FINAL MANDATE OF THE WESTERN CAPE PROVINCIAL PARLIAMENT ON THE REFORM OF CUSTOMARY LAW OF SUCCESSION AND REGULATION OF RELATED MATTERS BILL [B10B-2008] (NCOP)

Final mandate of the Western Cape Provincial Parliament on the Reform of Customary Law of Succession and Regulation of Related Matters Bill [B10B-2008] (NCOP), as resolved by the Standing Committees on Governance and Social Development on 12 February 2009.

The Western Cape Provincial Parliament, having considered the subject of the Reform of Customary Law of Succession and Regulation of Related Matters Bill [B10B-2008] (NCOP), referred to the Provincial Parliament in terms of the rules of the National Council of Provinces (NCOP), begs to report that it confers on the Western Cape’s delegation in the NCOP the authority to support the Bill without amendments.

SE SYNEVELDT
SPEAKER
12 FEBRUARY 2009
Limpopo Legislature
OFFICE OF THE SECRETARY

Physical Address:
Lebowakgomo
Government Complex

Postal Address:
Private Bag X9309
Polokwane
0700

FINAL MANDATE

To: The Chairperson

Name of the Bill: Reform of Customary Law of Succession and Regulation of Related Matters Bill

Number of Bill: [B108-2008]

Date of deliberation: Tuesday, 17 February 2009

Vote of Legislature: Vote in favour of the Bill

Signature: __________________________ Date: 16/02/2009

Tel.: (015) 633 5071 - Fax: (015) 633 8185 / (015) 633 8119
Limpopo Legislature
OFFICE OF THE SECRETARY

REPORT OF THE PORTFOLIO COMMITTEES ON SAFETY, SECURITY AND
LIASON AND PROVINCIAL ADMINISTRATION ON REFORM OF CUSTOMARY
LAW OF SUCCESSION AND REGULATION OF RELATED MATTERS AMENDMENT
BILL [B 10B-2008]

1. INTRODUCTION
The Reform of Customary Law of Succession and Regulation of Related Matters
Amendment Bill [B 10B-2008] was referred by the NCOP to the Limpopo
Legislature. Subsequently, the above-mentioned Bill was accordingly referred to the
Portfolio Committee on Safety, Security and Liaison for consideration, scrutiny and
report to this august House.

2. CONSIDERATION OF THE BILL
In considering the Bill, the Portfolio Committee met with the NCOP Permanent
Delegate on 03 October 2008 to be briefed on principle and the provisions of the
above-mentioned Bill. It was during this briefing that the Committee decided to
conduct a public hearing to solicit inputs and views on the Bill. A provincial public
hearing was held on 24 October 2008 in Polokwane. Various stakeholders including
municipalities, traditional leaders, public members and political parties participated in
the hearings. The Committees on Safety, Security and Liaison and Provincial
Administration met on 13 February 2009 to adopt the report on final mandate of the
Bill [B10B-2008].

3. OBJECTS OF THE BILL
The object of the Bill is to modify the customary law of succession so as to provide
for the devolution of certain property in terms of the intestate succession; to clarify
certain matters relating to the law of succession and the law of property in relation to
persons subject to customary law; and to amend certain laws in this regard; and to
provide for matters connected therewith.

4. RECOMMENDATION
The Portfolio Committees having considered and supported the Bill, recommends
to this House to confer a final mandate to the NCOP Permanent Delegates to vote
in favour of the Bill to pass into law.
ISISHAYAMTHEHO SAKWAZULU-NATAL
KWAZULU-NATAL WETG EWER
KWAZULU-NATAL PROVINCIAL LEGISLATURE

TO: THE CHAIRPERSON,
SELECT COMMITTEE ON SECURITY & CONSTITUTIONAL AFFAIRS

FINAL MANDATE

PROVINCE : KWAZULU-NATAL
BILL : REFORM OF CUSTOMARY LAW OF
SUCCESSION AND REGULATION OF
RELATED MATTERS BILL [B10B – 2008]

PROVINCIAL PROCESS :

Provincial Portfolio Committee/s
Local Government & Traditional Affairs
Portfolio Committee

Portfolio Committee meeting dates/s
Tuesday, the 17th of FEBRUARY 2009

Provincial NCOP meeting date/s
Tuesday, the 17th of FEBRUARY 2009

Consultation
Parliamentary Legal Advisors, Special & Permanent Delegates

MANDATE OF THE KWAZULU-NATAL PROVINCIAL LEGISLATURE:

The Provincial Standing Committee on National Council of Provinces Matters met today, Tuesday, the 17th of FEBRUARY 2009, to consider their final mandate on the Reform of Customary Law of Succession and Regulation of Related Matters Bill [B10B-2008]
The Committee unanimously agreed to mandate the KwaZulu-Natal delegation to the National Council of Provinces to support the Bill.

PROVINCIAL ENDORSEMENT

Tuesday, the 17th of FEBRUARY 2009

DATE

Ms L F Shabalala
CHAIRPERSON
KWAZULU-NATAL STANDING COMMITTEE ON NATIONAL COUNCIL OF PROVINCES MATTERS
EASTERN CAPE PROVINCIAL LEGISLATURE

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Date: 12 February 2009

PORTFOLIO COMMITTEE ON LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS

Final Mandate on the Reform of Customary Law of Succession and Regulation of Related Matters Bill (B10B-2008).

1. **Terms of reference**

The Reform of Customary Law of Succession and Regulation of Related Matters Bill (B10B-2008), hereinafter referred to as the Bill, was referred to the Portfolio Committee for consideration in order to formulate a provincial mandate.

2. **Consideration of the Bill**

The Portfolio Committee was briefed on the content and effect of the Bill and also conducted public hearings at all the great places in the Province.

3. **Resolutions**

The Committee supports the Bill and resolved that the following final mandate be conferred.

(1) Vote for the adoption of the Bill (B10B-2008).

(2) The Eastern Cape Special Delegate, Hon. Nako, to represent the Province of the Eastern Cape at the meeting of the final mandates.

N KIVIET

SPEAKER: EASTERN CAPE PROVINCIAL LEGISLATURE

Phakamisa
LOCAL GOVERNMENT AND HOUSING COMMITTEE

Report on the voting mandate regarding the Reform of Customary Law of Succession and Regulation of Related Matters Bill (B10B-2008)

1. Report from the inter-provincial meeting

   a) On October 14, 2008 and on February 12, 2009, Adv T Malakoane, Legal Advisor of the Free State Legislature, briefed the Portfolio Committee: Local Government and Housing on the report from the inter-provincial meeting held on October 8, 2008 and February 3, 2009 respectively.

2. Consideration

   The Portfolio Committee considered the report and agreed to vote in favour of the Bill.

3. Resolution

   The Committee resolved that:

   (a) Authority be conferred to the Free State Delegation, to vote for the adoption of the Bill as amended.

   [Signature]
   Speaker
   FREE STATE LEGISLATURE
   February 12, 2009

   [Signature]
   Secretary to the Free State Legislature
LOCAL GOVERNMENT PORTFOLIO COMMITTEE
FINAL VOTING MANDATE
ON THE

REFORM OF CUSTOMARY LAW OF SUCCESSION AND REGULATION OF RELATED MATTERS BILL
[8108-2008] – SECTION 76

12th February 2009.

1. INTRODUCTION

The Chairperson of the Local Government Portfolio Committee, Ms RS Letwaba, tables the Committee’s Final Voting Mandate on the Reform of Customary Law of Succession and Regulation of Related Matters Bill [8108-2008] – Section 76 Bill, as follows:

2. PROCESS FOLLOWED

On Thursday, 12th February 2009, the Portfolio Committee on Local Government convened a meeting to deliberate and adopt the Final Voting Mandate on Reform of Customary Law of Succession and Regulation of Related Matters Bill [8108-2008] Section 76.

3. PRINCIPLE AND DETAIL OF THE BILL

The Reform of Customary Law of Succession and Regulation of Related Matters [8108-2008] Bill seeks to modify the customary law of succession so as to provide for the devolution of certain property in terms of the law of intestate succession; to clarify certain matters relating to the law of succession and the law of property in relation to persons subject to customary law, and to amend certain laws in this regard; and to provide for matters connected therewith.
4. OBJECTIVE OF THE BILL

The main objective of the Bill is to modify

- The Customary Law of Succession
- To interpret certain provisions of the Intestate Succession Act, 1987
- To provide for the disposition allocated or accruing to women in customary marriage
- To provide for a dispute mechanism in the event of a dispute or uncertainty in consequence of nature of customary law
- To provide for the disposal of property held by a Traditional Leader in his or her official capacity
- To provide property rights in relation to certain customary marriages

By amending the following pieces of legislation in order to update outdated references:

- To amend the Administration of Estates Act, 1955 (Act 50 of 1955) to the extent of amendment to section 4, section 7 and the amendment of section 9.
- To amend the Intestate Succession Act, 1987 (Act 81 of 1987) to the extent of amendment to section 1, and by the substitution in subsection (4) for paragraph (b) and by the substitution in subsection (4) (e) for the words preceding subparagraph (i) of (e).
- To amend the Maintenance of Surviving Spouses Act, 1990 (Act 27 of 1990) to the extent of amendment to section 1.

5. COMMITTEE POSITION

Portfolio Committee on Local Government supports Reform of Customary Law of Succession and Regulation of Related Matters Bill [B10B-2008] Section 76 with no amendments.

5. FINAL VOTING ADOPTED BY COMMITTEE

In terms of Section 55 of the Constitution the Local Government Portfolio Committee recommends that, the House confer authority on the Gauteng Provincial Delegates to the NCCP to Vote in favour of the Reform of Customary Law of Succession and Regulation of Related Matters Bill [B10B-2008]
GAUTENG PROVINCIAL LEGISLATURE

RESOLUTION

Thursday, 12 February 2009

I, the Speaker, Mr R M Mdakane, hereby table the following resolution in terms of Rule 33(1)

That this House adopts:

the report of the Portfolio Committee on Local Government on the Final Voting Mandate of the following Section 76 Bill as recommended.

1. Reform of Customary Law Succession and Regulation of Related Matters Bill [B105-2008]

PROPOSER: MR R M MDAKANE

SPEAKER
OFFICE OF THE SPEAKER

Enq: Mr D. Mashago
Tel: (013) 766 1147/1399

FINAL MANDATE

REFORM OF CUSTOMARY LAW OF SUCCESSION AND REGULATION OF RELATED MATTERS BILL [B10B-2008]

The Portfolio Committee on Local Government and Housing have considered the Reform of Customary Law of Succession and Regulation of Related Matters Bill [B 10B-2008] (the Bill).

After careful deliberations, the Committee resolved to support the Bill.

The Delegation representing the Province of Mpumalanga in the National Council of Provinces (the NCOP) is hereby conferred with authority and mandated to vote in favour of the Bill.

Hon YN Phosa
SPEAKER: MPUMALANGA PROVINCIAL LEGISLATURE

10 - 11 - 08
DATE