

REPUBLIC OF SOUTH AFRICA

**PROPOSED AMENDMENTS
TO
TRADITIONAL LEADERSHIP
AND GOVERNANCE
FRAMEWORK
AMENDMENT BILL**

[B 8—2017]

*(As proposed by the Portfolio Committee on Cooperative Governance and
Traditional Affairs (National Assembly))*

[B 8A—2017]

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PROPOSED AMENDMENTS

TRADITIONAL LEADERSHIP AND GOVERNANCE FRAMEWORK AMENDMENT BILL

[B 8—2017]

CLAUSE 1

1. Clause rejected.

NEW CLAUSE

1. That the following be a new clause:

**Amendment of section 3A of Act 41 of 2003, as inserted by
section 5 of Act 23 of 2009**

1. Section 3A of the Traditional Leadership and Governance Framework Act, 2003 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

“(1) (a) Once the President has recognised a kingship or queenship, that kingship or queenship must, within **[one year]** two years of the recognition, establish a kingship or queenship council.

(b) A kingship or a queenship that has been confirmed by a decision of the Commission in accordance with this Act prior to its amendment by the Traditional Leadership and Governance Framework Amendment Act, 2009 (Act No. 23 of 2009), must, within two years from the commencement of the Traditional Leadership and Governance Framework Amendment Act, 2017, establish a kingship or a queenship council.”;

- (b) by the substitution in subsection (2)(c) for subparagraph (ii) of the following subparagraph:

“(ii) 40% of members elected democratically[, **by an electoral college consisting of all senior traditional leaders who fall under the kingship or queenship**] as contemplated in paragraph (d).”;

- (c) by the substitution in subsection (2) for paragraph (d) of the following paragraph:

“(d) Each traditional **[community]** council falling within the area of jurisdiction of the kingship or queenship concerned must **[in the prescribed manner,]** elect one person from the elected members of that council to serve as a member referred to in paragraph [(d)](c)(ii): Provided that where the number of persons so elected are less than the number of persons contemplated in paragraph (c)(ii), the traditional councils must each elect one additional person from the elected members of that council: Provided further that where the number of persons so elected exceed the number of members contemplated in paragraph [(d)](c)(ii), the persons elected by the traditional **[communities]** councils must elect from amongst themselves the number of persons contemplated in paragraph [(d)](c)(ii).”.

NEW CLAUSE

1. That the following be a new clause:

Amendment of section 3B of Act 41 of 2003, as inserted by section 6 of Act 23 of 2009

2. Section 3B of the principal Act is hereby amended—

- (a) by the substitution in subsection (2)(c) for subparagraph (ii) of the following subparagraph:

“(ii) 40% of members elected democratically[**, by an electoral college consisting of all senior traditional leaders who fall under the principal traditional council] as contemplated in paragraph (d).**”;

- (b) by the substitution in subsection (2) for paragraph (d) of the following paragraph:

“(d) Each traditional council falling within the area of jurisdiction of the principal traditional community concerned must elect one person from the elected members of that council to serve as a member referred to in paragraph (c)(ii): Provided that where the number of persons so elected are less than the number of persons contemplated in paragraph (c)(ii), the traditional councils must each elect one additional person from the elected members of that council: Provided further that where the number of persons so elected exceed the number of members contemplated in paragraph (c)(ii), the persons elected by the traditional councils must elect from amongst themselves the number of persons contemplated in paragraph (c)(ii).”

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