

Act No. 3, 2003

CONSTITUTION OF THE REPUBLIC OF
SOUTH AFRICA SECOND AMENDMENT ACT, 2003

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 9 April 2003.)

ACT

To amend the Constitution of the Republic of South Africa, 1996, so as to provide for Bills regulating certain financial matters to be dealt with in terms of section 76(1) of the Constitution; to change the name of the Northern Province to Limpopo; to further regulate provincial intervention in local government; and to further regulate the process of review by the National Council of Provinces where there has been national executive intervention in provincial government and provincial executive intervention in local government; and to provide for matters connected therewith.

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

Amendment of section 76 of Act 108 of 1996

1. Section 76 of the Constitution of the Republic of South Africa, 1996 (hereinafter referred to as the Constitution), is hereby amended by the substitution for paragraph (b) of subsection (4) of the following paragraph:

“(b) envisaged in Chapter 13, and which **[affects]** includes any provision affecting the financial interests of the provincial sphere of government.”.

Amendment of section 100 of Act 108 of 1996

2. Section 100 of the Constitution is hereby amended— 10

(a) by the substitution for the heading of the following heading:

“**National [supervision of] intervention in provincial administration**”;

(b) by the substitution for the words preceding paragraph (a) of subsection (1) of the following words: 15

“When a province cannot or does not fulfil an executive obligation in terms of **[legislation or]** the Constitution or legislation, the national executive may intervene by taking any appropriate steps to ensure fulfilment of that obligation, including—”; and

(c) by the substitution for subsection (2) of the following subsection: 20

“(2) If the national executive intervenes in a province in terms of subsection (1)(b)—

(a) it must submit a written notice of the intervention **[must be tabled in]** to the National Council of Provinces within 14 days **[of its first sitting]** after the intervention began; 25