge hierdie Regulasies, wat volgens bewering by of in verband met 'n verkiesing begaan is, is die sertifikaat van die verkiesingsbeampte dat die verkiesing daarin gemeld aan die gang was of gehou is, voldoende bewys van die feit dat sodanige verkiesing aan die gang was of gehou is.

*Sondae en openbare feesdae*

49. Wanneer enigiets op 'n bepaalde datum ingevolge hierdie Regulasies begin, voltooi of gedoen moet word, en daardie datum op 'n Sondag val of op 'n dag wat by of kragtens 'n wet tot 'n openbare feesdag verklaar is, moet dit begin, voltooi of gedoen word op die eersvolgende datum na sodanige Sondag of openbare feesdag, of as laasgenoemde datum ook op 'n Sondag of openbare feesdag val, dan op die eersvolgende datum na sodanige Sondag of openbare feesdag.

*Onderbreking of steuring van verrigtings by verkiesings*

50. 'n Persoon wat opsetlik verrigtings in verband met die hou van verkiesings ooreenkomstig die bepalings van hierdie Regulasies onderbreek, belemmer of versteur, of op stemdag enige vorm van luidspreker gebruik of enige optog van, of betoging deur, persone vorm of reël, uitgesonderd vir amptelike doeleindes, begaan 'n misdryf.

*Bedrog met stembriewe, ens.*

51. (1) 'n Persoon wat—

(a) 'n stembrief of die amptelike merk op 'n stembrief vervals, namaak of met opset om te bedrieg vernietig;

(b) sonder behoorlike magtiging 'n ander persoon van 'n stembrief voorsien;

(c) met opset om te bedrieg, enige ander stuk papier in 'n stembus plaas as die stembrief wat hy regtens daarin mag plaas;

(d) met opset om te bedrieg, 'n stembrief uit die stemburo wegneem; of

(e) sonder behoorlike magtiging 'n stembus of pakket stembriewe wat dan vir die doel van die verkiesing in gebruik is, vernietig, neem, oopmaak of hom op 'n ander wyse daarmee bemoei;

begaan 'n misdryf.

(2) In 'n akte van beskuldiging, dagvaarding of aanklag weens 'n misdryf met betrekking tot stembusse, stembriewe en amptelike merkinstrumente by 'n verkiesing kan verklaar word dat die eiendomsreg op die busse, stembriewe en instrumente, asook op die teenblaai, by die verkiesingsbeampte by die verkiesing berus.

(3) Word die verkiesingsbeampte aldus beskuldig of aangekla, kan verklaar word dat die eiendomsreg by die Gemeenskapsraad berus.

*Skending van geheimhouding*

52. (1) Iedere beampte, kandidaat of sy agent wat by 'n stemburo of by die tel van stemme aanwesig is, moet die geheimhouding van die stemming in daardie



secrecy of the voting in that station and shall not communicate, except for some purpose authorised by law, to any person any information likely to defeat the secrecy of the voting.

(2) No person, except as in these Regulations provided, shall interfere with or attempt to interfere with a voter when such voter is marking his ballot paper, or otherwise attempt to obtain information as to the candidate for whom any voter is about to vote or has voted, or communicate at any time to any person any information obtained as to the candidate for whom any voter is about to vote or has voted at a taking of poll under these Regulations.

(3) No person shall directly or indirectly induce any voter to display his ballot paper, after he has marked the same, in such a manner as to make known to any person the name of the candidate for whom the voter has so marked his ballot paper.

(4) No person shall place upon any ballot paper any mark or writing whereby a person who casts his vote on that ballot paper may be identified.

(5) Every person in attendance at the counting of votes shall maintain, and aid in maintaining, the secrecy of the voting, and shall not attempt to ascertain or communicate any information obtained at such counting as to the candidate for whom any vote is cast in any particular ballot paper.

(6) A person who has, in carrying out his duties under these Regulations, obtained knowledge as to the candidate for whom any other person has voted shall not, except in answer to a question lawfully put to him in the course of proceedings in a competent court, disclose such knowledge.

(7) Any person who contravenes or fails to comply with any provision of this regulation shall be guilty of an offence.

#### *Failure by electoral officer or other officer to perform his duties*

53. If the electoral officer or any other officer or person wilfully fails to perform any of the duties which he is required to perform under the provisions of these Regulations, he shall be guilty of an offence.

#### *Treating*

54. Any person who corruptly by himself or by any other person either before, during or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any food, drink, entertainment, lodging or provisions to or for any person for the purpose of corruptly influencing that person or any other person to cast or refrain from casting his vote at an election, or on account of such person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at such election, shall be guilty of the offence of treating.

#### *Undue influence*

55. (1) Any person who directly or indirectly by himself or by any other person makes use or threatens to make use of any force, violence or restraint or inflicts or threatens to inflict any temporal or spiritual injury, damage, harm or loss upon or against, or does or threatens to do anything to the disadvantage of any person in order to induce or compel that person to

buro handhaaf en help om dit te handhaaf en mag aan geen persoon, uitgesonderd vir die een of ander regtens geoorloofde doel, enige inligting meedeel wat waarskynlik die geheimhouding van die stemming sal verydel nie.

(2) Behoudens die bepalings van hierdie Regulasies, mag geen persoon hom met 'n kieser bemoei, of probeer om hom met 'n kieser te bemoei wanneer sodanige kieser sy stembrief merk nie, of andersins by 'n stemming kragtens hierdie Regulasies probeer om te wete te kom vir watter kandidaat 'n kieser op die punt staan om te stem of gestem het nie of te eniger tyd aan enige persoon meedeel vir watter kandidaat, volgens inligting wat verkry is, 'n kieser op die punt staan om te stem of gestem het nie.

(3) Geen persoon mag direk of indirek enige kieser beweeg om sy stembrief, nadat hy dit gemerk het, op so 'n wyse te vertoon dat enige persoon die naam van die kandidaat vir wie hy sy stembrief aldus gemerk het, te wete kom nie.

(4) Geen persoon mag op 'n stembrief enige merk of skrif aanbring waardeur 'n persoon wat met daardie stembrief stem, geïdentifiseer kan word nie.

(5) Iedere persoon wat by die tel van die stemme aanwesig is, moet die geheimhouding van die stemming handhaaf en help om dit te handhaaf, en mag nie probeer vasstel of aan 'n ander persoon meedeel vir watter kandidaat, volgens inligting wat by sodanige telling verkry is, op 'n bepaalde stembrief 'n stem uitgebring is nie.

(6) 'n Persoon wat by die vervulling van sy pligte kragtens hierdie Regulasies te wete gekom het op watter kandidaat enige ander persoon sy stem uitgebring het, mag sodanige kennis nie bekendmaak nie, uitgesonderd in antwoord op 'n vraag wat wettiglik aan hom gestel is in die loop van verrigtings in 'n bevoegde hof.

(7) 'n Persoon wat enige van die bepalings van hierdie regulasie oortree of versuim om daaraan te voldoen, begaan 'n misdryf.

#### *Versuim deur verkiesingsbeampte of ander beampte om sy pligte te vervul*

53. Indien die verkiesingsbeampte of enige ander beampte of persoon opsetlik versuim om enige van die pligte te vervul wat kragtens die bepalings van hierdie Regulasies hom opgelê is, begaan hy 'n misdryf.

#### *Trakteerdery*

54. 'n Persoon wat korruptelik, hetsy voor, gedurende of na 'n verkiesing, self of deur 'n ander persoon direk of indirek aan of vir enige persoon voedsel, drank, vermaak, inwoning of lewensmiddele gee of verskaf of die koste om dit te gee of te verskaf, of 'n deel daarvan, betaal, met die doel om daardie persoon of 'n ander persoon korruptelik te beïnvloed om sy stem by die verkiesing uit te bring al dan nie, of omdat daardie persoon of 'n ander persoon sy stem by die verkiesing uitgebring het of gaan uitbring al dan nie, begaan die misdryf van trakteerdery.

#### *Onbehoorlike beïnvloeding*

55. (1) 'n Persoon wat, self of deur 'n ander persoon, direk of indirek teen enige persoon geweld of dwang gebruik of dreig om te gebruik, of aan enige persoon enige wêreldlike of geestelike leed, skade, kwaad of verlies berokken of dreig om dit te berokken of iets ten nadele van enige persoon doen of dreig om dit te doen, ten einde daardie persoon te beweeg of te dwing

vote or refrain from voting, or on account of that person having voted or refrained from voting at any election, shall be guilty of the offence of undue influence.

(2) Any person who, by abduction, duress or fraudulent device or contrivance, impedes or prevents the free exercise of the franchise by any voter, or thereby compels, induces or prevails upon any voter either to cast or to refrain from casting his vote at any election, shall be guilty of the offence of undue influence.

### *Bribery*

56. (1) Any person shall be guilty of the offence of bribery if he, directly or indirectly, by himself or by any other person—

(a) gives, lends or procures, or agrees to give, lend or procure, or offers, promises, or promises to procure or to endeavour to procure any money or any other thing, to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election;

(b) gives, lends or agrees to give or lend, or offers, or promises to procure or to endeavour to procure any money or any other thing to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, for acting or joining in any procession or demonstration before, during or after any election;

(c) makes any such gift, loan, offer, promise, procurement or agreement to or for any person in order to induce such person to procure or endeavour to procure, the return of any candidate at any election or the vote of any voter at an election;

(d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures, or engages, promises or endeavours to procure, the return of any candidate at any election or the vote of any voter at any election;

(e) advances or pays, or causes to be advanced or paid, any money, to, or for the use of, any other person with the intent that such money, or any part thereof, shall be expended in bribery at any election, or knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election;

(f) before or during any election, receives or contracts for any money or loan, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, at any election;

(g) after an election receives any money on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any election; or

(h) conveys or transfers or is concerned with the conveyance or transfer of any property, or pays or is concerned with the payment of any money, to any person for the purpose of enabling him to vote, thereby to influence his vote at any future election, or pays or is concerned with the payment of any money on behalf of any voter for the purpose of inducing him to vote or refrain from voting.

om sy stem by 'n verkiesing uit te bring al dan nie, of omdat hy sy stem by 'n verkiesing uitgebring het al dan nie, begaan die misdryf van onbehoorlike beïnvloeding.

(2) 'n Persoon wat deur ontvoering, dwang of enige bedrieglike middel die vrye uitoefening van die stemreg deur 'n kieser belemmer of belet of 'n kieser daardur dwing, beweeg of oorhaal om sy stem by 'n verkiesing uit te bring al dan nie, begaan die misdryf van onbehoorlike beïnvloeding.

### *Omkopery*

56. (1) 'n Persoon begaan die misdryf van omkopery indien hy, self of deur 'n ander, direk of indirek—

(a) aan of vir 'n kieser, of aan of vir 'n persoon ten behoeve van 'n kieser, of aan of vir enige ander persoon, enige geld of enigiets anders gee, leen of verkry of ooreenkom om dit te gee, te leen of te verkry of dit aanbied, belooft of belooft om dit te verkry of om te probeer om te verkry, ten einde 'n kieser te beweeg om sy stem by 'n verkiesing uit te bring al dan nie, of korruptelik een van voormelde handelinge verrig omdat die kieser sy stem by 'n verkiesing uitgebring het al dan nie;

(b) aan of vir 'n kieser, of aan of vir 'n persoon ten behoeve van 'n kieser, of aan of vir enige ander persoon, enige geld of enigiets anders gee of leen, of ooreenkom om dit te gee of te leen, of dit aanbied, of belooft om dit te verkry of om te probeer om dit te verkry, vir optrede in of deelname aan enige optog of betoging voor, gedurende of na 'n verkiesing;

(c) aan of vir 'n persoon sodanige skenking, lening, aanbod, belofte, verkryging of ooreenkoms gee, verstrek, doen of aangaan ten einde sodanige persoon te beweeg om die verkiesing van 'n kandidaat by 'n verkiesing of die stem van 'n kieser by 'n verkiesing te verkry of om te probeer om dit te verkry;

(d) teen of ten gevolge van sodanige skenking, lening, aanbod, belofte, verkryging of ooreenkoms, die verkiesing van 'n kandidaat by 'n verkiesing of die stem van 'n kieser by 'n verkiesing verkry of onderneem, belooft of probeer om dit te verkry;

(e) aan of vir die gebruik van 'n ander persoon enige geld voorskiet of betaal of laat voorskiet of betaal, met die bedoeling dat daardie geld of enige deel daarvan by 'n verkiesing aan omkopery bestee moet word, of willens en wetens aan 'n persoon enige geld betaal of laat betaal ter vereffening of terugbetaling van geld wat geheel of ten dele by 'n verkiesing aan omkopery bestee is;

(f) voor of gedurende enige verkiesing, vir homself of 'n ander persoon, enige geld of lening ontvang of beding, omdat hy by 'n verkiesing gestem het of ooreengekom het om te stem, of omdat hy hom by 'n verkiesing van stemming onthou het of ooreengekom het om hom van stemming te onthou;

(g) na 'n verkiesing geld ontvang omdat 'n persoon sy stem uitgebring het al dan nie of 'n ander persoon beweeg het om sy stem by enige verkiesing uit te bring al dan nie; of

(h) eiendom oordra of transporteer of betrokke is by die oordrag of transport van eiendom, of enige geld betaal of betrokke is by die betaal van enige geld aan 'n persoon ten einde hom in staat te stel om te stem en daardeur sy stem by 'n toekomstige verkiesing te beïnvloed, of enige geld betaal of betrokke is by die betaling van enige geld ten behoeve van 'n kieser ten einde hom te beweeg om sy stem uit te bring al dan nie.



(2) Nothing in this regulation contained shall be construed as applying to any money paid or agreed to be paid for or on account of any electoral expenditure bona fide and lawfully incurred.

#### *Personation*

57. Any person who—

(a) at any election applies for a ballot paper in the name of some other person, whether living, dead or fictitious; or

(b) having voted once at any election, applies again at any polling station at the same election for a ballot paper;

shall be guilty of the offence of personation.

#### *Corrupt procurement of candidature or withdrawal thereof*

58. Any person who—

(a) corruptly induces or procures any other person to become a candidate or to withdraw as a candidate at any election in consideration of any payment or promise of any nature;

(b) becomes a candidate or withdraws as a candidate at any election in pursuance of such inducement or procurement; or

(c) before or during an election publishes a false statement of the withdrawal of a candidate at an election for the purpose of promoting or procuring the election of another candidate, knowing that statement to be false;

shall be guilty of an offence.

#### *Bills, placards, etc., to bear publisher's name*

59. (1) Every bill, placard, poster, pamphlet, circular or other printed matter having reference to an election shall clearly bear the name and address of the printer and publisher thereof.

(2) No person shall print, publish or post up or cause to be printed, published or posted up, any such printed matter which fails to bear clearly the name and address of the printer and publisher.

(3) The proprietor and publisher of every newspaper shall cause the word "advertisement" to be printed as a headline to each article or paragraph in his newspaper containing electoral matter, the insertion of which is or is to be paid for or for which any reward or compensation or promise of reward or compensation is or is to be made.

(4) The words "electoral matter" used in subregulation (3) include all matters which on the face of it are intended or calculated to affect the result of an election, and any report of the speech of a candidate if the insertion of the report is or is to be paid for.

(5) Every report, letter, article, bill, placard, poster, pamphlet, circular, cartoon or other printed matter (hereinafter in this subregulation called a newspaper article) which, on the face of it, is intended or calculated to effect the result of an election, and is inserted in any newspaper or otherwise produced and is published on or after the date of commencement of such election of members to the Community Council, shall bear at the foot thereof the full name and address of the person by whom such newspaper article was written or produced: Provided that—

(a) any newspaper article which is inserted in any newspaper as aforesaid and which has been altered materially by the editor of such newspaper, may also be signed by such editor;

(2) Geen bepaling van hierdie regulasie mag uitgelê word nie as sou dit van toepassing wees op geld wat vir of weens bona fide- en wettig aangevane verkiesings-koste betaal is of volgens ooreenkoms betaal moet word.

#### *Uitgee vir 'n ander*

57. 'n Persoon wat—

(a) by enige verkiesing in die naam van 'n ander persoon, hetsy lewend of afgestorwe, of van 'n denkbeeldige persoon, om 'n stembrief aansoek doen; of

(b) nadat hy een maal by 'n verkiesing gestem het, weer by 'n stemburo by dieselfde verkiesing om 'n stembrief aansoek doen;

begaan die misdryf van hom vir 'n ander uit te gee.

#### *Korrupte verkryging van kandidatuur of terugtrekking daarvan*

58. 'n Persoon wat—

(a) 'n ander persoon korruptelik beweeg of oorhaal om, as teenprestasie vir 'n betaling of belofte van watter aard ook al, 'n kandidaat by enige verkiesing te word of as sodanig terug te trek;

(b) as gevolg daarvan dat hy aldus beweeg of oorgehaal is, 'n kandidaat by enige verkiesing word of as sodanig terugtrek; of

(c) voor of gedurende 'n verkiesing, met die doel om die verkiesing van 'n ander kandidaat te bevorder of te bewerkstellig, 'n valse verklaring dat 'n kandidaat by 'n verkiesing teruggetrek het, publiseer wetende dat die verklaring vals is;

begaan 'n misdryf.

#### *Biljette, plakkate, ens., moet naam van uitgewer dra*

59. (1) Alle biljette, plakkate, aanplakbiljette, pamflette, omsendbriewe of ander drukwerk wat op 'n verkiesing betrekking het, moet die naam en adres van die drukker en uitgewer daarvan duidelik dra.

(2) Geen persoon mag sodanige drukwerk wat nie die naam en adres van die drukker en uitgewer dra nie, druk, uitgee of aanplak of laat druk, uitgee of aanplak nie.

(3) Die eienaar en uitgewer van iedere nuusblad moet die woord "advertensie" as 'n opskrif laat druk by elke artikel of paragraaf in sy nuusblad wat verkiesingstof bevat, vir die opneming waarvan betaal is of gaan word of waarvoor 'n beloning of vergoeding of 'n belofte van beloning of vergoeding gegee is of gaan word.

(4) Die woord "verkiesingstof" in subregulasie (3) gebesig, omvat alles wat, na die skyn geoordeel, bedoel of daarop bereken is om die uitslag van 'n verkiesing te beïnvloed, asook enige verslag van 'n toespraak van 'n kandidaat, indien vir die opneming van die verslag betaal word of gaan word.

(5) Alle verslae, briewe, artikels, biljette, plakkate, aanplakbiljette, pamflette, omsendbriewe, spotprente of ander drukwerk (hieronder in hierdie subregulasie nuusbladartikels genoem) wat, na die skyn geoordeel, bedoel of daarop bereken is om die uitslag van 'n verkiesing te beïnvloed, en in 'n nuusblad opgeneem of op 'n ander wyse geproduseer word en op of na die datum van die begin van die verkiesing van lede van die Gemeenskapsraad gepubliseer word, moet onderaan die volle naam en adres dra van die persoon deur wie die nuusblad-artikel geskryf of geproduseer is: Met dien verstande dat—

(a) enige sodanige nuusbladartikel wat soos voormeld in 'n nuusblad opgeneem word en wat wesenlik deur die redakteur van die nuusblad verander is, ook deur sodanige redakteur onderteken kan word;

(b) in the case of a report of a public meeting which is written jointly by two or more persons, it shall be sufficient for the purposes of this subregulation if the report as a whole bears upon the face of it the full names and addresses of the persons by whom it was written; and

(c) in the case of headlines to any newspaper article which is inserted in any newspaper as aforesaid, and bills, placards or posters having reference thereto, which are issued in the ordinary practice of a newspaper, it shall be sufficient for the purposes of this subregulation if the full names and addresses of the persons by whom such headlines, bills, placards or posters were written, and a statement that such headlines, bills, placards or posters were written by such persons, are published in the issue of the newspaper in which such newspaper article is inserted.

(6) Subject to the provisions of proviso (c) to subregulation (5), no person shall print or publish any newspaper or other printed matter in which is inserted or produced any such newspaper article, which fails to bear upon the face thereof the full name and address of the person by whom it was written or produced.

(7) For the purposes of this regulation an election shall be deemed to commence on the date of first publication of the notice referred to in regulation 19.

(8) Any person who contravenes or fails to comply with any provision of this regulation shall be guilty of an offence.

*Meetings on premises where sale of liquor usually takes place*

60. (1) No person shall hire or use—

(a) any premises on which the sale, by wholesale or retail, of any intoxicating liquor is authorised (whether the authorisation be for consumption of liquor on or off the premises); or

(b) any premises where any intoxicating liquor is sold or is supplied to members of a club, society or association;

or any part of any such premises, as a committee room or for any meeting of voters for the purpose of promoting or procuring the election of a candidate at an election or in connection with arrangements made by any person or party in reference to an election.

(2) No person shall let or make available for use any such premises or part thereof, knowing that it is intended to be so used.

(3) Any agreement entered into in contravention of subregulation (1) or (2) shall be null and void.

(4) Any person who contravenes or fails to comply with any provision of this regulation shall be guilty of an offence.

*Consequences to the candidates*

61. If upon trial it is proved that any corrupt practice or illegal practice has been committed in reference to the election of a member to the Community Council by or with the knowledge and consent or approval of any candidate at that election, the election of that candidate shall be void and a casual vacancy shall exist.

(b) in die geval van 'n verslag van 'n openbare vergadering wat deur twee of meer persone gesamentlik geskryf is, dit voldoende vir doeleindes van hierdie subregulasie is as die verslag in sy geheel op die voorkant daarvan die volle name en adresse dra van die persone deur wie dit geskryf is; en

(c) in die geval van opskrifte by 'n nuusbladartikel wat soos voormeld in enige nuusblad opgeneem is, en van biljette, plakate of aanplakbiljette wat daarop betrekking het en wat volgens die gewone gebruik van 'n nuusblad uitgegee word, dit voldoende vir doeleindes van hierdie subregulasie is as die volle name en adresse van die persone deur wie sodanige opskrifte, biljette, plakate of aanplakbiljette geskryf is, met 'n verklaring dat sodanige opskrifte, biljette, plakate of aanplakbiljette deur daardie persone geskryf is, gepubliseer word in die uitgawe van die nuusblad waarin sodanige nuusbladartikel opgeneem word.

(6) Behoudens die bepalings van voorbehoudsbepaling (c) van subregulasie (5), mag geen persoon enige nuusblad of ander drukwerk waarin enige sodanige nuusbladartikel opgeneem of geproduseer is, wat nie op die voorkant daarvan die volle naam en adres dra van die persoon deur wie dit geskryf of geproduseer is nie, druk of publiseer nie.

(7) Vir doeleindes van hierdie regulasie word 'n verkiesing geag te begin op die datum van eerste afkondiging van die kennisgewing in regulasie 19 bedoel.

(8) 'n Persoon wat enige van die bepalings van hierdie regulasie oortree of versuim om daaraan te voldoen, begaan 'n misdryf.

*Vergaderings op persele waar gewoonlik drank verkoop word*

60. (1) Geen persoon mag—

(a) 'n perseel waarop die verkoop van bedwelmende drank, by wyse van groothandel of kleinhandel, deur 'n magtiging gemagtig is (ongeach of dit 'n magtiging is vir verbruik van drank op die perseel of daarbuite); of

(b) 'n perseel waar bedwelmende drank verkoop of verskaf word aan lede van 'n klub, genootskap of vereniging;

of 'n gedeelte van enige sodanige perseel, as 'n komiteekamer of vir 'n vergadering van kiesers ter bevordering of bewerkstelling van die verkiesing van 'n kandidaat by 'n verkiesing of in verband met reëlins wat deur 'n persoon of party met betrekking tot 'n verkiesing getref is, huur of gebruik nie.

(2) Geen persoon mag sodanige perseel of 'n gedeelte daarvan verhuur of vir gebruik beskikbaar stel nie, wetende dat dit die bedoeling is om dit aldus te gebruik.

(3) Enige ooreenkoms wat strydig met subregulasie (1) of (2) gesluit is, is van nul en gener waarde.

(4) 'n Persoon wat enige van die bepalings van hierdie regulasie oortree of versuim om daaraan te voldoen, begaan 'n misdryf.

*Gevolge vir kandidaat*

61. As daar by 'n verhoor bewys word dat 'n korrupte bedrywigheid of 'n onwettige bedrywigheid in verband met die verkiesing van 'n lid van die Gemeenskapsraad deur of met die kennis en instemming of goedkeuring van enige kandidaat by daardie verkiesing begaan is, is die verkiesing van daardie kandidaat nietig en bestaan daar 'n toevallige vakature.



*Vacating of seats by members of the  
Community Council*

62. The seat of a member of the Community Council shall become vacant—

- (a) upon the death of such member;
- (b) upon receipt by the Secretary of the Community Council of a notice of resignation under the hand of such member;
- (c) should such member fail to attend three consecutive general meetings of the Community Council without its special leave;
- (d) should such member withdraw from any meeting of the Community Council without the permission of the Chairman;
- (e) in the event of such member becoming subject to any of the disqualifications mentioned in regulation 12.

*Filling of casual vacancies*

63. Should the seat of a member become vacant in terms of regulation 61 or 62 or should the Minister under section 3 (2) of the Act determine that a vacancy exist, the vacancy shall, unless the term of the Community Council expires before such vacancy can be filled, be filled within six months of its occurring, by an election which shall be held in accordance with the provisions of these Regulations.

## CHAPTER 6

### THE CONVENING OF, THE PROCEDURE AT AND THE CONDUCT OF MEETINGS OF THE COMMUNITY COUNCIL AND COMMITTEES

*First general meeting of Community Council*

64. The first general meeting of the Community Council shall be convened by the Chief Director on a date, which date shall be within 60 days after the first general election, and at a time and in the manner decided upon by him.

*Election of Chairman*

65. Immediately after all the members present at the first general meeting of the Community Council and thereafter at the general meeting held in October of each year, have taken their seats the Council shall proceed to the election of the Chairman from the ranks of members of the Council in the manner prescribed in regulation 66.

*Manner of election of Chairman*

66. (1) A member having first ascertained that the person whom he wishes to propose as Chairman and who is then present, is willing to serve if elected, may propose such person as Chairman and such proposal shall lapse if not seconded.

(2) There shall be no limit to the number of candidates who may be proposed and seconded under subregulation (1), but no member who has already proposed or seconded a candidate shall propose or second any other candidate and no member shall propose or second his own candidature.

(3) The names of the persons duly nominated shall be announced by the person presiding at the relevant meeting of the Community Council (hereinafter in this regulation referred to as the presiding officer) and no debate shall be allowed at the election.

*Ontruiming van setels deur lede van die  
Gemeenskapsraad*

62. Die setel van 'n lid van die Gemeenskapsraad raak vakant—

- (a) by die afsterwe van sodanige lid;
- (b) by ontvangs deur die Sekretaris van die Gemeenskapsraad van 'n kennisgewing van bedanking onder die handtekening van sodanige lid;
- (c) indien sodanige lid versuim om drie opeenvolgende algemene vergaderings van die Gemeenskapsraad by te woon sonder die spesiale toestemming daarvan;
- (d) indien sodanige lid hom onttrek aan enige vergadering van die Gemeenskapsraad sonder die toestemming van die Voorsitter;
- (e) indien sodanige lid onderhewig raak aan enige van die diskwalifikasies in regulasie 12 genoem.

*Vulling van toevallige vakatures*

63. Indien die setel van 'n lid ingevolge regulasie 61 of 62 vakant raak of indien die Minister kragtens artikel 3 (2) van die Wet bepaal dat 'n vakature bestaan, moet die vakature, tensy die termyn van die Gemeenskapsraad verstryk voordat sodanige vakature gevul kan word, binne ses maande nadat dit ontstaan het, gevul word deur 'n verkiesing wat ooreenkomstig die bepalings van hierdie Regulasies gehou word.

## HOOFSTUK 6

### DIE BYEENROEPING VAN, DIE PROSEDURE OP EN DIE HOU VAN VERGADERINGS VAN DIE GEMEENSKAPSRAAD EN KOMITEES

*Eerste algemene vergadering van Gemeenskapsraad*

64. Die Hoofdirekteur roep die eerste algemene vergadering van die Gemeenskapsraad byeen op 'n datum, wat binne 60 dae na die eerste algemene verkiesing moet wees, en op 'n tyd en wyse soos deur hom bepaal.

*Verkiesing van Voorsitter*

65. Onmiddellik nadat al die lede wat op die eerste algemene vergadering van die Gemeenskapsraad en daarna op die algemene vergadering gehou in Oktober van elke jaar, hul sitplekke ingeneem het, gaan die Gemeenskapsraad oor tot die verkiesing van die Voorsitter uit die geledere van die lede van die Gemeenskapsraad op die wyse in regulasie 66 voorgeskryf.

*Wyse waarop Voorsitter verkies word*

66. (1) 'n Lid wat vooraf vasgestel het dat die persoon wat hy as Voorsitter wil voorstel en wat dan teenwoordig is, gewillig is om te dien as hy verkies word, kan sodanige persoon as Voorsitter voorstel en indien sodanige voorstel nie gesecondeer word nie, vervul dit.

(2) Daar is geen beperking op die getal kandidate wat kragtens subregulasie (1) voorgestel en gesecondeer kan word nie, maar geen lid wat reeds 'n kandidaat voorgestel of gesecondeer het, mag 'n ander kandidaat voorstel of secondeer nie en geen lid mag sy eie kandidatuur voorstel of secondeer nie.

(3) Die name van die behoorlik genomineerde persone moet deur die persoon wat by die betrokke vergadering van die Gemeenskapsraad voorsit (hierna in hierdie regulasie die voorsittende beampte genoem) aangekondig word op die sitting waartydens die verkiesing moet plaasvind, en geen debat word by die verkiesing toegelaat nie.

(4) If more than one member be proposed as Chairman, a secret ballot shall be held at which—

(a) the presiding officer shall hand each member present a ballot paper with the names of all the candidates thereon and with an official mark on the reverse side thereof;

(b) every member shall signify the candidate for whom he desires to vote by placing a cross opposite the name of such candidate;

(c) the presiding officer shall call the names of all the members and each member shall, when his name is called, drop his ballot paper into a ballot box;

(d) when all members who wish to vote have done so the presiding officer shall, in the presence of the Community Council, examine the ballot papers with the assistance of such members as the Community Council may decide upon and declare the result of the ballot.

(5) The successful candidate shall be the candidate who obtains the greater or the greatest number of votes cast.

(6) In the event of the number of votes being found to be equal for the candidates who obtained the greater or the greatest number of votes, the presiding officer shall by lot determine the successful candidate.

(7) A member who arrives after the names of the members have been called shall not be entitled to vote.

(8) If only one member is proposed and seconded as Chairman he shall be declared elected.

#### *Manner of election of Deputy Chairman*

67. Immediately after the Chairman has been elected, the Community Council shall proceed to the election of a Deputy Chairman and the provisions of regulation 66 shall apply *mutatis mutandis* to the election of a Deputy Chairman: Provided that any reference in regulation 66 to the presiding officer shall be construed as being a reference to the Chairman.

#### *Period of office of Chairman and Deputy Chairman*

68. Subject to the provisions of regulation 69, the Chairman and the Deputy Chairman shall hold office until their successors be elected at the general meeting referred to in regulation 65.

#### *Vacation of office by Chairman or Deputy Chairman*

69. (1) The Chairman or the Deputy Chairman shall vacate his office—

(a) if his seat as a member of the Community Council becomes vacant or is deemed to have been vacated in terms of the provisions of these Regulations;

(b) if he resigns his office as Chairman or Deputy Chairman by notice, in writing, to the Secretary of the Community Council or makes an announcement to that effect at a meeting of the Community Council.

(2) If the Chairman or the Deputy Chairman vacates his seat otherwise than in pursuance of his resignation announced at a meeting of the Community Council, the Secretary of the Community Council shall at the first ensuing meeting of the Community Council inform it accordingly.

#### *Filling of casual vacancies*

70. A casual vacancy in the office of Chairman or of Deputy Chairman shall, if the Community Council is holding a meeting when the vacancy occurs, be filled by the election at that meeting of an incumbent to the office concerned in the manner provided in these

(4) Indien meer as een lid as Voorsitter voorgestel word, word 'n geheime stemming gehou waarby—

(a) die voorsittende beampte aan elke lid teenwoordig 'n stembriefie met die name van al die kandidate daarop en met 'n amptelike merk op die keersy daarvan uitreik;

(b) elke lid die kandidaat vir wie hy wil stem, aandui deur 'n kruis teenoor die naam van sodanige kandidaat te plaas;

(c) die voorsittende beampte die name van al die lede uitroep en elke lid, wanneer sy naam uitgeroep word, sy stembriefie in 'n stembus laat val;

(d) sodra alle lede wat wil stem dit gedoen het, die voorsittende beampte met die hulp van sodanige lede as wat die Gemeenskapsraad bepaal, die stembriefies in teenwoordigheid van die Gemeenskapsraad ondersoek en die uitslag van die stemming bekend maak.

(5) Die suksesvolle kandidaat is die kandidaat wat die grootste getal stemme uitgebring, verkry.

(6) Ingeval daar bevind word dat daar ewe veel stemme uitgebring is op die kandidate wat die grootste getal stemme verkry het, bepaal die voorsittende beampte die suksesvolle kandidaat by loting.

(7) 'n Lid wat opdaag nadat die lede se name uitgeroep is, is nie geregtig om te stem nie.

(8) Indien slegs een lid as Voorsitter voorgestel en geselekteer word, word hy verkose verklaar.

#### *Wyse waarop Ondervoorsitter verkies word*

67. Onmiddellik nadat die Voorsitter verkies is, gaan die Gemeenskapsraad oor tot die verkiesing van 'n Ondervoorsitter en is die bepalinge van regulasie 66 *mutatis mutandis* van toepassing by die verkiesing van 'n Ondervoorsitter: Met dien verstande dat 'n verwysing in regulasie 66 na die voorsittende beampte uitgelê word as 'n verwysing na die Voorsitter.

#### *Ampstermyn van Voorsitter en Ondervoorsitter*

68. Behoudens die bepalinge van regulasie 69, beklee die Voorsitter en die Ondervoorsitter hulle amp totdat hul opvolgers gedurende die algemene vergadering in regulasie 65 bedoel, verkies word.

#### *Ontruiming van amp deur Voorsitter of Ondervoorsitter*

69. (1) Die Voorsitter of die Ondervoorsitter ontruim sy amp—

(a) indien sy setel as lid van die Gemeenskapsraad vakant raak of geag word ontruim te gewees het ingevolge die bepalinge van hierdie Regulasies;

(b) indien hy uit sy amp as Voorsitter of Ondervoorsitter bedank by skriftelike kennisgewing aan die Sekretaris van die Gemeenskapsraad of 'n aankondiging tot dien effekte op 'n sitting van die Gemeenskapsraad doen.

(2) Indien die Voorsitter of die Ondervoorsitter sy setel ontruim anders as deur die aankondiging van sy bedanking op 'n sitting van die Gemeenskapsraad, verwittig die Sekretaris van die Gemeenskapsraad gedurende die eerste daaropvolgende vergadering van die Gemeenskapsraad die Gemeenskapsraad dienooreenkomstig.

#### *Vulling van toevallige vakatures*

70. 'n Toevallige vakature in die amp van Voorsitter of van Ondervoorsitter moet, indien die Gemeenskapsraad in sitting is wanneer die vakature ontstaan, gevul word deur die verkiesing tydens sodanige sitting van 'n bekleër vir die betrokke amp op die wyse in



Regulations and if the Community Council is then not holding a meeting such election shall take place at its next meeting.

#### *Meetings of the Community Council*

71. (1) Every meeting of the Community Council shall be held at the seat of the Council which shall be situated within the area for which the Community Council has been established: Provided that the Minister may direct that any such meeting be held at a place situated outside such area.

(2) The Community Council shall hold one general meeting each month.

(3) Notwithstanding the provisions of regulation 78, the Community Council shall at each general meeting thereof, whether or not there is a quorum at such meeting, decide the date and time of the next general meeting.

(4) Subject to the provisions of regulation 64, the Secretary of the Community Council shall, in writing, not less than seven days prior to a general meeting of the Council inform the members, the Chief Director and the Commissioner of the date and time fixed for, and the business to be transacted at, such general meeting.

#### *Special meeting of the Community Council*

72. (1) The Chairman may at any time convene a special meeting of the Community Council and only such business as the Chairman may lay before it or approve shall be transacted.

(2) The Secretary of the Community Council shall, in writing, not less than 72 hours prior to a special meeting of the Community Council inform the members, the Chief Director and the Commissioner of the date and time fixed for, and the business to be transacted at, such special meeting.

#### *Meetings of Community Council open to public and press*

73. (1) Subject to the provisions of subregulation (2), all meetings of the Community Council shall be open to the public and the press.

(2) If the Community Council is of the opinion that any matter can more conveniently or advantageously be dealt with in the absence of members of the public and the press, it may, subject to the provisions of section 3 (6) of the Act, exclude the public and the press from such meeting while such matter is dealt with.

#### *Chairman to preside at meetings of Community Council*

74. The Chairman or, in his absence, the Deputy Chairman shall preside at all meetings of the Community Council or if both the Chairman and the Deputy Chairman are unable through absence or other cause to preside at a meeting, the members present shall, with the Secretary of the Community Council, who shall not be entitled to vote, as presiding officer, nominate one of the members present to preside at such meeting: Provided that the Chairman of the Board or a member of the Board designated by him shall preside at the first general meeting of the Community Council until a Chairman is elected.

hierdie Regulasies bepaal, en indien die Gemeenskapsraad nie dan in sitting is nie, moet sodanige verkiesing op die daaropvolgende vergadering plaasvind.

#### *Vergaderings van die Gemeenskapsraad*

71. (1) Elke vergadering van die Gemeenskapsraad word gehou by die setel van die Gemeenskapsraad wat binne die gebied waarvoor die Gemeenskapsraad ingestel is, geleë moet wees: Met dien verstande dat die Minister kan gelas dat enige sodanige vergadering gehou moet word op 'n plek geleë buite sodanige gebied.

(2) Die Gemeenskapsraad hou een algemene vergadering elke maand.

(3) Ondanks die bepalings van regulasie 78, bepaal die Gemeenskapsraad by elke algemene vergadering daarvan, of daar 'n kworum by sodanige vergadering is aldan nie, die datum en tyd van die daaropvolgende algemene vergadering.

(4) Behoudens die bepalings van regulasie 64, stel die Sekretaris van die Gemeenskapsraad die lede, die Hoofdirekteur en die Kommissaris minstens sewe dae voor 'n algemene vergadering van die Gemeenskapsraad skriftelik in kennis van die datum en tyd bepaal vir en die sake wat behandel gaan word gedurende sodanige algemene vergadering.

#### *Voorsitter kan sekere mosies, vrae of versoekskrifte*

72. (1) Die Voorsitter kan te eniger tyd 'n spesiale vergadering van die Gemeenskapsraad byeenroep en slegs die sake wat die Voorsitter voorlê of goedkeur, word behandel.

(2) Die Sekretaris van die Gemeenskapsraad stel die lede, die Hoofdirekteur en die Kommissaris minstens 72 uur voor 'n spesiale vergadering van die Gemeenskapsraad skriftelik in kennis van die datum en tyd bepaal vir en die sake wat behandel gaan word gedurende sodanige spesiale vergadering.

#### *Vergaderings van Gemeenskapsraad vir publiek en pers toeganklik*

73. (1) Behoudens die bepalings van subregulasie (2), is alle vergaderings van die Gemeenskapsraad vir die publiek en pers toeganklik.

(2) Indien die Gemeenskapsraad van mening is dat 'n aangeleentheid geriefliker of voordeliger in die afwesigheid van lede van die publiek en die pers behandel kan word, kan hy, behoudens die bepalings van artikel 3 (6) van die Wet, die publiek en die pers van sodanige vergaderings uitsluit terwyl sodanige aangeleentheid behandel word.

#### *Voorsitter sit voor by vergaderings van Gemeenskapsraad*

74. Die Voorsitter of, in sy afwesigheid, die Ondervoorsitter, sit voor op alle vergaderings van die Gemeenskapsraad of, as sowel die Voorsitter as die Ondervoorsitter weens afwesigheid of om 'n ander rede nie op 'n vergadering kan voorsit nie, benoem die aanwesige lede onder die voorsitterskap van die Sekretaris van die Gemeenskapsraad, wat nie geregtig is om te stem nie, een van die aanwesige lede om op sodanige vergadering voor te sit: Met dien verstande dat die Voorsitter van die Raad of 'n lid van die Raad deur hom aangewys op die eerste algemene vergadering van die Gemeenskapsraad voorsit totdat 'n Voorsitter verkies is.

*Attendance register*

75. Every member attending a meeting of the Community Council shall sign the attendance register kept for this purpose.

*Order of business*

76. The business of each meeting of the Community Council shall, in accordance with the need thereof, be transacted in the following order:

- (a) Notice convening the meeting;
- (b) obituaries and ceremonial speeches;
- (c) applications for leave of absence;
- (d) official announcements;
- (e) unopposed motions of the Chairman;
- (f) minutes of previous meeting;
- (g) reports of committees;
- (h) questions of which notice has been given;
- (i) motions held over from previous meetings;
- (j) petitions;
- (k) new motions;
- (l) other matters.

*Business to be transacted at meeting of Community Council*

77. No business other than that included in the agenda embodied in the notice convening a meeting shall be transacted at such meeting of the Community Council: Provided that at such meeting, and with the approval of the Chairman, matters of urgency may be raised and submitted to the Council.

*Quorum*

78. Any number of members exceeding half the number of members of the Community Council shall form a quorum.

*Procedure when quorum not present*

79. (1) If after the expiration of 20 minutes after the time at which any meeting of the Council is appointed to be held, a quorum is not assembled, no meeting shall take place. If the members present unanimously consent thereto, a further period, not exceeding 10 minutes, may be permitted to enable a quorum to assemble, but the members present may by a majority decision at any stage after 10 minutes past the time appointed for such meeting, request the Chairman to convene a further meeting within 10 days, at which meeting, notwithstanding the provisions of regulation 78, the members present shall form a quorum and if the Chairman complies with such request the provisions of regulation 71 shall *mutatis mutandis* apply.

(2) If during the sitting of any meeting of the Council a quorum is found not to be present no further business shall be conducted until a quorum is re-assembled. Should a quorum not be present and 10 minutes elapse after the attention of the Chairman is drawn to the absence of a quorum, the meeting shall stand adjourned until a time to be decided by the Chairman.

(3) If from the number of members voting it appears that a quorum is not present the voting shall be invalid.

*Adjournment of meeting*

80. If for any reason whatsoever, the business to be transacted at any meeting of the Community Council cannot be completed at such meeting, the Chairman may adjourn such meeting to a date and time to be determined by the Chairman in consultation with the members.

*Bywoningsregister*

75. Elke lid wat 'n vergadering van die Gemeenskapsraad bywoon, teken sy naam in die bywoningsregister wat vir dié doel gehou word.

*Volgorde van werksaamhede*

76. Die werksaamhede van elke vergadering van die Gemeenskapsraad word na gelang daarvan of dit nodig is, in die volgende volgorde verrig:

- (a) Beskrywingsbrief;
- (b) sterflys en seremoniële toesprake;
- (c) aansoeke om afwesigheidsverlof;
- (d) amptelike aankondigings;
- (e) onbestrede mosies van die Voorsitter;
- (f) notule van vorige vergadering;
- (g) verslae van komitees;
- (h) vrae waarvan kennis gegee is;
- (i) mosies wat sedert vorige vergaderings ontstaan;
- (j) versoekskrifte;
- (k) nuwe mosies;
- (l) ander aangeleenthede.

*Werksaamhede wat by vergadering van Gemeenskapsraad behandel word*

77. Geen saak wat nie in die sakelys in die beskrywingsbrief vermeld is nie, word op daardie vergadering van die Gemeenskapsraad behandel nie: Met dien verstande dat, met die toestemming van die Voorsitter, dringende sake op sodanige vergadering geopper en aan die Gemeenskapsraad voorgelê kan word.

*Kworum*

78. Enige getal lede wat meer as die helfte van die getal lede van die Gemeenskapsraad is, vorm 'n kworum.

*Prosedure wanneer kworum nie teenwoordig nie*

79. (1) Indien daar na afloop van 20 minute na die tyd waarop 'n vergadering van die Gemeenskapsraad moet begin geen kworum is nie, vind geen vergadering plaas nie. Indien die aanwesige lede dit eens is, kan 'n verdere tydperk van hoogstens 10 minute toegelaat word om 'n kworum te laat byeenkom, maar die aanwesige lede kan, deur 'n meerderheidsbeslissing, te eniger tyd na die verloop van 10 minute na die tyd waarop sodanige vergadering moet begin, die Voorsitter versoek om 'n verdere vergadering binne 10 dae te belê, en by sodanige vergadering, ondanks die bepalings van regulasie 78, maak die lede teenwoordig 'n kworum uit en indien die Voorsitter aan so 'n versoek voldoen, is die bepalings van regulasie 71 *mutatis mutandis* van toepassing.

(2) Indien daar gedurende die sitting van 'n vergadering van die Gemeenskapsraad bevind word dat 'n kworum nie teenwoordig is nie, word geen verdere sake behandel nie totdat 'n kworum opnuut byeenkom het. Indien 'n kworum nie teenwoordig is nie en 10 minute verstryk nadat die Voorsitter se aandag op die gebrek aan 'n kworum gevestig is, word die vergadering verdaag tot 'n tyd deur die Voorsitter bepaal.

(3) As dit uit die getal lede wat deelneem aan 'n stemming, blyk dat 'n kworum nie teenwoordig is nie, is die stemming ongeldig.

*Verdagting van vergadering*

80. Indien, om watter rede ook al, die sake wat by 'n vergadering van die Gemeenskapsraad behandel staan te word, nie by sodanige vergadering afgehandeld kan word nie, kan die Voorsitter sodanige vergadering verdaag tot 'n datum en tyd wat die Voorsitter in oorleg met die lede bepaal.



*Questions*

81. A member may ask a question at any meeting of the Community Council—

(a) in connection with any matter arising out of or having a bearing on an item in the report of a committee during the discussion of such report;

(b) regarding the exercise of any of the Council's powers or performance of any of its duties or conditions within the area for which the Community Council has been established.

*Notice of question, motion or petition to be given*

82. (1) Notice of any question, referred to in regulation 81 (b), motion (excluding any unopposed motion of the Chairman) or petition which a member wishes to pose, move or present, as the case may be, at or to any general meeting of the Community Council shall be in writing and signed by such member and shall be forwarded to the Secretary of the Community Council who shall, subject to the provisions of subregulation (2) and regulation 84, place it on the agenda for the next ensuing general meeting.

(2) If any such question, motion or petition is received by the Secretary of the Community Council at least 10 days before the next ensuing general meeting of the Community Council he shall place it on the agenda for such meeting or otherwise he shall place it on the agenda for the next ensuing general meeting.

(3) If a member is not present to pose his question or present his petition when he is called upon to do so by the Chairman, and he has not authorised any other member to do so on his behalf, the question or petition shall lapse.

*Chairman may reject certain motions, questions or petitions*

83. (1) The Chairman may reject any motion, question or petition which in his opinion will lead to the discussion of a matter already included in the agenda or which does not concern the area for which the Community Council has been established or over which the Council has no jurisdiction or which is not clear and he shall reject any motion or petition which, if it were to be moved or accepted, as the case may be, would be against the law.

(2) If the Chairman so rejects any motion, question or petition he shall inform the Community Council of his decision and shall not call upon the member concerned to move such motion, pose such question or present such petition, as the case may be.

*Motion to rescind a resolution passed during the previous three months*

84. No motion to rescind a resolution passed by the Community Council during the previous three months or having the same effect as one that has been rejected by the Community Council during the previous three months shall be placed on the agenda unless the notice of such motion is signed by at least three members in addition to the member who wishes to move such motion and after the Community Council has dealt with such motion no member may move a similar motion within six months thereafter.

*Procedure on moving a motion*

85. (1) When motions come up for discussion, the Chairman shall, subject to the provisions of regulation 83, read out the numbers and names of the movers

*Vrae*

81. 'n Lid kan op 'n vergadering van die Gemeenskapsraad 'n vraag stel—

(a) oor 'n saak wat voortspruit uit of in verband staan met 'n item van die verslag van 'n komitee tydens die bespreking van sodanige verslag;

(b) betreffende die uitoefening van enige van die Gemeenskapsraad se bevoegdhede, die uitvoering van enige van sy pligte, of toestande binne die gebied waarvoor die Gemeenskapsraad ingestel is.

*Wyse waarop kennisgewing van vraag, mosie of versoekskrif geskied*

82. (1) Kennis van 'n vraag in regulasie 81 (b) bedoel, 'n mosie (uitgesonderd 'n onbestrede mosie van die Voorsitter) of versoekskrif wat 'n lid wil stel of indien, na gelang van die geval, op 'n vergadering van die Gemeenskapsraad moet skriftelik wees en deur sodanige lid onderteken wees en word aan die Sekretaris van die Gemeenskapsraad gestuur, en behoudens die bepalings van subregulasie (2) en regulasie 84 plaas hy dit op die sakelys van die daaropvolgende algemene vergadering.

(2) Indien sodanige vraag, mosie of versoekskrif deur die Sekretaris van die Gemeenskapsraad minstens 10 dae voor die daaropvolgende algemene vergadering van die Gemeenskapsraad ontvang is, plaas hy dit op die sakelys vir sodanige vergadering, of anders plaas hy dit op die sakelys van die daaropvolgende algemene vergadering.

(3) As 'n lid nie teenwoordig is om sy vraag te stel of sy versoekskrif in te dien nie wanneer hy deur die Voorsitter versoek word om dit te doen en hy nie 'n ander lid gemagtig het om dit namens hom te stel of in te dien nie, verval die vraag of versoekskrif.

*Voorsitter kan sekere mosies, vrae of versoekskrifte verwerp*

83. (1) Die Voorsitter kan 'n mosie, vraag of versoekskrif verwerp wat na sy mening tot die bespreking sou lei van 'n saak wat reeds in die sakelys vervat is of wat nie op die gebied waarvoor die Gemeenskapsraad ingestel is betrekking het nie of waarvoor die Gemeenskapsraad nie regsbevoegdheid het nie of wat nie duidelik is nie, en hy verwerp 'n mosie of versoekskrif wat, as dit voorgestel of aangeneem word, na gelang van die geval, strydig sal wees met die wet.

(2) Indien die Voorsitter 'n mosie, vraag of versoekskrif aldus verwerp, stel hy die Gemeenskapsraad in kennis van sy beslissing en hy versoek nie die betrokke lid om sodanige mosie in te dien, sodanige vraag te stel of sodanige versoekskrif in te dien nie, na gelang van die geval.

*Mosie ter herroeping van 'n besluit geneem binne voorafgaande drie maande*

84. Geen mosie ter herroeping van 'n besluit wat gedurende die voorafgaande drie maande geneem is of 'n mosie van dieselfde strekking as een wat binne die voorafgaande drie maande deur die Gemeenskapsraad verwerp is, word op die sakelys geplaas nie, tensy die kennisgewing van die mosie deur minstens drie lede, benewens die voorsteller van die mosie, onderteken is, en nadat die Gemeenskapsraad sodanige mosie afgehandel het, mag geen lid weer 'n soortgelyke mosie binne ses maande daarna indien nie.

*Prosedure by die indiening van 'n mosie*

85. (1) Wanneer mosies aan die orde kom, lees die Voorsitter, behoudens die bepalings van regulasie 83, die nommers en die name uit van die voorstellers van

of all the motions appearing on the agenda and he shall ascertain which motions are unopposed and such unopposed motions shall immediately be carried.

(2) Immediately after such unopposed motions have been carried the Chairman shall, in the order in which the remaining motions appear on the agenda, call upon the members concerned to move such motions.

(3) A member called upon by the Chairman to move a motion shall rise in his place and after making such remarks as he may wish he shall move the motion.

(4) If a member is not present to move a motion when called upon to do so by the Chairman, and he has not authorised any other member to do so on his behalf, the motion shall lapse.

(5) Every motion moved shall require seconding and if a motion is not seconded it shall lapse.

(6) When a motion has been moved and seconded, the Chairman shall read it or cause it to be read after which debate may take place on such motion and may continue, subject to the provisions of these Regulations, for as long as any member who is entitled to speak wishes to speak.

(7) When no more members wish or are entitled to speak the Chairman shall put the motion to the Community Council for its decision.

(8) When an amendment or amendments have been proposed to a motion the Chairman shall first put the amendments and after all amendments have been disposed of, again read and put the original motion or if it has been amended the motion as amended, so as to enable the members of the Community Council to be fully acquainted with the terms thereof.

(9) The order in which amendments shall be put shall be in the discretion of the Chairman.

(10) No member may speak on a motion or amendment after it has been fully put by the Chairman.

#### *Amendments to motions*

86. (1) A member who has risen to speak on a motion may propose an amendment to such motion.

(2) Such amendment shall require seconding.

(3) An amendment may take one of the following forms:

- (a) To leave out one or more words of the motion;
- (b) to insert one or more words in the motion;
- (c) to add one or more words at the end of the motion;
- (d) to substitute certain other words for certain words contained in the motion.

(4) Members may propose more than one amendment to a motion but a proposal to further amend a proposed amendment shall be out of order.

(5) Debate may take place on any amendment to a motion.

#### *Postponement of motions*

87. (1) Any member may move that a motion be postponed or referred to a committee of the Community Council for consideration.

(2) Such motion shall be seconded.

(3) Notwithstanding the provisions of regulation 97 (2), the mover of such motion shall speak for not more than five minutes and the seconder shall not be permitted to speak beyond formally seconding it.

al die mosies wat op die sakelys verskyn, en hy stel vas watter mosies onbestrede is, en sodanige onbestrede mosies word dadelik aangeneem.

(2) Onmiddellik nadat sodanige onbestrede mosies aangeneem is, versoek die Voorsitter die betrokke lede, beurtelings in die volgorde waarin die oorblywende mosies op die sakelys verskyn, om sodanige mosies in te dien.

(3) 'n Lid wat deur die Voorsitter versoek word om 'n mosie in te dien, staan in sy plek op en na enige opmerkings wat hy wens te maak, dien hy die mosie in.

(4) As 'n lid nie teenwoordig is nie om sy mosie in te dien wanneer hy deur die Voorsitter versoek word om dit te doen en hy nie 'n ander lid gemagtig het om dit namens hom in te dien nie, verval die mosie.

(5) Elke mosie ingedien moet gesekondeer word, en as 'n mosie nie gesekondeer word nie, verval dit.

(6) Wanneer 'n mosie ingedien is en gesekondeer is, lees die Voorsitter dit uit, of laat dit uitlees, waarna sodanige mosie gedebatteer kan word en die debat kan, behoudens die bepalings van hierdie Regulasies, so lank aanhou as wat enige lid wat die reg het om te praat, nog wil praat.

(7) Wanneer daar nie meer lede is wat wens, of geregtig is, om te praat nie, stel die Voorsitter die mosie aan die Gemeenskapsraad vir beslissing.

(8) Wanneer 'n amendement of amendemente op 'n mosie voorgestel is, stel die Voorsitter eers die amendemente en na al die amendemente afgehandel is, lees en stel hy weer die oorspronklike mosie of, indien dit gewysig is, die mosie, soos gewysig, ten einde die lede van die Gemeenskapsraad ten volle vertrouwd te maak met die bepalings daarvan.

(9) Die volgorde waarin amendemente gestel word, is volgens die diskresie van die Voorsitter.

(10) Geen lid mag oor 'n mosie of 'n amendement praat nadat dit ten volle deur die Voorsitter gestel is nie.

#### *Amendemente op mosies*

86. (1) 'n Lid wat opgestaan het om 'n mosie te bespreek, kan 'n amendement op die mosie voorstel.

(2) Sodanige amendement moet gesekondeer word.

(3) 'n Amendement kan een van die volgende vorme aanneem:

- (a) Om een of meer van die woorde van die mosie weg te laat;
- (b) om een of meer woorde in die mosie in te voeg;
- (c) om een of meer woorde aan die einde van die mosie by te voeg;
- (d) om sekere woorde van die mosie deur sekere ander woorde te vervang.

(4) Lede kan meer as een amendement op 'n mosie voorstel, maar 'n voorstel vir die verdere wysiging van 'n voorgestelde amendement is buite die orde.

(5) 'n Amendement op 'n mosie kan gedebatteer word.

#### *Uitstel van mosies*

87. (1) 'n Lid kan voorstel dat 'n mosie uitgestel of na 'n komitee van die Gemeenskapsraad verwys word vir oorweging.

(2) Sodanige voorstel moet gesekondeer word.

(3) Ondanks die bepalings van regulasie 97 (2), kan die indiener van sodanige voorstel hoogstens vyf minute lank praat en die sekondant word nie toegelaat om te praat nie buiten om dit formeel te sekondeer.



(4) Immediately after such motion has been seconded the Chairman shall put the motion to the Community Council for its decision.

#### *Withdrawal of motions and amendments*

88. A motion or an amendment proposed to such motion may be withdrawn at the request of the mover thereof by leave of the Community Council at any time before the question has been fully put.

#### *Moving reports at meetings of Community Council*

89. (1) All recommendations of any committee shall be reported to the Council and the chairman of the committee concerned or in his absence a member of the committee called upon by the Chairman of the Council, shall introduce the report by moving that the report of the committee concerned be received.

(2) The Council having agreed to receive the report, the Chairman of the Community Council shall thereupon put the recommendations contained in the various items *seriatim*, unless for good cause he sees fit to vary their order. If the majority of the members of the Council present agree with any recommendation it shall forthwith become a resolution of the Council.

#### *Item to be referred back for further consideration*

90. (1) When the report of any committee has been received by the Council and a recommendation in that report is before the Council, any member may move that the item be referred back to such committee for further consideration.

(2) If such motion is carried, the debate on the recommendation shall end forthwith.

#### *Chairman to maintain order*

91. Order shall be maintained in the Community Council by the Chairman whose decision on a point of order shall not be open to appeal and shall not be reviewed by the Community Council.

#### *Members to sit down when Chairman rises*

92. When the Chairman rises during a meeting of the Community Council every member shall sit down and members shall be silent so that the Chairman may be heard without interruption.

#### *Members to speak standing*

93. A member shall speak standing and shall address his observations to the Chair.

#### *Chairman to select speaker*

94. If two or more members rise at the same time to speak the Chairman shall select one member and call on him to speak.

#### *Members not speaking to be seated*

95. When a member has finished speaking he shall resume his seat and any other member wishing to speak shall rise.

#### *Matters on which members may speak*

96. A member may address the Community Council on the question before the Council or upon any amendment proposed thereto, or upon a question or amendment to be proposed by himself, or upon a

(4) Onmiddellik nadat sodanige voorstel gesekondeer is, stel die Voorsitter die voorstel aan die Gemeenskapsraad vir beslissing.

#### *Terugtrekking van mosies en amendemente*

88. 'n Mosie of 'n voorgestelde amendement van sodanige mosie kan te eniger tyd voordat die mosie ten volle gestel is, teruggetrek word op versoek van die voorsteller daarvan met die verlof van die Gemeenskapsraad.

#### *Indiening van verslae op vergaderings van Gemeenskapsraad*

89. (1) Verslag oor alle aanbevelings van 'n komitee word aan die Gemeenskapsraad gedoen en die voorsitter van die betrokke komitee, of in sy afwesigheid 'n lid van die komitee deur die Voorsitter van die Gemeenskapsraad aangesê, dien die verslag in deur voor te stel dat die verslag van die betrokke komitee in ontvangs geneem word.

(2) Nadat die Gemeenskapsraad besluit het om die verslag in ontvangs te neem, stel die Voorsitter van die Gemeenskapsraad die aanbevelings vervat in die verskillende items *seriatim*, tensy hy goeë dink om hul volgorde te verander. Indien die meerderheid van die aanwesige lede van die Gemeenskapsraad 'n aanbeveling aanvaar, word dit onverwyld 'n besluit van die Gemeenskapsraad.

#### *Item kan terugverwys word vir verdere oorweging*

90. (1) Wanneer die verslag van 'n komitee deur die Gemeenskapsraad in ontvangs geneem is en 'n aanbeveling van sodanige verslag voor die Gemeenskapsraad dien, kan 'n lid voorstel dat die item na sodanige komitee terugverwys word vir verdere oorweging.

(2) As sodanige voorstel aangeneem word, eindig die debat oor die aanbeveling onverwyld.

#### *Voorsitter handhaaf orde*

91. Orde word in die Gemeenskapsraad deur die Voorsitter gehandhaaf en sy beslissing oor 'n punt van orde is nie onderworpe aan appellê nie en word nie deur die Gemeenskapsraad hersien nie.

#### *Lede moet sit wanneer Voorsitter opstaan*

92. Wanneer die Voorsitter gedurende 'n vergadering van die Gemeenskapsraad opstaan, sit elke lid en lede bly stil sodat die Voorsitter ongestoord gehoor kan word.

#### *Lede praat staande*

93. Elke lid staan as hy praat en rig sy opmerkings tot die Stoel.

#### *Voorsitter kies spreker*

94. Indien twee of meer lede gelyk opstaan om te praat, kies die Voorsitter een lid en versoek hom om te praat.

#### *'n Lid wat nie praat nie, moet sit*

95. 'n Lid wat klaar gepraat het, moet sit en enige ander lid wat wil praat, moet opstaan.

#### *Sake waarvoor lede kan praat*

96. 'n Lid kan oor die mosie voor die Gemeenskapsraad praat of oor amendemente daarop voorgestel, of oor 'n mosie of amendement wat hy self wil voorstel, of oor 'n punt van orde voortspruitende uit die debat,

point of order arising out of debate, but not otherwise and no discussion or debate shall be permitted which will anticipate any matter on the agenda.

#### *Speaking on questions at meetings of Community Council*

97. (1) No member shall address the Community Council more than once on the question before the Community Council except in explanation, such explanation being allowed only in case a material part of his speech has been misquoted or misunderstood, and he shall not introduce any new matter and no debate shall be allowed on such explanation.

(2) No member may, without the approval of the Community Council, exceed 10 minutes in speaking on any question.

(3) Notwithstanding the provisions of subregulation (1), the member who introduced the question may reply and such member having so replied, the debate shall be closed and the question put to the vote.

#### *Form of address*

98. During proceedings at a meeting of the Community Council members shall refer to one another as "the honourable member" (stating the member's name).

#### *Conduct of members during meetings*

99. During a meeting of the Community Council a member shall—

- (a) enter or leave the Chamber with decorum;
- (b) in the case of a male, be bare-headed while in the Chamber and bow to the Chair when entering or leaving the Chamber or passing to or from his place;
- (c) not pass between the Chair and any member speaking;
- (d) not address the Chairman by name or any other title save as "Mr Chairman";
- (e) not cross the floor of the Chamber unnecessarily;
- (f) when crossing from one side of the Chamber to the other, pause in the centre and bow to the Chair;
- (g) not read newspapers, books, letters or other documents except such matter therein as may be directly connected with the business then under consideration;
- (h) while a member is speaking be silent and not make unseemly interruptions;
- (i) when called to order by the Chairman immediately resume his seat; and
- (j) when the Community Council adjourns keep his place until the Chairman has left the Chair.

#### *Speeches to be relevant*

100. A member shall restrict his observations to the subject under discussion and shall not introduce matters irrelevant to that subject.

#### *Irrelevance or repetition*

101. The Chairman after having called the attention of the Community Council to the conduct of a member who persists in irrelevance or tedious repetition of his own or some other member's arguments in debate, may order him to discontinue his speech and resume his seat.

maar anders nie en geen bespreking of debat wat 'n saak wat op die sakelys voorkom, sal vooruitloop, word toegelaat nie.

#### *Die praat oor onderwerpe op vergaderings van Gemeenskapsraad*

97. (1) Geen lid spreek die Gemeenskapsraad meer as een maal oor 'n mosie voor die Gemeenskapsraad toe nie, behalwe by wyse van verduideliking, welke verduideliking toegelaat word slegs ingeval 'n wesentlike deel van 'n lid se toespraak verkeerd aangehaal of misverstaan is en hy mag geen nuwe aangeleentheid behandel nie en oor sodanige verduideliking word geen debat toegelaat nie.

(2) Geen lid praat sonder die toestemming van die Gemeenskapsraad langer as 10 minute oor enige mosie nie.

(3) Ondanks die bepalings van subregulasie (1), kan die lid wat 'n mosie ingedien het, repliek lewer en nadat sodanige lid sodanige repliek gelewer het, is die debat gesluit en word die mosie in stemming gebring.

#### *Aanspreekvorm*

98. Gedurende verrigtings by 'n vergadering van die Gemeenskapsraad verwys lede na mekaar as "die agbare lid" (die naam van lid moet gemeld word).

#### *Gedrag van lede tydens vergaderings*

99. Gedurende vergaderings van die Gemeenskapsraad moet 'n lid—

- (a) die Raadsaal met deorum binnekom of verlaat;
- (b) in die geval van 'n man, blootshoof wees terwyl hy in die Raadsaal is en 'n buiging voor die Stoel maak wanneer hy die Raadsaal binnekom of verlaat, of wanneer hy na of van sy sitplek gaan;
- (c) nie tussen die Stoel en 'n lid wat aan die woord is, verbygaan nie;
- (d) nie die Voorsitter by sy naam of enige ander titel as "Meneer die Voorsitter" aanspreek nie;
- (e) nie onnodig oor die vloer van die Raadsaal stap nie;
- (f) wanneer hy van een deel van die Raadsaal na 'n ander gaan, in die middel stilstaan en 'n buiging voor die Stoel maak;
- (g) nie nuusblaai, boeke, briewe of ander dokumente lees nie, uitgesonderd sodanige stof daarin as wat regstreeks in verband staan met die aangeleentheid dan onder oorweging;
- (h) stilbly terwyl 'n lid aan die woord is, en hom nie onnodig in die rede val nie;
- (i) wanneer hy deur die Voorsitter tot orde geroep is, dadelik gaan sit; en
- (j) wanneer die Gemeenskapsraad verdaag, in sy sitplek bly totdat die Voorsitter die Stoel verlaat het.

#### *Toesprake moet ter sake wees*

100. 'n Lid moet sy opmerkings oor die onderwerp in bespreking beperk, en mag geen sake wat nie op daardie onderwerp betrekking het nie, byhaal nie.

#### *Ontoepaslikheid of herhaling*

101. Nadat die Voorsitter die aandag van die Gemeenskapsraad gevestig het op die gedrag van 'n lid wat volhou om aangeleenthede wat nie ter sake is nie te bespreek of om sy eie argumente of dié van 'n ander lid in die debat tot vervelens toe te herhaal, kan hy die lid gelas om sy toespraak te staak en sy sitplek in te neem.



*When interruption may be made*

102. A member shall not interrupt the speech of any other member except—

(a) by rising to a point of order, when the member speaking shall resume his seat and the member interrupting shall merely direct attention to the point which he wishes to bring to notice and submit it to the Chairman for decision; or

(b) to put a relevant question to the speaker with the consent of the Chairman.

*Insulting language out of order*

103. It shall be out of order to use offensive and insulting language about members of the Community Council.

*Imputation of improper motives out of order*

104. A member shall not impute improper motives to any other member.

*Personal charges out of order*

105. A member shall not make a personal charge in reference to any other member.

*Offensive expressions about Community Council out of order*

106. A member shall not use offensive expressions about the conduct of proceedings at meetings of the Community Council.

*Alleged improper conduct*

107. The personal conduct or any alleged improper motives of a member shall not be referred to except on a motion moved for that purpose.

*Disorderly conduct of members*

108. The Chairman shall order a member whose conduct is grossly disorderly or who fails to comply with an order made under regulation 101, to withdraw forthwith from the Chamber for the remainder of the meeting and should he fail to do so the Chairman may cause him to be ejected from the Chamber and take such reasonable steps as are necessary to ensure that such member does not return to the meeting.

*Chairman's powers to adjourn or suspend meeting of Community Council*

109. In the case of great disorder arising during a meeting of the Community Council the Chairman may adjourn or suspend the meeting for such reasonable period as he may determine.

*Appointment of committees of Community Council*

110. (1) Any committee of the Community Council shall be appointed by the Council at a meeting of the Council.

(2) The Community Council shall determine the terms of reference and the powers and duties of such committee at such meeting: Provided that it may from time to time at any meeting thereof amend such terms of reference and add to or withdraw any such powers and duties.

(3) Members of a committee to which the Community Council has assigned any of its powers and duties shall remain in office until the day before the day fixed for the holding of the next ensuing general meeting referred to in regulation 65.

*Constitution of committees of Community Council*

111. A committee shall consist of not less than three and not more than seven members of the Community Council.

*Wanneer lede in die rede geval mag word*

102. Geen lid mag 'n ander lid wat aan die woord is, in die rede val nie, behalwe—

(a) wanneer hy op 'n punt van orde opstaan, en dan moet die lid wat aan die woord was, gaan sit, en die lid wat opgestaan het, moet slegs die punt noem waarop hy die aandag wil vestig en dit aan die Voor-sitter voorlê vir sy beslissing; of

(b) om 'n tersaaklike vraag aan die spreker te stel met die toestemming van die Voor-sitter.

*Beledigende taal buite die orde*

103. Dit is buite die orde om aanstootlike en bele-digende taal omtrent lede van die Gemeenskapsraad te gebruik.

*Toeskrywing van onbehoorlike motiewe buite die orde*

104. 'n Lid mag nie onbehoorlike motiewe aan 'n ander lid toeskryf nie.

*Persoonlike aanvalle buite die orde*

105. 'n Lid mag nie 'n persoonlike aanval ten opsigte van enige ander lid maak nie.

*Aanstootlike uitdrukkings omtrent Gemeen-skapsraad buite die orde*

106. 'n Lid mag nie aanstootlike uitdrukkings oor die bestuur van verrigtings by vergaderings van die Gemeenskapsraad gebruik nie.

*Beweerde onbehoorlike gedrag*

107. Daar mag nie verwys word na die persoonlike gedrag of enige beweerde onbehoorlike motiewe van 'n lid nie, behalwe na 'n mosie vir daardie doel ingedien.

*Wanordelike gedrag van lid*

108. Die Voor-sitter gelas 'n lid wie se gedrag uiters wanordelik is of wat versuim om te voldoen aan 'n opdrag gegee kragtens regulasie 101, om die Raadsaal onverwyld vir die res van die vergadering te verlaat en as hy versuim om dit te doen, kan die Voor-sitter hom uit die Raadsaal laat verwyder en sodanige rede-like stappe doen as wat nodig is om te verseker dat sodanige lid nie na die vergadering terugkeer nie.

*Voor-sitter se bevoegdhede om vergadering van Gemeen-skapsraad te verdaag of op te skort*

109. Ingeval groot wanordelikheid gedurende 'n vergadering van die Gemeenskapsraad ontstaan, kan die Voor-sitter die vergadering verdaag of opskort vir 'n redelike tydperk deur hom bepaal.

*Aanstelling van komitees van Gemeenskapsraad*

110. (1) 'n Komitee van die Gemeenskapsraad word aangestel op 'n vergadering van die Gemeenskapsraad.

(2) Die Gemeenskapsraad bepaal die opdragte aan en die bevoegdhede en pligte van sodanige komitee op sodanige vergadering: Met dien verstande dat dit van tyd tot tyd op 'n vergadering daarvan sodanige opdragte kan wysig en tot sodanige bevoegdhede en pligte byvoeg of enige sodanige bevoegdhede en pligte intrek.

(3) Lede van 'n komitee waaraan die Gemeenskaps-raad enige van sy bevoegdhede en pligte opgedra het, beklee hul ampte tot die dag voor die dag wat bepaal is vir die hou van die daaropvolgende algemene ver-gadering in regulasie 65 bedoel, voorafgaan.

*Samestelling van komitees van Gemeenskapsraad*

111. 'n Komitee bestaan uit minstens drie en hoog-stens sewe lede van die Gemeenskapsraad.

*Chairman of committee*

112. The Community Council shall appoint the chairman of every committee: Provided that if such chairman is unable to be present at any meeting of such committee the committee shall, from their own ranks, elect another chairman whose tenure of office shall be for the day of his election.

*Meetings of committees of Community Council*

113. (1) A committee shall meet on the date and at the time determined by the chairman thereof in consultation with the members thereof.

(2) The meetings of any committee shall be held in private unless the committee otherwise orders: Provided that this provision shall not be so interpreted as to exclude officials or witnesses necessarily associated with the business of such committee.

(3) Notwithstanding the provisions of subregulation (2), members of the Community Council who are not members of a particular committee thereof may be present at any meeting of such committee and take part in the discussion, but shall not have the power to vote.

*Quorum*

114. Any number of members exceeding half the number of the members of any committee shall form a quorum.

*Procedure when quorum not present*

115. (1) If after the expiration of 20 minutes after the time at which any meeting of any committee is appointed to be held, a quorum is not assembled, no meeting shall take place. If the members of the committee present unanimously consent thereto, a further period, not exceeding 10 minutes, may be permitted to enable a quorum to assemble, but the members present may by a majority decision at any stage after 10 minutes past the time appointed for such meeting, request the chairman to convene a further meeting within seven days, at which meeting, notwithstanding the provisions of regulation 114, the members present shall form a quorum.

(2) If during the sitting of any meeting of a committee a quorum is found not to be present no further business shall be conducted until a quorum is re-assembled. Should a quorum not be present and 10 minutes elapse after the attention of the chairman is drawn to the absence of a quorum, the meeting shall stand adjourned until a time to be determined by the chairman in consultation with the members thereof present.

(3) If from the number of members voting it appears that a quorum is not present the voting shall be invalid.

*How question before Community Council or committee is to be decided*

116. All questions before the Community Council or any committee of the Community Council shall be determined by a majority of votes of the members present and in the case of an equality of votes the chairman of the meeting shall have a second or casting vote.

*Mode of putting question for decision*

117. When the Chairman or chairman of a committee, as the case may be, puts a question for decision, he shall do so by saying: "All agreed?" and if any member says "No" he shall order that a ballot be taken by show of hands and shall then total the number of votes cast for and against the question and declare the number to the Council or committee, as the case may be.

*Voorsitter van komitee*

112. Die Gemeenskapsraad stel die voorsitter van elke komitee aan: Met dien verstande dat indien sodanige voorsitter nie in staat is om teenwoordig te wees op 'n vergadering van sodanige komitee nie, verkies die komitee uit eie geledere 'n ander voorsitter wie se ampstermyn die dag van sy verkiesing is.

*Vergaderings van komitees van Gemeenskapsraad*

113. (1) 'n Komitee sit op die datum en tyd deur die voorsitter daarvan bepaal in oorleg met die lede daarvan.

(2) Die vergaderings van 'n komitee is privaat, tensy die komitee anders gelas: Met dien verstande dat hierdie bepaling nie uitgelê word as sou dit beamptes of getuies wat noodsaaklikerwys geassosieer is met die werksaamhede van sodanige komitee uitsluit nie.

(3) Ondanks die bepalings van subregulasie (2), kan lede van die Gemeenskapsraad wat nie lede is van 'n besondere komitee daarvan nie, teenwoordig wees by 'n vergadering van sodanige komitee en aan die bespreking deelneem, maar hulle het nie die reg om te stem nie.

*Kworum*

114. Enige getal lede wat meer as die helfte van die getal lede van 'n komitee is, vorm 'n kworum.

*Prosedure wanneer kworum nie teenwoordig nie*

115. (1) Indien daar na verloop van 20 minute na die tyd waarop 'n vergadering van 'n komitee moet begin geen kworum is nie, vind geen vergadering plaas nie. Indien die aanwesige lede van die komitee dit eens is, kan 'n verdere tydperk van hoogstens 10 minute toegelaat word om 'n kworum te laat byeenkom, maar die aanwesige lede kan, deur 'n meerderheidsbeslissing te eniger tyd na verloop van 10 minute na die tyd waarop sodanige vergadering moet begin, die voorsitter versoek om 'n verdere vergadering binne sewe dae te belê, en by sodanige vergadering, ondanks die bepalings van regulasie 114, maak die lede teenwoordig 'n kworum uit.

(2) Indien daar gedurende die sitting van 'n vergadering van 'n komitee bevind word dat 'n kworum nie teenwoordig is nie, word geen verdere sake behandel nie totdat 'n kworum opnuut byeengekom het. Indien 'n kworum nie teenwoordig is nie en 10 minute verstryk nadat die voorsitter se aandag op die gebrek aan 'n kworum gevestig is, word die vergadering verdaag tot 'n tyd deur die voorsitter in oorleg met die aanwesige lede daarvan bepaal.

(3) As dit uit die getal lede wat deelneem aan 'n stemming, blyk dat 'n kworum nie teenwoordig is nie, is die stemming ongeldig.

*Hoe mosie voor Gemeenskapsraad of komitee beslis word*

116. Alle mosies voor die Gemeenskapsraad of 'n komitee van die Gemeenskapsraad word beslis deur 'n meerderheid van stemme van die aanwesige lede en by 'n staking van stemme het die voorsitter van die vergadering 'n tweede of beslissende stem.

*Wyse waarop mosie vir beslissing voorgelê word*

117. Wanneer die Voorsitter of die voorsitter van 'n komitee, na gelang van die geval, 'n mosie vir beslissing voorlê, doen hy dit deur te sê: "Stem almal saam?" en indien enige lid "Nee" sê, gelas hy 'n stemming deur die opsteek van hande en hy tel die getal stemme uitgebring vir en teen die mosie en daarna maak hy die getalle bekend aan die Gemeenskapsraad of komitee, na gelang van die geval.



*Minutes of meetings*

118. (1) The Secretary of the Community Council shall cause the minutes of the proceedings at any meeting of the Community Council and meetings of any committee of the Community Council to be recorded and there shall be noted in such minutes the names of every member and official present.

(2) Such minutes shall be confirmed at the next ensuing general meeting of the Community Council or the next ensuing meeting of such committee and the Chairman or the chairman of the committee, as the case may be, shall thereafter sign them.

(3) If a copy of such minutes has been sent to each member at least two days prior to the meetings referred to in subregulation (2), such minutes shall be taken as read with a view to confirmation.

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

## CHAPTER 7

## GENERAL

*Member to look after interest of ward he represents*

119. In addition to any other duties imposed on a member of the Community Council, such member shall, on behalf of the ward he represents and within the area for which the Community Council has been established look after the interests of such ward and keep the residents of the ward concerned informed of, and advise such residents regarding, matters affecting the general interest of the persons residing in such ward or area.

*Provisions as to members being interested in contracts with the Community Council*

120. No member of the Community Council shall, either on his own behalf or on behalf of a partnership in which he is interested, be concerned in or interested in any transaction, contract or arrangement whatsoever made by or with the Community Council with the exception of the purchase and sale or hiring of sites, premises or buildings.

*Member not to have financial interest in matter before meeting*

121. A member of the Community Council shall, at any meeting of the Community Council or any committee thereof, not be present during the discussion of or the voting on any matter in which either he, his spouse, his partner, the partner of his spouse, his employer (except the State) or the employer (except the State) of his spouse has a direct or indirect financial interest.

*Payment of members*

122. There shall be payable to members of the Community Council such allowances as the Minister after consultation with the Community Council and the Board shall determine.

*General penalty*

123. Any person who is convicted of an offence in terms of these Regulations shall be liable to a fine not exceeding R200 or, in default of payment, imprisonment for a period not exceeding six months.

*Certain provisions applicable to persons referred to in section 3 (6) of the Act*

124. The provisions of regulations 92 to 96 inclusive, and 98 to 106 inclusive, shall *mutatis mutandis* apply to any persons referred to in section 3 (6) of the Act.

*Notule van vergaderings*

118. (1) Die Sekretaris van die Gemeenskapsraad laat die notule van die verrigtings van 'n vergadering van die Gemeenskapsraad en vergaderings van 'n komitee van die Gemeenskapsraad hou en die naam van elke lid en beamppte aanwesig word in sodanige notule aangeteken.

(2) Sodanige notule word bekragtig by die daaropvolgende algemene vergadering van die Gemeenskapsraad of die daaropvolgende vergadering van sodanige komitee en daarna onderteken die Voorsitter of die voorsitter van die komitee, na gelang van die geval, die notule.

(3) Indien 'n afskrii van sodanige notule minstens twee dae voor die vergaderings in subregulasie (2) bedoel aan elke lid gestuur is, word aanvaar dat sodanige notules met die oog op bekragtiging gelees is.

(4) Geen mosie, voorstel of bespreking ten opsigte van die notule, behalwe wat die juistheid daarvan betref, word toegelaat nie.

## HOOFSTUK 7

## ALGEMEEN

*Lid behartig belange van wyk wat hy verteenwoordig*

119. Benewens enige ander pligte aan 'n lid van die Gemeenskapsraad opgedra, moet 'n lid namens die wyk wat hy verteenwoordig die belange van daardie wyk binne die gebied waarvoor die Gemeenskapsraad ingestel is behartig en die inwoners van die betrokke wyk ingelig hou van en adviseer oor aangeleenthede rakende die algemene belang van die persone wat in sodanige wyk of gebied woon.

*Bepalings aangaande lede wat belang het by kontrakte met Gemeenskapsraad*

120. Geen lid van die Gemeenskapsraad mag of vir homself of namens 'n vennootskap waarin hy 'n belang het, betrokke wees by of 'n belang hê in enige transaksie, kontrak of reëling hoegenaamd aangegaan deur of met die Gemeenskapsraad, met uitsondering van die koop en verkoop of verhuur van persele of geboue.

*Lid mag nie 'n geldelike belang in aangeleentheid voor vergadering hê nie*

121. 'n Lid van die Gemeenskapsraad mag nie by 'n vergadering van die Gemeenskapsraad of 'n komitee daarvan teenwoordig wees nie tydens die bespreking van of stemming oor enige aangeleentheid waarin hy, sy eggenote, sy vennoot, die vennoot van sy eggenote, sy werkgever (behalwe die Staat) of die werkgever (behalwe die Staat) van sy eggenote, regstreeks of onregstreeks 'n geldelike belang het.

*Betaling van lede*

122. Die toelae wat die Minister na oorleg met die Gemeenskapsraad en die Raad bepaal, word aan die lede van die Gemeenskapsraad betaal.

*Algemene strafbepaling*

123. Iemand wat skuldig bevind word aan 'n misdryf ingevolge hierdie Regulasies is strafbaar met 'n boete van hoogstens R200 of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens ses maande.

*Sekere bepalings van toepassing op persone in artikel 3 (6) van die Wet bedoel*

124. Die bepalings van regulasies 92 tot en met 96 en 98 tot en met 106 is *mutatis mutandis* van toepassing op 'n persoon in artikel 3 (6) van die Wet bedoel.

### ANNEXURE A COMMUNITY COUNCIL

Nomination of candidate for election of a member of the Community Council for ward.....

We, the undersigned....., hereby nominate (name of candidate)..... for election as a member of the Community Council for ward.....

Name (to be printed)	Identity document number	Address	Signature
1. ....			
2. ....			
3. ....			
4. ....			
5. ....			
6. ....			
7. ....			
8. ....			
9. ....			
10. ....			

### ACCEPTANCE OF NOMINATION BY CANDIDATE

I,....., Identity document No. ...., residing at ....., hereby accept nomination for the election described above.

Date..... Candidate's signature.....

### ANNEXURE B COMMUNITY COUNCIL APPOINTMENT OF AGENT

This is to certify that I have appointed....., Identity document No. ...., of (address)....., to be my agent to attend on my behalf at polling station..... in ward..... /the counting of votes on/during the period.....

Candidate.....  
(Identity document No. ....)

Address of candidate.....

Date.....

### ANNEXURE C COMMUNITY COUNCIL DECLARATION OF SECRECY

I,....., do hereby solemnly promise and declare that I will not at the election of members of the..... Community Council to be held on..... do anything forbidden by regulation 52 of the..... which I have read and which I fully understand.

\*Electoral Officer  
\*Presiding Officer  
\*Polling Officer  
\*Counting Officer  
\*Candidate  
\*Agent  
\*Witness

Address.....

Date.....

The above declaration was made and subscribed before me at....., this..... day of..... 19.....

\*Justice of the Peace  
\*Commissioner of Oaths  
\*Electoral Officer  
\*Presiding Officer

\* Delete whichever is not applicable.

### AANHANGSEL A GEMEENSKAPSRAAD

Nominasie van 'n kandidaat vir verkiesing van 'n lid van die Gemeenskapsraad vir wyk.....

Ons, die ondergetekendes....., as kiesers geregistreer is, nomineer hierby (naam van kandidaat)..... vir verkiesing as lid van die Gemeenskapsraad in wyk.....

Naam (in drukskrif)	Identiteits- dokument- nommer	Adres	Hand- tekening
1. ....			
2. ....			
3. ....			
4. ....			
5. ....			
6. ....			
7. ....			
8. ....			
9. ....			
10. ....			

### AANVAARDING VAN NOMINASIE DEUR KANDIDAAT

Ek,....., Identiteitsdokumentnommer....., wat by..... woon, aanvaar hierby die nominasie vir die verkiesing hierbo beskryf.

Datum..... Kandidaat se handtekening.....

### AANHANGSEL B GEMEENSKAPSRAAD AANSTELLING VAN AGENT

Hierby word gesertifiseer dat ek..... (Identiteitsdokumentnommer.....), van (adres)....., aangestel het as agent om namens my teenwoordig te wees by stemburo..... in wyk..... /die tel van stemme op/gedurende die tydperk.....

Kandidaat.....  
(Identiteitsdokumentnommer.....)

Adres van kandidaat.....

Datum.....

### AANHANGSEL C GEMEENSKAPSRAAD VERKLARING VAN GEHEIMHOUDING

Ek,....., beloop hierby plegtig en verklaar dat ek by die verkiesing van lede van die..... Gemeenskapsraad wat op..... gehou word, niks sal doen nie wat by regulasie 52 van die..... verbode is, wat ek gelees het en volkome begryp.

\*Verkiesingsbeampste  
\*Voorsittende beampste  
\*Stemopnemer  
\*Telbeampste  
\*Kandidaat  
\*Agent  
\*Getuie

Adres.....

Datum.....

Bostaande verklaring is voor my afgelê en onderteken te..... op hede die..... dag van..... 19.....

\*Vrederegter  
\*Kommissaris van Ede  
\*Verkiesingsbeampste  
\*Voorsittende beampste

\* Skrap wat nie van toepassing is nie.



## ANNEXURE D

## FORM OF FRONT OF BALLOT PAPER

TEENBLAD  
COUNTERFOIL

No.....

Gemeenskaps-  
raadsverkiezingCommunity Coun-  
cil ElectionWyk  
Ward.....Datum  
Date.....Volnommer van  
kieser

Serial No. of voter


Stem slegs vir een  
kandidaat.Stem deur 'n X te  
maak in die vier-  
kant teenoor die  
naam van die  
kandidaat vir  
wie u wil stem.


Vote for one can-  
didate only.Record your vote  
by placing an X  
in the square  
opposite the  
name of the can-  
didate for whom  
you wish to  
vote.

## FORM OF BACK OF BALLOT PAPER

Amptelike merk

Official mark

Verkiezing van 'n lid van die  
Election of a member of the..... Gemeenskapsraad  
Community Councilvir die wyk  
for the ward of.....Datum  
Date.....

## ANNEXURE E

## BALLOT PAPER RETURN

Election of a member of the..... Community  
Council for ward..... held on.....  
Polling station.....

Ballot papers received	Number	Ballot papers accounted for	Number
Ballot papers: Nos..... to..... inclusive		Ballot papers in ballot box..... Unused ballot papers: Nos..... to..... inclusive Spoiled ballot papers Tendered ballot papers	
Total number received		Total number ac- counted for.....	

I hereby certify that the above is a correct return of all the ballot  
papers supplied to me.

Dated this..... day of..... 19.....

Place.....

Presiding Officer

## ANNEXURE F

## LABEL

Election of a member of the..... Community  
Council for ward.....

Contents.....

Date of poll.....

\*Presiding Officer

\*Electoral Officer

\* Delete whichever is not applicable.

## AANHANGSEL D

## VORM VAN VOORKANT VAN STEMBRIEFIE

TEENBLAD  
COUNTERFOIL

No.....

Gemeenskaps-  
raadverkiezingCommunity Coun-  
cil ElectionWyk  
Ward.....Datum  
Date.....Volnommer van  
kieser

Serial No. of voter


Stem slegs vir een  
kandidaat.Stem deur 'n X te  
maak in die vier-  
kant teenoor die  
naam van die  
kandidaat vir  
wie u wil stem.


Vote for one can-  
didate only.Record your vote  
by placing an X  
in the square  
opposite the  
name of the can-  
didate for whom  
you wish to  
vote.

## VORM VAN AGTERKANT VAN STEMBRIEFIE

Amptelike merk

Official mark

Verkiezing van 'n lid van die  
Election of a member of the..... Gemeenskapsraad  
Community Councilvir die wyk  
for the ward of.....Datum  
Date.....

## AANHANGSEL E

## STEMBRIEFOPGAWE

Verkiezing van 'n lid van die.....  
Gemeenskapsraad vir wyk..... gehou op.....  
Stemburo.....

Stembriewe ontvang	Getal	Verantwoorde stembriewe	Getal
Stembriewe: No.'s..... tot en met.....		Stembriewe in stem- bus..... Ongebruikte stem- briewe: No.'s..... tot en met..... Bedorwe stembriewe Aangebode stem- briewe.....	
Totale getal ontvang		Totale getal verant- woord.....	

Ek verklaar hierby dat bostaande 'n juiste opgawe is van alle  
stembriewe aan my verskaf.

Gedateer op hede die..... dag van..... 19.....

Plek.....

Voorsittende beampte

## AANHANGSEL F

## ETIKET

Verkiezing van 'n lid van die..... Gemeenskapsraad  
vir wyk.....

Inhoud.....

Datum van stemming.....

\*Voorsittende beampte

\*Verkiesingsbeampte

\* Skrap wat nie van toepassing is nie.

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