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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1503. 2 July 1985

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

No. 104 of 1985: Constitutional Affairs Amendment Act, 1985.

No. 1503. 2 Julie 1985

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

No. 104 van 1985: Wysigingswet op Staatkundige Aangeleenthede, 1985.

Act No. 104, 1985

CONSTITUTIONAL AFFAIRS AMENDMENT ACT, 1985

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 provisions of the Prohibition of Political Interference Act, 1968, so as to repeal the provisions which prohibit the interference by one population group in the politics of any other population group; to further regulate the prohibition of the receipt by a political party of financial assistance from abroad; and to alter the fines which may be imposed for contraventions of that prohibition; to provide that vacancies in provincial councils shall not be filled; to regulate the holding of general elections for local government bodies; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 1 July 1985.)

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

Repeal of
sections 1 and 2 of
Act 51 of 1968.

1. Sections 1 and 2 of the Prohibition of Political Interference Act, 1968 (hereinafter referred to as the principal Act), are hereby repealed. 5

Substitution of
section 3 of
Act 51 of 1968.

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

“Prohibition
of receipt of
financial
assistance
from abroad.

3. (1) No political party or member of such a party and no other person shall from outside the Republic receive within the Republic, or bring or cause to be brought into the Republic, any money which, on the ground of a donation or on any other ground, is intended to be used, or in the discretion of such political party, member **[person or any]** or other person may be used, to further the interest of any political party or the candidature of himself or any other person who has been nominated or may be nominated as a candidate for any election **[referred to in section 2 (b)]** in terms of the Electoral Act, 1979 (Act No. 45 of 1979), or any other law to which the State President has by proclamation in the *Gazette* applied the provisions of this section, or to combat any aim or principle of a political party. 15 20

(2) For the purposes of this section “money” includes anything which can be cashed or be converted into money.” 25

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 bepalings van die Wet op die Verbod op Politieke Inmenging, 1968, ten einde die bepalings wat die inmenging deur een bevolkingsgroep in die politiek van 'n ander bevolkingsgroep verbied, te herroep; die verbod op die ontvangs deur 'n politieke party van geldelike ondersteuning uit die buiteland verder te reël; en die strawwe wat ten opsigte van oortredings van daardie verbod opgelê kan word, te verander; om te bepaal dat vakatures in provinsiale rade nie gevul word nie; om die hou van algemene verkiesings vir plaaslike owerheidsliggame te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Julie 1985.)

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

1. Artikels 1 en 2 van die Wet op die Verbod op Politieke Inmenging, 1968 (hieronder die Hoofwet genoem), word hierby
5 herroep. Herroeping van artikels 1 en 2 van Wet 51 van 1968.

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

10 "Verbod op ontvangs van geldelike ondersteuning vanuit die buiteland.

15 3. (1) Geen politieke party of lid van so 'n party en geen ander persoon mag geld wat op grond van 'n skenking of op enige ander grond bestem is om gebruik te word, of na goëddunke van daardie politieke party, lid of **[persoon of 'n]** ander persoon gebruik kan word, om die belange van 'n politieke party of die kandidatuur van homself of 'n ander persoon wat tot kandidaat vir 'n **[in artikel 2 (b) bedoelde]** verkiesing ingevolge die Kieswet, 1979 (Wet No. 45 van 1979), of 'n ander wet waarop die Staatspresident die bepalings van hierdie artikel by

20 proklamasie in die Staatskoerant van toepassing gemaak het, genomineer is of genomineer kan word, te bevorder, of om die een of ander doelstelling of beginsel van 'n politieke party te bekamp, van buite die Republiek in die Republiek ontvang of inbring of laat inbring nie.

25 (2) By die toepassing van hierdie artikel beteken "geld" ook enigiets wat gewissel of in geld omgesit kan word."

Vervanging van artikel 3 van Wet 51 van 1968.

Act No. 104, 1985

CONSTITUTIONAL AFFAIRS AMENDMENT ACT, 1985

Substitution of
section 4 of
Act 51 of 1968.

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

"Offences
and penal-
ties.

4. [(1)] Any person who contravenes any provision of this Act shall be guilty of an offence and liable on conviction—

- (a) in the case of a first conviction, to a fine of not **[less than three hundred rand or more than six hundred rand]** more than three thousand rand or imprisonment for a period of not **[less than six months or]** more than twelve months or to both such fine and such imprisonment; and
- (b) in the case of a second or subsequent conviction, to a fine of not **[less than one thousand rand or more than two thousand rand]** more than ten thousand rand or imprisonment for a period of not **[less than one year or]** more than two years or to both such fine and such imprisonment."

[(2) No prosecution in respect of an offence under this section shall be instituted except on the express direction of the Attorney-General concerned.]

Substitution of
section 5 of
Act 51 of 1968.

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

"Short
title.

5. This Act shall be called the Prohibition of **[Political Interference]** Foreign Financing of Political Parties Act, 1968."

Substitution of
long title of
Act 51 of 1968.

5. The following long title is hereby substituted for the long title of the principal Act:

"ACT

To prohibit the receipt by political parties of financial assistance from abroad."

Insertion of
section 69A in
Act 32 of 1961.

6. The following section is hereby inserted in the Provincial Government Act, 1961, after section 69:

"Vacancies
in provincial
councils.

69A. Notwithstanding the provisions of section 110 of the Electoral Act, 1979 (Act No. 45 of 1979), a vacancy, referred to in that section, in the representation of any electoral division of a provincial council shall not be filled."

General elections
for local govern-
ment bodies.

7. (1) Notwithstanding anything to the contrary contained in any law, the first general election, after the commencement of this Act, of the members of all local government bodies in the respective provinces shall take place in 1988, on a day fixed by each Administrator in respect of the province in question.

(2) Unless the council or committee of a local government body dissolves for a reason other than the expiration of the period for which it has been elected, the council or committee of each local government body shall continue up to the day immediately preceding the day fixed in terms of subsection (1), and, unless his membership is terminated for a reason other than the expiration of the period for which he has been elected as such a member, it shall be deemed that every member of the council or committee of a local government body has been properly elected as such in terms of the appropriate electoral law for a period ending on such first-mentioned day.

(3) For the purposes of this section—

- (i) "Administrator" means the Administrator-in-Executive Committee of the province in question, acting after consultation with the Minister who administers the Department of Local Government, Housing and Works of the Administration: House of Assembly, the Department

WYSIGINGSWET OP STAATKUNDIGE AANGELEENTHEDE, 1985

Wet No. 104, 1985

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

Vervanging van
artikel 4 van
Wet 51 van 1968.

"Oortredings
en strawwe.

5

4. [(1)] Iemand wat 'n bepaling van hierdie Wet oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

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(a) in die geval van 'n eerste skuldigbevinding, met 'n boete van **[minstens driehonderd rand en hoogstens seshonderd rand]** hoogstens drieduisend rand of gevangenisstraf vir 'n tydperk van **[minstens ses maande en]** hoogstens twaalf maande of met sowel daardie boete as daardie gevangenisstraf; en

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(b) in die geval van 'n tweede of daaropvolgende skuldigbevinding, met 'n boete van **[minstens duisend rand en hoogstens tweeduisend rand]** hoogstens tienduisend rand of gevangenisstraf vir 'n tydperk van **[minstens een jaar en]** hoogstens twee jaar of met sowel daardie boete as daardie gevangenisstraf."

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[(2) Geen vervolging word weens 'n in hierdie artikel bedoelde misdryf ingestel nie behalwe ingevolge die uitdruklike opdrag van die betrokke prokureur-generaal.]

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

Vervanging van
artikel 5 van
Wet 51 van 1968.

"Kort titel.

5. Hierdie Wet heet die Wet op die Verbod op **[Politieke Inmenging]** Buitelandse Finansiering van Politieke Partye, 1968."

5. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

Vervanging van
lang titel van
Wet 51 van 1968.

"WET

Om die ontvangs deur politieke partye van geldelike ondersteuning vanuit die buiteland te verbied."

6. Die volgende artikel word hierby in die Wet op Provinsiale Bestuur, 1961, na artikel 69 ingevoeg:

Invoeging van
artikel 69A in
Wet 32 van 1961.

"Vakatures
in provinsiale
rade.

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69A. Ondanks die bepalings van artikel 110 van die Kieswet, 1979 (Wet No. 45 van 1979), word 'n vakature, bedoel in daardie artikel, in die verteenwoordiging van 'n kiesafdeling van 'n provinsiale raad nie aangevul nie."

7. (1) Ondanks andersluidende bepalings van die een of ander wet vind die eerste algemene verkiesing, na die inwerkingtreding van hierdie Wet, van die lede van alle plaaslike owerheidsliggame in die onderskeie provinsies in 1988 plaas, op 'n dag wat elke Administrateur ten opsigte van die betrokke provinsie bepaal.

Algemene verkiesings
vir plaaslike
owerheidsliggame.

(2) Tensy die raad of komitee van 'n plaaslike owerheidsliggaam om 'n ander rede as die verstryking van die tydperk waarvoor hy verkies is, ontbind, duur die raad of komitee van elke plaaslike owerheidsliggaam tot die dag wat die dag wat ingevolge subartikel (1) bepaal word, onmiddellik voorafgaan, en, tensy sy lidmaatskap om 'n ander rede as die verstryking van die termyn waarvoor hy as sodanige lid verkies is, beëindig word, word daar geag dat elke lid van die raad of komitee van 'n plaaslike owerheidsliggaam behoorlik ingevolge die toepaslike kieswet as sodanig verkies is vir 'n tydperk wat op eersgenoemde dag eindig.

(3) By die toepassing van hierdie artikel beteken—

(i) "Administrateur" die Administrateur-in-Uitvoerende Komitee van die betrokke provinsie, handelende na oorleg met die Minister wat die Departement van Plaaslike Bestuur, Behuising en Werke van die Administrasie: Volksraad, die Departement van Plaaslike

Act No. 104, 1985

CONSTITUTIONAL AFFAIRS AMENDMENT ACT, 1985

of Local Government, Housing and Agriculture of the Administration: House of Representatives or the Department of Local Government, Housing and Agriculture of the Administration: House of Delegates, according to the population group in question; (i) 5

(ii) "appropriate electoral law" means an appropriate electoral law as defined in section 1 (1) of the Local Government Bodies Franchise Act, 1984 (Act No. 117 of 1984); (iii)

(iii) "local government body" means a local government body as defined in section 1 (1) of the Local Government Bodies Franchise Act, 1984. (ii) 10

Short title.

8. This Act shall be called the Constitutional Affairs Amendment Act, 1985.

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WYSIGINGSWET OP STAATKUNDIGE AANGELEENTHEDE, 1985

Wet No. 104, 1985

- Bestuur, Behuising en Landbou van die Administrasie:
Raad van Verteenwoordigers of die Departement van
Plaaslike Bestuur, Behuising en Landbou van die Ad-
ministrasie: Raad van Afgevaardigdes administreer, na
5 gelang van die bevolkingsgroep wat betrokke is; (i)
(ii) "plaaslike owerheidsliggaam" 'n plaaslike owerheidslig-
gaam soos omskryf in artikel 1 (1) van die Wet op
Stemreg vir Plaaslike Owerheidsliggame, 1984 (Wet
No. 117 van 1984); (iii)
10 (iii) "toepaslike kieswet" 'n toepaslike kieswet soos om-
skryf in artikel 1 (1) van die Wet op Stemreg vir Plaas-
like Owerheidsliggame, 1984. (ii)

8. Hierdie Wet heet die Wysigingswet op Staatkundige Aan- Kort
geleentheid, 1985. titel.

