



PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

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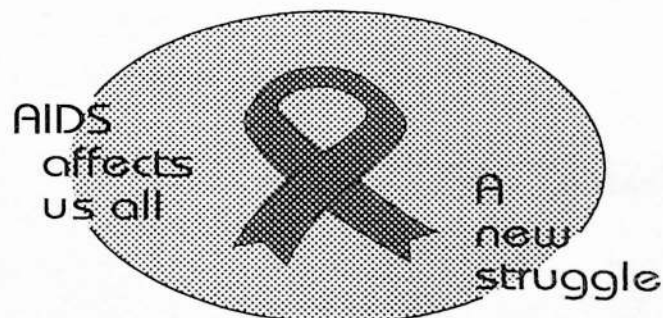
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Vol. 12

BISHO/
KING WILLIAM'S TOWN, 30 JUNE 2005

No. 1392
(Extraordinary)

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PREMIER'S NOTICE

No. 3**30 June 2005****PROVINCE OF THE EASTERN CAPE****HOUSE OF TRADITIONAL LEADERS
AMENDMENT ACT, 2005
(EASTERN CAPE)**

Act No 3 of 2005 (EC)

Act No 3 of 2005 (EC) HOUSE OF TRADITIONAL LEADERS AMENDMENT ACT, 2005
(EASTERN CAPE)

[] Words in bold square brackets indicate omissions from the existing enactments

_____ Words underlined with a solid line indicate insertions in the existing enactments

ACT

To amend the House of Traditional Leaders Act, 1995 (Act No. 1 of 1995), to change the status of the appointment of the Chairperson and the Deputy-Chairperson of the House of Traditional Leaders from part-time to full-time, to bring the House of Traditional Leaders Act, 1995, in line with the Traditional Leadership and Governance Framework Act, 2003, and to provide for matters incidental thereto.

(English text signed by the Premier)
(Assented to on 24 June 2005)

BE IT ENACTED by the Legislature of the Province of the Eastern Cape as follows:

AMENDMENT OF SECTION 1 OF ACT 1 OF 1995

1. Section 1 of the House of Traditional Leaders Act, 1995 (Act 1 of 1995) hereinafter referred to as the "principal Act", is hereby amended by the-

- (a) substitution for the definition of "**district**" of the following definition:

"**district**" means a [magisterial district as defined in section 1 of the Magistrate Courts Act, 1944 (Act No. 32 of 1944)]' district municipality' as defined in section 1 of the Local government: Municipal Structures Act, 1998 (Act 117 of 1998),

- (b) insertion after the definition of "**Executive Council**" of the following definition:

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(EASTERN CAPE)

“Framework Act’ means the Traditional Leadership and Governance Framework Act, 2003 (Act No. 42 of 2003,”

- (c) insertion after the definition of “**Framework Act**” of the following definition:

“‘iKumkani’ means a ‘King’ as defined in section 1 of the Framework Act”,

- (d) deletion of the definition of “**King**”,

- (e) deletion of the definition of “**traditional authority**”,

- (f) substitution for the definition of “**traditional community**” of the following definition:

“traditional community” means [all residents living within the territory of any traditional area or community observing traditional values and customs defined or established in terms of any law including the administrative areas or communities mentioned in the Rules relating to the Nomination of Members and the Composition of the House of Traditional Leaders (Eastern Cape)] a traditional community recognized as such in terms of section 2 of the Framework Act,”

- (g) insertion after the definition of “**traditional leader**” of the following definition:

“**traditional leadership**’ means the customary institutions or structures, or customary systems or procedures of governance recognized, utilized or practiced by traditional communities,”

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AMENDMENT OF SECTION 3 OF ACT 1 OF 1995

2. Section 3 of the principal Act is hereby amended by the substitution for section (1) of the following subsection:

“(1) The House shall, subject to the provisions of this Act, consist of a total of [32 part-time] 38 members, made up of-

- (a) 32 part-time members nominated by the relevant traditional leadership and constituencies, and
- (b) six part-time members selected to represent iiKumkani, as *ex officio* members;

Provided that the Chairperson and the Deputy Chairperson, elected in terms of section 9 from the members set out in (a) and (b) above, shall become full time members after their election; and

Provided further that, the MEC may determine, in consultation with the House of Traditional Leaders, other members to also serve as full time members.”

SHORT TITLE

3. This Act is called the House of Traditional Leaders Amendment Act, 2005 (Eastern Cape)
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