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GENERAL NOTICE ALGEMENE KENNISGEWING

NOTICE 749 OF 2008

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

PUBLICATION OF EXPLANATORY SUMMARY OF THE GENERAL LAWS (LOSS OF MEMBERSHIP OF NATIONAL ASSEMBLY, PROVINCIAL LEGISLATURE OR MUNICIPAL COUNCIL) AMENDMENT BILL, 2008

The Minister for Justice and Constitutional Development intends introducing the General Laws (Loss of Membership of National Assembly, Provincial Legislature or Municipal Council) Amendment Bill, 2008, in the National Assembly shortly. The explanatory summary of the Bill is hereby published in accordance with Rule 241(1)(c) of the Rules of the National Assembly.

The Bill seeks to amend the—

- * Electoral Commission Act, 1996, so as to abolish the right of a political party to change its name at any time;
- * Public Funding of Represented Political Parties Act, 1997, so as to—
 - ** further regulate the repayment of unspent balances of all moneys allocated to political parties participating in Parliament and provincial legislatures from the Represented Political Parties' Fund when such political parties cease to qualify for such moneys;
 - ** substitute a reference to an obsolete law;
 - ** empower the Electoral Commission to appoint an auditor in certain circumstances; and
 - ** provide for offences applicable to accounting officers and leaders of political parties; and
- * Public Funding of Represented Political Parties Act, 1997, the Determination of Delegates (National Council of Provinces) Act, 1998, the Electoral Act, 1998, the Local Government: Municipal Structures Act, 1998, and the Local Government: Municipal Structures Amendment Act, 2002, so as to provide for matters consequential to the abolition of the right—
 - ** of a member of the National Assembly, a provincial legislature or a Municipal Council to become a member of another political party whilst retaining membership of the National Assembly, that provincial legislature or 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 the National Assembly, a provincial legislature or a Council affected by such changes to retain membership of the National Assembly, that provincial legislature or that Council;

and to provide for matters connected therewith.

A copy of the Bill can be found on the website of the Parliamentary Monitoring Group at

"http://www.pmg.org.za" and may, after introduction, also be obtained from:

1. **Government Printers: Cape Town and Pretoria**
2. **The website of the Department of Justice and Constitutional Development at "http://www.doj.gov.za".**

KENNISGEWING 749 VAN 2008**DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING****PUBLIKASIE VAN VERDUIDELIKENDE OPSOMMING VAN DIE ALGEMENE
REGSWYSIGINGSWETSONTWERP (VERLIES VAN LIDMAATSKAP VAN
NASIONALE VERGADERING, PROVINSIALE WETGEWER OF MUNISIPALE
RAAD), 2008**

Die Minister vir Justisie en Staatkundige Ontwikkeling beoog om die Algemene Regswysigingswetsontwerp (Verlies van Lidmaatskap van Nasionale Vergadering, Provinsiale Wetgewer of Munisipale Raad), 2008, eersdaags in die Nasionale Vergadering in te dien. Die verduidelikende opsomming van die Wetsontwerp word hierby ooreenkomstig Reël 241(1)(c) van die Reëls van die Nasionale Vergadering gepubliseer.

Die Wetsontwerp beoog die wysiging van die—

- * Wet op die Verkiesingskommissie, 1996, ten einde die reg van 'n politieke party om sy naam te eniger tyd te verander, af te skaf;
- * Wet op die Openbare Befondsing van Verteenwoordigde Politieke Partye, 1997, ten einde—
 - ** die terugbetaling van onbestede saldo's van alle geld vanuit die Fonds vir Verteenwoordigde Politieke Partye toegeken aan politieke partye wat aan die Parlement en provinsiale wetgewers meedoen, verder te reël, wanneer sodanige politieke partye ophou om vir sodanige geld te kwalifiseer;
 - ** 'n verwysing na 'n verouderde wet te vervang;
 - ** die Verkiesingskommissie te magtig om 'n ouditeur in sekere omstandighede aan te stel; en
 - ** vir misdrywe van toepassing op rekenpligtige beamptes en leiers van politieke partye voorsiening te maak; en
- * Wet op die Openbare Befondsing van Verteenwoordigde Politieke Partye, 1997, die Wet op die Bepaling van Afgevaardigdes (Nasionale Raad van Provinsies), 1998, die Kieswet, 1998, die Wet op Plaaslike Regering: Munisipale Strukture, 1998, en die Wysigingswet op Plaaslike Regering: Munisipale Strukture, 2002, ten einde voorsiening te maak vir gevolglike aangeleenthede tot die afskaffing van die reg—
 - ** van 'n lid van die Nasionale Vergadering, 'n provinsiale wetgewer of 'n Munisipale Raad om 'n lid van 'n ander politieke party te word terwyl lidmaatskap van die Nasionale Vergadering, daardie provinsiale wetgewer of daardie Raad behou word; en
 - ** van 'n bestaande politieke party om met 'n ander politieke party saam te smelt, of om in meer as een politieke party te onderverdeel, of om te onderverdeel en enige van die onderverdelings toe te laat om met 'n ander politieke party saam te smelt, terwyl 'n lid van die Nasionale Vergadering, 'n provinsiale wetgewer of 'n Raad wat deur sodanige veranderings geraak word, toegelaat word om lidmaatskap van

die Nasionale Vergadering, daardie provinsiale wetgewer of daardie Raad te behou;
en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

'n Afskrif van die Wetsontwerp kan op die webtuiste van die Parlementêre Monitoringsgroep by "<http://www.pmg.org.za>" gevind word en kan, na indiening, ook verkry word vanaf:

1. **Staatsdrukkers: Kaapstad en Pretoria**
 2. **Die webtuiste van die Department van Justisie en Staatkundige Ontwikkeling by "<http://www.doj.gov.za>".**
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