

BUITENGEWONE



EXTRAORDINARY

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THE UNION OF SOUTH AFRICA

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## VOLKSRAAD.

[16 Februarie 1960.

Die volgende Wetsontwerp, ingedien in die Volksraad, word gepubliseer ingevolge Artikel 163 (1) van die Reglement van Orde.

R. J. MCFARLANE,  
Klerk van die Volksraad.

## HOUSE OF ASSEMBLY.

[16th February, 1960.

The following Bill, having been introduced into the House of Assembly, is published in accordance with Standing Order No. 163 (1).

R. J. MCFARLANE,  
Clerk of the House of Assembly.

BLADSY

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# WETSONTWERP

Tot wysiging van die „Zuid-Afrika Wet, 1909”, die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1949, en die Senaatwet, 1955.

(Ingedien deur die MINISTER VAN BINNELANDSE SAKE.)

**DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

Wysiging van artikel 52 van „Zuid-Afrika Wet, 1909”, soos gewysig deur artikel 1 van Wet 3 van 1959.

1. Artikel *twee-en-vyftig* van die „Zuid-Afrika Wet, 1909”, word hierby gewysig— 5

- (a) deur die woorde „verkozen te worden of” te skrap; en  
(b) deur die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) Een lid van een Huis van Parlement dat als lid van 't ander Huis verkozen wordt, ontruimt zijn zetel als lid van 't eerstbedoeld Huis met ingang van de datum waarop hij lid van dat ander Huis wordt.”. 10

Wysiging van artikel 30 van Wet 23 van 1949, soos gewysig deur artikel 10 van Wet 53 van 1955.

2. Artikel *dertig* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1949, word hierby gewysig— 15

- (a) deur paragrafe (b), (c) en (d) van sub-artikel (4) deur die volgende paragrafe te vervang:

„(b) Die verkiesing van bedoelde senatore geskied volgens die beginsel van proporsionele verteenwoordiging waarby elke kieser een oordraagbare stem het. 20

(c) Die Goewerneur-generaal kan regulasies uitvaardig wat die wyse van stemming en van oordrag en telling van stemme en die pligte van kiesbeambptes in verband met so 'n verkiesing voor- skryf.”; 25

- (b) deur in paragraaf (a) van sub-artikel (6) die uitdrukking „die ‚Zuid-Afrika Wet, 1909’, en die Naturelle-Verteenwoordigings-Wet, 1936” deur die uitdrukking „die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951, en die Senaatwet, 1955” te vervang; en 30

- (c) deur in paragraaf (b) van daardie sub-artikel die uitdrukking „die ‚Zuid-Afrika Wet, 1909’” deur die uitdrukking „die Senaatwet, 1955” te vervang. 35

Wysiging van artikel 2 van Wet 53 van 1955.

3. Artikel *twee* van die Senaatwet, 1955 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur in sub-artikel (1) die uitdrukking „die Naturelle-Verteenwoordigings-Wet, 1936, en van” te skrap en na die uitdrukking „1949” die uitdrukking „en die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951” in te voeg; 40

- (b) deur in paragraaf (a) van daardie sub-artikel die woord „sestien” deur die woord „agt” te vervang;

- (c) deur in paragraaf (b) van daardie sub-artikel die uitdrukking „(tot die naaste syfer)” te skrap, en die woord „een-vyfde” deur die woord „een-tiende” te vervang; 45

- (d) deur na sub-artikel (1) die volgende sub-artikel in te voeg: 50

„(1)bis Waar in die geval van enige provinsie die syfer wat deur tien gedeel moet word ten einde die aantal senatore te bepaal wat ingevolge paragraaf (b) van sub-artikel (1) ten opsigte van daardie provinsie gekies moet word, nie 'n veelvoud van tien is nie, word daardie syfer vir gemelde doel veronderstel die laagste veelvoud van tien bo bedoelde syfer te wees.”; en 55

- (e) deur in sub-artikel (2) die uitdrukking „Naturelle-Verteenwoordigings-Wet, 1936” deur die uitdrukking „Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951” te vervang. 60

# BILL

To amend the South Africa Act, 1909, the South-West Africa Affairs Amendment Act, 1949, and the Senate Act, 1955.

(Introduced by the MINISTER OF THE INTERIOR.)

**BE IT ENACTED** by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. Section *fifty-two* of the South Africa Act, 1909, is hereby  
5 amended—
  - (a) by the deletion of the words "being chosen or of"; and
  - (b) by the addition of the following sub-section, the existing  
section becoming sub-section (1):
 

" (2) A member of either House of Parliament who  
10 is chosen as a member of the other House, shall vacate  
his seat as a member of such first-mentioned House  
with effect from the date upon which he becomes a  
member of such other House."
2. Section *thirty* of the South-West Africa Affairs Amendment  
15 Act, 1949, is hereby amended—
  - (a) by the substitution for paragraphs (b), (c) and (d) of  
sub-section (4) of the following paragraphs:
 

" (b) The election of such senators shall take place  
20 according to the principle of proportional repre-  
sentation, each voter having one transferable vote.  
(c) The Governor-General may make regulations  
prescribing the method of voting and of transfer-  
ring and counting votes, and the duties of return-  
ing officers in connection with any such election."
  - 25 (b) by the substitution in paragraph (a) of sub-section  
(6) for the expression "the South Africa Act, 1909,  
and the Representation of Natives Act, 1936" of the  
expression "the Separate Representation of Voters  
Act, 1951, and the Senate Act, 1955"; and
  - 30 (c) by the substitution in paragraph (b) of that sub-section  
for the expression "the South Africa Act, 1909" of the  
expression "the Senate Act, 1955".
3. Section *two* of the Senate Act, 1955 (hereinafter referred  
to as the principal Act), is hereby amended—
  - 35 (a) by the deletion in sub-section (1) of the expression "the  
Representation of Natives Act, 1936, and of", and  
the insertion after the expression "1949" of the  
expression "and the Separate Representation of Voters  
Act, 1951";
  - 40 (b) by the substitution in paragraph (a) of that sub-section  
for the word "sixteen" of the word "eight";
  - (c) by the deletion in paragraph (b) of that sub-section of  
the expression "(to the nearest figure)", and the  
substitution in that paragraph for the word "one-fifth"  
45 of the word "one-tenth";
  - (d) by the insertion after sub-section (1) of the following  
sub-section:
 

"(1)*bis* Where in the case of any province the figure  
50 to be divided by ten for the purpose of determining  
the number of senators to be elected in respect of  
that province in terms of paragraph (b) of sub-section  
(1) is not a multiple of ten, that figure shall for the  
said purpose be assumed to be the lowest multiple of  
ten above the said figure."; and
  - 55 (e) by the substitution in sub-section (2) for the expression  
"Representation of Natives Act, 1936" of the expres-  
sion "Separate Representation of Voters Act, 1951".

Amendment of  
section 52 of  
South Africa  
Act, 1909, as  
amended by  
section 1 of  
Act 3 of 1959.

Amendment of  
section 30 of  
Act 23 of 1949,  
as amended by  
section 10 of  
Act 53 of 1955.

Amendment of  
section 2 of  
Act 53 of 1955.

Wysiging van  
artikel 3 van  
Wet 53 van 1955.

4. Artikel *drie* van die Hoofwet word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Die Goewerneur-generaal moet by die benoeming van senatore rekening hou met die wenslikheid om te verseker dat die Senaat sover doenlik bestaan uit persone wat kennis het van sake rakende die verskillende belange van die inwoners van die Unie.”.

Wysiging van  
artikel 4 van  
Wet 53 van 1955.

5. Artikel *vier* van die Hoofwet word hierby gewysig—

(a) deur in sub-artikel (2) die uitdrukking „Naturelle-Verteenwoordigings-Wet, 1936” deur die uitdrukking „Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951” te vervang; en

(b) deur sub-artikels (3), (4) en (5) deur die volgende sub-artikels te vervang:

„(3) Die verkiesing van senatore geskied volgens die beginsel van proporsionele verteenwoordiging waarby elke kieser een oordraagbare stem het.

(4) Die Goewerneur-generaal kan regulasies uitvaardig wat die wyse van stemming en van oordrag en telling van stemme en die pligte van kiesbeambptes 20 in verband met so 'n verkiesing voorskryf.”.

Behandeling  
van wetgewing  
in Senaat.

6. Die Senaat stel van tyd tot tyd staande komitees vir verskillende aangeleenthede in soos hy goed vind, en 'n Staatsminister of plaasvervanger van 'n Staatsminister kan te eniger tyd, met inagneming van die reglement van die Senaat, 'n voorstel indien dat enige aangeleentheid vir ondersoek en verslag na so 'n komitee verwys word.

Aankondiging  
van wetgewing  
bestem vir  
indiening in  
Senaat.

7. Die Eerste Minister of 'n Staatsminister wat namens hom optree, kondig van tyd tot tyd na vereiste van omstandighede in die loop van enige sessie van die Parlement aan watter wetsontwerpe gedurende daardie sessie in die Senaat ingedien staan te word.

Oorgangsbepalings.

8. (1) Iemand wat by die inwerkingtreding van hierdie Wet die amp van senator bekleed, bly daardie amp bekleed asof hierdie Wet nie aangeneem was nie. 35

(2) 'n Vakature in die Senaat soos onmiddellik voor die inwerkingtreding van hierdie Wet saamgestel, hetsy die vakature voor bedoelde inwerkingtreding ontstaan het of daarna ontstaan, word nie gevul nie.

(3) Die ampstermyn van 'n senator wat na die inwerking-treding van hierdie Wet, maar voor die ses-en-twintigste dag van November 1960 in die geval van 'n verkose senator, of die sesde dag van Desember 1960 in die geval van 'n benoemde senator, ingevolge die Hoofwet, soos deur hierdie Wet gewysig, of ingevolge artikel *dertig* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1949, soos aldus gewysig, verkies of benoem word, neem 'n aanvang—

(a) in die geval van 'n verkose senator, op die ses-en-twintigste dag van November 1960; en

(b) in die geval van 'n benoemde senator, op die sesde 50 dag van Desember 1960.

Kort titel.

9. Hierdie Wet heet die Senaatwet, 1960.

4. Section *three* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section: Amendment of section 3 of Act 53 of 1955.
- “(2) The Governor-General shall when nominating senators have regard to the desirability of ensuring that the Senate will as far as practicable consist of persons having knowledge of matters affecting the various interests of the inhabitants of the Union.”.
5. Section *four* of the principal Act is hereby amended— Amendment of section 4 of Act 53 of 1955.
- (a) by the substitution in sub-section (2) for the expression “Representation of Natives Act, 1936” of the expression “Separate Representation of Voters Act, 1951”; and
- (b) by the substitution for sub-sections (3), (4) and (5) of the following sub-sections:
- “(3) The election of senators shall take place according to the principle of proportional representation, each voter having one transferable vote.
- (4) The Governor-General may make regulations prescribing the method of voting and of transferring and counting votes and the duties of returning officers in connection with any such election.”.
6. The Senate shall from time to time establish standing committees for various matters as it may deem fit, and any Minister of State or deputy of a Minister of State may at any time with due regard to the rules of the Senate, move that any matter be referred to such a committee for investigation and report. Dealing with legislation in Senate.
7. The Prime Minister or any Minister of State acting on his behalf shall from time to time during the course of any session of Parliament as circumstances may require, make known what bills are to be introduced in the Senate during that session. Announcing of legislation intended to be introduced in Senate.
8. (1) Any person holding office as a senator at the commencement of this Act, shall continue to hold such office as if this Act had not been passed. Transition provisions.
- (2) A vacancy in the Senate as constituted immediately prior to the commencement of this Act, shall not be filled, irrespective of whether such vacancy occurred before the said commencement or occurs thereafter.
- (3) The period of office of any senator elected or nominated in terms of the principal Act, as amended by this Act, or in terms of section *thirty* of the South-West Africa Affairs Amendment Act, 1949, as so amended, after the commencement of this Act, but prior to the twenty-sixth day of November, 1960, in the case of an elected senator, or the sixth day of December, 1960, in the case of a nominated senator, shall commence—
- (a) in the case of an elected senator, on the twenty-sixth day of November, 1960; and
- (b) in the case of a nominated senator, on the sixth day of December, 1960.
9. This Act shall be called the Senate Act, 1960. Short title.