

Parliament of South Africa



*Republic
of South Africa
Constitution
Act, 1983*

Parliament of South Africa

Republic of South Africa Constitution Act, 1983



Published by Good Press, 2022

goodpress@okpublishing.info

EAN 4064066442101

TABLE OF CONTENTS

[Cover](#)

[Titlepage](#)

[Text](#)

ACT

To introduce a new constitution for the Republic of South Africa and to provide for matters incidental thereto.

*(English text signed by the State President.)
(Assented to 22 September 1983.)*

I N HUMBLE SUBMISSION

to Almighty God, Who controls the destinies of peoples and nations,

Who gathered our forebears together from many lands and gave them this their own,

Who has guided them from generation to generation,

Who has wondrously delivered them from the dangers that beset them,

WE DECLARE that we

ARE CONSCIOUS of our responsibility towards God and man;

ARE CONVINCED of the necessity of standing united and of pursuing the following national goals:

To uphold Christian values and civilized norms, with recognition and protection of freedom of faith and worship,

To safeguard the integrity and freedom of our country,

To uphold the independence of the judiciary and the equality of all under the law,

To secure the maintenance of law and order,
To further the contentment and the spiritual and
material welfare of all,
To respect and to protect the human dignity, life,
liberty and property of all in our midst,
To respect, to further and to protect the self-
determination of population groups and peoples,
To further private initiative and effective competition;

ARE PREPARED TO ACCEPT our duty to seek world peace in
association with all peace-loving peoples and nations; and

ARE DESIROUS OF GIVING THE REPUBLIC OF SOUTH AFRICA A CONSTITUTION
which provides for elected and responsible forms of
government and which is best suited to the traditions,
history and circumstances of our land:

B E IT THEREFORE ENACTED by the State President
and the House of Assembly of the Republic of South
Africa, as follows:—

PART I

THE REPUBLIC

Continued existence of Republic of South Africa.

1. The Republic of South Africa, consisting of the
provinces of the Cape of Good Hope, Natal, the Transvaal
and the Orange Free State, shall continue to exist as a
republic under that name.

Sovereignty and guidance of Almighty God acknowledged.

2. The people of the Republic of South Africa
acknowledge the sovereignty and guidance of Almighty
God.

PART II

NATIONAL FLAG AND ANTHEM

National Flag.

3. There shall be a National Flag of the Republic of which the design shall be as set out in [section 4](#).

Design of National Flag.

4. (1) The National Flag of the Republic shall be a flag consisting of three horizontal stripes of equal width from top to bottom orange, white and blue on which there shall appear—

- a)* (in the centre of the white stripe, the flag of the republic of “De Oranjevrijstaat” hanging vertically and spread in full; and
- b)* (on opposite sides and adjoining the flag referred to in paragraph *(a)*—
 - (i)* the Union Jack, as it existed in 1927,
) horizontally spread in full towards the pole; and
 - (ii)* the Vierkleur of “De Zuid-Afrikaansche Republiek” horizontally spread in full away from the pole.

(2) The flags referred to in paragraphs *(a)* and *(b)* of subsection (1) shall all be of the same size and of a shape proportionally the same as that of the National Flag, the width of each of such flags shall be equal to one-third of the width of the white stripe on the National Flag, and the flags referred to in paragraph *(b)* of subsection (1) shall be equidistant from the margins of the said white stripe.

National Anthem.

5. The National Anthem of the Republic shall be “The Call of South Africa/Die Stem van Suid-Afrika”.

PART III

THE STATE PRESIDENT

The State President and his powers.

6. (1) The head of the Republic shall be the State President.

(2) The command-in-chief of the South African Defence Force is vested in the State President.

(3) The State President shall, subject to the provisions of this Act, have power—

- (to address any House, or the Houses at a joint sitting;
- a) (to confer honours;
- b) (c to appoint and to accredit, to receive and to recognize ambassadors, plenipotentiaries, diplomatic representatives and other diplomatic officers, consuls and consular officers;
-)
- (to pardon or reprieve offenders, either
- d) unconditionally or subject to such conditions as he may deem fit, and to remit any fines, penalties or forfeitures;
- (to enter into and ratify international
- e) conventions, treaties and agreements;
- (f to proclaim or terminate martial law;
-) (to declare war and make peace;
- g) (to make such appointments as he may deem fit
- h) under powers conferred upon him by any law, and to exercise such powers and perform such functions as may be conferred upon or assigned to him in terms of this Act or any other law.

(4) The State President shall in addition as head of the State have such powers and functions as were immediately before the commencement of this Act possessed by the State President by way of prerogative.

Election of State President.

7. (1) (a) The State President shall be elected by the members of an electoral college present at a meeting called in accordance with the provisions of this section and presided over by the Chief Justice or a judge of appeal designated by him.

(b) An electoral college referred to in paragraph (a) shall be constituted whenever necessary in terms of this Act, and shall consist of—

- (i) 50 members of the House of Assembly
) designated by it by resolution;
- (ii) 25 members of the House of Representatives
) designated by it by resolution;
- (ii) 13 members of the House of Delegates
i) designated by it by resolution,

or, in the case of a particular House, such smaller number of members thereof, if any, as may be so designated by it.

(c) A member of a House referred to in [section 41](#) (1) (b) or (c), [42](#) (1) (b) or (c) or [43](#) (1) (b) or (c) may not be designated as a member of an electoral college or participate in the voting or other proceedings of the House in question in connection with a resolution contemplated in paragraph (b) of this subsection.

(d) A House shall designate the relevant members of a particular electoral college as often as it may deem

necessary.

(e) An electoral college shall dissolve after disposing of the matters for which it is constituted in terms of this Act.

(2) The election of a State President shall be held, subject to the provisions of subsection (4), at a time and place fixed by the Chief Justice and made known by notice in the *Gazette* not less than 14 days before the election.

(3) The date so fixed shall—

- (a) in the case of the first such election, be a date not more than seven days after the commencement of the first session of Parliament after the commencement of this Act;
- (b) whenever a general election of members of the Houses has been held after a dissolution of Parliament, be a date not more than seven days after the commencement of the first session of Parliament after the general election;
- (c) if the State President dies or for any other reason vacates his office before the expiration of his period of office and his successor in office has then not yet been elected, be a date not more than one month after the office became vacant: Provided that if the State President resigns and intimates in his resignation lodged with the Chief Justice in terms of [section 9 \(4\)](#) that he will vacate his office on a day not less than one month after the date of the lodging of his resignation, a date earlier than the day on which the office becomes vacant, shall be so fixed.

(4) If any electoral college removes the State President from office in terms of section 9, it shall forthwith proceed to elect a State President.

(5) No person may be elected or serve as State President unless he is qualified to be nominated or elected and take his seat as a member of a House.

(6) Any person who holds a public office in respect of which he receives any remuneration or allowance out of public funds, and who is elected as State President, shall vacate such office with effect from the date on which he is elected.

Method of election.

8. (1) Nominations of candidates for election as State President shall be called for at the meeting of the electoral college at which the election is to take place, by the person presiding at the meeting.

(2) Every nomination shall be submitted in the form prescribed and shall be signed by two members of the electoral college and also by the person nominated, unless he has in writing or by telegram signified his willingness to accept nomination.

(3) The names of the persons duly nominated as provided in subsection (2) shall be announced at the meeting at which the election is to take place by the person presiding at the meeting, and no debate shall be allowed at the election.

(4) If in respect of any election only one nomination has received, the person presiding at the meeting shall declare the candidate in question to be duly elected.

(5) Where more than one candidate is nominated for election, a vote shall be taken by secret ballot, each member of the electoral college present at the meeting in