



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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GENERAL NOTICE

DEPARTMENT OF THE INTERIOR AND
IMMIGRATION

REPUBLIC OF SOUTH AFRICA
CONSTITUTION BILL

The following Draft Bill is hereby published for general information and comment.

Any comment should be forwarded to the Secretary for the Interior and Immigration, Private Bag X9048, Cape Town, 8000 before 31 May 1979.

ALGEMENE KENNISGEWING

DEPARTEMENT VAN BINNELANDSE SAKE EN
IMMIGRASIE

KONSEPGRONDWET VAN DIE REPUBLIEK VAN
SUID-AFRIKA

Die volgende Konsepwetsontwerp word hierby ter algemene inligting en vir kommentaar gepubliseer.

Kommentaar moet voor 31 Mei 1979 aan die Sekretaris van Binnelandse Sake en Immigrasie, Privaatsak X9048, Kaapstad, 8000 gestuur word.

BILL

To introduce a new constitution for the Republic of South Africa and to provide for matters connected therewith.

IN HUMBLE SUBMISSION to Almighty God, Who controls the destinies of nations and the history of peoples;
Who gathered our forebears together from many lands and gave them this their own;
Who has guided them from generation to generation;
Who has wondrously delivered them from the dangers that beset them;

We DECLARE that whereas we

ARE CONSCIOUS of our responsibility towards God and man;

BELIEVE that the Black nations of the Republic should each be given separate freedom in the land allotted to them for the exercise of the political aspirations of all the members of those nations;

ARE CONVINCED OF THE NECESSITY TO STAND UNITED
To safeguard the integrity and freedom of our country;
To secure the maintenance of law and order therein;
To further the contentment and spiritual and material welfare of all in our midst;

ARE PREPARED TO ACCEPT our duty to seek world peace in association with all peace-loving nations; and

DESIRE TO GIVE THE REPUBLIC OF SOUTH AFRICA A NEW CONSTITUTION best suited to the traditions and history of our land and the ever changing circumstances therein:

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

PART I

THE REPUBLIC

Continued existence of Republic of South Africa.

1. The Republic of South Africa shall as such continue to exist.

Sovereignty and guidance of Almighty God acknowledged.

2. The people of the Republic of South Africa acknowledge the sovereignty and guidance of Almighty God.

Construction of
pre-Republican laws.

3. In any law in force immediately prior to the commencement of this Act in the Republic or in any other territory in respect of which the Assembly is competent to legislate, any reference—
- (a) to the Union of South Africa or the State, shall be construed as a reference to the Republic;
 - (b) to the Crown or the King or the Queen or the Governor-General shall be construed as a reference to the Republic or the State President as the circumstances may require;
 - (c) to the King-in-Council or the Queen-in-Council or the Governor-General-in-Council, shall be construed as a reference to the State President.

PART II

NATIONAL FLAG AND ANTHEM

National Flag of
Republic.

4. There shall be a National Flag of the Republic of which the design shall be as set out in section 5.

Design of National
Flag.

5. (1) The National Flag of the Republic shall be a flag consisting of three horizontal stripes of equal width from top to bottom orange, white and blue, on which there shall appear—
- (a) in the centre of the white stripe, the flag of the republic of "De Oranjevrijsstaat" hanging vertically and spread in full; and
 - (b) on opposite sides and adjoining the flag referred to in paragraph (a)—
 - (i) the Union Jack, as it existed in 1927, horizontally spread in full towards the pole; and
 - (ii) the Vierkleur of "De Zuid-Afrikaansche Republiek" horizontally spread in full away from the pole.
- (2) The flags referred to in paragraphs (a) and (b) of subsection (1) shall all be of the same size and of a shape proportionally the same as that of the National Flag, the width of each of such flags shall be equal to one-third of the width of the white stripe on the National Flag, and the flags referred to in paragraph (b) of subsection (1) shall be equidistant from the margins of the said white stripe.

National Anthem.

6. The National Anthem of the Republic shall be "Die Stem van Suid-Afrika".

PART III

THE STATE PRESIDENT

The head of the State
and his powers.

7. (1) The head of the Republic shall be the State President.
- (2) The command-in-chief of the South African Defence Force is vested in the State President.
- (3) He shall, subject to the provisions of this Act, have power—
- (a) to appoint the times for the holding of sessions of the Assembly, the House of Representatives and the Chamber of Deputies and to prorogue any of the said bodies;
 - (b) to dissolve the House of Assembly or the House of Representatives or the Chamber of Deputies or two of or all three the said bodies simultaneously;
 - (c) at the request of and in accordance with a decision of the Council of Cabinets, to address the Assembly, the House of Representatives and the Chamber of Deputies;
 - (d) in accordance with the provisions of sections 19 and 20 to appoint Ministers and deputies to Ministers;
 - (e) to confer honours;
 - (f) to appoint and to accredit, to receive and to recognize ambassadors, plenipotentiaries, diplomatic representa-

- tives and other diplomatic officers, consuls and consular officers;
- (g) to pardon or reprieve offenders, either unconditionally or subject to such conditions as he may deem fit, and to remit any fines, penalties or forfeitures;
 - (h) to enter into and ratify international conventions, treaties and agreements;
 - (i) to proclaim and terminate martial law;
 - (j) to declare war and make peace;
 - (k) to make such appointments as he may deem fit in terms of powers conferred upon him by any law, and to exercise such powers and perform such functions as may be conferred or assigned to him under this Act or any other law.

(4) The State President shall in addition as head of the State have such powers and functions as were immediately prior to the commencement of this Act possessed by the State President by way of prerogative.

(5) The constitutional conventions which existed immediately prior to the commencement of this Act shall continue to exist except in so far as may be otherwise provided by this Act.

Election of State President.

8. (1) (a) The State President shall be elected by the members of the electoral college who are present at a meeting behind closed doors called in accordance with the provisions of this section and presided over by the Chief Justice or a judge of appeal designated by him.
- (b) The electoral college contemplated in paragraph (a) shall consist of—
- (i) 50 members of the Assembly designated by it;
 - (ii) 25 members of the House of Representatives designated by it; and
 - (iii) 13 members of the Chamber of Deputies designated by it,
- or such fewer number of such members designated in any such manner.
- (c) A body contemplated in paragraph (b) shall designate the members of the electoral college in question as often as it may deem necessary, and whenever a vacancy occurs in the electoral college the body concerned shall forthwith fill the vacancy.
- (d) The composition of the electoral college shall only be changed with the approval of all three the said bodies, granted by way of either a law or a resolution.
- (2) The election of a State President shall be held at a time and place fixed by the said Chief Justice or a judge of appeal designated by him and made known by notice in the *Gazette* not less than fourteen days before such election.
- (3) The date so fixed shall in the case of the second or any subsequent such election be a date not less than one month and not more than three months before the termination of the period of office of the State President then holding office: Provided that if the State President dies or for any other reason vacates his office before the expiration of his period of office and his successor has then not yet been elected, a date within three months after the office became vacant shall be so fixed: Provided further that if the State President intimates in his resignation lodged with the Chief Justice in terms of section 10 (2) that he will vacate his office with effect from a day not less than one month after the date of the lodging of his resignation, a date which is earlier than the day on which the office becomes vacant, may be so fixed.
- (4) No person may be elected or serve as State President unless he is qualified to be nominated or elected and to take his seat as a member of the Assembly, the House of Representatives or the Chamber of Deputies.
- (5) Any person holding any public office in respect of which he receives any remuneration or allowance out of State funds, who is

elected as State President, shall vacate such office with effect from the date on which he is elected.

(6) Until the first State President has been elected, the Chief Justice shall act as State President, and he shall be deemed to have so acted on behalf of the first State President.

Method of election.

9. (1) Nominations of candidates for election as State President shall be called for at the meeting at which the election is to take place, by the person presiding thereat.

(2) Every nomination shall be submitted in the form prescribed and shall be signed by two members of the electoral college and also by the person nominated, unless he has in writing or by telegram signified his willingness to accept nomination: Provided that in the case of the person for the time being holding office as State President, nomination shall be by way of a decision such as is provided for in section 10 (1) (a).

(3) The names of the persons duly nominated as provided in subsection (2) shall be announced at the meeting at which the election is to take place by the person presiding thereat, and no debate shall be allowed at the election.

(4) If in respect of any election only one nomination has been received, the person presiding at the meeting shall declare the candidate in question to be duly elected.

(5) Where more than one candidate is nominated for election, a vote shall be taken by secret ballot, each member of the electoral college present at the meeting in question having one vote, and any candidate in whose favour a majority of all the votes cast is recorded shall be declared duly elected by the person presiding at the meeting.

(6) (a) If no candidate obtains a majority of all the votes so cast, the candidate who received the smallest number of votes shall be eliminated and a further ballot taken in respect of the remaining candidates, this procedure being repeated as often as may be necessary until a candidate receives a majority of all the votes cast and is declared duly elected.

(b) Whenever two or more candidates being the lowest on the poll have received the same number of votes, the electoral college shall by separate vote, to be repeated as often as may be necessary, determine which of those candidates shall for the purposes of paragraph (a) be eliminated.

(7) (a) Whenever—

(i) only two candidates have been nominated; or

(ii) after the elimination of one or more candidates in accordance with the provisions of this section, only two candidates remain,

and there is an equality of votes between those two candidates, a further meeting shall be called in accordance with the provisions of section 8, and the provisions of this section shall apply as if such further meeting were the first meeting called for the purposes of the election in question.

(b) At the third meeting called in connection with any particular election, the person presiding at the meeting shall, in the event of an equality of votes between any two candidates under the circumstances described in paragraph (a), have and exercise a casting vote.

(8) (a) The Chief Justice shall make rules in regard to the procedure to be observed at a meeting of the electoral college, including rules prescribing the form in which any nomination shall be submitted, and rules defining the duties of the presiding officer and of any person appointed to assist him and prescribing the manner in which a secret ballot at any such meeting shall be conducted.

- (b) Any such rules shall be made known in such manner as the Chief Justice may consider necessary.
- 10.** (1) (a) The State President shall hold office for a period of five years from the date upon which he takes the oath prescribed in section 12 and shall not on termination of his period of office be eligible for re-election, unless it is expressly otherwise decided by the electoral college.
- (b) He shall cease to hold office on a resolution passed by a majority of the members of the electoral college, constituted as contemplated in section 8 (1) (b) and convened by the Chief Justice at the request of a majority of such members, and declaring him to be removed from office.
- (2) The State President may resign by lodging his resignation in writing with the Chief Justice, who shall forthwith advise every Prime Minister of such resignation.
- 11.** Whenever the office of State President is vacant or the State President is for any reason unable to perform the duties of his office, the member of the President's Council designated by the former State President or the State President, as the case may be, as his permanent representative, shall serve as Acting State President, and, if he is unable to act, or the former State President or the State President has not designated such a member, the Chief Justice shall serve as Acting State President.
- 12.** The State President and any Acting State President shall before assuming office make and subscribe an oath of office in the following form before the Chief Justice or a Judge of the Supreme Court of South Africa:
- In the presence of Almighty God and in the full realization of the high calling I assume as State President/Acting State President in the service of the Republic, I, A.B., do swear to be faithful to the Republic of South Africa and do solemnly and sincerely promise at all times to promote that which will advance it, to oppose all that may harm it and to dedicate myself to the welfare of its inhabitants, to obey, observe, uphold and maintain the Constitution and all other Law of the Republic, to discharge my duties with all my strength and talents to the best of my ability and knowledge and true to the dictates of my conscience, to do justice unto all and to devote myself to the well-being of the Republic and its inhabitants.
- May the Almighty by His grace guide and sustain me in keeping this oath with honour and dignity.
So help me God.
- 13.** Any person who commits any act which is calculated to violate the dignity or injure the reputation of the State President or an Acting State President, shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand or imprisonment for a period not exceeding five years.
- 14.** (1) There shall be paid to the State President out of and as a charge on the State Revenue Fund, and apart from any privileges which he may enjoy, such salary and allowances as may, subject to the provisions of subsection (3), be determined from time to time by the electoral college.
- (2) The salary payable to the State President immediately prior to the commencement of this Act, shall be deemed to have been determined under subsection (1).
- (3) The salary of the State President shall not be reduced during his term of office.
- 15.** (1) There shall be paid out of and as a charge on the State Revenue Fund—
- (a) to any person who has at any time after the first day of April 1968 occupied the office of State President, an
- Tenure of office of State President.
- Acting State President.
- Oath of office by State President and Acting State President.
- Protection of dignity and reputation of State President and Acting State President.
- Salary of State President.
- Pension payable to State President and his widow.

- annual pension equal to the annual salary which was payable to him on the day upon which he vacated office;
- (b) to the widow of any such person, unless her marriage to him took place after he had vacated office, a pension at the rate of three-quarters of the rate of the pension payable to such person.
- (2) Any pension in terms of subsection (1) shall be payable—
- (a) in the case of the State President with effect from the day following that upon which he vacated office;
- (b) in the case of his widow, with effect from the day following that upon which she became a widow.
- (3) Notwithstanding the repeal of section 10*bis* of the South Africa Act, 1909, any pension which but for such repeal would have been payable to any person in terms of the said section shall continue to be payable as if the repeal had not been effected.

PART IV

CABINETS

Establishment and
constitution of
Council of Cabinets.

16. (1) There shall be a Council of Cabinets consisting of—
- (a) the White Prime Minister and six White Ministers designated by the White Prime Minister;
- (b) the Coloured Prime Minister and three Coloured Ministers, designated by the Coloured Prime Minister;
- (c) the Indian Prime Minister and two Indian Ministers designated by the Indian Prime Minister,
- and the State President who shall be the chairman.

(2) A shortfall in the number of members of the Council of Cabinets shall not affect the powers of the said Council.

(3) A member of the Council of Cabinets, excluding the State President, shall, before assuming his duties as such, make and subscribe an oath in *mutatis mutandis* the form of the oath prescribed in section 19 (5) before the State President or a person designated by him.

Seal of the Republic.

17. (1) There shall be a seal of the Republic, showing the coat of arms of the Republic with the circumscription "Republic of South Africa—Republiek van Suid-Afrika".

(2) The seal shall be in the custody of the State President, and shall, save in so far as may be otherwise determined by the State President, be used on all public documents on which it was immediately prior to the commencement of this Act required to be used.

Confirmation of
executive acts of
State President.

18. (1) The will and pleasure of the State President as head of the executive government of the Republic shall be expressed in writing under his signature, and every instrument signed by him shall be countersigned by a member of the Council of Cabinets.

(2) The signature of the State President on any instrument shall be confirmed as provided in section 17.

Appointment of
Ministers.

19. (1) The State President may—

(a) in accordance with the constitutional conventions applicable in the Republic designate a Prime Minister for the Whites, for the Indians and for the Coloured persons; and

(b) on the advice of the Prime Minister in question appoint—

(i) not more than 17 other persons for the Whites;

(ii) not more than five other persons for the Coloured persons; and

(iii) not more than three other persons for the Indians, to administer such departments of State of the Republic as the State President may establish.

(2) Persons appointed under subsection (1) shall be the Ministers of the Republic, be respectively the White, Coloured persons and Indian Cabinets and may at any time be dismissed by the State President at his discretion, but after consultation with the Prime Minister concerned in the case of a person who is not a Prime Minister.

(3) No Minister shall hold office for a longer period than three months unless he is or becomes a member of the Assembly, the House of Representatives or the Chamber of Deputies.

(4) Whenever any Minister is from any cause whatever unable to perform any of the functions of his office, the State President may on the advice of the Prime Minister concerned, in the case of a person who is not a Prime Minister, appoint any other member of the Cabinet in question to act in the said Minister's stead, either generally or in the performance of any particular function.

(5) A Minister shall before assuming his duties as such make and subscribe an oath before the State President or a person designated by him, in the following form:

I, A.B., do hereby swear to be faithful to the Republic of South Africa and undertake before God to honour this oath; to hold my office as Minister with honour and dignity; to respect and uphold the Constitution and all other Law of the Republic; to be a true and faithful counsellor; not to divulge directly or indirectly any matters entrusted to me under secrecy; and to perform the duties of my office conscientiously and to the best of my ability.

So help me God.

(6) Any department of State established or deemed to have been established under section 20 of the Republic of South Africa Constitution Act, 1961, and in existence immediately prior to the commencement of this Act, shall be deemed to have been established under this section, and any person appointed under subsection (1) of the first-mentioned section to administer any such department and holding office immediately prior to such commencement, shall be deemed to have been appointed under this section to administer that department, but shall make and subscribe the oath prescribed in subsection (5) before assuming his duties.

Appointment and
functions of deputy
ministers.

20. (1) (a) The State President may on the advice of the Prime Minister concerned appoint any person to hold office during his pleasure as Deputy Minister of any specified Department of State or Deputy Minister of such other description as the State President may determine, and to exercise or perform on behalf of a Minister any of the powers, functions and duties entrusted to such Minister under any law or otherwise which may, subject to the directions of the State President, be assigned to him from time to time by the said Minister.

(b) Not more than—
(i) six Whites;
(ii) two Coloured persons; and
(iii) two Indians

may be appointed under this subsection.

(c) Any reference in any law to a deputy to a Minister shall be construed as including a reference to a Deputy Minister appointed in terms of this subsection, and any such reference to a Minister shall be construed as including a reference to a Deputy Minister acting in pursuance of an assignment in terms of paragraph (a) by the Minister for whom he acts.

(2) Any person appointed under this section shall before assuming the duties of his office make and subscribe before the State President or a person designated by him, an oath in such form as the State President may determine.

(3) No person appointed under this section shall hold office for a longer period than three months unless he is or becomes a member of the Assembly, the House of Representatives or the Chamber of Deputies.

(4) Any person appointed under section 21 (1) of the Republic of South Africa Constitution Act, 1961, and holding office immediately prior to the commencement of this Act, shall be deemed to have been appointed under this section, and may,

subject to the provisions of this section; continue to exercise or perform any powers, duties and functions which immediately prior to such commencement could be exercised or performed by him by virtue of the said section 21 (1), as if he were authorized to exercise such powers or perform such duties or functions in pursuance of a determination made by the Minister concerned under this section, but shall make and subscribe the oath required under subsection (2) before assuming the duties of his office.

Regulation of condition of employment of persons in the employ of the Republic, and establishment of Administration Commission.

21. (1) The appointment and removal of persons in the service of the Republic shall be vested in the State President, unless the appointment or removal is delegated by the State President to some other authority or is in terms of this Act or any other law vested in some other authority.

(2) There shall be an Administration Commission consisting of such number of members, not exceeding five, as the State President may appoint.

(3) The said Commission shall perform such functions relating to the appointment, discipline, retirement and superannuation of persons in the service of the Republic and any other matters as may be assigned to it by any law.

Seat of Government.

22. Save as is otherwise provided in sections 30, 51 and 54 Pretoria shall be the seat of Government of the Republic.

PART V

THE PRESIDENT'S COUNCIL

Establishment and constitution of President's Council.

23. (1) There shall be a President's Council consisting of 55 members appointed by the State President after consultation with the three Prime Ministers, under the chairmanship of a member of the President's Council designated by the State President.

(2) A member of the Assembly, the House of Representatives, the Chamber of Deputies or a provincial council appointed as a member of the President's Council shall cease to be a member of such first-mentioned body with effect from the date on which he is so appointed.

(3) A member of the President's Council who becomes a member of the Assembly, the House of Representatives, the Chamber of Deputies or a provincial council, shall cease to be a member of the President's Council with effect from the date on which he becomes such a member.

(4) A member of the President's Council shall hold office for a period of five years but not until after the termination of the period of office of the State President during whose period of office he was appointed but may on the expiration of his period of office again be appointed as such a member.

(5) A casual vacancy on the President's Council shall be filled by the appointment of a member for the unexpired portion of the period of office of the member in whose place he is appointed.

(6) The President's Council may—

(a) make rules and orders in connection with the order and conduct of its business and proceedings; and

(b) in its discretion appoint committees to perform any function on its behalf.

(7) A shortfall in the number of members of the President's Council shall not affect its powers.

(8) The members of the President's Council shall receive such remuneration as the State President may determine.

Qualifications of members of the President's Council.

24. No person shall be qualified to be a member of the President's Council unless he—

(a) is at least 30 years of age;

(b) is qualified to be registered as a voter for the election of members of either the Assembly or the House of Representatives or the Chamber of Deputies; and

- (c) has a sound knowledge of some matter affecting the various interests of the inhabitants of the Republic.

Functions of the President's Council.

25. The President's Council shall at the request of the Council of Cabinets advise the last-mentioned Council on any matter of national interest and may in its discretion inquire into any matter to which any such request relates.

PART VI

THE LEGISLATIVE ORGANS AND LEGISLATIVE POWER

Legislative power.

26. (1) (a) The legislative power of the Republic shall be vested in the Assembly: Provided that—
- (i) any legislative powers assigned in terms of any law to the Coloured Persons Representative Council or the South African Indian Council prior to the commencement of this Act, shall be vested respectively in the House of Representatives or the Chamber of Deputies;
 - (ii) if the Council of Cabinets is of opinion that any legislative power in respect of any matter should be vested in the House of Representatives or the Chamber of Deputies, the said Council may confer such power on the body concerned;
 - (iii) the Council of Cabinets may refer any particular proposed legislation relating to any matter to the House of Representatives or the Chamber of Deputies for disposal thereof;
 - (iv) the Council of Cabinets may refer any particular proposed legislation relating to any matter which, in the opinion of the said Council, is not only of interest to some population group but also affects another population group, to the legislative bodies concerned for consideration thereof and obtaining their views thereon;
 - (v) if any such view of any such body differs from that of another the matter shall be reconsidered by the Council of Cabinets who shall either give a decision thereon or refer the matter to the Joint Advisory Committee mentioned in paragraph (c) for its views, and if the said Committee, in the opinion of the Council of Cabinets, cannot reach a settlement, the matter in question shall be referred to the chairman of the Council of Cabinets for decision.
- (b) A decision of the Council of Cabinets or the chairman thereof contemplated in subparagraph (a) (v) and a settlement contemplated therein shall be binding on the Minister concerned.
- (c) The Council of Cabinets shall as often as may be necessary appoint a Joint Advisory Committee consisting of members of the Assembly, the House of Representatives and the Chamber of Deputies designated with the concurrence of the leader of the body concerned.
- (d) Subject to the provision of paragraph (c) such a committee shall be constituted at the discretion of the Council of Cabinets, but in such manner that the number of members of any of the three bodies concerned on the committee shall bear to the total number of members of the committee the same proportion as that which the number of members of that body on the electoral college bears to the total number of members of the electoral college.
- (e) A shortfall in the number of members of the committee shall not affect the powers of that committee.

- (f) The preparation and settlement of legislative programmes shall be arranged by the Council of Cabinets.
- (g) A bill passed by a legislative body shall not be of force and effect until it has been assented to by the State President and the Prime Minister concerned under section 58.
- (h) The reference of a bill to any legislative body for the disposal thereof shall not prevent the reference thereof by the Council of Cabinets, before assent thereto, to any other legislative body for disposal thereof, and the reference of any proposed legislation to the three legislative bodies shall not prevent the reference thereof to any of them for disposal before obtaining their views or that of the Advisory Committee thereon.

(2) Any reference in any law to Parliament or any House of Parliament or the Senate or the House of Assembly or a member thereof or to the Senate and the House of Assembly or to both Houses of Parliament, shall be construed as a reference to the Assembly or the other legislative body which deals or dealt with the matter in question, or to a member thereof, as the case may be.

(3) Where any matter which has during the session of Parliament, as constituted in terms of the Republic of South Africa Constitution Act, 1961, immediately preceding the commencement of this Act, been brought before the said Parliament or Senate or House of Assembly, has not before such commencement been disposed of, that matter may be further dealt with or considered by the Assembly, and any steps taken in connection with that matter by the said Parliament or Senate or House of Assembly shall be deemed to have been taken by the Assembly.

(4) Any Bill passed prior to the commencement of this Act by the Senate and by the House of Assembly, as constituted in terms of the Republic of South Africa Constitution Act, 1961, which has been assented to by the State President, but has not been promulgated before such commencement, may be promulgated thereafter and shall thereupon have full force and effect as an Act of the Parliament mentioned in the said Act, in all respects as if this Act had not been passed, but any reference in any such Act to any authority referred to in the Republic of South Africa Constitution Act, 1961, shall be construed as a reference to the corresponding authority established under this Act.

(5) If any bill brought before Parliament or the Senate or the House of Assembly, as constituted in terms of the Republic of South Africa Constitution Act, 1961, prior to the commencement of this Act, has not been passed by both such Senate and such House of Assembly or if the State President has not assented to any bill so passed, that bill may be further dealt with and considered by the Assembly or may be assented to by the State President and the White Prime Minister, as the circumstances may require, and, where it is so assented to, the bill may be promulgated and shall have full force and effect as an Act of the Assembly: Provided that any reference in such a bill to any authority established by the Republic of South Africa Constitution Act, 1961, shall under the directions of the Speaker of the Assembly be altered before the promulgation thereof to a reference to the corresponding authority established by this Act.

The Assembly

Establishment and
constitution of the
Assembly.

27. (1) There shall be an Assembly composed of—

- (a) 165 members, each of whom shall be directly elected by the persons entitled to vote at an election of such a member in an electoral division delimited as provided in section 33;
- (b) 12 members of whom three shall be elected from each province by the members from that province contem-

plated in paragraph (a), according to the principle of proportional representation, each voter having one transferable vote; and

(c) eight members, of whom two from each province, nominated by the White Prime Minister.

(2) The number of members of the Assembly to be elected in each province, shall be as follows:

Cape of Good Hope	55
Natal	20
Orange Free State	14
Transvaal	76

(3) Notwithstanding any provision to the contrary contained in this Act, the number of members to be elected in each province as provided in subsection (2), shall not be altered until a period of ten years has elapsed from the date of commencement of section 81 of the Constitution and Elections Amendment Act, 1973.

(4) The State President may make regulations in regard to the election of members contemplated in subsection (1) (b), including regulations prescribing the method of voting and of transferring and counting votes and the duties of returning officers in connection with such elections.

(5) If the seat of a member contemplated in subsection (1) (b) becomes vacant, the members concerned contemplated in subsection (1) (a) shall elect a person to fill the vacancy until the expiration of the period for which the person in whose place he is elected, would have held the seat.

(6) If the seat of a member contemplated in subsection (1) (c) becomes vacant, the White Prime Minister shall nominate some other person to fill the vacancy until the expiration of the period for which the person in whose stead he is nominated, would have held the seat.

(7) Any person elected as a member of the said House of Assembly and holding office immediately prior to the commencement of this Act, shall be deemed to have been elected to the Assembly established by this Act: Provided that any such person shall before taking his seat as a member of the Assembly, make and subscribe the oath prescribed in section 42.

Sessions of the
Assembly.

28. (1) The State President may appoint such times for sessions of the Assembly as he thinks fit and may also from time to time, by proclamation in the *Gazette* or otherwise, prorogue the Assembly.

(2) If immediately before the commencement of this Act the Parliament established by the Republic of South Africa Constitution Act, 1961, is in session by virtue of a proclamation issued under section 25 of that Act, that session shall be resumed from such date after such commencement as may prior to the said commencement be determined by resolution of the House of Assembly established by that Act in the same manner as if it were a session of the Assembly for the holding of which the time had been appointed in terms of this Act, and such resumed session shall be the first session of the first Assembly.

Annual session of the
Assembly.

29. There shall be a session of the Assembly once at least in every year, so that a period of twelve months shall not intervene between the last sitting of the Assembly in one session and its first sitting in the next session.

Seat of the Assembly.

30. Cape Town shall be the seat of the Assembly.

Elections.

31. At any general election of members of the Assembly under this Act, all polls shall be taken on one and the same day in all the electoral divisions throughout the Republic, such day to be appointed by the State President.

Delimitation of
electoral divisions.

32. (1) At intervals of not less than five years and not more than ten years commencing from the last delimitation of electoral divisions under the Republic of South Africa Constitution Act, 1961, the State President shall appoint a delimitation commission consisting of three judges of the Supreme Court of South Africa,

which shall, subject to the provisions of section 27 (2), divide the Republic for the purposes of the election of members of the Assembly into 165 electoral divisions in such a manner that no electoral division is situated partly in one province and partly in another province.

(2) No judge shall be appointed in terms of subsection (1) as a member of a delimitation commission unless he has served as a judge either in a permanent or temporary capacity for a total period of not less than five years.

(3) In dividing the Republic into electoral divisions in terms of subsection (1) the said commission shall act in accordance with the provisions of section 33.

Method of dividing Republic into electoral divisions.

33. (1) For the purposes of any division of the Republic into electoral divisions in terms of section 32, the quota of the Republic shall be obtained by dividing the number of white voters in the Republic in terms of the current voters' lists, duly corrected up to the latest possible date, by one hundred and sixty-five.

(2) The Republic shall for that purpose be divided into electoral divisions in such a manner that each such division shall, subject to the provisions of subsection (3), contain a number of voters as nearly as may be equal to the quota of the Republic.

(3) The delimitation commission shall give due consideration to—

- (a) community or diversity of interests;
- (b) means of communication;
- (c) physical features;
- (d) boundaries of existing electoral divisions;
- (e) sparsity or density of population;
- (f) probability of increase or decrease of population;
- (g) local authority and magisterial district boundaries,

in such manner that, while taking the quota of voters as the basis of division, the commission may depart therefrom whenever it deems it necessary, but in no case to any greater extent than fifteen per cent more or fifteen per cent less than the quota: Provided that in the case of an electoral division with an area of twenty-five thousand square kilometres or more, the commission may reduce the number of voters to a number equal to seventy per cent of the quota.

Powers and duties of commission for delimiting electoral divisions.

34. (1) A commission constituted under the provisions of section 32 shall submit to the State President—

- (a) a list of electoral divisions, with the names given to them by the commission and a description of the boundaries of every such division;
- (b) a map or maps showing the electoral divisions into which the provinces have been divided;
- (c) such further particulars as it considers necessary.

(2) The State President may refer to the commission for its consideration all matters relating to such list or arising out of the powers or duties of the commission.

(3) The State President shall by proclamation in the *Gazette* make known the names and boundaries of the electoral divisions as finally settled and certified by the commission, or a majority thereof, and thereafter, until there shall be a re-division, the electoral divisions as named and defined shall be the electoral divisions of the Republic in the provinces.

(4) If any discrepancy arises between the description of the divisions and the aforesaid map or maps, the description shall prevail.

Date from which alteration of electoral division takes effect.

35. Any alteration in the number of members of the Assembly to be elected in the several provinces, and any re-division of the provinces into electoral divisions, shall, in respect of the election of such members, come into operation at the next general election held after the completion of the re-division or of any allocation consequent upon such alteration, and not earlier.

Qualifications of members of the Assembly.

36. No person shall be qualified to be a member of the Assembly unless he—

- (a) is qualified to be registered as a voter for the election of such members in one of the provinces;
- (b) he is resident within the limits of the Republic and has been so resident continuously for a period of not less than five years; and
- (c) is a white person and is a South African citizen in terms of the provisions of the South African Citizenship Act, 1949 (Act No. 44 of 1949).

Duration of Assembly.

37. (1) Every Assembly shall continue for five years from the first meeting thereof, and no longer, but may at any time be dissolved by the State President by proclamation in the *Gazette*.

(2) For the purposes of subsection (1), the date of the first meeting of the first Assembly in terms of this Act shall be taken to have been the twenty-seventh day of January 1978.

Speaker of the Assembly.

38. (1) The Assembly shall, before proceeding to the dispatch of any other business, choose a member to be the Speaker of the Assembly, and, as often as the office of Speaker becomes vacant, the Assembly shall again choose a member to be the Speaker.

(2) The Speaker shall cease to hold his office if he ceases to be a member of the Assembly, and may be removed from office by resolution of the Assembly and may resign his office or his seat by writing under his hand addressed to the State President.

Deputy Speaker.

39. Prior to or during the absence of the Speaker, the Assembly may choose a member to perform his duties in his absence.

Quorum.

40. The presence of at least one-fifth of the members of the Assembly shall be necessary to constitute a meeting of the Assembly for the exercise of its powers.

Voting in the Assembly.

41. All questions in the Assembly shall be determined by a majority of votes of members present other than the Speaker or the presiding member, who shall, however, have and exercise a casting vote in the case of an equality of votes.

Oath.

42. Every member of the Assembly shall, before taking his seat, make and subscribe before the State President, or some person authorized by him, an oath in the following form:

I, A.B., do swear to be faithful to the Republic of South Africa and solemnly promise to perform my duties as a member of the Assembly to the best of my ability.
So help me God.

Effect of dissolution of Assembly.

43. Notwithstanding any dissolution of the Assembly in terms of this Act, whether by effluxion of time or otherwise—

- (a) every person who on the date of the dissolution is a member thereof shall remain a member thereof;
- (b) it shall remain competent to perform its functions; and
- (c) the State President shall have power to summon it for the despatch of business,

during the period following such dissolution up to and including the day immediately preceding the polling day for the election held in pursuance of such dissolution, in the same manner in all respects as if the dissolution had not occurred.

Vacating of seat by member on being elected member of provincial council, and powers of Ministers to act in other legislative bodies.

44. (1) A member of the Assembly who is elected as a member of a provincial council shall cease to be a member of the Assembly with effect from the date upon which he becomes a member of that provincial council.

(2) A Minister who is a member of the Assembly and a member of the Assembly holding office as a deputy to any Minister, may, with the concurrence of the Council of Cabinets and the approval of the leader of the House of Representatives or the Chamber of

Deputies sit and speak in such House or Chamber as the case may be, but may only vote in the Assembly.

Disqualifications from being a member of Assembly.

45. No person shall be capable of being elected or nominated or of sitting as a member of the Assembly, if he—

- (a) has at any time been convicted of any offence for which he has been sentenced to imprisonment without the option of a fine for a period of not less than twelve months, unless he has received a grant of amnesty or a free pardon, or unless the period of such imprisonment expired at least five years before the date of his election or nomination; or
- (b) is an unrehabilitated insolvent; or
- (c) is of unsound mind, and has been so declared by a competent court; or
- (d) holds any office of profit in the service of the State; Provided that the following persons shall not be deemed to hold an office of profit in the service of the State for the purposes of this paragraph, namely—
 - (i) a Minister of the Republic, or any person holding office as deputy to any Minister;
 - (ii) an officer or member of the South African Defence Force on retired or half-pay, or an officer or member of the South African Defence Force whose services are not wholly employed by the State;
 - (iii) any person appointed or deemed to have been appointed as a justice of the peace under section 2 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963);
 - (iv) any person appointed or deemed to have been appointed as appraiser under section 6 of the Administration of Estates Act, 1965 (Act No. 66 of 1965);
 - (v) any person who, while the Republic is at war, is an officer or member of the South African Defence Force or any other force or service established by or under the Defence Act, 1957 (Act No. 44 of 1957);
 - (vi) a member of any council, committee, board or similar body established by or under any law, who receives no payment in respect of his services on such council, committee, board or body in excess of an allowance at a rate not exceeding the amount determined by the Minister of Finance by notice in the *Gazette* from time to time for each day on which he renders such services, any reimbursement of travelling expenses incurred by him in the course of such services and an allowance in respect of entertaining by him in connection with such services.

Vacation of seats.

46. A member of the Assembly shall vacate his seat, if he—

- (a) becomes subject to any of the disabilities mentioned in section 45; or
- (b) ceases to be qualified as required by law; or
- (c) fails for a whole ordinary session to attend without the special leave of the Assembly, unless his absence is due to his serving, while the Republic is at war, with the South African Defence Force or any other force or service established by or under the Defence Act, 1957 (Act No. 44 of 1957).

Penalty for sitting or voting when disqualified.

47. Any person who is by law incapable of sitting as a member of the Assembly, and who while so incapable and knowing or having reasonable grounds for knowing that he is so incapable, sits or votes as a member of the Assembly, shall be liable to a penalty of two hundred rand for each day on which he so sits or votes, which may be recovered on behalf of the Treasury by action in any division of the Supreme Court of South Africa.

Rules of procedure.

48. The Assembly may make rules and orders with respect to the order and conduct of its business and proceedings.

The House of Representatives

Establishment and constitution of House of Representatives.

49. (1) There shall be a House of Representatives composed of—

- (a) 82 members, each of whom shall be directly elected by the persons entitled to vote at an election of such a member in an electoral division delimited therefor as provided in this Act;
- (b) six members elected by the members contemplated in paragraph (a), according to the principle of proportional representation, each voter having one transferable vote; and
- (c) four members nominated by the Coloured Prime Minister,

and having the legislative power conferred upon it in terms of this Act or by any other law.

(2) The provisions of sections 27 (4), 27 (5), 27 (6), 28 (1), 29, 31, 32, 33, 34, 35, 37 (1), 38, 39, 40, 41, 42, 43, 44 (2), 45, 46, 47, 48, 57 and 101 (2) with reference to Whites, the Assembly and members of the Assembly shall *mutatis mutandis* apply to Coloured persons, the House of Representatives and members of the House of Representatives.

Qualifications of members of the House of Representatives.

50. No person shall be qualified to be a member of the House of Representatives, unless he—

- (a) is entitled to be registered on the voters' list for Coloured persons; and
- (b) in the case of an election, was resident, for a continuous period of not less than two years immediately preceding the election in question, in the province in which the electoral division in which he seeks election, is situated.

Seat of House.

51. The seat of the House of Representatives shall be determined by the State President.

The Chamber of Deputies

Establishment and constitution of Chamber of Deputies.

52. (1) There shall be a Chamber of Deputies composed of—

- (a) 40 members, each of whom shall be directly elected by the persons entitled to vote at an election of such a member in an electoral division delimited as provided by section 29 of the Electoral Act for Indians, 1977 (Act No. 122 of 1977);
- (b) three members elected by the members contemplated in paragraph (a), according to the principle of proportional representation, each voter having one transferable vote; and
- (c) three members nominated by the Indian Prime Minister, and having the legislative power conferred upon it in terms of this Act or by any other law.

(2) The provisions of sections 27 (4), 27 (5), 27 (6), 28 (1), 29, 31, 35, 37 (1), 38, 39, 40, 41, 42, 43, 44 (2), 45, 46, 47, 48, 57 and 101 (2) with reference to Whites, the Assembly and members of the Assembly shall *mutatis mutandis* apply to Indians, the Chamber of Deputies and members of the Chamber of Deputies.

Qualifications of members of the Chamber of Deputies.

53. No person shall be qualified to be a member of the Chamber of Deputies, unless he—

- (a) is entitled to be registered on the voters' list for Indians; and
- (b) was resident in the Republic for a continuous period of not less than five years immediately preceding the date of his election or nomination.

Seat of Chamber of Deputies.

54. The seat of the Chamber of Deputies shall be determined by the State President.

Powers of the Assembly, House of Representatives and Chamber of Deputies

Powers of the Assembly, House of Representatives and Chamber of Deputies.

55. No court of law shall be competent to enquire into or to pronounce upon the validity of any Act passed by Parliament or, by virtue of the provisions of section 26 (1) (a) (iii), by the House of Representatives or the Chamber of Deputies and assented to by the State President and the Prime Minister concerned, other than an Act which repeals or amends or purports to repeal or amend the provisions of section 101 or 111.

Appropriation bills.

56. Any bill which appropriates revenue or moneys for the ordinary annual services of the State shall deal only with such appropriation.

Recommendation of appropriation not initiated by a Minister.

57. The Assembly shall not consider any proposal, whether by way of a vote or by way of a resolution, address or bill, for the appropriation of any part of the State revenue or of any tax or impost to any purpose, which has not been initiated by a Minister, unless such appropriation has been recommended by message from the State President during the session in which such proposal is made.

Assent to bills.

58. (1) A bill passed by the Assembly, the House of Representatives or the Chamber of Deputies shall be presented for assent to the State President and the Prime Minister concerned.

(2) When a bill is presented to the State President or a Prime Minister for his assent, he shall declare according to his discretion, but subject to the provisions of this Act, that he assents thereto or that he withholds assent.

(3) The State President or a Prime Minister may return to the legislative body, in whichever it may have originated, any bill so presented to him, and may transmit therewith any amendments which he may recommend, and that legislative body may deal with the recommendation.

Signature and enrolment of Acts.

59. As soon as may be after any law has been assented to by the State President and the Prime Minister concerned, the Secretary to the legislative body concerned shall cause two fair copies of such law, one being in the English and the other in the Afrikaans language (one of which copies shall have been signed by the State President and the Prime Minister concerned), to be enrolled of record in the office of the Registrar of the Appellate Division of the Supreme Court of South Africa, and such copies shall be conclusive evidence of the provisions of such law, and in case of conflict between the two copies so enrolled the copy so signed shall prevail.

PART VII

THE PROVINCES

Administrators

Appointment and tenure of office of provincial administrators.

60. (1) In each province there shall be a chief executive officer appointed by the State President who shall be known as the administrator of the province, and in whose name all executive acts relating to provincial affairs therein shall be done.

(2) In the appointment of the administrator of any province, the State President shall as far as practicable give preference to persons resident in such province.

(3) An administrator shall hold office for a period of five years and shall not be removed from office before the expiration thereof except by the State President for cause assigned which shall be communicated by message to the Assembly within one week after

the removal, if the Assembly is in session, or, if the Assembly is not in session, within one week after the commencement of the next ensuing session.

(4) The State President may from time to time appoint an acting administrator to execute the office and functions of the administrator during his absence or illness or whenever for any reason he is unable to perform the duties of his office, or while the appointment of an administrator for the province concerned is pending.

(5) If any person has executed the office and functions of an administrator in any of the circumstances contemplated in subsection (4) without having been or before having been appointed as acting administrator, the State President may appoint him as acting administrator under the said subsection with retrospective effect for the said period or for a period including the said period.

Salaries of administrators.

61. The salaries of the administrators shall be fixed by the State President and shall not be reduced during their respective terms of office.

Provincial Councils

Constitution of provincial councils.

62. (1) There shall be a provincial council in each province consisting of the same number of members as are elected in the province for the Assembly under section 27 (1) (a): Provided that, in any province whose representatives in the Assembly are fewer than 20 in number, the provincial council shall consist of twice as many members as the number of representatives so elected in that province for the Assembly.

(2) Any person entitled to vote in the election of members of a provincial council under this Act shall be qualified to be a member of such council under this Act.

(3) Any provincial council in existence immediately prior to the commencement of this Act and constituted in accordance with section 68 of the Republic of South Africa Constitution Act, 1961, shall be deemed to have been constituted as provided in this Act.

Election of provincial councillors.

63. (1) The members of a provincial council under this Act shall be elected by the persons qualified to vote for the election of members of the Assembly in the province voting in the same electoral divisions as are delimited for the election of members of the Assembly under this Act: Provided that, in any province in which fewer than 20 members are elected to the Assembly, the delimitation of the electoral divisions for the purposes of the election of members of the provincial council shall be effected by the same commission and on the same principles as are prescribed in regard to the electoral divisions of the Assembly and in such a manner that each electoral division of the Assembly in the said province is divided into two electoral divisions of the provincial council, each containing, subject to the provisions of section 33 (3), a number of voters as nearly as may be equal to one half of the number of voters in that electoral division of the Assembly.

(2) Any alteration in the number of members of the provincial council, and any re-division of the province into electoral divisions, shall come into operation at the next general election for such council held after the completion of such re-division or of any allocation consequent upon such alteration, and not earlier.

(3) The election in all the electoral divisions in the provinces shall take place on one and the same day and such day shall be appointed by the State President.

(4) Any person who immediately prior to the commencement of this Act holds office as a member of a provincial council by virtue of an election held as provided in section 69 of the Republic of South Africa Constitution Act, 1961, shall be deemed to have been elected to the corresponding provincial council established by this Act.

Application of sections 45 to 47 to provincial councillors.

64. (1) The provisions of sections 45, 46 and 47 relative to members of the Assembly, shall *mutatis mutandis* apply to members of the provincial councils.

(2) Any member of a provincial council who becomes a member of the Assembly, shall cease to be a member of such provincial council.

Tenure of office of provincial councillors.

65. (1) (a) Subject to the provisions of paragraph (b), a provincial council shall continue for five years from the date of its first meeting, but the State President may at any time by proclamation in the *Gazette* dissolve all provincial councils with effect from the same date.

(b) Should a provincial council dissolve by effluxion of time on a date during the existence of the Assembly, the State President may by proclamation in the *Gazette* extend the duration of that provincial council by a period not exceeding eighteen months: Provided that if the Assembly is dissolved on a date before the expiration of the said period, that provincial council may be dissolved by the State President by proclamation in the *Gazette* on the last-mentioned date.

(2) The provisions of section 43 relating to the tenure of office of the members and the functioning of the Assembly upon a dissolution thereof, and to the summoning of the Assembly after it has been dissolved, shall *mutatis mutandis* apply with reference to a dissolution and summoning of any provincial council.

Sessions of provincial councils.

66. (1) The administrator of a province shall by proclamation in the *Official Gazette* of that province fix such times for the sessions of the provincial council of that province as he may think fit, and may from time to time prorogue such council: Provided that there shall be a session of every provincial council once at least in every year so that a period of twelve months shall not intervene between the last sitting of the council in one session and its first sitting in the next session.

(2) If immediately before the commencement of this Act any provincial council constituted under the Republic of South Africa Constitution Act, 1961, is in session by virtue of a proclamation issued under section 72 of that Act, that session shall be resumed from a date after such commencement to be determined before such commencement by resolution of that council, in the same manner as if it were a session of the corresponding provincial council established by this Act for the holding of which the time had been fixed in terms of this Act.

Chairman of provincial council and rules of procedure.

67. (1) The provincial council shall elect from among its members a chairman, and may make rules for the conduct of its proceedings.

(2) Rules made under subsection (1) shall be transmitted by the administrator to the State President, and shall have full force and effect unless and until the State President expresses his disapproval thereof in writing addressed to the administrator.

Allowances of provincial councillors.

68. The members of the provincial council other than members who are also members of the executive committee shall receive such allowances as shall be determined by the State President.

Privileges of provincial councils.

69. The powers, privileges and immunities of a provincial council and of the members and committees of a provincial council shall, subject to the provisions of this Act, be such as are declared by the Assembly.

Executive Committees

Provincial executive committees.

70. (1) Each provincial council shall at its first meeting after any general election elect from among its members, or otherwise, four persons to form with the administrator, who shall be chairman, an executive committee for the province.

(2) The members of the executive committee other than the administrator shall hold office until the election of their successors in the same manner.

(3) (a) The members so elected shall receive such remuneration as the State President shall determine.

(b) There shall be no differentiation as regards the remuneration determined under paragraph (a) in respect of the members of the various executive committees except to the extent that the remuneration of such members who in the opinion of the State President perform full time service may differ from the remuneration of such members who in his opinion do not perform full time service.

(4) (a) A member of the provincial council shall not forfeit his seat by reason of his having been elected as a member of the executive committee.

(b) A member of the executive committee shall not be disqualified from being elected or nominated as a member of the Assembly or the provincial council.

(c) A member of the executive committee who becomes a member of the Assembly shall cease to be a member of the executive committee with effect from the date on which he becomes a member of the Assembly.

(d) A member of the executive committee shall not be disqualified from being appointed as acting administrator in terms of section 60 (4), and any such member so appointed shall as from the termination of the appointment resume his office and functions as a member of such executive committee unless his successor has in the meantime been elected under the provisions of subsection (1) of this section.

(5) Any casual vacancy arising in the executive committee shall be filled by election by the provincial council if in session, or, if the council is not in session, by the appointment by the executive committee of a person who shall hold office temporarily pending an election by the council.

Method of voting for provincial executive committees.

71. (1) Members of the executive committee of a province shall be elected by majority vote, each voter having one non-transferable vote for every member of that committee to be elected.

(2) If two or more persons who at any election of members of an executive committee are candidates for the same seat, receive the same number of votes, a re-election of a member for that seat shall be held forthwith according to that principle of proportional representation according to which each voter has one transferable vote, and if at such re-election the said persons again receive the same number of votes, one of the said persons to be determined by the drawing of lots shall be deemed to have been elected as the member for that seat.

(3) The State President may make regulations in regard to the election of members of the executive committee of a province in terms of this section, including regulations in regard to the duties of returning officers in connection with such elections in regard to the drawing of lots under the circumstances contemplated in sub-section (2).

Right of administrator, etc., to take part in proceedings of provincial council.

72. The administrator and any other member of the executive committee of a province, not being a member of the provincial council, shall have the right to take part in the proceedings of the council, but shall not have the right to vote: Provided that a member of the executive committee who is a member of the provincial council, and who is appointed as an acting administrator under the provisions of section 60 (4), shall during the period of his appointment retain the right to vote as a member of the provincial council.

Powers of provincial executive committees.

73. (1) The executive committee shall on behalf of the provincial council carry on the administration of provincial affairs.

(2) Whenever there are not sufficient members of the executive committee to form a quorum according to the rules of the

committee, the administrator shall as soon as practicable convene a meeting of the provincial council for the purpose of electing members to fill the vacancies, and until such election the administrator shall carry on the administration of provincial affairs.

Transfer of powers to provincial executive committees.

74. Subject to the provisions of this Act, all powers, authorities and functions which immediately prior to the commencement of this Act were vested in or exercised by the executive committee of a province in terms of the Republic of South Africa Constitution Act, 1961, shall as far as they continue in existence and are capable of being exercised after the commencement of this Act, be vested in the corresponding executive committee established under this Act.

Voting in executive committees.

75. (1) Questions arising in the executive committee shall be determined by a majority of votes of the members present, and, in case of an equality of votes, the administrator shall have also a casting vote.

(2) Subject to the approval of the State President, the executive committee may make rules for the conduct of its proceedings.

Appointment of officers by executive committees.

76. Subject to the provisions of any law passed by Parliament to regulate the conditions of appointment, tenure of office, retirement and superannuation of public officers, the executive committee shall have power to appoint such officers as may be necessary, in addition to officers assigned to the province by the State President in terms of the provisions of this Act, to carry out the services entrusted to it and to make and enforce regulations for the organization and discipline of such officers.

Power of administrator to act on behalf of State President.

77. In regard to all matters in respect of which no powers are reserved for or delegated to the provincial council, the administrator shall act on behalf of the State President when required to do so, and in such matters the administrator may act without reference to the other members of the executive committee.

Powers of Provincial Councils

Powers of provincial councils.

78. (1) Subject to the provisions of this Act, the Financial Relations Act, 1976 (Act No. 65 of 1976), and the assent of the State President as hereinafter provided, a provincial council may make ordinances in relation to matters coming within the following classes of subjects, namely—

- (a) direct taxation within the province in order to raise revenue for provincial purposes;
- (b) the borrowing of money on the sole credit of the province with the consent of the State President and in accordance with regulations framed by the Assembly;
- (c) education, other than higher education, education for Coloured persons as defined in section 1 of the Coloured Persons Education Act, 1963 (Act No. 47 of 1963), education for Indians as defined in section 1 of the Indians Education Act, 1965 (Act No. 61 of 1965), and education for Blacks, until Parliament otherwise provides;
- (d) agriculture to the extent and subject to the conditions defined by the Assembly;
- (e) the establishment, maintenance and management of hospitals and charitable institutions;
- (f)
 - (i) municipal institutions, divisional councils and other local institutions of a similar nature;
 - (ii) any institutions or bodies other than such institutions as are referred to in subparagraph (i), which have in respect of any one or more areas (whether contiguous or not) situated outside the area of jurisdiction of any such institution as is referred to

- in subparagraph (i), authority and functions similar to the authority and functions of such institutions as are referred to in the said subparagraph, or authority and functions in respect of the preservation of public health in any such area or areas;
- (g) the assistance which a province or an institution or body contemplated in paragraph (f) may, with the approval of the State President, render to any other state, territory, province or the territory of South West Africa;
 - (h) local works and undertakings within the province, other than railways and harbours, and other than such works as extend beyond the borders of the province and subject to the power of the Assembly to declare any work a national work and to provide for its construction by arrangement with the provincial council or otherwise;
 - (i) roads, outspans, ponts and bridges, other than bridges connecting two provinces;
 - (j) markets and pounds;
 - (k) fish and game preservation, subject to the provisions of section 14 of the Sea Fisheries Act, 1973 (Act No. 58 of 1973);
 - (l) the imposition of punishment by fine or imprisonment for enforcing any law or any ordinance of the province made in relation to any matter coming within any of the classes of subjects enumerated in this section;
 - (m) generally all matters which, in the opinion of the State President, are of a merely local or private nature in the province;
 - (n) all other subjects in respect of which the Assembly may by law delegate to the provincial council the power of making ordinances.

(2) An ordinance passed by a provincial council in relation to any matter referred to in paragraph (f) of subsection (1), may provide for the appointment by the administrator of the province concerned, or any specified authority, of the members or any number of the members of any institution or body referred to in the said paragraph.

(3) The provisions of subsections (3), (4) and (5) of section 26 shall *mutatis mutandis* apply with reference to a provincial council.

Effect of provincial ordinances.

79. Any ordinance made by a provincial council shall have effect in and for the province as long and as far only as it is not repugnant to any Act of the Assembly.

Recommendation to Assembly.

80. A provincial council may recommend to the Assembly the passing of any law relating to any matter in respect of which such council is not competent to make ordinances.

Power to deal with matters proper to be dealt with by private bill legislation.

81. In regard to any matter which requires to be dealt with by means of a private Act of the Assembly, the provincial council of the province to which the matter relates may, subject to such procedure as may be prescribed by the Assembly, take evidence by means of a select committee or otherwise for and against the passing of such law; and, upon receipt of a report from such council, together with the evidence upon which it is founded, the Assembly may pass such Act without further evidence being taken in support thereof.

Establishment of provincial revenue fund.

82. (1) There shall in every province be a provincial revenue fund into which shall be paid all revenues as defined in section 1 of the Provincial Finance and Audit Act, 1972 (Act No. 18 of 1972).

(2) No moneys shall be withdrawn from a provincial revenue fund except in accordance with an Act of the Assembly.

(3) The administrator of a province may, subject to the laws relating to education, authorize every educational institution in the province which is specified in a list published by the State President by proclamation in the *Gazette*, to retain and apply such of its revenues and other moneys received by it, as the administrator may from time to time determine, for the purpose of meeting its expenditure, and such revenues and other moneys shall, notwithstanding the provisions of sub-section (1), not be paid into the provincial revenue fund, but shall be accounted for and dealt with as the administrator may prescribe.

Assent to provincial ordinances.

83. (1) When a proposed ordinance has been passed by a provincial council it shall be presented by the administrator to the State President for his assent.

(2) The State President shall within one month after the presentation to him of the proposed ordinance declare that he assents thereto, or that he withholds assent, or that he reserves the proposed ordinance for further consideration.

(3) A proposed ordinance so reserved shall not have any force unless and until, within one year from the day on which it was presented to the State President, he makes known by proclamation in the *Gazette* that it has received his assent.

Effect and enrolment of ordinances.

84. (1) An ordinance assented to by the State President and promulgated by the administrator shall, subject to the provisions of this Act, have the force of law within the province.

(2) The administrator shall cause two fair copies of every such ordinance, one being in the English and the other in the Afrikaans language (one of which copies shall have been signed by the State President), to be enrolled of record in the office of the Registrar of the Appellate Division of the Supreme Court of South Africa, and such copies shall be conclusive evidence of the provisions of such ordinance, and, in case of conflict between the two copies so enrolled, that signed by the State President shall prevail.

Continuation of powers of divisional and municipal councils.

85. Notwithstanding anything in this Act contained, all powers, authorities and functions lawfully exercised at the commencement of this Act by divisional or municipal councils, or any other duly constituted local authority or body contemplated in paragraph (vi) of section 85 of the South Africa Act, 1909, shall be and remain in force until varied or withdrawn by the Assembly or by a provincial council having power in that behalf.

Seats of provincial government.

86. The seats of provincial government shall be—

For the Cape of Good Hope	Cape Town
For Natal	Pietermaritzburg
For the Transvaal	Pretoria
For the Orange Free State	Bloemfontein

PART VIII

ADMINISTRATION OF JUSTICE

Constitution and powers of Supreme Court of South Africa.

87. (1) The judicial authority of the Republic shall be vested in a Supreme Court to be known as the Supreme Court of South Africa and consisting of an Appellate Division and such provincial and local divisions as may be prescribed by law.

(2) The said Supreme Court shall, subject to the provisions of section 55, have jurisdiction as provided in the Supreme Court Act, 1959.

(3) Save as otherwise provided in the Supreme Court Act, 1959, Bloemfontein shall be the seat of the Appellate Division of the Supreme Court of South Africa.

Administrative functions relating to administration of justice.

88. All administrative powers, functions and duties in connection with the administration of justice shall be under the control of the Minister of Justice.

PART IX

FINANCE AND RAILWAYS

- Existing debts and liabilities of the State. 89. Nothing in this Act contained shall affect any assets or rights belonging to the State or any debts or liabilities of the State as existing immediately prior to the commencement of this Act, and all such assets, rights, debts and liabilities shall remain assets, rights, debts and liabilities of the Republic, subject, notwithstanding any other provisions contained in this Act, to the conditions imposed by any law under which such debts or liabilities were raised or incurred and without prejudice to any rights of security or priority in respect of the payment of principal, interest, sinking fund and other charges conferred on the creditors concerned, and the State may, subject to such conditions and rights, convert, renew or consolidate such debts.
- All revenues vest in State President. 90. All revenue of the Republic, from whatever source arising, shall vest in the State President.
- State Revenue Fund. 91. (1) There shall be a State Revenue Fund into which shall be paid all revenues as defined in section 1 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975).
(2) No moneys shall be withdrawn from the State Revenue Fund, except in accordance with an Act of the Assembly.
- Railway and Harbour Fund. 92. (1) There shall be a Railway and Harbour Fund into which shall be paid all revenue as defined in section 1 of the Railways and Harbours Finances and Accounts Act, 1977 (Act No. 48 of 1977), and all moneys obtained as loans in terms of sections 15 and 16 of that Act.
(2) No moneys shall be withdrawn from the Railway and Harbour Fund except in accordance with an Act of the Assembly.
- Security for interest on State debts of colonies. 93. The annual interest of the State debts of the Colonies incorporated in the Union of South Africa in terms of the South Africa Act, 1909, and any sinking funds in existence under any law at the establishment of the Republic, shall form a first charge on the Consolidated Revenue Fund.
- Railways and Harbours Board. 94. (1) The Railways and Harbours Board referred to in section 2 of the Railway Board Act, 1962 (Act No. 73 of 1962), hereinafter referred to as the board, shall consist of not more than three commissioners, who shall be appointed by the State President, and a Minister, who shall be chairman.
(2) A commissioner shall hold office for a period of five years, but may be re-appointed.
(3) A commissioner shall not be removed from office before the expiration of his period of office, except by the State President for cause assigned, which shall be communicated by message to the Assembly within one week after the removal, if the Assembly is in session or, if the Assembly is not in session, within one week after the commencement of the next ensuing session.
(4) The salaries of the commissioners shall be fixed by the Assembly and shall not be reduced during their respective terms of office.
- Railways, ports and harbours to be administered on business principles. 95. (1) The railways, ports and harbours of the Republic shall be administered on business principles, due regard being had to agricultural and industrial development within the Republic and the promotion, by means of cheap transport, of the settlement of an agricultural and industrial population in the inland portions of all provinces.
(2) (a) So far as may be, the total earnings of the railways, ports and harbours shall be not more than are sufficient to meet the necessary outlays for working, maintenance, betterment, depreciation, contributions to the sinking fund mentioned in section 97 and the payment of interest due on capital not being capital contributed out

of railway or harbour revenue, and not including any amounts payable out of the State Revenue Fund in accordance with the provisions of sections 98 and 99.

- (b) The amount of interest due on such capital invested shall be paid over from the Railway and Harbour Fund into the State Revenue Fund.

Establishment of fund for maintaining uniformity of railway rates.

96. Notwithstanding anything to the contrary contained in section 95, the board may establish a fund out of railway and harbour revenue for maintaining, as far as may be, uniformity of rates notwithstanding fluctuations in traffic.

Continued existence of sinking fund.

97. (1) The sinking fund established by the board under the management of the Public Debt Commissioners shall continue to exist.

(2) The fund shall be divided into two parts, to be known as the Redemption Account and the Reserve Account, respectively.

(3) The moneys in the Redemption Account shall, subject to the provisions of subsections (7) and (8), be used only for the redemption of loan funds appropriated from the State Revenue Fund for railway and harbour purposes.

(4) The moneys in the Reserve Account, or any part thereof, may, under appropriation by law, be withdrawn for the purposes determined by the board.

(5) There shall be paid into the fund to the credit of the Redemption Account—

(a) out of railway and harbour revenue the sum of R5 029 678,80 during each financial year, in equal monthly instalments on the last working day of each calendar month;

(b) the interest earned on stock purchased in terms of subsection (7);

(c) out of railway and harbour revenue in each financial year a sum equal to four and one half per cent per annum calculated on the total amount of stock redeemed and withdrawn in terms of subsection (8), from the date of such redemption and withdrawal;

(d) but under appropriation by law, moneys from the Reserve Account as and when directed by the board.

(6) There shall be paid into the fund to the credit of the Reserve Account—

(a) moneys appropriated by the Assembly;

(b) interest earned on the investment of moneys in the Account.

(7) The Public Debt Commissioners shall apply the moneys in the Redemption Account to the purchase of any stock of the Republic which has been allocated to the Railway Administration, up to an amount not exceeding the amount of such allocation.

(8) Any stock purchased by the Public Debt Commissioners in terms of the provisions of subsection (7), shall be held by them until the date of maturity of such stock, and the proceeds shall thereupon be paid into the State Revenue Fund, and an amount equal to the amount of the redeemed stock shall be withdrawn from the accumulated capital allocated to the Railway Administration.

Construction of railways, ports and harbour works.

98. (1) Save as provided in paragraph (6) of section 2 of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957), no railway for the conveyance of public traffic, and no port, harbour or similar work, shall be constructed without the sanction of the Assembly.

(2) Every proposal for the construction of any port or harbour works or of any line of railway, shall, before being submitted to Parliament, be considered by the board, which shall report thereon, and shall advise whether the proposed works or line of railway should or should not be constructed.

(3) (a) If any such works or line is constructed contrary to the advice of the board, and if the board is of opinion that the revenue derived from the operation of such works or line will be insufficient to meet the costs of working and

maintenance, and the interest on the capital invested therein, it shall frame an estimate of the annual loss which, in its opinion, will result from such operation.

- (b) Such estimate shall be examined by the Auditor-General, and when approved by him, the amount thereof shall be paid over annually from the State Revenue Fund to the Railway and Harbour Fund: Provided that, if in any year the actual loss incurred, as calculated by the board and certified by the Auditor-General, is less than the estimate framed by the board, the amount paid over in respect of that year shall be reduced accordingly so as not to exceed the actual loss incurred.
- (c) In calculating the loss arising from the operation of any such work or line, the board shall have regard to the value of any contributions of traffic to other parts of the system which may be due to the operation of such work or line.

Making good of deficiencies in Railway and Harbour Fund in certain cases.

99. If the board is required by the State President or under any Act of the Assembly or resolution of the Assembly to provide any services or facilities either gratuitously or at a tariff which is insufficient to meet the costs involved in the provision of such services or facilities, the board shall at the end of each financial year present to the Assembly an account approved by the Auditor-General, showing, as nearly as possible, the amount of the loss incurred by reason of the provision of such services or facilities, and such amount shall be paid out of the Revenue Fund to the Railway and Harbour Fund.

PART X

GENERAL

Continuation of existing laws.

100. Subject to the provisions of this Act, all laws which were in force in any part of the Republic, or in any territory in respect of which the Assembly is competent to legislate, immediately prior to the commencement of this Act, shall continue in force until repealed or amended by the competent authority.

Equality of official languages.

101. (1) English and Afrikaans shall be the official languages of the Republic, and shall be treated on a footing of equality, and possess and enjoy equal freedom, rights and privileges.

(2) All records, journals and proceedings of the Assembly shall be kept in both the official languages, and all bills, Acts and notices of general public importance or interest issued by the Government of the Republic shall be in both the official languages.

(3) Notwithstanding the provisions of subsection (1) an Act of the Assembly or a proclamation of the State President, issued under an Act of the Assembly, whereby a Black area is declared to be a self-governing territory in the Republic, or a later Act of the Assembly or a later proclamation of the State President (which in the absence of any other empowering provision may be issued under this subsection) may provide for the recognition of one or more languages for any or all of the following purposes, namely—

- (a) as an additional official language or as additional official languages of that territory; or
- (b) for use in that territory for official purposes prescribed by or under that Act or later Act or by any such proclamation,

and may contain provisions authorizing the use of any such Black language outside the said territory for such purposes connected with the affairs of that territory and subject to such conditions as may be prescribed by or under that Act or later Act or any such proclamation.

- Equality of use of official languages by provincial councils and local authorities. **102.** All records, journals and proceedings of a provincial council shall be kept in both the official languages, and all draft ordinances, ordinances and notices of public importance or interest issued by a provincial administration, and all notices issued and all regulations or by-laws made and all townplanning schemes prepared by any institution or body contemplated in section 78 (1) (f), shall be in both the official languages.
- Method of publication of notices, etc., in newspapers. **103.** Whenever anything is published in a newspaper at the instance of the State or by or under the directions of any body referred to in section 78 (1) (f) or of the administration of a province, the publication shall take place simultaneously in both official languages and in the case of each language in a newspaper circulating in the area of jurisdiction of the authority concerned which appears mainly in that language, and the publication in each language shall as far as practicable occupy the same amount of space: Provided that where in the area in question any newspaper appears substantially in both of the official languages, publication in both languages may take place in that newspaper.
- Administration of Black affairs, etc. **104.** The control and administration of Black affairs and of matters specially or differentially affecting Asians throughout the Republic shall vest in the State President, who shall exercise all those special powers in regard to Black administration which immediately prior to the commencement of this Act were vested in him, and any lands which immediately prior to such commencement vested in him for the purpose of reserves for Black locations shall continue to vest in him with all such powers as he may have in connection therewith, and no lands which were set aside for the occupation of Blacks and which could not at the establishment of the Union of South Africa have been alienated except by an Act of the Legislature of a colony which was incorporated in the Union of South Africa in terms of the South Africa Act, 1909, shall be alienated or in any way diverted from the purposes for which they were set aside except under the authority of an Act of the Assembly.
- Certain rights and obligations under conventions, etc., vest in Republic. **105.** All rights and obligations under conventions, treaties or agreements which were binding on any of the Colonies incorporated in the Union of South Africa at its establishment, and were still binding on the Republic immediately prior to the commencement of this Act, shall continue to be rights and obligations of the Republic, just as all other rights and obligations under conventions, treaties or agreements which immediately prior to the commencement of this Act were binding on the Republic.
- Transfer of certain executive powers. **106.** All powers, authorities and functions which immediately prior to the commencement of the Republic of South Africa Constitution Act, 1961, were in any of the provinces vested in the Governor-General or in the Governor-General-in-Council or in any authority of the province, shall as far as the same continue in existence and are capable of being exercised after the commencement of this Act, be vested in the State President or in the authority exercising similar powers in the Republic, as the case may be, except such powers, authorities and functions as are by this Act or any other law vested in some other authority.
- Petition by provincial councils necessary for alteration of provinces or for abolition of provincial councils. **107.** The Assembly shall not—
 (a) alter the boundaries of any province, divide a province into two or more provinces, or form a new province out of provinces within the Republic, except on a petition of the provincial council of every province whose boundaries are affected thereby;
 (b) abolish any provincial council or abridge the powers conferred on provincial councils under section 78, except by petition to the Assembly by the provincial council concerned.
- Affirmation in lieu of oath. **108.** Any person who is in terms of any provision of this Act required to make and subscribe an oath may in lieu of such oath make and subscribe a solemn affirmation in corresponding form.

Legal proceedings and transition provisions.

109. (1) (a) All criminal proceedings which immediately prior to the commencement of the Republic of South Africa Constitution Act, 1961, were required to be instituted in the name of the Queen shall be instituted in the name of the Republic.

(b) Any such proceedings which have not been concluded before the commencement of this Act, or which, having been so concluded, are thereafter reopened, shall be continued in all respects as if this Act had not been passed, except that the proceedings shall thereafter be conducted as if they were instituted in the name of the Republic.

(2) Any civil proceedings instituted prior to the commencement of the Republic of South Africa Constitution Act, 1961, by or against a Minister as representing the Government of the Union of South Africa or by or against an administrator of a province appointed under the South Africa Act, 1909, which have not been disposed of before such commencement, or, having been so disposed of, are thereafter reopened, may be proceeded with without interruption by or against that Minister as representing the Government of the Republic or by or against that administrator in his capacity as the person appointed as the administrator of the province concerned in terms of this Act.

(3) Any provision of any law in terms of which any person is required to take an oath or solemn affirmation of allegiance to the King or the Queen, shall be construed as a provision requiring such person to take an oath or solemn affirmation that he will be faithful to the Republic.

(4) Any person who holds an office in the service of the State in respect of which he has prior to the commencement of this Act taken an oath or solemn affirmation of allegiance to the King or the Queen, shall, if required to do so on the direction of the State President, take an oath or solemn affirmation that he will be faithful to the Republic.

References in other laws to Houses or certain officers of Parliament.

110. Any reference in any law—

(a) to any House or the Houses of Parliament, shall be construed as a reference to the Assembly;

(b) to the Clerk or the Clerk-Assistant of the Senate or the House of Assembly, or to the Secretary or the Deputy Secretary to the Senate or the House of Assembly or Parliament, shall be construed as a reference to the Secretary or the Deputy Secretary, respectively, to the Assembly.

Amendment of Act.

111. The provisions of this Act may be repealed or amended by an Act of the Assembly or any other legislative body having the power thereto in terms of the said provisions: Provided that no repeal or alteration of the provisions contained in this section or in section 101 shall be valid unless it is passed by a majority of not less than two-thirds of the total number of members of the Assembly or the other legislative body concerned.

Definitions.

112. In this Act, unless the context otherwise indicates—

(i) "Afrikaans" includes Dutch; (i)

(ii) "Assembly" means the Assembly established by section 27 (1) or, if the circumstances so require, the House of Representatives or Chamber of Deputies; (xiii)

(iii) "Chamber of Deputies" means the Chamber of Deputies established by section 52 (1); (vi)

(iv) "Chief Justice" means the Chief Justice of South Africa; (iii)

(v) "Coloured person" means any person classified in terms of the Population Registration Act, 1950, as a member of the Cape Coloured, Malay or Griqua Group or Other Coloured Group, and includes a South African citizen having his fixed abode in an independent State and who would be so classified if the provisions of the said Act were applicable to him; (viii)

- (vi) "Council of Cabinets" means the Council of Cabinets established by section 16 (1); (xi)
- (vii) "electoral college" means an electoral college constituted as contemplated in section 8 (1) (b); (vii)
- (viii) "House of Representatives" means the House of Representatives established by section 49 (1); (iv)
- (ix) "Indian" means any person classified in terms of the Population Registration Act, 1950, as a member of the Indian Group; (v)
- (x) "President's Council" means the President's Council established by section 23 (1); (ix)
- (xi) "province" means any of the provinces incorporated in the Union of South Africa by the South Africa Act, 1909; (x)
- (xii) "Republic" means the Republic of South Africa; (xii)
- (xiii) "White person" means any person classified in terms of the Population Registration Act, 1950, as a White Person. (ii)

Repeal of laws.

113. (1) The laws specified in the Schedule are hereby repealed to the extent set out in the third column of the Schedule.
 (2) Any authority constituted or person appointed or power conferred or anything done in pursuance of powers conferred by or by virtue of any provision of any law repealed by sub-section (1) shall be deemed to have been constituted, appointed, conferred or done in pursuance of powers conferred by or by virtue of the corresponding provision of this Act.

Short title and commencement.

114. (1) This Act shall be called the Republic of South Africa Constitution Act, 19 . . . , and shall, save in so far as may be otherwise required for the purpose of giving effect to any provision thereof, come into operation on a date fixed by the State President by proclamation in the *Gazette*.
 (2) Different dates may be so fixed in respect of different provisions of this Act.
 (3) Any reference in this Act to the date of commencement thereof shall be construed as a reference to the applicable date so fixed.

Schedule

No. and year of Law	Title	Extent of Repeal
Act No. 32 of 1961	Republic of South Africa Constitution Act, 1961	The whole
Act No. 28 of 1962	Provincial Executive Committees Act, 1962 ..	The whole
Act No. 65 of 1962	Constitution Amendment Act, 1962	The whole
Act No. 9 of 1963	Constitution Amendment Act, 1963	The whole
Act No. 22 of 1963	Provincial Councils and Executive Committees Act, 1963	The whole
Act No. 47 of 1963	Coloured Persons Education Act, 1963	Section 37 (1)
Act No. 64 of 1963	Provincial Executive Committees Act, 1963 ..	The whole
Act No. 61 of 1965	Indians Education Act, 1965	Section 36 (1)
Act No. 83 of 1965	Constitution Amendment Act, 1965	The whole
Act No. 102 of 1965	Pension Laws Amendment Act, 1965	Section 18
Act No. 37 of 1966	Constitution Amendment Act, 1966	The whole
Act No. 9 of 1967	Constitution Amendment Act, 1967	The whole
Act No. 50 of 1968	Separate Representation of Voters Amendment Act, 1968	Section 1 and so much of the Schedule as relates to the Republic of South Africa Constitution Act, 1961
Act No. 79 of 1968	Pension Laws Amendment Act, 1968	Section 2 (1)
Act No. 37 of 1969	Powers and Privileges of Provincial Councils Amendment Act, 1969	Section 4
Act No. 101 of 1969	General Law Amendment Act, 1969	Section 20
Act No. 1 of 1971	Constitution Amendment Act, 1971	The whole
Act No. 93 of 1971	Pension Laws Amendment Act, 1971	Section 1
Act No. 18 of 1972	Provincial Finance and Audit Act, 1972	Sections 34 and 35
Act No. 61 of 1972	Provincial Affairs Act, 1972	Sections 3, 4 and 5 (1)
Act No. 102 of 1972	General Law Amendment Act, 1972	Section 20
Act No. 62 of 1973	General Law Amendment Act, 1973	Section 22
Act No. 79 of 1973	Constitution and Elections Amendment Act, 1973	Sections 81 up to and including 86
Act No. 33 of 1974	Parliamentary Service Act, 1974	Sections 8, 9 and 10
Act No. 48 of 1974	Constitution Amendment Act, 1974	The whole
Act No. 77 of 1974	Second Pension Laws Amendment Act, 1974	Section 1
Act No. 66 of 1975	Exchequer and Audit Act, 1975	So much of the Schedule as relates to the Republic of South Africa Constitution Act, 1961
Act No. 60 of 1976	Constitution Amendment Act, 1976	The whole
Act No. 65 of 1976	Financial Relations Act, 1976	So much of Schedule 3 as relates to the Republic of South Africa Constitution Act, 1961
Act No. 30 of 1977	Constitution Amendment Act, 1977	The whole
Act No. 48 of 1977	Railways and Harbours Finances and Accounts Act, 1977	Section 25

No. and year of Law	Title	Extent of Repeal
Act No. 63 of 1977	Health Act, 1977	Section 60
Proclamation No. R.249 of 1977	Amendment of (1) the South West Africa Affairs Amendment Act, 1949, (2) the Republic of South Africa Constitution Act, 1961, and (3) the South West Africa Constitution Act, 1968	So much as relates to the Republic of South Africa Constitution Act, 1961

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