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GOVERNMENT NOTICE

DEPARTMENT OF TRADITIONAL AFFAIRS

No. 354

21 April 2011

TRADITIONAL LEADERSHIP AND GOVERNANCE FRAMEWORK ACT, 2003

GUIDELINES FOR DETERMINATION OF NUMBER OF MEMBERS OF TRADITIONAL COUNCILS

Under the powers vested in me by Section 3 (2) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), I, Emmanuel Nkosinathi Mthethwa, Acting Minister for Cooperative Governance and Traditional Affairs, hereby, issue the guidelines for the determination of the number of members of a Traditional Council as set out in the Schedule.



MR EN MTHETHWA, MP

ACTING MINISTER: COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

DATE: 14/04/2011

SCHEDULE

GUIDELINES FOR DETERMINATION OF NUMBER OF MEMBERS OF A
TRADITIONAL COUNCIL

Number of recognised Headmen/ Headwoman	Selected Members (SM) =60% of total number of members				Elected Members (EM) = 40% of total number of members	Total Number of Members =100%
	Community Members(CM)	Headmen/Headwomen	Senior Traditional Leaders (STL)	Total SM	Total EM	
7 or less	*	*	1	11	7	18
8-14	*	*	1	15	9	24
15-24	*	*	1	20	12	32
25 -50	*	*	1	25	17	42
51 and more	*	*	1	30	20	50

*A. Subject to paragraphs 1, 2 and 3 below, the selection process of members indicated in the above table must be done by the senior traditional leader (who is an ex officio member of the selected members) in terms of section 3(2) (c) of the Traditional Leadership and Governance Framework Act, 2003.

1. Subject to paragraph 2, the composition of the selected members is subject to the following:
 - (a) Community Members (CM) consist of ordinary community members and royal family members (RFM);
 - (b) CM may not exceed 30% of the total number of selected members;
 - (c) RFM members may not be less than 40% and may not exceed 60% of the total number of CM;
 - (d) in the event that the number of headmen/headwomen exceeds the number of headmen/headwomen to serve as selected members the senior traditional leader, may require the headmen/ headwomen to elect the required number of headmen/headwomen from amongst themselves to serve as selected member.
- (2) Before the selection process contemplated in paragraph A -,
 - (a) the senior traditional leader may request the royal family to designate from amongst its members, a forum of not less than three not more than five members to assist with selection; and
 - (b) If the senior traditional leader has made the request contemplated in paragraph (a), the selection of the senior traditional leader is subject to the concurrence of the forum referred to in paragraph (a).
- (3) In calculating 1 (a) and (b), if the decimal is .5 the figure must be rounded off upwards.

ALTERNATIVE**GUIDELINES FOR DETERMINATION OF NUMBER OF MEMBERS OF A
TRADITIONAL COUNCIL**

Estimated Population of Traditional Community	Selected Members (SM) =60% of total number of members				Elected Members (EM)=40% of total number of members	Total Number of Members =100%
	Community Members (CM) ¹	Headmen/headwomen	Senior Traditional Leader (STL)	Total SM	Total EM	
0-15,000	*	*	1	11	7	18
15,000 – 30,000	*	*	1	15	9	24
30,001- 50,000	*	*	1	20	12	32
50,001 – 80,000	*	*	1	25	17	42
80,001 – and above	*	*	1	30	20	50

*A. Subject to paragraphs 1 and 2 below, the selection of members indicated in the above table must be done by the senior traditional leader in terms of section 3(2) (c) of the Traditional Leadership and Governance Framework Act, 2003.

- (1) Subject to paragraph 2, the composition of the selected members is subject to the following:
 - (a) Community Members (CM) consist of ordinary community members and royal family members;
 - (b) CM may not exceed 30% of the total number of selected members;
 - (c) RFM members may not be less than 40% and may not exceed 60% of the total number of CM;
 - (d) in the event that the number of headmen/headwomen exceeds the number of headmen/headwomen to serve as selected members the senior traditional leader, may require the headmen/headwomen to elect the required number of headmen/headwomen from amongst themselves to serve as selected member
 - (e) in the event that there are no headman/headwomen, the selected members consist of CM and the STL only, and
- (2) Before a selection process contemplated in paragraph A-,
 - (a) the senior traditional leader may request the royal family to designate from amongst its members, a forum of not less than three not more than five members to assist with selection; and
 - (b) If the senior traditional leader has made the request contemplated in paragraph (a), the selection of the senior traditional leader is subject to the concurrence of the forum referred to in paragraph (a)
- (3) In calculating 1 (a) and (b), if the decimal is .5 the figure must be rounded off upwards.

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