

KwaZulu-Natal, South Africa

## KwaZulu-Natal Zulu Royal House Trust Act, 2018

Act 3 of 2018

Legislation as at 7 June 2018

FRBR URI: /akn/za-kzn/act/2018/3/eng@2018-06-07

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# KwaZulu-Natal South Africa

## KwaZulu-Natal Zulu Royal House Trust Act, 2018

### Act 3 of 2018

Published in KwaZulu-Natal Provincial Gazette 1960 on 7 June 2018

**Assented to on 2 May 2018**

**Commenced on 7 June 2018**

*[This is the version of this document from 7 June 2018 and includes any amendments published up to 4 April 2024.]*

## ACT

To establish a statutory trust for the Zulu Royal House in the Province of KwaZulu-Natal; to determine the objects and functions of the Zulu Royal House Trust; to determine the manner in which the Zulu Royal House Trust is to be managed, governed, staffed and financed; to determine the allocation, transfer and apportionment of the powers, functions, assets, liabilities, rights, duties, obligations and employees of the abolished Department of the Royal Household; to provide for the repeal of the KwaZulu-Natal Royal Household Trust Act, 2007; to provide for transitional arrangements; and to provide for matters connected therewith.

(English text signed by the Premier)

BE IT ENACTED by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:-

## Chapter 1 Definitions

### 1. Definitions

In this Act, unless the context indicates otherwise -

“**Board**” means the Board of Trustees of the Zulu Royal House Trust referred to in [section 6\(1\)](#);

“**Chief Financial Officer**” means the Chief Financial Officer of the Trust referred to in [section 15\(1\)](#);

“**Constitution**” means the [Constitution, 1996](#);

“**Executive Council**” means the Executive Council of the Province of KwaZulu-Natal;

“**financial year**” means the period from 1 April in any year to 31 March of the following year;

“**Gazette**” means the official *Provincial Gazette* of KwaZulu-Natal;

“**Head of Secretariat**” means the Head of Secretariat of the Board referred to in [section 16\(1\)](#);

“**His Majesty**” means the Monarch for the Province of KwaZulu-Natal;

“**Member of the Executive Council responsible for finance**” means the member of the Executive Council of the Province of KwaZulu-Natal responsible for finance;

“**Monarch**” means the Monarch for the Province of KwaZulu-Natal, being -

- (a) the person holding office as the King of the Zulu nation, the Ingonyama or Isilo, at the date of commencement of this Act; or

- (b) the Monarch for the Province of KwaZulu-Natal as may subsequently be defined in the Constitution of KwaZulu-Natal or other provincial legislation;

“**National Treasury**” means the National Treasury established by section 5 of the Public Finance Management Act, 1999 ([Act No. 1 of 1999](#));

“**Premier**” means the Premier of the Province of KwaZulu-Natal as contemplated in section 125 of the Constitution;

“**prescribed**” means prescribed in terms of this Act and “prescribe” has a corresponding meaning;

“**Provincial Government**” means the government of the Province of KwaZulu-Natal;

“**Provincial Legislature**” means the Legislature of the Province of KwaZulu-Natal;

“**regulations**” means regulations made in terms of [section 29](#);

“**staff**”, in relation to the “Board” and the “Trust”, includes persons designated, seconded or transferred in terms of [section 16\(1\)\(b\)](#) and (2);

“**this Act**” includes the regulations and the Schedule;

“**Trust**” means the Zulu Royal House Trust established by [section 2\(1\)](#);

“**Zulu Royal Family**” means the Royal Queens and blood relatives of the Monarch as contained in the list contemplated in [section 4](#);

“**Zulu Royal House**” means the traditional institution of the Zulu Royal Family of the Monarch according to Zulu customary law and customs;

## Chapter 2 Establishment of Zulu Royal House Trust

### 2. Establishment of Zulu Royal House Trust

- (1) A juristic person to be known as the Zulu Royal House Trust (hereinafter referred to as “the Trust”) is hereby established.
- (2) The Trust is the legal successor in title to the Royal Household Trust established in terms of section 2(1) of the repealed KwaZulu-Natal Royal Household Trust Act, 2007 ([Act No. 2 of 2007](#)).
- (3)
  - (a) The Trust is a provincial public entity.
  - (b) The Public Finance Management Act, 1999 ([Act No. 1 of 1999](#)), applies to the Trust only in respect of moneys appropriated by the Provincial Legislature as contemplated in [section 17\(1\)\(a\)](#), subject to any exemption of the Trust from any provision of that Act as contemplated in section 92 of the Public Finance Management Act, 1999.
  - (c) Any reference in this Act to the Public Finance Management Act, 1999, is regarded as a reference to that Act, subject to any exemption of the Trust from any provision of that Act as contemplated in section 92 of that Act.
  - (d) The Board of Trustees of the Trust is the accounting authority of the Trust.
- (4) The Trust Property Control Act, 1988 ([Act No. 57 of 1988](#)), does not apply to the Trust and a member of the Board of Trustees referred to in [section 6\(1\)](#) is exempted from furnishing any form of security.

### 3. Objects of Trust

- (1) The Trust must, in a manner consistent with the provisions of this Act and within the available budget and resources-
  - (a) be administered for the benefit of the Monarch and the other members of the Zulu Royal House, including their —
    - (i) material welfare;
    - (ii) educational needs;
    - (iii) aspirations; and
    - (iv) social well-being, befitting their status; and
  - (b) provide for the administration, maintenance and management of the assets of the Trust, including the Royal palaces and the Royal farms.
- (2) The Trust may, by any lawful means -
  - (a) generate-
    - (i) revenue;
    - (ii) income;
    - (iii) business; and
    - (iv) goodwill; and
  - (b) acquire assets, for the Trust.

### 4. Zulu Royal Family

- (1) For the purposes of [section 3](#), the Zulu Royal House consists of the royal Queens and those blood relatives of the Monarch whose names appear in a list as provided from time to time by the Monarch to the Premier.
- (2) The Premier -
  - (a) may, after consultation with the Monarch withdraw, substitute or amend the list referred to in subsection (1); and
  - (b) must permanently keep on record, in the office of the Premier, the dated originals of any such lists provided by the Monarch under the signature of Monarch.

### 5. Duties, powers and functions of Trust

The Trust-

- (a) must perform the functions and carry out the duties and responsibilities imposed by this Act;
- (b) may exercise any power -
  - (i) conferred by any other provision of this Act or any other law; or
  - (ii) delegated or assigned to the Trust by the Premier;
- (c) may, in the exercise of its powers or the performance of its duties and functions in terms of this Act, for specific projects, enter into contracts for the services of persons having technical or specialised knowledge of any matter relating to the Trust and must determine the remuneration, including reimbursement for traveling, subsistence and other expenses, of such persons;

- (d) may, with the prior written approval of -
  - (i) the Member of the Executive Council responsible for finance; and
  - (ii) the Auditor-General, and, subject to any exemption of the Trust from any provision of the Public Finance Management Act, 1999 ([Act No. 1 of 1999](#)), as contemplated in section 92 of that Act or any term, condition, guideline, directive or regulation as may be determined, imposed, issued or made by the persons referred to in paragraphs (i) and (ii) above and, subject to any other law -
    - (aa) borrow, raise or invest monies and funds;
    - (bb) establish, acquire and hold shares in any company as defined in the Companies Act, 2008 ([Act No. 71 of 2008](#)); or
    - (cc) engage in any trading, business or agricultural enterprise or venture with the object of generating income, business or goodwill for the Trust; and
- (e) may, generally, do everything which is necessary or expedient to achieve its objects referred to in [section 3](#) and to perform the duties and carry out the functions referred to in paragraphs (a) - (d).

### **Chapter 3**

#### **Board of Trustees of Trust**

#### **6. Composition of Board of Trustees of Trust**

- (1)
  - (a) The Trust acts through a Board of Trustees (hereinafter referred to as “the Board”) consisting of at least five, but not more than seven, members appointed by the Premier after consultation with the Monarch.
  - (b) One of the members of the Board must be designated by the Premier, after consultation with the Monarch, as Chairperson of the Board.
  - (c) The members of the Board must be fit and proper persons to serve the best interests of the Trust, collectively possessing appropriate knowledge, experience and skills: Provided that at least two members of the Board must have proven knowledge or experience of financial management.
  - (d) The Premier must, within two months after the appointment of the members of the Board, inform the Executive Council and the relevant Portfolio Committee of the names of the members of the Board including the term of their appointment.
- (2) The Chairperson of the Board must -
  - (a) facilitate liaison between the Premier and the Monarch; and
  - (b) report to the Premier on a quarterly basis regarding the activities of the Board and the Trust and matters which are considered relevant.
- (3) At the first meeting of the Board referred to in [section 10\(1\)](#), the members of the Board must elect a Deputy Chairperson from amongst the members of the Board.
- (4)
  - (a) Any vacancy on the Board amongst the members must be filled in the same manner in which the member who vacates the office was appointed.
  - (b) If the office of Deputy Chairperson of the Board becomes vacant, a Deputy Chairperson must be elected in accordance with subsection (3).
- (5) No deficiency in the number of members of the Board affects or impairs the corporate existence of the Trust or any rights, duties or powers conferred or imposed by this Act upon the Trust or the Board.

## 7. Term of office and reappointment of members of Board

Members of the Board hold office for a period of five years or such lesser period as the Premier may determine and are eligible for re-appointment at the expiry of such period: Provided that no member may be re-appointed after having served on the Board for a continuous period of 10 years.

## 8. Vacancies, removal and resignation from office of members of Board

- (1) The Premier may, after having afforded a member of the Board the opportunity to state his or her case, at any time terminate the term of office of such member if, in the opinion of the Premier, there are justifiable and cogent reasons for doing so.
- (2) A member of the Board may resign by giving not less than 30 days written notice to the Premier: Provided that the Premier may waive the resignation notice.
- (3) A member of the Board must vacate office if -
  - (a) the member is convicted of an offence of which dishonesty is an element;
  - (b) the member has been declared insolvent; or
  - (c) the member is absent from two or more meetings of the Board in one financial year without the permission of the Chairperson.
- (4) Whenever a vacancy occurs on the Board, the Premier must, subject to [section 6\(4\)\(a\)](#), appoint a person to fill such vacancy for the unexpired portion of the period of appointment of the member of the Board in whose place such person is appointed.

## 9. Temporary suspension of member of Board

The Premier may suspend a member of the Board whilst the Premier is investigating allegations which, if found to be correct, may result in the member's appointment being terminated in terms of [section 8\(1\)](#) or (3).

## 10. Meetings and procedures at meetings of Board

- (1) The first meeting of the Board must be held on a date and at a time and venue determined by the Premier, where after all future meetings must be as determined by the Chairperson: Provided that the Board must meet at least five times in any given financial year.
- (2) The quorum for a meeting of the Board is a majority of the members of the Board.
- (3) The proceedings at a meeting of the Board must, subject to the provisions of this section, be determined by the Chairperson including the right to decide that any matter under discussion may be withdrawn before it is put to the vote.
- (4) The Chairperson must preside at all meetings of the Board: Provided that in his or her absence the Deputy Chairperson must preside, and in the event that neither the Chairperson nor the Deputy Chairperson are present at a meeting of the Board, the members of the Board then present may elect, from their own number, a person to act as Chairperson for the duration of that particular meeting.
- (5) A decision of the Board must be taken by a majority of the votes of the members of the Board present at a meeting and, in the event of an equality of votes on any matter, the Chairperson has a casting vote in addition to his or her deliberative vote.
- (6) The Board must keep minutes of its meetings and record its decisions and resolutions in writing.
- (7) No decision of the Board is invalid merely by reason of a vacancy in the Board: Provided that the decision is taken by the required majority of the members of the Board then present and entitled to sit as members of the Board.

- (8) The Chairperson, or a majority of the Board, may call an extraordinary meeting of the Board in which event the provisions of this section apply with the necessary changes.
- (9) The -
  - (a) Director-General of the Province may attend and participate;
  - (b) Chief Financial Officer may attend and participate; and
  - (b) Head of Secretariat may participate,but may not vote, in a meeting of the Board.

## **11. Recusal of member of Board from meetings and proceedings of Board**

- (1) A member of the Board must recuse himself or herself from a matter being investigated, considered or voted upon by the Board if one or more of the following occur -
  - (a) if he or she has a direct or indirect financial or other interest in the matter; or
  - (b) if there is a possibility that a direct or indirect financial or other interest in the matter might arise.
- (2) If at any stage during the course of any proceedings before the Board it appears that a member of the Board who is present at that meeting has or may have an interest contemplated in subsection (1), such member must forthwith disclose the nature of his or her interest and leave the meeting.
- (3) Any disclosure made in terms of subsection (2) must be recorded in the minutes of the meeting in question.
- (4) If it subsequently emerges that the Board took a decision on a matter in respect of which a member of the Board has failed to disclose an interest contemplated in subsection (1), such decision by the Board is invalid.
- (5) For the purposes of this section "indirect financial or other interest" includes, but is not limited to, an interest held by any member's -
  - (a) business partner, associate or employer, other than the State;
  - (b) spouse, partner in a customary marriage, or person with whom such member cohabits or lives as though they are married; or
  - (c) child, parent or sibling.

## **12. Remuneration of members of Board**

- (1) (a) Subject to subsections (1)(b) and (2)(a), a member of the Board may be paid such remuneration and allowances as may be determined by the Premier in consultation with the Member of the Executive Council responsible for finance.
- (b) A member of the Board who receives remuneration, allowances or other benefits by virtue of his or her office, position, post or employment in -
  - (i) the national government;
  - (ii) a provincial government;
  - (iii) a municipality;
  - (iv) a corporation, body or institution in which the national or a provincial government has a controlling interest; or

- (v) a public entity, a national government business enterprise or a provincial government business enterprise as defined in section 1 of the Public Finance Management Act, 1999 ([Act No. 1 of 1999](#)),  
and who continues to receive such remuneration, allowances or other benefits while serving as a member of the Board, may only receive remuneration and allowances referred to in paragraph (a) to the extent required to place such member in the financial position he or she would have been in were it not for such office, position, post or employment.
- (c) Different remuneration and allowances may be determined for the following categories of members of the Board -
  - (i) the Chairperson;
  - (ii) the Deputy Chairperson; and
  - (iii) the other members of the Board.
- (2) (a) A member of the Board may, in respect of his or her functions as a member, receive reimbursement for reasonable actual subsistence and travelling expenses necessitated by the actual attendance of a meeting of the Board.
- (b) The Member of the Executive Council responsible for finance must determine procedures, including control measures, for the management, handling and processing of claims for subsistence and traveling expenses contemplated in paragraph (a).

### 13. Establishment of committees to assist Board

- (1) The Board may establish committees consisting of one or more of its members to -
  - (a) assist the Board in the performance of any of its powers, duties or functions; or
  - (b) enquire or conduct research into any matter falling within the mandate of the Board in terms of this Act.
- (2) When establishing a committee contemplated in subsection (1), the Board must -
  - (a) determine the terms of reference of such committee including, but not limited to, whether or not such committee ceases to exist once it has completed the task or tasks allocated to it by the Board;
  - (b) appoint a Chairperson of such committee who must be a member of the Board; and
  - (c) determine whether or not such committee may co-opt persons who are not members of the Board and, if so, on what terms and conditions.
- (3) The Board may, at any time, terminate the existence of a committee or any mandate given to a committee, irrespective of whether or not such committee has completed the task or tasks allocated to it by the Board.

### 14. Co-opting of persons to committees of Board

- (1) The Board may, if it is of the opinion that a particular person is able to assist it in regard to any of its powers, duties or functions, co-opt such person for that purpose to a committee of the Board for such period as the Board may determine.
- (2) A person co-opted in terms of subsection (1) is not entitled to vote at any meeting of a committee of the Board.
- (3) (a) A person co-opted in terms of subsection (1) may, in respect of his or her functions as a co-opted member of a committee of the Board, receive reimbursement for reasonable actual

subsistence and travelling expenses necessitated by the actual attendance of a meeting of a committee of the Board.

- (b) The Member of the Executive Council responsible for finance must determine procedures, including control measures, for the management, handling and processing of claims for subsistence and traveling expenses contemplated in paragraph (a).

## **Chapter 4**

### **Chief Financial Officer of Zulu Royal House Trust, Head of Secretariat of Board and other staff of Zulu Royal House Trust**

#### **15. Chief Financial Officer of Trust**

- (1) The Board may, in consultation with the Premier, appoint a fit and proper and suitably qualified person as the Chief Financial Officer of the Trust.
- (2) The Chief Financial Officer -
  - (a) is directly responsible and accountable to the Board;
  - (b) must report to the Board; and
  - (c) must, within three months of being appointed, conclude a written performance agreement with the Board.
- (3) The Board may, in consultation with the Premier, terminate the Chief Financial Officer's appointment in accordance with applicable employment and labour law.

#### **16. Head of Secretariat of Board and staff of Trust**

- (1) The Director-General of the Province must -
  - (a) designate a senior manager, employed by the Provincial Government in terms of the Public Service Act, 1994 ([Proclamation No. 103 of 1994](#)), as the Head of Secretariat of the Board to render administrative, technical and professional secretarial and other support services to the Board in exercising its powers, performing its duties and fulfilling its functions; and
  - (b) designate such other persons, employed by the Provincial Government in terms of the Public Service Act, 1994, as may be reasonably necessary, to assist -
    - (i) the Board with the administrative, technical and secretarial work incidental to the exercise of its powers, the performance of its duties and the fulfilment of its functions; and
    - (ii) the Trust with the achievement of its objects, the exercise of its powers, the performance of its duties and the fulfilment of its functions, in terms of this Act.
- (2) The Board and the Trust may utilise the services of persons seconded or transferred in accordance with the provisions of the Public Service Act, 1994.
- (3) The Head of Secretariat of the Board -
  - (a) is directly responsible and accountable to the Director-General of the Province for the performance and operations of the Secretariat of the Board;
  - (b) must report to the Director-General of the Province and the Chairperson of the Board on the activities of the Secretariat of the Board and the staff of the Trust referred to in subsections (1)(b) and (2) and [section 30\(3\)\(b\) and \(c\)](#); and
  - (c) must, within three months of being designated as such, conclude a written performance agreement with the Director-General of the Province.

- (4) The staff of the Trust -
  - (a) designated in terms of subsection (1)(b);
  - (b) seconded or transferred in terms of subsection (2)
  - (c) referred to in [section 30\(3\)\(b\)](#) and (c), must report and are accountable to the Head of Secretariat of the Board.

## Chapter 5

### Funding and Management of Zulu Royal House Trust

#### 17. Funds of Trust

- (1) The funds of the Trust consist of -
  - (a) moneys appropriated by the Provincial Legislature;
  - (b) donations or contributions lawfully received by the Trust from any source;
  - (c) interest on investments of the Trust; and
  - (d) income lawfully derived from -
    - (i) fundraising;
    - (ii) trading or business enterprises or ventures; or
    - (iii) any other source.
- (2) The Trust must utilise its funds -
  - (a) for the payment of remuneration, allowances and subsistence and travelling expenses of the members of the Board; and
  - (b) to cover costs in connection with -
    - (i) the day to day operation and administration of the Trust; and
    - (ii) the performance of the duties and functions of the Trust and the exercise of its powers in terms of this Act.
- (3)
  - (a) The Board must, with the concurrence of the Member of the Executive Council responsible for finance, open an account in the name of the Trust with an institution registered as a bank in terms of the Banks Act, 1990 ([Act No. 94 of 1990](#)), and promptly deposit into it all money received in terms of subsection (1).
  - (b) All payments from the account of the Trust must be made on the authority of the Board or a person or persons designated in writing for that purpose by the Board.
  - (c) No payment may be made from the account of the Trust other than for the purposes contemplated in subsection (2) and [section 3](#).

#### 18. Financial administration and management of Trust

- (1) Subject to the provisions of this Act and the Public Finance Management Act, 1999 ([Act No. 1 of 1999](#)), the Board is the accounting authority of the Trust and is responsible for the administration and management of the Trust and in particular for-
  - (a) all expenditure out of the funds of the Trust; and
  - (b) the receipt for the credit of the Trust of all moneys due or accruing to the Trust.

- (2) (a) The Board must ensure that separate books of account and records are kept in respect of -
  - (i) moneys appropriated by the Provincial Legislature contemplated in [section 17\(1\)\(a\)](#); and
  - (ii) the other funds of the Trust contemplated in [section 17\(1\)\(b\) – \(d\)](#).
- (b) The Board must cause full and proper books of account and all the necessary records in relation to moneys appropriated by the Provincial Legislature referred to in paragraph (a)(i) to be kept in accordance with the Public Finance Management Act, 1999 ([Act No. 1 of 1999](#)), generally accepted accounting practices and such other principles and practices as maybe prescribed by the National Treasury and determined by the Auditor-General.
- (3) The Board must ensure that the Trust's annual budgets, corporate plans, annual reports and audited financial statements are prepared and submitted in accordance with the Public Finance Management Act, 1999 ([Act No. 1 of 1999](#)), subject to any exemption of the Trust from any provision of that Act as contemplated in section 92 of the Public Finance Management Act, 1999.
- (4) The Board must, within three months before the end of each financial year, submit to the Provincial Treasury for approval -
  - (a) a business plan for the Trust, containing measurable objectives and the other information contemplated in [section 19\(3\)\(b\)](#) and (c); and
  - (b) a statement of the estimated income and expenditure of the Trust, in respect of the following three financial years.
- (5) In any financial year the Board may submit to the Provincial Treasury for approval, adjusted or supplementary statements of the estimated income and expenditure of the Trust for that financial year.
- (6) The Trust may not enter into any financial commitment beyond its approved budget and its accumulated reserves.
- (7) The Board may -
  - (a) with the approval of the Provincial Treasury, invest any unexpended portion of the moneys of the Trust with the Corporation for Public Deposits or any other institution categorised or listed from time to time by the National Treasury as a Category "A1" financial institution; or
  - (b) with the approval of the Provincial Treasury, dispose of that portion in any other manner.
- (8) The Board may, with the approval of the Provincial Treasury, establish a reserve fund for the Trust and deposit into it such amounts as the Provincial Treasury approves.
- (9) Any unexpended balance in the Trust at the end of a financial year is carried forward as a credit in the Trust for the next financial year.

## 19. Audit and annual report of Trust

- (1) The Auditor-General must audit the financial statements of the Trust.
- (2) (a) The Board must table a report on the activities of the Trust during a financial year in the Provincial Legislature within five months after the end of that financial year.
- (b) Within five months after the report has been tabled, the Chairperson of the Board, and at least two other members of the Board, must brief the relevant Portfolio Committee on the annual report.
- (3) The report must -
  - (a) include a balance sheet and a statement of income and expenditure certified by the Auditor-General;

- (b) state the extent to which the Trust has achieved or advanced its objects and purpose referred to in [section 3](#) and the measurable objectives as set out in its business plan as contemplated in [section 18\(4\)\(a\)](#) during the financial year concerned; and
- (c) contain relevant performance information regarding the economic, efficient and effective application of resources and specifically a comparison between planned and actual performance indicators as set out in that business plan.

## **Chapter 6**

### **General provisions**

#### **20. Acquisition and disposal of immovable property by Trust**

The Trust may, with the prior approval of the Provincial Treasury, lease, acquire, hold or dispose of immovable property in the course of its business.

#### **21. Legal proceedings against Trust**

- (1) Any legal proceedings against the Trust must be instituted in accordance with the Institution of Legal Proceedings against certain Organs of State Act, 2002 ([Act No. 40 of 2002](#)).
- (2) The Trust is, for purposes of subsection (1), regarded as an organ of state contemplated in paragraph (c) of the definition thereof in section 1 of the said Act.

#### **22. Limitation of liability**

Neither the Board nor any individual member of the Board, the Chief Financial Officer of the Trust, the Head of Secretariat of the Board or a member of staff of the Trust, is liable for anything done in good faith in the exercise of a power or the performance of a duty or function in terms of this Act.

#### **23. Trust must establish website**

- (1) The Trust must -
  - (a) design, establish and maintain its own official website; and
  - (b) place on that official website any information required to be made public in terms of this Act or any other law.
- (2) The Head of Secretariat of the Trust must maintain and regularly update the official website of the Trust.

#### **24. Security of confidential information held by Trust**

- (1) Subject to the Constitution, the Promotion of Access to Information Act, 2000 ([Act No. 2 of 2000](#)), and any other applicable law, no person may disclose any information submitted to the Trust in connection with any legal brief or instruction, unless -
  - (a) he or she is ordered to do so by a court of law; or
  - (b) the person who gave such brief or instruction consents thereto in writing.
- (2) Any person who contravenes subsection (1) is guilty of an offence.

#### **25. Use of name of Trust**

- (1) No person may, without the prior written authorisation of the Board, in any way represent or make use of the name, acronym, logos, designs or material used or owned by the Trust.

- (2) No person may falsely claim to be acting on behalf of the Trust.
- (3) Any person who contravenes subsection (1) or (2) is guilty of an offence.

## 26. Delegation by Board

- (1) The Board may, by a special resolution, delegate to the Chief Financial Officer of the Trust, the Head of Secretariat of the Board or a member of staff of the Trust, any power or duty conferred or imposed on the Board or the Trust by this Act.
- (2) Any power or duty delegated in terms of subsection (1) must be exercised or performed subject to such conditions as the Board considers necessary.
- (3) A delegation referred to in subsection (1) -
  - (a) must be in writing;
  - (b) does not prohibit the Board from exercising that power or performing that duty; and
  - (c) may at any time be withdrawn or amended in writing by the Board.

## 27. General offences

- (1) A member of the Board, the Chief Financial Officer of the Trust, the Head of Secretariat of the Board, a member of staff of the Trust, an adviser, agent or any other person engaged, employed by, or acting on behalf of, the Board or Trust is guilty of an offence if he or she directly or indirectly accepts any bribe or receives any unauthorised fee or reward from any person in connection with anything done or offered by the Board or Trust.
- (2) Any person is guilty of an offence if he or she, in respect of or in connection with anything done or offered by the Board or Trust, bribes or attempts to bribe or corruptly influences or attempts to corruptly influence a member of the Board, the Chief Financial Officer of the Trust, the Head of Secretariat of the Board, a member of staff of the Trust, an adviser, agent or any other person engaged, employed by, or acting on behalf of, the Board or Trust.
- (3) Any person who falsely claims that he or she is authorised to charge or collect fees, donations or contributions on behalf of, or by direction of, the Board or Trust is guilty of an offence.
- (4) Any person who contravenes or fails to comply with the provisions of this Act or any regulation, is guilty of an offence.

## 28. Penalties

Any person convicted of an offence -

- (a) in terms of [section 27](#)(1) or (2), is liable to a fine or to imprisonment for a period not exceeding that determined by national legislation for corruption; or
- (b) in terms of [section 24](#)(2), [25](#)(3) or [27](#)(3) or (4), is liable to a fine or to imprisonment for a period not exceeding 5 years.

## 29. Regulations

- (1) Subject to subsection (2), the Premier may, after consultation with the Board and by notice in the Gazette, make regulations regarding -
  - (a) any matter that may or must be prescribed in terms of this Act; or
  - (b) any administrative or procedural matter necessary to give effect to the provisions of this Act.

- (2) Subject to -
- (a) the provisions of the Public Finance Management Act, 1999 ([Act No. 1 of 1999](#)); and
  - (b) any exemption of the Trust from any provision of that Act as contemplated in section 92 of the Public Finance Management Act, 1999, the Member of the Executive Council responsible for finance may, after consultation with the Premier and the Board and by notice in the Gazette, make regulations concerning -
    - (i) the financial administration, management and control of the Trust;
    - (ii) the leasing, acquisition, holding or disposal of immovable property by the Trust;
    - (iii) a conflict of interest of, and the acceptance of gifts by, a member of the Board, the Chief Financial Officer of the Trust, the Head of Secretariat of the Board, or a member of staff of the Trust; or
    - (iv) any matter referred to in subparagraphs (aa) - (cc) of [section 5\(d\)](#).

### 30. Transitional arrangements

- (1) As stated in [section 2\(2\)](#) of this Act, the Trust is the legal successor in title to the KwaZulu- Natal Royal Household Trust established in terms of section 2(1) of the repealed KwaZulu-Natal Royal Household Trust Act, 2007 ([Act No. 2 of 2007](#)).
- (2) The persons who, on the day before the date of the commencement of this Act, were appointed or designated as members of the Board and Chairperson of the KwaZulu-Natal Royal Household Trust established in terms of section 2(1) of the repealed KwaZulu-Natal Royal Household Trust Act, 2007, continue as members of the Board and Chairperson of the Trust and are regarded as having been appointed in terms of [section 6](#) of this Act with effect from the date of the coming into operation of this Act.
- (3)
  - (a) The appointment of a person who, on the day before the date of the commencement of this Act, was the Chief Executive Officer of the KwaZulu-Natal Royal Household Trust established in terms of section 2(1) of the repealed KwaZulu-Natal Royal Household Trust Act, 2007, is, on the date of the coming into operation of this Act, terminated in accordance with applicable employment and labour law.
  - (b) The person who, on the day before the date of the commencement of this Act, was appointed as the Chief Financial Officer of the KwaZulu-Natal Royal Household Trust established in terms of section 2(1) of the repealed KwaZulu-Natal Royal Household Trust Act, 2007, continues as the Chief Financial Officer of the Trust and is regarded as having been appointed in terms of [section 15\(1\)](#) of this Act with effect from the date of the coming into operation of this Act.
  - (c) Other persons who, on the day before the date of the commencement of this Act, were appointed in terms of section 13(1) of the repealed KwaZulu-Natal Royal Household Trust Act, 2007, as members of staff of the KwaZulu-Natal Royal Household Trust established in terms of section 2(1) of the repealed KwaZulu-Natal Royal Household Trust Act, 2007, continue as members of staff of the Trust with the retention of remuneration, rights, benefits and privileges: Provided that -
    - (i) the posts held by such members of staff may not be filled by the Trust where any vacancy subsequently arises for any reason; and
    - (ii) such members of staff must report and are accountable to the Head of Secretariat of the Board with effect from the date of the coming into operation of this Act.
- (4)
  - (a) The determination as set out in the Schedule applies with effect from 12 December 2014 in respect of the allocation, transfer and apportionment of the powers, functions, assets,

liabilities, rights, duties, obligations and employees of the abolished Department of the Royal Household,

- (b) The Premier, after consultation with the Board, may by notice in the Gazette and with effect from a date to be specified in such notice -
  - (i) amend; or
  - (ii) substitute, the Schedule to this Act.

## **Chapter 7**

### **Repeal of law and short title**

#### **32. Repeal of law**

The KwaZulu-Natal Royal Household Trust Act, 2007 ([Act No. 2 of 2007](#)), is hereby repealed.

#### **33. Short title**

This Act is called the KwaZulu-Natal Zulu Royal House Trust Act, 2017.

### **Schedule (Section 30(4))**

#### **Determination in respect of the allocation, transfer and apportionment of the powers, functions, assets, liabilities, rights, duties, obligations and employees of the abolished Department of the Royal Household**

- (1) The Office of the Premier is responsible for the following functions of the abolished Department of the Royal Household -
  - (a) official administrative support to His Majesty in respect of His Majesty's official roles, duties and functions in terms of the KwaZulu-Natal Traditional Leadership and Governance Act, 2005 ([Act No. 5 of 2005](#)); and
  - (b) other official administrative support to His Majesty, including -
    - (i) the administration and payment of -
      - (aa) the official remuneration of His Majesty; and
      - (bb) subsistence and travel expenses and claims for official trips undertaken by His Majesty; and
    - (ii) speechwriting and praise-singing for, and on behalf of, His Majesty.
- (2) The Zulu Royal House Trust, established by section 2(1) of this Act, is responsible for all other functions of the abolished Department of the Royal Household, including -
  - (a) administrative support pertaining to-
    - (i) the personal and private activities of His Majesty;
    - (ii) the activities of the Queens and other members of the Zulu Royal House, which are, essentially, personal and private activities; and
    - (iii) the administration and payment of the remuneration (salaries, allowances and benefits) of the Queens;
  - (b) the administration, maintenance and management of the Royal palaces and the Royal farms; and

- (c) the administration and management of the payment of remuneration, allowances and subsistence and travel expenses and claims of Trustees (Board Members) of the Zulu Royal House Trust for approved Zulu Royal House Trust business and activities.
- (3)
  - (a) All the powers and duties of the abolished Department of the Royal Household relating specifically to the functions referred to in item 1 (a) and (b) above, are transferred to, and vest in, the Office of the Premier.
  - (b) All other powers and duties of the abolished Department of the Royal Household are transferred to, and vest in, the Zulu Royal House Trust.
- (4)
  - (a) The -
    - (i) budget, funds and movable assets of the abolished Department of the Royal Household; and
    - (ii) other rights, whether tangible or intangible, of the abolished Department of the Royal Household, whether such rights are conferred by, or arise from, contractual agreement or otherwise, of the abolished Department of the Royal Household, relating specifically to the functions referred to in item 1 (a) and (b) above are transferred to, and vest in, the Office of the Premier.
  - (b) The remaining -
    - (i) budget, funds and movable assets of the abolished Department of the Royal Household; and
    - (ii) other rights, whether tangible or intangible, of the abolished Department of the Royal Household, whether such rights are conferred by, or arise from, contractual agreement or otherwise, of the abolished Department of the Royal Household,are transferred to, and vest in, the Zulu Royal House Trust.
- (5) All immovable assets, if any, registered in the name of the abolished Department of the Royal Household are, transferred to and vest in, the Zulu Royal House Trust: Provided that the Zulu Royal House Trust is not obliged to pay or render any consideration, monetary or otherwise, in respect of the transfer and vesting of any such immovable assets to, or In, the Zulu Royal House Trust: Provided, further, that the ancillary rights and obligations of the abolished Department of the Royal Household in respect of such immovable assets to determine, fix and collect rental, to take legal action to evict tenants in default and to maintain existing structures and dwellings, vest in the Zulu Royal House Trust.
- (6)
  - (a) Any liability or obligation relating specifically to the functions referred to in item 1 (a) and (b) above, whether contingent, vested or latent, of the abolished Department of the Royal Household, whether such liability or obligation is assigned by, or arises from, contractual agreement or otherwise, is transferred to, and vests in, the Office of the Premier: Provided that any financial deficit on the books of the abolished Department of the Royal Household may be defrayed by the KwaZulu-Natal Provincial Government from moneys specially appropriated by the Provincial Legislature for that purpose.
  - (b) Any other liability or obligation, whether contingent, vested or latent, of the abolished Department of the Royal Household, whether such liability or obligation is assigned by, or arises from, contractual agreement or otherwise, is transferred to, and vests in, the Zulu Royal House Trust: Provided that any financial deficit on the books of the abolished Department of the Royal Household may be defrayed by the KwaZulu-Natal Provincial Government from moneys specially appropriated by the Provincial Legislature for that purpose.
- (7)
  - (a) All employees of the abolished Department of the Royal Household, are hereby absorbed, transferred to, and placed in the service of, the Office of the Premier, with the retention of remuneration, rights, benefits and privileges, subject to the laws governing the public service and any applicable resolution of the General Public Service Sector Bargaining Council (GPSSBC).

- (b) The practical implication of item 7(a) above, is that -
- (i) all employees on the establishment of the abolished Department of the Royal Household are placed on the establishment of;
  - (ii) the total personnel and salary budget of the abolished Department of the Royal Household, is transferred to, and vests in; and
  - (iii) the funded vacant posts on the establishment of the abolished Department of the Royal Household are transferred to, and placed on the establishment of,
- the Office of the Premier.
- (8) The employees listed in the Annexure, being employees of the abolished Department of the Royal Household, transferred to the Office of the Premier and performing functions and duties not relating specifically to the functions referred to in item 1 (a) and (b) above are designated (in terms of section 16(1) (b) of this Act) to assist the Zulu Royal House Trust with the achievement of its objects, the exercise of its powers, the performance of its duties and the fulfilment of its functions, in relation to the administration, maintenance and management of the Royal palaces and the Royal farms and are, subject to the laws governing the public service and any applicable resolution of the General Public Service Sector Bargaining Council (GPSSBC), seconded to the Zulu Royal House Trust, with the retention of remuneration, rights, benefits and privileges (in terms of section 16(2) of this Act).

### **Annexure**

#### **List of employees seconded to the Zulu Royal House Trust**

*(Item 8 of Schedule)*

Name		PERSAL Number	
AUXILIARY SERVICES RELATED TO THE ROYAL PALACES AND THE ROYAL FARMS			
1.	BIYELA, QH	60166789	
2.	CHONCO, CT	60204788	
3.	NDLOVU, ZA	63962977	
4.	ZITHA, MS	60209038	
5.	ZULU, NA	64178820	
6.	ZUNGU, LM	60200014	
DLAMAHLAHLA ROYAL PALACE			
7.	BUTHELEZI, ET	60269405	
8.	BUTHELEZI, MR	60263938	
9.	FAKUDE, BN	61624098	
10.	MABASO, MR	64316751	
11.	MANDLAZI, BF	60299541	
12.	MATHE, EP	60288540	
13.	MATHE, MN	60299631	
14.	MATHE, N	60264101	
15.	MATHE, TA	61665223	
16.	MTHETHWA, MP	61667773	

17.	SHONGWE, OK	60300132	
18.	SHONGWE, NJ	60300817	
19.	ZWANE, TW	60299690	
ENYOKENI ROYAL PALACE			
20.	MAGUBANE, BZ	60299479	
21.	MASONDO, NB	60299878	
22.	SIBIYA, ZM	60300671	
23.	ZULU, GJ	64036332	
24.	ZULU, SM	64319211	
25.	ZULU, ZG	60295287	
26.	ZUNGU, ZM	61623911	
INGWAVUMA ROYAL PALACE			
27.	GINA, GM	61830526	
28.	GINA, NT	61624161	
29.	GWALA, GN	61663212	
30.	JOBE, BB	64602711	
31.	MAHENDULA, A	60264110	
32.	MNGOMEZULU, SM	64604268	
33.	MYENI, MW	64602427	

34.	NYAWO, NE	64602605	
KHANG EL A ROYAL PALACE			
35.	NDWANDWE, G	60299681	
36.	NDWANDWE, TB	64257002	
37.	NSELE, TB	60263946	
38.	NTANZI, FN	61663751	
39	NXELE, VS	61667749	
40.	MASANGO, EM	64291251	
41.	MASANGO, MA	60271639	
42.	MASANGO, NI	60263768	
43.	MASUKU, MP	61663336	
44.	MBATHA, FT	60299665	
45.	MBATHA, NI	61626091	
46.	MTHETHWA, HT	60238763	
47.	SHAMASE, LQ	62047027	
48.	SHONGWE, BV	61666777	
49.	SITHOLE, CR	60301678	
50.	SITHOLE, JM	64257142	
51.	SITHOLE, KJ	60274689	
52.	SITHOLE, MD	60271621	

53.	ZULU, MJ	60299673	
54.	ZULU, TJ	60263873	
KWAKHETHA ROYAL PALACE			
55.	CEBEKHULU, SS	64179001	
56.	GWALA, JA	61668010	
57.	GWALA, PK	60288574	
58.	GWALA, SB	61672726	
59.	MNGADI, TB	60299614	
60.	MTHIYANE, ZP	64393437	
61.	NDWANDWE, PM	61880396	
62.	NTULI, SS	60299738	
63.	NXUMALO, PG	61663557	
64.	SHAMASE, ZA	61668061	
65.	ZULU, GR	60300078	
66.	ZULU, MC	60286971	
67.	ZULU, SK	61663921	
68.	ZULU, TN	64612091	
LINDUZULU ROYAL PALACE			
69.	FAKUDE, MG	61625990	

70.	NKOSI, SA	60300973	
71.	SITHOLE, MB	61626082	
72.	ZULU, NM	61667684	
73.	ZULU, NP	64257193	
74.	ZUNGU, DM	61624047	
75.	XABA, PN	60299941	
ONDINI ROYAL PALACE			
76.	KHUMALO, MS	64568504	
77.	MNCWANGO, M	64569349	
THOKAZI ROYAL FARM			
78.	KHUMALO, NB	61627836	
79.	MPANZA, BT	61624268	
80.	NENE, MS	61624616	
81.	NTSHALINTSHALI, GA	61625906	
UMFOLOZI ROYAL FARM			
82.	NHLEBELA, HE	61623717	
ZWARTKOP ROYAL FARM			
83.	GINA, MZ	61625493	

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