



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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## STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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OFFICE OF THE PRIME MINISTER

KANTOOR VAN DIE EERSTE MINISTER

No. 2139. 28 September 1983

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It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 110 of 1983: Republic of South Africa Constitution Act, 1983.

No. 110 van 1983: Grondwet van die Republiek van Suid-Afrika, 1983.

# ACT

**To introduce a new constitution for the Republic of South Africa and to provide for matters incidental thereto.**

*(English text signed by the State President.)  
(Assented to 22 September 1983.)*

**I**N HUMBLE SUBMISSION to Almighty God, Who controls the destinies of peoples and nations,  
Who gathered our forebears together from many lands and gave them this their own,  
Who has guided them from generation to generation,  
Who has wondrously delivered them from the dangers that beset them,

**WE DECLARE** that we  
**ARE CONSCIOUS** of our responsibility towards God and man;  
**ARE CONVINCED** of the necessity of standing united and of pursuing the following national goals:

To uphold Christian values and civilized norms, with recognition and protection of freedom of faith and worship,  
To safeguard the integrity and freedom of our country,  
To uphold the independence of the judiciary and the equality of all under the law,  
To secure the maintenance of law and order,  
To further the contentment and the spiritual and material welfare of all,  
To respect and to protect the human dignity, life, liberty and property of all in our midst,  
To respect, to further and to protect the self-determination of population groups and peoples,  
To further private initiative and effective competition;

**ARE PREPARED TO ACCEPT** our duty to seek world peace in association with all peace-loving peoples and nations; and

**ARE DESIROUS OF GIVING THE REPUBLIC OF SOUTH AFRICA A CONSTITUTION** which provides for elected and responsible forms of government and which is best suited to the traditions, history and circumstances of our land:

**B**E IT THEREFORE ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

## PART I

### THE REPUBLIC

5

# WET

**Om 'n nuwe grondwet vir die Republiek van Suid-Afrika in te voer en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.**

*(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 22 September 1983.)*

**I**N NEDERIGE ERKENTLIKHEID teenoor die Almagtige God, Beskikker oor die lotgevalle van volkere en nasies,  
Wat ons voorgeslagte uit baie lande byeengebring en hulle hier in hul eie gevestig het,  
Wat hul weë deur geslagte bepaal het,  
Wat hulle so wonderbaarlik deur gevare gelei het,

**VERKLAAR** ONS dat ons

**BEWUS** IS van ons verantwoordelikheid voor God en die mensdom;

**OORTUIG** IS van die noodsaaklikheid om saam te staan en om die volgende nasionale doelwitte na te streef:

Om Christelike waardes en beskaafde norme te handhaaf, met erkenning en beskerming van vryheid van geloof en aanbidding.

Om die onskendbaarheid en vryheid van ons land te beveilig.

Om die onafhanklikheid van die regbank en gelykheid voor die gereg te handhaaf.

Om die wet en orde te handhaaf.

Om die geluk en die geestelike en stoflike welvaart van almal te bevorder.

Om die menswaardigheid, lewe, vryheid en eiendom van almal te eerbiedig en te beskerm.

Om die selfbeskikking van bevolkingsgroepe en volke te eerbiedig, te bevorder en te beskerm.

Om private inisiatief en effektiewe mededinging te bevorder;

**BEREID** IS om ons plig te aanvaar om gesamentlik met alle vreedeliewende volkere en nasies wêreldvrede te soek; en

**AAN DIE REPUBLIEK VAN SUID-AFRIKA 'N GRONDWET WIL GEE** wat voorsiening maak vir verkose en verantwoordelike regeeringsvorme en wat die beste sal aanpas by die tradisies, geskiedenis en omstandighede van ons vaderland:

**DAAR WORD DERHALWE BEPAAL** deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

## DEEL I

### DIE REPUBLIEK

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1. Die Republiek van Suid-Afrika, wat bestaan uit die provinsies die Kaap die Goeie Hoop, Natal, Transvaal en die Oranje-Vrystaat, bly onder daardie naam as 'n republiek voortbestaan.

Voortbestaan van Republiek van Suid-Afrika.

Act No. 110, 1983

## REPUBLIC OF SOUTH AFRICA CONSTITUTION ACT, 1983

Sovereignty and  
guidance of  
Almighty God  
acknowledged.

2. The people of the Republic of South Africa acknowledge the sovereignty and guidance of Almighty God.

## PART II

## NATIONAL FLAG AND ANTHEM

National Flag.

3. There shall be a National Flag of the Republic of which the design shall be as set out in section 4.

Design of National  
Flag.

4. (1) The National Flag of the Republic shall be a flag consisting of three horizontal stripes of equal width from top to bottom orange, white and blue on which there shall appear—

- (a) in the centre of the white stripe, the flag of the republic of "De Oranjevrijstaat" hanging vertically and spread in full; and
- (b) on opposite sides and adjoining the flag referred to in paragraph (a)—
  - (i) the Union Jack, as it existed in 1927, horizontally spread in full towards the pole; and
  - (ii) the Vierkleur of "De Zuid-Afrikaansche Republiek" horizontally spread in full away from the pole.

(2) The flags referred to in paragraphs (a) and (b) of subsection (1) shall all be of the same size and of a shape proportionally the same as that of the National Flag, the width of each of such flags shall be equal to one-third of the width of the white stripe on the National Flag, and the flags referred to in paragraph (b) of subsection (1) shall be equidistant from the margins of the said white stripe.

National Anthem.

5. The National Anthem of the Republic shall be "The Call of South Africa/Die Stem van Suid-Afrika".

## PART III

## THE STATE PRESIDENT

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The State President  
and his powers.

6. (1) The head of the Republic shall be the State President.
- (2) The command-in-chief of the South African Defence Force is vested in the State President.
- (3) The State President shall, subject to the provisions of this Act, have power—
- (a) to address any House, or the Houses at a joint sitting;
  - (b) to confer honours;
  - (c) to appoint and to accredit, to receive and to recognize ambassadors, plenipotentiaries, diplomatic representatives and other diplomatic officers, consuls and consular officers;
  - (d) to pardon or reprove offenders, either unconditionally or subject to such conditions as he may deem fit, and to remit any fines, penalties or forfeitures;
  - (e) to enter into and ratify international conventions, treaties and agreements;
  - (f) to proclaim or terminate martial law;
  - (g) to declare war and make peace;
  - (h) to make such appointments as he may deem fit under powers conferred upon him by any law, and to exercise such powers and perform such functions as may be conferred upon or assigned to him in terms of this Act or any other law.

(4) The State President shall in addition as head of the State have such powers and functions as were immediately before the commencement of this Act possessed by the State President by way of prerogative.

## GRONDWET VAN DIE REPUBLIEK VAN SUID-AFRIKA. 1983

Wet No. 110, 1983

2. Die bevolking van die Republiek van Suid-Afrika erken die oppergesag en leiding van die Almagtige God.

Erkenning van die oppergesag en leiding van die Almagtige God.

## DEEL II

## NASIONALE VLAG EN VOLKSLIED

5 3. Daar is 'n Nasionale Vlag van die Republiek met die ontwerp in artikel 4 uiteengesit.

Nasionale Vlag.

4. (1) Die Nasionale Vlag van die Republiek is 'n vlag wat bestaan uit drie ewe wye horisontale bane wat van bo na onder oranje, wit en blou is, en waarop voorkom—

Ontwerp van Nasionale Vlag.

10 (a) in die middel van die wit baan, die vlag van die republiek De Oranjevrijstaat wat vertikaal en vol oopgesprei afhang; en

(b) aan weerskante van en vas teenaan die vlag in paragraaf (a) genoem—

15 (i) die Union Jack, soos dit in 1927 bestaan het, horisontaal en vol oopgesprei in die rigting van die vlagpaal; en

(ii) die Vierkleur van De Zuid-Afrikaansche Republiek horisontaal en vol oopgesprei weg van die vlagpaal af.

20 (2) Die vlag in paragraaf (a) en (b) van subartikel (1) genoem, moet almal ewe groot wees en na verhouding dieselfde vorm as die Nasionale Vlag hê met die wydte van elk van daardie vlag gelyk aan een derde van die wydte van die wit baan op die Nasionale Vlag, en die vlag in paragraaf (b) van subartikel (1) genoem, moet ewe ver van die kante van bedoelde wit baan wees.

5. Die Volkslied van die Republiek is „Die Stem van Suid-Afrika/The Call of South Africa”.

Volkslied.

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## DEEL III

## DIE STAATSPRESIDENT

6. (1) Die hoof van die Republiek is die Staatspresident.

Die Staatspresident en sy bevoegdhede.

(2) Die oppergesag oor die Suid-Afrikaanse Weermag berus by die Staatspresident.

35 (3) Die Staatspresident is, behoudens die bepalinge van hierdie Wet, bevoeg—

(a) om 'n Huis, of die Huisse in 'n gesamentlike sitting, toe te spreek;

(b) om eerbewyse toe te ken;

40 (c) om ambassadeurs, gevolmagtigdes, diplomatieke verteenwoordigers en ander diplomatieke amptenare, konsuls en konsulêre amptenare aan te stel en te akkrediteer, te ontvang en te erken;

45 (d) om oortreders te begenadig of aan hulle gracie te verleen, hetsy onvoorwaardelik hetsy op die voorwaardes wat hy goedvind, en om boetes, strawwe of verbeurings kwyt te skeld;

(e) om internasionale konvensies, verdrae en ooreenkomste aan te gaan en te bekragtig;

50 (f) om krygswet af te kondig of te beëindig;

(g) om oorlog te verklaar en vrede te sluit;

(h) om ingevolge die bevoegdhede by wet aan hom verleen, die aanstellings te doen wat hy goedvind, en om die bevoegdhede uit te oefen en die werksaamhede te verrig wat ingevolge hierdie Wet of 'n ander wet aan hom verleen of toegewys word.

55 (4) Daarbenewens het die Staatspresident as hoof van die Staat dieselfde bevoegdhede en funksies as wat die Staatspresident onmiddellik voor die inwerkingtreding van hierdie Wet by 60 wyse van prerogatief gehad het.

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Election of State President.

7. (1) (a) The State President shall be elected by the members of an electoral college present at a meeting called in accordance with the provisions of this section and presided over by the Chief Justice or a judge of appeal designated by him. 5
- (b) An electoral college referred to in paragraph (a) shall be constituted whenever necessary in terms of this Act, and shall consist of—
- (i) 50 members of the House of Assembly designated by it by resolution; 10
- (ii) 25 members of the House of Representatives designated by it by resolution;
- (iii) 13 members of the House of Delegates designated by it by resolution, 15
- or, in the case of a particular House, such smaller number of members thereof, if any, as may be so designated by it.
- (c) A member of a House referred to in section 41 (1) (b) or (c), 42 (1) (b) or (c) or 43 (1) (b) or (c) may not be designated as a member of an electoral college or participate in the voting or other proceedings of the House in question in connection with a resolution contemplated in paragraph (b) of this subsection. 20
- (d) A House shall designate the relevant members of a particular electoral college as often as it may deem necessary. 25
- (e) An electoral college shall dissolve after disposing of the matters for which it is constituted in terms of this Act.
- (2) The election of a State President shall be held, subject to the provisions of subsection (4), at a time and place fixed by the Chief Justice and made known by notice in the *Gazette* not less than 14 days before the election. 30
- (3) The date so fixed shall—
- (a) in the case of the first such election, be a date not more than seven days after the commencement of the first session of Parliament after the commencement of this Act; 35
- (b) whenever a general election of members of the Houses has been held after a dissolution of Parliament, be a date not more than seven days after the commencement of the first session of Parliament after the general election; 40
- (c) if the State President dies or for any other reason vacates his office before the expiration of his period of office and his successor in office has then not yet been elected, be a date not more than one month after the office became vacant: Provided that if the State President resigns and intimates in his resignation lodged with the Chief Justice in terms of section 9 (4) that he will vacate his office on a day not less than one month after the date of the lodging of his resignation, a date earlier than the day on which the office becomes vacant, shall be so fixed. 45
- (4) If any electoral college removes the State President from office in terms of section 9, it shall forthwith proceed to elect a State President. 55
- (5) No person may be elected or serve as State President unless he is qualified to be nominated or elected and take his seat as a member of a House.
- (6) Any person who holds a public office in respect of which he receives any remuneration or allowance out of public funds, and who is elected as State President, shall vacate such office with effect from the date on which he is elected. 60

Method of election.

8. (1) Nominations of candidates for election as State President shall be called for at the meeting of the electoral college at which the election is to take place, by the person presiding at the meeting. 65

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7. (1) (a) Die Staatspresident word gekies deur die lede van 'n kieskollege wat aanwesig is op 'n vergadering wat ooreenkomstig die bepalings van hierdie artikel belê word en waarop die Hoofregter of 'n appèlregter deur hom aangewys, voorsit.
- 5 (b) 'n Kieskollege in paragraaf (a) bedoel, word saamgestel wanneer dit ingevolge hierdie Wet nodig is, en bestaan uit—
- 10 (i) 50 lede van die Volksraad by besluit deur hom aangewys;
- (ii) 25 lede van die Raad van Verteenwoordigers by besluit deur hom aangewys;
- (iii) 13 lede van die Raad van Afgevaardigdes by besluit deur hom aangewys,
- 15 of, in die geval van 'n bepaalde Huis, die kleiner getal lede daarvan, indien daar is, aldus deur hom aangewys.
- (c) 'n Lid van 'n Huis in artikel 41 (1) (b) of (c), 42 (1) (b) of (c) of 43 (1) (b) of (c) bedoel, kan nie as 'n lid van 'n kieskollege aangewys word nie of aan die stemming of ander verrigtings van die betrokke Huis in verband met
- 20 'n besluit in paragraaf (b) van hierdie subartikel beoog, deelneem nie.
- (d) 'n Huis wys die betrokke lede van 'n bepaalde kieskollege aan so dikwels as wat hy dit nodig vind.
- 25 (e) 'n Kieskollege ontbind na afhandeling van die sake waarvoor hy ingevolge hierdie Wet saamgestel word.
- (2) Die verkiesing van 'n Staatspresident word, behoudens die bepalings van subartikel (4), gehou op 'n tyd en plek wat deur die Hoofregter bepaal word en wat minstens 14 dae voor die datum van die verkiesing by kennisgewing in die *Staatskoerant* bekend gemaak word.
- 30 (3) Die datum aldus bepaal, moet—
- (a) in die geval van die eerste sodanige verkiesing, 'n datum wees hoogstens sewe dae na die aanvang van die eerste sessie van die Parlement na die inwerkingtreëding van hierdie Wet;
- 35 (b) wanneer 'n algemene verkiesing van lede van die Huisse gehou is na 'n ontbinding van die Parlement, 'n datum wees hoogstens sewe dae na die aanvang van die eerste sessie van die Parlement na die algemene verkiesing;
- 40 (c) indien die Staatspresident te sterwe kom of om 'n ander rede sy amp ontruim voor die verstryking van sy ampstermyn en sy opvolger in die amp dan nog nie gekies is nie, 'n datum wees hoogstens een maand nadat die amp vakant geword het. Met dien verstande dat, indien die Staatspresident bedank en in sy bedanking ingevolge artikel 9 (4) by die Hoofregter ingedien, aandui dat hy sy amp sal ontruim met ingang van 'n datum minstens een maand na die datum van die indiening van sy bedanking, 'n datum vroeër as die dag waarop die amp vakant word, aldus bepaal moet word.
- 45 (4) Indien 'n kieskollege die Staatspresident ingevolge artikel 9 van sy amp onthef, gaan die kieskollege onmiddellik oor tot die verkiesing van 'n Staatspresident.
- 55 (5) Niemand kan as Staatspresident gekies word of dien nie tensy hy bevoeg is om as lid van 'n Huis benoem of verkies te word en sitting te neem.
- (6) Iemand wat 'n openbare amp beklee ten opsigte waarvan hy uit Staatsfondse enige besoldiging of toelae ontvang, en wat as Staatspresident verkies word, ontruim daardie amp met ingang van die datum waarop hy verkies word.
- 60
8. (1) Nominasies van kandidate vir verkiesing as Staatspresident word op die vergadering van die kieskollege waarop die verkiesing moet plaasvind, gevra deur die persoon wat op die vergadering voorsit.
- 65 (2) Elke nominasie moet voorgelê word in die voorgeskrewe vorm en moet onderteken wees deur twee lede van die kieskollege en ook deur die genomineerde persoon, tensy hy sy gewil-

Verkiesing van  
Staatspresident.Wyse waarop  
verkiesing  
plaasvind.

(2) Every nomination shall be submitted in the form prescribed and shall be signed by two members of the electoral college and also by the person nominated, unless he has in writing or by telegram signified his willingness to accept nomination.

(3) The names of the persons duly nominated as provided in subsection (2) shall be announced at the meeting at which the election is to take place by the person presiding at the meeting, and no debate shall be allowed at the election.

(4) If in respect of any election only one nomination has been received, the person presiding at the meeting shall declare the candidate in question to be duly elected.

(5) Where more than one candidate is nominated for election, a vote shall be taken by secret ballot, each member of the electoral college present at the meeting in question having one vote, and any candidate in whose favour a majority of all the votes cast is recorded shall be declared duly elected by the person presiding at the meeting.

(6) (a) If no candidate obtains a majority of all the votes so cast, the candidate who received the smallest number of votes shall be eliminated and a further ballot taken in respect of the remaining candidates, this procedure being repeated as often as may be necessary until a candidate receives a majority of all the votes cast and is declared duly elected.

(b) Whenever two or more candidates being the lowest on the poll have received the same number of votes, the electoral college shall by separate vote, to be repeated as often as may be necessary, determine which of those candidates shall for the purposes of paragraph (a) be eliminated.

(7) (a) Whenever—

- (i) only two candidates have been nominated; or
- (ii) after the elimination of one or more candidates in accordance with the provisions of this section, only two candidates remain,

and there is an equality of votes between those two candidates, a further meeting shall be called in accordance with the provisions of section 7, and the provisions of this section shall apply as if such further meeting were the first meeting called for the purposes of the election in question.

(b) If at the third meeting there is again an equality of votes, the electoral college shall dissolve, an electoral college shall again be constituted and the provisions of section 7 and this section shall apply *mutatis mutandis* as if the newly constituted electoral college were the first electoral college constituted for the purposes of the election in question.

(8) (a) The Chief Justice shall make rules in regard to the procedure to be observed at a meeting of any electoral college constituted as provided in section 7, including rules prescribing the form in which any nomination shall be submitted and rules defining the duties of the presiding officer and of any person appointed to assist him, and prescribing the manner in which a ballot at any such meeting shall be conducted.

(b) Such rules shall be made known in such manner as the Chief Justice may consider necessary.

Tenure of office of State President.

9. (1) The State President shall hold office, subject to the other provisions of this section—

(a) during the continuance of the Parliament from which the electoral college that elected him was constituted; and

(b) after the dissolution of that Parliament, whether by effluxion of time or otherwise, until a State President has, at or after the commencement of the first session of the newly constituted Parliament, been elected as provided in sections 7 and 8 and has assumed office.

but shall be eligible for re-election.



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ligheid om nominasie te aanvaar skriftelik of per telegram te kenne gegee het.

(3) Die name van die persone wat behoorlik volgens voorskrif van subartikel (2) genomineer is, moet op die vergadering waarop die verkiesing moet plaasvind, afgekondig word deur die persoon wat op die vergadering voorsit, en geen debat word by die verkiesing toegelaat nie.

(4) Indien daar ten opsigte van 'n verkiesing slegs een nominasie ontvang is, word die betrokke kandidaat deur die persoon wat op die vergadering voorsit, behoorlik verkies verklaar.

(5) Waar meer as een kandidaat vir verkiesing genomineer word, vind 'n geheime stemming plaas waarby elke lid van die kieskollege wat op die betrokke vergadering aanwesig is een stem het, en word 'n kandidaat ten gunste van wie 'n meerderheid aangeteken word van al die stemme wat uitgebring is, behoorlik verkies verklaar deur die persoon wat op die vergadering voorsit.

(6) (a) Indien geen kandidaat 'n meerderheid verkry van al die stemme wat aldus uitgebring is nie, word die kandidaat wat die minste stemme gekry het, uitgeskakel en 'n verdere stemming ten opsigte van die oorblywende kandidate gehou, en hierdie prosedure word herhaal so dikwels as wat nodig is totdat 'n kandidaat 'n meerderheid verkry van al die stemme wat uitgebring word en behoorlik verkies verklaar word.

(b) Wanneer twee of meer kandidate dieselfde getal stemme behaal het, maar minder as al die ander kandidate, bepaal die kieskollege by afsonderlike stemming, wat so dikwels as wat nodig is, herhaal word, watter van daardie kandidate vir die doeleindes van paragraaf (a) uitgeskakel moet word.

(7) (a) Wanneer—

(i) slegs twee kandidate genomineer is; of  
(ii) daar na die uitskakeling van een of meer kandidate ooreenkomstig die bepalings van hierdie artikel slegs twee kandidate oorbly,

en daar 'n staking van stemme tussen daardie twee kandidate is, word 'n verdere vergadering ooreenkomstig die bepalings van artikel 7 belê, en is die bepalings van hierdie artikel van toepassing asof daardie verdere vergadering die eerste vergadering is wat vir die doeleindes van die betrokke verkiesing belê is.

(b) Indien daar by die derde vergadering weer 'n staking van stemme is, ontbind die kieskollege, word 'n kieskollege weer saamgestel en is die bepalings van artikel 7 en hierdie artikel *mutatis mutandis* van toepassing asof die opnuut saamgestelde kieskollege die eerste is wat vir die doeleindes van die betrokke verkiesing saamgestel is.

(8) (a) Die Hoofregter moet reëls uitvaardig in verband met die prosedure wat gevolg moet word op 'n vergadering van 'n kieskollege saamgestel volgens voorskrif van artikel 7, met inbegrip van reëls wat die vorm voorskryf waarin enige nominasie voorgelê moet word en reëls wat die pligte voorskryf van die voorsittende beampte en enige persoon aangestel om hom by te staan, en die wyse voorskryf waarop 'n stemming op so 'n vergadering gereël moet word.

(b) Sodanige reëls moet bekend gemaak word op die wyse wat die Hoofregter nodig ag.

9. (1) Die Staatspresident beklee sy amp, behoudens die ander bepalings van hierdie artikel—

(a) vir die duur van die Parlement waaruit die kieskollege wat hom gekies het, saamgestel was; en

(b) na die ontbinding van daardie Parlement, hetsy deur tydsverloop of andersins, totdat 'n Staatspresident volgens voorskrif van artikels 7 en 8 by of na die aanvang van die eerste sessie van die nuut saamgestelde Parlement gekies is en sy amp aanvaar het,

maar is herkiesbaar.

Ampsduur van  
Staatspresident.

- (2) The State President shall vacate his office—
- (a) if in terms of section 7 (5) he becomes disqualified from serving as State President; or
  - (b) if he is removed from office under subsection (3).
- (3) (a) The State President shall cease to hold office on a resolution adopted by a majority of the members present at a meeting of an electoral college constituted as prescribed in section 7 and convened, as so prescribed, by the Chief Justice at the request of each of the three Houses, and declaring him to be removed from office on the ground of misconduct or inability to perform efficiently the duties of his office.
- (b) In connection with a resolution contemplated in paragraph (a) no debate shall be allowed in the electoral college.
  - (c) No request in terms of paragraph (a) shall be made by any House, except after consideration of a report of a committee of Parliament appointed in accordance with rules and orders contemplated in section 64.
  - (d) A House shall not adopt a resolution that such a committee be appointed, unless there has previously been submitted to the Speaker of Parliament a petition signed by not less than half of the members of each House and requesting that such a committee be appointed.
  - (e) In connection with a resolution contemplated in paragraph (d) no debate shall be allowed in the House in question.
- (4) The State President may resign by lodging his resignation in writing with the Chief Justice.

Acting State President.

10. (1) Whenever the State President is for any reason unable to perform the duties of his office, a member of the Cabinet nominated by the State President shall serve as Acting State President.
- (2) Whenever—
- (a) the State President is unable to nominate a member of the Cabinet in terms of subsection (1); or
  - (b) the member so nominated is for any reason unable to act; or
  - (c) the office of State President is vacant and there is no member so nominated or the member so nominated is unable to act,
- a member of the Cabinet designated by the remaining members thereof shall serve as Acting State President during the incapacity of the State President or of the member nominated by him, as the case may be, or until a State President has been elected and has assumed office.
- (3) (a) If a member of the Cabinet serves as Acting State President in terms of a designation under subsection (2) during the incapacity of the State President or of the member nominated by him, and the Speaker of Parliament is at any time of the opinion that neither the State President nor his nominee will be able to resume the duties of his office within 60 days from the date on which his incapacity set in, the Speaker shall in writing inform the Acting State President and the Chief Justice accordingly, and thereupon a member of the Cabinet shall without delay be designated as Acting State President by an electoral college *mutatis mutandis* in accordance with sections 7 and 8.
- (b) When the Acting State President so designated by the electoral college assumes office, any nomination or designation made under subsection (1) or (2) shall lapse.
  - (c) The Acting State President so designated by the electoral college shall serve as such during the incapacity of the State President or until a State President has been elected and has assumed office, as the circumstances may require.

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- (2) Die Staatspresident ontruim sy amp—
- (a) indien hy ingevolge artikel 7 (5) onbevoeg word om as Staatspresident te dien; of
- (b) indien hy kragtens subartikel (3) van sy amp onthef word.
- (3) (a) Die Staatspresident hou op om sy amp te beklee by 'n besluit wat aangeneem is deur 'n meerderheid van die lede aanwesig op 'n vergadering van 'n kieskollege saamgestel soos voorgeskryf in artikel 7 en byeengeroep, soos aldus voorgeskryf, deur die Hoofregter op versoek van elkeen van die drie Huisse, en waarby hy van sy amp onthef verklaar word op grond van wangedrag of onvermoë om sy ampspligte doeltreffend uit te voer.
- (b) In verband met 'n besluit in paragraaf (a) beoog, word geen debat in die kieskollege toegelaat nie.
- (c) 'n Versoek ingevolge paragraaf (a) word nie deur 'n Huis gedoen nie behalwe na oorweging van 'n verslag van 'n komitee van die Parlement wat aangestel is ooreenkomstig reëls en orders in artikel 64 beoog.
- (d) 'n Huis neem nie 'n besluit dat so 'n komitee aangestel moet word, aan nie tensy daar vooraf by die Speaker van die Parlement 'n versoekskrif ingedien is wat deur minstens die helfte van die lede van elke Huis onderteken is en waarby die aanstelling van so 'n komitee aangevra word.
- (e) In verband met 'n besluit in paragraaf (d) beoog, word geen debat in die betrokke Huis toegelaat nie.
- (4) Die Staatspresident kan bedank deur sy bedanking skriftelik by die Hoofregter in te dien.

10. (1) Wanneer die Staatspresident om die een of ander rede nie sy ampspligte kan uitvoer nie, dien 'n lid van die Kabinet deur die Staatspresident benoem, as Waarnemende Staatspresident.

- (2) Wanneer—
- (a) die Staatspresident nie 'n lid van die Kabinet ingevolge subartikel (1) kan benoem nie; of
- (b) die lid aldus benoem om die een of ander rede nie kan optree nie; of
- (c) die amp van Staatspresident vakant is en daar nie 'n aldus benoemde lid is nie of die aldus benoemde lid nie kan optree nie.

dien 'n lid van die Kabinet deur die oorblywende lede daarvan aangewys, as Waarnemende Staatspresident gedurende die onvermoë van die Staatspresident of van die lid deur hom benoem, na gelang van die geval, of totdat 'n Staatspresident gekies is en sy amp aanvaar het.

- (3) (a) Indien 'n lid van die Kabinet ingevolge 'n aanwysing kragtens subartikel (2) as Waarnemende Staatspresident dien gedurende die onvermoë van die Staatspresident of van die lid deur hom benoem, en die Speaker van die Parlement te eniger tyd van oordeel is dat nóg die Staatspresident nóg sy benoemde sy ampspligte sal kan hervat binne 60 dae van die datum waarop sy onvermoë ingetree het, moet die Speaker die Waarnemende Staatspresident en die Hoofregter skriftelik dienooreenkomstig verwittig, en daarop moet 'n lid van die Kabinet sonder versuim as Waarnemende Staatspresident deur 'n kieskollege *mutatis mutandis* ooreenkomstig artikels 7 en 8 aangewys word.
- (b) Wanneer die Waarnemende Staatspresident wat aldus deur die kieskollege aangewys is, sy amp aanvaar, verval 'n benoeming of aanwysing wat kragtens subartikel (1) of (2) gedoen is.
- (c) Die Waarnemende Staatspresident aldus deur die kieskollege aangewys, dien as sodanig gedurende die onvermoë van die Staatspresident of totdat 'n Staatspresident gekies is en sy amp aanvaar het, na gelang van die omstandighede.

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(4) Whenever it is in any of the circumstances mentioned above not possible to nominate or designate an Acting State President, the Speaker of Parliament shall serve as Acting State President.

Oath of office by State President and Acting State President.

**11.** (1) The State President and any Acting State President shall when assuming office make and subscribe an oath of office in the following form before the Chief Justice or any other judge of the Supreme Court: 5

In the presence of Almighty God and in full realization of the high calling I assume as State President/Acting State President in the service of the Republic, I, A.B., do swear to be faithful to the Republic of South Africa and do solemnly and sincerely promise at all times to promote that which will advance and to oppose all that may harm the Republic; to obey, observe, uphold and maintain the Constitution and all other Law of the Republic; to discharge my duties with all my strength and talents to the best of my knowledge and ability and true to the dictates of my conscience; to do justice unto all; and to devote myself to the well-being of the Republic and its people. 10 15 20

May the Almighty God by His grace guide and sustain me in keeping this oath with honour and dignity.

So help me God.

(2) In the case of the State President the oath shall be made and subscribed by him at a formal function where the Seal of the Republic is handed over to him by the outgoing State President or Acting State President, unless he already has the Seal in his custody. 25

Salary of State President.

**12.** There shall be paid to the State President out of and as a charge on the State Revenue Fund and apart from any privilege which he may enjoy, such salary and allowances as may be determined from time to time by resolution of Parliament. 30

Pension payable to State President and State President's widow or widower.

**13.** (1) There shall be paid out of and as a charge on the State Revenue Fund—

(a) to any person who has at any time held the office of State President, an annual pension equal to the annual salary which was payable to him on the day upon which he vacated office; 35

(b) to the widow or widower of any such person, a pension at the rate of three-quarters of the rate of the pension payable to such a person. 40

(2) A pension in terms of subsection (1) shall be payable—

(a) in the case of the State President, with effect from the day following that upon which he vacated office;

(b) in the case of the State President's widow or widower, with effect from the day following that upon which such person became a widow or a widower. 45

## PART IV

## OWN AFFAIRS AND GENERAL AFFAIRS

Own affairs.

**14.** (1) Matters which specially or differentially affect a population group in relation to the maintenance of its identity and the upholding and furtherance of its way of life, culture, traditions and customs, are, subject to the provisions of section 16, own affairs in relation to such population group. 50

(2) Matters coming within the classes of subjects described in Schedule 1 are, subject to the provisions of section 16, own affairs in relation to each population group. 55

General affairs.

**15.** Matters which are not own affairs of a population group in terms of section 14 are general affairs.

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(4) Wanneer dit in enige van die voormelde omstandighede nie moontlik is om 'n Waarnemende Staatspresident te benoem of aan te wys nie, dien die Speaker van die Parlement as Waarnemende Staatspresident.

5 **11.** (1) Die Staatspresident en 'n Waarnemende Staatspresident moet, wanneer hy sy amp aanvaar, 'n ampseed in die volgende vorm voor die Hoofregter of 'n ander regter van die Hooggeregshof aflê en onderteken:

Ampseed deur  
Staatspresident en  
Waarnemende  
Staatspresident.

10 In die teenwoordigheid van die Almagtige God en in die volle besef van die hoë roeping wat ek as Staatspresident/Waarnemende Staatspresident in die diens van die Republiek aanvaar, sweer ek, A.B., trou aan die Republiek van Suid-Afrika en beloof ek plegtig en opreg dat ek te alle tye sal bevorder wat tot sy voordeel is en sal afweer wat hom kan skaad; die Grondwet en alle ander Reg van die Republiek sal gehoorsaam, eerbiedig, handhaaf en onderhou; my werksaamhede getrou met al my kragte en talente na my beste vermoë en kennis en getrou aan die stem van my gewete sal uitvoer; aan almal reg sal laat geskied; en my aan die welsyn van die Republiek en sy mense sal wy.

15  
20 Mag die Almagtige God in sy genade my lei en onderskraag om hierdie eed met eer en waardigheid na te kom.  
So help my God.

(2) Die eed word in die geval van die Staatspresident deur hom afgelê en onderteken by 'n formele geleentheid waar die seël van die Republiek aan hom oorhandig word deur die uittredende Staatspresident of Waarnemende Staatspresident, tensy die seël reeds in sy bewaring is.

12. Daar word aan die Staatspresident, afgesien van voorregte wat hy mag geniet, uit die Staatsinkomstefonds en ten laste daarvan die salaris en toelaes betaal wat van tyd tot tyd by besluit van die Parlement bepaal word.

Salaris van  
Staatspresident.

13. (1) Daar word uit die Staatsinkomstefonds en ten laste daarvan—

35 (a) aan iemand wat te eniger tyd die amp van Staatspresident beklee het, 'n jaarlikse pensioen betaal wat gelykstaan met die jaarlikse salaris wat aan hom betaalbaar was op die dag waarop hy sy amp ontruim het;

40 (b) aan die weduwee of wewenaar van so iemand, 'n pensioen betaal teen die skaal van driekwart van die skaal van die pensioen wat aan so iemand betaalbaar is.

Pensioen  
betaalbaar aan  
Staatspresident en  
Staatspresident se  
weduwee of  
wewenaar.

(2) 'n Pensioen ingevolge subartikel (1) word betaal—

45 (a) in die geval van die Staatspresident, met ingang van die datum na die dag waarop hy sy amp ontruim het;

(b) in die geval van die Staatspresident se weduwee of wewenaar, met ingang van die datum na die dag waarop sodanige persoon 'n weduwee of 'n wewenaar geword het.

## DEEL IV

## 50 EIE SAKE EN ALGEMENE SAKE

14. (1) Aangeleenthede wat 'n bevolkingsgroep met betrekking tot die behoud van sy identiteit en die handhawing en bevordering van sy lewenswyse, kultuur, tradisies en gebruike spesiaal of afsonderlik raak, is, behoudens die bepalings van artikel 16, eie sake met betrekking tot daardie bevolkingsgroep.

Eie sake.

(2) Aangeleenthede wat ressorteer onder die klasse van onderwerpe in Bylae 1 beskryf, is, behoudens die bepalings van artikel 16, eie sake met betrekking tot elke bevolkingsgroep.

15. Aangeleenthede wat nie ingevolge artikel 14 eie sake van 'n bevolkingsgroep is nie, is algemene sake.

Algemene sake.

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Decision of questions on own or general nature of matters.

16. (1) (a) Any question arising in the application of this Act as to whether any particular matters are own affairs of a population group shall be decided by the State President, who shall do so in such manner that the governmental institutions serving the interests of such population group are not by the decision enabled to affect the interests of any other population group, irrespective of whether or not it is defined as a population group in this Act. 5

(b) All such questions shall be general affairs. 10

(2) The State President may, if he deems it expedient, but subject to the provisions of section 31—

(a) express his decision on any question contemplated in subsection (1) by proclamation in the *Gazette*; or

(b) make his decision on any such question known for general information by such a proclamation, or make it known or cause it to be made known in such other manner as he may deem fit, 15

and shall advise the Chairman of each Ministers' Council of every such decision. 20

(3) When the State President assigns the administration of a law to a Minister of a department of State for own affairs of a population group under section 26 or 98 he shall do so in pursuance of a decision under this section that the law, in so far as its administration is so assigned, deals with own affairs of the population group in question. 25

Reference of questions to President's Council for advice, and consultation on certain matters.

17. (1) The State President may refer any question which is being considered by him in terms of section 16 to the President's Council for advice.

(2) (a) Before the State President issues a certificate under section 31 in respect of a bill or an amendment or a proposed amendment thereof, he shall consult the Speaker of Parliament and the Chairmen of the respective Houses in such manner as he deems fit. 30

(b) Paragraph (a) does not apply to the issue of a certificate in respect of a bill or an amendment thereof which has been altered as a result of the consultation in terms of that paragraph. 35

Validity of State President's decisions on own or general nature of matters.

18. (1) Any division of the Supreme Court of South Africa shall be competent to inquire into and pronounce upon the question as to whether the provisions of section 17 (2) were complied with in connection with a decision of the State President contemplated in those provisions. 40

(2) Save as provided in subsection (1), no court of law shall be competent to inquire into or pronounce upon the validity of a decision of the State President that matters mentioned in the decision are own affairs of a population group, or are not own affairs of a population group, as the case may be. 45

(3) For the purposes of subsection (2), the matters dealt with in any bill which, when introduced in a House, is not endorsed with or accompanied by a certificate contemplated in section 31, shall be deemed to be matters which are not own affairs of any population group by virtue of a decision of the State President. 50

## PART V

## THE EXECUTIVE AUTHORITY

55

Executive authority.

19. (1) The executive authority of the Republic—

(a) in regard to matters which are own affairs of any population group is vested in the State President acting on the advice of the Ministers' Council in question;

(b) in regard to general affairs is vested in the State President acting in consultation with the Ministers who are members of the Cabinet. 60

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16. (1) (a) Enige vraag wat by die toepassing van hierdie Wet ontstaan of bepaalde aangeleenthede eie sake van 'n bevolkingsgroep is, word deur die Staatspresident beslissig, wat dit op so 'n wyse doen dat die owerheidsinstellings wat die belange van die bevolkingsgroep behartig, nie deur die beslissing in staat gestel word om die belange van enige ander bevolkingsgroep te raak nie, ongeag of dit in hierdie Wet as 'n bevolkingsgroep omskryf is of nie.
- 5
- (b) Al sodanige vrae is algemene sake.
- 10 (2) Die Staatspresident kan, indien hy dit dienstig ag, maar behoudens die bepalings van artikel 31—
- (a) sy beslissing oor 'n vraag in subartikel (1) beoog, by proklamasie in die *Staatskoerant* te kenne gee; of
- 15 (b) sy beslissing oor so 'n vraag vir algemene inligting by so 'n proklamasie bekend maak, of op die ander wyse wat hy goedvind, bekend maak of laat bekend maak, en moet die Voorsitter van elke Ministersraad van elke sodanige beslissing in kennis stel.
- 20 (3) Wanneer die Staatspresident die uitvoering van 'n wet aan 'n Minister van 'n Staatsdepartement vir eie sake van 'n bevolkingsgroep opdra kragtens artikel 26 of 98, moet hy dit doen ingevolge 'n besluit kragtens hierdie artikel dat die wet, vir sover die uitvoering daarvan aldus opgedra word, oor eie sake van die
- 25 betrokke bevolkingsgroep handel.
17. (1) Die Staatspresident kan enige vraag wat ingevolge artikel 16 deur hom oorweeg word, vir advies na die Presidentsraad verwys.
- 30 (2) (a) Voordat die Staatspresident 'n sertifikaat kragtens artikel 31 ten opsigte van 'n wetsontwerp of 'n wysiging of voorgestelde wysiging daarvan uitreik, moet hy die Speaker van die Parlement en die Voorsitters van die onderskeie Huisse raadpleeg op die wyse wat hy goed ag.
- 35 (b) Paragraaf (a) is nie van toepassing op die uitreiking van 'n sertifikaat ten opsigte van 'n wetsontwerp of 'n wysiging daarvan wat as gevolg van die raadpleging ingevolge daardie paragraaf verander is nie.
18. (1) Enige afdeling van die Hooggeregshof van Suid-Afrika is bevoeg om ondersoek in te stel na, en uitspraak te doen oor, die vraag of die bepalings van artikel 17 (2) nagekom is in verband met 'n besluit van die Staatspresident in daardie bepalings beoog.
- 40 (2) Behalwe soos in subartikel (1) bepaal, is geen geregshof bevoeg om ondersoek in te stel nie na, of uitspraak te doen nie oor, die geldigheid van 'n besluit van die Staatspresident dat aangeleenthede in die besluit genoem eie sake van 'n bevolkingsgroep is, of nie eie sake van 'n bevolkingsgroep is nie, na gelang van die geval.
- 45 (3) By die toepassing van subartikel (2) word die aangeleenthede wat behandel word in 'n wetsontwerp wat, wanneer dit in 'n Huis ingedien word, nie geëndosseer is met of vergesel gaan van 'n sertifikaat in artikel 31 beoog nie, geag uit hoofde van 'n besluit van die Staatspresident aangeleenthede te wees wat nie
- 55 eie sake van 'n bevolkingsgroep is nie.

Beslissing van vrae oor eie of algemene aard van aangeleenthede.

Verwysing van vrae vir advies na Presidentsraad en raadpleging oor sekere aangeleenthede.

Regskrag van Staatspresident se besluite oor eie of algemene aard van aangeleenthede.

## DEEL V

## DIE UITVOERENDE GESAG

19. (1) Die uitvoerende gesag van die Republiek—
- 60 (a) ten opsigte van aangeleenthede wat eie sake van 'n bevolkingsgroep is, berus by die Staatspresident handelende op advies van die betrokke Ministersraad;
- (b) ten opsigte van algemene sake berus by die Staatspresident handelende in oorleg met die Ministers wat lede van die Kabinet is.

Uitvoerende gesag.

(2) Except in sections 20 (c) and (d), 21 (2), 24, 25, 26, 27, 33, 39 (3), 66 and 98 (3) (b), or where otherwise expressly stated or necessarily implied, any reference in this Act to the State President is a reference to the State President acting as provided in subsection (1). 5

The Cabinet.

20. The Cabinet shall consist of—

- (a) the State President, who shall preside at its meetings;
- (b) the Ministers appointed to administer departments of State for general affairs;
- (c) any Minister appointed to perform functions other than the administration of a department of State and designated by the State President as a member of the Cabinet; and
- (d) any member of a Ministers' Council designated by the State President as a member of the Cabinet, whether for a definite or for an indefinite period or for a particular purpose. 10 15

Ministers' Councils.

21. (1) A Ministers' Council shall consist of—

- (a) the Ministers appointed to administer departments of State for own affairs of one and the same population group; 20
- (b) any Minister who is a member of the population group in question and who has been appointed as a member of the Ministers' Council to perform functions other than the administration of a department of State; 25
- (c) any Deputy Minister appointed to exercise or perform powers, functions and duties on behalf of any of the Ministers referred to in paragraph (a); and
- (d) any Minister of the Cabinet who is a member of the population group in question and who has been co-opted by the Ministers' Council as a member thereof, whether for a definite or for an indefinite period or for a particular purpose. 30

(2) The State President shall designate a Minister who is a member of a Ministers' Council and who, at the time of the designation, in the opinion of the State President has the support of the majority in the House consisting of members of the population group in question, as the Chairman of such Ministers' Council. 35

Seal of Republic.

22. (1) There shall be a Seal of the Republic, showing the coat of arms of the Republic with the circumscription "Republic of South Africa—Republiek van Suid-Afrika". 40

(2) The Seal shall be in the custody of the State President and shall, save in so far as may be otherwise determined by the State President, be used on all public documents on which it was required to be used immediately before the commencement of this Act. 45

Confirmation of executive acts of State President.

23. (1) The will and pleasure of the State President as head of the executive authority of the Republic shall be expressed in writing under his signature. 50

(2) Any instrument signed by the State President acting on the advice of a Ministers' Council or in consultation with the Ministers who are members of the Cabinet, shall be countersigned by a Minister who is a member of the Ministers' Council in question or, as the case may be, a member of the Cabinet. 55

(3) The signature of the State President on any instrument shall be confirmed as provided in section 22.

Appointment of Ministers.

24. (1) The State President may appoint as many persons as he may from time to time deem necessary to administer such departments of State of the Republic as the State President may establish, or to perform such other functions as the State President may determine. 60

(2) Persons appointed under subsection (1) shall hold office during the State President's pleasure and shall be the Ministers of the Republic. 65



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(2) Behalwe in artikels 20 (c) en (d), 21 (2), 24, 25, 26, 27, 33, 39 (3), 66 en 98 (3) (b), of waar uitdruklik of by noodwendige gevolgtrekking anders bepaal word, is 'n verwysing in hierdie Wet na die Staatspresident 'n verwysing na die Staatspresident 5 handelende volgens voorskrif van subartikel (1).

20. Die Kabinet bestaan uit—

- (a) die Staatspresident, wat op vergaderings daarvan voor-  
sit;
- 10 (b) die Ministers wat aangestel is om Staatsdepartemente vir algemene sake te administreer;
- (c) enige Minister wat aangestel is om ander werksaam-  
hede as die administrasie van 'n Staatsdepartement te  
verrig en wat deur die Staatspresident aangewys is as  
lid van die Kabinet; en
- 15 (d) enige lid van 'n Ministersraad wat deur die Staatspresi-  
dent as lid van die Kabinet aangewys is, hetsy vir 'n be-  
paalde of vir 'n onbepaalde tydperk of vir 'n bepaalde  
doel.

Die Kabinet.

21. (1) 'n Ministersraad bestaan uit—

- 20 (a) die Ministers wat aangestel is om Staatsdepartemente vir eie sake van een en dieselfde bevolkingsgroep te ad-  
ministreer;
- (b) enige Minister wat lid van die betrokke bevolkings-  
groep is en wat as lid van die Ministersraad aangestel is  
om ander werksaamhede as die administrasie van 'n  
25 Staatsdepartement te verrig;
- (c) enige Adjunk-minister wat aangestel is om bevoegd-  
hede, werksaamhede en pligte namens enige van die  
Ministers in paragraaf (a) bedoel, uit te oefen of te ver-  
30 rig; en
- (d) enige Minister van die Kabinet wat lid van die betrokke  
bevolkingsgroep is en wat deur die Ministersraad as lid  
daarvan gekoöpteer is, hetsy vir 'n bepaalde of vir 'n  
onbepaalde tydperk of vir 'n bepaalde doel.

Ministersrade.

- 35 (2) Die Staatspresident wys 'n Minister wat lid van 'n Minis-  
tersraad is en wat, ten tyde van die aanwysing, na die oordeel  
van die Staatspresident die steun geniet van die meerderheid in  
die Huis wat uit lede van die betrokke bevolkingsgroep bestaan,  
as die Voorsitter van dié Ministersraad aan.

40 22. (1) Daar is 'n seël van die Republiek waarop die wapen van die Republiek met die omskrif „Republiek van Suid-Afrika—Republic of South Africa” voorkom.

- (2) Die seël is in die bewaring van die Staatspresident en  
word, behalwe vir sover die Staatspresident anders bepaal, ge-  
45 bruik op alle openbare stukke waarop dit onmiddellik voor die  
inwerkingtrede van hierdie Wet gebruik moes word.

Seël van  
Republiek.

23. (1) Die wil en wens van die Staatspresident as hoof van die  
uitvoerende gesag van die Republiek word skriftelik onder sy  
handtekening te kenne gegee.

- 50 (2) 'n Stuk wat deur die Staatspresident handelende op advies  
van 'n Ministersraad of in oorleg met die Ministers wat lede is  
van die Kabinet onderteken is, moet mede-onderteken word  
deur 'n Minister wat 'n lid van die betrokke Ministersraad of, na  
gelang van die geval, 'n lid van die Kabinet is.

- 55 (3) Die Staatspresident se handtekening op 'n stuk word be-  
vestig volgens voorskrif van artikel 22.

Bekragtiging van  
uitvoerende  
handelinge van  
Staatspresident.

24. (1) Die Staatspresident kan soveel persone as wat hy van  
tyd tot tyd nodig ag, aanstel om die Staatsdepartemente van die  
Republiek wat die Staatspresident instel, te administreer of om  
60 die ander werksaamhede te verrig wat die Staatspresident be-  
paal.

- (2) Persone wat kragtens subartikel (1) aangestel is, beklee  
hul amp solank dit die Staatspresident behaag en is die Ministers  
van die Republiek.

Aanstelling van  
Ministers.

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- (3) (a) No Minister shall hold office for a longer period than 12 months unless he is or becomes a member of a House.
- (b) A Minister of any department of State for own affairs of a population group shall—
- (i) be a member of the population group in question; and
  - (ii) at the time of his appointment as such Minister, in the opinion of the State President have the support of the majority in the House consisting of members of that population group.

(4) A Minister shall before assuming his duties make and subscribe an oath before the Chief Justice or any other judge of the Supreme Court in the following form:

I, A.B., do hereby swear to be faithful to the Republic of South Africa and undertake before God to honour this oath; to hold my office as Minister with honour and dignity; to respect and uphold the Constitution and all other Law of the Republic; to be a true and faithful counsellor; not to divulge directly or indirectly any matters which are entrusted to me under secrecy; and to perform the duties of my office conscientiously and to the best of my ability. So help me God.

Temporary performance of Minister's functions of office by another Minister.

25. Whenever a Minister is for any reason unable to perform any of the functions of his office, or whenever any Minister has vacated his office and a successor has not yet been appointed, the State President may appoint any other Minister to act in the said Minister's stead or office, either generally or in the performance of any specific function.

Assignment of powers, duties and functions of one Minister to another.

26. The State President may assign the administration of any provision in any law which entrusts to a Minister any power, duty or function, to any other Minister—

- (a) either specifically or by way of a general assignment of the administration of any law or of all laws entrusting powers, duties or functions to such first-mentioned Minister; and
- (b) either generally or in so far as such provision, law or laws relate to any population group or matter mentioned in such assignment.

Appointment and functions of Deputy Ministers.

27. (1) (a) The State President may, subject to subsection (2), appoint any person to hold office during the State President's pleasure as Deputy Minister of any specified department of State or Deputy Minister of such other description as the State President may determine, and to exercise or perform on behalf of a Minister any of the powers, functions and duties entrusted to such Minister in terms of any law or otherwise which may, subject to the directions of the State President, be assigned to him from time to time by such Minister.

(b) Any reference in any law to a deputy to a Minister shall be construed as including a reference to a Deputy Minister appointed under this subsection, and any such reference to a Minister shall be construed as including a reference to a Deputy Minister acting in pursuance of an assignment under paragraph (a) by the Minister whom he acts.

(2) (a) No Deputy Minister shall hold office for a longer period than 12 months unless he is or becomes a member of a House.

(b) The provisions of section 24 (3) (b) shall apply *mutatis mutandis* to a Deputy Minister appointed to exercise or perform any powers, functions and duties on behalf of a Minister of a department of State for own affairs of a population group.

(3) A Deputy Minister shall before assuming his duties make and subscribe an oath, in the form prescribed in sec-

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- (3) (a) 'n Minister beklee nie sy amp langer as 12 maande sonder dat hy lid van 'n Huis is of word nie.
- (b) 'n Minister van 'n Staatsdepartement vir eie sake van 'n bevolkingsgroep moet—
- 5 (i) 'n lid van die betrokke bevolkingsgroep wees; en
- (ii) ten tyde van sy aanstelling as sodanige Minister, na die oordeel van die Staatspresident die steun geniet van die meerderheid in die Huis wat uit lede van daardie bevolkingsgroep bestaan.
- 10 (4) 'n Minister moet, voordat hy sy pligte aanvaar, 'n eed in die volgende vorm voor die Hoofregter of 'n ander regter van die Hooggeregshof aflê en onderteken:
- Ek, A.B., sweer hiermee trou aan die Republiek van Suid-Afrika en onderneem voor God om hierdie trou gestand te
- 15 doen; om my amp as Minister met eer en met waardigheid te beklee; die Grondwet en alle ander Reg van die Republiek te eerbiedig en te handhaaf; 'n opregte en getroue raadsman te wees; geen sake wat aan my vir geheimhouding toevertrou word, regstreeks of onregstreeks te openbaar nie; en om my ampspligte met nougesetheid na my beste vermoë na te kom.
- 20 So help my God.
- 25 **25.** Wanneer 'n Minister om die een of ander rede nie in staat is om enige van die funksies van sy amp te verrig nie, of wanneer 'n Minister sy amp ontruim het en 'n opvolger nog nie aangestel is nie, kan die Staatspresident 'n ander Minister aanstel om in bedoelde Minister se plek of amp op te tree, hetsy in die algemeen hetsy om 'n bepaalde funksie te verrig.
- Tydlike waarneming van ampsfunksies van Minister deur ander Minister.
- 30 **26.** Die Staatspresident kan die uitvoering van 'n bepaling in 'n wet wat aan 'n Minister 'n bevoegdheid, plig of werksaamheid toewys, aan enige ander Minister opdra—
- Oordrag van bevoegdhe, pligte en werksaamhede van een Minister aan 'n ander.
- (a) hetsy spesifiek hetsy by wyse van 'n algemene opdrag tot uitvoering van 'n wet of van alle wette wat aan eersbedoelde Minister bevoegdhe, pligte of werksaamhede toewys; en
- 35 (b) hetsy in die algemeen hetsy vir sover die bepaling, wet of wette betrekking het op 'n bevolkingsgroep of aangeleentheid in die opdrag genoem.
- 40 **27.** (1) (a) Die Staatspresident kan, behoudens subartikel (2), enigiemand aanstel om solank dit die Staatspresident behaag die amp te beklee van Adjunk-minister van 'n gemelde Staatsdepartement of Adjunk-minister van so 'n ander beskrywing as wat die Staatspresident bepaal, en om namens 'n Minister enige bevoegdhe, werksaamhede en pligte uit te oefen of te verrig wat ingevolge 'n wet of andersins aan die Minister toegewys is en wat die Minister, behoudens die voorskrifte van die Staatspresident, van tyd tot tyd aan hom opdra.
- 45 (b) 'n Verwysing in 'n wet na 'n plaasvervanger van 'n Minister word uitgelê ook as 'n verwysing na 'n Adjunk-minister wat ingevolge hierdie subartikel aangestel is, en so 'n verwysing na 'n Minister word uitgelê ook as 'n verwysing na 'n Adjunk-minister handelende uit hoofde van 'n opdrag ingevolge paragraaf (a) deur die Minister namens wie hy optree.
- 50 (2) (a) 'n Adjunk-minister beklee nie sy amp langer as 12 maande sonder dat hy lid van 'n Huis is of word nie.
- (b) Die bepaling van artikel 24 (3) (b) is *mutatis mutandis* van toepassing op 'n Adjunk-minister aangestel om bevoegdhe, werksaamhede en pligte uit te oefen of te verrig namens 'n Minister van 'n Staatsdepartement vir eie sake van 'n bevolkingsgroep.
- 55 (3) 'n Adjunk-minister moet, voordat hy sy pligte aanvaar, 'n eed in die vorm in artikel 24 (4) voorgeskryf maar met verwysing
- 60
- Aanstelling en werksaamhede van Adjunk-ministers.

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tion 24 (4) but with reference to his office as Deputy Minister, before the Chief Justice or any other judge of the Supreme Court.

(4) Whenever any Deputy Minister is for any reason unable to perform any of the functions of his office, the State President may appoint any other Deputy Minister or any other person to act in the said Deputy Minister's stead, either generally or in the performance of any specific function.

Power to appoint and discharge persons.

28. The appointment and removal of persons in the service of the Republic shall be vested in the State President, unless the appointment or removal is delegated by the State President to any other authority or is in terms of this Act or any other law vested in any other authority.

Seat of Government.

29. Save as is otherwise provided in section 36, Pretoria shall be the seat of the Government of the Republic.

## PART VI

## THE LEGISLATURE

*The Legislature and its Powers*

Legislature and its powers.

30. The legislative power of the Republic is vested in the State President and the Parliament of the Republic, which, as the sovereign legislative authority in and over the Republic, shall have full power to make laws for the peace, order and good government of the Republic: Provided that the powers of Parliament in respect of any bill contemplated in section 31 shall be exercised as provided by that section.

Bills on own affairs of a population group.

31. (1) A bill which, when introduced in a House, is endorsed with or accompanied by the certificate of the State President that the bill deals with matters which are own affairs of the population group in question, shall be disposed of by that House, and shall not be required to be, or be, introduced in or dealt with by any other House.

(2) If an amendment of any such bill is proposed in the House in question or adopted by it, and the certificate of the State President that such amendment deals with matters which are not own affairs of the population group in question, is at any time, whether before the bill is passed by the House or after it has been passed by it but before the State President has assented to it, laid upon the Table of the House, the bill shall not or, as the case may be, not again be presented to the State President for his assent unless—

(a) the proposal for the amendment is withdrawn or not agreed to; or

(b) if the bill was passed before the tabling of the certificate, the House has reconsidered the amendment and has adopted in its place an amendment in respect of which the State President's certificate *mutatis mutandis* in accordance with subsection (1) of this section was issued before it was adopted.

(3) A bill passed by a House under subsection (1) or passed by a House and thereafter amended in accordance with subsection (2) (b), shall, when it is presented to the State President for his assent, be endorsed with the certificate of the Chairman of the House that it has been passed and is presented for assent in accordance with this section or, as the circumstances may require, that it has been passed and amended and is presented for assent in accordance with this section.

Disagreement among the Houses.

32. (1) If during the same session of Parliament—

(a) one or two Houses pass a bill and the other Houses or House rejects it or is deemed in terms of subsection (2) to have rejected it; or

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na sy amp as Adjunk-minister, voor die Hoofregter of 'n ander regter van die Hooggeregshof aflê en onderteken.

(4) Wanneer 'n Adjunk-minister om die een of ander rede nie in staat is om enige van die funksies van sy amp te verrig nie, kan die Staatspresident 'n ander Adjunk-minister of 'n ander persoon aanstel om in bedoelde Adjunk-minister se plek op te tree, hetsy in die algemeen hetsy om 'n bepaalde funksie te verrig.

28. Die aanstelling en ontslag van persone in die diens van die Republiek berus by die Staatspresident, tensy die aanstelling of ontslag deur die Staatspresident aan 'n ander gesag gedelegeer word of ingevolge hierdie Wet of 'n ander wet by 'n ander gesag berus.

Bevoegdheid om persone aan te stel en te ontslaan.

29. Behalwe vir sover artikel 36 anders bepaal, is Pretoria die setel van die Regering van die Republiek.

Regeringsetel.

## DEEL VI

## DIE WETGEWENDE GESAG

*Die Wetgewende Gesag en sy Bevoegdheid*

30. Die wetgewende mag van die Republiek berus by die Staatspresident en die Parlement van die Republiek, wat as soewereine wetgewende gesag in en vir die Republiek volle bevoegdheid het om wette te maak vir die vrede, orde en goeie regering van die Republiek: Met dien verstande dat die bevoegdheid van die Parlement ten opsigte van 'n wetsontwerp in artikel 31 beoog, volgens voorskrif van daardie artikel uitgeoefen word.

Wetgewende gesag en sy bevoegdheid.

31. (1) 'n Wetsontwerp wat, wanneer dit in 'n Huis ingedien word, geëndosseer is met of vergesel gaan van die sertifikaat van die Staatspresident dat die wetsontwerp handel oor aangeleenthede wat eie sake van die betrokke bevolkingsgroep is, word deur daardie Huis afgehandel, en moet nie in 'n ander Huis ingedien of deur hom behandel word nie.

Wetsontwerpe oor eie sake van 'n bevolkingsgroep.

(2) Indien 'n wysiging van so 'n wetsontwerp in die betrokke Huis voorgestel word of deur hom aanvaar word, en die sertifikaat van die Staatspresident dat die wysiging handel oor aangeleenthede wat nie eie sake van die betrokke bevolkingsgroep is nie, te eniger tyd, hetsy voor die wetsontwerp deur die Huis aangeneem word of nadat dit deur hom aangeneem is maar voordat die Staatspresident daarin toegestem het, in die Huis ter Tafel gelê word, kan die wetsontwerp nie of, na gelang van die geval, nie weer aan die Staatspresident vir toestemming voorgelê word nie tensy—

(a) die voorstel vir die wysiging teruggetrek word of nie goedgekeur word nie; of  
(b) indien die wetsontwerp voor die tertafellegging van die sertifikaat aangeneem is, die Huis die wysiging herooreweg het en in die plek daarvan 'n wysiging aanvaar het ten opsigte waarvan die Staatspresident se sertifikaat *mutatis mutandis* ooreenkomstig subartikel (1) van hierdie artikel uitgereik is voordat dit aanvaar is.

(3) 'n Wetsontwerp wat deur 'n Huis kragtens subartikel (1) aangeneem is of wat deur 'n Huis aangeneem is en daarna ooreenkomstig subartikel (2) (b) gewysig is, moet, wanneer dit aan die Staatspresident vir toestemming voorgelê word, geëndosseer wees met die sertifikaat van die Voorsitter van die Huis dat dit ooreenkomstig hierdie artikel aangeneem is en vir toestemming voorgelê word of, na gelang van die omstandighede, dat dit ooreenkomstig hierdie artikel aangeneem en gewysig is en vir toestemming voorgelê word.

32. (1) Indien, gedurende dieselfde sessie van die Parlement—  
(a) een of twee Huisse 'n wetsontwerp aanneem en die ander Huisse of Huis dit verwerp of ingevolge subartikel (2) geag word dit te verwerp het; of

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- (b) two Houses pass different versions of a bill and the other House rejects it or is so deemed to have rejected it; or
- (c) two Houses pass a bill and the other House passes a different version of it; or 5
- (d) each of the Houses passes a different version of a bill, the State President may during that session refer the bill or the different versions thereof which have been passed, as the case may be, to the President's Council for its decision: Provided that the State President may withdraw the reference at any time before the President's Council gives its decision. 10

(2) (a) If—

- (i) the State President, by message to a House, has requested that a bill passed by another House and introduced in the House in question or in respect of which notice of a motion for its introduction has been given in that House, be disposed of by that House before a date mentioned in the message, which may not be a date earlier than 14 days after the date of the message; and 20
- (ii) that House has not disposed of such bill before the date mentioned in the message, that House shall be deemed for the purposes of subsection (1) to have rejected the bill, unless the State President by like message determines otherwise within seven days after the date so mentioned. 25
- (b) A House which has rejected a motion for the introduction of a bill shall be deemed for the purposes of subsection (1) to have rejected the bill.

(3) When a recommendation of the President's Council has been laid upon the Table of a House as provided in section 78 (8), the House may deal with the recommendation. 30

(4) A bill which was referred to the President's Council under subsection (1) and which, in terms of a decision of that Council given during the session of Parliament in which the bill was so referred, is to be presented to the State President for his assent, shall be deemed to have been passed by Parliament. 35

(5) A bill which is deemed in terms of subsection (4) to have been passed by Parliament shall, when it is presented to the State President for his assent, be endorsed with the certificate of the Speaker of Parliament that the bill is by virtue of a decision of the President's Council so deemed to have been passed by Parliament. 40

Assent to bills.

33. (1) When a bill which—

- (a) has been passed by Parliament; or 45
- (b) in terms of section 32 (4) is deemed to have been passed by Parliament; or
- (c) has been passed by a House in accordance with section 31,

is presented to the State President for his assent, he shall declare that he assents thereto or that he withholds assent, but he shall not declare that he withholds assent unless he is satisfied that the bill has not been dealt with as provided in this Act. 50

(2) The provisions of subsection (1) of this section shall not affect the State President's powers in terms of subsection (2) of section 31 to issue a certificate contemplated in the last-mentioned subsection in respect of an amendment of a bill when the bill is presented to him for assent, and to return the bill to the House in question. 55

Validity of Acts of Parliament.

34. (1) A bill referred to in section 33 (1) to which the State President has assented shall be an Act of Parliament. 60

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- (b) twee Huisse verskillende weergawes van 'n wetsontwerp aanneem en die ander Huis dit verwerp of aldus geag word dit te verwerp het; of
- 5 (c) twee Huisse 'n wetsontwerp aanneem en die ander Huis 'n verskillende weergawe daarvan aanneem; of
- (d) die Huisse elk 'n verskillende weergawe van 'n wetsontwerp aanneem,
- kan die Staatspresident die wetsontwerp of die verskillende weergawes daarvan wat aangeneem is, na gelang van die geval, 10 gedurende daardie sessie vir beslissing na die Presidentsraad verwys: Met dien verstande dat die Staatspresident die verwysing kan terugtrek te eniger tyd voordat die Presidentsraad sy beslissing gee.

## (2) (a) Indien—

- 15 (i) die Staatspresident per boodskap aan 'n Huis versoek het dat 'n wetsontwerp wat in 'n ander Huis aangeneem is en in die betrokke Huis ingedien is of ten opsigte waarvan daar in daardie Huis kennis gegee is van 'n voorstel vir die indiening daarvan, 20 deur daardie Huis afgehandel word voor 'n datum in die boodskap genoem, wat nie 'n datum vroeër as 14 dae na die datum van die boodskap mag wees nie; en
- (ii) daardie Huis die wetsontwerp nie voor die datum in die boodskap genoem, afgehandel het nie, 25 word daardie Huis by die toepassing van subartikel (1) geag die wetsontwerp te verwerp het, tensy die Staatspresident binne sewe dae na die aldus genoemde datum, by soortgelyke boodskap anders bepaal.
- 30 (b) 'n Huis wat 'n voorstel vir die indiening van 'n wetsontwerp verwerp het, word by die toepassing van subartikel (1) geag die wetsontwerp te verwerp het.

(3) Wanneer 'n aanbeveling van die Presidentsraad in 'n Huis ter Tafel gelê is volgens voorskrif van artikel 78 (8), kan die 35 Huis die aanbeveling behandel.

(4) 'n Wetsontwerp wat kragtens subartikel (1) na die Presidentsraad verwys is en wat ingevolge 'n beslissing van dié raad, gegee gedurende die sessie van die Parlement waarin die wetsontwerp aldus verwys is, aan die Staatspresident vir sy toestemming voorgelê moet word, word geag deur die Parlement aangeneem te gewees het. 40

(5) 'n Wetsontwerp wat ingevolge subartikel (4) geag word deur die Parlement aangeneem te gewees het, moet, wanneer dit aan die Staatspresident vir sy toestemming voorgelê word, geën- 45 dossier wees met die sertifikaat van die Speaker van die Parlement dat die wetsontwerp uit hoofde van 'n beslissing van die Presidentsraad aldus geag word deur die Parlement aangeneem te gewees het.

## 33. (1) Wanneer 'n wetsontwerp wat—

- 50 (a) deur die Parlement aangeneem is; of
- (b) ingevolge artikel 32 (4) geag word deur die Parlement aangeneem te gewees het; of
- (c) deur 'n Huis ooreenkomstig artikel 31 aangeneem is, vir toestemming aan die Staatspresident voorgelê word, verklaar 55 hy dat hy toestem of dat hy toestemming weerhou, maar hy verklaar nie dat hy toestemming weerhou nie tensy hy oortuig is dat daar nie met die wetsontwerp ooreenkomstig die voorskrifte van hierdie Wet gehandel is nie.

(2) Die bepalings van subartikel (1) van hierdie artikel raak 60 nie die Staatspresident se bevoegdheid ingevolge subartikel (2) van artikel 31 om 'n sertifikaat in laasgenoemde subartikel beoog, ten opsigte van 'n wysiging van 'n wetsontwerp uit te reik wanneer die wetsontwerp vir toestemming aan hom voorgelê word nie, en om die wetsontwerp aan die betrokke Huis terug te 65 stuur nie.

Toestemming ten opsigte van wetsontwerpe.

34. (1) 'n Wetsontwerp in artikel 33 (1) bedoel waarin die Staatspresident toegestem het, is 'n Wet van die Parlement.

Regskrag van Wette van Parlement.

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- (2) (a) Any division of the Supreme Court of South Africa shall, subject to the provisions of section 18, be competent to inquire into and pronounce upon the question as to whether the provisions of this Act were complied with in connection with any law which is expressed to be enacted by the State President and Parliament or by the State President and any House. 5
- (b) Rules and orders of a House and joint rules and orders of the Houses shall not be regarded as provisions of this Act for the purposes of paragraph (a). 10
- (3) Save as provided in subsection (2), no court of law shall be competent to inquire into or pronounce upon the validity of an Act of Parliament.

Signature and enrolment of Acts.

35. As soon as may be after any law has been assented to by the State President, the Secretary to Parliament shall cause two fair copies of such law, one being in the English and the other in the Afrikaans language (one of which copies shall have been signed by the State President), to be enrolled of record in the office of the Registrar of the Appellate Division of the Supreme Court of South Africa, and such copies shall be conclusive evidence as to the provisions of every such law, and in case of conflict between the two copies so enrolled that signed by the State President shall prevail. 15 20

Seat of Legislature.

36. Cape Town shall be the seat of the Legislature of the Republic. 25

*Parliament*

Constitution of Parliament.

37. (1) Parliament shall consist of three Houses, namely, a House of Assembly, a House of Representatives and a House of Delegates.

(2) If and for as long as any House is unable, during a session of Parliament, to meet for the performance of its functions or to perform its functions—

- (a) by reason of a shortfall in the number of its members, or because there are no members, as a result of the resignation of members or the fact that an insufficient number of members or no member was elected at any election of members of such House; or 35
- (b) by reason of the absence of members, or the failure of members to take their seats or to perform the functions of their office, after the State President has by proclamation in the *Gazette* called upon all members of such House to be present in the chamber of such House for the performance of their functions as such members on a day and at an hour mentioned in the proclamation, and that hour and day have passed, 40 45

Parliament shall consist of the Houses that are or, according to the circumstances, the House that is able to perform their or its functions, and the provisions of this Act and any other law shall be construed accordingly.

Sessions of Parliament.

38. (1) The State President may appoint such times for the sessions of Parliament as he thinks fit, and may also from time to time, by proclamation in the *Gazette* or otherwise, prorogue Parliament. 50

(2) There shall be a session of Parliament at least once in every year, so that a period of 13 months shall not intervene between the commencement of one session and the commencement of the next session. 55

(3) The first session of Parliament after the general election of members of the Houses held in pursuance of a dissolution of Parliament, shall commence within 30 days after the polling day of the election. 60



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- (2) (a) Enige afdeling van die Hooggeregshof van Suid-Afrika is, behoudens die bepalings van artikel 18, bevoeg om ondersoek in te stel na en uitspraak te doen oor die vraag of die bepalings van hierdie Wet nagekom is in verband met 'n wet wat te kenne gee dat dit die bepaling van die Staatspresident en die Parlement of van die Staatspresident en 'n Huis is.
- (b) Reëls en orders van 'n Huis en gesamentlike reëls en orders van die Huise word nie by die toepassing van paragraaf (a) as bepalings van hierdie Wet beskou nie.
- (3) Behalwe soos in subartikel (2) bepaal, is geen geregshof bevoeg om ondersoek in te stel nie na of uitspraak te doen nie oor die geldigheid van 'n Wet van die Parlement.
35. So spoedig moontlik nadat die Staatspresident toestemming ten opsigte van 'n wet verleen het, laat die Sekretaris van die Parlement twee skoon eksemplare van so 'n wet, die een in die Afrikaanse en die ander in die Engelse taal (waarvan een eksemplaar deur die Staatspresident onderteken moet wees), opneem in die register van die kantoor van die Griffier van die Appèlafdeling van die Hooggeregshof van Suid-Afrika, en sodanige eksemplare is afdoende bewys van die bepalings van so 'n wet, en in geval van strydigheid tussen die twee eksemplare wat aldus opgeneem is, gee die eksemplaar wat deur die Staatspresident onderteken is die deurslag.
36. Kaapstad is die setel van die Wetgewende Gesag van die Republiek.

Ondertekening en registrasie van Wette.

Setel van Wetgewende Gesag.

*Die Parlement*

37. (1) Die Parlement bestaan uit drie Huise, naamlik, 'n Volksraad, 'n Raad van Verteenwoordigers en 'n Raad van Afgevaardigdes.
- (2) Indien en vir so lank as wat die een of ander Huis gedurende 'n sessie van die Parlement nie vir die verrigting van sy werksaamhede kan vergader nie of nie sy werksaamhede kan verrig nie—
- (a) weens 'n tekort in sy ledetal, of omdat daar geen lede is nie, as gevolg van die bedanking van lede of die feit dat daar by 'n verkiesing van lede van die Huis 'n onvoldoende getal lede verkies is of geen lid verkies is nie; of
- (b) weens die afwesigheid van lede, of die versuim van lede om sitting te neem of die funksies van hul amp te verrig, nadat die Staatspresident by proklamasie in die *Staatskoerant* 'n beroep op alle lede van die Huis gedoen het om op 'n dag en uur in die proklamasie genoem in die raadsaal van die Huis aanwesig te wees vir die verrigting van hul funksies as sodanige lede, en daardie uur en dag verbygegaan het,
- bestaan die Parlement uit die Huise of, na gelang van die omstandighede, die Huis wat wel in staat is om hulle of sy werksaamhede te verrig, en word die bepalings van hierdie Wet en enige ander wet dienooreenkomstig uitgelê.

Samestelling van Parlement.

Sessies van die Parlement.

38. (1) Die Staatspresident kan die tye wat hy goetvind vir die sessies van die Parlement bepaal, en kan die Parlement ook van tyd tot tyd by proklamasie in die *Staatskoerant* of andersins progeer.
- (2) Daar is minstens een maal elke jaar 'n sessie van die Parlement, sodat daar nie 'n tydperk van 13 maande tussen die begin van een sessie en die begin van die volgende sessie verloop nie.
- (3) Die eerste sessie van die Parlement na die algemene verkiesing van lede van die Huise ingevolge 'n ontbinding van die Parlement gehou, moet binne 30 dae na die stembdag van die verkiesing begin.

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Duration and dissolution of Parliament or a House.

39. (1) Every Parliament shall continue for five years from the day on which its first session commences.
- (2) The State President—
- (a) may dissolve Parliament by proclamation in the *Gazette* at any time; and 5
  - (b) shall so dissolve Parliament, unless he resigns from office, if each House, during one and the same ordinary session of Parliament—
    - (i) passes a motion of no confidence in the Cabinet within any period of 14 days; or 10
    - (ii) rejects any bill which appropriates revenue or moneys for the ordinary annual requirements or services of the departments of State controlled by members of the Cabinet.
- (3) Subject to the provisions of subsection (2)— 15
- (a) the State President may dissolve any House by proclamation in the *Gazette* if—
    - (i) such House passes a motion of no confidence in the Cabinet; or
    - (ii) such House rejects any bill referred to in subsection (2) (b) (ii); or 20
    - (iii) any circumstance contemplated in section 37 (2) applies to such House; or
    - (iv) the Ministers' Council in question requests him to do so; 25
  - (b) the State President shall so dissolve any House or reconstitute the Ministers' Council in question if—
    - (i) such House passes a motion of no confidence in the Ministers' Council in question; or
    - (ii) such House rejects any bill referred to in section 30 31 which appropriates revenue or moneys for the ordinary annual requirements or services of the departments of State controlled by members of the Ministers' Council in question. 30

Effect of dissolution.

40. Notwithstanding the dissolution of any House in terms of this Act, whether by a dissolution of Parliament or otherwise and whether by effluxion of time or otherwise— 35
- (a) every person who at the date of the dissolution is a member of such House shall remain a member thereof;
  - (b) such House shall remain competent to perform its functions; and 40
  - (c) the State President shall have power to summon Parliament or the House in question for the dispatch of business, 45
- during the period following such dissolution up to and including the day immediately preceding the polling day for the election held in pursuance of such dissolution, in the same manner in all respects as if the dissolution had not occurred.

*The Houses*

Constitution of House of Assembly.

41. (1) The House of Assembly shall consist of— 50
- (a) 166 members, each of whom shall be directly elected by the persons entitled to vote at an election of such a member in an electoral division delimited as provided in section 49;
  - (b) four members nominated by the State President, of whom one shall be nominated from each province; 55
  - (c) eight members elected by the members contemplated in paragraph (a) according to the principle of proportional representation, each voter having one transferable vote. 60
- (2) The number of members of the House of Assembly to be elected as provided in subsection (1) (a) in each province, shall be as follows:—
- |                   |    |    |
|-------------------|----|----|
| Cape of Good Hope | 56 |    |
| Natal             | 20 | 65 |
| Orange Free State | 14 |    |
| Transvaal         | 76 |    |

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39. (1) Elke Parlement duur vyf jaar gereken van die dag waarop sy eerste sessie begin. Duur en ontbinding van die Parlement of 'n Huis.
- (2) Die Staatspresident—
- 5 (a) kan die Parlement te eniger tyd by proklamasie in die *Staatskoerant* ontbind; en
- (b) moet die Parlement aldus ontbind, tensy hy uit sy amp bedank, as elke Huis gedurende een en dieselfde gewone sessie van die Parlement—
- 10 (i) 'n voorstel van wantroue in die Kabinet aanneem binne enige tydperk van 14 dae; of
- (ii) 'n wetsontwerp verwerp wat inkomste of geld beskikbaar stel vir die gewone jaarlikse behoeftes of dienste van die Staatsdepartemente wat deur lede van die Kabinet beheer word.
- 15 (3) Behoudens die bepalings van subartikel (2)—
- (a) kan die Staatspresident 'n Huis by proklamasie in die *Staatskoerant* ontbind indien—
- (i) die Huis 'n voorstel van wantroue in die Kabinet aanneem; of
- 20 (ii) die Huis 'n wetsontwerp in subartikel (2) (b) (ii) beoog, verwerp; of
- (iii) die een of ander omstandigheid in artikel 37 (2) beoog op die Huis van toepassing is; of
- (iv) die betrokke Ministersraad hom versoek om dit te doen;
- 25 (b) moet die Staatspresident 'n Huis aldus ontbind of die betrokke Ministersraad hersaamstel indien—
- (i) die Huis 'n voorstel van wantroue in die betrokke Ministersraad aanneem; of
- 30 (ii) die Huis 'n wetsontwerp in artikel 31 bedoel wat inkomste of geld beskikbaar stel vir die gewone jaarlikse behoeftes of dienste van Staatsdepartemente wat deur lede van die betrokke Ministersraad beheer word, verwerp.
- 35 40. Ondanks die ontbinding van 'n Huis ingevolge hierdie Wet, hetsy deur 'n ontbinding van die Parlement of andersins en hetsy deur tydsverloop of andersins— Uitwerking van ontbinding.
- (a) bly elke persoon wat op die datum van die ontbinding 'n lid van die Huis is, nog 'n lid daarvan;
- 40 (b) bly die Huis bevoeg om sy werksaamhede te verrig; en
- (c) is die Staatspresident bevoeg om die Parlement of die betrokke Huis vir die verrigting van werksaamhede byeen te roep,
- gedurende die tydperk na sodanige ontbinding tot en met die
- 45 dag onmiddellik voor die stembag van die verkiesing ingevolge die betrokke ontbinding gehou, op dieselfde wyse in alle opsigte asof die ontbinding nie plaasgevind het nie.

*Die Huisse*

41. (1) Die Volksraad bestaan uit— Samestelling van Volksraad.
- 50 (a) 166 lede wat elkeen direk verkies word deur die stemgeregtigdes by 'n verkiesing van so 'n lid in 'n kiesafdeling wat volgens voorskrif van artikel 49 afgebaken is;
- (b) vier lede benoem deur die Staatspresident, van wie een uit elke provinsie benoem word;
- 55 (c) agt lede verkies deur die lede bedoel in paragraaf (a) volgens die beginsel van proporsionele verteenwoordiging waarby elke kieser een oordraagbare stem het.
- (2) Die getal Volksraadslede wat in elke provinsie volgens voorskrif van subartikel (1) (a) verkies word, is soos volg:—
- 60 Kaap die Goeie Hoop ..... 56
- Natal ..... 20
- Oranje-Vrystaat ..... 14
- Transvaal ..... 76

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REPUBLIC OF SOUTH AFRICA CONSTITUTION ACT, 1983

Constitution of House of Representatives.

- 42.** (1) The House of Representatives shall consist of—
- (a) 80 members, each of whom shall be directly elected by the persons entitled to vote at an election of such a member in an electoral division delimited as provided in section 49; 5
  - (b) two members nominated by the State President;
  - (c) three members elected by the members contemplated in paragraph (a) according to the principle of proportional representation, each voter having one transferable vote. 10
- (2) The number of members of the House of Representatives to be elected as provided in subsection (1) (a) in each province, shall be as follows:—
- |                         |    |    |
|-------------------------|----|----|
| Cape of Good Hope ..... | 60 |    |
| Natal .....             | 5  | 15 |
| Orange Free State ..... | 5  |    |
| Transvaal .....         | 10 |    |

Constitution of House of Delegates.

- 43.** (1) The House of Delegates shall consist of—
- (a) 40 members, each of whom shall be directly elected by the persons entitled to vote at an election of such a member in an electoral division delimited as provided in section 49; 20
  - (b) two members nominated by the State President;
  - (c) three members elected by the members contemplated in paragraph (a) according to the principle of proportional representation, each voter having one transferable vote. 25
- (2) The number of members of the House of Delegates to be elected as provided in subsection (1) (a) in a province, shall be as follows:— 30
- |                         |    |  |
|-------------------------|----|--|
| Cape of Good Hope ..... | 3  |  |
| Natal .....             | 29 |  |
| Transvaal .....         | 8  |  |

References to directly and indirectly elected and nominated members of Houses.

**44.** Any reference in this Part to a directly elected member, a nominated member and an indirectly elected member of a House, shall be construed as a reference to a member of such House who, as the case may be and as the context may require, has been elected or nominated or is to be elected or nominated as provided in section 41 (1) (a), (b) and (c), respectively, or section 42 (1) (a), (b) and (c), respectively, or section 43 (1) (a), (b) and (c), respectively. 40

Alteration of number of members of province.

**45.** Notwithstanding any provision to the contrary contained in this Act, the number of members of any House to be elected in the various provinces as provided in section 41 (2), 42 (2) or 43 (2), as the case may be, shall not be altered until— 45

- (a) in the case of the House of Assembly, a period of five years has elapsed from the last delimitation of its electoral divisions in terms of the previous Constitution; and
- (b) in the case of the House of Representatives and the House of Delegates, a period of 10 years has elapsed from the first delimitation of the electoral divisions of the House in question in terms of this Act.

Nomination and indirect election of members of Houses.

**46.** (1) The State President may make regulations in regard to the election of indirectly elected members of a House, including regulations prescribing the manner of voting and of the transfer and counting of votes and the duties of returning officers in connection with such election. 55

(2) A casual vacancy in the seat of a nominated or an indirectly elected member of a House shall be filled by the nomination or election of a member for the unexpired portion of the term of office of the member in whose stead he is nominated or elected, and in the same manner in which the last-mentioned member was nominated or elected. 60

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42. (1) Die Raad van Verteenwoordigers bestaan uit—
- (a) 80 lede wat elkeen direk verkies word deur die stemgeregtigdes by 'n verkiesing van so 'n lid in 'n kiesafdeling wat volgens voorskrif van artikel 49 afgebaken is;
- 5 (b) twee lede benoem deur die Staatspresident;
- (c) drie lede verkies deur die lede bedoel in paragraaf (a) volgens die beginsel van proporsionele verteenwoordiging waarby elke kieser een oordraagbare stem het.
- (2) Die getal lede van die Raad van Verteenwoordigers wat in 10 elke provinsie volgens voorskrif van subartikel (1) (a) verkies word, is soos volg:—
- |    |                           |    |
|----|---------------------------|----|
|    | Kaap die Goeie Hoop ..... | 60 |
|    | Natal .....               | 5  |
|    | Oranje-Vrystaat .....     | 5  |
| 15 | Transvaal .....           | 10 |
43. (1) Die Raad van Afgevaardigdes bestaan uit—
- (a) 40 lede wat elkeen direk verkies word deur die stemgeregtigdes by 'n verkiesing van so 'n lid in 'n kiesafdeling wat volgens voorskrif van artikel 49 afgebaken is;
- 20 (b) twee lede benoem deur die Staatspresident;
- (c) drie lede verkies deur die lede bedoel in paragraaf (a) volgens die beginsel van proporsionele verteenwoordiging waarby elke kieser een oordraagbare stem het.
- (2) Die getal lede van die Raad van Afgevaardigdes wat in 'n 25 provinsie volgens voorskrif van subartikel (1) (a) verkies word, is soos volg:—
- |  |                           |    |
|--|---------------------------|----|
|  | Kaap die Goeie Hoop ..... | 3  |
|  | Natal .....               | 29 |
|  | Transvaal .....           | 8  |
- 30 44. 'n Verwysing in hierdie Deel na 'n direk verkose lid, 'n benoemde lid en 'n indirek verkose lid van 'n Huis, word uitgelê as 'n verwysing na 'n lid daarvan wat, na gelang van die geval en na die samehang vereis, verkies of benoem is of verkies of benoem moet word volgens voorskrif van artikel 41 (1) (a), (b) en (c), 35 onderskeidelik, of artikel 42 (1) (a), (b) en (c), onderskeidelik, of artikel 43 (1) (a), (b) en (c), onderskeidelik.
45. Ondanks andersluidende bepalings van hierdie Wet word die getal lede van 'n Huis wat in die verskeie provinsies verkies word soos bepaal in artikel 41 (2), 42 (2) of 43 (2), na gelang van 40 die geval, nie verander nie alvorens—
- (a) in die geval van die Volksraad, 'n tydperk van vyf jaar gereken van die jongste afbakening van kiesafdelings daarvan ingevolge die vorige Grondwet verloop het; en
- 45 (b) in die geval van die Raad van Verteenwoordigers en die Raad van Afgevaardigdes, 'n tydperk van 10 jaar gereken van die eerste afbakening van die kiesafdelings van die betrokke Huis ingevolge hierdie Wet verloop het.
46. (1) Die Staatspresident kan regulasies uitvaardig betreffende die verkiesing van indirek verkose lede van 'n Huis, met 50 inbegrip van regulasies waarby die wyse van stemming en van die oordra en tel van stemme en die pligte van kiesbeamptes in verband met die verkiesing voorgeskryf word.
- (2) 'n Toevallige vakature in die setel van 'n benoemde of 'n 55 indirek verkose lid van 'n Huis word aangevul deur die benoeming of verkiesing van 'n lid vir die onverstreke gedeelte van die ampstermyn van die lid in wie se plek hy benoem of verkies word, en wel op dieselfde wyse waarop laasgenoemde lid benoem of verkies is.

Samestelling van Raad van Verteenwoordigers.

Samestelling van Raad van Afgevaardigdes.

Verwysings na direk en indirek verkose en benoemde lede van Huisse.

Verandering van getal lede van provinsie.

Benoeming en indirekte verkiesing van lede van Huisse.

- (3) A nominated or indirectly elected member of a House who—
- (a) remains a member of the House in terms of section 40 up to and including the day immediately preceding the polling day for the relevant election referred to in that section; and
  - (b) is not elected as a member of the House in question at that election,

shall, during the period which in terms of subsection (4) of this section is applicable in his case, be deemed to have been nominated or elected on that polling day as a nominated member or, as the case may be, as an indirectly elected member of that House, and, in the case of a nominated member of the House of Assembly, from the province from which he was in fact nominated.

(4) Any person who is a member of a House in terms of the provisions of subsection (3) shall cease to be a member of such House in terms of those provisions—

- (a) in the case of a person deemed in terms of those provisions to have been nominated from a particular province as a member of the House of Assembly, on the day on which a nominated member of that House is nominated from that province in pursuance of the relevant dissolution of that House referred to in section 40, or, if such a member is not so nominated within the period of 45 days after the polling day of the general election held in pursuance of that dissolution, at the expiration of that period; and
- (b) in the case of a person deemed in terms of those provisions to be an indirectly elected member of a House or a nominated member of a House other than the House of Assembly, on the first day on which indirectly elected or, as the case may be, nominated members of the House in question are elected or nominated in pursuance of the relevant dissolution referred to in section 40, or, if no such members are elected or nominated within the period of 45 days after the polling day of the general election held in pursuance of that dissolution, at the expiration of that period: Provided that such person, if he is elected or nominated as such a member but not on such first day, shall be deemed to have remained a member of the House in question up to and including the day immediately preceding the day on which he is so elected or nominated.

Polling day at general elections.

47. (1) At any general election of members of the Houses held in pursuance of a dissolution of Parliament, all polls shall be taken on one and the same day in all the electoral divisions of all three Houses throughout the Republic, such day to be appointed by the State President.

(2) At any general election of members of a House held in pursuance of its dissolution otherwise than at a dissolution of Parliament, all polls shall be taken on one and the same day in all the electoral divisions of that House throughout the Republic, such day to be appointed by the State President.

(3) The day appointed by the State President in terms of subsection (1) or (2), shall be a day not more than 180 days after the dissolution of Parliament or the House in question, as the case may be.

Delimitation of electoral divisions.

48. (1) At intervals of not less than five years and not more than 10 years, commencing, in the case of the House of Assembly, from the last delimitation of its electoral divisions in terms of the previous Constitution, and, in the case of the House of Representatives or the House of Delegates, from the first delimitation of electoral divisions of the House in question in terms of this Act, the State President shall appoint a delimitation commission consisting of three judges of the Supreme Court of South Africa, which shall, subject to the provisions of section 41 (2), 42 (2) or 43 (2), as the case may be, divide the Republic, for the purpose of the election of directly elected members of the

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(3) 'n Benoemde of 'n indirek verkose lid van 'n Huis wat—

(a) ingevolge artikel 40 'n lid van die Huis bly tot en met die dag onmiddellik voor die stembag van die betrokke verkiesing in daardie artikel bedoel; en

5 (b) nie by daardie verkiesing as lid van die betrokke Huis verkies word nie.

word gedurende die tydperk wat ingevolge subartikel (4) van hierdie artikel in sy geval van toepassing is, geag op daardie stembag as benoemde lid of, na gelang van die geval, as indirek 10 verkose lid van daardie Huis benoem of verkies te gewees het en wel, in die geval van 'n benoemde lid van die Volksraad, uit die provinsie waaruit hy werklik benoem was.

(4) Iemand wat ingevolge die bepalings van subartikel (3) lid van 'n Huis is, hou op om ingevolge daardie bepalings lid daar- 15 van te wees—

(a) in die geval van iemand wat ingevolge daardie bepalings geag word uit 'n bepaalde provinsie as lid van die Volksraad benoem te gewees het, op die dag waarop 'n 20 benoemde lid van daardie Huis uit daardie provinsie benoem word ingevolge die betrokke ontbinding van daardie Huis in artikel 40 bedoel, of, indien so 'n lid nie binne die tydperk van 45 dae na die stembag van die algemene verkiesing ingevolge daardie ontbinding gehou, aldus benoem word nie, by die verstryking van daardie tydperk; en

(b) in die geval van iemand wat ingevolge daardie bepalings geag word 'n indirek verkose lid van 'n Huis of 'n 25 benoemde lid van 'n ander Huis as die Volksraad te wees, op die eerste dag waarop indirek verkose of, na gelang van die geval, benoemde lede van die betrokke Huis ingevolge die betrokke ontbinding in artikel 40 30 bedoel, verkies of benoem word, of, indien geen sodanige lede binne die tydperk van 45 dae na die stembag van die algemene verkiesing ingevolge daardie ontbinding gehou, verkies of benoem word nie, by verstryking van daardie tydperk: Met dien verstande dat daardie 35 persoon, indien hy as so 'n lid verkies of benoem word maar nie op daardie eerste dag nie, geag word tot en met die dag onmiddellik voor die dag waarop hy aldus verkies of benoem word 'n lid van die betrokke 40 Huis te gebly het.

47. (1) By 'n algemene verkiesing van lede van die Huise gehou ingevolge 'n ontbinding van die Parlement, vind die stemming in al die kiesafdelings van aldie Huise in die Republiek op 45 een en dieselfde dag plaas, en dié dag word deur die Staatspresident bepaal.

Stembag by  
algemene  
verkiesings.

(2) By 'n algemene verkiesing van lede van 'n Huis gehou ingevolge 'n ontbinding daarvan anders as by 'n ontbinding van die Parlement, vind die stemming in al die kiesafdelings van 50 daardie Huis in die Republiek op een en dieselfde dag plaas, en dié dag word deur die Staatspresident bepaal.

(3) Die dag wat ingevolge subartikel (1) of (2) deur die Staatspresident bepaal word, moet 'n dag hoogstens 180 dae na die ontbinding van die Parlement of die betrokke Huis, na gelang 55 van die geval, wees.

48. (1) Met tussenpose van minstens vyf jaar en hoogstens 10 jaar, gereken, in die geval van die Volksraad, van die jongste afbakening van kiesafdelings daarvan ingevolge die vorige Grondwet, en, in die geval van die Raad van Verteenwoordigers of die 60 Raad van Afgevaardigdes, van die eerste afbakening van kiesafdelings van die betrokke Huis ingevolge hierdie Wet, stel die Staatspresident 'n afbakeningskommissie aan, bestaande uit drie regters van die Hooggeregshof van Suid-Afrika, wat, behoudens die bepalings van artikel 41 (2), 42 (2) of 43 (2), na gelang van 65 die geval, die Republiek vir die doeleindes van die verkiesing

Afbakening van  
kiesafdelings.

House in question, into the same number of electoral divisions as the number of such members of that House, in such a manner that no electoral division is situated partly in one province and partly in another province.

(2) No judge shall be appointed under subsection (1) as a member of a delimitation commission unless he has served as a judge, whether in a permanent or temporary capacity, for a total period of not less than five years.

(3) In dividing the Republic into electoral divisions in terms of subsection (1) the delimitation commission shall act in accordance with the provisions of section 49.

Method of dividing provinces into electoral divisions.

**49.** (1) For the purposes of the division of a province into electoral divisions of a House, the quota of the province for the House shall be obtained, subject to the provisions of subsection (4), by dividing the number of voters of the House in the province in terms of the current voters' lists, duly corrected up to the latest possible date, by the number of members of the House to be elected in the province in terms of section 41 (2), 42 (2) or 43 (2), as the case may be.

(2) A province shall be divided into electoral divisions of a House in such a manner that each such electoral division shall, subject to the provisions of subsections (3) and (4), contain a number of voters as nearly as may be equal to the quota of the province for the House.

(3) The delimitation commission shall give due consideration to—

- (a) community or diversity of interests;
- (b) means of communication;
- (c) physical features;
- (d) boundaries of existing electoral divisions;
- (e) sparsity or density of population;
- (f) probability of increase or decrease of population;
- (g) local authority and magisterial district boundaries,

in such manner that, while taking the quota of voters as the basis of division, the commission may depart from the quota whenever it is deemed necessary, but in no case to a greater extent than 15 per cent more or 15 per cent less than the quota: Provided that in the case of an electoral division with an area of 25 000 square kilometres or more, the commission may reduce the number of voters to a number equal to 70 per cent of the quota.

(4) (a) The port and settlement mentioned in the Walfish Bay and St John's River Territories Annexation Act, 1884, of the Cape of Good Hope, and the territory surrounding it and bounded as described in that Act, shall be one of the electoral divisions into which the province of the Cape of Good Hope shall be divided for the election of members of the House of Assembly, and, as such electoral division, it shall be called Walvis Bay until different provision is made under section 50.

(b) The boundaries of such electoral division, as described in paragraph (a), shall not be altered by any delimitation commission, but in so far as may be necessary for the purposes of any provision of this Act or any other law those boundaries shall be deemed to have been settled by such commission.

(c) The provisions of this section in regard to the quota of a province and the number of voters of an electoral division shall not apply in connection with the electoral division referred to in paragraph (a), and in their application at any delimitation of the other electoral divisions in the province of the Cape of Good Hope for the election of members of the House of Assembly—

- (i) the port, settlement and territory mentioned in paragraph (a) shall be deemed not to be part of that province;
- (ii) the voters of that electoral division, in terms of the current voters' list, duly corrected up to the latest



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van direk verkose lede van die betrokke Huis in dieselfde getal kiesafdelings verdeel as die getal sodanige lede van daardie Huis, op so 'n wyse dat geen kiesafdeling gedeeltelik in een provinsie en gedeeltelik in 'n ander provinsie geleë is nie.

5 (2) Geen regter word ingevolge subartikel (1) as lid van 'n afbakeningskommissie aangestel nie tensy hy vir 'n totale tydperk van minstens vyf jaar as regter gedien het, hetsy in 'n permanente of tydelike hoedanigheid.

10 (3) By die verdeling van die Republiek in kiesafdelings volgens subartikel (1), moet die afbakeningskommissie ooreenkomstig die bepalings van artikel 49 handel.

15 49. (1) Vir die doeleindes van die verdeling van 'n provinsie in kiesafdelings van 'n Huis, word die kwota van die provinsie vir die Huis verkry, behoudens die bepalings van subartikel (4), deur die getal kiesers van die Huis in die provinsie volgens die geldende kieserslyste, behoorlik verbeter tot die jongste moontlike datum, te deel deur die getal lede van die Huis wat ingevolge artikel 41 (2), 42 (2) of 43 (2), na gelang van die geval, in die provinsie verkies moet word.

Metode van verdeling van provinsies in kiesafdelings.

20 (2) 'n Provinsie word op so 'n wyse in kiesafdelings van 'n Huis verdeel dat elke sodanige kiesafdeling, behoudens die bepalings van subartikels (3) en (4), 'n getal kiesers bevat wat so na as moontlik gelykstaan met die kwota van die provinsie vir die Huis.

25 (3) Die afbakeningskommissie moet behoorlike oorweging skenk aan—

- (a) gemeenskaplikheid of verskeidenheid van belange;
- (b) verkeersmiddele;
- (c) natuurlike kenmerke;
- 30 (d) grense van bestaande kiesafdelings;
- (e) dunheid of digtheid van bevolking;
- (f) waarskynlikheid van toename of afname in die bevolking;
- (g) plaaslike bestuurs- en landdrosdistriksgrense,

35 op so 'n wyse dat, alhoewel die kwota kiesers die grondslag van verdeling uitmaak, die kommissie, wanneer hy dit nodig ag, daarvan mag afwyk, maar in geen geval in 'n groter mate as 15 persent meer of 15 persent minder as die kwota nie: Met dien verstande dat in die geval van 'n kiesafdeling met 'n oppervlakte

40 van 25 000 vierkante kilometer of meer, die kommissie die getal kiesers mag verminder tot 'n getal gelyk aan 70 persent van die kwota.

45 (4) (a) Die hawe en nedersetting wat in die Walfish Bay and St John's River Territories Annexation Act, 1884, van die Kaap die Goeie Hoop, vermeld word, en die gebied wat dit omring en begrens word soos in daardie Wet beskryf, is een van die kiesafdelings waarin die provinsie die Kaap die Goeie Hoop vir die verkiesing van lede van die Volksraad verdeel moet word, en dit word

50 as sodanige kiesafdeling Walvisbaai genoem totdat daar kragtens artikel 50 anders bepaal word.

(b) Die grense van bedoelde kiesafdeling, soos in paragraaf (a) beskryf, word nie deur 'n afbakeningskommissie verander nie, maar vir sover dit vir die toepassing van 'n bepaling van hierdie Wet of 'n ander wet nodig is, word daardie grense geag deur die kommissie vasgestel te wees.

55 (c) Die bepalings van hierdie artikel oor die kwota van 'n provinsie en die getal kiesers van 'n kiesafdeling is nie in verband met die kiesafdeling in paragraaf (a) bedoel van toepassing nie, en by die toepassing daarvan by 'n afbakening van die ander kiesafdelings in die provinsie die Kaap die Goeie Hoop vir die verkiesing van Volksraadslede—

- 60 (i) word die hawe, nedersetting en gebied in paragraaf (a) genoem, geag nie deel van daardie provinsie te wees nie;
- 65 (ii) word die kiesers van daardie kiesafdeling volgens die geldende kieserslys, behoorlik verbeter tot die

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- possible date, shall be deemed not to be voters in that province; and
- (iii) the number of members of the House of Assembly to be elected in that province, shall be deemed not to include a member for that electoral division. 5

Powers and duties of delimitation commission.

50. (1) A delimitation commission, having delimited the electoral divisions of a House, shall submit to the State President—

- (a) a list of the electoral divisions, with the names given to them by the commission and a description of the boundaries of each division; 10
- (b) a map or maps showing the electoral divisions into which the provinces have been divided;
- (c) such further particulars as it considers necessary.

(2) The State President may refer to the commission for its consideration all matters relating to such list or arising out of the powers or duties of the commission. 15

(3) The State President shall by proclamation in the *Gazette* make known the names and boundaries of the electoral divisions as finally settled and certified by the commission, or a majority thereof, and thereafter, until there shall be a redivision, the electoral divisions so named and defined shall be the electoral divisions of the House in question in the Republic and the provinces. 20

(4) If any discrepancy arises between the description of the divisions and the aforesaid map or maps, the description or, if the description has been amended in terms of subsection (5), the description as so amended shall prevail. 25

(5) (a) If the commission is satisfied that any such discrepancy as aforesaid is due to an error in the description of the boundaries of any electoral division, it shall in writing 30 inform the State President accordingly, and submit an amendment of the relevant description, correcting the error and certified by the commission, to the State President, unless the period allowed in terms of paragraph (c) for such an amendment has expired. 35

(b) Subject to the provisions of paragraph (c), the State President shall by proclamation in the *Gazette* make known any amendment submitted to him in terms of paragraph (a), and thereafter, until there shall be a redivision, the boundaries as so amended shall be the 40 boundaries of the electoral division in question, notwithstanding the provisions of subsection (3).

(c) No description of the boundaries of any electoral division shall be amended under this subsection after the date on which the proclamation in respect of the first 45 general election for members of the House in question held after the completion of the relevant redivision is published in the *Gazette* in terms of section 34 of the Electoral Act, 1979.

(6) (a) The State President may by proclamation in the *Ga-* 50 *zette* alter the name of any electoral division as made known under subsection (3).

(b) The name given to any electoral division under paragraph (a) shall, notwithstanding the provisions of subsection (3), be the name of that electoral division until 55 there shall be a redivision.

Date from which alteration of electoral divisions takes effect.

51. Any alteration in the number of members of a House to be elected in the several provinces, and any redivision of the provinces into electoral divisions of a House, shall come into operation at the next general election of directly elected members 60 of the House in question held after the completion of the redivision or of any allocation consequent upon such alteration, and not earlier.

Franchise.

52. Every White person, Coloured person and Indian who— 65  
(a) is a South African citizen in terms of the South African Citizenship Act, 1949; and

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- jongste moontlike datum, geag nie kiesers in daardie provinsie te wees nie; en
- (iii) word die getal Volksraadslede wat in daardie provinsie verkies moet word, geag nie 'n lid vir daardie kiesafdeling in te sluit nie.

50. (1) 'n Afbakeningskommissie moet, wanneer hy die kiesafdelings van 'n Huis afgebaken het, aan die Staatspresident voorlê—

Magte en pligte van afbakeningskommissie.

- (a) 'n lys van die kiesafdelings, met die name wat die kommissie daaraan gegee het en 'n beskrywing van die grense van elke kiesafdeling;
- (b) 'n kaart of kaarte wat die kiesafdelings aantoon waarin die provinsies verdeel is;
- (c) die ander besonderhede wat die kommissie nodig ag.

(2) Die Staatspresident kan alle sake met betrekking tot so 'n lys of alle sake wat uit die magte of pligte van die kommissie voortspruit, na die kommissie vir oorweging verwys.

(3) Die Staatspresident maak by proklamasie in die *Staatskoerant* die name en grense van die kiesafdelings bekend soos hulle deur die kommissie of 'n meerderheid daarvan finaal vasgestel en gesertifiseer is, en daarna is die kiesafdelings soos hulle genoem en omskryf is, die kiesafdelings van die betrokke Huis in die Republiek en die provinsies totdat 'n herverdeling plaasvind.

(4) In geval van 'n verskil tussen die beskrywing van die kiesafdelings en voormelde kaart of kaarte, gee die beskrywing of, indien die beskrywing ingevolge subartikel (5) gewysig is, die beskrywing soos aldus gewysig, die deurslag.

(5) (a) Indien die kommissie oortuig is dat 'n verskil soos voormeld, te wyte is aan 'n fout in die beskrywing van die grense van 'n kiesafdeling, moet hy die Staatspresident skriftelik dienooreenkomstig meedeel, en 'n wysiging van die betrokke beskrywing wat die fout regstel en deur die kommissie gesertifiseer is, aan die Staatspresident voorlê, tensy die tydperk wat ingevolge paragraaf (c) vir so 'n wysiging toegelaat word, verstryk het.

(b) Behoudens die bepalings van paragraaf (c) maak die Staatspresident 'n wysiging ingevolge paragraaf (a) aan hom voorgelê, by proklamasie in die *Staatskoerant* bekend, en daarna is die grense soos aldus gewysig, ondanks die bepalings van subartikel (3) die grense van die betrokke kiesafdeling totdat 'n herverdeling plaasvind.

(c) Geen beskrywing van die grense van 'n kiesafdeling word kragtens hierdie subartikel gewysig nie na die datum waarop die proklamasie ten opsigte van die eerste algemene verkiesing vir lede van die betrokke Huis gehou na voltooiing van die betrokke herverdeling, ingevolge artikel 34 van die Kieswet, 1979, in die *Staatskoerant* afgekondig word.

(6) (a) Die Staatspresident kan die naam van 'n kiesafdeling soos ingevolge subartikel (3) bekend gemaak, by proklamasie in die *Staatskoerant* verander.

(b) Die naam kragtens paragraaf (a) aan 'n kiesafdeling gegee, is, ondanks die bepalings van subartikel (3), die naam van daardie kiesafdeling totdat 'n herverdeling plaasvind.

51. 'n Verandering van die getal lede van 'n Huis wat in die verskeie provinsies verkies moet word, en 'n herverdeling van die provinsies in kiesafdelings van 'n Huis, tree in werking by die eersvolgende algemene verkiesing van direk verkose lede van die betrokke Huis wat gehou word na die voltooiing van die herverdeling of van 'n toewysing ingevolge so 'n verandering, en nie eerder nie.

Datum waarop verandering van kiesafdelings van krag word.

52. Elke Blanke, Kleurling en Indiër wat—

Stemreg.

- (a) 'n Suid-Afrikaanse burger is ingevolge die Wet op Suid-Afrikaanse Burgerskap, 1949; en

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(b) is of or over the age of 18 years: and

(c) is not subject to any of the disqualifications mentioned in section 4 (1) or (2) of the Electoral Act, 1979,

shall, on compliance with and subject to the provisions of the Electoral Act, 1979, be entitled to vote at any election of a member of the House of Assembly, the House of Representatives and the House of Delegates, respectively, in the electoral division of the House in question determined in accordance with the last-mentioned Act.

Qualifications of members of Houses.

53. No person shall be qualified to be a member of a House under this Act unless he—

- (a) is qualified to be included as a voter in any list of voters of the House in question in an electoral division thereof; and
- (b) has resided for five years within the limits of the Republic.

Disqualifications for membership of Houses.

54. No person shall be capable of being elected or nominated or of sitting as a member of a House if he—

- (a) has at any time been convicted of any offence for which he has been sentenced to imprisonment without the option of a fine for a period of not less than twelve months, unless he has received a grant of amnesty or a free pardon, or unless the period of such imprisonment expired at least five years before the date of his election or nomination; or
- (b) is an unrehabilitated insolvent; or
- (c) is of unsound mind, and has been so declared by a competent court; or
- (d) is an officer or other employee in the service of any institution, council or body contemplated in section 84 (1) (f) of the previous Constitution; or
- (e) holds any office of profit under the Republic: Provided that the following persons shall be deemed not to hold an office of profit under the Republic for the purposes of this paragraph, namely—
  - (i) a Minister of the Republic, or any person holding office as deputy to any Minister;
  - (ii) a person in receipt of a pension from the Republic;
  - (iii) an officer or member of the South African Defence Force on retired or half-pay, or an officer or member of the South African Defence Force whose services are not wholly employed by the Republic;
  - (iv) any person who has been appointed or has become a justice of the peace under section 2 of the Justices of the Peace and Commissioners of Oaths Act, 1963;
  - (v) any person appointed as an appraiser under section 6 of the Administration of Estates Act, 1965, or deemed to have been so appointed;
  - (vi) any person who, while the Republic is at war, is an officer or member of the South African Defence Force or any other force or service established by or under the Defence Act, 1957;
  - (vii) a member of any council, board, committee or similar body established by or under any law who receives no payment in respect of his services on such council, board, committee or body in excess of an allowance at a rate not exceeding the amount determined by the Minister of Finance by notice in the *Gazette* from time to time for each day on which he renders such services, any reimbursement of travelling expenses and subsistence expenses incurred by him in the course of such services and an allowance in respect of entertaining by him in connection with such services;
  - (viii) a member of a commission of inquiry or a committee of inquiry appointed by the State President or

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- (b) 18 jaar oud of ouer is; en
- (c) deur geeneen van die onbevoegdheids in artikel 4 (1) of (2) van die Kieswet, 1979, genoem. geraak word nie, is, by nakoming van en behoudens die bepalings van die Kieswet, 1979, geregtig om te stem by enige verkiesing van 'n lid van onderskeidelik die Volksraad, die Raad van Verteenwoordigers en die Raad van Afgevaardigdes in die kiesafdeling van die betrokke Huis wat ooreenkomstig laasgenoemde Wet bepaal word.
53. 'n Persoon is nie bevoeg om 'n lid van 'n Huis kragtens hierdie Wet te wees nie tensy hy—
- (a) bevoeg is om as kieser opgeneem te word in enige lys van kiesers van die betrokke Huis in 'n kiesafdeling daarvan; en
- (b) vyf jaar binne die grense van die Republiek woonagtig is.
54. 'n Persoon is nie bevoeg om as lid van 'n Huis verkies of benoem te word of sitting te neem nie as hy—
- (a) te eniger tyd skuldig bevind is aan 'n misdryf waarvoor hy gevonnissen is tot gevangenisstraf sonder die keuse van 'n boete vir 'n tydperk van minstens twaalf maande, tensy amnestie of algehele grasie aan hom toegestaan is, of tensy die tydperk van sodanige gevangenisstraf minstens vyf jaar voor die datum van sy verkiesing of benoeming verstryk het; of
- (b) 'n ongerehabiliteerde insolvent is; of
- (c) in sy geestesvermoë gekrenk is en deur 'n bevoegde hof aldus verklaar is; of
- (d) 'n beamppte of ander werknemer is in die diens van 'n instelling, raad of liggaam in artikel 84 (1) (f) van die vorige Grondwet beoog; of
- (e) 'n winsbetrekking onder die Republiek beklee: Met dien verstande dat by die toepassing van hierdie paragraaf die volgende persone geag word nie 'n winsbetrekking onder die Republiek te beklee nie, te wete—
- (i) 'n Minister van die Republiek of iemand wat die amp van plaasvervanger van 'n Minister beklee;
- (ii) 'n ontvanger van 'n pensioen van die Republiek;
- (iii) 'n offisier of lid van die Suid-Afrikaanse Weermag wat russoldy of halwe soldy ontvang, of 'n offisier of lid van die Suid-Afrikaanse Weermag wat nie heeltyds in diens van die Republiek is nie;
- (iv) iemand wat kragtens artikel 2 van die Wet op Vrederegters en Kommissarisse van Ede, 1963, as vrederegter aangestel is of vrederegter geword het;
- (v) iemand wat kragtens artikel 6 van die Boedelwet, 1965, as taksateur aangestel is of geag word aldus aangestel te wees;
- (vi) iemand wat, terwyl die Republiek in oorlog betrokke is, 'n offisier of lid is van die Suid-Afrikaanse Weermag of 'n ander mag of diens deur of kragtens die Verdedigingswet, 1957, ingestel;
- (vii) 'n lid van 'n raad, komitee of soortgelyke liggaam by of kragtens wet ingestel wat nie ten opsigte van sy dienste in so 'n raad, komitee of liggaam betaling ontvang nie bo en behalwe 'n toelae volgens 'n skaal van hoogstens die bedrag van tyd tot tyd deur die Minister van Finansies by kennisgewing in die *Staatskoerant* bepaal vir elke dag waarop hy bedoelde dienste lewer, vergoeding van reiskoste en verblyfkkoste deur hom in die loop van die dienste aangegaan en 'n toelae ten opsigte van onthaal deur hom in verband met die dienste;
- (viii) 'n lid van 'n kommissie van ondersoek of 'n komitee van ondersoek aangestel deur die Staatspresident of die Administrateur van 'n provinsie, of 'n

Kwalifikasies van lede van Huisse.

Onbevoegdheids vir lidmaatskap van Huisse.

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the Administrator of a province, or a member of a Select Committee of a House or of a provincial council or a member of a committee of Parliament.

Vacating of seats in Houses.

55. (1) A member of a House shall vacate his seat if he—
- (a) becomes subject to any disability mentioned in section 54; or
  - (b) ceases to be qualified as required by law; or
  - (c) fails for a whole ordinary session of Parliament or of the House of which he is a member to attend without the special leave of that House, unless his absence is due to his serving, while the Republic is at war, with the South African Defence Force or any other force or service established by or under the Defence Act, 1957.
- (2) A member of a House who—
- (a) is designated or appointed as a member of the President's Council, shall vacate his seat as a member of such House with effect from the date on which he becomes a member of the President's Council;
  - (b) is elected as a member of a provincial council, shall vacate his seat as a member of such House with effect from the date on which he becomes a member of the provincial council.

Penalty for sitting or voting when disqualified.

56. Any person who is by law incapable of sitting as a member of a House and who, while so incapable and knowing or having reasonable grounds for knowing that he is so incapable, sits or votes as a member of the House in question, shall be liable to a penalty of R200 for each day on which he so sits or votes, which may be recovered on behalf of the Treasury of the Republic by action in any division of the Supreme Court of South Africa.

Oath.

57. Every member of a House shall, before taking his seat, make and subscribe before the Chief Justice, any other judge of the Supreme Court, the Speaker of Parliament or the Chairman of the House in question an oath in the following form:

I, A.B., do swear to be faithful to the Republic of South Africa and solemnly promise to perform my duties as a member of the House of Assembly/House of Representatives/House of Delegates to the best of my ability.  
So help me God.

Speaker of Parliament.

58. (1) An electoral college referred to in subsection (1) of section 7 shall, after having elected a State President at a meeting called in accordance with the provisions of subsection (3) (a) or (b) of that section or those provisions as applied by subsection (7) of section 8, proceed to elect a Speaker of Parliament, who shall be a member of a House.
- (2) The provisions of sections 7 and 8 shall apply *mutatis mutandis* and subject to the provisions of subsection (4) of this section in respect of the election of a Speaker.
- (3) (a) The Speaker shall hold office until his successor is elected in terms of subsection (1), but shall be eligible for re-election.
- (b) The Speaker shall cease to hold office if he ceases to be a member of the House of which he was a member at the time of his election as Speaker, and may resign his office or his seat by lodging his resignation in writing with the Chief Justice.
- (c) The provisions of subsection (3) of section 9 shall apply *mutatis mutandis* to the Speaker, but for the purpose of such application the words "every Chairman of a House" shall be deemed to have been substituted for the words "the Speaker of Parliament" in paragraph (d) of that subsection.
- (4) (a) When the Speaker is for any reason unable to perform the functions of his office, he shall designate a member of a House to perform those functions as Acting Speaker during his absence or inability.

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lid van 'n Gekose Komitee van 'n Huis of van 'n provinsiale raad of 'n lid van 'n komitee van die Parlement.

- 5 55. (1) 'n Lid van 'n Huis ontruim sy setel indien hy— Ontruiming van setels.  
 (a) onderworpe word aan 'n onbevoegdheid in artikel 54 genoem; of  
 (b) ophou om volgens vereiste van 'n wet bevoeg te wees; of  
 10 (c) 'n hele gewone sessie van die Parlement of van die Huis waarvan hy lid is, afwesig bly sonder spesiale verlof van daardie Huis, tensy sy afwesigheid te wyte is aan sy diens, terwyl die Republiek in oorlog betrokke is, in die Suid-Afrikaanse Weermag of 'n ander mag of diens ingestel deur of kragtens die Verdedigingswet, 15 1957.
- (2) 'n Lid van 'n Huis wat—  
 (a) as lid van die Presidentsraad aangewys of aangestel word, ontruim sy setel as lid van die Huis met ingang van die datum waarop hy lid van die Presidentsraad 20 word;  
 (b) as lid van 'n provinsiale raad verkies word, ontruim sy setel as lid van die Huis met ingang van die datum waarop hy lid van die provinsiale raad word.
- 25 56. Iemand wat wetlik onbevoeg is om as lid van 'n Huis sitting te neem en wat, terwyl hy aldus onbevoeg is en weet of redelike gronde het om te weet dat hy aldus onbevoeg is, as lid van die betrokke Huis sitting neem of stem, is vir elke dag waarop hy aldus sitting neem of stem, strafbaar met 'n boete van R200, wat namens die Tesourie van die Republiek by wyse van 30 aksie in enige afdeling van die Hooggeregshof van Suid-Afrika verhaal kan word. Straf vir ongekwalifiseerdes wat stem of sitting neem.
57. Elke lid van 'n Huis moet, voordat hy sy sitplek inneem, Eed. voor die Hoofregter, 'n ander regter van die Hooggeregshof, die Speaker van die Parlement of die Voorsitter van die betrokke 35 Huis 'n eed in die volgende vorm aflê en onderteken:  
 Ek, A.B., sweer trou aan die Republiek van Suid-Afrika en onderneem plegtig om my pligte as lid van die Volksraad/Raad van Verteenwoordigers/Raad van Afgevaardigdes na my beste vermoë uit te voer.  
 40 So help my God.
58. (1) 'n Kieskollege in subartikel (1) van artikel 7 bedoel, moet, nadat hy op 'n vergadering belê ingevolge die bepaling van subartikel (3) (a) of (b) van daardie artikel of daardie bepaling soos toegepas deur subartikel (7) van artikel 8, 'n Staats- 45 president gekies het, oorgaan tot die verkiesing van 'n Speaker van die Parlement, wat 'n lid van 'n Huis moet wees.  
 (2) Die bepaling van artikels 7 en 8 is, *mutandis mutandis* en behoudens die bepaling van subartikel (4) van hierdie artikel, van toepassing ten opsigte van die verkiesing van 'n Speaker.  
 50 (3) (a) Die Speaker beklee sy amp totdat sy opvolger ingevolge subartikel (1) gekies is, maar kan weer gekies word.  
 (b) Die Speaker hou op om sy amp te beklee as hy ophou om lid te wees van die Huis waarvan hy ten tyde van sy verkiesing as Speaker 'n lid was, en kan sy amp neerlê of uit sy setel bedank deur sy bedanking skriftelik by die Hoofregter in te dien.  
 55 (c) Die bepaling van subartikel (3) van artikel 9 is *mutatis mutandis* van toepassing op die Speaker, maar by sodanige toepassing word die woorde „die Speaker van die Parlement” in paragraaf (d) van daardie subartikel geag deur die woorde „elke Voorsitter van 'n Huis” vervang te wees.  
 60 (4) (a) Wanneer die Speaker om die een of ander rede nie die funksies van sy amp kan verrig nie, wys hy 'n lid van 'n Huis aan om as Waarnemende Speaker daardie funksies gedurende sy afwesigheid of onvermoë te verrig.  
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- (b) If the Speaker is unable to designate an Acting Speaker under paragraph (a) or when the office of Speaker is vacant and there is no Acting Speaker so designated, the State President shall designate a member of a House to perform the functions of the Speaker during his absence or inability or, notwithstanding the provisions of section 7 (3) (c) as applied by subsection (2) of this section but subject to the provisions of paragraph (c) of this subsection, until a Speaker is elected. 5
- (c) If the office of Speaker is vacant, the functions of that office may not during a session of Parliament be performed by an Acting Speaker for longer than a month unless it is the last session before a dissolution of Parliament, or a session contemplated in section 40.
- 59.** (1) The Speaker of Parliament shall be the Speaker of each of the respective Houses and shall preside at a meeting of a House whenever he deems it necessary or desirable.
- (2) The Speaker shall, when presiding at a meeting of a House, be vested with all the powers, duties and functions of the Chairman of the House in question, in so far as they are consistent with any functions assigned to the Speaker by rules and orders approved by all three Houses: Provided that the Speaker may only vote in the House of which he is a member. 20
- 60.** (1) Every House shall at its first meeting, before proceeding to the dispatch of any other business, elect a member to be the Chairman of the House, and, as often as the office becomes vacant, the House shall again elect a member to be the Chairman.
- (2) The Chairman of a House shall cease to hold office if he ceases to be a member of the House in question and may be removed from office by resolution of that House, and may resign his office or his seat by lodging his resignation in writing with the Speaker of Parliament. 30
- (3) Before or during the absence of its Chairman, a House may elect a member to perform his functions during his absence. 35
- 61.** To constitute a meeting of a House for the exercise of its powers, the presence shall be necessary of—
- (a) in the case of the House of Assembly, at least 50 members;
- (b) in the case of the House of Representatives, at least 25 members; 40
- (c) in the case of the House of Delegates, at least 13 members.
- 62.** All questions in a House shall be determined by a majority of votes of members present other than the Chairman or the presiding member, who shall, however, have and exercise a casting vote in the case of an equality of votes. 45
- 63.** A House may make rules and orders in connection with the order and conduct of its business and proceedings.
- 64.** (1) In this section— 50
- (a) “joint committee” means a committee consisting of members of each of the Houses;
- (b) “joint rules and orders” means rules and orders approved by each of the Houses as joint rules and orders in connection with the order and conduct of— 55
- (i) the business and proceedings of each in connection with joint committees or a particular joint committee; or
- (ii) the business and proceedings of joint committees or a particular joint committee; 60



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- 5 (b) Indien die Speaker nie in staat is om 'n Waarnemende Speaker kragtens paragraaf (a) aan te wys nie of wanneer die amp van Speaker vakant is en daar nie 'n aldus aangewese Waarnemende Speaker is nie, wys die Staatspresident 'n lid van 'n Huis aan om as Waarnemende Speaker die funksies van die Speaker te verrig gedurende sy afwesigheid of onvermoë of, ondanks die
- 10 bepalinge van artikel 7 (3) (c) soos toegepas deur subartikel (2) van hierdie artikel maar behoudens die bepalinge van paragraaf (c) van hierdie subartikel, totdat 'n Speaker gekies is.
- 15 (c) Indien die amp van Speaker vakant is, kan die funksies daarvan nie gedurende 'n sessie van die Parlement vir langer as 'n maand deur 'n Waarnemende Speaker verrig word nie tensy dit die laaste sessie voor 'n ontbinding van die Parlement of 'n in artikel 40 beoogde sessie is.
- 20 59. (1) Die Speaker van die Parlement is die Speaker van elk van die onderskeie Huisse en sit voor op 'n vergadering van 'n Huis wanneer hy dit nodig of wenslik ag. Funksies van Speaker.
- (2) Die Speaker is, wanneer hy op 'n vergadering van 'n Huis voorsit, beklee met al die bevoegdhede, pligte en werksaamhede van die Voorsitter van die betrokke Huis, vir sover hulle bestaanbaar is met enige funksies wat aan hom opgedra word by
- 25 reëls en orders wat deur al drie Huisse goedgekeur is: Met dien verstande dat die Speaker slegs kan stem in die Huis waarvan hy lid is.
- 30 60. (1) Elke Huis moet op sy eerste vergadering, voordat hy tot die afhandeling van ander werksaamhede oorgaan, 'n lid kies om die Voorsitter van die Huis te wees, en so dikwels as wat die amp oopval, kies die Huis weer 'n lid om die Voorsitter te wees. Voorsitters van Huisse.
- (2) Die Voorsitter van 'n Huis hou op om sy amp te beklee as hy ophou om lid van die betrokke Huis te wees en kan by besluit van dié Huis van sy amp onthef word, en kan sy amp neerlê of
- 35 uit sy setel bedank deur sy bedanking skriftelik by die Speaker van die Parlement in te dien.
- (3) Voor of gedurende die afwesigheid van sy Voorsitter kan 'n Huis 'n lid kies om sy pligte in sy afwesigheid waar te neem.
- 40 61. Om 'n vergadering van 'n Huis vir die uitoefening van sy magte bevoeg te maak, moet daarop aanwesig wees— Kworsums.
- (a) in die geval van die Volksraad, minstens 50 lede;
- (b) in die geval van die Raad van Verteenwoordigers, minstens 25 lede;
- 45 (c) in die geval van die Raad van Afgevaardigdes, minstens 13 lede.
- 50 62. Alle vrae in 'n Huis word beslis by meerderheid van stemme van die aanwesige lede met uitsondering van die Voorsitter of die voorsittende lid, wat egter by 'n staking van stemme 'n beslissende stem het en uitbring. Stemming in die Huisse.
- 50 63. 'n Huis kan reëls en orders aanneem in verband met die orde en reëling van sy werksaamhede en verrigtings. Prosedurereëls.
- 55 64. (1) In hierdie artikel beteken— Gesamentlike komitees en reëls en orders.
- (a) „gesamentlike komitee” 'n komitee wat uit lede van elk van die Huisse bestaan;
- (b) „gesamentlike reëls en orders” reëls en orders wat deur elk van die Huisse goedgekeur is as gesamentlike reëls en orders in verband met die orde en reëling van—
- 60 (i) die werksaamhede en verrigtings van elkeen in verband met gesamentlike komitees of 'n bepaalde gesamentlike komitee; of
- (ii) die werksaamhede en verrigtings van gesamentlike komitees of 'n bepaalde gesamentlike komitee;

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(c) "standing committee" means a joint committee which, in terms of joint rules and orders applicable to it, is established for the duration of the Parliament concerned and is competent to exercise or perform some or all of its powers, duties and functions also while Parliament is prorogued. 5

(2) Joint rules and orders may provide for any or all of the following matters, namely—

- (a) the establishment of standing committees on general affairs; 10
- (b) the constitution of any such committee, including its chairmanship and the representation of political parties, including opposition parties, in such committee;
- (c) the manner in which and the circumstances under which any matter may be referred to any such committee; 15
- (d) the powers, duties or functions of any such committee in connection with a matter referred to it;
- (e) the manner in which any such committee may make any decision; 20
- (f) the submission of any proposal to any such committee by a member of a House who is not a member of the committee;
- (g) the operation of a decision of any such committee on a matter referred to it, in relation to any further business and proceedings of a House in connection with that matter; 25
- (h) the order and conduct generally of the business and proceedings of any such committee,

but the preceding provisions of this subsection shall not be construed as defining or limiting in any manner the matters or any matter that may be dealt with or provided for in joint rules and orders or as requiring any matter to be dealt with or provided for in such rules and orders. 30

(3) Joint rules and orders shall provide for at least one standing committee on bills dealing with general affairs. 35

Powers of Ministers and their deputies in Houses.

65. (1) A Minister who is a member of the Cabinet, and any deputy to such a Minister, has the right to sit and to speak in any House, but may only vote if he is a member of a House and only in the House of which he is a member. 40

(2) A member of a Ministers' Council who is not a member of any House or of the Cabinet has the right to sit and to speak in the House of which the members are of the same population group as the members of the Ministers' Council in question, but may not vote therein. 45

Summoning of a House during recess of Parliament.

66. The State President may by proclamation in the *Gazette* summon any House for the dispatch of business in connection with own affairs when Parliament is not in session, and may prorogue the House in like manner before the commencement of the next ensuing session of Parliament. 50

Joint sittings of Houses.

67. (1) A joint sitting of the Houses shall be called by the State President by message to the Houses.

(2) The State President may call such a joint sitting whenever he deems it desirable, and shall call such a joint sitting if requested to do so by all three Houses. 55

(3) The Speaker of Parliament shall preside at such a joint sitting.

(4) The Speaker shall determine the rules and orders for the order and conduct of the proceedings of such a joint sitting.

(5) No resolution shall be adopted at any such joint sitting. 60

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- (c) „staande komitee” ’n gesamentlike komitee wat, ingevolge gesamentlike reëls en orders wat daarop van toepassing is, vir die duur van die betrokke Parlement ingestel is en sommige van of al sy bevoegdhede, pligte en werksaamhede kan uitoefen of verrig ook terwyl die Parlement gepronogeer is.
- 5
- (2) Gesamentlike reëls en orders kan voorsiening maak vir enige van of al die volgende aangeleenthede, naamlik—
- (a) die instelling van staande komitees oor algemene sake;
- 10 (b) die samestelling van so ’n komitee, met inbegrip van die voorsitterskap daarvan en die verteenwoordiging van politieke partye, met inbegrip van opposisiepartye, daarin;
- (c) die wyse waarop en die omstandighede waaronder enige aangeleentheid na so ’n komitee verwys kan word;
- 15 (d) die bevoegdhede, pligte of werksaamhede van so ’n komitee in verband met ’n aangeleentheid wat na hom verwys is;
- (e) die wyse waarop so ’n komitee ’n besluit kan neem;
- 20 (f) die indiening van ’n voorstel by so ’n komitee deur ’n lid van ’n Huis wat nie ’n lid van die komitee is nie;
- (g) die werking van ’n besluit van so ’n komitee oor ’n aangeleentheid wat na hom verwys is, met betrekking tot verdere werksaamhede en verrigtings van ’n Huis in verband met daardie aangeleentheid;
- 25 (h) die orde en reëling in die algemeen van die werksaamhede en verrigtings van so ’n komitee,
- maar die voorgaande bepalings van hierdie subartikel word nie uitgelê as ’n omskrywing of beperking op enige wyse van die aangeleenthede of enige aangeleentheid wat in gesamentlike reëls en orders behandel of bepaal kan word nie, of as ’n voorskrif dat sodanige reëls en orders die een of ander aangeleentheid moet behandel of bepaal nie.
- 30 (3) Gesamentlike reëls en orders moet voorsiening maak vir minstens een staande komitee oor wetsontwerpe wat oor algemene sake handel.
- 35

65. (1) ’n Minister wat lid van die Kabinet is en die plaasvervanger van so ’n Minister het die reg om in enige Huis sitting te neem en te praat, maar kan slegs stem indien hy lid van ’n Huis is en slegs in die Huis waarvan hy lid is.

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(2) ’n Lid van ’n Ministersraad wat nie lid van ’n Huis of van die Kabinet is nie is geregtig om in die Huis waarvan die lede van dieselfde bevolkingsgroep as die lede van die betrokke Ministersraad is, sitting te neem en te praat, maar mag nie daarin stem nie.

45

Bevoegdhede van Ministers en hul plaasvervangers in Huisse.

66. Die Staatspresident kan ’n Huis by proklamasie in die Staatskoerant byeenroep vir die verrigting van werksaamhede in verband met eie sake wanneer die Parlement nie in sessie is nie en kan die Huis op dergelike wyse pronogeer voor die eersvolgende sessie van die Parlement begin.

50

Byeenroeping van ’n Huis gedurende reses van Parlement.

67. (1) ’n Gesamentlike sitting van die Huisse word deur die Staatspresident by boodskap aan die Huisse belê.

55

(2) Die Staatspresident kan so ’n gesamentlike sitting belê wanneer hy dit wenslik ag, en moet so ’n gesamentlike sitting belê indien aldrie Huisse hom daartoe versoek.

(3) Die Speaker van die Parlement sit voor op so ’n gesamentlike sitting.

(4) Die Speaker bepaal die reëls en orders vir die orde en reëling van die verrigtings op so ’n gesamentlike sitting.

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(5) Geen besluit word op so ’n gesamentlike sitting geneem nie.

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## PART VII

## ADMINISTRATION OF JUSTICE

Constitution and powers of Supreme Court of South Africa.

**68.** (1) The judicial authority of the Republic is vested in a Supreme Court to be known as the Supreme Court of South Africa and consisting of an Appellate Division and such provincial and local divisions as may be prescribed by law. 5

(2) The Supreme Court of South Africa shall, subject to the provisions of sections 18 and 34, have jurisdiction as provided in the Supreme Court Act, 1959.

(3) Save as otherwise provided in the Supreme Court Act, 1959, Bloemfontein shall be the seat of the Appellate Division of the Supreme Court of South Africa. 10

Administrative functions relating to administration of justice.

**69.** All administrative powers, duties and functions affecting the administration of justice shall be under the control of the Minister of Justice. 15

## PART VIII

## PRESIDENT'S COUNCIL

Establishment and constitution of President's Council.

**70.** (1) There shall be a President's Council consisting of—  
 (a) 20 members designated by resolution of the House of Assembly; 20  
 (b) 10 members designated by resolution of the House of Representatives;  
 (c) 5 members designated by resolution of the House of Delegates; and  
 (d) 25 members appointed by the State President. 25

or, in the case of members contemplated in paragraph (a), (b) or (c), such smaller number of members, if any, as may have been so designated by the House in question.

(2) (a) Subject to the provisions of paragraph (f) of this subsection, the members of the President's Council appointed under subsection (1) (d) shall include 10 persons of whom—

(i) six have been nominated as provided in paragraph (b) of this subsection by members of the House of Assembly who were supporters of the opposition parties in that House at the time of the nomination; 35

(ii) three have been so nominated by members of the House of Representatives who were supporters of the opposition parties in that House at the time of the nomination; 40

(iii) one has been so nominated by members of the House of Delegates who were supporters of the opposition parties in that House at the time of the nomination. 45

(b) Any nomination contemplated in paragraph (a) shall be made by election, according to the principle of proportional representation whereby each voter has one transferable vote, by the members of the House in question who are supporters of opposition parties in the House and who are present at a meeting of such members called in accordance with the provisions of paragraph (c): Provided that any nomination made in pursuance of an agreement among such members of the House who are present at the meeting shall be a valid nomination for all purposes. 55

(c) A meeting contemplated in paragraph (b) shall take place during a session of Parliament or of the House in question and under the chairmanship of the Speaker of Parliament or the Chairman of the House, at a time and place fixed by the Speaker and made known by him or that Chairman at a sitting of the House, and the date so fixed shall— 60

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## DEEL VII

## DIE REGSPLEGING

68. (1) Die regsprekende gesag van die Republiek berus by 'n Hooggeregshof wat die Hooggeregshof van Suid-Afrika heet en wat bestaan uit 'n Appèlafdeling en die provinsiale en plaaslike afdelings wat by wet voorgeskryf word. Samestelling en bevoegdhe van Hooggeregshof van Suid-Afrika.
- (2) Die Hooggeregshof van Suid-Afrika het, behoudens die bepalings van artikels 18 en 34, regsbevoegdheid soos in die Wet op die Hooggeregshof, 1959, bepaal.
- 10 (3) Behalwe vir sover die Wet op die Hooggeregshof, 1959, anders bepaal, is Bloemfontein die setel van die Appèlafdeling van die Hooggeregshof van Suid-Afrika.
69. Alle administratiewe bevoegdhede, pligte en werksaamhede in verband met die regspleging is onder die beheer van die 15 Minister van Justisie. Administratiewe werksaamhede in verband met regspleging.

## DEEL VIII

## PRESIDENTSRAAD

70. (1) Daar is 'n Presidentsraad wat bestaan uit— Instelling en samestelling van Presidentsraad.
- 20 (a) 20 lede by besluit van die Volksraad aangewys;
- (b) 10 lede by besluit van die Raad van Verteenwoordigers aangewys;
- (c) 5 lede by besluit van die Raad van Afgevaardigdes aangewys; en
- (d) 25 lede deur die Staatspresident aangestel.
- 25 of. in die geval van lede in paragraaf (a), (b) of (c) beoog, die kleiner getal lede, indien daar is, wat aldus deur die betrokke Huis aangewys is.
- (2) (a) Behoudens die bepalings van paragraaf (f) van hierdie subartikel, moet die lede van die Presidentsraad kragtens subartikel (1) (d) aangestel, 10 persone insluit van wie—
- 30 (i) ses volgens voorskrif van paragraaf (b) van hierdie subartikel benoem is deur lede van die Volksraad wat ten tyde van die benoeming ondersteuners van die opposisiepartye in daardie Huis was;
- 35 (ii) drie aldus benoem is deur lede van die Raad van Verteenwoordigers wat ten tyde van die benoeming ondersteuners van die opposisiepartye in daardie Huis was;
- 40 (iii) een aldus benoem is deur lede van die Raad van Afgevaardigdes wat ten tyde van die benoeming ondersteuners van die opposisiepartye in daardie Huis was.
- 45 (b) 'n Benoeming in paragraaf (a) beoog, geskied deur verkiesing, volgens die beginsel van proporsionele verteenwoordiging waarby elke kieser een oordraagbare stem het, deur die lede van die betrokke Huis wat ondersteuners van opposisiepartye in die Huis is en wat aanwesig is op 'n vergadering van sodanige lede ooreenkomstig die bepalings van paragraaf (c) belê: Met dien verstande dat 'n benoeming wat ingevolge 'n ooreenkoms tussen sodanige lede van die Huis wat op die vergadering aanwesig is, geskied, vir alle doeleindes 'n geldige benoeming is.
- 50 (c) 'n Vergadering in paragraaf (b) beoog, moet gedurende 'n sessie van die Parlement of van die betrokke Huis en onder voorsitterskap van die Speaker van die Parlement of die Voorsitter van die Huis plaasvind op 'n tyd en plek deur die Speaker bepaal en deur hom of daardie Voorsitter by 'n sitting van die Huis bekend gemaak, en die datum aldus bepaal, moet—
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- (i) in the case of a dissolution of the President's Council, be a date after the dissolution but not more than 14 days thereafter;
- (ii) if the House was dissolved otherwise than at a dissolution of Parliament, and at least two members of the newly constituted House who would be entitled in terms of paragraph (a) to participate in a nomination have requested the Speaker in writing that such a meeting be called, be a date not more than 14 days after the first meeting of the newly constituted House;
- (iii) in the case of a casual vacancy in the President's Council in respect of which a person is to be nominated for appointment and of which notice in writing has been given to the Speaker by the Chairman of the President's Council, be a date not more than 14 days after the date of the notice or, if Parliament or the House is not then in session, a date not more than 14 days after the commencement of the next ensuing session of Parliament or the House.
- (d) The regulations which apply in terms of this Act to an election of members of a House in terms of section 41 (1) (c), 42 (1) (c) or 43 (1) (c) at a meeting of members of the House who may vote at such an election, shall apply *mutatis mutandis* to an election contemplated in paragraph (b) of this subsection, except in so far as they are amended or replaced by regulations made by the State President for the purposes of an election so contemplated.
- (e) The Speaker shall submit to the State President in writing—
- (i) the name of every person nominated in terms of this subsection;
- (ii) the date upon which he was nominated; and
- (iii) if he has been nominated at a meeting called in terms of paragraph (c) (ii) for appointment in the place of a member of the President's Council, the name of the member in question,
- and the State President shall appoint the nominated person as a member of the President's Council.
- (f) If the Speaker advises the State President—
- (i) that a meeting was called in accordance with the provisions of paragraph (c) and that a nomination which was required to be made thereat, was not made; or
- (ii) that such a meeting cannot be called for the reason that there is no opposition party in the House in question or that there is only one opposition party in the House with only one member of the House supporting it or that any circumstance contemplated in section 37 (2) applies to the House,
- the State President may appoint any person deemed fit by him as a member of the President's Council in the seat in question: Provided that the provisions of this subsection shall again apply to any subsequent appointment to the seat in question.
- (3) A casual vacancy in the President's Council shall be filled by the designation or appointment of a member in the same manner as that in which the member whose office is vacant was designated or appointed.

Qualifications and period of office of members of President's Council.

71. (1) No person shall be qualified to be designated or appointed as a member of the President's Council—

- (a) unless he is of or over the age of 30 years;
- (b) in the case of a member designated by a House, unless he is a member of such House or is qualified to be elected or nominated and take his seat as a member of such House;
- (c) in the case of a member appointed by the State President, unless he is a member of a House or is qualified

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- (i) in die geval van 'n ontbinding van die Presidentsraad, 'n datum na die ontbinding maar hoogstens 14 dae daarna wees;
- 5 (ii) indien die Huis anders as by 'n ontbinding van die Parlement ontbind is, en minstens twee lede van die nuut saamgestelde Huis wat ingevolge paragraaf (a) geregtig sou wees om aan 'n benoeming deel te neem die Speaker skriftelik versoek het dat so 'n vergadering belê word, 'n datum hoogstens 10 14 dae na die eerste vergadering van die nuut saamgestelde Huis wees;
- (iii) in die geval van 'n toevallige vakature in die Presidentsraad ten opsigte waarvan 'n persoon vir aanstelling benoem moet word en waarvan skriftelike kennis aan die Speaker gegee is deur die Voorsitter van die Presidentsraad, 'n datum hoogstens 15 14 dae na die datum van die kennisgewing of, indien die Parlement of die Huis dan nie in sessie is nie, 'n datum hoogstens 14 dae na die begin van die 20 eersvolgende sessie van die Parlement of die Huis wees.
- (d) Die regulasies wat ingevolge hierdie Wet van toepassing is op 'n verkiesing van lede van 'n Huis ingevolge artikel 41 (1) (c), 42 (1) (c) of 43 (1) (c) op 'n vergadering van lede van die Huis wat by so 'n verkiesing kan stem, is *mutatis mutandis* van toepassing op 'n verkiesing in paragraaf (b) van hierdie subartikel beoog, behalwe vir sover hulle gewysig of vervang word deur regulasies deur die Staatspresident uitgevaardig vir die 25 doeleindes van 'n aldus beoogde verkiesing.
- (e) Die Speaker moet skriftelik aan die Staatspresident voorlê—
- (i) die naam van elke persoon wat ingevolge hierdie subartikel benoem is;
- 35 (ii) die datum waarop hy benoem is; en
- (iii) indien hy op 'n vergadering ingevolge paragraaf (c) (ii) belê, benoem is vir aanstelling in die plek van 'n lid van die Presidentsraad, die naam van die betrokke lid,
- 40 en die Staatspresident moet die benoemde persoon as lid van die Presidentsraad aanstel.
- (f) Indien die Speaker die Staatspresident in kennis stel—
- (i) dat 'n vergadering ooreenkomstig die bepalings van paragraaf (c) belê is en dat 'n benoeming wat daarop gedoen moes word, nie gedoen is nie; of
- 45 (ii) dat so 'n vergadering nie belê kan word nie omdat daar geen opposisieparty in die betrokke Huis is nie, of omdat daar net een opposisieparty in die Huis is met net een lid van die Huis wat dit ondersteun, of omdat die een of ander omstandigheid in 50 artikel 37 (2) beoog op die Huis van toepassing is.
- kan die Staatspresident enige persoon wat hy geskik ag, as lid van die Presidentsraad in die betrokke setel aanstel: Met dien verstande dat die bepalings van hierdie subartikel weer van toepassing is op enige latere aanstelling in die betrokke setel.
- (3) 'n Toevallige vakature in die Presidentsraad word gevul deur die aanwysing of aanstelling van 'n lid op dieselfde wyse as dié waarop die lid wie se amp vakant is, aangewys of aangestel 60 was.

71. (1) 'n Persoon is nie bevoeg om as lid van die Presidentsraad aangewys of aangestel te word nie—

- (a) tensy hy 30 jaar oud of ouer is;
- 65 (b) in die geval van 'n lid deur 'n Huis aangewys, tensy hy 'n lid van daardie Huis is of bevoeg is om as lid van daardie Huis verkies of benoem te word en sitting te neem;
- (c) in die geval van 'n lid deur die Staatspresident aangestel, tensy hy 'n lid van 'n Huis is of bevoeg is om as lid

Kwalifikasies en ampsduur van lede van Presidentsraad.

to be elected or nominated and take his seat as a member of a House:

Provided that the provisions of section 54 (e) shall not apply with reference to the qualification of a person to be designated or appointed as a member of the President's Council or to be such a member.

(2) A member of the President's Council shall hold office until the next ensuing dissolution of that Council in terms of section 77, but shall be eligible for redesignation or reappointment.

(3) A member of the President's Council shall vacate his office—

- (a) on the dissolution of that Council;
- (b) subject to the proviso to subsection (1), if he becomes disqualified to be elected or nominated and take his seat as a member of any House;
- (c) if he becomes a member of a House or of a provincial council;
- (d) in the case of a member designated by a House which was thereafter dissolved, if the House constituted after the general election held in pursuance of such dissolution, withdraws the designation of that member—
  - (i) where it was a dissolution of Parliament, by a resolution adopted before that member vacates his office in terms of paragraph (a) of this subsection;
  - (ii) where it was a dissolution of such House only, by a resolution adopted within seven days after the first meeting of the House as reconstituted;
- (e) in the case of a member appointed otherwise than in terms of section 70 (2) by a State President who thereafter resigned his office or was removed from office or died, if the appointment of such member is withdrawn by the newly elected State President within seven days after having assumed office;
- (f) in the case of a member appointed by the State President in terms of subsection (2) of section 70, on the date on which a person nominated under that subsection for appointment in the place of the member concerned, by competent members of the House in question at a meeting of such members called in terms of paragraph (c) (ii) of that subsection, becomes a member of the President's Council by virtue of his appointment in terms of paragraph (e) of that subsection.

(4) A member of the President's Council may resign as such member by lodging his resignation in writing with the State President, who shall, in the case of a member designated by a House, forthwith notify the Chairman of the House in question of the resignation.

(5) The designation or redesignation of a person as a member of the President's Council by a House during the period in which a member's designation may be withdrawn under subsection (3) (d) (i) of this section, shall take effect on the day on which the then existing President's Council dissolves in terms of section 77, and shall be a designation as a member of the President's Council constituted on or after that day.

Chairman of  
President's Council.

72. (1) The President's Council shall elect a Chairman from among its members at its first meeting after its constitution, at which a person designated by the State President shall preside until a Chairman is elected.

(2) The Chairman of the President's Council shall hold office until the dissolution of that Council in terms of section 77 unless he—

- (a) ceases earlier to be a member of that Council; or
- (b) resigns as Chairman by lodging his resignation in writing with the State President; or
- (c) is removed from office as Chairman by resolution of that Council.

(3) The President's Council shall at its first meeting elect one of its members as Deputy Chairman, who shall act in the stead of the Chairman when the Chairman is unable to perform the functions of his office.



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van 'n Huis verkies of benoem te word en sitting te neem:

Met dien verstande dat die bepalings van artikel 54 (e) nie van toepassing is nie met betrekking tot die bevoegdheid van 'n persoon om as lid van die Presidentsraad aangewys of aangestel te word of dit te wees.

(2) 'n Lid van die Presidentsraad beklee sy amp tot die eersvolgende ontbinding van dié raad ingevolge artikel 77, maar kan weer aangewys of aangestel word.

10 (3) 'n Lid van die Presidentsraad ontruim sy amp—

(a) by ontbinding van dié raad;

(b) behoudens die voorbehoudsbepaling by subartikel (1), indien hy onbevoeg word om as lid van enige Huis verkies of benoem te word en sitting te neem;

15 (c) indien hy lid word van 'n Huis of van 'n provinsiale raad;

(d) in die geval van 'n lid wat aangewys is deur 'n Huis wat daarna ontbind is, indien die Huis wat saamgestel is na die algemene verkiesing ingevolge die ontbinding gehou, die aanwysing van daardie lid intrek—

20 (i) waar dit 'n ontbinding van die Parlement was, by 'n besluit geneem voordat daardie lid sy amp ontruim ingevolge paragraaf (a) van hierdie subartikel;

25 (ii) waar dit 'n ontbinding net van die Huis was, by 'n besluit geneem binne sewe dae na die eerste vergadering van die Huis soos hersaamgestel;

(e) in die geval van 'n lid wat anders as ingevolge artikel 70 (2) aangestel is deur 'n Staatspresident wat daarna uit sy amp bedank het of van sy amp onthef is of te sterwe gekom het, indien daardie lid se aanstelling ingetrek word deur die nuut verkose Staatspresident binne sewe dae nadat hy sy amp aanvaar het;

35 (f) in die geval van 'n lid deur die Staatspresident ingevolge subartikel (2) van artikel 70 aangestel, op die datum waarop 'n persoon wat kragtens daardie subartikel vir aanstelling in die plek van die betrokke lid benoem is deur bevoegde lede van die betrokke Huis op 'n vergadering van sodanige lede ingevolge paragraaf (c) (ii) van daardie subartikel belê, 'n lid van die Presidentsraad word uit hoofde van sy aanstelling ingevolge paragraaf (e) van daardie subartikel.

40 (4) 'n Lid van die Presidentsraad kan as sodanige lid bedank deur sy bedanking skriftelik by die Staatspresident in te dien, wat, in die geval van 'n lid wat deur 'n Huis aangewys is, die Voorsitter van die betrokke Huis onverwyld van die bedanking moet verwittig.

(5) Die aanwysing of heraanwysing van 'n persoon as lid van die Presidentsraad deur 'n Huis gedurende die tydperk waarin 'n lid se aanwysing ingetrek kan word kragtens subartikel (3) (d) (i) van hierdie artikel, word van krag op die dag waarop die dan bestaande Presidentsraad ontbind ingevolge artikel 77, en is 'n aanwysing as lid van die Presidentsraad wat op of na daardie dag saamgestel word.

55 72. (1) Die Presidentsraad kies 'n Voorsitter uit sy geledere op sy eerste vergadering na sy samestelling, waarop 'n persoon deur die Staatspresident aangewys, voorsit totdat 'n Voorsitter gekies is. Voorsitter van  
Presidentsraad.

(2) Die Voorsitter van die Presidentsraad beklee sy amp tot die ontbinding van dié raad ingevolge artikel 77, tensy hy—

(a) eerder ophou om lid van dié raad te wees; of

(b) as Voorsitter bedank deur sy bedanking skriftelik by die Staatspresident in te dien; of

65 (c) van sy amp as Voorsitter onthef word by besluit van dié raad.

(3) Die Presidentsraad kies op sy eerste vergadering een van sy lede as Adjunk-voorsitter, wat in die plek van die Voorsitter optree wanneer die Voorsitter nie in staat is om die funksies van sy amp te verrig nie.

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- (4) When neither the Chairman nor the Deputy Chairman is able to act, the President's Council shall elect one of its members to act in the stead of the Chairman.
- Remuneration and allowances of members. 73. (1) The members of the President's Council shall receive such remuneration and allowances as the State President may determine, as well as such other benefits as he may determine by proclamation in the *Gazette*. 5  
(2) Such remuneration, allowances or benefits may differ according to the offices held by members in the Council, and according to whether the functions performed by members or attached to such offices are in the opinion of the State President of a full-time or part-time nature. 10
- Quorum. 74. The presence of at least 30 members of the President's Council shall be necessary to constitute a meeting of the President's Council for the exercise of its powers. 15
- Decisions. 75. All questions at a meeting of the President's Council shall be determined by a majority of votes of the members present other than the presiding member, who shall have and exercise a casting vote in the case of an equality of votes.
- Rules of procedure. 76. (1) Subject to the provisions of this Act, the President's Council may make rules and orders in connection with the order and conduct of its business and proceedings, the establishment, constitution and powers of committees of the Council and the order and conduct of their business and proceedings. 20  
(2) Any Minister or Deputy Minister has the right to sit and to speak in the President's Council, but shall not vote therein. 25
- Duration of President's Council. 77. The President's Council shall be dissolved by the first dissolution of Parliament following the constitution of that Council, but the dissolution of the President's Council shall take effect on the day on which the State President elected after such dissolution of Parliament assumes office. 30
- Powers and functions of President's Council. 78. (1) The President's Council shall at the request of the State President advise him on any matter referred to it by the State President for its advice, and may, in its discretion, advise him on any matter (excluding draft legislation) which, in its opinion, is of public interest. 35  
(2) Whenever a matter is referred to the President's Council for its advice or when that Council is of the opinion that a matter is of public interest, it may refer such matter to a committee contemplated in section 76 for advice, and if the Council is not in session, reference of such matter to such a committee for its advice may be effected in accordance with rules and orders made by the Council. 40  
(3) The President's Council may transmit any advice received by it in terms of subsection (2) to the State President as the advice of the Council, whether with or without its comments thereon. 45  
(4) (a) When any bill or bills are referred for decision to the President's Council under section 32, it may refer such bill or bills to a committee contemplated in section 76 for investigation and report, and if the Council is not in session, reference of such bill or bills to such a committee for investigation and report may be effected in accordance with rules and orders made by the Council, and the Council may take any such report and any recommendation contained therein into consideration when acting in terms of paragraph (b) of this subsection or in terms of subsection (5) of this section. 50  
(b) The President's Council may from time to time advise the State President that any bill or bills so referred to it, be amended or otherwise dealt with in the manner recommended by the President's Council. 55  
(5) Unless the State President withdraws the reference, the President's Council shall decide— 60

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- (4) Wanneer nòg die Voorsitter nòg die Adjunk-voorsitter in staat is om op te tree, kies die Presidentsraad een van sy lede om in die plek van die Voorsitter op te tree.
73. (1) Die lede van die Presidentsraad ontvang die vergoeding en toelaes wat die Staatspresident bepaal, asook die ander voordele wat hy by proklamasie in die *Staatskoerant* bepaal. Vergoeding en toelaes van lede.
- (2) Sodanige vergoeding, toelaes of voordele kan verskil na gelang van die ampte wat ledè in die raad beklee, en na gelang daarvan of die werksaamhede wat deur lede verrig word of aan sodanige ampte verbonde is, na die oordeel van die Staatspresident heeltyds of deelyds van aard is.
74. Minstens 30 lede van die Presidentsraad moet aanwesig wees om 'n vergadering van die Presidentsraad vir die uitoefening van sy magte bevoeg te maak. Kworum.
75. Alle vrae op 'n vergadering van die Presidentsraad word beslis by meerderheid van stemme van die aanwesige lede met uitsondering van die voorsittende lid, wat by 'n staking van stemme 'n beslissende stem het en uitbring. Besluite.
76. (1) Behoudens die bepalings van hierdie Wet kan die Presidentsraad reëls en orders aanneem in verband met die orde en reëling van sy werksaamhede en verrigtings, die instelling, samestelling en bevoegdhede van komitees van die raad en die orde en reëling van hul werksaamhede en verrigtings. Prosedurereëls.
- (2) 'n Minister of Adjunk-minister het die reg om in die Presidentsraad sitting te neem en te praat, maar mag nie daarin stem nie.
77. Die Presidentsraad word ontbind deur die eerste ontbinding van die Parlement na dié raad se samestelling, maar die ontbinding van die Presidentsraad tree in werking op die dag waarop die Staatspresident wat na die ontbinding van die Parlement gekies word, sy amp aanvaar. Duur van Presidentsraad.
78. (1) Die Presidentsraad moet die Staatspresident op sy versoek adviseer oor 'n saak wat die Staatspresident na dié raad vir sy advies verwys, en kan na goëddunke hom oor 'n saak (uitgesonderd konsepwetgewing) wat volgens die oordeel van dié raad van openbare belang is, adviseer. Bevoegdhede en werksaamhede van Presidentsraad.
- (2) Wanneer 'n saak na die Presidentsraad vir sy advies verwys word of wanneer dié raad van oordeel is dat 'n saak van openbare belang is, kan hy dit na 'n komitee beoog in artikel 76 vir advies verwys, en indien dié raad nie in sitting is nie, kan die saak na so 'n komitee vir advies verwys word ooreenkomstig reëls en orders deur dié raad aangeneem.
- (3) Die Presidentsraad kan advies wat hy ingevolge subartikel (2) ontvang, aan die Staatspresident deurstuur as die advies van dié raad, hetsy met of sonder kommentaar daarop.
- (4) (a) Wanneer 'n wetsontwerp of wetsontwerpe vir beslissing na die Presidentsraad verwys word kragtens artikel 32, kan hy dit na 'n komitee beoog in artikel 76 vir ondersoek en verslag verwys, en indien dié raad nie in sitting is nie, kan die wetsontwerp of wetsontwerpe na so 'n komitee vir ondersoek en verslag verwys word ooreenkomstig reëls en orders deur dié raad aangeneem, en dié raad kan so 'n verslag en enige aanbeveling daarin vervat, in aanmerking neem wanneer hy ingevolge paragraaf (b) van hierdie subartikel of ingevolge subartikel (5) van hierdie artikel optree.
- (b) Die Presidentsraad kan die Staatspresident van tyd tot tyd adviseer dat 'n wetsontwerp of wetsontwerpe wat aldus na hom verwys word, gewysig of andersins mee gehandel word op die wyse deur die Presidentsraad aanbeveel.
- (5) Tensy die Staatspresident die verwysing terugtrek, moet die Presidentsraad beslis—

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- (a) in the case of a bill referred to in section 32 (1) (a), either that the bill is to be presented to the State President for assent or that it shall not be so presented;
- (b) in the case of a bill referred to in section 32 (1) (b), either which one of the different versions of such bill that were passed is to be presented to the State President for assent, or that none of those versions shall be so presented; 5
- (c) in the case of a bill referred to in section 32 (1) (c) or (d), which one of the different versions of such bill that were passed is to be presented to the State President for assent. 10

(6) The President's Council or a committee thereof may, for the purposes of the performance of its functions and in its discretion, consult with any person or State institution on any matter, and may for such purpose establish consultative committees consisting of members of the President's Council or such committee, as the case may be, and members of any council established by the State President in terms of any other law. 15

(7) Advice received by the State President in terms of subsection (1) shall be laid upon the Table in every House that has an interest in it within 14 days after its receipt, if Parliament is then in session, or, if Parliament is not then in session, within 14 days after the commencement of its next ensuing session. 20

(8) Advice received by the State President in terms of subsection (4) (b) and accepted by him, and any decision of the President's Council in terms of subsection (5), shall be laid upon the Table of every House within 14 days after its receipt by the State President. 25

## PART IX

30

## FINANCE

Existing debts and liabilities of the State.

79. Nothing in this Act contained shall affect any assets or rights belonging to the State or any debts or liabilities of the State as existing immediately before the commencement of this Act, and all such assets, rights, debts and liabilities shall remain assets, rights, debts and liabilities of the Republic, subject, notwithstanding any other provisions contained in this Act, to the conditions imposed by any law under which such debts or liabilities were raised or incurred, and without prejudice to any rights of security or priority in respect of the payment of principal, interest, sinking fund and other charges conferred on the creditors concerned, and the Republic may, subject to such conditions and rights, convert, renew or consolidate such debts. 35 40

All revenues vest in State President.

80. All revenues of the Republic, from whatever source arising, shall vest in the State President. 45

State Revenue Fund.

81. (1) There shall be a State Revenue Fund, into which shall be paid all revenues as defined in section 1 of the Exchequer and Audit Act, 1975.

(2) No moneys shall be withdrawn from the State Revenue Fund, except in accordance with an Act of Parliament. 50

Accounts of State Revenue Fund.

82. (1) In respect of the State Revenue Fund there shall be—

- (a) a State Revenue Account, which shall, subject to the provisions of paragraph (b) and subsection (2), be credited with all revenues and from which shall be defrayed all expenditure and be paid any amounts with which it is charged in terms of this Act or any other law; 55
- (b) the accounts in connection with the administration of own affairs of the different population groups, which may be prescribed by any general law and which shall be credited with all revenues accruing to them in terms of this Act or any other law and from which shall be defrayed all expenditure and be paid any amounts with 60

- (a) in die geval van 'n wetsontwerp in artikel 32 (1) (a) bedoel, of dat die wetsontwerp aan die Staatspresident vir toestemming voorgelê moet word, of dat dit nie aldus voorgelê moet word nie;
- 5 (b) in die geval van 'n wetsontwerp in artikel 32 (1) (b) bedoel, of watter een van die verskillende weergawes daarvan wat aangeneem is, aan die Staatspresident vir toestemming voorgelê moet word, of dat geeneen van daardie weergawes aldus voorgelê moet word nie;
- 10 (c) in die geval van 'n wetsontwerp in artikel 32 (1) (c) of (d) bedoel, watter een van die verskillende weergawes daarvan aan die Staatspresident vir toestemming voorgelê moet word.
- (6) Die Presidentsraad of 'n komitee daarvan kan, vir die  
15 doeleindes van die verrigting van sy werksaamhede en na goeddunke, met enige persoon of Staatsinstelling oor enige aangeleentheid oorleg pleeg, en kan vir dié doel raadplegende komitees instel wat bestaan uit lede van die Presidentsraad of dié komitee, na gelang van die geval, en lede van 'n raad wat inge-  
20 volge 'n ander wet deur die Staatspresident ingestel is.
- (7) Advies wat die Staatspresident ingevolge subartikel (1) ontvang, moet in elke Huis wat daarby belang het ter Tafel gelê word binne 14 dae na ontvangs daarvan, as die Parlement dan in sessie is, of, as die Parlement dan nie in sessie is nie, binne 14  
25 dae na die aanvang van sy eersvolgende sessie.
- (8) Advies wat die Staatspresident ingevolge subartikel (4) (b) ontvang en deur hom aanvaar word, en 'n beslissing van die Presidentsraad ingevolge subartikel (5), moet in elke Huis ter Tafel gelê word binne 14 dae na ontvangs daarvan deur die  
30 Staatspresident.

## DEEL IX

## FINANSIES

79. Die bepalings van hierdie Wet raak geen bates of regte wat aan die Staat behoort of skulde of verpligtings van die Staat  
35 wat onmiddellik voor die inwerkingtrede van hierdie Wet bestaan het nie, en al sodanige bates, regte, skulde en verpligtings bly bates, regte, skulde en verpligtings van die Republiek, onderworpe, ondanks andersluidende bepalings van hierdie Wet, aan die voorwaardes opgelê deur enige wet waarkragtens dié  
40 skulde of laste opgeneem of aangegaan is en sonder inkorting van enige regte van sekerheidstelling of voorrang ten opsigte van die betaling van die hoofsom, rente, delgingsfonds en ander laste wat aan die betrokke skuldeisers verleen is, en die Republiek kan, onderworpe aan sodanige voorwaardes en regte,  
45 sulke skulde omsit, hernieu of konsolideer.
80. Alle inkomste van die Republiek, uit watter bron ook al, berus by die Staatspresident. Bestaande skulde en verpligtings van die Staat.
81. (1) Daar is 'n Staatsinkomstefonds, waarin alle inkomste soos omskryf in artikel 1 van die Skatkis- en Ouditwet, 1975, gestort word. Alle inkomste berus by Staatspresident.
- 50 (2) Geen geld word uit die Staatsinkomstefonds getrek nie, behalwe ooreenkomstig 'n Wet van die Parlement. Staatsinkomstefonds.
82. (1) Ten opsigte van die Staatsinkomstefonds is daar— Rekenings van Staatsinkomstefonds.
- 55 (a) 'n Staatsinkomsterekening, wat, behoudens die bepalings van paragraaf (b) en subartikel (2), gekrediteer word met alle inkomste en waaruit alle uitgawes bestry en bedrae betaal word waarmee dit ingevolge hierdie Wet of 'n ander wet belas word;
- 60 (b) die rekenings in verband met die administrasie van eie sake van die onderskeie bevolkingsgroepe, wat by 'n algemene wet voorgeskryf word en wat gekrediteer word met alle inkomste wat hulle toeval ingevolge hierdie Wet of 'n ander wet, en waaruit alle uitgawes bestry en

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	which they are charged in terms of this Act or any other law.	
	(2) Where any law dealing with own affairs of a population group provides that revenue mentioned therein shall be paid into the State Revenue Fund or that expenditure so mentioned shall be defrayed from that fund, such revenue shall be paid into, and such expenditure shall be defrayed from, the appropriate account contemplated in subsection (1) (b).	5
Auditing of accounts of State Revenue Fund.	83. The accounts of the State Revenue Fund shall be investigated, examined and audited in terms of the provisions of the Exchequer and Audit Act, 1975.	10
Payments to accounts of State Revenue Fund.	84. In respect of every financial year there shall be paid from the State Revenue Fund into its relevant account— (a) the amounts calculated in accordance with a formula prescribed by any general law; (b) any amount appropriated by any general law for that account in respect of the financial year in question; and (c) any amount to be paid into that account subject to conditions determined by any general law.	15
Appropriation bill shall not deal with other matters.	85. Any bill which appropriates revenue or moneys for the ordinary annual services of the State shall deal only with such appropriation.	20
Appropriation not initiated by a Minister.	86. A House shall not consider any proposal, whether by way of a vote or by way of a resolution, address or bill, for the appropriation of any part of the public revenue or of any tax or impost to any purpose and which has not been initiated by a Minister, unless such appropriation has been recommended by message from the State President during the session in which the proposal is made.	25
	<b>PART X</b>	30
	<b>GENERAL</b>	
Continuation of existing laws.	87. Subject to the provisions of this Act, all laws which were in force in any part of the Republic or in any territory in respect of which Parliament is competent to legislate, immediately before the commencement of this Act, shall continue in force until repealed or amended by the competent authority.	35
Continuation of constitutional conventions.	88. The constitutional and parliamentary conventions which existed immediately before the commencement of this Act shall continue to exist, except in so far as they are inconsistent with the provisions of this Act.	40
Equality of official languages.	89. (1) English and Afrikaans shall be the official languages of the Republic, and shall be treated on a footing of equality, and possess and enjoy equal freedom, rights and privileges. (2) All records, journals and proceedings of Parliament shall be kept in both the official languages and all bills, laws and notices of general public importance or interest issued by the Government of the Republic shall be in both the official languages. (3) Notwithstanding the provisions of subsection (1) an Act of Parliament or a proclamation of the State President, issued under an Act of Parliament, whereby a Black area is declared to be a self-governing territory in the Republic, or a later Act of Parliament or a later proclamation of the State President (which in the absence of any other empowering provision may be issued under this subsection) may— (a) provide for the recognition of one or more Black languages for any or all of the following purposes, namely—	45 50 55

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- bedrae betaal word waarmee hulle ingevolge hierdie Wet of 'n ander wet belas word.
- (2) Waar 'n wet wat oor eie sake van 'n bevolkingsgroep handel, bepaal dat daarin genoemde inkomste in die Staatsinkomstefonds gestort moet word of dat aldus genoemde uitgawes uit daardie fonds bestry moet word, word die inkomste gestort in, en die uitgawes bestry uit, die gepaste rekening in subartikel (1) (b) beoog.
83. Die rekenings van die Staatsinkomstefonds word ingevolge die bepalings van die Skatkis- en Ouditwet, 1975, ondersoek, nagesien en geouditeer. Ouditring van rekenings van Staatsinkomstefonds.
84. Ten opsigte van elke boekjaar word daar uit die Staatsinkomstefonds in die betrokke rekening daarvan gestort—
- (a) die bedrae wat bereken word ooreenkomstig 'n formule by 'n algemene wet voorgeskryf;
- (b) enige bedrag wat ten opsigte van die betrokke boekjaar vir daardie rekening by 'n algemene wet bewillig word; en
- (c) enige bedrag wat onderworpe aan voorwaardes by 'n algemene wet bepaal in daardie rekening gestort moet word. Betalings aan rekenings van Staatsinkomstefonds.
85. 'n Wetsontwerp wat inkomste of geld vir die gewone jaarlikse dienste van die Staat beskikbaar stel, moet slegs sodanige beskikbaarstelling behandel. Begrotingswetsontwerp handel nie oor ander sake.
86. In 'n Huis word geen voorstel, hetsy by wyse van 'n begrotingspos of by wyse van 'n besluit, adres of wetsontwerp, vir die beskikbaarstelling van 'n deel van die Staatsinkomste of van 'n belasting of heffing vir watter doel ook al en wat nie deur 'n Minister aanhangig gemaak is, oorweeg nie, tensy die beskikbaarstelling by boodskap van die Staatspresident aanbeveel is gedurende die sessie waarin die voorstel gedoen word. Beskikbaarstelling wat nie deur 'n Minister aanhangig gemaak word nie.
- DEEL X
- ALGEMEEN
87. Behoudens die bepalings van hierdie Wet bly alle wette wat onmiddellik voor die inwerkingtreding van hierdie Wet geld het in enige deel van die Republiek of in 'n gebied ten opsigte waarvan die Parlement wetgewende bevoegdheid besit, van krag totdat hulle deur die bevoegde gesag herroep of gewysig word. Bestaande wette bly van krag.
88. Die konstitusionele en parlementêre gebruike wat onmiddellik voor die inwerkingtreding van hierdie Wet bestaan het, bly voortbestaan, behalwe vir sover hulle met die bepalings van hierdie Wet onbestaanbaar is. Voortbestaan van konstitusionele gebruike.
89. (1) Afrikaans en Engels is die amptelike tale van die Republiek en word op gelyke voet behandel, en besit en geniet gelyke vryheid, regte en voorregte. Gelykheid van amptelike tale.
- (2) Alle stukke, verslae en verrigtings van die Parlement word in albei die amptelike tale gehou, en alle wetsontwerpe, wette en kennisgewings van algemene openbare betekenis of belang wat deur die Regering van die Republiek uitgegee word, moet in albei die amptelike tale wees.
- (3) Ondanks die bepalings van subartikel (1) kan 'n Wet van die Parlement of 'n kragtens 'n Parlements wet uitgevaardigde proklamasie van die Staatspresident waarby 'n Swart gebied tot 'n self-regerende gebied binne die Republiek verklaar word of 'n latere Wet van die Parlement of 'n latere proklamasie van die Staatspresident (wat by onstentenis van 'n ander magtigende bepaling kragtens hierdie subartikel uitgevaardig kan word)—
- (a) voorsiening maak vir die erkenning van een of meer Swart tale vir enige van of al die volgende doeleindes, te wete—

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- (i) as an additional official language or as additional official languages of that territory; or  
(ii) for use in that territory for official purposes prescribed by or under that Act or later Act or by any such proclamation; and 5
- (b) contain provisions authorizing the use of any such Black language outside the said territory for such purposes connected with the affairs of that territory and subject to such conditions as may be prescribed by or under that Act or later Act or any such proclamation. 10
- 90.** All records, journals and proceedings of a provincial council shall be kept in both the official languages, and all draft ordinances, ordinances and notices of public importance or interest issued by a provincial administration, and all notices issued and all regulations or by-laws made and all townplanning schemes prepared by any institution or body contemplated in section 84 (1) (f) of the previous Constitution, shall be in both the official languages. 15
- 91.** Whenever anything is published in a newspaper at the instance of the State or by or under the directions of any institution or body contemplated in section 84 (1) (f) of the previous Constitution, the publication shall take place simultaneously in both the official languages and, in the case of each language, in a newspaper circulating in the area of jurisdiction of the authority concerned which appears mainly in that language, and the publication in each language shall as far as practicable occupy the same amount of space: Provided that where in the area in question any newspaper appears substantially in both the official languages, publication in both languages may take place in that newspaper. 20 25 30
- 92.** (1) Any person who—  
(a) maliciously destroys or spoils the National Flag of the Republic as described in section 4; or  
(b) commits any other act which is calculated to hold the National Flag of the Republic in contempt; or 35  
(c) without being authorized thereto (the burden of proof of which shall be upon him), removes the National Flag of the Republic as so described from any place where it is displayed in terms of instructions or directions issued by any State authority. 40
- shall be guilty of an offence and liable on conviction to a fine not exceeding R10 000 or imprisonment for a period not exceeding five years.
- (2) If in any prosecution for an offence referred to in subsection (1) it is alleged that the flag in respect of which the offence is alleged to have been committed is or was the National Flag of the Republic as described in section 4, it shall be presumed, unless the contrary is proved, that the flag in question complies or, as the case may be, complied with the description of the National Flag in that section. 45 50
- 93.** The control and administration of Black affairs shall vest in the State President, who shall exercise all those special powers in regard to Black administration which immediately before the commencement of this Act were vested in him, and any lands which immediately before such commencement vested in him for the occupation of Blacks in terms of any law shall continue to vest in him with all such powers as he may have in connection therewith, and no lands which were set aside for the occupation of Blacks and which could not at the establishment of the Union of South Africa have been alienated except by an Act of the Legislature of a Colony which became part of the Union of South Africa in terms of the South Africa Act, 1909, shall be alienated or in any way diverted from the purposes for which they were set aside, except under the authority of an Act of Parliament. 55 60 65

Equality of use of official languages by provincial councils and local authorities.

Method of publication of notices, etc., in newspapers.

Offences in respect of National Flag.

Administration of Black affairs.



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- (i) as 'n addisionele amptelike taal of as addisionele amptelike tale van daardie gebied; of  
 (ii) vir gebruik in daardie gebied vir amptelike doeleindes deur of kragtens daardie Wet of latere Wet of deur so 'n proklamasie voorgeskryf; en
- 5 (b) bepalings bevat wat die gebruik van so 'n Swart taal buite bedoelde gebied magtig vir sodanige doeleindes wat met die sake van dié gebied in verband staan en onderworpe aan sodanige voorwaardes as wat deur of kragtens daardie Wet of latere Wet of so 'n proklamasie voorgeskryf word.
- 10
90. Alle stukke, verslae en verrigtings van 'n provinsiale raad word in albei die amptelike tale gehou, en alle konseppordonnansies, ordonnansies en kennisgewings van openbare betekenis of belang wat deur 'n provinsiale administrasie uitgereik word, en alle kennisgewings uitgereik en alle regulasies of verordenings gemaak en alle dorpsaanlegkemas opgestel deur 'n instelling of liggaam beoog in artikel 84 (1) (f) van die vorige Grondwet moet in albei die amptelike tale wees.
- 15
91. Wanneer enigiets van Staatsweë of deur of in opdrag van 'n instelling of liggaam beoog in artikel 84 (1) (f) van die vorige Grondwet in 'n nuusblad gepubliseer word, moet die publikasie gelyktydig in albei die amptelike tale plaasvind en, in die geval van elke taal, in 'n nuusblad wat in die regsgebied van die betrokke owerheid in omloop is en hoofsaaklik in daardie taal verskyn, en moet die publikasie in elke taal sover doentlik dieselfde ruimte in beslag neem: Met dien verstande dat waar in die betrokke gebied 'n nuusblad wesenlik in albei die amptelike tale verskyn, die publikasie in albei tale in daardie nuusblad kan geskied.
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92. (1) Iemand wat—
- (a) die Nasionale Vlag van die Republiek soos in artikel 4 beskryf, kwaadwilliglik vernietig of skend; of
- (b) hom skuldig maak aan 'n ander handeling wat bereken is om minagting van die Nasionale Vlag van die Republiek te toon; of
- (c) die Nasionale Vlag van die Republiek soos aldus beskryf, sonder magtiging daartoe (waarvan die bewyslas op hom rus) verwyder van 'n plek waar dit ingevolge opdragte of voorskrifte deur enige Staatsowerheid uitgereik, vertoon word,
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- 40
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R10 000 of gevangenisstraf vir 'n tydperk van hoogstens vyf jaar.
- 45
- (2) Indien daar by 'n vervolging weens 'n misdryf in subartikel (1) bedoel, beweer word dat die vlag ten opsigte waarvan die misdryf na bewering gepleeg is, die Nasionale Vlag van die Republiek soos in artikel 4 beskryf, is of was, word vermoed, tensy die teendeel bewys word, dat die betrokke vlag aan die beskrywing van die Nasionale Vlag in daardie artikel voldoen of, na gelang van die geval, voldoen het.
- 50
93. Die beheer oor en administrasie van Swart sake berus by die Staatspresident, wat al die spesiale magte met betrekking tot Swart administrasie uitoefen wat onmiddellik voor die inwerkingtreding van hierdie Wet by hom berus het, en grond wat onmiddellik voor bedoelde inwerkingtreding by hom berus het vir okkupering deur Swartes ingevolge die een of ander wet, bly by hom berus met al die bevoegdhede wat hy in verband daarmee besit, en geen grond wat vir okkupering deur Swartes uitgehou is en by die totstandkoming van die Unie van Suid-Afrika nie vervreem kon word nie behalwe deur 'n Wet van die Wetgewende Gesag van 'n Kolonie wat ingevolge die Zuid-Afrika Wet, 1909, deel van die Unie van Suid-Afrika geword het, mag vervreem word of op enige wyse vir ander doeleindes as dié waarvoor dit uitgehou is, gebruik word nie, behalwe op gesag van 'n Wet van die Parlement.
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Gelykheid van gebruik van amptelike tale deur provinsiale rade en plaaslike owerhede.

Wyse van publikasie van kennisgewings, ens., in nuusblaie.

Misdrywe ten opsigte van Nasionale Vlag.

Administrasie van Swart sake.

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## REPUBLIC OF SOUTH AFRICA CONSTITUTION ACT, 1983

Certain rights and obligations under conventions, etc., vest in Republic.

94. All rights and obligations under conventions, treaties or agreements which were binding on any of the Colonies incorporated in the Union of South Africa at its establishment, and were still binding on the Republic immediately before the commencement of this Act, shall be rights and obligations of the Republic. 5 just as all other rights and obligations under conventions, treaties or agreements which immediately before the commencement of this Act were binding on the Republic.

Transfer of certain executive powers.

95. All powers, authorities and functions which immediately before the commencement of the previous Constitution were in 10 any of the provinces vested in the Governor-General or in the Governor-General-in-Council or in any authority of the province, shall as far as they continue in existence and are capable of being exercised after the commencement of this Act, be vested in the State President, or in the authority exercising similar pow- 15 ers under the Republic, as the case may be, except such powers, authorities and functions as are by this Act or any other law vested in some other authority.

Affirmation in lieu of oath.

96. Any person who is in terms of any provision of this Act required to make and subscribe an oath may in lieu of such oath 20 make and subscribe a solemn affirmation in corresponding form.

Construction of certain references.

97. Any reference in any law in force in any part of the Republic, or in any territory in respect of which Parliament is competent to legislate, immediately before the commencement of this Act— 25

- (a) to any territory, institution or functionary which in terms of the previous Constitution was required to be construed as a reference to the Republic, shall be so construed;
- (b) to an institution, body or functionary which in terms of 30 the previous Constitution was required to be construed as a reference to the State President, shall be so construed;
- (c) to the House of Assembly or a member thereof, or to an institution or body or a member thereof which in 35 terms of the previous Constitution was required to be construed as a reference to the House of Assembly or a member thereof, shall be construed as a reference to Parliament or the Houses or a House or to a member of a House, as the case may be or the circumstances 40 may require, unless it is inconsistent with the context or clearly inappropriate;
- (d) to the Executive Council, shall be construed as a reference to the Cabinet or to the relevant Ministers' Council, according to the circumstances; 45
- (e) to the President's Council, shall be construed as a reference to the President's Council established in terms of this Act;
- (f) to the Secretary or the Deputy Secretary to the House of Assembly, or to a functionary which in terms of the 50 previous Constitution was required to be construed as a reference to the Secretary or the Deputy Secretary to the House of Assembly, shall be construed as a reference to the Secretary or Deputy Secretary, respectively, to Parliament. 55

Administration of existing laws.

98. (1) Any Act of Parliament or other law which at the commencement of this Act is administered by a Minister of the Republic or in a department of State controlled by such a Minister and which relates to a matter referred to in section 14 shall, notwithstanding the fact that it relates to such matter, be regarded 60 as a general law for the purposes of this Act until, and except in so far as, its administration is assigned under section 26 to a Minister of a department of State for own affairs of a population group.

(2) Any ordinance of a province or other law which entrusts 65 any power, duty or function to the executive committee or other

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94. Alle regte en verpligtings ingevolge konvensies, verdrae of ooreenkomste wat by die totstandkoming van die Unie van Suid-Afrika bindend was vir 'n Kolonie wat daarby ingelyf is en wat onmiddellik voor die inwerkingtreding van hierdie Wet nog vir die Republiek bindend was, is regte en verpligtings van die Republiek, net soos alle ander regte en verpligtings ingevolge konvensies, verdrae of ooreenkomste wat onmiddellik voor die inwerkingtreding van hierdie Wet vir die Republiek bindend was.
- Sekere regte en verpligtings ingevolge konvensies, ens., berus by Republiek.
95. Alle magte, bevoegdhede en funksies wat onmiddellik voor die inwerkingtreding van die vorige Grondwet in 'n provinsie by die Goewerneur-generaal of die Goewerneur-generaal-inrade of enige gesag van die provinsie berus het, berus vir sover hulle na die inwerkingtreding van hierdie Wet voortbestaan en uitgeoefen kan word, by die Staatspresident of die gesag wat soortgelyke magte in die Republiek uitoefen, na gelang van die geval, met uitsondering van magte, bevoegdhede en funksies wat by hierdie Wet of 'n ander wet aan 'n ander gesag opgedra word.
- Oordrag van sekere uitvoerende magte.
96. Iemand wat ingevolge 'n bepaling van hierdie Wet 'n eed moet aflê en onderteken, kan in plaas van so 'n eed 'n plegtige verklaring in ooreenstemmende vorm aflê en onderteken.
- Plegtige verklaring in plaas van eed.
97. In 'n wet wat onmiddellik voor die inwerkingtreding van hierdie Wet gegeld het in enige deel van die Republiek, of in 'n gebied ten opsigte waarvan die Parlement wetgewende bevoegdheid besit, word 'n verwysing—
- Uitleg van sekere verwysings.
- (a) na 'n gebied, instelling of funksionaris wat ingevolge die vorige Grondwet uitgelê moes word as 'n verwysing na die Republiek, aldus uitgelê;
- (b) na 'n instelling, liggaam of funksionaris wat ingevolge die vorige Grondwet uitgelê moes word as 'n verwysing na die Staatspresident, aldus uitgelê;
- (c) na die Volksraad of 'n lid daarvan, of na 'n instelling of liggaam of 'n lid daarvan wat ingevolge die vorige Grondwet uitgelê moes word as 'n verwysing na die Volksraad of 'n lid daarvan, uitgelê as 'n verwysing na die Parlement of die Huise of 'n Huis of na 'n lid van 'n Huis, na gelang van die geval of die omstandighede, tensy dit onbestaanbaar met die samehang of duidelik onvanpas is;
- (d) na die Uitvoerende Raad, uitgelê as 'n verwysing na die Kabinet of na die betrokke Ministersraad, na gelang van die omstandighede;
- (e) na die Presidentsraad, uitgelê as 'n verwysing na die Presidentsraad ingevolge hierdie Wet ingestel;
- (f) na die Sekretaris of die Adjunk-sekretaris van die Volksraad of na 'n funksionaris wat ingevolge die vorige Grondwet uitgelê moes word as 'n verwysing na die Sekretaris of die Adjunk-sekretaris van die Volksraad, uitgelê as 'n verwysing na onderskeidelik die Sekretaris of die Adjunk-sekretaris van die Parlement.
98. (1) 'n Parlements wet of ander wet wat by die inwerkingtreding van hierdie Wet uitgevoer word deur 'n Minister van die Republiek of in 'n Staatsdepartement onder beheer van so 'n Minister en wat betrekking het op 'n aangeleentheid in artikel 14 bedoel, word, ondanks die feit dat dit op sodanige aangeleentheid betrekking het, by die toepassing van hierdie Wet as 'n algemene wet beskou totdat, en behalwe vir sover, die uitvoering daarvan kragtens artikel 26 opgedra word aan 'n Minister van 'n Staatsdepartement vir eie sake van 'n bevolkingsgroep.
- (2) 'n Ordonnansie van 'n provinsie of ander wet wat 'n bevoegdheid, plig of werksaamheid toevertrou aan die uitvoerende
- Uitvoering van bestaande wette.

executive authority of such province established by the previous Constitution and which relates to a matter referred to in section 14 shall, notwithstanding the fact that it relates to such matter, be administered according to its provisions unless, and except in so far as, its administration is assigned to a Minister under subsection (3) (b). 5

(3) The State President may by proclamation in the *Gazette*—

- (a) after consultation with the executive committee of the province concerned, declare that the provisions of Part IV apply to a law referred to in subsection (2) to the extent stated in the declaration; 10
- (b) when he so declares or at any time thereafter, assign the administration of such law to a Minister;
- (c) when he so assigns the administration of such law or at any time thereafter, and in so far as he considers it necessary for the efficient carrying out of the assignment by the Minister or in his department or of such law in so far as its administration is not so assigned— 15
  - (i) amend or adapt such law in order to regulate its application or interpretation; 20
  - (ii) where the assignment does not relate to the whole of such law, repeal and re-enact, whether with or without an amendment or adaptation contemplated in subparagraph (i), those of its provisions to which the assignment relates or in so far as the assignment relates to them; 25
  - (iii) regulate any other matter necessary, in his opinion, as a result of the assignment, including the transfer or admission of persons to or in the service of the State or any other person, subject to conditions not less favourable than those under which they serve, and the transfer of assets, liabilities, rights and obligations, including moneys, to or from the State or any other person or body established by law. 35

(4) Section 26 shall apply *mutatis mutandis* to an assignment under subsection (3) (b) of this section, but in such application any reference in that section to a Minister to whom a provision in a law entrusts any power, duty or function shall be construed as a reference to the relevant executive committee or other executive authority referred to in subsection (2) of this section. 40

Amendment of Act.

**99.** (1) Subject to the provisions of subsections (2) and (3), Parliament may by law repeal or amend any provision of this Act.

(2) No repeal or amendment of the provisions of section 89 or of this subsection or of any corresponding provisions of any law substituted for them, shall be valid unless the bill embodying such repeal or amendment has been agreed to in every House by not less than two-thirds of the total number of its members. 45

(3) No repeal or amendment of section 7 (1) (b), (5) or (6), section 8 (5), section 9 (1) or (3) (a), section 14 or 15, section 16 (1), section 19, 20 or 21, section 23 (2), section 30, section 31 (1) or (2), section 32 (1), (2), (3) or (4), section 33, section 34 (2) (a), section 37 (1), section 38 (2), section 39 (1) or (2), section 41 (1), section 42 (1), section 43 (1), section 52, 53 or 54, section 64 (3), section 70 (1), section 71 (1) or (3) (b) or (c), section 77, section 78 (5), this subsection, subsection (4) of this section or Schedule 1 shall be valid unless the bill embodying such repeal or amendment has been agreed to in every House by a majority of the total number of its members. 50 55 60

(4) A bill embodying the repeal or amendment of any provision mentioned in subsection (2) or (3) of this section shall not be referred to the President's Council for its decision under the circumstances contemplated in section 32 (1).

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komitee of ander uitvoerende gesag van die provinsie deur die vorige Grondwet ingestel en wat betrekking het op 'n aangeleentheid in artikel 14 bedoel, word, ondanks die feit dat dit op sodanige aangeleentheid betrekking het, ooreenkomstig die bepalings daarvan uitgevoer tensy, en behalwe vir sover, die uitvoering daarvan kragtens subartikel (3) (b) aan 'n Minister opgedra word.

(3) Die Staatspresident kan by proklamasie in die *Staatskoerant*—

- 10 (a) na raadpleging van die uitvoerende komitee van die betrokke provinsie, verklaar dat die bepalings van Deel IV op 'n wet in subartikel (2) bedoel van toepassing is in die mate in die verklaring genoem;
- 15 (b) wanneer hy aldus verklaar of te eniger tyd daarna, die uitvoering van die wet aan 'n Minister opdra;
- (c) wanneer hy die uitvoering van die wet aldus opdra of te eniger tyd daarna, en vir sover hy dit nodig ag vir die doeltreffende uitvoering van die opdrag deur die Minister of in sy departement of van die wet vir sover die uitvoering daarvan nie aldus opgedra word nie—
- 20 (i) die wet wysig of aanpas ten einde die toepassing of uitleg daarvan te reël;
- (ii) waar die opdrag nie op die hele wet betrekking het nie, die bepalings daarvan waarop die opdrag betrekking het, herroep en herverorden, hetsy met of sonder 'n wysiging of aanpassing in subparagraaf (i) beoog;
- 25 (iii) enige ander aangeleentheid reël wat na sy oordeel nodig is as gevolg van die opdrag, met inbegrip van die oorplasing of opneem van persone na of in die diens van die Staat of 'n ander persoon onder voorwaardes wat nie minder gunstig is as dié waaronder hulle dien nie, en die oordrag van bates, laste, regte en verpligtings, met inbegrip van geld, na of van die Staat of 'n ander persoon of liggaam by wet ingestel.

(4) Artikel 26 is *mutatis mutandis* van toepassing ten opsigte van 'n opdrag kragtens subartikel (3) (b) van hierdie artikel. 40 maar by sodanige toepassing word 'n verwysing in daardie artikel na 'n Minister aan wie 'n bepaling van 'n wet 'n bevoegdheid, plig of werksaamheid toewys, uitgelê as 'n verwysing na die betrokke uitvoerende komitee of ander uitvoerende gesag in subartikel (2) van hierdie artikel bedoel.

45 99. (1) Behoudens die bepalings van subartikels (2) en (3) kan die Parlement by wet enige bepaling van hierdie Wet herroep of wysig. Wysiging van Wet.

(2) Geen herroeping of wysiging van die bepalings van artikel 89 of van hierdie subartikel of van ooreenstemmende bepalings van 'n wet wat in die plek daarvan gestel word, is geldig nie tensy die wetsontwerp wat die herroeping of wysiging bevat, in elke Huis deur minstens twee derdes van die totale getal lede daarvan goedgekeur is.

(3) Geen herroeping of wysiging van artikel 7 (1) (b), (5) of (6), artikel 8 (5), artikel 9 (1) of (3) (a), artikel 14 of 15, artikel 16 (1), artikel 19, 20 of 21, artikel 23 (2), artikel 30, artikel 31 (1) of (2), artikel 32 (1), (2), (3) of (4), artikel 33, artikel 34 (2) (a), artikel 37 (1), artikel 38 (2), artikel 39 (1) of (2), artikel 41 (1), artikel 42 (1), artikel 43 (1), artikel 52, 53 of 54, artikel 64 (3), artikel 70 (1), artikel 71 (1) of (3) (b) of (c), artikel 77, artikel 78 (5), hierdie subartikel, subartikel (4) van hierdie artikel of Bylae 1 is geldig nie tensy die wetsontwerp wat die herroeping of wysiging bevat, in elke Huis deur 'n meerderheid van die totale getal lede daarvan goedgekeur is.

65 (4) 'n Wetsontwerp wat die herroeping of wysiging bevat van 'n bepaling in subartikel (2) of (3) van hierdie artikel genoem, word nie onder die omstandighede in artikel 32 (1) beoog, na die Presidentsraad vir sy beslissing verwys nie.

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(5) Any reference in a provision of this Act mentioned in subsection (3) of this section, or in the definition in this Act of an expression used in any such provision, to any other provision of this Act not mentioned in that subsection or to any other law, shall be construed as a reference to such other provision or other law as it exists from time to time after any amendment or replacement thereof, and the provisions of subsections (3) and (4) of this section shall not be construed as applying to any amendment or replacement of such other provision or other law.

## Definitions.

- 100.** (1) In this Act, unless the context indicates otherwise—
- (i) "Chief Justice" means the Chief Justice of South Africa; (vii)
  - (ii) "Coloured person" means a person classified as a member of the Cape Coloured, Malay or Griqua group or the group Other Coloureds in terms of the Population Registration Act, 1950; (x)
  - (iii) "department of State" means a department of State established under section 24; (xii)
  - (iv) "general affairs" means matters referred to in section 15; (i)
  - (v) "general law" means any law dealing with general affairs; (ii)
  - (vi) "House" means a House of Parliament mentioned in section 37 (1) and, in relation to a Ministers' Council, the House whose members are of the same population group as the members of the Ministers' Council; (viii)
  - (vii) "Indian" means a person classified as a member of the Indian group in terms of the Population Registration Act, 1950; (ix)
  - (viii) "own affairs" means matters referred to in section 14, 30 and in relation to—
    - (a) a population group, matters which are own affairs in relation to that population group as contemplated in that section;
    - (b) a House or a Ministers' Council, matters which are own affairs of the relevant population group;
    - (c) a department of State, any department of State established for the administration of own affairs of the relevant population group;
    - (d) a Minister, any Minister appointed to administer a department of State for own affairs; (vi)
  - (ix) "population group" means the White persons, the Coloured persons or the Indians, and in relation to—
    - (a) a House, the population group of which the members of the House in question are members;
    - (b) a Ministers' Council, the population group of which the members of the Ministers' Council in question are members;
    - (c) own affairs, the population group whose own affairs are in issue; (iii)
  - (x) "previous Constitution" means the Republic of South Africa Constitution Act, 1961, and, in so far as it is not repealed by section 101, the Provincial Government Act, 1961; (xiii)
  - (xi) "Republic" means the Republic of South Africa; (xi)
  - (xii) "the Coloured persons", "the Indians" or "the White persons" includes persons who would be classified as Coloured persons, Indians or White persons, respectively, in terms of the Population Registration Act, 1950, had the provisions of that Act applied to them; (v)
  - (xiii) "White person" means a person classified as a White person in terms of the Population Registration Act, 1950. (iv)

(2) In this Act and in any other law, except where it is inconsistent with the context or clearly inappropriate, any reference to a resolution or the approval of, or any other act of or with reference to, Parliament (except any act constituting a law of Parliament), or to a member or a committee or the Tables of Parliament, or to any other matter in relation to Parliament (except

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(5) 'n Verwysing in 'n bepaling van hierdie Wet in subartikel (3) van hierdie artikel genoem, of in die omskrywing in hierdie Wet van 'n uitdrukking in so 'n bepaling gebruik, na 'n ander bepaling van hierdie Wet wat nie in daardie subartikel genoem word nie of na 'n ander wet word uitgelê as 'n verwysing na die ander bepaling of ander wet soos dit van tyd tot tyd bestaan na 'n wysiging of vervanging daarvan, en die bepalings van subartikels (3) en (4) van hierdie artikel word nie so uitgelê dat dit op 'n wysiging of vervanging van die ander bepaling of ander wet van toepassing is nie.

**100.** (1) In hierdie Wet, tensy uit die samehang anders blyk, Woordomskrywing. beteken—

- (i) „algemene sake” aangeleenthede in artikel 15 bedoel;
- (iv)
- 15 (ii) „algemene wet” 'n wet wat oor algemene sake handel;
- (v)
- (iii) „bevolkingsgroep” die Blankes, die Kleurlinge of die Indiërs, en met betrekking tot—
- (a) 'n Huis, die bevolkingsgroep waarvan die lede van die betrokke Huis lede is;
- 20 (b) 'n Ministersraad, die bevolkingsgroep waarvan die lede van die betrokke Ministersraad lede is;
- (c) eie sake, die bevolkingsgroep wie se eie sake ter sprake is; (ix)
- 25 (iv) „Blanke” 'n persoon wat ingevolge die Bevolkingsregistrasiewet, 1950, as 'n Blanke geklassifiseer is; (xiii)
- (v) „die Blankes”, „die Indiërs” of „die Kleurlinge” ook persone wat ingevolge die Bevolkingsregistrasiewet, 1950, as onderskeidelik Blankes, Indiërs of Kleurlinge geklassifiseer sou word as die bepalings van daardie Wet op hulle van toepassing was; (xii)
- 30 (vi) „eie sake” aangeleenthede in artikel 14 bedoel, en met betrekking tot—
- (a) 'n bevolkingsgroep, aangeleenthede wat eie sake met betrekking tot daardie bevolkingsgroep is soos in daardie artikel beoog;
- 35 (b) 'n Huis of 'n Ministersraad, aangeleenthede wat eie sake van die betrokke bevolkingsgroep is;
- (c) 'n Staatsdepartement, enige Staatsdepartement wat ingestel is vir die administrasie van eie sake van die betrokke bevolkingsgroep;
- 40 (d) 'n Minister, 'n Minister wat aangestel is om 'n Staatsdepartement vir eie sake te administreer; (viii)
- 45 (vii) „Hoofregter” die Hoofregter van Suid-Afrika; (i)
- (viii) „Huis” 'n Huis van die Parlement in artikel 37 (1) genoem en, met betrekking tot 'n Ministersraad, die Huis waarvan die lede van dieselfde bevolkingsgroep as die lede van die Ministersraad is; (vi)
- 50 (ix) „Indiër” 'n persoon wat ingevolge die Bevolkingsregistrasiewet, 1950, as 'n lid van die Indiërgroep geklassifiseer is; (vii)
- (x) „Kleurling” 'n persoon wat ingevolge die Bevolkingsregistrasiewet, 1950, geklassifiseer is as 'n lid van die Kaapse Kleurling-, Maleier- of Griekwagroep of die groep Ander Gekleurdes; (ii)
- 55 (xi) „Republiek” die Republiek van Suid-Afrika; (xi)
- (xii) „Staatsdepartement” 'n Staatsdepartement kragtens artikel 24 ingestel; (iii)
- 60 (xiii) „vorige Grondwet” die Grondwet van die Republiek van Suid-Afrika, 1961, en, vir sover dit nie by artikel 101 herroep word nie, die Wet op Provinsiale Bestuur, 1961. (x)

(2) In hierdie Wet en in enige ander wet, behalwe waar dit onbestaanbaar met die samehang of duidelik onvanpas is, word 'n verwysing na 'n besluit of die goedkeuring van, of 'n ander handeling van of met betrekking tot, die Parlement (behalwe 'n handeling wat 'n wet van die Parlement uitmaak), of na 'n lid of 'n komitee of die Tafels van, of enige ander aangeleentheid met

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any law of Parliament), shall be construed as a reference to a resolution or the approval or other act of, or with reference to, each of the different Houses, a member of a House, a joint committee contemplated in section 64, the Tables of the different Houses or such other matter relating to the different Houses, as the case may be. 5

Repeal and amendment of laws.

**101.** (1) The laws mentioned in Part 1 of Schedule 2 are hereby repealed or amended as set out in that Part, and the laws mentioned in Part 2 of Schedule 2 are hereby repealed to the extent set out in the third column of the last-mentioned Part. 10

(2) Notwithstanding the repeal of sections 15 and 15A of the previous Constitution, any pension which but for such repeal would have been payable shall continue to be payable as if such repeal had not been effected.

(3) Notwithstanding the repeal of section 116 of the previous Constitution, any of its provisions which but for such repeal would have been applicable to any matter or person, shall continue to be applicable to such matter or person as if the repeal had not been effected. 15

(4) Any authority constituted or person appointed or power conferred or anything done in pursuance of powers conferred by or by virtue of any provision of a law repealed or amended by subsection (1), shall be deemed to have been constituted, appointed, conferred or done in pursuance of powers conferred by or by virtue of the corresponding provision of this Act or the relevant provision of such law as so amended, as the case may be. 25

Transitional provisions.

**102.** (1) If section 19 (1) (b) comes into operation before the first State President has been elected in terms of this Act and has assumed office, a person designated by the Ministers referred to in subsection (2) of this section from among their number, shall serve as Acting State President, and such or any other Acting State President or the State President may exercise any power conferred upon the State President by this section or section 103 but not yet exercised by the State President referred to in section 103 (1) at the commencement of section 19 (1) (b). 30 35

(2) (a) The persons who immediately before the commencement of this Act are Ministers of the Republic or Deputy Ministers in terms of section 20 or 21 of the previous Constitution, shall be deemed to have been appointed as such Ministers or Deputy Ministers under section 24 or 27 of this Act, as the case may be, and the departments of State then administered by such Ministers shall be deemed to have been established under section 24 of this Act as departments referred to in section 20 and to be administered by them under the relevant provisions of this Act. 40 45

(b) A reference in any law to the Prime Minister which at the commencement of this Act is not in consequence of an assignment under section 20A of the previous Constitution to be construed as a reference to some other Minister, shall be deemed to be a reference to the State President except in so far as the State President assigns the administration of such law to a Minister *mutatis mutandis* under section 26. 50

(3) Where any matter which, during the session of Parliament (as constituted under the previous Constitution) immediately preceding the commencement of this Act, was submitted to the said Parliament or the House of Assembly (as so constituted), has not been disposed of before such commencement, Parliament or the House of Assembly, as the case may be, constituted under this Act may continue with the disposal or consideration of that matter, and steps taken by the first-mentioned House of Assembly in connection with that matter, shall be deemed to 60



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betrekking tot, die Parlement (behalwe 'n wet van die Parlement), uitgelê as 'n verwysing na 'n besluit of die goedkeuring of ander handeling van, of met betrekking tot, elk van die onderskeie Huise, 'n lid van 'n Huis, 'n gesamentlike komitee in artikel 64 bedoel, die Tafels van die onderskeie Huise of die ander aangeleentheid met betrekking tot die onderskeie Huise, na gelang van die geval.

101. (1) Die wette in Deel 1 van Bylae 2 genoem, word hierby herroep of gewysig soos in daardie Deel aangedui, en die wette in Deel 2 van Bylae 2 genoem, word hierby herroep vir sover in die derde kolom van laasgenoemde Deel aangedui.

Herroeping en wysiging van wette.

(2) Ondanks die herroeping van artikels 15 en 15A van die vorige Grondwet bly 'n pensioen wat by ontstentenis van die herroeping betaalbaar sou gewees het, nog betaalbaar asof die herroeping nie plaasgevind het nie.

(3) Ondanks die herroeping van artikel 116 van die vorige Grondwet bly 'n bepaling daarvan wat by ontstentenis van die herroeping van toepassing sou gewees het op die een of ander aangeleentheid of persoon, nog op sodanige aangeleentheid of persoon van toepassing asof die herroeping nie plaasgevind het nie.

(4) Enige gesag ingestel of persoon aangestel of bevoegdheid verleen of enigiets gedoen uit hoofde van bevoegdhede verleen deur of ingevolge 'n bepaling van 'n wet by subartikel (1) herroep of gewysig, word geag uit hoofde van bevoegdhede verleen deur of ingevolge die ooreenstemmende bepaling van hierdie Wet of die betrokke bepaling van sodanige wet soos aldus gewysig, na gelang van die geval, ingestel, aangestel, verleen of gedoen te wees.

102. (1) Indien artikel 19 (1) (b) in werking tree voordat die eerste Staatspresident ingevolge hierdie Wet gekies is en sy amp aanvaar het, dien 'n persoon deur die Ministers in subartikel (2) van hierdie artikel bedoel uit hul geledere aangewys, as Waarnemende Staatspresident, en sodanige of enige ander Waarnemende Staatspresident of die Staatspresident kan enige bevoegdheid uitoefen wat by hierdie artikel of artikel 103 aan die Staatspresident verleen word maar by die inwerkingtreding van artikel 19 (1) (b) nog nie deur die Staatspresident in artikel 103 (1) bedoel, uitgeoefen is nie.

Oorgangsbepalings.

(2) (a) Die persone wat ingevolge artikel 20 of 21 van die vorige Grondwet Ministers van die Republiek of Adjunkministers is onmiddellik voor die inwerkingtreding van hierdie Wet, word geag as sodanige Ministers of Adjunkministers aangestel te wees kragtens artikel 24 of 27 van hierdie Wet, na gelang van die geval, en die Staatsdepartemente wat bedoelde Ministers dan administreer, word geag kragtens artikel 24 van hierdie Wet ingestel te wees as departemente in artikel 20 bedoel en deur hulle kragtens die tersaaklike bepalings van hierdie Wet geadministreer te word.

(b) 'n Verwysing in 'n wet na die Eerste Minister wat by die inwerkingtreding van hierdie Wet nie as gevolg van 'n opdrag kragtens artikel 20A van die vorige Grondwet as 'n verwysing na 'n ander Minister uitgelê moet word nie, word geag 'n verwysing na die Staatspresident te wees behalwe vir sover die Staatspresident die uitvoering van die wet aan 'n Minister opdra *mutatis mutandis* kragtens artikel 26.

(3) Waar 'n aangeleentheid wat gedurende die sessie van die Parlement (soos ingevolge die vorige Grondwet saamgestel) wat die inwerkingtreding van hierdie Wet onmiddellik voorafgaan, aan bedoelde Parlement of die Volksraad (soos aldus saamgestel) voorgelê is, nie voor bedoelde inwerkingtreding afgehandel is nie, kan die Parlement of die Volksraad, na gelang van die geval, ingevolge hierdie Wet ingestel, met die behandeling of ooreweging van daardie aangeleentheid voortgaan, en word stappe in verband met daardie aangeleentheid deur eersgenoemde Volks-

have been taken by the House of Assembly constituted under this Act.

(4) The House of Assembly as constituted for the purposes of the previous Constitution and in existence immediately before the commencement of this Act, shall be deemed to have been 5  
duly constituted for the purposes of this Act, and any person elected or nominated as a member of that House of Assembly and holding office immediately before such commencement, shall be deemed to have been duly elected or nominated to the 10  
House of Assembly established by this Act.

(5) The regulations made under section 40 (1A) of the previous Constitution shall continue to be of force and to apply to the election of members of the House of Assembly in terms of section 41 (1) (c) of this Act, and shall apply *mutatis mutandis* to 15  
elections of members of the House of Representatives and members of the House of Delegates in terms of sections 42 (1) (c) and 43 (1) (c) of this Act, until they are replaced by regulations under section 46 (1) of this Act.

(6) (a) The rules and orders of the House of Assembly as they exist at the commencement of this Act, shall apply *mutatis mutandis* in connection with the functions and proceedings of the House of Representatives and the House of Delegates, unless and until the House in question provides otherwise. 20

(b) Rules and orders approved by the House of Assembly 25  
before the commencement of this Act as joint rules and orders of the Houses and published in the *Gazette* before such commencement by the Secretary to Parliament, shall after such commencement be deemed to be joint rules and orders approved by each of the 30  
Houses as contemplated in section 64, until, and except in so far as, they are replaced by rules and orders which have in fact been so approved: Provided that any rules and orders so published shall lapse on the expiry of a 35  
period of two years after the commencement of the first session of the first Parliament constituted under this Act.

(7) The first session of the first Parliament constituted in terms of this Act shall commence within 21 days after the polling day or the last polling day of the first general election of members of 40  
the House of Representatives and the House of Delegates, according to whether the poll in respect of those Houses is held on the same day or on different days.

(8) For the purposes of the application of section 39 (1) in relation to the first Parliament constituted in terms of this Act, its 45  
first session shall be deemed to have commenced on a date determined by the State President referred to in section 103 (1) by proclamation in the *Gazette*, which may not be a date earlier than the date of the first meeting of the House of Assembly which existed immediately before the commencement of this 50  
Act, or later than the day on which that first session actually commences.

(9) For the purposes of the first delimitation of electoral divisions of the House of Representatives and of the House of Delegates the words "voters of the House in the province in terms 55  
of the current voters' lists, duly corrected up to the latest possible date" in section 49 (1) shall be deemed to be replaced by the words "persons who, according to the population register kept in terms of the Population Registration Act, 1950, and on a 60  
date not more than 30 days before the delimitation commission begins to perform its functions, would be entitled to be included in any lists of the voters contemplated in section 52 of the House in electoral divisions thereof in the province had the province been divided into electoral divisions of the House on the date in 65  
question".

(10) (a) A person holding office as State President or Vice State President immediately before the commencement of this Act shall vacate his office at such commencement.

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raad gedoen, geag deur die Volksraad ingevolge hierdie Wet ingestel, gedoen te gewees het.

(4) Die Volksraad soos vir die doeleindes van die vorige Grondwet saamgestel en wat onmiddellik voor die inwerking-treding van hierdie Wet bestaan, word geag behoorlik vir die doeleindes van hierdie Wet saamgestel te wees, en iemand wat as lid van bedoelde Volksraad verkies of benoem is en sy amp onmiddellik voor bedoelde inwerkingtreding beklee, word geag behoorlik verkies of benoem te wees tot die Volksraad by hierdie Wet ingestel.

(5) Die regulasies kragtens artikel 40 (1A) van die vorige Grondwet uitgevaardig, bly van krag en van toepassing op die verkiesing van Volksraadslede ingevolge artikel 41 (1) (c) van hierdie Wet, en is *mutatis mutandis* van toepassing op verkiesings van lede van die Raad van Verteenwoordigers en lede van die Raad van Afgevaardigdes ingevolge artikels 42 (1) (c) en 43 (1) (c) van hierdie Wet, totdat dit deur regulasies kragtens artikel 46 (1) van hierdie Wet vervang word.

(6) (a) Die reëls en orders van die Volksraad soos hulle by die inwerkingtreding van hierdie Wet bestaan, is *mutatis mutandis* van toepassing in verband met die werksaamhede en verrigtings van die Raad van Verteenwoordigers en die Raad van Afgevaardigdes tensy en totdat die betrokke Huis anders bepaal.

(b) Reëls en orders wat voor die inwerkingtreding van hierdie Wet deur die Volksraad as gesamentlike reëls en orders van die Huisse goedgekeur is en deur die Sekretaris van die Parlement voor sodanige inwerkingtreding in die *Staatskoerant* bekend gemaak is, word na sodanige inwerkingtreding geag gesamentlike reëls en orders te wees wat soos in artikel 64 beoog deur elk van die Huisse goedgekeur is, totdat, en behalwe vir sover, dit vervang word deur reëls en orders wat wel aldus goedgekeur is: Met dien verstande dat reëls en orders aldus bekend gemaak, verval by die verstryking van 'n tydperk van twee jaar na die begin van die eerste sessie van die eerste Parlement ingevolge hierdie Wet saamgestel.

(7) Die eerste sessie van die eerste Parlement wat ingevolge hierdie Wet saamgestel word, moet begin binne 21 dae na die stembag of die laaste stembag van die eerste algemene verkiesing van lede van die Raad van Verteenwoordigers en die Raad van Afgevaardigdes, na gelang die stemming ten opsigte van daardie Huisse op dieselfde dag of op verskillende dae plaasvind.

(8) By die toepassing van artikel 39 (1) met betrekking tot die eerste Parlement wat ingevolge hierdie Wet saamgestel word, word sy eerste sessie geag te begin het op 'n datum wat die Staatspresident in artikel 103 (1) bedoel by proklamasie in die *Staatskoerant* bepaal en wat 'n datum nie vroeër as die datum van die eerste vergadering van die Volksraad wat onmiddellik voor die inwerkingtreding van hierdie Wet bestaan, of later as die dag waarop daardie eerste sessie werklik begin, mag wees nie.

(9) Vir die doeleindes van die eerste afbakening van kiesafdelings van die Raad van Verteenwoordigers en van die Raad van Afgevaardigdes word die woorde „kiesers van die Huis in die provinsie volgens die geldende kieserslyste, behoorlik verbeter tot die jongste moontlike datum” in artikel 49 (1) geag vervang te wees deur die woorde „persone wat, volgens die bevolkingsregister wat ingevolge die Bevolkingsregistrasiewet, 1950, gehou word, en op 'n datum hoogstens 30 dae voor die afbakeningskommissie met sy werksaamhede begin, geregtig sou wees om opgeneem te word in enige lyste van die in artikel 52 beoogde kiesers van die Huis in kiesafdelings daarvan in die provinsie indien die provinsie op die betrokke datum in kiesafdelings van die Huis verdeel was”.

(10) (a) 'n Persoon wat die amp van Staatspresident of Vise-Staatspresident onmiddellik voor die inwerkingtreding van hierdie Wet beklee, ontruim sy amp by bedoelde inwerkingtreding.

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(b) The salary and allowances payable to the State President immediately before such commencement shall be deemed to have been determined in terms of section 12 as the salary and allowances payable to the State President, until they are altered under that section. 5

(11) At the commencement of this Act the President's Council established in terms of the previous Constitution shall cease to exist and every person who immediately before such commencement is a member of that Council shall cease to be such a member. 10

(12) The first meeting of the first President's Council established under this Act shall be convened by the State President in such manner and at such time and place as he thinks fit.

Short title and commencement.

**103.** (1) This Act shall be called the Republic of South Africa Constitution Act, 1983, and shall, save in so far as may be otherwise required in order that effect may be given to any provision thereof, come into operation on a date fixed by the State President by proclamation in the *Gazette*. 15

(2) Different dates may be so fixed in respect of different provisions of this Act or in respect of section 101 in so far as it relates to different laws mentioned in Schedule 2 or to different provisions of any law so mentioned. 20

(3) A reference in this Act to its commencement shall be construed as a reference to the applicable date so fixed.

(4) The State President referred to in subsection (1) may exercise any power vesting in the State President in terms of any provision of this Act, in so far as it is necessary in order to give effect to such provision or any other provision of this Act as contemplated in subsection (1) or, as the case may be, if the relevant provision has been put into operation as contemplated in subsection (2). 25 30

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(b) Die salaris en toelaes wat onmiddellik voor bedoelde inwerkingtreding aan die Staatspresident betaalbaar is, word geag ingevolge artikel 12 bepaal te wees as die salaris en toelaes betaalbaar aan die Staatspresident, tot-  
5 dat dit kragtens daardie artikel verander word.

(11) By die inwerkingtreding van hierdie Wet hou die Presi-  
dentsraad ingevolge die vorige Grondwet ingestel, op om te be-  
staan, en hou elke persoon wat onmiddellik voor bedoelde in-  
werkingtreding 'n lid van daardie raad is, op om so 'n lid te  
10 wees.

(12) Die eerste vergadering van die eerste Presidentsraad in-  
gevolge hierdie Wet ingestel, word deur die Staatspresident belê  
op die wyse, tyd en plek wat hy goeuvind.

**103.** (1) Hierdie Wet heet die Grondwet van die Republiek Kort titel en  
15 van Suid-Afrika, 1983, en tree in werking, behalwe vir sover an- inwerkingtreding.  
ders vereis word ten einde aan 'n bepaling daarvan gevolg te kan  
gee, op 'n datum deur die Staatspresident by proklamasie in die  
*Staatskoerant* bepaal.

(2) Verskillende datums kan aldus bepaal word ten opsigte  
20 van verskillende bepalinge van hierdie Wet of ten opsigte van ar-  
tikel 101 vir sover dit betrekking het op verskillende wette in  
Bylae 2 genoem of op verskillende bepalinge van 'n aldus ge-  
noemde wet.

(3) 'n Verwysing in hierdie Wet na die inwerkingtreding daar-  
25 van word uitgelê as 'n verwysing na die toepaslike datum wat al-  
dus bepaal is.

(4) Die Staatspresident in subartikel (1) bedoel, kan enige be-  
voegdheid wat ingevolge 'n bepaling van hierdie Wet by die  
Staatspresident berus, uitoefen vir sover dit nodig is ten einde  
30 aan daardie bepaling of 'n ander bepaling van hierdie Wet ge-  
volg te gee soos in subartikel (1) beoog of, na gelang van die ge-  
val, indien die betrokke bepaling in werking gestel is soos in  
subartikel (2) beoog.

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**Schedule 1***Subjects referred to in section 14*

1. Social welfare, but subject to any general law in relation to—

- (a) norms and standards for the provision or financing of welfare services;
- (b) the control of the collection of money and other contributions from members of the public for welfare services or charity; and
- (c) the registration of social workers, and control over their profession.

2. Education at all levels, including—

- (1) instruction by way of correspondence, and institutions providing such instruction;
- (2) the training of adults in the trades at centres established by the State President acting as provided in section 19 (1) (a); and
- (3) training of cadets at schools in terms of section 3 (1) (a) of, and subject to, the Defence Act, 1957, and official school sport.

but subject to any general law in relation to—

- (a) norms and standards for the financing of running and capital costs of education;
- (b) salaries and conditions of employment of staff and professional registration of teachers; and
- (c) norms and standards for syllabuses and examination and for certification of qualifications.

3. Art, culture and recreation (with the exception of competitive sport) which affect mainly the population group in question.

4. Health matters, comprising the following, namely—

- (1) hospitals, clinics and similar or related institutions;
- (2) medical services at schools and for indigent persons;
- (3) health and nutritional guidance; and
- (4) the registration of and control over private hospitals,

but subject to any general law in relation to such matters.

5. Community development, comprising the following, namely—

- (1) housing;
- (2) development of the community in any area declared by or under any general law as an area for the use of the population group in question, including the establishment, development and renovation of towns and the control over and disposal of land (whether by alienation or otherwise) acquired or made available for that purpose; and
- (3) rent control and control over and clearance of squatting, in such an area in terms of any general law,

but subject to—

- (a) any general law in relation to norms, standards and income groups for the financing of housing; and
- (b) the provisions of the general law referred to in paragraph (2).

6. Local government within any area declared by or under any general law as a local government area for the population group in question, but subject to any general law in relation to matters to be administered on local government level on a joint basis, and excluding—

- (a) any matter assigned to local authorities by or under any general law; and
- (b) the exercise by any local authority, otherwise than in accordance with general policy determined by the State President acting as provided in section 19 (1) (b), of any power to raise loans.

7. Agriculture, comprising the following, namely—

- (1) agricultural development services, which include research, advisory services and extension;
- (2) training at agricultural colleges; and
- (3) financial and other assistance to farmers or prospective farmers, or for the promotion of agriculture.

8. Water supply, comprising the following, namely—

- (1) irrigation schemes;
- (2) drilling for water for agricultural and local government purposes;

**Bylae 1***Onderwerpe in artikel 14 bedoel*

1. Maatskaplike welsyn, maar onderworpe aan enige algemene wet met betrekking tot—
  - (a) norme en standaarde vir die verskaffing of finansiering van welsynsdienste;
  - (b) beheer oor die insameling van geld en ander hydra's van lede van die publiek vir welsynsdienste of liefdadigheid; en
  - (c) die registrasie van maatskaplike werkers, en beheer oor hul beroep.
2. Onderwys op alle vlakke, met inbegrip van—
  - (1) onderrig deur middel van korrespondensie, en instellings wat sodanige onderrig verskaf;
  - (2) ambagsopleiding van volwassenes by sentrums ingestel deur die Staatspresident handelende volgens voorskrif van artikel 19 (1) (a); en
  - (3) opleiding van kadette by skole ingevolge artikel 3 (1) (a) van, en onderworpe aan, die Verdedigingswet, 1957, en amptelike skoolsport.
 maar onderworpe aan enige algemene wet met betrekking tot—
  - (a) norme en standaarde vir die finansiering van lopende en kapitaalkoste van onderwys;
  - (b) salarisse en diensvoorwaardes van personeel en professionele registrasie van onderwysers; en
  - (c) norme en standaarde vir leerplanne en eksaminering en vir sertifisering van kwalifikasies.
3. Kuns, kultuur en ontspanning (met uitsluiting van mededingende sport) wat die betrokke bevolkingsgroep hoofsaaklik raak.
4. Gesondheidsaangeleenthede, wat die volgende omvat, naamlik—
  - (1) hospitale, klinieke en soortgelyke of verwante inrigtings;
  - (2) geneskundige dienste by skole en aan behoeftiges;
  - (3) gesondheids- en voedingsvoorligting; en
  - (4) die registrasie van en beheer oor private hospitale.
 maar onderworpe aan enige algemene wet met betrekking tot sodanige aangeleenthede.
5. Gemeenskapontwikkeling, wat die volgende omvat, naamlik—
  - (1) behuising;
  - (2) ontwikkeling van die gemeenskap in enige gebied wat by of kragtens 'n algemene wet as 'n gebied vir die gebruik van die betrokke bevolkingsgroep verklaar is, met inbegrip van die stigting, ontwikkeling en vernouing van dorpe en die beheer en beskikking (hetsy deur vervreemding of andersins) oor grond wat vir dié doel verkry of beskikbaar gestel is; en
  - (3) huurbeheer, en beheer oor en opruiming van plakkery, in so 'n gebied ingevolge enige algemene wet.
 maar onderworpe aan—
  - (a) enige algemene wet met betrekking tot norme, standaarde en inkomstegroepe vir die finansiering van behuising; en
  - (b) die bepalinge van die algemene wet in paragraaf (2) bedoel.
6. Plaaslike bestuur binne enige gebied wat by of kragtens 'n algemene wet as 'n plaaslike bestuursgebied vir die betrokke bevolkingsgroep verklaar is, maar onderworpe aan enige algemene wet met betrekking tot aangeleenthede wat op plaaslike bestuursvlak op 'n gemeenskaplike grondslag behartig moet word, en met uitsondering van—
  - (a) enige aangeleentheid aan plaaslike bestuure opgedra by of kragtens 'n algemene wet; en
  - (b) die uitoefening van leningsbevoegdheid deur 'n plaaslike bestuur anders as ooreenkomstig algemene beleid bepaal deur die Staatspresident handelende volgens voorskrif van artikel 19 (1) (b).
7. Landbou, wat die volgende omvat, naamlik—
  - (1) landbou-ontwikkelingsdienste, wat navorsing, adviesdienste en voorligting insluit;
  - (2) opleiding aan landboukolleges; en
  - (3) geldelike en ander bystand aan boere of voornemende boere of ter bevordering van die landbou.
8. Watervoorsiening, wat die volgende omvat, naamlik—
  - (1) besproeiingskemas;
  - (2) boor vir water vir landbou- en plaaslike bestuursdoeleindes;

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- (3) subsidizing of drilling work and water works for agricultural or local government purposes; and
- (4) financial assistance in relation to water works damaged by flood.

9. Appointment of marriage officers under any general law.

10. Elections of members of the House of Parliament in question, excluding matters prescribed or to be prescribed by or under any general law.

11. Finance in relation to own affairs of the population group in question, including—

- (1) estimates of revenue and expenditure, but excluding the form in which such estimates shall be prepared;
- (2) the appropriation of moneys for the purposes of such estimates, but excluding such appropriation of moneys for any purpose other than that for which they are by or under any general law made available for appropriation;
- (3) levies authorized by or under any general law, on services rendered over and above payments for such services;
- (4) the receipt of donations;
- (5) the making of donations not amounting to a supplementation of appropriations contemplated in paragraph (2); and
- (6) the control over the collection and utilization of revenue, subject to the provisions of the Exchequer and Audit Act, 1975,

but excluding the levying of taxes and the raising of loans.

12. Staff administration in terms of the provisions of any general law in relation to staff in the employment of the State.

13. Auxiliary services necessary for the administration of own affairs of the population group in question, including the planning of and control over the work connected with the exercise or performance of powers, duties and functions in a department of State for such affairs, and the services provided by or in such a department, and the acquisition, alienation, provision and maintenance of and the control over land, supplies, services, buildings, works and accommodation, transport and other facilities for the purposes of the performance or rendering of such work and services, but subject to any general law in relation to such matters.

14. The rendering of services, either with the approval of the State President acting as provided in section 19 (1) (b) or in terms of arrangements made between Ministers with such approval, to persons who are not members of the population group in question.

## Schedule 2

### PART I

A. Repeal or amendment of provisions of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), as follows:—

1. Repeal of the Preamble, Part I, Part II, Part III, Part IV and Part V.

2. Amendment of Part VI—

- (a) by the substitution for the words "House of Assembly", where they occur in subsection (3) of section 66, of the words "Houses of Parliament";
- (b) by the substitution in subsection (1) of section 68 for the words "this Act" of the words "the Republic of South Africa Constitution Act, 1983,";
- (c) by the substitution in subsection (1) of section 69 for the words "this Act", where they occur for the second time, of the words "the Republic of South Africa Constitution Act, 1983," and for the expression "43 (3)" of the expression "49 (3) of that Act";
- (d) by the insertion in subsection (2) of section 69, after the word "shall" of the words ", in respect of the election of members of the provincial council,";
- (e) by the substitution for section 70 of the following section:

"Memberships of provincial councils. 70. (1) The provisions of section 54, section 55 (1) and (2) (a) and section 56 of the Republic of South Africa Constitution Act, 1983, shall apply *mutatis mutandis* to members of provincial councils as they are applicable to members of the House of Assembly.

(2) Any member of a provincial council who becomes a member of the House of Assembly shall cease to be a member of such provincial council.";

- (f) by the substitution in subsection (2) of section 71 for the expression "section 53 relating to" of the expression "section 40 of the Republic of South Africa Constitution Act, 1983, in so far as it relates to", and for the words "the House of Assembly", where they occur for the second time, of the word "Parliament";
- (g) by the addition of the following words to section 80:

"except in so far as such powers are assigned to a Minister by the State President under the Republic of South Africa Constitution Act, 1983"; and



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- (3) subsidiëring van boorwerk en waterwerke vir landbou- en plaaslike bestuursdoeleindes; en
- (4) geldelike bystand met betrekking tot waterwerke wat deur vloed beskadig word.
9. Aanstelling van huweliksbevestigers kragtens 'n algemene wet.
10. Verkiesings van lede van die betrokke Huis van die Parlement, met uitsondering van aangeleenthede wat by of kragtens 'n algemene wet voorgeskryf is of voorgeskryf moet word.
11. Finansies met betrekking tot eie sake van die betrokke bevolkingsgroep, met inbegrip van—
- (1) begrotings van inkomste en uitgawes, maar nie ook die vorm waarin sodanige begrotings opgestel word nie;
- (2) die bewilling van geld vir die doeleindes van sodanige begrotings, maar nie ook die bewilling van geld vir 'n ander doel as dié waarvoor dit by of kragtens 'n algemene wet vir bewilling beskikbaar gestel word nie;
- (3) heffings by of kragtens 'n algemene wet gemagtig op dienste gelewer, bo en behalwe betalings vir sodanige dienste;
- (4) die ontvangs van skenkings;
- (5) die doen van skenkings wat nie neerkom op 'n aanvulling van bewillings in paragraaf (2) beoog nie; en
- (6) beheer oor die invordering en aanwending van inkomste, onderworpe aan die bepalings van die Skatki- en Ouditwet, 1975,
- maar met uitsondering van die hef van belastingen en die aangaan van lenings.
12. Personeeladministrasie ingevolge die bepalings van enige algemene wet met betrekking tot personeel in die diens van die Staat.
13. Hulpdienste wat vir die administrasie van eie sake van die betrokke bevolkingsgroep nodig is, met inbegrip van die beplanning van, en beheer oor, die werk verbonde aan die uitoefening of verrigting van bevoegdhede, pligte en werksaamhede in 'n Staatsdepartement vir sodanige sake en die dienste deur of in so 'n departement verskaf, en die verkryging, vervreemding, verskaffing en instandhouding van en beheer oor grond, voorrade, dienste, geboue, werke en akkommodasie-, vervoer- en ander geriewe vir die doeleindes van die verrigting of verskaffing van daardie werk en dienste, maar onderworpe aan enige algemene wet met betrekking tot sodanige aangeleenthede.
14. Die verskaffing van dienste, of met die goedkeuring van die Staatspresident handelende volgens voorskrif van artikel 19 (1) (b) of ingevolge reëlings tussen Ministers met sodanige goedkeuring getref, aan persone wat nie lede van die betrokke bevolkingsgroep is nie.

**Bylae 2**

## DEEL 1

- A. Herroeping of wysiging van bepalings van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), soos volg:—
1. Herroeping van die Aanhef, Deel I, Deel II, Deel III, Deel IV en Deel V.
2. Wysiging van Deel VI—
- (a) deur die woord „Volksraad” waar dit in subartikel (3) van artikel 66 voorkom deur die woorde „Huisse van die Parlement” te vervang;
- (b) deur in subartikel (1) van artikel 68 die woorde „hierdie Wet” deur die woorde „die Grondwet van die Republiek van Suid-Afrika, 1983,” te vervang;
- (c) deur in subartikel (1) van artikel 69 die woorde „hierdie Wet”, waar hulle die tweede keer voorkom, deur die woorde „die Grondwet van die Republiek van Suid-Afrika, 1983,” te vervang en die uitdrukking „43 (3)” deur die uitdrukking „49 (3) van daardie Wet” te vervang;
- (d) deur in subartikel (2) van artikel 69, na die woord „werking” die woorde „,wat die verkiesing van provinsiale raadslede betref,” in te voeg;
- (e) deur artikel 70 deur die volgende artikel te vervang:
- „Lidmaatskap van provinsiale rade. 70. (1) Die bepalings van artikel 54, artikel 55 (1) en (2) (a) en artikel 56 van die Grondwet van die Republiek van Suid-Afrika, 1983, is *mutatis mutandis* op provinsiale raadslede van toepassing soos hulle op Volksraadslede van toepassing is.  
(2) 'n Lid van 'n provinsiale raad wat 'n lid van die Volksraad word, hou op om 'n lid van die provinsiale raad te wees.”;
- (f) deur in subartikel (2) van artikel 71 die uitdrukking „artikel 53 met betrekking tot” deur die uitdrukking „artikel 40 van die Grondwet van die Republiek van Suid-Afrika, 1983, vir sover dit betrekking het op” te vervang, en die woord „Volksraad”, waar dit die tweede keer voorkom, deur die woord „Parlement” te vervang;
- (g) deur die volgende woorde by artikel 80 te voeg:
- „behalwe vir sover sodanige bevoegdhede deur die Staatspresident aan 'n Minister opgedra word kragtens die Grondwet van die Republiek van Suid-Afrika, 1983”; en

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- (h) by the substitution in subsection (1) of section 84 for the words preceding paragraph (a) of the following words:

"Subject to the provisions of this Act, the Financial Relations Act, 1976 (Act No. 65 of 1976), and the assent of the State President as hereinafter provided, and except in so far as the provisions of Part IV of the Republic of South Africa Constitution Act, 1983, have under section 98 (3) (a) of the last-mentioned Act been declared to apply to any ordinance or other law of the province, a provincial council may make ordinances in relation to matters coming within the following classes of subjects, namely—";

and the substitution in paragraphs (b) and (g) of that subsection for the words "the House of Assembly" of the word "Parliament".

3. Repeal of Part VII, Part VIII and Part VIII A.

4. Repeal of sections 107 and 108.

5. Repeal of section 109.

6. Amendment of section 110 by the deletion of the words "at the instance of the State or", the words "of any body referred to in paragraph (f) of subsection (1) of section *eighty-four* or", the words "circulating in the area of jurisdiction of the authority concerned" and the words "in the area in question".

7. Repeal of sections 111, 112 and 113.

8. Amendment of section 114 by the deletion in paragraph (b) of the words "or abridge the powers conferred on provincial councils under section *eighty-four*".

9. Repeal of sections 115, 116, 117 and 118.

10. Amendment of section 119 by the deletion of the words "'Afrikaans' includes Dutch".

11. Substitution for section 121 of the following section:

"Short title. **121.** This Act shall be called the Provincial Government Act, 1961."

12. Substitution for the long title of the following long title:

"To provide for provincial councils and their powers and the administration of provincial matters, and for matters connected therewith."

B. Amendment of section 10 of the Interpretation Act, 1957 (Act No. 33 of 1957)—

- (a) by the substitution in subsection (5) for the expression "20A (1)" of the expression "26", and for the expression "1961 (Act No. 32 of 1961)" of the expression "1983";

- (b) by the substitution for subsection (5A) of the following subsection:

"(5A) The provisions of subsection (5) shall apply in so far as the State President does not determine otherwise in the assignment concerned and, if the administration of a provision of any law has been assigned to any other Minister as contemplated in that subsection, but in relation to a category of persons or some other matter specified in the assignment, the provisions of that subsection shall apply accordingly."; and

- (c) by the insertion after subsection (5A) of the following subsection:

"(5B) Whenever the administration of a law referred to in subsection (2) of section 98 of the Republic of South Africa Constitution Act, 1983, has been assigned to a Minister of State under subsections (3) (b) and (4) of that section, the provisions of subsections (5) and (5A) of this section shall apply *mutatis mutandis* as if the relevant executive committee or other executive authority referred to in the said subsection (2), the department or division of the relevant provincial administration in which the law was administered, and an officer of that administration, were a Minister of State, the department of State controlled by him, and an officer in the public service, respectively."

C. Amendment of the Laws of the Coloured Persons Representative Council Application Act, 1982 (Act No. 36 of 1982)—

- (a) by the substitution for the words "Until such date as may be fixed in terms of section 4 (2) of the South African Coloured Persons Council Act, 1980 (Act No. 24 of 1980)", wherever they occur, of the words "Until other provision is made by or under any law"; and

- (b) by the insertion after section 4 of the following section:

„Effect of repeal of certain laws. **4A.** The repeal of section 17 of the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964), and section 5 of the South African Coloured Persons Council Act, 1980 (Act No. 24 of 1980), in terms of section 101 of the Republic of South Africa Constitution Act, 1983, shall not affect the provisions of sections 1 (g) (ii), 2 (l) (ii) and 3 (h) of this Act as amended by the said section 101, or the validity of any proclamation or notice published in the *Gazette* under the said section 17 which was in force immediately before the date of such repeal."

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(h) deur in subartikel (1) van artikel 84 die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

„Behoudens die bepalings van hierdie Wet, die Wet op Finansiële Verhoudings, 1976 (Wet No. 65 van 1976), en die toestemming van die Staatspresident soos hieronder bepaal, en behalwe vir sover die bepalings van Deel IV van die Grondwet van die Republiek van Suid-Afrika, 1983, op 'n ordonnansie of ander wet van die provinsie van toepassing verklaar is kragtens artikel 98 (3) (a) van laasgenoemde Wet, kan 'n provinsiale raad ordonnansies maak in verband met sake wat onder die volgende klasse onderwerpe ressorteer, naamlik—“;

en in paragrafe (b) en (g) van daardie subartikel die woord „Volksraad“ deur die woord „Parlement“ te vervang.

3. Herroeping van Deel VII, Deel VIII en Deel VIIIA.

4. Herroeping van artikels 107 en 108.

5. Herroeping van artikel 109.

6. Wysiging van artikel 110 deur die woorde „van Staatsweë of“, die woorde „van 'n liggaam in paragraaf (f) van subartikel (1) van artikel vier-en-tagtig bedoel of“, die woorde „in die regsgebied van die betrokke owerheid in omloop is en“ en die woorde „in die betrokke gebied“ te skrap.

7. Herroeping van artikels 111, 112 en 113.

8. Wysiging van artikel 114 deur in paragraaf (b) die woorde „of kort nie die bevoegdhede in wat kragtens artikel vier-en-tagtig aan provinsiale rade verleen word“ te skrap.

9. Herroeping van artikels 115, 116, 117 en 118.

10. Wysiging van artikel 119 deur die woorde „. Afrikaans' ook Hollands“ te skrap.

11. Vervanging van artikel 121 deur die volgende artikel:

„Kort titel. 121. Hierdie Wet heet die Wet op Provinsiale Bestuur, 1961.“

12. Vervanging van die lang titel deur die volgende lang titel:

„Om voorsiening te maak vir provinsiale rade en hul magte en die administrasie van provinsiale sake, en vir aangeleenthede wat daarmee in verband staan.“

B. Wysiging van artikel 10 van die Interpretasiewet, 1957 (Wet No. 33 van 1957)—

(a) deur in subartikel (5) die uitdrukking „20A (1)“ deur die uitdrukking „26“ te vervang, en die uitdrukking „1961 (Wet No. 32 van 1961)“ deur die uitdrukking „1983“ te vervang;

(b) deur subartikel (5A) deur die volgende subartikel te vervang:

„(5A) Die bepalings van subartikel (5) geld vir sover die Staatspresident nie in die betrokke opdrag anders bepaal nie en, indien die uitvoering van 'n bepaling van 'n wet soos in daardie subartikel bedoel aan 'n ander Minister opgedra is maar met betrekking tot 'n kategorie persone of 'n ander aangeleentheid in die opdrag genoem, geld die bepalings van daardie subartikel dienoreenkomstig.“; en

(c) deur na subartikel (5A) die volgende subartikel in te voeg:

„(5B) Wanneer die uitvoering van 'n wet in subartikel (2) van artikel 98 van die Grondwet van die Republiek van Suid-Afrika, 1983, bedoel, aan 'n Staatsminister opgedra is kragtens subartikels (3) (b) en (4) van daardie artikel, is die bepalings van subartikels (5) en (5A) van hierdie artikel *mutatis mutandis* van toepassing asof die betrokke uitvoerende komitee of ander uitvoerende gesag in genoemde subartikel (2) bedoel, die departement of afdeling van die betrokke provinsiale administrasie waarin die wet uitgevoer is, en 'n beampte van daardie administrasie, onderskeidelik 'n Staatsminister, die Staatsdepartement deur hom beheer, en 'n beampte in die Staatsdiens was.“

C. Wysiging van die Wet op die Toepassing van Wette van die Verteenwoordigende Kleurlingraad, 1982 (Wet No. 36 van 1982)—

(a) deur die woorde „Tot die datum ingevolge artikel 4 (2) van die Wet op die Suid-Afrikaanse Kleurlingraad, 1980 (Wet No. 24 van 1980), bepaal“, oral waar hulle voorkom, deur die woorde „Totdat daar by of kragtens 'n wet anders bepaal word“ te vervang; en

(b) deur na artikel 4 die volgende artikel in te voeg:

„Uitwerking 4A. Die herroeping van artikel 17 van die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964), en artikel 5 van die Wet op die Suid-Afrikaanse Kleurlingraad, 1980 (Wet No. 24 van 1980), ingevolge artikel 101 van die Grondwet van die Republiek van Suid-Afrika, 1983, raak nie die bepalings van artikels 1 (g) (ii), 2 (l) (ii) en 3 (h) van hierdie Wet soos deur genoemde artikel 101 gewysig, of die geldigheid van 'n proklamasie of kennisgewing kragtens genoemde artikel 17 in die *Staatskoerant* gepubliseer wat onmiddellik voor die datum van die herroeping van krag was nie.“

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## Part 2

Number and year of law	Title	Extent of repeal
Act No. 65 of 1962 ...	Constitution Amendment Act, 1962 .....	The whole.
Act No. 9 of 1963 ...	Constitution Amendment Act, 1963 .....	The whole.
Act No. 49 of 1964 ...	Coloured Persons Representative Council Act, 1964 .....	The whole.
Act No. 83 of 1965 ...	Constitution Amendment Act, 1965 .....	The whole.
Act No. 29 of 1966 ...	Electoral Laws Amendment Act, 1966 .....	The whole.
Act No. 37 of 1966 ...	Constitution Amendment Act, 1966 .....	The whole.
Act No. 9 of 1967 ...	Constitution Amendment Act, 1967 .....	The whole.
Act No. 31 of 1968 ...	South African Indian Council Act, 1968 .....	The whole.
Act No. 50 of 1968 ...	Separate Representation of Voters Amendment Act, 1968 .....	The whole.
Act No. 52 of 1968 ...	Coloured Persons Representative Council Amendment Act, 1968 .....	The whole.
Act No. 101 of 1969 ..	General Law Amendment Act, 1969 .....	Sections 20, 23 and 24.
Act No. 87 of 1970 ...	Coloured Persons Representative Council Amendment Act, 1970 .....	The whole.
Act No. 91 of 1970 ...	Powers and Privileges of the Coloured Persons Representative Council Act, 1970 .....	The whole.
Act No. 1 of 1971 ...	Constitution Amendment Act, 1971 .....	The whole.
Act No. 67 of 1972 ...	South African Indian Council Amendment Act, 1972 .....	The whole.
Act No. 99 of 1972 ...	Coloured Persons Representative Council Amendment Act, 1972 .....	The whole.
Act No. 102 of 1972 ..	General Law Amendment Act, 1972 .....	Section 20.
Act No. 62 of 1973 ...	General Law Amendment Act, 1973 .....	Sections 22 and 30.
Act No. 79 of 1973 ...	Constitution and Elections Amendment Act, 1973 .....	The whole.
Act No. 33 of 1974 ...	Parliamentary Service Act, 1974 .....	Sections 8, 9 and 10.
Act No. 48 of 1974 ...	Constitution Amendment Act, 1974 .....	The whole.
Act No. 94 of 1974 ...	Second General Law Amendment Act, 1974 ...	Section 47.
Act No. 32 of 1975 ...	Coloured Persons Representative Council Amendment Act, 1975 .....	The whole.
Act No. 66 of 1975 ...	Exchequer and Audit Act, 1975 .....	So much of the Schedule as relates to the Republic of South Africa Constitution Act, 1961, and the Coloured Persons Representative Council Act, 1964.
Act No. 60 of 1976 ...	Constitution Amendment Act, 1976 .....	The whole.
Act No. 65 of 1976 ...	Financial Relations Act, 1976 .....	So much of Schedule 3 as relates to the Republic of South Africa Constitution Act, 1961.
Act No. 94 of 1976 ...	Coloured Persons Representative Council Amendment Act, 1976 .....	The whole.
Act No. 123 of 1977 ..	South African Indian Council Amendment Act, 1977 .....	The whole.
Proclamation No. R. 249 of 1977 .....	Amendment of (1) the South-West Africa Affairs Amendment Act, 1949, (2) the Republic of South Africa Constitution Act, 1961, and (3) the South-West Africa Constitution Act, 1968 .....	So much as relates to the Republic of South Africa Constitution Act, 1961.
Act No. 83 of 1978 ...	South African Indian Council Amendment Act, 1978 .....	The whole.

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## Deel 2

No. en jaar van wet	Titel	In hoeverre herroep
Wet No. 65 van 1962 . . .	Wysigingswet op die Grondwet, 1962 . . . . .	Die geheel.
Wet No. 9 van 1963 . . . .	Wysigingswet op die Grondwet, 1963 . . . . .	Die geheel.
Wet No. 49 van 1964 . . . .	Wet op die Verteenwoordigende Kleurlingraad, 1964 . . . . .	Die geheel.
Wet No. 83 van 1965 . . . .	Wysigingswet op die Grondwet, 1965 . . . . .	Die geheel.
Wet No. 29 van 1966 . . . .	Wysigingswet op die Kieswette, 1966 . . . . .	Die geheel.
Wet No. 37 van 1966 . . . .	Wysigingswet op die Grondwet, 1966 . . . . .	Die geheel.
Wet No. 9 van 1967 . . . . .	Wysigingswet op die Grondwet, 1967 . . . . .	Die geheel.
Wet No. 31 van 1968 . . . .	Wet op die Suid-Afrikaanse Indiërraad, 1968 . . . . .	Die geheel.
Wet No. 50 van 1968 . . . .	Wysigingswet op Afsonderlike Verteenwoordiging van Kiesers, 1968 . . . . .	Die geheel.
Wet No. 52 van 1968 . . . .	Wysigingswet op die Verteenwoordigende Kleurlingraad, 1968 . . . . .	Die geheel.
Wet No. 101 van 1969 . . . .	Algemene Regswysigingswet, 1969 . . . . .	Artikels 20, 23 en 24.
Wet No. 87 van 1970 . . . .	Wysigingswet op die Verteenwoordigende Kleurlingraad, 1970 . . . . .	Die geheel.
Wet No. 91 van 1970 . . . .	Wet op die Bevoegdhe en Privilegies van die Verteenwoordigende Kleurlingraad, 1970 . . . . .	Die geheel.
Wet No. 1 van 1971 . . . . .	Wysigingswet op die Grondwet, 1971 . . . . .	Die geheel.
Wet No. 67 van 1972 . . . .	Wysigingswet op die Suid-Afrikaanse Indiërraad, 1972 . . . . .	Die geheel.
Wet No. 99 van 1972 . . . .	Wysigingswet op die Verteenwoordigende Kleurlingraad, 1972 . . . . .	Die geheel.
Wet No. 102 van 1972 . . . .	Algemene Regswysigingswet, 1972 . . . . .	Artikel 20.
Wet No. 62 van 1973 . . . .	Algemene Regswysigingswet, 1973 . . . . .	Artikels 22 en 30.
Wet No. 79 van 1973 . . . .	Wysigingswet op die Grondwet en Verkiesings, 1973 . . . . .	Die geheel.
Wet No. 33 van 1974 . . . .	Wet op die Parlementsdiens, 1974 . . . . .	Artikels 8, 9 en 10.
Wet No. 48 van 1974 . . . .	Wysigingswet op die Grondwet, 1974 . . . . .	Die geheel.
Wet No. 94 van 1974 . . . .	Tweede Algemene Regswysigingswet, 1974 . . . . .	Artikel 47.
Wet No. 32 van 1975 . . . .	Wysigingswet op die Verteenwoordigende Kleurlingraad, 1975 . . . . .	Die geheel.
Wet No. 66 van 1975 . . . .	Skatkis-en Ouditwet, 1975 . . . . .	Soveel van die Bylae as wat op die Grondwet van die Republiek van Suid-Afrika, 1961, en die Wet op die Verteenwoordigende Kleurlingraad, 1964, betrekking het.
Wet No. 60 van 1976 . . . .	Wysigingswet op die Grondwet, 1976 . . . . .	Die geheel.
Wet No. 65 van 1976 . . . .	Wet op Finansiële Verhoudings, 1976 . . . . .	Soveel van Bylae 3 as wat op die Grondwet van die Republiek van Suid-Afrika, 1961, betrekking het.
Wet No. 94 van 1976 . . . .	Wysigingswet op die Verteenwoordigende Kleurlingraad, 1976 . . . . .	Die geheel.
Wet No. 123 van 1977 . . . .	Wysigingswet op die Suid-Afrikaanse Indiërraad, 1977 . . . . .	Die geheel.
Proklamasie No. R.249 van 1977 . . . . .	Wysiging van (1) die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1949, (2) die Grondwet van die Republiek van Suid-Afrika, 1961, en (3) die Wet op die Konstitusie van Suidwes-Afrika, 1968 . . . . .	Soveel as wat op die Grondwet van die Republiek van Suid-Afrika, 1961, betrekking het.
Wet No. 83 van 1978 . . . .	Wysigingswet op die Suid-Afrikaanse Indiërraad, 1978 . . . . .	Die geheel.

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Number and year of law	Title	Extent of repeal
Act No. 84 of 1978 ...	Coloured Persons Representative Council Amendment Act, 1978 .....	The whole.
Act No. 57 of 1979 ...	Coloured Persons Representative Council Amendment Act, 1979 .....	The whole.
Act No. 99 of 1979 ...	Constitution Amendment Act, 1979 .....	The whole.
Act No. 100 of 1979 ...	Pension Laws Amendment Act, 1979 .....	Section 1.
Act No. 13 of 1980 ...	Period of Office of Members of the South African Indian Council Extension Act, 1980 .....	The whole.
Act No. 24 of 1980 ...	South African Coloured Persons Council Act, 1980 .....	The whole.
Act No. 28 of 1980 ...	Republic of South Africa Constitution Third Amendment Act, 1980 .....	The whole.
Act No. 67 of 1980 ...	Railways and Harbours Acts Amendment Act, 1980 .....	Section 13.
Act No. 70 of 1980 ...	Republic of South Africa Constitution Amendment Act, 1980 .....	Sections 1 and 2.
Act No. 74 of 1980 ...	Republic of South Africa Constitution Fourth Amendment Act, 1980 .....	The whole.
Act No. 101 of 1980 ...	Republic of South Africa Constitution Fifth Amendment Act, 1980 .....	The whole, except sections 29, 30, 31, 32 and 33.
Act No. 40 of 1981 ...	Republic of South Africa Constitution Amendment Act, 1981 .....	The whole.
Act No. 70 of 1981 ...	South African Indian Council Amendment Act, 1981 .....	The whole.
Act No. 101 of 1981 ...	Republic of South Africa Constitution Second Amendment Act, 1981 .....	The whole, except sections 7, 8 and 9.
Act No. 99 of 1982 ...	Constitution Amendment Act, 1982 .....	The whole, except section 4.
Act No. 104 of 1982 ...	Elections Amendment Act, 1982 .....	Sections 1 and 2.

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No. en jaar van wet	Titel	In hoeverre herroep
Wet No. 84 van 1978...	Wysigingswet op die Verteenwoordigende Kleurlingraad, 1978.....	Die geheel.
Wet No. 57 van 1979...	Wysigingswet op die Verteenwoordigende Kleurlingraad, 1979.....	Die geheel.
Wet No. 99 van 1979...	Wysigingswet op die Grondwet, 1979.....	Die geheel.
Wet No. 100 van 1979...	Wysigingswet op die Pensioenwette, 1979.....	Artikel 1.
Wet No. 13 van 1980...	Wet op die Verlenging van die Ampstermyn van Lede van die Suid-Afrikaanse Indiërraad, 1980.....	Die geheel.
Wet No. 24 van 1980...	Wet op die Suid-Afrikaanse Kleurlingraad, 1980.....	Die geheel.
Wet No. 28 van 1980...	Derde Wysigingswet op die Grondwet van die Republiek van Suid-Afrika, 1980.....	Die geheel.
Wet No. 67 van 1980...	Wysigingswet op Spoorweg- en Hawewette, 1980.....	Artikel 13.
Wet No. 70 van 1980...	Wysigingswet op die Grondwet van die Republiek van Suid-Afrika, 1980.....	Artikels 1 en 2.
Wet No. 74 van 1980...	Vierde Wysigingswet op die Grondwet van die Republiek van Suid-Afrika, 1980.....	Die geheel.
Wet No. 101 van 1980...	Vyfde Wysigingswet op die Grondwet van die Republiek van Suid-Afrika, 1980.....	Die geheel, behalwe artikels 29, 30, 31, 32 en 33.
Wet No. 40 van 1981...	Wysigingswet op die Grondwet van die Republiek van Suid-Afrika, 1981.....	Die geheel.
Wet No. 70 van 1981...	Wysigingswet op die Suid-Afrikaanse Indiërraad, 1981.....	Die geheel.
Wet No. 101 van 1981...	Tweede Wysigingswet op die Grondwet van die Republiek van Suid-Afrika, 1981.....	Die geheel, behalwe artikels 7, 8 en 9.
Wet No. 99 van 1982...	Wysigingswet op die Grondwet, 1982.....	Die geheel, behalwe artikel 4.
Wet No. 104 van 1982...	Wysigingswet op Verkiesings, 1982.....	Artikels 1 en 2.