



REPUBLIC OF SOUTH AFRICA

GOVT PUBL
18 APR 1997
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GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper As 'n Nuusblad by die Poskantoor Geregistreer

VOL. 382

CAPE TOWN, 11 APRIL 1997

No. 17917

KAAPSTAD, 11 APRIL 1997

PRESIDENT'S OFFICE

KANTOOR VAN DIE PRESIDENT

No. 563.

11 April 1997

No. 563.

11 April 1997

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

No. 10 of 1997: Council of Traditional Leaders Act, 1997.

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

No. 10 van 1997: Wet op die Raad van Tradisionele Leiers, 1997.

ACT

To provide for the establishment of a Council of Traditional Leaders; for the objects and functions of the said Council; and for matters incidental thereto.

*(Afrikaans text signed by the President.)
(Assented to 5 April 1997.)*

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

Definitions

1. In this Act, unless the context otherwise indicates—
 - (i) “Council” means the Council of Traditional Leaders established by section 2(1); (ii)
 - (ii) “fixed date” means the date on which this Act is first published in the *Gazette* as a law; (v)
 - (iii) “House” means any House of Traditional Leaders which is established by provincial legislation under section 212(2)(a) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), or which was established by provincial legislation as contemplated in section 239 of the said Constitution, as the case may be; (i)
 - (iv) “rules and orders” means the rules and orders made by the Council under section 10; (iii)
 - (v) “Secretary” means the Secretary to the Council appointed in terms of section 14(1) or any person acting as Secretary in accordance with section 14(3), as the case may be. (iv)

Establishment of Council of Traditional Leaders

2. (1) There is hereby established a council to be known as the Council of Traditional Leaders.
- (2) The Council shall consist of members nominated as provided in section 4.

Duration and dissolution of Council

3. (1) Subject to the provisions of subsection (2), the Council shall continue for five years as from the day on which the first meeting of the Council after its constitution takes place.

(2) Notwithstanding the dissolution of the Council by virtue of the provisions of subsection (1)—

- (a) every person who at the date of the dissolution is a member of the Council shall remain a member thereof;
- (b) the Council shall remain competent to exercise or to perform its powers and functions; and
- (c) the President shall have power to summon the Council by proclamation in the *Gazette* to an extraordinary meeting for the despatch of urgent business, during the period following such dissolution up to and including the day immediately preceding the day on which the first meeting of the Council after such dissolution takes place.

Nomination of members of Council

4. (1) Each House shall—
 - (a) if the House was established prior to the fixed date, within 21 days as from the said date;
 - (b) if the House is established on or after the fixed date, within 21 days as from the first meeting of that House;

WET

Om voorsiening te maak vir die instelling van 'n Raad van Tradisionele Leiers; vir die oogmerke en funksies van genoemde Raad; en vir bykomstige aangeleenthede.

*(Afrikaanse teks deur die President geteken.)
(Goedgekeur op 5 April 1997.)*

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—
 - 5 (i) "Huis" 'n Huis van Tradisionele Leiers wat by provinsiale wetgewing kragtens artikel 212(2)(a) van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996), ingestel word of wat by provinsiale wetgewing soos beoog in artikel 239 van genoemde Grondwet ingestel is, na gelang van die geval; (iii)
 - 10 (ii) "Raad" die Raad van Tradisionele Leiers by artikel 2(1) ingestel; (i)
 - (iii) "reëls en orders" die reëls en orders deur die Raad kragtens artikel 10 aangeneem; (iv)
 - (iv) "Sekretaris" die Sekretaris van die Raad ingevolge artikel 14(1) aangestel of 'n persoon wat as Sekretaris ooreenkomsdig artikel 14(3) optree, na gelang van die geval; (v)
 - 15 (v) "vasgestelde datum" die datum waarop hierdie Wet vir die eerste keer in die Staatskoerant as 'n wet gepubliseer word. (ii)

Instelling van Raad van Tradisionele Leiers

2. (1) Daar word hierby 'n raad ingestel wat die Raad van Tradisionele Leiers heet.
20 (2) Die Raad bestaan uit lede wat volgens voorskrif van artikel 4 benoem word.

Duur en ontbinding van Raad

3. (1) Behoudens die bepalings van subartikel (2) duur die Raad vyf jaar vanaf die dag waarop die eerste vergadering van die Raad na sy samestelling plaasvind.
25 (2) Ondanks die ontbinding van die Raad uit hoofde van die bepalings van subartikel (1)—
 - (a) bly elke persoon wat op die datum van die ontbinding 'n lid van die Raad is 'n lid daarvan;
 - (b) bly die Raad bevoeg om sy bevoegdhede en werksaamhede uit te oefen of te verrig; en
 - 30 (c) is die President bevoeg om die Raad by proklamasie in die Staatskoerant vir 'n buitengewone vergadering vir die verrigting van dringende werksaamhede byeen te roep,

gedurende die tydperk na sodanige ontbinding tot en met die dag onmiddellik voor die dag waarop die eerste vergadering van die Raad na sodanige ontbinding plaasvind.

35 Benoeming van lede van Raad

4. (1) Elke Huis moet—
 - (a) indien die Huis voor die vasgestelde datum ingestel is, binne 21 dae vanaf genoemde datum;
 - (b) indien die Huis op of na die vasgestelde datum ingestel word, binne 21 dae vanaf die eerste vergadering van daardie Huis;

(c) in the case of a dissolution of the Council, within 21 days as from such dissolution,
nominate three members of the House who are not members of Parliament or members of any provincial legislature to represent that House on the Council.

- (2) Any nomination contemplated in subsection (1) shall be made—
 (a) by means of a resolution of the House concerned;
 (b) by the submission to the Secretary in writing in respect of the person nominated—
 (i) his or her acceptance of the nomination;
 (ii) his or her full name and surname; and
 (iii) his or her address.

Qualifications and period of office of members of Council

5. (1) No person shall be qualified to become or to remain a member of the Council, unless he or she is or remains qualified to be nominated as such a member in terms of section 4(1).

(2) A member of the Council shall hold office until the next ensuing dissolution of the Council, but shall be eligible for renomination.

Vacation of office and filling of vacancies

- 6.** (1) A member of the Council shall vacate his or her office—
 (a) if he or she ceases to be a member of the House which nominated him or her as a member of the Council;
 (b) if he or she becomes a member of Parliament or a member of any provincial legislature;
 (c) if he or she, without having obtained leave in accordance with the rules and orders, absents himself or herself from three consecutive meetings of the Council; or
 (d) if he or she resigns as a member of the Council by submitting his or her resignation in writing to the Secretary.

(2) A casual vacancy in the Council shall be filled by the nomination of a member for the unexpired portion of the term of office of the member in whose stead he or she is nominated, and in the same manner in which the latter member was nominated in terms of section 4.

Objects and functions of Council

- 7.** (1) The objects of the Council shall be—
 (a) to promote the role of traditional leadership within a democratic constitutional dispensation;
 (b) to enhance unity and understanding among traditional communities; and
 (c) to enhance co-operation between the Council and the various Houses with a view to addressing matters of common interest.
- (2) The Council—
 (a) may advise the national government and make recommendations relating to any of the following:
 (i) Matters relating to traditional leadership;
 (ii) the role of traditional leaders;
 (iii) customary law; and
 (iv) the customs of communities observing a system of customary law;
 (b) may investigate and make available information on traditional leadership, traditional authorities, customary law and customs;
 (c) shall, at the request of the President, advise him or her in connection with any matter referred to in this section; and
 (d) shall present an annual report to Parliament.

Meetings of Council

8. (1) The first meeting of the Council after its constitution shall take place within 40 days as from the fixed date or as from the date of the dissolution of the Council, as the case may be, at a time and place determined by the Secretary.

- (c) in die geval van 'n ontbinding van die Raad, binne 21 dae vanaf sodanige ontbinding,
drie lede van die Huis wat nie lede van die Parlement of lede van 'n provinsiale wetgewer is nie, benoem om daardie Huis in die Raad te verteenwoordig.
- 5 5. (2) 'n Benoeming in subartikel (1) beoog, word gedoen—
(a) by wyse van 'n besluit van die betrokke Huis;
(b) deur aan die Sekretaris skriftelik ten opsigte van die benoemde persoon voor te lê—
(i) sy of haar aanvaarding van die benoeming;
(ii) sy of haar volle naam en van;
(iii) sy of haar adres.

Kwalifikasies en ampsduur van lede van Raad

5. (1) 'n Persoon is nie bevoeg om 'n lid van die Raad te word of te bly nie, tensy hy of sy bevoeg is of bly om as so 'n lid ingevolge artikel 4(1) benoem te word.
15 15. (2) 'n Lid van die Raad beklee sy of haar amp tot die eersvolgende ontbinding van die Raad, maar kan weer benoem word.

Ontruiming van amp en vulling van vakature

6. (1) 'n Lid van die Raad ontruim sy of haar amp—
(a) indien hy of sy ophou om 'n lid te wees van die Huis wat hom of haar as lid van die Raad benoem het;
(b) indien hy of sy 'n lid van die Parlement of 'n lid van 'n provinsiale wetgewer word;
(c) indien hy of sy, sonder om verlof ooreenkomsdig die reëls en orders te verkry, van drie agtereenvolgende vergaderings van die Raad afwesig was; of
25 (d) indien hy of sy as lid van die Raad bedank deur sy of haar bedanking skriftelik by die Sekretaris in te dien.
(2) 'n Toevallige vakature in die Raad word aangevul deur die benoeming van 'n lid vir die onverstreke gedeelte van die ampstermy van die lid in wie se plek hy of sy benoem word, en wel op dieselfde wyse waarop laasgenoemde lid ingevolge artikel 4 30 benoem is.

Oogmerke en funksies van Raad

7. (1) Die oogmerke van die Raad is—
(a) om die rol van tradisionele leierskap binne 'n demokratiese grondwetlike bedeling te bevorder;
35 (b) om eenheid en begrip onder tradisionele gemeenskappe te verhoog; en
(c) om samewerking tussen die Raad en die verskeie Huise te verhoog ten einde aangeleenthede van gemeenskaplike belang aan te spreek.
(2) Die Raad—
(a) kan die nasionale regering adviseer en aanbevelings aan hom maak met betrekking tot enige van die volgende:
40 (i) Aangeleenthede in verband met tradisionele leierskap;
(ii) die rol van tradisionele leiers;
(iii) die gewoontereg; en
(iv) die gewoontes van gemeenskappe wat 'n stelsel van gewoontereg naaleef;
(b) kan ondersoek instel en inligting beskikbaar stel oor tradisionele leierskap, tradisionele owerhede, gewoontereg en gebruik;
45 (c) moet, op versoek van die President, hom of haar adviseer in verband met enige aangeleenthed in hierdie artikel bedoel; en
(d) moet 'n jaarverslag aan die Parlement voorlê.

Vergaderings van Raad

8. (1) Die eerste vergadering van die Raad na sy samestelling vind plaas binne 40 dae vanaf die vasgestelde datum of vanaf die datum van die ontbinding van die Raad, na gelang van die geval, op die tyd en plek wat die Sekretaris bepaal.

(2) All subsequent meetings shall be held at a time and place determined by the Council or, if authorised thereto by the Council, the Chairperson of the Council: Provided that the President may at any time by proclamation in the *Gazette* summon the Council to an extraordinary meeting for the despatch of urgent business.

(3) There shall be an ordinary meeting of the Council at least once in every calendar year during the sitting of Parliament.

Chairperson and Deputy Chairperson of Council

9. (1) (a) At the first meeting of the Council after its constitution, the Council, with the President or any other person designated by him or her acting as the chairperson, shall elect one of the members of the Council as the Chairperson of the Council and another member as the Deputy Chairperson of the Council.

(b) Subject to the provisions of paragraph (c), the nomination of candidates for election as, and the voting for the election of, the Chairperson or the Deputy Chairperson of the Council shall take place in such manner as the person acting as the chairperson may determine.

(c) If any member of the Council proposes that the voting in question be by secret ballot, and such proposal is seconded by any other member, the relevant votes shall be taken by secret ballot in such manner as the person acting as the chairperson may determine.

(2) The Chairperson of the Council shall be invested and charged with all the powers and functions conferred upon or assigned to him or her by this Act and the rules and orders.

(3) Whenever the Chairperson of the Council is absent or for any reason unable to exercise or perform the powers and functions vested in the office of Chairperson of the Council, or whenever the office of Chairperson of the Council is vacant, the Deputy Chairperson of the Council shall act as Chairperson of the Council during the absence or inability of the Chairperson of the Council or until a Chairperson of the Council is elected, as the case may be.

(4) Whenever both the Chairperson and the Deputy Chairperson of the Council is absent or for any reason unable to exercise or perform the powers and functions vested in the office of Chairperson of the Council, or whenever both offices are vacant, a member of the Council designated in terms of the rules and orders shall act as Chairperson of the Council.

(5) While presiding at a meeting of the Council, the Chairperson or Deputy Chairperson of the Council, or any 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.

(6) The Chairperson or Deputy Chairperson of the Council may resign by submitting his or her resignation in writing to the Secretary.

(7) (a) If the office of Chairperson or Deputy Chairperson of the Council becomes vacant, the Council, with the Secretary acting as the chairperson, shall elect a member of the Council to fill the vacancy.

(b) The provisions of subsection (1)(b) and (c) shall apply, with the necessary changes, to any such election.

Rules of procedure

10. Subject to the provisions of this Act, the Council may make rules and orders in connection with the order and conduct of its business and proceedings, the establishment, constitution and powers of committees of the Council and the order and conduct of their business and proceedings.

Quorum

11. The presence of at least a majority of all the members of the Council shall be necessary to constitute a meeting of the Council.

Decisions

12. Save as is otherwise provided in the rules and orders, all questions at a meeting of the Council shall be determined by a majority of votes of the members present.

(2) Alle daaropvolgende vergaderings word gehou op die tyd en plek wat die Raad of, indien deur die Raad daartoe gemagtig, die Voorsitter van die Raad bepaal: Met dien verstande dat die President te eniger tyd by proklamasie in die *Staatskoerant* die Raad kan byeenroep vir 'n buitengewone vergadering vir die verrigting van dringende werkzaamhede.

(3) Daar is 'n gewone vergadering van die Raad minstens een maal elke kalenderjaar tydens die sitting van die Parlement.

Voorsitter en Ondervoorsitter van Raad

9. (1) (a) By die eerste vergadering van die Raad na sy samestelling verkies die Raad, met die President of 'n ander persoon deur hom of haar aangewys wat as die voorsitter optree, een van die lede van die Raad as die Voorsitter van die Raad en 'n ander lid as die Ondervoorsitter van die Raad.

(b) Behoudens die bepalings van paragraaf (c) vind die nominasie van kandidate vir verkiesing as, en die stemming vir die verkiesing van, die Voorsitter of die Ondervoorsitter van die Raad plaas op die wyse wat die persoon wat as die voorsitter optree, bepaal.

(c) Indien 'n lid van die Raad voorstel dat die betrokke stemming geheim moet wees, en sodanige voorstel deur 'n ander lid gesekondeer word, vind daardie stemming in die geheim plaas op die wyse wat die persoon wat as die voorsitter optree, bepaal.

(2) Die Voorsitter van die Raad is beklee en belas met al die bevoegdhede en werkzaamhede wat by hierdie Wet en die reëls en orders aan hom of haar verleen of opgedra word.

(3) Wanneer die Voorsitter van die Raad afwesig is of om die een of ander rede nie die bevoegdhede en werkzaamhede wat in die amp van Voorsitter van die Raad setel, kan uitoefen of verrig nie, of wanneer die amp van Voorsitter van die Raad vakant is, tree die Ondervoorsitter van die Raad as Voorsitter van die Raad op gedurende die Voorsitter van die Raad se afwesigheid of onvermoë of totdat 'n Voorsitter van die Raad verkies word, na gelang van die geval.

(4) Wanneer sowel die Voorsitter as die Ondervoorsitter van die Raad afwesig is of om die een of ander rede nie die bevoegdhede en werkzaamhede wat in die amp van Voorsitter van die Raad setel, kan uitoefen of verrig nie, of wanneer beide ampte vakant is, tree 'n lid van die Raad ingevolge die reëls en orders aangewys as Voorsitter van die Raad op.

(5) Terwyl hy of sy by 'n vergadering van die Raad voorsit, het die Voorsitter of Ondervoorsitter van die Raad, of 'n ander lid wat voorsit, nie 'n beraadslagende stem nie, maar het hy of sy 'n beslissende stem wat hy of sy in die geval van 'n staking van stemme moet uitoefen.

(6) Die Voorsitter of Ondervoorsitter van die Raad kan bedank deur sy of haar bedanking skriftelik by die Sekretaris in te dien.

(7) (a) Indien die amp van Voorsitter of Ondervoorsitter van die Raad vakant raak, verkies die Raad, met die Sekretaris wat as die voorsitter optree, 'n lid van die Raad om die vakature te vul.

(b) Die bepalings van subartikel (1)(b) en (c) is, met die nodige veranderinge, op so 'n verkiesing van toepassing.

45 Prosedurereëls

10. Behoudens die bepalings van hierdie Wet kan die Raad reëls en orders aanneem in verband met die orde en reëling van sy werkzaamhede en verrigtings, die instelling, samestelling en bevoegdhede van komitees van die Raad en die orde en reëling van hul werkzaamhede en verrigtings.

50 Kworum

11. Die teenwoordigheid van minstens 'n meerderheid van al die lede van die Raad is nodig om 'n vergadering van die Raad uit te maak.

Besluite

12. Behalwe soos in die reëls en orders anders bepaal, word alle vrae op 'n vergadering van die Raad beslis by 'n meerderheid van stemme van die aanwesige lede.

Remuneration and allowances of members

13. The remuneration and allowances of members of the Council shall be determined in accordance with a framework prescribed by legislation referred to in section 219(1) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996).

Administration of Council

5

14. (1) As soon as possible after the fixed date the Director-General: Constitutional Development shall designate any officer of his or her Department to act as Secretary until an appointment is made in terms of subsection (2).

(2) Subject to the laws governing the Public Service, the Minister for Provincial Affairs and Constitutional Development shall, with the approval of the Council, appoint a person as Secretary to the Council, who shall—

- (a) exercise or perform the powers and functions conferred upon or assigned to the Secretary by this Act and the rules and orders; and
- (b) subject to the directions of the Council, perform the work incidental to the exercise or performance of the powers and functions of the Council.

(3) The Secretary shall be assisted in the exercise or performance of his or her powers and functions by officers of the Department of Constitutional Development designated for that purpose by the relevant Director-General, with the approval of the Council.

Repeal of Act 31 of 1994

10

15. The Council of Traditional Leaders Act, 1994, is hereby repealed.

Short title

20

16. This Act shall be called the Council of Traditional Leaders Act, 1997.

(1) This Act may be cited as the Council of Traditional Leaders Act, 1997, and it shall be known as such.

(2) This Act may be cited as the Council of Traditional Leaders Act, 1997, and it shall be known as such.

(3) This Act may be cited as the Council of Traditional Leaders Act, 1997, and it shall be known as such.

(4) This Act may be cited as the Council of Traditional Leaders Act, 1997, and it shall be known as such.

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(12) This Act may be cited as the Council of Traditional Leaders Act, 1997, and it shall be known as such.

(13) This Act may be cited as the Council of Traditional Leaders Act, 1997, and it shall be known as such.

(14) This Act may be cited as the Council of Traditional Leaders Act, 1997, and it shall be known as such.

Besoldiging en toelaes van lede

13. Die besoldiging en toelaes van lede van die Raad word bepaal ooreenkomsdig 'n raamwerk wat voorgeskryf word by wetgewing in artikel 219(1) van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996), bedoel.

5 Administrasie van Raad

14. (1) So gou doenlik na die vasgestelde datum wys die Direkteur-generaal: Staatkundige Ontwikkeling 'n beampete van sy of haar Departement aan om as Sekretaris op te tree totdat 'n aanstelling ingevolge subartikel (2) gedoen word.

(2) Behoudens die wetsbepalings wat die Staatsdiens beheers, stel die Minister vir Proviniale Sake en Staatkundige Ontwikkeling, met die goedkeuring van die Raad, 'n persoon aan as Sekretaris van die Raad, wat—

- 15 (a) die bevoegdhede en werksaamhede uitoefen of verrig wat by hierdie Wet en die reëls en orders aan die Sekretaris verleen of opgedra word; en
- (b) onderworpe aan die voorskrifte van die Raad, die werk verbonde aan die uitoefening of verrigting van die bevoegdhede en werksaamhede van die Raad verrig.

(3) Die Sekretaris word by die uitoefening of verrigting van sy of haar bevoegdhede en werksaamhede bygestaan deur beampies van die Departement van Staatkundige Ontwikkeling wat vir dié doel deur die betrokke Direkteur-generaal, met die goedkeuring van die Raad, aangewys word.

Herroeping van Wet 31 van 1994

15. Die Wet op die Raad van Tradisionele Leiers, 1994, word hierby herroep.

Kort titel

16. Hierdie Wet heet die Wet op die Raad van Tradisionele Leiers, 1997.

Beschreibung der Dokumente und Tage

13. Die Beschreibung der Dokumente und Tage für die Rang-Meldung basiert auf den von der Deutschen und Schweizerischen Post ausgestellten Formularen. Sie ist für die Zeit vom 1. April bis zum 31. Oktober 1900 (Welt der Künste) und die Republik des Saar-Artikels 1900 (Welt der Künste) bestimmt.

c) Administration aus Rang

W. (1) Es soll deutlich, ob die Aussendungsabteilung der Deutschen Post als Schweizerische Gesellschaft eine Postanstalt ist oder nicht. Es soll auch die Zeitperiode festgestellt werden, in der die Aussendungsabteilung als solche bestanden hat.

14. Bezeichnungen der Werke des Künstlers sind in diesem Absatz zu erläutern. Welche Werke des Künstlers sind in demselben Jahr erschienen?

15. Der Preis, den der Künstler für seine Werke erhält, ist ebenfalls zu benennen.

(a) Der Preis, den der Künstler für seine Werke erhält, ist ebenfalls zu benennen.

(b) Der Preis, den der Künstler für seine Werke erhält, ist ebenfalls zu benennen.

16. Der Preis, den der Künstler für seine Werke erhält, ist ebenfalls zu benennen.

17. Der Preis, den der Künstler für seine Werke erhält, ist ebenfalls zu benennen.

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19. Der Preis, den der Künstler für seine Werke erhält, ist ebenfalls zu benennen.

20. Der Preis, den der Künstler für seine Werke erhält, ist ebenfalls zu benennen.

Hintergrund: am 31. Jan. 1900

12. Die Welt der Künste aus der Schweiz, 1900, Welt der Künste

Kontakt:

13. Die Welt der Künste aus der Schweiz, 1900, Welt der Künste