

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

Registered at the Post Office as a Newspaper

Vol. 400

CAPE TOWN, 30 OCTOBER 1998

No. 19411

OFFICE OF THE PRESIDENT

No. 1391. 30 October 1998

It is hereby notified that the President has assented to the following Act which is hereby published for general information:—

No. 87 of 1998: Constitution of the Republic of South Africa
Second Amendment Act, 1998.

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President.)
(Assented to 20 October 1998.)

ACT

To amend the Constitution of the Republic of South Africa, 1996, so as to provide that, where a municipal boundary is determined across a provincial boundary, national legislation must make provision for establishing a municipality of a type agreed to by the provincial governments concerned and for the exercising of executive authority over that municipality; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 155 of Act 108 of 1996

1. Section 155 of the Constitution of the Republic of South Africa, 1996 (hereinafter referred to as the principal Act), is hereby amended by the insertion after subsection (6) of the following subsection:

- “(6A) If the criteria envisaged in subsection (3)(b) cannot be fulfilled without a municipal boundary extending across a provincial boundary—
- (a) that municipal boundary may be determined across the provincial boundary, but only—
- (i) with the concurrence of the provinces concerned; and
- (ii) after the respective provincial executives have been authorised by national legislation to establish a municipality within that municipal area; and
- (b) national legislation may—
- (i) subject to subsection (5), provide for the establishment in that municipal area of a municipality of a type agreed to between the provinces concerned;
- (ii) provide a framework for the exercise of provincial executive authority in that municipal area and with regard to that municipality; and
- (iii) provide for the re-determination of municipal boundaries where one of the provinces concerned withdraws its support of a municipal boundary determined in terms of paragraph (a).”

Amendment of section 157 of Act 108 of 1996

2. Section 157 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

(4)(a) If the electoral system includes ward representation, the delimitation of wards must be done by an independent authority appointed in terms of, and operating according to, procedures and criteria prescribed by national legislation.

(b) Where a municipal boundary has been determined in terms of section 155(6A), a ward delimited within that municipal boundary may not extend across the provincial boundary concerned. 5

Short title

3. This Act is called the Constitution of the Republic of South Africa Second Amendment Act, 1998.