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OF SOUTH WEST AFRICA

BUITENGEWONE

OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA



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1

PROCLAMATION

by the

ADMINISTRATOR-GENERAL FOR THE TERRITORY
OF SOUTH WEST AFRICA

(Approved by the State President on 14 May 1979)

No. AG. 21

1979

ESTABLISHMENT AND POWERS OF, AND
REGULATION OF INCIDENTAL MATTERS IN
CONNECTION WITH, A LEGISLATIVE AUTHORITY
FOR SOUTH WEST AFRICA

Under the powers vested in me by Proclamation 181 of 19
August 1977, I hereby make the laws set out in the Schedule.

M. T. STEYN

Administrator-General

Windhoek, 14 May 1979

PROKLAMASIE

van die

ADMINISTRATEUR-GENERAAL VIR DIE GEBIED
SUIDWES-AFRIKA

(Deur die Staatspresident goedgekeur op 14 Mei 1979)

No. AG. 21

1979

INSTELLING EN BEVOEGDHEDE VAN, EN REËLING
VAN BYKOMSTIGE AANGELEENTHEDE IN VERBAND
MET, 'N WETGEWENDE GESAG VIR SUIDWES-AFRIKA

Kragtens die bevoegdheid my verleen by Proklamasie 181
van 19 Augustus 1977, maak ek hierby die wette in die Bylae
vervat.

M. T. STEYN

Administrateur-generaal

Windhoek, 14 Mei 1979

SCHEDULE

Definitions

1. In this Proclamation, unless the context indicates otherwise—

- (i) "Assembly" means the National Assembly of South West Africa established by section 2; (xi)
- (ii) "Constituent Assembly" means the body referred to in section 2 of the repealed law; (iii)
- (iii) "fixed date" means the date on which this Proclamation comes into operation in terms of section 27; (x)
- (iv) "member", in relation to the Assembly, means a person referred to in section 4 (1); (v)
- (v) "nomination" means nomination under section 7 as a representative, and "nominate" shall have a corresponding meaning; (vi)
- (vi) "political organization" means a political party or any association of political parties or of any political party and any other association or group of persons; (vii)
- (vii) "President" means the President of the Assembly; (viii)
- (viii) "registered party" means a political organization specified as a registered party in Government Notice AG. 71 published in *Official Gazette* 3854 of 26 October 1978 in terms of section 32 (1) of the Constituent Assembly and Election Proclamation, 1978 (Proclamation AG. 63 of 1978); (ii)
- (ix) "repealed law" means sections 2 to 21 of the Constituent Assembly and Election Proclamation, 1978; (iv)
- (x) "representative" means a person who is a member of the Assembly or, as the context may require, is by nomination to become a member in terms of section 7 (4); (xii)
- (xi) "Secretary" means the Secretary of the Assembly referred to in section 15; (ix)
- (xii) "the territory" means the territory of South West Africa. (i)

Establishment of National Assembly of South West Africa

2. There is hereby established a legislative authority for the territory, to be known as the National Assembly of South West Africa.

Powers of the Assembly

3. (1) The Assembly shall, subject to the provisions of this Proclamation, have power—

- (a) to make laws for the territory which shall be entitled Acts; and
 - (b) in any such law to repeal or amend any legal provision, including any Act of the Parliament of the Republic of South Africa in so far as it relates to or applies in the territory or is connected with the administration thereof or the administration of any matter by an authority therein.
- (2) The Assembly shall not have power to make any law altering the international status of the territory or to repeal and amend—
- (a) section 38 of the South West Africa Constitution Act, 1968 (Act 39 of 1968);
 - (b) Proclamations 180 of 1977 and 181 of 1977 of the State President;
 - (c) any provision of this Proclamation, except section 25; or
 - (d) any proclamation issued after the fixed date under the said section 38 or the said Proclamation 181 of 1977 and providing expressly that it may not be repealed or amended by the Assembly.
- (3) The Assembly may—
- (a) submit to the Administrator-General requests, recommendations or proposals as to any course of action it desires to be followed or any steps it desires to be taken in connection with any matter in relation to the territory;

BYLAE

Woordomskrywing

1. Tensy uit die samehang anders blyk, beteken in hierdie Proklamasie—

- (i) „die gebied” die gebied Suidwes-Afrika; (xii)
- (ii) „geregisteerde party” ’n politieke organisasie as geregisteerde party genoem in Goewermentskennisgewing AG. 71 wat in *Offisiële Koerant* 3854 van 26 Oktober 1978 gepubliseer is ingevolge artikel 32 (1) van die Grondwetgewende Vergadering- en Verkiesingsproklamasie, 1978 (Proklamasie AG. 63 van 1978); (viii)
- (iii) „Grondwetgewende Vergadering” die liggaam in artikel 2 van die herroepe wet bedoel; (ii)
- (iv) „herroepe wet” artikels 2 tot 21 van die Grondwetgewende Vergadering- en Verkiesingsproklamasie, 1978; (ix)
- (v) „lid”, met betrekking tot die Vergadering, ’n persoon in artikel 4 (1) bedoel; (iv)
- (vi) „nominasie” nominasie kragtens artikel 7 as ’n verteenwoordiger, en het „nomineer” ’n ooreenstemmende betekenis; (v)
- (vii) „politieke organisasie” ’n politieke party of ’n vereniging van politieke partye of van ’n politieke party en enige ander vereniging van of groep persone; (vi)
- (viii) „President” die President van die Vergadering; (vii)
- (ix) „Sekretaris” die Sekretaris van die Vergadering in artikel 15 bedoel; (xi)
- (x) „vasgestelde datum” die datum waarop hierdie Proklamasie ingevolge artikel 27 in werking tree; (iii)
- (xi) „Vergadering” die Nasionale Vergadering van Suidwes-Afrika by artikel 2 ingestel; (i)
- (xii) „verteenwoordiger” ’n persoon wat lid van die Vergadering is of, na gelang die samehang, wat deur nominasie lid moet word ingevolge artikel 7 (4). (x)

Instelling van Nasionale Vergadering van Suidwes-Afrika

2. Daar word hierby ’n wetgewende gesag vir die gebied ingestel, wat die Nasionale Vergadering van Suidwes-Afrika heet.

Bevoegdhede van die Vergadering

3. (1) Die Vergadering is, behoudens die bepalings van hierdie Proklamasie, bevoeg—

- (a) om wette vir die gebied te maak wat Wette heet; en
 - (b) om in so ’n wet enige regsreël, met inbegrip van ’n Wet van die Parlement van die Republiek van Suid-Afrika vir sover dit op die gebied betrekking het of daarin geld of met die administrasie daarvan of die administrasie van ’n aangeleentheid deur ’n gesag daarin in verband staan, te wysig of te herroep.
- (2) Die Vergadering is nie bevoeg om ’n wet te maak wat die internasionale status van die gebied verander nie of om—
- (a) artikel 38 van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet 39 van 1968);
 - (b) Proklamasies 180 van 1977 en 181 van 1977 van die Staatspresident;
 - (c) enige bepaling van hierdie Proklamasie behalwe artikel 25; of
 - (d) enige proklamasie wat na die vasgestelde datum kragtens genoemde artikel 38 of genoemde Proklamasie 181 van 1977 uitgevaardig word en waarin uitdruklik bepaal word dat dit nie deur die Vergadering herroep of gewysig kan word nie, te wysig of te herroep nie.
- (3) Die Vergadering kan—
- (a) aan die Administrateur-generaal versoeke, aanbevelings of voorstelle voorlê aangaande die gedragssyn wat die Vergadering verlang gevolg moet word of die stappe wat hy verlang gedoen moet word in verband met enige aangeleentheid met betrekking tot die gebied;

(b) advise or make any recommendation to the Administrator-General, at his request or of its own motion, as to the enactment, amendment or repeal of any law referred to in subsection (2), or the exercise of any governmental function in or in respect of the territory by the Administrator-General or any other authority.

(4) The Administrator-General shall not be obliged to give effect to any request, recommendation, proposal or advice submitted or given by the Assembly under subsection (3).

(5) In subsections (3) and (4) "Assembly", in relation to the powers conferred upon the Assembly in paragraph (b) of subsection (3), includes a body consisting of members of the Assembly designated by the Assembly on the recommendation of the Administrator-General.

Constitution of the Assembly

4. (1) The Assembly shall consist of not less than fifty and not more than sixty-five members, who shall, subject to the provisions of section 6, be the persons who were members of the Constituent Assembly immediately before the fixed date or become members of the Assembly in terms of section 7 (4) on or after that date.

(2) There shall be fifty ordinary seats in the Assembly, being the seats which immediately before the fixed date were seats in the Constituent Assembly, and such number of additional seats, but not exceeding fifteen, as may have been allocated under subsection (4) by the Assembly to political organizations at any time.

(3) A registered party shall be entitled to nominate a representative in respect of an ordinary seat which is or becomes vacant on or at any time after the fixed date if that party is the registered party which, in terms of a provision of the repealed law, nominated, or was entitled to nominate, as a representative in the Constituent Assembly, the person who in terms of subsection (1) becomes a member of the Assembly in the seat concerned on that date or, in the case of an ordinary seat which is vacant on that date, the last person who was a member of the Constituent Assembly in the seat concerned before that date.

(4) The Assembly may allocate such number of additional seats as it may determine, to any political organization (including a registered party) which has been recognized by the Assembly for that purpose upon request made on behalf of such organization in accordance with subsection (5).

(5) (a) One or more office-bearers of a political organization may submit to the President a request in writing on behalf of such organization for the recognition of, and the allocation of one or more additional seats to, such organization by the Assembly under subsection (4), and shall in any such request set out fully the grounds upon which it is made.

(b) Any such request received by the President shall be laid upon the table in the Assembly, whereupon the Assembly may refer the request for investigation, report and a recommendation to a committee of the Assembly or deal with it in such other manner as it may consider suitable.

(c) If no proposal has been moved by any member in connection with the request after it has lain upon the table in the Assembly for at least five days on which the Assembly was in session, the President shall refer the request to a committee consisting of members of the Assembly designated by him, one of whom shall be designated by him as chairman of the committee, and such committee shall be deemed to be a committee of the Assembly to which the request has been referred by the Assembly as contemplated in paragraph (b).

(d) The report of a committee shall be laid upon the table in the Assembly and if, after it has so lain upon the table for at least five days on which the Assembly was in session, no proposal in connection with it has been moved by any member, the chairman of the committee shall upon due notice

(b) die Administrateur-generaal van raad dien of enige aanbeveling aan hom maak, op sy versoek of uit eie beweging, aangaande die verordening, wysiging of herroeping van enige wet in subartikel (2) bedoel, of die uitoefening van 'n regeringswerkzaamheid in of ten opsigte van die gebied deur die Administrateur-generaal of 'n ander gesag.

(4) Die Administrateur-generaal is nie verplig om aan enige versoek, aanbeveling, voorstel of advies deur die Vergadering kragtens subartikel (3) voorgelê of gegee, gevolg te gee nie.

(5) In subartikels (3) en (4) beteken „Vergadering”, met betrekking tot die bevoegdhe in paragraaf (b) van subartikel (3) aan die Vergadering verleen, ook 'n liggaam wat bestaan uit lede van die Vergadering wat deur die Vergadering op aanbeveling van die Administrateur-generaal aangewys is.

Samestelling van die Vergadering

4. (1) Die Vergadering bestaan uit minstens vyftig en hoogstens vyf-en-sestig lede, wat, behoudens die bepalings van artikel 6, die persone is wat onmiddellik voor die vasgestelde datum lede van die Grondwetgewende Vergadering was of op of na daardie datum ingevolge artikel 7 (4) lede van die Vergadering word.

(2) Daar is vyftig gewone setels in die Vergadering, synde die setels wat onmiddellik voor die vasgestelde datum setels in die Grondwetgewende Vergadering was, en die aantal addisionele setels, maar hoogstens vyftien, wat te eniger tyd kragtens subartikel (4) deur die Vergadering aan politieke organisasies toegeken is.

(3) 'n Geregistreeerde party is geregtig om ten opsigte van 'n gewone setel wat op of te eniger tyd na die vasgestelde datum vakant is of vakant word, 'n verteenwoordiger te nomineer indien daardie party die geregistreeerde party is wat, ingevolge 'n bepaling van die herroepe wet, die persoon wat ingevolge subartikel (1) op daardie datum lid van die Vergadering in die betrokke setel word, of, in die geval van 'n gewone setel wat op daardie datum vakant is, die laaste persoon wat voor daardie datum 'n lid van die Grondwetgewende Vergadering in die betrokke setel was, as verteenwoordiger in die Grondwetgewende Vergadering genomineer het, of geregtig was om hom aldus te nomineer.

(4) Die Vergadering kan die aantal addisionele setels wat hy bepaal, toeken aan 'n politieke organisasie (met inbegrip van 'n geregistreeerde party) wat vir dié doel deur die Vergadering erken is op versoek van daardie organisasie gedoen ooreenkomstig subartikel (5).

(5) (a) Een of meer ampsbekleders van 'n politieke organisasie kan ten behoeve van die organisasie aan die President 'n skriftelike versoek rig vir die erkenning van, en die toekenning van een of meer addisionele setels aan, die organisasie deur die Vergadering kragtens subartikel (4), en moet in so 'n versoek die gronde waarop dit gedoen word volledig uiteensit.

(b) So 'n versoek wat deur die President ontvang is, word in die Vergadering ter tafel gelê, waarna die Vergadering dit vir ondersoek, verslag en 'n aanbeveling na 'n komitee van die Vergadering kan verwys of op die ander wyse wat die Vergadering geskik ag daarmee kan handel.

(c) Indien geen voorstel in verband met die versoek deur 'n lid gedoen is nie nadat dit vir minstens vyf dae waarop die Vergadering in sitting was, in die Vergadering ter tafel gelê het, verwys die President dit na 'n komitee wat uit lede van die Vergadering deur hom aangewys bestaan, een van wie deur hom as voorsitter van die komitee aangewys word, en sodanige komitee word geag 'n komitee van die Vergadering te wees waarna die versoek deur die Vergadering verwys is soos in paragraaf (b) beoog.

(d) Die verslag van 'n komitee word in die Vergadering ter tafel gelê en indien, nadat dit aldus ter tafel gelê het vir minstens vyf dae waarop die Vergadering in sitting was, geen voorstel in verband daarmee deur 'n lid gedoen is nie, stel die voorsitter van die komitee na behoorlike kennisgewing voor

move the adoption by the Assembly of the recommendation contained in the report.

(e) The provisions of paragraph (d) shall not be construed as debarring any proposal for the rejection or amendment of a recommendation proposed for adoption in terms of that paragraph.

(6) A political organization which has been recognized by the Assembly under subsection (4), shall be entitled to nominate a representative in respect of every additional seat allocated to it under that subsection.

(7) For the purposes of the first nomination of a representative by a political organization under subsection (6), the additional seat concerned shall be deemed to have become vacant on the date of the decision of the Assembly whereby that seat was allocated to such organization.

Qualifications of members of the Assembly

5. (1) Any person—

(a) whose name appears in the register of voters referred to in section 57 (4) of the Constituent Assembly and Election Proclamation, 1978 (Proclamation AG. 63 of 1978); or

(b) who, if his name does not appear in the said register—

(i) was born in the territory; or

(ii) is ordinarily resident in the territory, as contemplated in section 3 (2) of the Registration of Voters (Constituent Assembly) Proclamation, 1978 (Proclamation AG. 37 of 1978), and has been so resident for a continuous period of not less than four years immediately before the date upon which he accepts his nomination in terms of section 7, and

who is of or over the age of twenty-one years and is not subject to a disqualification mentioned in subsection (2), shall be qualified for nomination as a representative and to be a member of the Assembly.

(2) No person shall be qualified for nomination as a representative or to be a member of the Assembly if he is subject to an order of court declaring him to be of unsound mind or mentally disordered or defective, or is detained as a mentally ill person under any law.

Vacating of seat by member of the Assembly

6. (1) A member shall vacate his seat—

(a) if he is convicted of an offence in terms of section 61 or section 62 (1) (a), (b), (c) or (d) of the Constituent Assembly and Election Proclamation, 1978 (Proclamation AG. 63 of 1978), or section 25 (d) of this Proclamation, or of any offence in respect of which he is sentenced to imprisonment without the option of a fine;

(b) if he becomes subject to a disqualification mentioned in section 5 (2);

(c) subject to the rules and orders of the Assembly, if he is absent on ten consecutive sitting days of the Assembly without its leave, and his absence is not condoned by the Assembly;

(d) if he resigns his seat by writing under his hand addressed to the President;

(e) upon the date one year after the fixed date, or upon such later date as the Administrator-General may fix from time to time by proclamation in the *Official Gazette*: Provided that the period of office of members shall not be extended under the preceding provisions of this paragraph for more than six months at a time.

(2) In subsection (1) (c) "sitting days" means separate days on which the Assembly is in session.

(3) The validity of a decision of or any proceedings in the Assembly shall not be affected by the vote or participation of

dat die aanbeveling in die verslag vervat, deur die Vergadering aanvaar word.

(e) Die bepalings van paragraaf (d) word nie so uitgelê dat dit 'n voorstel vir die verwerping of wysiging van 'n aanbeveling waarvan die aanvaarding ingevolge daardie paragraaf voorgestel is, belet nie.

(6) 'n Politieke organisasie wat kragtens subartikel (4) deur die Vergadering erken is, is geregtig om ten opsigte van elke addisionele setel wat kragtens daardie subartikel aan hom toegeken is, 'n verteenwoordiger te nomineer.

(7) Vir die doeleindes van die eerste nominasie van 'n verteenwoordiger deur 'n politieke organisasie kragtens subartikel (6), word die betrokke addisionele setel geag vakant te geword het op die datum van die besluit van die Vergadering waarby daardie setel aan daardie organisasie toegeken is.

Kwalifikasies van lede van die Vergadering

5. (1) Enige persoon—

(a) wie se naam in die register van kiesers bedoel in artikel 57 (4) van die Grondwetgewende Vergadering- en Verkiezingsproklamasie, 1978 (Proklamasie AG. 63 van 1978), verskyn; of

(b) wat, indien sy naam nie in genoemde register verskyn nie—

(i) in die gebied gebore is; of

(ii) sy gewone verblyf, soos in artikel 3 (2) van die Proklamasie op die Registrasie van Kiesers (Grondwetgewende Vergadering), 1978 (Proklamasie AG. 37 van 1978), bedoel, in die gebied het en dit aldus gehad het vir 'n ononderbroke tydperk van minstens vier jaar onmiddellik voor die datum waarop hy sy nominasie ingevolge artikel 7 van hierdie Proklamasie aanvaar, en wat een-en-twintig jaar oud of ouer is en nie aan 'n in subartikel (2) van hierdie artikel genoemde onbevoegdheid onderworpe is nie, is bevoeg om as verteenwoordiger genomineer te word en om lid van die Vergadering te wees.

(2) Niemand is bevoeg om as verteenwoordiger genomineer te word of om lid van die Vergadering te wees nie indien hy onderworpe is aan 'n hofbevel wat hom swakinnig of geestelik gekrenk of gebrekkig verklaar, of kragtens die een of ander wet as 'n geestesongestelde persoon aangehou word.

Ontruiming van setel deur lid van die Vergadering

6. (1) 'n Lid ontruim sy setel—

(a) indien hy skuldig bevind word aan 'n misdryf ingevolge artikel 61 of artikel 62 (1) (a), (b), (c), of (d) van die Grondwetgewende Vergadering- en Verkiezingsproklamasie, 1978 (Proklamasie AG. 63 van 1978), of artikel 25 (d) van hierdie Proklamasie, of aan 'n misdryf ten opsigte waarvan hy tot gevangenisstraf sonder die keuse van 'n boete gevonnis word;

(b) indien hy aan 'n onbevoegdheid in artikel 5 (2) genoem, onderworpe word;

(c) behoudens die reëls en orders van die Vergadering, indien hy op tien opeenvolgende sittingsdae van die Vergadering afwesig is sonder verlof van die Vergadering, en sy afwesigheid nie deur die Vergadering gekondoneer word nie;

(d) indien hy deur 'n bedankingsbrief, deur hom onderteken en aan die President gerig, vir sy setel bedank;

(e) op die datum een jaar na die vasgestelde datum, of op die latere datum wat die Administrateur-generaal van tyd tot tyd by proklamasie in die *Offisiële Koerant* bepaal: Met dien verstande dat die ampstermyn van lede nie kragtens die voorafgaande bepalings van hierdie paragraaf vir langer as ses maande op 'n keer verleng word nie.

(2) In subartikel (1) (c) beteken „sittingsdae” afsonderlike dae waarop die Vergadering in sitting is.

(3) Die geldigheid van 'n besluit van of verrigtinge in die Vergadering word nie deur die stem van of deelname deur 'n

a member who subsequently vacated his seat in terms of subsection (1), or by the fact that any vacancy or vacancies existed in the Assembly at the time of such decision or proceedings.

Filling of vacancies in the Assembly

7. (1) If a seat in the Assembly is vacant or is in terms of subsection (7) of section 4 deemed to be vacant, the President shall declare the vacancy in the Assembly and shall at the same time call—

(a) in the case of an ordinary seat, upon the registered party which is in terms of subsection (3) of that section entitled to nominate a representative in respect of the vacancy; or

(b) in the case of an additional seat, upon the political organization which is so entitled in terms of subsection (6) of that section, to nominate a representative in respect of the vacancy in due course.

(2) If the registered party or political organization concerned fails to make a nomination within fourteen days after the existence of the vacancy is declared in terms of subsection (1) of this section or within such further period as the President may allow, the Administrator-General, instead of the registered party or political organization, may, if he deems it expedient, after such consultation with any office-bearer thereof as the Administrator-General may think fit, nominate any person who is in terms of section 5 qualified to be nominated and who in the opinion of the Administrator-General could have been nominated by the registered party or political organization, and a person so nominated by the Administrator-General shall for the purposes of this Proclamation be deemed to have been nominated by the registered party concerned or, as the case may be, by the political organization concerned.

(3) A nomination of a representative shall be made by the submission to the Secretary, in writing in the form prescribed by him, in respect of the person nominated—

(a) his acceptance of the nomination;

(b) his full name and surname;

(c) the date of his birth; and

(d) in the case of a person referred to in paragraph (a) of section 5 (1), the number of the registration card issued to him in terms of the provisions of the Registration of Voters (Constituent Assembly) Proclamation, 1978 (Proclamation AG.37 of 1978); or

(e) in the case of a person referred to in paragraph (b) of section 5 (1), proof to the satisfaction of the Secretary (which proof may be in the form of a sworn declaration) that he is in terms of that paragraph qualified to be nominated.

(4) The nomination of a representative shall be announced by the President in the Assembly, and, subject to the provisions of section 6 and the rules and orders of the Assembly, such representative shall thereupon be a member of the Assembly.

Members of the Assembly may be paid allowances

8. (1) A member of the Assembly may be paid such allowances and may be afforded such facilities as may be determined by the Administrator-General.

(2) The Administrator-General may determine different allowances or facilities in respect of members holding different offices in the Assembly.

(3) For the purposes of the provisions of any other law, a member shall not by reason of any allowance or facilities paid or afforded to him under this section be deemed to hold an office of profit under any government or other authority mentioned in the other law concerned.

lid wat daarna sy setel ingevolge subartikel (1) ontruim het, of deur die feit dat daar ten tyde van sodanige besluit of verrigtinge enige vakature of vakatures in die Vergadering bestaan het, geraak nie.

Vul van vakatures in die Vergadering

7. (1) Indien 'n setel in die Vergadering vakant is of ingevolge subartikel (7) van artikel 4 geag word vakant te wees, verklaar die President in die Vergadering dat die vakature bestaan en doen hy terselfdertyd 'n beroep—

(a) in die geval van 'n gewone setel, op die geregistreerde party wat ingevolge subartikel (3) van daardie artikel geregtig is om 'n verteenwoordiger ten opsigte van die vakature te nomineer; of

(b) in die geval van 'n addisionele setel, op die politieke organisasie wat ingevolge subartikel (6) van daardie artikel aldus geregtig is, om te geleëner tyd 'n verteenwoordiger ten opsigte van die vakature te nomineer.

(2) Indien die betrokke geregistreerde party of politieke organisasie versuim om 'n nominasie te doen binne veertien dae nadat daar ingevolge subartikel (1) van hierdie artikel verklaar is dat die vakature bestaan of binne die verdere tydperk wat die President toelaat, kan die Administrateur-generaal, indien hy dit dienstig ag, in plaas van die geregistreerde party of politieke organisasie, na die oorlegpleging met 'n ampsbekleder daarvan wat die Administrateur-generaal goed ag, enige persoon nomineer wat ingevolge artikel 5 bevoeg is om genomineer te word en wat na die Administrateur-generaal se mening deur die geregistreerde party of politieke organisasie genomineer kon geword het, en 'n persoon aldus deur die Administrateur-generaal genomineer, word by die toepassing van hierdie Proklamasie geag deur die betrokke geregistreerde party of, na gelang van die geval, deur die betrokke politieke organisasie genomineer te wees.

(3) 'n Nominasie van 'n verteenwoordiger word gedoen deur aan die Sekretaris skriftelik, in die vorm deur hom voorgeskryf, ten opsigte van die genomineerde persoon voor te lê—

(a) sy aanvaarding van die nominasie;

(b) sy volle naam en van;

(c) sy geboortedatum; en

(d) in die geval van 'n persoon in paragraaf (a) van artikel 5 (1) bedoel, die nommer van die registrasiakaart ingevolge die bepalings van die Proklamasie op die Registrasie van Kiesers (Grondwetgewende Vergadering), 1978 (Proklamasie AG. 37 van 1978), aan hom uitgereik; of

(e) in die geval van 'n persoon in paragraaf (b) van artikel 5 (1) bedoel, bewys ten genoë van die Sekretaris (welke bewys in die vorm van 'n beëdigde verklaring kan wees) dat hy ingevolge daardie paragraaf bevoeg is om genomineer te word.

(4) Die nominasie van 'n verteenwoordiger word deur die President in die Vergadering aangekondig, en daarop is bedoelde verteenwoordiger, behoudens die bepalings van artikel 6 en die reëls en orders van die Vergadering, 'n lid van die Vergadering.

Aan lede van die Vergadering kan toelaes betaal word

8. (1) Aan 'n lid van die Vergadering kan die toelaes betaal word en die geriewe verskaf word wat die Administrateur-generaal bepaal.

(2) Die Administrateur-generaal kan verskillende toelaes en geriewe bepaal ten opsigte van lede wat verskillende ampte in die Vergadering beklee.

(3) By die toepassing van die bepalings van 'n ander wet, word 'n lid nie op grond van 'n toelae of geriewe wat kragtens hierdie artikel aan hom betaal of verskaf word, geag 'n winsbetrekking onder enige regering of ander gesag in die betrokke ander wet genoem, te beklee nie.

Seat of the Assembly

9. Windhoek shall be the seat of the Assembly: Provided that if the Assembly, with the consent of the Administrator-General obtained beforehand in any particular case, so decides, any particular sitting or particular sittings of the Assembly may take place at such other place in the territory as may be specified in the decision.

Sittings of the Assembly

10. (1) The first meeting of the Assembly shall take place on a day and at a time to be fixed by the Administrator-General by proclamation in the *Official Gazette*.

(2) Subject to the provisions of subsection (1), the sittings of the Assembly shall take place at such times as may be determined by it: Provided that the President may at any time during an adjournment convene a sitting of the Assembly, and that the Administrator-General may at any time summon a meeting of the Assembly by proclamation in the *Official Gazette* or in such other manner as he may think suitable.

Election of President

11. (1) At the first meeting of the Assembly, the Secretary shall read the proclamation issued under section 27 by the Administrator-General, and the Administrator-General shall open the proceedings.

(2) Thereafter the Assembly shall proceed to elect a member as President of the Assembly.

(3) The Secretary shall act as chairman until a President is elected, and may adjourn the meeting from time to time as circumstances may require.

(4) A proposal of a candidate for election as President shall be moved by a member and seconded by at least five other members.

(5) If only one candidate is proposed and seconded he shall be declared by the Secretary to be duly elected.

(6) If more than one candidate is proposed and seconded, a vote shall be taken, each member present having one vote and no debate being allowed, and the candidate in whose favour a majority of all the votes cast is recorded, shall be declared by the Secretary to be duly elected.

(7) If no candidate receives a majority of all the votes so cast, the candidate or candidates who received the smallest number of votes shall be eliminated and a further vote shall be taken in respect of the remaining candidates, this procedure being repeated as often as may be necessary.

(8) If there are only two candidates, or if only two candidates remain after the elimination of any candidate in terms of subsection (7), and there is an equality of votes between them, neither of them shall be regarded as elected, and the Secretary shall adjourn the meeting to a time fixed by him.

(9) At the resumed meeting the Secretary shall call for fresh proposals of candidates for election as President and, until a President is elected, the provisions of this section, with the exception of subsection (1), shall apply as if the resumed meeting or any further resumed meeting were the first meeting proceeding, as contemplated in subsection (2), to elect a member as President.

(10) If at any stage of the proceedings under this section any member proposes that the voting for the election of a President be by secret ballot, and such proposal is seconded by at least ten other members, the votes shall be taken by secret ballot in such manner as the Secretary may think fit.

(11) Unless the Assembly decides otherwise—

(a) the member elected as President in terms of this section shall hold office as President for as long as he is a member;

Setel van die Vergadering

9. Windhoek is die setel van die Vergadering: Met dien verstande dat, indien die Vergadering met die toestemming van die Administrateur-generaal vooraf in elke bepaalde geval verkry, so besluit, 'n bepaalde sitting of bepaalde sittings van die Vergadering kan plaasvind op 'n ander plek in die gebied wat in die besluit genoem word.

Sittings van die Vergadering

10. (1) Die eerste byeenkoms van die Vergadering vind plaas op 'n dag en tyd wat die Administrateur-generaal by proklamasie in die *Offisiële Koerant* bepaal.

(2) Behoudens die bepalings van subartikel (1), vind sittings van die Vergadering plaas op die tye wat hy bepaal: Met dien verstande dat die President te eniger tyd gedurende 'n verdagting 'n sitting van die Vergadering kan belê, en dat die Administrateur-generaal die Vergadering te eniger tyd by proklamasie in die *Offisiële Koerant* of op die ander wyse wat hy geskik ag, kan byeenroep.

Verkiezing van President

11. (1) Op die eerste byeenkoms van die Vergadering lees die Sekretaris die proklamasie deur die Administrateur-generaal kragtens artikel 27 uitgevaardig, en open die Administrateur-generaal die vergadering.

(2) Daarna gaan die Vergadering oor tot die verkiezing van 'n lid as President van die Vergadering.

(3) Die Sekretaris tree as voorsitter op tot 'n President gekies is, en kan die byeenkoms van tyd tot tyd verdaag na vereiste van omstandighede.

(4) Die voorstel van 'n kandidaat vir verkiezing as President moet deur 'n lid gedoen en deur minstens vyf ander lede gesekondeer word.

(5) Indien slegs een kandidaat voorgestel en gesekondeer word, word hy deur die Sekretaris as behoorlik verkies verklaar.

(6) Indien meer as een kandidaat voorgestel en gesekondeer word, vind 'n stemming plaas waarby elke lid wat teenwoordig is een stem het en geen debat toegelaat word nie, en word die kandidaat ten gunste van wie 'n meerderheid aangeteken word van al die stemme wat uitgebring is, deur die Sekretaris as behoorlik verkies verklaar.

(7) Indien geen kandidaat 'n meerderheid verkry van al die stemme wat aldus uitgebring is nie, word die kandidaat of kandidate wat die minste stemme gekry het, uitgeskakel en word 'n verdere stemming ten opsigte van die oorblywende kandidaat gehou, en hierdie prosedure word herhaal so dikwels as wat nodig is.

(8) Indien daar slegs twee kandidaat is, of indien slegs twee kandidaat oorbly na die uitskakeling van 'n kandidaat ingevolge subartikel (7), en daar 'n staking van stemme tussen hulle is, word geeneen as verkies beskou nie, en verdaag die Sekretaris die byeenkoms tot op 'n tyd deur hom vasgestel.

(9) Op die voortgesette byeenkoms vra die Sekretaris nuwe voorstelle van kandidaat vir verkiezing as President en, totdat 'n President verkies is, is die bepalings van hierdie artikel, met uitsondering van subartikel (1), van toepassing asof die voortgesette byeenkoms of 'n verdere voortgesette byeenkoms die eerste byeenkoms was wat, soos in subartikel (2) beoog, tot die verkiezing van 'n President oorgaan.

(10) Indien 'n lid in enige stadium van die vergadering kragtens hierdie artikel voorstel dat die stemming vir die verkiezing van 'n President geheim moet wees, en die voorstel deur minstens tien ander lede gesekondeer word, vind die stemming in die geheim plaas op die wyse wat die Sekretaris goet ag.

(11) Tensy die Vergadering anders besluit—

(a) beklee die lid wat ingevolge hierdie artikel as President verkies is die amp van President vir solank as wat hy 'n lid is;

(b) any vacancy in the office of President shall be filled *mutatis mutandis* in accordance with the provisions of this section.

(12) The provisions of this section shall not be construed as prohibiting the election or the designation in some other manner of any vice-president or acting president or other office-bearer of the Assembly.

Rules and orders of the Assembly

12. (1) The Assembly may make rules and orders with respect to the order and conduct of its business and proceedings.

(2) Unless and until the Assembly by any such rule or order provides otherwise, and subject to the provisions of section 11—

(a) the presence of at least twenty members shall be necessary to constitute a sitting of the Assembly for the exercise of its powers;

(b) the President or a member designated by him shall preside at any sitting of the Assembly and regulate the conduct of its business and proceedings;

(c) all questions in the Assembly shall be determined by a majority of votes of members present and voting other than the President or other presiding member, who shall, however, have and exercise a casting vote in the case of an equality of votes;

(d) the Assembly may establish committees to perform such functions as the Assembly may determine;

(e) the Secretary shall cause such record of the proceedings of the Assembly to be kept as the President may determine;

(f) the rules and orders adopted under section 18 (5) of the South West Africa Constitution Act, 1968 (Act 39 of 1968), as they exist on the fixed date, shall apply *mutatis mutandis* and with such amendments, additions or adjustments as the President may approve, with reference to the business and proceedings of the Assembly in so far as they are capable of being so applied.

(3) Rules and orders adopted by the Constituent Assembly under a provision of the repealed law, shall be deemed to be rules and orders adopted by the Assembly under subsection (1).

Freedom of speech

13. (1) Subject to the rules and orders of the Assembly, there shall be freedom of speech in the Assembly and in any committee of the Assembly.

(2) No member shall be liable to any legal proceedings by reason of his speech or vote in the Assembly or any committee of the Assembly.

Proceedings open to public

14. Subject to the rules and orders of the Assembly, the proceedings of the Assembly shall be open to the public.

Secretary and other officers of the Assembly

15. (1) The Administrator-General shall appoint a person on such conditions as the Administrator-General may determine, or designate a person in the public service made available for that purpose, as the Secretary of the Assembly, who shall perform the functions and duties assigned to him by this Proclamation or by the Assembly or the President.

(2) Subject to the laws governing the control of public moneys, the Secretary shall perform his functions and duties under the control of the President.

(3) The Secretary shall be assisted by officers of the Assembly who shall be persons in the public service made available for that purpose or persons appointed by the Secretary on such conditions as he may determine subject to the provisions of subsection (5).

(b) word 'n vakature in die amp van President *mutatis mutandis* ooreenkomstig die bepalings van hierdie artikel gevul.

(12) Die bepalings van hierdie artikel word nie so uitgelê dat dit die verkiesing of aanwysing op 'n ander wyse van 'n vise-president of waarnemende president of ander ampsbekleder van die Vergadering verbied nie.

Reëls en orders van die Vergadering

12. (1) Die Vergadering kan reëls en orders aanneem in verband met die orde en reëling van sy werksaamhede en verrigtinge.

(2) Tensy en totdat die Vergadering by so 'n reël of order anders bepaal, en behoudens die bepalings van artikel 11—

(a) moet minstens twintig lede aanwesig wees om 'n sitting van die Vergadering vir die uitoefening van sy magte bevoeg te maak;

(b) sit die President of 'n lid deur hom aangewys op 'n sitting van die Vergadering voor en behartig hy die reëling van die werksaamhede en verrigtinge daarvan;

(c) word alle vrae in die Vergadering beslis deur 'n meerderheid van stemme van lede wat aanwesig is en stem met die uitsondering van die President of ander voorsittende lid wat egter by 'n staking van stemme 'n beslissende stem het en uitbring;

(d) kan die Vergadering komitees instel om die werksaamhede te verrig wat die Vergadering bepaal;

(e) laat die Sekretaris die aantekening van die verrigtinge van die Vergadering hou wat die President bepaal;

(f) is die reglement van orde wat kragtens artikel 18 (5) van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet 39 van 1968), aanvaar is, soos dit op die vasgestelde datum bestaan, *mutatis mutandis* en met die wysigings, toevoegings of aanpassings wat die President goedkeur, met betrekking tot die werksaamhede en verrigtinge van die Vergadering van toepassing vir sover dit aldus toegepas kan word.

(3) Reëls en orders wat kragtens 'n bepaling van die herroepe wet deur die Grondwetgewende Vergadering aangeneem is, word geag reëls en orders te wees wat kragtens subartikel (1) deur die Vergadering aangeneem is.

Vryheid van spraak

13. (1) Behoudens die reëls en orders van die Vergadering, is daar vryheid van spraak in die Vergadering en in 'n komitee van die Vergadering.

(2) Geen lid staan bloot aan 'n regsgeding weens sy uitspraken of stem in die Vergadering of 'n komitee van die Vergadering nie.

Verrigtinge vir publiek toeganklik

14. Behoudens die reëls en orders van die Vergadering, is die verrigtinge van die Vergadering vir die publiek toeganklik.

Sekretaris en ander beamptes van die Vergadering

15. (1) Die Administrateur-generaal stel 'n persoon aan op die voorwaardes wat die Administrateur-generaal bepaal, of wys 'n persoon in die staatsdiens wat vir dié doel beskikbaar gestel is aan, as Sekretaris van die Vergadering, wat die werksaamhede en pligte verrig wat by hierdie Proklamasie of deur die Vergadering of die President aan hom opgedra word.

(2) Behoudens die wette op die beheer van staatsgeld, verrig die Sekretaris sy werksaamhede en pligte onder beheer van die President.

(3) Die Sekretaris word bygestaan deur beamptes van die Vergadering wat persone in die staatsdiens moet wees wat vir dié doel beskikbaar gestel is of persone moet wees wat deur die Sekretaris aangestel is op die voorwaardes wat hy behoudens die bepalings van subartikel (5) bepaal.

(4) The Secretary may obtain the services of any person, not being an officer of the Assembly referred to in subsection (3), for the purposes of the Assembly on such conditions as may be determined, subject to the provisions of subsection (5) by agreement with such person.

(5) No condition involving expenditure from the moneys referred to in section 16 shall be determined under subsection (3) or (4) of this section without the prior approval of the Administrator-General.

(6) Any person designated or appointed under any provision of section 17 of the repealed law and any determination or approval made or granted under that section, shall be deemed to have been designated, appointed, made or granted under the corresponding provision of this section.

Expenditure in connection with the Assembly

16. (1) The expenditure in connection with the Assembly and the performance by it of its functions shall be defrayed out of moneys appropriated by law for that purpose.

(2) The moneys appropriated by the Appropriation Proclamation, 1979 (Proclamation AG. 12 of 1979), for expenditure in connection with the Constituent Assembly and the performance by it of its functions, shall, in so far as such moneys have on the fixed date not been expended, be deemed to have been appropriated for the expenditure referred to in subsection (1), and any amounts expended before that date under the authority of the relevant appropriation, shall for the purposes of the appropriation accounts referred to in section 14 of the Exchequer and Audit Act, 1975 (Act 66 of 1975), be deemed to have been applied for the expenditure referred to in subsection (1).

Withdrawal of moneys from Central Revenue Fund

17. (1) Notwithstanding anything to the contrary in any other law contained, no money shall be withdrawn from the Central Revenue Fund except in accordance with a law of the Assembly.

(2) For the purposes of subsection (1) any law made before the fixed date and authorizing the withdrawal of moneys from the Central Revenue Fund, shall be deemed to be a law of the Assembly.

Submission to Administrator-General of laws made by the Assembly

18. (1) Every bill shall be printed and presented to the Assembly in both the English and the Afrikaans language.

(2) Two fair copies of each law adopted by the Assembly, one being in the English and the other in the Afrikaans language, shall be submitted to the Administrator-General for signing by him of one of those copies.

(3) The Administrator-General may, instead of signing a copy of a law submitted to him in terms of subsection (2), recommend to the Assembly such amendments of that law as he may consider necessary or expedient.

(4) Any reference in this Proclamation to a law signed by the Administrator-General or to the signing of a law by him, shall be construed as a reference to a law of which one copy has been signed by the Administrator-General under subsection (2) or the signing of one copy of the law by him under that subsection, as the case may be.

Promulgation of laws of the Assembly

19. (1) The Secretary shall cause every law adopted by the Assembly and signed by the Administrator-General to be published in the *Official Gazette*.

(2) Such a law shall come into operation on the date of its first publication in the *Official Gazette*, unless some other date is fixed or is to be fixed by or under such law for its coming into operation.

(4) Die Sekretaris kan die dienste van enige persoon, wat nie 'n in subartikel (3) bedoelde beamppte van die Vergadering is nie, vir die doeleindes van die Vergadering verkry op die voorwaardes wat behoudens die bepalinge van subartikel (5) by ooreenkomst met daardie persoon bepaal word.

(5) Geen voorwaarde wat uitgawe uit die in artikel 16 bedoelde gelde meebring, word sonder die voorafgaande goedkeuring van die Administrateur-generaal kragtens subartikel (3) of (4) van hierdie artikel bepaal nie.

(6) 'n Persoon wat kragtens 'n bepaling van artikel 17 van die herroepe wet aangewys of aangestel is en 'n bepaling of goedkeuring wat kragtens daardie artikel gedoen of verleen is, word geag kragtens die ooreenstemmende bepaling van hierdie artikel aangewys, aangestel, gedoen of verleen te wees.

Uitgawe in verband met die Vergadering

16. (1) Die uitgawe in verband met die Vergadering en die verrigting deur hom van sy werksaamhede word betaal uit gelde wat by wet vir dié doel bewillig is.

(2) Die gelde wat by die Begrotingsproklamasie, 1979 (Proklamasie AG. 12 van 1979), bewillig is vir uitgawe in verband met die Grondwetgewende Vergadering en die verrigting deur hom van sy werksaamhede, word, vir sover daardie gelde op die vasgestelde datum nie bestee is nie, geag vir die uitgawe in subartikel (1) bedoel, bewillig te wees, en bedrae wat voor daardie datums kragtens die betrokke bewilliging bestee is, word vir die doeleindes van die appropriasie-rekenings in artikel 14 van die Skatkis- en Ouditwet, 1975 (Wet 66 van 1975), bedoel, geag vir die uitgawe in subartikel (1) bedoel, bestee te wees.

Trekking van geld uit Sentrale Inkomstefonds

17. (1) Ondanks andersluidende bepalinge in 'n ander wet vervat, word geen geld uit die Sentrale Inkomstefonds getrek nie, behalwe ooreenkomstig 'n wet van die Vergadering.

(2) By die toepassing van subartikel (1) word 'n wet wat voor die vasgestelde datum gemaak is en wat die trekking van geld uit die Sentrale Inkomstefonds magtig, geag 'n wet van die Vergadering te wees.

Voorlegging aan Administrateur-generaal van wette deur die Vergadering aangeneem

18. (1) Elke wetsontwerp moet in sowel die Afrikaanse as die Engelse taal gedruk en aan die Vergadering voorgelê word.

(2) Twee skoon eksemplare van elke wet wat deur die Vergadering aangeneem is, die een in die Afrikaanse en die ander in die Engelse taal, word aan die Administrateur-generaal voorgelê vir ondertekening deur hom van een van daardie eksemplare.

(3) Die Administrateur-generaal kan, in plaas van 'n eksemplaar van 'n wet wat ingevolge subartikel (2) aan hom voorgelê is, te onderteken, die wysigings van daardie wet wat hy nodig of dienstig ag, by die Vergadering aanbeveel.

(4) 'n Verwysing in hierdie Proklamasie na 'n wet wat deur die Administrateur-generaal onderteken is of na die ondertekening van 'n wet deur hom, word uitgelê as 'n verwysing na 'n wet waarvan een eksemplaar kragtens subartikel (2) deur die Administrateur-generaal onderteken is of die ondertekening van een eksemplaar van die wet deur hom kragtens daardie subartikel, na gelang van die geval.

Afkondiging van wette van die Vergadering

19. (1) Die Sekretaris laat elke wet wat deur die Vergadering aangeneem en deur die Administrateur-generaal onderteken is, in die *Offisiële Koerant* afkondig.

(2) So 'n wet tree in werking op die datum van die eerste afkondiging daarvan in die *Offisiële Koerant*, tensy 'n ander datum deur of kragtens die wet vir die inwerkingtreding daarvan vasgestel is of vasgestel moet word.

Validity of laws of the Assembly

20. No court of law shall be competent to inquire into or to pronounce upon the validity of any law adopted by the Assembly and signed by the Administrator-General in terms of this Proclamation.

Registration of laws of the Assembly

21. As soon as possible after the Administrator-General has signed a law, the Secretary shall cause the copy thereof which has been signed by the Administrator-General and the other copy which was submitted to him in terms of section 18 (2), to be enrolled of record in the office of the Registrar of the South West Africa Division of the Supreme Court of South Africa, and the copies so enrolled shall be conclusive evidence as to the provisions of such law, and in case of conflict between the two copies, the copy signed by the Administrator-General shall prevail.

Tabling of documents in the Assembly

21.(1) Any reference in a law which is administered by or under the authority of the Administrator-General, to the tabling of any proclamation, regulation, rule or other enactment or any report or other document in the Parliament of the Republic of South Africa or in a House of the said Parliament, shall, notwithstanding anything to the contrary contained in any law (including a law in terms of which the provision of the law in which the reference is contained, is deemed to be deleted or not to form part of the relevant law), be construed as a reference to the tabling of such proclamation, regulation, rule, enactment, report or document in the Assembly.

(2) The Administrator-General may transmit any report or other document submitted to him in terms of a requirement of any law, to the Assembly and, after the tabling of such report or document in the Assembly, the Assembly may deal therewith as if the law in question required such tabling thereof instead of the submission thereof to the Administrator-General.

(3) Unless the rules and orders of the Assembly provide otherwise, anything which in terms of a provision of this Proclamation is to be laid or may be laid upon the table in the Assembly shall be so laid upon the table by the President or a member of the Assembly designated by him for that purpose.

Administrator-General may transmit bills to the Assembly

22. The Administrator-General may transmit any bill to the Assembly if it appears to him expedient that such a bill should be introduced, and every such bill shall be considered by the Assembly in the manner provided by its rules and orders.

Messages from Administrator-General to the Assembly

23. (1) Any request, recommendation or consent made or granted by the Administrator-General to the Assembly in terms of a provision of this Proclamation or any bill, report or other document transmitted by him to the Assembly, in terms of any such provision, shall be communicated or transmitted to the Assembly by message.

(2) All messages by the Administrator-General to the Assembly shall be communicated by the President.

Continuation of existing laws

24. Subject to the provisions of this Proclamation, all laws which were in force in the Territory immediately before the fixed date shall continue in force until repealed by a competent authority.

Geldigheid van wette van die Vergadering

20. Geen gereghof is bevoeg om ondersoek in te stel na of uitspraak te doen oor 'n wet wat ingevolge hierdie Proklamasie deur die Vergadering aangeneem en deur die Administrateur-generaal onderteken is nie.

Registrasie van wette van die Vergadering

21. So gou moontlik nadat die Administrateur-generaal 'n wet onderteken het, laat die Sekretaris die eksemplaar daarvan wat die Administrateur-generaal onderteken het en die ander eksemplaar daarvan wat ingevolge artikel 18 (2) aan hom voorgelê is, in die register van die Kantoor van die Griffier van die Suidwes-Afrika-afdeling van die Hooggeregshof van Suid-Afrika opneem, en die eksemplare aldus opgeneem, is afdoende bewys van die bepalings van daardie wet, en in geval die twee eksemplare strydig met mekaar is, gee die eksemplaar wat deur die Administrateur-generaal onderteken is die deurslag.

Tertafellegging van stukke in die Vergadering

21.(1) 'n Verwysing in 'n wet wat deur of onder die gesag van die Administrateur-generaal uitgevoer word, na die tertafellegging in die Parlement van die Republiek van Suid-Afrika, of in 'n Huis van genoemde Parlement, van 'n proklamasie, regulasie, reël of ander verordening of 'n verslag of ander stuk, word, ondanks andersluidende bepalings van die een of ander wet (met inbegrip van 'n bepaling waarvolgens die bepaling van die wet waarin die verwysing vervat is, geag word geskrap te wees of nie deel van die betrokke wet uit te maak nie), uitgelê as 'n verwysing na die tertafellegging van sodanige proklamasie, regulasie, reël, verordening, verslag of stuk in die Vergadering.

(2) Die Administrateur-generaal kan 'n verslag of ander stuk wat ingevolge 'n vereiste van die een of ander wet aan hom voorgelê is, aan die Vergadering stuur, en, na die tertafellegging van daardie verslag of stuk in die Vergadering, kan die Vergadering daarmee handel asof die betrokke wet sodanige tertafellegging daarvan vereis in plaas van die voorlegging daarvan aan die Administrateur-generaal.

(3) Tensy die reëls en orders van die Vergadering anders bepaal, word enigiets wat ingevolge 'n bepaling van hierdie Proklamasie in die Vergadering ter tafel gelê moet word of kan word, aldus ter tafel gelê deur die President of 'n lid van die Vergadering deur hom vir dié doel aangewys.

Administrateur-generaal kan wetsontwerpe aan die Vergadering stuur

22. Die Administrateur-generaal kan 'n wetsontwerp aan die Vergadering stuur indien hy dit wenslik ag dat so 'n wetsontwerp ingedien moet word, en elke sodanige wetsontwerp word deur die Vergadering oorweeg op die wyse deur sy reëls en orders bepaal.

Boodskappe van Administrateur-generaal aan die Vergadering

23. (1) 'n Versoek, aanbeveling of toestemming ingevolge 'n bepaling van hierdie Proklamasie deur die Administrateur-generaal aan die Vergadering gedoen of verleen, of 'n wetsontwerp, verslag of ander stuk deur hom ingevolge so 'n bepaling aan die Vergadering gestuur, word by boodskap aan die Vergadering oorgedra of gestuur.

(2) Alle boodskappe van die Administrateur-generaal aan die Vergadering word deur die President oorgedra.

Bestaande wette bly van krag

24. Behoudens die bepalings van hierdie Proklamasie, bly alle wette wat onmiddellik voor die vasgestelde datum in die gebied gegeld het, van krag totdat hulle deur 'n bevoegde gesag herroep of gewysig word.

Offences relating to the Assembly

25. Any person who—

- (a) threatens, obstructs or insults a member proceeding to or from the Assembly or on account of his conduct in the Assembly, or endeavours by force, insult or menace to compel a member to declare himself in favour of or against any proposition or matter depending or expected to be brought before the Assembly; or
 - (b) while the Assembly is sitting, creates or joins in any disturbance in or in the vicinity of the Assembly, whereby the proceedings of the Assembly are or are likely to be interrupted; or
 - (c) is guilty of an act or omission which in terms of the rules and orders of the Assembly constitutes contempt of the Assembly; or
 - (d) in any declaration made or submitted to the Secretary for the purposes of section 7 (3) (e), makes a false statement knowing it to be false,
- shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Repeal of laws

26. (1) Subject to the provisions of subsection (2) of this section, sections 2 to 21 of the Constituent Assembly and Election Proclamation, 1978 (Proclamation AG. 63 of 1978), section 1 of the Constituent Assembly and Election Amendment Proclamation, 1978 (Proclamation AG. 81 of 1978), and the Second Constituent Assembly and Election Amendment Proclamation, 1978 (Proclamation AG. 85 of 1978), are hereby repealed.

(2) Anything which was done under a provision of a law repealed by subsection (1) by or with reference to the Constituent Assembly or its members and which may be done under a provision of this Proclamation by or with reference to the Assembly or its members, shall, in so far as it is not provided for in some other provision of this Proclamation, be deemed to have been done by or with reference to the Assembly or its members under the relevant provision of this Proclamation.

Short title and commencement

27. This Proclamation shall be called the National Assembly Proclamation, 1979, and shall come into operation on a date to be fixed by the Administrator-General by proclamation in the *Official Gazette*.

Misdrywe met betrekking tot die Vergadering

25. Iemand wat—

- (a) 'n lid wat op weg is na of van die Vergadering, of weens sy optrede in die Vergadering, dreig, belemmer of beledig, of poog om 'n lid deur geweld, belediging of bedreiging te dwing om hom ten gunste van of teen 'n voorstel of aangeleentheid te verklaar wat in die Vergadering aanhangig is of na verwagting aanhangig gemaak sal word; of
 - (b) terwyl die Vergadering in sitting is, 'n steurnis in of in die nabyheid van die Vergadering veroorsaak of daaraan deelneem, waardeur die verrigtinge van die Vergadering onderbreek word of waarskynlik onderbreek sal word; of
 - (c) hom skuldig maak aan 'n handeling of versuim wat ingevolge die reëls en orders van die Vergadering minagting van die Vergadering uitmaak; of
 - (d) in 'n verklaring vir die doeleindes van artikel 7 (3)
 - (e) aan die Sekretaris gedoen of voorgelê, 'n valse bewering maak, wetende dat dit vals is,
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel daardie boete as daardie gevangenisstraf.

Herroeping van wette

26. (1) Behoudens die bepalings van subartikel (2) van hierdie artikel, word artikels 2 tot 21 van die Grondwetgewende Vergadering- en Verkiesingsproklamasie, 1978 (Proklamasie AG. 63 van 1978), artikel 1 van die Grondwetgewende Vergadering- en Verkiesingswysigingsproklamasie, 1978 (Proklamasie AG. 81 van 1978), en die Tweede Grondwetgewende Vergadering- en Verkiesingswysigingsproklamasie, 1978 (Proklamasie AG. 85 van 1978), hierby herroep.

(2) Enigiets wat kragtens 'n bepaling van 'n wet by subartikel (1) herroep deur of met betrekking tot die Grondwetgewende Vergadering of die lede daarvan gedoen is en wat kragtens 'n bepaling van hierdie Proklamasie deur of met betrekking tot die Vergadering of die lede daarvan gedoen kan word, word, vir sover daar nie in 'n ander bepaling van hierdie Proklamasie daarvoor voorsiening gemaak word nie, geag kragtens die betrokke bepaling van hierdie Proklamasie deur of met betrekking tot die Vergadering of die lede daarvan gedoen te wees.

Kort titel en inwerkingtreding

27. Hierdie Proklamasie heet die Proklamasie op die Nasionale Vergadering, 1979, en tree in werking op 'n datum wat die Administrateur-generaal by proklamasie in die *Offisiële Koerant* bepaal.