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KWAZULU INGONYAMA TRUST ACT, 1994
(Act 3 of 1994 - G.N. 26 of 1994 dated 24 April 1994)

The State President has been pleased under and by virtue of the powers vested in him by section 31(2) of the Self-Governing Territories Constitution Act, 1971 (Act 21 of 1971) to approve the following Act. (English text signed by the State President. Assented to on 25 April 1994).

ACT

To provide for the establishment of the Ingonyama Trust and for certain land to be held in trust: and to provide for matters incidental thereto.

BE IT ENACTED by the KwaZulu Legislative Assembly as follows:

Definitions

1. In this Act unless the context otherwise indicates:
"ingonyama" means a person referred to in section 13 of the KwaZulu Amakhosi and Iziphakanyiswa Act, 1990 (Act 9 of 1990) or a person who acts on behalf of the ingonyama in terms of Zulu indigenous law, and "the King of the Zulus" has a corresponding meaning;
"Registrar" means the registrar of Deeds (Pietermaritzburg) appointed in terms of the deeds Act, 1937 (Act No.47 of 1937).

Establishment of the Ingonyama Trust

2. (1) A corporate body, to be called the Ingonyama Trust, hereinafter referred to as the Trust, is hereby established with perpetual succession and power to sue and be sued in its corporate name and, subject to the provisions of this Act, to do all such acts and things as bodies corporate may lawfully do.
(2) The Trust shall, in a manner not consistent with the provisions of this Act, be administered for the benefit, material welfare and social well-being of the tribes and communities as contemplated in the KwaZulu Amakhosi and Iziphakanyiswa Act, 1990 (Act 9 of 1990), referred to in the second column of the Schedule, established in a district referred to in the first column of the said Schedule, as well as the subjects of the Ingonyama.
(3) The Ingonyama shall be the only trustee of the trust, who shall administer the affairs of the Trust, subject to the provisions of this Act, with the power to delegate any of his powers and functions as trustee to any other individual or an executive authority in KwaZulu or Natal established by law, as he may deem expedient.
(4) the Ingonyama, as trustee, may subject to the provisions of this Act deal with the land referred to in section 3 in accordance with Zulu indigenous law or any other applicable law.
(5) The Ingonyama shall, as trustee, not encumber, pledge, lease, alienate or otherwise dispose of any of the said land or any interest or real right in the land, unless he obtained the prior written consent of the traditional authority of the tribe or the community concerned or of any other person who holds or has a right in or over that land.

Transfer of land to the Ingonyama in trust

3. (1) Notwithstanding the provisions of section 2 of the KwaZulu Land Affairs Act, 1992 (Act No. 11 of 1992) or any other law -
(a) any land or real right therein of which the ownership immediately prior to the date of commencement of this Act vested in or had been acquired by the Government of KwaZulu shall hereby vest in and be transferred to and shall be held in trust by the Ingonyama as trustee of the Ingonyama Trust referred to in section 2(1) for and on behalf of the tribes and communities referred to in section 2(2).
(b) any land or real right therein of which the control immediately prior to the date of the commencement of this Act vested in the Government of KwaZulu shall hereby be under the control of the Ingonyama and shall be held as such in trust by the Ingonyama as trustee of the Ingonyama