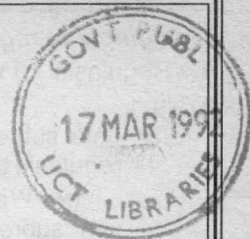


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GOEWERMENSKENNISGEWING

DEPARTEMENT VAN BINNELANDSE SAKE

No. R. 807

6 Maart 1992

WYSIGING VAN DIE REGULASIES UITGEVAARDIG
KRAGTENS DIE WET OP REFERENDUMS, 1983

Die Minister van Binnelandse Sake het kragtens die bevoegdheid hom verleen by artikel 4 van die Wet op Referendums, 1983 (Wet 108 van 1983), die regulasies vervat in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie regulasies beteken "die Regulasies" die regulasies afgekondig by Goewermenskennisgewing No. R. 742 van 29 Februarie 1992.

Wysiging van regulasie 1 van die Regulasies

2. Regulasie 1 van die Regulasies word hierby gewysig deur paragraaf (a) van die omskrywing van "voorsittende beampte" deur die volgende paragraaf te vervang:

"(a) met betrekking tot 'n spesiale kieser in regulasie 12 (1) (a) bedoel, 'n referendumbeampte, of 'n stembeampte of 'n landdros, of die hoof van 'n Suid-Afrikaanse missie in die Republiek van Transkei, Bophuthatswana, Ciskei of Venda, of 'n beampte in die heeltydse diens van die Staat deur die bedoelde referendum-beampte, stembeampte, landdros of hoof van 'n Suid-Afrikaanse missie as voorsittende beampte aangewys;"

Wysiging van regulasie 12 van die Regulasies

3. Regulasie 12 van die Regulasies word hierby gewysig deur paragraaf (d) van subregulasie (1) deur die volgende paragraaf te vervang:

"(d) wat in die Republiek gedomisileer is en wat tydelik buite die Republiek is in 'n land waar daar 'n Suid-Afrikaanse missie is;"

GOVERNMENT NOTICE

DEPARTMENT OF HOME AFFAIRS

No. R. 807

6 March 1992

AMENDMENT OF THE REGULATIONS MADE
UNDER THE REFERENDUMS ACT, 1983

The Minister of Home Affairs has, under the powers vested in him by section 4 of the Referendums Act, 1983 (Act 108 of 1983), made the regulations set out in the Schedule.

SCHEDULE

Definitions

1. In these regulations "the Regulations" shall mean the regulations published by Government Notice No. R. 742 of 29 February 1992.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by the substitution for paragraph (a) of the definition of "presiding officer" of the following paragraph:

"(a) in relation to a special voter referred to in regulation 12 (1) (a), a referendum officer, or a polling officer or a magistrate, or the head of a South African mission in the Republic of Transkei, Bophuthatswana, Ciskei or Venda, or an officer in the full-time service of the State designated by the said referendum officer, polling officer, magistrate or head of a South African mission as presiding officer;"

Amendment of regulation 12 of the Regulations

3. Regulation 12 of the Regulations is hereby amended by the substitution for paragraph (d) of subregulation (1) of the following paragraph:

"(d) who is domiciled in the Republic and temporarily outside the Republic in a country where a South African mission is;"

Wysiging van regulasie 13 van die Regulasies

4. Regulasie 13 van die Regulasies word hierby gewysig—

- (a) deur subregulasie (2) deur die volgende subregulasie te vervang:

“(2) Wanneer ’n kieser aan die voorskrifte van subregulasie (1) voldoen het moet die voorsittende beampte ooreenkomstig die voorskrifte van die hoofreferendumbeampte die identiteitsdokument van die kieser ondersoek ten einde hom te vergewis dat daardie kieser volgens daardie identiteitsdokument—

- (a) ’n Blanke is; en
- (b) ’n Suid-Afrikaanse burger is; en
- (c) 18 jaar oud of ouer is; en
- (d) die persoon is aan wie daardie identiteitsdokument uitgereik is:

Met dien verstande dat indien die feite in paragrafe (a) en (b) bedoel nie uit die identiteitsdokument blyk nie, die voorsittende beampte hom, deur ondersoek van enige amptelike stuk wat deur die Departement van Binnelandse Sake ten opsigte van daardie kieser uitgereik is en ooreenkomstig die voorskrifte van die hoofreferendumbeampte of deur daardie kieser self of deur daardie Departement tot die voorsittende beampte se beskikking gestel is, van daardie feit moet vergewis.”; en

- (b) deur paragraaf (d) van subregulasie (3) deur die volgende paragraaf te vervang:

“(d) ooreenkomstig die voorskrifte van die hoofreferendumbeampte, ’n identifikasiemerk plaas op die kieser, uitgesonderd ’n kieser bedoel in regulasie 12 (1) (b), (c) en (d), se vingers van sy linkerhand of van sy regterhand: Met dien verstande dat indien ’n kieser ’n geloofs- of gewetensbeswaar het dat die voorgeskrewe identifikasiemerk op sy vingers geplaas word, moet hy in die vorm deur die hoofreferendumbeampte voorgeskryf ’n beëdigde of bevestigende verklaring aflê en daarin meld dat hy ’n geloofs- of gewetensbeswaar teen die merk van sy vingers het en dat hy nie voorheen by die referendum gestem het nie.”.

Wysiging van regulasie 18 van die Regulasies

5. Regulasie 18 van die Regulasies word hierby gewysig—

- (a) deur subregulasie (3) deur die volgende subregulasie te vervang:

“(3) Wanneer ’n persoon wat wil stem sy identiteitsdokument voorgelê het, moet die voorsittende beampte of ’n stemopnemer ooreenkomstig die voorskrifte van die hoofreferendumbeampte daardie identiteitsdokument ondersoek ten einde hom te vergewis dat die persoon wie se naam daarin verskyn volgens die identiteitsdokument—

- (a) ’n Blanke is; en
- (b) ’n Suid-Afrikaanse burger is; en

Amendment of regulation 13 of the Regulations

4. Regulation 13 of the Regulations is hereby amended—

- (a) by the substitution for subregulation (2) of the following subregulation:

“(2) When a voter has complied with the instructions of subregulation (1), the presiding officer shall, in accordance with the instructions of the chief referendum officer, examine the identity document of the voter in order to satisfy himself that according to that identity document, that voter—

- (a) is a White person; and
- (b) is a South African citizen; and
- (c) is of or over the age of 18 years; and
- (d) is the person to whom the identity document has been issued:

Provided that if the facts referred to in paragraph (a) and (b) do not appear from the identity document, the presiding officer shall satisfy himself as to those facts by examination of any official document issued in respect of that voter by the Department of Home Affairs and made available to the presiding officer in accordance with the instructions of the chief referendum officer by either that voter himself or that Department.”; and

- (b) by the substitution for paragraph (d) of subregulation (3) of the following paragraph:

“(d) in accordance with the instructions of the chief referendum officer, place an identification mark on the fingers of the left hand or the right hand of the voter, except for a voter referred to in regulation 12 (1) (b), (c) and (d): Provided that if a voter has a religious or conscientious objection to the placing of the prescribed identification mark on his fingers, he shall make a sworn or affirmed affidavit in the form prescribed by the chief referendum officer that he has a religious or conscientious objection to the marking of his fingers and that he has not previously voted at the referendum.”.

Amendment of regulation 18 of the Regulations

5. Regulation 18 of the Regulations is hereby amended—

- (a) by the substitution for subregulation (3) of the following subregulation:

“(3) When a person who wishes to vote has submitted his identity document, the presiding officer or a polling clerk shall examine such identity document in accordance with the instructions of the chief referendum officer in order to ascertain that according to such identity document the person whose name appears in it—

- (a) is a White person; and
- (b) is a South African citizen; and

(c) 18 jaar oud en ouer is; en

(d) die persoon is aan wie daardie identiteitsdokument uitgereik is:

Met dien verstande dat indien die feite in paragrawe (a) en (b) bedoel nie uit die identiteitsdokument blyk nie, die voorsittende beampte hom, deur ondersoek van enige amptelike stuk wat deur die Departement van Binnelandse Sake ten opsigte van daardie kieser uitgereik is en ooreenkomstig die voorskrifte van die hoofreferendumbeampte of deur daardie kieser self of deur daardie Departement tot die voorsittende beampte se beskikking gestel is, van daardie feit moet vergewis.”; en

(b) deur paragraaf (d) van subregulasie (4) deur die volgende paragraaf te vervang:

“(d) ooreenkomstig die voorskrifte van die hoofreferendumbeampte, ’n identifikasiemerk op die vingers van die kieser se linkerhand of van sy regterhand plaas: Met dien verstande dat indien ’n kieser ’n geloofs- of gewetensbeswaar het dat die voorgeskrewe identifikasiemerk op sy vingers geplaas word, moet hy in die vorm deur die hoofreferendumbeampte voorgeskryf ’n beëdigde of bevestigende verklaring aflê en daarin meld dat hy ’n geloofs- of gewetensbeswaar teen die merk van sy vingers het en dat hy nie voorheen by die referendum gestem het nie.”;

(c) deur in subregulasie (5) na die woorde “voorsittende beampte” die woorde “of ’n stemopnemer” in te voeg.

Wysiging van regulasie 22 van die Regulasies

6. Regulasie 22 van die Regulasies word hierby gewysig deur in subregulasie (1) die woorde wat op paragraaf (d) volg deur die volgende woorde te vervang:

“en moet hy elke pakket merk en die pakkette aan die stembeampte vir die betrokke stemgebied aflewer of laat aflewer ooreenkomstig die voorskrifte van die hoofreferendumbeampte, en word die pakkette onder toesig van die persone ingevolge regulasie 23 (2) (b) aangestel, asook onder polisiebegeleiding, vervoer totdat die pakkette deur die stembeampte in bewaring geneem is.”.

Wysiging van regulasie 23 van die Regulasies

7. Regulasie 23 van die Regulasies word hierby gewysig deur subparagraaf (viii) van paragraaf (c) van subregulasie (1) deur die volgende subparagraaf te vervang:

“(viii) die stembusse in paragraaf (b) (vi) en (c) (vi) bedoel, die lys in paragraaf (a) (iii) bedoel, die stembriefverslae in paragraaf (c) (iv) en (vii) bedoel en die bedorwe stembriewe aan die referendumbeampte aflewer of laat aflewer, en word die bedoelde stembusse, lyste, stembriefverslae en bedorwe stembriewe onder toesig van die persone ingevolge regulasie 23 (2) (b) aangestel, asook onder polisiebegeleiding, vervoer totdat dit deur die referendumbeampte in bewaring geneem is.”.

(c) is of or over the age of 18 years; and

(d) is the person to whom the identity document has been issued:

Provided that if the facts referred to in paragraph (a) and (b) do not appear from the identity document, the presiding officer shall satisfy himself as to those facts by examination of any official documents issued in respect of that voter by the Department of Home Affairs and made available to the presiding officer in accordance with the instructions of the chief referendum officer by either that voter himself or that Department.”; and

(b) by the substitution for paragraph (d) of subregulation (4) of the following paragraph:

“(d) in accordance with the instructions of the chief referendum officer, place an identification mark on the fingers of the left hand or the right hand of the voter: Provided that if a voter has a religious or conscientious objection to the placing of the prescribed identification mark on his fingers, he shall make a sworn or affirmed affidavit in the form prescribed by the chief referendum officer that he has a religious or conscientious objection to the marking of his fingers and that he has not previously voted at the referendum.”;

(c) by the insertion in subregulation (5) after the words “presiding officer” of the words “or a polling clerk”.

Amendment of regulation 22 of the Regulations

6. Regulation 22 of the Regulations is hereby amended by the substitution in subregulation (1) for the words following upon paragraph (d) of the following words:

“and he shall mark each packet and deliver the packets to the polling officer for the polling area concerned or cause them to be delivered in accordance with the instructions of the chief referendum officer, and the packets are transported under supervision of the persons appointed in terms of regulation 23 (2) (b) as well as under police escort until the packets have been taken into safekeeping by the polling officer.”.

Amendment of regulation 23 of the Regulations

7. Regulation 23 of the Regulations is hereby amended by the substitution for subparagraph (viii) of paragraph (c) of subregulation (1) of the following subparagraph:

“(viii) deliver or cause to be delivered to the referendum officer the ballot boxes referred to in paragraph (b) (vi) and (c) (vi), the list referred to in paragraph (a) (iii), the ballot paper account referred to in paragraph (c) (iv) and (vii) and the spoiled ballot papers, and the said ballot boxes, lists, ballot paper accounts and spoiled ballot papers are transported under supervision of the persons appointed in terms of regulation 23 (2) (b) as well as under police escort until they have been taken into safekeeping by the referendum officer.”.

Wysiging van regulasie 24 van die Regulasies

8. Regulasie 24 van die Regulasies word hierby gewysig deur subregulasie (2) deur die volgende subregulasie te vervang:

“(2) ’n Hooftelagent kan ten opsigte van bedoelde gebied uit die geledere van die persone in subregulasie (1) bedoel of andersins een persoon vir elke stembusgebied as telagent aanstel.”.

Wysiging van regulasie 26 van die Regulasies

9. Regulasie 26 van die Regulasies word hierby gewysig deur subregulasie (2) deur die volgende subregulasie te vervang:

“(2) Daarna, maar nie voor 07:00 op 18 Maart 1992 nie, moet die referendumbeampste—

- (a) elke stembus wat aldus ontvang is oopmaak, die stembriewe daaruit haal, die stembriewe tel en die getal stembriewe vergelyk met die getal in die stembriefverslag;
- (b) die stembriewe op so ’n wyse deurmekaarmaak dat dit onmoontlik is om te bepaal uit watter stembus ’n bepaalde stembrief geneem is;
- (c) die stembriewe met hul voorkant na bo sorteer op die grondslag van die sienswyse ten opsigte waarvan stemme by die referendum uitgebring is;
- (d) die stemme tel wat ten opsigte van elke sienswyse by die referendum uitgebring is.”.

Amendment of regulation 24 of the Regulations

8. Regulation 24 of the Regulations is hereby amended by the substitution of subregulation (2) of the following subregulation:

“(2) A chief counting agent may in respect of such area appoint from among the persons referred to in subregulation (1) or otherwise one person as counting agent for every polling area.”.

Amendment of regulation 26 of the Regulations

9. Regulation 26 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

“(2) Thereafter, but not before 07:00 on 18 March 1992, the referendum officer shall—

- (a) open each ballot box so received, remove the ballot papers from the ballot box, count the ballot papers and compare the amount of ballot papers with the amount stated in the ballot paper account;
- (b) mix the ballot papers together in such a manner that it is impossible to determine from which ballot box a particular ballot paper has been taken;
- (c) sort the ballot papers with the front facing upwards on the basis of the views in respect of which votes were recorded at the referendum;
- (d) count the votes recorded in respect of each view at the referendum.”.

INHOUD

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GOEWERMENSKENNISGEWING		
Binnelandse Sake, Departement van		
<i>Goewermentskennisgewing</i>		
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