

## PROVINCIAL NOTICE 168 OF 2021

**EASTERN CAPE DEPARTMENT OF COOPERATIVE GOVERNANCE AND  
TRADITIONAL AFFAIRS**

1. The Department of Cooperative Governance and Traditional Affairs invites any interested person or body to provide written comments and inputs on the Eastern Cape Traditional and Khoi-San Leadership Amendment Bill, as contained in the schedule hereto.
2. The main objectives of the Bill are:
  - (a) to make provision for the recognition of Khoi-San communities and leaders;
  - (b) to effect consequential amendments to other sections of the Eastern Cape Traditional Leadership and Governance Act, 2017 (Act No. 1 of 2017); and
  - (c) to align the Eastern Cape Traditional Leadership and Governance Act, 2017 (Act No. 1 of 2017) with the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019).
3. The closing date for the submission of comments and inputs on the Bill is **30 days calendar days** from the date of the publication of this notice in the provincial **Gazette**.
4. Comments may be submitted in writing to:

**Postal Address:** The Head of Department  
Department of Cooperative Governance & Traditional Affairs  
Private Bag X0035  
BHISHO  
5605

5. Comments may also be:
  - (a) Delivered by hand to: Global Life Building, Bhisho, COGTA Offices
  - (b) Send by email to: [malibongwe.ngcai@eccogta.gov.za](mailto:malibongwe.ngcai@eccogta.gov.za) &  
[nangamso.mngoma@eccogta.gov.za](mailto:nangamso.mngoma@eccogta.gov.za)
6. All comments must be clearly marked for the attention of:

**Deputy Director-General: Traditional Affairs**  
**Mr T.W Gwebindlala**

**PROVINCE OF THE EASTERN CAPE**

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**EASTERN CAPE TRADITIONAL [LEADERSHIP AND GOVERNANCE] AND  
KHOI-SAN LEADERSHIP AMENDMENT BILL, 2021**

**(As introduced)**

*(The English text if the official text of the Bill)*

**(By the Member of the Executive Council responsible for Cooperative  
Governance & Traditional Affairs)**

**GENERAL EXPLANATORY:**

[            ] Words in bold type in square brackets indicate omission from the existing enactments.

\_\_\_\_\_ Words underlined with solid line indicate insertion in the existing enactments.

## BILL

**To amend the Eastern Cape Traditional Leadership and Governance Act, 2017, (Act No. 1 of 2017), so as to amend the title of the Act, insert certain definition; substitute headings of certain chapters, to make provision for the recognition of Khoi-San communities, to provide for the withdrawal of recognition of Khoi-San communities, to provide for the establishment of Khoi-San councils, to provide for the recognition of senior Khoi-San leaders and branch heads, to provide for the withdrawal of recognition of senior Khoi-San leaders and branch heads, to insert and substitute certain provisions in the Act, and to provide for matters connected therewith.**

**BE** IT ENACTED by the Legislature of the Province of the Eastern Cape as follows:

**Amendment of section 1 of Act 1 of 2017**

1. Section 1 of the Eastern Cape Traditional Leadership and Governance Act, 2017 (Act No. 1 of 2017) (hereinafter referred to as the principal Act), is hereby amended by—

(a) the insertion after the definition of “area of jurisdiction” of the following definitions:

“branch” means a branch recognised in terms of section Act;

“branch head” means a Khoi-San leader who is the head of a branch and who has been recognised as a branch in terms of this Act

(b) the insertion after the definition of “code of conduct” of the following definition:

“community” means Traditional and Khoi-San community as recognised in terms of this Act”;

(c) the insertion after the definition of “headmen or headwomen” of the following definitions:

“Khoi-San” means any person who lives in accordance with the customs and customary of the Cape-Khoi, Griqua, Koranna, Nama or San people, or any subgrouping thereof, and is consequentially a member of a particular Khoi-San community;

“Khoi-San Council” means a council established in terms of the Act;

“Khoi-San leader” means a person recognised as a senior Khoi-San leader or a branch head in terms of the Act, and includes a regent, acting Khoi-San leader and deputy Khoi-San;

#### **Amendment of heading to Chapter 2 of Act 1 of 2017**

2. Chapter 2 of the principal Act is hereby amended by the substitution for the heading of the following heading:

**Recognition of traditional communities and headmanship or headwomenship**

#### **Amendment of section 4 of Act 1 of 2017**

3. Section 4 of the principal Act is hereby amended by–

(a) the insertion after subsection of the following subsections:

**(6A)** A headmanship or headwomanship leadership may be recognised as such if it–

(a) has a system of traditional leadership at a headmanship of headwomanship level and is recognised as such by the relevant traditional community;

(b) consists of an area within the area of jurisdiction of the traditional council of the relevant traditional community; and

(c) will contribute to the more effective and efficient administration of the relevant traditional council.

**(6B)** (a) A portion of a traditional community that meet the criteria set out in subsection (6A), may request the relevant traditional council to apply to the Premier for the recognition of such portion of the community as a headmanship or headwomanship.

(b) If the relevant traditional council is of the view that the portion of the traditional community referred in subsection (6B) does not meet the criteria set out in subsection (6A), the traditional council must inform the community and the Premier accordingly and give reasons for such view.

**(6C)** The Premier may, after consultation with the relevant traditional council and by notice in the *Provincial Gazette*, recognise the headmanship of headwomanship contemplated in subsection (6B).

**(6D)** The Premier may cause an investigation to be conducted by the Member of the Executive Council responsible for Cooperative Governance and Traditional Affairs, to determine whether a portion of a traditional community, comply with the criteria set out in subsection (6A) and with the guiding principles set out in section 3 of the Act.

#### **Insertion of section 15A, 15B and 15C in Act No. 1 of 2017**

4. The following sections are hereby inserted in the principal Act after section 15

## Recognition of Khoi-San community and branch

**15A (1) (a)** A community may, subject to paragraph (b), apply to the Premier to be recognised as a Khoi-San community if it–

- (i) has a history of self-identification by members of the community concerned, as belonging to a unique community distinct from all other communities;
- (ii) observe distinctive established Khoi-San customary law and customs;
- (iii) is subject to a system of hereditary or elected Khoi-San leadership with structures exercising authority in terms of customary law and customs of that community;
- (iv) has an existence of distinctive cultural heritage manifestations;
- (v) has a proven history of existence of the community from a particular point in time up to the present; and
- (vi) occupies a specific geographic area or various geographic areas together with other non-community members.

**(b)** An application contemplated in paragraph (a) must be accompanied by–

- (i) an application for the recognition of the position of a senior Khoi-San leader of the community concerned; and
- (ii) a list of all community members: Provided that such a list must in respect of each community member contain his or her–
  - (aa)* full names and surname;
  - (bb)* identification number or passport, or a copy of certified birth certificate in case of a community member younger than 16 years;
  - (cc)* physical address as confirmed by documentary evidence;
  - (dd)* contact details;
  - (ee)* signature acknowledging his or her association with such community; and
  - (ff)* any other information as may be requested by the Premier:

Provided that the information of a community member who is younger than 16, required by this subparagraph must be provided by any parent or the legal guardian of such member and such parent or legal guardian must sign the list on behalf of the relevant member: Provided further that only community members who are 18 or older may

participate in the official affairs of a Khoi-San community or council as provided for in this Act.

(c) A person who has confirmed his or her association with a particular Khoi-San community by signing a list as contemplated in paragraph (b)(ii), may not be a member of any other Khoi-San community.

(d) Once a Khoi-San council has been established for a particular Khoi-San community, such council must update the list of members referred to in paragraph (b)(ii) at least annually and provide copies of such a list to the Premier and the Premier(s) of the provinces where any branch of such a community may have been recognised: Provided that the Premier may take the necessary steps to have the information contained in such a list verified.

(2) The Premier may cause an investigation to be conducted to determine whether a community meets the criteria set out in subsection (1) and the guiding principles set out in section 3 of the Act.

(3) The Premier may, after consultation with the provincial house, by notice in the *Provincial Gazette* recognise the community contemplated in subsection (1) as a Khoi-San community.

(4) (a) A Khoi-San community may, where applicable, consist of branches recognised in terms of subsection (5).

(b) A branch may be recognised in terms of subsection (5) if it—

(i) is recognised by the Khoi-San community as a branch of that community;

(ii) consists of not less than 10% of the total number of members of such community as reflected in the list of community members referred to in subsection (1)(b)(ii);

(iii) will contribute to a more effective and efficient administration of the Khoi-San council; and

(iv) recognise the senior Khoi-San leader in terms customary law and customs.

(5)(a) A Khoi-San council may, subject to paragraphs (b) and (c), apply to the Premier, for the recognition of a branch if it meets the criteria set out in subsection (4).

- (b) If the Premier is of the view that the branch meets the criteria set out in subsection (4), but such branch is situated in other province, the Premier must request the Premier of the province where the branch is situated to recognise that branch.
- (c) The recognition of a branch contemplated in paragraph (a) and (b) is subject to subsections (6), (7) and (8).
- (6) The Premier may cause an investigation to be conducted to determine whether a branch meets the criteria set out in subsection (4).
- (7) The Premier may, subject to subsection (8), recognise a branch that meets the criteria set out in subsection (4).
- (8) Where the Khoi-San community consists of branches in different provinces, the recognition of such branches must be done by the relevant Premiers by notice in the relevant *Provincial Gazette*.
- (9) (a) The Premier must, on an annual basis, or when requested by the Minister, provide the Minister with a report on the recognition of Khoi-San communities and branches.
- (b) A copy of the report referred to in paragraph (a) must be submitted to the provincial house for noting.

### **Withdrawal of recognition of Khoi-San community and branch**

**15B** (1) The Premier may, after consultation with the provincial house withdraw the recognition of a Khoi-San community where—

- (a) a Khoi-San council requests the Premier in writing to withdraw the recognition of a Khoi-San community or the recognition of a branch or branches; or
- (b) the Khoi-San councils of two or more recognised Khoi-San communities request the Premier to merge such communities into a single Khoi-San community:

Provided that such request must be accompanied by the grounds on which the request is based.

- (2) (a) Subject to paragraph (b) and subsection (3), the Premier may, after consultation with the provincial house, by notice in the Provincial

- Gazette* withdraw the recognition of a Khoi-San community or a branch as contemplated in subsection (1)(a).
- (b) Where the branches of a Khoi-San community which are to be withdrawn, are situated in more than one province, the Premier, must request the Premiers of the provinces where the branches are situated to, by notice in the relevant *Provincial Gazettes* withdraw the recognition of the branches.
- (3) (a) The Premier or Premiers may, before withdrawing the recognition of the Khoi-San community or branch in terms of subsection (2), cause an investigation to be conducted in order to establish whether the communities to be affected by a request contemplated in subsection (1) were consulted and support such request.
- (4) (a) The Premier must recognise a merged Khoi-San community contemplated in subsection (1)(b) and disestablish the individual Khoi-San communities that requested to be merged, by a notice in the *Provincial Gazette*.
- (b) Wherever Khoi-San communities merged, such merger shall automatically result in the disestablishment of any branch or Khoi-San council that has been established for such communities: Provided that a merged Khoi-San community must establish a Kho-San council in accordance with the provisions of section 15C and may request that new branches for such merged community be recognised in accordance with the provisions of section 15A.
- (c) The notice referred to in paragraph (a) must stipulate the legal, practical, and other records of the merger and disestablishment including—
- (i) if applicable, the transfer of assets, liabilities and administrative and other records of the disestablished Khoi-San community, branches, and councils; and
- (ii) the leadership positions of the merged Khoi-San community and the vacation of office of any bearer of a disestablished Khoi-San community or branch.
- (5) (a) The recognition of a Khoi-San community or branch must be withdrawn if so, ordered by the court.

- (b) The Premier must give notice in the Provincial Gazette of any withdrawal of recognition in accordance with the court order.
- (c) The notice contemplated in paragraph (b) must stipulate the legal, practical, and other consequences of the withdrawal of recognition.

### **Establishment of Khoi-San councils**

**15C (1)** The Premier must, within a period of two years after he or she has recognised a community as a Khoi-San community, establish a Khoi-San council for a such recognised Khoi-San community.

(2) (a) A Khoi-San council consists of the number of members determined by the Minister by formula published in the *Gazette*.

(b) The members of a Khoi-San council must comprise of-

(i) 60% of the members which consists of-

(aa) the senior Khoi-San leader concerned who is an *ex officio* member and the chairperson of the Khoi-San council; and

(bb) branch heads in case of the Khoi-San council with branches:

Provided that if the senior Khoi-San leader together with the branch heads is less than the required number of members, the senior Khoi-San leader must elect the remainder of members from the members of the main community, in consultation with the branch heads, and where there is a royal family of such senior Khoi-San, such a Khoi-San leader must select from members of his or her royal family with the concurrence of a forum established in accordance with the provision of subparagraph (cc): Provided further that if the number of branch heads are more than the required number of members, the branch heads must elect among themselves the required number, taking into account the provincial representation; or

(cc) where the main community has no branches, the relevant senior Khoi-San must, where applicable, with the concurrence of a forum of not less than five and not more than 10 members designated by the relevant royal family, select the required number of members from members of such royal family and members of the main community, or where there is no royal family, the relevant senior Khoi-San leader must select the

- required number of members from the members of the main community only.
- (ii) 40% members consisting of members from the main community democratically elected by members of such main community.
  - (3) The Premier must, by notice in the *Provincial Gazette*, recognise the Khoi-San council for a Khoi-San community and by the same notice determine the administrative seat of such Khoi-San council.
  - (4) Any section in the Act with reference to a traditional community, traditional council, traditional leader, senior traditional leader and headmen or headwomen shall, respectively, be construed as a reference to a Khoi-San community, Khoi-San branch, Khoi-San leader, senior Khoi-San leader, and branch head.
  - (5) A Khoi-San council must meet every three months: Provided that the senior Khoi-San may, with the concurrence of the Premier convene any additional ordinary or any special meetings of the relevant council: Provided further that for the purposes of convening a special meeting, the senior Khoi-San leader must give notice of not less than seven days to the members of the relevant Khoi-San council.
  - (6) The term of office of the members of the Khoi-San council shall be in accordance with the provisions of section 7 of the Act, with the necessary amendments made.

#### **Amendment of section 12 of Act No.1 of 2017**

#### **5. Section 12 of the principal Act is hereby amended by-**

(a) the substitution for subsection (1) of the following subsection:

- (1) Meetings of traditional councils must be held in accordance with such procedures and requirements as it may determine: Provided that meetings of traditional councils must be held at least once every **[two]** three months

**Amendment of section 21 of Act No. 1 of 2017**

6. Section 21 of the principal Act is hereby amended by the addition of the following subsection:

- (2) The following Khoi-San leadership are recognised-
- (a) Senior Khoi-San leader; and
  - (b) branch head.

**Amendment of section 23 of Act No. 1 of 2017**

7. Section 23 of the principal Act is hereby amended by-

(a) the substitution for subsection (1) paragraph (a) of the following paragraph:

- (1) (a) the relevant royal family must, within **[14 days]** 90 days after the position becomes vacant-
- (i);
  - (ii) \_\_\_\_\_

(b) the substitution for section (1) paragraph (a) for subparagraph (ii) of the following subparagraph:

- (ii) through the customary structure, **[inform]** the apply to the Premier for the recognition of the person so identified or elected and provide the Premier with the particulars of such person and reasons for the identification of that person

(c) the addition of the following subsections

(13) (a) Any recognised traditional leader may resign from the position of traditional leadership upon his or her written submission to the Premier.

(b) A traditional leader who resigns from the position may not reapply for recognition

(c) whenever a traditional leader resigns from the position in terms of the provisions of this subsection, his or her position becomes vacant and as such the relevant royal family in the case of hereditary succession or relevant community in the event of

elected leadership, must identify or elect a person to fill the vacancy in accordance with the relevant provisions of this Act.

(d) A resignation from the position by a traditional leader does not affect successions in terms of the applicable customs and customary law of the relevant community.

(14) Any person who is not a recognised leader as contemplated in this Act, but purports to be such a leader, is guilty of an offence and liable upon conviction to a fine or imprisonment not exceeding three years.

#### **Amendment of section 24 of Act No. 1 of 2017**

8. Section 24 of the principal Act is hereby amended by—

(a) the substitution for subsection (1) of the following subsection:

(1) A traditional leader **[may]**, subject to the provisions of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 200), **[be removed from the office on the grounds of]** –

(a) must be removed from the office if he or she—

(i) has been convicted for an offence with a sentence of imprisonment for more than 12 months without an option of a fine, however, removal is limited to the incumbent;

(ii) has been declare physical incapacity based on acceptable medical evidence or mental infirmity by a competent court;

(iii) is no longer permanently resides within the area of the principal traditional council or traditional council as the case may be.

(b) may be removed if he or she—

(i) has been removed from office in terms of the code of conduct; or

(ii) has transgressed customary or custom

(c) must be removed if so, ordered by—

(i) a court; or

(ii) a decision of the Premier on the recommendation of the investigative committee.

- (2) A branch head elected in terms of subsection (1), shall hold office for a period not exceeding five years, which such period must be aligned with the term of the Khoi-San council.
- (3) The Premier subject to subsection (5) must—
  - (a) by notice in the Provincial Gazette recognised the identified or elected person;
  - (b) issue a certificate of recognition, and in case of the elected person, indicate the term of office; and
  - (c) inform the Minister and the provincial house of the particulars of the person referred in (a).
- (4) Where a branch head who has been elected resides in another province, the Premier must, by notice in the *Provincial Gazette*, after consultation with the relevant Premier and the provincial house, recognised the elected branch head.
- (5) Where the Premier has received evidence or an allegation that the identification or election process of a person referred in (1)(a) and (b) was not done in accordance with the provisions of this Act, the Premier must—
  - (a) establish a committee to investigate, which committee must include at least one Khoi-San member of the provincial house; and
  - (b) where the findings of the investigative committee suggest that the identification or election process were not conducted in accordance with the applicable customary law and customs, the Premier must, refer the matter back to the relevant royal family or Khoi-San for comments and reconsideration.
- (6) Where the matter which has been referred back to the royal family for comments and reconsideration in terms of (5)(b), has been resolved, the Premier must—
  - (a) recognised a person as a Khoi-San leader or a branch head;
  - (b) issue a certificate of recognition, and in case of the elected person, indicate the term of office; and
  - (c) inform the Minister and the provincial house of the particulars of the person so identified or elected.
- (7) Where the matter which has been referred back to the relevant royal family or Khoi-San council for comments and reconsideration in terms of (5)(b), cannot be resolved, in case of the elected Khoi-San or branch head, the Premier must, determine the date in which re-election must be held, and accordingly inform the relevant Khoi-San council

**Withdrawal of recognition of a Khoi-San leader or branch head**

**24B (1)** The recognition of a senior Khoi-San leader or branch head, subject to the provision of subsection (2) –

(a) must be withdrawn if he or she–

- (i) has been convicted of an offence with a sentence of imprisonment for more 12 months without the option of a fine;
- (ii) is declared mentally unfit or mentally disorder by a court; or

(b) may be withdrawn if he or she–

- (i) has been removed from office in terms of the code of conduct; or
- (ii) has transgressed customary law of customs; and

(c) must be withdrawn if so, ordered by a court.

(2) whenever any of the grounds referred to in subsection (1) (a)-(c) to come to the attention of the royal family or Khoi-San council, the relevant royal family or Khoi-San council must, within 90 days from the date of becoming aware of such grounds and through the relevant customary structure inform the Premier of the particulars of such senior Khoi-San or branch head and of the particulars relating to the specific ground referred to in subsection (1).

(3) Where the recognition of a senior Khoi-San leader of branch head has been withdrawn, a successor in terms of customary law and customs, may assume the position, role, and responsibilities, in terms of the Act.

**Amendment of section 25 of Act No. 1 of 2017**

7. Section 25 is hereby amended by–

(a) the substitution for subsection (1) (a) of the following subsection:

- (1) (a) the successor to the position of king or queen, principal traditional leader, senior traditional leader, senior Khoi-San leader, headmen or headwomen or branch head who is still regarded as a minor in terms of applicable customary law or customs;

(b) the substitution for the subsection (4)(a) of the following subsection:

(4) The Premier must review the recognition of a regent-

(a) at least once every **[three years]** two years; or

(b) \_\_\_\_\_.

(c) the addition of the following subsection

(9) Whenever the royal family fails to identify a regent within 90 days after the relevant position becomes vacant, the Premier must after consultation with the relevant royal family and after taking into account whether any of the grounds contemplated in section 6(3) or 24(1) apply to such person, identify a suitable person who is a member of the relevant royal family as regent.

#### **Amendment of section 26 of Act No. 1 of 2017**

8. Section 26 of the principal Act is hereby amended by-

(a) the substitution for subsection (1) (c) of the following subsection:

(1) (b) a king or queen, principal traditional leader, senior traditional leader, senior Khoi-San leader, headmen or headwomen or branch head, as the case may be, is absent from his or her area of jurisdiction for a period of more than **[six months]** three months due to-

(b) the insertion after subsection (1) of the following subsection

(1A) The royal family referred in subsection (1) must, within seven days of the identification of an acting person, inform the Premier of the particulars of the person so identified and the reasons for such identification.

(c) the substitution for subsection (5) for the following subsection:

(5) The Premier must review an acting capacity appointment of an acting traditional or Khoi-San leader **[every three years]** every two years to establish whether the acting appointment is still necessary.

**Amendment of section 27 of Act No. 1 of 2017****9. Section 27 of the principal Act is hereby amended by–**

(a) the substitution for subsection (1) for the following subsection:

(1) A king or queen, principal traditional leader, senior traditional leader, senior Khoi-San leader, headmen or headwomen or branch head, as the case may be, must with concurrence of the relevant royal family or Khoi-San council, **[within thirty days]** within 90 days of any of the circumstances set out in paragraph **[(a)-(e)]** (a)-(f) occurring, appoint a deputy to act in his or her stead whenever that king or queen, principal traditional leader, senior traditional leader, senior Khoi-San leader, headmen or headwomen or branch head.

(b) the addition of paragraph (f) of the following paragraph:

(f) is employed on a full-time basis by any employer.

(c) the insertion after subsection (1) of the following subsection:

(1A) The royal family referred in subsection (1) must, within seven days of the identification of an acting person, inform the Premier of the particulars of the person so identified and the reasons for such identification.

**Amendment of section 40 of At No. 1 of 2017****10. Section 40 of the principal Act is hereby amended by–**

(a) the substitution for subsection (1) (d) of the following paragraph:

(d) any donation made by any person for the benefit of the relevant traditional community which the donor had directed should be deposited into the account of a traditional council; **[and]**

(b) the addition of paragraph (f) of the following paragraph

(a) \_\_\_\_\_;

(b) \_\_\_\_\_;

(c) \_\_\_\_\_;

(d) \_\_\_\_\_;

(e) any monies paid to the traditional council under this Act or any other law; and

(f) any other moneys as may be determined or agreed to by the Premier.

(c) the addition of a subsection after subsection (2) of the following subsection

(2) For the purposes of ensuring effective management and accountability of traditional or Khoi-San council accounts, the Premier in consultation with the Provincial Treasury, must determine-

(a) the appropriate financial systems and control measures for the management to such accounts;

(b) any conditions applicable to such accounts;

(c) the investment of any moneys by the relevant council;

(d) the payment of any expenditure by the relevant council;

(e) the purposes for which any moneys in the account of the relevant council may be used for by relevant council;

(f) the closure of any other accounts, including a trust account but excluding a trust account opened and managed in accordance with the provisions of section 10 of the Trust Property Control Act, 1998 (Act No. 57 of 1998), and the transfer of any money in such other accounts or trust accounts to the account of the relevant traditional council; and

(g) any other measure as may be deemed necessary by the Premier to ensure the efficient and effective administration and management of such accounts

**Amendment of heading to Chapter 9 of Act No. 1 of 2017**

11. Chapter 9 of the principal Act is hereby amended by the substitution for the heading of the following heading:

**Establishment of local house of traditional and Khoi-San leaders****Amendment of section of section 48 of Act No.1 of 2017**

12. Section 48 of the principal Act is hereby amended by–

(a) the substitution of subsection (1) for the following subsection:

(1) There is hereby established a local house in an area of jurisdiction of each district or metropolitan municipality where there are **[five or more]** one or more traditional councils or Khoi-San councils, **[in accordance with section 17 of the Framework Act]**.

(b) the addition of the following subsection:

(4) All senior traditional leaders or Khoi-San leader who reside within the area of jurisdiction of a local municipality, district municipality or a metropolitan municipality are members of a local house established for the specific area.

**Amendment of section 51 of Act No. 1. Of 2017**

13. Section 51 of the principal Act is hereby amended by the repeal of the section.

**Amendment of Schedule of Act No. 1 of 2017**

14. Schedule 2 of the principal Act is hereby amended by the substitution for 11 of the following provision:

(1) If the House or council or any member of such house or council, on reasonable suspicion, is of the opinion that **[a provision of the code of conduct has been breached]** a member of such House or council,

excluding the chairperson, has breached a provision of this code of conduct, the House or council must establish an investigating committee

to-

- (a) \_\_\_\_\_;
- (b) \_\_\_\_\_; and
- (c) \_\_\_\_\_

### **Short title and commencement**

**15.** This Act is called the Eastern Cape Traditional and Khoi-San Leadership Act, 2021, and comes into operation on a date to be determined by the Premier by proclamation in the *Provincial Gazette*. The Premier may proclaim different date for the commencement of certain sections of the Act.