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Wa Provense**

**Free State Province**

**Freistata**

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| No. Index Page                                                                                           | No. Dikatang Leqephe                                                                                                       |
|                                                                                                          |                                                                                                                            |
| PROVINCIAL NOTICE                                                                                        | TSEBISO YA PROVENSE                                                                                                        |
|                                                                                                          |                                                                                                                            |
|                                                                                                          |                                                                                                                            |
| 156 Revised Guidelines for Determination of Number of Members of Traditional Councils Free State, 2015 2 | 156 Melawana ena e tla bitswa Melawana e Lekotsweng Botjha ya ho Beha Palo ya Ditho tsa Makgotla a Setso Freistata, 2015 3 |
|                                                                                                          |                                                                                                                            |
|                                                                                                          |                                                                                                                            |
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**PLEASE TAKE NOTE: THE LAST PUBLICATION OF THE PROVINCIAL GAZETTE FOR THE YEAR 2015 WILL BE ON 11 DECEMBER 2015.**

**THE NEXT PUBLICATION WILL BE ON 8 JANUARY 2016.**

## PROVINCIAL NOTICE

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[No. 156 of 2015]

### FREE STATE TRADITIONAL LEADERSHIP AND GOVERNANCE ACT, 2005 (ACT NO. 8 OF 2005)

#### REVISED GUIDELINES FOR DETERMINATION OF NUMBER OF MEMBERS OF TRADITIONAL COUNCILS

Under the powers vested in me by section 3 of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003) (the "National Act"), read with section 6 of the Free State Traditional Leadership and Governance Act, 2005 (the "Provincial Act"), I, Elias Sekgobela Magashule, Premier of the Free State Province, after having consulted the Provincial House of Traditional Leaders of the Free State Province and in accordance with the Guidelines issued by the Minister of Cooperative Governance and Traditional Affairs under Government Notice No. 397 of 15 May 2015, as reflected in Part A of the Schedule to this Notice, hereby replace the Guidelines for the Determination of the Number of Members of Traditional Councils as published in *Provincial Gazette* No. 18 of 31 May 2013.

## TSEBISO YA PROVENSE

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[Ya Nomoro ya 156 ya 2015]

**MOLAO WA FREISTATA WA BOETAPELE BA SETSO LE PUSO, WA 2005  
(MOLAO 8 WA 2005)**

**MELAWANA E LEKOTSWENG BOTJHA YA HO BEHA PALO YA DITHO TSA  
MAKGOTLA A SETSO**

Ka matla ao ke a filweng karolong ya 3 ya Moralo wa Molao wa Boetapele ba Setso le Puso, wa 2003 (Molao wa 41 wa 2003) ("Molao wa Naha"), o balwa le karolo ya 6 ya Molao wa Freistata wa Boetapele ba Setso le Puso, wa 2005 ("Molao wa Provense"), Nna, Elias Sekgobela Magashule, Tonakgolo ya Provense ya Freistata, ka mora dipuisano le ba Ndo ya Marena ya Provense ya Freistata, le ho latela melawana e behilweng ke Letona la Kopanelo ya Puso le tsa Setso, Tsebisong ya Mmuso ya 397 ya la 15 Morsheanong 2015, jwalo ka ha e hlahella Karolong ya A ya Shejule ya Tsebiso ena, ke buseletsa Melawana ya ho Beha Palo ya Ditho tsa Makgotla a Setso, jwalo ka ha e phatlaladitswe Koranteng ya Mmuso ya 18 ya la 31 Morsheanong 2013.

## SCHEDULE

### PART A: GUIDELINES FOR DETERMINATION OF NUMBER OF MEMBERS OF TRADITIONAL COUNCILS

The Minister of Cooperative Governance and Traditional Affairs, in terms of section 3 of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), issued the following guidelines under Government Notice No. 397 in *Government Gazette* No. 38782 dated 15 May 2015, as replacement of the guidelines for the determination of the number of members of a traditional council issued under Government Notice No. 354 of 21 April 2011:

#### 1. GUIDELINES

Determination of the number of members of a traditional council based on the number of recognised headmen/headwomen:

| Number of recognised headmen/headwomen | Selected members<br>[60% of total number of members] |                   |                            |                                  | Elected members<br>[40% of total number of members] | Total number of members<br>[100%] |
|----------------------------------------|------------------------------------------------------|-------------------|----------------------------|----------------------------------|-----------------------------------------------------|-----------------------------------|
|                                        | Community members                                    | Headmen/headwomen | Senior traditional leaders | Total number of selected members | Total number of elected members                     |                                   |
| 7 or less                              | ■                                                    | ■                 | 1                          | 11                               | 7                                                   | 18                                |
| 8 to 14                                | ■                                                    | ■                 | 1                          | 15                               | 9                                                   | 24                                |
| 15 to 24                               | ■                                                    | ■                 | 1                          | 20                               | 12                                                  | 32                                |
| 25 to 50                               | ■                                                    | ■                 | 1                          | 25                               | 17                                                  | 42                                |
| 51 and more                            | ■                                                    | ■                 | 1                          | 30                               | 20                                                  | 50                                |

#### 2. APPLICATION

The guidelines serve as an example from which the province could develop its own customised formula that is according to its peculiar needs and circumstances.

3. The customised provincial formula is set out and tabulated below.

3.1 The selection of community members and headmen/headwomen indicated above must be done by the recognised senior traditional leader who, in terms of section 3(2)(c)(i) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), is an *ex officio* member of the relevant traditional council.

- (a) Before the selection process takes place, the senior traditional leader may request the royal family to designate, from amongst its members, a forum of not less than three and not more than five members to assist such senior traditional leader with the selection of members: Provided that if the royal family designates such a forum, the selection of members by the senior traditional leader is subject to the concurrence of such forum.

## SHEJULE

### KAROLO YA A: MELAWANA YA HO BEHA PALO YA DITHO TSA MAKGOTLA A SETSO

Letona la Kopanelo ya Puso le tsa Setso, ho ya ka karolo 3 ya Moralo wa Molao wa Boetapele ba Setso le Puso, wa 2003 (Molao wa 41 wa 2003), le phatlaladitse melawana e latelang tlasa Tsebiso ya Mmuso ya 397, Koranteng ya Mmuso ya 38782, ya la 15 Motsheanong 2015, boemong ba melawana ya ho beha palo ya ditho tsa makgotla a setso, e phatlaladitsweng Tsebisong ya Mmuso ya 354 ya la 21 Mmesa 2011.

#### 1. MELAWANA

Ho beha palo ya ditho tsa makgotla a setso ho itshetlehile palong ya marena a motse a / boramotse a ananetsweng ka molao:

| Palo ya marena a motse / boramotse | Ditho tse thontsweng [DT]<br>[60% ya palo ya ditho tsohle] |                            |                    |                                          | Ditho tse Kgethilweng [DK]<br>[40% ya palo yohle ya ditho] | Palo ya ditho tsohle [100%] |
|------------------------------------|------------------------------------------------------------|----------------------------|--------------------|------------------------------------------|------------------------------------------------------------|-----------------------------|
|                                    | Ditho tsa Setjhaba [DS]                                    | Marena a motse / boramotse | Morena wa Sehlooho | Palo ya ditho tsohle tse thontsweng [DT] | Palo ya ditho tsohle tse kgethilweng [DK]                  |                             |
| 7 kapa ka tlase                    | ■                                                          | ■                          | 1                  | 11                                       | 7                                                          | 18                          |
| 8-14                               | ■                                                          | ■                          | 1                  | 15                                       | 9                                                          | 24                          |
| 15-24                              | ■                                                          | ■                          | 1                  | 20                                       | 12                                                         | 32                          |
| 25-50                              | ■                                                          | ■                          | 1                  | 25                                       | 17                                                         | 42                          |
| 51 kapa ho feta                    | ■                                                          | ■                          | 1                  | 30                                       | 20                                                         | 50                          |

#### 2. MOKGWATSAMAIISO

Melawana e sebetša jwalo ka mohlala oo ho ona diprovense di ka thehang difomula tsa tsona tse hlophisitsweng ho ya ka dihlhoko tse ikgethang le maemo a Provense eo.

#### 3. Fomula e hlophiseditweng provense e thehilwe le ho ralwa ka tsela e latelang.

3.1 Ho thongwa ha ditho tsa setjhaba le marena a motse / boramotse tje ka ho hlalositse ka hodimo, ho tlamehile ho etswa ke moetapele wa setso ya ka sehloohong (eo e leng setho se se nang le tokelo ya ho kgetha ho ditho tse thontsweng), ho ya ka karolo 3(2)(c)(i) ya Moralo wa Molao wa Boetapele ba Setso le Puso, wa 2003.

- (a) Pele ha ho thongwa ho ka e tsahala, moetapele ya ka sehloohong wa setso a ka kopa lelapa la borena ho kgetha mahareng a ditho tsa lona, foramo e seng ka tlase ho ditho tse tharo e seng ka hodimo ho ditho tse hlano ho thusa ka ho thonya: Ho thongwa ha ditho ke moetapele wa setso ya ka sehloohong ho itshetlehile ho kutlwano ya foramo.

- (b) The composition of the selected members is subject to the following:
- (i) Community members consist of ordinary members and royal family members;
  - (ii) community members may not exceed 30% of the total number of selected members;
  - (iii) royal family members may not be less than 40% and may not exceed 60% of the total number of community members;
  - (iv) in instances where there are more recognised headmen/headwomen than the number required to serve as selected members, the headmen/ headwomen must elect the required number from amongst themselves;
  - (v) in instances where there are less recognised headmen/headwomen than the number required to serve as selected members, the selected members will consist of the senior traditional leader, all recognised headmen/headwomen and, notwithstanding subparagraph (ii), as many community members as may be required to reach the total number of selected members;
  - (vi) in instances where there are no recognised headmen/headwomen, the selected members will consist of the senior traditional leader and, notwithstanding subparagraph (ii), as many community members as may be required to reach the total number of selected members.
- (c) If the decimal is .5 in any of the calculations referred to above, the figure must be rounded off upwards: Provided that if in any instance this would result in an increase in the total number of selected members as indicated in any of the options above, the decimal must be rounded off downwards.

- (b) Popo ya ditho tse thontsweng e laolwa ke tse latelang:
- (i) Ditho tsa Setjhaba (DS) dibopiwa ke ditho tse dwaelchileng tsa setjhaba le ditho tsa lelapa la borena (DLB);
  - (ii) DS ha di a lokela ho feta 30% ya lenane lohle la ditho tse thontsweng;
  - (iii) Ditho tsa lelapa la borena (DLB) ha ba a lokela ho ba ka tlase ho 40% mme ha ba a lokela ho feta 60% ya palo yohle ya DS;
  - (iv) Maemong ao ho nang le palo ya marena a motse / boramotse ba fetang palo e hlokehang ho sebetse jwalo ka ditho tse thontsweng, marena a motse / boramotse ba lokela ho kgetha palo e hlokehang hara bona;
  - (v) Maemong ao ho nang le palo ya marena a motse / boramotse e ka tlase ho palo e hlokehang ho sebetse e le jwalo ka ditho tse thontsweng, ditho tse thontsweng di da kenyeletsa morena wa sehlooho, marena a motse / boramotse bohle ba ananetsweng le palo e hlokehang ya ditho tsa setjhaba ho fihlella palo ya e felletseng ya ditho tse thontsweng, ho sa qhelelwe ka thoko seratswana (ii);
  - (vi) Maemong ao ho se nang marena a motse / boramotse ba ananetsweng, ditho tse thontsweng di da kenyeletsa morena wa sehlooho le palo ya ditho tsa setjhaba e hlokehang ho fihlella palo e felletseng ya ditho tse thontsweng, ho sa qhelelwe ka thoko seratswana (ii).
- (c) Ha eba desimale e le .5, dipalong tse boletsweng ka hodimo, palo eo e lokela ho akaretswa ho ya nomorong e ka hodimo: Ha feela tlasa maemo afe kapa afe, sena se da ba le ditlamorao tsa palo e ka hodimo ho palo e felletseng ya ditho tse thontsweng, jwalo ka ha ho boletswa kgethong efe kapa efe ya tse ka hodimo, desimale e lokela ho balwa ho ya tlase.

## PART B: FORMULA FOR DETERMINATION OF NUMBER OF MEMBERS OF EACH TRADITIONAL COUNCIL

4. The following table is a customised provincial formula to be used in respect of the establishment of the various traditional councils in the Province as based on the number of recognised headmen/headwomen:

|     | Traditional Council | Number of recognised headmen/ headwomen | Selected members (SM) = 60% of total number of members |     |                    |                           | Elected Members (EM) = 40% of total number of members |          | Total number of member = 100% |
|-----|---------------------|-----------------------------------------|--------------------------------------------------------|-----|--------------------|---------------------------|-------------------------------------------------------|----------|-------------------------------|
|     |                     |                                         | Community Members (CM)                                 |     | Headmen/ Headwomen | Senior Traditional Leader | Total SM                                              | Total EM |                               |
|     |                     |                                         | RFM                                                    | OCM |                    |                           |                                                       |          |                               |
| 1.  | Thaba Bosiu         | 5                                       | 3                                                      | 2   | 5                  | 1                         | 11                                                    | 7        | 18                            |
| 2.  | Bolata              | 5                                       | 3                                                      | 2   | 5                  | 1                         | 11                                                    | 7        | 18                            |
| 3.  | Dinkoeng            | 5                                       | 3                                                      | 2   | 5                  | 1                         | 11                                                    | 7        | 18                            |
| 4.  | Thaba Tsocu         | 6                                       | 3                                                      | 1   | 6                  | 1                         | 11                                                    | 7        | 18                            |
| 5.  | Monontsha           | 6                                       | 3                                                      | 1   | 6                  | 1                         | 11                                                    | 7        | 18                            |
| 6.  | Thibella            | 6                                       | 3                                                      | 1   | 6                  | 1                         | 11                                                    | 7        | 18                            |
| 7.  | Makgolokoe          | 6                                       | 3                                                      | 1   | 6                  | 1                         | 11                                                    | 7        | 18                            |
| 8.  | Mabolela            | 8                                       | 4                                                      | 2   | 8                  | 1                         | 15                                                    | 9        | 24                            |
| 9.  | Matsieng            | 9                                       | 3                                                      | 2   | 9                  | 1                         | 15                                                    | 9        | 24                            |
| 10. | Phomolong           | 9                                       | 3                                                      | 2   | 9                  | 1                         | 15                                                    | 9        | 24                            |
| 11. | Namahali            | 9                                       | 3                                                      | 2   | 9                  | 1                         | 15                                                    | 9        | 24                            |
| 12. | Barolong            | 37                                      | 4                                                      | 3   | 17                 | 1                         | 25                                                    | 17       | 42                            |

## 5. SHORT TITLE

These Regulations shall be called the Revised Guidelines for Determination of Number of Members of Traditional Councils Free State, 2015.



## KAROLO YA B: FOMULA YA HO BEHA PALO YA DITHO TSA LEKGOTLA KA LENG LA SETSO

4. Lenane le latelang ke fomula ya provense e hlophiseditsweng ho sebediswa ho theha makgotla a setso a fapaneng ka hara Provense ho ithetseha palong ya marena a motse/boramotse ba ananetsweng ka molao:

|     | Lekgotla la Setso | Palo ya marena a motse/ boramotse ba ananetsweng | Ditho tse thontsweng [DT] [60% palo ya ditho tsohle] |                            |                    |                                          | Ditho tse Kgethil weng [DK] [40% palo ya ditho tsohle] | Palo ya Ditho tsohle [100%] |
|-----|-------------------|--------------------------------------------------|------------------------------------------------------|----------------------------|--------------------|------------------------------------------|--------------------------------------------------------|-----------------------------|
|     |                   |                                                  | Ditho tsa Setjhaba [DS]                              | Marena a Motse / boramotse | Morena wa Sehlooho | Palo ya ditho tsohle tse thontsweng [DT] |                                                        |                             |
|     |                   |                                                  | DLB                                                  | DS                         |                    |                                          |                                                        |                             |
| 1.  | Thaba Bosiu       | 5                                                | 3                                                    | 2                          | 5                  | 1                                        | 11                                                     | 18                          |
| 2.  | Bolata            | 5                                                | 3                                                    | 2                          | 5                  | 1                                        | 11                                                     | 18                          |
| 3.  | Dinkoeng          | 5                                                | 3                                                    | 2                          | 5                  | 1                                        | 11                                                     | 18                          |
| 4.  | Thaba Tsoeu       | 6                                                | 3                                                    | 1                          | 6                  | 1                                        | 11                                                     | 18                          |
| 5.  | Monontsha         | 6                                                | 3                                                    | 1                          | 6                  | 1                                        | 11                                                     | 18                          |
| 6.  | Thibella          | 6                                                | 3                                                    | 1                          | 6                  | 1                                        | 11                                                     | 18                          |
| 7.  | Makgolokoe        | 6                                                | 3                                                    | 1                          | 6                  | 1                                        | 11                                                     | 18                          |
| 8.  | Mabolela          | 8                                                | 4                                                    | 2                          | 8                  | 1                                        | 15                                                     | 24                          |
| 9.  | Matsieng          | 9                                                | 3                                                    | 2                          | 9                  | 1                                        | 15                                                     | 24                          |
| 10. | Phomolong         | 9                                                | 3                                                    | 2                          | 9                  | 1                                        | 15                                                     | 24                          |
| 11. | Namahali          | 9                                                | 3                                                    | 2                          | 9                  | 1                                        | 15                                                     | 24                          |
| 12. | Barolong          | 37                                               | 4                                                    | 3                          | 17                 | 1                                        | 25                                                     | 42                          |

## 5. SEHLOOHO SE SEKGUTSHWANE

Melawana ena e tla bitswa Melawana e Lekotsweng Botjha ya ho Beha Palo ya Ditho tsa Makgotla a Setso Freistata, 2015.