



# Government Gazette

**REPUBLIC OF SOUTH AFRICA**

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## THE PRESIDENCY

No. 1262

23 December 2005

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

**Constitution Twelfth Amendment Act of 2005.**



**AIDS HELPLINE: 0800-123-22 Prevention is the cure**

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 CONSTITUTION TWELFTH AMENDMENT ACT OF 2005
 

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## 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.
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*(English text signed by the President.)*  
*(Assented to 22 December 2005.)*

## ACT

To amend the Constitution of the Republic of South Africa, 1996, so as to effect a technical change; to re-determine the geographical areas of the nine provinces of the Republic of South Africa; and to provide for matters connected therewith.

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

Substitution of section 103 of the Constitution of the Republic of South Africa, 1996, as amended by section 3 of the Constitution Eleventh Amendment Act of 2003

1. The following section is substituted for section 103 of the Constitution of the Republic of South Africa, 1996 (hereinafter referred to as the Constitution): 5

“provinces

**103. (1)** The Republic has the following provinces:

- (a) Eastern Cape;
  - (b) Free State; 10
  - (c) Gauteng;
  - (d) KwaZulu-Natal;
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amendment to the Constitution, an Act of Parliament may provide for measures to regulate, within a reasonable time, the legal, practical and any other consequences 25

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## CONSTITUTION TWELFTH AMENDMENT ACT OF 2005

(b) An Act of Parliament envisaged in paragraph (a) may be enacted and implemented before such amendment to the Constitution takes effect, but any provincial functions, assets, rights, obligations, duties or liabilities may only be transferred in terms of that Act after that amendment to the Constitution takes effect.”

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**Amendment of section 155 of the Constitution of the Republic of South Africa, 1996, as amended by section 1 of the Constitution Third Amendment Act of 1998**

2. Section 155 of the Constitution is hereby amended by the deletion of subsection (6A).

**Amendment of section 157 of the Constitution of the Republic of South Africa, 1996, as amended by section 2 of the Constitution Third Amendment Act of 1998**

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3. Section 157 of the Constitution is hereby amended by the deletion of paragraph (b) of subsection (4).

**Insertion of Schedule 1A in the Constitution of the Republic of South Africa, 1996**

4. The following Schedule is hereby inserted in the Constitution after Schedule 1:

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**“SCHEDULE 1A**

**GEOGRAPHICAL AREAS OF PROVINCES**

**The Province of the Eastern Cape**

Map No. 3 of Schedule 1 to Notice 1998 of 2005  
 Map No. 6 of Schedule 2 to Notice 1998 of 2005  
 Map No. 7 of Schedule 2 to Notice 1998 of 2005  
 Map No. 8 of Schedule 2 to Notice 1998 of 2005  
 Map No. 9 of Schedule 2 to Notice 1998 of 2005  
 Map No. 10 of Schedule 2 to Notice 1998 of 2005  
 Map No. 11 of Schedule 2 to Notice 1998 of 2005

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**The Province of the Free State**

Map No. 12 of Schedule 2 to Notice 1998 of 2005  
 Map No. 13 of Schedule 2 to Notice 1998 of 2005  
 Map No. 14 of Schedule 2 to Notice 1998 of 2005  
 Map No. 15 of Schedule 2 to Notice 1998 of 2005  
 Map No. 16 of Schedule 2 to Notice 1998 of 2005

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**The Province of Gauteng**

Map No. 4 of Schedule 1 to Notice 1998 of 2005  
 Map No. 17 of Schedule 2 to Notice 1998 of 2005  
 Map No. 18 of Schedule 2 to Notice 1998 of 2005  
 Map No. 19 of Schedule 2 to Notice 1998 of 2005  
 Map No. 20 of Schedule 2 to Notice 1998 of 2005  
 Map No. 21 of Schedule 2 to Notice 1998 of 2005

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**The Province of KwaZulu-Natal**

Map No. 22 of Schedule 2 to Notice 1998 of 2005  
 Map No. 23 of Schedule 2 to Notice 1998 of 2005  
 Map No. 24 of Schedule 2 to Notice 1998 of 2005  
 Map No. 25 of Schedule 2 to Notice 1998 of 2005  
 Map No. 26 of Schedule 2 to Notice 1998 of 2005  
 Map No. 27 of Schedule 2 to Notice 1998 of 2005  
 Map No. 28 of Schedule 2 to Notice 1998 of 2005  
 Map No. 29 of Schedule 2 to Notice 1998 of 2005

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## CONSTITUTION TWELFTH AMENDMENT ACT OF 2005

Map No. 30 of Schedule 2 to Notice 1998 of 2005  
 Map No. 31 of Schedule 2 to Notice 1998 of 2005  
 Map No. 32 of Schedule 2 to Notice 1998 of 2005

**The Province of Limpopo**

Map No. 33 of Schedule 2 to Notice 1998 of 2005  
 Map No. 34 of Schedule 2 to Notice 1998 of 2005  
 Map No. 35 of Schedule 2 to Notice 1998 of 2005  
 Map No. 36 of Schedule 2 to Notice 1998 of 2005  
 Map No. 37 of Schedule 2 to Notice 1998 of 2005

**The Province of Mpumalanga**

Map No. 38 of Schedule 2 to Notice 1998 of 2005  
 Map No. 39 of Schedule 2 to Notice 1998 of 2005  
 Map No. 40 of Schedule 2 to Notice 1998 of 2005

**The Province of the Northern Cape**

Map No. 41 of Schedule 2 to Notice 1998 of 2005  
 Map No. 42 of Schedule 2 to Notice 1998 of 2005  
 Map No. 43 of Schedule 2 to Notice 1998 of 2005  
 Map No. 44 of Schedule 2 to Notice 1998 of 2005  
 Map No. 45 of Schedule 2 to Notice 1998 of 2005

**The Province of North West**

Map No. 5 of Schedule 1 to Notice 1998 of 2005  
 Map No. 46 of Schedule 2 to Notice 1998 of 2005  
 Map No. 47 of Schedule 2 to Notice 1998 of 2005  
 Map No. 48 of Schedule 2 to Notice 1998 of 2005

**The Province of the Western Cape**

Map No. 49 of Schedule 2 to Notice 1998 of 2005  
 Map No. 50 of Schedule 2 to Notice 1998 of 2005  
 Map No. 51 of Schedule 2 to Notice 1998 of 2005  
 Map No. 52 of Schedule 2 to Notice 1998 of 2005  
 Map No. 53 of Schedule 2 to Notice 1998 of 2005  
Map No. 54 of Schedule 2 to Notice 1998 of 2005.

**Short title and commencement**

5. (1) This Act is called the Constitution Twelfth Amendment Act of 2005, and takes effect on a date determined by the President by proclamation in the Gazette.

(2) Despite subsection (1), section 103(3) of the Constitution, as inserted by section 1, takes effect on the date of publication of this Act. 35