
REPUBLIC OF SOUTH AFRICA

**NATIONAL HOUSE OF
TRADITIONAL LEADERS ACT**

IRIPHABLIKI YOMZANTSI AFRIKA

**UMTHETHO WENDLU
YEENKOKHELI ZEMVELI
YESIZWE**

No 22, 2009

ACT

To provide for the establishment of the National House of Traditional Leaders; to determine the powers, duties and responsibilities of the House; to provide for support to the House by government; to provide for the relationship between the House and the provincial houses; to provide for the accountability of the House; and to provide for matters connected therewith.

PREAMBLE

WHEREAS the Constitution of the Republic of South Africa, 1996, recognises the institution, status and role of traditional leadership according to custom and customary law;

AND WHEREAS the Constitution of the Republic of South Africa, 1996, provides that national or provincial legislation may provide for the establishment of houses of traditional leaders to deal with matters relating to traditional leadership, the role of traditional leaders, customary law and the customs of communities observing a system of customary law;

AND WHEREAS the Constitution of the Republic of South Africa Act, 1993 (Act No. 200 of 1993), for the first time in the history of South Africa, provided for the enactment of the Council of Traditional Leaders Act, 1994 (Act No. 31 of 1994), which was repealed in 1997 and replaced by the National House of Traditional Leaders Act, 2000 (Act No. 20 of 2000);

AND WHEREAS from 1994, provinces passed provincial legislation providing for the establishment of provincial houses of traditional leadership;

AND WHEREAS in 2003 the government adopted the White Paper on Traditional Leadership and Governance which provides for another layer of houses of traditional leadership at a district municipal level;

AND WHEREAS the vision of government enunciated in the 2003 White Paper on Traditional Leadership and Governance necessitates the alignment of legislation establishing the National House of Traditional Leaders with the principles of non-sexism, co-operative governance between the houses, nation building, unity and peace among the houses and traditional communities as well as enhancing traditions and culture,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

ARRANGEMENT OF SECTIONS

Sections

1. Definitions
2. Establishment of House

UMTHETHO

Ukubonelela ngokusekwa kweNdlu yeeNkokheli zeMveli yeSizwe; ukumisela amagunya, imisebenzi, izinto ekufanele zenziwe kunye neemfanelo zeNdlu; ukubonelela ngenkxaso kukaRhulumente kwiNdlu; ukubonelela ngobudlelwane phakathi kweNdlu kunye nezindlu zamaphondo; ukubonelela ngokunika iimpindulo kweNdlu; kunye nokubonelela ngemicimbi enxulumene nayo.

ISINGENISO

NJENJAKUBA uMgaqo-siseko weRiphabliki yoMzantsi Afrika, 1996, uliqonda iziko, isimo, kunye nendima yobunkokheli bemveli ngokwezithethe noMthetho wesintu;

KUNYE NANJENJAKUBA uMgaqo-siseko weRiphabliki yoMzantsi Afrika, 1996, ubonelela ngokuba uMthetho wesizwe nowamaphondo ube nokubonelela ngokusekwa kwezindlu zeenkokheli zemveli ukuba zisebenze ngemicimbi enxulumene nobunkokheli bemveli, indima yeenkokheli zemveli, uMthetho wesintu kunye nezithethe zoluntu olusebenzisa inkqubo yoMthetho wesintu;

KUNYE NANJENJAKUBA uMthetho woMgaqo-siseko weRiphabliki yoMzantsi Afrika, 1993 (uMthetho Nomb. 200 we-1993), okokuqala kwimbali yoMzantsi Afrika, ubonelela ngokuwisa koMthetho weBhunga leenkokheli zeMveli, 1994 (uMthetho Nomb.31 ka-1994), owaye warhoxiswa ngowe-1997 kwaze endaweni yawo kwangena uMthetho weNdlu yeSizwe yeeNkokheli zeMveli, 200 (uMthetho Nomb.20 ka-2000);

KUNYE NANJENJAKUBA ukusukela ngowe-1994, amaphondo aphumeza uMthetho wamaphondo obonelela ngokusekwa kwezindlu zamaphondo zobunkokheli bemveli;

KUNYE NANJENJAKUBA ngowe-2003 urhulumente wamkela iPhepha leNgcaciso Nkqubo kubuNkokheli beMveli noLawulo elibonelela ngomnye umaleko wezindlu zobunkokheli bemveli kwinqanaba lesithili sikamasipala;

KUNYE NANJENJAKUBA umbono karhulumente wacacisa kwiPhepha leNgcaciso Nkqubo kubuNkokheli beMveli noLawulo lisenza ukuba kube yimfuneko ukulungelelanisa uMthetho oseka iNdlu yeeNkokheli zeMveli yeSizwe nemithetho-siseko yokungacaluli ngokwesini, ulawulo lwentsebenziswano phakathi kwezindlu, ukwakhiwa kwesizwe, umanyano noxolo phakathi kwezindlu kunye noluntu lwemveli ngokunjalo nokuphakamisa izithethe nenkcubeko,

KE NGOKO KE UYAWISWA yiPalamente yeRiphabliki yoMzantsi Afrika njengoku kulandelayo:—

ULUNGISELELO LWAMACANDELO

Amacandelo

1. Inkcazelo
2. Ukusekwa kweNdlu

3.	Composition of House	
4.	Election of members to House	
5.	Qualification for membership of House	
6.	Vacation of seats	
7.	Filling of vacancies	5
8.	Seat and meetings of House	
9.	Chairperson and Deputy Chairperson of House	
10.	Status of members of House	
11.	Powers and duties of House	
12.	Administration of House	10
13.	Responsibilities of House	
14.	Relationship between House and kings and queens	
15.	Relationship between House and provincial houses	
16.	Support to House	
17.	Accountability of House	15
18.	Privileges and immunities of members of House	
19.	Remuneration and benefits to member of House	
20.	Rules, orders and committees of House	
21.	Dissolution of House	
22.	Oath or affirmation by members of House	20
23.	Code of conduct	
24.	Regulations	
25.	Repeal of laws and transitional provisions	
26.	Short title	

SCHEDULE A 25

REPEAL OF LAWS

SCHEDULE B

OATH OR AFFIRMATION BY MEMBERS OF HOUSE

SCHEDULE C

CODE OF CONDUCT 30

Definitions

- In this Act, unless the context indicates otherwise—
 - “**code of conduct**” means the code of conduct contained in Schedule C;
 - “**Department**” means the national department responsible for traditional leadership matters; 35
 - “**Framework Act**” means the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003);
 - “**House**” means the National House of Traditional Leaders established by section 2;
 - “**king or queen**” means a person recognised as such in terms of section 9 of the Framework Act; 40
 - “**local house**” means a local house as established in terms of section 17 of the Framework Act, and “**local houses**” has a corresponding meaning;
 - “**member**” means a member of the House elected in terms section 4;
 - “**Minister**” means the Minister responsible for traditional leadership matters; 45
 - “**prescribe**” means prescribed by regulation in terms of section 24;
 - “**provincial house**” means a provincial house of traditional leaders established in terms of applicable provincial legislation, and “**provincial houses**” has a corresponding meaning;
 - “**rules and orders**” means rules and orders of the House as provided for in section 20; 50
 - “**Secretary**” means the Secretary of the House appointed in terms of section 12;

3.	Ukwakhiwa kweNdlu	
4.	UkuKhethwa kamaLungu eNdlu	
5.	Ukufaneleka kwamaLungu eNdlu	
6.	Ukuphuma ezihlalweni	
7.	Ukugcwaliswa kwezithuba	5
8.	Ukuhlala neentlanganiso zeNdlu	
9.	USihlalo noSekela-sihlalo weNdlu	
10.	Isimo samaLungu eNdlu	
11.	Amagunya nemisebenzi yeNdlu	
12.	Ulawulo lweNdlu	10
13.	Iimfanelo zeNdlu	
14.	Ubudlelwane phakathi kweNdlu kunye neekumkani neekumkanikazi	
15.	Ubudlelwane phakathi kweNdlu kunye nezindlu zamaphondo	
16.	Inkxaso kwiNdlu	
17.	Ukuthatha uxanduva kweNdlu	15
18.	Amalungelo awodwa kunye nokukhululwa kwamaLungu eNdlu	
19.	Imivuzo namalungelo amaLungu eNdlu	
20.	Imithetho, imiyalelo kunye neekomiti zeNdlu	
21.	Ukupheliswa kweNdlu	
22.	Isifungo okanye isiqiniseko ngamaLungu eNdlu	20
23.	Ikhawudi yokuziphatha	
24.	Imimiselo	
25.	Ukurhoxiswa kwemithetho kunye neziqendu zotshintsho	
26.	Isihloko esifutshane	

ISHEDYULI A 25

UKURHOXISWA KWEMITHETHO

ISHEDYULI B

ISIFUNGO OKANYE ISIQINISELO NGAMALUNGU ENDLU

ISHEDYULI C

IKHOWUDI YOKUZIPHATHA 30

IiNkcazelo

1. Kulo Mthetho, ngaphandle kokuba umxholo ukhombisa ngenye indlela-
“ikhowudi yokuziphatha” ithetha ikhowudi yokuziphatha equlethwe
kwiShedyuli C;
“uMgaqo-siseko” uthetha uMgaqo-siseko weRiphabliki yoMzantsi Afrika; 1996; 35
“iSebe” lithetha isebe elingundlunkulu eyiyimfanelo yalo imicimbi yobunkokheli
bemveli;
“uMthetho weNkqubo-sikhokelo” uthetha uMthetho wobunokokheli beMveli
neNkqubo-sikhokelo yoLawulo, 2003 (uMthetho Nomb.41 ka-2003);
“iNdlu” ithetha iNdlu esekwe ngokwemigqaliselo yecandelo lesi-2; 40
“ikumkani okanye ikumkanikazi” ithetha umntu owaziwa ngolo hlobo
ngokwemigqaliselo yecandelo le-9 loMthetho weNkqubo-sikhokelo;
“Indlu yengingqi” ithetha indlu yengingqi esekwe ngokwemigqaliselo yecandelo
le-17 loMthetho weNkqubo-sikhokelo, kwaye **“izindlu zengingqi”**
zinentsingiselo engqinelana noko; 45
“ilungu” lithetha ilungu leNdlu elonyulwe ngokwemigqaliselo yecandelo lesi-4;
“uMphathiswa” uthetha uMphathiswa eyiyimfanelo yakhe imicimbi
yobunkokheli bemveli;
“ukumisela” kuthetha ukumiselwe ngummiselo ngokwecandelo lama-24;
“indlu yephondo” ithetha indlu yephondo yeenkokheli zemveli esekwe 50
ngokwemigqaliselo yoMthetho wephondo osebenzayo, kwaye **“izindlu
zamaphondo”** zinentsingiselo engqinelanayo;
“imithetho nemiyalelo” ithetha imithetho nemiyalelo yeNdlu njengoko
ibonelelwe kwicandelo lama-20;

“**senior traditional leader**” means a senior traditional leader defined in section 1 of the Framework Act;

“**this Act**” includes any regulations made under section 24;

“**traditional council**” means a traditional council defined in section 1 of the Framework Act; and

“**traditional leader**” means a traditional leader defined in section 1 of the Framework Act.

5

Establishment and term of office of House

2. (1) There is hereby established a house of traditional leaders to be known as the National House of Traditional Leaders.

10

(2) The term of the House is five years.

(3) Notwithstanding the dissolution of the House in terms of section 21—

(a) every person who on the date of the dissolution of the House is a member remains a member of the House;

(b) the House remains competent to function; and

15

(c) the Minister may summon the House to an extraordinary meeting for the dispatch of urgent business,

during the period following such dissolution until the day before the first meeting of the next House.

Composition of House

20

3. (1) The House consists—

(a) of three persons who are senior traditional leaders elected by each provincial house: Provided that where on good grounds shown or due to an insufficient number of senior traditional leaders in a provincial house, such provincial house may elect headmen or headwomen.

25

(b) where relevant, of persons identified in terms of subsection (2).

(2) The provisions of subsection (1)(b) apply only in cases where a provincial house has not been established, and will be implemented as follows:

(a) Where there are more than three traditional councils performing functions of a local house, the chairpersons of such councils must elect from amongst themselves three representatives to the House; or

30

(b) where there are three or a lesser number of traditional councils performing functions of a local house, the chairpersons of such traditional councils must be ex officio members of the House; or

(c) where there are one or more local houses, the senior traditional leaders from within the province must elect from amongst themselves three representatives to the House.

35

(3) The chairperson of a traditional council or a local house referred to in subsection (2) must be a senior traditional leader, and if he or she is not a senior traditional leader the traditional council or the local house concerned must elect another member who is a senior traditional leader.

40

(4) At least a third of the members of the House must consist of women: Provided that if the Minister is satisfied that there is an insufficient number of women to participate in the House the Minister must, after consultation with the Premier of the province in question and the provincial house concerned, determine a lower threshold.

45

Election of members to House

4. (1) The Minister must, within 30 days before the expiry of the term of the House, request the Premiers to notify provincial houses to, subject to section 3, conduct elections for members to serve in the House.

(2) The members of a provincial house that are to serve in the House must be elected, within 21 days after having received the notice from the Premier in terms of subsection

50

- “**uNobhala**” uthetha uNobhala weNdlu owonyulwe ngokwemigqaliselo yecandelo le-12;
- “**inkokheli yemveli ephezulu**” ithetha inkokheli yemveli ephezulu njengoko ichaziwe kwicandelo loku-1 loMthetho weNkqubo-sikhokelo;
- “**isiThethi**” sithetha isiThethi seNdlu yoWiso-Mthetho; 5
- “**lo Mthetho**” uquka nawuphi na ummiselo owenziwe phantsi kwecandelo lama-24;
- “**ibhunga lemveli**” lithetha ibhunga lemveli njengoko lichaziwe kwicandelo loku-1 loMthetho weNkqubo-siKhokelo; kwaye
- “**inkokheli yemveli**” ithetha inkokheli yemveli njengoko ichaziwe kwicandelo loku-1 loMthetho weNkqubo-siKhokelo. 10

Ukusekwa nexesha le-ofisi leNdlu

2. (1) Apha ke kusekwa indlu yeenkokheli zemveli eyaziwa ngokuba yiNdlu yeSizwe yeeNkokheli zeMveli.
- (2) Ixesha lokuhlala e-ofisini leNdlu yiminyaka emihlanu. 15
- (3) Ngaphandle kokupheliswa kweNdlu ngokwecandelo lama-21—
- (a) umntu ngamnye olilungu ngomhla wokupheliswa kwendlu uhlala elilungu lendlu;
- (b) INdlu ihlala ifanelekile ukuba isebenze; kwaye
- (c) UMphathiswa unokubizela iNdlu kwintlanganiso ekhethekileyo ukuba 20 kwenziwe umsebenzi ongxamisekileyo,
- Kwithuba elilandela ukupheliswa okunjalo de ibe lusuku oluphambi kwentlanganiso yokuqala yeNdlu elandelayo.

UKwakhiwa kwendlu

3. (1) INdlu yenziwe— 25
- (a) ngabantu abathathu abaziinkokheli zemveli eziphezulu ezonyulwe yindlu yephondo nganye: Ngaphandle kokuba xa kusenzelwa okuhle okanye ngenxa yokungoneli kwenani leenkokheli zemveli eziphezulu kwindlu yephondo, indlu yephondo enjalo inokukhetha isibonda esiyindoda okanye isibonda sowasetyhini. 30
- (b) apho kufanelekileyo, abantu abachongwe ngokwecandelwana (2).
- (2) Amagatya ecandelwana (1)(b) asebenza kuphela kwiimeko apho indlu yephondo iye ayasekwa, kwaye aya kuphunyezwa ngale ndlela ilandelayo—
- (a) Apho kukho khona amabhunga emveli angaphezulu kwesithathu enza imisebenzi yendlu yengingqi, oosihlalo bamabhunga anjalo kufuneka bonyule phakathi kwabo abameli abathathu beNdlu; okanye 35
- (b) apho kukho amathathu okanye inani elingezantsi lamabhunga emveli awenza imisebenzi yendlu yengingqi, usihlalo wamabhunga emveli anjalo kufuneka abe lilungu ngenxa yesikhundla sakhe kwiNdlu; okanye
- (c) apho kukho enye okanye ngaphezulu yezindlu zengingqi, iinkokheli zemveli eziphezulu kwiphondo kufuneka zonyule amalungu amathathu eNdlu phakathi kwazo. 40
- (3) Usihlalo webhunga lemveli okanye wendlu yengingqi ekubhekiselwe kuye kwicandelwana (2) kufuneka abe yinkokheli ephezulu yemveli, kwaye ukuba ngaba akayiyo inkokheli ephezulu yemveli ibhunga lemveli okanye indlu yengingqi ebandakanyekayo kufuneka ikhethe elinye ilungu eliyinkokheli yemveli ephezulu. 45
- (4) Isithathu samalungu eNdlu kufuneka sibe nabasetyhini: Ngaphandle kokuba uMphathiswa wonelisekile kukuba kukho inani elingonelanga labasetyhini abaza kuthabatha inxaxheba kwiNdlu kufuneka uMphathiswa, emva kokudibana neNkulumbuso yephondo ebandakanyekayo, amisele umqobo osezantsi. 50

Ukukhethwa kwamalungu eNdlu

4. (1) UMphathiswa kufuneka, kwiintsuku ezingama-30 phambi kokuphela kwexesha le-ofisi yendlu, acele iiNkulumbuso ukuba zixelele izindlu zamaphondo ukuba, ngokuxhomekeke kwicandelo 3, ziqhube unyulo lwamalungu aza kusebenza kwiNdlu.
- (2) Amalungu eNdlu yephondo aza kusebenza kwiNdlu kufuneka akhethwe, kwiintsuku ezingama-21 emva kokufunyanwa kwesaziso esivela kwiNkulumbuso ngokwecandelwana (1), ngamalungu aloo ndlu yephondo kwintlanganiso ebizelwe loo 55

(1), by members of that provincial house in a meeting called for that purpose and attended by at least two thirds of the members of the house concerned.

(3) The election proceedings must be conducted by the Premier or a person designated by the Premier of the province concerned, observed by officials of the House and the provincial department responsible for traditional affairs. 5

(4) An election contemplated in subsection (3) must be by secret ballot by members of the provincial house concerned in the same meeting where the nominations take place.

(5) Each provincial house must designate one of the members elected in terms of subsections (2), (3) and (4) as leader of the elected members. 10

(6) The Premier must submit to the Minister, in respect of every person elected, such person's—

- (a) acceptance of the election;
- (b) full name and surname;
- (c) identity number; and 15
- (d) contact details.

(7) In the event that a provincial house fails to elect one or more of its members to serve in the House, within the time limits referred to in subsection (2), the Premier must designate members of the provincial house concerned to serve in the House.

Qualification for membership of House 20

5. No person is eligible to become a member of the House if that person—

- (a) is a member of a municipal council, a member of provincial legislature or a member of Parliament;
- (b) at the time of the election of members of the House, is serving a sentence of imprisonment; 25
- (c) is an unrehabilitated insolvent;
- (d) is of unsound mind and has been so declared by a competent court;
- (e) has been convicted of a criminal offence and sentenced to more than 12 months imprisonment without the option of a fine, either in the Republic or outside the Republic, if the conduct constituting the offence would have been an offence in the Republic, but no one may be regarded as having been sentenced until an appeal against the conviction or sentence has been determined or until the time for an appeal has expired: Provided that a disqualification under this paragraph ends five years after the sentence has been completed; 30 35
- (f) is not a South African citizen; or
- (g) is not permanently resident within the Republic.

Vacation of seats

6. The seat of a member of the House becomes vacant—

- (a) upon the death of a member; 40
- (b) if the member resigns by written notice;
- (c) if the member becomes disqualified in terms of section 5;
- (d) if the member becomes a full-time member of a municipal council, a member of a provincial legislature or a member of Parliament;
- (e) if a member is convicted of a criminal offence without the option of a fine; 45
- (f) if the member, without having obtained leave in accordance with the rules and orders, absents himself or herself from three consecutive meetings of the House;
- (g) if the member is removed from the House for breach of the code of conduct appearing in Schedule C; or 50
- (h) in the case of a member contemplated in section 3(1), if the member ceases to be a member of a provincial house that elected him or her, or ceases to be a chairperson or member of a local house, as the case may be.

Filling of vacancies

7. (1) Where a vacancy occurs in the House the Minister must, within 14 days, inform the relevant Premier of such a vacancy. 55

njongo kwaye ekuze kuyo okungenani isibini esithathwini samalungu endlu ebandakanyekayo.

(3) Iinkqubo zolonyulo kufuneka ziqhutywe ngumntu owonyulwe yiNkulumbuso yePhondo elibandakanyekayo, ojongwe ngamagosa eNdlu kunye nesebe lephondo elijongene nemicimbi yezemveli. 5

(4) Naluphi na ulonyulo oluxelwe kwicandelwana lesi-(3) kufuneka lwenziwe ngendlela yamaphepha okuvota ayimfihlo yamalungu endlu yephondo elibandakanyekayo kwintlanganiso enye apho ulonyulo lwenziwe kuyo.

(5) Indlu nganye yephondo kufuneka yonyule elinye lamalunu ayo elikhethwe ngokwamacandelwana (2), (3) nele-(4) njengenkokheli yamalungu awonyuliweyo. 10

(6) INkulumbuso kufuneka ingenise kuMphathiswa, ngokunxuluimene nomntu ngamnye owonyuliweyo, izinto zomntu ezifana—

- (a) nokwamkela kwakhe unyulo;
- (b) igama lakhe elipheleleyo nefani;
- (c) inombolo yesazisi; kunye 15
- (d) neenkukacha zoqhagamshelwano.

(7) Kwimeko yokuba indlu yephondo ingaphumeleleli ukukhetha elinye okanye amalungu ayo angaphezulu ukuba asebenze kwiNdlu, kwimida yamaxesha amiselweyo ekubhekiselwe kuwo kwicandelwana (2), iNkulumbuso kufuneka yonyule amalungu endlu yephondo elibandakanyekayo ukuba asebenze kwiNdlu. 20

Ukufanelekela ubuLungu beNdlu

5. Akukho mntu uya kufaneleka ukuba abe lilungu leNdlu ukuba loo mntu—

- (a) ulilungu lebhunga likamasipala, ilungu lendlu yoWiso-mthetho yephondo okanye liLungu lePalamente;
- (b) ngexesha lokonyulwa kwamalungu eNdlu, utsala isigwebo sokuvalwa ejele; 25
- (c) akalungiseki ekungakwazini kwakhe ukuhlawula amatyala;
- (d) akagqibelelanga engqondweni kwaye uchazwe yinkundla efanelekileyo;
- (e) ubegwetyelwe ityala lolwaphulo-mthetho waze wagwetyelwa ukuvalwa ngaphezulu kweenyanga ezili-12 ngaphandle kwendlela yesohlwayo, mhlawumbi kwiRiphabliki okanye ngaphandle kweRiphabliki, ukuba ngaba ukuziphatha okumisele ityala ibilityala kwiRiphabliki, kodwa akukho mntu uyakuthathwa ngokuba ugwetyiwe de sibe isibheni esichasene nokuvalwa okanye nesigwebo simiselwe okanye de libe ixesha lesibheni liphelile: Ngaphandle kokuba unqunyanyiso oluphantsi kwalo mhlathi luphele kwiminyaka emihlanu esemva kokuba isigwebo sigqityiwe; 30
- (f) ayingommi woMzantsi Afrika; okanye
- (g) akangomhlali osisigxina kwiRiphabliki. 35

Ukuphuma kwizihlalo

6. Isihlalo selungu leNdlu siye singabinamntu—

- (a) ekuswelekeni kwelungu; 40
- (b) ukuba ilungu liyarhoxa ngesaziso esibhalwe phantsi;
- (c) ukuba ilungu liyanqunyanyiswa ngokwemigqaliselo yecandelo lesi-5;
- (d) ukuba ilungu liba lilungu elisisigxina lebhunga likamasipala, ilungu lendlu yoWiso-mthetho yephondo okanye ilungu lePalamente;
- (e) ukuba ilungu livalelelwa ityala lolwaphulo-mthetho ngaphandle kokhetho lwesohlwayo; 45
- (f) ukuba ngaba ilungu, ngaphandle kokufumana ikhefu elingqinelana nemithetho nemiyalelo, liye lingabikho kwiintlanganiso zeNdlu ezintathu ezilandelelanayo;
- (g) ukuba ilungu liyasuswa kwiNdlu ngenxa yokophula ikhowudi yokuziphatha evela kwiShedyuli C; okanye 50
- (h) kwimeko yelungu elicamngcwe kwicandelo 3(1), liyayeka ukuba lilungu lendlu yephondo elimkethileyo, okanye liyayeka ukuba ngusihlalo okanye ilungu lendlu yengingqi, njengoko imeko inokuba njalo.

Ukugwaliswa kwezithuba

55

7. (1) Apho kuvuleka khona isithuba kwiNdlu kufuneka uMphathiswa, kwiintsuku ezili-14, azise iNkulumbuso ebandakanyekayo ngesithuba esinjalo.

(2) A vacancy in the House must be filled, within 45 days, by the election of a member for the unexpired portion of the term of office of the member in whose place he or she is elected, and in the same manner in which the previous member was elected.

(3) A vacancy must be filled in accordance with sections 3 and 4.

Seat and meetings of House 5

8. (1)(a) The first meeting of the House after its constitution in terms of sections 3 and 4 must take place at a time determined by the Secretary and at the seat of the House.

(b) The President or a person designated by him or her must address the annual official opening of the House.

(2) Ordinary meetings of the House may take place at the seat of the House at the date and time determined by the Secretary in consultation with the Chairperson. 10

(3) Special meetings must be held at a time and place determined by the Executive Committee of the House or, if authorised thereto by the Executive Committee of the House, by the Chairperson of the House: Provided that the Minister may at any time summon the House to an extraordinary meeting for the dispatch of urgent business. 15

(4) The House must meet at least once in every quarter during the sitting of Parliament.

(5) The administrative seat of the House is located at the same place where the head office of the Department is located, and meetings of the House may take place either in the administrative seat or at the seat of Parliament. 20

(6) The quorum for meetings of the House is fifty-one per cent of the total membership of the House.

(7) The decisions of the House must be taken by consensus, or where a vote is taken, subject to subsection (6), two thirds of the members present and voting in the meeting.

Chairperson and deputy chairperson of House 25

9. (1) At its first meeting after it has been constituted in terms of this Act, the House with the President or any person designated by the President presiding, must elect one of its members to be the chairperson, and must thereafter elect another of its members to be the deputy chairperson.

(2) The chairperson is vested with all powers and functions assigned to a chairperson in terms of this Act and the rules and orders of the House. 30

(3) The chairperson presides over meetings 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 the chairperson, or when the office of the chairperson is vacant, the deputy chairperson must act as chairperson during the chairperson's absence or inability or until a chairperson is elected. 35

(5) If both the chairperson and the deputy chairperson are absent, a member of the House designated in terms of the rules and orders of the House must act as chairperson while the said circumstances prevail.

(6) The deputy chairperson or the member designated in terms of this Act, while acting as a chairperson, may exercise the powers and must perform the functions vested in the office of the chairperson. 40

(7) While presiding at a meeting of the House a member of the House designated as a chairperson has a deliberative vote as well as a casting vote in the case of an equality of votes. 45

(8) The chairperson or deputy chairperson must vacate office if he or she—

(a) ceases to be a member of the provincial house which elected him or her;

(b) resigns by lodging a written letter of resignation with the House;

(c) is convicted of a criminal offence without the option of a fine; or

(d) becomes disqualified in terms of section 5. 50

(9) A chairperson or a deputy chairperson may be removed from office by the House, by a vote supported by a two thirds majority of the full complement of the membership of the House, and thereupon such chairperson or deputy chairperson must vacate his or her office.

(2) Isithuba kwiNdlu kufuneka sigcwaliswe, kwiintsuku ezingama-45, ngokonyulwa kwelungu kwixesha elingekapheli le-ofisi lelungu elikhethwa endaweni yalo, kunye nangendlela efanayo naleyo ilungu langaphambili elakhethwa ngayo.

(3) Isithuba masigcwaliswe ngokungqinelana namacandelo 3 nelesi-4.

Ukuhlala neentlanganiso zeNdlu

5

8. (1) (a) Intlanganiso yokuqala yeNdlu emva kokusekwa kwayo ngokwemigqaliselo yamacandelo 3 nelesi-4 kufuneka ibanjwe ngexesha elimiselwa nguNobhala kunye nakwisihlalo seNdlu.

(b) UMongameli okanye umntu owonyulwe nguye kufuneka anike intetho yonyaka esemthethweni yokuvulwa kwendlu.

10

(2) Iintlanganiso eziqhelekileyo zeNdlu zinokuqhutywa ekuhlalweni kweNdlu ngomhla kunye nexesha elimiselwe nguNobhala edibene noSihlalo.

(3) Iintlanganiso ezikhethekileyo kufuneka zibanjwe ngexesha kunye nendawo elimiselwe yiKomiti yesiGqeba yeNdlu, ukuba ngaba kugunyazisiwe yiKomiti yesiGqeba yeNdlu, nguSihlalo weNdlu okanye: Ngaphandle kokuba uMphathiswa nangalo naliphi na ixesha unokubizela iNdlu kwintlanganiso engaqhelekanga ukuze kuqhutywe umsebenzi ongxamisekileyo.

15

(4) Indlu mayidibane okungenani kanye ngekota ngexesha lokuhlala kwePalamente.

(5) Ulawulo lokuhlala kweNdlu kubekwe kwindawo enye apho undlunkulu weSebe akhoyo; kwaye iintlanganiso zeNdlu zinokuqhuba xa kuchotshelwe ulawulo okanye xa iPalamente ihleli.

20

(6) Inani elivumelekileyo lokubanjwa kweentlanganiso zeNdlu ziipesenti ezingamashumi amahlanu ananye zobulungu buphelele bendlu.

(7) Izigqibo zeNdlu mazithathwe ngokuvumelana okwaneleyo, okanye apho ivoti ithathwayo, ngokuxhomekeke kwicandelwana (6), isibini samalungu akhoyo kwaye avotayo entlanganisweni.

25

USihlalo noSekela-sihlalo weNdlu

9. (1) Kwintlanganiso yayo yokuqala emva kokuba ibiziwe ngokwemigqaliselo yalo Mthetho, iNdlu kunye noMongameli okanye nawuphi na umntu owonyuliweyo nguMongameli ochopheleyo, kufuneka onyule elinye lamalungu ayo ukuba abe ngusihlalo, kwaye kufuneka emva koko onyule elinye kumalungu ayo ukuba abe ngusekela-sihlalo.

30

(2) Usihlalo unikwe onke amagunya nemisebenzi enikwa usihlalo ngokwemigqaliselo yalo Mthetho kunye nemithetho nemiyalelo yeNdlu.

(3) Usihlalo uchophela iintlanganiso zeNdlu.

35

(4) Ukuba ngaba akekho usihlalo okanye ngaso nasiphi na isizathu akakwazi ukusebenzisa amagunya akhe okanye imisebenzi enikwe i-ofisi kasihlalo, okanye xa i-ofisi kasihlalo ingenamntu, usekela-sihlalo kufuneka asebenze njengosihlalo ngexesha lokungabikho kukasihlalo okanye ukungabi nako kwakhe okanye de abe uyonyulwa usihlalo.

40

(5) ukuba ngaba abekho bobabini usihlalo kunye nosekela-sihlalo, ilungu leNdlu elonyulwe ngokwemigqaliselo yemithetho nemiyalelo yeNdlu kufuneka lisebenze njengosihlalo ngeli lixa iimeko ekuthethwa ngazo zisekhona,

(6) Usekela-sihlalo okanye ilungu elonyulwe ngokwemigqaliselo yalo Mthetho ngeli lixa libambe njengosihlalo, linokusebenzisa amagunya kwaye kufuneka lenze imisebenzi ebekwe kwi-ofisi kasihlalo.

45

(7) Ngelixa lichophele intlanganiso yeNdlu ilungu leNdlu elonyulwe njengosihlalo linevoti yeengxoxo ngokunjalo nokufaka ivoti ekulinganeni kweevoti.

(8) Usihlalo okanye usekela-sihlalo kufuneka aphume e-ofisini ukuba—

(a) uyayeka ukuba lilungu lendlu yephondo emkhethileyo;

50

(b) uyarhoxa ngokungenisa ileta ebhaliweyo yokurhoxa kwiNdlu;

(c) ugwetyelwa ityala lolwaphulo-mthetho kungekho khetho lwasohlwayo; okanye

(d) uyanqunyanyiswa ngokwemiqathango yecandelo lesi-5.

(9) Usihlalo okanye usekela-sihlalo unokususwa e-ofisini yiNdlu, ngevoti exhaswa sisininzi sesibini esithathwini sobulungu obupheleleyo beNdlu kwaye ngaphaya koko usihlalo okanye usekela-sihlalo onjalo kufuneka aphume e-ofisini yakhe.

55

(10) If the office of the chairperson becomes vacant, the President or a person designated by the President, must preside over the election of a member of the House to fill the vacancy.

(11) If the office of the deputy chairperson becomes vacant, the chairperson must preside over the election of a member to fill the vacancy. 5

(12) If the offices of the chairperson and deputy chairperson of the House become vacant, the House, with the Minister or a person designated by the Minister presiding, must elect a member of the House to fill the vacancy.

(13) A chairperson or deputy chairperson is eligible for re-election: Provided that no member may serve as a chairperson or deputy chairperson of the House for more than 10 two consecutive terms.

Status of members of House

10. (1) The chairperson and deputy chairperson shall be full-time members of the House.

(2) The President may, after consultation with the House, determine that, subject to 15 subsection (1), certain members are full-time members of the House.

Powers and duties of House

11. (1) The powers and duties of the House are—

(a) to cooperate with the provincial houses of traditional leaders, to promote— 20
(i) the role of traditional leadership within a democratic constitutional dispensation;

(ii) nation building;

(iii) peace, stability and cohesiveness of communities;

(iv) the preservation of the moral fibre and regeneration of society;

(v) the preservation of the culture and traditions of communities; 25

(vi) socio-economic development and service delivery;

(vii) the social well-being and welfare of communities; and

(viii) the transformation and adaptation of customary law and custom so as to comply with the provisions of the Bill of Rights in the Constitution, in particular by— 30

(aa) preventing unfair discrimination;

(bb) promoting equality; and

(cc) seeking to progressively advance gender representation in the succession to traditional leadership positions; and

(b) to enhance co-operation between the House and the various provincial houses 35 with a view to addressing matters of common interest.

(2) The House—

(a) must consider Parliamentary Bills referred to it by the Secretary to Parliament in terms of section 18 of the Framework Act;

(b) may advise the national government and make recommendations relating to 40 any of the following:

(i) Matters relating to policy and legislation regarding traditional leadership;

(ii) the role of traditional leaders;

(iii) customary law; and 45

(iv) the customs of communities observing a system of customary law;

(c) may investigate and make available information on traditional leadership, traditional communities, customary law and customs;

(d) must, at the request of a member of National Cabinet, advise him or her in connection with any matter referred to in this section; 50

(e) must be consulted on national government development programmes that affect traditional communities;

(f) must complement and support the work of government at national level;

(g) must form cooperative relations and partnerships with government at national level in development and service delivery; 55

(10) Ukuba ngaba ayibi namntu i-ofisi kasihlalo, uMongameli okanye umntu owonyulwe nguMongameli, kufuneka achophele ukonyulwa kwelungu leNdlu ukuba ligcwalise isithuba.

(11) Ukuba i-ofisi kasekela-sihlalo iye ingabi namntu, usihlalo kufuneka achophele ulonyulo lwelungu eliza kugcwalisa isithuba. 5

(12) Ukuba ngaba ii-ofisi zikasihlalo kunye nosekela-sihlalo weNdlu azibi namntu, iNdlu, kunye noMphathiswa okanye umntu owonyulwe nguMphathiswa ochopheleyo, kufuneka onyule ilungu leNdlu ukuba ligcwalise isithuba.

(13) Usihlalo okanye usekela-sihlalo balufanele ulonyulo kwakhona. Ngaphandle kokuba akukho lungu emalisebenze njengosihlalo okanye usekela-sihlalo weNdlu 10 ngaphezulu kwamaxesha amabini alandelelanayo.

ISimo samalungu eNdlu

10. (1) Usihlalo kunye noSekela-sihlalo baya kuba ngamalungu asisigxina eNdlu.

(2) UMongameli, emva kokudibana neNdlu, unokumisela ukuba, ngokuxhomekeke kwicandelwana (1) amalungu athile angamalungu asisigxina eNdlu. 15

Amagunya kunye nemisebenzi yeNdlu

11. (1) Amagunya nemisebenzi yeNdlu yile—

(a) ukusebenza nezindlu zamaphondo zeenkokheli zemveli; ukuphakamisa—
(i) indima yobunkokheli bemveli kwinkululeko yomgaqo-siseko wedemokhrasi; 20

(ii) ukwakha isizwe;

(iii) uxolo, uzinzo, kunye nokunamathelana koluntu;

(iv) ulondolozo kokulungileyo kunye nokuvuselelwa ngokutsha kwentlalo;

(v) ulondolozo lwenkcubeko namasiko oluntu;

(vi) uphuhliso lwentlalo-qoqosho kunye nonikezelo lweenkonzo; kunye 25

(vii) nokuphila ngokwasentlalweni nentlalontle yoluntu; kunye

(viii) notshintsho nolwamkelo lomthetho womthshato nezithethe zesintu ukuze oko kuthobeke amatyatyama oMqulu wamaLungelo kuMgaqo-siseko, ingakumbi ngoku—

(aa) thintela ucalulo olungafanelekanga; 30

(bb) phakamisa ulingano; kunye

(cc) nokufuna ukuqhubekisela phambili umelo ngokwesini xa kungenwa kwizikhundla zobunkokheli bemveli; kunye

(b) nokonyusa intsebenziswano phakathi kweNdlu kunye nezindlu zamaphondo ezohlukeneyo ngombono wokulungisa imicimbi eneenjongo ezifanayo. 35

(2) INdlu—

(a) kufuneka ithathele ingqalelo iMithetho eyilwayo yasePalamente esiwe kuyo nguNobhala wePalamente ngokwemigqaliselo yecandelo 18 loMthetho weNkqubo-sikhokelo;

(b) inokucebisa urhulumente wesizwe kwaye yenze izindululo ezinxulumene nayo nayiphi na kwezi zilandelayo: 40

(i) imicimbi enxulumene nomgaqo-nkqubo nomthetho ophathelene nobunkokheli bemveli;

(ii) indima yeenkokheli zemveli;

(iii) umthetho wesintu; kunye 45

(iv) nezithethe zoluntu ezithobela indlela yoMthetho wesintu;

(c) inokuphanda kwaye yenze kufumaneka ulwazi kubunkokheli bemveli, uluntu lwemveli, uMthetho nezithethe zesintu;

(d) kufuneka, ngesicelo selungu leKhabhinethi yeSizwe, icebise ngokunxulumene nawo nawuphi na umcimbi ekubhekiselwe kuwo kweli candelo; 50

(e) kufuneka kudityanwe nayo kwiinkqubo zophuhliso zikarhulumente wesizwe ezichaphazela uluntu lwemveli;

(f) kufuneka iphakamise kwaye ixhase umsebenzi karhulumente kumgangatho wesizwe; 55

(g) kufuneka yenze unxulumano lwentsebenziswano kunye nolwahlulelwano norhulumente kumgangatho wesizwe wofezekiso lophuhliso nofezekiso lwezithembiso;

- (h) may participate in international and national programmes geared towards the development of rural communities;
- (i) may participate in national initiatives meant to monitor, review and evaluate government programmes in rural communities; and
- (j) must perform tasks as may be determined by a member of the national Cabinet or as may be provided for in national legislation. 5

Administration of House

12. (1) The Minister must, with the approval of the House and subject to the laws governing the public service, second as many staff from the Department as he or she considers necessary, to discharge the work of the House. 10

(2) The Minister must, in terms of the laws governing the public service and with the approval of the House, appoint a person as Secretary to the House, who must—

- (a) exercise or perform the powers and functions conferred upon or assigned to the Secretary by this Act and the rules and orders; and
- (b) subject to the directions of the House, perform such work as is incidental to the exercise or performance by the House of its powers and functions. 15

(3) The Secretary must be supported in the exercise or performance of his or her powers and functions by officers of the Department designated in terms of subsection (1) for that purpose.

Responsibilities of House 20

13. The House must—

- (a) keep proper records;
- (b) have its financial statements audited annually by the Auditor-General;
- (c) in addition to quarterly meetings, hold an annual meeting with provincial houses to give account of the activities and finances of the House; 25
- (d) enforce the Code of Conduct provided for in Schedule C;
- (e) establish clear relationships with, and facilitate co-operation and communication between itself and provincial houses as well as between provincial houses;
- (f) hold the Secretary of the House accountable for the overall performance and administration of the House; 30
- (g) maximise the efficiency of communication and decision-making within the administration of the House;
- (h) assign clear responsibilities for the management and co-ordination of the administration of the House; 35
- (i) involve the Secretary of the House in decisions impacting on the overall management of the House, as far as is practicable;
- (j) promote an equitable, fair, open, non-discriminatory and supportive environment for all provincial houses; and
- (k) provide an equitable, fair, open, non-discriminatory and supportive environment for the House. 40

Relationship between House and kings and queens

14. The House must, on a biannual basis, hold a meeting with all kings and queens in the country to discuss—

- (a) the activities and programmes of the House; 45
- (b) matters of interest to kings and queens;
- (c) matters relating to service delivery and development of traditional communities; and
- (d) any other business identified and proposed by either party and agreed to by both parties. 50

- (h) inokuthatha inxaxheba kwiinkqubo zamazwe ngamazwe nezesizwe ezenzelwe ukuphuhlisa uluntu lwasemaphandleni;
- (i) inokuthatha inxaxheba kumaphulo esizwe enzelwe ukujonga, ukuphengulula ngokubanzi kunye nokuhlola iinkqubo zikarhulumente kuluntu lwasemaphandleni; kwaye 5
- (j) kufuneka yenze imisebenzi njengoko inokumiselwa lilungu leKhabhinethi yesizwe okanye njengoko kunokubonelelwa ngumthetho wesizwe.

ULawulo lweNdlu

- 12.** (1) UMphathiswa kufuneka, ngemvume yeNdlu kwaye ngokuxhomekeke kwimithetho elawula iNkonzo kaRhulumente, ase abasebenzi ngobuninzi babo abavela kwiSebe njengoko ecingela ukuba kuyimfuneko, ukuba bakhuphe umsebenzi weNdlu. 10
- (2) UMphathiswa kufuneka, ngokwemigqaliselo yemithetho elawula iNkonzo kaRhulumente kunye nokuvuma kweNdlu, onyule umntu njengoNobhala kwiNdlu, ekufuneka—
- (a) asebenzise okanye enze amagunya kunye nemisebenzi ebekwe okanye eyabelwe uNobhala ngulo Mthetho kunye nemithetho nemiyalelo; kwaye 15
 - (b) ngokuxhomekeke kwimiyalelo yeNdlu, ukwenza umsebenzi onjalo njengokuba uhamba nomsebenzi okanye ukusebenza kwendlu kumagunya nakwimisebenzi yayo.
 - (3) UNobhala kufuneka axhaswe ekusebenziseni nasekwenzeni amagunya nemisebenzi ngamagosa eSebe onyulwe ngokwemigqaliselo yecandelwana (1) ngaloo njongo. 20

IiMfanelo zeNdlu

- 13.** INdlu kufuneka—
- (a) igcine iirekhodi ezifanelekileyo; 25
 - (b) izitadimenti zayo zemali ziphicothwe ngonyaka nguMphicothi-zincwadi Jikelele;
 - (c) ukongeza kwiintlanganiso zekota, ibambe intlanganiso yonyaka nezindlu zamaphondo ukunika amagqabantshintshi ngemisebenzi kunye nezimali zeNdlu; 30
 - (d) ukunyanzela iKhowudi yokuziPhatha ebonelelwe kwiShedyuli C;
 - (e) ukuseka ubudlelwane obucacileyo, kunye nokuququzelela intsebenziswano nonxibelelwano oluphakathi kwayo kunye nezindlu zamaphondo ngokunjalo naphakathi kwezindlu zamaphondo;
 - (f) ukumgcina enoxanduva uNobhala weNdlu kumsebenzi xa uwonke kunye nolawulo lwendlu; 35
 - (g) ukwandisa ukwanela konxibelelwano kunye nokwenziwa kwezigqibo kulawulo lweNdlu;
 - (h) ukwaba iimfanelo ezicacileyo zabaphathi kunye nolungelelwaniso lolawulo lweNdlu; 40
 - (i) ukubandakanya uNobhala weNdlu kwizigqibo ezineempembelelo kulawulo xa lulonke lweNdlu, kangangoko kunokwenzeka;
 - (j) ukuphakamisa okusingqongileyo okunobulungisa, okufanelekileyo, okuvulekileyo, okungacaluliyo kwaye okuxhasayo kuzo zonke izindlu zamaphondo; kunye 45
 - (k) nokubonelela ngemeko enobulungisa, efanelekileyo, evulekileyo, engacaluliyo kwaye enika inkxaso kwiNdlu.

Ubudlelwane phakathi kweNdlu, iikumkani neekumkanikazi

- 14.** INdlu kufuneka, kwiminyaka emibini, ibambe iintlanganiso nazo zonke iikumkani kunye neekumkanikazi elizweni ukuxoxa— 50
- (a) ngemisebenzi kunye neenkqubo zeNdlu;
 - (b) imicimbi enika injongo kwiikumkani neekumkanikazi;
 - (c) imicimbi enxulumene nofezekiso lwezithembiso kunye nophuhliso loluntu lwemveli; kunye
 - (d) nawo nawuphi na omnye umsebenzi ochongwe okanye ondululwe lilo naliphi na iqela kwaye kuvunyelwane ngawo ngamaqela omabini. 55

Relationship between House and provincial houses

- 15.** (1) The House must investigate matters referred to it by the provincial houses and make recommendations thereon.
- (2) The House must advise provincial houses regarding the administration of their affairs. 5
- (3) The House must on a biannual basis hold meetings with provincial houses to discuss progress on matters relating to the general interest and welfare of traditional communities.
- (4) Where the House wishes to interact with a local house or a traditional council, such interaction must be done in consultation with the relevant provincial house: 10
Provided that where no provincial house has been established, the House may interact directly with a local house.
- (5) The chairperson of the House must establish a body of Chairpersons of provincial houses to interact with the House on a regular basis on issues of mutual interest. 15
- (6) The Secretary of the House must establish a body of Secretaries of provincial houses to interact with the House on a regular basis on issues of mutual interest.

Support to House

- 16.** The national government must adopt such legislative or other measures as may be necessary to support and strengthen the capacity of the House to fulfil its functions, and such support may include provision of— 20
- (a) infrastructure;
 - (b) finances;
 - (c) human resources;
 - (d) skills development programmes; and
 - (e) administrative systems. 25

Accountability of House

- 17.** (1) The House must, on an annual basis, submit a report to Parliament giving an account on its activities and programmes.
- (2) Parliament may request a meeting with the House to discuss matters of interest to Parliament. 30

Privileges and immunities of members of House

- 18.** (1) The House has full power to control, regulate and dispose of its internal affairs and has all such powers, privileges and immunities as may, subject to the Constitution, be prescribed.
- (2) (a) Members of the House have freedom of speech in the House and its committees, subject to the rules and orders of the House. 35
- (b) Members of the House are not liable to civil or criminal proceedings, arrest, imprisonment or damages for—
- (i) anything that they have said in, produced before or submitted to the House or any of its committees; or 40
 - (ii) anything revealed as a result of anything that they have said in, produced before or submitted to the House or any of its committees.

Remuneration and benefits to members of House

- 19.** The remuneration and benefits of members of the House are determined in terms of the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998). 45

Ubudlelwane phakathi kweNdlu kunye nezindlu zamaphondo

15. (1) INdlu kufuneka iphande ngemicimbi edluliselwe kuyo zizindlu zamaphondo ize yenze izindululo emva koko.
- (2) INdlu kufuneka icebise izindlu zamaphondo ngokuphathelele nemicimbi yazo yolawulo. 5
- (3) INdlu kufuneka ibambe iintlanganiso nezindlu zamaphondo kabini ngonyaka ukuxoxa ngenkqubela kwimicimbi enxulumene nomdla jikelele kunye nentlalontle yoluntu lwemveli.
- (4) Apho iNdlu inqwenela ukusebenzisana nendlu yengingqi okanye ibhunga lemveli, intsebenziswano enjalo kufuneka yenziwe kudityenwe nendlu yephondo ebandakanyekayo. Ngaphandle kokuba akukho ndlu yephondo isekiweyo, iNdlu inokusebenza ngqo nendlu yengingqi. 10
- (5) Usihlalo weNdlu kufuneka aseke umbutho wooSihlalo bezindlu zamaphondo ukuba basebenzisane neNdlu ngalo lonke ixesha kwimiba enenjongo efanayo kubo bonke. 15
- (6) UNobhala weNdlu unokuseka umbutho wooNobhala bezindlu zamaphondo ukuba basebenzisane neNdlu kwimiba enenjongo efanayo kubo bonke.

Inkxaso kwiNdlu

16. Urhulumente wesizwe kufuneka amkele umthetho onjalo okanye amanye amanyathelo njengokuba kunokubakho imfuneko ukuxhasa kunye nokolula isikhundla seNdlu ukuba izalisekise imisebenzi yayo, kwaye inkxaso enjalo inokuquka ulungiselelo— 20
- (a) lwezakhiwo;
- (b) imali;
- (c) imicimbi yabasebenzi; 25
- (d) iinkqubo zokuphuhlisa izakhono; kunye
- (e) neendlela zolawulo.

Ukunika iimpendulo kweNdlu

17. (1) INdlu kufuneka, ngonyaka, ingenise ingxelo ePalamente enika amagqabantshintshi ngemisebenzi kunye neenkqubo. 30
- (2) IPalamente inokucela intlanganiso neNdlu ukuze kuxoxwe ngemicimbi enika injongo kwiPalamente.

Amalungelo akhethekileyo kunye nokukhululeka kwamalungu eNdlu

18. (1) INdlu inamagunya apheleleyo okuphatha, okulawula kunye nawokuyeka imicimbi yayo yangaphakathi kwaye inawo onke amagunya anjalo, amalungelo akhethekileyo kunye nokukhululeka njengoko, ngokukuxhomekeke kuMgaqo-siseko, omiselweyo. 35
- (2) (a) Amalungu eNdlu anenkululeko yokuthetha kwiNdlu kunye nakwiikomite zayo, ngokuxhomekeke kwimithetho kunye nemiyalelo yeNdlu.
- (b) Amalungu eNdlu awanaxanduva lwawo iinkqubo zikarhulumente nezolwaphulo-mthetho, ukubamba nokuvalela okanye umonakalo— 40
- (i) wayo nayiphi na into abayithethileyo, bayiveza phambi okanye bayingenisa kwiNdlu okanye kuyo nayiphi na kwenye yeekomite zayo; okanye
- (ii) nantoni na exeliweyo ngenxa yayo nantoni na abayithethileyo, bayiveza phambi okanye bayingenisa kwiNdlu okanye kuyo nayiphi na kwenye yeekomite zayo. 45

Imivuzo kunye namalungelo amalungu eNdlu

19. Umvuzo kunye namalungelo amalungu eNdlu amiselwa ngokwemigqaliselo yoMthetho woMvuzo wabaHlali zi-Ofisi zikaRhulumente, 1998 (uMthetho Nomb.20 ka-1998). 50

Rules, orders and committees of House

- 20.** (1) The House must make rules and orders in connection with the conduct of its business and proceedings, including rules and orders regulating—
- (a) the establishment, constitution, powers and functions, procedures and lifespan of committees of the House; 5
 - (b) the procedure to be followed in meetings of the House and its committees;
 - (c) restrictions on access to such committees;
 - (d) the competency of any such committee to perform or dispose of its business and proceedings at venues other than the seat of the House; and
 - (e) the designation of members to preside over meetings of the committees of the House. 10
- (2) (a) There may be an executive committee consisting of the chairperson and deputy chairperson and as many additional members, so as to ensure that each provincial house is represented in the executive committee, as elected by the House.
- (b) The House may at any time on good cause shown, replace any of the members elected in terms of paragraph (a). 15

Dissolution of House

- 21.** The House must be dissolved—
- (a) on the expiry of the term of office of the House; or
 - (b) after a vote supported by a two-thirds majority of the full complement of the members of the House in a meeting of the House called for that purpose. 20

Oath or affirmation by members of House

- 22.** All the members of the House must, before they begin to perform their functions in the House, take an oath or solemn affirmation in the terms set out in Schedule B, before the Chief Justice or a judge designated by the Chief Justice. 25

Code of conduct

- 23.** (1) All members of the House must, in addition to the code of conduct contained in the Schedule to the Framework Act, adhere to the code of conduct appearing in Schedule C.
- (2) Any breach of the codes of conduct referred to in subsection (1) must be dealt with in accordance with the procedure set out in item 9 of Schedule C. 30

Regulations

- 24.** (1) The Minister may make regulations regarding any matter that this Act requires or permits to be prescribed.
- (2) The Minister may make regulations regarding generally any ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation or administration of this Act. 35
- (3) Before any regulations are made under this section, the Minister must—
- (a) consult the House;
 - (b) publish the draft regulations in the *Gazette* for public comment; and 40
 - (c) submit the draft regulations to Parliament for parliamentary scrutiny at least one month before their publication.

Repeal of laws and transitional provisions

- 25.** (1) The laws listed in Schedule A are hereby repealed to the extent indicated in the Schedule. 45
- (2) The traditional leaders who, on the date of commencement of this Act, were members of the National House of Traditional Leaders in terms of the National House

Imithetho, imiyalelo kunye neekomiti zeNdlu

- 20.** (1) INdlu kufuneka yenze imithetho nemiyalelo ngokunxulumene nokuqhutywa kwemisebenzi kunye neenkqubo zayo, kuqukwa nemithetho nemiyalelo elawula—
- (a) ukusekwa, ukumiswa, amagunya nemisebenzi, iinkqubo kunye nexesha lokuhlala kweekomiti zendlu; 5
 - (b) inkqubo emayilandelwe ezintlanganisweni zeNdlu kunye neekomiti zayo;
 - (c) uthinteleko lokufikelela kwiikomiti ezinjalo;
 - (d) ukufaneleka kwayo nayiphi na ikomiti enjalo ukwenza okanye ukuyeka imisebenzi kunye neenkqubo zayo kwiindawo ezingaphandle kokuhlala kweNdlu; kunye 10
 - (e) nokonyulwa kwamalungu aza kuchophela iintlanganso zeekomiti zeNdlu.
- (2) (a) Kunokubakhona ikomiti yesigqeba enosihlalo, usekela-sihlalo kunye namanye amalungu awongezelelweyo nokuba mangaphi na, ukuze kuqinisekiswa ukuba indlu nganye yephondo imelwe kwikomiti yesigqeba, njengoko yonyuliwe yiNdlu.
- (b) INdlu ngalo naliphi na ixesha, ekuboniswe isenzo esihle ngalo, inokutshintsha 15 nawaphi na amalungu akhethwe ngokwemigqaliselo yomhlathi (a).

Ukupheliswa kweNdlu

- 21.** INdlu kufuneka ipheliswe—
- (a) ekupheleni kwexesha le-ofisi leNdlu; okanye
 - (b) emva kwevoti exhaswa sisininzi sesibini esithathwini sawo onke amalungu eNdlu kwintlanganiso yeNdlu ebizelwe loo njongo. 20

Isifungo okanye isiqiniseko ngamalungu eNdlu

- 22.** Onke amalungu eNdlu kufuneka, ngaphambi kokuqalisa imisebenzi yawo kwiNdlu, athathe kwaye azibophelele nge okanye isibhambathiso esindilisekileyo kwimiqathango ethiwe thaca kwiShedyuli B, phambi kweJaji yeNkundla ePhakamileyo eyonyulwe yiJaji eyiNtloko. 25

Ikhawudi yokuziphatha

- 23.** (1) Onke amalungu eNdlu kufuneka, ukongeza kwikhowudi yokuziphatha equlethwe kwiShedyuli yoMthetho weNkqubo-sikhokelo, abambelele kwikhowudi yokuziphatha evela kwiShedyuli C. 30
- (2) Nakuphi na ukophulwa kweekhowudi zokuziphatha ekubhekiselwe kuko kwicandelwana (1) kufuneka kusetyenzwe ngako ngokungqinelana nenkqubo ebekwe kwinqaku le-9 leShedyuli C.

Imimiselo

- 24.** (1) UMphathiswa unokwenza imimiselo ngokuphatelene nawo nawuphi na umcimbi ofunwa ngulo Mthetho okanye ovumela ukuba umiselwe. 35
- (2) UMphathiswa unokwenza imimiselo ngokuphatelene nje nawo nawuphi na umcimbi osecaleni okanye ohamba nolawulo okanye wenkqubo oyimfuneko ukumisela ukuphunyezwa okufanelekileyo okanye ulawulo lwalo Mthetho.
- (3) Ngaphambi kokuba kwenziwe nayiphi na imimiselo phantsi kweli candela, uMphathiswa kufuneka— 40
- (a) adibane neNdlu;
 - (b) apapashe imimiselo equlunqwayo kwiGazethi ukuze uluntu lunike izimvo zalo; kunye
 - (c) nokungenisa imimiselo equlunqwayo ePalamente ukuze iphicothwe yipalamente kwinyanga enye engaphambi kokupapashwa kwayo. 45

Ukurhoxiswa kwemithetho kunye namagatya otshintsho

- 25.** (1) Imithetho edweliswe kwiShedyuli A iyarhoxiswa ukuya kuma apho kuchazwa khona kwiShedyuli.
- (2) Inkokheli zemveli, ngomhla wokuqala kwalo Mthetho, bezingamalungu eNdlu yeSizwe yeeNkokheli zeMveli ngokoMthetho weNdlu yeeNkokheli zeMveli yeSizwe, 1997 (uMthetho 10 we-1997), zihlala zingamalungu eNdlu kwaye ziqhube njalo 50

of Traditional Leaders Act, 1997 (Act No. 10 of 1997), remain members of the House and continue as such as if that Act had not been repealed, until the expiry of the current term whereupon the House must be reconstituted in terms of this Act.

(3) Despite subsection (2), the current composition of the House must be expanded to accommodate the additional members contemplated in section 3(2). 5

(4) Any employee in the public service who immediately prior to the commencement of this Act was seconded to perform services for the House continues to perform such services without any interruption, subject to the laws applicable to him or her.

Short title

26. This Act is called the National House of Traditional Leaders Act, 2009. 10

ngokungathi loo Mthetho awurhoxiswanga, de kuphele ixesha le-ofisi eliqhubayo likarhulumente wengingqi, apho iNdlu kufuneka imiselwe kwakhona ngokwalo-Mthetho.

(3) Ngaphandle kwecandelwana (2), ukwakhiwa kwakalokunje kweNdlu kufuneka kwandiswe ukuze amalungu awongezelelekileyo axelwe kwicandelo 3(2) akwazi ukungena. 5

(4) Nawuphi na umntu osebenza kurhulumente oye watshintshwa nje ngaphambi kokuqala kwalo Mthetho wabekwa ukuba enze imisebenzi yeNdlu, uyaqhubeka esenza imisebenzi enjalo ngaphandle kwalo naluphi na uphazamiseko, ngokuxhomekeke kwimithetho esebenzayo kuye. 10

Isihloko esifutshane

26. Lo Mthetho ubizwa ngokuba nguMthetho weNdlu yeeNkokheli zeMveli yeSizwe, 2009.

SCHEDULE A**REPEAL OF LAWS**

Name of Act	Year of Publication	Extent of Repeal	
National House of Traditional Leaders Act	Act No. 10 of 1997	The whole	5
Council of Traditional Leaders Amendment Act	Act No. 85 of 1998	The whole	
National House of Traditional Leaders Amendment Act	Act No. 20 of 2000	The whole	10

SCHEDULE B**PART A****OATH BY MEMBERS OF THE HOUSE**

I, (name of member), do swear that I will be faithful to the National House of Traditional Leaders and do solemnly and sincerely promise at all times to promote that which will advance, and to oppose all that may harm, the House; to obey, observe, uphold and maintain the laws, rules, orders and procedures of the House and all other laws of the Republic of South Africa; to discharge my duties with all my strength and talents to the best of my knowledge and ability and true to the dictates of my conscience; to do justice unto all; and to devote myself to the well-being of the House and its members. 15 20

May the Almighty God by His Grace and/or the ancestors guide and sustain me in keeping this oath with honour and dignity.

So help me God.

PART B

25

AFFIRMATION

I, (name of member), do solemnly affirm that I will be faithful to the National House of Traditional Leaders and do solemnly and sincerely promise at all times to promote that which will advance, and to oppose all that may harm, the House; to obey, observe, uphold and maintain the laws, rules, orders and procedures of the House and all other laws of the Republic of South Africa; to discharge my duties with all my strength and talents to the best of my knowledge and ability and true to the dictates of my conscience; to do justice unto all; and to devote myself to the well-being of the House and its members. 30

May the ancestors guide and sustain me in keeping this affirmation with honour and dignity. 35

SCHEDULE C**CODE OF CONDUCT****Members of the House**

Performance of functions by members 40

1. A member of the House must—

ISHEDYULI A**UKURHOXISWA KWEMITHETHO**

Igama loMthetho	UNyaka woShicilelo	Ububanzi boRhoxiso	
UMthetho weSizwe weNdlu yeeNkokheli zeMveli	UMthetho Nomb.10 we-1997	Wonke	5
UMthetho woLungiso weBhunga leeNkokheli zeMveli	UMthetho Nomb.85 we-1998	Wonke	
UMthetho woLungiso weNdlu yeeNkokheli zeMveli yeSizwe	UMthetho Nomb.20 we-2000	Wonke	10

ISHEDYULI B**ISIGABA A****ISIFUNGO NGAMALUNGU ENDLU**

Mna, (igama lelungu), ndiyafunga ukuba ndiyakunyaniseka kwiNdlu yeeNkokheli zeMveli yeSizwe kwaye ndithembisa ngokundilisekileyo nangokunyanisekileyo maxa onke ukuphakamisa inkqubela-phambili, kwaye ndichase konke okuya kwenzakalisa iNdlu; ndiyakuthobela ndivume, ndixhase kwaye ndigcine imithetho, imimiselo, imiyalelo kunye neenkqubo zeNdlu kunye nayo yonke eminye imithetho yeRiphabliki yoMzantsi Afrika, ukwenza imisebenzi yam ngawo onke amandla neetalente zam ngokolwazi lwam olugqwesileyo kunye nesakhono sam nangokunyaniseka kwimiyalelo yesazela sam, ukwenza ubulungisa kubo bonke; kunye nokuzinikela kwimpilo yeNdlu neyamalungu ayo. 15

Wanga uThixo onaMandla oNke ngoFefe lwakhe kunye/okanye ngesikhokelo sezinyanya zingandithwala ekugcineni esi sifungo ngokubekeka nangesidima. 25

Ngoko ndincede Thixo.

ISIGABA B**ISIBHAMBATHISO**

Mna, (igama lelungu), ndiyafunga ukuba ndiyakunyaniseka kwiNdlu yeSizwe yeeNkokheli zeMveli kwaye ndithembisa ngokundilisekileyo nangokunyanisekileyo maxa onke ukuphakamisa inkqubela-phambili, kwaye ndichase konke okuya kwenzakalisa iNdlu; ndiyakuthobela ndivume, ndixhase kwaye ndigcine imithetho, imimiselo, imiyalelo kunye neenkqubo zeNdlu kunye nayo yonke eminye imithetho yeRiphabliki yoMzantsi Afrika, ukwenza imisebenzi yam ngawo onke amandla neetalente zam ngokolwazi lwam olugqwesileyo kunye nesakhono sam nangokunyaniseka kwimiyalelo yesazela sam, ukwenza ubulungisa kubo bonke; kunye nokuzinikela kwimpilo yeNdlu neyamalungu ayo. 30

Yanga izinyanya zingandikhokela kwaye zindithwale ekugcineni esi sibhambathiso ngokubekeka nangesidima. 35

ISHEDYULI C

40

IKHOWUDI YOKUZIPHATHA**Amalungu eNdlu****Ukwenziwa kwemisebenzi ngamalungu**

1. Ilungu leNdlu kufuneka—

- (a) perform the functions of office in good faith and in an honest, non-discriminatory and transparent manner; and
- (b) at all times act in the best interest of the House and in such a way that the credibility and integrity of the House are not compromised.

Attendance at meetings

5

2. A member of the House must attend each meeting of the House and of a committee of which that member of the House is a member, except when—

- (a) leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the House; or
- (b) that member of the House is required in terms of this Code to withdraw from the meeting. 10

Sanctions for non-attendance of meetings

3. (1) The House may impose a sanction as determined by the rules and orders of the House on a member of the House for—

- (a) not attending a meeting which that member of the House is required to attend in terms of item 2; or 15
- (b) failing to remain in attendance at such a meeting.

(2) (a) A member of the House who is absent from three or more consecutive meetings of the House, or from three or more consecutive meetings of a committee of the House, which that member of the House is required to attend in terms of item 2, must be removed from office as a member of the House. 20

(b) The Minister must inform the relevant Premier of the removal of the member.

(3) Proceedings for the imposition of a sanction including removal of a member of the House must be conducted in accordance with a uniform standing procedure which the House must adopt for the purposes of this item and in accordance with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000). 25

Disclosure of interests

4. (1) A member of the House must—

- (a) disclose to the House, or to any committee of the House of which that member of the House is a member, any direct or indirect personal or private business interest that that member of the House, or any spouse, partner or business associate of that member of the House, may have in any matter before the House or the committee of the House; and 30
- (b) withdraw from the proceedings of the House or committee of the House when that matter is considered by the House or its committee, unless the House or its committee decides that the member of the House's direct or indirect interest in the matter is trivial or irrelevant. 35

(2) A member of the House who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the House, must disclose full particulars of the benefit of which the member of the House is aware at the first meeting of the House at which it is possible for the member of the House to make the disclosure. 40

(3) This section does not apply to an interest or benefit which a member of the House, or a spouse, partner, business associate or close family member, has or acquires in common with other members of the House. 45

Personal gain

5. (1) A member of the House may not use the position or privileges of a member of the House, or confidential information obtained as a member of the House, for private gain or to improperly benefit another person.

- (2) Except with the prior consent of the House, a member of the House may not— 50
 - (a) be a party to or beneficiary under a contract for—

- (a) lenze imisebenzi ye-ofisi ngomoya omhle kwaye linyaniseke, ngendlela engacaluliyo nengafihlisiyo; kwaye
- (b) lisebenze ngokweenjongo zeNdlu maxa onke nangendlela eya kwenza ukuba ukukholisa kunye nesidima seNdlu zingatsalelwa phantsi.

Ukuya ezintlanganisweni

5

2. Ilungu leNdlu kufuneka liye kwintlanganiso nganye yeNdlu kunye neyekomiti ilungu leNdlu elilungu layo, ngaphandle kwaxa—

- (a) ikhefu lokungabikho linikiwe ngokwemigqaliselo yemithetho esebenzayo okanye njengoko kumiselwe yimithetho nemiyalelo yeNdlu; okanye
- (b) ilungu leNdlu kufunwa ngokwemigqaliselo yale Khowudi ukuba lirhoxe entlanganisweni. 10

Ukukwayelwa ukungayi ezintlanganisweni

3. (1) Indlu inokuwisa ukwayo njengoko kumiselwe yimithetho nemiyalelo yeNdlu kwilungu leNdlu ngoku—

- (a) ngayi kwintlanganiso ebekufuneka ukuba elo lungu liye kuyo ngokwenqaku lesi-2; okanye 15
- (b) ukungakwazi ukuhlala likhona kwintlanganiso enjalo.

(2) (a) Ilungu leNdlu elingekhoyo ukusukela kwiintlanganiso ezintathu okanye ezingaphezulu zeNdlu, okanye kwiintlanganiso ezintathu okanye ezingaphezulu ezilandelelanayo zekomiti yeNdlu ilungu leNdlu elo ebekufanele liye kuyo ngokwemigqaliselo yenqaku lesi-2, kufuneka lisuswe e-ofisini njengelungu leNdlu. 20

(b) UMphathiswa kufuneka azise iNkulumbuso ebandakanyekayo ngokususwa kwelungu.

(3) Iinkqubo zokuwisa kwayo kuqkwa nokususwa kwelungu leNdlu kufuneka ziqhutywe ngokungqinelana nenkqubo emileyo efanayo ekufuneka iNdlu iyamkele ngeenjongo zeli nqaku kunye ngokungqinelana noMthetho wokuPhakanyiswa kobuLungisa boLawulo, 2000 (UMthetho oyiNombolo yesi-3 ka-2000). 25

Ukuxelwa komdla

4. (1) Ilungu leNdlu kufuneka—

- (a) lixele kwiNdlu, okanye kuyo nakweyiphi na ikomiti yeNdlu elo lungu lililungu kuyo, nayiphi na injongo engqalileyo okanye engangqalanga yeshishini lokobuqu okanye labucala lowo elo lungu leNdlu, okanye naliphi na iqabane, umlingane okanye umntu oqhuba ishishini kunye nelo lungu leNdlu linokuba nawo kuwo nakowuphi na umcimbi ophambi kweNdlu okanye kwikomiti yeNdlu; kunye 35
- (b) nokurhoxa kwiinkqubo zeNdlu okanye zekomiti yeNdlu xa luthathelwa ingqalelo loo mcimbi yiNdlu okanye yikomiti yayo, ngaphandle kokuba iNdlu okanye ikomiti zayo zigqiba ekubeni injongo engqalileyo okanye engangqalanga yelungu leNdlu emcimbini awunto okanye awubalulekanga.

(2) Ilungu leNdlu elo, okanye iqabane lalo, umlingane okanye umntu oqhuba ishishini kunye nalo okanye ilungu losapho elisondeleyo, lifumana okanye kufanele ukuba lifumane naluphi na uxhamlo olungqalileyo kwikontraki ekugqitywe ngayo yiNdlu, kufuneka lixele iinkcukacha ezipheleleyo zoxhamlo olo leNdlu elulwaziyo kwintlanganiso yokuqala yeNdlu apho kunokwenzeka khona ukuba ilungu leNdlu lixele. 45

(3) Eli candelo alisebenzi kwinjongo okanye kuxhamlo apho ilungu leNdlu, iqabane, umlingane okanye umntu oqhuba ishishini kunye nalo okanye ilungu losapho elisondeleyo, lifumane okanye lifumana ngokufanayo namanye amalungu eNdlu.

Ukuzuza kobuqu

5. (1) Ilungu leNdlu alinakusebenzisa isikhundla okanye amalungelo akhethekileyo elungu leNdlu, okanye ulwazi oluyimfihlo olufumaneka ngokuba umntu elilungu leNdlu, ukuze azuze bucala okanye ngokungafanelekanga enze ukuba kuxhamle omye umntu. 50

(2) Ilungu leNdlu alinako, ngaphandle kwangemvume yangaphambili yeNdlu,—

- (a) ukuba yinxalenye okanye umxhamli phantsi wekontraki yo— 55

- (i) the provision of goods or services to the House; or
 - (ii) the performance of any work otherwise than as a member of the House and for the House;
 - (b) obtain a financial interest in any business of the House; or
 - (c) for a fee or other consideration appear on behalf of any other person before the House or its committee. 5
- (3) If more than one quarter of the members of the House object to consent being given to a member of the House in terms of subitem (2), such consent may only be given to the member of the House with the approval of the Minister.

Declaration of interests 10

6. (1) When elected or appointed, a member of the House must within 60 days declare in writing to an officer of the House designated by the Minister the following financial interests held by that member of the House:
- (a) Shares and securities in any company;
 - (b) membership of any close corporation; 15
 - (c) interest in any trust;
 - (d) directorships;
 - (e) partnerships;
 - (f) other financial interests in any business undertaking;
 - (g) employment and remuneration; 20
 - (h) interest in property;
 - (i) pension; and
 - (j) subsidies, grants and sponsorships by any organisation.
- (2) Any change in the nature or detail of the financial interests of a member of the House must be declared in writing to the officer referred to in sub-item (1) annually. 25
- (3) Gifts received by a member of the House above a prescribed amount must also be declared in accordance with subitem (1).
- (4) The House must determine which of the financial interests referred to in subitem (1) must be made public having regard to the need for confidentiality and the public interest for disclosure. 30

Rewards, gifts and favours

7. A member of the House may not request, solicit or accept any reward, gift or favour for—
- (a) voting or not voting in a particular manner on any matter before the House or before a committee of the House of which that member of the House is a member; 35
 - (b) persuading the House or any committee of the House with regard to the exercise of any power, function or duty;
 - (c) making a representation to the House or any committee of the House; or
 - (d) disclosing privileged or confidential information. 40

Unauthorised disclosure of information

8. (1) A member of the House may not without the permission of the House or a committee disclose any privileged or confidential information of the House or committee to any unauthorised person.
- (2) For the purpose of this item “privileged or confidential information” includes any information— 45
- (a) determined by the House or committee of the House to be privileged or confidential;
 - (b) discussed in closed session by the House or its committees;
 - (c) disclosure of which would violate a person’s right to privacy; or 50
 - (d) declared to be privileged, confidential or secret in terms of the law.
- (3) This item does not derogate from the right of any person to access to information in terms of national legislation.

- (i) lungiselelo lweempahla okanye iinkonzo zeNdlu; okanye
 - (ii) ukwenziwa kwawo nawuphi na umsebenzi ngaphandle kokuba nje elilungu leNdlu kwaye loo msebenzi ewenzela iNdlu;
 - (b) lifumane inzala yezimali kuwo nakwawaphi na amashishini eNdlu; okanye
 - (c) ngentlawulo okanye olunye uthathelo-ngqalelo luvele egameni lakhe nawuphi na omnye umntu phambi kweNdlu okanye kweekomiti zayo. 5
- (3) Ukuba ngaba ngaphezu kwekota enye yamalungu eNdlu ayakuchasa ukuba imvume inikwe ilungu leNdlu ngokwemigqaliselo yenqakwana (2), imvume enjalo inokunikwa kuphela ilungu leNdlu ngeMvume yoMphathiswa.

Ukuxelwa kwemidla 10

6. (1) Xa likhethiwe okanye lonyuliwe, ilungu leNdlu kufuneka kwiintsuku ezingama-60 libhengeze ngokubhalwe phantsi kwigosa elonyulwe nguMphathiswa lwale miba ilandelayo engokwezimali ebanjwe lelo lungu leNdlu:
- (a) Izabelo nezibambiso kuyo nakweyiphi na inkampani;
 - (b) ubulungu balo naliphi na ishishini elisenokuqhutywa ngumntu omnye; 15
 - (c) umdla kuyo nakweyiphi na itrasti;
 - (d) ubuzwilakhe;
 - (e) ulwahlulelwano;
 - (f) omnye umdla wezimali kuso nakwesiphi na isithembiso seshishini;
 - (g) ingqesho nomvuzo; 20
 - (h) umdla kwipropati;
 - (i) umhlalaphantsi; kunye
 - (j) nezibonelelo, iinkxaso kunye noncedo lwawo nawuphi na umbutho.
- (2) Naluphi na utshintsho kubunjani okanye iinkcukacha zenjongo yezemali yelungu leNdlu kufuneka zibhengezwe ngokubhalwe phantsi zisiwe kwigosa ekubhekiselwe kulo kwinqakwana (1) ngonyaka. 25
- (3) izipho ezifunyenwe lilungu leNdlu ezingaphezulu kwesixa esimiselweyo nazo kufuneka zibhengezwe ngokungqinelana nenqakwana (1).
- (4) Indlu kufuneka imisele ukuba yeyiphi kwiinjongo zemali ekubhekiselwe kuyo kwinqakwana (1) ekufuneka yenziwe yaziwe enokuphathelana nemfuno yobumfihlo kunye nomdla woluntu kubhengezo. 30

Imivuzo, izipho, nokwenzelelela

7. Ilungu leNdlu alinakucela, libongoze okanye lamkele nawuphi na umvuzo, isipho okanye ukwenzelelela ngo—
- (a) kuvota okanye ukungavoti ngendlela ethile kuwo nakowuphi na umcimbi ophambi kweNdlu okanye ophambi kweekomiti yeNdlu leyo ilungu elililungu kuyo; 35
 - (b) ukucenga iNdlu okanye nayiphi na ikomiti yeNdlu ngokuphathelene nokusetyenziswa kwawo nawuphi na amagunya, umsebenzi okanye into ekufuneka yenziwe; 40
 - (c) ukubika into kwiNdlu okanye kuyo nayiphi na ikomiti yeNdlu; okanye
 - (d) ukuxela ulwazi olunelungelo elikhethekileyo okanye oluyimfihlo.

Ukuxelwa kolwazi okungagunyaziswanga

8. (1) Ilungu leNdlu alinako ukuxela naluphi na ulwazi olunamalungelo athile okanye oluyimfihlo lweNdlu okanye lwekomiti kuye nakowuphi na umntu ongagunyaziswanga ngaphandle kwemvume yeNdlu okanye yekomiti. 45
- (2) Ngenjongo zeli nqaku 'ulwazi olunamalungelo akhethekileyo okanye oluyimfihlo' luquka naluphi na ulwazi—
- (a) olumiselwe yiNdlu okanye yikomiti yeNdlu njengokuba inamalungelo akhethekileyo okanye ayimfihlo; 50
 - (b) ekuxoxwe ngalo kwiseshoni esekhusini yiNdlu okanye ziikomiti zayo;
 - (c) ukuxelwa kwalo okuya kugxobha amalungelo omntu abucala; okanye
 - (d) olubhengezwe njengolunamalungelo akhethekileyo, ayimfihlo okanye alihlebo ngokoMthetho.
- (3) Eli nqaku ahlisi kulo naliphi na ilungelo lakhe nawuphi na umntu ukuba afikelele kulwazi ngokwemigqaliselo yomthetho wesizwe. 55

Breach of code

9. (1) If the House, on reasonable grounds, is of the opinion that a provision of the Code of Conduct has been breached, the House must—
- (a) authorise an investigation of the facts and circumstances of the alleged breach;
 - (b) give the member of the House a reasonable opportunity to reply in writing regarding the alleged breach; and
 - (c) report the matter to a meeting of the House after paragraphs (a) and (b) have been complied with. 5
- (2) A report referred to in subitem (1)(c) may be made available to the public. 10
- (3) The House must report the outcome of the investigation to the Minister. 10
- (4) The Secretary of the House must ensure that each member of the House when taking office is given a copy of this Code and that a copy of the Code is available in every room or place where the House or a committee of the House meets.
- (5) The House may—
- (a) investigate and make a finding on any alleged breach of a provision of this Code; or
 - (b) establish a special committee—
 - (i) to investigate and make a finding on any alleged breach of this Code; and
 - (ii) to make appropriate recommendations to the House.
- (6) If the House or a special committee appointed by the House to conduct the investigation finds that a member of the House has breached a provision of this part of the Code of Conduct, the House may—
- (a) issue a formal warning to the member of the House;
 - (b) reprimand the member of the House;
 - (c) suspend the member of the House for a period in consultation with the Minister; and
 - (d) remove the member of the House from office in consultation with the Minister. 25
- (7) (a) Any member of the House who has been warned, reprimanded, suspended or removed in terms of paragraph (a), (b), (c) or (d) of sub-item (6) may within 14 days of having been notified of the decision of House appeal to the Minister in writing setting out the reasons on which the appeal is based. 30
- (b) A copy of the appeal must be provided to the House.
 - (c) The House may within 14 days of receipt of the appeal referred to in paragraph (b) make any representation pertaining to the appeal to the Minister in writing.
 - (d) The Minister may, after having considered the appeal, confirm, set aside or vary the decision of the House and inform the member of the House and the House of the outcome of the appeal. 35
- (8) The Minister may appoint a person or a committee to investigate any alleged breach of a provision of this Code and to make recommendations on whether the member of the House should be suspended or removed from office. 40
- (9) If the Minister is of the opinion that a member of the House has breached a provision of this Code, and that such contravention warrants a suspension or removal from office, the Minister may—
- (a) suspend the member of the House for a period and on conditions determined by the Minister; or
 - (b) remove the member of the House from office. 45
- (10) Any investigation in terms of this item must be conducted in accordance with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

Ukophulwa kwekhowudi

9. (1) Ukuba iNdlu, kwimihlaba efanelekileyo, inoluvo lokuba igatya leKhowudi yokuziPhatha lophuliwe, iNdlu kufuneka—
- (a) igunyazise uphando ngeenyani nangeemeko zokophulwa okusolwayo;
 - (b) inike ilungu leNdlu ithuba elifanelekileyo lokuphendula ngokubhalwe phantsi ngokuphathelele nokophula okusolwayo; kwaye
 - (c) iwuxele umcimbi kwintlanganisano yeNdlu emva kokuba imihlathi (a) no (b) ithe yathotyelwa.
- (2) Ingxelo ekubhekiselwe kuyo kwinqakwana (1)(c) inokwenziwa ifumaneka kumntu wonke. 5
- (3) INdlu kufuneka inike ingxelo yesiphumo sophando kuMphathiswa. 10
- (4) UNobhala weNdlu kufuneka aqinisekise ukuba ilungu ngalinye xa lingena e-ofisini linikwa ikopi yale Khowudi kunye nokuba ikopi yeKhowudi ifumaneka kwigumbi okanye kwindawo nganye apho iNdlu okanye ikomiti yeNdlu idibana khona.
- (5) INdlu inoku— 15
- (a) phanda kwaye ifumanise ngobekuphandwa ngako kuko nakuphi na ukwaphulwa kwegatya lale Khowudi okusolwayo; okanye
 - (b) iseke ikomiti ukuba—
 - (i) iphande kwaye ifumanise ngobekuphandwa ngako kuko nakuphi na ukophulwa kwale Khowudi okusolwayo; kunye
 - (ii) nokwenza izindululo ezifanelekileyo eziya kwiNdlu.
- (6) Ukuba ngaba iNdlu okanye ikomiti ekhethekileyo eyonyulwe yiNdlu iqhube uphando yaze yafumanisa ukuba ilungu leNdlu lophule igatya lale nxalenye yeKhowudi yokuziPhatha, iNdlu inoku— 20
- (a) khupha isilumkiso esisesikweni esiya kwilungu leNdlu;
 - (b) khalimela ilungu leNdlu;
 - (c) nqumamisa ilungu leNdlu kangangexesha abaya kugqiba ngalo noMphathiswa; kunye
 - (d) nokuba bedibene noMphathiswa balisuse ilungu leNdlu e-ofisini.
- (7)(a) Naliphi na ilungu leNdlu, eliye lalumkiswa, lakhalinyelwa okanye lanqunyanyiswa okanye lasuswa ngokwemigqaliselo yomhlathi (a), (b), (c) okanye (d) wenqakwana (6) kwiintsuku ezili-14 lakube laziswe ngesigqibo seNdlu linokubhena kuMphathiswa ngokubhalwe phantsi libeka izizathu zokuba isibheni sisekelwe phi. 30
- (b) Ikopi yesibheni kufuneka inikwe iNdlu.
 - (c) INdlu kufuneka kwiintsuku ezili-14 zokufumana isibheni ekubhekiselwe kuso kumhlathi (b) yenze naziphi na izindululo eziphathelele nesibheni kuMphathiswa ngokubhalwe phantsi. 35
 - (d) UMphathiswa, emva kokuba esithathele ingqalelo isibheni, unokuqinisekisa, abekele ecaleni okanye asitshintshe isigqibo seNdlu aze azise ilungu leNdlu kunye neNdlu ngesiphumo sesibheni. 40
- (8) UMphathiswa unokonyula umntu okanye ikomiti ukuba iphande ngako nakuphi na ukwaphulwa okusolwayo kwegatya lale Khowudi kunye nokwenza izindululo ekubeni ilungu leNdlu kufuneka linqunyanyiswe okanye lisuswe na e-ofisini.
- (9) Ukuba ngaba uMphathiswa unoluvo lokuba ilungu leNdlu lophule igatya lale Khowudi, kwaye ukwaphulwa okunjalo kuqinisekisa unqunyanyiso okanye ukususwa e-ofisini, uMphathiswa unoku— 45
- (a) linqumamisa ilungu leNdlu ixesha elithile nangeemeko ezimiselwa nguMphathiswa; okanye
 - (b) alisuse ilungu leNdlu e-ofisini.
- (10) Naluphi na uphando ngokwemigqaliselo yeli nqaku kufuneka iqhutywe ngokuthotyelwa koMthetho wokuPhakanyiswa kobuLungisa boLawulo, 2000 (uMthetho Nomb. 3 we-2000). 50

