

REPUBLIC OF SOUTH AFRICA

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**SELECT COMMITTEE AMENDMENTS  
TO**

**LOSS OR RETENTION OF  
MEMBERSHIP OF NATIONAL  
AND PROVINCIAL  
LEGISLATURES BILL**

[B 25—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 25A—2002]

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## AMENDMENTS AGREED TO

### LOSS OR RETENTION OF MEMBERSHIP OF NATIONAL AND PROVINCIAL LEGISLATURES BILL [B 25—2002]

#### NEW CLAUSE

1. That the following be a New Clause:

#### Amendment of section 2 of Act 69 of 1998

2. Section 2 of the Determination of Delegates (National Council of Provinces) Act, 1998, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) (a) If the total number of special delegates determined in terms of subsection (3) in respect of a particular provincial legislature is less than four, the delegates of the parties that are entitled to only one delegate in the delegation of that province must, despite subsection (1), become special delegates in the sequence from the lowest to the highest number of votes, including combined votes in the case of a merged party as contemplated in section 61(2)(b) of the Constitution, that have been recorded for those parties during the last election of that provincial legislature, until four special delegates have been allocated to parties in the provincial delegation: Provided that if any of the parties that are entitled to only one delegate in the delegation of that province—

- (i) came into existence on account of changes of party membership or subdivision of parties within that legislature as contemplated in section 61(2)(b) of the Constitution; and
- (ii) did not participate in the last election of that provincial legislature,

the legislature must, in a manner which is consistent with democracy, elect so many delegates from the delegates of those parties to become special delegates as may be necessary to allocate four special delegates to parties in the provincial delegation.

(b) If the total number of special delegates determined in terms of subsection (3) in respect of a particular provincial legislature is more than four, those special delegates must, despite subsections (2) and (3), become permanent delegates in the sequence from the highest to the lowest number of votes, including combined votes in the case of a merged party as contemplated in section 61(2)(b) of the Constitution, that have been recorded for the parties concerned during the last election of that provincial legislature, until four special delegates have been allocated to parties in the provincial delegation: Provided that if any of those parties—

- (i) came into existence on account of changes of party membership or subdivision of parties within that legislature as contemplated in section 61(2)(b) of the Constitution; and
- (ii) did not participate in the last election of that provincial legislature,

that legislature must, despite subsections (2) and (3) and in a manner which is consistent with democracy, elect so many special delegates of those parties to become permanent delegates as may be required to allocate four special delegates to parties in the provincial delegation.".

#### LONG TITLE

1. On page 2, in the fifth line, after "**party;**" to insert:

**to amend the Determination of Delegates (National Council of Provinces) Act, 1998, in order to make provision for the determination of certain delegates of a provincial legislature which has been reconstituted on account of changes of party membership and mergers or subdivision of parties;**