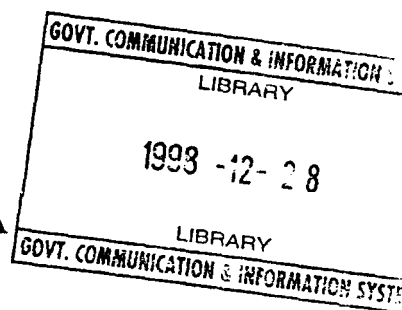




REPUBLIC OF SOUTH AFRICA



GOVERNMENT GAZETTE

STAATSKOERANT

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No. 19325

OFFICE OF THE PRESIDENT

No. 1250.

7 October 1998

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

No. 69 of 1998: Determination of Delegates (National Council of Provinces) Act, 1998.

KANTOOR VAN DIE PRESIDENT

No. 1250.

7 Oktober 1998

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

No. 69 van 1998: Wet op die Bepaling van Afgevaardigdes (Nasionale Raad van Provinsies), 1998.

ActNo. 69, 1998

DETERMINATION OF DELEGATES (NATIONAL COUNCIL
OF PROVINCES) ACT, 1998

ACT

To provide for the determination of permanent and special delegates to the National Council of Provinces as contemplated in section 61(2) of the Constitution; and to provide for matters connected therewith.

*(English text signed by the President.)
(Asserted to 28 September 1998.)*

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

Definitions

1. In this Act, unless the context otherwise indicates—

- (i) “delegate” means any delegate in the delegation of a province referred to in section 60(1) of the Constitution; (i)
- (ii) “permanent delegate” means a permanent delegate referred to in section 60(2)(b) of the Constitution; (v)
- (iii) “province” means any province referred to in section 103(1) of the Constitution; (iii) 10
- (iv) “provincial legislature” means any provincial legislature contemplated in section 104 of the Constitution; (ii)
- (v) “special delegate” means a special delegate referred to in section 60(2)(a) of the Constitution; (iv)

Determination of permanent and special delegates

15

2.(1) Every party represented in a provincial legislature which in terms of section 61(1) of the Constitution is entitled to delegates in the delegation of the particular province, must have at least one permanent delegate.

(2) The number of permanent delegates of a party which is entitled to more than one delegate, is determined by multiplying the total number of delegates to which such a party is entitled by six and dividing the result by ten, disregarding any fraction of a number.

(3) The remaining number of the total number of delegates to which a party contemplated in subsection (2) is entitled, are the special delegates of that party: Provided that if the number of special delegates so determined is more than the number of permanent delegates of that party, the number of the special delegates must be reduced in favour of the number of permanent delegates so that the number of special delegates is equal to or less than the number of permanent delegates of that party. 25

(4)(a) If the total number of special delegates determined in terms of subsection (3) in respect of a particular provincial legislature is less than four, the delegates of the parties that are entitled to only one delegate in the delegation of the particular province must, despite subsection (1), become special delegates in the sequence from the lowest to the highest number of votes that have been recorded for those parties during the last election of the provincial legislature concerned, until four special delegates have been allocated to parties in the provincial delegation concerned. 35

(b) If the total number of special delegates determined in terms of subsection (3) in respect of a particular provincial legislature is more than four, the special delegates so determined must, despite subsections (2) and (3), become permanent delegates in the sequence from the highest to the lowest number of votes that have been recorded for the parties concerned during the last election of the provincial legislature concerned, until 40

Act No. 69, 1998 DETERMINATION OF DELEGATES (NATIONAL COUNCIL
OF PROVINCES) ACT, 1998

six permanent delegates have been allocated to parties in the provincial delegation concerned.

Short title

3. This Act is called the Determination of Delegates (National Council of Provinces) Act, 1998.