

Wes-Kaapse Provinsiale Parlement
 Western Cape Provincial Parliament
 IPalamente yePhondo leNtshona Koloni



**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.

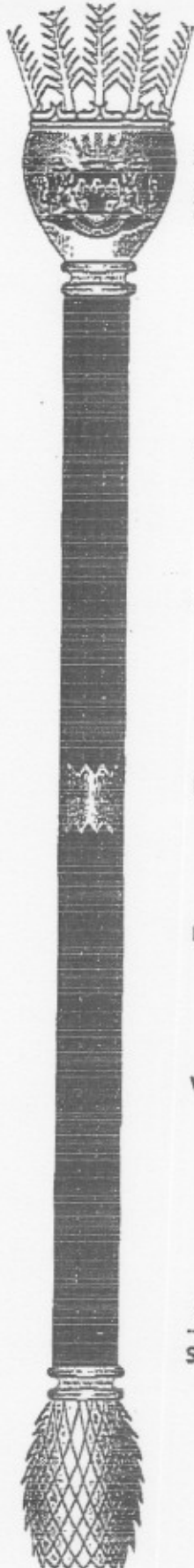
The Western Cape Provincial Parliament, having considered the subject of the *Reform of Customary Law of Succession and Regulation of Related Matters Bill [B10B-2008]* (NCOP), referred to the Provincial Parliament in terms of the rules of the National Council of Provinces (NCOP), begs to report that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

**SE BYNEVELDT
 SPEAKER
 12 FEBRUARY 2009**



Limpopo Legislature

OFFICE OF THE SECRETARY



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Lebowakgomo
Government Complex

Postal Address:
Private Bag X9309
Polokwane
0700

FINAL MANDATE

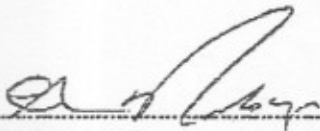
To : The Chairperson

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

Number of Bill : [B10B-2008]

Date of deliberation : Tuesday, 17 February 2009

Vote of Legislature : Vote in favour of the Bill

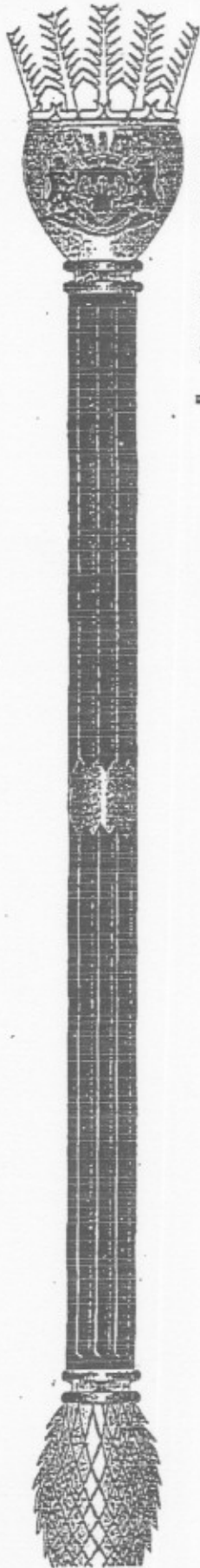


SIGNATURE

16/02/2009
DATE

Limpopo Legislature

OFFICE OF THE SECRETARY



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0700

REPORT OF THE PORTFOLIO COMMITTEES ON SAFETY, SECURITY AND LIAISON 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 [B10B- 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.

DR. T.S. FARISANI
SPEAKER: LIMPOPO LEGISLATURE

T.S. Farisani

COMMENTS:



ISISHAYAMTHETHO SAKWAZULU-NATAL

KWAZULU-NATAL WETGEWER

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 :

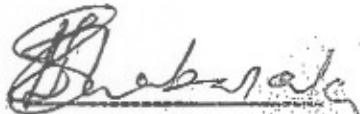
Provincial Portfolio Committee/s	Local Government & Traditional Affairs Portfolio Committee
Portfolio Committee meeting date/s	Tuesday, the 17 th of FEBRUARY 2009
Provincial NCOP meeting date/s	Tuesday, the 17 th of FEBRUARY 2009
Consultation	Parliamentary Legal Advisors, Special & Permanent Delegates

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



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

Tuesday, the 17th of FEBRUARY 2009

DATE



EASTERN CAPE PROVINCIAL LEGISLATURE

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5605

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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. Nazo, to represent the Province of the Eastern Cape at the meeting of the final mandates.

**N KIVIET
SPEAKER: EASTERN CAPE PROVINCIAL LEGISLATURE**





FREE STATE LEGISLATURE

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.

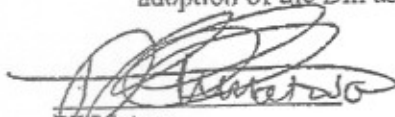
2. Consideration

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.


E. Matosa
Speaker
FREE STATE LEGISLATURE

February 12, 2009


E Rockman
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
[B10B-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 [B10B-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 [B10B-2008] Section 76.

3. PRINCIPLE AND DETAIL OF THE BILL

The Reform of Customary Law of Succession and Regulation of Related Matters [B10B-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, 1965 (Act 66 of 1965) 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.

6. FINAL VOTING ADOPTED BY COMMITTEE

In terms of Section 65 of the Constitution the Local Government Portfolio Committee recommends that, the House confer authority on the Gauteng Provincial Delegates/ to the NCOP 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 38 (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 [B10B-2008]



PROPOSER: MR R M MDAKANE
SPEAKER

OFFICE OF THE SPEAKER

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



Sibuya Mhatho Seshunda
SaseMpumalanga
Huyo ya Mlawo ya Mpumalanga
Isanaya Mhatho Seshunda Sase Mpumalanga

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

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and Public Involvement"**