

REPUBLIC OF SOUTH AFRICA

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**SELECT COMMITTEE AMENDMENTS  
TO  
CONSTITUTION OF THE  
REPUBLIC OF SOUTH AFRICA  
SECOND AMENDMENT BILL**

[B 17B—2002]

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*(As agreed to by the Select Committee on Security and Constitutional Affairs  
(National Council of Provinces))*

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[B 17C—2002]

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## AMENDMENT AGREED TO

### CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA SECOND AMENDMENT BILL [B 17B—2002]

#### NEW CLAUSE

1. That the following be a New Clause:

**Amendment of Schedule 3 to Act 108 of 1996, as amended by  
section 2 of Act 3 of 1999 and section 19 of Act 34 of 2001**

3. Schedule 3 to the Constitution of the Republic of South Africa, 1996, is hereby amended by the substitution for item 3 of Part B of the following item:

- “3. If the competing surpluses envisaged in item 2 are equal, the undistributed delegates in the delegation must be allocated to the party or parties, including any merged party as contemplated in section 61(2)(b), with the same surplus in sequence of votes recorded, starting with the party or merged party which recorded the highest number of votes, including combined votes in the case of a merged party, during the last election for the provincial legislature concerned, but if any of the parties with the same surplus—
- (a) came into existence on account of changes of party membership or subdivision of parties within that legislature as contemplated in section 61(2)(b); and
- (b) did not participate in the last election for the provincial legislature concerned,  
the legislature must allocate the undistributed delegates in the delegation to the party or parties with the same surplus in a manner which is consistent with democracy.”