

GUIDELINES ON STRUCTURE SUBMISSIONS
OF TBVC STATES TO SUB-COMMITTEE 4
("THE POLITICAL, LEGAL AND CONSTITUTIONAL EFFECTS OF RE-INTEGRATION OF THE TBVC STATES") OF WORKING



RIPHABULIKI YA VENDA
 REPUBLIC OF VENDA
 REPUBLIEK VAN VENDA

TELEFAX/TELEFAKS MESSAGE

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SUBJECT: SUBMISSIONS OF TBVC STATES

MESSAGE :

APPROVED:

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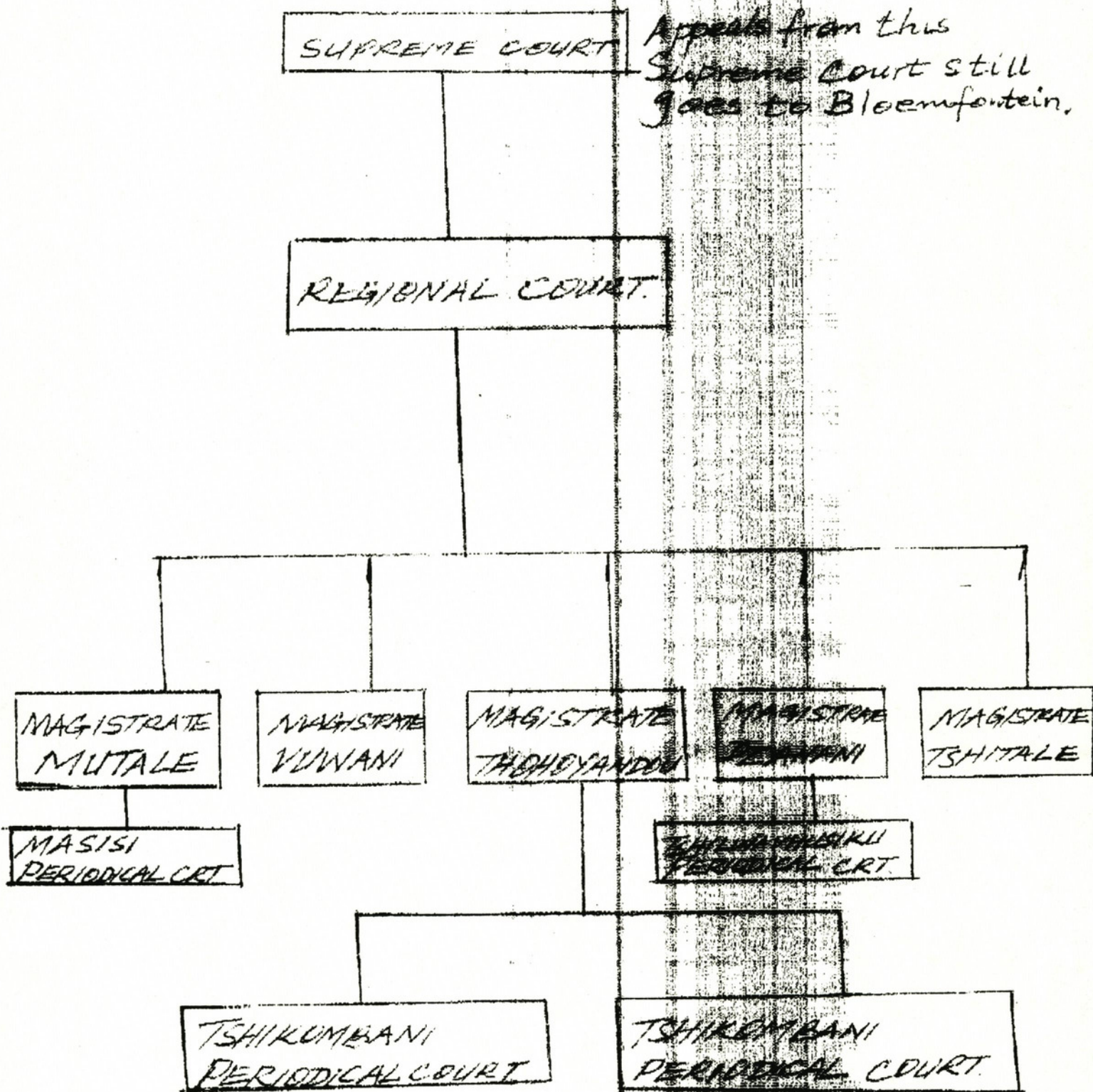
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of the following structures:

- 1. Supreme Court
- 2. Regional Court
- 3. Magistrates Courts.

DIAGRAM OF THE JUDICIARY



Appeals from this Supreme Court still goes to Bloemfontein.

A.3. THE LEGISLATURE

In Venda the Executive and the Legislature is the same body because members of the Executive are also responsible to make laws in the form of Proclamations in the Council of National Unity (CNU).

A.4. THE RELATIONSHIP OF EACH OF THE ABOVE TO EACH OTHER.

In Venda there is no relationship between the Judiciary and the Executive or the Legislature. The relationship only exists between the Executive and the Legislature being the same body.

B. LEVELS OF GOVERNMENT

B.1 REGIONAL GOVERNMENT

In Venda the Regional Government is not in existence. Instead we have District Councils which are established in each of the five districts as follows:

THOHoyANDRU DIST. COUNCIL, DZANANI DISTRICT COUNCIL, VUWYANI DISTRICT COUNCIL, MUTALE DISTRICT COUNCIL AND TSHITALE DISTRICT COUNCIL.

B.2 LOCAL GOVERNMENT

In Venda the Local Governments are known as Territorial Councils established in each Tribal area. There are 28 Territorial Councils in Venda situated as follows:-

THEHOYANDU DISTRICT

In this district we have 5 Territorial Councils as follows:-

TSHIVHASE, MPHAPHU, MAKUYA, MULENZHE AND TSHIKENELD.

DZANANI DISTRICT

In this district we have 3 Territorial Councils as follows:-

MPHEPHU, SINTHUMULE AND MPHEPHU.

VUWANI DISTRICT

In this District there are 9 Territorial Councils as follows:-

LWANONDO, TSHAKHUMA TSIANDA, HA-MUTSHA, NSENGANI TSHIMBLIPFE, DAVHANA, MASIA and MASHAU.

TSHITALE DISTRICT

In this district there are 5 Territorial Councils as follows:-

MASHAMBA, MASAKONA, NYABAZALA,

MULIMA AND MUIILA.

B.3 THE ROLE, POWERS AND FUNCTIONS OF TRADITIONAL LEADERS AT ALL LEVELS OF GOVERNMENT.

In Venda the role, powers and functions of traditional leaders at all levels of Government is that each Chief (Khos) is always a Chairman of his territorial Council and all chiefs (makhos) are ex officio members of the District Council where one of the Chiefs presides as a Chairman of the District Council's meetings.

B.4. RELATION OF EACH LEVEL OF GOVERNMENT TO EACH OTHER.

The relationship is that matters emanating from territorial Councils are referred to a District Council for a decision.

3. ROLE OF POLITICAL ORGANISATIONS

At the present moment there are no registered political organisations in Venda but parties have liberty to register themselves.

4. STRUCTURE AND BRANCHES OF ADMINISTRATION.

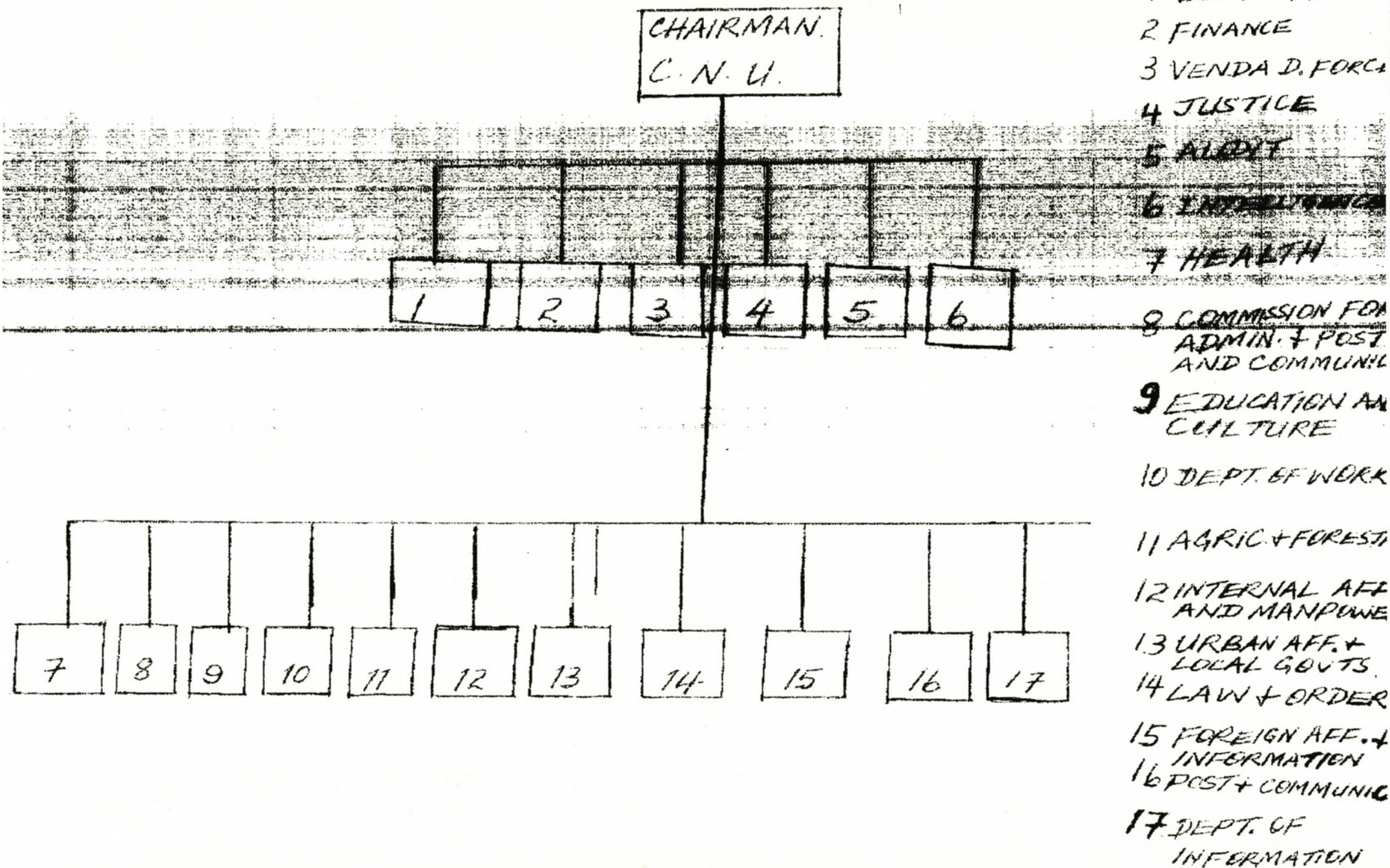
The Structures and Branches of Administration of Venda are as set out in the following diagram as Annexure A.

The authority of each of these administrative branches is that in each Department, the authority is the political head assisted by the Director General who is the administrative head.

ANNEXURE A.

7.

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5. SUPPORTING DOCUMENTS

In the case of Regional (District) Councils and Territorial (Local) Councils, the relevant acts are the following - (a) VHUDSI ADMINISTRATION ACT, 1986 (ACT 14 OF 1986)

(b) DISTRICT AND TERRITORIAL COUNCILS ACT, 1986 (ACT 15 OF 1986)

(c) DISTRICT AND TERRITORIAL COUNCILS AMENDMENT PROCLAMATION, 1991 (PROCLAMATION NO 38 OF 1991)

6. CONSTITUTION.

The Constitution of Venda is embodied in the Republic of Venda Constitution Act, 1979 as amended (Act 9 of 1979). Some provisions of this Constitution had been suspended by the Proclamation which established the Council of National Unity in 1990. In this Constitution as well as in the Procl. no rights are enshrined and the Bill of Rights is also excluded.

6 A. RELEVANT LEGISLATION.

Republic of Venda. Constitution Act, 1979
(Act 9 of 1979).

Proclamation No. 7 of 1990. Assumption
of Control of Government and Admin.
by the Council of National Unity

Public Service Act, 1986 (Act 6 of 1986)

Prison Act, 1985 (Act 5 of 1985)

Venda Police Act, 1985 (Act 4 of 1985)

Venda Defence Force Act, 1982 (Act 15 of
1982)

Interpretation Act, 1957 (Act 33 of 1957)

Electoral Act, 1983 (Act 18 of 1983)

Electoral Amendment Act, 1988 (Act 6
of 1988).

Magistrates Courts Act, 1944 (Act 32
of 1944)

Supreme Court Act, 1959

Venda Law Commission Act, 1988
(Act 18 of 1988).

Town Councils Proclamation, 1990 (Procl.
No. 43 of 1990)

B. PROPERTY LEGISLATION

These Acts are the same as those of R.S.A. before 12/9/1999. Any amendment of R.S.A. Act is applicable in Venda if adopted.

C. ECONOMIC LEGISLATION

Same as those in the R.S.A. because of harmonization.

D. OTHER RELEVANT LEGISLATION

Labour Act, 1982 (Act 15 of 1982)
Health Acts are the same as those in the R.S.A. if adopted.

Education Act, 1973 (Act 3 of 1973)
Marriage Legislation same as those of R.S.A. - if adopted.
At the moment Venda is about to pass a proclamation which will have an effect of recognising Customary unions as valid marriages.