



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

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**No. 3292**  
(Extraordinary)

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DEPARTMENT OF HEALTH

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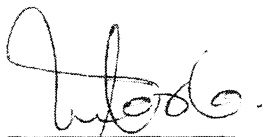
**PROVINCIAL NOTICE**

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No. 52

**PROVINCE OF THE EASTERN CAPE****OFFICE OF THE PREMIER****REGULATIONS FOR THE ESTABLISHMENT OF TRADITIONAL COUNCILS**

I Phumulo Godfrey Masualle Premier of the Eastern Cape, acting in terms of section 35 of the Traditional Leadership and Governance Act, 2005 (Act No. 4 of 2005) hereby amend Part C (section 10) of the Regulations for the establishment of Traditional Councils by the substitution for the Schedule thereto for the Schedule hereto



**PHUMULO GODFREY MASUALLE  
PREMIER OF THE EASTERN CAPE**

2014-07-01  
**DATE**

**EASTERN CAPE DEPARTMENT OF LOCAL GOVERNMENT AND  
TRADITIONAL AFFAIRS**

**TRADITIONAL LEADERSHIP AND GOVERNANCE ACT, 2005 (ACT  
NO. 4 OF 2005)**

**EASTERN CAPE REGULATIONS FOR THE ESTABLISHMENT OF TRADITIONAL  
COUNCILS**

Acting in terms of the powers vested in me by section 35 of Traditional Leadership and Governance Act 2005 (Eastern Cape) (Act No. 5 of 2005), I Phumulo Godfrey Masuale Premier of the Eastern Cape Province, hereby amend Part C (section 10) of the Regulations for the establishment of Traditional Councils by the substitution of the Schedule thereto for the Schedule hereto.

**Phumulo Godfrey Masuale  
Premier in the Executive Council**

**GENERAL EXPLANATORY NOTE:**

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

\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing enactments

**PART C****ELECTIONS FOR THE 40% MEMBERS OF TRADITIONAL COUNCILS****Amendment of section 10 of the Regulations****10. Appointment of Independent Election Agency or a body of Election Staff**

(1) Whenever a 40% member of a Traditional Council is to be elected, the MEC in consultation with the Provincial House of Traditional Leaders [must] may appoint-

(a) an Independent Election Agency to conduct elections contemplated in these Regulations [or may approach the Independent Electoral Commission of South Africa to be designated as the IEA in terms of this Regulations]; Provided that this provision does not apply to the filling of a vacancy that occur during the term of office of the council concerned;

(b) a reputable organization or Departmental staff consisting of General Managers and Senior Managers to preside over the elections: Provided that the elections will be conducted by way of a community meeting and voting done by either ballot paper or show of hands; or

(c) where it has been proven that, there is lack of capacity or shortage of staff on the part of the department, the MEC may appoint or authorise the utilisation of other government officials outside the department to conduct and preside over the elections

(2) Where the MEC has decided to appoint the IEA other than [the Electoral Commission of South Africa] departmental staff, such IEA must be appointed through the official tender process

(3) In appointing an IEA the MEC must take into account the following-

- (a) the experience and familiarity of the agency with the electoral processes;
- (b) the capacity of the agency to carry out its obligations;
- (c) the familiarity of the agency with traditional communities and leadership;

- (d) the familiarity of the agency with customary and traditional norms; and
- (e) any other consideration that the department may consider necessary in compiling the tender documentation.

- (4) The IEA will be bound by these regulations in conducting the elections and shall observe all the rules governing the conducting of elections to the extent that they are applicable in the elections.
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  - Debtors : 012 748 6060/6056/6064 [PublicationsDebtors@gpw.gov.za](mailto:PublicationsDebtors@gpw.gov.za)
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The numbers for our provincial offices in Polokwane, East London and Mmabatho will not change at this stage.