

OFFICE OF THE PRESIDENT

No. 1231 13 July 1994

NO. 5 OF 1994: INDEPENDENT ELECTORAL COMMISSION AMENDMENT ACT, 1994.

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

General Explanatory Note:

Words in ***bold italic*** indicate omissions from existing enactments.

Words in *italic* indicate insertions in existing enactments.

ACT

To amend the Independent Electoral Commission Act, 1993, so as to make further provision regarding the term of office and conditions of service of members of the Independent Electoral Commission; to further regulate the winding-up and dissolution of the said Commission; and to provide for matters connected therewith.

(Afrikaans text signed by the President.) (Assented to 5 July 1994.)

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

Amendment of section 6 of Act 150 of 1993

1. Section 6 of the Independent Electoral Commission Act, 1993 (hereinafter referred to as the principal Act), is hereby amended- (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

(b) serve in a full-time capacity to the exclusion of any other duty or obligation arising out of any other employment or occupation or the holding of any other *office, unless specifically authorised thereto by the President.*";

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

(a) during his or her term of office be eligible for appointment or nomination to any political *or public* office, whether involving remuneration or not, ***and such ineligibility shall, in respect of such public office, continue for a period of 18 months reckoned from the date upon which such term of office as a member has terminated, save in respect of the resumption of any previously held public office at the same level;***"; and

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

accept any remuneration, emolument or benefit, of whatever nature, arising from any other employment or occupation or the holding of any other office, unless specifically authorised thereto by the ***State*** President, ***acting upon the advice of the Transitional Council;***".

Substitution of section 9 of Act 150 of 1993

2.The following section is hereby substituted for section 9 of the principal Act: "Dissolution of Commission

9.(1) The Commission shall be dissolved upon the completion of its mandate on a date fixed by the **State** President by proclamation in the Gazette.

(2)*In the proclamation referred to in subsection (1), the President shall designate a department of state or other institution, which shall wind up the affairs of the Commission, and the President may make any other order therein relating to the said winding-up that he or she deems expedient.*

(3)*For the purposes of any legal relationship, including legal proceedings involving the Commission, the Minister of such department of state or the head of the institution in question, as the case may be, shall be the successor in title to the Commission."*

Substitution of section 10 of Act 150 of 1993

3.The following section is hereby substituted for section 10 of the principal Act: "Conditions of service, remuneration and allowances of members of Commission and International Advisory Committee

10.The conditions of service, remuneration, allowances and other benefits of members of the Commission and the International Advisory Committee shall, *from time to time*, be determined by the **Transitional Council after consultation with the State** President."

Short title and commencement

4. This Act shall be called the *Independent Electoral Commission Amendment Act, 1994*, and subsections (a) and (c) of section 1 and section 3 shall be deemed to have come into operation on 10 May 1994.
