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PROVINCIAL NOTICE

[No. 208 of 2007]

FREE STATE PROVINCIAL AND LOCAL HOUSES OF TRADITIONAL LEADERS BILL, 2007

By virtue of section 16 of the Interpretation Act, 1957 (Act No. 33 of 1957), I, MJ Mafereka, Acting Premier in the Free State Province, publish the Bill on the Free State Provincial and Local Houses of Traditional Leaders, as contained in the schedule for general comment.

All interested persons are invited to furnish any comments thereon or any representations which they may wish to make in regard thereto. Such comments or representations must be submitted in writing to the following person on or before **22 October 2007**:

Ms NP Malunga
Department of Local Government and Housing
PO Box 211
BLOEMFONTEIN
9300
Room 101, BOE Building
34 East Burger Street
BLOEMFONTEIN

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Please note that any comments or representations that are received after **22 October 2007** may be disregarded.

Copies of the *Provincial Gazette* in which the draft Bill was published could be obtained from the Office of the Provincial Gazette, Room 341, Lebohang Building, St Andrew Street, BLOEMFONTEIN from Mondays to Fridays between 07:30 and 16:00, contact number (051) 405-3139.

TSEBISO YA PROVENSE

[Ya 208 ya 2007]

BILI YA PROVENSE YA FREISTATA YA MATLO A PROVENSE LE SELEHAE A BAETAPELE BA BOTJHABA, YA 2007

Nna, MJ Mafereka Tonakgolo e tshwereng mokobobo ya Freisetata, hoya karolo ya 16 ya molao wa Se Bolelwang ke Melao, 1957, Molao wa Nomoro ya 33 wa 1957, (Interpretation of Statutes Act, 1957, Act No. 33 of 1957), ke ikemiseditse ho phahlalatsa Bili e mabapi le ho thewa ha Matlo a Baetapele ba Botjhaba Boemong ba Provense le Boemong ba Lehae, jwalo ka ha e fuperwe shejuleng.

Batho ba nang le thahasello ba memelwa ho nehelana ka maikutlo a bona mabapi le sena kapa ba nehelane ka dipehelo tseo ba lakatsang ho di etsa mabapi le sena. Maikutlo kapa dipehelo tseo di tlameha ho ngolwa di romelwe mothong ya boletsweng ka tase, ka la, kapa pela 22 Mphalane 2007:

Mme NP Malunga
Lefapa la Mmuso wa Lehae le Phumantsho ya Matlo
PO Box 211
Bloemfontein
9300
Phaposi ya 102, BOE Building
34 East Burger Street
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Ka kopo hlokomela hore maikutlo kapa dipehelo dife kapa dife tse fumanwang kamora 22 Mphalane 2007 di ke ke tsa ananelwa.

Dikhopi tsa Koranta ya Mmuso wa Provense tseo ho tsona ho neng ho phatlaladitswe moralo wa Bili di ka fumanwa Ofising ya Karanta ya Mmuso wa Provense, Phaposi ya 344 Moahong wa Lebohang, Seterata sa St Andrew, Bloemfontein, ho tloha ka Mantaha ho fihlela labohlano pakeng tsa 07:30 le 16:00, dinomoro tsa mohala ke (051) 405 4963 ka theko e tsepamisitsweng.

BILL

To provide for the establishment of a Provincial House of Traditional Leaders and Local Houses of Traditional Leaders; to provide for the composition of the Houses; to determine the roles and functions of the Houses; and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Legislature of the Free State Province, as follows:

CHAPTER 1

Definitions		5
1.	(1) In this Act, unless the context otherwise indicates –	
	“ Constitution ” means the Constitution of the Republic of South Africa, 1996;	10
	“ district municipality ” means a district municipality as defined in section 1 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);	15
	“ executive committee ” means the executive committee of a Local House or of the Provincial House referred to in section 17;	
	“ Free State Traditional Leadership and Governance Act, 2005 ” means the Free State Traditional Leadership and Governance Act, 2005 (Act No. 8 of 2005);	20
	“ House ” means the Provincial House or and Local House, as the case requires;	25
	“ Kgosi or Morena ” means a Kgosi or Morena recognised under section 18 of the Free State Traditional Leadership and Governance Act, 2005;	
	“ Local House ” means a Local House of Traditional Leaders established under section 9;	30
	“ MEC ” means the Member of the Executive Council responsible for traditional affairs in the Province;	
	“ member ” means in relation to a –	35
	(a) Provincial House, King or Queen or their representatives, and Dikgosi or Marena, Marena a Motse or Boramotse;	
	(b) Local House, King or Queen or their representatives, Dikgosi or Marena, Marena a Motse or Boramotse;	40

BILI

Ho etsa hore ho thehwe Ntlo ya Baetapele ba Botjhaba ya Provense le Matlo a Batetapele ba Botjhaba ba Selehae; ho fumantsha se mabapi le popeho ya Matlo; ho fumantsha se mabapi le mesebetsi le boikarabelo ba Matlo; le ho fa sebaka bakeng la dintlha tse amanang le tsena.

E TLA KENNGWANG TSHEBETSONG ke Lekgotla la Ketsamolao la Provense ya Freistata, ka mokgwa o latelang:-

KGAOLO YA 1

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Dithaloso

1. (1) Molaong ona, ntle le ha se ngotsweng se bolela ho hong -
- 10 “Molao wa Motheo” ho hlalosa Molao wa Rephabliki ya Afrika Borwa wa Motheo, 1996;
- 15 “Mmasepala wa Setereke” e hlalosa mmasepala wa setereke, jwalo ka ha ho boletswe Karolong ya 1 ya Mmuso wa Selehae: Molao wa Dipopeho tsa Mmasepala, 1998 (Molao 117 wa 1998);
- 20 “komiti ya phethahatso” e hlalosa komiti ya phethahatso ya Ntlo ya Selehae kapa ya Ntlo ya Provense e boletsweng karolong ya 17;
- 25 “Molao wa Freistata wa Boetapele ba Botjhaba le Puso, 2005” e hlalosa Molao wa Freistata wa Boetapele ba Botjhaba le Puso, 2005 (Molao 8 wa 2005);
- “Ntlo” e hlalosa Ntlo ya Provense kapa Ntlo ya Selehae, ho ya kamoo boemo bo tla beng bo hloka kateng;
- 30 “Kgosi kapa Morena” e hlalosa Kgosi kapa Morena ya amohetsweng tlasa karolo ya 18 ya Molao wa Freistata wa Boetapele le Puso ya Botjhaba, 2005;
- “Ntlo ya Selehae” e hlalosa Ntlo ya Selehae ya Baetapele ba Botjhaba e thehilweng tlasa karolo ya 9;
- 35 “SLP” e hlalosa Setho sa Lekgotla la Phethahatso se ikarabellang mererong ya setso Provenseng;
- “setho” e hlalosa ha ho buuwa ka -
- (a) Ntlo ya Provense, Morena kapa Mofumahadi wa Morena kapa baemedi ba bona, le Dikgosi kapa Marena a Motse, kapa Boramotse;
- 40 (b) Ntlo ya Selehae, Morena kapa Mofumahadi kapa baemedi ba bona, Dikgosi, Marena a Motse kapa Boramotse;

“**National House**” means the National House of Traditional Leaders referred to in section 2(1) of the Council of Traditional Leaders Act, 1997 (Act No. 10 of 1997) as amended by the Council of Traditional Leaders Amendment Act, 1998 (Act No. 85 of 1998);

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“**Premier**” means the Executive Head of the Province;

“**President**” means the President of the Republic of South Africa;

“**Province**” means the Free State Province as contemplated in section 103 of the Constitution;

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“**Provincial House**” means the Provincial House of Traditional Leaders established under section 2;

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“**traditional council**” means a traditional council established in terms of the provisions of the Free State Traditional Leadership and Governance Act, 2005; and

“**traditional community**” means a traditional community established in terms of the provisions of the Free State Traditional Leadership and Governance Act, 2005.

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- (2) The words defined in the Free State Traditional Leadership and Governance Act, 2005, has the same meaning for the purposes of this Act.

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CHAPTER 2

Establishment of the Provincial House of Traditional Leaders

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2. (1) There is hereby established a Provincial House of Traditional Leaders known as the Free State House of Traditional Leaders.
- (2) The Provincial House has the roles and functions entrusted to it in terms of the provisions of this Act.
- (3) The terms of office of a Provincial House runs parallel to that of the National House.
- (4) The Premier must, by proclamation in the *Provincial Gazette*, prescribe the procedure to be followed at the elections.

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Composition of the Provincial House

3. (1) The Provincial House shall be composed of an equal representation of three members from each of the five recognised traditional communities in the Province, i.e. Barolong boo Seleka, Bakwena, Batlokoa ba Mokgalong, Batlokoa ba Mokotleng and Makgokoe.

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“Ntlo ya Naha” e hlalosa Ntlo ya Naha ya Baetapele ba Botjhaba ba boletsweng karolong ya 2(1) ya Molao wa Lekgotla la Baetapele ba Botjhaba, 1997 (Molao 10 wa 1997) jwalo ka ha o lokisitswe ke Molao wa Lekgotla la Baetapele ba Botjhaba, 1998 (Molao 85 wa 1998);

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“Tonakgolo” e hlaosa Hlooho ya Lekgotla la Phethahatso ya Provense;

“Presidente” e hlalosa Presidente ya Rephabliki ya Afrika Borwa;

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“Provense” e hlalosa Provense ya Freistata ho ya kamoo ho lohothwang kateng karolong ya 103 ya Molao wa Motheo;

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“Ntlo ya Provense” e hlalosa Ntlo ya Provense ya Baetapele ba Botjhaba e thehilweng tlasa karolo ya 2;

“Iekgotla la botjhaba” e hlalosa lekgotla la botjhaba le thehilweng ho latela diphelelo tsa Molao wa Freistata wa Boetapele le Puso ya Botjhaba, 2005; mme

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“baahi ba setso” e hlalosa baahi ba setso ba thehilweng ho latela diphelelo tsa Molao wa Freistata wa Boetapele le Puso ya Botjhaba, 2005.

- (2) Mantswe a hlalositsweng Molaong wa Freistata wa Boetapele le Puso ya Botjhaba, 2005, a na le moelelo o tshwanang Molaong ona.

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KGAOLO YA 2

Ho thehwa ha Ntlo ya Provense ya Baetapele ba Botjhaba

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2. (1) Mona ho thehwa Ntlo ya Provense ya Baetapele ba Botjhaba e tsejwang jwalo ka Ntlo ya Freistata ya Baetapele ba Botjhaba.
- (2) Ntlo ya Provense e na le mesebetsi le boikarabelo boo e bo fuweng ho latela se boletsweng Molaong ona.
- (3) Nako ya ofisi ya Ntlo ya Provense e bapile le ya Ntlo ya Naha.
- (4) Tonakgolo e lokela ho etsa tsebiso ya semmuso Koranteng ya Mmuso wa Provense, hore ho tla latelwa motjha ofe wa tshebetso dikgethong.

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Popeho ya Ntlo ya Provense

3. (1) Ntlo ya Provense e tla ba le kemedi e lekanang ya ditho tse tharo ho tswa baahing ba se seng le se seng sa dihlopha tse hlano tse amohetsweng tsa botjhaba ka hara provense, i.e. Barolong boo Seleka, Bakwena, Batlokwa ba Mokgalong, Batlokwa ba Mokotleng le Makgolokwe.

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- (2) The members of the Provincial House are elected by an electoral college consisting of Kings or Queens or their representatives and Dikgosi/Marena and Marena a motse/Dikgosana.
- (3) The membership of the Provincial House shall consist of Kings/Queens or their representatives and Senior Traditional Leaders: Provided that where there is insufficient number of Senior Traditional Leaders, a headman or a headwoman may be elected to serve in the Provincial House subject to the determination by the Premier. 5
- (4) A third of the members of the Provincial House must consist of women: Provided that if the Premier is satisfied that there is an insufficient number of women available to participate in the Provincial House, the Premier may determine a lower threshold. 10
- (5) A member must hold office for a period of 5 years. 15
- (6) If a member of the Provincial House dies, or ceases to be a member in terms of section 7, the electoral college must, as soon as possible and subject to section 6, elect another member. 20
- (7) A member who ceases to be a member of the Local House automatically ceases to be a member of the Provincial House.
- (8) The Premier may amend Schedule 1 by proclamation in the *Provincial Gazette*. 25

Meetings of the Provincial House

4. (1) The Premier may, as soon as possible after the commencement of this Act, convene the Provincial House in such manner as he or she may deem suitable. 30
- (2) Meetings of the Provincial House must be held at such place as the executive committee may from time to time determine. 35
- (3) There must be an ordinary meeting of the Provincial House at least four times in every year during the session of the Provincial Legislature.
- (4) Subject to subsections (2) and (3), the Provincial House must meet during such periods and on such days and during such hours as it may determine. 40
- (5) (a) The chairperson of the executive committee may at any time, or if so directed by the Premier, call a special meeting of the Provincial House on a day and at a place to be determined by the said committee, as the case may be. 45

- (2) Ditho tsa Ntlo ya Provense di kgethwa ke lekgotla la dikgetho le nang le Marena kapa Mafumahadi kapa baemedi ba bona le Dikgosi le Marena a Motse/Dikgosana.
- 5 (3) Botho ba Ntlo ya Provense e tla ba bo akgang Marena/Mafumahadi kapa baemedi ba bona mmoho le Baetapele ba Baholo ba Botjhaba: Ntle le ha eba palo ya Baetapele ba Baholo ba Botjhaba e sa anele, mme ebe morenana a ka kgethwa ho sebetsa Ntlong ya Provense, ho ya ka qeto ya Tonakgolo.
- 10 (4) Bonngwe borarong ba ditho tsa Ntlo ya Provense e tlameha ho ba basadi: Ha feela e le hore Tonakgolo e kgotsfaditswe ke hore ha ho na palo e lekaneng ya basadi ba ka bang le seabo Ntlong ya Provense, Tonakgolo e ka beha palo a tlase ho e boletsweng.
- 15 (5) Setho se lokela ho ba ofising dilemo tse 5.
- (6) Ebang setho sa Ntlo ya Provense se hloka hala, kapa botho ba hae bo fela ho latela dintlha tsa karolo ya 7, lekgotla la dikgetho le tlameha ho thonya setho se seng kapele kamoo ho ka kgonehang kateng, ho itshetlehilwe karolong ya
- 20 (7) Setho se kgaotsang ho ba setho sa Ntlo ya Selehae se kgaotsa le ho ba setho sa Ntlo ya Provense.
- 25 (8) Tonakgolo e ka etsa ditokiso Shejuleng ya 1 ka ho etsa tsebiso Koranteng ya Mmuso wa Provense.

Dikopano tsa Ntlo ya Provense

- 30 4. (1) Tonakgolo, kapele kamora ho ba ho qalwe ka Molao ona, e ka kopanya Ntlo ya Provense ka mokgwa oo e tlang ho bona ho tshwanetse ka ona.
- (2) Dikopano tsa Ntlo ya Provense di tlameha ho tshwarelwa sebakeng seo komiti ya phethahatso e ka se kgethang ka makgetlo a itseng.
- 35 (3) Ntlo ya Provense e tlameha ho tshwara kopano e tlwaelehileng, bonyane makgetlo a mane selemong ka seng sesheneng ya Lekgotla la Ketsamolao la Provense.
- 40 (4) Ho itshetlehilwe dikarolwaneng tsa (2) le (3), Ntlo ya Provense e tlameha ho ba le kopano dinakong, matsatsing le dihoreng tseo Ntlo ya Provense e tlang qeto ka tsona.
- 45 (5) (a) Modulasetulo wa Komiti ya Ketsamolao, a ka bitsa kopano e ikgethileng ya Ntlo ya Provense neng kapa neng kapa ka taelo ya Tonakgolo, sebakeng se kgethilweng ke komiti e bolwetsweng, ho ya kamoo maemo a leng ka teng.

- (b) At such a special meeting only such matters as are placed before the Provincial House must be dealt with.
- (c) The Premier may assign/appoint any Member of the Executive Committee to chair such a special meeting. 5
- (d) Any member of the House, if supported by a third of the members of the House, may call a special meeting.
- (6) A person designated by the Premier may attend the meetings of the Provincial House to advise the Provincial House regarding government policies and legislation that relate to traditional affairs. 10

Election of chairperson and deputy chairperson of the Provincial House

- 5. At its first meeting, after it has been convened under section 4(1), the Provincial House, with the Premier as chairperson, must elect one of its members to be the chairperson, and must thereafter elect another of its members to be the deputy chairperson of the Provincial House. 15

Roles, functions and duties of the chairperson and deputy chairperson of the Provincial House

- 6. (1) The chairperson of the Provincial House has the following roles, functions and duties: 25
 - (a) to call the meetings of the Provincial House;
 - (b) to chair the meetings of the Provincial House; 30
 - (c) to ensure the efficient day-to-day running of the business of the Provincial House; and
 - (d) to perform any other function or role as may be assigned to him or her by the Premier or this Act. 35
- (2) If the chairperson is absent or for any reason unable to exercise or perform the powers or functions vested in the office of chairperson, or when the office of chairperson is vacant, the deputy chairperson must act as chairperson during the absence or inability of the chairperson or until a chairperson is elected. 40
- (3) If any of the circumstances described in subsection (2) applies with reference to both the chairperson and the deputy chairperson, a member of the Executive Committee designated in terms of the rules and orders must act as chairperson while the said circumstances prevail. 45

- (b) Kopanong e ikgethileng tjena, ke ditaba tse ka behelwang Ntlo ya Provense feela tseo ho lokelang ho mekamekanwa le tsona.
- (c) Tonakgolo e ka roma/thonya Setho sefe kapa sefe sa Komiti ya Ketsamolao ho ba modulasetulo kopanong eo e ikgethileng.
- (d) Setho sefe kapa sefe sa Ntlo, ha se tshehetswa ke karolo ya nngwe borarong ya Ntlo, se ka etsa pitso ya kopano e ikgethang.
- (6) Motho ya kgethilweng ke Tonakgolo a ka ba teng dikopanong tsa Ntlo ya Provense ho eletsa Ntlo ya Provense mabapi le maano le melao ya mmuso e amanang le merero ya setso.

Ho kgethwa ha modulasetulo le motlatsi wa modulasetulo wa Ntlo ya Provense

5. Kopanong ya yona ya pele, kamora hoba e tshwe tlasa karolo ya 4(1), Ntlo ya Provense le Tonakgolo jwaloka modulasetulo, e tlameha ho kgetha e mong wa ditho tsa yona ho ba modulasetulo mme kamora moo e kgethe e mong wa ditho tsa yona ho ba motlatsi wa modulasetulo wa Ntlo ya Provense.

Mesebetsi le boikarabelo ba modulasetulo le motlatsi wa modulasetulo wa Ntlo ya Provense

- (1) Modulasetulo wa Ntlo ya Provense o na le boikarabelo le mesebetsi e latelang:
- (a) ho bitsa dikopano tsa Ntlo ya Provense;
- (b) ho ba modulasetulo wa dikopano tsa Ntlo ya Provense;
- (c) ho netefatsa tsamaiso e hlwahlwa ya letsatsi le letsatsi mererong ya Ntlo ya Provense; le
- (d) ho phetha mesebetsi kapa boikarabelo bofe kapa bofe bo bong boo Tonakgolo kapa Molao ona o ka bo behang mahetleng a hae.
- (2) Ebang modulasetulo a le siyo kapa a sa kgone ho phetha mesebetsi le boikarabelo ba hae ofising ya bodulasetulo tlasa lebaka lefe kapa lefe, kapa ha ofisi ya modulasetulo e na le sekgeo, motlatsi wa modulasetulo o tlameha ho tshwara mokobobo wa bodulasetulo bosiyong kapa ho se beng le bokgoni ha modulasetulo kapa ho fihlela modulasetulo a kgethwa.
- (3) Ebang boemo bofe kapa bofe bo hlositsweng karolwaneng ya (2) bo ama modulasetulo le motlatsi wa modulasetulo ka bobedi, setho sa Ntlo ya Selehae se kgethilweng ho latela melao le ditaelo, se tlameha ho ba modulasetulo nakong eo ho ntseng ho rena boemo bo boletsweng.

- (4) The deputy chairperson or the member of the Executive Committee designated under subsection (3), while acting as chairperson, may exercise the powers and must perform the functions vested in the office of chairperson. 5
- (5) The chairperson, the deputy chairperson or any other member of the Executive Committee designated for that purpose in terms of the rules and orders must preside over meetings of the Provincial House. 10
- (6) While presiding at a meeting of the Provincial House, the chairperson, deputy chairperson or any other member presiding must not have a deliberative vote, but must have and exercise a casting vote in the case of an equality of votes. 15
- (7) The chairperson or deputy chairperson must vacate his or her office if he or she ceases to be a member of the Provincial House according to sections 7 and 16, and may be removed from office by resolution of the Provincial House, and may resign by lodging his or her resignation in writing with the secretary of the Provincial House. 20
- (8) If the office of chairperson or deputy chairperson becomes vacant, the Provincial House, under the chairpersonship of the Premier or a person designated by the Premier, must elect a member to fill the vacancy: Provided that the chairperson must in such event preside at the election of the deputy chairperson. 25

Qualification for membership of the Provincial House

7. (1) No person must become or remain a member of the Provincial House, unless he or she is of or over the age of 18 years, or if he or she – 30
- (a) at any time after the promulgation of the Constitution, is convicted of an offence in the Republic, or outside the Republic, if the conduct constituting such offence would have constituted an offence in the Republic, and for which he or she has been sentenced to imprisonment of more than 12 months without the option of a fine, unless he or she has received a pardon; 35
- (b) is an unrehabilitated insolvent; 40
- (c) is of unsound mind and has been so declared by a competent court.
- (2) For the purpose of subsection (1)(a), no person must be deemed as having been convicted of an offence until any appeal against the conviction or sentence has been determined, or, if no appeal against the conviction or sentence has been noted, the time for noting such an appeal has expired. 45

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- (4) Motlatsi wa modulasetulo kapa setho sa Lekgotla la Phethahatso se kgethilweng tlasa karolwana ya (3), nakong eo a tshwereng mokobobo e le modulasetulo, a ka sebedisa matla le ho phethahatsa mesebetsi e boikarabelong ba ofisi ya modulasetulo.
- 10
- (5) Modulasetulo, motlatsi wa modulasetulo kapa setho sefe kapa sefe sa Komiti ya Phethahatso se kgethetsweng mosebetsi oo ho latela dintlha tsa melao le ditaello, se tlameha ho tsamaisa dikopano tsa Ntlo ya Provense.
- 15
- (6) Nakong eo a tsamaisang kopano ya Ntlo ya Provense, modulasetulo, motlatsi wa modulasetulo kapa setho se seng se tsamaisang kopano ha se a tlameha ho ba le voutu empa se tlameha ho sebedisa voutu ya makgaolakgang ebang divoutu di lekana.
- 20
- (7) Modulasetulo kapa motlatsi wa modulasetulo o tlameha ho theoha setulong sa bodulasetulo ebang e se e se setho sa Ntlo ya Provense ho ya ka karolo ya 7 le 16, mme a ka theolwa setulong ka qeto ya Ntlo ya Provense, mme a ka itokolla ka ho kenya lengolo la ho itokolla ho mongodi wa Ntlo ya Provense.
- 25
- (8) Ebang ofisi ya modulasetulo kapa motlatsi wa modulasetulo e ba le sekgeo, Ntlo ya Provense, tlasa bodulasetulo ba Tonakgolo kapa motho ya kgethilweng ke Tonakgolo, e tlameha ho kgetha setho ho tlatša sekgeo seo. Ha feela e le hore modulasetulo o tlameha ho tsamaisa ho kgethwa ha motlatsi wa modulasetulo boemong bo jwalo.

Tse dumellang motho ho ba setho sa Ntlo ya Provense

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7. (1) Ha ho motho ya tlamehang ho ba kapa ho dula e le setho sa Ntlo ya Provense, ntle feela le ha a le dilemo tse 18 kapa ho feta, kapa ebang -
- 35
- (a) nako efe kapa efe kamora ho tsebahatswa semmuso ha Molao wa Motheo, a fumanwa a le molato kahara Rephabliki, kapa kantle ho Rephablike, ebang boitshwaro bo bakileng tlolo e jwalo ya molao e le tlolo ya molao le kahara Rephabliki, mme a ahloletse ho hlola tjhankaneng nako e fetang dikgwedi tse 12 ntle le boikgethelo ba ho nehwa kotlo ya tjelete, ntle le haeba a fumane tshwarelo;
- 40
- (b) e le motho ya tjhonneng ya so kang a lokisa boemo boo ba hae;
- (c) a sa phela hantle kelellong mme a tsebahaditswe a le jwalo ke lekgotla.
- 45
- (2) Molemong wa karolwana ya (1)(a), ha ho motho ya tlamehang ho nkuwa a kile a ahlolelwa tlolo ya molao ho fihlela boipiletso bofe kapa bofe bo kgahlanong le ho fumanwa molato kapa kahlolo bo phethetswe, kapa, ebang ho se boipiletso bo sisintsweng kgahlanong le ho fumanwa molato kapa kahlolo, nako ya tshisinyo e jwalo e mabapi le boipiletso boo e fedile.

Functions of the Provincial House of Traditional Leaders

8. (1) The Provincial House has the following functions:
- (a) Advise the provincial government or the provincial legislature on developmental matters relating to indigenous law or affecting traditions and customs of traditional communities. 5
 - (b) Advise the provincial government and participate in the development of provincial policies and legislation. 10
 - (c) To participate in national and provincial developmental programmes.
 - (d) To promote the role of traditional leadership within the Free State Province. 15
 - (e) Participate in partnership with other stakeholders, in provincial initiatives meant to monitor, review and evaluate government programmes in traditional communities. 20
 - (f) To enhance unity and understanding among Free State traditional communities.
 - (g) To enhance co-operation between the Local House/s, and the traditional councils in the Free State Province. 25
 - (h) To participate in the structures of government.
 - (i) To promote and protect cultural values, morals and indigenous practices of the communities. 30
- (2) May exercise such other powers and must perform such tasks as may be conferred by the Premier or as may be provided for in any other relevant provincial legislation. 35

CHAPTER 3

Establishment of a Local House of Traditional Leaders

9. (1) As contemplated in section 17(1) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), a Local House of Traditional Leaders is established for each district municipality where there is more than one traditional council in that district municipality. 40
- (2) The Premier must, by notice in the *Provincial Gazette*, call the elections for the first term of the respective Local Houses, within sixty days after the coming into operation of this Act: Provided that such elections must take place within 30 days of the said notice. 45

Mesebetsi ya Ntlo ya Provense ya Baetapele ba Botjhaba

8. (1) Ntlo ya Provense e na le mesebetsi e latelang:
- 5 (a) Ho eletsa mmuso wa provense kapa mmuso wa ketsamolao provenseng mabapi le merero ya tswelopele e amanang le melao ya setso kapa e amang botjhaba le meetlo ya baahi ba ikamahanyang le tsa botjhaba.
- 10 (b) Ho eletsa mmuso wa provense le ho ba le seabo ntshetsopeleng ya maano le melao ya provense.
- (c) Ho ba le seabo mananeong a ntshetsopele ya naha le provense.
- 15 (d) Ho hodisa mesebetsi wa boetapele ba botjhaba ka hara Provense ya Freistata..
- (e) Ho ba le seabo tshebedisanong mmoho le bankakarolo ba bang, boitekong ba provense ba ho beha leihlo, ho sheba botjha le ho lekola mananeo a mmuso hara baahi ba ikamahanyang le tsa botjhaba.
- 20 (f) Ho matlafatsa moya wa kopano le kutlwisisano pakeng tsa baahi ba ikamahanyang le tsa botjhaba Freistata.
- 25 (g) Ho hodisa tshebedisano-mmoho pakeng tsa Matlo/Ntlo a/ya Selehae, le Lekgotla la Botjhaba ka hara Provense ya Freistata.
- (h) Ho ba le seabo dipopehong tsa mmuso.
- 30 (i) Ho hodisa le ho sireletsa metheo ya boitshwaro ya setso, boitshwaro le meetlo ya baahi.
- 35 (2) E ka sebedisa matla a itseng mme ya phethahatsa mesebetsi eo e ka e laelwang ke Tonakgolo kapa e ka bolelwang molaong ofe kapa ofe o amehang wa provense.

KGAOLO YA 3**40 Ho thehwa ha Ntlo ya Selehae ya Baetapele ba Botjhaba**

9. (1) Jwalo ka ha ho boletswa karolong ya 17(1) ya Moralo wa Molao wa Boetapele le Puso ya Botjhaba, 2003 (Molao 41 wa 2003), Ntlo ya Selehae ya Baetapele ba Botjhaba e thehilwe mmasepaleng wa setereke se seng le se seng se nang le lekgotla la botjhaba le fetang bonngwe ka palo mmasepaleng wa setereke seo.
- 45 (2) Tonakgolo e tlameha ho etsa tsebiso Koranteng ya Mmuso wa Provense, e ipiletsang dikgethong tsa pele tsa Matlo a fapaneng a Selehae, ho e so fete matsatsi a mashome a tsheletseng kamora ho kenngwa tshibetsong ha Molao ona. Ha feela eba dikgetho tse jwalo di tlameha ho tshwarwa ho eso fete matsatsi a 30 kamorao ho tsebiso eo.
- 50

- (3) The Premier must, by proclamation in the *Provincial Gazette*, prescribe the procedure to be followed at the elections referred to in subsection (2) and any other future elections for Local Houses.
- (4) A Local House of Traditional Leaders has the roles and functions entrusted to it by or in terms of this Act. 5
- (5) The functions of a Local House of Traditional Leaders in a district municipality where there exists only one traditional council are performed by that traditional council, and such traditional council shall be accorded the status of a Local House. 10
- (6) The term of office of a Local House runs parallel to that of the Provincial House. 15
- Composition of a Local House**
10. (1) A Local House consists of not less than 5 and not more than 10 members in accordance with Schedule 2 of this Act. 20
- (2) The Local House shall be composed of an equal representation of two members from each recognised traditional community within the district municipality.
- (3) A member must, subject to subsection (2), hold office for a period of 5 years. 25
- (4) The members of a Local House must be elected by an electoral college consisting of Kings or Queens or their representatives and Dikgosi/Marena and Marena a motse/Dikgosana residing within the district municipality in question. 30
- (5) A third of the members of a Local House must consist of women: Provided that if the Premier is satisfied that there is an insufficient number of women to participate in the Local House, the Premier may, after consultation with the relevant electoral college referred to in subsection (4), determine a lower threshold. 35
- Meetings of the Local House** 40
11. (1) Meetings of the Local House must be held at such place as the executive committee may from time to time determine.
- (2) There must be an ordinary meeting of the Local House at least four times in every year during the session of the district municipality. 45
- (3) Subject to subsections (2) and (4), the Local House must meet during such periods and on such days and during such hours as it may determine.

- 5
- (3) Tonakgolo e tlameha ho etsa tsebiso Koranteng ya Mmuso wa Provense, mabapi le metjha e lokelang ho latelwa dikgethong tse boletsweng karolwanweng ya (2) ekasitana le dikgethong dife kapa dife tse ding tsa Matlo a Selehae tse tla tshwarwa nakong e tlang.
- (4) Ntlo ya Selehae ya Baetapele ba Botjhaba e na le mesebetsi le boikarabelo boo e bo fuweng ho ya ka Molao ona.
- 10
- (5) Mesebetsi ya Ntlo ya Selehae ya Baetapele ba Botjhaba mmasepaleng wa setereke moo ho nang le lekgotla la botjhaba le le leng feela, e phethwa ke lekgotla leo la botjhaba, mme lekgotla leo la botjhaba le tla fuwa maemo a Ntlo ya Selehae.
- 15
- (6) Nako ya ofisi ya Ntlo ya Selehae e bapile le ya Ntlo ya Provense.

Popeho ya Ntlo ya Selehae

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10. (1) Ntlo ya Selehae e bopilwe ka ditho tse seng ka tlase ho 5 mme di se ka hodimo ho 10, ho ya ka Shejuli ya 2 ya Molao ona.
- (2) Ntlo ya Selehae e tla ba le kemedi e lekanang ya ditho tse pedi ho tswa ho sehlopha sa baahi ka seng se ikamahanyang le tsa botjhaba kahara mmasepala wa setereke.
- 25
- (3) Ho itshetlehlwe karolwaneng ya (2), setho se tlameha ho ba ofising nako ya dilemo tse 5.
- (4) Ditho tsa Ntlo ya Selehae di tlameha ho kgethwa ke lekgotla la dikgetho le nang le Marena kapa Mafumahadi, kapa baemedi ba bona le Dikgosi le Marena a motse/Dikgosana tse dulang sebakeng se tlasa taolo ya mmasepala wa setereke seo.
- 30
- (5) Bonngwe borarong ba ditho tsa Ntlo ya Selehae e tlameha ho ba basadi: Ha feela e le hore Tonakgolo e kgotsofaditswe ke hore palo ya basadi ba ka bang le seabo Ntlong ya Selehae ha e a lekana, Tonakgolo, kamora ho buisana le lekgotla la dikgetho le amehang le boletsweng karolwaneng ya (4), e ka beha palo a tlase ho e boletsweng.
- 35

Dikopano tsa Ntlo ya Selehae

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11. (1) Dikopano tsa Ntlo ya Selehae di tlameha ho tshwarelwa sebakeng se ka tsebahatswang ke komiti ya phethahatso ka nako tse itseng.
- (2) Ntlo ya Selehae e tlameha ho tshwara kopano e tlwaelchileng bonyane makgetlo a mane selemong ka seng sesheneng ya mmasepala wa setereke.
- 45
- (3) Ho itshetlehlwe dikarolwaneng tsa (2) le (4), Ntlo ya Selehae e tlameha ho ba le kopano dinakong, matsatsing le dihoreng tseo e tlang ho etsa qeto ka tsona.

- (4) The executive committee may at any time, and if so directed by the Premier, must call a special meeting of the Local House on a day and at a place to be determined by the said committee with the approval of the Premier and at such special meeting only such matters as are placed before the Local House must be dealt with. 5
- (5) The Premier may, as soon as possible after the commencement of this Act, convene the Local House in such manner as he or she may deem suitable.
- (6) A person designated by the Premier may attend the meetings of the Local House to advise the Local House regarding government policies and legislation that relate to traditional affairs. 10

Election of the chairperson and deputy chairperson of the Local House

12. At its first meeting, after it has been convened under section 11(5), the Local House, with the Premier as chairperson, must elect one of its members to be the chairperson, and must thereafter elect another of its members to be the deputy chairperson of the Local House. 15

Roles, functions and duties of the chairperson and deputy chairperson of the Local House

13. (1) The chairperson of the Local House has the following roles, functions and duties: 25
- (a) to call the meetings of the Local House;
 - (b) to chair the meetings of the Local House; 30
 - (c) to ensure the efficient day-to-day running of the business of the Local House; and
 - (d) to perform any other function or role as may be assigned to him or her by the Premier or this Act. 35
- (2) If the chairperson is absent or for any reason unable to exercise or perform the powers or functions vested in the office of chairperson, or when the office of chairperson is vacant, the deputy chairperson must act as chairperson during the absence or inability of the chairperson or until a chairperson is elected. 40
- (3) If any of the circumstances described in subsection (2) applies with reference to both the chairperson and the deputy chairperson, a member of the Executive Committee designated in terms of the rules and orders must act as chairperson while the said circumstances prevail. 45

- 5
- (4) Komiti ya phethahatso, ka nako efe kapa efe le haeba Tonakgolo a laela jwalo, e ka bitsa kopano e ikgethang ya Ntlo ya Selehae letsatsing le sebakeng se tlang ho tsebahatswa ke komiti e boletsweng ka tumello ya Tonakgolo, mme kopanong eo e ikgethang ho tla buisanwa feela ka dintlha tse tekilweng ka pela Ntlo ya Selehae:
- (5) Tonakgolo, kapele kamora hoba ho qalwe ka Molao ona, e ka kopanya Ntlo ya Selehae ka mokgwa oo e tlang ho bona ho tshwanetse ka ona.
- 10
- (6) Motho ya kgethilweng ke Tonakgolo a ka ba teng dikopanong tsa Ntlo ya Selehae ho eletsisa Ntlo ya Selehae mabapi le maano le melao ya mmuso e amanang le merero ya tsa setso.

15

Ho kgethwa ha modulasetulo le motlatsi wa modulasetulo wa Ntlo ya Selehae

12. Kopanong ya yona ya pele kamora hoba e kopanngwe tlasa karolo ya 11(5), Ntlo ya Selehae, le Tonakgolo jwaloka modulasetulo, e tlameha ho kgetha e mong wa ditho tsa yona ho ba modulasetulo mme kamorao ho moo e kgethe e mong wa ditho tsa yona ho ba motlatsi wa modulasetulo wa Ntlo ya Selehae.
- 20

Mesebetsi le boikarabelo ba modulasetulo le motlatsi wa modulasetulo wa Ntlo ya Selehae

- 25
13. (1) Modulasetulo wa Ntlo ya Selehae o na le boikarabelo le mesebetsi e latelang:
- (a) ho bitsa dikopano tsa Ntlo ya Selehae;
- (b) ho ba modulasetulo dikopanong tsa Ntlo ya Selehae;
- 30
- (c) ho netefatsa tsamaiso e hlwahlwa ya letsatsi le letsatsi mererong ya Ntlo ya Selehae; le
- (d) ho phetha mesebetsi kapa boikarabelo bofe kapa bofe bo bong boo Tonakgolo kapa Molao ona o ka bo behang mahetleng a hae.
- 35
- (2) Ebang modulasetulo a le siyo kapa a sa kgone ho phetha mesebetsi le boikarabelo ba hae ofising ya bodulasetulo tlasa lebaka lefe kapa lefe, kapa ha ofisi ya modulasetulo e na le sekgeo, motlatsi wa modulasetulo o tlameha ho tshwara mokobobo wa bodulasetulo bosiyong kapa ho se beng le bokgoni ha modulasetulo kapa ho fihlela modulasetulo a kgethwa.
- 40
- (3) Ebang boemo bofe kapa bofe bo hlalositweng karolwaneng ya (2) bo ama modulasetulo le motlatsi wa modulasetulo ka bobedi, setho sa Ntlo ya Selehae se kgethilweng ho latela melao le ditaello, se tlameha ho ba modulasetulo nakong eo ho ntseng ho rena boemo bo boletsweng
- 45

- (4) The deputy chairperson or the member of the Executive Committee designated under subsection (3), while acting as chairperson, may exercise the powers and must perform the functions vested in the office of chairperson. 5
- (5) The chairperson, the deputy chairperson or any other member of the Local House designated for that purpose in terms of the rules and orders must preside over meetings of the Local House.
- (6) While presiding at a meeting of the Local House, the chairperson, deputy chairperson or any other member presiding must not have a deliberative vote, but must have and exercise a casting vote in the case of an equality of votes. 10
- (7) The chairperson or deputy chairperson must vacate his or her office if he or she ceases to be a member of the Local House according to sections 14 and 16, and may be removed from office by resolution of the Local House, and may resign by lodging his or her resignation in writing with the secretary of the Local House. 15
- (8) If the office of chairperson or deputy chairperson becomes vacant, the Local House, under the chairpersonship of the Premier or a person designated by the Premier, must elect a member to fill the vacancy: Provided that the chairperson must in such event preside at the election of the deputy chairperson. 20

Qualification for membership of the Local House

14. (1) No person must become or remain a member of the Local House, unless he or she is of or over the age of 18 years, or if he or she – 30
- (a) at any time after the promulgation of the Constitution, is convicted of an offence in the Republic, or outside the Republic, if the conduct constituting such offence would have constituted an offence in the Republic, and for which he or she has been sentenced to imprisonment of more than 12 months without the option of a fine, unless he or she has received a pardon; 35
- (b) is an unrehabilitated insolvent; 40
- (c) is of unsound mind and has been so declared by a competent court.
- (2) For the purpose of subsection (1)(a), no person must be deemed as having been convicted of an offence until any appeal against the conviction or sentence has been determined, or, if no appeal against the conviction or sentence has been noted, the time for noting such an appeal has expired. 45

- 5
- (4) Motlatsi wa modulasetulo kapa setho sa Lekgotla la Phethahatso se kgethilweng tlasa karolwana ya (3), nakong eo a tshwereng mokobobo e le modulasetulo, a ka sebedisa matla le ho phethahatsa mesebetsi e boikarabelong ba ofisi ya modulasetulo.
- 10
- (5) Modulasetulo, motlatsi wa modulasetulo kapa setho sefe kapa sefe sa Ntlo ya Selehae se kgethetsweng mosebetsi oo ho latela dintlha tsa melao le ditaelo, se tlameha ho tsamaisa dikopano tsa Ntlo ya Selehae.
- 15
- (6) Nakong eo a tsamaisang kopano ya Ntlo ya Selehae, modulasetulo, motlatsi wa modulasetulo kapa setho se seng se tsamaisang kopano ha se a tshwanela ho ba le voutu empa se tlameha ho sebedisa voutu ya makgaolakang ebang divoutu di lekana.
- 20
- (7) Modulasetulo kapa motlatsi wa modulasetulo o tlameha ho tlaha ofising ya hae ebang e se e se setho sa Ntlo ya Selehae ho ya ka karolo ya 14 le ya 16, mme a ka tloswa ofising ka qeto ya Ntlo ya Selehae, mme a ka itokolla ka ho kenya lengolo la ho itokolla ho mongodi wa Ntlo ya Selehae.
- 25
- (8) Ebang ofisi ya modulasetulo kapa motlatsi wa modulasetulo e ba le sekgeo, Ntlo ya Selehae, tlasa bodulasetulo ba Tonakgolo kapa motho ya kgethilweng ke Tonakgolo, e tlameha ho kgetha setho ho tlatsa sekgeo seo. Ha feela e le hore modulasetulo o tlameha ho tsamaisa ho kgethwa ha motlatsi wa modulasetulo boemong bo jwalo.

Tse dumellang motho ho ba setho sa Ntlo ya Selehae

- 30
14. (1) Ha ho motho ya tshwanelang ho ba kapa ho dula e le setho sa Ntlo ya Selehae, ntle feela ha a le dilemo tse 18 kapa ho feta, kapa ebang -
- 35
- (a) neng kapa neng kamora ho tsebahatswa semmuso ha Molao wa Motheo, a fumanwa a le molato kahara Rephabliki, kapa kantle ho Rephabliki, ebang boitshwaro bo bakileng tlolo e jwalo ya molao e le tlolo ya molao le kahara Rephabliki, mme a ahloletswe ho hlola tjhankaneng nako e fetang dikgwedi tse 12 ntle le boikgethelo ba ho nehwa kotlo ya tjelete, ntle le haeba a fumane tshwarelo;
- 40
- (b) e le motho ya tjhonneng ya so kang a lokisa boemo boo ba hae;
- (c) a sa phela hantle kelellong mme a tsebahaditswe a le jwalo ke lekgotla.
- 45
- (2) Molemong wa karolwana ya (1)(a), ha ho motho ya tlamehang ho nkwa a kile a ahlolelwa tlolo ya molao ho fihlela boipiletso bofe kapa bofe bo kgahlanong le ho fumanwa molato kapa kahlolo bo phethetswe, kapa, ebang ho se boipiletso bo sisintsweng kgahlanong le ho fumanwa molato kapa kahlolo, nako ya tshisinyo e jwalo e mabapi le boipiletso boo e fedile.

Functions of the Local House

15. The functions of the Local House are:

- | | | |
|-------|---|----|
| (a) | to advise the district municipality or municipality in question on – | 5 |
| (i) | matters pertaining to customary law, customs, traditional leadership and the traditional communities within the district municipality or metropolitan municipality; | 10 |
| (ii) | the development of planning frameworks that impact on traditional communities; or | 15 |
| (iii) | the development of by-laws that impact on traditional communities; | 15 |
| (b) | to participate in local programmes that have the development of communities as an object; or | 20 |
| (c) | to participate in local initiatives that are aimed at monitoring, reviewing or evaluating government programmes in communities. | 20 |

CHAPTER 4 GENERAL MATTERS

Vacation of seats 25

- | | | |
|-----|---|----|
| 16. | (1) A member of a House must vacate his or her seat – | |
| (a) | if he or she ceases to be eligible to be a member of the House in terms of section 7 or 14; or | 30 |
| (b) | if he or she resigns his or her seat by submitting his or her resignation in writing to the secretary to a House. | |
| (2) | A member of a Provincial House may lose his or her membership to the Provincial House on account of misconduct as contemplated in Schedule 3. | 35 |

Rules and orders

- | | | |
|-----|--|----|
| 17. | The respective House must make rules and orders in connection with the conduct of its business and proceedings, including rules and orders regulating – | 40 |
| (a) | the establishment, constitution, powers and functions, procedures and duration of committees of the relevant House: Provided that provision must be made for a standing executive committee consisting of the chairperson, deputy chairperson and 3 other members elected by the relevant House; | 45 |

Mesebetsi ya Ntlo ya Selehae**15. Mesebetsi ya Ntlo ya Selehae ke:**

- 5 (a) ho eletsa mmasepala wa setereke kapa mmasepala wa motse o amehang mabapi le -
- 10 (i) dintlha tse amanang le molao wa moetlo, meetlo, boetapele ba botjhaba mmoho le baahi ba setso le mmasepala wa setereke kapa mmasepala wa motse wa toropo e kgolo,
- (ii) ntshetsopele ya ho ralwa ha meralo e amang baahi ba setso; kapa
- 15 (iii) ntshetsopele ya melawana e amang baahi ba setso;
- (b) ho ba le seabo mananeong a selehae a tobileng ntshetsopele ya baahi ba mahaeng; kapa
- 20 (c) ho ba le seabo boitekong ba selehae bo tobileng peholeihlo, tekolobotjha kapa tekolo ya mananeo a mmuso baahing ba mahaeng.

**KGAOLO YA 4
DINTLHA KA KAKARETSO**

25 Ho tlohelwa ha ditulo

16. (1) Setho sa Ntlo se tlameha ho tlohela setulo sa sona -
- 30 (a) ebang botho ba hae ba Ntlo bo fela ho latela dintlha tsa karolo ya 7 kapa 14; kapa
- (b) ebang a itokolla setulong sa hae ka ho ngola lengolo la ho itokolla mme a le neha mongodi wa Ntlo.
- 35 (2) Setho sa Ntlo ya Provense a ka lahlehelwa ke botho ba hae Ntlong ya Provense ka baka la boitshwaro bo fosahetseng, jwalo ka ha ho boletswe Shejuling ya 3.

40 Melao le ditaelo

17. Ntlo e amehang e lokela ho etsa melao le ditaelo tse mabapi le ho tsamaiswa ha tshebetso le metjha ya yona, ho kenyeleditswe melao le ditaelo tse laolang -
- 45 (a) ho thehwa, molaotheo, matla le mesebetsi, metjha le nako ya dikomiti tsa Ntlo e amehang: Ha feela e le hore ho tla ba le pehelo e tlang ho etsetswa komiti ya nako tsohle ya phethahatso e nang le modulasetulo, motlatsi wa modulasetulo le ditho tse ding tse 3 tse kgethilweng ke Ntlo e amehang;

- (b) restrictions on access to such committees; and
- (c) the designation of members of the House as presiding officers to preside over meetings of the respective House, as and when the chairperson so requires.

5

Quorum

18. The presence of at least –

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- (a) one-half; or
- (b) when a vote is taken on a Bill or by-law, of at least one-half,

of all the members of the House must be necessary to constitute a meeting of the concerned House.

15

Requisite majorities

19. (1) All questions before the House must be determined by a majority of votes cast by the members present.

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- (2) The person designated by the Premier to attend the meetings of the House in terms of sections 4(6) and 11(6), does not have any voting rights.

25

Salaries and allowances payable to members of the House

20. (1) Members of the House are remunerated in terms of the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998).

30

- (2) The Premier may, after consultation with the House, determine that certain members of the Houses are full-time members.

Administration of the House

21. (1) The chairpersons of the Provincial or Local House must, after consultation with the Premier, appoint a Secretary and such other staff as may be necessary for the discharge of the work of the House.

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- (2) Persons appointed under this section must be remunerated out of and as a charge on the Provincial Revenue Fund.

40

- (b) dithibella ho fihlilleheng ha dikomiti tse jwalo; le
- (c) ho kgethwa ha ditho tsa Ntlo hore e be diofisiri tse tsamaisang mosebetsi hore di tsamaisa dikopano tsa Ntlo e amehang, ho latela nako le mokgwa o tlang ho behwa ke modulasetulo.

Khoramo

18. Bonyane bo teng ba -

- (a) bonngwe borarong; kapa
- (b) bonyane halofo, ha ho voutelwa Bili kapa molawana,

ya ditho tsohle tsa Ntlo bo tlameha ho ba teng hore kopano ya Ntlo e amehang e be e tshwanetseng.

Bongata bo hlokehang

19. (1) Dipotso tsohle tse behelwang Ntlo di tlameha ho hlophiswa ke bongata ba divoutu tse entsweng ke ditho tse teng.
- (2) Motho ya kgethilweng ke Tonakgolo ho ba dikopanong tsa Ntlo ho latela dintlha tsa karolo ya 4(6) le 11(6), ha a na ditokelo tsa ho vouta.

Ditjhelete le ditsiane tse lefshwang ditho tsa Ntlo

20. (1) Ditho tsa Ntlo di lefshwa ho ya ka Molao wa Meputso ya Diofisiri tse tshwereng Ditulo tsa Setjhaba, 1998 (Molao wa 20, wa 1998).
- (2) Kamorao ho dipuisano le dikamahanyo le Ntlo, Tonakgolo e ka qeta hore ditho tse itseng tsa Matlo e ka ba ditho tsa ka nako tsohle.

Tsamaiso ya Matlo

21. (1) Kamorao ho dipuisano le dikamahanyo le Tonakgolo, baduladitulo tsa Ntlo ya Provense kapa Ntlo ya Selehae ba lokela ho kgetha mongodi le basebetsi ba bang ba ka hlokehang hore mosebetsi wa Matlo o tswelle.
- (2) Batho ba kgethilweng tlasa karolo ena ba tlameha ho putswa mme ditjeho e lokela ho ba tsa Letlole la Kuno la Provense.

Relationship between the Local House and traditional councils

22. (1) The House must investigate matters referred to it by the traditional councils and make recommendations. 5
- (2) The House must advise traditional councils regarding the administration of their affairs. 10
- (3) Members must report on the progress of matters relating to the general interest and welfare of traditional councils quarterly to their respective traditional councils. 15
- (4) Members must table the reports referred to in subsection (3) at the first meeting of the House, after the reports have been submitted to the respective traditional councils. 20
- (5) Where the Provincial House wishes to interact with a traditional council, such interaction must be done in consultation with the Local House under whose jurisdiction the said traditional council is located.

Relationship between the Provincial House and the Provincial Legislature

23. (1) The Speaker of the Provincial Legislature must refer all the Bills introduced in the Legislature that relate to traditional affairs, customary law, traditions or customs of traditional communities in the Province or any other law that has an effect thereon, to the Provincial House for its comments. 25
- (2) The Provincial House must consider and comment on the Bills referred to in subsection (1). 30
- (3) The written notification of the Provincial House's support or opposition of a Bill referred to it, together with the comments, must be submitted to the Speaker within 30 days from the date of such referral. 35
- (4) Notwithstanding subsection (1), the Provincial Legislature may refer any Bill introduced in the Legislature to the Provincial House for its comments.

Relationship between a Local House and the Municipal Council

24. (1) The House must, in consultation with traditional councils, advise the Local Government and the municipalities on matters relating to the general interest and welfare of traditional communities. 40
- (2) The Speaker of a district municipality must refer all the draft by-laws that relate to traditional affairs, customary law, traditions or customs of traditional communities in the municipality's jurisdiction, to a Local House for its comments. 45

Dikamano pakeng tsa Ntlo ya Selehae le makgotla a setjhaba

- 5
22. (1) Ntlo e tlameha ho fuputsa dintlha tse rometsweng ho yona ke makgotla a setjhaba mme e etse dikgothaletso.
- (2) Ntlo e tlameha ho eletsa makgotla a setjhaba mabapi le tsamaiso ya merero ya ona.
- 10 (3) Ditho di tlameha ho fana ka tlaleho hang ka kotara ho makgotla a tsona a setjhaba, mabapi le kgatelopele dintlheng tsa kakaretso tse mabapi le thahasello le thekolohelo ya makgotla a setjhaba .
- (4) Ditho di tlameha ho teka ditlaleho tse boletsweng karolwaneng ya (3) kopanong ya pele ya Ntlo kamora hore ditlaleho di iswe makgotleng a setjhaba a fapaneng.
- 15 (5) Moo Ntlo ya Provense e lakatsang ho ka ba le dikgokahano le lekgotla la setjhaba, kgokahano e jwalo e lokela ho etswa ka tumellano le Ntlo ya Selehae eo lekgotla leo la setjhaba le welang tlasa tsamaiso ya yona.
- 20

Kamano pakeng tsa Ntlo ya Provense le Lekgotla la Ketsamolao la Provense

23. (1) Sepikara sa Lekgotla la Ketsamolao la Provense se tlameha ho romela Dibili tsohle tse tsebahaditsweng Lekgotleng la Ketsamolao tse amanang le merero ya botjhaba, molao wa moetlo, setso kapa meetlo ya baahi ba setso kahara Provense kapa molao ofe feela o mong o amanang le tsona, ho Ntlo ya Provense hore e hlahise maikutlo a yona.
- 25 (2) Ntlo ya Provense e tlameha ho lekola le ho ntsha maikutlo mabapi le Dibili tse boletsweng karolwaneng ya (1).
- 30 (3) Tsebiso e ngotsweng ya Ntlo ya Provense e mabapi le tshehetso kapa kganyetso ya Bili e rometsweng ho yona, mmoho le maikutlo, di tlameha ho romelwa ho Sepikara ho e so fete matsatsi a 30 ho tloha letsatsing leo di neng di romelwa ka lona.
- 35 (4) Ho sa natswe karolwana ya (1), Lekgotla la Ketsamolao la Provense le ka romela Bili efe kapa efe e tsebahaditsweng Lekgotleng la Ketsamolao ho Ntlo ya Provense hore e hlahise maikutlo a yona.
- 40

Kamano pakeng tsa Ntlo ya Selehae le Lekgotla la Mmasepala

24. (1) Ntlo, ka dipuisano le makgotla a setjhaba, e tlameha ho eletsa Mmuso wa Provense le bommasepala dintlheng tsa kakaretso tse mabapi le thahasello le thekolohelo ya baahi ba setso.
- 45 (2) Sepikara sa lekgotla la mmasepala se tlameha ho romela meralo yohle ya melawana e amanang le merero ya botjhaba, molao wa moetlo, setso kapa meetlo ya baahi ba setso ba tlasa taolo ya mmasepala, ho Ntlo ya Selehae hore e hlahise maikutlo a yona.
- 50

- (3) A Local House must consider and comment on draft by-laws referred to in subsection (2).
- (4) The written notification of the Local House's support or opposition of a Bill referred to it, together with comments, must be submitted to the Speaker within 30 days from the date of such referral. 5
- (5) Notwithstanding subsection (2), a district municipality may refer any draft by-law to a Local House for its comments. 10
- Relationship between the Provincial House and the Executive Council**
25. The Premier must, in consultation with the Provincial House and the Executive Council, determine the relationship between the Executive Council and the House. 15
- Privileges and immunities of members of the House**
26. Members of the House –
- (a) have freedom of speech in the respective House and its committees, subject to its rules and orders; and 20
- (b) are not liable to civil or criminal proceedings, arrest, imprisonment or damages for – 25
- (i) anything that they have said in, produced before or submitted to the respective Houses or any of its committees, or
- (ii) anything revealed as a result of anything that they have said in, produced before or submitted to the respective House or any of its committees. 30
- Oath and affirmation**
27. Before members of a respective House begin to perform their functions in the respective House, they must swear or affirm faithfulness to the Republic and obedience to the Constitution in accordance with Schedule 2 of the Constitution, with the necessary changes. 35
- Regulations** 40
28. The Premier may make regulations relating to:
- (a) any matter which in terms of this Act is required or permitted to be prescribed; 45
- (b) in general, any matter which is considered necessary or expedient to prescribe for achieving the objects of this Act.

- (3) Ntlo ya Selehae e tlameha ho lekola le ho ntsha maikutlo mabapi le meralo ya melawana e boletsweng karolwaneng ya (2).
- 5 (4) Tsebiso e ngotsweng ya Ntlo ya Selehae e mabapi le tshehetso kapa kganyetso ya Bili e rometsweng ho yona, mmoho le maikutlo, di tlameha ho romelwa ho Sepikara ho e so fete matsatsi a 30 ho tloha letsatsing leo di neng di romelwa ka lona.
- 10 (5) Ho sa natswe karolwana ya (2), mmasepala wa setereke o ka romela moralo wa molawana ofe kapa ofe ho Ntlo ya Selehae hore e hlahise maikutlo a yona.

Kamano pakeng tsa Ntlo ya Provense le Lekgotla la Phethahatso

- 15 25. Tonakgolo, ka dipuisano le Ntlo ya Provense le Lekgotla la Phethahatso, e tlameha ho hlalosa kamano e pakeng tsa Lekgotla la Phethahatso le Ntlo.

Menyetla le maemo a sa ameng ditho tsa Ntlo

- 20 26. Ditho tsa Ntlo -
- (a) di na le bolokolohi ba ho bua Ntlong le dikomiting tsa yona tse fapaneng, ho itshetlehilwe melaong le ditaelong tsa yona; mme
- 25 (b) ha di angwe ke ditseko tsa molao kapa diqoso tsa tlolo ya molao, ho tshwarwa, ho kwallwa tjhankaneng kapa tshenyo ka lebaka la -
- (i) eng kapa eng eo ba e buileng, eo ba e hlahiseditseng kapa eo ba e nehileng Matlo kapa dikomiti tsa tsona tse fapaneng, kapa
- 30 (ii) eng kapa eng e hlahelletseng hobane ho na le seo ba se buileng, seo ba se hlahiseditseng kapa seo ba se nehileng Ntlo e itseng kapa dikomiti dife kapa dife tsa yona.

Tlhapanyo le kano

- 35 27. Pele ditho tsa Ntlo di qala ka mesebetsi ya tsona e fapaneng ya Ntlo, di tlameha ho nka kano kapa ho hlapanya hore di tla tshepahalala Rephabliking mme di tla ikobela Molao wa Motheo ho latela Shejuli ya 2 ya Molao wa Motheo, ho kenyeleditswe le
- 40 diphetoho tse hlokehang.

Melawana

- 45 28. Tonakgolo e ka etsa melawana e amanang le:
- (a) taba efe kapa efe eo ho ya ka Molao ona e hlokehang kapa eo ho dumellehang hore e ka laelwa;
- 50 (b) ka kakaretso, taba efe kapa efe e nkwang e hlokeha hore e ka laelwa ka sepheo sa ho fihlella maikemisetso a Molao ona.

Delegation

29. (1) The Premier may in writing delegate any of his or her powers or functions in terms of this Act, except powers to make regulations in terms of section 28, to the MEC or any official. 5
- (2) A delegation in terms of this section may be withdrawn at any time by the Premier or MEC.

Repeal of laws, savings and interim arrangements 10

30. (1) The House of Traditional Leaders established under the House of Traditional Leaders Act, 1994 (Act No. 6 of 1994), is deemed to have been established in terms of this Act and must continue to function in terms of this Act for the remainder of its term. 15
- (2) This Act, after coming into operation, shall repeal the House of Traditional Leaders Act, 1994 (Act No. 6 of 1994) and the House of Traditional Leaders Amendment Act, 2000 (Act No. 5 of 2000). 20
- (3) Anything done or any act performed under the repealed laws is deemed to have been done or performed under this Act.

Short title

31. This Act must be called the Free State Provincial and Local Houses of Traditional Leaders Act, 2007, and comes into operation on a date determined by the Premier by proclamation in the *Provincial Gazette*. 25

Thomeletso

- 5 29. (1) Tonakgolo e ka romeletsa ka matla a yona kapa mesebetsi efe kapa efe ya yona ho latela dintlha tsa Molao ona ho Setho sa Lekgotla la Phethahatso kapa ho mohlanka ofe kapa ofe, ntle le matla a ho etsa Melawana ho latela dintlha tsa karolo ya 28.
- 10 (2) Thomeletso, ho ya ka karolo ena, e ka kgaotswa neng kapa neng ke Tonakgolo kapa Setho sa Lekgotla la Phethahatso.

Phediso ya melao, dipolokelo le ditlhophiso tsa nakwana

- 15 30. (1) Ntlo ya Baetapele ba Botjhaba e thehilweng tlasa Molao wa Ntlo ya Baetapele ba Botjhaba wa 1994 (Molao 6, wa 1994), e nkwa e le e thehilweng ho latela dintlha tsa Molao ona mme e tlameha ho tswela pele ho sebetsa ho latela dintlha tsa Molao ona nakong ya yona e setseng.
- 20 (2) Molao ona, ha o qeta ho kena tshebetsong, o tla fedisa Molao wa Ntlo ya Baetapele ba Botjhaba, 1994 (Molao 6 wa 1994) le Molao wa Tokiso wa Ntlo ya baetapele ba Botjhaba, 2000 (Molao 5 wa 2000).
- 25 (3) Sefe kapa sefe se etswang kapa ketso efe kapa efe e etswang tlasa molao wa tokiso e nkwa e le e entsweng tlasa Molao ona.

Sehlooho se se kgutshwane

- 30 31. Molao ona o tlameha ho bitswa Molao wa Ntlo ya Baetapele ba Botjhaba ya Provense le ya Selehae Freistata, 2007, mme o qala ho sebetsa letsatsing le tlang ho tsebahatswa ke Tonakgolo ka ho etsa tsebahatso Koranteng ya Mmuso wa Provense.

SCHEDULE 1

COLUMN 1: TRADITIONAL COMMUNITIES		COLUMN 2: BASIS OF NOMINATIONS
1.	BAKWENA BA MOPELI	The traditional councils from this traditional community may nominate 3 traditional leaders as members
2.	BATLOKOA BA MOKOTLENG	The traditional councils from this traditional community may nominate 3 traditional leaders as members
3.	BAROLONG BOO SELEKA	The traditional councils from this traditional community may nominate 3 traditional leaders as members
4.	BATLOKOA BA MAKGALONG	The traditional councils from this traditional community may nominate 1 traditional leader and 2 representatives as members
5.	MAKGOLOKOE	The traditional councils from this traditional community may nominate 1 traditional leader and 2 representatives as members

SCHEDULE 2

COLUMN 1: TRADITIONAL COMMUNITIES		COLUMN 2: BASIS OF NOMINATIONS
1.	BAKWENA BA MOPELI	The traditional councils from this traditional community may nominate 2 traditional leaders as members
2.	BATLOKOA BA MOKOTLENG	The traditional councils from this traditional community may nominate 2 traditional leaders as members
3.	BATLOKOA BA MAKGALONG	The traditional councils from this traditional community may nominate 2 traditional leaders as members
4.	MAKGOLOKOE	The traditional councils from this traditional community may nominate 2 traditional leaders as members

SHEJULI YA 1

KHOLOMO YA 1: BAAHI BA BOTJHABA	KHOLOMO YA 2: HO THONNGWA HA DITHO
1. BAKWENA BA MOPELI	Makgotla a botjhaba a baahi bana ba botjhaba a ka thonya baetapele ba botjhaba ba 3, ho ba ditho.
2. BATLOKWA BA MOKOTLENG	Makgotla a botjhaba a baahi bana ba botjhaba a ka thonya baetapele ba botjhaba ba 3, ho ba ditho.
3. BAROLONG BOO SELEKA	Makgotla a botjhaba a baahi bana ba botjhaba a ka thonya baetapele ba botjhaba ba 3, ho ba ditho.
4. BATLOKWA BA MAKGALONG	Makgotla a botjhaba a baahi bana ba botjhaba a ka thonya moetapele wa botjhaba a le mong (1) le baemedi ba babedi (2) ho ba ditho.
5. MAKGOLOKWE	Makgotla a botjhaba a baahi bana ba botjhaba a ka thonya moetapele wa botjhaba a le mong (1) le baemedi ba babedi (2) ho ba ditho.

SHEJULI YA 2

KHOLOMO YA 1: BAAHI BA BOTJHABA	KHOLOMO YA 2: HO THONNGWA HA DITHO
1. BAKWENA BA MOPELI	Makgotla a botjhaba a baahi bana ba botjhaba a thonya baetapele ba botjhaba ba 2, ho ba ditho.
2. BATLOKWA BA MOKOTLENG	Makgotla a botjhaba a baahi bana ba botjhaba a ka thonya baetapele ba botjhaba ba 2, ho ba ditho.
3. BATLOKWA BA MAKGALONG	Makgotla a botjhaba a baahi bana ba botjhaba a ka thonya baetapele ba botjhaba ba 2, ho ba ditho.
4. MAKGOLOKWE	Makgotla a botjhaba a baahi bana ba botjhaba a ka thonya baetapele ba botjhaba ba 2, ho ba ditho.

SCHEDULE 3

PART A

CODE OF CONDUCT OF TRADITIONAL LEADERS AND MEMBERS OF TRADITIONAL COUNCILS

General conduct of traditional leaders

1. A traditional leader –
 - (a) must perform the functions allocated to him or her in good faith, diligently, honestly and in a transparent manner;
 - (b) must fulfil his or her role in an effective and efficient manner;
 - (c) must comply with any applicable legislation, promote nation building and principles of democracy and an open society;
 - (d) must act in the best interests of the traditional community or communities he or she serves and must promote unity amongst traditional communities;
 - (e) must foster good relations with the organs of state, other traditional leaders and traditional communities with whom he or she interacts;
 - (f) may not conduct himself or herself in a disgraceful, improper or unbecoming manner;
 - (g) must not use his or her position or confidential information obtained because of his or her position, for personal gain or in order to improperly benefit another;
 - (h) must obey a lawful order given to him or her by a person having authority to give such an order;
 - (i) may not abuse his or her powers or extort or by use of compulsion or by arbitrary means, obtain any tribute, fee, reward or gift;
 - (j) may not try or punish any person without being authorized to do so by or under any law;
 - (k) must not excessively use intoxicating liquor or stupefying drugs.

Breaches of Code of Conduct by Traditional Leaders

2. (1) If there is a reasonable suspicion that a traditional leader has breached a provision of this Code of Conduct, the Premier may refer the matter to the royal family for investigation failing which an inquiry may be conducted regarding the traditional leader concerned by the person appointed by the Premier.

SHEJULI YA 3**KAROLO YA A****MOLAO WA BOITSHWARO BA BAETAPELE BA BOTJHABA LE DITHO TSA
MAKGOTLA A SETJHABA****Boitshwaro ba kakaretso ba baetapele ba botjhaba****1. Moetapele wa botjhaba -**

- (a) o tlameha ho phethahatsa mesebetsi eo a e nehilweng ka boikidaetso, boitelo, botshepehi le ka mokgwa o bonaletsang;
- (b) o tlameha ho kgatha tema ya hae ka mokgwa o phethahetseng;
- (c) o tlameha ho ikobela molao ofe kapa ofe o amehang, a phahamise kaho ya setjhaba le metheo ya demokrasi le setjhaba se nang le tsamaiso e bulehileng;
- (d) o tlameha ho etsa dintho molemong wa baahi ba botjhaba bao a ba sebeletsang mme a hodise moya wa kopano pakeng tsa dihlopha tsa baahi ba botjhaba.
- (e) o tlameha ho theha dikamano tse ntle le makala a mmuso, baetapele ba bang ba botjhaba le baahi ba botjhaba bao a sebetsang mmoho le bona;
- (f) a se itshware ka mokgwa o tlontlolang, o sa lokang kapa o sa tshwanelang;
- (g) a se sebedise maemo a hae kapa tlhahisoleseding ya lekunutu eo a e fumaneng ka baka la maemo a hae, ho ikgodisa boyena kapa molemong wa motho e mong ka tsela e sa tshwanelang;
- (h) o tlameha ho ikobela taelo ya semolao eo a e fuwang ke motho ya nang le matla a ho ka mo fa taelo e jwalo;
- (i) ha a dumellwa ho sebedisa matla a hae hampe kapa ho sebedisa dikgoka, kapa ho fumana thoholetso, tefo, moputso kapa mpho ka ho qobella kapa ka mekgwa e leeme;
- (j) a se leke kapa ho fana ka kotlo ho mang kapa mang ntle le ho fuwa matla a ho etsa jwalo ke molao kapa tlasa molao o itseng;
- (k) a se sebedise dinotahi kapa dithetefatsi.

Tlolo ya Molao wa Boitshwaro ba Baetapele ba Botjhaba

- 2. (1) Ha eba ho na le pelaelo e utlwahalang ya hore moetapele wa botjhaba o tlotse pehelo ya Molao ona wa Boitshwaro, Tonakgolo a ka fetisetsa taba ena lapeng la boreneng hore ho etswe dipatlisiso, ebang ho sa be jwalo motho ya kgethilweng ke Tonakgolo a ka etsa diphuputso mabapi le moetapele eo wa botjhaba ya amehang.

- (2) At an enquiry contemplated in sub-item (1), a traditional leader must be given a reasonable opportunity to be heard: Provided that the proceedings shall not be invalidated by failure of his or her attendance of the enquiry.
- (3) The person appointed to conduct the enquiry must -
 - (a) at the conclusion of the enquiry, find whether the traditional leader is guilty of a breach of the provision of the Code of Conduct and inform such traditional leader of such finding; and
 - (b) forward to the Premier, the record of the proceedings, a statement of the findings, the reasons therefore, and any observations which he or she deems necessary to make.
- (4) If the traditional leader has been found guilty of a breach of the Code of Conduct, the Premier may -
 - (a) issue a formal warning to the traditional leader
 - (b) caution or reprimand the traditional leader;
 - (c) compel the traditional leader to go for rehabilitation for alcoholism, drug dependency or any other improper addiction;
 - (d) impose on the traditional leader a fine not exceeding ten thousand rand, payable or recoverable from any remuneration to be paid to him or her in terms of the applicable legislation for the benefit of the Provincial Revenue Fund n such installments as the Premier may determine;
 - (e) direct that for such period not exceeding two years as the Premier may determine, he or she must not be paid any remuneration;
 - (f) suspend the traditional leader from official duties for a specified period not exceeding two years;
 - (g) remove the traditional leader from office; or
 - (h) impose on him or her any two of the penalties referred to in paragraphs (a), (b) and (c) jointly.
- (5) A traditional leader who has been convicted by a competent court of law of any offence referred to in Schedule 1 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), or of any offence which, in the opinion of the Premier, is tantamount to misconduct, is deemed, on account of such conviction, to have been found guilty of misconduct in terms of this schedule, in which event the provisions of sub-item (4) applies with the necessary changes.

- (2) Diphuputso tse lohothilweng karolwaneng ya (1), moetapele wa botjhaba o lokela ho fuwa monyetla o lekaneng wa ho fana ka bopaki ba hae: Ha feela tsamaiso ya diphuputso e sa tlo hlokiwa ho tswella ke ho se be teng ha hae diphuputso.
- (3) Motho ya kgethetsweng ho etsa diphuputso o tlameha hore -
- (a) ha diphuputso di phethelwa, a nke qeto ya hore na moetapele wa botjhaba o molato wa ho tlola molao wa boitshwaro na, mme a tsebise moetapele eo wa botjhaba qeto eo; hape
- (b) a fetisetse ho Tonakgolo rekoto ya tsamaiso eo, tlaleho ya diqeto tse fihletswe, mabaka a tsona mmoho le tse ileng tsa hlokomelwa tseo a ka ratang ho di hlahisa.
- (4) Ha eba moetapele wa botjhaba a fumanwa a le molato wa ho tlola Molao wa Boitshwaro, Tonakgolo a ka nna -
- (a) a eelliswa moetapele wa botjhaba semolao
- (b) a hlokomedisa kapa ho kgalema moetapele wa botjhaba;
- (c) a susumeletsa moetapele wa botjhaba ho ya batla thuso ya tshokollo botahweng, bokgobeng ba dithetefatsi kapa bokgobeng bofe kapa bofe bo bong bo sa lokang;
- (d) a mo nehe kotlo ya tjelete e sa feteng Diranta tse dikete di leshome, e lokelang ho lefshwa kapa e nkwe tefong efe kapa efe eo a tlang ho e fumana ho latela dintlha tsa molao o sebetsang molemong wa Letlole la Kuno la Provense ka mekitlane e tlang ho behwa ke Tonakgolo
- (e) a laele hore nakong e sa feteng dilemo tse pedi ho latela kamoo Tonakgolo e ka bonang kateng, a se lefshwe moputso ofe kapa ofe;
- (f) a lokolle moetapele wa botjhaba mesebetsing ya hae nakwana e itseng e behilweng, e sa feteng dilemo tse pedi;
- (g) a lokolle moetapele wa botjhaba mesebetsing wa ofisi ya hae; kapa
- (h) a mo nehe dikotlo dife feela tse pedi ho tse boletsweng dirapeng tsa (a), (b) le (c) ka nako e le nngwe.
- (5) Moetapele wa botjhaba ya qositsweng ke lekgotla la dinyewe le nang le bokgoni ka tlolo efe feela ya molao ho tse boletsweng ho Shejuli ya 1 ya Molao wa Motjha wa tsa Botlokotsebe, 1977 (Molao 51 wa 1977), kapa ka tlolo efe kapa efe feela ya molao eo ho ya ka Tonakgolo, e tshwanang le boitshwaro bo bobo, mme ka hona a fumanwa a le molato wa boitshwaro bo bobo, ho ya ka shejuli ena, mme ha ho le jwalo dipheho tsa karolwana ya (4) di sebetsa ha ho entswe diphetoho tse hlokehang.

- (6) Whenever a traditional leader has been charged with a breach of the Code of Conduct or with any offence contemplated by sub-item (5), the Premier may suspend such traditional leader until such time that -
- (a) the traditional leader has been found guilty of a breach of the Code of Conduct or of such other offence as contemplated in sub-item (5); or
 - (b) the traditional leader has been acquitted in respect of the charge of the breach of the Code of Conduct or such other offence as contemplated in sub-item (5) or the charge of breach of the Code of Conduct or the criminal prosecution against him or her is withdrawn or abandoned.

General conduct of members of traditional councils other than traditional leaders

3. A member of a traditional council must -

- (a) perform the functions allocated to him or her in good faith, diligently, honestly and in a transparent manner;
- (b) execute his or her duties in an effective and efficient manner;
- (c) comply with any applicable legislation;
- (d) act in the best interests of the traditional community;
- (e) foster good relations with the organs of state with whom the traditional council interacts;
- (f) give effect to the principles governing public administration as set out in section 195 of the Constitution;
- (g) not conduct himself or herself in a disgraceful improper or unbecoming manner;
- (h) obey a lawful order given to him or her by a person having authority to give such an order;
- (i) not abuse his or her powers or extort or by use of compulsion or by arbitrary means, obtain any tribute, fee, reward or gift.

Breaches of Code of Conduct by members of traditional councils

- 4. (1)** If there is a reasonable suspicion that a member of a traditional council has breached a provision of this Code of Conduct, an enquiry may be conducted regarding such member by a person appointed by the senior traditional leader of the traditional council.
- (2)** At an enquiry contemplated in sub-item (1), a member of a traditional council must be given a reasonable opportunity to be heard: Provided that the proceedings shall not be invalidated by failure of his or her attendance of the enquiry.

- (6) Neng feela ha moetapele wa botjhaba a qoseditse ho tlola Molao wa Boitshwaro kapa tlolo efe feela ya molao e boletsweng ke karolwana ya (5), Tonakgolo e ka lokolla moetapele eo wa botjhaba mosebetsing ho fihlela -
- (a) moetapele eo wa botjhaba a fumanwa a le molato wa tlolo ya Molao wa Boitshwaro kapa wa tlolo efe feela ya molao e boletsweng karolwaneng ya (5); kapa
- (b) moetapele wa botjhaba o tshwaretse qoso ya tlolo ya Molao wa Boitshwaro kapa tlolo efe feela ya molao e boletsweng karolwaneng ya (5) kapa qoso ya tlolo ya Molao wa Boitshwaro kapa kahlolo ya botlokotsebe kgahlanong le yena e qhadilwe kapa e nyahladitswe.

Boitshwaro-kakaretso ba ditho tsa makgotla a botjhaba ntle le bao e leng baetapele ba botjhaba

3. Setho sa lekgotla la botjhaba se lokela -

- (a) ho phethahatsa mesebetsi eo a e nehilweng ka boikitlaetso, boitelo, botshepehi le ka mokgwa o bonaletsang;
- (b) ho kgatha tema mosebetsing wa hae ka mokgwa o phethahetseng;
- (c) ho ikobela molao ofe kapa ofe o teng;
- (d) ho etsa dintho molemong wa baahi ba botjhaba bao se ba sebeletsang;
- (e) theha dikamano tse ntle le makala a mmuso ao lekgotla la botjhaba le sebetsang mmoho le ona;
- (f) phethahatsa metheo e laolang tsamaiso ya setjhaba ho ya kamoo e hlahellang kateng karolong ya 195 ya Molao wa Motheo;
- (g) a se itshware ka mokgwa o tlontlolang, o sa lokang kapa o sa tshwanelang;
- (h) ho ikobela taelo ya semolao eo a e fuwang ke motho ya nang le matla a ho ka mo fa taelo e jwalo;
- (i) a se sebedise matla a hae hampe kapa ho sebedisa dikgoka, kapa ho fumana thoholetso, tefo, moputso kapa mpho ka ho qobella kapa ka mekgwa e leeme;

Tlolo ya Molao wa Boitshwaro, ya ditho tsa makgotla a botjhaba

4. (1) Ha eba ho na le pelaelo e utlwahalang ya hore setho sa lekgotla la botjhaba se tlotse karolo ya Molao ona wa Boitshwaro, diphuputso di ka etswa mabapi le setho sena, ke motho ya kgethilweng ke moetapele wa botjhaba ya ka sehloohong lekgotleng la botjhaba.
- (2) Diphuputsong tse lohothilweng karolwaneng ya (1), moetapele wa lekgotla la botjhaba o lokela ho fuwa monyetla o lekaneng wa ho fana ka bopaki ba hae: Ha feela tsamaiso ya diphuputso e sa tlo hlokiwa ho tswella ke ho se be teng ha hae diphuputsong.

- (3) The person appointed to conduct the enquiry must -
- (a) at the conclusion of the enquiry, find whether the member of the traditional council is guilty of any breach of a provision of the Code of Conduct and inform such member of the traditional council of the findings; and
 - (b) forward to the senior traditional leader concerned and to the Department, the record of the proceedings, a statement of the findings, the reasons therefore, and any observations which he or she deems necessary to make.
- (4) If the member of the traditional council has been found guilty of a breach of the Code of Conduct, the senior traditional leader may -
- (a) issue a formal warning to the member of the traditional council
 - (b) caution or reprimand the member of the traditional council;
 - (c) impose on the member of the traditional council a fine not exceeding five thousand rand, payable to the coffers of the traditional council, in such installments as may determined;
 - (d) direct that for such period not exceeding two years as may determined, he or she must not be paid any allowance;
 - (e) request the Premier to suspend from the activities of the traditional council, a member of such traditional council for a certain period not exceeding twelve months;
 - (f) request the Premier to remove the member of the traditional council from office; or
 - (g) impose on him or her any two of the penalties referred to in paragraphs (a), (b) and (c) jointly.
- (5) Whenever a member of the traditional council has been charged with a breach of the Code of Conduct, the senior traditional leader concerned may suspend him or her until such time that the member of the traditional council -
- (a) has been found guilty of a breach of the Code of; or
 - (b) has been acquitted in respect of the charge of the breach of the Code of Conduct against him or her is withdrawn or abandoned.

- (3) Motho ya kgethetsweng ho etsa diphuputso o tlameha hore -
- (a) ha diphuputso di phethelwa, a nke qeto ya hore na moetapele wa botjhaba o molato wa ho tlola Molao wa Boitshwaro na, mme a tsebise moetapele eo wa botjhaba qeto eo; hape
 - (b) a fetisetse ho moetapele wa botjhaba ya ka sehloohong: rekoto ya tsamaiso eo, tlaleho ya diqeto tse fihletsweng, mabaka a tsona mmoho le tse ileng tsa hlokomelwa tseo a nahanang hore ho bohlokwa ho di hlahisa.
- (4) Ha eba setho sa lekgotla la botjhaba se fumanwa se le molato wa ho tlola Molao wa Boitshwaro, moetapele wa botjhaba ya ka sehloohong a ka nna -
- (a) a fana ka tlhokomediso ya semolao ho setho sa lekgotla la botjhaba
 - (b) a hlokomedisa kapa a omanya setho sa lekgotla la botjhaba;
 - (c) a fa setho sa lekgotla la botjhaba kotlo ya tjelete e sa feteng diranta tse dikete di hlano, e tla lefshwa ho tswa letloleng la matlotlo a lekgotla la botjhaba, ka dikotwana tseo ho ka nkwang qeto ka tsona;
 - (d) a laele hore nakong e sa feteng dilemo tse pedi ho latela kamoo ho ka bonwang kateng, a se lefshwe moputso ofe kapa ofe;
 - (e) a etse kopo ho Tonakgolo hore setho seo sa lekgotla la botjhaba se amehang se lokollwe mesebetsing ya lekgotla la botjhaba, nako e itseng e sa feteng dikgwedi tse leshome le metso e mmedi;
 - (f) a etse kopo ho Tonakgolo hore a tlose setho seo sa lekgotla la botjhaba ofising; kapa
 - (g) a mo nehe dikotlo dife feela tse pedi ho tse boletsweng dirapeng tsa (a), (b) le (c) ka nako e le nngwe.
- (5) Neng kapa neng feela ha setho sa lekgotla la botjhaba se qoseditse tlolo ya Molao wa Boitshwaro, moetapele wa botjhaba ya ka sehloohong ya amehang, a ka mo lokolla mosebetsing nakwana ho fihlela setho seo sa lekgotla la botjhaba -
- (a) se fumanwe se le molato wa tlolo ya Molao wa Boitshwaro; kapa
 - (b) se tshwaretswe, ka ha kahlolo ya tlolo ya Molao wa Boitshwaro kgahlanong le yena e qhadilwe kapa e nyahladitswe.

PART B**TRADITIONAL LEADERS AND MEMBERS OF TRADITIONAL COUNCILS****Misconduct**

5. A traditional leader or a member of a traditional council is guilty of misconduct and may be dealt with in accordance with the provisions of item 6, if he or she -
- (a) contravenes or fails to comply with any provisions of this Act or fails to perform any duty or to discharge any obligation imposed upon him or her under any other law;
 - (b) is negligent, careless or indolent in the discharge of his or her duties;
 - (c) is unable to execute his or her duties in an efficient manner;
 - (d) disobeys, disregards or makes willful default in carrying out a lawful order given to him or her by a person having authority to give it;
 - (e) conducts himself or herself in a disgraceful, improper or unbecoming manner;
 - (f) is dependent on intoxicating liquor or stupefying drugs;
 - (g) embarks in activities that creates division within or amongst traditional communities;
 - (h) is found guilty by a court of law, for any criminal offence.

KAROLO YA B**BAETAPELE BA BOTJHABA LE DITHO TSA MAKGOTLA A BOTJHABA****Boitshwaro bo bobe**

5. Moetapele wa Botjhaba kapa setho sa lekgotla la botjhaba o molato wa boitshwaro bo bobe mme a ka ahlolwa ho ya ka tse boletsweng ntlheng ya 6, ha eba
- (a) a le kgahlanong kapa a sa ikobele tse boletsweng Molaong ona kapa a sa etse mosebetsi ofe kapa ofe kapa a sa etse tseo e leng boikarabelo bo behilweng mahetleng a hae, tlasa molao ofe feela;
 - (b) a sa kgathalle kapa a le bohlaswa phethahatsong ya mesebetsi ya hae,
 - (c) a sa kgone ho etsa mesebetsi ya hae ka tsela e phethahetseng;
 - (d) a sa mamele, a sa kgathalle kapa a iphanya ho phetha taelo e molaong eo a e nehilweng ke motho ya bolaoding ba ho nehelana ka yona;
 - (e) a itshwere ka mokgwa o tlontlolang, o sa lokang kapa o sa tshwanelang;
 - (f) e le lekgoba la nnotahi kapa dithetefatsi;
 - (g) a etsa diketso tse bakang diphapang ka hare kapa dipakeng tsa baahi ba botjhaba;
 - (h) a fumanwa a le molato lekgotleng la dinyewe, ka tlolo ya molao ya botlokotsebe, bofe feela.

MEMORANDUM

Purpose

To provide for the establishment of a Provincial House of Traditional Leaders and a Local House of Traditional Leaders, and matters connected therewith in order to give effect to the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003).

Section 1

This clause deals with definitions.

Section 2

This clause deals with the establishment of the Provincial House of Traditional Leaders.

Section 3

This clause deals with the composition of the Provincial House.

Section 4

This clause deals with the meetings of the Provincial House.

Section 5

This clause deals with the election of the chairperson and deputy chairperson of the Provincial House.

Section 6

This clause deals with the roles, functions and duties of the chairperson and deputy chairperson of the Provincial House.

Section 7

This clause deals with the qualification for membership of the Provincial House.

Section 8

This clause deals with the functions of the Provincial House of Traditional Leaders.

Section 9

This clause deals with the establishment of a Local House of Traditional Leaders.

MEMORANDAMO

Maikemisetso

Ho kgonahatsa ho thehwa ha Ntlo ya Provense ya Baetapele ba Botjhaba le Ntlo ya Selehae ya Baetapele ba Botjhaba le merero e amanang le tsona, ho matlafatsa Moralo wa Molao wa Boetapele le Puso ya Botjhaba, 2003 (Molao 41 wa 2003).

Karolo ya 1:

Karolo ena e tobane le ditlhaloso.

Karolo ya 2:

Karolo ena e tobane le ho thehwa ha Ntlo ya Provense ya Baetapele ba Botjhaba.

Karolo ya 3:

Karolo ena e tobane le popeho ya Ntlo ya Provense.

Karolo ya 4:

Karolo ena e tobane le dikopano tsa Ntlo ya Provense.

Karolo ya 5:

Karolo ena e tobane le ho kgethwa ha modulasetulo le motlatsi wa modulasetulo wa Ntlo ya Provense.

Karolo ya 6:

Karolo ena e tobane le mesebetsi le boikarabelo ba modulasetulo le motlatsi wa modulasetulo wa Ntlo ya Provense.

Karolo ya 7:

Karolo ena e tobane le se hlokehang hore motho e be setho sa Ntlo ya Provense.

Karolo ya 8:

Karolo ena e tobane le mesebetsi ya Ntlo ya Provense ya Baetapele ba Botjhaba.

Karolo ya 9:

Karolo ena e tobane le ho thehwa ha Ntlo ya Selehae ya Baetapele ba Botjhaba.

Section 10

This clause deals with the composition of a Local House.

Section 11

This clause deals with the meetings of the Local House.

Section 12

This clause deals with the election of the chairperson and deputy chairperson of the Local House.

Section 13

This clause deals with the roles, functions and duties of the chairperson and deputy chairperson of the Local House.

Section 14

This clause deals with qualification for membership of the Local House.

Section 15

This clause deals with the functions of the Local House.

Section 16

This clause deals with vacation of seats.

Section 17

This clause deals with rules and orders.

Section 18

This clause deals with a quorum.

Section 19

This clause deals with requisite majorities.

Section 20

This clause deals with salaries and allowances payable to members of the House.

Karolo ya 10:

Karolo ena e tobabe le popeho ya Ntlo ya Selehae.

Karolo ya 11:

Karolo ena e tobabe le dikopano tsa Ntlo ya Selehae.

Karolo ya 12:

Karolo ena e tobane le ho kgethwa ha modulasetulo le motlatsi wa modulasetulo wa Ntlo ya Selehae.

Karolo ya 13:

Karolo ena e tobane le mesebetsi le boikarabelo ba modulasetulo le motlatsi wa modulasetulo wa Ntlo ya Selehae.

Karolo ya 14:

Karolo ena e tobabe le se hlokehang hore motho e be setho sa Ntlo ya Selehae.

Karolo ya 15:

Karolo ena e tobabe le mesebetsi ya Ntlo ya Selehae.

Karolo ya 16:

Karolo ena e tobane le ho tlhelwa ha ditulo.

Karolo ya 17:

Karolo ena e tobane le melawana le ditaelo.

Karolo ya 18:

Karolo ena e tobane le bonnyane bo itseng kopanong ya ditho (khoramo).

Karolo ya 19:

Karolo ena e tobane le bongata bo hlokehang.

Karolo ya 20:

Karolo ena e tobane le meputso le ditsiane tse lefshwang ditho tsa Ntlo.

Section 21

This clause deals with administration of the House.

Section 22

This clause deals with the relationship between the Local House and traditional councils.

Section 23

This clause deals with the relationship between the Provincial House and the Provincial Legislature.

Section 24

This clause deals with the relationship between a Local House and the Municipal Council.

Section 25

This clause deals with the relationship between the Provincial House and the Executive Council.

Section 26

This clause deals with privileges and immunities of members of the House.

Section 27

This clause deals with oath and affirmation.

Section 28

This clause empowers the Premier to make regulations.

Section 29

This clause deals with delegation of powers by the Premier.

Section 30

This clause deals with repeal of laws, savings and interim arrangements.

Section 31

This clause gives the short title.

Karolo ya 21:

Karolo ena e tobane le tsamaiso ya Ntlo.

Karolo ya 22:

Karolo ena e tobane le dikamano pakeng tsa Ntlo ya Selehae le makgotla a botjhaba.

Karolo ya 23:

Karolo ena e tobane le dikamano pakeng tsa Ntlo ya Provense le Lekgotla la Provense la Ketsamelao.

Karolo ya 24:

Karolo ena e tobane le dikamano pakeng tsa Ntlo ya Selehae le Lekgotla la Mmasepala.

Karolo ya 25:

Karolo ena e tobane le dikamano pakeng tsa Ntlo ya Provense le Lekgotla la Ketsamelao.

Karolo ya 26:

Karolo ena e tobane le menyetla le tse sa ameng ditho tsa Ntlo.

Karolo ya 27:

Karolo ena e tobane le tshapanyo le kano.

Karolo ya 28:

Karolo ena e fa Tonakgolo matla a ho beha melawana.

Karolo ya 29:

Karolwana ena e tobane le ho aba matla ha Tonakgolo.

Karolo ya 30:

Karolo ena e tobane le phediso ya melao, dipolokelo le ditlhophiso tsa nakwana.

Karolo ya 31:

Karolo ena e nehelana ka sehlooho se sekgutshwane.