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Kaapstad, 23 Desember 2005

THE PRESIDENCY

No. 1262 23 December 2005

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

Constitution Twelfth Amendment Act of 2005.

DIE PRESIDENSIE

No. 1262 23 Desember 2005

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

Twaalfde Wysigingswet op die Grondwet van 2005.

CONSTITUTION TWELFTH AMENDMENT ACT OF 2005

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 22 December 2005.)

ACT

To amend the Constitution of the Republic of South Africa, 1996, so as to effect a technical change; to re-determine the geographical areas of the nine provinces of the Republic of South Africa; and to provide for matters connected therewith.

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

Substitution of section 103 of the Constitution of the Republic of South Africa, 1996, as amended by section 3 of the Constitution Eleventh Amendment Act of 2003

1. The following section is substituted for section 103 of the Constitution of the Republic of South Africa, 1996 (hereinafter referred to as the Constitution): 5

“Provinces

103. (1) The Republic has the following provinces:

- (a) Eastern Cape;
- (b) Free State; 10
- (c) Gauteng;
- (d) KwaZulu-Natal;
- (e) Limpopo;
- ~~[(e)]~~(f) Mpumalanga;
- ~~[(f)]~~(g) Northern Cape; 15
- [(g) Limpopo]**
- (h) North West;
- (i) Western Cape.

(2) The ~~[boundaries]~~ geographical areas of the respective provinces ~~[are those that existed when the Constitution took effect]~~ comprise the sum of the indicated geographical areas reflected in the various maps referred to in the Notice listed in Schedule 1A. 20

(3) (a) Whenever the geographical area of a province is re-determined by an amendment to the Constitution, an Act of Parliament may provide for measures to regulate, within a reasonable time, the legal, practical and any other consequences of the re-determination. 25

TWAALFDE WYSIGINGSWET OP DIE GRONDWET VAN 2005

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

(Engelse teks deur die President geteken.)
(Goedgekeur op 22 Desember 2005.)

WET

Tot wysiging van die Grondwet van die Republiek van Suid-Afrika, 1996, ten einde 'n tegniese verandering aan te bring; om die geografiese gebiede van die nege provinsies van die Republiek van Suid-Afrika te herbepaal; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Vervanging van artikel 103 van die Grondwet van die Republiek van Suid-Afrika, 1996, soos gewysig deur artikel 3 van die Elfde Wysigingswet op die Grondwet van 2003

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1. Artikel 103 van die Grondwet van die Republiek van Suid-Afrika, 1996 (hierna die Grondwet genoem), word deur die volgende artikel vervang:

“Provinsies

103. (1) Die Republiek het die volgende provinsies:

- (a) Oos-Kaap; 10
- (b) Vrystaat;
- (c) Gauteng;
- (d) KwaZulu-Natal;
- (e) Limpopo;
- [(e)](f) Mpumalanga; 15
- [(f)](g) Noord-Kaap;
- [(g) Limpopo]
- (h) Noordwes;
- (i) Wes-Kaap.

(2) Die [grense] geografiese gebiede van die onderskeie provinsies [is dié wat] bestaan [het toe die Grondwet in werking getree het] uit die som van die aangeduide geografiese gebiede weergegee in die verskeie kaarte bedoel in die Kennisgewing in Bylae 1A gelys.

(3) (a) Wanneer die geografiese gebied van 'n provinsie deur 'n wysiging aan die Grondwet herbepaal word, kan 'n Parlements wet voorsiening maak vir maatreëls om, binne 'n redelike tyd, die regs-, praktiese en enige ander gevolge van die herbepaling te reël. 25

CONSTITUTION TWELFTH AMENDMENT ACT OF 2005

(b) An Act of Parliament envisaged in paragraph (a) may be enacted and implemented before such amendment to the Constitution takes effect, but any provincial functions, assets, rights, obligations, duties or liabilities may only be transferred in terms of that Act after that amendment to the Constitution takes effect.”.

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Amendment of section 155 of the Constitution of the Republic of South Africa, 1996, as amended by section 1 of the Constitution Third Amendment Act of 1998

2. Section 155 of the Constitution is hereby amended by the deletion of subsection (6A).

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

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3. Section 157 of the Constitution is hereby amended by the deletion of paragraph (b) of subsection (4).

Insertion of Schedule 1A in the Constitution of the Republic of South Africa, 1996

4. The following Schedule is hereby inserted in the Constitution after Schedule 1: 15

“SCHEDULE 1A

GEOGRAPHICAL AREAS OF PROVINCES

The Province of the Eastern Cape

Map No. 3 of Schedule 1 to Notice 1998 of 2005
 Map No. 6 of Schedule 2 to Notice 1998 of 2005
 Map No. 7 of Schedule 2 to Notice 1998 of 2005
 Map No. 8 of Schedule 2 to Notice 1998 of 2005
 Map No. 9 of Schedule 2 to Notice 1998 of 2005
 Map No. 10 of Schedule 2 to Notice 1998 of 2005
 Map No. 11 of Schedule 2 to Notice 1998 of 2005

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The Province of the Free State

Map No. 12 of Schedule 2 to Notice 1998 of 2005
 Map No. 13 of Schedule 2 to Notice 1998 of 2005
 Map No. 14 of Schedule 2 to Notice 1998 of 2005
 Map No. 15 of Schedule 2 to Notice 1998 of 2005
 Map No. 16 of Schedule 2 to Notice 1998 of 2005

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The Province of Gauteng

Map No. 4 of Schedule 1 to Notice 1998 of 2005
 Map No. 17 of Schedule 2 to Notice 1998 of 2005
 Map No. 18 of Schedule 2 to Notice 1998 of 2005
 Map No. 19 of Schedule 2 to Notice 1998 of 2005
 Map No. 20 of Schedule 2 to Notice 1998 of 2005
 Map No. 21 of Schedule 2 to Notice 1998 of 2005

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The Province of KwaZulu-Natal

Map No. 22 of Schedule 2 to Notice 1998 of 2005
 Map No. 23 of Schedule 2 to Notice 1998 of 2005
 Map No. 24 of Schedule 2 to Notice 1998 of 2005
 Map No. 25 of Schedule 2 to Notice 1998 of 2005
 Map No. 26 of Schedule 2 to Notice 1998 of 2005
 Map No. 27 of Schedule 2 to Notice 1998 of 2005
 Map No. 28 of Schedule 2 to Notice 1998 of 2005
 Map No. 29 of Schedule 2 to Notice 1998 of 2005

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TWAALFDE WYSIGINGSWET OP DIE GRONDWET VAN 2005

(b) 'n Parlements wet beoog in paragraaf (a) kan verorden en geïmplementeer word voordat sodanige wysiging aan die Grondwet in werking tree, maar enige provinsiale funksies, bates, regte, verpligtinge, pligte of laste kan slegs ingevolge daardie Wet oorgedra word nadat daardie wysiging aan die Grondwet in werking tree."

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Wysiging van artikel 155 van die Grondwet van die Republiek van Suid-Afrika, 1996, soos gewysig deur artikel 1 van die "Constitution Third Amendment Act of 1998"

2. Artikel 155 van die Grondwet word hierby gewysig deur subartikel (6A) te skrap.

Wysiging van artikel 157 van die Grondwet van die Republiek van Suid-Afrika, 1996, soos gewysig deur artikel 2 van die "Constitution Third Amendment Act of 1998"

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3. Artikel 157 van die Grondwet word hierby gewysig deur paragraaf (b) van subartikel (4) te skrap.

Invoeging van Bylae 1A in die Grondwet van die Republiek van Suid-Afrika, 1996

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4. Die volgende Bylae word hierby na Bylae 1 in die Grondwet ingevoeg:

"BYLAE 1A

GEOGRAFIESE GEBIEDE VAN PROVINSIES

Die Provinsie van die Oos-Kaap

Kaart No. 3 van Bylae 1 by Kennisgewing 1998 van 2005
 Kaart No. 6 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 7 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 8 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 9 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 10 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 11 van Bylae 2 by Kennisgewing 1998 van 2005

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Die Provinsie van die Vrystaat

Kaart No. 12 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 13 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 14 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 15 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 16 van Bylae 2 by Kennisgewing 1998 van 2005

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Die Provinsie van Gauteng

Kaart No. 4 van Bylae 1 by Kennisgewing 1998 van 2005
 Kaart No. 17 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 18 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 19 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 20 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 21 van Bylae 2 by Kennisgewing 1998 van 2005

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Die Provinsie van KwaZulu-Natal

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Kaart No. 22 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 23 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 24 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 25 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 26 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 27 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 28 van Bylae 2 by Kennisgewing 1998 van 2005

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CONSTITUTION TWELFTH AMENDMENT ACT OF 2005

Map No. 30 of Schedule 2 to Notice 1998 of 2005
 Map No. 31 of Schedule 2 to Notice 1998 of 2005
 Map No. 32 of Schedule 2 to Notice 1998 of 2005

The Province of Limpopo

Map No. 33 of Schedule 2 to Notice 1998 of 2005
 Map No. 34 of Schedule 2 to Notice 1998 of 2005
 Map No. 35 of Schedule 2 to Notice 1998 of 2005
 Map No. 36 of Schedule 2 to Notice 1998 of 2005
 Map No. 37 of Schedule 2 to Notice 1998 of 2005

The Province of Mpumalanga

Map No. 38 of Schedule 2 to Notice 1998 of 2005
 Map No. 39 of Schedule 2 to Notice 1998 of 2005
 Map No. 40 of Schedule 2 to Notice 1998 of 2005

The Province of the Northern Cape

Map No. 41 of Schedule 2 to Notice 1998 of 2005
 Map No. 42 of Schedule 2 to Notice 1998 of 2005
 Map No. 43 of Schedule 2 to Notice 1998 of 2005
 Map No. 44 of Schedule 2 to Notice 1998 of 2005
 Map No. 45 of Schedule 2 to Notice 1998 of 2005

The Province of North West

Map No. 5 of Schedule 1 to Notice 1998 of 2005
 Map No. 46 of Schedule 2 to Notice 1998 of 2005
 Map No. 47 of Schedule 2 to Notice 1998 of 2005
 Map No. 48 of Schedule 2 to Notice 1998 of 2005

The Province of the Western Cape

Map No. 49 of Schedule 2 to Notice 1998 of 2005
 Map No. 50 of Schedule 2 to Notice 1998 of 2005
 Map No. 51 of Schedule 2 to Notice 1998 of 2005
 Map No. 52 of Schedule 2 to Notice 1998 of 2005
 Map No. 53 of Schedule 2 to Notice 1998 of 2005
Map No. 54 of Schedule 2 to Notice 1998 of 2005".

Short title and commencement

5. (1) This Act is called the Constitution Twelfth Amendment Act of 2005, and takes effect on a date determined by the President by proclamation in the *Gazette*.

(2) Despite subsection (1), section 103(3) of the Constitution, as inserted by section 1, takes effect on the date of publication of this Act.

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TWAALFDE WYSIGINGSWET OP DIE GRONDWET VAN 2005

Kaart No. 29 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 30 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 31 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 32 van Bylae 2 by Kennisgewing 1998 van 2005

Die Provinsie van Limpopo

Kaart No. 33 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 34 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 35 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 36 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 37 van Bylae 2 by Kennisgewing 1998 van 2005

Die Provinsie van Mpumalanga

Kaart No. 38 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 39 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 40 van Bylae 2 by Kennisgewing 1998 van 2005

Die Provinsie van die Noord-Kaap

Kaart No. 41 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 42 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 43 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 44 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 45 van Bylae 2 by Kennisgewing 1998 van 2005

Die Provinsie van Noordwes

Kaart No. 5 van Bylae 1 by Kennisgewing 1998 van 2005
 Kaart No. 46 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 47 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 48 van Bylae 2 by Kennisgewing 1998 van 2005

Die Provinsie van die Wes-Kaap

Kaart No. 49 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 50 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 51 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 52 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 53 van Bylae 2 by Kennisgewing 1998 van 2005
 Kaart No. 54 van Bylae 2 by Kennisgewing 1998 van 2005".

Kort titel en inwerkingtreding

5. (1) Hierdie Wet heet die Twaalfde Wysigingswet op die Grondwet van 2005, en tree in werking op 'n datum deur die President by proklamasie in die *Staatskoerant* bepaal. 35

(2) Ondanks subartikel (1), tree artikel 103(3) van die Grondwet, soos deur artikel 1 in die voeg, op die datum van publikasie van hierdie Wet in werking.