



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Verkoopprys • Selling price
(AVB uitgesluit/GST excluded)

Plaaslik 50c Local
Buiteland 70c Other countries
Posvry • Post free

VOL. 279

KAAPSTAD, 7 SEPTEMBER 1988

No. 11501

CAPE TOWN, 7 SEPTEMBER 1988

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1810.

7 September 1988

No. 1810.

7 September 1988

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

No. 97 van 1988: Tweede Wysigingswet op Staatkundige Wetgewing, 1988.

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

No. 97 of 1988: Constitutional Laws Second Amendment Act, 1988.

Wet No. 97, 1988**TWEEDE WYSIGINGSWET OP STAATKUNDIGE WETGEWING,
1988****ALGEMENE VERDUIDELIKENDE NOTA:**

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

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

WET

Om Proklamasie No. R.114 van 1984 geldig te verklaar; sekere bepalings van Goewermentskennisgewing No. 1038 van 1986 in soverre hulle in KwaNdebele geld, op te skort; voorsiening te maak vir die hertoepassing van gemelde bepalings in KwaNdebele met ingang van 'n sekere datum; voorsiening te maak vir die ontbinding van die KwaNdebele- Wetgewende Vergadering op 'n sekere datum, en vir die verkiesing van lede van gemelde Wetgewende Vergadering; om die KwaNdebele-grondwetproklamasie te wysig ten einde die reg om vir 16 lede van gemelde Wetgewende Vergadering te stem, te verleen aan sekere vroue wat burgers van KwaNdebele is; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 31 Augustus 1988.)*

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

Geldigverklaring van Proklamasie No. 114 van 1984

1. Proklamasie No. 114 van 6 Julie 1984 uitgevaardig deur die Staatspresident ingevolge artikel 2 van die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971), word hierby geldig verklaar met ingang van 6 Julie 1984.

Opskorting van sekere bepalings van Goewermentskennisgewing No. 1038 van 23 Mei 1986

2. Goewermentskennisgewing No. 1038 van 23 Mei 1986 word hierby opgeskort in soverre dit Item 17 (c) van Bylae I by die Grondwet van die Nasionale State, 1971, 10 van toepassing maak in die gebied ten opsigte waarvan die KwaNdebele- Wetgewende Vergadering ingestel is.

Ontbinding van KwaNdebele- Wetgewende Vergadering

3. Die KwaNdebele- Wetgewende Vergadering word ontbind op 'n dag deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal, watter datum so gou 15 doenlik moet wees na die inwerkingtreding van hierdie Wet.

Verkiesing van lede van KwaNdebele- Wetgewende Vergadering

4. Die verkiesing van 16 lede van die KwaNdebele- Wetgewende Vergadering wat gehou moet word na aanleiding van die ontbinding daarvan soos in artikel 3 bepaal, moet plaasvind so gou doenlik na die inwerkingtreding van hierdie Wet, en moet 'n 20 aanvang neem op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

CONSTITUTIONAL LAWS SECOND AMENDMENT ACT, 1988

Act No. 97, 1988

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 validate Proclamation No. R.114 of 1984; to suspend certain provisions of Government Notice No. 1038 of 1986 in so far as they apply in KwaNdebele; to provide for the re-application of the said provisions in KwaNdebele with effect from a certain date; to provide for the dissolution of the KwaNdebele Legislative Assembly on a certain date, and for the election of members of the said Legislative Assembly; to amend the KwaNdebele Constitution Proclamation in order to confer the right to vote for 16 members of the said Legislative Assembly on certain women who are citizens of KwaNdebele; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 31 August 1988.)

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

Validation of Proclamation No. 114 of 1984

1. Proclamation No. 114 of 6 July 1984 issued by the State President in terms of section 2 of the National States Constitution Act, 1971 (Act No. 21 of 1971), is hereby validated with effect from 6 July 1984.

Suspension of certain provisions of Government Notice No. 1038 of 23 May 1986

2. Government Notice No. 1038 of 23 May 1986 is hereby suspended in so far as it makes Item 17 (c) of Schedule I of the National States Constitution Act, 1971, applicable in the area in respect of which the KwaNdebele Legislative Assembly was established.

Dissolution of KwaNdebele Legislative Assembly

3. The KwaNdebele Legislative Assembly shall be dissolved on a day fixed by the State President by proclamation in the *Gazette*, which date shall be as soon as 15 possible after the commencement of this Act.

Election of members of KwaNdebele Legislative Assembly

4. The election of 16 members of the KwaNdebele Legislative Assembly to be held in pursuance of the dissolution thereof as provided for in section 3, shall take place as soon as possible after the commencement of this Act, and shall commence on a date fixed by the State President by proclamation in the *Gazette*.

Wet No. 97, 1988

TWEEDE WYSIGINGSWET OP STAATKUNDIGE WETGEWING,
1988**Hertoepassing van bepalings deur artikel 2 opgeskort**

5. Die bepalings van Goewermentskennisgewing No. 1038 van 1986 wat deur artikel 2 opgeskort is, is weer in die gebied in daardie artikel vermeld, van toepassing, met ingang van die laaste dag van die verkiesing in artikel 4 vermeld.

Wysiging van Proklamasie No. 205 van 1979, soos gewysig deur Proklamasie No. 114 5 van 1984

6. Proklamasie No. 205 van 14 September 1979 uitgevaardig deur die Staatspresident, word hierby gewysig soos in die Bylae uiteengesit.

Kort titel

7. Hierdie Wet heet die Tweede Wysigingswet op Staatkundige Wetgewing, 1988. 10

BYLAE

Wysiging van die KwaNdebele-grondwetproklamasie, 1979, soos volg:—

1. Wysiging van artikel 1 van Deel I van Bylae II—

- (a) deur die omskrywing van "kieser" deur die volgende omskrywing te vervang:
"kieser" 'n **[manlike]** burger van KwaNdebele bo die ouderdom van 21 jaar;" en
- (b) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:
"Minister" die Minister **[van Samewerking en Ontwikkeling]** aan wie die Hoofminister van KwaNdebele die behartiging van die aangeleenthede met betrekking tot die hou van verkiesings opgedra het;".

2. Wysiging van artikel 2 van Deel II van Bylae II deur subartikel (2) (a) deur die volgende subartikel te vervang:

- "(2) (a) Die aanwysing van lede in subartikels (1) (a), (b), (c), (e), (f) en (g) bedoel, vind plaas op die datum of datums wat die Minister by kennisgewing in die **[Staatskoerant] Amptelike Koerant** bepaal.".

3. Wysiging van artikel 4 van Deel II van Bylae II deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

- "(b) nie 'n **[manlike]** burger van KwaNdebele is nie;".

30

4. Wysiging van artikel 1 van Deel I van Bylae III—

- (a) deur na die omskrywing van "behoorlik verkose" die volgende omskrywing in te voeg:
"**distrikverteenwoordiger**' 'n beampye aangewys deur die Direkteur-generaal van Binnelandse Sake van die Republiek van Suid-Afrika as 'n verteenvwoordiger van die Departement van Binnelandse Sake in 'n bepaalde gebied;";
- (b) deur die omskrywing van "hoofstemopnemer" deur die volgende omskrywing te vervang:
"hoofstemopnemer" 'n **[kommissaris]** distrikverteenwoordiger of landdros wat kragtens artikel 7 'n hoofstemopnemer is;";
- (c) deur die omskrywing van "identiteitsdokument" deur die volgende omskrywing te vervang:
"**identiteitsdokument**" 'n identiteitsdokument bedoel in artikel 8 (1) (a), gelees met artikel 8 (3) (b) van die Wet op Identiteitsdokumente, 1986 (Wet No. 72 van 1986);";
- (d) deur die omskrywing van "kieser" deur die volgende omskrywing te vervang:

CONSTITUTIONAL LAWS SECOND AMENDMENT ACT, 1988

Act No. 97, 1988

Re-application of provisions suspended by section 2

5. The provisions of Government Notice No. 1038 of 1986 suspended by section 2 shall again apply in the area referred to in that section, with effect from the last day of the election mentioned in section 4.

5 Amendment of Proclamation No. 205 of 1979, as amended by Proclamation No. 114 of 1984

6. Proclamation No. 205 of 14 September 1979 issued by the State President, is hereby amended as set out in the Schedule.

Short title

10 7. This Act shall be called the Constitutional Laws Second Amendment Act, 1988.

SCHEDULE

Amendment of the KwaNdebele Constitution Proclamation, 1979, as follows:—

1. Amendment of section 1 of Part I of Schedule II—

- 15 (a) by the substitution for the definition of "Minister" of the following definition:
"Minister" shall mean the Minister [of Co-operation and Development] to whom the Chief Minister of KwaNdebele has assigned the management of the affairs pertaining to the holding of elections;" and
(b) by the substitution for the definition of "voter" of the following definition:
20 "voter" shall mean any [male] citizen of KwaNdebele above the age of 21 years.".

2. Amendment of section 2 of Part II of Schedule II by the substitution for subsection (2) (a) of the following subsection:

- 25 "(2) (a) The designation of members referred to in subsection (1) (a), (b), (c), (e), (f) and (g) shall take place upon such date or dates as the Minister may determine by notice in the Official Gazette."

3. Amendment of section 4 of Part II of Schedule II by the substitution for paragraph (b) of subsection (1) of the following paragraph:

- 30 "(b) is not a [male] citizen of KwaNdebele;"
4. Amendment of section 1 of Part I of Schedule III—
(a) by the deletion of the definition of "commissioner";
(b) by the substitution for the definition of "chief polling officer" of the following definition:
35 "chief polling officer" shall mean any [commissioner] district representative or [magistrate] landdro's who is a chief polling officer under section 7;";
(c) by the insertion of the following definition before the definition of "duly elected":
40 "district representative" shall mean an officer designated by the Director-general of Home Affairs of the Republic of South Africa as a representative of the Department of Home Affairs in a specific area;"
(d) by the substitution for the definition of "identity document" of the following definition:

Wet No. 97, 1988

TWEEDE WYSIGINGSWET OP STAATKUNDIGE WETGEWING,
1988

- “kieser” ’n **[manlike]** persoon bo die ouderdom van 21 jaar wat kragtens artikel 3 van die Wet op Burgerskap van Nasionale State, 1970 (Wet No. 26 van 1970), ’n burger van KwaNdebele is en wat geregtig is om te stem in ’n kiesafdeling in KwaNdebele by ’n verkiesing van lede van die KwaNdebele- Wetgewende Vergadering;”; 5
- (e) deur die omskrywing van “kommissaris” te skrap;
 - (f) deur na die omskrywing van “kieser” die volgende omskrywing in te voeg: “landdros’ n landdros buite KwaNdebele aangestel kragtens die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944);”.
 - (g) deur die omskrywing van “magistraat” deur die volgende omskrywing te vervang:
“magistraat” ’n magistraat aangestel binne KwaNdebele kragtens die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944);” en
 - (h) deur die omskrywing van “stemdistrik” deur die volgende omskrywing te vervang:
“stemdistrik” die regsgebied van ’n **[kommissaris]** landdros of ’n kiesafdeling;”; 15

5. Wysiging van artikel 7 van Deel II van Bylae III deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Elke **[kommissaris of magistraat]** distrikverteenwoordiger of landdros 20 buite KwaNdebele is amphalwe die hoofstemopnemer vir die **[gebied waарoor hy regsbevoegdheid uitoefen]** stemdistrik waarin sy kantoor geleë is: Met dien verstaande dat waar ’n **[magistraat]** landdros sowel as ’n **[kommissaris]** distrikverteenwoordiger **[oor]** binne dieselfde **[gebied regsbevoegdheid uitoefen]** stemdistrik gesetel is, die **[kommissaris]** distrikverteenwoordiger die hoofstemopnemer ten opsigte van sodanige **[gebied]** stemdistrik is.”. 25

6. Wysiging van artikel 27 van Deel II van Bylae III—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) ’n Persoon wat daarop aanspraak maak om by ’n verkiesing van lede van die Wetgewende Vergadering te stem, kan te eniger tyd voor of gedurende so ’n verkiesing sy identiteitsdokument toon aan enige landdros, **[kommissaris,]** magistraat, distrikverteenwoordiger, hoofstemopnemer, kiesbeampte of stemopnemer wat—

(a) indien hy daarvan oortuig is dat sodanige persoon ’n burger van KwaNdebele is en nie aan die diskwalifikasies in artikel 4 van Bylae II van hierdie Proklamasie bedoel onderhewig is nie—

[(a)] (i) deur ondervraging van die kieser die kiesafdeling waarin die kieser geregtig is om te stem, moet bepaal;

[(b)] ’n inskrywing in die vorm vervat in Aanhangel F hiervan moet maak in Afdeling E van sodanige identiteitsdokument] 40

(ii) ’n voltooide kiesersregistrasiekaart in die vorm van Aanhangel F hiervan aan die kieser oorhandig; en

(iii) ’n gepaste merk en datum, onder sy handtekening op bladsy 2 van die identiteitsdokument bedoel in artikel 8 (1) (a) of deel E van die identiteitsdokument bedoel in artikel 8 (3) (b) van die Wet op Identiteitsdokumente, 1986 (Wet No. 72 van 1986), aanbring; 45

(b) indien hy twyfel of sodanige persoon ’n burger van KwaNdebele is, vereis dat sodanige persoon bewys van burgerskap van KwaNdebele tot sy bevrediging voorlê, waarna gehandel word soos voorgeskryf in subparagrawe (i), (ii) en (iii) van paragraaf (a).”; 50

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

“(2) By ’n verkiesing moet die stemopnemer by voorlegging aan hom deur enige persoon van ’n **[identiteitsdokument wat ’n inskrywing in subartikel (1), genoem bevat,]** kiesersregistrasiekaart uitgereik ingevolge subartikel (1) tesame met sy identiteitsdokument, en nadat hy vasgestel het dat geen stembrief reeds aan die kieser by daardie verkiesing uitgereik is nie—

(a) die kiesersregistrasiekaart in besit neem en die geheime merk wat by daardie verkiesing gebruik word **[, in afdeling E van die kieser se identiteitsdokument]** op die keersy van sodanige kaart aanbring; 60

CONSTITUTIONAL LAWS SECOND AMENDMENT ACT, 1988

Act No. 97, 1988

- “‘identity document’ shall mean an identity document referred to in section 8 (1) (a) read with section 8 (3) (b) of the Identification Act, 1986 (Act No. 72 of 1986);”;
- (e) by the insertion of the following definition after the definition of “identity document”:
- “‘landdros’ shall mean a magistrate appointed outside KwaNdebele in terms of the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944);”;
- (f) by the substitution for the definition of “magistrate” of the following definition:
- “‘magistrate’ shall mean a magistrate appointed within KwaNdebele in terms of the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944);”;
- (g) by the substitution for the definition of “polling district” of the following definition:
- “‘polling district’ shall mean the area of jurisdiction of a [commissioner or magistrate] landdros or an electoral division;” and
- (h) by the substitution for the definition of “voter” of the following definition:
- “‘voter’ shall mean any [male] person above the age of 21 years who is a citizen of KwaNdebele under section 3 of the National States Citizenship Act, 1970 (Act No. 26 of 1970), and who is entitled to vote in an electoral division in KwaNdebele in an election of members of the Legislative Assembly.”.

5. Amendment of section 7 of Part II of Schedule III by the substitution for subsection (1) of the following subsection:

“(1) Every [commissioner or magistrate] regional representative or landdros outside KwaNdebele shall *ex officio* be the chief polling officer for the [area over which he exercises jurisdiction] polling district in which his office is situated: Provided that, where both a [magistrate] landdros and a [commissioner] regional representative [exercise jurisdiction over] have their seat within the same [area] polling district, the [commissioner] district representative shall be the chief polling officer in respect of such [area] polling district.”.

6. Amendment of section 27 of Part II of Schedule III—

- (a) by the substitution for subsection (1) of the following subsection:
- “(1) Any person claiming to vote at any election of members of the Legislative Assembly may at any time before or during such election produce his identity document to any landdros, magistrate, [commissioner] district representative, chief polling officer, returning officer or polling officer, who shall—
- (a) if he is satisfied that such person is a citizen of KwaNdebele and is not subject to the disqualification referred to in section 4 of Schedule II of this Proclamation—
- [(a)] (i) by questioning the voter, determine the electoral division in which such voter is entitled to vote; [and]
- (b) in section E of such identity document, make an entry in the form contained in Annexure F hereto.]
- (ii) hand a completed voter’s registration card in the form of Annexure F hereto, to the voter; and
- (iii) under his signature enter an appropriate mark and date on page 2 of the identity document referred to in section 8 (1) (a) or part E of the identity document referred to in section 8 (3) (b) of the Identification Act, 1986 (Act No. 72 of 1986);
- (b) if he doubts whether any such person is a citizen of KwaNdebele, insist that such person produce proof of citizenship of KwaNdebele to his satisfaction, whereafter the procedure prescribed in subparagraphs (i), (ii) and (iii) of paragraph (a) shall be followed.”;
- (b) by the substitution for subsection (2) of the following subsection:
- “(2) In any election the polling officer, upon production by any person of [an identity document containing an entry referred to in subsection (1) to the effect that such person is entitled to vote] a voter’s registration card issued in terms of subsection 1 together with his identity document, and after determining that no ballot paper has been issued to such voter at such election, shall—
- (a) take possession of the voter’s registration card and stamp [, in Section E of the voter’s identity document] the secret mark used in such election on the reverse side of such card;

Wet No. 97, 1988**TWEEDE WYSIGINGSWET OP STAATKUNDIGE WETGEWING,
1988**

- [b] die datum oor die stempel in die identiteitsdokument endosseer;]**
- (c) die geheime merk agterop 'n stembrief aanbring wat die betrokke besonderhede bevat ten opsigte van die kiesafdeling waarin die kieser geregtig is om te stem; en
- (d) die stembrief aan die kieser oorhandig.”.

5

7. Vervanging van Aanhangel F van Bylae III deur die volgende Aanhangel:

“AANHANGSEL F**KWANDEBELE- WETGEWENDE VERGADERING
KIESERSREGISTRASIEKAART**

Ek..... verklaar dat identiteitsnommer 'n burger van KwaNdebele is en geregtig is om te stem in die kiesafdeling gedurende

10

.....
HANDTEKENING
.....

15

.....
HOEDANIGHEID

.....
DISTRINK

.....
DATUM

CONSTITUTIONAL LAWS SECOND AMENDMENT ACT, 1988

Act No. 97, 1988

- 5 [(b) endorse the date across the stamp in such identity document;]
 (c) stamp the secret mark on the back of a ballot paper containing the relevant particulars in respect of the electoral division in which such voter is entitled to vote; and
 (d) hand such ballot paper to such voter.”.

7. Substitution for Annexure F of Schedule III of the following Annexure:

“ANNEXURE F”

**KWANDEBELE LEGISLATIVE ASSEMBLY
VOTER'S REGISTRATION CARD**

10 I hereby declare
 that
 identity number is a
 citizen of KwaNdebele and entitled to vote in the electoral division
 during the period

15
SIGNATURE

.....
CAPACITY

DISTRICT.....

DATE ”.

