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PROKLAMASIES

*van die Staatspresident van die Republiek van
Suid-Afrika*

No. R. 204, 1979

STREEKSOWERHEDE IN DIE GEBIED VAN DIE NDEBELE-GEBIEDSOWERHEID. — TOEWYSING VAN HUL BEVOEGDHEDE, WERKSAAMHEDE EN PLIGTE AAN, EN DIE OORGAAN VAN HUL BATES, LASTE, REGTE EN VERPLIGTINGS OP DIE NDEBELE-GEBIEDSOWERHEID

Kragtens die bevoegdheid my verleen—

(1) by artikel 7 (1) (g) van die Wet op Swart Owerhede, 1951 (Wet 68 van 1951), wys ek hierby aan die Ndebele-gebiedsowerheid toe, behoudens die bepalings van enige regulasies, toepaslike wetgewing en die opdragte van die Minister van Samewerking en Ontwikkeling, die bevoegdhede, werksaamhede en pligte verleen aan streeksowerhede in die gebied van genoemde Ndebele-gebiedsowerheid ingevolge die bepalings van subparagrafe (i) tot en met (vi) van artikel 5 (1) (b) van genoemde Wet op Swart Owerhede, 1951, en in die Bylae hiervan uiteengesit;

(2) by artikel 25 van die Swart Administrasie Wet, 1927 (Wet 38 van 1927), verklaar ek hierby dat—

(a) ondanks andersluidende bepalings in enige ander wet vervat, al die bates, laste, regte en verpligtings van streeksowerhede in die gebied van die Ndebele-gebiedsowerheid, behoudens sodanige voorwaardes as wat die Minister van Samewerking en Ontwikkeling bepaal, op die Ndebele-gebiedsowerheid oorgaan en vir hom bindend word; en

(b) alle roerende en onroerende eiendom van voornoemde streeksowerhede, sonder betaling van here-regte, seëlregte of enige ander vordering, op die Ndebele-gebiedsowerheid oorgaan, maar steeds behoudens enige vordering, verpligting of trust wat ten opsigte van sodanige eiendom bestaan of wat dit andersins wettiglik raak.

15235—A

PROCLAMATIONS

*by the State President of the Republic of
South Africa*

No. R. 204, 1979

REGIONAL AUTHORITIES IN THE AREA OF THE NDEBELE TERRITORIAL AUTHORITY.— ASSIGNMENT OF THEIR POWERS, FUNCTIONS AND DUTIES TO, AND VESTING OF THEIR ASSETS, LIABILITIES, RIGHTS AND OBLIGATIONS IN, THE NDEBELE TERRITORIAL AUTHORITY

By virtue of the powers vested in me—

(1) by section 7 (1) (g) of the Black Authorities Act, 1951 (Act 68 of 1951), I hereby assign to the Ndebele Territorial Authority, subject to the provisions of any regulations and relevant legislation and to the directions of the Minister of Co-operation and Development, the powers, functions and duties vested in regional authorities in the area of the said Ndebele Territorial Authority, in terms of the provisions of subparagraphs (i) to (vi), inclusive, of section 5 (1) (b) of the said Black Authorities Act, 1951, and set forth in the Schedule hereto;

(2) by section 25 of the Black Administration Act, 1927 (Act 38 of 1927), I hereby declare that—

(a) notwithstanding anything to the contrary in any other law contained, all the assets, liabilities, rights and obligations of regional authorities in the area of the Ndebele Territorial Authority shall, subject to such conditions as the Minister of Co-operation and Development may determine, vest in and become binding upon the Ndebele Territorial Authority; and

(b) all property, movable and immovable, of the aforementioned regional authorities shall vest, without payment of transfer duty, stamp duty or any other charge, in the Ndebele Territorial Authority, but subject always to any charge, obligation or trust existing in respect of or otherwise lawfully affecting such property.

6661—1

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Sewende dag van September Eenduisend Negehonderd Nege-en-sewentig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

P. G. J. KOORNHOF.

BYLAE

BEVOEGDHEDE, WERKSAAMHEDE EN PLIGTE VAN STREEKSOWERHEDE IN DIE GEBIED VAN DIE NDEBELE-GEBIEDSOWERHEID WAT AAN DIE NDEBELE-GEBIEDSOWERHEID TOEGEWYS IS

1. Die daarstelling, instandhouding, bestuur van en beheer oor opvoedkundige inrigtings, en die bevordering van skool- en ander onderwys.

2. Die aanlê en instandhouding van paaie, brûe, afvoerkanale, damme, vore en enige werke wat die Ndebele-gebiedsowerheid nodig ag vir gesondheidsdoeleindes of ter versekering van bevredigende watervoorrade of ter voorkoming of bestryding van gronderosie.

3. Die bestryding van veesiektes deur die aanlê, instandhouding en bediening van dipbakke en op enige ander wyse wat die Ndebele-gebiedsowerheid nodig ag.

4. Die oprigting, instandhouding, bestuur van en beheer oor hospitale, klinieke en ander soortgelyke inrigtings.

5. Die verbetering van boerdery- en landboumetodes oor die algemeen.

6. Bosaanplanting.

No. R. 205, 1979

INSTELLING VAN KWANDEBELE-WETGEWENDE VERGADERING

Nademaal die Ndebele-gebiedsowerheid, ingestel by Goewermmentskennisgewing R. 2021 van 7 Oktober 1977, behoorlik geraadpleeg is soos bepaal by artikel 1 van die Grondwet van die Swart State, 1971 (Wet 21 van 1971);

So is dit dat ek, kragtens die bevoegdheid my verleen by artikels 1, 2 en 5 van genoemde Grondwet van die Swart State, 1971, hierby—

(a) met ingang van 1 Oktober 1979 (hieronder die vasgestelde datum genoem) 'n wetgewende vergadering instel vir die gebied beskryf in Bylae I hiervan, wat bekend sal staan as die KwaNdebele- Wetgewende Vergadering;

(b) bepaal dat die KwaNdebele- Wetgewende Vergadering, behoudens die bepalinge van paragraaf (d), met ingang van die vasgestelde datum saamgestel word op die wyse uiteengesit in Deel II van Bylae II hiervan;

(c) bepaal dat, behoudens die bepalinge van paragrafe (d) en (e), die Uitvoerende Raad vir genoemde gebied met ingang van die vasgestelde datum saamgestel word op die wyse uiteengesit in die bepalinge van Deel V van Bylae II hiervan;

(d) bepaal dat enige persoon wat onmiddellik voor die vasgestelde datum 'n lid, Voorsitter, Ondervoorsitter, Hoof- Uitvoerende Beampte of ander lid van die Uitvoerende Komitee van die Ndebele-gebiedsowerheid is, 'n lid, Speaker, Adjunk-speaker, Hoof- Uitvoerende Raadslid of Uitvoerende Raadslid, na gelang van die geval, van die KwaNdebele- Wetgewende Vergadering is;

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Seventh day of September, One thousand Nine hundred and Seventy-nine.

M. VILJOEN, State President.

By Order of the State President-in-Council:

P. G. J. KOORNHOF.

SCHEDULE

POWERS, FUNCTIONS AND DUTIES OF REGIONAL AUTHORITIES IN THE AREA OF THE NDEBELE TERRITORIAL AUTHORITY ASSIGNED TO THE NDEBELE TERRITORIAL AUTHORITY

1. The establishment, maintenance, management and control of educational institutions, and the advancement of scholastic and other education.

2. The construction and maintenance of roads, bridges, wasteways, dams, furrows and any works which the Ndebele Territorial Authority may consider necessary for purposes of sanitation or for ensuring satisfactory water supplies or for preventing or combating soil erosion.

3. The control of stock diseases by the construction, maintenance and operation of dipping tanks and in any other manner the Ndebele Territorial Authority may consider necessary.

4. The establishment, maintenance, management and control of hospitals, clinics and other similar institutions.

5. The improvement of farming and agricultural methods generally.

6. Afforestation.

No. R. 205, 1979

Amended by Act 97/85

ESTABLISHMENT OF KWANDEBELE LEGISLATIVE ASSEMBLY

Whereas the Ndebele Territorial Authority, established by Government Notice R. 2021, dated 7 October 1977, has been duly consulted as provided in section 1 of the Black States Constitution Act, 1971 (Act 21 of 1971);

Now, therefore, by virtue of the powers vested in me by sections 1, 2 and 5 of the said Black States Constitution Act, 1971, I hereby—

(a) establish, with effect from 1 October 1979 (hereinafter referred to as the fixed date), a legislative assembly for the area described in Schedule I hereto, to be known as the KwaNdebele Legislative Assembly;

(b) determine that the KwaNdebele Legislative Assembly shall, subject to the provisions of paragraph (d), with effect from the fixed date, be constituted in the manner set out in Part II of Schedule II hereto;

(c) determine that, subject to the provisions of paragraphs (d) and (e), the Executive Council for the said area shall, with effect from the fixed date, be constituted in the manner set out in the provisions contained in Part V of Schedule II hereto;

(d) determine that any person who, immediately prior to the fixed date, is a member, Chairman, Deputy Chairman, Chief Executive Officer or other Member of the Executive Committee of the Ndebele Territorial Authority shall be a member, Speaker, Deputy Speaker, Chief Executive Councillor or Executive Councillor, as the case may be, of the KwaNdebele Legislative Assembly;

Dissolution of KwaNdebele Legislative Assembly

97/88

3. The KwaNdebele Legislative Assembly shall be dissolved on a day fixed by the State President by proclamation in the *Gazette*, which date shall be as soon as possible after the commencement of this Act.

Election of members of KwaNdebele Legislative Assembly

4. The election of 16 members of the KwaNdebele Legislative Assembly to be held in pursuance of the dissolution thereof as provided for in section 3, shall take place as soon as possible after the commencement of this Act, and shall commence on a date fixed by the State President by proclamation in the *Gazette*.

6. Proclamation No. 205 of 14 September 1979 issued by the State President, is hereby amended as set out in the Schedule.

Short title

7. This Act shall be called the Constitutional Laws Second Amendment Act, 1988.

SCHEDULE

Amendment of the KwaNdebele Constitution Proclamation, 1979, as follows:—

1. Amendment of section 1 of Part I of Schedule II—

(a) by the substitution for the definition of "Minister" of the following definition:

"Minister" shall mean the Minister [of Co-operation and Development] to whom the Chief Minister of KwaNdebele has assigned the management of the affairs pertaining to the holding of elections;"; and

(b) by the substitution for the definition of "voter" of the following definition: "voter" shall mean any [male] citizen of KwaNdebele above the age of 21 years."

2. Amendment of section 2 of Part II of Schedule II by the substitution for subsection (2) (a) of the following subsection:

"(2) (a) The designation of members referred to in subsection (1) (a), (b), (c), (e), (f) and (g) shall take place upon such date or dates as the Minister may determine by notice in the Official Gazette."

3. Amendment of section 4 of Part II of Schedule II by the substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) is not a [male] citizen of KwaNdebele;".

4. Amendment of section 1 of Part I of Schedule III—

(a) by the deletion of the definition of "commissioner";

(b) by the substitution for the definition of "chief polling officer" of the following definition:

"chief polling officer" shall mean any [commissioner] district representative or [magistrate] landdros who is a chief polling officer under section 7;";

(c) by the insertion of the following definition before the definition of "duly elected":

"district representative" shall mean an officer designated by the Director-general of Home Affairs of the Republic of South Africa as a representative of the Department of Home Affairs in a specific area;";

(d) by the substitution for the definition of "identity document" of the following definition:

"identity document" shall mean an identity document referred to in section 8 (1) (a) read with section 8 (3) (b) of the Identification Act, 1986 (Act No. 72 of 1986);";

(e) by the insertion of the following definition after the definition of "identity document":

"landdros" shall mean a magistrate appointed outside KwaNdebele in terms of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944);";

(f) by the substitution for the definition of "magistrate" of the following definition:

"magistrate" shall mean a magistrate appointed within KwaNdebele in terms of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944);";

(g) by the substitution for the definition of "polling district" of the following definition:

"polling district" shall mean the area of jurisdiction of a [commissioner or magistrate] landdros or an electoral division;"; and

(h) by the substitution for the definition of "voter" of the following definition:

"voter" shall mean any [male] person above the age of 21 years who is a citizen of KwaNdebele under section 3 of the National States Citizenship Act, 1970 (Act No. 26 of 1970), and who is entitled to vote in an electoral division in KwaNdebele in an election of members of the Legislative Assembly."

5. Amendment of section 7 of Part II of Schedule III by the substitution for subsection (1) of the following subsection:

"(1) Every [commissioner or magistrate] regional representative or landdros outside KwaNdebele shall *ex officio* be the chief polling officer for the [area over which he exercises jurisdiction] polling district in which his office is situated. Provided that, where both a [magistrate] landdros and a [commissioner] regional representative [exercise jurisdiction over] have their seat within the same [area] polling district, the [commissioner] district representative shall be the chief polling officer in respect of such [area] polling district."

6. Amendment of section 27 of Part II of Schedule III—

(a) by the substitution for subsection (1) of the following subsection:

"(1) Any person claiming to vote at any election of members of the Legislative Assembly may at any time before or during such election produce his identity document to any landdros, magistrate, [commissioner] district representative, chief polling officer, returning officer or polling officer, who shall—

(a) if he is satisfied that such person is a citizen of KwaNdebele and is not subject to the disqualification referred to in section 4 of Schedule II of this Proclamation—

[(a)] (i) by questioning the voter, determine the electoral division in which such voter is entitled to vote; [and

(b) in section E of such identity document, make an entry in the form contained in Annexure F hereto.]

(ii) hand a completed voter's registration card in the form of Annexure F hereto, to the voter; and

(iii) under his signature enter an appropriate mark and date on page 2 of the identity document referred to in section 8 (1) (a) or part E of the identity document referred to in section 8 (3) (b) of the Identification Act, 1986 (Act No. 72 of 1986);

(b) if he doubts whether any such person is a citizen of KwaNdebele, insist that such person produce proof of citizenship of KwaNdebele to his satisfaction, whereafter the procedure prescribed in subparagraphs (i), (ii) and (iii) of paragraph (a) shall be followed."

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

"(2) In any election the polling officer, upon production by any person of [an identity document containing an entry referred to in subsection (1) to the effect that such person is entitled to vote] a voter's registration card issued in terms of subsection 1 together with his identity document, and after determining that no ballot paper has been issued to such voter at such election, shall—

(a) take possession of the voter's registration card and stamp [in Section E of the voter's identity document] the secret mark used in such election on the reverse side of such card;

[(b) endorse the date across the stamp in such identity document;]

(c) stamp the secret mark on the back of a ballot paper containing the relevant particulars in respect of the electoral division in which such voter is entitled to vote; and

(d) hand such ballot paper to such voter."

7. Substitution for Annexure F of Schedule III of the following Annexure:

"ANNEXURE F

KWANDEBELE LEGISLATIVE ASSEMBLY VOTER'S REGISTRATION CARD

I, hereby declare that identity number is a citizen of KwaNdebele and entitled to vote in the electoral division during the period

SIGNATURE

CAPACITY

DISTRICT

DATE

(e) bepaal dat die ampstermyn van enige persoon wat kragtens paragraaf (d) 'n ampsdraer van die KwaNdebele- Wetgewende Vergadering is, op die datum verstryk waarop sy ampstermyn met betrekking tot die Ndebele-gebiedsowerheid sou verstryk het indien dié owerheid nie ontbind was nie en dat, vir die berekening van die datum ooreenkomstig hierdie paragraaf, 'n sessie van die KwaNdebele- Wetgewende Vergadering geag word 'n sessie van die Ndebele-gebiedsowerheid te wees;

(f) bepaal dat die sessies van, die prosedure by sittings van, aangeleenthede met betrekking tot die Speaker en Adjunk-speaker van, en die hou van rekords en notules en ordelyste deur die KwaNdebele- Wetgewende Vergadering gereël word ooreenkomstig die bepalings vervat in Dele III, IV, VI en VIII van Bylae II;

(g) bepaal dat die bepalings van Deel VIII van Bylae II op lede van die KwaNdebele- Wetgewende Vergadering van toepassing is;

(h) bepaal dat die bepalings van Deel VIII van Bylae II op die gebruik van amptelike tale in KwaNdebele van toepassing is;

(i) bepaal dat die bepalings van Deel VII van Bylae II met betrekking tot kapteins, in KwaNdebele van toepassing is; en

(j) met ingang van die vasgestelde datum, Hoofstuk IV van die Bylae van Proklamasie R. 255 van 1977 herroep.

Hierdie Proklamasie heet die KwaNdebele-grondwet-proklamasie, 1979.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Sewende dag van September Eenduisend Negehoenderd Nege-en-sewentig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

P. G. J. KOORNHOF.

BYLAE I

GEBIED VAN DIE KWANDEBELE- WETGEWENDE VERGADERING

Die gebied bestaan uit—

(a) die distrik Mdotjana, met uitsluiting van die volgende eiendomme:

Gedeeltes 13, 14, 15, 16, 17 en 18, die Restant van Gedeelte 19, Gedeeltes 20, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 en 40 van Gedeelte 12, die Restant van Gedeelte 12, die Resterende Gedeelte van Gedeelte 42, Gedeelte 43 van Gedeelte 42, Gedeeltes 44, 45, 46 en 47 van Gedeelte 42, Gedeelte 41 van Gedeelte 19 en die Restant van Gedeelte 2 van die plaas Valschfontein 33 JS;

(b) die volgende Ontwikkelingstrusteiendomme:

(i) Gedeelte 7 van die plaas Klipplaatdrift 193 JR;

(ii) Boekenhoutfontein 198 JR;

(iii) Gedeeltes 1, 4, 5, 6, 7, 8, 9, 11 en 13 van die plaas Houtenbek 194 JR;

(iv) Gedeeltes 4, 14, 15 en die Restant van Gedeelte 13 van die plaas Kwaggafontein 196 JR;

(v) Gedeelte 2 van die plaas Matthys Zyn Loop 195 JR;

(vi) Gedeeltes 1 en 2, die Restant van Gedeelte 3, die Restant van Gedeelte 4, Gedeelte 9 en die Restant van die plaas Boekenhouthoek 61 JS;

(e) determine that the period of office of any person who in terms of paragraph (d) is an office-bearer of the KwaNdebele Legislative Assembly shall expire on the date on which his period of office in relation to the Ndebele Territorial Authority would have expired if that authority had not been dissolved, and that, for the purpose of calculating the date in terms of this paragraph, a session of the KwaNdebele Legislative Assembly shall be deemed to be a session of the Ndebele Territorial Authority;

(f) determine that the sessions of, the procedure at sittings of, matters relating to the Speaker and Deputy Speaker of, and the keeping of records, minutes and order papers by the KwaNdebele Legislative Assembly, shall be regulated in accordance with the provisions contained in Parts III, IV, VI and VIII of Schedule II;

(g) determine that the provisions of Part VIII of Schedule II shall apply to members of the KwaNdebele Legislative Assembly;

(h) determine that the provisions of Part VIII of Schedule II shall apply to the use of official languages in KwaNdebele;

(i) determine that the provisions of Part VII of Schedule II relating to Chiefs shall apply in KwaNdebele; and

(j) repeal, with effect from the fixed date, Chapter IV of the Schedule to Proclamation R. 255 of 1977.

This Proclamation shall be called the KwaNdebele Constitution Proclamation, 1979.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Seventh day of September, One thousand Nine hundred and Seventy-nine.

M. VILJOEN, State President.

By Order of the State President-in-Council:

P. G. J. KOORNHOF.

SCHEDULE I

AREA OF THE KWANDEBELE LEGISLATIVE ASSEMBLY

The area comprising—

(a) the District of Mdotjana, excluding the following properties:

Portions 13, 14, 15, 16, 17 and 18, the remainder of Portion 19, Portions 20, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40 of Portion 12, the remainder of Portion 12, the remaining portion of Portion 42, Portion 43 of Portion 42, Portions 44, 45, 46 and 47 of Portion 42, Portion 41 of Portion 19 and the remainder of Portion 2 of the farm Valschfontein 33 JS;

(b) the following Development Trust Properties:

(i) Portion 7 of the farm Klipplaatdrift 193 JR;

(ii) Boekenhoutfontein 198 JR;

(iii) Portions 1, 4, 5, 6, 7, 8, 9, 11 and 13 of the farm Houtenbek 194 JR;

(iv) Portions 4, 14, 15 and the remainder of Portion 13 of the farm Kwaggafontein 196 JR;

(v) Portion 2 of the farm Matthys Zyn Loop 195 JR;

(vi) Portions 1 and 2, the remainder of Portion 3, the remainder of Portion 4, Portion 9 and the remainder of the farm Boekenhouthoek 61 JR;

(vii) Gedeelte 4, die Restant van Gedeelte 5, Gedeeltes 6, 11, 14, 16, 17 en 22 en die Restant van die plaas Gembokfontein 199 JR;

(viii) Gedeeltes 171, 173 en 174, die Restant van Gedeelte 175, Gedeeltes 176, 177, 178 en 179 en die Restant van Gedeelte 166 van die plaas Goederede 60 JS;

(ix) Simpkinsvale 59 JS;

(x) Heloise 225 JR; en

(xi) die restant van die plaas Leeuwfontein 188 JR.

BYLAE II

DEEL I

Woordomskrywing

1. In hierdie Bylae, tensy uit die samehang anders blyk, het 'n uitdrukking waaraan 'n betekenis geheg is in die Grondwet van die Swart State, 1971 (Wet 21 van 1971), die Wet op Burgerskap van Swart State, 1970 (Wet 26 van 1970), en die Wet op Swart Owerhede, 1951 (Wet 68 van 1951), die betekenis aldus daaraan geheg en beteken—

“Adjunk-speaker” die Adjunk-speaker van die Wetgewende Vergadering, in artikel 21 bedoel;

“die Wet” die Grondwet van die Swart State, 1971 (Wet 21 van 1971);

“geheime stemming” 'n stemming gehou ingevolge die bepalings van reël 7 (5) van die Reglement van Orde van die KwaNdebele- Wetgewende Vergadering: Met dien verstande dat, in die geval van 'n ongeletterde lid, sodanige lid die reg het om 'n lid van die Wetgewende Vergadering te benoem om hom met die invul van sy stembrief by te staan;

“KwaNdebele” die gebied waarvoor die KwaNdebele- Wetgewende Vergadering ingestel is;

“Kommissaris-generaal” die Kommissaris-generaal vir die Suid-Ndebele-volkseenheid, aangestel ingevolge die Wet op die Bevordering van Swart Selfbestuur, 1959 (Wet 46 van 1959);

“Sekretaris van die Wetgewende Vergadering” die Sekretaris van die Wetgewende Vergadering aangestel ingevolge reël 52 van die Reglement van Orde van die KwaNdebele- Wetgewende Vergadering;

“Speaker” die Speaker van die Wetgewende Vergadering, in artikel 21 bedoel; en

“Wetgewende Vergadering” die KwaNdebele- Wetgewende Vergadering.

DEEL II

Die Wetgewende Vergadering

Samestelling van Wetgewende Vergadering

2. (1) Die Wetgewende Vergadering bestaan uit 46 lede, naamlik:

(a) Die kaptein van die Ndzundza (Mabhogo)-stamowerheid;

(b) die kaptein van die Amandebele-aba-ga-Manala-stamowerheid;

(c) die keptein van die Litho Ndebele-Ndzundza-stamowerheid;

(d) die kaptein van die Ndzundza (Pungutsha)-stamowerheid;

(e) 22 lede deur die Ndzundza (Mabhogo)-stamowerheid uit eie geledere aangewys;

(f) agt lede deur die Amandebele-aba-ga-Manala-stamowerheid uit eie geledere aangewys;

(vii) Portion 4, the remainder of Portion 5, Portions 6, 11, 14, 16, 17 and 22 and the remainder of the farm Gembokfontein 199 JS;

(viii) Portions 171, 173 and 174, the remainder of Portion 175, Portions 176, 177, 178 and 179 and the remainder of Portion 166 of the farm Goederede 60 JS;

(ix) Simpkinsvale 59 JS;

(x) Heloise 225 JR; and

(xi) the remainder of the farm Leeuwfontein 188 JR.

SCHEDULE II

PART I

Definitions

1. In this Schedule, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Black States Constitution Act, 1971 (Act 21 of 1971), the Black States Citizenship Act, 1970 (Act 26 of 1970), and the Black Authorities Act, 1951 (Act 68 of 1951), bears the meaning so assigned thereto, and—

“Commissioner-General” means the Commissioner-General for the South-Ndebele national unit, appointed in terms of the Promotion of Black Self-government Act, 1959 (Act 46 of 1959);

“Deputy Speaker” means the Deputy Speaker of the Legislative Assembly referred to in section 21;

“KwaNdebele” means the area for which the KwaNdebele Legislative Assembly has been established;

“Legislative Assembly” means the KwaNdebele Legislative Assembly;

“secret ballot” means a ballot conducted in terms of the provisions of rule 7 (5) of the Rules of Procedure of the KwaNdebele Legislative Assembly: Provided that in the case of an illiterate member, such member shall have the right to nominate a member of the Legislative Assembly to assist him in completing his ballot paper;

“Secretary of the Legislative Assembly” means the Secretary of the Legislative Assembly appointed in terms of rule 52 of the Rules of Procedure of the KwaNdebele Legislative Assembly;

“Speaker” means the Speaker of the Legislative Assembly referred to in section 21; and

“the Act” means the Black States Constitution Act, 1971 (Act 21 of 1971).

PART II

The Legislative Assembly

Constitution of Legislative Assembly

2. (1) The Legislative Assembly shall consist of 46 members, namely:

(a) The Chief of the Ndzundza (Mabhogo) Tribal Authority;

(b) the Chief of the Amandebele-aba-ga-Manala Tribal Authority;

(c) the Chief of the Litho Ndebele-Ndzundza Tribal Authority;

(d) the Chief of the Ndzundza (Pungutsha) Tribal Authority;

(e) 22 members designated by the Ndzundza (Mabhogo) Tribal Authority from among its members;

(f) eight members designated by the Amandebele-aba-ga-Manala Tribal Authority from among its members;

(g) ses lede deur die Litho Ndebele-Ndzundza-stamowerheid uit eie geledere aangewys; en

(h) ses lede deur die Ndzundza (Pungutsha)-stamowerheid uit eie geledere aangewys.

(2) Indien 'n kaptein in artikel 2 (1) genoem om enige rede nie in staat is om 'n sessie, of 'n sitting gedurende 'n sessie, van die Wetgewende Vergadering by te woon nie, is die kaptein geregtig om sy gevolmagtigde, tensy sodanige gevolmagtigde ingevolge artikel 4 onbevoeg is, as sy verteenwoordiger aan te stel om sodanige sitting of al die sittings gedurende sodanige sessie, na gelang van die geval, namens hom by te woon, en sodanige behoorlik aangestelde verteenwoordiger is vir die duur van sy aanstelling geregtig om sodanige sitting of al die sittings gedurende sodanige sessie van die Wetgewende Vergadering by te woon en kan deelneem aan al die verrigtinge in verband met enige aangeleentheid wat by sodanige sitting of gedurende sodanige sessie aan die Wetgewende Vergadering voorgelê word: Met dien verstande dat sodanige verteenwoordiger geen amp in die Uitvoerende Raad of die Wetgewende Vergadering mag beklee nie.

(3) Die betrokke kaptein stel die Sekretaris van die Wetgewende Vergadering skriftelik in kennis van enige aanstelling kragtens subartikel (2).

(4) Enige raadsman van 'n stamowerheid wat aangewys is as lid van die Wetgewende Vergadering kragtens die bepalings van artikel 2 (1) (e) tot (h), kan alleen met die goedkeuring van die Wetgewende Vergadering uit sy amp as raadsman van die betrokke stamowerheid ontslaan word. Sodanige goedkeuring word aangevra by wyse van 'n versoekskrif gerig aan die Speaker, wat dit aan die Wetgewende Vergadering voorlê.

(5) Die ampstermyn van 'n lid van die Wetgewende Vergadering is vyf jaar, wat begin op die eerste dag waarop die Wetgewende Vergadering sit nadat hy 'n lid geword het: Met dien verstande dat enige toevallige vakature aangevul word deur die aanwysing van 'n lid ingevolge subartikel (1) vir die onverstreke tydperk van die ampstermyn van sy voorganger.

Kennisgewing deur Sekretaris van die Wetgewende Vergadering

3. Die Sekretaris van die Wetgewende Vergadering stel die Kommissaris-generaal en die Ouditeur-generaal in kennis van die name van die lede van die Wetgewende Vergadering.

Onbevoegdheid van lede

4. (1) Geen persoon is bevoeg om as lid van die Wetgewende Vergadering aangestel te word of lid daarvan te bly nie indien hy—

(a) onder die ouderdom van 21 jaar is;

(b) nie 'n burger van KwaNdebele is nie;

(c) in KwaNdebele of elders in die Republiek skuldig bevind is aan—

(i) hoogverraad; of

(ii) moord; of

(iii) enige ander misdryf en daarvoor gevonnis is tot 'n tydperk van gevangenisstraf sonder die keuse van 'n boete (uitgesonderd aanhouding totdat die hof verdaag), of bevel is om kragtens enige wetsbepaling betreffende rehabilitasiesentrums aangehou te word, en genoemde tydperk nie verstryk het nie of bedoelde bevel nie finaal opgehou het om van krag te wees nie; of

(g) six members designated by the Litho Ndebele-Ndzundza Tribal Authority from among its members; and

(h) Six members designated by the Ndzundza (Pungutsha) Tribal Authority from among its members.

(2) If any Chief mentioned in section 2 (1) is for any reason unable to attend any session or any sitting during any session of the Legislative Assembly, such Chief shall be entitled to appoint his deputy, unless such deputy is disqualified in terms of section 4, as his representative, to attend such sitting or all the sittings during such session, as the case may be, on his behalf, and such duly appointed representative shall for the duration of his appointment be entitled to attend such sitting or all the sittings during such session of the Legislative Assembly and may participate in all the proceedings in connection with any matter brought before the Legislative Assembly at such sitting or during such session: Provided that such representative shall not hold office in the Executive Council or the Legislative Assembly.

(3) The Chief concerned shall inform the Secretary of the Legislative Assembly in writing of any appointment in terms of subsection (2).

(4) Any councillor of a Tribal Authority designated as a member of the Legislative Assembly in terms of the provisions of section 2 (1) (e) to (h) may be dismissed from his office as councillor of the Tribal Authority concerned only with the approval of the Legislative Assembly. Such approval shall be sought by means of a petition directed to the Speaker, who shall lay such petition before the Legislative Assembly.

(5) The period of office of a member of the Legislative Assembly shall be five years, commencing on the first day on which the Legislative Assembly sits after he has become a member: Provided that any casual vacancy shall be filled by the designation in terms of subsection (1) of a member for the unexpired period of office of his predecessor.

Notice by Secretary of the Legislative Assembly

3. The Secretary of the Legislative Assembly shall advise the Commissioner-General and the Auditor-General of the names of the members of the Legislative Assembly.

Disqualification of members

4. (1) No person shall be qualified to be appointed a member of the Legislative Assembly or to remain a member thereof if he—

(a) is under the age of 21 years;

(b) is not a citizen of KwaNdebele;

(c) has been convicted in KwaNdebele or elsewhere in the Republic of—

(i) treason;

(ii) murder; or

(iii) any other offence, and sentenced therefor to a term of imprisonment without the option of a fine (other than detention until the rising of the court), or ordered to be detained under any law relating to rehabilitation centres, and the said period has not expired or such order has not finally ceased to be operative; or

(d) onderworpe is aan 'n hofbevel waarby hy kranksinnig of geestesongesteld verklaar is of aangehou word kragtens die Wet op Geestesgesondheid, 1973 (Wet 18 van 1973).

(2) Vir die doeleindes van subartikel (1) (c) word 'n persoon wat ten volle begenadig is, geag nie aan die betrokke misdryf skuldig bevind te gewees het nie, en beteken 'n tydperk van gevangenisstraf die hele termyn van 'n vonnis tot gevangenisstraf, al is die vonnis in die geheel of gedeeltelik opgeskort of kwytgeskeld.

Termyn van Wetgewende Vergadering

5. Die termyn van elke Wetgewende Vergadering is vyf jaar vanaf die datum van die eerste sittingsdag van die eerste gewone sessie van die Wetgewende Vergadering na die samestelling daarvan ingevolge artikel 2 van hierdie Proklamasie, welke sessie 'n aanvang neem binne drie maande na die samestelling van sodanige Wetgewende Vergadering: Met dien verstande dat die Staatspresident op versoek van die Uitvoerende Raad by Proklamasie in die *Staatskoerant* die Wetgewende Vergadering kan ontbind voordat genoemde tydperk van vyf jaar verstryk het.

Ontruiming van setels

6. Die setel van 'n lid van die Wetgewende Vergadering word ontruim—

- (a) by die afsterwe van sodanige lid;
- (b) by die aanvaarding deur die Uitvoerende Raad van 'n kennisgewing van bedanking onder die handtekening van sodanige lid;
- (c) indien sodanige lid ingevolge artikel 4 (1) (b), (c) of (d) onbevoeg word om 'n lid van die Wetgewende Vergadering te bly;
- (d) indien sodanige lid wat 'n kaptein is, ophou om 'n kaptein te wees;
- (e) indien sodanige lid nalaat om ten minste die helfte van die getal sittingsdae van enige gewone sessie van die Wetgewende Vergadering by te woon sonder verstrekking van redes vir sy afwesigheid aan die Speaker en wat aanvaarbaar is vir die Wetgewende Vergadering, voor die laaste sittingsdag van die besondere sessie;
- (f) indien goedkeuring vir die ontslag van 'n raadsman wat lid van die Wetgewende Vergadering is, kragtens artikel 2 (4) deur die Wetgewende Vergadering verleen is.

Aanvulling van toevallige vakatures

7. Indien die setel van 'n lid van die Wetgewende Vergadering ingevolge artikel 6 ontruim word, word sodanige vakature aangevul deur die aanwysing deur die betrokke stamowerheid, behoudens die bepalings van artikel 2 (2), van 'n lid vir die onverstreke tydperk van die ampstermyn van sy voorganger: Met dien verstande dat die vakature nie aangevul word nie indien die termyn van die Wetgewende Vergadering binne drie maande na die ontstaan van sodanige vakature verstryk.

DEEL III

Setel van Regering en Sessies van Wetgewende Vergadering

8. (1) Siyabuswa is die setel van die Regering van KwaNdebele.

(2) Elke sessie van die Wetgewende Vergadering word gehou waar die setel van die Regering is of op sodanige plek as wat die Uitvoerende Raad bepaal en begin op 'n datum en tyd deur die Uitvoerende Raad bepaal.

(d) is subject to an order of court declaring him to be of unsound mind or mentally ill or is detained in terms of the Mental Health Act, 1973 (Act 18 of 1973).

(2) For the purposes of subsection (1) (c), a person who has been granted a free pardon shall be deemed not to have been convicted of the offence concerned, and a term of imprisonment shall mean the full term of a sentence of imprisonment, notwithstanding any suspension or remission of the whole or any portion of the sentence.

Life of Legislative Assembly

5. The life of every Legislative Assembly shall be five years from the date of the first sitting day of the first ordinary session of the Legislative Assembly after the constitution thereof in terms of section 2 of this Proclamation, which session shall commence within three months of the constitution of such Legislative Assembly: Provided that the State President may, at the request of the Executive Council, dissolve the Legislative Assembly by proclamation in the *Government Gazette* before the expiration of the said period of five years.

Vacating of seats

6. The seat of a member of the Legislative Assembly shall be vacated—

- (a) upon the death of such member;
- (b) upon acceptance by the Executive Council of a notice of resignation under the hand of such member;
- (c) if such member becomes disqualified in terms of section 4 (1) (b), (c) or (d) to remain a member of the Legislative Assembly;
- (d) if such member who is a chief ceases to be a chief;
- (e) if such member fails to attend at least half the number of sitting days of any ordinary session of the Legislative Assembly without having furnished the Speaker prior to the last sitting day of the particular session with reasons for his absence which are acceptable to the Legislative Assembly;
- (f) if approval for the dismissal in terms of section 2 (4) of a councillor who is a member of the Legislative Assembly is granted by the Legislative Assembly.

Filling of casual vacancies

7. Should the seat of a member of the Legislative Assembly become vacant in terms of section 6, the vacancy shall be filled by the designation by the tribal authority concerned, subject to the provisions of section 2 (2), of a member for the unexpired period of office of his predecessor: Provided that the vacancy shall not be filled if the life of the Legislative Assembly shall expire within three months of such vacancy arising.

PART III

Seat of Government and Sessions of Legislative Assembly

8. (1) Siyabuswa shall be the seat of the Government of KwaNdebele.

(2) Every session of the Legislative Assembly shall be held at the seat of the Government or at such place as the Executive Council may determine and shall commence on a date and at a time fixed by the Executive Council.

(3) Daar vind minstens een maal in elke jaar 'n gewone sessie van die Wetgewende Vergadering plaas sodat daar nie 'n tydperk van meer as 15 maande tussen die laaste sittingsdag van die Wetgewende Vergadering in een gewone sessie en die eerste sittingsdag van die volgende gewone sessie verloop nie: Met dien verstande dat die Minister kan goedkeur dat 'n sessie na die verloop van die tydperk van 15 maande gehou word.

(4) 'n Buitengewone sessie van die Wetgewende Vergadering kan te eniger tyd, en moet, indien die Minister dit gelas, deur die Uitvoerende Raad byeengeroep word, en behoudens die voorbehoudsbepalings van hierdie subartikel mag op sodanige buitengewone sessie slegs dié sake wat die Uitvoerende Raad goedkeur, voorgelê word aan en behandel word deur die Wetgewende Vergadering: Met dien verstande dat indien sodanige buitengewone sessie op las van die Minister byeengeroep word, slegs die sake wat die byeenroeping van die buitengewone sessie nodig gemaak het, bespreek word: Met dien verstande voorts dat die Wetgewende Vergadering by enige buitengewone sessie wat nie op las van die Minister byeengeroep is nie, deur 'n meerderheid van stemme kan besluit dat enige ander saak wat dringend en belangrik van aard is, by sodanige buitengewone sessie bespreek en behandel kan word.

(5) Die Sekretaris van die Wetgewende Vergadering stel minstens 30 dae voor 'n gewone sessie en minstens sewe dae voor 'n buitengewone sessie van die Wetgewende Vergadering die lede en die Kommissaris-generaal skriftelik in kennis van die datum en tyd bepaal vir sodanige sessie en die sake wat behandel staan te word.

(6) Die Kommissaris-generaal kan enige sessie van die Wetgewende Vergadering bywoon en die Speaker bied die Kommissaris-generaal so dikwels as wat laasgenoemde dit nodig ag, die geleentheid om die Wetgewende Vergadering toe te spreek in verband met enige saak in oorweging of wat oorweeg staan te word deur die Wetgewende Vergadering.

DEEL IV

Prosedure in Wetgewende Vergadering

Prosedure

9. (1) Alle kwessies wat in die Wetgewende Vergadering ontstaan, word beslis deur 'n meerderheid van stemme van die aanwesige lede, uitgesonderd die lid wat op die sitting voorsit, welke persoon 'n beslissende stem het en dit uitoefen in die geval van 'n staking van stemme.

(2) Enige getal lede wat meer is as die helfte van die getal lede van die Wetgewende Vergadering, maak 'n kworum uit.

(3) Behoudens die bepalings van hierdie Proklamasie en die Reglement van Orde van die Wetgewende Vergadering, is daar vryheid van spraak en debat op sittings van die Wetgewende Vergadering.

(4) Behoudens die bepalings van sy Reglement van Orde is die verrigtinge van die Wetgewende Vergadering oop vir die publiek.

(5) Die Speaker of die Adjunk-speaker sit voor op alle sittings van die Wetgewende Vergadering of, as sowel die Speaker as die Adjunk-speaker weens afwesigheid of om 'n ander rede nie op 'n sitting kan voorsit nie, benoem die aanwesige lede onder die voorsitterskap van die Sekretaris van die Wetgewende Vergadering een van die lede om op sodanige sitting voor

(3) There shall be an ordinary session of the Legislative Assembly at least once in every year so that a period of not more than 15 months shall intervene between the last sitting day of the Legislative Assembly in one ordinary session and its first sitting day in the next ordinary session: Provided that the Minister may approve the holding of a session after the expiration of the period of 15 months.

(4) A special session of the Legislative Assembly may at any time, and shall, if the Minister so directs, be called by the Executive Council and, subject to the provisos of this subsection, at such special session only such matters as the Executive Council may approve shall be laid before and dealt with by the Legislative Assembly: Provided that if such special session is called by direction of the Minister, only the matters necessitating the calling of the special session shall be discussed: Provided further that the Legislative Assembly may, at any special session not called by direction of the Minister, by majority vote decide that any other matter that is of an urgent and important nature may be discussed and dealt with at such special session.

(5) The Secretary of the Legislative Assembly shall in writing not less than 30 days prior to an ordinary session and not less than seven days prior to a special session of the Legislative Assembly inform the members and the Commissioner-General of the date and time fixed for, and the matters to be dealt with at such session.

(6) The Commissioner-General may attend any sitting of the Legislative Assembly and the Speaker shall afford the Commissioner-General, as often as the latter may deem it necessary, the opportunity of addressing the Legislative Assembly in regard to any matter under consideration or to be considered by the Legislative Assembly.

PART IV

Procedure in Legislative Assembly

Procedure

9. (1) All questions arising in the Legislative Assembly shall be determined by a majority of votes of the members present, other than the member presiding at the sitting, who shall have and exercise a casting vote in the case of an equality of votes.

(2) Any number of members exceeding half the number of members of the Legislative Assembly shall form a quorum.

(3) Subject to the provisions of this Proclamation and the Rules of Procedure of the Legislative Assembly, there shall be freedom of speech and debate at sittings of the Legislative Assembly.

(4) The proceedings of the Legislative Assembly shall, subject to its Rules of Procedure, be open to the public.

(5) The Speaker or the Deputy Speaker shall preside at all sittings of the Legislative Assembly, or if both the Speaker and the Deputy Speaker are unable, through absence or other cause, to preside at a sitting, the members present shall, with the Secretary of the Legislative Assembly as presiding officer, nominate one of

te sit: Met dien verstande dat die Sekretaris van die Wetgewende Vergadering gedurende die eerste sessie van 'n nuwe vergadering voorsit totdat 'n Speaker verkies is.

Eed wat lede moet aflê

10. (1) Elke lid van die Wetgewende Vergadering lê, voordat hy sy plek inneem, voor die Kommissaris-generaal of 'n persoon deur die Minister aangewys, op 'n sitting van die Wetgewende Vergadering, 'n eed in die volgende vorm af en onderteken dit:

Ek, A.B., sweer dat ek die Grondwet van KwaNdebele en alle ander wette van toepassing in KwaNdebele sal respekteer en handhaaf, en ek beloof plegtig om my pligte as lid van die KwaNdebele- Wetgewende Vergadering na my beste vermoë te vervul.

So help my God.

(2) Geen lid van die Wetgewende Vergadering mag op enige sitting van die Wetgewende Vergadering sy plek inneem of stem nie tot tyd en wyl hy die eed op die wyse by subartikel (1) voorgeskryf, afgelê en onderteken het.

DEEL V

Die Uitvoerende Raad

Samestelling van Uitvoerende Raad

11. Die Uitvoerende Raad bestaan uit 'n Hoof- Uitvoerende Raadslid en vyf ander lede.

Verkiesing van die Hoof- Uitvoerende Raadslid

12. Onmiddellik nadat al die lede wat op die sitting van die Wetgewende Vergadering aanwesig is, die eed in artikel 10 (1) bedoel, afgelê en onderteken het, gaan die Wetgewende Vergadering oor tot die verkiesing van 'n Hoof- Uitvoerende Raadslid.

Wyse van verkiesing van Hoof- Uitvoerende Raadslid

13. (1) Nominasies van kandidate vir verkiesing tot Hoof- Uitvoerende Raadslid word op die sitting van die Wetgewende Vergadering waarop die verkiesing moet plaasvind, deur die Sekretaris van die Wetgewende Vergadering gevra.

(2) Elke nominasie vereis sekondering en word skriftelik voorgelê en moet onderteken wees deur die voorsteller, die sekondant en ook deur die genomineerde persoon.

(3) Die name van persone wat behoorlik genomineer is, word onmiddellik daarna deur die Sekretaris van die Wetgewende Vergadering aangekondig.

(4) Indien daar ten opsigte van enige verkiesing slegs een nominasie ontvang word, word die betrokke kandidaat deur die Sekretaris van die Wetgewende Vergadering behoorlik verkose verklaar.

(5) Waar meer as een kandidaat vir verkiesing genomineer word, vind 'n geheime stemming plaas waarby elke lid wat op die betrokke sitting van die Wetgewende Vergadering aanwesig is, een stem het, en 'n kandidaat ten gunste van wie 'n meerderheid van al die stemme wat uitgebring is, aangeteken word, word deur die Sekretaris van die Wetgewende Vergadering behoorlik verkose verklaar.

(6) Indien geen kandidaat 'n meerderheid verkry van al die stemme wat aldus uitgebring is nie, word die kandidaat wat die minste stemme gekry het, uitgeskakel en 'n verdere stemming ten opsigte van die oorblywende kandidate gehou, en hierdie prosedure word herhaal so dikwels as wat nodig is totdat 'n kandidaat 'n meerderheid verkry van al die stemme wat uitgebring word, en behoorlik verkose verklaar word.

the members to preside at such sitting: Provided that the Secretary of the Legislative Assembly shall preside at the first session of a new assembly until a Speaker is elected.

Oath to be taken by members

10. (1) Every member of the Legislative Assembly shall, before taking his seat, make and subscribe before the Commissioner-General or a person designated by the Minister at a sitting of the Legislative Assembly an oath in the following form:

I, A.B., do swear to respect and uphold the Constitution of KwaNdebele and all other laws applicable in KwaNdebele and solemnly promise to perform my duties as a member of the Legislative Assembly of KwaNdebele to the best of my ability.

So help me God.

(2) No member of the Legislative Assembly shall sit or vote at any sitting of the Legislative Assembly until he has made and subscribed the oath in the form prescribed in subsection (1).

PART V

The Executive Council

Constitution of Executive Council

11. The Executive Council shall consist of a Chief Executive Councillor and five other members.

Election of Chief Executive Councillor

12. Immediately after all the members present at the sitting of the Legislative Assembly have made and subscribed the oath referred to in section 10 (1), the Legislative Assembly shall proceed to the election of a Chief Executive Councillor.

Manner of election of Chief Executive Councillor

13. (1) Nominations of candidates for election as Chief Executive Councillor shall be called for by the Secretary of the Legislative Assembly at the sitting of the Legislative Assembly at which the election is to take place.

(2) Every nomination requires seconding and shall be submitted in writing and shall be signed by the nominator, a seconder and also by the person nominated.

(3) The names of the persons duly nominated shall immediately thereafter be announced by the Secretary of the Legislative Assembly.

(4) If in respect of any election only one nomination is received, the Secretary of the Legislative Assembly shall declare that candidate duly elected.

(5) Where more than one candidate is nominated for election, a vote shall be taken by secret ballot, each member of the Legislative Assembly present at the sitting in question having one vote, and a candidate in whose favour a majority of all the votes cast is recorded shall be declared duly elected by the Secretary of the Legislative Assembly.

(6) If no candidate obtains a majority of all the votes so cast, the candidate who received the smallest number of votes shall be eliminated and a further ballot taken in respect of the remaining candidates, this procedure being repeated as often as may be necessary until a candidate receives a majority of all the votes cast and is declared duly elected.

(7) Wanneer twee of meer kandidate dieselfde getal stemme behaal het en een van dié kandidate vir die doeleindes van subartikel (6) uitgeskakel moet word, bepaal die lede van die Wetgewende Vergadering by afsonderlike stemming, wat indien nodig herhaal word maar nie meer as drie keer nie, watter van dié kandidate uitgeskakel moet word en indien daar na die derde stemming steeds 'n staking van stemme is, gaan die Sekretaris van die Wetgewende Vergadering daartoe oor om deur loting, op die wyse deur hom bepaal, te bepaal watter kandidaat uitgeskakel moet word.

Aanstelling van ander Uitvoerende Raadslede

14. Die ander lede van die Uitvoerende Raad word deur die Hoof- Uitvoerende Raadslid aangestel uit die lede van die Wetgewende Vergadering binne 'n tydperk van sewe dae na die datum waarop die Hoof- Uitvoerende Raadslid ingevolge artikel 13 verkies is.

Eed wat Uitvoerende Raadslede moet aflê

15. Elke Uitvoerende Raadslid, met inbegrip van die Hoof- Uitvoerende Raadslid, lê, voordat hy sy amp as sodanig aanvaar, voor die Speaker of die Adjunk-speaker van die Wetgewende Vergadering 'n eed in die volgende vorm af en onderteken dit:

Ek, A.B., sweer hierby dat ek my amp as Uitvoerende Raadslid van die KwaNdebele- Wetgewende Vergadering op eervolle en waardige wyse sal beklee; dat ek die Grondwet van KwaNdebele en alle wette wat van toepassing is in die gebied ten opsigte waarvan die KwaNdebele- Wetgewende Vergadering ingestel is, sal eerbiedig; dat ek 'n opregte en getroue Uitvoerende Raadslid sal wees; dat ek geen sake wat voor die Uitvoerende Raad dien en wat aan my vir geheimhouding toevertrou word, regstreeks of onregstreeks sal openbaar nie; en dat ek my ampspligte met nougesetheid en na my beste vermoë sal nakom; en ek onderneem voor God om hierdie eed te eerbiedig.

So help my God.

Voer van verrigtinge van Uitvoerende Raad

16. (1) Kwessies wat in die Uitvoerende Raad ontstaan, word deur 'n meerderheid van stemme van die aanwesige Uitvoerende Raadslede beslis en in die geval van 'n staking van stemme het die Hoof- Uitvoerende Raadslid 'n beslissende stem.

(2) Die Uitvoerende Raad kan reëls maak vir die wyse waarop sy vergaderings gehou word.

(3) Die Uitvoerende Raad kan van tyd tot tyd uit eie geledere 'n komitee aanstel vir enige doel wat hy nodig ag en kan een of meer lede van die Wetgewende Vergadering koöpteer om in sodanige komitee te dien; sodanige komitee doen oor sy bevindings verslag en kan sodanige aanbevelings as wat hy nodig ag, aan die Uitvoerende Raad vir oorweging voorlê.

(4) Die Kommissaris-generaal, 'n administratiewe hoof van 'n departement van die KwaNdebele-Regeringsdiens en enige persoon wat deur die Uitvoerende Raad toegelaat word om dit te doen, het die reg om enige vergadering van die Uitvoerende Raad by te woon om raad te gee in verband met sake wat binne die bestek van die administrasie van KwaNdebele val.

Ampstermyn van Uitvoerende Raadslede

17. (1) Behoudens die bepalinge van artikel 18—

(a) beklee die Hoof- Uitvoerende Raadslid sy amp vir die duur van die termyn van die Wetgewende

(7) Whenever two or more candidates have received the same number of votes, and one of those candidates is required to be eliminated for the purposes of subsection (6), the members of the Legislative Assembly shall by separate vote, which may if necessary be repeated, but not more than three times, determine which one of those candidates shall be eliminated and if after the third vote there is still an equality of votes, the Secretary of the Legislative Assembly shall proceed to determine by lot, in the manner determined by him, which candidate shall be eliminated.

Appointment of other members of the Executive Council

14. The other members of the Executive Council shall be appointed by the Chief Executive Councillor from among the members of the Legislative Assembly within a period of seven days of the date on which the Chief Executive Councillor was elected in terms of section 13.

Oath to be taken by Executive Councillors

15. Every Executive Councillor, including the Chief Executive Councillor, shall, before assuming his duties as such, make and subscribe before the Speaker or Deputy Speaker of the Legislative Assembly an oath in the following form:

I, A.B., do hereby swear to hold my office as Executive Councillor of the KwaNdebele Legislative Assembly with honour and dignity; to respect the KwaNdebele Constitution and all laws applicable in the area for which the KwaNdebele Legislative Assembly was established; to be a true and faithful Executive Councillor; not to divulge directly or indirectly any matters brought before the Executive Council which are entrusted to me under secrecy and to perform the duties of my office conscientiously and to the best of my ability; and I undertake before God to honour this oath.

So help me God.

Conduct of proceedings of Executive Council

16. (1) Questions arising in the Executive Council shall be determined by a majority of votes of the Executive Councillors present and in the case of an equality of votes the Chief Executive Councillor shall have a casting vote.

(2) The Executive Council may make rules for the conduct of its meetings.

(3) The Executive Council may from time to time appoint any committee from among its members for any purpose it may deem necessary and may co-opt one or more members of the Legislative Assembly to serve on such committee; such committee shall report on its findings and may submit such recommendations as it may deem necessary to the Executive Council for consideration.

(4) The Commissioner-General, an administrative head of a department of the KwaNdebele Government Service and any person permitted by the Executive Council to do so shall have the right to attend any meeting of the Executive Council to advise on matters falling within the purview of the administration of KwaNdebele.

Period of office of Executive Councillors

17. (1) Subject to the provisions of section 18—

(a) the Chief Executive Councillor shall hold office for the duration of the life of the Legislative

Vergadering waardeur hy verkies is en totdat sy opvolger deur 'n nuwe Wetgewende Vergadering verkies is; en

(b) beklee 'n Uitvoerende Raadslid, uitgesonderd die Hoof- Uitvoerende Raadslid, sy amp vir die duur van die termyn van die Wetgewende Vergadering waardeur die Hoof- Uitvoerende Raadslid deur wie sodanige Uitvoerende Raadslid aangestel is, verkies is, en totdat sodanige Uitvoerende Raadslid se opvolger deur die nuwe Hoof- Uitvoerende Raadslid aangestel is.

(2) Die Hoof- Uitvoerende Raadslid kan by besluit van die Wetgewende Vergadering van sy amp onthef word.

(3) Enige Uitvoerende Raadslid kan op aanbeveling van die Hoof- Uitvoerende Raadslid by besluit van die Wetgewende Vergadering van sy amp onthef word.

Ontruiming van setels deur die Hoof- Uitvoerende Raadslid en Uitvoerende Raadslede

18. (1) Die Hoof- Uitvoerende Raadslid of enige Uitvoerende Raadslid ontruim sy setel as sodanig—

(a) indien sy setel as lid van die Wetgewende Vergadering geag word ontruim te gewees het ingevolge die bepalings van hierdie Proklamasie;

(b) indien hy uit sy amp as Hoof- Uitvoerende Raadslid of Uitvoerende Raadslid bedank by skriftelike kenisgewing aan die Sekretaris van die Wetgewende Vergadering of 'n aankondiging te dien effekte op 'n sitting van die Wetgewende Vergadering of op 'n vergadering van die Uitvoerende Raad doen; of

(c) indien hy by besluit van die Wetgewende Vergadering van sy amp onthef word.

(2) Indien die Hoof- Uitvoerende Raadslid of enige Uitvoerende Raadslid sy setel ontruim anders as deur die aankondiging van sy bedanking op 'n sitting van die Wetgewende Vergadering, verwittig die Sekretaris van die Wetgewende Vergadering gedurende die eersvolgende sessie van die Wetgewende Vergadering die Wetgewende Vergadering dienooreenkomstig.

Werksaamhede van die Hoof- Uitvoerende Raadslid en ander Uitvoerende Raadslede

19. (1) Die Hoof- Uitvoerende Raadslid of, in sy afwesigheid, 'n Uitvoerende Raadslid vir dié doel deur hom benoem, sit voor op al die vergaderings van die Uitvoerende Raad.

(2) Wanneer die amp van Hoof- Uitvoerende Raadslid vakant raak of wanneer die Hoof- Uitvoerende Raadslid afwesig is of nie in staat is om op te tree nie en geen Uitvoerende Raadslid ingevolge subartikel (1) benoem is om aldus waar te neem nie, wys die Uitvoerende Raadslede uit eie geledere een aan om as Hoof- Uitvoerende Raadslid waar te neem totdat die vakature aangevul is of totdat die Hoof- Uitvoerende Raadslid in staat is om sy pligte te hervat, na gelang van die geval.

(3) Die Hoof- Uitvoerende Raadslid moet die verantwoordelikheid vir die beheer oor en die administrasie van die verskillende departemente ingestel kragtens artikel 5 (2) van die Wet, aan die onderskeie Uitvoerende Raadslede opdra en toewys, en kan sodanige toewysing van tyd tot tyd na goeë dunks wysig, en kan, indien nodig, na oorlegpleging met die Uitvoerende Raad die bevoegdhede, pligte en werksaamhede van sodanige departemente met die oog op beter administrasie herorganiseer.

Assembly by which he was elected and until his successor is elected by a new Legislative Assembly; and

(b) an Executive Councillor, other than the Chief Executive Councillor, shall hold office for the duration of the life of the Legislative Assembly by which the Chief Executive Councillor by whom such Executive Councillor was appointed, was elected, and until such Executive Councillor's successor is appointed by the new Chief Executive Councillor.

(2) The Chief Executive Councillor may be removed from office by resolution of the Legislative Assembly.

(3) Any Executive Councillor may be removed from office by resolution of the Legislative Assembly on the recommendation of the Chief Executive Councillor.

Vacating of Seats by the Chief Executive Councillor and Executive Councillors

18. (1) The Chief Executive Councillor or any Executive Councillor shall vacate his seat as such—

(a) if his seat as a member of the Legislative Assembly is deemed to have been vacated in terms of the provisions of this Proclamation;

(b) if he resigns his office as Chief Executive Councillor or Executive Councillor by notice in writing to the Secretary of the Legislative Assembly or makes an announcement to that effect at a sitting of the Legislative Assembly or at a meeting of the Executive Council; or

(c) if he is removed from office by resolution of the Legislative Assembly.

(2) If the Chief Executive Councillor or any Executive Councillor vacates his seat otherwise than in pursuance of his resignation announced at a sitting of the Legislative Assembly, the Secretary of the Legislative Assembly shall at the first ensuing session of the Legislative Assembly inform the Legislative Assembly accordingly.

Functions of Chief Executive Councillor and other Executive Councillors

19. (1) The Chief Executive Councillor or, in his absence, an Executive Councillor nominated by him for that purpose, shall preside at all Executive Council meetings.

(2) Whenever the office of Chief Executive Councillor becomes vacant or the Chief Executive Councillor is absent or unable to act and no Executive Councillor has been nominated in terms of subsection (1) so to act, the Executive Councillors shall designate one of their number to act as Chief Executive Councillor until the vacancy has been filled or until the Chief Executive Councillor is able to resume his duties, as the case may be.

(3) The Chief Executive Councillor shall assign and allocate the responsibility for the control and administration of the various departments established under section 5 (2) of the Act to the respective Executive Councillors, and may, from time to time, as he may deem fit, amend such allocation, and may, if necessary, after consultation with the Executive Council reorganise the powers, duties and functions of such departments with a view to better administration.

Aanvul van toevallige vakatures

* 20. (1) 'n Toevallige vakature wat in die amp van Hoof- Uitvoerende Raadslid ontstaan, word aangevul by 'n verkiesing ooreenkomstig die bepalings van hierdie Proklamasie, wat gehou word binne 'n tydperk van sewe dae na die datum waarop die vakature ontstaan het as die Wetgewende Vergadering dan in sitting is, of as die Wetgewende Vergadering nie dan in sitting is nie, word binne 'n tydperk van 14 dae na die datum waarop die vakature ontstaan het, 'n buitengewone sessie van die Wetgewende Vergadering vir dié doel belê.

(2) Enige ander toevallige vakature wat in die Uitvoerende Raad ontstaan, word aangevul deur aanstelling deur die Hoof- Uitvoerende Raadslid uit die gelede van die Wetgewende Vergadering binne 'n tydperk van sewe dae na die datum waarop die vakature ontstaan het.

(3) Enige persoon wat tot 'n amp verkies of in 'n amp aangestel is soos in subartikels (1) en (2) bepaal, beklee sy amp vir die onverstreke gedeelte van die termyn waarvoor sy voorganger verkies of aangestel was, maar andersins behoudens die bepalings van hierdie Proklamasie wat op die betrokke amp betrekking het.

DEEL VI

Speaker en Adjunk-speaker

21. Onmiddellik nadat die Hoof- Uitvoerende Raadslid verkies is, gaan die Wetgewende Vergadering oor tot die verkiesing van 'n Speaker en 'n Adjunk-speaker en die prosedure wat by die verkiesing van die Hoof- Uitvoerende Raadslid gevolg word, is *mutatis mutandis* van toepassing op die verkiesing van 'n Speaker en 'n Adjunk-speaker.

Ampstermyn van Speaker en Adjunk-speaker

22. Behoudens andersluidende bepalings in hierdie Proklamasie vervat, beklee die Speaker en die Adjunk-speaker hulle ampte vir die duur van die termyn van die Wetgewende Vergadering. Met dien verstande dat indien die amp van die Speaker of die Adjunk-speaker ingevolge artikel 23 ontruim word, die lid wat in sodanige Speaker of Adjunk-speaker, na gelang van die geval, se plek verkies word, die amp beklee vir die onverstreke tydperk van die ampstermyn waarvoor die persoon wie se amp aldus ontruim is, tot Speaker of Adjunk-speaker verkies is.

Ontruiming van amp deur die Speaker of die Adjunk-speaker

23. (1) Die Speaker of die Adjunk-speaker ontruim sy amp as sodanig—

(a) indien sy setel as lid van die Wetgewende Vergadering geag word ontruim te gewees het ingevolge die bepalings van hierdie Proklamasie;

(b) indien hy uit sy amp as Speaker of Adjunk-speaker bedank by skriftelike kennisgewing aan die Sekretaris van die Wetgewende Vergadering of 'n aankondiging te dien effekte op 'n sitting van die Wetgewende Vergadering doen; of

(c) indien hy by besluit van die Wetgewende Vergadering van sy amp onthef word.

(2) Indien die Speaker of Adjunk-speaker sy amp ontruim anders as deur die aankondiging van sy bedanking op 'n sitting van die Wetgewende Vergadering, verwittig die Sekretaris van die Wetgewende Vergadering gedurende die eersvolgende sessie van die Wetgewende Vergadering die Wetgewende Vergadering dienoreenkomstig.

Filling of casual vacancies

20. (1) A casual vacancy arising in the office of Chief Executive Councillor shall be filled by election in accordance with the provisions of this Proclamation, which election shall take place within a period of seven days of the date on which the vacancy occurred if the Legislative Assembly is then in session or, if the Legislative Assembly is not then in session, a special session of the Legislative Assembly shall be convened for that purpose within a period of 14 days of the date on which the vacancy occurred.

(2) Any other casual vacancy arising in the Executive Council shall be filled by appointment by the Chief Executive Councillor from among the members of the Legislative Assembly within a period of seven days of the date on which the vacancy occurred.

(3) Any person elected or appointed to an office as provided for in subsections (1) and (2) shall hold office for the unexpired portion of the period for which his predecessor had been elected or appointed, but otherwise subject to the provisions of this Proclamation relating to the office concerned.

PART VI

Speaker and Deputy Speaker

21. Immediately after the Chief Executive Councillor has been elected the Legislative Assembly shall proceed to elect a Speaker and a Deputy Speaker and the procedure adopted in the election of the Chief Executive Councillor shall apply *mutatis mutandis* to the election of the Speaker and the Deputy Speaker.

Period of office of Speaker and Deputy Speaker

22. Save as otherwise provided in this Proclamation, the Speaker and the Deputy Speaker shall hold office for the duration of the life of the Legislative Assembly: Provided that if the office of the Speaker or of the Deputy Speaker becomes vacant in terms of section 23, the member elected in the place of such Speaker or Deputy Speaker, as the case may be, shall hold office for the unexpired period of office for which the person whose seat has so become vacant was elected Speaker or Deputy Speaker.

Vacating of office by Speaker or Deputy Speaker

23. (1) The Speaker or the Deputy Speaker shall vacate his office as such—

(a) if his seat as a member of the Legislative Assembly is deemed to have been vacated in terms of the provisions of this Proclamation;

(b) if he resigns his office as Speaker or Deputy Speaker by notice in writing to the Secretary of the Legislative Assembly or makes an announcement to that effect at a sitting of the Legislative Assembly; or

(c) if he is removed from office by resolution of the Legislative Assembly.

(2) If the Speaker or the Deputy Speaker vacates his office otherwise than in pursuance of his resignation announced at a sitting of the Legislative Assembly, the Secretary of the Legislative Assembly shall at the first ensuing session of the Legislative Assembly inform the Legislative Assembly accordingly.

Aanvul van toevallige vakatures

24. (1) 'n Toevallige vakature in die amp van Speaker of Adjunk-speaker word, indien die Wetgewende Vergadering in sitting is wanneer die vakature ontstaan, aangevul deur die verkiesing van 'n bekleër vir die betrokke amp ooreenkomstig die bepalings van hierdie Proklamasie, en indien die Wetgewende Vergadering nie dan in sitting is nie, vind sodanige verkiesing op sy eersvolgende sitting plaas.

(2) Enige persoon tot 'n amp verkies soos in subartikel (1) bepaal, beklee sy amp vir die onverstreke gedeelte van die termyn waarvoor sy voorganger verkies was, maar andersins behoudens die bepalings van hierdie Proklamasie wat op die betrokke amp betrekking het.

DEEL VII

*Status van kapteins**Kapteins behou hulle persoonlike status*

25. 'n Kaptein in KwaNdebele geniet steeds die persoonlike status wat hy tot nog toe geniet het, en hy het ten opsigte van seremoniële en stamaangeleenthede en by seremoniële geleenthede binne sy stamgebied voorrang bo die Hoof- Uitvoerende Raadslid en Uitvoerende Raadslede, behalwe ten opsigte van aangeleenthede of geleenthede wat in verband staan met die werksaamhede van die Wetgewende Vergadering.

DEEL VIII

*Diverse bepalings**Aanneem van voordele deur lede*

26. (1) Geen lid van die Wetgewende Vergadering mag—

(a) enige salaris, toelae, geld of beloning vir enige plig of diens wat deur hom in sy hoedanigheid van lid verrig word, aanneem nie, behalwe soos by wet voorgeskryf;

(b) hetsy regstreeks of onregstreeks, enige geld, vergoeding, geskenk of beloning aanneem of ontvang nie vir of ten opsigte van die bevordering of opponering van enige wetsontwerp, besluit, aangeleentheid of iets voorgelê of voorgestel vir voorlegging aan die Wetgewende Vergadering of enige komitee daarvan vir sy oorweging.

(2) Enige lid van die Wetgewende Vergadering wat die bepalings van subartikel (1) oortree, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000 en moet daarbenewens enige bedrag of die waarde van enige geld, vergoeding, geskenk of beloning deur hom aangeneem of ontvang, terugbetaal.

Hou van permanente rekords

27. (1) Die Wetgewende Vergadering hou 'n permanente rekord van die vernaamste gebeurtenisse wat plaasvind vanaf die datum van die instelling van die Wetgewende Vergadering.

(2) In die besonder word die volgende opgeteken:

(a) Alle wette, proklamasies en goewermentskennisgewings met betrekking tot die instelling of aangeleenthede van die Wetgewende Vergadering;

(b) die naam van elke streeksowerheid binne sy regsgebied;

(c) die naam van elke stam- en gemeenskapsowerheid binne sy regsgebied;

(d) die naam en ampstermyn van elke opeenvolgende Speaker en Adjunk-speaker;

Filling of casual vacancies

24. (1) A casual vacancy in the office of Speaker or of Deputy Speaker shall, if the Legislative Assembly is sitting when the vacancy occurs, be filled by the election of an incumbent to the office concerned in the manner provided for in this Proclamation, and if the Legislative Assembly is then not sitting such election shall take place at its next sitting.

(2) Any person elected to an office as provided for in subsection (1) shall hold office for the unexpired portion of the period for which his predecessor had been elected but otherwise subject to the provisions of this Proclamation relating to the office concerned.

PART VII

*Status of chiefs**Chiefs to retain personal status*

25. A chief in KwaNdebele shall continue to enjoy the personal status he has hitherto enjoyed and shall with regard to ceremonial and tribal matters and at ceremonial occasions within his tribal area take precedence over the Chief Executive Councillor and Executive Councillors, except in respect of matters or occasions connected with the business of the Legislative Assembly.

PART VIII

*Miscellaneous provisions**Acceptance of benefits by members*

26. (1) No member of the Legislative Assembly shall—

(a) accept any salary, allowance, fee or reward for any duty performed or service rendered by him in his capacity as a member except as may be prescribed by law;

(b) accept or receive, either directly or indirectly, any fee, compensation, gift or reward for or in respect of the promotion or opposition of any bill, resolution, matter or thing submitted or proposed for submission to the Legislative Assembly or any committee thereof for its consideration.

(2) Any member of the Legislative Assembly who contravenes the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a penalty not exceeding R1 000 and in addition shall repay any amount or the value of any fee, compensation, gift or reward accepted or received by him.

Maintenance of permanent records

27. (1) The Legislative assembly shall maintain a permanent record of the main events taking place from the date of establishment of the Legislative Assembly.

(2) In particular the following shall be recorded:

(a) All laws, proclamations and Government notices relating to the establishment or affairs of the Legislative Assembly;

(b) the name of each regional authority within its area of jurisdiction;

(c) the name of each tribal and community authority within its area of jurisdiction;

(d) the name and period of office of each successive Speaker and Deputy Speaker;

(e) die naam en ampstermyn van elke opeenvolgende Hoof- Uitvoerende Raadslid en Uitvoerende Raadslid;

(f) die naam van elke lid; en

(g) sodanige ander aangeleenthede as wat die Wetgewende Vergadering bepaal.

Gebruik van amptelike tale

28. (1) Alle notules en ordelyste word in Ndebele, Afrikaans en Engels gehou en alle geregtelike, administratiewe en finansiële dokumente word ook, na gelang van omstandighede, aldus gehou.

(2) Die Wetgewende Vergadering hou 'n verbatim verslag by van die verrigtinge van die Wetgewende Vergadering en sodanige verslag word in Ndebele, Afrikaans en Engels gehou.

No. R. 206, 1979

INSTELLING VAN DEPARTEMENTE.—KWA-NDEBELE- WETGEWENDE VERGADERING

Nademaal dit nodig geag word vir die behoorlike administrasie van die gebied van die KwaNdebele-Wetgewende Vergadering dat sekere departemente ingestel word;

So is dit dat ek kragtens die bevoegdheid my verleen by artikel 5 (2) gelees met artikel 24 (1) (a) van die Grondwet van die Swart State, 1971 (Wet 21 van 1971), hierby die departemente in die Bylae hiervan genoem, instel ten opsigte van die gebied van die KwaNdebele-Wetgewende Vergadering.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Sewende dag van September Eenduisend Negehoenderd Nege-en-sewentig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

P. G. J. KOORNHOF.

BYLAE

- (i) Departement van Owerheidsake en Finansies.
- (ii) Departement van Onderwys en Kultuur.
- (iii) Departement van Gemeenskapsake.
- (iv) Departement van Werke.
- (v) Departement van Landbou.
- (vi) Departement van Justisie.

No. R. 207, 1979

KWANDEBELE.—BETALING VAN SALARISSE EN TOELAES AAN LEDE VAN DIE WETGEWENDE VERGADERING EN TOELAES AAN LEDE VAN DIE STREEKSOWERHEIDE

Kragtens die bevoegdheid my verleen—

(1) by artikels 2 en 24 van die Grondwet van die Swart State, 1971 (Wet 21 van 1971), maak ek hierby die wette vervat in Dele I, II en IV van die Bylae hiervan met betrekking tot die salarisse en toelaes betaalbaar aan lede van die KwaNdebele-Wetgewende Vergadering; en

(2) by artikel 17 van die Wet op Swart Owerhede, 1951 (Wet 68 van 1951)—

(a) maak ek hierby die wette vervat in Dele I, III en IV van die Bylae hiervan met betrekking tot die toelaes betaalbaar aan lede van streeksowerhede binne die gebied van die KwaNdebele-Wetgewende Vergadering; en

(e) the name and period of office of each successive Chief Executive Councillor and Executive Councillor;

(f) the name of every member; and

(g) such other matters as the Legislative Assembly may determine.

Use of official languages

28. (1) All minutes and order papers shall be recorded in Ndebele, Afrikaans and English and all judicial, administrative and financial documents shall also, as circumstances may dictate, be so recorded.

(2) The Legislative Assembly shall maintain a verbatim report of the proceedings of the Legislative Assembly and such report shall be recorded in Ndebele, Afrikaans and English.

No. R. 206, 1979

ESTABLISHMENT OF DEPARTMENTS.—KWA-NDEBELE LEGISLATIVE ASSEMBLY

Whereas it is deemed necessary for the proper administration of the area of the KwaNdebele Legislative Assembly that certain departments be established;

Now, therefore, by virtue of the powers vested in me by section 5 (2), read with section 24 (1) (a) of the Black States Constitution Act, 1971 (Act 21 of 1971), I hereby establish the departments mentioned in the Schedule hereto in respect of the area of the KwaNdebele Legislative Assembly.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Seventh day of September, One thousand Nine hundred and Seventy-nine.

M. VILJOEN, State President.

By Order of the State President-in-Council:

P. G. J. KOORNHOF.

SCHEDULE

- (i) Department of Authority Affairs and Finance.
- (ii) Department of Education and Culture.
- (iii) Department of Community Affairs.
- (iv) Department of Works.
- (v) Department of Agriculture.
- (vi) Department of Justice.

No. R. 207, 1979

KWANDEBELE.—PAYMENT OF SALARIES AND ALLOWANCES TO MEMBERS OF THE LEGISLATIVE ASSEMBLY AND ALLOWANCES TO MEMBERS OF REGIONAL AUTHORITIES

Under and by virtue of the powers vested in me—

(1) by sections 2 and 24 of the Black States Constitution Act, 1971 (Act 21 of 1971), I hereby make the laws contained in Parts I, II and IV of the Schedule hereto, relating to the salaries and allowances payable to members of the KwaNdebele Legislative Assembly; and

(2) by section 17 of the Black Authorities Act, 1951 (Act 68 of 1951)—

(a) I hereby make the laws contained in Parts I, III and IV of the Schedule hereto, relating to the allowances payable to members of regional authorities in the area of the KwaNdebele Legislative Assembly; and

(b) herroep ek hierby Deel IV van Hoofstuk III van Proklamasie R. 255 van 1977.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Sewende dag van September Eenduisend Negehonderd Nege-en-sewentig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

P. G. J. KOORNHOF.

BYLAE

DEEL I

Uitleg van uitdrukking

1. In hierdie Proklamasie, tensy uit die samehang anders blyk, beteken "Grondwetproklamasie" die KwaNdebele-grondwetproklamasie, 1979, en het 'n woord of uitdrukking waaraan 'n betekenis in genoemde Grondwetproklamasie geheg word, die betekenis aldus daaraan geheg.

DEEL II

KwaNdebele- Wetgewende Vergadering

Salarisse van lede van die Wetgewende Vergadering

2. Daar is betaalbaar—

(a) aan die Hoof- Uitvoerende Raadslid, 'n salaris van R17 544 per jaar;

(b) aan elke Uitvoerende Raadslid (behalwe die Hoof- Uitvoerende Raadslid), 'n salaris van R15 883 per jaar;

(c) aan die Speaker, 'n salaris van R5 472 per jaar;

(d) aan die Adjunk-speaker, 'n salaris van R5 040 per jaar;

(e) aan elke lid van die Wetgewende Vergadering [behalwe 'n lid in enige van paragrawe (a) tot en met (d) bedoel], 'n salaris van R4 212 per jaar.

Nie-belasbare toelae

3. Daar is betaalbaar—

(a) aan die Hoof- Uitvoerende Raadslid, 'n nie-belasbare toelae van R1 524 per jaar;

(b) aan elke Uitvoerende Raadslid (behalwe die Hoof- Uitvoerende Raadslid), 'n nie-belasbare toelae van R1 133 per jaar.

Toelaes van lede

4. (1) Benewens die salarisse en nie-belasbare toelaes waarvoor in artikels 2 en 3 onderskeidelik voorsiening gemaak word, is daar, behoudens die bepalings van sub-artikels (2) en (3) en artikel 5, uit gelde wat die Wetgewende Vergadering vir dié doel bewillig, betaalbaar—

(a) aan elke lid van die Wetgewende Vergadering (behalwe 'n lid van die Uitvoerende Raad), onderworpe aan die voorwaardes wat die Speaker van die Wetgewende Vergadering bepaal—

(i) 'n sessietoelae van R10 per dag;

(ii) 'n vervoertoelae van 10c per kilometer ten opsigte van sy reis van sy tuiste na die setel van die Regering aan die begin van 'n sessie en die terugreis aan die einde van sodanige sessie;

(b) I hereby repeal Part IV of Chapter III of Proclamation R. 255 of 1977.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Seventh day of September, One thousand Nine hundred and Seventy-nine.

M. VILJOEN, State President.

By Order of the State President-in-Council:

P. G. J. KOORNHOF.

SCHEDULE

PART I

Interpretation of terms

1. In this Proclamation, unless the context otherwise indicates, "Constitution Proclamation" shall mean the KwaNdebele Constitution Proclamation, 1979, and any word or expression to which a meaning has been assigned in the said Constitution Proclamation shall have the meaning so assigned thereto.

PART II

KwaNdebele Legislative Assembly

Salaries of members of the Legislative Assembly

2. There shall be payable—

(a) to the Chief Executive Councillor, a salary of R17 544 per annum;

(b) to every Executive Councillor (other than the Chief Executive Councillor), a salary of R15 883 per annum;

(c) to the Speaker, a salary of R5 472 per annum;

(d) to the Deputy Speaker, a salary of R5 040 per annum;

(e) to every member of the Legislative Assembly [other than a member referred to in any of paragraphs (a) to (d) inclusive], a salary of R4 212 per annum.

Non-taxable allowance

3. There shall be payable—

(a) to the Chief Executive Councillor, a non-taxable allowance of R1 524 per annum;

(b) to every Executive Councillor (other than the Chief Executive Councillor), a non-taxable allowance of R1 133 per annum.

Allowances of members

4. (1) In addition to the salaries and non-taxable allowances provided for in sections 2 and 3 respectively, there shall, subject to the provisions of sub-sections (2) and (3) and section 5, be payable, out of moneys appropriated by the Legislative Assembly for that purpose—

(a) to every member of the Legislative Assembly (other than a member of the Executive Council), subject to such conditions as the Speaker of the Legislative Assembly may determine—

(i) a session allowance of R10 per day;

(ii) a transport allowance of 10c per kilometre in respect of his journey from his home to the seat of the Government at the beginning of any session and the return journey at the end of such session;

(b) aan elke lid van die Wetgewende Vergadering (behalwe 'n lid van die Uitvoerende Raad)—

(i) wat as lid van 'n regeringskommissie of -komitee (behalwe 'n sessiekomitee) aangestel is en wat in die vervulling van sy pligte as lid van sodanige kommissie of komitee van sy gewone verblyfplek afwesig is; of

(ii) aan wie die Wetgewende Vergadering of die Uitvoerende Raad of, waar die omstandighede dringend is, die Hoof- Uitvoerende Raadslid, 'n plig opgedra het en wat in die vervulling van sodanige plig van sy gewone verblyfplek afwesig is;

onderworpe aan die voorwaardes wat die Hoof- Uitvoerende Raadslid bepaal—

(aa) 'n verblyftoelae van R10 per dag van 24 uur vir die tydperk waartydens die lid noodsaaklikerwys van sy gewone woonplek op sodanige diens afwesig is: Met dien verstande dat, vir elke volle uur van afwesigheid langer as 24 uur of 'n veelvoud van 24 uur, aan 'n lid een vier-en-twintigste van die daaglikse tarief betaal kan word: Met dien verstande voorts dat vir 'n afwesigheid van minder as 24 uur, redelike werklike persoonlike uitgawes van hoogstens R10 betaal kan word vir voedsel en rusgeriewe; en

(bb) 'n vervoertoelae van 10c vir elke kilometer of gedeelte daarvan noodsaaklikerwys afgeleë met die kortste beskikbare roete van die lid se gewone woonplek af tot by die naaste openbare vervoer, as daar is (met uitsondering van huurmotors) en terug en die noodsaaklike uitgawes aan sodanige openbare vervoer aangegaan: Met dien verstande dat waar sodanige openbare vervoer nie beskikbaar is nie, die lid betaal kan word teen die tarief van 10c vir elke kilometer of gedeelte daarvan van die gesamentlike reis met die kortste beskikbare roete van die lid se gewone woonplek af na sy bestemming en terug na genoemde woonplek: Met dien verstande voorts dat die betaling van die vervoertoelae geskied alleen ten opsigte van een retoerreis gedurende enige een week waarin die kommissie of komitee in sitting is;

(c) aan elke lid van die Uitvoerende Raad, ten opsigte van sy afwesigheid op amptelike diens van die setel van die Regering, 'n verblyftoelae van R15 per dag van 24 uur vir die tydperk waartydens die lid noodsaaklikerwys van sy gewone woonplek op sodanige diens afwesig is: Met dien verstande dat, vir elke volle uur van afwesigheid langer as 24 uur of 'n veelvoud van 24 uur, aan 'n lid een vier-en-twintigste van die daaglikse tarief betaal kan word: Met dien verstande voorts dat, vir 'n afwesigheid van minder as 24 uur, redelike werklike persoonlike uitgawes van hoogstens R15 betaal kan word vir voedsel en rusgeriewe.

(2) Die in subartikel (1) (a) (i) bedoelde sessietoelae word ten opsigte van elke dag gedurende 'n sessie, van die eerste sittingsdag tot en met die laaste sittingsdag, betaal: Met dien verstande dat indien die Wetgewende Vergadering te eniger tyd gedurende sodanige sessie vir 'n langer aaneenlopende tydperk as sewe dae verdaag, geen sodanige toelae ten opsigte van die verdagings tydperk betaal word nie, maar 'n bykomstige vervoertoelae ooreenkomstig subartikel (1) (a) (ii) betaal word.

(3) Indien die werklike verblyfkoste van 'n lid die bedrag waarop hy kragtens subartikel (1) (b) (aa) of (1) (c), na gelang van die geval, geregtig is, oorskry,

(b) to every member of the Legislative Assembly (other than a member of the Executive Council)—

(i) who has been appointed as a member of any government commission or committee (other than a sessional committee) and who is absent from his ordinary place of residence in the performance of his duties as a member of such commission or committee; or

(ii) to whom the Legislative Assembly or the Executive Council or, where circumstances are urgent, the Chief Executive Councillor, has assigned a duty and who is absent from his ordinary place of residence in the performance of such duty;

subject to such conditions as the Chief Executive Councillor may determine—

(aa) a subsistence allowance of R10 per day of 24 hours for the period during which the member is necessarily absent from his usual place of residence on such duty: Provided that, for each complete hour of absence in excess of 24 hours or a multiple of 24 hours, a member may be paid one twenty-fourth of the daily rate: Provided further that for an absence of less than 24 hours, reasonable actual personal expenses not exceeding R10 may be paid in respect of food and facilities for resting; and

(bb) a transport allowance of 10c for each kilometre or part thereof necessarily travelled by the shortest available route from the member's usual place of residence to the nearest public transport, if any (excluding taxis) and back and the necessary expenditure incurred on such public transport: Provided that where such public transport is not available, the member may be paid at the rate of 10c for each kilometre or part thereof for the combined journey by the shortest available route from the member's usual place of residence to his destination and back to the said place of residence: Provided further that payment of the transport allowance shall be made in respect of one return journey only in any one week during which the commission or committee is in session;

(c) to every member of the Executive Council, in respect of his absence on official duty from the seat of the Government, a subsistence allowance of R15 per day of 24 hours for the period during which the member is necessarily absent from his usual place of residence on such duty: Provided that for each complete hour of absence in excess of 24 hours or a multiple of 24 hours, a member may be paid one twenty-fourth of the daily rate: Provided further that, for an absence of less than 24 hours, reasonable actual personal expenses not exceeding R15 may be paid in respect of food and facilities for resting.

(2) The session allowance referred to in subsection (1) (a) (i) shall be paid in respect of each day during any session, from the first sitting day to the last sitting day, inclusive: Provided that if the Legislative Assembly at any time during such session adjourns for a continuous period of more than seven days, no such allowance shall be paid in respect of the period of adjournment, but an additional transport allowance shall be paid in accordance with subsection (1) (a) (ii).

(3) If the actual subsistence expenses of a member exceed the sum to which he is entitled under subsection (1) (b) (aa) or (1) (c), as the case may be, the

kan die Hoof- Uitvoerende Raadslid die betaling aan sodanige lid van 'n bedrag van hoogstens die bedrag van sodanige werklike verblyfkooste goedkeur.

Aftrekkings weens afwesigheid

5. Ten opsigte van elke dag waarop 'n lid van die Wetgewende Vergadering (behalwe 'n lid van die Uitvoerende Raad, die Speaker of die Adjunk-speaker) versuim om 'n sitting van die Wetgewende Vergadering by te woon, word die bedrag van R10 afgetrek van die bedrag wat ingevolge die bepalings van hierdie Proklamasie aan hom betaalbaar is: Met dien verstande dat so 'n lid van aftrekkings weens sodanige versuim vrygestel word—

(a) ten opsigte van enige dag waarop hy as lid van 'n komitee van die Wetgewende Vergadering 'n vergadering van daardie komitee bywoon;

(b) wanneer sy afwesigheid te wyte is aan sy siekte of aan die dagvaarding of getuie-dagvaarding van 'n bevoegde hof (behalwe 'n dagvaarding om te verskyn op 'n kriminele aanklag waarop hy skuldig bevind word);

(c) wanneer sy afwesigheid veroorsaak word deur die dood of ernstige siekte van sy gade of 'n persoon met wie hy 'n gebruikelike verbinding aangegaan het of sy kind of ouer en sodanige afwesigheid verskoon word deur die Sessiekomitee oor Reglement van Orde en Interne Reëlings.

Metode van betaling van salarisse en nie-belasbare toelae

6. (1) Met inagneming van die verbeurde bedrae, as daar is, betaal die Direkteur van die Departement van Owerheidsake en Finansies aan elke lid van die Wetgewende Vergadering (behalwe 'n lid van die Uitvoerende Raad) in maandelikse paaieimente die salaris waarop so 'n lid kragtens hierdie Proklamasie geregtig is en die eerste maand word gereken—

(a) in die geval van 'n lid wat kragtens artikel 2 van Bylae II van die Grondwetproklamasie aangewys is, vanaf die dag waarop hy aldus aangewys is;

(b) in die geval van 'n lid wat ingevolge die bepalings van artikel 7 van Bylae II van die Grondwetproklamasie aangewys is, vanaf die dag waarop hy aldus aangewys is;

(c) in die geval van die Speaker en die Adjunk-speaker van die Wetgewende Vergadering, vanaf die datum van verkiesing as sodanig.

(2) Die Direkteur van die Departement van Owerheidsake en Finansies betaal aan die Hoof- Uitvoerende Raadslid in maandelikse paaieimente die salaris en nie-belasbare toelae waarop hy kragtens hierdie Proklamasie geregtig is, gereken vanaf die dag waarop hy die eed in artikel 15 van Bylae II van die Grondwetproklamasie bedoel afgelê en onderteken het, en die Direkteur van elke ander departement betaal aan die Uitvoerende Raadslid van die betrokke departement in maandelikse paaieimente die salaris en nie-belasbare toelae waarop hy kragtens hierdie Proklamasie geregtig is, gereken vanaf die dag waarop hy die eed in artikel 15 van Bylae II van die Grondwetproklamasie bedoel, afgelê en onderteken het.

Chief Executive Councillor may approve the payment to such member of an amount not exceeding the amount of such actual subsistence expenses.

Deductions on account of absence

5. In respect of every day during which any member of the Legislative Assembly (other than a member of the Executive Council, the Speaker or Deputy Speaker) fails to attend a sitting of the Legislative Assembly, there shall be deducted the sum of R10 from the amount payable to him under the provisions of this Proclamation: Provided that such member shall be exempted from deductions on account of such failure—

(a) in respect of any day on which he attends as a member of any committee of the Legislative Assembly, a meeting of that committee;

(b) when his absence is due to his illness or to the summons or subpoena of a competent court (except a summons to answer a criminal charge upon which he is convicted);

(c) when his absence is due to the death or serious illness of his spouse or any person with whom he has contracted a customary union or his child or parent and such absence is condoned by the Sessional Committee on Rules of Procedure and Internal Arrangements.

Method of payment of salaries and non-taxable allowances

6. (1) Subject to the deductions incurred, if any, the Director of the Department of Authority Affairs and Finance shall pay to every member of the Legislative Assembly (other than a member of the Executive Council) the salary to which such member is entitled under this Proclamation, in monthly instalments, the first month to be reckoned—

(a) in the case of a member designated under section 2 of Schedule II to the Constitution Proclamation, from the day on which he was so designated;

(b) in the case of a member designated in terms of the provisions of section 7 of Schedule II to the Constitution Proclamation, from the day on which he was so designated;

(c) in the case of the Speaker and Deputy Speaker of the Legislative Assembly, from the date of their election as such.

(2) The Director of the Department of Authority Affairs and Finance shall pay to the Chief Executive Councillor the salary and non-taxable allowance to which he is entitled under this Proclamation, in monthly instalments, to be reckoned from the day on which he made and subscribed to the oath referred to in section 15 of Schedule II to the Constitution Proclamation and the Director of every other department shall pay to the Executive Councillor of the department concerned the salary and non-taxable allowance to which he is entitled under this Proclamation, in monthly instalments, to be reckoned from the day on which he made and subscribed to the oath referred to in section 15 of Schedule II to the Constitution Proclamation.

Salarisse en nie-belasbare toelaes van lede maak vorderings uit teen Inkomstefonds

7. Die bedrag van die salarisse en nie-belasbare toelaes wat kragtens hierdie Proklamasie betaalbaar is, maak 'n jaarlikse vordering teen die Inkomstefonds van KwaNdebele uit en die bepalings van hierdie artikel word geag 'n bewilliging van elke sodanige bedrag te wees.

Benoeming van gevolmagtigde deur kaptein

8. 'n Kaptein wat tot Hoof- Uitvoerende Raadslid verkies word of wat as Uitvoerende Raadslid aangestel word, kan 'n gevolmagtigde benoem om hom behulpzaam te wees met die verrigting van ampspligte verbonde aan sy kapteinskap, en aan sodanige gevolmagtigde word gedurende sy ampstermyn deur die Direkteur van die Departement van Owerheidsake en Finansies 'n toelae van hoogstens R600 per jaar betaal, wat die Uitvoerende Raad bepaal.

Staking van betaling aan lid wat 'n kaptein of hoofman is van sekere toelaes betaalbaar ingevolge Proklamasie 110 van 1957

9. Indien 'n kaptein of hoofman 'n lid van die Wetgewende Vergadering word, word die betaling van enige toelae (behalwe 'n aftredingstoelae) wat ingevolge regulasie 24 of 25, na gelang van die geval, van Proklamasie 110 van 1957 aan hom betaalbaar is, op die datum waarop hy 'n lid van die Wetgewende Vergadering word, gestaak.

DEEL III

Streeksowerhede

Toelae vir bywoning van vergaderings van streeksowerheid of uitvoerende komitee

10. 'n Lid van 'n streeksowerheid word 'n toelae van R5 per dag of gedeelte daarvan betaal ten opsigte van werklike bywoning van vergaderings van die streeksowerheid of sy uitvoerende komitee: Met dien verstande dat in die geval van 'n lid wat 'n kaptein is, die toelae R7 per dag of gedeelte daarvan is.

Vervoertoelae

11. Wanneer 'n lid van 'n streeksowerheid vergaderings van sodanige streeksowerheid of van sy uitvoerende komitee bywoon of wanneer hy op ander diens van die streeksowerheid reis soos gemagtig deur die streeksowerheid of sy uitvoerende komitee of, waar omstandighede dringend is, deur die streeks- uitvoerende beampte, word aan hom die volgende toelae betaal:

(a) 10c vir elke kilometer of gedeelte daarvan noodsaaklikerwys afgelê met die kortste beskikbare roete van die lid se gewone woonplek af tot by die naaste openbare vervoer, as daar is (met uitsondering van huurmotors) en terug; en

(b) die noodsaaklike uitgawes aan sodanige openbare vervoer aangegaan:

Met dien verstande dat waar sodanige openbare vervoer nie beskikbaar is nie, die lid betaal kan word teen die tarief van 10c vir elke kilometer of gedeelte daarvan van die gesamentlike reis met die kortste beskikbare roete van die lid se gewone woonplek af na sy bestemming en terug na genoemde woonplek.

Verblyftoelae

12. (1) Wanneer 'n lid van 'n streeksowerheid op ander diens van die streeksowerheid reis, soos gemagtig deur die streeksowerheid of die uitvoerende komitee of,

Salaries and non-taxable allowances of members chargeable to Revenue Fund

7. The amount of the salaries and non-taxable allowances payable under this Proclamation shall be charged annually to the Revenue Fund of KwaNdebele and the provisions of this section shall be deemed to be an appropriation of every such amount.

Nomination of deputy by Chief

8. A Chief who is elected Chief Executive Councillor or is appointed Executive Councillor may nominate a deputy to assist him in the performance of the official duties attached to his chieftainship, and such deputy shall, during the period of his office, be paid by the Director of the Department of Authority Affairs and Finance an allowance not exceeding R600 per annum, to be determined by the Executive Council.

Cessation of payment to member who is a Chief or headman of certain allowances payable in terms of Proclamation 110 of 1957

9. If a Chief or headman becomes a member of the Legislative Assembly, the payment of any allowance (other than a retiring allowance) which is payable to him in terms of regulation 24 or 25, as the case may be, of Proclamation 110 of 1957, shall cease from the date on which he becomes a member of the Legislative Assembly.

PART III

Regional authorities

Allowance for attendance at meetings of regional authority or executive committee

10. A member of a regional authority shall be paid an allowance of R5 per day or part thereof for actual attendance at meetings of the regional authority or its executive committee: Provided that in the case of a member who is a Chief, the allowance shall be R7 per day or part thereof.

Transport allowance

11. A member of a regional authority shall be paid when attending meetings of such regional authority or of its executive committee or when proceeding on regional authority duty as authorised by the regional authority or its executive committee or, when circumstances are urgent, by the regional executive officer—

(a) 10c for each kilometre or part thereof necessarily travelled by the shortest available route from the member's usual place of residence to the nearest public transport, if any (excluding taxis) and back; and

(b) the necessary expenditure incurred on such public transport:

Provided that where such public transport is not available, the member may be paid at the rate of 10c for each kilometre or part thereof for the combined journey by the shortest available route from the member's usual place of residence to his destination and back to the said place of residence.

Subsistence allowance

12. (1) A member of a regional authority shall be paid, when proceeding on other regional authority duty as authorised by the regional authority or the executive

waar die omstandighede dringend is, deur die streeks-uitvoerende beampte, word R5 per dag van 24 uur aan hom betaal vir die tydperk waarin die lid noodsaaklikerwys van sy gewone woonplek op sodanige diens afwesig is: Met dien verstande dat vir elke volle uur van afwesigheid langer as 24 uur of 'n veelvoud van 24 uur aan 'n lid een vier-en-twintigste van die voorgeskrewe daaglikse tarief betaal kan word: Met dien verstande voorts dat vir afwesigheid van minder as 24 uur redelike werklike persoonlike uitgawes van hoogstens R5 betaal kan word.

(2) Indien die werklike verblyfkoste van 'n lid die tarief in subartikel (1) vasgestel, oorskry, kan die Direkteur van Owerheidsake en Finansies die betaling aan sodanige lid van 'n bedrag van hoogstens die bedrag van sodanige werklike verblyfkoste goedkeur.

DEEL IV

Kort titel en inwerkingtreding

13. Hierdie Proklamasie heet die Proklamasie op die Betaling van Salarisse en Toelaes aan Lede van die KwaNdebele- Wetgewende Vergadering en Toelaes aan Lede van Streeksowerhede in KwaNdebele, 1979, en tree in werking op 1 Oktober 1979.

No. R. 208, 1979

FINANSIËLE REGULASIES VIR DIE REGERING VAN KWANDEBELE

Kragtens die bevoegdheid my verleen by artikel 24 (1) van die Grondwet van die Swart State, 1971 (Wet 21 van 1971)—

(a) vaardig ek hierby, met ingang van 1 Oktober 1979, die regulasies vervat in die Bylae hiervan uit met betrekking tot die finansiële administrasie van die sake van die Regering van KwaNdebele; en

(b) herroep ek hierby, met ingang van 1 Oktober 1979, Proklamasie R. 254 van 1977 vir sover dit betrekking het op die Ndebele-gebiedsowerheid.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Sewende dag van September Eenduisend Nege-honderd Nege-en-sewentig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

P. G. J. KOORNHOF.

BYLAE

FINANSIËLE REGULASIES VIR DIE REGERING VAN KWANDEBELE

Woordomskeywing

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

“bank” die bank wat op die betrokke tydstop die bank van die Regering is;

“boekjaar” die tydperk vanaf 1 April in enige jaar tot 31 Maart van die daaropvolgende jaar;

“departement” 'n departement ingestel kragtens artikel 5 (2) van die Wet;

“die Wet” die Grondwet van die Swart State, 1971 (Wet 21 van 1971);

“Direkteur” die administratiewe hoof van 'n departement;

“Inkomstefonds” die Inkomstefonds van KwaNdebele ingestel by artikel 6 (1) van die Wet;

committee, or when circumstances are urgent, by the regional executive officer, R5 per day of 24 hours for the period during which the member was necessarily absent from his usual place of residence on such duty: Provided that for each complete hour of absence in excess of 24 hours or a multiple of 24 hours, a member may be paid one twenty-fourth of the prescribed daily rate: Provided further that for an absence of less than 24 hours reasonable actual personal expenses not exceeding an amount of R5 may be paid.

(2) If the actual subsistence expenses of a member exceed the tariff fixed in subsection (1), the Director of Authority Affairs and Finance may approve the payment to such member of an amount not exceeding the amount of such actual subsistence expenses.

PART IV

Short title and commencement

13. This Proclamation shall be called the Payment of Salaries and Allowances to Members of the KwaNdebele Legislative Assembly and Allowances to Members of Regional Authorities in KwaNdebele Proclamation, 1979, and shall come into operation on 1 October 1979.

No. R. 208, 1979

FINANCIAL REGULATIONS FOR THE GOVERNMENT OF KWANDEBELE

Under and by virtue of the powers vested in me by section 24 (1) of the Black States Constitution Act, 1971 (Act 21 of 1971)—

(a) I hereby make the regulations contained in the Schedule hereto, with effect from 1 October 1979, in respect of the financial administration of the affairs of the Government of KwaNdebele; and

(b) I hereby repeal, with effect from 1 October 1979, Proclamation R. 254 of 1977, in so far as it relates to the Ndebele Territorial Authority.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Seventh day of September, One thousand Nine hundred and Seventy-nine.

M. VILJOEN, State President.

By Order of the State President-in-Council:

P. G. J. KOORNHOF.

SCHEDULE

FINANCIAL REGULATIONS FOR THE GOVERNMENT OF KWANDEBELE

Definitions

1. In these regulations, unless the context otherwise indicates—

“accounting officer” means a person lawfully charged with the duty of accounting for any service provided for in an appropriation act, or any person to whom issues are made from the Exchequer Account;

“bank” means the bank which is for the time being the bank of the Government;

“department” means a department established under section 5 (2) of the Act;

“Director” means the administrative head of a department;

“Exchequer Account” means the Exchequer Account referred to in regulation 3 (1);

"KwaNdebele" die gebied waarvoor die KwaNdebele- Wetgewende Vergadering ingestel is;

"Regering" die Regering van KwaNdebele;

"Regeringsgeld"—

(a) alle inkomste wat deur die Regering gehef word of wat aan hom toeval; en

(b) alle ander geld hoegenaamd wat deur 'n rekenpligtige beampte vir of op rekening van die Regering ontvang is of gehou word;

"rekenpligtige beampte" 'n persoon wetlik belas met die verantwoording van 'n diens waarvoor daar in 'n begrotingswet voorsiening gemaak word, of enige persoon aan wie uitbetalings uit die Skatkisrekening gedoen word;

"Skatkisrekening" die Skatkisrekening bedoel in regulasie 3 (1);

"Tesourie"—

(a) behoudens die bepalings van paragraaf (b), die Sekretaris van Samewerking en Ontwikkeling en ook enige adjunk- en ondersekretaris of beheer administratiewe beampte of enige beampte van gelyke of hoër rang as dié van beheer administratiewe beampte in die Departement van Samewerking en Ontwikkeling, wat deur bedoelde Sekretaris aangewys is of, ten opsigte van daardie aangeleenthede wat deur bedoelde Sekretaris aangewys is, of, ten opsigte van daardie aangeleenthede wat deur bedoelde Sekretaris bepaal word, die Direkteur van Owerheidsake en Finansies, die Departementele Rekenmeester of 'n ander beampte in die Departement van Owerheidsake en Finansies;

(b) vanaf 'n datum deur die Minister van Samewerking en Ontwikkeling in oorleg met die Uitvoerende Raad bepaal, die kantoor of afdeling van die Departement van Owerheidsake en Finansies wat belas is met die koördinering van die finansiële administrasie en die handhawing van finansiële reëlmatigheid en orde in die sake van die Regering;

"Uitvoerende Raad" die Uitvoerende Raad bedoel in artikel 11 van Bylae II van die KwaNdebele-Grondwetproklamasie, 1979.

Toepassing van regulasies en instruksies uitgereik kragtens Wet 66 van 1975

2. (1) Die Finansiële Regulasies, Tesourie-instruksies en Voorskrifte uitgereik kragtens artikels 38, 39, 40 en 51 van die Skatkis- en Ouditwet, 1975 (Wet 66 van 1975), is *mutatis mutandis* van toepassing op die administrasie van en beheer oor die Inkomstefonds vir sover dit toegepas kan word en nie met die Wet en hierdie regulasies onbestaanbaar is nie.

(2) By die toepassing van bedoelde Regulasies, Instruksies en Voorskrifte—

(a) word 'n verwysing na die Parlement geag 'n verwysing te wees na die KwaNdebele- Wetgewende Vergadering;

(b) word 'n verwysing na 'n Minister geag 'n verwysing te wees na die betrokke lid van die Uitvoerende Raad;

(c) word 'n verwysing na die Sekretaris van 'n departement of 'n ander persoon of liggaam geag 'n verwysing te wees na die persoon of liggaam wat soortgelyke bevoegdhede, gesag en werksaamhede in KwaNdebele uitoefen;

(d) word 'n verwysing na artikels 3, 9 en 14 van die Skatkis- en Ouditwet, 1975 (Wet 66 van 1975), geag 'n verwysing te wees na onderskeidelik regulasies 3, 4 en 8 hiervan; en

"Executive Council" means the Executive Council referred to in section 11 of Schedule II to the KwaNdebele Constitution Proclamation, 1979;

"financial year" means the period from 1 April in any year to 31 March of the next ensuing year;

"Government moneys" means—

(a) all revenues raised by or accruing to the Government; and

(b) all other moneys whatsoever received or held by an accounting officer for, or for the account of, the Government;

"KwaNdebele" means the area for which the KwaNdebele Legislative Assembly has been established;

"Government" means the Government of KwaNdebele;

"Revenue Fund" means the Revenue Fund of KwaNdebele established by section 6 (1) of the Act;

"the Act" means the Black States Constitution Act, 1971 (Act 21 of 1971);

"Treasury" means—

(a) subject to the provisions of paragraph (b), the Secretary for Co-operation and Development and includes any deputy secretary and under-secretary or control administrative officer or any officer of a rank equivalent to or higher than the rank of control administrative officer in the Department of Co-operation and Development designated by the said Secretary or, in respect of such matters as may be determined by the said Secretary, the Director of Authority Affairs and Finance, the Departmental Accountant or any other officer in the Department of Authority Affairs and Finance;

(b) as from a date determined by the Minister of Co-operation and Development in consultation with the Executive Council, the office or division of the Department of Authority Affairs and Finance charged with the co-ordination of financial administration and the maintenance of financial regularity and order in the affairs of the Government.

Application of regulations and instructions issued under Act 66 of 1975

2. (1) The Financial Regulations, Treasury Instructions and Instructions issued under sections 38, 39, 40 and 51 of the Exchequer and Audit Act, 1975 (Act 66 of 1975), shall apply *mutatis mutandis* to the administration and control of the Revenue Fund in so far as they can be applied and are not inconsistent with the Act and these regulations.

(2) In the application of the said Regulations and Instructions—

(a) any reference to Parliament shall be deemed to be a reference to the KwaNdebele Legislative Assembly;

(b) any reference to a Minister shall be deemed to be a reference to the relative member of the Executive Council;

(c) any reference to the Secretary of a department or any other person or body shall be deemed to be a reference to the person or body exercising similar powers, authority and functions in KwaNdebele;

(d) any reference to sections 3, 9 and 14 of the Exchequer and Audit Act, 1975 (Act 66 of 1975), shall be deemed to be a reference to regulations 3, 4 and 8 hereof, respectively; and

(e) word 'n verwysing na artikel 7 van genoemde Skatkis- en Ouditwet, 1975, geag 'n verwysing te wees na die ooreenstemmende bepaling van 'n wet gemaak deur die KwaNdebele- Wetgewende Vergadering met betrekking tot die onttrekking van gelde uit die Inkomstefonds.

Skatkisrekening

3. (1) Daar word by die bank 'n rekening gehou wat bekend staan as die "Skatkisrekening van die KwaNdebele-Regering", waarin alle inkomste wat aan die Inkomstefonds toeval, en ook alle ander inkomste uit watter bron ook al, wat daarop betrekking het, gestort word, en waaruit alle gelde betaalbaar aan rekenpligtige beamptes getrek word.

(2) Ten einde die openbare saldo's te bespaar, moet die Tesourie die bedrae wat van tyd tot tyd uitbetaal of oorgeplaas word in die krediet van die rekenings van rekenpligtige beamptes tot die totale bedrae beperk wat die Tesourie nodig ag vir die betaling van die lopende uitgawes aan die openbare dienste waarvoor die rekenpligtige beamptes verantwoordelik is.

(3) Elke rekenpligtige beampte beskou die bedrae wat aldus op sy rekening oorgeplaas word, as deel van sy algemene treksaldo en sodanige bedrae word in die boeke van die rekenpligtige beampte in die krediet gehou van die dienste waarvoor sodanige bedrae uitbetaal kan word soos in subregulasie (2) bepaal: Met dien verstande dat 'n rekenpligtige beampte nie betaling mag doen van uitgawes wat nie kragtens die Wet of 'n begrotingswet of 'n ander wetsbepaling ingevolge waarvan dienste ten laste van die Inkomstefonds kom, gemagtig word nie.

(4) (a) Ondanks andersluidende wetsbepalings word die bewilliging by 'n begrotingswet van gelde vir enige diens of die magtiging verleen by 'n spesiale volmag kragtens 'n wet gemaak deur die KwaNdebele- Wetgewende Vergadering met betrekking tot die onttrekking van gelde uit die Inkomstefonds, vir die uitkering van gelde vir enige doel, uitgelê as sou dit bloot die maksimum bedrag wat vir die betrokke diens of doel aangewend mag word, spesifiseer, en het die Tesourie die bevoegdheid om die betalings uit gelde wat aldus bewillig is of gemagtig is om uitgekeer te word, te beperk tot die bedrae wat die Tesourie nodig ag vir die betaling van die lopende uitgawes ten opsigte van sodanige dienste of doel of om die betalings uit gelde wat aldus bewillig is of gemagtig is om uitgekeer te word, terug te hou of op te skort indien, na die mening van die Tesourie, die finansiële toestand sodanige terughouding of opskorting wenslik maak.

(b) Indien, uit hoofde van die bepalinge van paragraaf (a), bedrae vir 'n diens betaal word wat gesamentlik minder is as die bedrag wat vir sodanige diens by 'n begrotingswet bewillig is, word die som van die bedrae aldus betaal, behoudens die bepalinge van paragraaf (c), vir alle doeleindes geag die bedrag te wees wat by sodanige wet bewillig is.

(c) Waar die som van die bedrae aldus vir 'n diens betaal minder is as die bedrag aldus vir sodanige diens bewillig, word die verskil tussen sodanige som en sodanige bedrag vir die toepassing van die betrokke begrotingswet as 'n besparing ten opsigte van sodanige diens beskou en kan daar ooreenkomstig die bepalinge van sodanige wet daarmee gehandel word.

(e) any reference to section 7 of the said Exchequer and Audit Act, 1975, shall be deemed to be a reference to the corresponding provision of an Act made by the KwaNdebele Legislative Assembly relating to the withdrawal of moneys from the Revenue Fund.

Exchequer Account

3. (1) There shall be kept with the bank an account to be known as the "Exchequer Account of the KwaNdebele Government" into which shall be paid all revenue accruing to the Revenue Fund and also all other revenue from whatever source, relating thereto, and from which all moneys payable to accounting officers shall be withdrawn.

(2) With a view to conserving the public balances the Treasury shall restrict the sums to be issued or transferred from time to time to the credit of the accounts of accounting officers to such total sums as the Treasury may consider necessary for the payment of current expenditure on the public services for which the accounting officers are responsible.

(3) Each accounting officer shall regard the sums so transferred to his account as constituting part of his general drawing balance and all such sums shall be carried in the books of the accounting officer to the credit of the services for which such sums may be issued as determined in subregulation (2): Provided that an accounting officer shall not make payment of expenditure which is not authorised under the Act or by any appropriation act or by any other law in terms of which services are chargeable to the Revenue Fund.

(4) (a) Notwithstanding anything to the contrary in any law contained, the appropriation by an appropriation act of moneys for any service or the authorisation by special warrant granted under any Act made by the KwaNdebele Legislative Assembly relating to the withdrawal of moneys from the Revenue Fund for the issue of moneys for any purpose shall be construed as merely specifying the maximum amount which may be applied to the service or purpose in question, and the Treasury shall have the power to limit the issues out of moneys so appropriated or authorised to be issued to the sums which the Treasury deems necessary for the payment of current expenditure in respect of such services or purpose or to withhold or suspend the issues out of moneys so appropriated or authorised to be issued if, in the opinion of the Treasury, the financial situation renders such withholding or suspension desirable.

(b) If, by virtue of the provisions of paragraph (a), amounts are issued for any service which together amount to less than the amount appropriated for such service by an appropriation act, the sum of the amounts so issued shall, subject to the provisions of paragraph (c), for all purposes be regarded as the amount appropriated by such act.

(c) Where the sum of the amounts so issued for any service is less than the amount so appropriated for such service, the difference between such sum and such amount shall for the purpose of the relevant appropriation act be regarded as a saving in respect of such service and may be dealt with in accordance with the provisions of such act.

Rekening van die Betaalmeester-generaal

4. By die bank word 'n rekening gehou wat bekend staan as die "Rekening van die Betaalmeester-generaal" en alle bedrae wat uit die Skatkisrekening ooreenkomstig regulasie 3 (1) uitbetaal word, word gekrediteer—

(a) deur die bank op die Rekening van die Betaalmeester-generaal; en

(b) deur die Tesourie in sy registers van bedoelde Rekening op die rekenings van die verskillende rekenpligtige beamptes wat vir die betrokke begrotingsposte of dienste verantwoordelik is.

Bewilliging vir die dienste van 'n boekjaar

5. Geen begrotingswet word so uitgelê as sou dit magtiging verleen vir die besteding van die gelde wat daarby bewillig word, in 'n ander boekjaar as dié waarop dit uitdruklik betrekking het nie, en enige gelde aldus bewillig wat aan die einde van 'n boekjaar onbestee is, word in die Skatkisrekening teruggestort.

Rekeningstelsel

6. 'n Stelsel van rekeningboeke en rekenings wat by die vereistes van elke diens aanpas sodat al die ontvangstes en betalings ten opsigte van elke begrotingspos of diens in gerieflike vorm aangedui word, word onder toesig van die Tesourie na oorlegpleging met die Ouditeur-generaal ontwerp, en die Tesourie kan van tyd tot tyd deur middel van diensbrief of voorskrif die wyse voorskryf waarop elke departement sy rekenings moet hou.

Opstel van finansierekenings

7. (1) So gou doenlik nadat die rekenings ten opsigte van 'n boekjaar afgesluit is, maar in elk geval binne ses maande na die afsluiting van die boekjaar, moet die Tesourie state opstel van die Skatkisrekening, die Rekening van die Betaalmeester-generaal en alle ander fondse waarvoor die Tesourie beheer het.

(2) Sodra die state wat in subregulasie (1) voorgeskrif word, opgestel is, word hulle aan die Ouditeur-generaal gestuur.

Opstel van appropriasierekenings

8. So gou doenlik, maar in elk geval binne vyf maande na die afsluiting van 'n boekjaar, word rekenings van die appropriasie van al die dienste wat in die begrotingswet van daardie boekjaar vervat is, deur die rekenpligtige beamptes opgestel en aan die Ouditeur-generaal deurgestuur om nagesien te word. Afskrifte van sodanige rekenings word aan die Tesourie gestuur.

Vorm van appropriasierekenings

9. 'n Rekenpligtige beampte gee in 'n appropriasie-rekening ten opsigte van elke hoofindeling van 'n begrotingspos—

(a) aan die ontvangstekant daarvan die bedrag op wat vir die betrokke boekjaar in die begroting van uitgawes en 'n addisionele begroting van uitgawes verskyn; en

Paymaster-General's Account

4. There shall be kept with the bank an account to be known as the "Paymaster-General's Account" and all amounts issued from the Exchequer Account in accordance with regulation 3 (1) shall be credited—

(a) by the bank to the Paymaster-General's Account; and

(b) by the Treasury in its records of the said Account to the accounts of the several accounting officers responsible for the votes or services affected.

Appropriation for the services of a financial year

5. No appropriation act shall be construed as authorising moneys appropriated thereby to be expended in any financial year other than the financial year to which it expressly relates, and any moneys so appropriated which may be unexpended at the close of any financial year shall be redeposited in the Exchequer Account.

System of accounts

6. A system of account books and accounts adapted to the requirements of each service, in order to show in a convenient form all the receipts and payments in respect of each vote or service, shall be designed under the superintendence of the Treasury, after consultation with the Auditor-General, and the Treasury may, from time to time by minute or instruction, prescribe the manner in which each department shall keep its accounts.

Preparation of finance accounts

7. (1) As soon as possible after the accounts have been closed in respect of any financial year, but in any case within six months of the close of a financial year, the Treasury shall prepare statements of the Exchequer Account, the Paymaster-General's Account and all other funds of which the Treasury has charge.

(2) The statements prescribed in subregulation (1) shall, as soon as they have been prepared, be transmitted to the Auditor-General.

Preparation of appropriation accounts

8. As soon as possible, but in any case within five months of the close of any financial year, accounts of the appropriation of all the services contained in the Appropriation Act for that financial year shall be prepared by the accounting officers and shall be transmitted to the Auditor-General for examination. Copies of such accounts shall be sent to the Treasury.

Form of appropriation accounts

9. In an appropriation account an accounting officer shall in respect of each main division of a vote specify—

(a) on the receipts side thereof the amount appearing in the estimates of expenditure and additional estimates of expenditure for the financial year in question; and

(b) aan die uitgewekant daarvan die bedrag op wat gedurende dieselfde tydperk werklik bestee is: Met dien verstande dat die bedrag van 'n voorskot deur 'n rekenpligtige beampte om verwagte uitgawes te bestry wat nie deur aanvaarbare bewyse van uitgawe gestaaf word nie, nie aan die uitgewekant ingesluit word nie.

State moet saam met appropriasierekening gaan

10. (1) Elke appropriasierekening wat by die Ouditeur-generaal ingedien word, moet vergesel gaan van—

(a) verduidelikings van die oorsake van 'n verskil, wat 2 persent te bowe gaan, tussen uitgawes en die bedrag beoog in regulasie 9 (a);

(b) 'n aanduiding van die bedrag van enige surplus wat teruggestort moet word of van enige tekort; en

(c) 'n verklaring dat die bedrag van die surplus, as daar was, van die voorgaande boekjaar teruggestort is.

(2) Appropriasierekenings en besonderhede ingevolge hierdie regulasie verstrek, word deur die rekenpligtige beampte onderteken.

Magting vir opening van bankrekening

11. 'n Rekening ten opsigte van Regeringsgeld, uitgesonderd die rekenings bedoel in regulasies 3 (1) en 4, word slegs met die skriftelike magting van die Tesourie by die bank geopen, en waar 'n rekening aldus geopen is, laat die bank nie 'n oortrekking op so 'n rekening toe nie.

Verhaal van verliese en skade

12. Die bepalinge van die Skatkis- en Ouditwet, 1975, is *mutatis mutandis* van toepassing met betrekking tot die verhaal van verliese en skade deur die Regering gely.

Afwyking van hierdie regulasies

13. 'n Afwyking van hierdie regulasies word toegelaat slegs met die voorafverkreë goedkeuring van die Tesourie, wat sodanige goedkeuring kan verleen na oorlegpleging met die Ouditeur-generaal.

(b) on the expenditure side thereof the amount actually expended during the same period: Provided that the amount of any advance by an accounting officer to defray expected expenditure which is not supported by acceptable expenditure vouchers shall not be included on the expenditure side.

Statements to accompany appropriation account

10. (1) Each appropriation account rendered to the Auditor-General shall be accompanied by—

(a) explanations of the causes of variation, in excess of 2 per cent, between expenditure and the amount contemplated in regulation 9 (a);

(b) an indication of the amount of any surplus to be surrendered or of any deficit; and

(c) a statement to the effect that the preceding financial year's surplus, if any, has been redeposited.

(2) Appropriation accounts and particulars furnished in terms of this regulation shall be signed by the accounting officer.

Authority for opening of banking account

11. An account in respect of Government moneys, other than the accounts referred to in regulations 3 (1) and 4, shall only be opened at the bank on the written authority of the Treasury, and where an account has been so opened the bank shall not allow such an account to be overdrawn.

Recovery of losses and damages

12. The provisions of the Exchequer and Audit Act, 1975, shall *mutatis mutandis* apply to the recovery of losses and damages suffered by the Government.

Departure from these regulations

13. A departure from these regulations shall be permitted only with the prior approval of the Treasury, which may grant such approval after consultation with the Auditor-General.

No. R. 209, 1979

REGLEMENT VAN ORDE.—KWANDEBELE-WETGEWENDE VERGADERING

Nademaal dit raadsaam geag word om 'n reglement van orde af te kondig vir die reëling en die voer van die verrigtinge van die KwaNdebele- Wetgewende Vergadering en die afhandeling van sy werksaamhede;

So is dit dat ek kragtens die bevoegdheid my verleen by artikel 24 van die Grondwet van die Swart State, 1971 (Wet 21 van 1971), hierby die reëls in die Bylae hiervan vervat, met ingang van 1 Oktober 1979 uitvaardig.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Sewende dag van September Eenduisend Negehoenderd Nege-ensewentig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

P. G. J. KOORNHOF.

No. R. 209, 1979

RULES OF PROCEDURE.—KWANDEBELE LEGISLATIVE ASSEMBLY

Whereas it is considered expedient to promulgate rules of procedure for the regulation and conduct of the proceedings of the KwaNdebele Legislative Assembly and the dispatch of its business;

Now, therefore, under and by virtue of the powers vested in me by section 24 of the Black States Constitution Act, 1971 (Act 21 of 1971), I hereby, with effect from 1 October 1979, make the rules contained in the Schedule hereto.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Seventh day of September, One thousand Nine hundred and Seventy-nine.

M. VILJOEN, State President.

By Order of the State President-in-Council:

P. G. J. KOORNHOF.

BYLAE

REGLEMENT VAN ORDE.—KWANDEBELE- WETGE-
WENDE VERGADERING

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DEEL I

VERRIGTINGE BY EERSTE SESSIE VAN NUWE
WETGEWENDE VERGADERING

AFLÊ VAN EED

Lede vergader om eed af te lê

1. Die lede van die Wetgewende Vergadering vergader by die regeringsetel of sodanige ander plek as wat die Wetgewende Vergadering goedkeur, minstens een dag voor die datum vasgestel vir die opening van die eerste sessie van 'n nuwe Wetgewende Vergadering ten einde lede in staat te stel om die eed af te lê en met die doel om 'n Hoof- Uitvoerende Raadslid, 'n Speaker en 'n Adjunk-speaker te verkies.

Sekretaris moet presensielys opmaak

2. Die Sekretaris lees, nadat hy die lede van die doel van die vergadering verwittig het, die name van al die lede uit, en al die lede daar teenwoordig, antwoord op hulle name.

Aflê van eed voor Kommissaris-generaal of persoon deur Minister aangewys

3. Die Kommissaris-generaal of persoon deur die Minister aangewys, moet dan van die lede daar teenwoordig die eed voorgeskryf by artikel 10 (1) van die KwaNdebele-grondwetproklamasie, 1979, afneem.

Daaropvolgende aflê van eed: Prosedure

4. 'n Lid wat sitting neem op 'n latere dag as die dag bedoel in reël 1, of as die openingsdag van enige sessie, word deur twee lede, nadat sy naam uitgelees is, na die Tafel gebring, en sy eed word deur die Speaker afgeneem.

Speaker neem eed in sekere gevalle af

5. Behoudens soos andersins in die KwaNdebele-grondwetproklamasie, 1979 of hierdie Reglement bepaal, neem die Speaker, wanneer ook al nodig, die eed onmiddellik na gebed af.

SCHEDULE

RULES OF PROCEDURE.—KWANDEBELE LEGISLATIVE
ASSEMBLY

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PART I

PROCEEDINGS AT FIRST SESSION OF NEW
LEGISLATIVE ASSEMBLY

TAKING OF OATH

Members to meet to take oath

1. The members of the Legislative Assembly shall meet at the seat of government or such other place as the Legislative Assembly may approve, at least one day before the date fixed for the opening of the first session of a new Legislative Assembly, to enable members to take the oath and for the purpose of electing a Chief Executive Councillor, a Speaker and a Deputy Speaker.

Roll call to be taken by Secretary

2. The Secretary, having informed members of the purpose of the meeting, shall read out the names of all members and the members there present shall answer to their names.

Taking of oath before Commissioner-General or person designated by Minister

3. The Commissioner-General or person designated by the Minister shall then take from the members there present the oath prescribed by section 10 (1) of the KwaNdebele Constitution Proclamation, 1979.

Subsequent taking of oath: Procedure

4. In the case of a member taking his seat subsequent to the day referred to in rule 1 or to the opening day of any session, he shall be brought to the Table by two members after his name has been read out, and the oath shall be administered to him by the Speaker.

Speaker to administer oath in certain cases

5. Save as otherwise provided in the KwaNdebele Constitution Proclamation, 1979, or these Rules, the Speaker shall, whenever necessary, administer the oath immediately after prayers.

VERKIESING VAN HOOF- UITVOERENDE RAADSLID

Verkiesing van Hoof- Uitvoerende Raadslid

6. Op die vergadering in reël 1 bedoel, nadat die lede die eed afgelê en onderskryf het, en op enige ander tyd wanneer dit nodig is om 'n Hoof- Uitvoerende Raadslid ingevolge artikel 12 van die KwaNdebele-Grondwetproklamasie, 1979, te verkies, kondig die Sekretaris aan die Wetgewende Vergadering die nodigheid van die verkiesing aan en versoek hy die Wetgewende Vergadering om dadelik tot die verkiesing oor te gaan of besluit die Wetgewende Vergadering op 'n dag so gou moontlik daarna wat gerieflik is vir die verkiesing, maar voor die datum bepaal vir die amptelike opening van die Wetgewende Vergadering.

Prosedure vir verkiesing van Hoof- Uitvoerende Raadslid

7. (1) 'n Lid wat vooraf vasgestel het dat die lid wat voorgestel staan te word, gewillig is om te dien indien verkose, kan enige sodanige lid van die Wetgewende Vergadering wat dan teenwoordig is, voorstel as Hoof- Uitvoerende Raadslid. Sodanige voorstel vereis sekondering en moet onderteken wees deur die voorsteller, die sekondant en ook die genomineerde persoon.

(2) Geen debat word toegelaat nie, uitgesonderd die formele voorstelling van die kandidaat(date) aan die Wetgewende Vergadering.

(3) Daar is geen beperking op die getal kandidate wat ingevolge die voorgaande paragraaf voorgestel en gesekeunde kan word nie, maar geen lid wat reeds 'n kandidaat voorgestel of gesekeunde het, mag 'n ander kandidaat voorstel of sekondeer nie en geen lid mag sy eie kandidatuur voorstel of sekondeer nie.

(4) Die name van die behoorlik genomineerde persone moet deur die Sekretaris aangekondig word op die vergadering waartydens die verkiesing gaan plaasvind, en geen debat word by die verkiesing toegelaat nie.

(5) Indien meer as een lid as Hoof- Uitvoerende Raadslid voorgestel word, moet 'n geheime stemming gehou word ooreenkomstig die volgende prosedure, wat by die aanvang aan die lede verduidelik moet word:

(a) Daar is 'n kort verdaging vir die gereedmaak van stembrieffies en daarna moet die Sekretaris aan elke lid teenwoordig 'n stembrieffie met 'n geheime amptelike merk op die keersy daarvan, uitreik.

(b) Elke lid moet daarop die kandidaat vir wie hy wil stem, aandui deur 'n kruis teenoor die naam van sodanige kandidaat te maak.

(c) Die Sekretaris moet dan die name van al die lede uitroep en elke lid kan, wanneer sy naam uitgeroep word, na die Tafel kom en sy stembrieffie in 'n stembus op die Tafel laat val.

(d) Sodra alle lede wat wil stem, gestem het, moet die Sekretaris in teenwoordigheid van die Wetgewende Vergadering die stembrieffies ondersoek met die hulp van die Assistent-sekretaris en die uitslag van die stemming rapporteer.

(e) Die Sekretaris verklaar die kandidaat wat die meerderheid van al die stemme wat uitgebring is, verkry het, as die behoorlik verkose Hoof- Uitvoerende Raadslid.

(f) Indien geen kandidaat 'n meerderheid van al die stemme wat aldus uitgebring is, behaal nie, word die kandidaat wat die minste stemme gekry het, uitgeskakel, en word 'n verdere geheime stemming ten opsigte van die oorblywende kandidate gehou, en hierdie prosedure word herhaal so dikwels as wat nodig is, totdat 'n kandidaat 'n meerderheid verkry van al die stemme wat uitgebring is, en behoorlik verkose verklaar word.

ELECTION OF CHIEF EXECUTIVE COUNCILLOR

Election of Chief Executive Councillor

6. At the meeting referred to in rule 1, members having made and subscribed to the oath, and at any other time when it is necessary to elect a Chief Executive Councillor in terms of section 12 of the KwaNdebele Constitution Proclamation, 1979, the Secretary shall announce to the Legislative Assembly the need for the election and shall call upon the Legislative Assembly to proceed to the election forthwith or the Legislative Assembly shall decide upon a day as soon thereafter as may be convenient for the election but prior to the date set aside for the official opening of the Legislative Assembly.

Procedure for election of Chief Executive Councillor

7. (1) A member, having first ascertained that the member to be proposed is willing to serve if elected, may propose any such member of the Legislative Assembly then present as Chief Executive Councillor. Such proposal requires seconding and shall be signed by the proposer, the seconder and also by the person nominated.

(2) No debate shall be allowed other than the formal introduction of the candidate(s) to the Legislative Assembly.

(3) There shall be no limit to the number of candidates who may be proposed and seconded under the preceding paragraph, but no member who has already proposed or seconded a candidate may propose or second another candidate and no member may propose or second his own candidature.

(4) The names of the persons duly nominated shall be announced by the Secretary at the meeting during which the election is to take place, and no debate shall be allowed at the election.

(5) If more than one member is proposed as Chief Executive Councillor, a secret ballot shall be held in accordance with the following procedure, which shall at the outset be explained to the members:

(a) There shall be a brief adjournment for the preparation of ballot papers, after which the Secretary shall hand to each member present a ballot paper having a secret official mark on the reverse side thereof.

(b) Every member shall thereupon signify the candidate for whom he desires to vote by placing a cross opposite the name of such candidate.

(c) The Secretary shall then call the names of all the members and each member may, when his name is called, come to the Table and drop his ballot paper into a ballot box on the Table.

(d) When all members who wish to vote have done so the Secretary shall, in the presence of the Legislative Assembly, examine the ballot papers with the assistance of the Assistant Secretary and report the result of the ballot.

(e) The Secretary shall declare the candidate receiving a majority of all the votes cast to be duly elected Chief Executive Councillor.

(f) If no candidate receives a majority of all the votes so cast, the candidate who received the smallest number of votes shall be eliminated and a further secret ballot taken in respect of the remaining candidates, this procedure being repeated as often as may be necessary until a candidate receives a majority of all the votes cast and is declared duly elected.

(g) Wanneer twee of meer kandidate dieselfde getal stemme behaal het en een van dié kandidate vir die doeleindes van subreël (f) uitgeskakel moet word, bepaal die lede van die Wetgewende Vergadering by afsonderlike stemming, wat indien nodig herhaal word, maar nie meer as drie keer nie, watter van dié kandidate uitgeskakel moet word en indien daar na die derde stemming steeds 'n staking van stemme tussen die betrokke kandidate is, gaan die Sekretaris daartoe oor om deur loting op die wyse deur hom bepaal, te bepaal watter kandidaat uitgeskakel moet word.

(h) 'n Lid mag nie 'n stembriefie wat nie sy eie is nie, in die stembus laat val nie.

(i) 'n Lid wat opdaag na die ander lede se name uitgeroep is, is nie geregtig om te stem nie.

Procedure as slegs een kandidaat voorgestel word

8. Indien slegs een lid as Hoof- Uitvoerende Raads-lid voorgestel en geseondeer word, word hy verkose verklaar.

Aanstelling van ander Uitvoerende Raadslede

9. Die ander lede van die Uitvoerende Raad word deur die Hoof- Uitvoerende Raads-lid uit die lede van die Wetgewende Vergadering aangestel binne 'n tydperk van sewe dae na die datum waarop die Hoof- Uitvoerende Raads-lid ingevolge reël 6 verkies is.

Bevoegdheid van Sekretaris

10. (1) Indien die Sekretaris oortuig is dat 'n stembriefie nie voldoen aan die vereistes van reël 7 nie, kan hy dit verwerp en met die verkiesing voortgaan, of die stembriefie of die hele verkiesing nietig verklaar en beveel dat die verrigtinge vir die geheime stemming of die hele verkiesing van vooraf begin.

(2) Indien die Sekretaris oortuig is dat die bepalings van reëls 7 tot en met 11 in enige ander opsig nie behoorlik uitgevoer is of word nie, kan hy enige bepaalde geheime stemming of die hele verkiesing nietig verklaar en beveel dat die verrigtinge vir die geheime stemming of die hele verkiesing van vooraf begin.

Beskikking oor stembriefies

11. Soos die stembriefies getel word, moet hulle in 'n stembus geplaas word. Wanneer 'n lid tot Hoof- Uitvoerende Raads-lid verkose verklaar is, moet die stembus in teenwoordigheid van die Wetgewende Vergadering verseël word en in die bewaring van die Sekretaris gehou word vir een kalendermaand en dan, tensy die Wetgewende Vergadering anders gelas, moet die Sekretaris die stembriefies vernietig.

VERKIESING VAN SPEAKER EN ADJUNK-SPEAKER

Verkiesing van Speaker

12. Onmiddellik na die verkiesing van die Hoof- Uitvoerende Raads-lid gaan die lede van die Wetgewende Vergadering oor tot die verkiesing van 'n Speaker en die bepalings van reëls 6 tot en met 11 is *mutatis mutandis* van toepassing op die verkiesing van sodanige Speaker.

Erkenning deur Speaker

13. Die lid wat as Speaker verkies is, word na die Stoel begelei deur sy voorsteller en sekondant, neem die Stoel in en gee dan sy waardering te kenne vir die eer hom aangedoen.

(g) Whenever two or more candidates have received the same number of votes, and one of those candidates is required to be eliminated for the purposes of sub-rule (f) the members of the Legislative Assembly shall by separate vote, which may if necessary be repeated, but not more than three times, determine which one of those candidates shall be eliminated and if after the third vote there is still an equality of votes between the candidates concerned, the Secretary shall proceed to determine by lot, in the manner determined by him, which candidate shall be eliminated.

(h) A member shall not drop into the ballot box a ballot paper which is not his own.

(i) A member who arrives after the names of the members have been called shall not be entitled to vote.

Procedure if only one candidate proposed

8. If only one member is proposed and seconded as Chief Executive Councillor he shall be declared elected.

Appointment of other members of the Executive Council

9. The other members of the Executive Council shall be appointed by the Chief Executive Councillor from among the members of the Legislative Assembly within a period of seven days of the date of the election of the Chief Executive Councillor in terms of rule 6.

Powers of Secretary

10. (1) If the Secretary is satisfied that a ballot paper does not comply with the provisions of rule 7 he may reject it and proceed with the election, or declare the ballot paper or the whole election void and order that the proceedings for the secret ballot or the whole election be begun afresh.

(2) If the Secretary is satisfied that the provisions of rules 7 to 11, inclusive, have not been, or are not being carried out properly in any other respect he may declare any particular secret ballot or the whole election void and order that the proceedings for the secret ballot or the whole election be begun afresh.

Disposal of ballot papers

11. As the ballot papers are counted they shall be placed in a ballot box. When a member has been declared elected Chief Executive Councillor the ballot box shall be sealed in the presence of the Legislative Assembly and kept in the custody of the Secretary for one calendar month and then, unless otherwise directed by the Legislative Assembly, the Secretary shall destroy the ballot papers.

ELECTION OF SPEAKER AND DEPUTY SPEAKER

Election of Speaker

12. Immediately after the election of the Chief Executive Councillor the members of the Legislative Assembly shall proceed with the election of a Speaker and the provisions of rules 6 to 11, inclusive, shall apply *mutatis mutandis* to the election of such Speaker.

Acknowledgements by Speaker

13. The member elected Speaker shall be conducted to the Chair by his proposer and seconder, shall take the Chair and shall thereupon express his appreciation for the honour conferred upon him.

Verkiezing van Adjunk-speaker

14. Die Wetgewende Vergadering moet dan onder die leiding van sy eie verkose Speaker 'n Adjunk-speaker verkies en die bepalings van reëls 6 tot en met 11 is *mutatis mutandis* van toepassing op die verkiesing van sodanige Adjunk-speaker.

Kommissaris-generaal moet in kennis gestel word

15. Die Sekretaris moet so spoedig moontlik na die verkiesing van 'n Speaker en Adjunk-speaker die Kommissaris-generaal per brief verwittig van die name van die lede aldus verkies.

Aanvulling van vakatures van Speaker of Adjunk-speaker

16. Enige vakature wat ontstaan in die amp van Speaker of Adjunk-speaker, moet deur die Sekretaris, die Speaker of die Adjunk-speaker, na gelang van die geval, aan die Wetgewende Vergadering gerapporteer word op sy volgende sitting en die Wetgewende Vergadering moet onverwyld oorgaan tot die verkiesing van 'n nuwe Speaker of Adjunk-speaker en wel op die wyse vroeër hierin bepaal.

Adjunk-speaker sit voor in afwesigheid van Speaker

17. Indien die Sekretaris die Wetgewende Vergadering in kennis stel van die afwesigheid van die Speaker, moet die Adjunk-speaker die Stoel gedurende sodanige afwesigheid inneem en hy verrig dieselfde funksies en het dieselfde bevoegdhede as die Speaker.

Reëlings vir die aflos van Speaker en Adjunk-speaker

18. Die Speaker kan in afwesigheid van die Adjunk-speaker, of die Adjunk-speaker kan in afwesigheid van die Speaker, enige lid versoek om die Stoel gedurende 'n sitting tydelik in te neem sonder om die Wetgewende Vergadering formeel te verwittig, en in die tydelike afwesigheid van beide Speaker en Adjunk-speaker moet die Wetgewende Vergadering 'n ander lid ooreenkomstig die vroeër hierin vermelde bepalings verkies om tydelik as Speaker waar te neem gedurende sodanige afwesigheid. Die Sekretaris sit voor vir sodanige verkiesing.

DEEL II

AMPTELIKE OPENING VAN WETGEWENDE VERGADERING

Kennisgewing van byeenroeping van Wetgewende Vergadering moet gelees word

19. Op die dag vasgestel vir die opening van die eerste sessie van 'n nuwe Wetgewende Vergadering, nadat die lede vergader is in die Saal en nadat die presensielys deur die Sekretaris opgemaak is, lei die Speaker op die tyd vasgestel vir die amptelike opening die verrigtinge in die volgende volgorde:

(a) Hy open die byeenkoms met die gebed voorgeskryf in die Aanhangsel hiervan.

(b) Hy versoek die Sekretaris om die kennisgewing wat die Wetgewende Vergadering byeenroep, te lees.

(c) Hy kondig vervolgens die Minister of die persoon wat namens die Minister die openingsrede lewer, aan.

(d) Geen debat word toegelaat oor die openingsrede nie, maar die Speaker kan namens die Wetgewende Vergadering sy dank uitspreek.

Election of a Deputy Speaker

14. The Legislative Assembly under the direction of its own elected Speaker shall then elect a Deputy Speaker and the provisions of rules 6 to 11, inclusive, shall apply *mutatis mutandis* to the election of such Deputy Speaker.

Commissioner-General to be advised

15. The Secretary shall as soon as possible after the election of a Speaker and Deputy Speaker inform the Commissioner-General by letter of the names of the members so elected.

Filling of vacancies for Speaker or Deputy Speaker

16. Any vacancy occurring in the office of Speaker or Deputy Speaker shall be reported by the Secretary, the Speaker or the Deputy Speaker, as the case may be, to the Legislative Assembly at its next sitting, and the Legislative Assembly shall forthwith proceed to the election of a new Speaker or Deputy Speaker in the manner hereinbefore provided.

Deputy Speaker to preside during absence of Speaker

17. Should the Legislative Assembly be informed by the Secretary of the absence of the Speaker, the Deputy Speaker shall take the Chair during such absence and he shall perform the same functions and have the same powers as the Speaker.

Arrangements for relieving Speaker and Deputy Speaker

18. The Speaker may, in the absence of the Deputy Speaker, or the Deputy Speaker may, in the absence of the Speaker, request any member to take the Chair temporarily during a sitting, without any formal communication to the Legislative Assembly, and in the temporary absence of both the Speaker and Deputy Speaker the Legislative Assembly shall elect some other member in the manner hereinbefore provided to act temporarily as Speaker during such absence. The Secretary shall preside for the purpose of such election.

PART II

OFFICIAL OPENING OF LEGISLATIVE ASSEMBLY

Notice summoning Legislative Assembly to be read

19. On the day fixed for the opening of the first session of a new Legislative Assembly, the members having assembled in the Chamber, and the roll call having been taken by the Secretary, the Speaker shall at the time fixed for the official opening, conduct the proceedings in the following order:

(a) He shall open the meeting with prayers, as prescribed in the Annexure hereto.

(b) He shall call upon the Secretary to read the notice summoning the Legislative Assembly.

(c) He shall then announce the Minister or the person who is to deliver the opening speech on behalf of the Minister.

(d) No debate on the opening speech shall be allowed to take place but the Speaker may express his thanks on behalf of the Legislative Assembly.

Prosedure by aankoms en vertrek van Hoof- Uitvoerende Raadslid en Minister of afgevaardigde

20. (1) Die Hoof- Uitvoerende Raadslid moet deur die ander Uitvoerende Raadslede die Saal binnegelei word.

(2) By die binnekoms in of vertrek uit die Saal van die Minister of ander persoon deur hom aangewys om die openingseremonie waar te neem, staan die Speaker en lede op en bly hulle staande op hulle plekke, totdat die Minister of sy afgevaardigde sy sitplek ingeneem of die Saal verlaat het, na gelang van die geval.

Prosedure by sessie van Wetgewende Vergadering wat nie die eerste sessie van 'n nuwe Wetgewende Vergadering is nie

21. Op die eerste sittingsdag van die sessie van die Wetgewende Vergadering wat nie die eerste sessie van 'n nuwe Wetgewende Vergadering is nie, nadat die lede vergader is op die tyd en plek in die kennisgewing bepaal, lei die Speaker die verrigtinge wesenlik in ooreenstemming met die prosedure voorgeskryf by reël 19, paslik gewysig ooreenkomstig die behoeftes van die geleentheid.

DEEL III**HANDHAWING VAN ORDE EN REËLS VAN DEBAT****GEDRAG EN TOESPRAKE VAN LEDE***Speaker moet orde handhaaf*

22. Die orde moet in die Wetgewende Vergadering deur die Speaker gehandhaaf word. Sy beslissing oor 'n punt van orde is nie onderworpe aan appèl nie en mag nie deur die Wetgewende Vergadering hersien word nie, behalwe op 'n substantiewe mosie ingediën ná kennisgewing.

Lede moet sit wanneer Speaker opstaan

23. Wanneer die Speaker gedurende die verrigtinge van die Wetgewende Vergadering of in Komitee van die hele Wetgewende Vergadering opstaan, moet elke lid gaan sit en lede moet stil bly sodat die Speaker ongestoord gehoor kan word.

Lede is gelyk

24. Geen Uitvoerende Raadslid of kaptein of hoogaardigheidsbeksleër wat 'n lid van die Wetgewende Vergadering is, mag voorkeurbehandeling in die Wetgewende Vergadering eis op grond van sy erfregtelike of ander posisie nie en sodanige lede moet 'n voorbeeld stel vir ander lede deur hulle eerbiedigheid en gehoorsaamheid aan die Stoel en by die handhawing van die orde en die waardigheid van die Wetgewende Vergadering en die verrigtinge daarvan.

Lede praat staande

25. Elke lid staan as hy praat en rig sy opmerkings tot die Speaker.

Speaker kies spreker

26. Indien twee of meer lede gelyk opstaan om te praat, kies die Speaker een lid en versoek hom om te praat.

Wanneer 'n lid nie praat nie, moet hy sit

27. 'n Lid wat klaar gepraat het, moet gaan sit en enige ander lid wat wil praat, moet opstaan.

Procedure on arrival and departure of Chief Executive Councillor and Minister or delegate

20. (1) The Chief Executive Councillor shall be escorted into the Chamber by the other Executive Councillors.

(2) Upon the entry into or departure from the Chamber of the Minister or other person designated by him to perform the opening ceremony, the Speaker and members shall rise and remain standing in their places until the minister or his delegate has taken his seat or left the Chamber, as the case may be.

Proceedings at Session of Legislative Assembly not being the First Session of a new Legislative Assembly

21. On the first sitting day of the session of the Legislative Assembly, not being the first session of a new Legislative Assembly, the members having met at the time and place appointed in the notice, the Speaker shall conduct the proceedings substantially in accordance with the procedure prescribed in rule 19, suitably adapted to the needs of the occasion.

PART III**MAINTENANCE OF ORDER AND RULES OF DEBATE****CONDUCT AND SPEECHES OF MEMBERS***Speaker to maintain order*

22. Order shall be maintained in the Legislative Assembly by the Speaker. His decision on a point of order shall not be open to appeal and shall not be reviewed by the Legislative Assembly except on a substantive motion made after notice.

Members to sit down when Speaker rises

23. When the Speaker rises during proceedings in the Legislative Assembly or in Committee of the whole Legislative Assembly every member shall sit down and members shall be silent so that the Speaker may be heard without interruption.

Members to be equal

24. No Executive Councillor or Chief or dignitary, being a member of the Legislative Assembly, may claim preferential treatment in the Legislative Assembly by virtue of his hereditary or other position and such members shall set an example to other members in their respect and obedience to the Chair and in maintaining the order and dignity of the Legislative Assembly and the proceedings thereof.

Members to speak standing

25. A member shall speak standing and shall address his observations to the Speaker.

Speaker to select member who is to speak

26. If two or more members rise at the same time to speak the Speaker shall select one member and call on him to speak.

Members not speaking to be seated

27. When a member has finished speaking he shall resume his seat and any other member wishing to speak shall rise.

Sake waaroor lede kan praat

28. 'n Lid mag die Wetgewende Vergadering toespreek oor die vraag voor die Wetgewende Vergadering of oor amendemente daarop voorgestel, of oor 'n vraag of amendement wat hy self wil voorstel, of oor 'n punt van orde voortspruitende uit die debat, maar nie oor iets anders nie.

Getal kere wat lede mag praat

29. (1) Geen lid mag die Wetgewende Vergadering meer as een maal oor 'n vraag toespreek nie, behalwe by wyse van verduideliking of repliek of in Komitee van die hele Wetgewende Vergadering; sodanige verduideliking word toegelaat slegs ingeval 'n wesentlike deel van 'n lid se toespraak verkeerd aangehaal of misverstaan is, maar hy mag geen nuwe aangeleentheid behandel nie en oor sodanige verduideliking word geen debat toegelaat nie.

(2) Met die vergunning van die Wetgewende Vergadering kan 'n lid sake van 'n persoonlike aard verduidelik hoewel daar geen vraag voor die Wetgewende Vergadering is nie en hy moet hom streng bepaal by die regverdiging van sy eie gedrag.

Beperking van toesprake

30. (1) Behalwe in die geval van 'n Uitvoerende Raadslid en enige lid belas met 'n wetsontwerp, mag geen lid langer as 30 minute oor enige vraag praat nie.

(2) Geen lid mag in enige komitee van die hele Wetgewende Vergadering langer as 10 minute op 'n slag oor enige wetsontwerp of ander aangeleentheid praat nie; ewemin mag hy die komitee vir meer as drie sodanige tydperke na mekaar toespreek.

Reg van indiener van mosie om repliek op debat te lewer

31. Nieteenstaande die bepalings van reëls 28 tot en met 30 moet die indiener van 'n mosie die geleentheid vergun word om repliek te lewer, en sodanige repliek sluit die debat af.

Aanspreekvorm

32. Gedurende verrigtinge in die Wetgewende Vergadering moet lede na mekaar verwys as "die agbare meneer" (naam van lid moet gemeld word), of "die agbare kaptein" (naam van kaptein moet gemeld word).

Lid mag sy toespraak nie voorlees nie

33. 'n Lid mag sy toespraak nie voorlees nie, maar hy kan uittreksels uit boeke of stukke ter staving van sy argumente voorlees, en hy kan sy geheue opfris deur aantekeninge te raadpleeg.

Gedrag van lede tydens sittings

34. Gedurende 'n sitting moet 'n lid—

- (a) die Saal met deorum binnekom of verlaat;
- (b) blootshoof wees terwyl hy in die Saal is en moet hy 'n buiging voor die Stoel maak wanneer hy die Saal binnekom of verlaat, of wanneer hy na of van sy sitplek gaan;
- (c) nie tussen die Stoel en 'n lid aan die woord is, verbygaan nie;
- (d) nie die Speaker by sy naam of enige ander titel as "Meneer die Speaker" aanspreek nie;
- (e) nie onnodig oor die Vloer van die Saal stap nie;
- (f) wanneer hy van een deel van die Saal na 'n ander gaan, in die middel stilstaan en 'n buiging voor die Stoel maak;

Matters on which members may speak

28. A member may address the Legislative Assembly on the question before the Legislative Assembly or upon any amendment proposed thereto, or upon a question or amendment to be proposed by himself, or upon a point of order arising out of debate, but not otherwise.

Number of times members may speak

29. (1) No member shall address the Legislative Assembly more than once on a question, except in explanation or reply or when the whole Legislative Assembly is in Committee, such explanation being allowed only in case a material part of his speech has been misquoted or misunderstood, but he shall not introduce any new matter and no debate shall be allowed on such explanation.

(2) By the indulgence of the Legislative Assembly a member may explain matters of a personal nature although there is no question before the Legislative Assembly, and he shall confine himself strictly to the vindication of his own conduct.

Duration of speeches

30. (1) Except in the case of an Executive Councillor and any member in charge of a bill, no member may exceed 30 minutes in speaking on any question.

(2) No member shall in any Committee of the whole Legislative Assembly speak on any bill or other matter for longer than 10 minutes at any one time, nor address the Committee for more than three such periods consecutively.

Rights of introducer of motion to reply to debate

31. Notwithstanding the provisions of rules 28 to 30 inclusive, a reply shall be allowed to a member who has moved a motion and such reply shall close the debate.

Form of address

32. During proceedings in the Legislative Assembly members shall refer to one another as "the honourable Mister" (stating the member's name) or "the honourable Chief" (stating the Chief's name).

Speeches not to be read

33. A member may not read his speech but he may read extracts from books or papers in support of his arguments and refresh his memory by reference to notes.

Conduct of members during sittings

34. During a sitting a member shall—

- (a) enter or leave the Chamber with decorum;
- (b) be uncovered while in the Chamber and make obeisance to the Chair when entering or leaving the Chamber or passing to or from his place;
- (c) not pass between the Chair and any member addressing the Legislative Assembly;
- (d) not address the Speaker by name or by any title other than "Mister Speaker";
- (e) not cross the Floor of the Chamber unnecessarily;
- (f) when crossing from one side of the Chamber to the other, pause in the centre and bow to the Chair;

(g) nie nuusblaaië, boeke, briewe of ander dokumente lees nie, behalwe sodanige stof daarin as wat regstreeks in verband staan met die aangeleentheid dan in oorweging;

(h) stilbly terwyl 'n ander lid aan die woord is, en hom nie op onbehoorlike wyse in die rede val nie;

(i) wanneer hy deur die Speaker tot orde geroep is, dadelik gaan sit; en

(j) wanneer die Wetgewende Vergadering verdaag, in sy sitplek bly totdat die Speaker die Stoel verlaat het.

Wanneer lede in die rede geval mag word

35. Geen lid mag 'n ander lid wat aan die woord is, in die rede val nie, behalwe—

(a) wanneer hy op 'n punt van orde opstaan, en dan moet die lid wat aan die woord was, gaan sit, en die lid wat hom in die rede val, moet slegs die punt noem waarop hy die aandag wil vestig en dit aan die Speaker voorlê vir sy beslissing; of

(b) om 'n tersaaklike vraag aan die spreker te stel met die toestemming van die Speaker.

Toesprake moet tersake wees

36. 'n Lid moet sy opmerkings oor die onderwerp onder bespreking beperk, en mag geen sake wat nie op daardie onderwerp betrekking het nie, byhaal nie.

Hangende hofsakke geprivilegeerd

37. Geen verwysing na enige saak waaroor 'n beslissing van 'n geregshof hangende is, mag op sodanige wyse gemaak word dat dit volgens die mening van die Speaker daardie saak kan benadeel nie.

Vrae wat reeds beslis is, is buite die orde

38. (1) Dit is buite die orde om te poog om enige spesifieke vraag ten opsigte waarvan die Wetgewende Vergadering tydens enige vorige sessie 'n besluit geneem het, te heroorweeg, behalwe op 'n substantiewe mosie om daardie besluit te herroep, ingedien met die toestemming van die Speaker.

(2) Geen mosie of amendement mag voorgestel word wat in wese dieselfde is as enige mosie wat gedurende die loop van daardie sessie aangeneem of verwerp is nie, maar die ordereëling of beslissing mag by mosie na kennisgewing herroep word.

Beledigende taal buite die orde

39. Dit is buite die orde om aanstootlike en beleedigende taal omtrent lede van die Wetgewende Vergadering te gebruik.

Toeskrywing van onbehoorlike motiewe buite die orde

40. 'n Lid mag nie onbehoorlike motiewe aan 'n ander lid toeskryf nie.

Persoonlike aanvalle buite die orde

41. 'n Lid mag nie 'n persoonlike aanval ten opsigte van enige lid van die Wetgewende Vergadering maak nie.

Aanstootlike uitdrukkings omtrent Wetgewende Vergadering buite die orde

42. 'n Lid mag nie aanstootlike uitdrukkings oor die bestuur of verrigtinge van die Wetgewende Vergadering gebruik nie.

(g) not read newspapers, books, letters or other documents except such matter therein as may be directly connected with the business then under consideration;

(h) while a member is speaking, be silent and not make unseemly interruptions;

(i) when called to order by the Speaker, immediately resume his seat; and

(j) when the Legislative Assembly adjourns, keep his place until the Speaker has left the Chair.

When interruptions may be made

35. A member shall not interrupt the speech of any other member except—

(a) by rising on a point of order, when the member speaking shall resume his seat and the member interrupting shall simply direct attention to the point which he wishes to bring to notice and submit it to the Speaker for decision; or

(b) to put a relevant question to the speaker with the consent of the Speaker.

Speeches to be relevant

36. A member shall restrict his observations to the subject under discussion and shall not introduce matters irrelevant to that subject.

Pending lawsuit privileged

37. Reference shall not be made to a case pending in a court of law in any way which, in the opinion of the Speaker, might prejudice that case.

Questions upon which decision taken to be out of order

38. (1) It shall be out of order to attempt to reconsider a specified question on which the Legislative Assembly has taken a decision during any previous session, except on a substantive motion to rescind that decision, made with the permission of the Speaker.

(2) No motion or amendment shall be proposed which is the same in substance as any motion which during the current session has been resolved in the affirmative or negative, but the order or resolution may be rescinded by motion after notice.

Insulting language out of order

39. It shall be out of order to use offensive and insulting language about members of the Legislative Assembly.

Imputation of improper motives out of order

40. A member shall not impute improper motives to any other member.

Personal charges out of order

41. A member shall not make a personal charge in reference to any member of the Legislative Assembly.

Offensive expressions about Legislative Assembly out of order

42. A member shall not use offensive expressions about the conduct or proceedings of the Legislative Assembly.

Prosedure by beweerde onbehoorlike gedrag

43. Daar mag nie verwys word na die persoonlike gedrag of enige beweerde onbehoorlike motiewe van 'n lid nie, behalwe op 'n substantiewe mosie vir daardie doel ingedien.

Name van Staatspresident of Kommissaris-generaal mag nie gebruik word nie

44. (1) Die naam van die Staatspresident of die Kommissaris-generaal mag nie gebruik word om die Wetgewende Vergadering te beïnvloed nie.

(2) 'n Lid mag nie 'n Minister, die Kommissaris-generaal of enige ander hoogwaardigheidsbekleër wat nie 'n lid van die Wetgewende Vergadering is nie, of enige staatsampenaar of lid van die publiek wat in aangewese plekke teenwoordig mag wees in die Wetgewende Vergadering, gedurende die verrigtinge daarvan openlik aanspreek nie.

Gedrag van Staatspresident en ander mag nie na verwys word nie

45. (1) Daar mag nie op vernederende wyse na die gedrag van die Staatspresident, die Kommissaris-generaal, 'n regter van die Hooggeregshof of ander persone wat regterlike pligte uitvoer, verwys word nie en die gedrag van sodanige persone mag nie in 'n ongunstige lig gestel word nie.

(2) 'n Lid mag nie verraderlike of oproerige taal gebruik of die naam van die Staatspresident oneerbiediglik gebruik nie.

Reëls vir lid wat Wetgewende Vergadering toespreek

46. 'n Lid mag nie—

(a) na enige debat van die lopende sessie oor 'n vraag of wetsontwerp wat op daardie oomblik nie onder bespreking is nie, verwys nie, behalwe met vergunning van die Wetgewende Vergadering ter wille van 'n persoonlike verduideliking;

(b) die bespreking van enige ander vraag wat op die Ordelys voorkom, vooruitloop nie: Met dien verstande dat wanneer die Speaker moet beslis of 'n bespreking buite die orde is weens vooruitloping, hy in ag moet neem of dit waarskynlik is dat die aangeleentheid wat vooruitgeloop word, binne 'n redelike tyd voor die Wetgewende Vergadering gebring sal word;

(c) na die verrigtinge en verslag van 'n gekose komitee verwys alvorens dit aan die Wetgewende Vergadering voorgelê is nie.

Ontoepaslikheid of herhaling

47. Nadat die Speaker die aandag van die Wetgewende Vergadering gevestig het op die gedrag van 'n lid wat volhou om aangeleenthede wat nie ter sake is nie, te bespreek of wat sy eie argumente of dié van 'n ander lid in die debat tot vervelens toe herhaal, kan hy die lid gelas om sy toespraak te staak en sy sitplek in te neem.

Wanordelike gedrag van lid

48. Die Speaker gelas 'n lid wie se gedrag uiters wanordelik is, om onmiddellik die Wetgewende Vergadering vir die res van die sittingsdag te verlaat, en die Ampswag handel ooreenkomstig die bevel wat hy van die Stoel ontvang, om te verseker dat daar aan die bevel voldoen word.

Procedure on alleged improper conducts

43. The personal conduct or any alleged improper motives of a member shall not be referred to except on a substantive motion moved for that purpose.

Names of State President or Commissioner-General not to be used

44. (1) The name of the State President or the Commissioner-General shall not be used to influence the Legislative Assembly.

(2) A member shall not publicly address a Minister, the Commissioner-General or any other dignitary not being a member of the Legislative Assembly or any public servant or member of the public who may be present in the Legislative Assembly during its proceedings in accommodation assigned to him.

Conduct of State President and others not to be referred to

45. (1) The conduct of the State President, the Commissioner-General, a Judge of the Supreme Court or other persons performing judicial functions shall not be referred to or reflected upon in a derogatory manner.

(2) A member shall not use treasonable or seditious words or use the name of the State President irreverently.

Rules for member addressing Legislative Assembly

46. A member shall not—

(a) refer to any debate of the current session upon any question or bill not then under discussion except in order to explain matters of a personal nature, by the indulgence of the Legislative Assembly;

(b) anticipate the discussion of any other question which appears on the Order Paper: Provided that in determining whether a discussion is out of order on the ground of anticipation regard shall be had by the Speaker to the probability of the matter anticipated being brought before the Legislative Assembly within a reasonable time;

(c) refer to the proceedings and report of a select committee before they have been presented to the Legislative Assembly.

Irrelevance or repetition

47. The Speaker, after having called the attention of the Legislative Assembly to the conduct of a member who persists in irrelevance or tedious repetition of his own or other members' arguments in debate, may direct him to discontinue his speech and resume his seat.

Disorderly conduct of member

48. The Speaker shall order a member whose conduct is grossly disorderly to withdraw immediately from the Legislative Assembly for the remainder of that day's sitting, and the Sergeant-at-Arms shall act on orders received by him from the Chair to ensure compliance with this order.

Wanordelike gedrag: Sensuur deur Wetgewende Vergadering

49. (1) 'n Lid wat—

- (a) die gesag van die Stoel verontagsaam;
- (b) aanstootlike woorde of onbetaamlike taal gebruik en dit nie verduidelik of terugtrek of bevredigende verskoning vir die gebruik daarvan vra nie;
- (c) deur die Speaker tot die orde geroep word en weier om te gaan sit;
- (d) versuim om die reëls van die Wetgewende Vergadering na te kom of hulle verontagsaam of misbruik;
- (e) moedswillig die werksaamhede van die Wetgewende Vergadering belemmer;

moet onverwyld deur die Wetgewende Vergadering gesensureer word.

(2) Enige lid teen wie daar deur die Speaker of die Wetgewende Vergadering kragtens die bepalings van hierdie reël en reël 48 opgetree is, moet, bo en behalwe enige straf deur die Wetgewende Vergadering of die Speaker opgelê, vir daardie dag enige toelae aan hom betaalbaar op grond daarvan dat hy lid van die Wetgewende Vergadering is, verbeur.

Speaker se bevoegdhede om Wetgewende Vergadering te verdaag of 'n sitting op te skort

50. Ingeval groot wanordelikheid in die Wetgewende Vergadering ontstaan, kan die Speaker die Wetgewende Vergadering verdaag of enige sitting opskort vir 'n redelike tydperk deur hom bepaal.

DEEL IV

TALE

Tale wat gebruik moet word

51. Toesprake moet in Ndebele, Afrikaans of Engels gelewer word, en toesprake moet uit die een taal in een of meer van die tale hierbo genoem, getolk word indien die Speaker aldus gelas.

DEEL V

BEAMPTES VAN DIE WETGEWENDE VERGADERING.—REKORDS EN STUKKE

Sekretaris van Wetgewende Vergadering

52. Die KwaNdebele-Regering stel, in oorleg met die KwaNdebele-Regeringsdienskommissie, beamptes van die KwaNdebele-Regeringsdiens aan om as Sekretaris en Assistent-sekretaris te dien.

Beheer oor personeel van Wetgewende Vergadering

53. Die Sekretaris en alle klerke, tolke, wagte, bodes of Saalbeamptes wat in diens geneem word in verband met die werksaamhede van die Wetgewende Vergadering, ressorteer gedurende die tydperk van sodannige diens onder die Departement van Owerheidsake en Finansies, en verrig hulle pligte onder die algemene leiding en beheer van die Direkteur van daardie Departement.

Sekretaris se pligte

54. Die Sekretaris is verantwoordelik vir die aantekening van die Notule, en, nadat dit deur die Speaker goedgekeur is, moet dit gedruk en die volgende sittingsdag onder die lede versprei word.

Joernale van Wetgewende Vergadering

55. Die Notule aldus gedruk, maak die joernale van die Wetgewende Vergadering uit.

Disorderly conduct: Censure by Legislative Assembly

49. (1) A member who—

- (a) disregards the authority of the Chair;
- (b) uses objectionable words or unbecoming language and does not explain or retract it or offer any satisfactory apologies for the use thereof;
- (c) having been called to order by the Speaker, refuses to resume his seat;
- (d) disregards, abuses or fails to observe the rules of the Legislative Assembly;
- (e) wilfully obstructs the business of the Legislative Assembly;

shall forthwith be censured by the Legislative Assembly.

(2) Any member against whom action was taken by the Speaker or the Legislative Assembly in terms of the provisions of this rule and rule 48 shall in addition to any penalty imposed by the Legislative Assembly or the Speaker forfeit for that day any allowances payable to him by reason of his being a member of the Legislative Assembly.

Speaker's powers to adjourn Legislative Assembly or suspend sitting

50. In the case of great disorder arising in the Legislative Assembly the Speaker may adjourn the Legislative Assembly or suspend any sitting for a reasonable time to be named by him.

PART IV

LANGUAGES

Languages to be used

51. Speeches shall be delivered in Ndebele, English or Afrikaans and speeches shall be interpreted from one language into one or more of the languages mentioned above if the Speaker so directs.

PART V

OFFICERS OF THE LEGISLATIVE ASSEMBLY.—RECORDS AND PAPERS

Secretary of Legislative Assembly

52. The KwaNdebele Government shall, in consultation with the KwaNdebele Public Service Commission, appoint officers of the KwaNdebele Public Service to act as Secretary and Assistant Secretary.

Control of Legislative Assembly staff

53. The Secretary and all clerks, interpreters, guards, messengers or Chamber officials who may be employed in connection with business of the Legislative Assembly shall for the period of such employment fall under the Department of Authority Affairs and Finance and perform their duties under the general direction and control of the Director of that Department.

Duties of Secretary

54. The Secretary shall be responsible for the noting of Votes and Proceedings, and these, after being passed by the Speaker, shall be printed and distributed to members on the next sitting day.

Journals of Legislative Assembly

55. The Votes and Proceedings so printed shall constitute the journals of the Legislative Assembly.

Sekretaris moet stukke in sy bewaring hê

56. Al die Notules, rekords of ander dokumente wat aan die Wetgewende Vergadering behoort, moet in die bewaring van die Sekretaris wees, en hy mag nie die Wetgewende Vergadering se afskrifte van Notules, rekords of ander dokumente uit die Saal of kantore neem of toelaat dat dit geneem word sonder die uitdruklike verlof of bevel van die Wetgewende Vergadering nie: Met dien verstande dat, ingeval die Wetgewende Vergadering vir 'n tydperk van langer as een week verdaag, sodanige verlof deur die Direkteur van die Departement van Owerheidsake en Finansies gegee kan word, en hierdie aangeleentheid word dan aan die Wetgewende Vergadering op die volgende sitting daarvan gerapporteer.

Regte van lede ten opsigte van stukke

57. Elke lid van die Wetgewende Vergadering is geregtig om alle stukke wat in die Wetgewende Vergadering ter tafel gelê word, te lees of uittreksels daaruit of afskrifte daarvan te maak.

Pligte van Sekretaris in verband met reëling van werksaamhede van Wetgewende Vergadering

58. Die Sekretaris is aan die Speaker verantwoordelik vir die reëling van alle aangeleenthede betreffende die daaglikse werksaamhede van die Wetgewende Vergadering, tensy anders in hierdie Reglement voorgeskryf.

Sekretaris reël vir verslag van toesprake

59. Die Sekretaris reël die voortbrenging van 'n ampelike verslag van alle toesprake wat in die Wetgewende Vergadering en in komitee van die hele Wetgewende Vergadering gelewer is.

Personeel vir gekose komitees

60. Mits die nodige fondse beskikbaar is, is die Sekretaris, handelende in opdrag van die Speaker, verantwoordelik om gekose komitees van die nodige klerklike personeel of stenograwe te voorsien wanneer ook al komitees van die Wetgewende Vergadering verlang om mondelinge getuienis af te neem.

DEEL VI

DAE EN URE VAN SITTINGS EN VERDAGINGS

Sittingsdae

61. Die Wetgewende Vergadering sit net op Maandae, Dinsdae, Woensdae, Donderdae en Vrydae, maar sit nie op 'n openbare vakansiedag nie: Met dien verstande dat die Wetgewende Vergadering, op 'n mosie ingedien deur 'n Uitvoerende Raadslid en aangeneem deur die Wetgewende Vergadering, op enige ander dag in die mosie genoem, behalwe 'n Sondag, kan sit.

Verdagings

62. Elke verdagting van die Wetgewende Vergadering is tot die volgende sittingsdag, tensy die Wetgewende Vergadering op 'n mosie ingedien deur 'n Uitvoerende Raadslid, besluit om te verdaag tot 'n later dag of *sine die*.

Tye van sitting

63. Tensy anders gelas, sit die Wetgewende Vergadering—

(a) op Maandae, Dinsdae, Woensdae en Donderdae vanaf 10h00 tot 17h00; en

Secretary to have custody of papers

56. The Secretary shall have custody of all Votes and Proceedings, records or other documents belonging to the Legislative Assembly, and he shall neither take nor permit the Legislative Assembly's copies of Votes and Proceedings, records or other documents to be taken from the Chamber or offices without the express leave or order of the Legislative Assembly: Provided that in the event of the Legislative Assembly being adjourned for any period longer than one week such leave may be given by the Director of the Department of Authority Affairs and Finance, the matter being reported to the Legislative Assembly at its next sitting.

Rights of members as to papers

57. Every member of the Legislative Assembly shall be entitled to read or make extracts from or copies of all papers laid upon the Table of the Legislative Assembly.

Duties of Secretary regarding regulation of business of Legislative Assembly

58. The Secretary shall be responsible to the Speaker for the regulation of all matters connected with the day-to-day business of the Legislative Assembly unless otherwise provided for in these Rules.

Secretary to arrange for report of speeches

59. The Secretary shall arrange for the production of an official report of all speeches made in the Legislative Assembly and in Committee of the whole Legislative Assembly.

Staff for select committees

60. Subject to the necessary funds being available, the Secretary, acting under the direction of the Speaker, shall be responsible for providing select committees with the necessary clerical staff or stenographers whenever committees of the Legislative Assembly wish to take oral evidence.

PART VI

DAYS AND HOURS OF SITTINGS AND ADJOURNMENTS

Sitting days

61. The Legislative Assembly shall sit on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays only, but shall not sit on a public holiday: Provided that the Legislative Assembly may on a motion moved by an Executive Councillor and adopted by the Legislative Assembly sit on any other day, except Sundays, named in the motion.

Adjournments

62. Every adjournment of the Legislative Assembly shall be till the next sitting day unless the Legislative Assembly has decided on a motion moved by an Executive Councillor to adjourn to a later day or *sine die*.

Times of sitting

63. Unless otherwise ordered, the Legislative Assembly shall sit—

(a) on Mondays, Tuesdays, Wednesdays and Thursdays from 10h00 until 17h00; and

(b) op Vrydae vanaf 10h00 tot 16h00:

Met dien verstande dat die Speaker, volgens sy diskresie en ná beraadslaging met die Uitvoerende Raadslid in beheer van die aangeleentheid onder bespreking, die Wetgewende Vergadering tydelik kan opskort vir maaltye of ander verversings: Met dien verstande voorts dat die Wetgewende Vergadering, ná aanneming van 'n mosie ingedien deur 'n Uitvoerende Raadslid en wat dadelik sonder amendement of debat beslis word, 'n sitting kan verkort of verleng, na gelang van die hoeveelheid werk wat afgehandel moet word of die heersende omstandighede op die tydstip.

DEEL VII

KWORUM

Procedure as daar geen kworum is nie

64. As dit onder die aandag van die Speaker gekom het dat daar nie 'n kworum, soos bepaal by artikel 9 (2) van die KwaNdebele-grondwetproklamasie, 1979, is nie, moet hy opdrag gee dat lede ontbied word deur die klokke te lui, waartydens die verrigtinge van die Wetgewende Vergadering outomaties opgeskort word. Indien hy na twee minute oortuig is dat daar nie 'n kworum is nie, verdaag hy die Wetgewende Vergadering onverwyld tot die volgende sittingsdag.

Geheime stemming ongeldig as dit blyk dat daar geen kworum is nie

65. As dit uit die getal lede wat deelneem aan 'n geheime stemming blyk dat daar nie 'n kworum is nie, is die stemming ongeldig en staan die vraag waarom gestem is, oor tot die volgende sittingsdag, wanneer die prosedure voorgeskryf by reël 64 gevolg word.

DEEL VIII

MOSIES

Definisie van mosie

66. (1) 'n Onafhanklike voorstel wat 'n lid wil indien vir oorweging deur die Wetgewende Vergadering, word 'n mosie genoem.

(2) 'n Ander mosie as—

(a) 'n mosie vir die verdaging van die Wetgewende Vergadering;

(b) 'n mosie vir die verdaging van 'n debat of van die verrigtinge van 'n komitee; en

(c) 'n mosie ingedien in die loop van verrigtinge insake wetsontwerpe uiteengesit in Deel XII van hierdie Reglement;

word 'n substantiewe mosie genoem.

(3) Geen substantiewe mosie is bindend nie maar is slegs 'n aanbeveling, en elke substantiewe mosie wat ingedien staan te word in die Wetgewende Vergadering, word voorafgegaan deur die woorde "Dat volgens die mening van hierdie Wetgewende Vergadering oorweging geskenk word aan die wenslikheid van/om . . .".

(4) Die Wetgewende Vergadering moet die mosies in subreël (3) bedoel, oorweeg en kan sodanige mosies na goedgekeurde goedkeur, wysig of verwerp.

Kennis van indiening van substantiewe mosie

67. Kennisgewings van substantiewe mosies moet aan die Sekretaris van die Wetgewende Vergadering gestuur word sodat dit hom bereik nie later nie as 14 dae voor die datum vasgestel vir die eerste sittingsdag van 'n sessie van die Wetgewende Vergadering.

(b) on Friday from 10h00 until 16h00:

Provided that the Speaker may, in his discretion and after consultation with the Executive Councillor in charge of the matter under discussion, suspend the business of the Legislative Assembly temporarily for meals or other refreshments: Provided further that the Legislative Assembly may on adoption of a motion by an Executive Councillor, which shall be decided immediately without amendment or debate, shorten or prolong the sitting, having regard to the amount of business to be dispatched or to the circumstances prevailing at the time.

PART VII

QUORUM

Procedure when quorum not present

64. If the attention of the Speaker is drawn to the fact that a quorum as provided for in section 9 (2) of the KwaNdebele Constitution Proclamation, 1979, is not present he shall direct that members be summoned by the ringing of the bells, during which period the proceedings of the Legislative Assembly shall be automatically suspended. If after two minutes he is satisfied that a quorum is not present he shall adjourn the Legislative Assembly forthwith until the next sitting day.

Ballot invalid if it appears there is no quorum

65. If from the number of members taking part in a secret ballot it appears that a quorum is not present, the ballot shall be invalid, the question on which it is held shall stand over until the next sitting day and the procedure prescribed in rule 64 shall be followed.

PART VIII

MOTIONS

Definition of motion

66. (1) A self-contained proposition which a member wishes to put forward for the consideration of the Legislative Assembly shall be termed a motion.

(2) A motion other than—

(a) a motion for the adjournment of the Legislative Assembly;

(b) a motion for the adjournment of a debate or of the proceedings of a committee; and

(c) a motion moved in the course of any of the proceedings on bills set out in Part XII of these Rules;

shall be termed a substantive motion.

(3) A substantive motion shall not be mandatory but shall merely be a recommendation and every substantive motion to be moved in the Legislative Assembly shall be prefaced by the words "That in the opinion of this Legislative Assembly the advisability be considered of . . .".

(4) Motions referred to in subrule (3) shall be considered by the Legislative Assembly, which may approve, amend or reject such motions as it may deem fit.

Notice of the moving of substantive motion

67. Notices of substantive motions shall be forwarded to the Secretary of the Legislative Assembly, to reach him not less than 14 days before the date fixed for the first sitting day of a session of the Legislative Assembly.

Metode van kennisgewing van substantiewe mosie

68. Kennis van 'n substantiewe mosie moet gegee word deur die indiening van 'n afskrif van die skrifte-lyke mosie by die Sekretaris. Die kennisgewing moet onderteken wees deur die lid wat die mosie wil indien.

Bevoegdhede van Speaker ten opsigte van substantiewe mosies

69. 'n Kennisgewing van 'n substantiewe mosie word aan die Speaker voorgelê wat, na oorlegpleging met die Werkkomitee of die verantwoordelike Uitvoerende Raadslid, beveel—

- (a) dat dit gedruk word soos dit by inlewering bewoord is; of
- (b) dat dit gedruk word met sodanige wysigings as wat hy voorskryf; of
- (c) dat dit na die lid wat dit geteken het, teruggestuur word as buite die orde.

Mosies word op Ordelys gepubliseer

70. Alle mosies, uitgesonderd onbestrede mosies maar insluitende mosies aangaande die prosedure by wetsontwerpe, moet eers gepubliseer word op die Ordelys, tensy die Wetgewende Vergadering anders besluit.

Prosedure by die indiening van 'n mosie

71. (1) 'n Lid wat deur die Speaker versoek word om 'n mosie in te dien, staan in sy plek op en na enige opmerkings wat hy wens te maak, dien hy die mosie in.

(2) Elke mosie ingedien (behalwe in komitee van die hele Wetgewende Vergadering), moet gesekondeer word tensy anders in hierdie Reglement bepaal. As 'n mosie nie gesekondeer word nie, vervel dit.

(3) Wanneer 'n mosie ingedien is en, indien nodig, gesekondeer is, lees die Speaker dit uit, of laat dit uit-lees, en laat toe dat dit bespreek word deur die Wetgewende Vergadering. Daar kan dan oor die mosie gedebatteer word en die debat kan, behoudens die nakoming van hierdie Reglement, so lank aanhou as wat enige lid wat die reg het om te praat, nog wil praat.

(4) Wanneer daar nie meer lede is wat wens, of geregtig is, om te praat nie, stel die Speaker die mosie aan die Wetgewende Vergadering vir beslissing.

(5) Wanneer 'n amendement of amendemente op 'n mosie voorgestel is, stel die Speaker eers die amendemente en ná al die amendemente afgehandel is, lees en stel hy weer die oorspronklike mosie, of indien dit gewysig is, die mosie, soos gewysig, ten einde die lede van die Wetgewende Vergadering ten volle vertrouwd te maak met die bepalings daarvan.

(6) Die volgorde waarin amendemente gestel word, is volgens die diskresie van die Speaker.

Amendemente op mosies: Prosedure

72. (1) 'n Lid wat opgestaan het om 'n mosie te bespreek, kan 'n amendement op die mosie voorstel.

(2) 'n Amendement moet gesekondeer word.

(3) 'n Amendement kan een van die volgende vorme aanneem:

- (a) Die weglating van een of meer van die woorde van die mosie;
- (b) die invoeging van een of meer woorde by die mosie;
- (c) die byvoeging van een of meer woorde aan die einde van die mosie;
- (d) die vervanging van sekere woorde van die mosie deur sekere ander woorde.

Method of giving notice of substantive motion

68. Notice of a substantive motion shall be given by the delivery of a copy of the motion in writing to the Secretary. The notice shall be signed by the member wishing to move the motion.

Powers of Speaker as to substantive motions

69. A notice of a substantive motion shall be submitted to the Speaker who, after consultation with the Business Committee or the responsible Executive Councillor, shall direct—

- (a) that it be printed in the terms in which it was handed in; or
- (b) that it be printed with such alterations as he may direct; or
- (c) that it be returned to the member who signed it, as being out of order.

Motions to be published on Order Paper

70. All motions except unopposed motions but including motions on the procedure on bills shall first be published on the Order Paper unless the Legislative Assembly otherwise decides.

Procedure on moving a motion

71. (1) A member called upon by the Speaker to move a motion shall rise in his place and after making such remarks as he may wish he shall move the motion.

(2) Every motion moved (except in Committee of the whole Legislative Assembly) shall require seconding unless otherwise provided in these Rules. If a motion is not seconded it shall lapse.

(3) When a motion has been moved and if necessary seconded, the Speaker shall read it or cause it to be read and allow it to be discussed by the Legislative Assembly. Debate may then take place on that motion and may continue subject to these Rules being observed so long as any member who is entitled to speak wishes to speak.

(4) When no more members wish or are entitled to speak the Speaker shall put the motion to the Legislative Assembly for its decision.

(5) When an amendment or amendments have been proposed to a motion the Speaker shall first put the amendments and after all amendments have been disposed of, again read and put the original motion or, if it has been amended, the motion as amended, so as to enable the members of the Legislative Assembly to be fully acquainted with the terms thereof.

(6) The order in which amendments shall be put shall be in the discretion of the Speaker.

Amendments to motions: Procedure

72. (1) A member who has risen to speak on a motion may propose an amendment to that motion.

(2) An amendment shall require seconding.

(3) An amendment may take one of the following forms:

- (a) The omission of one or more words from the motion;
- (b) the insertion of one or more words in the motion;
- (c) the addition of one or more words at the end of the motion;
- (d) the substitution of certain other words for certain words contained in the motion.

Amendement moet skriftelik wees

73. (1) 'n Amendement wat voorgestel word, moet op skrif wees en moet na die Stoel gebring word deur die voorsteller en aan die Speaker oorhandig word, wat die teks aan die Wetgewende Vergadering moet uitlees. Daar kan dan oor die amendement gedebatteer word.

(2) Lede kan meer as een amendement op 'n mosie onder bespreking voorstel, maar 'n voorstel vir die verdere wysiging van 'n voorgestelde amendement is buite die orde.

Terugtrekking van mosies

74. (1) 'n Mosie of 'n amendement kan teruggetrek word op versoek van die voorsteller, met verlof van die Wetgewende Vergadering, voordat die vraag daaromtrent ten volle gestel is. 'n Mosie of 'n amendement wat teruggetrek is, kan weer voorgestel word, indien, in die geval van 'n mosie, kennis gegee word.

(2) Kennis van 'n mosie of amendement op die Ordelys kan te eniger tyd voordat dit deur die betrokke lid voorgestel is, van die Ordelys verwyder word.

Voorstel om debat te verdaag

75. 'n Lid wat opgestaan het om te praat oor 'n vraag voor die Wetgewende Vergadering, kan voorstel dat die debat verdaag. Geen sekondant is nodig nie. Sodanige mosie word gestel slegs met die goedkeuring van die Speaker, en as die Speaker oortuig is dat sodanige mosie nie misbruik van die regte en voorregte van lede is nie, stel hy die mosie.

Getal kere wat lid oor mosie of amendement mag praat

76. 'n Lid mag nie meer as een keer oor 'n mosie of amendement praat nie, behalwe—

- (a) in komitee en dan nie meer as drie keer nie;
- (b) ter verduideliking van sy toespraak soos bepaal by reël 29;
- (c) in antwoord op 'n mosie as hy die voorsteller daarvan is;
- (d) in die geval van Uitvoerende Raadslede wat antwoord op punte geopper deur verskeie lede tydens 'n debat.

Toesprake verbode nadat mosie deur Speaker gestel is

77. Geen lid mag oor 'n mosie praat nadat dit ten volle deur die Speaker gestel is nie.

DEEL IX

INDELING VAN WERKSAAMHEDE

Orde van werksaamhede

78. Die werksaamhede van elke sittingsdag, uitgesonderd die eerste sittingsdag van 'n sessie, word ooreenkomstig die dringendheid daarvan in die volgende volgorde verrig:

- (a) Gebed (sien Aanhangsel).
- (b) Sterflys en ander seremoniële toesprake.
- (c) Afneem van ede, as daar is.
- (d) Petisies.
- (e) Uitlees deur die Hoof- Uitvoerende Raadslid van boodskappe ontvang van die Kommissaris-generaal.
- (f) Ander aankondigings deur die Hoof- Uitvoerende Raadslid of 'n Uitvoerende Raadslid.
- (g) Aankondigings deur die Speaker.
- (h) Verkiesing van Hoof- Uitvoerende Raadslid en/of Speaker en/of Adjunk-speaker, indien nodig.

Amendments to be in writing

73. (1) An amendment proposed shall be in writing and shall be brought to the Chair by the mover and handed to the Speaker, who shall read the text to the Legislative Assembly. Debate may then take place on that amendment.

(2) Members may propose more than one amendment to a motion under discussion but a proposal for the further amendment of a proposed amendment shall be out of order.

Withdrawal of motions

74. (1) A motion or an amendment may be withdrawn at the request of the mover by leave of the Legislative Assembly before the question has been fully put thereon. A motion or amendment which has been withdrawn may be proposed again if, in the case of a motion, notice is given.

(2) A notice of motion or an amendment on the Order Paper may be removed at any time before it is moved by the member concerned.

Proposal to adjourn debate

75. A member who has risen to speak on a question before the Legislative Assembly may propose that the debate be now adjourned. No seconder shall be required. Such motion shall be put only with the approval of the Speaker and if the Speaker is satisfied that such motion will not be an abuse of the rights and privileges of members, he shall put the motion.

Times when member may speak on motion or amendment

76. A member may not speak more than once on a motion or amendment except—

- (a) in Committee and then not more than three times;
- (b) in explanation of his speech as provided in rule 29;
- (c) in reply to a motion if he is the mover thereof;
- (d) in the case of Executive Councillors, when replying to points raised by various members in the course of debate.

Speeches prohibited after motion put by Speaker

77. No member may speak to a motion after it has been fully put by the Speaker.

PART IX

ARRANGEMENT OF BUSINESS

Order of business

78. The business of each sitting day other than the first sitting day of a session shall, in accordance with the urgency thereof, be transacted in the following order:

- (a) Prayers. (See Annexure.)
- (b) Obituaries and other ceremonial speeches.
- (c) Administration of oaths, if any.
- (d) Petitions.
- (e) Reading by the Chief Executive Councillor of messages received from the Commissioner-General.
- (f) Other announcements by the Chief Executive Councillor or an Executive Councillor.
- (g) Announcements by the Speaker.
- (h) Election of Chief Executive Councillor and/or Speaker and/or Deputy Speaker if such an occasion arises.

- (i) Tertafellegging van verslae of stukke.
- (j) Vrae.
- (k) Verrigtinge insake substantiewe mosies en wetsontwerpe.

Vrae moet op Ordelys geplaas word

79. Mondelinge en skriftelike vrae aan Uitvoerende Raadslede word op die Ordelys geplaas ooreenkomstig reël 81.

Sake op Ordelys word deur Werkkomitee nagesien

80. Behoudens die bepalings van reël 70 word alle sake wat op die Ordelys geplaas is, deur die Werkkomitee of deur 'n Uitvoerende Raadslid vir dié doel deur die Hoof- Uitvoerende Raadslid aangewys, nagesien en goedgekeur.

Voorrang word deur Werkkomitee beslis

81. Die Werkkomitee of 'n Uitvoerende Raadslid spesiaal vir dié doel aangewys, bepaal die voorrang van sake op die Ordelys.

Voorlegging van stukke

82. 'n Stuk kan slegs deur 'n Uitvoerende Raadslid aan die Wetgewende Vergadering voorgelê word.

DEEL X

VRAE

Vrae kan aan Uitvoerende Raadslede gestel word

83. 'n Lid wat nie 'n Uitvoerende Raadslid is nie, kan 'n vraag stel aan 'n Uitvoerende Raadslid met betrekking tot 'n openbare aangeleentheid waarvoor die KwaNdebele-Regering amptelik verantwoordelik is, waardeur hy inligting wil inwin oor daardie aangeleentheid of amptelike optrede vra. Antwoorde op vrae kan ook skriftelik verstrek word.

Kennis van vraag moet gegee word

84. Vrae word nie gevra sonder dat behoorlike kennis gegee is nie en dié kennis kan gegee word deur die aflewering van die vraag by die Sekretaris minstens twee volle dae voor die dag waarop 'n antwoord verwag word. Sodanige vrae word op die Ordelys gepubliseer op die dag na die dag van ontvangs, met vermelding van die datum waarop 'n antwoord verlang word.

Vrae sonder kennisgewing

85. (1) As 'n lid die toestemming van die Speaker vra om 'n vraag te stel sonder dat kennis vooraf gegee is, op grond daarvan dat dit van 'n dringende aard is en betrekking het op 'n aangeleentheid van openbare belang of op die indeling van werksaamhede, kan die Speaker toelaat dat die vraag gevra word sonder kennisgewing indien hy oortuig is dat die vraag wel van sodanige aard is.

(2) Behoudens die bepalings van subreël (1) word vrae slegs op een of meer dae van die week beantwoord soos die Werkkomitee bepaal.

Vorm van vrae

86. 'n Vraag mag nie—

- (a) die name van persone of verklarings wat nie streng noodsaaklik is vir verstaanbaarheid, insluit nie;
- (b) 'n bewering bevat wat die lid wat die vraag stel, nie bereid is om te staaf nie;
- (c) argumente, gevolgtrekkings, opinies, aantygings of toevoegings, of tendensieuse, ironiese of aanstootlike uitdrukkings bevat nie;

(i) Tabling of reports or papers.

(j) Questions.

(k) Proceedings on substantive motions and bills.

Questions to be placed on Order Paper

79. Oral and written questions to Executive Councillors shall be placed on the Order Paper in accordance with rule 81.

Matters on Order Paper to be scrutinised by Business Committee

80. All matters placed on the Order Paper shall, subject to the provisions of rule 70, be scrutinised and approved by the Business Committee or by an Executive Councillor designated thereto by the Chief Executive Councillor.

Order of precedence to be decided by Business Committee

81. The Business Committee or an Executive Councillor specially designated thereto shall decide the order of precedence of business on the Order Paper.

Presentation of papers

82. A paper may be presented to the Legislative Assembly only by an Executive Councillor.

PART X

QUESTIONS

Questions may be asked of Executive Councillors

83. A member who is not an Executive Councillor may address a question to an Executive Councillor relating to a public matter for which the KwaNdebele Government is officially responsible, in which he seeks information on that matter or asks for official action. Questions may also be replied to in writing.

Notice of questions to be given

84. Questions shall not be asked without proper notice being given, which may be done by delivering the question to the Secretary not less than two clear days before the day on which an answer is required. Such questions shall be published in the Order Paper on the day following the day of receipt, and the date upon which a reply is desired shall be stated.

Questions without notice

85. (1) If a member asks the permission of the Speaker to put a question without notice on the ground that it is of an urgent character and relates to a matter of public importance or to the arrangement of business, the Speaker may permit the question to be asked without notice if he is satisfied that it is of that nature.

(2) Save as in subrule (1) provided, questions shall be answered only on one or more days of the week, as determined by the Business Committee.

Form of questions

86. A question shall not—

- (a) include the names of persons, or statements which are not strictly necessary to make the question intelligible;
- (b) contain a statement which the member who asks the question is not prepared to substantiate;
- (c) contain arguments, inferences, opinions, imputations or epithets, or tendentious, ironical or offensive expressions;

(d) na verrigtinge in 'n komitee verwys alvorens daardie komitee aan die Wetgewende Vergadering verslag gedoen het nie;

(e) inligting probeer inwin oor 'n saak wat uiteraard geheim is nie;

(f) refleksiewerp op die beslissing van 'n geregshof nie of so ingeklee wees dat 'n hangende saak voor 'n geregshof moontlik benadeel kan word nie;

(g) gevra word met die doel om 'n mening, die oplossing van 'n abstrakte saak, of die antwoord op 'n hipotetiese stelling te verkry nie;

(h) gevra word oor die akkuraatheid van verklaarings in die pers of van private individue of private ondernemings nie;

(i) gevra word aangaande die karakter of gedrag van 'n persoon, uitgesonderd in sy amptelike of openbare hoedanigheid, nie;

(j) gevra word wat inligting poog in te win wat verkrygbaar is in toeganklike dokumente of gewone naslaanwerke nie;

(k) bedoel wees om inligting te verkry waarvan die versameling volgens die mening van die Uitvoerende Raad langdurige en ongeregverdigde arbeid vereis of oormatige of onnodige uitgawe teweegbring nie.

Vrae word slegs een maal beantwoord

87. 'n Vraag wat reeds ten volle beantwoord is, mag nie weer gedurende dieselfde sessie gevra word nie.

Bevoegdhede van Speaker oor vrae

88. Die Speaker kan beveel dat enige vraag wat nie aan die bepalings van hierdie Reglement voldoen nie, nie in die Ordelys ingesluit moet word nie, tensy sodanige veranderings as wat hy beveel, aangebring is.

Lid moet vraag op Ordelys vra

89. Wanneer 'n vraag aan die orde kom, staan die lid op wie se naam die vraag aangeteken is, op en stel die vraag aan die verantwoordelike uitvoerende Raadslid.

Supplementêre vrae: Procedure

90. Na 'n mondelinge antwoord op 'n vraag verstrekkend is, kan supplementêre vrae deur enige lid gevra word met die doel om die antwoord toe te lig en dit berus by die betrokke Uitvoerende Raadslid of hy op die supplementêre vraag wil antwoord en of hy wil vra dat kennis daarvan op die gewone wyse gegee word.

Vrae geen voorwendsel vir debat

91. 'n Lid mag nie die Wetgewende Vergadering oor 'n vraag toespreek nie, en geen vraag mag as voorwendsel vir 'n debat gebruik word nie.

Verval van vrae

92. As 'n lid nie teenwoordig is om sy vraag te stel wanneer sy naam uitgeroep word nie en hy nie 'n ander lid gemagtig het om die vraag namens hom te stel nie, verval die vraag.

DEEL XI

STEMMING

Hoe vraag beslis word

93. Alle vrae voor die Wetgewende Vergadering of 'n komitee daarvan word beslis by meerderheid van stemme van die aanwesige lede uitgesonderd die Speaker, wat 'n beslissende stem uitoefen in geval van 'n staking van stemme, en enige redes wat hy hiervoor aanvoer, word in die Notule aangeteken.

(d) refer to proceedings in a committee before that committee has made its report to the Legislative Assembly;

(e) seek information about a matter which is, of its nature, secret;

(f) reflect on the decision of a court of law or be so drafted as to be likely to prejudice a case pending in a court of law;

(g) be asked for the purpose of obtaining an opinion, the solution of an abstract case, or the answer to a hypothetical proposition;

(h) be asked as to whether statements in the press or by private persons or private concerns are accurate;

(i) be asked about the character or conduct of a person except in his official or public capacity;

(j) be asked seeking information which can be found in accessible documents or ordinary works of reference;

(k) be aimed at obtaining information the collection of which, in the opinion of the Executive Council, will require prolonged or unjustified labour or cause excessive or unnecessary expenditure.

Questions to be replied to only once

87. A question which has been replied to in full shall not be asked again during the same session.

Powers of Speaker on questions

88. The Speaker may direct that any question not conforming to the provisions of these rules shall not be included in the Order Paper unless such alterations as he may direct have been made.

Member shall ask question on Order Paper

89. When a question comes up the member in whose name the question stands shall rise and put the question to the responsible Executive Councillor.

Supplementary questions: Procedure

90. After a verbal reply has been given to a question supplementary questions may be put by any member for the purpose of elucidating that answer and it shall be in the discretion of the Executive Councillor concerned whether he wishes to reply to such supplementary question or ask that notice thereof be given in the ordinary way.

Questions not to be pretext for debate

91. A member shall not address the Legislative Assembly on a question nor shall a question be made a pretext for a debate.

Lapsing of questions

92. If a member is not present to ask his question when his name is called, and has not authorised any other member to ask the question on his behalf, the question shall lapse.

PART XI

VOTING

How question is decided

93. All questions before the Legislative Assembly or a committee thereof shall be decided by a majority of votes of the members present other than the Speaker, who shall exercise a casting vote in the case of an equality of votes, and any reasons stated by him therefor shall be entered in the Votes and Proceedings.

94. Wanneer die Speaker 'n mosie in die gewysigde of oorspronklike vorm of 'n wysiging van 'n mosie voorlê, moet hy dit doen deur te sê "Stem almal saam?". Indien enige lid "Nee" sê, moet die Speaker 'n stemming gelas.

Procedure wanneer stemming gelas is

95. (1) Wanneer 'n stemming gelas is, laat die Sekretaris die klokke lui vir 'n tydperk van twee minute, waarna die deure toegemaak en gesluit word en geen lid mag daarna die Saal binnekome of verlaat voordat die stemming afgehandel is nie.

(2) Wanneer die deure gesluit is, moet die Speaker die mosie of amendement weer voorlê en die lede dan teenwoordig, moet stem deur middel van die opsteek van hande: Met dien verstande dat, op versoek van 'n lid van die Wetgewende Vergadering, die Speaker kan beslis dat 'n geheime stemming gehou word.

(3) Die bepalinge van reël 7 moet vir sover dit van toepassing is, *mutatis mutandis* toegepas word by die hou van 'n geheime stemming.

(4) Die Sekretaris moet dan die aantal stemme uitbring vir en teen die mosie of amendement, tel en die Speaker moet daarna die getalle aan die Wetgewende Vergadering bekendmaak.

(5) Wanneer die Wetgewende Vergadering besig is om te stem, mag lede, sittende, oor 'n punt van orde praat wat uit of tydens die stemming ontstaan.

(6) Ingeval verwarring ontstaan of 'n fout voorkom in verband met die getalle wat opgegee is, gaan die Wetgewende Vergadering oor tot 'n nuwe stemming, tensy dit op 'n ander wyse reggestel kan word.

(7) As die getalle onjuis gerapporteer is, gelas die Wetgewende Vergadering, as dit onder sy aandag gebring word, dat die Notule gekorrigeer word.

DEEL XII

WETSONTWERPE

Indiening van publieke wetsontwerpe

96. 'n Wetsontwerp ten behoeve van die KwaNdebele-Regering ingedien, word 'n publieke wetsontwerp genoem en word as volg ingedien:

(a) Die betrokke Uitvoerende Raadslid moet kennis gee van sy voorneme om die wetsontwerp in te dien, en in die kennisgewing moet die algemene doel van die wetsontwerp vermeld word.

(b) Op die daaropvolgende dag, nadat sodanige kennis gegee is, of so gou moontlik daarna, moet hy 'n skoon afskrif daarvan, in Ndebele sowel as in Afrikaans en Engels, na die tafel van die Sekretaris bring, en kan hy dan sonder kennisgewing voorstel dat dit vir die eerste maal gelees word, en die vraag word sonder amendement of debat gestel. Die Sekretaris lees dan die kort titel van die wetsontwerp.

Indiening van private wetsontwerpe

97. 'n Wetsontwerp deur 'n private lid ingedien, word 'n private wetsontwerp genoem en word as volg ingedien:

(a) Die private lid moet kennis gee van 'n mosie waarin verlof gevra word vir die indiening van 'n wetsontwerp, en in dié kennisgewing moet die algemene doel van die wetsontwerp vermeld word.

(b) Die debat oor die mosie vir verlof om sodanige wetsontwerp in te dien, word tot een uur beperk en geen toespraak mag langer as 10 minute duur nie.

94. When the Speaker puts a motion, in either its amended or original form, or an amendment to a motion, he shall do so by saying "All agreed?". If any member says "No" the Speaker shall order that a ballot be held.

Procedure when ballot ordered

95. (1) When a ballot has been ordered the Secretary shall cause the bells to be rung for a period of two minutes, whereafter the doors of the Chamber shall be closed and locked and no member shall thereafter enter or leave the Chamber until after the ballot has taken place.

(2) When the doors have been locked the Speaker shall again put the motion or amendment and the members then present shall be required to vote by a show of hands: Provided that, at the request of a member of the Legislative Assembly, the Speaker may direct that a secret ballot be held.

(3) The provisions of rule 7 shall, in so far as they are applicable, *mutatis mutandis* apply to the holding of a secret ballot.

(4) The Secretary shall then total the number of votes cast for and against the motion or amendment and the Speaker shall thereupon declare the numbers to the Legislative Assembly.

(5) While a ballot is in progress members may speak, sitting, on a point of order arising out of or during the ballot.

(6) In case of confusion or error occurring concerning the numbers reported, the Legislative Assembly shall proceed to another ballot unless the same can be otherwise corrected.

(7) If the numbers have been inaccurately reported, the Legislative Assembly, on being informed thereof, shall order the Votes and Proceedings to be corrected.

PART XII

BILLS

Introduction of public bills

96. A bill introduced on behalf of the KwaNdebele Government shall be termed a public bill and shall be brought in as follows:

(a) The responsible Executive Councillor shall give notice of his intention to introduce the bill and in such notice the general object of the bill shall be stated.

(b) On the next succeeding day after having given such notice or as soon thereafter as possible he shall hand in a fair copy thereof, in the Ndebele, English and Afrikaans languages, to the Secretary's table and may then move without notice that it be read a first time, such question being put without amendment or debate. The Secretary shall then read the short title of the bill.

Introduction of private bills

97. A bill introduced by a private member shall be termed a private bill and shall be introduced as follows:

(a) The private member shall give notice of a motion asking for leave to introduce a bill and in such notice the general object of the bill shall be stated.

(b) The debate on the motion for leave to introduce such bill shall be limited to one hour and no speech shall exceed 10 minutes.

(c) As aan 'n lid verlof verleen word om 'n wetsontwerp in te dien, bring hy onmiddellik 'n skoon afskrif daarvan, in Ndebele sowel as in Afrikaans en Engels, na die tafel van die Sekretaris, en kan hy dan sonder kennisgewing voorstel dat dit die eerste maal gelees word, en die vraag word sonder amendement of debat gestel. Die Sekretaris lees dan die kort titel van die wetsontwerp.

Wetsontwerp moet gedruk word

98. Sodra 'n wetsontwerp vir die eerste keer gelees is, moet die Sekretaris, as sodanige wetsontwerp nog nie gedruk is nie, die teks daarvan, soos vervat in die afskrif wat ter tafel gelê is, laat druk.

Vorm van wetsontwerpe

99. Wanneer 'n wetsontwerp gedruk word—

(a) moet die wetsontwerp van 'n kort titel voorsien word wat ooreenstem met die titel waarby dit aangehaal word as dit wet word;

(b) moet die wetsontwerp van 'n lang titel voorsien word wat die doel van die wetsontwerp in breë trekke uiteensit;

(c) moet die klousules van die wetsontwerp deur die verordende formule voorafgegaan word wat as volg is in die geval van 'n verordende wetsontwerp:

“Daar word deur die KwaNdebele- Wetgewende Vergadering verorden”,

en indien dit 'n verklarende wetsontwerp is, as volg is:

“Daar word hierby deur die KwaNdebele- Wetgewende Vergadering verklaar en verorden”;

(d) moet die wetsontwerp in klousules verdeel word, wat agtereenvolgend genommer moet wees met 'n kantaantekening by elke klousule;

(e) kan detail in verband met die bepalings van die wetsontwerp aan die wetsontwerp geheg word in die vorm van 'n bylae of bylaes.

Feitelike memorandum oor wetsontwerp

100. 'n Memorandum waarin die doel van die wetsontwerp uiteengesit word, kan daaraan geheg word mits sodanige memorandum geen argumente aanvoer nie.

Lede moet afskrifte van wetsontwerpe ontvang

101. So spoedig moontlik na die publikasie van 'n wetsontwerp moet die Sekretaris 'n afskrif daarvan aan elke lid laat stuur.

Voorstel van tweede lesing

102. Nadat 'n wetsontwerp vir die eerste maal gelees en gedruk is, moet die lid wat daarmee belas is, 'n dag vir die tweede lesing bepaal.

Slegs algemene beginsels mag by tweede lesing bespreek word

103. By die tweede lesing van 'n wetsontwerp kan 'n debat wat die algemene meriete en beginsels van die wetsontwerp dek, ontstaan.

Prosedure by mosie om voorgestelde wetsontwerp te wysig

104. 'n Mosie kan ingedien word om die vraag vir die tweede lesing van 'n wetsontwerp te wysig—

(a) deur die woorde na “Dat” te skrap en te vervang deur die woorde “daar nie met die wetsontwerp voortgegaan word nie”;

(c) Should leave be granted to a member to introduce a bill, he shall immediately bring in a fair copy thereof, in the Ndebele, English and Afrikaans languages, to the Secretary's table and may then move, without notice, that it be read a first time and, the question being put without amendment or debate, the Secretary shall thereupon read the short title of the bill.

Bills to be printed

98. As soon as the first reading of a bill has been taken the Secretary shall, if such bill has not yet been printed, cause the text thereof, as contained in the copy laid on the Table, to be printed.

Form of bills

99. When a bill is printed—

(a) the bill shall be given a short title corresponding to the title by which it is to be cited if it becomes law;

(b) the bill shall be given a long title setting out the purposes of the bill in general terms;

(c) the clauses of the bill shall be preceded by the enacting formula, which in the case of an enacting bill shall be “Be it enacted by the KwaNdebele Legislative Assembly” and if it is a declaratory bill, “It is hereby declared and enacted by the KwaNdebele Legislative Assembly”;

(d) the bill shall be divided into clauses, which shall be numbered consecutively and have a marginal note to each clause; and

(e) matters of detail dependent on the provisions of the bill may be annexed to the bill in the form of a Schedule or Schedules.

Factual memorandum on bill

100. A memorandum stating the object of the bill may be attached to it provided that no issue shall be argued in such memorandum.

Members to receive copies of bills

101. As soon as possible after the publication of a bill the Secretary shall cause a copy of it to be sent to every member.

Motion for second reading

102. After a bill has been read the first time and printed the member in charge shall fix a day for its second reading.

General principles only to be discussed on second reading

103. On the second reading of a bill a debate on the general merits and principles of the bill may arise.

Procedure on motion to amend proposed bill

104. A motion may be moved to amend the question for the second reading of a bill—

(a) by omitting the words after “That” and substituting therefor the words “the bill be not proceeded with”;

(b) deur al of sommige van die woorde na "Dat" te skrap en te vervang deur woorde wat die een of ander spesiale rede teen die tweede lesing van die wetsontwerp gee;

(c) deur die onderwerp van die wetsontwerp na 'n gekose komitee te verwys.

Procedure nadat wetsontwerp 'n tweede maal gelees is

105. Wanneer 'n wetsontwerp vir die tweede maal gelees is, kan besluit word dat dit in komitee van die hele Wetgewende Vergadering op 'n dag dan genoem deur die lid wat daarmee belas is, oorweeg word, of dit kan na 'n gekose komitee verwys word.

Kennisgewing van amendemente moet gegee word

106. (1) 'n Lid van 'n voorgestelde amendement op die Ordelys wil laat plaas, moet dit aan die Sekretaris oorhandig nie later nie as 16h00 op die dag voor die dag waarop dit moet verskyn.

(2) 'n Voorgestelde amendement moet in die juiste vorm wees.

(3) 'n Amendement kan te eniger tyd vir publikasie op die Ordelys aan die Sekretaris oorhandig word, nadat die wetsontwerp waarop dit betrekking het, vir die eerste maal gelees is.

Speaker verlaat Stoel wanneer Wetgewende Vergadering in komitee is

107. Wanneer die dag orde vir die Wetgewende Vergadering om in komitee oor die wetsontwerp te gaan, gelees word, moet die Speaker bekendmaak dat die Wetgewende Vergadering in komitee moet gaan, en daarop gaan die Wetgewende Vergadering in komitee en die Adjunk-speaker neem sy plek aan die Tafel in en die Speaker verlaat die Saal.

Procedure in komitee

108. (1) Die Adjunk-speaker moet, nadat hy sy plek aan die Tafel ingeneem het, daartoe oorgaan om die nommer en die kantaantekening van elke klousule in volgorde te lees, en moet ten opsigte van elke sodanige klousule die vraag stel.

(2) Die lang titel en die aanhef (as daar een is) bly oorstaan, sonder dat die vraag gestel word, tot na die klousules en die Bylaes (as daar is) oorweeg is.

Amendemente wat voorgestel kan word

109. 'n Amendement kan in 'n klousule aangebring word, of 'n nuwe klousule kan bygevoeg word, mits dit ter sake is by die onderwerp van die wetsontwerp of ingevolge 'n instruksie is of andersins ooreenkomstig die Reglement is. As 'n amendement wat nie deur die lang titel van die wetsontwerp gedek word nie, egter aangeneem word, moet die Komitee die lang titel dien-ooreenkomstig wysig en dit spesiaal aan die Wetgewende Vergadering rapporteer: Met dien verstande egter dat geen klousule of amendement wat strydig is met die beginsel van die wetsontwerp soos vir die tweede maal gelees, voorgestel mag word nie.

Amendemente mag nie dieselfde wees as een wat reeds verwerp is

110. Geen nuwe klousule of amendement word toegelaat nie wat wesenlik dieselfde is as een wat reeds verwerp is, of wat onbestaanbaar of strydig is met een wat reeds deur die Komitee aangeneem is, tensy daar 'n terugverwysing van die wetsontwerp plaasgevind het.

(b) by omitting all or some of the words after "That" and substituting words which state some special reason against the second reading of the bill;

(c) by referring the subject matter of the bill to a select committee.

Procedure when bill has been read a second time

105. When a bill has been read a second time it may either be ordered to be considered in Committee of the whole Legislative Assembly on a day then named by the member in charge or be referred to a select committee.

Notice of amendments to be given

106. (1) A member desiring to have a proposed amendment to a bill placed on the Order Paper shall hand it to the Secretary not later than 16h00 on the day before that on which it is so to appear.

(2) A proposed amendment shall be couched in the proper form.

(3) An amendment may be handed to the Secretary at any time for publication on the Order Paper after the bill to which it relates has been read a first time.

Speaker leaves Chair when Legislative Assembly is in Committee

107. On the order of the day being read for the Legislative Assembly to go into Committee on the bill the Speaker shall announce that the Legislative Assembly shall go into Committee and the Legislative Assembly shall thereupon resolve itself into Committee, the Deputy Speaker seating himself at the Table and the Speaker leaving the Chamber.

Procedure in Committee

108. (1) The Deputy Speaker, upon seating himself at the Table, shall proceed to read the number and the marginal note of each clause in succession, and shall put the question on each such clause.

(2) The long title and the preamble (if any) shall stand postponed until after the consideration of the clauses and Schedules (if any) without question put.

Amendments which may be moved

109. An amendment may be made to a clause, or a new clause added, if it is relevant to the subject matter of the bill or pursuant to any instruction, or is otherwise in conformity with the Rules. If any amendment is adopted which is not within the long title of the bill, the Committee shall amend the long title accordingly and report it specially to the Legislative Assembly: Provided, however, that no clause or amendment may be proposed which is in conflict with the principle of the bill as read a second time.

An amendment not to be made if same as one already rejected

110. No new clause or amendment shall be allowed which is substantially the same as one which has already been rejected, or which is inconsistent or in conflict with one already agreed to by the Committee unless a recommittal of the bill has intervened.

*Beginsel van wetsontwerp word nie in
komitee bespreek nie*

111. Die beginsel van 'n wetsontwerp word nie in komitee bespreek nie, slegs die besonderhede daarvan.

Wysiging van Hoofwet

112. Wanneer 'n wysigingswetsontwerp ingedien word om 'n spesifieke artikel of artikels van die Hoofwet te wysig of om 'n nuwe artikel daarvan te verorden, moet enige amendement in komitee beperk word tot die onderwerp van die Klousules van die wetsontwerp soos vir die tweede maal gelees, en tot enige amendement wat daarop volg.

*Reglement bly van toepassing terwyl Wetgewende
Vergadering in komitee is*

113. Behalwe dat die Adjunk-speaker gedurende verrigting in komitee aan die Tafel van die Wetgewende Vergadering, bly die prosedure wat normaalweg gedurende sittings van die Wetgewende Vergadering gevolg word, van toepassing, behoudens die bepalings van hierdie Reglement.

*Speaker neem Stoel in by afhandeling van
komiteestadium*

114. By die afsluiting van die verrigtinge van 'n komitee van die hele Wetgewende Vergadering oor 'n wetsontwerp, keer die Speaker na die Stoel terug en kondig aan dat die komiteestadium van die wetsontwerp afgehandel en deur die Wetgewende Vergadering in komitee aangeneem is met of sonder amendemente.

Datum vir derde lesing

115. Die Speaker vra daarna die Uitvoerende Raadslid of lid belas met die wetsontwerp, op watter datum die derde lesing moet plaasvind en gelas dat die derde lesing op die bepaalde datum of enige ander geskikte datum moet plaasvind.

*Wetsontwerp moet gedruk word indien in Komitee
gewysig*

116. Wanneer 'n wetsontwerp in Komitee van die hele Wetgewende Vergadering gewysig is, word dit, indien die Wetgewende Vergadering aldus gelas, gedruk soos gewysig voordat die derde lesing plaasvind.

*Derdelesingsdebat moet oor inhoud van
wetsontwerp wees*

117. By die derde lesing van 'n wetsontwerp (uitgesonderd 'n begrotingswetsontwerp) word die debat daaroor, as daar is, beperk tot die gevolge van die amendemente wat deur die Komitee van die hele Wetgewende Vergadering aangeneem is. Indien die wetsontwerp nie gewysig is nie, word die vraag sonder amendement of debat beslis.

Wetsontwerpe wat nie ingedien mag word nie

118. Na die derde lesing word geen verdere vraag gestel nie en word die wetsontwerp geag deur die Wetgewende Vergadering aangeneem te wees.

Slegs kort titel moet gelees word

119. By die ordes vir die eerste, tweede en derde lesing van 'n wetsontwerp lees die Sekretaris slegs die kort titel daarvan, tensy die Wetgewende Vergadering anders gelas.

*Principle of bill not to be discussed in
Committee*

111. The principle of a bill shall not be discussed in Committee, but only its details.

Amendment of Principal Act

112. Where an amending bill is introduced to amend a specific section or sections of the principal Act or to enact a new section thereof, an amendment in Committee shall be confined to the subject matter of the clauses of the bill as read a second time, and to any amendment consequential thereon.

*Rules continue to apply when Legislative
Assembly in Committee*

113. Except that the Deputy Speaker shall be seated at the Table of the Legislative Assembly during proceedings in Committee, the procedure normally followed during sittings of the Legislative Assembly shall, subject to the provisions of these Rules, continue to apply.

*Speaker returns to Chair when committee stage
finalised*

114. At the close of the proceedings of a Committee of the whole Legislative Assembly on a bill the Speaker shall return to the Chair and announce that the committee stage of the bill has been finalised and accepted by the Legislative Assembly in Committee with or without amendments.

Date for third reading

115. The Speaker shall thereupon ask the Executive Councillor or member in charge of the bill on what date the third reading is to be taken and direct that the third reading be taken on the appointed date or any other suitable date.

Bill to be printed if amended in Committee

116. When the bill has been amended in Committee of the whole Legislative Assembly it shall, if the Legislative Assembly so directs, be printed as amended prior to the third reading being taken.

Third reading debate to be on contents of bill

117. On the third reading of a bill (other than an appropriation bill) the debate thereon, if any, shall be confined to the effects of the amendments which have been adopted by the Committee of the whole Legislative Assembly. If the bill has not been amended the question shall be decided without amendment or debate.

Bill passed after third reading

118. After the third reading, no further question shall be put, and the bill shall be deemed to have been passed by the Legislative Assembly.

Only short title of bill to be read

119. On the orders of the first, second and third reading of a bill the Secretary shall read only the short title thereof unless the Legislative Assembly directs otherwise.

Verlof vir terugtrekking van wetsontwerp

120. 'n Wetsontwerp wat by die Wetgewende Vergadering ingedien is, mag alleenlik met die verlof van die Wetgewende Vergadering teruggetrek word, en die debat oor 'n mosie om verlof om 'n wetsontwerp terug te trek, is tot een uur beperk en geen toespraak mag langer as 10 minute duur nie.

Wetsontwerpe wat nie ingedien mag word nie

121. Wanneer 'n wetsontwerp uiteindelik aangeneem of verwerp is, mag geen wetsontwerp met dieselfde inhoud weer gedurende die lopende sessie van die Wetgewende Vergadering ingedien word nie.

Vormlike foute kan deur Speaker gekorrigeer word

122. Indien enige fout ontdek word in 'n wetsontwerp wat deur die Wetgewende Vergadering aangeneem is en voordat dit aan die Kommissaris-generaal gestuur is vir deursending aan die Staatspresident vir sy toestemming, moet die speaker sodanige fout rapporteer en daarna word dit soos enige ander amendement behandel: Met dien verstande dat korreksies van 'n woordelike of vormlike aard (dit wil sê spelfoute of klaarblyklike grammatikale of drukfoute) te eniger tyd deur die Sekretaris op las van die Speaker aangebring kan word.

Wetsontwerpe moet aan Kommissaris-generaal gestuur word

123. Wanneer 'n wetsontwerp deur die Wetgewende Vergadering aangeneem is, en nadat dit gedruk is en deur die Speaker geteken is, moet dit aan die Kommissaris-generaal gestuur word vir verdere afhandeling soos by wet vereis.

Procedure wanneer wetsontwerp terugverwys word

124. Wanneer 'n wetsontwerp deur die Staatspresident na die Wetgewende Vergadering terugverwys is ingevolge die bepalings van artikel 3 (2) van die Grondwet van die Swart State, 1971 (Wet 21 van 1971), kan die Wetgewende Vergadering met sodanige wetsontwerp voortgaan ooreenkomstig die bepalinge van reëls 125 tot en met 131.

Procedure by verslag en herindiening van wetsontwerp wat terugverwys is

125. (1) Wanneer 'n wetsontwerp deur die Staatspresident na die Wetgewende Vergadering terugverwys is, moet die Uitvoerende Raadslid of lid met die wetsontwerp belas, so spoedig moontlik aan die Wetgewende Vergadering verslag doen oor die advies ontvang indien die Wetgewende Vergadering dan nog in sessie is, en indien nie, dan so spoedig moontlik ná die aanvang van die daaropvolgende sessie.

(2) Enige lid kan dan kennis gee van 'n mosie dat geen verdere stappe in verband met die wetsontwerp gedoen word nie, in welke geval die wetsontwerp verval indien die mosie aangeneem word, of dat dit gewysig word in die lig van die advies en inligting wat gegee is.

(3) Behalwe wanneer die Wetgewende Vergadering die teenoorgestelde besluit het, kan die Wetgewende Vergadering dan weer tot die tweede lesing, komiteestadium en derde lesing van die wetsontwerp oorgaan: Met dien verstande—

(i) dat waar die hoofbeginsels van die wetsontwerp nie deur die advies wat gegee is of deur die veranderinge wat aangebring is, geraak is nie, die Speaker kan besluit dat die Wetgewende Vergadering dadelik tot die komiteestadium oorgaan;

Leave to be granted for withdrawal of bill

120. A bill introduced in the Legislative Assembly shall be withdrawn only with the leave of the Legislative Assembly and the debate on a motion for leave to withdraw a bill shall be limited to one hour and so speech shall exceed 10 minutes.

Bills not to be introduced

121. When a bill has ultimately been passed or has been rejected, no bill of the same substance shall be introduced again during the current session of the Legislative Assembly.

Formal errors may be corrected by Speaker

122. Upon the discovery of any error in a bill which has been passed by the Legislative Assembly, before it has been forwarded to the Commissioner-General for transmission to the State President for assent, the Speaker shall report such error and it shall thereupon be dealt with as with any other amendment: Provided that corrections of a verbal or formal nature (i.e. spelling or obvious grammatical mistakes or typographical errors) may be made at any time by the Secretary under the direction of the Speaker.

Bills to be forwarded to Commissioner-General

123. When a bill has been passed by the Legislative Assembly it shall, after being printed and signed by the Speaker, be forwarded to the Commissioner-General, to be dealt with further as required by law.

Procedure when bill referred back

124. When a bill has been referred back to the Legislative Assembly by the State President in terms of the provisions of section 3 (2) of the Black States Constitution Act, 1971 (Act 21 of 1971), the Legislative Assembly may again proceed with such bill in accordance with the provisions of rules 125 to 131 inclusive.

Procedure on report and re-introduction of bill referred back

125. (1) Where a bill has been referred back to the Legislative Assembly by the State President the Executive Councillor or member in charge of the bill shall make a report to the Legislative Assembly on the advice received as soon as possible if the Legislative Assembly is then still in session and, if not, then as soon as possible after the commencement of the next ensuing session.

(2) Any member may then give notice of a motion that no further proceedings be taken on the bill, in which case the bill shall lapse if the motion is carried, or that it be amended in the light of the advice and information given.

(3) Unless the Legislative Assembly has resolved to the contrary the Legislative Assembly may then again proceed to the second reading, committee stage and third reading of the bill: Provided—

(i) that where the main principles of a bill have not been affected by the advice given or by the alterations effected, the Speaker may rule that the Legislative Assembly proceed immediately to the committee stage;

(ii) dat in die komiteestadium alleenlik daardie artikels van die wetsontwerp wat ter sprake is of wat verander of gewysig is, behandel hoef te word.

DEEL XIII

PROSEDURE BETREFFENDE FINANSIËLE SAKE

Uitvoerende Raad moet finansiële sake aanbeveel

126. (1) Die Wetgewende Vergadering neem geen mosie, wetsontwerp of verbandhoudende bepaling aan nie in enige wetsontwerp vir die aanwending van enige fondse uit die Inkomstefonds van KwaNdebele of vir die opheffing van enige belasting of heffing sonder die aanbeveling van die Uitvoerende Raad ooreenkomstig die bepalings van die Grondwet van die Swart State, 1971 (Wet 21 van 1971).

(2) Elke sodanige aanbeveling word aan die Wetgewende Vergadering meegedeel per geskrewe boodskap wesenlik in die volgende vorm:

“Die Uitvoerende Raad, nadat hy in kennis gestel is van die onderwerp van die voorgestelde mosie (wetsontwerp, verbandhoudende bepaling of ander maatreël), beveel dit aan vir oorweging deur die Wetgewende Vergadering.”

Sekere wetsontwerpe bekend as Begrotingswetsontwerpe

127. Enige wetsontwerp wat die beraamde finansiële vereistes bevat vir uitgawe ten opsigte van die dienste van die KwaNdebele-Regering vir die lopende of volgende finansiële jaar, staan bekend as 'n Begrotingswetsontwerp. Begrotings wat die besonderhede bevat van genoemde finansiële vereistes, word tesame met sodanige wetsontwerp voorgelê.

Tweede lesing van Begrotingswetsontwerp: Procedure

128. Nadat die mosie vir die tweede lesing van 'n Begrotingswetsontwerp voorgestel is, word die debat daarvoor verdaag en dit word nie eerder as die daaropvolgende dag hervat nie, en daarna word hoogstens 15 uur vir die tweede lesing van die wetsontwerp toegestaan. Die debat, wanneer dit hervat word, word beperk tot die finansiële en ekonomiese toestand van KwaNdebele en tot die algemene beginsels van Regeeringsbeleid en -administrasie soos deur die Wetsontwerp en begroting aangedui. Ná die verstryking van 15 uur van debat, tensy die debat vroeër afgehandel is, moet die Speaker die Hoof- Uitvoerende Raadslid 'n geleentheid gee om reëlik te lewer, of hy moet 'n datum vir reëlik bepaal, en enige vraag stel wat nodig is om die verrigtinge van die tweede lesing af te sluit.

Omskrywing van Begrotingskomitee

129. Daar is 'n komitee van die hele Wetgewende Vergadering wat die Begrotingskomitee genoem word. Die beraadslaging van die Komitee geskied in die openbaar.

Begrotings toevertrou aan Begrotingskomitee

130. Die begrotings word, wanneer hulle aan die Wetgewende Vergadering voorgelê word, na die Begrotingskomitee verwys, en wanneer die Begrotingswetsontwerp 'n tweede maal gelees is, word dit aan daardie Komitee toevertrou.

Procedure van Begrotingskomitee

131. (1) Wanneer die Wetgewende Vergadering in Begrotingskomitee is, word die begrotingsposte van die onderskeie portefeuljes van die Uitvoerende Raadslede agtereenvolgens behandel.

(ii) that at the committee stage only those sections of the bill which are in issue or which have been altered or amended need be dealt with.

PART XIII

PROCEDURE REGARDING FINANCIAL MEASURES

Financial measures to have recommendation of Executive Council

126. (1) The Legislative Assembly shall not pass any motion, bill or incidental provision in any bill for the appropriation of any funds from the Revenue Fund of KwaNdebele or for the imposition of any tax or impost without the recommendation of the Executive Council in accordance with the provisions of the Black States Constitution Act, 1971 (Act 21 of 1971).

(2) Every such recommendation shall be communicated to the Legislative Assembly by written message substantially in the following form:

“The Executive Council, having been informed of the subject matter of the proposed motion (bill, incidental provision or other measure), recommends it for consideration by the Legislative Assembly”.

Certain bills known as Appropriation Bills

127. Any bill containing the estimated financial requirements for expenditure on the services of the KwaNdebele Government for the current or succeeding financial year shall be known as an Appropriation Bill. Estimates containing the details of the said financial requirements shall be presented at the same time as such bill.

Second reading of Appropriation Bill: Procedure

128. After the motion for the second reading of an Appropriation Bill has been proposed the debate thereon shall be adjourned and shall be resumed not earlier than the day following, after which not more than 15 hours shall be allotted for the second reading of the bill. The debate, when resumed, shall be confined to the financial and economic state of KwaNdebele and the general principles of Government policy and administration as indicated by the Bill and the Estimates. Upon the expiry of 15 hours of debate, unless the debate is concluded earlier, the Speaker shall give the Chief Executive Councillor an opportunity for reply or set down a date for reply and put any question necessary to bring the proceedings on the second reading to a conclusion.

Definition of Committee of Supply

129. There shall be a Committee of the whole Legislative Assembly, to be known as the Committee of Supply. The deliberations of the Committee shall be public.

Estimates stand committed to Committee of Supply

130. The Estimates shall, upon presentation to the Legislative Assembly, stand referred to the committee of Supply and the Appropriation Bill upon being read a second time shall stand committed to that Committee.

Procedure of Committee of Supply

131. (1) When the Legislative Assembly is in Committee of Supply the votes falling under the respective portfolios of the Executive Councillors shall be dealt with consecutively.

(2) Die debat in Begrotingskomitee oor die begrotingspos(te) van elke Uitvoerende Raadslid word ingelei deur 'n toespraak deur die verantwoordelike lid betreffende die administrasie, toekomstige ontwikkeling en algemene beleid van sy Departement(e).

(3) Nieteenstaande die bepalings van reël 30, word 'n Uitvoerende Raadslid se tyd nie beperk wanneer hy sy beleidstoespraak in subreël (2) bedoel, lewer nie.

Bylaes van Begrotingswetsontwerp moet eers afgehandel word

132. By oorweging van die Begrotingswetsontwerp in Begrotingskomitee, staan die klousules van die Wetsontwerp oor tot ná oorweging van die Bylae of Bylaes.

Hoofde van uitgawe

133. By oorweging van die Bylaes word elke hoof van uitgawe tesame met die toepaslike begroting oorweeg en enige verwysing in hierdie Reglement na 'n subhoof, item of subitem beteken 'n subhoof, item of subitem in die begrotings van die hoof dan onder bespreking.

Debat oor hoofde van bylaes

134. By die oorweging van 'n Bylae lees die Speaker die titel van elke hoof van uitgawe beurtelings uit, en stel die vraag: "Dat die bedrag van R..... vir hoof deel van die Bylae uitmaak", en, tensy 'n amendement voorgestel word ingevolge die bepalings van die hieropvolgende reël, kan 'n debat daaroor gevoer word. Enige sodanige debat word beperk tot die beleid van die diens waarvoor die geld verskaf moet word, en handel nie oor die besonderhede van enige subitem, item of subhoof nie, maar kan verwys na die besonderhede van inkomste of fondse waarvoor daardie diens verantwoordelik is.

Bylaes is deel van wetsontwerp

135. Wanneer al die hoofde in 'n Bylae afgehandel is, stel die Speaker onverwyld, sonder amendement of debat, die vraag: "Dat die Bylae, soos gewysig, deel uitmaak van die wetsontwerp."

Klousules van wetsontwerp moet oorweeg word

136. Wanneer elke Bylae afgehandel is, lees die Speaker elke klousule van die wetsontwerp agtereenvolgens uit, en stel onverwyld die vraag: "Dat die klousule deel van die wetsontwerp uitmaak", en, tensy 'n opvolgende amendement voorgestel word, word daardie vraag sonder amendement of debat afgehandel.

Amendemente word slegs deur Uitvoerende Raadslid voorgestel

137. Geen amendement op enige klousule word voorgestel nie, uitgesonderd enige amendement wat die gevolg is van 'n verandering in die totale som wat by enige Bylae begroot is. Enige sodanige opvolgende amendement word slegs deur 'n Uitvoerende Raadslid voorgestel en kan sonder kennisgewing voorgestel word en die vraag daaromtrent word dadelik gestel sonder amendement of debat. Wanneer die vraag oor die laaste van enige sodanige amendemente op 'n klousule beslis is, stel die Speaker dadelik die vraag: "Dat die klousule, soos gewysig, deel van die wetsontwerp uitmaak", en daardie vraag word dan beslis sonder amendement of debat.

(2) The debate in Committee of Supply on the vote(s) of each Executive Councillor shall be commenced with a speech by the responsible Councillor relating to the administration, future development and general policy of his Department(s).

(3) Notwithstanding the provisions of rule 30 an Executive Councillor shall not be limited in time when making his policy speech referred to in subrule (2).

Schedules to Appropriation Bill to be disposed of first

132. When an Appropriation Bill is considered in Committee of Supply, the clauses of the bill shall stand postponed until after consideration of the Schedule or Schedules.

Heads of expenditure

133. On consideration of the Schedules each head of expenditure shall be considered with the appropriate estimate, and any reference in these Rules to a subhead, item or subitem shall mean a subhead, item or subitem in the estimates for the head then under discussion.

Debate on heads of Schedules

134. When a Schedule is considered the Speaker shall call the title of each head of expenditure in turn, and shall put the question: "That the sum of R..... for head . . . stand part of the Schedule", and unless an amendment is proposed under the provisions of the next succeeding rule, a debate may take place thereon. Any such debate shall be confined to the policy of the service for which the money is to be provided and shall not deal with the details of any subitem, item or subhead, but may refer to the details of revenues or funds for which that service is responsible.

Schedule to be part of bill

135. When all the heads in a Schedule have been disposed of, the Speaker shall put forthwith, without amendment or debate, the question: "That the Schedule, as amended, stand part of the bill."

Clauses of bill to be considered

136. When every Schedule has been disposed of the Speaker shall call successively each clause of the bill and shall forthwith put the question: "That the clause stand part of the bill" and, unless a consequential amendment is moved, that question shall be disposed of without amendment or debate.

Amendments to be moved by Executive Councillor only

137. No amendment may be moved to any clause except any amendment consequential on an alteration in the total sum appropriated by any Schedule. Any such consequential amendment shall be moved by an Executive Councillor only, and may be moved without notice and the question thereon shall be put forthwith without amendment or debate. When the question on the last of any such amendments to a clause has been decided the Speaker shall forthwith put the question: "That the clause, as amended, stand part of the bill", and that question shall then be decided without amendment or debate.

*Speaker keer na Stoel terug na alle klousules
beslis is*

138. Na die vraag oor alle klousules van die wetsontwerp beslis is, keer die Speaker terug na die Stoel van die Wetgewende Vergadering en kondig aan die Wetgewende Vergadering aan dat die wetsontwerp, met of sonder amendemente, deur die Komitee aangeneem is.

Tyd waarin amendement ingedien word

139. Geen amendement word in die Begrotingskomitee kragtens hierdie Reglement ingedien voor 'n volle dag na dit op die Ordelys gepubliseer is nie.

Amendemente om te vermeerder of te verminder

140. 'n Amendement om 'n hoof te vermeerder, hetsy met betrekking tot enige subitem, item of subhoof of die hoof self, word deur die Speaker buite die orde gereël en as meer as een vermindering in 'n pos of item van 'n pos voorgestel word, word die vraag omtrent die grootste vermindering eerste van uit die Stoel gestel.

Prosedures oor mosies om te wysig

141. (1) Behoudens die bepalings van subreël (2) kan enige lid 'n amendement voorstel om die bedrag toegewys aan enige hoof van uitgawe of enige item daaronder te verminder, en dit word in die vorm van 'n mosie gestel: "Dat hoof verminder word met R..... ten aansien van (of deur die weglating van) subhoof, item, subitem.....".

(2) 'n Amendement om 'n hoof te verminder met betrekking tot enige item of om die item te skrap, is binne die orde slegs as die item nie onderverdeel is nie.

(3) 'n Amendement om 'n hoof te verminder met betrekking tot enige subhoof of om 'n subhoof te skrap, is binne die orde slegs as die subhoof nie in items onderverdeel is nie.

(4) 'n Amendement om 'n hoof te verminder sonder verwysing na 'n subhoof daarin is binne die orde slegs as die hoof nie in subhoofde onderverdeel is nie.

(5) 'n Amendement om 'n hoof te skrap is buite die orde en word nie op die Ordelys geplaas nie.

(6) In die geval van elke hoof word amendemente met betrekking tot subitems, items of subhoofde in daardie hoof op die Ordelys geplaas en oorweeg in die volgorde waarin die subitems, items of subhoofde waarop hulle betrekking het, in daardie hoof op die Begroting staan.

(7) Wanneer kennis gegee is van twee of meer amendemente van die vermindering van dieselfde subitem, item, subhoof of hoof word hulle op die Ordelys geplaas en oorweeg in die volgorde van die omvang van die voorgestelde verminderings; die amendement wat die grootste vermindering voorstel, word in elke geval eerste geplaas.

(8) Debat oor elke amendement word beperk tot die subitem, item, subhoof of hoof waarop die amendement betrekking het en nadat 'n amendement op 'n subitem, item of subhoof afgehandel is, word geen verdeelde amendement of debat oor 'n vorige subitem, item of subhoof van daardie hoof toegelaat nie.

(9) Wanneer al die amendemente op die Ordelys met betrekking tot enige bepaalde uitgawe hoof afgehandel is, stel die Speaker weer die vraag: "Dat die som van R..... vir hoof deel van die Bylae uitmaak" of stel die gewysigde vraag: "Dat die verminderde bedrag van R..... vir hoof deel van die Bylae uitmaak", na gelang van die geval. Die debat

*Speaker to return to Chair when all
clauses decided*

138. When the question upon all clauses of the bill has been decided, the Speaker shall return to the Chair of the Legislative Assembly and announce to the Legislative Assembly that the bill has been passed by the Committee with or without amendments.

Time in which amendments shall be moved

139. No amendment shall be moved in the Committee of Supply under these Rules until one clear day after that on which it was published in the Order Paper.

Amendments to increase or reduce

140. An amendment to increase a head, whether in respect of any subitem, item or subhead or of the head itself, shall be ruled out of order by the Speaker and when more than one reduction is moved in any vote, or item of a vote, the question on the largest reduction shall first be put from the Chair.

Procedure on motions to amend

141. (1) Subject to the provisions of subrule (2), an amendment to any head of expenditure to reduce the sum allotted thereto in respect of any item therein may be moved by any member, and it shall take the form of a motion: "That head be reduced by R..... in respect of (or by leaving out) subhead item, subitem".

(2) An amendment to reduce a head in respect of any item or by leaving out an item shall be in order only if the item is not subdivided.

(3) An amendment to reduce a head in respect of any subhead or by leaving out a subhead shall be in order only if the subhead is not itemised.

(4) An amendment to reduce a head without reference to a subhead therein shall be in order only if the head is not divided into subheads.

(5) An amendment to leave out a head shall not be in order and shall not be placed on the Order Paper.

(6) In the case of each head, amendments in respect of subitems, items or subheads in that head shall be placed upon the Order Paper and considered in the order in which the subitems, items or subheads to which they refer stand in the head in the Estimates.

(7) When notice has been given of two or more amendments to reduce the same subitem, item, subhead or head they shall be placed upon the Order Paper and considered in the order of the magnitude of the reductions proposed, the amendment proposing the largest reduction being placed first in each case.

(8) Debate on every amendment shall be confined to the subitem, item, subhead or head to which the amendment refers, and after an amendment to a subitem, item or subhead has been disposed of, no amendment or debate on a previous subitem, item or subhead of that head shall be permitted.

(9) When all amendments standing on the Order Paper in respect of any particular head of expenditure have been disposed of the Speaker shall again put stand part of the Schedule, or shall put the amended question: "That the reduced sum of R ... for head stand part of the Schedule", as the case may be. The

oor enige sodanige vraag is onderworpe aan dieselfde beperkinge as 'n debat wat kragtens reël 135 ontstaan het.

Derde lesing van Begrotingswetsontwerp

142. Die mosie vir die derde lesing van die Begrotingswetsontwerp word beslis sonder amendement of debat.

Addisionele Begrotingswetsontwerp

143. Indien van tyd tot tyd, hetsy gedurende die loop van 'n bepaalde boekjaar of na afsluiting daarvan, 'n Addisionele Begrotingswetsontwerp voorgelê word wat slegs uitgawes begroot wat reeds goedgekeur is deur die Begrotingskomitee en wat die Wetgewende Vergadering toegestaan het kragtens hierdie Reglement, word die debat by die tweede lesing daarvan streng beperk tot die sake waarvoor bykomende uitgawe nodig is, en wanneer die vraag daaromtrent goedgekeur is, word die wetsontwerp nie verwys nie en die vraag: "Dat die Wetsontwerp nou vir die derde keer gelees" word dadelik gestel sonder amendement of debat.

Gedeeltelike Begrotingswetsontwerpe

144. (1) Die debat oor Gedeeltelike Begrotingswetsontwerpe word soos volg beperk:

(a) Twaalf uur vir die tweede lesing, met insluiting van die Hoof- Uitvoerende Raadslid se repliek, wat nie langer as een uur mag duur nie; en

(b) drie uur vir die derde lesing, met insluiting van die Hoof- Uitvoerende Raadslid se repliek.

(2) By die derde lesing van Gedeeltelike Begrotingswetsontwerpe mag geen toespraak langer as 30 minute duur nie.

DEEL XIV

GEKOSE EN SESSIEKOMITEES

Aanstelling van Sessiekomitees

145. So gou doenlik na die aanvang van elke sessie stel die Wetgewende Vergadering die volgende Sessiekomitees aan wat elk uit vyf lede bestaan, insluitende die voorsitter daarvan:

(a) Die Komitee oor Reglement van Orde en Interne Reëlings, wie se opdrag ook die bestuur van en beheer oor die Wetgewende Vergadering se biblioteek, die versinskamers, die gerief en gemak van lede en die druk en publisering van die verslae van die Wetgewende Vergadering insluit, met die Speaker van die Wetgewende Vergadering as voorsitter;

(b) die Komitee oor Openbare Rekening, wie se opdrag dit is om die rekeninge na te gaan wat die bestemming van bedrae aantoon wat deur die Wetgewende Vergadering toegestaan is om openbare uitgawes te bestry. Wanneer die Ouditeur-generaal se verslag deur die Hoof- Uitvoerende Raadslid ontvang word, is dit te verwys na hierdie Sessiekomitee.

Aanstelling van Werkkomitee

146. (1) Daar is 'n Sessiekomitee, genoem die Werkkomitee, bestaande uit die Hoof- Uitvoerende Raadslid as voorsitter, twee ander Uitvoerende Raadslede aangestel deur die Uitvoerende Raad, die Speaker en twee ander lede deur die Wetgewende Vergadering verkies.

(2) Die Werkkomitee oorweeg sake wat op die Ordelys geplaas moet word en watter sake op die Ordelys voorrang moet geniet bo ander en reël in die algemeen die dagorde vir die afhandeling van die daaglikse werksaamhede van die Wetgewende Vergadering.

debate on any such question shall be subject to the same limitations as apply to a debate arising under rule 135.

Third reading of Appropriation Bill

142. The motion for the third reading of the Appropriation Bill shall be decided without amendment or debate.

Additional Appropriation Bill

143. If from time to time, whether in the course of a particular financial year or after its close, an Additional Appropriation Bill is presented appropriating only expenditure which has been approved by the Committee of Supply and agreed to by the Legislative Assembly under these Rules, the debate on the second reading thereof shall be strictly confined to the matters for which additional expenditure is required and when the question thereon has been agreed to, the bill shall not be committed and the question: "That the Bill be now read a third time" shall be put forthwith without amendment or debate.

Part Appropriation Bills

144. (1) The debate on Part Appropriation Bills shall be limited as follows:

(a) Twelve hours for the second reading, including the Chief Executive Councillor's reply, which shall not exceed one hour; and

(b) three hours for the third reading, including the Chief Executive Councillor's reply.

(2) On the third reading of Part Appropriation Bills no speech shall exceed 30 minutes.

PART XIV

SELECT AND SESSIONAL COMMITTEES

Appointment of Sessional Committees

145. As soon as possible after the beginning of each session the Legislative Assembly shall appoint the following Sessional Committees, each of which shall consist of five members including the chairman:

(a) Committee on Rules of Procedure and Internal Arrangements, whose terms of reference shall also include the management and control of the library of the Legislative Assembly, the refreshment rooms, the convenience and comfort of members and the printing and publishing of the reports of the Legislative Assembly, with the Speaker of the Legislative Assembly as chairman.

(b) Committee on Public Accounts, whose terms of reference shall be to examine the accounts showing the appropriation of the sums granted by the Legislative Assembly to meet public expenditure. When the report of the Auditor-General is received by the Chief Executive Councillor it shall stand referred to this Sessional Committee.

Appointment of Business Committee

146. (1) There shall be a Sessional Committee, known as the Business Committee, consisting of the Chief Executive Councillor as chairman, two other Executive Councillors appointed by the Executive Council, the Speaker and two other members elected by the Legislative Assembly.

(2) The Business Committee shall consider which matters shall be placed on the Order Paper and which matters on the Order Paper shall be given preference over others, and generally arrange the programme for the dispatch of the day-to-day business of the Legislative Assembly.

Aanstelling van gekose komitees

147. (1) Die Wetgewende Vergadering kan, by opdrag op 'n mosie, 'n gekose komitee aanstel om die bepalings van 'n wetsontwerp te oorweeg, of vir enige ander doel.

(2) Elke gekose komitee bestaan uit vyf lede, te wete—

(a) 'n voorsitter aangestel deur die Uitvoerende Raad; en

(b) vier ander lede verkies deur lede van die Wetgewende Vergadering op aanbeveling van die Werk-komitee.

(3) Die opdrag van 'n gekose komitee word beslis deur die Wetgewende Vergadering by opdrag op 'n mosie wat die gekose komitee aanstel, of enige daarop-volgende opdrag op 'n mosie.

(4) Die kworum vir 'n gekose komitee is drie lede, die voorsitter ingesluit.

(5) 'n Gekose komitee doen, sodra oorweging geskenk is aan die wetsontwerp of enige ander saak na hom verwys, verslag aan die Wetgewende Vergadering daar-oor en die komitee word daarna ontbind. Indien die komitee van oordeel is dat hy nie in staat is om die oorweging van die wetsontwerp of enige ander saak voor die einde van die sessie af te handel nie, doen hy aldus verslag aan die Wetgewende Vergadering.

Gekose komitees: Prosedure

148. (1) Die beraadslagings van 'n gekose komitee word beperk tot die saak of sake na hom verwys deur die Wetgewende Vergadering en, in die geval van 'n gekose komitee oor 'n wetsontwerp, tot die wetsontwerp en relevante amendemente.

(2) 'n Gekose komitee sit op die tye deur die voor-sitter bepaal in oorleg met die lede daarvan en kan aanhou sit al sou die Wetgewende Vergadering ook verdaag. Die sittings van 'n gekose komitee is privaat, tensy die komitee anders gelas: Met dien verstande dat hierdie beperking nie vertolk word as sou dit beamptes of getuies wat noodsaaklikerwys geassosieer is met die werksaamhede van sodanige gekose komitee, uitsluit nie.

(3) As die voorsitter van 'n gekose komitee nie in staat is om teenwoordig te wees by 'n sitting nie, verkies die komitee 'n ander lid tot voorsitter, wie se ampstermyn die dag van sy verkiesing is.

(4) Verdelings in 'n gekose komitee word deur die komiteeklerk afgeneem, wat elke lid van die komitee afsonderlik vra hoe hy wil stem en die stemme dien-ooreenkomstig aanteken.

(5) In geval van 'n geskil oor 'n aangeleentheid van prosedure kan lede van die komitee die voorsitter ver-soek om die aangeleentheid na die Speaker te verwys vir beslissing, en indien die meerderheid van die lede sodanige versoek rig, moet die voorsitter van die gekose komitee dit doen.

(6) Nóg die voorsitter van die gekose komitee nóg enige ander voorsittende lid stem, tensy daar 'n staking van stemme is, in welke geval hy sy beslissende stem uitoefen.

Spesiale verslag oor bevoegdhede, funksies en verrigtinge van gekose komitee

149. 'n Gekose komitee kan 'n spesiale verslag indien met betrekking tot die bevoegdhede, funksies en ver-rigtinge van die komitee oor aangeleenthede wat hy geskik ag om onder die aandag van die Wetgewende Vergadering te bring.

Appointment of select committees

147. (1) The Legislative Assembly may, by order on a motion, appoint a select committee to consider the terms of a bill or for any other purpose.

(2) Every select committee shall consist of five mem-bers, being—

(a) a chairman appointed by the Executive Coun-cil; and

(b) four other members elected on the recommen-dation of the Business Committee by the members of the Legislative Assembly.

(3) The terms of reference of a select committee shall be decided by the Legislative Assembly by order on a motion appointing the select committee or any subsequent order on a motion.

(4) The quorum of a select committee shall be three members, including the chairman.

(5) A select committee shall, as soon as it has com-pleted the consideration of a bill or any other matter referred to it, report to the Legislative Assembly thereon and the committee shall thereupon be dissolved. If the committee is of the opinion that it will not be able to complete the consideration of the bill or other matter before the end of the session it shall so report to the Legislative Assembly.

Select committees: Procedure

148. (1) The deliberations of a select committee shall be confined to the matter or matters referred to it by the Legislative Assembly and shall, in the case of a select committee on a bill, be confined to the bill and relevant amendments.

(2) A select committee shall sit at the times deter-mined by the chairman in consultation with the mem-bers thereof and may continue to sit although the Legislative Assembly may be adjourned. The sittings of a select committee shall be held in private unless the committee otherwise orders: Provided that this restric-tion shall not be so interpreted as to exclude officials or witnesses necessarily associated with the business of such select committee.

(3) If the chairman of a select committee is unable to be present at a sitting the committee shall elect some other member to be chairman, whose tenure of office shall be for the day of his election.

(4) Divisions in a select committee shall be taken by the clerk to the committee, who shall ask each member of the committee separately how he wishes to vote and record the votes accordingly.

(5) In case of a dispute over a matter of procedure the members of the committee may request the chairman to refer the matter to the Speaker for decision and if so requested by a majority of the members the chairman of the select committee shall do so.

(6) Neither the chairman of a select committee nor any other member presiding shall vote unless the votes of other members are equally divided, in which case he shall exercise a casting vote.

Special report on powers, functions and proceedings of select committee

149. A select committee may make a special report relating to the powers, functions and proceedings of the committee on matters which it thinks fit to bring to the notice of the Legislative Assembly.

Notules

150. Die notules van die verrigtinge van 'n gekose komitee boekstaaf alle verrigtinge by die oorweging van 'n verslag of wetsontwerp in die komitee, asook elke amendement voorgestel op die verslag of wetsontwerp, met aantekening van verdelings, as verdelings in die komitee plaasgevind het, met vermelding van die name van lede wat by die verdeling stem of buite stemming bly, en wie daarvoor en wie daarteen gestem het, en al sodanige aantekeninge of notules word aan die Wetgewende Vergadering gerapporteer wanneer die verslag van sodanige komitee ingedien word.

Tertafellegging van verslag en verrigtinge van gekose komitee

151. 'n Verslag of spesiale verslag, met die notules van verrigtinge van 'n gekose komitee en die notules van getuienis, indien getuienis afgeneem is, word deur die voorsitter van die komitee in die Wetgewende Vergadering ter Tafel gelê.

Magtiging deur Wetgewende Vergadering om persone, stukke en rekords te laat haal

152. Geen gekoste komitee oefen sy bevoegdheid uit om persone, stukke en rekords te laat haal nie, tensy spesifiek daartoe gemagtig deur die Wetgewende Vergadering.

Getuienis en dokumente moet nie openbaar gemaak word nie

153. Getuienis afgeneem voor 'n gekose komitee en dokumente voorgelê aan die komitee, word nie deur 'n lid van die komitee of deur enige ander persoon openbaar gemaak voordat die verslag van die komitee by die Wetgewende Vergadering ingedien is nie.

Lede wat regspraktisyns is en wat voor gekose komitee verskyn, word nie vergoed nie

154. Geen lid verskyn voor die Wetgewende Vergadering of 'n komitee daarvan in sy hoedanigheid van 'n regspraktisyn vir of namens 'n party nie of in 'n hoedanigheid waarvoor hy gelde of vergoeding ontvang nie.

DEEL XV**VREEMDELINGE***Definisie van vreemdelinge*

155. 'n Vreemdeling is enige persoon wat nie 'n lid of beamppte is wat pligte te vervul het in verband met die werksaamhede van die Wetgewende Vergadering nie.

Bevoegdheid van voorsittende lid om vreemdelinge uit te sluit

156. Vreemdelinge kan toegelaat word om teenwoordig te wees in die Saal op die plekke vir hulle afgesonder, maar moet hulle onttrek wanneer hulle daartoe gelas word deur die voorsittende lid, wat hulle na goeddunke kan gelas om hulle te onttrek.

Bevoegdheid van Ampswag om vreemdelinge te verwyder

157. Die Ampswag verwyder enige vreemdeling of laat sodanige vreemdeling verwyder uit enige deel van die Saal of van die galery wat slegs aan lede toegewys is, asook enige vreemdeling wat, nadat hy toegang verleen is tot enige gedeelte van die Saal of van die galerye, hom aan wangedrag skuldig maak of hom nie onttrek wanneer vreemdelinge gelas word om hulle te onttrek terwyl die Wetgewende Vergadering in sitting is nie.

Minutes

150. The minutes of the proceedings of a select committee shall record all proceedings when any report or bill or any amendment to any report or bill is considered in the committee, with a note of divisions, if divisions were taken in the committee, showing the names of members voting in the division or declining to vote and distinguishing on which side they voted and all such entries or minutes shall be reported to the Legislative Assembly when the report of such committee is presented.

Tabling of report and proceedings of select committee

151. A report or special report, with the minutes of proceedings of a select committee and the minutes of evidence, if evidence was taken, shall be laid on the Table of the Legislative Assembly by the chairman of the committee.

Legislative Assembly to authorise sending for persons, papers and records

152. No select committee shall exercise its powers to send for persons, papers and records unless it has been specifically authorised to do so by order of the Legislative Assembly.

Evidence and documents not to be published

153. The evidence taken before a select committee and documents presented to the committee shall not be published by a member of the committee or by any other person before the committee has presented its report to the Legislative Assembly.

Members who are legal practitioners appearing before select committee not to receive reward

154. No member shall appear before the Legislative Assembly or a committee thereof in his capacity as a legal practitioner for or on behalf of a party or in a capacity for which he is to receive a fee or reward.

PART XV**STRANGERS***Definition of strangers*

155. A stranger means any person who is not a member or an official who has duties to perform in connection with the business of the Legislative Assembly.

Power of presiding member to exclude strangers

156. Strangers may be permitted to be present in the Chamber in the places set apart for them, but must withdraw when called upon to do so by the presiding member, who may, whenever he thinks fit, order them to withdraw.

Power of Sergeant-at-Arms to remove strangers

157. The Sergeant-at-Arms shall remove, or cause to be removed, any stranger from any part of the Chamber or the galleries appropriated to the members only, and also any stranger who, having been admitted into any part of the Chamber or the galleries, misconducts himself or does not withdraw when strangers are directed to withdraw while the Legislative Assembly is sitting.

Lid vestig qandag op vreemdeling

158. As 'n lid tydens 'n sitting van die Wetgewende Vergadering, of in komitee, die aandag daarop vestig dat vreemdelinge teenwoordig is, beveel die Speaker of voorsitter, na gelang van die geval, vreemdelinge om hulle te onttrek, of stel die vraag: "Dat vreemdelinge beveel word om hulle te onttrek", sonder om enige debat of amendement toe te laat.

DEEL XVI

DIVERSE BEPALINGS

Minagting

159. Enige persoon wat moedswillig 'n wettige bevel van die Speaker nie gehoorsaam nie, is aan minagting skuldig.

Lid of persoon skuldig verklaar aan minagting

160. 'n Lid of persoon wat aan minagting skuldig is, word op las van die Speaker in die bewaring van die Ampswag gestel en met sodanige lid of persoon word gehandel soos die Wetgewende Vergadering gelas.

Lid mag nie geldelike belang hê nie

161. (1) 'n Uitvoerende Raadslid of 'n lid van die Wetgewende Vergadering mag nie in die Wetgewende Vergadering of 'n staande, sessie-, gekose of spesiale komitee daarvan, stem oor of deelneem aan die bespreking van enige aangeleentheid waarin hy 'n geldelike belang het nie.

(2) 'n Lid wat die bepalings van subreël (1) oortree, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000 of met gevangenisstraf van hoogstens vyf jaar.

(3) 'n Hof wat 'n persoon skuldig bevind aan 'n oortreding van hierdie reël, kan die veroordeelde persoon gelas om die bedrag of die waarde van enige gelde, vergoeding, geskenk of beloning deur hom aanvaar of ontvang, terug te betaal.

(4) Die bepalings van hierdie reël is nie van toepassing nie op enige stemming of bespreking aangaande die vergoeding of toelae wat 'n Uitvoerende Raadslid of 'n lid van die Wetgewende Vergadering in sy hoedanigheid van Uitvoerende Raadslid of lid van die Wetgewende Vergadering sou mag ontvang, of op enige belang wat enige sodanige lid by enige aangeleentheid met die publiek in die algemeen, of enige klas of deel daarvan, gemeen het nie.

Lede ontvang nie gelde of vergoeding nie

162. (1) Geen Uitvoerende Raadslid of lid van die Wetgewende Vergadering en geen prokureur of agent wat by die uitoefening van sy professie 'n vennoot is of in diens is van sodanige lid, aanvaar of ontvang, hetsy direk of indirek, enige gelde, vergoeding, geskenk of beloning vir of ten opsigte van die bevordering of opponering van 'n wetsontwerp, besluit, aangeleentheid of ding voorgelê, of bedoel om voorgelê te word, vir oorweging deur die Wetgewende Vergadering of enige komitee daarvan nie.

(2) Enige persoon wat die bepalings van subreël (1) oortree, begaan 'n misdryf en is by skuldigbevinding strafbaar met die strawwe voorgeskryf by reël 161 (2) en (3).

Prerogatief van die KwaNdebele-Regering

163. (1) Met geen wetsontwerp of mosie wat bepalings bevat wat die strekking het om inbreuk te maak op die gesag van die KwaNdebele-Regering, sy grond of die tradisionele grond van enige stam soos erken deur die Regering van die Republiek van Suid-Afrika

Member calling attention to strangers

158. If at any sitting of the Legislative Assembly, or in committee, any member takes notice that strangers are present, the Speaker or chairman, as the case may be, shall order such strangers to withdraw, or may put the question: "That strangers be ordered to withdraw", without permitting any debate or amendment.

PART XVI

MISCELLANEOUS PROVISIONS

Contempt

159. Any person who wilfully disobeys any lawful order of the Speaker shall be guilty of contempt.

Member or person declared guilty of contempt

160. Any member or person guilty of contempt shall be committed to the custody of the Sergeant-at-Arms by order of the Speaker and dealt with as the Legislative Assembly may direct.

Member not to have pecuniary interest

161. (1) An Executive Councillor or a member of the Legislative Assembly shall not in or before the Legislative Assembly or any standing sessional, select or special committee thereof vote upon or take part in the discussion of any matter in which he has a pecuniary interest.

(2) Any member who contravenes the provisions of subrule (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding five years.

(3) The court convicting any person of a contravention of this rule may order the person convicted to repay the amount or the value of any fee, compensation, gift or reward accepted or received by him.

(4) The provisions of this rule shall not apply to any vote or discussion concerning any remuneration or allowance to be received by an Executive Councillor or member of the Legislative Assembly in his capacity as an Executive Councillor or a member of the Legislative Assembly, or to any interest which any such member may have in any matter in common with the public generally or with any class or section thereof.

Members not to accept fee or reward

162. (1) No Executive Councillor or member of the Legislative Assembly and no attorney or agent who, in the practice of his profession, is a partner or in the service of any such Councillor or member, shall accept or receive either directly or indirectly any fee, compensation, gift or reward for or in respect of the promotion of or opposition to any bill, resolution, matter or thing submitted or intended to be submitted for the consideration of the Legislative Assembly or any committee thereof.

(2) Any person who contravenes the provisions of subrule (1) shall be guilty of an offence and liable on conviction to the penalties prescribed in rule 161 (2) and (3).

Prerogative of KwaNdebele Government

163. (1) No draft bill or motion containing provisions which will have the effect of interfering with the authority of the KwaNdebele Government, its land, or the traditional land of any tribe as recognised by the Government of the Republic of South Africa at the

ten tye van die instelling van die KwaNdebele- Wetgewende Vergadering, mag voortgegaan word nie alvorens die toestemming van die Staatspresident eers as volg gegee is: "Die Staatspresident, ná kennisname van die onderhawige aangeleenthede vervat in die voorgestelde wetsontwerp (of mosie), beveel dit by die KwaNdebele- Wetgewende Vergadering aan vir oorweging."

(2) Enige toestemming verlang ingevolge subreël (1), word skriftelik deur die Hoof- Uitvoerende Raadslid ingedien ná oorlegpleging met die Uitvoerende Raad en aangestuurd aan die Kommissaris-generaal vir verdere behandeling soos by wet vereis.

Opskorting van Reglement van Orde

164. (1) Enige reël van hierdie Reglement van Orde of 'n sessie-order of -orders van die Wetgewende Vergadering kan op mosie na kennisgewing opgeskort word as die mosie met 'n meerderheid van stemme aangeneem word: Met dien verstande dat in gevalle van dringende noodsaaklikheid (waartoe die Speaker oordeel) enige sodanige reël of order met die toestemming van die Wetgewende Vergadering op mosie sonder kennisgewing opgeskort kan word.

(2) Die opskorting van 'n reël of 'n order is by die toepassing daarvan beperk tot die bepaalde doel waarvoor sodanige opskorting gevra is.

Gevalle waarvoor nie voorsiening gemaak is nie

165. In alle gevalle waarvoor hierdie Reglement van Orde of die Grondwet van die Swart State, 1971 (Wet 21 van 1971), nie voorsiening maak nie, moet die Speaker 'n beslissing gee, en neem hy as sy riglyn die Reglement van Orde en Gebruike van die Volksraad van die Parlement van die Republiek van Suid-Afrika vir sover hulle toegepas kan word op of aangepas kan word by die verrigtinge van die Wetgewende Vergadering.

Reglement van Orde van krag totdat gewysig of herroep

166. Die voorgaande Reglement van Orde bly van krag totdat dit verander, gewysig of herroep word deur die Wetgewende Vergadering.

Woordomskrywing

167. In hierdie Reglement van Orde, tensy uit die samehang anders blyk, het 'n uitdrukking waaraan 'n betekenis in die KwaNdebele Grondwetproklamasie, 1979, geheg is, daardie betekenis, en beteken "Sekretaris" die Sekretaris van die Wetgewende Vergadering as sodanig aangestel ingevolge reël 52 van hierdie Reglement en ook die Assistent-sekretaris aangestel ingevolge daardie reël.

AANHANGSEL

GEBED

O, Almagtige en Barmhartige God en Hemelse Vader wat in U ewige wysheid en voorsienigheid owerhede en magte verorden het om tot welsyn van lande en volke te regeer, ons bid U laat U aangesig lig oor ons, U diensknegte, waar U ons geroep het om so 'n belangrike en gewichtige werk in ons vaderland te verrig.

Laat U seën ryklik neerdaal op ons wat hier vergader is en begenadig ons om, onder U leiding, so te beraadslaag en so aan alles wat hier verrig mag word, reg en geregtigheid te laat geskied, dat dit slegs tot eer en verheerliking van U Naam mag strek en tot bevordering van die belange van ons land en volk wat U ons geroep het om te dien. Dit alles bid ons in die Naam van Onse Here Jesus Christus. Amen.

time the KwaNdebele Legislative Assembly was constituted shall be proceeded with except with the consent of the State President being first given in the following manner: "The State President, having been informed of the subject matter of the proposed bill (or motion), recommends it to the consideration of the KwaNdebele Legislative Assembly."

(2) Any consent sought in terms of subrule (1) shall be submitted in writing by the Chief Executive Councillor after consultation with the Executive Council and forwarded to the Commissioner-General to be dealt with further as required by law.

Suspension of Rules of Procedure

164. (1) Any rule of these Rules of Procedure or sessional order or orders of the Legislative Assembly may be suspended upon motion moved after notice, such motion being carried by a majority of votes: Provided that in cases of urgent necessity (of which the Speaker shall be the judge) any such rule or order may with the consent of the Legislative Assembly be suspended upon motion moved without notice.

(2) The suspension of a rule or order shall be limited in its operation to the particular purpose for which such suspension has been sought.

Cases not provided for

165. In every case not provided for in these Rules of Procedure or in the Black States Constitution Act, 1971 (Act 21 of 1971), the Speaker shall decide, taking for his guide the Standing Orders and Practice of the House of Assembly of the Parliament of the Republic of South Africa in so far as they can be applied or adapted to the proceedings of the Legislative Assembly.

Rules of Procedure to be applicable until altered, amended or repealed

166. The foregoing Rules of Procedure shall continue to be applicable until altered, amended or repealed by the Legislative Assembly.

Definitions

167. In these Rules of Procedure, unless the context otherwise indicates, any expression to which a meaning has been assigned in the KwaNdebele Constitution Proclamation, 1979, bears that meaning and "Secretary" means the Secretary of the Legislative Assembly appointed as such in terms of rule 52 of these Rules and includes the Assistant Secretary appointed in terms of that rule.

ANNEXURE

PRAYER

O, Almighty God and Heavenly Father, who in Thy infinite mercy and wisdom hast called rulers and appointed governments for the welfare of society and the just government of men, we beseech Thee to bestow Thy abundant favour upon us Thy servants whom Thou hast been pleased to call to the performance of such important trusts in this our land.

Let Thy blessing descend upon us here assembled and grant that we may under Thy guidance treat and consider all matters that shall come before us in so just and faithful a manner as to promote Thy honour and glory and so advance the welfare of our people whom Thou hast called us to serve. All this we ask in the name and for the sake of Our Lord Jesus Christ. Amen.

Onse Vader wat in die hemele is, laat U Naam geheilig word; laat U koninkryk kom; laat U wil geskied, soos in die hemel net so ook op die aarde; gee ons vandag ons daaglikse brood; en vergeef ons ons skulde, soos ons ook ons skuldenaars vergewe; en lei ons nie in versoeking nie, maar verlos ons van die Bose. Want aan U behoort die koninkryk en die krag en die heerlikheid tot in ewigheid. Amen.

Our Father which art in heaven, hallowed by Thy Name. Thy kingdom come. Thy will be done on earth, as it is in heaven. Give us this day our daily bread and forgive us our trespasses, as we forgive them that trespass against us, and lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, for ever and ever, Amen.

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