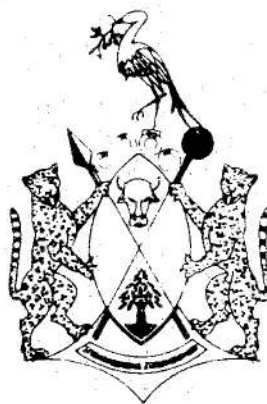


IRIPHABLIKI  
YECISKEI

REPUBLIC OF  
CISKEI

IGAZETHI  
YOBURHULUMENTE



GOVERNMENT  
GAZETTE



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ISEBE LIKAMONGAMELI

ISAZISO SIKARHULUMENTE SAMA-55

NGOKWENJENJE KUYAZISWA UKUBA UMONGAMELI  
UWUVUMILE UMTHETHO OLANDELAYO NOBHENGE-  
ZWAYO APHA KUSAZISWA ULUNTU NGOKUBANZI:-

UMTHETHO OSISIHLOMELO ONGUMGAQOSISEKO  
WERIPHABLIKI YECISKEI - 1983

UMTHETHO NOMBOLO 21 WOVE-1983

OFFICE OF THE PRESIDENCY

GOVERNMENT NOTICE NO. 55

IT IS HEREBY NOTIFIED THAT THE PRESIDENT HAS  
ASSENTED TO THE FOLLOWING ACT WHICH IS HEREBY  
PUBLISHED FOR GENERAL INFORMATION:-

REPUBLIC OF CISKEI CONSTITUTION AMEND-  
MENT ACT, 1983

ACT NO. 21 OF 1983

# REPUBLIC OF CISKEI CONSTITUTION AMENDMENT ACT, 1983

## ACT

To amend the Republic of Ciskei Constitution Act, 1981 and to provide for incidental matters.

(English text signed by the President. Assented to on 29 June 1983).

BE IT ENACTED by the National Assembly of the Republic of Ciskei, in due compliance with the provisions of section 84 (1) of the Republic of Ciskei Constitution Act, 1981, as follows:—

*Amendment of section 36 of Act 20 of 1981*

1. Section 36 of the Republic of Ciskei Constitution Act, 1981 (hereinafter in this Act referred to as the principal Act) is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The National Assembly shall exercise its power to make laws by means of bills (in the one or the other or both of the official languages) passed by the National Assembly and assented to by the President and every bill so assented to shall be styled an Act.”

*Amendment of section 51 of Act 20 of 1981*

2. Section 51 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The Secretary of the National Assembly shall cause to be enrolled of record in the office of the Registrar of the Supreme Court, in the language in which it was assented to by the President, a fair copy of every Act and such copy shall be conclusive evidence of the provisions of such Act.”

*Amendment of section 52 of Act 20 of 1981*

3. Section 52 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Secretary of the National Assembly shall cause every law to be published in the *Gazette* in the official language in which it was assented to by the President and may cause it so to be published in the other official language.”

*Substitution of section 75 of Act 20 of 1981 and savings.*

4. (1) The following section is hereby substituted for section 75 of the principal Act:

“*Advocates, attorneys, notaries and conveyancers.* 75. Until otherwise provided in an Act of the National Assembly, the laws regulating the admission or enrolment of persons to practise as advocates, attorneys, notaries or conveyancers of the Supreme Court of South Africa shall *mutatis mutandis* apply to the admission or enrolment of persons to practise as advocates, attorneys, notaries or conveyancers of the Supreme Court of Ciskei. Provided that, in the application of such laws, any reference therein to ‘any division’, ‘a court’ or ‘the court’ shall be construed as a reference to the Supreme Court of Ciskei.”

- (2) Notwithstanding the substitution, by subsection (1) of this section, of section 75 of the principal Act —

(a) any person, who immediately prior to the commencement of the principal Act was enrolled on the the roll of advocates referred to in section 8 of the Admission of Advocates Act, 1964 (Act 74 of 1964) and who continues to be so enrolled and is not subject to any order of court suspending him from practice, shall be deemed to have been admitted to practise as an advocate of the Supreme Court of Ciskei and, for the purposes of section 7 of the said Admission of Advocates Act, 1964, to be enrolled on the roll of advocates kept under that Act by the Director-General of the Department of Justice of the Republic of Ciskei;

(b) anything done in Ciskei before the commencement of this Act under the Deeds Registries Act, 1937 (Act 47 of 1937) or any other law by any attorney, notary or conveyancer of any provincial division of the Supreme Court of South Africa shall be deemed to have been as validly done as if, at the time when that thing was done, such attorney, notary or conveyancer was, in terms of section 20 of the Attorneys Act, 1979 (Act 53 of 1979), duly enrolled as an attorney, notary or conveyancer, as the case may be, of the Supreme Court of Ciskei.

- (3) The Republic of South Africa and every country or territory (other than Ciskei) which previously formed part of that Republic shall, for the purposes of the Admission of Advocates Act, 1964, be deemed to have been designated, as contemplated in section 5 of that Act, by the Minister of Justice of the Republic of Ciskei by notice in the *Gazette*: Provided that, in the application of the provisions of the said section 5, the reference therein to “any division” shall be construed as a reference to the Supreme Court of Ciskei.

*Short title.*

5. This Act shall be called the Republic of Ciskei Constitution Amendment Act, 1983.

UMTHETHO OSISIHLOMELO ONGUMGAQO-SISEKO WERIPHABLIKI YECISKEI, 1983

UMTHETHO

Ukuhlomela uMthetho onguMgaqo-siseko weRiphabliki yeCiskei, 1981 nokulungiselela imibandela ephathelele kuwo.

(Okubhalwe ngesiNgesi kusayinwe nguMongameli. Kwavunywa ngomhla wama 29 Juni 1983)

MAKWENZIWE UMTHETHO yiNdlu yeNdibano yeSizwe yeRiphabliki yeCiskei, ngokuthobela ngokufanelekileyo amalungiselelo ecandelo 84 (1) oMthetho onguMgaqo-siseko weRiphabliki yeCiskei, 1981, ngolu hlobo lulandelayo:-

*Ukuhlonyelwa kwe-candelo 36 loMthetho 20 wowe-1981.*

1. Icandelo 36 loMthetho onguMgaqo-siseko weRiphabliki yeCiskei, 1981 (ekubhekiselwa kuwo emva koku kulo Mthetho njengoMthetho oyintloko) ukwenjenje liyahlonyelwa ngokuthi kufakelwe endaweni yecandelwana (2) eli candelwana lilandelayo:

“(2) INdlu yeNdibano iya kusebenzisa igunya layo ukwenza imithetho ngeebhili (ngalo naliphina ulwimi okanye zombini iilwimi zaseburhulumenteni) eziphunyezwe yiNdlu yeNdibano yeSizwe zaza zavunywa nguMongameli yaye ibhili nganye ethe yavunywa ngolu hlobo kuya kuthiwa nguMthetho.”

*Ukuhlonyelwa kwe-candelo 52 loMthetho 20 wowe-1981.*

2. Icandelo 51 loMthetho oyintloko ukwenjenje liyahlonyelwa ngokuthi kufakelwe endaweni yecandelwana (2) eli candelwana lilandelayo:

“(2) UNobhala weNdlu yeNdibano yeSizwe uya kwenza ukuba kugcinwe kwirekhodi kwi-ofisi yombhalisi weNkundla ePhakamileyo, ngolo lwimi ubuvunywe ungalo nguMongameli, ikopi efanelekileyo yawo wonke uMthetho yaye ikopi enjalo iya kuba bubungqina obupheleleyo bamalungiselelo alo Mthetho.”

*Ukuhlonyelwa kwe-candelo 52 loMthetho 20 wowe-1981.*

3. Icandelo 52 loMthetho oyintloko ukwenjenje liyahlonyelwa ngokuthi kufakelwe esikhundleni secandelwana (1) eli candelwana lilandelayo:

“(1) UNobhala weNdlu yeNdibano yeSizwe uya kwenza ukuba umthetho ngamnye upapashwe kwiGazethi ngolwimi lwaseburhulumenteni obuvunywe ngalo nguMongameli yaye ongenza ukuba upapashwe ngolo hlobo ngolunye ulwimi lwaseburhulumenteni.”

*Ukutshintshwa kwe-candelo 75 loMthetho 20 wowe-1981 nokusalayo.*

4. (1) Eli candelo lilandelayo ukwenjenje lifakelwa endaweni yecandelo 75 loMthetho oyintloko.

*“Amagqwetha ejaji, amagqwetha, amagqwetha eminqophiso ndawonye namagqwetha emihlaba.”*

75. Ngaphandle kokuba kulungiselelwe ngenye indlela kuMthetho weNdlu yeNdibano yeSizwe, imithetho elawula ukwamkelwa okanye ukubhaliswa kwabantu ukuba basebenze njengamagqwetha ejaji, amagqwetha, amagqwetha eminqophiso okanye awemihlaba eNkundla ePhakamileyo iya kusebenza *mutatis mutandis* ekwamkelweni okanye ekubhalisweni kwabantu ukuba basebenze njengamagqwetha ejaji, amagqwetha, amagqwetha eminqophiso okanye amagqwetha emihlaba eNkundla ePhakamileyo yeCiskei. Phantsi kwenti, ethi xa kusetyenziswa imithetho enjalo, nakuphina ekubhekisela apho kuyo kulo ‘naliphina icandelo’, ‘inkundla’ okanye ‘loo nkundla’ kuya kuthathwa njengoku bhekisela kwiNkundla ePhakamileyo yeCiskei.”

- (2) Nangani kukho ukutshintshwa, ngecandelwana (1) leli candelo, kwecandelo 75 loMthetho oyintloko -

(a) nawuphina umntu, othe kanye nje phambi kokuqalisa koMthetho oyintloko waba ubhaliswe kumqulu wamagqwetha ejaji ekubhekiselwe kuwo kwicandelo 8 loMthetho wokwamkelwa kwamaGqwetha eJaji, 1964 (uMthetho 74 wowe-1964) nosabhaliswe njalo yaye engekho phantsi kwawo nawuphina umyalelo wenkundla onqumamisayo ekusebenzeni, uya kuthathwa ngokungathi wamkelwe ukuba asebenze njengegqwetha lejaji leNkundla ePhakamileyo yeCiskei yaye, ngeenjongo zecandelo 7 laloo Mthetho woKwamkelwa kwamaGqwetha eJaji uxeliweyo, 1964 ukuba ubhalisiwe kumqulu wamagqwetha ejaji ogcinwe phantsi kwaloo Mthetho nguMlawuli-Jikelele weSebe loBulungisa leRiphabliki yeCiskei,

(b) nayiphina into eyenziwe eCiskei phambi kokuqalisa kwalo mthetho phantsi koMthetho woBhaliso lweMihlaba, 1937 (uMthetho 47 wowe-1937) okanye nawuphina omnye umthetho lilo naliphina igqwetha, igqwetha leminqophiso okanye igqwetha lemihlaba lalo naliphina icandelo lephondo leNkundla ePhakamileyo yoMzantsi Afrika iya kuthathwa ngokungathi yenziwe ngokufanelekileyo ngokungathi, ngelo xesha yenziwa ngalo, elo gqwetha, igqwetha leminqophiso okanye igqwetha lemihlaba libe, ngokwecandelo 20 loMthetho wamaGqwetha, 1979 (uMthetho 53 wowe-1979), libhaliswe ngokufanelekileyo njengegqwetha, igqwetha leminqophiso okanye igqwetha lemihlaba, ngokwemeko leyo, leNkundla ePhakamileyo yeCiskei.

- (3) IRiphabliki yoMzantsi Afrika nelizwe okanye ummandla ngamnye (ngaphandle kweCiskei) obufudula uxinjenje yeriphabliki iya kuthi ngeenjongo zoMthetho woKwamkelwa kwamaGqwetha eJaji, 1964, ithathwe ngokuthi imiselwe, njengoko kujongwe kwicandelo 5 laloo mthetho, nguMphathiswa woBulungisa weRiphabliki yeCiskei ngesaziso *kwiGazethi* : Phantsi kwento ethi xa kusetyenziswa amalungiselelo elo candelo 5 lixeliweyo, ukubhekisela kulo "naliphina icandelo" kuya kuthathwa ngokungathi kubhekisela kwiNkundla ePhakamileyo yeCiskei.

*Intloko emfutshane.* 5. Lo Mthetho uya kubizwa ngokuba nguMthetho osisiHlomelo onguMgaqo-siseko weRiphabliki yeCiskei, 1983.

OKUQULATHIWEYO			CONTENTS		
<i>Inani le-saziso</i>	<i>Inani lekhasi</i>	<i>Inani le-Gazethe</i>	<i>Govt. Notice No.</i>	<i>Page No.</i>	<i>Gazette No.</i>
55		62	55		62
<p>ISEBE LIKAMONGAMELI</p> <p>ISAZISO SIKARHULUMENTE SE-55</p> <p>UMTHETHO OSISIHLOMELO ONGUMGAQOSISEKO WERIPHABLIKI YECISKEI – 1983</p> <p>UMTHETHO NOMBOLO 21 WOVE-1983</p>			<p>OFFICE OF THE PRESIDENCY</p> <p>GOVERNMENT NOTICE NO. 55</p> <p>REPUBLIC OF CISKEI CONSTITUTION AMEND- MENT ACT, 1983</p> <p>ACT NO. 21 OF 1983</p>		