

REPUBLIC OF SOUTH AFRICA

**SELECT COMMITTEE AMENDMENTS
TO**

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

[B 10B—2008]

*(As agreed to by the Select Committee on Security and Constitutional Affairs
(National Council of Provinces))*

[B 10C—2008]

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AMENDMENTS AGREED TO

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

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CLAUSE 1

1. On page 2, from line 8, to omit the definition of “**descendant**” and to substitute:

“**descendant**” means a person who is a descendant in terms of the Intestate Succession Act, and includes—

- (a) a person who is not a descendant in terms of the Intestate Succession Act, but who, during the lifetime of the deceased person, was accepted by the deceased person in accordance with customary law as his or her own child; and
- (b) a woman referred to in section 2(2)(b) or (c).”.

CLAUSE 5

1. On page 4, in line 28, after “magistrate”, to insert “or a traditional leader”.
2. On page 4, in line 30, after “magistrate”, to insert “or traditional leader, as the case may be”.
3. On page 4, in line 32, after “magistrate”, to insert “or traditional leader, as the case may be”.

SHORT TITLE AND COMMENCEMENT

1. On page 5, in line 8, to omit “2008” and to substitute “2009”.

SCHEDULE

On page 7, in the third column, from line 25, to omit paragraph (c) and to substitute:

“(c) by the insertion in subsection (4), after paragraph (e), of the following paragraph:

“(eA) A person referred to in paragraph (a) of the definition of ‘descendant’ contained in section 1 of the Reform of Customary Law of Succession and Regulation of Related Matters Act, 2009, shall be deemed—

- (i) to be a descendant of the deceased person referred to in that paragraph;
 - (ii) not to be a descendant of his or her natural parent or parents, except in the case of a natural parent who is also the parent who accepted that person in accordance with customary law as his or her own child, as envisaged in the said definition, or was, at the time when the child was accepted, married to the parent who so accepted the child; and”;
- and

- (d) by the insertion after subsection (5) of the following subsection:

(5A) If a person referred to in paragraph (a) of the definition of ‘descendant’ contained in section 1 of the Reform of Customary Law of Succession and Regulation of Related Matters Act, 2009, is deemed to be a descendant of the deceased person referred to in that paragraph, or is deemed not to be a descendant of his or her natural parent, the deceased person shall be deemed to be an ancestor of the person referred to in that paragraph, or shall be deemed not to be an ancestor of that person, as the case may be”.”