



66. The President, an Executive Deputy President, a Minister and a Deputy Minister shall be entitled to sit and to speak in any House and at a joint sitting of the Houses, but may not vote in the House of which he or she is not a member or, if he or she is not a member of any of the Houses, in any House or at a joint sitting of the Houses."

Amendment of section 88 of Act 200 of 1993, as  
mended by section 2 of Act 13 of 1994

2. Section 88 of the Constitution is hereby amended-

(a) by the substitution for subsection (1) of the following  
subsection:

"(1) The Cabinet shall consist of the President, the Executive  
Deputy Presidents and-

(a) not more than 27 Ministers who are members of Parliament and  
appointed in terms of subsections (2) to (6); and

(b) not more than one Minister who is not a member of Parliament and  
appointed in terms of subsection (6A), provided the President,  
acting in consultation with the Executive Deputy Presidents and  
the leaders of the participating parties, deems the appointment  
of such a Minister expedient.";

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(b) by the substitution for subsection (2) of the following  
subsection:

"(2) A party holding at least 20 seats in the National Assembly  
and which has decided to participate in the government of  
national unity, shall be entitled to be allocated one or more of  
the Cabinet portfolios in respect of which Ministers referred to

in subsection (1)(a) are to be appointed, in proportion to the number of seats held by it in the National Assembly relative to the number of seats held by the other participating parties.";

(c) by the substitution for paragraph (a) of subsection (3) of the following paragraph:

"(a) A quota of seats per portfolio shall be determined by dividing the total number of seats in the National Assembly held jointly by the participating parties by the number of portfolios in respect of which Ministers referred to in subsection (1) (a) are to be appointed, plus one."; and

(d) by the insertion after subsection (6) of the following subsection:

"(6A) The President shall-

(a) in consultation with the Executive Deputy Presidents and the leaders of the participating parties-

(i) determine a specific portfolio for a Minister referred to in subsection (1)(b) should it become necessary pursuant to a decision of the President under that subsection;

(ii) appoint in respect of such a portfolio a person who is not a member of Parliament, as the Minister responsible for that portfolio;

(iii) fill, if necessary, a vacancy in respect of that portfolio; or (b) after consultation with the Executive Deputy Presidents and the leaders of the participating parties terminate any appointment under paragraph (a) if it becomes necessary for the purposes of this Constitution or in the interest of good government. "

3. Section 92 of the Constitution is hereby amended by the substitution for subsection (4) of the following subsection:

"(4) If the Minister concerned fails to comply with a requirement of the President under subsection (3), the President may-

(a) in the case of a Minister referred to in section 88(1)(a), after consultation with the Minister and, if the Minister is not a member of the President's party, or is not the leader of a participating party, also after consultation with the leader of such Minister's party; or

(b) in the case of a Minister referred to in section 88(1)(b)7, after consultation with the Executive Deputy Presidents and the leaders of the participating parties, remove the Minister from office.".

Amendment of section 94 of Act 200 of 1993

4. Section 94 of the Constitution is hereby amended by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

"(3) The provisions of section 88(4) to (6) and (7) to (10) shall apply mutatis mutandis in respect of Deputy Ministers, and in such application a reference to-".

Short title

5. This Act shall be called the Constitution of the Republic of South Africa Fourth Amendment Act, 1994.

