

Amendment of section 124 of Act 200 of 1993

1. Section 124 of the Constitution of the Republic of South Africa, 1993 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the name "Natal, wherever it occurs, of the name "KwaZulu/ Natal".

Amendment of section 126 of Act 200 of 1993

2. Section 126 of the principal Act is hereby amended-

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

"(1) A provincial legislature shall <<be competent,>> subject to subsections (3) and (4), ****have concurrent competence with Parliament**** to make laws for the province with regard to all matters which fall within the functional areas specified in Schedule 6."

- (b) by the insertion after subsection (2) of the following subsection:

<<"(2A) Parliament shall be competent, subject to subsections (3) and (4),
to make laws with regard to matters referred to in subsections (1) and (2).>>" ; and

- (c) by the substitution for subsection (3) of the following subsection:

"(3) ****An Act of Parliament which deals with a matter referred to in subsection (1) or (2) shall prevail over a provincial law inconsistent therewith, only to the extent that**** <<a law passed by a provincial legislature in terms of this Constitution shall prevail over an Act of Parliament which deals with a matter referred to in subsection (1) or (2) except in so far as>>

- (a)

****it**** <<the Act of Parliament>> deals with a matter that cannot be regulated effectively by provincial legislation;

- (b) ****it**** <<the Act of Parliament>> deals with a matter that, to be performed effectively, requires to be regulated

or co-ordinated by uniform norms or standards that apply generally throughout the Republic; (c) **it** the <<Act of Parliament>> is necessary to set minimum standards across the nation for the rendering of public services; (d) **it** <<the Act of Parliament>> is necessary for the **determination of national economic policies** maintenance of economic unity, the protection of the environment, the promotion of interprovincial commerce, the protection of the common market in respect of the mobility of goods, services, capital or labour, or the maintenance of national security; or (e) the provincial law materially prejudices the economic, health or security interests of another province or the country as a whole, <<or impedes the implementation of national economic policies>>.".

Amendment of section 155 of Act 200 of 1993

3. Section 155 of the principal Act is hereby amended-

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

"(2) The equitable share of revenue referred to in subsection (1) shall consist of-

(a) a percentage, as fixed by an Act of Parliament, of income tax on individuals which is collected **within the province** <<nationally>>;

(b) a percentage, as fixed by an Act of Parliament, of value-added tax or other sales tax which is collected **within the province** <<nationally>>;

<<(c) a percentage>>, as fixed by an Act of Parliament, of any national levy on the sale of fuel;

(d) any transfer duty, collected nationally, on the acquisition, sale or transfer of any property situated within the province

<<(e) any>> other conditional or unconditional allocations out of

(b) by the insertion after subsection (2) of the following subsection:

"<<(2A) Sections 59(2) and 60 shall not apply to an Act referred to in subsection (2), and such an Act shall be passed by the National

(c) by the substitution for subsection (3) of the following subsection:

"(3) The percentages referred to in **subsection (2)(a) and (b)** <<paragraphs (a), (b) and (c) of subsection (2), and the conditions

reasonably <<in respect of the different provinces>> after taking into account the national interest and recommendations of the Financial and

effected expeditiously and without any deduction therefrom.>>" ; (d) by the substitution in subsection (4) in the words preceding paragraph (a)

substitution in paragraph (b) of subsection (4) for the expression

"subsection (2)(a) and (b)" of the expression "subsection (2)(a), (b),

Amendment of section 156 of Act 200 of 1993

4. Section 156 of the principal Act is hereby amended-

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

"(1) A **province may levy taxes, surcharges or levies other than of a kind referred to in section 155(2)(a) or (b)**<<provincial

other than income tax or value-added or other sales tax, and to

(b) by the insertion after subsection (1) of the following subsections:

"<<(1A) Sections 59(2) and 60 shall not apply to an Act referred to in subsection (1), and such an Act shall be passed by the National Assembly and the Senate sitting separately.

(1B) A provincial legislature shall notwithstanding subsection (1) have exclusive competence within its province to impose taxes, levies and duties (excluding income tax or value-added or other sales tax) on(a) casinos; (b) gambling, wagering and lotteries; and (c) betting.>>", and (c) by the substitution for the proviso to subsection (3) of the following proviso:

"Provided that-

(a) ****the criteria to be taken into account in raising such charges** may be regulated by an Act of Parliament passed after recommendations of the Financial and Fiscal Commission relating to the draft text of any such Act have been submitted to and considered by Parliament****** <<such legislation may only be enacted after consideration by the provincial legislature of any recommendations made by the Financial and Fiscal Commission concerning the criteria according to which such charges should be determined>>; and

(b) ****they do not discriminate**** <<there is no discrimination against non-residents of that province who are South African citizens." .

Amendment of section 157 of Act 200 of 1993

5. Section 157 of the principal Act is hereby amended-

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

"(b) shall be competent to raise loans for capital expenditure, provided

it does so within the framework of <<reasonable>> norms and conditions prescribed by an Act of Parliament passed after the draft text of any such Act have been submitted to and considered by Parliament." ;

(b) by the insertion after subsection (1) of the following subsection:

subsection (1) (b), and such an Act shall be passed by the citizens." .

Amendment of section 157 of Act 200 of 1993

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following paragraph:

it does so within the framework of <<reasonable>> norms and conditions prescribed by an Act of Parliament passed after the draft text of any such Act have been submitted to and considered by Parliament." ;

(b) by the insertion after subsection (1) of the following subsection:

subsection (1) (b), and such an Act shall be passed by the

158. ****Revenue**** <<Financial>> allocations ****made**** by the national

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(a) to a provincial or local government, shall be made ****through**** in <<terms>> of an appropriation Act; and

(b) to a local government, shall ordinarily be made through the provincial government of the province in which the local government is situated."

Amendment of section 159 of Act 200 of 1993

7. Section 159 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) There is hereby established in the administration of each province a Provincial Revenue Fund, into which shall be paid all revenue ****raised**** <<collected>> by or accruing to the provincial government, <<and all financial allocations referred to in section 158 made by the national government to such a provincial government and to local governments within the province of such a provincial government.>>".

Amendment of section 160 of Act 200 of 1993

8. Section 160 of the principal Act is hereby amended-

(a) by the substitution for subsection (3) of the following subsection:

"(3) A provincial constitution shall not be inconsistent with ****a)**** a provision of this Constitution, including ****this Chapter and**** the Constitutional Principles set out in Schedule 4 <<and>>: <<Provided that a provincial constitution may provide for legislative and executive structures and procedures different from those provided for in this Constitution in respect of a province>> ****b)**** a provision of the new constitutional text>>"., and

(b) by the substitution for subsection (4) of the following subsection:

"(4) The text of a provincial constitution passed by a provincial legislature, or any provision thereof, shall be of no force and effect unless the Constitutional Court has certified that none of

subsection (3)**(a)**, <<subject to the proviso to that
subsection>> <<and if the new constitutional text is then already

Insertion of Chapter 11A in Act 200 of 1993

9. The following Chapter is hereby inserted in the principal Act after
section 184

"CHAPTER 11A

Provision for establishment of Volkstaat Council

<<184A. (1) The establishment of a Volkstaat Council is hereby authorised.

Parliament who support the establishment of a Volkstaat for those
who want it.

(3) The Council shall conduct its affairs according to rules made by
the Council.

Functions of Council

proponents of the idea of a Volkstaat to constitutionally pursue
the establishment of such a Volkstaat, and shall for this purpose

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(a) to gather, process and make available information with regard to
possible boundaries, powers and functions and legislative,

suggested constitutional relationship with government at
national and provincial level, and any other matter directly

- (b) to make feasibility and other relevant studies with regard to the matters referred to in paragraph (a);
 - (c) to submit representations and recommendations to the Constitutional Assembly and the Commission on Provincial Government with regard to the possible establishment of a Volkstaat and any matter in connection therewith; and
 - (d) to perform such other functions as may be prescribed by an Act of Parliament.
- (2) The procedures to be followed by the Council in the performance of its functions under subsection (1), shall be prescribed by an Act of Parliament.
- (3) The procedures provided for in this Constitution with regard to the finalisation of provincial boundaries, shall not be construed as precluding the establishment of such a Volkstaat, and in the event of the acceptance of the concept of a Volkstaat, alternative provision shall be made by an Act of Parliament for the finalisation of the boundaries of any affected province or provinces.>>.

Amendment of section 249 of Act 200 of 1993

10. (1) Section 249 of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections, respectively:

"(1) Notwithstanding the fact that Chapter 4 may not yet be in force the State President may, by proclamation in the Gazette, call an election in terms of the Electoral Act, 1993, for the election of the members of the National Assembly <<and the provincial legislatures.>>

(2) Such election shall be conducted in accordance with Schedule 2 and the Electoral Act, 1993, <<as amended by the Constitution of the

Republic of South Africa Amendment Act, 1994, and the Electoral Amendment Act, 1994, respectively.>>".

(2) Subsection (1) shall be deemed to have come into operation on the date of commencement of section 249 of the principal Act.

Amendment of Schedule 1 to Act 200 of 1993

11. Schedule 1 to the principal Act is hereby amended-

(a) by the substitution for the name "Natal", wherever it occurs, of the

(b) by the substitution for paragraph (d) of Part 2 of the following

"(d) Northern Transkei/Pondoland

****Libode,**** Lusikisiki, <<Mt Ayliff, Mt Frere, Mt Fletcher, Matatiele>> ****Nqeleni, Port St Johns**** and Tabankulu districts of

Amendment of Schedule 2 to Act 200 of 1993

12. Schedule 2 to the principal Act is hereby amended-

(a) by the substitution for the name "Natal", wherever it occurs, of the name "KwaZulu/Natal";

(b) by the substitution for item 15 of the following item:

15. <<There shall be separate ballot papers for the election of members legislatures.>>"; and

the

following definition:

"<<votes" means-

- (a) where it occurs in items 5, 6, 7 and 9, votes cast in the election for the National Assembly;
- (b) where it occurs in items 13 and 14, votes cast in the election for the provincial legislature of a province concerned; and
- (c) where it occurs in item 16, votes cast in the election for the National Assembly and the provincial legislatures.>>".

Amendment of Schedule 4 to Act 200 of 1993

13. Schedule 4 to the principal Act is hereby amended-

- (a) by the substitution for Constitutional Principle XVIII of the following Principle:

"XVIII

<<1.>> The powers ****boundaries**** and functions of the national government and provincial governments <<and the boundaries of the provinces>> shall be defined in the Constitution.

<<2. The powers and functions of the provinces defined in the Constitution, including the competence of a provincial legislature to adopt a constitution for its province, shall not be substantially less than or substantially inferior to those provided for in this Constitution.

3. The boundaries of the provinces shall be the same as those established in terms of this Constitution.>>

<<4.>> Amendments to the Constitution which alter the powers boundaries, functions or institutions of provinces shall in addition to any other procedures specified in the Constitution for constitutional

amendments, require the approval of a special majority of the legislatures of the provinces, alternatively, if there is such a -thirds majority of a chamber of Parliament composed of provincial representatives, and if the amendment concerns provinces will also be needed.

legislature concerning all constitutional amendments regarding its powers, boundaries and functions."; and

(b) by the addition after Constitutional Principle XXXIII of the following Principle:

<<XXXIV

African people as a whole to self-determination, shall not be

constitutional provision for a notion of the right to self

language heritage, whether in a territorial entity within the Republic or in any other recognised way.

2. The Constitution may give expression to any particular form of self within the community concerned for such a form of selfdetermination.

terms of this Constitution before the new constitutional text is adopted, the new Constitution shall entrench the continuation of such functions.>>".

14. The following Schedule is hereby substituted for Schedule 6 to the

"SCHEDULE 6

Legislative Competences of Provinces

Agriculture

<<Abattoirs>>

<<Airports, other than international and national airports>>

<<Animal control and diseases>>

Casinos, racing, gambling and wagering

<<Consumer protection>>

Cultural affairs

Education at all levels, excluding university and technikon education

Environment

Health services

Housing

<<Indigenous law and customary law>>

Language policy and the regulation of the use of official languages within a province, subject to section 3

Local government, subject to the provisions of Chapter 10

<<Markets and pounds>>

Nature conservation, excluding national parks, national botanical gardens and marine resources

Police, subject to the provisions of Chapter 14

Provincial public media

<<Provincial sport and recreation>>

Public transport

Regional planning and development

Road traffic regulation

Roads

<<Soil conservation>>

Tourism

Trade and industrial promotion

Traditional authorities

Urban and rural development

Welfare services".

Prevalence of English text of Constitution

15. Notwithstanding the fact that the Afrikaans text of the principal Act is
its interpretation prevail as if it were the signed text.

16. (1) This Act shall be called the Constitution of the Republic of South
into operation on 27 April 1994.

(2) Section 251(2) and (3) of the principal Act shall apply mutatis