

# Four bills referred to National Assembly for consideration

The National Council of Provinces (NCOP) has approved four bills for submission to the National Assembly.



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The four bills, the Local Government: Municipal Structures Amendment Bill, the Customary Initiation Bill, Traditional Courts Bill and Recognition of Customary Marriages Amendment Bill were approved at the NCOP's virtual plenary held on Wednesday.

## Local Government: Municipal Structures Amendment Bill

The Local Government: Municipal Structures Amendment Bill amends the Local Government: Municipal Structures Act, 1998.

The bill seeks to among other things, prevent councillors who were removed from office for breaching the Code of Conduct and from becoming councillors for a period of two years; to require the municipal manager to inform the MEC for local government in the province; and provide that the MEC call and set the date for by-elections.

## Customary Initiation Bill

The Customary Bill seeks to provide for the effective regulation of customary initiation practices; provide for the establishment of a National Initiation Oversight Committee and Provincial Initiation Coordinating Committee and their functions; provide for the responsibilities, roles and functions of the various role-players involved in initiation practices, as such, or in the governance aspects thereof; and to provide for the effective regulation of initiation schools.

## Traditional Courts Bill

The Traditional Courts Bill seeks to provide a uniform legislative framework for the structure and functioning of traditional courts, in line with constitutional imperatives and values; and to provide for matters connected therewith.

The Bill deals with cultural matters, indigenous law and traditional leadership which are all functional areas of concurrent

national and provincial legislative competence listed in Part A of Schedule 4 to the Constitution.

## **Recognition of Customary Marriages Amendment Bill**

The Recognition of Customary Marriages Amendment Bill, 2019, aims to amend the Recognition of Customary Marriages (RCMA) Act, 1998 by further regulating the proprietary consequences of customary marriages entered into before the commencement of the RCMA, in order to bring the provisions of the Act in line with the judgments of the Constitutional Court.

The court found the Act to be constitutionally invalid because they discriminate unfairly against certain women in customary marriages.

“The effect of this amendment is that all customary marriages, whether entered into after, or before the commencement of the RCMA, will be marriages in community of property and of profit and loss unless the spouses decide to exclude that by means of an ante-nuptial contract,” Parliamentary spokesperson Moloto Mothapo explained.

The NCOP passed all four bills with amendments. The bills will now be referred to the National Assembly for consideration.

## **Committee adopts Electoral Laws Amendment Bill**

Meanwhile, the Portfolio Committee on Home Affairs has approved the Electoral Laws Amendment Bill (B22-2020) and will recommend that the National Assembly adopt it.

Committee Chairperson Advocate Bongani Bongo said various concerns were raised following an extensive public participation process.

The committee received 12 305 submissions from the public, a summary via the Dear South Africa website, and another 28 submissions from other stakeholders.

As a result of the public comments, Bongo said that the committee resolved to remove clauses 14 and 21 of the Bill, where it stated that the Electoral Commission of South Africa (IEC) may prescribe a different voting method.

“The committee agreed that voting method is a policy matter that cannot be left to the IEC alone to decide, even though the IEC had mentioned that the intention was to only allow for testing of such alternatives,” Bongo said.

The Electoral Laws Amendment Bill seeks to amend three pieces of legislation, including the Electoral Commission Act, the Electoral Act and the Local Government: Municipal Electoral Act, in preparation for the forthcoming general local government elections in 2021.

“The committee is convinced that it has done justice to the work it was mandated to do and is hopeful that the National

Assembly will concur,” Bongo said.

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