

REPUBLIC OF SOUTH AFRICA

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**PORTFOLIO COMMITTEE AMENDMENTS  
TO  
CONSTITUTION OF THE  
REPUBLIC OF SOUTH AFRICA  
SECOND AMENDMENT BILL**

[B 85—98]

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*(As agreed to by the Portfolio Committee on Constitutional Affairs (National Assembly))*

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[B 85A—98]

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## AMENDMENTS AGREED TO

### CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA SECOND AMENDMENT BILL [B 85—98]

#### CLAUSE 1

Clause rejected.

#### NEW CLAUSE

1. That the following be a new Clause 1:

##### **Amendment of section 155 of Act 108 of 1996**

1. Section 155 of the Constitution of the Republic of South Africa, 1996 (hereinafter referred to as the principal Act), is hereby amended by the insertion after subsection (6) of the following subsection:

“(6A) If the criteria envisaged in subsection (3)(b) cannot be fulfilled without a municipal boundary extending across a provincial boundary—

- (a) that municipal boundary may be determined across the provincial boundary, but only—
  - (i) with the concurrence of the provinces concerned; and
  - (ii) after the respective provincial executives have been authorised by national legislation to establish a municipality within that municipal area; and
- (b) national legislation may—
  - (i) subject to subsection (5), provide for the establishment in that municipal area of a municipality of a type agreed to between the provinces concerned;
  - (ii) provide a framework for the exercise of provincial executive authority in that municipal area and with regard to that municipality; and
  - (iii) provide for the re-determination of municipal boundaries where one of the provinces concerned withdraws its support of a municipal boundary determined in terms of paragraph (a).”.

#### NEW CLAUSE

1. That the following be a new Clause to follow Clause 1:

##### **Amendment of section 157 of Act 108 of 1996**

2. Section 157 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

“(4)(a) If the electoral system includes ward representation, the delimitation of wards must be done by an independent authority appointed in terms of, and operating according to, procedures and criteria prescribed by national legislation.

(b) Where a municipal boundary has been determined in terms of section 155(6A), a ward delimited within that municipal boundary may not extend across the provincial boundary concerned.”.

LONG TITLE

1. On page 2, in the first line, to omit all the words after “to” up to and including “to” in the third line.

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