



THE PROVINCE OF MPUMALANGA  
DIE PROVINSIE MPUMALANGA

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**No. 2451**

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

**Prevention is the cure**

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

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# GENERAL NOTICE

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## NOTICE 150 OF 2015

### DRAFT REGULATIONS IN TERMS OF THE INGOMA ACT, 2011

#### 1. Definitions

In these Regulations, unless the context otherwise indicates, a word or phrase to which a meaning has been assigned in Mpumalanga Ingoma Act, 2011 (hereinafter referred to as "the Act"), has the same meaning.

#### 2. The scope of application and interpretation of the Regulations

These Regulations apply to the holding of an Ingoma and any other matters incidental thereto as Contemplated in section 11 of the Act.

#### 3. Interpretation and Application

A person interpreting or applying these Regulations must-

- (a) do so in a manner that gives effect to the constitutional declarations, guarantees and responsibilities contained in the Constitution of the Republic of South Africa, 1996;
- (b) take into account the Mpumalanga Traditional Leadership and Governance Act, 2005 and the Act; and
- (c) take into account the traditions and customs applicable to the traditional community, subject to the Constitution and the Law.

#### 4. Approval for holding Ingoma

- (1) Subject to section 4(b) of the Act, the king, queen or inkosi must submit the list of all applications for holding Ingoma to the Mpumalanga Provincial House of Traditional Leaders and the MEC responsible for Traditional Affairs in Mpumalanga Province, within 10 days after the decision was made by the king, queen or inkosi that holding Ingoma is approved or refused with reasons for the non approval thereof.

#### 5. Notice to the community on the holding of Ingoma

- (1) The king, queen or inkosi and Ingoma holder must within 30 days after the holding of Ingoma is approved in a notice inform the community through imbizo's and community meetings of the information concerning the Ingoma to be held as contemplated in section 4(c) of the Act.
- (2) The notice of holding Ingoma must contain the following information:
  - (a) the list of approved Ingoma holders;
  - (b) the age restriction;
  - (c) the duration of the Ingoma;
  - (d) the penalties for non-compliance with the Act as contemplated in section 10 of the Act;
  - (e) a copy of the content of this Regulations.

**6. Documentation of person who wishes to attend Ingoma**

- (1) Any person who wishes to attend Ingoma must, subject to section 5 of the Act, submit the following documentation to the Ingoma Holder before he/she can be allowed to attend Ingoma:
  - (a) a certified copy of his/her identity document;
  - (b) if a minor-
    - (i) a certified copy of the unabridged birth certificate or a letter from the magistrate's office or an affidavit confirming the status of the minor;
    - (ii) certified copies of the identity documents of the parent (s) or guardian of the minor;
    - (iii) medical certificate confirming that the minor is medical fit to undergo the imitation programme.
  - (c) within 10 days prior to attending Ingoma, an original medical certificate confirming his health status.
- (2) No Ingoma Holder is allowed to admit any person to attend Ingoma without the required documentation as contemplated in Regulation 6(1) above.

**7. The requirements for the registration of iinyanga and the keeping of a register thereof**

- (1) The king, queen or inkosi must develop and submit a register of iinyanga prior to the period of holding Ingoma to the Provincial House of Traditional Leaders which register is to be established and maintained by the Provincial House as contemplated in section 6(1) of the Act.
- (2) The Provincial House of Traditional Leaders must update the register of iinyanga on an annual basis.
- (3) Any person who wishes to perform the duties of an inyanga must be recognised by the king, queen or inkosi as an inyanga and must prior to perform ukuyama on umkhethwa attending Ingoma, attend a training facilitated by the Department of Health.
- (4) The attendee of the training in Regulation 7(3) above need to obtain certification by the Department of Health that he is a fit and proper person to perform ukuyama on umkhethwa attending Ingoma, in order to be recognised as an inyanga by the king, queen or inkosi as an inyanga.

**8. Inspection and investigation**

- (1) Subject to section 7 of the Act, the MEC responsible for Traditional Affairs, must establish a forum of technical experts from the Department of Co-operative Governance and Traditional Affairs, the Department of Health, the Department of Social Development and the South African Police Services, to monitor compliance with the Act and Regulations.

- (2) The MEC responsible for Traditional Affairs in the Province may delegate such powers to the technical experts mentioned in Regulation 8(1) to investigate or inspect an Ingoma held within the Province as contemplated in subsection 8(1) of the Act.
- (3) The technical forum must submit a report of its findings and recommendations to the MEC responsible for Traditional Affairs in the Province after each inspection and investigation is finalized.
- (4) The technical forum may seek advice from the Provincial House and may recommend punitive or other measures to protect the lives of the umkhethwa.
- (5) The MEC responsible for Traditional Affairs may refer the report of the to the Provincial House for advice or implementation of the recommendations.

**9. The categories and upper limits of fees payable in respect of the attendance of Ingoma**

- (1) The MEC responsible for Traditional Affairs hereby prescribes the fees to be paid by an umkhethwa as follows:
  - (a) the upper limit of the prescribed fees for food and other related support or payment in kind as agreed to with the Ingoma holder may not exceed the amount of R1000.00 .
  - (b) if the food and other related support or payment in kind are provided by the family of an umkhethwa, the upper limit of the prescribed fees for food and other related support or payment in kind as agreed to with the Ingoma holder may not exceed the amount of R500.00.
- (2) The Ingoma Holder may not hold any umkhethwa as security for failing to pay the prescribed fees
- (3) Any fees as contemplated in these Regulations need to be paid to the Ingoma holder on or before the day the Ingoma is hold

**11. Short title**

These Regulations are called Ingoma Regulations in terms of the Ingoma Act, 2011.

**SCHEDULE A**

An application to lodge an appeal against the non-approval of an application of holding an Ingoma as contemplated in Regulation 4 must contain the following information and separate application forms must be completed and submitted in respect of each appeal application lodged:

**APPEAL AGAINST THE NON-APPROVAL OF THE HOLDING OF AN INGOMA****1. UNDERTAKING**

I, the undersigned, hereby lodge an appeal against the non-approval for the holding of an Ingoma in terms of the Mpumalanga Ingoma Regulations, 2014 based on the information supplied below, which information is, to the best of my knowledge accurate and correct.

I further undertake to, if this appeal is successful, hold the Ingoma applied for in the main application form in accordance with the advice from the Provincial House.

**2. PERSONAL DETAILS OF THE APPELLANT**

- (a) Full names: \_\_\_\_\_
- (b) Identity number: \_\_\_\_\_
- (c) Physical address: \_\_\_\_\_
- (d) Postal address: \_\_\_\_\_
- (e) Telephone number: \_\_\_\_\_

**3. DETAILS OF THE KING, QUEEN OR INKOSI WHO REFUSED THE HOLDING OF AN INGOMA**

- (a) Full names: \_\_\_\_\_
- (b) Identity number: \_\_\_\_\_
- (c) Physical address: \_\_\_\_\_
- (d) Postal address: \_\_\_\_\_
- (e) Telephone number: \_\_\_\_\_
- (f) Contact person: \_\_\_\_\_
- (g) Telephone number of contact person: \_\_\_\_\_

**4. GROUNDS FOR APPEAL**

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(Describe the reasons why Ingoma must be approved and use additional paper if necessary)

**ATTACHED THE LETTER OF REFUSAL IS FROM THE KING, QUEEN OR INKOSI**

The holding of an Ingoma was refused on \_\_\_\_\_ (date)

\_\_\_\_\_  
Signature of Appellant

Designation: \_\_\_\_\_

Date: \_\_\_\_\_

**SCHEDULE B**

An application for condonation to lodge an appeal against the non-approval of an application of holding an Ingoma as contemplated in Regulation 4 must contain the following information and separate application forms must be completed and submitted in respect of each condonation linked with an appeal application lodged:

**APPLICATION FOR CONDONATION IN RESPECT OF AN APPEAL****1. UNDERTAKING**

I, the undersigned, hereby apply for condonation to enable me to lodge an appeal against the non-approval for the holding of an Ingoma in terms of the Mpumalanga Ingoma Regulations, 2012 based on the information supplied below, which information is, to the best of my knowledge accurate and correct.

**2. PERSONAL DETAILS OF THE APPELLANT**

- (a) Full names: \_\_\_\_\_  
(b) Identity number: \_\_\_\_\_  
(c) Physical address: \_\_\_\_\_  
(d) Postal address: \_\_\_\_\_  
(e) Telephone number: \_\_\_\_\_

**3. DEGREE OF LATENESS**

The referral is \_\_\_\_\_ days late.

**4. REASONS FOR LATENESS**

The reason/s that appellant referred the matter late is/are \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(Describe the reasons for the lateness and why condonation must be approved and use additional paper if necessary)**



**5. PREJUDICE**

As the appellant, if condonation is not granted, I will be prejudice because \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**6. GENERAL**

Any other relevant information is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If applicable, this from must accompany the appeal form against the non-approval of holding an Ingoma.

\_\_\_\_\_  
Signature of Appellant

Designation: \_\_\_\_\_

Date: \_\_\_\_\_

**SCHEDULE C**

An application to review the decision of the Provincial House regarding the non-approval of holding an Ingoma as contemplated in Regulation 4 must contain the following information and separate application forms must be completed and submitted in respect of each review application lodged:

**APPLICATION TO REVIEW THE DECISION OF THE PROVINCIAL HOUSE:  
NON-APPROVAL OF THE HOLDING OF AN INGOMA**

**1. UNDERTAKING**

I, the undersigned, hereby apply for the review of the decision of the Provincial House regarding the non-approval of holding an Ingoma in terms of the Mpumalanga Ingoma Regulations, 2012 based on the information supplied below, which information is, to the best of my knowledge accurate and correct.

**2. PERSONAL DETAILS OF THE APPELLANT**

- (a) Full names: \_\_\_\_\_
- (b) Identity number: \_\_\_\_\_
- (c) Physical address: \_\_\_\_\_
- (d) Postal address: \_\_\_\_\_
- (e) Telephone number: \_\_\_\_\_

**3. DETAILS OF THE KING, QUEEN OR INKOSI WHO REFUSED THE HOLDING OF AN INGOMA**

- (a) Full names: \_\_\_\_\_
- (b) Identity number: \_\_\_\_\_
- (c) Physical address: \_\_\_\_\_
- (d) Postal address: \_\_\_\_\_
- (e) Telephone number: \_\_\_\_\_
- (f) Contact person: \_\_\_\_\_
- (g) Telephone number of contact person: \_\_\_\_\_











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