

REPUBLIC OF SOUTH AFRICA

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

[B 84—98]

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

[B 84A—98]

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AMENDMENTS AGREED TO

CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA AMENDMENT BILL [B 84—98]

CLAUSE 1

1. On page 2, from line 9, to omit subsection (2) and to substitute:

(2) If a Municipal Council is dissolved in terms of national legislation, or when its term expires, an election must be held within 90 days of the date that Council was dissolved or its term expired.

(3) A Municipal Council, other than a Council that has been dissolved following an intervention in terms of section 139, remains competent to function from the time it is dissolved or its term expires, until the newly elected Council has been declared elected.

CLAUSE 2

1. On page 3, in line 2, to omit “either” and to substitute “each”.

CLAUSE 3

1. On page 3, from line 19, to omit paragraph (g) and to substitute:

“(g) to exercise or perform the additional powers or functions prescribed by an Act of Parliament.”

CLAUSE 5

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause to follow Clause 4:

Amendment of item 26 of Schedule 6 to Act 108 of 1996

5. Item 26 of Schedule 6 to the principal Act is hereby amended—
(a) by the substitution for paragraphs (a) and (b) of subitem (1) of the following paragraphs, respectively:

“(a) the provisions of the Local Government Transition Act, 1993 (Act 209 of 1993), as may be amended from time to time by national legislation consistent with the new Constitution, remain in force in respect of a Municipal Council until [30 April 1999 or until repealed, whichever is sooner] a Municipal Council replacing that Council has been declared elected as a result of the first general election of Municipal Councils after the commencement of the new Constitution; and

(b) a traditional leader of a community observing a system of indigenous law and residing on land within the area of a transitional local council, transitional rural council or

transitional representative council, referred to in the Local Government Transition Act, 1993, and who has been identified as set out in section 182 of the previous Constitution, is *ex officio* entitled to be a member of that council until **[30 April 1999 or until an Act of Parliament provides otherwise]** a Municipal Council replacing that council has been declared elected as a result of the first general election of Municipal Councils after the commencement of the new Constitution.”; and

- (b) by the substitution in subitem (2) for the expression “30 April 1999” of the expression “30 April 2000”.

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