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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 432.

24 Februarie 1981.

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

No. 40 van 1981: Wysigingswet op die Grondwet van die Republiek van Suid-Afrika, 1981.

No. 432.

24 February 1981.

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

No. 40 of 1981: Republic of South Africa Constitution Amendment Act, 1981.

Act No. 40, 1981

REPUBLIC OF SOUTH AFRICA CONSTITUTION
AMENDMENT ACT, 1981

GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Republic of South Africa Constitution Act, 1961, to provide for the continued membership of certain members of the House of Assembly for limited periods as from the polling day for a general election; the correction of errors in the description of the boundaries of electoral divisions under certain circumstances; and the alteration of names of electoral divisions by proclamation by the State President; to repeal subsection (4) of section 37 of the Republic of South Africa Constitution Fifth Amendment Act, 1980; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 23 February 1981.)

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

Amendment of section 40 of Act 32 of 1961, as amended by section 1 of Act 83 of 1965, section 4 of Act 50 of 1968, section 81 of Act 79 of 1973, Proclamation No. R.249 of 1977 and section 17 of Act 101 of 1980.

1. Section 40 of the Republic of South Africa Constitution Act, 1961, is hereby amended by the insertion after subsection (1B) of the following subsections:

“(1C) Any person who—

- (a) has been nominated from a province as a member of the House of Assembly in terms of paragraph (b) of subsection (1) of this section or elected as such a member in terms of paragraph (c) of that subsection; and
- (b) in terms of section 53 is a member of the House of Assembly on the day immediately preceding the polling day for the election referred to in paragraph (a) of the said subsection which is held in pursuance of any dissolution of the House of Assembly; and
- (c) is not elected as a member of the House of Assembly at such election,

shall, during the period which in terms of subsection (1D) of this section is applicable in his case, be deemed to have been nominated from the province concerned in terms of the said paragraph (b) or elected in terms of the said paragraph (c), as the case may be, as a member of the House of Assembly on that polling day.

(1D) Any person who is a member of the House of Assembly in terms of the provisions of subsection (1C) shall cease to be such a member in terms of those provisions—

- (a) in the case of a person deemed in terms of the said provisions to have been nominated from a particular province as a member in terms of paragraph (b) of subsection (1), on the day immediately preceding the day on which a member is in terms of that paragraph nominated from the province concerned in pursuance of the dissolution of the House of Assembly referred to in the said provisions, or, if a member is not so

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WYSIGINGSWET OP DIE GRONDWET VAN DIE
REPUBLIEK VAN SUID-AFRIKA, 1981

Wet No. 40, 1981

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, 1961, ten einde voorsiening te maak vir die voortgesette lidmaatskap van sekere lede van die Volksraad vir beperkte tydperke vanaf die stembag van 'n algemene verkiesing; die regstel van foute in die beskrywing van die grense van kiesafdelings onder sekere omstandighede; en die verandering van name van kiesafdelings by proklamasie van die Staatspresident; om subartikel (4) van artikel 37 van die Vyfde Wysigingswet op die Grondwet van die Republiek van Suid-Afrika, 1980, te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 23 Februarie 1981.)

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

1. Artikel 40 van die Grondwet van die Republiek van Suid-Afrika, 1961, word hierby gewysig deur die volgende 5 subartikels na subartikel (1B) in te voeg:

„(1C) Iemand wat—

- (a) ingevolge paragraaf (b) van subartikel (1) van hierdie artikel uit 'n provinsie as lid van die Volksraad benoem is of ingevolge paragraaf (c) van daardie subartikel as so 'n lid verkies is; en
 - (b) ingevolge artikel 53 'n lid van die Volksraad is op die dag onmiddellik voor die stembag van die in paragraaf (a) van genoemde subartikel bedoelde verkiesing wat ingevolge 'n ontbinding van die Volksraad gehou word; en
 - (c) nie by daardie verkiesing as lid van die Volksraad verkies word nie,
- word gedurende die tydperk wat ingevolge subartikel (1D) van hierdie artikel in sy geval van toepassing is, geag op daardie stembag as lid van die Volksraad ingevolge genoemde paragraaf (b) uit daardie provinsie benoem te gewees het of, na gelang van die geval, ingevolge genoemde paragraaf (c) verkies te gewees het.
- (1D) Iemand wat ingevolge die bepalings van subartikel (1C) 'n lid van die Volksraad is, hou op om ingevolge daardie bepalings so 'n lid te wees—
- (a) in die geval van iemand wat ingevolge genoemde bepalings geag word ingevolge paragraaf (b) van subartikel (1) uit 'n bepaalde provinsie as lid benoem te gewees het, op die dag onmiddellik voor die dag waarop 'n lid ingevolge daardie paragraaf uit daardie provinsie benoem word ingevolge die ontbinding van die Volksraad in genoemde bepalings bedoel, of, indien 'n lid nie binne die tydperk van honderd-en-

Wysiging van artikel 40 van Wet 32 van 1961, soos gewysig deur artikel 1 van Wet 83 van 1965, artikel 4 van Wet 50 van 1968, artikel 81 van Wet 79 van 1973, Proklamasie No. R.249 van 1977 en artikel 17 van Wet 101 van 1980.

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nominated within the period of one hundred and eighty days after that dissolution, at the expiration of that period; and

- (b) in the case of a person so deemed to have been elected as a member in terms of paragraph (c) of subsection (1), on the day immediately preceding the first day on which members are elected in terms of that paragraph in pursuance of the said dissolution of the House of Assembly or, if no members are so elected within the period of one hundred and eighty days after that dissolution, at the expiration of that period: Provided that if such person is so elected but not on such first day, he shall be deemed to have remained a member of the House of Assembly up to and including the day immediately preceding the day on which he is so elected.”.

Amendment of
section 44 of
Act 32 of 1961.

2. Section 44 of the Republic of South Africa Constitution Act, 1961, is hereby amended—

- (a) by the substitution for subsection (4) of the following subsection:

“(4) If any discrepancy arises between the description of the divisions and the aforesaid map or maps, the description or, if the description has been amended in terms of subsection (5), the description as so amended, shall prevail.”; and

- (b) by the addition of the following subsections:

“(5) (a) If the commission is satisfied that any such discrepancy as aforesaid is due to an error in the description of the boundaries of any division, it shall in writing inform the State President accordingly and submit an amendment of the relevant description, correcting the error and certified by the commission, to the State President, unless the period allowed in terms of paragraph (c) for such an amendment has expired.

(b) Subject to the provisions of paragraph (c), the State President shall by proclamation in the *Gazette* make known any amendment submitted to him in terms of paragraph (a), and thereafter, until there shall be a re-division, the boundaries as so amended shall be the boundaries of the division concerned.

(c) No description of the boundaries of any division shall be amended under this subsection after the date on which the proclamation in respect of the first general election held after the completion of the relevant re-division is published in the *Gazette* in terms of section 34 of the Electoral Act, 1979 (Act No. 45 of 1979).

(6) (a) The State President may by proclamation in the *Gazette* alter the name of any division as made known under subsection (3).

(b) The name given to any division under paragraph (a) shall, notwithstanding the provisions of subsection (3), be the name of that division until there shall be a re-division.”.

Amendment of
section 37 of
Act 101 of 1980.

3. Section 37 of the Republic of South Africa Constitution Fifth Amendment Act, 1980, is hereby amended by the deletion of subsection (4).

Short title.

4. This Act shall be called the Republic of South Africa Constitution Amendment Act, 1981.

WYSIGINGSWET OP DIE GRONDWET VAN DIE
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Wet No. 40, 1981

tagtig dae na daardie ontbinding aldus benoem word
nie, by die verstryking van daardie tydperk; en
(b) in die geval van 'n persoon wat aldus geag word
ingevolge paragraaf (c) van subartikel (1) verkies te
5 gewees het, op die dag onmiddellik voor die eerste dag
waarop lede ingevolge genoemde ontbinding van die
Volksraad ingevolge daardie paragraaf verkies word
of, indien geen lede binne die tydperk van honderd-en-
tagtig dae na daardie ontbinding aldus verkies word
10 nie, by verstryking van daardie tydperk: Met dien
verstande dat indien daardie persoon aldus verkies
word maar nie op daardie eerste dag nie, hy geag word
tot en met die dag onmiddellik voor die dag waarop hy
aldus verkies word 'n lid van die Volksraad te gebly
15 het."

2. Artikel 44 van die Grondwet van die Republiek van
Suid-Afrika, 1961, word hierby gewysig—

Wysiging van
artikel 44 van
Wet 32 van 1961.

- (a) deur subartikel (4) deur die volgende subartikel te
vervang:
- 20 „(4) In geval van 'n verskil tussen die beskrywing
van die kiesafdelings en die voormelde kaart of kaarte,
gee die beskrywing of, indien die beskrywing ingevolge
subartikel (5) gewysig is, die beskrywing soos aldus
gewysig, die deurslag.”; en
- 25 (b) deur die volgende subartikels by te voeg:
- „(5) (a) Indien die kommissie oortuig is dat 'n
verskil soos voormeld, te wyte is aan 'n fout in
die beskrywing van die grense van 'n kiesafde-
ling, moet hy die Staatspresident skriftelik
30 dienoreenkomstig meedeel en 'n wysiging van
die betrokke beskrywing wat die fout regstel en
deur die kommissie gesertifiseer is, aan die Staats-
president voorlê, tensy die tydperk wat ingevolge
paragraaf (c) vir so 'n wysiging toegelaat word,
35 verstryk het.
- (b) Behoudens die bepalings van paragraaf (c) maak
die Staatspresident 'n wysiging ingevolge para-
graaf (a) aan hom voorgelê, by proklamasie in die
40 *Staatskoerant* bekend, en daarna is die grense soos
aldus gewysig, ondanks die bepalings van sub-
artikel (3), die grense van die betrokke kiesafde-
ling totdat 'n herverdeling plaasvind.
- (c) Geen beskrywing van die grense van 'n kiesafde-
ling word na die datum waarop die proklamasie
45 ten opsigte van die eerste algemene verkiesing
gehou na voltooiing van die betrokke herverde-
ling, ingevolge artikel 34 van die Kieswet, 1979
(Wet No. 45 van 1979), in die *Staatskoerant*
afgekondig word, kragtens hierdie subartikel
50 gewysig nie.
- (6) (a) Die Staatspresident kan die naam van 'n
kiesafdeling soos ingevolge subartikel (3) bekend-
gemaak, by proklamasie in die *Staatskoerant*
verander.
- 55 (b) Die naam kragtens paragraaf (a) aan 'n kiesafde-
ling gegee is, ondanks die bepalings van subartikel
(3), die naam van daardie kiesafdeling totdat 'n
herverdeling plaasvind."

3. Artikel 37 van die Vyfde Wysigingswet op die Grondwet
60 van die Republiek van Suid-Afrika, 1980, word hierby gewysig
deur subartikel (4) te skrap.

Wysiging van
artikel 37 van
Wet 101 van 1980.

4. Hierdie Wet heet die Wysigingswet op die Grondwet van
die Republiek van Suid-Afrika, 1981.

Kort titel.

