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PROKLAMASIES

No. R. 69, 1972

van die Staatspresident van die Republiek van Suid-Afrika

STREEKSOWERHEDE IN DIE GEBIED VAN DIE ZOELOEGEBIEDSOWERHEID.—TOEWYSING VAN HUL BEVOEGDHEDE, WERKSAAMHEDE EN PLIGTE AAN, EN DIE OORGAAN VAN HUL BATES, LASTE, REGTE EN VERPLIGTINGS OP DIE ZOELOEGEBIEDSOWERHEID

Kragtens die bevoegdheid my verleen by—

(1) artikel 7 (1) (g) van die Wet op Bantoe-owerhede, 1951 (Wet 68 van 1951), wys ek hierby aan die Zoeloegebiedsowerheid toe, behoudens die bepalings van enige regulasies, toepaslike wetgewing en die opdragte van die Minister van Bantoe-administrasie en -ontwikkeling, die bevoegdhe, werksaamhede en pligte verleen aan streeksowerhede in die gebied van genoemde Zoeloegebiedsowerheid ingevolge die bepalings van subparagrafe (i) tot en met (vi) van artikel 5 (1) (b) van genoemde Wet op Bantoe-owerhede, 1951, en in die Bylae hiervan uiteengesit;

(2) artikel 25 van die Bantoe-administrasie Wet, 1927 (Wet 38 van 1927), verklaar ek hierby dat—

(a) ondanks andersluidende bepalings in enige ander wet, vervat, al die bates, laste, regte en verpligtings van streeksowerhede in die gebied van die Zoeloegebiedsowerheid, behoudens sodanige voorwaardes as wat die Minister van Bantoe-administrasie en -ontwikkeling mag bepaal, op die Zoeloegebiedsowerheid oorgaan en vir hom bindend word; en

(b) alle roerende en onroerende eiendom van voornoemde streeksowerhede, sonder betaling van hereregte, seëlregte of ander vordering, op die Zoeloegebiedsowerheid oorgaan, maar steeds behoudens enige vordering, verpligting of trust wat ten opsigte van sodanige eiendom bestaan of wat dit andersins wettiglik raak.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hierdie Agt-en-twintigste dag van Maart Eenduisend Negehoenderd Twee-en-sewentig.

J. J. FOUCHÉ, Staatspresident.

Op las van die Staatspresident-in-rade:

M. C. BOTHA.

(F56/10/4/2/3)

A—72503

PROCLAMATIONS

No. R. 69, 1972

by the State President of the Republic of South Africa

REGIONAL AUTHORITIES IN THE AREA OF THE ZULU TERRITORIAL AUTHORITY.—ASSIGNMENT OF THEIR POWERS, FUNCTIONS AND DUTIES TO, AND VESTING OF THEIR ASSETS, LIABILITIES, RIGHTS AND OBLIGATIONS IN THE ZULU TERRITORIAL AUTHORITY

Under and by virtue of the powers vested in me—

(1) by section 7 (1) (g) of the Bantu Authorities Act, 1951 (Act 68 of 1951), I hereby assign to the Zulu Territorial Authority, subject to the provisions of any regulations, relevant law and to the directions of the Minister of Bantu Administration and Development, the powers, functions and duties vested in regional authorities in the area of the said Zulu Territorial Authority in terms of the provisions of subparagraphs (i) to (vi), inclusive, of section 5 (1) (b) of the said Bantu Authorities Act, 1951, and set forth in the Schedule hereto;

(2) by section 25 of the Bantu Administration Act, 1927 (Act 38 of 1927), I hereby declare that—

(a) notwithstanding anything to the contrary in any other law contained, all the assets, liabilities, rights and obligations of regional authorities in the area of the Zulu Territorial Authority shall, subject to such conditions as the Minister of Bantu Administration and Development may determine, vest in and become binding upon the Zulu Territorial Authority; and

(b) all property, movable and immovable, of the aforementioned regional authorities shall vest without payment of transfer duty, stamp duty or any other charge in the Zulu Territorial Authority, but subject always to any charge, obligation or trust existing in respect of or otherwise lawfully affecting such property.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-eighth day of March, One thousand Nine hundred and Seventy-two.

J. J. FOUCHÉ, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

(F56/10/4/2/3)

1—3436

BYLAE

BEVOEGDHEDE, WERKSAAMHEDE EN PLIGTE VAN STREEKSOWERHEDE IN DIE GEBIED VAN DIE ZOELOEGEBIEDSOWERHEID WAT AAN DIE ZOELOEGEBIEDSOWERHEID TOEGEWYS IS

1. Die daarstelling, instandhouding, bestuur van en beheer oor opvoedkundige inrigtings, en die bevordering van skool- en ander onderwys.
2. Die aanlê en instandhouding van paaie, brûe, afvoerkanaale, damme, vore en werke wat die Zoeloegediensowerheid nodig ag vir gesondheidsdoeleindes of ter versekering van bevredigende watervoorrade of voorkoming of bestryding van gronderosie.
3. Die bestryding van veesiektes deur die aanlê, instandhouding en bediening van dipbakke en op enige ander wyse wat die Zoeloegediensowerheid nodig ag.
4. Die oprigting, instandhouding, bestuur van en beheer oor hospitale, klinieke en ander soortgelyke inrigtings.
5. Die verbetering van boerdery- en landboumetodes oor die algemeen.
6. Bosaanplanting.

No. R. 70, 1972

INSTELLING VAN KWAZULU-
WETGEWENDE VERGADERING

Nademaal die Zoeloegediensowerheid ingestel by Gowermentskennisgewing R. 762 van 22 Mei 1970 behoorlik geraadpleeg is soos bepaal by die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971);

So is dit dat ek kragtens die bevoegdheid my verleen by artikels 1, 2 en 5 van genoemde Grondwet van die Bantoetuislande, 1971, hierby—

(a) met ingang van 30 Maart 1972 (hieronder genoem die vasgestelde datum) 'n wetgewende vergadering instel vir die gebied beskryf in Bylae I hiervan, wat bekend sal staan as die kwaZulu- Wetgewende Vergadering;

(b) bepaal dat die kwaZulu- Wetgewende Vergadering—

(i) met ingang van die vasgestelde datum en totdat die bepalinge van Deel II van Bylae II hiervan in werking tree soos in paragraaf (d) (ii) bedoel, saamgestel word op die wyse uiteengesit in Deel I van Hoofstuk IV van die Regulasies vir die Zoeloegediensowerheid vervat in die Bylae van Proklamasie R. 139 van 1970, soos *mutatis mutandis* toegepas by artikel 24 (2) van genoemde Wet;

(ii) met ingang van die datum waarop die bepalinge van Deel II van Bylae II in werking tree, saamgestel word op die wyse uiteengesit in genoemde bepalinge;

(c) bepaal dat, behoudens die bepalinge van paragrafe (e) en (f), die Uitvoerende Raad vir genoemde gebied met ingang van die vasgestelde datum saamgestel word op die wyse uiteengesit in die bepalinge van Deel IV van Bylae II hiervan;

(d) bepaal dat—

(i) die bepalinge van Bylae II hiervan (met uitsondering van Deel II daarvan) met ingang van die vasgestelde datum van toepassing is ten opsigte van die kwaZulu- Wetgewende Vergadering en die Uitvoerende Raad vir genoemde gebied; en

(ii) die bepalinge van Deel II van Bylae II hiervan in werking tree op 'n datum wat deur die Minister van Bantoe-administrasie en -ontwikkeling bepaal word by kennisgewing in die *Staatskoerant* na 'n versoek tot dien effekte deur die Uitvoerende Raad;

SCHEDULE

POWERS, FUNCTIONS AND DUTIES OF REGIONAL AUTHORITIES IN THE AREA OF THE ZULU TERRITORIAL AUTHORITY ASSIGNED TO THE ZULU TERRITORIAL AUTHORITY

1. The establishment, maintenance, management and control of educational institutions, and the advancement of scholastic and other education.
2. The construction and maintenance of roads, bridges, drains, dams, furrows and any works which the Zulu Territorial Authority may consider necessary for purposes of sanitation or for ensuring satisfactory water supplies or for preventing or combating soil erosion.
3. The control of stock diseases by the construction, maintenance and operation of dipping tanks and in any other manner the Zulu Territorial Authority may consider necessary.
4. The establishment, maintenance, management and control of hospitals, clinics and other similar institutions.
5. The improvement of farming and agricultural methods generally.
6. Afforestation.

No. R. 70, 1972

ESTABLISHMENT OF KWAZULU LEGISLATIVE ASSEMBLY

Whereas the Zulu Territorial Authority established by Government Notice R. 762, dated 22 May 1970, has been duly consulted as provided for in the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971);

Now, therefore, under and by virtue of the powers vested in me by sections 1, 2 and 5 of the said Bantu Homelands Constitution Act, 1971, I hereby—

(a) establish, with effect from 30 March 1972 (hereinafter referred to as the fixed date), a legislative assembly for the area described in Schedule I hereto, to be known as the kwaZulu Legislative Assembly;

(b) determine that the kwaZulu Legislative Assembly shall—

(i) with effect from the fixed date and until the provisions of Part II of Schedule II hereto come into operation as in paragraph d (ii) provided, be constituted in the manner set out in Part I of Chapter IV of the Regulations for the Zulu Territorial Authority contained in the Schedule to Proclamation R. 139 of 1970, as applied *mutatis mutandis* by section 24 (2) of the said Act;

(ii) with effect from the date on which the provisions of Part II of Schedule II come into operation, be constituted in the manner set out in the said provisions;

(c) determine that, with effect from the fixed date the Executive Council for the said area shall, subject to the provisions of paragraphs (e) and (f), be constituted in the manner set out in the provisions contained in Part IV of Schedule II hereto;

(d) determine that—

(i) with effect from the fixed date, the provisions of Schedule II hereto (excluding Part II thereof) shall apply in respect of the kwaZulu Legislative Assembly and the Executive Council for the said area; and

(ii) the provisions of Part II of Schedule II hereto shall come into operation on a date to be determined by the Minister of Bantu Administration and Development by notice in the *Gazette* after a request to this effect by the Executive Council;

(e) bepaal dat enige persoon wat onmiddellik voor die vasgestelde datum 'n Lid, Voorsitter, Ondervoorsitter, Hoof- Uitvoerende Beampte of ander lid van die Uitvoerende Komitee is met betrekking tot die Zoeloegebiedsowerheid en wat 'n burger van die betrokke gebied is 'n Lid, Voorsitter, Ondervoorsitter, Hoof- Uitvoenderaadslid of Uitvoenderaadslid is, na gelang van die geval, met betrekking tot die kwaZulu- Wetgewende Vergadering kragtens die regulasies in paragraaf (b) genoem;

(f) bepaal dat, totdat die bepalinge van Deel II van Bylae II hiervan in werking tree, die ampstermyn van enige persoon wat kragtens paragraaf (e) 'n ampsdraer is met betrekking tot die kwaZulu- Wetgewende Vergadering op die datum verstryk waarop sy ampstermyn met betrekking tot die Zoeloegebiedsowerheid sou verstryk het indien dié owerheid nie ontbind was nie en dat vir die berekening van die datum ooreenkomstig hierdie paragraaf 'n sessie van die kwaZulu- Wetgewende Vergadering geag word 'n sessie van die Zoeloegebiedsowerheid te wees: Met dien verstande dat die Hoof- Uitvoenderaadslid en Uitvoenderaadslide na die inwerkingtreding van Deel II van Bylae II hiervan hul ampte as sodanig beklee totdat hul opvolgers verkies word gedurende die eerste sessie van die Wetgewende Vergadering wat na die inwerkingtreding van genoemde Deel II van Bylae II gehou word;

(g) met ingang van die vasgestelde datum Hoofstuk IV van die Bylae van Proklamasie R. 139 van 1970, met uitsondering van Deel I daarvan herroep: Met dien verstande dat enige verwysing na regulasies 12 (3) en 12 (4) in artikel 53 van Deel I van Hoofstuk IV van die Bylae van Proklamasie R. 139 van 1970, geag word 'n verwysing te wees na onderskeidelik regulasies 1 (3) en 1 (4) van Bylae B van Proklamasie R. 74 van 1972.

Hierdie Proklamasie heet die Proklamasie op die kwaZulukonstitusie, 1972.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hierdie Agt-en-twintigste dag van Maart Eenduisend Negehoenderd Twee-en-sewentig.

J. J. FOUCHÉ, Staatspresident.

Op las van die Staatspresident-in-rade:

M. C. BOTHA.

(Lêer F56/10/4/2/3)

BYLAE I

GEBIED VAN DIE KWAZULU- WETGEWENDE VERGADERING

Die gebied bestaande uit die gebiede van—

(i) die Inkanyezistreeksoverheid, distrik Eshowe, ingestel by Goewermentskennisgewing 1188 van 1959;

(ii) die Hlanganisostreeksoverheid, distrik Estcourt, ingestel by Goewermentskennisgewing 632 van 1965, soos gewysig by Goewermentskennisgewings 825 van 1967 en 259 van 1969;

(iii) die Hlabisastreeksoverheid, distrik Hlabisa, ingestel by Goewermentskennisgewing 1653 van 1968;

(iv) die Ingwavumastreeksoverheid, distrik Ingwavuma, ingestel by Goewermentskennisgewing 697 van 1960;

(v) die Kanya Masikwakithistreeksoverheid, distrik Ixopo, ingestel by Goewermentskennisgewing 1108 van 1963, soos gewysig by Goewermentskennisgewing 464 van 1970;

(vi) die Amangwestreeksoverheid, distrik Lower Umfolozi, ingestel by Goewermentskennisgewing 2163 van 1968;

(e) determine that any person who immediately prior to the fixed date is a Member, Chairman, Deputy Chairman, Chief Executive Officer or other Member of the Executive Committee, in relation to the Zulu Territorial Authority and who is a citizen of the area concerned, shall be a Member, Chairman, Deputy Chairman, Chief Executive Councillor or Executive Councillor, as the case may be, in relation to the kwaZulu Legislative Assembly in terms of the Regulations referred to in paragraph (b);

(f) determine that, until the provisions of Part II of Schedule II hereto come into operation, the period of office of any person who holds an office in relation to the kwaZulu Legislative Assembly in terms of paragraph (e), shall expire on the date on which his period of office in relation to the Zulu Territorial Authority would have expired if that authority had not been disestablished, and that for the purpose of calculating the date in terms of this paragraph a session of the kwaZulu Legislative Assembly shall be deemed to be a session of the Zulu Territorial Authority: Provided that the Chief Executive Councillor and Executive Councillors shall, after the coming into operation of Part II of Schedule II hereto, hold office as such until their successors are elected at the first session of the Legislative Assembly held after the coming into operation of the said Part II of Schedule II hereto;

(g) repeal with effect from the fixed date, Chapter IV of the Schedule to Proclamation R. 139 of 1970, excluding Part I thereof: Provided that any reference in section 53 of Part I of Chapter IV of the Schedule to Proclamation R. 139 of 1970 to regulations 12 (3) and 12 (4) shall be deemed to be a reference to regulations 1 (3) and 1 (4), respectively, of Schedule B to Proclamation R. 74 of 1972.

This Proclamation shall be called the kwaZulu Constitution Proclamation, 1972.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-eighth day of March, One thousand Nine hundred and Seventy-two.

J. J. FOUCHÉ, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

(File F56/10/4/2/3)

SCHEDULE I

AREA OF THE KWAZULU LEGISLATIVE ASSEMBLY

The area comprising the areas of—

(i) the Inkanyezi Regional Authority, District of Eshowe, established by Government Notice 1188 of 1959;

(ii) the Hlanganiso Regional Authority, District of Estcourt, established by Government Notice 632 of 1965, as amended by Government Notices 825 of 1967 and 259 of 1969;

(iii) the Hlabisa Regional Authority, District of Hlabisa, established by Government Notice 1653 of 1968;

(iv) the Ingwavuma Regional Authority, District of Ingwavuma, established by Government Notice 697 of 1960;

(v) the Kanya Masikwakithi Regional Authority, District of Ixopo, established by Government Notice 1108 of 1963, as amended by Government Notice 464 of 1970;

(vi) the Amangwe Regional Authority, District of Lower Umfolozi, established by Government Notice 2163 of 1968;

(vii) die Mashonangashonistreekowerheid, distrik Mahlabatini, ingestel by Goewermentskennissgewing 1577 van 1968;

(viii) die Ndlovustreekowerheid, distrik Mapumulo, ingestel by Goewermentskennissgewing 2086 van 1960, soos gewysig by Goewermentskennissgewings 688 van 1968 en 623 van 1969;

(ix) die Mtonjanenistreekowerheid, distrik Mtonjaneni, ingestel by Goewermentskennissgewing 1784 van 1968, soos gewysig by Goewermentskennissgewing 324 van 1969;

(x) die Msingastreekowerheid, distrik Msinga, ingestel by Goewermentskennissgewing 2024 van 1968;

(xi) die Mehlwesizwestreekowerheid, distrik Mtunzini, ingestel by Goewermentskennissgewing 724 van 1961, soos gewysig by Goewermentskennissgewings 407 en 1191 van 1963;

(xii) die Nongomastreekowerheid, distrik Nongoma, ingestel by Goewermentskennissgewing 698 van 1960;

(xiii) die Vulindlelastreekowerheid, distrikte Pietermaritzburg en Camperdown, ingestel by Goewermentskennissgewing 2085 van 1960;

(xiv) die Simdlagentshastreekowerheid, distrikte Piet Retief en Paulpietersburg, ingestel by Goewermentskennissgewing 1600 van 1963, soos gewysig by Goewermentskennissgewings 1379 van 1964 en 2040 van 1967;

(xv) die Ukukanyakufikilestreekowerheid, distrik Port Shepstone, ingestel by Goewermentskennissgewing 1687 van 1960, soos gewysig by Goewermentskennissgewings 1947 van 1962 en 1785 van 1968;

(xvi) die Lindindlelastreekowerheid, distrik Ubombo, ingestel by Goewermentskennissgewing 723 van 1961, soos gewysig by Goewermentskennissgewing 339 van 1962;

(xvii) die Vulamehlostreekowerheid, distrik Umzinto, ingestel by Goewermentskennissgewing 4 van 1961;

(xviii) die Nqutustreekowerheid, distrik Nqutu, ingestel by Goewermentskennissgewing 622 van 1969;

(xix) die Zamindhlelastreekowerheid, distrik Alfred, ingestel by Goewermentskennissgewing 463 van 1970;

(xx) die Umbumbulustreekowerheid, distrikte Umbumbulu, Richmond en Camperdown, ingestel by Goewermentskennissgewing 714 van 1970;

(xxi) die Hlanganastreekowerheid, distrikte Polela en Impendle, ingestel by Goewermentskennissgewing 764 van 1970;

(xxii) die Nkandlastreekowerheid, distrikte Nkandla en Nqutu, ingestel by Goewermentskennissgewing 763 van 1970;

(xxiii) die Amazizistamowerheid, distrik Bergville, wat by Goewermentskennissgewing 1187 van 1959, soos gewysig, ingestel is en wat kragtens Proklamasie R. 182 van 1962, soos gewysig by Proklamasie R. 248 van 1971, vir die toepassing van artikel 2 (1) (c) van die Wet op Bantoe-owerhede, 1951 (Wet 68 van 1951), geag word 'n streekowerheid te wees;

(xxiv) die Amangwanestamowerheid, distrik Bergville, wat by Goewermentskennissgewing 43 van 1968 ingestel is en wat kragtens Proklamasie R. 182 van 1962, soos gewysig by Proklamasie R. 248 van 1971, vir die toepassing van artikel 2 (1) (c) van die Wet op Bantoe-owerhede, 1951 (Wet 68 van 1951), geag word 'n streekowerheid te wees; en

(xxv) die Khambistamowerheid, distrik Ngotshe, wat by Goewermentskennissgewing 1286 van 1961, soos gewysig, ingestel is en wat kragtens Proklamasie R. 182 van 1962, soos gewysig by Proklamasie R. 248 van 1971, vir die toepassing van artikel 2 (1) (c) van die Wet op Bantoe-owerhede, 1951 (Wet 68 van 1951), geag word 'n streekowerheid te wees.

(vii) the Mashonangashoni Regional Authority, District of Mahlabatini, established by Government Notice 1577 of 1968;

(viii) the Ndlovu Regional Authority, District of Mapumulo, established by Government Notice 2086 of 1960, as amended by Government Notices 688 of 1968 and 623 of 1969;

(ix) the Mtonjaneni Regional Authority, District of Mtonjaneni, established by Government Notice 1784 of 1968, as amended by Government Notice 324 of 1969;

(x) the Msinga Regional Authority, District of Msinga, established by Government Notice 2024 of 1968;

(xi) the Mehlwesizwe Regional Authority, District of Mtunzini, established by Government Notice 724 of 1961, as amended by Government Notices 407 and 1191 of 1963;

(xii) the Nongoma Regional Authority, District of Nongoma, established by Government Notice 698 of 1960;

(xiii) the Vulindlela Regional Authority, Districts of Pietermaritzburg and Camperdown, established by Government Notice 2085 of 1960;

(xiv) the Simdlagentsha Regional Authority, Districts of Piet Retief and Paulpietersburg, established by Government Notice 1600 of 1963, as amended by Government Notices 1379 of 1964 and 2040 of 1967;

(xv) the Ukukanyakufikile Regional Authority, District of Port Shepstone, established by Government Notice 1687 of 1960, as amended by Government Notices 1947 of 1962 and 1785 of 1968;

(xvi) the Lindindlela Regional Authority, District of Ubombo, established by Government Notice 723 of 1961, as amended by Government Notice 339 of 1962;

(xvii) the Vulamehlo Regional Authority, District of Umzinto, established by Government Notice 4 of 1961;

(xviii) the Nqutu Regional Authority, District of Nqutu, established by Government Notice 622 of 1969;

(xix) the Zamindhlela Regional Authority, District of Alfred, established by Government Notice 463 of 1970;

(xx) the Umbumbulu Regional Authority, Districts of Umbumbulu, Richmond and Camperdown, established by Government Notice 714 of 1970;

(xxi) the Hlanganani Regional Authority, Districts of Polela and Impendle, established by Government Notice 764 of 1970;

(xxii) the Nkandla Regional Authority, Districts of Nkandla and Nqutu, established by Government Notice 763 of 1970;

(xxiii) the Amazizi Tribal Authority, District of Bergville, which was established by Government Notice 1187 of 1959, as amended, and which, in terms of Proclamation R. 182 of 1962, as amended by Proclamation R. 248 of 1971, is deemed to be a regional authority for the purposes of section 2 (1) (c) of the Bantu Authorities Act, 1951 (Act 68 of 1951);

(xxiv) the Amangwane Tribal Authority, District of Bergville, which was established by Government Notice 43 of 1968, and which, in terms of Proclamation R. 182 of 1962, as amended by Proclamation R. 248 of 1971, is deemed to be a regional authority for the purposes of section 2 (1) (c) of the Bantu Authorities Act, 1951 (Act 68 of 1951); and

(xxv) the Khambi Tribal Authority, District of Ngotshe, which was established by Government Notice 1286 of 1961, as amended, and which, in terms of Proclamation R. 182 of 1962, as amended, by Proclamation R. 248 of 1971, is deemed to be a regional authority for the purposes of section 2 (1) (c) of the Bantu Authorities Act, 1951 (Act 68 of 1951).

BYLAE II

DEEL I

Woordomskrywing

1. In hierdie bepalings, tensy uit die samehang anders blyk, het 'n uitdrukking waaraan 'n betekenis in die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), die Wet op Burgerskap van Bantoetuislande, 1970 (Wet 26 van 1970), en die Wet op Bantoe-owerhede, 1951 (Wet 68 van 1951), geheg is daardie betekenis en beteken—

(i) "die kwaZulustreksowerheidregulasies" die regulasies by Proklamasie R. 74 van 1972 afgekondig;

(ii) "die persoonlike verteenwoordiger van die Hoofkaptein" die persoonlike verteenwoordiger van die Hoofkaptein, aangestel ingevolge regulasie 1 (3) van die kwaZulustreksowerheidregulasies;

(iii) "Direkteur" die administratiewe hoof van 'n departement van die Regering van kwaZulu;

(iv) "geheime stemming" 'n stemming gehou ingevolge die bepalings van reël 7 (4) van die Reglement van Orde van die kwaZulu- Wetgewende Vergadering: Met dien verstande dat, in die geval van 'n ongeletterde lid, sodanige lid die reg het om 'n lid van die Wetgewende Vergadering te benoem om hom met die invul van sy stembrief by te staan;

(v) "Hoofkaptein" die Hoofkaptein van die stamme waaruit die Zoeloevolkseenheid bestaan, as sodanig aangestel deur die Staatspresident kragtens die bevoegdheid hom verleen by artikel 2 (7) van die Bantoe-administrasie Wet, 1927 (Wet 38 van 1927);

(vi) "Kommissaris-generaal" die Kommissaris-generaal van die Zoeloevolkseenheid, aangestel ingevolge die Wet op die Bevordering van Bantoe-selfbestuur, 1959 (Wet 46 van 1959);

(vii) "kwaZulu" die gebied waarvoor die kwaZulu-Wetgewende Vergadering ingestel is; en

(viii) "Wetgewende Vergadering" die kwaZulu-Wetgewende Vergadering.

DEEL II

DIE WETGEWENDE VERGADERING

Samestelling van Wetgewende Vergadering

2. (1) Die Wetgewende Vergadering bestaan uit die Hoofkaptein van die Zoeloes wat die eenheid van die Zoeloevolk verpersoonlik afsydig van partypolitiek en partikularisme en die volgende lede:

(a) Die persoonlike verteenwoordiger van die Hoofkaptein;

(b) drie kapteins aangestel uit sy geledere deur elke streksowerheid ingestel ingevolge artikel 2 (1) (a) van die Wet op Bantoe-owerhede, 1951 (Wet 68 van 1951), binne die gebied van die Wetgewende Vergadering: Met dien verstande dat indien daar minder as drie kapteins in sodanige streksowerheid is, al sodanige kapteins aangestel moet word: Met dien verstande voorts dat vir doeleindes van hierdie paragraaf die voorsitter van 'n gemeenskapsowerheid geag word 'n kaptein te wees;

(c) die kaptein of die voorsitter, na gelang van die geval, van elke stam- of gemeenskapsowerheid wat geag word 'n streksowerheid binne die gebied van die Wetgewende Vergadering te wees; en

(d) vyf-en-vyftig lede deur die kiesers van kwaZulu verkies.

(2) Die verteenwoordiger van 'n kaptein kragtens regulasie 1 (4) van die kwaZulu-streksowerheidsregulasies aangestel, kan sy kaptein op enige vergadering van die Wetgewende Vergadering wat die kaptein om enige rede nie kan bywoon nie verteenwoordig, en wanneer sodanige verteenwoordiger die kaptein aldus verteenwoordig, geniet

SCHEDULE II

PART I

Definitions

1. In these provisions, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), the Bantu Homelands Citizenship Act, 1970 (Act 26 of 1970), and the Bantu Authorities Act, 1951 (Act 68 of 1951), shall bear that meaning and—

(i) "Commissioner-General" means the Commissioner-General of the Zulu National Unit, appointed in terms of the Promotion of Bantu Self-government Act, 1959 (Act 46 of 1959);

(ii) "Director" means the administrative head of any department of the Government of kwaZulu;

(iii) "kwaZulu" means the area for which the kwaZulu Legislative Assembly was established;

(iv) "Legislative Assembly" means the kwaZulu Legislative Assembly;

(v) "Paramount Chief" means the Paramount Chief of the tribes comprising the Zulu Nation appointed as such by the State President under and by virtue of the powers vested in him by section 2 (7) of the Bantu Administration Act, 1927 (Act 38 of 1927);

(vi) "secret ballot" means a ballot conducted in terms of the provisions of rule 7 (4) of the Rules of Procedure for the kwaZulu Legislative Assembly: Provided that in the case of an illiterate member, such member shall have the right to nominate a member of the Legislative Assembly to assist him in completing his ballot paper;

(vii) "the kwaZulu Regional Authority Regulations" means the regulations promulgated under Proclamation R. 74 of 1972; and

(viii) "the personal representative of the Paramount Chief" means the personal representative of the Paramount Chief, appointed in terms of regulation 1 (3) of the kwaZulu Regional Authority Regulations.

PART II

THE LEGISLATIVE ASSEMBLY

Constitution of Legislative Assembly

2. (1) The Legislative Assembly shall consist of the Paramount Chief of the Zulus personifying the unity of the Zulu Nation, aloof from party politics and sectionalism, and members who shall be:

(a) The personal representative of the Paramount Chief;

(b) three chiefs appointed from its members by each regional authority established in terms of section 2 (1) (a) of the Bantu Authorities Act, 1951 (Act 68 of 1951), within the area of the Legislative Assembly: Provided that if there are less than three chiefs in such regional authority, all such chiefs shall be appointed: Provided further that for the purposes of this paragraph the chairman of a community authority shall be deemed to be a chief;

(c) the chief or the chairman, as the case may be, of each tribal or community authority deemed to be a regional authority within the area of the Legislative Assembly; and

(d) fifty-five members elected by the voters of kwaZulu.

(2) The representative of a chief appointed under regulation 1 (4) of the kwaZulu Regional Authority Regulations may represent his chief at any meeting of the Legislative Assembly which for any reason the chief cannot attend, and such representative when so representing such

hy, behoudens die bepalings van subartikel (4), al die bevoegdhede en voorregte van 'n lid van die Wetgewende Vergadering.

(3) Wanneer die aanstelling van 'n kaptein se verteenwoordiger ingevolge regulasie 1 (4) van die kwaZulu-streksowerheidsregulasies ingetrek word, hou sodanige verteenwoordiger op om enige bevoegdhede en voorregte ingevolge subartikel (2) te geniet.

(4) Die Hoofkaptein se persoonlike verteenwoordiger of 'n kaptein se verteenwoordiger, mag geen amp in die Uitvoerende Raad van die Wetgewende Vergadering beklee nie.

(5) Die Direkteur van die Departement van Owerheid-sake en Finansies moet die Kommissaris-generaal en die Kontroleur en Ouditeur-generaal in kennis stel van die name van die lede van die Wetgewende Vergadering.

Kiesafdelings

3. Die gebiede van streksowerhede ingestel kragtens artikel 2 (1) (a) van die Wet op Bantoe-owerhede, 1951 (Wet 68 van 1951), binne die gebied van die Wetgewende Vergadering is die kiesafdelings vir die verkiesing van die verkose lede van die Wetgewende Vergadering, en die getal lede wat ten opsigte van elke kiesafdeling verkies moet word, moet in verhouding wees tot die onderskeie geraamde totale getalle burgers in die verskillende kiesafdelings woonagtig. Met dien verstande dat minstens een lid ten opsigte van elke kiesafdeling verkies moet word.

Persone Geregtig om te Stem

4. (1) Behoudens die bepalings van subartikel (2), is elke burger van kwaZulu bo die ouderdom van 18 jaar geregtig om in een van die kiesafdelings van kwaZulu te stem en is geregtig om sodanige stem by enige stemburo uit te bring en elke sodanige persoon moet by enige verkiesing van lede van die Wetgewende Vergadering soveel stemme hê as wat daar lede is wat verkies moet word ten opsigte van die kiesafdeling waarin hy geregtig is om sy stem uit te bring, maar mag nie meer as een stem ten opsigte van enige een kandidaat uitbring nie.

(2) 'n Persoon is geregtig om in 'n bepaalde kiesafdeling te stem—

(a) indien hy binne sodanige kiesafdeling gedomiseleer is; of

(b) indien sy distrik van herkoms of die distrik van herkoms van sy ouers of voorouers binne sodanige kiesafdeling geleë is.

(3) Die metode vir die uitbring en tel van stemme by 'n verkiesing en die omstandighede waaronder 'n kandidaat vir verkiesing behoorlik verkose geag word en die prosedure (wat loting kan insluit) wat gevolg moet word waar twee of meer kandidate vir dieselfde setel ewe veel stemme verkry het, moet in ooreenstemming wees met die toepaslike wette) betreffende die stemreg en verkiesings in kwaZulu.

Diskwalifikasie van Lede

5. (1) Geen persoon is bevoeg om as lid van die Wetgewende Vergadering verkies te word, of lid daarvan te wees nie indien hy—

- (a) onder die ouderdom van 21 jaar is;
- (b) nie 'n burger van kwaZulu is nie;
- (c) in kwaZulu of elders in die Republiek of in die gebied Suidwes-Afrika skuldig bevind is—

- (i) aan hoogverraad; of
- (ii) aan moord; of
- (iii) aan enige ander misdryf en daarvoor gevonnis is tot 'n tydperk van gevangenisstraf sonder die keuse van 'n boete (uitgesonderd aanhouding totdat die hof

chief, shall, subject to the provisions of subsection (4), enjoy all the powers and privileges of a member of the Legislative Assembly.

(3) Whenever in terms of regulation 1 (4) of the kwaZulu Regional Authority Regulations the appointment of a chief's representative is revoked, such representative shall cease to enjoy any powers and privileges in terms of subsection (2).

(4) The personal representative of the Paramount Chief or the representative of a chief shall not hold any office on the Executive Council of the Legislative Assembly.

(5) The Director of the Department of Authority Affairs and Finance shall advise the Commissioner-General and the Controller and Auditor-General of the names of the members of the Legislative Assembly.

Electoral Divisions

3. The areas of regional authorities established in terms of section 2 (1) (a) of the Bantu Authorities Act, 1951 (Act 68 of 1951), within the area of the Legislative Assembly shall be the electoral divisions for the election of the elected members of the Legislative Assembly, and the number of members to be elected in respect of each electoral division shall be in proportion to the respective estimated total numbers of citizens resident in the various electoral divisions: Provided that there shall be elected at least one member in respect of each electoral division.

Persons Entitled to Vote

4. (1) Subject to the provisions of subsection (2), every citizen of kwaZulu over the age of 18 years shall be entitled to vote in one of the electoral divisions of kwaZulu and shall be entitled to cast such vote at any polling Station and every such person shall at any election of members of the Legislative Assembly have as many votes as there are members to be elected for the electoral division in respect of which he is entitled to cast his vote but shall not record more than one vote in respect of any one candidate.

(2) A person shall be entitled to vote in a particular electoral division—

(a) if he is domiciled within such electoral division; or

(b) if his district of origin or the district of origin of his antecedents is situated in such electoral division.

(3) The method of recording and counting of votes at any election and the circumstances under which any candidate for election shall be deemed to have been duly elected and the procedure (which may include the drawing of lots) to be adopted where two or more candidates for the same seat have obtained the same number of votes shall be in accordance with the relevant laws governing the franchise and elections in kwaZulu.

Disqualification of Members

5. (1) No person shall be qualified to be elected or to be a member of the Legislative Assembly, if he—

- (a) is under the age of 21 years;
- (b) is not a citizen of kwaZulu;
- (c) has been convicted in kwaZulu or elsewhere in the Republic or in the Territory of South-West Africa—

- (i) of treason; or
- (ii) of murder; or
- (iii) of any other offence and sentenced therefor to a term of imprisonment without the option of a fine (other than detention until the rising of the court), or

verdaag), of beveel is om kragtens enige wetsbepaling betreffende werkkolonies aangehou te word, en genoemde tydperk nie verstryk het nie of bedoelde bevel nie finaal opgehou het om van krag te wees nie; of

(d) skuldig bevind is aan enige korrupte of onwettige praktyk ingevolge die wette betreffende stemreg en verkiesings in kwaZulu en onbevoeg verklaar is om te stem by enige verkiesing gedurende enige tydperk, en bedoelde tydperk nie verstryk het nie; of

(e) onderworpe is aan 'n hofbevel waarby hy krank-sinnig of geestelik gekrenk of gebrekkig verklaar is of wettig kragtens die Wet op Geestesgebreken, 1916 (Wet 38 van 1916), as geestelik gekrenk of gebrekkig aangehou word.

(2) Vir die doeleindes van subartikel (1) (c) word 'n persoon wat ten volle begenadig is, geag nie aan die betrokke misdryf skuldig bevind te gewees het nie, en beteken 'n tydperk van gevangenisstraf die hele termyn van 'n vonnis tot gevangenisstraf, al is die vonnis in die geheel of gedeeltelik opgeskort of kwytgeskeld.

Termyn van Wetgewende Vergadering

6. Die termyn van elke Wetgewende Vergadering is vyf jaar vanaf die datum van die eerste sittingsdag van die eerste sessie, en nie langer nie: Met dien verstande dat die Uitvoerende Raad die ontbinding van die Wetgewende Vergadering kan aanbeveel voordat genoemde tydperk van vyf jaar verstryk het.

Ontruiming van Setels

7. Die setel van 'n lid van die Wetgewende Vergadering word geag ontruim te wees—

- (a) by die afsterwe van sodanige lid;
- (b) by die aanvaarding deur die Uitvoerende Raad van 'n kennisgewing onder die handtekening van sodanige lid waarby hy sy bedanking te kenne gee;
- (c) indien hy ingevolge artikel 5 (1) (b), (c), (d) of (e) gediskwalifiseer raak;
- (d) in die geval van 'n lid wat 'n kaptein is, indien hy ophou om 'n kaptein te wees; of
- (e) in die geval van die persoonlike verteenwoordiger van die Hoofkaptein, wanneer sy aanstelling as persoonlike verteenwoordiger ingevolge regulasie 1 (4) van die kwaZulustreeksowerheidregulasies ingetrek word.

Aanvulling van Toevallige Vakatures

8. Indien die setel van 'n lid van die Wetgewende Vergadering, wat nie 'n verkose lid is nie, ingevolge artikel 7 vakant raak, moet sodanige vakature binne drie maande nadat dit vakant geraak het, aangevul word soos in artikel 2 bepaal: Met dien verstande dat die ampstermyn van die Wetgewende Vergadering nie verstreke mag wees alvorens die vakature gevul kan word nie.

9. Indien die setel van 'n lid van die Wetgewende Vergadering, wat 'n verkose lid is, ingevolge artikel 7 vakant raak, moet dit binne drie maande nadat dit vakant geraak het, gevul word deur die aanstelling, deur die betrokke streeksowerheid, van 'n persoon wat nie onderhewig is nie aan die diskwalifikasies in artikel 5 genoem, as lid vir die onverstreke gedeelte van die termyn van die Wetgewende Vergadering.

DEEL III

SESSIES VAN WETGEWENDE VERGADERING

10. (1) Daar moet minstens een maal in elke jaar 'n gewone sessie van die Wetgewende Vergadering plaasvind: Met dien verstande dat daar nie 'n tydperk van vyftien (15) maande tussen die laaste sittingsdag van die Wetgewende Vergadering in een gewone sessie en sy eerste

ordered to be detained under any law relating to work colonies, and the said period has not expired or such order has not finally ceased to be operative; or

(d) has been convicted of any corrupt or illegal practice under the laws governing the franchise and elections in kwaZulu and has been declared incapable of voting at any election during any period, and the said period has not expired; or

(e) is subject to an order of court declaring him to be of unsound mind or mentally disordered or defective or is lawfully detained as mentally disordered or defective under the Mental Disorders Act, 1916 (Act 38 of 1916).

(2) For the purposes of subsection (1) (c), a person who has been granted a free pardon shall be deemed not to have been convicted of the offence concerned, and a term of imprisonment shall mean the full term of a sentence of imprisonment, notwithstanding any suspension or remission of the whole or any portion of the sentence.

Life of Legislative Assembly

6. Every Legislative Assembly shall continue for five years from the date of the first sitting day of its first session and no longer: Provided that the Executive Council may recommend the dissolution of the Legislative Assembly before the expiration of the said period of five years.

Vacating of Seats

7. The seat of a member of the Legislative Assembly shall be deemed to have been vacated—

- (a) upon the death of such member;
- (b) upon acceptance by the Executive Council of a notice under the hand of such member stating that he resigns;
- (c) upon becoming disqualified in terms of section 5 (1) (b), (c), (d) or (e);
- (d) in the event of a member who is a chief, ceasing to be a chief; or
- (e) in the case of the personal representative of the Paramount Chief, upon the revocation of his appointment as personal representative, in accordance with regulation 1 (4) of the kwaZulu Regional Authority Regulations.

Filling of Casual Vacancies

8. Should the seat of a member of the Legislative Assembly, who is not an elected member, become vacant in terms of section 7, it shall be filled as provided in section 2 within three months of its becoming vacant: Provided that the life of the Legislative Assembly shall not have expired before it can be filled.

9. Should the seat of a member of the Legislative Assembly, who is an elected member, become vacant in terms of section 7, it shall be filled within three months of its becoming vacant by the appointment by the regional authority concerned of a person who is not subject to the disqualifications mentioned in section 5 as a member for the remainder of the life of the Legislative Assembly.

PART III

SESSIONS OF LEGISLATIVE ASSEMBLY

10. (1) There shall be an ordinary session of the Legislative Assembly at least once in every year: Provided that a period of fifteen (15) months shall not intervene between the last sitting day of the Legislative Assembly in

sittingsdag in die volgende gewone sessie moet verloop nie, tensy die Minister goedkeur dat 'n sessie na die verloop van die tydperk van vyftien (15) maande gehou word: Met dien verstande voorts dat die eerste sessie na die inwerkingtreding van Deel II van hierdie Proklamasie (hieronder die eerste sessie genoem) belê word deur 'n persoon wat die Minister aanwys: Met dien verstande verder dat hierdie subartikel nie uitgelê sal word as sou 'n gewone sessie van die Wetgewende Vergadering noodsaaklikerwys moet plaasvind gedurende die jaar van instelling van die eerste Wetgewende Vergadering nie.

(2) 'n Buitengewone sessie van die Wetgewende Vergadering kan te eniger tyd, en moet, indien die Minister dit gelas, deur die Uitvoerende Raad byeengeroep word, en op sodanige buitengewone sessie mag slegs dié sake wat die Hoof-Uitvoerenderaadslid aan die Wetgewende Vergadering voorlê of goedkeur, behandel word: Met dien verstande dat indien sodanige buitengewone sessie op las van die Minister byeengeroep word, slegs die sake wat die byeenroeping van die buitengewone sessie nodig gemaak het, bespreek word.

(3) Elke sessie van die Wetgewende Vergadering word gehou op sodanige plek as wat die Uitvoerende Raad bepaal en moet begin op 'n datum en tyd deur die Uitvoerende Raad bepaal.

(4) Die Direkteur van die Departement van Owerheidsake en Finansies moet skriftelik minstens twee-en-veertig (42) dae voor 'n gewone sessie en minstens sewe (7) dae voor 'n buitengewone sessie van die Wetgewende Vergadering die lede en die Kommissaris-generaal in kennis stel van die datum en tyd bepaal vir en die sake wat behandel moet word op sodanige sessie.

(5) Die Kommissaris-generaal kan enige sessie van die Wetgewende Vergadering bywoon en die Voorsitter moet die Kommissaris-generaal so dikwels as wat laasgenoemde dit nodig ag, die geleentheid bied om die Wetgewende Vergadering toe te spreek in verband met enige saak in oorweging of wat oorweeg moet word deur die Wetgewende Vergadering.

11. (1) Alle kwessies wat in die Wetgewende Vergadering ontstaan, word beslis deur 'n meerderheid van stemme van die aanwesige lede. In geval van 'n staking van stemme het die persoon wat op die sitting voorsit 'n beslissende stem wat hy moet uitbring, sowel as 'n gewone stem.

(2) Enige getal lede wat meer is as die helfte van die getal lede van die Wetgewende Vergadering maak 'n kworum uit.

(3) Behoudens die bepalings van hierdie Proklamasie en die Reglement van Orde, is daar vryheid van spraak en debat op sittings van die Wetgewende Vergadering.

(4) Geen lid van die Wetgewende Vergadering is blootgestel aan enige regsdinging uit hoofde van enige aangeleentheid wat hy by versoekskrif, konsepmaatreël, besluit, mosie of andersins aan die Wetgewende Vergadering voorgelê het of enigiets wat hy in die Wetgewende Vergadering gesê het of uit hoofde van die wyse waarop hy in die Wetgewende Vergadering gestem het nie.

(5) Behoudens die bepalings van die Reglement van Orde, is die verrigtinge van die Wetgewende Vergadering oop vir die publiek.

(6) Die Voorsitter of, in sy afwesigheid die Ondervoorsitter, sit voor op al die sittings van die Wetgewende Vergadering of, as sowel die Voorsitter as Ondervoorsitter weens afwesigheid of om 'n ander rede nie op 'n sitting kan voorsit nie, moet die aanwesige lede onder die voorsitterskap van die Sekretaris van die Wetgewende Vergadering een van die lede benoem om op sodanige sitting voor te sit.

one ordinary session and its first sitting day in the next ordinary session unless the Minister approves of a session being held after the expiration of the period of fifteen (15) months: Provided further that the first session after the coming into operation of Part II of this Proclamation (hereinafter referred to as the first session) shall be convened by a person designated by the Minister: Provided further that this subsection shall not be construed as necessitating the holding of an ordinary session of the Legislative Assembly during the year of establishment of the first Legislative Assembly.

(2) A special session of the Legislative Assembly may at any time, and shall, if the Minister so directs be called by the Executive Council, and at such special session only such business as the Chief Executive Councillor may lay before it or approve shall be transacted: Provided that if such special session be called by direction of the Minister only the business necessitating the calling of the special session shall be discussed.

(3) Every session of the Legislative Assembly shall be held at such place as the Executive Council may determine and shall commence on a date and time fixed by the Executive Council.

(4) The Director of the Department of Authority Affairs and Finance shall in writing not less than forty-two (42) days prior to an ordinary session and not less than seven (7) days prior to a special session of the Legislative Assembly inform the members and the Commissioner-General of the date and time fixed for, and the business to be transacted at, such session.

(5) The Commissioner-General may attend any sitting of the Legislative Assembly and the Chairman shall afford the Commissioner-General as often as the latter may deem it necessary the opportunity of addressing the Legislative Assembly in regard to any matter under consideration or to be considered by the Legislative Assembly.

11. (1) All questions arising in the Legislative Assembly shall be determined by a majority of votes of the members present. In the case of an equality of votes the person presiding at the sitting shall have and exercise a casting vote in addition to a deliberative vote.

(2) Any number of members more than half the number of members of the Legislative Assembly shall form a quorum.

(3) Subject to the provisions of this Proclamation and of the Rules of Procedure, there shall be freedom of speech and debate at sittings of the Legislative Assembly.

(4) No member of the Legislative Assembly shall be liable to any legal proceedings by virtue of any matter he may have brought by petition, draft enactment, resolution, motion or otherwise or anything he may have said before the Legislative Assembly, or by reason of his vote in the Legislative Assembly.

(5) The proceedings of the Legislative Assembly shall, subject to the provisions of the Rules of Procedure, be open to the public.

(6) The Chairman or, in his absence, the Deputy Chairman, shall preside at all sittings of the Legislative Assembly or if both the Chairman and Deputy Chairman are unable through absence or other cause to preside at a sitting, the members present shall, with the Secretary of the Legislative Assembly as presiding officer, nominate one of the members to preside at such sitting.

Eed wat Lede moet Aflê

12. (1) Elke lid van die Wetgewende Vergadering, met uitsondering van die Hoofkaptein, moet voordat hy sy plek inneem, voor die Kommissaris-generaal of 'n persoon deur die Minister aangewys, op 'n sitting van die Wetgewende Vergadering 'n eed in die volgende vorm aflê en onderteken:

Ek, A.B., sweer dat ek die Staatspresident van die Republiek van Suid-Afrika en die Hoofkaptein sal eer en respekteer, en dat ek lojaal en getrou sal wees aan die kwaZulu- Wetgewende Vergadering en sy administrasie en dat ek alle wette wat in die gebied van die kwaZulu- Wetgewende Vergadering van toepassing is, sal eerbiedig; en ek beloof om my pligte op 'n lojale en waardige wyse en na my beste vermoë te verrig.

So help my God.

(2) Met uitsondering van die Hoofkaptein mag geen lid van die Wetgewende Vergadering op enige sitting van die Wetgewende Vergadering sy plek inneem of stem nie tot tyd en wyl hy die eed op die wyse by subartikel (1) voorgeskryf, afgelê en onderteken het.

(3) Die bepalinge van hierdie artikel is *mutatis mutandis* van toepassing op die persoonlike verteenwoordiger van die Hoofkaptein en die verteenwoordiger van 'n kaptein.

DEEL IV

DIE UITVOERENDE RAAD

Samestelling van Uitvoerende Raad

13. (1) Die Uitvoerende Raad bestaan uit—

(a) 'n Hoof-Uitvoerenderaadslid wat 'n lid van die Wetgewende Vergadering moet wees en wat 'n kaptein moet wees; en

(b) vyf ander lede wat lede van die Wetgewende Vergadering moet wees en van wie minstens twee kapteins moet wees.

(2) Die Hoof-Uitvoerenderaadslid en die Uitvoerenderaadslide word by geheime stemming verkies soos hieronder bepaal.

Verkiesing van die Hoof-Uitvoerenderaadslid

14. Onmiddellik nadat al die lede wat op die sitting van die Wetgewende Vergadering aanwesig is die eed in artikel 12 (1) genoem, afgelê en onderteken het, gaan die Wetgewende Vergadering oor tot die verkiesing van 'n Hoof-Uitvoerenderaadslid.

Wyse waarop Hoof-Uitvoerenderaadslid Verkies word

15. Die Hoof-Uitvoerenderaadslid word by geheime stemming uit die lede van die Wetgewende Vergadering verkies op die wyse in die Reglement van Orde bepaal.

Verkiesing van ander Uitvoerenderaadslide as die Hoof-Uitvoerenderaadslid

16. (1) Wanneer lede van die Uitvoerende Raad ander dan die Hoof-Uitvoerenderaadslid, by die eerste sessie van 'n nuwe Wetgewende Vergadering verkies moet word voorsien die Hoof-Uitvoerenderaadslid die Sekretaris van die Wetgewende Vergadering met 'n lys van name van 10 kandidate waarvan vyf kapteins moet wees.

(2) Die name van die behoorlik genomineerde persone word deur die Sekretaris van die Wetgewende Vergadering aangekondig en geen debat, behalwe soos bepaal in reël 8 (1) van die Reglement van Orde bepaal, word toegelaat nie.

(3) 'n Geheime stemming vind plaas waarby elke aanwesige lid slegs een stem het en uitbring ten opsigte van elke vakature en na die stemming word die getal kandidate gelyk aan die getal vakatures, wat meer stemme

Oath to be Taken by Members

12. (1) Every member of the Legislative Assembly, with the exception of the Paramount Chief, shall before taking his seat make and subscribe before the Commissioner-General or a person designated by the Minister, at a sitting of the Legislative Assembly an oath in the following form:

I, A.B., do swear that I shall honour and respect the State President of the Republic of South Africa and the Paramount Chief, and that I shall be loyal and faithful to the kwaZulu Legislative Assembly and its administration and that I will respect all laws applicable in the area of the kwaZulu Legislative Assembly and I promise to perform my duties in a loyal and worthy manner and to the best of my ability.

So help me God.

(2) No member of the Legislative Assembly, with the exception of the Paramount Chief, shall sit or vote at any sitting of the Legislative Assembly until he has made and subscribed the oath in the form prescribed in subsection (1).

(3) The provisions of this section shall *mutatis mutandis* apply to the personal representative of the Paramount Chief and the representative of a chief.

PART IV

THE EXECUTIVE COUNCIL

Constitution of Executive Council

13. (1) The Executive Council shall consist of—

(a) a Chief Executive Councillor who shall be a member of the Legislative Assembly and who shall be a chief; and

(b) five other members who shall be members of the Legislative Assembly and of whom at least two shall be chiefs.

(2) The Chief Executive Councillor and the Executive Councillors shall be elected by secret ballot as hereinafter provided.

Election of Chief Executive Councillor

14. Immediately after all the members present at the sitting of the Legislative Assembly have made and subscribed the oath referred to in section 12 (1), the Legislative Assembly shall proceed to the election of a Chief Executive Councillor.

Method of Election of Chief Executive Councillor

15. The Chief Executive Councillor shall be elected by secret ballot from amongst the members of the Legislative Assembly in the manner provided for in the Rules of Procedure.

Election of Executive Councillors other than the Chief Executive Councillor

16. (1) Whenever members of the Executive Council other than the Chief Executive Councillor, are required to be elected at the first session of a new Legislative Assembly the Chief Executive Councillor shall present the Secretary of the Legislative Assembly with a list of the names of 10 candidates nominated by him of whom five shall be chiefs.

(2) The names of the persons duly nominated shall be announced by the Secretary of the Legislative Assembly and no debate, other than as provided for in rule 8 (1) of the Rules of Procedure, shall be allowed.

(3) A vote shall be taken by secret ballot at which each member present shall have and exercise one vote only in respect of each vacancy, after which ballot the number of candidates, equalling the number of vacancies, who

as die oorblywende kandidate kry deur die Sekretaris van die Wetgewende Vergadering verklaar tot behoorlik verkose Uitvoerenderaadslede.

(4) Indien 'n staking van stemme tussen twee of meer kandidate verhoed dat al of enige van die vakatures aangevul word, moet 'n verdere stemming soos voorgeskryf by subartikel (4) plaasvind, maar stemme word uitgebring slegs vir daardie kandidate wat ewe veel stemme gekry het en elke lid het slegs een stem en bring slegs een stem uit ten opsigte van elke oorblywende vakature.

Eed vir Uitvoerenderaadslede

17. (1) Elke Uitvoerenderaadslid, met inbegrip die Hoof-Uitvoerenderaadslid, moet, voordat hy sy amp as sodanig aanvaar, voor die Voorsitter van die Wetgewende Vergadering op 'n sitting van die Wetgewende Vergadering 'n eed in die volgende vorm aflê en onderteken:

Ek, A.B., sweer hierby dat ek my amp as Uitvoerenderaadslid van die kwaZulu- Wetgewende Vergadering op eervolle en waardige wyse sal beklee; dat ek die kwaZulu-konstitusie en alle wette wat van toepassing is in die gebied ten opsigte waarvan die kwaZulu- Wetgewende Vergadering ingestel is, sal eerbiedig; dat ek 'n opregte en getroue Uitvoerenderaadslid sal wees; dat ek geen sake wat voor die Uitvoerende Raad dien en wat aan my vir geheimhouding toevertrou word, regstreeks of onregstreeks sal openbaar nie; en dat ek my ampspligte met nougesetheid en na my beste vermoë sal nakom; en dat ek voor God onderneem om hierdie eed te eerbiedig.

So help my God.

(2) Enige Uitvoerenderaadslid kragtens artikel 24 (3) aangestel, moet, voordat hy sy amp as sodanig aanvaar, voor die Voorsitter van die Wetgewende Vergadering en in teenwoordigheid van die Uitvoerende Raad die eed soos in subartikel (1), uiteengesit, aflê en onderteken.

Die Voer van Verrigtings van Uitvoerende Raad

18. (1) Vrae wat in die Uitvoerende Raad ontstaan, word deur 'n meerderheid van stemme van die aanwesige Uitvoerenderaadslede beslis en in die geval van 'n staking van stemme het die Hoof-Uitvoerenderaadslid 'n beslissende stem.

(2) Die Uitvoerende Raad kan reëls maak vir die wyse waarop sy vergaderings gehou word.

(3) Die Uitvoerende Raad kan van tyd tot tyd uit eie geledere 'n subkomitee aanstel vir enige doel wat hy nodig ag en kan een of meer lede van die Wetgewende Vergadering koöpteer om in sodanige subkomitee te dien; sodanige subkomitee moet oor sy bevindings verslag doen en kan sodanige aanbevelings as wat hy nodig ag aan die Uitvoerende Raad vir oorweging voorlê.

(4) Die Kommissaris-generaal, enige Direkteur en enige persoon wat deur die Uitvoerende Raad toegelaat word om dit te doen, het die reg om enige vergadering van die Uitvoerende Raad by te woon om raad te gee in verband met sake wat binne die bestek van die Administrasie van kwaZulu val.

Ampstermyn van Uitvoerenderaadslede

19. (1) Behoudens andersluidende bepalings in hierdie Proklamasie vervat, beklee die Hoof-Uitvoerenderaadslid en Uitvoerenderaadslede hul amp totdat hulle opvolgers deur 'n nuwe Wetgewende Vergadering na 'n algemene verkiesing verkies word.

(2) Die Hoof-Uitvoerenderaadslid kan by besluit van die Wetgewende Vergadering van sy amp onthef word.

(3) Enige Uitvoerenderaadslid kan op aanbeveling van die Hoof-Uitvoerenderaadslid by besluit van die Wetgewende Vergadering van sy amp onthef word.

obtain more votes than the remaining candidates shall be declared by the Secretary of the Legislative Assembly to be duly elected Executive Councillors.

(4) Should any equality of votes received by two or more candidates preclude the filling of all or any of the vacancies, a second ballot shall be taken as prescribed in subsection (4) but votes shall be cast only for those candidates who have obtained the same number of votes and each member shall have and exercise one vote only in respect of each remaining vacancy.

Oath for Executive Councillors

17. (1) Every Executive Councillor, including the Chief Executive Councillor, shall, before assuming his duties as such, make and subscribe before the Chairman of the Legislative Assembly at a sitting of the Legislative Assembly an oath in the following form:

I, A.B., do hereby swear to hold my office as Executive Councillor of the kwaZulu Legislative Assembly with honour and dignity; to respect the kwaZulu Constitution and all laws applicable in the area for which the kwaZulu Legislative Assembly was established; to be a true and faithful Executive Councillor; not to divulge directly or indirectly any matters brought before the Executive Council which are entrusted to me under secrecy and to perform the duties of my office conscientiously and to the best of my ability; and I undertake before God to honour this oath.

So help me God.

(2) Any Executive Councillor appointed under section 24 (3) shall, before assuming his duties as such, make and subscribe before the Chairman of the Legislative Assembly and in the presence of the Executive Council the oath as set out in subsection (1).

Conduct of Proceedings of Executive Council

18. (1) Questions arising in the Executive Council shall be determined by a majority of votes of the Executive Councillors present and in the case of an equality of votes the Chief Executive Councillor shall have a casting vote.

(2) The Executive Council may make rules for the conduct of its meetings.

(3) The Executive Council may from time to time appoint any subcommittee from among its members for any purpose it may deem necessary and may co-opt one or more members of the Legislative Assembly to serve on such subcommittee; such subcommittee shall report on its findings and may submit such recommendations as it may deem necessary to the Executive Council for consideration.

(4) The Commissioner-General, any Director and any person permitted by the Executive Council to do so shall have the right to attend any meeting of the Executive Council to advise on matters falling within the purview of the Administration of kwaZulu.

Period of Office of Executive Councillors

19. (1) Save as is otherwise provided for in this Proclamation, the Chief Executive Councillor and Executive Councillors shall hold office until their successors are elected by a new Legislative Assembly after a general election.

(2) The Chief Executive Councillor may be removed from office by resolution of the Legislative Assembly.

(3) Any Executive Councillor may be removed from office by resolution of the Legislative Assembly on the recommendation of the Chief Executive Councillor.

*Werkzaamhede van die Hoof-Uitvoerenderaadslid en
Ander Uitvoerenderaadslide*

20. (1) Die Hoof-Uitvoerenderaadslid of, in sy afwesigheid, enige Uitvoerenderaadslid vir die doel deur hom benoem, sit voor op al die vergaderings van die Uitvoerende Raad.

(2) Wanneer die amp van Hoof-Uitvoerenderaadslid vakant raak of wanneer die Hoof-Uitvoerenderaadslid afwesig is of nie in staat is om op te tree nie en geen Uitvoerende Raadslid ingevolge subartikel (1) benoem is om aldus waar te neem nie moet die Uitvoerenderaadslide uit eie geledere een aanwys om as Hoof-Uitvoerenderaadslid waar te neem totdat die vakature aangevul is of totdat die Hoof-Uitvoerenderaadslid in staat is om sy pligte te hervat, na gelang van die geval.

(3) Die Hoof-Uitvoerenderaadslid moet in oorleg met die Uitvoerenderaadslide die verantwoordelikheid vir die beheer oor en administrasie van die verskillende departemente aan die onderskeie Uitvoerenderaadslide opdra en toewys, en kan, na oorlegpleging met die Uitvoerenderaadslide ook die bevoegdhede, pligte en werkzaamhede wat in verband met die verskillende departemente uitgeoefen of verrig moet word, toewys, en, indien nodig, sodanige departemente met die oog op beter administrasie in oorleg met die Uitvoerenderaadslide herorganiseer.

(4) Die Hoof-Uitvoerenderaadslid en elke Uitvoerenderaadslid moet voor die aanvang van elke sessie van die Wetgewende Vergadering die Hoofkaptein voorsien van volledige besonderhede en, indien beskikbaar, van kopieë van alle wetgewing wat hy van voorneme is om gedurende daardie sessie van die Wetgewende Vergadering in te dien en, indien die Hoofkaptein dit verlang, die bepalings van sodanige voorgestelde wetgewing met hom bespreek.

DEEL V

VOORSITTER EN ONDERVOORSITTER

21. Onmiddellik nadat al die lede van die Uitvoerende Raad verkies is, gaan die Wetgewende Vergadering oor tot die verkiesing van 'n Voorsitter en Ondervoorsitter en die prosedure wat by die verkiesing van die Hoof-Uitvoerenderaadslid gevolg word is *mutatis mutandis* van toepassing op die verkiesing van 'n Voorsitter en Ondervoorsitter.

Ampstermyn van Voorsitter en Ondervoorsitter

22. Behoudens andersluidende bepalings in hierdie Proklamasie vervat, beklee die Voorsitter en Ondervoorsitter hul amp vir die duur van die termyn van die Wetgewende Vergadering: Met dien verstande dat indien die setel van die Voorsitter of Ondervoorsitter ingevolge artikel 23 vakant raak, die lid verkies tot Voorsitter of Ondervoorsitter, na gelang van die geval, die amp beklee vir die onverstreke tydperk van die ampstermyn waarvoor die persoon wie se setel aldus vakant geraak het tot Voorsitter of Ondervoorsitter verkies is.

Ontruiming van Setels deur die Hoof-Uitvoerenderaadslid, Uitvoerenderaadslide, Voorsitter en Ondervoorsitter

23. (1) Die Hoof-Uitvoerenderaadslid, enige Uitvoerenderaadslid, die Voorsitter of Ondervoorsitter ontruim sy setel as sodanig—

(a) indien sy setel as lid van die Wetgewende Vergadering geag word ontruim te gewees het ingevolge die bepalings van hierdie Proklamasie;

(b) indien hy uit sy amp as Hoof-Uitvoerenderaadslid, Uitvoerenderaadslid, Voorsitter of Ondervoorsitter bedank by skriftelike kennisgewing aan die Sekretaris van die Wetgewende Vergadering of 'n aankondiging tot dien effekte op 'n sitting van die Wetgewende Vergadering of, in die geval van die Hoof-Uitvoerenderaadslid en enige Uitvoerenderaadslid, op 'n vergadering van die Uitvoerende Raad doen; of

Functions of Chief Executive Councillor and other Executive Councillors

20. (1) The Chief Executive Councillor or, in his absence, an Executive Councillor nominated by him for the purpose, shall preside at all Executive Council meetings.

(2) Whenever the office of Chief Executive Councillor becomes vacant or the Chief Executive Councillor is absent or unable to act and no Executive Councillor has been nominated in terms of subsection (1) so to act, the Executive Councillors shall designate one of their number to act as Chief Executive Councillor until the vacancy has been filled or until the Chief Executive Councillor is able to resume his duties, as the case may be.

(3) The Chief Executive Councillor shall in consultation with the Executive Councillors assign and allocate the responsibility for the control and administration of the various departments to the respective Executive Councillors and he may, after consultation with the Executive Councillors, also allocate the powers, duties and functions to be exercised or performed in connection with the various departments and, if necessary, reorganise such departments with a view to better administration in consultation with the Executive Councillors.

(4) The Chief Executive Councillor and each Executive Councillor shall prior to the commencement of each session of the Legislative Assembly furnish the Paramount Chief with full details and, if available, copies of all legislation he proposes to introduce at that session of the Legislative Assembly and, should the Paramount Chief so desire, discuss the provisions of such proposed legislation with him.

PART V

CHAIRMAN AND DEPUTY CHAIRMAN

21. Immediately after all members of the Executive Council have been elected the Legislative Assembly shall proceed to elect a Chairman and a Deputy Chairman and the procedure adopted in the election of the Chief Executive Councillor shall apply *mutatis mutandis* to the election of the Chairman and Deputy Chairman.

Period of Office of Chairman and Deputy Chairman

22. Save as is otherwise provided for in this Proclamation, the Chairman and Deputy Chairman shall hold office for the duration of the life of the Legislative Assembly: Provided that if the seat of the Chairman or Deputy Chairman becomes vacant in terms of section 23, the member elected Chairman or Deputy Chairman, as the case may be, shall hold office for the unexpired period of office for which the person whose seat has so become vacant was elected Chairman or Deputy Chairman.

Vacating of Seats by the Chief Executive Councillor, Executive Councillors, Chairman and Deputy Chairman

23. (1) The Chief Executive Councillor, any Executive Councillor, the Chairman or Deputy Chairman shall vacate his seat as such—

(a) if his seat as a member of the Legislative Assembly is deemed to have been vacated in terms of the provisions of this Proclamation;

(b) if he resigns his office as Chief Executive Councillor, Executive Councillor, Chairman or Deputy Chairman by notice in writing to the Secretary of the Legislative Assembly or makes an announcement to that effect at a sitting of the Legislative Assembly or, in the case of the Chief Executive Councillor and any Executive Councillor, at a meeting of the Executive Council; or

(c) indien hy by besluit van die Wetgewende Vergadering van sy amp onthef word.

(2) Indien die Hoof-Uitvoerenderaadslid, enige Uitvoerenderaadslid, die Voorsitter of Ondervoorsitter sy setel ontruim anders as deur die aankondiging van sy bedanking op 'n sitting van die Wetgewende Vergadering, moet die Sekretaris van die Wetgewende Vergadering gedurende die eersvolgende sessie van die Wetgewende Vergadering die Wetgewende Vergadering dienoreenkomstig verwittig.

Aanvulling van Toevallige Vakatures

24. (1) 'n Toevallige vakature in die amp van Hoof-Uitvoerenderaadslid, enige Uitvoerenderaadslid die Voorsitter of Ondervoorsitter moet, indien die Wetgewende Vergadering in sitting is wanneer die vakature ontstaan, aangevul word deur die verkiesing van 'n bekleër vir die betrokke amp ooreenkomstig die bepalings van hierdie Proklamasie, behalwe dat die Voorsitter moet voorsit, en indien die Wetgewende Vergadering nie dan in sitting is nie moet sodanige verkiesing op sy eersvolgende sitting plaasvind: Met dien verstande dat waar 'n Uitvoerenderaadslid verkies moet word die Hoof-Uitvoerenderaadslid die Voorsitter met 'n lys van name van twee kapteins of twee lede van die Wetgewende Vergadering, na gelang van die geval, ten opsigte van iedere vakature, moet voorsien: Met dien verstande voorts dat, in die geval van 'n vakature in die amp van Hoof-Uitvoerenderaadslid, 'n buitengewone vergadering van die Wetgewende Vergadering binne veertien (14) dae na die datum waarop die vakature ontstaan het, gehou moet word met die doel om 'n opvolger te verkies.

(2) Enige persoon tot 'n amp verkies soos in subartikel (1) bepaal, bekleë sy amp vir die onverstreke gedeelte van die termyn waarvoor sy voorganger verkies was, maar andersins onderworpe aan die bepalings van hierdie Proklamasie wat op die betrokke amp betrekking het.

(3) Hangende die verkiesing ingevolge subartikel (1) van 'n Uitvoerenderaadslid wat nie die Hoof-Uitvoerenderaadslid is nie, kan die Uitvoerende Raad 'n lid van die Wetgewende Vergadering koöpteer om as lid van die Uitvoerende Raad te dien.

DEEL VI

BEVOEGDHEDE, WERKSAAMHEDE EN STATUS VAN HOOFKAPTEIN EN STATUS VAN ANDER KAPTEINS

Die Hoofkaptein

25. Die Hoofkaptein—

(a) moet, uit hoofde van die feit dat hy die eenheid van die Zoeloevolk verpersoonlik, hom onthou van partypolitiek en partikularisme;

(b) behou sy tradisionele gesag en funksies, en geniet die persoonlike status wat hy tot nog toe geniet het, en hy het ten opsigte van seremoniële en stamaangeleenthede binne sy stamgebied en by seremoniële geleenthede binne die gebied van die Wetgewende Vergadering voorrang bo die Hoof-Uitvoerenderaadslid en Uitvoerenderaadslede, behalwe ten opsigte van aangeleenthede of geleenthede wat regstreeks in verband staan met die werksaamhede van die Wetgewende Vergadering;

(c) moet van 'n kopie van die agenda van elke vergadering van die Uitvoerende Raad voorsien word en kan die Uitvoerende Raad versoek om hom te ontmoet met die doel om aangeleenthede te bespreek wat binne die bestek van die Wetgewende Vergadering val en om sy sienswyse met betrekking tot sodanige aangeleenthede te verduidelik en kan ook, deur die Hoof-Uitvoerenderaadslid, enige individuele Uitvoerenderaadslid versoek om enige aangeleentheid wat binne die bestek van sodanige lid se departement val met hom te bespreek.

(c) if he is removed from office by resolution of the Legislative Assembly.

(2) If the Chief Executive Councillor, any Executive Councillor, the Chairman or Deputy Chairman vacates his seat otherwise than in pursuance of his resignation announced at a sitting of the Legislative Assembly, the Secretary of the Legislative Assembly shall at the first ensuing session of the Legislative Assembly inform the Legislative Assembly accordingly.

Filling of Casual Vacancies

24. (1) A casual vacancy in the office of Chief Executive Councillor, any Executive Councillor, the Chairman or Deputy Chairman, shall, if the Legislative Assembly is sitting when the vacancy occurs, be filled by the election of an incumbent to the office concerned in the manner provided for in this Proclamation, except that the Chairman shall preside, and if the Legislative Assembly is then not sitting such election shall take place at its next sitting: Provided that where an Executive Councillor is to be elected the Chief Executive Councillor shall present the Chairman with a list of the names of two chiefs or two other members of the Legislative Assembly, as the case may be, in respect of each vacancy: Provided further that in the case of a vacancy in the office of Chief Executive Councillor a special meeting of the Legislative Assembly shall be called within fourteen (14) days of the date on which the vacancy occurred for the purpose of electing a successor.

(2) Any person elected to an office as provided for in subsection (1) shall hold office for the unexpired portion of the period for which his predecessor had been elected but otherwise subject to the provisions of this Proclamation relating to the office concerned.

(3) Pending the election in terms of subsection (1) of an Executive Councillor who is not the Chief Executive Councillor, the Executive Council may co-opt a member of the Legislative Assembly to serve as a member of the Executive Council.

PART VI

POWERS, FUNCTIONS AND STATUS OF PARAMOUNT CHIEF AND STATUS OF OTHER CHIEFS

The Paramount Chief

25. The Paramount Chief—

(a) shall by virtue of the fact that he personifies the unity of the Zulu Nation, hold himself aloof from party politics and sectionalism;

(b) shall retain his traditional powers and functions and shall continue to enjoy the personal status he has hitherto enjoyed and shall, with regard to ceremonial and tribal matters within his tribal area and at ceremonial occasions within the area of the Legislative Assembly, take precedence over the Chief Executive Councillor and Executive Councillors, except in respect of matters or occasions directly connected with the business of the Legislative Assembly;

(c) shall be furnished with a copy of the agenda of each meeting of the Executive Council and may request the Executive Council to meet him for the purpose of discussing matters falling within the purview of the Legislative Assembly and of explaining his views in regard to such matters and may also, through the Chief Executive Councillor, request any individual Executive Councillor to discuss with him any matter falling within the purview of such Councillor's department.

Ander Kapteins

26. Alle ander kapteins in die gebied van die Wetgewende Vergadering geniet die persoonlike status wat hulle tot nog toe geniet het, en hulle het ten opsigte van seremoniële en stamaangeleenthede binne hulle stamgebiede voorrang bo die Hoof-Uitvoerenderaadslid en Uitvoerenderaadslide, behalwe ten opsigte van aangeleenthede of geleenthede wat regstreeks in verband staan met die werksaamhede van die Wetgewende Vergadering.

DEEL VII

DIVERSE BEPALINGS

Aanneem van Voordele deur Lede

27. (1) Geen lid van die Wetgewende Vergadering mag—

(a) enige salaris, toelae, geld of beloning vir enige plig of diens wat deur hom in sy hoedanigheid van lid verrig word, aanneem nie, behalwe soos voorgeskryf;

(b) hetsy regstreeks of onregstreeks, enige geld, vergoeding, geskenk of beloning aanneem of ontvang vir of ten opsigte van die bevordering of opponering van enige wetsontwerp, besluit, aangeleentheid of ding voorgelê of voorgestel vir voorlegging aan die Wetgewende Vergadering of enige komitee daarvan vir sy oorweging nie;

(c) 'n kontrakteur vir die Regering van kwaZulu wees of 'n regstreekse of onregstreekse belang hê in 'n kontrak wat met die Regering van kwaZulu aangegaan is nie;

(2) Enige lid van die Wetgewende Vergadering wat die bepalinge van subartikel (1) oortree, begaan 'n misdryf en is by skuldigbevinding deur 'n bevoegde hof strafbaar met 'n boete van hoogstens duisend rand en moet daarbenewens enige bedrag of die waarde van enige geld, vergoeding, geskenk of beloning deur hom aangeneem of ontvang, terugbetaal.

Hou van Permanente Rekords

28. (1) Die Wetgewende Vergadering moet 'n permanente rekord hou van die vernaamste gebeurtenisse wat plaasvind vanaf die datum van die instelling van die Wetgewende Vergadering.

(2) In die besonder moet die volgende opgeteken word:

(a) Alle wette, proklamasies en goewermentskennisgewings met betrekking tot die instelling of aangeleenthede van die Wetgewende Vergadering;

(b) die naam van elke streeksowerheid binne sy regsgebied;

(c) die naam van elke stam- en gemeenskapsowerheid binne sy regsgebied;

(d) die naam en ampstermyn van elke opvolgende Voor- en Ondervoorsitter;

(e) die naam en ampstermyn van elke opvolgende Hoof-Uitvoerenderaadslid en Uitvoerenderaadslid;

(f) die naam van elke lid en van die persoonlike verteenwoordiger van die Hoofkaptein en van elke verteenwoordiger van 'n kaptein;

(g) die naam van elke opvolgende Hoofkaptein; en

(h) sodanige ander aangeleenthede as wat die Wetgewende Vergadering bepaal.

Gebruik van Amptelike Tale

29. (1) Alle Notules en Ordelyste moet in Zoeloe, Afrikaans en Engels gehou word. Geregtelike administratiewe en finansiële dokumente moet ook, na gelang van omstandighede, aldus gehou word.

(2) Die Wetgewende Vergadering moet 'n verbatim verslag byhou van die verrigtinge van die Wetgewende Vergadering en sodanige verslag moet in Zoeloe, Afrikaans en Engels gehou word.

Other Chiefs

26. All other chiefs in the area of the Legislative Assembly shall continue to enjoy the personal status they have hitherto enjoyed and shall, with regard to ceremonial and tribal matters within their tribal areas, take precedence over the Chief Executive Councillor and Executive Councillors except in respect of matters or occasions directly connected with the business of the Legislative Assembly.

PART VII

MISCELLANEOUS PROVISIONS

Acceptance of Benefits by Members

27. (1) No member of the Legislative Assembly shall—

(a) accept any salary, allowance, fee or reward for any duty performed or service rendered by him in his capacity as a member except as may be prescribed;

(b) accept or receive, either directly or indirectly, any fee, compensation, gift or reward for or in respect of the promotion of or opposition to any bill, resolution, matter or thing submitted or proposed to be submitted to the Legislative Assembly or any committee thereof for its consideration;

(c) become a contractor to the Government of kwaZulu or be interested directly or indirectly in any contract entered into with the Government of kwaZulu.

(2) Any member of the Legislative Assembly who contravenes the provisions of subsection (1) shall be guilty of an offence and liable on conviction by a court of competent jurisdiction to a penalty not exceeding one thousand rand and in addition shall repay any amount or the value of any fee, compensation, gift or reward accepted or received by him.

Maintenance of Permanent Records

28. (1) The Legislative Assembly shall maintain a permanent record of the main events taking place from the date of establishment of the Legislative Assembly.

(2) In particular the following shall be recorded:

(a) All laws, proclamations, and government notices relating to its establishment or affairs;

(b) the name of each regional authority within its area of jurisdiction;

(c) the name of each tribal and community authority within its area of jurisdiction;

(d) the name and period of office of each successive Chairman and Deputy Chairman;

(e) the name and period of office of each successive Chief Executive Councillor and Executive Councillor;

(f) the name of every member and of the personal representative of the Paramount Chief and of every representative of a chief;

(g) the name of each successive Paramount Chief; and

(h) such other matters as the Legislative Assembly may determine.

Use of Official Languages

29. (1) All votes and proceedings and order papers shall be recorded in Zulu, English and Afrikaans. Judicial, administrative and financial documents shall also, as circumstances may dictate, be so recorded.

(2) The Legislative Assembly shall maintain a verbatim report of the proceedings of the Legislative Assembly and such report shall be recorded in Zulu, English and Afrikaans.

No. R. 71, 1972

REGLEMENT VAN ORDE.—KWAZULU- WETGEWENDE VERGADERING

Nademaal die kwaZulu- Wetgewende Vergadering by Proklamasie R. 70 van 1972 ingestel is;

En nademaal dit raadsaam geag word om 'n reglement van orde af te kondig vir die reëling en die voer van die verrigtinge van genoemde kwaZulu- Wetgewende Vergadering en die afhandeling van sy werksaamhede;

En nademaal die Zoeloegedebitsowerheid in hierdie verband geraadpleeg is soos bepaal by die Grondwet van die Bantoeuistlande, 1971 (Wet 21 van 1971);

So is dit dat ek kragtens die bevoegdheid my verleen by artikel 24 van genoemde Grondwet van die Bantoeuistlande, 1971, hierby die reëls soos in die Bylae hiervan vervat, uitvaardig.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hierdie Agt-en-twintigste dag van Maart Eenduisend Negehoonderd Twee-ensewentig.

J. J. FOUCHÉ, Staatspresident.

Op las van die Staatspresident-in-rade:

M. C. BOTHA.

(Lêer F56/10/4/2/3)

BYLAE

REGLEMENT VAN ORDE.—KWAZULU- WETGEWENDE VERGADERING

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DEEL I

VERRIGTINGE BY EERSTE SESSIE VAN NUWE WETGEWENDE VERGADERING

AFLÊ VAN EED

Lede Vergader om Eed af te lê

1. Die lede van die Wetgewende Vergadering vergader by die setel van die regering of sodanige ander plek as wat die Wetgewende Vergadering goedkeur minstens drie dae voor die vasgestelde datum vir die opening van die eerste sessie van 'n nuwe Wetgewende Vergadering ten einde lede in staat te stel om die eed af te lê en met die doel om 'n Hoof-Uitvoerenderaadslid, ander Uitvoerenderaadslide, 'n Voorsitter en 'n Ondervoorsitter te verkies.

Sekretaris moet Presensielys Opmaak

2. Die Sekretaris van die Vergadering lees, nadat hy die lede van die doel van die vergadering verwittig het, die name van al die lede uit en al die lede daar teenwoordig antwoord op hulle name.

No. R. 71, 1972

RULES OF PROCEDURE.—KWAZULU LEGISLATIVE ASSEMBLY

Whereas the kwaZulu Legislative Assembly was established by Proclamation R. 70 of 1972;

And whereas it is considered expedient to promulgate rules of procedure for the regulation and conduct of the proceedings of the said kwaZulu Legislative Assembly and the dispatch of its business;

And whereas the Zulu Territorial Authority has been consulted in this connection as provided for in the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971);

Now, therefore, under and by virtue of the powers vested in me by section 24 of the said Bantu Homelands Constitution Act, 1971, I hereby make the rules appearing in the Schedule hereto.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town on this Twenty-eighth day of March, One thousand Nine hundred and Seventy-two.

J. J. FOUCHÉ, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

(File F 56/10/4/2/3)

SCHEDULE

RULES OF PROCEDURE.—KWAZULU LEGISLATIVE ASSEMBLY

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PART I

PROCEEDINGS AT FIRST SESSION OF NEW LEGISLATIVE ASSEMBLY

TAKING OF OATH

Members to Meet to Take Oath

1. The members of the Legislative Assembly shall meet at the seat of government or such other place as the Legislative Assembly may approve at least three days before the date fixed for the opening of the first session of a new Legislative Assembly to enable members to take the oath and for the purpose of electing a Chief Executive Councillor, other Executive Councillors, a Chairman and a Deputy Chairman.

Roll Call to be Taken by Secretary

2. The Secretary having informed members of the purpose of the meeting shall read out the names of all members and the members there present shall answer to their names.

Alfê van Eed voor Kommissaris-generaal of Persoon deur Minister Aangewys

3. Die Kommissaris-generaal of persoon deur die Minister aangewys, moet dan van die lede daar teenwoordig die eed voorgeskryf by artikel 12 (1) van Proklamasie R. 70 van 1972 afneem.

Daaropvolgende Alfê van Eed: Prosedure

4. 'n Lid wat sitting neem op 'n latere dag as die dag bedoel in reël 1, of die openingsdag van enige sessie, word deur twee lede, nadat sy naam uitgelees is, na die Tafel gebring, en sy eed word deur die Voorsitter van die Wetgewende Vergadering afgeneem.

Voorsitter neem Eed in Sekere Gevalle af

5. Behoudens soos andersins in Proklamasie R. 70 van 1972 of hierdie Reglement bepaal, neem die Voorsitter, wanneer ook al nodig, die eed onmiddellik na gebed af.

VERKIESING VAN HOOF-UITVOERENDE-RAADSLID

Verkiesing van Hoof-Uitvoerenderaadslid

6. Op die vergadering in reël 1 bedoel nadat die lede die eed afgelê en onderskryf het en te eniger ander tyd wanneer dit nodig is om 'n Hoof-Uitvoerenderaadslid ingevolge artikel 14 van Proklamasie R. 70 van 1972 te verkies, kondig die Sekretaris aan die Wetgewende Vergadering die noodsaaklikheid van die verkiesing aan en versoek die Wetgewende Vergadering om dadelik tot die verkiesing oor te gaan of die Wetgewende Vergadering besluit op 'n dag so gou moontlik daarna wat gerieflik is vir die verkiesing maar voor die datum bepaal vir die amptelike opening van die Wetgewende Vergadering.

Prosedure vir Verkiesing van Hoof-Uitvoerenderaadslid

7. (1) 'n Lid wat vooraf vasgestel het dat die persoon wat voorgestel staan te word, gewillig is om te dien indien verkose, kan behoudens die bepalinge van artikel 13 (1) (a) van Proklamasie R. 70 van 1972, enige lid van die Wetgewende Vergadering daar en dan teenwoordig voorstel as Hoof-Uitvoerenderaadslid. Sodanige voorstel vereis sekondering maar geen debat word toegelaat nie uitgesonderd die formele voorstelling van die kandidaat(-date) aan die Wetgewende Vergadering.

(2) Daar is geen beperking op die getal kandidate wat ingevolge die voorafgaande paragraaf voorgestel en gesekondeer kan word nie, maar geen lid wat reeds 'n kandidaat voorgestel of gesekondeer het mag 'n ander kandidaat voorstel of sekondeer nie en geen lid mag sy eie kandidatuur voorstel of sekondeer nie.

(3) Die name van die behoorlik genomineerde persone moet deur die Sekretaris aangekondig word op die vergadering waartydens die verkiesing moet plaasvind en geen debat word by die verkiesing toegelaat nie.

(4) Indien meer as een lid as Hoof-Uitvoerenderaadslid voorgestel word, moet met geslote stembrieffies ooreenkomstig die volgende prosedure, wat by die aanvang aan die lede verduidelik moet word, gestem word:

(a) Daar is 'n kort verdaging vir die gereedmaak van stembrieffies en daarna moet die Sekretaris aan elke lid teenwoordig 'n stembrieffie met 'n geheime amptelike merk op die keersy daarvan uitreik.

(b) Elke lid moet daarop die kandidaat vir wie hy wil stem, aandui deur 'n kruis teenoor die naam van sodanige kandidaat te plaas.

(c) Die Sekretaris moet dan die name van al die lede uitroep en elke lid kan, wanneer sy naam uitgeroep word, na die Tafel kom en sy stembrieffie in 'n stembus op die Tafel laat val.

Taking of Oath before Commissioner-General or Person Designated by Minister

3. The Commissioner-General or person designated by the Minister shall then take from the members there present the oath prescribed by section 12 (1) of Proclamation R. 70 of 1972.

Subsequent Taking of Oath: Procedure

4. In the case of a member taking his seat subsequent to the day referred to in rule 1 or to the opening day of any session, he shall be brought to the Table by two members after his name has been read out, and the oath shall be administered to him by the Chairman of the Legislative Assembly.

Chairman to Administer Oath in Certain Cases

5. Save as otherwise provided in Proclamation R. 70 of 1972, or these Rules the Chairman shall, whenever necessary, administer the oath immediately after prayers.

ELECTION OF CHIEF EXECUTIVE COUNCILLOR

Election of Chief Executive Councillor

6. At the meeting referred to in rule 1, members having made and subscribed to the oath, and at any other time when it is necessary to elect a Chief Executive Councillor in terms of section 14 of Proclamation R. 70 of 1972, the Secretary shall announce to the Legislative Assembly the need for the election and shall call upon the Legislative Assembly to proceed to the election forthwith or the Legislative Assembly shall decide upon a day as soon thereafter as may be convenient for the election but prior to the date set aside for the official opening of the Legislative Assembly.

Procedure for Election of Chief Executive Councillor

7. (1) A member having first ascertained that the person to be proposed is willing to serve if elected, may propose any member of the Legislative Assembly then present, subject to the provisions of section 13 (1) (a) of Proclamation R. 70 of 1972, as Chief Executive Councillor. Such proposal requires seconding but no debate shall be allowed other than the formal introduction of the candidate(s) to the Legislative Assembly.

(2) There shall be no limit to the number of candidates who may be proposed and seconded under the preceding paragraph, but no member who has already proposed or seconded a candidate may propose or second another candidate and no member may propose or second his own candidature.

(3) The names of the persons duly nominated shall be announced by the Secretary at the meeting at which the election is to take place, and a debate shall not be allowed at the election.

(4) If more than one member be proposed as Chief Executive Councillor, a ballot shall be held in accordance with the following procedure which shall at the outset be explained to the members:

(a) There shall be a short adjournment for the preparation of ballot papers after which the Secretary shall hand each member present a ballot paper having a secret official mark on the reverse side thereof.

(b) Every member shall thereupon signify the candidate for whom he desires to vote by placing a cross opposite the name of such candidate.

(c) The Secretary shall then call the names of all the members and each member may, when his name is called, come to the Table and drop his ballot paper into a ballot box on the Table.

(d) Sodra alle lede wat wil stem, gestem het, moet die Sekretaris in teenwoordigheid van die Wetgewende Vergadering die stembrieffies ondersoek met die hulp van die Assistent-sekretaris en die uitslag van die stemming rapporteer.

(e) Die Sekretaris moet die kandidaat op wie meer stemme as op enige ander kandidaat uitgebring is die behoorlik verkose Hoof-Uitvoerenderaadslid verklaar.

(f) Indien twee of meer kandidate ewe veel stemme behaal en die getal stemme meer is as die getal stemme deur enige ander kandidaat behaal, moet 'n tweede keer in die geheim gestem word soos in paragrafe (a) tot en met (c) bepaal, maar daar word slegs vir die een of die ander van die kandidate wat ewe veel stemme behaal het, gestem.

(g) Wanneer daar ingevolge paragraaf (f) 'n tweede geheime stemming gehou word en twee of meer lede ewe veel stemme behaal, moet 'n verdere geheime stemming gehou word en indien twee of meer lede weer ewe veel stemme behaal, word die verkiesing deur loting bepaal.

(h) 'n Lid mag nie 'n stembriefie wat nie sy eie is in die stembus laat val nie.

(i) 'n Lid wat opdaag na die ander lede se name uitgeroep is, is nie geregtig om te stem nie.

Procedure as Slegs Een Kandidaat Voorgestel word

8. Indien slegs een lid as Hoof-Uitvoerenderaadslid voorgestel en geskondeer word, moet hy verkose verklaar word.

Bevoegdheid van Sekretaris

9. (a) Indien die Sekretaris oortuig is dat 'n stembriefie nie voldoen aan die vereistes van reël 7 nie, kan hy dit verwerp en met die verkiesing voortgaan, of die stembriefie of die hele verkiesing nietig verklaar en beveel dat die verrigtinge vir die geheime stemming of die hele verkiesing van vooraf begin.

(b) Indien die Sekretaris oortuig is dat die bepalings van reëls 7 tot en met 10 in enige ander opsig nie behoorlik uitgevoer is of word nie kan hy enige bepaalde geheime stemming of die hele verkiesing nietig verklaar en beveel dat die verrigtinge vir die geheime stemming of die hele verkiesing van vooraf begin.

Beskikking oor Stembrieffies

10. Soos die stembrieffies getel word, moet hulle in 'n bus geplaas word. Wanneer 'n lid verkose verklaar is tot Hoof-Uitvoerenderaadslid, moet die bus verseël word in teenwoordigheid van die Wetgewende Vergadering en in die bewaring van die Sekretaris gehou word vir een kalendermaand en dan, tensy die Wetgewende Vergadering anders gelas, moet die Sekretaris die stembrieffies vernietig.

VERKIESING VAN VOORSITTER EN ONDERVOORSITTER

Verkiesing van Voorsitter

11. Onmiddellik na die verkiesing van die Hoof-Uitvoerenderaadslid en Uitvoerenderaadslede verkies die lede van die Wetgewende Vergadering 'n Voorsitter en die bepalings van reëls 6 tot en met 10 is *mutatis mutandis* van toepassing op die verkiesing van sodanige Voorsitter.

Erkenning deur Voorsitter

12. Die lid wat as Voorsitter verkies is word na die Stoel begelei deur sy voorsteller en sekondant, neem die Stoel in en gee dan sy waardering te kenne van die eer hom aangedoen.

Verkiesing van Ondervoorsitter

13. Die Wetgewende Vergadering moet dan onder die leiding van sy eie verkose Voorsitter 'n Ondervoorsitter verkies en die bepalings van reëls 6 tot en met 10 is *mutatis mutandis* van toepassing op die verkiesing van sodanige Ondervoorsitter.

(d) When all members who wish to vote have done so the Secretary shall in the presence of the Legislative Assembly, examine the ballot papers with the assistance of the Assistant Secretary and report the result of the ballot.

(e) The Secretary shall declare the candidate receiving more votes than any other candidate to be the duly elected Chief Executive Councillor.

(f) If two or more candidates receive the same number of votes and that number of votes exceeds the number of votes received by any other candidate, a second ballot shall be taken in the manner prescribed in paragraphs (a) to (c) inclusive, but votes shall be cast only for one or other of the candidates who received an equal number of votes.

(g) If upon the holding of the second ballot referred to in paragraph (f), two or more members receive an equal number of votes, a further ballot shall be held and if two or more members again receive an equal number of votes the election shall be decided by lot.

(h) A member shall not drop into the ballot box a ballot paper which is not his own.

(i) A member who arrives after the names of the members have been called shall not be entitled to vote.

Procedure if Only One Candidate Proposed

8. If only one member is proposed and seconded as Chief Executive Councillor he shall be declared elected.

Powers of Secretary

9. (a) If the Secretary is satisfied that a ballot paper does not comply with the provisions of rule 7 he may reject it and proceed with the election, or declare the ballot paper or the whole election void, ordering the proceedings for the ballot or the whole election to be begun afresh.

(b) If the Secretary is satisfied that the provisions of rules 7 to 10, inclusive, have not been, or are not being, carried out properly in any other respect he may declare a particular ballot or the whole election void, ordering the proceedings for the ballot or the whole election to be begun afresh.

Disposal of Ballot Papers

10. As the ballot papers are counted they shall be placed in a box. When a member has been declared elected Chief Executive Councillor the box shall be sealed in the presence of the Legislative Assembly and kept in the custody of the Secretary for one calendar month and then, unless otherwise directed by the Legislative Assembly, the Secretary shall destroy the ballot papers.

ELECTION OF CHAIRMAN AND DEPUTY CHAIRMAN

Election of Chairman

11. Immediately after the election of the Chief Executive Councillor and Executive Councillors the members of the Legislative Assembly shall proceed with the election of a Chairman and the provisions of rules 6 to 10, inclusive, shall apply *mutatis mutandis* to the election of such Chairman.

Acknowledgements by Chairman

12. The member elected as Chairman shall be conducted to the Chair by his proposer and seconder, shall take the Chair and shall thereupon express his sense of the honour conferred upon him.

Election of a Deputy Chairman

13. The Legislative Assembly under the direction of its own elected Chairman shall then elect a Deputy Chairman and the provisions of rules 6 to 10, inclusive, shall apply *mutatis mutandis* to the election of such Deputy Chairman.

Kommissaris-generaal moet in Kennis Gestel word

14. Die Sekretaris moet so spoedig moontlik na die verkiesing van 'n Voorsitter en Ondervoorsitter, die Kommissaris-generaal per brief verwittig van die name van die lede aldus verkies.

Aanvulling van Vakatures van Voorsitter of Ondervoorsitter

15. Enige vakature wat ontstaan in die amp van Voorsitter of Ondervoorsitter van die Wetgewende Vergadering moet deur die Sekretaris, die Voorsitter of die Ondervoorsitter, na gelang van die geval, aan die Wetgewende Vergadering gerapporteer word op sy volgende sitting en die Wetgewende Vergadering moet onverwyld oorgaan tot die verkiesing van 'n nuwe Voorsitter of Ondervoorsitter en wel op die wyse vroeër hierin bepaal.

Ondervoorsitter Sit voor in Afwesigheid van Voorsitter

16. Indien die Sekretaris die Wetgewende Vergadering in kennis stel van die afwesigheid van die Voorsitter moet die Ondervoorsitter die Stoel gedurende sodanige afwesigheid inneem en hy verrig dieselfde funksies en bevoegdhede as die Voorsitter.

Reëlins vir die Aflos van Voorsitter en Ondervoorsitter

17. Die Voorsitter kan in afwesigheid van die Ondervoorsitter, of die Ondervoorsitter kan in afwesigheid van die Voorsitter, enige lid versoek om tydelik die Stoel gedurende 'n sitting in te neem sonder om die Wetgewende Vergadering formeel te verwittig en vir die tydelike afwesigheid van beide Voorsitter en Ondervoorsitter moet die Wetgewende Vergadering 'n ander lid verkies ooreenkomstig die vroeër hierin vermelde bepalings om tydelik as Voorsitter waar te neem gedurende sodanige afwesigheid. Die Sekretaris sit voor vir sodanige verkiesing.

DEEL II

AMPTELIKE OPENING VAN WETGEWENDE VERGADERING

Kennisgewing van Byeenroeping van Wetgewende Vergadering moet Gelees word

18. Op die vasgestelde dag vir die opening van die eerste sessie van 'n nuwe Wetgewende Vergadering, nadat die lede vergader is in die Saal en nadat die presensielys deur die Sekretaris opgestel is, lei die Voorsitter op die vasgestelde tyd vir die amptelike opening die verrigtinge in die volgende volgorde:

(a) Hy open die byeenkoms met gebed, soos voorgeskryf in die Aanhangsel hiervan.

(b) Hy versoek die Sekretaris om die kennisgewing wat die Wetgewende Vergadering byeenroep, te lees.

(c) Hy versoek die Hoof-Uitvoerenderaadslid om voor die Tafel van die Wetgewende Vergadering te verskyn om die eed voorgeskryf by artikel 17 van Proklamasie R. 70 van 1972 af te lê.

(d) Hy versoek die ander Uitvoerenderaadslide om voor die Tafel van die Wetgewende Vergadering te verskyn ten einde die voorgeskrewe eed af te lê.

(e) Hy kondig vervolgens die Minister of die persoon wat namens die Minister die openingsrede lewer, aan.

(f) Geen debat word toegelaat oor die openingsrede nie maar die Voorsitter kan 'n mosie van dank deur die Hoof-Uitvoerenderaadslid of, in sy afwesigheid, 'n ander Uitvoerenderaadslid toelaat.

Prosedure by Aankoms en Vertrek van Hoof-Uitvoerenderaadslid, Hoofkaptein en Minister of Afgevaardigde

19. (1) Die Hoof-Uitvoerenderaadslid moet deur die ander Uitvoerenderaadslide die Saal binnegelei word.

Commissioner-General to be Advised

14. The Secretary shall as soon as possible after the election of a Chairman and Deputy Chairman inform the Commissioner-General by letter of the names of the members so elected.

Filling of Vacancies for Chairman or Deputy Chairman

15. Any vacancy occurring in the office of Chairman or Deputy Chairman of the Legislative Assembly shall be reported by the Secretary, the Chairman or the Deputy Chairman, as the case may be, to the Legislative Assembly at its next sitting, and the Legislative Assembly shall forthwith proceed to the election of a new Chairman or Deputy Chairman in the manner hereinbefore provided.

Deputy Chairman to Preside During Absence of Chairman

16. Should the Legislative Assembly be informed by the Secretary of the absence of the Chairman, the Deputy Chairman shall take the Chair during such absence and he shall perform the same functions and powers as the Chairman.

Arrangements for Relieving Chairman and Deputy Chairman

17. The Chairman may, in the absence of the Deputy Chairman, or the Deputy Chairman may, in the absence of the Chairman, request any member to take the Chair temporarily during a sitting, without any formal communication to the Legislative Assembly, and in the temporary absence of both the Chairman and Deputy Chairman, the Legislative Assembly shall elect some other member in the manner hereinbefore provided to act temporarily as Chairman during such absence. The Secretary shall preside for the purpose of such election.

PART II

OFFICIAL OPENING OF LEGISLATIVE ASSEMBLY

Notice Summoning Legislative Assembly to be Read

18. On the day fixed for the opening of the first session of a new Legislative Assembly, the members having assembled in the Chamber and after the roll call has been taken by the Secretary, the Chairman shall at the time fixed for the official opening, conduct the proceedings in the following order:

(a) He shall open the meeting with prayers, as prescribed in the Annexure hereto.

(b) He shall call upon the Secretary to read the notice summoning the Legislative Assembly.

(c) He shall call upon the Chief Executive Councillor to appear before the Table of the Legislative Assembly and shall then take from him the oath prescribed by section 17 of Proclamation R. 70 of 1972.

(d) He shall call upon the other Executive Councillors to appear before the Table of the Legislative Assembly and take from them the oath as prescribed.

(e) He shall then announce the Minister or the person who is to deliver the opening speech on behalf of the Minister.

(f) No debate shall be allowed to take place on the opening speech but the Chairman may allow a vote of thanks by the Chief Executive Councillor or in his absence some other Executive Councillor.

Procedure on Arrival and Departure of Chief Executive Councillor, Paramount Chief and Minister or Delegate

19. (1) The Chief Executive Councillor shall be escorted into the Chamber by the other Executive Councillors.

(2) Die Hoofkaptein moet deur die Uitvoerenderaadslede die Saal binnegelei word nadat al die ander lede hulle sitplekke ingeneem het.

(3) By die binnekoms in of vertrek uit die Saal van die Minister of ander persoon deur hom aangewys om die openingseremonie waar te neem, staan die Voorsitter en lede, en bly hulle staande op hulle plekke, totdat die Minister of sy afgevaardigde sy sitplek ingeneem of die Saal verlaat het, na gelang van die geval.

Prosedure by Sessie van Wetgewende Vergadering wat nie die Eerste Sessie van 'n Nuwe Wetgewende Vergadering is nie

20. Op die eerste sittingsdag van die sessie van die Wetgewende Vergadering wat nie die eerste sessie van 'n nuwe Wetgewende Vergadering is nie, nadat die lede vergader is op die tyd en plek in die kennisgewing bepaal, lei die Voorsitter die verrigtinge wesenlik in ooreenstemming met die prosedure voorgeskryf by reël 18, paslik gewysig ooreenkomstig die behoeftes van die geleentheid.

DEEL III

HANDHAWING VAN ORDE EN REËLS VAN DEBAT

GEDRAG EN TOESPRAKE VAN LEDE

Voorsitter moet Orde Handhaaf

21. Orde moet in die Wetgewende Vergadering deur die Voorsitter gehandhaaf word. Sy beslissing oor 'n punt van orde is nie onderworpe aan appèl nie en mag nie deur die Wetgewende Vergadering hersien word nie behalwe na 'n substantiewe mosie ingedien na kennisgewing.

Lede moet Sit wanneer Voorsitter Opstaan

22. Wanneer die Voorsitter gedurende die verrigtinge van die Wetgewende Vergadering of in Komitee van die hele Wetgewende Vergadering opstaan, moet elke lid gaan sit en lede moet stil bly sodat die Voorsitter ongestoord gehoor kan word.

Lede is Gelyk

23. Geen Uitvoerenderaadslid of kaptein of hoofwaardigheidsbekleër wat 'n lid van die Wetgewende Vergadering is, mag voorkeurbehandeling in die Wetgewende Vergadering eis nie op grond van sy erfregtelike of ander posisie en sodanige lede moet 'n voorbeeld stel vir ander lede deur hulle eerbiedigheid en gehoorsaamheid aan die Stoel en by die handhawing van die orde en die waardigheid van die Wetgewende Vergadering en die verrigtinge daarvan.

Lede Praat Staande

24. Elke lid staan as hy praat en rig sy opmerkings tot die Stoel.

Voorsitter Kies Spreker

25. Indien twee of meer lede gelyk opstaan om te praat, kies die Voorsitter een lid en versoek hom om te praat.

'n Lid wat nie Praat nie moet Sit

26. 'n Lid wat klaar gepraat het, moet sit en enige ander lid wat wil praat, moet opstaan.

Sake waaroor Lede kan Praat

27. 'n Lid mag oor die vraag voor die Wetgewende Vergadering praat of oor amendemente daarop voorgestel, of oor 'n vraag of amendement wat hy self wil voorstel, of oor 'n punt van orde voortspruitende uit die debat, maar anders nie.

(2) The Paramount Chief shall be escorted into the Chamber by the Executive Councillors after all the other members have taken their seats.

(3) Upon the entry into or departure from the Chamber of the Minister or other person designated by him to perform the opening ceremony, the Chairman and members shall rise and remain standing in their places until the Minister or his delegate has taken his seat or left the Chamber, as the case may be.

Proceedings at Session of Legislative Assembly not being the First Session of a New Assembly

20. On the first sitting day of the session of the Legislative Assembly, not being the first session of a new Assembly, the members having met at the time and place appointed in the notice, the Chairman shall conduct the proceedings substantially in accordance with the procedure prescribed in rule 18 suitably adapted to the needs of the occasion.

PART III

MAINTENANCE OF ORDER AND RULES OF DEBATE

CONDUCT AND SPEECHES OF MEMBERS

Chairman to Maintain Order

21. Order shall be maintained in the Legislative Assembly by the Chairman. His decision on a point of order shall not be open to appeal and shall not be reviewed by the Legislative Assembly except on a substantive motion made after notice.

Members to Sit Down when Chairman Rises

22. When the Chairman rises during proceedings in the Legislative Assembly or in Committee of the whole Legislative Assembly every member shall sit down and members shall be silent so that the Chairman may be heard without interruption.

Members to be Equal

23. No Executive Councillor or chief or dignitary, being a member of the Legislative Assembly, may claim preferential treatment in the Legislative Assembly by virtue of his hereditary or other position and such members shall set an example to other members in their respect and obedience to the Chair and in maintaining the order and dignity of the Legislative Assembly and the proceedings thereof.

Members to Speak Standing

24. A member shall speak standing and shall address his observations to the Chairman.

Chairman to Select Speaker

25. If two or more members rise at the same time to speak the Chairman shall select one member and call on him to speak.

Members not Speaking to be Seated

26. When a member has finished speaking he shall resume his seat and any other member wishing to speak shall rise.

Matters on which Members may Speak

27. A member may address the Legislative Assembly on the question before the Legislative Assembly or upon any amendment proposed thereto, or upon a question or amendment to be proposed by himself, or upon a question of order arising out of debate, but not otherwise.

Getal Kere wat Lede mag Praat

28. (1) Geen lid mag die Wetgewende Vergadering meer as een maal oor 'n onderwerp toespreek nie, behalwe by wyse van verduideliking of repliek of in Komitee van die hele Wetgewende Vergadering; sodanige verduideliking word toegelaat slegs ingeval 'n wesentlike deel van 'n lid se toespraak verkeerd aangehaal of misverstaan is, maar hy mag geen nuwe aangeleentheid behandel nie en oor sodanige verduideliking word geen debat toegelaat nie.

(2) Met die vergunning van die Wetgewende Vergadering kan 'n lid sake van 'n persoonlike aard verduidelik hoewel daar geen vraag voor die Wetgewende Vergadering is nie en hy moet hom streng bepaal by die regverdiging van sy eie gedrag.

Beperking van Toesprake

29. (1) Behalwe in die geval van 'n Uitvoerenderaadslid en enige lid belas met 'n wetsontwerp, mag geen lid langer as 30 minute oor enige vraag praat nie.

(2) Geen lid mag in enige Komitee van die hele Wetgewende Vergadering langer as 10 minute op 'n slag oor enige wetsontwerp of ander saak praat nie; ewemin mag hy die Komitee vir meer as drie sodanige tydperke na mekaar toespreek.

Reg van Indiener van Mosie om Replik op Debat te Lewer

30. Nieteenstaande die bepalings van reëls 27 tot en met 29 moet die indiener van 'n mosie die geleentheid vergun word om repliek te lewer, en sodanige repliek sluit die debat.

Aanspreekvorm

31. Gedurende verrigtinge in die Wetgewende Vergadering moet lede na mekaar verwys as "die agbare meneer" (naam van lid moet gemeld word), of "die agbare kaptein" (naam van kaptein moet gemeld word).

Lid mag sy Toespraak nie Voorlees nie

32. 'n Lid mag sy toespraak nie voorlees nie, maar hy kan uittreksels uit boeke of stukke ter stawing van sy argument voorlees, en hy kan sy geheue opfris deur aantekeninge te raadpleeg.

Gedrag van Lede tydens Sittings

33. Gedurende 'n sitting moet 'n lid—

(a) die Saal met deorum binnekam of verlaat;

(b) blootshoof wees terwyl hy in die Saal is en hy moet 'n buiging voor die Stoel maak wanneer hy die Saal binnekam of verlaat, of wanneer hy na of van sy sitplek gaan;

(c) nie tussen die Stoel en 'n lid wat aan die woord is verbygaan nie;

(d) nie die Voorsitter by sy naam of enige ander titel as "Meneer die Voorsitter" aanspreek nie;

(e) nie onnodig oor die vloer van die Saal stap nie;

(f) wanneer hy van een deel van die Saal na 'n ander gaan, in die middel stilstaan en 'n buiging voor die Stoel maak;

(g) nie nuusblaai, boeke, briewe of ander dokumente lees nie, behalwe sodanige stof daarin as wat regstreeks in verband staan met die aangeleentheid dan onder oorweging;

(h) stilbly terwyl 'n lid aan die woord is, en hom nie onnodig in die rede val nie;

(i) wanneer hy deur die Voorsitter tot orde geroep is, dadelik gaan sit; en

(j) wanneer die Wetgewende Vergadering verdaag, in sy sitplek bly totdat die Voorsitter die Stoel verlaat het.

Number of Times Members may Speak

28. (1) No member shall address the Legislative Assembly more than once on a question, except in explanation or reply or when the whole Legislative Assembly is in Committee, such explanation being allowed only in case a material part of his speech has been misquoted or misunderstood, but he shall not introduce any new matter and no debate shall be allowed on such explanation.

(2) By the indulgence of the Legislative Assembly a member may explain matters of a personal nature although there be no question before the Legislative Assembly, and he shall confine himself strictly to the vindication of his own conduct.

Duration of Speeches

29. (1) Except in the case of an Executive Councillor and any member in charge of a bill, no member may exceed 30 minutes in speaking to any question.

(2) No member shall in any Committee of the whole Legislative Assembly speak on any bill or other matter for longer than 10 minutes at any one time, nor address the Committee for more than three such periods consecutively.

Rights of Introducer of Motion to Reply to Debate

30. Notwithstanding the provisions of rules 27 to 29, inclusive, a reply shall be allowed to a member who has moved a motion and such a reply closes the debate.

Form of Address

31. During proceedings in the Legislative Assembly members shall refer to one another as "the honourable Mister" (stating the member's name) or "the honourable Chief" (stating the chief's name).

Speeches not to be Read

32. A member may not read his speech but he may read extracts from books or papers in support of his argument and refresh his memory by reference to notes.

Conduct of Members during Sittings

33. During a sitting a member shall—

(a) enter or leave the Chamber with decorum;

(b) be uncovered while in the Chamber and make obeisance to the Chair when entering or leaving the Chamber or passing to or from his place;

(c) not pass between the Chair and any member addressing the Legislative Assembly;

(d) not address the Chairman by name or any title other than "Mister Chairman";

(e) not cross the floor of the Chamber unnecessarily;

(f) when crossing from one side of the Chamber to the other, pause in the centre and bow to the Chair;

(g) not read newspapers, books, letters or other documents except such matter therein as may be directly connected with the business then under consideration;

(h) while a member is speaking be silent and not make unseemly interruptions;

(i) when called to order by the Chairman immediately resume his seat; and

(j) when the Legislative Assembly adjourns keep his place until the Chairman has left the Chair.

Wanneer Lede in die Rede Geval mag Word

34. Geen lid mag 'n ander lid wat aan die woord is, in die rede val nie, behalwe—

(a) wanneer hy oor 'n punt van orde opstaan, en dan moet die lid wat aan die woord was, gaan sit, en die lid wat opgestaan het, moet slegs die punt noem waarop hy die aandag wil vestig en dit aan die Voor-sitter voorlê vir sy beslissing; en

(b) om 'n tersaaklike vraag aan die spreker te stel met die toestemming van die Voor-sitter.

Toesprake moet Ter Sake Wees

35. 'n Lid moet sy opmerkings oor die onderwerp in bespreking beperk, en mag geen sake wat nie op daardie onderwerp betrekking het, byhaal nie.

Hangende Hofsaak Geprivilegieerd

36. Geen verwysing na enige saak waaroor 'n beslissing van 'n geregshof hangende is, mag op sodanige wyse gemaak word dat dit volgens die mening van die Voor-sitter daardie saak kan benadeel nie.

Vrae wat Reeds Beslis is Buite die Orde

37. (1) Dit is buite die orde om te poog om enige spesifieke vraag ten opsigte waarvan die Wetgewende Vergadering tydens enige vorige sessie 'n besluit geneem het, te heroorweeg, behalwe na 'n substantiewe mosie om daardie besluit te herroep, ingedien met die toestemming van die Voor-sitter.

(2) Geen mosie of amendement mag voorgestel word wat in wese dieselfde is as enige mosie wat gedurende die loop van daardie sessie aangeneem of verwerp is nie, maar die orde van die beslissing mag by mosie na kennisgewing herroep word.

Beledigende Taal Buite die Orde

38. Dit is buite die orde om aanstootlike en beledigende taal omtrent lede van die Wetgewende Vergadering te gebruik.

Toeskrywing van Onbehoorlike Motiewe Buite die Orde

39. 'n Lid mag nie onbehoorlike motiewe aan 'n ander lid toeskryf nie.

Persoonlike Aanvalle Buite die Orde

40. 'n Lid mag nie 'n persoonlike aanval ten opsigte van enige lid van die Wetgewende Vergadering maak nie.

Aanstootlike Uitdrukkings omtrent Wetgewende Vergadering Buite die Orde

41. 'n Lid mag nie aanstootlike uitdrukkings oor die bestuur of verrigtinge van die Wetgewende Vergadering gebruik nie.

Prosedure by Beweerde Onbehoorlike Gedrag

42. Daar mag nie verwys word na die persoonlike gedrag of enige beweerde onbehoorlike motiewe van 'n lid nie, behalwe na 'n substantiewe mosie vir daardie doel ingedien.

Name van Staatspresident of Kommissaris-generaal mag nie Gebruik word nie

43. (1) Die naam van die Staatspresident of die Kommissaris-generaal mag nie gebruik word om die Wetgewende Vergadering te beïnvloed nie.

(2) 'n Lid mag nie in die openbaar 'n Minister, die Kommissaris-generaal of enige ander hoofwaardigheidsbeksleër wat nie 'n lid van die Wetgewende Vergadering is nie, of enige staatsampenaar of lid van die publiek wat in aangewese plekke teenwoordig mag wees in die Wetgewende Vergadering gedurende die verrigtinge daarvan, aanspreek nie.

When Interruptions may be Made

34. A member shall not interrupt the speech of any other member except—

(a) by rising to a point of order, when the member speaking shall resume his seat and the member interrupting shall simply direct attention to the point which he wishes to bring to notice and submit it to the Chairman for decision; or

(b) to put a relevant question to the speaker with the consent of the Chairman.

Speeches to be Relevant

35. A member shall restrict his observations to the subject under discussion and shall not introduce matters irrelevant to that subject.

Pending Lawsuit Privileged

36. Reference shall not be made to a case pending in a court of law in such a way as, in the opinion of the Chairman, might prejudice that case.

Questions which Decision taken Out of Order

37. (1) It shall be out of order to attempt to reconsider a specified question on which the Legislative Assembly has taken a decision during any previous session, except on a substantive motion to rescind that decision, made with the permission of the Chairman.

(2) No motion or amendment shall be proposed which is the same in substance as any motion which during the current session has been resolved in the affirmative or negative, but the order of resolution may be rescinded by motion after notice.

Insulting Language Out of Order

38. It shall be out of order to use offensive and insulting language about members of the Legislative Assembly.

Imputation of Improper Motives Out of Order

39. A member shall not impute improper motives to any other member.

Personal Charges Out of Order

40. A member shall not make a personal charge in reference to any member of the Legislative Assembly.

Offensive Expressions about Legislative Assembly Out of Order

41. A member shall not use offensive expressions about the conduct or proceedings of the Legislative Assembly.

Procedure on Alleged Improper Conduct

42. The personal conduct or any alleged improper motives of a member shall not be referred to except on a substantive motion moved for that purpose.

Names of State President or Commissioner-General not to be Used

43. (1) The name of the State President or the Commissioner-General shall not be used to influence the Legislative Assembly.

(2) A member shall not publicly address a Minister, the Commissioner-General or any other dignitary not being a member of the Legislative Assembly or any public servant or member of the public who may be present in the Legislative Assembly during its proceedings in accommodation assigned to them.

Gedrag van Staatspresident en Ander mag nie na Verwys word nie

44. (1) Die gedrag van die Staatspresident, die Kommissaris-generaal, 'n Regter van die Hooggeregshof of ander persone wat regterlike pligte uitvoer mag nie na verwys word op vernederende wyse of in 'n ongunstige lig gestel word nie.

(2) 'n Lid mag nie verraderlike of oproerige taal gebruik of die naam van die Staatspresident oneerbiediglik gebruik nie.

Reëls vir Lid wat Wetgewende Vergadering Toesprek

45. 'n Lid mag nie—

(a) na enige debat van die lopende sessie oor 'n onderwerp of wetsontwerp wat op die oomblik nie in bespreking is, verwys nie, behalwe met vergunning van die Wetgewende Vergadering ter wille van 'n persoonlike verduideliking;

(b) die bespreking van enige ander onderwerp wat op die Ordelys voorkom, vooruitloop nie: Met dien verstande dat wanneer die Voorsitter moet beslis of 'n bespreking buite die orde is weens vooruitloping, hy in ag neem of dit waarskynlik is dat die saak wat vooruitgegaan word, binne 'n redelike tyd voor die Wetgewende Vergadering gebring sal word;

(c) na die verrigtinge en verslag van 'n gekose komitee verwys alvorens dit aan die Wetgewende Vergadering voorgelê is nie.

Ontoepaslikheid of Herhaling

46. Nadat die Voorsitter die aandag van die Wetgewende Vergadering gevestig het op die gedrag van 'n lid wat volhou om aangeleenthede wat nie ter sake is nie te bespreek of om sy eie argumente of die van 'n ander lid in die debat tot vervelens toe te herhaal, kan hy die lid gelas om sy toespraak te staak en sy sitplek in te neem.

Wanordelike Gedrag van Lid

47. Die Voorsitter gelas 'n lid wie se gedrag uiters wanordelik is om onmiddellik die Wetgewende Vergadering vir die res van die sittingsdag te verlaat, en die Ampswag handel ooreenkomstig die bevel wat hy van die Stool ontvang om te verseker dat daar aan die bevel voldoen word.

Wanordelike Gedrag: Sensuur deur Wetgewende Vergadering

48. (1) 'n Lid wat—

(a) die gesag van die Stool verontagsaam;

(b) aanstootlike woorde of onbetaamlike taal gebruik en nie dit verduidelik of terugtrek of bevredigende verskoning vir die gebruik daarvan vra nie;

(c) deur die Voorsitter tot orde geroep word en weier om te gaan sit;

(d) versuim om die reëls van die Wetgewende Vergadering na te kom of hulle verontagsaam of misbruik;

(e) moedswillig die werksaamhede van die Wetgewende Vergadering belemmer, moet onverwyld deur die Wetgewende Vergadering gesensuur word.

(2) Enige lid teen wie daar deur die Voorsitter of die Wetgewende Vergadering kragtens die bepalings van hierdie reël en reël 47 opgetree is, moet bo en behalwe enige straf deur die Wetgewende Vergadering of die Voorsitter opgelê, vir daardie dag enige toelaes aan hom betaalbaar op grond daarvan dat hy lid van die Wetgewende Vergadering is, verbeur.

Conduct of State President and Others not to be Referred to

44. (1) The conduct of the State President, the Commissioner-General, a Judge of the Supreme Court or other persons performing judicial functions, shall not be referred to or reflected upon in a derogatory manner.

(2) A member shall not use treasonable or seditious words or use the name of the State President irreverently.

Rules for Member Addressing Legislative Assembly

45. A member shall not—

(a) refer to debates of the current session upon any question or bill not then under discussion except by the indulgence of the Legislative Assembly for personal explanation;

(b) anticipate the discussion of any other subject which appears on the Order Paper: Provided that in determining whether a discussion is out of order on the ground of anticipation regard shall be had by the Chairman to the probability of the matter being brought before the Legislative Assembly within a reasonable time;

(c) refer to the proceedings and report of a select committee before they have been presented to the Legislative Assembly.

Irrelevance or Repetition

46. The Chairman, after having called the attention of the Legislative Assembly to the conduct of a member who persists in irrelevance or tedious repetition of his own or other members' arguments in debate, may direct him to discontinue his speech and resume his seat.

Disorderly Conduct of Member

47. The Chairman shall order a member whose conduct is grossly disorderly to withdraw immediately from the Legislative Assembly for the remainder of that day's sitting, and the Serjeant-at-Arms shall act on orders received by him from the Chair to ensure compliance with this order.

Disorderly Conduct: Censure by Legislative Assembly

48. (1) A member who—

(a) disregards the authority of the Chair;

(b) uses objectionable words or unbecoming language and not explaining or retracting them or offering any satisfactory apologies for the use thereof;

(c) having been called to order by the Chairman refuses to resume his seat;

(d) disregards, abuses or fails to observe the rules of the Legislative Assembly;

(e) wilfully obstructs the business of the Legislative Assembly, shall forthwith be censured by the Legislative Assembly.

(2) Any member against whom action was taken by the Chairman or the Legislative Assembly in terms of the provisions of this rule and rule 47 shall in addition to any penalty imposed by the Legislative assembly or the Chairman forfeit for that day any allowances payable to him by reason of his being a member of the Legislative Assembly.

Vooristter se Bevoegdheid om Wetgewende Vergadering te Verdaag of op te Skort

49. Ingeval groot wanordelikheid in die Wetgewende Vergadering ontstaan, kan die Voorsitter die Wetgewende Vergadering verdaag of enige sitting opskort vir 'n redelike tydperk deur hom bepaal.

DEEL IV

TALE

Tale wat Gebruik Moet Word

50. Toesprake moet in Zoeloe, Afrikaans of Engels gelewer word, en toesprake moet uit die een taal in een of meer van die tale hierbo genoem, getolk word indien die Voorsitter aldus gelas.

DEEL V

BEAMPTES VAN DIE WETGEWENDE VERGADERING.—REKORDS EN STUKKE

Sekretaris van Wetgewende Vergadering

51. Die Regering van kwaZulu moet in oorleg met die Regeringsdienskommissie 'n beampte van die kwaZulu-regeringsdiens aanstel om as Sekretaris te dien.

Beheer van Personeel van Wetgewende Vergadering

52. Die Sekretaris en alle klerke, tolke, wagte, bodes of Saalbeamptes wat in diens geneem word in verband met die werksaamhede van die Wetgewende Vergadering, resorteer gedurende die tydperk van sodanige diens onder die Departement van die Hoof-Uitvoerenderaadslid, en verrig hulle pligte onder die algemene bevel en beheer van die Direkteur van die Departement van Owerheidsake en Finansies.

Sekretaris se Pligte

53. Die Sekretaris is verantwoordelik vir die aantekening van Notule en, nadat dit deur die Voorsitter goedgekeur is, moet dit gedruk en die volgende sittingsdag onder die lede versprei word.

Joernale van Wetgewende Vergadering

54. Die Notule aldus gedruk, maak die joernale van die Wetgewende Vergadering uit.

Sekretaris moet Stukke in sy Bewaring hê

55. Al die Notule, rekords of ander dokumente wat aan die Wetgewende Vergadering behoort, moet in die bewaring van die Sekretaris wees, en hy mag nie die Wetgewende Vergadering se afskrifte van Notule, rekords of ander dokumente uit die Saal of kantore neem of toelaat dat dit geneem word sonder die uitdruklike verlof of bevel van die Wetgewende Vergadering nie: Met dien verstande dat, ingeval die Wetgewende Vergadering vir 'n tydperk van langer as een week verdaag, sodanige verlof deur die Direkteur van die Departement van Owerheidsake en Finansies gegee kan word, en hierdie saak word dan aan die Wetgewende Vergadering op die volgende sitting daarvan gerapporteer.

Regte van Lede ten Opsigte van Stukke

56. Elke lid van die Wetgewende Vergadering is geregtig om alle stukke wat ter Tafel van die Wetgewende Vergadering gelê word te lees, of uittreksels daaruit of afskrifte daarvan te maak.

Pligte van Sekretaris in Verband met Reëling van Werksaamhede van Wetgewende Vergadering

57. Die Sekretaris is aan die Voorsitter verantwoordelik vir die reëling van alle sake betreffende die van-dag-tot-dag-werksaamhede van die Wetgewende Vergadering, tensy anders in hierdie Reglement voorgeskryf.

Chairman's Powers to Adjourn Legislative Assembly or Suspend Sitting

49. In the case of great disorder arising in the Legislative Assembly the Chairman may adjourn the Legislative Assembly or suspend any sitting for a reasonable time to be named by him.

PART IV

LANGUAGES

Languages to Be Used

50. Speeches shall be delivered either in Zulu, English or Afrikaans and speeches shall be interpreted from one language into one or more of the languages mentioned above if the Chairman so directs.

PART V

OFFICERS OF THE LEGISLATIVE ASSEMBLY.—RECORDS AND PAPERS

Secretary of Legislative Assembly

51. The Government of kwaZulu shall in consultation with the Government Service Commission appoint an officer of the kwaZulu Government Service to act as Secretary.

Control of Legislative Assembly Staff

52. The Secretary and all clerks, interpreters, guards, messengers or Chamber officials who may be employed in connection with business of the Legislative Assembly shall for the period of such employment fall under the Department of the Chief Executive Councillor and perform their duties under the general directions and control of the Director of the Department of Authority Affairs and Finance.

Duties of Secretary

53. The Secretary shall be responsible for the noting of Votes and Proceedings, and these, after being passed by the Chairman, shall be printed and distributed to members on the next sitting day.

Journals of Legislative Assembly

54. The Votes and Proceedings so printed shall constitute the journals of the Legislative Assembly.

Secretary to Have Custody of Papers

55. The Secretary shall have the custody of all Votes and Proceedings, records, or other documents belonging to the Legislative Assembly, and he shall neither take nor permit to be taken the Legislative Assembly's copies of Votes and Proceedings, records or other documents from the Chamber or offices without the express leave or order of the Legislative Assembly: Provided that in the event of the Legislative Assembly being adjourned for any period longer than one week such leave may be given by the Director of the Department of Authority Affairs and Finance, the matter being reported to the Legislative Assembly at its next sitting.

Rights of Members as to Papers

56. Every member of the Legislative Assembly shall be entitled to read or make extracts from or copies of all papers laid upon the Table of the Legislative Assembly.

Duties of Secretary Regarding Regulation of Business of Legislative Assembly

57. The Secretary shall be responsible to the Chairman for the regulation of all matters connected with the day-to-day business of the Legislative Assembly unless otherwise provided for in these Rules.

Sekretaris Reël vir Verslag van Toesprake

58. Die Sekretaris reël vir die voortbrenging van 'n amptelike verslag van alle toesprake in die Wetgewende Vergadering en in Komitee van die hele Wetgewende Vergadering gelewer.

Personeel vir Gekose Komitees

59. Mits die nodige fondse beskikbaar is, is die Sekretaris, handelende in opdrag van die Voorsitter, verantwoordelik om gekose komitees van die nodige klerklike personeel of stenograaf te voorsien wanneer ook al komitees van die Wetgewende Vergadering verlang om mondelinge getuienis af te neem.

DEEL VI

DAE EN URE VAN SITTINGS EN VERDAGINGS

Sittingsdae

60. Die Wetgewende Vergadering sit net op Maandae, Dinsdae, Woensdae, Donderdae en Vrydae, maar sit nie op 'n openbare vakansiedag nie: Met dien verstande dat die Wetgewende Vergadering op 'n mosie ingedien deur 'n Uitvoerenderaadslid en aangeneem deur die Wetgewende Vergadering op enige ander dag behalwe Sondag, in die mosie genoem kan sit.

Verdagings

61. Elke verdagting van die Wetgewende Vergadering is tot die volgende sittingsdag, tensy die Wetgewende Vergadering op 'n mosie ingedien deur 'n Uitvoerenderaadslid besluit om te verdaag tot 'n later dag of *sine die*.

Tye van Sittings

62. Tensy anders gelas, sit die Wetgewende Vergadering—

(a) op Maandag, Dinsdag, Woensdag en Donderdag vanaf 10 vm. tot 5 nm.; en

(b) op Vrydag vanaf 10 vm. tot 4 nm.:

Met dien verstande dat die Voorsitter, volgens sy diskresie en na beraadslaging met die Uitvoerenderaadslid in beheer van die aangeleentheid onder bespreking, die Wetgewende Vergadering tydelik kan opskort vir maaltye of ander verversings: Met dien verstande voorts dat die Wetgewende Vergadering, na aanneming van 'n mosie ingedien deur 'n Uitvoerenderaadslid en wat dadelik sonder amendement of debat beslis word 'n sitting kan verkort of verleng, na gelang van die hoeveelheid werk om af te handel of die heersende omstandighede op die tydstip.

DEEL VII

KWORUM

Prosedure as daar Geen Kworum is nie

63. As die aandag van die Voorsitter daarop gevestig word dat daar nie 'n kworum, soos bepaal by artikel 11 (2) van Proklamasie R. 70 van 1972, teenwoordig is nie moet hy opdrag gee dat lede ontbied word deur die klokke te lui, tydens welke tydperk die verrigtinge van die Wetgewende Vergadering outomaties opgeskort word. Indien hy na twee minute oortuig is dat 'n kworum nie aanwesig is nie verdaag hy die Wetgewende Vergadering onverwyld tot die volgende sittingsdag.

Stemming Ongeldig as dit Blyk dat daar geen Kworum is nie

64. As dit blyk uit die getal lede wat deelneem aan 'n stemming dat daar nie 'n kworum is nie, is die stemming ongeldig en staan die vraag waaroor gestem is oor tot die volgende sittingsdag wanneer die prosedure voorgeskryf by reël 63 gevolg word.

Secretary to Arrange for Report of Speeches

58. The Secretary shall arrange for the production of an official report of all speeches made in the Legislative Assembly and in Committee of the whole Legislative Assembly.

Staff for Select Committees

59. Subject to the necessary funds being available, the Secretary, acting under the direction of the Chairman, shall be responsible for providing select committees with the necessary clerical staff or shorthand writer whenever committees of the Legislative Assembly wish to take oral evidence.

PART VI

DAYS AND HOURS OF SITTINGS AND ADJOURNMENTS

Sitting Days

60. The Legislative Assembly shall sit on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays only, but shall not sit on a public holiday: Provided that the Legislative Assembly may on a motion moved by an Executive Councillor and adopted by the Legislative Assembly sit on any other day except Sundays, named in the motion.

Adjournments

61. Every adjournment of the Legislative Assembly shall be till the next sitting day unless the Legislative Assembly has decided on a motion moved by an Executive Councillor to adjourn to a later day or *sine die*.

Times of Sittings

62. Unless otherwise ordered the Legislative Assembly shall sit—

(a) on Monday, Tuesday, Wednesday, and Thursday from 10 a.m. until 5 p.m.; and

(b) on Friday from 10 a.m. till 4 p.m.:

Provided that the Chairman may in his discretion and after consultation with the Executive Councillor in charge of the matter under discussion, suspend the business of the Legislative Assembly temporarily for meals or other refreshments: Provided further that the Legislative Assembly may on adoption of a motion by an Executive Councillor and to be decided immediately without amendment or debate shorten or prolong the sitting having regard to the amount of business to be dispatched or to the circumstances prevailing at the time.

PART VII

QUORUM

Procedure When Quorum not Present

63. If the attention of the Chairman is drawn to the fact that a quorum as provided for in section 11 (2) of Proclamation R. 70 of 1972 is not present he shall direct that members be summoned by the ringing of the bells, during which period the proceedings of the Legislative Assembly shall be automatically suspended. If after two minutes he is satisfied that a quorum is not present he shall adjourn the Legislative Assembly forthwith until the next sitting day.

Ballot Invalid if it Appears there is no Quorum

64. If from the number of members taking part in a ballot, it appears that a quorum is not present, the ballot shall be invalid, the question on which it is held shall stand over until the next sitting day, and the procedure prescribed in rule 63 shall be followed.

DEEL VIII

MOSIES

Definisie van Mosie

65. (1) 'n Onafhanklike voorstel wat 'n lid wil indien vir oorweging van die Wetgewende Vergadering word 'n mosie genoem.

(2) 'n Ander mosie as—

(a) 'n mosie vir die verdagting van die Vergadering;

(b) 'n mosie vir die verdagting van 'n debat of van die verrigtinge van 'n komitee; en

(c) 'n mosie ingedien in die loop van verrigtinge insake wetsontwerpe uiteengesit in Deel XII van hierdie Reglement,

word 'n substantiewe mosie genoem.

(3) Geen substantiewe mosie is bevelend nie maar slegs 'n aanbeveling, en elke substantiewe mosie wat ingedien staan te word in die Wetgewende Vergadering word voorafgegaan deur die woorde "dat volgens die mening van hierdie Wetgewende Vergadering oorweging geskenk word aan die wenslikheid van ...".

(4) die Wetgewende Vergadering moet die mosies in subreël (3) bedoel, oorweeg en kan sodanige mosies na goedgekeurde goedkeur, wysig of verwerp.

Kennis van Indiening van Substantiewe Mosie

66. Kennisgewings van substantiewe mosies moet aan die Sekretaris van die Wetgewende Vergadering gestuur word sodat dit hom bereik nie later nie as 63 dae voor die datum vasgestel vir die eerste sitingsdag van 'n sessie van die Wetgewende Vergadering.

Metode van Kennisgewing van Substantiewe Mosie

67. Kennis van 'n substantiewe mosie moet gegee word deur die indiening van 'n afskrif van die skriftelike mosie by die Sekretaris. Die kennisgewing moet onderteken wees deur die lid wat die mosie wil indien.

Bevoegdheid van Voorsitter ten Opsigte van Substantiewe Mosies

68. 'n Kennisgewing van 'n substantiewe mosie word aan die Voorsitter voorgelê wat, na oorlegpleging met die Werkkomitee of die verantwoordelike Uitvoerenderaadslid, beveel—

(a) dat dit gedruk word soos dit by inlewering bewoord is; of

(b) dat dit gedruk word met sodanige wysigings as wat hy voorskryf; of

(c) dat dit na die lid wat dit geteken het, teruggestuur word as buite die order.

Mosies word op Ordelys Gepubliseer

69. Alle mosies, uitgesonderd onbestrede mosies maar insluitende mosies aangaande die prosedure by wetsontwerpe, moet eers gepubliseer word op die Ordelys, tensy die Wetgewende Vergadering anders besluit.

Prosedure by die Indiening van 'n Mosie

70. (a) 'n Lid wat deur die Voorsitter versoek word om 'n mosie in te dien, staan in sy plek op en na enige opmerkings wat hy wens te maak, dien hy die mosie in.

(b) Elke mosie ingedien (behalwe in Komitee van die hele Wetgewende Vergadering), moet gesekondeer word, tensy anders in hierdie Reglement bepaal. As 'n mosie nie gesekondeer word nie, verval dit.

(c) Wanneer 'n mosie ingedien is en, indien nodig, gesekondeer is, lees die Voorsitter dit uit, of laat dit uitlees, en laat toe dat dit bespreek word deur die Wetgewende Vergadering. Die mosie kan dan gedebatteer word en die debat kan, behoudens die nakoming van hierdie Reglement, so lank aanhou as wat enige lid wat die reg het om te praat nog wil praat.

PART VIII

MOTIONS

Definition of Motions

65. (1) A self-contained proposition which a member wishes to put forward for the consideration of the Legislative Assembly shall be termed a motion.

(2) A motion other than—

(a) a motion for the adjournment of the Legislative Assembly;

(b) a motion for the adjournment of a debate or of the proceedings of a committee; and

(c) a motion moved in the course of any of the proceedings on bills set out in Part XII of these Rules, shall be termed a substantive motion.

(3) No substantive motion shall be mandatory but merely a recommendation and every substantive motion to be moved in the Legislative Assembly shall be prefaced by the words "that in the opinion of this Legislative Assembly the advisability be considered of ...".

(4) Motions referred to in subrule (3) shall be considered by the Legislative Assembly which may approve, amend or reject such motions as it may deem fit.

Notice for Moving Substantive Motion

66. Notices of substantive motions shall be forwarded to the Secretary to reach him not less than sixty-three days before the date fixed for the first sitting day of a session of the Legislative Assembly.

Method of Giving Notice of Substantive Motion

67. Notice of a substantive motion shall be given by the delivery of a copy of the motion in writing to the Secretary. The notice shall be signed by the member wishing to move the motion.

Powers of Chairman as to Substantive Motions

68. A notice of a substantive motion shall be submitted to the Chairman who after consultation with the Business Committee or the responsible Executive Councillor shall direct—

(a) that it be printed in the terms in which it was handed in; or

(b) that it be printed with such alterations as he may direct; or

(c) that it be returned to the member who signed it, as being out of order.

Motions to Be Published on Order Paper

69. All motions except unopposed motions but including motions on the procedure on bills shall first be published on the Order Paper unless the Legislative Assembly otherwise decides.

Procedure on Moving a Motion

70. (a) A member called upon by the Chairman to move a motion shall rise in his place and after making such remarks as he may wish he shall move the motion.

(b) Every motion moved (except in Committee of the whole Legislative Assembly) shall require seconding unless otherwise provided in these Rules. If a motion is not seconded it shall lapse.

(c) When a motion has been moved and if necessary seconded, the Chairman shall read it or cause it to be read and allow it to be discussed by the Legislative Assembly. Debate may then take place on that motion and may continue subject to these Rules being observed so long as any member who is entitled to speak wishes to speak.

(d) Wanneer daar nie meer lede is wat wens, of geregtig is, om te praat nie stel die Voorsitter die mosie aan die Wetgewende Vergadering vir beslissing.

(e) Wanneer 'n amendement of amendemente op 'n mosie voorgestel is, stel die Voorsitter eers die amendemente en na al die amendemente afgehandel is, lees en stel hy weer die oorspronklike mosie, of indien dit gewysig is, die mosie, soos gewysig, ten einde die lede van die Wetgewende Vergadering ten volle vertrouwd te maak met die bepalings daarvan.

(f) Die volgorde waarin amendemente gestel word, is volgens die diskresie van die Voorsitter.

Amendemente op Mosies: Prosedure

71. (a) 'n Lid wat opgestaan het om 'n mosie te bespreek kan 'n amendement op die mosie voorstel.

(b) 'n Amendement moet gesekondeer word.

(c) 'n Amendement kan een van die volgende vorme aanneem:

(i) Om een of meer van die woorde van die mosie weg te laat;

(ii) om een of meer woorde by die mosie in te voeg;

(iii) om een of meer woorde aan die einde van die mosie by te voeg;

(iv) om sekere woorde van die mosie deur sekere ander woorde te vervang.

Amendemente moet Skriftelik wees

72. (a) 'n Amendement wat voorgestel word, moet op skrif wees en word na die Stoel gebring deur die voorsteller en aan die Voorsitter oorhandig wat die teks aan die Wetgewende Vergadering uitlees. Die amendement kan dan gedebatteer word.

(b) Lede kan meer as een amendement op 'n mosie in bespreking voorstel maar 'n voorstel vir die verdere wysiging van 'n voorgestelde amendement is buite die orde.

Terugtrekking van Mosies

73. (a) 'n Mosie of 'n amendement kan teruggetrek word op versoek van die voorsteller, met verlof van die Wetgewende Vergadering, voordat die vraag daaromtrent ten volle gestel is. 'n Mosie of 'n amendement wat teruggetrek is, kan weer voorgestel word, indien, in die geval van 'n mosie, kennis gegee is.

(b) Kennis van 'n mosie of amendement op die Ordelys kan te eniger tyd voor dit deur die betrokke lid voorgestel is van die Ordelys verwyder word.

Voorstel om Debat te Verdaag

74. 'n Lid wat opgestaan het om te praat oor 'n vraag voor die Wetgewende Vergadering kan voorstel dat die debat verdaag. Geen sekondant is nodig nie. Sodanige mosie word gestel slegs met die goedkeuring van die Voorsitter en as die Voorsitter oortuig is dat sodanige mosie nie misbruik van die regte en voorregte van lede is nie stel hy die mosie.

Getal Kere wat Lid oor Mosie of Amendement mag Praat

75. 'n Lid mag nie meer as een keer oor 'n mosie of amendement praat nie, behalwe—

(a) in Komitee en dan nie meer as drie keer nie;

(b) ter verduideliking van sy toespraak soos bepaal by reël 28;

(c) in antwoord op 'n mosie as hy die voorsteller daarvan is;

(d) in die geval van Uitvoerenderaadslede wat antwoord op vrac opgewerp deur verskeie lede tydens 'n debat.

Toesprake Verbode na Mosie deur Voorsitter Gestel is

76. Geen lid mag oor 'n mosie praat nadat dit ten volle deur die Voorsitter gestel is nie.

(d) When no more members wish or are entitled to speak the Chairman shall put the motion to the Legislative Assembly for its decision.

(e) When an amendment or amendments have been proposed to a motion the Chairman shall put the amendments and after all amendments have been disposed of, again read and put the original motion or if it has been amended the motion as amended, so as to enable the members of the Legislative Assembly to be fully acquainted with the terms thereof.

(f) The order in which amendments shall be put shall be in the discretion of the Chairman.

Amendments to Motions: Procedure

71. (a) A member who has risen to speak on a motion may propose an amendment to that motion.

(b) An amendment shall require seconding.

(c) An amendment may take one of the following forms:

(i) To leave out one or more words of the motion;

(ii) to insert one or more words in the motion;

(iii) to add one or more words at the end of the motion;

(iv) to substitute certain other words for certain words contained in the motion.

Amendments to be in Writing

72. (a) An amendment proposed shall be in writing and shall be brought to the Chair by the mover and handed to the Chairman who shall read the text to the Legislative Assembly. Debate may then take place on that amendment.

(b) Members may propose more than one amendment to a motion under discussion but a proposal for the further amendment of a proposed amendment shall be out of order.

Withdrawal of Motions

73. (a) A motion or an amendment may be withdrawn at the request of the mover by leave of the Legislative Assembly before the question has been fully put thereon. A motion or amendment which has been withdrawn may be proposed again if, in the case of a motion, notice is given.

(b) A notice of motion or an amendment on the Order Paper may be removed at any time before it is moved by the member concerned.

Proposal to Adjourn Debate

74. A member who has risen to speak on a question before the Legislative Assembly may propose that the debate be now adjourned. No seconder shall be required. Such motion shall be put only with the approval of the Chairman and if the Chairman is satisfied that such a motion will not be an abuse of the rights and privileges of members, he shall put the motion.

Times when Member may Speak to Motions or Amendment

75. A member may not speak more than once to a motion or amendment except—

(a) in Committee and then not more than three times;

(b) in explanation of his speech as provided in rule 28;

(c) in reply to a motion if he is the mover thereof;

(d) in the case of Executive Councillors when replying to points raised by various members through the course of debate.

Speeches Prohibited after Motion put by Chairman

76. No member may speak to a motion after it has been fully put by the Chairman.

DEEL IX

INDELING VAN WERKSAAMHEDE

Orde van Werksaamhede

77. Die werksaamhede van elke sittingsdag uitgesonderd die eerste sittingsdag van 'n sessie, word ooreenkomstig die noodsaaklikheid daarvan in die volgende volgorde verrig:

- (a) Gebed (sien Aanhangsel).
- (b) Sterflys en ander seremoniële toesprake.
- (c) Afneem van ede, as daar is.
- (d) Petisies.
- (e) Uitlees deur die Hoof-Uitvoerenderaadslid van boodskappe ontvang van die Kommissaris-generaal.
- (f) Ander aankondigings deur die Hoof-Uitvoerenderaadslid of 'n Uitvoerenderaadslid.
- (g) Aankondigings deur die Voorsitter.
- (h) Verkiesing van Uitvoerenderaadslid en/of Voorsitter en/of Ondervoorsitter, indien nodig.
- (i) Tertafellegging van verslae of stukke.
- (j) Vrae.
- (k) Verrigtinge insake substantiewe mosies en wetsontwerpe.

Vrae moet op Ordelys Geplaas word

78. Mondelinge en skriftelike vrae aan Uitvoerenderaadslede word op die Ordelys geplaas ooreenkomstig die bepalings by reël 80.

Sake op Ordelys word deur Werkkomitee Nagesien

79. Behoudens die bepalings van reël 69 word alle sake wat op die Ordelys geplaas word deur die Werkkomitee nagesien en goedgekeur of deur 'n Uitvoerenderaadslid vir die doel deur die Hoof-Uitvoerenderaadslid aangewys.

Voorrang word deur Werkkomitee Beslis

80. Die Werkkomitee of 'n Uitvoerenderaadslid spesiaal vir die doel aangewys bepaal die voorrang van sake op die Ordelys.

Aanbieding van Stukke

81. 'n Stuk kan slegs deur 'n Uitvoerenderaadslid in die Wetgewende Vergadering aangebied word.

DEEL X

VRAE

Vrae kan aan Uitvoerenderaadslede Gestel word

82. 'n Lid wat nie 'n Uitvoerenderaadslid is nie kan 'n vraag stel aan 'n Uitvoerenderaadslid met betrekking tot 'n openbare aangeleentheid waarvoor die kwaZulu-Wetgewende Vergadering amptelik verantwoordelik is waardeur hy inligting wil inwin oor daardie saak of amptelike optrede vra. Antwoorde op vrae kan ook skriftelik verstrekk word.

Kennis van Vraag moet Gegee word

83. Vrae word nie gevra sonder dat behoorlike kennis gegee is nie en dié kennis kan gegee word deur die aflewering van die vraag by die Sekretaris minstens twee volle dae voor die dag waarop 'n antwoord verwag word. Sodanige vrae word in die Ordelys gepubliseer op die dag na ontvangs en vermeld die datum waarop 'n antwoord verlang word.

Vrae Sonder Kennisgewing

84. (1) As 'n lid die toestemming van die Voorsitter vra om 'n vraag te stel sonder dat kennis vooraf gegee is op grond daarvan dat dit van 'n dringende aard is en

PART IX

ARRANGEMENT OF BUSINESS

Order of Business

77. The business of each sitting day other than the first sitting day of a session shall, in accordance with the need thereof, be transacted in the following order:

- (a) Prayers. (See Annexure A).
- (b) Obituaries and other ceremonial speeches.
- (c) Administration of oaths, if any.
- (d) Petitions.
- (e) Reading by the Chief Executive Councillor of messages received from the Commissioner-General.
- (f) Other announcements by the Chief Executive Councillor or an Executive Councillor.
- (g) Announcements by the Chairman.
- (h) Election of Executive Councillor and/or Chairman and/or Deputy Chairman if such an occasion arises.
- (i) Tabling of Reports or Papers.
- (j) Questions.
- (k) Proceedings on substantive motions and bills.

Questions to be on Order Paper

78. Oral and written questions to Executive Councillors shall be placed on the Order Paper in accordance with the provisions of rule 80.

Matters on Order Paper to be Scrutinised by Business Committee

79. All matters placed on the Order Paper shall subject to the provisions of rule 69 be scrutinised and approved of by the Business Committee or by an Executive Councillor designated thereto by the Chief Executive Councillor.

Order of Precedence to be Decided by Business Committee

80. The Business Committee or an Executive Councillor specially designated thereto shall decide the order of precedence of business on the Order Paper.

Presentation of Papers

81. A paper may be presented to the Legislative Assembly only by an Executive Councillor.

PART X

QUESTIONS

Questions may be Asked of Executive Councillors

82. A member who is not an Executive Councillor may address a question to an Executive Councillor relating to a public matter for which the Government of kwaZulu is officially responsible, in which he seeks information on that matter or asks for official action. Questions may also be replied to in writing.

Notice of Questions to be Given

83. Questions shall not be asked without proper notice being given, which may be done by delivering the question to the Secretary not less than two clear days before the day on which an answer is required. Such questions shall be published in the Order Paper on the day following the day of receipt, stating the date upon which a reply is desired.

Questions Without Notice

84. (1) If a member asks the permission of the Chairman to put a question without notice on the ground that it is of an urgent character and relates to a matter of

betrekking het op 'n aangeleentheid van openbare belang of op die indeling van werksaamhede, kan die Voorsitter toelaat dat die vraag gevra word sonder kennisgewing indien hy oortuig is dat die vraag wel van sodanige aard is.

(2) Behoudens die bepalings van subreël (1) word vrae slegs op een of meer dae van die week beantwoord soos deur die Werkkomitee bepaal.

Vorm van Vrae

85. 'n Vraag mag nie—

(i) die name van persone of verklarings wat nie streng noodsaaklik is vir verstaanbaarheid insluit nie;

(ii) 'n bewering bevat wat die lid wat die vraag stel nie bereid is om te staaf nie;

(iii) argumente, gevolgtrekkings, opinies, aantygings of toevoegings, of tendensieuse, ironiese of aanstootlike uitdrukkings bevat nie;

(iv) na verrigtinge in 'n komitee verwys alvorens daardie komitee aan die Wetgewende Vergadering verslag gedoen het nie;

(v) inligting probeer inwin oor 'n saak wat uiteraard geheim is nie;

(vi) refleksie werp op die beslissing van 'n geregshof nie of so ingeklee wees dat 'n hangende saak voor 'n geregshof moontlik benadeel kan word nie;

(vii) gevra word met die doel om 'n uitspraak van opinie, die oplossing van 'n abstrakte saak, of die antwoord op 'n hipotetiese voorstel te verkry nie;

(viii) gevra word of die verklarings in die pers of van private individue of private ondernemings akkuraat is nie;

(ix) gevra word aangaande die karakter of gedrag van 'n persoon, uitgesonderd in sy amptelike of openbare hoedanigheid nie;

(x) gevra word wat inligting poog in te win wat verkrygbaar is in toeganklike dokumente of gewone nasaanwerke nie;

(xi) vra vir inligting waarvan die versameling volgens die mening van die Uitvoerende Raad langdurige en ongeregtverdigde arbeid vereis of oormatige of onnodige uitgawe teweegbring.

Vrae word Slegs Een Maal Beantwoord

86. 'n Vraag wat reeds ten volle beantwoord is, mag nie weer gedurende dieselfde sessie gevra word nie.

Bevoegdhede van Voorsitter oor Vrae

87. Die Voorsitter kan beveel dat enige vraag wat nie aan die bepalings van hierdie Reglement voldoen nie in die Ordelys ingesluit moet word nie, tensy sekere veranderinge na hy beveel, aangebring is.

Lid moet Vraag op Ordelys Vra

88. Wanneer 'n vraag bereik word, staan die lid op wie se naam die vraag aangeteken is op en stel die vraag aan die verantwoordelike Uitvoerenderaadslid.

Supplementêre Vrae: Procedure

89. Na 'n mondelinge antwoord op 'n vraag verstrekkend is, kan supplementêre vrae deur enige lid gevra word met die doel om die antwoord toe te lig en dit berus by die betrokke Uitvoerenderaadslid of hy die supplementêre vraag wil beantwoord en of hy wil vra dat kennis daarvan op die gewone wyse gegee word.

Vrae Geen Voorwendsel vir Debat

90. 'n Lid mag nie die Wetgewende Vergadering oor 'n vraag toespreek, en geen vraag mag as voorwendsel vir 'n debat gebruik word nie.

public importance or to the arrangement of business, the Chairman may permit the question to be asked without notice if he is satisfied that it is of that nature.

(2) Save as in subrule (1) provided questions shall be answered only on one or more days of the week as determined by the Business Committee.

Form of Questions

85. A question shall not—

(i) include the names of persons, or statements which are not strictly necessary to make the question intelligible;

(ii) contain a statement which the member who asks the question is not prepared to substantiate;

(iii) contain arguments, inferences, opinions, imputations or epithets, or tendentious, ironical or offensive expressions;

(iv) refer to proceedings in a committee before that committee has made its report to the Legislative Assembly;

(v) seek information about a matter which is of its nature secret;

(vi) reflect on the decision of a court of law or be so drafted as to be likely to prejudice a case pending in a court of law;

(vii) be asked for the purpose of obtaining an expression of opinion, the solution of an abstract case, or the answer to a hypothetical proposition;

(viii) be asked whether statements in the press or of private individuals or private concerns are accurate;

(ix) be asked about the character or conduct of a person except in his official or public capacity;

(x) be asked seeking information which can be found in accessible documents or ordinary works of reference;

(xi) ask for information the collection of which, in the opinion of the Executive Council, will require prolonged or unjustified labour or cause excessive or unnecessary expenditure.

Questions to be Replied to Only Once

86. A question which has been fully answered shall not be asked again during the same session.

Powers of Chairman on Questions

87. The Chairman may direct that any question not conforming to the provisions of these rules shall not be included in the Order Paper unless certain alterations as he may direct have been made.

Member shall Ask Question on Order Paper

88. When a question is reached the member in whose name the question stands shall rise and put the question to the responsible Executive Councillor.

Supplementary Questions: Procedure

89. After an oral answer has been given to a question supplementary questions may be put by any member for the purpose of elucidating that answer and it shall be in the discretion of the Executive Councillor concerned whether he wishes to reply to such supplementary question or ask that notice thereof be given in the ordinary way.

Questions not to be Pretext for Debate

90. A member shall not address the Legislative Assembly on a question nor shall a question be made a pretext for a debate.

Verval van Vrae

91. As 'n lid nie teenwoordig is om sy vraag te stel wanneer sy naam uitgeroep word nie, en hy nie 'n ander lid gemagtig het om die vraag namens hom te stel nie verval die vraag.

DEEL XI

STEMMING

Hoe Vraag Beslis word

92. Alle vrae voor die Wetgewende Vergadering of 'n komitee daarvan word beslis by meerderheid van stemme van die aanwesige lede uitgesonderd die Voorsitter wat 'n beslissende stem uitoefen in geval van 'n staking van stemme; en enige redes wat hy hiervoor aanvoer, word in die Notule aangeteken.

93. Wanneer die Voorsitter 'n mosie voorlê, in die gewysigde of oorspronklike vorm of 'n wysiging van 'n mosie, moet hy dit doen deur te sê "Stem almal saam?". Indien enige lid "Nee" sê, moet die Voorsitter 'n stemming gelas.

Procedure wanneer Stemming Gelas word

94. (1) Wanneer 'n stemming gelas word, laat die Sekretaris die klokke lui vir 'n tydperk van twee minute waarna die deure toegemaak en gesluit word en geen lid mag daarna die Saal binnekom of verlaat voordat die stemming afgeloop is nie.

(2) Wanneer die deure gesluit is, moet die Voorsitter die mosie of amendement weer voorlê en elke lid dan teenwoordig, moet stem.

(3) Die bepalings van reël 7 moet vir sover dit van toepassing is *mutatis mutandis* toegepas word by die stemming.

(4) Die Sekretaris moet dan die aantal stemme uitbring vir en teen die mosie of amendement tel en die Voorsitter moet daarna die getalle aan die Wetgewende Vergadering bekendmaak.

(5) Wanneer die Wetgewende Vergadering besig is om te stem, mag lede, sittende, oor 'n punt van orde praat wat uit of tydens die stemming ontstaan.

(6) Ingeval verwarring of 'n fout plaasvind in verband met die getalle wat opgegee is, gaan die Wetgewende Vergadering oor tot 'n nuwe stemming, tensy dit op 'n ander wyse in orde gebring kan word.

(7) As die getalle onjuis gerapporteer is, gelas die Wetgewende Vergadering, as dit onder sy aandag gebring word, dat die Notule gekorrigeer word.

DEEL XII

WETSONTWERPE

Indiening van Publieke Wetsontwerpe

95. 'n Wetsontwerp ten behoeve van die kwaZulu-regering ingedien, word 'n publieke wetsontwerp genoem en word as volg ingedien:

(a) Die betrokke Uitvoerenderaadslid moet kennis gee van sy voorneme om 'n wetsontwerp in te dien, en in die kennisgewing moet die algemene doel van die wetsontwerp vermeld word.

(b) Op die daaropvolgende dag nadat sodanige kennis gegee is, of so gou moontlik daarna, moet hy 'n skoon afskrif daarvan, in die Zoeloe sowel as in die Afrikaanse en die Engelse taal, na die tafel van die Sekretaris bring, en kan dan sonder kennisgewing voorstel dat dit vir die eerste maal gelees word, en die vraag word sonder amendement of debat gestel. Die Sekretaris lees dan die kort titel van die wetsontwerp.

Lapsing of Questions

91. If a member is not present to ask his question when his name is called, and has not authorised any other member to ask the question on his behalf, the question shall lapse.

PART XI

VOTING

How Question is Decided

92. Every question before the Legislative Assembly or a committee thereof shall be decided by a majority of votes of the members present other than the Chairman who shall exercise a casting vote in the case of an equality of votes, and any reasons stated by him therefor shall be entered in the Votes and Proceedings.

93. When the Chairman puts a motion, either in its amended or original form, or an amendment to a motion, he shall do so by saying "All agreed?". If any Member says "No" the Chairman shall order that a ballot be held.

Procedure when Ballot Ordered

94. (1) When a ballot has been ordered the Secretary shall cause the bells to be rung for a period of two minutes whereafter the doors of the Chamber shall be closed and locked and no member shall thereafter enter or leave the Chamber until after the ballot has taken place.

(2) When the doors have been locked the Chairman shall again put the motion or amendment and every member then present shall be required to vote.

(3) The provisions of rule 7 shall in so far as they are applicable *mutatis mutandis* apply to the ballot.

(4) The Secretary shall then total the number of votes cast for and against the motion or amendment and the Chairman shall thereupon declare the numbers to the Legislative Assembly.

(5) While a ballot is in progress members may speak, sitting, to a point of order arising out of or during the ballot.

(6) In case of confusion or error occurring concerning the numbers reported, the Legislative Assembly shall proceed to another ballot unless the same can be otherwise corrected.

(7) If the numbers have been inaccurately reported the Legislative Assembly on being informed thereof shall order the Votes and Proceedings to be corrected.

PART XII

BILLS

Introduction of Public Bills

95. A bill introduced on behalf of the kwaZulu Government shall be termed a public bill and shall be brought in as follows:

(a) The responsible Executive Councillor shall give notice of his intention to introduce the bill and in such notice the general object of the bill shall be stated.

(b) On the next succeeding day after having given such notice or as soon thereafter as possible he shall hand in a fair copy thereof, in the Zulu, English and Afrikaans languages, to the Secretary's table and may then move without notice that it be read a first time, such question being put without amendment or debate. The Secretary shall then read the short title of the bill.

Indiening van Private Wetsontwerpe

96. 'n Wetsontwerp deur 'n private lid ingedien, word 'n private wetsontwerp genoem en word as volg ingedien:

(a) Die private lid moet kennis gee van 'n mosie waarin verlot gevra word vir die indiening van 'n wetsontwerp, en in dié kennisgewing moet die algemene doel van die wetsontwerp vermeld word.

(b) Die debat oor die mosie vir verlot om sodanige wetsontwerp in te dien, word tot een uur beperk en geen toespraak mag langer as 10 minute duur nie.

(c) As aan 'n lid verlot verleen word om 'n wetsontwerp in te dien, bring hy onmiddellik 'n skoon afskrif daarvan, in die Zoeloe sowel as in die Afrikaanse en die Engelse taal na die tafel van die Sekretaris, en kan dan sonder kennisgewing voorstel dat dit vir die eerste maal gelees word, en die vraag word sonder amendement of debat gestel. Die Sekretaris lees dan die kort titel van die wetsontwerp.

Wetsontwerpe moet Gedruk word

97. Sodra 'n wetsontwerp vir die eerste keer gelees is, moet die Sekretaris, as sodanige wetsontwerp nog nie gedruk is nie, die teks daarvan, soos vervat in die afskrif wat ter Tafel gelê is, laat druk.

Vorm van Wetsontwerpe

98. Wanneer 'n wetsontwerp gedruk word—

(a) moet die wetsontwerp van 'n kort titel voorsien word wat ooreenstem met die titel waarby dit aangehaal word as dit wet word;

(b) moet die wetsontwerp van 'n lang titel voorsien word wat die algemene doel van die wetsontwerp uiteensit;

(c) moet die klousules van die wetsontwerp deur die verordende formule voorafgegaan word wat as volg is in die geval van 'n verordende wetsontwerp:

“Daar word deur die kwaZulu- Wetgewende Vergadering verorden”,
en indien dit 'n verklarende wetsontwerp is, as volg is:

“Daar word hierby deur die kwaZulu- Wetgewende Vergadering verklaar en verorden”;

(d) moet die wetsontwerp in klousules verdeel word, wat agtereenvolgend genommer moet wees met 'n kanttekening by elke klousule;

(e) kan sake van detail in verband met die bepalings van die wetsontwerp aan die wetsontwerp geheg word in die vorm van 'n bylae of bylaes.

Feitlike Memorandum oor Wetsontwerp

99. 'n Memorandum waarin die doel van die wetsontwerp uiteengesit word, kan daaraan geheg word mits sodanige memorandum geen argumente aanvoer nie.

Lede moet Afskrifte van Wetsontwerpe Ontvang

100. So spoedig moontlik na die publikasie van 'n wetsontwerp moet die Sekretaris 'n afskrif daarvan aan elke lid laat stuur.

Voorstel van Tweede Lesing

101. Nadat 'n wetsontwerp vir die eerste keer gelees en gedruk is, moet die lid wat daarmee belas is 'n dag vir die tweede lesing bepaal.

Alleen Algemene Beginsels mag by Tweede Lesing Bespreek word

102. By die tweede lesing van 'n wetsontwerp kan 'n debat wat die algemene meriete en beginsels van die wetsontwerp dek, ontstaan.

Introduction of Private Bills

96. A bill introduced by a private member shall be termed a private bill and shall be brought in as follows:

(a) The private member shall give notice of a motion asking for leave to bring in a bill and in such notice the general object of the bill shall be stated.

(b) The debate on the motion for leave to introduce such a bill shall be limited to one hour and no speech shall exceed 10 minutes.

(c) Should leave be given to a member to bring in a bill, he shall immediately bring in a fair copy thereof, in the Zulu, English and Afrikaans languages, to the Secretary's table and may then move, without notice, that it be read a first time, such question being put without amendment or debate. The Secretary shall thereupon read the short title of the bill.

Bills to be Printed

97. As soon as the first reading of a bill has been taken the Secretary shall, if such bill has not yet been printed, cause the text thereof, as contained in the copy laid on the Table, to be printed.

Form of Bills

98. When a bill is printed—

(a) the bill shall be given a short title corresponding to the title by which it is to be cited if it becomes law;

(b) the bill shall be given a long title setting out the purposes of the bill in general terms;

(c) the clauses of the bill shall be preceded by the enacting formula which in the case of an enacting bill shall be “be it enacted by the kwaZulu Legislative Assembly” and if it be a declaratory bill, “it is hereby declared and enacted by the kwaZulu Legislative Assembly”;

(d) the bill shall be divided into clauses, numbered consecutively and having a marginal note to each clause; and

(e) matters of detail dependent on the provisions of the bill may be annexed to the bill in the form of a schedule or schedules.

Factual Memorandum on Bill

99. A memorandum stating the object of the bill may be attached to it provided that such memorandum shall not be argumentative.

Members to Receive Copies of Bills

100. As soon as possible after the publication of a bill the Secretary shall cause a copy of it to be sent to every member.

Motion for Second Reading

101. After a bill has been read the first time and printed the member in charge shall fix a day for its second reading.

General Principles only to be Discussed on Second Reading

102. On the second reading of a bill a debate may arise covering the general merits and principles of the bill.

Procedure by Amendemente op die Tweede Lesing

103. 'n Mosie kan ingedien word om die vraag vir die tweede lesing van 'n wetsontwerp te wysig—

(a) deur die woorde na "Dat" te skrap en te vervang deur die woorde "daar nie met die wetsontwerp voortgegaan word nie";

(b) deur al of sommige van die woorde na "Dat" te skrap en te vervang deur woorde wat die een of ander spesiale rede teen die tweede lesing van die wetsontwerp gee;

(c) deur die onderwerp van die wetsontwerp na 'n gekose komitee te verwys.

Procedure by Amendemente op die Tweede Lesing

104. Wanneer 'n wetsontwerp vir die tweede maal gelees is, kan besluit word dat dit in Komitee van die hele Wetgewende Vergadering op 'n dag dan genoem deur die lid wat daarmee belas is, oorweeg word, of dit kan na 'n gekose komitee verwys word.

Kennisgewing van Amendemente

105. (a) 'n Lid wat 'n voorgestelde amendement op die Ordelys wil laat plaas, moet dit aan die Sekretaris oorhandig nie later as 4-uur nm. op die dag voor die dag waarop dit moet verskyn nie.

(b) 'n Voorgestelde amendement moet in behoorlike vorm wees.

(c) 'n Amendement kan te eniger tyd vir publikasie op die Ordelys aan die Sekretaris oorhandig word, nadat die wetsontwerp waarop dit betrekking het vir die eerste maal gelees is.

Voorsitter Verlaat Stoel wanneer Wetgewende Vergadering in Komitee is

106. Wanneer die dagorde vir die Wetgewende Vergadering om in Komitee oor die wetsontwerp te gaan, gelees word, moet die Voorsitter bekendmaak dat die Wetgewende Vergadering in komitee moet gaan, en daarop gaan die Wetgewende Vergadering in komitee en die Ondervoorsitter neem sy plek aan die Tafel in en die Voorsitter verlaat die Saal.

Procedure in Komitee

107. (a) Die Ondervoorsitter moet, nadat hy sy plek aan die Tafel ingeneem het, die nommer en die kanttekening van elke klousule in volgorde lees, en moet ten opsigte van elke klousule die vraag stel.

(b) Die lang titel en die aanhef (as daar een is) bly oorstaan, sonder dat die vraag gestel word, tot na die klousules en die Bylae (as daar is) oorweeg is.

Amendemente wat Voorgestel kan word

108. 'n Amendement kan in 'n klousule aangebring word, of 'n nuwe klousule kan bygevoeg word, mits dit ter sake is by die onderwerp van die wetsontwerp of ingevolge 'n instruksie is, of andersins ooreenkomstig die Reglement is; maar as 'n amendement wat nie deur die lang titel van die wetsontwerp gedek word nie, aange neem word, moet die komitee die lang titel dienoreenkomstig wysig, en dit spesiaal aan die Wetgewende Vergadering rapporteer: Met dien verstande egter dat geen klousule of amendement wat strydig is met die beginsel van die wetsontwerp soos vir die tweede maal gelees, voorgestel mag word nie.

Amendemente mag nie Dieselfde wees as dié Reeds Verwerp

109. Geen nuwe klousule of amendement word toegelaat nie wat wesenlik dieselfde is as een reeds verwerp, of wat onbestaanbaar of strydig is met een wat reeds deur die komitee aangeneem is, tensy daar 'n terugverwysing van die wetsontwerp plaasgevind het.

Procedure on Motion to Amend Proposed Bill

103. A motion may be moved to amend the question for the second reading of a bill—

(a) by omitting the words after "that" and substituting therefor the words "the bill be not proceeded with";

(b) by omitting all or some of the words after "that" and substituting words which state some special reason against the second reading of the bill;

(c) by referring the subject matter of the bill to a select committee.

Procedure when Bill has been Read Second Time

104. When a bill has been read a second time it may either be ordered to be considered in Committee of the whole Legislative Assembly on a day then named by the member in charge or be referred to a select committee.

Notice of Amendments to be Given

105. (a) A member desiring to have a proposed amendment to a bill placed on the Order Paper, shall hand it to the Secretary not later than 4 p.m. on the day before that on which it is so to appear.

(b) A proposed amendment shall be couched in the proper form.

(c) An amendment may be handed to the Secretary at any time for publication on the Order Paper after the bill to which it relates has been read a first time.

Chairman Leaves Chair when Legislative Assembly in Committee

106. On the order of the day being read for the Legislative Assembly to go into committee on the bill the Chairman shall announce that the Legislative Assembly shall go into committee and the Legislative Assembly shall thereupon resolve itself into committee, the Deputy Chairman seating himself at the Table and the Chairman leaving the Chamber.

Procedure in Committee

107. (a) The Deputy Chairman, upon seating himself at the Table, shall proceed to read the number and the marginal note of each clause in succession, and shall put the question on each such clause.

(b) The long title and the preamble (if any) shall stand postponed until after the consideration of the clauses and schedules (if any) without question put.

Amendments which may be Moved

108. An amendment may be made to a clause or a new clause added, if it be relevant to the subject matter of the bill or pursuant to any instruction, or be otherwise in conformity with the Rules; but if any amendment be adopted which is not within the long title of the bill, the Committee shall amend the long title accordingly and report it specially to the Legislative Assembly: Provided, however, that no clause or amendment can be proposed which is in conflict with the principle of the bill as read a second time.

Amendments not to be Made if Same as one Already Negatived

109. No new clause or amendment shall be allowed which is substantially the same as one already negatived, or which is inconsistent or in conflict with one already agreed to by the Committee unless a recommittal of the bill has intervened.

Beginsel van Wetsontwerp word nie in Komitee Bespreek nie

110. Die beginsel van 'n wetsontwerp word nie in komitee bespreek nie, slegs die besonderhede daarvan.

Wysiging van Hoofwet

111. Wanneer 'n wysigingswetsontwerp ingedien word om 'n spesifieke artikel of artikels van die Hoofwet te wysig of om 'n nuwe artikel daarvan te verorden, moet enige amendement in komitee beperk word tot die onderwerp van die klousules van die wetsontwerp soos vir die tweede maal gelees, en tot enige amendement wat daarop volg.

Reglement Bly van Toepassing terwyl Wetgewende Vergadering in Komitee is

112. Behalwe dat die Ondervoorsitter gedurende verrigtinge in Komitee aan die Tafel van die Wetgewende Vergadering moet sit, bly die verrigtinge wat normaalweg gedurende sittings van die Wetgewende Vergadering gevolg word van toepassing, behoudens die bepalinge van hierdie Reglement.

Voorsitter Neem Stoel weer in by Afhandeling van Komiteestadium

113. By die afsluiting van die verrigtinge van 'n Komitee van die hele Wetgewende Vergadering oor 'n wetsontwerp, keer die Voorsitter na die Stoel terug en kondig aan dat die komiteestadium van die wetsontwerp afgehandel en deur die Wetgewende Vergadering in Komitee aangeneem is met of sonder amendemente.

Datum vir Derde Lesing

114. Die Voorsitter vra daarna die Uitvoerenderaadslid of lid belas met die wetsontwerp op watter datum die derde lesing moet plaasvind, en gelas dat die derde lesing op die bepaalde datum of enige ander geskikte datum moet plaasvind.

Wetsontwerp moet Gedruk word indien in Komitee Gewysig

115. Wanneer 'n wetsontwerp in Komitee van die hele Wetgewende Vergadering gewysig is, word dit, indien die Wetgewende Vergadering aldus gelas, gedruk soos gewysig voordat die derde lesing plaasvind.

Derdelesingdebat moet oor Inhoud van Wetsontwerp wees

116. By die derde lesing van 'n wetsontwerp (uitgesonderde 'n begrotingswetsontwerp) word die debat daaroor, as daar is, beperk tot die gevolge van die amendemente wat deur die Komitee van die hele Wetgewende Vergadering aangeneem is. Indien die wetsontwerp nie gewysig is nie word die vraag sonder amendement of debat beslis.

Wetsontwerp Aangeneem na Derde Lesing

117. Na die derde lesing word geen verdere vraag gestel nie en word die wetsontwerp geag deur die Wetgewende Vergadering aangeneem te wees.

Alleenlik Kort Titel moet Gelees word

118. By die ordes vir die eerste, tweede en derde lesing van 'n wetsontwerp lees die Sekretaris slegs die kort titel daarvan, tensy die Wetgewende Vergadering anders gelas.

Verlof vir Terugtrekking van Wetsontwerp

119. 'n Wetsontwerp wat by die Wetgewende Vergadering ingedien is, mag alleenlik met die verlof van die Wetgewende Vergadering teruggetrek word, en die debat oor 'n mosie om verlof om 'n wetsontwerp terug te trek, is tot een uur beperk en geen toesprake mag langer as 10 minute duur nie.

Principle of Bill not to be Discussed in Committee

110. The principal of a bill shall not be discussed in committee, but only its details.

Amendment of Principal Act

111. Where an amending bill is introduced to amend a specific section or sections of the principal Act or to enact a new section thereof, an amendment in committee shall be confined to the subject matter of the clauses of the bill as read a second time, and to any amendment consequential thereon.

Rules Continue to Apply when Legislative Assembly in Committee

112. Except that the Deputy Chairman shall be seated at the Table of the Legislative Assembly during proceedings in committee, the proceedings normally followed during sittings of the Legislative Assembly shall, subject to the provisions of these Rules, continue to apply.

Chairman Returns to Chair when Committee Stage Finalised

113. At the close of the proceedings of a Committee of the whole Legislative Assembly on a bill the Chairman shall return to the Chair and announce that the committee stage of the bill has been finalised and accepted by the Legislative Assembly in Committee with or without amendments.

Date for Third Reading

114. The Chairman shall thereupon ask the Executive Councillor or member in charge of the bill on what date the third reading is to be taken and order that the third reading be taken on the appointed date or any other suitable date.

Bill to be Printed if Amended in Committee

115. When the bill has been amended in Committee of the whole Legislative Assembly it shall, if the Legislative Assembly so directs, be printed as amended prior to the third reading being taken.

Third Reading Debate to be on Contents of Bill

116. On the third reading of a bill (other than an appropriation bill) the debate thereon, if any, shall be confined to the effects of the amendments which have been adopted by the Committee of the whole Legislative Assembly. If the bill has not been amended the question shall be decided without amendment or debate.

Bill Passed after Third Reading

117. After the third reading, no further question shall be put, and the bill shall be deemed to have been passed by the Legislative Assembly.

Short Title of Bill only to be Read

118. On the orders of the first, second and third reading of a bill the Secretary shall read only the short title thereof unless the Legislative Assembly directs otherwise.

Leave to be Granted for Withdrawal of Bill

119. A bill introduced into the Legislative Assembly shall be withdrawn only with the leave of the Legislative Assembly and the debate on a motion for leave to withdraw a bill shall be limited to one hour and no speeches shall exceed 10 minutes.

Wetsontwerpe wat nie Ingedien mag word nie

120. Wanneer 'n wetsontwerp uiteindelik aangeneem of verwerp is, mag geen wetsontwerp met dieselfde inhoud weer gedurende die lopende sessie van die Wetgewende Vergadering ingedien word nie.

Formele Foute kan deur Voorsitter Gekorrigeer word

121. Indien enige fout ontdek word in 'n wetsontwerp wat deur die Wetgewende Vergadering aangeneem is en voordat dit aan die Kommissaris-generaal gestuur is vir deursending aan die Staatspresident vir sy toestemming, moet die Voorisitter sodanige fout rapporteer en daarna word dit soos enige ander amendement behandel: Met dien verstande dat korreksies van 'n woordelike of formele aard (dit wil sê spelfoute of klaarblyklike grammatikale of drukfoute) te eniger tyd deur die Sekretaris op las van die Voorsitter aangebring kan word.

Wetsontwerpe moet aan Kommissaris-generaal Gestuur word

122. Wanneer 'n wetsontwerp deur die Wetgewende Vergadering aangeneem is, en nadat dit gedruk is en deur die Voorsitter geteken is, moet dit aan die Kommissaris-generaal gestuur word vir verdere afhandeling soos by wet vereis.

Prosedure wanneer Wetsontwerp Terugverwys word

123. Wanneer 'n wetsontwerp na die Wetgewende Vergadering terugverwys is deur die Staatspresident ingevolge die bepalings van artikel 3 (2) van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), kan die Wetgewende Vergadering met sodanige wetsontwerp voortgaan ooreenkomstig die bepalings van reëls 124 tot en met 130.

Prosedure by Verslag en Herindiening van Wetsontwerp wat Terugverwys is

124. (a) Wanneer 'n wetsontwerp deur die Staatspresident na die Wetgewende Vergadering terugverwys is, moet die Uitvoerenderaadslid of lid met die wetsontwerp belas so spoedig moontlik aan die Wetgewende Vergadering verslag doen oor die advies ontvang indien die Wetgewende Vergadering dan nog in sessie is, en, indien nie, dan so spoedig moontlik na die aanvang van die daaropvolgende sessie.

(b) Enige lid kan dan kennis gee van 'n mosie dat geen verdere stappe in verband met die wetsontwerp gedoen word nie, in welke geval die wetsontwerp verval indien die mosie aangeneem word, of dat dit gewysig word in die lig van die advies en inligting wat gegee is.

(c) Behalwe wanneer die Wetgewende Vergadering die teenoorgestelde besluit het, kan die Wetgewende Vergadering dan weer tot die tweede lesing, komiteestadium en derde lesing van die wetsontwerp oorgaan: Met dien verstande—

(i) dat waar die hoofbeginsels van die wetsontwerp nie deur die advies wat gegee is of deur die veranderinge wat aangebring is, geraak is nie, die Voorsitter kan besluit dat die Wetgewende Vergadering dadelik tot die komiteestadium oorgaan;

(ii) dat in die komiteestadium alleenlik daardie artikels van die wetsontwerp wat ter sprake is of wat verander of gewysig is, behandel hoef te word.

DEEL XIII**PROSEDURE BETREFFENDE FINANSIËLE SAKE***Uitvoerende Raad moet Finansiële Sake Aanbeveel*

125. (a) Die Wetgewende Vergadering neem geen mosie, wetsontwerp of verbandhoudende bepaling aan nie in enige wetsontwerp vir die aanwending van enige fondse

Certain Bills not to be Introduced

120. When a bill has ultimately been passed or has been rejected, no bill of the same substance shall be introduced again during the current session of the Legislative Assembly.

Formal Errors may be Corrected by Chairman

121. Upon the discovery of any error in a bill which has been passed by the Legislative Assembly and before it has been forwarded to the Commissioner-General for transmission to the State President for assent, the Chairman shall report such error and it shall thereupon be dealt with as with any other amendment: Provided that corrections of a verbal or formal nature (i.e. spelling or obvious grammatical mistakes or typographical errors) may be made at any time by the Secretary under the direction of the Chairman.

Bills to be Passed to Commissioner-General

122. When a bill has been passed by the Legislative Assembly it shall after being printed and signed by the Chairman be forwarded to the Commissioner-General to be dealt with further as required by law.

Procedure when Bill Referred Back

123. When a bill has been referred back to the Legislative Assembly by the State President in terms of the provisions of section 3 (2) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), the Legislative Assembly may again proceed on such bill in accordance with the provisions of rules 124 to 130 inclusive.

Procedure on Report and Re-introduction of Bill Referred Back

124. (a) Where a bill has been referred back to the Legislative Assembly by the State President the Executive Councillor or member in charge of the bill shall make a report to the Legislative Assembly on the advice received as soon as possible if the Legislative Assembly is then still in session and, if not, then as soon as possible after the commencement of the next ensuing session.

(b) Any member may then give notice of a motion that no further proceedings be taken on the bill in which case the bill shall lapse if the motion is carried, or that it be amended in the light of the advice and information given.

(c) Unless the Legislative Assembly has resolved to the contrary the Legislative Assembly may then again proceed to the second reading, committee stage and third reading of the bill: Provided—

(i) that where the main principles of a bill have not been affected by the advice or by the alterations effected, the Chairman may rule that the Legislative Assembly proceed immediately to the committee stage;

(ii) that at the committee stage only those sections of the bill which are in issue or which have been altered or amended need be dealt with.

PART XIII**PROCEDURE REGARDING FINANCIAL MEASURES***Financial Measures to have Recommendation of Executive Council*

125. (a) The Legislative Assembly shall not pass any motion, bill or incidental provision in any bill for the appropriation of any funds from the KwaZulu Government Revenue Fund or for the imposition of any tax or

uit die kwaZulu-regeringinkomstefonds of vir die oplegging van enige belasting of heffing sonder die aanbeveling van die Uitvoerende Raad ooreenkomstig die bepalinge van die Grondwet van die Bantoeuistande, 1971 (Wet 21 van 1971).

(b) Elke sodanige aanbeveling word aan die Wetgewende Vergadering meegedeel per geskrewe boodskap wesenlik in die volgende vorm:

“Die Uitvoerende Raad, nadat hy in kennis gestel is van die onderwerp van die voorgestelde mosie (wetsontwerp, verbandhoudende bepaling of ander maatregel), beveel dit aan vir oorweging deur die Wetgewende Vergadering.”

Sekere Wetsontwerpe Bekend as Begrotingswetsontwerpe

126. Enige wetsontwerp wat die beraamde finansiële vereistes bevat vir uitgawe ten opsigte van die dienste van die Regering van kwaZulu vir die lopende of volgende finansiële jaar, staan bekend as 'n Begrotingswetsontwerp. Begrotings wat die besonderhede bevat van genoemde finansiële vereistes word tesame met sodanige wetsontwerp voorgelê.

Tweede Lesing van Begrotingswetsontwerp: Prosedure

127. Nadat die mosie vir die tweede lesing van 'n Begrotingswetsontwerp voorgelê is, word die debat daarvoor verdaag en word nie eerder as die daaropvolgende dag hervat nie, en daarna word hoogstens 15 uur vir die tweede lesing van die wetsontwerp toegestaan. Die debat, wanneer dit hervat word, word beperk tot die finansiële en ekonomiese toestand van kwaZulu en tot die algemene beginsels van Regeringsbeleid en administrasie soos deur die Wetsontwerp en begroting aangedui. Na die verstryking van 15 uur van debat, tensy die debat vroeër afgehandel is, moet die Voorsitter die Hoof-Uitvoerenderaadslid 'n geleentheid gee om repliek te lewer, of hy moet 'n datum vir repliek bepaal, en enige vraag stel wat nodig is om die verrigtinge van die tweede lesing af te sluit.

Omskrywing van Begrotingskomitee

128. Daar is 'n Komitee van die hele Wetgewende Vergadering wat die Begrotingskomitee genoem word. Die beraadslagings van die Komitee is in die openbaar.

Begrotings Toevertrou aan Begrotingskomitee

129. Die begrotings word, wanneer hulle aan die Wetgewende Vergadering voorgelê word, na die Begrotingskomitee verwys, en wanneer die Begrotingswetsontwerp 'n tweede maal gelees is, word dit aan daardie Komitee toevertrou.

Prosedure van Begrotingskomitee

130. (1) Wanneer die Wetgewende Vergadering in Begrotingskomitee is, word die begrotingsposte van die verskeie portefeuljes van die Uitvoerenderaadslede agtereenvolgens behandel.

(2) Die debat in Begrotingskomitee oor die begrotingspos(te) van elke Uitvoerenderaadslid word ingelei deur 'n toespraak deur die verantwoordelike lid betreffende die administrasie, toekomstige ontwikkeling en algemene beleid van sy Departement(e).

(3) Nieteenstaande die bepalinge van reël 29, word 'n Uitvoerenderaadslid se tyd nie beperk wanneer hy sy beleidstoespraak in subreël (2) hierbo bedoel, lewer nie.

Bylaes van Begrotingswetsontwerp moet eers Afgehandel word

131. By oorweging van die Begrotingswetsontwerp in Begrotingskomitee, staan die klousules van die wetsontwerp oor tot na oorweging van die Bylae of Bylaes.

impost without the recommendation of the Executive Council in accordance with the provisions of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971).

(b) Every such recommendation shall be communicated to the Legislative Assembly by written message substantially in the following form:

“The Executive Council having been informed of the subject matter of the proposed motion (bill, incidental provision or other measure) recommends it for consideration of the Legislative Assembly.”

Certain Bills Known as Appropriation Bills

126. Any bill containing the estimated financial requirements for expenditure on the services of the Government of kwaZulu for the current or succeeding financial year shall be known as an Appropriation Bill. Estimates containing the details of the said financial requirements shall be presented at the same time as such bill.

Second Reading of Appropriation Bill: Procedure

127. After the motion for the second reading of an Appropriation Bill has been proposed the debate thereon shall be adjourned and shall be resumed not earlier than the day following, after which not more than 15 hours shall be allotted for the second reading of the bill. The debate, when resumed, shall be confined to the financial and economic state of kwaZulu and the general principles of Government policy and administration as indicated by the Bill and the Estimates. After the expiry of 15 hours of debate unless the debate is concluded earlier, the Chairman shall give the Chief Executive Councillor an opportunity for reply or set down a date for reply and put any question necessary to bring the proceedings on the second reading to a conclusion.

Definition of Committee of Supply

128. There shall be a Committee of the whole Legislative Assembly to be called the Committee of Supply. The deliberations of the Committee shall be in public.

Estimates Stand Committed to Committee of Supply

129. The Estimates shall upon presentation to the Legislative Assembly stand referred to the Committee of Supply and the Appropriation Bill upon being read a second time shall stand committed to that Committee.

Procedure of Committee of Supply

130. (1) When the Legislative Assembly is in Committee of Supply the votes falling under the different portfolios of the Executive Councillors shall be dealt with consecutively.

(2) The debate in Committee of Supply on the vote(s) of each Executive Councillor shall be commenced with a speech by the responsible Councillor relating to the administration, future development and general policy of the Department(s) falling under his care.

(3) Notwithstanding the provisions of rule 29 an Executive Councillor shall not be limited in time when making his policy speech referred to in subrule (2).

Schedules to Appropriation Bill to be First Disposed of

131. On the consideration of the Appropriation Bill in Committee of Supply, the clauses of the bill shall stand postponed until after consideration of the schedule or schedules.

Hoofde van Uitgawe

132. By oorweging van die Bylaes word elke hoof van uitgawe tesame met die toepaslike begroting oorweeg en enige verwysing in hierdie Reglement na 'n subhoof, item of subitem beteken 'n subhoof, item of subitem in die begrotings van die hoof dan in bespreking.

Debat oor Hoofde van Bylaes

133. By die oorweging van 'n Bylae lees die Voor-sitter die titel van elke hoof van uitgawe beurtelings uit, en stel die vraag: "Dat die bedrag van R..... vir hoof deel van die Bylae uitmaak", en tensy 'n amendement voorgestel word ingevolge die bepalings van die hieropvolgende reël, kan 'n debat oor daardie vraag gevoer word. Enige sodanige debat word beperk tot die beleid van die diens waarvoor die geld verskaf moet word, en handel nie oor die besonderhede van enige subitem, item of subhoof nie, maar kan na die besonderhede van inkomste of fondse waarvoor daardie diens verantwoordelik is, verwys.

Bylae is Deel van Wetsontwerp

134. Wanneer al die hoofde in 'n Bylae afgehandel is, stel die Voor-sitter onverwyld, sonder amendement of debat, die vraag "Dat die Bylae (soos gewysig) deel uitmaak van die wetsontwerp".

Klousules van Wetsontwerp moet Oorweeg word

135. Wanneer elke Bylae afgehandel is, lees die Voor-sitter elke klousule van die wetsontwerp agtereenvolgens uit, en stel onverwyld die vraag "Dat die klousule deel van die wetsontwerp uitmaak", en, tensy 'n gevolglike amendement voorgestel word, word daardie vraag sonder amendement of debat afgehandel.

Amendemente word Slegs deur Uitvoerenderaadslid Voorgestel

136. Geen amendement op enige klousule word voorgestel nie, uitgesonderd enige amendement wat die gevolg is van 'n verandering in die totale som wat by enige Bylae begroot is. Enige sodanige gevolglike amendement word slegs deur 'n Uitvoerenderaadslid voorgestel en kan sonder kennisgewing voorgestel word en die vraag daaromtrent word dadelik gestel sonder amendement of debat. Wanneer die vraag oor die laaste van enige sodanige amendemente op 'n klousule beslis is, stel die Voor-sitter dadelik die vraag: "Dat die klousule, soos gewysig, deel van die wetsontwerp uitmaak", en daardie vraag word dan beslis sonder amendement of debat.

Voorsitter Keer na Stoel Terug na elke Klousule Beslis is

137. Na die vraag oor alle klousules van die wetsontwerp beslis is, keer die Voor-sitter terug na die Stoel van die Wetgewende Vergadering en kondig aan die Wetgewende Vergadering aan dat die wetsontwerp deur die Komitee, met of sonder amendemente, goedgekeur is.

Tyd waarin Amendement Ingedien word

138. Geen amendement word in die Begrotingskomitee kragtens hierdie Reglement ingedien voor 'n volle dag na dit op die Ordelys gepubliseer is nie.

Amendemente om te Vermeerder of te Verminder

139. 'n Amendement om 'n hoof te vermeerder, hetsy met betrekking tot enige subitem, item of subhoof of die hoof self, word deur die Voor-sitter buite die orde gereël en as meer as een vermindering in 'n pos of item van 'n pos voorgestel word, word die vraag omtrent die grootste vermindering eerste vanuit die Stoel gestel.

Prosedures oor Mosies om te Wysig

140. (1) Behoudens die bepalings by subreël (2) voorgeskryf, kan enige lid 'n amendement voorstel om die bedrag toegewys aan enige uitgawehoof of enige item

Heads of Expenditure

132. On consideration of the schedules each head of expenditure shall be considered with the appropriate estimate, and any reference in these Rules to a subhead, item or subitem shall mean a subhead, item or subitem in the Estimates for the head then under discussion.

Debate on Heads of Schedules

133. On the consideration of a schedule, the Chairman shall call the title of each head of expenditure in turn, and shall propose the question "That the sum of R..... for head..... stand part of the schedule", and unless an amendment is proposed under the provision of the next succeeding rule, a debate may take place on that question. Any such debate shall be confined to the policy of the service for which the money is to be provided and shall not deal with the details of any subitem, item or subhead but may refer to the details of revenues or funds for which that service is responsible.

Schedule to be Part of Bill

134. When all the heads in a schedule have been disposed of, the Chairman shall put forthwith, without amendment or debate, the question "That the schedule (as amended) stand part of the bill".

Clauses of Bill to be Considered

135. When every schedule has been disposed of the Chairman shall call successively each clause of the bill and shall forthwith propose the question "That the clause stand part of the bill" and, unless a consequential amendment is moved, that question shall be disposed of without amendment or debate.

Amendments to be Moved by Executive Councillor Only

136. No amendment may be moved to any clause except any amendment consequential on an alteration in the total sum appropriated by any schedule. Any such consequential amendment shall be moved by an Executive Councillor only, and may be moved without notice and the question thereon shall be put forthwith without amendment or debate. When the question on the last of any such amendments to a clause has been decided the Chairman shall forthwith put the question "That the clause, as amended, stand part of the bill", and that question shall then be decided without amendment or debate.

Chairman to Return to Chair when Every Clause Decided

137. When the question upon all clauses of the bill has been decided, the Chairman shall return to the Chair of the Legislative Assembly and announce to the Legislative Assembly that the bill has been passed by the Committee with or without amendments.

Time in which Amendment shall be Moved

138. No amendment shall be moved in the Committee of Supply under these Rules until one clear day after that on which it was published in the Order Paper.

Amendments to Increase or Reduce

139. An amendment to increase a head, whether in respect of any subitems, item or subhead or of the head itself, shall be ruled out of order by the Chairman and when more than one reduction is moved in any vote, or item of a vote, the question shall first be proposed from the Chair on the largest reduction.

Procedure on Motions to Amend

140. (1) Save as prescribed in subrule (2), an amendment to any head of expenditure to reduce the sum allotted thereto in respect of any item therein may be moved by

daaronder te verminder, en word in die vorm van 'n mosie gestel: "Dat hoof verminder word met R..... ten aansien van (of deur die weglating van) subhoof item subitem"

(2) 'n Amendement om 'n hoof te verminder met betrekking tot enige item of om die item te skrap, is slegs in die orde as die item nie onderverdeel is nie.

(3) 'n Amendement om 'n hoof te verminder met betrekking tot enige subhoof of om 'n subhoof te skrap, is slegs in die orde as die subhoof nie in items onderverdeel is nie.

(4) 'n Amendement om 'n hoof te verminder sonder verwysing na 'n subhoof daarin is slegs in die orde as die hoof nie in subhoofde onderverdeel is nie.

(5) 'n Amendement om 'n hoof te skrap is buite die orde en word nie op die Ordelys geplaas nie.

(6) In die geval van elke hoof word amendemente met betrekking tot subitems of subhoofde in daardie hoof op die Ordelys geplaas en oorweeg in die volgorde waarin die subitems, items of subhoofde waarop hulle betrekking het in daardie hoof op die Begroting staan.

(7) Wanneer kennis gegee is van twee of meer amendemente van die vermindering van dieselfde subitem, item, subhoof of hoof word hulle op die Ordelys geplaas en oorweeg in die volgorde van die omvang van die voorgestelde verminderings; die amendement wat die grootste vermindering voorstel, word in elke geval eerste geplaas.

(8) Debat oor elke amendement word beperk tot die subitem, item, subhoof of hoof waarop die amendement betrekking het en nadat 'n amendement op 'n subitem, item of subhoof afgehandel is, word geen verdere amendement of debat oor 'n vorige subitem, item of subhoof van daardie hoof toegelaat nie.

(9) Wanneer al die amendemente op die Ordelys met betrekking tot enige bepaalde uitgawe hoof afgehandel is, stel die Voorsitter weer die vraag: "Dat die som van R..... vir hoof deel van die Bylae uitmaak" of stel die gewysigde vraag: "Dat die verminderde bedrag van R..... vir hoof deel van die Bylae uitmaak", na gelang van die geval. Die debat oor enige sodanige vraag is onderworpe aan dieselfde beperkinge as 'n debat wat kragtens reël 134 ontstaan het.

Derde Lesing van Begrotingswetsontwerp

141. Die mosie vir die derde lesing van die Begrotingswetsontwerp word beslis sonder amendement of debat.

Addisionele Begrotingswetsontwerp

142. Indien van tyd tot tyd, heitsy gedurende die loop van 'n bepaalde boekjaar of na afsluiting daarvan, 'n Addisionele Begrotingswetsontwerp voorgelê word wat slegs uitgawes begroot wat reeds goedgekeur is deur die Begrotingskomitee en wat die Wetgewende Vergadering toegestaan het kragtens hierdie Reglement, word die debat by die tweede lesing daarvan streng beperk tot die sake waarvoor bykomende uitgawe nodig is en wanneer die vraag daaromtrent goedgekeur is, word die wetsontwerp nie verwys nie en die vraag "Dat die Wetsontwerp nou vir die derde keer gelees word" word dadelik gestel sonder amendement of debat.

Gedeeltelike Begrotingswetsontwerpe

143. (a) Die debat oor Gedeeltelike Begrotingswetsontwerpe word soos volg beperk:

(i) Twaalf uur vir die tweede lesing, met uitsluiting van die Hoof-Uitvoerenderaadslid se repliek wat nie langer as een uur mag duur nie; en

(ii) drie uur vir die derde lesing met uitsluiting van die Hoof-Uitvoerenderaadslid se repliek.

(b) By die derde lesing van Gedeeltelike Begrotingswetsontwerpe mag geen toespraak langer as 30 minute duur nie.

any member, and shall take the form of a motion "That head..... be reduced by R..... in respect of (or by leaving out) subhead..... item..... subitem.....".

(2) An amendment to reduce a head in respect of any item or by leaving out an item shall be in order only if the item is not subitemised.

(3) An amendment to reduce a head in respect of any subhead or by leaving out a subhead shall be in order only if the subhead is not itemised.

(4) An amendment to reduce a head without reference to a subhead therein shall be in order only if the head is not divided into subheads.

(5) An amendment to leave out a head shall not be in order and shall not be placed on the Order Paper.

(6) In the case of each head, amendments in respect of subitems, items or subheads in that head shall be placed upon the Order Paper and considered in the order in which the subitems, items or subheads to which they refer stand in the head in the Estimates.

(7) When notice has been given of two or more amendments to reduce the same subitem, item, subhead or head they shall be placed upon the Order Paper and considered in the order of the magnitude of the reductions proposed, the amendment proposing the largest reduction being placed first in each case.

(8) Debate on every amendment shall be confined to the subitem, item, subhead or head to which the amendment refers, and after an amendment to a subitem, item or subhead has been disposed of, no amendment or debate on a previous subitem, item or subhead of that head shall be permitted.

(9) When all amendments standing on the Order Paper in respect of any particular head of expenditure have been disposed of the Chairman shall again propose the question "That the sum of R..... for head..... stand part of the schedule", or shall propose to amend the question "That the reduced sum of R..... for head..... stand part of the schedule", as the case may require. The debate on any such question shall be subject to the same limitations as apply to a debate arising under rule 134.

Third Reading of Appropriation Bill

141. The motion for the third reading of the Appropriation Bill shall be decided without amendment or debate.

Additional Appropriation Bill

142. If from time to time, whether in the course of a particular financial year or after its close, an Additional Appropriation Bill is presented appropriating only expenditure which has been approved by the Committee of Supply and agreed to by the Legislative Assembly under these Rules, the debate on the second reading thereof shall be strictly confined to the matters for which additional expenditure is required and when the question thereon has been agreed to, the bill shall not be committed and the question "That the Bill be now read a third time", shall be put forthwith without amendment or debate.

Part Appropriation Bills

143. (a) The debate on Part Appropriation Bills shall be limited as follows:

(i) Twelve hours for the second reading, excluding the Chief Executive Councillor's reply which shall not exceed one hour; and

(ii) three hours for the third reading, excluding the Chief Executive Councillor's reply.

(b) On the third reading of Part Appropriation Bills no speech shall exceed 30 minutes.

DEEL XIV

GEKOSE EN SESSIEKOMITEES

Aanstelling van Sessiekomitees

144. So gou as doenlik na die aanvang van elke sessie stel die Wetgewende Vergadering die volgende Sessiekomitees aan wat elk uit vyf lede bestaan insluitende die voorsitter daarvan:

(a) Komitee oor Reglement van Orde en Interne Reëlings, wie se opdrag ook die bestuur van en beheer oor die Wetgewende Vergadering se biblioteek, die verversingskamers en gerief en gemak van lede en die druk en publisering van die verslae van die Wetgewende Vergadering insluit, met die Voorsitter van die Wetgewende Vergadering as voorsitter.

(b) Komitee oor Openbare Rekeninge wie se opdrag dit is om die rekeninge na te gaan wat die bestemming van bedrae aantoon wat deur die Wetgewende Vergadering toegestaan is om openbare uitgawes te bestry. Wanneer die Kontroleur en Ouditeur-generaal se Verslag deur die Hoof-Uitvoerendraadslid ontvang word, word dit op staande voet na hierdie Sessiekomitee verwys.

Aanstelling van Werkkomitee

145. (1) Daar is 'n Sessiekomitee, genoem die Werkkomitee, bestaande uit die Hoof-Uitvoerendraadslid, as Voorsitter, twee ander Uitvoerendraadslede aangestel deur die Uitvoerende Raad, die Voorsitter van die Wetgewende Vergadering en twee ander lede deur die Wetgewende Vergadering verkies.

(2) Die Werkkomitee oorweeg sake wat op die Ordelys geplaas moet word en watter sake op die Ordelys voorrang moet geniet bo ander en reël in die algemeen die dagorde vir die afhandeling van die van-dag-tot-dagwerksaamhede van die Wetgewende Vergadering.

Aanstelling van Gekose Komitee

146. (1) Die Wetgewende Vergadering kan, by besluit op 'n mosie, 'n gekose komitee aanstel om die bepalinge van 'n wetsontwerp te oorweeg of vir enige ander doel.

(2) Elke gekose komitee bestaan uit vyf lede as volg:

(a) 'n Voorsitter aangestel deur die Uitvoerende Raad; en

(b) vier ander lede verkies deur lede van die Wetgewende Vergadering op aanbeveling van die Werkkomitee.

(3) Die opdrag van 'n gekose komitee word beslis deur die Wetgewende Vergadering, by besluit op 'n mosie wat die gekose komitee aanstel of enige daaropvolgende besluit op 'n mosie.

(4) Die kworum vir 'n gekose komitee is drie lede, die Voorsitter ingesluit.

(5) 'n Gekose komitee doen sodra oorweging geskenk is aan die wetsontwerp of enige ander saak na hom verwys, verslag aan die Wetgewende Vergadering daaroor en die komitee word daarna ontbind. Indien die komitee van oordeel is dat hy nie in staat is om die oorweging van die wetsontwerp of enige ander saak voor die einde van die sessie af te handel nie doen hy aldus verslag aan die Wetgewende Vergadering.

Gekose Komitees: Prosedure

147. (1) Die beraadslagings van 'n gekose komitee word beperk tot die saak of sake na hom verwys deur die Wetgewende Vergadering en in die geval van 'n gekose komitee oor 'n wetsontwerp beperk tot die wetsontwerp en relevante amendemente.

(2) 'n Gekose komitee sit op die tye deur die Voorsitter bepaal in oorleg met die lede daarvan en kan aanhou sit al sou die Wetgewende Vergadering ook verdaag. Die

PART XIV

SELECT AND SESSIONAL COMMITTEES

Appointment of Sessional Committee

144. As soon as possible after the beginning of each session the Legislative Assembly shall appoint the following sessional committees each consisting of five members including the chairman thereof:

(a) Committee on Rules of Procedure and Internal Arrangements, whose terms of reference shall also include the management and control of the library of the Legislative Assembly, the refreshment rooms and convenience and comfort of members and the printing and publishing of the reports of the Legislative Assembly with the Chairman of the Legislative Assembly as Chairman.

(b) Committee on Public Accounts whose terms of reference shall be to examine the accounts showing the appropriation of the sums granted by the Legislative Assembly to meet public expenditure. When the report of the Controller and Auditor-General is received by the Chief Executive Councillor it shall stand referred to this Sessional Committee.

Appointment of Business Committee

145. (1) There shall be a sessional committee, designated the Business Committee, consisting of the Chief Executive Councillor as Chairman, two other Executive Councillors appointed by the Executive Council, the Chairman of the Legislative Assembly and two other members elected by the Legislative Assembly.

(2) The Business Committee shall consider matters which shall be placed on the Order Paper and which matters on the Order Paper shall be given preference over others, and generally arrange the programme for the dispatch of the day by day business of the Legislative Assembly.

Appointment of Select Committees

146. (1) The Legislative Assembly may, by order on a motion appoint a select committee to consider the terms of a bill or for any other purpose.

(2) Every select committee shall consist of five members being—

(a) a chairman appointed by the Executive Council; and

(b) four other members elected on recommendation of the Business Committee by the members of the Legislative Assembly.

(3) The terms of reference of a select committee shall be decided by the Legislative Assembly by order on a motion appointing the select committee or any subsequent order on a motion.

(4) The quorum of a select committee shall be three members including the Chairman.

(5) A select committee shall as soon as it has completed considering the bill or any other matter referred to it report to the Legislative Assembly thereon and the committee shall thereupon be dissolved. If the committee is of the opinion that it will not be able to complete consideration of the bill or other matter before the end of the session it shall so report to the Legislative Assembly.

Select Committees: Procedure

147. (1) The deliberations of a select committee shall be confined to the matter or matters referred to it by the Legislative Assembly and in the case of a select committee on a bill shall be confined to the bill and relevant amendments.

(2) A select committee shall sit at the times determined by the Chairman in consultation with the members thereof and may continue to sit although the Legislative Assembly may be adjourned. The sittings of a select committee

sittings van 'n gekose komitee is privaat, tensy die komitee anders gelas: Met dien verstande dat hierdie beperking nie vertolk word as sou dit beamptes of getuies wat noodsaaklikerwys geassosieer is met die werksaamhede van sodanige gekose komitee uitsluit nie.

(3) As die voorsitter van 'n gekose komitee nie in staat is om teenwoordig te wees by 'n sitting nie verkies die komitee 'n ander lid tot voorsitter wie se ampstermyn die dag van sy verkiesing is.

(4) Verdelings in 'n gekose komitee word deur die komiteeklerk afgeneem wat elke lid van die komitee afsonderlik vra hoe hy wil stem en hy teken die stemme dienoreenkomstig aan.

(5) In geval van 'n geskil oor 'n aangeleentheid van prosedure kan lede van die komitee die voorsitter versoek om die aangeleentheid na die Voorsitter van die Wetgewende Vergadering te verwys vir beslissing, en indien die meerderheid van die lede sodanige versoek rig, moet die voorsitter van die gekose komitee dit doen.

(6) Nóg die voorsitter van die gekose komitee nóg enige ander voorsittende lid stem, tensy daar 'n staking van stemme is in welke geval hy sy beslissende stem uitoefen.

Spesiale Verslag oor Bevoegdhe, Funksies en Verrigtinge van Gekose Komitee

148. 'n Gekose komitee kan 'n spesiale verslag indien met betrekking tot die bevoegdhe, funksies en verrigtinge van die komitee oor sake wat hy na goeddunke onder die aandag van die Wetgewende Vergadering wil bring.

Notule

149. Die notule van die verrigtinge van 'n gekose komitee boekstaaf alle verrigtinge by die oorweging van 'n verslag of wetsontwerp in die komitee asook elke amendement voorgestel op die verslag of wetsontwerp, met 'n aantekening van verdelings, as verdelings in die komitee plaasvind, met vermelding van die name van lede wat by die verdeling stem of weier om te stem, en wie vir die vraag en wie daarteen gestem het en al hierdie aantekeninge of notule word aan die Wetgewende Vergadering gerapporteer wanneer die verslag van dié komitee ingedien word.

Tertafellegging van Verslag en Verrigtinge van Gekose Komitee

150. 'n Verslag of spesiale verslag, met die notule van verrigtinge van 'n gekose komitee en die notule van getuienis, indien getuienis afgeneem is, word deur die voorsitter van die komitee ter Tafel van die Wetgewende Vergadering gelê.

Wetgewende Vergadering Magtig die Laas Haal van Persone, Stukke en Rekords

151. Geen gekose komitee oefen sy bevoegdheid uit om persone, stukke en rekords te ontbied nie, tensy spesifiek daartoe gemagtig in opdrag van die Wetgewende Vergadering.

Getuienis en Dokumente moet nie Openbaar Gemaak word nie

152. Getuienis afgeneem voor 'n gekose komitee en dokumente voorgelê aan die komitee word nie deur 'n lid van die komitee of deur enige ander persoon gepubliseer voordat die verslag van die komitee by die Wetgewende Vergadering ingedien is nie.

Lede wat Regspraktisyne is en wat Voor Gekose Komitee Verskyn, word nie Vergoed nie

153. Geen lid verskyn voor die Wetgewende Vergadering of 'n komitee daarvan in sy hoedanigheid as 'n regspraktisyn vir of namens 'n party nie of in 'n hoedanigheid waarvoor hy gelde of vergoeding ontvang nie.

shall be held in private unless the committee otherwise orders: Provided that this restriction shall not be so interpreted as to exclude officials or witnesses necessarily associated with the business of such a select committee.

(3) If the Chairman of a select committee is unable to be present at a sitting the committee shall elect some other member to be chairman whose tenure of office shall be for the day of his election.

(4) Divisions in a select committee shall be taken by the clerk to the committee who shall ask each member of the committee separately how he wishes to vote and record the votes accordingly.

(5) In case of a dispute over a matter of procedure the members of the committee may request the chairman to refer the matter to the Chairman of the Legislative Assembly for decision and if so requested by a majority of the members the chairman of the select committee shall be obliged to do so.

(6) Neither the chairman of a select committee nor any other member presiding shall vote unless the votes of other members are equally divided in which case he shall exercise a casting vote.

Special Report on Powers, Functions and Proceedings of Select Committee

148. A select committee may make a special report relating to the powers, functions and proceedings of the committee on matters which it thinks fit to bring to the notice of the Legislative Assembly.

Minutes

149. The minutes of the proceedings of a select committee shall record all proceedings on consideration of a report or bill in the committee and on every amendment proposed to the report or bill, with a note of divisions, if divisions were taken in the committee, showing the names of members voting in the division or declining to vote and distinguishing on which side they voted and all such entries or minutes shall be reported to the Legislative Assembly when the report of such committee is presented.

Tabling of Report and Proceedings of Select Committee

150. A report or special report, with the minutes of proceedings of a select committee and the minutes of evidence, if evidence was taken, shall be laid on the Table of the Legislative Assembly by the chairman of the committee.

Legislative Assembly must Authorise Sending for Persons, Papers and Records

151. No select committee shall exercise its powers to call for persons, papers and records, unless it has been specifically permitted to do so by order of the Legislative Assembly.

Evidence and Documents not to be Disclosed

152. The evidence taken before a select committee and documents presented to the committee shall not be published by a member of the committee or by any other person before the committee has presented its report to the Legislative Assembly.

Members who are Legal Practitioners Appearing before Select Committee Not to Receive Reward

153. No member shall appear before the Legislative Assembly or a committee thereof in his capacity as a legal practitioner for or on behalf of a party or in a capacity for which he is to receive a fee or reward.

DEEL XV

VREEMDELINGE

Definisie van Vreemdelinge

154. 'n Vreemdeling beteken enige persoon wat nie 'n lid of beampte is wat pligte te vervul het in verband met die werksaamhede van die Wetgewende Vergadering nie.

Bevoegdheid van Voorsittende Lid om Vreemdelinge uit te Sluit

155. Vreemdelinge kan toegelaat word om teenwoordig te wees in die Saal op die plekke vir hulle afgesonder, maar moet hulle onttrek wanneer hulle daartoe gelas word deur die voorsittende lid wat hulle na goeëdunke kan gelas om hulle te onttrek.

Bevoegdheid van Ampswag om Vreemdelinge te Verwyder

156. Die Ampswag verwyder, of sorg vir die verwydering van enige vreemdeling uit enige deel van die Saal of van die galerye toegewys aan slegs lede; asook enige vreemdeling wat, nadat hy toegang verleen is tot enige gedeelte van die Saal of van die galerye, hom aan wangedrag skuldig maak of hom nie onttrek wanneer vreemdelinge gelas word om hulle te onttrek terwyl die Wetgewende Vergadering in sitting is nie.

Lid Vestig Aandag op Vreemdeling

157. As 'n lid tydens die sitting van die Wetgewende Vergadering, of in komitee, die aandag daarop vestig dat vreemdelinge teenwoordig is, beveel die Voorsitter dié vreemdelinge om hulle te onttrek, of stel die vraag: "dat vreemdelinge beveel word om hulle te onttrek", sonder om enige debat of amendement toe te laat.

DEEL XVI

DIVERSE BEPALINGS

Minagting

158. Enige persoon wat moedswillig 'n wettige bevel van die Voorsitter van die Wetgewende Vergadering nie gehoorsaam nie, is aan minagting skuldig.

Lid of Persoon Skuldig Verklaar aan Minagting

159. 'n lid of persoon wat aan minagting skuldig is, word op las van die Voorsitter in die bewaring van die Ampswag gestel en met hom word gehandel na die Wetgewende Vergadering gelas.

Lid mag nie Geldelike Belang hê nie

160. (1) 'n Uitvoerenderaadslid of 'n lid van die Wetgewende Vergadering mag nie in of voor die Wetgewende Vergadering, of 'n staande, sessie-, gekose of spesiale komitee daarvan, stem oor, of deelneem aan, die bespreking van enige aangeleentheid waarin hy 'n geldelike belang het nie.

(2) 'n Lid wat die bepalinge van subreël (1) oortree, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of gevangenisstraf van hoogstens vyf jaar.

(3) 'n Hof wat 'n persoon skuldig bevind aan 'n oortreding van hierdie reël kan die veroordeelde persoon gelas om die bedrag of die waarde van enige gelde, vergoeding, geskenk of beloning deur hom aanvaar of ontvang, terug te betaal.

(4) Die bepalinge van hierdie reël is nie van toepassing nie op enige stemming of bespreking aangaande die vergoeding of toelae wat 'n Uitvoerenderaadslid of 'n lid van die Wetgewende Vergadering in sy hoedanigheid van Uitvoerenderaadslid of lid van die Wetgewende Vergadering sou mag ontvang, of op enige belang wat enige sodanige lid by enige aangeleentheid gemeenskaplik met die algemene publiek, of enige klas of deel daarvan, het nie.

PART XV

STRANGERS

Definition of Strangers

154. A stranger means any person who is not a member or an official who has duties to perform in connection with the business of the Legislative Assembly.

Power of Presiding Member to Exclude Strangers

155. Strangers may be permitted to be present in the Chamber in the places set apart for them, but must withdraw when called upon to do so by the presiding member, who may, whenever he thinks fit, order them to withdraw.

Power of Serjeant-at-Arms to remove Strangers

156. The Serjeant-at-Arms shall remove, or cause to be removed, any stranger from any part of the Chamber or of the galleries appropriated to the members only; and also any stranger who, having been admitted into any part of the Chamber or of the galleries, misconducts himself or does not withdraw when strangers are directed to withdraw while the Legislative Assembly is sitting.

Member Calling Attention to Strangers

157. If at any sitting of the Legislative Assembly, or in committee, any member takes notice that strangers are present, the Chairman shall order such strangers to withdraw, or may put the question, "That strangers be ordered to withdraw", without permitting any debate or amendment.

PART XVI

MISCELLANEOUS PROVISIONS

Contempt

158. Any person who wilfully disobeys any lawful order of the Chairman of the Legislative Assembly shall be guilty of contempt.

Member or Person Declared Guilty of Contempt

159. Any member or person guilty of contempt shall be committed to the custody of the Serjeant-at-Arms by order of the Chairman and dealt with as the Legislative Assembly may direct.

Member not to have Pecuniary Interest

160. (1) An Executive Councillor or a member of the Legislative Assembly shall not in or before the Legislative Assembly or any standing sessional, select or special committee thereof vote upon or take part in the discussion of any matter in which he has a pecuniary interest.

(2) Any member who contravenes the provisions of subrule (1) shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding five years.

(3) The court which has convicted any person of a contravention of this rule may order the person convicted to repay the amount or the value of any fee, compensation, gift or reward accepted or received by him.

(4) The provisions of this rule shall not apply to any vote or discussion concerning any remuneration or allowance to be received by an Executive Councillor or member of the Legislative Assembly in his capacity as an Executive Councillor or a member of the Legislative Assembly, or to any interest which any such member may have in any matter in common with the public generally or with any class or section thereof.

Lede Ontvang nie Gelde of Vergoeding nie

161. (1) Geen Uitvoerenderaadslid of 'n lid van die Wetgewende Vergadering en geen prokureur of agent wat by die uitoefening van sy professie 'n vennoot is, of in diens is, van sodanige lid, aanvaar of ontvang, hetsy direk of indirek, enige gelde, vergoeding, geskenk of beloning vir of ten opsigte van die bevordering of opponering van 'n wetsontwerp, besluit, aangeleentheid of ding voorgelê, of bedoel om voorgelê te word, vir oorweging deur die Wetgewende Vergadering of enige komitee daarvan.

(2) Enige persoon wat die bepalinge van subreël (1) oortree, begaan 'n misdryf en is by skuldigbevinding strafbaar met die strawwe voorgeskryf by reël 160 (2) en (3).

Prerogatief van die Regering van kwaZulu

162. (1) Met geen wetsontwerp of mosie wat bepalinge bevat wat die strekking het om inbreuk te maak op die gesag van die Regering van kwaZulu, sy grond of die tradisionele grond van enige stam soos erken deur die Regering van die Republiek van Suid-Afrika ten tyde van die instelling van die Regering van kwaZulu mag voortgegaan word nie alvorens die toestemming van die Staatspresident eers as volg gegee is: "Die Staatspresident, na kennisname van die onderhawige aangeleenthede vervat in die voorgestelde wetsontwerp (of mosie), beveel dit by die kwaZulu-Wetgewende Vergadering aan vir oorweging".

(2) Enige toestemming verlang ingevolge subreël (1) word skriftelik deur die Hoof-Uitvoerenderaadslid ingedien, na oorlegpleging met die Uitvoerende Raad, en aangestuur aan die Kommissaris-generaal vir verdere behandeling soos by wet vereis.

Opskorting van Reglement van Orde

163. (1) Enige reël van hierdie Reglement van Orde of 'n Sessie-order of orders van die Wetgewende Vergadering kan op mosie na kennisgewing opgeskort word as die mosie met 'n meerderheid van stemme aangeneem word: Met dien verstande dat in gevalle van dringende noodsaaklikheid (waartrent die Voorsitter oordeel) enige sodanige reël of order met die toestemming van die Wetgewende Vergadering op mosie sonder kennisgewing opgeskort kan word.

(2) Die opskorting van 'n reël of 'n order is by die toepassing daarvan beperk tot die bepaalde doel waarvoor sodanige opskorting gevra is.

Gevalle waarvoor nie Voorsiening gemaak is nie

164. In alle gevalle waarvoor hierdie Reglement van Orde of die Grondwet van die Bantoetuislande, 1971, nie voorsiening maak nie, moet die Voorsitter beslis, en neem hy as sy leidraad die Reglement van Orde en Gebruike van die Volksraad van die Parlement van die Republiek van Suid-Afrika vir sover hulle toegepas kan word op of aangepas kan word by die verrigtinge van die Wetgewende Vergadering.

Reglement van Orde van Krag tot Gewysig of Herroep

165. Die voorgaande Reglement van Orde bly van krag totdat dit verander, gewysig of herroep word deur die Wetgewende Vergadering.

Woordomskrywing

166. In hierdie Reglement van Orde, tensy uit die samehang anders blyk, het 'n uitdrukking waaraan 'n betekenis in die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), geheg is daardie betekenis en beteken—

(i) "Direkteur" die administratiewe hoof van een van die departemente van die regering van kwaZulu;

Members not to Accept Fee or Reward

161. (1) No Executive Councillor or member of the Legislative Assembly and no attorney or agent who, in the practice of his profession, is a partner or in the service of any such Councillor or member, shall accept or receive either directly or indirectly any fee, compensation, gift or reward for or in respect of the promotion of or opposition to any bill, resolution, matter or thing submitted or intended to be submitted for the consideration of the Legislative Assembly or any committee thereof.

(2) Any person who contravenes the provisions of subrule (1) shall be guilty of an offence and liable on conviction to the penalties prescribed in rule 160 (2) and (3).

Prerogative of Government of kwaZulu

162. (1) No draft bill or motion containing provisions which will have the effect of interfering with the authority of the Government of kwaZulu, its land, or the traditional land of any tribe as recognised by the Government of the Republic of South Africa at the time the kwaZulu Legislative Assembly was constituted shall be proceeded with except with the consent of the State President being first given in the following manner: "The State President having been informed of the subject matter of the proposed bill (or motion) recommends it to the consideration of the kwaZulu Legislative Assembly".

(2) Any consent sought in terms of subrule (1) shall be submitted in writing by the Chief Executive Councillor after consultation with the Executive Council and forwarded to the Commissioner-General to be dealt with further as required by law.

Suspension of Rules of Procedure

163. (1) Any rule of these Rules of Procedure or sessional order or orders of the Legislative Assembly may be suspended upon motion moved after notice, such motion being carried by a majority of votes: Provided that in cases of urgent necessity (of which the Chairman shall be the judge) any such rule or order may with the consent of the Legislative Assembly be suspended upon motion moved without notice.

(2) The suspension of a rule or order shall be limited in its operation to the particular purpose for which such suspension has been sought.

Cases not Provided for

164. In every case not provided for in these Rules of Procedure or in the Bantu Homelands Constitution Act, 1971, the Chairman shall decide, taking for his guide the Standing Orders and Practice of the House of Assembly of the Parliament of the Republic of South Africa in so far as they can be applied or adapted to the proceedings of the Legislative Assembly.

Rules of Procedure to be of Force until Altered, Amended or Repealed

165. The foregoing Rules of Procedure shall continue in force until altered, amended or repealed by the Legislative Assembly.

Definitions

166. In these Rules of Procedure, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), bears that meaning and—

(i) "Commissioner-General" means the Commissioner-General of the Zulu National Unit appointed in terms of the Promotion of Bantu Self-government Act, 1959 (Act 46 of 1959);

(ii) "Kommissaris-generaal" die Kommissaris-generaal van die Zoeloevolkseenheid, aangestel ingevolge die Wet op die Bevordering van Bantoe-selfbestuur, 1959 (Wet 46 van 1959);

(iii) "kwaZulu" die gebied waarvoor die kwaZulu-Wetgewende Vergadering ingestel is;

(iv) "Sekretaris" die sekretaris van die Wetgewende Vergadering, as sodanig ingevolge reël 51 aangestel; en

(v) "Wetgewende Vergadering" die kwaZulu-Wetgewende Vergadering.

AANHANGSEL

GEBED

O, Almagtige en Barmhartige God en Hemelse Vader wat in U ewige wysheid en voorsienigheid owerhede en magte verorden het om tot welsyn van lande en volke te regeer, ons bid U laat U aangesig oor ons, U diensknegte, lig waar U ons geroep het om so 'n belangrike en gewichtige werk in ons vaderland te verrig.

Laat U sien ryklik neerdaal op ons wat hier vergader is en begenadig ons om, onder U leiding so te beraadslaag en so aan alles wat hier verrig mag word reg en geregtigheid te laat geskied, dat dit slegs tot eer en verheerliking van U naam mag strek en tot bevordering van die belange van ons land en volk wat U ons geroep het om te dien. Dit alles bid ons in die naam van Onse Here Jesus Christus. Amen.

Onse Vader wat in die Hemele is, laat U Naam geheilig word; laat U koninkryk kom; laat U wil geskied, soos in die Hemel net so ook op die aarde; gee ons vandag ons daaglikse brood; en vergeef ons ons skulde, soos ons ook ons skuldenaars vergewe; en lei ons nie in versoeking nie, maar verlos ons van die bose; want aan u behoort die koninkryk en die krag en die heerlikheid tot in ewigheid. Amen.

No. R. 72, 1972

HOU VAN VERKIESINGS VAN VERKOSE LEDE VAN DIE KWAZULU-WETGEWENDE VERGADERING

Nademaal die kwaZulu-Wetgewende Vergadering by Proklamasie R. 70 van 1972 ingestel is;

En nademaal dit nodig is om voorsiening te maak vir die hou van verkiesings van verkose lede van die kwaZulu-Wetgewende Vergadering;

En nademaal die Zoeloegebiedsoowerheid in hierdie verband geraadpleeg is soos bepaal by die Grondwet van die Bantoetuislande, 1971, (Wet 21 van 1971);

So is dit dat ek kragtens die bevoegdheid my verleen by artikel 2 van genoemde Grondwet van die Bantoetuislande, 1971, hierby die regulasies vervat in die Bylae hiervan met betrekking tot die hou van verkiesings van verkose lede van die kwaZulu-Wetgewende Vergadering uitvaardig.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hierdie Agt-en-twintigste dag van Maart Eenduisend Negehonderd Twee-en-sewentig.

J. J. FOUCHÉ, Staatspresident.

Op las van die Staatspresident-in-rade:

M. C. BOTHA.

(Lêer F56/10/4/2/3)

BYLAE

DEEL I

Woordoms krywing

1. In hierdie Proklamasie, tensy uit die samehang anders blyk, het 'n uitdrukking waaraan 'n betekenis in die Grondwet van die Bantoetuislande, 1971 (Wet 21 van

(ii) "Director" means the administrative head of one of the departments of the Government of kwaZulu;

(iii) "kwaZulu" means the area for which the kwaZulu Legislative Assembly was established;

(iv) "Legislative Assembly" means the kwaZulu Legislative Assembly; and

(v) "Secretary" means the Secretary of the Legislative Assembly appointed as such in terms of rule 51.

ANNEXURE

PRAYER

O, Almighty God and Heavenly Father, who in Thy infinite mercy and wisdom hast called rullers and appointed governments for the welfare of society and the just government of men, we beseech Thee to bestow Thy abundant favour upon us Thy servants whom Thou hast been pleased to call to the performance of such important trusts in this our land.

Let Thy blessing descend upon us here assembled and grant that we may under Thy guidance treat and consider all matters that shall come before us in so just and faithful a manner as to promote Thy honour and glory and to advance the welfare of our people whom Thou hast called us to serve. All this we ask in the name and for the sake of Our Lord Jesus Christ. Amen.

Our Father which art in heaven, hallowed be Thy Name. Thy kindom come. Thy will be done on earth, as it is in heaven. Give us this day our daily bread and forgive us our trespasses, as we forgive them that trespass against us, and lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and glory, for ever and ever, Amen.

No. R. 72, 1972

CONDUCT OF ELECTIONS OF ELECTED MEMBERS OF THE KWAZULU LEGISLATIVE ASSEMBLY

Whereas the kwaZulu Legislative Assembly was established by Proclamation R. 70 of 1972.

And whereas it is necessary to make provision for the conduct of elections of elected members of the kwaZulu Legislative Assembly;

And whereas the Zulu Territorial Authority has been consulted in this connection as provided for in the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971);

Now, therefore, under and by virtue of the powers vested in me by section 2 of the said Bantu Homelands Constitution Act, 1971, I hereby make the regulations appearing in the Schedule hereto in regard to the conduct of elections of elected members of the kwaZulu Legislative Assembly.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-eighth day of March, One thousand Nine hundred and Seventy-two.

J. J. FOUCHÉ, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

(File F56/10/4/2/3)

SCHEDULE

PART I

Definitions

1. In this Proclamation, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), the Bantu Homelands Citizen-

1971), die Wet op Burgerskap van Bantoetuislande, 1970 (Wet 26 van 1970), en die Wet op Bantoe-owerhede, 1951 (Wet 68 van 1951), geheg is daardie betekenis en beteken—

(i) "afdeling" 'n kiesafdeling ingevolge artikel 3 van Proklamasie R. 70 van 1972;

(ii) "agent" 'n persoon wat ingevolge artikel 14 as agent van 'n kandidaat aangestel is;

(iii) "Bantoesakekommissaris" 'n Bantoesakekommissaris aangestel kragtens die Bantoe-administrasie Wet, 1927 (Wet 38 van 1927), en ook, met betrekking tot die gebied van die kwaZulu- Wetgewende Vergadering, 'n Bantoesakekommissaris aangestel ingevolge genoemde Bantoe-administrasie Wet, gelees met artikel 21 en item 12 van Bylae 1 van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971);

(iv) "behoorlik verkose" of "behoorlik verkies" ook onbestrede verkose of onbestrede verkies;

(v) "bewysboek" 'n bewysboek in artikel 3 (1) (b) (i) van Wet 67 van 1952 vermeld en ook enige duplikaat van sodanige bewysboek ingevolge genoemde Wet uitgereik;

(vi) "distriksbeheerbeampte" 'n Bantoesakekommissaris of landdros wat kragtens artikel 4 'n distriksbeheerbeampte is;

(vii) "kiesbeampte" die distriksbeheerbeampte wat kragtens artikel 5 (1) 'n kiesbeampte is: Met dien verstande dat vir doeleindes van artikels 9 tot en met 13, "kiesbeampte" die persoon beteken wat skriftelik as sodanig deur die Verkiesingsbeampte aangewys;

(viii) "kieser" 'n persoon wat ingevolge artikel 3 van die Wet op Burgerskap van Bantoetuislande, 1970 (Wet 26 van 1970), 'n burger van kwaZulu is en wat geregtig is om te stem in 'n afdeling in kwaZulu by 'n verkiesing van lede van die kwaZulu- Wetgewende Vergadering;

(ix) "landdros" 'n landdros aangestel kragtens die Wet op Landdroshowe, 1944 (Wet 32 van 1944);

(x) "lid" tensy anders aangedui, 'n verkose lid van die Wetgewende Vergadering;

(xi) "Uitvoerenderaadslid" die Uitvoerenderaadslid aan wie die beheer van die Departement van Gemeenskap-sake toegewys is en wat in oorleg met die Uitvoerende Raad optree;

(xii) "stemdistrik" die regsgebied van 'n Bantoesakekommissaris, of landdros;

(xiii) "stemopnemer" 'n persoon kragtens artikel 5 (3) aangestel;

(xiv) "Vergadering" of "Wetgewende Vergadering" die kwaZulu- Wetgewende Vergadering kragtens Proklamasie R. 70 van 1972 ingestel;

(xv) "verkiesingsbeampte" 'n beampte kragtens artikel 2 aangestel; en

(xvi) "voorgeskrif" by of kragtens hierdie Proklamasie voorgeskrif.

DEEL II

VOORAFGAANDE BEPALINGS

Verkiesingsbeampte

2. Die lid van die Uitvoerende Raad stel 'n verkiesingsbeampte vir kwaZulu aan, wat 'n beampte van die kwaZulu-regeringsdiens of 'n beampte van die Staatsdiens van die Regering van die Republiek van Suid-Afrika aangewys ingevolge artikel 5 (4) van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), moet wees.

3. Die verkiesingsbeampte is verantwoordelik vir die hou van verkiesings van lede van die Wetgewende Vergadering.

Distriksbeheerbeampte

4. Iedere Bantoesakekommissaris of landdros is amptshalwe die distriksbeheerbeampte vir die gebied waaroor hy regsbevoegdheid uitoefen: Met dien verstande dat waar

ship Act, 1970 (Act 26 of 1970), and the Bantu Authorities Act, 1951 (Act 68 of 1951), bears that meaning and—

(i) "agent" means a person appointed an agent of a candidate in terms of section 14;

(ii) "Assembly" or "Legislative Assembly" means the kwaZulu Legislative Assembly established by Proclamation R. 70 of 1972;

(iii) "Bantu Affairs Commissioner" means a Bantu Affairs Commissioner appointed in terms of the Bantu Administration Act, 1927 (Act 38 of 1927), and in relation to the area of the kwaZulu Legislative Assembly includes a Bantu Affairs Commissioner appointed in terms of the said Bantu Administration Act, read with section 21 and item 12 of Schedule 1 to the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971);

(iv) "district control officer" means a Bantu Affairs Commissioner or magistrate who is a district control officer in terms of section 4;

(v) "division" means an electoral division in terms of section 3 of Proclamation R. 70 of 1972;

(vi) "duly elected" includes returned unopposed;

(vii) "electoral officer" means an officer appointed in terms of section 2;

(viii) "magistrate" means a magistrate appointed in terms of the Magistrates' Courts Act, 1944 (Act 32 of 1944);

(ix) "member" unless otherwise indicated means an elected member of the Legislative Assembly;

(x) "Executive Councillor" means the Executive Councillor to whom the control of the Department of Community Affairs has been assigned, and who shall act in consultation with the Executive Council;

(xi) "polling district" means the area of jurisdiction of a Bantu Affairs Commissioner or magistrate;

(xii) "polling officer" means a person appointed in terms of section 5 (3);

(xiii) "prescribed" means prescribed by or under this Proclamation;

(xiv) "reference book" means a reference book referred to in section 3 (1) (b) (i) of Act 67 of 1952 and includes any duplicate of such book issued under the said Act;

(xv) "returning officer" means the district control officer who is a returning officer in terms of section 5 (1): Provided that for the purposes of sections 9 to 13 inclusive, "returning officer" shall mean the person designated in writing as such by the electoral officer;

(xvi) "voter" means a person who is a citizen of kwaZulu in terms of section 3 of the Bantu Homelands Citizenship Act, 1970 (Act 26 of 1970), and who is entitled to vote in a division in kwaZulu at an election of members of the kwaZulu Legislative Assembly.

PART II

PRELIMINARY PROVISIONS

Electoral Officer

2. The Executive Councillor shall appoint an electoral officer for kwaZulu who shall be an officer of the kwaZulu Government Service or an officer of the Public Service of the Government of the Republic of South Africa designated in terms of section 5 (4) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971).

3. The electoral officer shall be responsible for the conduct of elections of members of the Legislative Assembly.

District Control Officer

4. Every Bantu Affairs Commissioner or magistrate shall *ex officio* be the district control officer for the area over which he exercises jurisdiction: Provided that where

beide 'n landdros en 'n Bantoesakekommissaris oor die selfde gebied regsbevoegdheid uitoefen, die Bantoesakekommissaris die distriksbeheerbeampte ten opsigte van sodanige gebied is.

Kiesbeamptes en Personeel

5. (1) Die distriksbeheerbeampte is ampshalwe die kiesbeampte vir die gebied waarvoor hy regsbevoegdheid uitoefen.

(2) Die distriksbeheerbeampte kan soveel adjunk-kiesbeamptes as wat hy nodig ag, aanstel om hom gedurende verkiesings behulpsaam te wees.

(3) Iedere kiesbeampte ingevolge subartikel (1) moet skriftelik soveel stemopnemers en getuies aanstel as wat nodig is om die stemming doeltreffend te laat plaasvind by iedere stemburo in die gebied waarvoor hy regsbevoegdheid uitoefen, en stel soveel telbeamptes aan as wat nodig is vir die tel van die stemme na die sluiting van die stemming.

Stemburo's

6. Daar moet 'n stemburo wees—

- (a) by die setel van die kiesbeampte, en
- (b) op sodanige ander plek of plekke binne sy regsgebied as wat hy nodig ag.

Lede wat Verkies moet word

7. Die getal lede wat in elke afdeling verkies moet word, is soos die Uitvoerende Raad ingevolge artikel 3 van Proklamasie R. 70 van 1972 bepaal.

Bepaling van Nominasie- en Stemdatums

8. (1) Wanneer 'n verkiesing moet plaasvind, moet die Uitvoerenderaadslid by kennisgewing in die *Staatskoerant*—

(a) 'n dag, tyd en plek bepaal waarop 'n nominasiehof in elke afdeling moet sit om nominasies van kandidate vir verkiesing in hierdie afdelings te ontvang;

(b) indien 'n stemming ooreenkomstig die bepalings van artikel 10 moet plaasvind, die tydperk bepaal waartydens die verkiesing moet plaasvind, met vermelding van die ure wanneer die stemming ooreenkomstig artikel 13 op elke stemburo moet begin en eindig en kan hy verskillende tye of datums ten opsigte van afsonderlike stemburomgebiede bepaal; en

(c) die getal lede wat in elke afdeling verkies moet word, aandui.

(2) Die dag kragtens subartikel 1 (a) bepaal, moet minstens een-en-twintig (21) dae en hoogstens agt-en-twintig (28) dae na die datum van publikasie van die kennisgewing in genoemde subartikel vermeld, wees.

(3) Die tydperke ingevolge subartikel 1 (b) bepaal, moet minstens sestig (60) dae en hoogstens honderd-en-twintig (120) dae na die datum wees wat as nominasiedag bepaal is.

(4) Die plek wat vir die hou van 'n nominasiehof bepaal word, moet binne die bepaalde afdeling wees.

Nominasie van Kandidate vir Verkiesing

9. (1) Op nominasiedag en op die plek ten opsigte van enige afdeling bepaal, hou die kiesbeampte vir daardie afdeling 'n openbare hofsitting vir die nominasie van kandidate vir verkiesing in daardie afdeling.

(2) Enige persoon wat aanspraak maak op burgerskap van kwaZulu ingevolge artikel 3 van die Wet op Burgerkap van Bantoeuistande, 1970 (Wet 26 van 1970), kan as kandidaat genomineer word: Met dien verstande dat hy die voorgeskrewe eed voor 'n Kommissaris van Ede afgelê het, waarin hy verklaar dat hy nie onderhewig is aan enige van die diskwalifikasies in artikel 5 van Proklamasie R. 70 van 1972 genoem nie.

both a magistrate and a Bantu Affairs Commissioner exercise jurisdiction over the same area the Bantu Affairs Commissioner shall be the district control officer in respect of such area.

Returning Officers and Staff

5. (1) The district control officer shall *ex officio* be the returning officer for the area over which he exercises jurisdiction.

(2) The district control officer may appoint as many deputy returning officers as he may deem necessary to assist him during elections.

(3) Every returning officer in terms of subsection (1) shall in writing appoint as many polling officers and witnesses as may be necessary for effectually taking poll at every polling station in his area of jurisdiction and he shall appoint as many counting officers as may be necessary for the counting of votes after the close of the poll.

Polling Stations

6. There shall be a polling station—

- (a) at the seat of the returning officer; and
- (b) at such other place or places within his area of jurisdiction as he may deem necessary.

Members to be Elected

7. The number of members to be elected in each division shall be as determined by the Executive Council in terms of section 3 of Proclamation R. 70 of 1972.

Fixing of Nomination and Polling Dates

8. (1) Whenever an election is to take place the Executive Councillor shall by notice in the *Gazette*—

(a) fix a day on which and a place and time at which a nomination court shall sit in each division to receive nominations for candidates for election in these divisions;

(b) if in accordance with the provisions of section 10 poll is to take place, fix the period during which the poll shall be taken and state the hours at which, in terms of section 13, poll shall commence and close on each polling day and may fix different times or dates in respect of individual polling districts; and

(c) state the number of members to be elected in each division.

(2) The day fixed under subsection 1 (a) shall be not less than twenty-one (21) days and not more than twenty-eight (28) days from the date of the notice referred to in the said subsection.

(3) The periods fixed under subsection 1 (b) shall be not less than sixty (60) days and not more than one hundred and twenty (120) days after the day fixed as nomination day.

(4) The place fixed for holding a nomination court shall be within the particular division.

Nomination of Candidates for Election

9. (1) On nomination day and at the place fixed in respect of any division the returning officer for that division shall hold a public court for the nomination of candidates for election in that division.

(2) Any person claiming citizenship of kwaZulu in terms of section 3 of the Bantu Homelands Citizenship Act, 1970 (Act 26 of 1970), may be nominated as a candidate: Provided that he has made the prescribed oath before a Commissioner of Oaths, that he is not subject to any of the disqualifications mentioned in section 5 of Proclamation R. 70 of 1972.

(3) Geen persoon word as kandidaat vir 'n verkiesing in enige afdeling genomineer nie, tensy hy voorgestel word deur 'n persoon wat onder eed, in die voorgeskrewe vorm, verklaar dat hy, die voorsteller, 'n kieser van daardie afdeling is, en tensy hy gesekondeer word deur 'n persoon wat onder eed 'n soortgelyke voorgeskrewe verklaring doen.

(4) 'n Kandidaat moet op die voorgeskrewe vorm voorgestel en gesekondeer word.

(5) Geen kandidaat word geag behoorlik genomineer te gewees het nie, tensy hy, voor die einde van die sitting van die nominasiehof tot die nominasie skriftelik toegesien het op die voorgeskrewe vorm(s) by die kiesbeampde ingelewer.

(6) 'n Kandidaat kan sy toestemming tot die nominasie te eniger tyd voor die einde van die sitting van die nominasiehof skriftelik terugtrek deur inlewing by die kiesbeampde van 'n aldus meegedeelde terugtrekking, en daarop verval die nominasie: Met dien verstande dat na die einde van die sitting van die nominasiehof die terugtrekking deur 'n kandidaat van sy kandidatuur nie oorweeg word nie, en sodanige kandidaat se naam sal in die lys van kandidate vir verkiesing gepubliseer word, en indien hy nie die voorgeskrewe getal stemme kry nie hy sy deposito verbeur of sy sekerheid afgedwing word.

(7) Die nominasiehof sit van 9-uur in die voormiddag tot 12-uur middag: Met dien verstande dat as 'n aanwesige persoon op laasgenoemde uur as kandidaat voorgestel is en sy nominasie nie voltooi is nie, die kiesbeampde die sitting moet voortsit vir sodanige tydperk, van hoogstens een uur, as wat nodig is om sodanige kandidaat in staat te stel om behoorlik genomineer te word.

Uitslag by die Einde van 'n Sitting van 'n Nominasiehof

10. Indien daar by die einde van die sitting van 'n nominasiehof—

(a) slegs soveel kandidate as wat daar lede vir daardie afdeling verkies moet word, behoorlik genomineer is, verklaar die kiesbeampde onverwyld dat sodanige kandidaat (kandidate) onbestrede verkies is tot lede van die Wetgewende Vergadering vir daardie afdeling vanaf die sluiting van die stemtydperk;

(b) minder kandidate as die getal lede wat vir daardie afdeling verkies moet word, behoorlik genomineer is, verklaar die kiesbeampde onverwyld die aldus genomineerde kandidate behoorlik verkose lede van die Wetgewende Vergadering vanaf die sluiting van die stemtydperk, en dat daar 'n getal toevallige vakatures gelyk aan die verskil tussen die getal kandidate wat verkose verklaar is en die getal lede wat vir daardie afdeling verkies moet word in daardie afdeling bestaan;

(c) meer kandidate as die getal lede wat verkies moet word, behoorlik genomineer is, word 'n stemming op die wyse hieronder voorgeskryf gedurende die stemtydperk gehou.

Deposito deur of Namens Genomineerde Persone

11. (1) Indien by 'n sitting van 'n nominasiehof 'n groter getal kandidate as die getal lede wat vir daardie afdeling verkies moet word, behoorlik genomineer is, moet die kiesbeampde voor die einde van die sitting van die nominasiehof vereis dat daar deur of ten behoeve van iedere sodanige genomineerde persoon by hom die bedrag van vyftig (50) rand gestort word of die sekerheid vir daardie bedrag gestel word wat die kiesbeampde voldoende ag.

(2) Wanneer die kiesbeampde vereis dat sodanige deposito gestort of sodanige sekerheid gestel word deur of ten behoeve van 'n aldus genomineerde persoon en daar nie dadelik aan die vereiste voldoen word nie, word sodanige persoon, ondanks die bepalings van artikel 10, geag nie behoorlik as kandidaat genomineer te wees nie.

(3) No person shall be nominated as a candidate for election in any division unless he is proposed by a person declaring under oath, in the prescribed form, that he, the proposer, claims to be a voter of that division and unless he is seconded by a person making a similar prescribed declaration under oath.

(4) A candidate shall be proposed and seconded on the prescribed form.

(5) No candidate shall be deemed to have been duly nominated unless, before the close of the sitting of the nomination court, he has consented to the nomination in writing on the prescribed form(s) delivered to the returning officer.

(6) A candidate may withdraw his consent to the nomination in writing at any time before the close of the sitting of the nomination court by lodging with the returning officer a withdrawal so conveyed and thereupon the nomination shall lapse: Provided that after the close of the sitting of the nomination court the withdrawal by a candidate of his candidature shall not be considered, and such candidate's name shall be published in the lists of candidates for election and if he does not obtain the prescribed number of votes his deposit shall be forfeited or his security enforced.

(7) The nomination court shall sit from 9 o'clock in the forenoon until 12 o'clock noon: Provided that if at the latter hour any person present has been proposed as a candidate and his nomination has not been completed, the returning officer shall continue the sitting for such period not exceeding one hour as may be necessary to enable such candidate to be duly nominated.

Result at the Close of a Sitting of a Nomination Court

10. If at the close of a sitting of a nomination court—

(a) only a number of candidates equal to the number of members to be elected for that division have been duly nominated, the electoral officer shall forthwith declare that such candidate(s) have been returned unopposed as members of the Legislative Assembly for that division as from the close of the polling period;

(b) a lesser number of candidates than the number of members to be elected for that division have been duly nominated, the returning officer shall forthwith declare the candidates so nominated to be duly elected members of the Legislative Assembly as from the close of the polling period and that a number of casual vacancies, equal to the difference between the number of candidates declared elected and the number of members to be elected for that division, exist in that division;

(c) a greater number of candidates than the number of members to be elected have been duly nominated, poll shall take place during the period of polling in the manner hereinafter prescribed.

Deposit by or on Behalf of Persons Nominated

11. (1) If at a sitting of a nomination court a greater number of candidates than the number of members to be elected for that division have been duly nominated, the returning officer shall before the close of the sitting of the nomination court, require that there be deposited with him, by or on behalf of each person so nominated, the sum of fifty (50) rand or such security for that sum as the returning officer may deem sufficient.

(2) If when the returning officer requires any such deposit to be made or such security to be given by or on behalf of a person so nominated, the requirement is not forthwith complied with, such person shall notwithstanding anything in section 10 contained, be deemed not to be duly nominated as a candidate.

(3) Indien 'n stemming plaasvind en die totale getal stemme wat daarby op enige verslane kandidaat uitgebring is, minder is as die helfte van die getal stemme van die suksesvolle kandidaat wat die minste stemme gekry het, word die bedrag of sekerheid wat deur of ten behoeve van die verslane kandidaat gestort of gestel is, verbeur of afgedwing, na gelang van die geval, en in die kwaZulu-regeringsinkomstefonds gestort.

(4) Behoudens die uitdruklike bepalings van hierdie artikel, word die gestorte bedrag aan die deponeerder terugbetaal of as sekerheid gestel is, word dit gekanselleer.

*Aankondiging van Name en Besonderhede van
Kandidate in Staatskoerant*

12. Aan die einde van 'n sitting van 'n nominasiehof moet die kiesbeampste onverwyld die verkiesingsbeampste in die voorgeskrewe vorm in kennis stel van—

(a) enige verklaring wat hy ingevolge artikel 10 (a) of (b) gedoen het; en

(b) indien 'n verkiesing ingevolge artikel 10 (c) gehou moet word, die besonderhede van iedere behoorlik genomineerde kandidaat en moet die verkiesingsbeampste die besonderhede van iedere kandidaat ten opsigte van elke afdeling so gou moontlik, maar in elk geval nie later as dertig (30) dae voor die aanvang van die stemtydperk nie in die *Staatskoerant* laat publiseer.

Openbare Kennisgewing deur Iedere Kiesbeampste

13. Wanneer 'n stemming ooreenkomstig die bepalings van artikel 10 (c) moet plaasvind, publiseer elke kiesbeampste so spoedig doenlik na nominasiedag, 'n openbare kennisgewing van—

(a) die stemtydperk;

(b) die ure wat vir die begin en die einde van die stemming voorgeskryf is;

(c) die volle naam en adres van elke kandidaat wat vir verkiesing in iedere afdeling genomineer is;

(d) die getal lede wat vir iedere afdeling by genoemde verkiesing verkies moet word; en

(e) waar elke stemburo binne sy regsgebied geleë is.

DEEL III

DIVERSE BEPALINGS IN VERBAND MET DIE HOU VAN VERKIESINGS

Aanstelling van Agente deur Kandidate

14. (1) Enige behoorlik genomineerde kandidaat by 'n verkiesing van lede van die Wetgewende Vergadering kan, indien hy dit verlang, in die voorgeskrewe vorm een of meer agente ten opsigte van enige stemdistrik aanstel om hom behulpsaam te wees, en hy moet die distriksbeheerbeampste in kennis stel van die name en adresse van sodanige agente.

(2) Slegs een agent per kandidaat word toegelaat om binne enige stemburo of by enige plek waar stemme getel word, teenwoordig te wees.

(3) 'n Distriksbeheerbeampste moet iedere agent ingevolge subartikel (1) aangestel, ingelig hou van die plekke waar, en datums waarop stemming gaan plaasvind en die datum waarop en die plek waar die telling van stemme 'n aanvang gaan neem.

(4) 'n Persoon wat ooreenkomstig subartikel (1) as agent aangestel is, moet sy aanstellingsbrief toon aan die stemopnemer of kiesbeampste, na gelang van die geval, indien dit van hom verlang word.

(3) If poll takes place and the total number of votes received there at by any unsuccessful candidate is less than half of the number of votes received by the successful candidate who received the lowest number of votes, the sum deposited or security given by or on behalf of such unsuccessful candidate shall be forfeited or enforced, as the case may be, and shall be paid into the kwaZulu Government Revenue Fund.

(4) Save as in this section expressly provided the sum deposited shall be returned to the depositor, or if security has been given, it shall be cancelled.

*Publication of Names and Particulars of Candidates in
Gazette*

12. At the close of a sitting of a nomination court the returning officer shall forthwith, in the prescribed form, notify the electoral officer of—

(a) any declaration he may have made in terms of section 10 (a) or (b);

(b) if in terms of section 10 (c) an election is to be held, the particulars of every duly nominated candidate and the electoral officer shall cause the particulars of every candidate in respect of every division to be published in the *Gazette* as soon as possible but in any case not later than thirty (30) days before the commencement of the polling period.

Public Notice by Every Returning Officer

13. Whenever poll shall take place in accordance with the provisions of section 10 (c) each returning officer shall, as soon as practicable after nomination day, give public notice of—

(a) the polling period;

(b) the hours prescribed for the commencement and close of the poll;

(c) the full name and address of each candidate nominated for election in each division;

(d) the number of members to be elected for each division at the said election;

(e) the situation of each polling station within his area of jurisdiction.

PART III

MISCELLANEOUS PROVISIONS IN CONNECTION WITH THE CONDUCT OF ELECTIONS

Appointment of Agents by Candidates

14. (1) Any duly nominated candidate at an election of members of the Legislative Assembly may, if he so desires, in the prescribed form, appoint one or more agents in respect of any polling district to assist him and shall advise the district control officer of the names and addresses of such agents.

(2) Only one agent per candidate shall be allowed to be present inside any polling station or any place where votes are counted.

(3) A district control officer shall keep any agent appointed in terms of subsection (1) informed of the places where and dates on which poll is to take place and the date on which and the place where the counting of votes is to commence.

(4) Any person appointed as an agent in terms of subsection (1) shall produce his letter of appointment to the polling officer or returning officer, as the case may be, if required to do so.

Kennisgewing deur Distriksbeheerbeampte aan Verkiegingsbeampte, Aangaande sy Behoeftes aan Stembriewe, Stemopnemers en Telbeamptes

15. (1) Iedere distriksbeheerbeampte moet op versoek van die verkiegingsbeampte wanneer 'n verkieping gehou gaan word, hom van die volgende besonderhede voorsien:

- (a) Die geraamde getal stembriewe wat nodig is;
- (b) die getal adjunk-kiesbeamptes, stemopnemers, getuies en telbeamptes wat nodig is vir die doeltreffende hou van die stemming en die tel van stemme; en
- (c) enige verdere inligting wat hy nodig ag om onder die verkiegingsbeampte se aandag te bring.

Verskaffing van Uitrusting

16. (1) Die verkiegingsbeampte verskaf vir alle verkiegings stembusse, stembriewe, instrumente om 'n merk op stembriewe en bewysboeke aan te bring en ander benodigdhede, en verrig sodanige ander handelinge en tref sodanige reëlings ter vergemakliking van die hou van die stemming as wat nodig is vir die doeltreffende hou van die verkieping.

(2) Die uitgawe deur die verkiegingsbeampte aan alle sodanige handelinge, aangeleenthede en benodigdhede in verband met enige verkieping aangegaan, word uit die kwaZulu-regeringinkomstefonds bestry.

(3) Die verkiegingsbeampte kan enige distriksbeheerbeampte opdrag gee om namens hom, ten opsigte van sy regsgebied, enige van die pligte te vervul wat hierdie artikel die verkiegingsbeampte opleë in verband met die reëlings vir die hou van 'n stemming.

By watter Stemburo 'n Kieser moet Stem

17. Enige kiese kan gedurende die stemtydperk by enige ander stemburo stem, indien hy nie in staat is om by 'n stemburo binne sy afdeling te stem nie.

Prosedure by Stemming

18. (1) Die stembeampte moet daagliks by die sluiting van die stemming en in teenwoordigheid van sodanige kandidaat en/of agente as wat teenwoordig is die opening van die stembus verseël, en moet alleenlik by die aanvang van die stemming die volgende more in teenwoordigheid van sodanige kandidaat en/of hul agente as wat teenwoordig is, die seël breek. Met dien verstande dat hy, nadat hy die stembus by die sluiting van die stemming op die finale dag van die stemtydperk verseël het, dit nie weer mag oopmaak nie maar aan die kiesbeampte moet aflewer.

(2) Die stemopnemer is verantwoordelik vir die veilige bewaring van die stembus en stembriewe gedurende die stemtydperk.

Verklaring van Geheimhouding

19. Iedere kiesbeampte, stemopnemer, kandidaat of sy agent, getuie of enige ander persoon of beampte uitgesonderd 'n polisieman wat geregtig is om in 'n stemburo of by die tel van stemme teenwoordig te wees, moet voor die aanvang van die stemming, en elke telbeampte moet voor die aanvang van die tel van stemme, in die voorgeskrewe vorm 'n beëdigde verklaring van geheimhouding aflê voor 'n vrederegter of 'n kommissaris van ede, of as hy nie 'n kiesbeampte is nie, voor 'n kiesbeampte wat hierby gemagtig word om sodanige eed af te neem.

Bevoegdhede van Stemopnemer by 'n Stemburo

20. (1) Die stemopnemer moet orde hou by 'n stemburo, moet reël hoeveel kiesers tegelyk binnege laat word, en alle ander persone, uitgesonderd die kiesbeampte, die kandidaat of hulle agente en polisiebeamptes en ander beamptes op diens, buite hou.

Notice by District Control Officer to Electoral Officer as to his Requirements of Ballot Papers, Polling and Counting Officers

15. (1) Every district control officer shall, upon request by the electoral officer whenever an election is to be held, furnish the following particulars to the electoral officer:

- (a) The estimated number of ballot papers required;
- (b) the number of deputy returning officers, polling officers, witnesses and counting officers required for effectually taking poll and counting votes; and
- (c) any further information which he may deem necessary to bring to the notice of the electoral officer.

Provision of Equipment

16. (1) For all elections the electoral officer shall provide ballot boxes, ballot, papers, instruments for marking ballot papers and voters' reference books and other requirements, and shall do such other acts and make such arrangements to facilitate the taking of poll as may be necessary for effectually conducting the election.

(2) The expenditure incurred by the electoral officer on such acts, matters and requirements in connection with any election shall be defrayed out of the kwaZulu Government Revenue Fund.

(3) The electoral officer may depute any district control officer to perform on his behalf, in respect of his area of jurisdiction, any of the duties imposed upon the electoral officer by this section in regard to the arrangements for taking poll.

At which Polling Station a Voter shall Vote

17. Any voter may during the polling period vote at any other polling station if he is not in a position to vote at a polling station in his division.

Procedure at Ballot

18. (1) The polling officer shall daily at the close of poll and in the presence of such candidates and/or agents as may be present, seal the opening in the ballot box, and shall open the opening only at the commencement of poll on the following morning in the presence of such candidates and/or their agents as may be present: Provided that after he has sealed the ballot box at the close of polling on the final day of the polling period he shall not reopen it but shall deliver it to the returning officer.

(2) The polling officer shall be responsible for the safe-keeping of the ballot box and ballot papers during the polling period.

Declaration of Secrecy

19. Every returning officer, polling officer, candidate or his agent, witness or any other person or official (except a policeman) entitled to be present at a polling station or at the counting of votes shall, before the opening of the poll, and every counting officer shall, before the commencement of the counting of votes, make in the prescribed form a declaration of secrecy under oath before a justice of the peace or a commissioner of oaths, or if he is not a returning officer, before a returning officer who is hereby authorised to administer such oath.

Powers of the Polling Officer at a Polling Station

20. (1) The polling officer shall keep order at a polling station, shall regulate the number of voters to be admitted at a time and shall exclude all other persons except the returning officer, the candidates or their agents and police officers and other officials on duty.

(2) Behoudens die uitsonderings wat by subartikel (1) gemaak word, kan die stemopnemer enige persoon (uitgesonderd 'n persoon wat sy stem uitbring) aansê om die stemburo te verlaat en enige persoon wat versuim om die stemburo te verlaat wanneer dit van hom vereis word om dit te doen, kan op bevel van die stemopnemer sonder lasbrief in hegtenis geneem word, en begaan 'n misdryf en is strafbaar met 'n boete van hoogstens twintig rand (R20).

(3) Die bevoegdhede by hierdie artikel verleen, word nie so uitgeoefen dat dit 'n kieser wat andersins geregtig is om te stem, verhinder om sy stem by die stemburo uit te bring nie.

Kieser mag nie Meer as Een Maal Stem nie

21. Geen kieser is geregtig om meer as een keer by enige verkiesing te stem of om in meer as een afdeling te stem nie.

Stembriewe

22. Iedere stembrief wat gebruik moet word deur kiesers wat wil stem, moet in die voorgeskrewe vorm wees: Met dien verstande dat 'n stemopnemer wanneer nodig, gebruik kan maak van blanko stembriewe waarop die nodige besonderhede deur hom aangebring is.

Wyse Waarop by 'n Stemburo Gestem Word

23. By enige verkiesing van lede van die Wetgewende Vergadering word die stemme by stemburo's per stembrief uitgebring en wel in hoofsaak en sover doenlik op die volgende wyse:

(1) Die persoon wat wil stem, moet sy bewysboek toon en moet die stemopnemer oortuig dat hy 'n burger van kwaZulu is ingevolge artikel 3 van die Wet op Burgerkap van Bantoetuislande, 1970 (Wet 26 van 1970).

(2) Die stemopnemer moet deur ondervraging van die kieser en met inagneming van die bepalings van artikel 4 (2) van Proklamasie R. 70 van 1972, die afdeling bepaal waarin sodanige kieser geregtig is om te stem, indien sodanige afdeling nie reeds in die kieser se bewysboek aangedui word nie: Met dien verstande dat enige inskrywing in die kieser se bewysboek wat 'n aanduiding gee van die distrik in kwaZulu waarmee die kieser geassosieer word, geag word *prima facie* bewys van sodanige kieserafdeling te wees.

(3) Die stemopnemer moet daarna die stempel wat in die Aanhangsel hiervan, voorgeskryf word en sodanige afdeling aandui, in Afdeling E of D, na gelang van die geval, van die kieser se bewysboek aanbring indien sodanige stempel nie reeds daarin voorkom nie, en beide die stemopnemer en die kieser moet hulle name in die ruimte daarop teken.

(4) Die stemopnemer moet, nadat hy vasgestel het dat 'n stembrief nie reeds by daardie verkiesing aan sodanige kieser uitgereik is nie, die geheime merk wat by daardie verkiesing gebruik word in Afdeling E of D, na gelang van die geval, van die kieser se bewysboek aanbring en die datum oor die stempel in die boek endosseer, die geheime merk agterop die stembrief aanbring en die stembrief aan die kieser oorhandig.

(5) Wanneer die persoon wat wil stem 'n stembrief ontvang het, dui hy, sonder versuim, die kandidaat (of kandidate) vir wie hy wil stem aan deur in die geheim 'n kruis in die ruimte teenoor die naam (name) van sodanige kandidaat (of kandidate) te maak, vou die stembrief dan sodat die geheime merk sigbaar is en die name van die kandidaat nie sigbaar is nie en, nadat hy die stembrief so opgehou het dat die beampte in beheer van die stembus die geheime merk kan herken, laat hy die stembrief val in die stembus wat voor die beampte staan.

(6) Die kieser moet sonder onnodige versuim sy stem uitbring en die stemburo verlaat sodra hy sy stembrief in die stembus geplaas het.

(2) Save as is excepted in subsection (1) the polling officer may require any person (other than a person recording his vote) to leave the polling station and any person who fails to leave the polling station when so required may be arrested without a warrant on the order of the polling officer and shall be guilty of an offence and liable to a fine not exceeding twenty rand (R20).

(3) The powers conferred by this section shall not be exercised so as to prevent any voter who is otherwise entitled to vote from having an opportunity of voting at the polling station.

No Voter to Vote More than Once

21. No voter shall be entitled to vote more than once at any election or vote in more than one division.

Ballot Papers

22. Every ballot paper to be used for voters who wish to vote shall be in the prescribed form: Provided that a polling officer may, when necessary, make use of blank ballot papers in which the necessary particulars have been inserted by him.

Manner of Voting at a Polling Station

23. Voting at a polling station at any election of members of the Legislative Assembly shall be by ballot and shall be conducted in substance and as nearly as possible in the following manner:

(1) The person claiming to vote shall produce his reference book and shall satisfy the polling officer that he is a citizen of kwaZulu in terms of section 3 of the Bantu Homelands Citizenship Act, 1970 (Act 26 of 1970).

(2) The polling officer shall by interrogation of the voter, and with due regard to the provisions of section 4 (2) of Proclamation R. 70 of 1972, determine the division in which such voter is entitled to vote if such division has not yet been indicated in the voter's reference book: Provided that any entry in the voter's reference book which gives an indication of the district in kwaZulu with which the voter is associated shall be deemed to be *prima facie* evidence of such division.

(3) The polling officer shall thereupon impress the stamp which is prescribed in the Annexure hereto and which indicates such division, in Section E or D, as the case may be, of the voter's reference book, should such stamp not already appear therein, and both the polling officer and the voter shall sign their names in the space provided in the impression.

(4) The polling officer shall after determining that no ballot paper has already been issued to such voter at that election, stamp the secret mark used at that election in Section E or D, as the case may be, of the voter's reference book and endorse the date across the stamp in the book, stamp the secret mark on the back of the ballot paper and hand the ballot paper to the voter.

(5) When a person claiming to vote has received a ballot paper he shall without delay signify the candidate(s) for whom he desires to vote by secretly placing his cross in the space provided opposite the name(s) of such candidate(s) and then fold the ballot paper so that the secret mark is visible and the names of the candidates are not visible and having held up the ballot paper so that the officer in charge of the ballot box can recognise the secret mark, he shall drop the ballot paper into the ballot box placed in front of such officer.

(6) The voter shall vote without undue delay and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

(7) Iedere kieser moet 'n getal stemme uitbring wat gelyk is aan die getal lede wat by verkiesing verkies moet word vir die afdeling waarin hy geregtig is om te stem.

(8) Enige handeling wat verrig moet word ingevolge subartikels (1), (2) en (3) kan te eniger tyd voor of na die aanvang van die stemtydperk verrig word deur 'n distriksbeheerbeampste of 'n persoon wat skriftelik deur hom aangewys is.

Kiesers wat nie in Staat is om op die Voorgeskrewe Wyse te Stem nie

24. (1) Enige kieser wat nie in staat is om sy stem op die voorgeskrewe wyse uit te bring nie, kan die stemopnemer versoek om sy stembrief namens hom in te vul.

(2) Sodanige stemopnemer moet daarop met behoorlike inagneming van die handhawing van geheimhouding en in teenwoordigheid van twee amptelike getuies en 'n persoon van die kieser se eie keuse wat hom moet vergesel, aan sodanige kieser die name van die kandidaat vir die bepaalde afdeling voorlees en sy kruis in die ruimte op die stembrief aanbring teenoor die naam (of name) van die kandidaat (of kandidate) wat mondeling deur sodanige kieser gekies is en vou daarna die stembrief en plaas dit in die stembus.

(3) By die verrigting van sy werksaamhede ingevolge hierdie artikel moet sodanige stemopnemer enige dokument of ding verontagsaam wat deur die kieser vertoon of getoon word of in sy besit is en wat die naam van enige kandidaat vir wie sodanige kieser moet stem of nie moet stem nie aandui of suggereer of veronderstel is om dit aan te dui of te suggereer.

Bedorwe Stembrieffies

25. Indien 'n kieser onopsetlik 'n stembrief bederf, kan hy dit aan die stemopnemer teruggee, en as laasgenoemde oortuig is dat dit onopsetlik gebeur het, gee hy hom 'n ander stembrief en behou hy die bedorwe stembrief en daarna word die bedorwe stembrief onmiddellik gekanselleer.

DEEL IV

BESKIKKING OOR VERKIESINGSTUKKE, TEL VAN STEMME EN BEPALING VAN DIE UITSLAG VAN 'N VERKIESING

Verseëling van Stembusse, ens.

26. (1) Iedere stemopnemer maak onmiddellik na die sluiting van die stemming, in teenwoordigheid van sodanige aanwesige kandidaat of hulle agente (as daar is), afsonderlike pakkette, verseël met sy eie seël en met die seëls van dié kandidaat of hulle agente (as daar is) wat hulle seëls ook daarop wil afdruk, van—

- (a) elke stembus wat aan hom toevertrou is, onoopgemaak;
- (b) die ongebruikte en bedorwe stembriewe; en
- (c) die verkларings van geheimhouding;

en lewer die pakkette onverwylde aan die betrokke kiesbeampste af of laat hulle aan hom aflewer.

(2) Die pakkette gaan vergesel van 'n opgawe in die voorgeskrewe vorm deur die stemopnemer verstrekk waarin hy die getal stembriewe aan hom toevertrou, noem en waarin hy van hulle rekenskap gee onder die hoofde "stembriewe in die stembus", "ongebruikte stembriewe" en "bedorwe stembriewe".

(3) Die pakkette in subartikel (1) genoem en die opgawe in subartikel (2) genoem, word van etikette voorsien soos voorgeskryf.

Optrede deur Kiesbeampste by Ontvangs van Stembriewe

27. Iedere kiesbeampste moet by ontvangs van kiesers se stembriewe sodanige stembriewe onoopgemaak in veilige bewaring hou totdat daar begin kan word met die tel van stemme en dan moet daarmee gehandel word soos in artikels 28 tot en met 32 voorgeskryf.

(7) Every voter shall exercise a number of votes equal to the number of members to be elected at the election for the division in which he is entitled to vote.

(8) Any action required to be taken in terms of subsections (1), (2) and (3) may at any time prior to or after the commencement of the polling period, be taken by a district control officer or a person designated by him in writing.

Voters who are Unable to Vote in the Manner Prescribed

24. (1) Any voter who is unable to vote in the prescribed manner may request the polling officer to complete his ballot paper on his behalf.

(2) Such polling officer shall thereupon, with due regard to the maintenance of secrecy and in the presence of two official witnesses and a person of the voter's own choice who shall accompany him, read to such voter the names of the candidates for the particular division and place his cross opposite the name(s) of the candidate(s) selected by word of mouth by such voter in the space provided on the ballot paper and shall thereafter fold the ballot paper and place it in the ballot box.

(3) In the performance of his functions under this section such polling officer shall disregard any document or thing exhibited or produced by or in the possession of the voter which indicates or suggests or purports to indicate or suggest the name of any candidate for whom such voter is or is not to vote.

Spoiled Ballot Papers

25. If a voter inadvertently spoils a ballot paper he may return it to the polling officer, who shall, if satisfied of the inadvertence, give him another ballot paper and retain the spoiled ballot paper, whereupon the spoiled ballot paper shall be immediately cancelled.

PART IV

DISPOSAL OF ELECTORAL MATTER, COUNTING OF VOTES AND DETERMINATION OF RESULT OF ELECTION

Sealing of Ballot Boxes, etc.

26. (1) Every polling officer immediately after the close of the poll shall, in the presence of such candidates or their agents (if any) as may be present, make up into separate packets, sealed with his own seal and with the seals of those candidates or agents (if any) who desire to affix their seals—

- (a) each ballot box entrusted to him, unopened;
- (b) the unused and spoiled ballot papers; and
- (c) the declarations of secrecy;

and shall, forthwith, deliver or cause to be delivered the packets to the returning officer of the polling district.

(2) The packets shall be accompanied by a statement made by the polling officer, in the prescribed form, showing the number of ballot papers entrusted to him and accounting for them under the heads of "ballot papers in the ballot box", "unused ballot papers" and "spoiled ballot papers".

(3) The packets mentioned in subsection (1) and the statement mentioned in subsection (2) shall be labelled as prescribed.

Action taken by a Returning Officer upon Receipt of Ballot Papers

27. Every returning officer shall upon receipt of voters' ballot papers retain such ballot papers unopened in safe custody until the counting of votes when they shall be dealt with as prescribed in sections 28 to 32 inclusive.

Verifiëring van Stembriefopgawe

28. (1) By ontvangs deur die kiesbeamppte van al die pakkette en stembusse van iedere stemopnemer in sy regsgedebied, *en nie eerder nie*, ondersoek hy of sy seëls in orde is en gee die kandidaat of hulle agente wat aanwesig is 'n geleentheid om dieselfde te doen, en daarna maak hy, in teenwoordigheid van sodanige kandidaat of hulle agente, die verseëelde pakkette oop wat die ongebruikte en bedorwe stembriewe bevat asook die pakket wat die opgawe van stembriewe bevat, en maak hy elke stembus oop en verifieer die opgawe van stembriewe wat deur elke stemopnemer ingelewer is, deur dit met die getal stembriewe in elke sodanige bus en die ongebruikte en bedorwe stembriewe in sy besit, te vergelyk.

(2) Wanneer die kiesbeamppte die verifiëring van die opgawe van stembriewe van elke stemburo in sy afdeling voltooi het, maak hy, afgesien daarvan of sodanige opgawes juis bevind is al dan nie, in teenwoordigheid van sodanige kandidaat of hulle agente as wat aanwesig is, die stembriewe uit al die stembusse op so 'n wyse deurmekaar dat dit onmoontlik is om te bepaal uit watter stembus 'n bepaalde stembrief geneem is.

(3) Nadat hy die geheime merk op die stembriewe nagegaan het, gaan die kiesbeamppte oor tot die tel van die stemme en terwyl hy die stemme tel, laat hy die stembriewe met hulle voorkant na bo hou.

Hoe Stemme Getel Moet Word

29. Vir die doel van die tel van stemme word die stembriewe in pakkette van vyftig vasgebund (aan elkeen waarvan 'n onderskeidende nommer toegeken word) en daarna word die getal stemme ten opsigte van elke kandidaat opgeskryf en nagegaan.

Watter Stembriewe Verwerp Word

30. (1) Die kiesbeamppte verwerp en tel nie 'n stembrief nie—

- (a) wat nie die geheime met daarop het nie;
- (b) waarop stemme op meer kandidaat uitgebring is as die getal lede wat by genoemde verkiesing vir daardie afdeling verkies moet word;
- (c) wat ongemerk of weens onsekerheid ongeldig is;
- (d) wat enige skrif of merk daarop het waardeur 'n kieser op 'n ander wyse as dié in hierdie Proklamasie voorgeskryf, geïdentifiseer kan word.

(2) Die kiesbeamppte endosseer die woord "verwerp" op 'n stembrief wat hy as ongeldig verwerp.

Bepaling van Uitslag van Verkiesing deur Kiesbeamppte

31. Nadat die tel van stemme voltooi is, stel die kiesbeamppte die verkiesingsbeamppte onverwyld in die voorgeskrewe vorm per geregistreerde pos in 'n verseëelde koevert in kennis van die uitslag van die verkiesing in sy distrik.

Beskikking oor Verkiesingstukke deur Kiesbeamppte na Afloop van Tel van Stemme

32. Na afloop van die tel van die stemme ten aansien van sy distrik maak die kiesbeamppte die volgende in afsonderlike pakkette op:

- (a) Alle ongebruikte en bedorwe stembriewe wat by elke stemburo gebruik is;
- (b) alle getelde stembriewe;
- (c) alle verwerpe stembriewe; en
- (d) alle stembriefopgawes behoorlik geëndosseer met sy bevindings tydens die verifiëring van sodanige opgawes, en voorsien sodanige pakkette van etikette en verseël hulle met sy eie seël en met die seëls van daardie kandidaat en agente (as daar is) wat hulle seëls ook daarop wil

Verification of Ballot Paper Statement

28. (1) The returning officer shall, upon receipt of all the packets and ballot boxes from every polling officer in his area of jurisdiction and *not before*, examine whether the seals are in order and afford any of the candidates or their agents as may be present an opportunity to do the same and after that, in the presence of such candidates or their agents, open the sealed packets containing the unused and spoiled ballot papers and the packet containing the ballot paper statement and shall open each ballot box and verify the ballot paper statement given by each polling officer, by comparing with it the number of ballot papers in each such ballot box and the unused and spoiled ballot papers in his possession.

(2) When the returning officer has completed the verification of a ballot paper statement for each polling station in his division, and whether or not such statements are found to be correct, he shall in the presence of such candidates or their agents as may be present mix together the ballot papers contained in all the ballot boxes so that it is impossible to determine from which ballot box any particular ballot paper was taken.

(3) The returning officer after scrutinising the secret mark on the ballot papers shall proceed to count the votes and while counting the votes shall cause the ballot papers to be kept with their faces upwards.

How Votes are to be Counted

29. The ballot papers shall, for the purpose of counting, be fastened together in packets of 50 (to each of which a distinctive number shall be assigned) and thereafter the number of votes for each candidate shall be recorded and checked.

What Ballot Papers shall be Rejected

30. (1) The returning officer shall reject and not count any ballot paper—

- (a) which does not bear the secret mark;
- (b) on which votes are cast for more candidates than the number of members to be elected for that division at the said election;
- (c) which is unmarked or invalid owing to uncertainty;
- (d) which bears any writing or mark by which a voter can be identified otherwise than as prescribed in this Proclamation.

(2) The returning officer shall endorse the word "rejected" on a ballot paper which he may reject as invalid.

Determination of Result of Election by Returning Officer

31. After completion of the counting of votes the returning officer shall forthwith in the prescribed form advise the electoral officer by registered post in a sealed envelope of the result of the election in his district.

Disposal of Electoral Matter by Returning Officer after the Counting of Votes has been Completed

32. The returning officer shall after the completion of the counting of votes in respect of his district make up into separate packets the following:

- (a) All unused and spoiled ballot papers used at each polling station;
- (b) all counted ballot papers;
- (c) all rejected ballot papers; and
- (d) all ballot paper statements duly endorsed with his findings on the verification of such statements, and shall label and seal such packets with his own seal and with the seals of those candidates and agents (if any) who desire to affix their seals and shall retain

afdruk en bewaar sodanige pakkette vir 'n tydperk van ses maande en vernietig hulle daarna: Met dien verstande dat enige ongebruikte blanko stembriewe nie vernietig mag word nie, maar per geregistreerde pos aan die verkiesingsbeampste gestuur moet word.

Beskikking op Seël en Merkinstrumente

33. Die seël en instrumente vir die geheime merke moet per geregistreerde pos aan die verkiesingsbeampste teruggestuur word.

Bepaling van Uitslag van Verkieping deur die Verkiesingsbeampste

34. (1) By ontvangs van die uitslae vanaf alle kiesbeampstes moet die verkiesingsbeampste, in die teenwoordigheid van twee getuies, wat Bantoesakekommissarisse moet wees, voortgaan om die verseelde koeverte waarna in artikel 31 verwys word oop te maak en die uitslag van die verkiesing bepaal en die verkiesingsbeampste en sodanige getuies moet skriftelik sertifiseer dat die uitslag so bepaal korrek is.

(2) Die verkiesingsbeampste moet so gou moontlik daarna die getal kandidate, gelykstaande met die getal lede wat ten opsigte van iedere afdeling verkies moet word, wat by die verkiesing die meeste stemme gekry het, behoorlik verkose lede van die Wetgewende Vergadering, verklaar.

(3) As die volle getal kandidate wat aldus verkose verklaar moet word weens 'n staking van stemme nie bepaal kan word nie verklaar die verkiesingsbeampste die getal kandidate wat wel bepaal kan word onverwylde behoorlik verkose en gaan hy in die teenwoordigheid van die getuies genoem in subartikel (1) voort om deur loting, op die wyse deur hom bepaal, uit die geledere van die kandidate wat ewe veel stemme gekry het, die kandidaat of kandidate aan te wys wat behoorlik verkose verklaar moet word.

Bekendmaking van Name van Verkose Lede

35. (1) Sodra die name en adresse van die persone by 'n algemene verkiesing behoorlik verkies vir die onderskeie afdelings van kwaZulu bekend is, moet die verkiesingsbeampste by kennisgewing in die *Staatskoerant* die volle naam en adres van iedere sodanige verkose lid tesame met die datum waarop hy behoorlik verkies is, die naam van die afdeling wat sodanige lid verteenwoordig en die totale getal stemme wat ten gunste van sodanige lid uitgebring is, laat publiseer.

(2) 'n Kennisgewing ingevolge subartikel (1), gepubliseer, moet ook die name van die onsuksesvolle kandidate ten opsigte van elke kiesafdeling en die getal stemme aandui wat ten opsigte van elke sodanige kandidaat uitgebring is, aandui, asook die getal bedorwe stembriewe ten opsigte van elke kiesafdeling.

(3) Die verkiesingsbeampste moet die inligting in subartikel (1) gemeld aan die Sekretaris van die Wetgewende Vergadering oordra.

DEEL V

ALGEMEEN EN AANVULLEND

Onbelangrike Foute Raak nie Geldigheid van Verkieping nie

36. Geen verkiesing is weens 'n fout of nie-nakoming van die bepalings van hierdie Proklamasie ongeldig nie, indien die verkiesing gehou is ooreenkomstig die beginsels hierin voorgeskryf en sodanige fout of nie-nakoming nie die uitslag geraak het nie.

Bewys dat Verkieping Gehou is

37. By 'n aanklag van 'n korrupte of onwettige praktyk of van 'n ander misdryf ingevolge hierdie Proklamasie, wat volgens bewering by of in verband met 'n verkiesing begaan is, is die sertifikaat van die kiesbeampste dat die

them for a period of six months and thereafter destroy them: Provided that any unused blank ballot papers shall not be destroyed but shall be forwarded by registered post to the electoral officer.

Disposal of Seal and Marking Instruments

33. The seal and instruments for secret marks shall be returned by registered post to the electoral officer.

Determination of Result of Election by Electoral Officer

34. (1) After the receipt of the results from all returning officers the electoral officer shall in the presence of two witnesses, who shall be Bantu Affairs Commissioners, proceed to open the sealed envelopes referred to in section 31 and determine the result of the election and the electoral officer and such witnesses shall, in writing, certify that the result so determined is correct.

(2) The electoral officer shall as soon as possible thereafter declare the number of candidates equal to the number of members to be elected in respect of each electoral division, at the said election who have received the greater number of votes to be duly elected members of the Legislative Assembly.

(3) If the full number of members to be declared elected cannot be determined by reason of an equality of votes the electoral officer shall forthwith declare such number of candidates as can be determined to be duly elected and the electoral officer shall in the presence of the witnesses referred to in subsection (1) proceed to designate by lot in the manner determined by him the candidate(s), from amongst those candidates who obtained an equality of votes, who shall be declared to be duly elected.

Publication of Names of Elected Members

35. (1) As soon as the names and addresses of the persons duly elected for the several divisions of kwaZulu at a general election are known, the electoral officer shall cause to be published by notice in the *Gazette* the full name and address of every member so returned together with the date on which he was duly elected, the name of the division which such member represents and the total number of votes cast in favour of such member.

(2) A notice published in terms of subsection (1) shall also reflect the names of the unsuccessful candidates in respect of each division and the total number of votes cast in favour of each such candidate, as well as the number of rejected ballot papers in respect of each division.

(3) The electoral officer shall convey the particulars mentioned in subsection (1) to the Secretary of the Legislative Assembly.

PART V

GENERAL AND SUPPLEMENTARY

Immaterial Mistakes not to Affect Validity of Election

36. No election shall be invalid by reason of any mistake or non-compliance with the provisions of this Proclamation if the election was conducted in accordance with the principles laid down herein and such mistake or non-compliance did not affect the result.

Evidence of Election being Held

37. Upon any charge of a corrupt or illegal practice or any other offence under this Proclamation alleged to have been committed at or in connection with an election, the certificate of the returning officer that the election

verkieping daarin vermeld aan die gang was of gehou is, voldoende bewys van die feit dat sodanige verkieping aan die gang was of gehou is.

Ontruiming van Setels

38. Indien die setel van 'n verkose lid van die Wetgewende Vergadering ingevolge die bepalinge van artikel 7 van Proklamasie R. 70 van 1972, vakant raak, moet dit ingevolge die bepalinge van artikel 9 van Proklamasie R. 70 van 1972 gevul word.

Kennisgewing van Vakature aan KwaZulu-Wetgewende Vergadering

39. Wanneer die Voorsitter van die Wetgewende Vergadering hom van die ontstaan van 'n vakature vergewis het, kondig hy dit aan die Wetgewende Vergadering aan as dit dan in sitting is en, as die Wetgewende Vergadering nie in sitting is nie, by die aanvang van die eersvolgende sitting en indien sodanige vakature intussen aangevul is, stel hy die Wetgewende Vergadering dienooreenkomstig in kennis.

Publikasie en Betrekking van Kennisgewings

40. Behalwe waar publikasie in die *Staatskoerant* of op 'n ander bepaalde wyse uitdruklik voorgeskryf is, is dit voldoende as 'n openbare kennisgewing wat ooreenkomstig hierdie Proklamasie gepubliseer moet word, gepubliseer word in 'n nuusblad wat in die afdeling waarop die kennisgewing betrekking het, sirkuleer of as dit aangeplak word langs die hoofbuite deur van die kantoor van iedere distrik-beheerbeampte of op enige ander plek wat die verkiesingsbeampte voorskryf.

Sondae en Openbare Feesdae

41. Wanneer enigiets op 'n bepaalde datum ingevolge hierdie Proklamasie begin, voltooi of gedoen moet word, en daardie datum op 'n Sondag val of op 'n dag wat by of kragtens 'n wet tot 'n openbare feesdag verklaar is, moet dit begin, voltooi of gedoen word op die eersvolgende datum na sodanige Sondag of openbare feesdag, of as laasgenoemde datum ook op 'n Sondag of openbare feesdag val, dan op die eersvolgende datum na sodanige Sondag of openbare feesdag.

Vrystelling van Seëlreg

42. Ondanks andersluidende bepalinge in enige wet betreffende seëlregte, is daar op 'n verklaring wat afgeleë word of 'n magtiging wat uitgereik word in verband met verkiesings in kwaZulu geen seëlreg verskuldig nie.

Gebruik van Rubberstempels

43. 'n Rubberstempel of ander nagmaakte stempel mag nie gebruik word by die ondertekening van 'n sertifikaat wanneer sodanige sertifikaat ooreenkomstig hierdie Proklamasie deur enige beampte uitgereik moet word nie.

Voorgeskrewe Vorms

44. Die vorms vir gebruik in verband met die hou van verkiesings moet wees soos deur die Uitvoerenderaadslid voorgeskryf.

DEEL VI

OORTREDINGS EN BOETES

Onderbreking of Steuring van Verrigtings by Verkiesings

45. 'n Persoon wat opsetlik verrigtings in verband met die hou van verkiesings ooreenkomstig die bepalinge van hierdie Proklamasie, onderbreek, belemmer of versteur, of op stemdag enige vorm van luidspreker gebruik of enige optog van, of betoging deur, persone vorm of reël, uitgesonderd vir amptelike doeleindes, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand (R100) of met gevangenisstraf vir 'n tydperk van hoogstens drie (3) maande.

mentioned therein was being or had been held shall be sufficient evidence of the fact that such election was being or had been held.

Vacation of Seats

38. If the seat of an elected member of the Legislative Assembly becomes vacant in terms of the provisions of section 7 of Proclamation R. 70 of 1972, it shall be filled in terms of the provisions of section 9 of Proclamation R. 70 of 1972.

Notification of Vacancy to the kwaZulu Legislative Assembly

39. The Chairman of the Legislative Assembly shall whenever he is satisfied that a vacancy has occurred announce the fact to the Legislative Assembly if it is then in session and if the Legislative Assembly is not in session, at the commencement of the next ensuing session, and should such vacancy have in the interim been filled advise the Legislative Assembly accordingly.

Publication and Service of Notices

40. A public notice required to be given in terms of this Proclamation shall, except where it is expressly directed to be published in the *Gazette* or in any other particular manner, be sufficiently given if it is published in a newspaper circulating in the division intended to be affected by the notice or if it is posted next to the main outer door of the office of every district control officer or at any other place which the electoral officer may prescribe.

Sundays and Public Holidays

41. Whenever under this Proclamation anything is required to be commenced, concluded or done on a particular date, and that date happens to fall upon a Sunday or a day declared by or under a law to be a public holiday, it shall be commenced, concluded or done on the date next succeeding such Sunday or public holiday or if the last-mentioned date is also a Sunday or public holiday, then on the date next succeeding such Sunday or public holiday.

Exemption from Stamp Duty

42. Notwithstanding anything to the contrary in any law relating to stamp duty, no stamp duty shall be charged on any declaration made or any authorisation issued in connection with elections in kwaZulu.

Use of Rubber Stamps

43. Whenever in terms of this Proclamation, a certificate is required to be given by any officer, a rubber stamp or other artificial impression shall not be used in signing such certificate.

Forms Prescribed

44. The forms to be used in connection with the conduct of elections shall be as prescribed by the Executive Councillor.

PART VI

OFFENCES AND PENALTIES

Interrupting or Disturbing Proceedings at Elections

45. Any person who wilfully interrupts, obstructs or disturbs any proceedings in connection with the conduct of elections in terms of the provisions of this Proclamation, or who on polling day uses any form of loudspeaker or forms or organises any procession of or demonstration by persons other than for official purposes, shall be guilty of an offence and liable to a fine not exceeding one hundred rand (R100) or to imprisonment for a period not exceeding three (3) months.

Bedrog met Stembriewe, ens.

46. (1) 'n Persoon wat—

(a) 'n stembrief of die geheime merk op 'n stembrief vervals, namaak of met opset om te bedrieg, vernietig;

(b) sonder behoorlike magtiging 'n ander persoon van 'n stembrief voorsien;

(c) met opset om te bedrieg, enige ander stuk papier in 'n stembus plaas as die stembrief wat hy regtens daarin mag plaas;

(d) met opset om te bedrieg, 'n stembrief uit die stemburo wegneem; of

(e) sonder behoorlike magtiging 'n stembus of pakket stembriewe wat dan vir die doel van die verkiesing in gebruik is, vernietig, neem, oopmaak of hom op 'n ander wyse daarmee bemoei,

begaan 'n misdryf en is by skuldigbevinding strafbaar, as hy 'n kiesbeampte of 'n beampte aanwesig in 'n stemburo is, met gevangenisstraf vir 'n tydperk van hoogstens twee (2) jaar, en as hy 'n ander persoon is, met gevangenisstraf vir 'n tydperk van hoogstens nege (9) maande.

(2) In 'n akte van beskuldiging, dagvaarding of aanklag weens 'n misdryf met betrekking tot stembusse, stembriewe en amptelike merkinstrumente by 'n verkiesing, kan verklaar word dat die eiendomsreg op die busse, stembriewe of instrumente, sowel as op die teenblaai, by die kiesbeampte by die verkiesing berus.

(3) Word die kiesbeampte aldus beskuldig of aangekla kan verklaar word dat die eiendomsreg by die Uitvoerenderaadslid berus.

(4) Bewys dat 'n groter getal stembriewe in 'n stembus gevind is, of volgens opgawe by 'n stemburo ontvang is, as die getal kiesers wat by daardie stemburo gestem het, is *prima facie* bewys dat die stemopnemer van sodanige stemburo skuldig was aan die pleeg, of die verlening van hulp en bystand by die pleeg, van 'n misdryf ingevolge hierdie artikel.

Skending van Geheimhouding

47. (1) Iedere beampte, kandidaat of sy agent wat by 'n stemburo of by die tel van stemme, aanwesig is, moet die geheimhouding van die stemming in daardie buro handhaaf en help om dit te handhaaf, en mag aan geen persoon, behalwe vir die een of ander regtens geoorloofde doel, enige inligting meedeel wat waarskynlik die geheimhouding van die stemming sal verydel nie.

(2) Behoudens die bepalings van hierdie Proklamasie, mag geen persoon hom met 'n kieser bemoei, of probeer om hom met 'n kieser te bemoei wanneer sodanige kieser sy stembrief merk nie, of andersins by 'n stemming kragtens hierdie Proklamasie probeer om te wete te kom vir watter kandidaat 'n kieser op die punt staan om te stem of gestem het nie of te eniger tyd aan enige persoon meedeel vir watter kandidaat, volgens inligting wat verkry is, 'n kieser op die punt staan om te stem of gestem het nie.

(3) Geen persoon mag direk of indirek enige kieser beweeg om sy stembrief, nadat hy dit gemerk het, op so 'n wyse te vertoon dat enige persoon die naam van die kandidaat vir wie hy sy stembrief aldus gemerk het, te wete kom nie.

(4) Geen persoon mag op 'n stembrief enige merk of skrif aanbring waardeur 'n persoon wat met daardie stembrief stem, geïdentifiseer kan word nie.

(5) Iedere persoon wat by die tel van die stemme aanwesig is, moet die geheimhouding van die stemming handhaaf en help om dit te handhaaf, en mag nie probeer vasstel of aan 'n ander persoon meedeel vir watter kandidaat, volgens inligting wat by sodanige telling verkry is, op 'n bepaalde stembrief 'n stem uitgebring is nie.

Fraudulent Ballot Papers, etc.

46. (1) Any person who—

(a) forges or counterfeits or fraudulently destroys any ballot paper or the secret mark on any ballot paper;

(b) without due authority supplies any ballot paper to any person;

(c) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in;

(d) fraudulently takes out of the polling station any ballot paper; or

(e) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purpose of the election,

shall be guilty of an offence and liable, if he is a returning officer or an officer present at a polling station, to imprisonment for a period not exceeding two (2) years, and if he is any other person, to imprisonment for a period not exceeding nine (9) months.

(2) In any indictment, summons or charge for an offence in relation to ballot boxes, ballot papers and official marking instruments at an election, the property in such boxes, papers and instruments, as well as the property in the counterfoils may be stated to be in the returning officer at such election.

(3) If the returning officer is so indicted or charged, such property may be stated to be in the Executive Councillor.

(4) Proof that a greater number of ballot papers is found in a ballot box or is returned as having been received at a polling station than the number of voters who voted at that polling station shall be *prima facie* evidence that the polling officer of such polling station was guilty of the commission or aiding and abetting the commission of an offence under this section.

Infringement of Secrecy

47. (1) Every officer, candidate or his agent present at a polling station or at the counting of votes shall maintain, and aid in maintaining, the secrecy of the voting in that station and shall not communicate, except for some purpose authorised by law, to any person any information likely to defeat the secrecy of the voting.

(2) No person, except as in this Proclamation provided, shall interfere with or attempt to interfere with a voter when such voter is marking his ballot paper, or otherwise attempt to obtain information as to the candidate for whom any voter is about to vote or has voted, or communicate at any time to any person any information obtained as to the candidate for whom any voter is about to vote or has voted at a taking of poll under this Proclamation.

(3) No person shall directly or indirectly induce any voter to display his ballot paper after he has marked the same, in such a manner as to make known to any person the name of the candidate for whom the voter has so marked his ballot paper.

(4) No person shall place upon any ballot paper any mark or writing whereby a person who casts his vote(s) on that ballot paper may be identified.

(5) Every person in attendance at the counting of votes shall maintain, and aid in maintaining, the secrecy of the voting, and shall not attempt to ascertain or communicate any information obtained at such counting as to the candidate for whom any vote is cast in any particular ballot paper.

(6) 'n Persoon wat by die vervulling van sy pligte kragtens hierdie Proklamasie of enige regulasies daarkragtens uitgereik, te wete gekom het op watter kandidaat enige ander persoon sy stem uitgebring het, mag sodanige kennis nie bekendmaak nie, uitgesonderd in antwoord op 'n vraag wat wettiglik aan hom gestel is in die loop van verrigtinge in 'n bevoegde hof.

(7) 'n Persoon wat enige van die bepalings van hierdie artikel oortree of versuim om daaraan te voldoen, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand (R200) of met gevangenisstraf vir 'n tydperk van hoogstens twaalf (12) maande.

Pligversuim deur Kiesbeampte of Ander Beampte

48. 'n Kiesbeampte of enige ander beampte of persoon wat opsetlik versuim om enige van die pligte te vervul wat kragtens die bepalings van hier Proklamasie of enige regulasie daarkragtens uitgereik, aan hom opgelê is, begaan 'n misdryf en is by skuldigbevinding strafbaar, in die geval van 'n kiesbeampte, met 'n boete van hoogstens vierhonderd rand (R400) en, in die geval van enige ander beampte of persoon, met 'n boete van hoogstens tweehonderd rand (R200).

DEEL VII

KORRUPT EN ONWETTIGE BEDRYWIGHED EN ANDER MISDRYWE IN VERBAND MET VERKIESINGS

Omskrywing van Korrupte Bedrywigheid

49. "Korrupte bedrywigheid" beteken enige van die misdrywe van trakteerders, onbehoorlike beïnvloeding, omkopery en uitgee vir 'n ander.

Trakteerders

50. 'n Persoon wat korruptelik, hetsy voor, gedurende of na 'n verkiesing, self of deur 'n ander persoon direk of indirek aan of vir enige persoon voedsel, drank, vermaak, inwoning of lewensmiddele gee of verskaf of die koste om dit te gee of te verskaf, of 'n deel daarvan, betaal, met die doel om daardie persoon of 'n ander persoon korruptelik te beïnvloed om sy stem by die verkiesing uit te bring al dan nie, of omdat daardie persoon of 'n ander persoon sy stem by die verkiesing uitgebring het of gaan uitbring al dan nie, begaan die misdryf van trakteerders.

Onbehoorlike Beïnvloeding

51. (1) 'n Persoon wat, self of deur 'n ander persoon, direk of indirek, teen enige persoon geweld of dwang gebruik of dreig om dit te gebruik, of aan enige persoon enige wêreldlike of geestelike leed, skade, kwaad of verlies berokken of dreig om dit te berokken of iets ten nadele van enige persoon doen of dreig om dit te doen, ten einde daardie persoon te beweeg of te dwing om sy stem by 'n verkiesing uit te bring al dan nie, of omdat hy sy stem by 'n verkiesing uitgebring het al dan nie, begaan die misdryf van onbehoorlike beïnvloeding.

(2) 'n Persoon wat deur ontvoering, dwang of enige bedrieglike middel, die vrye uitoefening van die stemreg deur 'n kieser belemmer of belet of 'n kieser daardeur dwing, beweeg of oorhaal om sy stem by 'n verkiesing uit te bring al dan nie, begaan die misdryf van onbehoorlike beïnvloeding.

Omkopery

52. (1) 'n Persoon begaan die misdryf van omkopery indien hy, self deur 'n ander, direk of indirek—

(a) aan of vir 'n kieser, of aan of vir 'n persoon ten behoeve van 'n kieser, of aan of vir enige ander persoon, enige geld of enigiets anders, gee, leen of verkry of ooreenkom om dit te gee, te leen of te verkry, of dit aanbied, belooft of belooft om dit te

(6) A person who has, in carrying out his duties under this Proclamation or any regulations issued thereunder, obtained knowledge as to the candidate for whom any other person has voted shall not, except in answer to a question lawfully put to him in the course of proceedings in a competent court, disclose such knowledge.

(7) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence and liable to a fine not exceeding two hundred rand (R200) or to imprisonment for a period not exceeding twelve (12) months.

Neglect by Returning Officer or other Officer to Perform his Duties

48. Any returning officer or any other officer or person who wilfully fails to perform any of the duties which under the provisions of this Proclamation or any regulation issued thereunder he is required to perform, shall be guilty of an offence and in the case of a returning officer liable to a fine not exceeding four hundred rand (R400) and in the case of any other officer or person to a fine not exceeding two hundred rand (R200).

PART VII

CORRUPT AND ILLEGAL PRACTICES AND OTHER OFFENCES RELATING TO ELECTIONS

Definition of Corrupt Practice

49. "Corrupt practice" means any of the offences of treating, undue influence, bribery and personation.

Treating

50. Any person who corruptly by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any food, drink, entertainment, lodging or provisions to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election, or on account of such person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at such election, shall be guilty of the offence of treating.

Undue Influence

51. (1) Any person who directly or indirectly by himself or by any other person makes use or threatens to make use of any force, violence or restraint or inflicts or threatens to inflict any temporal or spiritual injury, damage, harm or loss upon or against, or does or threatens to do anything to the disadvantage of, any person in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting at any election, shall be guilty of the offence of undue influence.

(2) Any person who, by abduction, duress or fraudulent device or contrivance, impedes or prevents the free exercise of the franchise by any voter, or thereby compels, induces or prevails upon any voter either to give or to refrain from giving his vote at any election, shall be guilty of the offence of undue influence.

Bribery

52. (1) Any person shall be guilty of the crime of bribery if he directly or indirectly by himself or by any other person—

(a) gives, lends or procures, or agrees to give, lend or procure, or offers, promises, or promises to procure or to endeavour to procure any money or any other thing to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in

verkry of om te probeer om dit te verkry, ten einde 'n kieser te beweeg om sy stem by 'n verkiesing uit te bring al dan nie, of korruptelik een van voormelde handelinge verrig omdat die kieser sy stem by 'n verkiesing uitgebring het al dan nie; of

(b) aan of vir 'n kieser, of aan of vir 'n persoon ten behoeve van 'n kieser, of aan of vir enige ander persoon, enige geld of enigiets anders gee of leen, of ooreenkom om dit te gee of te leen, of dit aanbied, of belooft om dit te verkry of om te probeer om dit te verkry, vir optrede in of deelname aan enige optog of betoging voor, gedurende of na 'n verkiesing; of

(c) aan of vir 'n persoon sodanige skenking, lening, aanbod, belofte, verkryging of ooreenkoms gee, verstrekt, doen of aangaan, ten einde sodanige persoon te beweeg om die verkiesing van 'n kandidaat by 'n verkiesing of die stem van 'n kieser by 'n verkiesing te verkry of om te probeer om dit te verkry; of

(d) teen of ten gevolge van sodanige skenking, lening, aanbod, belofte, verkryging of ooreenkoms, die verkiesing van 'n kandidaat by 'n verkiesing of die stem van 'n kieser by 'n verkiesing verkry of onderneem, belooft of probeer om dit te verkry; of

(e) aan of vir die gebruik van 'n ander persoon enige geld voorskiet of betaal of laat voorskiet of betaal, met die bedoeling dat daardie geld of enige deel daarvan by 'n verkiesing aan omkoperij bestee moet word, of willens en wetens aan 'n persoon enige geld betaal of laat betaal ter vereffening of terugbetaling van geld wat geheel of ten dele by 'n verkiesing aan omkoperij bestee is; of

(f) voor of gedurende enige verkiesing, vir homself of 'n ander persoon, enige geld of lening ontvang of beding, omdat hy by 'n verkiesing gestem het of ooreengekom het om te stem, of omdat hy hom by 'n verkiesing van stemming onthou het of ooreengekom het om hom van stemming te onthou; of

(g) na 'n verkiesing geld ontvang omdat 'n persoon sy stem uitgebring het al dan nie of 'n ander persoon beweeg het om sy stem by enige verkiesing uit te bring al dan nie; of

(h) eiendom oordra of transporteer of betrokke is by die oordrag of transport van eiendom, of enige geld betaal, of betrokke is by die betaal van enige geld, aan 'n persoon ten einde hom in staat te stel om te stem en daardeur sy stem by 'n toekomstige verkiesing te beïnvloed, of enige geld betaal of betrokke is by die betaling van enige geld ten behoeve van 'n kieser ten einde hom te beweeg om sy stem uit te bring al dan nie.

(2) Geen bepaling van hierdie artikel mag uitgelê word nie as sou dit van toepassing wees op geld wat vir of weens *bona fide* en wettig aangegane verkiesingskoste betaal is of volgens ooreenkoms betaal moet word.

Uitgee vir 'n Ander

53. 'n Persoon wat—

(a) by enige verkiesing in die naam van 'n ander persoon, hetsy lewend of afgestorwe, of van 'n denkbeeldige persoon, om 'n stembrief aansoek doen; of

(b) nadat hy een maal by 'n verkiesing gestem het, weer by 'n stemburo by dieselfde verkiesing om 'n stembrief aansoek doen,

begaan die misdryf van hom vir 'n ander uit te gee.

Strawwe vir Korrupte Bedrywighede en Gevolge van Skuldigbevinding

54. (1) 'n Persoon wat die misdryf begaan van hom vir 'n ander uit te gee, is by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens twee (2) jaar.

order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election; or

(b) gives, lend or agrees to give or lend, or offers, or promises to procure or to endeavour to procure any money or any other thing to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, for acting or joining in any procession or demonstration before, during or after any election; or

(c) makes any such gift, loan, offer, promise, procurement, or agreement to or for any person in order to induce such person to procure or endeavour to procure, the return of any candidate at any election or the vote of any voter at an election; or

(d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures, or engages, promises, or endeavours to procure, the return of any candidate at any election or the vote of any voter at any election; or

(e) advances or pays, or causes to be advanced or paid, any money to, or for the use of, any other person with the intent that such money, or any part thereof shall be expended in bribery at any election, or knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election; or

(f) before or during any election receives or contracts for any money or loan for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, at any election; or

(g) after any election receives any money on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting, at any election; or

(h) conveys or transfers or is concerned with the conveyance or transfer of any property, or pays or is concerned with the payment of any money, to any person for the purpose of enabling him to vote, thereby to influence his vote at any future election, or pays or is concerned with the payment of any money on behalf of any voter for the purpose of inducing him to vote or refrain from voting.

(2) Nothing in this section contained shall be construed as applying to any money paid or agreed to be paid for or on account of any electoral expenditure bona fide and lawfully incurred.

Personation

53. Any person who—

(a) at any election applies for a ballot paper in the name of some other person, whether living, dead or fictitious; or

(b) having voted once at any election, applies again at any polling station at the same election for a ballot paper,

shall be guilty of the offence of personation.

Penalties for Corrupt Practices and Consequences of Conviction

54. (1) Any person guilty of the offence of personation, shall be liable on conviction to imprisonment for a period not exceeding two (2) years.

(2) 'n Persoon wat 'n ander korrupte bedrywigheid as dié van hom vir 'n ander uit te gee, is by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens twee (2) jaar of met 'n boete van hoogstens eenduisend rand (R1 000) of met beide sodanige boete en sodanige gevangenisstraf.

(3) 'n Persoon wat aan 'n korrupte bedrywigheid skuldig bevind word, kan, benewens die straf hierin bepaal, deur die hof verklaar word onbevoeg te wees gedurende 'n tydperk van hoogstens vyf (5) jaar vanaf die datum van skuldigbevinding—

(a) om by 'n verkiesing 'n stem uit te bring; of

(b) om 'n openbare of regterlike amp te beklee, en as hy enige sodanige amp beklee, kan die hof verklaar dat hy vanaf genoemde datum die amp moet neerlê.

DEEL VIII

ONWETTIGE BEDRYWIGHED

Korrupte Verkryging van Kandidatuur of Terugbetaling daarvan

55. Geen persoon mag—

(a) 'n ander persoon korruptelik beweeg of oorhaal om, as teenprestasie vir 'n betaling of belofte van watter aard ook al, 'n kandidaat by enige verkiesing te word of as sodanig terug te trek nie; of

(b) as gevolg daarvan dat hy aldus beweeg of oorgehaal is, 'n kandidaat by enige verkiesing word of as sodanig terugtrek nie; of

(c) voor of gedurende 'n verkiesing, met die doel om die verkiesing van 'n ander kandidaat te bevorder of te bewerkstellig, 'n valse verklaring dat 'n kandidaat by 'n verkiesing teruggetrek het, publiseer nie, wetende dat die verklaring vals is.

Biljette, Plakkate, ens., moet Naam van Uitgewer Dra

56. (1) Alle biljette, plakkate, aanplakbiljette, pamflette, omsendbriewe of ander drukwerk wat op 'n verkiesing betrekking het, moet die naam en adres van die drukker en uitgewer daarvan duidelik dra.

(2) Geen persoon mag sodanige drukwerk wat nie die naam en adres van die drukker en uitgewer duidelik dra nie, druk, uitgee of aanplak of laat druk, uitgee of aanplak nie.

(3) Die eienaar en uitgewer van iedere nuusblad moet die woord "advertensie" as 'n opskrif laat druk by elke artikel of paragraaf in sy nuusblad wat verkiesingstof bevat, vir die opneming waarvan betaal is om gaan word of waarvoor 'n beloning of vergoeding of 'n belofte van beloning of vergoeding gegee is of gaan word.

(4) Die woord "verkiesingstof" in subartikel (3) gebesig, omvat alles wat, na die skyn geoordeel, bedoel of bereken is om die uitslag van 'n verkiesing te beïnvloed, asook enige verslag van 'n toespraak van 'n kandidaat, indien vir die opneming van die verslag betaal word of gaan word.

(5) Alle verslae, briewe, artikels, biljette, plakkate, aanplakbiljette, pamflette, omsendbriewe, spotprente of ander drukwerk (hieronder in hierdie subartikel nuusblad-artikels genoem) wat, na die skyn geoordeel, bedoel of bereken is om die uitslag van 'n verkiesing te beïnvloed, en in 'n nuusblad opgeneem of op 'n ander wyse geproduseer word en op of na die datum van die begin van die verkiesing van lede van die kwaZulu- Wetgewende Vergadering in kwaZulu of die Republiek van Suid-Afrika gepubliseer word, moet onderaan die volle naam en adres dra van die persoon deur wie die nuusbladartikel geskryf of geproduseer is: Met dien verstande dat—

(a) enige sodanige nuusbladartikel wat soos voormeld in 'n nuusblad opgeneem word en wat wesenlik deur die redakteur van die nuusblad verander is, ook deur sodanige redakteur onderteken kan word;

(2) A person guilty of any corrupt practice (other than personation) shall be liable on conviction to imprisonment for a period not exceeding two (2) years or to a fine not exceeding one thousand (R1 000) or to both such imprisonment and such fine.

(3) A person convicted of any corrupt practice may, in addition to any punishment herein provided, be declared by the court incapable during a period not exceeding five (5) years from the date of his conviction—

(a) of voting at any election; or

(b) of holding any public office or judicial office, and if he holds any such office, the court may declare that the office shall be vacated by him as from the said date.

PART VIII

ILLEGAL PRACTICES

Corrupt Procurement of Candidature or Withdrawal thereof

55. No person shall—

(a) corruptly induce or procure any other person to become a candidate or to withdraw as a candidate at any election in pursuance of such inducement or promise of any nature; or

(b) become a candidate or withdraw as a candidate at any election in pursuance of such inducement or procurement; or

(c) before or during an election, publish a false statement of the withdrawal of a candidate at an election for the purpose of promoting or procuring the election of any other candidate, knowing that statement to be false.

Bills, Placards, etc., to Bear Publisher's Name

56. (1) Every bill, placard, poster, pamphlet, circular or other printed matter having reference to an election shall clearly bear the name and address of the printer and publisher thereof.

(2) No person shall print, publish or post up or cause to be printed, published or posted up, any such printed matter which fails to bear clearly the name and address of the printer and publisher.

(3) The proprietor and publisher of every newspaper shall cause the word "advertisement" to be printed as a headline to each article or paragraph in his newspaper containing electoral matter, the insertion of which is or is to be paid for or for which any reward or compensation or promise of reward or compensation is or is to be made.

(4) The words "electoral matter" used in subsection (3) shall include all matters which on the face of it are intended or calculated to affect the result of an election, and any report of the speech of a candidate if the insertion of the report is or is to be paid for.

(5) Every report, letter, article, bill, placard, poster, pamphlet, circular, cartoon or other printed matter (hereinafter in this subsection called a newspaper article) which on the face of it is intended or calculated to affect the result of an election, and is inserted in any newspaper or otherwise produced and is published in kwaZulu or the Republic of South Africa on or after the date of commencement of such election of members of the kwaZulu Legislative Assembly, shall bear at the foot thereof the full name and address of the person by whom such newspaper article was written or produced: Provided that—

(a) any such newspaper article which is inserted in any newspaper as aforesaid and which has been altered materially by the editor of such newspaper, may also be signed by such editor;

(b) in die geval van 'n verslag van 'n openbare vergadering wat deur twee of meer persone gesamentlik geskryf is, dit voldoende vir doeleindes van hierdie subartikel is as die verslag as geheel op die voorkant daarvan die volle name en adresse dra van die persone deur wie dit geskryf is; en

(c) in die geval van opskrifte by 'n nuusbladartikel wat soos voormeld in enige nuusblad opgeneem is, en van biljette, plakate of aanplakbiljette wat daarop betrekking het en wat volgens die gewone gebruik van 'n nuusblad uitgegee word, dit voldoende vir doeleindes van hierdie artikel is as die volle name en adresse van die persone deur wie sodanige opskrifte, biljette, plakate of aanplakbiljette geskryf is, met 'n verklaring dat sodanige opskrifte, biljette, plakate of aanplakbiljette deur daardie persone geskryf is, gepubliseer word in die uitgawe van die nuusblad waarin sodanige nuusbladartikel opgeneem word.

(6) Behoudens die bepalings van voorbehoudsbepaling (c) van subartikel (5), mag geen persoon enige nuusblad of ander drukwerk waarin enige sodanige nuusbladartikel opgeneem of geproduseer is, wat nie op die voorkant daarvan die volle naam en adres dra van die persoon deur wie dit geskryf of geproduseer is nie, druk of publiseer nie.

(7) Vir doeleindes van hierdie artikel word 'n verkiesing geag te begin op die datum van publikasie van die kennisgewing genoem in artikel 8 (1).

Vergaderings op Persele waar Gewoonlik Drank Verkoop word

57. (1) Geen persoon mag—

(a) 'n perseel waarop die verkoop van bedwelmende drank, by wyse van groothandel of kleinhandel, deur 'n lisensie gemagtig is (ongeach of dit 'n lisensie is vir verbruik van drank op die perseel of daarbuite); of

(b) 'n perseel waar bedwelmende drank verkoop of verskaf word aan lede van 'n klub, genootskap of vereniging,

of 'n gedeelte van enige sodanige perseel, as 'n komiteekamer of vir 'n vergadering van kiesers ter bevordering of bewerkstelliging van die verkiesing van 'n kandidaat by 'n verkiesing of in verband met reëlins wat deur 'n persoon of party met betrekking tot 'n verkiesing getref is, huur of gebruik nie.

(2) Geen persoon mag sodanige perseel of 'n gedeelte daarvan verhuur nie, wetende dat dit die bedoeling is om dit aldus te gebruik.

(3) Enige ooreenkoms wat strydig met subartikel (1) of (2) gesluit is, is van nul en gener waarde.

Strawwe vir Onwettige Bedrywighede

58. 'n Persoon wat aan 'n onwettige bedrywigheid skuldig is, is strafbaar—

(a) in die geval van 'n onwettige bedrywigheid ingevolge artikel 56 (3), met 'n boete van hoogstens honderd rand (R100);

(b) in die geval van enige ander onwettige bedrywigheid, met 'n boete van hoogstens tweehonderd rand (R200) en kan, waar geen onbevoegdheid spesiaal vir 'n bepaalde kategorie persone kragtens hierdie Proklamasie voorgeskryf word nie, ook deur die hof verklaar word, gedurende 'n tydperk van hoogstens twee (2) jaar vanaf die datum van die skuldigbevinding, onbevoeg te wees om 'n openbare of regterlike amp te beklee, en indien hy dan 'n openbare of regterlike amp beklee, kan die hof verklaar dat hy vanaf genoemde datum die amp moet neerlê: Met dien verstande dat geen persoon aan 'n onwettige bedrywigheid ingevolge artikel 56 (2) skuldig bevind word nie, as hy bewys dat hy onkundig omtrent die wetsvoorskrifte gehandel het.

(b) in the case of a report of a public meeting which is written jointly by two or more persons, it shall be sufficient for the purposes of this subsection if the report as a whole bears upon the face of it the full names and addresses of the persons by whom it was written; and

(c) in the case of headlines to any newspaper article which is inserted in any newspaper as aforesaid, and bills, placards or posters having reference thereto, and which are issued in the ordinary practice of a newspaper, it shall be sufficient for the purposes of this subsection if the full names and addresses of the persons by whom such headlines, bills, placards or posters were written, and a statement that such headlines, bills, placards or posters were written by such persons, are published in the issue of the newspaper in which such newspaper article is inserted.

(6) Subject to the provisions of proviso (c) to subsection (5) no person shall print or publish any newspaper or other printed matter in which is inserted or produced any such newspaper article which fails to bear upon the face thereof the full name and address of the person by whom it was written or produced.

(7) For the purposes of this section an election shall be deemed to commence on the date of publishing of the notice referred to in section 8 (1).

Meetings on Premises where Sales of Liquor Usually take Place

57. (1) No person shall hire or use—

(a) any premises on which the sale, by wholesale or retail, of any intoxicating liquor is authorised by licence (whether the licence be for consumption of liquor on or off the premises); or

(b) any premises where any intoxicating liquor is sold or is supplied to members of a club, society or association,

or any part of any such premises, as a committee room or for any meeting of voters for the purpose of promoting or procuring the election of a candidate at an election or in connection with arrangements made by any person or party in reference to an election.

(2) No person shall let any such premises or part thereof, knowing that it is intended to be so used.

(3) Any agreement entered into in contravention of subsection (1) or (2) shall be null and void.

Penalties for Illegal Practices

58. Any person guilty of an illegal practice shall be liable—

(a) in a case of an illegal practice under section 56 (3) to a fine not exceeding one hundred rand (R100);

(b) in the case of any other illegal practice to a fine not exceeding two hundred rand (R200) and may, where no incapacity is specially provided for any particular class of person under this Proclamation, further be declared by the court incapable, during a period not exceeding two (2) years from the date of the conviction, of filling a public office or judicial office and if he then holds a public office or judicial office, the court may declare that the office shall be vacated by him as from the said date: Provided that no person shall be convicted of an illegal practice under section 56 (2), if he proves that he acted in ignorance of the requirements of the law.

Gevolge vir Kandidaat

59. (1) (a) As dit by 'n verhoor bewys word dat 'n korrupte bedrywigheid of 'n onwettige bedrywigheid in verband met die verkiesing van 'n lid van die Wetgewende Vergadering deur of met die kennis en instemming of goedkeuring van enige kandidaat by daardie verkiesing begaan is, is die verkiesing van daardie kandidaat niegtig en bestaan daar 'n toevallige vakature.

(b) 'n Persoon wat skuldig bevind word aan 'n korrupte of onwettige bedrywigheid in verband met 'n verkiesing kan, benewens enige straf wat hom opgelê word, deur die hof verklaar word, gedurende 'n tydperk van hoogstens vyf jaar na die datum van die bevinding, onbevoeg te wees om as lid van die kwaZulu- Wetgewende Vergadering verkies te word of daarin sitting te neem, of om in 'n openbare of regterlike amp aangestel of daartoe verkies te word, en indien hy dan 'n openbare of regterlike amp beklee, kan die hof verklaar dat hy vanaf genoemde datum die amp moet neerlê.

(2) Behoudens die uitsonderings wat kragtens hierdie Proklamasie toegelaat word, is enige persoon wat enige van die bepalings van artikels 55 tot en met 58 oortree of versuim om daaraan te voldoen, aan 'n onwettige bedrywigheid skuldig.

Strawwe waar Uitdruklike Voorsiening Ontbreek

60. Waar daar nie uitdruklike voorsiening gemaak word vir strawwe weens 'n misdryf ingevolge hierdie Proklamasie of weens 'n oortreding van enige bepaling daarvan of versuim om daaraan te voldoen nie, is die oortreder by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand (R100).

Regulasies

61. Die Uitvoerenderaadslid kan regulasies uitvaardig wat voorsiening maak vir sodanige aangeleenthede as wat in hierdie Proklamasie voorgeskryf mag word, en in die algemeen vir die beter uitvoering van die oogmerke en doeleindes van hierdie Proklamasie.

Gevalle waarvoor nie Voorsiening Gemaak is nie

62. In iedere geval waarvoor nie in hierdie Proklamasie of Proklamasie R. 70 van 1972 voorsiening gemaak is nie, moet die bepalings van die toepaslike Wette en regulasies en die gebruike met betrekking tot die hou van verkiesings van lede van die Parlement van die Republiek van Suid-Afrika gevolg word vir sover dit toegepas kan word op of aangepas kan word by die hou van verkiesings van lede van die kwaZulu- Wetgewende Vergadering.

AANHANGSEL**VOORGESKREWE STEMPEL**

Ek, die ondergetekende, verklaar dat ek 'n burger van kwaZulu is en dat ek geregtig is om te stem in die kiesafdeling

.....
Handtekening van kieser

.....
Handtekening van Stem-
opnemer / Distriksbeheer-
beampte

.....
Stemdistrib

Datum.....

No. R. 73, 1972

INSTELLING VAN DEPARTEMENTE.—
KWAZULU- WETGEWENDE VERGADERING

Nademaal die kwaZulu- Wetgewende Vergadering by Proklamasie R. 70 van 1972 ingestel is;

Consequences to the Candidate

59. (1) (a) If upon trial it is proved that any corrupt practice or illegal practice has been committed in reference to the election of a member of the Legislative Assembly by or with the knowledge and consent or approval of any candidate at that election, the election of that candidate shall be void and a casual vacancy shall exist.

(b) Any person found guilty of a corrupt or illegal practice in connection with an election may in addition to any penalty imposed, be declared by the court incapable, for a period not exceeding five years next after the date of the finding, of being elected or sitting as a member of the kwaZulu Legislative Assembly or of being appointed or elected to any public office or judicial office and if he then holds a public or judicial office the court may declare that the office shall be vacated by him from the said date.

(2) Subject to such exceptions as may be allowed under this Proclamation, any person who contravenes or fails to comply with any of the provisions of sections 55 to 58 inclusive shall be guilty of an illegal practice.

Penalties where not Expressly Provided

60. Where no penalties are expressly provided for an offence under this Proclamation or for the contravention of any provision thereof or failure to comply therewith, the offender shall be liable on conviction to a fine not exceeding one hundred rand (R100).

Regulations

61. The Executive Councillor may make regulations providing for such matters as in this Proclamation are permitted to be prescribed and generally for the better carrying out of the objects and purposes of this Proclamation.

Cases for which no Provision is made

62. In every case not provided for in this Proclamation or in Proclamation R. 70 of 1972, resort shall be had to the applicable laws, regulations and practices which have reference to the conduct of elections of members of the Parliament of the Republic of South Africa which shall be followed in so far as they can be applied or adapted to the conduct of elections of members of the kwaZulu Legislative Assembly.

ANNEXURE**PRESCRIBED STAMP**

I, the undersigned, declare that I am a citizen of kwaZulu and entitled to vote in the electoral division of

.....
Signature of Voter

.....
Signature of Polling Officer/
District Control Officer

.....
Polling District

Date

No. R. 73, 1972

ESTABLISHMENT OF DEPARTMENTS.—
KWAZULU LEGISLATIVE ASSEMBLY

Whereas the kwaZulu Legislative Assembly was established by Proclamation R. 70 of 1972;

En nademaal dit nou nodig geag word vir die behoorlike administrasie van die gebied van genoemde kwaZulu- Wetgewende Vergadering dat sekere departemente ingestel word;

So is dit dat ek kragtens die bevoegdheid my verleen by artikel 5 (2) gelees met artikel 24 (1) (a) van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), hierby die departemente wat in bygaande Bylae voorkom, instel ten opsigte van die gebied van die kwaZulu- Wetgewende Vergadering.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hierdie Agt-en-twintigste dag van Maart Eenduisend Negehoonderd Twee-ensewentig.

J. J. FOUCHÉ, Staatspresident.

Op las van die Staatspresident-in-rade:

M. C. BOTHA.

BYLAE

- (i) Departement van Owerheidsake en Finansies.
- (ii) Departement van Onderwys en Kultuur.
- (iii) Departement van Gemeenskapsake.
- (iv) Departement van Werke.
- (v) Departement van Landbou.
- (vi) Departement van Justisie.

(Lêer F56/10/4/2/3)

No. R. 74, 1972

1. REGULASIES VIR STAM- EN GEMEENSKAPS- OWERHEDE IN DIE GEBIED VAN DIE KWAZULU- WETGEWENDE VERGADERING
2. REGULASIES VIR STREEKSOWERHEDE IN DIE GEBIED VAN DIE KWAZULU- WETGEWENDE VERGADERING

Kragtens die bevoegdheid my verleen by artikel 17 van die Wet op Bantoe-owerhede, 1951 (Wet 68 van 1951), gelees met artikel 25 van die Bantoe-administrasie Wet, 1927 (Wet 38 van 1927), en artikel 24 van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971)—

(a) vaardig ek hierby die regulasies vervat in Bylae A hiervan uit ten opsigte van stam- en gemeenskaps-owerhede in die gebied van die kwaZulu- Wetgewende Vergadering;

(b) vaardig ek hierby die regulasies vervat in Bylae B hiervan uit ten opsigte van streeksowerhede in die gebied van die kwaZulu- Wetgewende Vergadering;

(c) herroep ek hierby Hoofstukke II en III van Proklamasie R. 139 van 1970.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hierdie Agt-en-twintigste dag van Maart Eenduisend Negehoonderd Twee-ensewentig.

J. J. FOUCHÉ, Staatspresident.

Op las van die Staatspresident-in-rade:

M. C. BOTHA.

(F56/10/4/2/3)

WOORDOMSKRYWING

Vir die toepassing van die regulasies in die Bylaes van hierdie Proklamasie vervat, tensy uit die samehang anders blyk, het 'n uitdrukking waaraan 'n betekenis in die Wet op Bantoe-owerhede, 1951 (Wet 68 van 1951), en die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), geheg is daardie betekenis en beteken—

(i) "die Wet" die Wet op Bantoe-owerhede, 1951 (Wet 68 van 1951);

And whereas it is now deemed necessary for the proper administration of the area of the said kwaZulu Legislative Assembly that certain departments be established;

Now, therefore, under and by virtue of the powers vested in me by section 5 (2) read with section 24 (1) (a) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), I do hereby establish the departments appearing in the Schedule hereto in respect of the area of the kwaZulu Legislative Assembly.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-eighth day of March, One thousand Nine hundred and Seventy-two.

J. J. FOUCHÉ, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

SCHEDULE

- (i) Department of Authority Affairs and Finance.
- (ii) Department of Education and Culture.
- (iii) Department of Community Affairs.
- (iv) Department of Works.
- (v) Department of Agriculture.
- (vi) Department of Justice.

(File F56/10/4/2/3)

No. R. 74, 1972

1. REGULATIONS FOR TRIBAL AND COMMUNITY AUTHORITIES IN THE AREA OF THE KWAZULU LEGISLATIVE ASSEMBLY
2. REGULATIONS FOR REGIONAL AUTHORITIES IN THE AREA OF THE KWAZULU LEGISLATIVE ASSEMBLY

Under and by virtue of the powers vested in me by section 17 of the Bantu Authorities Act, 1951 (Act 68 of 1951), read with section 25 of the Bantu Administration Act, 1927 (Act 38 of 1927), and section 24 of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971)—

(a) I hereby make the regulations contained in Schedule A hereto in respect of tribal and community authorities in the area of the kwaZulu Legislative Assembly;

(b) I hereby make the regulations contained in Schedule B hereto in respect of regional authorities in the area of the kwaZulu Legislative Assembly;

(c) I hereby repeal Chapters II and III of Proclamation R. 139 of 1970.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-eighth day of March, One thousand Nine hundred and Seventy-two.

J. J. FOUCHÉ, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

(F56/10/4/2/3)

Definitions

For the purposes of the Regulations contained in the Schedules to this Proclamation, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Bantu Authorities Act, 1951 (Act 68 of 1951), and the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), shall bear that meaning and—

(i) "Commissioner-General" means the Commissioner-General of the Zulu National Unit, appointed in terms of the Promotion of Bantu Self-government Act, 1959 (Act 46 of 1959);

(ii) "Direkteur" die administratiewe hoof van die Departement van Owerheidsake en Finansies van die Regering van kwaZulu;

(iii) "Kommissaris-generaal" die Kommissaris-generaal van die Zoeloevolksheid, aangestel ingevolge die Wet op die Bevordering van Bantoe-selfbestuur, 1959 (Wet 46 van 1959);

(iv) "kwaZulu" die gebied waarvoor die kwaZulu-Wetgewende Vergadering ingestel is;

(v) "Magistraat" 'n magistraat aangestel kragtens die Wet op Landdroshowe, 1944 (Wet 32 van 1944), asook 'n Bantoesakekommissaris aangestel kragtens die Bantoe-administrasie Wet, 1927 (Wet 38 van 1927) gelees met artikel 21 en item 12 van Bylae 1 van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971);

(vi) "Republiek" die Republiek van Suid-Afrika;

(vii) "Uitvoerende Raad" die Uitvoerende Raad van die Wetgewende Vergadering;

(viii) "Wetgewende Vergadering" die kwaZulu-Wetgewende Vergadering ingestel by Proklamasie R. 70 van 1972;

BYLAE A

REGULASIES VIR STAM- EN GEMEENSKAPS-OWERHEDE IN DIE GEBIED VAN DIE KWAZULU-WETGEWENDE VERGADERING

INHOUDSOPGAWE

	Regulasies
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DEEL I

ERKENNING, VERKIESING EN AANSTELLING VAN RAADSMANNE

Raadsmanne van Stamowerhede

1. (1) Die raadsmanne van 'n stamowerheid is—

(a) daardie lede van die stam wat die stam ooreenkomstig sy reg en gebruike as raadsmanne erken wat saam met die kaptein die stamregering uitmaak; en

(b) sodanige ander lede van die stam as wat die kaptein van tyd tot tyd in oorleg met die diensdoende raadsmanne as raadsmanne aanstel.

(2) Die totale aantal raadsmanne mag nie te eniger tyd die aantal raadsmanne wat die Uitvoerende Raad ingevolge artikel 3 (1) (a) van die Wet bepaal, te bowe gaan nie.

Raadsmanne van Gemeenskapsowerhede

2. (1) Waar 'n gemeenskapsowerheid ten opsigte van twee of meer stamme ingestel is, is die bepalinge van regulasie 1 (1) (a) *mutatis mutandis* van toepassing ten opsigte van die erkenning van raadsmanne van elkeen van die betrokke stamme en die gemeenskapsowerheid bestaan uit die kaptein van elke stam en al sodanige raadsmanne.

(2) Die voorsitter van so 'n gemeenskapsowerheid kan te eniger tyd met die instemming van dié owerheid een of meer lede van die betrokke stamme as raadsmanne van sodanige owerheid aanstel.

(3) Die totale aantal raadsmanne vermeld in subregulasies (1) en (2), mag nie die aantal raadsmanne deur die Uitvoerende Raad ingevolge artikel 3 (1) (b) van die Wet bepaal, te bowe gaan nie.

Verkiesing van Raadsmanne van Gemeenskapsowerhede

3. Waar 'n gemeenskapsowerheid ten opsigte van 'n gemeenskap, of van twee of meer gemeenskappe gesamentlik, ingestel is, word die raadsmanne verkies deur die volwasse manlike lede van die betrokke gemeenskap of gemeenskappe teenwoordig op 'n vergadering wat vir dié

(ii) "Director" means the administrative head of the Department of Authority Affairs and Finance of the Government of kwaZulu;

(iii) "Executive Council" means the Executive Council of the Legislative Assembly;

(iv) "kwaZulu" means the area for which the kwaZulu Legislative Assembly was established;

(v) "Legislative Assembly" means the kwaZulu Legislative Assembly established by Proclamation R. 70 of 1972;

(vi) "Magistrate" means a magistrate appointed in terms of the Magistrates' Courts Act, 1944 (Act 32 of 1944), as also a Bantu Affairs Commissioner appointed in terms of the Bantu Administration Act, 1927 (Act 38 of 1927), read with section 21 and item 12 of Schedule 1 to the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971);

(vii) "Republic" means the Republic of South Africa;

(viii) "the Act" means the Bantu Authorities Act, 1951 (Act 68 of 1951).

SCHEDULE A

REGULATIONS FOR TRIBAL AND COMMUNITY AUTHORITIES IN THE AREA OF THE KWAZULU LEGISLATIVE ASSEMBLY

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PART I

RECOGNITION, ELECTION AND APPOINTMENT OF COUNCILLORS

Councillors of Tribal Authorities

1. (1) The councillors of a tribal authority shall be—

(a) those members of the tribe whom the tribe in accordance with its laws and customs recognises as councillors who, with the chief, constitute the tribal government; and

(b) such other members of the tribe as the chief may from time to time in consultation with the councillors holding office, appoint as councillors.

(2) The total number of councillors shall at no time exceed the number of councillors determined by the Executive Council in terms of section 3 (1) (a) of the Act.

Councillors of Community Authorities

2. (1) Where a community authority has been established in respect of two or more tribes, the provisions of regulation 1 (1) (a) shall *mutatis mutandis* apply in respect of the recognition of councillors of each of the tribes concerned and the community authority shall consist of the chief of each tribe and all such councillors.

(2) The chairman of such a community authority may at any time with the concurrence of such authority appoint one or more members of the tribes concerned as councillors of such authority.

(3) The total number of councillors referred to in subregulations (1) and (2) shall not exceed the number of councillors determined by the Executive Council in terms of section 3 (1) (b) of the Act.

Election of Councillors of Community Authorities

3. Where a community authority has been established in respect of a community, or of two or more communities jointly, the councillors shall be elected by the adult male members of the community or communities con-

doel byeengeroep word deur die Magistraat wat by sodanige vergadering voorsit. Die verkiesing geskied by wyse van die opsteek van hande of by geheime stemming of op sodanige ander wyse as wat die Magistraat na goeddunke mag bepaal. Die persone wat die Magistraat verkies verklaar, word geag vir doeleindes van die Wet en hierdie regulasies as raadsmanne van die gemeenskapsowerheid aangestel te wees. Die aantal raadsmanne aldus verkies verklaar, mag nie die aantal raadsmanne deur die Uitvoerende Raad ingevolge artikel 3 (1) (b) van die Wet bepaal, te bowe gaan nie.

Verkiesing van Voorsitter van Gemeenskapsowerheid

4. (1) Die lede van 'n gemeenskapsowerheid verkies deur die opsteek van hande een uit hul geledere op 'n vergadering waarop die Magistraat voorsit, tot voorsitter van dié owerheid en sodanige persoon beklee voorwaardelik die amp van voorsitter in afwagting van die Uitvoerende Raad se beslissing betreffende sy aanwysing as voorsitter ingevolge artikel 3 (1) (b) van die Wet.

(2) Die voorsitter aldus aangewys, beklee die amp vir 'n tydperk van vyf jaar en moet sy amp ontruim indien sy setel as raadsman ingevolge regulasie 8 vakant raak of indien hy ophou om die amp van kaptein of raadsman, na gelang van die geval, te beklee.

(3) Indien die amp van voorsitter om enige rede vakant raak, is die bepalinge van subregulasie (1) *mutatis mutandis* van toepassing op die verkiesing en aanwysing van 'n voorsitter vir die onverstreke ampstermyn van sy voorganger.

(4) Indien die voorsitter om enige rede nie in staat is om op 'n vergadering van 'n gemeenskapsowerheid teenwoordig te wees of daarop voor te sit nie of indien daar geen voorsitter is nie, kan die lede wat op die vergadering teenwoordig is een uit hul geledere aanwys om op sodanige vergadering as voorsitter op te tree.

Ampstermyn en Ampsvoorwaardes van Raadsmanne

5. (1) Die ampstermyn van 'n raadsman van 'n gemeenskapsowerheid ingestel ten opsigte van 'n gemeenskap of twee of meer gemeenskappe gesamentlik, is vyf jaar.

(2) By verstryking van sodanige tydperk van vyf jaar word raadsmanne verkies op die wyse voorgeskryf by regulasie 3.

6. Raadsmanne van 'n stamowerheid en van 'n gemeenskapsowerheid ingestel ten opsigte van twee of meer stamme, beklee hul amp ooreenkomstig die reg en gebruike van die betrokke stam of stamme en die voorwaardes en verstryking van hul ampstermyn, die ontruiming van hul amp, die erkenning of aanstelling van plaasvervangers en die onthefing van 'n raadsman van sy amp word, behoudens die bepalinge van artikel 3 (4) van die Wet, ooreenkomstig sodanige reg en gebruike bepaal.

7. Nieteenstaande die bepalinge van regulasies 5 en 6 word 'n lid van 'n stam- of gemeenskapsowerheid wat die Voorsitter, die Ondervoorsitter of lid van die Uitvoerende Raad van die Wetgewende Vergadering is, nie geag van sy setel as raadsman van sodanige stam- of gemeenskapsowerheid afstand te gedoen het sonder die vooraf verkreeë goedkeuring van die Wetgewende Vergadering nie. Sodanige goedkeuring word verkry by wyse van 'n petisie tot die Wetgewende Vergadering gerig.

Ontruiming van Setels deur Raadsmanne van Gemeenskapsowerhede

8. (1) Behoudens die bepalinge van artikel 3 (4) van die Wet, raak die setel van 'n raadsman van 'n gemeenskapsowerheid ingestel ten opsigte van 'n gemeenskap of twee of meer gemeenskappe gesamentlik, vakant indien sodanige raadsman—

- (a) deur 'n bevoegde hof kranksinnig verklaar is;
- (b) te sterwe kom; of
- (c) uit sy amp bedank.

cerned present at a meeting convened for this purpose by the Magistrate who shall preside at such meeting. The election shall be by show of hands or by secret ballot or in such other manner as the Magistrate in his discretion may determine. The persons declared elected by the Magistrate shall be deemed to have been appointed councillors of the community authority for the purpose of the Act and these regulations. The number of councillors so declared elected shall not exceed the number of councillors determined by the Executive Council in terms of section 3 (1) (b) of the Act.

Election of Chairman of Community Authority

4. (1) The members of a community authority shall by a show of hands at a meeting presided over by the Magistrate elect one of their number to be chairman of that authority and such person shall provisionally hold office as chairman pending the Executive Council's decision in regard to his designation as chairman in terms of section 3 (1) (b) of the Act.

(2) The chairman so designated shall hold office for a period of five years and shall vacate his office if his seat as councillor becomes vacant in terms of regulation 8 or if he ceases to hold office as a chief or councillor, as the case may be.

(3) If for any reason the office of chairman becomes vacant, the provisions of subregulation (1) shall *mutatis mutandis* apply to the election and designation of a chairman for the unexpired period of office of his predecessor.

(4) If the chairman is unable for any reason to be present at a meeting of a community authority or to preside at a meeting, or if there is no chairman the members present at the meeting may nominate one of their number to act as chairman at such meeting.

Period and Conditions of Office of Councillors

5. (1) The period of office of a councillor of a community authority established in respect of a community or two or more communities jointly shall be five years.

(2) Upon the expiry of such period of five years councillors shall be elected in the manner prescribed in regulation 3.

6. Councillors of a tribal authority and of a community authority established in respect of two or more tribes, shall hold office according to the laws and customs of the tribe or tribes concerned and the terms and expiry of their period of office, the vacation of their office, the recognition or appointment of alterates and the removal of a councillor from office shall be determined in accordance with such laws and customs subject, to the provisions of section 3 (4) of the Act.

7. Notwithstanding the provisions of regulations 5 and 6, a member of a tribal or community authority who is the Chairman, the Deputy Chairman or a member of the Executive Council of the Legislative Assembly shall not be deemed to have relinquished his seat as councillor or such tribal or community authority without the prior approval of the Legislative Assembly. Such approval shall be sought by way of a petition directed to the Legislative Assembly.

Vacating of Seats by Councillors of Community Authorities

8. (1) Subject to the provisions of section 3 (4) of the Act, the seat of a councillor of a community authority established in respect of a community or two or more communities jointly, shall become vacant if such councillor—

- (a) has been declared by a competent court to be of unsound mind;
- (b) dies; or
- (c) resigns his office.

(2) Indien die setel van 'n raadsman van sodanige gemeenskapsowerheid vakant raak, kan sodanige owerheid 'n persoon in die plek van en vir die onverstreke ampstermyn van sodanige raadsman, aanstel.

DEEL II

PROSEDURE OP VERGADERINGS OF BY ANDER VERRIGTINGS VAN 'N STAM- OF 'N GEMEENSKAPSOWERHEID

Prosedure op Vergaderings of by ander Verrigtings

9. Die prosedure wat op vergaderings of by ander verrigtings van 'n stam- of gemeenskapsowerheid gevolg moet word, moet in ooreenstemming wees met die reg en gebruike van die betrokke stam of gemeenskap: Met dien verstande dat by ontstentenis van enige prosedure om te voldoen aan die omstandighede van enige geval, die vergadering die prosedure wat gevolg moet word, kan voor-skrif.

Aanwesigheid van Kaptein of Voorsitter by Vergaderings en Kworum

10. (1) Die kaptein of voorsitter of die persoon wat in sy plek optree, moet op elke vergadering van die stam- of gemeenskapsowerheid, na gelang van die geval, teenwoordig wees en geen besluit in sy afwesigheid geneem, is geldig nie.

(2) Die kworum van raadsmanne van 'n stamowerheid of 'n gemeenskapsowerheid mag nie minder wees nie as die helfte van die aantal raadsmanne deur die Uitvoerende Raad bepaal ingevolge artikel 3 van die Wet, en geen besluit geneem wanneer minder raadsmanne teenwoordig is, is geldig nie.

Verteenwoordiger van Raadsman

11. Indien die reg en gebruike van die stam dit toelaat, kan 'n raadsman 'n verteenwoordiger aanwys om 'n vergadering van 'n stamowerheid namens hom by te woon, en sodanige verteenwoordiger word, wanneer hy sodanige vergadering aldus bywoon, geag 'n raadsman te wees.

Notuleboek

12. (1) Iedere stam- en gemeenskapsowerheid moet 'n notuleboek hou waarin ten opsigte van elkeen van sy vergaderings opgeteken moet word—

- (a) die datum en plek van die vergadering;
- (b) 'n opsomming van elke besluit op so 'n vergadering geneem; en
- (c) indien 'n raadsman aldus versoek, die feit dat hy nie saamstem met 'n besluit geneem nie.

DEEL III

WERKNEMERS

Aanstelling van Werknemers

13. 'n Stam- of gemeenskapsowerheid kan, behoudens die goedkeuring van sy begroting van uitgawes, sodanige werknemers aanstel as wat hy nodig mag ag, en kan hul diensvoorwaardes voorskryf.

DEEL IV

ALGEMEEN

Kort Titel

14. Die regulasies in hierdie Bylae vervat staan vir die doeleindes van hierdie Proklamasie as die kwaZulu- stam- en gemeenskapsowerhederegulasies bekend.

(2) If the seat of a councillor of such community authority becomes vacant, such authority may appoint a person in the place of, and for the unexpired period of office of, such councillor.

PART II

PROCEDURE AT MEETINGS OR OTHER PROCEEDINGS OF A TRIBAL AUTHORITY OR A COMMUNITY AUTHORITY

Procedure at Meetings or other Proceedings

9. The procedure to be followed at meetings or other proceedings of a tribal authority or community authority shall be in accordance with the laws and customs of the tribe or community concerned: Provided that in the absence of any procedure to meet the circumstances of any case the meeting may determine the procedure to be followed.

Presence of Chief or Chairman at Meetings and Quorum

10. (1) The chief or chairman or the person acting in his stead, shall be present at every meeting of the tribal authority or community authority, as the case may be, and no decision taken in his absence shall be valid.

(2) The quorum of councillors of a tribal authority or a community authority shall be not less than half the number of councillors determined by the Executive Council in terms of section 3 of the Act, and no decision taken when a lesser number of councillors is present, shall be valid.

Representative of Councillor

11. A councillor, if the laws and customs of the tribe so permit, may nominate a representative to attend a meeting of a tribal authority on his behalf and such representative shall, when so attending such meeting, be deemed to be a councillor.

Minute Book

12. (1) Every tribal and community authority shall maintain a minute book in which shall be recorded in respect of each of its meetings—

- (a) the date and place of the meeting;
- (b) a summary of each decision taken at the meeting; and
- (c) if a councillor so requests, the fact that he dissents from a decision taken.

PART III

EMPLOYEES

Appointment of Employees

13. A tribal or community authority may, subject to the approval of its estimates of expenditure, appoint such employees as it may deem necessary and may prescribe the conditions of their employment.

PART IV

GENERAL

Short Title

14. The regulations contained in this schedule shall for the purposes of this Proclamation be known as the kwaZulu Tribal and Community Authorities Regulations.

BYLAE B

REGULASIES VIR STREEKSOWERHEDE IN DIE
GEBIED VAN DIE KWAZULU- WETGEWENDE
VERGADERING

INHOUDSOPGAWE

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DEEL I

LIDMAATSKAP

Lede

1. (1) Die lede van 'n streeksowerheid is—

(a) die kaptein van elke stamowerheid in die gebied ten opsigte waarvan die streeksowerheid ingestel is;

(b) die voorsitter van elke gemeenskapsowerheid in die gebied ten opsigte waarvan die streeksowerheid ingestel is;

(c) hoogstens twee stamverteenwoordigers aangewys deur elke stamowerheid en gemeenskapsowerheid genoem in paragrafe (a) en (b): Met dien verstande dat waar 'n gemeenskapsowerheid ten opsigte van twee of meer stamme ingestel is, sodanige gemeenskapsowerheid in die betrokke streeksowerheid verteenwoordig word deur die kapteins van die samestellende stamme en een raadsman van elke samestellende stam, benewens die voorsitter soos in paragraaf (b) bepaal; en

(d) in die geval van die streeksowerheid waarvan die Hoofkaptein lid is, die gevolmagtigde van die Hoofkaptein.

(2) 'n Stam- of gemeenskapsowerheid kan die aanwysing van 'n stamverteenwoordiger intrek en moet daarna 'n ander stamverteenwoordiger aanwys.

(3) Die Hoofkaptein is geregtig om 'n persoonlike verteenwoordiger aan te stel om hom na enige van of al die vergaderings van die betrokke streeksowerheid te vergesel of om hom daar te verteenwoordig, welke aanstelling die hy te eniger tyd kan intrek, en sodanige persoonlike verteenwoordiger is, behoudens die bepalings van subregulasies (7) en (8), geregtig om al die vergaderings van die streeksowerheid by te woon.

(4) Enige kaptein van 'n stamowerheid of voorsitter van 'n gemeenskapsowerheid kan, in oorleg met die betrokke owerheid, 'n raadsman van sodanige owerheid, wat nie die stamverteenwoordiger is nie, as sy verteenwoordiger aanstel om hom op enige vergadering van die streeksowerheid, wat hy nie kan bywoon nie, te verteenwoordig, welke aanstelling deur sodanige kaptein of voorsitter te eniger tyd ingetrek kan word, en wanneer sodanige verteenwoordiger sodanige kaptein of voorsitter verteenwoordig, geniet hy, behoudens die bepalings van subregulasie (8), al die bevoegdhede en voorregte van 'n lid van die streeksowerheid.

(5) 'n Aanstelling ingevolge subregulasies (3) en (4) moet skriftelik wees onder die hand van die Hoofkaptein, of die betrokke kaptein of voorsitter, wat die sekretaris van die streeksowerheid skriftelik in kennis moet stel van enige sodanige aanstelling of intrekking daarvan.

(6) Geen persoon kom vir sodanige aanstelling in aanmerking nie, tensy hy aan die vereistes vir lidmaatskap van die streeksowerheid soos in regulasie 4 uiteengesit, voldoen.

(7) Die Hoofkaptein of sy persoonlike verteenwoordiger kan deelneem aan al die verrigtings in verband met enige aangeleentheid wat aan die streeksowerheid voorgelê word.

(8) Die persoonlike verteenwoordiger van die Hoofkaptein of die verteenwoordiger van 'n kaptein beklee geen amp op die uitvoerende komitee van die streeksowerheid nie.

SCHEDULE B

REGULATIONS FOR REGIONAL AUTHORITIES
IN THE AREA OF THE KWAZULU LEGISLATIVE
ASSEMBLY

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PART I

MEMBERSHIP

Members.

1. (1) The members of a regional authority shall be—

(a) the chief of each tribal authority within the area in respect of which the regional authority has been established;

(b) the chairman of each community authority within the area in respect of which the regional authority has been established;

(c) not more than two tribal representatives designated by each tribal authority and community authority referred to in paragraphs (a) and (b): Provided that where a community authority has been established in respect of two or more tribes, such community authority shall, in addition to the chairman as provided for in paragraph (b), be represented on the regional authority concerned by the chiefs of the constituent tribes and one councillor from each constituent tribe; and

(d) in the case of the regional authority of which the Paramount Chief is a member, the Paramount Chief's deputy.

(2) A tribal authority or community authority may revoke the designation of a tribal representative and shall thereupon designate some other tribal representative.

(3) The Paramount Chief shall be entitled to appoint a personal representative to accompany him to or represent him at any or all meetings of the regional authority concerned, which appointment he may revoke at any time, and such personal representative shall, subject to the provisions of subregulations (7) and (8), be entitled to attend all meetings of the regional authority.

(4) Any chief of a tribal authority or chairman of a community authority may, in consultation with the authority concerned, appoint as his representative a councillor of the authority, not being a tribal representative, to represent him at any meeting of the regional authority which he cannot attend, which appointment may be revoked at any time by such chief or chairman and, subject to the provisions of subregulation (8), such representative when so representing such chief or chairman shall enjoy all the powers and privileges of a member of the regional authority.

(5) Any appointment under subregulations (3) and (4) shall be in writing under the hand of the Paramount Chief or the chief or chairman concerned, who shall in like manner advise the secretary of the regional authority of any such appointment or revocation thereof.

(6) No person shall be eligible for such appointment unless he qualifies in terms of regulation 4 to be a member of the regional authority.

(7) The Paramount Chief or his personal representative may participate in all the proceedings in connection with any matter brought before the regional authority.

(8) the personal representative of the Paramount Chief or the representative of a chief, shall not hold any office on the executive committee of the regional authority.

(9) Die sekretaris van 'n streeksowerheid moet die Magistraat verwittig van die name van die Hoofkaptein, al die kapteins en voorsitters van gemeenskapsowerhede, stamverteenwoordigers, die persoonlike verteenwoordiger, van die Hoofkaptein die gevolmagtigde van die Hoofkaptein en die verteenwoordigers van kapteins sodra hulle aan hom bekend gemaak is. Die Magistraat moet die Direkteur dienoreenkomstig in kennis stel.

Ampstermyn van Stamverteenwoordigers

2. Behoudens die bepalings van artikel 3 (4) van die Wet, beklee 'n stamverteenwoordiger sy amp totdat sy aanwysing as sodanig ingetrek word deur die betrokke stam- of gemeenskapsowerheid, of totdat hy nie meer die pos van raadsman beklee nie.

Voorsitter

3. (1) Behoudens die bepalings van artikel 3 (1) (b) van die Wet, is die voorsitter van 'n streeksowerheid—

(a) in die geval van die streeksowerheid waarvan die Hoofkaptein lid is, die Hoofkaptein; en

(b) in die geval van 'n ander streeksowerheid as die streeksowerheid in paragraaf (a) genoem—

(i) indien slegs een kaptein lid van die betrokke owerheid is, daardie kaptein; en

(ii) indien meer as een kaptein lid van die betrokke owerheid is, een van daardie kapteins wat deur die lede van daardie owerheid aangewys is.

(2) Die persoon in subregulasie (1), genoem beklee die amp van voorsitter voorwaardelik in afwagting van die Uitvoerende Raad se beslissing betreffende sy aanwysing as voorsitter ingevolge artikel 3 (1) (b) van die Wet.

(3) 'n Voorsitter wat nie die Hoofkaptein is nie, beklee die amp vir 'n tydperk van vyf jaar vanaf die datum waarop hy deur die streeksowerheid as voorsitter aangewys is, en na verstryking van sy ampstermyn as voorsitter kan hy onmiddellik weer as voorsitter aangewys word.

(4) Indien die voorsitter van 'n streeksowerheid sterf of uit sy amp bedank of ophou om die amp van Hoofkaptein of kaptein te beklee of kragtens subregulasie (6), onthef word, word die amp van voorsitter vakant en word dit gevul ooreenkomstig die bepalings van subregulasie (1).

(5) Die Hoofkaptein kan sy persoonlike verteenwoordiger aanstel en 'n kaptein wat 'n voorsitter is, kan met die goedkeuring van die streeksowerheid sy verteenwoordiger aanstel wat 'n lid van die streeksowerheid is, om die pligte van voorsitter namens hom te verrig.

(6) 'n Streeksowerheid kan om gegronde en oortuigende redes die Uitvoerende Raad by petisie versoek om sy voorsitter, indien hy nie die Hoofkaptein is nie, van sy amp te onthef en as die Uitvoerende Raad dit goedvind, kan hy aan sodanige petisie voldoen.

Bevoegdheid van Lede

4. Geen persoon is bevoeg om lid van 'n streeksowerheid te wees nie, tensy hy oor die ouderdom van 21 jaar is en—

(a) die Hoofkaptein is, of 'n kaptein of voorsitter in regulasie (1) vermeld; of

(b) 'n stamverteenwoordiger is ingevolge regulasie (1) aangewys; of

(c) die Hoofkaptein se gevolmagtigde of persoonlike verteenwoordiger is.

(9) The secretary of a regional authority shall notify the Magistrate of the names of the Paramount Chief, all chiefs and chairmen of community authorities, tribal representatives, the personal representative of the Paramount Chief, the deputy of the Paramount Chief and the representatives of chiefs as soon as they have been made known to him. The Magistrate shall notify the Director accordingly.

Period of Office of Tribal Representatives

2. Subject to the provisions of section 3 (4) of the Act, a tribal representative shall hold office until such time as his designation as such is revoked by the tribal authority or community authority concerned or he ceases to hold office as a councillor.

Chairman

3. (1) Subject to the provisions of section 3 (1) (b) of the Act, the chairman of a regional authority shall be—

(a) in the case of the regional authority of which the Paramount Chief is a member, the Paramount Chief; and

(b) in the case of a regional authority other than the regional authority referred to in paragraph (a)—

(i) should only one chief be a member of the authority concerned, such chief; and

(ii) should more than one chief be a member of the authority concerned, one of those chiefs nominated by the members of that authority.

(2) The person referred to in subregulation (1) shall provisionally hold office as chairman pending the Executive Council's decision in regard to his designation as chairman in terms of section 3 (1) (b) of the Act.

(3) A chairman who is not the Paramount Chief shall hold office for a period of five years from the date on which he was nominated as chairman by the regional authority and when his period of office as chairman has expired he shall be eligible for renomination.

(4) If the chairman of a regional authority should die or resign his office or cease to hold office as Paramount Chief or chief, or is removed in terms of subregulation (6), the office of chairman shall become vacant and shall be filled in accordance with the provisions of subregulation (1).

(5) The Paramount Chief may appoint his personal representative and a chief who is a chairman may, with the approval of the regional authority, appoint his representative who is a member of the regional authority, to perform the duties of chairman on his behalf.

(6) A regional authority may for sound and cogent reasons by petition request the Executive Council to remove its chairman, not being the Paramount Chief, and the Executive Council may, if it deems fit, accede to such petition.

Qualification of Members

4. No person shall be qualified to be a member of a regional authority unless he is over the age of 21 years and is—

(a) the Paramount Chief, or a chief or chairman referred to in regulation (1); or

(b) a tribal representative designated in terms of regulation (1); or

(c) the Paramount Chief's deputy or personal representative.

Diskwalifikasie van Lede

5. (1) Geen persoon is bevoeg om lid van 'n streeksowerheid te wees nie—

(a) indien hy in die Republiek of in die gebied Suidwes-Afrika skuldig bevind is—

(i) aan hoogverraad of 'n misdryf wat die veiligheid van die Republiek in gevaar stel; of

(ii) aan enige ander misdryf en daarvoor gevonnissen tot 'n tydperk van gevangenisstraf van meer as twaalf (12) maande sonder die keuse van 'n bote of beveel is om kragtens 'n wetsbepaling betreffende werkkolonies aangehou te word en genoemde tydperk nie verstryk het nie of bedoelde bevel nie finaal opgehou het om van krag te wees nie, minstens drie (3) jaar voor die datum waarop hy anders bevoeg sou raak om ingevolge regulasie 4 lid van 'n streeksowerheid te word;

(b) indien hy onderworpe is aan 'n hofbevel waarby hy kranksinnig of geestelik gekrenk of gebrekkig verklaar is of wettiglik kragtens die "Wet op Geestesgebereken, 1916" (Wet 38 van 1916), as geestelik gekrenkte of gebrekkig aangehou word;

(c) indien hy 'n ongerehabiliteerde insolvente persoon is.

(2) Vir doeleindes van subregulasie (1) (a) word 'n persoon wat ten volle begenadig is, geag nie aan die betrokke misdryf skuldig bevind te gewees het nie, en beteken 'n tydperk van gevangenisstraf die hele termyn van 'n vonnis tot gevangenisstraf, al is die vonnis in die geheel of gedeeltelik opgeskort of kwytgeskeld.

Ontnuiming van Setels

6. Die setel van 'n lid van 'n streeksowerheid word ontneem—

(a) by die afsterwe van sodanige lid;

(b) by die aanvaarding deur die streeksowerheid van 'n kennisgewing onder die handtekening van sodanige lid waarin hy meld dat hy uit sy amp bedank;

(c) as hy ophou om die bevoegdhede vermeld in regulasie 4, te besit, of ingevolge regulasie 5 gediskwalifiseer raak;

(d) indien hy vir 'n tydperk van meer as ses maande buite die gebied van die streeksowerheid gewoon het sonder die vooraf verkreë skriftelike toestemming van die voorsitter van die streeksowerheid.

Vulling van Vakante Setels

7. Wanneer die setel van 'n lid van 'n streeksowerheid vakant word, word dit sou gou doenlik gevul soos in regulasie 1 bepaal.

DEEL II

VERGADERINGS

8. Die vergaderings van 'n streeksowerheid word deur sy voorsitter belê.

9. (1) Vergaderings van 'n streeksowerheid word normaalweg by die setel van die streeksowerheid gehou gedurende die maande Januarie, Maart, Mei, Julie, September en November in elke jaar op die dae en tye wat van tyd tot tyd deur die voorsitter vasgestel word.

(2) Die voorsitter moet 'n kennisgewing van die vasgestelde datum en uur vir 'n vergadering aan elke lid van die streeksowerheid, die Kommissaris-generaal, die Direkteur en die Magistraat stuur en indien sodanige owerheid 'n onderwysaangeleentheid gaan behandel, aan die Direkteur van Onderwys en Kultuur van die kwaZulu Regeringsdiens minstens 14 dae voor enige vergadering. Met dien verstande dat die voorsitter, indien hy dit nodig ag, 'n vergadering kan belê gedurende 'n ander maand as die maand waarin sodanige vergadering normaalweg gehou sou word. Met dien verstande voorts dat die voorsitter

Disqualification of Members

5. (1) No person shall be entitled to be a member of a regional authority—

(a) if he has been convicted in the Republic or in the Territory of South-West Africa—

(i) of treason or any offence endangering the safety of the Republic; or

(ii) of any other offence and sentenced therefor to a term of imprisonment in excess of twelve (12) months without the option of a fine or ordered to be detained under any law relating to work colonies and the said period has not expired or such order has not finally ceased to be operative at least three (3) years before the date on which he otherwise would be eligible for membership of a regional authority in terms of regulation 4;

(b) if he is subject to an order of court declaring him to be of unsound mind or mentally disordered or defective or is lawfully detained as mentally disordered or defective under the Mental Disorders Act, 1916 (Act 38 of 1916);

(c) if he is an unrehabilitated insolvent.

(2) For the purposes of subregulation (1) (a), a person who has been granted a free pardon shall be deemed not to have been convicted of the offence in question, and a term of imprisonment shall mean the full term of a sentence of imprisonment, notwithstanding any suspension or remission of the whole or portion of the sentence.

Vacating of Seats

6. The seat of a member of a regional authority shall become vacant—

(a) upon the death of such member;

(b) upon acceptance by the regional authority of a notice under the hand of such member stating that he resigns his office;

(c) if he ceases to possess the qualifications mentioned in regulation 4 or becomes disqualified in terms of regulation 5;

(d) if he has resided for more than six months outside the area of the regional authority without the prior written permission of the chairman of the regional authority.

Filling of Vacant Seats

7. Whenever the seat of a member of a regional authority becomes vacant it shall be filled as soon as possible as provided in regulation 1.

PART II

MEETINGS

8. The meetings of a regional authority shall be convened by its chairman.

9. (1) Meetings of a regional authority shall normally be held at the seat of the regional authority during the months of January, March, May, July, September and November in each year on such days and times as may from time to time be fixed by the chairman.

(2) The chairman shall send notice of the date and hour appointed for a meeting to each member of the regional authority, the Commissioner-General, the Director, and the Magistrate and if such authority is to deal with any educational matter, to the Director of Education and Culture of the kwaZulu Government Service, at least 14 days prior to any meeting. Provided that the chairman may, if it is considered necessary by him, call a meeting during a month other than the months in which such meeting would normally be held. Provided further that the

kan nalaat om, as daar 'n goeie rede is, 'n gewone vergadering te belê gedurende 'n maand waarin so 'n vergadering onder gewone omstandighede ingevolge hierdie regulasie gehou sou word.

10. (1) Die voorsitter kan, indien hy dit nodig ag, te eniger tyd 'n buitengewone vergadering van die streeksowerheid belê. Op sodanige vergadering mag slegs die sake wat die voorsitter aan die owerheid voorlê of goedkeur, behandel word.

(2) Op elke vergadering van 'n streeksowerheid moet die voorsitter aan die aanwesige lede die onderwerpe meedeel wat bespreek gaan word. Met dien verstande dat 'n lid op 'n gewone vergadering met die goedkeuring van die voorsitter enige saak binne die bestek van die streeksowerheid se werksaamhede vir bespreking kan opper. Nadat elke onderwerp bespreek is, kan die lede van die streeksowerheid hulle mening daaroor indien nodig, by stemming uitspreek.

11. Die voorsitter moet na elke vergadering 'n afskrif van die notule van die verrigtings waarin die besluite wat geneem is, vervat is, in een van die amptelike tale van die Republiek aan die Kommissaris-generaal, die Kontroleur en Ouditeur-generaal, die Direkteur, die Magistraat en, wanneer die streeksowerheid 'n onderwysaangeleentheid behandel het, aan die Direkteur van Onderwys en Kultuur van die kwaZulu Regeringsdiens, stuur.

12. (1) Alle vergaderings moet begin op die vasgestelde tyd of so gou doenlik daarna op die datum bepaal.

(2) Die voorsitterstoel moet op die vasgestelde tyd ingeneem word. Indien daar 'n uur na die vasgestelde tyd nog nie 'n voldoende getal lede teenwoordig is om 'n kworum uit te maak nie, moet die voorsitter die vergadering verdaag tot die datum van die eersvolgende gewone vergadering of tot enige datum voor eersgenoemde datum wat die voorsitter bepaal. 'n Lid wat na sodanige verdaag opdaag, is nie ten opsigte van sodanige verdaagde vergadering geregtig op betaling van enige toelaes wat vir die bywoning van vergaderings van die streeksowerheid voorgeskryf word nie, tensy die Direkteur oortuig is dat die laat aankoms veroorsaak is deur omstandighede buite die lid se beheer.

13. (1) Indien die voorsitter weens afwesigheid of om 'n ander rede nie op 'n vergadering kan voorsit nie, of indien daar geen voorsitter is nie, kan die lede op die betrokke vergadering aanwesig een uit hul geledere kies om op daardie vergadering voor te sit.

(2) 'n Lid wat aldus tot voorsitter gekies is, het vir doeleindes van daardie vergadering al die regte en voorregte van die gewone voorsitter en moet al sy pligte vervul.

14. Die sake van 'n streeksowerheid moet, behoudens die bepalinge van regulasie 25, met oop deure behandel word. Met dien verstande dat die voorsitter na goeddunke kan bepaal dat enige bepaalde saak of al die sake van 'n bepaalde vergadering *in camera* behandel moet word.

15. Enige aantal lede wat meer is as die helfte van die totaal, maak 'n kworum uit.

16. Die sake van 'n vergadering moet begin met die lees en bekragtiging van die notule van die vorige vergadering. Notule wat aldus gelees en bekragtig is, moet bevestig word deur die handtekening van die voorsitter in teenwoordigheid van die lede op die vergadering teenwoordig.

17. Die voorsitter moet die orde handhaaf op alle vergaderings van 'n streeksowerheid, beslissings gee oor alle betwiste punte van orde en het die bevoegdheid om besprekings oor enige onderwerp te sluit wanneer hy van oordeel is dat sodanige optrede nodig is, en om enige vergadering te verdaag of te beëindig.

18. Geen lid mag beledigende of onbetaamlike woorde met betrekking tot 'n lid van die kwaZulu-Wetgewende Vergadering, 'n lid van die streeksowerheid of enige beaampte besig nie. Wanneer die voorsitter van mening is

chairman may for good cause refrain from calling an ordinary meeting during a month in which such meeting would in terms of this regulation normally be held.

10. (1) The chairman may, if it is considered necessary by him, at any time call a special meeting of the regional authority. At any such meeting only such business as the chairman may lay before the authority or approve shall be transacted.

(2) At each meeting of a regional authority the chairman shall inform the members present of the subjects to be discussed: Provided that at any ordinary meeting any member may, with the approval of the chairman, bring forward for discussion any matter within the scope of the functions of a regional authority. After discussion of each subject the members of the regional authority may, if necessary, by voting, record their opinions thereon.

11. The chairman shall after each meeting forward a copy of the minutes of the proceedings containing the decisions arrived at in one of the official languages of the Republic to the Commissioner-General, the Controller and Auditor-General, the Director, the Magistrate and, when the regional authority has dealt with any educational matter, to the Director of Education and Culture of the kwaZulu Government Service.

12. (1) All meetings shall commence at the appointed time or as soon thereafter as possible on the date fixed.

(2) The chair shall be taken at the appointed time. If after an hour after the appointed time there is not a sufficient number of members present to form a quorum, the chairman shall declare the meeting adjourned until the date of the next ordinary meeting or until any date prior to the first-mentioned date fixed by the chairman. Any member arriving after such adjournment shall not in respect of such adjourned meeting be entitled to payment of any allowances which may be prescribed for attendance at meetings of the regional authority, unless the Director is satisfied that the late arrival was occasioned by circumstances beyond the member's control.

13. (1) If the chairman is unable, through absence or other cause, to preside at any meeting or if there is no chairman, the members present at the meeting concerned may elect one of their number to preside at that meeting.

(2) A member so elected chairman to preside at a meeting shall for the purposes of that meeting have all the rights and privileges, and shall perform all the duties, of the regular chairman.

14. The business of a regional authority shall, subject to the provisions of regulation 25, be conducted with open doors: Provided that the chairman may in his discretion direct that any particular matter or the entire business of a particular meeting be transacted *in camera*.

15. Any number of members more than half the total shall form a quorum.

16. The business of a meeting shall commence by the reading and confirmation of the minutes of the previous meeting. Minutes so read and confirmed shall be attested by the chairman's signature in the presence of the members present at the meeting.

17. The chairman shall maintain order at any meeting of a regional authority, decide upon all disputed points of order and have the power to close the discussion on any subject when he considers such a course necessary and to adjourn or terminate any meeting.

18. No member shall use offensive or unbecoming words in reference to any member of the kwaZulu Legislative Assembly, any member of the regional authority or any officer. When the chairman is of the opinion that any

dat enige sodanige woorde gebedig is, het hy die bevoegdheid om na goeddunke die lid te versoek om die woorde terug te trek en vir die besiging daarvan verskoning te vra, en, as die lid weier om sodanige woorde terug te trek en verskoning te vra of as die beledigende en onbetaamlike woorde deur dieselfde lid in die loop van dieselfde vergadering herhaal word, het die voorsitter die bevoegdheid om hom van verdere diens in die streeksowerheid of in enige van sy komitees vir die res van dieselfde vergadering of 'n deel daarvan, al na hy behoorlik ag, te skors. As 'n lid wat aldus ooreenkomstig hierdie regulasie geskors is, weier om sodanige woorde terug te trek en om die vergadering te verlaat, moet die voorsitter gelas dat hy verwyder word en kan enige polisie-man of persoon in die diens van die streeksowerheid, versoek om sy verwydering te bewerkstellig.

19. Die volgorde van sake na die bekragtiging van die notule berus by die voorsitter.

20. As 'n spreker 'n vraag voor die streeksowerheid bespreek, moet hy hom staande tot die voorsitter rig, tensy die voorsitter anders gelas.

21. 'n Mosie of amendement deur 'n lid voorgestel, verval, tensy dit deur 'n ander lid gesekondeer word, en verdere bespreking oor die inhoud daarvan word gestaak.

22. 'n Mosie of amendement wat voorgestel en gesekondeer is, mag nie sonder die toestemming van die streeksowerheid teruggetrek word nie.

23. Wanneer 'n mosie of amendement tot stemming gebring word, moet dit deur die voorsitter of sekretaris van die streeksowerheid hardop uitgelees word.

24. In die geval van 'n staking van stemme, het die voorsitter 'n beslissende sowel as 'n gewone stem.

25. (1) Ondanks die bepalings van regulasie 14, kan die Kommissaris-generaal, enige beamppte van die Departemente van Bantoe-administrasie en -ontwikkeling of enige beamppte van die Regering van kwaZulu enige vergadering van 'n streeksowerheid bywoon en die voorsitter moet die persoon wat aldus die vergadering bywoon, so dikwels as wat sodanige persoon dit nodig ag, die geleentheid bied om die streeksowerheid toe te spreek en 'n verduideliking te gee oor enige saak wat deur die streeksowerheid bespreek of behandel word.

(2) Enige ander persoon as 'n persoon in subregulasie (1) vermeld, wie se teenwoordigheid op enige vergadering deur die voorsitter om goeie en voldoende redes onwenslik geag word, kan deur die voorsitter gelas word om sodanige vergadering onverwyld te verlaat en enige sodanige persoon wat nalaat of weier om sodanige vergadering te verlaat, begaan 'n misdryf en kan by skuldigbevinding gevonnissen word tot 'n boete van hoogstens vyftig rand (R50) of tot gevangenisstraf van hoogstens drie (3) maande.

(3) Tydens 'n vergadering van 'n streeksowerheid moet lede die vergadering met deorum binnekom of verlaat.

26. (1) Die streeksowerheid moet 'n notuleboek hou waarin die volgende ten opsigte van elke vergadering van die streeksowerheid en van die owerheid se uitvoerende komitee opgeteken moet word:

- (a) Die datum en plek van die vergadering;
- (b) die name van die aanwesige lede;
- (c) 'n opsomming van die verrigtings en besprekings op elke vergadering, wat elke mosie of amendement en die besluit daaroor geneem ten volle bevat, insluitende die naam van die lid wat die mosie of amendement daarvan voorstel en die lid wat die mosie of amendement sekondeer;
- (d) indien 'n lid dit versoek, die feit dat sodanige lid nie akkoord gaan met 'n besluit wat geneem is nie.

(2) Die rekords wat ingevolge hierdie regulasies gehou moet word, moet in Zoeloe en in Afrikaans of Engels gehou word.

such words have been used he shall have the power at his discretion to call upon the member to withdraw the words and to apologise for their use, and, in case such member refuses to withdraw such words and apologise or in case the offensive and unbecoming words are repeated by the same member during the course of the same meeting, the chairman shall have the power to suspend him from further service on the regional authority or on any of its committees during the remainder of the same meeting or such part thereof as he may consider proper. If any member refuses to withdraw such words and absent himself upon suspension under the terms of this regulation the chairman shall order his removal and may call upon any policeman or person in the employ of the regional authority to effect his removal.

19. The order of business subsequent to the confirmation of the minutes shall be in the chairman's discretion.

20. In discussing any question before the regional authority the speaker shall, unless the chairman otherwise directs, stand when addressing the chair.

21. A motion or amendment moved by a member shall, unless seconded by another member, lapse, and further debate on its subject shall be discontinued.

22. A motion or amendment made and seconded shall not be withdrawn except by leave of the regional authority.

23. A motion or amendment, on being put to the vote, shall be read aloud by the chairman or the secretary of the regional authority.

24. In the case of an equality of votes the chairman shall have a casting vote as well as a deliberative vote.

25. (1) Notwithstanding the provisions of regulation 14, the Commissioner-General, any officer of the Department of Bantu Administration and Development, and any officer of the Government of kwaZulu may attend any meeting of the regional authority and the chairman shall afford the person so attending as often as such person may deem it necessary, the opportunity of addressing the regional authority and furnishing any explanations in regard to any matter being discussed or dealt with by the regional authority.

(2) Any person other than a person mentioned in sub-regulation (1) whose presence at any meeting the chairman for good and sufficient reasons deems to be undesirable, may be ordered by the chairman to leave such meeting immediately, and such person who neglects or refuses to leave such meeting shall be guilty of an offence and may upon conviction be sentenced to a fine not exceeding fifty rand (R50) or to imprisonment for a period not exceeding three (3) months.

(3) During a meeting of a regional authority members shall enter or leave such meeting with decorum.

26. (1) The regional authority shall maintain a minute book in which shall be recorded in respect of each meeting of the regional authority and of the authority's executive committee—

- (a) the date and place of the meeting;
- (b) the names of the members present;
- (c) a summary of the proceedings and discussions at each meeting, which shall contain in full every motion or amendment and the decision taken thereon, including the name of the member moving the motion or an amendment thereto and the member who seconded the motion or amendment;
- (d) if a member so requests, the fact that such member dissents from the decision taken.

(2) The records required to be maintained in terms of these regulations shall be maintained in Zulu and in English or in Afrikaans.

DEEL III

ADMINISTRASIE

Uitvoerende Komitee

27. (1) 'n Streeksowerheid kan vier (4) van sy lede aanstel om, saam met sy voorsitter, sy uitvoerende komitee uit te maak, wat verantwoordelik is, in die tussenpose tussen vergaderings van die betrokke owerheid, vir die bestuur of afhandeling van sodanige sake binne die bestek van sodanige owerheid se werksaamhede as wat hy van tyd tot tyd aan sodanige komitee toevertrou. Met dien verstande dat die voorsitter—

(a) wanneer die omstandighede na sy mening sodanig is dat onverwylde optrede nodig is, enige ander sake van die streeksowerheid na die uitvoerende komitee vir die nodige optrede kan verwys; en

(b) enige stappe deur die uitvoerende komitee gedoen, aan die streeksowerheid op sy eersvolgende vergadering moet rapporteer.

(2) Enige vakature in 'n uitvoerende komitee moet deur die betrokke streeksowerheid uit sy lede aangevul word op die vergadering wat na die ontstaan van sodanige vakature volg.

28. (1) Die voorsitter van 'n streeksowerheid is die hoof-uitvoerende beampte van sodanige owerheid en staan bekend as die streeks- uitvoerende beampte.

(2) Die streeks- uitvoerende beampte moet op alle vergaderings van die uitvoerende komitee voorsit. Met dien verstande dat indien die streeks- uitvoerende beampte in gebreke bly om 'n vergadering van die komitee by te woon of indien daar geen streeks- uitvoerende beampte is nie die lede op die betrokke vergadering aanwesig een uit hul geledere kan aanwys om op daardie vergadering voor te sit.

(3) Vergaderings van 'n uitvoerende komitee moet deur die streeks- uitvoerende beampte belê word met kennisgewing van nie minder as sewe dae nie. Met dien verstande dat, waar die omstandighede dringend is, 'n vergadering met korter kennisgewing belê kan word.

(4) 'n Kworum bestaan uit drie lede van 'n uitvoerende komitee.

29. Enige persoon genoem in regulasie 25 (1) kan enige vergadering van 'n uitvoerende komitee bywoon om, indien hy dit verlang of aldus deur die streeks- uitvoerende beampte versoek word, die komitee te adviseer oor sake wat bespreek word.

30. (1) 'n Uitvoerende komitee vergader gewoonlik gedurende die maande Februarie, April, Junie, Augustus, Oktober en Desember. Met dien verstande dat die streeks-uitvoerende beampte indien hy dit nodig ag, 'n vergadering kan belê in 'n ander maand as die maand waarin sodanige vergadering ingevolge hierdie regulasie gewoonlik gehou sou word. Met dien verstande voorts dat die streeks- uitvoerende beampte, indien hy dit nodig ag kan nalaat om 'n vergadering te belê in 'n maand waarin 'n vergadering gewoonlik gehou sou word.

(2) Kwessies wat op 'n vergadering van 'n uitvoerende komitee ontstaan, word by meerderheid van stemme van die aanwesige lede beslis en, in die geval van 'n staking van stemme, het die persoon wat op daardie vergadering as voorsitter optree, 'n beslissende stem sowel as 'n gewone stem.

31. 'n Uitvoerende komitee kan van tyd tot tyd subkomitees aanstel uit die lede van die streeksowerheid vir enige doel wat hy nodig ag, en aan sodanige subkomitees, of aan enige een van sy lede, die toesig oor enige bepaalde werk of die verrigting van enige bepaalde plig wat deur die streeksowerheid aan die uitvoerende komitee opgedra is,

PART III

ADMINISTRATION

Executive Committee

27. (1) A regional authority may appoint four (4) of its members to form with its chairman, its executive committee, which shall be responsible, in the intervals between meetings of the authority concerned, for the conduct or disposal of such business falling within the scope of the functions of that authority as it may from time to time entrust to such committee: Provided that the chairman—

(a) may where the circumstances are in his view such as to render prompt action necessary, refer any other business of the regional authority to the executive committee for the necessary action; and

(b) shall report any action taken by the executive committee to the regional authority at its next meeting.

(2) Any vacancy on an executive committee shall be filled by the regional authority concerned from among its members at the meeting following the occurrence of such vacancy.

28. (1) The chairman of a regional authority shall be the chief executive officer of such authority and shall be known as the regional executive officer.

(2) The regional executive officer shall preside at all meetings of the executive committee: Provided that, should the regional executive officer fail to attend a meeting of the committee, or if there should be no regional executive officer, the members present at the meeting concerned may nominate one of their number to preside at that meeting.

(3) Meetings of an executive committee shall be convened by the regional executive officer on not less than seven days' notice: Provided that in cases of urgency a meeting may be convened at shorter notice.

(4) Three members of an executive committee shall form a quorum.

29. Any person referred to in regulation 25 (1) may attend any meeting of an executive committee to advise on matters being discussed, if he so desires, or if so requested by the regional executive officer.

30. (1) An executive committee shall normally meet during the months of February, April, June, August, October and December: Provided that the regional executive officer may if it is considered necessary by him, call a meeting during a month other than the month in which such meeting would in terms of this regulation normally be held: Provided further that the regional executive officer may if it is considered necessary by him, refrain from calling a meeting during a month in which a meeting would normally be held.

(2) Questions arising at a meeting of an executive committee shall be determined by a majority of votes of the members present and, in the event of an equality of votes, the person presiding at that meeting shall have a casting vote in addition to a deliberative vote.

31. An executive committee may from time to time appoint subcommittees from among the members of the regional authority for any purpose which it may deem necessary and may delegate to such subcommittees, or to any one of its members, the superintendence of any particular work or the discharge of any particular duty entrusted to the executive committee by the regional

deleeger: Met dien verstande dat enige sodanige subkomitee of enige sodanige lid enige stappe wat gedoen is aan die betrokke uitvoerende komitee op sy eersvolgende vergadering moet rapporteer.

32. Ondanks ander bepalings van hierdie regulasies waarby vereis word dat magtiging van die streeksowerheid tot enige optrede verkry moet word, kan die streeks-uitvoerende beampte waar die omstandighede na sy mening sodanig is dat onverwylde optrede nodig is, enige saak behandel wat deur die uitvoerende komitee behandel moet word sonder om eers die saak na daardie komitee te verwys: Met dien verstande dat hy enige stappe aldus deur hom gedoen aan die uitvoerende komitee op sy eersvolgende vergadering moet gerapporteer.

33. Die Regering van kwaZulu moet aan 'n streeksowerheid die dienste beskikbaar stel van 'n geskikte beampte van die Regeringsdiens van kwaZulu om die pligte van sekretaris van die streeksowerheid te verrig.

34. 'n Streeksowerheid word geag 'n "plaaslike bestuur" te wees vir die toepassing van die Wet op die Voorkoming van Korruptsie, 1958 (Wet 6 van 1958).

DEEL IV

FINANSIËLE AANGELEENTHEDE

35. 'n Streeksowerheid moet in oorleg met die Direkteur of 'n persoon deur hom benoem, jaarliks die bedrag bepaal wat vir die volgende boekjaar nodig is om uitgawes te dek in verband met die verrigting van funksies en pligte van die verskillende departemente van die Regering van kwaZulu in die gebied van die streeksowerheid. Sodanige begroting moet by die Direkteur ingedien word vir insluiting in die jaarlikse begroting van uitgawes van die Regering van kwaZulu.

DEEL V

ALGEMEEN

36. Vir doeleindes van hierdie Proklamasie staan die regulasies in hierdie Bylae vervat, as die kwaZulu-streeksowerheidregulasies bekend.

No. R. 75, 1972

KWAZULU- WETGEWENDE VERGADERING EN STREEKSOWERHEDE BINNE DIE GEBIED VAN DIE KWAZULU- WETGEWENDE VERGADERING.—SALARISSE EN TOELAES VAN LEDE

Kragtens die bevoegdheid my verleen by artikels 2 en 24 van die Grondwet van die Bantoeuistande, 1971 (Wet 21 van 1971), maak ek hierby die regulasies in Deel I van die Bylae hiervan vervat ten opsigte van salarisse en toelaes betaalbaar aan lede van die kwaZulu- Wetgewende Vergadering.

Kragtens die bevoegdheid my verleen by artikel 17 van die Wet op Bantoe-owerhede, 1951 (Wet 68 van 1951), maak ek hierby die regulasies in Deel II van die Bylae hiervan vervat ten opsigte van salarisse en toelaes betaalbaar aan lede van streeksowerhede binne die gebied van die kwaZulu- Wetgewende Vergadering.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hierdie Agt-en-twintigste dag van Maart Eenduisend Negehoenderd Twee-en-sewentig.

J. J. FOUCHÉ, Staatspresident.

Op las van die Staatspresident-in-rade:

M. C. BOTHA.

(F56/10/4/2/3)

authority: Provided that any such subcommittee or any such member shall report any action taken to the executive committee concerned at its next ensuing meeting.

32. Notwithstanding any other provisions of these regulations which require the authority of the regional authority to be obtained for any act, the regional executive officer may, where the circumstances are in his view such as to render prompt action necessary, deal with any matter which falls to be dealt with by the executive committee without prior reference to that committee: Provided that he shall report any action so taken by him to the executive committee at its next ensuing meeting.

33. The Government of kwaZulu shall make available to a regional authority the services of a suitable officer of the Government Service of kwaZulu to perform the duties of secretary of the regional authority.

34. A regional authority shall be deemed to be a "local authority" for the purposes of the Prevention of Corruption Act, 1958 (Act 6 of 1958).

PART IV

FINANCIAL MATTERS

35. A regional authority shall in consultation with the Director or his nominee determine annually the amount required for the ensuing financial year to cover expenditure in connection with the performance of functions and duties of the various departments of the Government of kwaZulu within the area of the regional authority. Such estimates shall be submitted to the Director for inclusion in the annual estimates of expenditure of the Government of kwaZulu.

PART V

GENERAL

36. For the purposes of this Proclamation the regulations contained in this Schedule shall be known as the kwaZulu Regional Authority Regulations.

No. R. 75, 1972

KWAZULU LEGISLATIVE ASSEMBLY AND REGIONAL AUTHORITIES WITHIN THE AREA OF THE KWAZULU LEGISLATIVE ASSEMBLY.—SALARIES AND ALLOWANCES OF MEMBERS

Under and by virtue of the powers vested in me by sections 2 and 24 of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), I hereby make the regulations contained in Part I of the Schedule hereto in respect of salaries and allowances payable to members of the kwaZulu Legislative Assembly.

Under and by virtue of the powers vested in me by section 17 of the Bantu Authorities Act, 1951 (Act 68 of 1951), I hereby make the regulations contained in Part II of the Schedule hereto in respect of salaries and allowances payable to members of regional authorities in the area of the kwaZulu Legislative Assembly.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-eighth day of March, One thousand Nine hundred and Seventy-two.

J. J. FOUCHÉ, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

(F56/10/4/2/3)

BYLAE

DEEL I

KWAZULU- WETGEWENDE VERGADERING

Salarisse van Hoof-Uitvoerenderaadslid, Uitvoerenderaadslide, Voorsitter en Ondervoorsitter

1. (1) Die salaris betaalbaar aan 'n lid van die Wetgewende Vergadering wat die amp van Hoof-Uitvoerenderaadslid, Uitvoerenderaadslid, Voorsitter of Ondervoorsitter beklee, is soos volg:

- (a) Hoof-Uitvoerenderaadslid: R4 500 per jaar.
- (b) Uitvoerenderaadslid: R4 000 per jaar.
- (c) Voorsitter: R600 per jaar.
- (d) Ondervoorsitter: R300 per jaar.

(2) Die sessie- en kilometertoelae wat by regulasies 2 en 3 bepaal is, is nie betaalbaar aan die Hoof-Uitvoerenderaadslid of 'n Uitvoerenderaadslid wat, vanaf die datum van sy verkiesing, wanneer hy op amptelike diens reis, voorsien word van vervoer op koste van die Regering.

(3) Aan 'n kaptein wat tot Hoof-Uitvoerenderaadslid of Uitvoerenderaadslid verkies word, word vanaf die datum van sodanige verkiesing, die salaris bepaal by subregulasie (1) (a) of (b), na gelang van die geval, betaal, en betaling van sy jaarlikse toelae as kaptein word gestaak.

(4) 'n Kaptein wat tot Hoof-Uitvoerenderaadslid of Uitvoerenderaadslid verkies word, kan 'n gevolmagtigde benoem om hom behulpzaam te wees met die verrigting van ampspligte verbonde aan sy kapteinskap, en aan sodanige gevolmagtigde word gedurende sy ampstermyn deur die Regering 'n toelae van hoogstens R600 per jaar betaal wat deur die Minister van Bantoe-administrasie en -ontwikkeling in oorleg met die Uitvoerende Raad bepaal word.

(5) Die sessietoelae by regulasie 2 voorgeskryf, is nie betaalbaar aan die Voorsitter en Ondervoorsitter vanaf die datum van hul verkiesing tot hul amp nie.

Sessietoelae

2. (1) Die sessietoelae betaalbaar aan lede van die Wetgewende Vergadering en die Hoofkaptein vir werklike bywoning van sittings van die Wetgewende Vergadering is—

(a) ten opsigte van die Hoofkaptein en 'n kaptein, onderskeidelik R10 en R8 per dag of gedeelte daarvan; en

(b) ten opsigte van enige ander lid, R6 per dag of gedeelte daarvan.

(2) Die toelae by subregulasie (1) voorgeskryf, is betaalbaar aan lede van die Wetgewende Vergadering vir bywoning van vergaderings van 'n gekose komitee of ander komitee van die Wetgewende Vergadering wat gehou word wanneer die Wetgewende Vergadering nie in sitting is nie.

Kilometertoelae

3. Wanneer 'n lid van die Wetgewende Vergadering, sessies van die Wetgewende Vergadering of van 'n gekose komitee of ander komitee, wat gehou word wanneer die Wetgewende Vergadering nie in sitting is nie, bywoon of wanneer hy op amptelike diens reis soos gemagtig deur die Wetgewende Vergadering of die Uitvoerende Raad of, waar die omstandighede dringend is, deur die Hoof-Uitvoerenderaadslid, word aan hom die volgende toelae betaal:

(a) ses sent vir elke kilometer (of gedeelte daarvan) noodsaaklikerwys afgeleë met die kortste beskikbare roete van die lid se woonplek af tot by die naaste spoorwegstasie of spoorwegmotorbushalte en terug; en

SCHEDULE

PART I

KWAZULU LEGISLATIVE ASSEMBLY

Salaries of Chief Executive Councillor, Executive Councillors, Chairman and Deputy Chairman

1. (1) The salary payable to a member of the Legislative Assembly who occupies the office of Chief Executive Councillor, Executive Councillor, Chairman or Deputy Chairman shall be as follows:

- (a) Chief Executive Councillor: R4 500 per annum.
- (b) Executive Councillor: R4 000 per annum.
- (c) Chairman: R600 per annum.
- (d) Deputy Chairman: R300 per annum.

(2) The sessional and kilometre allowances prescribed by regulations 2 and 3 shall not be payable to the Chief Executive Councillor or an Executive Councillor who, as from the date of his election, shall when proceeding on official duty be provided with transport at the expense of the Government.

(3) A chief elected Chief Executive Councillor or Executive Councillor shall, as from the date of such election, be paid the salary prescribed by subregulation (1) (a) or (b), as the case may be, and payment of his annual allowance as a chief shall cease.

(4) A chief who is elected Chief Executive Councillor or Executive Councillor may nominate a deputy to assist him in the performance of his official duties attaching to his chieftainship, and such deputy shall during the period of his office be paid by the Government an allowance, not exceeding R600 per annum, to be determined by the Minister of Bantu Administration and Development in consultation with the Executive Council.

(5) The sessional allowances prescribed by regulation 2 shall not be payable to the Chairman and Deputy Chairman from the date of their election as such.

Sessional Allowances

2. (1) The sessional allowances payable to members of the Legislative Assembly and the Paramount Chief for actual attendance at sittings of the Legislative Assembly shall be—

(a) in respect of the Paramount Chief and a chief, R10 and R8 per day, or part thereof, respectively; and

(b) in respect of any other member, R6 per day or part thereof.

(2) The allowances prescribed by subregulation (1) shall be payable to members of the Legislative Assembly for attendance at meetings of a select committee or other committee of the Legislative Assembly, held when the Legislative Assembly is not in session.

Kilometre Allowance

3. A member of the Legislative Assembly, when attending sessions of the Legislative Assembly or of a select committee or other committee, held when the Legislative Assembly is not in session or when proceeding on official duty as authorised by the Legislative Assembly or Executive Council or, where circumstances are urgent, by the Chief Executive Councillor, shall be paid—

(a) six cents for each kilometre (or portion thereof) necessarily travelled by the shortest available route from the member's place of residence to the nearest railhead or railway motor bus stop and back;

(b) die noodsaaklike uitgawes aan spoorweg- of spoorwegmotorbusreisgeld aangegaan:

Met dien verstande dat waar 'n geskikte spoorweg- of spoorwegmotorbusdiens nie beskikbaar is nie, die lid betaal kan word teen die tarief van ses sent vir elke kilometer (of gedeelte daarvan) van die gesamentlike reis met die kortste beskikbare roete van die lid se woonplek af na sy bestemming en terug na genoemde woonplek: Met dien verstande voorts dat die betaling van die kilometertoelae geskied alleen ten opsigte van een retoerreis gedurende enige een week waarin die Wetgewende Vergadering, 'n gekose komitee of ander komitee in sitting is.

Ander Toelae

4. Wanneer 'n lid op amptelike diens reis soos gemagtig deur die Wetgewende Vergadering of Uitvoerende Raad of, waar die omstandighede dringend is deur die Hoof-Uitvoerenderaadslid, word aan hom 'n toelae betaal van R3 per dag van 24 uur vir die tydperk waarin die lid noodsaaklikerwys van huis op sodanige diens afwesig is: Met dien verstande dat vir elke volle uur van afwesigheid langer as 24 uur of 'n veelvoud van 24 uur aan 'n lid 1/24ste van die daelike tarief betaal kan word: Met dien verstande voorts dat vir afwesigheid van minder as 24 uur redelike geringe persoonlike uitgawes van hoogstens R2 betaal kan word: Met dien verstande voorts dat wanneer 'n lid wat die Hoof-Uitvoerenderaadslid is of 'n Uitvoerenderaadslid is, op amptelike diens reis sodanige toelae aan hom betaal word as wat die Minister van Bantoe-administrasie en -ontwikkeling bepaal.

5. As die Direkteur in spesiale omstandighede daarvan oortuig is dat die tariewe in regulasies 3 en 4 voorgeskryf, onvoldoende is om die redelike uitgawes van 'n lid van die Wetgewende Vergadering op enige van die dienste genoem in genoemde regulasies 3 en 4 te dek, kan hy magtiging verleen tot sodanige bykomende betaling as wat hy goedgevind.

DEEL II

STREEKSOWERHEDE

Toelae vir Bywoning van Vergaderings van Streeksowerheid of Uitvoerende Komitee

6. 'n Lid van 'n streeksowerheid word 'n toelae van R2 per dag (of gedeelte daarvan) betaal ten opsigte van werklike bywoning van vergaderings van die streeksowerheid of sy uitvoerende komitee: Met dien verstande dat in die geval van 'n lid wat die Hoofkaptein of Kaptein is, die toelae onderskeidelik R6 en R4 is.

Kilometertoelae

7. Wanneer 'n lid van 'n streeksowerheid vergaderings van sodanige streeksowerheid of van die uitvoerende komitee bywoon of wanneer hy op ander diens van die streeksowerheid reis soos gemagtig deur die streeksowerheid of die uitvoerende komitee of, waar omstandighede dringend is deur die streeks- uitvoerende beampte, word aan hom die volgende toelae betaal:

(a) Ses sent vir elke kilometer (of gedeelte daarvan) noodsaaklikerwys afgelê met die kortste beskikbare roete van die lid se woonplek af tot by die naaste spoorwegstasie of spoorwegmotorbushalte en terug; en

(b) die noodsaklike uitgawes aan spoorweg- of spoorwegmotorbusreisgeld aangegaan:

Met dien verstande dat waar 'n geskikte spoorweg- of spoorwegmotorbusdiens nie beskikbaar is nie, die lid betaal kan word teen die tarief van ses sent vir elke kilometer (of gedeelte daarvan) van die gesamentlike reis met die kortste beskikbare roete van die lid se woonplek af na sy bestemming en terug na genoemde woonplek.

(b) the necessary expenditure incurred on railway or railway motor bus fares:

Provided that where a suitable railway or railway motor bus service is not available, the member may be paid at the rate of six cents for each kilometre (or portion thereof) for the combined journey by the shortest available route from the member's place of residence to his destination and back to the said place of residence: Provided further that payment of the kilometre allowances shall be made in respect of one return journey only in any one week during which the Legislative Assembly, select committee or other committee is in session.

Other Allowances

4. A member shall be paid, when proceeding on official duty as authorised by the Legislative Assembly or Executive Council or where circumstances are urgent by the Chief Executive Councillor, an allowance of R3 a day of 24 hours for the period during which the member is necessarily absent from his home on such duty: Provided that for each complete hour of absence in excess of 24 hours or multiple of 24 hours a member may be paid 1/24th of the daily rate: Provided further that for an absence of less than 24 hours reasonable out-of-pocket expenses not exceeding R2 may be paid: Provided further that a member who is the Chief Executive Councillor or an Executive Councillor shall, when travelling on official duty, be paid such allowances as the Minister of Bantu Administration and Development may determine.

5. If in special circumstances the Director is satisfied that the tariffs prescribed in regulations 3 and 4 are insufficient to meet the reasonable expenses of a member of the Legislative Assembly on any of the services mentioned in the said regulations 3 and 4 he may authorise such additional payment as he may deem fit.

PART II

REGIONAL AUTHORITIES

Allowance for Attendance at Meetings of Regional Authority or Executive Committee

6. A member of a regional authority shall be paid an allowance of R2 per day (or portion thereof) for actual attendance at meetings of the regional authority or its executive committee: Provided that in the case of a member who is the Paramount Chief or a chief, the allowance shall be R6 and R4 respectively.

Kilometre Allowance

7. A member of a regional authority shall be paid when attending meetings of such regional authority or of the executive committee or when proceeding on regional authority duty as authorised by the regional authority or the executive committee or when circumstances are urgent by the regional executive officer—

(a) six cents for each kilometre (or portion thereof) necessarily travelled by the shortest available route from the member's place of residence to the nearest railhead or railway motor bus stop and back; and

(b) the necessary expenditure incurred on railway or railway motor bus fares:

Provided that where a suitable railway or railway motor bus service is not available, the member may be paid at the rate of six cents for each kilometre (or portion thereof) for the combined journey by the shortest available route from the member's place of residence to his destination and back to the said place of residence.

Ander Toelaes

8. Wanneer 'n lid op ander diens van die streeksowerheid reis, soos gemagtig deur die streeksowerheid of die uitvoerende komitee of, waar die omstandighede dringend is deur die streeks- uitvoerende beampte word R2 per dag van 24 uur aan hom betaal vir die tydperk waarin die lid noodsaaklikerwys van huis op sodanige diens afwesig is: Met dien verstande dat vir elke volle uur van afwesigheid langer as 24 uur of 'n veelvoud van 24 uur aan 'n lid 1/24ste van die voorgeskrewe daelike tarief betaal kan word: Met dien verstande voorts dat vir afwesigheid van minder as 24 uur redelike geringe persoonlike uitgawes van hoogstens R2 betaal kan word.

9. As die Direkteur in spesiale omstandighede daarvan oortuig is dat die tariewe in regulasies 7 en 8 voorgeskryf, onvoldoende is om die redelike uitgawes van 'n lid van 'n streeksowerheid op enige van die dienste genoem in genoemde regulasies 7 en 8 te dek, kan hy magtiging verleen tot sodanige bykomende betaling as wat hy goedvind.

DEEL III

WOORDOMSKRYWING

10. In hierdie Proklamasie, tensy uit die samehang anders blyk, het 'n uitdrukking waaraan 'n betekenis geheg is in die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), die betekenis aldus daaraan geheg en beteken—

(i) "Direkteur" die administratiewe hoof van die Departement van Owerheidsake en Finansies van die Regering van kwaZulu; en

(ii) "Regering" die Regering van die gebied waarvoor die kwaZulu- Wetgewende Vergadering ingestel is.

No. R. 76, 1972

KWAZULU-REGERING.—VEREISTES VIR DIE ONTTREKING VAN GELDE UIT DIE INKOMSTEFONDS

Kragtens die bevoegdheid my verleen by artikel 8 van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), verklaar ek hierby dat, met ingang van 1 April 1972—

(a) totdat 'n bewilling volgens wet gemaak is soos in artikel 8 van bedoelde Wet bepaal en vir 'n tydperk van hoogstens drie maande na die aanvang van 'n boekjaar, gelde onttrek kan word uit die Inkomstefonds vir die gebied van die kwaZulu- Wetgewende Vergadering ten einde uitgawes aan dienste ten opsigte waarvan 'n bewilling in die onmiddellik voorafgaande boekjaar gemaak is, of ten opsigte waarvan 'n ander statutêre magtiging bestaan, te dek;

(b) geen uitreiking uit bedoelde Inkomstefonds gemaak word nie behalwe ooreenkomstig 'n volmag deur die Hoof-Uitvoerendraadslid van die gebied van die kwaZulu- Wetgewende Vergadering onderteken;

(c) bedoelde Hoof-Uitvoerendraadslid met die goedkeuring van die Uitvoerende Raad vir bedoelde gebied by spesiale volmag deur hom onderteken die uitreiking van gelde uit bedoelde Inkomstefonds kan magtig—

(i) om onvoorsiene uitgawes van 'n besondere aard te dek waarvoor daar nie in 'n Begrotingswet voorsiening gemaak is nie en wat nie sonder ernstige nadeel vir die publieke belang uitgestel kan word totdat toereikende voorsiening deur bedoelde Wetgewende Vergadering daarvoor gemaak kan word nie; of

Other Allowances

8. A member shall be paid, when proceeding on other regional authority duty as authorised by the regional authority or the executive committee or when circumstances are urgent by the regional executive officer, R2 a day of 24 hours for the period during which the member was necessarily absent from his home on such duty: Provided that for each complete hour of absence in excess of 24 hours or a multiple of 24 hours, a member may be paid 1/24th of the prescribed daily rate: Provided further that for an absence of less than 24 hours reasonable out-of-pocket expenses not exceeding an amount of R2 may be paid.

9. If in special circumstances the Director is satisfied that the tariffs prescribed in regulations 7 and 8 are insufficient to meet the reasonable expenses of a member of a regional authority on any of the services mentioned in the said regulations 7 and 8, he may authorise such additional payment as he may deem fit.

PART III

DEFINITIONS

10. In this Proclamation, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), bears the meaning so assigned thereto, and—

(i) "Director" means the administrative head of the Department of Authority Affairs and Finance of the Government of kwaZulu; and

(ii) "Government" means the Government of the area for which the kwaZulu Legislative Assembly was established.

No. R. 76, 1972

KWAZULU GOVERNMENT.—REQUIREMENTS FOR THE WITHDRAWAL OF MONEYS FROM THE REVENUE FUND

Under and by virtue of the powers vested in me by section 8 of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), I hereby declare that, with effect from 1 April 1972—

(a) until an appropriation has been made as provided in section 8 of the said Act and for a period not exceeding three months after the beginning of a financial year, moneys may be withdrawn from the Revenue Fund for the area of the kwaZulu Legislative Assembly, in order to meet expenditure on services in respect of which there has been an appropriation in the immediately preceding financial year or for which there is other statutory authority;

(b) no issue shall be made out of the said Revenue Fund except in pursuance of a warrant signed by the Chief Executive Councillor for the area of the kwaZulu Legislative Assembly; and

(c) the said Chief Executive Councillor may with the approval of the Executive Council for the said area by special warrant under his hand authorise the issue of moneys for the said Revenue Fund—

(i) to defray unforeseen expenditure of a special character which is not provided for in an Appropriation Act and which cannot without serious injury to the public interest be postponed until adequate provision can be made therefor by the said Legislative Assembly; or

(ii) om 'n oorskryding onder enige uitgawehoof in 'n Begrotingswet te dek:

Met dien verstande dat die totale bedrag wat die Hoof-Uitvoerenderaadslid kan magtig op geen tydstip 'n bedrag gelykstaande met een persent van die totale bedrag in 'n Begrotingswet bewillig, te bowe mag gaan nie, en dat bedoelde bedrag aan die Wetgewende Vergadering vir bewilliging tydens sy eersvolgende sitting voorgelê moet word.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hierdie Agt-en-twintigste dag van Maart Eenduisend Negehoonderd Twee-en-sewentig.

J. J. FOUCHÉ, Staatspresident.

Op las van die Staatspresident-in-rade:

M. C. BOTHA.

(J76/81/2061)

No. R. 77, 1972

FINANSIËLE REGULASIES VIR DIE REGERING VAN DIE GEBIED WAARVOOR DIE KWAZULU-WETGEWENDE VERGADERING INGESTEL IS

Kragtens die bevoegdheid my verleen by artikel 24 (1) van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971)—

(a) vaardig ek hierby met ingang van 1 April 1972 die regulasies vervat in die Bylae hiervan uit met betrekking tot die finansiële administrasie van die sake van die Regering van die gebied waarvoor die kwaZulu-Wetgewende Vergadering ingestel is; en

(b) verklaar ek hierby dat met ingang van bedoelde datum die finansiële regulasies afgekondig by Proklamasie R. 141 van 1970 herroep word vir sover hulle betrekking het op die Zoeloegedebiedsowerheid.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hierdie Agt-en-twintigste dag van Maart Eenduisend Negehoonderd Twee-en-sewentig.

J. J. FOUCHÉ, Staatspresident.

Op las van die Staatspresident-in-rade:

M. C. BOTHA.

(J76/81/2061)

BYLAE

FINANSIËLE REGULASIES VIR DIE REGERING VAN DIE GEBIED WAARVOOR DIE KWAZULU-WETGEWENDE VERGADERING INGESTEL IS

Woordskrywing

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

“bank” ’n bank wat op die betrokke tydstip ’n gemagtigde bank van die kwaZuluregering is;

“boekjaar” die tydperk vanaf 1 April in enige jaar tot 31 Maart van die daaropvolgende jaar;

“departement” ’n departement ingestel kragtens artikel 5 (2) van die Wet;

“die Wet” die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971);

“Direkteur” die administratiewe hoof van ’n departement;

“Inkomstefonds” die Inkomstefonds, bedoel in artikel 6 (1) van die Wet, vir die kwaZulugebied;

“kwaZulugebied” die gebied waarvoor die kwaZulu-Wetgewende Vergadering ingestel is;

“kwaZuluregering” die Regering van die kwaZulugebied;

(ii) to meet an excess on any head of expenditure in an Appropriation Act:

Provided that the total sum which the Chief Executive Councillor may authorise shall not at any time exceed an amount equal to one per cent of the total amount provided in an Appropriation Act, and that the said sum shall be submitted to the Legislative Assembly for appropriation at its next ensuing session.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-eighth day of March, One thousand Nine hundred and Seventy-two.

J. J. FOUCHÉ, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

(J76/81/2061)

No. R. 77, 1972

FINANCIAL REGULATIONS FOR THE GOVERNMENT OF THE AREA FOR WHICH THE KWAZULU LEGISLATIVE ASSEMBLY HAS BEEN ESTABLISHED

Under and by virtue of the powers vested in me by section 24 (1) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), I hereby, with effect from 1 April 1972—

(a) make the regulations contained in the Schedule hereto, in respect of the financial administration of the affairs of the Government of the area for which the kwaZulu Legislative Assembly has been established; and

(b) declare that the financial regulations, published under Proclamation R. 141 of 1970, are repealed in so far as they relate to the Zulu Territorial Authority.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-eighth day of March, One thousand Nine hundred and Seventy-two.

J. J. FOUCHÉ, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

(J76/81/2061)

SCHEDULE

FINANCIAL REGULATIONS FOR THE GOVERNMENT OF THE AREA FOR WHICH THE KWAZULU LEGISLATIVE ASSEMBLY HAS BEEN ESTABLISHED

Definitions

1. In these regulations, unless inconsistent with the context—

“accounting officer” means a person nominated by the Treasury and lawfully charged with the duty of accounting for any service provided for in an Appropriation Act, or any person to whom issues are made from the Exchequer Account;

“bank” means any bank which is for the time being an authorised bank of the kwaZulu Government;

“department” means a department established under section 5 (2) of the Act;

“Director” means the administrative head of a department;

“Exchequer Account” means the Exchequer Account of the kwaZulu Government as prescribed in regulation 3 (1);

“Executive Council” means the Executive Council of the kwaZulu area constituted in terms of section 5 of the Act;

“financial year” means the period from 1 April in any year to 31 March of the next ensuing year;

"rekenpligtige beampte" 'n persoon deur die Tesourie benoem en wetlik belas met die verantwoordings van 'n diens waarvoor daar in 'n Begrotingswet voorsiening gemaak word, of enige persoon aan wie uitbetalings uit die Skatkisrekening gedoen word;

"Skatkisrekening" die Skatkisrekening van die kwaZulu-regering voorgeskryf in regulasie 3 (1);

"Tesourie"—

(a) behoudens die bepalinge van paragraaf (b), die Sekretaris van Bantoe-administrasie en -ontwikkeling en ook enige adjunk- en ondersekretaris of administratiewe beheerbeampte of enige beampte van gelyke of hoër rang as dié van administratiewe beheerbeampte in die Departement van Bantoe-administrasie en -ontwikkeling, wat deur bedoelde Sekretaris aangewys is of, ten opsigte van daardie aangeleenthede wat deur bedoelde Sekretaris bepaal word, die Direkteur van Owerheidsake en Finansies of die Eerste Rekenmeester in die Departement van Owerheidsake en Finansies;

(b) vanaf 'n datum deur die Minister van Bantoe-administrasie en -ontwikkeling in oorleg met die Uitvoerende Raad bepaal, die kantoor of afdeling van die Departement van Owerheidsake en Finansies wat belas is met die koördinering van die finansiële administrasie en die handhawing van finansiële reëlmatigheid en orde in die sake van die kwaZuluregering;

"Uitvoerende Raad" die Uitvoerende Raad van die kwaZulugebied, kragtens artikel 5 van die Wet saamgestel.

Toepassing van Regulasies en Instruksies Uitgereik Kragtens Artikel 61 van Wet 23 van 1956

2. (1) Die Finansiële Regulasies en Tesourie-instruksies uitgereik kragtens artikel 61 van die Skatkis- en Ouditwet, 1956 (Wet 23 van 1956) is *mutatis mutandis* van toepassing op die administrasie van en beheer oor die Inkomstefonds vir sover dit toegepas kan word en nie met die Wet en hierdie regulasies onbestaanbaar is nie.

(2) By die toepassing van bedoelde Regulasies en Instruksies—

(a) word 'n verwysing na die Parlement geag 'n verwysing te wees na die kwaZulu-Wetgewende Vergadering;

(b) word 'n verwysing na 'n Minister geag 'n verwysing te wees na die betrokke lid van die Uitvoerende Raad;

(c) word 'n verwysing na die Sekretaris van 'n departement of 'n ander persoon of liggaam geag 'n verwysing te wees na die persoon of liggaam wat soortgelyke bevoegdhede, gesag en werksaamhede in die kwaZulugebied uitoefen;

(d) word 'n verwysing na artikel 19, 30 en 36 van die Skatkis- en Ouditwet, 1956 (Wet 23 van 1956), geag 'n verwysing te wees na onderskeidelik regulasies 3, 4 en 8 hiervan;

(e) word 'n verwysing na artikel 24 van die Skatkis- en Ouditwet, 1956 (Wet 23 van 1956), geag 'n verwysing te wees na paragraaf (c) van Proklamasie R. 76 van 1972.

Skatkisrekening

3. (1) Daar word by die bank 'n rekening gehou genoem die "Skatkisrekening van die kwaZuluregering" waarin sowel alle inkomste wat aan die Inkomstefonds toeval, as alle ander inkomste uit watter bron ook al, wat daarop betrekking het, gestort moet word, en waaruit all betalings aan rekenpligtige beamptes getrek moet word.

(2) Ten einde die openbare saldo's te bespaar, moet die Tesourie die bedrae wat van tyd tot tyd uitbetaal of oorgeplaas word in die krediet van die rekenings van rekenpligtige beamptes tot die totale bedrae beperk wat

"kwaZulu area" means the area for which the kwaZulu Legislative Assembly has been established;

"kwaZulu Government" means the Government of the kwaZulu area;

"Revenue Fund" means the Revenue Fund referred to in section 6 (1) of the Act, for the kwaZulu area;

"the Act" means the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971);

"Treasury" means—

(a) subject to the provisions of paragraph (b), the Secretary for Bantu Administration and Development and includes any deputy and under-secretary or administrative control officer or any officer of a rank equivalent to or higher than the rank of administrative control officer in the Department of Bantu Administration and Development designated by the said Secretary, or, in respect of such matters as determined by the said Secretary, the Director of Authority Affairs and Finance or the Principal Accountant in the Department of Authority Affairs and Finance;

(b) as from a date determined by the Minister of Bantu Administration and Development in consultation with the Executive Council, the office or division of the Department of Authority Affairs and Finance charged with the co-ordination of the financial administration and the maintenance of financial regularity and order in the affairs of the kwaZulu Government;

Application of Regulations and Instructions Issued under Section 61 of Act 23 of 1956

2. (1) The Financial Regulations and Treasury Instructions issued under section 61 of the Exchequer and Audit Act, 1956 (Act 23 of 1956), shall apply *mutatis mutandis* to the administration and control of the Revenue Fund in so far as they can be applied and are not inconsistent with the Act and these regulations.

(2) In the application of the said Regulations and Instructions—

(a) any reference to Parliament shall be deemed to be a reference to the kwaZulu Legislative Assembly;

(b) any reference to a Minister shall be deemed to be a reference to the relative member of the Executive Council;

(c) any reference to the Secretary of a department or any other person or body shall be deemed to be a reference to the person or body exercising similar powers, authority and functions in the kwaZulu area;

(d) any reference to sections 19, 30 and 36 of the Exchequer and Audit Act, 1956 (Act 23 of 1956), shall be deemed to be a reference to regulations 3, 4 and 8 hereof, respectively;

(e) any reference to section 24 of the Exchequer and Audit Act, 1956 (Act 23 of 1956), shall be deemed to be a reference to paragraph (c) of Proclamation R. 76 of 1972.

Exchequer Account

3. (1) There shall be kept with the bank an account entitled the "Exchequer Account of the kwaZulu Government" into which shall be paid all revenue accruing to the Revenue Fund and also all other receipts appertaining thereto from whatever source arising, and from which all issues to accounting officers shall be withdrawn.

(2) With a view to economising the public balances the Treasury shall restrict the sums to be issued or transferred from time to time to the credit of the accounts of accounting officers to such total sums as the Treasury may consider

die Tesourie nodig ag vir die betaling van die lopende uitgawes aan die openbare dienste waarvoor die rekenpligtige beamptes verantwoordelik is.

(3) Elke rekenpligtige beampte moet die bedrae wat aldus op sy rekening oorgeplaas word, as deel van sy algemene treksaldo beskou en al sodanige bedrae moet in die boeke van die rekenpligtige beampte in die kredit gehou word van die dienste waarvoor dit uitbetaal mag word soos in subregulasie (2) bepaal: Met dien verstande dat 'n rekenpligtige beampte nie betaling mag doen van uitgawes wat nie kragtens die Wet of 'n Begrotingswet of 'n ander wetsbepaling ingevolge waarvan die ten laste van die Inkomstefonds kom, gemagtig word nie.

(4) (a) Ondanks andersluidende wetsbepalings, word die bewilliging by 'n Begrotingswet van gelde vir enige diens of die magtiging verleen by 'n spesiale volmag kragtens paragraaf (c) van Proklamasie R. 76 van 1972 vir die uitkering van gelde vir enige doel, uitgelê as sou dit bloot die maksimum bedrag wat vir die betrokke diens of doel aangewend mag word, spesifiseer, en het die Tesourie die bevoegdheid om die betalings uit gelde wat aldus bewillig is of gemagtig is om uitgekeer te word, te beperk tot die bedrae wat die Tesourie nodig ag vir die betaling van die lopende uitgawes ten opsigte van sodanige diens of doel of om die betalings uit gelde wat aldus bewillig is of gemagtig is om uitgekeer te word, terug te hou of op te skort indien, na die mening van die Tesourie, die finansiële toestand sodanige terughouding of opskorting wenslik maak.

(b) Indien, uit hoofde van die bepalinge van paragraaf (a), bedrae vir 'n diens betaal word wat gesamentlik minder is as die bedrag wat vir sodanige diens by 'n Begrotingswet bewillig is, word die som van die bedrae aldus betaal, behoudens die bepalinge van paragraaf (c), vir alle doeleindes geag die bedrag te wees wat by sodanige Wet bewillig is.

(c) Waar die som van die bedrae aldus vir 'n diens betaal minder is as die bedrag aldus vir sodanige diens bewillig, word die verskil tussen sodanige som en sodanige bedrag vir die toepassing van die betrokke Begrotingswet as 'n besparing ten opsigte van sodanige diens beskou en kan daar ooreenkomstig daardie Wet daarmee handel word.

Rekening van die Betaalmeester-generaal

4. By die bank word 'n rekening genoem die "Rekening van die Betaalmeester-generaal" gehou en alle bedrae wat uit die Skatkisrekening ooreenkomstig regulasie 3 (1) uitbetaal word, word gekrediteer—

(a) deur die bank op die Rekening van die Betaalmeester-generaal; en

(b) deur die Tesourie in sy registers van bedoelde Rekening op die rekenings van die verskillende rekenpligtige beamptes wat vir die betrokke begrotingsposte of dienste verantwoordelik is.

Bewilliging vir die Dienste van 'n Boekjaar

5. Geen Begrotingswet word so uitgelê as sou dit magtiging verleen vir die besteding van die gelde wat daarby bewillig word, in 'n ander boekjaar as dié waarop dit uitdruklik betrekking het nie, en gelde aldus bewillig wat aan die einde van die boekjaar onbestee is, moet in die Skatkisrekening teruggestort word.

Rekeningstelsel

6. 'n Stelsel van rekeningboeke en rekenings wat by die vereistes van elke diens aanpas sodat al die ontvangstes en betalings ten opsigte van elke begrotingspos of diens in gerieflike vorm aangedui word, word onder toesig van die Tesourie na oorlegpleging met die Kontrolleur en Ouditeur-generaal, ontwerp, en die Tesourie kan van tyd tot tyd deur middel van diensbrief of voorskrif die wyse voorskryf waarop elke departement sy rekenings moet hou.

necessary for the payment of current expenditure on the public services for which the accounting officers are responsible.

(3) Each accounting officer shall consider the sums so transferred to his account as constituting part of his general drawing balance and all such sums shall be carried in the books of the accounting officer to the credit of the services for which the same may be issued as determined in subregulation (2): Provided that an accounting officer shall not make payment of expenditure which is not authorised under the Act or by an Appropriation Act or by any other law whereby services are charged on the Revenue Fund.

(4) (a) Notwithstanding anything to the contrary in any law contained, the appropriation by an Appropriation Act of moneys for any service or the authorisation by special warrant granted under paragraph (c) of Proclamation R. 76 of 1972 of the issue of moneys for any purpose shall be construed merely as specifying the maximum amount that may be devoted to the service or purpose in question, and the Treasury shall have the power to limit the issues out of moneys so appropriated or authorised to be issued to the sums which the Treasury considers are required for the payment of current expenditure in respect of such service or purpose or to withhold or suspend the issues out of moneys so appropriated or authorised to be issued if, in the opinion of the Treasury, the financial situation renders such withholding or suspension desirable.

(b) If, by virtue of the provisions of paragraph (a), amounts are issued for any service which together amount to less than the amount appropriated for such service by an Appropriation Act, the sum of the amounts so issued shall, subject to the provisions of paragraph (c), for all purposes be regarded as the amount appropriated by such Act.

(c) Where the sum of the amounts so issued for any service is less than the amount so appropriated for such service, the difference between such sum and such amount shall for the purpose of the relevant Appropriation Act be regarded as a saving in respect of such service and may be dealt with in accordance with such Act.

Paymaster-General's Account

4. There shall be kept with the bank an account entitled the "Paymaster-General's Account" and all amounts issued from the Exchequer Account in accordance with regulation 3 (1) shall be credited—

(a) by the bank to the Paymaster-General's Account; and

(b) by the Treasury in its records of the said Account to the accounts of the several accounting officers responsible for the votes or services affected.

Appropriation for the Services of a Financial Year

5. No Appropriation Act shall be construed as authorising moneys appropriated thereby to be expended in any financial year other than the financial year to which it is expressed to relate, and any moneys so appropriated which may be unexpended at the close of any financial year shall be surrendered to the Exchequer Account.

Plan of Accounts

6. A plan of account books and accounts adapted to the requirements of each service, in order to exhibit, in a convenient form, the whole of the receipts and payments in respect of each vote or service shall be designed under the superintendence of the Treasury, after consultation with the Controller and Auditor-General, and the Treasury may, from time to time by minute or instruction, prescribe the manner in which each department shall keep its accounts.

Opstel van Finansiërekenings

7. (1) So gou doenlik nadat die rekenings ten opsigte van 'n boekjaar afgesluit is, maar in elk geval binne vier maande na die afsluiting van die boekjaar, moet die Tesourie state opstel van die Skatkisrekening, die Inkomsterekening en alle ander fondse waaroor die Tesourie beheer het.

(2) Sodra die state wat in subregulasie (1) voorgeskryf word, opgestel is, word hulle aan die Kontroleur en Ouditeur-generaal gestuur.

Opstel van Appropriasierekenings

8. So gou moontlik, maar in elke geval binne drie maande na die afsluiting van 'n boekjaar, moet rekenings van die appropriasie van al die dienste wat in die Begrotingswet van daardie boekjaar vervat is, deur die rekenpligtige beampptes opgestel en aan die Kontroleur en Ouditeur-generaal deurgestuurd word om nagesien te word. Afskrifte van sodanige rekenings word aan die Tesourie gestuur.

Vorm van Appropriasierekenings

9. 'n Appropriasierekening moet aan die ontvangstekant daarvan elke bedrag aantoon wat deur die Wetgewende Vergadering bewillig is vir die diens van die boekjaar waarop die rekening betrekking het en aan die uitgewekant daarvan elke bedrag wat gedurende dieselfde tydperk werklik betaal is. Geen voorskot van die aanwending waarvan 'n rekening nie gestuur is aan en toegelaat is deur die rekenpligtige departement nie, word aan die uitgewekant van die Appropriasierekening ingesluit nie.

State moet saam met Appropriasierekening gaan

10. Elke appropriasierekening wat aan die Kontroleur en Ouditeur-generaal gestuur word gaan vergesel van—

(a) 'n verduidelikende staat van enige verskil vergelyke met die tokenning wat in bedoelde rekening ingesluit is; en

(b) 'n verduideliking wat aantoon hoe die saldo van die tokenning wat in die vorige jaar ingesluit is, verrek is,

en elke sodanige verduideliking of staat sowel as die appropriasierekening word deur die rekenpligtige beamppte onderteken.

Afwyking van hierdie Regulasies

11. 'n Afwyking van hierdie regulasies word toegelaat slegs indien die Tesourie vooraf magtiging daartoe verleen het na oorlegpleging met die Kontroleur en Ouditeur-generaal.

Preparation of Finance Accounts

7. (1) As soon as possible after the accounts have been closed in respect of any financial year, but in every case within four months of the close of a financial year, the Treasury shall prepare statements of the Exchequer Account, the Revenue Account and all other funds of which the Treasury may have charge.

(2) The statements prescribed in subregulation (1), shall, as soon as they have been prepared, be transmitted to the Controller and Auditor-General.

Preparation of Appropriation Accounts

8. As soon as possible, but in every case within three months of the close of any financial year, accounts of the appropriation of all the services comprised in the Appropriation Act for that financial year, shall be prepared by the accounting officers and shall be transmitted for examination to the Controller and Auditor-General. Copies of such accounts shall be sent to the Treasury.

Form of Appropriation Accounts

9. An appropriation account shall exhibit on the charge side thereof every sum appropriated by the Legislative Assembly for the service of the financial year to which the account relates and on the discharge side thereof every sum which may have actually come in course of payment within the same period. No advance, of the application of which an account may not have been rendered to, and allowed by, the accounting department, shall be included on the discharge side of the appropriation account.

Statements to Accompany Appropriation Accounts

10. Every appropriation account when rendered to the Controller and Auditor-General shall be accompanied by—

(a) an explanatory statement of any variation as compared with the grant included in such account; and

(b) an explanation showing how the balance of the grant included in the previous account has been adjusted;

and every such explanation or statement as well as the appropriation account shall be signed by the accounting officer.

Departures from these Regulations

11. A departure from these regulations will be permitted only with the prior approval of the Treasury given after consultation with the Controller and Auditor-General.

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