



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. 1277.

30 Junie 1982.

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

No. 99 van 1982: Wysigingswet op die Grondwet, 1982.

No. 1277.

30 June 1982.

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

No. 99 of 1982: Constitution Amendment Act, 1982.

Wet No. 99, 1982

WYSIGINGSWET OP DIE GRONDWET, 1982

ALGEMENE VERDUIDELIKENDE NOTA:

1 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 getal adjunk-ministers wat kragtens artikel 21 aangestel kan word, te vermeerder; spesiale voorsiening te maak vir die verteenwoordiging van Walvisbaai in die Volksraad en in die Provinsiale Raad van die Kaap die Goeie Hoop; diens by 'n instelling, raad of liggaam in artikel 84 (1) (f) beoog 'n onbevoegdheid vir lidmaatskap van die Volksraad of 'n provinsiale raad te maak; die vrystelling van die bepalings van artikel 55 (d) op grond van lidmaatskap van sekere liggame nader te reël; voorsiening te maak dat 'n verkose lid van die uitvoerende komitee van 'n provinsie deur die provinsiale raad van sy amp onthef kan word; en die onbevoegdheid vir lidmaatskap van die Presidentsraad in verband met 'n winsbetrekking onder die Republiek, op te hef; om die Staatspresident te magtig om artikel 40A, waarby genoemde spesiale voorsiening gemaak word, te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 23 Junie 1982.)

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

Wysiging van artikel 21 van Wet 32 van 1961, soos gewysig deur artikel 1 van Wet 65 van 1962 en artikel 12 van Wet 101 van 1980.

1. Artikel 21 van die Grondwet van die Republiek van Suid-Afrika, 1961 (hieronder die Hoofwet genoem), word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang: 5

„(b) Hoogstens [ses] nege persone kan ingevolge hierdie subartikel aangestel word.”.

Invoeging van artikel 40A in Wet 32 van 1961.

2. Die Hoofwet word hierby gewysig deur na artikel 40 die volgende artikel in te voeg: 10

„Verteenwoordiging van Walvisbaai.

40A. (1) In hierdie artikel beteken „Walvisbaai” die hawe en nedersetting Walvisbaai vermeld in die Walfish Bay and St John's River Territories Annexation Act, 1884 (Wet No. 35 van 1884), van die Kaap die Goeie Hoop, en ook die gebied wat dit omring en begrens word soos in genoemde Wet beskryf. 15

(2) Vanaf die inwerkingtreding van artikel 2 van die Wysigingswet op die Grondwet, 1982, en ondanks andersluidende bepalings van hierdie Wet—

(a) hou Walvisbaai op om 'n deel van die kiesafdeling Groenpunt te wees en word die omskrywing van daardie kiesafdeling, soos by Proklamasie No. 187 van 1980 bekend gemaak, hierby gewysig deur paragraaf (a) daarvan te skrap; 20

(b) is Walvisbaai onder daardie naam 'n kiesafdeling van die Republiek in die provinsie die Kaap die Goeie Hoop, en bly dit as sodanige kiesafdeling 25

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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, so as to increase the number of deputy ministers that may be appointed under section 21; to make special provision for the representation of Walvis Bay in the House of Assembly and in the Provincial Council of the Cape of Good Hope; to render service with any institution, council or body contemplated in section 84 (1) (f) a disability for membership of the House of Assembly or a provincial council; to further regulate the exemption from the provisions of section 55 (d) on the grounds of membership of certain bodies; to provide that an elected member of the executive committee of a province may be removed from office by the provincial council; and to remove the disability for membership of the President's Council relating to an office of profit under the Republic; to empower the State President to repeal section 40A, by which the said special provision is made; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 23 June 1982.)

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

1. Section 21 of the Republic of South Africa Constitution Act, 1961 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:
- “(b) Not more than **[six]** nine persons may be appointed under this subsection.”

Amendment of section 21 of Act 32 of 1961, as amended by section 1 of Act 65 of 1962 and section 12 of Act 101 of 1980.

2. The principal Act is hereby amended by the insertion after section 40 of the following section:

Insertion of section 40A in Act 32 of 1961.

“Representa-
tion of Walvis
Bay.

40A. (1) In this section ‘Walvis Bay’ means the port and settlement of Walvis Bay mentioned in the Walvis Bay and St John’s River Territories Annexation Act, 1884 (Act No. 35 of 1884), of the Cape of Good Hope, and includes the territory surrounding it and bounded as described in the said Act.

(2) As from the commencement of section 2 of the Constitution Amendment Act, 1982, and notwithstanding anything to the contrary in this Act contained—

(a) Walvis Bay shall cease to be a part of the electoral division of Green Point, and the description of that electoral division as made known by Proclamation No. 187 of 1980 is hereby amended by the deletion of paragraph (a) thereof;

(b) Walvis Bay shall under that name be an electoral division of the Republic in the province of the Cape of Good Hope, and shall continue to exist as such electoral division, separate from

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- voortbestaan, afsonderlik van en bykomend by die kiesafdelings waarin die res van die Republiek en daardie provinsie by genoemde inwerkingtreding verdeel is ingevolge artikel 42 saamgelees met paragraaf (a) van hierdie subartikel, of te eniger tyd daarna verdeel word ingevolge daardie artikel soos toegepas deur subartikel (3) van hierdie artikel; 5
- (c) bestaan die Volksraad uit die lede waarvoor artikel 40 voorsiening maak en 'n lid vir Walvisbaai, wat regstreeks verkies word deur die stemgeregtigdes by 'n verkiesing van so 'n lid in Walvisbaai; en 10
- (d) word Walvisbaai by die toepassing van artikel 69 (1), die bepalings van die Kieswet, 1979 (Wet No. 45 van 1979), en, tensy dit klaarblyklik onvanpas is, die bepalings van enige ander wet, geag as kiesafdeling afgebaken te wees kragtens hierdie Wet of die tersaaklike bepalings daarvan, na gelang die samehang vereis. 15 20
- (3) By die toepassing van artikels 42 en 43 van hierdie Wet met betrekking tot 'n verdeling van die Republiek, na die inwerkingtreding van artikel 2 van die Wysigingswet op die Grondwet, 1982, in die getal kiesafdelings in subartikel (1) van eersgenoemde artikel vermeld— 25
- (a) word Walvisbaai geag nie deel van die Republiek of die provinsie die Kaap die Goeie Hoop te wees nie; en
- (b) word die kiesers in Walvisbaai volgens die geldende kieserslys, behoorlik verbeter tot die betrokke datum in subartikel (1) van genoemde artikel 43 bedoel, geag nie kiesers in die provinsie die Kaap die Goeie Hoop te wees nie, 30
- maar 'n verwysing na die tersaaklike besonderhede van Walvisbaai, tesame met die getal kiesers daarin soos vir die doeleindes van paragraaf (b) van hierdie subartikel bepaal, moet deur die kommissie wat kragtens subartikel (1) van genoemde artikel 42 saamgestel word om die betrokke verdeling te doen, 40
- aan die Staatspresident voorgelê en deur die Staatspresident bekend gemaak word soos in artikel 44 bepaal, asof Walvisbaai as 'n kiesafdeling deur daardie kommissie afgebaken was.”

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, artikel 1 van Wet 99 van 1979 en artikel 22 van Wet 101 van 1980.

3. Artikel 55 van die Hoofwet word hierby gewysig— 45

- (a) deur na paragraaf (c) die volgende paragraaf in te voeg: 50
- „(cA) 'n beampte of ander werknemer in die diens van 'n instelling, raad of liggaam in artikel 84 (1) (f) beoog, is; of”; en
- (b) deur subparagraaf (vi) van paragraaf (d) deur die volgende subparagraaf te vervang: 55
- „(vi) 'n lid van 'n raad, komitee of soortgelyke liggaam by of kragtens wet ingestel, wat nie ten opsigte van sy dienste in so 'n raad, komitee of liggaam betaling ontvang nie bo en behalwe 'n toelae volgens 'n skaal van hoogstens die bedrag van tyd tot tyd deur die Minister van Finansies by kennisgewing in die *Staatskoerant* bepaal vir elke dag waarop hy bedoelde dienste lewer, vergoeding van reiskoste 60 en verblyfkooste deur hom in die loop van dié dienste aangegaan en 'n toelae ten opsigte van onthaal deur hom in verband met dié dienste;”.

Wysiging van artikel 76 van Wet 32 van 1961, soos gewysig deur artikel 1 van

4. Artikel 76 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang— 65

- „(2) 'n Lid van die uitvoerende komitee, behalwe die administrateur, beklee sy amp totdat 'n uitvoerende komitee

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and additional to the electoral divisions into which the rest of the Republic and that province have been divided, as at the said commencement, in terms of section 42 read with paragraph (a) of this subsection, or are divided, at any time thereafter, in terms of that section as applied by subsection (3) of this section;

(c) the House of Assembly shall be composed of the members provided for in section 40 and a member for Walvis Bay, who shall be directly elected by persons entitled to vote at an election of such a member in Walvis Bay; and

(d) Walvis Bay shall, for the purposes of section 69 (1), the provisions of the Electoral Act, 1979 (Act No. 45 of 1979), and, unless it is clearly inappropriate, the provisions of any other law, be deemed to be delimited as an electoral division under this Act or the relevant provisions thereof, as the context may require.

(3) In the application of sections 42 and 43 of this Act with reference to a division of the Republic, after the commencement of section 2 of the Constitution Amendment Act, 1982, into the number of electoral divisions specified in subsection (1) of the first-mentioned section—

(a) Walvis Bay shall be deemed not to be part of the Republic or the province of the Cape of Good Hope; and

(b) the voters in Walvis Bay in terms of the current voters' list, duly corrected up to the relevant date contemplated in subsection (1) of the said section 43, shall be deemed not to be voters in the province of the Cape of Good Hope,

but a reference to the relevant particulars of Walvis Bay, together with the number of voters therein as determined for the purposes of paragraph (b) of this subsection, shall be submitted to the State President by the commission constituted under subsection (1) of the said section 42 to make the relevant division and made known by the State President as provided in section 44, as if Walvis Bay had been delimited as an electoral division by that commission."

3. Section 55 of the principal Act is hereby amended—

(a) by the insertion after paragraph (c) of the following paragraph:

"(cA) is an officer or other employee in the service of any institution, council or body contemplated in section 84 (1) (f); or"; and

(b) by the substitution for subparagraph (vi) of paragraph (d) of the following subparagraph:

"(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 and subsistence expenses incurred by him in the course of such services and an allowance in respect of entertaining by him in connection with such services;"

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, section 1 of Act 99 of 1979 and section 22 of Act 101 of 1980.

4. Section 76 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) A member of the executive committee other than the administrator shall hold office until the constitution of

Amendment of section 76 of Act 32 of 1961, as amended by section 1 of

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Wet 22 van 1963,
artikel 2 van
Wet 64 van 1963
en artikel 32 van
Wet 101 van 1980.

ingevolge subartikel (1) na 'n algemene verkiesing saamgestel is, tensy hy eerder by 'n besluit van die provinsiale raad van sy amp onthef word."

Wysiging van
artikel 103 van
Wet 32 van 1961,
soos ingevoeg deur
artikel 34 van
Wet 101 van 1980.

5. Artikel 103 van die Hoofwet word hierby gewysig deur die end van paragraaf (c) die woord „of” in te voeg, die woord „of” aan die end van paragraaf (d) te skrap en paragraaf (e) te skrap. 5

Eerste verkiesing
van verteenwoordigers in Walvisbaai.

6. Vir die doeleindes van die eerste verkiesing in die kiesafdeling Walvisbaai van 'n Volksraadslid ingevolge artikel 40A van die Hoofwet soos ingevoeg deur artikel 2 van hierdie Wet en 'n lid van die Provinsiale Raad van die Kaap die Goeie Hoop ingevolge artikels 68 en 69 van die Hoofwet saamgelees met genoemde artikel 40A—

- (a) word die betrokke setels geag vakant te geword het op die datum kragtens artikel 7 (2) van hierdie Wet bepaal; 15
- (b) word kennisgewings soos in artikel 188 (2) van die Kieswet, 1979 (Wet No. 45 van 1979), beoog, geag ten opsigte van die vakatures in die *Staatkoerant* en in die *Offisiële Koerant* van genoemde provinsie gepubliseer te wees; en 20
- (c) word die kieserslys vir die kiesafdeling Walvisbaai opgestel asof die kieserslys vir stembdistrik No. 1 van die kiesafdeling Groenpunt, soos dit onmiddellik voor genoemde datum bestaan het, te alle tersaaklike tye voor daardie datum 'n kieserslys vir die kiesafdeling Walvisbaai was. 25

Kort titel en inwerkingtreding.

7. (1) Hierdie Wet heet die Wysigingswet op die Grondwet, 1982.

(2) Artikels 2 en 6 tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatkoerant* bepaal. 30

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an executive committee in terms of subsection (1) after a general election, unless he is removed from office sooner by a resolution of the provincial council.”.

Act 22 of 1963,
section 2 of
Act 64 of 1963
and section 32 of
Act 101 of 1980.

- 5 5. Section 103 of the principal Act is hereby amended by the insertion at the end of paragraph (c) of the word “or”, the deletion of the word “or” at the end of paragraph (d) and the deletion of paragraph (e).

Amendment of
section 103 of
Act 32 of 1961,
as inserted by
section 34 of
Act 101 of 1980.

- 10 6. For the purposes of the first election in the electoral division of Walvis Bay of a member of the House of Assembly in terms of section 40A of the principal Act as inserted by section 2 of this Act and a member of the Provincial Council of the Cape of Good Hope in terms of sections 68 and 69 of the principal Act read with the said section 40A—

First election of
representatives in
Walvis Bay.

- 15 (a) the seats in question shall be deemed to have become vacant on the date determined under section 7 (2) of this Act;
- 20 (b) notices as contemplated in section 188 (2) of the Electoral Act, 1979 (Act No. 45 of 1979), shall be deemed to have been published in respect of the vacancies in the *Gazette* and in the *Official Gazette* of the said province; and
- 25 (c) the voters' list for the electoral division of Walvis Bay shall be prepared as if the voters' list for polling district No. 1 of the electoral division of Green Point, as it existed immediately before the said date, had at all relevant times before that date been a voters' list for the electoral division of Walvis Bay.

7. (1) This Act shall be called the Constitution Amendment Act, 1982.

Short title and commencement.

- 30 (2) Sections 2 and 6 shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

