

**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE VAN  
GAUTENG**

# Provincial Gazette Provinsiale Koerant

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**PRETORIA**  
22 NOVEMBER 2022  
22 NOVEMBER 2022

**No: 471**

**We all have the power to prevent AIDS**



**Prevention is the cure**

**AIDS  
HELPLINE**

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DEPARTMENT OF HEALTH

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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS****GENERAL NOTICE 1586 OF 2022****GAUTENG COMMISSION ON TRADITIONAL LEADERSHIP DISPUTES AND CLAIMS OF  
TRADITIONAL COMMUNITIES AND LEADERS****TRADITIONAL LEADERSHIP DISPUTES AND CLAIMS APPLICATION FORM**

[Section 3 read with sections 8, 14, 15 and 62 of the Gauteng Traditional leadership and Governance Act (Act 3 of 2011) [GTLA] and section 59 of the Traditional and Khoisan Leadership Act (TKLA)]

**GAUTENG COMMISSION ON TRADITIONAL LEADERSHIP DISPUTES AND CLAIMS****RECOGNITION OF TRADITIONAL COMMUNITY, HEADMANSHIP (IF APPLICABLE), SENIOR TRADITIONAL LEADER,  
AND HEADMAN/HEADWOMAN (IF APPLICABLE)**

Traditional and Khoi-San Leadership Act, 2019 (Act 3 of 2019) [TKLA]:

Sections 3 (4)(6)(7) & (9) and Section 7(1) (2),(6)

Gauteng Traditional Leadership and Governance Act, 2010 (Act No. 4 of 2010) [GTLA]:

Sections 2, 13, 14 and 15

**INSTRUCTIONS**

1. This application form must be completed by a member of the applicant community who has been authorised by his/her community concerned.
2. An original application form and a certified legible copy thereof must be delivered by hand **or** sent by registered mail or by e-mail to the Secretary to the following address:

**Registered mail:**

The Commission on Traditional Leadership Disputes and Claims  
Department of Cooperative Governance and Traditional Affairs  
Private Bag X 79,  
Marshalltown, 2107

**By Hand:**

The Commission on Traditional Leadership Disputes and Claims  
Department of Cooperative Governance and Traditional Affairs  
Block B, Riverside Office Park  
11 Janadel Avenue,  
Halfway House

**Or**

The Commission on Traditional Leadership Disputes and Claims  
Department of Cooperative Governance and Traditional Affairs  
11 Simmons Street,  
Marshalltown, 2107

**Email:**

The Commission on Traditional Leadership Disputes and Claims  
Department of Cooperative Governance and Traditional Affairs  
Email: [ctldc@gauteng.gov.za](mailto:ctldc@gauteng.gov.za)

3. This application form consists of the following five sections and two schedules:

**Part A:** Particulars of claims/disputes. Sections 1, 4, 5, 6 and 7 must be completed.

**Part B:** Particulars of the claimant/disputant, authorisation and declaration. Must be completed in full.

**Part C:** Particulars of applicant traditional community and its location. Must be completed in full.

**Part D:** Particulars of application for headmanship/headwomanship should **only** be completed if the applicant community has one or more headmanship/headwomanship. If the applicant community has more than one headmanship/headwomanship, a separate Part C must be completed for each headmanship/headwomanship and must be clearly marked as Annexure D (1), D (2), etc

**Part E:** Particulars of the person on whose behalf the application for recognition as senior traditional leader is submitted. Must be completed in full.

**Part F:** Particulars of the person on whose behalf the application for recognition as a headman/headwoman is submitted. Should **only** be completed if the applicant traditional community has one or more headmanship/headwomanship. A separate Part F must be completed for each additional headmanship/headwomanship position and must be clearly marked as Annexure F (1), F (2), etc.

**Part G:** Particulars of the contestant leader and the incumbent leader - a traditional leadership position where the title or right of the incumbent leader is contested. Must be completed in full.

4. The closing date for applications is 31 January 2023. Applications lodged after the closing date will not be accepted by the Commission.

5. All certified documents provided as part of this application may not be older than three (3) months. After submission no alterations to the application form will be allowed. However, additional pages may be added and attached to the application where indicated.

6. Reference number of application: ..... (To be allocated by Commission)

### EXPLANATORY NOTES

1. The Gauteng Commission on Traditional Leadership Disputes and Claims (Commission) is a statutory body established in terms of section 127(2)(e) of the Constitution of the Republic of South Africa, 1996, read with section 2(1) of the Gauteng Provincial Commissions Act, 1997 (Act No. 1 of 1997), section 59 of the Traditional and Khoi-San Leadership Act, 2019, (Act No. 3 of 2019) and section 62 of the Gauteng Traditional Leadership and Governance Act, 2010 (Act No. 4 of 2011), the latter read with necessary changes required by the context as well as Provincial Notice No. 894 of 08 July 2022.

2. The Commission's term of office commenced on 1 May 2022 and will end on 30 April 2023. This term may be extended by the Premier of the Gauteng Province in consultation with the MEC responsible for Traditional Affairs.

3. In terms of Item 1 in Part A of the Schedule to Provincial Notice No. 894 of 08 July 2022 the Commission must investigate and provide a report as well as recommendations on the following matters:

**a. a case where there is a doubt as to whether a traditional leadership or headmanship or headwomanship, excluding a king or a queen or a kingship or a queenship, was established in accordance with customary law and customs within the province.**

**b. a traditional leadership position where the title or right of the incumbent is contested.**

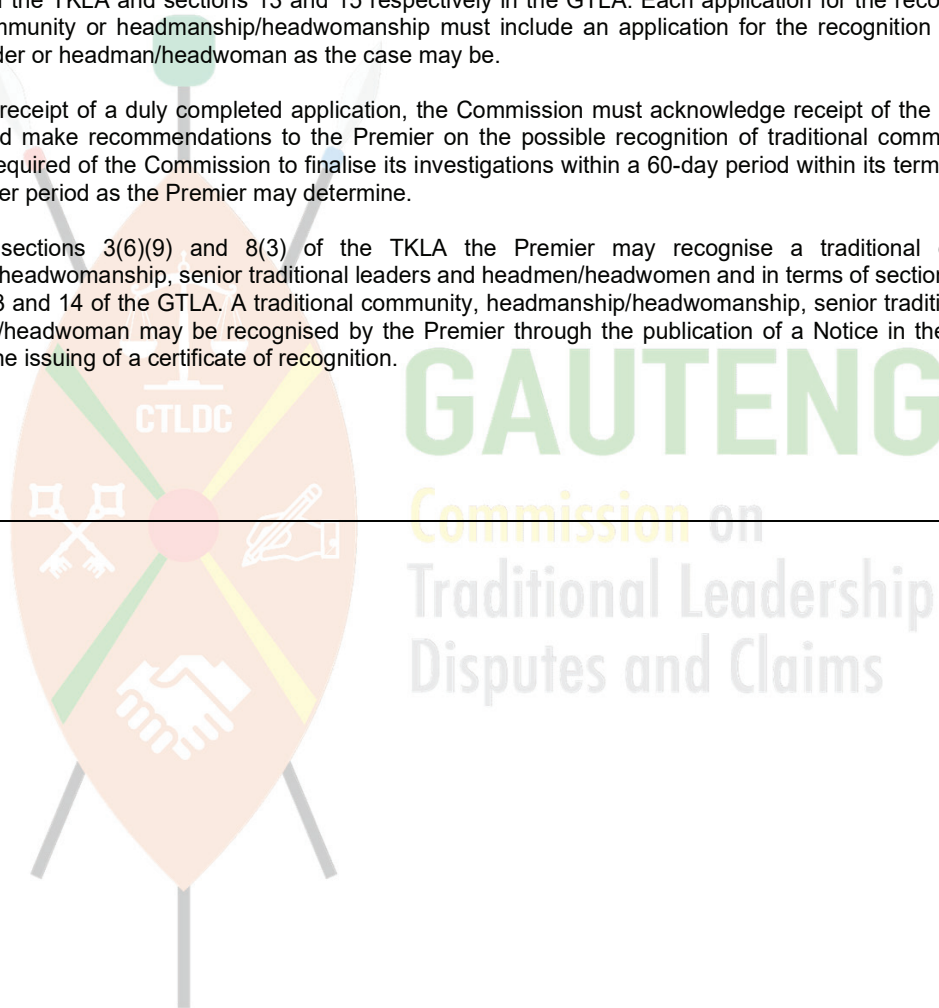
**c. claims by communities to be recognised as traditional communities.**

**d. the legitimacy of the establishment or disestablishment of "tribes" within the province.**

**e. disputes resulting from the determination of traditional authority boundaries and the merging or division of "tribes"; and**

**f. where reasonable grounds exist, any other matter relevant to the matters listed in paragraphs (a) to (e), including the consideration of events that may have arisen following the outcome of the "Tolo Commission".**

4. The Commission is tasked to receive applications related to any of the above stated grounds. Applications must be submitted from 18 November 2022 to 31 January 2023.
5. The criteria for recognition of a traditional community are set out in section 3(4)(a) of the TKLA and for Headmanship/headwomanship in section 3(7) of the TKLA and sections 2, 3 and 14 respectively of the GTLA.
6. The criteria for recognition of a senior traditional leader are set out in section 7(2) of the TKLA and for a headman in section 3(7) of the TKLA and sections 13 and 15 respectively in the GTLA. Each application for the recognition of a traditional community or headmanship/headwomanship must include an application for the recognition of a senior traditional leader or headman/headwoman as the case may be.
7. Following the receipt of a duly completed application, the Commission must acknowledge receipt of the application, investigate and make recommendations to the Premier on the possible recognition of traditional communities and leaders. It is required of the Commission to finalise its investigations within a 60-day period within its term of office or any such further period as the Premier may determine.
8. In terms of sections 3(6)(9) and 8(3) of the TKLA the Premier may recognise a traditional community, headmanship/headwomanship, senior traditional leaders and headmen/headwomen and in terms of section 2(5), 14(4) and section 13 and 14 of the GTLA. A traditional community, headmanship/headwomanship, senior traditional leader and headman/headwoman may be recognised by the Premier through the publication of a Notice in the Provincial Gazette and the issuing of a certificate of recognition.



## PART A

**MATTER TO BE INVESTIGATED**

This part relates to the terms of reference of the Commission defining the matters to be investigated by the Commission.

[Schedule: PART A: Provincial Notice No. 894 of 08 July 2022]

**A 1. COMPLIANCE WITH TERMS OF REFERENCE: MATTER TO BE INVESTIGATED**

Kindly furnish information, documentation, proof, etc in respect of the applicable matter(s)

NO	MATTER	Mark with X	Annexure Attach information, documentation, proof etc
1	A case where there is a doubt as to whether a traditional leadership or headmanship or headwomanship, excluding a king or queen or a kingship or queenship was established in accordance with customary law and customs within the province.		Attach and mark as Annexure A.1.1
2	Claims by communities to be recognised as traditional communities.		<b>Complete Parts: B – F</b> (Recognition of a new traditional community, headmanship/headwomanship, and leadership positions)
3	A traditional leadership position where the right or title of the incumbent is contested.		<b>Complete Part G</b>
4	The legitimacy of the establishment or disestablishment of “tribes” within the province		Attach and mark as Annexure A.1.2
5	Disputes resulting from the determination of traditional authority boundaries and the merging or division of “tribes”.		Attach and mark as Annexure A.1.3
6	where reasonable grounds exist, any matter relevant to the matters listed above, including the consideration of events that may arise following the outcome of the “Tolo Commission”		Attach and mark as Annexure A.1.4

**PART B**

**DETAILS OF MANDATED MEMBER OF APPLICANT COMMUNITY LODGING THE APPLICATION**

This part relates to the details of the person who has been authorised by a particular traditional community to lodge an application for recognition of a community, leadership position or where the title or right of the incumbent is contested on behalf of such community.  
[Section 2(2) of the GTLA]

**B.1: FULL NAMES AND SURNAME OF MANDATED MEMBER OF THE APPLICANT TRADITIONAL COMMUNITY**

--

**B.2: TITLE (indicate)**

TITLE	
CUSTOMARY TITLE (If applicable)	

**B.3: DATE OF BIRTH**

D	D	M	M	Y	Y	Y	Y

**B.4: IDENTITY NUMBER**

<b>Annexures</b>	<b>Attach certified copy of valid identity document marked as Annexure A.4.1</b>

**B.5: CONTACT DETAILS**

**B.5.1: PHYSICAL ADDRESS**

	POSTAL CODE:
<b>Annexures</b>	<b>Attach original or certified copy of evidence of physical address marked as Annexure B.5.1(1)</b>

**B.5.2: POSTAL ADDRESS**

	POSTAL CODE:

<b>B.6: TELEPHONE/E-MAIL</b>	
CELLULAR PHONE	
TELEPHONE (HOME)	
TELEPHONE (WORK)	
E-MAIL	

<b>B.7: AUTHORISATION OF THE MEMBER OF THE APPLICANT TRADITIONAL COMMUNITY TO LODGE APPLICATION WITH THE COMMISSION IN TERMS OF SECTION 2(2) OF THE GTLA</b>		
Authorisation	Mark applicable one with an X	Annexures
Authorised by the applicant traditional community	<input type="checkbox"/>	Attach evidence of authorisation in the form of a signed original or certified copy of community resolution and mark as B.7.1

<b>B.8: DECLARATION</b>	
<p><b>I DECLARE THAT THE FACTS, INFORMATION AND ANNEXURES CONTAINED AND PROVIDED IN THIS APPLICATION ARE TO THE BEST OF MY KNOWLEDGE TRUE, CORRECT AND COMPLETE. I UNDERSTAND THAT ANY FALSE INFORMATION SUPPLIED COULD LEAD TO CRIMINAL PROSECUTION AND THE POSSIBLE REJECTION OF THIS APPLICATION.</b></p>	
<b>Signature</b>	
Signed at	
Date of signature	
<b>Witness 1: Signature</b>	
Full names and surname	
Date of signature	
<b>Witness 2: Signature</b>	
Full names and surname	
Date of signature	



**PART C**

**APPLICANT COMMUNITY:  
RECOGNITION OF A COMMUNITY AS A TRADITIONAL COMMUNITY**

This Part relates to details of the traditional community applying for recognition as a traditional community [section 3(4) and 3(5) of TKLA and section 2(3) of the GTLA].

**C.1: NAME OF APPLICANT TRADITIONAL COMMUNITY**

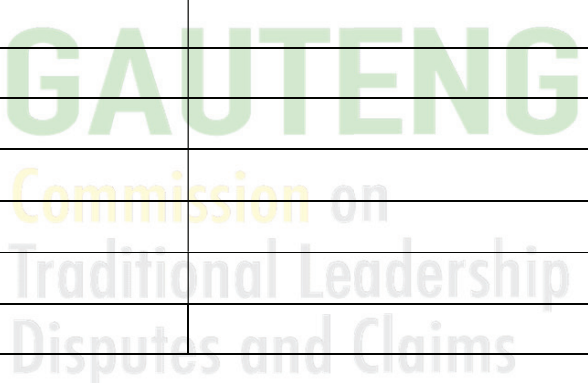
**C.2: COMPLIANCE WITH SECTION 3(4) OF THE TLKA AND SECTION 2(3) OF GTLA: CRITERIA AND PARTICULARS FOR RECOGNITION OF A COMMUNITY AS A TRADITIONAL COMMUNITY**

Kindly furnish information, documentation, proof, etc in respect of ALL the following criteria

No.	Criteria	Mark with X if information is attached	Annexure
1.	The traditional community has a system of traditional leadership at a senior traditional leadership level recognised by other traditional communities		Attach and mark as Annexure C.2.1
2.	The traditional community observes a system of customary law		Attach and mark as Annexure C.2.2
3.	The traditional community recognises itself as a distinct traditional community with a proven history of existence, from a particular point in time up to the present, distinct and separate from other traditional communities		Attach and mark as Annexure C.2.3
4.	The traditional community occupies a specific geographical area		Attach and mark as Annexure C.2.4
5.	The traditional community has an existence of distinctive cultural heritage manifestations		Attach and mark as Annexure C.2.5
6.	Where applicable, has a number of headmanship or headwomanship		Attach and mark as Annexure C.2.6
7.	The name of the senior traditional leader under whose authority the traditional community falls		Attach and mark as Annexure C.2.7
8.	The names of persons the traditional community regard as their leaders and their designations in terms of applicable customs		Attach and mark as Annexure C.2.7

9.	An application for the recognition of a senior traditional leader of the applicant traditional community	Is an application for the recognition of the senior traditional leader attached? Write yes or no in the space below	Note that <b>Part E</b> of this form must be completed for this purpose.

C 3: LOCATION OF GEOGRAPHICAL AREAS OCCUPIED BY APPLICANT TRADITIONAL COMMUNITY WITHIN THE GAUTENG PROVINCE AND MUNICIPALITY		
Municipality	Mark with X	Name of municipality
Metropolitan municipality		
District municipality		
Local municipality		
Metropolitan municipality		
District municipality		
Local municipality		
Metropolitan municipality		
District municipality		
Local municipality		
Metropolitan municipality		
District municipality		
Local municipality		



<b>C.4: LOCATION OF OTHER GEOGRAPHICAL AREAS OCCUPIED BY APPLICANT TRADITIONAL COMMUNITY IN ANOTHER PROVINCE AND MUNICIPALITY</b>			
<b>PROVINCE</b>	<b>MUNICIPALITY</b>	<b>Mark applicable municipality with an X</b>	<b>Name of the applicable municipality (one or more)</b>
North West	Metropolitan municipality		
	District municipality		
	Local municipality		
Limpopo	Metropolitan municipality		
	District municipality		
	Local municipality		
Free State	Metropolitan municipality		
	District municipality		
	Local municipality		
Mpumalanga	Metropolitan municipality		
	District municipality		
	Local municipality		
Northern Cape	Metropolitan municipality		
	District municipality		
	Local municipality		
Eastern Cape	Metropolitan municipality		
	District municipality		
	Local municipality		
KwaZulu-Natal	Metropolitan municipality		
	District municipality		
	Local municipality		
Western Cape	Metropolitan municipality		
	District municipality		
	Local municipality		

<b>PART D</b>
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<b>RECOGNITION OF HEADMANSHIP/HEADWOMANSHIP OF A RECOGNISED/APPLICANT TRADITIONAL COMMUNITY</b>
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Part D is to be completed **only** if a recognised/applicant traditional community has one or more headmanship/headwomanship. [section 3(8) of the TKLA and section 14 of the GTLA]  
 In instances where the recognised/applicant traditional community has more than one headmanship/headwomanship a separate Part C must be completed in respect of each additional applicant headmanship/headwomanship and attached as Annexure C (1), C (2) etc.

<b>D.1: NAME OF APPLICANT HEADMANSHIP/HEADWOMANSHIP AND RECOGNISED/APPLICANT TRADITIONAL COMMUNITY IT FALLS UNDER</b>		
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Name of applicant headmanship/headwomanship	Name of recognised traditional community it falls under	Name of applicant traditional community it may fall under

<b>D.2: LOCATION OF APPLICANT HEADMANSHIP/HEADWOMANSHIP: PROVINCE AND MUNICIPALITY</b>			
--	--	--	--

Province	Name of municipality		
	Metro(name)	District (name)	Local (name)

<b>D 3: CRITERIA FOR RECOGNITION OF A HEADMANSHIP/HEADWOMANSHIP</b>			
---	--	--	--

[compliance with section 3(7)(8) of the TKLA and section 14(1) of the GTLA]

Kindly furnish information, documentation, proof, etc in respect of ALL of the following criteria:

No.	Criteria	Mark with X if information is included	Annexures (information setting out the details)
1.	A headmanship or headwomanship has a system of traditional leadership at a headmanship or headwomanship level and is recognised as such by the relevant traditional community		Attach and mark as Annexure C.3.1
2.	A headmanship or headwomanship consists of an area within the area of jurisdiction of the traditional council of the relevant traditional community		Attach and mark as Annexure C.3.2
3.	A headmanship or headwomanship will contribute to the more effective and efficient administration of the relevant traditional council.		Attach and mark as Annexure C.3.3
4.	Application by the applicant/recognised traditional community/traditional council to Premier to recognise a portion of the traditional community as a headmanship/headwomanship that meets the above criteria.		Attach and mark as Annexure C.3.4

**PART E**

**RECOGNITION OF SENIOR TRADITIONAL LEADER OF THE APPLICANT TRADITIONAL COMMUNITY**

Part E relates to details of the person to be considered for recognition as senior traditional leader of the applicant traditional community.  
[section 7(1)(iii),7(2) of the TKLA and section 13(1) of the GTLA]

**E.1: FULL NAMES AND SURNAME**

--

**E.2: TITLE (indicate)**

TITLE	
CUSTOMARY TITLE (If applicable)	

**E.3: DATE OF BIRTH**

D	D	M	M	Y	Y	Y	Y

**E.4: IDENTITY NUMBER**

<b>Annexure</b>	<b>Attach certified copy of valid identity document marked as Annexure D.4.1</b>									

**E.5: CONTACT DETAILS**

**5.1: PHYSICAL ADDRESS**

POSTAL CODE:	

**5.2: POSTAL ADDRESS**

POSTAL CODE:	
<b>Annexure</b>	<b>Attach original or certified copy of evidence of physical address marked as Annexure D.5.1(1)</b>

<b>E.6: TELEPHONE/E-MAIL</b>	
CELLULAR PHONE	
TELEPHONE (HOME)	
TELEPHONE (WORK)	
E-MAIL	

<b>E.7: COMPLIANCE WITH SECTION 7(2) OF THE TKLA</b>			
Kindly furnish information, documentation, proof, etc in respect of ALL the following criteria:			
No	Criteria	Mark with X if information is included	Annexures (Information setting out the details)
1.	A proven history of existence of such leadership position within the community concerned. Include a genealogy/family tree of the ruling family of the community indicating the person to be considered for recognition as senior traditional leader.		Attach and mark as Annexure D.7.1
2.	A proven history of acceptance of such leadership position by the community concerned.		Attach and mark as Annexure D.7.2
3.	A history of functions and powers of the specific leadership position in terms of the established customary law and customs within the particular community.		Attach and mark as Annexure D.7.3
4.	A proven history of either— (i) hereditary leadership in terms of customary law or customs of the community, with or without a customary role for community participation in the determination or confirmation of the individual as leader; or (ii) elected leadership where, in terms of the customary law or customs of the community concerned, the leader is elected.		Attach and mark as Annexure D.7.4
5	Customary law applicable that identifies a person to assume the position of senior traditional leader.		Attach and mark as Annexure D.7.5

**PART F**

**RECOGNITION OF HEADMAN/HEADWOMAN FOR HEADMANSHIP/HEADWOMANSHIP OF THE RECOGNISED/APPLICANT TRADITIONAL COMMUNITY**

This part relates to the details of the person to be considered for recognition as a headman/headwoman [section 7(2) of the TKLA and section 15 of the GTLA].  
 In instances where the applicant traditional community has more than one headmanship/headwomanship, a corresponding headmanship/headwomanship position must be applied for and attached as a separate Part F and clearly marked as Annexure F (1), F (2) etc.

**F.1: FULL NAMES AND SURNAME**

--

**F.2: TITLE (indicate)**

TITLE
CUSTOMARY TITLE (If applicable)

**F.3: DATE OF BIRTH**

D	D	M	M	Y	Y	Y	Y

**F.4: IDENTITY NUMBER**

<b>Annexure:</b>	<b>Attach certified copy of valid identity document and mark as Annexure E.4.1</b>

**F.5: CONTACT DETAILS**

**5.1: PHYSICAL ADDRESS**

	POSTAL CODE:	

<b>Annexure</b>	<b>Attach original or certified copy of evidence of physical address marked as Annexure E.5.1(1).</b>
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<b>5.2: POSTAL ADDRESS</b>		
	POSTAL CODE:	

<b>F.6: TELEPHONE/E-MAIL</b>	
CELLULAR PHONE	
TELEPHONE (HOME)	
TELEPHONE (WORK)	
E-MAIL	

<b>F.7: COMPLIANCE WITH SECTION 7(2) OF THE TKLA AND SECTION 15 OF THE GTLA: CRITERIA FOR RECOGNITION OF A HEADMAN/HEADWOMAN</b>			
Kindly furnish information, documentation, proof, etc in respect of ALL of the following criteria:			
No	Criteria	Mark with X if information is included	Annexures (Information setting out the details)
1.	A proven history of existence of such leadership position within the community concerned		Attach and mark as Annexure F.7.1
2.	A proven history of acceptance of such leadership position by the community concerned.		Attach and mark as Annexure F.7.2
3.	A history of functions and powers of the specific leadership position in terms of the established customary law and customs within the traditional community.		Attach and mark as Annexure F.7.3
4.	A proven history of either— (i) hereditary leadership in terms of customary law or customs of the community, with or without a customary role for community participation in the determination or confirmation of the individual as leader; or (ii) elected leadership where, in terms of the customary law or customs of the community concerned, the leader is elected.		Attach and mark as Annexure F.7.4
5.	Customary law applicable that identifies a person to assume the position of senior traditional leader		Attach and mark as Annexure F.7.5



**PART G**

**LEADERSHIP POSITION CONTESTED**  
 This part relates to a traditional leadership position (senior traditional leader or headman/headwoman) where the right or title of the incumbent is contested]

<b>G.1: DETAIL OF THE LEADERSHIP POSITION CONTESTED</b>			
Leadership position contested	Name of recognised traditional community or headmanship/headwomanship and traditional community under which it falls	Name of current incumbent senior traditional leader or headman/headwoman	Name of contestant senior traditional leader or headman/headwoman

<b>G.2: INFORMATION REQUIRED</b>			
Kindly furnish information, documentation, proof, etc in respect of ALL of the following			
NO	Information	Mark with X if information is included	Annexures (Information setting out the details)
1	Overview of applicable customary law and customs of succession to a leadership position of the traditional community.		Attach and mark as Annexure G.2.1
2	Legal grounds for contesting the right/legitimacy of the current incumbent.		Attach and mark as Annexure G.2.2
3.	Reasons for declaring a dispute in terms of the customary law and customs of succession.		Attach and mark as Annexure G.2.3

**G.3: FULL NAMES OF THE CONTESTANT LEADER**

**G.4: CUSTOMARY TITLE**

<b>G.5: DATE OF BIRTH</b>							
D	D	M	M	Y	Y	Y	Y

G.6: IDENTITY NUMBER											
<b>Annexure:</b>		<b>Attach certified copy of valid identity document and mark as Annexure G.6:1</b>									

G.7 PHYSICAL ADDRESS		
		<b>Postal code</b>
<b>Annexure</b>	<b>Attach original or certified copy of evidence of physical address marked as Annexure G.7.1</b>	

G.8: POSTAL ADDRESS	
	<b>Postal code</b>

G.9: TELEPHONE/E-MAIL	
CELLULAR PHONE	
TELEPHONE (HOME)	
TELEPHONE (WORK)	
E-MAIL	

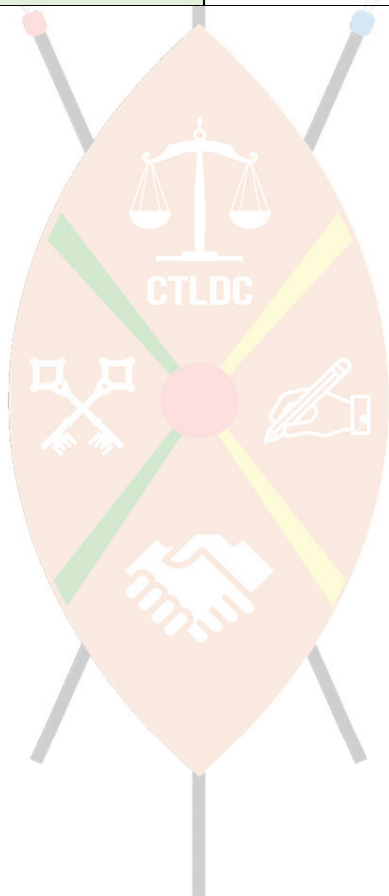
**DEFINITION OF TERMS USED IN THE APPLICATION FORM**

<b>TERM</b>	<b>DEFINITION</b>
Appointment or recognition of a traditional leader and the traditional community	Is an official act performed by the Premier for senior traditional leaders, headmen and headwomen, and traditional leadership, headmanship and headwomanship to grant formal status to a traditional community, traditional leader and traditional council or sub-council to be so recognized and to function as such. An act of appointment or recognition must be formally proclaimed via publication in the Provincial Gazette.
Customary law and customs	<p>Recognised customary law and customs are that which:</p> <ul style="list-style-type: none"> <li>• has existed for a long time (it must be immemorial)</li> <li>• observed generally by the community in which it applies (it must have continued without exception since its immemorial origin);</li> <li>• must be reasonable;</li> <li>• content and meaning must be certain and clear;</li> <li>• is not written but practiced;</li> <li>• is a system of law that was known to the community practiced and passed from generation to generation;</li> <li>• has its own values and norms;</li> <li>• throughout its history it has evolved and developed to meet the changing needs of the community; and</li> <li>• will continue to evolve within the context of its values and norms consistently with the Constitution.</li> </ul> <p>Customary law may be established by reference to writers on customary law and other authorities and sources and may include the evidence of witnesses if necessary.</p> <p>Customary law means those customs that are deemed to be binding on and enforceable in respect of all members of a particular traditional community.</p> <p>Custom means traditional practices adhered to by a traditional community.</p>
Gauteng Commission on Traditional Leadership Disputes and Claims	Is a statutory body established in terms of section 127(2)(e) of the Constitution of the Republic of South Africa, 1996, read with section 2(1) of the Gauteng Provincial Commissions Act, 1997 (Act No. 1 of 1997), section 59 of the Traditional and Khoi-San Leadership Act, 2019, (Act No. 3 of 2019) and section 62 of the Gauteng Traditional Leadership and Governance Act, 2010 (Act No. 4 of 2011), the latter read with necessary changes required by the context as well as Provincial Notice No. 894 of 08 July 2022.
Term of office of the Commission	The term of office of the Commission commenced on 1 May 2022 and will end on 30 April 2023 and may be extended by the Premier of the Gauteng Province in consultation with the MEC responsible for Traditional Affairs.

<p>Legal recognition as a traditional community</p>	<p>To gain legal recognition as a traditional community, a community must apply to the Premier of the province where the community is located, if it meets the following criteria:</p> <ul style="list-style-type: none"> <li>• has a system of traditional leadership at a senior traditional leadership level recognised by other traditional communities;</li> <li>• observes a system of customary law;</li> <li>• recognises itself as a distinct traditional community with a proven history of existence, from a particular point in time up to the present, distinct and separate from other traditional communities;</li> <li>• occupies a specific geographical area;</li> <li>• has an existence of distinctive cultural heritage manifestations; and</li> <li>• where applicable, has a number of headmanship or headwomanship.</li> </ul> <p>The application must be accompanied by an application for the recognition of the position of a senior traditional leader of that community. Without a recognised senior traditional leader, a community cannot be legally recognised as a traditional community.</p> <p>After consultation with the relevant provincial house the Premier may by notice in the Provincial Gazette recognize a community as a traditional community.</p>
<p>Legal recognition as a headmanship or headwomanship</p>	<p>A headmanship or headwomanship may be recognized if it has:</p> <ul style="list-style-type: none"> <li>• has a system of traditional leadership at a headmanship or headwomanship level and is recognised as such by the relevant traditional community;</li> <li>• consists of an area within the area of jurisdiction of the traditional council of the relevant traditional community; and</li> <li>• will contribute to the more effective and efficient administration of the relevant traditional council.</li> </ul> <p>The portion of the community that meets the criteria may request the relevant traditional council to apply to the Premier for the recognition of the community as a headmanship or headwomanship.</p> <p>The Premier may after consultation with the relevant traditional council, and by notice in the Provincial Gazette recognise the headmanship or headwomanship.</p>
<p>Date of submitting applications</p>	<p>Applications must be submitted from <b>18 November 2022</b> to <b>31 January 2023</b>.</p>
<p>Mandate of the Commission</p>	<p>In terms of Provincial Notice No. 894 of 08 July 2022 the Commission must investigate and provide a report as well as recommendations on the following matters:</p> <ul style="list-style-type: none"> <li>• <i>a case where there is a doubt as to whether a traditional leadership or headmanship or headwomanship, excluding a</i></li> </ul>

	<p><i>king or a queen or a kingship or a queenship, was established in accordance with customary law and customs within the province.</i></p> <ul style="list-style-type: none"> <li>• <i>a traditional leadership position where the title or right of the incumbent is contested.</i></li> <li>• <i>claims by communities to be recognized as traditional communities.</i></li> <li>• <i>the legitimacy of the establishment or disestablishment of “tribes” within the province.</i></li> <li>• <i>disputes resulting from the determination of traditional authority boundaries and the merging or division of “tribes”; and</i></li> <li>• <i>where reasonable grounds exist, any other matter relevant to the matters listed in paragraphs (a) to (e), including the consideration of events that may have arisen following the outcome of the “Tolo Commission”.</i></li> </ul>
Royal family	Is a core customary institution or structure consisting of immediate relatives of the ruling family within a traditional community, who have been so identified in terms of customary law or customs, and where applicable includes family members who are close relatives of the ruling family
Traditional leader	<p>a Person who has been recognised as a king or queen, principal traditional leader, senior traditional leader or headman or headwoman in terms of the Traditional and Khoi San Leadership Act (TKLA) and Gauteng Traditional Leadership and Governance Act (GTL&amp;GA) and includes regents, acting traditional leaders and deputy traditional leaders.</p> <p>Nothing contained in legislation may be construed as precluding members of a traditional community from addressing a traditional leader by the customary designation accorded to him or her by custom, but such customary designation does not derogate from or add anything to the status, role, and functions of a traditional leader as provided for in legislation.</p>
Traditional community	Means a traditional community that has been duly recognized by the Premier in terms of Section 3 of the TKLA
Traditional leadership	<p>Is the institutions or structures established in terms of customary law or customs, or customary systems or procedures of governance, recognized, utilized, or practiced by traditional communities.</p> <p>Traditional leadership is as old as the existence of the African people barring transformation and mutation over generations. The traditional leadership statutory framework represents transformation and mutation, and interventions at various historically significant periods.</p>

<p>Traditional leadership positions recognized by law (TKLA and GTLA)</p>	<p>Legally recognised traditional leadership positions are:</p> <ul style="list-style-type: none"> <li>• King or queen;</li> <li>• Principal traditional leader;</li> <li>• Senior traditional leader; and</li> <li>• Headman or headwoman.</li> </ul> <p>A hereditary senior traditional leader and hereditary headman/headwoman may be recognized in terms of legislation:</p> <ul style="list-style-type: none"> <li>• In a fully-fledged capacity;</li> <li>• In an acting capacity;</li> <li>• as a deputy traditional leader; and</li> <li>• as a regent.</li> </ul>
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# GAUTENG

## Commission on Traditional Leadership Disputes and Claims



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