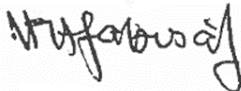

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRADITIONAL AFFAIRS**NO. R. 6680****26 September 2025****CUSTOMARY INITIATION ACT, 2021****(ACT NO. 2 OF 2021)****CUSTOMARY INITIATION REGULATIONS**

The Minister responsible for Traditional Affairs has, under section 35(1) of the Customary Initiation Act, 2021 (Act No. 2 of 2021), and after consultation with the Premiers of all provinces, the National House of Traditional Leaders and all provincial houses of traditional leaders, made the regulations in the Schedule.

**MINISTER OF COOPERATIVE GOVERNMENT AND TRADITIONAL AFFAIRS****DATE: 23/09/2025**

SCHEDULE

CUSTOMARY INITIATION REGULATIONS

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CHAPTER 1

INTERPRETATION

Definitions

1. In these Regulations, an expression, word or phrase to which a meaning has been assigned in the Act, bears the meaning so assigned and, unless the context otherwise indicates—

“appellant” means a person who lodges an appeal as provided for in section 34(1) or (2) of the Act;

“customary initiation” means any customary or cultural practices, rituals or ceremonies taking place at an initiation school in accordance with the customs and traditions of the community concerned, and may include teachings relating to ideals, values, aspirations and respect;

“HOD” means the head of the provincial department responsible for providing administrative and financial support to the relevant PICC as contemplated in section 17 of the Act;

“provincial department” means the provincial department responsible for providing administrative and financial support to the relevant PICC as contemplated in section 17 of the Act;

“the Act” means the Customary Initiation Act, 2021 (Act No. 2 of 2021); and

“transitional period” means the period from the day after the expiry of the term of the NIOC in accordance with section 4(2) of the Act or the expiry of the term of a PICC in accordance with section 11(5) of the Act, as the case may be, until the day before the re-establishment of the NIOC in accordance with section 4(1) of the Act or the re-establishment of a PICC in accordance with section 11(1), (2) or (3) of the Act, as the case may be.

CHAPTER 2

NATIONAL INITIATION OVERSIGHT COMMITTEE

Interim chairperson

2. (1) If both the chairperson and deputy chairperson of the NIOC are unable to execute or perform their duties, functions and responsibilities, or when both positions are vacant, the remaining members of the NIOC must, from amongst the members contemplated in section 4(1)(a), (b) or (c) of the Act, elect a member to act as chairperson while the said circumstances prevail.

(2) For the purposes of an election as contemplated in sub-regulation (1), the Director-General must arrange a meeting of the NIOC and give notice of such meeting to the members of the NIOC at least five working days prior to such meeting.

(3) The Director-General shall chair a meeting as contemplated in sub-regulation (2).

(4) The Director-General may delegate the responsibilities provided for in sub-regulations (2) and (3) to a Deputy Director-General within the Department.

(5) The provisions of sections 8(2)(a), (3) and (4) apply with the necessary changes to a meeting contemplated in sub-regulation (2).

(6) If, during a meeting of the NIOC both the chairperson and deputy chairperson of the NIOC become unable or unavailable to execute or perform their duties, functions and responsibilities, the remaining members of the NIOC must, from amongst themselves, elect a member to act as chairperson for the duration of the specific meeting: Provided that the remaining members must form a quorum as contemplated in sections 8(3) of the Act.

Meetings of NIOC

3.(1)(a) If a member of the NIOC is unable to attend any meeting of the NIOC such member must submit a written apology to the chairperson of the NIOC and the secretariat thereof, at least three working days before the meeting.

(b) If a member of the NIOC is absent from three consecutive meetings, whether with or without having submitted a written apology, the chairperson of the NIOC must inform such member in writing that if his or her absence persists, it will be reported to the Minister and the relevant department or institution that designated such member.

(c) If, after having written to a member as contemplated in paragraph (b), such member is absent from the next meeting of the NIOC, the chairperson of the NIOC must report such absence to the Minister and the Minister may, in writing, request the department or institution who designated such member, to replace the member.

(2) The NIOC may request a meeting with any or all PICCs to discuss any matter relating to the implementation of the Act.

(3) The NIOC must adopt Terms of Reference for meetings of the NIOC and joint meetings of the PICCs, which Terms of Reference must at least include—

- (a) meeting procedures;
- (b) rules relating to the confidentiality and closed sessions;
- (c) roles and functions;
- (d) decision-making procedures; and
- (e) record keeping and reporting.

(4) In extraordinary circumstances the chairperson of the NIOC may give a minimum of 24 hours' notice of a special meeting of the NIOC to all members of the NIOC to attend to any urgent matters: Provided that if a member of the NIOC is unable to attend any such special meeting, such member must submit a written apology to the chairperson of the NIOC and the secretariat thereof, at least 12 hours before the meeting.

(5) In extraordinary circumstances the Minister or Director-General may give a minimum of 24 hours' notice of a special meeting of the NIOC to all members of the NIOC, to attend to any urgent matters: Provided that if a member of the NIOC is unable to attend any such meeting, such member must submit a written apology to the Minister or Director-

General, as the case may be, and the secretariat of the NIOC, at least 12 hours before the meeting.

(6) The provisions of sections 8(2)(a) and (4)(a) and (b) and 10 of the Act apply with the necessary changes to the meeting as contemplated in this regulation.

Assignment of tasks

4.(1) The NIOC may, at a duly constituted meeting, assign a task related to the functions, duties and responsibilities of the NIOC to a member or members of the NIOC who are present at the particular meeting.

(2) The assignment of a task as contemplated in sub-regulation (1) must—

- (a) indicate the timeframe within which the member or members must complete the task and report to the NIOC; and
- (b) be captured in the minutes of the meeting.

Monitoring, inspections, investigations and closing of initiation schools

5.(1) Any member of the NIOC who has to conduct monitoring, an investigation or inspection as contemplated in the Act, must, if such monitoring, investigation or inspection requires of such person to have access to an initiate or initiates or to an area of the relevant initiation school other than the area contemplated in section 21(7) of the Act, be a person who has undergone initiation himself or herself, in accordance with the relevant customs and customary law.

(2) For the purposes of an investigation or inspection as contemplated in the Act, the NIOC may request the relevant Provincial Commissioner of the South African Police Service (“SAPS”) to designate a member or members of SAPS to accompany the member or members of the NIOC.

(3)(a) The NIOC must, for the purposes of the first proviso to section 9(1)(b) of the Act, inform the relevant PICC in writing of its intention to conduct an inspection or investigation, at least three working days before the envisaged inspection or investigation, and indicate the period within which the PICC must designate a member as contemplated in the said

proviso and inform the traditional leader in whose area of jurisdiction the relevant initiation school is located and the relevant land owner, where applicable.

(b) The failure of a PICC to designate a member as contemplated in the first proviso to section 9(1)(b) of the Act within the period indicated by the NIOC, does not prevent the NIOC from conducting such inspection or investigation: Provided that in such instances the NIOC must, prior to the relevant inspection or investigation, give written notice thereof to the HOD, at least one working day before the envisaged inspection or investigation, and inform the Director-General accordingly.

(4) If a PICC has not been established in a particular province, the NIOC must give written notice of its intention to conduct an inspection or investigation as contemplated in section 9(1)(b)(i), (ii) or (vi) of the Act to the HOD, at least three working days before the envisaged inspection or investigation, and inform the Director-General accordingly.

Reports

6.(1)(a) The NIOC may, in writing, request a report from a PICC in respect of any of the functions, duties and responsibilities assigned to the PICC in terms of the Act, including any statistics kept by a PICC, which report must be submitted to the NIOC within a period indicated in the request.

(b) If a PICC has not been established in a particular province, the NIOC may submit a request as contemplated in paragraph (a) to the HOD.

(2) The NIOC must, within two months from the commencement of these Regulations, inform all PICCs and, where applicable, the HOD, in writing of the minimum information to be included in an initiation season report.

(3) The NIOC may, from time to time, review the minimum information to be included in an initiation season report and inform all PICCs and, where applicable, the HOD, of any changes.

CHAPTER 3

PROVINCIAL INITIATION COORDINATING COMMITTEE

Interim chairperson

7.(1) If both the chairperson and deputy chairperson of a PICC are unable to execute or perform their duties, functions and responsibilities, or when both positions are vacant, the remaining members of the PICC must, from amongst the members contemplated in section 11(1)(a), (2)(a) or (b) or (3) of the Act, as the case may be, elect a member to act as chairperson while the said circumstances prevail.

(2) For the purposes of an election as contemplated in sub-regulation (1), the HOD or his or her designate must arrange a meeting of the PICC and give notice of such meeting to the members of the PICC at least five working days prior to such meeting.

(3) The HOD shall chair a meeting as contemplated in sub-regulation (2).

(4) The HOD may delegate the responsibilities provided for in sub-regulations (2) and (3) to a Chief Director within the relevant department.

(5) Section 14(2)(a), (3) and (4) of the Act apply with the necessary changes to a meeting contemplated in sub-regulation (2).

(6) If, during a meeting of the PICC, both the chairperson and deputy chairperson of the PICC become unable or unavailable to execute or perform their duties, functions and responsibilities, the remaining members of the PICC must, from amongst themselves, elect a member to act as chairperson for the duration of the specific meeting: Provided that the remaining members must form a quorum as contemplated in section 14(3) of the Act.

Meetings of PICC

8.(1)(a) If a member of the PICC is unable to attend any meeting of the relevant PICC, such member must submit a written apology to the chairperson of the PICC and the secretariat thereof, at least three working days before the meeting.

(b) If a member of the PICC is absent from three consecutive meetings, whether with or without having submitted a written apology, the chairperson of the PICC must inform such member in writing that if his or her absence persists, it will be reported to the Premier, and relevant provincial department or institution, as the case may be.

(c) If, after having written to a member as contemplated in paragraph (b), such member is absent from the next meeting of the PICC, the chairperson of the PICC must report such absence to the Premier and the Premier may, in writing, request the institution or department who designated such member, to replace the member.

(2) A PICC may request a meeting with the NIOC to discuss any matter relating to the implementation of the Act.

(3) A PICC may request a meeting with any other PICC to discuss any matter relating to the implementation of the Act.

(4) The PICC must adopt Terms of Reference for meetings of the PICC and joint meetings as contemplated in sub-regulation (2), which Terms of Reference must at least include—

- (a) meeting procedures;
- (b) rules relating to the confidentiality and closed sessions;
- (c) roles and functions;
- (d) decision making procedures; and
- (e) record keeping and reporting.

(5) In extraordinary circumstances the chairperson of the PICC, may give a minimum of 24 hours' notice of a special meeting of the PICC to all members of the PICC, to attend to any urgent matters: Provided that if a member of the PICC is unable to attend any such special meeting, such member must submit a written apology to the chairperson of the PICC and the secretariat thereof, at least 12 hours before the meeting.

(6) In extraordinary circumstances the Premier, relevant MEC or HOD may give a minimum of 24 hours' notice of a special meeting of the PICC to all members of the PICC,

to attend to any urgent matters: Provided that if a member of the PICC is unable to attend any such meeting, such member must submit a written apology to the Premier, MEC or HOD, as the case may be, and the secretariat of the PICC, at least 12 hours before the meeting.

(7) The provisions of sections 14(2)(a) and (b) and (4)(a) and (b) and 17 of the Act, as the case may be, apply with the necessary changes to meetings contemplated in this regulation.

Assignment of tasks

9.(1) The PICC may, at a duly constituted meeting and subject to section 15(8) of the Act, assign a task related to the functions, duties and responsibilities of the PICC to a member or members of the PICC who are present at the particular meeting.

(2) The assignment of a task as contemplated in sub-regulation (1) must—

- (a) indicate the timeframe within which the member or members must complete the task and report to the PICC; and
- (b) be captured in the minutes of the meeting.

Monitoring, inspections, investigations and closing of initiation schools

10.(1) Any member of the PICC who has to conduct monitoring, an investigation or inspection as contemplated in the Act, must, if such monitoring, investigation or inspection requires of such person to have access to an initiate or initiates or to an area of the relevant initiation school other than the area contemplated in section 21(7) of the Act, be a person who has undergone initiation himself or herself, in accordance with the relevant customs and customary law.

(2) For the purposes of an investigation or inspection as contemplated in the Act, the PICC may request the relevant Provincial Commissioner of SAPS to designate a member or members of SAPS to accompany the member or members of the PICC.

Reports

11.(1)(a) A PICC must, within two working days from receipt of information as contemplated in section 31(1)(c) of the Act, submit a detailed report on such information to the NIOC.

(b) A report as contemplated in paragraph (a) must include the full names, identity number, age, gender, ethnic group and cause of death of the particular initiate and post mortem report, the full names and identity numbers of the relevant principal, traditional surgeon and care-giver, the name and address of the relevant initiation school and, where applicable, the letter of registration of the relevant initiation school: Provided that in an instance where the relevant initiation school has not been registered, the report must mention this: Provided further that if the cause of death is not known at the time of the report, the PICC must submit an updated report, including the post mortem report, to the NIOC within two working days of being informed of the cause of death.

(c) Notwithstanding the provisions of paragraph (a), the PICC must, for the duration of an initiation season, submit daily statistics to the NIOC and the Department which statistics must include—

- (i) the number of deaths per initiation school;
- (ii) any specific health problems experienced by any initiate and the details of the relevant initiation school; and
- (iii) any serious bodily harm experienced by any initiate as a result of the initiation practice and the details of the relevant initiation school.

(2) A PICC must, within one month after an initiation season has ended, prepare and submit an initiation season report to the NIOC: Provided that if a PICC has not been established in a particular province, the HOD must prepare and submit such report.

CHAPTER 4

GENERAL PROVISIONS

Establishment notices

12.(1) The notices contemplated in sections 4(1) and 11(1), (2) and (3) of the Act must include the titles, initials and surnames of the persons designated as members of the NIOC or a PICC, as the case may be.

(2) The title, initials and surname of a person who is designated to fill a vacancy in the NIOC as contemplated in section 7 of the Act must be published in the *Gazette* by the Department after the Minister has been informed of the filling of such vacancy.

(3) The title, initials and surname of a person who is designated to fill a vacancy in a PICC as contemplated in section 13 of the Act must be published in the relevant provincial Gazette by the provincial department after the relevant Premier has been informed of the filling of such vacancy.

(4) A title as contemplated in this Regulation includes, where applicable, and subject to section 2(6) of the Act, a customary title accorded to the person in terms of the customs of the particular community.

Directives by the Minister

13.(1) A directive by the Minister as contemplated in section 9(1)(a)(vii) of the Act must be in writing and may be issued through a letter or e-mail addressed to the chairperson and deputy chairperson of the NIOC.

(2) In extraordinary circumstances, the Minister may issue a directive to the chairperson of NIOC telephonically and must subsequently confirm such directive in writing through a letter or e-mail addressed to the chairperson.

(3) A directive issued by the Minister must indicate the period within which the NIOC has to perform the specific task and how the NIOC has to report on such task to the Minister.

(4) Upon receipt of a directive from the Minister, the chairperson of the NIOC must forthwith inform all members of the NIOC accordingly through a letter or e-mail addressed to such members.

Assistance by traditional leaders

14. A request by the NIOC or a PICC to a traditional leader for assistance as contemplated in section 20(1)(e) of the Act—

- (a) must be in writing;
- (b) stipulate the nature of assistance required; and
- (c) indicate how the traditional leader has to report on the assistance provided to the NIOC or PICC.

Appeals

15.(1) An appeal as contemplated in section 34 of the Act must be in writing and may be lodged with the Premier or Minister, as the case may be, through e-mail, registered mail services or may be delivered by hand or through a courier service.

(2)(a) In the case of an appeal as contemplated in section 34(1) of the Act, an appellant must, within five working days of having lodged the appeal, submit a copy thereof to—

- (i) the MEC or MECs responsible for customary initiation in the particular province;
- (ii) the HOD; and
- (iii) the relevant traditional council or PICC.

(b) In the case of an appeal as contemplated in section 34(2) of the Act, an appellant must, within three working days of having lodged the appeal, submit a copy thereof to the Director-General and the NIOC.

(c) The relevant traditional council, PICC or the NIOC must, in writing and within three working days of having received a copy of the appeal, submit details of the decision against which the appeal is lodged to the Premier or Minister, as the case may be.

- (3) An appeal must—
- (a) include information on the decision against which the appeal is lodged;
 - (b) indicate the grounds of the appeal; and
 - (c) include any documentation and evidence that is in support of the appeal.

Transitional period

16.(1)(a) The Minister or the Premier, as the case may be, must within a reasonable time after the term of office of any NIOC or PICC has expired, re-establish the NIOC or the PICC in accordance with the provisions of section 4 and 11 of the Act respectively.

- (b) The NIOC and a PICC remain competent to function during the transitional period.
- (c) A person who was a member of the NIOC or a PICC at the expiry of the term thereof, remains a member during the transitional period.
- (d) A person who was elected as chairperson or deputy chairperson of the NIOC or a PICC, remains a chairperson or deputy chairperson thereof during the transitional period.

(2)(a) During the transitional period the Department is, in respect of the members of the NIOC contemplated in section 4(1)(a) of the Act, responsible for any expenses related to their attendance of meetings of the NIOC or the execution of functions of the NIOC.

(b) During the transitional period the provincial department is, in respect of the members of the PICC contemplated in section 11(1)(a), (2)(a) or (3)(a) of the Act, as the case may be, responsible for any expenses related to their attendance of meetings of the PICC or the execution of functions of the PICC.

(3)(a) At the first meeting of the NIOC or a PICC as contemplated in section 5 or 12 of the Act, as the case may be, or at the meeting of the NIOC or a PICC following the first meeting, the chairperson and deputy chairperson of the previous NIOC or PICC must submit and present a report on the work done by the previous NIOC or PICC and also inform the newly established NIOC or PICC of all outstanding and critical matters to be attended to.

(b) The provisions of sub-regulation (2)(a) and (b) apply to a meeting as contemplated in paragraph (a) of this sub-regulation.

Conduct of members of NIOC and PICCs

17.(1) A member of the NIOC or a PICC—

- (a) must carry out his or her functions, duties and responsibilities in a manner that is fair, objective, impartial, non-discriminatory and transparent; and
- (b) must at all times act in the best interest of the NIOC or PICC, as the case may be, and in such a way that the credibility and integrity of the NIOC or PICC, as the case may be, are not compromised.

(2) If any person, on reasonable grounds, is of the opinion that a member of the NIOC may be guilty of—

- (a) breaching a provision of the Act or these Regulations;
- (b) misconduct; or
- (c) a failure to perform his or her functions, duties or responsibilities in terms of the Act or these Regulations,

such person may, in writing, report such breach, misconduct or failure to the Minister.

(3)(a) Upon receipt of a report as contemplated in sub-regulation (2), the Minister must request the particular member of the NIOC to reply in writing and within 30 calendar days to the alleged breach, misconduct or failure.

(b) Upon receipt of the response of the particular member of the NIOC or if no response is received within the 60-day period, the Minister must appoint an investigative committee consisting of at least two persons to investigate and make a finding on the alleged breach, misconduct or failure and to submit a report with recommendations in respect of an appropriate sanction or sanctions to the Minister: Provided that—

- (i) a person appointed as a member of an investigative committee may not be a member of the NIOC or a PICC;

- (ii) an investigation must be conducted in accordance with the provisions of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000); and
 - (iii) an investigation must be finalised and the report submitted within 30 calendar days from the appointment of the investigative committee.
- (4) The Minister must inform the Minister or institution who, in accordance with section 4(1) of the Act designated the particular member of the NIOC, of the alleged breach, misconduct or failure and the appointment of an investigative committee.
- (5) Upon receipt of a report from an investigative committee, the Minister may—
- (a) issue a formal warning to such a member;
 - (b) reprimand such a member;
 - (c) suspend such member for a period specified by the Minister; or
 - (d) subject to sub-regulation (6), request that such member be removed and replaced:

Provided that the Minister must, in writing, inform the particular member, the NIOC and the Director-General of the findings of the investigative committee and the sanction.

(6)(a) The Minister must submit the report of an investigative committee to the Minister or institution that, in accordance with section 4(1) of the Act, designated the particular member of the NIOC, and inform such Minister or institution of the sanction instituted against such member.

(b) In an instance where the Minister requests that the particular member of the NIOC be removed and replaced, the relevant Minister or institution as contemplated in section 4(1) of the Act, must in writing inform the particular member of his or her removal and must, within 30 calendar days from such removal, inform the Minister of the details of the person who is to replace the removed member.

(7) The provisions of sub-regulations (2) to (6) apply to members of a PICC and any reference to the Minister or the NIOC shall, respectively, be construed as a reference to the relevant Premier or PICC.

Short title

18. These Regulations are called the Customary Initiation Regulations, 2025, and will come into operation on the date of promulgation in the *Gazette*.