



REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1613. 13 Julie 1990

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

No. 111 van 1990: Wysigingswet op die Grondwet van die Nasionale State, 1990.

No. 1613. 13 July 1990

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

No. 111 of 1990: National States Constitution Amendment Act, 1990.

Wet No. 111, 1990

WYSIGINGSWET OP DIE GRONDWET VAN DIE NASIONALE
STATE, 1990**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 Grondwet van die Nasionale State, 1971, ten einde die ondertekening en registrasie van die wette van 'n selfregerende gebied verder te reël; die Staatspresident te magtig om 'n ondersoek te laat instel na aangeleenthede van openbare belang; die oordrag van grond en ander openbare eiendom aan die Regering van 'n selfregerende gebied verder te reël; die bevoegdhede van die wetgewende vergadering van 'n selfregerende gebied om wette te maak oor geboortes, sterftes, huwelike en gebruklike verbindings uit te brei; en die kort titel te vervang; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1990.)*

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

Wysiging van artikel 33 van Wet 21 van 1971

1. Artikel 33 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: 5

“(1) So spoedig moontlik nadat die Staatspresident toestemming tot 'n wet verleen het, laat die betrokke Kabinet **[skoon]** eksimplare van die wet, in elk van die amptelike tale, waarvan een eksimplaar deur die Staatspresident onderteken moet wees, opneem in die register van die kantoor van die griffier van die Hooggeregshof of die Hoërhof wat oorspronklike regsbevoegdheid besit 10 in die gebied waarin die gebou waar die wetgewende vergadering sitting hou, geleë is.”.

Invoeging van artikel 35A in Wet 21 van 1971

2. Die volgende artikel word hierby in die Hoofwet na artikel 35 ingevoeg:

“Staatspresident kan ondersoek laat instel 15

35A. Ondanks die bepalinge van hierdie Wet of enige ander wet kan die Staatspresident 'n ondersoek wat hy goeddink, laat instel na enige aangeleentheid van openbare belang.”.

Wysiging van artikel 36 van Wet 21 van 1971

3. Artikel 36 van die Hoofwet word hierby gewysig deur subartikel (1) deur die 20 volgende subartikel te vervang:

“(1) Die Staatspresident kan by proklamasie in die *Staatskoerant* gelas dat vanaf 'n datum wat hy bepaal enige grond of ander openbare eiendom in 'n selfregerende gebied waarvan die eiendomsreg of beheer berus by of verkry is

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 National States Constitution Act, 1971, so as to further regulate the signature and enrolment of the laws of a self-governing territory; to empower the State President to cause an inquiry to be held into matters of public interest; to further regulate the transfer of land and other public property to the Government of a self-governing territory; to extend the powers of the legislative assembly of a self-governing territory to legislate on births, deaths, marriages and customary unions; and to replace the short title; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 28 June 1990.)

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

Amendment of section 33 of Act 21 of 1971

1. Section 33 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) As soon as possible after a law has been assented to by the State President, the Cabinet concerned shall cause **[fair]** copies of the law, in each of the official languages, of which one copy shall be signed by the State President, to be enrolled of record in the office of the registrar of the Supreme Court or the High Court having original jurisdiction in the area in which the building where the legislative assembly holds its sessions is situated.”.

Insertion of section 35A in Act 21 of 1971

2. The following section is hereby inserted in the principal Act after section 35:

“State President may cause inquiry to be held

15 **35A.** Notwithstanding the provisions of this Act or any other law, the State President may cause any inquiry which he may deem fit to be held into any matter of public interest.”.

Amendment of section 36 of Act 21 of 1971

3. Section 36 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The State President may by proclamation in the *Gazette* direct that as from a date determined by him any land or other public property in a self-governing territory the ownership or control of which is vested in or has

Wet No. 111, 1990

WYSIGINGSWET OP DIE GRONDWET VAN DIE NASIONALE
STATE, 1990

deur die Regering van die Republiek, 'n provinsiale administrasie of die Suid-Afrikaanse Ontwikkelingstrust ingestel by artikel 4 van die Ontwikkelings-
trust en Grond Wet, 1936 (Wet No. 18 van 1936), berus by of oorgedra word aan
die Regering van die betrokke gebied onderworpe aan die bepalings van hierdie
Wet en die ander voorwaardes wat in bedoelde proklamasie bepaal word **[Met** 5
dien verstande dat grond in bedoelde gebied nog vir die nedersetting, onderhoud,
voordeel en stofflike en morele welsyn van burgers geadministreer moet word].”

Wysiging van Bylae 1 by Wet 21 van 1971, soos gewysig deur artikel 12 van Wet 23
van 1972, artikel 15 van Wet 7 van 1973, artikel 24 van Wet 70 van 1974, artikel 10
van Wet 71 van 1974, artikel 4 van Wet 115 van 1977, artikel 19 van Wet 12 van 1978, 10
Proklamasie No. R.150 van 1979, Proklamasie No. R.3 van 1980, Proklamasie No.
172 van 1980, Proklamasie No. R.235 van 1980, Proklamasie No. R.116 van 1984,
Proklamasie No. R.112 van 1985, Proklamasie No. 38 van 1986, Proklamasie No. 141
van 1986, Proklamasie No. R.20 van 1987, Proklamasie No. R.64 van 1987, artikel 20
van Wet 32 van 1987 en Proklamasie No. R.109 van 1988 15

4. Bylae 1 by die Hoofwet word hierby gewysig deur item 26 deur die volgende
item te vervang:

“26. Geboortes, sterftes, huwelike en gebruiklike verbindings **[ten opsigte van**
burgers].”

Vervanging van artikel 40 van Wet 21 van 1971 20

5. (1) Artikel 40 van die Hoofwet word hierby deur die volgende artikel vervang:

“Kort titel

**40. Hierdie Wet heet die Grondwet van die [Nasionale State] Self-
regerende Gebiede, 1971.”**

(2) Tensy dit in 'n bepaalde geval klaarblyklik onvanpas sou wees, word 'n 25
verwysing in enige wet of stuk na “nasionale staat” of “Grondwet van die Nasionale
State, 1971” uitgelê onderskeidelik as 'n verwysing na “selfregerende gebied” en
“Grondwet van die Selfregerende Gebiede, 1971”.

Wysiging van proklamasies

6. Die proklamasies in die Bylae genoem, word hierby gewysig in die mate in die 30
derde kolom daarvan aangedui.

Kort titel en inwerkingtreding

7. (1) Hierdie Wet heet die Wysigingswet op die Grondwet van die Nasionale
State, 1990.

(2) Artikels 2 en 4 word geag op 31 Maart 1971 in werking te getree het.

Bylae

BEPALINGS VAN PROKLAMASIES GEWYSIG (ARTIKEL 9)

No. en jaar van proklamasie	Kort titel	Omvang van herroeping
Proklamasie No. R.228 van 1986	Oordrag van Grond en Sekere Regte aan die Regering van Lebowa	Paragraaf (5).
Proklamasie No. R.229 van 1986	Oordrag van Grond en Sekere Regte aan die Regering van KaNgwane	Paragraaf (6).
Proklamasie No. R.230 van 1986	Oordrag van Grond en Sekere Regte aan die Regering van Gazankulu	Paragraaf (6).
Proklamasie No. R.231 van 1986	Oordrag van Grond en Sekere Regte aan die Regering van Qwaqwa	Paragraaf (6).
Proklamasie No. R.232 van 1986	Oordrag van Grond en Sekere Regte aan die Regering van KwaZulu	Paragraaf (5).
Proklamasie No. R.233 van 1986	Oordrag van Grond en Sekere Regte aan die Regering van KwaNdebele	Paragraaf (6).

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5 been acquired by the Government of the Republic, a provincial administration or the South African Development Trust constituted by section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), shall vest in or be transferred to the Government of the area concerned subject to the provisions of this Act and such other conditions as may be determined in the said proclamation **[: Provided that land in the said area shall continue to be administered for the settlement, support, benefit and material and moral welfare of citizens] .”**

10 Amendment of Schedule 1 to Act 21 of 1971, as amended by section 12 of Act 23 of 1972, section 15 of Act 7 of 1973, section 24 of Act 70 of 1974, section 10 of Act 71 of 1974, section 4 of Act 115 of 1977, section 19 of Act 12 of 1978, Proclamation No. R.150 of 1979, Proclamation No. R.3 of 1980, Proclamation No. 172 of 1980, Proclamation No. R.235 of 1980, Proclamation No. R.116 of 1984, Proclamation No. R.112 of 1985, Proclamation No. 38 of 1986, Proclamation No. 141 of 1986, 15 Proclamation No. R.20 of 1987, Proclamation No. R.64 of 1987, section 20 of Act 32 of 1987 and Proclamation No. R.109 of 1988

4. Schedule 1 to the principal Act is hereby amended by the substitution for item 26 of the following item:

“26. Births, deaths, marriages and customary unions **[in respect of citizens]**.”

20 Substitution of section 40 of Act 21 of 1971

5. (1) The following section is hereby substituted for section 40 of the principal Act:

“Short title

25 40. This Act shall be called the **[National States] Self-governing Territories Constitution Act, 1971.**”

(2) Unless it is clearly inappropriate in any particular case, any reference in any law or document to “national state” or “National States Constitution Act, 1971” shall be construed as a reference to “self-governing territory” and “Self-governing Territories Constitution Act, 1971”, respectively.

30 Amendment of proclamations

6. The proclamations mentioned in the Schedule are hereby amended to the extent indicated in the third column thereof.

Short title and commencement

7. (1) This Act shall be called the National States Constitution Amendment Act, 35 1990.

(2) Sections 2 and 4 shall be deemed to have come into operation on 31 March 1971.

Schedule

PROVISIONS OF PROCLAMATIONS AMENDED (SECTION 9)

No. and year of proclamation	Short title	Extent of repeal
Proclamation No. R.228 of 1986	Transfer of Land and Certain Rights to the Government of Lebowa	Paragraph (5).
Proclamation No. R.229 of 1986	Transfer of Land and Certain Rights to the Government of KaNgwane	Paragraph (6).
Proclamation No. R.230 of 1986	Transfer of Land and Certain Rights to the Government of Gazankulu	Paragraph (6).
Proclamation No. R.231 of 1986	Transfer of Land and Certain Rights to the Government of Qwaqwa	Paragraph (6).
Proclamation No. R.232 of 1986	Transfer of Land and Certain Rights to the Government of KwaZulu	Paragraph (5).
Proclamation No. R.233 of 1986	Transfer of Land and Certain Rights to the Government of KwaNdebele	Paragraph (6).

