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VAN DIE REPUBLIEK VAN SUID-AFRIKA



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PROCLAMATIONS

by the State President of the Republic of South Africa

No. R. 130, 1972

TSWANA LEGISLATIVE ASSEMBLY.—AMENDMENT OF PROCLAMATION R. 87 OF 1971

Under and by virtue of the powers vested in me by section 1 of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), I hereby amend the area of the Tswana Legislative Assembly as defined in the Schedule to Proclamation R. 87 of 1971 by the substitution for the said Schedule of the accompanying Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town on this 23rd day of May, One thousand Nine hundred and Seventy-two.

J. J. FOUCHÉ, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

(File R204/3/2)

“SCHEDULE

AREA OF THE TSWANA LEGISLATIVE ASSEMBLY

The territory consisting of the areas of the following districts, namely:

- (a) Thlaping-Thlaro;
- (b) Ganyesa;
- (c) Molepo;
- (d) Ditsobotla;
- (e) Taung;
- (f) Lehurutshe;
- (g) Mankwe;
- (h) Bafokeng;
- (i) Odi;
- (j) Moretele;
- (k) Thaba Nchu; and
- (l) Madikwe.”

No. R. 131, 1972

BOPHUTHATSWANA.—DECLARATION AS SELF-GOVERNING TERRITORY AND CONSTITUTION OF LEGISLATIVE ASSEMBLY

Whereas it is deemed expedient that the area for which the Tswana Legislative Assembly has been established under Proclamation R. 87, dated 30 April 1971, shall

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PROKLAMASIES

van die Staatspresident van die Republiek van Suid-Afrika

No. R. 130, 1972

TSWANA- WETGEWENDE VERGADERING.—WYSIGING VAN PROKLAMASIE R. 87 VAN 1971

Kragtens die bevoegdheid my verleen by artikel 1 van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), wysig ek hierby die gebied van die Tswana- Wetgewende Vergadering, soos omskryf in die Bylae van Proklamasie R. 87 van 1971, deur die Bylae van genoemde Proklamasie deur bygaande Bylae te vervang.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hierdie 23ste dag van Mei Eenduisend Negehoenderd Twee-en-sewentig.

J. J. FOUCHÉ, Staatspresident.

Op las van die Staatspresident-in-rade:

M. C. BOTHA.

(Lêer R204/3/2)

“BYLAE

GEBIED VAN DIE TSWANA- WETGEWENDE VERGADERING

Die gebied bestaande uit die gebiede van die volgende distrikte, naamlik:

- (a) Thlaping-Thlaro;
- (b) Ganyesa;
- (c) Molepo;
- (d) Ditsobotla;
- (e) Taung;
- (f) Lehurutshe;
- (g) Mankwe;
- (h) Bafokeng;
- (i) Odi;
- (j) Moretele;
- (k) Thaba Nchu; en
- (l) Madikwe.”

No. R. 131, 1972

BOPHUTHATSWANA.—VERKLARING TOT SELF-REGERENDE GEBIED EN SAMESTELLING VAN WETGEWENDE VERGADERING

Nademaal dit dienstig geag word dat die gebied waarvoor die Tswana- Wetgewende Vergadering by Proklamasie R. 87 van 30 April 1971 ingestel is, onder die

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under the name of Bophuthatswana be a self-governing territory within the Republic in accordance with the provisions of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971);

And whereas the said Tswana Legislative Assembly has been duly consulted by the Minister of Bantu Administration and Development as provided in section 26 (1) of the said Act;

And whereas it is deemed expedient to amend Proclamation R. 141, dated 12 June 1968, in certain respects and to provide for matters incidental thereto;

And whereas the said Tswana Legislative Assembly has likewise duly been consulted by the Minister of Bantu Administration and Development as provided in sections 2 and 5 of the said Act;

And whereas it is deemed expedient to recognise Tswana as an additional official language of the Territory for certain purposes;

Now, therefore, under and by virtue of the powers vested in me by sections 2, 5 and 26 of the said Bantu Homelands Constitution Act, 1971, and section 108 of the Republic of South Africa Constitution Act, 1961 (Act 32 of 1961), I hereby declare as follows:

PART I

Definitions

1. In this Proclamation, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971) (hereinafter referred to as the Act), the Bantu Homelands Citizenship Act, 1970 (Act 26 of 1970), and the Bantu Authorities Act, 1951 (Act 68 of 1951), shall bear that meaning and—

(i) "Cabinet" means the Cabinet contemplated in section 29 of the Act;

(ii) "Commissioner-General" means the Commissioner-General for the Tswana National Unit, appointed in terms of section 2 (2) of the Promotion of Bantu Self-government Act, 1959 (Act 46 of 1959);

(iii) "headman" means, for the purposes of section 3 (1), any headman who is the head of a tribal authority;

(iv) "Legislative Assembly" means the Bophuthatswana Legislative Assembly contemplated in section 3.

PART II

BOPHUTHATSWANA

Bophuthatswana to be Self-governing Territory

2. The area described in the Schedule to Proclamation R. 87 of 1971 shall under the name of Bophuthatswana be a self-governing territory within the Republic in accordance with the provisions of the Act with effect from 1 June 1972 (hereinafter referred to as the fixed date).

PART III

THE LEGISLATIVE ASSEMBLY

Constitution of Legislative Assembly

3. (1) The legislative assembly shall be known as the Bophuthatswana Legislative Assembly and shall consist of—

(a) forty-eight members designated by the regional and tribal authorities referred to in subsection (2) in the manner provided in the said subsection on or before a date to be fixed by the State President by proclamation in the *Gazette*; and

(b) twenty-four members elected in the manner provided in subsection (3).

(2) (a) Each of the following regional authorities, namely the Pilanesberg Regional Authority, the Bakgatla Ndebele Regional Authority, the Ba Hurutshe Regional

naam Bophuthatswana 'n selfregerende gebied in die Republiek moet wees ooreenkomstig die bepalings van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971);

En nademaal genoemde Tswana- Wetgewende Vergadering behoorlik geraadpleeg is deur die Minister van Bantoe-administrasie en -ontwikkeling soos bepaal by artikel 26 (1) van genoemde Wet;

En nademaal dit dienstig geag word dat Proklamasie R. 141 van 12 Junie 1968 in sekere opsigte gewysig word en dat voorsiening gemaak word vir bykomstige aangeleenthede;

En nademaal genoemde Tswana- Wetgewende Vergadering insgelyks geraadpleeg is deur die Minister van Bantoe-administrasie en -ontwikkeling soos bepaal by artikels 2 en 5 van genoemde Wet;

En nademaal dit dienstig geag word om Tswana as 'n bykomende amptelike taal van die Gebied vir sekere doeleindes te erken;

So is dit dat ek kragtens die magte my verleen by artikels 2, 5 en 26 van genoemde Grondwet van die Bantoetuislande, 1971, en artikel 108 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet 32 van 1961), hierby soos volg verklaar:

DEEL I

Woordomskrywing

1. In hierdie Proklamasie, tensy uit die samehang anders blyk, het 'n uitdrukking waaraan 'n betekenis in die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971) (hieronder die Wet genoem), die Wet op Burgerkap van Bantoetuislande, 1970 (Wet 26 van 1970), en die Wet op Bantoe-owerhede, 1951 (Wet 68 van 1951), geheg is, daardie betekenis en beteken—

(i) "hoofman", vir die toepassing van artikel 3 (1) 'n hoofman wat hoof is van 'n stamowerheid;

(ii) "Kabinet" die Kabinet bedoel in artikel 29 van die Wet;

(iii) "Kommissaris-generaal" die Kommissaris-generaal van die Tswanavolkseenheid aangestel ingevolge artikel 2 (2) van die Wet op die Bevordering van Bantoe-selfbestuur, 1959 (Wet 46 van 1959);

(iv) "Wetgewende Vergadering" die Bophuthatswana-Wetgewende Vergadering bedoel in artikel 3.

DEEL II

BOPHUTHATSWANA

Bophuthatswana 'n Selfregerende Gebied te wees

2. Die gebied omskryf in die Bylae van Proklamasie R. 87 van 1971 is met ingang van 1 Junie 1972 (hieronder genoem die vasgestelde datum) onder die naam Bophuthatswana 'n selfregerende gebied binne die Republiek van Suid-Afrika in ooreenstemming met die bepalings van die Wet.

DEEL III

DIE WETGEWENDE VERGADERING

Samestelling van Wetgewende Vergadering

3. (1) Die Wetgewende Vergadering staan bekend as die Bophuthatswana- Wetgewende Vergadering en bestaan uit—

(a) agt-en-veertig lede wat voor of op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal, aangewys word deur die streeks- en stamowerhede genoem in subartikel (2) op die wyse bepaal in genoemde subartikel; en

(b) vier-en-twintig lede verkies op die wyse bepaal in subartikel (3).

(2) (a) Elk van die volgende streeksowerhede, naamlik, die Pilanesbergstreeksowerheid, die Bakgatla Ndebele-streeksowerheid, die Ba Hurutshestreeksowerheid, die

Authority, the Huhudi Bechwana Regional Authority, the Taung Regional Authority, the Barolong Regional Authority, the Ditshobotla Regional Authority, the Madikwe Regional Authority and the Odi Regional Authority, shall—

(i) if four or more members of such regional authority are chiefs or headmen, designate four of such chiefs or headmen as members of the Legislative Assembly;

(ii) if less than four members of such regional authority are chiefs or headmen, designate as members of the Legislative Assembly all such chiefs and headmen and as many other members of such authority as may be necessary to bring the number of persons so designated to a total of four persons.

(b) The Barolong Tribal Authority and the Bafokeng Tribal Authority shall each designate the chief and three other members of each such tribal authority as members of the Legislative Assembly.

(c) The Seokama Dichaba Regional Authority shall designate two members as members of the Legislative Assembly, one of whom shall be a chief and the other a headman.

(d) The Bathlaping Tribal Authority shall designate the chief and one other member of that Authority as members of the Legislative Assembly.

(3) Two members of the Legislative Assembly shall be elected in respect of each electoral division by the citizens entitled to vote in respect of each such electoral division.

Electoral Divisions

4. The districts comprising the self-governing Territory of Bophuthatswana shall be electoral divisions for the election of members to the Legislative Assembly in terms of section 3: Provided that—

(a) the areas of—

(i) the Bafokeng-Ba-Ga-Motlala Tribal Authority as made known by Government Notice 107, dated 23 January 1959;

(ii) the Molete Bakolobeng Tribal Authority as made known by Government Notice 610, dated 8 September 1961; and

(iii) the Shole-Batloung Tribal Authority as made known by Government Notice 1408, dated 31 August 1962;

shall be deemed to be included in the District of Ditshobotla; and

(b) the area of the Bakwena-Ba-Latshane Tribal Authority as made known by Government Notice 946, dated 4 July 1958, shall be deemed to be included in the District of Mankwe.

Persons Entitled to Vote

5. (1) Subject to the provisions of subsections (2) and (3) every citizen of the age of 18 years or over who—

(a) is not subject to the disqualifications mentioned in section 6 (1) (c), (d), (e) and (f); and

(b) is in possession of a reference book issued in terms of the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act 67 of 1952), indicating that he is a citizen and is entitled to vote;

shall be qualified to vote and every such citizen shall at any election of members to the Legislative Assembly have as many votes as there are members to be elected for the electoral division in respect of which he is entitled to vote but shall not record more than one vote in respect of any one candidate.

(2) A citizen who is qualified to vote shall be entitled to vote in a particular electoral division—

(a) if he is domiciled within such electoral division; or

Huhudi Bechwanastreeksowerheid, die Taungstreeksowerheid, die Barolongstreeksowerheid, die Ditshobotlastreeksowerheid, die Madikwestreeksowerheid en die Odistreeksowerheid, wys aan—

(i) indien vier of meer lede van sodanige streeksowerheid kapteins of hoofmanne is, vier sodanige kapteins of hoofmanne as lede van die Wetgewende Vergadering;

(ii) indien minder as vier lede van sodanige streeksowerheid kapteins of hoofmanne is, as lede van die Wetgewende Vergadering al sodanige kapteins en hoofmanne en soveel ander lede van sodanige owerheid as wat nodig is om die getal persone aldus aangewys op altesaam vier te bring.

(b) Die Barolongstamowerheid en die Bafokengstamowerheid wys elk die kaptein en drie ander lede van elke sodanige stamowerheid as lede van die Wetgewende Vergadering aan.

(c) Die Seokama Dichabastreksowerheid wys twee lede, een van wie 'n kaptein en die ander 'n hoofman is, as lede van die Wetgewende Vergadering aan.

(d) Die Bathlapingstamowerheid wys die kaptein en een ander lid van daardie Owerheid as lede van die Wetgewende Vergadering aan.

(3) Ten opsigte van elke kiesafdeling word twee lede van die Wetgewende Vergadering verkies deur die burgers wat geregtig is om ten opsigte van elke sodanige kiesafdeling te stem.

Kiesafdelings

4. Die distrikte waaruit die selfregerende gebied Bophuthatswana bestaan, is kiesafdelings vir die verkiesing van lede vir die Wetgewende Vergadering ooreenkomstig artikel 3: Met dien verstande dat—

(a) die gebiede van—

(i) die Bafokeng-Ba-Ga-Motlalastamowerheid soos bekendgemaak by Goewermentskennisgewing 107 van 23 Januarie 1959;

(ii) die Molete Bakolobengstamowerheid soos bekendgemaak by Goewermentskennisgewing 610 van 8 September 1961; en

(iii) die Shole-Batloungstamowerheid soos bekendgemaak by Goewermentskennisgewing 1408 van 31 Augustus 1962;

geag word ingesluit te wees in die distrik Ditshobotla; en

(b) die gebied van die Bakwena-Ba-Latshanestamowerheid soos bekendgemaak by Goewermentskennisgewing 946 van 4 Julie 1958 geag word ingesluit te wees in die distrik Mankwe.

Persone Geregtig om te Stem

5. (1) Behoudens die bepalinge van subartikels (2) en (3), is elke burger op die ouderdom van 18 jaar of ouer wat—

(a) nie onderhewig is nie aan die diskwalifikasies genoem in artikel 6 (1) (c), (d), (e) en (f); en

(b) in besit is van 'n bewysboek uitgereik ooreenkomstig die Bantoes (Afskaffing van Passe en Koördinering van Dokumente) Wet, 1952 (Wet 67 van 1952), wat toon dat hy 'n burger is en geregtig is om te stem;

bevoeg om te stem en het elke sodanige burger by die verkiesing van lede vir die Wetgewende Vergadering soveel stemme as wat daar lede is wat verkies moet word vir die kiesafdeling ten opsigte waarvan hy geregtig is om te stem, maar mag hy nie meer as een stem ten opsigte van een en dieselfde kandidaat uitbring nie.

(2) 'n Burger wat bevoeg is om te stem, is geregtig om in 'n bepaalde kiesafdeling te stem—

(a) indien hy binne sodanige kiesafdeling gedomisileer is; of

(b) if he is domiciled within the area of a regional authority, part of which falls within such electoral division; or

(c) if—

(i) he is domiciled outside such electoral division but was born within such electoral division; or

(ii) he is domiciled and was born outside such electoral division, but such electoral division is the electoral division of his choice.

(3) The method of recording and counting of votes at any election and the circumstances under which any candidate for election shall be deemed to have been duly elected and the procedure (which may include the drawing of lots) to be adopted where two or more candidates or the same seat have obtained the same number of votes shall be in accordance with the relevant laws governing the franchise and elections in the Territory referred to in section 2.

Disqualification of Members

6. (1) No person shall be qualified to be or remain a member of the Legislative Assembly if he—

(a) is under the age of 21 years;

(b) is not a citizen;

(c) has been convicted in Bophuthatswana or elsewhere in the Republic or in the Territory of South-West Africa—

(i) of treason; or

(ii) of murder; or

(iii) in terms of the provisions of the Terrorism Act, 1967 (Act 83 of 1967); or

(iv) of any other offence and sentenced therefor to a term of imprisonment of not less than 12 months without the option of a fine, or ordered to be detained under any law relating to work colonies, and the said period has not expired;

(d) has been convicted of any corrupt or illegal practice under the laws governing the franchise and elections in Bophuthatswana and has been declared incapable of voting at any election during any period, and the said period has not expired; or

(e) is subject to an order of court declaring him to be of unsound mind or mentally disordered or defective or is lawfully detained as mentally disordered or defective under the Mental Disorders Act, 1916 (Act 38 of 1916); or

(f) is listed as a communist in terms of the provisions of the Suppression of Communism Act, 1950 (Act 44 of 1950).

(2) For the purposes of subsection (1) (c), a person who has been granted a free pardon shall be deemed not to have been convicted of the offence concerned and a term of imprisonment shall mean the full term of a sentence of imprisonment, notwithstanding any suspension or remission of the whole or any portion of the sentence.

Life of Legislative Assembly

7. (1) Every Legislative Assembly shall continue for five years from the date of the first sitting day of the first session of the Legislative Assembly held after its constitution, which session shall commence within three months of such constitution: Provided that the State President may at the request of the Cabinet or the Legislative Assembly by proclamation in the *Gazette* dissolve the Legislative Assembly before the expiration of the said period of five years.

(2) (a) Any proclamation under subsection (1) shall provide for a general election to be held on a date specified in such proclamation for the election of members to the Legislative Assembly who are in terms of section 3 (1) (b) required to be elected.

(b) indien hy gedomiseleer is in die gebied van 'n streeksowerheid, waarvan 'n gedeelte binne sodanige kiesafdeling val; of

(c) indien—

(i) hy gedomiseleer is buite sodanige kiesafdeling, maar gebore is binne sodanige kiesafdeling; of

(ii) hy gedomiseleer en gebore is buite sodanige kiesafdeling, maar sodanige kiesafdeling die kiesafdeling van sy keuse is.

(3) Die wyse waarop stemme by 'n verkiesing uitgebring en getel word en die omstandighede waaronder 'n kandidaat vir verkiesing behoorlik verkose geag word en die prosedure (wat loting kan insluit) wat gevolg moet word waar twee of meer kandidate vir dieselfde setel ewe veel stemme verkry het, moet in ooreenstemming wees met die toepaslike wette betreffende die stemreg en verkiesings in die Gebied waarna in artikel 2 verwys word.

Diskwalifikasie van Lede

6. (1) Geen persoon is bevoeg om lid van die Wetgewende Vergadering te wees of te bly nie indien hy—

(a) onder die ouderdom van 21 jaar is;

(b) nie 'n burger is nie;

(c) in Bophuthatswana of elders in die Republiek of in die gebied Suidwes-Afrika skuldig bevind is—

(i) aan hoogverraad; of

(ii) aan moord; of

(iii) kragtens die bepalings van die Wet op Terrorisme, 1967 (Wet 83 van 1967); of

(iv) aan enige ander misdryf en daarvoor gevonnisd is tot 'n tydperk van gevangenisstraf van nie minder nie as 12 maande sonder die keuse van 'n boete, of bevel is om kragtens 'n wetsbepaling betreffende werkkolonies aangehou te word, en genoemde tydperk nie verstryk het nie;

(d) skuldig bevind is aan enige korrupte of onwettige praktyk ingevolge die wette betreffende stemreg en verkiesings in Bophuthatswana en onbevoeg verklaar is om te stem by enige verkiesing gedurende enige tydperk, en bedoelde tydperk nie verstryk het nie; of

(e) onderworpe is aan 'n hofbevel waarby hy krankinnig of geestelik gekrenk of gebrekkig verklaar is of wettig kragtens die Wet op Geestesgebreken, 1916 (Wet 38 van 1916), as geestelik gekrenk of gebrekkig aangehou word; of

(f) 'n gelyste kommunist is kragtens die bepalings van die Wet op die Onderdrukking van Kommunisme, 1950 (Wet 44 van 1950).

(2) Vir die toepassing van subartikel (1) (c) word 'n persoon wat ten volle begenadig is, geag nie aan die betrokke misdryf skuldig bevind te gewees het nie en beteken 'n tydperk van gevangenisstraf die hele termyn van 'n vonnis tot gevangenisstraf, al is die vonnis in die geheel of gedeeltelik opgeskort of kwytgeskeld.

Termyn van Wetgewende Vergadering

7. (1) Die termyn van elke Wetgewende Vergadering is vyf jaar vanaf die datum van die eerste sittingsdag van die eerste sessie van die Wetgewende Vergadering gehou na sy samestelling welke sessie binne drie maande na sodanige samestelling 'n aanvang moet neem: Met dien verstande dat die Staatspresident op versoek van die Kabinet of die Wetgewende Vergadering by proklamasie in die *Staatskoerant* die Wetgewende Vergadering voor die verstryking van genoemde tydperk van vyf jaar kan ontbind.

(2) (a) 'n Proklamasie kragtens subartikel (1) moet voorsiening maak vir 'n algemene verkiesing wat gehou moet word op 'n datum in sodanige proklamasie bepaal, vir die verkiesing van lede vir die Wetgewende Vergadering, welke lede ooreenkomstig die bepalings van artikel 3 (1) (b) verkies moet word.

(b) The designation and election of members of the Legislative Assembly after the expiry of the term thereof shall take place upon such date or dates or over such period as may be fixed by the State President by proclamation in the *Gazette*.

Vacating of Seats by Members of Legislative Assembly

8. The seat of a member of the Legislative Assembly shall become vacant—

(a) upon the death of such member;

(b) upon receipt by the Secretary of the Legislative Assembly of a notice of resignation under the hand of such member;

(c) should such member fail for a whole ordinary session to attend any sittings of the Legislative Assembly without its special leave unless such member has submitted representations to the Chairman of the Legislative Assembly within seven days of the commencement of the next session setting out as fully as may be possible the reasons for such absence for consideration by the Legislative Assembly or such committee thereof as it may appoint for the purpose and such absence has been condoned by the Legislative Assembly: Provided that pending such condonation such member shall be deemed not to have been a member during the period from the closing day of the session not attended by him and the date of such condonation;

(d) in the event of such member, who is a chief or headman referred to in section 3 (1), ceasing to be a chief or headman;

(e) in the event of such member becoming subject to any of the disqualifications mentioned in section 6 (1).

Filling of Vacancies

9. (1) Should the seat of a designated member of the Legislative Assembly become vacant in terms of section 8 (a), (b), (d) or (e) it shall unless the term of the Legislative Assembly will have expired before such vacancy can be filled, be filled within three months of its becoming vacant in the manner provided in section 3.

(2) Should the seat of a member of the Legislative Assembly who is an elected member, become vacant in terms of section 8 (a), (b), (d) or (e) it shall be filled within three months of its becoming vacant by the appointment by the regional or tribal authority concerned of a person who is not subject to the disqualifications mentioned in section 6 as a member for the remainder of the life of the Legislative Assembly.

(3) Should the seat of a member become vacant in terms of section 8 (c) it shall be filled in the manner contemplated in section 3 (2) or 3 (3), as the case may be, within three months of the commencement of the next session of the Legislative Assembly, unless the term of the Legislative Assembly will have expired before such next session.

Seat of Government and Sessions of Legislative Assembly

10. (1) Montshiwa shall be the seat of the Government of Bophuthatswana.

(2) Every session of the Legislative Assembly shall be held at the seat of the Government of Bophuthatswana.

(3) There shall be a session of the Legislative Assembly at least once in every year, which shall commence on a date to be decided upon by the Cabinet so that a period of 15 months shall not intervene between the last sitting day of the Legislative Assembly in one session and

(b) Die aanwysing en verkiesing van lede vir die Wetgewende Vergadering na die verstryking van die ampstermyn daarvan vind plaas op sodanige datum of datums of oor sodanige tydperk as wat deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal word.

Ontruiming van Setels deur Lede van die Wetgewende Vergadering

8. Die setel van 'n lid van die Wetgewende Vergadering word ontruim—

(a) by die afsterwe van sodanige lid;

(b) by die ontvangs deur die Sekretaris van die Wetgewende Vergadering van 'n kennisgewing van bedanking onder die hand van sodanige lid;

(c) indien sodanige lid versuim om vir 'n hele gewone sessie die sittings van die Wetgewende Vergadering by te woon sonder spesiale toestemming daarvan, tensy sodanige lid binne sewe dae na die aanvang van die daaropvolgende sessie vertoë tot die Voorsitter van die Wetgewende Vergadering gerig het waarin die redes vir sodanige afwesigheid so volledig as moontlik uiteengesit word vir oorweging deur die Wetgewende Vergadering of sodanige komitee daarvan as wat hy vir die doel aanstel en sodanige afwesigheid deur die Wetgewende Vergadering verskoon is: Met dien verstande dat in afwagting van sodanige verskoning sodanige lid geag word nie lid te gewees het nie gedurende die tydperk vanaf die sluitingsdatum van die sessie wat nie deur hom bygewoon is nie en die datum van sodanige verskoning;

(d) indien sodanige lid, wat 'n kaptein of hoofman gemeld in artikel 3 (1) is, ophou om 'n kaptein of hoofman te wees;

(e) indien sodanige lid onderhewig raak aan enige van die diskwalifikasies in artikel 6 (1) genoem.

Aanvulling van Vakatures

9. (1) Indien die setel van 'n aangewese lid van die Wetgewende Vergadering ingevolge artikel 8 (a), (b), (d) of (e) vakant raak, moet sodanige vakature binne drie maande nadat dit vakant geraak het, aangevul word op die wyse bepaal in artikel 3 tensy die ampstermyn van die Wetgewende Vergadering ten einde sal geloop het voor dit aangevul kan word.

(2) Indien die setel van 'n lid van die Wetgewende Vergadering wat 'n verkose lid is, ingevolge artikel 8 (a), (b), (d) of (e) vakant raak, moet dit binne drie maande nadat dit vakant geraak het, aangevul word deur die aanstelling, deur die betrokke streeks- of stamowerheid, van 'n persoon wat nie onderhewig is nie aan die diskwalifikasies genoem in artikel 6 as 'n lid vir die onverstreke gedeelte van die termyn van die Wetgewende Vergadering.

(3) Indien die setel van 'n lid ingevolge artikel 8 (c) vakant raak, moet dit binne drie maande na die aanvang van die volgende sessie van die Wetgewende Vergadering, aangevul word op die wyse bedoel in artikel 3 (2) of 3 (3), na gelang van die geval, tensy die ampstermyn van die Wetgewende Vergadering voor sodanige volgende sessie sal verstryk het.

Setel van Regering en Sessies van Wetgewende Vergadering

10. (1) Montshiwa is die setel van die Regering van Bophuthatswana.

(2) Elke sessie van die Wetgewende Vergadering moet gehou word op die setel van die Regering van Bophuthatswana.

(3) Daar moet minstens een maal in elke jaar 'n sessie van die Wetgewende Vergadering plaasvind, wat 'n aanvang moet neem op 'n datum waartoe die Kabinet besluit, sodat daar nie tussen die laaste sittingsdag van die Wetgewende Vergadering in een sessie en sy eerste sitting

its first sitting day in the next session: Provided that the date of the first session after the promulgation of this Proclamation shall be fixed by the State President.

(4) A special session of the Legislative Assembly may at any time be called by the Cabinet, and at such session only such business as the Chief Minister may lay before it or approve shall be transacted.

(5) The Secretary of the Legislative Assembly shall, in writing, not less than 42 days prior to an ordinary session and not less than seven days prior to a special session of the Legislative Assembly inform the members and the Commissioner-General of the date and time fixed for, and the business to be transacted at, such session.

PART IV

PROCEDURE IN LEGISLATIVE ASSEMBLY

Procedure

11. (1) All questions arising in the Legislative Assembly shall be determined by a majority of votes of the members present, other than the person presiding at the sitting who shall have and exercise a casting vote in the case of an equality of votes.

(2) Any number of members more than half the number of members of the Legislative Assembly shall form a quorum.

(3) Subject to the provisions of this Proclamation there shall be freedom of speech and debate at sittings of the Legislative Assembly.

(4) The proceedings of the Legislative Assembly shall, subject to its Rules of Procedure, be open to the public.

(5) The Chairman or Deputy Chairman referred to in section 25 shall preside at all sittings of the Legislative Assembly or if both the Chairman and Deputy Chairman are unable through absence or other cause to preside at a sitting, the members present shall, with the Secretary of the Legislative Assembly as presiding officer, nominate one of the members to preside at such sitting: Provided that the Secretary of the Legislative Assembly shall preside at the first session of an assembly until a chairman is elected.

Oath to be Taken by Members of Legislative Assembly

12. Every member of the Legislative Assembly shall before taking his seat make and subscribe before a judge of the Supreme Court or a person designated by the Minister of Bantu Administration and Development or, in the case of a member elected to fill a casual vacancy, before the Chairman of the Legislative Assembly an oath or solemn affirmation in the following form:

I, A.B., do swear to respect and uphold the constitution of Bophuthatswana and all other laws applicable in Bophuthatswana and solemnly promise to perform my duties as a member of the Legislative Assembly of Bophuthatswana to the best of my ability.

So help me God.

PART V

THE CABINET

The Cabinet

13. (1) The Cabinet shall consist of a Chief Minister, who shall be a chief, and five other Ministers, of whom not more than three shall be chiefs.

(2) The Chief Minister shall be elected by secret ballot in the manner hereinafter provided.

in die volgende sessie 'n tydperk van 15 maande verloop nie: Met dien verstande dat die datum van die eerste sessie na die uitvaardiging van hierdie Proklamasie deur die Staatspresident bepaal word.

(4) 'n Buitengewone sessie van die Wetgewende Vergadering kan te eniger tyd deur die Kabinet byeenroep word, en op sodanige sessie mag slegs dié sake wat die Hoofminister voorlê of goedkeur, behandel word.

(5) Die Sekretaris van die Wetgewende Vergadering moet skriftelik minstens 42 dae voor 'n gewone sessie en minstens sewe dae voor 'n buitengewone sessie van die Wetgewende Vergadering die lede en die Kommissaris-generaal in kennis stel van die datum en tyd bepaal vir en die sake wat behandel moet word op sodanige sessie.

DEEL IV

PROSEDURE IN WETGEWENDE VERGADERING

Prosedure

11. (1) Alle kwessies wat in die Wetgewende Vergadering ontstaan, word beslis deur 'n meerderheid van stemme van die aanwesige lede, uitgesonderd die persoon wat op die sitting voorsit, welke persoon 'n beslissende stem het en dit uitoefen in die geval van 'n staking van stemme.

(2) Enige getal lede wat meer is as die helfte van die getal lede van die Wetgewende Vergadering maak 'n kworum uit.

(3) Behoudens die bepalings van hierdie Proklamasie, is daar vryheid van spraak en debat op sittings van die Wetgewende Vergadering.

(4) Behoudens die bepalings van sy Reglement van Orde, is die verrigtinge van die Wetgewende Vergadering oop vir die publiek.

(5) Die Voorsitter of Ondervoorsitter genoem in artikel 25 sit voor op alle sittings van die Wetgewende Vergadering of, as sowel die Voorsitter as Ondervoorsitter weens afwesigheid of om 'n ander rede nie op 'n sitting kan voorsit nie, moet die aanwesige lede onder die voorsitterskap van die Sekretaris van die Wetgewende Vergadering een van die lede benoem om op sodanige sitting voor te sit: Met dien verstande dat die Sekretaris van die Wetgewende Vergadering op die eerste sessie van 'n vergadering voorsit totdat 'n Voorsitter verkies is.

Eed wat Lede van Wetgewende Vergadering moet Aflê

12. Elke lid van die Wetgewende Vergadering moet, voordat hy sy plek inneem, voor 'n regter van die Hooggeregshof of 'n persoon aangewys deur die Minister van Bantoe-administrasie en -ontwikkeling, of in die geval van 'n lid verkies om 'n toevallige vakature aan te vul, voor die Voorsitter van die Wetgewende Vergadering 'n eed of 'n plegtige verklaring in die volgende vorm aflê en onderteken:

Ek, A.B., sweer dat ek die Grondwet van Bophuthatswana en alle ander wette van toepassing in Bophuthatswana sal respekteer en handhaaf en ek beloof plegtig om my pligte as lid van die Bophuthatswana- Wetgewende Vergadering na my beste vermoë te vervul.

So help my God.

DEEL V

DIE KABINET

Die Kabinet

13. (1) Die Kabinet bestaan uit 'n Hoofminister wat 'n kaptein is en vyf ander Ministers, van wie nie meer as drie kapteins is nie.

(2) Die Hoofminister word by geheime stemming verkies en wel op die wyse hieronder bepaal.

Election of Chief Minister

14. Immediately after all members present at the sitting of the Legislative Assembly have made and subscribed the oath referred to in section 12, the Legislative Assembly shall proceed to the election of a Chief Minister from among the members of the Legislative Assembly in the manner provided in section 15.

Manner of Election of Chief Minister

15. (1) A member having first ascertained that the person whom he wishes to propose as Chief Minister and who is then present, is willing to serve if elected, may, subject to the provisions of section 13 (1), propose such person as Chief Minister, and such proposal shall lapse if not seconded.

(2) There shall be no limit to the number of candidates who may be proposed and seconded under subsection (1), but no member who has already proposed or seconded a candidate shall propose or second any other candidate and no member shall propose or second his own candidature.

(3) The names of the persons duly nominated shall be announced by the Secretary of the Legislative Assembly at the meeting at which the election is to take place, and no debate shall be allowed at the election.

(4) If more than one member be proposed as Chief Minister, a secret ballot shall be held at which—

(a) the Secretary of the Legislative Assembly shall hand each member present a ballot paper having a secret official mark on the reverse side thereof;

(b) every member shall signify the candidate for who he desires to vote by placing a cross opposite the name of such candidate;

(c) the Secretary of the Legislative Assembly shall call the names of all the members and each member shall, when his name is called, come to the Table and drop his ballot paper into a ballot box on the Table;

(d) when all members who wish to vote have done so the Secretary of the Legislative Assembly shall, in the presence of the Legislative Assembly, examine the ballot papers with the assistance of the Assistant Secretary and such members as the Legislative Assembly may decide upon and declare the result of the ballot.

(5) 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 obtains a majority of all the votes cast and is declared duly elected.

(6) Whenever two or more candidates being the lowest on the poll have received the same number of votes, the Legislative Assembly shall by separate vote, to be repeated as often as may be necessary, determine which of those candidates shall for the purposes of subsection (5) be eliminated.

(7) Whenever—

(a) only two candidates have been nominated; or

(b) 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 vote between those two candidates shall immediately be taken and be repeated as often as may be necessary until one candidate obtains a majority of the votes cast and is declared

Verkiezing van Hoofminister

14. Onmiddellik nadat al die lede wat op die sitting van die Wetgewende Vergadering aanwesig is die eed in artikel 12 genoem, afgelê en onderteken het, gaan die Wetgewende Vergadering oor tot die verkiezing van 'n Hoofminister uit die geledere van die Wetgewende Vergadering en wel op die wyse bepaal in artikel 15.

Wyse waarop Hoofminister Verkies word

15. (1) 'n Lid wat vooraf vasgestel het dat die persoon wat hy as Hoofminister wil voorstel en wat dan teenwoordig is, gewillig is om te dien as hy verkies word, kan behoudens die bepalings van artikel 13 (1) sodanige persoon as Hoofminister voorstel en indien sodanige voorstel nie gesekondeer word nie, verval dit.

(2) Daar is geen beperking op die getal kandidate wat kragtens subartikel (1) voorgestel en gesekondeer kan word nie, maar geen lid wat reeds 'n kandidaat voorgestel of gesekondeer het, mag 'n ander kandidaat voorstel of sekondeer nie en geen lid mag sy eie kandidatuur voorstel of sekondeer nie.

(3) Die name van die behoorlik genomineerde persone moet deur die Sekretaris van die Wetgewende Vergadering aangekondig word op die vergadering waartydens die verkiezing moet plaasvind en geen debat word by die verkiezing toegelaat nie.

(4) Indien meer as een lid as Hoofminister voorgestel word, word 'n geheime stemming gehou waarby—

(a) die Sekretaris van die Wetgewende Vergadering aan elke lid teenwoordig 'n stembriefie met 'n geheime amptelike merk op die keersy daarvan uitreik;

(b) elke lid die kandidaat vir wie hy wil stem, aandui deur 'n kruis teenoor die naam van sodanige kandidaat te plaas;

(c) die Sekretaris van die Wetgewende Vergadering die name van al die lede uitroep en elke lid, wanneer sy naam uitgeroep word, na die Tafel kom en sy stembriefie in 'n stembus op die Tafel laat val;

(d) sodra alle lede wat wil stem dit gedoen het, moet die Sekretaris van die Wetgewende Vergadering met die hulp van die Assistent-sekretaris en sodanige lede as wat die Wetgewende Vergadering bepaal die stembriefies in die teenwoordigheid van die Wetgewende Vergadering ondersoek en die uitslag van die stemming bekend maak.

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

(6) Wanneer twee of meer kandidate, wat die laagste stemmetal behaal het, ewe veel stemme behaal het, bepaal die Wetgewende Vergadering by afsonderlike stemming wat so dikwels nodig herhaal word, watter van daardie kandidate vir die toepassing van subartikel (5) uitgeskakel moet word.

(7) Wanneer—

(a) slegs twee kandidate genomineer is; of

(b) daar na die uitkakeling 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 stemming ten opsigte van dié twee kandidate onmiddellik gehou wat so dikwels nodig herhaal word totdat een kandidaat 'n meerderheid van die stemme wat uitgebring is, behaal, en behoorlik verkose verklaar word: Met dien verstande dat die Voorsitter ingevolge 'n woorde

duly elected: Provided that the Chairman shall upon a motion adopted by the Legislative Assembly adjourn the consideration of the matter until the next sitting day.

(8) A member who arrives after the names of the members have been called shall not be entitled to vote.

(9) If only one member is proposed and seconded as Chief Minister he shall be declared elected.

Appointment of Ministers

16. The Ministers, other than the Chief Minister, shall, subject to the provisions of section 13 (1), be appointed by the Chief Minister from among the members of the Legislative Assembly after a general election, within a period of seven days of the date on which the Chief Minister is elected in terms of section 15.

Period of Office of Chief Minister and Ministers

17. Notwithstanding anything to the contrary contained in Proclamation R. 87 of 1971, the Chief Councillor and Councillors of the Legislative Assembly referred to therein shall as from the fixed date be termed Chief Minister and Ministers, respectively, and shall hold office until their successors are elected or appointed in terms of section 15 or 16, as the case may be, at the first session of the Legislative Assembly held after the first election of members in terms of section 3 (1) (b).

Oath for Members of Cabinet

18. Every Minister, including the Chief Minister, shall before assuming office make and subscribe before the Chairman of the Legislative Assembly at a sitting of the Legislative Assembly an oath or solemn affirmation in the following form:

I, A.B., do swear to hold my office as Minister of the Bophuthatswana Cabinet with honour and dignity; to respect and uphold the constitution of Bophuthatswana and all other laws applicable in Bophuthatswana; to be a true and faithful Minister; not to divulge directly or indirectly any matters brought before the Cabinet which are entrusted to me under secrecy; and to perform the duties of my office conscientiously and to the best of my ability; and I undertake before God to honour this oath.

So help me God.

Period of Office of Cabinet

19. Any member of the Cabinet shall, subject to the provisions of section 21, hold office for the life of the Legislative Assembly by which the Chief Minister was elected and until such Chief Minister is re-elected or such Chief Minister's successor is elected, as the case may be, by a new Legislative Assembly after a general election, or in the case of any other Minister he is re-appointed or his successor is appointed by the Chief Minister after a general election.

Petition for Removal of a Minister

20. (1) (a) The Legislative Assembly may for sound and cogent reasons by petition request the State President to remove the Chief Minister and to order the election of a new Chief Minister in his stead and the State President may if he deems fit accede to any such petition.

(b) The Chief Minister may for reasons which he may deem sound and cogent, by petition submitted through the Office of the Commissioner-General to the Minister of Bantu Administration and Development, request the State President to remove any other Minister and to order the appointment of another Minister in his stead, and the State President may if he deems fit accede to any such petition.

deur die Wetgewende Vergadering aangeneem die ooreweging van die aangeleentheid tot die volgende sittingsdag kan uitstel.

(8) 'n Lid wat opdaag nadat die lede se name uitgeroep is, is nie geregtig om te stem nie.

(9) Indien slegs een lid as Hoofminister voorgestel en gesekondeer word, moet hy verkose verklaar word.

Aanstelling van Ministers

16. Die Ministers, uitgesonderd die Hoofminister, word, behoudens die bepalings van artikel 13 (1), deur die Hoofminister aangestel uit die lede van die Wetgewende Vergadering na 'n algemene verkiesing, binne 'n tydperk van sewe dae na die datum waarop Hoofminister verkies is ingevolge artikel 15.

Ampstermyn van die Hoofminister en Ministers

17. Ondanks andersluidende bepalings in Proklamasie R. 87 van 1971, moet die Hoofraadslid en die raadslid van die Wetgewende Vergadering daarin genoem vanaf die vasgestelde datum onderskeidelik Hoofminister en Ministers genoem word, en beklee hulle amp totdat hulle opvolgers verkies of aangestel is ingevolge artikel 15 of 16, na gelang van die geval, op die eerste sessie van die Wetgewende Vergadering gehou na die eerste verkiesing van lede ingevolge artikel 3 (1) (b).

Eed vir Lede van die Kabinet

18. Elke Minister, met inbegrip van die Hoofminister, moet, voordat hy sy amp aanvaar op 'n sitting van die Wetgewende Vergadering voor die Voorsitter van die Wetgewende Vergadering 'n eed of plegtige verklaring in die volgende vorm aflê en onderteken:

Ek, A.B., sweer dat ek my amp as Minister van die Bophuthatswana-kabinet op eervolle en waardige wyse sal beklee; dat ek die Grondwet van Bophuthatswana en alle ander wette wat in Bophuthatswana van toepassing is, sal eerbiedig en handhaaf; dat ek 'n opregte en getroue Minister sal wees; dat ek geen sake wat voor die Kabinet dien en wat aan my vir geheimhouding toevertrou word, regstreeks of onregstreeks sal openbaar nie; en dat ek my ampspligte met nougesetheid en na my beste vermoë sal nakom; en ek onderneem voor God om hierdie eed te eerbiedig.

So help my God.

Ampstermyn van die Kabinet

19. Behoudens die bepalings van artikel 21, beklee 'n lid van die Kabinet sy amp vir die termyn van die Wetgewende Vergadering waardeur die Hoofminister verkies is en wel totdat sodanige Hoofminister na 'n algemene verkiesing deur 'n nuwe Wetgewende Vergadering herkies of sy opvolger gekies word, na gelang van die geval, of in die geval van 'n ander Minister hy na 'n algemene verkiesing heraangetel of sy opvolger aangestel word deur die Hoofminister.

Versoekskrif vir Ontslag van Minister

20. (1) (a) Die Wetgewende Vergadering kan om grondige en oortuigende redes by versoekskrif aan die Staatspresident versoek dat die Hoofminister ontslaan moet word en dat die verkiesing van 'n nuwe Hoofminister in sy plek beveel word, en die Staatspresident kan, na goedgehoort aan so 'n versoekskrif voldoen.

(b) Die Hoofminister kan, om redes wat hy grondig en oortuigend vind, 'n versoekskrif oorgedra deur die Kantoor van die Kommissaris-generaal aan die Minister van Bantoe-administrasie en -ontwikkeling, die Staatspresident versoek om enige ander Minister te ontslaan en die aanstelling van 'n ander Minister in sy plek beveel, en die Staatspresident kan, na goedgehoort, aan so 'n versoekskrif voldoen.

(2) A petition in terms of subsection (1) (a) shall be conveyed by the Chairman of the Legislative Assembly to the Commissioner-General for dispatch to the Minister of Bantu Administration and Development for presentation to the State President.

(3) The decision of the State President on a petition in terms of subsection (1) (a) shall within a period of seven days of its being received be tabled in the Legislative Assembly by any Minister designated by the Cabinet, if the Legislative Assembly is then in session, or, if the Legislative Assembly is not then in session, within a period of seven days of the date of the opening of the next session of the Legislative Assembly.

(4) The Chairman of the Legislative Assembly shall forthwith after notice of the removal of the Chief Minister has been tabled announce such removal and proceed to the election of a new Chief Minister in terms of this Proclamation.

(5) The decision of the State President on a petition in terms of subsection (1) (b) shall as soon as possible after it is received be communicated to the Chief Minister.

Vacating of Seats by the Chief Minister or Ministers

21. (1) The Chief Minister or any Minister shall vacate his seat as such—

(a) if his seat as a member of the Legislative Assembly becomes or is deemed to be vacant in terms of the provisions of this Proclamation;

(b) if he resigns his office as Chief Minister or Minister by notice, in writing, to the Secretary of the Legislative Assembly or at a meeting of the Cabinet; or

(c) if he is removed in terms of section 20.

(2) If the Chief Minister or a Minister vacates his seat otherwise than in pursuance of his resignation announced at a sitting of the Legislative Assembly, the Secretary of the Legislative Assembly shall at the first ensuing session of the Legislative Assembly inform the Legislative Assembly accordingly.

Filling of Casual Vacancies in the Cabinet

22. (1) Any casual vacancy occurring in the office of Chief Minister shall be filled by election in accordance with the provisions of this Proclamation to be held within a period of 14 days after the date on which such vacancy occurred if the Legislative Assembly is then in session, and, if the Legislative Assembly is not then in session, a special session of the Legislative Assembly shall be convened for the purpose within a period of 14 days after the date on which such vacancy occurred.

(2) Any other casual vacancy occurring in the Cabinet shall be filled by appointment by the Chief Minister of any member of the Assembly within a period of 14 days after the date on which such vacancy occurred.

(3) Any person elected as provided in subsection (1) or appointed in terms of subsection (2) shall, unless his office sooner becomes vacant or he is removed from office, hold office for the unexpired portion of the period for which his predecessor would have remained in office.

Functions of Chief Minister and Other Ministers

23. (1) The Chief Minister, or in his absence a Minister nominated by him for the purpose, shall preside at all Cabinet meetings.

(2) Whenever the office of Chief Minister becomes vacant or the Chief Minister is absent or unable to act and no Minister has been nominated in terms of subsection (1) to act, the Cabinet shall designate one of their

(2) 'n Versoekskrif ingevolge subartikel (1) (a) word deur die Voorsitter van die Wetgewende Vergadering oorgedra aan die Kommissaris-generaal vir deursending aan die Minister van Bantoe-administrasie en -ontwikkeling vir voorlegging aan die Staatspresident.

(3) Die besluit van die Staatspresident oor 'n versoekskrif ingevolge subartikel (1) (a) moet binne 'n tydperk van sewe dae na ontvangs daarvan in die Wetgewende Vergadering ter Tafel gelê word deur 'n Minister aangewys deur die Kabinet indien die Wetgewende Vergadering dan in sitting is, of, indien die Wetgewende Vergadering nie dan in sitting is nie, binne 'n tydperk van sewe dae na die datum van die opening van die volgende sessie van die Wetgewende Vergadering.

(4) Die Voorsitter van die Wetgewende Vergadering moet onverwyld na kennisgewing van die ontslag van die Hoofminister ter Tafel gelê is, sodanige ontslag aankondig en oorgaan tot die verkiesing van 'n nuwe Hoofminister ingevolge hierdie Proklamasie.

(5) Die beslissing van die Staatspresident oor 'n versoekskrif ingevolge subartikel (1) (b) moet so gou doenlik nadat dit ontvang is, aan die Hoofminister oorgedra word.

Ontruiming van Setels deur die Hoofminister of Ministers

21. (1) Die Hoofminister of 'n Minister moet sy setel as sodanig ontruim—

(a) indien sy setel as lid van die Wetgewende Vergadering vakant raak of geag word vakant te wees ingevolge die bepalings van hierdie Proklamasie;

(b) indien hy uit sy amp as Hoofminister of Minister bedank deur skriftelike kennisgewing aan die Sekretaris van die Wetgewende Vergadering of op 'n vergadering van die Kabinet; of

(c) indien hy ontslaan word ingevolge artikel 20.

(2) Indien die Hoofminister of 'n Minister sy setel op 'n ander wyse as deur bedanking aangekondig op 'n sitting van die Wetgewende Vergadering ontruim, moet die Sekretaris van die Wetgewende Vergadering op die eerste daaropvolgende sessie van die Wetgewende Vergadering die Wetgewende Vergadering dienoreenkomstig inlig.

Aanvulling van Toevallige Vakatures in die Kabinet

22. (1) 'n Toevallige vakature wat in die amp van die Hoofminister ontstaan, word aangevul by wyse van verkiesing ooreenkomstig die bepalings van hierdie Proklamasie wat gehou moet word binne 'n tydperk van 14 dae nadat sodanige vakature ontstaan het indien die Wetgewende Vergadering dan in sitting is, en, indien die Wetgewende Vergadering nie dan in sitting is nie, moet vir dié doel 'n buitengewone sessie van die Wetgewende Vergadering byeengeroep word binne 'n tydperk van 14 dae na die datum waarop sodanige vakature ontstaan het.

(2) Enige ander toevallige vakature wat in die Kabinet ontstaan, word aangevul by wyse van aanstelling deur die Hoofminister van 'n lid van die Wetgewende Vergadering binne 14 dae na die datum waarop sodanige vakature ontstaan het.

(3) 'n Persoon verkies soos bepaal in subartikel (1) of aangestel ingevolge subartikel (2) beklee, tensy sy amp eerder vakant raak of hy uit sy amp ontslaan word, die amp vir die onverstreke gedeelte van die tydperk waartydens sy voorganger in die amp sou aangebly het.

Funksies van Hoofminister en ander Ministers

23. (1) Die Hoofminister, of by sy afwesigheid 'n Minister deur hom vir die doel benoem, sit by alle Kabinetsvergaderings voor.

(2) Wanneer die amp van die Hoofminister vakant raak of die Hoofminister afwesig is of nie in staat is om op te tree nie, en geen Minister ingevolge subartikel (1) benoem is om op te tree nie, wys die Kabinet uit hulle

number to act as Chief Minister until the vacancy is filled or until the Chief Minister is able to resume his office, as the case may be.

(3) The Chief Minister shall assign and allocate the responsibility for the control and administration of the different departments to the various Ministers and he may allocate the powers, duties and functions to be exercised or performed in connection with the various departments and, if necessary, reorganise such departments in the interests of better administration.

Conduct of Proceedings of Cabinet

24. (1) Questions arising in the Cabinet shall be determined by a majority of votes of the Ministers present and in the case of an equality of votes the Chief Minister shall have a casting vote.

(2) The Cabinet may make rules for the conduct of its meetings.

(3) The Cabinet may from time to time appoint a subcommittee from among its members for any purpose it may deem necessary and may co-opt one or more members of the Legislative Assembly to serve on such subcommittee and such subcommittee shall report on its findings and may submit such recommendations as it may deem necessary to the Cabinet for consideration.

(4) The Commissioner-General, the secretary of any department established in terms of section 5 of the Act, and any person may be permitted by the Cabinet to attend any meeting of the Cabinet to advise on matters falling within the purview of the administration of Bophuthatswana.

PART VI

CHAIRMAN AND DEPUTY CHAIRMAN

Election of Chairman and Deputy Chairman

25. Immediately after the Chief Minister has been elected the Legislative Assembly shall proceed to elect a Chairman and a Deputy Chairman and the procedure adopted in the election of the Chief Minister shall apply *mutatis mutandis* to the election of a Chairman and Deputy Chairman.

Period of Office of Chairman and Deputy Chairman

26. Subject to the provisions of sections 7 and 27 (1), the Chairman and Deputy Chairman shall hold office for the duration of the life of the Legislative Assembly: Provided that if the office of the Chairman or Deputy Chairman becomes vacant a member shall, as provided in this Proclamation, be elected as Chairman or Deputy Chairman, as the case may be, who shall, unless his office is sooner vacated, hold office for the unexpired portion of the period for which his predecessor would have remained in office.

Vacating of Office by Chairman or Deputy Chairman

27. (1) The Chairman or Deputy Chairman shall vacate his office—

(a) if his seat as a member of the Legislative Assembly becomes vacant or is deemed to have been vacated in terms of the provisions of this Proclamation;

(b) if he resigns his office as Chairman or Deputy Chairman by notice, in writing, to the Secretary of the Legislative Assembly or makes an announcement to that effect at a sitting of the Legislative Assembly; or

(c) if he is removed from office by resolution of the Legislative Assembly.

geledere een aan om as Hoofminister op te tree totdat die vakature aangevul is of totdat die Hoofminister in staat is om sy amp te hervat, na gelang van die geval.

(3) Die Hoofminister moet die verantwoordelikheid vir die beheer en administrasie van die verskillende departemente aan die onderskeie Ministers opdra en toewys, en hy kan die bevoegdheid, pligte en werksaamhede toewys wat in verband met die verskillende departemente uitgeoefen of vervul moet word en, indien nodig, sodanige departemente in die belang van beter administrasie herorganiseer.

Die Voer van Verrigtinge van Kabinet

24. (1) Vrae wat in die Kabinet ontstaan, word deur 'n meerderheid van stemme van die aanwesige Ministers beslis en in die geval van 'n staking van stemme het die Hoofminister 'n beslissende stem.

(2) Die Kabinet kan reëls maak vir die wyse waarop sy vergaderings gehou word.

(3) Die Kabinet kan van tyd tot tyd uit sy geledere 'n subkomitee aanstel vir enige doel wat hy nodig ag, en kan een of meer lede van die Wetgewende Vergadering koöpteer om in sodanige subkomitee te dien en sodanige subkomitee moet oor sy bevindings verslag doen en kan sodanige aanbevelings as wat hy nodig ag aan die Kabinet vir oorweging voorlê.

(4) Die Kommissaris-generaal, die Sekretaris van 'n departement ingestel kragtens artikel 5 van die Wet en enige persoon kan deur die Kabinet toegelaat word om enige vergadering van die Kabinet by te woon om advies te gee oor aangeleenthede wat binne die bestek van die administrasie van Bophuthatswana val.

DEEL VI

VOORSITTER EN ONDERVOORSITTER

Verkiesing van Voorsitter en Ondervoorsitter

25. Onmiddellik nadat die Hoofminister verkies is, moet die Wetgewende Vergadering oorgaan tot die verkiesing van 'n Voorsitter en Ondervoorsitter, en die prosedure wat by die verkiesing van die Hoofminister gevolg word, is *mutatis mutandis* van toepassing by die verkiesing van 'n Voorsitter en Ondervoorsitter.

Ampstermyn van Voorsitter en Ondervoorsitter

26. Behoudens die bepalings van artikels 7 en 27 (1), beklee die Voorsitter en Ondervoorsitter hulle amp vir die duur van die termyn van die Wetgewende Vergadering: Met dien verstande dat indien die amp van Voorsitter of Ondervoorsitter vakant raak, 'n lid, soos bepaal in hierdie Proklamasie, verkies moet word tot Voorsitter of Ondervoorsitter, na gelang van die geval, wat, tensy sy amp eerder ontruim word, sy amp moet beklee vir die onverstreke gedeelte van die tydperk waartydens sy voorganger in die amp sou aangeby het.

Ontruiming van Amp deur Voorsitter of Ondervoorsitter

27. (1) Die Voorsitter of Ondervoorsitter moet sy amp ontruim—

(a) indien sy setel as lid van die Wetgewende Vergadering vakant word of geag word ontruim te gewees het ingevolge die bepalings van hierdie Proklamasie;

(b) indien hy uit sy amp as Voorsitter of Ondervoorsitter bedank by skriftelike kennisgewing aan die Sekretaris van die Wetgewende Vergadering of 'n aankondiging tot dien effekte op 'n sitting van die Wetgewende Vergadering doen; of

(c) indien hy by 'n besluit van die Wetgewende Vergadering van sy amp onthef word.

(2) If the Chairman or Deputy Chairman vacates his seat otherwise than in pursuance of his resignation announced at a sitting of the Legislative Assembly, the Secretary of the Legislative Assembly shall at the first ensuing session of the Legislative Assembly inform it accordingly.

Filling of Casual Vacancies

28. A casual vacancy in the office of Chairman or Deputy Chairman shall, if the Legislative Assembly is in session when the vacancy occurs, be filled by the election of an incumbent to the office concerned in the manner provided in this Proclamation and if the Legislative Assembly is then not in session such election shall take place at its next session.

PART VII

STATUS OF CHIEFS

Chiefs to Retain Personal Status

29. A chief in Bophuthatswana shall continue to enjoy the personal status he has hitherto enjoyed and shall with regard to ceremonial and tribal matters and at ceremonial occasions within his area take precedence over the Chief Minister and Ministers, except in respect of matters or occasions connected with the business of the Legislative Assembly.

PART VIII

MISCELLANEOUS PROVISIONS

Legislative Assembly to Keep Records

30. The Legislative Assembly shall keep a record of the main events taking place from the date of its establishment, and in particular the following shall be recorded:

- (a) All laws, proclamations, and government notices relating to its establishment or affairs;
- (b) the regional, tribal and community authorities within Bophuthatswana and the names and periods of office of members thereof;
- (c) the names and periods of office of Chief Ministers, Ministers, Chairmen, Deputy Chairmen and members of the Legislative Assembly; and
- (d) such other matters as the Legislative Assembly may determine.

Additional Official Language

31. The Tswana language shall be recognised—

- (a) as an additional official language of Bophuthatswana; and
- (b) for use in Bophuthatswana for the official purposes prescribed by this Proclamation, and may be used outside the said Territory for such purposes connected with the affairs of the Territory.

Use of Languages

32. (1) All votes and proceedings of the Legislative Assembly shall be recorded, and all its order papers kept, in Tswana, English and Afrikaans: Provided that judicial, administrative, and financial records shall also, as circumstances may dictate, be so kept.

(2) The Legislative Assembly shall maintain a *verbatim* record of the proceedings of the Legislative Assembly and such record shall be kept in Tswana, English and Afrikaans.

Amendment of Proclamation R. 141 of 1968

33. Proclamation R. 141, dated 12 June 1968, is hereby amended by the deletion of—

- (a) item 3 of the heading thereof;
- (b) paragraph (c) thereof; and
- (c) Schedule C thereto.

(2) Indien die Voorsitter of Ondervoorsitter sy setel ontruim anders as deur die aankondiging van sy bedanking op 'n sitting van die Wetgewende Vergadering, moet die Sekretaris van die Wetgewende Vergadering op die eerste daaropvolgende sessie van die Wetgewende Vergadering die Wetgewende Vergadering dienoreenkomstig verwittig.

Aanvulling van Toevallige Vakatures

28. 'n Toevallige vakature in die amp van Voorsitter of Ondervoorsitter moet, indien die Wetgewende Vergadering in sitting is wanneer die vakature ontstaan, aangevul word deur die verkiesing van 'n bekleër vir die betrokke amp op die wyse in hierdie Proklamasie bepaal, en indien die Wetgewende Vergadering nie dan in sitting is nie moet sodanige verkiesing plaasvind op die daaropvolgende sitting.

DEEL VII

STATUS VAN KAPTEINS

Kapteins Behou Persoonlike Status

29. 'n Kaptein in Bophuthatswana geniet die persoonlike status wat hy nog toe geniet het en het ten opsigte van seremoniële en stamaangeleenthede en by seremoniële geleenthede binne sy gebied voorrang bo die Hoofminister en Ministers, uitgesonderd ten opsigte van aangeleenthede of geleenthede wat in verband staan met die werksaamhede van die Wetgewende Vergadering.

DEEL VIII

DIVERSE BEPALINGS

Wetgewende Vergadering moet rekords hou

30. Die Wetgewende Vergadering moet rekord hou van die vernaamste gebeurtenisse wat plaasvind vanaf die datum van die instelling daarvan, en in die besonder moet die volgende opgeteken word:

- (a) Alle wette, proklamasies en goewermentskennisgewings met betrekking tot die instelling of sake van die Wetgewende Vergadering;
- (b) die streeks-, stam- en gemeenskapsowerhede binne Bophuthatswana en die name en ampstermyne van die lede daarvan;
- (c) die name en ampstermyne van Hoofministers, Ministers, Voorsitters, Ondervoorsitters en lede van die Wetgewende Vergadering; en
- (d) sodanige ander aangeleenthede as wat die Wetgewende Vergadering bepaal.

Bykomende Amptelike Taal

31. Die Tswanataal word erken—

- (a) as bykomende amptelike taal van Bophuthatswana; en
- (b) vir gebruik in Bophuthatswana vir die amptelike doeleindes wat by hierdie Proklamasie omskryf word en kan buite genoemde Gebied gebruik word vir sodanige doeleindes rakende die sake van die Gebied.

Gebruik van Tale

32. (1) Alle verrigtinge van die Wetgewende Vergadering moet genotuleer en sy ordelyste gehou word in Tswana, Afrikaans en Engels: Met dien verstande dat geregtelike, administratiewe en finansiële dokumente ook, na gelang van omstandighede, aldus gehou word.

(2) Die Wetgewende Vergadering moet die verrigtinge van die Wetgewende Vergadering *verbatim* notuleer en sodanige notule moet in Tswana, Afrikaans en Engels gehou word.

Wysiging van Proklamasie R. 141 van 1968

33. Proklamasie R. 141 van 12 Junie 1968 word hierby gewysig deur die skraping van—

- (a) item 3 van die opskrif daarvan;
- (b) paragraaf (c) daarvan; en
- (c) Bylae C daarvan.

Laws of Tswana Legislative Assembly Deemed to be Laws of Bophuthatswana Legislative Assembly

34. For the purposes of this Proclamation any law made by the Tswana Legislative Assembly shall be deemed to be a law made by the Bophuthatswana Legislative Assembly.

Short Title

35. This Proclamation shall be called the Bophuthatswana Constitution Proclamation, 1972.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this 23rd day of May, One thousand Nine hundred and Seventy-two.

J. J. FOUCHÉ, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

(File R204/3/2)

Wette van Tswana- Wetgewende Vergadering word Geag Wette van die Bophuthatswana- Wetgewende Vergadering te wees

34. Vir die doeleindes van hierdie Proklamasie word 'n Wet wat deur die Tswana- Wetgewende Vergadering gemaak is, geag 'n wet te wees wat deur die Bophuthatswana- Wetgewende Vergadering gemaak is.

Kort Titel

35. Hierdie Proklamasie heet die Bophuthatswana-grondwetproklamasie, 1972.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hierdie 23ste dag van Mei Eenduisend Negehoenderd Twee-en-sewentig.

J. J. FOUCHÉ, Staatspresident.

Op las van die Staatspresident-in-rade.

M. C. BOTHA.

(Lêer R204/3/2)

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