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DEPARTMENT OF THE PRIME MINISTER

No. 1218.

20 June 1975.

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

No. 61 of 1975: Transkei Constitution Amendment Act, 1975.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1218.

20 Junie 1975.

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

No. 61 van 1975: Wysigingswet op die Transkeise Grondwet, 1975.

Act No. 61, 1975

TRANSKEI CONSTITUTION AMENDMENT ACT, 1975.

ACT

To amend the Transkei Constitution Act, 1963, to provide for the inclusion in the Transkei of certain areas in the districts of Glen Grey and Herschel; to alter the constitution of the Legislative Assembly of the Transkei; to increase the number of electoral divisions in the Transkei; and to provide for matters incidental thereto.

(Afrikaans text signed by the State President.)
(Assented to 13 June 1975.)

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

Amendment of
section 2 of
Act 48 of 1963.

1. Section 2 of the Transkei Constitution Act, 1963 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for paragraph (c) of the following paragraph:

“(c) the Emigrant Tembuland Regional Authority area comprising the Bantu areas in the districts of St. Mark’s and Xalanga, and the Glen Grey Regional Authority area in the district of Glen Grey, jointly to be known as the Western Tembuland Regional Authority area;”; and

(b) by the substitution for paragraph (f) of the following paragraph:

“(f) the Maluti Regional Authority area comprising the Bantu areas in the districts of Matatiele and Mount Fletcher, and the Khotla La Sechaba—Bandle Le Sizwe Regional Authority area in the district of Herschel, jointly to be known as the Maluti Regional Authority area;”;

Insertion of
section 3A in
Act 48 of 1963.

2. The following section is hereby inserted in the principal Act after section 3:

“Provisions
relating
to areas
included
in the
Transkei
after
30 May
1963.

3A. (1) In respect of any area included in the Transkei after 30 May 1963—

(a) any reference in section 37 (3), 45 (1), 46, 48 (1), 65 (1) or 67 to ‘the commencement of this Act’, the date of ‘the constitution of the first Cabinet of the Transkei’ and ‘the date on which the first Cabinet of the Transkei is constituted’ shall be construed as a reference to the date on which such area was so included;

(b) the reference in section 67 to ‘the Republic’ shall be deemed to include a reference to the area concerned;

(c) any reference in this Act to ‘paramount chief’, ‘acting paramount chief’, ‘chief’, ‘acting chief’, ‘sub-chief’ and ‘acting sub-chief’ shall be

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WET

Tot wysiging van die Transkeise Grondwet, 1963, ten einde voorsiening te maak vir die insluiting in die Transkei van sekere gebiede in die distrikte Glen Grey en Herschel; die samestelling van die Wetgewende Vergadering van die Transkei te verander; die getal kiesafdelings in die Transkei te vermeerder; en voorsiening te maak vir bykomstige aangeleenthede.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 13 Junie 1975.)

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

1. Artikel 2 van die Transkeise Grondwet, 1963 (hieronder die Hoofwet genoem), word hierby gewysig—

Wysiging van
artikel 2 van
Wet 48 van 1963.

(a) deur paragraaf (c) deur die volgende paragraaf te vervang:

„(c) die Emigrant-Temboeland-streksowerheidsgebied bestaande uit die Bantoegebiede in die distrikte St. Mark's en Xalanga, en die Glen Grey-streksowerheidsgebied in die distrik Glen Grey, wat saam die Westelike Temboeland-streksowerheidsgebied heet;” en

(b) deur paragraaf (f) deur die volgende paragraaf te vervang:

„(f) die Maluti-streksowerheidsgebied bestaande uit die Bantoegebiede in die distrikte Matatiele en Mount Fletcher, en die Khotla La Sechaba—Bandle Le Sizwe-streksowerheidsgebied in die distrik Herschel, wat saam die Maluti-streksowerheidsgebied heet;”;

2. Die volgende artikel word hierby in die Hoofwet na artikel 3 ingevoeg:

Invoeging van
artikel 3A in
Wet 48 van 1963.

„Bepalings
betreffende
gebiede
in die
Transkei
ingesluit
na 30 Mei
1963.

3A. (1) Ten opsigte van 'n gebied wat na 30 Mei 1963 in die Transkei ingesluit is—

(a) word 'n verwysing in artikel 37 (3), 45 (1), 46, 48 (1), 65 (1) of 67 na 'die inwerkingtreding van hierdie Wet', die datum van 'die samestelling van die eerste Kabinet van die Transkei', 'die datum van die samestelling van die Transkei se eerste Kabinet' en 'die datum waarop die eerste Kabinet van die Transkei saamgestel word' vertolk as 'n verwysing na die datum waarop daardie gebied aldus ingesluit is;

(b) word die verwysing in artikel 67 na 'die Republiek' geag ook 'n verwysing na die betrokke gebied te wees;

(c) word 'n verwysing in hierdie Wet na 'hoofkaptein', 'waarnemende hoofkaptein', 'kaptein', 'waarnemende kaptein', 'onderkaptein' en

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deemed to be a reference to a paramount chief, acting paramount chief, chief, acting chief, sub-chief or acting sub-chief, as the case may be, duly recognized or appointed in terms of any law in force in the area in question; and

- (d) any reference in this Act to 'tribal authority', 'community authority' and 'regional authority' shall be deemed to be a reference to a tribal authority, community authority or regional authority, as the case may be, duly established in terms of any law in force in the area in question, and any reference therein to 'regional authority area', 'regional' and 'region' shall have corresponding meanings."

Amendment of section 23 of Act 48 of 1963, as amended by section 1 of Act 101 of 1967 and section 8 of Act 31 of 1971.

3. Section 23 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (b) of the following paragraph:

"(b) a number of chiefs (not being more than sixty-nine) holding office in the regional authority areas in the Transkei mentioned hereunder, determined as follows, namely—

- (i) in respect of the Dalindyebo region, three chiefs in the district of Engcobo, six chiefs in the district of Mqanduli and one chief in the district of Umtata;
- (ii) in respect of the Emboland region, two chiefs in the district of Mount Frere, four chiefs in the district of Qumbu and two chiefs in the district of Tsolo;
- (iii) in respect of the Western Tembuland region, three chiefs in the district of St. Mark's, two chiefs in the district of Xalanga and, in the district of Glen Grey, such number of chiefs, not being more than three, as may be determined by the State President by proclamation in the *Gazette*;
- (iv) in respect of the Fingo region, one chief in the district of Butterworth, one chief in the district of Nqamakwe and one chief in the district of Tsomo;
- (v) in respect of the Gcaleka region, one chief in the district of Elliotdale, two chiefs in the district of Idutywa, one chief in the district of Kentani and one chief in the district of Willowvale;
- (vi) in respect of the Maluti region, five chiefs in the district of Matatiele, three chiefs in the district of Mount Fletcher and, in the district of Herschel, such number of chiefs, not being more than six, as may be determined by the State President by proclamation in the *Gazette*;
- (vii) in respect of the Nyanda region, one chief in the district of Libode and two chiefs in the district of Ngqeleni;
- (viii) in respect of the Qaukeni region, six chiefs in the district of Bizana, three chiefs in the district of Flagstaff, one chief in the district of Lusikisiki, one chief in the district of Mount Ayliff and three chiefs in the district of Tabankulu; and
- (ix) in respect of the Umzimkulu region, four chiefs in the district of Umzimkulu; and"

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„waarnemende onderkaptein” geag ’n verwysing te wees na ’n hoofkaptein, waarnemende hoofkaptein, kaptein, waarnemende kaptein, onderkaptein of waarnemende onderkaptein, na gelang van die geval, wat behoorlik erken of aangestel is ingevolge ’n wet wat in die betrokke gebied van krag is; en

- (d) word ’n verwysing in hierdie Wet na „stamowerheid”, „gemeenskapsowerheid” en „streeksowerheid” geag ’n verwysing te wees na ’n stamowerheid, gemeenskapsowerheid of streeksowerheid, na gelang van die geval, wat behoorlik ingestel is ingevolge ’n wet wat in die betrokke gebied van krag is, en het ’n verwysing daarin na „streeksowerheidsgebied”, „streeks-” en „streek” ooreenstemmende betekenisse.”.

3. Artikel 23 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (b) deur die volgende paragraaf te vervang:

„(b) ’n getal kapteins (maar hoogstens nege-en-sestig) wat in die hierondervermelde streeksowerheidsgebiede in die Transkei dien, bepaal soos volg, te wete—

Wysiging van artikel 23 van Wet 48 van 1963, soos gewysig deur artikel 1 van Wet 101 van 1967 en artikel 8 van Wet 31 van 1971.

- (i) ten opsigte van die Dalindyebostreek, drie kapteins in die distrik Engcobo, ses kapteins in die distrik Mqanduli en een kaptein in die distrik Umtata;
- (ii) ten opsigte van die Embolandstreek, twee kapteins in die distrik Mount Frere, vier kapteins in die distrik Qumbu en twee kapteins in die distrik Tsolo;
- (iii) ten opsigte van die Westelike Temboelandstreek, drie kapteins in die distrik St. Mark’s, twee kapteins in die distrik Xalanga en, in die distrik Glen Grey, die getal kapteins, maar hoogstens drie, wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal;
- (iv) ten opsigte van die Fingostreek, een kaptein in die distrik Butterworth, een kaptein in die distrik Nqamakwe en een kaptein in die distrik Tsomo;
- (v) ten opsigte van die Gcalekastreek, een kaptein in die distrik Elliotdale, twee kapteins in die distrik Idutywa, een kaptein in die distrik Kentani en een kaptein in die distrik Willowvale;
- (vi) ten opsigte van die Malutistreek, vyf kapteins in die distrik Matatiele, drie kapteins in die distrik Mount Fletcher en, in die distrik Herschel, die getal kapteins, maar hoogstens ses, wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal;
- (vii) ten opsigte van die Nyandastreek, een kaptein in die distrik Libode en twee kapteins in die distrik Ngqeleni;
- (viii) ten opsigte van die Qaukenistreek, ses kapteins in die distrik Bizana, drie kapteins in die distrik Flagstaff, een kaptein in die distrik Lusikisiki, een kaptein in die distrik Mount Ayliff en drie kapteins in die distrik Tabankulu; en
- (ix) ten opsigte van die Umzimkulustreek, vier kapteins in die distrik Umzimkulu; en”; en

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(b) by the substitution for paragraph (c) of the following paragraph:

“(c) fifty members elected by the registered voters of the Transkei.”.

Amendment of section 25 of Act 48 of 1963, as amended by section 2 of Act 101 of 1967 and section 9 of Act 31 of 1971.

4. Section 25 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The total number of paramount chiefs and chiefs in the Legislative Assembly shall not at any time exceed seventy-four, and if any paramount chieftainship is created in any area, whether in addition to those existing in the Dalindyebo, Western Tembuland, Gcaleka, Nyanda or Qaukeni regional authority area or any other region, the number of chiefs representing the region affected shall in respect of the district in which the new paramount chief in question resides, be reduced correspondingly.”.

Amendment of section 26 of Act 48 of 1963, as substituted by section 3 of Act 101 of 1967.

5. Section 26 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) There shall be twenty-eight electoral divisions for the election of the fifty 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 total numbers of registered voters in the various electoral divisions: Provided that there shall be elected at least three members in respect of the electoral division of Glen Grey, two members in respect of the electoral division of Herschel and one member in respect of each of the remaining electoral divisions.”.

Amendment of section 73 of Act 48 of 1963, as amended by section 8 of Act 101 of 1967.

6. Section 73 of the principal Act is hereby amended by the substitution for the definition of “general election” of the following definition:

““general election” means an election at which the fifty members of the Legislative Assembly mentioned in section 23 (c) are elected;”.

Short title and commencement.

7. This Act shall be called the Transkei Constitution Amendment Act, 1975, and shall come into operation on a date determined by the State President by proclamation in the *Gazette*.

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(b) deur paragraaf (c) deur die volgende paragraaf te vervang:

„(c) vyftig lede deur geregistreerde kiesers van die Transkei verkies.”.

4. Artikel 25 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die totale getal hoofkapteins en kapteins in die Wetgewende Vergadering mag te gener tyd vier-en-sewentig oorskry nie, en indien 'n hoofkapteinskap in enige gebied geskep word, hetsy benewens dié wat in die Dalindyebo-, Westelike Temboeland-, Gcaleka-, Nyanda- of Qaukeni-streksowerheidsgebied of in enige ander streek bestaan, word die getal kapteins wat die betrokke streek verteenwoordig ten opsigte van die distrik waarin die betrokke nuwe hoofkaptein woon, dienoreenkomstig verminder.”.

Wysiging van artikel 25 van Wet 48 van 1963, soos gewysig deur artikel 2 van Wet 101 van 1967 en artikel 9 van Wet 31 van 1971.

5. Artikel 26 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Daar is agt-en-twintig kiesafdelings vir die verkiesing van die vyftig verkose lede van die Wetgewende Vergadering, en die getal lede wat ten opsigte van elke kiesafdeling verkies moet word, moet in verhouding tot die onderskeie totale getalle geregistreerde kiesers in die verskillende kiesafdelings wees: Met dien verstande dat daar minstens drie lede ten opsigte van die kiesafdeling Glen Grey, twee lede ten opsigte van die kiesafdeling Herschel en een lid ten opsigte van elke oorblywende kiesafdeling verkies moet word.”.

Wysiging van artikel 26 van Wet 48 van 1963, soos vervang deur artikel 3 van Wet 101 van 1967.

6. Artikel 73 van die Hoofwet word hierby gewysig deur die omskrywing van „algemene verkiesing” deur die volgende omskrywing te vervang:

„„algemene verkiesing” ’n verkiesing waarby die vyftig lede van die Wetgewende Vergadering in artikel 23 (c) bedoel, verkies word;”.

Wysiging van artikel 73 van Wet 48 van 1963, soos gewysig deur artikel 8 van Wet 101 van 1967.

7. Hierdie Wet heet die Wysigingswet op die Transkeise Grondwet, 1975, en tree in werking op ’n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Kort titel en inwerkingtreding.

