

NO. 3 OF 1994: CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA SECOND AMENDMENT ACT, 1994.

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

GENERAL EXPLANATORY NOTE:

Words in italics indicate insertions in existing enactments.

ACT

To amend the Constitution of the Republic of South Africa, 1993, so as to provide for the institution, role, authority and status of traditional monarchs in provincial constitutions; and to provide for matters in connection therewith.

(English text signed by the State President.)
(Assented to 25 April 1994.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:-

Amendment of section 160 of Act 200 of 1993, as
amended by section 8 of Act 2 of 1994

1. Section 160 of the Constitution of the Republic of South Africa, 1993, is hereby amended by the substitution for the proviso to subsection (3) of the following proviso:

"Provided that a provincial constitution may

(a) provide for legislative and executive structures and procedures different from those provided for in this Constitution in respect of a province; and

(b) *where applicable, provide for the institution, role, authority and status of a traditional monarch in the province, and shall make such provision for the Zulu Monarch in the case of the province of KwaZulu/Natal.*"

Amendment of Schedule 4 to Act 200 of 1993, as
amended by section 13 of Act 2 of 1994

2. Schedule 4 to the Constitution of the Republic of South Africa, 1993, is hereby amended by the substitution for Constitutional Principle XIII of the following Principle:

"1. The institution, status and role of traditional leadership, according to indigenous law, shall be recognised and protected in the Constitution. Indigenous law, like common law, shall be recognised and applied by the courts, subject to the fundamental rights contained in the Constitution and to legislation dealing specifically therewith.

2. *Provisions in a provincial constitution relating to the institution, role authority and status of a traditional monarch shall be recognised and protected in the Constitution.*"

Short title and commencement

3. This Act shall be called the Constitution of the Republic of South Africa Second Amendment Act, 1994, and shall come into operation on 27 April 1994.