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PROKLAMASIES

van die Staatspresident van die Republiek van Suid-Afrika

No. R. 11, 1973

VENDA- WETGEWENDE VERGADERING.—
WYSIGING VAN PROKLAMASIE R. 119 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 Venda- Wetgewende Vergadering, soos omskryf in die Bylae van Proklamasie R. 119 van 1971, deur genoemde Bylae deur bygaande Bylae te vervang.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Sestiende dag van Januarie Eenduisend Negehoenderd Drie-en-sewentig.

J. J. FOUCHÉ, Staatspresident.

Op las van die Staatspresident-in-rade:
M. C. BOTHA.

"BYLAE

GEBIED VAN DIE VENDA- WETGEWENDE
VERGADERING

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

- (a) Sibasa;
- (b) Dzanani;
- (c) Vuwani."

No. R. 12, 1973

VENDA.—VERKLARING TOT SELFREGERENDE
GEBIED EN SAMESTELLING VAN WETGE-
WENDE VERGADERING

Nademaal dit dienstig geag word dat die gebied waarvoor die Venda- Wetgewende Vergadering by Proklamasie R. 119 van 1971 ingestel is, onder die naam Venda 'n selfregerende gebied in die Republiek van Suid-Afrika moet wees ooreenkomstig die bepalings van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971);

PROCLAMATIONS

by the State President of the Republic of South Africa

No. R. 11, 1973

VENDA LEGISLATIVE ASSEMBLY.— AMEND-
MENT OF PROCLAMATION R. 119 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 Venda Legislative Assembly, as defined in the Schedule to Proclamation R. 119 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 this Sixteenth day of January, One thousand Nine hundred and Seventy-three.

J. J. FOUCHÉ, State President.

By Order of the State President-in-Council:
M. C. BOTHA.

"SCHEDULE

AREA OF THE VENDA LEGISLATIVE
ASSEMBLY

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

- (a) Sibasa;
- (b) Dzanani;
- (c) Vuwani."

No. R. 12, 1973

VENDA.—DECLARATION AS SELF-GOVERNING
TERRITORY AND CONSTITUTION OF LEGISLA-
TIVE ASSEMBLY

Whereas it is deemed expedient that the area for which the Venda Legislative Assembly has been established under Proclamation R. 119 of 1971 shall under the name of Venda, be a self-governing territory within the Republic of South Africa in accordance with the provisions of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971);

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

En nademaal genoemde Venda- 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 dat Proklamasie R. 168 van 1969 in sekere opsigte gewysig word en dat voorsiening gemaak word vir bykomstige aangeleenthede;

En nademaal dit dienstig geag word om Venda as bykomende taal van die gebied te erken vir sekere doeleindes;

So is dit dat ek kragtens die bevoegdheid my verleen by artikels 2, 5 en 26 van genoemde Grondwet van die Bantoe-tuislande, 1971, en artikel 108 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet 32 van 1961), hierbo 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 Bantoe-tuislande, 1971 (Wet 21 van 1971) (hieronder die Wet genoem), die Wet op Burger-skap van Bantoe-tuislande, 1970 (Wet 26 van 1970), en die Wet op Bantoe-owerhede, 1951 (Wet 68 van 1951), geheg is, daardie betekenis en beteken—

“aangewese lid” ’n lid van die Wetgewende Vergadering aangewys ingevolge artikel 3 (2);

“Kabinet” die Kabinet van Venda, saamgestel ingevolge hierdie Proklamasie;

“Kommissaris-generaal” die Kommissaris-generaal van die Venda-volkseenheid aangestel ingevolge artikel 2 (2) van die Wet op die Bevordering van Bantoe-selfbestuur, 1959 (Wet 46 van 1959);

“kaptein-in-rade” die kaptein van ’n stam ten opsigte waarvan ’n stamowerheid ingestel is en agt raadslede deur die stamowerheid aangewys is;

“Wetgewende Vergadering” die Venda- Wetgewende Vergadering.

DEEL II

VENDA

2. Die gebied beskryf in die Bylae van Proklamasie R. 119 van 1971 is met ingang van 1 Februarie 1973 (hieronder genoem die vasgestelde datum) onder die naam Venda ’n selfregerende gebied binne die Republiek van Suid-Afrika in ooreenstemming met die bepalings van die Wet.

DEEL III

DIE WETGEWENDE VERGADERING

Samestelling van die Wetgewende Vergadering

3. (1) Die Wetgewende Vergadering staan bekend as die Venda- Wetgewende Vergadering en bestaan uit 60 lede, naamlik:

(a) Die 25 kapteins van die 25 stamme in Venda ten opsigte waarvan stamowerhede ingestel is;

(b) twee hoofmanne van die Gwamasenga-gemeenskapsowerheid;

(c) vyftien lede wat binne 14 dae na die verkiesing van die lede in paragraaf (d) genoem deur die kapteins-in-rade aangewys word op die wyse in subartikel (2) bepaal; en

(d) agtien lede verkies op die wyse bepaal in subartikel (3).

And whereas the said Venda 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 the Venda Legislative Assembly has likewise 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 amend Proclamation R. 168 of 1969 in certain respects and to provide for matters incidental thereto;

And whereas it is deemed expedient to recognize Venda as an additional 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—

“Cabinet” means the Cabinet of Venda, constituted in terms of this Proclamation;

“chief-in-council” means the chief of a tribe in respect of which a tribal authority has been established and eight councillors designated by the tribal authority;

“Commissioner-General” means the Commissioner-General for the Venda National Unit, appointed in terms of section 2 (2) of the Promotion of Bantu Self-Government Act, 1959 (Act 46 of 1959);

“designated member” means a member of the Legislative Assembly designated in terms of section 3 (2);

“Legislative Assembly” means the Venda Legislative Assembly.

PART II

VENDA

2. The area described in the Schedule to Proclamation R. 119 of 1971 shall, under the name of Venda, be a self-governing territory within the Republic of South Africa in accordance with the provisions of the Act with effect from 1 February 1973 (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 Venda Legislative Assembly and shall consist of 60 members, namely:

(a) The 25 chiefs of the 25 tribes in Venda in respect of which tribal authorities have been established;

(b) two headmen of the Gwamasenga Community Authority;

(c) fifteen members who shall be designated by the chiefs-in-council in the manner provided in subsection (2) within 14 days of the election of the members referred to in paragraph (d);

(d) eighteen members elected in the manner provided in subsection (3).

(2) Die kapteins-in-rade in elke distrik in Venda vergader op 'n plek deur die magistraat van die betrokke distrik bepaal, onder voorsitterskap van die voorsitter van die streeksowerheid in die betrokke distrik en wys, uit die lede van die stamowerhede in die betrokke distrik, die volgende getalle persone as lede van die Wetgewende Vergadering aan, naamlik:

- (a) Sewe lede vir die distrik Sibasa;
- (b) vyf lede vir die distrik Vuwani; en
- (c) drie lede vir die distrik Dzanani;

Met dien verstande dat hoogstens een lid uit die lede van 'n stamowerheid aangewys word.

(3) Die burgers wat geregtig is om in elke kiesafdeling te stem, verkies—

- (a) sewe lede ten opsigte van die kiesafdeling Sibasa;
- (b) ses lede ten opsigte van die kiesafdeling Vuwani; en
- (c) vyf lede ten opsigte van die kiesafdeling Dzanani.

(4) (a) Indien 'n kaptein om enige rede nie in staat is om 'n sessie of 'n sitting gedurende 'n sessie van die Wetgewende Vergadering by te woon nie, is dié kaptein geregtig om sy gevolmagtigde, tensy sodanige gevolmagtigde ingevolge artikel 6 gediskwalifiseer is, as sy verteenwoordiger aan te stel om sodanige sitting of al die sittings gedurende sodanige sessie, na gelang van die geval, namens hom by te woon en sodanige behoorlik aangestelde verteenwoordiger is vir die duur van sy aanstelling geregtig om sodanige sitting of al die sittings gedurende sodanige sessie van die Wetgewende Vergadering by te woon en kan deelneem aan al die verrigtinge in verband met enige aangeleentheid wat hy sodanige sitting of gedurende sodanige sessie aan die Wetgewende Vergadering voorgelê word. Met dien verstande dat sodanige verteenwoordiger geen amp in die Kabinet of die Wetgewende Vergadering mag beklee nie.

(b) Vir die toepassing van hierdie subartikel beteken "gevolmagtigde" 'n gevolmagtigde aangestel kragtens regulasie 1 van die Venda-streeksowerheidsregulasies vervat in Bylae B van Proklamasie R. 168 van 1969.

(5) Ondanks andersluidende bepalings vervat in Proklamasie R. 119 van 1971, word die dienstermyn van lede van die Wetgewende Vergadering in daardie Proklamasie bedoel, beëindig op die dag voor die eerste verkiesing van lede van die Wetgewende Vergadering ingevolge subartikel (3).

Kiesafdelings

4. Die distrikte waaruit die selfregerende gebied Venda bestaan, is kiesafdelings vir die verkiesing van lede van die Wetgewende Vergadering ooreenkomstig artikel 3.

Persone Geregtig om te Stem

5. (1) Behoudens die bepalings van subartikels (2) en (3), is elke burger van Venda wat 18 jaar oud of ouer is en 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 artikel 3 (1) (b) (i) van die Bantoes (Afskaffing van Passe en Koördinerende van Dokumente) Wet, 1952 (Wet 67 van 1952), of enige duplikaat van sodanige bewysboek, wat toon dat hy 'n burger is en geregtig is om te stem;

bevoeg om te stem en het elke sodanige burger by enige verkiesing van lede tot die Wetgewende Vergadering soveel stemme as wat daar lede is wat verkies moet word

(2) The chiefs-in-council in each district in Venda shall meet, at a place determined by the magistrate of the district concerned, under the chairmanship of the chairman of the regional authority in the district concerned and shall designate from among the tribal authorities in the district concerned, the following numbers of persons as members of the Legislative Assembly, namely:

- (a) Seven members for the District of Sibasa;
- (b) five members for the District of Vuwani; and
- (c) three members for the District of Dzanani;

Provided that not more than one member shall be designated from any tribal authority.

(3) The citizens entitled to vote in any electoral division shall elect—

- (a) seven members in respect of the Sibasa Electoral Division;
- (b) six members in respect of the Vuwani Electoral Division; and
- (c) five members in respect of the Dzanani Electoral Division.

(4) (a) If any chief is for any reason unable to attend any session or any sitting during any session of the Legislative Assembly, such chief shall be entitled to appoint his deputy, unless such deputy is disqualified in terms of section 6, as his representative to attend such sitting or all the sittings during such session, as the case may be, on his behalf and such duly appointed representative shall for the duration of his appointment be entitled to attend such sitting or all the sittings during such session of the Legislative Assembly and may participate in all the proceedings in connection with any matter brought before the Legislative Assembly at such sitting or during such session: Provided such representative shall not hold office in the Cabinet of the Legislative Assembly.

(b) For the purposes of this subsection "deputy" shall mean a deputy appointed in terms of regulation 1 of the Venda Regional Authority Regulations contained in Schedule B to Proclamation R. 168 of 1969.

(5) Notwithstanding anything to the contrary contained in Proclamation R. 119 of 1971, the period of office of members of the Legislative Assembly referred to in that Proclamation shall terminate on the day before the first election of members of the Legislative Assembly in terms of subsection (3).

Electoral Divisions

4. The districts comprising the self-governing territory of Venda shall be electoral divisions for the election of members of the Legislative Assembly in terms of section 3.

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 section 3 (1) (b) (i) of the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act 67 of 1952), or a duplicate of such reference book, 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

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) indien hy buite Venda gedomisileer is maar binne sodanige kiesafdeling gebore is; of

(c) indien hy buite Venda gedomisileer en gebore is, 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 Venda.

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 Venda of elders in die Republiek van Suid-Afrika 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 gevangenisstraf vir 'n tydperk van nie minder as 12 maande sonder die keuse van 'n boete, of beveel is om aangehou te word ingevolge die Wet op Toevlugte en Rehabilitasiesentrums, 1963 (Wet 86 van 1963), of enige wet by genoemde Wet herroep, en genoemde tydperk nog nie verstryk het nie of sodanige bevel nog nie finaal opgehou het om van krag te wees nie; of

(d) skuldig bevind is aan enige korrupte of onwettige praktyk ingevolge die wette betreffende stemreg en verkiesings in Venda 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 krank-sinnig of geestelik gekrenk of gebrekkig verklaar is of wettiglik kragtens die Wet op Geestesgebreken, 1916 (Wet 38 van 1916), as geestelik gekrenk of gebrekkig aangehou word; of

(f) 'n gelyste kommunis 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 gevangenisstraf die hele termyn van 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 neem: Met dien

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

(b) if he is domiciled outside Venda but was born within such electoral division; or

(c) if he is domiciled and was born outside Venda, 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 for the same seat have obtained the same number of votes shall be in accordance with the relevant laws governing the franchise and elections in Venda.

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 Venda or elsewhere in the Republic of South Africa 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 therefore to a term of imprisonment of not less than 12 months without the option of a fine, or ordered to be detained under the Retreats and Rehabilitation Centres Act, 1963 (Act 86 of 1963), or any law repealed by the said Act and the said period has not expired or such order has not finally ceased to be operative; or

(d) has been convicted of any corrupt or illegal practice under the laws governing the franchise and elections in Venda 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

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 tot die Wetgewende Vergadering, welke lede ooreenkomstig die bepalings van artikel 3 (1) (d) verkies moet word.

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

Ontruiming van Setels deur Lede van 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 handtekening van sodanige lid;

(c) indien sodanige lid (as hy nie 'n kaptein is nie) versuim om die sittings van die Wetgewende Vergadering gedurende 'n hele gewone sessie by te woon sonder spesiale toestemming daarvan, tensy sodanige lid binne sewe dae na die aanvang van daaropvolgende sessie vertoë tot die Voorsitter 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 byge- woon 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 lid van die Wetgewende Vergadering wat nie 'n verkose lid is nie ingevolge artikel 8 vakant raak, moet die vakature binne drie maande aangevul word op die wyse bepaal in artikel 3, tensy die termyn 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 vakant raak, moet die vakature binne drie maande aangevul word deur die aanstelling, deur die betrokke streeksowerheid, 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.

Setel van Regering en Sessies van Wetgewende Vergadering

10. (1) Sibasa is die setel van die Regering van Venda.

(2) Elke sessie van die Wetgewende Vergadering moet gehou word waar die setel van die Regering van Venda geleë is.

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) (d) required to be elected.

(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 (if he is not a chief) 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 member of the Legislative Assembly who is not an elected member become vacant in terms of section 8 the vacancy shall, unless the term of the Legislative Assembly will have expired before such vacancy can be filled, be filled within three months 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 the vacancy shall be filled within three months by the appointment by the regional 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.

Seat of Government and Sessions of Legislative Assembly

10. (1) Sibasa shall be the seat of the Government of Venda.

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

(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 sittingsdag 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 byengeroep word, en gedurende 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 gedurende sodanige sessie.

DEEL IV

PROSEDURE IN WETGEWENDE VERGADERING

Procedure

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 in die geval van 'n staking van stemme uitoefen.

(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 Speaker of die Adjunk-speaker in artikel 25 genoem, sit voor op alle sittings van die Wetgewende Vergadering of, as sowel die Speaker as die Adjunk-speaker 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 gedurende die eerste sessie van die Wetgewende Vergadering moet voorsit totdat 'n Speaker 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 deur die Minister van Bantoe-administrasie en -ontwikkeling aangewys of, in die geval van 'n lid wat 'n toevallige vakature aanvul, voor die Speaker 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 Venda en alle ander wette van toepassing in Venda sal respekteer en handhaaf en ek beloof plegtig om my pligte as lid van die Venda-Wetgewende Vergadering na my beste vermoë te vervul.

So help my God.

(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 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 exceeding 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 Speaker or the Deputy Speaker referred to in section 25 shall preside at all sittings of the Legislative Assembly or if both the Speaker and the Deputy Speaker 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 the Legislative Assembly until a speaker 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 who fills a casual vacancy, before the Speaker 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 Venda and all other laws applicable in Venda and solemnly promise to perform my duties as a member of the Legislative Assembly of Venda to the best of my ability.

So help me 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 drie kapteins is.

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

Verkiesing 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 verkiesing van 'n Hoofminister uit die geledere van die Wetgewende Vergadering en wel op die wyse in artikel 15 bepaal.

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 vervat 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 sitting waartydens die verkiesing moet plaasvind en geen debat word by die verkiesing 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 oorhandig;

(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) wanneer alle lede wat wil stem dit gedoen het, 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 teenwoordigheid van die Wetgewende Vergadering moet ondersoek en die uitslag van die stemming bekendmaak.

(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.

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 three shall be chiefs.

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

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 sitting 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 whom 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) Wanneer—

- (a) slegs twee kandidate genomineer is; of
- (b) 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 stemming ten opsigte van die 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 Sekretaris van die Wetgewende Vergadering op 'n mosie deur die Wetgewende Vergadering aangeneem die ooreenstemming 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 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 die Hoofminister ingevolge artikel 15 verkies is.

Ampstermyn van die Hoofminister en Ministers

17. Ondanks andersluidende bepalings in Proklamasie R. 119 van 1971, moet die Hoofraadslid en die Raadslede van die Wetgewende Vergadering daarin genoem vanaf die vasgestelde datum onderskeidelik Hoofminister en Ministers genoem word en beklee hulle hulle ampte totdat hulle opvolgers verkies of aangestel is ingevolge artikel 15 of 16, na gelang van die geval, gedurende die eerste sessie van die Wetgewende Vergadering gehou na die eerste verkiesing van lede ingevolge artikel 3 (3).

Eed wat Lede van die Kabinet moet Aflê

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 lid van die Venda-kabinet op eervolle en waardige wyse sal beklee; dat ek die Grondwet van Venda en alle ander wette wat in Venda 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 sodanige Hoofminister se opvolger verkies word of, in die geval van 'n ander Minister, totdat hy na 'n algemene verkiesing heraangestel of sy opvolger aangestel word deur die Hoofminister.

Versoekskrif om Ontslag van Minister

20. (1) (a) Die Wetgewende Vergadering kan om gegronde en oortuigende redes by versoekskrif aan die Staatspresident versoek dat die Hoofminister ontslaan

(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 duly elected: Provided that the Secretary of the Legislative Assembly shall upon a motion adopted by the Legislative Assembly postpone 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 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. 119 of 1971, the Chief Councillor and Councillors of the Legislative Assembly referred to therein shall as from the fixed date be termed the 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 (3).

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 a member of the Venda Cabinet with honour and dignity; to respect and uphold the constitution of Venda and all other laws applicable in Venda; 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 by a new Legislative Assembly after a general election, or in the case of any other Minister until he is re-appointed or his successor is appointed by the Chief Minister after a general election.

Petition for Removal of 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

moet word en dat die verkiesing van 'n nuwe Hoofminister in sy plek beveel word, en die Staatspresident kan, na goeddunke aan enige sodanige versoekskrif voldoen.

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

(2) 'n Versoekskrif ingevolge subartikel (1) (a) word deur die Speaker 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 beslissing 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 Speaker 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 gedurende die eerste daaropvolgende sessie van die Wetgewende Vergadering dienooreenkomstig inlig.

Aanvulling van Toevallige Vakatures in die Kabinet

22. (1) 'n Toevallige vakature wat in die amp van Hoofminister ontstaan, word aangevul by wyse van verkiesing ooreenkomstig die bepalings van hierdie Proklamasie wat gehou moet word binne 'n tydperk van 14 dae na die datum waarop 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 die 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, behoudens die bepalings van artikel 13 (1), aangevul by wyse van aanstelling deur die Hoof-

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 Minister and to order the appointment of some other Minister in his stead, and the State President may if he deems fit accede to any such petition.

(2) A petition in terms of subsection (1) (a) shall be conveyed by the Speaker 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 Speaker 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

minister van 'n lid van die Wetgewende Vergadering binne 14 dae na die datum waarop sodanige vakature ontstaan het.

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

Werkzaamhede van Hoofminister en ander Ministers

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

(2) Wanneer die amp van 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 eie 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 oor en administrasie van die verskillende departemente aan die onderskeie Ministers opdra en toewys, en hy kan die bevoegdhede, pligte en werkzaamhede 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 komitee aanstel vir enige doel wat hy nodig ag en sodanige komitee 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 Venda val.

DEEL VI

SPEAKER EN ADJUNK-SPEAKER

Verkiezing van Speaker en Adjunk-speaker

25. Onmiddellik nadat die Hoofminister verkies is, moet die Wetgewende Vergadering oorgaan tot die verkiezing van 'n Speaker en 'n Adjunk-speaker, en die prosedure wat by die verkiezing van die Hoofminister gevolg word, is *mutatis mutandis* van toepassing by die verkiezing van 'n Speaker en 'n Adjunk-speaker.

Ampstermyn van Speaker en Adjunk-speaker

26. Behoudens die bepalings van artikels 7 en 27 (1), beklee die Speaker en die Adjunk-speaker hulle amp vir die duur van die termyn van die Wetgewende Vergadering: Met dien verstande dat indien die amp van Speaker of van Adjunk-speaker vakant raak, 'n lid, soos bepaal in hierdie Proklamasie, verkies moet word tot Speaker of Adjunk-speaker, 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 aangebly het.

any member of the Legislative 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 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 committee from among its members for any purpose it may deem necessary and such committee 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 Venda.

PART VI

SPEAKER AND DEPUTY SPEAKER

Election of Speaker and Deputy Speaker

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

Period of Office of Speaker and Deputy Speaker

26. Subject to the provisions of sections 7 and 27 (1), the speaker and the Deputy Speaker shall hold office for the duration of the life of the Legislative Assembly: Provided that if the office of Speaker or Deputy Speaker becomes vacant a member shall, as provided in this Proclamation, be elected as Speaker or Deputy Speaker, 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.

Ontnuiming van Amp deur Speaker of Adjunk-speaker

27. (1) Die Speaker of die Adjunk-speaker 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 Speaker of Adjunk-speaker 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 besluit van die Wetgewende Vergadering van sy amp onthef word.

(2) Indien die Speaker of die Adjunk-speaker 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 gedurende die eerste daaropvolgende sessie van die Wetgewende Vergadering die Wetgewende Vergadering dien-ooreenkomstig verwittig.

Aanvulling van Toevallige Vakatures

28. 'n Toevallige vakature in die amp van Speaker of van Adjunk-speaker moet, indien die Wetgewende Vergadering in sitting is wanneer die vakature ontstaan, aangevul word deur die verkiesing van 'n bekleeër tot die betrokke amp op die wyse in hierdie Proklamasie bepaal, en indien die Wetgewende Vergadering nie dan in sitting is nie moet sodanige verkiesing op die daaropvolgende sitting plaasvind.

DEEL VII

STATUS VAN KAPTEINS

Kapteins behou Persoonlike Status

29. 'n Kaptein in Venda geniet die persoonlike status wat hy tot 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 Venda en die name en ampstermyne van die lede daarvan;

(c) die name en ampstermyne van Hoofministers, Ministers, Speakers, Adjunk-speakers en lede van die Wetgewende Vergadering; en

(d) sodanige ander aangeleenthede as wat die Wetgewende Vergadering bepaal.

Vacating of Office by Speaker or Deputy Speaker

27. (1) The Speaker or the Deputy Speaker 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 Speaker or Deputy Speaker 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.

(2) If the Speaker or the Deputy Speaker 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 Speaker or of Deputy Speaker 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

Chief to Retain Personal Status

29. A chief in Venda 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 the establishment or affairs of the Legislative Assembly;

(b) the regional, tribal and community authorities within Venda and the names and periods of office of members thereof;

(c) the names and periods of office of Chief Ministers, Ministers, Speakers, Deputy Speakers and members of the Legislative Assembly; and

(d) such other matters as the Legislative Assembly may determine.

Bykomende Amptelike Taal

31. Die Vendataal word erken—

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

Gebruik van Tale

32. (1) Alle notules en ordelyste van die Wetgewende Vergadering moet in Venda, Afrikaans en Engels gehou word.

(2) Die Wetgewende Vergadering moet 'n *verbatim* verslag van die verrigtinge van die Wetgewende Vergadering byhou en sodanige verslag moet in Venda, Afrikaans en Engels gehou word.

Wysiging van Proklamasie R. 168 van 1969

33. Proklamasie R. 168 van 1969 word hierby gewysig deur die skraping van—

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

Kort Titel

34. Hierdie Proklamasie heet die Vendagrondwetproklamasie, 1973.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Sestiende dag van Januarie Eenduisend Negehoenderd Drie-en-sewentig.

J. J. FOUCHÉ, Staatspresident.

Op las van die Staatspresident-in-rade:

M. C. BOTHA.

No. R. 13, 1973

HOU VAN VERKIESINGS VAN DIE VERKOSE LEDE VAN DIE VENDA- WETGEWENDE VERGADERING

Nademaal dit nodig is om voorsiening te maak vir die hou van verkiesings van verkose lede van die Venda- Wetgewende Vergadering, soos saamgestel by die Venda-grondwetproklamasie, 1973;

En nademaal die Venda- Wetgewende Vergadering in hierdie verband geraadpleeg is soos bepaal by artikel 2 van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971);

So is dit dat ek kragtens die bevoegdheid my verleen by artikel 2 van genoemde Grondwet van die Bantoetuislande, 1971, hierby verklaar dat die bepalings vervat in die Bylae hiervan met betrekking tot die hou van verkiesings van verkose lede van die Venda- Wetgewende Vergadering van toepassing is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Sestiende dag van Januarie Eenduisend Negehoenderd Drie-en-sewentig.

J. J. FOUCHÉ, Staatspresident.

Op las van die Staatspresident-in-rade:

M. C. BOTHA.

Additional Official Language

31. The Venda language shall be recognised—

- (a) as an additional official language of Venda; and
- (b) for use in Venda 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 Venda, English and Afrikaans.

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

Amendment of Proclamation R. 168 of 1969

33. Proclamation R. 168 of 1969, is hereby amended by the deletion of—

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

Short Title

34. This Proclamation shall be called the Venda Constitution Proclamation, 1973.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Sixteenth day of January, One thousand Nine hundred and Seventy-three.

J. J. FOUCHÉ, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

No. R. 13, 1973

CONDUCT OF ELECTIONS OF ELECTED MEMBERS OF THE VENDA LEGISLATIVE ASSEMBLY

Whereas it is necessary to make provision for the conduct of elections of elected members of the Venda Legislative Assembly, as constituted by the Venda Constitution Proclamation, 1973;

And whereas the Venda Legislative Assembly has been consulted in this connection as provided for in section 2 of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971);

Now, therefore, under and by virtue of the powers vested in me by section 2 of the said Bantu Homelands Constitution Act, 1971, I hereby declare that the provisions contained in the Schedule hereto shall apply in regard to the conduct of elections of elected members of the Venda Legislative Assembly.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Sixteenth day of January, One thousand Nine hundred and Seventy-three.

J. J. FOUCHÉ, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

BYLAE

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), die Wet op Burgerskap van Bantoetuislande, 1970 (Wet 26 van 1970), die Wet op Bantoe-owerhede, 1951 (Wet 68 van 1951), en die Venda-grondwetproklamasie, 1973, geheg is, daardie betekenis en beteken—

(i) "afdeling" of "kiesafdeling" 'n kiesafdeling in artikel 4 van die Grondwetproklamasie genoem;

(ii) "agent" 'n persoon wat ingevolge artikel 14 as agent van 'n kandidaat aangestel is;

(iii) "Bantoesakekommissaris" 'n Bantoesakekommissaris aangestel kragtens die Bantoe-administrasie Wet, 1927 (Wet 38 van 1927), en ook 'n addisionele en 'n assistent-Bantoesakekommissaris;

(iv) "behoorlik verkose" ook onbestrede verkose;

(v) "bewysboek" 'n bewysboek in artikel 3 (1) (b) (i) van die Bantoes (Afskaffing van Passe en Koördinerende van Dokumente) Wet, 1952 (Wet 67 van 1952), genoem en ook enige duplikaat van sodanige bewysboek ingevolge genoemde Wet uitgereik;

(vi) "distriksbeheerbeampte" 'n Bantoesakekommissaris of landdroos wat kragtens artikel 3 'n distriksbeheerbeampte is;

(vii) "Grondwetproklamasie" die Venda-grondwetproklamasie, 1973;

(viii) "kiesbeampte" die distriksbeheerbeampte wat kragtens artikel 4 'n kiesbeampte is;

(ix) "kieser" 'n persoon wat kragtens artikel 3 van die Wet op Burgerskap van Bantoetuislande, 1970 (Wet 26 van 1970), 'n burger van Venda is en wat geregtig is om te stem in 'n kiesafdeling by 'n verkiesing van lede van die Wetgewende Vergadering;

(x) "landdroos" 'n landdroos aangestel kragtens die Wet op Landdroshowe, 1944 (Wet 32 van 1944), en ook 'n addisionele en 'n assistent-landdroos;

(xi) "lid" 'n verkose lid van die Wetgewende Vergadering;

(xii) "Minister" die lid van die Kabinet aan wie die beheer oor die Departement van Binnelandse Sake toegewys is en wat in oorleg met die Kabinet optree;

(xiii) "nominasiehof" 'n nominasiehof in artikel 9 genoem;

(xiv) "stemdistrik" die regsgebied van 'n Bantoesakekommissaris of landdroos;

(xv) "stemopnemer" 'n persoon kragtens artikel 5 as stemopnemer aangestel;

(xvi) "Vergadering" of "Wetgewende Vergadering" die Venda- Wetgewende Vergadering in artikel 3 van die Grondwetproklamasie genoem;

(xvii) "verkiesingsbeampte" 'n beampte kragtens artikel 2 aangestel; en

(xviii) "voorgeskryf" by of kragtens hierdie Proklamasie voorgeskryf.

DEEL II

VOORAFGAANDE BEPALINGS

Verkiesingsbeampte

2. (1) Die Minister stel 'n verkiesingsbeampte vir Venda aan wat 'n beampte van die Venda-regeringsdiens is of wat 'n beampte is van die Staatsdiens van die Republiek van Suid-Afrika wat ingevolge artikel 5 (4)

SCHEDULE

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), the Bantu Homelands Citizenship Act, 1970 (Act 26 of 1970), the Bantu Authorities Act, 1951 (Act 68 of 1951), and the Venda Constitution Proclamation, 1973, shall bear that meaning and—

(i) "agent" means a person appointed an agent of a candidate in terms of section 14;

(ii) "Assembly" or "Legislative Assembly" means the Venda Legislative Assembly referred to in section 3 of the Constitution Proclamation;

(iii) "Bantu Affairs Commissioner" means a Bantu Affairs Commissioner appointed in terms of the Bantu Administration Act, 1927 (Act 38 of 1927), and includes an additional and an assistant Bantu Affairs Commissioner;

(iv) "Constitution Proclamation" means the Venda Constitution Proclamation, 1973;

(v) "district control officer" means a Bantu Affairs Commissioner or magistrate who is a district control officer in terms of section 3;

(vi) "division" or "electoral division" means an electoral division referred to in section 4 of the Constitution Proclamation;

(vii) "duly elected" includes returned unopposed;

(viii) "electoral officer" means an officer appointed in terms of section 2;

(ix) "magistrate" means a magistrate appointed in terms of the Magistrates' Courts Act, 1944 (Act 32 of 1944), and includes an additional and an assistant magistrate;

(x) "member" means an elected member of the Legislative Assembly;

(xi) "Minister" means the member of the Cabinet to whom the control of the Department of the Interior has been assigned, acting in consultation with the Cabinet;

(xii) "nomination court" means a nomination court referred to in section 9;

(xiii) "polling district" means the area of jurisdiction of a Bantu Affairs Commissioner or magistrate;

(xiv) "polling officer" means a person appointed a polling officer in terms of section 5;

(xv) "prescribed" means prescribed by or under this Proclamation;

(xvi) "reference book" means a reference book referred to in section 3 (1) (b) (i) of the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act 67 of 1952), or any duplicate of such reference book issued under the said Act;

(xvii) "returning officer" means the district control officer who is a returning officer in terms of section 4;

(xviii) "voter" means a person who is a citizen of Venda in terms of section 3 of the Bantu Homelands Citizenship Act, 1970 (Act 26 of 1970), and who is entitled to vote in an electoral division at an election of members of the Legislative Assembly.

PART II

PRELIMINARY PROVISIONS

Electoral Officer

2. (1) The Minister shall appoint an electoral officer for Venda who shall be an officer of the Venda Government Service or an officer of the Public Service of the Republic of South Africa who has been designated in

van die Grondwet van die Bantoeuistande, 1971 (Wet 21 van 1971), aangewys is om die Kabinet van Venda by te staan.

(2) Die verkiesingsbeampte is verantwoordelik vir die hou van verkiesings van lede van die Wetgewende Vergadering.

Distriksbeheerbeamptes

3. Iedere Bantoesakekommissaris of landdros is ampshalwe die distriksbeheerbeampte vir die gebied waaroor hy regsbevoegdheid uitoefen: Met dien verstande dat waar beide 'n landdros en 'n Bantoesakekommissaris oor dieselfde gebied regsbevoegdheid uitoefen, die Bantoesakekommissaris die distriksbeheerbeampte ten opsigte van sodanige gebied is.

Kiesbeamptes

4. (1) Die distriksbeheerbeampte is ampshalwe die kiesbeampte vir die gebied waaroor hy regsbevoegdheid uitoefen.

(2) Die kiesbeampte kan soveel adjunk-kiesbeamptes as wat hy nodig ag, aanstel om hom gedurende verkiesings behulpsaam te wees.

Stemopnemers en Getuies

5. Iedere kiesbeampte stel skriftelik soveel stemopnemers en getuies aan as wat nodig is om die stemming doeltreffend te laat plaasvind by iedere stemburo in die gebied waaroor hy regsbevoegdheid uitoefen, en stel soveel telbeamptes aan as wat nodig is vir die tel van die stemme na die sluiting van die stemming.

Stemburo's

6. Daar moet 'n stemburo wees—

(a) by die setel van die kiesbeampte; en

(b) op sodanige ander plek of plekke binne sy regsgebied as wat hy nodig ag.

Lede wat Verkies moet word

7. Die getal lede wat in elke kiesafdeling verkies moet word, is soos bepaal by artikel 3 van die Grondwetproklamasie.

Bepaling van Nominasie- en Stemdatums

8. (1) Wanneer 'n verkiesing moet plaasvind, moet die Staatspresident, behoudens die bepalings van subartikel (2), by proklamasie in die *Staatskoerant*—

(a) 'n dag en plek bepaal waarop 'n nominasiehof in elke kiesafdeling moet sit om nominasies van kandidate vir verkiesing in elke afdeling te ontvang;

(b) indien 'n stemming ingevolge die bepalings van artikel 10 moet plaasvind, die tydperk wanneer stemming moet plaasvind en die ure bepaal wanneer die stemming op elke stemburo moet begin en eindig en kan hy verskillende tydperke en verskillende ure ten opsigte van verskillende stemburowe of stemburo's bepaal; en

(c) die getal lede wat in elke kiesafdeling verkies moet word, vermeld.

(2) Die dag kragtens subartikel 1 (a) bepaal, moet—

(a) minstens 21 dae en hoogstens 28 dae wees na die datum van publikasie van die proklamasie in genoemde subartikel vermeld; en

(b) minstens 60 dae wees voor die datum bepaal vir die verkiesing kragtens artikel 7 (2) (b) van die Grondwetproklamasie.

(3) Die plek wat vir die hou van 'n nominasiehof bepaal word, moet binne die bepaalde kiesafdeling wees.

terms of section 5 (4) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), to assist the Cabinet of Venda.

(2) The electoral officer shall be responsible for the conduct of elections of members of the Legislative Assembly.

District Control Officers

3. Every Bantu Affairs Commissioner or magistrate shall *ex officio* be the district control officer for the area over which he exercises jurisdiction: Provided that, where both a magistrate and a Bantu Affairs Commissioner exercise jurisdiction over the same area, the Bantu Affairs Commissioner shall be the district control officer in respect of such area.

Returning Officers

4. (1) The district control officer shall *ex officio* be the returning officer for the area over which he exercises jurisdiction.

(2) The returning officer may appoint as many deputy returning officers as he may deem necessary to assist him during elections.

Polling Officers and Witnesses

5. Every returning officer shall in writing appoint as many polling officers and witnesses as may be necessary for effectually taking poll at every polling station in his area of jurisdiction and he shall appoint as many counting officers as may be necessary for the counting of votes after the close of the poll.

Polling Stations

6. There shall be a polling station—

(a) at the seat of the returning officer; and

(b) at such other place or places within his area of jurisdiction as he may deem necessary.

Members to be Elected

7. The number of members to be elected in each electoral division shall be as provided by section 3 of the Constitution Proclamation.

Fixing of Nomination and Polling Dates

8. (1) Whenever an election is to take place the State President shall subject to the provisions of subsection (2), by proclamation in the *Gazette*—

(a) fix a day on which and a place at which a nomination court shall sit in each electoral division to receive nominations for candidates for election in each division;

(b) if, in accordance with the provisions of section 10 poll is to take place, fix the period during which poll shall take place and the hours at which poll shall commence and close on each polling day and may fix different periods and different hours in respect of different polling districts or polling stations; and

(c) state the number of members to be elected in each electoral division.

(2) The day fixed under subsection (1) (a) shall be—

(a) not less than 21 days and not more than 28 days from the date of publication of the proclamation referred to in the said subsection; and

(b) not less than 60 days before the date fixed for the election in terms of section 7 (2) (b) of the Constitution Proclamation.

(3) The place fixed for holding a nomination court shall be within the particular electoral division.

Nominasie van Kandidate vir Verkiesing

9. (1) Op die dag en op die plek kragtens artikel 8 (1) (a) ten opsigte van enige afdeling bepaal, hou die kiesbeampte vir daardie afdeling 'n openbare hofsitting, wat as 'n nominasiehof bekend staan, vir die nominasie van kandidate vir verkiesing in daardie afdeling.

(2) Behoudens die bepalings van subartikel (3) kan enige persoon wat nie kragtens die bepalings van artikel 6 (1) van die Grondwetproklamasie onbevoeg is nie, as kandidaat genomineer word.

(3) Geen persoon word as kandidaat vir verkiesing in 'n kiesafdeling genomineer nie, tensy—

(a) hy voorgestel word deur 'n persoon wat 'n kieser van daardie kiesafdeling is en wat 'n verklaring onder eed of 'n bevestiging afgelê het in die vorm vervat in Deel I van Aanhangsel A hiervan;

(b) hy gesekondeer word deur 'n persoon wat 'n kieser in daardie kiesafdeling is en wat 'n verklaring onder eed of 'n bevestiging afgelê het in die vorm vervat in Deel II van Aanhangsel A hiervan; en

(c) hy die nominasie aanvaar het en 'n verklaring onder eed of 'n bevestiging afgelê het in die vorm vervat in Deel III van Aanhangsel A hiervan.

(4) 'n Kandidaat kan sy toestemming tot die nominasie te eniger tyd voor die einde van die sitting van die nominasiehof skriftelik terugtrek deur 'n kennisgewing van terugtrekking in te dien by die kiesbeampte, en daarop vervat die nominasie: Met dien verstande dat, na die einde van die sitting van die nominasiehof, die terugtrekking deur 'n kandidaat van sy kandidatuur nie oorweeg word nie, en sodanige kandidaat se naam in die lys van kandidate vir verkiesing gepubliseer word, en indien hy nie die voorgeskrewe getal stemme kry nie hy sy deposito verbeur.

(5) Die nominasiehof sit van 9-uur in die voormiddag tot 12-uur middag: Met dien verstande dat as 'n aanwesige persoon om laasgenoemde uur as kandidaat voorgestel is en sy nominasie nie voltooi is nie, die kiesbeampte die sitting moet voortsit vir sodanige tydperk, van hoogstens een uur, as wat nodig is om sodanige kandidaat in staat te stel om behoorlik genomineer te word.

Uitslag aan die Einde van 'n Sitting van 'n Nominasiehof

10. Indien daar aan die einde van die sitting van 'n nominasiehof—

(a) slegs soveel kandidate as wat daar lede vir daardie afdeling verkies moet word, behoorlik genomineer is, verklaar die kiesbeampte onverwyld dat sodanige kandidaat (kandidate) onbestrede verkies is tot lid (lede) van die Wetgewende Vergadering vir daardie afdeling vanaf die sluiting van die stemtydperk; of

(b) minder kandidate as die getal lede wat vir daardie afdeling verkies moet word, behoorlik genomineer is, verklaar die kiesbeampte onverwyld die aldus genomineerde kandidate behoorlik verkose lede van die Wetgewende Vergadering vanaf die sluiting van die stemtydperk, en dat daar 'n getal toevallige vakatures gelyk aan die verskil tussen die getal kandidate wat verkose verklaar is en die getal lede wat vir daardie afdeling verkies moet word in daardie afdeling bestaan; of

(c) meer kandidate as die getal lede wat verkies moet word, behoorlik genomineer is, word 'n stemming gedurende die stemtydperk gehou op die wyse in hierdie Proklamasie bepaal.

Deposito Deur of Namens Genomineerde Persone

11. (1) Indien op 'n sitting van 'n nominasiehof 'n groter getal kandidate as die getal lede wat vir daardie afdeling verkies moet word, behoorlik genomineer is, moet

Nomination of Candidates for Election

9. (1) On the day and at the place fixed in terms of section 8 (1) (a) in respect of any division the returning officer for that division shall hold a public court to be known as a nomination court for the nomination of candidates for election in that division.

(2) Subject to the provisions of subsection (3), any person who is not disqualified in terms of section 6 (1) of the Constitution Proclamation may be nominated as a candidate.

(3) No person shall be nominated as a candidate for election in any electoral division unless—

(a) he is proposed by a person who is a voter in that electoral division and who has made a declaration under oath or an affirmation in the form contained in Part I of Annexure A hereto;

(b) he is seconded by a person who is a voter in that electoral division and who has made a declaration under oath or an affirmation in the form contained in Part II of Annexure A hereto; and

(c) he has accepted nomination and has made a declaration under oath or an affirmation in the form contained in Part III of Annexure A hereto.

(4) A candidate may withdraw his consent to nomination in writing at any time before the close of the sitting of the nomination court by lodging with the returning officer a notice of withdrawal and thereupon the nomination shall lapse: Provided that, after the close of the sitting of the nomination court, the withdrawal by a candidate of his candidature shall not be considered, and such candidate's name shall be published in the list of candidates for election, and if he does not obtain the prescribed number of votes his deposit shall be forfeited.

(5) The nomination court shall sit from nine o'clock in the forenoon until 12 o'clock noon: Provided that if at the latter hour any person present has been proposed as a candidate and his nomination has not been completed, the returning officer shall continue the sitting for such period not exceeding one hour as may be necessary to enable such candidate to be duly nominated.

Result at the Close of a Sitting of a Nomination Court

10. If at the close of a sitting of a nomination court—

(a) only a number of candidates equal to the number of members to be elected for that division have been duly nominated, the electoral officer shall forthwith declare that such candidate(s) have been returned unopposed as member(s) of the Legislative Assembly for that division as from the close of the polling period; or

(b) a lesser number of candidates than the number of members to be elected for that division have been duly nominated, the returning officer shall forthwith declare the candidates so nominated to be duly elected members of the Legislative Assembly as from the close of the polling period and that a number of casual vacancies, equal to the difference between the number of candidates declared elected and the number of members to be elected for that division, exist in that division; or

(c) a greater number of candidates than the number of members to be elected have been duly nominated, poll shall take place during the period of polling in the manner provided in this Proclamation.

Deposit by or on Behalf of Persons Nominated

11. (1) If at a sitting of a nomination court a greater number of candidates than the number of members to be elected for that division have been duly nominated,

die kiesbeampte voor die einde van die sitting van die nominasiehof vereis dat daar deur of ten behoeve van iedere sodanige genomineerde persoon by hom die bedrag van R50 gestort word.

(2) Wanneer die kiesbeampte vereis dat sodanige deposito gestort word deur of ten behoeve van 'n aldus genomineerde persoon en daar nie dadelik aan die vereiste voldoen word nie, word sodanige persoon, ondanks die bepalings van artikel 10, geag nie behoorlik as kandidaat genomineer te wees nie.

(3) Indien 'n stemming plaasvind en die totale getal stemme wat daarby op enige verslane kandidaat uitgebring is, minder is as die helfte van die getal stemme van die suksesvolle kandidaat wat die minste stemme gekry het, word die bedrag wat deur die verslane kandidaat gestort is, verbeur en in die Venda-inkomstefonds gestort.

(4) Behoudens die uitdruklike bepalings van hierdie artikel, word die gestorte bedrag aan die deponerder terugbetaal.

Aankondiging van Name en Besonderhede van Kandidate in Amptelike Koerant

12. (1) Aan die einde van 'n sitting van 'n nominasiehof moet die kiesbeampte onverwyld die verkiesingsbeampte in die vorm vervat in Aanhangsel B hiervan in kennis stel van—

- (a) enige verklaring wat hy ingevolge artikel 10 (a) of (b) gedoen het; of
- (b) die besonderhede van iedere behoorlik genomineerde kandidaat indien 'n stemming ingevolge artikel 10 (c) gehou moet word.

(2) Die verkiesingsbeampte laat die besonderhede van iedere kandidaat ten opsigte van elke kiesafdeling so gou moontlik, maar in elk geval nie later nie as 30 dae voor die aanvang van die stemtydperk, in die *Amptelike Koerant* van die gebied publiseer.

Openbare Kennisgewing deur Iedere Kiesbeampte

13. Wanneer 'n stemming ooreenkomstig die bepalings van artikel 10 (c) moet plaasvind, publiseer elke kiesbeampte, so spoedig doenlik na nominasiedag, 'n openbare kennisgewing van—

- (a) die stemtydperk;
- (b) die ure wat vir die begin en die einde van die stemming kragtens artikel 8 (1) (b) vasgestel is;
- (c) die volle naam en adres van elke kandidaat wat vir verkiesing in iedere kiesafdeling genomineer is;
- (d) die getal lede wat vir iedere kiesafdeling by genoemde verkiesing verkies moet word; en
- (e) waar elke stemburo binne sy regsgebied geleë is.

DEEL III

DIVERSE BEPALINGS IN VERBAND MET DIE HOU VAN VERKIESINGS

Aanstelling van Agente deur Kandidate

14. (1) Enige behoorlik genomineerde kandidaat by 'n verkiesing van lede van die Wetgewende Vergadering kan, indien hy dit verlang, in die vorm vervat in Aanhangsel C hiervan, een of meer agente ten opsigte van enige stemdistrik aanstel om hom behulpsaam te wees, en hy moet die distriksbeheerbeampte skriftelik in kennis stel van die name en adresse van sodanige agente.

(2) Die kandidate en slegs een agent per kandidaat word toegelaat om op enige bepaalde tydstep binne enige stemburo of by enige plek waar stemme getel word, teenwoordig te wees.

(3) 'n Distriksbeheerbeampte moet iedere agent wat ingevolge subartikel (1) aangestel is en van wie se naam en adres hy ingevolge daardie subartikel in kennis gestel

the returning officer shall before the close of the sitting of the nomination court require that there be deposited with him, by or on behalf of each person so nominated, the sum of R50.

(2) If, when the returning officer requires any such deposit to be made by or on behalf of a person so nominated, the requirement is not forthwith complied with, such person shall, notwithstanding anything in section 10 contained, be deemed not to be duly nominated as a candidate.

(3) If poll takes place and the total number of votes received thereat by any unsuccessful candidate is less than half of the number of votes received by the successful candidate who received the lowest number of votes, the sum deposited on behalf of such unsuccessful candidate shall be forfeited, and shall be paid into the Venda Revenue Fund.

(4) Save as in this section expressly provided, the sum deposited shall be returned to the depositor.

Publication of Names and Particulars of Candidates in Official Gazette

12. (1) At the close of a sitting of a nomination court the returning officer shall forthwith, in the form contained in Annexure B hereto, notify the electoral officer of—

- (a) any declaration he may have made in terms of section 10 (a) or (b); or
- (b) the particulars of every duly nominated candidate if poll is to take place in terms of section 10(c).

(2) The electoral officer shall cause the particulars of every candidate in respect of every electoral division to be published in the *Official Gazette* of the territory as soon as possible, but in any case not later than 30 days before the commencement of the polling period.

Public Notice by Every Returning Officer

13. Whenever poll shall take place in accordance with the provisions of section 10 (c) each returning officer shall, as soon as practicable after nomination day, give public notice of—

- (a) the polling period;
- (b) the hours fixed in terms of section 8 (1) (b) for the commencement and close of the poll;
- (c) the full name and address of each candidate nominated for election in each electoral division;
- (d) the number of members to be elected for each electoral division at the said election; and
- (e) the situation of each polling station within his area of jurisdiction.

PART III

MISCELLANEOUS PROVISIONS IN CONNECTION WITH THE CONDUCT OF ELECTIONS

Appointment of Agents by Candidates

14. (1) Any duly nominated candidate at an election of members of the Legislative Assembly may, if he so desires, in the form contained in Annexure C hereto, appoint one or more agents in respect of any polling district to assist him and shall advise the district control officer in writing of the names and addresses of such agents.

(2) The candidates and only one agent per candidate shall be allowed to be present at any particular time inside any polling station or any place where votes are counted.

(3) A district control officer shall inform any agent who has been appointed and of whose name and address he has been advised in terms of subsection (1)

is, inlig omtrent die plekke waar, en datums waarop stemming gaan plaasvind en die datum waarop en die plek waar die telling van stemme 'n aanvang gaan neem.

(4) 'n Persoon wat ooreenkomstig subartikel (1) as agent aangestel is, moet sy aanstellingsbrief toon aan die stemopnemer of die kiesbeampte, na gelang van die geval, indien dit van hom verlang word.

Kennisgewing deur Distriksbeheerbeampte aan Verkie-singsbeampte aangaande sy Behoeftes aan Stembriewe, Stemopnemers en Telbeamptes

15. (1) Iedere distriksbeheerbeampte moet op versoek van die verkiesingsbeampte, wanneer 'n verkiesing gehou gaan word, hom van die volgende besonderhede voorsien:

- (a) Die geraamde getal stembriewe wat nodig is;
- (b) die getal adjunk-kiesbeamptes, stemopnemers, getuies en telbeamptes wat nodig is vir die doeltreffende hou van die stemming en die tel van stemme; en
- (c) enige verdere inligting wat hy nodig ag om onder die verkiesingsbeampte se aandag te bring.

Verskaffing van Uitrusting

16. (1) Die verkiesingsbeampte verskaf vir alle verkiesings stembusse, stembriewe, instrumente om 'n merk op stembriewe en kiesers se bewysboeke aan te bring en ander benodigdhede, en verrig sodanige ander handelinge en tref sodanige reëlins ter vergemakliking van die hou van die stemming as wat nodig is vir die doeltreffende hou van die verkiesing.

(2) Die uitgawe deur die verkiesingsbeampte aan alle sodanige handelinge, aangeleenthede en benodigdhede in verband met enige verkiesing aangegaan, word uit die Venda-inkomstefonds bestry.

(3) Die verkiesingsbeampte kan enige distriksbeheer-beampte opdrag gee om namens hom, ten opsigte van sy regsgebied, enige van die pligte te vervul wat hierdie artikel die verkiesingsbeampte op lê in verband met die reëlins vir die hou van 'n stemming.

Stemburo waarby 'n Kieser moet Stem

17. Enige kieser kan gedurende die stemtydperk by enige ander stemburo stem, indien hy nie in staat is om by 'n stemburo binne sy kiesafdeling te stem nie.

Prosedure by Stemming

18. (1) Die stemopnemer moet daagliks by die sluiting van die stemming en in teenwoordigheid van sodanige kandidaat en/of agente as wat teenwoordig is, die opening van elke stembus verseël, en moet slegs by die aanvang van die stemming die volgende more in teenwoordigheid van sodanige kandidaat en/of hul agente as wat teenwoordig is, die seël breek: Met dien verstande dat hy, nadat hy elke stembus by die sluiting van die stemming op die finale dag van die stemtydperk verseël het, dit nie weer mag oopmaak nie maar aan die kiesbeampte moet aflewer.

(2) Die stemopnemer is verantwoordelik vir die veilige bewaring van die stembus en stembriewe gedurende die stemtydperk.

Verklaring van Geheimhouding

19. Iedere kiesbeampte, stemopnemer, kandidaat of sy agent, getuie of enige ander persoon of beampte (uitgesonderd 'n polisiebeampte) wat geregtig is om in 'n stemburo of by die tel van stemme teenwoordig te wees, moet voor die aanvang van die stemming, en elke tel-beampte moet voor die aanvang van die tel van stemme, in die vorm vervat in Aanhangsel D hiervan 'n beëdigde verklaring van geheimhouding aflê voor 'n vrederegtter of 'n kommissaris van ede, of, as hy nie 'n kiesbeampte is nie, voor 'n kiesbeampte wat hierby gemagtig word om sodanige eed af te neem.

of the places where and the dates on which poll is to take place and the date on which and the place where the counting of votes is to commence.

(4) Any person appointed an agent in terms of sub-section (1) shall produce his letter of appointment to the polling officer or the returning officer, as the case may be, if required to do so.

Notice by District Control Officer to Electoral Officer of his Requirements of Ballot Papers, Polling and Counting Officers

15. Every district control officer shall, upon request by the electoral officer whenever an election is to be held, furnish the electoral officer with the following particulars:

- (a) The estimated number of ballot papers required;
- (b) the number of deputy returning officers, polling officers, witnesses and counting officers required for effectually taking poll and the counting of votes; and
- (c) any further information which he may deem necessary to bring to the notice of the electoral officer.

Provision of Equipment

16. (1) For all elections the electoral officer shall provide ballot boxes, ballot papers, instruments for marking ballot papers and voters' reference books, and other requirements, and shall do such other acts and make such arrangements to facilitate the taking of poll as may be necessary for effectually conducting the election.

(2) The expenditure incurred by the electoral officer on all such acts, matters and requirements in connection with any election shall be defrayed from the Venda Revenue Fund.

(3) The electoral officer may depute any district control officer to perform on his behalf, in respect of his area of jurisdiction, any of the duties imposed upon the electoral officer by this section in regard to the arrangements for taking poll.

Polling Station at which a Voter shall Vote

17. Any voter may during the polling period vote at any other polling station if he is not in a position to vote at a polling station in his electoral division.

Procedure at Ballot

18. (1) The polling officer shall daily at the close of poll, in the presence of such candidates and/or agents as may be present, seal the opening in each ballot box, and shall break the seal only at the commencement of poll on the following morning in the presence of such candidates and/or their agents as may be present: Provided that after he has sealed each ballot box at the close of polling on the final day of the polling period he shall not reopen it but shall deliver it to the returning officer.

(2) The polling officer shall be responsible for the safekeeping of the ballot box and ballot papers during the polling period.

Declaration of Secrecy

19. Every returning officer, polling officer, candidate or his agent, witness or any other person or official (except a policeman) entitled to attend at a polling station or at the counting of votes shall, before the opening of the poll, and every counting officer shall, before the commencement of the counting of votes, make in the form contained in Annexure D hereto, a declaration of secrecy under oath before a justice of the peace or a commissioner of oaths, or if he is not a returning officer, before a returning officer who is hereby authorised to administer such oath.

Bevoegdhede van Stemopnemer by 'n Stemburo

20. (1) Die stemopnemer moet orde hou by 'n stemburo, moet reël hoeveel kiesers tegelyk binnege laat word, en alle ander persone, uitgesonderd die kiesbeampte, die kandidate of hulle agente en polisiebeamptes en ander beamptes op diens, buite hou.

(2) Behoudens die uitsonderings wat by subartikel (1) gemaak word, kan die stemopnemer enige persoon (uitgesonderd 'n persoon wat sy stem uitbring) aansê om die stemburo te verlaat en enige persoon wat versuim om die stemburo te verlaat wanneer dit van hom vereis word om dit te doen, kan op bevel van die stemopnemer sonder lasbrief in hegtenis geneem word, en begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R20.

(3) Die bevoegdhede by hierdie artikel verleen, word nie so uitgeoefen dat dit 'n kieser wat andersins geregtig is om te stem, verhinder om sy stem by die stemburo uit te bring nie.

Kiesers Mag nie Meer as Een Maal Stem nie

21. Geen kieser is geregtig om meer as een keer by enige verkiesing te stem of om in meer as een kiesafdeling te stem nie.

Stembriewe

22. Iedere stembrief wat gebruik moet word deur kiesers wat wil stem, moet in die vorm vervat in Aanhangsel E hiervan wees.

Wyse Waarop Gestem Word

23. (1) Enige persoon wat daarop aanspraak maak om by 'n verkiesing van lede van die Wetgewende Vergadering te stem, kan te eniger tyd voor of gedurende sodanige verkiesing sy bewysboek toon aan enige landdros, Bantoesakekommissaris, distriksbeheerbeampte, kiesbeampte of stemopnemer wat, indien hy daarvan oortuig is dat sodanige persoon 'n burger van Venda is en nie aan die diskwalifikasies genoem in artikel 6 (1) (c), (d), (e) en (f) van die Grondwetproklamasie onderhewig is nie—

(a) deur ondervraging van die kieser en met inagneming van die bepalinge van artikel 5, (2) van die Grondwetproklamasie die kiesafdeling waarin die kieser geregtig is om te stem, moet bepaal; en

(b) 'n inskrywing in die vorm vervat in Aanhangsel F hiervan moet maak in die afdeling gemerk E in die bewysboek, in die geval van 'n manlike kieser, of in die afdeling gemerk D in die bewysboek, in die geval van 'n vroulike kieser.

(2) By 'n verkiesing moet die stemopnemer by voorlegging aan hom deur enige persoon van 'n bewysboek wat 'n inskrywing in subartikel (1) genoem, bevat dat daardie persoon geregtig is om te stem en nadat hy vasgestel het dat geen stembrief reeds aan die kieser by daardie verkiesing uitgereik is nie, die geheime merk wat by daardie verkiesing gebruik word in die afdeling gemerk E of D, na gelang van die geval, in die kieser se bewysboek aanbring en die datum oor die stempel in die boek endosseer, die geheime merk agterop 'n stembrief aanbring wat die betrokke besonderhede bevat ten opsigte van die kiesafdeling waarin die kieser geregtig is om te stem en die stembrief aan die kieser oorhandig.

(3) Wanneer die persoon wat wil stem 'n stembrief ontvang het, dui hy, sonder versuim, die kandidaat (of kandidate) vir wie hy wil stem aan deur in die geheim 'n kruis in die ruimte teenoor die naam(name) van sodanige kandidaat (of kandidate) te maak, vou die stembrief dan sodat die geheime merk sigbaar is en die name van die kandidate nie sigbaar is nie en, nadat hy die stembrief so opgehou het dat die beampte in die beheer

Powers of the Polling Officer at a Polling Station

20. (1) The polling officer shall keep order at a polling station, shall regulate the number of voters to be admitted at a time and shall exclude all other persons except the returning officer, the candidates or their agents, and policemen and other officials on duty.

(2) Save as is excepted in subsection (1), the polling officer may require any person (other than a person recording his vote) to leave the polling station and any person who fails to leave the polling station when so required may be arrested without a warrant on the order of the polling officer and shall be guilty of an offence and liable on conviction to a fine not exceeding R20.

(3) The powers conferred by this section shall not be exercised so as to prevent any voter who is otherwise entitled to vote from having an opportunity of voting at the polling station.

No Voter to Vote More than Once

21. No voter shall be entitled to vote more than once at any election or to vote in more than one electoral division.

Ballot Papers

22. Every ballot paper to be used for voters who wish to vote shall be in the form contained in Annexure E hereto.

Manner of Voting

23. (1) Any person claiming to vote at any election of members of the Legislative Assembly may at any time before or during such election produce his reference book to any magistrate, Bantu Affairs Commissioner, district control officer, returning officer or polling officer, who shall, if he is satisfied that such person is a citizen of Venda and is not subject to the disqualifications referred to in section 6 (1) (c), (d), (e) and (f) of the Constitution Proclamation—

(a) by interrogation of the voter and with due regard to the provisions of section 5 (2) of the Constitution Proclamation, determine the electoral division in which such voter is entitled to vote; and

(b) make an entry in the form contained in Annexure F hereto in the section marked E in such reference book, in the case of a male voter, or in the section marked D in such reference book, in the case of a female voter.

(2) At any election the polling officer shall, upon production by any person of a reference book containing an entry referred to in subsection (1) to the effect that such person is entitled to vote and after determining that no ballot paper has already been issued to such voter at such election, stamp the secret mark used at such election in the section marked E or D, as the case may be, in the voter's reference book and endorse the date across the stamp in the book, stamp the secret mark on the back of a ballot paper containing the relevant particulars in respect of the electoral division in which such voter is entitled to vote and hand such ballot paper to the voter.

(3) When a person claiming to vote has received a ballot paper he shall without delay signify the candidate(s) for whom he desire to vote by secretly affixing his cross in the space provided opposite the name(s) of the candidate(s) and then fold the ballot paper so that the secret mark is visible and the names of the candidates are not visible and, having held up the ballot paper so

van die stembus die geheime merk kan herken, plaas hy die stembrief in die stembus wat voor die beampte staan.

(4) Die kieser moet sonder onnodige versuim sy stem uitbring en die stemburo verlaat sodra hy sy stembrief in die stembus geplaas het.

(5) Iedere kieser moet 'n getal stemme uitbring wat gelyk is aan die getal lede wat by die verkiesing verkies moet word vir die kiesafdeling waarin hy geregtig is om te stem.

Kiesers wat nie in Staat is om op die Voorgeskrewe Wyse te Stem nie

24. (1) Enige kieser wat nie in staat is om sy stem op die voorgeskrewe wyse uit te bring nie, kan die stemopnemer versoek om sy stembrief namens hom in te vul.

(2) Sodanige stemopnemer moet daarop met behoorlike inagneming van die handhawing van geheimhouding en in teenwoordigheid van twee getuies en 'n persoon van die kieser se eie keuse wat hom moet vergesel, aan sodanige kieser die name van die kandidate vir die bepaalde kiesafdeling voorlees en 'n kruis in die ruimte op die stembrief aanbring teenoor die naam (of name) van die kandidaat (of kandidate) wat mondeling deur sodanige kieser gekies is en vou daarna die stembrief en plaas dit in die stembus.

(3) By die verrigting van sy werksaamhede ingevolge hierdie artikel, moet sodanige stemopnemer enige dokument of ding verontagsaam wat deur die kieser vertoon of getoon word of in besit van die kieser is en wat die naam van enige kandidaat vir wie sodanige kieser moet stem of nie moet stem nie aandui of suggereer of veronderstel is om dit aan te dui of te suggereer.

Bedorwe Stembriefies

25. Indien 'n kieser onopsetlik 'n stembrief bederf, kan hy dit aan die stemopnemer teruggee, en as laasgenoemde daarvan oortuig is dat dit onopsetlik gebeur het, gee hy hom 'n ander stembrief en behou hy die bedorwe stembrief en daarna word die bedorwe stembrief onmiddellik gekanselleer.

DEEL IV

BESKIKKING OOR VERKIESINGSTUKKE, TEL VAN STEMME EN BEPALING VAN DIE UITSLAG VAN VERKIESING

Verseëling van Stembusse, ens.

26. (1) Iedere stemopnemer maak onmiddellik na die sluiting van die stemming, in teenwoordigheid van sodanige kandidate of hulle agente (as daar is) as wat aanwesig is, afsonderlike pakkette, verseël met sy eie seël en met die seëls van dié kandidate of hulle agente (as daar is) wat hulle seëls ook daarop wil afdruk, van—

(a) elke stembus wat aan hom toevertrou is, onoopgemaak;

(b) die ongebruikte en bedorwe stembriewe; en

(c) die verklarings van geheimhouding,

en lewer die pakkette onverwylde aan die kiesbeampte af of laat hulle aan hom aflewer.

(2) Die pakkette gaan vergesel van 'n opgawe in die vorm vervat in Aanhangsel G hiervan deur die stemopnemer verstrekk waarin hy die getal stembriewe aan hom toevertrou, noem en waarin hy van hulle rekenskap gee onder die hoofde "Stembriewe in die stembus", "Ongebruikte stembriewe" en "Bedorwe stembriewe".

(3) Elkeen van die pakkette in subartikel (1) genoem en die opgawe in subartikel (2) genoem, word voorsien van 'n etiket in die vorm vervat in Aanhangsel H hiervan.

that the officer in charge of the ballot box can recognise the secret mark, he shall put the ballot paper into the ballot box placed in front of such officer.

(4) The voter shall vote without undue delay and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

(5) Every voter shall exercise a number of votes equal to the number of members to be elected at the election for the electoral division in which he is entitled to vote.

Voters Who are Unable to Vote in the Manner Prescribed

24. (1) Any voter who is unable to vote in the prescribed manner may request the polling officer to complete his ballot paper on his behalf.

(2) Such polling officer shall thereupon, with due regard to the maintenance of secrecy and in the presence of two witnesses and a person of the voter's own choice who shall accompany him, read to such voter the names of the candidates for the particular electoral division and affix a cross in the space provided on the ballot paper opposite the name(s) of the candidate or candidates selected by word of mouth by such voter and shall thereafter fold the ballot paper and put it into the ballot box.

(3) In the performance of his functions under this section such polling officer shall disregard any document or thing exhibited or produced by or in the possession of the voter which indicates or suggests or purports to indicate or suggest the name of any candidate for whom such voter is or is not to vote.

Spoiled Ballot Papers

25. If a voter inadvertently spoils a ballot paper he may return it to the polling officer, who shall if satisfied of the inadvertence, give him another ballot paper and retain the spoiled ballot paper, whereupon the spoiled ballot paper shall be immediately cancelled.

PART IV

DISPOSAL OF ELECTORAL MATTER, COUNTING OF VOTES AND DETERMINATION OF RESULT OF ELECTION

Sealing of Ballot Boxes, etc.

26. (1) Every polling officer shall, immediately after the close of the poll, in the presence of such candidates or their agents (if any) as may be in attendance, make up into separate packets, sealed with his own seal and with the seals of those candidates or agents (if any) who desire to affix their seals—

(a) each ballot box entrusted to him, unopened;

(b) the unused and spoiled ballot papers; and

(c) the declarations of secrecy,

and shall forthwith deliver or cause to be delivered the packets to the returning officer.

(2) The packets shall be accompanied by a return made by the polling officer, in the form contained in Annexure G hereto, showing the number of ballot papers entrusted to him and accounting for them under the heads of "Ballot papers in the ballot box", "Unused ballot papers" and "Spoiled ballot papers".

(3) A label in the form contained in Annexure H hereto shall be affixed to each of the packets mentioned in subsection (1) and to the return mentioned in subsection (2).

Optrede deur Kiesbeampste by Ontvangs van Stembriewe

27. Iedere kiesbeampste moet by ontvangs van kiesers se stembriewe sodanige stembriewe onoopgemaak in veilige bewaring hou totdat die stemme getel word en dan moet daarmee gehandel word soos in artikels 28 tot en met 32 voorgeskryf.

Verifiëring van Stembriefopgawe

28. (1) By ontvangs deur die kiesbeampste van al die pakkette en stembusse van iedere stemopnemer in sy stemdistrik, en nie eerder nie, ondersoek hy of die seëls in orde is en gee hy sodanige kandidate of hulle agente as wat aanwesig is 'n geleentheid om dieselfde te doen, en daarna maak hy in teenwoordigheid van sodanige kandidate of hulle agente die verseëde pakkette oop wat die ongebruikte en bedorwe stembriewe bevat asook die pakket wat die opgawe van stembriewe bevat, en maak hy elke stembus oop en verifieer hy die opgawe van stembriewe wat deur elke stemopnemer ingelewer is, deur dit met die getal stembriewe in elke sodanige bus en die getal ongebruikte en bedorwe stembriewe in sy besit te vergelyk.

(2) Wanneer die kiesbeampste die verifiëring van die opgawe van stembriewe van elke stemburo in sy kiesafdeling voltooi het, maak hy, afgesien daarvan of sodanige opgawes juis bevind is al dan nie, in teenwoordigheid van sodanige kandidate of hulle agente as wat aanwesig is, die stembriewe uit al die stembusse op so 'n wyse deurmekaar dat dit onmoontlik is om te bepaal uit watter stembus 'n bepaalde stembrief geneem is.

(3) Nadat hy die geheime merk op die stembriewe negegaan het, gaan die kiesbeampste oor tot die tel van die stemme en terwyl hy die stemme tel, laat hy die stembriewe met hulle voorkant na bo hou.

Wyse waarop Stemme Getel moet word

29. Vir die doel van die tel van stemme word die stembriewe in pakkette van 50 vasgebund (aan elkeen waarvan 'n onderskeidende nommer toegeken word) en daarna word die getal stemme ten opsigte van elke kandidaat opgeskryf en nagegaan.

Stembriewe wat Verwerp moet word

30. (1) Die kiesbeampste verwerp en tel nie 'n stembrief nie—

- (a) wat nie die geheime merk daarop het nie;
- (b) waarop stemme op meer kandidate uitgebring is as die getal lede wat by genoemde verkiesing vir daardie afdeling verkies moet word;
- (c) wat ongemerk of weens onsekerheid ongeldig is;
- (d) wat enige skrif of merk daarop het waardeur 'n kieser op 'n ander wyse as dié in hierdie Proklamasie voorgeskryf, geïdentifiseer kan word.

(2) Die kiesbeampste endosseer die woord "verwerp" op 'n stembrief wat hy as ongeldig verwerp.

Bepaling van Uitslag van Verkiesing deur Kiesbeampste

31. Nadat die tel van stemme voltooi is, stel die kiesbeampste die verkiesingsbeampste onverwyld in die vorm vervat in Aanhangsel I hiervan per geregistreerde pos in 'n verseëde koevert in kennis van die uitslag van die verkiesing in sy distrik.

Beskikking oor Verkiesingstukke deur Kiesbeampste na Afloop van Tel van Stemme

32. (1) Na afloop van die tel van die stemme ten aansien van sy distrik maak die kiesbeampste die volgende in afsonderlike pakkette op:

- (a) Alle ongebruikte en bedorwe stembriewe wat by elke stemburo gebruik is;

Action to be Taken by a Returning Officer upon Receipt of Ballot Papers

27. Every returning officer shall upon receipt of voters' ballot papers retain such ballot papers unopened in safe custody until the counting of votes when they shall be dealt with as prescribed in sections 28 to 32 inclusive.

Verification of Ballot Paper Return

28. (1) The returning officer shall, upon receipt of all the packets and ballot boxes from every polling officer in his polling district, and not before, examine whether the seals are in order and afford such candidates or their agents as may be in attendance an opportunity to do the same and after that, in the presence of such candidates or their agents, open the sealed packets containing the unused and spoiled ballot papers and the packet containing the ballot paper return and shall open each ballot box and verify the ballot paper return given by each polling officer by comparing it with the number of ballot papers in each such ballot box and the number of unused and spoiled ballot papers in his possession.

(2) When the returning officer has completed the verification of a ballot paper return for each polling station in his electoral division, and whether or not such returns are found to be correct, he shall in the presence of such candidates or their agents as may be present mix together the ballot papers contained in all the ballot boxes so that it is impossible to determine from which ballot box any particular ballot paper was taken.

(3) The returning officer shall, after scrutinising the secret mark on the ballot papers, proceed to count the votes and while counting the votes shall cause the ballot papers to be kept with their faces upwards.

Manner of Counting Votes

29. The ballot papers shall, for the purposes of counting, be fastened together in packets of 50 (to each of which a distinctive number shall be assigned) and thereafter the number of votes for each candidate shall be recorded and checked.

Ballot Papers to be Rejected

30. (1) The returning officer shall reject and not count any ballot paper—

- (a) which does not bear the secret mark;
- (b) on which votes are cast for more candidates than the number of members to be elected for that division at the said election;
- (c) which is unmarked or invalid owing to uncertainty;
- (d) which bears any writing or mark by which a voter can be identified otherwise than in this Proclamation prescribed.

(2) The returning officer shall endorse the word "rejected" on a ballot paper which he may reject as invalid.

Determination of Result of Election by Returning Officer

31. After completion of the counting of votes the returning officer shall forthwith advise the electoral officer by registered post in a sealed envelope of the outcome of the election in his district in the form contained in Annexure I hereto.

Disposal of Electoral Matter by Returning Officer after the Counting of Votes has been Completed

32. (1) The returning officer shall after the completion of the counting of votes in respect of his district make up into separate packets the following:

- (a) All unused and spoiled ballot papers used at each polling station;

- (b) alle getelde stembriewe;
- (c) alle verworpe stembriewe; en
- (d) alle stembriefopgawes behoorlik geëndosseer met sy bevindings betreffende die verifiëring van sodanige opgawes.

(2) Die kiesbeampte—

(a) voorsien elke pakket genoem in subartikel (1) van 'n etiket in die vorm vervat in Aanhangsel H hiervan;

(b) verseël elke sodanige pakket met sy eie seël en met die seëls van sodanige kandidate en agente (as daar is) as wat hulle seëls ook daarop wil afdruk; en

(c) bewaar sodanige pakkette vir 'n tydperk van ses maande en vernietig hulle daarna: Met dien verstande dat enige ongebruikte blanko stembriewe nie vernietig word nie, maar per geregistreerde pos aan die verkiesingsbeampte gestuur word.

Beskikking oor Seël en Merkinstrumente

33. Die seël en instrumente vir die geheime merk moet per geregistreerde pos aan die verkiesingsbeampte teruggestuur word.

Bepaling van Uitslag van Verkiezing deur die Verkiezings-beampte

34. (1) By ontvangs van die uitslae vanaf alle kies-beamptes moet die verkiesingsbeampte, in teenwoordigheid van twee getuies wat Bantoesakekommissarisse of landdroste moet wees daartoe oorgaan om die verseëelde koeverte in artikel 31 bedoel, oop te maak en die uitslag van die verkiezing bepaal en die verkiesingsbeampte en sodanige getuies moet skriftelik sertifiseer dat die uitslag aldus bepaal korrek is.

(2) Die verkiesingsbeampte moet so gou moontlik daarna die getal kandidate, gelykstaande met die getal lede wat ten opsigte van iedere kiesafdeling verkies moet word, wat by die verkiezing die meeste stemme gekry het, behoorlik verkose lede van die Wetgewende Vergadering verklaar.

(3) As die volle getal kandidate wat aldus verkose verklaar moet word weens 'n staking van stemme nie bepaal kan word nie verklaar die verkiesingsbeampte die getal kandidate wat wel bepaal kan word onverwyld behoorlik verkose en gaan hy in teenwoordigheid van die getuies genoem in subartikel (1) daartoe oor om deur loting, op die wyse deur hom bepaal, uit die geledere van die kandidate wat ewe veel stemme gekry het, die kandidaat of kandidate aan te wys wat behoorlik verkose verklaar moet word.

Bekendmaking van Name van Verkose Lede

35. (1) Sodra die name en adresse van die persone by 'n algemene verkiezing behoorlik verkies vir die onderskeie afdelings van Venda bekend is, moet die verkiesings-beampte by kennisgewing in die *Amptelike Koerant* van die gebied die volle naam en adres van iedere sodanige verkose lid tesame met die datum waarop hy behoorlik verkies is, die naam van die afdeling wat sodanige lid verteenwoordig en die totale getal stemme wat ten gunste van sodanige lid uitgebring is, laat publiseer.

(2) 'n Kennisgewing ingevolge subartikel (1) gepubliseer, dui ook die name van die onsuksesvolle kandidate ten opsigte van elke kiesafdeling en die totale getal stemme aan wat ten opsigte van elke sodanige kandidaat uitgebring is, asook die getal bedorwe stembriewe ten opsigte van elke kiesafdeling.

(3) Die verkiesingsbeampte moet die inligting in subartikel (1) gemeld aan die Sekretaris van die Wetgewende Vergadering oordra.

- (b) all counted ballot papers;
- (c) all rejected ballot papers; and
- (d) all ballot paper returns duly endorsed with his findings on the verification of such returns.

(2) The returning officer shall—

(a) affix a label in the form of Annexure H hereto to each of the packets mentioned in subsection (1);

(b) seal each such packet with his own seal and with the seals of such candidates and agents (if any) as may desire to affix their seals; and

(c) retain such packets for a period of six months and thereafter destroy them: Provided that any unused blank ballot papers shall not be destroyed but shall be forwarded by registered post to the electoral officer.

Disposal of Seal and Marking Instruments

33. The seal and instruments for the secret mark shall be returned by registered post to the electoral officer.

Determination of Result of Election by Electoral Officer

34. (1) Upon receipt of the results from all returning officers the electoral officer shall in the presence of two witnesses, who shall be Bantu Affairs Commissioners or magistrates, proceed to open the sealed envelopes referred to in section 31 and determine the result of the election and the electoral officer and such witnesses shall, in writing, certify that the result so determined is correct.

(2) The electoral officer shall as soon as possible thereafter declare the number of candidates, equal to the number of members to be elected in respect of each electoral division, who have received the greater number of votes at the said election to be duly elected members of the Legislative Assembly.

(3) If the full number of members so to be declared elected cannot be determined by reason of an equality of votes the electoral officer shall forthwith declare such number of candidates as can be determined to be duly elected and the electoral officer shall in the presence of the witnesses referred to in subsection (1) proceed to designate by lot in the manner determined by him the candidate(s), from among those candidates who obtained an equality of votes, who shall be declared to be duly elected.

Publication of Names of Elected Members

35. (1) As soon as the names and addresses of the persons duly elected for the several divisions of Venda at a general election are known the electoral officer shall cause to be published by notice in the *Official Gazette* of the territory the full name and address of every member so returned together with the date on which he was duly elected, the name of the division which such member represents and the total number of votes in favour of such member.

(2) A notice published in terms of subsection (1) shall also reflect the names of the unsuccessful candidates in respect of each electoral division and the total number of votes cast in favour of each such candidate, as well as the number of rejected ballot papers in respect of each electoral division.

(3) The electoral officer shall convey the particulars mentioned in subsection (1) to the Secretary of the Legislative Assembly.

DEEL V

ALGEMEEN EN AANVULLEND

Onbelangrike Foute raak nie Geldigheid van Verkiesing nie

36. Geen verkiesing is weens 'n fout of nie-nakoming van die bepalings van hierdie Proklamasie ongeldig nie, indien die verkiesing gehou is ooreenkomstig die beginsels hierin voorgeskryf en sodanige fout of nie-nakoming nie die uitslag geraak het nie.

Bewys dat Verkiesing Gehou is

37. By 'n aanklag van 'n korrupte of onwettige bedrywigheid of van 'n ander misdryf ingevolge hierdie Proklamasie, wat volgens bewering by of in verband met 'n verkiesing begaan is, is die sertifikaat van die kiesbeambte dat die verkiesing daarin gemeld aan die gang was of gehou is, voldoende bewys van die feit dat sodanige verkiesing aan die gang was of gehou is.

Ontruiming van Setels

38. Indien die setel van 'n verkose lid van die Wetgewende Vergadering ingevolge die bepalings van artikel 7 van die Grondwetproklamasie vakant raak, moet die vakature ingevolge die bepalings van artikel 8 van genoemde Proklamasie aangevul word.

Kennisgewing van Vakature aan Wetgewende Vergadering

39. Wanneer die Speaker van die Wetgewende Vergadering hom van die ontstaan van 'n vakature vergewis het, maak hy dit aan die Wetgewende Vergadering bekend as dit dan in sitting is en, as die Wetgewende Vergadering nie in sitting is nie, by die aanvang van die eersvolgende sitting en indien sodanige vakature intussen aangevul is, stel hy die Wetgewende Vergadering dienoreenkomstig in kennis.

Publikasie en Betekening van Kennisgewings

40. Behalwe waar publikasie in die *Staatskoerant* of die *Amptelike Koerant* van die gebied of op 'n ander bepaalde wyse uitdruklik voorgeskryf is, is dit voldoende as 'n openbare kennisgewing wat ooreenkomstig hierdie Proklamasie gepubliseer moet word, gepubliseer word in 'n nuusblad wat in die afdeling waarop dit die voorneme is dat die kennisgewing betrekking moet hê, sirkuleer of as dit aangeplak word langs die hoofbuite deur van die kantoor van iedere distriksbeheerbeambte of op enige ander plek wat die verkiesingsbeambte voorskryf.

Sondae en Openbare Feesdae

41. Wanneer enigiets op 'n bepaalde datum ingevolge hierdie Proklamasie begin, voltooi of gedoen moet word, en daardie datum op 'n Sondag val of op 'n dag wat by of kragtens 'n wet tot 'n openbare feesdag verklaar is, moet dit begin, voltooi of gedoen word op die eersvolgende datum na sodanige Sondag of openbare feesdag, of as laasgenoemde datum ook op 'n Sondag of openbare feesdag val, dan op die eersvolgende datum na sodanige Sondag of openbare feesdag.

Vrystelling van Seëlreg

42. Ondanks andersluidende bepalings in enige wet betreffende seëlregte, is daar op 'n verklaring wat afgelê word of 'n magtiging wat uitgereik word in verband met verkiesings in Venda geen seëlreg verskuldig nie.

Gebruik van Rubberstempels

43. 'n Rubberstempel of ander afdruk mag nie gebruik word by die ondertekening van 'n sertifikaat wanneer sodanige sertifikaat ooreenkomstig hierdie Proklamasie deur enige beambte uitgereik moet word nie.

PART V

GENERAL AND SUPPLEMENTARY

Immaterial Mistakes not to Affect Validity of Election

36. No election shall be invalid by reason of any mistake or non-compliance with the provisions of this Proclamation if the election was conducted in accordance with the principles laid down herein and such mistake or non-compliance did not affect the result.

Evidence of Election being Held

37. Upon any charge of a corrupt or illegal practice or any other offence under this Proclamation alleged to have been committed at or in connection with an election, the certificate of the returning officer that the election mentioned therein was being or had been held shall be sufficient evidence of the fact that such election was being or had been held.

Vacation of Seats

38. If the seat of an elected member of the Legislative Assembly becomes vacant in terms of the provisions of section 7 of the Constitution Proclamation, the vacancy shall be filled in terms of the provisions of section 8 of the said Proclamation.

Notification of Vacancy to the Legislative Assembly

39. The Speaker of the Legislative Assembly shall whenever he is satisfied that a vacancy has occurred announce the fact to the Legislative Assembly if it is then in session and if the Legislative Assembly is not in session, at the commencement of the next ensuing session, and should such vacancy have in the interim be filled advise the Legislative Assembly accordingly.

Publication and Service of Notices

40. A public notice required to be given in terms of this Proclamation shall, except where it is expressly directed to be published in the *Gazette* or the *Official Gazette* of the territory or in any other particular manner, be sufficiently given if it is published in a newspaper circulating in the division intended to be affected by the notice or if it is posted next to the main outer door of the office of every district control officer or at any other place which the electoral officer may prescribe.

Sundays and Public Holidays

41. Whenever under this Proclamation anything is required to be commenced, concluded or done on a particular date, and that date happens to fall upon a Sunday or a day declared by or under a law to be a public holiday, such thing shall be commenced, concluded or done on the date next succeeding such Sunday or public holiday or if the last-mentioned date is also a Sunday or public holiday, then on the date next succeeding such Sunday or public holiday.

Exemption from Stamp Duty

42. Notwithstanding anything to the contrary in any law relating to stamp duty, no stamp duty shall be charged on any declaration made or any authorisation issued in connection with elections in Venda.

Use of Rubber Stamps

43. Whenever in terms of this Proclamation, a certificate is required to be given by any officer, a rubber stamp or other impression shall not be used in signing such certificate.

Voorgeskrewe Vorms

44. Die vorms vir gebruik in verband met die hou van verkiesings moet wees soos by hierdie Proklamasie voorgeskryf.

DEEL VI

OORTREDINGS EN BOETES

Onderbreking of Steuring van Verrigtings by Verkiesings

45. 'n Persoon wat opsetlik verrigtings in verband met die hou van verkiesings ooreenkomstig die bepalings van hierdie Proklamasie onderbreek, belemmer of versteur, of op stemdag enige vorm van luidspreker gebruik of enige optog van, of betoging deur, persone vorm of reël, uitgesonderd vir amptelike doeleindes, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R100 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

Bedrog met Stembriewe, ens.

46. (1) 'n Persoon wat—

- (a) 'n stembrief of die geheime merk op 'n stembrief vervals, namaak of met opset om te bedrieg, vernietig;
- (b) sonder behoorlike magtiging 'n ander persoon van 'n stembrief voorsien;
- (c) met opset om te bedrieg, enige ander stuk papier in 'n stembus plaas as die stembrief wat hy regtens daarin mag plaas;
- (d) met opset om te bedrieg, 'n stembrief uit die stemburo wegneem; of
- (e) sonder behoorlike magtiging 'n stembus of pakket stembriewe wat dan vir die doel van die verkiesing in gebruik is, vernietig, neem, oopmaak of hom op 'n ander wyse daarmee bemoei,

begaan 'n misdryf en is by skuldigbevinding strafbaar, as hy 'n kiesbeampte of 'n beampte aanwesig in 'n stemburo is, met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, en as hy 'n ander persoon is, met gevangenisstraf vir 'n tydperk van hoogstens nege maande.

(2) In 'n akte van beskuldiging, dagvaarding of aanklag weens 'n misdryf met betrekking tot stembusse, stembriewe en geheime merkinstrumente by 'n verkiesing kan verklaar word dat die eiendomsreg op die busse, stembriewe of instrumente, asook op die teenblaai, by die kiesbeampte by die verkiesing berus.

(3) Word die kiesbeampte aldus beskuldig of aangekla, kan verklaar word dat die eiendomsreg by die Minister berus.

(4) Bewys dat 'n groter getal stembriewe in 'n stembus gevind is, of volgens opgawe by 'n stemburo ontvang is, as die getal kiesers wat by daardie stemburo gestem het, is *prima facie* bewys dat die stemopnemer van sodanige stemburo skuldig aan die pleeg, of die verlening van hulp en bystand by die pleeg, van 'n misdryf ingevolge hierdie artikel.

Skending van Geheimhouding

47. (1) Iedere beampte, kandidaat of sy agent wat by 'n stemburo of by die tel van stemme aanwesig is, moet die geheimhouding van die stemming in daardie buro handhaaf en help om dit te handhaaf, en mag aan geen persoon, uitgesonderd vir die een of ander regtens geoorloofde doel, enige inligting medeel wat waarskynlik die geheimhouding van die stemming sal verydel nie.

(2) Behoudens die bepalings van hierdie Proklamasie, mag geen persoon hom met 'n kieser bemoei, of probeer om hom met 'n kieser te bemoei wanneer sodanige kieser sy stembrief merk nie, of andersins by 'n stemming kragtens hierdie Proklamasie probeer om te wete te kom vir

Forms Prescribed

44. The forms to be used in connection with the conduct of elections in Venda shall be those prescribed by this Proclamation.

PART VI

OFFENCES AND PENALTIES

Interrupting or Disturbing Proceedings at Elections

45. Any person who wilfully interrupts, obstructs or disturbs any proceedings in connection with the conduct of elections in terms of the provisions of this Proclamation, or who on polling day uses any form of loudspeaker or forms or organises any procession of or demonstration by persons other than for official purposes, shall be guilty of an offence and liable upon conviction to a fine not exceeding R100 or to imprisonment for a period not exceeding three months.

Fraudulent Ballot Papers, etc.

46. (1) Any person who—

- (a) forges or counterfeits or fraudulently destroys any ballot paper or the secret mark on any ballot paper;
- (b) without due authority supplies a ballot paper to any person;
- (c) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in;
- (d) fraudulently takes out of the polling station any ballot paper; or
- (e) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purpose of the election,

shall be guilty of an offence and upon conviction liable, if he is a returning officer or an officer in attendance at a polling station, to imprisonment for a period not exceeding two years, and if he is any other person, to imprisonment for a period not exceeding nine months.

(2) In any indictment, summons or charge for an offence in relation to ballot boxes, ballot papers and secret marking instruments at an election, the property in such boxes, papers and instruments, as well as the property in the counterfoils, may be stated to be in the returning officer at such election.

(3) If the returning officer is so indicted or charged, such property may be stated to be in the Minister.

(4) Proof that a greater number of ballot papers is found in a ballot box or is returned as having been received at a polling station than the number of voters who voted at that polling station shall be *prima facie* evidence that the polling officer of such polling station was guilty of the commission or aiding and abetting the commission of an offence under this section.

Infringement of Secrecy

47. (1) Every officer, candidate or his agent in attendance at a polling station or at the counting of votes shall maintain, and aid in maintaining, the secrecy of the voting in that station and shall not communicate, except for some purpose authorised by law, to any person any information likely to defeat the secrecy of the voting.

(2) No person, except as in this Proclamation provided, shall interfere with or attempt to interfere with a voter when such voter is marking his ballot paper, or otherwise attempt to obtain information as to the candidate for whom any voter is about to vote or has

watter kandidaat 'n kieser op die punt staan om te stem of gestem het nie of te eniger tyd aan enige persoon meedeel vir watter kandidaat, volgens inligting wat verkry is, 'n kieser op die punt staan om te stem of gestem het nie.

(3) Geen persoon mag direk of indirek enige kieser beweeg om sy stembrief, nadat hy dit gemerk het, op so 'n wyse te vertoon dat enige persoon die naam van die kandidaat vir wie hy sy stembrief aldus gemerk het, te wete kom nie.

(4) Geen persoon mag op 'n stembrief enige merk of skrif aanbring waardeur 'n persoon wat met daardie stembrief stem, geïdentifiseer kan word nie.

(5) Iedere persoon wat by die tel van die stemme aanwesig is, moet die geheimhouding van die stemming handhaaf en help om dit te handhaaf, en mag nie probeer vasstel of aan 'n ander persoon meedeel vir watter kandidaat, volgens inligting wat by sodanige telling verkry is, op 'n bepaalde stembrief 'n stem uitgebring is nie.

(6) 'n Persoon wat by die vervulling van sy pligte kragtens hierdie Proklamasie te wete gekom het op watter kandidaat enige ander persoon sy stem uitgebring het, mag sodanige kennis nie bekendmaak nie, uitgesonderd in antwoord op 'n vraag wat wettiglik aan hom gestel is in die loop van verrigtinge in 'n bevoegde hof.

(7) 'n Persoon wat enige van die bepalings van hierdie artikel oortree of versuim om daaraan te voldoen, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R200 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

Pligsversuim deur Kiesbeampte of ander Beampte

48. 'n Kiesbeampte of 'n ander beampte of persoon wat opsetlik versuim om enige van die pligte te vervul wat kragtens die bepalings van hierdie Proklamasie hom opgelê is, begaan 'n misdryf en is by skuldigbevinding strafbaar, in die geval van 'n kiesbeampte, met 'n boete van hoogstens R400 en, in die geval van enige ander beampte of persoon, met 'n boete van hoogstens R200.

DEEL VII

KORRUPT EN ONWETTIGE BEDRYWIGHEDE EN ANDER MISDRYWE IN VERBAND MET VERKIESINGS

Omskrywing van Korrupte Bedrywigheid

49. "Korrupte bedrywigheid" beteken enige van die misdrywe van trakteerdery, onbehoorlike beïnvloeding, omkopery en uitgee vir 'n ander.

Trakteerdery

50. 'n Persoon wat korruptelik, hetsy voor, gedurende of na 'n verkiesing, self of deur 'n ander persoon direk of indirek aan of vir enige persoon voedsel, drank, vermaak, inwoning of lewensmiddele gee of verskaf of die koste om dit te gee of te verskaf, of 'n deel daarvan, betaal, met die doel om daardie persoon of 'n ander persoon korruptelik te beïnvloed om sy stem by 'n verkiesing uit te bring al dan nie, of omdat daardie persoon of 'n ander persoon sy stem by die verkiesing uitgebring het of gaan uitbring al dan nie, begaan die misdryf van trakteerdery.

Onbehoorlike Beïnvloeding

51. (1) 'n Persoon wat, self of deur 'n ander persoon, direk of indirek teen enige persoon geweld of dwang gebruik of dreig om te gebruik, of aan enige persoon enige wêreldlike of geestelike leed, skade, kwaad of verlies berokken of dreig om dit te berokken of iets ten nadele van enige persoon doen of dreig om dit te doen, ten einde daardie persoon te beweeg of te dwing om sy

voted, or communicate at any time to any person any information obtained as to the candidate for whom any voter is about to vote or has voted at a taking of poll under this Proclamation.

(3) No person shall directly or indirectly induce any voter to display his ballot paper, after he has marked the same, in such a manner as to make known to any person the name of the candidate for whom the voter has so marked his ballot paper.

(4) No person shall place upon any ballot paper any mark or writing whereby a person who casts his vote(s) on that ballot paper may be identified.

(5) Every person in attendance at the counting of votes shall maintain, and aid in maintaining, the secrecy of the voting, and shall not attempt to ascertain or communicate any information obtained at such counting as to the candidate for whom any vote is cast in any particular ballot paper.

(6) A person who has, in carrying out his duties under this Proclamation, obtained knowledge as to the candidate for whom any other person has voted shall not except in answer to a question lawfully put to him in the course of proceedings in a competent court, disclose such knowledge.

(7) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence and liable on conviction to a fine not exceeding R200 or to imprisonment for a period not exceeding 12 months.

Neglect by Returning Officer or Other Officer to Perform his Duties

48. Any returning officer or any other officer or person who wilfully fails to perform any of the duties which under the provisions of this Proclamation he is required to perform, shall be guilty of an offence and in the case of a returning officer liable on conviction to a fine not exceeding R400 and in the case of any other officer or person to a fine not exceeding R200.

PART VII

CORRUPT AND ILLEGAL PRACTICES AND OTHER OFFENCES RELATING TO ELECTIONS

Definition of Corrupt Practice

49. "Corrupt practice" means any of the offences of treating, undue influence, bribery and personation.

Treating

50. Any person who corruptly by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing any food, drink, entertainment, lodging or provisions to or for any person for the purpose of corruptly influencing that person or any other person to cast or refrain from casting his vote at an election, or on account of such person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at such election, shall be guilty of the offence of treating.

Undue Influence

51. (1) Any person who directly or indirectly by himself or by any other person makes use or threatens to make use of any force, violence or restraint or inflicts or threatens to inflict any temporal or spiritual injury, damage, harm or loss upon or against, or does or threatens to do anything to the disadvantage of any person in order to induce or compel that person to vote

stem by 'n verkiesing uit te bring al dan nie, of omdat hy sy stem by 'n verkiesing uitgebring het al dan nie, begaan die misdryf van onbehoorlike beïnvloeding.

(2) 'n Persoon wat deur ontvoering, dwang of enige bedrieglike middel, die vrye uitoefening van die stemreg deur 'n kieser belemmer of belet of 'n kieser daardeur dwing, beweeg of oorhaal om sy stem by 'n verkiesing uit te bring al dan nie, begaan die misdryf van onbehoorlike beïnvloeding.

Omkopery

52. (1) 'n Persoon begaan die misdryf van omkopery indien hy, self of deur 'n ander, direk of indirek—

(a) aan of vir 'n kieser, of aan of vir 'n persoon ten behoeve van 'n kieser, of aan of vir enige ander persoon, enige geld of enigiets anders gee, leen of verkry of ooreenkom om dit te gee, te leen of te verkry of dit aanbied, belooft of belooft om dit te verkry of om te probeer om dit te verkry, ten einde 'n kieser te beweeg om sy stem by 'n verkiesing uit te bring al dan nie, of korruptelik een van voormelde handelinge verrig omdat die kieser sy stem by 'n verkiesing uitgebring het al dan nie; of

(b) aan of vir 'n kieser, of aan of vir 'n persoon ten behoeve van 'n kieser, of aan of vir enige ander persoon, enige geld of enigiets anders gee of leen, of ooreenkom om dit te gee of te leen, of dit aanbied, of belooft om dit te verkry of om te probeer om dit te verkry, vir optrede in of deelname aan enige optog of betoging voor, gedurende of na 'n verkiesing; of

(c) aan of vir 'n persoon sodanige skenking, lening, aanbod, belooft, verkryging of ooreenkoms gee, verstrekt, doen of aangaan, ten einde sodanige persoon te beweeg om die verkiesing van 'n kandidaat by 'n verkiesing of die stem van 'n kieser by 'n verkiesing te verkry of om te probeer om dit te verkry; of

(d) teen of ten gevolge van sodanige skenking, lening, aanbod, belooft, verkryging of ooreenkoms, die verkiesing van 'n kandidaat by 'n verkiesing of die stem van 'n kieser by 'n verkiesing verkry of onderneem, belooft of probeer om dit te verkry; of

(e) aan of vir die gebruik van 'n ander persoon enige geld voorskiet of betaal of laat voorskiet of betaal, met die bedoeling dat daardie geld of enige deel daarvan by 'n verkiesing aan omkopery bestee moet word, of willens en wetens aan 'n persoon enige geld betaal of laat betaal ter vereffening of terugbetaling van geld wat geheel of ten dele by 'n verkiesing aan omkopery bestee is; of

(f) voor of gedurende enige verkiesing, vir homself of 'n ander persoon, enige geld of lening ontvang of beding, omdat hy by 'n verkiesing gestem het of ooreengekom het om te stem, of omdat hy hom by 'n verkiesing van stemming onthou het of ooreengekom het om hom van stemming te onthou; of

(g) na 'n verkiesing geld ontvang omdat 'n persoon sy stem uitgebring het al dan nie of 'n ander persoon beweeg het om sy stem by enige verkiesing uit te bring al dan nie; of

(h) eiendom oordra of transporteer of betrokke is by die oordrag of transport van eiendom, of enige geld betaal, of betrokke is by die betaal van enige geld, aan 'n persoon ten einde hom in staat te stel om te stem en daardeur sy stem by 'n toekomstige verkiesing te beïnvloed, of enige geld betaal of betrokke is by die betaling van enige geld ten behoeve van 'n kieser ten einde hom te beweeg om sy stem uit te bring al dan nie.

(2) Geen bepaling van hierdie artikel mag uitgelê word nie as sou dit van toepassing wees op geld wat vir of weens bona fide en wettige aangegane verkiesingskoste betaal is of volgens ooreenkoms betaal moet word.

or refrain from voting, or on account of that person having voted or refrained from voting at any election shall be guilty of the offence of undue influence.

(2) Any person who, by abduction, duress or fraudulent device or contrivance, impedes or prevents the free exercise of the franchise by any voter, or thereby compels, induces or prevails upon any voter either to cast or to refrain from casting his vote at any election shall be guilty of the offence of undue influence.

Bribery

52. (1) Any person shall be guilty of the offence of bribery if he, directly or indirectly, by himself or by any other person—

(a) gives, lends or procures, or agrees to give, lend or to endeavour to procure any money or any other thing to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election; or

(b) gives, lends or agrees to give or lend, or offers, or promises to procure or to endeavour to procure any money or any other thing to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, for acting or joining in any procession or demonstration before, during or after any election; or

(c) makes any such gift, loan, offer, promise, procurement or agreement to or for any person in order to induce such person to procure or endeavour to procure, the return of any candidate at any election or the vote of any voter at an election; or

(d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures, or engages, promises or endeavours to procure, the return of any candidate at any election or the vote of any voter at any election; or

(e) advances or pays, or causes to be advanced or paid, any money to, or for the use of, any other person with the intent that such money, or any part thereof, shall be expended in bribery at any election, or knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election; or

(f) before or during any election, receives, or contracts for any money or loan, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, at any election; or

(g) after any election receives any money on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election; or

(h) conveys or transfers or is concerned with the conveyance or transfer of any property, or pays or is concerned with the payment of any money, to any person for the purpose of enabling him to vote, thereby to influence his vote at any future election, or pays or is concerned with the payment of any money on behalf of any voter for the purpose of inducing him to vote or refrain from voting.

(2) Nothing in this section contained shall be construed as applying to any money paid or agreed to be paid for or on account of any electoral expenditure bona fide and lawfully incurred.

Uitgee vir 'n Ander

53. 'n Persoon wat—

- (a) by enige verkiesing in die naam van 'n ander persoon, hetsy lewend of afgestorwe, of van 'n denkbeeldige persoon, om 'n stembrief aansoek doen; of
- (b) nadat hy een maal by 'n verkiesing gestem het, weer by 'n stemburo by dieselfde verkiesing om 'n stembrief aansoek doen,

begaan die misdryf van hom vir 'n ander uit te gee.

Strawwe vir Korrupte Bedrywighede en Gevolge van Skuldigbevinding

54. (1) 'n Persoon wat die misdryf begaan van hom vir 'n ander uit te gee, is by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens twee jaar.

(2) 'n Persoon wat 'n ander korrupte bedrywigheid as dié van hom vir 'n ander uit te gee, is by skuldigbevinding strafbaar met 'n boete van hoogstens R1000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met beide sodanige boete en sodanige gevangenisstraf.

(3) 'n Persoon wat aan 'n korrupte bedrywigheid skuldig bevind word, kan, benewens die straf hierin bepaal, deur die hof verklaar word onbevoeg te wees gedurende 'n tydperk van hoogstens vyf jaar vanaf die datum van skuldigbevinding—

- (a) om by 'n verkiesing 'n stem uit te bring; of
- (b) om 'n openbare of regterlike amp te beklee, en as hy enige sodanige amp beklee, kan die hof verklaar dat hy vanaf genoemde datum die amp moet neerlê.

DEEL VIII

ONWETTIGE BEDRYWIGHED

Korrupte Verkryging van Kandidatuur of Terugtrekking daarvan

55. Geen persoon mag—

(a) 'n ander persoon korruptelik beweeg of oorhaal om, as teenprestasie vir 'n betaling of belofte van watter aard ook al, 'n kandidaat by enige verkiesing te word of as sodanig terug te trek nie; of

(b) as gevolg daarvan dat hy aldus beweeg of oorgehaal is, 'n kandidaat by enige verkiesing word of as sodanig terugtrek nie; of

(c) voor of gedurende 'n verkiesing, met die doel om die verkiesing van 'n ander kandidaat te bevorder of te bewerkstellig, 'n valse verklaring dat 'n kandidaat by 'n verkiesing teruggetrek het, publiseer nie, wetende dat die verklaring vals is.

Biljette, Plakkate, ens., moet Naam van Uitgewer Dra

56. (1) Alle biljette, plakkate, aanplakbiljette, pamflette, omsendbriewe of ander drukwerk wat op 'n verkiesing betrekking het, moet die naam en adres van die drukker en uitgewer daarvan duidelik dra.

(2) Geen persoon mag sodanige drukwerk wat nie die naam en adres van die drukker en uitgewer duidelik dra nie, druk, uitgee of aanplak of laat druk, uitgee of aanplak nie.

(3) Die eienaar en uitgewer van iedere nuusblad moet die woord "advertensie" as 'n opskrif laat druk by elke artikel of paragraaf in sy nuusblad wat verkiesingsstof bevat, vir die opneming waarvan betaal is of gaan word of waarvoor 'n beloning of vergoeding of 'n belofte van beloning of vergoeding gegee is of gaan word.

(4) Die woord "verkiesingsstof" in subartikel (3) gebesig, omvat alles wat, na die skyn geoordeel, bedoel of daarop bereken is om die uitslag van 'n verkiesing te beïnvloed, asook enige verslag van 'n toespraak van 'n kandidaat, indien vir die opneming van die verslag betaal word of gaan word.

(5) Alle verslae, briewe, artikels, biljette, plakkate, aanplakbiljette, pamflette, omsendbriewe, spotprente of ander

Personation

53. Any person who—

(a) at any election applies for a ballot paper in the name of some other person, whether living, dead or fictitious; or

(b) having voted once at any election, applies again at any polling station at the same election for a ballot paper,

shall be guilty of the offence of personation.

Penalties for Corrupt Practices and Consequences of Conviction

54. (1) Any person guilty of the offence of personation shall be liable on conviction to imprisonment for a period not exceeding two years.

(2) Any person guilty of any corrupt practice (other than personation) shall be liable on conviction to a fine not exceeding R1000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

(3) Any person convicted of any corrupt practice may, in addition to any punishment herein provided, be declared by the court incapable during a period not exceeding five years from the date of his conviction—

(a) of voting at any election; or

(b) of holding any public office or judicial office, and if he holds any such office, the court may declare that the office shall be vacated by him as from the said date.

PART VIII

ILLEGAL PRACTICES

Corrupt Procurement of Candidature or Withdrawal Thereof

55. No person shall—

(a) corruptly induce or procure any other person to become a candidate or to withdraw as a candidate at any election, in consideration of any payment or promise of any nature; or

(b) become a candidate or withdraw as a candidate at any election in pursuance of such inducement or procurement; or

(c) before or during an election publish a false statement of the withdrawal of a candidate at an election for the purpose of promoting or procuring the election of any other candidate, knowing that statement to be false.

Bills, Placards, etc., to Bear Publisher's Name

56. (1) Every bill, placard, poster, pamphlet, circular or other printed matter having reference to an election shall clearly bear the name and address of the printer and publisher thereof.

(2) No person shall print, publish or post up or cause to be printed, published or posted up, any such printed matter which fails to bear clearly the name and address of the printer and publisher.

(3) The proprietor and publisher of every newspaper shall cause the word "advertisement" to be printed as a headline to each article or paragraph in his newspaper containing electoral matter, the insertion of which is or is to be paid for or for which any reward or compensation or promise of reward or compensation is or is to be made.

(4) The words "electoral matter" used in subsection (3) include all matters which on the face of it are intended or calculated to affect the result of an election, and any report of the speech of a candidate if the insertion of the report is or is to be paid for.

(5) Every report, letter, article, bill, placard, poster, pamphlet, circular, cartoon or other printed matter (herein-

drukwerk (hieronder in hierdie subartikel nuusbladartikels genoem) wat, na die skyn geoordeel, bedoel of daarop bereken is om die uitslag van 'n verkiesing te beïnvloed, en in 'n nuusblad opgeneem of op 'n ander wyse geproduseer word en op of na die datum van die begin van die verkiesing van lede van die Wetgewende Vergadering in Venda of die Republiek van Suid-Afrika gepubliseer word, moet onderaan die volle naam en adres dra van die persoon deur wie die nuusbladartikel geskryf of geproduseer is: Met dien verstande dat—

(a) enige sodanige nuusbladartikel wat soos voormeld in 'n nuusblad opgeneem word en wat wesenlik deur die redakteur van die nuusblad verander is, ook deur sodanige redakteur onderteken kan word;

(b) in die geval van 'n verslag van 'n openbare vergadering wat deur twee of meer persone gesamentlik geskryf is, dit voldoende vir doeleindes van hierdie subartikel is as die verslag in sy geheel op die voorkant daarvan die volle name en adresse dra van die persone deur wie dit geskryf is; en

(c) in die geval van opskrifte by 'n nuusbladartikel wat soos voormeld in enige nuusblad opgeneem is, en van biljette, plakate of aanplakbiljette wat daarop betrekking het en wat volgens die gewone gebruik van 'n nuusblad uitgegee word, dit voldoende vir doeleindes van hierdie subartikel is as die volle name en adresse van die persone deur wie sodanige opskrifte, biljette, plakate of aanplakbiljette geskryf is, met 'n verklaring dat sodanige opskrifte, biljette, plakate of aanplakbiljette deur daardie persone geskryf is, gepubliseer word in die uitgawe van die nuusblad waarin sodanige nuusbladartikel opgeneem word.

(6) Behoudens die bepalings van voorbehoudsbepaling (c) van subartikel (5), mag geen persoon enige nuusblad of ander drukwerk waarin enige sodanige nuusbladartikel opgeneem of geproduseer is, wat nie op die voorkant daarvan die volle naam en adres dra van die persoon deur wie dit geskryf of geproduseer is nie, druk of publiseer nie.

(7) Vir die doeleindes van hierdie artikel word 'n verkiesing geag te begin op die datum van publikasie van die proklamasie genoem in artikel 8 (1).

Vergaderings op Persele waar Gewoonlik Drank Verkoop word

57. (1) Geen persoon mag—

(a) 'n perseel waarop die verkoop van bedwelvende drank, by wyse van groothandel of kleinhandel, deur 'n lisensie gemagtig is (ongeach of dit 'n lisensie is vir verbruik van drank op die perseel of daarbuite); of

(b) 'n perseel waar bedwelvende drank verkoop of verskaf word aan lede van 'n klub, genootskap of vereniging,

of 'n gedeelte van enige sodanige perseel, as 'n komiteekamer of vir 'n vergadering van kiesers te bevordering of bewerkstelling van die verkiesing van 'n kandidaat by 'n verkiesing of in verband met reëlins wat deur 'n persoon of party met betrekking tot 'n verkiesing getref is, huur of gebruik nie.

(2) Geen persoon mag sodanige perseel of 'n gedeelte daarvan verhuur nie, wetende dat dit die bedoeling is om dit aldus te gebruik.

(3) Enige ooreenkoms wat strydig met subartikel (1) of (2) gesluit is, is van nul en gener waarde.

Strawwe vir Onwettige Bedrywighede

58. 'n Persoon wat aan 'n onwettige bedrywigheid skuldig is, is by skuldigbevinding strafbaar—

(a) in die geval van 'n onwettige bedrywigheid ingevolge artikel 56 (3), met 'n boete van hoogstens R100;

(b) in die geval van enige ander onwettige bedrywigheid, met 'n boete van hoogstens R200 en kan, waar

after in this subsection called a newspaper article) which, on the face of it, is intended or calculated to affect the result of an election, and is inserted in any newspaper or otherwise produced and is published in Venda or the Republic of South Africa on or after the date of commencement of such election of members to the Legislative Assembly, shall bear at the foot thereof the full name and address of the person by whom such newspaper article was written or produced: Provided that—

(a) any such newspaper article which is inserted in any newspaper as aforesaid and which has been altered materially by the editor of such newspaper, may also be signed by such editor;

(b) in the case of a report of a public meeting which is written jointly by two or more persons, it shall be sufficient for the purposes of this subsection if the report as a whole bears upon the face of it the full names and addresses of the persons by whom it was written; and

(c) in the case of headlines to any newspaper article which is inserted in any newspaper as aforesaid, and bills, placards or posters having reference thereto, which are issued in the ordinary practice of a newspaper, it shall be sufficient for the purposes of this subsection if the full names and addresses of the persons by whom such headlines, bills, placards or posters were written, and a statement that such headlines, bills, placards or posters were written by such persons, are published in the issue of the newspaper in which such newspaper article is inserted.

(6) Subject to the provisions of proviso (c) to subsection (5) no person shall print or publish any newspaper or other printed matter in which is inserted or produced any such newspaper article, which fails to bear upon the face thereof the full name and address of the person by whom it was written or produced.

(7) For the purposes of this section an election shall be deemed to commence on the date of publishing of the proclamation referred to in section 8 (1).

Meetings on Premises where Sale of Liquor Usually takes Place

57. (1) No person shall hire or use—

(a) any premises on which the sale, by wholesale or retail, of any intoxicating liquor is authorised by license (whether the licence be for consumption of liquor on or off the premises); or

(b) any premises where any intoxicating liquor is sold or is supplied to members of a club, society or association,

or any part of any such premises, as a committee room or for any meeting of voters for the purpose of promoting or procuring the election of a candidate at an election or in connection with arrangements made by any person or party in reference to an election.

(2) No person shall let any such premises or part thereof, knowing that it is intended to be so used.

(3) Any agreement entered into in contravention of subsection (1) or (2) shall be null and void.

Penalties for Illegal Practices

58. Any person guilty of an illegal practice shall be liable on conviction—

(a) in a case of an illegal practice under section 56 (3) to a fine not exceeding R100;

(b) in the case of any other illegal practice to a fine not exceeding R200 and may, where no incapacity is specially provided for any particular class of person under this Proclamation, further be declared by the court

geen onbevoegdheid spesiaal vir 'n bepaalde kategorie persone kragtens hierdie Proklamasie voorgeskryf word nie, ook deur die hof verklaar word, gedurende 'n tydperk van hoogstens twee jaar vanaf die datum van die skuldigbevinding, onbevoeg te wees om 'n openbare of regterlike amp te beklee, en indien hy dan 'n openbare of regterlike amp beklee, kan die hof verklaar dat hy vanaf genoemde datum die amp moet neerlê: Met dien verstande dat geen persoon aan 'n onwettige bedrywigheid ingevolge artikel 56 (2) skuldig bevind word nie, as hy bewys dat hy onkundig omtrent die wetsvoorskrifte gehandel het.

Gevolge vir Kandidaat

59. (1) (a) As daar by 'n verhoor bewys word dat 'n korrupte bedrywigheid of 'n onwettige bedrywigheid in verband met die verkiesing van 'n lid van die Wetgewende Vergadering deur of met die kennis en instemming of goedkeuring van enige kandidaat by daardie verkiesing begaan is, is die verkiesing van daardie kandidaat nietig en bestaan daar 'n toevallige vakature.

(b) 'n Persoon wat skuldig bevind word aan 'n korrupte of onwettige bedrywigheid in verband met 'n verkiesing kan, benewens enige straf wat hom opgelê word, deur die hof verklaar word, vir 'n tydperk van hoogstens vyf jaar onmiddellik na die datum van die bevinding, onbevoeg te wees om as lid van die Wetgewende Vergadering verkies te word of daarin sitting te neem, of om in 'n openbare of regterlike amp aangestel of daartoe verkies te word, en indien hy dan 'n openbare of regterlike amp beklee, kan die hof verklaar dat hy vanaf genoemde datum die amp moet neerlê.

(2) Behoudens die uitsonderings wat kragtens hierdie Proklamasie toegelaat word, is enige persoon wat enige van die bepalings van artikels 55 tot en met 58 oortree of versuim om daaraan te voldoen, aan 'n onwettige bedrywigheid skuldig.

Strawwe waar Uitdruklike Voorsiening ontbreek

60. Waar daar nie uitdruklik voorsiening gemaak word vir strawwe weens 'n misdryf ingevolge hierdie Proklamasie of weens 'n oortreding van enige bepaling daarvan of versuim om daaraan te voldoen nie, is die oortreder by skuldigbevinding strafbaar met 'n boete van hoogstens R100.

Gevalle waarvoor nie Voorsiening gemaak is nie

61. In iedere geval waarvoor nie in hierdie Proklamasie of die Grondwetproklamasie voorsiening gemaak is nie, moet die bepalings van die toepaslike wette en regulasies en die gebruike met betrekking tot die hou van verkiesings van lede van die Parlement van die Republiek van Suid-Afrika gevolg word vir sover dit toegepas kan word op of aangepas kan word by die hou van verkiesings van lede van die Wetgewende Vergadering.

AANHANGSEL A VERKIESINGS: VENDA DEEL I

VERKLARING DEUR VOORSTELLER VAN KANDIDAAT

Ek,,
*(Bewysboek/Sertifikaat van Burgerskap No.),
van (adres),
.....
nomineer hierby,
*(Bewysboek/Sertifikaat van Burgerskap No.),
van (adres),
.....
as kandidaat vir verkiesing in die kiesafdeling,
en verklaar *plegtig/onder eed dat ek 'n kieser in genoemde kiesafdeling is.

Voorsteller

incapable during a period not exceeding two years from the date of the conviction of filling a public office or judicial office and if he then holds a public office or judicial office, the court may declare that the office shall be vacated by him as from the said date: Provided that no person shall be convicted of an illegal practice under section 56 (2), if he proves that he acted in ignorance of the requirements of the law.

Consequences to the Candidate

59. (1) (a) If upon trial it is proved that any corrupt practice or illegal practice has been committed in reference to the election of a member to the Legislative Assembly by or with the knowledge and consent or approval of any candidate at the election, the election of that candidate shall be void and a casual vacancy shall exist.

(b) Any person found guilty of a corrupt or illegal practice in connection with an election may in addition to any penalty imposed, be declared by the court incapable for a period not exceeding five years next after the date of the finding, of being elected to or sitting as a member of the Legislative Assembly or of being appointed or elected to any public or judicial office and if he then holds a public or judicial office the court may declare that the office shall be vacated by him from the said date.

(2) Subject to such exceptions as may be allowed under this Proclamation any person who contravenes or fails to comply with any of the provisions of sections 55 to 58 inclusive shall be guilty of an illegal practice.

Penalties where Not Expressly Provided

60. Where no penalties are expressly provided for an offence against this Proclamation or for the contravention of any provision thereof or failure to comply therewith, the offender shall be liable on conviction to a fine not exceeding R100.

Cases for which no Provision is made

61. In every case not provided for in this Proclamation or in the Constitution Proclamation, resort shall be had to the applicable laws, regulations and practices which have reference to the conduct of elections of members of the Parliament of the Republic of South Africa, which shall be followed in so far as they can be applied or adapted to the conduct of elections of members of the Legislative Assembly.

ANNEXURE A

ELECTIONS: VENDA

PART I

DECLARATION BY PROPOSER OF CANDIDATE

I,,
*(Ref. Book/Cert. of Citizenship No.) of
(address),
.....
do hereby nominate,
*(Ref. Book/Cert. of Citizenship No.)
.....(occupation), of (address),
.....
as a candidate for election in the Electoral Division of,
.....and I hereby *solemnly declare/declare under
oath that I am a voter in the said electoral division.

Proposer

Die verklaarder het erken dat *hy/sy vertrouwd is met die inhoud van hierdie *beëdigde verklaring/verklaring en dit begryp.

Geteken en *beëdig/bevestig voor my te....., op hede die.....dag van.....19.....

Kommissaris van Ede
Gebied.....
Hoedanigheid.....

DEEL II

VERKLARING DEUR SEKONDANT VAN KANDIDAAT

Ek.....
*(Bewysboek/Sertifikaat van Burgerskap No.....), van (adres).....

sekondeer hierby die nominasie in Deel I hiervan en verklaar *plegtig/onder eed dat ek 'n kieser in genoemde kiesafdeling is.

Sekondant

Die verklaarder het erken dat *hy/sy vertrouwd is met die inhoud van hierdie *beëdigde verklaring/verklaring en dit begryp.

Geteken en *beëdig/bevestig voor my te....., op hede die.....dag van.....19.....

Kommissaris van Ede
Gebied.....
Hoedanigheid.....

DEEL III

VERKLARING DEUR KANDIDAAT

Ek.....
*(Bewysboek/Sertifikaat van Burgerskap No.....), stem hierby toe en aanvaar die nominasie hierbo en verklaar hierby *plegtig/onder eed dat ek nie onderhewig is aan enige van die disqualifikasies vermeld in artikel 5 (1) van die Venda-grondwet-proklamasie, 1973, nie.

Kandidaat

Die verklaarder het erken dat *hy/sy vertrouwd is met die inhoud van hierdie *beëdigde verklaring/verklaring en dit begryp.

Geteken en *beëdig/bevestig voor my te....., op hede die.....dag van.....19.....

Kommissaris van Ede
Gebied.....
Hoedanigheid.....

* Skrap wat nie van toepassing is nie.

AANHANGSEL B

VERKIESINGS: VENDA

NOMINASIEHOFOPGAWE

Die Verkiesingsbeampte,

Ek wens te berig dat by die afsluiting van die nominasiehof deur my gehou te....., op hede die.....dag van.....19.....—

(a) die *kandidaat (kandidate) hieronder vermeld behoortlik genomineer is vir verkiesing tot *lid (lede) van die Wetgewende Vergadering vir die kiesafdeling.....;

*(b) ek kragtens artikel 10 (a) van Proklamasie R. 13 van 1973 verklaar het dat die *kandidaat (kandidate) hieronder vermeld onbestrede verkies is tot *lid (lede) van die Wetgewende Vergadering vir genoemde kiesafdeling vanaf die sluiting van die stemydperk;

*(c) ek kragtens artikel 10 (b) van Proklamasie R. 13 van 1973 verklaar het—

(i) dat die *kandidaat (kandidate) hieronder vermeld behoortlik verkies is tot *lid (lede) van die Wetgewende Vergadering vir genoemde kiesafdeling vanaf die sluiting van die stemydperk; en

(ii) dat.....toevallige vakature(s) vir genoemde kiesafdeling bestaan.

Plek.....
Datum.....
Kiesbeampte

The deponent has acknowledged that *he/she knows and understands the contents of this *affidavit/declaration.

Signed and *sworn to/affirmed before me at....., this.....day of....., 19.....

Commissioner of Oaths
Area.....
Capacity.....

PART II

DECLARATION BY SECONDER OF CANDIDATE

I.....
*(Ref. Book/Cert. of Citizenship No.....) of (address).....

do hereby second the nomination in Part I hereof and I hereby *solemnly declare/declare under oath that I am a voter in the said electoral division.

Secunder

The deponent has acknowledged that *he/she knows and understands the contents of this *affidavit/declaration.

Signed and *sworn to/affirmed before me at....., this.....day of....., 19.....

Commissioner of Oaths
Area.....
Capacity.....

PART III

DECLARATION BY CANDIDATE

I.....
*(Ref. Book/Cert. of Citizenship No.....), do hereby consent to and accept the nomination above and I hereby *solemnly declare/declare under oath that I am not subject to the disqualifications mentioned in section 5 (1) of the Venda Constitution Proclamation, 1973.

Candidate

The deponent has acknowledged that *he/she knows and understands the contents of this *affidavit/declaration.

Signed and *sworn to/affirmed before me at....., this.....day of....., 19.....

Commissioner of Oaths
Area.....
Capacity.....

* Delete whichever is not applicable.

ANNEXURE B

ELECTIONS: VENDA

NOMINATION COURT RETURN

The Electoral Officer,

I have to report that at the conclusion of the nomination court held by me at....., this.....day of....., 19.....—

(a) the *candidate(s) mentioned below *was/were duly nominated for election as member(s) of the Legislative Assembly for the electoral division of.....

*(b) I declared, in terms of section 10 (a) of Proclamation R. 1 of 1973, that the candidate(s) mentioned below had been returned unopposed as from the close of the polling period, as member(s) of the Legislative Assembly for the said electoral division;

*(c) I declared, in terms of section 10 (b) of Proclamation R. 1 of 1973—

(i) the candidate(s) mentioned below to be duly elected member(s) of the Legislative Assembly for the said electoral division as from the close of the polling period; and

(ii) that.....casual *vacancy (vacancies) existed in the said electoral division.

Place.....
Date.....
Returning Officer

GENOMINEERDE KANDIDATE

Van	Voorname voluit	Bewysboek- nommer	Adres	Beroep

* Skrap wat nie van toepassing is nie.

AANHANGSEL C
VERKIESINGS: VENDA
AANSTELLING VAN AGENT

Hierby word gesertifiseer dat ek (naam).....
*(Bewysboek/Sertifikaat van Burgerskap No.),
van (adres).....

aangestel het as agent om namens my teenwoordig te wees by stemburo
in die kiesafdeling.....

*op/gedurende die tydperk.....

Handtekening van kandidaat
*(Bewysboek/Sertifikaat van
Burgerskap No.)

Adres van kandidaat:
.....
.....

Datum.....

* Skrap wat nie van toepassing is nie.

AANHANGSEL D
VERKIESINGS: VENDA
VERKLARING VAN GEHEIMHOUDING

Ek.....
beloof hierby plegtig en verklaar dat ek by hierdie verkiesing van *n
lid/lede van die Venda- Wetgewende Vergadering vir die kiesafdeling
..... niks sal doen nie
wat verbode is by artikel 47 van Proklamasie R. 13 van 1973, wat ek
gelees het en volkome begryp.

Adres..... *Kiesbeampte
..... *Stemopnemer
..... *Telbeampte
..... *Kandidaat
Datum..... *Agent
..... *Getuie

Bostaande verklaring is voor my afgelê en onderteken op hede die
dag van..... 19.....

Plek..... *Kiesbeampte
..... *Vrederegter
Datum..... *Kommissaris van Ede

* Skrap wat nie van toepassing is nie.

AANHANGSEL E
VERKIESINGS: VENDA
STEMBRIEF
Vorm van voorkant van stembrief

Teenblad No.....	Verkiesing van.....	No.....
Verkiesing van lid/lede van Venda- Wetgewende Ver- gadering.	lid/lede van die Venda- Wetgewende Vergadering vir die kiesafdeling	
Kiesafdeling		Geheime merk
Datum/Tydperk.....		
Bewysboek / Burgerskap- sertifikaat nommer van kieser		
Let wel.—Stem vir slegs kandidaat/kandidate.		

CANDIDATES NOMINATED

Surname	First names in full	Ref. book No.	Address	Occupation

* Delete whichever is not applicable.

ANNEXURE C
ELECTIONS: VENDA
APPOINTMENT OF AGENT

This is to certify that I have appointed (name).....
*(Ref. Book/Cert. of Citizenship No.),
of (address).....

as my agent to attend on my behalf at polling station.....
in the Electoral Division of..... *on/during the
period.....

Signature of candidate
*(Ref. Book/Cert. of Citizenship
No.)

Address of candidate:
.....
.....

Date.....

* Delete whichever is not applicable.

ANNEXURE D
ELECTIONS: VENDA
DECLARATION OF SECRECY

I.....
do hereby solemnly promise and declare that I will not at this election
of a member(s) of the Venda Legislative Assembly for the Electoral
Division of.....
do anything forbidden by section 47 of Proclamation R. 13 of 1973,
which I have read and which I fully understand.

Address..... *Returning Officer
..... *Polling Officer
..... *Counting Officer
..... *Candidate
Date..... *Agent
..... *Witness

The above declaration was made and subscribed before me this
day of..... 19.....

Place..... *Returning Officer
..... *Justice of the Peace
Date..... *Commissioner of Oaths

* Delete whichever is not applicable.

ANNEXURE E
ELECTIONS: VENDA
BALLOT PAPER

Form of front of ballot paper

Counterfoil No.....	Election of.....member(s)	No.....
Election of member(s) of Venda Legislative Assem- bly	of the Venda Legis- lative Assembly for the Electoral Division of	
Electoral Division of		Secret Mark
Date/Period.....		
Ref. Book/Cert. of Citizen- ship number of voter		
Note.—Vote for.....		
candidate(s) only		

Vorm van agterkant van stembrief

Opmerking:	Volle naam, adres en beroep van kandidaat
Stem vir slegs.....	
kandidaat/kandidate..	

AANHANGSEL F

**VENDA- WETGEWENDE VERGADERING
VERKIESING VAN LEDE**

Ek,,
verklaar dat 'n burger van
Venda is en geregtig is om te stem in die kiesafdeling.....

Handtekening

Hoedanigheid

Distrik.....

Datum.....

AANHANGSEL G

VERKIESINGS: VENDA

STEMBRIEFOPGAWE

Verkiesing van *n lid/lede van die Wetgewende Vergadering vir
die kiesafdeling..... gehou *op/gedurende
die tydperk..... Stemburo.....

Stemdistribik.....

Stembriewe ontvang	Getal	Verantwoorde stembriewe	Getal
Stembriewe:		Stembriewe in stem- bus.....	
Nos.....		Ongebruikte stem- briewe:	
tot en met.....		Nos.....	
		tot en met.....	
		Bedorwe stembriewe	
Totale getal ontvang		Totale getal verant- woord.....	

Ek verklaar hierby dat bostaande 'n juiste opgawe is van alle
stembriewe aan my verskaf.

Gedateer op hede die dag van
19.....

Plek.....
Kiesbeampte

* Skrap wat nie van toepassing is nie.

AANHANGSEL H

VERKIESINGS: VENDA

ETIKET

*Die Kiesbeampte/Verkiesingsbeampte,

Kiesafdeling.....

Inhoud.....

*Datum/tydperk van stemming.....

Datum van versending.....

*Stemopnemer

*Kiesbeampte

* Skrap wat nie van toepassing is nie.

Form of back of ballot paper

Note:	Full name, address and occupation of candidate
Vote for.....	
candidate(s) only.....	

ANNEXURE F

**VENDA LEGISLATIVE ASSEMBLY
ELECTION OF MEMBERS**

I,, declare that
..... is a citizen of
Venda and entitled to vote in the Electoral Division of.....

Signature

District of.....

Capacity

Date.....

ANNEXURE G

ELECTIONS: VENDA

BALLOT PAPER RETURN

Election of *member(s) of the Legislative Assembly for the Electoral
Division of..... held *on/during the period

Polling Station.....

Polling District.....

Ballot papers received	Number	Ballot papers accounted for	Number
Ballot papers:		Ballot papers in ballot box.....	
Nos.....		Unused ballot papers	
to.....		Nos.....	
inclusive		to, inclusive	
		Spoiled ballot papers	
Total number re- ceived.....		Total number account- ed for.....	

I hereby certify that the above is a correct statement of all the
ballot papers supplied to me.

Dated this day of, 19.....

Place.....
Returning Officer

* Delete whichever is not applicable.

ANNEXURE H

ELECTIONS: VENDA

LABEL

*The Returning/Electoral Officer,

Electoral Division of.....

Contents.....

*Date/Period of poll.....

Date of dispatch.....

*Polling Officer

*Returning Officer

* Delete whichever is not applicable.

AANHANGSEL I

VERKIESINGS: VENDA

OPGAWE VAN GETAL STEMME UITGEBRING

Kiesafdeling.....

Die Verkiesingsbeampte,

Ek verklaar hierby dat by die hou van die verkiesing *op/gedurende die tydperk.....vir die verkiesing van *n lid/lede van die Wetgewende Vergadering vir bovermelde kiesafdeling die volgende *kandidaat/kandidate die getalle stemme teenoor *sy naam/hulle name genoem, in my stembestrik gekry het:

Naam	Bewysboek/Sert. van Burgerskap No.	Getal stemme

Totale getal stemme.....

Getal verworpe stembriewe.....

Totale getal stemme uitgebring.....

Datum.....

Kiesbeampte

Stembestrik.....

* Skrap wat nie van toepassing is nie.

ANNEXURE I

ELECTIONS: VENDA

RETURN OF NUMBER OF VOTES POLLED

Electoral Division.....

The Electoral Officer,

I hereby certify that at the election held *on/during the period.....

for the election of a member(s) of the Legislative Assembly for the above-mentioned electoral division, in my polling district the following candidates polled the number of votes stated opposite *his/their name(s):

Name	Reference Book/Cert. of Citizenship No.	No. of votes

Total number of votes.....

Number of rejected ballot papers....

Total number of votes cast.....

Date.....

Returning Officer

Polling District.....

* Delete whichever is not applicable.

INHOUD

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