**Report of the Portfolio Committee on Justice and Correctional Services on the Traditional Courts Bill [B 1D- 2017] (National Assembly – sec 76), dated 8 June 2022**

The Portfolio Committee on Justice and Correctional Services, having considered the Traditional Courts Bill [B1D - 2017] passed by the National Council of Provinces and returned to the National Assembly for concurrence, is in agreement with the Council’s amendments to the Bill.

The Committee reports further:

1. The Bill containing the amendments passed by the National Council of Provinces and returned to the National Assembly for concurrence was referred to the Committee on December 2020 for consideration and report; and the Committee was briefed on the amendments on 10 February 2021.
2. The Committee was advised that, in terms of the National Assembly Rule 311(2), it may not propose further amendments to the Bill.
3. Briefly, the Council’s amendments include:
	1. Amending the definition of “traditional leader” in clause 1 by replacing the explicit reference to the Traditional Leadership and Governance Framework Act with the words “in terms of the applicable legislation providing for such recognition;”.
	2. Amending clause 6, concerning the nature of traditional courts, by recognising additional levels of leadership found in other legislation. Specifically, the Traditional and Khoi-San Leadership [Act](https://pmg.org.za/bill/593/) 3 of 2019 has introduced the level of a principal traditional leader.
	3. Amending clause 16(1) so that that the Minister must compile the Code of Conduct after consultation - and not in consultation - with the Minister responsible for Traditional Affairs.
	4. Amending clause 16 further so that any breach of the Code must be reported to and remedial steps imposed by the relevant Member of the Executive Council, instead of to and by the relevant Provincial House of Traditional Leaders. This is to prevent the Provincial House of Traditional Leaders from being the judge in its own court.
	5. Amending clause 18, concerning transitional provisions, by inserting sub-clause 2(b) as follows: “(b) Sections 12 and 20 of the Black Administration Act, 1927, are hereby repealed.”

**Recommendation**

1. Having considered the Traditional Courts Bill [B1D - 2017] passed by the National Council of Provinces and returned to the National Assembly for concurrence, the Committee reports that it is in agreement with the Council’s amendments to the Bill.

**Report to be considered.**