



**NORTH WEST
NOORDWES**

**EXTRAORDINARY
PROVINCIAL GAZETTE**

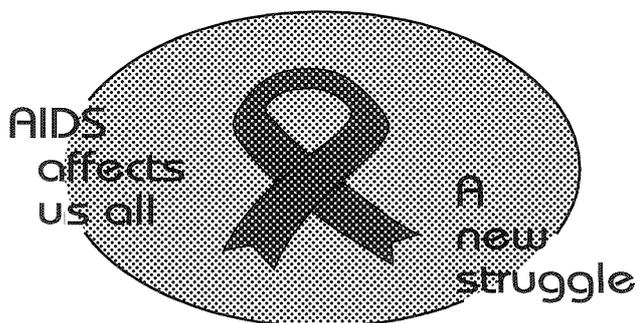
**BUITENGEWONE
PROVINSIALE KOERANT**

Vol. 257

27 MARCH
MAART 2014

No. 7256

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes



9771682453002



7256—1

IMPORTANT NOTICE

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

CONTENTS • INHOUD

<i>No.</i>	<i>Page No.</i>	<i>Gazette No.</i>
PROCLAMATION		
2 North West Traditional Leadership and Governance Act (2/2005): Regulation of initiation schools in the North West Province	3	7256

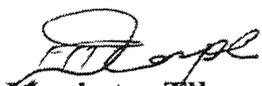
PROCLAMATION

No. 2, 2014

**BY THE MEMBER OF THE EXECUTIVE COUNCIL
RESPONSIBLE FOR LOCAL GOVERNMENT AND
TRADITIONAL AFFAIRS****REGULATION OF INITIATION SCHOOLS IN THE NORTH WEST
PROVINCE**

Under and by virtue of the powers vested in me by Section 41 (2) of North West Traditional Leadership and Governance Act (Act No.2 of 2005), I hereby declare that the Regulations contained in the Schedule to this Proclamation shall, as from the date of publication hereof, take effect and have the force of law within the North West Province.

GIVEN under my hand and the Seal of the North West Province at MMABATHO on this. *12th* day of *17th March*, 2014



Manketse Tlhape
Member of the Executive Council
Responsible for Local Government and Traditional Affairs

SCHEDULE

1. Definitions

“*Bogosi*” means the position held by a Kgosi

“*Initiation School*” includes an initiation school for either male or female initiates;

“*House*” means House of traditional leaders established in terms of Section 2(1) of Act No.12 of 1994;

“*MEC*” means the Member of the Executive Council responsible for Traditional Affairs in the Province;

“*Medical Officer*” means an officer of the Department of Health, North West Province, designated by the MEC responsible for Health, to issue written permissions in respect of the performance of circumcision operations and the medical treatment of initiates;

“*Province*” means the Province of the North West referred to in section 103(1)(h) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996).

“*Premier*” means the Premier of the North West Province;

“*Principal or Mogokgo*” means the person in charge of the initiation school

“*Traditional Nurse*” means a person responsible for looking after the health and welfare of the initiates

“*Traditional Surgeon*” means a person responsible for performing circumcision on the initiates

2. Powers of the MEC

(1) The MEC or any other person duly authorised by him or her in writing, may issue a permit for the holding of initiation school, subject to such conditions as will be prescribed hereunder and any other conditions as he or she may deem necessary or desirable.

(2) If for any reason whatsoever, the MEC or any other person duly authorised by him or her in terms of subsection (1) is satisfied that any or some of the conditions laid down in terms of this Proclamation or any additional conditions by him or her in the interest of the initiates at any initiation school, are being violated to the detriment of the said initiates, he or she may take such remedial steps as he or she may regard as adequate in the circumstances.

3. Prohibition of holding of initiation school without permit.

(1) A person shall not hold an initiation school without a valid permit issued to him or her in terms of regulation 2(1).

(2) A person who contravenes any of the provisions of this proclamation or fails to comply with any condition imposed in terms of regulation 2(1), shall be guilty of an offence and on conviction shall be liable to a fine not exceeding (3) three thousand rand or a term of imprisonment not exceeding (6) six months, or both such fine and imprisonment.

(3) The MEC shall close any initiations school which is conducted in contravention of this proclamation

4. Requirements for granting permission to conduct initiation school.

(1) A person seeking to conduct an initiation school MUST on each occasion he or she conduct the school complete an application form attached to these regulations, marked Annexure "A" which must include:-

(a) Where an initiate is under the age of (18) eighteen a duly completed parental/guardian consent form marked annexure C, , or where the initiate is above eighteen a dually completed consent form marked annexure D

(b) A certified copy of the initiate's birth certificate or identity document, in respect of whom permission is sought must be attached to the application;

(c) A duly completed form by a medical officer, that she or he has examined the initiate and is in a fit and proper state of health to undergo the initiation school;

(d) A duly completed form by the medical officer of the area in which the initiation school is to be conducted, that he has consulted the

traditional surgeon and has explained the conditions as set out in Annexure B, with regard to matter pertaining to performance of circumcision.

(e) At all material time an initiation school must comply with the basic health living standard and no initiation school may be conducted within 5km radius from the housing settlement

(f) Where the initiation school is conducted within the tribal land, the application form must bear the signature of the Kgosi and the traditional council stamp

(g) Where the initiation school is conducted within the municipal area where there is no Bogosi, the application form must bear the signature of a municipality manager and official stamp.

ANNEXURE A

APPLICATION FORM TO CONDUCT INITIATION SCHOOL

Surname:

Full Names :.....

Id. No.:

Residential Address:

.....

South African Citizen:

yes

no

Traditional Surgeon:

yes

no

If No, provide particulars of the person who will be conducting initiation .

Surname

Full Names

Id. No.:

Residential Address:

.....

.....
Signature
Traditional Surgeon

.....
Date

Traditional Nurse:

yes

no

If No, provide particulars of the person who will be conducting initiation .

Surname

Full Names

Id. No.:

Residential Address:

.....

.....
Signature
Traditional Nurse

.....
Date

.....
Signature
Applicant

.....
Date

**RECOMMENDATIONS BY KGOSI/MUNICIPAL
MANAGER**

.....

.....

.....

.....
.....

Signature

Date.....

Official Stamp

APPROVED/NOT APPROVED BY THE DEPARTMENT

.....
.....
.....
.....

Signature

Date

Official Stamp

ANNEXURE B

1. CONDITIONS FOR MANAGEMENT OF THE INTIATION SCHOOL AND PERFORM A CIRCUMCISION OPERATION

At all material time, the principal of the school must ensure a transparent management of the school and submit the following information on request:

- 1.1 The principal of the school must keep an update attendance register of all initiates and keep a copy of the approved application form in his possession
- 1.2 No person shall be admitted into the initiation school without a pre-circumcision medical report. A pre-circumcision medical examination report must be completed by a medical officer, that he or she has examined the initiate and he is in fit and proper state of health to undergo the initiation and circumcision.
- 1.3 The medical officer must satisfy himself or herself on the general condition of a surgical instrument and shall make a determination whether to disallow the use thereof, if in his opinion it is not proper for performing the operation;
- 1.4 If the medical officer disallow a surgical instrument, he may prescribe or supply a proper surgical instrument to the traditional surgeon requesting permission, and may withhold his recommendation for permit to be granted;
- 1.5 In the event the medical officer prescribing a surgical instrument, which is different from the conventional instrument, she or he shall demonstrate to, or train the traditional surgeon as to how the instrument should be used;
- 1.6 The medical officer must ensure and impress upon the traditional surgeon the conditions that a surgical instrument used to perform the circumcision operation on one initiate must not be used to perform the operation on the other initiate, where the traditional surgeon does not have sufficient surgical instruments, the medical officer must supply such instruments to ensure that each initiates is operated with a different instrument;

- 1.7 The traditional surgeon shall at all material times before and after the performance of the operation keep the surgical instruments for the performance of the circumcision operations clean, and the medical officer may prescribe any substance for use by the traditional surgeon to sterilize the instruments;
- 1.8 The Principal must be known to the parents or guardian of the initiate
- 1.9 No alcohol or any form of drugs/intoxicating substance shall be allowed in the initiation school and no visibly intoxicated person may be allowed in the school and/or to handle the initiates.
- 1.10 No initiation school may be conducted in conflict with the national school calendar period and no school going person may be admitted to the initiation school without prior-arrangement with the Department of Education

2. CONDITIONS FOR OBTAINING PERMISSION FOR TREATING INITIATES

- 2.1 The medical officer shall be entitled to impose any conditions including deviation from the use of traditional material only in cases where there are early signs of sepsis or other similar health condition.
- 2.2 The medical officer shall be allowed to visit the initiation school at any time and as regularly as she or he deems necessary in order to inspect the health and condition of the initiate(s).
- 2.3 The traditional nurse shall not either directly or indirectly expose the initiate(s) to any harmful practice and shall exercise reasonable care in the treatment of the initiates.
- 2.4 The traditional nurse shall not stay away from the initiation school for any period longer than 12 hours in a day during the currency of the school.
- 2.5 The medical officer shall be entitled to prescribe any measure (including preventative measures) at any stage of the initiation period that he or she deems necessary in the interest of the good

health of the initiate(s) and such measures may if appropriate include a deviation from the traditional methods.

2.6 The traditional surgeon and nurse must cooperate at all times with the medical officer in respect of any directive given or decision made by the medical officer on any matter relating to or having a bearing on the health of the initiate(s).

I.....an adult..... person resident at.....acknowledge receipt of these conditions and any other conditions that were prescribed and explained to myself by.....ofin his or her capacity as a medical officer and which conditions I accept and regard as binding upon me. I promise to abide by them.

Received at.....on this the day of.....20.....

TRADITIONAL SURGEON

WITNESS NAME

SIGNATURE

I.....an adult..... person resident at.....acknowledge receipt of these conditions and any other conditions that were prescribed to myself by.....ofin his or her capacity as a medical officer and promise to abide by them.

Received at.....on this the day of.....20.....

TRADITIONAL NURSE

WITNESS NAME

SIGNATURE

ANNEXURE C

PARENTAL/GUARDIAN CONSENT FORM

I(We).....Id No.....

and.....Id No

Residential
Address.....

.....

(i) confirm that I(We) are the parent(s) or guardians of

Name of the initiate:
.....

Date of birth of initiate.....

Date of commencement of school:.....

Place of conducting of school and
operation.....

(ii) I(We) confirm that all the conditions for obtaining permission to conduct an initiation school and performing a circumcision operation have been explained to us by the traditional surgeon and nurse, I(We) agree with such conditions and any other conditions or measures that may be prescribed by the medical officer in the interest of the health of my (our) child.

Signed aton this theday of20....

Signature: Parent/Guardian

ANNEXURE D

INITIATES' CONSENT FORM

I.....Id No.....

Residential
Address.....

.....

will be undergoing initiation school and circumcision operation on: -

Date of commencement of school:.....

Place of conducting of school and
operation.....

- (i) I confirm that all the conditions for obtaining permission to conduct an initiation school and performing a circumcision operation have been explained to me by the traditional surgeon and nurse, I agree with such conditions and any other conditions or measures that may be prescribed by the medical officer in the interest of the my health

Signed aton this theday of20....

Signature: Initiate

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.

Tel: 748 6052, 748 6053, 748 6058

Also available at the **North-West Province**, Private Bag X2036, Mmabatho, 8681. Tel. (0140) 81-0121

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaat Sak X85, Pretoria, 0001.

Tel. Tel: 748 6052, 748 6053, 748 6058

Ook verkrygbaar by die **Noordwes-provinsie**, Privaat Sak X2036, Mmabatho, 8681. Tel. (0140) 81-0121