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19 March
Maart 2003

No. 24597

THE PRESIDENCY

No. 408

19 March 2003

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

No. 2 of 2003: Constitution of the Republic of South Africa Amendment Act, 2003.

DIE PRESIDENSIE

No. 408

19 Maart 2003

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

No. 2 van 2003: Wysigingswet op die Grondwet van die Republiek van Suid-Afrika, 2003.

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**Act No. 2, 2003 CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA
AMENDMENT ACT, 2003**

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.
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*(English text signed by the President.)
(Assented to 19 March 2003.)*

ACT

To amend the Constitution of the Republic of South Africa, 1996, so as to enable a member of the National Assembly or a provincial legislature to become a member of another party whilst retaining membership of the National Assembly or that provincial legislature; to enable an existing party to merge with another party, or to subdivide into more than one party, or to subdivide and to permit any of the subdivisions to merge with another party, whilst allowing a member of a legislature affected by such changes to retain membership of that legislature; and to provide for matters connected therewith.

PREAMBLE

WHEREAS section 46(1)(d) of the Constitution of the Republic of South Africa, 1996 (the Constitution), requires an electoral system for the National Assembly that results, in general, in proportional representation;

AND WHEREAS section 47(3)(a) of the Constitution provides that a person loses membership of the National Assembly if that person ceases to be eligible on the grounds listed in section 47(1);

AND WHEREAS section 105(1)(d) of the Constitution requires an electoral system for provincial legislatures that results, in general, in proportional representation;

AND WHEREAS section 106(3)(a) of the Constitution provides that a person loses membership of a provincial legislature if that person ceases to be eligible on the grounds listed in section 106(1);

AND WHEREAS the Constitution of the Republic of South Africa Amendment Act, 2002 (Act No. 18 of 2002), amended the Constitution in order to enable a member of a Municipal Council to become a member of another party whilst retaining membership of that Council; and to enable an existing party to merge with another party, or to subdivide into more than one party, or to subdivide and any of the subdivisions to merge with another party, whilst allowing a member of a Council affected by such changes to retain membership of that Council;

AND WHEREAS the need exists for uniformity within the three spheres of government regarding loss or retention of membership of the National Assembly, any provincial legislature or any Municipal Council in the event of a change of party membership, or mergers or subdivision or subdivision and merger of parties,

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.
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*(Engelse teks deur die President geteken.)
(Goedgekeur op 19 Maart 2003.)*

WET

Tot wysiging van die Grondwet van die Republiek van Suid-Afrika, 1996, ten einde 'n lid van die Nasionale Vergadering of 'n provinsiale wetgewer in staat te stel om 'n lid van 'n ander party te word terwyl lidmaatskap van die Nasionale Vergadering of daardie provinsiale wetgewer behou word; 'n bestaande party in staat te stel om met 'n ander party saam te smelt, of om in meer as een party te onderverdeel, of om te onderverdeel en enige onderverdeling toe te laat om met 'n ander party saam te smelt terwyl 'n lid van 'n wetgewer wat deur sodanige veranderings geraak word, toegelaat word om lidmaatskap van daardie wetgewer te behou; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

AANHEF

AANGESEIEN artikel 46(1)(d) van die Grondwet van die Republiek van Suid-Afrika, 1996 (die Grondwet), 'n kiesstelsel vir die Nasionale Vergadering vereis wat, oor die algemeen, proporsionele verteenwoordiging tot gevolg het;

EN AANGESEIEN artikel 47(3)(a) van die Grondwet daarvoor voorsiening maak dat iemand lidmaatskap van die Nasionale Vergadering verloor indien so iemand ophou om bevoeg te wees na aanleiding van die gronde wat in artikel 47(1) uiteengesit word;

EN AANGESEIEN artikel 105(1)(d) van die Grondwet 'n kiesstelsel vir provinsiale wetgewers vereis wat, oor die algemeen, proporsionele verteenwoordiging tot gevolg het;

EN AANGESEIEN artikel 106(3)(a) van die Grondwet daarvoor voorsiening maak dat iemand lidmaatskap van 'n provinsiale wetgewer verloor indien so iemand ophou om bevoeg te wees na aanleiding van die gronde wat in artikel 106(1) uiteengesit word;

EN AANGESEIEN die Wysigingswet op die Grondwet van die Republiek van Suid-Afrika, 2002 (Wet No. 18 van 2002), die Grondwet gewysig het ten einde 'n lid van 'n Munisipale Raad in staat te stel om 'n lid van 'n ander party te word terwyl lidmaatskap van daardie Raad behou word; en 'n bestaande party in staat te stel om met 'n ander party saam te smelt, of om in meer as een party te onderverdeel, of om te onderverdeel en enige een van die onderverdelings om met 'n ander party saam te smelt, terwyl 'n lid van 'n Raad wat deur sodanige veranderings geraak word, toegelaat word om lidmaatskap van daardie Raad te behou;

EN AANGESEIEN die behoeftte bestaan aan eenvormigheid binne die drie regeringsfere insake verlies of behoud van lidmaatskap van die Nasionale Vergadering, 'n provinsiale wetgewer of 'n Munisipale Raad in die geval van 'n verandering van partylidmaatskap, of samesmeltings of onderverdeling of onderverdeling en samesmelting van partye,

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

Amendment of section 46 of Act 108 of 1996

1. Section 46 of the Constitution of the Republic of South Africa, 1996 (hereinafter referred to as the Constitution), is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: 5

“[The] Subject to Schedule 6A, the National Assembly consists of no fewer than 350 and no more than 400 women and men elected as members in terms of an electoral system that—”.

Amendment of section 47 of Act 108 of 1996

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2. Section 47 of the Constitution is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) A person loses membership of the National Assembly if that person—
(a) ceases to be eligible; [or]
(b) is absent from the Assembly without permission in circumstances for which the rules and orders of the Assembly prescribe loss of membership; or
(c) ceases to be a member of the party that nominated that person as a member of the Assembly, unless that member has become a member of another party in accordance with Schedule 6A.”.

Amendment of section 105 of Act 108 of 1996

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3. Section 105 of the Constitution is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“[A] Subject to Schedule 6A, a provincial legislature consists of women and men elected as members in terms of an electoral system that—”.

Amendment of section 106 of Act 108 of 1996

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4. Section 106 of the Constitution is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) A person loses membership of a provincial legislature if that person—
(a) ceases to be eligible; [or]
(b) is absent from the legislature without permission in circumstances for which the rules and orders of the legislature prescribe loss of membership; or
(c) ceases to be a member of the party that nominated that person as a member of the legislature, unless that member has become a member of another party in accordance with Schedule 6A.”.

Amendment of Schedule 6A to Act 108 of 1996, as inserted by section 2 of Act 18 of 2002

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5. Schedule 6A to the Constitution is hereby amended by the deletion of item 9.

Insertion of Schedule 6A in Act 108 of 1996

6. The following Schedule is hereby inserted in the Constitution after Schedule 6, the existing Schedule 6A becoming Schedule 6B: 40

“Schedule 6A

Retention of membership of National Assembly or provincial legislature, after a change of party membership, mergers between parties, subdivision of parties and subdivision and merger of parties

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

Wysiging van artikel 46 van Wet 108 van 1996

1. Artikel 46 van die Grondwet van die Republiek van Suid-Afrika, 1996 (hierna die Grondwet genoem), word hierby gewysig deur die woorde wat paragraaf (a) van subartikel (1) voorafgaan deur die volgende woorde te vervang:
[Die] Behoudens Bylae 6A, bestaan die Nasionale Vergadering [bestaan] uit minstens 350 en hoogstens 400 vroue en mans wat as lede verkies is ingevolge 'n kiesstelsel wat—”.

10 Wysiging van artikel 47 van Wet 108 van 1996

2. Artikel 47 van die Grondwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:
“(3) Iemand verloor lidmaatskap van die Nasionale Vergadering indien so iemand—
(a) ophou om bevoeg te wees; **[of]**
(b) sonder toestemming afwesig is van die Vergadering in omstandighede waarvoor die reëls en orders van die Vergadering verlies van lidmaatskap voorskryf; **of**
(c) ophou om 'n lid van die party te wees wat so iemand as 'n lid van die Vergadering benoem het, tensy so iemand ooreenkomsdig Bylae 6A 'n lid van 'n ander party geword het.”.

Wysiging van artikel 105 van Wet 108 van 1996

3. Artikel 105 van die Grondwet word hierby gewysig deur die woorde wat paragraaf (a) van subartikel (1) voorafgaan deur die volgende woorde te vervang:
[‘n Provinciale] Behoudens Bylae 6A, bestaan ‘n provinciale wetgewer [bestaan] uit vroue en mans wat as lede verkies is ingevolge 'n kiesstelsel wat—”.

Wysiging van artikel 106 van Wet 108 van 1996

4. Artikel 106 van die Grondwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:
“(3) Iemand verloor lidmaatskap van 'n provinciale wetgewer indien so iemand—
(a) ophou om bevoeg te wees; **[of]**
(b) sonder toestemming afwesig is van die wetgewer in omstandighede waarvoor die reëls en orders van die wetgewer verlies van lidmaatskap voorskryf; **of**
(c) ophou om 'n lid van die party te wees wat so iemand as 'n lid van die wetgewer benoem het, tensy so iemand ooreenkomsdig Bylae 6A 'n lid van 'n ander party geword het.”.

Wysiging van Bylae 6A by Wet 108 van 1996, soos ingevoeg deur artikel 2 van Wet 18 van 2002

- 40 5. Bylae 6A by die Grondwet word hierby gewysig deur item 9 te skrap.

Invoeging van Bylae 6A in Wet 108 van 1996

6. Die volgende Bylae word hierby na Bylae 6 in die Grondwet ingevoeg, terwyl die bestaande Bylae 6A, Bylae 6B word:

“Bylae 6A

- 45 Behoud van lidmaatskap van Nasionale Vergadering of provinsiale wetgewer, na 'n verandering van partylidmaatskap, samesmeltings tussen partye, onderverdeling van partye en onderverdeling en samesmelting van partye

Definition

1. In this Schedule ‘legislature’ means the National Assembly or any provincial legislature.

Retention of membership of legislature in event of change of party membership

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2. (1) Subject to item 4, a member of a legislature who becomes a member of a party (the new party) other than the party which nominated that person as a member (the nominating party), whether the new party participated in an election or not, remains a member of that legislature if that member, whether by himself or herself or together with one or more other members who, during a period referred to in item 4(1)(a) or (b), ceased to be members of the nominating party, represents not less than 10 per cent of the total number of seats held by the nominating party in that legislature.

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(2) The seat held by a member referred to in subitem (1) is regarded as having been allocated to the new party which the member represents.

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Retention of membership of legislature in event of mergers, subdivision and subdivision and merger of parties

3. (1) Subject to item 4, any party (the original party) which is represented in a legislature may—

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- (a) merge with another party, whether that party participated in an election or not; or
- (b) subdivide into more than one party or subdivide and any subdivision may merge with another party, whether that party participated in an election or not, if the members of a subdivision leaving the original party represent not less than 10 per cent of the total number of seats held by the original party in that legislature.

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(2) If a party merges with another party or subdivides into more than one party or subdivides and any subdivision merges with another party in terms of subitem (1), the members concerned remain members of that legislature and the seats held by them are regarded as having been allocated to the party which they represent pursuant to any merger, subdivision or subdivision and merger contemplated in subitem (1).

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Period of application of items 2 and 3 and further requirements

4. (1) The provisions of items 2 and 3 only apply—

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(a) for a period of 15 days from the first to the fifteenth day of September in the second year following the date of an election of the legislature; and

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(b) for a period of 15 days from the first to the fifteenth day of September in the fourth year following the date of an election of the legislature.

(2) For the purpose of subitem (1) “year” means a period of 365 days.

(3) During each period referred to in subitem (1)(a) and (b)—

(a) a member of a legislature may only once change membership of a party, by informing the Speaker of the legislature thereof in writing and by submitting to the Speaker written confirmation from such other party that he or she has been accepted as a member of that party; and

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(b) a party may only once—

- (i) merge with another party;
- (ii) subdivide into more than one party; or
- (iii) subdivide and any subdivision may merge with another party,

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Woordomskrywing

1. In hierdie Bylae beteken ‘wetgewer’ die Nasionale Vergadering of ‘n provinsiale wetgewer.

5 **Behoud van lidmaatskap van wetgewer in geval van verandering van partylidmaatskap**

- 10 **2.** (1) Behoudens item 4 bly ‘n lid van ‘n wetgewer wat ‘n lid word van ‘n party (die nuwe party) anders as die party wat daardie persoon as ‘n lid benoem het (die benoemende party), ongeag of die nuwe party aan ‘n verkiesing deelgeneem het al dan nie, ‘n lid van daardie wetgewer indien daardie lid, hetsy alleen of saam met een of meer ander lede wat, gedurende ‘n tydperk bedoel in item 4(1)(a) of (b), opgehou het om lede van die benoemende party te wees, minstens 10 persent van die totale getal setels verteenwoordig wat deur die benoemende party in daardie wetgewer gehou is.
- 15 (2) Die setel wat deur ‘n lid bedoel in subitem (1) gehou word, word geag aan die nuwe party waarvan daardie lid ‘n lid geword het, toegewys te wees.

20 **Behoud van lidmaatskap van wetgewer in geval van samesmeltings, onderverdeling en onderverdeling en samesmelting van partye**

- 25 **3.** (1) Behoudens item 4 kan enige politieke party (die oorspronklike party) wat in ‘n wetgewer verteenwoordig word—
 (a) met ‘n ander party saamsmelt, ongeag of daardie party aan ‘n verkiesing deelgeneem het al dan nie; of
 (b) in meer as een party onderverdeel of onderverdeel en enige onderverdeling kan met ‘n ander party saamsmelt, ongeag of daardie party aan ‘n verkiesing deelgeneem het al dan nie, indien die lede van ‘n onderverdeling wat die oorspronklike party verlaat minstens 10 persent van die totale getal setels wat deur die oorspronklike party in daardie wetgewer gehou is, verteenwoordig.
 (2) Indien ‘n party met ‘n ander party saamsmelt of in meer as een party onderverdeel of onderverdeel en ‘n onderverdeling met ‘n ander party saamsmelt ingevolge subitem (1), bly die lede wat betrokke is lede van daardie wetgewer en word die setels wat deur hulle gehou word, geag toegewys te wees aan die party wat hulle verteenwoordig na aanleiding van ‘n samesmelting, onderverdeling of onderverdeling en samesmelting in subitem (1) beoog.
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Tydperk van toepassing van items 2 en 3 en verdere vereistes

- 40 **4.** (1) Die bepaling van items 2 en 3 is slegs van toepassing—
 (a) vir ‘n tydperk van 15 dae vanaf die eerste tot die vyftiende dag van September in die tweede jaar wat op die datum van ‘n verkiesing van die wetgewer volg; en
 (b) vir ‘n tydperk van 15 dae vanaf die eerste tot die vyftiende dag van September in die vierde jaar wat op die datum van ‘n verkiesing van die wetgewer volg.
 (2) By die toepassing van subitem (1) beteken “jaar” ‘n tydperk van 365 dae.
 (3) Gedurende elke tydperk bedoel in subitem (1)(a) of (b)—
 (a) kan ‘n lid van ‘n wetgewer slegs een keer van partylidmaatskap verander, deur die Speaker van die wetgewer skriftelik daarvan in kennis te stel en deur skriftelike bevestiging vanaf die ander party dat hy of sy as lid van daardie party aanvaar is, aan die Speaker voor te lê; en
 (b) kan ‘n party slegs een keer—
 (i) met ‘n ander party saamsmelt;
 (ii) in meer as een party onderverdeel; of
 50 (iii) onderverdeel en enige onderverdeling kan met ‘n ander party saamsmelt,
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<p>by informing the Speaker of the legislature thereof in writing and by submitting to the Speaker written confirmation from the other party of the names of all members involved in the merger or subdivision, and that the party has accepted the merger; and</p> <p>(c) no party represented in a legislature may—</p> <ul style="list-style-type: none"> (i) suspend or terminate the party membership of a member representing that party in that legislature; or (ii) perform any act whatsoever which may cause such a member to be disqualified from holding office as such a member, without the written consent of the member concerned. <p>(4) A party which has not been registered in terms of any law applicable to the registration of political parties is regarded as a party for the purposes of this Schedule, but such a party must apply for registration as a party in accordance with applicable law within the period referred to in subitem (1)(a) or (b). If the party is not registered within four months after the expiry of that period, it is regarded as having ceased to exist, and the seats in question must be allocated to the remaining parties in accordance with applicable law.</p>	5 10 15
<p>Composition of legislature maintained until election or reconstitution in terms of Schedule</p>	20
<p>5. (1) After the expiry of a period referred to in item 4(1)(a) or (b), the composition of a legislature which has been reconstituted as a result of any conduct in terms of item 2 or 3 is maintained until the next election of that legislature or until the composition of the legislature is reconstituted in accordance with item 2 or 3.</p> <p>(2) Within seven days after the expiry of a period referred to in item 4(1)(a) or (b), each party represented in a legislature contemplated in subitem (1) must submit a list of its candidates to the Secretary of the legislature.</p> <p>(3) The Speaker of a legislature contemplated in subitem (1) must, within seven days after the expiry of a period referred to in item 4(1)(a) or (b), publish a notice in the <i>Gazette</i> which must reflect—</p> <ul style="list-style-type: none"> (a) the number of seats allocated to each party represented in that legislature; and (b) the name of, and party represented by, each member. 	25 30 35
<p>Transitional arrangement in respect of retention of membership of legislature in event of change of party membership, mergers between parties, subdivision of parties and subdivision and merger of parties</p>	
<p>6. (1) During the first 15 days immediately following the date of the commencement of this Schedule—</p> <p>(a) a member of a legislature may become a member of another party (the new party), whether the new party participated in an election or not, whilst remaining a member of the legislature concerned and the seat held by that member must be regarded as having been allocated to the new party of which that member has become a member; and</p> <p>(b) any party which is represented in a legislature may—</p> <ul style="list-style-type: none"> (i) merge with another party, whether that party participated in an election or not; or (ii) subdivide into more than one party or subdivide and any subdivision may merge with another party, whether that party participated in an election or not, <p>whilst the members concerned remain members of that legislature and the seats held by them must be regarded as having been allocated to the party which they represent pursuant to any merger, subdivision or subdivision and merger contemplated in this paragraph.</p>	40 45 50 55

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deur die Speaker van die wetgewer skriftelik daarvan in kennis te stel en deur skriftelike bevestiging vanaf die ander party aan die Speaker voor te lê van die name van alle lede wat by die samesmelting of onderverdeling betrokke is, en dat die party die samesmelting aanvaar het; en

- 5 (c) mag geen party wat in 'n wetgewer verteenwoordig word—
 (i) die partylidmaatskap van 'n lid wat daardie party in daardie wetgewer verteenwoordig, opskort of beëindig nie; of
 (ii) 'n handeling van enige aard ook al verrig wat die gevolg kan hê dat so 'n raadslid onbevoeg kan word om sy of haar amp te beklee nie, sonder die skriftelike toestemming van die betrokke lid.

10 (4) 'n Party wat nie ingevolge 'n wet wat op die registrasie van politieke party van toepassing is, geregistreer is nie, word vir doeleinades van hierdie Bylae as 'n party beskou, maar so 'n party moet binne die tydperk in subitem (1)(a) of (b) bedoel, aansoek doen om registrasie as 'n party ooreenkomstig toepaslike reg. Indien die party nie binne vier maande na die verstryking van vermelde tydperk geregistreer is nie, word geag dat die party opgehou het om te bestaan, en moet die betrokke setels ooreenkomstig toepaslike reg aan die oorblywende partye toegewys word.

20 **Samestelling van wetgewer duur voort tot verkiesing of hersamestelling ingevolge Bylae**

25 **5. (1)** Na die verstryking van 'n tydperk bedoel in item 4(1)(a) of (b) word die samestelling van 'n wetgewer wat na aanleiding van enige optrede ingevolge item 2 of 3 hersaamgestel is, behou tot die volgende verkiesing van daardie wetgewer of totdat die samestelling van die wetgewer ooreenkomstig item 2 of 3 hersaamgestel word.

30 (2) Binne sewe dae na die verstryking van 'n tydperk bedoel in item 4(1)(a) of (b), moet elke party wat verteenwoordig word in 'n wetgewer in subitem (1) beoog, 'n lys van sy kandidate aan die Sekretaris van die wetgewer voorlê.

35 (3) Die Speaker van 'n wetgewer beoog in subitem (1) moet, binne sewe dae na die verstryking van 'n tydperk bedoel in item 4(1)(a) of (b), 'n kennisgewing in die *Staatskoerant* publiseer waarin—

- (a) die getal setels wat aan elke party toegewys is wat in daardie wetgewer verteenwoordig is; en
 (b) die naam van, en party verteenwoordig deur, elke lid, weerspieël moet word.

40 **Oorgangsreëling betreffende behoud van lidmaatskap van wetgewer in geval van verandering van partylidmaatskap, samesmeltings tussen partye, onderverdeling van partye en onderverdeling en samesmelting van partye**

45 **6. (1)** Gedurende die eerste 15 dae wat onmiddellik volg op die datum van die inwerkingtreding van hierdie Bylae—

- (a) kan 'n lid van 'n wetgewer 'n lid van 'n ander party (die nuwe party) word, ongeag of die nuwe party aan 'n verkiesing deelgeneem het al dan nie, terwyl hy of sy 'n lid van die betrokke wetgewer bly en die setel wat deur daardie lid gehou word, word geag aan die nuwe party waarvan daardie lid 'n lid geword het, toegewys te wees; en
 (b) kan enige politieke party wat in 'n wetgewer verteenwoordig word—
 (i) met 'n ander party saamsmelt, ongeag of daardie party aan 'n verkiesing deelgeneem het al dan nie; of
 (ii) in meer as een party onderverdeel of onderverdeel en enige onderverdeling kan met 'n ander party saamsmelt, ongeag of daardie party aan 'n verkiesing deelgeneem het al dan nie, terwyl die lede wat betrokke is, lede van daardie wetgewer bly en die setels wat deur hulle gehou word, word geag toegewys te wees aan die party wat hulle verteenwoordig na aanleiding van 'n samesmelting, onderverdeling of onderverdeling en samesmelting in hierdie paraagraaf beoog.

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(2) The provisions of item 4(3) and (4) and item 5 are also applicable in respect of subitem (1), and any reference therein to a period referred to in item 4(1)(a) or (b) must be construed as a reference to the period referred to in subitem (1).”.

Amendment of Schedule 2 to Act 200 of 1993, as amended by section 12 of Act 2 of 1994, section 3 of Act 20 of 1995, section 13 of Act 44 of 1995 and Schedule 6 to Act 108 of 1996 5

7. Schedule 2 to the Constitution of the Republic of South Africa, 1993, is hereby amended—

- (a) by the substitution for item 23 of the following item:

“Vacancies

23. (1) In the event of a vacancy in a legislature to which this Schedule applies, the party which [nominated] the vacating member represented shall fill the vacancy by nominating a person—

- (a) whose name appears on the list of candidates—

(i) from which [the vacating member was] that party's members were originally nominated; or

(ii) where applicable, submitted by a party in terms of item 5(2) of Schedule 6A to the new Constitution; and

- (b) who is the next qualified and available person on the list.

(2) A nomination to fill a vacancy shall be submitted to the Speaker in writing.

(3) If a party represented in a legislature dissolves or ceases to exist and the members in question vacate their seats in consequence of [item 23A(1)] section 47(3)(c) or 106(3)(c) of the new Constitution, the seats in question shall be allocated to the remaining parties *mutatis mutandis* as if such seats were forfeited seats in terms of item 7 or 14, as the case may be.”; and

- (b) by the substitution for item 23A of the following item:

“Party may change name

23A. Despite sections 47(3)(c) and 106(3)(c) of the new Constitution any existing political party may at any time change its name.”. 30

Repeal of Act 22 of 2002

8. The Loss or Retention of Membership of National and Provincial Legislatures Act, 2002 (Act No. 22 of 2002), is hereby repealed.

Amendment of other laws

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9. The laws mentioned in column 2 of the Table are hereby amended to the extent indicated in column 3 of the Table:

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(2) Die bepalings van item 4(3) en (4) en item 5 is ook ten opsigte van subitem (1) van toepassing, en enige verwysing daarin na 'n tydperk in item 4(1)(a) of (b) bedoel, word uitgelê as 'n verwysing na die tydperk in subitem (1) bedoel.”.

5 Wysiging van Bylae 2 by Wet 200 van 1993, soos gewysig deur artikel 12 van Wet 2 van 1994, artikel 3 van Wet 20 van 1995, artikel 13 van Wet 44 van 1995 en Bylae 6 by Wet 108 van 1996

7. Bylae 2 by die Grondwet van die Republiek van Suid-Afrika, 1993, word hierby gewysig—

- 10 (a) deur item 23 deur die volgende item te vervang:

“Vakatures

23. (1) In die geval van 'n vakature in 'n wetgewende liggaam waarop hierdie Bylae van toepassing is, vul die party wat deur die ontruimende lid [benoem het] verteenwoordig is die vakature deur 'n persoon te benoem—

- 15 (a) wie se naam verskyn op die kandidaatlys—

(i) waaruit [die ontruimende lid] daardie party se lede oorspronklik benoem is; of

(ii) waarvan toepassing, wat deur 'n party ingevolge item 5(2) van Bylae 6A by die nuwe Grondwet voorgelê is; en

- 20 (b) wat die volgende bevoegde en beskikbare persoon op die lys is.

(2) 'n Benoeming om 'n vakature te vul, moet skriftelik aan die Speaker voorgelê word.

- 25 (3) Indien 'n party wat in 'n wetgewende liggaam verteenwoordig is, ontbind of ophou om te bestaan en die betrokke lede hul setels uit hoofde van [item 23A(1)] artikel 47(3)(c) of 106(3)(c) van die nuwe Grondwet ontruim, word die betrokke setels aan die oorblywende partye *mutatis mutandis* toegewys asof daardie setels ingevolge item 7 of 14, na gelang van die geval, verbeur is.”; en

- (b) deur item 23A deur die volgende item te vervang:

30 **“Party kan naam verander**

23A. Ondanks artikels 47(3)(c) en 106(3)(c) van die nuwe Grondwet kan 'n bestaande politieke party te eniger tyd sy naam verander.”.

Herroeping van Wet 22 van 2002

- 8. Die Wet op Verlies of Behoud van Lidmaatskap van Nasionale en Proviniale Wetgewers, 2002 (Wet No. 22 van 2002), word hierby herroep.**

Wysiging van ander wette

- 9. Die wette in kolom 2 van die Tabel genoem, word hierby gewysig in die mate in kolom 3 van die Tabel aangedui:**

Act No. 2, 2003 CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA
AMENDMENT ACT, 2003

Table

1 Act No.	2 Short title	3 Extent of amendment	
117 of 1998	Local Government: Municipal Structures Act, 1998	Amendment of sections 26, 29, 63, 66, 93A, 93B, item 10 of Schedule 1, item 4 of Schedule 2 and the Table of Contents by the substitution for the words “Schedule 6A to the Constitution”, wher- ever they occur, of the words “Schedule 6B to the Constitution”.	5 10 15
20 of 2002	Local Government: Municipal Structures Amendment Act, 2002	Amendment of section 12 by the substitution for the words “Schedule 6A to the Constitution”, wher- ever they occur, of the words “Schedule 6B to the Constitution”.	20 25

Short title

10. This Act is called the Constitution of the Republic of South Africa Amendment 30 Act, 2003, and comes into operation on a date set by the President by proclamation.

WYSIGINGSWET OP DIE GRONDWET VAN DIE
REPUBLIEK VAN SUID-AFRIKA, 2003

Wet No. 2, 2003

Tabel

1 Wet No.	2 Kort titel	3 Omvang van wysiging
5 117 van 1998	10 Wet op Plaaslike Regering: Munisipale Strukture, 1998	15 Wysiging van artikels 26, 29, 63, 66, 93A, 93B, item 10 van Bylae 1, item 4 van Bylae 2 en die Inhoudsopgawe deur die vervanging van die woorde "Bylae 6A by die Grondwet", waar dit ook al voorkom, deur die woorde "Bylae 6B by die Grondwet".
20 20 van 2002	25 Wysigingswet op Plaaslike Regering: Munisipale Strukture, 2002	Wysiging van artikel 12 deur die vervanging van die woorde "Bylae 6A by die Grondwet", waar dit ook al voorkom, deur die woorde "Bylae 6B by die Grondwet".

Kort titel

- 30 **10.** Hierdie Wet heet die Wysigingswet op die Grondwet van die Republiek van Suid-Afrika, 2003, en tree in werking op 'n datum wat die President by proklamasie bepaal.

