



**REPUBLIEK VAN SUID-AFRIKA**

**STAATSKOERANT**

**GOVERNMENT GAZETTE**

**OF THE REPUBLIC OF SOUTH AFRICA**

*As 'n Nuusblad by die Poskantoor Geregistreer*

*Registered at the Post Office as a Newspaper*

VOL. 351

KAAPSTAD, 19 SEPTEMBER 1994

No. 15986

CAPE TOWN, 19 SEPTEMBER 1994

**KANTOOR VAN DIE PRESIDENT**

No. 1600.

19 September 1994

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

No. 14 van 1994: Vierde Wysigingswet op die Grondwet van die Republiek van Suid-Afrika, 1994.

**OFFICE OF THE PRESIDENT**

No. 1600.

19 September 1994

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

No. 14 of 1994: Constitution of the Republic of South Africa Fourth Amendment Act, 1994.

**ALGEMENE VERDUIDELIKENDE NOTA:**

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

**WET**

**Tot wysiging van die Grondwet van die Republiek van Suid-Afrika, 1993, ten einde voorsiening te maak vir die aanstelling van 'n persoon wat nie 'n lid van die Parlement is nie as 'n Minister in die Kabinet; en om vir aangeleenthede in verband daarmee voorsiening te maak.**

*(Engelse teks deur die President geteken.)  
(Goedgekeur op 16 September 1994.)*

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

**Vervanging van artikel 66 van Wet 200 van 1993**

1. Artikel 66 van die Grondwet van die Republiek van Suid-Afrika, 1993 (hieronder die Grondwet genoem), word hierby deur die volgende artikel vervang: 5

**"Regte en verpligtinge van President, Uitvoerende Adjunkpresidente, Ministers en Adjunkministers in Huise"**

66. Die President, 'n Uitvoerende Adjunkpresident, 'n Minister en 'n Adjunkminister is geregtig om in enige Huis en by 'n gesamentlike sitting van die Huise sitting te neem en te praat, maar mag nie stem in die Huis waarvan hy of sy nie 'n lid is of, indien hy of sy nie 'n lid van enigeen van die Huise is nie, in enige Huis of by 'n gesamentlike sitting van die Huise nie.".

**Wysiging van artikel 88 van Wet 200 van 1993, soos gewysig deur artikel 2 van Wet 15 van 1994**

2. Artikel 88 van die Grondwet word hierby gewysig—

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

“(1) Die Kabinet bestaan uit die President, die Uitvoerende Adjunkpresidente en—

(a) nie meer nie as 27 Ministers wat lede van die Parlement is en ingevolge subartikels (2) tot (6) aangestel is; en

(b) nie meer nie as een Minister wat nie 'n lid van die Parlement is nie en ingevolge subartikel (6A) aangestel is, mits die President, handelende in oorleg met die Uitvoerende Adjunkpresidente en die leiers van die deelnemende partye, die aanstelling van so 'n Minister dienstig ag.”;

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**GENERAL EXPLANATORY NOTE:**

Words underlined with a solid line indicate insertions in existing enactments.

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**ACT**

**To amend the Constitution of the Republic of South Africa, 1993, so as to provide for the appointment of a person who is not a member of Parliament as a Minister in the Cabinet; and to provide for matters in connection therewith.**

*(English text signed by the President.)  
(Assented to 16 September 1994.)*

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Substitution of section 66 of Act 200 of 1993**

1. The following section is hereby substituted for section 66 of the Constitution of the Republic of South Africa, 1993 (hereinafter referred to as the Constitution):

**“Rights and duties of President, Executive Deputy Presidents, Ministers and Deputy Ministers in Houses**

10           **66.** The President, an Executive Deputy President, a Minister and a Deputy Minister shall be entitled to sit and to speak in any House and at a joint sitting of the Houses, but may not vote in the House of which he or she is not a member or, if he or she is not a member of any of the Houses, in any House or at a joint sitting of the Houses.”.

15           **Amendment of section 88 of Act 200 of 1993, as amended by section 2 of Act 13 of 1994**

2. Section 88 of the Constitution is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

20           “(1) The Cabinet shall consist of the President, the Executive Deputy Presidents and—

(a) not more than 27 Ministers who are members of Parliament and appointed in terms of subsections (2) to (6); and

25           (b) not more than one Minister who is not a member of Parliament and appointed in terms of subsection (6A), provided the President, acting in consultation with the Executive Deputy Presidents and the leaders of the participating parties, deems the appointment of such a Minister expedient.”;

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

“(2) ’n Party wat minstens 20 setels in die Nasionale Vergadering het en wat besluit het om aan die regering van nasionale eenheid deel te neem, is geregtig op die toekenning van een of meer Kabinetportefeuilles ten opsigte waarvan Ministers bedoel in subartikel (1)(a) aangestel moet word, in verhouding tot die getal setels wat die party in die Nasionale Vergadering het teenoor die getal setels wat die ander deelnemende partye het.”;

(c) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:

“(a) ’n Kwota setels per portefeuilje word bepaal deur die totale getal setels in die Nasionale Vergadering wat die deelnemende partye gesamentlik het, te deel deur die getal portefeuilles ten opsigte waarvan Ministers bedoel in subartikel (1)(a) aangestel moet word, plus een.”; en

(d) deur na subartikel (6) die volgende subartikel in te voeg:

“(6A) Die President moet—

(a) in oorleg met die Uitvoerende Adjunkpresidente en die leiers van die deelnemende partye—

(i) ’n spesifieke portefeuilje vir ’n Minister bedoel in subartikel (1)(b) bepaal indien dit nodig word na aanleiding van ’n besluit van die President kragtens daardie subartikel;

(ii) ten opsigte van so ’n portefeuilje ’n persoon wat nie ’n lid van die Parlement is nie, as die Minister verantwoordelik vir daardie portefeuilje aanstel;

(iii) indien nodig ’n vakature ten opsigte van daardie portefeuilje vul; of

(b) na oorleg met die Uitvoerende Adjunkpresidente en die leiers van die deelnemende partye ’n aanstelling kragtens paragraaf

(a) beëindig indien dit vir doeleindeste van hierdie Grondwet of in die belang van goeie staatsbestuur nodig word.”.

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### Wysiging van artikel 92 van Wet 200 van 1993

**3.** Artikel 92 van die Grondwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Indien die betrokke Minister versuim om aan ’n aansegging van die President kragtens subartikel (3) te voldoen, kan die President—

(a) in die geval van ’n Minister bedoel in artikel 88(1)(a), na oorleg met die Minister en, indien die Minister nie ’n lid van die President se party is nie, of nie die leier van ’n deelnemende party is nie, ook na oorleg met die leier van so ’n Minister se party; of

(b) in die geval van ’n Minister bedoel in artikel 88(1)(b), na oorleg met die Uitvoerende Adjunkpresidente en die leiers van die deelnemende partye,

die Minister van sy of haar amp onthef.”.

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### Wysiging van artikel 94 van Wet 200 van 1993

**4.** Artikel 94 van die Grondwet word hierby gewysig deur in subartikel (3) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“(3) Die bepalings van artikel 88(4) tot (6) en (7) tot (10) is *mutatis mutandis* van toepassing ten opsigte van Adjunkministers, en in so ’n geval word ’n verwysing na—”.

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### Kort titel

**5.** Hierdie Wet heet die Vierde Wysigingswet op die Grondwet van die Republiek van Suid-Afrika, 1994.

CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA  
FOURTH AMENDMENT ACT, 1994

Act No. 14, 1994

- 5                   (b) by the substitution for subsection (2) of the following subsection:  
                       “(2) A party holding at least 20 seats in the National Assembly  
                       and which has decided to participate in the government of national  
                       unity, shall be entitled to be allocated one or more of the Cabinet  
                       portfolios in respect of which Ministers referred to in subsection  
                       (1)(a) are to be appointed, in proportion to the number of seats  
                       held by it in the National Assembly relative to the number of seats  
                       held by the other participating parties.”;
- 10                  (c) by the substitution for paragraph (a) of subsection (3) of the following  
                       paragraph:  
                       “(a) A quota of seats per portfolio shall be determined by  
                       dividing the total number of seats in the National Assembly held  
                       jointly by the participating parties by the number of portfolios in  
                       respect of which Ministers referred to in subsection (1)(a) are to be  
                       appointed, plus one.”; and
- 15                  (d) by the insertion after subsection (6) of the following subsection:  
                       “(6A) The President shall—  
                       (a) in consultation with the Executive Deputy Presidents and the  
                       leaders of the participating parties—  
                       (i) determine a specific portfolio for a Minister referred to in  
                       subsection (1)(b) should it become necessary pursuant to  
                       a decision of the President under that subsection;  
                       (ii) appoint in respect of such a portfolio a person who is not  
                       a member of Parliament, as the Minister responsible for  
                       that portfolio;  
                       (iii) fill, if necessary, a vacancy in respect of that portfolio;  
                       or  
                       (b) after consultation with the Executive Deputy Presidents and  
                       the leaders of the participating parties terminate any appoint-  
                       ment under paragraph (a) if it becomes necessary for the  
                       purposes of this Constitution or in the interest of good  
                       government.”.

**Amendment of section 92 of Act 200 of 1993**

- 35                 3. Section 92 of the Constitution is hereby amended by the substitution for  
                       subsection (4) of the following subsection:  
                       “(4) If the Minister concerned fails to comply with a requirement of the  
                       President under subsection (3), the President may—  
                       (a) in the case of a Minister referred to in section 88(1)(a), after consul-  
                       tation with the Minister and, if the Minister is not a member of the  
                       President’s party, or is not the leader of a participating party, also after  
                       consultation with the leader of such Minister’s party; or  
                       (b) in the case of a Minister referred to in section 88(1)(b), after consul-  
                       tation with the Executive Deputy Presidents and the leaders of the  
                       participating parties,  
                       remove the Minister from office.”.

**Amendment of section 94 of Act 200 of 1993**

- 40                 4. Section 94 of the Constitution is hereby amended by the substitution in  
                       subsection (3) for the words preceding paragraph (a) of the following words:  
                       “(3) The provisions of section 88(4) to (6) and (7) to (10) shall apply  
                       mutatis mutandis in respect of Deputy Ministers, and in such application a  
                       reference to—”.

**Short title**

- 45                 5. This Act shall be called the Constitution of the Republic of South Africa  
                       Fourth Amendment Act, 1994.

