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STAATSKOERANT

GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE PRESIDENT

No. 2077.

2 Desember 1994

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet, wat hierby ter algemene inligting gepubliseer word:

No. 31 van 1994: Wet op die Raad van Tradisionele Leiers, 1994.

OFFICE OF THE PRESIDENT

No. 2077.

2 December 1994

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:

No. 31 of 1994: Council of Traditional Leaders Act, 1994.

WET

Om voorsiening te maak vir die samestelling van, die verkiesing van verteenwoordigers in en die bevoegdhede en werksaamhede van die Raad van Tradisionele Leiers; vir die procedures waarvolgens sodanige bevoegdhede en werksaamhede uitgeoefen en verrig moet word; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die President geteken.)
(Goedgekeur op 23 November 1994.)*

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika soos volg:

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
- (i) "Huis" 'n Huis van Tradisionele Leiers beoog in artikel 183 van die Grondwet; (iii)
 - (ii) "kieskollege" die kieskollege beoog in artikel 184(2) van die Grondwet en saamgestel ingevolge artikel 4; (ii)
 - (iii) "Raad" die Raad van Tradisionele Leiers ingestel by artikel 184(1) van die Grondwet. (i)
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Samestelling van Raad

2. (1) Die Raad bestaan uit 'n verkose voorsitter en 19 verkose verteenwoordigers.
- (2) Die President bepaal, na oorleg met die voorsitter van die Raad, watter lede voltydse en watter lede deeltydse lede sal wees.
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Bevoegdhede en werksaamhede van Raad

3. Benewens die bevoegdhede en werksaamhede wat deur artikel 184 van die Grondwet aan die Raad toevertrou word, het die Raad die bevoegdhede en werksaamhede wat deur hierdie Wet of enige ander wet daaraan verleen of opgedra word, en die Raad oefen sodanige bevoegdhede uit en verrig sodanige werksaamhede ooreenkomsdig die bepalings van hierdie Wet en artikel 184 van die Grondwet.
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Samestelling van kieskollege en verkiesing van verteenwoordigers in Raad

4. (1) Die voorsitter en lede van die Raad word verkies deur 'n kieskollege saamgestel deur die lede van die Huise.
- (2) (a) Die President moet, nadat hy of sy die aanbevelings van die gekose komitees van die Nasionale Vergadering en die Senaat wat vir staatkundige aangeleenthede verantwoordelik is, oorweeg het, reëls uitvaardig met betrekking tot—
- (i) die wyse waarop die kieskollege bedoel in subartikel (1) saamgestel moet word;
 - (ii) die regverdige verdeling tussen die onderskeie Huise van verteenwoordigers in die Raad; en
 - (iii) die prosedure wat by die verkiesing van die voorsitter en lede van die Raad gevolg moet word.
- (b) 'n Persoon aangewys deur die President moet—
- (i) die kieskollege binne 60 dae na die inwerkingtreding van hierdie Wet of binne 30 dae nadat 'n vakature in die Raad ontstaan of die Raad ingevolge hierdie Wet ontbind het, na gelang van die geval, byeenroep; en
 - (ii) by so 'n vergadering voorsit.
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ACT

To provide for the composition of, the election of representatives to and the powers and functions of the Council of Traditional Leaders; for procedures according to which such powers and functions have to be exercised and performed; and to provide for matters incidental thereto.

*(English text signed by the President.)
(Assented to 23 November 1994.)*

BE IT ENACTED by the Parliament of the Republic of South Africa as follows:—

Definitions

1. In this Act, unless the context otherwise indicates—
- 5 (i) “Council” means the Council of Traditional Leaders established by section 184(1) of the Constitution; (iii)
- (ii) “electoral college” means the electoral college contemplated in section 184(2) of the Constitution and constituted in terms of section 4; (ii)
- 10 (iii) “House” means a House of Traditional Leaders contemplated in section 183 of the Constitution. (i)

Composition of Council

2. (1) The Council shall consist of an elected chairperson and 19 elected representatives.
- 15 (2) The President shall, after consultation with the chairperson of the Council, determine which members shall be full-time and which members shall be part-time members.

Powers and functions of Council

3. The Council shall, in addition to the powers and functions entrusted to it by section 184 of the Constitution, have the powers conferred upon and the 20 functions assigned to it by this Act or any other law, and shall exercise such powers and perform such functions in accordance with the provisions of this Act and section 184 of the Constitution.

Composition of electoral college and election of representatives to Council

4. (1) The chairperson and members of the Council shall be elected by an 25 electoral college constituted by the members of the Houses.
- (2) (a) The President shall, after taking into consideration the recommendations of the select committees of the National Assembly and the Senate responsible for constitutional matters, make rules with regard to—
- 30 (i) the way in which the electoral college referred to in subsection (1) shall be constituted;
- (ii) the fair distribution among the various Houses of representatives on the Council; and
- (iii) the procedure to be observed at the election of the chairperson and members of the Council.
- 35 (b) A person designated by the President shall—
- (i) convene the electoral college within 60 days of the commencement of this Act or within 30 days after a vacancy has arisen in the Council or the Council has been dissolved in terms of this Act, as the case may be; and
- (ii) preside over such meeting.

(3) Die President moet reëls uitvaardig met betrekking tot die byeenroeping van en prosedure wat gevvolg moet word by 'n spesiale vergadering van die kieskollege waarop 'n voorstel van wantroue in die Raad of die ampsontheffing van die voorsitter of 'n lid van die Raad bespreek gaan word.

Duur van Raad

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5. (1) Die Raad ingevolge artikel 4 verkies duur, behoudens subartikel (2), vir vyf jaar vanaf die datum van bedoelde verkiesing, na afloop waarvan 'n nuwe verkiesing ooreenkomsdig hierdie Wet gehou moet word: Met dien verstande dat lede van die Raad herkiesbaar is.

(2) Indien die Raad gedurende die tydperk in subartikel (1) bedoel ingevolge artikel 7 ontbind, bly die Raad, soos dit op daardie tydstip saamgestel is, voortbestaan vir die tydperk tot die dag onmiddellik voor die verkiesing wat na aanleiding van sodanige ontbinding gehou word.

(3) Ondanks enige ontbinding van die Raad—

(a) bly elke persoon wat op die datum van die ontbinding 'n lid van die Raad 15 is, aan as 'n lid daarvan; en

(b) bly die Raad bevoeg om sy werksaamhede te verrig, gedurende die tydperk waartydens die Raad ingevolge subartikel (2) na die ontbinding bly voortbestaan.

(4) Indien die Raad ontbind en 'n nuwe Raad verkies word, is hierdie artikel 20 *mutatis mutandis* ten opsigte van so 'n nuwe Raad van toepassing behalwe dat die nuwe Raad duur vir die onverstreke gedeelte van die tydperk bedoel in subartikel (1).

Ampsontheffing van voorsitter of lid van Raad

6. Die voorsitter of 'n lid van die Raad hou op om sy of haar amp te beklee by 25 'n besluit wat op 'n spesiale vergadering deur 'n meerderheid van minstens twee derdes van die totale getal lede van die kieskollege aangeneem is en wat die voorsitter of 'n lid van die Raad van sy of haar amp onthef op grond van 'n ernstige oortreding van die Grondwet of 'n ander wet van die Republiek, of van wangedrag of onvermoë wat hom of haar ongeskik maak om sy of haar bevoegdhede en 30 werksaamhede as voorsitter of lid uit te oefen en te verrig.

Voorstel van wantroue

7. Indien die kieskollege op 'n spesiale vergadering 'n voorstel van wantroue in die Raad deur 'n meerderheid van minstens twee derdes van die totale getal lede van die kieskollege aanneem, ontbind die Raad en word 'n nuwe verkiesing 35 ingevolge hierdie Wet gehou.

Vergaderings van Raad

8. (1) Die Raad vergader in Kaapstad tensy die voorsitter van die Raad, ooreenkomsdig die reëls en orders van die Raad, anders gelas.

(2) Daar moet minstens een keer per jaar tydens 'n sitting van die Parlement 'n 40 gewone vergadering van die Raad gehou word.

(3) Behoudens subartikels (2), (4) en (5), word vergaderings van die Raad gehou op 'n tyd en plek wat deur die Raad of, indien deur die Raad daartoe gemagtig, deur die voorsitter, bepaal word.

(4) Die Uitvoerende Komitee van die Raad kan te eniger tyd, en moet indien 45 deur die President daartoe versoek, 'n spesiale vergadering van die Raad byeenroep op 'n datum deur bedoelde Komitee met die instemming van die President bepaal en by so 'n spesiale vergadering word slegs daardie aangeleent-hede behandel wat voor die Raad gelê word: Met dien verstande dat, indien so 'n spesiale vergadering in opdrag van die President byeengeroep word, slegs daardie 50 aangeleenthede behandel word wat die byeenroeping van die spesiale vergadering genoodsaak het.

(5) Die voorsitter moet binne 30 dae vanaf die eerste verkiesing van die Raad ingevolge artikel 4, die Raad op die wyse wat hy of sy dienstig ag, byeenroep.

(3) The President shall make rules with regard to the convening of and procedure to be observed at a special meeting of the electoral college at which the passing of a vote of no confidence in the Council or the impeachment of the chairperson or a member of the Council is to be discussed.

5 Duration of Council

5. (1) The Council elected in terms of section 4 shall, subject to subsection (2), continue for five years as from the date of such election, at the expiry of which a new election shall be held in accordance with this Act: Provided that members of the Council shall be eligible for re-election.
- 10 (2) If during the period referred to in subsection (1) the Council is dissolved in terms of section 7, the Council as constituted then, shall continue for the period up to the day immediately preceding the election held in pursuance of such dissolution.
- 15 (3) Notwithstanding any dissolution of the Council—
 (a) every person who at the date of the dissolution is a member of the Council shall remain a member thereof; and
 (b) the Council shall remain competent to perform its functions, during the period for which the Council continues in terms of subsection (2) after the dissolution.
- 20 (4) If the Council is dissolved and a new Council is elected, this section shall apply *mutatis mutandis* in respect of such new Council save that the new Council shall continue for the unexpired part of the period referred to in subsection (1).

Removal from office of chairperson or member of Council

6. The chairperson or a member of the Council shall cease to hold office on a resolution adopted at a special meeting by a majority of at least two-thirds of the total number of members of the electoral college and impeaching the chairperson or a member of the Council on the ground of a serious violation of the Constitution or any other law of the Republic, or of misconduct or inability rendering him or her unfit to exercise and perform his or her powers and functions as chairperson or member.

Vote of no confidence

7. If at a special meeting the electoral college passes a vote of no confidence in the Council by a majority of at least two-thirds of the total number of members of the electoral college, the Council shall be dissolved and a new election in terms of this Act shall be held.

Meetings of Council

8. (1) The Council shall meet in Cape Town, unless the chairperson of the Council, in accordance with the rules and orders of the Council, directs otherwise.
- 40 (2) There shall be an ordinary meeting of the Council at least once every year during a sitting of Parliament.
- (3) Subject to subsections (2), (4) and (5), meetings of the Council shall be held at a time and place as determined by the Council or, if authorised thereto by the Council, by the chairperson.
- 45 (4) The Executive Committee of the Council may at any time, and if so requested by the President shall, convene a special meeting of the Council on a date determined by the said Committee with the approval of the President and at such special meeting only such matters as are placed before the Council shall be dealt with: Provided that if such special meeting is called by the direction of
- 50 the President, only such matters as necessitated the calling of the special meeting shall be dealt with.
- (5) The chairperson shall within 30 days of the first election of the Council in terms of section 4, convene the Council in the manner he or she may deem expedient.

Voorsitter en ondervoorsitter

9. (1) By die eerste vergadering van die Raad nadat dit kragtens artikel 8(5) byeengeroep is, verkies die Raad een van sy lede as ondervoorsitter van die Raad.

(2) Die voorsitter en ondervoorsitter beklee hul amp, behoudens artikels 5, 6 en 7, vanaf die datum waarop hulle verkies is totdat die tydsuur van die Raad ten opsigte waarvan hulle verkies is, verstryk het: Met dien verstande dat hulle by die verstryking van hulle ampstermy herkiesbaar is. 5

(3) Die voorsitter is beklee en belas met al die bevoegdhede en werksaamhede wat deur hierdie Wet en die reëls en orders aan hom of haar verleen of opgedra word.

(4) Indien die voorsitter afwesig is of om enige rede nie die bevoegdhede of werksaamhede wat in die amp van voorsitter setel, kan uitoefen of verrig nie, of wanneer die amp van voorsitter vakant is, tree die ondervoorsitter as voorsitter op gedurende die voorsitter se afwesigheid of onvermoë of totdat 'n voorsitter verkies word. 10

(5) Indien enige van die omstandighede in subartikel (4) vermeld met betrekking tot sowel die voorsitter as die ondervoorsitter geld, neem 'n lid van die Raad wat ingevolge die reëls en orders aangewys is, waar as voorsitter solank genoemde omstandighede voortduur. 15

(6) Die ondervoorsitter of die lid ingevolge subartikel (5) aangewys, kan die bevoegdhede uitoefen en moet die werksaamhede verrig wat in die amp van voorsitter setel, terwyl hy of sy as voorsitter waarnem. 20

(7) Die voorsitter, die ondervoorsitter of enige ander lid van die Raad wat ingevolge die reëls en orders vir die doel aangewys is, sit voor by vergaderings van die Raad.

(8) Terwyl hy of sy by 'n vergadering van die Raad voorsit, het die voorsitter, ondervoorsitter of ander lid wat voorsit nie 'n beraadslagende stem nie, maar wel 'n beslissende stem wat hy of sy moet uitoefen in die geval van 'n staking van stemme. 25

(9) Die voorsitter of ondervoorsitter ontruim sy of haar amp indien hy of sy ingevolge artikel 6 van sy of haar amp onthef word, en kan bedank deur sy of haar bedanking skriftelik by die Sekretaris van die Raad in te dien. 30

(10) Indien die amp van ondervoorsitter vakant raak, kies die lede van die Raad 'n lid om die vakature te vul. 35

Ontruiming van setel en vul van vakatures

10. (1) Die setel van 'n lid van die Raad raak vakant—

- (a) indien hy of sy ingevolge artikel 6 van sy of haar amp onthef word;
- (b) by sy of haar afsterwe; of
- (c) indien hy of sy skriftelik onder sy of haar handtekening uit sy of haar setel bedank.

(2) 'n Vakature word so gou moontlik ingevolge artikel 4 gevul.

Reëls en orders

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11. Die Raad kan reëls en orders maak wat sy werksaamhede en verrigtinge reël, met inbegrip van reëls en orders wat die volgende aangeleenthede reël, naamlik—

- (a) die instelling, samestelling, bevoegdhede, werksaamhede, procedures en duur van komitees van die Raad: Met dien verstande dat voorsiening gemaak moet word vir 'n staande Uitvoerende Komitee, bestaande uit die voorsitter, ondervoorsitter en drie ander lede deur die Raad verkies; 45
- (b) beperkings op toegang tot sodanige komitees;
- (c) die bevoegdheid van so 'n komitee om sy werksaamhede en verrigtinge te verrig of af te handel op 'n ander plek as die setel van die Raad; en
- (d) die aanwysing van lede om voor te sit by vergaderings van die Raad. 50

Kworum

12. Die teenwoordigheid van minstens die helfte van al die lede van die Raad behalwe die voorsitter of ander voorsittende lid, is nodig om 'n vergadering van die Raad uit te maak.

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Chairperson and deputy chairperson

9. (1) At its first meeting after it has been convened under section 8(5) the Council shall elect one of its members as deputy chairperson of the Council.
- (2) The chairperson and deputy chairperson shall, subject to sections 5, 6 and 5 7, hold office from the date on which they were elected until the duration of the Council in respect of which they were elected has expired: Provided that they shall be eligible for re-election at the expiration of their term of office.
- (3) The chairperson shall be vested with all the powers and functions conferred upon or assigned to him or her by this Act and the rules and orders.
- 10 (4) If the chairperson is absent or is for any reason unable to exercise or perform the powers or functions vested in the office of chairperson, or when the office of chairperson is vacant, the deputy chairperson shall act as chairperson during the chairperson's absence or inability or until a chairperson is elected.
- 15 (5) If any of the circumstances described in subsection (4) applies with reference to both the chairperson and the deputy chairperson, a member of the Council designated in terms of the rules and orders shall act as chairperson while the said circumstances prevail.
- (6) The deputy chairperson or the member designated in terms of subsection 20 (5), while acting as chairperson, may exercise the powers and shall perform the functions vested in the office of chairperson.
- (7) The chairperson, the deputy chairperson or any other member of the Council designated for this purpose in terms of the rules and orders, shall preside over meetings of the Council.
- (8) While presiding at a meeting of the Council, the chairperson, deputy 25 chairperson or other member presiding shall not have a deliberative vote, but shall have and exercise a casting vote in the case of an equality of votes.
- (9) The chairperson or deputy chairperson shall vacate his or her office if he or she is impeached in terms of section 6, and may resign by lodging his or her resignation in writing with the Secretary to the Council.
- 30 (10) If the office of deputy chairperson becomes vacant, the members of the Council shall elect a member to fill the vacancy.

Vacation of seat and filling of vacancies

10. (1) The seat of a member of the Council shall become vacant—
- (a) if he or she is impeached in terms of section 6;
- 35 (b) upon his or her death; or
- (c) if he or she resigns his or her seat by written notice under his or her hand.
- (2) A vacancy shall be filled as soon as possible in terms of section 4.

Rules and orders

- 40 11. The Council may make rules and orders to regulate its business and proceedings, including rules and orders regulating—
- (a) the establishment, constitution, powers, functions, procedures and duration of committees of the Council: Provided that provision shall be made for a standing Executive Committee consisting of the chairperson, deputy chairperson and three other members elected by the Council;
- 45 (b) restrictions on access to such committees;
- (c) the competency of any such committee to perform or dispose of its business and proceedings at venues other than the seat of the Council; and
- 50 (d) the designation of members to preside over meetings of the Council.

Quorum

- 55 12. The presence of at least half of all the members of the Council other than the chairperson or other presiding member, shall be necessary to constitute a meeting of the Council.

Vereiste meerderhede

13. Alle vrae voor die Raad word beslis deur 'n meerderheid van die stemme wat uitgebring word.

Gelde betaalbaar aan lede

14. (1) Daar word aan 'n lid van die Raad, uit geld wat vir dié doel deur die Parlement bewillig is, die vergoeding en toelaes betaal wat deur die President met behoorlike inagneming van die aanbevelings van die Kommissie op Besoldiging van Verteenwoordigers beoog in artikel 207 van die Grondwet en die aanbevelings van die gekose komitees van die Nasionale Vergadering en die Senaat wat vir staatkundige aangeleenthede verantwoordelik is, bepaal word. 5

(2) Daardie lede van die Raad wat uit hoofde van hul lidmaatskap van 'n Huis vergoeding en toelaes ontvang en wat voortgaan om sodanige vergoeding en toelaes te ontvang terwyl hulle in die Raad dien, ontvang nie enige vergoeding en toelaes uit hoofde van subartikel (1) nie, behalwe in die mate wat nodig is om daardie lede in die posisie te plaas waarin hulle sou gewees het indien dit nie vir sodanige lidmaatskap was nie. 10 15

(3) Die vergoeding en toelaes in hierdie artikel beoog, kan verskil na gelang daarvan of 'n lid 'n voltydse of deeltydse lid van die Raad is.

Administrasie van Raad

15. (1) Die Raad kan, met die instemming van die Direkteur-generaal van die Departement van Staatkundige Ontwikkeling en in oorleg met die Staatsdienskommissie, 'n sekretaris en die ander personeel aanstel wat nodig is vir die uitvoering van die werksaamhede van die Raad. 20

(2) Daar word aan die persone kragtens hierdie artikel aangestel, uit geld wat vir dié doel deur die Parlement bewillig is, die vergoeding betaal wat die Minister vir Provinciale Sake en Staatkundige Ontwikkeling in oorleg met die Minister van Finansies bepaal. 25

Kort titel en inwerkingtreding

16. Hierdie Wet heet die Wet op die Raad van Tradisionele Leiers, 1994, en tree in werking op 'n datum deur die President by proklamasie in die *Staatskoerant* 30 bepaal.

Requisite majorities

13. All questions before the Council shall be determined by a majority of votes cast.

Moneys payable to members

5 14. (1) There shall be paid from monies appropriated by Parliament for this purpose to a member of the Council such remuneration and allowances as determined by the President, having due regard to the recommendations of the Commission on Remuneration of Representatives contemplated in section 207 of the Constitution and the recommendations of the select committees of the

10 National Assembly and the Senate responsible for constitutional matters.

(2) Those members of the Council who receive remuneration and allowances by virtue of their membership of a House and who continue to receive such remuneration and allowances while serving on the Council, shall not receive any remuneration and allowances by virtue of subsection (1), except to the extent

15 required to place those members in the position in which they would have been were it not for such membership.

(3) The remuneration and allowances contemplated in this section may differ according to whether a member is a full-time or part-time member of the Council.

20 Administration of Council

15. (1) The Council may, with the approval of the Director-General of the Department of Constitutional Development and in consultation with the Public Service Commission, appoint a secretary and such other staff as may be necessary for the discharge of the work of the Council.

25 (2) There shall be paid from monies appropriated by Parliament for this purpose to persons appointed under this section such remuneration as determined by the Minister for Provincial Affairs and Constitutional Development in consultation with the Minister of Finance.

Short title and commencement

30 16. This Act shall be called the Council of Traditional Leaders Act, 1994, and shall come into operation on a date fixed by the President by proclamation in the *Gazette*.

