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OFFICE OF THE PRESIDENT

No. 368.

19 March 1999

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

No. 3 of 1999: Constitution of the Republic of South Africa Amendment Act, 1999.

**GENERAL EXPLANATORY NOTE:**

- [                      ] Words in bold type in square brackets indicate omissions from existing enactments.
- \_\_\_\_\_ Words underlined with a solid line indicate insertions in existing enactments.

*(English text signed by the Acting President.)*  
*(Assented to 17 March 1999.)*

# ACT

To amend the Constitution of the Republic of South Africa, 1996, so as to enable a proclamation calling and setting dates for an election of a provincial legislature to be issued either before or after the expiry of the term of that legislature; and to provide for the allocation of undistributed delegates in a provincial delegation to the National Council of Provinces in a case where competing surpluses are equal; and to provide for matters connected therewith.

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 108 of Act 108 of 1996**

1. Section 108 of the Constitution of the Republic of South Africa, 1996 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (2) of the following subsection: 5

“(2) If a provincial legislature is dissolved in terms of section 109, or when its term expires, the Premier of the province, by proclamation, must call and set dates for an election, which must be held within 90 days of the date the legislature was dissolved or its term expired. A proclamation calling and setting dates for an election may be issued before or after the expiry of the term of a provincial legislature.” 10

**Amendment of Part B of Schedule 3 to Act 108 of 1996**

2. Part B of Schedule 3 to the principal Act is hereby amended by the addition of the following item: 15

“3. If the competing surpluses envisaged in item 2 are equal, the undistributed delegates in the delegation must be allocated to the party or parties with the same surplus in sequence of votes recorded, starting with the party which recorded the highest number of votes during the last election for the provincial legislature concerned.” 20

**Short title**

3. This is the Constitution of the Republic of South Africa Amendment Act, 1999.