



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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No. 9307

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1459.

6 Julie 1984

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

No. 105 van 1984: Grondwetwysigingswet, 1984.

No. 1459.

6 July 1984

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

No. 105 of 1984: Constitution Amendment Act, 1984.

Wet No. 105, 1984

GRONDWETWYSIGINGSWET, 1984

ALGEMENE VERDUIDELIKENDE NOTA:

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

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

WET

Tot wysiging van die Grondwet van die Republiek van Suid-Afrika, 1961, ten einde die beperking op die hersiening van die vergoeding en toelaes van lede van die Presidentsraad op te hef; tot wysiging van die Grondwet van die Republiek van Suid-Afrika, 1983, ten einde nadere voorsiening te maak vir die voorsitterskap op 'n vergadering van 'n Huis van die Parlement in sekere omstandighede, die administrasie van sekere Staatsdepartemente en die verrigting van die funksies van 'n Minister in dié verband, die omstandighede waaronder 'n Huis van die Parlement geag word 'n wetsontwerp te verwerp het, die aanvulling van toevallige vakatures in sekere setels in die Parlement, die gesamentlike reëls en orders van die Huise van die Parlement, die reg om in 'n Huis van die Parlement sitting te neem en te praat, die belê van gesamentlike sittings van die Huise van die Parlement, die uitoefening van die bevoegdhede wat in 'n wet aan die Eerste Minister verleen word, die gesamentlike reëls en orders wat deur die Volksraad goedgekeur kan word, die eerste sessie van die eerste Parlement ingevolge daardie Wet saamgestel en die eerste afbakening van kiesafdelings van die Raad van Verteenwoordigers en die Raad van Afgevaardigdes; om sekere onbevoegdhede van sekere persone ten opsigte van die eerste verkiesing van lede van laasgenoemde Huise van die Parlement op te hef; om die betaling te magtig van sekere gelde aan persone wat sekere ampte ontruim as gevolg van die bepalings van die Grondwet van die Republiek van Suid-Afrika, 1983; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 5 Julie 1984.)

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

Wysiging van artikel 102 van Wet 32 van 1961, soos ingevoeg deur artikel 34 van Wet 101 van 1980 en gewysig deur artikel 5 van Wet 101 van 1981.

Wysiging van artikel 7 van Wet 110 van 1983.

1. (1) Artikel 102 van die Grondwet van die Republiek van Suid-Afrika, 1961, word hierby gewysig deur paragraaf (c) van subartikel (4) te skrap. 5

(2) Subartikel (1) word geag op 1 Julie 1983 in werking te getree het.

2. Artikel 7 van die Grondwet van die Republiek van Suid-Afrika, 1983, word hierby gewysig deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang: 10

“(d) As daar nie 'n persoon is wat bevoeg is om voor te sit op 'n vergadering van 'n Huis vir die doeleindes van paragraaf (b) nie, sit die Sekretaris van die Parlement of 'n ander amptenaar van die Parlement deur hom aangewys daarop voor en kan hy daarop die bevoegdhede van die Voorsitter van die Huis uitoefen.” 15

CONSTITUTION AMENDMENT ACT, 1984

Act No. 105, 1984

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 Republic of South Africa Constitution Act, 1961, so as to remove the restriction on the revision of the remuneration and allowances of members of the President's Council; to amend the Republic of South Africa Constitution Act, 1983, so as to make further provision for the chairmanship at a meeting of a House of Parliament under certain circumstances, the administration of certain departments of State and the performance of the functions of a Minister in that connection, the circumstances under which a House of Parliament is deemed to have rejected a bill, the filling of casual vacancies in certain seats in Parliament, the joint rules and orders of the Houses of Parliament, the right to sit and to speak in a House of Parliament, the calling of joint sittings of the Houses of Parliament, the exercise of the powers conferred in any law on the Prime Minister, the joint rules and orders that may be approved by the House of Assembly, the first session of the first Parliament constituted in terms of that Act and the first delimitation of electoral divisions of the House of Representatives and the House of Delegates; to remove certain disqualifications of certain persons in respect of the first election of members of the last-mentioned Houses of Parliament; to authorize the payment of certain moneys to persons who vacate certain offices as a result of the provisions of the Republic of South Africa Constitution Act, 1983; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 5 July 1984.)*

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

1. (1) Section 102 of the Republic of South Africa Constitution Act, 1961, is hereby amended by the deletion of paragraph 5 (c) of subsection (4).

(2) Subsection (1) shall be deemed to have come into operation on 1 July 1983.

Amendment of section 102 of Act 32 of 1961, as inserted by section 34 of Act 101 of 1980 and amended by section 5 of Act 101 of 1981.

2. Section 7 of the Republic of South Africa Constitution Act, 1983, is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:

Amendment of section 7 of Act 110 of 1983.

“(d) If there is no person who is competent to preside at a meeting of a House for the purposes of paragraph (b), the Secretary to Parliament or any other officer of Parliament designated by him shall preside thereat and may exercise thereat the powers of the Chairman of the House.”.

Wet No. 105, 1984

GRONDWETWYSIGINGSWET, 1984

Wysiging van
artikel 24 van
Wet 110 van 1983.

3. Artikel 24 van die Grondwet van die Republiek van Suid-Afrika, 1983, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die Staatspresident kan soveel persone as wat hy van tyd tot tyd nodig ag, aanstel om die Staatsdepartemente 5 van die Republiek wat die Staatspresident instel, te administreer of om die ander werksaamhede te verrig wat die Staatspresident bepaal, en hy kan so ’n Staatsdepartement vir algemene sake self administreer indien daar te eniger tyd nie ’n persoon kragtens hierdie subartikel of artikel 25 aan- 10 gestel is om dit te administreer nie.”.

Vervanging van
artikel 26 van
Wet 110 van 1983.

4. Artikel 26 van die Grondwet van die Republiek van Suid-Afrika, 1983, word hierby deur die volgende artikel vervang:

“Opdrag van
ampsfunksies
van Minister
aan ander
Minister, of
uitoefening
daarvan deur
of namens
Staatspresi-
dent.

26. (1) Die Staatspresident kan die uitvoering van ’n bepaling in ’n wet wat aan ’n Minister ’n bevoegd- 15 heid, plig of werksaamheid toewys, aan enige ander Minister opdra—

(a) hetsy spesifiek hetsy by wyse van ’n algemene opdrag tot uitvoering van ’n wet of van alle wette wat aan eersbedoelde Minister bevoegd- 20 hede, pligte of werksaamhede toewys; en

(b) hetsy in die algemeen hetsy vir sover die bepaling, wet of wette betrekking het op ’n bevolkingsgroep of aangeleentheid in die opdrag ge- 25 noem.

(2) ’n Bevoegdheid, plig of werksaamheid wat by of kragtens hierdie Wet of enige ander wet toegewys of opgedra is aan ’n Minister van ’n Staatsdepartement vir algemene sake wat deur die Staatspresident gead- 30 ministreer word, kan deur die Staatspresident uitgeoefen of verrig word asof hy die Minister van die betrokke departement is, en kan namens die Staatspresident uitgeoefen of verrig word deur ’n Minister in artikel 20 (b) of (c) bedoel wat deur die Staatspresident daartoe gemagtig is.”. 35

Wysiging van
artikel 32 van
Wet 110 van 1983.

5. Artikel 32 van die Grondwet van die Republiek van Suid-Afrika, 1983, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) (a) Indien—

(i) die Staatspresident per boodskap aan ’n Huis ver- 40 soek het dat ’n wetsontwerp wat in ’n ander Huis aangeneem is en in die betrokke Huis ingedien is of ten opsigte waarvan daar in daardie Huis kennis gegee is van ’n voorstel vir die indiening of die oorweging daarvan, deur daardie Huis afgehandel 45 word voor ’n datum in die boodskap genoem, wat nie ’n datum vroeër as 14 dae na die datum van die boodskap mag wees nie; en

(ii) daardie Huis die wetsontwerp nie voor die datum in die boodskap genoem, afgehandel het nie, 50 word daardie Huis by die toepassing van subartikel (1) geag die wetsontwerp te verwerp het, tensy die Staatspresident binne sewe dae na die aldus genoemde datum, by soortgelyke boodskap anders bepaal.

(b) ’n Huis wat ’n voorstel vir die indiening of die oorwe- 55 ging van ’n wetsontwerp verwerp het, word by die toepassing van subartikel (1) geag die wetsontwerp te verwerp het.”.

Wysiging van
artikel 46 van
Wet 110 van 1983.

6. Artikel 46 van die Grondwet van die Republiek van Suid-Afrika, 1983, word hierby gewysig deur subartikel (2) deur die 60 volgende subartikel te vervang:

“(2) (a) ’n Toevallige vakature in die setel van ’n be-
noemde of ’n indirek verkose lid van ’n Huis word, be-
houdens die bepalings van paragraaf (b), aangevul deur
die benoeming of verkiesing van ’n lid vir die onver- 65
streke gedeelte van die ampstermyn van die lid in wie

CONSTITUTION AMENDMENT ACT, 1984

Act No. 105, 1984

3. Section 24 of the Republic of South Africa Constitution Act, 1983, is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of
section 24 of
Act 110 of 1983.

“(1) The State President may appoint as many persons as he may from time to time deem necessary to administer such departments of State of the Republic as the State President may establish, or to perform such other functions as the State President may determine, and he may himself administer such a department of State for general affairs if at any time no person has been appointed under this subsection or section 25 to administer it.”

4. The following section is hereby substituted for section 26 of the Republic of South Africa Constitution Act, 1983:

Substitution of
section 26 of
Act 110 of 1983.

“Assignment of Minister's functions to another Minister, or performance thereof by or on behalf of State President.”

26. (1) The State President may assign the administration of any provision in any law which entrusts to a Minister any power, duty or function, to any other Minister—

(a) either specifically or by way of a general assignment of the administration of any law or of all laws entrusting powers, duties or functions to such first-mentioned Minister; and

(b) either generally or in so far as such provision, law or laws relate to any population group or matter mentioned in such assignment.

(2) A power, duty or function entrusted or assigned by or under this Act or any other law to a Minister of a department of State for general affairs which is administered by the State President, may be exercised or performed by the State President as if he were the Minister of the department in question, and may be exercised or performed on behalf of the State President by a Minister referred to in section 20 (b) or (c) who has been authorized thereto by the State President.”

5. Section 32 of the Republic of South Africa Constitution Act, 1983, is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of
section 32 of
Act 110 of 1983.

“(2) (a) If—

(i) the State President, by message to a House, has requested that a bill passed by another House and introduced in the House in question or in respect of which notice of a motion for its introduction or consideration has been given in that House, be disposed of by that House before a date mentioned in the message, which may not be a date earlier than 14 days after the date of the message; and

(ii) that House has not disposed of such bill before the date mentioned in the message,

that House shall be deemed for the purposes of subsection (1) to have rejected the bill, unless the State President by like message determines otherwise within seven days after the date so mentioned.

(b) A House which has rejected a motion for the introduction or the consideration of a bill shall be deemed for the purposes of subsection (1) to have rejected the bill.”

6. Section 46 of the Republic of South Africa Constitution Act, 1983, is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of
section 46 of
Act 110 of 1983.

“(2) (a) A casual vacancy in the seat of a nominated or an indirectly elected member of a House shall, subject to the provisions of paragraph (b), be filled by the nomination or election of a member for the unexpired portion of the term of office of the member in whose stead

Wet No. 105, 1984

GRONDWETWYSIGINGSWET, 1984

se plek hy benoem of verkies word, en wel op dieselfde wyse waarop laasgenoemde lid benoem of verkies is.

- (b) Indien daar 'n toevallige vakature in die setel van 'n indirek verkose lid van 'n Huis bestaan terwyl daar een of meer direk verkose lede van die Huis is wat behoort tot of ondersteuners is van dieselfde politieke party as dié waartoe die lid wie se setel vakant is, behoort het of waarvan hy 'n ondersteuner was toe die setel vakant geword het, word die vakature aangevul deur die benoeming van 'n lid, vir die onverstreke gedeelte van die ampstermyn van die lid wie se setel vakant is, deur genoemde direk verkose lid of lede van die Huis (hieronder bevoegde lede genoem): Met dien verstande dat in die geval van 'n toevallige vakature in die setel van 'n indirek verkose lid wat, toe die vakature ontstaan het, nie meer behoort het tot of 'n ondersteuner was van genoemde politieke party nie, die vakature aangevul word op die wyse voorgeskryf in paragraaf (a).
- (c) 'n Benoeming ingevolge paragraaf (b) moet—
- (i) gedoen word op 'n vorm deur die Speaker van die Parlement voorgeskryf;
 - (ii) die benoemde se toestemming tot sy benoeming en sy bevestiging dat hy bevoeg is om 'n lid van die betrokke Huis te word, deur hom onderteken, bevat;
 - (iii) indien daar nie meer as vyf bevoegde lede is nie, deur elke bevoegde lid onderteken word;
 - (iv) indien daar meer as vyf bevoegde lede is, namens die bevoegde lede onderteken word deur die leier van die betrokke politieke party in die Huis en minstens vier ander bevoegde lede; en
 - (v) ingedien word by die Sekretaris van die Parlement, wat die datum waarop hy dit ontvang daarop aanteken onder sy handtekening,
- en tree in werking op die datum aldus daarop aangeteken en nie eerder nie.
- (d) 'n Lid van 'n Huis wat benoem is ooreenkomstig paragrafe (b) en (c) van hierdie subartikel word by die toepassing van hierdie Wet en enige ander wet geag verkies te wees ooreenkomstig die bepalings van artikel 41 (1) (c), 42 (1) (c) of 43 (1) (c), na gelang van die geval, en enige verwysing in hierdie Wet (behalwe subartikel (1) van hierdie artikel) of enige ander wet na 'n indirek verkose lid of 'n lid wat volgens voorskrif van genoemde bepalings verkies is of verkies moet word, of na die verkiesing van so 'n lid, word uitgelê as 'n verwysing ook na 'n lid wat volgens voorskrif van paragrafe (b) en (c) van hierdie subartikel benoem is of benoem moet word, of na die benoeming van 'n lid ooreenkomstig laasgenoemde paragrafe, na gelang van die geval."

Wysiging van
artikel 60 van
Wet 110 van 1983.

7. Artikel 60 van die Grondwet van die Republiek van Suid-Afrika, 1983, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Elke Huis moet op sy eerste vergadering wat nie vir die doeleindes van artikel 7 (1) (b) belê is nie, voordat hy tot die afhandeling van ander werksaamhede oorgaan, 'n lid kies om die Voorsitter van die Huis te wees, en so dikwels as wat die amp oopval, kies die Huis weer 'n lid om die Voorsitter te wees."

Wysiging van
artikel 64 van
Wet 110 van 1983.

8. Artikel 64 van die Grondwet van die Republiek van Suid-Afrika, 1983, word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

"(b) 'gesamentlike reëls en orders' reëls en orders wat deur elk van die Huise goedgekeur is as gesamentlike reëls en orders in verband met die orde en reëling van—

- (i) die werksaamhede en verrigtings van elkeen in verband met algemene sake en wetsontwerpe daaroor of gesamentlike komitees of 'n bepaalde gesa-

CONSTITUTION AMENDMENT ACT, 1984

Act No. 105, 1984

he is nominated or elected, and in the same manner in which the last-mentioned member was nominated or elected.

(b) If a casual vacancy in the seat of an indirectly elected

5 member of a House exists while there is one or more directly elected members of the House who belong to or are supporters of the same political party as that to which the member whose seat is vacant belonged or of which he was a supporter at the time when the seat became vacant, the vacancy shall be filled by the nomination of a member by the said directly elected member or members (hereinafter referred to as competent members) for the unexpired portion of the term of office of the member whose seat is vacant: Provided that in the case of a casual vacancy in the seat of an indirectly elected member who, when the vacancy occurred, no longer belonged to or was a supporter of the said political party, the vacancy shall be filled in the manner prescribed in paragraph (a).

20 (c) A nomination in terms of paragraph (b) shall—

(i) be made on a form prescribed by the Speaker of Parliament;

(ii) contain the nominee's consent to his nomination and his confirmation that he is competent to become a member of the House in question, signed by him;

(iii) if there are not more than five competent members, be signed by every competent member;

30 (iv) if there are more than five competent members, be signed on behalf of the competent members by the leader of the political party in question in the House and at least four other competent members; and

(v) be lodged with the Secretary to Parliament, who shall record on it, under his signature, the date on which he receives it, and shall take effect on the date so recorded on it and not earlier.

40 (d) A member of a House nominated in accordance with paragraphs (b) and (c) of this subsection shall for the purposes of this Act and any other law be deemed to have been elected in accordance with the provisions of section 41 (1) (c), 42 (1) (c) or 43 (1) (c), as the case may be, and any reference in this Act (except subsection (1) of this section) or any other law to an indirectly elected member or a member elected or to be elected as provided in the said provisions, or to the election of such a member, shall be construed as including a reference to a member nominated or to be nominated as provided in paragraphs (b) and (c) of this subsection or to the nomination of a member in accordance with the last-mentioned paragraphs, as the case may be.”

7. Section 60 of the Republic of South Africa Constitution Act, 1983, is hereby amended by the substitution for subsection 55 (1) of the following subsection:

Amendment of section 60 of Act 110 of 1983.

“(1) Every House shall at its first meeting not convened for the purposes of section 7 (1) (b), before proceeding to the dispatch of any other business, elect a member to be the Chairman of the House, and, as often as the office becomes vacant, the House shall again elect a member to be the Chairman.”

8. Section 64 of the Republic of South Africa Constitution Act, 1983, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

Amendment of section 64 of Act 110 of 1983.

65 “(b) ‘joint rules and orders’ means rules and orders approved by each of the Houses as joint rules and orders in connection with the order and conduct of—

(i) the business and proceedings of each in connection with general matters and bills thereon or joint

Wet No. 105, 1984

GRONDWETWYSIGINGSWET, 1984

- mentlike komitee of ander aangeleenthede wat al-
drie Huise raak; of
- (ii) die werksaamhede en verrigtings van gesamentlike komitees of 'n bepaalde gesamentlike komitee;"

Vervanging van
artikel 65 van
Wet 110 van 1983.

9. Artikel 65 van die Grondwet van die Republiek van Suid-Afrika, 1983, word hierby deur die volgende artikel vervang:

“Bevoegd-
hede van die
Staatspresident, Minis-
ters en hul
plaasvervang-
ers in Huise.

65. (1) Die Staatspresident, 'n Minister wat lid van die Kabinet is en die plaasvervanger van so 'n Minister het die reg om in enige Huis sitting te neem en te praat, maar **[kan slegs stem indien hy]** mag nie stem nie behalwe, in die geval van so 'n Minister of plaasvervanger wat lid van 'n Huis is, **[en slegs]** in die Huis waarvan hy lid is.

(2) 'n Lid van 'n Ministersraad wat nie lid van 'n Huis of van die Kabinet is nie het die reg om in die Huis waarvan die lede van dieselfde bevolkingsgroep as die lede van die betrokke Ministersraad is, sitting te neem en te praat, maar mag nie daarin stem nie.”

Wysiging van
artikel 67 van
Wet 110 van 1983.

10. Artikel 67 van die Grondwet van die Republiek van Suid-Afrika, 1983, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) 'n Gesamentlike sitting van die Huise word deur die Staatspresident by boodskap aan die Huise of, ingevolge en vir die doeleindes van die gesamentlike reëls en orders in artikel 64 beoog, deur die Speaker van die Parlement belê.”

Wysiging van
artikel 102 van
Wet 110 van 1983.

11. (1) Artikel 102 van die Grondwet van die Republiek van Suid-Afrika, 1983, word hierby gewysig—

(a) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

“(b) 'n Verwysing in 'n wet na die Eerste Minister wat by die inwerkingtreding van hierdie Wet nie as gevolg van 'n opdrag kragtens artikel 20A van die vorige Grondwet as 'n verwysing na 'n ander Minister uitgelê moet word nie, word geag 'n verwysing na die Staatspresident handelende kragtens subartikel (2) van artikel 26 van hierdie Wet te wees behalwe vir sover die Staatspresident die uitvoering van die wet aan 'n Minister opdra **[mutatis mutandis kragtens artikel 26]** kragtens subartikel (1) van laasgenoemde artikel.”

(b) deur paragraaf (b) van subartikel (6) deur die volgende paragraaf te vervang:

“(b) Reëls en orders wat voor die inwerkingtreding van hierdie Wet deur die Volksraad as gesamentlike reëls en orders van die Huis goedgekeur is **[en deur die Sekretaris van die Parlement voor sodanige inwerkingtreding in die Staatskoerant bekend gemaak is]**, word na sodanige inwerkingtreding geag gesamentlike reëls en orders te wees wat soos in artikel 64 beoog deur elk van die Huise goedgekeur is, totdat, en behalwe vir sover, dit vervang word deur reëls en orders wat wel aldus goedgekeur is: Met dien verstande dat reëls en orders aldus **[bekend gemaak]** deur die Volksraad goedgekeur, verval by die verstryking van 'n tydperk van twee jaar na die begin van die eerste sessie van die eerste Parlement ingevolge hierdie Wet saamgestel.”

(c) deur subartikel (7) deur die volgende subartikel te vervang:

“(7) Die eerste sessie van die eerste Parlement wat ingevolge hierdie Wet saamgestel word, moet begin binne 21 dae na die stemdag of die laaste stemdag van

CONSTITUTION AMENDMENT ACT, 1984

Act No. 105, 1984

- committees or a particular joint committee or other matters affecting all three Houses; or
- (ii) the business and proceedings of joint committees or a particular joint committee;”.

5 9. The following section is hereby substituted for section 65 of the Republic of South Africa Constitution Act, 1983:

Substitution of section 65 of Act 110 of 1983.

“Powers of the State President, Ministers and their deputies in Houses. 65. (1) The State President, a Minister who is a member of the Cabinet and any deputy to such a Minister has the right to sit and to speak in any House, but may **[only vote if he]** not vote except, in the case of such a Minister or deputy who is a member of a House, **[and only]** in the House of which he is a member.

15 (2) A member of a Ministers’ Council who is not a member of any House or of the Cabinet has the right to sit and to speak in the House of which the members are of the same population group as the members of the Ministers’ Council in question, but may not vote therein.”.

20 10. Section 67 of the Republic of South Africa Constitution Act, 1983, is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 67 of Act 110 of 1983.

25 “(1) A joint sitting of the Houses shall be called by the State President by message to the Houses or, in terms and for the purposes of the joint rules and orders contemplated in section 64, by the Speaker of Parliament.”.

11. (1) Section 102 of the Republic of South Africa Constitution Act, 1983, is hereby amended—

Amendment of section 102 of Act 110 of 1983.

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

35 “(b) A reference in any law to the Prime Minister which at the commencement of this Act is not in consequence of an assignment under section 20A of the previous Constitution to be construed as a reference to some other Minister, shall be deemed to be a reference to the State President acting under subsection (2) of section 26 of this Act, except in so far as the State President assigns the administration of such law to a Minister **[mutatis mutandis under section 26]** under subsection (1) of the last-mentioned section.”;

40 (b) by the substitution for paragraph (b) of subsection (6) of the following paragraph:

45 “(b) Rules and orders approved by the House of Assembly before the commencement of this Act as joint rules and orders of the Houses **[and published in the Gazette before such commencement by the Secretary to Parliament]**, shall after such commencement be deemed to be joint rules and orders approved by each of the Houses as contemplated in section 64, until, and except in so far as, they are replaced by rules and orders which have in fact been so approved: Provided that any rules and orders so **[published]** approved by the House of Assembly shall lapse on the expiry of a period of two years after the commencement of the first session of the first Parliament constituted under this Act.”;

55 (c) by the substitution for subsection (7) of the following subsection:

60 “(7) The first session of the first Parliament constituted in terms of this Act shall commence within 21 days after the polling day or the last polling day of the

Wet No. 105, 1984

GRONDWETWYSIGINGSWET, 1984

die eerste algemene verkiesing van lede van die Raad van Verteenwoordigers en die Raad van Afgevaardigdes, na gelang die stemming ten opsigte van daardie Huise op dieselfde dag of op verskillende dae plaasvind, en, vir die doeleindes van daardie sessie en totdat 5 daardie Huise behoorlik saamgestel is (maar nie vir 'n tydperk langer as 14 dae na die begin van daardie sessie nie), word elkeen geag te bestaan uit die lede daarvan wat by daardie algemene verkiesing verkies is.”; en

(d) deur subartikel (9) deur die volgende subartikel te ver- 10 vang:

“(9) Vir die doeleindes van die eerste afbakening van kiesafdelings van die Raad van Verteenwoordigers en van die Raad van Afgevaardigdes word die woorde “kiesers van die Huis in die provinsie volgens die gel- 15 dende kieserslyste, behoorlik verbeter tot die jongste moontlike datum” in artikel 49 (1) geag vervang te wees deur die woorde “persone wat, volgens die bevolkingsregister wat ingevolge die Bevolkingsregistrasiewet, 1950, gehou word, en op 'n datum hoogstens 30 20 dae voor die afbakeningskommissie met sy werksaamhede begin, geregtig sou wees om opgeneem te word in enige lysie van die in artikel 52 beoogde kiesers van die Huis in kiesafdelings daarvan in die provinsie indien die provinsie op die betrokke datum in kiesafdelings van 25 die Huis verdeel was”, en word die verwysings na kiesers in artikel 49 (2) en (3) dienooreenkomstig uitgêlê.”

(2) Paragraaf (d) van subartikel (1) word geag op 24 Februarie 1984 in werking te getree het.

Lidmaatskap van Presidentsraad of Suid-Afrikaanse Indiërraad nie diskwalifikasie vir verkiesing as lid van Raad van Verteenwoordigers of Raad van Afgevaardigdes nie.

12. Ondanks andersluidende bepalings van enige ander wet, is 30 'n lid van die Presidentsraad ingevolge die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), ingestel, of van die Suid-Afrikaanse Indiërraad ingevolge die Wet op die Suid-Afrikaanse Indiërraad, 1968 (Wet No. 31 van 1968), ingestel, nie bloot omdat hy so 'n lid is of in dié hoedanigheid ver- 35 goeding, toelaes of voordele ontvang, onbevoeg om by die eerste algemene verkiesing van lede van die Raad van Verteenwoordigers of by die eerste algemene verkiesing van lede van die Raad van Afgevaardigdes as lid van die betrokke Raad benoem of verkies te word nie, en ontruim hy nie sy amp as lid 40 van genoemde Presidentsraad of Suid-Afrikaanse Indiërraad bloot omdat hy aldus benoem of verkies is nie.

Voortgesette betaling van sekere gelde onder sekere omstandighede.

13. (1) 'n Persoon wat by die inwerkingtreding en ingevolge artikel 102 (10) (a) of (11) van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), ophou om die 45 amp van Staatspresident of Vise-staatspresident of lid van die Presidentsraad te beklee, is geregtig op die voortgesette betaling, gedurende die onverstreke gedeelte van die tydperk waarvoor hy tot die betrokke amp verkies of daarin aangestel is, van die bedrae wat onmiddellik voor bedoelde inwerkingtreding by 50 wyse van salaris en toelaes of vergoeding en toelaes uit hoofde van die amp aan hom betaalbaar is ingevolge artikel 14 of 102 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 62 van 1961).

(2) Subartikel (1) is nie van toepassing nie of, na gelang van 55 die omstandighede, hou op om van toepassing te wees, op of ten opsigte van 'n persoon wat—

(a) op of na die datum waarop hy soos voormeld ophou om die betrokke amp te beklee, 'n lid word van die Parlement of 'n provinsiale raad of van die Presi- 60 dentsraad ingevolge die Grondwet van die Republiek van Suid-Afrika, 1983, ingestel, of 'n aanstelling in die diens van die Republiek aanvaar ten opsigte waarvan hy besoldiging (uitgesonderd vergoeding van reiskoste en van verblyfkoste in die loop van die diens aange- 65 gaan) uit Staatsfondse ontvang; of

CONSTITUTION AMENDMENT ACT, 1984

Act No. 105, 1984

first general election of members of the House of Representatives and the House of Delegates, according to whether the poll in respect of those Houses is held on the same day or on different days, and for the purposes of that session and until those Houses have been duly constituted (but not for a period longer than 14 days after the commencement of that session), each shall be deemed to consist of the members thereof elected at such general election.”; and

- (d) by the substitution for subsection (9) of the following subsection:

“(9) For the purposes of the first delimitation of electoral divisions of the House of Representatives and of the House of Delegates the words “voters of the House in the province in terms of the current voters’ lists, duly corrected up to the latest possible date” in section 49 (1) shall be deemed to be replaced by the words “persons who, according to the population register kept in terms of the Population Registration Act, 1950, and on a date not more than 30 days before the delimitation commission begins to perform its functions, would be entitled to be included in any lists of the voters contemplated in section 52 of the House in electoral divisions thereof in the province had the province been divided into electoral divisions of the House on the date in question”, and the references to voters in section 49 (2) and (3) shall be construed accordingly.”.

(2) Paragraph (d) of subsection (1) shall be deemed to have come into operation on 24 February 1984.

12. Notwithstanding anything to the contrary in any other law contained, a member of the President’s Council established in terms of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), or of the South African Indian Council established in terms of the South African Indian Council Act, 1968 (Act No. 31 of 1968), shall not merely because he is such a member or in that capacity receives any remuneration, allowances or benefits, be disqualified from being nominated or elected at the first general election of members of the House of Representatives or at the first general election of members of the House of Delegates as a member of the House in question, and shall not vacate office as a member of the said President’s Council or South African Indian Council merely because he has been so nominated or elected.”.

Membership of President’s Council or South African Indian Council not disqualification for election as member of House of Representatives or House of Delegates.

13. (1) A person who at the commencement and in terms of section 102 (10) (a) or (11) of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), ceases to hold the office of State President, Vice State President or member of the President’s Council, is entitled to the continued payment during the unexpired portion of the period for which he was elected or appointed to the office in question of the amounts payable to him by virtue of the office by way of salary and allowances or remuneration and allowances in terms of section 14 or 102 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), immediately before the said commencement.

Continued payment of certain moneys under certain circumstances.

- (2) Subsection (1) does not apply or, according to the circumstances, ceases to apply to or in respect of a person who—

(a) on or after the date on which he ceases to hold the office in question as aforesaid, becomes a member of Parliament or a provincial council or of the President’s Council established in terms of the Republic of South Africa Constitution Act, 1983, or accepts an appointment in the service of the Republic in respect of which he receives remuneration (excluding reimbursement of travelling expenses and of subsistence expenses incurred in the course of such service) out of public funds; or

Wet No. 105, 1984

GRONDWETWYSIGINGSWET, 1984

- (b) te sterwe kom voor die verstryking van die tydperk waarvoor hy tot die betrokke amp verkies of daarin aangestel was; of
 - (c) binne 30 dae na die inwerkingtreding bedoel in subartikel (1) die Staatspresident skriftelik in kennis stel dat hy verlang dat die bepalings van subartikel (1) nie op hom van toepassing moet wees nie.
- (3) Ondanks die herroeping van artikels 15 (1) en (2) en 15A van die Grondwet van die Republiek van Suid-Afrika, 1961, by die inwerkingtreding ten opsigte daarvan van artikel 101 (1) van die Grondwet van die Republiek van Suid-Afrika, 1983, bly genoemde artikel 15 (1) en (2) of 15A, na gelang van die geval, op 'n persoon wat, soos in subartikel (1) van hierdie artikel bedoel, opgehou het om die amp van Staatspresident of Vise-staatspresident te beklee en op sy weduwee van toepassing, en word 'n 15 pensioen daarkragtens betaalbaar, asof—
- (a) genoemde artikel 101 (1) nie aangeneem was nie; en
 - (b) die betrokke persoon nie soos voormeld opgehou het om die amp te beklee nie maar dit ontruim by verstryking van die tydperk waarvoor hy tot die amp verkies was of op die vroeëre datum waarop subartikel (1) van hierdie artikel ingevolge subartikel (2) (a) daarvan ophou om op hom van toepassing te wees; en
 - (c) die bedrag, vir 'n jaar bereken, wat vir die doeleindes van subartikel (1) van hierdie artikel sy salaris verteenwoordig, sy jaarlikse salaris is.

Kort titel.

14. Hierdie Wet heet die Grondwetwysigingswet, 1984.

CONSTITUTION AMENDMENT ACT, 1984

Act No. 105, 1984

- (b) dies before the expiration of the period for which he was elected or appointed to the office in question; or
- (c) within 30 days after the commencement contemplated in subsection (1) notifies the State President in writing that he desires that the provisions of subsection (1) shall not apply to him.

(3) Notwithstanding the repeal of sections 15 (1) and (2) and 15A of the Republic of South Africa Constitution Act, 1961, at the commencement and in terms of section 101 (1) of the Republic of South Africa Constitution Act, 1983, the provisions of the said section 15 (1) and (2) or 15A, as the case may be, shall continue to apply to a person who has ceased to hold the office of State President or Vice State President as aforesaid and to his widow, and a pension thereunder shall become payable, as if—

- (a) the said section 101 (1) had not been passed;
- (b) the person in question had not ceased to hold the office as aforesaid but vacates it at the expiration of the period for which he had been elected to the office or on the earlier date on which subsection (1) of this section ceases to apply to him in terms of subsection (2) (a) thereof; and
- (c) the amount, calculated for one year, which represents his salary for the purposes of subsection (1) of this section, were his annual salary.”.

14. This Act shall be called the Constitution Amendment Act, Short title.
1984.

