



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1527.

1 Augustus 1980.

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

No. 101 van 1980: Vyfde Wysigingswet op die Grondwet van die Republiek van Suid-Afrika, 1980.

No. 1527.

1 August 1980.

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

No. 101 of 1980: Republic of South Africa Constitution Fifth Amendment Act, 1980.

Wet No. 101, 1980

VYFDE WYSIGINGSWET OP DIE GRONDWET VAN DIE
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ALGEMENE VERDUIDELIKENDE NOTA:

[**]** Woorde in vet druk tussen vierkantige hake dui skappings uit
bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande
verordenings aan.

WET

Tot wysiging van die Grondwet van die Republiek van Suid-Afrika, 1961, ten einde die amp van Vise-staatspresident in te stel; die werksaamhede van die Vise-staatspresident te omskryf; voorsiening te maak vir 'n vermeerdering van die getal Ministers; die Senaat af te skaf; die samestelling van die Volksraad opnuut te bepaal; 'n Presidentsraad in te stel; en sy werksaamhede te omskryf; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Julie 1980.)

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

Wysiging van
opskrif by
Deel III van
Wet 32 van 1961.

1. Die opskrif by DEEL III van die Grondwet van die Republiek van Suid-Afrika, 1961 (hieronder die Hoofwet 5
genoem), word hierby gewysig deur die woorde „DIE STAATSPRESIDENT” deur die volgende woorde te vervang:

„DIE STAATSPRESIDENT EN DIE VISE-STAATSPRESIDENT.”.

Wysiging van
artikel 7 van
Wet 32 van 1961.

2. Artikel 7 van die Hoofwet word hierby gewysig— 10

(a) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:

„(a) om, met behoorlike inagneming van die bepalings van hierdie Wet, **[die Senaat of die Volksraad, of die Senaat en die Volksraad gelyktydig]** die 15
Volksraad te ontbind;” en

(b) deur paragraaf (e) van subartikel (3) deur die volgende paragraaf te vervang:

„(e) om, met behoorlike inagneming van die bepalings van hierdie Wet, die tye vir sessies van die 20
[Parlement] Volksraad te bepaal en die **[Parlement]** Volksraad te prorogeer;”.

Wysiging van
artikel 8 van
Wet 32 van 1961,
soos gewysig deur
artikel 1 van
Wet 9 van 1967
en artikel 8 van
Wet 33 van 1974.

3. Artikel 8 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te 25
vervang:

„(1) Die Staatspresident word deur 'n kieskollege wat bestaan uit die lede van **[die Senaat en]** die Volksraad, gekies op 'n vergadering wat ooreenkomstig die bepalings van hierdie artikel belê word en waarop die Hoofregter van Suid-Afrika of 'n appèlregter deur 30
hom aangewys, voorsit;” en

(b) deur subartikel (4) deur die volgende subartikel te 35
vervang:

„(4) Niemand kan as Staatspresident gekies word of dien nie tensy hy bevoeg is om as lid van die 35
[Senaat] Volksraad benoem of **[gekies]** verkies te word en sitting te neem.”.

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GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Republic of South Africa Constitution Act, 1961, to establish the office of Vice State President; to define the functions of the Vice State President; to provide for an increase in the number of Ministers; to abolish the Senate; to prescribe afresh the composition of the House of Assembly; to establish a President's Council; and to define its functions; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 1 July 1980.)

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

1. The heading to PART III of the Republic of South Africa 5 Constitution Act, 1961 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the words "THE STATE PRESIDENT" of the following words:

Amendment of heading to Part III of Act 32 of 1961.

"THE STATE PRESIDENT AND THE VICE STATE PRESIDENT."

10 2. Section 7 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (3) of the following paragraph:	Amendment of section 7 of Act 32 of 1961.
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15 “(a) with due regard to the provisions of this Act to dissolve **[the Senate or the House of Assembly or the Senate and the House of Assembly simultaneously]** the House of Assembly;”; and

(b) by the substitution for paragraph (e) of subsection (3) of the following paragraph:

20 “(e) with due regard to the provisions of this Act to appoint the times for the holding of sessions of **【Parliament】** the House of Assembly and to prorogue **【Parliament】** the House of Assembly;”.

25 3. Section 8 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

Amendment of section 8 of Act 32 of 1961, as amended by

30 “(1) The State President shall be elected by an electoral college consisting of the members of **[the Senate and]** the House of Assembly, at a meeting to be called in accordance with the provisions of this section and presided over by the Chief Justice of South Africa or a judge of appeal designated by him.”; and

(b) by the substitution for subsection (4) of the following subsection:

35 “(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 [Senate] House of Assembly.”.

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Wysiging van
artikel 10 van
Wet 32 van 1961.

4. Artikel 10 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:
- „(b) Hy hou op om sy amp te beklee by 'n besluit wat deur die **[Senaat en deur die]** Volksraad **[in dieselfde sessie]** geneem is waarby hy van sy amp onthef verklaar word op grond van wangedrag of onvermoë om sy ampspligte doeltreffend uit te voer.”;
- (b) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:
- „(a) 'n Besluit word nie ingevolge paragraaf (b) van subartikel (1) geneem nie, behalwe na oorweging van 'n verslag van 'n **[gesamentlike]** komitee van die **[Senaat en die]** Volksraad wat aangestel is ingevolge 'n besluit van die Volksraad **[waarmee die Senaat ingestem het]**.”; en
- (c) deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:
- „(c) In verband met 'n besluit wat in paragraaf (b) 20 beoog word, word geen bespreking **[of in die Senaat of]** in die Volksraad toegelaat nie.”.

Invoeging van
artikel 10A in
Wet 32 van 1961.

5. Die volgende artikel word hierby in die Hoofwet na artikel 10 ingevoeg:

„Vise-
staats-
president.

10A. (1) Daar is 'n Vise-staatspresident. 25

(2) Die bepalings van artikels 8, 9 en 10 is *mutatis mutandis* van toepassing ten opsigte van die verkiesing, kwalifikasies, ampstermyn en ontheffing van amp van die Vise-staatspresident.

(3) Die Vise-staatspresident is die voorsitter van die 30
Presidentsraad: Met dien verstande dat hy nie as voorsitter van genoemde raad optree terwyl hy as Waarnemende Staatspresident dien nie.”.

Vervanging van
artikel 11 van
Wet 32 van 1961.

6. Artikel 11 van die Hoofwet word hierby deur die volgende 35
artikel vervang:

„Waarne-
mende
Staats-
president.

11. Wanneer die amp van Staatspresident vakant is of die Staatspresident om een of ander rede nie sy ampspligte kan uitvoer nie, dien die **[President van die Senaat]** Vise-staatspresident as Waarnemende Staatspresident, en as die amp van **[President van die Senaat]** Vise-staatspresident vakant is of die bekleër van daardie amp nie in staat is om op te tree nie, dien die Speaker van die Volksraad of, as sy amp vakant is of hy nie in staat is om op te tree nie, iemand deur die Uitvoerende Raad benoem, as 45
Waarnemende Staatspresident.”.

Vervanging van
artikel 12 van
Wet 32 van 1961,
soos gewysig deur
artikel 2 van
Wet 9 van 1967.

7. Artikel 12 van die Hoofwet word hierby deur die volgende artikel vervang:

„Ampseed
deur Staats-
president,
Vise-staats-
president
en Waarne-
nemende
Staats-
president.

12. Die Staatspresident, die Vise-staatspresident en 'n Waarnemende Staatspresident wat nie die amp van 50
Vise-staatspresident beklee nie moet, voordat hy sy amp aanvaar, 'n ampseed in die volgende vorm voor die Hoofregter van Suid-Afrika of 'n regter van die Hooggeregshof van Suid-Afrika afleë en onderteken:

In die teenwoordigheid van die Almagtige God 55
en in die volle besef van die hoë roeping wat ek
as Staatspresident/Vise-staatspresident/Waarne-
mende Staatspresident in die diens van my volk
aanvaar, sweer ek, A.B., trou aan die Republiek
van Suid-Afrika en beloof ek plegtig en opreg 60
dat ek te alle tye sal bevorder wat tot sy voordeel
is, sal afweer wat hom kan skaad en my aan die

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4. Section 10 of the principal Act is hereby amended—

Amendment of
section 10 of
Act 32 of 1961.

(a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

5 “(b) He shall cease to hold office on a resolution passed by the **[Senate and by the]** House of Assembly **[during the same session]** declaring him to be removed from office on the ground of misconduct or inability to perform efficiently the duties of his office.”;

10 (b) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

15 “(a) No resolution shall be taken under paragraph (b) of subsection (1), except after consideration of a report of a **[joint]** committee of the **[Senate and the]** House of Assembly appointed in pursuance of a resolution of the House of Assembly **[which has been concurred in by the Senate]**.”; and

20 (c) by the substitution for paragraph (c) of subsection (2) of the following paragraph:

“(c) In connection with any resolution contemplated in paragraph (b) no debate shall be allowed **[either in the Senate or]** in the House of Assembly.”.

5. The following section is hereby inserted in the principal Act 25 after section 10:

Insertion of
section 10A in
Act 32 of 1961.“Vice State
President.

10A. (1) There shall be a Vice State President.

30 (2) The provisions of sections 8, 9 and 10 apply *mutatis mutandis* in respect of the election, qualifications, period of office and removal from office of the Vice State President.

(3) The Vice State President shall be the chairman of the President's Council: Provided that he shall not act as chairman of the said council while he serves as Acting State President.”.

35 6. The following section is hereby substituted for section 11 of the principal Act:

Substitution of
section 11 of
Act 32 of 1961.“Acting State
President.

40 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 **[President of the Senate]** Vice State President shall serve as Acting State President, and if the office of **[President of the Senate]** Vice State President is vacant or the holder of that office is unable to act, the Speaker of the House of Assembly or, if his office is vacant or he is unable to act, a person appointed by the Executive Council shall serve as Acting State President.”.

7. The following section is hereby substituted for section 12 of the principal Act:

Substitution of
section 12 of
Act 32 of 1961,
as amended by
section 2 of
Act 9 of 1967.

50 “Oath of
office by
State presi-
dent, Vice
State Presi-
dent and
Acting State
President.

55 12. The State President, the Vice State President and any Acting State President who does not occupy the office of Vice State President shall before assuming office make and subscribe an oath of office in the following form before the Chief Justice of South Africa or a Judge of the Supreme Court of South Africa:

60 In the presence of Almighty God and in full realization of the high calling I assume as State President/Vice State President/Acting State President in the service of my people, 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

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welvaart van sy inwoners sal wy, die Grondwet en alle ander Reg van die Republiek sal gehoor-
saam, eerbiedig, handhaaf en onderhou, my
werksaamhede getrou met al my kragte en
talente na my beste vermoë en kennis en getrou
aan die stem van my gewete sal uitvoer, aan
almal reg sal laat geskied en my aan die welsyn
van my volk sal wy.
Mag die Almagtige in Sy Genade my lei en
onderskraag om hierdie eed met eer en waardig-
heid na te kom.
So help my God."

Vervanging van
artikel 13 van
Wet 32 van 1961.

8. Artikel 13 van die Hoofwet word hierby deur die volgende artikel vervang:

„Beskerming
van waardig-
heid en eer
van Staats-
president,
Vise-staats-
president
en Waar-
nemende
Staats-
president.

13. Iemand wat hom skuldig maak aan 'n 15
handeling wat bereken is om die waardigheid van
die Staatspresident, die Vise-staatspresident of 'n
Waarnemende Staatspresident te skend of hom in sy
eer te krenk, is aan 'n misdryf skuldig en by
skuldigbevinding strafbaar met 'n boete van hoog- 20
stens tweeduisend rand of gevangenisstraf vir 'n
tydperk van hoogstens vyf jaar."

Vervanging van
artikel 14 van
Wet 32 van 1961,
soos vervang
deur artikel 1 van
Wet 48 van 1974.

9. Artikel 14 van die Hoofwet word hierby deur die volgende artikel vervang:

„Salaris van
Staatspresi-
dent en Vise-
staatspresi-
dent.

14. (1) Daar word aan die Staatspresident en die 25
Vise-staatspresident, benewens die toelaes wat die
Parlement van tyd tot tyd bewillig, en afgesien van
die voorregte wat [hy] hulle mag geniet, uit die
Staatsinkomstefonds en ten laste daarvan elk 'n salaris
betaal wat, behoudens die bepalinge van subartikel 30
[(3)] (2), van tyd tot tyd by besluit van [die
Senaat en] die Volksraad bepaal word.

[(2) Die salaris onmiddellik voor die inwerking-
trekking van hierdie Wet aan die Staatspresident
betaalbaar, word geag kragtens subartikel (1) 35
bepaal te gewees het.]

[(3)] (2) Die salaris van die Staatspresident of die
Vise-staatspresident word nie gedurende sy amps-
termyn verminder nie."

Invoeging van
artikel 15A in
Wet 32 van 1961.

10. Die volgende artikel word hierby in die Hoofwet na artikel 40
15 ingevoeg:

„Pensioen
betaalbaar
aan Vise-
staatspresi-
dent en sy
weduwee.

15A. Die bepalinge van artikel 15 (1) en (2) is
mutatis mutandis van toepassing ten opsigte van
iemand wat die amp van Vise-staatspresident beklee
het en sy weduwee."

45

Wysiging van
artikel 20 van
Wet 32 van 1961,
soos gewysig deur
artikel 2 van
Wet 9 van 1967
en artikel 1 van
Wet 70 van 1980.

11. Artikel 20 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te
vervang:

„(1) Die Staatspresident kan hoogstens [agtien]
twintig persone aanstel om die Staatsdepartemente van 50
die Republiek deur die Staatspresident ingestel, te
administreer."; en

(b) deur subartikel (3) deur die volgende subartikel te
vervang:

„(3) 'n Minister beklee nie sy amp langer as twaalf 55
maande sonder dat hy lid van die [Senaat of die]
Volksraad is of word nie, en iemand wat 'n Minister
was sonder dat hy lid van die [Senaat of] Volksraad
was, word nie weer as Minister aangestel sonder dat hy
so 'n lid is nie."

60

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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 knowledge and ability and true to the dictates of my conscience, to do justice unto all and to devote myself to the well-being of my people.

May the Almighty by His grace guide and sustain me in keeping this oath with honour and dignity.
So help me God."

8. The following section is hereby substituted for section 13 of the principal Act: Substitution of section 13 of Act 32 of 1961.

- 15 "Protection of dignity and reputation of State President, Vice State President and Acting State President. 13. Any person who commits any act which is calculated to violate the dignity or injure the reputation of the State President, the Vice 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."

9. The following section is hereby substituted for section 14 of the principal Act: Substitution of section 14 of Act 32 of 1961, as substituted by section 1 of Act 48 of 1974.

- 25 "Salary of State President and Vice State President. 14. (1) There shall be paid to the State President and the Vice State President out of and as a charge on the State Revenue Fund, in addition to any allowances appropriated from time to time by Parliament, and apart from any privileges which **[he]** they may enjoy, each a salary determined, subject to the provisions of subsection **[(3)]** (2), by resolution of **[the Senate and]** the House of Assembly from time to time.

30 **[(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).]**

35 **[(3)] (2) The salary of the State President or the Vice State President shall not be reduced during his term of office."**

40 10. The following section is hereby inserted in the principal Act after section 15: Insertion of section 15A in Act 32 of 1961.

- "Pension payable to Vice State President and his widow. 15A. The provisions of section 15 (1) and (2) apply *mutatis mutandis* in respect of a person who occupied the office of Vice State President and his widow."

45 11. Section 20 of the principal Act is hereby amended— Amendment of section 20 of Act 32 of 1961, as amended by section 2 of Act 9 of 1967 and section 1 of Act 70 of 1980.

- (a) by the substitution for subsection (1) of the following subsection:

50 "(1) The State President may appoint persons not exceeding **[eighteen]** twenty in number to administer such departments of State of the Republic as the State President may establish."; and

- (b) by the substitution for subsection (3) of the following subsection:

55 "(3) No Minister shall hold office for a longer period than twelve months unless he is or becomes a member of the **[Senate or the]** House of Assembly, and a person who was a Minister without being a member of the **[Senate or the]** House of Assembly shall not again be appointed as a Minister unless he is such a member."

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Wysiging van
artikel 21 van
Wet 32 van 1961,
soos gewysig deur
artikel 1 van
Wet 65 van 1962.

12. Artikel 21 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) 'n Persoon wat ingevolge hierdie artikel aangestel is, bekleë nie sy amp langer as drie maande sonder dat hy lid van die **[Senaat of die]** Volksraad is of word nie.”.

5

Vervanging van
artikel 24 van
Wet 32 van 1961.

13. Artikel 24 van die Hoofwet word hierby deur die volgende artikel vervang:

„Wetgewende mag.

24. Die wetgewende mag van die Republiek berus by die Parlement van die Republiek, wat bestaan uit die Staatspresident en 'n Volksraad.”.

10

Vervanging van
artikel 25 van
Wet 32 van 1961.

14. Artikel 25 van die Hoofwet word hierby deur die volgende artikel vervang:

„Sessies van Volksraad.

25. Die Staatspresident kan die tye wat hy goetvind, vir sessies van die Volksraad bepaal en kan die Volksraad ook van tyd tot tyd by proklamasie in die Staatskoerant of andersins prorogeer.”.

15

Vervanging van
artikel 26 van
Wet 32 van 1961.

15. Artikel 26 van die Hoofwet word hierby deur die volgende artikel vervang:

„Jaarlikse sessie van Volksraad.

26. Daar is minstens een maal elke jaar 'n sessie van die Volksraad sodat daar nie 'n tydperk van 12 maande tussen die laaste sitting van die Volksraad in een sessie en sy eerste sitting in die volgende sessie verloop nie.”.

20

Herroeping van
opskrif voor
artikel 28 en van
artikels 28 tot 31
en 33 tot 39 van
Wet 32 van 1961.

16. Die opskrif voor artikel 28, en artikels 28, 29, 30, 31, 33, 34, 35, 36, 37, 38 en 39, van die Hoofwet word hierby herroep.

25

Wysiging van
artikel 40 van
Wet 32 van 1961,
soos gewysig deur
artikel 1 van
Wet 83 van 1965,
artikel 4 van
Wet 50 van 1968,
artikel 81 van
Wet 79 van 1973
en Proklamasie
No. R.249 van
1977.

17. Artikel 40 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die Volksraad bestaan uit—

(a) 165 lede wat elkeen regstreeks verkies word deur die stemgeregtigdes by 'n verkiesing van so 'n lid in 'n kiesafdeling wat volgens voorskrif van artikel 43 afgebaken is;

(b) vier lede benoem deur die Staatspresident, van wie een uit elke provinsie benoem word;

35

(c) agt lede verkies deur die lede bedoel in paragraaf (a) volgens die beginsel van proporsionele verteenwoordiging waarby elke kieser een oordraagbare stem het.”; en

(b) deur na genoemde subartikel (1) die volgende subartikels in te voeg:

„(1A) Die Staatspresident kan regulasies uitvaardig betreffende die verkiesing van lede ingevolge subartikel (1) (c), met inbegrip van regulasies waarby die wyse van stemming en van die oordra en tel van stemme en die pligte van kiesbeamptes in verband met genoemde verkiesing van lede voorgeskryf word.

45

(1B) 'n Toevallige vakature in die setel van 'n lid wat ingevolge subartikel (1) (b) of (c) benoem of verkies is, word aangevul deur die benoeming of verkiesing van 'n lid vir die onverstreke gedeelte van die ampstermyn van die lid in wie se plek hy benoem of verkies word, en wel op dieselfde wyse waarop laasgenoemde lid benoem of verkies is.”.

50

Skrapping van
opskrif voor
artikel 52 van
Wet 32 van 1961.

18. Die opskrif „Senaat sowel as Volksraad” onmiddellik voor artikel 52 van die Hoofwet word hierby geskrap.

55

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12. Section 21 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

- 5 “(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 **[Senate or the]** House of Assembly.”.

Amendment of section 21 of Act 32 of 1961, as amended by section 1 of Act 65 of 1962.

13. The following section is hereby substituted for section 24 of the principal Act:

10 “Legislative power.

24. The legislative power of the Republic is vested in the Parliament of the Republic, which consists of the State President and a House of Assembly.”.

Substitution of section 24 of Act 32 of 1961.

14. The following section is hereby substituted for section 25 of the principal Act:

15 “Sessions of House of Assembly.

25. The State President may appoint such times for holding the sessions of the House of Assembly as he thinks fit, and may also from time to time, by proclamation in the *Gazette* or otherwise, prorogue the House of Assembly.”.

Substitution of section 25 of Act 32 of 1961.

15. The following section is hereby substituted for section 26 of the principal Act:

“Annual session of House of Assembly.

26. There shall be a session of the House of Assembly at least once in every year, so that a period of 12 months shall not intervene between the last sitting of the House of Assembly in one session and its first sitting in the next session.”.

Substitution of section 26 of Act 32 of 1961.

16. The heading before section 28, and sections 28, 29, 30, 31, 33, 34, 35, 36, 37, 38 and 39, of the principal Act are hereby repealed.

Repeal of heading before section 28 and of sections 28 to 31 and 33 to 39 of Act 32 of 1961.

17. Section 40 of the principal Act is hereby amended—

- 30 (a) by the substitution for subsection (1) of the following subsection:

“(1) The House of Assembly shall be composed of—

- 35 (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 43;

(b) four members nominated by the State President, of whom one shall be nominated from each province;

- 40 (c) eight members elected by the members contemplated in paragraph (a) according to the principle of proportional representation, each voter having one transferable vote.”; and

- 45 (b) by the insertion after the said subsection (1) of the following subsections:

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

- 50 (1B) A casual vacancy in the seat of a member nominated or elected in terms of subsection (1) (b) or (c) shall be filled by the nomination or election of a member for the unexpired portion of the period of office of the member in whose stead he is nominated or elected, and in the same manner in which the last-mentioned member was nominated or elected.”.

Amendment of section 40 of Act 32 of 1961, as amended by section 1 of Act 83 of 1965, section 4 of Act 50 of 1968, section 81 of Act 79 of 1973 and Proclamation No. R.249 of 1977.

18. The heading “Both Senate and House of Assembly” immediately preceding section 52 of the principal Act is hereby deleted.

Deletion of heading preceding section 52 of Act 32 of 1961.

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Vervanging van
artikel 52 van
Wet 32 van 1961,
soos gewysig deur
artikel 2 van
Wet 9 van 1967.

19. Artikel 52 van die Hoofwet word hierby deur die volgende artikel vervang:

„Eed.

52. Elke **[senator en elke]** Volksraadslid moet, voordat hy sy sitplek inneem, voor die Staatspresident of voor 'n persoon wat deur hom gemagtig is, 'n eed 5 in die volgende vorm aflê en onderteken:

Ek, A.B., sweer trou aan die Republiek van Suid-Afrika en onderneem plegtig om my pligte as lid van die **[Senaat]** Volksraad na my beste vermoë uit te voer. 10
So help my God.”.

Vervanging van
artikel 53 van
Wet 32 van 1961.

20. Artikel 53 van die Hoofwet word hierby deur die volgende artikel vervang:

„Uitwerking
van ontbin-
ding van
Volksraad.

53. Ondanks 'n ontbinding van **[die Senaat of]** die Volksraad ingevolge hierdie Wet, hetsy deur 15 tydsverloop hetsy andersins—

- (a) bly elke persoon wat op die datum van die ontbinding 'n lid van die **[betrokke liggaam]** Volksraad is, nog 'n lid daarvan;
- (b) bly **[daardie liggaam]** die Volksraad bevoeg 20 om sy werksaamhede te verrig; en
- (c) is die Staatspresident bevoeg om die **[Parlement]** Volksraad vir die verrigting van werksaamhede byeen te roep,

gedurende die tydperk na sodanige ontbinding tot en 25 met die dag onmiddellik voor die stembag van die verkiesing ingevolge daardie ontbinding gehou, op dieselfde wyse in alle opsigte asof die ontbinding nie plaasgevind het nie.”.

Vervanging van
artikel 54 van
Wet 32 van 1961,
soos gewysig deur
artikel 2 van
Wet 70 van 1980.

21. Artikel 54 van die Hoofwet word hierby deur die volgende artikel vervang:

„Ontruiming
van setels
deur lede en
bevoegdhede
van Minis-
ters in
Volksraad.

54. (1) 'n Lid van die **[Senaat]** Presidentsraad wat as lid van die Volksraad of 'n provinsiale raad verkies of benoem word, ontruim sy setel as **[senator]** lid van die Presidentsraad met ingang van die 35 datum waarop hy lid van die Volksraad of dié provinsiale raad word.

(2) 'n Lid van die Volksraad wat as lid van die **[Senaat verkies of benoem word]** Presidentsraad aangestel word, ontruim sy setel as Volksraadslid met 40 ingang van die datum waarop hy lid van die **[Senaat]** Presidentsraad word.

(3) 'n Lid van die **[Senaat of die]** Volksraad wat as lid van 'n provinsiale raad verkies word, hou op om lid van die **[Senaat of die]** Volksraad te wees 45 met ingang van die datum waarop hy lid van daardie provinsiale raad word.

[(4) 'n Minister wat lid is van die Senaat of die Volksraad en 'n lid van die Senaat of die Volksraad wat die amp van plaasvervanger van 'n Minister beklee, het die reg om in die Senaat en in die Volksraad sitting te neem en te praat, maar hy mag net stem waar hy lid is.]

[(5) (4) 'n Minister wat nie lid van die [Senaat of die] Volksraad is nie, het die reg om in die [Senaat en in die] Volksraad sitting te neem en te praat, maar mag nie [in die Senaat of die Volksraad] daarin stem nie.”. 55

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19. The following section is hereby substituted for section 52 of the principal Act:

Substitution of section 52 of Act 32 of 1961, as amended by section 2 of Act 9 of 1967.

"Oath.

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52. Every **[senator and every]** member of the House of 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:

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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 **[Senate]** House of Assembly to the best of my ability.
So help me God."

20. The following section is hereby substituted for section 53 of the principal Act:

Substitution of section 53 of Act 32 of 1961.

15 "Effect of dissolution of House of Assembly.

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53. Notwithstanding any dissolution of **[the Senate or]** the House of Assembly under this Act, whether by effluxion of time or otherwise—

- (a) every person who at the date of the dissolution is a member of the **[body concerned]** House of Assembly shall remain a member thereof;
- (b) the **[said body]** House of Assembly shall remain competent to perform its functions; and
- (c) the State President shall have power to summon **[Parliament]** the House of Assembly for the dispatch 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."

21. The following section is hereby substituted for section 54 of the principal Act:

Substitution of section 54 of Act 32 of 1961, as amended by section 2 of Act 70 of 1980.

"Vacating of seats by members and powers of Ministers in House of Assembly.

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54. (1) A member of the **[Senate]** President's Council who is elected or nominated as a member of the House of Assembly or a provincial council shall vacate his seat as a **[senator]** member of the President's Council with effect from the date on which he becomes a member of the House of Assembly or such provincial council.

(2) A member of the House of Assembly who is **[elected or nominated]** appointed as a member of the **[Senate]** President's Council, shall vacate his seat as a member of the House of Assembly with effect from the date on which he becomes a member of the **[Senate]** President's Council.

(3) A member of the **[Senate or the]** House of Assembly who is elected as a member of a provincial council shall cease to be a member of the **[Senate or the]** House of Assembly with effect from the date upon which he becomes a member of that provincial council.

[(4) A Minister who is a member of the Senate or the House of Assembly and a member of the Senate or the House of Assembly holding office as a deputy to any Minister, shall have the right to sit and speak in the Senate and in the House of Assembly, but shall vote only where he is a member.]

[(5) (4) A Minister who is not a member of the [Senate or the] House of Assembly shall have the right to sit and to speak in the [Senate and in the] House of Assembly, but shall not vote [in the Senate or the House of Assembly] therein."

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Wysiging van
artikel 55 van
Wet 32 van 1961,
soos gewysig deur
artikel 20 van
Wet 101 van 1969,
artikel 20 van
Wet 102 van 1972,
artikel 22 van
Wet 62 van 1973
en artikel 1 van
Wet 99 van 1979.

Vervanging van
artikel 56 van
Wet 32 van 1961.

22. Artikel 55 van die Hoofwet word hierby gewysig deur die woorde „Senaat of die”, oral waar hulle voorkom, en die woorde „of die Senaat en die Volksraad” te skrap.

23. Artikel 56 van die Hoofwet word hierby deur die volgende artikel vervang:

„Oopval van 56. 'n **【Senator of】** Volksraadslid ontruim sy setels. setel, indien hy—
(a) onderhewig word aan 'n onbevoegdheid in artikel 55 genoem; of
(b) ophou om volgens vereiste van 'n wetsbepaling 10 bevoeg te wees; of
(c) 'n hele gewone sessie afwesig bly sonder spesiale verlof van die **【Senaat of die】** Volksraad, **【na gelang van die geval,】** tensy sy afwesigheid te wyte is aan sy diens, terwyl die 15 Republiek in oorlog betrokke is, in die Suid-Afrikaanse Weermag of 'n ander mag of diens ingestel deur of kragtens die Verdedigingswet, 1957 (Wet No. 44 van 1957).”

Wysiging van
artikel 57 van
Wet 32 van 1961.

24. Artikel 57 van die Hoofwet word hierby gewysig deur die 20 woorde „senator of” en die woorde „Senaat of die” te skrap.

Vervanging van
artikel 58 van
Wet 32 van 1961.

25. Artikel 58 van die Hoofwet word hierby deur die volgende artikel vervang:

„Prosedure- 58. Die Volksraad kan reëls en orders aanneem in reëls. verband met die orde en reëling van sy werksaam- 25 hede en verrigtings.”

Herroeping van
artikel 60 van
Wet 32 van 1961,
soos gewysig deur
artikel 2 van
Wet 60 van 1976.

26. Artikel 60 van die Hoofwet word hierby herroep.

Herroeping van
artikel 63 van
Wet 32 van 1961.

27. Artikel 63 van die Hoofwet word hierby herroep.

Wysiging van
artikel 64 van
Wet 32 van 1961.

28. Artikel 64 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang: 30
„(2) Die Staatspresident kan 'n wetsontwerp wat aldus aan hom voorgelê word, terugstuur aan die **【Senaat of die】** Volksraad **【waar dit ook al aanhangig gemaak is】** en kan tesame daarmee wysigings stuur wat hy aanbeveel, en die **【Senaat of, na gelang van die geval, die】** Volksraad kan 35 die aanbeveling behandel.”

Wysiging van
artikel 66 van
Wet 32 van 1961,
soos gewysig deur
artikel 3 van
Wet 61 van 1972.

29. Artikel 66 van die Hoofwet word hierby gewysig deur in subartikel (3) die woorde „aan die Senaat en” te skrap.

Wysiging van
artikel 70 van
Wet 32 van 1961.

30. Artikel 70 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang: 40
„(2) 'n Lid van 'n provinsiale raad wat 'n lid van die **【Senaat】** Presidentsraad of die Volksraad word, hou op om 'n lid van dié provinsiale raad te wees.”

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22. Section 55 of the principal Act is hereby amended by the deletion of the words "Senate or the", wherever they occur, and of the words "or the Senate and the House of Assembly".

Amendment of section 55 of Act 32 of 1961, as amended by section 20 of Act 101 of 1969, section 20 of Act 102 of 1972, section 22 of Act 62 of 1973 and section 1 of Act 99 of 1979.

23. The following section is hereby substituted for section 56 of the principal Act:

Substitution of section 56 of Act 32 of 1961.

"Vacation of seats.

56. A **[senator or]** member of the House of Assembly shall vacate his seat, if he—

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(a) becomes subject to any of the disabilities mentioned in section 55; or

(b) ceases to be qualified as required by law; or

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(c) fails for a whole ordinary session to attend without the special leave of the **[Senate or the]** House of Assembly, **[as the case may be,]** 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)."

24. Section 57 of the principal Act is hereby amended by the deletion of the words "senator or" and the words "Senate or the".

Amendment of section 57 of Act 32 of 1961.

25. The following section is hereby substituted for section 58 of the principal Act:

Substitution of section 58 of Act 32 of 1961.

"Rules of procedure.

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

26. Section 60 of the principal Act is hereby repealed.

Repeal of section 60 of Act 32 of 1961, as amended by section 2 of Act 60 of 1976.

27. Section 63 of the principal Act is hereby repealed.

Repeal of section 63 of Act 32 of 1961.

28. Section 64 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 64 of Act 32 of 1961.

"(2) The State President may return to the **[Senate or the]** House of Assembly **[in whichever it may have originated]** any Bill so presented to him and may transmit therewith any amendments which he may recommend, and the **[Senate or the]** House of Assembly **[as the case may be]** may deal with the recommendation."

29. Section 66 of the principal Act is hereby amended by the deletion in subsection (3) of the words "to the Senate and".

Amendment of section 66 of Act 32 of 1961, as amended by section 3 of Act 61 of 1972.

30. Section 70 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 70 of Act 32 of 1961.

"(2) Any member of a provincial council who becomes a member of the **[Senate]** President's Council or the House of Assembly, shall cease to be a member of such provincial council."

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Wysiging van
artikel 71 van
Wet 32 van 1961,
soos gewysig deur
artikel 86 van
Wet 79 van 1973.

31. Artikel 71 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:
„(2) Die bepalings van artikel 53 met betrekking tot die ampsduur van die lede en die verrigting van werksaamhede deur die **[Senaat of die]** Volksraad by ontbinding daarvan, en met betrekking tot die byeenroeping van die **[Parlement]** Volksraad nadat **[die Senaat of die Volksraad]** dit ontbind is, geld *mutatis mutandis* met betrekking tot 'n ontbinding en byeenroeping van 'n provinsiale raad.”

Wysiging van
artikel 76 van
Wet 32 van 1961,
soos gewysig deur
artikel 1 van
Wet 22 van 1963
en artikel 2 van
Wet 64 van 1963.

32. Artikel 76 van die Hoofwet word hierby gewysig deur 10
paragrafe (b) en (c) van subartikel (4) deur die volgende
paragrafe te vervang:

- „(b) 'n Lid van die uitvoerende komitee is nie onbevoeg om as lid van **[die Senaat]** die Volksraad of die provinsiale raad gekies of benoem te word nie. 15
- (c) 'n Lid van die uitvoerende komitee wat lid van die **[Senaat of die]** Volksraad word, hou op om lid van die uitvoerende komitee te wees met ingang van die datum waarop hy lid van die **[Senaat of die]** Volksraad word.” 20

Wysiging van
artikel 84 van
Wet 32 van 1961,
soos gewysig deur
artikel 37 van
Wet 47 van 1963,
artikel 36 van
Wet 61 van 1965,
artikel 4 van
Wet 61 van 1972,
artikel 1 van
Wet 30 van 1977
en artikel 60 van
Wet 63 van 1977.

33. Artikel 84 van die Hoofwet word hierby gewysig—
(a) deur in paragraaf (b) van subartikel (1) die woord „Parlement” deur die woord „Volksraad” te vervang;
(b) deur in paragraaf (g) van genoemde subartikel die woord „Parlement” deur die woord „Volksraad” te vervang; 25
en
(c) deur subartikel (3) te skrap.

Invoeging van
opskrif en artikels 102
tot 106 in
Wet 32 van 1961.

34. Die volgende opskrif en artikels word hierby in die Hoofwet na artikel 101 ingevoeg:

„DEEL VIIIA. 30

PRESIDENTSRAAD.

„Instelling
van Presidentsraad.

102. (1) Daar is 'n Presidentsraad wat, benewens die Vise-staatspresident, bestaan uit 60 lede deur die Staatspresident aangestel.
(2) 'n Lid van die Presidentsraad, uitgesonderd die Vise-staatspresident, beklee sy amp vir 'n termyn van vyf jaar. 35
(3) 'n Toevallige vakature in die Presidentsraad, uitgesonderd 'n vakature in die amp van Vise-staatspresident, word aangevul deur die aanstelling van 'n lid vir die onverstreke gedeelte van die ampstermyn van die lid in wie se plek hy aangestel word. 40
(4) (a) Die lede van die Presidentsraad, uitgesonderd die Vise-staatspresident, ontvang die vergoeding en toelaes wat die Staatspresident bepaal, asook die ander voordele wat hy by proklamasie in die *Staatskoerant* bepaal; 45
(b) Sodanige vergoeding, toelaes of voordele kan verskil na gelang van die ampte wat sodanige lede in die raad beklee. 50
(5) Die Staatspresident wys 'n lid van die Presidentsraad as adjunk-voorsitter van die raad aan, wat as voorsitter daarvan dien wanneer die amp van Vise-staatspresident vakant is of hy om die een of ander rede nie as voorsitter kan dien nie. 55
(6) Wanneer nóg die voorsitter nóg die adjunk-voorsitter in staat is om as voorsitter op te tree, kies

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31. Section 71 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of
section 71 of
Act 32 of 1961,
as amended by
section 86 of
Act 79 of 1973.

- 5 “(2) The provisions of section 53 relating to the tenure of office of the members and the functioning of the **【Senate or the】** House of Assembly upon a dissolution thereof, and to the summoning of **【Parliament】** the House of Assembly after **【the Senate or the House of Assembly】** it has been dissolved, shall *mutatis mutandis* apply with reference to a dissolution and summoning of any provincial council.”

10 32. Section 76 of the principal Act is hereby amended by the substitution for paragraphs (b) and (c) of subsection (4) of the following paragraphs:

Amendment of
section 76 of
Act 32 of 1961,
as amended by
section 1 of
Act 22 of 1963
and section 2 of
Act 64 of 1963.

- 15 “(b) A member of the executive committee shall not be disqualified from being elected or nominated as a member of **【the Senate】** the House of Assembly or the provincial council.
- 20 “(c) A member of the executive committee who becomes a member of the **【Senate or the】** House of Assembly shall cease to be a member of the executive committee with effect from the date on which he becomes a member of the **【Senate or the】** House of Assembly.”

33. Section 84 of the principal Act is hereby amended—

Amendment of
section 84 of
Act 32 of 1961,
as amended by
section 37 of
Act 47 of 1963,
section 36 of
Act 61 of 1965,
section 4 of
Act 61 of 1972,
section 1 of
Act 30 of 1977
and section 60 of
Act 63 of 1977.

- 25 (a) by the substitution in paragraph (b) of subsection (1) for the word “Parliament” of the words “the House of Assembly”;
- (b) by the substitution in paragraph (g) of the said subsection for the word “Parliament” of the words “the House of Assembly”; and
- (c) by the deletion of subsection (3).

30 34. The following heading and sections are hereby inserted in the principal Act after section 101:

Insertion of
heading and
sections 102
to 106 in
Act 32 of 1961.

“PART VIIIA.

PRESIDENT’S COUNCIL.

35 Establish-
ment of
President’s
Council.

102. (1) There shall be a President’s Council consisting, in addition to the Vice State President, of 60 members appointed by the State President.

(2) A member of the President’s Council, excluding the Vice State President, shall hold office for a period of five years.

40 (3) A casual vacancy in the President’s Council, excluding a vacancy in the office of Vice State President, shall be filled by the appointment of a member for the unexpired portion of the period of office of the member in whose stead he is appointed.

45 (4) (a) The members of the President’s Council, excluding the Vice State President, shall receive such remuneration and allowances as the State President may determine, as well as such other benefits as he may determine by proclamation in the *Gazette*.

50 (b) Such remuneration, allowances or benefits may differ according to the offices held by such members in the council.

55 (5) The State President shall designate a member of the President’s Council as deputy chairman of the council, who shall serve as chairman thereof whenever the office of Vice State President is vacant or he is for any reason unable to serve as such.

60 (6) If neither the chairman nor the deputy chairman is able to act as chairman, the members of the

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	die lede van die Presidentsraad een uit hul midde om as waarnemende voorsitter op te tree.	
	(7) 'n Tekort in die ledetal van die Presidentsraad of 'n komitee daarvan raak nie die bevoegdhede van dié Raad of dié komitee nie.	5
Kwalifikasies van lede van Presidentsraad.	103. Iemand is nie bevoeg om 'n lid van die Presidentsraad te wees nie, indien hy—	
	(a) nie minstens 30 jaar oud is nie;	
	(b) nie 'n lid van die Blanke, Kleurling-, Indiër- of Chinese bevolkingsgroep is nie;	10
	(c) nie 'n Suid-Afrikaanse burger is nie;	
	(d) 'n lid is van 'n ander wetgewende liggaam as 'n plaaslike instelling; of	
	(e) 'n winsbetrekking onder die Republiek, soos bedoel in artikel 55, beklee.	15
Reëls, procedure en komitees.	104. (1) Die Presidentsraad kan reëls en orders aanneem in verband met die orde en reëling van die werksaamhede en verrigtings van die raad of 'n komitee daarvan, met inbegrip van bepalinge betreffende 'n kworum.	20
	(2) Die Staatspresident deel die lede van die Presidentsraad in in 'n Grondwetkomitee, 'n Komitee vir Ekonomiese Sake, 'n Beplanningskomitee, 'n Komitee vir Gemeenskapsverhoudinge en soveel ander staande komitees as wat hy van tyd tot tyd goetvind.	25
	(3) So 'n komitee bestaan uit die getal lede wat die Staatspresident van tyd tot tyd bepaal, en die Staatspresident wys een van die lede van so 'n komitee as die voorsitter daarvan aan.	30
	(4) 'n Lid van die Presidentsraad kan lid van meer as een komitee wees.	
	(5) Indien die voorsitter van 'n komitee om die een of ander rede nie as voorsitter kan optree nie, kies die ander lede van dié komitee een uit hul midde om as waarnemende voorsitter op te tree.	35
Ontbinding van Presidentsraad.	105. (1) Die Staatspresident kan binne 90 dae nadat 'n algemene verkiesing van Volksraadslede plaasgevind het, die Presidentsraad by Proklamasie in die <i>Staatskoerant</i> ontbind.	40
	(2) By die ontbinding van die Presidentsraad word die lidmaatskap van al die lede van dié Raad, uitgesonderd die Vise-staatspresident, beëindig.	
Werksaamhede van Presidentsraad en sy komitees.	106. (1) Die Presidentsraad—	
	(a) moet die Staatspresident op sy versoek adviseer oor 'n saak wat die Staatspresident na dié raad vir sy advies verwys en kan na goeddunke hom oor 'n saak (uitgesonderd konsepwetgewing) wat volgens die oordeel van dié raad van openbare belang is, adviseer;	45
	(b) kan, indien 'n ander wetgewende liggaam as 'n plaaslike instelling konsepwetgewing na hom vir sy advies verwys, dié liggaam daarvoor adviseer.	50
	(2) Wanneer 'n saak na die Presidentsraad vir advies verwys word of wanneer dié raad van oordeel is dat 'n saak van openbare belang is, kan hy dié saak na 'n komitee bedoel in artikel 104 (2) vir advies verwys.	55
	(3) Die Presidentsraad moet enige advies wat hy ingevolge subartikel (2) ontvang (uitgesonderd advies in verband met konsepwetgewing bedoel in subartikel (1) (b)), aan die Staatspresident deurstuur, hetsy met of sonder sy kommentaar daarop.	60
	(4) Die Presidentsraad of 'n komitee daarvan—	
	(a) kan vir die doeleindes van die verrigting van sy werksaamhede na goeddunke met enige persoon	65

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President's Council shall elect one from their number to act as acting chairman.

(7) A deficiency in the number of members of the President's Council or a committee thereof shall not affect the powers of the said Council or the said committee.

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Qualifica-
tions of
members of
President's
Council.

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103. A person is not qualified to be a member of the President's Council if he—

- (a) is not at least 30 years of age;
- (b) is not a member of the White, Coloured, Indian or Chinese population group;
- (c) is not a South African citizen;
- (d) is a member of any legislative body other than a local institution; or
- (e) holds an office of profit under the Republic, as contemplated in section 55.

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Rules, pro-
cedure and
committees.

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104. (1) The President's Council may make rules and orders in connection with the order and conduct of the business and proceedings of the council and a committee thereof, including provisions in regard to a quorum.

(2) The State President shall divide the members of the President's Council into a Constitutional Committee, a Committee for Economic Affairs, a Planning Committee, a Committee for Community Relations and so many other standing committees as he may from time to time deem fit.

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(3) Any such committee shall consist of such number of members as the State President may from time to time determine, and the State President shall designate one of the members of such a committee as the chairman thereof.

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(4) A member of the President's Council may be a member of more than one committee.

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(5) If a chairman of a committee is for any reason unable to act as chairman, the other members of that committee shall from their number elect one to act as acting chairman.

Dissolu-
tion of
President's
Council.

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105. (1) The State President may by proclamation in the *Gazette* dissolve the President's Council within a period of 90 days after a general election of members of the House of Assembly has taken place.

(2) On the dissolution of the President's Council the membership of all the members thereof, excluding the Vice State President, shall terminate.

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Functions of
President's
Council
and its com-
mittees.

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106. (1) The President's Council—

- (a) shall at the request of the State President advise him on any matter referred to it by the State President for its advice and may, in its discretion, advise him on any matter (excluding draft legislation) which, in its opinion, is of public interest;
- (b) may, if any legislative body other than a local institution refers any draft legislation to it for its advice, advise such body thereon.

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(2) Whenever a matter is referred to the President's Council for its advice or when it is of opinion that a matter is of public interest, it may refer such matter to a committee contemplated in section 104 (2) for its advice.

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(3) The President's Council shall transmit to the State President any advice received by it in terms of subsection (2) (other than advice in connection with draft legislation referred to in subsection (1) (b)), whether with or without its comments thereon.

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(4) The President's Council or a committee thereof—

- (a) may, for the purposes of the performance of its functions and in its discretion, consult with any

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of Staatsinstelling oor enige aangeleentheid oorleg pleeg, en kan vir dié doel raadplegende komitees instel wat bestaan uit lede van genoemde raad of dié komitee, na gelang van die geval, en lede van 'n raad wat ingevolge 'n ander Wet deur die Staatspresident ingestel is; 5

(b) kan na goeë dunnke vir genoemde doeleindes en moet, wanneer die Staatspresident die raad versoek dat dit vir dié doeleindes gedoen word, oorleg pleeg met 'n raad wat bestaan uit Swart Suid-Afrikaanse burgers en ingestel is kragtens 'n wet van die Parlement, of met enige komitee van so 'n raad. 10

(5) Advies wat die Staatspresident ingevolge hierdie artikel ontvang, moet in die Volksraad ter Tafel gelê word binne 14 dae na ontvangs daarvan as die Volksraad in sessie is of binne 14 dae na die aanvang van sy eersvolgende sessie as die Volksraad nie in sessie is nie. 15

(6) Die voorsitter van die Presidentsraad kan, vir die doeleindes van 'n verslag aan dié raad oor die een of ander aangeleentheid, 'n komitee uit die lede van dié raad aanstel en kan een van die lede van dié komitee as voorsitter daarvan aanwys.''. 20

Wysiging van
artikel 117 van
Wet 32 van 1961,
soos gewysig deur
artikel 10 van
Wet 33 van 1974.

35. Artikel 117 van die Hoofwet word hierby gewysig— 25

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) na 'n Huis of die Huise van die Parlement word uitgelê as verwysings na die **[Senaat of die]** Volksraad **[of sowel die Senaat as die]** Volksraad, na gelang die samehang vereis;”;
en 30

(b) deur na genoemde paragraaf die volgende paragraaf in te voeg:

„(aA) na die Parlement of die Senaat of 'n lid daarvan of 35
na die Senaat en die Volksraad of na beide Huise van die Parlement word, tensy dit met die verband onbestaanbaar is, uitgelê as verwysings na die Volksraad of 'n lid daarvan, na gelang van die geval;”'. 40

Skrapping van
„Rangskikking van
Artikels” in
Wet 32 van 1961.

36. Die Hoofwet word hierby gewysig deur al die woorde wat op die Bylae volg, te skrap.

Kort titel,
inwerkingtreding
en oorgangs-
bepalings.

37. (1) Hierdie Wet heet die Vyfde Wysigingswet op die Grondwet van die Republiek van Suid-Afrika, 1980, en die bepalings daarvan, uitgesonderd die bepalings van artikels 1, 5, 6, 45 7, 8, 9, 10, 11 (a), 17 en 34 en van hierdie artikel, tree in werking op die eerste dag van Januarie 1981.

(2) Die bepalings van genoemde artikels 1, 5, 6, 7, 8, 9, 10, 11 (a), 17 en 34 tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal, en hy 50 kan verskillende datums ten opsigte van verskillende bepalings aldus bepaal.

(3) Iemand wat ingevolge artikel 40 (1) (b) of (c) van die Hoofwet as lid van die Volksraad benoem of verkies word, beklee sy amp met ingang van die datum van sy benoeming of 55 verkiesing, en vanaf dié datum moet so iemand voldoen aan die vereistes waaraan iemand moet voldoen wat 'n nominasie aanvaar om as 'n lid van die Volksraad verkies te word of wat as sodanig verkies is, en is enige gevolg verbonde aan sodanige nominasie of verkiesing van toepassing op so iemand. 60

(4) Iemand wat ingevolge artikel 40 (1) (b) of (c) van die Hoofwet as lid van die Volksraad benoem of verkies is voor die eerste ontbinding van die Volksraad na die inwerkingtreding van die toepaslike bepaling van genoemde artikel, ontruim, behoudens

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person or State institution on any matter and may for those purposes establish consultative committees consisting of members of the said council or such committee, as the case may be, and members of any council or board established by the State President in terms of any other law;

(b) may in its discretion and for the said purposes, and shall when the State President requests the council that it be done for those purposes, consult with a council consisting of Black South African citizens and established under an Act of Parliament, or with any committee of such a council.

(5) Advice received by the State President in terms of this section shall be laid upon the Table in the House of Assembly within 14 days after receipt thereof if the House of Assembly is in session or within 14 days after the commencement of its next ensuing session if the House of Assembly is not in session.

(6) The chairman of the President's Council may, for the purposes of a report to such council on any matter, appoint a committee from among the members of the council and may designate any member of such committee as chairman thereof."

35. Section 117 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

"(a) to any House or the Houses of Parliament, shall be construed as references to the **Senate or the House of Assembly** **for both the Senate and the House of Assembly, as the context may require**"; and

(b) by the insertion after the said paragraph of the following paragraph:

"(aA) to Parliament or the Senate or a member thereof or to the Senate and the House of Assembly or to both Houses of Parliament shall, unless inconsistent with the context, be construed as references to the House of Assembly or a member thereof, as the case may be;"

Amendment of section 117 of Act 32 of 1961, as amended by section 10 of Act 33 of 1974.

36. The principal Act is hereby amended by the deletion of all the words following upon the Schedule.

Deletion of "Arrangement of Sections" in Act 32 of 1961.

37. (1) This Act shall be called the Republic of South Africa Constitution Fifth Amendment Act, 1980, and the provisions thereof, excluding the provisions of sections 1, 5, 6, 7, 8, 9, 10, 11 (a), 17 and 34 and of this section, shall come into operation on the first day of January 1981.

(2) The provisions of the said sections 1, 5, 6, 7, 8, 9, 10, 11 (a), 17 and 34 shall come into operation on a date fixed by the State President by proclamation in the *Gazette*, and he may so fix different dates in respect of different provisions.

(3) Any person nominated or elected as a member of the House of Assembly in terms of section 40 (1) (b) or (c) of the principal Act, shall hold office with effect from the date of his nomination or election, and from that date such person shall be required to comply with the requirements with which a person is required to comply who accepts a nomination to be elected as a member of the House of Assembly or who has been elected as such, and any consequences resulting from such nomination or election shall be applicable to such person.

(4) A person who has been nominated or elected as a member of the House of Assembly in terms of section 40 (1) (b) or (c) of the principal Act prior to the first dissolution of the House of Assembly after the commencement of the appropriate provision of

Short title, commencement and transitional provisions.

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die bepalings van artikel 53 van die Hoofwet, sy setel by daardie ontbinding.

(5) Iemand wat voor 1 Januarie 1981 kragtens artikel 102 (1) van die Hoofwet as lid van die Presidentsraad aangestel word terwyl hy 'n lid van die Senaat of die Volksraad of 'n provinsiale raad is, hou op die datum van bedoelde aanstelling op om 'n lid van die Senaat of die Volksraad of dié provinsiale raad, na gelang van die geval, te wees. 5

(6) Die Volksraad soos vir die doeleindes van die Hoofwet onmiddellik voor die inwerkingtreding van 'n bepaling van artikel 10 17 saamgestel, bly voortbestaan, en iemand wat dan 'n lid van die Volksraad is, bly 'n lid daarvan, totdat die Volksraad ingevolge die Hoofwet ontbind word, hetsy deur tydsverloop of andersins.

(7) Die bekleër van die amp van Staatspresident of Vise-staatspresident op 1 Januarie 1981 word geag as sodanig verkies te 15 wees ingevolge die bepalings van die Hoofwet soos deur hierdie Wet gewysig.

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the said section, shall, subject to the provisions of section 53 of the principal Act, vacate his seat on such dissolution.

(5) A person who prior to 1 January 1981 is appointed as a member of the President's Council in terms of section 102 (1) of the principal Act while he is a member of the Senate or the House of Assembly or a provincial council, shall cease to be a member of the Senate or the House of Assembly or such provincial council, as the case may be, on the date of such appointment.

(6) The House of Assembly as constituted for the purposes of the principal Act immediately prior to the commencement of any provision of section 17, shall continue to exist, and a person who is then a member of the House of Assembly, shall continue to be a member thereof, until the House of Assembly is dissolved in terms of the principal Act, whether by effluxion of time or otherwise.

(7) The holder of the office of State President or Vice State President on 1 January 1981 shall be deemed to have been elected as such in terms of the provisions of the principal Act as amended by this Act.

