



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

o. 1267.

21 June 1978.

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

o. 83 of 1978: South African Indian Council Amendment Act, 1978.

No. 1267.

21 Junie 1978.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 83 van 1978: Wysigingswet op die Suid-Afrikaanse Indiierraad, 1978.

Wet No. 83, 1978

WYSIGINGSWET OP DIE SUID-AFRIKAANSE
INDIËRRAAD, 1978.

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op die Suid-Afrikaanse Indiërraad, 1968, om voorsiening te maak vir 'n vermeerdering in die getal lede van die Suid-Afrikaanse Indiërraad, die wyse waarop hulle verkies en aangestel word en die duur van genoemde Raad; om die kwalifikasies van sodanige lede verder te omskryf; om die affê van 'n eed deur hulle, hul ampstermyn, die vul van vakatures en die ontruiming van hul setels verder te reël; om die verkiesing van die voorsitter van genoemde Raad verder te reël en sy pligte voor te skryf; om die samestelling van die uitvoerende komitee van genoemde Raad, die ampstermyn van sy lede, die vul van vakatures in daardie komitee en die affê van 'n eed deur lede van genoemde komitee verder te reël; en om die uitdrukkings „klerk van die Raad”, „meerderheidsparty” en „amptelike opposisie” te omskryf; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 Junie 1978.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Vervanging van
artikel 1 van
Wet 31 van 1968,
soos vervang deur
artikel 1 van
Wet 67 van 1972.

1. Artikel 1 van die Wet op die Suid-Afrikaanse Indiërraad, 1968 (hieronder die Hoofwet genoem), word hierby deur die 5 volgende artikel vervang:

„Voortbestaan 1. Die Raad ingestel by hierdie artikel voor die
en samestel- vervanging daarvan deur artikel 1 van die Wysigings-
ling van Suid- wet op die Suid-Afrikaanse Indiërraad, 1972 (Wet
Afrikaanse No. 67 van 1972), en met die naam die Suid-
Indiërraad. Afrikaanse Indiërraad, bly voortbestaan en bestaan 10
[behoudens die bepalings van artikel 1A] uit
[die getal lede, maar hoogstens vyf-en-twintig,
wat die Minister bepaal]—

(a) veertig lede verkies ooreenkomstig die bepalings 15
van die Kieswet vir Indiërs, 1977 (Wet No. 122
van 1977);

(b) (i) drie lede aangestel deur die leier van die 20
meerderheidsparty in die Raad indien die
getal verkose lede in die Raad wat lede van
sy party is vier-en-dertig of meer is; of

(ii) indien die getal verkose lede in die Raad 25
wat lede van sy party is minder as vier-
en-dertig is, twee lede aangestel deur
genoemde leier van die meerderheidsparty
en een lid aangestel deur die leier van die
amptelike opposisie in die Raad; en

(c) twee lede aangestel deur die Staatspresident op 30
die advies van die leier van die meerderheids-
party.”

SOUTH AFRICAN INDIAN COUNCIL
AMENDMENT ACT, 1978.

Act No. 83, 1978

GENERAL EXPLANATORY NOTE:

[Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the South African Indian Council Act, 1968, to provide for an increase in the number of members of the South African Indian Council, the manner in which they are to be elected or appointed and the duration of the said Council; to further define the qualifications of such members; to further regulate the taking of an oath by them, their period of office, the filling of vacancies and the vacation of their seats; to further regulate the election and prescribe the duties of the chairman of the said Council; to further regulate the constitution of the executive committee of the said Council, the period of office of its members, the filling of vacancies on that committee and the taking of an oath by members of the said committee; and to define the expressions "clerk of the Council", "majority party" and "official opposition"; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 12 June 1978.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. The following section is hereby substituted for section 1 of the South African Indian Council Act, 1968 (hereinafter referred to as the principal Act):

Substitution of section 1 of Act 31 of 1968, as substituted by section 1 of Act 67 of 1972.

1. The Council established by this section prior to the substitution thereof by section 1 of the South African Indian Council Amendment Act, 1972 (Act No. 67 of 1972), and known as the South African Indian Council shall continue to exist and shall **[subject to the provisions of section 1A]** consist of **[so many members, but not exceeding twenty-five, as the Minister may determine]**—

(a) forty members elected in accordance with the provisions of the Electoral Act for Indians, 1977 (Act No. 122 of 1977);

(b) (i) three members appointed by the leader of the majority party in the Council if the number of the elected members on the Council who are members of his party is thirty-four or more; or

(ii) if the number of the elected members on the Council who are members of his party is less than thirty-four, two members appointed by the said leader of the majority party and one member appointed by the leader of the official opposition in the Council; and

(c) two members appointed by the State President on the advice of the leader of the majority party."

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WYSIGINGSWET OP DIE SUID-AFRIKAANSE
INDIËRRAAD, 1978.

Herroeping van
artikel 1A van
Wet 31 van 1968,
soos ingevoeg deur
artikel 2 van
Wet 67 van 1972.

2. Artikel 1A van die Hoofwet word hierby herroep.

Vervanging van
artikel 2 van
Wet 31 van 1968,
soos gewysig deur
artikel 3 van
Wet 67 van 1972.

3. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

„Duur van
Raad.

2. Elke Raad kragtens hierdie Wet saamgestel, duur vir vyf jaar vanaf die datum van sy eerste vergadering, maar kan te eniger tyd deur die Staatspresident by proklamasie in die *Staatskoerant* ontbind word: Met dien verstande dat indien die Raad deur tydsverloop ontbind word op 'n tydstip wanneer 'n algemene verkiesing van lede van die Volksraad of die Verteenwoordigende Kleurlingraad moet plaasvind wat volg op 'n ontbinding van die Volksraad of die Verteenwoordigende Kleurlingraad, na gelang van die geval, die Staatspresident by proklamasie in die *Staatskoerant* die duur van die Raad vir 'n tydperk van hoogstens twaalf maande kan verleng.”

Vervanging van
artikel 3 van
Wet 31 van 1968,
soos vervang deur
artikel 4 van
Wet 67 van 1972.

4. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

„Kwalifikasies
van lede van
Raad.

3. Niemand is bevoeg om as lid van die Raad verkies of aangestel te word of sitting te neem nie, indien hy—

- (a) nie geregtig is om as kieser vir die verkiesing van lede van die Raad geregistreer te word nie;
- (b) nie vir 'n aaneenlopende tydperk van vyf jaar wat die datum van sy verkiesing of aanstelling onmiddellik voorafgaan in die Republiek woonagtig was nie;
- (c) 'n winsbetrekking in die diens van die Staat beklee;
- (d) 'n ongerehabiliteerde insolvent is;
- (e) kragtens die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), as 'n geestesongestelde persoon aangehou word;
- (f) skuldig bevind is aan 'n misdryf en gevonnissen tot gevangenisstraf sonder die keuse van 'n boete vir 'n tydperk van minstens twaalf maande, tensy amnestie of algehele grasië aan hom toegestaan is, of tensy sodanige gevangenisstraf minstens vyf jaar voor die datum van sy verkiesing of aanstelling verstryk het.”

Vervanging van
artikel 4 van
Wet 31 van 1968.

5. Artikel 4 van die Hoofwet word hierby deur die volgende artikel vervang:

„Eed deur lede
van Raad.

4. (1) Elke lid van die Raad moet aan die begin van die eerste vergadering van 'n nuwe Raad en voordat hy sy sitplek inneem, 'n eed in die volgende vorm voor die Hoofregter van Suid-Afrika of 'n Regter van die Hooggeregshof, deur hom benoem, aflê en onderteken:

Ek, A.B., sweer hiermee trou aan die Republiek van Suid-Afrika en onderneem plegtig om my pligte as 'n lid van die Suid-Afrikaanse Indiërraad na my beste vermoë uit te voer.
So help my God.

(2) 'n Lid van die Raad wat 'n vergadering van die Raad vir die eerste keer bywoon nadat lede 'n eed ingevolge subartikel (1) afgelê het, word, voordat hy sy sitplek inneem, deur twee lede ingebring en na die Stoel van die Raad begelei, om 'n eed in die vorm in genoemde subartikel uiteengesit voor die voorsitter van die Raad af te lê en te onderteken.”

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2. Section 1A of the principal Act is hereby repealed.

Repeal of
section 1A of
Act 31 of 1968,
as inserted by
section 2 of
Act 67 of 1972.

3. The following section is hereby substituted for section 2 of the principal Act:

Substitution of
section 2 of
Act 31 of 1968,
as amended by
section 3 of
Act 67 of 1972."Duration of
Council.

2. Every Council constituted under this Act shall continue for five years from the date of its first meeting, but may at any time be dissolved by the State President by proclamation in the *Gazette*: Provided that if the Council is dissolved by effluxion of time at a time when a general election of members of the House of Assembly or the Coloured Persons Representative Council is to take place following upon a dissolution of the House of Assembly or the Coloured Persons Representative Council, as the case may be, the State President may by proclamation in the *Gazette* extend the duration of the Council for a period not exceeding twelve months."

4. The following section is hereby substituted for section 3 of the principal Act:

Substitution of
section 3 of
Act 31 of 1968,
as substituted by
section 4 of
Act 67 of 1972."Qualifica-
tions of
members of
Council.

3. No person shall be capable of being elected or appointed or of sitting as a member of the Council if he—

- (a) is not qualified to be registered as a voter for the election of members of the Council;
- (b) has not resided within the Republic for a continuous period of five years immediately preceding the date of his election or appointment;
- (c) holds an office of profit in the service of the State;
- (d) is an unrehabilitated insolvent;
- (e) is detained as a mentally ill person under the Mental Health Act, 1973 (Act No. 18 of 1973);
- (f) has been convicted of an offence and 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 appointment."

5. The following section is hereby substituted for section 4 of the principal Act:

Substitution of
section 4 of
Act 31 of 1968."Oath by
members of
Council.

4. (1) Every member of the Council shall at the commencement of the first meeting of a new Council and before taking his seat make and subscribe an oath before the Chief Justice of South Africa or a Judge of the Supreme Court, nominated by him, in the following form:

I, A.B., do hereby swear to be faithful to the Republic of South Africa and solemnly undertake to perform my duties as a member of the South African Indian Council to the best of my ability.
So help me God.

(2) A member of the Council who attends a meeting of the Council for the first time after any members have made an oath in terms of subsection (1), shall, before taking his seat, be introduced and conducted to the Chair of the Council by two members to make and subscribe an oath before the chairman of the Council in the form set out in the said subsection."

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WYSIGINGSWET OP DIE SUID-AFRIKAANSE
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Vervanging van
artikel 5 van
Wet 31 van 1968,
soos vervang deur
artikel 5 van
Wet 67 van 1972.

6. Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:

„Ampstermyn
van lede van
Raad.

5. (1) Behoudens die bepalings van artikel 6, beklee 'n lid van die Raad sy setel vanaf die datum waarop hy verkies of aangestel word tot die datum waarop die Raad waarvan hy 'n lid is, deur tydsverloop of andersins ontbind word, en vir dié doel word 'n verkose lid geag verkies te wees op die stembagten opsigte van die betrokke kiesafdeling vasgestel, ongeag of 'n stemming plaasgevind het. 5 10

(2) Indien die setel van 'n lid van die Raad vakant word voor die datum waarop sy ampstermyn verstryk, word die vakature gevul—

(a) in die geval van 'n verkose lid, deur iemand wat ooreenkomstig die bepalings van die Kieswet vir Indiërs, 1977 (Wet No. 122 van 1977), verkies word; en 15

(b) in die geval van 'n aangestelde lid—

(i) deur iemand aangestel deur die leier van die party wat, op daardie tydstip, ingevolge die bepalings van artikel 1 (b) geregtig is om 'n lid aan te stel; of 20

(ii) indien geen so 'n leier dan geregtig is om 'n lid aan te stel nie, deur iemand aangestel deur die Staatspresident ingevolge die bepalings van artikel 1 (c); 25

vir die onverstreke deel van die ampstermyn van die persoon in wie se plek hy verkies of aangestel is.”

Herroeping van
artikel 5A van
Wet 31 van 1968,
soos ingevoeg deur
artikel 1 van
Wet 123 van 1977.

7. Artikel 5A van die Hoofwet word hierby herroep.

Vervanging van
artikel 6 van
Wet 31 van 1968,
soos vervang deur
artikel 6 van
Wet 67 van 1972.

8. Artikel 6 van die Hoofwet word hierby deur die volgende artikel vervang:

„Ontruiming
van setels
deur lede
van Raad.

6. (1) 'n Lid van die Raad ontruim sy setel, indien hy—

(a) onderhewig word aan 'n onbevoegdheid in artikel 3 genoem; 35

(b) ophou om vir verkiesing of aanstelling as lid van die Raad bevoeg te wees;

(c) vir 'n hele gewone sitting, sonder spesiale verlof van die Raad, versuim om enige vergadering van die Raad by te woon, 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). 40 45

(2) 'n Lid aangestel ingevolge artikel 1 (b) of (c) ontruim ook sy setel indien die voorsitter van die uitvoerende komitee sy amp ontruim omrede 'n ander politieke party 'n meerderheid in die Raad verkry het, en die Staatspresident in die *Staatskoerant* kennis gee van so 'n verandering van meerderheid.” 50

Vervanging van
artikel 7 van
Wet 31 van 1968.

9. Artikel 7 van die Hoofwet word hierby deur die volgende artikel vervang:

„Voorsitter
van Raad.

7. (1) Voordat die Raad tot die afhandeling van enige werksaamhede oorgaan, kies die Raad 'n voorsitter uit sy lede en so dikwels as wat die amp van die voorsitter oopval, of die voorsitter weens een of ander rede nie in staat is om sy pligte uit te voer nie, kies die Raad 'n ander lid om voorsitter of waarnemende voorsitter te wees na gelang van die geval. 55 60

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6. The following section is hereby substituted for section 5 of the principal Act:

Substitution of section 5 of Act 31 of 1968, as substituted by section 5 of Act 67 of 1972.

- 5 "Period of office of members of Council. 5. (1) A member of the Council shall, subject to the provisions of section 6, hold his seat from the date on which he is elected or appointed to the date on which the Council of which he is a member is dissolved by effluxion of time or otherwise, and for that purpose an elected member shall be deemed to have been elected on the polling day fixed in respect of the electoral division concerned, whether or not a ballot has taken place.
- 10 (2) If the seat of a member of the Council becomes vacant before the date of the termination of his period of office, the vacancy shall be filled—
- 15 (a) in the case of an elected member, by a person elected in accordance with the provisions of the Electoral Act for Indians, 1977 (Act No. 122 of 1977); and
- 20 (b) in the case of an appointed member—
- (i) by a person appointed by the leader of the party who, at that time, is in terms of the provisions of section 1 (b) entitled to appoint a member; or
- 25 (ii) if no such leader is then entitled to appoint a member, by a person appointed by the State President in terms of the provisions of section 1 (c),
- 30 for the unexpired portion of the period of office of the person in whose place he has been elected or appointed."

7. Section 5A of the principal Act is hereby repealed.

Repeal of section 5A of Act 31 of 1968, as inserted by section 1 of Act 123 of 1977.

8. The following section is hereby substituted for section 6 of the principal Act:

Substitution of section 6 of Act 31 of 1968, as substituted by section 6 of Act 67 of 1972.

- 35 "Vacation of seat by members of Council. 6. (1) A member of the Council shall vacate his seat if he—
- (a) becomes subject to any disability mentioned in section 3;
- 40 (b) ceases to be qualified for election or appointment as a member of the Council;
- (c) fails for a whole ordinary session to attend, without the special leave of the Council, any meeting of the Council unless his absence is due to his serving, while the Republic is at war, with the South African Defence Force or any other
- 45 force or service established by or under the Defence Act, 1957 (Act No. 44 of 1957).
- (2) A member appointed in terms of section 1 (b) or (c) shall also vacate his seat if the chairman of the executive committee vacates his office by reason of
- 50 another political party having obtained a majority in the Council and the State President gives notice of such change of majority in the *Gazette*."

9. The following section is hereby substituted for section 7 of the principal Act:

Substitution of section 7 of Act 31 of 1968.

- 55 "Chairman of Council. 7. (1) The Council shall, before proceeding to the dispatch of any business, elect from among its members a chairman and, as often as the office of chairman becomes vacant or the chairman is for any reason unable to perform his duties, the Council shall
- 60 elect another member to be chairman or acting chairman, as the case may be.

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(2) 'n Voorsitter hou op om sy amp te beklee as hy ophou om lid van die Raad te wees en kan by besluit van die Raad van sy amp onthef word, en kan sy amp neerlê deur skriftelik sy bedanking by die voorsitter van die uitvoerende komitee in te dien. 5

(3) By 'n verkiesing van 'n voorsitter of waarnemende voorsitter tree die klerk van die Raad op as voorsitter van die Raad.

(4) Indien net een lid as voorsitter of waarnemende voorsitter voorgestel en gesekondeer word, verklaar 10 die klerk van die Raad hom verkose as voorsitter of waarnemende voorsitter na gelang van die geval.

(5) Indien meer as een lid aldus voorgestel en gesekondeer word, reël die klerk van die Raad dat 'n stemming plaasvind en in die geval van 'n staking van stemme loot die wedywerende kandidate om sodanige verkiesing, en die wenner van die loting word geag as voorsitter of waarnemende voorsitter, na gelang van die geval, verkies te wees. 15

(6) Die voorsitter neem nie deel aan en stem nie oor enige vraag voor die Raad nie, maar het 'n beslissende stem wat hy in die geval van 'n staking van stemme uitbring. 20

Invoeging van
artikel 7A in
Wet 31 van 1968.

10. Die volgende artikel word hierby na artikel 7 in die Hoofwet ingevoeg: 25

„Besluite deur 7A. Die voorsitter van die Raad beslis alle vrae wat voorsitter in die Raad opduik waarvoor geen voorsiening in van Raad. hierdie Wet of die Prosedurereëls van die Raad gemaak is nie, met inagneming van die gebruike en presedente van die Raad soos neergelê in vorige beslissings deur die voorsitter, en sodanige parlementêre presedente van die Volksraad van die Republiek wat op die verrigtings van die Raad toegepas kan word.”. 30

Wysiging van
artikel 10 van
Wet 31 van 1968
soos gewysig deur
artikel 7 van
Wet 67 van 1972
en artikel 47 van
Wet 94 van 1974.

11. Artikel 10 van die Hoofwet word hierby gewysig: 35

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) (i) Daar is 'n uitvoerende komitee van die Raad wat bestaan uit die lede aangestel ingevolge paragraaf (ii). 40

(ii) Die Staatspresident stel as lede van die uitvoerende komitee aan—

(aa) die leier van die meerderheidsparty in die Raad, wat die voorsitter sal wees;

(bb) op die advies van die Voorsitter van die Uitvoerende Komitee drie ander lede van die Raad.”; 45

(b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die lede wat kragtens subartikel (1) (a) aangestel is, beklee hul amp solank dit die Staatspresident behaag.”; 50

(c) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) 'n Vakature in die uitvoerende komitee word op dieselfde wyse gevul as dié voorgeskryf in subartikel (1) (a).”;

(d) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) (a) Indien die voorsitter van die uitvoerende komitee om enige rede nie in staat is om sy ampspligte uit te voer nie nomineer hy 'n lid van die uitvoerende komitee om as voorsitter op te tree: Met dien verstande dat indien die voorsitter om enige rede nie in staat is om so 'n nominasie te 60 65

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(2) The chairman shall cease to hold his office if he ceases to be a member of the Council, and may be removed from office by resolution of the Council, and may resign his office by delivering his resignation in writing to the chairman of the executive committee.

(3) At any election of a chairman or acting chairman the clerk of the Council shall act as chairman of the Council.

(4) If only one member is proposed and seconded as chairman or acting chairman the clerk of the Council shall declare him elected as chairman or acting chairman, as the case may be.

(5) If more than one member is so proposed and seconded the clerk of the Council shall arrange for a ballot to be taken and in the event of an equality of votes the contesting candidates shall draw lots for such election, and the winner of such draw shall be deemed to have been elected as chairman or acting chairman, as the case may be.

(6) The chairman shall not participate in and shall not vote on any question before the Council, but shall have and exercise a casting vote in the case of an equality of votes."

10. The following section is hereby inserted in the principal Act 25 after section 7:

Insertion of section 7A in Act 31 of 1968.

"Decisions by chairman of Council.

7A. The chairman of the Council shall decide all questions arising in the Council and for which no provision has been made in this Act or in the Rules of Procedure of the Council, and in so doing he shall have regard to the practice and precedents of the Council as laid down in previous decisions by the chairman, and to such parliamentary precedents of the House of Assembly of the Republic as can be applied to the proceedings of the Council."

11. Section 10 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

"(a) (i) There shall be an executive committee of the Council consisting of the members appointed in terms of paragraph (ii).
(ii) The State President shall appoint as members of the executive committee—
(aa) the leader of the majority party in the Council, who shall be the chairman;
(bb) on the advice of the chairman of the executive committee, three other members of the Council."

Amendment of section 10 of Act 31 of 1968, as amended by section 7 of Act 67 of 1972 and section 47 of Act 94 of 1974.

(b) by the substitution for subsection (2) of the following subsection:

"(2) The members appointed in terms of subsection (1) (a) shall hold office during the pleasure of the State President."

(c) by the substitution for subsection (3) of the following subsection:

"(3) Any vacancy in the executive committee shall be filled in the same manner as provided for in subsection (1) (a)."

(d) by the substitution for subsection (4) of the following subsection:

"(4) (a) If the chairman of the executive committee is for any reason unable to perform the duties of his office he shall nominate a member of the executive committee to act as chairman: Provided that if the chairman is for any reason unable to make such

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maak nie, die lede van die uitvoerende komitee uit hul eie geledere 'n waarnemende voorsitter kies om op te tree totdat die voorsitter in staat is om sy amp te hervat.

- (b) By 'n verkiesing van 'n waarnemende voorsitter 5
tree die **[Sekretaris van Indiërsake of sy gemagtigde]** klerk van die Raad as voorsitter op. **[en by die staking van stemme by so 'n verkiesing loot die wedywerende kandidate om sodanige verkiesing, en die wenner van so 'n loting word geag as waarnemende voorsitter verkies te wees]]'**. 10

Vervanging van
artikel 11 van
Wet 31 van 1968.

12. Artikel 11 van die Hoofwet word hierby deur die volgende artikel vervang:

„Eed deur
lede van
uitvoerende
komitee.

11. Elke lid van die uitvoerende komitee moet 15
voordat hy sy ampspligte aanvaar 'n eed in die volgende vorm voor **[’n landdros]** die Hoofregter van Suid-Afrika of 'n regter van die Hooggeregshof van Suid-Afrika, deur hom benoem, aflê en onderteken: 20

Ek, A.B., sweer hiermee trou aan die Republiek van Suid-Afrika en onderneem om hierdie trou gestand te doen; om my amp as lid van die uitvoerende komitee van die Suid-Afrikaanse Indiërraad met eer en waardigheid te beklee; 25
om die Grondwet en die reg van die Republiek te eerbiedig en te handhaaf; om 'n opregte en getroue raadsman te wees; om geen sake wat voor die uitvoerende komitee dien en wat aan my vir geheimhouding toevertrou word, regstreeks 30
of onregstreeks te openbaar nie; en om my ampspligte met nougesetheid en na my beste vermoë na te kom.
So help my God.”.

Wysiging van
artikel 16 van
Wet 31 van 1968.

13. Artikel 16 van die Hoofwet word hierby gewysig— 35

- (a) deur die volgende omskrywing voor die omskrywing van „Indiër” in te voeg:

„„amptelike opposisie” daardie party wat op die betrokke tydstip die grootste getalsterkte van die partye in opposisie teen die meerderheidsparty het, en indien daar enige twyfel bestaan oor wie op enige wesentlike tydstip die amptelike opposisie is of was, word die vraag deur die voorsitter van die Raad beslis, en sy beslissing, op skrif, is finaal en afdoende;”;

- (b) deur die volgende omskrywings na die omskrywing van „Indiër” in te voeg:

„„klerk van die Raad” die persoon deur die Sekretaris van Indiërsake as klerk van die Raad aangestel; „meerderheidsparty” die party wat die grootste 50
getalsterkte in die Raad het: Met dien verstande dat indien twee of meer partye ooreenkom om te verenig of 'n verbond of koalisie aan te gaan onder die leierskap van 'n lid van die Raad, en wat gesamentlik 'n meerderheid van die lede van die Raad uitmaak, so 'n vereniging van partye, of partye wat die verbond of koalisie uitmaak, geag word die meerderheidsparty te wees;”.

Kort titel en
inwerkingtreding.

14. (1) Hierdie Wet heet die Wysigingswet op die Suid-Afrikaanse Indiërraad, 1978, en tree in werking op 'n datum wat 60
die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan ingevolge subartikel (1) ten opsigte van verskillende bepalinge van hierdie Wet bepaal word.

SOUTH AFRICAN INDIAN COUNCIL
AMENDMENT ACT, 1978.

Act No. 83, 1978

nomination, the members of the executive committee shall from among themselves elect an acting chairman to act until the chairman is able to resume his office.

- 5 (b) At any election of an acting chairman the **Secretary for Indian Affairs or his nominee** clerk of the Council shall act as chairman. **[and in the case of an equality of votes at any such election the contesting candidates shall draw lots for such election, and the winner of such draw shall be deemed to have been elected acting chairman]**”.
- 10

12. The following section is hereby substituted for section 11 of the principal Act:

Substitution of
section 11 of
Act 31 of 1968.

- 15 “Oath by members of executive committee.
- 20 11. Every member of the executive committee shall before assuming his official duties make and subscribe before **[a magistrate]** the Chief Justice of South Africa or a Judge of the Supreme Court of South Africa, nominated by him, an oath in the following form:

I, A. B., do hereby swear to be faithful to the Republic of South Africa, and undertake to abide by this allegiance; to hold my office as a member of the executive committee of the South African Indian Council with honour and dignity; to respect and uphold the Constitution and the law of the Republic; to be a true and faithful adviser; not to divulge directly or indirectly any matters brought before the executive committee and entrusted to me to keep secret; and to perform the duties of my office conscientiously and to the best of my ability.
So help me God.”.

- 35 13. Section 16 of the principal Act is hereby amended—
- (a) by the insertion before the definition of “Council” of the following definition:

Amendment of
section 16 of
Act 31 of 1968.

“‘clerk of the Council’ means the person appointed by the Secretary for Indian Affairs as clerk of the Council;”;

- 40 (b) by the insertion after the definition of “Indian” of the following definition:

“‘majority party’ means the party having the greatest numerical strength in the Council: Provided that if two or more parties agree to combine or form a pact or coalition under the leadership of a member of the Council and jointly representing a majority of the members of the Council such combination of parties, or parties constituting the pact or coalition, shall be deemed to be the majority party;”;

- 50 (c) by the insertion after the definition of “Minister” of the following definition:

“‘official opposition’ means that party who is for the time being the party having the greatest numerical strength of the parties in opposition to the majority party, and if there is any doubt as to which is or was at any material time the official opposition, the question shall be decided by the chairman of the Council, and his decision, in writing, shall be final and conclusive;”.

55

14. (1) This Act shall be called the South African Indian Council Amendment Act, 1978, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Short title and
commencement.

(2) Different dates may be fixed under subsection (1) in respect of different provisions of this Act.

10. (1) The following section is hereby substituted for section 11 of the principal Act:

11. Every member of the executive committee shall before assuming his office under make and subscribe before the Clerk of the Council the following oath:

12. Section 10 of the principal Act is hereby amended—
(a) by the insertion before the definition of "Council" of the following definition:

13. Section 10 of the principal Act is hereby amended—
(b) by the insertion after the definition of "Indian" of the following definition:

14. Section 10 of the principal Act is hereby amended—
(c) by the insertion after the definition of "Indian" of the following definition:

15. Section 10 of the principal Act is hereby amended—
(d) by the insertion after the definition of "Indian" of the following definition:

16. Section 10 of the principal Act is hereby amended—
(e) by the insertion after the definition of "Indian" of the following definition:

17. Section 10 of the principal Act is hereby amended—
(f) by the insertion after the definition of "Indian" of the following definition:

18. (1) This Act shall be called the South African Indian Statute Act, 1938, and shall come into operation on the day fixed by the President by proclamation in the Gazette.