# PORTFOLIO COMMITTEE AMENDMENTS TO

# REFORM OF CUSTOMARY LAW OF SUCCESSION AND REGULATION OF RELATED MATTERS BILL

[B 10-2008]

(As agreed to by the Portfolio Committee on Justice and Constitutional Development (National Assembly))

[B 10A—2008]

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## **AMENDMENTS AGREED TO**

### REFORM OF CUSTOMARY LAW OF SUCCESSION AND REGULATION OF RELATED MATTERS BILL [B 10-2008]

#### ENACTING PROVISION

1. On page 2, from the first line, to omit "**B**E IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—" and to substitute "Parliament of the Republic of South Africa therefore enacts as follows:—".

#### CLAUSE 1

- 1. On page 2, in line 5, to omit "usages traditionally" and to substitute "practices".
- 2. On page 2, in line 6, to omit "peoples" and to substitute "people".
- 3. On page 2, in line 7, to omit "peoples" and to substitute "people".
- 4. On page 3, in line 1, to omit "and property, rights and status which commence with, attach to, and arise out of," and substitute
  - ", property, rights and status which arise out of"

#### CLAUSE 2

- 1. On page 3, in line 17, to omit "a will of such a person" and to substitute "that person's will"
- 2. On page 3, in line 21, after "such" to insert "a".
- 3. On page 3, in line 25, to omit "wife" and to substitute "spouse".
- 4. On page 3, in line 27, to omit "to the house of his wife" and to substitute "for his spouse's house".
- 5. On page 3, in line 30, to omit "to" and to substitute "for".

#### CLAUSE 3

- 1. On page 3, in line 36, to omit "contemplated" and to substitute "referred to".
- 2. On page 3, in line 42, to omit "contemplated" and to substitute "referred to".
- 3. On page 3, in line 53, to omit "contemplated" and to substitute "referred to".

#### CLAUSE 4

1. On page 4, in line 1, to omit "wife" and to substitute "woman"

- 2. On page 4, in line 3, after "such" to insert "a".
- 3. On page 4, in line 4, to omit "contemplated" and to substitute "referred to".
- 4. On page 4, in line 6, after "such" to insert "a".
- 5. On page 4, in line 7, after "such" to insert "a".
- 6. On page 4, in line 8, to omit "procreating" and to substitute "providing".
- 7. On page 4, in line 9, to omit "house of the first-mentioned woman; and" and to substitute "first-mentioned woman's house; or"
- 8. On page 4, in line 11, to omit "to" and to substitute "for".
- 9. On page 4, in line 14, to omit "contemplated" and to substitute "referred to".
- 10. On page 4, in line 14, to omit "to dispose" and to substitute "from disposing"

#### CLAUSE 5

- 1. On page 4, in line 30, to omit "contemplated" and to substitute "referred to".
- 2. On page 4, in line 33, to omit "contemplated" and to substitute "referred to".
- 3. On page 4, from line 36, to omit subsection (5).
- 4. On page 4, in line 39, to omit "contemplated" and to substitute "referred to".

#### CLAUSE 6

1. Clause rejected.

#### NEW CLAUSE

1. That the following be a new clause:

# Disposal of property held by traditional leader in official capacity

6. Nothing in this Act is to be construed as amending any rule of customary law which regulates the disposal of the property which a traditional leader who has died held in his or her official capacity on behalf of a traditional community referred to in the Traditional Leadership and Governance Framework Act 2003 (Act No. 41 of 2003).

#### CLAUSE 7

- 1. On page 4, in line 53, to omit "wife" and to substitute "spouse".
- 2. On page 4, in line 55, to omit "contemplated" and to substitute "referred to".

### SCHEDULE

- 1. On page 7, in line 10, to omit "(Act No. 82 of 1987)".
- 2. On page 7, in line 20, to omit "any" and to substitute "an".
- 3. On page 7, in line 24, after "(Act" to insert "No.".
- 4. On page 7, in line 39, to omit "wife" and to substitute "spouse"

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