

CONSTITUTION FIFTEENTH AMENDMENT ACT OF 2008

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 6 January 2009.)*

ACT

To amend the Constitution of the Republic of South Africa, 1996, so as to—

- effect certain consequential amendments necessitated by the provisions of the Constitution Fourteenth Amendment Act of 2008;
 - provide for the filling of vacancies in a Municipal Council; and
 - abolish the right—
 - of a member of a Municipal Council to become a member of another political party whilst retaining membership of that Council; and
 - of an existing political party to merge with another political party, or to subdivide into more than one political party, or to subdivide and to permit any of the subdivisions to merge with another political party, whilst allowing a member of a Council affected by such changes to retain membership of that Council;
- and to provide for matters connected therewith.

Parliament of the Republic of South Africa enacts as follows:—

Amendment of section 46 of the Constitution of the Republic of South Africa, 1996, as amended by section 1 of the Constitution Tenth Amendment Act of 2003

1. Section 46 of the Constitution of the Republic of South Africa, 1996 (hereinafter referred to as the Constitution), is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“**[Subject to Schedule 6A, the]** The National Assembly consists of no fewer than 350 and no more than 400 women and men elected as members in terms of an electoral system that—”.

Amendment of section 47 of the Constitution of the Republic of South Africa, 1996, as amended by section 2 of the Constitution Tenth Amendment Act of 2003

2. Section 47 of the Constitution is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) A person loses membership of the National Assembly if that person—
(a) ceases to be eligible;

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- (b) is absent from the Assembly without permission in circumstances for which the rules and orders of the Assembly prescribe loss of membership; or
- (c) ceases to be a member of the party that nominated that person as a member of the Assembly[, **unless that member has become a member of another party in accordance with Schedule 6A**].” 5

Amendment of section 157 of the Constitution of the Republic of South Africa, 1996, as amended by section 2 of the Constitution Third Amendment Act of 1998, section 1 of the Constitution Eighth Amendment Act of 2002 and section 3 of the Constitution Twelfth Amendment Act of 2005

3. Section 157 of the Constitution is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: 10

“**[Subject to Schedule 6A, a] A** Municipal Council consists of—”.

Amendment of section 158 of the Constitution of the Republic of South Africa, 1996

4. Section 158 of the Constitution is hereby amended by the addition of the following subsection: 15

“(3) Vacancies in a Municipal Council must be filled in terms of national legislation.”.

Repeal of Schedule 6B to the Constitution of the Republic of South Africa, 1996, as inserted by section 2 of the Constitution Eighth Amendment Act of 2002 and amended by section 5, and renumbered by section 6, of the Constitution Tenth Amendment Act of 2003 20

5. Schedule 6B to the Constitution is hereby repealed.

Short title and commencement

6. This Act is called the Constitution Fifteenth Amendment Act of 2008, and comes into operation on a date set by the President by proclamation in the *Gazette*. 25