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No. 9572

PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 7, 1985

AMENDMENT OF THE QWAQWA CONSTITUTION PROCLAMATION, 1974 (PROCLAMATION R. 203 OF 1974).

Under the powers vested in me by section 2 (3) of the National States Constitution Act, 1971 (Act 21 of 1971), I hereby amend Proclamation R. 203 of 1974 as set out in the Schedule hereto.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Fourteenth day of January, One thousand Nine hundred and Eighty-five.

P. W. BOTHA, State President.

By Order of the State President-in-Cabinet:

G. VAN N. VILJOEN.

SCHEDULE

1. The following section is hereby substituted for section 3 of the Qwaqwa Constitution Proclamation, 1974 (hereinafter referred to as the Proclamation):

"3. (1) The Legislative Assembly shall be known as the Qwaqwa Legislative Assembly and shall consist of eighty members—

(a) forty-six of whom shall, on a date or dates or during a period fixed by the State President by proclamation in the *Gazette*, be designated by—

(i) the Batlhokwa Council of Chiefs, which shall designate the Paramount Chief of the Batlhokwa Tribe and four members of the Council of Chiefs;

(ii) the Mopeli Council of Chiefs, which shall designate the Paramount Chief of the Mopeli Tribe and four members of the Council of Chiefs;

(iii) the following tribal councils, which shall designate the chief of the tribe concerned and two councillors of every tribal council:

(a) Batlhokwa—Rietpan;

(b) Batlhokwa—Phomolong;

(c) Batlhokwa—Thibella;

(d) Mopeli—Namahadi;

(e) Mopeli—Bolata;

PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 7, 1985

WYSIGING VAN DIE QWAQWA-GRONDWETPROKLAMASIE, 1974 (PROKLAMASIE R. 203 VAN 1974)

Kragtens die bevoegdheid my verleen by artikel 2 (3) van die Grondwet van die Nasionale State, 1971 (Wet 21 van 1971), wysig en hierby Proklamasie R. 203 van 1974 soos in die Bylae hiervan uiteengesit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Veertiende dag van Januarie Eenduisend Negehoenderd Vyf-en-tagtig.

P. W. BOTHA, Staatspresident.

Op las van die Staatspresident-in-Kabinet:

G. VAN N. VILJOEN.

BYLAE

1. Artikel 3 van die Qwaqwa-grondwetproklamasie, 1974 (hieronder die Proklamasie genoem), word hierby deur die volgende artikel vervang:

"3. (1) Die Wetgewende Vergadering staan bekend as die Qwaqwa- Wetgewende Vergadering en bestaan uit tagtig lede van wie—

(a) ses-en-veertig op 'n datum of datums of gedurende 'n tydperk deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal, aangewys word deur—

(i) die Batlhokwa-kapteinsraad, wat die Hoc kaptein van die Batlhokwa-stam en vier lede van die Kapteinsraad aanwys;

(ii) die Mopeli-kapteinsraad, wat die Hoofkaptein van die Mopeli-stam en vier lede van die Kapteinsraad aanwys;

(iii) die volgende stamrade, wat die kaptein van die betrokke stam en twee raadsmanne van elke stamraad aanwys:

(a) Batlhokwa—Rietpan;

(b) Batlhokwa—Phomolong;

(c) Batlhokwa—Thibella;

(d) Mopeli—Namahadi;

(e) Mopeli—Bolata;

- (f) Mopeli—Monontsha;
- (g) Mopeli—Qwaqwa;
- (h) Mopeli—Matsieng;
- (i) Mopeli—Thaba Bosiu; and
- (j) Mopeli—Thabatshoeu,
- (iv) the Cabinet, which shall designate six; and
- (b) thirty-four of whom shall be elected in the manner provided in section 4.

(2) Immediately upon the designation of the members of the Legislative Assembly in terms of subsection 1 (a) the Cabinet, each council of chiefs and each tribal council shall notify the Secretary of the Legislative Assembly in writing of the names of the members so designated."

2. Section 4 of the Proclamation is hereby amended by the substitution, for subsection (1), of the following subsection:

"(1) Subject to the provisions of sections 3 (1) (b) and 5, the number of members to be elected to the Legislative Assembly for each electoral division by the citizens of Qwaqwa who are entitled to vote shall be as indicated in Column 2 of Schedule A."

3. The following section is hereby inserted in the Proclamation after section 4:

"Electoral Divisions"

4A. (1) The electoral divisions referred to in section 4 (1) shall consist of the areas indicated in Column 3 of Schedule A.

(2) The Minister, having consulted with the Cabinet, shall, prior to the date laid down under section 8 (1) (a) of the Qwaqwa Election Proclamation, 1974 (Proclamation R. 204 of 1974) determine by notice in the *Official Gazette* the electoral divisions in which votes shall, in any election of members for the Legislative Assembly, be cast by citizens outside Qwaqwa who are entitled to vote, including those who, notwithstanding a legitimate claim to vote in any of the following electoral divisions, namely:

Namahadi;
Bolata;
Monontsha;
Sephokong; and
Phofung,

prefer not to vote in such electoral division".

4. The following section is hereby substituted for section 5 of the Proclamation:

"5. (1) Subject to the provisions of section 4 (2), every person of the age of 18 years or over who—

(a) is a citizen of Qwaqwa under section 3 of the National States Citizenship Act, 1970 (Act 26 of 1970);

(b) is not subject to the disqualifications mentioned in section 6 (1) (c), (d), (e), (f) and (g); and

(c) is 'n possession of a reference book issued in terms of the Blacks (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act 67 of 1952), indicating that he is a citizen and entitled to vote;

shall be qualified to vote.

(2) Every such person shall at any election of members for the Legislative Assembly have as many votes as there are vacancies to be filled in the electoral division in which he is entitled to vote, but shall record not more than one vote for any one candidate."

5. Section 6 (1) of the Proclamation is hereby amended by the substitution of a semicolon for the full stop after paragraph (f) and by the insertion of the following paragraph:

- (f) Mopeli—Monontsha;
- (g) Mopeli—Qwaqwa;
- (h) Mopeli—Matsieng;
- (i) Mopeli—Thaba Bosiu; en
- (j) Mopeli—Thabatshoeu,
- (iv) die Kabinet, wat ses aanwys; en

(b) vier-en-dertig verkies wat op die wyse bepaal by artikel 4.

(2) Onmiddellik na die aanwysing van die lede van die Wetgewende Vergadering ingevolge subartikel (1) (a), stel die Kabinet, elke kapteinsraad en elke stamraad die Sekretaris van die Wetgewende Vergadering skriftelik in kennis van die name van die lede aldus aangewys."

2. Artikel 4 van die Proklamasie word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Behoudens die bepalinge van artikels 3 (1) (b) en 5, word die aantal lede vir elke kiesafdeling wat tot die Wetgewende Vergadering verkies word deur die stemgeregtigde burgers van Qwaqwa aangedui in kolom 2 van Skedule A."

3. Die volgende artikel word hierby in die Proklamasie na artikel 4 ingevoeg:

"Kiesafdelings"

4A. (1) Die kiesafdelings bedoel in artikel 4 (1) bestaan uit die gebiede aangedui in kolom 3 van Skedule A.

(2) Die Minister bepaal, na oorlegpleging met die Kabinet, by kennisgewing in die *Ampelike Koerant*, voor die datum vasgestel ingevolge artikel 8 (1) (a) van die Qwaqwa-verkiesingproklamasie, 1974 (Proklamasie R. 204 van 1974), in welke kiesafdeling daar by 'n verkiesing van lede vir die Wetgewende Vergadering gestem moet word deur stemgeregtigde burgers buite Qwaqwa, insluitende diegene wat ondanks 'n regmatige aanspraak om in enige van die volgende kiesafdelings, naamlik:

Namahadi;
Bolata;
Monomtsha;
Sephokong; en
Phofung,

te stem, verkies om nie in sodanige kiesafdeling te stem nie."

4. Artikel 5 van die Proklamasie word hierby deur die volgende artikel vervang:

"5. (1) Behoudens die bepalinge van artikel 4 (2), is elke persoon wat 18 jaar of ouer is en wat—

(a) kragtens artikel 3 van die Wet op Burgerskap van Nasionale State, 1970 (Wet 26 van 1970), 'n burger van Qwaqwa is;

(b) nie onderhewig is nie aan die diskwalifikasies genoem in artikel 6 (1) (c), (d) (e), (f) en (g); en

(c) in besit is van 'n bewysboek uitgereik ooreenkomstig die Swartes (Afskaffing van Passe en Koördinering van Dokumente) Wet, 1952 (Wet 67 van 1952), wat toon dat hy 'n burger is en geregtig is om te stem;

bevoeg om te stem.

(2) Elke sodanige persoon het 'n verkiesing van lede vir die Wetgewende Vergadering soveel stemme as wat daar vakatures is wat in die kiesafdeling waarin hy geregtig is om te stem, aangevul moet word, maar hy mag nie meer as een stem vir een van dieselfde kandidaat uitbring nie."

5. Artikel 6 (1) van die Proklamasie word hierby gewysig deur na paragraaf (f) die punt deur 'n kommapunt te vervang en die volgende paragraaf in te voeg:

“(g) is believed to be permanently resident in another national state referred to in the National States Constitution Act, 1971 (Act 21 of 1971), or in another independent state, or if he is believed to be a citizen of such national state or a subject of such independent state, unless he can produce satisfactory written proof to the contrary.”.

6. Section 7 of the Proclamation is hereby amended by the deletion of the full stop at the end of subsection (1) and by the insertion of the following expression:

“or determine that the term of the Legislative Assembly be extended for a maximum period of one year.”.

7. The following Schedule is hereby inserted in the Proclamation after section 35:

SCHEDULE A

Electoral Division	Number of members	Area
Namahadi	2	Mangaung Maqhasane Boiketlo Rankopane Khatleng Tsha-le-Maduke Ouplaas Maqhoeleng Matsieng
Bolata	2	Bolata Phahameng Phamong Tseki
Monontsha	2	Monontsha Hlatseng Paballong Poeleng Dithotaneng Makhaloaneng
Sephokong	2	Mabolela Kudumane Ntsehele Bochabela Mphatlalatsane Phuthaditjhaba Comet Makwane Tebang
Phofung	2	Thabatshoeu Thabang Thabanatsooana Makeneng Lejoaneng Mankeng Mafikeng Polane Qoqolosing Thababosiu Sobea-Tsheseng Sejwale-jwale Mma-Lekunutu Sefikeng Masianokeng Moeding Makhemeng Phomolong Ha Taudi Kgelibithing Matshaneng Thibella Jwala-boholo Matsopaneng Pitseng Matswakeng Rietpan
Phirima	2	Weltevrede 190
Leboya	2	Mooihoek 421
Mafube	2	Juliana 1512
Bofihla	4	Roodebloem 757
Beulah	4	Beulah 1711
Tshowanyane	2	Bluegumbush 199
Nkweng	5	Barendina 337
Botshirela	3	Vredelust 1345

“(g) vermoedelik permanent woonagtig is in 'n ander nasionale staat in die Grondwet van die Nasionale State, 1971 (Wet 21 van 1971), bedoel of in 'n ander onafhanklike staat, of indien hy vermoedelik 'n burger is van sodanige nasionale staat of vermoedelik 'n onderdaan is van sodanige onafhanklike staat, tensy hy bevredigende skriftelike bewys van die teendeel lewer.”.

6. Artikel 7 van die Proklamasie word hierby gewysig deur die punt te verwyder en die volgende uitdrukking aan die einde van subartikel (1) in te voeg:

“of kan bepaal dat die termyn van die Wetgewende Vergadering met hoogstens een jaar verleng word.”.

7. Die volgende Skedule word hierby in die Proklamasie na artikel 35 ingevoeg:

SKEDULE A

Kiesafdeling	Aantal lede	Gebied
Namahadi	2	Mangaung Maqhasane Boiketlo Rankopane Khatleng Tsha-le-Maduke Ouplaas Maqhoeleng Matsieng
Bolata	2	Bolata Phahameng Phamong Tseki
Monontsha	2	Monontsha Hlatseng Paballong Poeleng Dithotaneng Makhaloaneng
Sephokong	2	Mabolela Kudumane Ntsehele Bochabela Mphatlalatsane Phuthaditjhaba Comet Makwane Tebang
Phofung	2	Thabatshoeu Thabang Thabanatsooana Makeneng Lejoaneng Mankeng Mafikeng Polane Qoqolosing Thababosiu Sobea-Tsheseng Sejwale-jwale Mma-Lekunutu Sefikeng Masianokeng Moeding Makhemeng Phomolong Ha Taudi Kgelibithing Matshaneng Thibella Jwala-boholo Matsopaneng Pitseng Matswakeng Rietpan
Phirima	2	Weltevrede 190
Leboya	2	Mooihoek 421
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Bofihla	4	Roodebloem 757
Beulah	4	Beulah 1711
Tshowanyane	2	Bluegumbush 199
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