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OFFICE OF THE PRESIDENT

No. 1465. 20 September 1995

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

No. 44 of 1995: Constitution of the Republic of South Africa Second Amendment Act, 1995.

KANTOOR VAN DIE PRESIDENT

No. 1465. 20 September 1995

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

No. 44 van 1995: Tweede Wysigingswet op die Grondwet van die Republiek van Suid-Afrika, 1995.

GENERAL EXPLANATORY NOTE:

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

 Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Constitution of the Republic of South Africa, 1993, so as to provide for the appointment and duties of a Deputy President of the Constitutional Court; to determine the quorum of the Constitutional Court; to make further provision with respect to the orders which the divisions of the Supreme Court may make; to provide anew for the appointment of a Secretary and other members of staff of a provincial legislature; to empower the President to determine the remuneration and allowances of the Premier and members of the Executive Council of the various provinces; to further regulate local government elections and to provide that a person holding any office of profit under the Republic may take part as a candidate in the forthcoming local government elections; to make further provision in respect of the *ex officio* membership of traditional leaders of an elected local government; to make further provision in respect of the referral of parliamentary Bills to the Council of Traditional Leaders; to provide for the appointment of a Secretary for Defence; to provide that all the debts and liabilities which vested in certain authorities immediately before the commencement of the Constitution, shall be assumed by the national government; to further regulate the restructuring of local government; to substitute certain expressions; and to provide for matters incidental thereto.

(English text signed by the President.)
(Assented to 20 September 1995.)

BE IT ENACTED BY the Parliament of the Republic of South Africa, as follows:—

Amendment of section 99 of Act 200 of 1993, as amended by section 3 of Act 29 of 1994

1. Section 99 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993) (hereinafter referred to as the principal Act), is hereby amended by the addition of the following subsection:

“(12)(a) The President shall, at the request of the President of the Constitutional Court, appoint a Deputy President of the Constitutional Court from among the judges of that Court.

(b) A Deputy President of the Constitutional Court may be appointed for the duration of his or her term of office as a judge of the Constitutional Court or for such shorter period as the President may determine.

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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, 1993, ten einde voorsiening te maak vir die aanstelling en pligte van 'n Adjunkpresident van die Konstitusionele Hof; die kworum van die Konstitusionele Hof te bepaal; verdere voorsiening te maak met betrekking die bevel wat afdelings van die Hooggeregshof kan gee; nuwe voorsiening te maak vir die aanstelling van 'n Sekretaris en ander personeel van 'n provinsiale wetgewer; die President te magtig om die besoldiging en toelaes van die Premier en lede van die Uitvoerende Raad van die onderskeie provinsies te bepaal; plaaslike regeringsverkiesings verder te reël en om voorsiening te maak dat 'n persoon wat 'n winsbetrekking onder die Republiek beklee as 'n kandidaat in die komende plaaslike verkiesings mag deelneem; verdere voorsiening te maak vir *ex officio*- lidmaatskap van tradisionele leiers van 'n verkose plaaslike regering; verdere voorsiening te maak vir die verwysing van parlementêre Wetsontwerpe na die Raad van Tradisionele Leiers; voorsiening te maak vir die aanstelling van 'n Sekretaris vir Verdediging; voorsiening te maak dat alle skulde en verpligtinge wat onmiddellik voor die inwerkingtreding van die Grondwet by sekere gesagte berus het, deur die nasionale regering oorgeneem word; die herstrukturering van plaaslike regering verder te reël; en sekere uitdrukkings te vervang; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die President geteken.)
(Goedgekeur op 20 September 1995.)

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 99 van Wet 200 van 1993, soos gewysig deur artikel 3 van Wet 29 van 1994

- 5 1. Artikel 99 van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993) (hieronder die Hoofwet genoem), word hierby gewysig deur die volgende subartikel by te voeg:

10 “(12)(a) Die President stel, op versoek van die President van die Konstitusionele Hof, 'n Adjunkpresident van die Konstitusionele Hof aan vanuit die geledere van die regters van daardie Hof.

(b) 'n Adjunkpresident van die Konstitusionele Hof kan vir die duur van sy of haar ampstermyn as 'n lid van die Konstitusionele Hof of vir sodanige korter tydperk as wat die President bepaal, aangestel word.

- (c) A Deputy President of the Constitutional Court shall—
- (i) in the absence of the President of the Constitutional Court, and if an Acting President of the Constitutional Court has not been appointed in terms of subsection (8), perform the functions of the President of the Constitutional Court; and
 - (ii) perform such other functions of the President of the Constitutional Court as he or she may assign to him or her.”.

Amendment of section 100 of Act 200 of 1993

2. Section 100 of the principal Act is hereby amended by the addition of the following subsection:

“(3) (a) Subject to the provisions of the Constitutional Court Complementary Act, 1995 (Act No. 13 of 1995), and the rules of the Constitutional Court, matters which come before the Court shall be heard and determined by the President of the Constitutional Court and all the judges of the Court.

(b) Whenever a member of the Constitutional Court is absent or unable to perform his or her functions, or if a vacancy among the members of the Court arises, the remaining members of the Court may hear and determine any matter: Provided that no matter shall be heard and determined by less than eight members of the Court.

(c) If, at any stage of a hearing, a member of the Constitutional Court is absent or unable to perform his or her functions, or if a vacancy among the members of the Court arises—

- (i) and the remaining members of the Court are not less than eight in number—
 - (aa) such hearing shall continue before the remaining members of the Court; and
 - (bb) the decision of the majority of the remaining members of the Court shall, if that majority is also a majority of the members of the Court before whom the hearing commenced, be the decision of the Court; or
- (ii) and the remaining members of the Court are less than eight, or if the majority of the remaining members of the Court is not also a majority of the members of the Court before whom the hearing commenced, the proceedings shall be stopped and commenced *de novo*.”.

Amendment of section 101 of Act 200 of 1993, as amended by section 4 of Act 13 of 1994

3. Section 101 of the principal Act is hereby amended by the addition of the following subsection:

“(7) Any division of the Supreme Court shall have jurisdiction to grant an interim interdict or similar relief, pending the determination by the Constitutional Court of any matter referred to in section 98(2), notwithstanding that such interdict or relief might have the effect of suspending or otherwise interfering with the application of the provisions of an Act of Parliament.”.

Substitution of section 143 of Act 200 of 1993

4. The following subsection is hereby substituted for subsection (2) of section 143 of the principal Act:

“(2) (a) **[The Executive Council of a province]** A provincial legislature shall **[after consultation with the Commission on Provincial Government]** appoint a Secretary and such other staff as may be necessary for the discharge of the work of such legislature.

(b) Except in so far as may be otherwise determined by resolution of the provincial legislature concerned, any person who was prior to the date of commencement of the Constitution of the Republic of South Africa Second Amendment Act, 1995, appointed to the staff, or as the Secretary, of a provincial legislature, and who is at such commencement still serving as such, shall be deemed to have been appointed in accordance with paragraph (a).”.

- (c) 'n Adjunkpresident van die Konstitusionele Hof—
- (i) verrig in die afwesigheid van die President van die Konstitusionele Hof, en indien 'n Waarnemende President van die Konstitusionele Hof nie ingevolge subartikel (8) aangestel is nie, die werksaamhede van die President van die Konstitusionele Hof; en
- (ii) verrig sodanige ander werksaamhede van die President van die Konstitusionele Hof as wat hy of sy aan hom of haar toewys.”.

Wysiging van artikel 100 van Wet 200 van 1993

2. Artikel 100 van die Hoofwet word hierby gewysig deur die volgende subartikel by 10 te voeg:

- “(3)(a) Behoudens die bepalings van die Aanvullende Wet op die Konstitusionele Hof, 1995 (Wet No. 13 van 1995), en die reëls van die Konstitusionele Hof, word aangeleenthede wat voor die Hof kom, verhoor en beslis deur die President van die Konstitusionele Hof en al die regters van die Hof.
- (b) Wanneer 'n lid van die Konstitusionele Hof afwesig is of nie sy of haar werksaamhede kan verrig nie, of indien 'n vakature in die geledere van die lede van die Hof ontstaan, kan die oorblywende lede van die Hof enige aangeleentheid verhoor en beslis: Met dien verstande dat geen aangeleentheid deur minder as agt lede van die Hof verhoor en beslis word nie.
- (c) Indien, in enige stadium van 'n verhoor, 'n lid van die Konstitusionele Hof afwesig is of nie sy of haar werksaamhede kan verrig nie, of indien 'n vakature in die geledere van die lede van die Hof ontstaan—
- (i) en die getal oorblywende lede van die Hof nie minder as agt is nie—
- (aa) word die verhoor voor die oorblywende lede van die Hof voortgesit; en
- (bb) is die beslissing van die meerderheid van die oorblywende lede van die Hof, indien daardie meerderheid ook 'n meerderheid is van die lede van die Hof voor wie die verhoor begin het, die beslissing van die Hof; of
- (ii) en die oorblywende lede van die Hof minder is as agt, of indien die meerderheid van die oorblywende lede van die Hof nie ook 'n meerderheid is nie van die lede van die Hof voor wie die verhoor begin het, word die verrigtinge gestaak en *de novo* begin.”.

35 Wysiging van artikel 101 van Wet 200 van 1993, soos gewysig deur artikel 4 van Wet 13 van 1994

3. Artikel 101 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

- “(7) 'n Afdeling van die Hooggeregshof het regsbevoegdheid om 'n tussentydse interdik of soortgelyke verligting te verleen, hangende die beslissing van die Konstitusionele Hof oor enige aangeleentheid bedoel in artikel 98(2), nieteenstaande dat sodanige interdik of verligting die opskorting van, of andersins inmenging met, die toepassing van die bepalings van 'n Parlements wet sou kan meebring.”.

45 Vervanging van artikel 143 van Wet 200 van 1993

4. Subartikel (2) van artikel 143 van die Hoofwet word hierby deur die volgende subartikel vervang:

- “(2)(a) [Die Uitvoerende Raad van 'n provinsie] 'n Provinsiale wetgewer moet [, na oorleg met die Kommissie op Provinsiale Regering,] 'n Sekretaris en die ander personeel wat nodig is, aanstel om die werk van so 'n wetgewer te doen.
- (b) Behalwe vir sover by besluit van die betrokke provinsiale wetgewer anders bepaal word, word iemand wat voor die datum van inwerkingtreding van die Tweede Wysigingswet op die Grondwet van die Republiek van Suid-Afrika, 1995, in die personeel, of as die Sekretaris, van 'n provinsiale wetgewer aangestel is, en wat by daardie inwerkingtreding steeds in dié hoedanigheid in diens is, geag in ooreenstemming met paragraaf (a) aangestel te wees.”.

Amendment of section 149 of Act 200 of 1993, as amended by section 11 of Act 13 of 1994

5. Section 149 of the principal Act is hereby amended by the substitution for subsection (10) of the following subsection:

“(10) There shall, subject to section 207(2), be paid out of and as a charge on the Provincial Revenue Fund of a province to the Premier and to a member of an Executive Council of such province such remuneration and allowances as may be **[prescribed by or]** determined **[under a law of the provincial legislature]** by the President.”.

Amendment of section 176 of Act 200 of 1993

6. Section 176 of the principal Act is hereby amended by the substitution for the proviso to paragraph (b) of the following proviso:

“: Provided that a council may delegate the power to make decisions on matters pertaining to town planning to the executive committee or to a committee appointed for this purpose or to a person in its employ: Provided further that section 177 shall apply mutatis mutandis to the appointment and functioning of a committee appointed for this purpose.”.

Amendment of section 179 of Act 200 of 1993

7. Section 179 of the principal Act is hereby amended—

(a) by the deletion of the proviso to subsection (1); and

(b) by the substitution for paragraph (c) of subsection (5) of the following paragraph:

“(c) is **[not qualified to become]** disqualified from becoming a member of the National Assembly in terms of section 42(1)(a), (b), (c) or (d).”.

Substitution of section 182 of Act 200 of 1993

8. The following section is hereby substituted for section 182 of the principal Act:

“Traditional authorities and local government

182. The traditional leader of a community observing a system of indigenous law and residing on land within the area of jurisdiction of an elected local government referred to in Chapter 10, shall *ex officio* be entitled to be a member of that local government, provided that he or she has been identified in a manner and according to guidelines prescribed by the President by proclamation in the Gazette after consultation with the Council of Traditional Leaders, if then in existence, or if not, with the Houses of Traditional Leaders which have then been established, and shall be eligible to be elected to any office of such local government.”.

Amendment of section 184 of Act 200 of 1993

9. Section 184 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (5) of the following paragraph:

“(a) Any parliamentary Bill pertaining to traditional authorities, indigenous law or the traditions and customs of traditional communities or any other matters having a bearing thereon, shall, **[after having been]** if it is passed by the House in which it was introduced **[but]** after the Chairperson and members of the Council have been elected and the Council has commenced its functions, and if the Council is then able to function, before it is passed by the other House, be referred by the Secretary to Parliament to the Council for its comments.

(aA) If the Council is not in existence by 28 February 1996, any parliamentary Bill referred to in paragraph (a) shall, after having been passed by the House in which it was introduced, but before it is passed by the other House, be referred to those Houses contemplated in section 183 which have then been established, and the further provisions of this subsection shall then mutatis mutandis apply.”.

Wysiging van artikel 149 van Wet 200 van 1993 soos gewysig deur artikel 11 van Wet 13 van 1994

5. Artikel 149 van die Hoofwet word hierby gewysig deur subartikel (10) deur die volgende subartikel te vervang:

- 5 “(10) Daar word, behoudens artikel 207(2), uit en ten laste van die Provinsiale Inkomstefonds van ’n provinsie aan die Premier en aan ’n lid van ’n Uitvoerende Raad van daardie provinsie die besoldiging en toelaes betaal wat [by ’n wet van die provinsiale wetgewer voorgeskryf of kragtens so ’n wet] deur die President bepaal mag word.”.

10 Wysiging van artikel 176 van Wet 200 van 1993

6. Artikel 176 van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by paragraaf (b) deur die volgende voorbehoudsbepaling te vervang:

- 15 “: Met dien verstande dat ’n raad die bevoegdheid om besluite te neem oor aangeleenthede betreffende dorpsbeplanning aan die uitvoerende komitee of aan ’n komitee vir dié doel aangestel of aan ’n persoon in sy diens kan delegeer: Met dien verstande voorts dat artikel 177 *mutatis mutandis* van toepassing is ten opsigte van die aanstelling en funksionering van ’n komitee vir dié doel aangestel.”.

Wysiging van artikel 179 van Wet 200 van 1993

- 20 7. Artikel 179 van die Hoofwet word hierby gewysig—
(a) deur die voorbehoudsbepaling by subartikel (1) te skrap; en
(b) deur paragraaf (c) van subartikel (5) met die volgende paragraaf te vervang:
“(c) [nie bevoeg] onbevoeg ingevolge artikel 42(1)(a), (b), (c) of (d) is om as ’n lid van die Nasionale Vergadering verkies te word [nie].”.

25 Vervanging van artikel 182 van Wet 200 van 1993

8. Artikel 182 van die Hoofwet word hierby deur die volgende artikel vervang:

“Tradisionele owerhede en plaaslike regering

- 30 182. Die tradisionele leier van ’n gemeenskap wat ’n stelsel van inheemse reg naleef en woon op grond binne die regsgebied van ’n verkose plaaslike regering in Hoofstuk 10 bedoel, is *ex officio* geregtig om lid van daardie plaaslike regering te wees, indien hy of sy geïdentifiseer is op ’n wyse en ooreenkomstig riglyne deur die President by proklamasie in die Staatskoerant voorgeskryf, na oorlegpleging met die Raad van Tradisionele Leiers, indien dit dan bestaan, of indien nie, met die Huise van Tradisionele Leiers, wat dan ingestel is, en kan in enige amp van die plaaslike regering verkies word.”.

Wysiging van artikel 184 van Wet 200 van 1993

9. Artikel 184 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (5) deur die volgende paragraaf te vervang:

- 40 “(a) ’n Parlementêre Wetsontwerp wat betrekking het op tradisionele owerhede, inheemse reg of die tradisies en gebruike van tradisionele gemeenskappe of enige ander aangeleenthede wat daarmee in verband staan, moet, [nadat] indien dit aanvaar [is] word deur die Huis waar dit ingedien is [, maar] nadat die Voorsitter en lede van die Raad gekies is en die Raad met
45 sy werksaamhede ’n aanvang gemaak het, en indien die Raad dan in staat is om te funksioneer, voordat dit deur die ander Huis aanvaar word, deur die Sekretaris van die Parlement na die Raad vir sy kommentaar verwys word.
(aA) Indien die Raad nie teen 28 Februarie 1996 bestaan nie, word enige
50 parlementêre Wetsontwerp in paragraaf (a) bedoel, nadat dit aanvaar is deur die Huis waar dit ingedien is, maar voordat dit deur die ander Huis aanvaar word, na daardie Huise van Tradisionele Leiers in artikel 183 bedoel, wat dan ingestel is, verwys, en die verdere bepalings van hierdie artikel is dan *mutatis mutandis* van toepassing.”.

Substitution of section 225 of Act 200 of 1993

10. The following section is hereby substituted for section 225 of the principal Act:

“Chief of South African National Defence Force and Secretary for Defence

225. (1) Subject to section 236(1) and (2), the President shall appoint a Chief of the South African National Defence Force, who shall exercise military executive command of the South African National Defence Force, subject to the directions of the Minister responsible for defence and, during a state of national defence, of the President.

(2) The Minister responsible for defence may appoint a Secretary for Defence who shall exercise such powers and perform such duties as may be provided for in any law.”

Amendment of section 239 of Act 200 of 1993

11. Section 239 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) (a) All debts and liabilities which immediately before the commencement of this Constitution vested in an authority referred to in section 235(1)(a), (b) or (c), or in a government, administration or force under the control of such authority shall be assumed by the national government.

(b) The debts and liabilities referred to in paragraph (a), shall be deemed to be State debt as defined in section 1 of the Exchequer Act, 1975 (Act No. 66 of 1975).”

Substitution of section 245 of Act 200 of 1993

12. The following section is hereby substituted for section 245 of the principal Act:

“Transitional arrangements: Local government

245. (1) Until [elections have been held in terms of the Local Government Transition Act, 1993] 31 March 1996, local government shall not be restructured otherwise than in accordance with [that] the Local Government Transition Act, 1993 (Act No. 209 of 1993).

(2) Restructuring of local government which takes place as a result of legislation enacted by a competent authority after [the elections referred to in subsection (1) have been held,] 31 March 1996 shall be effected in accordance with the principles embodied in Chapter 10 and the Constitution as a whole.

(3) (a) For the purposes of the first election of members of [a local government] a transitional local council or a transitional metropolitan substructure as referred to in the Local Government Transition Act, 1993, after the commencement of this Constitution, the area of jurisdiction of such [local government] transitional local council and transitional metropolitan substructure shall be divided into wards in accordance with [the] that Act [referred to in subsection (1)].

(b) Forty per cent of the members of [the local government] a transitional local council and a transitional metropolitan substructure shall be elected according to the system of proportional representation applicable to an election of the National Assembly and regulated specifically by or under the [Act referred to in subsection (1),] Local Government Transition Act, 1993, and sixty per cent of the members shall be elected [on the basis that each such member shall] to represent [a ward] wards as contemplated in paragraph (a): Provided that—

(i) if such wards are represented by more than one member, all such wards shall be represented by the same number of members; and

(ii) notwithstanding anything to the contrary contained in this Constitution, where the area of jurisdiction of the [local government] transitional local council or transitional metropolitan substructure includes—

Vervanging van artikel 225 van Wet 200 van 1993

10. Artikel 225 van die Hoofwet word hierby deur die volgende artikel vervang:

“Hoof van Suid-Afrikaanse Nasionale Weermag en Sekretaris vir Verdediging

5 **225.** (1) Behoudens artikel 236(1) en (2) stel die President 'n Hoof van die Suid-Afrikaanse Nasionale Weermag aan, wat militêre uitvoerende bevel voer oor die Suid-Afrikaanse Nasionale Weermag, onderworpe aan die voorskrifte van die Minister verantwoordelik vir verdediging en, gedurende 'n staat van nasionale verdediging, van die President.

10 (2) Die Minister wat vir verdediging verantwoordelik is, kan 'n Sekretaris vir Verdediging aanstel wat sodanige bevoegdhede uitoefen en sodanige werksaamhede verrig soos in enige wet bepaal.”

Wysiging van artikel 239 van Wet 200 van 1993

11. Artikel 239 van die Hoofwet word hierby gewysig deur subartikel (3) deur die 15 volgende subartikel te vervang:

 “(3)(a) Alle skulde en verpligtinge wat onmiddellik voor die inwerking-treding van die Grondwet in 'n gesag bedoel in artikel 235(1)(a), (b) of (c), of in 'n regering, administrasie of mag onder die beheer van sodanige gesag gesetel het, word deur die nasionale regering oorgeneem.

20 (b) Die skulde en verpligtinge in paragraaf (a) bedoel, word geag Staatskulde te wees soos omskryf in artikel 1 van die Skatkiswet, 1975 (Wet No. 66 van 1975).”

Vervanging van artikel 245 van Wet 200 van 1993

12. Artikel 245 van die Hoofwet word hierby deur die volgende artikel vervang:

25 **“Oorgangsreëlings: Plaaslike Regering**

245. (1) [Totdat verkiesings ingevolge die Oorgangswet op Plaaslike Regering, 1993, gehou is] Tot 31 Maart 1996 word plaaslike regering nie herstruktureer behalwe ooreenkomstig [daardie Wet] die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993), nie.

30 (2) Herstrukturering van plaaslike regering wat plaasvind as gevolg van wetgewing verorden deur 'n bevoegde gesag na [die verkiesings bedoel in subartikel (1),] 31 Maart 1996 geskied ooreenkomstig die beginsels vervat in Hoofstuk 10 en die Grondwet as geheel.

35 (3)(a) Vir die doeleindes van die eerste verkiesing van lede van 'n plaaslike [regering] oorgangsraad of 'n metropolitaanse oorgangsubstruktuur soos bedoel in die Oorgangswet op Plaaslike Regering, 1993, na die inwerking-treding van hierdie Grondwet, word die regsgebied van daardie plaaslike [regering] oorgangsraad of metropolitaanse oorgangsubstruktuur ooreenkomstig [die] daardie Wet [bedoel in subartikel (1)] in wyke verdeel.

40 (b) Veertig persent van die lede van 'n plaaslike [regering] oorgangsraad en 'n metropolitaanse oorgangsubstruktuur word verkies volgens die stelsel van proporsionele verteenwoordiging wat op 'n verkiesing van die Nasionale Vergadering van toepassing is en wat spesifiek by of kragtens die [Wet bedoel in subartikel (1)] Oorgangswet op Plaaslike Regering, 1993, gereël word, en sestig persent van die lede word verkies [op die grondslag dat elke sodanige lid 'n wyk] om wyke soos beoog in paragraaf (a) te verteenwoordig: Met dien verstande dat—

45 (i) indien sodanige wyk deur meer as een lid verteenwoordig word, alle sodanige wyke deur dieselfde getal lede verteenwoordig word; en

50 (ii) ondanks enigiets tot die teendeel in hierdie Grondwet vervat, waar die regsgebied van die plaaslike [regering] oorgangsraad of metropolitaanse oorgangsubstruktuur—

[(i)] (aa) the area of jurisdiction of any institution or body as was referred to in section 84(1)(f) of the Provincial Government Act, 1961 (Act No. 32 of 1961); and

[(ii)] (bb) any other area not falling within the area of jurisdiction of the institution or body referred to in **[subparagraph (i)] item (aa)**, 5

no area referred to in **[subparagraph (i) or (ii)] items (aa) or (bb)** shall be allocated less than half of the total number of wards of the **[local government] transitional local council or transitional metropolitan substructure** concerned: Provided further that an area referred to in **[subparagraph (i)] item (aa)** shall be deemed not to include any area for which a local government body referred to in paragraphs (a), (b) and (c) of the definition of "local government body" in section 1(1) of the **[Act] Local Government Transition Act, 1993 [referred to in subsection (1) of this section]** (as that Act exists at the commencement of this Constitution), has been established." 10 15

Substitution of expressions in Act 200 of 1993

13. The principal Act is hereby amended by the substitution for the expressions "National Defence Force", "Eastern Transvaal" and "Northern Transvaal", wherever they occur of the expressions "South African National Defence Force", "Mpumalanga" and "Northern Province", respectively. 20

Amendment of Act 13 of 1995

14. The Constitutional Court Complementary Act, 1995 (Act No. 13 of 1995) is hereby amended by the repeal of sections 8, 13 and 16.

Short title and commencement

15. (1) This Act shall be called the Constitution of the Republic of South Africa Second Amendment Act, 1995.

(2) (a) Section 7(b), and the amendment effected to subsection (3) of section 245 of the principal Act by section 12 of this Act, shall be deemed to have come into operation on 1 June 1995. 30

(b) Sections 9 and 10 shall be deemed to have come into operation on 1 May 1994.

- 5 [(i)] (aa) die regsgebied van enige instelling of liggaam waarna
in artikel 84(1)(f) van die Wet op Provinsiale Regering,
1961 (Wet No. 32 of 1961) verwys is; en
- 10 [(ii)] (bb) enige ander gebied wat nie binne die regsgebied van die
instelling of liggaam bedoel in **[subparagraaf (i)] item**
(aa) val nie,
- 15 insluit, aan geen gebied in **[subparagraaf (i) of (ii)] item (aa) of (bb)** bedoel
minder as die helfte van die totale aantal wyke van die betrokke plaaslike
[regering] oorgangsraad of metropolitaanse oorgangsubstruktuur toegewys
word nie: Met dien verstande voorts dat 'n gebied in **[subparagraaf (i)] item**
(aa) bedoel geag word nie enige gebied in te sluit waarvoor 'n plaaslike
owerheidsliggaam bedoel in paragrafe (a), (b) en (c) van die omskrywing
van "plaaslike owerheidsliggaam" in artikel 1(1) van die **[Wet bedoel in**
subartikel (1) van hierdie artikel] Oorgangswet op Plaaslike Regering,
1993 (soos daardie Wet by die inwerkingtreding van hierdie Grondwet
bestaan) ingestel is nie."

• Vervanging van uitdrukkings in Wet 200 van 1993

13. Die Hoofwet word hierby gewysig deur die uitdrukkings "Nasionale Weermag",
"Oos-Transvaal" en "Noord-Transvaal", oral waar hulle voorkom, met onderskeidelik
20 die uitdrukkings "Suid-Afrikaanse Nasionale Weermag", "Mpumalanga" en
"Noordelike Provinsie" te vervang.

Wysiging van Wet 13 van 1995

14. Die Aanvullende Wet op die Konstitusionele Hof, 1995 (Wet No. 13 van 1995),
word hierby gewysig deur die herroeping van artikels 8, 13 en 16.

25 Kort titel en inwerkingtreding

15. (1) Hierdie Wet heet die Tweede Wysigingswet op die Grondwet van die
Republiek van Suid-Afrika, 1995.
- (2) (a) Artikel 7(b), en die wysiging aangebring aan subartikel (3) van artikel 245
van die Hoofwet deur artikel 12 van hierdie Wet, word geag op 1 Junie 1995 in werking
30 te getree het.
- (b) Artikels 9 en 10 word geag op 1 Mei 1994 in werking te getree het.

