

EXTRAORDINARY



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THE UNION OF SOUTH AFRICA

Government Gazette

Staatskoerant

VAN DIE UNIE VAN SUID-AFRIKA

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DEPARTMENT OF THE PRIME MINISTER.

[9th December, 1960.

The following Bill to constitute the Republic of South Africa and to provide for matters incidental thereto, is published for general information.

DEPARTEMENT VAN DIE EERSTE MINISTER.

[9 Desember 1960.

Die onderstaande Wetsontwerp om die Republiek van Suid-Afrika daar te stel en om vir daarmee in verband staande aangeleenthede voorsiening te maak, word vir algemene inligting gepubliseer.

BILL

To constitute the Republic of South Africa and to provide for matters incidental thereto.

(To be introduced by the PRIME MINISTER.)

WHEREAS a majority of the voters who voted at a referendum held on the 5th October, 1960, under the Referendum Act, 1960, recorded their votes in favour of a Republican form of Government for the Union of South Africa, and it is appropriate that effect be given to the wishes of the said voters;

AND WHEREAS the people of the Union recognize the sovereignty and guidance of Almighty God, and it is appropriate that such recognition be placed on record in the Constitution of the Republic;

AND WHEREAS it is expedient to ensure the preservation of peace and good order and the promotion of the development of the Republic and the protection and promotion of the interests of all its inhabitants and to promote and maintain friendly relations with other peoples;

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

PART I.

PRELIMINARY.

Sovereignty and guidance of Almighty God acknowledged.

Definitions.

1. The people of the Republic of South Africa acknowledge the sovereignty and guidance of Almighty God.
2. In this Act, unless the context otherwise indicates—
 - "Afrikaans" includes Dutch;
 - "House," in relation to Parliament, means the Senate or the House of Assembly;
 - "province" means any of the provinces incorporated in the Union of South Africa by the South Africa Act, 1909;
 - "Republic" means the Republic of South Africa;
 - "State President-in-Council" means the State President acting on the advice of the Executive Council.

PART II.

THE REPUBLIC.

Republic of South Africa.

3. (1) The Union of South Africa consisting of the provinces of the Cape of Good Hope, Natal, the Transvaal and the Orange Free State as they existed immediately prior to the commencement of this Act, shall as from the thirty-first day of May, 1961, be a republic under the name of the Republic of South Africa.

(2) As from the date mentioned in sub-section (1), any reference in any law in force immediately prior to the commencement of this Act, in the Union of South Africa or in any other territory in respect of which Parliament is competent to legislate—

- (a) to the Union of South Africa or the State, shall be construed as a reference to the Republic;
- (b) to the Crown or the King or the Queen or the Governor-General shall be construed as a reference to the Republic or the State President as the circumstances may require;
- (c) to the King-in-Council or the Queen-in-Council or the Governor-General-in-Council, shall be construed as a reference to the State President-in-Council.

(3) Subject to the provisions of sub-section (2) of this section and of section *twelve*, the State President shall as head

WETSONTWERP

Om die Republiek van Suid-Afrika daar te stel en om vir daarmee in verband staande aangeleenthede voorsiening te maak.

(Ingedien te word deur die EERSTE MINISTER.)

NADEMAAL 'n meerderheid van die kiesers wat hul stemme by 'n volkstemming ingevolge die Wet op die Volkstemming, 1960, gehou op 5 Oktober 1960 uitgebring het, ten gunste van 'n Republikeinse Staatsvorm vir die Unie van Suid-Afrika gestem het, en dit gepas is om aan die wens van daardie kiesers gevolg te gee;

EN NADEMAAL die volk van die Unie die oppergesag en leiding van die Almagtige God erken, en dit gepas is dat sodanige erkenning in die Grondwet van die Republiek gekonstateer word;

EN NADEMAAL dit raadsaam is om die handhawing van die vrede en goeie orde en die bevordering van die ontwikkeling van die Republiek en die beskerming en bevordering van die belange van al sy inwoners te verseker, en vriendskaplike betrekkinge met ander volke te bevorder en te handhaaf;

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

DEEL I.

INLEIDING.

1. Die volk van die Republiek van Suid-Afrika erken die soewereiniteit en leiding van die Almagtige God. Erkennig van die soewereiniteit en leiding van die Almagtige God.
2. Tensy uit die samehang anders blyk, beteken in hierdie Wet— Woordomskrywing.
 - „Afrikaans” ook Hollands;
 - „Huis”, met betrekking tot die Parlement, die Senaat of die Volksraad;
 - „provinsie” enige van die provinsies wat ingevolge die Zuid-Afrika Wet, 1909, by die Unie van Suid-Afrika ingelyf is;
 - „Republiek” die Republiek van Suid-Afrika;
 - „Staatspresident-in-rade” die Staatspresident handelende op advies van die Uitvoerende Raad.

DEEL II.

DIE REPUBLIEK.

3. (1) Die Unie van Suid-Afrika bestaande uit die provinsies die Kaap die Goeie Hoop, Natal, Transvaal en die Oranje-Vrystaat soos hulle onmiddellik voor die inwerkingtreding van hierdie Wet bestaan het, is vanaf die een-en-dertigste dag van Mei 1961 'n Republiek met die naam van die Republiek van Suid-Afrika. Republiek van Suid-Afrika.

(2) Vanaf die in sub-artikel (1) gemelde datum word 'n verwysing in 'n wet wat onmiddellik voor die inwerkingtreding van hierdie Wet van krag is in die Unie van Suid-Afrika of enige ander gebied ten opsigte waarvan die Parlement wetgewende bevoegdheid besit—

- (a) na die Unie van Suid-Afrika of die Staat, as 'n verwysing na die Republiek uitgelê;
- (b) na die Kroon of die Koning of die Koningin of die Goewerneur-generaal, na vereiste van omstandighede as 'n verwysing na die Republiek of die Staatspresident uitgelê;
- (c) na die Koning-in-rade of die Koningin-in-rade of die Goewerneur-generaal-in-rade, as 'n verwysing na die Staatspresident-in-rade uitgelê.

(3) Behoudens die bepalinge van sub-artikel (2) van hierdie artikel en van artikel twaalf, het die Staatspresident as Staats-

of the State have the same powers and functions as were immediately prior to the commencement of this Act possessed by the Queen by way of prerogative rights, and this Act shall have no effect on the constitutional conventions which existed immediately prior to such commencement.

PART III.

THE NATIONAL FLAG.

National Flag
of Republic.

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

Design of
National Flag.

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

- (a) in the centre of the white stripe, the old flag of the Orange Free State hanging vertically and spread in full; and
- (b) on opposite sides and adjoining the said old flag—
 - (i) the Union Jack horizontally spread in full towards the pole; and
 - (ii) the old Transvaal Vierkleur horizontally spread in full away from the pole.

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

PART IV.

EXECUTIVE GOVERNMENT OF THE REPUBLIC.

Executive
government
vested in State
President acting
on advice of
Ministers.

6. (1) The Executive Government of the Republic in regard to any aspect of its domestic or external affairs is vested in the State President, acting on the advice of the Ministers of State of the Republic.

(2) Save where otherwise expressly stated or necessarily implied, any reference in this Act to the State President shall be deemed to be a reference to the State President acting on the advice of the Ministers of State of the Republic.

(3) The provisions of sub-sections (1) and (2) of this section shall not be construed to effect the provisions of section *nineteen or twenty-six*, paragraph (a) of sub-section (1) of section *thirty-four* or section *forty-nine*, or the constitutional conventions relating to the exercise of his functions by the State President under the said sections.

State President
to be elected
at meeting of
electoral college.

7. (1) The State President shall be elected by an electoral college consisting of the members of the Senate and the House of Assembly for the time being holding office, at a meeting to be called in accordance with the provisions of this section and presided over by the Chief Justice of South Africa or a judge of appeal designated by him.

(2) The election of a State President shall be held at a time and place to be fixed by the Speaker or (in his absence) the Clerk of the House of Assembly and made known by notice in the *Gazette* not less than fourteen days before such election.

(3) The date so fixed shall in respect of the first such election be a date before the commencement of this Act, and in the case of any subsequent such election a date not less than one month and not more than three months before the termination of the period of office of the State President then holding office: Provided that if the State President dies or for any other reason vacates his office before the expiration of his period of office a date within three months after the office became vacant shall be so fixed.

(4) No person may be elected or serve as State President—

- (a) unless he is qualified to be nominated or elected and to take his seat as a member of the Senate; or
- (b) if at the date of the election he holds any public office in respect of which he receives any remuneration or allowance out of public funds.

hoof dieselfde bevoegdhede en funksies as wat die Koningin onmiddellik voor die inwerkingtreding van hierdie Wet by wyse van prerogatiwe regte gehad het, en het hierdie Wet geen uitwerking op die konstitusionele gebruike wat onmiddellik voor bedoelde inwerkingtreding bestaan het nie.

DEEL III.

DIE NASIONALE VLAG.

4. Daar is 'n Nasionale Vlag van die Republiek waarvan die ontwerp is soos in artikel vyf uiteengesit. Nasionale vlag van Republiek.

5. (1) Die Nasionale Vlag van die Republiek is 'n vlag bestaande uit drie ewewydige horisontale bane wat van bo na onder oranje, wit en blou is, en waarop voorkom— Ontwerp van Nasionale Vlag.

(a) in die middel van die wit baan, die gewese vlag van die Oranje-Vrystaat wat vertikaal en vol oopgesprei afhang; en

(b) aan weerskante van en vas teenaan bedoelde gewese vlag—

(i) die Union Jack horisontaal en vol oopgesprei in die rigting van die vlagpaal; en

(ii) die gewese Transvaalse Vierkleur horisontaal en vol oopgesprei weg van die vlagpaal af.

(2) Die vlac in paragraaf (a) en (b) van sub-artikel (1) genoem, moet almal van dieselfde grootte en na verhouding van dieselfde vorm as die Nasionale Vlag wees, die wydte van elk van daardie vlac gelyk aan een-derde van die wydte van die wit baan op die Nasionale Vlag, en die vlac in paragraaf (b) van sub-artikel (1) genoem, moet op gelyke afstand van die kante van bedoelde wit baan wees.

DEEL IV.

DIE UITVOERENDE GESAG VAN DIE REPUBLIEK.

6. (1) Die uitvoerende gesag van die Republiek ten opsigte van enige aangeleentheid rakende sy binnelandse of buitelandse sake berus by die Staatspresident handelende op advies van die Staatsministers van die Republiek. Uitvoerende gesag berus by Staatspresident, wat op advies van Ministers handel.

(2) Behalwe waar uitdruklik of by noodwendige gevolgtrekking anders bepaal word, word 'n verwysing in hierdie Wet na die Staatspresident geag 'n verwysing te wees na die Staatspresident handelende op advies van die Staatsministers van die Republiek.

(3) Die bepalinge van sub-artikels (1) en (2) van hierdie artikel word nie so uitgelê dat dit die bepalinge van artikel *negtien* of *ses-en-twintig*, paragraaf (a) van sub-artikel (1) van artikel *vier-en-dertig* of artikel *nege-en-veertig* of die konstitusionele gebruike in verband met die uitoefening van sy funksies deur die Staatspresident ingevolge bedoelde artikels, raak nie.

7. (1) Die Staatspresident word gekies deur 'n kieskollege bestaande uit die lede van die Senaat en die Volksraad wat dan die amp beklee, op 'n vergadering wat ooreenkomstig die bepalinge van hierdie artikel byeengeroep word en waarop die Hoofregter van Suid-Afrika of 'n deur hom aangewese appèlregter voorsit. Staatspresident by vergadering van kieskollege gekies te word.

(2) Die verkiesing van 'n Staatspresident word gehou op 'n tyd en plek wat deur die Speaker of (in sy afwesigheid) die Klerk van die Volksraad vasgestel en minstens veertien dae voor die datum van sodanige verkiesing by kennisgewing in die *Staatskoerant* afgekondig word.

(3) Die datum aldus vasgestel moet in die geval van die eerste sodanige verkiesing 'n datum voor die inwerkingtreding van hierdie Wet wees, en in die geval van 'n daaropvolgende sodanige verkiesing 'n datum minstens een maand en hoogstens drie maande voordat die ampstermyn van die dan dienende Staatspresident verstryk: Met dien verstande dat indien die Staatspresident te sterwe kom of andersins sy amp ontruim voor die verstryking van sy ampstermyn, 'n datum binne drie maande nadat die amp vakant geword het aldus vasgestel moet word.

(4) Niemand kan as Staatspresident gekies word of dien nie—

(a) tensy hy bevoeg is om as lid van die Senaat benoem of gekies te word en sitting te neem; of

(b) indien hy op die datum van die verkiesing enige openbare amp beklee ten opsigte waarvan hy uit Staatsgelde enige besoldiging of toelae ontvang.

Method of
election.

8. (1) Any nomination of a candidate for election as State President shall be lodged in writing with the Clerk of the House of Assembly not less than seven days before the date of the meeting in question, and shall be signed by not less than fifteen members of the electoral college.

(2) The names of the persons duly nominated as provided in sub-section (1) shall be announced at the meeting at which the election is to take place by the person presiding thereat, and no debate shall be allowed at the election.

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

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

(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 receives a majority of all the votes cast and is declared duly elected.

(6) Where there are only two candidates and neither of them obtains a majority of all the votes cast, the meeting in question shall be adjourned to a date to be determined by the Speaker or (in his absence) the Clerk of the House of Assembly with due regard to the provisions of section *seven*, and the procedure prescribed in this section shall be repeated as if that date were the original date fixed under that section for the holding of the relevant meeting of the electoral college.

(7) The procedure at any meeting of the electoral college shall be determined by the person presiding thereat.

Tenure of
office of State
President.

9. (1) (a) The State President shall hold office for a period of seven years from the date upon which he takes the oath or affirmation prescribed in section *eleven*, and shall not on termination of his period of office be eligible for re-election, unless it is expressly otherwise decided by the electoral college, in which event the provisions of paragraph (b) of sub-section (4) of section *seven* shall not apply with reference to his election.

(b) He shall cease to hold office on a resolution passed by a majority of all the members of each House of Parliament during the same session declaring him to be removed from office on the ground of misconduct or inability to perform efficiently the duties of his office.

(2) (a) No resolution shall be taken under sub-section (1), except after consideration of a report of a joint select committee of both Houses of Parliament appointed in pursuance of a resolution of the House of Assembly which has been agreed to by the Senate.

(b) The House of Assembly shall not adopt a resolution that such a select committee be appointed, unless there has previously been submitted to the Speaker of the House of Assembly a petition signed by not less than thirty members of the House of Assembly and requesting that such a committee be appointed.

(c) In connection with any resolution contemplated in paragraph (b) no debate shall be allowed in either House.

(3) The State President may resign by lodging his resignation in writing with the Speaker of the House of Assembly, who shall forthwith advise the Prime Minister of such resignation.

(4) The State President shall not be absent from the Republic except with the prior consent of the Executive Council.

Acting State
President.

10. Whenever the office of State President is vacant or the State President is for any reason unable to perform the duties of his office, the President of the Senate shall serve as acting State President, and, if the office of President of the Senate is vacant or the holder of that office is unable to act, the Speaker of the House of Assembly or, if his office is vacant or he is unable to act, the Chief Justice of South Africa shall serve as acting State President.

8. (1) 'n Nominasie van 'n kandidaat vir verkiesing as Staatspresident moet minstens sewe dae voor die datum van die betrokke vergadering skriftelik by die Klerk van die Volksraad ingedien word, en moet deur minstens vyftien lede van die kieskollege onderteken wees.

Wyse waarop
verkiezing
plaasvind.

(2) Die name van die persone wat behoorlik volgens voorskrif van sub-artikel (1) genomineer is, moet by die vergadering waarop die verkiesing moet plaasvind deur die persoon wat aldaar voorsit, afgekondig word, en geen debat word by die verkiesing toegelaat nie.

(3) Indien ten opsigte van enige verkiesing slegs een nominasie ontvang is, word die betrokke kandidaat deur die persoon wat by die vergadering voorsit behoorlik verkies verklaar.

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

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

(6) Waar daar slegs twee kandidate is en nie een van hulle 'n meerderheid van al die stemme wat uitgebring word, verkry nie, word die betrokke vergadering verdaag tot 'n datum wat die Speaker of (in sy afwesigheid) die Klerk van die Volksraad met behoorlike inagneming van die bepalinge van artikel sewe vasstel, en word die prosedure in hierdie artikel voorgeskryf, herhaal asof daardie datum die oorspronklike kragtens bedoelde artikel vasgestelde datum vir die betrokke vergadering van die kieskollege was.

(7) Die prosedure by 'n vergadering van die kieskollege word bepaal deur die persoon wat aldaar voorsit.

9. (1) (a) Die Staatspresident beklee sy amp vir 'n tydperk van sewe jaar vanaf die datum waarop hy die in artikel elf voorgeskrewe eed of plegtige verklaring aflê, en is by verstryking van sy ampstermyn nie herkiesbaar nie, tensy die kieskollege uitdruklik anders besluit, in watter geval die bepalinge van paragraaf (b) van sub-artikel (4) van artikel sewe nie met betrekking tot sy verkiesing van toepassing is nie.

Ampsduur
van Staats-
president.

(b) Hy hou op om sy amp te beklee op 'n besluit deur 'n meerderheid van al die lede van elke Huis van die Parlement in dieselfde sessie waarby hy uit sy amp onthef verklaar word op grond van wangedrag of onvermoë om sy ampspligte doeltreffend uit te voer.

(2) (a) Geen besluit word ingevolge sub-artikel (1) geneem nie, behalwe na oorweging van 'n verslag van 'n gesamentlike gekose komitee van beide Huise van die Parlement aangestel ingevolge 'n besluit van die Volksraad waarmee die Senaat ingestem het.

(b) Die Volksraad neem geen besluit dat so 'n gekose komitee aangestel moet word nie, tensy daar vooral by die Speaker van die Volksraad 'n versoekskrif ingedien is wat deur minstens dertig lede van die Volksraad onderteken is en waarby die aanstelling van so 'n komitee aangevra word.

(c) In verband met 'n in paragraaf (b) beoogde besluit word in geen van beide Huise enige bespreking toegelaat nie.

(3) Die Staatspresident kan bedank deur sy bedanking skriftelik in te dien by die Speaker van die Volksraad wat die Eerste Minister onverwyld van sodanige bedanking in kennis moet stel.

(4) Die Staatspresident mag nie sonder voorafgaande toestemming van die Uitvoerende Raad uit die Republiek afwesig wees nie.

10. Wanneer die amp van Staatspresident vakant is of die Staatspresident om een of ander rede nie sy ampspligte kan uitvoer nie, dien die President van die Senaat as waarnemende Staatspresident, en as die amp van President van die Senaat vakant is of die bekleër van daardie amp nie in staat is om op te tree nie, dien die Speaker van die Volksraad of, as sy amp vakant is of hy nie in staat is om op te tree nie, die Hoofregter van Suid-Afrika as waarnemende Staatspresident.

Waarnemende
Staatspresident.

Oath or affirmation of office by State President and acting State President.

11. (1) The State President and any acting State President shall before assuming office make and subscribe an oath of office in the following form before the Chief Justice of South Africa or a judge of the Supreme Court of South Africa:

I, A.B., do hereby swear that I will at all times be faithful to the Republic of South Africa, will observe and maintain the Constitution and other laws of the Republic, will faithfully and to the best of my ability perform my functions as State President/Acting State President of the Republic, will ensure justice for all persons, and will devote all my powers to the service and welfare of the people of the Republic.

So help me God.

(2) Any person who objects on religious grounds to the taking of an oath, may in lieu of the oath required under sub-section (1), make a solemn affirmation in corresponding form.

Powers of State President.

12. The State President shall have power—

- (a) to accredit, appoint and receive ambassadors, plenipotentiaries and other diplomatic representatives, diplomatic officers, consuls and consular officers;
- (b) to confer honours;
- (c) subject to the provisions of any other law, to make such appointments as he may consider necessary;
- (d) on the advice of the Executive Council—
 - (i) to declare war and make peace;
 - (ii) to enter into and confirm international conventions, treaties and agreements;
 - (iii) to pardon or reprieve offenders, either unconditionally or subject to such conditions as he may deem fit, and to remit any fines, penalties or forfeitures;
- (e) to proclaim martial law or the existence of a state of emergency;
- (f) on the advice of the Executive Council or otherwise to exercise such powers and to perform such functions as may be vested in or assigned to him under this Act or any other law.

Protection of dignity and reputation of State President and acting State President.

13. Any person who commits any act which is calculated to violate the dignity or injure the reputation of the State President or an acting State President, shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand or imprisonment for a period not exceeding five years.

Seal of the Republic.

14. (1) There shall be a Seal of the Republic, of such design as may be prescribed by the State President-in-Council by proclamation in the *Gazette*.

(2) The Seal shall be in the custody of the State President, and shall, save in so far as may be otherwise determined by the State President-in-Council, be used on all public documents on which the Royal Great Seal or the Royal Signet of the Union of South Africa or the Governor-General's Great Seal were immediately prior to the commencement of this Act required to be used.

(3) The State President-in-Council may make regulations providing for the making of wafer seals representing the Seal, and such wafer seals shall be in the custody of the State President and may be used for the sealing of any instrument which is required to pass the Seal.

Confirmation of executive acts of State President.

15. (1) The will and pleasure of the State President as head of the Executive Government of the Republic shall be expressed in writing under his signature, and every instrument signed by him shall be countersigned by a Minister of State.

(2) The signature of the State President on any instrument shall be confirmed as provided in section fourteen and any regulations made thereunder.

Salary of State President.

16. (1) There shall be payable to the State President out of the Consolidated Revenue Fund, in addition to any allowances appropriated from time to time by Parliament, and apart from any privileges which he may enjoy, a salary of twenty thousand rand per annum.

(2) The salary of the State President shall not be reduced during his term of office.

11. (1) Die Staatspresident en enige waarnemende Staatspresident moet voordat hy sy amp aanvaar 'n ampseëd in die volgende vorm voor die Hoofregter van Suid-Afrika of 'n regter van die Hooggeregshof van Suid-Afrika aflê en onderteken:

Ampseëd of plegtige verklaring deur Staatspresident en waarnemende Staatspresident.

Ek, A.B., sweer hierby dat ek te alle tye getrou sal wees aan die Republiek van Suid-Afrika, die Grondwet en ander wette van die Republiek sal eerbiedig en handhaaf, my werksaamhede as Staatspresident/Waarnemende Staatspresident van die Republiek getrou en na my beste vermoë sal uitvoer, aan almal reg sal laat geskied, en al my kragte aan die diens en welsyn van die volk van die Republiek sal toewy.

So help my God.

(2) Iemand wat op godsdienstige gronde teen die aflê van 'n eed beswaar het, kan in plaas van die in sub-artikel (1) vereiste eed 'n plegtige verklaring in ooreenstemmende vorm aflê.

12. Die Staatspresident is bevoeg—

Bevoegdhede van Staatspresident.

- (a) om ambassadeurs, gevolmagtigdes en ander diplomatieke verteenwoordigers, diplomatieke amptenare, konsuls en konsulêre amptenare te akkrediteer, aan te stel en te ontvang;
- (b) om eerbewyse toe te ken;
- (c) om behoudens ander wetsbepalings die aanstellings te maak wat hy nodig ag;
- (d) om op advies van die Uitvoerende Raad—
 - (i) oorlog te verklaar en vrede te sluit;
 - (ii) internasionale konvensies, verdrae en ooreenkomste aan te gaan en te bekragtig;
 - (iii) oortreders te begenadig of gracie te verleen, hetsy onvoorwaardelik of op die voorwaardes wat hy goëdvind, en om boetes, penes of verbeurings kwyt te skeld;
- (e) om krygswet of die bestaan van 'n noodtoestand af te kondig;
- (f) om op advies van die Uitvoerende Raad of andersins die bevoegdhede uit te oefen en die werksaamhede te verrig wat ingevolge hierdie Wet of ander wetsbepalings aan hom verleen word.

13. Iemand wat hom skuldig maak aan 'n handeling wat bereken is om die waardigheid van die Staatspresident of 'n waarnemende Staatspresident te skend of hom in sy eer te krenk, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweeduisend rand of gevangenisstraf vir 'n tydperk van hoogstens vyf jaar.

Beskerming van waardigheid en eer van Staatspresident en waarnemende Staatspresident.

14. (1) Daar is 'n Seël van die Republiek van die ontwerp wat die Staatspresident-in-rade by proklamasie in die *Staatskoerant* voorskryf.

Seël van die Republiek.

(2) Die Seël is in die bewaring van die Staatspresident, en word, behalwe vir sover die Staatspresident-in-rade anders bepaal, gebruik op alle openbare stukke waarop die Koninklike Grootseël of die Koninklike Kleinseël van die Unie van Suid-Afrika of die Goewerneur-generaal se Grootseël onmiddellik voor die inwerkingtreë van hierdie Wet gebruik moes word.

(3) Die Staatspresident-in-rade kan regulasies uitvaardig wat voorsiening maak vir die vervaardiging van ouelseëls wat die Seël verteenwoordig, en sodanige ouelseëls word deur die Staatspresident bewaar en kan gebruik word vir die seëling van enige dokument wat onder die Seël moet deurgaan.

15. (1) Die wil en wens van die Staatspresident as hoof van die Uitvoerende Gesag van die Republiek word in geskrif onder sy handtekening te kenne gegee, en elke stuk wat deur hom onderteken is, moet deur 'n Staatsminister mede-onderteken word.

Bekragtiging van uitvoerende handelinge van Staatspresident.

(2) Die handtekening van die Staatspresident op 'n dokument word volgens voorskrif van artikel *veertien* en daaronder uitgevaardigde regulasies bevestig.

16. (1) Daar word aan die Staatspresident, benewens enige toelaes wat die Parlement van tyd tot tyd bewillig, en afgesien van enige voorregte wat hy mag geniet, uit die Gekonsolideerde Inkomstefonds 'n salaris van twintigduisend rand per jaar betaal.

Salaris van Staatspresident.

(2) Die salaris van die Staatspresident word nie gedurende sy ampstermyn verminder nie.

Pension payable
to State President
and his widow.

17. (1) There shall be payable out of the Consolidated Revenue Fund—

- (a) to any person who has at any time occupied the office of State President, a pension at the rate of four thousand rand per annum;
 - (b) to the widow of any such person, unless her marriage to him took place after the date on which he vacated office, a pension at the rate of two-thirds of the rate of the pension payable to such person.
- (2) Any pension under sub-section (1) shall be payable—
- (a) in the case of the State President with effect from the day following that upon which he vacated office;
 - (b) in the case of his widow, with effect from the day following that upon which she became a widow.
- (3) A pension payable to any such widow shall lapse upon her remarriage.
- (4) No pension shall be payable under this section to any person who is in terms of any other law entitled to a pension at a rate equal to or higher than the rate prescribed in respect of that person under this section.
- (5) Where in terms of any other law a pension is payable to any person at a rate lower than the rate prescribed in respect of such person under this section, the pension under that law shall not be payable so long as such person is entitled to a pension under this section.
- (6) Notwithstanding the repeal by section *one hundred and seventeen* of section *ten bis* of the South Africa Act, 1909, any pension which but for such repeal would have been payable to any person under the latter section shall continue to be payable as if the repeal had not been effected.

Executive
Council.

18. The Executive Council shall consist of the Ministers of State appointed under section *nineteen* for the time being holding office.

Appointment
of Ministers
of State.

19. (1) The State President may appoint persons not exceeding sixteen in number to administer such departments of State of the Republic as the State President-in-Council may establish.

(2) Persons appointed under sub-section (1) shall hold office during the pleasure of the State President and shall be the Ministers of State for the Republic.

(3) No Minister of State shall hold office for a longer period than three months unless he is or becomes a member of either House of Parliament.

(4) Whenever any Minister of State is from any cause whatever unable to perform any of the functions of his office, the State President-in-Council may appoint any other member of the Executive Council to act in the said Minister's stead, either generally or in the performance of any particular function.

(5) A Minister of State shall before assuming his duties as such or as a member of the Executive Council make and subscribe an oath of affirmation before the State President or a person designated by him, in the following form:

I, A.B., do hereby swear/solemnly and sincerely affirm and declare that in my capacity as a Minister of State and member of the Executive Council of the Republic of South Africa, I will at all times be faithful to the Republic, will obey and maintain the Constitution and other laws of the Republic, will be a true and faithful adviser, will not either directly or indirectly divulge any matter brought before the Executive Council and entrusted to me to keep secret, and will carry out the duties assigned to me to the best of my ability.

(6) Any department of State established under section *fourteen* of the South Africa Act, 1909, and in existence immediately prior to the commencement of this Act, shall be deemed to have been duly established under this section, and any officer appointed under sub-section (1) of the first-mentioned section to administer any such department and holding office immediately prior to such commencement, shall be deemed to have been duly appointed under this section to administer that department, but shall make and subscribe the oath or affirmation prescribed in sub-section (5) before assuming his duties.

Appointment
and functions
of Deputy
Ministers.

20. (1) The State President may appoint not more than eight persons to hold office during his pleasure as deputies to any Minister of State in his capacity as the person appointed to administer any particular department of State, and any

17. (1) Daar word uit die Gekonsolideerde Inkomstefonds—
(a) aan iemand wat te eniger tyd die amp van Staatspresident beklee het, 'n pensioen teen die skaal van vierduisend rand per jaar betaal;
(b) aan die weduwee van so iemand, tensy haar huwelik met hom plaasgevind het nadat hy sy amp ontruim het, 'n pensioen teen 'n skaal van twee-derdes van die skaal van die aan so iemand betaalbare pensioen betaal.
- (2) 'n Pensioen ingevolge sub-artikel (1) word betaal—
(a) in die geval van die Staatspresident, met ingang van die datum na die dag waarop hy sy amp ontruim het;
(b) in die geval van sy weduwee, met ingang van die datum wat volg op die dag waarop sy 'n weduwee geword het.
- (3) 'n Aan so 'n weduwee betaalbare pensioen verval wanneer sy weer in die huwelik tree.
- (4) Geen pensioen word ingevolge hierdie artikel betaal aan iemand wat ingevolge 'n ander wetsbepaling op 'n pensioen teen 'n gelyke of hoër skaal as die ingevolge hierdie artikel vir daardie persoon voorgeskrewe skaal geregtig is nie.
- (5) Waar ingevolge 'n ander wetsbepaling 'n pensioen aan iemand betaalbaar is teen 'n laer skaal as die ingevolge hierdie artikel vir so iemand voorgeskrewe skaal, is die pensioen ingevolge daardie wetsbepaling nie betaalbaar solank as wat so iemand op 'n pensioen ingevolge hierdie artikel geregtig is nie.
- (6) Ondanks die herroeping deur artikel *honderd-en-sewentien* van artikel *tien bis* van die Zuid-Afrika Wet, 1909, bly enige pensioen wat by ontstentenis van sodanige herroeping ingevolge laasbedoelde artikel aan iemand betaalbaar sou gewees het, nog betaalbaar asof die herroeping nie plaasgevind het nie.
18. Die Uitvoerende Raad bestaan uit die ingevolge artikel *negentien* aangestelde Staatsministers wat van tyd tot tyd die amp beklee.

Pensioen betaalbaar aan Staatspresident en sy weduwee.

Uitvoerende Raad.

19. (1) Die Staatspresident kan hoogstens sesien persone aanstel om die Staatsdepartemente van die Republiek wat die Staatspresident-in-rade instel, te administreer.
- (2) Persone wat kragtens sub-artikel (1) aangestel is, beklee hulle amp so lank as dit die Staatspresident behaag, en is die Staatsministers van die Republiek.
- (3) 'n Staatsminister beklee nie sy amp vir langer as drie maande sonder dat hy lid van een of ander Huis van die Parlement is of word nie.
- (4) Wanneer 'n Staatsminister om enige rede nie in staat is om enige van die funksies van sy amp te verrig nie, kan die Staatspresident-in-rade 'n ander lid van die Uitvoerende Raad aanstel om in bedoelde Minister se plek op te tree, hetsy in die algemeen of om 'n bepaalde funksie te verrig.
- (5) 'n Staatsminister moet voordat hy sy pligte as sodanig of as lid van die Uitvoerende Raad aanvaar, 'n eed of plegtige verklaring in die volgende vorm voor die Staatspresident of iemand wat hy daartoe aanwys, aflê en onderteken:
- Ek, A.B., sweer hierby/verklaar hierby plegtig en opreg dat ek in my hoedanigheid as Staatsminister en lid van die Uitvoerende Raad van die Republiek van Suid-Afrika te alle tye aan die Republiek getrou sal wees, die Grondwet en ander wette van die Republiek sal eerbiedig en handhaaf, 'n opregte en getroue raadgewer sal wees, geen sake wat voor die Uitvoerende Raad kom en aan my tot geheimhouding toevertrou word, regstreeks of onregstreeks openbaar sal maak nie, en die pligte aan my opgedra na die beste van my vermoë sal uitvoer.
- (6) 'n Staatsdepartement wat kragtens artikel *veertien* van die Zuid-Afrika Wet, 1909, ingestel is, en onmiddellik voor die inwerkingtreding van hierdie Wet bestaan, word geag behoorlik ingevolge hierdie artikel ingestel te wees, en 'n amptenaar wat kragtens sub-artikel (1) van eersbedoelde artikel aangestel is om so 'n departement te beheer, en wat onmiddellik voor bedoelde inwerkingtreding sy amp beklee, word geag behoorlik ingevolge hierdie artikel aangestel te wees om daardie departement te beheer, maar moet voordat hy sy ampspligte aanvaar die ingevolge sub-artikel (5) vereiste eed of plegtige verklaring aflê.

Aanstelling van Staatsministers.

Aanstelling en werksaamhede van adjunkministers.

20. (1) Die Staatspresident kan hoogstens agt persone aanstel om vir solank dit hom behaag die amp te beklee van plaasvervangers van enige Staatsminister in sy hoedanigheid van die persoon aangestel om 'n bepaalde Staatsdepartement

such deputy may on behalf of that Minister of State and under the designation of Deputy Minister of the department in question, exercise such of the powers and perform such of the duties and functions assigned to that Minister of State in terms of any law or otherwise as the said Minister may from time to time determine, but shall not be a member of the Executive Council.

(2) Any person appointed under this section shall before assuming the duties of his office make and subscribe before the State President or a person designated by him for the purpose, an oath or affirmation in such form as the State President-in-Council may determine.

(3) No person appointed under this section shall hold office for a period exceeding three months unless he is or becomes a member of the Senate or the House of Assembly.

(4) Any person appointed under sub-section (3) of section *fourteen* of the South Africa Act, 1909, and holding office immediately prior to the commencement of this Act, shall be deemed to have been duly appointed under this section, and may, subject to the provisions of this section, continue to exercise or perform any powers, duties and functions which immediately prior to such commencement could be exercised or performed by him by virtue of a determination under sub-section (3) of the first-mentioned section, as if he were authorized to exercise such powers or perform such duties or functions in pursuance of a determination made by the Minister of State concerned in terms of this section, but shall make and subscribe the oath or affirmation required under sub-section (2) before assuming the duties of his office.

Power to appoint and discharge persons.

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

Transfer of certain executive powers.

22. All powers, authorities and functions which immediately prior to the commencement of this Act were in any of the provinces vested in the Governor-General or in the Governor-General-in-Council or in any authority of the province, shall as far as the same continue in existence and are capable of being exercised after the commencement of this Act, be vested in the State President or in the State President-in-Council, or in the authority exercising similar powers under the Republic, as the case may be, except such powers, authorities and functions as are by this Act or any other law vested in some other authority.

Command of South African Defence Force.

23. The command-in-chief of the South African Defence Force is vested in the State President.

Seat of Government.

24. Save as is otherwise provided in section *twenty-eight*, Pretoria shall be the seat of Government of the Republic.

PART V.

PARLIAMENT.

Legislative power.

25. (1) The legislative power of the Republic shall be vested in the Parliament of the Republic which shall consist of the State President, a Senate, and a House of Assembly.

(2) The Senate and the House of Assembly as constituted for the purposes of the South Africa Act, 1909, and in existence immediately prior to the commencement of this Act, shall be deemed to have been duly constituted for the purposes of this Act, and any person elected or appointed as a member of the said Senate or House of Assembly and holding office immediately prior to such commencement shall be deemed to have been duly elected or appointed to the Senate or the House of Assembly established by this Act: Provided that any such person shall before taking his seat, make and subscribe the oath or affirmation prescribed in section *fifty-four*.

(3) Any reference in any law to Parliament or any House of Parliament or the Senate or the House of Assembly or a member thereof, shall be construed as a reference to the Parliament or the House of Parliament or the Senate or the House of Assembly established by this Act or to a member of the said Senate or House of Assembly.

(4) Where any matter which has during the session of Parliament (as constituted in terms of the South Africa Act, 1909) immediately preceding the commencement of this Act, been brought before the said Parliament or any House there-

te beheer, en so 'n plaasvervanger kan namens bedoelde Staatsminister en onder die benaming van adjunk-minister van die betrokke departement enige van die ingevolge een of ander wetsbepaling of andersins aan daardie Staatsminister toegewese bevoegdhede, pligte en werksaamhede uitoefen en verrig wat bedoelde Minister van tyd tot tyd bepaal, maar is nie lid van die Uitvoerende Raad nie.

(2) 'n Kragtens hierdie artikel aangestelde persoon moet voordat hy sy ampspligte aanvaar 'n eed of plegtige verklaring in die vorm wat die Staatspresident-in-rade bepaal, voor die Staatspresident of 'n deur hom daartoe aangewese persoon aflê en onderteken.

(3) 'n Ingevolge hierdie artikel aangestelde persoon beklee nie sy amp vir 'n langer tydperk as drie maande sonder dat hy lid van die Senaat of die Volksraad is of word nie.

(4) 'n Kragtens sub-artikel (3) van artikel *veertien* van die Zuid-Afrika Wet, 1909, aangestelde persoon wat onmiddellik voor die inwerkingtreding van hierdie Wet in diens is, word geag behoorlik ingevolge hierdie artikel aangestel te wees, en kan, behoudens die bepalings van hierdie artikel, voortgaan om enige bevoegdhede uit te oefen of pligte of werksaamhede te verrig wat hy onmiddellik voor bedoelde inwerkingtreding uit hoofde van 'n bepaling kragtens sub-artikel (3) van eersbedoelde artikel kon uitoefen of verrig asof hy uit hoofde van 'n bepaling deur die betrokke Staatsminister kragtens hierdie artikel gemaak, gemagtig is om bedoelde bevoegdhede uit te oefen of pligte of werksaamhede te verrig, maar moet voordat hy sy ampspligte aanvaar die ingevolge sub-artikel (2) vereiste eed of plegtige verklaring aflê en onderteken.

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

Bevoegdheid om persone aan te stel en te ontslaan.

22. Alle magte, bevoegdhede en funksies wat onmiddellik voor die inwerkingtreding van hierdie Wet in 'n provinsie by die Goewerneur-generaal of die Goewerneur-generaal-in-rade of enige gesag van die provinsie berus het, berus, vir sover hulle na die inwerkingtreding van hierdie Wet voortbestaan en uitgeoefen kan word, by die Staatspresident of die Staatspresident-in-rade of die gesag wat soortgelyke magte in die Republiek uitoefen, na gelang van die geval, met uitsondering van magte, bevoegdhede en funksies wat by hierdie Wet of 'n ander wetsbepaling aan 'n ander gesag opgedra word.

Oordrag van sekere uitvoerende magte.

23. Die opperbevel van die Suid-Afrikaanse Weermag berus by die Staatspresident.

Bevel oor Suid-Afrikaanse Weermag.

24. Behalwe vir sover in artikel *agt-en-twintig* anders bepaal, is Pretoria die setel van die Regering van die Republiek.

Regeringstelsel.

DEEL V.

DIE PARLEMENT.

25. (1) Die wetgewende mag van die Republiek berus by die Parlement van die Republiek wat bestaan uit die Staatspresident, 'n Senaat en 'n Volksraad.

Wetgewende mag.

(2) Die Senaat en die Volksraad soos vir die doeleindes van die Zuid-Afrika Wet, 1909, saamgestel, wat onmiddellik voor die inwerkingtreding van hierdie Wet bestaan, word geag behoorlik vir die doeleindes van hierdie Wet saamgestel te wees, en iemand wat as lid van bedoelde Senaat of Volksraad benoem of gekies is, en sy amp onmiddellik voor bedoelde inwerkingtreding beklee, word geag behoorlik tot die by hierdie Wet ingestelde Senaat of Volksraad gekies of benoem te wees: Met dien verstande dat so iemand voordat hy as lid van die Senaat of die Volksraad sitting neem, die in artikel *vier-en-vyftig* bedoelde eed of plegtige verklaring moet aflê en onderteken.

(3) 'n Verwysing in 'n wetsbepaling na die Parlement of 'n Huis van die Parlement of die Senaat of die Volksraad of 'n lid daarvan, word as 'n verwysing na die by hierdie Wet ingestelde Parlement of Huis van die Parlement of Senaat of Volksraad of lid daarvan uitgeleë.

(4) Waar 'n aangeleentheid wat gedurende die sessie van die Parlement (soos ingevolge die Zuid-Afrika Wet, 1909, saamgestel) onmiddellik voorafgaande aan die inwerkingtreding van hierdie Wet in bedoelde Parlement of 'n Huis daarvan

of, has not before such commencement been disposed of, that matter may be further dealt with or considered by the Parliament established by this Act or the corresponding House thereof, and any steps taken in connection with that matter by such first-mentioned Parliament or House thereof shall be deemed to have been taken by the Parliament established by this Act or the corresponding House thereof.

(5) Any Bill passed prior to the commencement of this Act by both Houses of Parliament, which has been assented to by the Governor-General, but has not been promulgated before such commencement, may be promulgated thereafter and shall thereupon have full force and effect as an Act of Parliament in all respects as if this Act had not been passed, but any reference in any such Act to any authority referred to in the South Africa Act, 1909, shall be construed as a reference to the corresponding authority established under this Act.

(6) If any Bill brought before Parliament or any House of Parliament (as constituted in terms of the South Africa Act, 1909) prior to the commencement of this Act, has not been passed by both Houses of such Parliament, or if the Governor-General has not assented to any Bill so passed, that Bill may be further dealt with or considered by the Parliament established by this Act or the appropriate House thereof or may be assented to by the State President, as the circumstances may require, and, where it is so assented to, the Bill may be promulgated and shall have full force and effect as an Act of the Parliament established by this Act: Provided that any reference in such a Bill to any authority established by the South Africa Act, 1909, shall before the promulgation thereof be altered to a reference to the corresponding authority established by this Act.

Sessions of
Parliament.

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

(2) If immediately before the commencement of this Act the Parliament established under the South Africa Act, 1909, is in session by virtue of a proclamation issued under section *twenty* of that Act, that session shall be resumed from such date after such commencement as may prior to the said commencement be determined by resolution of each House of such Parliament, in the same manner as if it were a session of the Parliament established by this Act for the holding of which the time had been duly appointed in terms of this Act.

Annual session
of Parliament.

27. There shall be a session of Parliament once at least in every year, so that a period of twelve months shall not intervene between the last sitting of Parliament in one session and its first sitting in the next session.

Seat of
Legislature.

28. Cape Town shall be the seat of the Legislature of the Republic.

SENATE.

Constitution
of the Senate.

*29. (1) The Senate shall, subject to the provisions of the South-West Africa Affairs Amendment Act, 1949 (Act No. 23 of 1949), and the Separate Representation of Voters Act, 1951 (Act No. 46 of 1951), consist of—

- (a) eight senators nominated by the State President-in-Council of whom two shall be nominated from each province; and
- (b) so many senators, but not less than eight, in the case of each province as are equal to one-tenth of the number of the electoral divisions into which that province has at the last delimitation under this Act, for the election of members of the House of Assembly been divided, together with the electoral divisions into which that province has been so divided for the election of provincial councillors.

(2) Where in the case of any province the figure 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,

* Section *two*, Act 53 of 1955, as amended by section *three* of Act 53 of 1960.

aanhangig gemaak is, nie voor sodanige inwerkingtreding afgehandel is nie, kan met die behandeling of oorweging van daardie aangeleentheid voortgegaan word deur die Parlement of die ooreenstemmende Huis van die Parlement ingevolge hierdie Wet ingestel, en word enige stappe in verband met daardie aangeleentheid deur eersbedoelde Parlement of Huis daarvan gedoen, geag deur die ingevolge hierdie Wet ingestelde Parlement of Huis daarvan gedoen te wees.

(5) 'n Wetsontwerp wat voor die inwerkingtreding van hierdie Wet deur beide Huise van die Parlement (soos ingevolge die Zuid-Afrika Wet, 1909, saamgestel) aangeneem is en waarin die Goewerneur-generaal toegestem het, maar wat nie voor bedoelde inwerkingtreding afgekondig is nie, kan daarna afgekondig word en het daarop volle regskrag as 'n Wet van die Parlement, in alle opsigte asof hierdie Wet nie aangeneem was nie, maar 'n verwysing in so 'n Wet na 'n gesag in die Zuid-Afrika Wet, 1909, bedoel, word uitgelê as 'n verwysing na die ooreenstemmende gesag ingevolge hierdie Wet ingestel.

(6) Indien 'n Wetsontwerp wat voor die inwerkingtreding van hierdie Wet in die Parlement of 'n Huis van die Parlement (soos ingevolge die Zuid-Afrika Wet, 1909, saamgestel) aanhangig gemaak is, nie deur beide Huise van bedoelde Parlement aangeneem is nie, of indien die Goewerneur-generaal nie ten opsigte van so 'n Wetsontwerp wat wel aldus aangeneem is toestemming verleen het nie, kan deur die ingevolge hierdie Wet ingestelde Parlement of die gepaste Huis daarvan met die behandeling en oorweging van daardie Wetsontwerp voortgegaan word of kan, na vereiste van omstandighede, deur die Staatspresident ten opsigte van daardie Wetsontwerp toestemming verleen word, en waar toestemming aldus verleen word, kan die Wetsontwerp afgekondig word en het dit volle regskrag as 'n Wet van die by hierdie Wet ingestelde Parlement: Met dien verstande dat enige verwysing in so 'n Wetsontwerp na 'n ingevolge die Zuid-Afrika Wet, 1909, daargestelde gesag, voor die afkondiging daarvan tot 'n verwysing na die ooreenstemmende by hierdie Wet ingestelde gesag verander word.

26. (1) Die Staatspresident kan die tye wat hy goetvind vir sessies van die Parlement vasstel en kan ook van tyd tot tyd by proklamasie in die *Staatskoerant* of andersins die Parlement prorogeer.

Sessies van die Parlement.

(2) Indien die ingevolge die Zuid-Afrika Wet, 1909, ingestelde Parlement onmiddellik voor die inwerkingtreding van hierdie Wet in sitting is uit hoofde van 'n proklamasie kragtens artikel *twintig* van daardie Wet uitgevaardig, word bedoelde sitting vanaf die datum na bedoelde inwerkingtreding hervat wat voor sodanige inwerkingtreding by besluit van elke Huis van daardie Parlement bepaal word, op dieselfde wyse asof dit 'n sessie van die by hierdie Wet ingestelde Parlement was vir die hou waarvan die tyd behoorlik ingevolge hierdie Wet bepaal is.

27. Daar is minstens een maal elke jaar 'n sessie van die Parlement sodat daar nie 'n tydperk van twaalf maande tussen die laaste sitting van die Parlement in een sessie en sy eerste sitting in die volgende sessie verloop nie.

Jaarlikse sessie van die Parlement.

28. Kaapstad is die setel van die Wetgewende Mag van die Republiek.

Setel van wetgewende mag.

DIE SENAAT.

***29.** (1) Behoudens die bepalings van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1949 (Wet No. 23 van 1949), en die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951 (Wet No. 46 van 1951), bestaan die Senaat uit—

Samestelling van die Senaat.

(a) agt senatore deur die Staatspresident-in-rade benoem van wie twee uit elke provinsie benoem moet word; en

(b) soveel senatore, maar minstens agt, in die geval van elke provinsie as wat gelyk is aan een-tiende van die totaal van die kiesafdelings waarin daardie provinsie by die jongste afbakening kragtens hierdie Wet vir die verkiesing van Volksraadslede verdeel is en die kiesafdelings waarin daardie provinsie vir die verkiesing van provinsiale raadslede aldus verdeel is.

(2) 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

* Artikel twee, Wet 53 van 1955, soos gewysig deur artikel drie van Wet 53 van 1960.

that figure shall for the said purpose be assumed to be the lowest multiple of ten above the said figure.

(3) The senators referred to in paragraph (b) of sub-section (1) shall in the case of each province be elected jointly by the then sitting members of the House of Assembly and provincial councillors for that province other than the members and provincial councillors elected under the Separate Representation of Voters Act, 1951.

Nominated
senators.

*30. (1) The senators nominated by the State President-in-Council in terms of paragraph (a) of sub-section (1) of section *twenty-nine* shall, subject to the provisions of section *thirty-four*, hold their seats for five years.

(2) (a) The State President-in-Council 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.

(b) When nominating senators, the State President-in-Council shall have regard further to the requirement that at least one of the two senators nominated from each province under this section shall be thoroughly acquainted, by reason of official experience or otherwise, with the interests of the coloured population in the province for which the said senator is nominated, and that the said senator should be capable *inter alia* of serving as the channel through which the interests of the said coloured population in that province may be promoted.

(3) If the seat of a senator so nominated becomes vacant, the State President-in-Council shall nominate another person to hold the seat until the completion of the period for which the person in whose stead he is nominated, would have held the seat.

Elected
senators.

†31. (1) The senators elected under sub-section (3) of section *twenty-nine* shall hold their seats for five years unless the Senate be sooner dissolved.

(2) If the seat of an elected senator becomes vacant, the then sitting members of the House of Assembly and the provincial councillors for the province concerned (other than the members and provincial councillors elected under the Separate Representation of Voters Act, 1951), shall elect a person to hold the seat until the completion of the period for which the person in whose stead he is elected, would have held the seat.

(3) The election of senators shall take place according to the principle of proportional representation, each voter having one transferable vote.

(4) The State President-in-Council may make regulations in regard to the election of senators under this Act, including regulations prescribing the method of voting and of transferring and counting votes and the duties of returning officers in connection with such elections.

Standing
committees
of Senate.

‡32. The Senate may 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.

Announcing of
legislation
intended to
be introduced
in Senate.

33. The Prime Minister or any Minister of State acting on his behalf shall at the commencement of each session and may 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.

Dissolution of
the Senate and
vacation of
seats by
nominated
senators in
certain
circumstances.

34. (1) Notwithstanding anything contained in this Act or any other law—

(a) the State President may at any time by proclamation in the *Gazette* dissolve the Senate simultaneously with the House of Assembly;

(b) the State President-in-Council may dissolve the Senate at any time within one hundred and twenty days of any dissolution of the House of Assembly or the expiry of the term of office of a provincial council under section *seventy-three*.

(2) Upon any such dissolution of the Senate all the members of the Senate, including those members who were elected or nominated under the South-West Africa Affairs Amend-

* Section *three* of Act 53 of 1955, as amended by section *four* of Act 53 of 1960.

† Section *four* of Act 53 of 1955, as amended by section *five* of Act 53 of 1960.

‡ Section *six* of Act 53 of 1960.

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 gemelde syfer te wees.

(3) Die in paragraaf (b) van sub-artikel (1) bedoelde senatore word in die geval van elke provinsie deur die dan sittende Volksraadslede en provinsiale raadslede van daardie provinsie, behalwe die lede en provinsiale raadslede wat kragtens die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951, verkies is, gesamentlik gekies.

*30. (1) Die senatore wat ingevolge paragraaf (a) van sub-artikel (1) van artikel *nege-en-twintig* deur die Staatspresident-in-rade benoem word, behou hul setels, behoudens die bepalinge van artikel *vier-en-dertig*, vir vyf jaar. Benoemde senatore.

(2) (a) Die Staatspresident-in-rade 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.

(b) By die benoeming van senatore moet die Staatspresident-in-rade verder daarmee rekening hou dat minstens een van die twee senatore uit elke provinsie benoem kragtens hierdie artikel, grondige kennis moet hê, uit hoofde van amptelike ondervinding of andersins, van die belange van die kleurlingbevolking in die provinsie waarvoor gemelde senator benoem word, en dat gemelde senator onder andere moet kan dien as die kanaal waardeur die belange van bedoelde kleurlingbevolking in daardie provinsie bevorder kan word.

(3) Indien die setel van 'n aldus benoemde senator oopval, benoem die Staatspresident-in-rade iemand anders om die setel te vul tot die verstryking van die tydperk waarvoor die persoon in wie se plek hy benoem word, die setel sou behou het.

†31. (1) Die senatore wat kragtens sub-artikel (3) van artikel *nege-en-twintig* verkies word, behou hul setels vir vyf jaar tensy die Senaat eerder ontbind word. Verkose senatore.

(2) Indien die setel van 'n verkose senator oopval, kies die dan sittende Volksraadslede en provinsiale raadslede van die betrokke provinsie, behalwe die lede wat kragtens die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951, verkies is, iemand om die setel te vul tot die verstryking van die tydperk waarvoor die persoon in wie se plek hy verkies word, die setel sou behou het.

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

(4) Die Staatspresident-in-rade kan regulasies uitvaardig betreffende die verkiesing van senatore kragtens hierdie Wet, met inbegrip van regulasies waarby die wyse van stemming en van oordra en tel van stemme en die pligte van kiesbeampies in verband met sulke verkiesings voorgeskryf word.

‡32. Die Senaat kan van tyd tot tyd na goedvinde staande komitees vir verskillende aangeleenthede instel, en enige Staatsminister of plaasvervanger van 'n Staatsminister kan te eniger tyd met behoorlike inagneming van die reglement van die Senaat, 'n voorstel indien dat enige aangeleentheid vir ondersoek en verslag na so 'n komitee verwys word. Staande komitees van Senaat.

33. Die Eerste Minister of 'n Staatsminister wat namens hom optree, kondig by die aanvang van elke sessie aan, en kan van tyd tot tyd na vereiste van omstandighede in die loop van 'n sessie van die Parlement aankondig watter wetsontwerpe gedurende daardie sessie in die Senaat ingedien staan te word. Aankondiging van wetgewing bestem vir indiening in Senaat.

34. (1) Ondanks die bepalinge van hierdie Wet of 'n ander wetsbepaling— Ontbinding van die Senaat, en ontruiming van setels deur benoemde senatore in sekere omstandighede.

(a) kan die Staatspresident te eniger tyd by proklamasie in die *Staatkoerant* die Senaat gelyktydig met die ontbinding van die Volksraad ontbind;

(b) kan die Staatspresident-in-rade te eniger tyd binne honderd-en-twintig dae na 'n ontbinding van die Volksraad of die verstryking van die ampstermyn van 'n provinsiale raad ingevolge artikel *drie-en-sewentig* die Senaat ontbind.

(2) By so 'n ontbinding van die Senaat ontruim al die lede van die Senaat hul setels, met inbegrip van die lede wat kragtens die Wysigingswet op Aangeleenthede van Suidwes-

* Artikel *drie* van Wet 53 van 1955, soos gewysig deur artikel *vier* van Wet 53 van 1960.

† Artikel *vier* van Wet 53 van 1955, soos gewysig deur artikel *vyf* van Wet 53 van 1960.

‡ Artikel *ses* van Wet 53 van 1960.

ment Act, 1949 (Act No. 23 of 1949), or the Separate Representation of Voters Act, 1951 (Act No. 46 of 1951), shall vacate their seats.

(3) Any senator nominated in terms of section *twenty-nine* of this Act or under the South-West Africa Affairs Amendment Act, 1949, or the Separate Representation of Voters Act, 1951, shall, subject to the provisions of this Act and any other law, vacate their seats if the Prime Minister vacates his office and another person becomes Prime Minister and the State President-in-Council publishes a notice in the *Gazette* that a change of Government has occurred.

Qualification of senators.

35. No person shall be qualified to be a senator under this Act unless he—

- (a) is at least thirty years of age;
- (b) is qualified to be registered as a voter for the election of members of the House of Assembly in one of the provinces;
- (c) has resided for five years within the limits of the Republic;
- (d) is a person of European descent and is a South African citizen in terms of the provisions of the South African Citizenship Act, 1949 (Act No. 44 of 1949).

President of the Senate.

36. (1) The Senate shall, before proceeding to the dispatch of any other business, choose a senator to be the President of the Senate, and as often as the office of President becomes vacant the Senate shall again choose a senator to be the President.

(2) The President shall cease to hold office if he ceases to be a senator and he may be removed from office by a vote of the Senate, or he may resign his office by writing under his hand addressed to the State President.

Deputy-President of the Senate.

37. Prior to or during any absence of the President of the Senate the Senate may choose a senator to perform his duties in his absence.

Resignation of senators.

38. (1) A senator may, by writing under his hand addressed to the State President, resign his seat, which thereupon shall become vacant.

(2) The State President shall as soon as practicable cause steps to be taken to have the vacancy filled.

Quorum.

39. The presence of at least fifteen senators shall be necessary to constitute a meeting of the Senate for the exercise of its powers.

Voting in the Senate.

40. All questions in the Senate shall be determined by a majority of votes of senators present other than the President or the presiding senator, who shall, however, have and exercise a casting vote in the case of an equality of votes.

HOUSE OF ASSEMBLY.

Constitution of House of Assembly.

41. The House of Assembly shall be composed of—

- (a) one hundred and fifty members, each of whom shall be directly elected by the persons entitled to vote at an election of such a member in an electoral division delimited as provided in section *forty-five*;
- (b) six members elected in accordance with the provisions of the South-West Africa Affairs Amendment Act, 1949 (Act No. 23 of 1949); and
- (c) four members elected in accordance with the provisions of the Separate Representation of Voters Act, 1951 (Act No. 46 of 1951).

Qualification of voters.

42. Parliament may by law prescribe the qualifications which shall be necessary to entitle persons to vote at the election of members of the House of Assembly.

Elections.

43. At any general election of members of the House of Assembly under this Act, all polls shall be taken on one and the same day in all the electoral divisions throughout the Republic, such day to be appointed by the State President-in-Council.

Delimitation of electoral divisions.

44. (1) At intervals of not less than five years and not more than ten years commencing from the last delimitation of electoral divisions under the South Africa Act, 1909, the State President-in-Council shall appoint a delimitation com-

Afrika, 1949 (Wet No. 23 van 1949), of die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951 (Wet No. 46 van 1951), verkies of benoem is.

(3) 'n Senator wat kragtens artikel *nege-en-twintig* van hierdie Wet of kragtens die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1949, of die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951, benoem is, ontruim sy setel, behoudens die bepalings van hierdie Wet en enige ander wetsbepalings, indien die Eerste Minister sy amp ontruim en iemand anders Eerste Minister word en die Staatspresident-in-rade 'n kennisgewing in die *Staatskoerant* publiseer ten effekte dat 'n verandering van Regering plaasgevind het.

35. 'n Persoon is nie bevoeg om 'n senator kragtens hierdie Wet te wees nie, tensy hy— Kwalifikasies van senatore.

- (a) minstens dertig jaar oud is;
- (b) bevoeg is om as stemgeregtigde vir die verkiesing van Volksraadslede in een van die provinsies geregistreer te word;
- (c) sy verblyf vir vyf jaar binne die grense van die Republiek gehad het;
- (d) 'n persoon van Europese afstamming is en 'n Suid-Afrikaanse burger ooreenkomstig die bepalings van die Wet op Suid-Afrikaanse Burgerskap, 1949 (Wet No. 44 van 1949), is.

36. (1) Alvorens die Senaat tot die afhandeling van ander werksaamhede oorgaan, kies hy 'n senator om die President van die Senaat te wees, en so dikwels as wat die amp van President oopval, kies die Senaat weer 'n senator om die President te wees. President van die Senaat.

(2) Die President hou op om die amp te beklee as hy ophou om 'n senator te wees, en hy kan by besluit van die Senaat uit die amp ontsit word, of hy kan sy amp neerlê deur 'n deur hom ondertekende bedankingsbrief aan die Staatspresident te rig.

37. Voor of gedurende die afwesigheid van die President van die Senaat kan die Senaat 'n senator kies om sy pligte in sy afwesigheid waar te neem. Adjunk-president van die Senaat.

38. (1) 'n Senator kan, deur 'n deur hom ondertekende bedankingsbrief aan die Staatspresident te rig, vir sy setel bedank, wat daarop vakant word. Bedanking van senatore.

(2) Die Staatspresident laat so gou doenlik stappe doen om die vakature te vul.

39. Minstens vyftien senatore moet aanwesig wees om 'n vergadering van die Senaat vir die uitoefening van sy magte bevoeg te maak. Kworum.

40. Alle vrae in die Senaat word beslis by meerderheid van stemme van die aanwesige senatore met uitsondering van die President of die voorsittende senator wat egter by 'n staking van stemme 'n beslissende stem het en uitbring. Stemming in die Senaat.

DIE VOLKSRAAD.

41. Die Volksraad bestaan uit—

- (a) honderd-en-vyftig lede wat elkeen regstreeks verkies word deur die stemgeregtigdes by 'n verkiesing van so 'n lid in 'n kiesafdeling wat volgens voorskrif van artikel *vyf-en-veertig* afgebaken is; Samestelling van Volksraad.
- (b) ses lede verkies volgens die bepalings van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1949 (Wet No. 23 van 1949); en
- (c) vier lede verkies volgens die bepalings van die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951 (Wet No. 46 van 1951).

42. Die Parlement kan die kwalifikasies vir stemgeregtigheid by die verkiesing van Volksraadslede by wet voorskryf. Kwalifikasies van kiesers.

43. By 'n algemene verkiesing van Volksraadslede kragtens hierdie Wet, vind die stemming in al die kiesafdelings in die Republiek op een en dieselfde dag plaas, en dié dag word deur die Staatspresident-in-rade bepaal. Verkiesings.

44. (1) Met tussenpose van minstens vyf jaar en hoogstens tien jaar met ingang van die laaste afbakening van kiesafdelings ingevolge die Zuid-Afrika Wet, 1909, stel die Staatspresident-in-rade 'n afbakingskommissie aan bestaande uit Afbakening van kiesafdelings.

mission consisting of three judges of the Supreme Court of South Africa, which shall divide each province into so many electoral divisions that their number bears, as nearly as possible, the same ratio to one hundred and fifty as, in terms of the current voters' lists, duly corrected up to the latest possible date, the number of white voters in that province bears to the total number of white voters in the Republic.

(2) In dividing a province into electoral divisions in terms of sub-section (1) the said commission shall act in accordance with the provisions of section *forty-five*.

Method of
dividing
provinces into
electoral
divisions.

45. (1) For the purposes of any division of the provinces into electoral divisions, the quota of each province shall be obtained by dividing the total number of voters in the province as ascertained from an examination of the current voters' lists by the number of members of the House of Assembly to be elected therein.

(2) Each province shall be divided into electoral divisions in such a manner that each such division shall, subject to the provisions of sub-section (3), contain a number of voters as nearly as may be equal to the quota of the province.

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

- (a) community or diversity of interests;
- (b) means of communication;
- (c) physical features;
- (d) existing electoral boundaries;
- (e) sparsity or density of population,

in such manner that, while taking the quota of voters as the basis of division, the commission may depart therefrom whenever it is deemed necessary, but in no case to any greater extent than fifteen per cent more or fifteen per cent less than the quota.

Powers and
duties of
commission for
delimiting
electoral
divisions.

46. (1) A commission constituted under the provisions of section *forty-four*, shall submit to the State President-in-Council—

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

(2) The State President-in-Council may refer to the commission for its consideration any matter relating to such list or arising out of the powers or duties of the commission.

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

(4) If any discrepancy arises between the description of the divisions and the aforesaid map or maps, the description shall prevail.

Date from which
alteration of
electoral
divisions takes
effect.

47. Any alteration in the number of members of the House of Assembly to be elected in the several provinces, and any re-division of the provinces into electoral divisions, shall, in respect of the election of members of the House of Assembly, come into operation at the next general election held after the completion of the re-division or of any allocation consequent upon such alteration, and not earlier.

Qualifications of
members of
House of
Assembly.

48. No person shall be qualified to be a member of the House of Assembly under this Act, unless he—

- (a) is qualified to be registered as a voter for the election of members of the House of Assembly in one of the provinces;
- (b) has resided for five years within the limits of the Republic;
- (c) is a person of European descent and is a South African citizen in terms of the provisions of the South African Citizenship Act, 1949 (Act No. 44 of 1949).

Duration of
House of
Assembly.

49. Every House of Assembly shall continue for five years from the first meeting thereof, and no longer, but may at any time be dissolved by the State President by proclamation in the *Gazette*.

drie regters van die Hooggeregshof van Suid-Afrika, wat elke provinsie in 'n aantal kiesafdelings verdeel wat so na as moontlik in dieselfde verhouding tot honderd-en-veertig staan as die verhouding waarin, volgens die geldende kieserslyste behoortlik verbeter tot die jongste moontlike datum, die aantal blanke kiesers in daardie provinsie tot die totale aantal blanke kiesers in die Republiek staan.

(2) By die verdeling van 'n provinsie in kiesafdelings volgens sub-artikel (1) moet genoemde kommissie ooreenkomstig die bepalings van artikel vyf-en-veertig handel.

45. (1) Vir die doeleindes van die verdeling van die provinsies in kiesafdelings, word die kwota van elke provinsie verkry deur die totale aantal kiesers in die provinsie soos vasgestel uit 'n ondersoek van die geldende kieserslyste, te deel deur die aantal Volksraadslede wat daarin verkies moet word.

Metode van verdeling van provinsies in kiesafdelings.

(2) Elke provinsie word op so 'n wyse in kiesafdelings verdeel dat elke sodanige kiesafdeling, behoudens die bepalings van sub-artikel (3), 'n aantal kiesers bevat wat so na as moontlik aan die kwota van die provinsie gelykstaan.

(3) Die afbakingskommissie moet na behore oorweging skenk aan—

- gemeenskaplikheid of verskeidenheid van belange;
- verkeersmiddele;
- natuurlike kenmerke;
- bestaande kiesgrense;
- dunheid of digtheid van bevolking,

op so 'n wyse dat, hoewel die kwota kiesers die grondslag van verdeling uitmaak, die kommissie, wanneer hy dit nodig ag, daarvan mag afwyk, maar in geen geval in 'n groter mate as vyftien persent meer of vyftien persent minder as die kwota nie.

46. (1) 'n Kommissie saamgestel kragtens die bepalings van artikel vier-en-veertig moet aan die Staatspresident-in-rade voorle—

Magte en pligte van kommissie vir afbakening van kiesafdelings.

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

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

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

(4) In geval van 'n verskil tussen die beskrywing van die kiesafdelings en die voormelde kaart of kaarte, gee die beskrywing die deurslag.

47. 'n Verandering van die aantal Volksraadslede wat in die verskeie provinsies verkies moet word en 'n herverdeling van die provinsies in kiesafdelings tree in werking, wat die verkiesing van Volksraadslede betref, by die eersvolgende algemene verkiesing wat gehou word na die voltooiing van die herverdeling of van 'n toewysing ingevolge so 'n verandering, en nie eerder nie.

Datum waarop verandering van kiesafdelings van krag word.

48. 'n Persoon is nie bevoeg om 'n Volksraadslid kragtens hierdie Wet te wees nie, tensy hy—

Kwalifikasies van Volksraadlede.

- bevoeg is om as kieser vir die verkiesing van Volksraadslede in een van die provinsies geregistreer te wees;
- sy verblyf vir vyf jaar binne die grense van die Republiek gehad het;
- van Europese afstamming is en 'n Suid-Afrikaanse burger is ooreenkomstig die bepalings van die Wet op Suid-Afrikaanse Burgerskap, 1949 (Wet No. 44 van 1949).

49. Elke Volksraad bly vyf jaar vanaf sy eerste vergadering in stand en nie langer nie, maar kan te eniger tyd deur die Staatspresident by proklamasie in die Staatskoerant ontbind word.

Duur van Volksraad.

Speaker of the House of Assembly.

50. (1) The House of Assembly shall, before proceeding to the dispatch of any other business, choose a member to be the Speaker of the House, and, as often as the office of Speaker becomes vacant, the House shall again choose a member to be the Speaker.

(2) The Speaker shall cease to hold his office if he ceases to be a member of the House of Assembly, and may be removed from office by a vote of the House and may resign his office or his seat by writing under his hand addressed to the State President.

Deputy-Speaker.

51. Prior to or during the absence of the Speaker, the House of Assembly may choose a member to perform his duties in his absence.

Quorum.

52. The presence of at least thirty members of the House of Assembly shall be necessary to constitute a meeting of the House for the exercise of its powers.

Voting in House of Assembly.

53. All questions in the House of Assembly shall be determined by a majority of votes of members present other than the Speaker or the presiding member, who shall, however, have and exercise a casting vote in the case of an equality of votes.

BOTH HOUSES OF PARLIAMENT.

Oath or affirmation.

54. Every senator and every member of the House of Assembly shall, before taking his seat, make and subscribe before the State President, or some person authorized by him, an oath or affirmation in the following form:

I, A.B., do swear/solemnly and sincerely affirm and declare that I will be faithful to the Republic of South Africa and will perform my duties as a member of the Senate/House of Assembly to the best of my ability.

Member of either House disqualified from being member of the other House.

55. (1) A member of either House of Parliament shall be incapable of sitting as a member of the other House: Provided that every Minister of State who is a member of either House of Parliament and every member of either House of Parliament holding office as a deputy to any Minister of State, shall have the right to sit and speak in the Senate and in the House of Assembly, but shall vote only in the House of which he is a member.

(2) A member of either House of Parliament who is chosen as a member of the other House, shall cease to be a member of such first-mentioned House with effect from the date upon which he becomes a member of such other House.

Disqualifications from being a member of either House.

56. No person shall be capable of being chosen or of sitting as a member of the Senate or the House of Assembly, if he—

- (a) has at any time been convicted of any offence for which he has been sentenced to imprisonment without the option of a fine for a period of not less than twelve months, unless he has received a grant of amnesty or a free pardon, or unless such imprisonment has expired at least five years before the date of his election; or
- (b) is an unrehabilitated insolvent; or
- (c) is of unsound mind, and has been so declared by a competent court; or
- (d) holds any office of profit under the Republic: Provided that the following persons shall not be deemed to hold an office of profit under the Republic for the purposes of this paragraph, namely—
 - (i) a Minister of State for the Republic, or any person holding office as deputy to any Minister of State;
 - (ii) a person in receipt of a pension from the Republic;
 - (iii) an officer or member of the South African Defence Force on retired or half-pay, or an officer or member of the South African Defence Force whose services are not wholly employed by the Republic;
 - (iv) any person who has been appointed or has become a justice of the peace under section two of the Justices of the Peace and Oaths Act, 1914 (Act No. 16 of 1914);
 - (v) any person who, while the Republic is at war, is an officer or member of the South African Defence Force or any other force or service established by or under the Defence Act, 1957 (Act No. 44 of 1957);

50. (1) Alvorens die Volksraad tot die afhandeling van Speaker van ander werksaamhede oorgaan, kies hy 'n lid om die Speaker die Volksraad van die Volksraad te wees, en so dikwels as wat die amp van Speaker oopval, kies die Volksraad weer 'n lid om die Speaker te wees.

(2) Die Speaker hou op om die amp te beklee as hy ophou om lid van die Volksraad te wees, en kan by besluit van die Volksraad uit die amp ontset word en kan sy amp neerlê of vir sy setel bedank deur 'n deur hom ondertekende bedankingsbrief aan die Staatspresident te rig.

51. Voor of gedurende die afwesigheid van die Speaker Adjunk-Speaker. kan die Volksraad 'n lid kies om sy pligte in sy afwesigheid waar te neem.

52. Minstens dertig lede van die Volksraad moet aanwesig Kworum. wees om 'n vergadering van die Volksraad vir die uitoefening van sy magte bevoeg te maak.

53. Alle vrae in die Volksraad word beslis by meerderheid Stemming in die van stemme van die aanwesige lede met uitsondering van die Volksraad. Speaker of die voorsittende lid wat egter by 'n staking van stemme 'n beslissende stem het en uitbring.

ALBEI HUISE VAN DIE PARLEMENT.

54. Elke senator en elke Volksraadslid moet, voordat hy Eed of plegtige sy sitplek inneem, voor die Staatspresident of 'n deur hom verklaring. gemagtigde persoon 'n eed of plegtige verklaring in die volgende vorm aflê en onderteken:

Ek, A.B., sweer/verklaar plegtig en opreg dat ek aan die Republiek van Suid-Afrika getrou sal wees en my pligte as lid van die Senaat/Volksraad na my beste vermoë sal uitvoer.

55. (1) 'n Lid van een Huis van die Parlement is onbevoeg Lid van een om as lid van die ander Huis sitting te neem: Met dien ver- Huis onbevoeg stande dat elke Staatsminister wat lid is van een of ander om lid van Huis van die Parlement, en elke lid van een of ander Huis ander Huis te van die Parlement wat die amp van plaasvervanger van 'n wees. Staatsminister beklee, die reg het om in die Senaat en in die Volksraad sitting te neem en te praat, maar hy mag net in die Huis waarvan hy lid is, stem.

(2) 'n Lid van een Huis van die Parlement wat as lid van die ander Huis gekies word, hou op om lid van eersbedoelde Huis te wees met ingang van die dag waarop hy lid van bedoelde ander Huis word.

56. 'n Persoon is nie bevoeg om as lid van die Senaat of Onbevoegdhe- die Volksraad gekies te word of sitting te neem nie, as hy— skap vir lidmaat- skap van een van beide Huisse.

(a) te eniger tyd skuldig bevind is aan 'n misdryf waarvoor hy gevonnissen is tot gevangenisstraf sonder die keuse van 'n boete vir 'n tydperk van minstens twaalf maande, tensy amnestie of algehele gracie aan hom toegestaan is, of tensy die tydperk van sodanige gevangenisstraf minstens vyf jaar voor die datum van sy verkiesing verstryk het; of

(b) 'n ongerehabiliteerde insolvent is; of

(c) in sy geestesvermoë gekrenk is en deur 'n bevoegde hof aldus verklaar is; of

(d) 'n winsbetrekking onder die Republiek beklee: Met dien verstande dat by die toepassing van hierdie paragraaf die volgende persone nie geag word 'n winsbetrekking onder die Republiek te beklee nie, te wete—

(i) 'n Staatsminister van die Republiek of iemand wat die amp van plaasvervanger van 'n Staatsminister beklee;

(ii) 'n ontvanger van 'n pensioen van die Republiek;

(iii) 'n offisier of lid van die Suid-Afrikaanse Weermag wat russoldy of halwe soldy ontvang, of 'n offisier of lid van die Suid-Afrikaanse Weermag wat nie voltyds in diens van die Republiek is nie;

(iv) iemand wat kragtens artikel twee van die Wet op Vrederechters en Eden, 1914 (Wet No. 16 van 1914), as vrederegter aangestel is of vrederegter geword het;

(v) iemand wat, terwyl die Republiek in oorlog betrokke is, 'n offisier of lid is van die Suid-Afrikaanse Weermag of 'n ander mag of diens wat deur of kragtens die Verdedigingswet, 1957 (Wet No. 44 van 1957), ingestel is;

- (vi) a member of any council, committee, board or similar body established by or under any law who receives no payment in respect of his services on such council, committee, board or body in excess of an allowance at a rate not exceeding eleven rand for each day on which he renders such services, together with the reimbursement of any travelling expenses incurred by him in the course of such services.

Vacation of
seats.

57. A senator or member of the House of Assembly shall vacate his seat, if he—

- (a) becomes subject to any of the disabilities mentioned in section *fifty-six*; or
- (b) ceases to be qualified as required by law; or
- (c) fails for a whole ordinary session to attend without the special leave of the Senate or the House of Assembly, as the case may be, unless his absence is due to his serving, while the Republic is at war, with the South African Defence Force or any other force or service established by or under the Defence Act, 1957 (Act No. 44 of 1957).

Penalty for
sitting or
voting when
disqualified.

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

Allowances of
members.

59. (1) (a) Subject to the provisions of this section, every member of the Senate or the House of Assembly (not being a Minister of State or a deputy to a Minister of State receiving a salary under the Republic or the President of the Senate or the Speaker of the House of Assembly) shall receive an allowance of two thousand eight hundred rand per annum.

(b) In addition there may be paid during any period to any member of the Senate or the House of Assembly (excluding any Minister of State or a deputy to a Minister of State receiving a salary under the Republic and the Speaker of the House of Assembly) out of moneys appropriated by Parliament for the purpose, a travelling and subsistence allowance at a rate to be determined, in the case of a member of the Senate, by the President of the Senate, and, in the case of a member of the House of Assembly, by the Speaker of the House of Assembly.

(c) Any such travelling and subsistence allowance may be paid at different rates in respect of different members according to circumstances, on such a basis as the President of the Senate or, as the case may be, the Speaker of the House of Assembly may deem fit and shall be payable subject to such conditions as he may determine.

(2) Subject to the provisions of this section, other than the provisions of sub-section (4), the Leader of the Opposition shall receive an allowance of two thousand six hundred rand per annum in addition to the allowances provided for in sub-section (1).

(3) For the purposes of this section the expression "Leader of the Opposition" means that member of the House of Assembly who is for the time being the Leader in that House of the party in opposition to the Government having the greatest numerical strength in that House, and if there is any doubt as to which is or was at any material time the party in opposition to the Government having the greatest numerical strength in the House of Assembly, or as to who is or was at any material time the Leader in that House of such a party, the question shall be decided for the purposes of this section by the Speaker of the House of Assembly, and his decision, certified in writing under his hand, shall be final and conclusive.

(4) For every day during which any member of the Senate or the House of Assembly who is entitled to the allowance mentioned in paragraph (a) of sub-section (1), fails to attend a meeting of the House of which he is a member there shall be deducted the sum of twelve rand: Provided that such member shall be exempted from deductions on account of such failure—

- (a) for any day on which he attends a meeting of any Committee of the House of which he is a member;

- (vi) 'n lid van 'n by of kragtens wet ingestelde raad, komitee of soortgelyke liggaam wat nie ten opsigte van sy dienste in so 'n raad, komitee of liggaam betaling ontvang bo en behalwe 'n toelae volgens die skaal van hoogstens elf rand vir elke dag waarop hy bedoelde dienste lewer, tesame met vergoeding van reiskoste deur hom in die loop van dié dienste aangegaan.

57. 'n Senator of Volksraadslid ontruim sy setel, indien hy— Oopval van setels.

- (a) onderhewig word aan 'n onbevoegdheid in artikel ses-en-veertig genoem; of
(b) ophou om volgens vereiste van 'n wetsbepaling bevoeg te wees; of
(c) 'n hele gewone sessie afwesig bly sonder spesiale verlof van die Senaat of die Volksraad, na gelang van die geval, tensy sy afwesigheid te wyte is aan sy diens, terwyl die Republiek in oorlog betrokke is, in die Suid-Afrikaanse Weermag of 'n ander mag of diens ingestel deur of kragtens die Verdedigingswet, 1957 (Wet No. 44 van 1957).

58. Iemand wat wetlik onbevoeg is om as senator of lid van die Volksraad sitting te neem, en wat terwyl hy aldus onbevoeg is en weet of redelike gronde het om te weet dat hy aldus onbevoeg is, as lid van die Senaat of die Volksraad sitting neem of stem, is vir elke dag waarop hy aldus sitting neem of stem, strafbaar met 'n boete van tweehonderd rand, wat namens die Tesourie van die Republiek by wyse van aksie in enige afdeling van die Hooggeregshof van Suid-Afrika verhaal kan word. Straf vir ongekwalifiseerdes wat stem of sitting neem.

59. (1) (a) Behoudens die bepalinge van hierdie artikel, ontvang elke lid van die Senaat of die Volksraad (met uitsondering van 'n Staatsminister of 'n plaasvervanger van 'n Staatsminister wat 'n salaris onder die Republiek trek, die President van die Senaat en die Speaker van die Volksraad) 'n toelae van tweeduisend agthonderd rand per jaar. Toelaes van lede.

(b) Bowendien kan daar gedurende enige tydperk aan 'n lid van die Senaat of die Volksraad (behalwe 'n Staatsminister of 'n plaasvervanger van 'n Staatsminister wat 'n salaris onder die Republiek trek en die Speaker van die Volksraad) uit gelde deur die Parlement vir die doel bewillig 'n reis- en verblyftoelae betaal word, teen 'n skaal wat in die geval van 'n lid van die Senaat deur die President van die Senaat en in die geval van 'n Volksraadslid deur die Speaker van die Volksraad bepaal word.

(c) So 'n reis- en verblyftoelae kan ten opsigte van verskillende lede teen verskillende skale volgens omstandighede betaal word, en wel op die grondslag wat die President van die Senaat of die Speaker van die Volksraad, na gelang van die geval, goedvind, en is betaalbaar onderworpe aan die voorwaardes wat hy bepaal.

(2) Behoudens die bepalinge van hierdie artikel, met uitsondering van die bepalinge van sub-artikel (4), ontvang die Leier van die Opposisie 'n toelae van tweeduisend seshonderd rand per jaar benewens die toelaes in sub-artikel (1) voorgeskryf.

(3) By die toepassing van hierdie artikel beteken die uitdrukking „Leier van die Opposisie” dié lid van die Volksraad wat op die betrokke tydstip in die Volksraad die leier is van die party in opposisie teen die Regering wat die grootste getalsterkte in bedoelde Raad het, en indien daar enige twyfel bestaan oor watter party in opposisie teen die Regering op enige wesenlike tydstip die grootste getalsterkte in die Volksraad het of gehad het, of oor wie op enige wesenlike tydstip die Leier van so 'n party in daardie Raad is of was, word die vraag vir die doel van hierdie artikel deur die Speaker van die Volksraad beslis en sy beslissing, skriftelik deur hom gesertifiseer en onderteken, is finaal en afdoende.

(4) Vir elke dag waarop 'n lid van die Senaat of die Volksraad wat op die in paragraaf (a) van sub-artikel (1) bedoelde toelae geregtig is, versuim om 'n vergadering van die Huis waarvan hy lid is, by te woon, word die som van twaalf rand afgetrek: Met dien verstande dat bedoelde lid van aftrekkingsweens so 'n versuim vrygestel word—

- (a) vir elke dag waarop hy 'n vergadering van 'n Komitee van die Huis waarvan hy lid is, bywoon;

- (b) when his absence is due to his illness or to the summons or subpoena of a competent court (except a summons to answer a criminal charge upon which he is convicted);
- (c) when his absence is due to the death or serious illness of his wife and such absence is condoned by the Sessional Committee on Standing Orders of the Senate or the Committee on Standing Rules and Orders of the House of Assembly (as the case may be);
- (d) when his absence is due to his serving, while the Republic is at war, with the South African Defence Force or any other force or service established by or under the Defence Act, 1957 (Act No. 44 of 1957);
- (e) in respect of any further period of absence not exceeding twenty-five days on which he so fails to attend during a session at which the estimates of expenditure for the ordinary administrative services of a financial year are considered and not exceeding seven days on which he so fails to attend during any other session.

(5) Subject to the deductions incurred, if any, the Clerk of the House concerned shall pay to every such member of the House of which he is Clerk the allowance (including any travelling and subsistence allowance) aforesaid in monthly instalments, the first month to be reckoned, in the case of a senator, from the date on which he was nominated or elected, as the case may be, and, in the case of a member of the House of Assembly, if he was declared elected after a poll had taken place, from the date on which the poll took place, and if he was declared elected because he was the only person duly nominated, from the date on which he was declared elected.

(6) There shall be paid to the President of the Senate a salary of four thousand eight hundred rand per annum and to the Speaker of the House of Assembly a salary of six thousand rand per annum.

(7) The amount of the allowances and salaries paid under this section shall be charged annually to the Consolidated Revenue Fund and the provisions of this sub-section shall be deemed to be an appropriation of every such amount.

(8) (a) Of the allowances (other than travelling and subsistence allowances) and salaries payable under this section the following amounts shall for the purpose of any law be deemed to represent payments made to meet expenditure incurred by the persons concerned in connection with their official duties, namely—

- (i) in respect of an allowance payable to any person under paragraph (a) of sub-section (1), an amount of one thousand four hundred rand;
- (ii) in respect of the allowance payable under sub-section (2), an amount of seven hundred and sixty rand; and
- (iii) in respect of the salary payable under sub-section (6)—
 - (A) to the President of the Senate, an amount of one thousand nine hundred and twenty rand;
 - (B) to the Speaker of the House of Assembly, an amount of two thousand four hundred rand.

(b) The full amount of any travelling and subsistence allowance paid by virtue of a determination under paragraph (b) of sub-section (1) shall for the purpose of any law be deemed to be a payment made to meet expenditure incurred by the person concerned in connection with his official duties.

(c) For the purpose of this sub-section any amount paid to any person by way of any salary or allowance (including any travelling and subsistence allowance) shall be deemed to have been received in respect of employment in the public service.

Rules of
procedure.

60. (1) Each House of Parliament may make rules and orders with respect to the order and conduct of its business and proceedings.

(2) If a joint sitting of both Houses of Parliament is required under the provisions of this Act, it shall be convened by the State President by message to both Houses.

(3) At any joint sitting referred to in sub-section (2) the Speaker of the House of Assembly shall preside and the rules of the House of Assembly shall, as far as practicable, apply.

- (b) indien sy afwesigheid veroorsaak word deur sy siekte of deur 'n dagvaarding of getuiedagvaarding van 'n bevoegde hof (behalwe 'n dagvaarding op 'n kriminele aanklag waarop hy skuldig bevind word);
 - (c) indien sy afwesigheid veroorsaak word deur die dood of ernstige siekte van sy vrou en sodanige afwesigheid verskoon word deur die Sessiekomitee oor die Reglement van Orde van die Senaat of die Komitee oor die Reglement van Orde van die Volksraad (na gelang van die geval);
 - (d) indien sy afwesigheid veroorsaak word deur sy diens, terwyl die Republiek in oorlog betrokke is, in die Suid-Afrikaanse Weermag of 'n ander mag of diens deur of kragtens die Verdedigingswet, 1957 (Wet No. 44 van 1957), ingestel;
 - (e) ten opsigte van 'n verdere tydperk van afwesigheid van hoogstens vyf-en-twintig dae waarop hy aldus versuim om 'n vergadering by te woon gedurende 'n sessie waarin die begroting van uitgawes vir die gewone administratiewe dienste van 'n boekjaar oorweeg word, en hoogstens sewe dae wat hy gedurende enige ander sessie aldus versuim.
- (5) Na aftrekking van die verbeurde bedrae, as daar is, betaal die Klerk van die betrokke Huis aan elke sodanige lid van die Huis waarvan hy Klerk is, die voormelde toelae (met inbegrip van enige reis- en verblyftoelae) in maandelikse paaie-mente, waarby die eerste maand, in die geval van 'n senator, gereken word vanaf die datum waarop hy benoem of verkies is, na gelang van die geval, en in die geval van 'n lid van die Volksraad, indien hy verkies verklaar is nadat 'n stemming plaasgevind het, vanaf die datum waarop die stemming plaasgevind het, en as hy verkies verklaar is omdat hy die enigste persoon was wat behoorlik genomineer is, vanaf die datum waarop hy verkies verklaar is.
- (6) Daar word aan die President van die Senaat 'n salaris van vierduisend agthonderd rand per jaar betaal en aan die Speaker van die Volksraad 'n salaris van sesduisend rand per jaar.
- (7) Die bedrag wat kragtens hierdie artikel aan toelaes en salarisse betaal word, word jaarliks teen die Gekonsolideerde Inkomstefonds in rekening gebring en die bepalings van hierdie sub-artikel word geag 'n bewilliging van elke sodanige bedrag te wees.
- (8) (a) Van die toelaes (behalwe reis- en verblyftoelaes) en salarisse wat kragtens hierdie artikel betaalbaar is, word vir die doel van enige wetsbepaling geag dat die volgende bedrae betalings is ter bestryding van uitgawe deur die betrokke persone in verband met hulle amptelike pligte aangegaan, naamlik—
- (i) ten opsigte van 'n toelae ingevolge paragraaf (a) van sub-artikel (1) aan enige persoon betaalbaar, 'n bedrag van eenduisend vierhonderd rand;
 - (ii) ten opsigte van die toelae ingevolge sub-artikel (2) betaalbaar, 'n bedrag van sewehonderd-en-sestig rand; en
 - (iii) ten opsigte van die salaris ingevolge sub-artikel (6) betaalbaar—
 - (A) aan die President van die Senaat, 'n bedrag van eenduisend negehonderd-en-twintig rand;
 - (B) aan die Speaker van die Volksraad, 'n bedrag van tweeduisend vierhonderd rand.
- (b) Die volle bedrag van enige reis- en verblyftoelae wat uit hoofde van 'n bepaling kragtens paragraaf (b) van sub-artikel (1) betaal word, word by die toepassing van enige wet geag 'n betaling te wees wat geskied om onkoste te dek deur die betrokke persoon in verband met sy ampspligte aangegaan.
- (c) By die toepassing van hierdie sub-artikel word enige bedrag by wyse van salaris of toelae (met inbegrip van reis- en verblyftoelae) aan iemand betaal, geag ten opsigte van diens in die Staatsdiens ontvang te wees.

60. (1) Elke Huis van die Parlement kan reëls en orders Prosedure-aanneem in verband met die orde en reëling van sy werksaam- reëls hede en verrigtings.

(2) Indien 'n verenigde vergadering van albei Huise van die Parlement ingevolge die bepalings van hierdie Wet nodig is, word dit deur die Staatspresident by boodskap aan albei Huise belê.

(3) Op 'n verenigde vergadering in sub-artikel (2) bedoel, sit die Speaker van die Volksraad voor en is die reëls van die Volksraad sover doenlik van toepassing.

POWERS OF PARLIAMENT.

Powers of
Parliament.

61. (1) Parliament shall be the sovereign legislative authority in and over the Republic, and shall have full power to make laws for the peace, order and good government of the Republic.

(2) No court of law shall be competent to enquire into or to pronounce upon the validity of any Act passed by Parliament, other than an Act which repeals or amends or purports to repeal or amend the provisions of section *one hundred and ten* or *one hundred and fifteen*.

Money Bills.

62. (1) Bills appropriating revenue or moneys or imposing taxation shall originate only in the House of Assembly.

(2) A Bill shall not be deemed to appropriate revenue or moneys or to impose taxation by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties.

(3) The Senate may not amend any Bills so far as they impose taxation or appropriate revenue or moneys for the services of the Government.

(4) The Senate may not amend any Bills so as to increase any proposed charges or burden on the people.

Appropriation
Bills.

63. Any Bill which appropriates revenue or moneys for the ordinary annual services of the Government shall deal only with such appropriation.

Recommendation
of money
votes.

64. The House of Assembly shall not originate or pass any vote, resolution, address or Bill for the appropriation of any part of the public revenue or of any tax or impost to any purpose unless such appropriation has been recommended by message from the State President during the session in which such vote, resolution, address or Bill is proposed.

Disagreement
between the two
Houses.

65. (1) If the House of Assembly in any session passes a Bill imposing taxation only or dealing with the appropriation of revenue or moneys for the services of the Government, and the Senate in the same session rejects or fails to pass it, the Bill shall, unless the House of Assembly otherwise directs, be presented to the State President for his assent and shall as soon as it has been assented to by the State President become an Act of Parliament and be taken to have been duly passed by both Houses of Parliament, notwithstanding that the Senate has not consented to it.

(2) There shall be endorsed on every Bill which imposes taxation only or which deals with the appropriation of revenue or moneys for the services of the Government, when it is sent up to the Senate and when it is presented to the State President for his assent, the certificate of the Speaker of the House of Assembly signed by him that it is such a Bill.

(3) If the House of Assembly in two successive sessions (whether of the same Parliament or not) passes a Bill, other than a Bill referred to in sub-section (1), and the Senate in each of those sessions rejects or fails to pass it or passes it with amendments to which the House of Assembly will not agree, the Bill shall, unless the House of Assembly otherwise directs, be presented to the State President for his assent, and shall as soon as it has been assented to by the State President become an Act of Parliament and be taken to have been duly passed by both Houses of Parliament, notwithstanding that the Senate has not consented to it, provided those sessions were not held in the same calendar year.

(4) When a Bill is presented to the State President for his assent in terms of sub-section (3), there shall be endorsed on the Bill the certificate of the Speaker of the House of Assembly signed by him that the provisions of this section have been duly complied with in relation to that Bill.

(5) A Bill shall be deemed to be the same Bill as a former Bill sent up to the Senate in the preceding session if, when it is sent up to the Senate, it is identical with the former Bill or contains only such alterations as are certified by the Speaker of the House of Assembly to be necessary owing to the time which has elapsed since the date of the former Bill, or to represent any amendments which have been made by the Senate in the former Bill in the preceding session, and any amendments which are certified by the Speaker to have

MAGTE VAN DIE PARLEMENT.

61. (1) Die Parlement is die soewereine wetgewende gesag in en vir die Republiek, en het volle mag om vir die vrede, orde en goeie regering van die Republiek wette te maak.

(2) Geen geregshof is bevoeg om ondersoek in te stel na of uitspraak te doen oor die geldigheid van 'n deur die Parlement aangenome Wet nie, behalwe 'n Wet wat die bepalings van artikel honderd-en-tien of honderd-en-vyftien herroep of wysig of heet te herroep of te wysig.

62. (1) Wetsontwerpe wat inkomste of geld beskikbaar stel of belasting oplê, word slegs in die Volksraad aanhangig gemaak.

(2) Daar word nie geag dat 'n wetsontwerp inkomste of geld beskikbaar stel of belasting oplê slegs uit hoofde van die feit dat dit bepalings vir die opheffing of aanwending van boetes of ander geldstrawwe bevat nie.

(3) Die Senaat wysig geen wetsontwerp vir sover dit belasting oplê of inkomste of geld vir die dienste van die Staat bewillig nie.

(4) Die Senaat wysig geen wetsontwerp ten einde 'n voorgestelde heffing of belasting van die volk te verhoog nie.

63. 'n Wetsontwerp wat inkomste of geld vir die gewone jaarlikse dienste van die Staat beskikbaar stel, moet slegs sodanige beskikbaarstelling behandel.

64. In die Volksraad word geen begrotingspos, besluit, adres of wetsontwerp vir die beskikbaarstelling van 'n deel van die staatsinkomste of van 'n belasting of heffing vir watter doel ook al aanhangig gemaak of aangeneem nie, tensy so 'n beskikbaarstelling by boodskap van die Staatspresident aanbeveel is gedurende die sessie waarin so 'n begrotingspos, besluit, adres of wetsontwerp voorgestel word.

65. (1) Indien die Volksraad in enige sessie 'n wetsontwerp aanneem waarby slegs belasting hef word of wat handel oor die beskikbaarstelling van inkomste of geld vir die dienste van die Staat, en die Senaat dit in dieselfde sessie verwerp of dit nie aanneem nie, word die wetsontwerp, tensy die Volksraad anders gelas, aan die Staatspresident vir sy toestemming voorgelê, en word dit, sodra die Staatspresident daarin toegestem het, 'n Wet van die Parlement, en word dit geag behoorlik deur albei Huise van die Parlement aangeneem te gewees het, hoewel die Senaat nie daarin toegestem het nie.

(2) Elke wetsontwerp wat slegs belasting hef of wat handel oor die beskikbaarstelling van inkomste of geld vir die dienste van die Staat, word, wanneer dit aan die Senaat gestuur word en wanneer dit aan die Staatspresident vir sy toestemming voorgelê word, geëndosseer met die sertifikaat van die Speaker van die Volksraad, deur hom onderteken, dat dit so 'n wetsontwerp is.

(3) Indien die Volksraad in twee opeenvolgende sessies (hetsy van dieselfde Parlement al dan nie) 'n wetsontwerp, behalwe 'n wetsontwerp in sub-artikel (1) genoem, aanneem, en die Senaat dit in elk van daardie sessies verwerp of nie aanneem nie of dit aanneem met wysigings wat die Volksraad afkeur, word die wetsontwerp, tensy die Volksraad anders gelas, aan die Staatspresident vir sy toestemming voorgelê en word dit, sodra die Staatspresident daarin toegestem het, 'n Wet van die Parlement en geag behoorlik deur albei Huise van die Parlement aangeneem te gewees het hoewel die Senaat nie daarin toegestem het nie, mits bedoelde sessies nie in dieselfde kalenderjaar gehou is nie.

(4) Wanneer 'n wetsontwerp ingevolge sub-artikel (3) vir toestemming aan die Staatspresident voorgelê word, word die wetsontwerp geëndosseer met die sertifikaat van die Speaker van die Volksraad, deur hom onderteken, dat die bepalings van hierdie artikel ten opsigte van daardie wetsontwerp behoorlik nagekom is.

(5) Daar word geag dat 'n wetsontwerp dieselfde wetsontwerp is as 'n vorige wetsontwerp wat in die voorafgaande sessie aan die Senaat gestuur is indien dit, wanneer dit aan die Senaat gestuur word, identiek met die vorige wetsontwerp is of slegs veranderinge bevat wat volgens sertifikaat van die Speaker van die Volksraad nodig is weens die tyd wat sedert die datum van die vorige wetsontwerp verstryk het, of wysigings uitmaak wat deur die Senaat in die voorafgaande sessie in die vorige wetsontwerp aangebring is, en enige wysigings wat, volgens deur die Speaker gesertifiseer word, deur die

been made by the Senate in the second session and agreed to by the House of Assembly, shall be inserted in the Bill as presented to the State President for his assent in terms of this section: Provided that the House of Assembly may, if it thinks fit, on the passage of such a Bill through the House of Assembly in the second session, suggest any further amendments without inserting the amendments in the Bill, and any such suggested amendments shall be considered by the Senate, and, if agreed to by the Senate, shall be regarded as amendments made by the Senate and agreed to by the House of Assembly, but the exercise of this power by the House of Assembly shall not affect the operation of this section in the event of the Bill being rejected by the Senate.

(6) The provisions of this section shall not apply in relation to such a Bill as is referred to in section *one hundred and fifteen*.

Assent to Bills.

66. (1) When a Bill is presented to the State President for his assent, he shall declare according to his discretion, but subject to the provisions of this Act, that he assents thereto or that he withholds assent.

(2) The State President may return to the House in which it originated any Bill so presented to him, and may transmit therewith any amendments which he may recommend, and the House may deal with the recommendation.

Signature and enrolment of Acts.

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

PART VI.

THE PROVINCES.

Administrators.

Appointment and tenure of office of provincial administrators.

68. (1) In each province there shall be a chief executive officer appointed by the State President-in-Council who shall be known as the administrator of the province, and in whose name all executive acts relating to provincial affairs therein shall be done.

(2) In the appointment of the administrator of any province, the State President-in-Council shall as far as practicable give preference to persons resident in such province.

(3) An administrator shall hold office for a period of five years and shall not be removed before the expiration thereof except by the State President-in-Council for cause assigned which shall be communicated by message to both Houses of Parliament within one week after the removal, if Parliament is then in session, or, if Parliament is not then in session, within one week after the commencement of the next ensuing session.

(4) The State President-in-Council may from time to time appoint a deputy-administrator to execute the office and functions of the administrator during his absence or illness or whenever for any reason he is unable to perform the duties of his office, or while the appointment of an administrator for the province concerned is pending.

Salaries of administrators.

69. The salaries of the administrators shall be fixed and provided by Parliament, and shall not be reduced during their respective terms of office.

Provincial Councils.

Constitution of provincial councils.

70. (1) There shall be a provincial council in each province consisting, subject to the provisions of the Separate Representation of Voters Act, 1951 (Act No. 46 of 1951), of the same number of members as are elected in the province for the House of Assembly under this Act: Provided that, in any province whose representatives in the House of Assembly are less than twenty-five in number, the provincial council shall consist of twenty-five members.

Senaat in die tweede sessie aangebring is en deur die Volksraad goedgekeur is, word ingevoeg in die wetsontwerp soos vir toestemming aan die Staatspresident ingevolge hierdie artikel voorgelê: Met dien verstande dat die Volksraad by die aanneming van so 'n wetsontwerp deur die Volksraad in die tweede sessie, na goeëddunke verdere wysigings aan die hand kan doen, sonder dat die wysigings in die wetsontwerp ingevoeg word, en wysigings aldus aan die hand gedoen, word deur die Senaat oorweeg en word, indien deur die Senaat goedgekeur, geag wysigings te wees wat deur die Senaat aangebring is en deur die Volksraad goedgekeur is, maar die uitoefening van hierdie bevoegdheid deur die Volksraad, raak nie die toepassing van hierdie artikel ingeval die wetsontwerp deur die Senaat verwerp word nie.

(6) Die bepalings van hierdie artikel is nie van toepassing met betrekking tot so 'n wetsontwerp as wat in artikel honderd-en-vyftien bedoel word nie.

66. (1) Wanneer 'n wetsontwerp aan die Staatspresident vir sy toestemming voorgelê word, verklaar hy na sy goeëddunke, maar onderworpe aan die bepalings van hierdie Wet, dat hy toestem of dat hy toestemming weerhou.

Toestemming ten opsigte van Wetsontwerpe.

(2) Die Staatspresident kan 'n wetsontwerp wat aldus aan hom voorgelê word, terugstuur aan die Huis waar dit ahangig gemaak is, en kan tesame daarmee wysigings stuur wat hy aanbeveel, en die Huis kan die aanbeveling behandel.

67. So spoedig moontlik nadat die Staatspresident toestemming ten opsigte van 'n wet verleen het, laat die Klerk van die Volksraad twee skoon eksimplare van so 'n wet, die een in die Afrikaanse en die ander in die Engelse taal (waarvan een eksimplaar deur die Staatspresident onderteken is) opneem in die register van die kantoor van die Griffier van die Appèl-afdeling van die Hooggeregshof van Suid-Afrika, en sodanige eksimplare is afdoende bewys van die bepalings van so 'n wet, en in geval van verskil tussen die twee aldus opgenome eksimplare gee die eksimplaar wat deur die Staatspresident onderteken is die deurslag.

Ondertekening en registrasie van Wette.

DEEL VI.

DIE PROVINSIES.

Administrateurs.

68. (1) In elke provinsie is daar 'n uitvoerende hoofampenaar wat deur die Staatspresident-in-rade aangestel word en wat bekend staan as die administrateur van die provinsie, en in wie se naam alle uitvoerende handelinge met betrekking tot provinsiale sake daarin geskied.

Aanstelling en ampstyd van provinsiale administrateurs.

(2) By die aanstelling van die administrateur van 'n provinsie gee die Staatspresident-in-rade sover doenlik voorkeur aan persone wat in die provinsie woonagtig is.

(3) 'n Administrateur beklee sy amp vir 'n tydperk van vyf jaar en word nie voor die verstryking daarvan van sy amp onthef nie behalwe deur die Staatspresident-in-rade met opgaaf van redes wat by boodskap aan albei Huise van die Parlement meegedeel word binne 'n week na die ontheffing as die Parlement dan byeen is, of, as die Parlement nie byeen is nie, binne 'n week na die aanvang van die eersvolgende sessie.

(4) Die Staatspresident-in-rade kan van tyd tot tyd 'n waarnemende administrateur aanstel om die ampspligte en funksies van die administrateur uit te oefen tydens sy afwesigheid of siekte of wanneer hy om enige rede nie in staat is om sy ampspligte uit te voer nie of terwyl die aanstelling van 'n administrateur vir die betrokke provinsie hangende is.

69. Die salarisse van die administrateurs word deur die Parlement vasgestel en voorsien en word nie gedurende hulle onderskeie ampstye verminder nie.

Salarisse van administrateurs.

Provinsiale Rade.

70. (1) In elke provinsie is daar 'n provinsiale raad wat, behoudens die bepalings van die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951 (Wet No. 46 van 1951), bestaan uit dieselfde aantal lede as wat in die provinsie vir die Volksraad kragtens hierdie Wet verkies word: Met dien verstande dat in 'n provinsie wat minder as vyf-en-twintig verteenwoordigers in die Volksraad het, die provinsiale raad uit vyf-en-twintig lede bestaan.

Samestelling van provinsiale rade.

(2) Any person qualified to vote for the election of members of a provincial council under this Act shall be qualified to be a member of such council under this Act.

(3) Any provincial council constituted as provided in section *seventy* of the South Africa Act, 1909, and in existence immediately prior to the commencement of this Act, shall be deemed to have been duly constituted as provided in this Act.

Election of
provincial
councillors.

71. (1) The members of a provincial council under this Act shall be elected by the persons qualified to vote for the election of members of the House of Assembly in the province voting in the same electoral divisions as are delimited for the election of members of the House of Assembly under this Act: Provided that, in any province in which less than twenty-five members are elected to the House of Assembly, the delimitation of the electoral divisions, and any necessary re-allocation of members or adjustment of electoral divisions shall be effected by the same commission and on the same principles as are prescribed in regard to the electoral divisions of the House of Assembly.

(2) Any alteration in the number of members of the provincial council, and any re-division of the province into electoral divisions, shall come into operation at the next general election for such council held after the completion of such re-division or of any allocation consequent upon such alteration, and not earlier.

(3) The election shall take place at such times as the administrator shall by proclamation in the *Official Gazette* of the province direct, and the provisions of section *forty-three* applicable to the election of members of the House of Assembly shall *mutatis mutandis* apply to such election.

(4) Any person who immediately prior to the commencement of this Act holds office as a member of a provincial council by virtue of an election held as provided in section *seventy-one* of the South Africa Act, 1909, shall be deemed to have been elected to the corresponding provincial council established by this Act.

Application of
sections *fifty-
six to fifty-
eight* to
provincial
councillors.

72. (1) The provisions of sections *fifty-six*, *fifty-seven* and *fifty-eight*, relative to members of the House of Assembly, shall *mutatis mutandis* apply to members of the provincial councils.

(2) Any member of a provincial council who becomes a member of either House of Parliament shall cease to be a member of such provincial council.

Tenure of office
of provincial
councillors.

73. A provincial council shall continue for five years from the date of its first meeting, and shall not be subject to dissolution save by effluxion of time.

Sessions of
provincial
councils.

74. (1) The administrator of a province shall by proclamation in the *Official Gazette* of that province fix such times for holding the sessions of the provincial council of that province as he may think fit, and may from time to time prorogue such council: Provided that there shall be a session of every provincial council once at least in every year so that a period of twelve months shall not intervene between the last sitting of the council in one session and its first sitting in the next session.

(2) If immediately before the commencement of this Act any provincial council constituted under the South Africa Act, 1909, is in session by virtue of a proclamation issued under section *seventy-four* of that Act, that session shall be resumed from a date after such commencement to be determined before such commencement by resolution of that council in the same manner as if it were a session of the corresponding provincial council established by this Act for the holding of which the time had been duly fixed in terms of this Act.

Chairman of
provincial
council and
rules of
procedure.

75. (1) The provincial council shall elect from among its members a chairman, and may make rules for the conduct of its proceedings.

(2) Rules made under sub-section (1) shall be transmitted by the administrator to the State President, and shall have full force and effect unless and until the State President-in-Council expresses his disapproval thereof in writing addressed to the administrator.

Allowances of
provincial
councillors.

76. The members of the provincial council shall receive such allowances as shall be determined by the State President-in-Council.

(2) Elkeen wat stemgeregtig is by die verkiesing van lede van 'n provinsiale raad kragtens hierdie Wet is bevoeg om 'n lid van dié provinsiale raad kragtens hierdie Wet te wees.

(3) 'n Provinsiale raad wat onmiddellik voor die inwerking-treding van hierdie Wet bestaan, en wat ooreenkomstig artikel *sewentig* van die Zuid-Afrika Wet, 1909, saamgestel is, word geag behoorlik ooreenkomstig hierdie artikel saamgestel te wees.

71. (1) Die lede van 'n provinsiale raad kragtens hierdie Wet word gekies deur die stemgeregtigdes vir die verkiesing van lede van die Volksraad in die provinsie, wat stem in dieselfde kiesafdelings as wat vir die verkiesing van lede van die Volksraad kragtens hierdie Wet afgebaken is: Met dien verstande dat in 'n provinsie waar minder as vyf-en-twintig lede vir die Volksraad verkies word, die afbakening van die kiesafdelings en enige nodige hertoewysing van lede of aanpassing van kiesafdelings teweeggebring word deur dieselfde kommissie en volgens dieselfde beginsels as wat ten opsigte van die kiesafdelings van die Volksraad voorgeskryf word.

Verkiesing van
provinsiale
raadslede.

(2) 'n Verandering in die aantal lede van die provinsiale raad en enige herverdeling van die provinsie in kiesafdelings, tree in werking by die eervolgende algemene verkiesing vir so 'n raad wat gehou word na die voltooiing van so 'n herverdeling of van 'n toewysing ten gevolge van so 'n verandering, en nie eerder nie.

(3) Die verkiesing vind plaas op die tye wat die administrateur by proklamasie in die *Offisiële Koerant* van die provinsie bepaal, en die bepalings van artikel *drie-en-veertig* wat van toepassing is op die verkiesing van lede van die Volksraad is *mutatis mutandis* op so 'n verkiesing van toepassing.

(4) Iemand wat onmiddellik voor die inwerkingtreding van hierdie Wet as lid van 'n provinsiale raad dien uit hoofde van 'n verkiesing gehou volgens voorskrif van artikel *een-en-sewentig* van die Zuid-Afrika Wet, 1909, word geag tot die ooreenstemmende provinsiale raad by hierdie Wet ingestel, gekies te wees.

72. (1) Die bepalings van artikels *ses-en-vyftig*, *sewe-en-vyftig* en *agt-en-vyftig* met betrekking tot Volksraadslede is *mutatis mutandis* van toepassing op provinsiale raadslede.

Toepassing van
artikels *ses-
en-vyftig* tot
agt-en-vyftig
op provinsiale
raadslede.

(2) 'n Lid van 'n provinsiale raad wat 'n lid van een of ander Huis van die Parlement word, hou op om 'n lid van die provinsiale raad te wees.

73. 'n Provinsiale raad bly vyf jaar vanaf die datum van sy eerste vergadering in stand en word nie ontbind nie behalwe deur tydsverloop.

Ampstyd van
provinsiale
raadslede.

74. (1) Die administrateur van 'n provinsie stel na goeddunke die tye vir die sessies van die provinsiale raad van daardie provinsie by proklamasie in die *Offisiële Koerant* van daardie provinsie vas, en kan so 'n raad van tyd tot tyd prorogeer: Met dien verstande dat daar minstens een keer in elke jaar 'n sessie van elke provinsiale raad moet wees sodat daar nie 'n tydperk van twaalf maande tussen die laaste sitting van die raad in een sessie en sy eerste sitting in die volgende sessie verloop nie.

Sessies van
provinsiale rade.

(2) Indien daar onmiddellik voor die inwerkingtreding van hierdie Wet 'n ingevolge die Zuid-Afrika Wet, 1909, saamgestelde provinsiale raad in sessie is uit hoofde van 'n proklamasie kragtens artikel *vier-en-sewentig* van daardie Wet, word daardie sessie hervat vanaf 'n datum na bedoelde inwerkingtreding wat voor sodanige inwerkingtreding by besluit van daardie raad bepaal word, op dieselfde wyse asof dit 'n sessie van die ooreenstemmende ingevolge hierdie Wet ingestelde provinsiale raad was vir die hou waarvan die tyd behoorlik volgens hierdie Wet vasgestel is.

75. (1) Die provinsiale raad kies 'n voorsitter uit sy lede en kan reëls uitvaardig vir die reëling van sy verrigtings.

Voorsitter van
provinsiale raad
en prosedure-
reëls.

(2) Reëls wat ingevolge sub-artikel (1) uitgevaardig is, word deur die administrateur aan die Staatspresident gestuur en is van volle krag tensy en totdat die Staatspresident-in-rade sy skriftelike afkeuring daarvan aan die administrateur rig.

76. Die provinsiale raadslede ontvang die toelaes wat deur die Staatspresident-in-rade vasgestel word.

Toelaes van
provinsiale
raadslede.

Freedom of
speech in
provincial
councils.

77. There shall be freedom of speech in the provincial council and no administrator or any other member of the executive committee of a province and no member of the provincial council shall be liable to any civil or criminal proceedings, arrest, imprisonment or damages by reason of any matter or thing which he may have brought by petition, draft ordinance, resolution, motion or otherwise, or have said before the provincial council, or by reason of his vote in such council.

Executive Committees.

Provincial
executive
committees.

78. (1) Each provincial council shall at its first meeting after any general election elect from among its members, or otherwise, four persons to form with the administrator, who shall be chairman, an executive committee for the province.

(2) The members of the executive committee other than the administrator shall hold office until the election of their successors in the same manner.

(3) The members so elected shall receive such remuneration as the provincial council, with the approval of the State President-in-Council, shall determine.

(4) (a) A member of the provincial council shall not be disqualified from sitting as a member by reason of his having been elected as a member of the executive committee, and a member of the executive committee shall not be disqualified from being elected as a member of the provincial council, or from being appointed as a deputy-administrator under the provisions of sub-section (4) of section *sixty-eight*.

(b) A member of the executive committee who is appointed as a deputy-administrator under the provisions of sub-section (4) of section *sixty-eight* shall as from the termination of such appointment resume his office and functions as a member of such executive committee unless his successor has in the meantime been elected under the provisions of sub-section (1) of this section.

(5) Any casual vacancy arising in the executive committee shall be filled by election by the provincial council if then in session, or, if the council is not in session, by a person appointed by the executive committee to hold office temporarily pending an election by the council.

Method of
voting for
provincial
executive
committees.

79. (1) The election of members of the executive committee of a province as provided in this Act shall, whenever such election is contested, be according to the principle of proportional representation, each voter having one transferable vote.

(2) The State President-in-Council shall make regulations in regard to the election of members of the executive committee of a province, including regulations prescribing the method of voting and of transferring and counting votes and the duties of returning officers in connection therewith.

Right of
administrator,
etc., to take part
in proceedings
of provincial
council.

80. The administrator and any other member of the executive committee of a province, not being a member of the provincial council, shall have the right to take part in the proceedings of the council, but shall not have the right to vote: Provided that a member of the executive committee who is a member of the provincial council, and who is appointed as a deputy-administrator under the provisions of sub-section (4) of section *sixty-eight*, shall during the period of his appointment retain the right to vote as a member of the provincial council.

Powers of
provincial
executive
committees.

81. (1) The executive committee shall on behalf of the provincial council carry on the administration of provincial affairs.

(2) Whenever there are not sufficient members of the executive committee to form a quorum according to the rules of the committee, the administrator shall as soon as practicable convene a meeting of the provincial council for the purpose of electing members to fill the vacancies, and until such election the administrator shall carry on the administration of provincial affairs.

Transfer of
powers to
provincial
executive
committees.

82. Subject to the provisions of this Act, all powers, authorities and functions which immediately prior to the commencement of this Act were vested in or exercised by the executive committee of a province in terms of the South Africa Act, 1909, shall as far as the same continue in existence and are capable of being exercised after the commencement of this Act, be vested in the corresponding executive committee established under this Act.

77. Daar is vryheid van spraak in die provinsiale raad en 'n administrateur of 'n ander lid van die uitvoerende komitee van 'n provinsie en 'n lid van die provinsiale raad staan nie bloot aan siviele of kriminele regsdinge, inhegtenisname, gevangesetting of skadevergoeding uit hoofde van 'n saak of ding wat hy by petisie, ontwerp-ordonnansie, besluit, voorstel of andersins in die provinsiale raad aanhangig gemaak het of aldaar gesê het of uit hoofde van die wyse waarop hy in so 'n raad gestem het nie.

Vryheid van spraak in provinsiale rade.

Uitvoerende Komitees.

78. (1) Elke provinsiale raad kies op sy eerste vergadering na 'n algemene verkiesing, uit sy lede of andersins, vier persone wat saam met en onder voorsitterskap van die administrateur 'n uitvoerende komitee vir die provinsie vorm.

Provinsiale uitvoerende komitees.

(2) Die lede van die uitvoerende komitee, behalwe die administrateur, beklee hulle amp totdat hul opvolgers op dieselfde wyse gekies is.

(3) Die aldus gekose lede ontvang die vergoeding wat die provinsiale raad met goedkeuring van die Staatspresident-in-rade vasstel.

(4) (a) 'n Lid van die provinsiale raad verbeur nie sy setel as lid omdat hy as lid van die uitvoerende komitee gekies is nie, en 'n lid van die uitvoerende komitee is nie onbevoeg om as lid van die provinsiale raad gekies of ingevolge sub-artikel (4) van artikel *agt-en-sestig* as waarnemende administrateur aangestel te word nie.

(b) 'n Lid van die uitvoerende komitee wat ingevolge die bepalings van sub-artikel (4) van artikel *agt-en-sestig* as 'n waarnemende administrateur aangestel word, hervat vanaf die beëindiging van die aanstelling sy amp en werksaamhede as lid van bedoelde uitvoerende komitee, tensy sy opvolger intussen ingevolge die bepalings van sub-artikel (1) van hierdie artikel gekies is.

(5) 'n Tussentydse vakature in die uitvoerende komitee word deur verkiesing deur die provinsiale raad gevul, indien dit dan byeen is, of, indien die raad nie dan byeen is nie, deur benoeming deur die uitvoerende komitee van 'n persoon wat die amp tydelik beklee, hangende 'n verkiesing deur die raad.

79. (1) Die verkiesing van lede van die uitvoerende komitee van 'n provinsie soos in hierdie Wet bepaal, geskied in die geval van 'n bestrede verkiesing volgens die beginsel van proporsionele verteenwoordiging waarvolgens elke kieser een oordraagbare stem het.

Wyse van stemming vir provinsiale uitvoerende komitees.

(2) Die Staatspresident-in-rade vaardig regulasies uit aangaande die verkiesing van lede van die uitvoerende komitee van 'n provinsie, met inbegrip van regulasies betreffende die wyse waarop gestem en die stemme oorgedra en getel moet word en die pligte van kiesbeampes in verband daarmee.

80. Die administrateur en elke ander lid van die uitvoerende komitee van 'n provinsie wat nie 'n lid van die provinsiale raad is nie, het die reg om aan die verrigtings van die raad deel te neem, maar het nie die reg om te stem nie: Met dien verstande dat 'n lid van die uitvoerende komitee wat 'n lid van die provinsiale raad is, en wat kragtens die bepalings van sub-artikel (4) van artikel *agt-en-sestig* as 'n waarnemende administrateur aangestel word, gedurende sy ampstermyn die reg behou om as lid van die provinsiale raad te stem.

Reg van administrateur ens., om deel te neem aan die verrigtings van die provinsiale raad.

81. (1) Die uitvoerende komitee behartig namens die provinsiale raad die administrasie van provinsiale sake.

Magte van provinsiale uitvoerende komitees.

(2) Wanneer daar nie genoeg lede van die uitvoerende komitee is om ooreenkomstig die reëls van die komitee 'n kworum te vorm nie, belê die administrateur so gou doenlik 'n vergadering van die provinsiale raad om lede ter vulling van die vakatures te kies, en totdat so 'n verkiesing plaasvind, behartig die administrateur die administrasie van provinsiale sake.

82. Behoudens die bepalings van hierdie Wet, word alle magte, bevoegdhede en funksies wat ingevolge die Zuid-Afrika Wet, 1909, onmiddellik voor die inwerkingtreding van hierdie Wet by die uitvoerende komitee van 'n provinsie berus het of deur hom uitgeoefen was, vir sover hulle na die inwerkingtreding van hierdie Wet voortbestaan en uitgeoefen kan word, oorgedra aan die ooreenstemmende uitvoerende komitee by hierdie Wet ingestel.

Oordrag van magte aan provinsiale uitvoerende komitees.

Voting in
executive
committees.

83. (1) Questions arising in the executive committee shall be determined by a majority of votes of the members present, and, in case of an equality of votes, the administrator shall have also a casting vote.

(2) Subject to the approval of the State President-in-Council, the executive committee may make rules for the conduct of its proceedings.

Appointment of
officers by
executive
committees.

84. Subject to the provisions of any law passed by Parliament regulating the conditions of appointment, tenure of office, retirement and superannuation of public officers, the executive committee shall have power to appoint such officers as may be necessary, in addition to officers assigned to the province by the State President-in-Council under the provisions of this Act, to carry out the services entrusted to it and to make and enforce regulations for the organization and discipline of such officers.

Power of
administrator to
act on behalf of
State President-
in-Council.

85. In regard to all matters in respect of which no powers are reserved or delegated to the provincial council, the administrator shall act on behalf of the State President-in-Council when required to do so, and in such matters the administrator may act without reference to the other members of the executive committee.

Powers of Provincial Councils.

Powers of
provincial
councils.

86. (1) Subject to the provisions of this Act, the Financial Relations Consolidation and Amendment Act, 1945 (Act No. 38 of 1945), and the assent of the State President-in-Council as hereinafter provided, a provincial council may make ordinances in relation to matters coming within the following classes of subjects, namely—

- (a) direct taxation within the province in order to raise revenue for provincial purposes;
- (b) the borrowing of money on the sole credit of the province with the consent of the State President-in-Council and in accordance with regulations framed by Parliament;
- (c) education, other than higher education and native education, until Parliament otherwise provides;
- (d) agriculture to the extent and subject to the conditions defined by Parliament;
- (e) the establishment, maintenance and management of hospitals and charitable institutions;
- (f) (i) municipal institutions, divisional councils and other local institutions of a similar nature;
- (ii) any institutions or bodies other than such institutions as are referred to in sub-paragraph (i), which have in respect of any one or more areas (whether contiguous or not) situated outside the area of jurisdiction of any such institution as is referred to in sub-paragraph (i), authority and functions similar to the authority and functions of such institutions as are referred to in the said sub-paragraph, or authority and functions in respect of the preservation of public health in any such area or areas, including any such body as is referred to in section seven of the Public Health Act, 1919 (Act No. 36 of 1919);
- (g) local works and undertakings within the province, other than railways and harbours, and other than such works as extend beyond the borders of the province and subject to the power of Parliament to declare any work a national work and to provide for its construction by arrangement with the provincial council or otherwise;
- (h) roads, outspans, ponts and bridges, other than bridges connecting two provinces;
- (i) markets and pounds;
- (j) fish and game preservation, subject to the provisions of section fourteen of the Sea Fisheries Act, 1940 (Act No. 10 of 1940);
- (k) the imposition of punishment by fine or imprisonment for enforcing any law or any ordinance of the province made in relation to any matter coming within any of the classes of subjects enumerated in this section;
- (l) generally all matters which, in the opinion of the State President-in-Council, are of a merely local or private nature in the province;

83. (1) Alle vrae wat in die uitvoerende komitee ontstaan, word by meerderheid van stemme van die aanwesige lede beslis, en by staking van stemme het die administrateur ook 'n beslissende stem.

Stemming in
uitvoerende
komitees.

(2) Die uitvoerende komitee kan, onderworpe aan die goedkeuring van die Staatspresident-in-rade, reëls vir die reëling van sy verrigtings uitvaardig.

84. Behoudens die bepalings van enige wet wat deur die Parlement aangeneem is om die aanstellingsvoorwaardes, ampsduur, aftreding en superannuasie van staatsamptenare te reël, het die uitvoerende komitee die mag om die amptenare aan te stel wat nodig is, benewens die amptenare deur die Staatspresident-in-rade ingevolge die bepalings van hierdie Wet aan die provinsie toegewys, om die dienste te verrig wat aan hom toevertrou is en om regulasies vir die organisasie en tug van sodanige amptenare te maak en toe te pas.

Aanstelling van
amptenare deur
uitvoerende
komitees.

85. In verband met alle sake ten opsigte waarvan geen magte vir die provinsiale raad voorbehou of aan hom gedelegeer is nie, tree die administrateur, wanneer dit van hom vereis word, namens die Staatspresident-in-rade op, en in verband met sodanige sake kan die administrateur sonder verwysing na die ander lede van die uitvoerende komitee optree.

Bevoegdheid van
administrateur
om namens die
Staatspresident-
in-rade op te tree.

Magte van Provinsiale Rade.

86. (1) Behoudens die bepalings van hierdie Wet, die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945 (Wet No. 38 van 1945), en die toestemming van die Staatspresident-in-rade soos hieronder bepaal, kan 'n provinsiale raad ordonnansies maak in verband met sake wat onder die volgende klasse onderwerpe ressorteer, naamlik—

Magte van
provinsiale rade.

- (a) regstreekse belasting binne die provinsie ten einde inkomste vir provinsiale doeleindes te verkry;
- (b) die leen van geld op krediet van die provinsie alleen, met die toestemming van die Staatspresident-in-rade en ooreenkomstig regulasies wat deur die Parlement opgestel word;
- (c) onderwys, behalwe hoër onderwys en natuurle-onderrig, totdat die Parlement anders bepaal;
- (d) landbou, in die mate en onderworpe aan die voorwaardes wat deur die Parlement omskryf word;
- (e) die stigting, instandhouding en bestuur van hospitale en liefdadigheidsinrigtings;
- (f) (i) munisipale instellings, afdelingsrade en ander plaaslike instellings van 'n soortgelyke aard;
- (ii) instellings of liggame, met uitsondering van in sub-paragraaf (i) bedoelde instellings, wat ten opsigte van een of meer gebiede (hetsy aangrensend al dan nie) geleë buite die magsgebied van 'n in sub-paragraaf (i) bedoelde instelling, bevoegdhede en funksies soortgelyk aan die bevoegdhede en funksies van in genoemde sub-paragraaf bedoelde instellings het, of bevoegdhede en funksies in verband met die behoud van die volksgesondheid in so 'n gebied of gebiede, met inbegrip van 'n liggaam in artikel sewe van die Volksgezondheidswet, 1919 (Wet No. 36 van 1919), bedoel;
- (g) plaaslike werke en ondernemings binne die provinsie, behalwe spoorweë en hawens, en behalwe werke wat oor die grense van die provinsie strek, en behoudens die mag van die Parlement om 'n werk 'n nasionale werk te verklaar en om in oorleg met die provinsiale raad of andersins vir die aanleg daarvan voorsiening te maak;
- (h) paaie, uitspannings, ponte en brûe, behalwe brûe wat twee provinsies verbind;
- (i) markte en skutte;
- (j) die beskerming van vis en wild, behoudens die bepalings van artikel veertien van die Wet op Seevisserie, 1940 (Wet No. 10 van 1940);
- (k) die oplegging van strawwe by wyse van boete of gevangesetting ter handhawing van 'n wet of 'n ordonnansie van die provinsie wat gemaak is in verband met 'n saak wat ressorteer onder enige van die klasse onderwerpe wat in hierdie artikel opgenoem word;
- (l) in die algemeen alle sake wat na die mening van die Staatspresident-in-rade van 'n bloot plaaslike of private aard in die provinsie is;

(m) all other subjects in respect of which Parliament may by law delegate the power of making ordinances to the provincial council.

(2) An ordinance passed by a provincial council in relation to any matter referred to in paragraph (f) of sub-section (1), may provide for the appointment by the administrator of the province concerned, or any specified authority, of the members or any number of the members of any institution or body referred to in the said paragraph.

(3) The provisions of sub-sections (4), (5) and (6) of section *twenty-five* shall *mutatis mutandis* apply with reference to a provincial council, as if a reference therein to Parliament or any House of Parliament were a reference to a provincial council, and as if a reference therein to an Act of Parliament were a reference to an ordinance of a provincial council and a reference to a Bill which has been brought before a House of Parliament were a reference to a draft ordinance which is before such a council.

Effect of
provincial
ordinances.

87. Any ordinance made by a provincial council shall have effect in and for the province as long and as far only as it is not repugnant to any Act of Parliament.

Recommendations to
Parliament.

88. A provincial council may recommend to Parliament the passing of any law relating to any matter in respect of which such council is not competent to make ordinances.

Power to deal
with matters
proper to be
dealt with by
private Bill
legislation.

89. In regard to any matter which requires to be dealt with by means of a private Act of Parliament, the provincial council of the province to which the matter relates may, subject to such procedure as may be prescribed by Parliament, take evidence by means of a select committee or otherwise for and against the passing of such law, and, upon receipt of a report from such council, together with the evidence upon which it is founded, Parliament may pass such Act without further evidence being taken in support thereof.

Constitution of
Provincial
Revenue Fund.

90. (1) (a) There shall be a provincial revenue fund in every province, into which shall be paid all revenues raised by or accruing to the provincial council and all moneys paid over by the State President-in-Council to the provincial council.

(b) The provincial revenue fund shall be appropriated by the provincial council by ordinance for the purposes of the provincial administration generally, or, in the case of moneys paid over by the State President-in-Council for particular purposes, then for such purposes, but no such ordinance shall be passed by the provincial council unless the administrator has first recommended to the council to make provision for the specific service for which the appropriation is to be made.

(c) No money shall be issued from the provincial revenue fund except in accordance with such appropriation and under warrant signed by the administrator.

(2) The State President-in-Council may make regulations for the provinces prescribing—

(a) the form of estimates required for presentation to the provincial council;

(b) the system which shall be observed for—

(i) the collection, receipt, banking, custody, issue, expenditure, care and management of provincial moneys as defined in paragraph (b) of sub-section (5) of section *ninety-three*; and

(ii) the control of stores;

(c) the officers or other persons who shall receive, hold, issue, account for, manage or otherwise deal with such provincial moneys, stores, stamps or securities, and the duties and responsibilities of such officers or persons,

and generally for the better administration of the provincial revenue fund.

(3) The administrator of a province may, subject to the laws relating to education, authorize every educational institution in the province which is specified in a list published by the State President-in-Council by proclamation in the *Gazette*, to retain and apply such of its revenues and other moneys received by it, as the administrator may from time to time determine, for the purpose of meeting its expenditure, and such revenues and other moneys shall, notwithstanding

(m) alle ander onderwerpe ten opsigte waarvan die Parlement by wet die mag om ordonnansies te maak aan die provinsiale raad deleger.

(2) 'n Ordonnansie wat deur 'n provinsiale raad aangeneem word in verband met 'n saak in paragraaf (f) van sub-artikel (1) genoem, kan voorsiening maak vir die benoeming deur die administrateur van die betrokke provinsie of deur enige genoemde owerheid, van die lede of 'n aantal van die lede van 'n inrigting of liggaam in genoemde paragraaf gemeld.

(3) Die bepalings van sub-artikels (4), (5) en (6) van artikel vyf-en-twintig is *mutatis mutandis* van toepassing met betrekking tot 'n provinsiale raad, asof 'n verwysing daarin na die Parlement of 'n Huis van die Parlement 'n verwysing na 'n provinsiale raad is en asof 'n verwysing daarin na 'n Wet van die Parlement 'n verwysing na 'n Ordonnansie van 'n provinsiale raad is, en 'n verwysing na 'n Wetsontwerp wat in 'n Huis van die Parlement aanhangig gemaak is 'n verwysing is na 'n ontwerp-ordonnansie wat voor so 'n raad dien.

87. 'n Ordonnansie deur 'n provinsiale raad gemaak, is in en vir die provinsie van krag alleen so lank as en vir sover dit nie met 'n Wet van die Parlement in stryd is nie. Regskrag van provinsiale ordonnansies.

88. 'n Provinsiale raad kan by die Parlement aanbeveel dat 'n wet aangeneem word in verband met 'n aangeleentheid ten opsigte waarvan dié raad nie bevoeg is om ordonnansies te maak nie. Aanbevelings aan Parlement.

89. In verband met 'n aangeleentheid wat by wyse van 'n private Wet van die Parlement behandel moet word, kan die provinsiale raad van die provinsie wat by die aangeleentheid betrokke is, behoudens die prosedure wat deur die Parlement voorgeskryf word, deur middel van 'n gekose komitee of andersins getuienis ten gunste van en teen die aanname van so 'n wet afneem, en by ontvangs van 'n verslag van so 'n raad tesame met die getuienis waarop dit gegrond is, kan die Parlement so 'n Wet aanneem sonder dat verdere getuienis ten gunste daarvan afgeneem word. Bevoegdheid om sake te behandel wat by wyse van private wetgewing behandel behoort te word.

90. (1) (a) In elke provinsie is daar 'n provinsiale inkomstefonds waarin alle inkomste wat verkry word deur of toeval aan die provinsiale raad en alle gelde deur die Staatspresident-in-rade aan die provinsiale raad betaal, gestort word. Instelling van Provinsiale Inkomstefonds.

(b) Die provinsiale inkomstefonds word deur die provinsiale raad by ordonnansie beskikbaar gestel vir die doel van die provinsiale administrasie in die algemeen, of, in die geval van gelde deur die Staatspresident-in-rade vir 'n besondere doel betaal, dan vir daardie doel, maar so 'n ordonnansie word nie deur die provinsiale raad aangeneem nie tensy die administrateur eers by die raad aanbeveel het dat voorsiening gemaak moet word vir die spesifieke diens waarvoor die beskikbaarstelling geskied.

(c) Geen geld word uit die provinsiale inkomstefonds betaal nie behalwe ooreenkomstig so 'n beskikbaarstelling en kragtens 'n volmag deur die administrateur onderteken.

(2) Die Staatspresident-in-rade kan vir die provinsies regulasies uitvaardig waarby voorgeskryf word—

(a) die vorm van begrotings vir voorlegging aan die provinsiale raad vereis;

(b) die stelsel wat gevolg moet word in verband met—

(i) invordering, ontvangs, storting in die bank, bewaring, uitkering, uitgee, versorging en beheer van provinsiale gelde soos in paragraaf (b) van sub-artikel (5) van artikel drie-en-negentig omskryf; en

(ii) die beheer van voorrade;

(c) die amptenare of ander persone wat sodanige provinsiale gelde, voorrade, seëls of sekuriteite moet ontvang, hou, uitgee, verantwoord of beheer of andersins daarmee moet handel, en die pligte en aanspreeklikhede van sodanige amptenare of persone, en in die algemeen vir die beter beheer van die provinsiale inkomstefonds.

(3) Behoudens die wetsbepalings op onderwys, kan die administrateur van 'n provinsie elke onderwysinrigting in die provinsie, wat genoem word in 'n lys deur die Staatspresident-in-rade by proklamasie in die *Staatskoerant* gepubliseer, magtig om dié deel van sy inkomste en ander geld deur hom ontvang wat die administrateur van tyd tot tyd bepaal, te behou en aan te wend vir die bestryding van sy uitgawe, en sodanige inkomste en ander geld word, ondanks die bepalings

the provisions of sub-section (1), not be paid into the provincial revenue fund, but shall be accounted for and dealt with as the administrator may prescribe.

Assent to
Provincial
ordinances.

91. (1) When a proposed ordinance has been passed by a provincial council it shall be presented by the administrator to the State President-in-Council for his assent.

(2) The State President-in-Council shall declare within one month from the presentation to him of the proposed ordinance that he assents thereto, or that he withholds assent, or that he reserves the proposed ordinance for further consideration.

(3) A proposed ordinance so reserved shall not have any force unless and until, within one year from the day on which it was presented to the State President-in-Council, he makes known by proclamation in the *Gazette* that it has received his assent.

Effect and
enrolment of
ordinances.

92. (1) An ordinance assented to by the State President-in-Council and promulgated by the administrator shall, subject to the provisions of this Act, have the force of law within the province.

(2) The administrator shall cause two fair copies of every such ordinance, one being in the English and the other in the Afrikaans language (one of which copies shall be signed by the State President), to be enrolled of record in the office of the Registrar of the Appellate Division of the Supreme Court of South Africa, and such copies shall be conclusive evidence as to the provisions of such ordinance, and, in case of conflict between the two copies so enrolled, that signed by the State President shall prevail.

Miscellaneous.

Audit of
provincial
accounts.

93. (1) In each province there shall be an auditor of accounts appointed by the State President-in-Council.

(2) No such auditor shall be removed from office except by the State President-in-Council for cause assigned, which shall be communicated by message to both Houses of Parliament within one week after the removal if Parliament is then in session, or, if Parliament is not then in session, within one week after the commencement of the next ensuing session.

(3) Any such auditor shall receive out of the Consolidated Revenue Fund such salary as the State President-in-Council with the approval of Parliament, may determine.

(4) Any such auditor shall examine and audit the accounts of the province to which he is assigned subject to such regulations and orders as may be framed by the State President-in-Council and approved by Parliament, and no warrant signed by the administrator authorizing the issuing of money shall have effect unless countersigned by such auditor.

(5) (a) If any person who is or was in the employment of a province—

- (i) has failed to collect any moneys owing to that province for the collection of which he is or was responsible; or
- (ii) is or was responsible for any improper payment of provincial moneys or for any payment of such moneys which is not duly vouched; or
- (iii) is or was responsible for any deficiency in, or for the destruction of or any damage to, any provincial moneys, stamps, securities, stores or other property of a province; or
- (iv) has caused a province any loss by a failure to carry out a specific duty,

and a proper explanation is not, within a period specified by an auditor referred to in sub-section (1), furnished to such auditor with regard to such failure to collect, improper payment, payment not duly vouched, deficiency, destruction, damage or failure to carry out a duty, that auditor may surcharge against the said person the amount not collected or the amount of such payment, deficiency, damage or loss or the value of the property destroyed, as the case may be, or such lesser amount or value as he may in the circumstances of the case deem fit, and the amount of any such surcharge shall, subject to the provisions of sub-section (9), be a debt due from the person against whom the surcharge is made.

van sub-artikel (1), nie in die provinsiale inkomstefonds gestort nie, maar daarvan word rekenskap gegee en daarmee word gehandel volgens voorskrif van die administrateur.

91. (1) Wanneer 'n voorgestelde ordonnansie deur 'n provinsiale raad aangeneem is, word dit deur die administrateur aan die Staatspresident-in-rade vir sy toestemming voorgelê.

Toestemming ten opsigte van provinsiale ordonnansies.

(2) Die Staatspresident-in-rade verklaar binne een maand nadat die voorgestelde ordonnansie aan hom voorgelê is dat hy daarin toestem of dat hy sy toestemming weerhou of dat hy die voorgestelde ordonnansie vir verdere oorweging aanhou.

(3) 'n Voorgestelde ordonnansie wat aldus aangehou word, is nie van krag nie tensy en totdat die Staatspresident-in-rade binne een jaar vanaf die dag waarop dit aan hom voorgelê is, by proklamasie in die *Staatskoerant* bekend maak dat dit sy toestemming ontvang het.

92. (1) 'n Ordonnansie waarin deur die Staatspresident-in-rade toegestem is en wat deur die administrateur afgekondig is, het, behoudens die bepalings van hierdie Wet, regskrag binne die provinsie.

Regskrag en registrasie van ordonnansies.

(2) Die administrateur laat twee skoon eksemplare van elke sodanige ordonnansie, die een in die Afrikaanse en die ander in die Engelse taal (waarvan een eksemplaar deur die Staatspresident onderteken is) opneem in die register van die kantoor van die Griffier van die Appèlafdeling van die Hooggeregshof van Suid-Afrika, en sodanige eksemplare is afdoende bewys van die bepalings van so 'n ordonnansie, en, in geval van verskil tussen die twee aldus opgenome eksemplare, gee die eksemplaar wat deur die Staatspresident onderteken is die deurslag.

Gemengde Bepalings.

93. (1) In elke provinsie is daar 'n ouditeur van rekenings wat deur die Staatspresident-in-rade aangestel word.

Ouditering van provinsiale rekenings.

(2) So 'n ouditeur word nie van sy amp onthef nie behalwe deur die Staatspresident-in-rade met opgaaf van redes wat by boodskap aan albei Huise van die Parlement binne 'n week na die ontheffing meegedeel word as die Parlement dan byeen is, of, as die Parlement nie byeen is nie, binne 'n week na die aanvang van die eersvolgende sessie.

(3) So 'n ouditeur ontvang uit die Gekonsolideerde Inkomstefonds die salaris wat die Staatspresident-in-rade met goedkeuring van die Parlement bepaal.

(4) So 'n ouditeur ondersoek en ouditeer die rekenings van die provinsie ten opsigte waarvan hy aangestel is, met inagneming van die regulasies en voorskrifte wat deur die Staatspresident-in-rade opgestel en deur die Parlement goedgekeur is, en 'n deur die administrateur ondertekende volmag wat die uitbetaling van geld magtig, is nie van krag nie tensy dit deur so 'n ouditeur mede-onderteken is.

(5) (a) Indien iemand wat in die diens van 'n provinsie is of was—

(i) versuim het om gelde aan daardie provinsie verskuldig vir die invordering waarvan hy verantwoordelik is of was, in te vorder; of

(ii) vir 'n onbehoorlike uitbetaling van provinsiale gelde of vir 'n uitbetaling van sodanige gelde wat nie behoorlik gestaaf is nie, verantwoordelik is of was; of

(iii) vir 'n tekort in, of vir die vernietiging of beskadiging van, provinsiale gelde, seëls, sekuriteite, voorrade of ander eiendom van 'n provinsie verantwoordelik is of was; of

(iv) deur versuim om 'n bepaalde plig uit te voer, 'n provinsie skade berokken het,

en 'n aanneemlike verduideliking nie, binne 'n tydperk deur 'n in sub-artikel (1) bedoelde ouditeur bepaal, aangaande die versuim om in te vorder, onbehoorlike of nie behoorlik gestaafde uitbetaling, tekort, vernietiging, beskadiging of versuim om 'n plig uit te voer aan daardie ouditeur verstrekt word nie, kan bedoelde ouditeur die bedrag wat nie ingevorder is nie of die bedrag van die uitbetaling, tekort of verlies of die waarde van die vernietigde eiendom, na gelang van die geval, of so 'n laer bedrag of waarde as wat hy in die omstandighede goedvind as 'n strafvordering teen bedoelde persoon in rekening bring, en die bedrag van so 'n strafvordering is, behoudens die bepalings van sub-artikel (9), 'n skuld vorderbaar teen die persoon teen wie die strafvordering in rekening gebring word.

(b) For the purposes of paragraph (a) "provincial moneys" shall include all revenues and moneys referred to in sub-section (1) of section *ninety* and all other moneys whatsoever received or held by, for or on account of a province.

(6) The auditor making any such surcharge shall notify the administrator concerned of that surcharge, and such administrator shall, subject to the provisions of sub-section (9), recover the amount thereof from the person liable to pay the same: Provided that, unless the administrator otherwise directs, the amount of any such surcharge which is due from a person in the employment of a province shall be recovered in equal monthly instalments by deductions from his monthly salary not exceeding one-fourth of such salary.

(7) The amount of any such surcharge may be recovered by the administrator concerned by action in any competent court, and in the event of any such action being instituted against a person referred to in the proviso to sub-section (6) that proviso shall not apply.

(8) The auditor concerned may at any time withdraw a surcharge in respect of which a satisfactory explanation has been received or if it otherwise appears that no surcharge should have been made, and shall at once notify the administrator concerned of any such withdrawal of surcharge.

(9) (a) Any person who is dissatisfied with any surcharge made against him by an auditor may, within a period of one month after he has been notified by such auditor of the surcharge, or within such further period as the administrator concerned may allow, appeal to that administrator and, after such further investigation as may be considered necessary, that administrator may make such order directing that the appellant be released wholly or in part from the surcharge as may appear to be just and reasonable.

(b) The auditor concerned shall be informed of every such order.

(c) The administrator concerned shall present a complete list of all surcharges remitted in whole or in part in accordance with the provisions of this sub-section, to the provincial council as soon as possible if the council is then in session, or if the council is not then in session, within seven days after the commencement of its next ensuing session.

(10) Any person against whom a surcharge has been raised, may, instead of appealing to the administrator concerned under paragraph (a) of sub-section (9), apply to any court of competent jurisdiction, within a period of one month after he has been notified in writing by the auditor concerned of the surcharge, or within such further period as the court may allow, for an order setting aside or reducing the surcharge, and such court may on any such application, if not satisfied by that auditor on the merits of the case that the surcharge was rightly imposed, or as to the correctness of the amount thereof, make an order setting aside the surcharge or reducing it, as the case may be.

Continuation of powers of divisional and municipal councils.

94. Notwithstanding anything in this Act contained, all powers, authorities and functions lawfully exercised at the commencement of this Act by divisional or municipal councils, or any other duly constituted local authority or body contemplated in paragraph (vi) of section *eighty-five* of the South Africa Act, 1909, shall be and remain in force until varied or withdrawn by Parliament or by a provincial council having power in that behalf.

Seats of provincial government.

95. The seats of provincial government shall be—

For the Cape of Good Hope	Cape Town.
For Natal	Pietermaritzburg.
For the Transvaal	Pretoria.
For the Orange Free State	Bloemfontein.

PART VII.

FINANCE AND RAILWAYS.

All revenues vest in State President-in-Council.

96. All revenues, from whatever source arising, shall vest in the State President-in-Council.

(b) By die toepassing van paragraaf (a) word onder „provinsiale gelde” inbegrepe alle inkomste en gelde in sub-artikel (1) van artikel *negentig* bedoel, en alle ander gelde hoegenaamd wat deur, vir of ten bate van 'n provinsie ontvang of gehou word.

(6) Die ouditeur wat so 'n strafvordering opel, moet die betrokke administrateur van die strafvordering in kennis stel, en so 'n administrateur moet, behoudens die bepalings van sub-artikel (9), die bedrag daarvan vorder van die persoon wat vir betaling aanspreeklik is: Met dien verstande dat, tensy die administrateur anders gelas, die bedrag van so 'n strafvordering verskuldig deur iemand in die diens van 'n provinsie deur aftrekkings van sy maandelikse salaris in gelyke maandelikse paalemente van hoogstens een-vierde van sodanige salaris verhaal moet word.

(7) Die bedrag van so 'n strafvordering kan deur die betrokke administrateur by aksie in 'n bevoegde hof verhaal word, en indien so 'n aksie teen 'n in die voorbehoudsbepaling by sub-artikel (6) bedoelde persoon ingestel word, is daardie voorbehoudsbepaling nie van toepassing nie.

(8) Die betrokke ouditeur kan te eniger tyd 'n strafvordering terugtrek ten opsigte waarvan 'n aanneemlike verduideliking verstrek is, of indien dit andersins blyk dat 'n strafvordering nie opgelê moes gewees het nie, en moet die betrokke administrateur onverwyld van so 'n terugtrekking van 'n strafvordering in kennis stel.

(9) (a) Iemand wat met 'n strafvordering hom deur 'n ouditeur opgelê, ontevrede is, kan binne 'n tydperk van een maand nadat hy deur daardie ouditeur van die strafvordering in kennis gestel is, of binne so 'n verdere tydperk as wat die betrokke administrateur mag toelaat, by daardie administrateur appèl aanteken, en bedoelde administrateur kan, na die verdere ondersoek wat nodig geag mag word, 'n bevel uitvaardig waarby gelas word dat die appellant geheel en al of ten dele, na gelang billik en redelik blyk, van die strafvordering onthef word.

(b) Die betrokke ouditeur word van elke sodanige bevel in kennis gestel.

(c) Die betrokke administrateur lê 'n volledige lys van alle strafvorderinge wat geheel en al of ten dele kragtens hierdie artikel kwyteskeld is aan die provinsiale raad voor, so gou doenlik as die raad dan byeen is, of, as die raad nie dan byeen is nie, binne sewe dae na die aanvang van sy eersvolgende sitting.

(10) Iemand aan wie 'n strafvordering opgelê is, kan, in plaas van volgens paragraaf (a) van sub-artikel (9) by die betrokke administrateur appèl aan te teken, by 'n bevoegde hof aansoek doen, binne 'n tydperk van een maand nadat hy deur die betrokke ouditeur skriftelik van die strafvordering in kennis gestel is, of binne so 'n verdere tydperk as wat die hof mag toelaat, om 'n bevel wat die strafvordering ter syde stel of verminder, en so 'n hof kan op so 'n aansoek, indien hy nie deur daardie ouditeur aan die hand van die omstandighede van die geval tevrede gestel word dat die strafvordering tereg opgelê is of van die juistheid van die bedrag daarvan nie, 'n bevel uitvaardig wat die strafvordering ter syde stel of verminder, al na gelang van die geval.

94. Ondanks die bepalings van hierdie Wet, is en bly alle magte, bevoegdhede en funksies wat by die inwerkingtreding van hierdie Wet deur afdelings- of munisipale rade of 'n ander behoorlik saamgestelde plaaslike owerheid of liggaam in paragraaf (vi) van artikel *vyf-en-tagtig* van die Zuid-Afrika Wet, 1909, beoog, regtens uitgeoefen word, van krag totdat hulle deur die Parlement of 'n provinsiale raad wat daartoe bevoeg is, gewysig of ingetrek word.

Voortbestaan van magte van afdelings- en munisipale rade.

95. Die setels van die provinsiale bestuur is—

Vir die Kaap die Goeie Hoop	Kaapstad.
Vir Natal	Pietermaritzburg.
Vir Transvaal	Pretoria.
Vir die Oranje-Vrystaat	Bloemfontein.

Setels van provinsiale bestuur.

DEEL VII.

FINANSIES EN SPOORWEE.

96. Alle inkomste, uit watter bron ook al, berus by die Staatspresident-in-rade.

Alle inkomste berus by Staatspresident-in-rade.

- Consolidated Revenue Fund.** 97. There shall be a Consolidated Revenue Fund into which shall be paid all revenues raised or received by the State President-in-Council, other than the revenues referred to in section *ninety-eight*, and such fund shall be appropriated by Parliament for the purposes of the Republic in the manner prescribed by this Act, and subject to the charges imposed thereby.
- Railway and Harbour Fund.** 98. There shall be a Railway and Harbour Fund into which shall be paid all revenues raised or received by the State President-in-Council from the administration of the railways, ports and harbours, and such fund shall be appropriated by Parliament for the purposes of the railways, ports and harbours in the manner prescribed by this Act.
- Requirements for withdrawal of money from funds.** 99. No money shall, subject to the provisions of the Exchequer and Audit Act, 1956 (Act No. 23 of 1956), be withdrawn from the Consolidated Revenue Fund or the Railway and Harbour Fund, except under appropriation made by law.
- Assumption by Republic of Union debts.** 100. The Republic shall be liable for all debts and liabilities of the Union of South Africa as existing immediately prior to the commencement of this Act, subject, notwithstanding any other provisions contained in this Act, to the conditions imposed by any law under which such debts or liabilities were raised or incurred, and without prejudice to any rights of security or priority in respect of the payment of principal, interest, sinking fund and other charges conferred on the creditors concerned, and may, subject to such conditions and rights, convert, renew or consolidate such debts.
- Interest on public debts of Colonies.** 101. The annual interest of the public debts of the Colonies incorporated in the Union of South Africa in terms of the South Africa Act, 1909, and any sinking funds constituted by law at the establishment of the Republic, shall form a first charge on the Consolidated Revenue Fund.
- Railways and Harbours Board.** 102. (1) The Railways and Harbours Board referred to in section *one* of the Railway Board Act, 1916 (Act No. 17 of 1916), hereinafter referred to as the board, shall consist of not more than three commissioners, who shall be appointed by the State President-in-Council, and a Minister of State, who shall be chairman.
(2) A commissioner shall hold office for a period of five years, but may be re-appointed.
(3) A commissioner shall not be removed before the expiration of his period of appointment, except by the State President-in-Council for cause assigned, which shall be communicated by message to both Houses of Parliament within one week after the removal, if Parliament is then in session, or, if Parliament is not then in session, within one week after the commencement of the next ensuing session.
(4) The salaries of the commissioners shall be fixed by Parliament and shall not be reduced during their respective terms of office.
- Railways, ports and harbours to be administered on business principles.** 103. (1) The railways, ports and harbours of the Republic shall be administered on business principles, due regard being had to agricultural and industrial development within the Republic and the promotion, by means of cheap transport, of the settlement of an agricultural and industrial population in the inland portions of all provinces.
(2) (a) So far as may be, the total earnings of the railways, ports and harbours shall be not more than are sufficient to meet the necessary outlays for working, maintenance, betterment, depreciation and the payment of interest due on capital not being capital contributed out of railway or harbour revenue, and not including any sums payable out of the Consolidated Revenue Fund in accordance with the provisions of sections *one hundred and five* and *one hundred and six*.
(b) The amount of interest due on such capital invested shall be paid over from the Railway and Harbour Fund into the Consolidated Revenue Fund.
- Establishment of fund for maintaining uniformity of railway rates.** 104. Notwithstanding anything to the contrary contained in section *one hundred and three*, the board may establish a fund out of railway and harbour revenue to be used for maintaining, as far as may be, uniformity of rates notwithstanding fluctuations in traffic.

97. Daar is 'n Gekonsolideerde Inkomstefonds waarin alle inkomste wat deur die Staatspresident-in-rade gehef of ontvang word, behalwe die in artikel *agt-en-negentig* bedoelde inkomste, gestort word, en dié fonds word deur die Parlement beskikbaar gestel vir die doeleindes van die Republiek op die wyse deur hierdie Wet voorgeskryf en onderworpe aan die laste wat daarby opgelê word.

Gekonsolideerde Inkomstefonds.

98. Daar is 'n Spoorweg- en Hawefonds waarin alle inkomste gestort word wat die Staatspresident-in-rade uit die administrasie van die spoorweë en hawens hef of ontvang, en dié fonds word deur die Parlement beskikbaar gestel vir die doeleindes van die spoorweë en hawens op die wyse deur hierdie Wet voorgeskryf.

Spoorweg- en Hawefonds.

99. Behoudens die bepalings van die Skatkis- en Ouditwet, 1956 (Wet No. 23 van 1956), word geen geld uit die Gekonsolideerde Inkomstefonds of die Spoorweg- en Hawefonds getrek nie, tensy dit kragtens beskikbaarstelling by wet geskied.

Vereistes vir uittrek van geld uit fondse.

100. Die Republiek is aanspreeklik vir alle skulde en laste van die Unie van Suid-Afrika wat onmiddellik voor die inwerkingtreding van hierdie Wet bestaan het, onderworpe, ondanks andersluidende bepalings van hierdie Wet, aan die voorwaardes opgelê deur enige wet waarkragtens dié skulde of laste opgeneem of aangegaan is en sonder inkorting van enige regte van sekerheidstelling of voorrang ten opsigte van die betaling van die hoofsom, rente, delgingsfondse en ander laste wat aan die betrokke skuldeisers verleen is, en kan, onderworpe aan sodanige voorwaardes en regte, sulke skulde omsit, hernieu of konsolideer.

Oorname deur Republiek van skulde van Unie.

101. Die jaarlikse rente van die staatskulde van die Kolonies wat ingevolge die Zuid-Afrika Wet, 1909, by die Unie van Suid-Afrika ingelyf is, en enige delgingsfondse wat by die totstandkoming van die Republiek kragtens wet bestaan, is 'n eerste las teen die Gekonsolideerde Inkomstefonds.

Rente op staatskulde van Kolonies.

102. (1) Die in artikel *een* van die Spoorwegraad Wet, 1916 (Wet No. 17 van 1916), bedoelde Spoorweg- en Haweraad (hieronder die raad genoem) bestaan uit hoogstens drie kommissarisse deur die Staatspresident-in-rade aangestel, en 'n Staatsminister wat die voorsitter is.

Spoorweg- en Haweraad.

(2) 'n Kommissaris bekleë sy amp vir 'n tydperk van vyf jaar, maar kan weer aangestel word.

(3) 'n Kommissaris word nie voor die verstryking van sy ampstyd van sy amp onthef nie, behalwe deur die Staatspresident-in-rade met opgaaf van redes wat by boodskap aan albei Huise van die Parlement meegedeel word binne 'n week na die ontheffing as die Parlement dan byeen is, of, as die Parlement nie byeen is nie, dan binne 'n week na die aanvang van die eersvolgende sessie.

(4) Die salarisse van die kommissarisse word deur die Parlement vasgestel en word nie tydens hulle onderskeie ampstermyne verminder nie.

103. (1) Die spoorweë en hawens van die Republiek word volgens handelsbeginsels bestuur, met behoorlike inagneming van die ontwikkeling van die landbou en die nywerheid in die Republiek en die bevordering, deur middel van goedkoop vervoer, van die vestiging van 'n landbou- en nywerheidsbevolking in die binnelandse gebiede van al die provinsies.

Spoorweë en hawens moet volgens handelsbeginsels bestuur word.

(2) (a) Sover moontlik moet die totale inkomste van die spoorweë en hawens nie meer wees nie as wat nodig is vir die bestryding van die nodige uitgawes aan bedryf, onderhoud, verbetering, waardevermindering en die betaling van rente verskuldig op kapitaal, uitgesonderd kapitaal afkomstig van inkomste uit spoorweë of hawens en met uitsluiting van bedrae wat ooreenkomstig die bepalings van artikels *honderd-en-vyf* en *honderd-en-ses* uit die Gekonsolideerde Inkomstefonds betaalbaar is.

(b) Die bedrag van die rente wat op aldus belegde kapitaal verskuldig is, word uit die Spoorweg- en Hawefonds in die Gekonsolideerde Inkomstefonds gestort.

104. Nieteenstaande andersluidende bepalings in artikel *honderd-en-drie*, kan die raad uit spoorweg- en haweinkomste 'n fonds instel om ondanks skommeling in die verkeer sover moontlik eenvormige tariewe te handhaaf.

Instelling van fonds ter handhawing van eenvormige spoorwegtariewe.

Construction of
railways, ports
and harbour
works.

105. (1) Save as provided in paragraph (6) of section two of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957), no railway for the conveyance of public traffic, and no port, harbour or similar work, shall be constructed without the sanction of Parliament.

(2) Every proposal for the construction of any port or harbour works or of any line of railway, shall, before being submitted to Parliament, be considered by the board, which shall report thereon, and shall advise whether the proposed works or line of railway should or should not be constructed.

(3) (a) If any such works or line is constructed contrary to the advice of the board, and if the board is of opinion that the revenue derived from the operation of such works or line will be insufficient to meet the costs of working and maintenance, and of interest on the capital invested therein, it shall frame an estimate of the annual loss which, in its opinion, will result from such operation.

(b) Such estimate shall be examined by the Controller and Auditor-General, and when approved by him, the amount thereof shall be paid over annually from the Consolidated Revenue Fund to the Railway and Harbour Fund: Provided that, if in any year the actual loss incurred, as calculated by the board and certified by the Controller and Auditor-General, is less than the estimate framed by the board, the amount paid over in respect of that year shall be reduced accordingly so as not to exceed the actual loss incurred.

(c) In calculating the loss arising from the operation of any such work or line, the board shall have regard to the value of any contributions of traffic to other parts of the system which may be due to the operation of such work or line.

Making good of
deficiencies in
Railway and
Harbour Fund in
certain cases.

106. If the board is required by the State President-in-Council or under any Act of Parliament or resolution of both Houses of Parliament to provide any services or facilities either gratuitously or at a tariff which is insufficient to meet the costs involved in the provision of such services or facilities, the board shall at the end of each financial year present to Parliament an account approved by the Controller and Auditor-General, showing, as nearly as can be ascertained, the amount of the loss incurred by reason of the provision of such services or facilities, and such amount shall be paid out of the Consolidated Revenue Fund to the Railway and Harbour Fund.

PART VIII.

ADMINISTRATION OF JUSTICE.

Administration
of justice.

107. The administration of justice throughout the Republic shall be under the control of the Minister of Justice.

Constitution
and powers of
Supreme Court.

108. (1) There shall be a Supreme Court of the Republic to be known as the Supreme Court of South Africa and consisting of the Appellate Division and other divisions as provided in the Supreme Court Act, 1959 (Act No. 59 of 1959), which shall, subject to the provisions of section sixty-one, have jurisdiction as specified in the said Act.

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

PART IX.

GENERAL.

Continuation of
existing laws.

109. Subject to the provisions of this Act, all laws which were in force in any part of the Union of South Africa, or in any territory in respect of which Parliament is competent to legislate, immediately prior to the commencement of this Act, shall continue in force until repealed or amended by the competent authority.

Equality of
official languages.

110. (1) English and Afrikaans shall be the official languages of the Republic, and shall be treated on a footing of equality, and possess and enjoy equal freedom, rights and privileges.

(2) All records, journals and proceedings of Parliament shall be kept in both the official languages, and all Bills, Acts and notices of general public importance or interest issued by the Government of the Republic shall be in both the official languages.

105. (1) Behalwe soos anders bepaal word in paragraaf (6) van artikel twee van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957), word geen spoorweg vir die vervoer van openbare verkeer en geen hawe of soortgelyke werk sonder die goedkeuring van die Parlement gebou nie.

Bou van spoorweë, hawens en hawewerke.

(2) Elke voorstel vir die bou van 'n hawe of hawewerke of van 'n spoorweglyn, word, voordat dit aan die Parlement voorgelê word, deur die raad oorweeg wat daarvoor verslag moet doen en advies moet gee of die voorgestelde werke of spoorweglyn gebou behoort te word al dan nie.

(3) (a) Indien sodanige werke of spoorweglyn in stryd met die advies van die raad gebou word, en as die raad van oordeel is dat die bedryfsinkomste van dié werke of lyn onvoldoende sal wees om die bedryfs- en onderhoudskoste en die rente op die daarin belegde kapitaal te bestry, maak hy 'n raming van die jaarlikse verlies wat na sy oordeel op sodanige bedryf gely sal word.

(b) Bedoelde raming word deur die Kontroleur en Ouditeur-generaal nagegaan en wanneer hy dit goedgekeur het, word die bedrag daarvan jaarliks uit die Gekonsolideerde Inkomstefonds in die Spoorweg- en Hawefonds gestort: Met dien verstande dat as die werklike verlies in 'n jaar gely, soos deur die raad bereken en deur die Kontroleur en Ouditeur-generaal gesertifiseer, minder is as die raming deur die raad gemaak, die bedrag wat vir daardie jaar gestort word dienoooreenkomstig verminder word sodat dit nie meer is as die werklike verlies wat gely is nie.

(c) By die berekening van die verlies wat uit die bedryf van sodanige werk of lyn ontstaan, neem die raad die waarde in ag van verkeersbydraes tot ander dele van die stelsel wat te danke mag wees aan die bedryf van sodanige werk of lyn.

106. Indien deur die Staatspresident-in-rade of kragtens 'n Parlements wet of besluit van albei Huise van die Parlement van die raad vereis word om dienste of fasiliteite te verskaf of gratis of teen 'n tarief wat nie die koste van die verskaffing van bedoelde dienste of fasiliteite dek nie, lê die raad aan die einde van elke boekjaar 'n rekening aan die Parlement voor wat deur die Kontroleur en Ouditeur-generaal goedgekeur is en so na as moontlik die bedrag van die verlies aantoon wat as gevolg van die verskaffing van bedoelde dienste of fasiliteite gely is, en dié bedrag word uit die Gekonsolideerde Inkomstefonds in die Spoorweg- en Hawefonds gestort.

Vergoeding van tekorte in Spoorweg- en hawefonds in sekere gevalle.

DEEL VIII.

DIE REGSPLEGING.

107. Die regspleging dwarsdeur die Republiek is onder die beheer van die Minister van Justisie. Regspleging.

108. (1) Daar is 'n Hooggeregshof van die Republiek wat as die Hooggeregshof van Suid-Afrika bekend staan en bestaan uit die Appèlafdeling en ander afdelings soos in die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959), bepaal en wat, behoudens die bepalinge van artikel een-en-sestig, regsbevoegdheid besit soos in daardie Wet uiteengesit.

Samestelling en bevoegd-hede van Hooggeregshof.

(2) Behalwe vir sover in bedoelde Wet anders bepaal, is Bloemfontein die setel van die Appèlafdeling van die Hooggeregshof van Suid-Afrika.

DEEL IX.

ALGEMEEN.

109. Behoudens die bepalinge van hierdie Wet, bly alle wette wat onmiddellik voor die inwerkingtreding van hierdie Wet in enige deel van die Unie van Suid-Afrika of in 'n gebied ten opsigte waarvan die Parlement wetgewende bevoegdheid besit, gegeld het, van krag totdat hulle deur die bevoegde gesag herroep of gewysig word.

Bestaande wette bly van krag.

110. (1) Afrikaans en Engels is die offisiële tale van die Republiek en word op gelyke voet behandel en besit en geniet gelyke vryheid, regte en voorregte.

Gelykheid van offisiële tale.

(2) Alle stukke, verslae en verrigtings van die Parlement word in beide offisiële tale gehou, en alle wetsontwerpe, wette en kennisgewings van algemene openbare betekenis of belang wat deur die Regering van die Republiek uitgegee word, moet in beide offisiële tale wees.

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

111. All records, journals and proceedings of a provincial council shall be kept in both the official languages, and all draft ordinances, ordinances and notices of public importance or interest issued by a provincial administration, and all notices issued and all regulations or by-laws made by any institution or body contemplated in paragraph (f) of sub-section (1) of section *eighty-six*, shall be in both the official languages.

Administration of Bantu Affairs, etc.

112. The control and administration of Bantu affairs and of matters specially or differentially affecting Asiatics throughout the Republic shall vest in the State President-in-Council, who shall exercise all those special powers in regard to Bantu administration which immediately prior to the commencement of this Act were vested in the Governor-General-in-Council of the Union of South Africa, and any lands which immediately prior to such commencement vested in the said Governor-General-in-Council for the purpose of reserves for Bantu locations shall vest in the State President-in-Council, who shall exercise all such special powers in relation to such reserves as may have been exercisable by the said Governor-General-in-Council, and no lands which were set aside for the occupation of Bantu and which could not at the establishment of the Union of South Africa have been alienated except by an Act of the Legislature of a colony which was incorporated in the Union of South Africa in terms of the South Africa Act, 1909, shall be alienated or in any way diverted from the purposes for which they were set aside except under the authority of an Act of Parliament.

Devolution on Republic of rights and obligations under conventions.

113. All rights and obligations under any conventions or agreements which were binding on any of the Colonies incorporated in the Union of South Africa at its establishment shall be rights and obligations of the Republic.

Petition by provincial councils necessary for alteration of provinces or for abolition of provincial councils.

114. Parliament shall not—

- (a) alter the boundaries of any province, divide a province into two or more provinces, or form a new province out of provinces within the Republic, except on the petition of the provincial council of every province whose boundaries are affected thereby;
- (b) abolish any provincial council or abridge the powers conferred on provincial councils under section *eighty-six*, except by petition to Parliament by the provincial council concerned.

Amendment of Act.

115. (1) Parliament may by law repeal or alter any of the provisions of this Act: Provided that no repeal or alteration of the provisions contained in this section or in section *one hundred and ten* shall be valid unless the Bill embodying such repeal or alteration is passed by both Houses of Parliament sitting together, and at the third reading is agreed to by not less than two-thirds of the total number of members of both Houses.

(2) A Bill passed as aforesaid at such joint sitting shall be taken to have been duly passed by both Houses of Parliament.

Criminal proceedings to be instituted in the name of the State.

116. (1) Any reference in any law to the Union of South Africa shall be construed as a reference to the Republic of South Africa.

(2) (a) All criminal proceedings which immediately prior to the commencement of this Act were required to be instituted in the name of the Queen shall be instituted in the name of the State, as such representing the people of the Republic of South Africa.

(b) Any such proceedings which have not been concluded before the commencement of this Act, or which, having been so concluded, are thereafter reopened, shall be continued in all respects as if this Act had not been passed, except that the proceedings shall thereafter be conducted as if they were instituted in the name of the State, as such representing the people of the Republic of South Africa.

(3) Any civil proceedings instituted prior to the commencement of this Act by or against a Minister of State as representing the Government of the Union of South Africa or by or against an administrator of a province appointed under the South Africa Act, 1909, which have not been disposed of

111. Alle stukke, verslae en verrigtings van 'n provinsiale raad word in beide offisiële tale gehou, en alle ontwerp-ordonnansies, ordonnansies en kennisgewings van openbare betekenis of belang wat deur 'n provinsiale administrasie uitgegee word, en alle kennisgewings uitgereik en alle regulasies of verordenings gemaak deur 'n instelling of liggaam in paragraaf (f) van sub-artikel (1) van artikel *ses-en-tagtig* beoog, moet in beide offisiële tale wees.

Gelykheid van gebruik van offisiële tale deur provinsiale rade en plaaslike owerhede.

112. Die beheer oor en administrasie van Bantoesake en van sake wat Asiate dwarsdeur die Republiek spesiaal of afsonderlik raak, berus by die Staatspresident-in-rade, wat al dié spesiale magte met betrekking tot Bantoe-administrasie uitoefen wat onmiddellik voor die inwerkingtreding van hierdie Wet by die Goewerneur-generaal-in-rade van die Unie van Suid-Afrika berus het, en alle gronde wat onmiddellik voor bedoelde inwerkingtreding in bedoelde Goewerneur-generaal-in-rade vir die doeleindes van reservate vir Bantoe-lokasies berus het, berus by die Staatspresident-in-rade, wat al daardie spesiale magte met betrekking tot sulke reservate uitoefen wat bedoelde Goewerneur-generaal-in-rade sou kon uitgeoefen het, en geen grond wat vir okkupering deur Bantoe uitgehou is en by die totstandkoming van die Unie van Suid-Afrika nie vervreem kon word nie behalwe deur 'n Wet van die Wetgewende Gesag van 'n Kolonie wat ingevolge die Zuid-Afrika Wet, 1909, by die Unie van Suid-Afrika ingelyf is, mag vervreem word of op enige wyse vir ander doeleindes as dié waarvoor hulle uitgehou is, gebruik word nie, behalwe op gesag van 'n Parlements wet.

Administrasie van Bantoesake; ens.

113. Alle regte en verpligtings ingevolge konvensies of ooreenkomste wat by die totstandkoming van die Unie van Suid-Afrika vir 'n daarby ingelyfde Kolonie bindend was, is regte en pligte van die Republiek.

Oorgang op Republiek van regte en verpligtings ingevolge konvensies.

114. Die Parlement—

- (a) verander nie die grense van 'n provinsie, verdeel nie 'n provinsie in twee of meer provinsies of vorm nie 'n nuwe provinsie uit provinsies binne die Republiek nie, behalwe op petisie van die provinsiale raad van elke provinsie waarvan die grense daardeur geraak word;
- (b) skaf nie 'n provinsiale raad af of kort nie die bevoegdhede wat kragtens artikel *ses-en-tagtig* aan provinsiale rade verleen word, in nie, behalwe op petisie aan die Parlement deur die betrokke provinsiale raad.

Petisie deur provinsiale rade nodig vir verandering van provinsies of vir afskaffing van provinsiale rade.

115. (1) Die Parlement kan by wet enige van die bepalings van hierdie Wet herroep of verander: Met dien verstande dat geen herroeping of verandering van die bepalings van hierdie artikel of van artikel *honderd-en-tien* geldig is nie, tensy die Wetsontwerp wat sodanige herroeping of verandering bevat deur beide Huise van die Parlement in verenigde vergadering aangeneem word en by die derde lesing deur minstens tweederdes van die totale aantal lede van beide Huise goedgekeur word.

Wysiging van Wet.

(2) 'n Wetsontwerp wat soos voormeld op so 'n verenigde vergadering aangeneem is, word geag behoorlik deur beide Huise van die Parlement aangeneem te wees.

116. (1) 'n Verwysing in enige wet na die Unie van Suid-Afrika word as 'n verwysing na die Republiek van Suid-Afrika uitgelê.

Strafgedinge en oorgangsbepalings.

(2) (a) Alle strafregtelike verrigtinge wat onmiddellik voor die inwerkingtreding van hierdie Wet in die naam van die Koningin ingestel moes word, word ingestel in die naam van die Staat wat as sodanig die volk van die Republiek van Suid-Afrika verteenwoordig.

(b) Enige sodanige verrigtinge wat nie voor die inwerkingtreding van hierdie Wet afgehandel is nie, of wel afgehandel is, maar daarna heropen word, gaan in alle opsigte voort asof hierdie Wet nie aangeneem was nie, behalwe dat die verrigtinge daarna voortgesit word asof dit ingestel was in die naam van die Staat wat as sodanig die volk van die Republiek van Suid-Afrika verteenwoordig.

(3) 'n Siviele geding wat voor die inwerkingtreding van hierdie Wet deur of teen 'n Staatsminister as verteenwoordiger van die Regering van die Unie van Suid-Afrika of deur of teen 'n ingevolge die Zuid-Afrika Wet, 1909, aangestelde ad-

before such commencement, or, having been so disposed of, are thereafter reopened, may be proceeded with without interruption by or against that Minister of State as representing the Government of the Republic or by or against the said administrator in his capacity as the person appointed as the administrator of the province concerned under this Act.

(4) Any provision of any law in terms of which any person is required to take an oath or solemn affirmation of allegiance to the King or the Queen, shall be construed as a provision requiring such person to take an oath or solemn affirmation that he will be faithful to the Republic.

Repeal of laws.

117. (1) The laws specified in the Schedule are hereby repealed to the extent set out in the third column of the Schedule.

(2) Any authority constituted or person appointed or power conferred or anything done in pursuance of powers conferred by or by virtue of any provision of any law repealed by sub-section (1) shall be deemed to have been constituted, appointed, conferred or done in pursuance of powers conferred by or by virtue of the corresponding provision of this Act.

Short title and commencement.

118. This Act shall be called the Constitution Act, 1961, and shall, save in so far as may be otherwise required for the purpose of giving effect to any provision thereof, come into operation on the thirty-first day of May, 1961.

ministrateur van 'n provinsie in 'n geregshof aanhangig gemaak is, en wat nie voor bedoelde inwerkingtreding afgehandel is nie, of wel aldus afgehandel is, maar daarna heropen word, kan sonder onderbreking voortgesit word deur of teen bedoelde Staatsminister as verteenwoordiger van die Regering van die Republiek of deur of teen bedoelde administrateur in sy hoedanigheid as die persoon ingevolge hierdie Wet as administrateur van die betrokke provinsie aangestel.

(4) Enige wetsbepaling ingevolge waarvan iemand 'n eed of plegtige verklaring van getrouheid aan die Koning of die Koningin moet aflê, word uitgelê as 'n bepaling ingevolge waarvan 'n eed of plegtige verklaring dat hy aan die Republiek getrou sal wees deur so iemand afgelê moet word.

117. (1) Die wette in die Bylae vermeld word hierby her- Herroeping
roep vir sover in die derde kolom van die Bylae aangedui van wette.
word.

(2) Enige gesag daargestel of persoon aangestel of bevoegdheid verleen of enigiets gedoen uit hoofde van bevoegdhede verleen deur of ingevolge 'n bepaling van by sub-artikel (1) herroep wet, word geag uit hoofde van bevoegdhede deur of ingevolge die ooreenstemmende bepalings van hierdie Wet verleen, daargestel, aangestel, verleen of gedoen te wees.

118. Hierdie Wet heet die Grondwet, 1961, en tree in Kort titel en
werking, behalwe vir sover anders vereis ten einde aan een of inwerking-
ander bepaling daarvan gevolg te kan gee, op die een-en- treding.
dertigste dag van Mei 1961.

Schedule.

LAWS REPEALED.

No. and Year of Law.	Title.	Extent of Repeal.
9 Edward VII, Ch. 9.	The South Africa Act, 1909 ..	The whole, except sections <i>one hundred and fifteen, one hundred and fifty and one hundred and fifty-one</i> and the Schedule.
Act No. 9 of 1920.	Constitution of the Senate Act, 1920.	The whole.
Act No. 8 of 1925.	Official Languages of the Union Act, 1925.	The whole.
Act No. 9 of 1925.	South Africa Act, 1909, Amendment Act, 1925.	The whole.
Act No. 34 of 1925.	South Africa Act, 1909, Further Amendment Act, 1925.	The whole.
Act No. 1 of 1926.	Local Government (Provincial Powers) Act, 1926.	Section <i>one</i> .
Act No. 51 of 1926.	Payment of Members of Parliament Act, 1926.	The whole.
Act No. 54 of 1926.	Senate Act, 1926	The whole.
Act No. 40 of 1927.	Flags Act, 1927	The whole.
Act No. 21 of 1932.	Salaries Reduction Act, 1932 ..	Sections <i>four and five</i> .
Act No. 17 of 1933.	South Africa Act Amendment Act, 1933.	The whole.
Act No. 29 of 1933.	Financial Adjustments Act, 1933	Section <i>two</i> .
Act No. 45 of 1934.	South Africa Act Amendment Act, 1934.	The whole.
Act No. 69 of 1934.	Status of the Union Act, 1934 ..	The whole.
Act No. 70 of 1934.	Royal Executive Functions and Seals Act, 1934.	The whole.
Act No. 5 of 1935.	Census Amendment Act, 1935 ..	The whole.
Act No. 43 of 1935.	South Africa Act Amendment Act, 1935.	The whole.
Act No. 15 of 1936.	Deputy-Administrators Act, 1936	The whole.
Act No. 2 of 1937.	His Majesty King Edward the Eighth's Abdication Act, 1937.	The whole.
Act No. 7 of 1937.	Coronation Oath Act, 1937 ..	The whole.
Act No. 13 of 1938.	South Africa Act Amendment Act, 1938.	The whole.
Act No. 42 of 1939.	Senate Act, 1939	The whole.
Act No. 19 of 1940.	Constitution (Prevention of Disabilities) Act, 1940.	Sections <i>one, two and three</i> .
Act No. 20 of 1940.	Electoral Laws Amendment Act, 1940.	The whole.
Act No. 30 of 1942.	Electoral Quota Consolidation Act, 1942.	The whole.
Act No. 38 of 1945.	Financial Relations Consolidation and Amendment Act, 1945.	Section <i>twenty-eight</i> .
Act No. 21 of 1946.	South Africa Act Amendment Act, 1946.	The whole.
Act No. 41 of 1947.	Provincial Powers Extension Act, 1947.	Sections <i>one, two and three</i> .

Bylae.

WETTE HERROEP.

No. en Jaar van Wet.	Titel.	In hoeverre herroep.
9 Edward VII, Hoofstuk 9.	„De Zuid-Afrika Wet, 1909”.	Die geheel, behalwe artikels <i>honderd - en - vyftien, honderd-en-vyftig en honderd-een-en-vyftig</i> en die Bylae.
Wet No. 9 van 1920.	„Wet op de Samenstelling van de Senaat, 1920”.	Die geheel.
Wet No. 8 van 1925.	„Wet op die Officiële Talen van de Unie, 1925”.	Die geheel.
Wet No. 9 van 1925.	„Zuid-Afrika Wet, 1909, Wijzigings Wet, 1925”.	Die geheel.
Wet No. 34 van 1925.	„Zuid-Afrika Wet, 1909, Verdere Wijzigings Wet, 1925”.	Die geheel.
Wet No. 1 van 1926.	Wet op Plaaslike Besture (Prowinsiale Bevoegdheide), 1926.	Artikel <i>een</i> .
Wet No. 51 van 1926.	Wet op Betaling van Parlementslede, 1926.	Die geheel.
Wet No. 54 van 1926.	Senaatwet, 1926.	Die geheel.
Wet No. 40 van 1927.	Vlae Wet, 1927.	Die geheel.
Wet No. 21 van 1932.	Salaris-verminderingwet, 1932 ..	Artikels <i>vier en vyf</i> .
Wet No. 17 van 1933.	Wet tot Wysiging van die „Zuid-Afrika Wet”, 1933.	Die geheel.
Wet No. 29 van 1933.	Finansiële Reëlingswet, 1933 ..	Artikel <i>twee</i> .
Wet No. 45 van 1934.	Wet tot Wysiging van die Zuid-Afrika Wet, 1934.	Die geheel.
Wet No. 69 van 1934.	Wet op die Status van die Unie, 1934.	Die geheel.
Wet No. 70 van 1934.	Wet op die Uitvoerende Magte en Seëls van die Koning, 1934.	Die geheel.
Wet No. 5 van 1935.	Sensus-Wysigingswet, 1935 ..	Die geheel.
Wet No. 43 van 1935.	Zuid-Afrika Wet Wysigingswet, 1935.	Die geheel.
Wet No. 15 van 1936.	Wet op Waarnemende Administrateurs, 1936.	Die geheel.
Wet No. 2 van 1937.	Wet op die Troonafstand van Koning Edward die Agste, 1937.	Die geheel.
Wet No. 7 van 1937.	Wet op die Kroningseed, 1937 ..	Die geheel.
Wet No. 13 van 1938.	Zuid-Afrika Wet Wysigingswet, 1938.	Die geheel.
Wet No. 42 van 1939.	Senaatwet, 1939 ..	Die geheel.
Wet No. 19 van 1940.	Wet op die Konstitusie (Voorkoming van Onbevoegdheide), 1940.	Artikels <i>een, twee en drie</i> .
Wet No. 20 van 1940.	Wet tot Wysiging van die Kieswette, 1940.	Die geheel.
Wet No. 30 van 1942.	Verkiesingskwota-konsolidasiewet, 1942.	Die geheel.
Wet No. 38 van 1945.	Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945.	Artikel <i>agt-en-twintig</i> .
Wet No. 21 van 1946.	Wet tot Wysiging van die Zuid-Afrika Wet, 1946.	Die geheel.
Wet No. 41 van 1947.	Wet op Uitbreiding van Provinsiale Magte, 1947.	Artikels <i>een, twee en drie</i> .

No. and Year of Law.	Title.	Extent of Repeal.
Act No. 16 of 1948.	Powers and Privileges of Provincial Councils Act, 1948.	Section <i>fourteen</i> .
Act No. 17 of 1948.	Royal Style and Titles Act, 1948	The whole.
Act No. 2 of 1949.	Deputy-Administrators Act, 1949	The whole.
Act No. 39 of 1950.	South Africa Act Amendment Act, 1950.	The whole.
Act No. 66 of 1951.	South Africa Act Amendment Act, 1951.	The whole.
Act No. 35 of 1952.	High Court of Parliament Act, 1952.	The whole.
Act No. 55 of 1952.	Electoral Laws Amendment Act, 1952.	Section <i>one</i> .
Act No. 6 of 1953.	Royal Style and Titles Act, 1953	The whole.
Act No. 10 of 1953.	Members of Parliament Act, 1953	The whole.
Act No. 47 of 1953.	Bantu Education Act, 1953	Section <i>sixteen</i> .
Act No. 9 of 1954.	Provincial Councils Continuance Act, 1954.	The whole.
Act No. 20 of 1954.	South Africa Act Amendment Act, 1954.	The whole.
Act No. 50 of 1954.	Royal Seals Amendment Act, 1954.	The whole.
Act No. 9 of 1955.	South Africa Act Amendment Act, 1955.	The whole.
Act No. 53 of 1955.	Senate Act, 1955	Sections <i>one to nine, inclusive</i> .
Act No. 9 of 1956.	South Africa Act Amendment Act, 1956.	Sections <i>two, three and four</i> .
Act No. 10 of 1956.	Official Languages (Local Authorities) Amendment Act, 1956.	The whole.
Act No. 39 of 1956.	Railways and Harbours Acts Further Amendment Act, 1956.	The whole.
Act No. 1 of 1957.	South Africa Act Further Amendment Act, 1957.	The whole.
Act No. 2 of 1957.	South Africa Act Amendment Act, 1957.	The whole.
Act No. 18 of 1957.	Flags Amendment Act, 1957	The whole.
Act No. 24 of 1957.	Official Languages (Local Authorities) Amendment Act, 1957.	The whole.
Act No. 1 of 1958.	South Africa Act Amendment Act, 1958.	The whole.
Act No. 49 of 1958.	South Africa Act Further Amendment Act, 1958.	The whole.
Act No. 3 of 1959.	South Africa Act Amendment Act, 1959.	The whole.
Act No. 48 of 1959.	South Africa Act Further Amendment Act, 1959.	The whole.
Act No. 49 of 1959.	Offices of Profit Amendment Act, 1959.	The whole.
Act No. 52 of 1960.	Referendum Act, 1960	The whole.
Act No. 53 of 1960.	Senate Act, 1960	The whole.

No. en Jaar van Wet.	Titel.	In hoeverre herroep.
Wet No. 16 van 1948.	Wet op die Bevoegdheid en Privileges van Provinsiale Rade, 1948.	Artikel <i>veertien</i> .
Wet No. 17 van 1948.	Wet op die Koninklike Naam en Titels, 1948.	Die geheel.
Wet No. 2 van 1949.	Wet op Waarnemende Administrateurs, 1949.	Die geheel.
Wet No. 39 van 1950.	Wet tot Wysiging van die Suid-Afrika Wet, 1950.	Die geheel.
Wet No. 66 van 1951.	Wet tot Wysiging van die Suid-Afrikawet, 1951.	Die geheel.
Wet No. 35 van 1952.	Wet op die Hoë Hof van die Parlement, 1952.	Die geheel.
Wet No. 55 van 1952.	Wysigingswet op die Kieswette, 1952.	Artikel <i>een</i> .
Wet No. 6 van 1953.	Wet op die Koninklike Naam en Titels, 1953.	Die geheel.
Wet No. 10 van 1953.	Wet op Parlementslede, 1953 ..	Die geheel.
Wet No. 47 van 1953.	Wet op Bantoe-onderwys, 1953 ..	Artikel <i>sestien</i> .
Wet No. 9 van 1954.	Wet op Voortdoring van Provinsiale Rade, 1954.	Die geheel.
Wet No. 20 van 1954.	Wet tot Wysiging van die Suid-Afrika Wet, 1954.	Die geheel.
Wet No. 50 van 1954.	Wysigingswet op die Koninklike Seëls, 1954.	Die geheel.
Wet No. 9 van 1955.	Wet tot Wysiging van die Suid-Afrika Wet, 1955.	Die geheel.
Wet No. 53 van 1955.	Senaatwet, 1955	Artikels <i>een</i> tot <i>en</i> met <i>nege</i> .
Wet No. 9 van 1956.	Wet tot Wysiging van die Suid-Afrika Wet, 1956.	Artikels <i>twee</i> , <i>drie</i> en <i>vier</i> .
Wet No. 10 van 1956.	Wysigingswet op Offisiële Tale (Plaaslike Owerhede), 1956.	Die geheel.
Wet No. 39 van 1956.	Verdere Wysigingswet op Spoorweg- en Hawewette, 1956.	Die geheel.
Wet No. 1 van 1957.	Wet tot Verdere Wysiging van die Suid-Afrika Wet, 1957.	Die geheel.
Wet No. 2 van 1957.	Wysigingswet op die Suid-Afrikawet, 1957.	Die geheel.
Wet No. 18 van 1957.	Wysigingswet op Vlae, 1957 ..	Die geheel.
Wet No. 24 van 1957.	Wysigingswet op Offisiële Tale (Plaaslike Owerhede), 1957.	Die geheel.
Wet No. 1 van 1958.	Wysigingswet op die Suid-Afrikawet, 1958.	Die geheel.
Wet No. 49 van 1958.	Verdere Wysigingswet op die Suid-Afrika-wet, 1958.	Die geheel.
Wet No. 3 van 1959.	Wysigingswet op die Suid-Afrikawet, 1959.	Die geheel.
Wet No. 48 van 1959.	Verdere Wysigingswet op die Suid-Afrika-wet, 1959.	Die geheel.
Wet No. 49 van 1959.	Wysigingswet op Winsbetrekkings, 1959.	Die geheel.
Wet No. 52 van 1960.	Wet op die Volkstemming, 1960 ..	Die geheel.
Wet No. 53 van 1960.	Senaatwet, 1960	Die geheel.