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GOVERNMENT GAZETTE

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OFFICE OF THE PRESIDENT

No. 1250.

7 October 1998

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

No. 69 of 1998: Determination of Delegates (National Council of Provinces) Act, 1998.

KANTOOR VAN DIE PRESIDENT

No. 1250.

7 Oktober 1998

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

No. 69 van 1998: Wet op die Bepaling van Afgevaardigdes (Nasionale Raad van Provinsies), 1998.

ACT

To provide for the determination of permanent and special delegates to the National Council of Provinces as contemplated in section 61(2) of the Constitution; and to provide for matters connected therewith.

*(English text signed by the President.)
(Assented to 28 September 1998.)*

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

Definitions

1. In this Act, unless the context otherwise indicates—
 - (i) “delegate” means any delegate in the delegation of a province referred to in section 60(1) of the Constitution; (i) 5
 - (ii) “permanent delegate” means a permanent delegate referred to in section 60(2)(b) of the Constitution; (v)
 - (iii) “province” means any province referred to in section 103(1) of the Constitution; (iii) 10
 - (iv) “provincial legislature” means any provincial legislature contemplated in section 104 of the Constitution; (ii)
 - (v) “special delegate” means a special delegate referred to in section 60(2)(a) of the Constitution. (iv)

Determination of permanent and special delegates 15

2. (1) Every party represented in a provincial legislature which in terms of section 61(1) of the Constitution is entitled to delegates in the delegation of the particular province, must have at least one permanent delegate.

(2) The number of permanent delegates of a party which is entitled to more than one delegate, is determined by multiplying the total number of delegates to which such a party is entitled by six and dividing the result by ten, disregarding any fraction of a number. 20

(3) The remaining number of the total number of delegates to which a party contemplated in subsection (2) is entitled, are the special delegates of that party: Provided that if the number of special delegates so determined is more than the number of permanent delegates of that party, the number of the special delegates must be reduced in favour of the number of permanent delegates so that the number of special delegates is equal to or less than the number of permanent delegates of that party. 25

(4) (a) If the total number of special delegates determined in terms of subsection (3) in respect of a particular provincial legislature is less than four, the delegates of the parties that are entitled to only one delegate in the delegation of the particular province must, despite subsection (1), become special delegates in the sequence from the lowest to the highest number of votes that have been recorded for those parties during the last election of the provincial legislature concerned, until four special delegates have been allocated to parties in the provincial delegation concerned. 30 35

(b) If the total number of special delegates determined in terms of subsection (3) in respect of a particular provincial legislature is more than four, the special delegates so determined must, despite subsections (2) and (3), become permanent delegates in the sequence from the highest to the lowest number of votes that have been recorded for the parties concerned during the last election of the provincial legislature concerned, until 40

WET

Om voorsiening te maak vir die bepaling van vaste en spesiale afgevaardigdes tot die Nasionale Raad van Provinsies soos beoog in artikel 61(2) van die Grondwet; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die President geteken.)
(Goedgekeur op 28 September 1998.)*

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

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- 5 (i) “afgevaardigde” ’n afgevaardigde in die afvaardiging van ’n provinsie bedoel in artikel 60(1) van die Grondwet; (i)
- (ii) “provinsiale wetgewer” ’n provinsiale wetgewer beoog in artikel 104 van die Grondwet; (iv)
- (iii) “provinsie” ’n provinsie bedoel in artikel 103(1) van die Grondwet; (iii)
- 10 (iv) “spesiale afgevaardigde” ’n spesiale afgevaardigde bedoel in artikel 60(2)(a) van die Grondwet; (v)
- (v) “vaste afgevaardigde” ’n vaste afgevaardigde bedoel in artikel 60(2)(b) van die Grondwet. (ii)

Bepaling van vaste en spesiale afgevaardigdes

- 15 2. (1) Elke party wat in ’n provinsiale wetgewer verteenwoordig is en wat ingevolge artikel 61(1) van die Grondwet op afgevaardigdes in die afvaardiging van die betrokke provinsie geregtig is, moet minstens een vaste afgevaardigde hê.

- (2) Die getal vaste afgevaardigdes van ’n party wat op meer as een afgevaardigde geregtig is, word bepaal deur die totale getal afgevaardigdes waarop sodanige party
20 geregtig is met ses te vermenigvuldig en die resultaat deur tien te deel, sonder inagneming van enige breukdeel van ’n getal.

- (3) Die oorblywende getal van die totale getal afgevaardigdes waarop ’n party beoog in subartikel (2) geregtig is, is die spesiale afgevaardigdes van daardie party: Met dien verstande dat indien die getal spesiale afgevaardigdes aldus bepaal meer is as die getal
25 vaste afgevaardigdes van daardie party, die getal spesiale afgevaardigdes verminder moet word ten gunste van die getal vaste afgevaardigdes sodat die getal spesiale afgevaardigdes gelyk is aan, of minder is as, die getal vaste afgevaardigdes van daardie party.

- (4)(a) Indien die totale getal spesiale afgevaardigdes wat ingevolge subartikel (3) ten
30 opsigte van ’n besondere provinsiale wetgewer bepaal is minder as vier is, moet die afgevaardigdes van die partye wat slegs op een afgevaardigde in die afvaardiging van die besondere provinsie geregtig is, ondanks subartikel (1), spesiale afgevaardigdes word in die volgorde van die laagste tot die hoogste getal stemme wat vir daardie partye gedurende die laaste verkiesing van die betrokke provinsiale wetgewer uitgebring is
35 totdat vier spesiale afgevaardigdes aan partye in die betrokke provinsiale afvaardiging toegeken is.

- (b) Indien die totale getal spesiale afgevaardigdes wat ingevolge subartikel (3) ten opsigte van ’n besondere provinsiale wetgewer bepaal is meer as vier is, moet die spesiale afgevaardigdes wat aldus bepaal is, ondanks subartikels (2) en (3), vaste
40 afgevaardigdes word in die volgorde van die hoogste tot die laagste getal stemme wat vir die betrokke partye gedurende die laaste verkiesing van die betrokke provinsiale

Act No. 69, 1998**DETERMINATION OF DELEGATES (NATIONAL COUNCIL
OF PROVINCES) ACT, 1998**

six permanent delegates have been allocated to parties in the provincial delegation concerned.

Short title

3. This Act is called the Determination of Delegates (National Council of Provinces) Act, 1998.

WET OP DIE BEPALING VAN AFGEVAARDIGDES (NASIONALE RAAD
VAN PROVINSIES), 1998

Wet No. 69, 1998

wetgewer uitgebring is totdat ses vaste afgevaardigdes aan partye in die betrokke provinsiale afvaardiging toegeken is.

Kort titel

3. Hierdie Wet heet die Wet op die Bepaling van Afgevaardigdes (Nasionale Raad
5 van Provinsies), 1998.

