

REPUBLIC OF SOUTH AFRICA

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**NATIONAL COUNCIL OF  
PROVINCES (PERMANENT  
DELEGATES VACANCIES) BILL**

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

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(MINISTER FOR PROVINCIAL AFFAIRS AND CONSTITUTIONAL DEVELOPMENT)

[B 36B—97]

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REPUBLIEK VAN SUID-AFRIKA

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**WETSONTWERP OP DIE  
NASIONALE RAAD VAN  
PROVINSIES (VAKATURES ONDER  
VASTE AFGEVAARDIGDES)**

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*(Soos gewysig deur die Portefeuljekomitee oor Staatkundige Aangeleenthede (Nasionale Vergadering))*

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(MINISTER VIR PROVINSIALE SAKE EN STAATKUNDIGE ONTWIKKELING)

[W 36B—97]

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# BILL

To make provision for the filling of vacancies among the permanent delegates to the National Council of Provinces; and to provide for matters connected therewith.

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

## Definitions

1. In this Act, unless the context indicates otherwise—
  - (i) “National Council of Provinces” means the National Council of Provinces referred to in section 42(1)(b) of the Constitution; (i) 5
  - (ii) “permanent delegate” means a permanent delegate contemplated in section 60(2)(b) of the Constitution; (iii)
  - (iii) “provincial legislature” means a provincial legislature contemplated in section 104 of the Constitution. (ii) 10

## Vacancies among permanent delegates

2. (1) Within seven days after the occurrence of a vacancy among the permanent delegates to the National Council of Provinces, the Chairperson of the National Council of Provinces shall in writing inform the Speaker of the relevant provincial legislature of such vacancy. 15
- (2) The Speaker concerned shall forthwith in writing call upon the party which nominated the vacating permanent delegate to nominate a person in his or her stead.
- (3) After a person has been nominated in writing by the party concerned, the person shall be appointed as a permanent delegate by the provincial legislature—
  - (a) within 14 days of the date upon which the nomination is received by the Speaker if that provincial legislature is then in session; or 20
  - (b) if that provincial legislature is not in session when the nomination is received, within 14 days after the commencement of the next session.
- (4) Immediately after the appointment of a permanent delegate in terms of subsection (3), the Speaker of the provincial legislature concerned shall inform the Chairperson of the National Council of Provinces of such appointment in writing. 25

## Short title

3. This Act shall be called the National Council of Provinces (Permanent Delegates Vacancies) Act, 1997.

**MEMORANDUM ON THE OBJECTS OF THE NATIONAL COUNCIL  
OF PROVINCES (PERMANENT DELEGATES VACANCIES) BILL**

Section 62(5) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), hereinafter referred to as “the Constitution”), requires vacancies among the permanent delegates to the National Council of Provinces to be filled in terms of national legislation. The Bill seeks to provide for the filling of such vacancies.

Clause 1 of the Bill contains certain definitions. Clause 2 of the Bill prescribes the manner in which vacancies among the permanent delegates to the National Council of Provinces are to be filled.

The Bill was referred to the Premier of each province for comment. Only comments of a technical nature have been received.

Since the Bill is not a Bill referred to in subsection (3), (4) or (5) of section 76 of the Constitution, the Department and the State Law Advisers are of the opinion that the legislative procedure provided for in section 75 of the Constitution should be followed in respect of the Bill.