

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
KWAZULU INGONYAMA TRUST
AMENDMENT BILL**

[B 12D—96]

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

[B 12E—96]

REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE-AMENDEMENTE
OP
WYSIGINGSWETSONTWERP
OP DIE KWAZULU INGONYAMA
TRUST**

[W 12D—96]

(Soos goedgekeur deur die Portefeuljekomitee oor Grondsake (Nasionale Vergadering))

[W 12E—96]

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AMENDMENTS AGREED TO

KWAZULU INGONYAMA TRUST AMENDMENT BILL [B 12D—96]

CLAUSE 1

1. On page 2, in line 9, to omit “1996” and to substitute “1997”.
2. On page 2, in line 9, to omit “KwaZulu” and to substitute “KwaZulu-Natal”.
3. On page 2, in line 10, to omit “1996” and to substitute “1997”.
4. On page 2, in line 18, to omit “includes” and to substitute “means”.

CLAUSE 2

1. On page 4, in line 47, to omit “[**traditional**] tribal” and to substitute “traditional”.
2. On page 6, in line 3, after “land” to insert “reform”.

CLAUSE 3

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause to follow Clause 2:

“Insertion of section 2A in Act 3 of 1994

3. The following section is hereby inserted after section 2 of the principal Act:

KwaZulu-Natal Ingonyama Trust Board

2A. (1) There is hereby established a board to be known as the KwaZulu-Natal Ingonyama Trust Board.

(2) The Board shall administer the affairs of the Trust and the trust land and without detracting from the generality of the foregoing the Board may decide on and implement any encumbrance, pledge, lease, alienation or other disposal of any trust land, or of any interest or real right in such land.

(3) The Board shall consist of—

- (a) the Ingonyama or his or her nominee who shall be the chairperson of the Board; and
- (b) four members appointed by the Minister after consultation with the Ingonyama, the Premier and the chairperson of the House of Traditional leaders of KwaZulu-Natal; and
- (c) four members appointed by the Minister, with due regard to regional interests, in consultation with the Premier, who

shall consult with the Ingonyama and the chairperson of the House of Traditional Leaders in this regard:

Provided that if a vacancy exists in respect of a member referred to in paragraph (b) or (c), this shall not prevent the Board from carrying out its functions: Provided further that the members appointed in terms of paragraphs (b) and (c) shall be appointed from amongst officers in the employ of the governments of the Republic of South Africa or the province of KwaZulu-Natal or from other persons who do not hold office in or on behalf of a political party or have a high political profile, who have knowledge and experience relevant to the administration of the trust land.

(4) The Minister shall designate one of the members of the Board appointed in terms of subsection (3)(b) as vice-chairperson of the Board.

(5) The Board may appoint one or more advisory committees to advise it regarding the performance of any of its functions.

(6) The Board may delegate or assign, subject to such conditions as the Board may determine, any of its powers generally or in a specific case, to a committee of the Board or a member of the Board or to an official in the public service, a local authority, or an official in the service of a local authority or to a traditional authority.

(7) The Minister may make regulations as to—

- (a) the circumstances under which a member of the Board, appointed under subsection (3)(b) or (c), shall vacate his or her office;
- (b) the manner in which meetings of the Board shall be convened;
- (c) the powers and duties of the chairperson, vice-chairperson and acting chairperson at meetings of the Board;
- (d) the quorum and procedures for meetings of the Board;
- (e) the keeping of minutes, registers and records of the Board;
- (f) such other matters as are necessary or useful to be prescribed for the attainment of the objects of this Act, the generality of this provision not being limited by the provisions of the preceding paragraphs.”.

CLAUSE 6

1. On page 10, in line 3, to omit “1996” and to substitute “1997”.
2. On page 10, in line 13, to omit “1996” and to substitute “1997”.
3. On page 10, in line 18, to omit “vest” and to substitute “be deemed to have vested”.
4. On page 10, in line 20, after “Constitution” to insert:

of the Republic of South Africa, 1993 (Act No. 200 of 1993)”
5. On page 10, from line 21, to omit subsection (5) and to substitute:

(5) Any land in a township or any real right in such land shall vest in the local authority having jurisdiction over such township—

 - (a) if the township exists as such on the date of commencement of the Amendment Act, 1997, on such date of commencement; and
 - (b) if the township is established and approved or proclaimed as such after the date of commencement of the Amendment Act, 1997, upon such establishment and approval or proclamation.

NEW CLAUSE

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

Substitution of section 5 of Act 3 of 1994

7. The following section is hereby substituted for section 5 of the principal Act:

“Short title

5. This Act shall be called the [KwaZulu] KwaZulu-Natal Ingonyama Trust Act, 1994.”.

CLAUSE 7

Clause rejected.

NEW CLAUSE

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

Short title

7. This Act shall be called the KwaZulu-Natal Ingonyama Trust Amendment Act, 1997, and shall come into operation on a date to be determined by proclamation in the Gazette.