



# Government Gazette

**REPUBLIC OF SOUTH AFRICA**

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## THE PRESIDENCY

No. 24

9 January 2009

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

**Constitution Fourteenth Amendment Act of 2008.**



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## CONSTITUTION FOURTEENTH AMENDMENT ACT OF 2008

**GENERAL EXPLANATORY NOTE:**

- [                    ] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

*(English text signed by the President.)*  
*(Assented to 6 January 2009.)*

# ACT

To amend the Constitution of the Republic of South Africa, 1996, so as to—

- further regulate the determination of political party participation in provincial delegations to the National Council of Provinces; and
  - abolish the right—
    - of a member of the National Assembly or a provincial legislature to become a member of another political party whilst retaining membership of the National Assembly or that provincial legislature; and
    - of an existing political party to merge with another political party, or to subdivide into more than one political party, or to subdivide and to permit any of the subdivisions to merge with another political party, whilst allowing a member of the National Assembly or a provincial legislature affected by such changes to retain membership of the National Assembly or that provincial legislature;
- and to provide for matters connected therewith.

**P**arliament of the Republic of South Africa enacts as follows:—

**Amendment of section 61 of the Constitution of the Republic of South Africa, 1996, as amended by section 1 of the Constitution Ninth Amendment Act of 2002**

1. Section 61 of the Constitution of the Republic of South Africa, 1996 (hereinafter referred to as the Constitution), is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) (a) A provincial legislature must, within 30 days after the result of an election of that legislature is declared—

- (i) determine, in accordance with national legislation, how many of each party’s delegates are to be permanent delegates and how many are to be special delegates; and
- (ii) appoint the permanent delegates in accordance with the nominations of the parties.

**[(b) If the composition of a provincial legislature is changed on account of changes of party membership, mergers between parties, subdivision of parties or subdivision and merger of parties within that legislature, it must within 30 days after such change—**