

REPUBLIC OF SOUTH AFRICA

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**PORTFOLIO COMMITTEE AMENDMENTS  
TO  
COUNCIL OF TRADITIONAL  
LEADERS BILL**

[B 25—96]

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*(As agreed to by the Portfolio Committee on Constitutional Affairs (National Assembly))*

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[B 25A—96]

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REPUBLIEK VAN SUID-AFRIKA

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**PORTEFEULJEKOMITEE-AMENDEMENTE  
OP  
WETSONTWERP OP DIE RAAD  
VAN TRADISIONELE LEIERS**

[W 25—96]

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*(Soos goedgekeur deur die Portefeuljekomitee oor Staatkundige Aangeleenthede (Nasionale Vergadering))*

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[W 25A—96]

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**AMENDMENTS AGREED TO**  


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**COUNCIL OF TRADITIONAL LEADERS BILL**  
**[B 25—96]**

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CLAUSE 1

1. On page 2, in lines 5 and 6, to omit “referred to in section 184(1) of the Constitution” and to substitute “established by section 2(1)”.
2. On page 2, in lines 9 and 10, to omit “contemplated in section 183(1)(a) of the Constitution” and to substitute:

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

CLAUSE 2

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause to follow Clause 1:

**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.

CLAUSE 7

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause to follow Clause 6:

**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; and
- (c) shall at the request of the President, advise him or her in connection with any matter referred to in this section.

#### CLAUSE 9

1. On page 4, in line 51, to omit “Secretary” and to substitute:  
President or any other person designated by him or her
2. On page 6, in line 3, to omit “Secretary” and to substitute:  
person acting as the chairperson
3. On page 6, in line 6, to omit “Secretary” and to substitute:  
person acting as the chairperson
4. On page 6, in line 27, to omit “under the chairpersonship of the Secretary as provided in subsection (1)” and to substitute:  
with the Secretary acting as the chairperson
5. On page 6, after line 28, to insert the following paragraph:  
(b) The provisions of subsection (1)(b) and (c) shall apply *mutatis mutandis* to any such election.

#### CLAUSE 11

1. On page 6, in line 35, to omit “one half” and to substitute “a majority”.

#### CLAUSE 13

Clause rejected.

#### NEW CLAUSE

1. That the following be a new Clause to follow Clause 12:

##### **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).

CLAUSE 16

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause to follow Clause 15:

**Short title**

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

LONG TITLE

1. On page 2, in the first line, to omit “constitution” and to substitute “establishment”.
2. On page 2, in the first line, to omit “powers” and to substitute “objects”.