

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

Regulation Gazette

No. 5615

Regulasiekoerant

Vol. 366

PRETORIA, 15 DECEMBER 1995
DESEMBER

No. 16884

PROCLAMATION

by the
President

of the Republic of South Africa

No. R. 109, 1995

MANNER AND GUIDELINES FOR THE IDENTIFICATION OF TRADITIONAL LEADERS WHO SHALL BE *EX OFFICIO* MEMBERS OF ELECTED LOCAL GOVERNMENT

Under section 182 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), and after consultation with the Houses of Traditional Leaders, I hereby prescribe the manner in and guidelines according to which the traditional leader of a tribe recognised in law and residing on land within the area of jurisdiction of an elected local government referred to in Chapter 10 of the said Constitution, who shall *ex officio* be entitled to be a member of that local government, shall be identified as set out in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Thirteenth day of December, One thousand Nine hundred and Ninety-five.

N. R. MANDELA,
President.

By Order of the President-in-Cabinet:

R. P. MEYER,
Minister of the Cabinet.

SCHEDULE

Manner of Identification

1. (1) As soon as it comes to his or her notice that a local government referred to in Chapter 10 of the said Constitution has been elected and that a tribe recognised in law resides on land within the area of jurisdiction of the local government, the Premier of the Province concerned shall cause all the relevant facts to be submitted to the House of Traditional Leaders of that Province, if one is then in existence.

PROKLAMASIE

van die
President

van die Republiek van Suid-Afrika

No. R. 109, 1995

WYSE EN RIGLYNE VIR DIE IDENTIFIKASIE VAN TRADISIONELE LEIERS WIE *EX OFFICIO* LEDE VAN VERKOSE PLAASLIKE REGERING IS

Kragtens artikel 182 van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), en na oorleg met die Huisse van Tradisionele Leiers, skryf ek hierby voor die wyse van en riglyne waarvolgens die tradisionele leier van 'n stam wat by wet erken word en woon op grond binne die regsgebied van 'n verkose plaaslike regering in Hoofstuk 10 van genoemde Grondwet bedoel, wie *ex officio* geregtig is om 'n lid van sodanige plaaslike regering te wees, geïdentifiseer word soos in die Bylae uiteengesit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Dertiende dag van Desember Eenduisend Negehoenderd Vyf-en-negentig.

N. R. MANDELA,
President.

Op las van die President-in-Kabinet:

R. P. MEYER,
Minister van die Kabinet.

BYLAE

Wyse van Identifikasie

1. (1) Sodra dit onder sy of haar aandag kom dat 'n plaaslike regering in Hoofstuk 10 van die genoemde Grondwet bedoel, verkies is en dat 'n stam wat by wet erken word woonagtig is binne die regsgebied van die plaaslike regering, sien die Premier van die betrokke Provinsie toe dat alle relevante feite aan die Huis van Tradisionele Leiers van daardie Provinsie voorgelê word, indien dit dan bestaan.

(2) The House of Traditional Leaders concerned shall as soon as possible consider all the facts, adopt a recommendation regarding which traditional leader of the tribe is to be identified as being entitled to *ex officio* membership of the local government concerned and cause the recommendation to be submitted to the Premier.

(3) Upon receipt of the recommendation of the House of Traditional Leaders, or if no such recommendation is received within 30 days after the relevant facts have been submitted to the House in accordance with subparagraph (1), the Premier shall identify the traditional leader and cause the chief executive officer of the local government concerned to be informed of the identification.

(4) Where no House of Traditional Leaders exists, the Premier shall himself or herself identify the traditional leader, if any, after having consulted the traditional leaders residing within the area of jurisdiction of the local government concerned and cause the chief executive officer of the local government to be informed of the identification.

Guidelines for Identification

2. The traditional leader to be identified shall —

(a) hold the supreme office of authority amongst all the leaders of the tribe referred to in paragraph 1;

(b) ordinarily reside within the area of jurisdiction of the local government concerned.

(2) Die betrokke Huis van Tradisionele Leiers oorweeg so gou doenlik al die feite, neem 'n aanbeveling aan betreffende welke tradisionele leier van die stam geïdentifiseer moet word as dié wat geregtig is om *ex officio* lid van die betrokke plaaslike regering te wees, en sien toe dat die aanbeveling aan die Premier voorgelê word.

(3) By ontvangs van die aanbeveling van die Huis van Tradisionele Leiers, of indien geen sodanige aanbeveling binne 30 dae nadat die relevante feite aan die Huis in ooreenstemming met subparagraaf (1) voorgelê is, ontvang is nie, identifiseer die Premier die tradisionele leier en sien toe dat die hoof uitvoerende beamppte van die betrokke plaaslike regering van die identifikasie ingelig word.

(4) Waar geen Huis van Tradisionele Leiers bestaan nie, identifiseer die Premier self die tradisionele leier, indien enige, na oorleg met die tradisionele leiers wat woonagtig is binne die regsgebied van die betrokke plaaslike regering en sien toe dat die hoof uitvoerende beamppte van die plaaslike regering van die identifikasie ingelig word.

Riglyne vir Identifikasie

2. Die tradisionele leier wat geïdentifiseer staan te word —

(a) beklee die hoogste amp van gesag van al die tradisionele leiers van die stam in paragraaf 1 bedoel;

(b) is gewoonlik woonagtig binne die regsgebied van die betrokke plaaslike regering.

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