

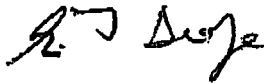
DEPARTMENT OF LAND AFFAIRS
DEPARTEMENT VAN GRONDSAKE

No. R. 907

16 September 2005

AMENDMENT OF ADMINISTRATIVE REGULATIONS MADE UNDER THE
KWAZULU-NATAL INGONYAMA TRUST ACT, 1994 (ACT No. 3 OF 1994)

I, Angela Thokozile Didiza, Minister for Agriculture and Land Affairs, hereby **make** the regulations, **as set** out in the Schedule, under section 2A(7) of the KwaZulu-Natal Ingonyama Trust Act, 1994 (Act No. 3 of 1994).



A T DIDIZA

MINISTER FOR AGRICULTURE AND LAND AFFAIRS

SCHEDULE

1. In this Schedule "the Regulations" means the Regulations made by Government Notice No. R. 1237 of 2 October 1998, as amended by Government Notice No. R. 1198 of 27 September 2002, Government Notice No. R. 521 of 17 April 2003, Government Notice No. R. 823 of 16 July 2004 and Government Notice No. R. 288 of 31 March 2005.

2. Amendment of regulation 1

Regulation 1 of the Regulations is hereby amended –

- (a) by the insertion of the following definition after the definition of "**Act**" :

"**accounting authority**" means the Board;"; and

- (b) by the substitution for the definition of "head of the Secretariat" of the following definition :

"**head of the Secretariat**" means the person who has been designated as head of the Secretariat in terms of regulation 6(3);".

3. **Amendment of regulation 2**

Regulation 2 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation :

"(2) A member of the accounting authority appointed in terms of section 2A(3)(b) or (c) of the Act who is not in the service of the State, shall be remunerated at a rate determined from time to time by the Minister in consultation with the Minister of Finance."

4. **Amendment of regulation 5**

Regulation 5 of the Regulations is hereby amended by the substitution for the words preceding subregulation (a) of the following words :

"A Secretariat shall be established by the accounting authority in consultation with the Director-General, to – .

5. **Amendment of regulation 6**

Regulation 6 of the Regulations is hereby amended –

(a) by the substitution for subregulation ~~(1)~~ the following subregulation :

"(1) The Secretariat may be staffed **by** members of the public service designated to the Trust or other persons under contract to the Trust itself **who** are able to provide technical, secretarial and other support required by the accounting authority.";

(b) by the substitution for subregulation (3) of the following subregulation :

"(3) The Secretariat shall be headed **by** an officer *of* the Department designated as such by the Director-General or a person in the employ ~~of~~ the Trust designated by the accounting authority in consultation with the Director-General.";

(c) by the deletion ~~of~~ subregulation (4).

6. Amendment of regulation 7

Regulation 7 of the Regulations is hereby substituted for the following regulation :

"7(1) The accounting authority may, **by** entering into a contract as contemplated in regulation 21 and after approval of the Department, procure accommodation, furniture, equipment and other facilities which may be required for **its** functioning, the functioning of the Secretariat and the proper administration and management of the Trust.

7(2) The provisions of subregulation (1) shall not be construed **so** as to limit assistance which the accounting authority may require from the Department and any other national, provincial, municipal or traditional authority to effectively execute its functions and perform its duties.".

7. Amendment of regulation 8

Regulation 8 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation :

“(1) An advisory committee may consist of such number ~~of~~ persons as the accounting authority may determine with due regard ~~to~~ the additional administrative, financial, legal, technical and other expertise and assistance that the accounting authority requires in order to carry out its functions.”.

8. Amendment of regulation 24

Regulation 24 of the Regulations is hereby substituted for the following regulation :

”24. The accounting authority may from time to time recommend *to* the Minister the promulgation of regulations to facilitate the functioning ~~of~~ the accounting authority, and it shall in particular recommend the promulgation. of regulations in respect of the following matters :

- (a) The procedure whereby land may be allocated to potential users;
- (b) the rental, levies and other charges for the right to use land;
- (c) the distribution of the income received by the accounting authority so as to comply with the requirements that the land and, by extension, the produce of the land, is used for the benefit *of* the members of the tribes and communities referred to in the Schedule to the Act.”.

9. General amendment

The Regulations are hereby amended by the substitution for the word "Board" wherever it appears, but excluding the definition of "accounting authority" in regulation 1, of the words "accounting authority".

10. These Regulations shall be known as the KwaZulu-Natal Ingonyama Trust Administrative Amendment Regulations, 2005, and come into operation on the date of publication thereof in the Government Gazette.