



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 408. 17 Maart 1976.

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

No. 3 van 1976: Wysigingswet op die Transkeise Grondwet, 1976.

No. 408. 17 March 1976.

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

No. 3 of 1976: Transkei Constitution Amendment Act, 1976.

WET

Tot wysiging van die Transkeise Grondwet, 1963, ten einde die samestelling van die Wetgewende Vergadering van die Transkei te verander; om die wetgewende bevoegdheid van die Wetgewende Vergadering uit te brei; om uitvoering te gee aan die Skatkis- en Ouditwet, 1975, met betrekking tot uitreikings uit die Transkeise Inkomstefonds; en om voorsiening te maak vir bykomstige aangeleenthede.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 4 Maart 1976.)

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

Wysiging van artikel 23 van Wet 48 van 1963, soos vervang deur artikel 1 van Wet 101 van 1967 en gewysig deur artikel 8 van Wet 31 van 1971 en artikel 3 van Wet 61 van 1975.

1. Artikel 23 van die Transkeise Grondwet, 1963 (hieronder die Hoofwet genoem), word hierby gewysig—

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

„(b) 'n getal kapteins (maar hoogstens sewentig) wat in die hierondervermelde streeksowerheidsgebiede in die Transkei dien, bepaal soos volg, te wete—

- (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;

TRANSKEI CONSTITUTION AMENDMENT ACT, 1976.

Act No. 3, 1976

ACT

To amend the Transkei Constitution Act, 1963, in order to alter the constitution of the Legislative Assembly of the Transkei; to extend the legislative power of the Legislative Assembly; to give effect to the Exchequer and Audit Act, 1975, in relation to issues out of the Transkeian Revenue Fund; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 4 March 1976.)

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

1. Section 23 of the Transkei Constitution Act, 1963 (hereinafter referred to as 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 seventy) 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*;

Amendment of section 23 of Act 48 of 1963, as substituted by section 1 of Act 101 of 1967 and amended by section 8 of Act 31 of 1971 and section 3 of Act 61 of 1975.

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WYSIGINGSWET OP DIE TRANSKEISE GRONDWET, 1976.

- (vii) ten opsigte van die Nyandastreek, een kaptein in die distrik Libode, twee kapteins in die distrik Ngqeleni en een kaptein in die distrik Port St. Johns;
- (viii) ten opsigte van die Qaukenistreek, drie kapteins in die distrik Bizana, drie kapteins in die distrik Flagstaff, vier kapteins 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
- (b) deur paragraaf (c) deur die volgende paragraaf te vervang:
 - „(c) vyf-en-sewentig lede deur geregistreerde kiesers van die Transkei verkies.”.

Wysiging van artikel 25 van Wet 48 van 1963, soos vervang deur artikel 2 van Wet 101 van 1967 en gewysig deur artikel 9 van Wet 31 van 1971 en artikel 4 van Wet 61 van 1975.

2. 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 vyf-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, dienoooreenkomstig verminder.”.

Wysiging van artikel 26 van Wet 48 van 1963, soos vervang deur artikel 3 van Wet 101 van 1967 en gewysig deur artikel 5 van Wet 61 van 1975.

3. 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 vyf-en-sewentig 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 39 van Wet 48 van 1963, soos gewysig deur artikel 7 van Wet 7 van 1973.

4. Artikel 39 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (c) deur die volgende paragraaf te vervang:
 - „(c) die aanstelling, akkreditering en erkenning van diplomatieke en konsulêre beamptes en onderhandelings in verband met en die voltrekking of bekragtiging van internasionale konvensies, verdrae en ooreenkomste met ander lande as die Republiek;”;
- (b) deur paragraaf (f) deur die volgende paragraaf te vervang:
 - „(f) spoorweë, hawens en nasionale paaie;”.

Wysiging van artikel 56 van Wet 48 van 1963.

5. (1) Die Hoofwet word hierby gewysig deur artikel 56 deur die volgende artikel te vervang:

„Vereistes 56. Geen uitreiking word uit die Transkeise vir uitreikingInkomstefonds gemaak nie behalwe ooreenkomstig uit Inkomste-„n volmag deur die Minister van Finansies van die Transkei onderteken.”.

(2) Subartikel (1) tree op 1 April 1976 in werking.

TRANSKEI CONSTITUTION AMENDMENT ACT, 1976.

Act No. 3, 1976

- (vii) in respect of the Nyanda region, one chief in the district of Libode, two chiefs in the district of Ngqeleni and one chief in the district of Port St. Johns;
 - (viii) in respect of the Qaukeni region, three chiefs in the district of Bizana, three chiefs in the district of Flagstaff, four chiefs 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";
- (b) by the substitution for paragraph (c) of the following paragraph:
- "(c) seventy-five members elected by the registered voters of the Transkei."

2. 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-five 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 25 of Act 48 of 1963, as substituted by section 2 of Act 101 of 1967 and amended by section 9 of Act 31 of 1971 and section 4 of Act 61 of 1975.

3. 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 seventy-five 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 26 of Act 48 of 1963, as substituted by section 3 of Act 101 of 1967 and amended by section 5 of Act 61 of 1975.

4. Section 39 of the principal Act is hereby amended—

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

"(c) the appointment, accrediting and recognition of diplomatic and consular officers and the negotiation, conclusion or ratification of international conventions, treaties and agreements with countries other than the Republic;"; and

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

"(f) railways, harbours and national roads;".

Amendment of section 39 of Act 48 of 1963, as amended by section 7 of Act 7 of 1973.

5. (1) The principal Act is hereby amended by the substitution for section 56 of the following section:

"Requirements for issue out of Revenue Fund. 56. No issue shall be made out of the Transkeian Revenue Fund except in pursuance of a warrant signed by the Minister of Finance of the Transkei."

Amendment of section 56 of Act 48 of 1963.

- (2) Subsection (1) shall come into operation on 1 April 1976.

Wet No. 3, 1976

WYSIGINGSWET OP DIE TRANSKEISE GRONDWET, 1976.

Wysiging van
Eerste Bylae by
Wet 48 van 1963,
soos gewysig deur
artikel 4 van
Wet 36 van 1968,
artikel 9 van
Wet 27 van 1970,
artikel 12 van
Wet 49 van 1970,
artikel 7 van
Wet 23 van 1972,
artikel 22 van
Wet 102 van 1972,
proklamasie
259 van 1972,
artikel 9 van
Wet 7 van 1973,
proklamasie
84 van 1973
en artikel 1 van
Wet 71 van 1974.

Wysiging van
artikel 73 van
Wet 48 van 1963,
soos gewysig deur
artikel 8 van
Wet 101 van 1967
en artikel 6 van
Wet 61 van 1975.

Kort titel en
inwerkingtreding.

6. Deel B van die Eerste Bylae by die Hoofwet word hierby gewysig deur die volgende items by te voeg:

„40. Die voltrekking of bekragtiging van konvensies, verdrae en ooreenkomste met die Regering van die Republiek.

41. Burgerlike lugvaart.”.

7. 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 vyf-en-sewentig lede van die Wetgewende Vergadering in artikel 23 (c) bedoel, verkies word;”.

8. Hierdie Wet heet die Wysigingswet op die Transkeise Grondwet, 1976, en tree in werking op ’n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

TRANSKEI CONSTITUTION AMENDMENT ACT, 1976.

Act No. 3, 1976

6. Part B of the First Schedule to the principal Act is hereby amended by the addition of the following items:

“40. The conclusion or ratification of conventions, treaties and agreements with the Government of the Republic.

41. Civil aviation.”.

Amendment of First Schedule to Act 48 of 1963, as amended by section 4 of Act 36 of 1968, section 9 of Act 27 of 1970, section 12 of Act 49 of 1970, section 7 of Act 23 of 1972, section 22 of Act 102 of 1972, proclamation 259 of 1972, section 9 of Act 7 of 1973, proclamation 84 of 1973 and section 1 of Act 71 of 1974.

7. 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 seventy-five members of the Legislative Assembly mentioned in section 23 (c) are elected;”.

Amendment of section 73 of Act 48 of 1963, as amended by section 8 of Act 101 of 1967 and section 6 of Act 61 of 1975.

8. This Act shall be called the Transkei Constitution Amendment Act, 1976, and shall come into operation on a date determined by the State President by proclamation in the *Gazette*.

Short title and commencement.

