



**ORANGE FREE STATE PROVINCE**

# **PROVINCIAL GAZETTE**

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## **PROVINSIALE KOERANT**

**VAN DIE PROVINSIE ORANJE-VRYSTAAT**

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**OFFICE OF THE PREMIER**

**KANTOOR VAN DIE PREMIER**

No. 7

17 October 1994

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17 Oktober 1994

It is hereby notified that the Premier has assented to the following Act which is hereby published for general information:-

No. 6 of 1994: House of Traditional Leaders Act, 1994

Hierby word bekend gemaak dat die Premier die onderstaande Wet bekragtig het, wat hierby ter algemene inligting gepubliseer word:-

No. 6 van 1994: Wet op die Huis van Tradisionele Leiers, 1994

**ACT**

**To provide for the establishment of a House of Traditional Leaders, and for matters connected therewith.**

*(English text signed by the Premier.)  
(Assented to 17 October 1994)*

**B**E IT ENACTED by the provincial legislature of the Orange Free State Province, as follows :-

**Definitions**

1. In this Act, unless the context otherwise indicates - 10
- "Commission on Provincial Government" means the Commission established under section 163 of the Constitution; 15
- "Constitution" means the Constitution of the Republic of South Africa, 1993 (Act No 200 of 1993); 20
- "executive committee" means the executive committee of the House referred to in section 8(a); 25
- "House" means the House of Traditional Leaders established under section 2; 30
- "member" means a traditional leader or representative nominated under section 3(1) or (4); 35
- "traditional authority" means a traditional authority referred to in section 181 of the Constitution; 40
- "tribe" means a tribe referred to in the first column of the Schedule to this Act. 45

**HOUSE OF TRADITIONAL LEADERS****Establishment of a House of Traditional Leaders**

2. There is hereby established a House of Traditional Leaders for the Province, which shall have the powers and functions entrusted to it by or in terms of the Constitution, or any other law. 50

**Composition of the House**

3. (1) The House shall consist of 15 members nominated by the traditional authorities of the tribes mentioned in the first column of the Schedule to this Act in accordance with the second column of the said Schedule : Provided that such nominations shall take place - 55

- (a) within 30 days of the commencement of this Act; and 60
- (b) subject to the provisions of section 6. 65

(2) A member shall, subject to the provisions of section 7, hold office for a period of 5 years from the date on which he or she was nominated as member.

(3) The traditional authorities of a tribe may at any time revoke the nomination of a member if there are good reasons for doing so.

(4) If a member of the House dies, or ceases to be a member in terms of section 7, the traditional authorities of the tribe concerned shall, as soon as possible and subject to the provisions of section 6, nominate another member.

(5) If for any reason a member of the House is unable to attend a meeting of the House, he or she may nominate a person to represent him or her at such meeting and such representative shall, when so representing the member concerned, enjoy all the powers and privileges of a member of the House.

(6) Any nomination of a member or revocation thereof shall be in writing and the traditional authorities of the tribe concerned shall notify the secretary of the House accordingly.

#### Meetings of the House

4. (1) The first meeting of the House shall be held at the seat of the provincial legislature and thereafter the House shall meet at such place as the executive committee may from time to time determine : Provided that until the executive committee has been established, the said function shall be performed by the chairperson of the House after consultation with the Premier.

(2) There shall be an ordinary meeting of the House at least once in every year during the session of the National Assembly.

(3) Subject to subsections (2) and (4) the House shall meet during such periods and on such days and during such hours as it may determine.

(4) The executive committee may at any time, and if so directed by the Premier, shall call a special meeting of the 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 House shall be dealt with : Provided that if such special meeting be called by direction of the Premier only such matters as necessitated the calling of the special meeting shall be dealt with.

(5) The Premier shall as soon as possible after the commencement of this Act convene the House in such manner as he or she may deem suitable.

#### Chairperson and deputy chairperson of the House

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

(2) Subject to the provisions of subsection (9), the chairperson and deputy chairperson shall hold office for such period as the House may determine at the time of their election and shall be eligible for re-election at the termination of their term of office.

(3) The chairperson shall be vested with all the powers and functions assigned to him or her by this Act and the rules and orders of the House.

- (4) 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 shall act as chairperson during the absence or inability of the chairperson or until a chairperson is elected. 5
- (5) If any of the circumstances described in subsection (4) applies with reference to both the chairperson and the deputy chairperson, a member of the House designated in terms of the rules and orders shall act as chairperson while the said circumstances prevail. 10
- (6) The deputy chairperson or the member designated under subsection (5), while acting as chairperson, may exercise the powers and shall perform the functions vested in the office of chairperson. 15
- (7) The chairperson, the deputy chairperson or any other member of the House designated for that purpose in terms of the rules and orders, shall preside over meetings of the House. 20
- (8) While presiding at a meeting of the House, the chairperson, deputy chairperson or other member presiding shall not have a deliberative vote, but shall have and exercise a casting vote in the case of an equality of votes. 25
- (9) The chairperson or deputy chairperson shall vacate his or her office if he or she ceases to be a member of the House according to section 7, and may be removed from office by resolution of the House, and may resign by lodging his or her resignation in writing with the secretary to the House. 30
- (10) If the office of chairperson or deputy chairperson becomes vacant, the House, under the chairpersonship of the Premier or a person designated by the Premier, shall elect a member to fill the vacancy : Provided that the chairperson shall in such event preside at the election of the deputy chairperson. 35
- Qualification for membership of the House** 40
6. (1) No person shall become or remain a member of the House unless he or she is of or over the age of 21 years, or if he or she - 45
- (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; 50
- (b) is an unrehabilitated insolvent; 55
- (c) is of unsound mind and has been so declared by a competent court.
- (2) For the purposes of subsection (1)(a) no person shall 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. 60

**Vacation of seats**

7. A member of the House shall 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 6; 5
  - (b) if he or she resigns his or her seat by submitting his or her resignation in writing to the secretary to the House; or 10
  - (c) if his or her nomination as member is revoked under section 3(3). 15

**Rules and orders**

8. The House may make rules and orders in connection with the conduct of its business and proceedings, including rules and orders regulating - 15
- (a) the establishment, constitution, powers and functions, procedures and duration of committees of the House : Provided that provision shall be made for a standing executive committee consisting of the chairperson, deputy chairperson and three other members elected by the House; 20 25
  - (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 House, as and when the chairperson so requires. 30

**Quorum**

9. The presence of at least - 35
- (a) one third; or 40
  - (b) when a vote is taken on a Bill, of at least one half,
- of all the members of the House shall be necessary to constitute a meeting of the House. 45

**Requisite majorities**

10. All questions before the House shall be determined by a majority of votes cast. 50

**Moneys and allowances payable to members of the House**

11. There shall be paid out of and as a charge on the Provincial Revenue Fund of the Province to a member of the House such moneys and allowances as may be determined by the Premier. 55

**Administration of the House**

12. (1) The chairperson of the House shall, after consultation with the Commission on Provincial Government and the Premier, appoint a secretary and such other staff as may be necessary for the discharge of the work of the House. 60

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

**Short title**

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13. This Act shall be called the House of Traditional Leaders Act, 1994.

**SCHEDULE**

**Column 1 : Tribes**

**Column 2 : Basis of nominations**

1. BAKWENA BA MOPELI	The traditional authorities from this tribe may nominate 3 traditional leaders as members.
2. BATLOKWA BA MOKOTLENG	The traditional authorities from this tribe may nominate 3 traditional leaders as members.
3. BAROLONG BA SELEKA	The traditional authorities from this tribe may nominate 3 traditional leaders as members.
4. BATLOKWA BA MAKGALONG	The traditional authorities from this tribe may nominate 1 traditional leader and 2 representatives as members.
5. MAKGOLOKWE	The traditional authorities from this tribe may nominate 1 traditional leader and 2 representatives as members.